



Contribution of the South Centre to the Report of the Secretary-General on the Implementation of UN General Assembly Resolution A/75/L.97 dated 9 June 2021 on the “Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba”

The United Nations (UN) General Assembly adopted by an overwhelming majority the resolution “Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba” (document A/75/L.97) by a vote that was held on 9 June 2021 at the UN headquarters in New York.

It was the 29th consecutive year of adoption of a resolution on the US embargo against the Republic of Cuba, which is rooted in the Cold War. The referred to UN resolution reiterated and reflected the content of previous resolutions, reports and declarations adopted by the UN and other intergovernmental forums and bodies rejecting the use of unilateral coercive measures such as “trade sanctions in the form of embargoes and, the interruption of financial and investment flows between sender and target countries”,¹ as in the case of the US embargo on Cuba².

The referred to UN General Assembly resolution A/75/L.97, in paragraph 2, “[r]eiterates its call upon all States to refrain from promulgating and applying laws and measures of the kind referred to in the preamble to the present resolution, in conformity with their obligations under the Charter of the United Nations and international law, which, inter alia, reaffirm the freedom of trade and navigation.”

Paragraph 4 of the resolution also requested the Secretary-General of the United

¹ See, e.g. Human rights and unilateral coercive measures. A detailed explanation by the Office of the High Commissioner on Human Rights at <http://www.ohchr.org/EN/NewsEvents/Seminars/Pages/WorkshopCoerciveMeasures.aspx>.

² United Nations, General Assembly, Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba - Report of the Secretary-General, Doc. A/71/91, 21 July 2016.

Nations, in consultation with the appropriate organs and agencies of the United Nations system, to prepare a report on “the implementation of the present resolution in the light of the purposes and principles of the Charter and international law and to submit it to the General Assembly at its seventieth fifth session”. Over the years, the UN Secretary-General’s annual report has become an important vehicle for highlighting the adverse impact of the US embargo on Cuba and calling for its end.

This input by the South Centre is prepared in response to the Secretary-General’s request as a contribution to the report of the Secretary-General as per resolution A/75/L.97, with respect to the imposition of unilateral economic, financial and trade measures against Cuba, in violation of basic principles of the UN Charter.

The South Centre is the intergovernmental organization of developing countries established in 1995 pursuant to the 1995 Agreement to Establish the South Centre deposited with the United Nations following the recommendations of the report *The Challenge to the South*. The report was prepared by the South Commission and its outcomes were considered by the General Assembly in its resolution 46/155³. The South Centre holds Observer Status at the General Assembly and currently has 54 developing country member States, including Cuba. The Centre supports developing countries in their efforts to achieve the Sustainable Development Goals and by promoting their common interests in the international arena. The South Centre undertakes policy-oriented research on various international areas with a view to contribute to strengthening the UN system and multilateralism. It joins the international community in condemning unilateral coercive measures, which impinge on the principles of self-determination and international cooperation.

The South Centre’s report to the UN Secretary-General of 2020⁴ focused on the obstacles created by the US blockade in respect of access to pharmaceutical products and other medical products and equipment necessary for the realization of the right to

³ United Nations, General Assembly, Report of the South Commission, Doc. A/RES/46/155, 19 December 1991. Available from <https://digitallibrary.un.org/record/136143?ln=en>.

⁴ See ‘Contribution of the South Centre to the Report of the Secretary-General on the Implementation of UN General Assembly Resolution A/RES/74/7 dated 12 November 2019 on the “Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba’, available at <https://www.southcentre.int/wp-content/uploads/2020/03/SC-Contribution-to-UNSG-Report-on-CUBA-embargo-2020-FINAL.pdf>.

health. It noted the rejection of more than 50 requests by US companies to supply needed health-related products to Cuba. The report highlighted how the US measures hindered the acquisition from US companies of raw materials, reagents, diagnostic means, equipment and spare parts, as well as medicines for the treatment of serious diseases. These consumables had to be bought in faraway markets, on many occasions via intermediaries, that necessarily increased the time and cost of delivery. Nothing has changed after more than one year despite the grave humanitarian crisis that the world has undergone, which has also severely hit the Cuban people. The inauguration of a new US administration has not reverted a policy that is at odds with any conception of human rights and the respect for international law.

Repercussions of the blockade

As noted in the referred to South Centre's report, the blockade imposed against Cuba reached new levels under the 1996 Helms-Burton Act of the United States, which is incompatible with the principles of the UN Charter that calls on all States to refrain from promulgating and applying laws and measures that are against international law and the principles of sovereign equality of States, non-intervention and non-interference in their internal affairs and freedom of international trade and navigation. As noted by the first *Special Rapporteur on the negative impact of the unilateral coercive measures on the enjoyment of human rights*, the use of economic sanctions for political ends violates human rights and the norms of international conduct, while the extraterritorial application of unilateral sanctions is clearly in violation of international law.⁵ "The resort by a major power of its dominant position in the international financial arena...", he noted, "to cause economic hardship to the economy of sovereign States is contrary to international law, and inevitably undermines the human rights of their citizens."⁶

The deleterious effects of unilateral coercive measures can only aggravate in times of a pandemic. As also noted by UN experts, "sanctions make it harder for entire populations to stay healthy and hamper the transportation of goods needed for economic development, result in the waste of natural resources, undermine

⁵ Office of the United Nations High Commissioner for Human Rights, "US sanctions violate human rights and international code of conduct, UN expert says", 6 May 2019. Available from <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24566>.

