

## **REPORT BY CUBA**

On Resolution 67/4 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.”

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## **INTRODUCTION**

The economic, commercial and financial blockade of the Government of the United States imposed since the beginning of the Cuban Revolution continues to be, after more than 50 years, and despite protests by the international community, the main point of reference for United States policy towards the small Caribbean island in its obsession to destroy the Revolution and restore its hegemony over Cuba.

The foregoing is clearly seen in the systematic tightening of the policy of economic suffocation and the strengthening and integration of laws and provisions that govern this policy.

Because of its declared purpose, the political, legal and administrative framework on which the blockade rests qualifies as an act of genocide by virtue of the Geneva Convention of 1948 on the Prevention and Punishment of the Crime of Genocide and as an act of economic warfare as outlined in the Declaration Concerning the Laws of Naval War adopted by the London Naval Conference of 1909. The blockade against Cuba is the most unjust, severe and extended system of unilateral sanctions ever enforced against any country.

As a result of the strict and aggressive enforcement of laws and regulations that typify the blockade, Cuba is still unable to freely export and import products and services to or from the United States; it cannot use the US dollar for its international financial transactions or hold accounts in that currency in third-country banks. Nor is Cuba permitted access to loans from US banks or their branches in third countries and from international financial institutions such as the World Bank, the International Monetary Fund or the Inter-American Development Bank.

During the period discussed in this Report, the harassment of Cuba's international financial transactions has been one of the most significant characteristics of the enforcement of the blockade. Besides constituting the main obstacle to the economic and social development of Cuba, the blockade is the most important obstacle for greater expansion of trade relations between Cuba and the world and it severely impedes international cooperation provided and received by Cuba.

The economic damage caused to the Cuban people as a result of the enforcement of the economic, commercial and financial blockade by the United States against Cuba, as of April 2013, and considering the depreciation of the dollar in terms of the price of gold in the international market, totals USD 1,157,327,000,000.00.

The economic, commercial and financial blockade of the United States against Cuba is illegal and immoral and it must end.

## **CHAPTER 1. Continued policy of economic, commercial and financial blockade against Cuba**

The systematic demands by the international community in favor of a total lifting of the economic, commercial and financial blockade against Cuba, including the growing opposition to such policy from within the United States, is still being ignored by the government of that country, which has decided to intensify its actions to suffocate the island economically, particularly those related to the monetary and financial sphere which have an extraterritorial impact.

The decision made by President Barack Obama on September 10, 2012 to extend once more the Trading with the Enemy Act shows the determination of the US Government to fully preserve one of the key elements in the entire legal framework upon which the blockade policy against Cuba rests.

In addition, the new inclusion of Cuba in the spurious list of countries sponsoring terrorism has the sole purpose of justifying the ferocious harassment of Cuba's financial transactions and the tightening of the blockade. This action is intended also to meet the interests of an ever-dwindling anti-Cuban group in the United States, who are trying to shore up a policy lacking any ethical and legal basis that is being rejected by the great majority of the US population and the Cuban emigrants residing in that country.

The Cuban territory has never been used nor shall it be used to harbor terrorists or to organize, finance or perpetrate acts of terrorism against any country in the world, including the United States. On the contrary, Cuba has been suffering for decades the consequences of terrorist acts organized, funded and carried out from US territory with a toll of 3,478 people dead and 2,099 injured. The Cuban government reiterates it does not recognize the US Government as having any moral authority to pass judgment on it.

### **1.1 Principal measures taken by the US government and proposals made showing the continuance of the blockade and the attempts to tighten it**

There are many varied examples ratifying the continuity of the blockade. According to an editorial published on March 3, 2013 by the Bloomberg business and finance agency, between 2000 and 2006 the United States government opened 11,000 investigation processes on presumed violations of the sanctions regime against Cuba. The same source indicates that 7,000 investigations about other countries were carried out. All this is taking place in a context where Cuba poses no threat to US national security, a fact admitted to by the US authorities themselves.

The irrational acts against Cuba are also evidenced by the following examples:

- On May 9, 2013, OFAC fined *The American Steamship Owners Mutual Protection and Indemnity Association, Inc.* for a total of USD 348,000 for

violating the bans defined in the Regulations for the Control of Cuban Assets and other sanction regimes against other countries. OFAC alleged that the company cleared three claims in favor of Cuba amounting to USD 40,584.

- In April, 2013, Cuba Solidarity Campaign (CSC), a British NGO, decided to buy 100 copies of the book *The Economic War against Cuba. A Historical and Legal Perspective on the U.S. Blockade*, by Salim Lamrani, published in March 2013 by the Monthly Review Press, a New York-based publishing house. However, the transaction between the NGO's bank, the Cooperative, and the account of the Monthly Review with the Chase Bank could not be completed because OFAC blocked the funds and demanded explanations from CSC about its relations with Cuba.  
CSC director Rob Millar expressed his amazement: "They are using an extraterritorial legislation on economic sanctions against Cuba to prevent the sale in the United Kingdom of a book which describes the scope of the blockade against Cuba [...]. The ridiculousness of the US blockade is illustrated yet again by this case in which they try to prevent British readers from reading a book published by an American press".
- On April 14, 2013, the Trademark Appeals Bureau, attached to the US Trademark and Patent Office, rejected the petition of the Cuban CUBATABACO company to cancel registration of the Cohiba brand name by the GENERAL CIGAR enterprise. The decision was based entirely on arguments given by US Courts ratifying that the Regulations for the Control of Cuban Assets prevent recognition of the prestigious Cuban brand.
- On March 5, 2013, OFAC fined US company *Eagle Global Logistics (EGL)* of Houston, Texas, associated to British transnational company *CEVA LOGISTICS*, with USD 139,000 for allowing its subsidiaries in other countries to provide cargo transport services to and from Cuba.
- On February 22, 2013, OFAC imposed a USD 43, 875 fine on the US affiliate of the Chinese enterprise *Tung Tai Group*, headquartered in San José. California, for signing sales contracts for Cuban scrap.
- On July 25, 2012, OFAC fined US citizen Zachary Sanders with USD 6,500 for traveling to Cuba in 1998 without a Treasury Department permit.
- On July 10, 2012, OFAC announced the imposition of a fine of USD 1,347,750 on the *Great Western Malting Co.* for facilitating the sale to Cuba of malt barley not originated in the US, by one of its foreign branches between August of 2006 and March of 2009.
- On June 29, 2012, Rep. Ileana Ros-Lehtinen (R-FL) presented Draft Law H.R.6067, "The Law for Cooperation for Security in the Western Hemisphere" which, among other aspects, amends the Helms-Burton Act

to prevent foreign investment in the Cuban oil sector. It also authorizes the President to impose sanctions on any country in the Western hemisphere that has military cooperation with countries sponsoring terrorism.

