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Schadenersatz für die Nutzung eines Hafens auf Kuba



Die schwimmenden Städte auf den Weltmeeren beherbergen Tausende Passagiere und mehr als 1.000 Crew-Mitglieder, die für einen begrenzten Zeitraum auf engstem Raum zusammenleben (Foto: Latinapress)

Die Norwegian Cruise Line (NCLH.N) muss 110 Millionen US-Dollar Schadenersatz für die Nutzung eines Hafens zahlen, den das kubanische Regime 1960 beschlagnahmt hatte. Das entschied ein US-Richter am Freitag (30.), ein Meilenstein für Kubano-Amerikaner, die eine Entschädigung für die Beschlagnahmung von Vermögenswerten aus der Zeit des Kalten Krieges fordern. Die Entscheidung der US-Bezirksrichterin Beth Bloom in Miami folgt auf ihr Urteil vom März, wonach die Nutzung des Kreuzfahrthafenterminals in Havanna einen Handel mit beschlagnahmtem Eigentum darstellt, das dem Kläger, der in Delaware eingetragenen Havana Docks Corp. „Das Urteil ergeht zugunsten des Klägers Havana Docks Corporation und gegen Norwegian Cruise Line Holdings, Ltd“, heißt es in der Entscheidung. „Dem Kläger wird ein Schadenersatz in Höhe von 109.848.747,87 US-Dollar zugesprochen“ und Norwegian soll zusätzlich 3 Millionen US-Dollar an Anwaltsgebühren und Kosten zahlen.

Der kubanische Diktator Miguel Diaz-Canel hat das Helms-Burton-Gesetz scharf kritisiert und es als extraterritoriale Verletzung des internationalen Rechts bezeichnet. Havana Docks hatte auch die Kreuzfahrtgesellschaften Carnival (CCL.N), Royal Caribbean (RCL.N) und MSC auf der Grundlage des Helms-Burton-Gesetzes verklagt, das es US-Bürgern erlaubt, gegen die Nutzung von Eigentum zu klagen, das nach 1959 auf Kuba beschlagnahmt wurde. Das Urteil könnte weitere Klagen von Exilkubanern nach sich ziehen, die Ansprüche in Höhe von schätzungsweise 2 Milliarden US-Dollar wegen der Beschlagnahmung von Vermögenswerten unter dem verstorbenen kubanischen Diktator Fidel Castro geltend machen. Außerdem könnte es multinationale Unternehmen an die Komplikationen erinnern, die mit Geschäften des kommunistischen Regimes verbunden sein können.

Nach der vom ehemaligen Präsidenten Barack Obama ausgehandelten Entspannung, die einige Bestimmungen des seit dem Kalten Krieg bestehenden US-Embargos lockerte, durften US-Kreuzfahrtschiffe 2016 zum ersten Mal seit Jahrzehnten wieder nach Kuba fahren. Doch die Trump-Administration ordnete 2019 einen Stopp für alle derartigen Kreuzfahrten an, um Kuba wegen seiner Unterstützung für den venezolanischen Diktator Nicolas Maduro, einen ideologischen Gegner Washingtons, unter Druck zu setzen. Die Trump-Administration erlaubte auch US-Bürgern, Dritte wegen der Nutzung von Eigentum zu verklagen, das von kubanischen Behörden beschlagnahmt wurde – eine Bestimmung des Helms-Burton-Gesetzes, auf die seit der Verabschiedung des Gesetzes 1996 jeder vorherige Präsident verzichtet hatte.

Havana Docks behauptet, dass Kuba, das einem jahrzehntelangen US-Handelsembargo unterliegt, es nie für die Übernahme des Grundstücks entschädigt hat und verklagte die vier Kreuzfahrtgesellschaften 2019 vor dem US-Bezirksgericht für den südlichen Bezirk von Florida. Bloom entschied im März, dass die Unternehmen nach dem Helms-Burton-Gesetz, auch bekannt als Libertad-Gesetz, schadenersatzpflichtig seien. Nach Angaben des U.S.-Cuba Trade and Economic Council, einer gemeinnützigen Organisation, die Informationen über die Beziehungen zwischen den beiden Ländern bereitstellt, belaufen sich die 5.913 bescheinigten Ansprüche für in Kuba beschlagnahmtes Eigentum auf fast 2 Milliarden US-Dollar an Verbindlichkeiten. Vierundvierzig Klagen wurden unter Titel III des Helms-Burton-Gesetzes eingereicht, sagt die Organisation. „Für die derzeitigen Kläger kubanischer Abstammung wird (die Entscheidung) einen Moment der Genugtuung bedeuten“, sagte John Kavulich, der Präsident der Gruppe. „Es wird ihnen einen Moment geben, in dem sie sagen können: ‚Ihr könnt weglaufen, aber ihr könnt euch nicht verstecken‘“, fügte er hinzu.

Reuters

London, United Kingdom

30 December 2022

U.S. judge orders Norwegian Cruise Line to pay \$110 mln for use of Cuba port
By Brian Ellsworth



U.S. Norwegian Cruise Line Holdings cruise ship Marina arrives at the Havana bay, Cuba March 9, 2017.
REUTERS/Alexandre Meneghini/File Photo/File Photo

MIAMI, Dec 30 (Reuters) - Norwegian Cruise Line ([NCLH.N](#)) must pay \$110 million in damages for use of a port that Cuba's government confiscated in 1960, a U.S. judge ruled on Friday, a milestone for Cuban-Americans seeking compensation for Cold-War era asset seizures.

The decision by U.S. District Judge Beth Bloom in Miami follows her March ruling that the use of the Havana Cruise Port Terminal constituted trafficking in confiscated property owned by the plaintiff, Delaware-registered Havana Docks Corp.

"Judgment is entered in favor of Plaintiff Havana Docks Corporation and against Norwegian Cruise Line Holdings, Ltd," reads the decision. "Plaintiff is awarded \$109,848,747.87 in damages," it says, adding that Norwegian should also pay an additional \$3 million in legal fees and costs. Norwegian Cruise Line did not immediately respond to a request for comment.

Cuban President Miguel Diaz-Canel has harshly criticized the Helms-Burton Act, describing it as an extra-territorial violation of international law.

Havana Docks had also sued cruise lines Carnival ([CCL.N](#)), Royal Caribbean ([RCL.N](#)) and MSC under the Helms-Burton Act, which allows U.S. nationals to sue over use of property seized in Cuba after 1959.

The ruling could fuel more lawsuits by Cuban exiles pursuing claims, which according to one estimate are worth \$2 billion, over asset seizures under late Cuban leader Fidel Castro. It may also serve as a reminder to multinational firms of the complications that can come with doing business in Cuba.

U.S. cruise ships in 2016 began traveling to Cuba for the first time in decades following a detente negotiated by former President Barack Obama that eased some provisions of a U.S. embargo in place since the Cold War. But the Trump administration in 2019 ordered a halt to all such cruises amid efforts to pressure Cuba over its support for Venezuelan President Nicolas Maduro, an ideological adversary of Washington.

The Trump administration also allowed U.S. citizens to sue third parties for using property seized by Cuban authorities, a provision of the Helms-Burton Act that had been waived by every previous president since the law's 1996 passage.

Havana Docks says Cuba, which has been subject to a decades-old U.S. trade embargo, never compensated it for the takeover of the property. It sued the four cruise lines in 2019 in the U.S. District Court for the Southern District of Florida. Bloom in March held that the companies were liable for damages under the Helms-Burton Act, also known as the Libertad Act.

According to the U.S.-Cuba Trade and Economic Council, a non-profit that provides information on relations between the two countries, the 5,913 certified claims for property seized in Cuba represent nearly

\$2 billion in liability. Forty-four lawsuits have been filed under Title III of the Helms-Burton Act, the organization says.

"For those current plaintiffs of Cuban descent, (the decision) will give them a moment of satisfaction," said John Kavulich, the group's president. "It'll give them a moment to say 'You can run but you can't hide,'" said Kavulich.

WLRN

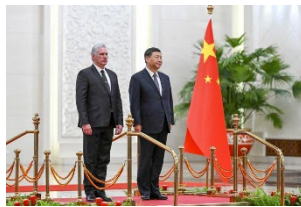
Miami, Florida

2 December 2022

Latin America

Cuba's president calls his economic lifeline tour a triumph, experts say otherwise

WLRN 91.3 FM | By Tim Padgett



AP- Cuban President Miguel Diaz-Canel (left) in Beijing last week with Chinese President Xi Jinping

Cuban President Miguel Díaz-Canel is insisting he's persuaded allies like China to save his communist island from its economic disaster — a catastrophe that's sending record numbers of Cuban migrants to the U.S.' southern border — but experts who follow Cuba's financial spiral suggest that's not really the case.

With chronic food shortages and power outages only getting worse in Cuba — a product of the pandemic, U.S. economic sanctions but most of all, say economists, the regime's failed if not calamitous statist policies — Díaz-Canel last week went on a tour of what few allies Cuba has left who can lend it money and oil: China, Russia, Turkey and Algeria.

