

Cuba's New Blockade

The US blockade of Cuba is the longest embargo against any country in history. Now, the Trump administration plans to tighten the net.

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On 2 May 2019, the Trump administration implemented Title III of the 1996 Helms Burton Act. In doing so, it unleashed the most severe economic sanctions against Cuba since the blockade was first introduced by President Kennedy in 1962.

Title III of the Helms-Burton Act enables Cuban-Americans to launch lawsuits in US courts against foreign companies accused of “trafficking” in property nationalised after the 1959 Cuban Revolution. Previously, lawsuits had been limited to US citizens with claims against nationalised properties. Now that Title III is ‘live’ it includes claims by Cuban-Americans who were Cuban citizens at the time of the Revolution, despite their claims lacking legitimacy under international law.

Britain, like most other countries, negotiated compensation agreements over nationalised properties on the island many years ago. Nationalisations were carried out in accordance with international law and previous owners compensated. Cuba has repeatedly offered to do the same with the United States, but its offers have been rejected.

The US State Department’s action comes hot on the heels of a succession of increasingly hostile threats. In November 2018, **National Security Adviser John Bolton**, who has a history of aggression towards Latin American countries, labelled Cuba as part of a “troika of tyranny” together with Venezuela and Nicaragua.

Legal experts anticipate there may be as many as 200,000 Title III cases waiting to be taken. However, while the US strictly adheres to other articles of Helms-Burton (an Act which codified sanctions against Cuba into US law 23 years ago), until 2 May Title III had never been enforced. Every president, Democrat and Republican, waived this part of the Act on a six-monthly basis since it was passed in 1996.

The US blockade already constituted the longest economic sanctions against any country in history. It has cost the Cuban economy more than \$933 billion dollars since 1962. The new measures aim to further deter foreign investment in Cuba and deprive the country of much-needed resources.

There is speculation that the move is an attempt to court the votes of Cuban-Americans in Florida in advance of the 2020 presidential election. Hardliners in the community are relishing the prospect of taking the Cuban government to court—a grievance they have been carrying since many deserted their properties and plantations in the early years of the Revolution.

In response to the US measures, **Josefina Vidal**, who was a key negotiator with the US during the Obama rapprochement process said

“they want Cuba to abandon what Cuba is, to abandon its principles, and to submit Cuba to the desires of the US. But that won’t happen.”

In addition to the implementation of Title III, on 17 April, the 58th anniversary of the failed Bay of Pigs invasion, National Security Advisor John Bolton announced the end of virtually all non-family travel to the island and new limits on the amount of money Cuban-Americans can send home to family.

Cuban President, **Miguel Díaz-Canel Bermúdez**, recognised that the US had chosen a significant date on which to make the announcements and tweeted “58th Anniversary of Girón [Cuba’s name for the Bay of Pigs]: The victory that the US does not forgive.”

Some analysts are predicting that the US move could backfire. Cuba specialist **Professor William Leogrande** has warned that enacting Title III “would cause an enormous legal mess, anger US allies in Europe and Latin America, and probably result in a World Trade Organisation case against the US.”

When Helms Burton was enacted in 1996, the European Union filed a complaint with the World Trade Organisation and passed a law prohibiting EU members from complying with it. Mexico, Canada and the UK passed similar laws.

The European Union’s foreign policy chief **Federica Mogherini** and Commissioner for Trade **Cecilia Malmström** released a statement on behalf of the EU which said it would “consider all options at its disposal to protect its legitimate interests.” Brussels may launch a WTO lawsuit and invoke the EU’s Blocking Statute, which allows EU companies sued in the US to recover any damage through legal proceedings against US claimants before EU courts.

Canada, China and Mexico also condemned the US action, as did several Democrat members of Congress, and the US Chamber of Commerce. **Ben Rhodes**, the White House official who had been responsible for former president Obama’s Cuba policy tweeted that the only real consequence of Trump’s policy would be to “hurt millions of Cubans” by “denying them resources, drying up remittances, choking off the foreign travel they depend upon to make a living.”

Four lawsuits were filed in the first 16 days that Title III became operational. On 2 May, two Cuban-Americans sued cruise operator Carnival Corp for using Cuban ports nationalised from family members who owned them 60 years ago.

On 3 May, Exxon Mobil filed a lawsuit seeking \$280 million from state-owned Cuba-Petroleo and CIMEX Corp over a refinery, gas stations and other assets. And on 17 May, members of the Mata family in Florida filed a claim for use of the Meliá San Carlos hotel – the first filed by people who became US citizens after the property was nationalised.

No previous US president has risked unleashing such chaos in the US courts. But the Trump administration takes its advice on Cuba policy from Bolton, Marco Rubio and hardline anti-Cuba lobbyists in Florida. **Vicki Huddleston**, who was head of the US Interests Section in Havana from 1999 to 2002, told Intelligence Matters magazine in February that she thought “most Cuba watchers and experts on Cuba believe the policy is now regime change.”

Even without Title III, the US blockade is already extraterritorial in its application. International companies including the Royal Bank of Scotland and Lloyds Bank have been fined billions of dollars by the US Office of Foreign Asset Control for historic trading with Cuba.

The Co-operative Bank closed the accounts of the Cuba Solidarity Campaign in 2016, and the Open University banned applications from Cuban students in 2017, both due to the perceived threat of fines for breaking US sanctions.

The British government says that it will work with the EU to protect British companies and that it considers Title III sanctions to be “illegal under international law,” adding that they “threaten to harm UK and EU companies doing legitimate business in Cuba by exposing them to liability in US courts.”

Despite existing antidote legislation and various proclamations about British sovereignty, successive governments have failed to defend British companies’ rights to trade with the island. It remains to be seen how strongly British Trade Minister, Liam Fox, will defend British corporate interests against Trump’s expansionist policy in Latin America generally and this renewed aggression towards Cuba particularly.

Title III promises to kill off chances of improving US-Cuba relations. But its most devastating impact will be felt by the people of Cuba, already suffering under a 57-year-old blockade. The labour movement, in Britain and internationally, must do all it can to ensure this inhumane policy is not exacerbated by these new measures.

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