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**A Blockade to Peace: The Failure of the US American Trade Blockade Against  
Cuba and Reasons for its Abrogation**

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This research paper follows the evolution of US American policy towards Cuba from 1959 to present with a brief mention of historical trends. Throughout the text, the case is made that an embargo against Cuba is an erroneous policy to pursue. The general use and failure of sanctions is addressed and their efficacy questioned. Through the international support of UN General Assembly resolutions, it is shown that the embargo is unpopular. By comparison with the approaches of other countries, it is argued that the objectives of the USA's policies could be better achieved through engagement with Cuba. The implications of the Helms-Burton Act brought forth and discussed. All through these topics, reasons are listed to justify the lifting of the trade blockade against Cuba.

**This Graduation Research Paper is submitted in partial fulfilment of the  
requirements for the degree of Master of Arts, International Peace Studies**

“The United States seems to be predestined to plague the peoples of America with hunger and poverty, in the name of liberty.”

–Simón José Antonio de la  
Santísima Trinidad Bolívar y  
Palacios Blanco



(photo taken from <http://ciponline.org/cuba/index.htm> )

Dedicated to  
Isbel Reina Abreu

who always challenged my assumptions.

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## List of Abbreviations

ACS	Association of Caribbean States
App.	Appendix
BBC	British Broadcasting Corporation
CACM	Central American Common Market
CARICOM	Caribbean Community
CIA	Central Intelligence Agency
CMEA	Council for Mutual Economic Assistance
CNN	Cable News Network
CUETS	Credit Union Electronic Transaction Services
DHS	Department of Homeland Security
DVD	Digital Video Disc
et al.	Et alii
EU	European Union
FMLN	Frente Farabundo Martí para la Liberación Nacional
GDP	Gross Domestic Product
GMT	Greenwich Mean Time
ibid	Ibidem
i.e.	Id est
IMF	International Monetary Fund
MBNA	Maryland Bank, National Association
MPLA	Movimento Popular de Libertação de Angola
OAS	Organisation of American States
OFAC	Office of Foreign Assets Control
Sec.	Section
Stat.	Statute
SWAPO	South West African People's Organisation
UK	The United Kingdom of Great Britain and Northern Ireland
UN	United Nations
url	Uniform Resource Locator
US	Unites States [of America]
USA	United States of America
USD	United States of America dollars
U.S.C.	United States Code
USS	United States Ship
USSR	Union of Soviet Socialist Republics
Vol.	Volume

## 1. Introduction

For nearly fifty years, the government of the United States of America has had an embargo against Cuba in an effort to topple Fidel Castro's socialist revolution. The Cubans living in Cuba, however, might not consider this act an embargo, rather an economic war whose goal is to extirpate the Cuban people. Whether it is considered an embargo, a blockade, an economic war, or an attempted genocide, it has continued for an unprecedented forty-seven years. A people has been left divided and families have been torn apart with little contact between Cuba and Florida. It has taken the ninety miles of water that separate the two countries and expanded them into an ideological abyss spanning half a century. Despite the best efforts, the US American trade blockade of Cuba has failed in its goal; a socialist system prevails in Cuba and the Castro administration is still in power. The sanctions imposed on Cuba by the USA are completely unparalleled in the world and cannot be maintained indefinitely. In order for there to be any kind of forgiveness between Cuban revolutionaries and Cuban exiles, between Communists and Anti-Fidelistas, some common ground must be established. However, the very blockade is the single biggest stumbling block on the road to the reconciliation of these two groups. If there is any hope for the divided Cuban nation to come together to democratically determine the future of their Antillean island, the embargo must be lifted. The current existence of the Cuban state is evidence that the blockade has failed. A policy that does not work should definitely be re-evaluated. In addition, there are several other reasons for why the blockade should be abolished and they constitute the basis of this analysis.

### 1.1 The Problem

In order to begin an assessment of the problem at hand, it is always important to have a clear picture of the historical context. A comprehensive appraisal of the Cuban Revolution, the root causes and the history of the trade blockade on Cuba, and trends in post-Batista Cuba is itself a subject whose scope extends well beyond the limitations of

this binding<sup>1</sup>. Nevertheless, an effort will be made here to present sufficient historical information to illuminate the current situation and make the causal links clear. It is important to know that the process of levying trade sanctions on Cuba began shortly after the triumph of the Cuban Revolution on the first of January 1959, which was under the leadership of Fidel Castro Ruz, Raúl Castro Ruz, and Ernesto Guevara.

There are, first, three historical trends that must be identified for their bearing on the blockade. They are the *Manifest Destiny*, the *Monroe Doctrine*, and the *Spanish-American War*.

The spirit of Manifest Destiny was based on the belief that the United States had created a new and near-perfect economic, political, and social system, and that it was its destiny as a nation to spread the benefits of this system to other societies and peoples. This belief supported continental expansionist policies during the early part of the nineteenth century, culminating in the war with Mexico and the annexation by the U.S. of its vast Upper California territory. In the latter part of that century, the spirit of Manifest Destiny was reborn and used to justify overseas expansionist policies that, inter alia, resulted in the annexation of Samoa, the Hawaiian Islands, the Philippines, Puerto Rico, and the Panama Canal Zone, as well as the establishment of a protectorate over Cuba (Rossi, 1992:205-206).

The *Monroe Doctrine* owes its name to the fifth president of the USA, James Monroe, who, in his seventh annual message to congress on the second of December 1823, said:

We owe it, therefore, to candor, and to the amicable relations existing between the United States and those powers [European or other], to declare, that we should consider any attempt on their part to extend their system to any portion of this hemisphere, as dangerous to our peace and safety.

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<sup>1</sup> For a synopsis see, amongst the vast selection of available literature, Franqui (1980); Goldberg (1965); Radosh (1975); Dolgoff (1976); Pérez-Stable (1993); Gott (2004); and Scanlan and Loescher (1983) for a synopsis of US American foreign policy and refugee flow. For a noteworthy recount of the Cuban Revolution from 1956 to 1959, see Guevara (2000).



Domínguez (1997:58) interprets this declaration of rejection of foreign influence from 1823 as a precedent for the policy towards Cuba.

In the Monroe Doctrine, the United States asserted its right to specify which system of government was acceptable in the Americas. [...] At the end of the twentieth century, as in centuries past, the United States is demanding the right to set the framework for the political and economic system it would tolerate inside Cuba.

He goes on to say that, in the light of this assertion (1997:63), “The domestic policy debate took it for granted that the policies of Monroe and Theodore Roosevelt [the Roosevelt Corollary<sup>2</sup>] did, indeed, provide the proper ideological context for US policy toward Cuba.” Thirdly, the *Spanish-American War* was a definite component of what would later form and shape US American Cuba policy. After the *Grito de Baire*; after the revolutionary movements of José Martí, Antonio Maceo, and Máximo Gómez to foment a final war for independence from Spain; and after the explosion of the *USS Maine* on the fifteenth of February 1898; the USA joined in the fight for the independence of Spanish colonies of the Philippines, Cuba, and Puerto Rico.<sup>3</sup>

The United States entered into war amid great excitement and enthusiasm. It was a popular war, it has been affirmed often. That the public imagination could persuade itself that the call to arms represented a summons to deliver an oppressed New World people from the clutches of an Old World tyranny served to consecrate the virtue of the U.S. purpose. Off to war Americans went in defense of Cuba Libre, they believed, a lofty and selfless undertaking, in a spirit of exalted purposefulness, confident in their mission of liberation (Pérez, 1998:24).

This mentality continues to pervade the US American attitude towards Cuba. The USA seems to see itself as the only moral authority that can save the Cuban people from some

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<sup>2</sup> See Domínguez (*ibid*).

<sup>3</sup> See Foner (1972a); Foner (1972b); and Pérez (1998).

oppressive force. Nevertheless, “For Cuba,” as Pérez (1998:ix) writes, “[...] 1898 represents a complex point of transition from colony to nation in which the pursuit of sovereignty and separate nationality assumed new forms.” Furthermore, the *Spanish-American War*, which was to free Cuba from Spain, brought with it another form of colonialism in the guise of the *Platt Amendment*.

In 1898, at the end of the Spanish-American War, United States military forces occupied independent Cuba. To keep the European powers out of Cuba and to promote its own influence over the island, the U.S. Congress created the Platt Amendment—named after Senator Orville H. Platt. According to a condition stipulated in a 1903 treaty between the two countries, the amendment was added to Cuba’s constitution.

The amendment reduced Cuba’s power to make treaties with other nations,<sup>4</sup> guaranteed the United States the right to maintain military bases in Cuba,<sup>5</sup> and allowed the United States to interfere in Cuban affairs for the purpose of maintaining order on the island.<sup>6</sup> United States troops traveled to Cuba on several occasions between 1903 and 1934, when the two nations signed a new treaty that cancelled the Platt Amendment (Tenenbaum, 1999:328).

It may be noted that the *Platt Amendment* provided the legal justification for the creation of the now-notorious US American naval base in Guantánamo Bay, Cuba.

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<sup>4</sup> I. *That the government of Cuba shall never enter into any treaty or other compact with any foreign power or powers which will impair or tend to impair the independence of Cuba, nor in any manner authorize or permit any foreign power or powers to obtain by colonization or for military or naval purposes or otherwise, lodgement in or control over any portion of said island.*

<sup>5</sup> VII. *That to enable the United States to maintain the independence of Cuba, and to protect the people thereof, as well as for its own defense, the government of Cuba will sell or lease to the United States lands necessary for coaling or naval stations at certain specified points to be agreed upon with the President of the United States.*

<sup>6</sup> III. *That the government of Cuba consents that the United States may exercise the right to intervene for the preservation of Cuban independence, the maintenance of a government adequate for the protection of life, property, and individual liberty, and for discharging the obligations with respect to Cuba imposed by the treaty of Paris on the United States, now to be assumed and undertaken by the government of Cuba.*

The USA has always expressed desire to possess Cuba; from the philosophy of *Manifest Destiny*, to the imposition of the *Platt Amendment*, it has seen the Caribbean island as a natural extension of its realm of jurisdiction. Pérez (1998:3) reminds us that,

Americans began to contemplate Cuba very early in that [the nineteenth] century, mostly in the form of musings on possession. Some of these concerns were related to regional interests. The northeastern states prized the privileged access to Caribbean tropical agricultural products that Cuba promised in seemingly unlimited quantities at consistently low costs. Southern states wistfully contemplated the annexation of Cuba as a valuable addition to the political strength of the slaveholding South.

Furthermore, annexation of Cuba was pursued as an official policy by the fifteenth President of the USA, James Buchanan, in a response to European interest.

French and English aspirations for the possession of Cuba, highly desirable from the point of view of naval strategy as well as for its economic resources, were restrained largely by the Monroe Doctrine. The attitude of the United States toward Cuba gave the Spanish Government greatest concern. [...] The conservative administration of President John Quincy Adams rejected overtures to support a Cuban insurrection; but as expansionist sentiment in the United States became identified with the slavery cause, leading Democratic politicians, supported by a great body of popular opinion in the northern states, openly proclaimed the annexation of Cuba as inevitable. [...] President Buchanan was publicly committed to annexation [of Cuba] (Suzzallo, 1949:350).

Annexationists have a long history in Cuba and was even favoured by Narciso Lopez, who first hoisted the Cuban flag in 1848 as part of an anti-colonial movement (Goldenberg, 1965:99). Chomsky (2000:461) sums up the state of affairs for Cuba as it emerged from colonial administration.

In the early twentieth century Cuba was only just emerging from colonial rule, so that incorporation into the U.S. economic sphere occurred on the heels of

independence, instead of decades later, as elsewhere in Latin America. In addition, economic domination was much more complete in Cuba than elsewhere in Latin America, and it occurred in the context of military occupation followed by virtually complete political domination.

This historical context of colonisation, insurgency, and annexation must be borne in mind while looking at the history of the evolution of the blockade as a policy and at the blockade in a contemporary context.

Hillyard (1998:16) explains that the trade blockade, instituted after Fidel Castro's rise to power in Cuba, did not follow hot on the heels of General Fulgencio Batista Zaldívar's fleeing the Presidential Palace on the first of January, but rather took time to develop.

Following the overthrow of the Batista regime, the United States recognised the government of Fidel Castro on 7 January 1959. In 1960, the US State Department advised US oil firms operating in Cuba to stop refining oil purchased from the USSR. The oil refineries in Cuba were then nationalised.

The current and long-standing animosity that characterises USA-Cuban relations is in large part, and this may be a gross understatement, due to the nationalisation of previously foreign-owned industry in Cuba. Hillyard says (*ibid*) that "all US property in Cuba, valued at around \$1 billion, was expropriated without compensation." Nationals of countries other than the USA have negotiated settlement and compensation for the patriated properties, however, never has the USA accepted compensation. As Smith argues (2003),

When it took the properties in 1959 and 1960, it put forward a compensation scheme - which was rejected by the United States as insufficient. But beginning in 1977, when direct communications between the two governments were resumed, Cuba has periodically reiterated its willingness to sit down with the U.S. government to negotiate a compensation agreement. The United States, however, has never responded positively (probably because it feared that would

be interpreted as a move toward normalization). Even so, the fact that Cuba was prepared to compensate U.S. owners - and that the United States never explored the possibility of negotiations - undercuts the argument that even the U.S. properties were taken illegally. Compensation must still be paid, but this is not a case of robbery.

The fact that the issues of property rights have remained unresolved for several decades only exacerbates the tensions between the two countries and is one of the major bones of contention.

Although it is often not considered the commencement of the blockade, Dr. María de los Ángeles de Varona Hernández cites the first motion towards economic isolation as being the sixth of July 1960, when US American president Dwight Eisenhower reduced the sugar quota to be imported from Cuba (1998:145). “A month later, Frederick Nolting, counsellor of the American NATO delegation, formally requested "political, economic and moral support" from member countries for American policy toward Cuba” (Morley, 1984:27). The fourth of September 1961 saw the passing in the US American Congress of the *Foreign Assistance Act of 1961*, which is the legal foundation for the trade blockade. It states in section 620 (Committee on International Relations, 2003):

No assistance shall be furnished under this Act to the present government of Cuba [; nor shall any such assistance be furnished to any country which furnishes assistance to the present government of Cuba unless the President determines that such assistance is in the national interest of the United States,]<sup>7</sup> As an additional means of implementing and carrying into effect the policy of the preceding sentence, the President is authorized to establish and maintain a total embargo upon all trade between the United States and Cuba.

Several other measures were put into effect such as amending the *Foreign Assistance Act* “to shut off transportation links with Cuba” by February 14<sup>th</sup>, 1964 (Morley, 1987:226).

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<sup>7</sup> Text appearing in square brackets was struck out by sec. 123(a)(1) of the International Development and Food Assistance Act of 1977 (Public Law 95–88; 91 Stat. 541)

The widely accepted initiation of the blockade was February 3, 1962, when US American president John F. Kennedy announced the provisions of *Proclamation 3447* (1962).

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, acting under the authority of section 620(a) of the Foreign Assistance Act of 1961 (75 Stat. 445), as amended, do

1. Hereby proclaim an embargo upon trade between the United States and Cuba in accordance with paragraphs 2 and 3 of this proclamation.

2. Hereby prohibit, effective 12:01 A.M., Eastern Standard Time, February 7, 1962, the importation into the United States of all goods of Cuban origin and all goods imported from or through Cuba; and I hereby authorize and direct the Secretary of the Treasury to carry out such prohibition, to make such exceptions thereto, by license or otherwise, as he determines to be consistent with the effective operation of the embargo hereby proclaimed, and to promulgate such rules and regulations as may be necessary to perform such functions.

3. AND FURTHER, I do hereby direct the Secretary of Commerce, under the provisions of the Export Control Act of 1949, as amended (50 U.S.C. App. 2021-2032), to continue to carry out the prohibition of all exports from the United States to Cuba, and I hereby authorize him, under that Act, to continue, make, modify, or revoke exceptions from such prohibition.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this third day of February, in the year of our Lord nineteen hundred and sixty-two, and of the Independence of the United States of America the one hundred and eighty-sixth.

This was done in response to the resolutions passed at the Eighth meeting of Consultation of Ministers of Foreign Affairs of the Organization of American States (OAS) in Punta del Este, Uruguay, which stated that “the present government of Cuba ... is incompatible with the principles and objectives of the inter-American system” which was seen as giving legal authorisation to impose the blockade, superseding the prohibition of economic sanctions contained in the Charter of the OAS, articles 19 and 20 (Lowenfeld, 1996:420). According to an informational document issued by the US American Treasury Department's Office of Foreign Assets Control (2004), the trade blockade came into full effect when,

The Cuban Assets Control Regulations, 31 CFR Part 515 (the “Regulations”) were issued by the U.S. Government on 8 July 1963 under the Trading With the Enemy Act in response to certain hostile actions by the Cuban government. They are still in force today and affect all U.S. citizens and permanent residents wherever they are located, all people and organizations physically in the United States, and all branches and subsidiaries of U.S. organizations throughout the world.

According to Carlos Méndez Tovar, the blockade did not really come into effect until almost a year later. He writes (1997:82), “In practise, the economic blockade began on May 14, 1964, when the White House officially prohibited the sale of any U.S. food supplies to Cuba.”

Schwartzman (2001:120) takes an alternative stance on the beginning of the blockade by pointing out that due to a favourable relationship with the socialist camp, the economic effects of the blockade were not so apparent.

Some sanction advocates argue that the economic boycott of Cuba really dates from the 1991 economic and political collapse of the Council of Mutual Economic Assistance (CMEA). This trade bloc of the Soviet Union and the centrally planned economies in its orbit offered aid and markets that no single country could offset.

This marks the beginning of the so-called *special period* in Cuba. Ariel Terrero (2008) suggests that the herald of the end of the *special period* will be “lower prices, a re-valued national currency, and more solid salaries<sup>8</sup>.” The *período especial en tiempo de paz*, beginning in 1991, will not be over until the blockade against Cuba is rescinded.

The ground work for the blockade that was established in the nineteen-sixties was later tightened in the early nineteen-nineties after the fall of the Soviet Union with the *Cuban Democracy Act of 1992*, which is known as the Torricelli Act, named for Democratic

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<sup>8</sup> “... *precios más bajos, una moneda nacional revalorizada y salarios más sólidos.*”

Senator Robert Guy Torricelli of New Jersey, and with the *Cuban Liberty and Democratic Solidarity (Libertad) Act of 1996*, more commonly referred to as the Helms-Burton Act, named after its proponents Republican Senator Jesse Helms of North Carolina, and Republican Representative Dan Burton of Indiana<sup>9</sup>. One of the noteworthy aspects of the Helms-Burton Act (although not its most infamous, that being Title III: Protection of Property Rights of United States Nationals) is that in Sections 201 and 205, it spells out a definition of a “Transition Government” in Cuba and outlines US American policy towards a transition in government in Cuba. Domínguez (1997:48) points out that this is a blatant disrespect of national sovereignty:

Even if one were to agree that TV Marti should be seen and heard in Cuba, that those who lost their citizenship should regain it, that market economics works best, that Fidel and Raul Castro's services are not needed in a future Cuban government, and that property should be returned or compensated, all of these desiderata go well beyond any internationally recognized criteria for the determination of democratic or transitional democratizing governments under the charters of the United Nations or the Organization of American States. Mandating them in US legislation as defining characteristics of a democratic or transitional Cuban government makes a mockery of the pledge to respect Cuban sovereignty.

The Act (1996) states in certain terms that the purpose of the legislation is to “To seek international sanctions against the Castro government in Cuba, to plan for support of a transition government leading to a democratically elected government in Cuba, and for other purposes.”

