

## CUBA'S REPORT

On Resolution 73/8 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"

July 2019

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## Introduction

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From April 2018 to March 2019, the period covered by this report, the tightening of the blockade continued to be the nerve center of US government policy towards Cuba, with effects that are ever more notable in their extraterritorial application. US strategy focused on consolidating confrontation and hostility both on the declarative level as in the implementation of measures of economic aggression against the country.

The climate of hostility in bilateral relations has been strongly marked by the increasingly aggressive rhetoric the US government uses against Cuba. As part of this escalation, the US attempted to introduce 8 amendments to the draft resolution against the blockade presented by Cuba on November 1<sup>st</sup>, 2018 at the UN General Assembly. The aim of its manoeuvre was to change the tone of the text and fabricate excuses for the continuity and reinforcement of their genocidal policy, resorting to false allegations in the matter of human rights.

Despite the strong pressures exerted by the US, the international community rejected its proposals, at the same time as it expressed, yet again, its overwhelming support for the resolution condemning the blockade.

This report presents evidence of how the economic, commercial and financial blockade imposed against Cuba continues to represent a hindrance for the development of all the potential of the Cuban economy, for the implementation of the National Economic and Social Development Plan for Cuba, and for attaining Agenda 2030 and its Sustainable Development Goals.

From April of 2018 until March of 2019 the blockade has caused losses for Cuba of around **\$4,343.6 million**.

The significant negative repercussion of measures recently adopted by the United States to tighten the blockade against Cuba is not accounted for in this report since it exceeds the close of the period being analyzed. This information has been collected into the document that will be presented next year.

At current prices, damage accumulated during almost six decades of applying this policy have reached the figure of **\$138,843.4 million**. Taking into account the depreciation of the dollar in regards to the price of gold on the international market, the blockade has caused harm quantifiable at over **\$922,630 million**, a value representing a decrease of 1.2 percent in regards to the earlier period due to the 1.6 percent decrease in the price of gold.

To transform the cost of the blockade into the country's payment capacity would allow us to provide an additional source of funding that is substantive and sustained and which grants greater dynamism to the investment programs associated with the strategic sectors in the National Economic and Social Development Plan up to 2030. Thus the necessary conditions would be created to gradually achieve sustained rates of growth in the annual Gross Domestic Product (GDP).

In the period being analyzed, strengthening the extraterritorial application of the system of sanctions against Cuba was shown in the constant repercussions on Cuban enterprises, banks and embassies which deal with colossal obstacles in their commercial and financial activities in many countries around the world.

On three occasions, the US Department of State broadened the "Restricted List of Cuban Entities and Sub-Entities" that are the object of additional tax sanctions due to blockade regulations. This measure has caused considerable harm to the country's economy, because of its effect of intimidating the international business community. Add to this the provisions of the Office of Foreign Assets Control (OFAC) of the Treasury Department and of the Bureau of Industry and Security (BIS) of the Department of Commerce of the United States to eliminate, as of 5 June 2019, the general permits for "People-to-People" group educational travel and to refuse permits for non-commercial aircraft and passenger ships for temporary stays, including cruise ships, thereby having severe repercussions on the number of visitors to Cuba. All these actions were taken for the deliberate and declared objective of causing economic harm and depriving Cuba of financial resources.

A demonstration of the tightening of the US government's anti-Cuban policy, without precedents, was the decision to permit the possibility of, under Title III of the Helms-Burton Act, taking judicial actions in US courts before lawsuits filed by US citizens or entities against Cuban enterprises or individuals or those of third countries which have commercial relations with properties nationalized in Cuba in the 1960s. This decision ended the practice assumed from 1996 by earlier US Democratic and Republican governments, and by President Trump himself in the first two years of his mandate, who had suspended this possibility every 6 months.

The Helms-Burton Act constitutes a juridical instrument of political coercion that sets out actions of damaging economic pressure on the sovereignty of Cuba and of third countries for the purpose of asphyxiating the Cuban economy and to increase the hardships of the Cuban people. It seeks to perpetuate the climate of hostility between Cuba and the United States and to deny the Cuban nation the right to self-determination. Its regulations run counter to International Law, to the principles of the UN Charter and the rules established by the World Trade Organization. These regulations have aroused the resounding rejection of numerous actors in the international community and representatives of international bodies.

The blockade constitutes a massive, flagrant and systematic violation of the human rights of all Cuban men and women. Because of its declared purpose and the political, legal and administrative framework sustaining it, these sanctions qualify as an act of genocide according to the Convention on the Prevention and Punishment of the Crime of Genocide of 1948 and as an act of economic warfare according to the Naval Conference of London of 1909.

In the current situation, more now than ever before, we impose our claim on the US government that they fulfill the 27 resolutions adopted by the international community within the framework of the United Nations General Assembly and that they end, without any conditions whatsoever, their policy of blockade against Cuba.

# 1. Continuity and the tightening of the blockade policy

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## 1.1 Validity of the laws of the blockade

The laws and regulation sustaining the blockade policy and kept in force and they are applied with strict rigor by US government agencies including the Department of the Treasury and Commerce and in particular the Office of Foreign Assets Control (OFAC).

The principal laws passed by Congress and the administrative provisions establishing the blockade policy are:

- *Trading with the Enemy Act of 1917 (TWEA)*. Its section 5 (b) delegated the senior executive branch with the possibility of applying economic sanctions during times of war or in any other period of national emergency, and it prohibited trading with the enemy or with allies of the enemy during wartime. In 1977, the International Emergency Economic Powers Act (IEEPA) restricted the president's powers to impose new sanctions during times of national emergency. Nevertheless, the TWEA continued to be applied against Cuba, even when the White House had never declared any national emergency related to the Island. Since then, successive US presidents have extended the application of the TWEA for Cuba. Under this legislation, the oldest of its type, the Cuban Assets Control Regulations (CACR) were adopted in 1963, by virtue of which US nationals or persons subject to US jurisdiction were prohibited from carrying out financial transactions with Cuba, Cuban assets were frozen and the importing of goods of Cuban origin into the US was prohibited, among other restrictions. Cuba is the only country for which this legislation is in force. On 10 September 2018, President Trump renewed sanctions against Cuba via TWEA for one more year.
- *Foreign Assistance Act (1961)*. This authorized the President of the United States to establish and maintain a total "embargo" on trade with Cuba and it prohibited granting any kind of aid to the Cuban government. It also established that US government funds designated for international

aid and delivered to international bodies may not be used for any programs related to Cuba. It prohibits granting any kind of assistance foreseen under this law or any other benefit foreseen by any other law to Cuba until such time as the President should determine that Cuba has undertaken actions directed towards returning to American citizens and companies at least 50 % of the value or just compensation by the Cuban government after the triumph of the Revolution.

- *Presidential Proclamation 3447*. Issued on 3 February of 1962 by President John F. Kennedy, it decreed the “embargo” on all trade between the US and Cuba in compliance with Section 620 (a) of the Foreign Assistance Act.
- *Cuban Assets Control Regulations of the Department of the Treasury (1963)*. They stipulated the freezing of all Cuban assets in the US; the prohibition of all financial and commercial transactions unless approved by a permit; the prohibition of Cuban exports to the US; the prohibition, for any natural or juridical person of the United States or third countries, on carrying out transactions in US dollars in Cuba; just to name a few.
- *Export Administration Act (1979)*. Section 2401 (b) (1) “National Security Control”, “Policy towards determinate States”, established the Trade Control List, by means of which the President of the United States maintains a number of countries upon which they are able to set special export controls for considerations dealing with national security. Cuba is included on this list.
- *Export Administration Regulations (EAR) (1979)*. They establish the general control bases for articles and activities subject to EAR controls, according to the sanctions imposed by the US government. They establish a general policy of refusal for exportation and re-exportation to Cuba.
- *Cuban Democracy Act or the Torricelli Act (1992)*. It prohibited US companies in third countries to trade goods with Cuba or with Cuban

nationals. It also prohibited third country ships to touch port in Cuba, to enter US territory within a term of 180 days, except those having a Secretary of the Treasury permit.

- *Cuban Liberty and Democratic Solidarity Act or Helms-Burton Act (1996)*. It codified blockade provisions, broadening its extra-territorial scope by the imposition of sanctions on executives of foreign companies who make transactions with the nationalized American properties in Cuba and the threat of lawsuits in US courts (this last one has not been applied). Likewise, it limited Presidential prerogatives to suspend the blockade even though it preserved his powers to authorize transactions with Cuba by issuing permits.
- *Section 211 of the Supplementary and Emergency Allocations Act for the 1999 fiscal year*. It prohibits recognition by US courts of the rights of Cuban companies on trademarks associated with nationalized properties.
- *Trade Sanction Reform and Export Enhancement Act (2000)*. This authorized the export of agricultural products to Cuba, conditioned by payment in cash and in advance and without US funding. It prohibited travel to Cuba by Americans for tourism, defining “tourism” or “tourist activity” as any activity related to travelling to, from or inside Cuba that has not been expressly authorized in Section 515.560 of Title 31 of the Federal Regulations Code. In other words, it limited travel to the 12 categories authorized at the time the aforementioned legislation was passed.

## **1.2 Principal blockade measures adopted as of June 2018**

During the past year, Cuba-US relations have been marked by the hostile policy promoted from Washington against Havana. In this context, the reduction imposed by the US in both Embassies has been maintained and they proceeded to close the Local Office for United States Citizenship and Immigration Services in Cuba, transferring some of their services to Mexico.

Furthermore, the mechanisms of persecution on the jurisdiction of third countries for Cuban financial transactions have continued, producing an increased deterring effect from the economic point of view. The Office for the Control of Cuban Assets and other US agencies have levied fines on a number of third country companies for violating different sanctions programs including the Cuban Assets Control Regulations. The most severe repercussions derived from these sanctions have been recorded in the banking-financial sector. Between June 2018 and April 2019, the US government imposed new sanctions on third country companies or banks, including those in the US. The total amount of these penalties ran to \$3,751,449,017.

Repercussions on Cuban and third country entities due to the blockade have been maintained, thereby confirming the full validity of this arbitrary policy that is in violation of International Law. Next, some examples:

**On 19 July 2018**, the manufacturer of Tesla, Panasonic batteries suspended relations with its Canadian supplier SHERRITT INTERNATIONAL CORP because cobalt from Cuba was being used. The decision of the Japanese manufacturer occurred after requesting guidance from OFAC of the US Department of the Treasury on the interpretation of the scope of the US prohibition on imports originating in Cuba.

**On 9 August 2018**, it was learned that the PICHINCHA bank agency in Ecuador refused to provide their payment services to a client who had acquired Cuban medicines. The bank alleged that Cuba is part of the countries identified by OFAC as terrorist, drug trafficking or international criminal activity foreign governments.

**On 15 August 2018**, it was learned that the COMMERZBANK of Germany and the UNICREDIT S.P.A. branch in Italy blocked the sending of 7,500 Euros to Argentina, carried out by the Euskadi-Cuba Friendship Association in order to support a Cuban project for eye health in that country.

**On 18 October 2018**, it was learned that the Nicaraguan branch of the US LAFISE bank refused to carry out a number of transfers from the

Nicaraguan land transportation logistics cargo company, MULSEPROSA (MúltiplesServiciosProfesionales S.A), required to ensure payment of the stand at the FIHAV 2018 trade fair and to make reservations at the Parque Central Hotel which would be providing their accommodations during their stay in Cuba. This situation resulted in MULSEPROSA not participating in FIHAV 2018. The reasons for not doing the transfers were due to instructions from the bank president who was complying with indications from the United States.

**On 14 November 2018**, the US Department of State updated its Restricted List of Cuban Entities and Sub-entities with the addition of 26 companies and sub-entities with which US citizens cannot do direct financial transactions. Most of the new entities were hotels and companies involved in tourism.

**On 21 November 2018**, it was learned that the British company Adler Manufacturing Limited (ADLER), devoted to promoting companies and business in the United Kingdom via printed products informed the tourism office of the Cuban Embassy in the UK about the cancellation of an order done on 25 September of that year. ADLER explained that their new transport company was the multi-million dollar US company UPS (United Postal Service of America), and for that reason it could not maintain relations with Cuba.

**On 14 February 2019**, OFAC imposed a sanction of \$5,512,564 on APPLICHEM GMBH, a company headquartered in Darmstadt, Germany, for 304 apparent violations of the Regulations to Control Cuban Assets. APPLICHEM GMBH is a company that manufactures substances for laboratories and chemical products for use in industry and it operates as a subsidiary of the US ILLINOIS TOOL WORKS INC.; it sold its products to Cuba between May of 2012 and February of 2016 in violation of the laws of the blockade, in accordance with OFAC indications.