- On June 26, 2012, that same US House Representative presented Draft Law H.R.6018, “The Law for Authorization of Expenses for Foreign Relations” that would prohibit granting export permits to Cuba and other countries for the transfer of commercial satellites or other components or technologies listed as articles controlled by the Department of Commerce.

## **1.2 Extraterritorial enforcement of the blockade**

The strengthening of the extraterritorial dimension of the blockade is definitely a feature of the Obama Administration, which has expanded the scope of the Torricelli and Helms-Burton Acts; laws which violate the regulations established in International Public and Private Law and undermine the sovereignty of third countries and the rights of natural and legal persons who are not subject to US legislation.

The extraterritoriality of the blockade goes beyond and ignores borders. The mechanisms in place for the implementation of such policy also violate the principles governing international economic, commercial, monetary and financial relations, as well as numerous resolutions of the United Nations and other international bodies. They also violate the provisions of regional integration organizations and third-country legislations, including those adopted after the Helms-Burton Act was passed in 1996.

The extraterritorial dimension of the blockade is still affecting merchant vessels from third countries that dock in Cuban ports. Likewise, the interests of third-country companies having any affiliation with US companies are being hurt, as are those of banking entities that carry out financial transactions with the island, regardless the currency they may be using.

The following entities are still being held hostage of the extraterritoriality of the blockade in third countries<sup>1</sup>:

- a) Enterprises marketing products of Cuban origin or whose manufacturing includes some Cuban component.
- b) Enterprises wanting to sell to Cuba goods or services whose technology includes over 10% of US components, even if their owners are nationals of the exporting countries.
- c) Banks that, in the exercise of their rights, intend to open accounts in US dollars for Cuban legal persons or individuals or carry out financial transactions in that currency with Cuban entities or persons.
- d) Businessmen carrying out investments or business with Cuba.

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<sup>1</sup> See Document A/67/118, page 32 in the Spanish version.

There are countless recent cases of commercial operations by Cuba with third-country enterprises that are not under US jurisdiction which have faced obstacles or been prevented due to prohibitions, threats and blackmailing from Washington, as illustrated by the following examples:

- On May 22-26, 2013, the Sixth General Assembly of the Latin American Council of Churches (CLAI in its Spanish acronym) was held in Havana after being postponed for three months because the funds for the event (USD 101,000) were being blocked by the Treasury Department under the blockade laws. European solidarity-minded churches provided the resources to hold the assembly while a decision on the fate of the CLAI funds is still pending.
- On April 16, 2013, *Zürcher Kantonalbank* (ZKB, Zurich Canton Bank), a Swiss bank, told *AFP* through its spokesperson Evelyne Broennimann that, as of May 1<sup>st</sup>, it would cancel all transfers to Cuba because the entity had to guarantee to its US bank partners that its activities were in line with all regulations established by OFAC, which may take such actions against banks as freezing of their funds.
- On December 12, 2012, OFAC reported the imposition of a fine amounting to USD 8,571,634 on *Bank of Tokyo-Mitsubishi UFJ* of Japan for clearing financial transfers involving a group of countries, including Cuba, based on the argument that it was violating the economic sanctions imposed by the United States.
- On October 11, 2012, the embassy of Cuba in Namibia received a letter from *AON Namibia*, formerly *Glenrand MIB*, informing the cancellation of an insurance policy for the embassy's cars and the withholding of the annual premium in compliance with the blockade regulations, because *Glenrand MIB* had been bought out by *AON*, a US company.
- On June 19, 2012, the Botswana branch of the *AON* multinational insurance company informed the Cuban Consulate in that country that due to "internal regulations" it could no longer provide its services. While announcing the measure, the *AON* private accounts chief executive clarified it was a decision by the head office due to the blockade regulations.
- The Cardiology and Cardiovascular Surgery Institute has not been able to repair Schiller rehabilitation service equipment because a Swiss bank is in fear of possible reprisals if it accepts transfers from Cuba.
- For similar reasons, the Cuban Cardiology Society has not been able to pay its annual membership dues to the World Heart Federation.



- For two consecutive years, the Cuban Book Institute (ICL in its Spanish acronym) has not been able to pay its annual membership dues to the UNESCO-sponsored Regional Center for the Promotion of Books in Latin America and the Caribbean (CERLALC) because the latter is refusing to accept transfers from Cuba. It cites the US sanctions regime as the main reason.
- Nor has ICL been able to fulfill its membership quota obligations with ISBN, the **International Standard Book Number System for Books**.
- The Institute for Scientific and Technological Information (IDICT in its Spanish acronym) cannot benefit from the sales of the scientific literature publishing company, *Swets*, because, according to the firm, it would be risking US economic sanctions if it has normal working relations with that Cuban entity.

### **1.3 Damages of the blockade to international cooperation, including that of multilateral bodies**

International cooperation being provided and received by the Cuban people is also hit by the results of the blockade policy against Cuba. There are numerous cooperation projects facing obstacles due to the aggressiveness of the United States authorities.

The policy against Cuba has gone as far as trying to halt some of the actions taking place as part of South-South cooperation programs and carried out by Cuban specialists in various countries in sensitive spheres like public health.

Likewise, specialized agencies, funds and programs and other entities of the United Nations system come up against serious obstacles to carry out their assistance programs for the country to help in the implementation of national development priorities and policies and the fulfillment of internationally agreed development goals, including the Millennium Development Goals.

In an unprecedented event for the work of the Office of the World Health Organization/Pan American Health Organization in Cuba, a Canadian bank withheld the funds to buy flu vaccines for an elderly persons' vaccination program because it did not have an OFAC permit.

The decision by the Zurich Canton Bank to suspend operations with Cuba limited the rights of Swiss citizens who for more than 20 years and through MediCuba-Suisse, an NGO, have been supporting medical projects in the areas of infrastructure and training of personnel to fight cancer and in pediatrics, palliative medicine, psychotherapy and HIV/AIDS prevention in different regions of Cuba, with approximately 300,000 Swiss francs per year.

Likewise, various Cuban specialists faced the impossibility of taking part in a workshop for the normalization of fresh fruits and produce in Costa Rica held prior to the Seventeenth Meeting of the Committee of CODEX ALIMENTARIUS

(FAO) on Fresh Fruits and Produce in September 2012 because it was being funded by the US Secretary of Agriculture. Cuba was the only country in the region excluded from the regional exchange on good practices in that field.

The South African company Mohlaleng Health has not been able to transfer USD 148,500 to Cuba as payment for a 2012 invoicing of 2,400 bottles of *Vidatox* (manufactured by the Cuban company LABIOFAM), fearing that the US authorities would freeze the funds.

The Cuban company LABIOFAM was hit by other sanctions under the blockade policy when during a routine transfer a US bank expropriated funds destined to the building of a biolarvicide plant to help eradicate malaria in the United Republic of Tanzania. This action was extraterritorial in nature since it was a Tanzanian government project. The Cuban enterprise was merely administering the funds for the construction of the plant.

