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Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Human rights and unilateral coercive measures

Report of the Secretary-General**

Summary

The present report contains contributions by the Governments of Cuba and Mexico. The submission by Cuba deplores the economic, commercial and financial blockade imposed on the country by the United States of America, stating that such practices not only affect the Cuban people but also violate the right of some sectors of the United States economic community to free commercial exchange. Cuba calls on the international community to pronounce itself strongly against such measures and to take action towards the implementation of the resolutions adopted by the General Assembly. The Government of Mexico states its disapproval of the imposition of unilateral sanctions against any country and considers that sanctions should be imposed only when authorized by the United Nations.

* A/57/150.

** On the basis of past experience, it was observed that notes verbales on this issue sent long in advance of the deadline for submission of a report would require a reminder to obtain replies from Governments. The delayed transmission of such notes was initiated in an attempt to ensure that Governments were attentive to the General Assembly's request for replies.

I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 56/148 of 19 December 2001, in which the General Assembly requested the Secretary-General, inter alia, to continue to collect the views and information of Member States on the implications and negative effects of unilateral coercive measures on their populations and to submit an analytical report thereon to the General Assembly.
2. In accordance with paragraph 8 of that resolution, the Secretary-General, in a note verbale dated 19 June 2002, invited Member States to transmit information relevant to the subject matter.
3. As of 5 August 2002, replies had been received from the Governments of Cuba and Mexico. Those replies are contained in the present document. Any additional replies will be submitted in an addendum to the present report.

II. Replies received from Governments

Cuba

[Original: Spanish]
[12 August 2002]

1. The Government of the Republic of Cuba attaches particular importance to the consideration of this issue by the General Assembly and the Commission on Human Rights. Cuba believes that the application of unilateral coercive measures as a means of political and economic compulsion is an attack against the integrity of the State concerned and hinders the full realization of its people's most elementary human rights. Experience shows that the primary victims of coercive economic measures are vulnerable population groups, especially children, women, older persons and the disabled.
2. Cuba maintains that the policy of applying such measures, with the adoption and implementation of such laws as the Torricelli Act and the Helms-Burton Act, has been a central feature of the hostility historically manifested towards Cuba by the United States of America. These laws not only seek to put increased pressure on the Cuban people and stifle the Cuban economy but also undermine and show

contempt for the sovereignty of third States, flagrantly violating international trade and shipping norms and hindering the Cuban people in the exercise of its right to self-determination.

3. The harm done to the Cuban people by these measures has been extensively documented by the authorities and non-governmental organizations in Cuba and revealed in a series of reports by the Secretary-General to the United Nations General Assembly.
4. Cuba considers that successive United States Governments have resorted to all kinds of political, economic and military action against the Cuban people, including attempts to isolate the country diplomatically, the use of manipulative propaganda, the encouragement of defection and illegal emigration, espionage, economic warfare and various forms of aggression, such as incitement to subversion, the use of terrorism and economic sabotage, biological warfare, the encouragement of armed groups to invade Cuban territory, the organization of hundreds of plans to assassinate top Cuban Government leaders, military blockade and harassment, the threat of nuclear extermination and even direct aggression using an army of mercenaries.

5. Cuba also considers that these practices blatantly contravene the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, contained in the annex to General Assembly resolution 2625 (XXV) of 24 October 1970, which provides, inter alia, that

“No State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights and to secure from it advantages of any kind.”

6. The Cuban Government's view is that this policy, which has failed to achieve its purpose for over 42 years, also violates the right to free trade of the members of the North American economic community who would like to enjoy the benefits of trading with Cuba. Moreover, Cuba maintains that attempts to end this unjust policy in the United States itself, in the form of legislation submitted to Congress, have been scandalously blocked by the extreme right minority in

North America and the mafia-like anti-Cuba lobby based in Florida.

7. Cuba finds it unacceptable that, although the international community has unequivocally and systematically called for an end to the blockade against Cuba in a series of General Assembly resolutions every year for the past 10 years, the United States Government continues to ignore the will of the international community and adopts new laws, measures and provisions to tighten the blockade.

8. Cuba is firmly convinced that it is more important than ever before that the international community continue to condemn the use of such practices and that urgent steps be taken to ensure effective compliance with the decisions of the General Assembly.

Mexico

[Original: Spanish]
[12 August 2002]

1. Mexico rejects the application against any country of legislation or unilateral measures, having an extraterritorial effect. Mexico has always rejected the use of coercive measures as a means of applying pressure in international relations, believing that unilateral acts of this nature put the sovereignty of States at risk, contravene the principles of Mexico's foreign policy and are contrary to international law.

2. Mexico conducts its foreign relations on the basis of the principles enunciated in the Charter of the United Nations, which make coexistence among nations the rule and are in keeping with the principles of Mexico's Constitution. These principles are: the self-determination of peoples; non-intervention; the peaceful settlement of disputes; the prohibition of the threat or use of force in international relations; the legal equality of States; international cooperation for development; and the need to ensure international peace and security.

3. Mexico has expressed its rejection of the imposition on any State of political or economic sanctions that have not been duly authorized by the Security Council, in accordance with the Charter of the United Nations or with other measures recommended by the General Assembly.