**On 25 February 2019**, a Cuban delegation made up of representatives of the *Empresa de Tecnologías de la Información y Servicios Telemáticos Avanzados* (CITMATEL), the University of the

Information Sciences (UCI), *Empresa Nacional de Software* (DESOFT), *Empresa de Telecomunicaciones Móviles* (MOVITEL), *Sociedad Cubana para las Telecomunicaciones* (CUBATEL) and the Chamber of Commerce as coordinator was excluded from the Mobile World Congress 2019, held in Barcelona. This event is considered to be one of the most important in the world in the field of mobile telephone services and it is organized by an association of mobile operators named GSMA, governed by or with interests of the US, of which Cuba is a member through its Ministry of Communications. When the Cuban delegation attempted to get online accreditation, they saw the warning that access by Cuba, Syria and Iran was prohibited because of US government regulations.

**On 11 March 2019**, the US State Department announced the incorporation of 4 new sub-entities (Gaviota Hoteles Cuba, Hoteles Habaguanex, Hoteles Playa Gaviota, Marinas Gaviota Cuba) and an entity belonging to Gaviota (Fiesta Club Adults Only, of the Blau Marina Varadero) to the List of Restricted Cuban Entities which entered into force on 12 March 2019.

**On 5 de abril de 2019**, OFAC included on its list of sanctioned parties 34 ships owned by the Venezuelan oil company PDVSA, as well as two other foreign companies (BALLITO SHIPPING INCORPORATED, headquartered in Liberia and PROPER IN MANAGEMENT INCORPORATED, based in Greece), alleging they had provided services to Venezuela to send crude to Cuba. In accordance with the Treasury Department, the sanctions include freezing financial assets that they may have under US jurisdiction and the prohibition of financial transactions with the entities and ships included on the list.

**On 11 April 2019**, OFAC imposed a sanction on ACTEON GROUP LTD. (ACTEON) and its subsidiary 2H Offshore, both with headquarters in England, for violations of the Regulations for the Control of Cuban Assets. The companies had to pay \$227,500 dollars. ACTEON must pay another \$213,866 for additional violations to the laws of the blockade against Cuba.

**On 17 April 2019**, US Secretary of State Mike Pompeo announced that as of 2 May, under Title III of the Helms-Burton Act lawsuits by US citizens will be allowed against any natural or juridical persons who “traffic” with

property nationalized by the Cuban government at the beginning of the Revolution. On that same date, National Security Advisor John Bolton announced additional measures against Cuba destined to limit transfers of funds from the US, to restrict even more travel to Cuba for non-family reasons, and to put an end to the use of U-Turn financial transactions which permit Cubans to make international transfers. With the intention to put pressure on third country companies, to intimidate them and force them to leave Cuba, Bolton warned that from now on Title III of the Helms-Burton Act would be applied much more rigorously to prohibit entry into the US of executives and their families along with owners of any entities that “traffic” with nationalized properties.

**On 23 April 2019**, the US State Department announced new updating to the List of Restricted Cuban Entities with the incorporation of another 5 entities (Aerogaviota, Santa Isabel Hotel, Marina Varadero Diving Center, Meliá Marina Varadero Apartments and El Caney Varadero Hotel), that entered into force on 24 April of that year, thereby constituting the third update to the arbitrary list since it had been conceived in November of 2017.

**In May of 2019**, the International Air Transportation Association (IATA) cancelled access for the HAVANATUR travel agency and the Cubana de Aviación airline to mechanisms for payment of and reservations for air tickets (BSP), for the offices of these Cuban entities in Mexico, France and Italy, thereby citing the blockade regulations. This decision implies significant financial and operational repercussions for the Cuban entities.

**On 4 June 2019**, OFAC and the Bureau of Industry and Security (BIS) of the US Department of Commerce announced that as of 5 June of that year they would eliminate general permits for “People-to People” group educational travel and they would apply a policy of refusing permits to non-commercial aircraft and passenger and recreational ships in temporary stays, including the arrivals of cruise ships to Cuba. OFAC also stipulated that US travellers arriving in Cuba under any one of the 12 categories permitted during the Barack Obama government could not effectuate direct financial transactions with any companies included on the List of Restricted Cuban Entities. These measures reinforce even further the blockade

against Cuba and cause great harm to the country's economic growth, especially in the area of tourism.

**On 3 July 2019**, OFAC included the CUBAMETALES company on the List of Specially Designated Nationals claiming that the Cuban entity was involved in importing oil coming from Venezuela.

### **1.3 Application of the Helms-Burton Act**

From its entry into force in 1996, the Cuban Liberty and Democratic Solidarity Act (LIBERTAD), also known as the Helms-Burton Act, codified the blockade against Cuba and strengthened its extraterritorial reach. Besides pursuing the imposition of a government in Cuba that would be directly subordinated to the interests of Washington, this act wanted to internationalize the blockade via coercive measures against third countries in order to interrupt their trade and investment relations with Cuba.

In January of 2019, the US State Department communicated its decision to suspend for just 45 days the possibility of taking legal action in US courts against entities that "trafficked" with properties nationalized by the revolutionary Cuban government in the 1960s. Similar suspensions were done on March 4th and April 3rd of this year via communiqués of the State Department, with a strong threatening component, excuses and information to attempt to distort reality.

The possibility of suing the beneficiaries of the supposed "traffic" had been consistently suspended every six months since 1996 by all the US governments, both Democratic and Republican, including that of President Donald Trump in the first two years of his term. Nevertheless, the pressure exerted by a small group of anti-Cubans holding key positions in the current government and divorced from the positions of broad sectors in the US and the world to reject the blockade, conditioned an end to the suspensions.

The definition of "traffic" conceived by the Act is extremely broad and covers activities that go from transferring, distributing or repartitioning nationalized properties to their purchase, receipt, investment and leasing. In this sense the suits covered by Title III permitted since the month of May, reinforced the application of the blockade and of its extraterritorial effects.

For the purpose of suffocating the Cuban economy and increasing the population's shortages, the Helms-Burton Act was conceived as a mechanism for brutal and illegal pressure by the US government not just against Cuba but also against third countries, their governments and enterprises. Its aims are unlawful and contrary to International Law and the principles and purposes of the United Nations Charter, including the rules of the multilateral trade and commerce system.

Title II of the Helms-Burton Act, for the apparent desire of demanding indemnity or permitting lawsuits to be filed on "US" properties nationalized in Cuba, it really presents itself against foreign investment and the island's economic growth.

The decision of the US State Department on 17 April of 2019 to permit the lawsuits conceived by Title III ignored the position of members of Congress, including Republican members, the business sector, a variety of organizations and US public opinion which supports mutually beneficial economic and commercial relations with Cuba. The behavior of the current US government constitutes an affront to the international community which for 27 consecutive years has condemned, almost unanimously, the US blockade against Cuba, including the Helms-Burton Act. It ignores successive resolutions of the UN General Assembly and the declarations of the Summits of Heads of State and/or Government of the European Union-Latin America and the Caribbean, of the African Union, the Community of Latin American and Caribbean States (CELAC), the Group of 77 and China and the Non-Aligned movement, among other organizations, which have demanded an end to the blockade on Cuba.

That decision, as Title III of the Helms-Burton Act establishes, opened up the possibility of filing lawsuits not just against persons who were US citizens at the time of nationalization. It recognizes equal rights for any person who is a US citizen today, including official representatives or figureheads of the Batista dictatorship which governed Cuba until 1959, whether they were murderers and torturers at the service of the Batista regime or crooks and conmen of the public purse and the other resources of the Cuban people.

Ever since the implementation of this decision, Cuba's economic activities have been powerfully affected, particularly those related with foreign trade and foreign investment relations. Dissuasive and intimidating effects are perceived and these together with the fear generated by the remaining regulations and laws of the blockade, are impeding the development of Cuba's trade ties with the world. No citizen or sector of the Cuban economy can escape the deleterious effects of this unilateral policy; it hinders the development to which any country is entitled in a sovereign manner.

Up to the date of writing this report, concrete examples of the application of this title of the Helms-Burton Act have been recorded, as shown below:

- **On 2 May 2019**, Havana Docks Corporation filed suit against the Carnival Cruise Line in the Florida South District Court (Miami), alleging "traffic" with the Havana Cruise Ship Terminal.
- **On 2 May 2019**, Javier García Bengochea filed another suit against the Carnival Cruise Line in the Florida South District Court (Miami). The lawsuit alleges the Carnival "traffics" with the Port of Santiago de Cuba, a property being claimed by Bengochea.
- **On 2 May 2019**, the US company ExxonMobil filed suit against the Cuban entities CUPET and CIMEX in the District of Columbia Court. In the claim, ExxonMobil affirmed they had not authorized the Cuban companies to refine the crude oil, to produce, transport, sell or participate in any commercial activity relating to oil byproducts from land that belonged to them.
- **On 21 May 2019**, Marisela Mata and Bibiana Hernández filed a claim in the Florida South District Court, by virtue of Chapter III of the Helms-Burton Act against four Cuban entities for carrying out commercial activities ("*trafficking*", in English) in the San Carlos Hotel, in Cienfuegos. The companies being sued are the Grupo Hotelero Gran Caribe, S.A., Corporación de Comercio y Turismo Internacional CUBANACAN S.A., Grupo de Turismo de Gaviota S.A. and Corporación CIMEX S.A.

- **On 18 June 2019**, a claim was filed in the Florida South District Federal Court, damages by a class action suit by Marisela Mata and Bibiana Hernández against the German hotel group Trivago. The suit argues that Trivago has been providing Internet services for the Meliá San Carlos Hotel in Cienfuegos and that this action constitutes “traffic” according to Title III of the Helms Burton Act.
- **On 24 June 2019**, 4 lawsuits were filed in the Florida South District Federal Court under Title III of the Helms Burton Act. The suits were filed against the Cuban entities Gran Caribe, CUBANACAN S.A., Grupo de Turismo Gaviota S.A and the foreign entities Trivago (Germany) and Booking.com (Holland). The parties filing the claims allege they are the original owners of Cayo Coco and Varadero.

*Law 80 of Reaffirmation of Cuban Dignity and Sovereignty*, approved by the National Assembly of the People’s Power in December of 1996, establishes that the US regulation is inapplicable and has no value or legal force whatsoever on Cuban national territory. It reaffirms the willingness of the Cuban government to seek proper and fair compensation for the assets expropriated from natural and juridical persons who at that time held US nationality or citizenship. Furthermore, it offers total guarantees to foreign investors in Cuba as its Article 5 establishes that the government shall be authorized to adopt “additional provisions, measures and facilities as necessary for the total protection of current and potential foreign investments in Cuba and the defense of the legitimate interests of these before the actions that may be derived from the Helms-Burton Act”.

Along with that, the Constitution of the Republic provides that “the State promotes and provides guarantees to foreign investment as an important element for the country’s economic growth, on the basis of the protection and rational use of human and natural resources, as well as respect for national sovereignty and Independence.”

The serious extraterritorial nature and the unacceptable precedent of violation of International Law proposed by the Hems-Burton Act, especially its Title III, determined that a number of countries or groups of countries have adopted laws or other provisions as antidotes for the protection of their citizens and entities.

## **2.The blockade violates the rights of the Cuban people**

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### **2.1 Repercussions on sectors having the greatest social impact**

From the beginning of the application of the blockade against Cuba, the health and food sectors have been objectives prioritized by the aggression of the US governments. Maneuvers directed to promote hunger and disease among the Cuban people and, with it, to undermine support for the Revolution, have constantly been present in the plans and programs of the “dirty war” against Cuba.

In spite of the destructive strategy of the US government, thanks to the humanistic policy of the Cuban Revolution, we have attained results in the social sphere that are comparable to those in developed countries. The health sector, for example, has permanently remained among the priorities of the Revolution. Both the Constitution of 1976 as the Constitution in force today ensure that the state of wellbeing of the people has been represented as an unavoidable right. The current Constitution, in its Article 72, enshrines public health as “the right of all” and it establishes the responsibility of the State to guarantee access, the free nature and the quality of the services of care, protection and recovery”.

However, **the damage caused by sanctions against Cuba in the area of health is undeniable.** This hostile policy hinders the acquisition of technologies, raw materials, reagents, diagnostic means, equipment and spare parts, as well as medicines for the treatment of serious diseases such as cancer. These consumables must be bought in faraway markets, on many occasions via intermediaries, and this necessarily increases their prices.

