



PERMANENT MISSION OF THE REPUBLIC OF CUBA TO THE UNITED NATIONS
315 Lexington Avenue ♦ New York ♦ N.Y. 10016 ♦ (212) 689-7215 ♦ FAX (212) 689-9073

STATEMENT BY THE PERMANENT REPRESENTATIVE OF CUBA, AMBASSADOR ORLANDO REQUEIJO, AT INFORMAL CONSULTATIONS ON THE DRAFT FINAL DOCUMENT OF THE GENERAL ASSEMBLY HIGH-LEVEL PLENARY MEETING TO BE HELD IN SEPTEMBER, 2005; SUBMITTED BY THE PRESIDENT OF THE GENERAL ASSEMBLY. NEW YORK, 21 JUNE 2005.

Mr. President,

First and foremost, I shall inform you of the dissatisfaction of the delegation of Cuba with the draft Final Document presented by you; such has not properly taken into account, in our viewpoint, the already aired interests and priorities of Member States at the prolonged informal debate process held last April, which included a great part of the positions by those countries members of the Movement of Non-Aligned Countries and the G-77 and China.

The Document presented maintains the unequal approach the preceding reports had, which questions the usefulness of previous consultations, for greatly contradicting and controversial elements are kept, being these far from enjoying consensus or the acceptance by Member States. We wonder the reasons why these are kept in the text despite the rejection they spark. It seems we are repeating the same exercise when some recommendations of the Report of the High-Level Panel were questioned and, in spite of that, as if nothing ever happened, they reappeared in the controversial Report of the Secretary General, which many of the most negative elements are copycatted as if a debate about them had never taken place.

We are concerned about the attempted subordination of the **right to peace** towards a tending reinterpretation of the collective security concept. Concepts of peace and security are indissolubly joint together, as enshrined in the UN Charter; any draft Final Document shall include the concept of peace linked indissolubly to that of security and shall correct any inconclusive subordination of the concepts of peace, security and development towards that of human rights. Likewise, a reaffirmation of the Purposes and Principles of the United Nations entrusted in Chapter I of its constitutive Charter shall be clearly and explicitly inserted.

Mr. President,

We are facing a text that only invokes and claims for the fulfillment of goals already agreed upon, a text lacking a language which deeply analyses the truly root causes of poverty and underdevelopment. Why should we stop denouncing the absence of political will of the leaders of the most developed countries as the main reason for the current delay and failure to comply with the modest Millennium Development Goals? By hiding the truth these problems will never be solved out.

With only few exceptions, concrete actions are not proposed in the draft Document, which defines schedules to demand from the North the implementation of assumed development commitments, and on top of that, attempts are still made to use a defined **conditioning** language when granting help to Southern countries, something we reiterate our total rejection to.

Seemingly, once more it has been avoided the explicit mention of vital questions such as **unilateral coercive measures** and **foreign occupation** among the main obstacles our countries face when securing their own national development strategies.

Claims for allocating **development** at the center of the UN Agenda and for having this issue as predominant at the High-Level event in September, have been clearly and unmistakably reflected in the final documents of the Second South Summit, recently held in Doha, Qatar. This important event, gathering top-ranking leaders of developing countries, also analyzed the fulfillment of the commitments reached at the First South Summit, held in Havana five years ago. Those attending the First South Summit, among whom the Secretary General regrettably was not included, had the opportunity to see by themselves how the problems the South daily faces were courageously and decisively analyzed.

We hope the outcomes resulting from the High-Level Meeting will be useful to step forward in concrete and sufficiently comprehensive solutions for our problems. If this goal were not fulfilled, such meeting would make no sense whatsoever. We cannot tolerate any longer the stalemate and indulgence towards the **unjust international economic order** we have been imposed on.

Mr. President,

On the contrary, it may be seen a greater accuracy when presenting very ambitious and sometimes controversial proposals in the fields of peace and security, human rights and the strengthening of the United Nations. These proposals are far from enjoying consensus among Member States and basically answer to approaches and interests of developed countries.