The Institute for Basic Research in Tropical Agriculture (INIFAT in its Spanish acronym) has not been able to begin the implementation of a project called “Conservation of Agricultural Biodiversity in Biosphere Reserves in Cuba: Connecting Natural Landscapes and Agricultural Landscapes to attain the Millennium Development Goals” due to account processing delays caused by the blockade.

With a USD 1,368 million budget, the project is being financed by the World Fund for the Environment (headquartered in Washington D.C.) and implemented by the United Nations Environment Program (UNEP) and Biodiversity International. On the other hand, the imperative of using euros in transferring the financial resources entails the loss of approximately 8%, or USD 109,456, of the cooperation project’s budget.

In 2007, the Biological Corridor in the Caribbean (CBC) Three-Nation Project was launched with the participation of Cuba, the Dominican Republic and Haiti and the essential goal of aiding Haiti. The Project is funded by UNEP and the European Union and has a coordinating office in the Dominican Republic.

Restrictions imposed by the blockade policy prevented the purchase of a Mitsubishi vehicle for the CBC Focal Point in Cuba and they preclude the use of geographical information system (GIS) platforms patented in the United States, even by Cuban technicians working in the Dominican Republic. The irrationality of that policy is also expressed in the freezing by a US bank of a month’s salary, paid by PNUMA, of one of the Cuban technicians at the Tri-nation Office.

Specialists from the National Institute for Oncology and Radiobiology (INOR in its Spanish acronym) in charge of that center’s tumor bank were excluded from participating in the LabWare-LIMS System workshop held in Colombia in the first week of June 2013 under the auspices of the Tumor Bank Network for the Latin American and Caribbean Alliance under the pretext that the US LabWare company, the sponsor of the event, could not have ties with Cuba by virtue of the blockade laws.



## CHAPTER 2. Damages to key social sectors

### 2.1 Damages to health care and food

#### *Public Health*

For the May 2012-April 2013 period, very conservative estimates put the monetary losses caused by the blockade to Cuban public health at about USD 39 million as a result of the purchasing of medicines, reagents, spare parts for diagnostics and treatment equipment, instruments and other consumables in distant markets, as well as of the use of intermediaries, the combined effect of which increased expenses in this sector.

The consequences of the blockade for this sector have a multiplying negative effect because by affecting the costs of everyday products, the purchase of such products becomes difficult, basic social services are harmed and, consequently, so are the living conditions of the population.

The damages recorded in this field include the following:

- a) Servicios Médicos Cubanos S.A. faces the impossibility of developing all its potential to market different forms of health services. The limitations imposed by the blockade have cut back earnings by nearly USD 9.6 million USD.
- b) Medicuba S.A. has been considerably hit by the increase of budgetary expenses and foreign currency expenditures to buy medicines, medical supplies, lab test reagents, expendable materials, equipment and consumables used in dentistry, as well as other equipment and technologies in distant markets. Additional expenses totaled USD 367,800 due to price increases and USD 11,304,600 for operational costs.
- c) The training of Cuban medical professionals in modern medical care techniques faces serious obstacles due to the blockade. Under the present circumstances, no proper training is being given to operate Philips Positron Emission Tomography (PET) equipment, which are essential for diagnosing cancer.
- d) Most medical imaging equipment are controlled or include in their structure computers running on the 64-bit Windows XP operational system that needs to be activated by Microsoft within 30 days of installation.

Activation may be done automatically on Internet via a direct connection from the computer to Microsoft servers, or manually by calling on the telephone any of the Microsoft offices in the world. Neither of these two

options is available to Cuba since Microsoft has no office on the island and an automatic activation is rejected by the company's server because it comes from Cuba.

The National Center for Medical Genetics has not been able to acquire a Genetic Analyzer because it is manufactured only by US companies such as *Applied Biosystems*, belonging to *Life Technologies*. This equipment allows to read DNA sequencing bases, a key tool for studying genetic diseases such as hereditary breast cancer, familial adenomatous polyposis, hereditary non-polyposic colorectal cancer and the von Piel-Lindau Syndrome.

The Institute of Gastroenterology has not been able to acquire a bipolar radiofrequency equipment for hepatic tumor ablation because it is manufactured in the United States and marketed by various companies such as *Olympus Latin America Inc.* in different geographical areas.

The William Soler Pediatric Cardiology Center is facing serious difficulties in acquiring nitric oxide, a gas manufactured by US and European companies. As it cannot be bought in the US, it has to be purchased from more distant suppliers, which increases costs because this is a substance that must be transported with special care.

Nitric oxide is given to patients with pulmonary hypertension episodes and severe pulmonary distress. It should also be administered in health care centers to heart and lung transplant patients as well as to newborns with persistent fetal circulation and others.

The Nutrition and Food Hygiene Institute is facing difficulties with the determination of aflatoxins (toxins with cancerous effects in foods contaminated by fungi) since the trial has been stopped for over a year because there is not any non-US supplier to provide the B2, G1 and G2 aflatoxin pattern.

The Institute of Nephrology faces difficulties with the availability of kits for HLA tissue typing made by the American company *One Lambda*, which does not authorize its sale to Cuba. The technique allows to determine immunological compatibility levels between receivers and donors under the National Kidney Transplant Program; it makes it possible to choose the right donor. Around 1,500 patients are listed in the receivers' bank and therefore they have to be typed immunologically.

Moreover, Cuban HIV/AIDS patients cannot be administered antiretroviral combinations that include Tenofovir made by the Gilead Company. Nor has it been possible to buy antiviral drugs like kaletra, nelfinavir, ritonavir and children's 80/20 mg Lopiv/Rito because the US companies which manufacture them are not responding to requests from Cuban companies or are saying they cannot do business with Cuba.

## **Food**

Due to its nature, this is one of the most sensitive sectors being affected by the blockade.

Whereas there is the possibility of importing agricultural products and foods from the United States, there are still impediments to normal trade in this sphere between the two countries. Purchases are still framed within strict regulations subject to a complicated mechanism of permits that operates both for trips by US business persons as well as for the signing of contracts, transportation and payments for the transactions to be undertaken. In addition, OFAC reserves itself the right to cancel such permits without any warning or explicit argument.

ALIMPORT company sustained, as a result of the risk country notion, losses estimated at about USD 45 million as it did not have direct access to US bank funding. Additionally, the pressure applied by the Government of the United States on the international banking and credit system prompts third-country creditors to increase financial costs to levels between 8% and 10% per annum, even though they tend to fluctuate 5-6%.

ALIMPORT is facing further adverse effects estimated at USD 20 million due to the impossibility of using the US dollar in its transactions. Cuban banks must buy reimbursement currencies and this means considerable losses in terms of exchange risk, which is compounded also by great financial market volatility. Another USD 10 million is lost because transfers originating in Cuba require operations through several banks to reach their destination.

