

# CUBA vs BLOQUEO

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Informe de Cuba sobre la resolución 68/8  
de la Asamblea General de las Naciones Unidas.  
"Necesidad de poner fin al bloqueo económico,  
comercial y financiero impuesto por los Estados  
Unidos de América contra Cuba"

Report by Cuba on resolution 68/8  
of the United Nations General Assembly.  
"Necessity of ending the economic, commercial  
and financial blockade imposed by the United  
States of America against Cuba"

Rapport de Cuba sur la résolution 68/8  
de l'Assemblée Générale des Nations Unies.  
"Nécessité de lever le blocus économique,  
commercial et financier imposé à Cuba  
par les Etats-Unis d'Amérique"

Ministerio de Relaciones Exteriores  
República de Cuba

<http://www.cubavsbloqueo.cu/>

## **REPORT BY CUBA**

On Resolution 68/8 of the United Nations General Assembly entitled “Necessity of ending the economic, commercial and financial blockade imposed by the United States of America against Cuba.”

July 2014

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## INTRODUCTION

The period being dealt with by this report was marked by a toughening of the genocidal blockade policy which for the past 55 years has been imposed by the United States Government on Cuba, ignoring the systematic and growing clamor of the international community to immediately put an end to it.

The United States' ever-increasing determination to reinforce the blockade's extraterritorial scope has been manifested particularly in the unprecedented harassment of banking-financial activity. Consequently, Cuba's normal progress in all spheres of economic, social, cultural and political life continues to be seriously blocked as we shall illustrate herein.

To bring about "hunger, desperation and overthrow of [the Cuban] Government" continues to be the declared purpose of the United States Government.<sup>1</sup>

To achieve this goal it continues to avail itself of any method and channel. From the absurd and cynical inclusion of Cuba on the list the State Department unilaterally publishes every year of countries sponsoring international terrorism right up to the more subtle methods such as the subversive *Zunzuneo* project to which we will be referring further on in this report.

The complicated and multi-branched body of laws and political and administrative regulations that codify the blockade has not been removed. Much to the contrary: it has been strengthened and reaffirms its validity. The annual extension of the Trading with the Enemy Act, passed as a war measure in 1917 to restrict trade with nations considered to be hostile, is an eloquent example of this. On September 12, 2013, in his memorandum to the Secretaries of State and the Treasury, communicated by the White House, President Obama once again revealed his determination to keep his policy of aggression and hostility towards Cuba intact.

Cuba and the United States are not at war. Cuba has never launched any military aggression against the United States nor has it promoted acts of terrorism against the American people. It is unsustainable to justify the measures being taken under this ordinance.

As stated before, the blockade qualifies as an act of genocide by virtue of the Convention on the Prevention and Punishment of the Crime of Genocide of 1948 and as an act of economic warfare according to the declaration regarding the laws of naval war adopted by the Naval Conference of London of 1909.

The blockade inflicts important adverse effects on the material, psychological and spiritual wellbeing of the Cuban people and it imposes serious obstacles on its economic, cultural and social development.

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<sup>1</sup> Lester D. Mallory, « Memorandum From the Deputy Assistant Secretary of State for Inter-American Affairs (Mallory) to the Assistant Secretary of State for Inter-American Affairs (Rubottom) », April 6, 1960, Department of State.

By virtue of this policy, Cuba continues being unable to freely export and import products and services to or from the United States, it cannot use the US Dollar in its international financial transactions or hold accounts in that currency in third country banks. It is also not allowed to have access to loans from banks in the United States, from their branches in third countries and from international financial institutions such as the World Bank, the International Monetary Fund (IMF) or the Inter-American Development Bank (IDB).

This report has numerous examples of the economic damage caused by the blockade to the Cuban people during the period between April of 2013 and June of 2014. It also once again strips bare the extraterritorial scope of the cruel American policy designed to isolate a small country because it defends its sovereignty and its right to freely choose its future.

There is not one single sphere of economic and social activities of the Cuban people that is exempt from the destructive and destabilizing action imposed by this illegal policy.

The economic damage caused on the Cuban people because of the application of the economic, commercial and financial blockade of the United States against Cuba, considering the depreciation of the dollar in regards to the price of gold on the international market, totals 1,112,534,000,000 dollars in spite of the decreased price of gold as compared to the previous period. At current prices, during all these years, the blockade has caused damages for more than 116.8 billion US dollars.

The blockade against Cuba must end. It is the most unfair, severe and prolonged unilateral system of sanctions that has ever been applied to any country. On 22 occasions, the General Assembly, with overwhelming majority, has declared itself to be in favor of respect for International Law, compliance with the Principles and Purposes of the United Nations Charter and the right of the Cuban people to choose their own future for themselves. That must be respected.

## **I. THE BLOCKADE VIOLATES THE RIGHTS OF THE CUBAN PEOPLE. ADVERSE EFFECTS ON KEY SOCIAL SECTORS**

### **1.1. The Right to Health**

*“The extension to all peoples of the benefits of medical, psychological and related knowledge is essential to the fullest attainment of health”.*<sup>2</sup>

Health is one of the pillars of the Cuban political system since the triumph of the Revolution in 1959. As a priority it is endorsed in Article 50 of the Constitution and is evident in the results attained by Cuba throughout the last 56 years. The fact that

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<sup>2</sup> Constitution of the World Health Organization, 1946

Cuba chaired the World Health Assembly held in May of 2014 represents an important global acknowledgement of Cuba's efforts in this area.

Nevertheless, the Cuban health system suffers from the permanent lead-weight of the US genocidal blockade, causing severe adverse effects on the health and wellbeing of the Cuban people. This basically includes the need of acquiring medicines, reagents, spare parts for diagnostic and treatment equipment, instruments and other supplies in distant markets, making it necessary to often resort to intermediaries in distant markets and thereby unnecessarily increasing costs for the sector.

Although just a few of these adverse effects can be calculated in monetary terms, for the period being evaluated the Ministry of Public Health (MINSAP in its Spanish acronym) of the Republic of Cuba conservatively estimates damages for a total of 66.5 million US dollars. However, no figure, no matter how high, can show and explain the intangible costs of the damage of social and human transcendence given the impossibility of being able to access state of the art supplies, technology, knowledge and other resources that are vital for this sensitive area.

The following is a summary of some of the difficulties faced by the public health sector in the period being analyzed:

- The National Center for Genetic Medicine has had adverse effects on their purchases of equipment and reagents needed for the proper functioning of their laboratories; this has direct repercussions on the growth of the nation's diagnostic, handling and prevention program for genetic diseases and congenital defects. In particular its Molecular Biology Laboratory is facing serious obstacles to acquire reagents from companies based in the United States.

Among these are reagents such as SSCP gels (Simple Chain Conformational Polymorphism) and tension kits with silver used for diagnosis of diseases such as cystic fibrosis, congenital adrenal hyperplasia, galactosemia and others.

Also, AMNIOMAX, the complete culture medium used for the culture of human cells of prenatal origin which guarantees chromosome studies for pregnant women over the age of 37 or those having pathologies detected in ultrasound examinations.

Shimadzu brand spectrofluorometry software could not be bought because it had American software. This equipment carries out the necessary studies to diagnose diseases generated by congenital metabolic errors.

- The Dr. Rafael Estrada Institute of Neurology and Neurosurgery (INN) could not buy an angiograph used for the study of the vascular systems of patients with neurological conditions because it had American components. This had already been contracted from Philips but the company indicated that it had no American permit to sell to Cuba.

- The National Group and Scientific Allergy Society have not been able to buy the necessary spare parts for chromatography equipment bought from the company Pharmacia.
- The William Soler Pediatric Cardiac Center has been unable to acquire better quality nutrients such as aminosteryl, especially important for the pre- and post-operative treatment of malnourished patients with complex and critical heart diseases. The product is only produced by ABBOT Laboratories, an American company.
- The Institute of Gastroenterology has faced increased expenses for the purchase of medicines indispensable for the treatment of invalidating chronic diseases in children and teenagers because it is forced to relocate its imports in more distant markets. American, European and/or Japanese laboratories, manufacturers of retro-viral medicines such as Tenofovir (treatment for Hepatitis B) and Telaprevir (treatment for Hepatitis C) fear US penalties should they do business with Cuba.
- The National Electromedical Center has had obstacles placed on its direct and first-hand purchases of spare parts and replacement accessories for Philips multiparametric monitors and defibrillators, MP-20 and Heartstart XL models respectively, because they come from the US.
- The Institute for Cardiology and Cardiovascular Surgery does not have the equipment for non-fluoroscopic three-dimensional anatomical mapping produced by the American companies Carto-Biosense and Saint-Jude. This prevents them from performing complex arrhythmia ablations, thereby representing expenses of between 15,000 and 18,000 Euros per patient (without including expenses for transportation and accommodations) for treatment outside of Cuba (in Italy).
- The *Hermanos Amejeiras* Hospital cannot acquire a green light KTP Laser for the treatment of patients with prostate hyperplasia, very useful in cases needing uninterrupted anti-coagulant treatment or those suffering from coagulation disorders. The threat of million-dollar fines to the manufacturers of this scientific advancement makes the price of buying this equipment an impossible obstacle for Cuban health authorities.
- The Institute of Hematology and Immunology reports the diagnoses of an annual average of 72 leukemia cases in children in Cuba, 75% of these are acute lymphoids. Their treatment involves the use of the L-Asparaginase enzyme obtained in the first instance from the *Escherichia coli* bacteria, which causes allergies in several patients. However other alternatives with the enzyme modified by polyethylene glycol (pegylated form) or the one obtained from the *Erwinia carotovora* bacteria, have been prohibited for over 10 years for Cuba because they come from the United States.
- The medical products import/export company MediCuba has had several shipments cancelled in this period, a situation representing additional expenses for the country and periods of low supplies of some products.