With such a scope, the document actually distorts the essential mandate of the High-Level Meeting that, pursuant to General Assembly Resolutions **A/58/291** and **A/59/145**, shall concentrate on the follow-up of the Millennium Summit outcomes and on the implementation and integrated and coordinated follow-up of the main UN conferences and summits in the economic and social fields. Thus, Cuba once more rejects the attempt to frustrate or putting second the debate of and action towards the persisting problems hindering Southern countries' efforts to reach development.

Mr. President,

As regards the question of the use of force, we reiterate that the UN Charter shall be fully respected and we are not willing to be part of an exercise of reinterpretation of its Article 51. We neither would be willing to accept Paragraph 47 of the draft document or any other proposal containing similar formulations for it is clear in International Law what exceptional circumstances justify the use of force and the principles ruling such, as established in the UN Charter, Resolution 2625 and in opinions and decisions of the International Court of Justice.

Within the **disarmament and non-proliferation** section, we see an attempt to correct the unequal approach offered by the Report of the Secretary General regarding these items. Nevertheless, non-horizontal proliferation of weapons of mass destruction is still privileged, particularly nuclear ones. The important question of nuclear disarmament deserves to be strengthened by means of an inclusion of a direct reference to the commitments already achieved, including the thirteen practical measures agreed upon at the Sixth Review Conference held in 2000.

The draft document does not include the danger for international peace and security, of the development of new nuclear weapons and the very existence of strategic defense doctrines which increasingly rely on the possession and use of this sort of weaponry. The document does not include either any mention to the need to initiate multilateral negotiations to conclude an international, universal and non-discriminatory legally binding instrument on the security guarantees that States who possess weapons of mass destruction should grant to States that do not possess these kinds of weaponry.

In this section concrete cooperation and assistance measures are not proposed to promote and make effective the peaceful use of agents, materials, technology and equipment in the nuclear, chemistry and biology fields, especially in order to promote the socio-economic development of developing countries. On the contrary, it is proposed a measure in Paragraph 50 (Item 10) which actually questions and conditions the full exercise of the inalienable right for all States to peacefully use nuclear energy, violating article IV of the Treaty on the Non-Proliferation of Nuclear Weapons.

Cuba's position regarding resolution 1540 of the Security Council is known. We reiterate that international legal obligations, including this area, shall not be conceived for Member States without their full sovereign participation and acceptance through the signature and ratification of the relevant treaties and agreements multilaterally negotiated. The only guarantee for not having weapons of mass destruction fall into terrorist hands is the total prohibition and elimination of this kind of weapons, especially nuclear ones. The question of proliferation in all aspects should be settled through political and diplomatic means, within the framework of International Law, including the UN Charter.

It is also ignored in this section the fact that the most effective and sustainable manner to strengthen the Convention on Biological Weapons is through multilateral negotiations for the conclusion of an international legally binding instrument.

Likewise, a paragraph should be incorporated on the need to negotiate an internationally and non-discriminatory legally binding instrument, covering the question of missiles in all its aspects

As regards small and light weapons, we reiterate that any specific in this field should be comprised within the question of illicit traffic of such weapons, which the international community has already reached a determined consensus.

Mr. President,

The delegation of Cuba reiterates that the **struggle against terrorism** in all its forms and manifestations shall be faced in a comprehensive and global way, under the basis of collective cooperation and within the framework of respect for the UN Charter and International Law, particularly International Humanitarian Law and international human rights legal instruments.

It is an unpostponable necessity to adopt a General Convention on international terrorism which comprises a clear and precise definition of the crime of terrorism including all the types and forms of this phenomenon, foresees the material and mental elements that make up this crime and entails responsibilities both for natural and legal people.

Likewise, State terrorism continues to be a concern for Cuba and we consider that the activities of a State's armed forces not regulated by International Humanitarian Law should not be excluded from the implementation scope of the future General Convention.