In a nutshell, quoting Scanlan and Loescher (1983:117),

Violent subversion dates back at least to the fall of 1959, when the Central Intelligence Agency (CIA) was first implicated in bringing Cuban

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<sup>9</sup> For an overview of the political climate surrounding the inception of the Helms-Burton Act, see *The U.S.-Cuba Imbroglia: Anatomy of a Crisis* (Smith, 1996); also *Congress and Cuba: The Helms-Burton Act* (Lowenfeld, 1996); *U.S.-Cuban Relations: From the Cold War to the Colder War* (Domínguez, 1997).



counterrevolutionaries to the United States. Economic deprivation was first pursued in July 1960, when President Eisenhower drastically reduced the Cuban sugar quota. Diplomatic isolation began when the United States, after considerable provocation by Castro, closed its embassy in Havana on 3 January 1961. Attempts to discredit the Castro regime ideologically began even before Cuba normalized its relations with the Soviet Union in May 1960, and intensified after the unsuccessful Bay of Pigs<sup>10</sup> invasion in April 1961. Although President Kennedy, in his exchange of letters with Khrushchev ending the 1962 Cuban missile crisis, disavowed any intention of directly intervening militarily in Cuba, covert CIA activities aimed at Cuba continued, as did attempts to pressure all Organization of American States members to break off diplomatic relations with Cuba and to extend the U.S.-initiated boycott of all Cuban commerce to other countries in and outside of the Western Hemisphere.

As the evidence testifies, the blockade against Cuba was never implemented in one fell swoop, but is rather the result of series of events and an evolution of policy.

The sanctions imposed on Cuba by the aforementioned laws legislated by the US American congress have had their impact. The most obvious effects of the trade blockade have been adverse economic conditions in Cuba<sup>11</sup>. There have also been dramatic social consequences of the US American policies vis-à-vis Cuba<sup>12</sup>. What some previous analyses seem to have underestimated is the importance of the social consequences of the blockade as a hindrance to peacebuilding in the region.

The current situation has the largest island of the Greater Antilles basically isolated from its largest and most natural hemispheric partner. The citizens of the USA, through the policies of their government, have only very limited contact with Cuba. The closest and most economically robust trading partner for Cuba has its doors closed. Despite efforts to the contrary, Cuba does have relationships with many other nation states in the region,

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<sup>10</sup> See Johnson (1964); or CIA documents in Kornbluh (1998).

<sup>11</sup> See, for example, Morley (1984); .

<sup>12</sup> Sheryl L. Lutjens catalogued many of the ill effects of US American travel restrictions on educational and academic exchanges since 2004 (2006:58-80).

such as the Bolivarian Republic of Venezuela, Nicaragua, Jamaica, Mexico, and Canada so a few examples are given. However, the far-reaching effects of US American legislation such as the Helms-Burton Act have an intimidating effect on nationals and governments of other countries fearing financial, legal, and diplomatic repercussions as a result of doing business with Cuba. Cuba has been ideologically separated from its neighbours and its natural regional trading partners and allies have been scared into reluctant relationships by a superpower asserting its influence in its backyard Caribbean swimming pool.

The trade blockade has divided a nation. The Cuban people is divided into two main camps: islanders and exiles; the nationals and the diaspora; communists and capitalists. The Cuban people is split down the middle over an issue of ideology with the trade blockade as the separating barb-wire fence between them. Families are divided with members living on the island of Cuba and abroad, most commonly in Miami, where both sides have little opportunity to visit one another and face great obstacles in order to realise any travel plans. Currently, as Wayne S. Smith summarises, (Lemkau; Strug, 2007:iii), Cuban Americans are permitted no more than two weeks once every three years for familiar visits and are restricted to spending no more than 50 USD per day by the Office of Foreign Assets Control (OFAC)<sup>13</sup> to which they must submit a written application (2007:1). This familiar separation is exacerbated by the blockade as it limits contact between the two principle factions of the Cuban nation and thus limits any opportunity towards their reconciliation that eventually must occur to ensure peaceful relations in the region. Smith summed it up very well when he wrote (2007:iii), “Cuban families tend to be extremely close—even if physically divided by the Straits of Florida.”

The trade blockade on Cuba imposed by the government of the USA is the single biggest hindrance to the reconciliation of the differences between Cuban Americans and Antillean Cubans. If the trade blockade were to be abolished as a policy and the legislation enforcing it were to be repealed, there would be much greater chances and

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<sup>13</sup> For precise information on the application process, refer to the OFAC website on Cuba sanctions where there is a link to *Cuba Family Visit Transaction Guidelines* (OFAC).  
[http://www.treas.gov/offices/enforcement/ofac/programs/cuba/forms/req\\_eng\\_guide.pdf](http://www.treas.gov/offices/enforcement/ofac/programs/cuba/forms/req_eng_guide.pdf)

more opportunities that the divided Cuban nation might find some common ground on which to reunite and to collectively decide the future of the largest of the West Indies. It is an assumption of this monograph that more progress towards mutual understanding and reconciliation can be made through contact than through an attempted isolationist policy. If the USA wants to affect change in the policies of the Cuban government, it would be more effectively done by through opening trade than by a policy of isolationism, which has not worked in the nearly half a century that it has been in place. Therefore, it seems imperative that this policy on the part of the US American regime be reassessed, re-evaluated, and tossed by the wayside. The remainder of this essay will address other reasons suggesting why the trade blockade on Cuba should be abolished.

## 1.2 Motivation

There are three main reasons that are motivational factors for inquiry in the subject of Cuba and the trade blockade. Firstly, it is due to my personal involvement with Cuba and the Cuban people. Secondly, and perhaps as a consequence of the first reason, the subject of Cuban politics is an area of interest of mine. Thirdly, the issue of the blockade on Cuba and the state of the socialist system is an issue that is both current and dynamic. The actions that are taken in the near future by both sides, by the US American government and by the Castro administration, will very likely have determining effects on the future paths concerning the relationship of both countries. I want to know more about the tenuous relations between the USA and Cuba and therefore, I am inspired to investigate the situation to be able to envision what may be the future state of affairs.

My involvement with Cuba began because of personal experience. I participated in a youth exchange programme between a Canadian organisation entitled Canada World Youth/Jeunesse Canada Monde and the Cuban Ministry of Education from September 2000 until April 2001. I participated in a group of twenty individuals, ten Canadian, ten Cuban, for the entire time and lived and worked with a Cuban counterpart. The programme was divided into two phases with our group, including my counterpart and

myself, spending just over three months in a host community in Canada and then later in Cuba, studying sustainable development, community development, and pedagogical methods. It was an extremely intimate experience of living amongst Cubans, both in Canada and Cuba, and in the end leaving with friends and a host-family in Cuba. The experiences I had at this time have led me to believe that the trade blockade causes undue hardship to the Cuban people and is no longer a justifiable sanction. For these reasons, I have been interested in assessing the potential for lifting this blockade.

Cuba and the politics of Cuba are an area of great interest to me. As a direct consequence of my initial experience as an exchange student, I pursued this nascent interest. However, being a participant in an international student exchange programme does not necessarily guarantee any interest in the country of destination. Nevertheless, it does lay the groundwork and present the possibility for further interest. Since then, I have revisited Cuba and the relations that I had established on three other occasions. Many changes have I witnessed since my first encounter with Cuba, which has been instrumental in kindling the fires of my interest. I am thus interested in analysing what further changes will occur in Cuba and for what reasons.

Personal experiences have are at the core of my motivations for this research. During my most recent visit to Cuba in December 2007 in an attempt to gather sources for this paper, I came face to face with the extra-territorial effects of the trade blockade. Upon a previous voyage to Cuba in March of 2007, I was able to access funds by using my credit card issued by a small local bank in Canada, my country of origin, however, this time, I was denied access to my credit. On May 30<sup>th</sup>, 2007 CUETS (Credit Union Electronic Transaction Services), the credit card service provider of my credit union, was acquired by MBNA Canada Bank, a subsidiary of Bank of America Corporation (PRNewswire, 2007). Bank of America Corporation, being a US American company and subject to the laws thereof, did not do business with Cuba. Me, a Canadian citizen, travelling on a Canadian passport, and with a valid credit card issued by a Canadian bank, doing nothing that was illegal, I was prevented from doing business with Cuba by US American law and by the outsourcing of banking services to a larger service provider. It was especially at

that moment that I wanted to know more about the trade blockade on Cuba, the extent of the reach of its effects, and argue for its repeal.

Finally, this area is of great interest because it is a current issue and is changing constantly. During the course of the period of research for this essay, whose initial stages began in September 2007, many events of note pertaining to this very subject have taken place. On October 30, 2007 the UN website reported, “The General Assembly today voted overwhelmingly in favour of ending the 45-year-old United States trade embargo against Cuba, marking the sixteenth year in a row that the 192-Member body has urged the lifting of the stiff sanctions imposed on the Caribbean island in 1962” (UN, 30/10/2007). On November 22, 2007 the Icelandic daily newspaper *Morgunblaðið* reported on its website that known Cuban political activist Osvaldo Payá had formed the “Citizen’s Committee for Reconciliation and Dialogue” and he was quoted as saying that “the nation has never before been as conscious that change is nigh and that Cuba must change” (*Morgunblaðið*, 22/11/2007). *The Economist* reported that, “After two years of negotiations, plans are moving forward for Dubai Ports World, a partly state-owned company in the United Arab Emirates, to invest \$250m in converting the decrepit port in Mariel, just west of Havana, into a modern container facility” in order to better access the US American market; a sign that a post-blockade world is already being envisioned (*The Economist*, 22/11/2007). Angela Balakrishnan and Mark Tran reported for the British periodical *The Guardian* that on the 19<sup>th</sup> of February 2008, President of the Republic Fidel Castro Ruz officially resigned as president (Balakrishnan, 2008) and the BBC reported that Cuba’s National Assembly appointed Mr. Castro’s younger brother Raúl as president on the 25<sup>th</sup> of February (BBC, 25/2/2008). On Monday March 31, 2008 the BBC reported on its website that “Cubans would be allowed to stay in hotels across the island from midnight on Monday (0400 GMT Tuesday [31.03.08])” and that the sale of computers, microwaves, DVD players, and cellular phones would be open to the public (BBC, 31/3/2008). On June 12, 2008 the BBC reported on its website that Cuba was to abandon salary equality, which was to be a “fundamental challenge to Marxist economic orthodoxy” (BBC, 12/6/2008).

The suspense of what the next move will be is very interesting. The impact of all these recent changes remains to be seen and needs to be assessed. It is a subject that is evolving on a daily basis and is one of the frontlines of political change in the Americas.

### 1.3 Justification

Cuba has been an attractive object of academic inquiry for over a century. Volumes upon volumes have been penned on the Spanish-American War, the Cuban Revolution, the embargo, the Cuban missile crisis, and many biographies of Fidel Castro have been composed. Despite the tomes written on the subject, this paper attempts to carve out a niche for itself in primarily three ways. As was summarised in section 1.2, the issue is current and dynamic and is constantly changing and evolving. In effect, Cuba seems to be poised on the cusp of a new era, and the future consequences of recent events merit investigation. Secondly, especially with the fall of the Soviet Bloc in the early nineties and Fidel Castro's recent retirement, many of the assumptions of the advent of the fall of Cuban communism have been surpassed; yet, a socialist system prevails on the Caribbean island. Finally, although everything may have been said before, this compilation and arrangement of the existing literature will doubtlessly be distinct and unique in its presentation and nature.

### 1.4 Terminology

In order to write about any topic, it is essential to identify the vocabulary to be used. There is always a certain terminology and jargon in any sector and these terms need to be clarified to ensure that all readers have equal epistemic access to the information that has been woven into the text. Two explanations will be made to delineate key terms that will be used throughout this essay. One is to describe the US American foreign policy vis-à-vis Cuba and the other will look at 'reconciliation' as a concept.

I have chosen to use the term ‘blockade’ or ‘trade blockade’ throughout this paper. Also, ‘economic blockade’ could be used as equally interchangeably as the previous two. This is primarily a reflection of the term most commonly used in the Castilian language spoken in Cuba in reference to the discussed phenomenon: ‘el bloqueo’. Nonetheless, the term ‘embargo’ appears in several instances in this text, both in original writings as well as in citations composed by other authors. For the purposes of this essay, they should be considered as synonymous and completely interchangeable. However, ‘blockade’ and ‘embargo’ are, semantically seen, not synonymous and to better understand the reasons for the choice of usage, working definitions of the two legal terms must be presented and contrasted.

The foreign policy of the USA towards Cuba has been called by other names as well. Especially in the Cuban media, it has been widely referred to as an economic war and an attempted genocide. For example, in a speech delivered on the twenty-eighth of April 2001, the Commander in Chief, Fidel Castro said, “Cuba has suffered an economic war for more than 42 years, and horrible crimes and acts of genocide have been committed against her<sup>14</sup>” (Castro, 2001). Ricardo Alarcón de Quesada, president of the Cuban National Assembly, said during a legislative session on December 28<sup>th</sup>, 2007 that the blockade “is the longest genocide in history. Three generations of Cubans have suffered it and continue to suffer it<sup>15</sup>” (Alarcón, 2007). The Cuban ambassador to the Kingdom of Spain, Alberto Velazco San José, put it more bluntly when at a 2007 press conference (Nova, 2007) he reportedly said, “the blockade on Cuba is genocide.” To argue the case of whether the blockade on Cuba constitutes genocide as defined under international law is not the issue at debate. Whether it is or is not, I have chosen to use neither the term ‘economic war’ nor ‘genocide’ with reference to the blockade on Cuba. Both designations are highly antagonistic rhetorical devices used expressly for the purpose of demonizing the government of the USA and its policies towards the Caribbean island. I

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<sup>14</sup> “Cuba ha sufrido una guerra económica que dura ya más de 42 años, y contra ella se han cometido graves crímenes y actos de genocidio, como es el bloqueo de alimentos y medicinas ...”

<sup>15</sup> “Es el genocidio más prolongado de la historia. Tres generaciones de cubanas y cubanos lo han sufrido y lo sufren.”

deem them to be too value-laden and inflammatory for use in this paper outside of direct quotations for expository purposes.

*Black's Law Dictionary* (2000:425-426) gives five definitions under the entry 'embargo'. Although all five definitions have bearing on the case at hand, only one of them is particularly relevant. The third definition reads: "The unilateral or collective restrictions on the import or export of goods, materials, capital, or services into or from a specific country or group of countries for political or security reasons. [...] — Also termed *trade embargo*." Contrarily, the *Diccionario de Ciencias Juridicas, Politicas y Sociales* (1982:279) only gives a strictly maritime definition of the term 'embargo': "the measure that a State adopts —due to hostilities, in aggression or retaliation— to detain the ships anchored in its ports that belong to another State and, by such means, impede their departure."<sup>16</sup> The former source provides a straightforward and militarily strategic definition of a 'blockade' (2000:133): "A belligerent's prevention of access to or egress from an enemy's ports by stationing ships or squadrons in such a position that they can intercept vessels attempting to enter or leave those ports." The latter dictionary's definition (1982:89) is even more simplistic: "Interruption, maintained by naval force, of maritime traffic from an enemy coast ..."<sup>17</sup> All of the definitions given above include aspects of prohibition of trade and the detention of maritime traffic.

The trouble with the definitions is that the reality is neither a blockade nor an embargo in the strict sense of their definitions. The action was at one time a 'blockade', but never in name. As Graham Allison wrote, "What determined the context in which American leaders came to choose the blockade was the discovery of missiles on October 14" when "photographs of Soviet missile sites in Cuba [were] taken" by a U-2 spy plane (1999:433). A week later, a decision on a course of action was made. As Allison summarises (*ibid*), the first 'blockade' was announced,

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<sup>16</sup> "... la medida que adopta un Estado —por causa de hostilidades, guerra o represalias— secuestrando las naves ancladas en sus puertos y pertenecientes a otro Estado, impidiéndoles de ese modo la salida."

<sup>17</sup> "Interrupción, mantenida por fuerzas navales, del tráfico maritime de una costa enemiga (de un puerto, de otra plaza, de la embocadura de un río, de todo un litoral) con los países neutrals."



At 7:00 P.M. on October 22, 1962, President Kennedy disclosed the American discovery of the presence of Soviet strategic missiles in Cuba, declared a “strict quarantine on all offensive military equipment under shipment to Cuba,” and demanded that “Chairman Khrushchev halt and eliminate this clandestine, reckless, and provocative threat to world peace.”<sup>18</sup>

The quarantine action mentioned by President Kennedy, which was in fact a naval blockade, as Allison describes, was “euphemistically named a quarantine in order to circumvent the niceties of international law,” (1999:421) since, if called a ‘blockade’, the action “might be held illegal, in violation of the U.N. charter and international law, unless the United States could obtain a two-thirds vote in the OAS” (1999:424). The US American Cuba policy also fits rather nicely with *Black’s* definition of ‘embargo’ cited above, as it is a unilateral restriction on the import and export of goods, materials, capital, and services into or from a specific country for political reasons. However, the trade blockade extends further than those stated parameters.

The US American stance on the issue of Cuba is no longer a blockade in the strictest sense of the term since US American warships do not physically detain ships entering or leaving ports as they did during the Cuban Missile Crisis<sup>19</sup>. Nonetheless, Cuban vessels are prohibited from mooring in US American ports, third-party ships are denied access to US American ports for 180 days after visiting a Cuban port, and US American vessels are denied entry if they are “carrying goods or passengers to or from Cuba or carrying goods in which Cuba or a Cuban national has any interest,” (OFAC). However, neither is it strictly an embargo as the policy includes restricted travel to Cuba and has extraterritorial effects such as the Helms-Burton Act, which makes it possible for foreign companies to be sued in US American courts for doing business with Cuba. An embargo is a legal term for sanctions and trade restrictions imposed on a given territory under the blessings of international law. The use of such a term in this essay would only further legitimise the

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<sup>18</sup> U.S. Department of State, *Bulletin*, XLVII, pp. 715-720. Cited in Allison (1999:433).

<sup>19</sup> For more detailed and “behind-the-scenes” information on the Cuban Missile Crisis, see, among others, Fursenko and Naftali (1997); or Brugioni (1991).

US American position towards Cuba, for which it is one of the stated purposes of this essay to demonstrate that the international community strongly refutes. A blockade, a show of force impeding travel through a port with military might, is an act of war and the US American policy vis-à-vis Cuba is therefore an aggressive act in Castro's "economic war" on Cuba. Finally, as was alluded to earlier, the strongest motivation for the choice of the word 'blockade' in this work to describe the US American Cuba policy is a gesture of solidarity with the Cuban situation: 'el bloqueo'.

The second term that requires further explanation is 'reconciliation'. It is often thrown around in relation to conflict situations but its precise meaning may be ambiguous. Holly Ackerman makes a brief analysis of the concept of 'reconciliation' and its implications in the Cuban context (1999:342-345). She outlines six types of reconciliation and stresses their relevance in the Cuban situation. Firstly, there is *reconciliation as an event*, when "divided factions literally meet and sit together for the first time in a effort to begin an exchange of views and initiate a process of accommodation on past differences" (1999:342). Secondly, there is *reconciliation as the dissolution of conflicting identities*, meaning the identification and elimination of "isms" such as racial or ethnic superiority and religious prejudice. Thirdly, there is *reconciliation as mutual coexistence among distinct groups*. Ackerman further describes this approach by adding (1999:343),

The accommodation to be made through reconciliation is not one of compensation to fellow human beings who have been misjudged as less than equal but of building tolerance among peoples who inevitably have distinct traditions, cultures and histories. The process of reconciliation involves building respect for difference, communicating across differences and celebrating unique ways of being. Proponents of this model see themselves as brokers or facilitators who promote tolerance and appreciation of diversity.

The next type of reconciliation is *reconciliation as individual, moral evolution*, advocating personal repentance and atonement. The penultimate type in Ackerman's list is *reconciliation as rule of law via effective guarantees of human rights*, "focusing on establishing the truth of past human rights violations and then installing a more effective

rule of law to protect the restored balance” (*ibid*). Finally, there is *reconciliation as community building*, through recognition of interdependence. Unfortunately, it is difficult to limit the usage of the word in this essay and it should be borne in mind that ‘reconciliation’ could refer to any or several of the preceding theories on types of reconciliation.