Faced with the impossibility of exporting Cuban products to the US market and the restrictions preventing US vessels from transporting Cuban cargo to other destinations, the fleet traveling from the US to Cuba returns to US ports without cargo and this implies higher freight charges. Damages in this sense amounted to USD 28 million in 2012.

Likewise, exports by the Cuban company CARIBEX, especially lobster tails and shrimp, could have been sent to the US market. As a result of the blockade, such exports must pay high tariffs in other markets (they are tariff-free in the US market), face high transportation costs associated with the risks of long voyages for such products and deal with onerous exchange rates due to the ban on using US dollars in transactions.

Additionally, finding alternative markets for importing consumables for the Cuban foods industry, such as raw materials for making bottles and packages and the preservation of products, fruit pulps, sweeteners, etc. has brought about losses close to USD 3.4 million.

## **2.2 Education, culture and sports**

Guaranteeing the right of all Cubans to education, culture and sports has been a priority of the Cuban State since the beginning of the Revolution. However,

the blockade being imposed on the country generates daily shortages that affect development in these sectors.

As a result of the implementation of this policy, Cuba continues having no access to the US market to buy school consumables, raw materials and to scientific, cultural and sports information exchanges.

Losses caused by the necessity of importing school materials provided by distant suppliers mean less access by Cuban schools to teaching materials which are essential for pre-school, grammar and special education. The total of USD 816 000 paid in addition to the regular prices for the purchase of school materials is equivalent to 1,723 Natural Sciences teaching modules. As a result of these additional costs, only 100 teaching modules could be imported.

During the period discussed in this Report, measures designed to prohibit or condition normal academic exchanges, student/professor trips, the flow of scientific information by various channels, the dissemination of and adequate payment for performance within academia and the purchase of teaching consumables, means and instruments and research and scientific work in general have had a considerable impact.

Uncertainties about the granting of permits to US academic institutions and universities wishing to start collaboration programs and the imposition of strict conditions on them lead to the loss of many opportunities and curb potential cooperation actions between academics and students from both countries.

The University of Holguín could not have academic exchanges with the Center for Higher Studies of Granada (CEGRI) in Spain, a center sponsored by the University of Alcalá (Madrid), because students from various European, Asian and US countries are enrolled there. Invariably, CEGRI makes payments to the universities receiving the students. Once it was learned the receiving university was Cuban, the exchange was cancelled.

Computer equipment at the University of Havana cannot be renewed because of the ban on the importation of computers produced by the largest manufacturers in the world such *Hewlett Packard*, *Apple Macintosh*, or even firms associated with Japanese manufacturers such as *Toshiba* or *Sony Vaio*. The reason of such restriction is that most of the market is controlled by processors manufactured by the US firm *Intel*. To obtain such equipment, Cuba has to buy it from third countries with price increases that can add up to 30% of the original price.

The University of Guantánamo has 5 collaboration projects whose administration is experiencing serious limitations due to problems related to the importation of laboratory consumables. These projects include the following:

- a) "Training in local coastal management in southern Cuba," which is being carried out with the collaboration of Canadian institutions. The arrival of a GPS piece was delayed because the Canadian counterparts could not acquire it in the US after the destination of the equipment was known.

b) Imports of laboratory instruments for the “Improving Genetic Reserves” project being implemented with the cooperation of Belgian institutions were also delayed because the contracted equipment included US-made components. It was necessary to buy the instruments in more distant markets and at higher prices.

Members of two research groups of the Department of Animal and Human Biology at the University of Havana (Invertebrates and Bird Ecology) could not apply for the funds of the “Conservation Leadership Program” conservation program that provides financing to young people in developing countries who work in the protection and management of natural resources in their countries because US organizations Wildlife Conservation Society and Conservation International had been included in the program’s list of donors. Previously, other Cuban youths had had access to that program when it was being sponsored by British NGOs British Petroleum, BirdLife International and Fauna & Flora International.

The blockade policy sets up obstacles and prevents direct and normal relations with international sports institutions and the participation of athletes in important competitions taking place in the US or Cuba. The extraterritorial reach of its measures also makes access to external financing more difficult and slows down the acquisition of sports gear.

Among the chief damages inflicted on Cuban sports is an additional expense of USD 1,070,000 for importing consumables for sports such as baseball, track and field, softball, archery, diving, swimming, lawn tennis, jai-alai, sailing, polo, etc.

Also, the National Baseball Team is still waiting for its payment for participating in the Second and Third World Baseball Classics (2009 and 2013) totaling USD 2.3 million; these payments cannot be transferred to Cuba because of the blockade laws.

On June 26, 2012, OFAC informed the *Insight Cuba* travel agency, which had been sponsoring the participation of US runners in the Marabana Marathon since 2011, that the event did not classify as a “people-to-people” program and forbade the participation of 300 US athletes in the popular competition.

The Meeting of the Executive Committee of the International Amateur Basketball Federation scheduled to be held in Havana on November 7-10, 2012 had to be cancelled when the US authorities refused to grant travel permits to US and Puerto Rican executives.

The blockade prevents the adequate promotion, dissemination and marketing of Cuban cultural talent, reduces the selling prices for Cuba’s cultural products to very low levels and it has restricted the enjoyment of our music by international audiences. One of the main reasons is the control over the market by big arts and music transnationals, most of which are American or have a strong presence in the United States. Those big companies control promotion and exhibition circuits for artists internationally.



Cuban institutions did not earn USD 12.1 million due to the adverse effects of the blockade and the impossibility of interacting normally with US art circuits.

In another example of the extraterritorial dimension of the blockade, on August 21, 2012 *Paypal*, the Internet payment company limited a Spanish platform account which finances Cuban cultural projects under an allegation of noncompliance with OFAC regulations on Cuba.

The Cuban Institute of Music, through its enterprises, was carrying out 51 work projects in the US territory during the period discussed herein with the participation of 365 musicians and technicians. However, the participants only got a per diem to meet their daily expenses and were not allowed to market their shows.

The Cuban Institute for Cinematographic Arts and Industry (ICAIC in its Spanish acronym) has no direct access to use the technology developed by US enterprise Dolby due to the blockade restrictions. Sound-track processes in Cuban cinema productions must use that technology without said credit, which makes their introduction in the international movie market practically impossible. The situation forces Cuban professionals to associate themselves with foreign co-producers in order to get the required permits.

The digital music wholesale distribution service Soy Cubano, which belongs to the Cuban ARTEX S.A. enterprise, has no direct access to US wholesale distributors with great bargaining power in the world market. Under such circumstances, it has been necessary to resort to intermediary enterprises, which results in lower markups.

As for the Empresa RTV Comercial (commercial radio-television enterprise) in charge of exporting services produced by Cuban radio and television, it cannot market its audio-visual productions in the US market and others in the region because of the control exercised by US capital abroad. This results in Cuban productions being sold at prices lower than those for other productions. For Cuba, they range between USD 200 and USD 300 per hour, an amount lower than the average prices for audiovisual productions of the same type earning approximately USD 600 per hour in the international market.