Since returning, Díaz-Canel has been claiming those countries have rescued Cuba from its emergency. "We've received payment facilities to move forward," he declared, pointing to debt restructuring and additional pledges of fuel. But Cuba economic and energy experts caution that while some countries did agree to restructure the country's debt, that's a bit like rearranging deck chairs on the Titanic.

"It was a beggar's tour," said John Kavulich, who heads the U.S.-Cuba Trade and Economic Council in New York and spoke to WLRN from Istanbul, Turkey.

"For the Cuban government to say that this was a success is tortuous logic. It was somewhat embarrassing. He was met with stony silence, particularly from the Turkish government," he added.

Kavulich notes that the countries Díaz-Canel visited showed little if any interest in aiding Cuba beyond rudimentary debt relief. He says that's largely because those governments were hoping to hear him report that Cuba is opening up its economy — which would generate more foreign investment and more money for the island nation to pay back the massive foreign debts it owes.

Instead, they learned Cuba still hasn't even created a plan for foreign investment in the thousands of private-sector businesses that are now legal there, and whose growth most economists consider vital to its future.

"One of the biggest questions that these people had," said Kavulich, "was: 'You have a re-emerging private sector, which you've reauthorized — so where for example, are the regulations foreign investors need to move ahead?'"

"Even the Biden Administration this year gave the green light for U.S. investors to acquire licenses to invest in those private Cuban enterprises. The bottom line is that no money's coming in."

A big fear is that as long as Cuba can get allies to restructure its debt — and if the U.S. continues to ease economic sanctions against Cuba's chief financial benefactor, Venezuela — it will keep dragging its feet on liberalizing the economy.

Univision Mexico City, Mexico 1 December 2022

"911 emergency": Cuba's energy infrastructure is in ruins and the government calls for urgent help Cuban president Miguel Diaz-Canel recently completed a four-country trip in urgent search of foreign assistance to keep the country from going dark. Cuba's ageing energy infrastructure leaves the island dependent on Turkish 'powerships' for offshore electricity. But as its energy problems mount up, so is its foreign debt. ([Leer en español](#))

Por: David C Adams



People watch the Turkey-flagged power ship "Karadeniz Irem Sultan" arrive to Havana Bay in Cuba, Tuesday, Nov. 15, 2022. The ship carrying an electricity plant has arrived to help Cuba meet its demand for electricity. Crédito: AP Photo/Ismael Francisco

Two massive floating 'power ships' in the bay of Havana have come to symbolize in recent months the dramatic economic crisis facing the country.

The Turkish-owned ships operate as mobile power stations and, together with four others floating off the island's coast, now provide 20% of Cuba's electricity production. They were contracted to bolster its own aged and failing thermo-electric plants, one of which stands barely a stone's throw away near the port, its giant smokestack towering over Old Havana.

With the communist-controlled country plagued by hours-long daily blackouts as well as a transportation fuel shortage, Cuban president Miguel Díaz-Canel returned last week from a four-country international trip seeking urgent support for the country's crippled economy.

It was no surprise then that besides stops in Russia and China, Diaz-Canel also visited Turkey, as well as oil-rich Algeria. "I call it the 911 phone call list. Cuba has an emergency," said Jorge Pinon, a Cuban-born energy expert at the University of Texas at Austin.



Turkish President Recep Tayyip Erdogan, right, and Cuba's President Miguel Diaz-Canel speak during a joint news conference at the presidential palace in Ankara, Turkey, Wednesday, Nov. 23, 2022. Crédito: Burhan Ozbilic/AP

While he was well-received in each place and signed several public agreements, analysts question

how far they will go to resolving the island's energy shortage, as well as a host of other scarce food items such as salt and bread.

“He didn't pull anything out of his hat,” said Pinon. “The problem is structural. The electricity power system is broken and you can't fix it with band-aids,” he added, referring to the island's poorly maintained and outdated thermo-electric plants which require an expensive investment to be upgraded, or replaced.

The Cuban government has acknowledged the problem and accused U.S. sanctions, which were tightened under former President Donald Trump, of causing the shortages which have sparked rare street protests.

Díaz-Canel's four-country foreign trip

Díaz-Canel began his visit abroad last Wednesday in Algeria, where he negotiated support for the Cuban energy sector, including an undetermined amount of oil purchase and the donation of a solar power plant.

In Moscow, Díaz-Canel met with Russian President Vladimir Putin where the two unveiled a monument to Fidel Castro. According to official reports Díaz-Canel asserted that “Russia can always count on Cuba” and condemned U.S. sanctions against Moscow. To be sure, while the U.S. embargo does not account for all of Cuba's problems, it does critically hurt its ability to obtain financial assistance from major international lenders, as well as spare parts for its oil refineries and electricity plants.



The Otto Parellada Power Plant, known as Tallapiedra, was restarted in June after being shut down for maintenance for two years. Crédito: Michael Adams

Cuba's allies no longer so generous

Until its collapse in 1991, the former Soviet Union offered Cuba a vital lifeline of imports including oil which it exchanged for sugar. But Cuba's sugar industry is at an all-time low and trade between the two countries has fallen to a fraction of what it once was. For the past two decades Venezuela provided oil to Cuba, but it too has fallen on hard times, with its oil production down 80% since 2000.

Hence, in the absence of a major benefactor, Diaz-Canel embarked on his trip looking to patch together a financial aid coalition. But that is easier said than done in today's world. Cuba no longer has the towering figure of Fidel Castro, who died in 2016, to conjure up international solidarity.

And then there are the debts Castro left behind. Cuba has not reported its foreign debt since 2019 when it stood at \$19.6 billion. In 2014, Putin forgave 90% of Cuba's debt, while the remaining \$3 billion was refinanced. To help his country's old ally, Putin last week offered to refinance it again. China also agreed to restructure Cuban debt and provide new trade and investment credits after a meeting in Peking between the leaders of the two Communist countries. China also donated \$100 million to help the country cope with its current economic crisis, while also agreeing to help complete a couple of wind power and solar energy projects.



Miguel Díaz-Canel is received by Chinese President Xi Jinping, Nov 24, 2022. Crédito: Twitter: @PresidenciaCuba

Pressure on Cuba to make economic reforms

But China's generosity has its limits and has shown little enthusiasm in investing in Cuba while it fails to make deep economic reforms and resists moving to China's more dynamic state-run capitalist model.

After the meeting, [Díaz-Canel admitted as much to the state media traveling with him](#). The Cuban president said the Chinese leader, Xi Jinping, had "warned" him that in order to expand its cooperation with Cuba he would be looking at "how we take advantage of opportunities, how we are efficient, how we do not waste resources, and how we achieve adequate returns on investments."

The problem Cuba faces, say experts, is that its strict, state-controlled, economic system is too inefficient to generate the financial incentives that investors require to assure them they will get their money back. "The Algerians gave them something but no one else is in a real carefree attitude to help the Cubans," said John Kavulich, president of the U.S.-Cuba Trade and Economic Council.

"The problem for them is Cuba owes people too much money," he added.

Publicidad

In the past, Cuba was able to appeal to solidarity from the like-minded allies, but in today's post-covid world of high inflation, there is less free money. Meanwhile Cuba's communist leadership is still reticent to abandon its economic system.

"When you owe people money they'll work with you if they see that you're working to help them. But in Cuba's case, their attitude is we owe you this money and we don't want to make any changes that would help us pay you back. So, we want you to continue to suffer along with us. And that that isn't a great marketing strategy," said Kavulich.

On his latest foreign trip, Díaz-Canel visited Turkey twice, at the start and end of his journey. Experts say that's because he was trying to figure out how to pay for the power ships in the bay of Havana for which Cuba already owes an estimated \$90 million.



Karpowership says it currently has six 'Powerships' with an installed capacity of 420 MW in the country with a contract term for 18 years. Cuba is Karpowership's first project in Western Hemisphere. Crédito: Michael Adams

How to pay for the Turkish powerships?

The modern powerships are floating generators fueled by oil or gas and are able to connect to the local electricity grid. The owner of the ships, [a Turkish company called Karpowership](#), began operating in Cuba in June 2019, and extended its contract last year to include six ships. But experts

question how Cuba can pay for the expensive ships. The estimated value of the contract is at least \$20 million a month.

“If Karpowership towed all of their vessels back to Turkey, the lights would go out in most of Cuba,” said Kavulich.

Karpowership did not immediately respond to a request for comment.



Workers scale one of the smokestacks at the The Otto Parellada Power Plant in Habana. Crédito: Michael Adams

Cuba’s Energy Minister promised the Cuban people in August that the apagones would be over by the end of the year, which now looks highly unlikely.

