

# The US Revisits the Cold War Era in Its Stance on Cuba. Enacting Title III of the Helms-Burton Act

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*A number of recent speeches by US **President Donald Trump** have featured Cold War Era rhetoric, including the claim that in ‘the United States, we are alarmed by new calls to adopt socialism in our country’. This statement was made in the State of the Union Address, in which Trump also claimed that socialist policies have failed in Venezuela, transforming it from ‘the wealthiest in South America into a state of abject poverty and despair.’<sup>[i]</sup>In a subsequent speech, delivered in Miami on February 18, 2019, Trump called Venezuelan President Nicolas Maduro a ‘Cuban puppet’ and stated that ‘the Venezuelan military are risking their lives, and Venezuela’s future, for a man controlled by the Cuban military and protected by a private army of Cuban soldiers.’ He went on to proclaim that ‘The twilight hour of socialism has arrived in our hemisphere, and frankly in many, many places around the world. The days of socialism and communism are numbered not only in Venezuela but in Nicaragua and in Cuba as well.’*

Many key members of the Trump administration promote the view that ‘Cuba is the true imperialist power in Venezuela.’ Among the leading players in the current anti-communist and neo-imperialist crusade being perpetrated by the US government include: current US vice-president **Mike Pence**; **Mike Pompeo**, Secretary of State since April 26, 2018; Florida **Senator Marco Rubio**<sup>[ii]</sup>; **John Bolton**<sup>[iii]</sup>, National Security Advisor since April 9, 2018; **Mauricio Claver-Carone**<sup>[iv]</sup>, senior director of the National Security Council’s Western Hemisphere affairs division since fall 2018; **Elliot Abrams**<sup>[v]</sup>, Special Representative for Venezuela since January 25, 2019; and, **Mark Andrew Green**, Administrator of USAID since August 7, 2017. All of them are well-known for holding strong anti-Castro views, opposing the Obama administration’s engagement with Cuba, and being proponents of aggressive regime change strategies in Cuba, Venezuela and Nicaragua.

US hostility towards Cuba has been ramped up during the Trump Presidency, as travel and trade restrictions previously lifted by the Obama administration have been reinstated based on the premise that these policies only benefited Cuba’s despotic and oppressive regime while ignoring the needs of ordinary Cubans. Under the Obama agreement, diplomatic relations between the US and Cuba were officially normalized on December 17, 2014. Additionally, a number of trade and travel agreements were signed between the two countries, including contracts for business deals between Havana and 60 American companies. These measures contributed a 60% increase in American tourism to the island between 2014 and 2016. However, actions taken by the Trump administration have reversed much of this progress by making it more difficult for Americans to visit Cuba and prohibiting commerce with Cuban businesses. In November 2017, the US Department of State webpage listed 180 ‘entities’ in Cuba with whom financial business would be immediately forbidden<sup>[vi]</sup>. Approximately twelve months later, on November 14 2018, 26 new entities in Cuba were added to the list<sup>[vii]</sup>.

On November 1, 2018, National Security Adviser John Bolton<sup>[viii]</sup> announced Washington's intention to activate Title III of the Helms-Burton Act<sup>[ix]</sup> (also known as the Cuban Liberty and Democratic Solidarity (Libertad) Act of 1996), which was passed in 1996 with the intent of strengthening the embargo against the Castro government. The Helms-Burton Act consists of four specific titles designed to extend the original commercial, economic, and financial embargo against Cuba in an effort to discourage non-US companies from investing in the country. Title I is a clause permitting the 'enforcement of the economic embargo of Cuba' through a variety of means including: 'prohibition against indirect financing of Cuba', 'opposition to Cuban membership in international financial institutions', and 'opposition to termination of the suspension of the Cuban Government from participation in the Organization of American States'<sup>[x]</sup>. Title II calls for the provision of 'assistance to a free and independent Cuba', and advocates 'policy toward a transition government and a democratically elected government in Cuba.'<sup>[xi]</sup> Meanwhile, Title IV allows for the 'exclusion from the United States of aliens who have confiscated property of United States nationals or who traffic in such property.'<sup>[xii]</sup>