## **CHAPTER 3. Damages to the foreign sector of the economy**

### **3.1 Damages to foreign trade**

Cuba's island and development conditions determine the high impact of foreign trade on access to cutting-edge technologies, mobilization of foreign capital, granting of loans, promotion of foreign investments and international cooperation.

Thus, the foreign sector of the Cuban economy is one of the main targets of the blockade policy against the country.

During the period being discussed, the damages done by the blockade to Cuban foreign trade amount to USD 3,921,725,790, a figure 10% above the previous year's. The main damages relate to unearned income from goods and services exports accounting for 78% of all damages.

Higher costs of financing due to the risk country factor grew by 76% compared to the previous period as a result of pressures exercised by US authorities on third countries to obstruct or prevent financing to Cuba. Freight and insurance costs resulting from geographical relocations of trade operations increased by 24%.

Likewise, the damages inflicted on tourism, energy, mining, agriculture and industry remain significant.

With *Premium* cigars alone, the Cuban enterprise TABACUBA could have carried out sales worth USD 121.5 million in the United States, considering the characteristics of the US market for these products.

Another example of the damages to Cuban foreign trade is the case of the Joint Enterprise Havana Club International, which lost around USD 73 million as a result of the ban on selling its rum in the United States market. The estimate is based on the positioning of rum brands the company places in the international market, where the US market accounts for almost 42% of Premium brand destinations.

### **3.2 Damages to foreign investments**

In recent years, foreign investment in Cuba has been focusing on projects of national interest having a significant economic and social impact. The blockade imposed by the government of the United States continues obstructing the foreign investment process in Cuba. The consequences of that policy include the following:

- Access to cutting-edge technology owned by US enterprises is forbidden.

- Exports by Cuban enterprises are denied access to the US market.
- Access to financing coming from US banks for the development of direct foreign investments in the country is forbidden.
- Financing that is obtained becomes more expensive because it must be denominated in currencies other than the US dollar, which increases costs and delays investment processes.
- Higher freight and maritime transportation costs.
- Extraterritorial sanctions are applied and pressures are exerted on foreign companies, thereby preventing the incorporation of joint ventures in Cuba.

In the case of the oil industry, the blockade makes contracts with companies which own drilling rigs more expensive as the technologies they use must not include over 10% of US parts. This circumstance means additional investments for foreign operators, thus making the use of rigs in Cuban waters more costly.

### **3.3 Damages to the financial and banking sectors**

As indicated, the increased persecution, harassment and hostility against the Cuban banking and financial sectors by the Government of the United States, has without a doubt been the distinctive feature of that criminal policy in the period discussed by this Report.

There has been a heightened harassment of foreign financial and banking institutions with the aim of limiting operations to and from Cuban banks. This situation makes the operations by Cuban banks difficult and also forces them to incur in additional financial costs.

In this context, there is an evident and growing trend by foreign financial institutions and banks to limit their operations with Cuba. Even though damages are hard to quantify, the main difficulties affecting operations by Cuban banking institutions can be identified.

The general damages to banks and financial institutions of the Cuban system were identified as follows:

- a. As of March 31, 2013, Reuters fully suspended its banking and financial information service for Cuban banking institutions. This situation brings about many issues by making it difficult to get professional or official market references (information on exchange rates, interest rates and raw material prices) in order to agree on and follow up on financial operations involving national economy investments.
- b. The elimination of these services also has consequences related to more expensive treasury operations as, in all cases, they must be carried out by telephone, which is more costly and unsafe.
- c. Exchange risks in monetary transactions due to exchange rate differentials as currencies other than the US dollar must be used to make payments.

- d. Limited involvement of foreign banks in operations with Cuba because they are occasionally denied transfers of funds or participation as sending or advising banks in operations related to letters of credit issued through Cuban banks.
- e. Limited access to banking services provided by some foreign banks, thereby making transactions costlier because operations have to be processed through third-country banks.
- f. Impossibility of receiving transfers coming from Latin America, from both natural and legal persons, in spite of the existence of many Cuban communities in the region and of many relatives of Latin American students attending courses in Cuba. They are forced to send family remittances through channels other than banks.
- g. Cuban enterprises cannot find foreign banks having direct correspondence with Cuban banks through which they can be wired payments directly for their exports.
- h. Difficulties for natural persons to receive transfers due to coverage problems. Increasing numbers of foreign banks are refusing to serve as intermediaries in operations where Cuba is the destination; this is an aspect that includes not only private clients of Cuban banks but also those from the corporate sector.
- i. The Banker's Almanac<sup>2</sup> announced to several Cuban banks that, as of January 2013, it would not be renewing its registration to continue its consultancy services due to its merger with a US firm and the restrictions imposed by the US Treasury Department.

The consequences of the announcement include the impossibility of continuing the work practice of consultations on certain data required to make payments and to give updates to shareholders, correspondent banks and others. These are important elements to guarantee that operations are not processed through high-risk institutions, which might lead to a freezing of funds.

Some of these damages are illustrated by the following examples:

- In 2012, a European banking institution notified a Cuban bank that due to its entity's policy, it was not in a position to execute a payment order it had received. Later it informed it would not process any further operations or money transfers and stated it would only continue with the operations ongoing at that moment. At the end of that year, there was no

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<sup>2</sup> Primary online revision tool, via the internet, for bank status, referring to relations of ownership and position in the world system, executives and for corresponding services.

choice but to close the current account in said bank, given the restrictions on its use.

- Also in 2012, a Cuban bank had to redesign an operation with a foreign bank. Faced with the impossibility of keeping USD denominated accounts for Cuban clients' operations through foreign banks participating in a given loan, the originally USD-denominated obligations and reserve account had to be re-denominated to euros.

Also in this case, the *forex* (currency exchange) operation could not be done directly but by way of a transaction using an account in another Cuban bank. The resulting damage is estimated at USD 667,268.76.

- In 2010, Cuba was notified that, as of March 2012, the National Banking System would not be able to use the SWIFT NET 7.0 version of the product supplied by S.W.I.F.T. called Swift Alliance Access/Entry (SAA) for processing inter-bank messaging over that network because it contained technology and components of US origin. Until that moment, the annual costs for using SAA were USD 141,722.50.

In 2012, the implementation of the contracted alternative of the new GariGold (GG) product for the S.W.I.F.T. connection continued, payments for its installation were concluded and the payment for its annual maintenance was also made. All of this implied an additional expense of around USD 900,000. Starting in 2013, there will be an increase of over USD 127,000 in maintenance expenses for the alternative system.