Through the supplier CARIMED CANADA, shunts to treat hydrocephaly have been obtained from the US manufacturer INTEGRA NEUROSCIENCE. However, since the end of 2013 it has suspended its deliveries to Cuba due to the provisions of the Department of the Treasury. Replacing the supplier cost Cuba approximately 60,000 additional dollars and caused adverse effects for the Maternal-Infant Care Program.

As for the German supplier MAQUET CRITICAL CARE, when pressured by the Department of the Treasury it suspended delivery of the Servo humidifiers used for ventilation of critical patients, both adults and children, because they had American components. This situation forced a search for suppliers of compatible products on other markets, evaluating samples and registering products in order to take up the slack in supplies. Suspension in deliveries resulted in stock shortages and services being affected for more than six months.

## 1.2. The Right to Education

*"...believing in full and equal opportunities for education for all, in the unrestricted pursuit of objective truth, and in the free exchange of ideas and knowledge..."<sup>3</sup>*

Education is the life-long inalienable right of all Cubans. It is a fundamental principle of the Revolution as reflected in Article 39 of the Constitution that makes it an indisputable priority for the Cuban State.

Notwithstanding the efforts made by the Cuban Government to guarantee access to quality and non-discriminatory education at all levels, the blockade sets up obstacles for the realization of such an important right. The policy exercised by the US Government continues to create difficulties for Cuba, often insurmountable ones, for collaboration in education with other countries in order to access to technology, knowledge and school materials needed to elevate the quality of the Cuban educational system.

A succinct demonstration of the principal difficulties being faced by the educational sector in Cuba follows:

- Special Education has 982 teaching workshops dedicated to preparing students for full social and labor integration. However the restrictions imposed by the US blockade make access to raw materials, supplies and new technology for machines, tools, instruments and utensils in the teaching workshops difficult. That situation affects more than 22,872 students with special education needs.
- In the area of Computer Education, the blockade denies access to the computing tools needed to create educational multimedia productions or to consult bibliographic references as in the case provided by *Cisco Systems, Google, Symantec, SunMicrosystems, NetBeans, ORACLE, ProCite,*

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<sup>3</sup> UNESCO Constitution, 1945

*EndNote, Reference Manager and RefViz.* The permits needed to access these tools must be paid to US companies and that is impeded by the regulations in force imposed by the blockade.

- Since 2001, the University of Cienfuegos has been carrying out an academic exchange program with the University of Tacoma (Washington State) with excellent results; it was interrupted when permit renewal was refused.
- Dr. Gordon L. Amidon, American professor from the University of Michigan and creator of the Biopharmaceutical Classification System, was unable to attend the First Biopharmacy and Bioequivalency Workshop held from the 1<sup>st</sup> to the 5<sup>th</sup> of July of 2013 at the Marta Abreu Central University of Las Villas, Cuba. He was not granted the permit required to be able to attend. The event was part of activities conceived in an ALFA III (Biofarma network) project of the European Commission. Dr. Amidon is also the editor-in-chief of the *Molecular Pharmaceutics* magazine, member of the editorial board on more than a dozen scientific journals, expert advisor for the Food and Drug Administration as well as the Director of the Drug Delivery Foundation, a non-profit international organization promoting education, training and research on biopharmaceutical topics and the distribution of medicines.
- The regional ACM-ICPC contest (Association for Computer Machinery-International Collegiate Programming Contest) held every year in Cuba cannot take advantage of the financial support provided by IBM Corporation as part of its world sponsorship of such events. This situation not only affects Cuban participants but also those coming from other Caribbean countries.

### **1.3. The Right to Food**

*“Food should not be used as an instrument of political and economic pressure. We reaffirm the importance of international cooperation and solidarity as well as the necessity of refraining from unilateral measures not in accordance with the international law and the Charter of the United Nations and that endanger food security.”<sup>4</sup>*

In Cuba one of the most comprehensive social protection programs has been established, permitting the eradication of hunger. The population’s food security, closely related to economic, social and environmental development dimensions is a strategic priority for Cuba.

The political will of the Cuban Government and its outstanding achievements in the struggle for completely eradicating hunger in the country were awarded by the Food and Agriculture Organization of the United Nations (FAO) on the occasion of the 38<sup>th</sup> period of sessions of its Conference held in Rome, Italy in June of 2013.

In communicating recognition to the Cuban President Raúl Castro Ruz, the Director General of FAO, Mr. José Graziano da Silva, extolled the priority granted by the

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<sup>4</sup> Declaration of the World Summit on Food Security, Rome, November 16 to 18, 2009.

Cuban Government in guaranteeing the right to food for its population as well as policies implemented for that purpose. This allowed Cuba to fulfill, prior to the agreed term of 2015, the millennium development goal referring to this matter.

Within the framework of the Cuban educational system, the availability of food is guaranteed in all the pre-school and school centers in the country and educational efforts are made to promote the consumption of a healthy and nutritionally adequate diet.

Nevertheless, the state policy exercised by the United States for more than five decades against Cuba violates the right to food of the Cuban people since it sets up obstacles to regular access for Cubans to international food markets, including US producers.

This sector, because of its nature, continues to be one of the most sensitive to be affected by the blockade.

Relocation of markets in order to import supplies for the foods industry, some of which at a considerable distance, with the subsequent result of increasing costs and additional expenses for freight by sea, onerous exchange rates, due to the prohibition of using the US dollar in transactions, among other things, are some of the principal adverse effects suffered in this sector.

As mere illustrations, we cite the following examples:

The National Poultry Union has been denied access to poultry-raising technology from the US and/or other countries that use US components or patents. A similar situation is faced by the Pork Enterprise Group related with access to cutting-edge technologies for raising pigs. These technological factors we have mentioned result in the low rate of viability, excessive deaths due to preventable and curable diseases, animal waste due to diseases and the growth of animals with disorders in their natural development.

As for the joint enterprise Coracan S.A., they have been suffering increased costs and additional expenses relating to freight costs by sea for imported raw materials since they have not been able to buy them directly from the closest markets such as in the US. That is the case of *Neotame*, a hypocaloric artificial sweetener (non-nutritional). Its manufacture and commercialization is monopolized by the US-owned Nutrasweet Company that has subsidiaries all over the world.

The Agro-Industrial Grains Group cannot update its rice industry with new technologies, being exploited for more than 50 years, because it comes from the United States. Machinery, spare parts and parts must be bought in a market to which they have no access. This limitation affects between 6 and 8% the quality of rice produced for consumption, diminishing industrial yield. In such circumstances between 3 and 4 thousand tons of rice could not be produced for consumption during the year.

During this period, the company LABIOFAM has had serious adverse effects because of the geographical relocation of its imports of raw materials destined for

the production of viral vaccines that are needed to guarantee the health of the livestock in Cuba. These are only sold by US companies.

#### 1.4. Sports and Culture

*“In the face of current imbalances in flows and exchanges of cultural goods and services at the global level, it is necessary to reinforce international cooperation and solidarity aimed at enabling all countries, especially developing countries and countries in transition, to establish cultural industries that are viable and competitive at national and international level.”<sup>5</sup>*

The Cuban Revolution shows a long tradition of promoting culture and sports, spheres that have been integrated as essential elements for the education and development of Cuban citizenry.

The Cuban State is making great efforts to let the world know about the creative capacities and talents of the Cuban people. However, the blockade continues to set up barriers to the length of the dissemination of Cuban cultural heritage and its practice of healthy sports for all.

The blockade continues to be a serious obstacle for the adequate promotion, broadcasting and commercialization of Cuban cultural talent. At the same time it depresses to very low levels the sales prices of Cuban cultural products and limits for international audiences the enjoyment of Cuban music. One of the main reasons is the control of the market exercised by large arts and music transnationals which are either American or have a strong presence in the United States. Those big companies dominate the promotional and show circuits for artists on an international level.

Likewise, for example, live shows of Cuban musicians in the United States must take on the nature of *cultural exchanges*, without the intervention of commercial contracts between the parties as is the case all over the world, thereby making it impossible to receive economic benefits for them.

This has been the case of Cuban artists such as *Buena Fe*, Osmany García, *Partes Privadas*, the *Septeto Santiaguero* (nominated for the Latin Grammys) and René Arancibia the audiovisual creator whose shows were promoted by EGREM (Musical Recording and Publishing Enterprise of Cuba). The same thing occurred with other recognized Cuban musicians such as Ivette Cepeda, the *Charanga Habanera* and the *Orquesta de Elito Revé y su Charangón*, associated with other Cuban enterprises and representation agencies.