Clear distinction shall also be made between terrorism and the legitimate struggle of the peoples for their independence and in defense of their right to free self-determination.

We support the idea of agreeing upon a general strategy against terrorism with the United Nations as center. Nonetheless, such strategy shall expressly include the necessity to combat the causes originating it.

The following elements should also be included:

1. The obligation of any State to avoid that its territory is used for the organization, planning and carrying out of terrorist actions and activities against other countries, as well as, the related to repress and sanction those involved in such activities and reject offering aid or shelter to the perpetrators, promoters or participants in terrorist activities.
2. The struggle against the financing of international terrorism.
3. Rejection of the impunity enjoyed by some authors of terrorist acts, which shall be taken to justice.
4. Rejection of some States' unilateral practice of assuming the right to issue "certifications" and "lists" of countries that allegedly promote international terrorism, which is contrary to the spirit of the Declaration on Measures to Eliminate International Terrorism and the principles of International Law and the UN Charter.

Regarding UN cooperation and **regional organizations** we reiterate these should always be done pursuant to Chapter VIII of the UN Charter. As to this aspect our delegation has serious doubts regarding a greater involvement of such organizations in the works of the Security Council.

Mr. President,

Cuba supports and considers tremendously necessary the **UN reform**, but such cannot be pursued in a hurriedly and rashly way as the draft Document suggests. The reform shall reflect

all Member States' common interests aiming at peace strengthening, social and economic development of the peoples, social justice, multilateralism-without being labeled, actual promotion and protection of all human rights and international cooperation pursuant to the UN Charter and International Law principles.

Contrary to the above mentioned, the draft document enshrines measures of institutional reforms promoting selectivity and country exclusion, to the detriment of UN Charter principles, under the argument of being us all in a qualitative different moment. By using this argument, a dangerous approach is attempted to be imposed in order to reinterpret the foundations of the institutional life, questioning and conditioning UN founding principles and objectives enshrined in its constitutive Charter.

Some concrete proposals included in the draft Document aim at disappearing the cornerstone of the UN system and the existing International Law, such as the sacred principle of sovereign equality among States, which is actually unacceptable. Cuba rejects the attempt to impose the acceptance of the so-called "responsibility to protect", which in the current world situation will only facilitate interference, pressure and intervention in the domestic affairs of our States by the superpowers and their allies, openly and permanently threatening the full enjoyment of the right to self determination of our peoples. The same happens with the term "human security", which enjoys no consensus and inexplicably appears in the draft Document.

Cuba will firmly reject the attempt to endorse such doctrine, which only pleases the interests of those making a multimillionaire business out of war. We would like to reiterate, that if the inclusion of both concepts is promoted in the final version of the document to be adopted next September, our delegation will officially call for a vote on this issue at the plenary meeting where the document would be adopted in the High-Level Meeting.

Mr. President,

The draft document devotes some paragraphs to the revitalization of the General Assembly and to the reform of the Security Council. In this regard, Cuba's general positions on these items are well-known.

In reference to the proposal relative to the **Peacebuilding Commission (PBC)**, we reiterate that Cuba would be able to assess its establishment, as long as it is not a subsidiary body of the Security Council. The final acceptance of this Commission shall be subordinated to the previous adoption of its mandate and not the other way around.

In case that the Peacebuilding Commission (PBC) is established by the General Assembly, our proposal is that is conceived as an intergovernmental body subordinated to the Fourth Committee. Likewise, the Commission's functions and prerogatives shall be clear, and in any case, would they be related to activities of early alert and prevention of conflicts.

As regards the proposed **Human Rights Council**, especially promoted by those who have been responsible for the discredit and the political manipulation of the works of the Commission on Human Rights and particularly by those who torture and murder innocent civilians on behalf of a

false freedom, before taking a decision in this regard a broad and inclusive process shall be opened to analyze the different proposals that Member States have been submitting for the creation of a body that, no matter the name it might take, has a higher level of democracy, real equitable geographical representation and clear moral which has been absent from the Commission on Human Rights during years.