The most controversial provision of the Helms-Burton Act is Title III, which allows for the 'protection of property rights of United States nationals.' More specifically, it permits American citizens, including naturalized Cuban-Americans, to sue any foreign company conducting business that involves properties that were owned by American citizens before being confiscated by the Cuban socialist government after the 1959 Revolution. Shortly after its passage, the Helms-Burton Act was condemned by several countries with business interests on the island, as well as allies of Cuba, including Argentina, Brazil, Canada, Mexico, the UK, and the European Union, which actually filed a complaint against the US with the World Trade Organization in 1996. 'The WTO complaint against the U.S. raises a list of possible inconsistencies with various parts of the WTO treaty texts.'<sup>[xiii]</sup> Furthermore, officials from many countries declared that 'the United States was unlawfully exercising its jurisdiction extraterritorially, in that it was threatening to punish lawful activity - trade, investment, and tourism - carried out by residents of, say, Canada or Great Britain with an independent country, Cuba.'<sup>[xiv]</sup>

Title III has never been enacted up to this point over concerns that it might alienate US allies with investments in Cuba. President Bill Clinton initially suspended Title III after the Helms-Burton Act was passed in 1996, and this suspension was renewed on a six month basis by every sitting President ever since, including President Trump during his first two years in office. However, it appears that long-standing tradition is about to change as, in November 2018, National Security Adviser John Bolton announced the Trump administration's intention to activate Title III, stating: 'This time, we'll give it a very serious review.' Subsequently, in mid-January 2019, Secretary of State Mike Pompeo indicated that Washington would only suspend Title III for a period 45 days instead of the usual six months, meaning it could be enacted at the end of February 2019.

Then, on March 4, 2019, the Trump Administration announced that the full application of Title III would be suspended until April 17, but that lawsuits could be brought against approximately 200 Cuban state-owned businesses on Washington's 'black list', beginning on March 19. Many of the entities included on the 'black list' have been operating as joint ventures with prominent foreign companies like British tobacco giant Imperial Brands, French beverage-maker Pernod-Ricard, and many Spanish-owned hotel and resort companies like Meliá Hotels International, Memories Resorts & Spa, Ocean by H10 Hotels,

and Iberostar Hotels & Resorts.

In addition to activating Title III of the Helms-Burton Act, National Security Adviser Bolton also recently announced that further sanctions would be placed against Cuba, and that the island nation would once again be added to the US list of state sponsors of international terrorism[xv], having been removed in 2015 as part of the deal to re-establish diplomatic relations with the US. These efforts on the part of the Trump administration represent a continuation of the long-standing US foreign policy stance towards Cuba, which aims to destabilize and directly impact the island's struggling economy and create desperation and hardship among ordinary Cubans to encourage them to overthrow their socialist government.

In response to the aggressive and provocative statements and actions of the Trump administration, Cuba's president, Miguel Díaz-Canel, stated that Cubans 'vigorously reject this new provocation, meddling, threatening and bullying, in violation of international law.' Cuban Foreign Minister, Bruno Rodríguez, also characterized the Trump policies towards Cuba as a provocation and describing the US stance as 'irresponsible hostility aimed at hardening the blockade on Cuba.'

The application of Title III will likely engender tensions between Washington and some of its allies in Canada, Europe, Latin American and the Caribbean. However, while this course of action will reverse the recent progress in Cuba-US relations, harm Cuba's economy, and exacerbate hardships faced by ordinary Cubans, it will not facilitate the destruction of the socialist government. Washington has been trying to destroy Cuba's socialist regime for six decades through a variety of tactics including the funding Cuban exiles to organize terrorist attacks and sabotage the island's economy, and through CIA efforts to assassinate Fidel Castro. However, Cuban socialism has withstood these efforts while achieving a number of impressive accomplishments, including 'attaining full employment, providing universal health care services and universal access to free education, and achieving higher life expectancy, lower child mortality, lower child malnutrition, and lower poverty rates compared to any other Latin American country... In addition to its success in areas of human development, Cuba has also been active in providing practical foreign aid in the form of sending highly-trained specialists, such as teachers, doctors, and engineers, to developing countries where they are needed.'[xvi]There is no reason to believe that the Trump administration's newly rediscovered anti-communism and anti-Cuba vision will produce a different result.

