



PERMANENT MISSION OF CUBA TO THE UNITED NATIONS
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**STATEMENT BY THE DELEGATION OF CUBA ON AGENDA ITEM 85 "THE
RULE OF LAW AT THE NATIONAL AND INTERNATIONAL LEVELS"
NEW YORK, 10-11 OCTOBER 2019**

Mr. Chairman,

Cuba endorses the statement delivered by the Islamic Republic of Iran on behalf of NAM.

The Government of Cuba reiterates its unavoidable commitment to promote and strengthen a genuine Rule of Law, which will undoubtedly allow us to change the current unjust international order.

We take note of the report of the Secretary-General on this item, contained in document A/74/139, entitled "Strengthening and coordinating United Nations Rule of Law activities".

We stress that any assistance or mechanism provided by the Organization to a member State must be under the strict consent of said State.

Promoting and strengthening the Rule of Law are based on due respect for the legal institutions of all States by the international community, as well as on the recognition of the sovereign right of peoples to create legal and democratic institutions in line with their social, political and cultural interests.

We should work to strengthen domestic legal systems, on the basis of voluntariness, unrestricted respect for the self-determination of the peoples and without political conditions of any kind.

We consider that the report does not have a proper balance between the Rule of Law at the national and international level, the UN, given its international organization nature, should focus its attention on the latter.

The approach and leaning of the report towards the National Level of the Rule of Law may give rise to interventionist interpretations and to the violation of the principle of non-intervention in the internal affairs of the States.

Paragraph 22 states that "broader transitional justice processes are critical in addressing deficits in justice and the rule of law."

This assertion is based on partial and selective concepts which are highly susceptible to manipulation. It would be worth asking who, under what

parameters and with what authority, will decide which States have deficits in justice or the "rule of law" and which do not.

As for the section dedicated to the codification, development and promotion of an international legal framework, it is striking that the report omits and does not point out the constant obstacles put by some powerful States to some projects such as "Responsibility of States for internationally wrongful acts" or "Diplomatic protection" that have been attempted to be adopted for years in the Sixth Committee. However, it does not hesitate to single out countries when they have sovereignly chosen to denounce or withdraw from an international treaty.

We are concerned about other elements of the report; however, in order not to go into too much detail, we will only highlight one last element: In section III Coordination and cohesion in United Nations rule of law assistance: there are some initiatives promoted by the Secretariat that go beyond the mandate conferred on it by States in paragraph 41 of resolution 67/1. Cuba has expressed its concern since the first appearance of the term "Global Focal Point" in this kind of reports.

The Global Focal Point is a mechanism created by the Secretariat for legal, police and penitentiary issues in conflict and post-conflict situations and does not have any mandate from the member States to conduct evaluations or assessments, much less to analyze compliance with non-agreed standards with regard to the rule of law.

We note with concern the scope and expansion of capacities that have been given to this rule of law "mechanism", which do not have the mandate granted by the Sixth Committee.

The Sixth Committee is fully capable of analyzing, discussing and following up on the issue of the Rule of Law, and there is no mandate to transfer competence over this issue to other organs or to create institutions, mechanisms and positions on the Rule of Law without their prior adoption by consensus in the Sixth Committee.

Mr. Chairman,

Without pretending to go into too much detail, Cuba reiterates that a true Rule of Law begins with a reformed United Nations that is a banner of transparency, democracy and the participation of the whole international community in the solution of pressing global problems.

As part of this reform and as a contribution to promoting and strengthening the Rule of Law, the central role of the General Assembly, the only organ with universal membership and an exclusive task towards the progressive development and codification of international law, must be consolidated.

The Declaration of the High-Level Meeting on the Rule of Law at the national and international levels, adopted on 24 September 2012, clearly states in its paragraph 36 that a true Rule of Law implies democratizing international

economic, monetary and financial organizations, so that these serve to the development of the peoples rather than to the permanent enrichment of a few.

Cuba also reiterates its commitment to working towards a broad and profound reform of the Security Council in order to turn it into an inclusive, transparent and democratic organ that reflects the genuine interests of the international community, in accordance with the principles and purposes of the Charter of the United Nations.

Mr. Chairman,

It is worrying and incongruous that the report on the strengthening and coordinating United Nations Rule of Law activities focuses its attention on compliance with the standards included in a Security Council Resolution.

The report does not refer, for example, to the Rule of Law at international level as a factor that should contribute to promoting a fair and equitable exchange among nations as a means of fighting poverty; however, it limits the causes of poverty to disempowerment, exclusion and discrimination, ignoring underdevelopment, the unequal distribution of wealth, the impact of the international environment and the arbitrary international financial system, which from our point of view is incomplete and unreal.