During 2013, EGREM registered commercialization in a covertly fashion, by foreign entrepreneurs, of important Cuban musical recordings such as *Colección de CDs Cinco Leyendas de Cuba* and *Banda Gigante del Benny Moré*. Volumes sold are estimated at around 5000 units and are priced at around 20.00 dollars. The

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<sup>5</sup> Universal Declaration of UNESCO on Cultural Diversity, Article 10 –Strengthening capacities for creation and dissemination worldwide, November 2, 2001.

impossibility of normally and directly access the US record market, especially important in the music market, brings with it the consequence of economic losses that are difficult to calculate in terms of figures.

As for the Cuban movie-making industry, this has been affected in terms of possible exports to the US since Cuba cannot attend the American Film Market in Los Angeles. This international market, doubtlessly one of the most important and clearly the window giving access to the entire United States film market is forbidden for the International Sales apparatus of the Cuban Institute of Cinematographic Art and Industry (ICAIC).

Also, participation by Cuban students and professors at different events such as competitions, festivals, workshops and other activities based in the US is very limited for all these following specialties: theater, dance, ballet, visual arts and music. In this way the US Government prohibits the drawing up of cultural agreements between homologous teaching institutes of the two countries that would make possible the cultural growth and artistic creation of our students.

Cuban sports, acknowledged in the rest of the world for the mark it has left on a number of events in all categories, also faces many roadblocks for its development and consolidation.

The blockade policy continues to block and sometimes prevent direct and normal relations with different international sports institutions and the participation of athletes at important competitions that take place in the US or in Cuba. The extraterritorial dimension of its measures also makes access to external financing more expensive and it hampers the acquisition of sporting equipment.

In some cases Cuban sports teams have had to forget about acquiring top sporting equipment that is mainly manufactured by US companies or, in the best of cases, resort to faraway markets to buy them at much higher prices.

Despite this hostile policy, the Cuban Government has not stopped guaranteeing access to the practice of sports to all of its citizens. However, we must underline that the effects of the blockade are translated into daily shortages that affect development in that area.

Cuba has been limited in its acquisition of Louisville, Wilson, Xbat, Rawlings and Easton brand sports equipment, all manufactured by American companies, many of which are of mandatory use according to the official regulations of international sports federations. Consequently Cuba has had to go to third countries to buy them, with all the additional expenses that entails.

The Institute of Sports Medicine has not been able to acquire reagents and referential substances for the Anti-doping Lab, which come from American companies or their subsidiaries in third countries. That is the case of monoclonal antibodies in order to determine human erythropoietin, one of the signs of doping, manufactured exclusively by US companies. The same is the case for a hematological complex to make up hematological passports for Cuban athletes.

Specialists at the Center for Sports Research have not been able to participate in scientific events held in the United States, nor have US experts been able to attend events organized in Cuba. Something similar occurs with athletes at teaching institutes; they have been denied the possibility of training together. During the period, the visits of 6 groups of Americans interested in sports exchanges were cancelled when they were refused the permits needed to travel to Cuba.

## **II. THE BLOCKADE SETS UP OBSTACLES FOR THE COUNTRY'S DEVELOPMENT. ADVERSE EFFECTS ON THE FOREIGN SECTOR**

*"States are strongly urged to refrain from promulgating and applying any unilateral economic, financial or trade measures not in accordance with international law and the Charter of the United Nations that impede the full achievement of economic and social development, particularly in developing countries."*<sup>6</sup>

The application of the set of measures codified within the blockade is directed to limit the moving forward of development in the country and to deliberately promote despair and desperation among Cuba's citizens, as it has been indicated above.

Damage caused by this extends to all areas of the Cuban economy with none of them being exempt from the unilateral sanctions imposed by the US Government.

In current circumstances, the blockade is being built as a serious barrier to grant loans to Cuba under favorable conditions, transfer cutting-edge technology, mobilize external capital, attract direct foreign investment, protect the environment and fully insert Cuba into the world economy.

Losses assumed by the Cuban economy each year total billions of dollars; a large part is played in this by general losses generated by lost incomes from exports of goods and services; expenses caused by geographical relocation of trade, especially that which derives from immobilized inventories and adverse monetary-financial effects due to the exposure of the economic actors to exchange rate variations (the dollar cannot be used in any payments) and the increased cost for financing.

One of the sectors most affected by the blockade is the tourism industry and the economic activities associated with it. In the period covered by this report it is estimated that Cuban tourism has suffered adverse effects of 2,052.5 million US dollars in important areas such as services, travel agency operations and logistical assurance, elements that are decisive in this sector.

By virtue of the blockade laws, the Cuban tourism industry cannot work the US market which send tourists in an organized manner; this includes cruises and the use of Cuba's marinas and water sport facilities.

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<sup>6</sup> Paragraph 26, "The future we want", Outcome Document of the World Summit on Sustainable Development, Rio +20, General Assembly Resolution 66/288.

Moreover, the extraterritorial nature of US measures ends up affecting other markets that send tourists. Agencies of the Cuban company *Havanatur* that are based in Canada (*Hola Sun Holidays Ltd.* and *Canada Inc. Caribe Sol*) are facing additional costs to process credit cards. The charges imposed by credit card processing agencies on these travel agencies were 3.79%, 1.6% higher than the average charged to other travel agencies based in that country.

The fact that it is impossible to use payment facilities operating in US dollars such as Webpay, PayPal, PayOnline and others which are the ones most often used in this market, make it obligatory to contract payment modes developed specifically for online sales in the Cuban business system based outside of the country. In 2012 Azubapay joined the system at the integration and personalization cost of 4,000 Euros. Given the need to have more than one payment facility we would be forced to contract for an additional method for a similar amount of money. Furthermore, the charges applied to financial transactions regarding Cuba, considered to be high-risk because of the persecution of US Government agencies, are 1% higher than the international average.

The country's industrial growth is another of the branches that reports millions in adverse effects, estimated at 95.9 million US dollars, basically caused by differences in importation prices because of the geographical relocation of markets, additional costs due to immobilized resources in the markets and monetary-financial adverse effects.

The steel industry; national producers of plants and equipment; manufacturing medical equipment, sanitary fittings and other consumer goods; the recycling industry and other areas of Cuban industry are facing constant obstacles to ensure production, import and commercialization of all kinds of supplies needed by the country for the growth of the economy.

For the water sector of the country, essential to guarantee levels of access to water and sewage for the population, adverse effects reported by *Cubahidráulica* have reached 3.74 million US dollars; this is related to difficulties in finding a suitable market for importations of raw materials and to dealing with the financing costs for purchasing operations.

The construction branch finds it impossible to access to more efficient, lighter construction technologies that consume less basic materials and energy components; it has estimated its losses at 27.6 million US dollars.

Closely associated to tourism and the rest of the country's economic and social life, all the different varieties of transport (sea, air and land, port and airport services, development and maintenance of roadways and the highways network) were limited by the blockade. Damage caused to this sector is estimated at 540.1 million US dollars.

Civil aviation, the main access route for visitors to Cuba, faced losses of 275.8 million US dollars based on the different obstacles it had to deal with in this period.

*Cubana de Aviación* airlines had to change its service provider for online payments since the *Credit Mutuel* Bank notified them in October of 2012 that it would be impossible to process VISA and MasterCard funds to the company.

Moreover, when in July of 2013 the company reopened its operations on the Havana-Sao Paulo, Brazil route, they ran into the impossibility of using the BSP<sup>7</sup> system thereby limiting sales on the indicated route.

The area of Cuban communications is one of the most sensitive ones for the country and is the victim of all kinds of attacks by the Americans. To the economic damages caused by the hostile US policy, very conservatively estimated at 34.2 million US dollars, we have to add the non-stop violations of Cuban radio-electric space and the use of new information technologies to promote destabilization of Cuban society.

In April 2014, the Cuban telecommunications enterprise *ETECSA* denounced the fact that up to October of 2013 there had been 219 operations involving massive sending of spams or trash messages from the US to Cuba, adding up to a total of 1,055,746 non-solicited texts on the mobile telephone network in Cuba, in open violation of US and international laws.

The attacks not only come from the *ZunZuneo* network, an undercover operation of the Government of the United States against Cuba recently revealed by the AP news agency, denounced by Cuba and by numerous international institutions, but since 2011 spam attacks on the Cuban telephone network are arriving from other US Government projects with the declared purpose of “changing the regime in Cuba”, such as the *Martinoticias*.

On April 13, 2011, *Martinoticias* carried out the first of many massive SMS transmissions to Cuba. Other media receiving US Government funding for illegal actions on the Island also carried out these attacks, such as the digital publications *Cubasincensura* and *Diario de Cuba*.

As in the *ZunZuneo* project, *Martinoticias* has used telephone numbers that were fraudulently obtained, thereby violating the privacy of citizens and the very laws that govern communications both in Cuba and in the United States.

