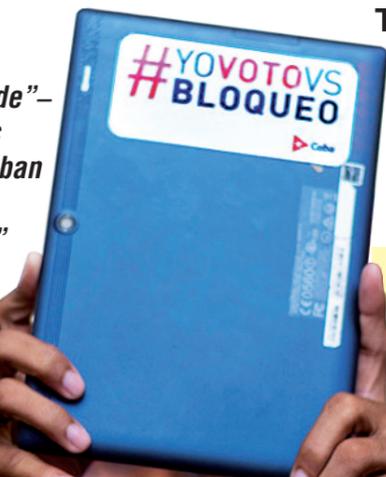


## Cuba's UN resolution

Since 1996, all states have voted annually at the UN General Assembly for a resolution condemning the US blockade and demanding its immediate termination. The agreement is overwhelming: in 2016 there were 191 yes votes and 2 abstentions; this changed again under Trump: the US and Israel again voted against it. The problem: So far, these outcomes have had no effect.

The EU states are also in favor of the abolition of the US blockade. Nevertheless, it has to be seen as complicity of the EU and its states with the US government that they do nothing tangible against the blockade. Legal procedures were created and clear guidelines were set. However, no measure is known of that would have openly declared an EU state or the EU to be against extraterritorial measures of the US. A glimmer of hope is the ending of the "ice age" practiced by the EU towards Cuba since 1993. On paper there is a Memorandum of Intent "to discuss unilateral coercive measures with extraterritorial effects that are contrary to international law and generally accepted rules of international trade, which affect both parties and exert political and economic pressure on states and the sovereignty of other states" as well as to advise against measures. This is needed urgently.

*"I disagree with the blockade" – Western imperialist circles who think they can force Cuban youth to believe in a supposedly better "way of life" are mistaken.*



## What to do about this US blockade?

The extraterritorial claim for US national economic law is rejected by experts as "contrary to international law." Winfried Huck, Professor of Business Law at the University of Applied Sciences in Wolfenbüttel (Germany), is aware that the reference to EU and international law is of little help in practice. In international trade relations, might is right. "American legislation is certainly not valid for us, but it has an effect." It is the fear of the potential for manipulation and destruction of the military, industrial, financial, technological, media and intelligence superpower USA and its ignorant, arrogant and unilateral policies, which have escalated even further under Trump. The consequence is among other things, further decrease in democratization of our own society. A further independence of banks and corporations, which operate according to their own rules, is not in the interest of the general public. Another policy is needed.

It is high time to fight back: with political, legal, economic instruments and tools and means of enlightenment. We stand up for the right of peoples to self-determination, for the enforcement of international law even against imperial superpowers and for fair economic relations. And we stand firmly on the side of Cuba, which continues on its socialist way.

## The Network Cuba - who are we?

The Network Cuba e.V. is a coordinating body of almost 40 organizations, groups and initiatives for Cuba Solidarity in Germany. Following the motto "Together we are stronger", we join forces and disseminate sound information about Cuba.

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## Why the US-Blockade Against Cuba has become a Threat to us too!

**The US is hindering Cuba's economic relations with other countries drastically. Its economic blockade violates the Cuban right to independent development and has increasingly (extraterritorial) effects on third countries, including us. The US threatens to violate local law, hinder economic, cultural and private exchanges with Cuba and affect, among other things, companies, non-governmental organizations, artists and individuals. Cowardly politicians turn their backs and ignore the violation of the regulations they themselves have created. These crimes cannot be downplayed as banality or absurdity - we must name them and combat them.**

The US government imposed an economic blockade against Cuba on October 13, 1960, which has been gradually tightened in its nearly six decades of existence. The blockade (Span. "el bloqueo") includes countless measures and manipulations by the US in the commercial, economic and financial sectors, which are directed against the government and the people of Cuba. They disturb the free development of the economy and society, and the consequences cause the Cuban population enormous suffering (see our leaflet "Stop the US economic blockade against Cuba!")

It is exactly this destructive effect which has also been the aim of all previous US governments to bring about a revolution or "regime change" in Cuba in order to avoid socialism emerging as an alternative system and to inhibit this development with all possible means. This Blockade has cost the Cuban state and thus its population more than 820 billion US dollars (in today's prices 130 billion) in direct damage.

The US - the "perpetrator" - as well as western governments and the media, gloss over this hostile act

and incorrectly call it "embargo". Because the measures have negative effects for companies and institutions of other states, i.e. "third countries", the correct term is "blockade" and blockades are defined by international law and UN documents as "hostile acts" and prohibited. Moreover, this blockade has been unilaterally imposed by the United States and is rejected by all other states (except Israel).

In the 1990s, the US government tightened the blockade laws even more. Thus, in 1996, the US Congress created the so-called Helms-Burton-Law (Orig. "Cuban Liberty and Democratic Solidarity (Libertad) Act").

