



PERMANENT MISSION OF THE REPUBLIC OF CUBA TO THE UNITED
NATIONS

315 Lexington Avenue, New York, NY 10016

Tel: 212-689-7215 * Fax: 212-689-9073

Mr. President,

My delegation joins the Malaysian delegation's statement on behalf of the NAM. I would also like to specify the following:

Introductory paragraphs

On paragraph 44, threats such as: the hegemonic and unilateral policies, the acts of aggression, the foreign occupation, the unilateral coercive measures including sanctions, the actions that constitute interference in the internal affairs of other States, the existence of weapons of mass destruction and especially nuclear weapons must be mentioned.

Likewise, it must be clearly mentioned on this paragraph that "the urgent and collective response" must be in total accordance with the purposes and principles of the Charter of the United Nations and of international law.

Peaceful settlement of disputes

On paragraph 51 "the obligation of all Member States" to refrain from the threat and use of force, and to settle their international disputes by peaceful means in accordance with the Charter of the United Nations must be emphasized.

On paragraph 52 the phrase "conflict prevention" must be substituted by "armed conflict prevention" used in resolution 57/337 approved by consensus by the General Assembly. The last line of this paragraph should be eliminated because it is ambiguous and moreover, it includes the phrase "effective multilateralism" which does not have the consensus of the Member States.

No NAM proposals have been added to the Peacekeeping section. Likewise, the first dot included after paragraph 57 must be duly clarified.

Peacebuilding

As for the proposal concerning the Peacebuilding Commission, we reiterate that Cuba would be in capacity to evaluate its establishment, provided that it is not a subsidiary body of the Security Council. However, there are formulations on paragraph 61 that are unacceptable for my delegation, for example the one that states that the Peacebuilding Commission will consider any issue submitted by the Security Council.

We consider the composition of the Peacebuilding Commission proposed to us on paragraph 65 even more selective than that of the Security Council, which is not consistent with the principle of sovereign equality of all Member States, as included in the Charter of this Organization. It is completely unacceptable that this Commission is predominantly made up by developed countries to "solve", in their own ways, the problems of the Southern countries. The criterion of representativeness is paramount within the membership of the Peacebuilding Commission, following the principle of equitable geographical distribution and in which the country subjected to analysis participates with equal rights in the Commission's works.

We uphold the view that the issues relating to subordination, membership, functions, mandate, financing and other aspects of the Peacebuilding Commission must be formulated in detail and must be decided by the General Assembly by broad, transparent and participative negotiating process. They must be by no means the outcome of predetermined, unilateral proposals, if the Member States are not aware of their origin.

Use of force

As for the section on the use of force, it should clearly appear in the first line of paragraph 64 that it is not simply about a "commitment", but the Member States are "obliged" to refrain from the threat or use of force in any manner inconsistent with the purposes and principles of the Charter of the United Nations.

A new paragraph on which unilateralism is rejected must be included. Unilateralism brings about an increased erosion and violation of the international law, and the use of threat or force, pressure and coercion in international relations.

We reiterate that the Chart of the United Nations must be fully respected and we are not willing to enter an exercise of reinterpretation of its article 51. In line with the NAM's statement, we cannot accept paragraph 76 or any other similar formulation, since in international law, the exceptional circumstances to resort to using force and the principles governing it, as set out in the Chart of the United Nations itself, in resolution 2625 and in judgments and advisory opinions of the International Court of Justice are already clear.

We consider that in the section related to the disarmament and non-proliferation it is still a trend to favor the question of the horizontal non-proliferation of weapons of mass destruction, particularly nuclear weapons.

The important issue of the nuclear disarmament deserves to be strengthened through the inclusion of a specific reference to the commitments already achieved, including the thirteen practical measures agreed at the Sixth NPT Review Conference in the year 2000.

A new paragraph must be included, dealing with the danger that the development of new kinds of nuclear weapons and the existence of strategic defense doctrines that support the possession and use of this kind of armament poses for the international peace and security. A mention shall be included regarding the need to initiate multilateral negotiations to conclude a universal, non-discriminatory and legally binding international instrument on security guarantees.

In this section some concrete measures for assistance and cooperation should be proposed to promote and make effective the peaceful use of agents, materials, technologies and equipment in the nuclear, chemical and biological spheres, particularly to promote the social and economic development of developing countries. The point 10 of paragraph 80 shall be eliminated because it actually represents a new questioning and conditioning to the full exercise of the inalienable right of every State to the peaceful use of nuclear energy, contrary to the article IV of the NPT.

The Cuban position towards the resolution 1540 of the Security Council is known. As for paragraph 80, we consider that the issues related to the prevention of the proliferation of weapons of mass destruction, including the issue of non-State actors, should be reformulated to reflect that the question of the proliferation in all its aspects should be solved through politic and diplomatic ways, within the framework of the International Law, including the Charter of the United Nations. It should also be stressed that the only way to prevent the terrorists from having access to weapons of mass destruction is through the prohibition and total elimination of that kind of armament, especially nuclear weapons.

Therefore, the most effective and sustainable way to strengthen the Biological Weapons Convention is through multilateral negotiations for the conclusion of a legally binding international instrument. A paragraph should also be added on the need to negotiate a non-discriminatory, legally binding international instrument dealing with the issue of the missiles in all its aspects.

With reference to paragraph 81, we reiterate that any concrete recommendation in this field should be limited to the illicit trafficking question of such weapons on which the international community has reached a specific consensus. That is why this paragraph should be reformulated so as to use in an accurate way the terms and phrases agreed in the Programme of Action for this issue.

In the paragraph 83 there is a reference to the States not parties to the Ottawa Convention and the Amended Protocol II to the Convention on Certain Conventional Weapons. Due to well known reasons linked to our defense strategy and national security, this new reference is unacceptable to Cuba.

Terrorism

The Cuban delegation reiterates that the fight against terrorism should be enforced in a global and integral way, on the basis of collective cooperation and in the framework of the respect to the Charter of the United Nations and the principles of international law, particularly the International Humanitarian Law and the human rights.

It is an urgent need to adopt a General Convention on international terrorism with a clear and precise definition of the crime of terrorism, including all the kinds and forms adopted by this phenomenon, with the material and mental elements conforming this crime and the responsibility for natural and legal persons. This definition must be adopted through consensus.

Furthermore, State terrorism is still a concern to Cuba and we consider that the activities of the armed forces of a State which are not regulated by the International Humanitarian Law should not be excluded of the future General Convention. There should also be a clear distinction between terrorism and the legitimate struggle of the peoples for their independence and for their right for self-determination. The member States have the duty to determine the elements included in the definition of terrorism, the negotiation of which will take place within the framework of the Special Committee, established by the resolution 51/210 of the General Assembly, where the proposals of the Member States must be taken into consideration.

We support the idea of designing a general strategy against terrorism, having as a center the United Nations. Such strategy must include the combat to the causes that originate the terrorism.

Thank you.