This situation has been aggravated by severe informatics attacks suffered by Cuban info-communications networks in violation of International Law and the most basic regulations that ought to guarantee peaceful, orderly and safe cyberspace.

All of the preceding contrasts with the self-same US authorities refusing Cuba access to equipment, technology, connections to the networks, fiber optics cables that surround the island and other resources that would facilitate the country's development and moving forward in the sphere of information technologies.

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<sup>7</sup> Billing and Settlement Plan: a uniform system used by both airlines and travel agents to provide a simplified method to manage and hand over airplane tickets.

## 2.1. Foreign Trade and Investments

As expressed on earlier occasions, Cuba's insularity and development conditions determine the high level of incidence of foreign trade for access to cutting-edge technology, mobilizing foreign capitals, granting loans, promoting foreign investment and international cooperation.

The imposition of laws with an extraterritorial nature has a direct impact on foreign trade and the promoting of direct foreign investments in Cuba, a sector that has been one of the principal targets in the economic war imposed by the United States against Cuba.

For the period being dealt with by this analysis, damage to Cuban foreign trade is estimated at **3.9 billion US dollars**.

The principal adverse effects are calculated in the incomes not earned by exports of goods and services due to the fact that the US market is out of bounds to Cuban exporters.

Thus if only traditional Cuban products such as cigars and rum were allowed access to the US market in non-discriminatory conditions, the country would have some additional 205.8 million US dollars that it could direct towards strengthening social protection programs of benefit to its citizens.

Costs for financing trade operations are increasing since they are directly proportional to the perception of being called a "risk country"; this at the same time is determined by the constant threat of sanctions against those who do business with and invest in Cuba.

Likewise, Cuban commercializing entities are forced to spend large additional amounts of money for freight and insurance, marked by the prohibitions on ships to land in US ports if they land in Cuba. That circumstance forces operations of transshipments of goods in third country ports, increasing the costs for the export/import processes.

In the matter of foreign investment, the well-known Torricelli and Helms-Burton Acts are designed to set up obstacles, largely ignoring the legitimacy of the process of nationalizations carried out in the country with the triumph of the Revolution in 1959.

The persecution of investors in Cuba involves the denial of advanced technology originating in the US, the impossibility of exports that might generate investment acceding to the US market, forbidding funding from US banks for the development of foreign investment, rising costs of other financing sources by virtue of the extraterritorial actions foreseen by US laws and application of sanctions on third country entities for having carried out operations with Cuba.

## 2.2. Finances

The implacable persecution of Cuban financial transactions is one of the most visible characteristics of the American attempts to asphyxiate the Cuban economy.

In a globalized world, normal and transparent relations between banking institutions are essential to guarantee financial resources that support national policies heading towards sustainable development in all countries.

The area of Cuba's international finances is one of the scenarios where one can most clearly see the scope of damages caused by escalating US actions against the Cuban nation.

As a response to the pressures exercised by the blockade, we can observe a growing trend towards the closing of accounts in Cuban banks by foreign financial institutions and banks as well as limits on their business with Cuba.

Consequently, foreign companies that were operating with these banks will have to carry out their transactions via intermediary banks with which they don't necessarily have accounts. That brings along with it the transferal of added expenses to the Cuban importers because of the intermediary executions in these operations.

Thus, elimination of and restrictions on corresponding banks providing their services has financial connotations that are difficult to calculate; they have repercussions in greater costs for Cuban importers who are forced to modify their usual structures of payments.

The foregoing is added to the reiterated and permanent economic adverse effects due to the existence of high currency exchange risk due to the fluctuations in the rate of exchange, maintaining the impossibility of using the US dollar as payment currency and Cuba having to use other currencies to make and receive payments.

The difficulties of the functioning of the banking system can be seen in a multitude of obstacles, among which we can cite:

- a) The service of banking and financial information provided by Reuters not only to Cuban banks but to other foreign trade entities was suspended at the close of the first quarter of 2013. This measure implies a technological step backwards and it brings with it delays, insecurity and increased costs for the workings of the banks in the system.

As a result, negotiations with other banks are done by E-mail and telephone and the capacity of Cuban entities to communicate in a professional and safe fashion with international financial institutions is being limited.

- b) Difficulties with the messenger service provided by DHL (*Correos de Cuba*) since documentation cannot pass through United States of America territory.
- c) SWIFT<sup>8</sup> PanAmerican has again this year refused to allow the Group of Users of Cuba to attend the Second Conference for the region of Latin America (LARC) held in a Latin American country in July of 2013. The headquarters of

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<sup>8</sup> Society for Worldwide Interbank Financial Telecommunication

this international body, based in a country in the region, sent a letter informing that it was not possible to accept applications from any Cuban citizen at the event as a result of the US sanctions against Cuba.

- d) Cancellation without prior notice of the Astaro permit for a Cuban bank, a product which acts as a firewall<sup>9</sup> for the Internet connection. The permit belonged to a European company which had been taken over by a British/US entity.

The series of roadblocks imposed on the country entail that all transactions become more expensive because the procedures have to go through third parties.

In addition, Cuba has remained unable to renew its subscription to Banker's Almanac services, something that is very useful for the area of commercial bank correspondences with foreign banks as well as future direct investment operations and purchases of goods for the national economy.

Likewise, foreign banks have proceeded to close accounts in Cuban banking institutions and cancelling the RMA<sup>10</sup> keys, in some cases without any warning, with commercial operations in the midst of being executed.

The strong influence of US interests in the region makes it impossible to transfer funds from and to Latin America. Thus there have only been discreet advances obtained in the drawing up of correspondence agreements. This circumstance directly affects the sending of family remittances to Cuba since they come from Cuban citizens residing in Latin American countries, such as the relatives of a large number of students from the region who are enrolled in courses in Cuba. The interested parties are therefore forced to send monetary aid to their families using channels that are "informal" or not associated with banks.

The blockade and its extraterritorial application has brought with it some banks in Europe refusing to confirm letters of credit in dollars, even though they are payable in Euros, and to appear as guarantors for these payment instruments issued by Cuban banks.

During the period analyzed, adverse effects to the Cuban banking system were recorded by 27 foreign banking institutions, manifested by different routes and shown by the following examples:

- Six foreign banks have closed accounts in Cuban banking institutions: four from Europe, one from Asia and one from Latin America
- Correspondence agreement ended with a European banking entity

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<sup>9</sup> Part of computer system or network that is designed to block unauthorized access, at the same time as it allows authorized communications.

<sup>10</sup> Relationship Management Application (RMA): Authorizations that are exchanged with corresponding Banks; they allow filtering and limiting messages received and the type of message that is being sent

- Five RMA keys were cancelled through SWIFT by two Latin American, two Asian and one European bank.
- Banking services were denied by five banking institutions: three European and two Asian; and non-processing of specific operations at determinate moments by ten banks: five European, two Asian and three Latin American.
- Letters of credit were refused processing and/or confirmation by seven foreign banks: six European and one Latin American.

Recently, the trend by US authorities of applying enormous fines to the banking and financial entities of any country for the reason of establishing normal relations with Cuba has been reinforced.

The most alarming and dangerous case during the period covered in this report is that of the French bank, BNP Paribas, one of the largest in Europe. According to all information, US authorities have applied a “mega-fine” totaling 8.97 billion dollars for violating the blockade regulations against Cuba and sanctions to other countries.

Consequently, BNP Paribas has cancelled all its relations with Cuban entities, thereby constituting an additional obstacle to economic relations between the two countries.

For more than 50 years, the US Government has kept these laws, provisions and practices in force, in support for its policy that lacks all legality and legitimacy, deliberately designed to strangle Cuba from the material and financial point of view.

### **2.3. Section 211 of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 and other aggressions on the subject of patents and trademarks**

As part of economic aggression against Cuba, the policy of stealing Cuban trademarks and patents remains unchanged with the obvious aim of continuing to affect the country’s economy.

In this context, the well-known Section 211 of the Omnibus Consolidated and Emergency Supplemental Appropriations Act of 1999 was adopted and entered into force.

Twelve years ago, the Dispute Settlement Body (DSB) of the World Trade Organization (WTO) ratified that Section 211 violates obligations in matters of national treatment and most favored nation treatment contracted by the United States within the framework of the WTO Trade-Related Aspects of Intellectual Property Rights Agreement (TRIPS) and the Paris Covenant for the Protection of Industrial Property.

The DSB also requested the Government of the United States to put an end to this measure that is incompatible with the obligations imposed by the Agreement on TRIPS to which the US is a Party.

In the heart of the WTO, Section 211 generates ever-growing rejection given its serious implications for the multilateral trade system of which the US says it is a defender.

The stubborn US policy, by damaging the Cuban economy at all costs, this time in the sphere of industrial property, becomes a vulgar and cynical violation of US commitments on the matter of industrial property that obliges it to protect the trademarks of Cuban companies and institutions.

In accordance with International Law, the US has the responsibility that its laws, regulations and judicial and administrative procedures should be in agreement with its obligations, with WTO agreements and with international treaties on trademarks and patents of which it is a State party.

