



PERMANENT MISSION OF CUBA TO THE UNITED NATIONS
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STATEMENT DELIVERED BY THE DELEGATION OF CUBA UNDER ITEM 74 "RESPONSIBILITY OF STATES FOR INTERNATIONALLY WRONGFUL ACTS". New York, October 2019.

Mr. Chairman,

Cuba supports the statement delivered by Bolivia on behalf of CELAC.

The issue of the responsibility of States for internationally wrongful acts is of great importance for the continuity of the works of progressive codification of International Law.

In this regard, we appreciate the preparation of the reports of the Secretary-General A/74/83 and A/74/156 and commend the work carried out by the International Law Commission to submit the draft articles to achieve a Convention on the Responsibility of States for Internationally Wrongful Acts.

Cuba reiterates its support for any initiative or proposal leading to negotiations for the adoption of such a Convention, for which the draft articles prepared by the International Law Commission will undoubtedly be a highly relevant benchmark since they incorporate important norms of customary international law and others that enjoy broad international recognition.

The reports drawn up by the Secretary-General with the information and comments sent by States show the reluctance of some countries to move towards the codification of these norms. However, that should not limit our efforts to draw up a Convention on the subject. While the International Law Commission is not a legislative body, the States assembled together do have the legal powers to draw up a Convention in accordance with the principles recognized on this topic. Quite some time has passed and there is adequate jurisprudence for us to sit down to negotiate on firm bases.

Mr. Chairman,

Some countries argue that opening the text to negotiations could jeopardize the current consensus on the mandatory nature and acceptance of these draft articles and affect the delicate balance of the text. They also argue that there would be the risk that some States would not ratify the future Convention and see no benefits in adopting a Convention on the subject.

In our opinion, what delays the adoption of a Convention on the Responsibility of States for internationally wrongful acts is the attitude of some Governments that continue to evade their responsibility and act with the impunity that the non-existence of international obligations on the subject allows them.

In addition, these same States will continue to force ambiguous, and often contradictory, legal pronouncements on the issue since they are allowed to leave such an important matter in the hands of the free and varied will of the judges interpreting these rules. Unfortunately, justice does not always respond to just values and is reduced to the arithmetic of what two judges decide in a court of three.

Mr. Chairman,

Cuba wishes to reiterate its support for the biennial consideration of the item before us today, in the framework of the Sixth Committee. Reflecting on this issue in the current international scenario contributes decisively to a better development of relations among countries within a framework of the genuine implementation of the purposes and principles of the Charter of the United Nations.

We support for the attempt to draw up a Convention on the basis of the draft articles prepared by the International Law Commission without affecting the integrity of the delicate balance achieved in the current text.

An international convention would ensure the full effectiveness and observance of the legal institutions which are envisaged in the draft articles and would establish binding criteria for States. It will help us to curb the dangerous trend of some States to take unilateral actions, which is contrary to the Charter of the United Nations and the principles of international law. In addition, it would also contribute to the protection of States that are victims of unlawful acts committed by other States, which may include such serious acts as aggression and genocide.

Let us face those States which violate International Law with the dilemma of signing an International Convention on the issue and let us give judges greater support in the pursuit of international justice.

Thank you.