Not being able to have the ideal medicines or technology for a disease has in some cases resulted in an impediment for the saving of lives. The relatives of patient “JCHC”, with Medical History Number 68100309926 at the “HermanosAmeijeiras” Clinical-Surgical Hospital, who died on 15 June 2018 due to spongiform myocardiopathy with terminal cardiac insufficiency, will never be able to forgive that they were unable to have the circulatory support of IMPELLA, produced by the US company ABIOMED, which could have saved JCHC’s life. Due to the restrictions of the blockade against Cuba, the aforementioned company has not answered reiterated requests to buy that equipment specialized to assist the circulation of patients in cardiogenic shock and terminal cardiac insufficiency.

Between April of 2018 and March of 2019, losses to the Cuban health sector totaled \$104,148,178, a figure exceeding that of the previous year by \$6,123,498.

In the period analyzed, the Cuban company exporting and importing medicines, MEDICUBA S.A., sent out requests to 57 US companies in order to buy the consumables needed for our health system. Until the present, 50 of these companies have not answered and another 3 have alleged that, due to the blockade regulations, they are not authorized to sell Cuba any medicines or equipment. Among MEDICUBA’s requests, we find the following:

- The US company PROMEGA CORPORATION, the manufacturer of enzymes and other products for biotechnology and molecular biology, was contacted to buy reagents and consumables used in the diagnosis of genetic diseases. On 16 January 2019, said supplier communicated that “the US Department of the Treasury applies commercial sanctions prohibiting industries with headquarters in that country to sell products and provide technology and/or services to Cuba”.
- The US company BRUKER was contacted for the purchase of the spectrophotometer, equipment used in laboratories to quantify substances and micro-organisms. When they received the request they answered that, until today, they cannot do business with Cuba.

- The US company STRYKER was contacted for the purchase of extendible endoprotheses used for the conserving or saving surgical treatment for upper and lower limbs, responding to a need of the National Cancer and Radio-biology Institute (INOR). But until the present day no answer has been received from the company. Faced with the impossibility to obtain these protheses, which have greater quality from a functional point of view, INOR has had to resort to fixed protheses for patients who require the extendible ones.
- Several US enterprises have been contacted for the purchase of new drugs for the treatment of cancer. However, up to the present we have received no answer. Some examples:

FARMACÉUTICA PFIZER INC.: we requested Crizotinib, a medicine used for lung cancer treatment, Palbociclib used for the treatment of metastatic hormone sensitive breast cancer and Sunitinib the only existing efficacious medicine in the world for the treatment of advanced or metastatic renal cancer. The “Hermanos Ameijeiras” Hospital on average diagnoses 20 cases of advanced renal cancer a year and these are being deprived of the most effective treatment.

BRISTOL-MYERS SQUIBB: we requested Anti PD-1 antibody for the treatment of metastatic melanoma, lung cancer, Hodgkins lymphoma and other diseases.

GENOMIC HEALTHS: we requested Oncotype DX breast cancer test, a diagnostic test that permits identifying the risk of reoccurrence in patients with early breast cancer and Oncotype DX colon cancer test, a diagnostic test that permits identifying relapse risk in patients having colon cancer in stages II and III.

- The US company BOSTON SCIENTIFIC was requested for the percutaneous valve aortic prosthesis, a method for minimal invasion implantation with which around 60 over-70 patients with degenerative

aortic valvulopathies are benefitted each year. Acquisition of this device would contribute to decreasing the number of deaths in Cuba where the first cause of death is cardiovascular disease. But said company, world leader in the production of these valves, has not answered our request.

- The US company ZIMMER BIOMET was contacted for the purchase of hip, knee and dental prostheses. But the company responded that, because of the blockade, they were not authorized to do business with Cuba.

Other examples showing the losses caused by the blockade in the health sphere during the period covered by this report are:

- On November 2018, the German company Isotrak USA Eckert & Ziegler Reference & Calibration refused to supply MEDICUBA with an initially contracted radioactive source necessary to do quality control on radionucleotides in the diagnosis of cancer. The company declared it was not willing to do business with Cuba as a result of the US restrictions on the island.
- On 26 February 2019, a number of suppliers informed MEDICUBA they were unable to deliver the contracted pulmonary ventilators due to the fact that the manufacturers, IMT MEDICAL AG y ACUTRONIC, had been bought by Vyaire Medical Inc., a company headquartered in Illinois, USA. The pulmonary ventilators are of utmost importance for the Cuban health system since they are used to mechanically assist patients when spontaneous pulmonary ventilation put their lives at risk.
- The Pedro Kourí Institute of Tropical Medicine (IPK) received a negative answer from the Federation of Universities for Animal Welfare when they requested access to funds for projects offered by the English institution. The Federation expressed that because of sanctions imposed on Cuba by the United States, they were unable to make financial transactions to the Island.

- In the period being analyzed, Cuban health professionals were unable to take part at meetings, scientific events and academic exchanges held in the US. This is due to the fact that visa requests by Cuban doctors were refused or issued after the dates for the events.

Article 77 of the Cuban Constitution establishes that “everyone has the right to healthy and adequate food. The State creates the conditions to strengthen food security for the entire population”.

According to the World Food Policy Report of 2018, Cuba is one of the first 14 countries that have been able to reduce the rate of hunger and malnutrition in a sustained manner for several years. Furthermore, Cuba is among the nations which have most advanced in their food policies in equality and are the closest to attaining the goals included in the second objective in the Agenda for Sustainable Development 2030.

Despite the abundant resources and efforts the Cuban State devotes to **the food and agriculture branch**, the consequences of the blockade are present in this sector; it has recorded repercussions that total \$412,230,614.

The enterprises in charge of producing food products in the country import approximately 70 % of their raw materials from different markets, among which are Spain, Brazil, Argentina, Italy, Canada, India, the Dominican Republic and Mexico. Until the present, the blockade has made it impossible to make purchases in the US market which is attractive because of its prices and proximity and because it has a variety of offers in raw materials, materials and equipment necessary for modernizing production lines.

Repercussions caused by the blockade in the food sector are also derived from the impossibility of placing Cuban products into the US market. The enterprise Ron Havana Club, one of the most prestigious in the world in the production of spirits, lost \$41,360,000 because of this.

**Education, sports and culture** are also among the most sensitive sectors to be affected adversely by application of the blockade.

Article 73 of the Constitution of the Republic of Cuba enshrines **the inalienable right of Cubans to education**. To guarantee this right, the State invests 23.7 % of its budget in this sector.

The achievements attained by the Cuban Revolution in the sphere of education and its contribution to other peoples throughout the world are acknowledged internationally. The preliminary analysis of the goals contained in Objective 4 of Agenda 2030, showed that they have all been fulfilled by Cuba. Nevertheless, in spite of the efforts made by the State, the quality of educational services has been adversely affected due to the regulations imposed by the economic, commercial and financial blockade of the government of the United States.

The principal repercussions reported in this field are determined by the payment of increased rates for freight in order to transport the products acquired in far-off markets, the limited access to scientific information and to the IT tools necessary for the production of educational multimedia productions, as well as due to the obstacles in place for receiving payment for the professional services being offered abroad.

Some examples of the repercussions reported in the sector of education in the period being analyzed are:

- The University of Sancti Spíritus was unable to purchase 20 SMART BRAILLER machines and the audio accessories from the PERKINS company which are necessary for training students in the Special Education degree course at the under and post graduate levels. Both technologies are manufactured in the US. Despite the fact that treatment of persons with special needs constitutes a priority for the Cuban government, as a result of the restrictions imposed by the blockade disabled persons have limited access to much of the equipment that would improve their quality of life and foster their social inclusion and participation.
- In the period, two international conferences (Webminar) of the Erasmus Network + RIESAL were held for the training of specialists who work on

developing the internationalization processes of higher education. But because of the regulations of the blockade, Cuban officials could not take part in these online events because they were not allowed to access the following

webpage:<https://riesal.adobeconnect.com/defaulteventtemplate/>.

- On 23 January 2019, the bank Société General de Paris withheld a bank transfer for 7,474 Euros destined for Cuba to pay for the professional services of Cuban professors in Equatorial Guinea.
- Three educational programs that had been planned for the start of 2019 by the Enrique José Varona University of Pedagogical Sciences and three US universities (Minnesota, CUNY and Social Movements of Chicago) were cancelled. The Pedagogical University lost \$11,000 as a result.

One of the greatest conquests of the Cuban Revolution has been the **development of sports**. Article 74 of the Constitution establishes that “people have the right to physical education, to sports and recreation as essential elements for their quality of life”. In spite of efforts made by the Cuban State and government for the promotion of sports activities, this sector has not escaped the damage caused by the US policy of blockade.

Some of the most significant examples in the period are:

- Cuba has been limited in its acquisition of sports equipment, mandatory according to the official regulations of international federations, because they are manufactured by US companies such as LOUISVILLE, WILSON, XBAT, RAWLINGS and EASTON. To make these purchases, we have had to resort to third countries with a considerable increase in the prices of the products. If Cuba were able to access directly to the US market, these products could be purchased at prices approximately 30 % lower.

- The 22<sup>nd</sup> edition of the Terry Fox Run could not be held this year after a communication was received from the director of this international foundation that informed us that they could not assist in organizing the event or to continue supporting Cuba in its cancer research. Consequently, the foundation could not even transfer to the National Oncology and Radiology Institute the funds foreseen for the development of the project named “Antitumor assessment of chemotherapy and immunotherapy combined in experimental cancer models” that should be completed this year.
- The Caribbean Baseball Confederation has not been able to reach an agreement with the US government to create a legal channel that would permit paying for the prizes to Cuba. The Cuban team that participated in the Caribbean Baseball Series held in Panama from the 4<sup>th</sup> to the 10<sup>th</sup> of February of 2019 was unable to receive their \$72,000 prize after they won second place in the event. The same thing happened with a number of Cuban athletes who were unable to receive their \$5,000 prizes each.
- The financial persecution imposed by the US government against the banks in third countries has made it impossible for CUBADEPORTES to be paid for their services, both for exporting technical assistance and for commercializing activities in Cuba.

**The development of culture in all of its manifestations** is a priority for the Cuban State. In its Article 79, the current Constitution of the Republic establishes that “everyone is entitled to participate in the cultural and artistic life of the nation”. Nevertheless, this sector continues to be one of the most adversely affected by the application of the policy of blockade by the US against Cuba.

Some of the repercussions recorded in the sector of culture during the period are:

- Of the 37 artistic units that could have promoted their work in US territory, only 24 received permission to enter the country; this represents 13 projects less when compared to the preceding year. Nonetheless we must

point out the positive promotional impact of the Festival of Cuban Arts held at Washington's Kennedy Center that included the presence of 104 musicians.

- Despite the various US companies that have shown their interest in negotiating with the BIS MUSIC agency, they have refused to send their legal documentation to perform the corresponding contracts for fear of the blockade's restrictions. As a result, losses of over \$100,000 have been recorded.
- A number of agencies in Colombia, Peru and France rejected business arranged with the *Empresa de Grabaciones y Ediciones Musicales* (EGREM), for fear that they would not be able to make transfers to Cuba to pay for the services. For this reason, approximately \$200,000 was lost.
- Business persons who traditionally promoted groups in the EGREM Catalogue in the US market and in other countries refused to continue with their work in 2018 due to the increased blockade measures.
- Because of the intensification of this policy, the Third Encounter of American and Cuban Editors, Distributors and Literary Agents, scheduled to be held in Cuba during the 2019 International Book Fair, was prevented from happening. Cuba's participation at expos, editorial and literary events, as well as book fairs in the US, became impossible.
- The blockade has serious repercussions on professional artistic training (at the elementary, middle school and higher education levels) by imposing limitations on acquiring the necessary items such as musical instruments and accessories for the visual arts, ballet and dance. In spite of this, the Cuban State has not stopped any child with the skills and talent to take this training without paying any tuition; this represents an extraordinary effort if one takes into account that the cost of a basic education for one student in one academic year in any of the arts manifestations hovers around the figure of \$15,000 and \$16,000. For example, on average, \$17,610 is spent to make sure that each ballet

student has a leotard for the school year. If it were possible to access the US market to buy these garments, Cuba would save more than half of the amount spent to buy the leotards elsewhere.

## **2.2 Repercussions on economic growth**

The blockade continues to be the fundamental obstacle for implementation of both the Economic and Social Development Plan until 2030 and the United Nations Sustainable Development Goals. In the period analyzed, the harm caused by the blockade in the sectors of production and services was calculated to be \$79,000,000; this represents an increase of 28 % when compared to the previous period.

