

Tightening the Noose on Cuba

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On the 2nd of May 2019, the Trump Administration decided to enforce Title 111 of the Helms-Burton Act. Title 111 authorises US nationals with claims to confiscated properties in Cuba to file suits in US courts against persons that may be “trafficking “in that property.

Title 111 of the Helms-Burton Act has not been enforced before though the Act was enacted in 1996 through a move by two US legislators, a Republican Senator, Jesse Helms and a House of Representatives member, Dan Burton. It was signed into law by then US president, Bill Clinton. Since the Act allows the US president to suspend some of its provisions up to 6 months at a time, it was felt that implementing Title 111 was not necessary given that economic sanctions against Cuba aimed at throttling its economy were already all-encompassing.

But president Trump who is determined to increase pressure upon Cuba has decided to tighten the noose. He is being egged on by some legislators from South Florida with its significant ‘Cuban exile electorate’ — an electorate that is staunch in its support of Trump — who are angry that some US companies are now trading with Cuba. Besides, heightened harshness against Cuba is also aimed at curtailing oil shipments between Cuba and Venezuela at a time when hawks in the Trump Administration such as National Security Adviser John Bolton are pushing hard for regime change in Caracas.

Opposition to the enforcement of Title 111 has been swift from certain quarters. The Ambassador of the European Union (EU) to Cuba Alberto Navarro reiterated on 31st May 2019 the EU’s unanimous rejection of what he viewed as a clear violation of international law. In fact, the EU had voiced its opposition to the Helms-Burton Act in its entirety when it was first enacted in 1996. A number of Latin American countries are also incensed by the US decision. Even civil society groups in the US are against this unjust measure targeting Cuba.

However, it would be a mistake to see Title 111 by itself or as nothing more than a part of the Helms-Burton Act. It should be evaluated within the context of the decades old crippling sanctions against Cuba. Since 1961, the US has imposed wide-ranging economic sanctions against Cuba mainly because the island state following the 1959 Revolution chose its own path of development inspired by socialist ideals. The sanctions not only seek to repudiate Cuba’s ideological experiment but also attempt to force the small nation of 11 million people into a state of backwardness and under-development. Because the US has failed to achieve its goals, the imperial power has become even more hostile towards its tiny neighbour.

The world rejects the US sanctions against Cuba. Year in and year out the UN General Assembly has taken the side of the Cuban people as they continue to resist US sanctions with courage, dignity and pride. The nations of the world are aware that what is at stake in

the US punishment of Cuba is the sovereign right of a nation to determine its own destiny. Sovereignty is intimately linked to a nation's independence. This is one of the main reasons why US sanctions are seen as a challenge to international law which seeks to preserve the sovereignty and independence of nation-states within the international order.

Equally important is the humanitarian implication of imposing sanctions. As shown by numerous examples of the impact of sanctions upon the people of a targeted nation, ordinary people invariably suffer immensely. Hundreds of thousands have been deprived of life's essentials. Tens of thousands have died as a result of sanctions. One of the most catastrophic in recent times would be the 650,000 children who perished in Iraq as a consequence of the punitive sanctions imposed by the US in the nineties.

In dealing with US sanctions against Cuba we have to go beyond merely criticising or condemning them. The time has come to decide whether unilateral sanctions by any one nation or a group of nations against another nation or a group of nations should be tolerated at all. Shouldn't we prohibit unilateral sanctions of this sort? Shouldn't the UN General Assembly adopt a binding resolution on the prohibition of unilateral sanctions against any nation or people? Shouldn't such a resolution be endowed with the force of law?

If sanctions are to be imposed at all upon a state, it should be endorsed by three-quarters of the members of the UN General Assembly and monitored by a special committee of the Assembly itself. A targeted state should be universally perceived as a rogue state of the worst kind. When there are lucid rules on why and how sanctions should be imposed, the reign of self-serving sanctions associated with the arrogance of hegemonic power will come to an end.

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