### The Helms-Burton-Law

Two of the most important parts of the law tightening the blockade concern foreign countries. Section III empowers US institutions to sue foreign institutions and individuals who benefit from nationalized/confiscated property in Cuba. Many governments were so outraged by this proposed attack that the previous Presidents used the option to suspend this law if it

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is “in the national interest“ of the USA. Section IV states that foreigners are denied entry into the US when working for companies that benefit from business with confiscated US property in Cuba. This passage of the law is permanently in force and cannot be suspended.

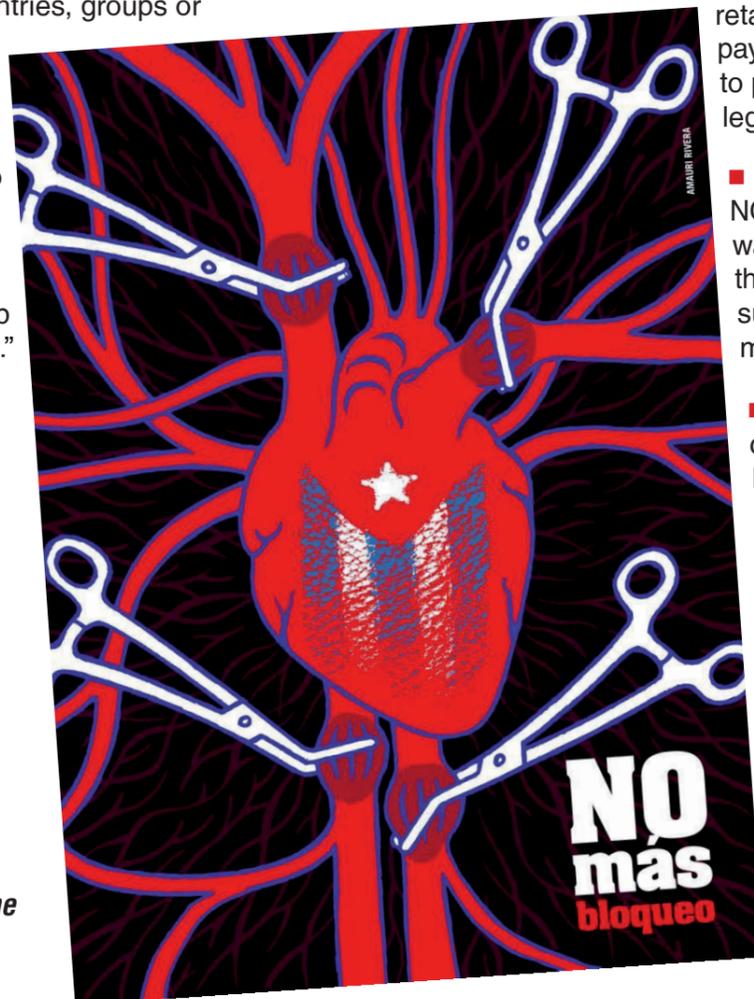
US laws such as this have the effect that, firstly, and selectively, demands are made for high payments from foreign companies to the US Treasury. Secondly, not all possibilities of the blockade laws are practiced, but are used as threats and thus deter foreign companies from cooperating and trading with institutions in Cuba. Moreover, this requires that US authorities monitor and control international trade, economic relations and financial transactions.

This worldwide control is carried out by the Office of Foreign Assets Control, (OFAC), of the US Treasury. Created in 1962 in this form, the authority was based on the “Trading with the Enemy Act” of 1917, with which the US proceeded against enemy states.

During the presidency of Barack Obama, 49 companies were fined for violating the blockade against Cuba. The total sum of these fines amounted to US \$ 14.4 billion, a sum that was unparalleled in the history of the US blockade against Cuba. This is what an investor newsletter says:

“In fact, the OFAC is trying to make the economic lives of these countries, groups or individuals very difficult through these sanctions and trade policies, and this is done to put pressure on a country to obey certain laws or regulations or stop negative activities.”

**Cuban poster by Amauri Rivera Rodriguez: Stop the Blockade!**



### Selected examples of the many negative effects of the US blockade against Cuba on European and German companies, institutions and NGOs:

- 2004: The Swiss Bank UBS was asked to pay \$ 140 million for exchanging new dollar bills against old ones for the Cuban central bank.

- April 13, 2007: The Austrian bank BAWAG cancelled all its Cuban clients' accounts on the grounds that the sale of the bank to the US American Bank CERBERUS requires this. Foreign Minister Ursula Plassnick filed a petition on 26 April. On May 4, 2007, BAWAG withdrew its decision and CERBERUS received a waiver from the United States.

- 2010: The Solidarity Organization Amistad Luxemburgo-Cuba received a bill from a cultural center that conducted its banking business through ING Luxembourg. After transfer, the money came back. Amistad Luxemburgo-Cuba was told by phone that they do not do business related to Cuba.

- February 2011: Bank ING Luxembourg refused to transfer money to NGO Solidarité Luxembourg-Cuba. When asked, the bank said it needed to comply with the US blockade and the “EU’s Common Position”.