- In mid-October 2012, a European banking institution told a Cuban bank that, due to a policy adopted by the financial group to which it belongs, its account had to be closed on the 30th that same month. Other entities of the Cuban banking system with accounts in that bank, basically for the payment of invoices through the *Society for Worldwide Interbank Financial Telecommunication* (S.W.I.F.T.), received the same notification; which resulted in the closing of those accounts and the need to execute such payments through another European bank.
- In December of 2012, the Office of Foreign Assets Control (OFAC) fined the London-headquartered HSBC Bank for a total of USD 375 million for carrying out operations with several countries, including Cuba. The bank closed its operations with the Havin Bank, with which several Cuban entities are working in the United Kingdom.
- In 2013, a Latin American bank refused a payment in euros through a European bank saying it would not process operations with Cuba, that the beneficiary in the operation wasn't its client and, also, that the amount was high. The operation was carried out with another bank in the region, which agreed to resume its relations with the Cuban bank via S.W.I.F.T. from then onward. This situation caused delays in the opening of a new letter of credit.

- The Central Bank of Cuba (BCC) planned the purchase of bill sorting machines for its Minting and Valuables Department, for which purpose it contacted DELARUE, a British enterprise that showed an interest in the project. DELARUE sent its sales manager to Cuba and she filed a technical proposal.

Nevertheless, that company communicated later it could not sell the requested equipment on the grounds that it could not carry out the operation because the manufacturing plant was located in the United States. Consequently, it was necessary to contact a German company to buy the equipment, which implied higher prices and transportation costs.

### **3.4 Section 211 of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999, and other aggressions concerning patents and trademarks**

The theft of Cuban trademarks and patents continues as before through the enforcement of Section 211 of the US Omnibus Consolidated and Emergency Supplemental Appropriations Act of 1999 and other trademark violations despite the ruling of the WTO conflict settlement body and the way in which this usurping policy is being repudiated.<sup>3</sup>

The Havana Club trademark has in effect been stolen by the Bacardí company. On November 30, 2012, OFAC informed the US Patents and Trademarks Office (USPTO) it was not necessary for it to issue a permit to cancel the registration of the Havana Club trademark of Cuban enterprise CUBAEXPORT. When USPTO finally makes its statement, Cuba will be deprived of the prestigious Havana Club trademark in the United States by way of a gross and open violation of international laws and US obligations under international agreements and laws in this sphere.

In yet another serious example of trademark theft, on March 14, 2013 the Trademark Appeals Bureau, attached to USPTO, rejected the petition from the Cuban enterprise CUBATABACO to cancel the registration of the Cohíba trademark in favor of the General Cigar Corporation owned by Sweden's Swedish Match company. The decision was based entirely on US court rulings ratifying that the Regulations for the Control of Cuban Assets prevent recognition of the prestigious Cuban brand.

To this day, the intents by some plaintiffs against the Cuban State in the United States to seize Cuban trademarks and patents as a form of compensation continue, on the basis of the provisions of the Terrorism Risk Insurance Act, passed in 2002 and which will be in force until 2014.

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<sup>3</sup> See Document A/67/118, pp. 44 and 45.

## CHAPTER 4. Damages of the blockade to other sectors of the Cuban economy

As indicated in Cuba's previous reports to the Secretary General, the legal framework typifying the blockade is affecting all the economic activities of the country.

In addition to unearned income, higher financial costs associated to the obstruction of bank transactions and additional freight and insurance expenses for Cuban institutions, there are also costs to the national economy as a result of idle inventories and problems stemming from limited access to state of the art technology.

The impact may be broken down by sectors as follows:

- The **construction sector** sustained damages worth USD 11.5 million due to the impossibility to access more efficient and lighter construction technologies that use less basic materials and energy. Access would mean saving at least 6% in freely convertible currency for housing construction plans.
- The importing enterprise **COMIMPORT**, in charge of importing much-needed products for the population, paid an extra USD 63.3 million when the importing process faced the hurdles of this genocidal policy.
- **Cuba's tourism**, which is vital for the country's economy, continued experiencing severe damages in the spheres of services and logistic operations and support, which are key for its development.

Damages to this sector are estimated at USD 1,960.18 million, mainly in the form of unearned income due to the existing ban on access to Cuban tourist services for Americans.

Another good example is that Cuban hotels can only use the Amadeus System for marketing the Cuban tourism product. It is one of the four major international Global Distribution Systems (GDS.) The other three, Sabre, Galileo and Worldspan, are owned by US corporations. Many intermediaries providing these services avoid relations with Cuban tourism entities for fear of being fined and having problems with their sales in the US.

Moreover, Cuban tourism enterprises cannot be advertised over the best Web services such as Google, Yahoo or MSN because they are US corporations.

- The Cuban **industrial sector** is estimating its damages at USD 197.2 million due to limitations being imposed by the blockade on the light, steel and mechanics and chemical industries.

- The **ACINOX Group**, which manufactures corrugated bars and electro-welded meshes for construction, welding electrodes and electrical and telephone cables and wires, refractory materials and water-pumping equipment, among other products, sustained losses in the order of USD 38.3 million due mainly to the need to find other markets to import consumables for its operations.

With such amount, the three-ply line at the Eleka Cable Factory could acquire the inputs needed to manufacture electrical and telephone wiring for 7 and a half months. This would entail a greater certainty as to the productive employment of company workers and a greater contribution to the country's communications and electricity services.

- Besides ACINOX, the **Capital Goods (GBK), Consumer Goods (GBC) and Refrigeration and Boiler Goods (RC) industrial groups** and other Cuban companies are facing technology constraints since they cannot use programs like VmWare which are necessary to virtualize servers in computer networks.
- Also, Cuban economic and scientific entities cannot use the **sourceforge.net** site, a free software development platform acting as a source code repository for program downloads.
- In the **communications sector**, damages are being estimated at USD 44.2 million as it is impossible to buy US equipment or others including US components and to access the US market. The ban on carrying out operations through US banks, among other reasons, is also damaging.

Moreover, Cuba must allocate important resources to protect its radio-electronic spectrum. Anti-Cuban broadcasts over 30 radio and TV frequencies originated in the United States took a total of 2,400 hours per week. The aggression against Cuba in this area violates, among others, the international regulations governing the use of the radio-electric spectrum in the International Radiocommunications Covenant, of which the Government of the United States is a signatory.

- Many damages are reported in the area of **energy and mining**. The ban on exports to the United States of any product containing Cuban nickel has forced the creation of more costly distribution channels and other palliative measures for trading Cuban nickel and cobalt products. Damages to nickel exports are estimated at USD 51.7 million.
- The Cuban oil and gas industry is the target of measures designed by the US Government to prevent its development and access to cutting-edge technologies, oil products and the funding required for its growth.



There is an effort to paralyze the industry and obstruct modernization, technological updating, access to spare parts and participation in the innovation process.

The ban on US companies or affiliates to provide oil or oil industry-related services to Cuba is an additional pressure on the national industry. Mergers, purchases and procurements normally undertaken between international oil companies often lead to the removal of suppliers from the Cuban market.