Transforming the cost of the blockade into the country's payment capacity would allow us, in the midterm, to have an official, substantive and sustained financing source that would provide greater dynamics to the investment programs associated with the strategic sectors of the Economic and Social Development Plan until 2030. Thus the terms to achieve the goals set for the year 2030 would be shortened. In less than 5 years the country's infrastructure situation would be turned around, assuring for example the transformation of the national energy matrix with participation in the sources of renewable energy at more than 24 %.

In financial terms, to have this amount of money available would allow us to favorably turn around the financial exposure of the country abroad, both from the qualitative and quantitative points of view, thereby consolidating the trust of the investors and external creditors and substantially increasing the capacity to access financial markets and capital.

**Thebiopharmaceutical industry**, one of the strategic sectors of the country's economy, is adversely affected every year with million dollar economic losses in research, development, production and the commercialization of its products, as a result of the blockade. US measures against Cuba not only limit academic and scientific exchanges but they also deprive the US people from receiving the benefits of biotechnological and pharmaceutical products developed in Cuba, products that are extremely new and promising for human health.

Some examples of repercussions caused by the blockade in this sector are:

- The Genetic Engineering and Biotechnological Center (CIGB) reports lost revenues because of not being able to export Heberprot-P to the United States, a medicine that is unique in the world for the treatment of the diabetic foot (UPD). Under the hypothesis that just 5 % of US patients who are diagnosed with UPD each year would use this medicine, exports to the US would have amounted to \$103,000,000 in 2018.
- The import-export enterprise FARMACUBA reported the existence of difficulties in obtaining raw materials for the elaboration of medicines as the result of the blockade against Cuba. Between April 1st of 2018 and March 31st of 2019, interruptions in the manufacturing process of medicines occurred in the “8 de Marzo” producer enterprise because they were unable to purchase the raw materials with the required periodicity. Approximately 2,000 units of the oral suspension and 61,184 capsules could not be produced.
- A manufacturer of medicines in an Asiatic country informed that it could not ship injectable 250mg/5ml Fenitoina to Cuba because the banks in said country were refusing to process any documentation related with the Island for fear they would be sanctioned by the US. This situation entailed seeking out another supplier in Latin America in less favorable conditions.

The *Empresa Laboratorio Farmacéutico Oriente* of BIOCUBAFARMA reported the following repercussions:

- Repercussions on the Vitamin Araw material for the production of the Nutriforte vitamin complex: the bank of the supplier company refused to receive the payment corresponding to Cuba and this forced the country to pay more money through third parties. Consequently, the production was adversely affected by 78,694,200 tablets.

- Repercussions on the production of large sized parenteral serums due to the lack of bottling materials: the Columbia supplier PROENFAR was hired for the purchase of these consumables. But since they have an American shareholder, the operation could not be done and the production of 1,995,300 bags of serum was affected.
- Repercussions on the delivery of printed aluminum foil for Nicotinamidain March of 2019 and possible repercussions in September and October for Dipironaand Alprazolam: the supplier DEVEXPORT was bought by a new manufacturer who refuses to sell printed aluminum foil to Cuba because of the blockade regulations.

The measures announced by President Donald Trump against Cuba as of 2017 continue being applied with rigor and have serious repercussions on tourism, one of the strategic sectors in the economic and social growth of our country. But in the month of August of 2018, the US State Department lowered the advisory on dangers for travel to Cuba from Level 3 (reconsider the trip) to Level 2 (exercise precautionary measures).

From April 2018 to March 2019, the US blockade against Cuba has caused losses to Cuban tourism amounting to some \$383,000,000, in important spheres related to travel, services, operations and logistical assurances. Had the blockade not existed, we estimate that 35% of all the visitors to Cuba in one year could come from the United States. Under this hypothesis, the total number of tourists from the US in 2018 would have been 1,656, 298, thereby becoming the main market emitting visitors to Cuba.

Just to cite a few examples:

- The measure adopted by the US government to eliminate general permits for “People-to-People” group educational visits aggravated the negative impact on the arrival of US tourists in Cuba. If the earlier prohibition on “People-to-People” travel for individuals that forced visitors coming from the US to visit Cuba sponsored by some American organization was already discouraging the arrival of

American tourists to Cuba, the new measure completely suppresses the possibility of travel in this category.

- In spite of the fact that during the period there was an increase in the number of cruise ship visitors arriving, the entry of US visitors by air decreased by 28.6%, representing a decrease of 103,161 visitors when compared to 2017 and it negatively impacted on incoming revenues. The policy adopted as of 5 June 2019 by the US government to refuse permits for non-commercial planes and passenger and recreational ships for temporary stays, including cruise liners to Cuba, harms travel by Americans to Cuba and revenues for this reason to an even greater extent.
- The CUBATUR travel agency suffered from monetary-financial repercussions amounting to \$497,800 as the result of bank service charges, variations in exchange rates and the use of bank payment gateway alternatives.
- HAVANATUR suffered from losses because corresponding banks refused to process payments to clients, bank accounts were closed in third countries, funds were withheld and credit card processing services were cancelled.

The blockade has also caused repercussions to the **communications and IT sector, including telecommunications**. This policy constitutes the principal impediment to the flow of information and broader access to the Internet and to information technologies by the Cuban people, by making connectivity in the country difficult and more costly, to condition access to platforms and technologies and to use cyberspace to subvert the Cuban political and legal system.

The economic losses to the system of communications during the period from April 2018 to March 2019 are estimated at over \$5,000,000. *Empresa de Telecomunicaciones de Cuba S.A. (ETECSA)* continues to be the entity that has been most affected, recording approximately 98% of the total amount of losses.

Among the most significant examples of the period, the following stand out:

- Training professionals in the communications sector has been adversely affected because it is impossible to pay for the courses offered by the Chilean company ALGORITMO. This situation has put off holding 5 scheduled courses in 2018, courses necessary for the implementation and development of higher quality services.
- The policy of the blockade affects free access from Cuba to the contents of the internet and the right to freedoms expressed and accepted by the authors producing software with the General Public License (GNU-GPL). Damage is materialized via the refusal to access service or to download information, when it is recognized that the link is being done from an internet address (IP) granted to the Cuban domain.cu.
- Cuba is denied access to the official information on first line technological sites and this makes it difficult to self-train or long-distance train. Such are the cases of Cisco, VMWARE, Google Code, Google Web Designer and Google Page Speed Insights.
- RADIOCUBA specialists have found it impossible to attend the annual conference offered by the satellite service provider MARLINK SAS, which has been held on two occasions in New Orleans.
- Blockade restrictions have prevented International Money Orders (GPI) from being sent; for this reason the Mail-Money Order Agreement for the sending of international money orders with the designated operator being the United States has not been signed.
- ETECSA was a member of the Global System for Mobile Communications (GSM) up to December 2017, the date on which it received a letter from the Legal Director of the GSM association to announce the suspension of membership in said organization of the Cuban enterprise. The executive alleged their obligation to follow the US law regarding commercial sanctions for those providing services to

Cuban companies. In this way ETECSA could only participate in the public events being held outside of US territory.

- The blockade prevents access to high-end brands and/or equipment, leaders in the market of info-communications or those which are distributed or hold patents from US entities, among others, land phones, mobile phones, antennas, IT systems, etc.

**The transportation sector** has also been considerably affected by blockade regulations. Total losses in this area during the period analyzed are over \$170,000,000; this represents an increase of over 69 million when compared to the preceding period.

Among the significant examples in the period are the following:

- The Netherlands supplier of Caterpillar prohibited the Dutch company DAMEN, principal supplier of Caterpillar and Cummings parts and spare parts to the DAMEX shipyard of Santiago de Cuba from selling Cuba the necessary repair and maintenance supplies for *Empresa Prácticos de Cuba* ships.
- Cubana de Aviación S.A. cannot use the services of ATCO (Airline Tariff Publishing Company) which is in charge of publishing the air fares for over 500 airlines and has its main offices at the Dulles International Airport of Washington D.C. Due to blockade restrictions, Cuba must make additional payment of \$1,300 per month to have access to download air fares from the distribution system.
- The Spanish airline Air Europa (UX) refrained from finalizing the Code Share Agreement and from fulfilling agreements signed with Cubana de Aviación since it is operating with Boeing, whose fleet is manufactured in the United States.

In the period analyzed, repercussions caused by the blockade on **Cuban industry** surpassed \$49,000,000. With the total amount of these negative effects, Cuba would have been able to purchase the necessary raw

materials for our industries, such as calcium carbide to produce acetylene, mixes to produce tires, semi-extendable paper to produce multi-layer bags, etc. Some of the most significant examples are:

- The Chemical Industry Business Group (GEIQ) cannot purchase spare parts and replacement machinery for air compressors, LEFI pumps and BURTON CORBLIN and GARO equipment, due to the presence of American shareholders in these companies. This caused severe harm to the production of chloride in Cuba. Likewise, it was not possible to rent ISO containers for medicinal oxygen, manufactured in the US, because the suppliers were afraid of being fined by OFAC.
- The Electronics Group (GELECT) covers production and services for electrical and electronic equipment, IT solutions, means, parts and spare parts for telecommunications. Due to the dissuasive nature of the blockade, this business group has not been able to sign agreements negotiated with a number of suppliers and this prevents and makes dealings with importers more expensive, and it makes it impossible to have access to the principal technologies and materials necessary to undertake these productions. This determines that the country must purchase these items in other geographical regions, with the prices for national production increasing by almost \$2,000,000 due to freight costs.

As a result of the blockade, **the construction sector** continues to deal with difficulties in accessing more efficient and lighter construction technologies that would consume fewer basic materials and energy components. In the period analyzed, it was not possible to purchase D55 augers that are necessary for the construction materials industry, via ATLAS COPCO, based in an Asian country. Due to the blockade the headquarters of said company prohibited the sale of these products to Cuba.

Exports in this branch are also hindered due to blockade regulations. An example of this is the impossibility of signing a contract with ABS TRADE & COMMERCE LIMITED to export 300,000 tons of *Algabastone*. The company has not been able to locate a ship willing to move the merchandise from Cuba to the destination country.

In the **energy and mines sector**, repercussions on their enterprises have amounted to \$78,336,424, for an increase of over \$18,000,000 when compared to the past year.

The most significant examples in the period are the following:

- The Moa Nickel S.A joint enterprise suffered losses in the production of 40 t of nickel and cobalt sulfurs for export. This was due to the fact that the principal manufacturers of parts and key parts for the production process have been withdrawn as a result of the dissuasive effect of the blockade. That led to increased maintenance costs, lost time in searching out replacement suppliers, delays in arrivals and greater importing costs. MS SALES shut down its operations with Cuba when it was absorbed by an American company and Veostalpine, one of the principal suppliers of electrodes, shut down operations by the risk country generating the blockade, thereby not fulfilling already signed contracts.
- In the Electrical Union Business Group, there is very limited access to spare parts for BAZAN motors, manufactured by the Spanish company NAVANTIA. This company has refused to do business with Cuba for fear of the consequences from the blockade. Therefore, spare parts can only be purchased through a single supplier at twice the market cost.
- The British COMPAIR consortium joined an American group and so has cut off all relations with projects using its technology developed in Cuba for centralized compressed air stations. Consequently, there is no access to spare parts for all the equipment initially installed; it has had to be modified using other technologies, thereby adding additional costs to those originally anticipated.
- In September and November of 2018, two contracts were signed with General Electric International INC for additional supplies for the turbine at the Central Termoeléctrica Antonio Guiteras and to modernize the Planta Eléctrica Pico Santa Martha, respectively. Nevertheless on 5 February 2019, we received notification from the US CENTENNIAL BANK informing us that, taking into account the activation of Title III of the Helms-Burton Act, financing for these two contracts had not been authorized.

### **3. Repercussions on the foreign sector of the Cuban economy**

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#### **3.1 Repercussions on foreign trade and commerce**

Total repercussions of the US blockade on Cuba's foreign trade between April of 2018 and March of 2019 was \$2,896,581,555, with the resulting increase of negative effects that makes it difficult to carry out and which distorts foreign trade.

Besides the quantified repercussions, we cannot overlook the dissuasive and intimidating effect of the blockade policy on the US and third country business sectors, There are even greater repercussions due to banking-financial institutions that refuse to work with Cuban entities and in the sector involving investments in the country.

In foreign trade, the greatest repercussions can be noted in the losses due to exports of goods and services, reaching \$2,343,135,842. This figure was notably affected by the decrease in US visitors during the period, a trend that has been maintained since 2017 as a result of the media campaign against traveling to Cuba and the manipulation of the presumed health-related incidents affecting American diplomats in Cuba.

