

Statement delivered by Cuba – Informal Interactive Dialogue on R2P, 6 September 2016  
[TRANSLATION]

Mr. Chair,

First of all, allow me to congratulate Mr. Lykketoft and express Cuba's sincere appreciation for his admirable work as president of the 70<sup>th</sup> session of the General Assembly of the United Nations that will conclude in the following days.

In relation to the theme before us today, Cuba would like to state that the General Assembly is the appropriate forum for in-depth examination on genocide, war crimes, ethnic cleansing and crimes against humanity, which constitute horrendous crimes that we repudiate.

The report A/70/999 on which we are gathered to discuss today calls upon the implementation of R2P and sets aside the discussion on its scope and content, which contradicts the mandate contained in the paragraph 139 of document 60/1. We must ensure that the General Assembly reaches a consensus on R2P, and that it resolves the differences on its interpretation, guarantees its universal acknowledgement and acceptance and concedes legitimacy to the proposed actions for its implementation.

During this interactive debate, we cannot aspire to have Member States implement this concept and the pillars of R2P when nothing requires them to do so. It is impossible to accept recommendations on this theme when we have not yet reached consensus on this concept, neither does it seem appropriate to go further than what was adopted in the 2005 Summit.

Sir,

Cuba does not agree with some of the perspectives in the report, that assume that there is a certain widespread acceptance or consensus regarding a number of questions relating to R2P, and which in various cases exceed what has been agreed on by governments, in dealing with human rights, international humanitarian law and peacekeeping or peacebuilding operations, among other things.

It is wrong to suggest that the General Assembly has established the R2P concept unanimously in 2005 or that it was adopted and articulated during the 2005 World Summit. During this Summit, it was rather established as a responsibility of the State to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity, which is different. Furthermore, it was stated as a duty and a responsibility that the international community, where need be, would encourage and help States to exercise.

The concerns that are raised by the issue of R2P are numerous and legitimate and cannot be ignored, particularly in a global context of asymmetries, desires for hegemony and abuse of force.

We could present in detail our arguments contradicting many of the paragraphs in this report, however time does not permit it. We believe that this document intends to advance R2P in a dangerous manner.

Sir,

We only incorporated a number of our considerations with respect to the report regarding the report:

- It is wrong to affirm that R2P is a principle of international law. The ambiguities regarding the term and the possible implications of the so-called three pillars confirm that it is contradictory with the Charter of the United Nations and international law.
- A balanced treatment of what can be defined as the three pillars does not exist.
- No reference is made to the root causes that generate the mentioned situations when addressing the importance of prevention, neither is addressed the issue of structural problems leading up to the outbreak of conflicts that escalate into extreme situations.
- The report cites crimes against humanity – a term that is undermined in the document by being substituted with the term “atrocities crimes”, which does not have an international definition and on which claim Cuba has expressed its rejection –, as a fundamental cause of serious humanitarian emergencies, crises, refugee flows, internal displacements and destabilization. However, it does not mention the incidence on these emergency situations of structural causes like extreme poverty, hunger, economic inequality, food insecurity, external interference or the negative consequences of climate change.
- It strongly advocates the necessity of using resources for monitoring and early warning in situations of conflict and situations of risks. However, it does not promote the strengthening of national capacities and economic development of the countries affected with the same impetus.
- It is not clear who gets to determine that some situations constitute an imminent risk for the commission of crimes against humanity. The existence of an armed conflict or of flows of refugee or displaced does not necessarily mean that the crimes referred to are committed.
- It redefines the main objective of R2P, presenting it a support to the respect of sovereignty of States, when it clearly acts at the expense of this principle in the current international context.
- The fact that the report encourages UN preventive deployments without specifying the requisite conditions, scope, mandate and control of those deployment is a cause of concern.
- The conceptual terminology of the report differs in many ways from the consensus reached by the United Nations. This is the case for such terms as “atrocities crimes”, “risk factors” and “imminent risks”, on which there is no agreement.
- Another issue of concern is the absence of a definition which decides when there is a necessity to protect; who determines that a State does not protect its population; who and what criteria determine the course of action; and how we can ensure that the term will not be use as a pretense for hegemonic domination. It is not clear how we can ensure that the adoption of the decision to act has the consent of the the affected State, so as to avoid that the concept is used as a pretext for an alleged and inexistent “right to intervene”.
- The text of the report grants intergovernmental bodies of the United Nations, the Security Council in particular, functions that were not attributed to them in the UN Charter.

- Cuba rejects any reinterpretation of the concept of collective security endorsed in the UN Charter. The report undermines compliance with the primary function of the Organization: the protection of any State from external aggression.

Sir,

Many of those who fiercely defend the advancement of this concept without consensus do not promote the urgent necessity to address and resolve the root causes that give rise to those situations – such as underdevelopment and poverty – with the same conviction, neither do they address the structural problems that lead to the outbreak of conflicts which escalate into extreme situations. Some of them are, of course, among the main manufacturer and exporter of the weapons and instruments of repression that are used to commit the “atrocious crimes” that we need to prevent.

I would like to attract your attention on the fact that the measures that are encouraged to prevent and mitigate crimes against humanity focus primarily on the area of political rights and fundamental liberties, ignoring the valuable contributions that actions aimed at promoting economic, social and cultural right – such as third-generation rights, right to development, to self-determination and to peace – can bring to this objective.

Ensuring that the international community does not remain impassive in the face of genocide, war crimes, crimes against humanity and ethnic cleansing is a noble effort. However, in many cases the promotion of R2P conceals an interest of using this principle as another tool to facilitate interference, an agenda of regime changes, or subversion or aggression of other States.

Cuba, a developing and blockaded country, is willing to work in a consistent manner with the international community and the United Nations to prevent and adequately respond to crimes against humanity. At the same time, we insist on the real threat that R2P ends up being used as a pretext for interference and justifying the use of force.

Thank you very much.