

Remarks by Carlos Fernández de Cossío, director general of United States affairs at the Ministry of Foreign Affairs of Cuba

21/03/2019



Law Helms-Burton has no impact whatsoever, practical impact in Cuba. It's a US Law with no jurisdiction whatsoever in Cuba and cannot be applied in any sovereign country that respects its sovereignty. Its jurisdiction is limited to the United States. In addition to that, Cuba passed a law in 1996 that defined that Helms-Burton was null and void of any meaning or impact in our country so in practical terms it has no effect whatsoever in Cuba.

Helms-Burton is a lengthy and very comprehensive law. It's a unique law in some sense because it tries to..., perhaps unique in the US legislative system, it tries to coerce the executive power, the government, into definitions in executing its foreign policy for a specific country, in this case Cuba. I don't know if there is a similar case in US foreign policy of a comprehensive law to guide that. It's a law that follows several aims. One of them is to strangulate the Cuban economy by attempting to take the US economic blockade and making it an

international blockade. In other words, coercing other governments to also apply sanctions and an economic blockade against Cuba. It goes to the point that in the law it defines that the Department of State should report every year to Congress on the advances taken on how are third countries applying sanctions or applying any form of blockade against Cuba. The law also tries to codify the economic blockade. The economic blockade was mostly up to 1996, when Helms-Burton was approved, based on executive orders by the President. It wasn't an act of Congress. What the promoters of Helms-Burton did was to codify all the sanctions against Cuba existing until then into one piece of law that could not be changed without an act of Congress. The aim was to try to avoid any future government of the United States to move in the direction of improving relations with Cuba or removing the economic blockade, so it tries..., it attempts to perpetuate the system of economic sanctions and therefore, the hostility between our two countries. And the law also was aiming at preventing foreign investors in coming to Cuba, trying to scare away foreign investors from investing capital in Cuba's economy by saying that former claimants of the properties that were nationalized in Cuba at the beginning of the 1960's would have the right to put demands in courts against those that trafficked or that were involved in investment in Cuba in properties that were nationalized. The whole law is based on the false premise that those nationalizations that occurred in Cuba at the beginning of the Revolution were wrongful nationalizations or were illegitimate or illegal, which is totally untrue. Cuba's nationalizations were done, are done according to law, according to the Cuban constitution of the time and according to what was the practice of international law at the time. In other words, they were totally legitimate. And finally what the law looks for or tries to achieve is that in the case that if the previous parts of the law were able to achieve the defeat of revolutionary power in Cuba, the overthrow of revolutionary government in Cuba, and they would then describe which would be the Cuba post-revolutionary, which would be the Cuba of the future after revolutionary power was overthrown. It establishes a period of transition with an American administrator in charge of Cuba for a specific period and which has several tasks, among them to try to dismantle anything that resembles the Revolution in Cuba, social justice, socialism in our country. But it also has, this

administration, administrator also has the task of beginning the process of returning to any claimant in the United States, US claimant, or people that were not US at the beginning of the Cuban Revolution, to the possib..., to have the possibility of claiming and having a return of the property that they owned in Cuba, property that could have been nationalized or property that could have been simply abandoned and left in Cuba because they left for the United States. And until all those properties are either returned to whoever are the claimants or they are paid, those claimants are paid in the value of the property, then the economic blockade will continue. This implies that any Cuban would face the possibility of having someone claim the home where they live today, the school where their children attend, the neighborhood where their building is constructed, where their community is, the hospital where they go, their place of work, the private business that they might have, the private plot of land where they cultivate, all of that could be claimed by someone in the United States. And it says, something one cannot conceive would happen, but what the law pretends is that the economic blockade will remain in place until all those properties are returned or those people are paid, the claimants are paid for the value of their properties. It's truly a colonial piece of legislation that does not recognize in any way whatsoever, ignores the sovereignty of the people of Cuba and the right of the people of Cuba to be masters of their own land.

What Cuba is ready to do and what Cuba has been ready to do since the beginning of the Revolution when the nationalizations took place is to enter into negotiation with the US government to achieve a settlement for compensation, what's called in international law a lump sum agreement that would allow for the former claimants to be compensated. The laws that applied the nationalization were also accompanied by laws that established how the compensation would happen. The US government simply refused to negotiate or to sit down with Cuba to try to look for a solution or an agreement for those claimants that were nationalized. Now, what Cuba has said since then is that we are ready to sit down with the United States and negotiate, and there is a law passed in Cuba in 1996 that ratifies that principle, saying that the Cuban government is ready to sit down still in 1996 and

still today with the US government to enter into a negotiation to compensate to a lump sum agreement those former claimants that were recognized by the Foreign Claims Commission, that in this negotiation Cuba would also have to entertain the compensation due to the people of Cuba and to Cuban state for the damages done by the US government in invasions, military aggression, terrorism, the economic sanctions. All the pain, suffering and damages caused by US hostility towards Cuba would also need to be compensated and therefore it would be part of the same negotiation. The law, by the way, also says that, in the case of the Helms-Burton law being applied, those that would try to benefit from the law and would try to cause harm to others through the Helms-Burton law would need to be excluded, would be excluded from any negotiation for compensation.

The perception that the economic blockade began with Helms-Burton is wrong. It's a mistake in perception. The economic blockade began almost in the early years of the Cuban Revolution. Officially it was established by President John F. Kennedy through an executive action based on a law dating back to 1917, to the First World War, and during the years after that it was reinforced without having a piece of law specifically aimed at the blockade until 1992, when the Torricelli Law was passed, and then 1996 with the Helms-Burton which what it did was to codify all the sanctions existing until then and to make them a piece of law that could not be changed without an act of Congress. The challenges for the relationship between Cuba and the United States are immense and are old and basically they are..., they are due to the failure of the US government to accept that Cuba is a sovereign nation and that the people of Cuba have the right to defend the possibility of building our own future on our terms and the type of society that we will.

They cannot accept that Cuba is sovereign and that it is our right to be sovereign. That's a main challenge between Cuba and the United States. Now, you add to that that there is a group of politicians that have made their job to try to put enough obstacles between our two nations and Helms-Burton is one of them. The implementation of Helms-Burton allows people to pretend or to attempt to take to courts their grievances with Cuba and to try to make claims so that there is a sentence by the courts that would need to be solved before there is an

improvement in the relationship between the two countries. The people who passed Helms-Burton did not have in their minds the wellbeing of the claimants. Their single and their fundamental aim, I would say, was to put in place enough obstacles so that there is no future chance for Cuba and the United States to overcome the differences and to try to work for a better relationship for the two countries.

Helms-Burton is a law aimed at subjugating the people of Cuba and to cause pain in order to bend the willingness of the people of Cuba. It's wrong. It's a wrong law and it's wrong for any nation to attempt to do that. The people of the United States as the people of Cuba and the people of Latin America should be aware of what this law implies. I'm sure that people, if they are informed, if they share information, would not support for the US government to act in the way it does.

March 21, 2019

---