### 1.5 Chapter Résumé

Chapter one gave the historical context of the USA’s relationship with Cuba and set the stage for the paper. Chapter two will look briefly at the methodology. Chapter three discusses the failure of sanctions. Chapter four looks at the ethical dimension of sanctions. Chapter five lists the international support for lifting the blockade. Chapter six addresses the state of Cuba in the post-Cold war context. Chapter seven discusses the assumption that change in Cuba can be better achieved through engagement than punishment. Chapter eight considers the controversial Helms-Burton Act. Chapter nine lists some recommendations and chapter ten is a brief concluding comment. By the end, it is shown that an embargo is not the way to go.

## 2. Methodology

This paper is a bibliographical research that describes and analyzes the historical evolution of a decision making process in foreign policy. A brief history of the expansion of the blockade has been presented in section 1.1 of the introduction. It has been a guiding light of this research that the blockade should be lifted. The policy of the blockade will consequently be analysed from the viewpoint of three main themes. The perspectives of the global perception of the policy towards Cuba, the failure of the policy to achieve its mandated goals, and the blockade as an impediment to peace will be considered as common threads throughout the essay. These perspectives will be used in concert to demonstrate that the US American policy is anachronistic, absurd, and irrational.

A further look at the methodology involved in this research will take place in three parts. First, we will look at the objectives that are guiding the purpose of this essay. Next, the underlying assumptions will be listed and analysed. The final section of the chapter will take a brief look at what should be done in light of the previous information.

### 2.1 Purpose

The purpose of this research is essentially four-fold. The first objective, which is an assumption of this paper and will be discussed further in chapter three, is to show that the trade blockade has failed. It will also show that a trade blockade is therefore ineffective as a tool to implement political change. It is the purpose of this essay to show that the policies of the trade blockade are not in accordance with international law, which will be addressed in chapter eight. Finally, this essay will show that there is enormous support, both in the USA and around the world, to lift the blockade.

## 2.2 Assumptions

The material of this investigation rests on an undercarriage of five assumptions. It assumes, first and foremost, that the purpose of the US American policy towards Cuba is to end communism in Cuba. Secondly, and importantly, it assumes that the blockade has already failed in that objective. Consequently, it assumes that the very existence of a socialist government in Cuba proves that the blockade is ineffective. Finally, it is assumed that an open policy would have more effect on Cuba than the current isolationist policy.

There is little doubt that the intention of the trade restrictions and eventual blockade was to end communism in Cuba, overthrow the Castro government, and cut off funds that would be used to pursue Cuba's ambitious foreign policy which was often described as "international adventurism." "On February 2[sic]<sup>20</sup>, when then President John F. Kennedy issued Proclamation 3447, decreeing a total economic blockade, he did so with the express objective of starving the Cuban people and forcing the collapse of the Revolution" (Díaz, 1994, as cited in Méndez 1997). Hufbauer (*et al.*) (2007:22) lists the goals of the USA as being threefold: 1) Settle expropriation claims, 2) Destabilize Castro government, 3) Discourage Cuba from foreign military adventures. A secondary but complementary objective of the blockade, in a similar vein to Hufbauer's third point, is to limit the resources available to the Cuban government, in the interest of US American national security. As Treasury Secretary John Snow expressed (Snow, 2004):

We must not and we cannot have American dollars lining Fidel Castro's pockets and those who would perpetuate his oppressive regime . . . and enforcement actions by the Department of the Treasury, along with the Department of Homeland Security (DHS), are making sure that does not happen.

However, since its inception, the policy towards Cuba has morphed from an effort to curb the Cold War threat of Communism at the doorstep of the USA to a personal vendetta

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<sup>20</sup> Other official sources list date as the third of February (see pp. 5-6).

against Fidel Castro, to which Secretary Snow's comments bear testament. Moreover, it is also seen as a complete rejection of a distinct Cuban way of doing things as was expressed by Ricardo Alarcón in a 1997 interview (2002:71):

When the Yankees insist on [representative democracy], it is not because they want to extend the benefits of their system, what they want is to make the possibility of a political alternative disappear, that of an alternative political system that is search for, developing, inventing, and creating new ways to resolve a universal problem [i.e. the improvement of democracy].<sup>21</sup>

Morley (1984:28) mentions, in a slightly less antagonistic manner, that the purpose of the blockade is “[...] to render the Cuban development project unattractive as an economic model for the Third World and, optimally, to create economic dislocation, societal conflict, and the regime's disintegration.” In short, all of the objectives mentioned above are motivating factors for the blockade against Cuba whether they be explicitly acknowledged by the US American government or an implicit collateral effect of foreign policy.

The second assumption is that the blockade has already failed. The very existence of the Cuban state proves that. The threefold purpose of the blockade is essentially to oust the Castro government; to eliminate the antiquated, Cold War threat of socialism; and to settle expropriation disputes. None of that has occurred: a Castro is in power; a socialist economic system is in place; and the disputes over property have not been settled. Furthermore, the Soviet Union (and the Council for Mutual Economic Assistance (CMEA)) ceased to exist, and with it Cuba's major trading partner and ally. Nevertheless, the Cuban government and Cuban socialism continued, despite setbacks and a policy intent on destroying them. As Alarcón says (2002:69):

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<sup>21</sup> “*Cuando los yanquis insisten en ello no es porque ellos quieren extender los beneficios de su sistema, lo que quieren es hacer desaparecer la posibilidad de una alternativa política, de un sistema político alternativo que está buscando, desarrollando, inventando, creando formas para resolver un problema que es universal.*”

I don't take upon myself the errors, the deficiencies, or the failure of the European models. The fact that we are here, six years after that hecatomb took place [1997], shows that obviously there was something different, because, otherwise, we would have fallen like another card in a house of cards ...<sup>22</sup>

In other words, the fact that socialism in Cuba survived the loss of the Communist Bloc, the fact that it is still around goes to show that the decades long blockade against Cuba has failed in its objectives.

It is a final assumption of this paper that the USA, or any nation state for that matter, could far more effectively achieve its intentions of influencing a shift in Cuba away from Marxist-Leninist orthodoxy, not by blockading the island from US American citizens, but rather by engaging in interaction and cooperation with the Caribbean island nation. Wayne Smith wrote (2008), "If our goal is more openness in Cuba and more liberties for its citizens, then we should be encouraging all Americans, Cuban-Americans included, to travel to the island, not blocking them from doing so." It is believed that an open trade and travel policy with Cuba will not only have a greater effect in stimulating positive change but is essential in supporting the personal relationships, which are the bedrock on which international relationships are based. As Leuken and Strug write (2007:2),

Travel across the Florida Straits has helped Cuban-American families mend relationships between those who emigrated and those who stayed in Cuba, confront and grieve their losses, and strengthen their connections with the culture of origin. Contact fosters the reintegration of Cuban families which have been painfully divided and promotes the maintenance of the intergenerational relationships that are the essence of Cuban-American family life. When face-to-face contact is denied or the barriers to contact become too burdensome, family dislocations become permanent; and the web of care and reciprocity that

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<sup>22</sup> "Yo no asumo para mí los errores, las deficiencias, el fracaso de los modelos europeos. El hecho de que estemos aquí, seis años después de haberse producido aquella hecatombe, está mostrando que evidentemente había algo diferente, porque si no hubiéramos caído como una carta más del Castillo de naipes..."

strengthens relationships becomes frayed—to the detriment of family members in both the United States and Cuba.

Since 2004, the barriers to contact have become increasingly burdensome, as the authors worded it, and travel to Cuba has decreased among Cuban Americans, as Lutjens reported (2006:69)<sup>23</sup>, thereby reducing the amount of contact. Leuken and Strug (2007:3) write that the US American policies,

... block opportunities for face-to-face reconciliation among family members divided by geography and politics. And by narrowly and ethnocentrically defining “family” eligible for legal visitation, the U.S. government violates the concept of American family values, ignores how Cubans define their kin, and severely limits their ability to honor their relations and maintain family networks.

It will be essential to remove the blockade so that these processes of family strengthening can continue and flourish and fortify the ties that bind the USA and Cuba. Leuken and Strug go on to write (*ibid*), “Strong families are fundamental to a healthy society, and the proper role of government is to support families as they provide nurture and care across the life cycle and across generations.” Smith points out that an open policy was effective in fostering relationships with former Soviet Union states during the nineties (Smith, 1996).

... change was encouraged in Eastern Europe and the Soviet Union through reduced tensions and expanded contacts with the West: trade, academic and cultural exchanges and the opening up of travel in both directions. They ask why the United States does not try the same tactic with respect to Cuba, especially as what it has been doing for the past thirty-five years obviously hasn't worked?

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<sup>23</sup> "Student tip to Cuba rare as U.S. curbs travel" 2006 CNN, March 31.

<http://www.cnn.com/2006/WORLD/americas/03/31/cuba.students.ap/>

It should be noted that the *url* given in Lutjens (2006) was unavailable from CNN at the time of research. However, travel licenses to US American nationals for educational purposes were cut. This can be corroborated by Benzing (2005).

<http://www.allbusiness.com/government/business-regulations/851910-1.html>



Although the current Bush regime in Washington has continued to take a hard line towards Cuba, it may well be conceivable that relations may begin to thaw in the near future and the initial steps along that road have already been taken.

### 2.3 Analysis

The analysis conducted in this paper is to argue that the embargo on Cuba should be abolished and abandoned as a policy. The legislation that codifies the blockade needs to be repealed. This includes the Helms-Burton Act; the Torricelli Act; section 620(a)(22 U.S.C. 2370(a)) and section 620(f) (22 U.S.C. 2370(f))(by striking "Republic of Cuba") of the Foreign Assistance Act of 1961; and section 902(c) of the Food Security Act of 1985, as indicated in section 204(d) of the Helms-Burton Act. These steps need to be taken in order to achieve secondary goals that are barriers peace. It is imperative to allow free and unfettered travel of all US American nationals to Cuba and to allow ships to moor in Cuban and US American ports so that migratory links can be established. Diplomatic relations must be normalised between Cuba and the USA with the opening of embassies in Havana and Washington. The Cuban government should once again be allowed to fully participate in the OAS. Cuba should have complete access to the World Bank, the IMF, the Inter-American Development Bank, and world markets. Finally, it is necessary to negotiate to settle compensation issues over expropriation.

This research does not assume to examine the likelihood of such reforms taking place. The complications of US American domestic politics, electoral system, and power structures make it a daunting task to predict such actions. Nor would any such prediction hold much relevance as the outcome of the upcoming Presidential election in the USA remains to be seen but whose results will be known only days after publication of this paper. However, it should be pointed out that neither of the two presidential candidates shows much likelihood in changing the status quo with regards to the blockade.

## 2.4 Chapter Résumé

The intent of this chapter was to provide a synopsis of the methodology used in this research. The purpose of the essay was spelled out and explained; the blockade on Cuba should be lifted. The assumptions under which this research is working were consequently presented and described. Finally, an analysis of what should be done was put forward, and its limitations delineated.

### 3. Failure of Sanctions

The use of sanctions, especially as a mode of international coercion, is common and widespread. Hillyard writes (1998:17), citing the *Financial Times* (21 July 1998) that, “no less than two-thirds of the [world] population is covered by some form of US sanctions. These range from aid cutbacks and trade bans to crippling embargoes”. This chapter will address why countries use sanctions and reasons why they fail and it will demonstrate that the blockade has failed. A checklist of reasons why sanctions can be ineffective will be drawn up and it will be shown that the case of Cuba fills the four listed criteria.

Hufbauer *et al.* (2007:159) say that, “[...] the bald statement “sanctions never work” is demonstrably wrong. That said, there are several reasons why sanctions do not “work.”” Those reasons will be addressed in this chapter. They say that (*ibid*), “First, sanctions are of limited utility in achieving foreign political goals that depend on compelling the target country to take actions it stoutly resists.” Secondly, the stated objective of a particular sanction may unrealised, whereas the underlying objective is fulfilled (2007:160):

[...] we classify some sanctions as failing to produce a real change in the target’s behavior when their primary if unstated purpose—namely, demonstrating resolve at home, signalling disapproval abroad, or simple punishment—may have been fully realized.

They continue to say that the imposer of the sanctions may have conflicting interests: “Third, sanctions sometimes fail because sender countries have crosscutting interests and conflicting goals in their overall relations with the target country” (*ibid*). Hufbauer *et al.* point out that goals of sanctions are often unrealistic for the means (2007:162):

Policymakers often have inflated expectations of what sanctions can accomplish. This is especially true of the United States today and was true of the United Kingdom in an earlier era. At most there is a weak correlation between economic deprivation and political willingness to change. The *economic* impact of

sanctions may be pronounced, especially on the target, but other factors in the situation often overshadow the impact of sanctions in determining the *political* outcome.

Finally, it is said that when military ends are sought (*ibid*), “sanctions are seldom effective in impairing the military potential of an important power or in bringing about major changes in the policies of the target country.”

Hermann (1990:17) suggests that, before a failing policy can be changed, it must be recognised that the said policy is in fact not effective, and this may be difficult and a painful discovery.

If policy is to change, a critical step is the identification of a causal connection between the deepening problem and the existing policy. The policymakers must conclude that their government’s policy is either ineffective in dealing with the problem, making the problem worse, generating new problems of substantial concern, or costing much more than anticipated. Having committed themselves to the existing policy, government leaders may find it extremely difficult to perceive its flaws or failures.

This is very true in the case of the sanctions against Cuba. Schwartzman says it well in reference to Cuba (2001:140): “Change will come, but if comparative history offers a lesson, it will not be through economic sanctions.”

This chapter will first discuss why countries use sanctions. The rest of the chapter will be dedicated to demonstrating the failure of sanctions in the case of Cuba using criteria for failed sanctions that were discussed by Hufbauer *et al.* (2007). The criteria are that sanctions are inadequate to achieve their goals; they harden the target country’s resolve to resist; they cannot be imposed unilaterally; and, finally, that they alienate business interests. It will be shown that the case of the blockade fills these four specifications and, therefore, is a failed policy.

### 3.1 Why Countries Use Sanctions

The answer to the question of why countries use sanctions is ironically obvious: because they can. Hufbauer *et al.* write that (2007:5), “[...] in the main, big powers, especially the United States, have used sanctions precisely because they are big and can seek to influence events on a global scale.” This may be labelled an abuse of hegemonic power. “In most cases, the use of sanctions presupposes the sender country’s willingness to interfere in the decision making process of another sovereign government” (*ibid*), which is against the founding principle of the UN: sovereignty of nation states. Article 2.1 (chapter one) of the charter of the United Nations (1945) states: “The Organization is based on the principle of the sovereign equality of all its Members.” This concept of the respect of state sovereignty can be traced back to the treaties of Westphalia, to which, as Leo Gross wrote (1948:20), “is traditionally attributed the importance and dignity of being the first of several attempts to establish something resembling world unity on the basis of states exercising untrammelled sovereignty over certain territories and subordinated to no earthly authority.”

Super Powers, such as the USA, use sanctions because they can get away with it. They can coerce the international community with relative impunity. They can show gross double standards with respect to policy adherence. Hillyard indicates one of these double standards (1998:24):

... the United States, for its part, challenges the principle of extra-territorial application of foreign laws and trade embargoes. Indeed, the 1969 Export Administration Act contains a specific clause – the Foreign Anti-boycott Provision – which prohibits American companies from complying with foreign boycotts. In other words, the USA rejects the embargoes of other countries but insists that its own embargoes should be enforced.<sup>24</sup>

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<sup>24</sup> EP Report of the Committee on External Economic Relations on the embargo against Cuba and the Torricelli Act, A3-243/93/PART B, 29 July 1993. Quoted in Hillyard (1998:24).

These inconsistencies only further underscore the arrogance of the US American hegemony, its tendency towards unilateralism, and its blatant disregard for the sovereignty on which international processes are founded.

The obvious reasons of power politics aside, the motives of the sender country in the Cuban case can be summed up into three main categories. Firstly, it is to affect political change in another nation. Secondly, the actions on the part of the US American government are to gain domestic support from the influential Cuban-American hardliners. Thirdly, the USA intends to show resolve without resorting to the use of military might. All of these three purposes combine under a policy that is directed at usurping the sovereignty of another nation and interfering in its domestic affairs.

The first reason for which sanctions are used is deterrence. Sanctions are used to affect change in the policy of another nation. Consequently, they are also used as an example to deter other nations, possible deviants, from following the ill behaviour of the original target country. This is true in the case of Cuba. The purpose of the sanctions on Cuba is to change the behaviour of the Cuban government away from communism. In addition, the sanctions are a strong warning to other American states of the consequences of adopting a strong socialist model and are, as a result, a deterrence to discourage any potential leftist insurgencies.

Often sanctions are used, not necessarily to affect any change on the international stage, but to score political points back home. Hufbauer *et al.* (2007:6) say that, “High-profile sanctions may well serve important domestic political purposes that can overshadow efforts to change the behavior of foreign states.” They go on to say that (*ibid*):

The more recent cases of the US, European, and Japanese sanctions against China in the wake of the Tiananmen Square massacre, the Helms-Burton sanctions against Cuba, the Iran and Libya Sanctions Act, and sanctions imposed against Burma were principally designed to assuage domestic constituencies, to make moral and historical statements, and to send a warning to future offenders of the international order, whatever their effect on the immediate target country.

The blockade on Cuba has been more effective as a means to gain domestic support amongst Cuban-American radicals than to bring US American-style freedom and democracy to the island nation. Also, Sanctions may have the intention of preparing the public for more and further action, such as military involvement.

A major purpose of the use of sanctions is to demonstrate resolve without the use of direct force. Again, Hufbauer *et al.* (2007:5) aver that:

“Demonstration of resolve” has often been the driving force behind the imposition of sanctions. This is particularly true for the United States, which frequently has deployed sanctions to assert its leadership in world affairs. US presidents seemingly feel compelled to dramatize their opposition to foreign misdeeds, even when the likelihood of changing the target country’s behavior is remote.

This supports the assertion that the blockade against Cuba is a public and international demonstration of US American disapproval of the Cuban political and economic systems with neither having to resort to the vituperative option of military intervention, nor having any realistic chance of affecting policy in Cuba.

### 3.2 Inadequate Measure

One reason for the failure of sanctions is because the means of sanctions are insufficient to complete the job. Hufbauer *et al.* (2007:7) say that, “The sanctions imposed may be inadequate for the task. The goals may be too elusive; the means too gentle; or cooperation from other countries, when needed, too tepid.” These criticisms may be applied to the case of Cuba.

It has been argued that the blockade on Cuba and, more specifically, the Helms-Burton Act are, in effect, unlikely to work. Wayne Smith (1997) stresses that not only is it

unlikely that the Helms-Burton Act will achieve its objectives, but rather, it is not possible.

Opponents also pointed out that Helms-Burton suffered from an almost total disconnect between means and ends. The relatively minor degree by which it might increase Cuba's economic distress would certainly not induce Fidel Castro to resign and go live in exile, nor would it bring about so severe a crisis as to lead to an uprising or even a civil war. How then was Helms-Burton to produce a transitional government without Fidel Castro? The conference's answer to that was that it could not. It could not possibly achieve its central stated objective.

Smith has extensively argued that, although the policies of the US American government, such as the trade blockade and the Helms-Burton Act, will cause economic distress and uncertainty in Cuba, they are incapable of fulfilling the policy desires of the US American Congress. They are, therefore, inadequate measures, failed measures, and should be abolished.

Sanctions may also be inadequate in cases in which they are primarily pursuing a conflicting interest. Hufbauer *et al.* (2007:7) make reference to the case of sanctions against South Africa: "Kaempfer and Lowenberg (1989)<sup>25</sup> argue that the structure of trade restrictions against South Africa reflected protectionist pressure from interest groups rather than a strategy to maximize economic damage." Although there may not be a direct parallel, the case of the sanctions against Cuba is also catering to a special interest group, that being the Cuban diaspora in the USA. It is likely that the interests of placating the Cuban-American community and fanning the coals of an ideological fire take precedence in the decision making process over finding a policy that is truly effective in realising the goals of political change.