Cuba’s land-based energy system relies on a combination of inefficient oil-fired plants, as well as hundreds of smaller generators and a tiny proportion – about 5% - from alternative energy sources. In 2014, Cuba announced a goal of 24% of its electricity from renewable sources by 2030. Cuba has several utility-scale renewable energy projects including plans to install 700 mw of photovoltaic farms by 2030, as well as 300 mw from five biomass plants located at sugar mills and three wind farms totaling another 125 mw. But those projects are all either behind schedule or have run into funding issues.



US-Cuba relations frozen after Obama's visit

For decades the Cuban government has called on its people to resist all manner of economic hardship, but the situation today is the worst it's been in 30 years. Cuba has tried loosening up its economic controls in the past when it has faced economic problems, most recently during a brief period of warming relations with the United States under president Barack Obama. That led to a mini-boom in Cuba’s small private sector businesses, including restaurants and small family-run bed and breakfasts - Airbnb’s - some U.S. investments in hotels, airlines and cruise ships.

But Cuba pulled back after Obama made a historic visit to the island in March 2016. Then many U.S. sanctions were reimposed by President Donald Trump after he took office in 2017. The covid outbreak subsequently decimated Cuba’s tourist industry for two years, which is now struggling to recover.

Over the last year, Cuba has shown some signs of willingness to loosen its economic restrictions as a way to climb out of its latest crisis.

But many Cubans have given up hope of the system ever changing. [In the last year more than 225,000 Cubans have abandoned the country](#), selling all their belongings to pay for \$4,000 charter flights to Nicaragua from where they hike or take buses to the U.S. border.

“They are tolerating the private sector but they are doing the least amount to keep things going. They are dragging their feet

“My fear is, they're tolerating the private sector, but they don't like it. They're just doing the least amount to keep things going,” said Kavulich.

Radio & Television Marti

Miami, Florida

6 October 2022

Kavulich considera positiva decisión de EEUU de autorizar exportación a Cuba de motos y bicicletas eléctricas

By Michelle Sagué



Cubanos con motos eléctricas en una avenida de La Habana.

La Oficina de Industria y Seguridad (BIS) del Departamento de Comercio de los Estados Unidos emitió el 28 de septiembre una licencia a la empresa Premier Automotive Export, Ltd. (PAE), con sede en el estado de Maryland, para la exportación de motorinas y bicicletas eléctricas a cubanos y empresas de propiedad privada en Cuba.

El Consejo Económico y Comercial EEUU-Cuba, una entidad privada sin fines de lucro que monitorea las relaciones económicas bilaterales, y que ayudó a la empresa de exportación durante el proceso, [señaló en su sitio en internet](#) que esta es la cuarta licencia que la BIS otorga a PAE para la exportación de vehículos a Cuba, incluso para uso de embajadas.

Ten Months After Denial, Biden-Harris Administration Approves Exports Of Electric Motorcycles, Electric Scooters To Cuba Nationals And To Privately-Owned Companies In Cuba <https://t.co/oX9297mWGa> — USCTEC (@CubaCouncil) [October 5, 2022](#)

“La primera licencia BIS se emitió durante la Administración Obama-Biden (2009-2017), la segunda licencia BIS se emitió durante la Administración Trump-Pence (2017-2021) y la tercera y cuarta licencia BIS se emitieron durante la Administración Biden-Harris. Administración (2021-). Además, una solicitud de licencia BIS relacionada está pendiente y una solicitud de licencia BIS relacionada permanece en apelación”, señala la entidad.

En opinión del presidente del Consejo Económico y Comercial EEUU Cuba, John Kavulich, este fue un paso positivo del gobierno estadounidense.

“Cada vez que la Casa Blanca de cualquier administración está a la ofensiva cuando se trata de Cuba, es mejor que estar a la defensiva con el gobierno cubano, quejándose de que no puede hacer esto, o que las regulaciones no permiten aquello”, dijo en entrevista con Radio Televisión Martí.

“Es mucho mejor obligar al gobierno cubano a hacer cambios que no quiere hacer, si hay menos excusas para no hacerlo. Sabemos que al gobierno cubano no le gusta el sector privado. Sin embargo, anunció hace meses que se permite la inversión y el financiamiento para el sector privado, pero estamos esperando la normativa sobre cómo hacerlo. Así que no podemos entregar la inversión y el financiamiento, porque estamos esperando a que el gobierno cubano emita regulaciones”, explicó Kavulich.

El Consejo Económico y Comercial EEUU Cuba cita a la BIS, que recordó que existe “una política general de denegación de exportaciones y re-exportaciones a Cuba de artículos sujetos a las regulaciones de la administración de exportación, EAR. Sin embargo, existen excepciones a la política general de denegación, entre ellas... los elementos necesarios para la protección ambiental de la calidad del aire, las aguas y las costas de Estados Unidos, incluidos los elementos relacionados con la energía renovable o la eficiencia energética, que generalmente se aprueban”.

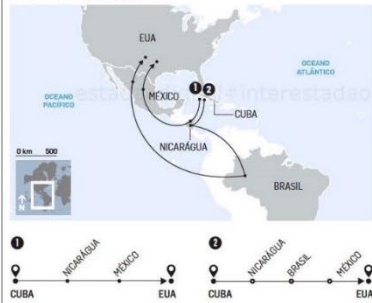
La nueva licencia se emitió casi 10 meses después de que la administración Biden negara una solicitud de licencia de PAE para exportar vehículos eléctricos y cargadores a ciudadanos cubanos.

“Ahora han revertido esa decisión. Es consistente con los anuncios de la administración Biden en mayo. No es sorprendente que esto fuera a suceder, particularmente porque el enfoque de la administración Biden hasta ahora ha sido apoyar al resurgimiento del sector privado en Cuba, que continúa luchando con el gobierno cubano, que no necesariamente acepta. Permite, pero no está necesariamente aceptando”, concluyó Kavulich.

CHEGADA EM MASSA

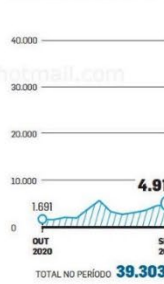
Em 10 meses, mais de 177 mil cubanos tentaram entrar nos EUA

Novas rotas de fuga



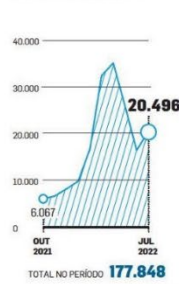
Ano fiscal 2021

OUTUBRO DE 2020 A SETEMBRO 2021



Ano fiscal 2022*

OUTUBRO DE 2021 A JULHO 2022



Perfil dos que migram

Categoria	2021	2022*
Adultos sozinhos	31.698	137.435
Famílias	7.566	39.731
Crianças	35	669
Crianças acompanhadas	4	13

*DADOS DIVULGADOS ATÉ JULHO

FONTE: AGENCIA DE FRONTEIRAS DOS EUA / INFOGRÁFICO: ESTADO

Questão migratória

Número recorde de cubanos nos EUA supera anos de crises

Cerca de 177 mil cidadãos oriundos de ilha, entre outubro de 2021 e julho deste ano, tentaram entrar nos Estados Unidos

FERNANDA SIMAS

De um lado, filas para comprar alimentos, crise energética e piora da situação social com a pandemia. Do outro, a suspensão da obrigatoriedade de visto por parte da Nicarágua e a facilidade para receber asilo nos Estados Unidos. Ligando as duas pontas, a agilidade da comunicação por meio das redes sociais. Isso levou o número de cubanos tentando entrar nos EUA ao recorde de 177.848 até agora no ano fiscal de 2022 (entre outubro de 2021 e julho de 2022).

Foi assim que Renan (nome fictício) deixou Cuba no início deste ano. Sozinho, foi até a Nicarágua, onde conseguiu entrar sem precisar de um visto e, de lá, partiu para o México e os EUA. Outros cubanos contaram ao Estadão que, desde o começo do ano, as formas e o momento de deixar a ilha têm sido temas de conversas em Havana. Isso se torna um desafio ao governo de Miguel Díaz-Canel e reforça a dificuldade do governo Joe Biden em lidar com o tema migratório.

“Tenho um amigo que está fazendo um trajeto pela Sérvia até a Europa. Ontem (quarta-feira), ele chegou à Grécia. Outro se refugiou na Costa Rica após passar pela Nicarágua”, conta o irmão de Renan, Juan

(nome fictício).

O número de cubanos às portas dos EUA de forma ilegal neste ano fiscal já é 4,5 vezes maior do que no ano fiscal anterior (entre outubro de 2020 e setembro de 2021) e analistas acreditam que deve continuar aumentando. “A piora da condição social e econômica, com a pandemia, mais a onda de protestos de 2021 são fatores que levaram à migração que estamos vendo agora”, explica Gabrielle Oliveira, professora em Harvard que realiza pesquisas com imigrantes.

O cônsul de Cuba em São Paulo, Pedro Monzón, reconhece que a situação na ilha é complexa. “A situação econômica está muito difícil. Trump adotou diversas medidas que nos prejudicaram. Além disso, ocorreu a pandemia, com falta de medicamentos, e agora temos uma crise internacional, com inflação alta, preços mais altos no mundo. Aqui ninguém passa fome, mas estão se formando filas muito longas. E quando a situação econômica se aperta assim, as pessoas buscam uma forma de sair.”