Losses as a result of the geographical relocation of trade are estimated at \$1020.2 million, representing an increase of 18 % in comparison with the preceding period.

Repercussions due to the impossibility of access to the US market are calculated at \$163,108,659. The most affected sectors were health, energy and mines, telecommunications and IT, agriculture, construction and industry, involving 74.4% of losses, for a total of \$121,423,969.

As a result of the blockade restrictions, it is not possible to export to the US any Cuban brands that are registered in the US market. This is the case of Cubita coffee, Caney and Varadero rums, and charcoal. Likewise, sales of these rum brands in the European market also deal with severe limitations. The chains by which these products are sold do not allow their

simultaneous sale with other brands coming from the US. This has translated into a decreased demand by clients who import and distribute them throughout Europe.

The impossibility of access to the US market also prevents the sale of other Cuban goods such as sugar and honey in the US. In the case of sugar, just the losses attributable to the exclusion from the system of sugar quotas has represented a loss of more than \$ 29 million.

On the other hand, the possibility of importing food products from the US has not meant the elimination of discriminatory commercial, financial and logistical practices which negatively affect economic results for imports from that market. This situation is maintained in spite of efforts made in the US agricultural sector in order to promote their commercial relations with Cuba in this area. Said irregular trade does not permit any type of financing, a situation that forces our Empresa Comercializadora de Alimentos (ALIMPORT) to resort to markets with loan facilities that are located far away and whose freight rates are much higher. Due to the increase caused by the blockade on the so-called risk country, creditors apply rates approximately 5% higher than normal. Moreover, by not being allowed to pay third parties abroad in USD, we must buy reimbursement currencies, with the resulting losses derived from the rates of exchange.

For example, the Cuban enterprise AT Comercial S.A. reported losses due to not being able to have access to the US market to purchase certain food products which had to be purchased at higher prices through intermediaries and in far away countries.

In this period, repercussions due to not being able to use the USD reaches \$85,139,436 and the increased cost of financing/risk country is at \$47,290,204. In these indicators the lack of access to bank loans or soft loans plays a part. Cuban enterprises must work with commercial loans granted by the suppliers themselves, with disadvantageous financial terms.

The negative repercussions for using commercial intermediaries and the resulting increased prices for merchandise amounts to \$173, 210, 916, showing an increase of 189% when compared to the preceding period.

Another variable which continues to cause serious repercussions on our economy are the surcharges for freight and insurance that must be paid due to geographical relocation of trade to more distant regions. Because of this, we calculate losses of \$72,160,602.

The following table shows the repercussions of the blockade on Cuba's foreign trade in the period between April of 2018 and March of 2019:

Losses due to:	USD
Impossibility of access to the US market	163,108,659.16
Use of intermediaries/more expensive goods	173,210,916.43
Increased freight and insurance costs	72,160,602.95
Export revenues lost	2,343,135,842.95
Risk country/increased financing costs	47,290,204.71
Prohibition on use of USD	85,139,436.80
Other repercussions*	12,535,892.72
<b>TOTAL</b>	<b>2,896,581,555.72</b>

\*Additional costs for operations through banks of third countries/bank commissions/types of payment instruments, withheld payments, broken contracts, litigation, etc.

### 3.2 Repercussions on finances

Repercussions caused by the imposition of the blockade by the US against Cuba have continued to grow, with a marked international nature in the banking and financial sphere. This has resulted in serious difficulties that prevent the normal and correct functioning of the sector and increase the

costs associated with banking and commercial operations. The period has been characterized by the tendency of foreign financial institutions and banks to refuse to carry out operations with Cuban banks, as well as the closing of accounts and codes for the exchange of financial information established by the Society for Worldwide Interbank Financial Telecommunication (SWIFT).

Between April 2018 and March 2019, losses for the Cuban banking system were recorded by 140 foreign banks. In this period, there were 12 more foreign banking institutions added to the policy of refusing services citing the US blockade. The US is attacking the normal functioning and operations of Cuban banking institutions which must work in a climate of permanent tension, uncertainty and adversity in order to guarantee the secure movement of their financial flows.

In the period analyzed, monetary-financial losses were estimated at \$725.8 million, representing a growth of 35% when compared to the previous period.

The principal difficulties presented by Cuban banking institutions during the period analyzed were:

**Increased blockade measures associated with IT services:**

- Difficulties related with access to new technologies of the Society for Worldwide Interbank Financial Telecommunication (SWIFT) persist due to the fact that most of the enterprises facilitating software and technologies are American.
- A number of foreign banks requested Cuban banking entities to cancel their message codes via SWIFT that serve as authorizations which are exchanged with correspondent banks and permit filtering and limiting the message service received and the type of message being sent (RMA).

**Restrictions for the use of USD in commercial and financial transactions with foreign countries:**

- Restrictions for the use of USD in Cuba's foreign commercial and financial transactions remain; this creates substantial losses due to the

variance in rates of exchange between the USD and that of third countries where the payments are being effectuated.

### **Refusals to provide bank services:**

- Account closure requests: 8 foreign banking entities, of these 7 in Europe and 1 in Asia.
- Refusals to transfer funds from or to Cuba and to provide other banking services: 15 entities, of which 9 are in Asia, 3 in Europe, 2 in Latin America and 1 in Oceania. The following example is an outstanding one:
  - A Latin American bank informed its Cuban counterpart via SWIFT messaging, that as of January 2019 it would be impossible to participate in letters of credit transactions and international transfers involving the entities listed by the US Department of State (Cuban Restricted List).

Refusals to process bank documents entail seeking out alternatives for locating banks that accept doing business with Cuba in order to be able to pay suppliers or receive revenues in foreign currencies. For Cuba this represents not having resources available at the opportune time in order to fulfill its obligations and/or acquire the most needed products, in addition to the uncertainty generated about the destination of the funds.

- Withholding funds of Cuban entities in foreign banks: 2 banks in Europe
- Cancellation of SWIFT messaging codes by foreign banks serving as authorizations that they exchange with correspondent banks: 24 entities, of which 15 are in Europe, 3 in Latin America, 2 in Asia, 2 in Oceania, 1 in North America and 1 in Africa. For example:
  - We received information from a Latin American bank stating they were in no condition to exchange information even when the bank itself had previously requested communication requesting the exchange of codes via SWIFT.
- Foreign bank refusals to notify and/or process letters of credit operations: 16 institutions, of which 15 were Asian and 1 European. In most of the cases, the refusals generated losses due to unnecessary

delays since the Cuban enterprise had to contact their suppliers to locate an alternative bank that would process the documents.

- Returning bank operations: 63 entities, of which 37 were from Europe, 13 from Asia, 8 from Latin America, 3 from North America, 1 from Africa and 1 from Oceania. The following example stands out:
  - A European banking institution returned a transfer to a Cuban bank due to the fulfillment policies of the beneficiary bank, despite the fact they had provided additional information as previously requested.
- Cancellation of bank operations and correspondent agreements: 8 banks, of which 3 were Asian, 3 European and 2 Latin American. Some examples:
  - A Latin American bank informed its Cuban counterpart they were cancelling relations with Cuba using the argument that it is a country sanctioned by OFAC and the persons or institutions that hire or provide financial assistance to those included on said list run the risk of being treated as drug traffickers, international criminals or terrorists.
  - A European bank institution requested the cancellation of operations with Cuba due to the different international embargos and US sanctions; this forced the Cuban bank to seek out new alternatives in said country.
  - Two Latin American Banks communicated that they would not execute new transactions coming from Cuba. This situation limits payments to suppliers and the receiving of resources derived from Cuban exports. This affects clients such as Cubana de Aviación, FARMACUBA, CUBADEPORTE and Cuban importing entities.
- Requests to Cuban banks for additional documents and other requirements in order to carry out banking operations: 4 bank institutions, of which 2 are from Asia, 1 from Europe, 1 from North America. Some examples:
  - A European bank merged with another European bank and to make official the account of a Cuban bank in its books it requested, via SWIFT, unusual requirements that had never before been indicated,

referring to the fact that in the payments effectuated the Cuban bank institution could not involve clients having anything to do with the military sphere, the armed forces, police forces, or with any assets originating in the US.

- A European bank entity requested additional unusual information from a Cuban bank in order to carry out transfer operations, such as confirmation that the merchandise would have no military use, alleging the requirements of the fulfillment regulations of their bank.

**Cuban entities must access foreign financing under extremely complicated conditions:**

- Cuban bank and business entities have to pay high interest rates that are above those established in the market for similar operations in other countries. This is due to the imposition of surcharges as the result of the risk country classification applied to Cuba, the principal element in the determination of feasibility and costs of financial operations that are increased because of the blockade in force.

**Difficulties in sending and receiving bank documents via messaging agencies:**

- DHL Express-Habana sent a Cuban bank a list of countries that have limited package sending services due to the restrictions imposed by OFAC, with the following text: "Clients may only make deliveries under their responsibility, after they have been first notified by the postal agent. If clients insist on carrying out the imposition, DHL takes no responsibility for anything that might happen with the delivery after being notified; the client loses that right. We emphasize that any country sending DOX or WPX to Cuba must have a Letter of Indemnity (LOI), at the decision of the client".
- Another agency, The People Network (TNT) of the United Kingdom, communicated to a Cuban banking entity that it could not continue to offer its services. The refusal was related to the list of restricted Cuban entities published by the US Department of State. In this case, it dealt with the payment documents of a Cuban exporter entity.

- A Cuban bank received communication from a North American banking entity proposing that they were not agreeing to sign the documents required by DHL Express which establishes that, should there be any fine for transmitting documents to Cuba, the bank would assume all responsibility.

All of these obstacles determine that documents should be sent as copies via e-mail, including shipping documents, and not the originals that should be directly received by DHL. This situation generates difficulties for Cuban importers since they must seek out other alternatives in order to receive documents. On the other hand, there is not the same guarantee and security for sending said documents whenever the shipment is done via banks.

#### **4. The blockade violates International Law. Extraterritorial application.**

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The extraterritorial application of the blockade continues to be a distinctive sign of the aggressive policy of the US government against Cuba. This network of sanctions seriously hurts our country but it also affects the interests and sovereign rights of third countries; this constitutes a violation of International Law, the purposes and principles of the UN Charter and the regulations of free trade.

In the period analyzed application of the blockade intensified; this includes the decision of the US government, under Title III of the Helms-Burton Act, to permit the possibility of taking legal action in US courts against entities that “traffic” with properties nationalized in Cuba in the 1960s. This provision attacks the freedom of trade and reinforces the extraterritorial nature of the sanctions against Cuba, besides harming the economic and commercial relations of the Island with the international community.

The Helms-Burton Act, in violation of the principles of International Law and the free determination of peoples, the freedom of trade, sovereign equality and nonintervention in the internal affairs of States, is totally inapplicable in

Cuba. Law 80 for Reaffirmation of Cuban Dignity and Sovereignty, approved by the National Assembly of the Peoples' Power in December of 1996, declares that the above-mentioned US regulation is illegal and without any legal value whatsoever in Cuban national territory.

Enactment of the Ley Helms-Burton Act led to the approval of “antidote laws” designed by third countries such as Mexico, Canada and the European Union, in order to protect themselves against the effects caused by application of this regulation.

The European Union approved a “Blockade Statute” which prohibits the execution of US judicial sentences related to Title III of the Helms-Burton Act within their territory. The Canadian government amended the Law against Foreign Extraterritorial Measures, establishing that “any sentence issued in conformity with US legislation shall not be recognized nor may it be executed in any way in Canada”. As for Mexico, it has the Law for Trade and Investment Protection from Foreign Norms that Violate International Law.

#### **4.1 Repercussions on Cuban entities (Examples)**

In the period analyzed, repercussions on Cuban entities in their commercial relations with third countries via the closing of bank accounts, the impossibility of carrying out transactions to pay or receive payment for services and the cancellation of commercial agreements have continued to be intensified. Next, some examples:

**On 1 June 2018**, the Luxemburg branch of the Dutch ING Bank refused to carry out a transaction coming from the Luxemburg enterprise e-Time Corp. directed to CUBAEXPORT, as a result of the US blockade against Cuba.

**On 12 June 2018**, the New Zealand branch of the *Australia and New Zealand Banking Group* (ANZ) sent a letter to the Travel Agency Association of New Zealand (TAANZ) informing them that as of that moment

any transaction or dealings directly or indirectly related to countries under US sanctions, including Cuba, were prohibited.

**On 2 August 2018**, the Brazilian branch of the US company FEDEX cancelled their services for the Cuban embassy and consulates in that country based on instructions received from headquarters in the US, due to the fact that Cuba is under OFAC sanctions.

