



PERMANENT MISSION OF CUBA TO THE UNITED NATIONS  
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**STATEMENT BY THE CUBAN DELEGATION ON AGENDA ITEM 81**

**"REPORT OF THE INTERNATIONAL LAW COMMISSION.  
CLUSTER I**

Allow me to congratulate the International Law Commission on the remarkable work carried out at the seventy-first session in order to make progress on the items on its agenda.

The Cuban delegation would like to congratulate Mr. Pavel Sturma in his capacity

It also provides us with a useful guidance for States that have not yet adopted legal regulations on the criminalization and prosecution of such crimes at the national level.

The draft articles have attempted to compile a wide variety of principles and postulates contained in international conventions relating to this type of crimes.

Mr. President,

Cuba recognizes the efforts made by the Special Rapporteur to take into account various national and regional approaches in order to enrich the draft articles and contribute to international consensus.

[REDACTED]

[REDACTED] should contain as a fundamental principle that the primary responsibility for

making sense of international law. Its valuable contribution has been to

In particular, the Cuban delegation considers that, in view of the technical nature of  
the criteria, they should not be absolute or restrictive in their content

and scope. In Conclusion 2, it should be borne in mind that the criteria for acceptance and recognition by the community of States as a whole in order to identify the norms of jus cogens, should not set limits to the number of States, but that such criteria should be assessed in accordance with the governmental and jurisdictional practice; and must take into account States with various legal systems.

With regard to draft conclusions 7, Cuba draws attention to taking into account the criterion of non-state players in the process of emergence of the norms of jus cogens, which, although they are taken into consideration in a supplementary and non-determining manner, we consider that the observations of state players should not conflict with basic principles of international law enshrined in the UN Charter, such as the principle of sovereign equality and the principle of non-intervention in the internal affairs of States.

In full consistency with what was claimed about draft conclusion 2 and reaffirming that this draft conclusions is a guide to the best practice of States and  
in their international relations, we agree that the various forms of

Mr. President,

Article 24 includes, in a complementary manner, other means

of settling disputes that may be used by States in the event of the nullity or

Mr. President:

With regard to other issues, and in particular the issue of the rising sea levels, this is an issue of utmost importance, given our geographical status as an archipelago. Studies conducted in the country show that there is a 1.5 to 2 meter annual shoreline retreat, while the National Tidal Network reports an increase of 2.14 millimeters per year in the acceleration of the average sea level rise. The foregoing translates into an increase in sea level in our archipelago of 27 cm by 2050.

In this regard, we welcome the decision of the International Law Commission to include in its long-term programme of work the topic: "Sea-level rise in relation to international law".

The sea level rise is nothing more than a reflection of man-made climate change, an issue to which our State has devoted special attention for decades and which has been reflected in various international forums. The National Plan for Economic

and Social Development until 2020 includes sea level rise among the difficulties

identified.

As a reflection of the above in 2017 the Council of Ministers of the Republic of

Cuba approved the "State Plan To Tackle Climate Change" or Task Life, as it is popularly known. Its actions include combating and/or mitigating the impact of the loss of shorelines caused by rising sea levels. These actions include, among others, the reinforcement of some coastal areas and the displacement of the coastal population.

Mr. President,

It is useful to discuss this topic in order to propose viable solutions between the changes occurring in the climate and the law of the sea in force, reflected mainly in the United Nations Convention on the Law of the Sea, as depository of customary