



# General Assembly

Distr.: General  
9 September 2009  
English  
Original: Spanish

---

## Sixty-fourth session

Item 96 (n) of the provisional agenda\*

### General and complete disarmament

## Observance of environmental norms in the drafting and implementation of agreements on disarmament and arms control

### Report of the Secretary-General

Addendum\*\*

## Contents

	<i>Page</i>
II. Replies received from Governments . . . . .	2
Cuba . . . . .	2

---

\* A/64/150 and Corr.1.

\*\* The information in the present document was received after the submission of the main report.



## II. Replies received from Governments

### Cuba

[Original: Spanish]

[2 July 2009]

#### **Reply regarding General Assembly resolution 63/51, “Observance of environmental norms in the drafting and implementation of agreements on disarmament and arms control”**

1. Observance of environmental norms in the drafting and implementation of agreements on disarmament and arms control is particularly topical and is taking on increasing importance, recognized by the international community through the adoption without a vote of resolution 63/51 by the United Nations General Assembly.

2. Despite the efforts made by the General Assembly and the international disarmament mechanisms, certain Powers continue to apply policies aimed at launching wars of aggression in various parts of the world; use aggressive strategies that include preventive attacks; continue to use all types of weapons indiscriminately, including the possibility of use of nuclear weapons; and refuse at the multilateral level to assume new commitments in the field of nuclear disarmament. At the same time, the arms race continues unchecked and the pace of development of conventional weapons is accelerating while vast arsenals of nuclear weapons remain untouchable.

3. The existence of ever more sophisticated weapons of mass destruction is one of the gravest threats to international peace and security, to the fragile environmental balance of our planet and to sustainable development for all without distinction. This is why Cuba believes that the only truly effective way to avoid the harmful consequences of the use of weapons of mass destruction continues to be the complete elimination of this type of weapon and why it attaches great importance to the universalization of the international treaties prohibiting them.

4. The Republic of Cuba has extensive experience in the adoption and application of laws and policies to ensure the observance of environmental norms in all social processes, including their implementation in the various international instruments in the field of disarmament and arms control to which it is a party: the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, and the Treaty on the Non-Proliferation of Nuclear Weapons, among others.

5. Cuba has solid legal provisions for the protection of the environment:

- Article 27 of the Constitution of the Republic incorporates the concept of sustainable development;

- Act No. 81/1997 on the environment establishes the principles of Cuba's environmental policy, among them: environmental management shall be comprehensive and cross-cutting; State agencies and other entities and institutions, society and citizens in general shall participate in a coordinated manner and in accordance with their respective competencies and abilities;
- Decree-Law No. 207 on the use of nuclear energy establishes the general precepts that govern this subject;
- Decree No. 208 on the national system of accounting for and control of nuclear materials establishes the norms for regulating the system in order to contribute to the efficient management of these materials and to detect any use, loss or unauthorized movement;
- The legal order relating to biosecurity and the implementation of the Biological and Toxin Weapons Convention is reflected in Decree-Law No. 190/99 on biosecurity, in Decision No. 2/2004 of the Ministry of Science, Technology and the Environment on regulations for accounting for and control of biological materials, and related and equipment technologies, in the most recent update of the list of biological agents that affect people, animals and plants, and in the regulations for granting certification of biological safety, which are contained in Decisions Nos. 38/2006 and 180/2007, respectively, of the Ministry of Science, Technology and the Environment;
- Decree-Law No. 202/1999 governs the implementation of the Chemical Weapons Convention at the domestic level;
- Decision No. 5517, adopted in 2005 by the Executive Committee of the Council of Ministers, on offences involving violations of the provisions of the Chemical Weapons Convention fulfilled the legislative requirements for the application of the Chemical Weapons Convention.

6. The Chemical Weapons Convention is still the only international agreement that provides for the verifiable destruction of chemical weapons and the facilities at which they are produced, as well as measures for the protection of people and the environment.<sup>1</sup> The principles and methods for the destruction of chemical weapons,<sup>2</sup> which should be taken into account by weapons-possessing States when they destroy their weapons, are of great importance.

7. In this context, it should be noted that three States parties to the Chemical Weapons Convention that possessed chemical weapons (Albania, India and a State party) have already destroyed all their declared/existing chemical weapons. Cuba welcomes the fact that the Technical Secretariat of the Organization for the Prohibition of Chemical Weapons (OPCW) has verified and confirmed that Albania has completed the full destruction of all its declared controlled chemicals from Schedule 1, without causing significant damage to the environment at any time during the process.<sup>3</sup> However, some of the other States that possess chemical

<sup>1</sup> See article IV, paragraph 10; article V, paragraph 1; article VII, paragraph 3; Verification Annex, part II, section E, paragraph 43; Verification Annex, part VI, section C, paragraph 7.

<sup>2</sup> Verification Annex, part IV (A), "Destruction of chemical weapons and its verification pursuant to article IV", section C, paragraphs 12 to 14.

<sup>3</sup> Opening statement by the Director-General of OPCW at the fifty-sixth session of the Executive Council, 21 April 2009.

weapons have continued to extend their destruction deadlines, thereby creating a danger that the maximum extended deadline, which expires in 2012, will not be met. This continues to give cause for concern to States that do not possess chemical weapons, like Cuba.

8. On the question of nuclear disarmament, the Conference on Disarmament should begin negotiations on a treaty for the complete elimination of these weapons within a specified time frame and under strict international control. An international treaty on nuclear disarmament must of necessity include measures for the protection of the environment.

9. Strengthening of the Biological and Toxin Weapons Convention over the next few years is key to the protection of the environment and the preservation of biodiversity on our planet. The draft protocol for strengthening the Convention, which was the subject of negotiations a few years ago, included, among other things, proposals for measures to protect the environment in the application of the Convention. The international community must not abandon that objective.

10. It is also important to highlight the relevance and importance of the United Nations Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques, ratified by Cuba on 10 April 1978, which is still fully in force and should be universally accepted.

11. In the geographic area closest to Cuba, one still observes the serious harm caused by the United States Navy to the health and ecology of the Puerto Rican island of Vieques, which it uses indiscriminately as a military practice range for its acts of aggression and conquest and where it has even made use of material with radioactive components. As a result, the inhabitants of Vieques have the highest cancer rate in all of Puerto Rico.<sup>4</sup>

12. In addition, in the war of occupation of Iraq by the United States, the harm caused to the environment, property and human life has been devastating.

---

<sup>4</sup> Data of the Cancer Registry of the Department of Health of Puerto Rico show that cancer rates on Vieques began to rise with the start of the bombing by the United States Navy in 1979 (Zavala-Segarra, D., *Incidencia de cáncer en Vieques*).