⁶ Ibid.

environmental sustainability and achievement of the Sustainable Development Goals.⁷ The Cuban population has been one of the victims of such measures; the US blockade has affected the life of every Cuban for almost 60 years.

Cuba's report on Resolution 74/7 of the United Nations General Assembly ("Necessity of ending the economic, commercial and financial blockade imposed by the United States of America against Cuba") presented evidence on the repercussions of the blockade, including on sectors having great social impact (see Box).⁸

Box: The US blockade during the COVID-19 pandemic

- The cases of German companies Sartorius and Merck stand out, as well as those of Cytiva and other regular suppliers of laboratory materials, reagents and supplies. Owing to the intensification of the embargo, they stopped trading with Cuba in 2020. During the period under review, the country was unable to obtain a total of 32 pieces of equipment and supplies related to the production of candidate vaccines against COVID-19 or to the conduct of stages necessary for the completion of the clinical trials of the candidate vaccine.
- In November 2020, the United States Department of Transportation denied, at the behest of the Department of State, a request by IBC Airways and SkyWay Enterprises to operate humanitarian cargo flights to Cuba. The former alleged that the decision was because Cuba is one of the “countries under U.S. economic sanctions”, while the latter alluded to problems with Stripe, a United States company that serves as its payment provider.
- In February 2021, the companies JustGiving and Crowdfunder UK blocked the pages of the “Cubans in UK” solidarity organization, created to raise funds for the purchase of medical supplies and to support the COVID-19 vaccination campaign in Cuba.
- During the period under review, seven lawsuits were filed under Title III of the Helms-Burton Act. Since its activation in May 2019, 34 legal proceedings have been instituted.
- There have been several cancellations of Cuban media accounts on various digital platforms. In August 2020, when Cuba was about to announce its first candidate vaccine against COVID-19, the company Google censored the YouTube platform profiles of news outlets Granma, Mesa Redonda and Cubavisión Internacional, citing alleged violations of United States export laws.

The Box above illustrates about the use of unilateral coercive measures to block legitimate activities and, in particular, the impact of the extraterritorial mechanism put

⁷ Office of the United Nations High Commissioner for Human Rights, “Unilateral sanctions impinge on right to development - UN experts”, 11 August 2021. Available from <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27373&LangID=E>.

⁸ United Nations, General Assembly, Cuba's report on Resolution 74/7 of the United Nations General Assembly entitled "Necessity of ending the economic, commercial and financial blockade imposed by the United States of America against Cuba", Doc. A/75/81/Add.1., 27 May 2021.

in place to force non-US companies and other actors (from Germany and the United Kingdom in the examples above) not to engage in financial or commercial relations with Cuba. This deprives Cuba of access to essential products and to a diversity of services, including transportation and payments to suppliers. The imposed restrictions on financial transactions severely hit the capacity of the Cuban economy to function normally and grow. The Box also shows that it does not matter whether the targeted activities are of commercial or humanitarian nature; the blockade is equally implemented in full force.

The South Centre's report mentioned above had also highlighted the advances made in the island -despite the obstacles and constraints imposed by the blockade- in the development and production of pharmaceuticals, including new vaccines and other biologicals. The scientific and technological capacities established over the years in Cuba and the strengths of its medical sector allowed it to participate in the race to develop vaccines against COVID-19. With the Abdala vaccine approved on 9 July 2021 for emergency use, Cuba became the first Latin American country to develop a COVID-19 vaccine. This was followed by Soberana 2, approved on 20 August 2021. These achievements have opened a window of hope not only to the Cuban people but also to the people of other developing countries. They will provide new tools for Cuba's strong engagement in South-South Cooperation, which has been even extended to developed countries during the current pandemic through medical support to help treating the disease in 40 countries and territories. Similar support should be received by Cuba to dismantle the unlawful US blockade.

Conclusion

The maintenance of the US financial and commercial blockade against Cuba is incompatible with an international system grounded on the rule of law; it is rather grounded on the exercise of political and economic power. The information above is illustrative of some of the dimensions of the blockade and its impact, and of the need to dismantle unilateral coercive measures that undermine sovereign rights, the realization of human rights and the achievement of the Sustainable Development Goals. The signatory countries of resolution A/75/L. 97 should continue to cooperate

to put an end to the unjust denial of Cuba's right to development and self-determination.