Nicarágua

Ao suspender necessidade de visto para os EUA, país se tornou porta de entrada para a imigração ao Norte

Monzón também confirma a dificuldade na área energética e atribui parte disso ao embargo americano. “Comprar petróleo está mais caro, EUA impuseram barreiras para a entrada de petróleo em Cuba e tive-

Em referendo, Cuba decide hoje se legaliza o casamento gay

Os cubanos vão votar hoje em um referendo sobre a implementação do novo Código da Família, que inclui a legalização do casamento entre pessoas do mesmo sexo e da barriga solidária, em um exercício incomum que representa um teste de legitimidade para o governo.

Mais de oito milhões de cubanos com mais de 16 anos de idade, pela primeira vez, votar de forma voluntária e secreta para validar uma lei em um referendo. Com essa votação, um lon-

go processo se concluiria, após a tentativa de introdução do casamento entre pessoas do mesmo sexo na Constituição aprovada em 2019. O novo regulamento, que substituirá o que vigora desde 1975, foi aprovado em julho pela Assembleia Nacional do Poder Popular (Parlamento, unicameral) e altera a definição que prevê a união entre um homem e uma mulher para o conceito de casamento entre “duas pessoas”.

O governo cubano defende a adoção do Código da Família, mas a poderosa Conferência dos Bispos Católicos de Cuba criticou este mês o que chamou de “ideologia de gênero”. ● APP

mos incêndios importantes em Matanzas.”

EXÔDO. O maior exodo cubano em direção aos EUA ocorreu entre 1959 e 1962, quando 248.100 cubanos deixaram a ilha após a vitória da Revolução Cubana. A migração de 2022 supera as ocorridas nas crises de 1980 – quando o Porto de Mariel foi aberto para aqueles que desejassem sair da ilha e 124.800 cubanos foram em direção aos EUA entre abril e setembro – e de 1994, quando 30.900 cubanos deixaram a ilha entre agosto e setembro na crise dos balseiros.

Monzón diz acreditar que, com uma melhora da situação, muitos cubanos devem regressar. “Quando a situação econômica melhorar, muitos vão voltar. Porque não foram por ques-

tões políticas”, diz o cônsul. Gabrielle Oliveira explica que essa movimentação ocorreu depois de 2013, com as políticas do ex-presidente Barack Obama.

“A mudança mais significativa e impactante com relação aos anos 1980 e 1994 foi o avanço na comunicação. Os celulares não eram tão usados, não existia Twitter, Facebook, Instagram, WhatsApp”, afirma o presidente do Conselho Econômico e Comercial EUA-Cuba, John Kavulich.

Gabrielle lembra que os picos de nacionalidades dos imigrantes que chegam de forma irregular aos EUA – entre 2021 e 2022 foram registradas as chegadas massivas de haitianos e venezuelanos – indicam “que existe uma comunicação muito forte nessas redes imigrantes”, mas atribui o recor-

de a outros fatores.

Ela explica que a viagem de Cuba aos EUA pode chegar a US\$ 10 mil e a migração de um país para outro vem aumentando desde 2021, mas o fato de a Nicarágua ter suspenso a necessidade de vistos aos cubanos facilitou a travessia.

FACILIDADE HISTÓRICA. O outro ponto que atrai os cubanos aos EUA é o tratamento diferente que recebem em comparação a imigrantes de outras nacionalidades. “É considerado um exílio político, desde a Guerra Fria, com cubanos escolhendo os EUA como uma sociedade melhor. A probabilidade de eles conseguirem um green card ou cidadania é muito maior”, diz Gabrielle.

Por conta da política diferenciada, os cubanos recebem, por exemplo, uma assistência financeira. São US\$ 325 (cerca de R\$ 1,7 mil) ao mês para os adultos e US\$ 200 (R\$ 1 mil) ao mês para as crianças, pelo período de três meses. “Os EUA são o destino mais procurado, porque podem regularizar sua situação em pouco tempo. Além disso, estão perto e podem ajudar suas famílias em Cuba. Agora, ir pela Nicarágua se transformou em um grande negócio, uma passagem pode custar até US\$ 4 mil (R\$ 21 mil). Por isso, alguns cubanos estão optando por outros caminhos, como pela Europa”, conta Juan (nome fictício), que avalia como sair do país.

Se esse é mais um desafio na política migratória de Joe Biden, também coloca em questão o governo do cubano Miguel Díaz-Canel. “O exodo reforça a narrativa de que o governo de Cuba prefere manter políticas que falham”, explica Kavulich. Segundo Monzón, o governo cubano está tomando providências. “Estamos criando melhores condições em Cuba, a juventude está organizada para fazer campanhas para pedir que as pessoas não saiam do país.” ●

Número recorde de cubanos nos EUA supera anos de crises

Por Fernanda Simas



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Foto: EFE/Yander Zamora

P pressreorder
 FRENTEIRAS DOS EUA: AGENCIA DE FRONTEIRAS DOS EUA / INFOGRÁFICO: ESTADO

Cerca de 177 mil cubanos, entre outubro de 2021 e julho deste ano, tentaram entrar em território americano

Número recorde de cubanos nos EUA supera anos de crises Estadão Conteúdo

De um lado, filas para comprar alimentos, crise energética e piora da situação social com a pandemia. Do outro, a suspensão da obrigatoriedade de visto por parte da Nicarágua e a facilidade para receber asilo nos Estados Unidos. Ligando as duas pontas, a agilidade da comunicação por meio das redes sociais. Isso levou o número de cubanos tentando entrar nos EUA ao recorde de 177.848 até agora no ano fiscal de 2022 (entre outubro de 2021 e julho de 2022).

Foi assim que Renan (nome fictício) deixou Cuba no início deste ano. Sozinho, foi até a Nicarágua, onde conseguiu entrar sem precisar de um visto e, de lá, partiu para o México e os EUA. Outros cubanos contaram ao **Estadão** que, desde o começo do ano, as formas e o momento de deixar a ilha têm sido temas de conversas em Havana. Isso se torna um desafio ao governo de Miguel Díaz-Canel e reforça a dificuldade do governo Joe Biden em lidar com o tema migratório.

"Tenho um amigo que está fazendo um trajeto pela Sérvia até a Europa. Ontem (quarta-feira), ele chegou à Grécia. Outro se refugiou na Costa Rica após passar pela Nicarágua", conta o irmão de Renan, Juan (nome fictício).

O número de cubanos às portas dos EUA de forma ilegal neste ano fiscal já é 4,5 vezes maior do que no ano fiscal anterior (entre outubro de 2020 e setembro de 2021) e analistas acreditam que deve continuar aumentando. "A piora da condição social e econômica, com a pandemia, mais a onda de protestos de 2021 são fatores que levaram à migração que estamos vendo agora", explica Gabrielle Oliveira, professora em Harvard que realiza pesquisas com imigrantes.

O cônsul de Cuba em São Paulo, Pedro Monzón, reconhece que a situação na ilha é complexa. "A situação econômica está muito difícil. Trump adotou diversas medidas que nos prejudicaram. Além disso, ocorreu a pandemia, com falta de medicamentos, e agora temos uma crise internacional, com inflação alta, preços mais altos no mundo. Aqui ninguém passa fome, mas estão se formando filas muito longas. E quando a situação econômica se aperta assim, as pessoas buscam uma forma de sair."

Monzón também confirma a dificuldade na área energética e atribui parte disso ao embargo americano. "Comprar petróleo está mais caro, EUA impuseram barreiras para a entrada de petróleo em Cuba e tivemos incêndios importantes em Matanzas."

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As informações são do jornal **O Estado de S. Paulo**.

Telemundo 51

Miami, Florida

13 September 2022

Gobierno cubano enfrenta litigio financiero en la corte real británica
Múltiples documentos registrados en corte se refieren a una cifra inicial de al menos 270 millones de euros en el litigio.

LINK To Video: <https://www.telemundo51.com/noticias/local/gobierno-cubano-enfrenta-litigio-financiero-en-la-corte-real-britanica/2344953/>

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El caso inicial fue presentado hace dos años, en la corte real británica y pone a "CRF I Limited", una entidad financiera registrada en Islas Cayman, frente al gobierno cubano representado por el Banco Nacional Cubano.

Dice la demanda que Cuba debe 70 millones de euros por préstamos recibidos de dos entidades bancarias, una holandesa y otra italiana. El documento refiere el monto de la deuda, los intereses y la fecha de la aparente negociación inicial.

John S. Kavulich, presidente del Consejo Económico y Comercial Cuba – EEUU, explica que esta vez "los cubanos lo están tomando seriamente, y eso es importante".

La organización no gubernamental, sigue muy de cerca el litigio. "Los cubanos han decidido defenderse esta vez, algo que tradicionalmente no han hecho, han contratado abogados buenos y agresivos en el Reino Unido que están peleando el caso", confirma Kavulich.

