

Forum: Security Council (SC)

Issue: (102) The Question Regarding Sanctions between Cuba and the United States

Student Officer: Eric Jr., Gulotty (AAIA)

Position: President

Introduction

The controversial embargo on the state of Cuba by the United States of America is one of the most well documented, known, and discussed examples of unilateral economic sanctions in the global political sphere today. Known as *el bloqueo* (the blockade) in Cuba, the embargo is the most enduring in modern history, lasting from March of 1958 to the present day.

Imposed during the heated days of the Cold War, the embargo sought to protect US interests in a rapidly nationalizing Cuba and is mainly enforced through six statutes (listed in chronological order): the Trading with the Enemy Act of 1917, the Foreign Assistance Act of 1961, the Cuban Assets Control Regulations of 1963, the Cuban Democracy Act of 1992, the Helms-Burton Act of 1996, and the Trade Sanctions Reform and Export Enhancement Act of 2000. These pieces of legislation have been successful in hampering Cuba's development to some degree, and Cuba attributes many of its economic woes to the embargo. However, in recent years, with Cuba moving out of the shadows of communist leaders such as Fidel and Raul Castro and slowly towards democratization, the need for an embargo has been increasingly called into question in international forums such as the United Nations.

Aside from the legitimacy of the embargo, its effectiveness is another major issue that has received increased global attention in recent years. As the embargo is imposed unilaterally by the US, Cuba can, and does, maintain and conduct trade internationally with other nations, many of which are US allies who do so in spite of US attempts to persuade them otherwise.

With mounting criticism, the US has been under pressure to lift the embargo. However, with the Cuban government taking aggressive actions at any US attempt to reduce its sanctions, many economic limitations remain in place. In the past three presidencies, each US president attempted to soften some aspect of the embargo and was faced with Cuban government responses which threatened the citizens or the interests of the United States, often resulting in an immediate reinstatement of previous measures.

With increased international concern and discussion comes increased attempts by organizations such as the UN to curb or reduce some facets of the embargo. In fact, since 1992, the UN General Assembly has consecutively passed annual resolutions regarding the impact of the embargo and declaring it a violation of international law. Several human rights groups, such as Amnesty International and the Human Rights Watch, have also criticized the human costs of the embargo. Despite these objections, however, the embargo remains in place and the US remains relatively free of consequence as the Cuban people suffer.

To this day, the embargo remains one of the most poignant examples of the economic, political, and imbalance between developed and developing nations.

Definition of Key Terms

Embargo -

Often considered more severe than sanctions, an embargo, as defined by the Cambridge dictionary, refers to “officially stop trading with another country”. In the context of this report, an embargo or the embargo refers to the embargo placed on Cuba by the United States. This means that all US owned companies or companies which operate within the US cannot initiate or maintain any trade with the nation of Cuba.

Sanctions -

Similar to embargos, sanctions are, according to Merriam-Webster, “economic or military coercive measure[s] adopted usually by several nations” together with the goal of forcing a nation which has violated international law to suspend its illegal activities or submit to judgement from international courts.

The US embargo on Cuba is essentially a series of sanctions which, combined, constitute the embargo. However, in the context of this definition, whether or not Cuba has actually violated any international laws to warrant these sanctions is disputed, especially today. Thus, the legality of the US imposing unilateral sanctions, when it is against international law to do so, is even further disputed.

Unilateral Sanctions -

Unilateral sanctions, typically defined as tools of foreign policy which a state can use, at its own discretion, to coerce a change in (typically political) policy within another nation. The legality of such sanctions has long been disputed, as according to the UN charter, the UN Security Council currently is the only political entity which can impose sanctions on any country. Thus, any unilateral sanction should be considered against international law, as nations should not be able to impose economic coercive measures on another state without the consent or agreement of the international community.

Nuclear Weapons/Weapons of Mass Destruction (WMD) -

A nuclear weapon is “a device designed to release energy in an explosive manner” as a result of nuclear fusion, fission, or a combination of the two. The more well known type, Fission-based nuclear weapons, are referred to as atomic bombs. Fusion weapons are referred to as thermonuclear bombs or hydrogen bombs. To date, there have only been two instances of nuclear weapons used during combat: Little Boy used in Hiroshima, and Fat Man used in Nagasaki.