Up to the present, still remain the intentions of some of the plaintiffs against the Cuban State in the United States to appropriate for themselves Cuban trademarks and patents as a means of compensation, drawing on provisions in the Terrorism Risk Insurance Act approved in 2002 and in force until this year.

As for Cuba, it has invariably respected, without the least bit of discrimination, the obligations contracted by virtue of the international legal instruments regarding industrial property; this has ensured that more than five thousand US trademarks and patents are benefitting from being registered in the country.

### **III. THE BLOCKADE VIOLATES INTERNATIONAL LAW. EXTRATERRITORIAL APPLICATIONS**

The US administration insists on describing a scenario “relaxing” the aggressive policy against Cuba. However the facts state otherwise.

The principal characteristic of current US actions is the insistence on sanctioning third parties for maintaining normal relations with Cuba and the absurd pretense that their legislation has a universal nature when applying it to the Cuban people.

This behavior contradicts all the norms of International Law that promote peaceful coexistence between the world’s nations, starting with the UN Charter itself. It answers to the longing for intrinsic hegemony in the actions of the US Government when it passes laws that would like to make obligations for third parties in order to add them to the aggression against the Cuban people.

In order to have an idea about the scope of financial persecution against Cuba, just between January of 2009 and June 2 of 2014, the Obama Administration had forced 36 US and foreign entities to pay almost 2.6 billion US dollars because they had had dealings with Cuba and other countries. Now added to these arbitrary moves is the fine imposed on the French bank BNP Paribas; this brings the figure to more than 11 billion dollars.

### 3.1. Sanctions applied against Cuban entities

- On May 28, 2013, and as part of the effort to justify including Cuba on the spurious list of countries sponsoring terrorism, OFAC published its annual report on the assets of countries included on the unilateral listing. According to that report, up to December 31, 2012, the total amount of the frozen funds in which the Government of Cuba or Cuban nationals have interests comes to 253.1 million US dollars, 8.1 million more than in 2011.
- On August 12, 2013, the Cuban digital sports reporting website *Jit.com* informed that the US Government had refused to grant visas to sports officials José Echezarreta Menéndez and William García Benítez who were to participate as Judge and Head of the Cuban delegation respectively at the Pan-American Artistic Gymnastics Championship being held in Puerto Rico. The site added that Cuba could be facing a fine for not bringing a judge as the event requires.
- On November 26, 2013, the Cuban Interest Section in Washington announced the temporary closure of consular services due to the refusal of the US M&T Bank to operate the accounts of Cuban diplomatic missions in the United States.

At the beginning of December 2013, the Cuban diplomatic office informed that, in spite of intense negotiations having been undertaken, it had been impossible to find a bank with headquarters in the US that would be willing to take on handling their bank accounts, a situation persisting right up to the time of this report.

This situation brought with it the suspension of consular services for the largest and most numerous consular constituency abroad, with the subsequent adverse effects on family visits between the two nations as well as for exchanges in different areas during the first quarter of this year.

- In January 2014, Cuban librarians belonging to the National Medical Sciences Information Center and its specialized health network and other similar systems in the country were not able to participate in the free Virtual Seminar “Global connection among new librarians: good practices, models and recommendations.” Because the measures imposed by the US blockade on Cuba set obstacles to this connection of those professionals by denying them access to informatics tools and services of the Adobe software family.
- On January 17, 2014, President Obama signed the Law of Consolidated Appropriations corresponding to the 2014 fiscal year; this reiterated the clauses that prohibit financing by US bank institutions to several countries, including Cuba.
- On March 3, 2014, it was learned that the US EdX Company, sponsor of an online course about aerodynamics and modern aeronautic design, blocked access to Cuban students.

- On March 4, 2014, it was revealed that the online learning program *Coursera* of Stanford University blocked access to Cuban users.
- On April 4, 2014, The New York Times informed that the fundraiser Indiegogo.com website froze funds raised for the Cuban movie director Miguel Coyula after determining that the transfer of funds to Cuba or to any Cuban resident could violate the US blockade.
- On May 12, 2014, the US Thomson Reuters company confirmed to the legal office representing Cuba in the United States about the State Department prohibition regarding the proposed transaction to export the EIKON limited software version of financial analysis, given that “this was not in agreement with US policy towards Cuba.”

### **3.2. Extraterritorial application of the blockade**

- On June 28, 2013, OFAC imposed a fine of 2,949,030 USD on the Italian Intesa Sanpaolo S.p.A bank for violating the regulations of the blockade on Cuba and the regime of sanctions on other countries. According to the announcement, the bank institution processed 53 transactions to Cuba between 2004 and 2008 for a total amount of 1,643,326 USD.
- On July 22, 2013, the Treasury Department announced that the American Express Travel Related Services Company acceded to pay 5,226,120 USD for violating OFAC regulations when they sold 14,487 air tickets between December of 2005 and November of 2011 for travel to Cuba from third countries.
- On September 9, 2013, OFAC levied a fine for 39,501 USD on the US World Fuel Services Corporation headquartered in Miami, specializing in logistical services to supply fuel to air, land and naval transportation. According to OFAC, two of its subsidiaries provided services without permits to 30 flights to Cuba in 2007 and 2009.
- On October 15, 2013, it was learned that PayPal inactivated the funds of the German rock band COR destined to finance a tour of Cuba in January of 2014, for violating US sanctions against Cuba. The measure was rejected by numerous German social organizations.
- On October 16, 2013, PayPal again blocked the account of the German Herzberg Tea Shop in Hamburg for violating the blockade laws.
- On October 24, 2013, OFAC imposed a fine for 34,700 USD on the Colombian branch of the US Ameron International Corporation for selling, on two occasions, between March of 2005 and October of 2006, concrete tubing to the company of which Cuba is a partner.
- On November 13, 2013, the Southern District of New York Federal Court issued a judicial order that instructs Intesa Sanpaolo S.p.A and Santander S.A. banks to hand over information about the bank accounts of Cuban

entities in these branches, anywhere in the world. The Court made that provision on the basis of an action by the plaintiff Aldo Vera in order to appropriate said accounts. Furthermore, the plaintiffs Vera, Villoldo and Hausler requested the same Court that the Standard Chartered and Mercantile Commerce banks should hand over frozen accounts to Cuban entities to satisfy their rulings against the Republic of Cuba.

- On November 26, 2013, the Justice Department announced the imposition of a fine of 100 million USD on the oil company Weatherford International Ltd. and on five of its subsidiaries for violating the embargo laws. According to OFAC, between 2005 and 2008 Weatherford carried out 441 transactions for a total of 69,268,078 USD for the sale of oil equipment to Cuba. This is the largest fine applied to a non-financial entity.
- On December 11, 2013, OFAC levied a fine of 33,122,307 USD on the Royal Bank of Scotland plc (RBC) for violating US sanctions against Cuba and other countries. According to the report, the RBS carried out 24 bank transfers with Cuba totaling 290,206 USD between August 2005 and October 2009.
- On January 21, 2014 it was learned that the German state bank Rostbank, headquartered in the State of Saar, refused to transfer 2,500 Euros of the Neztwerk solidarity with Cuba network destined for the Cuba Solidarity Campaign in the United Kingdom for violating the blockade laws. Said funds were being collected for the international tribunal for the Cuban Five being held in London.
- At the beginning of February of 2014 branches of the Pricemart company in Guatemala, El Salvador, the Dominican Republic and other Caribbean nations refused to make sales to non-resident Cuban citizens in those countries, including accredited diplomatic personnel. It is most significant that the respective Pricemart head offices invoked US law and not local laws to execute the absurd action.

The reaction of public opinion in all the affected nations was unexpected and stirred up an outcry of social movements and even of the main CARICOM authorities.

The gravity of the violation of the sovereignty of the affected nations was part of the deliberations at the Seventeenth Meeting of Foreign Ministers of CARICOM held in Guyana between May 19 and 20 of 2014.

- On March 12, 2014 it was reported that the Enkeli Customer Partner Srl was forced by BNP Paribas to close bank accounts related to its work in Cuba under the shadow of OFAC imposed fines.
- In March 2014, *Animal Politico* ([www.animalpolitico.com](http://www.animalpolitico.com)) printed that the Mexican Micra company dedicated to the sale and distribution of microscopes had had 100,000 USD frozen by the US Treasury Department for the purchase of a microscope destined for the Advanced Studies Center in Cuba.

The manufacturer of the equipment is based in the Czech Republic. The Mexican company has had its funds held since August of 2011.