**On 15 August 2018**, it was learned that the Banco Santander Rio in Argentina did not make a transfer indicated by HAVANATUR to the BFI for \$250,000 (ordered with the equivalent amount in Euros).

**On 16 August 2018**, it was learned that the Dominican banks BANRESERVAS and BHD-León closed the accounts belonging to the Dominican Republic branch of Cubana de Aviación because Cuba is under US sanctions.

**On 21 August 2018**, the Panamanian bank MULTIBANK closed the current account in dollars of Cubana de Aviación S.A in Panama City.

**On 28 August 2018**, the subsidiary of the US company FEDEX in Saint Lucia proceeded to close the account of the Cuban embassy in that country due to blockade regulations.

**On 30 September 2018**, the Bahamas branch of the American company FEDEX closed the account of the Cuban embassy in that country according to directions from their legal department in the US.

**On 1 October 2018**, it was learned that the Surinam branch DSB refused to continue processing transactions in dollars for the Cuban embassy in that country due to blockade regulations.

**On 2 October 2018**, the Hilton Fukuoka Sea Hawk Hotel in Japan cancelled a reservation from the Embassy of Cuba in that country following instructions of their headquarters in the US, alleging that they could not provide services due to the US sanctions against Cuba.

**On 16 October 2018**, the Jamaican branch of the American company FEDEX froze delivery of two passports done from the Cuban Embassy in

Washington for the Cuban diplomatic mission in Kingston, due to US sanctions against Cuba.

**On 30 October 2018**, the Panamanian financial entity MULTIBANK sent an Affidavit to the Cuban embassy in Panama that sought to establish “disassociation’ with Cuba. The note had to be signed by the Cuban ambassador in Panama as the legal representative of Cuba, and it mentioned the blockade regulations.

**On 29 November 2018**, the private capital HalykBank, merged with the KAZKOM Bank in Kazakhstan sent a letter to the Cuban embassy in that country after temporarily freezing their accounts, changing numbering without prior notice and charging a high bank commission. The letter stated that the decision was made because of the blockade regulations.

**On 17 December 2018**, it was learned that the subsidiary of the American FEDEX company in Saint Kitts and Nevis communicated to the Cuban embassy in that country that they were suspending the package delivery services that they had been offering.

**On 17 December 2018**, Malaysia’s MAYBANK notified Cuban citizen Miguel Morales about the closing of his account after receiving instructions as the result of blockade regulations.

**On 4 January 2019**, it was learned that the National Bank of Canada communicated to the Canadian company INTERCOPEX LTD based in Toronto about new DHL requirements for countries under sanctions, including Cuba that would prevent processing their documentation going to Cuba. As a result of the holding back of DHL services, the National Bank of Canada notified all Cuban banks about this situation.

**On 16 March 2019**, the supplier DEVEXPORT communicated to the Cuban importer company CEXNI about the impossibility of effectuating deliveries corresponding to Contract 80063, for the purchase of 143 tons of sodium cyanide briquettes, directed to the production of Doré (gold). This was due to the fact that the authorities of the country of the manufacturer prohibited

shipments to Cuba during 2019, arguing that they were avoiding sanctions on their companies by the US Department of the Treasury, for doing business with Cuba.

**In February of 2019**, MEDICUBA received several communications from suppliers with whom they had signed agreements, informing them that the Banco MULTIBANK of Panamá announced the closing of accounts to Cuba; this generated difficulties for receiving payments and executing commercial operations and they had to seek out other alternatives and supplement the already signed agreements.

**In April of 2019**, executives of the National Oil, Gas and Metal Corporation of Japan (JOGMEC) sent the Cuban Embassy in Japan the decision that three of their enterprises were cancelling their participation in a joint project with CUPET on a geo-chemical study for a possible project at risk for one or more blocks in coastal waters and/or on land. They alleged that the decision was taken due to the fact that the business of the enterprises involved was in the United States.

#### **4.2 Repercussions on the banking and financial sector (Examples)**

**On 5 October 2018**, OFAC imposed a fine of \$5,263,171 on the J.P. MORGAN CHASE bank for undertaking transactions and providing unauthorized services to clients included on the List of Specially Designated and Blocked Persons between 2008 and 2012.

**On 19 November 2018**, the banking-financial entity Société Générale S.A. headquartered in Paris, France, agreed to pay a total of \$340,231,916 to OFAC of the US Department of the Treasury, Office of the Attorney General of the Southern District of New York, Office of the Attorney General of the District of New York County, the Federal Reserve and the Department of Financial Services for the State of New York for violating the Regulations for the Control of Cuban Assets, Iranian Transactions and Sanctions Regulations and Sudanese Sanctions Regulations. According to OFAC, Société Générale S.A. processed 796 transactions that involved Cuba for a total of over \$5,500 million between 11 July 2007 and 26 October 2010.

This is the second largest penalty imposed on a financial institution for having had relations with Cuba.

**On 1 April 2019**, the Panamanian MULTIBANK closed an unspecified number of bank accounts of Panamanian enterprises and those of other nationalities that do business or have relations with Cuba, including the news agency correspondent office of Prensa Latina.

**On 9 April 2019**, OFAC of the US Department of the Treasury imposed a sanction on the STANDARD CHARTERED BANK, based in England, for apparent violations of the Regulations for the Control of Cuban Assets and other programs of sanctions applicable to Iran, Syria, Sudan and Myanmar. In order to avoid a lawsuit the British company agreed to pay \$639,230,750 to OFAC and \$2,715,100,479 to other US government and state institutions.

**On 15 April 2019**, OFAC imposed sanctions on the European affiliates of the UNICREDIT GROUP in Germany, Austria and Italy for violating the Regulations for the Control of Cuban Assets and other programs of sanctions applicable to Myanmar, Sudan, Syria, Iran and Libya. Consequently, and in order to avoid a civil lawsuit, UNICREDIT BANK AG agreed to pay \$553,380,759, UNICREDIT BANK Austria AG agreed to pay \$20,326,340 and UNICREDIT S.P.A. agreed to pay \$37,316,322 to OFAC and other US government and state institutions.

## **5. World opposition to the blockade**

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

Despite the marked deterioration imposed by the current US government in its relations with Cuba, many sectors inside US society manifest their opposition to the blockade against the Island.

Representatives of the agricultural, cultural, academic and business sectors have not only rejected this policy which violates International Law but they have been active in their attempts to exert political influence in the executive and legislative branches at both state and federal levels. Groups

such Engage Cuba, for example, have broadened their reach and diversified on the basis of establishing new state councils in US territory.

The drawing up of some agreements and businesses has shown the interest of these sectors in favoring healthy bilateral ties which are mutually beneficial. The willingness of many Americans to contribute to improving relations and lifting the blockade imposed against Cuba has been confirmed.

The following are some examples of the opposition to the blockade in the United States:

- **On 5 April 2018**, the Republican Senator for Arkansas, John Boozman, Head of the Raw Materials Subcommittee, Risk Management and Commerce of the Senate Agriculture, Nutrition and Forestry Committee, published an article entitled "It's time to expand US agricultural exports to Cuba" on the website for the *Washington DC 100 project* of the public relations firm *Story Partners*. Boozman criticized the prohibition on offering private loans for US agricultural exports to Cuba and he referred positively to the draft *Expansion of Agricultural Products Act* introduced in the Senate by him and the then-Democratic Senator for North Dakota, Heidi Heitkamp.
- **On 19 April 2018**, Democratic Congresswoman for Florida Kathy Castor wrote on the Twitter social media that her hope for the future in Cuba and the US is that the governments listen to persons of both nations who want changes, commitment and greater freedom. The legislator added that it is essential for both parties to participate and speak in a complicated and modern world, and she noted: "We are neighbors in spite of everything".
- **On 19 April 2018**, the president of Cuba Educational Travel, Collin Laverty, issued a communiqué in which he questioned the blockade policy, the distancing and hostility of Pres. Donald Trump towards Cuba. He stated that Trump was eliminating the US people and its institutions from the game and that in the absence of an intelligent US policy it was essential that the peoples of the two countries should continue building

ties. Lavery indicated that his organization would continue working tirelessly to unite the two countries, while awaiting improvement in bilateral relations.

- **On 23 April 2018**, Republican Congressmen Roger Marshall of Kansas, Rick Crawford of Arkansas and Tom Emmer of Minnesota published an article in the specialized digital media Feedstuffs under the title of *A simple solution could open up a 2 billion dollar market for American farmers*. The publication called on the Donald Trump government to maximize profits for American farmers and showed the commitment of the legislators in supporting the Cuban private sector via the use of their authority to more widely open the doors of their country for Cuban agro-industry. They argued that the US could sell their products to Cuba; agricultural sales from Arkansas could reach 52 million dollars; Kansas could exceed 55 millions, with a 25% increase in wheat sales, and Minnesota could see sales increase to 50 million dollars.
- **On 4 June 2018**, then-Republican Senator for Arizona Jeff Flake stated at a press conference in Havana that he had never been in favor of the blockade but was in favor of normalizing Cuba-US relations. He added that he was very pleased to observe increased travel to Cuba by Americans in the 2014-2016 period and that, in spite of some steps backwards, with his visit he was hoping to ensure that Americans knew that travel to Cuba was safe.
- **On 7 June 2018**, The Congressional Round Table on commercial relations with Cuba took place with the participation of US legislators and executives of the Engage Cuba group. Arkansas Senator John Boozman stated that US farmers were in a situation where almost all the prices for basic products were low and so opening bilateral trade with Cuba would be beneficial for everybody. Representative from Minnesota Tom Emmer also referred to the possibility of encouraging bilateral agricultural and economic capacities and the necessary opening of more export markets. He added that the embargo is a failed policy and therefore he would continue pressure to lift it. At the Congressional

Round Table Representative Rick Crawford of Arkansas said that a commercial opening with Cuba would make it possible to improve relations between the two countries.

- **On 7 June 2018**, the lobbying group Engage Cuba indicated in a Twitter message that “it is time to leave to one side the policy and do what’s right: support Congress for trade between Cuba and the US.”
- **On 10 June 2018**, the 18<sup>th</sup> Engage Cuba State Council was created in Pennsylvania with the participation of a bipartisan group of state officials, business and agriculture leaders. At that occasion James Williams, President of the Group, urged Congress to lift the restrictions on Cuba that were so harmful for both the inhabitants of Pennsylvania and Cuba.
- **On 11 June 2018**, representatives of the Pennsylvania State Congress and associates of the Engage Cuba executive committee urged the US Congress to lift restrictions on Cuba, alleging that they harm the residents of that state and Cubans, to an equal degree.
- **On 13 June 2018**, the National Association of State Departments of Agriculture. (NASDA) demanded that the Donald Trump government lift the blockade and normalize bilateral trade relations.
- **On 13 June 2018**, the Senate Agriculture Committee approved an amendment to the Agriculture Improvement Act of 2018 in favor of Cuba, a proposal made by Senators Heidi Heitkamp of North Dakota and John Boozman of Arkansas. The amendment sought to promote funds to increase access to the Cuban market of agricultural products grown in the US.
- **On 13 June 2018**, then-Democratic Senator for North Dakota Heidi Heitkamp stated in a press release that “in North Dakota we know how important trade is for farmers and ranchers. Loosening up the embargo on Cuba was an important step in the demand for the creation

of American agricultural imports on the Island but we can do much more to support profitable agricultural commerce with Cuba". She added that North Dakota farmers see Cuba as a natural market for their local products such as beans, chickpeas and edible lentils; she indicated that their bipartisan amendment gives the US Department of Agriculture (USDA) the capacity to build reliable commercial alliances between the producers in North Dakota and Cuban buyers, at no additional cost for the taxpayers.

- **On 14 June 2018**, the National Association of State Departments of Agriculture (NASDA) sent a letter to Pres. Donald Trump, to the Senate and to the House of Representatives of that country, demanding the end of the blockade against Cuba.
- **On 20 June 2018**, Dr. William M. LeoGrande, professor of Government and Dean Emeritus of the American University Faculty of Public Affairs, offered his statements to an audience in the US House of Representatives. He acknowledged that the sanctions imposed on Cuba for decades had not been successful and that there was no reason why they shouldn't have relations with Cuba. He said that he agreed that American farmers should be able to finance agricultural sales to Cuba and that restrictions on travel to Cuba should be lifted. He added that US enterprises should be able to trade with and invest in Cuba.
- **On 28 June 2018**, then-Democratic Senator for Missouri, Claire McCaskill, indicated that she supported increased trade with Cuba in an interview to *Brownfield Agricultural News For America*, a radio news website.
- **On 28 June 2018**, the US Senate approved the draft Agriculture Act of 2018 which includes a provision to authorize the use of funds for US commercial promotion in the increased access to Cuba. The provision, presented by then-Senator Heidi Heitkamp, was adopted by voice vote in the Senate Agriculture Committee.

