

Summary of the 2008 Report of Cuba to the UN General Assembly on the “Necessity to End the Commercial, Economic, and Financial Blockade of the Government of the United States against Cuba”

1. Introduction

On the eve of the 50th anniversary of the Cuban people's final victory, after a long and bitter struggle for true independence, over a bloody dictatorship that had oppressed it with the support of the US government; and nearly 50 years into the most radical process of political, economic and social transformation in the history of the country, Washington's economic, commercial and financial blockade remains in force, as the most blatant expression of a cruel and inhuman policy, lacking any kind of legitimacy or legality, whose aim has been the reversal of the Cuban Revolution by all possible means, including bringing about starvation and despair among the Cuban population.

On the basis of its officially-declared and covert aims, of its scope and of the means and actions in pursuit of these, the US blockade on Cuba amounts to genocide, within the meaning of the Geneva Convention on the Prevention and Punishment of the Crime of Genocide (9th December 1948), and to an act of economic war, according to the definition established at the 1909 London Naval Conference.

As confirmed by 16 consecutive resolutions of the UN General Assembly, this policy conflicts with the aims and principles of the UN Charter, with the principles of international law governing relations between sovereign states, and with the principles of freedom of international trade and navigation enshrined in various international instruments.

The aggressively extraterritorial nature of this policy, especially under the administration of President George W Bush, is also - to a significantly increasing degree - damaging to the sovereignty of third nations and the legitimate interests of organizations and individuals under their jurisdiction

In the interval since the passing of General Assembly Resolution 62/3, on 30 October 2007, the main elements of the blockade on Cuba have been maintained or intensified, as reflected in heavier economic sanctions and sterner persecution of business activity and international financial operations (including those involved in settling Cuba's dues to the UN's international agencies), as well as misappropriation of Cuban trade marks, and increased pressures on and reprisals against those who trade with Cuba or form links with Cuba for the purposes of cultural or artistic exchange. Washington has also moved on to a more open and dangerous stage in the organization and execution of subversive operations, through official channels and otherwise, as envisaged in President Bush's plan for re colonizing Cuba and its subsequent updating on 10 July 2006.

On 24 October 2007, just days after the General Assembly passed the latest resolution calling on America to lift its economic, commercial and financial blockade on Cuba, the US president made a speech clearly indicating the approach Washington's policy on Cuba would reflect during the

last phase of the Bush administration, in open contempt of the wishes of the international community.

He painted an absurdly inaccurate picture of conditions in Cuba, in an attempt to vilify our country and create a pretext for retaining his increasingly denigrated policy, and said "The operative word in our future dealings with Cuba is not stability. The operative word is freedom." . He revealed the decision to resort even to force if necessary, to undermine the resistance of the Cuban people and re-colonize the country or (which amounts to the same thing) bring about a "change of regime", in line with the aggressive, hegemonic doctrine of the White House's present tenants.

In a state of interventionist fever and as a clear indication of frustration at what he considers scant international support for his illegal policy, Mr Bush launched a further call for accomplices in applying his strategy of hostility and aggression towards the Cuban people.

Intensification of the current US administration's anti-Cuba political and media campaign, which goes beyond any of its predecessors, was also confirmed by President Bush's anti-Cuba speech from the White House on 21 May 2008.

Events in the context of this strategy included a further tour of various European capitals, from 7-16 April this year, by Deputy Assistant Secretary of State Kirsten Madison, and the proconsul for the virtual re colonization of Cuba, Caleb McCarry.

These spokespersons of Washington's anti-Cuba strategy focussed their efforts on preventing the lifting of the EU sanctions, unjustly imposed in 2003, as well as on discouraging high-level visits from Europe to Cuba, and seeking to impose endorsement of America's anti-Cuba policy in the EU-US dialogue.

In attempting to destroy the constitutional order established and supported by the Cuban people - a core aim of the economic, commercial and financial blockade - Washington has pulled out all the stops in its efforts to recruit, organize and bankroll persons born in Cuba to act as paid servants of America's policy of hostility and aggression towards the Cuban nation. Cuba has submitted evidence, including conclusive proof, of these allegations, which the US authorities have been unable to refute.