- That same month, information published by the EFE news agency and The Wall Street Journal revealed that the French Société Générale and Credit Agricole banks were being investigated in the United States for having maintained normal relations with Cuban entities.
- On March 11, 2014, the RD digital radio ([www.diariodigital.com.do](http://www.diariodigital.com.do)) repeated the denunciation of the Cuban embassy in the Dominican Republic for the interruption of fuel supplies by Shell to *Cubana de Aviación* airlines aircraft at the Dominican International Airport of the Americas.
- On April 4, 2014 it was learned that the affiliate of the Mexican telephone company CLARO based in Nicaragua announced that promotional vouchers they were selling to increase calling times could no longer be used to call Cuba because of the blockade laws.
- On April 18, 2014, it was announced that OFAC levied a fine of 5,990,490 USD on the Dutch CWT B.V (CWT) travel company for violating the blockade laws. According to the OFAC report, between August of 2006 and November of 2012, CWT provided travel services to and from Cuba to 44,430 persons.
- On April 30, 2104, the MediCuba-Swiss program coordinator Beat Schmid announced that Credit Suisse, the second largest bank in Switzerland, had refused to make transactions in Swiss francs to that organization because they violated the blockade laws to Cuba.
- On May 6, 2014, OFAC levied a fine of 2,809,800 USD on the Decolar.com company registered in Delaware USA, whose central offices are based in Buenos Aires, Argentina, for violating the laws of the blockade against Cuba. According to the report, between March of 2009 and March of 2012 Decolar.com provided travel services to 17,836 persons to fly from Cuba to other countries, except the US, as well as hotel reservations for staying in Cuba without OFAC authorization.
- On May 8, 2014, OFAC levied a fine of 279,038 USD on the American International Group Inc. (AIG), a US insurance company, for violating the laws of the blockade against Cuba. According to the OFAC report, AIG subsidiaries in Canada violated the regulation against Cuba 3,560 times between January of 2006 and March of 2009.

### **3.3. Adverse effects on international cooperation**

- On June 18, 2013, American Professor Victor Margolin of the University of Illinois was not able to attend the Seventh International Encounter for Design Form, 2013 in Havana because he hadn't received an answer from the Treasury Department about his application for a permit to travel to Cuba, presented three months earlier.

- In March of 2014, scientists from several Florida universities stated that the blockade had slowed down their ocean research by preventing them from traveling to Cuba to meet with their Cuban peers on a study that could improve coral reef conditions, prevent an excess of fishing and generate greater understanding of the Gulf of Mexico ecosystems.
- On January 28, 2014, the *San Francisco Bay View* newspaper reported on investigations being carried out by the IRS (Internal revenue Service) against the NGO Inter-religion Foundation for Community Organization (IFCO) directed by Rev. Lucius Walker until his death; this organization organizes medical studies for young Americans in Cuba.
- The Central Medical Collaboration Unit attached to MINSAP emphasizes that in 2014, the Medical Brigade from Gabon was not able to send 370,000 USD to Cuba due to the refusal of BNP Paribas bank; this is the bank currently under the threat of being fined by OFAC for processing corresponding money transfers.

## **IV. WORLD OPPOSITION TO THE BLOCKADE**

The genocidal policy of the blockade against Cuba is increasingly gathering greater voices of disapproval both on the international level and inside the United States, calling for the lifting of the unilateral sanctions.

### **4.1. Internal opposition in US society**

Numerous American personalities and organizations continue joining the just claim as illustrated by the following examples:

- On May 18, 2013, Rep. Kathy Castor (D-FL) printed an article in the *Tampa Bay Times* entitled “What I learned in Cuba” where she expresses the need for the United States to recognize the changes taking place in Cuba. She also urges President Obama and Secretary of State John Kerry to take actions to promote direct negotiations with Cuba and she urges them to lift the blockade, eliminate travel restrictions on Americans or at least establish a general permit for that purpose, normalize bilateral relations and take Cuba off the list of terrorist states. Within this context, she calls on promoting exchanges with Cuba to make use of the advantages of the Port of Mariel and to increase cooperation on topics such as oil prospecting and the environment. Castor considers the advantages for Tampa and the USA derived from better relations with Cuba to be important.
- On June 10, 2013, the *Northwest Florida Daily News* printed an editorial calling on Americans to travel to Cuba legally through people-to-people contacts. It also advocates the end of the “embargo” and urges its readers to ignore Sen. Marco Rubio (R.-FL.) and the south Florida representatives.
- On July 2 2013, the *Washington Post* printed an article by Katrina Vanden Heulen, editor of “The Nation” entitled “The US should lift the embargo from Cuba”. She emphasizes that the blockade is an old-fashioned policy that

only served to give prestige to Cuba and isolate the United States from Latin America; she underlines the positive sign of economic changes on the island assuring that the time to threaten Cuba has passed and what the US ought to do is increase its sphere of influence. She advocates the end of travel restrictions for US citizens and the exclusion of Cuba from the list of countries sponsoring terrorism.

- On July 10, 2013 and in reference to the amendment presented by Rep. Mario Diaz-Balart (R-FL) to the Appropriations Law for Financial Services in the fiscal year of 2014, directing to prohibiting people-to-people educational trips, the minority leader in the Financial Services Subcommittee, José Serrano (D.-N.Y.) named that proposal the “Jay-Z – Beyoncé Law” and indicated that his purpose was “to make the far-right anti-Cubans in Miami happy”.
- On July 24, 2013, nine congressmen led by Rep. Rosa DeLauro (D-CT) sent a letter to the Secretary of State urging him to grant visas to Cuban officials, scientists and academics. The congressmen praised Obama’s measures on family travel and the reestablishment of people-to-people” trips, describing as “pragmatic” the granting of a visa to the Director of the United States of the Ministry of Foreign Affairs of Cuba and her meeting with the assistant Secretary of State Roberta Jacobson. On the other hand, they disagreed with the decision of refusing the visa to a dozen Cuban academics to participate in the Latin American Studies Association Congress<sup>11</sup>.
- On July 30, 2013, Rep. Kathy Castor sent a letter to congress leaders in which she favors “people-to-people” exchanges as a manner of bringing the two countries closer together. She criticized the imposition of costly regulations and the policy of the Appropriations Committee of the House of Representatives of restricting the constitutional right of Americans to travel. She suggested that bureaucracy ought to be decreased and general permits broadened; this would represent a saving for the government and benefit small American businesses, the tourism industry and Tampa International Airport. She also praised the position of the Chamber of Commerce of that city against restrictions.
- On August 16, 2013, the Midwest Section of the Legislative Conference of the State Governments Council which includes the states of Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Nebraska, North Dakota, Ohio, South Dakota and Wisconsin approved a resolution condemning the US blockade against Cuba arguing that that policy limits its trade possibilities.
- On September 26 2013, Rev. Richard Pates, chairman of the International Justice and Peace Commission of the US Catholic Bishops Conference sent a letter to Susan Rice, White House National Security advisor, in which he urged the Obama Administration to lift the blockade, normalize relations with Cuba and take the island off the list of countries sponsoring terrorism.

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<sup>11</sup> The Latin American Studies Association (LASA).

- From September 27<sup>th</sup> to 30<sup>th</sup> of 2013, Rev. Jesse Jackson visited Havana where he stated that the US should eliminate the blockade and that the church should be fighting for that.
- On October 21, 2013, it was learned that more than a dozen religious leaders in the US sent a letter to President Obama asking him to take three steps to normalize relations: establish a senior-level dialogue, exclude Cuba from the list of countries cosponsoring terrorism and lifting restriction of Americans' travel. Among those signed was John McCullough, chairman of the World Service of Churches.
- On November 8, 2013, Rep. Barbara Lee sent a letter to President Obama and Secretary of State Kerry in which she is grateful for the changes introduced by the President in the policy towards Cuba and she calls on him to take new steps. She urged him to use his presidential prerogatives to initiate a direct senior-level dialogue with the Cuban Government and to exclude our country from the list of terrorist States and to lift the travel restrictions for Americans going to Cuba. She added a letter signed by 55 academic, humanitarian, religious, cultural and business organizations that support a change of policy towards Cuba.
- That same November 8<sup>th</sup>, the World Council of Churches approved a resolution urging the US Government to lift the blockade and normalize relations with Cuba.
- On November 8<sup>th</sup>, President Obama, at a fund-raising event for the Democratic Party, acknowledged the obsolescence of US policy towards Cuba when he wondered about the effectiveness of said policy in current conditions. He indicated that this policy must continue to be up-dated in a "creative and reflexive" manner.
- On November 20, 2013, in an interview done by the *Cuba Standard*, Rep. Kathy Castor reiterated her opposition to US Government restrictions on travel to Cuba since they constitute a violation of the constitutional rights of American citizens.
- On December 15, 2013, *Bloomberg*, a New York magazine which specializes in subjects dealing with the economy, printed an editorial indicating that President Obama had done "little" to "fix the failed policy towards Cuba" and it emphasized that it had merely reestablished the Clinton Administration measures; the article urged him to make new changes by using his presidential prerogatives. It adds that a minority in Congress persists in its defense of the blockade which is a negative factor for the "interests and values" of the United States. It emphasizes that cooperation with Cuba in areas such as dealing with oil spills and illegal drug trafficking is becoming "increasingly important". It recommends that the US Government remove Cuba from the list of States sponsoring terrorism since the State Department itself acknowledges that the Cuban Government provides neither weapons nor assistance to terrorist groups.

