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Mr. President,

We appreciate the report submitted by the Secretary-General on diplomatic protection contained in document A/74/143, which includes views of Member States regarding the recommendation of the International Law Commission to draft a Convention on Diplomatic Protection.

all Member States to ensure that those contributions become international instruments.

Mr. President,

The adoption of a Convention on Diplomatic Protection

We regret that not all States make appropriate use of diplomatic protection as a subsidiary mechanism for the protection of the rights of their nationals, using it, sometimes, as an instrument of pressure against certain States and in favor of transnational economic interests.

The exercise of diplomatic protection constitutes a sovereign right of States and is an institution of vital importance for the promotion of the Rule of Law at all levels; while it guarantees a more effective protection of the human rights and fundamental freedoms of individuals. The applicability recognized in such regime of diplomatic protection to refugees and stateless persons contributes in a very special way, to the protection of the rights of these highly vulnerable groups. However, for the establishment of a future convention, it must be taken into consideration that not all states are signatories to international instruments relating to refugees.

In this regard, it would be laudable that a future convention specifies whether, in the case of persons with multiple nationality, the State with the capacity to claim is the State with which the individual has an effective link.

Mr. President,

Cuba considers that this topic contributes in a particular way, to the strengthening of the Rule of Law at the national level because, as the draft articles of the Convention provide, the exhaustion of domestic remedies should be required as a prerequisite for the exercise of diplomatic protection, therefore, for the drafting of a future Convention, it would be appropriate to evaluate the incorporation of this topic.

Furthermore, we consider that it should be clearly examined whether the conduct of the individual in favor of whom the protection is exercised was contrary to the domestic law of the State against which the claim is filed

or to International Law, since it may somehow have an influence on the effects of the exercise of the protection and the consequences in which it is found.

It becomes significant that the draft articles do not unquestionably regulate one of the requirements that both, the general doctrine and jurisprudence, consider necessary for a State to offer diplomatic protection, which consists in the fact that the injured person has acted transparently and has not committed an unlawful act that could in any way justify a legitimate retaliation on the part of the State.



greater acceptance by Member States. We hope that the results will be positive and that we will be able to reach consensus on the issue.

Cuba reiterates its full readiness to work together with the view to achieve the desired objective of an International Convention on Diplomatic Protection.

Thank you