Cuba did not reveal its position with regard to paragraph 28 of the aforementioned Declaration, for we believe the Security Council has failed to make significant contributions to the Rule of Law, since this organ has no mandate to do so. Moreover, some of its members openly violate international law and the decisions of said organ, in order to impose their political and domination agendas on other nations, particularly developing countries.

Cuba reiterates that sovereign equality, good faith compliance with the obligations undertaken by States, peaceful settlement of disputes, refraining from the use of threat or the use of force against the territorial integrity or the political independence of any State, non-interference in the internal affairs of other States, as well as non-selectivity, must be the basic principles governing at all times the actions of States and the promotion of the Rule of Law. This was clearly stated in paragraphs 1 and 3 of the High-level Declaration and set out in paragraph 7 of the annex to document A/70/206. The international community should work for the real implementation of these principles.

Likewise, Cuba condemns any attempt to supersede or replace national authorities, including those actions to promote internal conflicts in sovereign States, in order to impose a regime change. Paragraph 11 of the Declaration states straightforwardly the national ownership of every activity relating to the Rule of Law.

Mr. Chairman,

Cuba notes with concern the attempts to impose a concept on the Rule of Law and to create a monitoring mechanism beyond the Sixth Committee of the United Nations General Assembly.

We reject any attempt to politicize the issue, under the argument of its alleged cross-cutting nature. The delegations participating in the work of the Sixth Committee represent all States; thus they are fully capable of discussing any issue we decide by consensus.

Mr. Chairman,

As a sign of its commitment to the search for peaceful solutions to long-standing conflicts, Cuba has made significant contributions to consolidating the Rule of Law in our region.

We reaffirm the Proclamation of Latin America and the Caribbean as a Zone of Peace and recall that aggression and coup violence against any country in "Our America" only benefit the interests of those who insist on dividing us in order to dominate our peoples, without regard to generating conflicts with incalculable consequences in our region, such as those we are witnessing in different parts of the world.

In this regard, we once again draw attention today to the cruel unilateral coercive measures, the theft of assets, the threats of the use of force, intimidation and pressure used by the United States against Venezuela in its attempt to overthrow the democratically elected government of constitutional President Nicolás Maduro Moros,

It is the Government of the United States, with this unconventional warfare that repeatedly endangers the Rule of Law at the international level, with its continuous and flagrant violations of international law, especially the Magna Carta of this prestigious Organization.

In absolute disregard to international law, the current U.S. administration threatens and brutally puts pressure on numerous governments to force their support to the arbitrary call to ignore the legitimate government of Venezuela and to new presidential elections in that country, stepping over an election process where more than 6 million Venezuelans elected Constitutional President Nicolás Maduro Moros.

Mr. Chairman,

On the sub-topic of today's debate: "Sharing best practices and ideas to promote respect of States for international law", as agreed in Resolution A/73/207, adopted last year, our delegation, as a founding member of this Organization, which will soon celebrate its 75th anniversary, reaffirms its commitment to the defense and promotion of multilateralism and respect for international law.

In this regard, we stress that in a global context marked by growing threats to international peace and security by unconventional warfare; flagrant violations of State sovereignty; policies of domination through the use of force; attempts to reimpose a unipolar order; breaches of international law; threatening and arbitrary termination of international treaties; increase of unilateral sanctions and trade wars; the only possible response is to preserve and ratify multilateralism, based on strict respect for the principles of international law and the Charter of the United Nations.

Mr. Chairman,

As part of the national efforts to strengthen the Rule of Law, our country adopted a new Constitution last April, in order to adapt the Constitution to the new circumstances in which our society develops; to strengthen the political system to consolidate and develop the fundamental rights achieved by our citizens; to improve and modernize the legal system, as well as our power structures, making them more functional and allowing greater citizen control over their actions; to strengthen government self-management mechanisms at the local level and encourage greater citizen participation in decision-making.

We are pleased to mention that this Magna Carta was the result of a process of popular consultation, which turned the people into a true constituent and concluded with a referendum with massive popular participation; 7,848,343 voters exercised their right to vote for 90.15% of the electoral registry.

Mr. Chairman,

A genuine rule of law requires the unequivocal waiver of any unilateral action or measure, including the enactment and implementation of extraterritorial laws, as well as the politically motivated exercise of the jurisdiction of national or international courts.

Cuba condemns and demands the immediate abolition of the whole set of extraterritorial rules that make up the economic, commercial and financial blockade imposed by the Government of the United States for more than 50 years and which has been reinforced with the implementation of Titles III and IV of the Helms-Burton Act.

It urges compliance without further delay with the numerous resolutions adopted by this august Assembly on this issue and with the provisions set in paragraph 9 of the High-Level Declaration on the Rule of Law, which I quote: "*States are urged to refrain from promulgating and applying any unilateral economic, financial or trade measures not in accordance with international law or the Charter of the United Nations that impede the full achievement of economic and social development, particularly in developing countries.*"

Thank you very much