- On January 2, 2014, *People's World* printed the editorial "After 55 years, it's time to end the embargo against Cuba"; it recognizes that successive American administrations and their allies in other countries have done everything possible to finish off the Cuban revolutionary process. The editorial points out that voting against the blockade in UNGA have demonstrated US isolation due to its policy towards Cuba. It states that the blockade not only causes millions of dollars of losses for the Cuban economy and sets up obstacles for the access to technical and medical means, but it has also caused the loss of jobs and opportunities of exportation for the United States. The editorial also demands that restrictions for travel to Cuba for Americans be lifted and that the blockade be eliminated. It proposes that in order to achieve these changes initiatives are needed such as visits to members of Congress, contacts with the White House and the Department of State, sending letters-to-the-editor, opinion articles and organizing and participating in demonstrations.
- On January 2 *The Washington Post* printed statements by Alfonso Fanjul, a sugar entrepreneur of Cuban descent, in which he wonders about the current US policy towards Cuba and proposes searching for solutions that permit economic investments of émigrés in Cuba.
- On January 23, 2014, the *Brookings Institution* announced a series of proposals to the Obama Administration. Among some of the most outstanding: direct assistance to small and medium business in Cuba, expanding general permits for travel to Cuba, increasing products which can be imported to Cuba, eliminating limits to the amount of remittances and gifts Cuban-Americans can send to Cuba and eliminating Cuba from the list of states sponsoring terrorism.
- On February 5, 2014, the digital newspaper *Creative Loafing Tampa* printed that Florida gubernatorial candidate Nan Rich criticized the hostile policy of the US against Cuba and opted for an end to the blockade. It referred to the action of some Congress members in this regard, among whom former Senator Bob Graham (D-FL) and Rep, Kathy Castor (D-FL).
- On February 9 Charlie Crist, former governor of Florida and gubernatorial candidate for 2014, supported a change of policy towards Cuba on an HBO TV program along with elimination of the blockade and he referred to the economic benefits that being able to invest in Cuba would bring to Floridians.
- On February 11, 2014, the academic institution *Atlantic Council* printed the results of a survey about US policy against Cuba; it revealed that 56% of Americans favor changing the policy and 61% approve that Cuba be taken off the list of terrorist states. Surveys supported other changes such as the lifting of travel restrictions for Americans and the authorization of US investment in Cuba (6 out of 10 surveyed) and the use in Cuba of telecommunications technologies coming for the US (52% of those surveyed).

- On February 13, 2014, *The Sun Sentinel* editorial called for lifting the blockade. It cited reasons such as the benefits for both nations in matters of trade, improved coordination in emergency weather situations and common environmental concerns, especially for Cuban plans for deep water oil exploration near the US coast.
- In the month of March it was revealed that a letter was sent by representatives Ted Poe (R-TX) and Rick Crawford (R-AR) to Secretary of the Treasury Jack Lew, with a copy to President Obama and Secretary of State John Kerry. The letter urged the US Government to assess an increase in potential trade relations in agricultural matters with Cuba, specifying that relaxing the OFAC rules in force would be beneficial for farmers and the US agro-food industry.
- On February 16, 2014, the *Los Angeles Times* printed an editorial where it urged eliminating the blockade against Cuba because it has not achieved its main objective. The opinion article cites the results of the *Atlantic Council* survey and says it agrees with improving relations between the two countries.
- On February 27, 2014, president of the World Service of Churches Rev. John L. McCullough and the president of the Council of Cuban Churches Rev. Joel Ortega Dopico printed a joint letter in *The Hill* that acknowledges the collaboration of the two institutions for more than 20 years and urging the US Government to eliminate travel restrictions to Cuba for Americans, excluding Cuba from the list of states sponsoring terrorism, opening up trade to support small business and emerging cooperatives in Cuba and establishing a senior-level dialogue to normalize bilateral relations and discuss differences within the framework of respect for the dignity of both nations.
- On March 15, 2014, Miami held an event with the participation of representatives from FORNORM, CAFÉ, *Generación Cambio Cubano*, *Grupo de Estudios Cubanos*, *Puentes Cubanos* and other such as Cuba Educational Travel and WOLA under the title of “Conversations among Cubans” in which they asked for the elimination of the blockade and the exclusion of Cuba from the list of countries sponsoring terrorism.
- On March 18, 2014, Rep. James McGovern (D-MA) stated in Havana that the project to preserve the *Finca Vigia* could serve as a model for collaboration between Cuba and the US in a wide array of subjects. He stated that he disagrees with US policy towards Cuba and described the prohibition for US citizens to travel to the island as “unfair and mistaken”. He stated that the blockade had failed and should be eliminated.
- On April 19, 2014, *El Diario Las Americas* printed an interview with the former governor of Florida and the current gubernatorial candidate, Charlie Crist, who reiterated his position in favor of changes to US policy towards Cuba and he described the blockade as a “failed policy”.
- On April 28, 2014, the creation of the Political Action Committee Cuba Now was announced; its mission as printed on its webpage is “full normalization of US-Cuban relations”. In that regard, they propose freedom of travel to Cuba,

“free and open” trade and investment between the two countries, establishing normal cooperation and assistance between US and Cuban entities for educational development, environmental protection, humanitarian aid, medicine or aid for scientific research, encouraging constructive diplomatic dialogue based on mutual respect with the Government of Cuba on subjects of mutual interest, elimination of the Torricelli and Helms-Burton Acts as well as taking Cuba off the list of States sponsoring terrorism. Its executive director is Ricardo Herrero, former executive deputy director of the Cuban Studies Group.

- On April 29, 2014, *Press TV* printed an article citing an official of the *Atlantic Council* who reiterated that 56% of Americans support normalization of bilateral relations. He added that international isolation of Cuba has not been achieved. The article also carries a group of declarations by Teresa Gutierrez, national director of the International Action for Latin America and the Caribbean Center who gave her opinion that sanctions have not been effective because of the support the Cuban people give the Government of Cuba.
- On April 30, 2014, the US Association for the Advance of Science printed an article on its website about its recent visit to Cuba. It described the program with a positive slant and included opinions by the president of the association about the renovating effect of the trip on scientific relations between the two countries.
- On May 2, 2014, the Illinois Working Group for Cuba sent a letter to President Obama in which they urge him to lift the financial and travel restrictions to Cuba; this would benefit the state of Illinois in jobs and product exports basically in the agro-foods sector.
- On May 3, 2014, *The Miami Herald* printed an article from Senator and former Governor of Florida Bob Graham and the former administrator of the US Environmental Protection Agency William Reilly, co-chairmen of the National Commission set up by Obama to investigate the BP oil spill of 2010. In the article they propose to modify the US legal provision that prohibits Cuba and its contract agents to acquire advanced technology that possess more than 10% American content. They also urge the President to issue general permits for the purposes of travel and exportations so that companies servicing and responding to oil spills may off suitable equipment beforehand.
- On May 5, 2014, the Foundation for Normalization of Cuba-USA Relations sent a letter to Secretary of State John Kerry in which they criticize the unfair inclusion of Cuba on the list of terrorist countries and they urge President Obama to take Cuba off that list.
- Also on May 5, the Peterson Institute for International Economy published the book “*Economic Normalization with Cuba: A Roadmap for US Policymakers*”, on the necessity for the US Government to lift sanctions imposed on Cuba. The publication deals with business opportunities with Cuba lost by the US in the face of other international actors due to the blockade.

- On May 7, 2014, 16 US religious leaders sent a letter to President Obama where they urge him to initiate a senior level dialogue between the US and Cuba in order to deal with a wide range of topics: issuing a general permit authorizing people-to-people travel in all categories; excluding Cuba from the list of States sponsoring terrorism; creating opportunities for US citizens to support the “emerging” sector of cooperatives and small business in Cuba, allowing Americans to buy, sell and provide technical aid or investment materials to small businesses and cooperatives. It also described programs such as *ZunZuneo* as “inefficient” and “ridiculous”.
- On May 7, 2014, in an interview with NBC News’ Andrea Mitchell, Rep. Barbara Lee (D-CA) criticized the blockade, the subversive programs developed by USAID and the prohibition on travel to Cuba.
- On May 19, 2014, a group of 46 senior former officials of the government, retired military, academics and influential businessmen including Cuban-Americans, issued an open letter to President Obama in which they make recommendations to relax the blockade and US policy towards Cuba including expanding travel to Cuba authorized by permits for all Americans, having serious discussions with Cuban counterparts in the areas of mutual concern about humanitarian and national security matters (migration, interdiction of drugs and the environment) and adopting steps so that financial institutions could provide services to support all permit-authorized activities.
- On May 29, 2014, Mr. Thomas Donohue, President of the US Chamber of Commerce, in a speech made at the University of Havana’s convocation hall, expressed that the time has come to open up a new chapter in Cuba-US relations and he suggested his government facilitate the increase in travel and expand diplomacy between the two countries. He added that the purpose of his visit to Cuba was to understand and assess the seriousness of changes in the Cuban economic policy and to consider how the US private sector could support this. He assured that when he returned to the US he would report to political leaders and US citizens on his experiences in Cuba and would recommend what his government should do in its policy towards Cuba. Donohue visited Cuba from May 27<sup>th</sup> to 29<sup>th</sup> in 2014 heading a delegation made up of Steve Van Andel, President of the Board of Directors of the Chamber of Commerce and the AMWAY Company, Marcel Smits, Executive Vice-president and Financial Director of the Cargill Corporation and other executives and officials of the US Chamber of Commerce. During his stay in Cuba he visited places of interest associated with the process of updating the Cuban economic model.
- On June 5, 2014, press agencies showed fragments of the book written by the former Secretary of State Hillary Clinton “Hard Choices”. Regarding the blockade, Clinton proposes that in the final part of her mandate at the State Department she urged President Obama to “reconsider the embargo against Cuba”.

