



PERMANENT MISSION OF THE REPUBLIC OF CUBA TO THE UNITED NATIONS
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STATEMENT BY THE PERMANENT REPRESENTATIVE OF CUBA, AMBASSADOR ORLANDO REQUEIJO GUAL, AT THE OPEN DEBATE OF THE SECURITY COUNCIL ON THE DRAFT RESOLUTION RELATIVE TO THE NON PROLIFERATION OF WEAPONS OF MASS DESTRUCTION. NEW YORK, 22 APRIL 2004.

Mr. President,

Cuba shares the concern about the risk which implies the link between terrorism and weapons of mass destruction, and it fully supports all the legitimate international efforts made to avoid the acquisition of such weapons and their delivery systems by terrorists.

Notwithstanding, the Delegation of Cuba is also concerned about the fact that the Security Council, of known limited composition and with some members who have rights to the veto, has embraced the initiative of elaborating a draft resolution on an issue that should continue to be examined within the framework of the current multilateral mechanism on disarmament, where there is the appropriate space to negotiate for a legally binding instrument. In this regard, we consider that the international legal obligations, including those relative to the field of disarmament, arms control and the non proliferation, shall not be created for Member States without their full participation and sovereign agreement throughout the signature and ratification of the corresponding multilaterally negotiated treaties and agreements.

The possibility of terrorist attacks with weapons of mass destruction cannot be eliminated by means of a selective approach, as the one promoted by such draft resolution, limited to struggle against horizontal proliferation and basically paying no attention to vertical proliferation and disarmament. The only guarantee that weapons of mass destruction do not fall in hands of terrorists is throughout the prohibition and total elimination of that kind of weapons, especially nuclear weapons, whose sole existence constitutes, in itself, a threat to international peace and security.

Due to lack of time, we will not deeply cover other concerns we have regarding other elements included in the draft resolution, for instance, the definitions used, the true scope and implications such text would have for Member States, its negative impact on the current non proliferation treaty system.

It is not disregarded, at the same time, the possibility that some power may interpret the adoption of such text, under Chapter VII of the UN Charter, as a "pre-authorization or justification" for the unilateral use of force against certain States as to alleged suspicions of proliferation of weapons of mass destruction or their components. This is a big concern, particularly in our case, if we take into account that in a repeated and dangerous way, high level officials of the United States Government have been launching totally false and groundless accusations against Cuba, alleging, without any evidence, that

our country has limited weapons of mass destruction research capacity and development, which we will continue to reject energetically.

Mr. President,

The text of the draft resolution is ambiguous enough for some States to proclaim that with it, vessel and aircraft interception actions attempted to be implemented under the framework of the so-called "Proliferation Security Initiative" (PSI) are legitimized by the Security Council. Such Initiative is already implemented without the possibility for the great majority of the States to participate in its drafting, despite its important implications.

The PSI, instead of contributing to an international consensus on the issue, the strengthening of the role of the United Nations and International Treaties, weakens it. Cuba considers a multilateral and non-discriminatory approach to be the only effective way to fight against the use of weapons of mass destruction by terrorists.

Several elements of such initiative do not correspond with the basic principles enshrined in the UN Charter and acknowledged by International Law, which prohibit the interference in other State's internal affairs or the use or threat of use of force against the territorial integrity or political independence of any State.

There would be no guaranties at all that the prerogatives self-granted by the participants in the PSI, and which could be legitimized by this draft resolution, could be manipulated by some of them, particularly by the States with greater political power, to abusively act against vessels and aircrafts of other States, using different motives.

Likewise, the possibility should not be discarded that some PSI participants consider that there would be authorization to intercept any shipment based on the implementation of arbitrary criteria, something that could bring about the boarding of vessels and aircrafts, even violating the rights established by the 1982 UN Convention on Law of the Sea, the right of innocent passage of vessels in territorial waters of States and the jurisdictional regime for Deep Sea enshrined in the already mentioned Convention.

Lastly, it would be useful to remember that the main author and promoter of this draft resolution is precisely the one having the highest military expenditure level worldwide and has security doctrines which comprise the preemptive attack and the use of nuclear weapons against States that do not possess them; it not only has numerous nuclear weapons but is in the process to develop new kinds of such lethal weapons. These double standards represent a real danger for all us, which should not go by without being properly denounced.

Thank you very much.