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<sup>25</sup> Kaempfer, William H., and Anton D. Lowenberg. 1989. Sanctioning South Africa: The Politics behind the Policies. *Cato Journal* 8, no. 3: 713-27. Quoted in Hufbauer *et al.* (2007:7)



Scanlan and Loescher (1983:124), in reference to a 1964 speech by George Ball, Under-Secretary of State under US American President Lyndon Johnson, present the argument that sanctions against Cuba would not cause a change in government in Cuba. However, Ball does state that economic sanctions could have other effects.

[...] Ball indicated that a “program of economic denial [was not] likely *by itself* to bring down the present Cuban regime.” Instead it could accomplish other, more limited purposes:

First, to reduce the will and ability of the present Cuban regime to export subversion and violence to other American states;

Second, to make plain to the people of Cuba and to elements of the power structure of the regime that the present regime cannot serve their interests;

Third, to demonstrate to the people of the American republics that communism has no future in the Western Hemisphere; and

Fourth, to increase the cost to the Soviet Union of maintaining a Communist outpost in the Western Hemisphere.<sup>26</sup>

Presently, forty-four years later, none of these four purposes holds much relevance any longer. Despite involvement in with the FMLN in El Salvador and with the Sandinistas in Nicaragua, the Cuban administration has not, in recent years, been involved with military escapades beyond its shores. Secondly, the political regime has remained in Cuba, virtually unchallenged. Thirdly, communism in the Western Hemisphere, although its future may be dubious, still continues in the example of Cuba. Finally, Cuba is no longer considered an outpost or satellite of the USSR. For 2009 and beyond, a new approach must be adopted.

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<sup>26</sup> George Ball, “Principles of Our Policy toward Cuba” (Speech before a Convention of the Omicron Delta Kappa Society, 23 Apr. 1964), *Department of State Bulletin*, 50(1298):741 (11 May 1964). Quoted in Scanlan and Loescher (1983:124).

### 3.3 Hardens Resolve to Resist

It is said about sanctions that they carry their own antidote; sanctions encourage the target population to fight back. Benito Mussolini said in 1935, in response to the actions of the League of Nations, “To sanctions of an economic character we will reply with our discipline, with our sobriety, and with our spirit of sacrifice.”<sup>27</sup> The Cuban nation has shown its mettle in its resolve to resist the blockade. Contrary to the blockade’s intentions it has increased support amongst the Cuban people for the Cuban government and has fed into a burning feeling of nationalism.

The blockade against Cuba touches on deeply rooted emotional nerves. The sense of cultural and political imperialism from the USA towards Cuba is a throw-back to a theme that is core to the Cuban psyche; from Spanish colonial exploitation, to the Spanish-American War, to US American neo-colonial status, to the label of being a Russian satellite, the Cuban nation has been in a perpetual struggle for autonomy. Any attempt to usurp that autonomy is met with nationalistic fervour, as Schwartzman (2001:131) illustrates.

The Cuban revolution is inextricably linked with a nationalism that continually revitalizes and legitimates the socialist regime. [...] Because the United States, the country that initiated the boycotts, is also the country that has most threatened the "nationalism" of Cuba, the nationalist ideology invigorates the revolutionary ideology. The Cuban nationalist anti-U.S. sentiment is deeply rooted in a history that dates from the 1898 occupation (Escandell and Bell Lara 1997, 18).<sup>28</sup> In the recent period, the 1961 attempted Bay of Pigs invasion by Cuban exiles, the U.S. blockade during the 1962 missile crisis, and related events, such as the 1965 U.S. invasion of the Dominican Republic and the 1983 invasion of Grenada, the rumored preparation for U.S. landings in Nicaragua precipitated by the November 1984 U.S. military exercises in neighboring Honduras and El Salvador

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<sup>27</sup> Quoted in Renwick (1981:18)

<sup>28</sup> Escandell, Clara Pulido, and Jose Bell Lara. 1997. *Visión desde Cuba*. Madrid: Sodepaz.

(Hiatt 1984, 1)<sup>29</sup>, and the 1997 arrest of Cuban exiles who plotted to kill Castro during a Latin American summit meeting in Venezuela, all lend credibility to the Cuban government's declarations that Cuba is a "besieged fortress." The nationalistic ideology that accompanies the socialist regime can be considered a buffer against the boycotts.

This sense of being constantly under attack bolsters public support of the Revolutionary Government. Domínguez (1989:24) surmises that, "In a broad strategic sense, U.S. policies toward Cuba have failed. U.S. punitive policies toward Cuba have not deterred the 'behavior' to which the United States has objected, and have often rallied Cubans to support their government." Especially the introduction of the Helms-Burton Act has reinforced revolutionary solidarity in Cuba, as Schwartzman outlines (2001:132).

The "special period" was the occasion for the Cuban government to raise a degree of consciousness among average citizens regarding "equality, justice, and solidarity" (Campbell 1997, 23).<sup>30</sup> Between October 1993 and May 1994, workers, unions, and assemblies discussed the crisis and its solutions. Those very same socialist structures that were the targets of the embargo helped to attenuate the crucial linkage between sanction-induced scarcity and social unrest that is assumed in the "ideal sanction model."

If nothing else, the greatest political advantage that the blockade has provided for the Cuban administration is a scapegoat for all the ills of Cuban life. Farrell (2005) pontificates on the subject of the blockade:

Yet the policy has failed miserably. Castro, who has ruled Cuba since 1959, remains in power at age 78. And the embargo has helped sustain his rule by allowing him to blame the U.S. for many of the island's self-inflicted wounds: The ordinary Cuban citizen has suffered, not benefited, from the U.S.'s stance.

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<sup>29</sup> Hiatt, Fred. 1984. *7 Exercises Going on as U.S. Continues Nicaragua Pressure*. Washington Post, November 14. Lexis-Nexis.

<sup>30</sup> Campbell, Al. 1997. Cuba Today and the Future of Cuban Socialism. *Monthly Review* 48, 11 (March): 21-31.

As evidenced here above, it seems verily that the US American policy pits the average Cuban against the USA rather than being in reverential rapture in the light cast from the beacon of freedom.

It is very likely that continuing the blockade and further tightening of the restrictions on trade will only further harden the will to resist the imperialist actions of the government of the USA. Examples of freedom fighters casting off that yoke abound. The Burmese General Ne Win is quoted in Holsti (1982:105) as saying, “We would rather be poor and our own masters than slaves to a foreign power. We have sipped that bitter tea before.” Finally, Fidel Castro wrote a simple message to Slobodan Milosevic in a 1999 letter (Cubanet, 2007a): “resist, resist, and resist.”

### 3.4 Other Countries Help

Sanctions are often said to have failed because other countries help out, thus limiting the desired effect of the sanctions. Hufbauer *et al.* (2007:147) say that, “Indeed, one of the major reasons the US embargo failed to achieve its major goals is that, despite many efforts, the United States could not enlist support from other countries.” Schwartzman echoes this sentiment (2001:125-126):

For an embargo against a target country to be successful, it must achieve multilateral consensus and total compliance. On balance, it appears that the international resolve for the Cuban embargo continues to weaken. [...] it may be said that the United States has had limited success in converting its bilateral trade restrictions with Cuba into multilateral ones.

Many countries have forgone the blockade and have conducted normal relations with Cuba and have consequently made it impossible for the USA to isolate Cuba completely.

One of Cuba's strong traditional allies has been its former colonial Lord: the Kingdom of Spain. Francisco Franco, the caudillo (and later, regent) of Spain from 1936 to 1975, never cut ties its former colony. Schwartzman elaborates (2001:123):

Cuba had the advantage of some dedicated sanction discounters. Spain, for reasons of its cultural and historical ties (even under the dictatorship of Francisco Franco), maintained relations with Cuba. By 1960, Spain was Cuba's largest noncommunist European trading partner; and in 1963, it signed a three-year bilateral trade agreement with Cuba. The British also scorned the early blockade. The British company Leyland Motors won a large contract with Cuba in 1964 and helped to open the door to normal trade between Western Europe and the Castro government.

Exports had become increasingly important to the Spanish economy in the aftermath of the Second World War and Spain was "excluded from Common Market opportunities and in search of alternative trade outlets," (Morley, 1984:39). However, Cuba's allies are not restricted to Spain or Western Europe. Cuba has found a host of support and philosophic affinity from Canada to Venezuela, from Ethiopia to Japan.

Cuba has gained legitimacy as a nation state and a government for the most part through its relations with other countries. Domínguez (1978:85) notes:

Where it could hope to do so, Cuba sought to persuade others not to go along with the United States, through widespread and increasingly skilful bilateral diplomacy and through participation in multilateral groupings. Its membership in the nonaligned movement dates from 1961.

He goes on to say that, "Cuba has [in 1978] a major interest in maximizing its influence among the non-aligned countries, especially in Africa," (1978:103) in order to legitimise itself in the face of the attempted isolation on the part of the USA. Domínguez also mentions that Cuba found similarities amongst the countries in the Group of 77 (1978:91):

And, of course, the economic demands of the Group of 77—to which the Arab oil producers' price rises gave a whole new dimension and weight in the mid-1970s—have all along struck a particularly responsive chord in an embargoed Cuba that traces many of its ills to past economic domination and exploitation from an “imperialist” United States.

Although the USA tried to discredit Castro and would never recognise the legitimacy of the Cuban government, through multilateral diplomacy, Cuba gained a level of legitimacy, especially amongst countries of the global south.

Cuba enjoyed traditional Soviet support from 1961 until the collapse of the Soviet Union in 1991. It may be debated whether Cuba had a foreign policy distinct from the USSR during this period,<sup>31</sup> however, the Soviet patronage undoubtedly helped legitimise Cuba. Through its relationship with the USSR, Cuba was able establish a reputation for “internationalist solidarity” or “south-south solidarity,” thus lending much needed legitimacy to its international status. Domínguez expands on these ideas, asserting that (1978:98), “The Angolan War [...] increased Cuban international influence [...] It promoted the spread of revolutionary regimes while it consolidated the alliance with the Soviet Union.”

As we have noted, Cuba's actions in Africa [primarily in Angola and Ethiopia] from mid-1975 to mid-1978 have generally had both the strategic and political support of most African countries. This was clearly the case with Cuba's support for the MPLA, against the South African-backed movements, during the Angolan civil war.<sup>32</sup>

The Cubans improved their image of south-south solidarity not only by their involvement but also because of the quality of that involvement. Domínguez (1978:95) explains that Cuban participation was not limited to a traditional militaristic dimension.

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<sup>31</sup> See Domínguez (1978).

<sup>32</sup> (1978:102)

The Cuban foreign military aid program offers a package of services. Troops, to be sure, are taught how to use weaponry, but they are also enrolled in political education classes, and they are taught how to become engaged in community service and to support economically productive activities.

He also points out that the quality of Cuban involvement reinforced the solidarity between the donor and recipient by not sufficing to pay the bills, but standing shoulder to shoulder with the people of the recipient country (*ibid*).

Cuban foreign aid programs [...] have emphasized sending personnel, not cash or goods. Cuba does not send construction materials; it sends people to build a road. It does not equip a hospital, but it sends health personnel to staff it. It does not provide weaponry, but it supplies military instructors to teach how to use Soviet weaponry.

Many countries in Africa owe their independence in part to Cuban involvement. Angolan independence on November 11, 1975 is partly due to the Cuban presence in Angola during those years. Domínguez adds Namibia and South Africa to the list (1997:52):

Cuban support for revolutionary movements had been another pillar of its far-reaching internationalist behavior. In some cases, those whom Cuba had supported finally won: guerrillas of SWAPO (South West African People's Organization) laid down their arms to become the government of newly independent Namibia, and the African National Congress won South Africa's national elections and remade the political system.

The legitimacy of states such as Ethiopia, Angola, and Namibia is rarely drawn into question. Cuba, being responsible for aiding the struggle for independence of those countries, proved that, despite economic sanctions against it, it was a legitimate government. The relations that Cuba developed in Africa through its solidarity with

struggling nations added to the list of trading partners who would ignore the calls by the USA to isolate Cuba.

The legitimacy of the Cuban government is essentially recognised worldwide. Cuba is a member state of the United Nations, which for many purposes is the measuring stick for nationhood. The role of the UN and international support will be discussed in more depth in chapter 5.

Cuba is an original member of the OAS since the organisation's creation on the thirtieth of April, 1948 in Bogotá, Colombia.<sup>33</sup> The OAS voted to exclude Cuba in January 1962.<sup>34</sup> In July 1964, according to Scanlan and Loescher (1983:124),

[...] the OAS imposed comprehensive diplomatic and trade sanctions. These sanctions included the breaking of diplomatic and consular relations with Cuba, the suspension of all trade except in foodstuffs and medicine, and the suspension of sea transportation between Cuba and other American states except that employed for humanitarian reasons. Cuba was thus isolated almost entirely from other countries in this [the western] hemisphere,

However, despite this early success on the part of the US American government to use the OAS as an extension of its foreign policy, it was not long lived. They were abandoned on July 29, 1975. American countries began to sign bilateral trade agreements with Cuba outside of the OAS. Although the OAS was effective in drumming up some initial multilateral support for the isolation of Cuba, in the end, it was unable to maintain cohesion, and the other member states, through their bilateral agreements, helped erode the impact of the US American sanctions.

Canada has long been an important ally of Cuba,<sup>35</sup> having official diplomatic relations since 1945 and trade relations dating to the eighteenth century<sup>36</sup>, and a critic of the US

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<sup>33</sup> [http://www.oas.org/key\\_issues/eng/KeyIssue\\_Detail.asp?kis\\_sec=17](http://www.oas.org/key_issues/eng/KeyIssue_Detail.asp?kis_sec=17)

<sup>34</sup> It should be noted that the country of Cuba remains a member of the OAS; it is the government of Cuba that has been suspended and currently has non-participatory membership status.



American blockade. It is important to note that at the time of the sweeping sanctions imposed through the OAS, in 1964, Canada was not a member of the organisation, not joining until 1990. Morley writes (1984:29) that the Canadian Diefenbaker regime “sought to walk a fine line between practical compliance and an independent trading policy.” Although some minor concessions were initially made<sup>37</sup>, Canada never enacted a trade blockade against Cuba like its neighbour to the south. One factor that perhaps contributed to Ottawa’s reluctance to join the policies of Washington was the lack of the impetus of property issues.

At the time of the nationalization of all local and foreign-owned banks in Cuba, the Royal Bank of Canada and the Bank of Nova Scotia had combined assets on the island minimally estimated to be worth \$100 million. When, in December 1960, both banks decided to cease operations in Cuba, a satisfactory compensation agreement was negotiated with the Cuban government. Under the terms of the agreement, the Banco Nacional de Cuba assumed all the liabilities of the two financial institutions, purchased their capital assets at book value which were paid for in American dollars, and agreed to the remission of the banks' invested capital and accumulated profits to Canada.<sup>38</sup>

These Canadian banks negotiated for a settlement and were thus not miffed at the Cuban governments expropriation policy, and consequently never pressured the Canadian government to exact bitter vengeance on Castro’s Cuba. Morley (1984:47) muses that,

If Cuba's expropriations had equally affected American, French, Spanish, United Kingdom, Canadian and Japanese investments, similar responses would in all likelihood have followed. But when only American enterprise was affected, Washington's incentive to organize sanctions was based exclusively on American hardships.

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<sup>35</sup> See McKenna, Kirk (2006).

<sup>36</sup> <http://geo.international.gc.ca/latin-america/cuba/geo/cuba-bb-en.aspx>

<sup>37</sup> See Morley (1984).

<sup>38</sup> See Edward McWhinney, "Canadian-United States Commercial Relations and International Law: The Cuban Affair as a Case Study," in David R. Deener (ed.), *Canada-United States Treaty Relations* (Durham: Duke University Press, 1963), 136-38. Quoted in Morley (*ibid*).

Canadian Prime Minister Pierre E. Trudeau even went on an official visit to Cuba in 1976, arguably at the height of the Cold War, much to the chagrin of the USA, and became a personal friend of *El Comandante*. As Robert Wright (2007:xii) declares, the two countries, Canada and Cuba, share, “a determined refusal to exist merely as the satellite of some other power.”

Mexico has long been a supporter of Cuba.<sup>39</sup> Mexico never broke diplomatic ties with Cuba 1964, despite the pressure from the OAS. Kate Doyle (2003) writes that,

[...] despite intense pressure from Washington, Mexico proved a staunch ally to Cuba. In 1960, López Mateos demonstrated his backing for the new government by inviting Cuban President Osvaldo Dorticós to Mexico for a state visit. In 1961, the Mexican government led the charge in the United Nations to protest the Bay of Pigs invasion. Mexico repeatedly opposed the imposition of economic sanctions by the Organization of American States (OAS) against Cuba; and in 1964, became the only OAS member to reject the U.S-led charge to break diplomatic ties with Havana.

Despite indications that relations under former Mexican President Vicente Fox deteriorated<sup>40</sup>, Mexico remains an historic ally of Cuba. Recently, current Mexican President Felipe Calderón, has “turned his sights towards Latin America trying to repair the damaged caused to the relations with Cuba”<sup>41</sup> (Osterlof, 2008).

Chavez has been called ‘the last hope for Cuba.’ In current terms, Cuba’s relationship with Venezuela, or more personally, Hugo Chavez Frías’ relationship with the Castro brothers, is much more important in defraying the economic effects of the blockade than any of the previously cited examples. He was recently quoted as saying, “Those who want to go directly to hell, they can follow capitalism, and those of us who want to build

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<sup>39</sup> See McKenna, Kirk (2006).

<sup>40</sup> See Doyle (2003).

<sup>41</sup> “*Ha tornado nuevamente su mirada hacia América Latina, busca reparar los daños causados a las relaciones con Cuba [...]*”

heaven here on earth, we will follow socialism” (BBC 11/3/2007). Cuba and Venezuela have found in each other a relationship that is economically and ideologically mutually beneficial. The complexities of their relationship and its implications for the future of Cuba and Latin America and the Caribbean is a vast subject which, unfortunately, will not be covered in detail in this essay.

This is by no means an exhaustive listing of Cuba’s trade partners and creditors who have disregarded the blockade, however, even this quick panorama would not be complete without a word on China. “Between 1990 and 2001, China provided US\$123.8 million in soft credit to the island for education, tourism, and agriculture, and they have pledged an additional US\$400 million over the next 5 years [Economist Intelligence Unit, 2001],” at a time when many countries were reducing their credit to Cuba (Benzing, 2005). China has also recently alleviated some of Cuba’s transportation woes, exporting desperately needed buses to Cuba. “In accordance with a Sino-Cuban export agreement, Cuba will import 5,348 buses or coaches from Yutong, based Zhengzhou, capital of central China’s Henan Province, from 2007 to 2009,” (Cubanet, 2007b). Relations between China and Cuba are expected to remain amicable.

Finally, globalisation is a factor in taking the metaphoric teeth out of the blockade. A globalised world in which there are many actors, not just the post-Second World War super powers, reduces the influence that a country like the USA can have. Schwartzman writes (2001:137), “By the 1990s, globalization had also expanded the set of competitors who could sell to Cuba,” thus “[globalisation] makes it more difficult for any one country to quarantine another,” (2001:140).

### 3.5 Alienation of Allies and Business

A final factor that causes sanctions to fail is that they are costly. There is a cost to sanctions due to the lost trade implied in the embargo. In the case of Cuba, the businesses of the USA have potentially lost millions of US American dollars from the nearly five

decades during which they have been banned from trading directly with the Cuban market. Espinosa Martinez (1997:3) writes that, “It is estimated that the commercial embargo against Cuba has caused the United States more than 2 billion U.S. dollars annually in lost business.” Thus, the US American governments alienates a large portion of its own population that, being oriented in a capitalist paradigm, just wants to make money and does not understand why it is prohibited from conducting business with a neighbouring country, seemingly contrary to the values of liberty that a republican state espouses. With more specific reference to the Helms-Burton Act, the US American Congress has also alienated itself from many valuable allies of the USA by its attempt to extra-territorially impose the blockade onto third countries.