Why have American presidents have been so aggressive in targeting Cuba for the last sixty years? According to Fidel Castro (1995), its 'Because no other country has done more for its people. It's the hatred of the ideas that Cuba represents.'

Perhaps Washington is threatened by the possibility that the success of socialism in Cuba might lead to the popularization of the idea that workable alternatives to free-market capitalism actually exist. This could explain why the US has been actively sabotaging efforts on the part of countries like Cuba, Venezuela and Nicaragua, among many others, to achieve more egalitarian societies, limit the power of corporations, and prioritize the common good and well-being of their people.

Despite their lofty rhetoric, the neo-imperialist ambitions of American leaders are not concerned with the well-being, freedom, or human rights of Cubans, Nicaraguans and Venezuelans, 'What they want is to exploit the natural resources of...countries and exploit

the peoples' (Castro, Fidel 2007). However, 'Washington cannot tell the American people that the real purpose of its gargantuan military expenditures and belligerent interventions is to make the world safe for General Motors, General Electric, General Dynamics, and all the other generals' (Parenti, Michael 1995).

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## Notes

[i]<https://www.whitehouse.gov/briefings-statements/remarks-president-trump-state-union-address-2/>

[ii]Rubio often states that his family escaped communism 'even though his parents actually immigrated to the U.S. during the dictatorship of Fulgencio Batista.' He has been actively encouraging president Trump to take a stronger stance on Cuba.

<http://en.granma.cu/cuba-us-diplomatic-relations/2018-01-12/marco-rubio-is-deaf-to-cuba>

[iii]In 2002, Bolton advocated for tightening the embargo against Cuba based on unfounded allegation that the island was developing biological weapons.

[iv]Prior to entering president Trump's administration, Mauricio Claver-Carone did not have any experience in domestic and international politics, aside from lobbying for an aggressive American policy towards Venezuela's socialist government, on the basis of accusations that the Chavez and Maduro's administrations had strong ties to the Castro regime. He was also executive director of the US Cuba Democracy PAC (one of the most important political organizations supporting the embargo).

[v]On January 25, 2019, Pompeo appointed Elliott Abrams as the United States' Special Representative for Venezuela. Abrams was Assistant Secretary of State during the Reagan years. In 1984, he was accused of 'covering up atrocities committed by the military forces of U.S.-backed governments, including those in El Salvador, Honduras, and Guatemala, and the rebel Contras in Nicaragua' by Human Rights Watch and Amnesty International. He was also convicted of committing crimes related to the Iran-contra scandal. [https://en.wikipedia.org/wiki/Elliott\\_Abrams](https://en.wikipedia.org/wiki/Elliott_Abrams)

[vi]<https://www.state.gov/e/eb/tfs/spi/cuba/cubarestrictedlist/275331.htm>

[vii]<https://www.state.gov/r/pa/prs/ps/2018/11/287357.htm>

[viii]John Bolton is a neo-imperialist and anti-communist, who has previously advocated for regime change in Syria, Libya, Iran and North Korea. He also encouraged policies against Cuba during the George W. Bush administration, claiming that the island was developing biological weapons.

[ix]The Hems-Burton Act was introduced because Americans were frustrated that Cuban socialism was able to survive the collapse of the Soviet Union. It was designed to demolish economic life in Cuba, and bring hunger and desperation to the island in order to facilitate the overthrow of the socialist government and remake Cuba into a playground for Americans.

[x]<https://www.treasury.gov/resource-center/sanctions/Documents/libertad.pdf>

[xi]<https://www.treasury.gov/resource-center/sanctions/Documents/libertad.pdf>

[xii]<https://www.treasury.gov/resource-center/sanctions/Documents/libertad.pdf>

[xiii]<https://www.asil.org/insights/volume/2/issue/1/helms-burton-us-and-wto>

[xiv]<https://www.asil.org/insights/volume/2/issue/1/helms-burton-us-and-wto>

[xv]Cuba was originally placed on the US list of state sponsors of international terrorism by the Reagan Administration in 1982.

[xvi]<https://www.globalresearch.ca/the-cuban-revolution-the-u-s-imposed-economic-blockade-and-us-cuba-relations/5433797>

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