According to the UN Office for Disarmament Affairs, Weapons of Mass Destruction include nuclear weapons, biological weapons, and chemical weapons. In the context of this report, WMDs will most likely refer to nuclear weapons, which were the centerpiece of both the US and USSR’s missile arsenals.

United Nations Charter -

The UN charter, according to the UN, “outlines the rights and duties of the Member States and establishes the United Nations organs and procedures”. Under Chapter VII of the UN charter, the Security Council is the sole body that can levy sanctions on an international level against countries, organizations, and individuals.

The point of contention within this issue relating to the UN charter is the legality of the US sanctions, as according to the UN charter, such unilateral sanctions are not internationally legal.

International Law -

International law refers to the “system of treaties and agreements between nations that governs how nations interact with other nations, citizens of other nations, and businesses of other nations”(FindLaw.). In the context of this report, international law will mostly refer to both the UN charter and the Universal Declaration of Human Rights (UDHR).

Satellite States -

A Satellite State refers to “a country that is formally independent in the world, but under heavy political, economic, and military influence or control from another country”(boundless). It includes much of Eastern Europe during the Cold War, as well as countries such as Cuba, which were within the United States’ sphere of influence but acted as satellite states of the USSR.

History

The Cold War was a defining time in international politics and has had a heavy influence on the geopolitical structure of the world today. After the end of World War II, humanity’s deadliest conflict, the once

allied United States and Soviet Union (USSR) became engaged in a race to establish each nation as the premier world power. The relationship between the US and USSR had been tense since the days of the Allied powers, with the Americans being wary of the growing influence of Soviet Communism, which threatened the US's attempt to spread democratic ideals globally, and the Soviets disliking the American's refusal to acknowledge their place in the international community as well as US reluctance to join WWII, which resulted in millions of perhaps preventable deaths in Europe.

When the war ended, the USSR aggressively expanded into Eastern Europe, establishing satellite states such as Romania, Albania, Bulgaria, and Poland. Cuba was among these satellite states, as the Cuban revolution led by Fidel Castro unseated the US-backed military dictator Fulgencio Bautista and established a socialist government with close ties to Soviet Russia. This was a particular threat to the US as Cuba was a potential launching pad for a nuclear attack by the USSR just 100 or so miles away from American soil.

Before discussing how Cuba became a USSR satellite state, it is important to understand the context under which the nation was taken over. Cuba had been under US control since 1898, when Spain ceded the island to the United States at the end of the Spanish-American War. The US and Cuba continued to have a tight economic and political relationship until 1959 when Castro's July Movement took over the country.

Continuing with Cuba's new government, while most of those in the US government had supported Bautista's regime and seen him as an ally even at the end of his rule, there were also those sympathetic to Castro. These sentiments, however, did not stop the CIA from attempting to overthrow Castro in the months after he took power. Support for Castro was widespread locally, and Cubans eagerly tore apart the various remnants of the Bautista regime. Such speed and willingness to remove any lingering symbol of the former regime took the US by surprise, and US citizens were evacuated from the island.

In response to the new regime and alarmed by its increasingly close ties to Soviet Russia (Fidel Castro was a socialist), US president Eisenhower approved a plan that could be considered "Anti-Castro" in early 1960. The plan included the first of many future embargoes to be placed on Cuba, restricting sugar, oil, and guns, along with anti-Castro propaganda. This plan came just about a month after the USSR and Cuba agreed to a sugar deal along with support for Cuba with oil, grain, and credit. The relationship with the Soviet Union and the embargo from the United States would spark off an intense situation between Cuba and the two rival global powers.

In June of 1960, US refineries refused to refine Soviet oil sent to support Cuba, in response, Cuba nationalized the refineries, seizing what would be currently worth up to \$13.7 billion worth of US assets. Eventually, Cuba would nationalize all US companies and properties within the nation's borders.

The US reaction to the seizure of property owned by its citizens and corporations was to nullify essentially any economic relations between the two nations. This void in Cuba's resource market was then quickly filled by the Soviet Union, pushing the island nation farther away from the US and further into the arms of the Soviets.

With relations deteriorating between the US and Cuba, and the threat of socialist influences over the island looming large, the US congress granted president Eisenhower the authority to take steps towards retaliation. These steps included the aforementioned embargo, and eventually the severing of all diplomatic ties with Cuba. On top of various economic punishments and the end of diplomatic relations, the US Central Intelligence Agency (CIA), had planned an invasion of Cuba as early as May 1960. However, the invasion would not be carried out until 1961, when a new administration headed by John F. Kennedy was inaugurated.