Farrell (2005) wrote that, “Economic sanctions won't bring down a Castro or end the regime of corrupt mullahs. But flooding a country with investment and trade might.” He goes on to suggest three alternatives to embargoes for affecting change in target countries. Firstly, he suggests using *economic carrots*: do what we want and get this, i.e. making economic rewards contingent on some political change. Secondly, he suggests releasing the *animal spirits* of capitalism, which is a reference to the words of John Maynard Keynes (1935:161):

Most, probably, of our decisions to do something positive, the full consequences of which will be drawn out over many days to come, can only be taken as the result of animal spirits—a spontaneous urge to action rather than inaction, and not as the outcome of a weighted average of quantitative benefits multiplied by quantitative probabilities.

In other words, it is to flood a target country with trade and the Freudian primal urges to action (the *animal spirits*) will produce a positive result. Thirdly, Farrell suggests the interdependency of the *bonds of peace*. This means that countries closely knit by the bonds of trade will be less likely to engage in conflict because of their interdependence. Farrell concludes that, “The reason for embracing trade even with countries under unsavory regimes is that commerce between nations isn't just about exchanging goods,

services, and money. No, the process is far more dynamic than that. Trade and investment open up economies to new ideas.”

Wayne Smith discusses how the Helms-Burton Act has had a significant effect in the alienation of business and allies. Smith (1997) testifies that opposition to the Act in the USA is shared on both sides of the US American political spectrum and that it sets an ominous precedent.

A phenomenon discussed during the course of the conference, and indeed reflected by the participants themselves, was that opposition to the bill is deeply and broadly bipartisan. This was not a liberal-conservative issue, much less one between Democrats and Republicans. On the contrary, strongest opposition -- and concern -- at the conference was expressed by conservative businessmen, including representatives of the U.S. Chamber of Commerce and the National Association of Manufacturers. Few of these had any interest in doing business with Cuba, or even any particular interest in U.S. policy toward Cuba itself. Rather, they saw Helms-Burton as being bad for international business in general and as putting at risk U.S. trade ties with its principal friends and trading partners and undermining such organizations as the World Trade Organization, over the essentially extraneous issue of Cuba.

This is evidence to the point that a policy like the blockade lacks support because it hurts the business of the sender country.

So another example be given, US American producers have taken a hit in the loss of potential market in Cuba. Before Cuba sourced its rice needs to Viet Nam and China, it used to come from a much closer supply.

[...] the U.S. rice producers point out that at one time Cuba was the largest single importer of U.S. rice (in 1951 its purchases represented about half of the U.S. exports). Trade with Cuba would allow U.S. rice growers to recapture the market share of imported rice currently filled by China (Graves 1994, 95). Pork and oilseed producers also anticipate a significant benefit from having access to the

Cuban market. Multinational corporations in tourism, utilities, and service could also benefit from the Cuban opening to foreign investment.<sup>42</sup>

The policy of the trade blockade has undoubtedly hurt the Cuban economy. On the other hand, the blockade has also hurt the business interests of the people of the USA. In any case of sanctions, the sender country must know how much it is willing to suffer itself for the cause.

### 3.6 Chapter Résumé

Demonstrably, the blockade on Cuba has failed. Reasons why sanctions are used and reasons why sanctions fail have been discussed. It has been evidenced that the sanctions on Cuba have failed because they are inadequate to complete the task, that other countries have undermined the effort, and that the USA is conflicted with its own business interests. It cannot be expected that a country will bow to pressure. Alarcón said (2002:74),

The important thing is that Cuba is not a North American colony, as some used to believe. We are not a territory of the United States. Nobody can negotiate with others as if they were their children who should follow their orders and moreover that situation would seem normal. One cannot ask a country to change by means of pressure.<sup>43</sup>

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<sup>42</sup> Graves, David. 1994. President, U.S. Rice Millers Association. Testimony to the U.S. House Subcommittee on Foreign Agriculture and Hunger on behalf of the RMA and the U.S. Rice Producers Group. In U.S. House 1994. 93-96. Quoted in Schwartzman (2001:138).

<sup>43</sup> *“Lo importante es que Cuba no es una colonia norteamericana, como algunos pretendían. No somos un territorio de los Estados Unidos. Nadie puede negociar con otros como si fuesen sus criados que deben seguir sus órdenes y que encima esa situación parezca la normal. No se puede pedir a un país que cambie por medio de presiones.”*

The question remains, however, of how does one learn from the blockade. “What triggers new learning? Again, different theories exist. Perhaps one of the most basic explanations is failure,” (Hermann, 1990:10).

#### 4. Ethical Reasons

Any time that sanctions or an embargo is used to stimulate a change in a target country, there is an ethical dimension. An embargo or a trade blockade will affect political or military elites who are the aim of the policy, but it will also affect the average citizen; the innocent and the poor. An ethical question must be asked whether the intended ends are worth the suffering to the people of the target country that an embargo will undoubtedly have. In the case of Cuba, these are not so-called “smart sanctions” limited to military aid or to certain key sectors, rather sweeping restrictions with only limited permission to transport foodstuffs and medicine to Cuba. Though the USA may want to topple the Cuban government, the people of Cuba will suffer as a consequence. There is, therefore, an ethical imperative to end the blockade against Cuba.

The White House contends that this assertion is false. It is the official position that it is communism that causes suffering in Cuba, and not the blockade. The forty-third President of the USA, George Walker Bush (2007) said,

Cuba's regime uses the U.S. embargo as a scapegoat for Cuba's miseries. Yet Presidents of both our political parties have long understood that the source of Cuba's suffering is not the embargo, but the communist system. They know that trade with the Cuban government would not help the Cuban people until there are major changes to Cuba's political and economic system.

If this statement by Bush forty-three is assumed to be true, and it is the communist system that has caused the suffering of the Cuban people, it may be nevertheless safely concluded that the blockade added to the suffering of the Cuban people.

A sender country like the USA has to consider whether the righteous goals of the ends justify the gritty means it takes to get there. Hufbauer *et al.* (2007:161) say that it is important for the sender country to weigh these factors as the inherent suffering caused by sanctions can reduce the popularity of the policy.



[...] the sender needs to consider [...] whether the sanctions regime can be sustained over time if the costs that sanctions impose on the sender's own firms and workers, as well as on innocent civilians and neighbors of the targeted regime, will ultimately erode political support for the overall policy.

Sanctions, as a means of exacting political change, cause hardship to innocent civilians, neighbours, and bystanders and that is a moral price that a sender country has to be willing to pay. If it is believed that the ends justify the means, then the virtuous ends must be achieved to justify the suffering caused to reach them. However, Scanlan (1983:128) argues that the USA needs to come to “[...] a concomitant understanding that past policy [has] in any event failed, creating hardship in Cuba [...] yet producing no significant liberalization in Cuba and no counterrevolutionary movement there.” That is to say that undue hardship has been caused and yet the ends have not been achieved.

It is easiest to estimate the damage the blockade has caused to Cuba in economic terms. The *Banco Central de Cuba* (2000:3) estimates that between 1962 and 2000, the blockade has cost Cuba 67 billion USD. One of the major influences of the blockade that incurs higher is the forced use of transshipments. Schwartzman (2001:121) cites some other similar figures related to transshipment costs.

To the extent that Cuba uses transshipments from third nations to circumvent the U.S. boycott, it pays higher transportation costs. The Banco Nacional de Cuba estimates that from the period of the Cuban revolution until 1987, the embargo has cost Cuba \$11.5 billion in trade disruption, national defense, and other activities (Jameson 1989, 220).<sup>44</sup> Espinosa Martinez (1994, 10)<sup>45</sup> cites an estimate of the impact between 1959 and 1992 as \$41 billion.

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<sup>44</sup> Jameson, Kenneth P. 1989. U.S.-Cuban Economic Relations in the 1990s. In Dominguez and Hernandez 1989. 209-33. Dominguez, Jorge I., and Rafael Hernandez, eds. 1989. U.S.-Cuban Relations in the 1990s. Boulder: Westview Press.

<sup>45</sup> The year may be a typographical error as there is no 1994 entry for Espinosa Martinez in Schwartzman's bibliography. However, see Espinosa Martinez (1997) included in the bibliography of this paper for similar information.

“In 2000 alone, Cuba claimed that Helms-Burton had resulted in the loss of six projects to the tune of \$208 million [Spadoni, 2001],” (quoted in Benzing, 2005). The Cuban government is forced by the blockade to fritter away valuable funds that could otherwise be diverted to investing in agriculture, importing housing materials, funding education, or acquiring medical supplies, all of which have direct humanitarian impacts.

Numerous anecdotes exist, but so as one be given, on November 12, 2002, Iraqi representative to the UN, Mohammad Salman, reportedly said that, “experience had shown that economic sanctions were an inhumane tool which had not proven effective.”

#### 4.1 Chapter Résumé

Sanctions always have some effect on the innocent public. It is inevitable. The impact of sanctions on the emotional and spiritual dimensions of daily life may be unquantifiable and only ascertained through a lengthy study over several years. In lieu of a comprehensive look at the human costs of the blockade against Cuba, some dollar and cent figures were given as to the financial burden of the blockade.

## 5. International Support

One need not look far to see the international support that Cuba enjoys. The list is long and spans many years. Here, a few quick examples will be given that are by no means exhaustive. Special attention will be given to the General Assembly of the UN.

As has been discussed earlier, Cuba maintains diplomatic and economic relations with many countries. Currently, the Cuban government has diplomatic relations with 160<sup>46</sup> countries worldwide. Cuba enjoys wide international support for condemning and rejecting the blockade both through its bilateral arrangements and through multilateral organisations. Cuba's early support came from Cuba's involvement in Angola and Ethiopia in the late seventies, as Domínguez and Lindau (1984:85-86) point out: "These have established major factor international relations, especially in Africa. Cuba gained political influence and prestige; it helped to consolidate two revolutionary regimes with which it cooperates closely." More important though is Cuba's participation in organisations such as the ACS, as Espinosa Martinez explores (1997:16):

Also significant was the creation of the Association of Caribbean States (ACS) in July 1994 with 25 members, 12 territories, a combined GDP of 500 billion U.S. dollars, 200 million inhabitants and a foreign trade of 155 billion U.S. dollars as a new form of subregional integration of which Cuba is a full member. The ACS, based in Trinidad and Tobago, includes the Caribbean Community (CARICOM), the Central American Common Market (CACM), Panama, Mexico, Venezuela, Colombia, Cuba, Dominican Republic, Haiti and Suriname. This entity has openly rejected the U.S. blockade and has moved forward towards negotiating with Cuba on issues of regional importance such as tourism.<sup>47</sup>

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<sup>46</sup> "Cuba has relations with over 160 countries and has civilian assistance workers -- principally medical -- in more than 20 nations." Retrieved on 22.09.08 from <http://www.state.gov/outofdate/bgn/c/13238.htm>

<sup>47</sup> DECLARATION OF PANAMA. July 29, 2005.

7. We reiterate respect for the principles of sovereignty, territorial integrity and non-intervention, as well as the right of every people to construct in peace, stability and justice, their own political system. In this regard, we recall the Margarita Declaration, which rejected any type of unilateral coercive economic measures applied by any State and the extraterritorial application of internal laws, such as the Helms-Burton Law, which undermine the principles of international law and the United Nations Charter. Consequently, we are deeply concerned over measures that strengthen and expand the application of such legislation. We once again appeal to the Government of the United States of America to put an end to such

Cuba receives support of solidarity from these regional partners who, as Espinosa Martinez indicated, ignore the US American blockade.

Perhaps the most dramatic show of support has been the string of resolutions brought forth by Cuba in the General Assembly of the United Nations. Annually, for the past sixteen years, beginning in 1992 and continuing to present, the General Assembly has voted on and adopted a resolution on the “Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba,” (2007). The most recent resolution adopted on October thirtieth, 2007, reads:

*The General Assembly,*

*Determined* to encourage strict compliance with the purposes and principles enshrined in the Charter of the United Nations,

*Reaffirming*, among other principles, the sovereign equality of States, non-intervention and non-interference in their internal affairs and freedom of international trade and navigation, which are also enshrined in many international legal instruments,

*Recalling* the statements of the Heads of State or Government at the Ibero-American Summits concerning the need to eliminate unilateral application of economic and trade measures by one State against another that affect the free flow of international trade,

*Concerned* at the continued promulgation and application by Member States of laws and regulations, such as that promulgated on 12 March 1996 known as the “Helms-Burton Act”, the extraterritorial effects of which affect the sovereignty of other States, the legitimate interests of entities or persons under their jurisdiction and the freedom of trade and navigation,

*Taking note* of declarations and resolutions of different intergovernmental forums, bodies and Governments that express the rejection by the international community and public opinion of the promulgation and application of measures of the kind referred to above,

*Recalling* its resolutions 47/19 of 24 November 1992, 48/16 of 3 November 1993, 49/9 of 26 October 1994, 50/10 of 2 November 1995, 51/17 of 12 November 1996, 52/10 of 5 November 1997, 53/4 of 14 October 1998, 54/21 of 9 November 1999, 55/20 of 9 November 2000, 56/9 of 27 November 2001, 57/11 of 12 November 2002, 58/7 of 4 November 2003, 59/11 of 28 October 2004, 60/12 of 8 November 2005, and 61/11 of 8 November 2006,

*Concerned* that, since the adoption of its resolutions 47/19, 48/16, 49/9, 50/10, 51/17, 52/10, 53/4, 54/21, 55/20, 56/9, 57/11, 58/7, 59/11, 60/12 and 61/11, further measures of that nature aimed at strengthening and extending the

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measures, in accordance with the 13 resolutions (“Necessity o[f] ending the economic, commercial and financial embargo imposed by the United States of America against Cuba”) approved by the United Nations General Assembly. (Altmann, 2008:87-88)

economic, commercial and financial embargo against Cuba continue to be promulgated and applied, and concerned also at the adverse effects of such measures on the Cuban people and on Cuban nationals living in other countries,

1. *Takes note* of the report of the Secretary-General on the implementation of resolution 61/11;1
2. *Reiterates 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;
3. *Once again urges* States that have and continue to apply such laws and measures to take the necessary steps to repeal or invalidate them as soon as possible in accordance with their legal regime;
4. *Requests* the Secretary-General, 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 sixty-third session;
5. *Decides* to include in the provisional agenda of its sixty-third session the item entitled “Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba”.

Each one of these sixteen resolutions has been adopted by a landslide majority in the General Assembly. In fact, only eight countries have ever voted against the resolution: Albania, Israel, the Marshall Islands, Palau, Paraguay, Romania, the United States of America, and Uzbekistan. It bears mentioning that the Marshall Islands and Palau, although sovereign nations, are in a *Compact of Free Association* (along with the Federated States of Micronesia which has consistently abstained or been absent from votes on the Cuba issue) with the USA. The Appendix contains a compiled list of the voting records of all UN member states for the resolutions on Cuba. It demonstrably shows that the International community condemns the blockade.

Three issues come to the surface with a quick glance at the voting record. Firstly, that the blockade against Cuba is unpopular amongst the international community. Secondly, that despite sixteen resolutions calling to end the blockade being adopted, the policy continues. This poignantly demonstrates the inefficacy of the General Assembly and the unfair position enjoyed by the permanent members of the Security Council and their veto power. Thirdly, it may be assumed that votes in favour of the resolution are not

necessarily a vote in support of Cuba as much as vote condemning the actions of the United States of America.

## 5.1 Chapter Résumé

As the evidence in the Appendix shows there is overwhelming support for ending the blockade against Cuba. The purpose of this chapter was to present a visual representation to underscore the international opposition to the blockade that has been evidenced throughout this paper. By no means should this be seen as an exhaustive analysis of the voting record on the aforementioned resolutions. The voting and motives of the UN Members with regards to Cuba is a deep and rich subject that merits further research and analysis and is itself material for much scholarship.

## 6. Post-Cold War

In 1998, Madeleine Albright, former Secretary of State of the USA, said,

There is a pathologically unstable tyrant in the final years of his dictatorship just 90 miles from our shores. His four-decade record of brutality, rabid hostility toward the Cuban exile community, anti-Americanism, support for international terrorism, and proximity to the United States is an ominous combination (Marquis, 1998).

Furthermore, Erneido Oliva, a Cuban-American Bay of Pigs veteran who rose to become a major general in the U.S. Army Reserve before his retirement in 1993, said that, “Cuba is a threat and will be a threat to the U.S. as long as Fidel Castro and Raul are in power. You have to look at history and what this individual has done and how they have trained their armed forces,” (*ibid*). These statements reflect the current attitude of the US American regime towards Cuba, but the world has changed in the post-Cold War era and those winds of change need to blow some new air into US American policy.

Historically, Cuba posed a perceived threat to the USA in the context of the Cold War.

During the Cold War, the United States conditioned the lifting of the economic sanctions against the island and the reestablishment of normal relations between the two countries on the end of Cuba’s preferential relationship with the Soviet Union as well as the end of Cuba’s support for revolutionary governments, wars of national liberation, and guerrilla training in Latin America and Africa (Spadoni, 2001:18).

The Cold War is over and the areas of the globe that are of concern for the national security of a country such as the USA have shifted. The criteria, on which the lifting of the blockade was contingent, have been fulfilled. However, the policy of the USA has not shifted accordingly.

Cuba, however, cries out for new US responses to changing circumstances. The long-standing US policy of denial, embargo and exclusion was developed in the Cold War context. The new Administration and Congress should promptly redefine the objectives of US policy in the light of a fundamentally different international context, the ongoing leadership transition in Cuba, the evolution and generational transformation of the Cuban American community and broader US interests (Lizano, 2008).

Nevertheless, Carlos Gutiérrez (2007) maintains that Cuba continues to pose a threat to the USA, despite the changed geo-political context.

Over the past decades, the Western Hemisphere has moved forward in significant ways: economically, politically, culturally. Under the Castro dictatorship, however, Cuba has moved backward. As long as regime resources are available, a threat is posed. The embargo was put in place for one major reason: to deny Castro the resources to do damage to this country and other countries in the world.

The end of the Cold War period has seen a refocusing of US American worries onto property issues, human rights, and democracy as justification for the blockade.

The argument that, with further resources, Cuba is likely to do damage to other countries holds little relevance in contemporary Cuba. It may well be argued that Cuba has a long history of international adventurism with involvement in Ethiopia, Nicaragua, Angola, and the Congo, just to name a few. Of course, whether these campaigns were an exportation of terrorism or acts of solidarity and liberation of oppressed peoples depends entirely on what side of the proverbial fence one is. However, it seems apparent that Cuba's epoch of interventionism has now passed.

In September 1989, Cuba completed the repatriation of its troops from Ethiopia (Perez Ruiz, 1990). In March 1990, all Cuban military personnel in Nicaragua were brought back to Cuba (Granma Weekly Review, 1991: 13). In May 1991, Cuba's last troops were repatriated from Angola (Bohemia, 1991: 33). Also in



1990 and 1991, Cuba brought home its troops and military advisers from various other countries; the longest-lived of these smaller military missions took place in the Congo (Brazzaville), where it lasted for fourteen years. Thus, as the Cold War ended in Europe and Cuba lost the military and economic backing of the Soviet Union, Cuba's overseas military presence came to a near-instantaneous end. (Domínguez, 1997:52)

It should be mentioned that withholding resources from a tyrant dictator, as seen by the USA, can also be interpreted as the unfair denial of basic rights to a friend and protector.

## 6.1 Terrorist List

A topic of much contention is Cuba's inclusion on the so-called US American "Terrorist List." The State Sponsors of Terrorism, as named by the US American Department of State, are, in alphabetical order, Cuba, Iran, North Korea, Sudan, and Syria.<sup>48</sup> Lutjens mentions that (2006:66),

Although the peace processes in Central America and much else in the post-cold war world including the fact that Cuba is party to all 12 international conventions and protocols relating to terrorism- indicate that Cuba should be removed from the list, this has not happened (Haugaard, et al., 2004; Smith, Muse, and Baker, 2004).