The US Agency for International Development (USAID) has been one of the mechanisms used for channelling money to meet the payroll of US mercenaries in Cuba - operations in which the US Interests Office in Cuba (Havana) has been directly involved.

On 14 May 2008, USAID called a meeting at its Washington offices for the purpose of distributing an extra \$45m that had been allocated by the Bush administration to the undeclared war on the Cuban people.

The meeting was chaired by USAID Latin America chief José Cardenas, a former executive of the Cuban American National Foundation (CANF) - an organization set up under the auspices of the Reagan administration and involved in organizing and financing various terrorist operations

against Cuba. The meeting approved additional federal funds for identifying other NGOs in third countries, with a view to engaging their services in the campaign against Cuba.

Highlighting the substantial expansion of USAID's anti-Cuba programme, the chairman reported that the budget had been increased from \$13m in 2007 to \$45m in the financial year 2008 - a reflection of the priority attached by the Bush administration to reversing the Cuban people's revolution.

Washington is now cynically using its diplomats in Havana to pass on money received from known terrorist organizations based on US soil to subversive groups in Cuba, as has been recently denounced by the government of the Republic of Cuba.

In the later sections of this report, we provide updated information on the effects of the US economic, commercial and financial blockade on Cuba in the period since the passing of Resolution 62/3 up to 31 May 2008, whose key feature has been intensification of the policy aimed at reversing the Cuban Revolution. A significant number of examples of the pernicious effects of the US blockade on Cuba have had to be excluded from this document for fear of further reprisals against, or collateral damage to, foreign suppliers and other institutions which maintain economic, trade or financial links with Cuba in accordance with international law and in defiance of the extraterritorial pressures generated by the economic war waged by Washington against the Cuban people and its right to freedom, independence and sovereignty.

2. Application of the Bush Plan for Re-Colonizing Cuba; Intensification of the US Blockade

On 24 October 2007, President Bush gave further rein to his obsessive hostility by announcing another escalation of his anti-Cuba measures. His speech confirmed the sanctions policy and announced "new initiatives", coupled with a call to the use of force to overthrow Cuba's constitutional government.

The new measures announced by the President were entirely consistent with the strategy outlined in the Plan for re-colonizing Cuba (hereafter "the Bush Plan") approved on 6 May 2004, having been drawn up by a presidential commission created by President Bush himself with the declared aim of reversing the Cuban Revolution.

The Bush Plan was updated and upgraded on 10 July 2006. This process involved adding a chapter, classified as secret, introducing measures and actions that could not be made public since they were in clear breach of international law.

A report by the US Government Accountability Office (GAO) published in November 2007 at the request of the New York Democrat representative Charles Rangel, chairman of the House of Representatives' Ways & Means Committee, openly acknowledged that the blockade on Cuba represented the most extensive package of sanctions imposed by the United States, out of the 20 such programmes applied to various countries.

Up to December 2007, at a conservative estimate, America's policy of economic, commercial and financial blockade on Cuba has cost the country's economy over 93 billion dollars.

The following are among glaring examples of the various actions taken between July 2007 and the first quarter of 2008 in tightening the Draconian blockade imposed on Cuba:

On 30 June 2007, officials of the US Department of Homeland Security detained a consignment of medical donations at the Maine-Quebec border. These had been collected by the Quebec-Cuba Friendship Caravan and were to be transported to Havana by the 18th Pastors for Peace Caravan. According to a communiqué from this NGO, the American officials had instructions to stop everything destined for Cuba. The shipment was held up for 30 days for investigation of its presumed "threat" to US security.

On 11 July 2007, the Office of Foreign Assets Control (OFAC) reported that a US company, Logica CMG Inc., had been fined \$220,000 because its predecessor, CMG Telecommunications Inc., obtained and assembled computers which it exported to Cuba, and also provided after-sales technical support.

On 5 August 2007, it emerged that the Treasury Department had denied the American NGO Population Services International (PSI) renewal of its licence to pursue cooperation projects with Cuba, including the supply of 'Vives'-brand condoms and distribution of these to groups at risk of HIV infection.

On 18 December 2007, Senator Bill Nelson (D-FL) submitted a bill (S.2503) "to exclude from admission to the United States aliens who have directly and significantly contributed to the ability of Cuba to develop its petroleum resources".