La situación se complicó en 2021 cuando el banco chino “ICBC” sumó otra demanda contra el gobierno de la isla por unos 200 millones de euros que -supuestamente- La Habana debe a una de sus sucursales en el Reino Unido.

“Ahora tienes el gobierno chino involucrado, porque si ellos no le exigen un pago a Cuba, entonces pudieran ser demandados por su filial en el Reino Unido”, explica el presidente del Consejo Económico y Comercial Cuba-EEUU.

Reuters

London, United Kingdom

22 August 2022

Cuban entrepreneurs hope for room to grow as the government ponders reform

By Marc Frank and Anett Rios

HAVANA, Aug 22 (Reuters) - For those seeking proof that even modest foreign investment can help propel Cuba's fledgling entrepreneurs, look no further than Oscar Fernandez's Havana-based dried fruit business. Thanks to a \$40,000 loan from abroad, the family-run company, registered last year after a government rule change that authorized small businesses, upgraded antique equipment to state-of-the-art dehydrating ovens and a packaging machine.

"We had ten products, now we have 50," Fernandez told Reuters. "We are producing ten times the amount we produced last year." But Fernandez's real dream - to partner with a foreign investor and open a full-fledged factory - is still not possible under the tight regulations of Communist-run Cuba. Like other entrepreneurs, he is hoping the government will enact further reforms to stimulate the moribund economy. That hope is not without some basis.

The government last month said it was reviewing "seven projects for foreign investment in private businesses," state media reported. The government has not yet detailed those plans but President Miguel Diaz-Canel, who took charge in 2019 after six decades of rule by the Castros, has criticized the economy's "dogmas, obstacles and self-limitations."

Hampered also by blanket U.S. sanctions and the pandemic, the economy plunged nearly 10% during 2020-2021 and has struggled to revive.

Options within the current confines of the nearly bankrupt, state-dominated economy are few, according to economists consulted by Reuters.

The government has already ruled out relinquishing its monopoly on foreign commerce, dashing entrepreneur hopes that they would be able to engage in foreign trade outside state control.

It has loosened some restrictions around foreign investment in the wholesale and retail sectors, which the economists Reuters spoke to critiqued as too little to make a difference.



Dalieny Ortega, owner of a laundry service, speaks to her employees in Havana, Cuba, August 17, 2022. REUTERS/Alexandre Meneghini

"The government must be more flexible," said Cuban economist Omar Everleny. "They have to allow direct foreign trade and any investment amount, in any area."

The Cuban government has repeatedly met such comments by stating it must proceed cautiously to ensure capitalism does not become a force that could threaten the socialist nature of the system.

Dalieny Ortega, owner of a laundry service for businesses, said she was negotiating for equipment with a Spanish industrial laundry equipment company, and said perhaps in the future they could form a joint venture. "Legalization of foreign investment would allow us to go further in the future and sit down with the suppliers or with different companies and be able to legally sign the necessary contracts," she said.

Fernandez's and Ortega's companies are two of more than 4,500 small and medium-sized enterprises licensed since the government last year reversed a ban in place since the 1960s, legalizing private enterprise. The new sector, with some 70,000 employees, has grown quickly despite the U.S. sanctions and rules that prohibit entrepreneurs from independent foreign trade and from receiving foreign investment in exchange for equity in their business.

John Kavulich, head of the U.S.-Cuba Trade and Economic Council, which favors direct investment in the private sector, said the Cuban government should stay out of the way of foreign investors or risk further stagnation.

"Imagine the national government checking every micro investment as they do now with state businesses," he said, warning that would only "kill the goose that is laying the golden eggs."

Fernandez, of the dried fruit company, said the recent government signaling over allowing foreign investment was a cause for optimism, however. His company is still housed in the basement of his family home but now has a storefront and is growing, employing 18 people, up from just a handful last year. "The private sector on a small scale is proving very dynamic, and the sum of all these activities can generate a very positive economic impact," he said.

Reuters

London, United Kingdom

22 August 2022

Empresarios cubanos esperan más espacio en economía dominada por el Estado

La economía de Cuba, golpeada por las sanciones de Estados Unidos, la pandemia y lo que el presidente Miguel Díaz-Canel ha llamado "dogmas, obstáculos y autolimitaciones", se desplomó casi un 10% durante 2020-2021.

Para aquellos que buscan pruebas de que una inversión extranjera modesta puede ayudar a impulsar a los emprendedores en ciernes de Cuba, pueden ver el negocio de frutos secos de Óscar Fernández en La Habana.



Dalieny Ortega, owner of a laundry service, speaks to her employees in Havana, Cuba, August 17, 2022. REUTERS/Alexandre Meneghini

Gracias a un préstamo de US\$ 40.000 provenientes del exterior, su empresa familiar, registrada bajo una reforma el año pasado que autoriza a pequeñas empresas a operar en Cuba, mejoró sus equipos con hornos de deshidratación de última generación y una máquina de empacado.

"Teníamos 10 productos, ahora tenemos 50", dijo Fernández a Reuters. "Estamos produciendo 10 veces más que el año pasado e hicimos nuestro primer envío a Italia".

Pero el verdadero sueño de Fernández de asociarse con un inversionista extranjero y abrir una fábrica completa todavía está en suspenso, debido a que el Gobierno evalúa nuevas reformas en medio de una fuerte crisis económica.

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Las opciones dentro de los límites de su economía dirigida por el Estado y casi en quiebra son pocas, según economistas consultados por *Reuters*, y a medida que crece el malestar, el Gobierno se está quedando sin espacio para maniobrar. Cuba dijo el mes pasado que estaba considerando varias propuestas para permitir la inversión extranjera en su naciente sector privado, pero no ha dado detalles de sus planes.

Los empresarios esperaban que el naciente sector privado tuviera también libertad de acción para participar en el comercio exterior fuera del control estatal, un beneficio adicional para posibles inversionistas extranjeros, pero la semana pasada el Gobierno dijo que no renunciaría a su monopolio sobre el comercio exterior.

En cambio, flexibilizó algunas restricciones en torno a la inversión extranjera en el sector mayorista y minorista, pasitos de bebé como lo han calificado economistas al argumentar que es demasiado poco para hacer una diferencia. "El Gobierno debe ser más flexible", dijo el economista cubano Omar Everleny. "Tiene que permitir el comercio exterior directo y cualquier monto de inversión, en cualquier área de inversión".

Dalieny Ortega Cubela, propietaria de un servicio de lavandería que trabaja con hoteles, entre otras instituciones, dijo que estaba negociando equipamiento con Domus, una lavandería industrial de España. "La legalización de la inversión extranjera nos permite sentarnos con los proveedores o con diferentes empresas y poder firmar legalmente los contratos que sean necesarios", añadió.

AUGE DE PEQUEÑAS EMPRESAS

Las compañías privadas de Cubela y Fernández son dos de las más de 4.500 pequeñas y medianas empresas con licencias desde que el Gobierno revocó el año pasado una prohibición vigente desde la década de 1960. El nuevo sector, con unos 70.000 empleados, ha crecido rápidamente a pesar de las sanciones de Estados Unidos y las normas internas que prohíben a empresarios el comercio exterior independiente y, hasta ahora, recibir inversión extranjera a cambio de equidad en su negocio.

John Kavulich, director del Consejo Económico y Comercial Estados Unidos-Cuba, que favorece la inversión directa en el sector privado, dijo que el gobierno de la isla debe permanecer fuera del camino de los inversores extranjeros o correr el riesgo de un mayor estancamiento.

"Imagine al gobierno nacional revisando cada micro inversión", dijo, al comentar que más burocracia "mata la gallina de los huevos de oro".

Fernández, propietario de la empresa de frutos secos, dijo que recientemente se habló de alentar la inversión extranjera y eso es motivo de optimismo. Su empresa todavía se encuentra en el sótano de la casa de su familia en La Habana, aunque ahora cuenta con una tienda que está creciendo y emplea a 18 personas. "El sector privado está llamado a ser muy dinámico, a pequeña escala, pero la sumatoria de esas actividades puede generar un impacto muy positivo en la economía", señaló.

Miami New Times

Miami, Florida

17 August 2022

Hands Off: U.S. Court Thins Field for Castro Land Seizure Lawsuits

By Izzy Kapnick



A federal appeals court has rejected an effort to loosen jurisdictional standards of the U.S. Libertad Act of 1996. Photo by Mondo79 via Flickr

A federal appellate court in Miami has dealt a setback to Cuban Americans seeking compensation from foreign companies accused of profiting from land seized by the Cuban government.

In an August 12 decision, the 11th Circuit Court of Appeals rejected an effort to loosen the standards that determine whether a foreign company can be sued in the U.S. under the [Cuban Liberty and Democratic Solidarity Act of 1996 \(AKA the Libertad Act\)](#), a stateside law that gives former owners of Cuban land and their heirs the right to bring claims against those who "traffic" in property the Castro regime seized in the aftermath of the Cuban Revolution.