Smith *et al.* (2004) expound further on this point.

Cuba does not, for example, endorse terrorism as a policy. On the contrary, it has condemned it in all its manifestations, has signed all twelve UN anti-terrorist resolutions and offered to sign agreements with the U.S. to cooperate in combating terrorism, an offer the Bush Administration ignores. Nor is it harboring Basque and Colombian terrorists. Members of ETA are in Cuba, yes,

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<sup>48</sup> <http://www.state.gov/s/ct/c14151.htm>

but with the full knowledge of the Spanish government. And as for the Colombian government, far from accusing Cuba of harboring Colombian guerrillas, it stresses that the Cuban government is playing a helpful role in efforts to bring peace to Colombia.

They also point out (*ibid*) that John R. Bolton, Under Secretary for Arms Control and International Security in 2004, “states flatly that Castro “continues to view terror as a legitimate tactic to further revolutionary objectives,” he cannot point to a single statement of Castro’s endorsing terrorism,” except for one quotation of dubious origin (allegedly fabricated) cited in an Agence France Presse story dating from May 10, 2001.<sup>49</sup>

## 6.2 Chapter Résumé

The geo-political situation in the world has change dramatically in the past twenty years. The USA has moved out of a Cold War and into a global War on Terrorism. In that shift, its tactics in cajoling political change in Cuba have intensified, but not fundamentally changed. Cuba is unjustly targeted as a sponsor of terrorism. Removing Cuba from the terrorist list will be a positive step towards abolishing the blockade and is essential in order to reduce the hostility on behalf of the USA towards Cuba. It will hopefully be a symbolic step towards more harmonious and respectful relations between Washington and Havana.

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<sup>49</sup> See Schuett and Silkwood (2008) for more on the fabricated quotation.

## 7. Change Through Contact

The US American policy of trying to isolate Cuba economically and ideological has failed. It has hardened the resolve to resist the imperialist attitude displayed by the USA. It will be shown that many of the USA's allies are positioned to support Cuba's struggle for democracy and improved living conditions for all Cubans, that the blockade has hindered, rather than helped, the objectives of the US American policy towards Cuba, and that other states have opened due to contact rather than by isolation.

### 7.1 Friends Rather Than Foes

Countries such as Canada and EU countries are in a better position to influence policy changes in Cuba. Canada, Mexico, and the EU have had continued relations throughout the period of the blockade and are considered to be friends of Cuba. They are in the unique position of being allies of both the USA and Cuba. The areas of democracy and human rights are cited as domains in which they can have a positive influence in Cuba.

The UK, as a member of the EU, has not shied away from discussing its open relations with Cuba, pledging its support for positive change in Cuba, and expressing its displeasure at the strategies of the USA. Hillyard, (1998:29) cites comments made Tony Lloyd, the UK's Foreign Office Minister in 1998.

We have normal diplomatic relations with Cuba and support normal trade relations in civil goods and services. The EU's Common Position on Cuba, binding on all Member States, enshrines the principle that constructive dialogue and co-operation, not isolation, is the best way to promote change to a pluralist democracy, and encourage respect for human rights, in Cuba. UK firms are encouraged to exploit the growing civil market opportunities which arise as Cuba undergoes a process of economic liberalisation.<sup>50</sup>

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<sup>50</sup> HC Deb, 5 May 1998, c.346W  
Quoted in Hillyard (1998:29).

... it has been the policy of successive Governments that constructive engagement with Cuba will be more helpful in bringing it to acceptance of basic democratic standards and human rights than the process pursued by the United States.<sup>51</sup>

The EU has shown that progress can be made through gestures of goodwill rather than by bullying. The BBC reported on June 20, 2008 that the EU had lifted sanctions that had been imposed on Cuba in 2003 following the imprisonment of 70 dissidents as a show of protest for the apparent lack of respect for human rights. The BBC reported that, “Ms Ferrero-Waldner said the member states wanted to promote change in Cuba after Raul Castro took over as the head of government from his ailing brother, Fidel,” implying that the EU favours a policy of change through contact and not via an embargo on trade.

Canada has also had a long-standing relationship with Cuba. It should be reiterated that Canada was not a member of the OAS when Cuba was kicked out in 1962 nor when the blockade was made multilateral through the OAS, as Canada did not join until 1990. Canada has never cut ties with Cuba and has had a long history of a robust economic relationship. Cristina Warren (2008) eloquently describes the nature of current Canada-Cuba relations and Canada’s role as a friend, rather than a foe, of Cuba.

Canada’s current government is well placed to play a helpful and constructive role at this juncture in facilitating peaceful, sustainable and genuine democratization in Cuba. Canada has excellent strategic assets that may pay important dividends in Cuba’s emerging new context. Canada has good relations and open channels of communication with the U.S. and Cuban governments. It also has an extensive presence in Cuba and a reputation for stability, fairness and international credibility as a peacemaker. It provides a positive example inside the island as a democratic, capitalist, prosperous, tolerant and socially progressive country that works well.

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<sup>51</sup> HC Deb, 1 December 1998, c.659  
Quoted in Hillyard (1998:29).

Canada's effective approach to managing and reaping many benefits from its longstanding and, not completely unlike Cuba, historically complicated relationship with the United States, may provide an inspiring example and model for Cubans as they seek to find solutions to their mounting economic, social and political problems.

In working toward ensuring sustainable peace, prosperity and genuine democratization in Cuba, two distinct roles for Canada come to mind: 1) Canada can be a direct interface with Cuban authorities and civil society, and 2) Canada can be involved within the international community, including through hemispheric fora and bodies such as the Organization of American States (OAS).

Canada, as evidenced by Warren's summary, is uniquely situated politically to act as a buffer between the USA and Cuba and to smoothly facilitate any transition towards the normalisation of relations between the two countries.

Friendly countries such as Canada, Mexico, and the EU countries can have a profound influence in aiding the Cuban people in the face of an economic blockade, however, there is only so much that they can do. The political processes of Cuba must remain in the hands of the people and not be the result of some interventionist move on the part of a hegemonic power. Osvaldo Payá was quoted as saying (Campbell, 2006):

To avoid chaos we need a programme - in Cuba, by Cubans for Cubans. We were developing this national dialogue when the US announced their programme for change and we said the programme has to be by Cubans and not the US. The EU and the US can help but the changes have to be defined by Cubans.

The fate of Cuba is to be determined and defined by Cubans, and not, as has characterised so much of the history of the Caribbean island, by a distant colonial power.

## 7.2 Castro's Ally: The Embargo

Sanctions, as was argued before in chapter 3.3, carry their own antidote. The blockade on Cuba has done more for feeding support for the Revolution than anything that Fidel Castro and the PCC could have done. The blockade forced Cuba into the arms of the Communist block in the early sixties, it has fuelled animosity towards imperialist policy, and it has fortified national pride for the successful resistance of persistent attacks on Cuban sovereignty. The prohibition of travel has helped the hold of communism in Cuba more than it has helped end it by, in effect, preventing the spread of capitalist propaganda in Cuba. The blockade has been Castro's ally, not his adversary.

Domínguez (1997:59) notes that Fidel Castro has himself opposed motions on the part of the USA towards more open ties, perhaps apprehensive of the consequences.

Castro also attacked those US policies that sought to promote academic and cultural exchanges, expressing fear that they would subvert the Cuban political system. But he did not distinguish this US opening he did not like from his other demands that the United States should adopt more open policies toward Cuba (Radio Rebelde, 1995).<sup>52</sup>

On the other side, Smith believes that the denial of visas to Cuban and US American academics and scientists is against the national interests of the USA.

Many believe that current U.S. policy, which blocks almost all Cuban scientists from entering the United States and has increasingly denied licenses to American scientists to travel to Cuba, works against our national interests.

Either way it is seen, the blockade has strengthened the Cuban political system and lies in the national interests of neither country.

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<sup>52</sup> Radio Rebelde, Noticiero (1995) "Boletín especial." 26 July. Radio Rebelde, Noticiero (1995) "Boletín especial." 26 July. Quoted in Domínguez (1997:59).

### 7.3 Business with Other Communist States

The USA does business with other communist countries. The USA does business with China and Viet Nam and was quick to open the floodgates of trade and engage Russia and newly independent former Soviet states. It seems contradictory that trade with Cuba would be banned because of the leftist orientation of the Cuban government, and yet trade with China is permitted, despite fulfilling the same criterion. What may slip between the cracks of the official White House rhetoric is that the Eastern Bloc countries and China are open for US American business because contact; they were not isolated by US American embargoes. The case of Cuba is a paradox and an imbroglio, but a change in policy from containment to contact would produce some changes.

Carlos Gutiérrez (2007), Cuba-born US American Secretary of Commerce, explains the official position and illuminates the ostensible discrepancy in policy.

We believe that open economies create opportunity and growth. When people are allowed to invest, make business decisions, be entrepreneurs and have a wide range of consumer choices, economies and people flourish. Though China does not have a full, market economy it does exhibit much of the behaviors and benefits of an open economy. In China, people can open a business. They can invest. There is a tremendous amount of choice for consumers. A Chinese worker can get paid directly for their work. The Cuban people don't enjoy the same opportunities. And, though millions of dollars have poured into Cuba from Canada, Europe and other points around the globe, it has not benefited the average Cuban. More investment and money spent in Cuba means more money lining the pockets of the Cuban dictator and his cronies. Instead of comparing Cuba with China, we should compare Cuba to other countries that are similar, such as North Korea.

What is not mentioned in this elucidation of policy is how the investment possibility in China came to be different than that of Cuba. It may be a gross over-simplification of a

long and multifaceted process, but the situation in China, which Gutierrez describes, arose because US American business interests desperately wanted to access China and advocated engagement rather than quarantine.

The USA's policy of encouraging trade with China started many years ago and was pursued, rather than the imposition of sanctions as means to bring down communism and end the Cold War. Shipman points (1998) out that, "Cuba's brand of one-party democracy is no more blatant than that of China, where the US swapped isolation for 'constructive engagement' as early as 1973." Farrell (2005) clarifies that trade with China was used as a tactic to quell alleged human rights abuses.

Good examples abound of trade nurturing civil liberties and lowering tensions. In the 1990s the Clinton Administration was under a lot of pressure to impose sanctions against China for its egregious human-rights violations and civil-rights abuses. Yet the U.S. government has mostly pursued a policy of commercial engagement with China.

While the Beijing dictatorship is still unsavory, the payoff has been a Chinese economy well integrated into that of the rest of the world. In another era, increased trade with Poland and other East bloc countries hastened the downfall of communism.

China has opened due to pressure because it was an important market and trade partner for the USA. However, Cuba is not a market of 1.3 billion potential consumers and the economies of scale may be stacked against Cuba. A possible explanation for the difference in approach between China and Cuba may just be that China was too valuable a trade ally to pass up, and little Cuba, on the other hand, just was not worth it. "Because China was considered an important market, the United States extended it most favored nation status. No parallel macro-economic benefit can be expected from Cuba. U.S. sugar producers need not fear competition from Cuban sugar," (Schwartzman, 2001:137).



## 7.4 Chapter Résumé

The current policy that the US American Congress has employed to end communism in Cuba has not helped in achieving this goal. On the contrary, evidence suggests that, if anything, it has solidified the political system. Many other countries openly engage Cuba in economic, diplomatic, and cultural spheres and similar examples indicate that such engagement is more effective in influencing political growth. The USA should abandon the blockade and switch to an approach of change through contact. However, although a *programme change*<sup>53</sup> on behalf of the government of the USA may be acceptable (i.e. to pursue the same goals and objectives of improvement of democracy and further respect of human rights by affecting political change through contact, rather than by the blockade), the most desirable outcome would be a *goal change*,<sup>54</sup> (i.e. abandoning the idea of trying to influence political processes in Cuba). The fact remains that whether it is by blockade or by trade, the common thread to both approaches is cultural imperialism, the imposition of the US American hegemony, and the complete rejection of any alternative to the American-style representative democracy.

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<sup>53</sup> See Hermann (1990:5)

<sup>54</sup> (*ibid*)

## 8. The Helms-Burton Act

The introduction of the Helms-Burton Act (*Cuban Liberty and Democratic Solidarity (Libertad) Act of 1996*, referred to in this essay as the Helms-Burton Act, before and hereafter, or simply as the Act) in 1996 was an important step in the codification of the trade blockade against Cuba. This chapter will look at the effects of some of the legal precedents that this legislation has set, will outline the international reaction to the legislation, and will analyse the act's relationship with international law. In all three cases, an attempt will be made to argue that there is sound reason to repeal the law.

The Helms-Burton is definitely a benchmark in the policy of the blockade. "The impact of the sanctions on Cuba is summarized by periods: first the years from 1961 to the Helms-Burton legislation, and second, the period following the 1996 Act," (Schwartzman, 2001:123). Lowenfeld (1996:425) synopsis the gist of the Act:

The scheme of the Act is to create a right of action in United States courts on behalf of any U.S. national who has a claim for property confiscated by Cuba since January 1, 1959, against any person who "traffics" in such property. The details are somewhat complicated [...] both with respect to the effective date and with respect to who is eligible to bring the action and when. But the idea is clear: Whoever "traffics" in property that once belonged to U.S. nationals is to be confronted with the prospect of litigation in the United States, and of exposure to damages equal in the first instance to the value of the property in question, and if the trafficking continues, to treble damages (section 302(a)).

However, as Lowenfeld maintains (1996:426), "[...] the principle purpose of the Helms-Burton Act is not to stimulate litigation, but to deter nationals of third countries from doing business with and investing in Cuba." Reinisch (1996:15-16) characterises the Act as a desperate punitive measure in a failed policy.

[...] the Act could be viewed as a final chapter in a rather desperate endeavor to bring down the Castro regime, which, despite all its economic troubles, has so far

turned out to be remarkably immune to US economic pressure. [...] Given the legislation's political background, it seems plausible to suspect that the political punishment motive weighed more heavily than the American intent to grant relief to expropriated US citizens.

Furthermore, the question of compensation will remain, as the Act does not address the root of the issue, rather only some collateral effects of the expropriation, as Reinisch addresses (1996:19): "The Act does not -- because it cannot -- remedy the uncompensated expropriations, but rather seeks to provide for alternative compensation from those 'aiding and abetting' the unlawful Cuban activity." Finally, Lowenfeld (1996:433-434) relates a rather pessimistic attitude with regards to the efficacy of the legislation.

It hampers the discretion of the executive branch; it purports to micromanage a transition whose contours no one can predict; it places too much emphasis on property issues almost two generations old; it perverts our [i.e. US American] immigration and travel laws; and it seeks to impose American policy judgments on friendly foreign states in a manner that is both unlawful and unwise.

Perhaps all of this could be forgiven if the Helms-Burton Act could really bring about liberty and democracy in Cuba. I see no reason to believe that it will do so.

## 8.1 Effects

Some of the initial effects of the Helms-Burton Act will be discussed in three categories. Some ill-boding consequences will be listed, examples of the Acts ineffectiveness will be given, and impacts for the USA will be briefly discussed.

### 8.1.1 Scary Consequences

There are mainly three precedents that have been set by the Act that are possibly cause for concern. Firstly, it shows a loss of respect for the rule of law and the USA's increased tendency towards unilateralism. Wayne Smith (1997) expounds on this theme:

In addition to the economic consequences, Helms-Burton was found to lead away from the kind of international system based on rule of law and clear rules of the game that many Americans had hoped would come to characterize the post-Cold War period. It was pointed out that Helms-Burton was being interpreted by other governments as a signal that the United States, being the only superpower left in the world, did not intend to abide by international law or even treaties and agreements to which it recently became a party. It would do as it wished.

Secondly, the Act codified and legislated the blockade. It became no longer enacted simply as a Presidential Proclamation (3447). The blockade thus became less reversible and expressed a distrust of presidential discretion on the part of the US American Congress. Lowenfeld (1996:422) explains:

Thus not only is the President's authority to modify the regulations stripped away; it seems that the obligation to renew the embargo each year (and the option not to do so) is eliminated. Section 204 authorizes the President to take steps to suspend the embargo, but only upon submitting a determination to Congress that a transition government, i.e. a government without Fidel Castro or his brother, is in power in Cuba.

Thirdly, the extreme nature of the Act exhausts the USA's cache of policy options with which to cajole Cuba, consequently making the event of an armed confrontation more likely. Domínguez (1997:64) elaborates on this point:

Nevertheless, these events and the law create two policy legacies. First, the United States has very few instruments or policy alternatives left with which to

punish the Cuban government should another worrisome episode occur, be it another shutdown, an emigration crisis, an incident around the US naval base at Guantanamo Bay, or even more intense domestic repression. The Helms-Burton Act also codifies all US sanctions on Cuba, thereby removing presidential discretion in the management of US policy toward Cuba. The odds have increased that the President of the United States would order an armed attack against Cuba the next time there is a serious incident.

### 8.1.2 No Results

In the main, the Act has not had the desired effect of ousting Castro and curbing foreign investment in Cuba. It may even have adverse consequences for the USA. Although the legislation did have an effect on some companies, foreign investment in Cuba has continued and increased. The Act had some immediate impact on a few investors, as Hillyard notes (1998:24-25), such as CEMEX, the Mexican cement company; Sherrit International Corporation of Toronto, a Canadian mining company; and Redpath sugars, a wholly owned subsidiary of American Sugar Refining Inc. in Canada. Nevertheless, Canada's Sherritt International Corp. continues to do business with Cuba, investing heavily in CUPET, the Cuban Petroleum Company, and nickel mining operations, pledging to invest 1.25 billion USD from 2007 to 2009 (Havana Journal, 2007). Espinosa Martinez (1997:24) asserts that the investment from the EU grew directly following the legislation.

During 1996 and 1997 the growth in the formation of partnerships with foreign capital continued, despite the Helms-Burton Law and the ups-and-down in investment flows. Each one of seventy-five percent of the joint ventures has a capital up to 5 million U.S. dollars in investment capital, and 53% of these ventures came from the European-Union.

Smith (1997) also states that investment from Canada increased as well. He argues that companies began to ignore the Helms-Burton Act, assuming that Title III would never be implemented because of the legal conundrums that would ensue from its legal precedent.

A few companies had pulled out, but others had already taken their place and the Cuban economy continued to recover, its growth rate for 1996 being over 7 percent. Canadian investments and trade had actually increased in the wake of Helms-Burton. Further, more and more companies would ignore Helms-Burton as it became apparent that Title III would not stand up in U.S. courts even if implemented, and that in fact it was not likely ever to be implemented. In one of the most interesting revelations of the conference, it was pointed out that one reason it would not be implemented is that there were already other ethnic groups, including hundreds of Palestinian-Americans, ready to file class action suits the moment it might be enforced -- the latter claiming an equal right to sue the Israeli government for lands taken from them in Gaza and on the West Bank.

Additionally, Smith (1997) argues that the Act may be inciting effects that the USA does not want, such as civil war and mass migration.

Finally, several participants expressed thanks that Helms-Burton was not working as its proponents had hoped. If it were having the kind of devastating impact on the Cuban economy that might lead to some sort of explosion, it was clear that Castro would fight rather than quit and that many would fight with him. To speak seriously of Castro's ouster, then, was to speak of armed conflict and massive bloodshed, perhaps even a full-scale civil war, with all that implied in terms of tens of thousands of refugees on Florida's beaches and disruptions of commerce and communications throughout the region. That should be the last outcome the United States would want, participants believed. Fortunately, Helms-Burton was not working and was therefore unlikely to produce such an outcome.