The US invasion of Cuba would be known as the Bay of Pigs invasion and is widely considered a decisive defeat for the US/victory for the Cubans. On April 15, 1961, US airplanes made bombing runs on Cuban air bases, two days later an invasion force of Cubans trained by the US landed in several locations, with the principal landing spot being the Bay of Pigs. The invasion force was far inferior in numbers to Castro's troops, and by April 19 the last stronghold of the invasion force had been captured. The failure of the invasion could be attributed to many factors, including false information being provided to the president and misuse of personnel (the forces regarded as the most effective against Castro were not deployed).

Tensions between Cuba, the USSR, and the US continued to increase following the failed invasion, with Cuba furthering its ties with the Soviet Union. These tensions would culminate in the Cuban Missile Crisis, a 13-day period in October of 1962 where the United States and Soviet Union were at a standoff over the installation of nuclear weaponry in Cuba. The situation was eventually resolved when the USSR offered to remove the missiles if the US agreed to not invade Cuba. However, the US would continue to impose embargoes on the island and even installed a naval blockade around the nation during the crisis.

Over the years following the Cuban Missile Crisis, the US and Cuba continued to have strained relations. However, the US began to slowly open up paths for Cubans to flow into the US in a controlled manner. After the fall of the Soviet Union, sanctions were increased by US administrations with the goal of coercing reform within the Castro regime. These sanctions and the embargo remain largely in place to this day, despite major efforts from the Obama administration to reduce economic and political restrictions.

Key Issues

Legality of International Sanctions

Once the US justification for imposing an embargo on Cuba is understood, one must further understand the international legality of such all-encompassing sanctions and why there has historically been such controversy surrounding the US' imposition of economically disastrous measures on Cuba.

As previously mentioned, the UN charter grants only the UN Security Council the right to impose international sanctions. Being a body composed of multiple nations, a decision reached by the UNSC is, to some extent, a decision agreed upon by a majority of countries. Thus, international sanctions imposed by the UNSC are less disputed and the only legal form of sanctions that can be imposed on a state by another nation, according to the UN Charter.

Now, considering the fact that the US sanctions and embargo on Cuba was not passed in any form by the UNSC, nor was it agreed upon by a majority of member states in the UN, the legality of such sanctions has been seriously contested with each passing year. And as will be reiterated time and time again in this report, the United States has not adhered to any GA resolution citing such violations of International Law or drastically loosened economic restrictions on Cuba for any extended period of time.

The Helms-Burton Act

A partial reason for the continuance of the embargo is the 1996 Cuban Liberty and Democratic Solidarity Act, also known as the "Helms-Burton" act. This act was signed by then-US president Bill Clinton and essentially prohibits the United States from lifting the embargo until Cuba has "legalized political activity and made a commitment to free and fair elections" and as long as a Castro brother remains in office in Cuba.

The complications created by this law are twofold: one, it has not encouraged any major shifts in political, social, or economic behavior in Cuba; two, the embargo indiscriminately punishes all Cubans, not just those most responsible for the imposition of the embargo in the first place. Furthermore, Cuba simply blames its economic and social predicament on the harsh economic sanctions from the US without instituting any form of major change. As a result, a policy which is considered archaic by a high percentage of the international community remains in place due to a simple unwillingness on both sides to alter existing systems.

Cuban Human Rights Abuses

Historically, Cuba has not been a state that has been particularly open to granting their citizens basic rights and freedoms, such as the freedom of speech. The one party system instituted by Fidel Castro greatly restricted any type of political and social expression, especially those that opposed the socialist government. So despite the Cuban government taking great strides in improving the quality of life of their people through education, healthcare, and other services, their people still lacked certain basic freedoms of expression.

Castro imposed internet censorship and state-controlled media regulations. Furthermore, the Cuban government continues to have the "most repressive media conditions in the Americas". On top of the censorship, Castro also persecuted and punished those who "engaged in dissent and opposed his dictatorship", abusing the

civil and political rights of his citizens. It is these very violations which spurred the passing of the Helms-Burton Act, and have partially caused the embargo to remain imposed on Cuba to this day.