- On June 6, 2014, the magazine “Science” printed an editorial by the heads of the American Association for the Advance of Science where it is manifested that the US Government can make a relatively simple change to the regulations against Cuba, fact that would make it easier for scientific collaboration. It pointed out that the lack of cooperation in the public health sector is a special reason for concern. It manifested that working together more closely would allow scientists from both countries to better share information, identify and monitor outbreaks of infectious diseases and develop more coherent responses. It indicated that the current general permit that allows scientists to travel to Cuba to do research could be expanded to allow joint organizing of workshops and scientific encounters.
- On June 12, 2014, former Secretary of State Hillary Clinton, at a presentation of the “History Makers” series on HBO, mentioned that the elimination of the blockade would help US relations with Latin America. She pointed out that “we ought to advocate an end to the “embargo” and promote normalization of relations to see what Cuba does. She proposed the importance of modifying the psychology in this matter and described the relationship with the western hemisphere as the most important commitment the US has on a long term basis.
- On June 17, 2014, the international University of Florida published the results of a survey carried out among Cuban residents in the County of Miami-Dade; 71% consider that the blockade has not worked, 52 % are opposed to continuing the blockade, 82% support that US companies sell medicines to Cuba, 77% favor US companies selling foods to Cuba and 48% consider that current trade conditions (limited sales of foods and medicines to Cuba) should expand. 68% of Cubans residing in Miami-Dade favor the reestablishing of diplomatic relations with Cuba, 69% support lifting the travel restrictions to Cuba for American citizens and 71 % favor continuing people-to-people exchanges.
- On June 17, 2014, Facundo Bacardi, president of the Bacardi Company and one of the family leaders, declared in an interview to the “Cigar Aficionado” magazine that the family holds different positions regarding the “embargo” against Cuba and he stated that while reforms continue, the people standing to benefit most are the Cuban people. He said that Cuba is doing things in its own manner.
- On June 29, 2014, summarizing the trip he made to Cuba in his personal blog, Eric Schmidt, president of Google, stated that: “the embargo as codified by the Helms-Burton Act defines everything for the US and for Cuba...Travel to Cuba is controlled by an office called OFAC and under our permits we are allowed to just have meetings and that our hotel has to cost less than 100 dollars...These policies go against reason: there are dozens of countries that we call allies where we are free to travel that today represent far more in terms of threats and concerns for the United States than what Cuba has been in a decade...The blockade is completely ridiculous in terms of US interests...”. On his trip to Cuba, he was accompanied by his company directors Jared Cohen, Brett Perlmutter and Dan Keyserling; they visited

various places of interest including the University of Informatics Sciences in Havana.

## **4.2. Opposition by the international community**

On the international scene, opposition to the blockade acquires an almost universal nature. Scenarios continue to grow where special communiqués and declarations are adopted asking for the end to this illegal and cruel policy. The following are some examples:

The UN General Assembly, the most democratic and representative body of the international community has reiterated by overwhelming majority its rejection of the blockade on October 29, 2013 when it approved by 188 votes in favor, 2 against and 3 abstentions, the resolution entitled “Necessity of ending the economic, commercial and financial blockade imposed by the United States of America against Cuba” (68/8).

Speakers participated in the general discussion of Resolution 22; among these we emphasize 7 representatives of settlement groups and regional and sub-regional organizations: Group of 77 and China, the Non-Aligned Countries Movement, CELAC, Caribbean Community, African Group, Islamic Cooperation Group and Mercosur. Another 14 delegations explained their positions against the blockade once the resolution had been adopted.

Also, during the thirty-eight assembly of the International Civil Aviation Organization in Montreal, Canada in September of 2013 a study note was presented on the case of Cuba and the impact of the blockade on Cuban civil aviation.

That same month in New York, the Ministers of the Group of 77 and China, after their annual meeting held within the framework of the sixty-eight session of the UN General Assembly rejected in their Ministerial Declaration the application of the blockade against Cuba and the imposition of coercive measures against developing nations.

The Twenty-third Ibero-American Summit of Heads of State and Government held in Panama on October 18 and 19 of 2013, agreed on a Special Communiqué about the need to end the economic and financial blockade imposed by the Government of the United States of America against Cuba, including the Helms-Burton Act, in which they reiterate “the most energetic rejection of the application of laws and measures contrary to international law such as the Helms-Burton Act and urge the Government of the United States of America to end their application”.

The Ibero-American communiqué asks the “Government of the United States of America to comply with provisions in 22 successive resolutions approved in the UN General Assembly and end the economic, commercial and financial blockade of the United States against Cuba”.

The text states that the economic, commercial and financial blockade of the US against Cuba violates International Law, is contrary to the purposes and principles of the UN Charter, the regulations of the international trade system and the freedom of

navigation. Also, it energetically condemns the application of any law or measure contrary to International Law such as the Helms-Burton and Torricelli Acts and urges the US Government to end their application.

The Fifty-third Meeting of the Ministers of the Latin American Energy Association (OLADE) held in Punta Cana, the Dominican Republic on December 16, 2013, approved a Ministerial Decision against the blockade.

The Latin American and Caribbean Community of States (CELAC) Summit held in Havana, Cuba on January 28 and 29, 2014 condemned the blockade against Cuba in its Declaration.

The Sixth Summit of the Association of Caribbean States held in Merida, Yucatan, Mexico on April 29, 2014 included the regional mechanism's rejection of US policy against Cuba in its final Declaration.

The Ministerial Conference of the Non-Aligned Movement held in Algeria on the 26 to 29<sup>th</sup> of May of 2014 reiterated in its final Declaration the historic commitment of the Movement against unilateral coercive measures applied against developing countries and underlined, once again, its clear condemnation of the blockade against Cuba.

The Final Declaration of the Extraordinary Summit of the Group of 77 and China held on June 14<sup>th</sup> and 15<sup>th</sup> of 2014 in Santa Cruz de la Sierra, Bolivia reiterated its rejection of application of coercive unilateral economic measures as well as their call on the US Government to end the economic, commercial and financial blockade it imposes against Cuba.

The Heads of State and Government of the African Union (AU) meeting in Malabo, Equatorial Guinea on 26 and 27 of June of 2014 adopted, at the twenty-third period of ordinary sessions of the AU Assembly, a resolution which asks for the lifting of the US blockade against the Republic of Cuba.

## **CONCLUSIONS**

The Government of the United States' conduct in the period covered by this report confirms that the US has not taken any steps to end this illegal and unfair policy that has remained intact for more than 55 years.

On the contrary: there has been flagrant noncompliance of General Assembly provisions as many actions that reinforce the blockade policy are reported. The rhetoric of this Administration about a supposed relaxation of sanctions against Cuba does not hold up under the facts being reported in this document.

On the contrary: the US Government has adopted measures designed to tighten the blockade in the financial and banking sector, of which the recent fine on BNP Paribas is the most obvious and dangerous example.

The economic damages caused to the Cuban people because of the application of the economic, commercial and financial blockade of the United States against Cuba,

considering the depreciation of the dollar in terms of the price of gold on the international market, totals 1,112,534,000,000 USD despite the decrease in the price of gold in comparison to the previous period. At current prices, during all these years, the blockade has caused damages for more than 116.8 billion US dollars.

Much of the damage caused cannot, nor will it be able to be put into numbers. The figures for example do not include damage caused to the economic and social objectives of the country because of sabotage and encouraged terrorist acts organized and funded from the United States. Nor does it show the negative impact on the country's growth because of the impossibility of acceding to new technologies in almost all the sectors of the economy, nor the tough and systematic limitations imposed on Cuban families.

The economic, commercial and financial blockade imposed by the US Government against Cuba continues to be the principal obstacle to the economic and social development of the country.

The blockade violates International Law. It is contrary to the purposes and principles of the UN Charter. It is a transgression of the right to peace, to the development and security of a sovereign State. In its essence and in its aims it is an act of unilateral aggression and a permanent threat against the country's stability. It is a flagrant, massive and systematic violation of the rights of an entire people. Moreover, it violates the sovereign rights of many other States because of its extraterritorial nature. The blockade against Cuba, therefore, is not a bilateral matter between Cuba and the United States.

Despite the intense and growing outcry from the international community and US public opinion itself calling on the American Government to change its policy towards Cuba, lift the blockade and normalize bilateral relations, the Government of the United States has not only kept the policy of blockade intact but it has also strengthened it in the financial and banking sector.

The blockade, besides being illegal, is morally unsustainable. There is no similar system of unilateral sanctions that is being carried out against any other country in the world for such an extended period of time. Therefore, the United States must immediately and without excuses lift the blockade.