Also, were Cuba moving toward some kind of systemic crisis as the result of economic pressures exerted by Helms-Burton, participants were concerned that Castro would again open the refugee floodgates before the situation reached critical mass. Again, fortunately, Helms-Burton gave no evidence of an ability to produce such an outcome. That its purpose was to increase economic distress, however, would seem to work directly against U.S. interests and objectives. The 1995 refugee agreement with Cuba was clear proof that the United States did not want floods of Cuban boat people on its shores. Yet, with Helms-Burton, it was trying to create the very economic conditions which might cause them to take to the boats again. This can only be seen as counterproductive, if not irrational.

Fortunately, these final consequences expressed by Smith, although plausible, are not very likely.

### 8.1.3 Hurting USA Relations

More than hurting the reputation of the Cuban Government, the introduction of the Helms-Burton Act hurt the reputation of the US American government. It prompted protest and strained relations with the USA's major trading partners who pursued trade relations with Cuba. Smith (1996) asserts that overthrowing Castro is not worth jeopardising relations with Canada, Mexico, and the EU.

Whether this strong reaction on the part of some of our closest friends and trading partners results in serious disruptions in our relations remains to be seen. But clearly there is a strong possibility that it will, and this points up another of Helms-Burton's fallacies: it risks damaging that which is truly important over that which is not. Our economic ties with Canada, the European Union, and Mexico are of great value. With the end of the Cold War, on the other hand, Cuba poses no conceivable threat to U.S. security and no significant problem to other U.S. interests. Nothing that we might wish to achieve in Cuba could possibly outweigh in importance those ties with our major trading partners. Yet, with Helms-Burton, the overthrow of Castro becomes our principal objective, in

pursuit of which we are indeed prepared to sacrifice those ties. It is an approach without any sense of proportion or balance.

Furthermore, Hillyard (1998:25) insists that Helms-Burton tarnishes the USA's sterling reputation as a destination for investment.

To the extent that the Act puts at risk foreign investments in the US, it may perversely reduce the attractiveness of the US as a destination of inward investment. This may be in response to the general principle that assets in the US can in some way be held to ransom.

## 8.2 International Reaction

International community was quick to voice its displeasure about the Helms-Burton Act.

Helms-Burton, say its critics around the world, is nothing short of bullying. The European Union, the Organisation for Economic Co-operation and Development and the Organisation of American States, not to mention America's closest trading partners, Canada and Mexico, have or will lodge formal complaints. Even the charity Oxfam has stepped into the fray; its Canadian arm has joined with church groups to urge tourists to boycott Florida.<sup>55</sup>

There has been international reaction to the Helms-Burton Act at the domestic level in several countries. "The Act has attracted widespread criticism, not least from the EU and Canada. Some allies of the USA, notably the EU members, have been so concerned about Titles III and IV that they have considered retaliatory trade sanctions in what they see as a defence of EU rights and interests" (Hillyard, 1998:26). As Smith writes (1997), "Canada, Mexico and the European Union had all enacted retaliatory legislation to enable their citizens and businesses to countersue any U.S. entities who took them into U.S. courts over properties lost in Cuba more than thirty years ago." The Canadian Parliament

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<sup>55</sup> *The Independent*, 17 Jul 1996, "Cuba Trade Row." Quoted in Hillyard (1997:28).



passed bill C-54, an amendment to the *Foreign Extraterritorial Measures Act*, on the 28<sup>th</sup> of November 1996 and the Mexican congress passed the *Law of Protection of Commerce and Investments from Foreign Policies that Contravene International Law*<sup>56</sup> on the 23<sup>rd</sup> of October of the same year.

“Mexico and Canada, two of the countries that have invested heavily in Cuba, complain that the Helms-Burton Act violates the agreements in the North American Free Trade Agreement,” (Schwartzman, 2001:125). In the Canadian Bill C-54 it says:

**7.1** Any judgment given under the law of the United States entitled *Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996* shall not be recognized or enforceable in any manner in Canada.

In the similar Mexican legislation, the *Law of Protection*, it says:

Article 1. Persons, physical or moral, public or private, who are found within the national territory, and those whose acts occur or have a total or partial effect on the said territory, as well as those who are submitted to Mexican law, are prohibited from realising acts that affect commerce or investment, when such acts are the consequence of the extraterritorial effects of foreign laws.

A law has extraterritorial effects that affect commerce or investment in Mexico when it has or may have one of the following objectives:

- I. That intends to impose an economic blockade or limit the investment in another country to provoke a change in its form of government.
- II. That permits reclamations to private persons because of expropriations that were realised in the country to which the blockade applies.<sup>57</sup>

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<sup>56</sup> “*Ley de Protección al Comercio y la Inversión de Normas Extranjeras que Contravengan el Derecho Internacional*”

<sup>57</sup> **ARTICULO 1o.-** Se prohíbe a las personas físicas o morales, públicas o privadas que se encuentren en el territorio nacional, a aquellas cuyos actos ocurran o surtan efectos total o parcialmente en dicho territorio, así como a aquellas que se sometan a las leyes mexicanas, realizar actos que afecten el comercio o la inversión, cuando tales actos sean consecuencia de los efectos extraterritoriales de leyes extranjeras.

Se entenderá que una ley extranjera tiene efectos extraterritoriales que afectan el comercio o la inversión de México, cuando tenga o pueda tener cualesquiera de los siguientes objetivos:

**I** Que pretenda imponer un bloqueo económico o incluso limitar la inversión hacia un país para provocar el cambio en su forma de gobierno.

**II** Que permita reclamar pagos a particulares con motivo de expropiaciones realizadas en el país al que se aplique el bloqueo.

The two countries that share borders with the USA and are the USA's most valuable allies, therefore, completely reject the effects of the Helms-Burton Act.

The EU reacted strongly against the Helms-Burton Act, however, it expressed shared concerns with the USA about Cuba. Hillyard (1998:34) summarises that, "The EU maintains that it shares with the US the objective of promoting democracy, economic reforms and human rights in Cuba. The issue between the US and the EU and its member governments is over the means by which this is achieved." Hillyard goes on to elaborate on this point citing an EU document.

The route that the Congress of the United States of America has decided to follow is a cause of widespread concern. The EU has clearly stated that it cannot accept the extraterritorial impact of the Cuban Liberty and Democratic Solidarity (Libertad) Act, which it believes to be not only inconsistent with basic principles of international law, but also harmful to the legitimate commercial interests of third parties. It also adversely affects US trade and investment relations with its allies.

The application of Title IV of the Act has already led to strong concern and unequivocal opposition on the part of European political and business leaders. The Transatlantic Business Dialogue established by the US administration and European Commission has already underlined that "extraterritorial application of unilateral sanctions creates an unacceptable burden for the international business community". In its June 21-22 meeting, the European Council asserted its right and intention to react in defence of the EU's interests in respect of this and other secondary boycott legislation. These concerns have already led to active consideration of retaliatory measures such as entry restrictions, freezing of assets, "claw back" suits in foreign courts to reclaim amounts awarded in the US, and the application of blocking statutes to prevent the application of US law. On Title III, Congress has acknowledged its controversial nature by offering the President discretion with regard to the implementation of its provisions. Allowing lawsuits to go ahead under Title III would further damage bilateral EU US relations. The

application of Title III would also go against the shared interests of the US and the EU in free trade and open investment markets. The controversy generated by this act is already affecting the operation of the multilateral trading system. The application of Title III would also jeopardise the United States reputation as one of the safest investment markets in the world.<sup>58</sup>

Hillyard also mentions that the UK government voiced very similar views, in concordance with the official line of the EU, was considering options to counteract the effects of the Act (1998:28).

In 1996 the UK Government lodged a strongly worded diplomatic note to the US government protesting at the provisions of the Helms-Burton legislation and urged EU partners to take action both bilaterally and internationally. The UK Government of the time was prepared to consider all options, including the use of the *Protection of Trading Interests Act*. This would allow domestic companies not to comply with US legislation, as well as the possible use of entry permission procedures to bar US businessmen and women from the UK.

The present UK Government has supported EU initiatives opposing Helms-Burton and has also joined calls for democratic reform in Cuba in return for increased investment in the country.

In brief, the reaction of the EU and also of the UK was one of disapproval towards the US American way of conducting policy vis-à-vis Cuba.

In 1964, Japan was Cuba's third leading trading partner, behind the USSR and China, and has continuously been a supporter of trade with Cuba. However, the Helms-Burton Act has made things more difficult for both countries, as Yamaoka explains.

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<sup>58</sup> EU text of 12 July 1996, *Aide Memoire* July No. 41/96, "European Commission President Jacques Santer underlines EU's deep concern with Helms-Burton legislation to President Bill Clinton." Quoted in Hillyard (1998:33-34).

When foreign companies proceed with caution, it is costly to Cuba. Japan, in response to Helms-Burton's prohibition on vessels docking at U.S. ports that have previously visited Cuba, must use Cuban or third-country ships, rather than its own, for trade. Japan sends cargo to a neighboring country, such as Jamaica, and then transships it in Cuban carriers (Yamaoka 1993, 41).<sup>59</sup>

The transshipments and the added stevedoring fees and added time make it more costly for a country like Japan to deal with Cuba. Nonetheless, it has not deterred them completely.

In summary of the international reaction to the Act, Wayne Smith (1997) reiterates that there are three fundamental grievances: the violation of international law, concern about US American unilateralism, and the cost to US American business interests.

Meanwhile, the conference found, international reaction to the law was one of outrage. The law was seen as a blatant violation of international law and treaties the United States was bound to uphold, and as extraterritorial in nature. Concern in the international community went well beyond Helms-Burton, conference participants found. It was seen as but one symptom of a trend in the United States toward unilateralism -- toward ignoring rule of law and relying increasingly on unilateral sanctions. American business especially was concerned that this trend would have costly consequences for the United States.

A look will be taken in slightly more depth at the extraterritoriality of the Helms-Burton Act and the allegations that it violates international law.

### 8.3 Contravention of International Law

Many of the criticisms of the Helms-Burton Act have centred around the fact that it is unreasonably extra-territorial and that it violates international law. Lowenfeld underscores this complaint (1996:430):

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<sup>59</sup> Yamaoka, Kanako. 1993. Cuba-Japanese Relations in Japanese Perspective. In Kaplowitz 1993. 33-46. Quoted in Schwartzman (2001:125).

[...] the exercise of jurisdiction by the United States for these purposes, to impose a secondary boycott on Cuba [...] is contrary to international law, because it seeks unreasonably to coerce conduct that takes place wholly outside of the state purporting to exercise its jurisdiction to prescribe.

Furthermore, Wayne Smith (2003) alleges that there are at least eight ways in which the Helms-Burton Act is against international law.

There is no doubt in anyone's mind that the Helms-Burton Act, and more specifically the Title III addressing property rights of USA nationals, is extra-territorial in nature. In fact, Section 301(9) of the Act makes reference to that fact. "International law recognizes that a nation has the ability to provide for rules of law with respect to conduct outside its territory that has or is intended to have substantial effect within its territory." Lowenfeld (1996:431) points out that this borrows from a passage in the *Restatement (Third) of the Foreign Relations Law of the United States* (Section 402(1)(c)). However, Reinisch (1996:11-12) notes that there are perhaps holes in the Act's justification with respect to 'effect' and 'reasonableness'.

There are some significant nuances in this reference, however, that one should not fail to note. First, -- like in the *Restatement* -- the unspecified reference to prescriptive jurisdiction which does not discuss the highly controversial issue of whether this kind of 'effects jurisdiction' is valid only for certain economic regulations, such as 'antitrust' or 'competition' law, or whether it could be seen acceptable under international law in general. Second, the Act's formulation omits the qualifying limitation of the *Restatement's* rule which makes the exercise of such jurisdiction subject to a test of 'reasonableness'.

Lowenfeld (1996:431) goes further to say that,

[...] the effort to impose United States policy on third countries or their nationals in the circumstances here contemplated is unreasonable by any standard. I need

not here go through the criteria for evaluating reasonableness set out in the *Restatement*; different writers and courts have formulated or understood the criteria in different ways. I think for present purposes the most persuasive way to look at the legislation is to ask how Americans would react if the tables were turned.

If the tables were turned, according to Lowenfeld, and US American corporations were being coerced and pressured to terminate business in a second country by the national legislation of a third country, the American people would be outraged. He asserts:

I do not believe any President of the United States, or member of Congress—let alone a member of the American business community—would regard such legislation as reasonable, and therefore consistent with international law, on the basis of a legally cognizable effect on [the third country].

Although, to the Act's authors and proponents its scope must have appeared reasonable, further scrutiny suggests that the Act is not consistent with the *rules of reasonableness* as set out in the *Restatement* and, therefore, is in violation of international law. However, as Reinisch points out (1996:13), "it is a matter of scholarly debate whether the 'reasonableness rule' of the *Restatement* which it portrays as a requirement of international law is indeed part of international law." Furthermore, the potential effect, as Reinisch puts it, "'trafficking' in confiscated property – in other words, investing in Cuba" (1996:12) is difficult, if not impossible, to ascertain.

The right to prosecute in US American courts, enshrined in Title III of the Act, is another highly contentious issue. Wayne Smith argues that it sets a legal a dangerous legal precedent: "How can this privilege be given to Cuban- Americans but not to, say, Palestinian-Americans and Chinese- Americans? It violates the doctrine of state and is considered by other governments to be blatantly extraterritorial in nature," (Smith, 1996). It shows a double standard and a prejudice favouring the Cuban-American population.

Lowenfeld (1996:423) puts forth the point that the use of the USA's persuasive position to keep Cuba out of international organisations is against the charters of those organisations.

The Helms-Burton Act expresses the insistence of Congress that the United States should oppose and vote against any termination of the suspension of the Cuban Government from participation in the OAS (section 105); and it requires the Secretary of the Treasury to instruct U.S. directors of international financial institutions such as the World Bank, the International Monetary Fund and the Inter-American Development Bank to "use the voice and vote of the United States" to oppose the admission of Cuba as a member of such institution. Moreover—and certainly contrary to the charters of these institutions—the Act provides (section 104 (b)) that if any financial institution approves a loan or other assistance to the Cuban Government over the opposition of the United States, then the Secretary of the Treasury shall withhold from such institution payment of a corresponding amount in respect of an increase in capital stock of the institution.

Lowenfeld furthermore points out that although the Helms-Burton Act is US American law, it is not written in stone so to speak; it can be repealed: "Fortunately, any act of Congress can be amended, repealed, or replaced, and very likely would be, on the basis of actual, rather than contingent, circumstances," (1996:425).

#### 8.4 Chapter Résumé

As was noted, an Act of Congress can be repealed. The *Cuban Liberty and Democratic Solidarity (Libertad) Act of 1996* should be considered as such a case. It has angered the international community, pushed away the USA's allies, and failed to produce its intended results. Arguments were presented that the Helms-Burton Act is, in fact, illegal. Domestic legislation of other countries has rendered it useless, the USA has alienated its friends with its unilateralist attitude, and the Act has failed to put a clamp on foreign

investment in Cuba. However, a repeal of the Act does not seem to be on the political horizon for the next four years.



## 9. Recommendations

Eight years ago, in 2000, Aviva Chomsky wrote (2000:415):

The most optimistic Cuban commentators today can be heard arguing that the economic crisis on the island in the wake of the fall of the Soviet Union has brought with it Cuba's first chance to be truly independent. The island passed from being a literal colony of Spain to being what Cuban scholars refer to as a "neocolony" of the United States in 1898, and then to a state of economic and political dependence (albeit of a different nature) on the USSR after 1959. In each of these periods ideologies of national independence provoked strong resonances among the population. But the nature of this nation and the meanings of independence have been subject to repeated contestation.

Although much has changed, eight years later, the same rings true. The island nation of Cuba is at a crossroads in its history and continues to struggle to be truly independent. The question remains, though, what kind of country will be the new independent Cuba, the proverbial "Cuba libre"? What will be the changes and consequences of a shift in US American policy towards Cuba?

There is already evidence that US American policy towards Cuba is shifting. Recently, on the 17<sup>th</sup> of June, 2008, Reuters reported that the US American Congress was to loosen the restrictions on travel to Cuba (Reuters, 17/6/2008).

The list of eligible family members U.S. residents could visit in Cuba would grow from immediate relatives to include first-cousins, uncles and aunts.

"This is not a concession to the Cuban government. This is a concession to Cuban Americans who keep asking for it," said Rep. Jose Serrano, the chairman of the appropriations panel that is advancing the legislation.

"There is no reason to place harsh restrictions on those who simply wish to visit close family members," he added, detailing existing impediments for visiting sick relatives in Cuba.

The legislation, which could clear the House next month, also would further

normalize U.S. agriculture trade with Cuba by removing an obstacle that forces Cuban importers to prepay all shipments, instead of when the commodities are delivered.

The words of Raúl Castro (2007) sum up the position of the Cuban government in the light of the historic crossroads.

The new administration will have to decide whether it will maintain the absurd, illegal and failed policy against Cuba or if it will accept the olive branch that we offered on the occasion of the 50th anniversary of the landing of the Granma. That is, when we reasserted our willingness to discuss on equal footing the prolonged dispute with the government of the United States, convinced that this is the only way to solve the problems of this world, ever more complex and dangerous.

If the new United States authorities were to finally desist from their arrogance and decide to talk in a civilized manner, it would be a welcome change. Otherwise, we are ready to continue confronting their policy of hostility, even for another 50 years, if need be.

## 9.1 End The Blockade

The Blockade against Cuba is a blockade to Peace in the region as Cuba is a vital nexus amongst North, South, Meso-America, and the Caribbean. Normalising relations between Cuba and the USA should be an imperative to promote peaceful relations in the Western Hemisphere. “We should not delude ourselves,” as Wayne Smith points out (2008b). “Normalizing relations with Cuba will be a difficult task, made even more so by certain provisions of the Helms-Burton Act of 1996. Indeed, the latter will probably have to be annulled before the embargo can be fully removed.” The legislation will have to be repealed: Helms-Burton Act; the Torricelli Act; section 620(a)(22 U.S.C. 2370(a)) and section 620(f)(22 U.S.C. 2370(f))(by striking "Republic of Cuba") of the Foreign

Assistance Act of 1961; and section 902(c) of the Food Security Act of 1985. The USA American government should take strides to allow unfettered travel of its citizens to Cuba.

Cristina Warren (2008) mentions that the blockade, in the light of the recent reforms initiated by Raúl Castro, is among the triggers of potential future conflict.

While the reform process recently initiated by Raúl can be viewed as a positive development, it is unclear where the changes currently underway will lead. Although the unstable equilibrium on the island is creating new dynamics for positive change, it is also creating new possibilities for conflict. [...] An escalation of the conflict between Cuba and the United States, the latter not wavering in its wish to see an immediate transition to democracy on the island. Following the “provisional” transfer of power to Raúl Castro, the current U.S. administration indicated that four policy goals would need to be met before it would consider a change in policy: 1) all political prisoners must be freed, 2) human rights guaranteed, 3) trade unions allowed to form, and 4) concrete moves be made toward free elections.

It is unlikely that these sweeping changes will occur in the immediate future, thus maintaining the blockade increases the potential for conflict between the two countries. The blockade would have to be abolished in order to ease tensions and avoid this preventable source of conflict.

## 9.2 Social Equity

It is a recommendation that although the blockade be lifted, that Cuban society should maintain the social equity that is touted as the success of the Revolution. Precisely what should not happen is, as Christopher Farrell (2005) suggests, that the end of the blockade signals a business invasion.

The case for freer trade with nasty regimes is never simple. But why not lift the Cuban embargo and the Iranian sanctions and see what happens? The result can't be worse than the experience of the past several decades — and the outcome could be a win-win for the people of Cuba, Iran, and the U.S. Let the business invasion begin.

The process should be more controlled as Ian Delaney, Executive Chairman of the Board of Sherritt International Corp., implies (Booth, Waller, 1995).

There are smart guys running the country with a clear understanding of what the real world is about. The concern they share is how to deal with foreign investors while maintaining the social equity achieved over 30 years. They want to avoid the experience of Russia: the corruption, the runaway inflation, the bandit capitalism.