The creation of a new body would make no sense, if we do not devoid it from politicization, double standards, confrontation, lack of cooperation and unbalance in the treatment of the different human rights categories imposed on the works on the Commission on Human Rights by the great western powers.

The new body's membership should not be further restricted and shall tend to its universalization. The imposition of new requirements for the election of this body's members, such as the necessity to reach the two thirds of the votes of UN Member States, would turn it into a privilege for the great powers and the countries with great financial and human resources.

Regarding the Reform of the **Economic and Social Council**, we are concerned about the incorporation of the concept of "threats to development", whose logic would change when reviewing the Council's functioning. This approach presupposes the adoption of this notion without a moderate and grounded intergovernmental decision on the threats to development. We might as well wonder, for instance, why the imposition of unilateral coercive measures which are contrary to International Law and attempt to make the sovereign populations of UN Member States yield through hunger and disease are not included as a threat to development.

Mr. President,

Our delegation is aware of the need of having a more competent and efficient **Secretariat** that can fulfill all the decisions adopted by Member States. The proposals submitted intend to provide the Secretariat with a corporative approach and implement old reform proposals which have been analyzed and rejected by the General Assembly.

In such sense, my delegation considers that the practice of reviewing the established mandates, in full correspondence with the Rules of Procedure for Programme Planning should be kept. The proposal of reviewing all the mandates which are over 5 years old, so as to check their validity known as "sunset provisions" has been rejected whenever submitted to the General Assembly.

Hence, we reaffirm the General Assembly's prerogatives and mandates to consider all administrative and budgetary issues, including its absolute authority to allocate and re-allocate financial and human resources and establish the priorities of the Organization. Therefore, we propose that any resource that is freed as a result of the reform process shall be aimed at increasing the resources of the Development Account, which has remained unchanged since it was agreed upon.

We consider unnecessary the proposals to carry out a broad review of the budget and human resources-related norms, as well as, those related to carrying out an exhaustive review of the Office of Internal Oversight Services (OIOS) to heighten its independence and authority.

For our delegation, any review of the OIOS shall be carried out, with previous General Assembly agreement, and only by the Organization's external oversight bodies, in correspondence with the terms of Resolution 59/272, whose content shall be carefully respected by the Secretariat.

We understand that the Secretary General has enough flexibility for staff administration. The delegation of authority of the General Assembly to the Secretariat shall not be incremented to the detriment of the prerogatives that we possess as Member States. The reform exercise we are carrying out shall not, in any way, mean the abdication of the prerogatives of this main body, as a matter of fact, the most universal one.

Given the technical nature of these proposals, our delegation considers that it shall be analyzed by the Fifth Committee within the framework of relevant items in its Agenda, just as in previous reform exercises. The intention of not knowing about the decisions taken by Member States during these items' exhaustive review, so that they are adopted within a more general context, turns out to be unacceptable and shall be clearly rejected.

Mr. President,

The draft document submitted by the President of the General Assembly may serve as a starting point, but not as an only base element for coming intergovernmental negotiations. Cuba expects that there is no attempt, whatsoever, of force or pressure to achieve consensus in this regard presenting it as a "commitment package", for it is far from that on account of the aforementioned limitations.

The outcomes of these negotiations shall derive from collective discussions among all UN Member States so that all interests and priorities are reflected in a balanced way. The negotiation process shall not be forced or rushed artificially and enough time shall be guaranteed for Member States to exchange, make well-grounded analysis and objective assessments, submit concrete proposals they consider appropriate and arrive at solutions that meet the interests of all and reflect real consensus.

Our delegation will participate constructively in the negotiation process that opens from today. In this sense, we will submit concrete proposals on all items to all Member States and we will register them officially, in due time.

Thank you very much