- The blockade damaged all spheres in the **transportation sector** (maritime, air and land; port and airport services; development and maintenance of roads and highways.) The inflicted damages are estimated at USD 469.3 million.
- **Civil Aeronautics of Cuba** alone estimates the economic damages at USD 274.2 million, mainly as unearned income resulting from the ban on Cuban airlines to operate in the US market and the impossibility of providing services to US travelers who visit Cuba and of acquiring cutting-edge technologies, equipment and other inputs.
- In the case of the **National Hydraulic Resources Institute**, the CUBAHIDRÁULICA importing company has sustained losses of USD 2.2 million because it had to find other markets to import from.
- In the area of insurance, the blockade's impact is significant, essentially for the process of buying reinsurance protection for Cuban insurance portfolios done by **ESICUBA S.A.**
- The **sugar industry sector** continues facing the ban on its access to the US market for sugar exports since the Cuban sugar quota was totally suspended. The **CUBAZUCAR** company, which markets Cuban sugar, is estimating unearned income at USD 22 million.

## **CHAPTER 5. Opposition to the genocidal blockade policy against Cuba**

### **5.1 Opposition in the United States**

Many US celebrities and organizations are increasingly calling for a lifting of the blockade against Cuba, as illustrated by the following examples:

On April 24, 2013, Rep. Kathy Castor (D-FL) sent a letter to President Obama urging the Administration to change its Cuba policies, to remove Cuba from the list of States sponsoring terrorism and to create conditions for the normalization of bilateral relations between the two countries.

On April 6, 2013, the Baptist Alliance, a religious organization headquartered in Greenville, South Carolina, published a declaration calling for a lifting of the blockade against Cuba and removing the island from the list of countries sponsoring terrorism. The petition was published on the <http://www.lawq.org/> website.

On March 25, 2013, the office of Rep. Sam Farr (D-CA) circulated in the House of Representatives a letter addressed to President Obama about the freedom of traveling to Cuba so as to gain support from congressmen towards this issue. The text urges President Obama to adopt the necessary measures so that trips to Cuba by US citizens can be carried out under a general license.

On March 22, 2013, during the “Getting Closer to Cuba: Good for Tampa, Good for Florida, Good for the USA” Conference organized in Tampa by the Alliance for a Responsible Policy towards Cuba, Rep. Kathy Castor (D-FL) stated that restrictions imposed by the US on trips and business made no sense. She also emphasized there is no evidence that Cuba is sponsoring terrorism.

On February 27, 2013, Rep. Charles Rangel, a Democrat from New York, presented three draft legislations aimed at changing the policy towards Cuba: H.R.871 Export Freedom to Cuba Act of 2013, H.R.872 Free Trade with Cuba Act, and H.R.873 Promoting American Agricultural and Medical Exports to Cuba Act of 2013. These initiatives proposed authorizing trips by US citizens to Cuba, revoking the blockade laws, removing Cuba from the list of States sponsoring terrorism and authorizing direct transfers between the banking institutions of both countries, among other provisions.

On February 24, 2013, during an interview on CNN’s *State of the Union*, Sen. Patrick Leahy (D-VT) stated the convenience of resolving matters of interest to both nations such as the blockade and freedom of travel.

On February 21, 2013, during an interview on CNN’s *Starting Point*, Rep. James McGovern (D-MA) urged his government to formally and directly negotiate with Cuba on a wide range of issues, including travel restrictions and the “economic embargo.”

On February 20, 2013, the Cuban Studies Group (CSG) published a document entitled “Reestablishing executive authority on US policy towards Cuba” where it described the Helms-Burton Act as a “failed, outmoded and counterproductive policy.” It proposes its repealing and that of all related regulations. The Group also recommends various actions substantially modifying the blockade.

On January 24, 2013, Peter Kornbluh, head of the Documentation on the Cuba Program of the National Security Archives published an article in *The Nation* magazine with recommendations for President Obama. These included the elimination of the blockade and expanding the categories of US citizens authorized to visit Cuba under a general license.

On January 17, 2013, academic Ted Piccone of the *Brookings Institution* published a “memorandum” addressed to President Obama with recommendations to change the policy towards Cuba, including the lifting of the “embargo.”

On January 16, 2013, *The Washington Post* published in its “Opinion” column a commentary by National Council for Foreign Trade Vice President Jake Colvin stating that the opinion of former Senator Check Hagel in favor of lifting the blockade against Cuba is shared by most Americans who recognize the failure of the blockade as a means to change the Cuban political system.

On January 9, 2013, the religious organization Church World Service, through its president and Rev. John L. McCullough, urged the Obama Government to continue facilitating trips to Cuba by religious organizations, to eliminate all obstacles for US citizens and to adopt policies and actions that would lower tensions between both governments.

On October 25, 2012, *The Tampa Bay Times* newspaper published an editorial criticizing Sen. Marco Rubio for promoting impediments to “people-to-people” contacts and it urged the US Government to eliminate the blockade, ignore questionings by the Miami extremists, eliminate all obstacles to trips and reduce OFAC’s unchecked power.

On October 18, 2012, *The Los Angeles Times* newspaper published an editorial calling on the US Government to eliminate “antiquated Cold War policies” such as the “archaic” blockade against Cuba.

On September 6, 2012, the *AP* and *DPA* press agencies reported that former President James Carter spoke at the annual meeting of the Latin American Development Bank in favor of normalizing relations between Cuba and the United States and of lifting the blockade as it was harming the people of Cuba and harming US credibility.

On September 5, 2012, Rev. and Dr. Joan Brown Campbell sent a letter to President Obama urging for the lifting of the blockade and the release of the Cuban Five, who are being held in US jails for fighting terrorism carried out from the US against the island.

On August 31, 2012, members of the executive committees of the Cuban-Americans for Exchanges (C.A.F.E) organizations and the Foundation for Normalizing US-Cuba Relations sent a letter to the National Republican and Democratic Committees urging them to stop treating the Cuban community as a monolithic block favoring the blockade since most of them are supporting the normalization of relations between the two countries. They stated their support to government measures that have facilitated family reunification, trips and the sending of remittances and expressed their wish that the US government allows US citizens to visit Cuba also.

On May 10, 2012, participants in an event at the Washington D.C.-based International Policy Center questioned the effects of the blockade to the oil sector and insisted on the need to establish a cooperation mechanism between Cuba and the US which allows for efficient cooperation between the two sides.

## **5.2 International opposition to the blockade**

Opposition to the inhuman policy against the Cuban people is overwhelming in the international context, as shown by the countless forums that are adopting declarations and special communiqués in favor of a cease of such policy.