Osvalda Payá, Cuban political activist, echoes this sentiment with his concerns for maintaining the socialist model (Campbell, 2006).

We don't want a grand privatisation like in Russia. We don't want the poor becoming poorer and a nomenklatura in power. We want to keep the health service free and education free. This programme destroys the myth that we have to choose between socialism and freedom.

A socialist system can be democratic, just, and equitable, and many people in Cuba may want to preserve the fundamentals of socialism.

Michael Mazarr (1989:69) writes that socialism will likely be upheld in Cuba, the country may witness a shift to a softer form of socialism.

This is not to say that few desire change, because many probably do; it is merely to suggest that even though Cuban society is inefficient, grim, and colorless, there is no indication that the Cuban people desire a wholesale rejection of socialism. Their true preference might be a much more gradual form of change.

Furthermore, he adds that social services are the public's stake in the government and the public will not want to lose those benefits, but that the oppressive sides of the government will likely be abandoned (1989:72).

It is of course unclear exactly how much opposition to the regime is created by the violation of human rights. Certainly, however, such practices do establish a basis for favoring a softer version of socialism, one that would preserve the basic societal institutions of the revolution but remove its repressive apparatus of social control. [...] Thus, a more liberal, social-democratic-style movement might attract considerable support, offering the same services with none of the brutality, and better economic progress as a result of a more complete participation in the world economy.

Cuba has the potential to be a strong social democracy, a conscientious middle power, and a supporter of international and regional cooperation.

### 9.3 Cuba: from Cubans, for Cubans, by Cubans

With Cuba's long history as a colonial territory, it is clear that decisions about Cuba's political and economic future should be made by Cubans and Cubans alone. The decisions must be made by Cuban entities without interference from the USA. However, the USA does not recognise the current Cuban decision making process. Mazarr writes (1989:85),

A critical step toward ensuring better relations in a post-Castro period would be a US declaration that it is willing to respect the independence and international status of the Cuban political system and its method of governance, provided that Cuba respects US interests. For Castro this trade has proved impossible -his identity and self-image was too closely tied to his anti-US stance. However, for his successors it may prove a more attractive deal.

It will be important for a post-blockade Cuba to use a system of participatory democracy. Cuban Vice-President Carlos Lage was quoted as saying: that “the building of socialism in Cuba is only possible as a result of our own experience,” (Frank, 2008). Thus, it is the experience of Cubans that will direct the evolution of Cuban politics in a post-blockade future. Ricardo Alarcón, President of the Cuban National Assembly, believes that Cuba needs a distinctly Cuban form of involving the people in the democratic processes (2002:69).

I believe that it would be an error for Cubans to imitate the model of Western democracy, which means reducing democracy to its formal representative aspects, and reducing to a minimum, in some cases, to an absolute zero, the people’s participation in the control and direction of society.<sup>60</sup>

Finally, Osvaldo Payá (Campbell, 2006) underscores the point that the future of Cuba will be decided by Cubans: “When people say what is going to happen in Cuba after Fidel, we say - hold on, there are 11 million people in Cuba, not only Fidel Castro.”

#### 9.4 Organic Food Production

In the event of the blockade being lifted, it is quite possible that the availability of foreign made consumer goods will increase in Cuba. US American businesses see Cuba as a new market opportunity and Cuba could be a desirable destination for US American produce and other agricultural products. Because of the blockade and the reduced availability of machinery and fertilizer, Cuban agriculturists have been forced to rely on and develop organic farming techniques. It is a recommendation that these farming procedures be preserved in the interest of national health, over the alternative of importing industrially

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<sup>60</sup> “*Ahora yo creo que sería un error para los cubanos imitar el modelo de democracia occidental, que equivale a reducirlo a los aspectos formales representativos y reducir al mínimo, en algunos casos al cero absoluto, la participación de la gente en el control y en la dirección de la sociedad.*”

produced, genetically modified, processed, and government subsidised foodstuffs from the USA.

### 9.5 Participation in Internationalism

Cuba, as a country, has played key roles in the past on the international stage. Cuba sees itself as being an internationalist state, promoting solidarity amongst nations and as a protector of the oppressed. This role in world affairs has, at times, been highly criticised. Mazarr elaborates on this (1989:84):

The key threat Cuba poses to US interests is manifest in its constant support for worldwide revolutionary movements, a point stressed again by Secretary of State James Baker, in March 1989, in a confidential memorandum to US diplomatic stations. If that were to cease, there is no reason why the United States, whether Cuba remained a "socialist" state or not, could not have good relations with Havana.

For Cuba, a crucial question may be whether it is able to maintain its middle-power status without a military dimension. That such a small island would exercise as significant a world role as it has is amazing, but it has achieved its notoriety primarily *via* military means. A post-Castro Cuban regime must be offered non-military avenues to maintain its prestige; these might include expansion of Cuba's international health and education efforts or perhaps international peacekeeping roles.

Cuba's international military campaigns have ended but the recommendation is still relevant. In a post-blockade Cuba, it may be necessary for Cuba to assert its national identity, sovereignty to prove that it has not been swallowed by the US American sphere of influence. Involving Cuba in peacekeeping operations and lending the UN's stamp of legitimacy to Cuba's literacy and education initiatives may provide the proper venue for

that assertion and would also have the collateral effects of goodwill which accompany such endeavours.

## 9.6 Chapter Résumé

In the event that the blockade ends, it should not mean that there would be a Disneyland in Cuba. It will be essential that Cuba maintain a sense of self after the blockade. It is recommended that Cuba maintain the universal free access to social services achieved by the Revolution, that Cubans participate in their government, that Cuba's domestic food supply be protected, and that Cuba be given the opportunity to participate more fully in international spheres. However, in order for these recommendations to have much relevance, the embargo must go.



## 10. Concluding Remarks

The words of Ricardo Alarcón (2002:72) sum up the situation:

[...] the relations between Cuba and the United States are not normal and I believe that the moment has arrived that both countries might sit down to talk about normalising the situation. It is evident that we are neighbours and we will continue to be for many years. There is a Mexican saying about the consequences of being situated in a particular place far from God. We are even further from God than the Mexicans but we are close to the United States. The day will come when we come to understand one another.<sup>61</sup>

Cuba is in a strategic position; close to the USA but also the key of the Caribbean and a bridge in the Americas. Yet, Cuba is a virtual outcast in the hemisphere. With the blockade gone, trade, solidarity, exchange and understanding could be more easily promoted amongst regional partners. Migration routes could be re-established and opportunities for building peaceful relations would increase.

Osvaldo Payá warns that change in Cuba will have to be by pacific means (Campbell, 2006). “Many Cubans see powerful things in this regime or are concerned that they will be trapped. The solution cannot be a violent one because that will only bring more violence.” The cycle of violence, perpetuated by the Revolution and the struggle for independence and democracy, must be broken. Means are ends in the making and the blockade, an act of aggression against Cuba, must be met with a peaceful antidote.

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<sup>61</sup> “[...] las relaciones entre Cuba y Estados Unidos no son normales y creo que ha llegado el momento de que los dos países se sienten a hablar para regularizar la situación. Es evidente que somos vecinos y lo seguiremos siendo por muchos años. Hay un refrán mexicano sobre las consecuencias de estar situado en un lugar particular y alejado de Dios. Nosotros estamos aún más lejos de Dios que los mexicanos pero estamos cerca de Estados Unidos. Llegará el día en que logremos entendernos.”

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# APPENDIX

Country	Year of Vote							
	2007	2006	2005	2004	2003	2002	2001	2000
Afghanistan								
Albania								
Algeria								
Andorra								
Angola								
Antigua and Barbuda								
Argentina								
Armenia								
Australia								
Austria								
Azerbaijan								
Bahamas								
Bahrain								
Bangladesh								
Barbados								
Belarus								
Belgium								
Belize								
Benin								
Bhutan								
Bolivia								
Bosnia and Herzegovina								
Botswana								
Brazil								
Brunei Darussalam								
Bulgaria								
Burkina Faso								
Burundi								
Cambodia								
Cameroon								
Canada								
Cape Verde								
Central African Republic								
Chad								
Chile								
China								
Colombia								
Comoros								
Congo								
Costa Rica								
Côte d'Ivoire								

Country	1999	1998	1997	1996	1995	1994	1993	1992
Afghanistan								
Albania								
Algeria								
Andorra								
Angola								
Antigua and Barbuda								
Argentina								
Armenia								
Australia								
Austria								
Azerbaijan								
Bahamas								
Bahrain								
Bangladesh								
Barbados								
Belarus								
Belgium								
Belize								
Benin								
Bhutan								
Bolivia								
Bosnia and Herzegovina								
Botswana								
Brazil								
Brunei Darussalam								
Bulgaria								
Burkina Faso								
Burundi								
Cambodia								
Cameroon								
Canada								
Cape Verde								
Central African Republic								
Chad								
Chile								
China								
Colombia								
Comoros								
Congo								
Costa Rica								
Côte d'Ivoire								

	2007	2006	2005	2004	2003	2002	2001	2000
Croatia								
Cuba								
Cyprus								
Czech Republic								
Czechoslovakia								
Democratic People's Republic of Korea								
Democratic Republic of the Congo								
Denmark								
Djibouti								
Dominica								
Dominican Republic								
Ecuador								
Egypt								
El Salvador								
Equatorial Guinea								
Eritrea								
Estonia								
Ethiopia								
Federal Republic of Yugoslavia								
Federated States of Micronesia								
Fiji								
Finland								
France								
Gabon								
Gambia								
Georgia								
Germany								
Ghana								
Greece								
Grenada								
Guatemala								
Guinea								
Guinea-Bissau								
Guyana								
Haiti								
Honduras								
Hungary								
Iceland								
India								
Indonesia								
Iran								
Israel								



	1999	1998	1997	1996	1995	1994	1993	1992
Croatia								
Cuba								
Cyprus								
Czech Republic								
Czechoslovakia								
Democratic People's Republic of Korea								
Democratic Republic of the Congo								
Denmark								
Djibouti								
Dominica								
Dominican Republic								
Ecuador								
Egypt								
El Salvador								
Equatorial Guinea								
Eritrea								
Estonia								
Ethiopia								
Federal Republic of Yugoslavia								
Federated States of Micronesia								
Fiji								
Finland								
France								
Gabon								
Gambia								
Georgia								
Germany								
Ghana								
Greece								
Grenada								
Guatemala								
Guinea								
Guinea-Bissau								
Guyana								
Haiti								
Honduras								
Hungary								
Iceland								
India								
Indonesia								
Iran								
Israel								

	2007	2006	2005	2004	2003	2002	2001	2000
Iraq								
Ireland								
Italy								
Jamaica								
Japan								
Jordan								
Kazakhstan								
Kenya								
Kiribati								
Kuwait								
Kyrgyzstan								
Lao People's Democratic Republic								
Latvia								
Lebanon								
Lesotho								
Liberia								
Libya								
Liechtenstein								
Lithuania								
Luxembourg								
Madagascar								
Malawi								
Malaysia								
Maldives								
Mali								
Malta								
Marshall Islands								
Mauritania								
Mauritius								
Mexico								
Moldova								
Monaco								
Mongolia								
Montenegro								
Morocco								
Mozambique								
Myanmar								
Namibia								
Nauru								
Nepal								
Netherlands								
New Zealand								

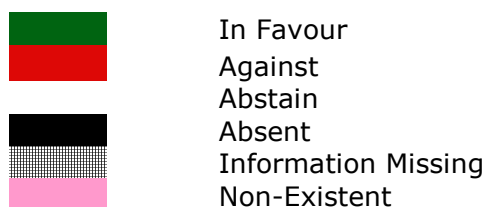
	1999	1998	1997	1996	1995	1994	1993	1992
Iraq								
Ireland								
Italy								
Jamaica								
Japan								
Jordan								
Kazakhstan								
Kenya								
Kiribati								
Kuwait								
Kyrgyzstan								
Lao People's Democratic Republic								
Latvia								
Lebanon								
Lesotho								
Liberia								
Libya								
Liechtenstein								
Lithuania								
Luxembourg								
Madagascar								
Malawi								
Malaysia								
Maldives								
Mali								
Malta								
Marshall Islands								
Mauritania								
Mauritius								
Mexico								
Moldova								
Monaco								
Mongolia								
Montenegro								
Morocco								
Mozambique								
Myanmar								
Namibia								
Nauru								
Nepal								
Netherlands								
New Zealand								

	2007	2006	2005	2004	2003	2002	2001	2000
Nicaragua								
Niger								
Nigeria								
Norway								
Oman								
Pakistan								
Palau								
Panama								
Papua New Guinea								
Paraguay								
Peru								
Philippines								
Poland								
Portugal								
Qatar								
Republic of Korea								
Romania								
Russian Federation								
Rwanda								
Saint Kitts and Nevis								
Saint Lucia								
Saint Vincent and the Grenadines								
Samoa								
San Marino								
Sao Tome and Principe								
Saudi Arabia								
Senegal								
Serbia								
Serbia and Montenegro								
Seychelles								
Sierra Leone								
Singapore								
Slovakia								
Slovenia								
Solomon Islands								
Somalia								
South Africa								
Spain								
Sri Lanka								
Sudan								
Suriname								
Swaziland								

	1999	1998	1997	1996	1995	1994	1993	1992
Nicaragua			Black	Green	Green	Green		
Niger	Grid	Green	Green	Black	White		Green	Green
Nigeria								
Norway								
Oman	Black	Black	White	White	White	Grid	Grid	Grid
Pakistan								
Palau	Black	Black	Black	Black	White	Grid	Pink	Pink
Panama								
Papua New Guinea								
Paraguay							Red	
Peru								
Philippines								
Poland								
Portugal								
Qatar				Black		Grid	Grid	Grid
Republic of Korea								
Romania								Red
Russian Federation								
Rwanda								
Saint Kitts and Nevis					Black	Grid	Green	Grid
Saint Lucia								
Saint Vincent and the Grenadines	Black							
Samoa								
San Marino								
Sao Tome and Principe	Grid	Grid	Grid	Black	Grid	Grid	Grid	Grid
Saudi Arabia	Black	Green	White	White	White	Grid	Grid	Grid
Senegal				Black	Black	Grid	Grid	Grid
Serbia	Pink	Pink	Pink	Pink	Pink	Pink	Pink	Pink
Serbia and Montenegro	Pink	Pink	Pink	Pink	Pink	Pink	Pink	Pink
Seychelles			Black				Grid	Grid
Sierra Leone						Grid	Grid	Grid
Singapore								
Slovakia								Pink
Slovenia								
Solomon Islands						Grid	Grid	Grid
Somalia	Grid	Grid	Grid	Grid	Grid	Grid	Grid	Grid
South Africa							Grid	Grid
Spain								
Sri Lanka								
Sudan								
Suriname								
Swaziland							Grid	Green

	2007	2006	2005	2004	2003	2002	2001	2000
Sweden								
Switzerland								
Syria								
Tajikistan								
Thailand								
The Former Yugoslav Republic of Macedonia								
Timor-Leste								
Togo								
Tonga								
Trinidad and Tobago								
Tunisia								
Turkey								
Turkmenistan								
Tuvalu								
Uganda								
Ukraine								
United Arab Emirates								
United Kingdom								
United Republic of Tanzania								
United States of America								
Uruguay								
Uzbekistan								
Vanuatu								
Venezuela								
Viet Nam								
Yemen								
Zaire								
Zambia								
Zimbabwe								

	1999	1998	1997	1996	1995	1994	1993	1992
Sweden	In Favour	In Favour	In Favour	In Favour	In Favour	In Favour	In Favour	In Favour
Switzerland	Non-Existent	Non-Existent	Non-Existent	Non-Existent	Non-Existent	Non-Existent	Non-Existent	Non-Existent
Syria	In Favour	In Favour	In Favour	In Favour	In Favour	In Favour	In Favour	In Favour
Tajikistan	In Favour	In Favour	Information Missing	Information Missing	Information Missing	In Favour	Information Missing	Information Missing
Thailand	In Favour	In Favour	In Favour	In Favour	In Favour	In Favour	In Favour	In Favour
The former Yugoslav Republic of Macedonia	In Favour	Information Missing	Information Missing	Information Missing	Information Missing	Information Missing	Information Missing	Non-Existent
Timor-Leste	Non-Existent	Non-Existent	Non-Existent	Non-Existent	Non-Existent	Non-Existent	Non-Existent	Non-Existent
Togo	In Favour	In Favour	In Favour	In Favour	In Favour	In Favour	In Favour	Information Missing
Tonga	Absent	Non-Existent	Non-Existent	Non-Existent	Non-Existent	Non-Existent	Non-Existent	Non-Existent
Trinidad and Tobago	In Favour	In Favour	In Favour	In Favour	In Favour	In Favour	In Favour	In Favour
Tunisia	In Favour	In Favour	In Favour	In Favour	In Favour	In Favour	In Favour	Information Missing
Turkey	In Favour	In Favour	In Favour	In Favour	Information Missing	Information Missing	In Favour	Information Missing
Turkmenistan	In Favour	In Favour	Absent	Absent	Absent	Information Missing	Information Missing	Information Missing
Tuvalu	Non-Existent	Non-Existent	Non-Existent	Non-Existent	Non-Existent	Non-Existent	Non-Existent	Non-Existent
Uganda	In Favour	In Favour	In Favour	In Favour	In Favour	In Favour	In Favour	In Favour
Ukraine	In Favour	In Favour	In Favour	In Favour	In Favour	In Favour	Information Missing	In Favour
United Arab Emirates	In Favour	In Favour	Absent	Information Missing	Absent	Information Missing	Information Missing	Information Missing
United Kingdom	In Favour	In Favour	In Favour	In Favour	Information Missing	Information Missing	Information Missing	Information Missing
United Republic of Tanzania	In Favour	In Favour	In Favour	In Favour	In Favour	In Favour	In Favour	In Favour
United States of America	Against	Against	Against	Against	Against	Against	Against	Against
Uruguay	In Favour	In Favour	In Favour	In Favour	In Favour	In Favour	In Favour	In Favour
Uzbekistan	Information Missing	Information Missing	Against	Against	Against	Information Missing	Information Missing	Information Missing
Vanuatu	Information Missing	In Favour	In Favour	In Favour	Absent	Information Missing	In Favour	In Favour
Venezuela	In Favour	In Favour	In Favour	In Favour	In Favour	In Favour	In Favour	In Favour
Viet Nam	In Favour	In Favour	In Favour	In Favour	In Favour	In Favour	In Favour	In Favour
Yemen	In Favour	In Favour	In Favour	In Favour	In Favour	In Favour	In Favour	In Favour
Zaire	Non-Existent	Non-Existent	Non-Existent	In Favour	In Favour	In Favour	In Favour	Information Missing
Zambia	In Favour	In Favour	In Favour	In Favour	In Favour	In Favour	In Favour	In Favour
Zimbabwe	In Favour	In Favour	In Favour	In Favour	In Favour	In Favour	In Favour	In Favour



Much of the voting information is incomplete, however, it should be duly noted that a full explanation requires much more research and bears little relevance for this demonstration of international voting records in the General Assembly. If there is any misinformation presented above, it would be much appreciated if that were brought to the attention of the author ([sbryant@alumni.upeace.org](mailto:sbryant@alumni.upeace.org)). Some additional information is, nonetheless, presented below.

Lebanon, in 1992, voted in favour but later informed the Secretariat it had intended to abstain.

Niger, in 1993, voted in favour but later informed the Secretariat it had intended to abstain.

The 1994 yearbook that was consulted listed the vote as 101-2-48 (a total of 151 votes) when Members numbered 185, leaving 34 votes unaccounted for. The absentees were not counted.

The 1993 yearbook that was consulted listed the vote as 88-4-57 (a total of 149 votes) when Members numbered 184, leaving 35 votes unaccounted for. The absentees were not counted.

The 1992 yearbook that was consulted listed the vote as 59-3-71 (a total of 133 votes) when Members numbered 179, leaving 46 votes unaccounted for. The absentees were not counted.