Major Parties Involved and Their Views

United States of America

As mentioned throughout various sections of this report, the United States is the most important nation in the specific context of this issue. For the United States alone holds the power to lift the embargo and end the situation completely. However, it is important to remember why the United States initially imposed the embargo, and what justifications it used to continue it in the years following the collapse of the Soviet Union. What the US is aiming to achieve with the embargo, above all, is radical change in Cuba's political system. Such change is highly unlikely with Raul Castro still in office. Thus, as previously mentioned, the US will refuse to lift the embargo until the requirements listed in the Helms-Burton Act are met.

Cuba

Following the collapse of the Soviet Union, Cuba has endured extreme economic hardship as a result of the embargo. Annual estimates from the US Chamber of Commerce lists the cost of the embargo for the US to be around \$1.2 billion per year, while the Cuban government estimates the embargo costs the island's economy a total of \$753.69 billion since its inception. The Cuban government remains a one party socialist government controlled by the Cuban Communist Party in spite of the embargos, and will likely remain so as long as Raul Castro stays in office.

Cuba has repeatedly appealed to the international community for the end of the embargo, citing the measure as the main cause for Cuba's economic and social stagnancy as well as the island's poor quality of life.

United Nations General Assembly (GA)

The United Nations General Assembly has opposed the US embargo with increasing unity over the past three decades. As proven by the fourteen consecutive resolutions calling for the end of the embargo, the UN GA's stance is indisputably against the measures imposed on Cuba by the US. However, without any power to pass a legally-binding document, the resolutions serve little practical purpose and exist mainly as a reference for international sentiment towards the US embargo on Cuba.

Venezuela

Cuba-Venezuela relations were established in 1902. The relationship between the two countries worsened after the Cuban revolution and the onset of the Cold War, as Cuba drifted closer to the Soviet Union and Venezuela leaned closer towards the United States. However, in 1999, the relationship improved dramatically with the election of Venezuelan president Hugo Chavez, who formed an alliance with Fidel Castro and became one of Cuba's closest and most anti-American allies in the past few decades. Chavez and his successor, Nicolas

Maduro, continue close ties with Cuba and the island's political systems have had a major role in shaping modern Venezuelan institutions.

China

China is Cuba's second largest trading partner, after Venezuela. The relations between the two countries increased dramatically after the fall of the Soviet Union. With both nations being socialist, the two are naturally allied, especially in stances which oppose US interests. China's investments in Cuba include nickel (China owns 49% of a Cuban refinery), oil (China has been exploring oil in Cuba since 2005), and biotechnology (plants using Cuban technology have been operating in China since 2006). Cuba is also part of China's Belt and Road Initiative, where China develops infrastructure and other similar technologies in underdeveloped nations.

Soviet Union (USSR)/Russian Federation

While the Russian Federation is significantly less involved in the current situation than its preceding political entity, the Soviet Union, the role played by the Russian state in economically and militarily assisting Cuba throughout the harshest periods of the embargo is important to understand.

Despite no longer directly supporting Cuba in the same "satellite state" manner in which the USSR supported the island during the cold war, Russia maintains diplomatic relations with Cuba and remains its largest creditor. Similar to China, Russia seeks to exploit Cuban oil as part of its economic and political ties with the nation. Politically, the two nations are relatively connected, with Russia supporting Cuban endeavors to end the embargo, and Cuba recognizing Russian interests such as the annexation of Crimea.

Timeline of Relevant Resolutions, Treaties and Events

Date	Event
January 1, 1959	End of the Cuban Revolution - Fidel Castro's forces take over the Cuban government and establish a new socialist regime.
July 5, 1960	Cuba nationalized all US companies and properties -All US companies and assets within Cuba's borders are nationalized in response to the US embargo and US companies' refusal to refine Soviet oil.
April 17, 1961	Bay of Pigs Invasion - 1400 CIA-sponsored Cuban exiles are deployed in Cuba in an attempt to overthrow the Castro regime, the force was defeated within three days of landing on the island.
February 7, 1962	First full embargo announced - The Kennedy administration in the US announces a full embargo on Cuba that prohibits all trade. Cuba claims that the nation would lose around \$1.126 trillion over the next 50 years of the embargo's existence.
October 14-28, 1962	Cuban Missile Crisis - Intense period of 13 days during which the US negotiated with the Soviet Union for the removal of nuclear missile bases on