On 24 January 2008, the Oil & Gas Journal reported that the same Senator Bill Nelson had written to President Bush seeking non-renewal of the US-Cuba maritime border agreement entered into in 1977.

On 7 February 2008, the White House published a notice issued by President Bush the previous day, entitled "Continuation of the national emergency relating to Cuba and of the emergency authority relating to the regulation of the anchorage and movement of vessels" extending Presidential Proclamation 7757 which expanded the scope of the national emergency regarding Cuba, to prevent the entry into Cuban waters of US pleasure craft, as a means of depriving the country of funds and tightening the blockade.

On 22 February 2008, according to the OFAC, fines were imposed on two American concerns, Bank Atlantic and RMO, Inc. The bank was fined for not having blocked a financial operation in which the Cuban government was believed to have an interest. In the other case, the allegations concerned the initiation of a transfer of funds relating to trips to Cuba.

On the same date, five individuals were also fined a total of \$9,238.87 for buying Cuban cigars via the Internet.

On 11 April 2008, according to the OFAC, United Advantage Northwest Federal Credit Union Bank was fined \$2,970.00 for transferring funds to Cuba without a licence

On 14 April 2008, according to the OFAC, the American finance company Citigroup was fined a total of \$16,250 for accepting, without a licence, payments for goods sent via a Cuban firm.

3. Extraterritorial nature in the Policy of Blockade.

During the last year, the Bush administration has adopted new measures and regulations that make the extraterritorial sanctions and other forms of persecution even more stringent, arrogating the right to decide matters that are attributes of the sovereignty of other states, affecting individuals, institutions and firms in third countries which establish or merely propose to establish economic, commercial, financial or scientific/technical relations with Cuba.

The ongoing process of mergers and mega-mergers of international companies, as well as the strategic alliances at world level in which the United States participates substantially, have continued to affect Cuba and to magnify the extraterritorial impact of the blockade, by reducing to the minimum Cuba's room for manoeuvre within the international economy and complicating our integration into the world economy.

This situation coupled with the prohibition on using the US dollar for trading and financial operations, and the pressures and threats from US officials designed to hinder or prevent any commercial, financial or cooperative operation with Cuban concerns from being carried out, causes a significant increase in the cost of Cuba's activity as regards the working of its economy and ensuring the continuity of the material conditions essential to the life of its population.

In the 12 months ended in April 2008, the US Treasury Department maintained its harassment and persecution, on a global scale, of other countries' banking and other financial institutions, aimed at blocking any type of relation or operation with Cuba. It similarly adopted measures prejudicing the right of any country to trade freely and independently with whoever it wishes, bullying enterprises in third countries into suspending their sales and contracts with Cuba.

America continues to arrogate the right to legislate for and on behalf of other countries as regards their relations with Cuba. It goes so far as to claim the authority to certify their conduct and actions. As mentioned on previous occasions, the extraterritorial dimension of this policy, which severely damages the interests of other countries as well as Cuba's, includes the following provisions:

- US subsidiaries in third countries are barred from dealing in any way with firms in Cuba.
- Foreign firms are prohibited from exporting to the United States products of Cuban origin or products whose processing involves the use of any component of that origin.

- Third countries' firms are banned from selling to Cuba goods or services whose technology contains more than 10% US components, regardless of whether their owners are nationals of the country concerned.
- Vessels carrying goods to or from Cuba are barred from entering US ports, regardless of their country of registration.

- Banks of third countries are prohibited from opening accounts in US dollars for Cuban individuals or firms, or effecting transactions in US dollars with such parties.

Third countries' businessmen are penalized for investing or doing business in Cuba; they are denied US entry visas (a policy that may be extended to their relatives) and can also be sued in the American courts if their dealings involve properties subject to claims by US citizens or others who, having been born in Cuba, subsequently acquired US citizenship.

4. Repercussions of the Sanctions on the Most Sensitive Social Sectors

From the outset, the US blockade on Cuba has targeted the nation's food and public health sectors. Actions designed to create the conditions for starvation, disease and despair among the Cuban people and thereby, potentially, for the overthrow of the government, constitute the essence of this genocidal policy.