- November 2011: Paypal Europa agreed to settle the dispute over frozen accounts of German online retailers trading Cuban goods. The payment processor then attempted to prevent the publication of this legal settlement.

- 2009-2012: The Luxembourg NGO Solidarité Luxembourg-Cuba wanted to buy a microscope in the FRG that was needed for brain surgery in Cuba. The German manufacturer refused the sale.

- December 2012: The largest cantonal bank and the fourth-largest Swiss bank, the State Cantonal Bank of Zurich (ZKB), cancelled financial transactions with Cuba as a result of pressure from the US.

- June 2013: The Italian bank Intesa Sanpaolo had to pay \$ US 3 million to the USA for a total of 53 financial transfers made to Cuba between 2004 and 2008.

- May 2013: The British NGO “Cuba Solidarity Campaign”

was banned from paying a bill from the publishing house Monthly Review Foundation in the US. The British bank, which made the transfer, said that the money was being withheld and could possibly be recovered by paying bank charges.

- December 2013: The Royal Bank of Scotland is expected to pay US \$ 100 million for financial services with inter alia Cuba.

- November 2013: The Swiss company Weatherford International Ltd. is expected to pay US \$ 252 million to the US for violations of the US blockade (equipment for the extraction of petroleum and natural gas).

- 2013: PayPal damaged the German heavy metal band COR. The musicians wanted to collect about 8,000 Euros via a donation platform on the Internet for a tour to Cuba, but PayPal closed the account and simultaneously froze almost half of the pledged donations.

- In June 2014, a record \$ 10 billion fine was imposed on the French major bank BNP Paribas for its dealings with Cuba and other countries. Through negotiations, the French government was able to reduce the fine to 9 billion US dollars.

- On December 14, 2014, on exactly the same day as US President Obama announced a change in US policy toward Cuba, his administration imposed a fine of \$ 650,000 on the Commerzbank.

- In fall 2017, the Cuba Network (Netzwerk Cuba) wanted to transfer substantial donations to Cuba to help finance repair of the massive damage caused by Hurricane Irina. The Postbank refused. In the fall the Friendship Society BRD-Cuba were to receive a donation via the ING Bank but the Bank refused to make the transfer.

- Paypal example: Paypal, an Internet payment service owned by Californian parent company Ebay, relentlessly bars Cuban contacts with account lock-outs, although Paypal’s European Representation is based in Luxembourg. Account closures are increasingly being imposed by Paypal against online retailers in Germany, who distribute rum, tobacco or other products from Cuba.

Latest cases of such extraterritorial effects are presented in the Cuban Government’s annual reports to the UN in the form of resolutions.

### The Cuba-Solidarity-Movement as a Party Concerned

As part of our solidarity work for Cuba, in January 2014 we sent a donation for the amount of 4,000 € to an account of the British CSC-Cuba Solidarity Campaign to London. In a short email Postbank informed us without explanation that the transfer could not be made. We called and received verbal reference to US

laws. The Board of the Cuba Network then sent a letter to Postbank requesting a written explanation of the refusal.

The reply reached us on 13.02.2014:

Dear XXX,  
a transfer, as was commissioned by you, runs for procedural reasons via a correspondent bank in the USA. There, however, payments related to Cuba are viewed so critically that we have to assume that they will be frozen. It makes no difference what the relationship with Cuba is (name of the recipient or intended use). For this reason, in the customer’s interest, we do not carry out such transfers.

Best regards  
XXX, Embargo Coordination Saarbrücken  
Postbank Saarbrücken

Following is an extract from the BaFin’s reply (Federal Financial Supervisory Authority, Bonn, Sept. 2014): “Of course, credit institutions are obliged to execute their customers’ transfer orders, but if a credit institution refuses to execute them in individual cases giving plausible reasons, I have no way of influencing the respective institute.”

In November 2017, the EU responded to a letter from the Cuba Network (Netzwerk Cuba) concerning Postbank’s refusal to transfer donations to Cuba, that they had forwarded the case to the European Commission to check whether this was a breach of EU Regulation No. 2271/96. However, the decision on this, and where applicable on sanctions, would have to be taken by the German authorities. There was no reaction from them.

### From an interview with Prof. Norman Paech, expert on international law from the University of Hamburg:

*Nevertheless, European banks refuse to carry out transfers that are related to Cuba. Does that not violate European law?*

“Yes, clearly. According to European regulations, the use of the blockade has been inadmissible since at least the late 1990s. This is evident from Council Regulation (EC) No 2271/96 of November 1996 where it is clearly stated that the extraterritorial effect is illegal and is not recognized by the EU. This regulation is



binding and applies directly in every EU member state, that is to say, even without the individual countries having to pass national laws. It is however, difficult to find the text at all. Relevant business and commercial law textbooks do not mention it. Even, in Wikipedia there is no hint of it.”