For the period covered by this Report, the following examples may be given:

- At the Twenty-First Summit of the African Union held in Addis Ababa on May 25-27, 2013, the participating Heads of State and Government adopted the Assembly/AU//Res.1 (XXI) Resolution making a strong call for the lifting of the economic and commercial blockade against Cuba.
- On May 16, 2013, the Central Europe-Third World organizations, the International Association of Democratic Lawyers and the American Jurist Association circulated A/HRC/23/NGO/16, a document within the framework of the twenty-third period of sessions of the Human Rights Council that contains a joint declaration denouncing the economic blockade against Cuba and they request the Human Rights Council to establish a special procedure about coercive unilateral measures.
- On May 1<sup>st</sup>, 2013, during the presentation by Cuba to the Human Rights Council's Universal Periodic Review Working Group, 22 delegations criticized the US blockade against Cuba and referred to it as an obstacle for realizing human rights on the Island.
- The Declaration adopted at the Fifth Summit of Heads of State and/or Government of the Caribbean States Association held in Pétiön Ville, Haiti, on April 23-26, 2013 called for the end of the economic, commercial and financial blockade against Cuba.
- The Final Declaration of the Tenth Political Council of the Bolivarian Alliance for the Peoples of Our America (ALBA-TCP) held in Caracas on

February 28, 2013 condemned the continuation of the US blockade against Cuba.

- The Third Summit of Heads of State and Government of Africa and South America (ASA) held in Malabo, Equatorial Guinea, on February 20-23, 2013 adopted the Malabo Declaration, whose Paragraph 27 calls for the implementation of Resolution 67/4 of the United Nations General Assembly entitled “Necessity of ending the economic, commercial and financial blockade imposed by the United States against Cuba.”
- The First Summit of the Community of Latin American and Caribbean States held in Santiago de Chile on January 28, 2013 adopted a special communiqué strongly condemning the blockade policy against Cuba.
- The First CELAC-European Union Summit held in Santiago de Chile on January 26-27, 2013 approved the “Santiago Declaration” on the new CELAC-European Union dialogue. Paragraph 6 of that document rejects coercive unilateral measures which are contrary to international law and reaffirms the positions of both blocs on the extraterritorial provisions of the Helms-Burton Act.
- The Bolivarian Alliance for the Peoples of Our America (ALBA-TCP) issued a declaration on the occasion of the Seventh Anniversary of the Alliance, held in Caracas on December 15, 2012, where its member countries condemned the criminal economic, commercial and financial blockade being kept in place by the United States against the people of Cuba.
- The Seventh Summit of Heads of State and Government of the Asia-Caribbean-Pacific (ACP) Group held in Equatorial Guinea on December 13-14, 2012 adopted the Sipopo Declaration, which also condemned coercive unilateral measures contrary to international law and rejected the Helms-Burton Act.
- On November 26, 2012, the Bolivarian Alliance for the Peoples of Our America (ALBA-TCP) issued a Communiqué rejecting the inclusion of Cuba in the list of States sponsoring terrorism and also condemned the enforcement of the blockade against Cuba.
- The Twenty-Second Ibero-American Summit of Heads of State and Government held in Cadiz (Spain) on November 16-17, 2012 passed a Special Communiqué on the necessity of ending the economic, commercial and financial blockade imposed by the Government of the United States of America on Cuba, including the Helms-Burton Act. It restates “the strongest rejection of the enforcement of laws and measures contrary to international law like the Helms-Burton Act and calls upon the US Government to end its enforcement.” Said communiqué urges “the Government of the United States to comply with provisions in 20 successive resolutions passed by the United Nations General Assembly and to end the economic, commercial and financial blockade it is keeping in place against Cuba.”

- The United Nations General Assembly, the most democratic and representative body of the international community, during another historic vote on November 13, 2012 expressed itself unequivocally against the blockade by approving, 188 votes for, 3 against and 2 abstentions, the resolution entitled “Necessity of ending the economic, commercial and financial blockade imposed by the United States against Cuba.” The debate on the subject took place with 19 delegations in attendance, including 7 representatives from organizations, coordination groups and regional and sub-regional organizations: the Group of 77 plus China, the Non-Aligned Movement, the Community of Latin American and Caribbean States (CELAC), CARICOM, the African Group, the Organization of the Islamic Conference and the Common Market of the South (MERCOSUR.) Another 17 delegations explained their positions against the blockade after the resolution was adopted.
- The Thirty-Eighth Ordinary Meeting of the Council of the Latin American Economic System (SELA), which held a ministerial session in the Bolivarian Republic of Venezuela, adopted on October 19, 2012 the Declaration on “The end of the economic, commercial and financial blockade of the United States against Cuba.” The text states that the economic, commercial and financial blockade of the United States against Cuba violates International Law and is contrary to the purposes and principles of the United Nations Charter, to the regulations of the international trade system and to freedom of navigation. It also strongly condemns the enforcement of any law or measure contrary to International Law such as the Helms-Burton and Torricelli Acts and calls upon the US government to end their enforcement.
- During the general debate of the Sixty-Seventh Session of the United Nations General Assembly in September 2012, the high-ranking dignitaries and representatives of 45 UN member states explicitly condemned the blockade and called for its end.
- The Heads of State and Government of the African Union, meeting in Addis Ababa in Ethiopia on July 15-19, 2012 in their Nineteenth Ordinary Session, adopted the Assembly/AU/Res.1 (XIX) resolution, by which they express their support of the Cuban Resolution against the blockade and make a call for the end of that policy.

## CONCLUSIONS

In 2009, after becoming the leader of the country, a newly-inaugurated President Obama announced a new beginning with Cuba and stated his conviction that the US-Cuba relationship could take another course.

However, aside from what he stated then and later deceptive rhetoric, the fact is that the last five years have witnessed a persistent tightening of the economic, commercial and financial blockade of the United States Government against Cuba, particularly of its extraterritorial dimension, despite a strong international rejection of such policy.

During this period, the persistent harassment and obstruction of Cuba's international financial transactions has become the priority in the policy of economic suffocation which has been kept in place against the Cuban people for over 50 years.

Cuba reiterates that maintaining this policy is a massive, flagrant and systematic violation of the human rights of an entire people and that it qualifies as an act of genocide by virtue of the Geneva Convention of 1948 on the Prevention and Punishment of the Crime of Genocide; at the same time, it violates the constitutional rights of the US people since it detrimental to their freedom of travel to Cuba and violates the sovereign rights of many other States because of its extraterritorial character.

The blockade against Cuba, based on the failed notion of trying to subdue an entire people by famine, is an act which violates international law, contradicts the aims and principles of the United Nations Charter and is a transgression of the right to peace, development and safety by a sovereign State.

As already stated, the economic damages inflicted on the Cuban people since the beginning of the enforcement of the economic, commercial and financial blockade of the United States against Cuba amount to USD 1,157,327,000,000.00, taking into consideration dollar depreciation to the gold in the international market.

The blockade continues to be an absurd, obsolete, illegal and morally unsustainable policy which has not fulfilled, nor will it ever fulfill, the goal of subduing the patriotic resolve of the Cuban people to preserve their sovereignty, independence and right to self-determination.

The Government of the United States must immediately and unconditionally lift the blockade. Cuba again thanks the growing backing of the international community and requests its support so as to put an end to this unjust, illegal and inhuman policy.