FOOD

In the period covered by this report, the blockade caused losses in the food sector exceeding \$174m. The impact was again felt in the production of food for domestic consumption.

In addition to having to cope with escalating international food prices during the period, Cuba was obliged to incur extra, exceptional costs as a result of the restrictions imposed by the blockade:

- Food imports from the United States remained unpredictable. They are subject to strict supervision and licensing for export and transportation of agricultural products to our country.
- If Cuba had access to the husbandry technology used in the United States, we could produce 153 million eggs more than at present and generate savings on feed of \$6.8m a year.
- Chicken production and, hence, public consumption has been affected by the lack of temperature-controlled battery units and the equipment needed to operate these. Remedying this situation would result in an increase in production worth around \$35.3m, guaranteeing moreover a stable supply of protein to the public and employment for over 4,000 sector workers who have been redeployed to other activities.
- The agricultural sector has been unable to buy certified high-yield seeds, recognized for their high genetic quality, from specialized US companies. In 2007, imports of potatoes amounted to some 27,652.65 tons, including 10,461.45 tons from Canada and 17,191.20 from Europe; vegetable seed imports were some 67.3 tons, from Europe, Japan and the Middle East. Seed imports from these regions can take up to two months to arrive, potentially delaying the scheduled planting of certain crops. The savings from being able to import these seeds from the United States are estimated at \$177,844.65.

PUBLIC HEALTH

The impact on to the public health sector during the 12 months ended in April 2008 is estimated at over **\$25m**.

The economic damage represented by the extra costs involved in obtaining supplies and equipment in more distant markets and with the intervention of intermediaries, is accompanied by distress among the patients and their relatives, as well as the medical personnel whose scope for providing proper care of the sick is restricted by the fact that US drug companies have exclusive rights over products and technologies that are critical to the treatment of various diseases.

The following are among the cases that arose during the period under review:

- Surgical treatment of children with cardiovascular complaints was affected, as regards the application of certain surgical techniques, by the absence of particular supplies. The necessity of buying these via third parties and in distant markets involved extra expenditure of \$245,072, including \$1,389 for freight alone. It was consequently not possible to meet the needs of all the cases.
- Cuba has been unable to obtain suitable devices for performing catheterism and other techniques for repairing congenital defects of the heart, following refusal by Boston Scientific and Amplatzer to negotiate with our country. The results have included lengthening of the waiting list of Cuban children needing open-heart surgery, with the associated risk to the health and life expectancy of the children concerned. Those affected include:
 - María Gainza Pozo, 2 years, Holguín province, borough of Sagua de Tánamo, case file No. 680689.
 - Olivia Oliva Báez, 3 years, Ciudad Habana province, borough of Centro Habana, case file No. 683826.
 - Félix Cruz, 4 years, Matanzas province, borough of Colón, case file No. 657743.
 - Fidel Valeriano Ramos, 6 years, Matanzas province, borough of Jagüey Grande, case file No. 681080.

Cases **in the public health sector** exemplifying the **extraterritorial nature** of the sanctions **included the following:**

- For fear of fines, Japan's Hitachi refused to supply an ultracentrifuge on the grounds that it included US components. The equipment is needed for performing Western blot diagnostic testing, which is essential to the detection of HIV/AIDS.

- GH (growth hormone) ceased to be available from Sweden's Pharmacia when the firm was acquired by an American company. The substance is used in paediatric endocrinology to treat short stature caused by a deficit of this hormone.
- Cuba was prevented from obtaining some 3 million disposable syringes (value \$256,000) via the Global Alliance for Vaccines and Immunization (GAVI) for the country's child vaccination programme; the suppliers said they were unable to sell them if their final destination was Cuba.
- As recently as 4 June 2008, Merck S.A. announced that Whatman, a British company, had been acquired by the American GE Healthcare, and it had been advised by the latter that it was strictly forbidden to sell Whatman products to Cuba. The letter from the US company added that they had cancelled all outstanding orders from their customers in Cuba and terminated completely their operations relating to Whatman products.