[Herederos de Roberto Gomez Cabrera LLC](#), a company tied to heirs of the late businessman Roberto Gomez, filed the case in 2020, alleging that Canada-based mining giant Teck Resources milked revenue from Cuban land that had been confiscated from Gomez.

Though the law went into effect in 1996, three U.S. presidents suspended its right-to-sue provision amid political pressure from foreign nations and companies that had commercial dealings with Cuba. The Trump administration reactivated the provision in 2019, opening the litigation floodgates.

John Kavulich, president of the U.S.-Cuba Trade and Economic Council (USCTEC), says it has been a struggle for Cuban-American families who've waited more than two decades for their day in court.

"There's a lot of pain. The act was designed to be a valve to try to release some of that," Kavulich tells *New Times*. "No one expected that a law passed in 1996 would not be implemented until 2019."

At the heart of the Gomez lawsuit is a 620-acre tract in the Sierra Maestra mountain range in southeastern Cuba. A rainforest-lined area rich in copper and manganese deposits, the region served as a hideout for Castro in the 1950s as he and his supporters waged the guerrilla war that toppled the government of President Fulgencio Batista.

Gomez purportedly owned the land along with its 21 mines around the town of El Cobre until the property was seized in 1960, when the Castro regime abolished private ownership of commercial industry. Decades later, Teck Resources, a Vancouver-based public company currently valued at more than \$18 billion on the New York Stock Exchange, began a mining partnership on the land with the Cuban government's blessing, Gomez's heirs claim.

"From as early as 1994 through 2009, Teck, together with Joutel Resources... directly or indirectly with Geominera SA, a Cuban government-owned and operated entity, exploited the confiscated property and extracted significant valuable minerals and other geological materials," the Herederos lawsuit alleged.

After losing the litigation in district court in April 2021, partly on jurisdictional grounds, Herederos appealed to the 11th Circuit, arguing that the Libertad Act was designed to give U.S. courts broad authority to hold foreign companies accountable.

The plaintiff's attorney, Leon Hirzel, urged the court to depart from a long-standing test for establishing general jurisdiction over a foreign company — which typically requires a showing that the company has so much activity in the place where it is being sued that it is essentially "at home" there. That test makes no sense for Libertad Act claims because the act bans violators from entering the United States in the first place, Hirzel argued. (Though rarely enforced, the ban provides that foreigners are prohibited from entering the U.S. if they, or a company that they own or run, profited off confiscated Cuban land.)

"To avoid complete destruction of the Act, federal courts should examine the issue by applying a due process analysis that respects and upholds Congress' intent in forming the statute. There is little sense, legislative or otherwise, in creating a claim if jurisdiction does not go with it," Hirzel argued in his brief, which also noted that Teck Resources runs mining operations in Washington and Alaska and has subsidiaries incorporated in the United States.

But the 11th Circuit's three-judge panel rebuffed the plaintiff's call for a more "limited or relaxed view" of due process when foreign companies are sued under the Libertad Act.

In a 16-page opinion, Judge Kevin Newsom, a Donald Trump appointee, ruled that Teck Resources did not have sufficient activity in the United States to support the argument that U.S. courts had jurisdiction. The judge picked away at Hirzel's points, saying the plaintiff confused the concept of Congressional authority with that of judicial jurisdiction.

The appeals court did not address the lower court's other findings, including a determination that Herederos failed to show Teck Resources knowingly violated the Libertad Act.

Newsom was joined in the decision by Senior U.S. Circuit Judge Stanley Marcus, a Bill Clinton appointee, and Senior U.S. District Judge Virginia Hernandez Covington, a George W. Bush appointee who sat on the appeals panel as a visiting judge.

The decision is binding in the 11th Circuit, which means plaintiffs in Florida, Alabama, and Georgia will be out of luck if they try to haul foreign companies into federal court using similar arguments.

The case is one of more than 40 under the Libertad Act that poured into federal courts over the past three years. Plaintiffs have ranged from giant companies such as Exxon (which is demanding \$280 million in damages over seized oil and gas assets) to a Jacksonville doctor who is suing over confiscated port facilities. Most of the cases have been filed in the Miami metropolitan area, home to the majority of Cuban exiles in the United States.

In addition to jurisdictional hurdles like the ones in the Herederos case, plaintiffs suing under the Libertad Act face a strict cutoff date: Claims must have been "acquired" prior to March 1, 1996 — meaning heirs who inherited claims after that date may have no legal recourse.

That clause, coupled with the prolonged suspension of the act under Clinton, Bush, and Obama, has been especially painful for Cuban Americans whose family members had valid claims but died in the interim, Kavulich says.

"That has been a real issue — also an emotional issue for some of these families and individuals that are suing," he notes. "They've gone to the courts and said, 'Wait a minute, your honor. You can't penalize us because presidents decided not to implement this.'"

A handful of Libertad Act plaintiffs have prevailed, according to [a recent report authored by the Washington, D.C.-based law firm Steptoe & Johnson](#). For one, the Southern District of Florida this past March ruled in favor of the former owner of a confiscated Havana port property, who was suing major cruise lines over their use of the property to disembark passengers.

Diario de Cuba

Madrid, Spain

12 August 2022

Representantes del exilio cubano critican a un congresista estadounidense por un posible viaje a la Isla

Gregory Meeks es un legislador estadounidense que ha pedido en varias ocasiones el levantamiento del embargo a Cuba.



El congresista estadounidense Gregory Meeks. SEAN MCCABE

Varias figuras del exilio cubano, como es el caso de la congresista María Elvira Salazar y la activista Salomé García Bacallao, criticaron al también congresista estadounidense Gregory Meeks ante la posibilidad de que realice un viaje a la Isla.

Salazar dijo en un comunicado publicado en su cuenta de Twitter que fue informada de que "colegas demócratas están planeando un viaje a Cuba para reunirse con el régimen", ante lo que dijo estar "horrorizada", pues "halagar a los tiranos nunca ha dado buenos resultados".

La representante del distrito 27 de Florida calificó el viaje de Meeks a Cuba como "otra muestra repugnante de simpatía hacia el régimen, que ha incrementado la represión después de las protestas del 11 de julio de 2021".

Además, consideró que "la visita no refleja la voluntad de los cubanos en la Isla ni de los cubanoamericanos en los Estados Unidos. Es un acto para complacer a la dictadura y a sus simpatizantes radicales".

La activista cubana Salomé García Bacallao recordó en su cuenta de Twitter que Meeks acompañó recientemente a la Presidenta de la Cámara de Representantes de los Estados Unidos, Nancy Pelosi, en su viaje a Taiwán, donde elogiaron la lucha del país asiático por la democracia.

Sin embargo, García Bacallao dijo que ahora Meeks "está al lado de los dictadores cubanos mientras el régimen brutaliza y encarcela a las personas que disienten, en particular a los cubanos negros".

La integrante de la ONG Justicia 11J exhortó a los congresistas Albio Sires, de New Jersey y Nicole Malliotakis, de New York, quienes "son también cubanoamericanos integrantes del Comité de Asuntos Exteriores de la Cámara de Representantes" a "pronunciarse en contra de este nuevo intento de normalizar las relaciones con el régimen".

Gregory Meeks fue uno de los tres legisladores estadounidenses que emitieron el miércoles una declaración en la que pidieron una "respuesta urgente" del Gobierno de Estados Unidos a la crisis tras el voraz incendio en la Base de Supertanqueros de Matanzas, Cuba.

"Estamos profundamente preocupados por el desastre humanitario que se desarrolla en Matanzas, Cuba, a menos de 150 millas de nuestra frontera. Crisis como éstas exigen una respuesta urgente y significativa de los países vecinos", dijeron los representantes del Congreso de Estados Unidos en el comunicado publicado por el Comité de Asuntos Internacionales.

WLRN
Miami, Florida
9 August 2022

Is U.S. investment in Cuban capitalism bad for Cuban communism? Or a lifeline?

4:38

Latin America Report

WLRN 91.3 FM | By Tim Padgett, Catalina Garcia



Desmond Boylan/AP. CAPITALIST LIBERATION OR COMMUNIST LIFELINE? A cook stands outside a paladar, or privately owned restaurant in Havana. (AP Photo/Desmond Boylan)

As the Cuban regime keeps crushing democratic dissent, investing in private entrepreneurs seems one effective way to loosen its grip. Many exiles disagree.

A new front of debate on U.S. Cuba policy has opened this summer, but it's one that raises an old question: When does economic punishment of the Cuban regime punish the Cuban people — and when does economic aid to the Cuban people aid the Cuban regime?

The bone of contention in the latest dispute: whether or not the U.S. should build up Cuba's fledgling private entrepreneurs.