	the island. The US agreed to never invade Cuba again, and president Kennedy agreed to remove nuclear missiles from Turkey.
December 25, 1991	Collapse of the Soviet Union - Mikhail Gorbachev resigns as president of the Soviet Union. The dissolution of the Soviet Union was extremely economically disastrous for Cuba, which relied heavily on Soviet resources for support due to the US embargo.
October 23, 1992	President Bush signs the Cuban Democracy Act - The US continues to tighten sanctions against Cuba after the fall of the Soviet Union, with the aim of coercing the Castro regime to institute reforms.
March 17, 1993	Resolution 47/19 Passed by UN General Assembly - The UN General Assembly passes the first in fourteen resolutions calling for the end of the US embargo against Cuba.
March 12, 1996	Helms-Burton Act Signed - US President Bill Clinton signs the Cuban Liberty and Democratic Solidarity Act, also known as the Helms-Burton Act. The Act further tightened the US embargo and came as a response to Cuba shooting down two US civilian planes.

Evaluation of Previous Attempts to Resolve the Issue

General Assembly Resolution A/RES/47/19 (Resolution adopted by the General Assembly regarding the necessity of ending the economic, commercial, and financial embargo imposed by the United States of America against Cuba, 1993)

On March 17, 1993, the UN General Assembly (GA) passed the first of fifteen annual resolutions calling for the end of the US embargo against Cuba. The UN GA would pass this resolution fourteen more times in the coming years, with little to no effect, as the embargo still stands. Despite attempts by some US presidents to loosen restrictions against the Cuban state, new administrations can quickly reverse any progress made. Furthermore, due to the GA's inability to produce a legally-binding resolution, the US does not have to adhere to any suggestions made within each resolution. Thus, these resolutions have been largely symbolic and served as a reference for growing international sentiments which are against the US embargo on Cuba.

US President Obama's Call to Action (President Barack Obama calls upon US congress to change the nation's policies towards Cuba, 2014)

US President Barack Obama stated in a speech, on December 17, 2014, that he instructed Secretary of State John Kerry to do three things in regards to the US relationship with Cuba: First, the US would begin discussions "with Cuba to reestablish diplomatic relations"; second, Cuba's "designation as a State Sponsor of Terrosim" will be reviewed; and third, increase "travel, commerce, and the flow of information to and from

Cuba". This speech, and the instructions given out by president Obama, represent the first major shift towards support of more friendly and open relations with Cuba in nearly four decades. Ultimately, Obama was able to slowly open up US and Cuban relations for a small time period. However, in 2017, the newly-inaugurated president Trump reversed many of Obama's decisions, believing that opening the US up to Cuba did more harm than good.

Possible Solutions

As seen in previous UN attempts to resolve the issue, a non-legally-binding resolution which calls for the end of the US embargo and sanctions is not enough. US administrations will likely continue to support the embargo despite it being a violation of international law.

One potential solution would be for Cuba to institute radical changes in its political systems, something that is highly unlikely while Raul Castro remains in power. However, if and when Raul Castro leaves office, the possibility of mass political reform would be opened up, enabling Cuba to meet the conditions required for the US to lift the embargo.

Another solution, which is likely to be highly contested by the United States, is the abolishment of the Helms-Burton Act. Removing the prerequisites for lifting the economic restrictions on Cuba would make it easier for the US to incrementally reduce its sanctions on the island. Strong evidence-based support for this proposition would be the lack of change that the embargo has generated, along with the massive economic losses Cuba has suffered as a result. Furthermore, the option of targeted sanctions should also be considered, as the United States could implement sanctions which target only those responsible for Cuba's political stagnancy and reduce the burden on the innocent Cuban people.

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Appendix or Appendices

Here, paste useful links to resources that might help delegates on their research process, if necessary. Do not simply repeat the sources you used in the Bibliography.

- I. Useful resource on the successful nationalization of Botswana:
[http://www.unrisd.org/80256B3C005BCCF9/%28httpAuxPages%29/4365C57157F8EF16C1257AEF00525641/\\$file/Botswana%20Maipose%20web.pdf](http://www.unrisd.org/80256B3C005BCCF9/%28httpAuxPages%29/4365C57157F8EF16C1257AEF00525641/$file/Botswana%20Maipose%20web.pdf)
- II. Nationalization vs. Privatization on South Africa:
http://www.saimm.co.za/Conferences/Pt2010/373-378_Forrest.pdf