TRANSPORT

The Cuban state has launched an extensive programme of recovery in the transport sector, whose direct results are already apparent to the Cuban public and are reflected in the national economy. However, despite the government's efforts and determination, the blockade continues to hamper redevelopment of this sector.

Examples of the impact on the sector include the following:

- Non-availability of the parts and components needed for repairing Cuban locomotives, the vast majority of which are US made, has inhibited goods transport by rail. During the period under review, shortage of operational locomotives caused the cancellation of 280 journeys and failure to move some 250,000 tons of goods. While the economic impact on the rail company was substantial, the main sufferer was the public, since the bulk of the goods concerned were 'basic shopping basket' goods destined for consumer.
- Extra expenditure in the transport sector attributable to the blockade totalled over \$70m. This figure reflects higher import prices associated with market relocation amounting to nearly 18 million, additional country-risk financing costs of 5 million, extra freight and insurance costs of \$21m, tying up of additional funds amounting to \$18m in inventories, and financial expense in the form of losses on foreign exchange and extra financing costs totalling around \$8m.
- An example of the extraterritorial application of the sanctions policy in the transport sector is provided by the measures taken against the P&O Nedlloyd (former customer) and the French CMA-CGM shipping lines, involving the seizure of funds amounting to, respectively, \$56,000 and \$500,000 for having effected transactions in dollars with the Havana container terminal.

5. Repercussions on the American People and other Peoples in the World

The effects of the ruthless economic war waged by the United States on Cuba are not confined to Cuban citizens. The Bush administration breaks international law in applying a policy that prejudices other peoples in the world, including its own.

Washington has responded to the obvious failure of its criminal policy and the increasingly universal call by the international community for an end to the blockade by extending and intensifying its application. It seeks to minimize people-to-people contact as far as possible, as well as that between the two countries' religious, academic, scientific, cultural and sporting organizations. Examples of the measures adopted include the following:

- In July 2007, the District of Columbia federal court rejected charges brought by the Emergency Coalition to Defend Educational Travel (ECDET) against the Treasury Department. On 13 June 2006, Judge Ellen Huvelle had ruled that the restrictions on educational trips, despite breaching the academic freedom guaranteed by the Constitution, were consistent with the provisions of the Bush Plan.
- In November 2007, American and Puerto Rican athletes were barred from participating in the Marabana 2007 marathon. A large number of applications to run in this event were received from American and Puerto Rican groups of runners, clubs and individuals, who were finally unable to participate because of the blockade.
- The Treasury Department denied travel permits for visiting Cuba to 30 American musicians, whose sole aim was to attend 'Spring in Havana 2008', the 12th International Festival of Electroacoustic Music.
- Also denied was a permit for travel to Cuba in April requested by a group of New York State legislators forming part of a trade delegation from the state mentioned.
- A trip to Cuba by a group of 88 students on a master's degree course in business studies at the Southern Methodist University, Dallas, Texas was suspended when the Treasury Department sent an 'alert' alleging misuse of the University's licence.
- America's Sport Show Broadcasting (SSB) signed an agreement worth \$210,000 with the Cuban broadcasting organization ICRT covering the rights for televising 30 National Series baseball games. Because of intense political pressures, Cuba was able to transmit only six games.
- A similar situation arose with Mexico's PCTV cable-TV company, also interested in the National Series, which had to cancel a 100,000-dollar contract, without explanation. In financial terms, the total impact amounted to some \$268,000, not to mention the effect on the American and Mexican viewing public, who were unable to watch the games.
- An American professor, Todd J. Martinez of Illinois University, was unable to attend 'Fotodinámica 2008', which was held in Havana, his application for the necessary travel permit having been turned down. In November, three American specialists were

prevented from attending 'Lingüística 2007', since they were unable to obtain the relevant permit.

- The Spanish company Hola Airlines, which ferried 'Operation Miracle' patients from Venezuela to Havana, was obliged to terminate its operations with Cuba. When ordering repairs to a damaged aircraft, it was informed by Boeing that the US authorities had prohibited them from providing technical support or supplying spares unless they cancelled their operations with Venezuela and Cuba. Operation Miracle is a strictly humanitarian programme for the benefit of low-income patients; its aim is to provide surgery for people with cataracts, palpebral ptosis, terigium and other conditions of the eye.