In May, the Biden Administration approved the first license allowing Americans to invest directly in a private Cuban business. Then last month, Cuba's communist regime said it would permit foreign investment in the capitalist enterprises that it's allowed — in limited fashion — for more than a decade now to help Cubans keep their heads above water amid the island's sinking state-run economy.

Those developments might not be as electrifying as last summer's unprecedented anti-government street protests in Cuba. But they matter, a lot, because Cuba's more than half million private entrepreneurs — known as *cuentalpropistas* — represent what many hope is a way to undermine the regime's totalitarian grip.



US-Cuba Trade & Economic Council- John Kavulich

“A greater private sector presence in Cuba — it's really the only existing path to help people be less dependent on the government,” said John Kavulich, who heads the nonprofit [U.S.-Cuba Trade & Economic Council](#) in New York.

Kavulich recently became the first and so far only recipient of a U.S. license to invest in Cuba's private sector. He formed a limited liability corporation to put \$10,000 into a private Cuban service-sector business. He's not yet naming that company. On a visit to Miami last week, he told me his capital will help it buy equipment and expand inside and, they hope, outside Cuba.

“I explained to the Cuban company, ‘I need you to be a guinea pig, and I'm going to be the other guinea pig,’” Kavulich said.

“We're using this as an experiment. We want everyone to be able to say, ‘This is how they did it. Really easy.’”

Inside Cuba, private entrepreneurs like Havana leather-goods store owner Ernesto Izpuria are eager to take on U.S. and other foreign partners.

Izpuria recently told WLRN that the pandemic and the sharp fall in tourism to Cuba — due partly to former President Trump's reduction of U.S. travel there, which accounts for a large share of *cuentalpropista* revenue — has seriously sapped his business' cash flow. He needs a just as serious infusion of capital now to stay in business — investment he's not going to find on the island.

“Usually, when people talk about investment, they’re talking about a factory or something like that,” Izpuria said. “But in Cuba, small private enterprises like ours are the really important investment now.”

A greater private sector presence in Cuba is really the only existing path to help people be less dependent on the Cuban government. John Kavulich



Catalina Garcia/WLRN.org Ernesto Izpuria

So it might sound strange that the Cuban regime’s fiercest foes — conservative Cuban exiles here in Miami — don’t really agree.

“This is not the time to invest in Cuba,” said Cuban exile Irina Vilariño, who owns the South Florida restaurant chain Las Vegas and is a leading member of the [Assembly of the Cuban Resistance](#), which hailed Trump's stricter travel limits to Cuba. (President Biden is now rolling back some of those restrictions.)

"With the exception of genuine humanitarian aid like help for an *abuela*, this is the time to cut off any money to Cuba.”

Like most exile leaders, Vilariño’s been OK with Cuban families here sending a few thousand dollars to relatives there to help them start small pizzerias or hair salons. But she fears larger-scale investment will simply provide an economic lifeline for the Cuban regime.

Vilariño, a former Republican congressional candidate, argues the more private Cuban businesses grow, the more the regime will squeeze them for taxes and fees. That's money she says helps finance a dictatorship at a time when the economy looks on the brink of collapse — as last weekend's massive oil facility fire in Matanzas, Cuba, seemed to remind the world.

(Florida's Republican governor, Ron DeSantis, and his lieutenant governor, Cuban-American Jeannette Nuñez, have also weighed in against investment. [In a statement](#), they echoed conservative exiles who insist there is no real private sector in Cuba and that the regime's approval of foreign investment is a "kleptocratic scheme.")

“The great majority of any investment will end up in the hands of the regime," Vilariño said. "They are in a desperate state, and this is the one time in our history where the Cuban people finally are speaking out for freedom.”

DEMOCRATIC MOMENTUM

Vilariño is referring to those historic, "Patria y Vida" demonstrations that alarmed Cuban officialdom last year. But the regime has since suppressed that dissent — and harshly. That’s why those who support investing in private entrepreneurs argue they’re the best bet in the long run for creating more democratic momentum in Cuba. Or, as Havana restaurateur Alexis Ballester told WLRN: “I would love to partner with private investors. It would mean less government and political ideology for us to have to deal with here.”



Pablo Martinez Monsivais/AP- Irina Vilarino (right) with then President Donald Trump in 2018

U.S. investors like Kavulich, who is not Cuban, also argue one reason conservative Cuban exile leaders are wary of greater prosperity for Cuban business owners — and of non-Cuba-American investor involvement in that prosperity — is that they fear it will erode exile political influence on the island.

"Which, when you think about it," Kavulich said, "is the same reason the Cuban regime doesn't want to see private business owners getting prosperous. It's about control."

Cuban exile leaders deny that charge. But one big and perhaps more important question is how to get U.S. investment cash to private businesses in Cuba. Because of the U.S. trade embargo, the two countries don't have banking relationships. Until the U.S. authorizes one, many investors may balk at going into Cuba for fear of violating the embargo.

This is not the time to invest in Cuba — the great majority of any investment in private businesses will end up in the hands of the Cuban regime. Irina Vilarino

"It's frustrating because there's still a lot of uncertainty out there," said Eduardo Suñol, a Cuban-American in Coral Gables and co-founder with an entrepreneur in Cuba of [Mandao](#), a Cuban food-delivery business that's seeking U.S. investors.

Suñol said earlier this year, the payment gateway Mandao was using to service customers in the U.S. ordering food deliveries for family and friends in Cuba suddenly backed out of the arrangement. The reason: concerns about doing business related to Cuba. "Any decisions that could be made here in the U.S." to make it clearer when it's safe to enter into that kind of Cuba-related business, Suñol said, "if they could be made as soon as possible, it'll benefit many private Cuban businesses — and many Cubans.



Mandao- Mandao employees making deliveries in Cienfuegos, Cuba

"Because, y'know, this is a human issue, right? It's an opportunity issue." The Biden Administration is expected to clarify its rules for investing in Cuba as early as this month.

Catalina Garcia reported from Havana.

Miami Herald

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5 August 2022

U.S.-based online food stores were meant to help Cubans. Why are they selling Havana Club?

By Nora Gámez Torres



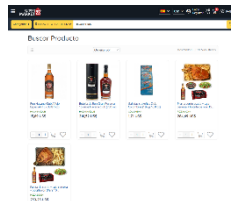
Screenshot of the website Cubamax.com offering Havana Club rum made in Cuba for sale.

Online supermarkets allowing Cuban Americans to pay for food for their families in Cuba have become a lifeline for many on the island during the pandemic, helping them survive amid widespread food shortages.

Similar to websites offering groceries online, these platforms allow U.S. customers to select and pay for products that usually cannot be found in island stores, such as meat and milk, that will then be delivered to the address of the recipient in Cuba.

But some of these online stores have become a marketplace for flagship Cuban products such as Havana Club rum produced by state companies and enterprises that are private on paper but maintain their links with the government, raising questions about compliance with the U.S. embargo and the legal basis for the business model.

For instance, Miami-based Cubamax, a Cuba travel agency now offering food products for Cubans on the island, offers four different brands of rum made in Cuba, including Havana Club. Supermarket 23, another e-commerce platform registered in Florida, is marketing a \$216 bottle of Havana Club Gran Reserva. The same bottle is \$239 on Cubamax.com.



Screenshot of the website Supermarket23.com, offering Havana Club products.

Other products manufactured by Cuban companies are for sale, as well. Cubamax is selling well-known Cuban coffee brands such as Cubita and Serrano and buffalo ground beef from Empresa Pecuaria Genética El Cangre, a state enterprise in the town of Guines, near Havana. And Supermarket 23 is offering products marketed by the state's Empresa Integral Agropecuaria in Ciego de Ávila.



Screenshot of the website Cubamax.com offering Cuban coffee brand Cubita.

How Cuban rum and other state-made goods ended up being marketed to U.S. customers despite embargo regulations is a question some activists are posing to authorities. Salomé García Bacallao, a Cuban human-rights activist, recently filed a complaint with the Office of Florida's Attorney General Ashley Moody against Supermarket 23 for alleged embargo violations.

She said she wanted to call attention to the company's activities following a report by Cubanet, an independent news website, showing the e-commerce platform was selling food products from Alcona, a Cuban state enterprise connected to Cuban general Guillermo García. References to Alcona products have since been deleted from the website.

Bacallao's complaint and at least three others involving Supermarket23 "are currently under active review," the Office's deputy communications director, Kylie Mason, said. Supermarket23 is owned by Cuba-born Anibal Quevedo, the founder and CEO of Canadian-based Treew, which runs Supermarket23.com and several similar websites such as Treew.com and Supermarket.treew.ca. Under different names and registered in Canada and Spain, his online store has been in business for several years.

An Angola war veteran, he was the former director of the Cuban government's first e-commerce website Cubaweb.cu, in the 1990s. He also sold Cuban cigars online on his website Unicoshabanos.com. He could not be reached. It is unclear if Supermarket23 conducts business in Florida, where Quevedo's son, Anibal Quevedo Jr, registered it as a limited liability company in 2016. Quevedo Jr. did not reply to calls, text

messages and emails left by the Herald. Reached by phone, Carlos Trujillo, owner of Cubamax, said he was busy and couldn't take calls from the Herald. He did not respond to questions sent by text message.

