

Permanent Mission of Cuba to the United Nations

The Permanent Mission of Cuba to the United Nations presents its compliments to the Office of the Secretary-General of the United Nations and has the honour to refer to note LA/COD/57 of 17 January 2019, in which Governments are asked to submit their comments regarding the recommendation by the International Law Commission that a convention be elaborated on the basis of the draft articles on the topic “Protection of persons in the event of disasters”. The draft articles were adopted by the Commission at its sixty-eighth session and are reproduced in paragraph 48 of its report (Official Records of the General Assembly, Seventy-first session, Supplement No. 10 (A/71/10)).

The Republic of Cuba reaffirms its support for the Commission’s efforts to improve the protection of persons affected by disasters and agrees with the recommendation that a convention be elaborated on the basis of the draft articles. However, the final wording of the articles should continue to be discussed by Governments to ensure that a text is adopted that enjoys broad consensus.

The Republic of Cuba hereby transmits proposed amendments to the aforementioned draft articles as follows:

1. Regarding paragraph 2 of article 9 on reduction of the risk of disasters, the following wording is proposed: “Disaster risk reduction measures include, among other things, the conduct of risk assessments, the collection and dissemination of risk and past loss information, compliance with technical standards in investment, to foster increased resilience by reducing prospective vulnerabilities, the introduction of climate change adaptation and mitigation measures with an emphasis on areas such as safe water, food security and health, the preparation of the population at risk and the installation and operation of early warning systems.”
2. Concerning paragraph 1 of article 10 on the role of the affected State, the following wording is proposed: “The affected State, by virtue of its sovereignty and in accordance with its national legislation, has the duty to ensure the protection of persons and provision of disaster relief and assistance in its territory.”
3. Regarding article 11 (Duty of the affected State to seek external assistance), the following wording is proposed: “ To the extent that a disaster exceeds its national response capacity, the affected State has the right to request or accept bilateral or international assistance from other States, the United Nations, other competent intergovernmental organizations and relevant non-governmental organizations, as appropriate.”

4. On article 12 (Offers of external assistance), the following wording is proposed: “In responding to disasters, States, the United Nations and other competent intergovernmental organizations have the right to offer assistance to the affected State. Relevant non-governmental organizations may also offer assistance to the affected State. In all cases, the affected State shall be the one that requests external assistance and the offer of assistance may not be subject to conditions.”

5. Concerning article 14 (Conditions on the provision of external assistance), it is proposed that the following paragraph be added: “The provision of external assistance cannot be dependent on elements that undermine the sovereignty of the affected State.”

The Permanent Mission of Cuba to the United Nations takes this opportunity to convey to the Office of the Secretary-General the renewed assurances of its highest consideration.

New York, 5 February 2020

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