- **On 2 July 2018**, in an article published in *Penn Live* under the title of *Pennsylvania farmers need a fair shake in Cuba*, state Representative in the House of Representatives of Pennsylvania Greg Rothman emphasized the possibilities of trade between Cuba and Pennsylvania especially in milk exports, given the historic relationship existing with the Island. Likewise, he urged state legislators to advocate an end to the blockade on Cuba.
- **On 24 July 2018**, the City Council of Pittsburg, Pennsylvania, approved a proclamation in support of Cuba-US relations and demanded the end of the blockade against Cuba.
- **On 5 September 2018**, a bipartisan group of more than 60 agriculture associations, companies and the officials of 17 states urged the leadership of the Agriculture Committees of the House of Representatives and the Senate to include a provision in the draft Agriculture Act of 2018 that would expand agriculture trade with Cuba and eliminate the restrictions on private financing for food exports from the US.
- **On 27 September 2018**, it was learned that Jeff Witte, President of the National Association of State Departments of Agriculture (NASDA), expressed that NASDA was fully supporting improved agriculture trade and cooperation with Cuba and that the current blockade should be lifted.
- **On 9 October 2018**, a digital publication of the *Southwest Farm Press* printed the words of Paul Johnson, Vice President of the US Agriculture for Cuba Coalition (USACC), when he indicated that Cuba represents a potential market of \$2,000 million for American agriculture producers. Johnson referred to the advantages that agriculture trade and scientific cooperation in this area would have for the two countries.
- **On 31 October 2018**, representatives of US civil society and solidarity with Cuba groups supported the call of the international community to

put an end to the US blockade, after the INGA session that dealt with the draft Cuban Resolution. Congregating in front of the Cuban Mission offices in New York, among others, were the executive director of the interfaith organization IFCO/Pastors for Peace, Gail Walker, the coordinator of the Solidarity with Cuba Movement in New York, Ike Nahem, and Martin Koppel, one of the leaders of the US Socialist Workers Party (SWP).

- **On 21 December 2018**, Republican Senator for Arkansas John Bozzman emphasized that approval of the Agriculture Act of 2018, with an amendment about Cuba, represented a great victory for the Americans who had worked non-stop to open up more access to the Cuban market.
- **On 23 January 2019**, the St Paul City Council approved, by unanimous vote, a resolution requesting the federal government to lift the blockade of Cuba.
- **On 23 January 2019**, Carla Riehle, member of the Cuba-Minnesota Solidarity committee, said in reference to Cuba that no other country, including those that have a terrible history in human rights, has ever been punished so fiercely by the United States.
- **On 4 February 2019**, Republican representative for Arkansas Rick Crawford said that he thought that the opportunities to approve the law for freedom of trade with Cuba had increased and that the initiative had great support. He indicated that outside of Florida American support for lifting the blockade is “probably greater than 70 percent”; he added that he thought they should go on applying pressure.”
- **On 7 February 2019**, Democratic representative for Massachusetts Jim McGovern said in the House of Representatives that "allowing Title III of the Helms Burton Act would penalize companies by doing what US companies do all over the world, it would open a new front in the trade war, obstruct courts with lawsuits, make it impossible to negotiate

compensation for US claims in Cuba and, finally, it would harm the Americans who seek compensation for properties they lost”.

- **On 8 February 2019**, Democratic Senator for Minnesota Amy Klobuchar presented a resolution to lift the blockade against Cuba in the Senate Bank, Housing and Urban Affairs Committee. The draft was co-sponsored by Senators Patrick Leahy of Vermont and Michael B. Enzi of Wyoming.
- **On 22 February 2019**, the US Agriculture for Cuba Coalition sent a letter to Secretary of Agriculture Sonny Perdue. The letter was signed by over 100 organizations of agriculture producers who were manifesting their desire to keep trade with Cuba open and their interest in expanding exports of their products to Cuba.
- **On 4 March 2019**, President of Engage Cuba James Williams issued a declaration regarding the decision of the US Department of State to suspend Title III of the Helms-Burton Act for only 30 days. He stated: “This is a continuation of the same blockade policy that has failed for almost 60 years. To continue with this failed policy undermines US interests and aids our adversaries. We shall continue working with our allies in Congress to reject this failed policy until the embargo is finally eliminated for good”.
- **On 4 March 2019**, Executive Director of the Cuba Study Group Ricardo Herrero issued a declaration in response to the announcement by the Department of State about the partial suspension of Title III of the Helms-Burton Act. Herrero said: “If 60 years of a failed embargo policy has taught us anything, it is that change in Cuba is not produced as the result of unilateral economic aggression directed from Washington and Miami. It is unfortunate that the president’s advisors insist on ignoring this lesson. We call on Pres. Trump to follow the instincts he showed at the beginning of his 2016 campaign and actively pursue a policy of constructive commitment with Cuba that puts US interests and those of the Cuban people in first place.”

- **On 4 March 2019**, the Washington Office on Latin America (WOLA) issued a press release criticizing the decision of the Trump government to temporarily suspend Title III. "Trump's foreign policy seems to point at punishing Cuba when it is in his own interest to normalize this relation. At a time when Cuba is going through an important process of gradual domestic reform, the US government should not be increasing hostilities", said the release note.
- **On 5 March 2019**, members of the Cuban Americans for Engagement (CAFE), in a press release, expressed their opposition to the decision adopted by the US government to initiate the partial suspension of Title III of the Helms-Burton Act which is perceived as a gesture of interference and which attacks the sovereignty of the countries involved in the trade dynamics with Cuba.

## **5.2 Opposition by the international community**

Rejection of the economic, commercial and financial blockade imposed by the US against Cuba by a number of key players is growing and obvious, as we can see in the following examples:

- **On 13 September 2018**, within the context of the 39<sup>th</sup> Ordinary Session of the Human Rights Council, the negative effects of the blockade were denounced and a call was made for its total elimination. On this occasion, 23 developing countries took part in the interactive dialogue with the Special Rapporteur about the negative repercussions of the unilateral coercive measures on the enjoyment of human rights.
- **On 27 September 2018**, the Ministers of Foreign Affairs of the Group of 77 and China in their Ministerial Declaration rejected, yet again, the application of the blockade against Cuba and the imposition of unilateral coercive measures against developing countries. The text was adopted at the 42<sup>nd</sup> Ministerial Meeting of the Group held within the context of the 73<sup>rd</sup> Session of UNGA in New York.

- During the general debate at the 73rd Session of UNGA, held between **25 September and 1 October of 2018**, dignitaries from 33 countries, including 16 Heads of State and government, denounced the illegal permanence of the blockade imposed by the US on Cuba and they advocated its immediate lifting.
- The XIII Congress of South African Trade Unions (COSATU), held between **17 and 20 September 2018** in South Africa, issued a proposal from the National Education, Health and Allied Workers' Union (NEHAWU), a resolution rejecting the blockade. They also demanded the return to Cuba of the illegally occupied territory of the US Naval Base in Guantánamo.
- **On 4 October 2018**, the interparliamentary France-Caribbean Friendship group of the French Senate sent a letter to Michael R. Pence, Chairman of the US Senate, demanding the end of the blockade against Cuba.
- **On 15 October 2018**, the Sandinista Deputies to the National Assembly and the Central American Parliament issued a declaration rejecting the US blockade against Cuba.
- **On 15 October 2018**, the National Assembly of Seychelles condemned the blockade against Cuba. The document signed by President Jean François Ferrari ratifies that the blockade is unfair, unnecessary and counter to the spirit of the UN Charter.
- **On 24 October 2018**, Senator Vanessa Grazziotin, leader of the Communist Party of Brazil, issued a declaration in the Brazilian Congress condemning the blockade against Cuba. Said declaration affirms that the blockade continues to be the principal obstacle to the economic development of Cuba and constitutes a serious challenge for the execution of Agenda 2030 and its Sustainable Development Goals.

- **On 1 November 2018**, UNGA approved, for the twenty-seventh consecutive time, the Resolution “Necessity of ending the economic, commercial and financial blockade imposed by the government of the United States against Cuba”, with the “yes” vote of 191 member states. Likewise the international community rejected by ample majority the 8 amendments presented by the US delegation for the aim of denaturing the text of the resolution with the introduction of contents that serve as an excuse for the continuity of the criminal anti-Cuban policy.
- During the debate and adoption of the Cuban Resolution, 46 speakers expressed themselves in favor of the necessity that the US eliminates the blockade it maintains against Cuba. The speeches given by the 7 representatives of groups of political coordination and regional and sub-regional organizations were outstanding, such as: the Group of 77 and China, the African Group, the Non-Aligned Movement, the Community of Latin American and Caribbean States, the Association of Southeast Asian Nations, the Community of Caribbean States and the Islamic Cooperation Organization.
- **On 8 November 2018**, the National Parliament of South Africa, led by President Baleka Mbete, approved a motion to reject the blockade against Cuba.
- **On 28 November 2018**, the Latin American SELA Council meeting in a ministerial session in Caracas energetically demanded the end of the blockade.
- **On 28 November 2018**, a Solidarity with Cuba event took place in the European Parliament and it denounced the illegal blockade at the initiative of the Confederal Group of the European United Left/ Nordic Green Left GUE/NGL. Two panels were in session at the meeting analyzing “*The economic and social consequences of the illegal sanctions of the United States against Cuba in the new Latin American political scenario*” and “*Actions against the illegal extraterritorial effects of US sanctions in European countries*”. International Law researcher and

member of the Bureau of the International Democratic Lawyers Association Fabio Marcelli explained the reasons why the blockade could not be classified as an embargo, and he advocated the real application of Regulation 2271/96, approved in November of 1996 by the European Union, to protect its natural and juridical persons from the extraterritorial application of the blockade.

- **On 11 February 2019**, within the context of the 32<sup>nd</sup> Session of the African Union Assembly, the Resolution entitled “Lifting the economic, commercial and financial blockade imposed by the United States of America on the Republic of Cuba” was approved; it condemned this inhumane and illegal policy.
- **On 15 March 2019**, at a meeting of the Authority of the Organization of Eastern Caribbean States the intensification of the blockade via activation of Title III of the Helms-Burton Act was denounced and classified as illegal and arbitrary. Furthermore it was shown that the economic, commercial and financial blockade of the US against Cuba undermines the stability, peace and security of the Caribbean region.
- **On 29 March 2019**, at the VIII Summit of the Organization of Eastern Caribbean States (OECS) taking place in Nicaragua, the Declaration of Managua was approved; it reiterated the profound rejection of the application of unilateral coercive measures and reaffirmed the call on the US government to put an end to the economic, commercial and financial blockade it imposes on Cuba, to repeal the Helms-Burton Act and to cease its extraterritorial application.
- Within the framework of the Fifth International Economic Forum of Yalta held in April of **2019**, María Zajarova, spokesperson of the Russian Chancellery, reiterated the frontal condemnation of her country of the application of unilateral sanctions against Cuba by the United States. She denounced that the current US administration is reviving the Monroe Doctrine and applying it in all its length and breadth for the aim of crushing the sovereignty and independence of States.

- **On 26 April 2019**, Horace Dalley, Jamaican MP and opposition spokesperson for Labour and Social Security, Vice President of the governing board of the People's National Party (PNP) and President of its International Relations Commission, ratified the unconditional support of his party for the struggle of the Cuban people to lift the blockade. He affirmed that Title III of the Helms-Burton Act dangerously reinforces the extraterritorial component of the blockade policy and constitutes an attack on International Law and sovereignty, both in Cuba as in third countries.
- In Brazil, different political forces denounce the blockade and demand the end of the illegal and inhuman policy which hinders Cuba's development. Among these are: the Workers' Party, the Parliamentary Front of the Legislative Assembly of Rio de Janeiro and the Communist Party of Brazil. Manifestations for the same purpose are coming from social and trade union movements such as the Central Workers' Union of Brazil, the "Sin Tierra" Movement, the Brazilian Council for Peace, the Brazilian Women's Movement, the World Council for Peace, the Network of Intellectuals and Artists in Defense of Humankind, the Paulista Movement of Solidarity with Cuba, the Collective of Journalist Friends of Cuba, the José Martí-Rio Grande del Sur Cultural Association, the José Martí-Baixada Santista del Estado de Sao Paulo Cultural Association, the José Martí-ABC Paulista del Estado de Sao Paulo Cultural Association, the Carioca Committee of Solidarity with Cuba of the State of Rio de Janeiro and the José Martí-Espírito Santo Cultural Association.
- On behalf of the Belarus Chancellery, the Head of the Department of Information and Digital Diplomacy, Press Secretary of the Ministry of Foreign Affairs of Belarus Anatoly Glaz issued forceful declarations rejecting the intensification of the blockade against Cuba. He also recalled that most of the UN member States systematically oppose the measures of the economic, commercial and financial blockade and, in

this particular case, also condemning the introduction of new unilateral coercive measures against Cuba.

- Keiji Furuya, President of the Parliamentary Japan–Cuba Friendship League, in a working meeting with the Cuban ambassador in that country, reiterated the support of that organization for Cuba’s call for the end of the blockade and reaffirmed the profound concern about its extraterritorial nature which violates the legislation of third States, including Japan.

After the announcement by the Donald Trump government about activating Title III of the Helms-Burton Act, an unprecedented action that reinforces the economic, commercial and financial blockade against Cuba, numerous international actors have expressed their rejection:

- High Representative of the EU for Foreign Affairs Federica Mogherini stated in a communiqué that her regional block deeply laments the intensifying of the blockade against Cuba by the US activation of Title III of the Helms-Burton Act, considering it to be counter to International Law. Moreover she stated that for the EU the extraterritorial application of unilateral restrictive measures is illegal, therefore they would resort to all the adequate measures to deal with the consequences, including their rights in the World Trade Organization and the use of Regulation 2271/96 of the European Council.
- Lu Kang, spokesperson for the Ministry of Foreign Affairs of China, announced China’s opposition to the unilateral measures of the US that reinforce the blockade and constitute the principal obstacle to the socioeconomic development and wellbeing of Cuba.
- Within the context of her visit to Cuba in April of 2019, María Fernanda Espinosa, President of the 73rd Session of AGNU, ratified that the unilateral sanctions countervene the principles of International Law and that the support given to Cuba by the international community for its battle against the blockade is a demonstration of the almost unanimous

rejection of this policy and the necessity for respecting Cuba's right to development.

- The British government described as extraterritorial and illegal the decision of the United States to permit its citizens to file lawsuits against foreign companies operating in Cuba for "trafficking" with nationalized properties. In their note, the British government assured that it would continue to work jointly with their European peers to protect the interests of their enterprises.
- The Human Rights Council Special Rapporteur on the negative repercussions of the unilateral coercive measures in the enjoyment of human rights, Driss Jazairy denounced, on 6 May 2019 the US blockade against Cuba. The expert emphasized that the use of economic sanctions for political ends violates human rights and the norms of international conduct; he also stated that the extraterritorial application of unilateral sanctions is clearly counter to International Law.
- The Group of Argentines Graduated in Cuba (AAGC) condemned, in a public communiqué, their rejection of the intentions of the United States to apply Title III of the Helms-Burton Act and to intensify the economic, commercial and financial blockade which would like to suffocate and stop the development of Cuba. Argentines who graduated in Cuba urged the US to respect the resolutions adopted in the General Assembly, which demand the immediate lifting of the blockade.
- The Chamber of Deputies of the Legislative Assembly of the Plurinational State of Bolivia publicized a declaration censuring the implementation of Title III of the Helms-Burton Act which intensifies the economic, commercial and financial blockade of the US against Cuba. The legislative body approved its energetic and categorical rejection of this new step taken by the US administration which attacks the rights and harmonious growth that the Cuban people deserve.

- At its Fiftieth General Assembly, the Belgian Friends of Cuba Association condemned the political aggression on the Island being perpetrated by the US government and manifested that it joins protests recorded in the entire world against the activation of Title III of the Helms-Burton Act, because it could affect European enterprises or those of other countries present in the Caribbean nation, yet another display of the extraterritorial scope of the blockade. The organization also requested the Belgian government and that of the European Union to put into practice all the mechanisms available to support its citizens and enterprises, as well as to oppose any juridical processes being filed in the United States.
- The Ecuadorian Coordinator for Peace, Sovereignty, Integration and Non-Interference which brings together a number of social organizations such as the Network of Intellectuals and Artists in Defense of Humanity, the Citizen Revolution Movement, the Network of Women Transforming the Economy, the Ecuadorian Federation of Indians and South-South Dialogue/LGBT-Ecuador, defined as serious the application of Title III of the Helms-Burton Act and he repudiated the intensification of sanctions by the White House on entities and countries that maintain commercial, economic and financial relations with Cuba, thereby seeking its isolation. He recalled that these interference practices have been repeatedly denounced by different blocks such as the European Union, G-77 and China and the Non-Aligned Movement.
- The Ecuadorian Coordinator of Friendship and Solidarity with Cuba added his voice to the international rejection of the decision by the US government to apply Title III of the Helms-Burton Act against Cuba. He indicated that said juridical freak was designed to hinder the growing economic and commercial relations of Cuba with the world, therefore it is in violation of International Law and the guiding norms of commerce and investment.
- In a press release addressed to the Cuban ambassador in Iran, the President of the Iran-Cuba Friendship Association, Hadi Khansari,

condemned the US threats and pressures against the Caribbean island and he thought that the blockade was the toughest and most severe body of sanctions ever in modern history.

- Rev. Jim Winkler, head of the National Council of the Churches of Christ in the US presented a declaration of principles with the aim of asking for an end to the blockade and advocating the normalization of relations between the two countries. He expressed his opposition to the administration of Donald Trump for the new restrictions on travel between Cuba and the US and for the activation of Title III of the Helms-Burton Act, an action that seeks to worsen the quality of life for the Cuban people.
- The Argentine Movement of Solidarity with Cuba (MasCuba) rejected the decision of the US government to activate Title III of the Helms-Burton Act which worsens the economic, commercial and financial blockade imposed on Cuba for almost six decades. In a communiqué, the solidarity group indicated that the entry into force of said title not only affects the Island but also affects companies in third countries having important investments in sectors such as tourism, mining and energy. Likewise, it emphasized that these new aggressions demonstrated imperial desperation in the face of continental resistance to its recolonization plans, led by the example of Cuba.
- The spokesperson of the Vietnamese Chancellery, Le Thi Thu Hang, reiterated the historic support of that country for Cuba and its opposition to the US blockade at a time when the Donald Trump administration is tightening the measures of economic asphyxiation against the Island.
- The CARICOM countries, meeting for their Twenty-second Meeting of the Council for Foreign Relations and the Community (COFCOR), held on 13 to 14 May in Grenada, issued a declaration in which the firm support of the Community is reiterated for the lifting of the blockade against Cuba.

- Theresa Clair Clarice Charles, Ambassador of Grenada and Dean of the Caribbean Diplomatic Corps in Cuba expressed that the US blockade on the island is a heartbreaking imposition, cruel and evil, that intends to bring the resistance of a people who have struggled against colonialism, neocolonialism and imperialism to its knees. She emphasized that in spite of the difficulties created by the blockade, Cuba has never hesitated to help in the development of the poor and vulnerable third world countries.
- The President of the Committee for International Relations, Defense and Security of the Mazhilis of Kazakhstan, Yerman Mukhtar T., reiterated to the Cuban ambassador in that Euro-Asian country the support of that legislative body for Cuba in terms of the intensifying of the blockade and the increased aggressiveness of the US government. The official emphasized that Kazakhstan favors peace, respectful dialogue, sovereign equality of States and security in international relations, as well as non-interference in the internal affairs of States and respect for the sovereignty and self-determination of peoples.
- The Friendship with Cuba Association of Saint Vincent and the Grenadines issued a firm declaration condemning the most recent sanctions imposed by the US against Cuba.
- Via a communiqué from the Secretary of Foreign Affairs, the Mexican government rejected the decision of the Donald Trump administration to apply the Helms-Burton Act, as a whole, on Cuba. The official note stated the assurance that the Mexican government would protect the interests of Mexican companies doing business in Cuba despite the fact that the measure can affect foreign enterprises doing business in and with the Island.
- In the month of May the Russian Duma approved a resolution condemning the activation of Title III of the Helms-Burton Act. The text repudiates the lifting of the moratorium on the effect of Title III of the anti-Cuban legislation which constitutes a manifest invasion of

sovereignty not only of Cuba but of the States actively cooperating with Cuba.

- On 22 May 2019, the 109<sup>th</sup> Session of the Council of Ministers of the ACP Group approved a declaration condemning the economic, commercial and financial blockade against Cuba. The document emphasizes that the blockade constitutes the principal obstacle for implementation of Agenda 2030 in Cuba and it demands its immediate and unconditional lifting. Moreover it denounces the activation of Title III of the Helms-Burton Act and its extraterrestrial effects.
- On 14 June 2019, at the Sixth Meeting of the Ministers of Foreign Affairs of CARICOM and Cuba, a declaration was approved which rejected the economic, commercial and financial blockade imposed by the United States against Cuba and it denounced the new measures intensifying this policy, including the activation of Title III of the Helms-Burton Act.

## Conclusions

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The economic, commercial and financial blockade imposed by the US government against Cuba for close to six decades, is the most unfair, severe and prolonged system of unilateral sanctions ever applied against any country. In its essence and goals, it is an act of unilateral aggression and a permanent threat against the stability of our country. From April 2018 to March 2019 this policy continued intensifying, with special emphasis on its extraterritorial dimension.

From April 2018 to March 2019, the blockade has caused losses for Cuba for approximately **\$4,343.6 million**. The significant negative impact of the application of the measures adopted recently by the United States to intensify the blockade against Cuba is not included in this report since it goes beyond the closing of the period being analyzed. This information will be in the document to be presented next year.

At current prices, the damages accumulated for almost six decades of applying this policy amount to **\$138,843.4 million**. Taking into account the depreciation of the dollar as compared to the price of gold on the international market, the blockade has caused quantifiable damages for over **\$922,630 million**, a value representing a decrease of 1.2 percent when compared to the earlier period, due to the 1.6 percent decrease in the price of gold.

This policy imposed by the government of the United States is the principal obstacle for the growth of the Cuba economy and the full enjoyment of all the human rights of the people of Cuba and it constitutes a serious challenge for implementation of Agenda 2030 and its Sustainable Development Goals. The human damage caused by application of these sanctions is beyond calculations. No Cuban family or sector in the country has escaped being victim of its effects. Over 77 percent of the Cuban population was born and has grown up under the economic blockade imposed by Washington.

In the period analyzed, financial persecution in the jurisdictions of a number of countries continues to strengthen. Limitations imposed on the Cuban

banking system by 140 foreign banks have been recorded. Furthermore, OFAC and other US government agencies have imposed fines on several third country companies because they violated different programs of sanctions, including the Regulations for the Control of Cuban Assets.

Restrictions on travel to Cuba, announced by the Departments of the Treasury and Commerce last June demonstrated the purpose of the current US government to continue the policy of tightening the blockade. Not only are such regulatory changes counter to the opinion of the majority of Americans who are in favor of commercial ties with Cuba but they also directly attack the emerging Cuban private sector. The purpose is still to suffocate the Cuban economy and to impose additional obstacles to its development.

The continued application of the Helms-Burton Act by the government of the United States constitutes an undeniable demonstration of its aggressive escalation against Cuba. The objective of this regulation is to harm the economy of the country and, by doing so, overthrow the Cuban Revolution. That aim has its line of continuity in the various instruments and mechanisms used during 12 different US governments, in the name of imposing a government to its measure in Cuba, to recover its mastery over the Island and to incorporate it into its geopolitical strategy.

The Helms-Burton Act violates the norms and principles of International Law such as the free determination of peoples, freedom of commerce, sovereign equality and noninterference in the domestic affairs of States. Furthermore, it violates the principle of coexistence among nations.

The blockade continues to be an absurd, obsolete, illegal and morally unsustainable policy, which has not fulfilled nor will it fulfill the purpose of bringing to its knees the patriotic decision of the Cuban people to preserve their sovereignty and independence. Cuba shall continue to work sovereignly and tirelessly to deepen the goals of justice equity and solidarity that sustain the Cuban model.

The United States has ignored, with arrogance and disdain, the 27 resolutions adopted by the UN General Assembly which condemn the

blockade and the numerous and varied voices which, within and outside of that country, ask for the end of this unfair policy.

In this context of special complexity, Cuba and its people trust in continuing to have the support of the international community in the legitimate claim to put an end to the economic, commercial and financial blockade imposed by the government of the United States.

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**EQUIPO DE SERVICIOS DE TRADUCTORES E INTÉRPRETES**