How does the business model work? Online grocery shopping for residents in Cuba has become a popular business but one that gets complicated because of the U.S. trade embargo on Cuba. The embargo prohibits all transactions involving Cuba unless they're authorized by the Department of the Treasury or other laws.

However, companies can export food and medicines to Cuba legally, and import certain goods (including most food products) and services produced by independent Cuban entrepreneurs. The State Department warns that those importing goods from private businesses in Cuba "must obtain documentary evidence that demonstrates the entrepreneur's independent status" or evidence that "demonstrates that the entrepreneur is a private entity that is not owned or controlled by the Cuban government."

U.S. persons can also request that the Treasury and the Commerce Department authorize a particular activity or transaction with a special license, which tends to be very specific. Not all these platforms follow the same model. Katapult.com, for example, also offers private businesses in Cuba the opportunity to sell their products on its platform.

Hugo Cancio, the Cuban-American owner of Katapult, said in a statement that most of the products he sells through the online store come from the U.S. "The vast majority of products on our platform are legally imported from the U.S., brands recognized by our customers at reasonable prices," he told the Herald. "Katapult is more than an online store; it is a marketplace where there are more than 145 independent stores that offer a wide variety of products and services."

While these online platforms might be operating under a combination of general and specific licenses, experts and lawyers note that the regulations do not seem to authorize companies under U.S. jurisdiction to market and sell to U.S. customers products made by Cuban state companies or businesses with links to the state.

"Everything the administration has done and it's going to do involves supporting the non-state sector," said John Kavulich, the president of the U.S.-Cuba Trade and Economic Council. "If someone uses a general or specific license to support the purchase or market Cuban government products, they are leaving themselves incredibly exposed."



Screenshot of the website Supermarket23.com, offering Havana Club products.

Lawyers also caution about trusting that other frequently cited embargo exceptions such as activities "in support of the Cuban people" would provide cover for these online businesses.

For one, the "support-for-the-Cuban-people category primarily refers to travel to Cuba; it's not a broad license," says Robert Muse, a lawyer and Cuba expert who has opposed the U.S. embargo. "Just because you're claiming you're doing God's work in Cuba, that doesn't immunize you," Muse said. "We do exist under the embargo, unfortunately."

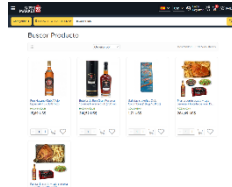
Private businesses linked to the Cuban government The increased attention over these online stores comes amid concerns shared by some Cuban activists and exiles that the Biden administration's policies to support the private sector in Cuba could be exploited by the Cuban government or those close to it.

For U.S. officials, e-commerce platforms play an essential role at a time when food shortages in Cuba have worsened.

“The Cuban people are facing a dire economic and food security situation,” a spokesperson for the State Department said. “The United States has taken action to facilitate the delivery of private humanitarian donations and other agricultural and medical exports. Platforms permitting food purchases in the United States for delivery in Cuba connect the Cuban people with food supplies.”

A spokesperson for the Treasury Department stressed that the goal of the administration’s policies is to “encourage commercial opportunities outside of the state sector” by helping independent Cuban entrepreneurs access e-commerce platforms. The spokesperson said the administration was also working to expand access to “additional payment options for Internet-based activities, support electronic payments, and facilitate business engagement with independent Cuban entrepreneurs.”

But activists worry that the Cuban government is adapting to benefit from those regulations. The story behind Tuaba products offered on both Cubamax and Supermarket23 websites shows how this could be happening.



Screenshot of the website Cubamax.com showing Tuaba products for sale.

Under Raúl Castro’s command, Cuba’s Communist Party adopted a number of reforms to decentralize the economy, which were stalled for many years. But as the pandemic shut down tourism and the government became desperate for cash, some reforms gained pace, including transforming state companies into small and medium private enterprises.

The first step was to create local, small-scale local state enterprises that were granted more freedoms than the typical state company. That’s how Tuaba was born, as the brand of Media Luna, a local mini-industry project by the state’s Empresa Integral Agropecuaria in Ciego de Ávila.

Created in 2020, Media Luna started producing juices and guava bars, and it was so successful that it was featured on the Ministry of Economy’s website. Then without further explanation, state media announced in October last year that Media Luna was now a “private medium enterprise,” the first one in Ciego de Avila. In reality, not much had changed.

Despite its “non-state” status, the enterprise was committed to “the defense of the achievements of socialism,” one of its officials said during a Communist Party meeting attended by Cuban leader Miguel Díaz-Canel, Cuban state news agency ACN reported in March.

According to the ACN report, the company’s chief economic officer, Yamilka Avilés, said the enterprise got into e-commerce “with payments from abroad,” confirming Media Luna marketed goods “in several foreign platforms.” That activity generated \$5 million in revenue in 2021, and \$1.2 million was handed directly to the state’s central budget account, the report says. Another \$108,000 and 4.5 million Cuban pesos were delivered to the local government.

García Bacallao, who filed the complaint with Florida’s attorney general, said U.S. officials might miss those connections. “I think that now there is an urgency because the Cuban state is using this strategy around the private enterprises to give an idea of economic opening, of change,” García Bacallao said. “And the United States government is accepting that as something true.”

El Nuevo Herald
Miami, Florida
5 August 2022

Tiendas de alimentos de EEUU debían ayudar a los cubanos. ¿Por qué venden Havana Club?

por Nora Gámez Torres

Captura de pantalla del sitio web Cubamax.com que ofrece a la venta ron Havana Club hecho en Cuba.
Captura de pantalla del sitio web Cubamax.com que ofrece a la venta ron Havana Club hecho en Cuba.

Los supermercados en línea que permiten a los cubanoamericanos pagar los alimentos para sus familias en Cuba se han convertido en un salvavidas para muchos en la isla durante la pandemia, ayudándolos a sobrevivir en medio de una escasez generalizada de alimentos.

De manera similar a los sitios web para hacer el mercado en línea, los clientes estadounidenses que utilizan estas plataformas pueden seleccionar y pagar productos que generalmente no se encuentran en las tiendas de la isla, como carne y leche, que luego serán entregados a la dirección del destinatario en Cuba. Pero algunas de estas tiendas en línea se han convertido en un mercado para productos cubanos emblemáticos como el ron Havana Club, producidos por empresas estatales y empresas que son privadas en el papel pero mantienen sus vínculos con el gobierno, lo que genera preguntas sobre el cumplimiento del embargo estadounidense y la base legal para el modelo de negocio.

Cubamax, una agencia de viajes a Cuba con sede en Miami que ahora ofrece productos alimenticios para los cubanos en la isla, vende cuatro marcas diferentes de rones hechos en Cuba, incluido Havana Club.

Supermarket23, otra plataforma de comercio electrónico registrada en Florida, comercializa una botella de \$216 de Havana Club Gran Reserva. La misma botella cuesta \$239 en Cubamax.com. Supermarket23 RON Havana Club.png Captura de pantalla del sitio web Supermarket23.com, que ofrece productos Havana Club. Reciba acceso digital ilimitado Suscríbese para acceso digital ilimitado – solo \$2 por 2 meses.

Otros productos fabricados por empresas cubanas también están en venta. Cubamax también vende conocidas marcas de café cubano como Cubita y Serrano y carne de búfalo molida de la Empresa Pecuaria Genética El Cangre, una empresa estatal en la localidad de Güines, cerca de La Habana. Supermarket23 también ofrece productos comercializados por la estatal Empresa Integral Agropecuaria en Ciego de Ávila. Cubamax-Tienda cafe cubita.png Captura de pantalla del sitio web Cubamax.com que ofrece la marca de café cubano Cubita.

Cómo el ron cubano y otros productos de fabricación estatal terminaron comercializándose entre los clientes estadounidenses a pesar de las regulaciones del embargo es una pregunta que algunos activistas le están haciendo a las autoridades. Salomé García Bacallao, activista cubana de derechos humanos, presentó recientemente una denuncia ante la Oficina de la Fiscal General de la Florida Ashley Moody contra Supermarket23 por presuntas violaciones del embargo.

Ella dijo que quería llamar la atención sobre las actividades de la empresa luego de que un reportaje de Cubanet, un sitio independiente de noticias, mostrara que esa plataforma de comercio electrónico vendía productos alimenticios de Alcona, una empresa estatal conectada con el general cubano Guillermo García. Desde entonces, las referencias a los productos de Alcona fueron eliminadas del sitio web. La denuncia de Bacallao y al menos otras tres relacionadas con Supermarket23 “están actualmente bajo revisión activa”, dijo la subdirectora de comunicaciones de la Oficina, Kylie Mason.

Supermarket23 es propiedad de Aníbal Quevedo, nacido en Cuba, fundador y director ejecutivo de Treew, con sede en Canadá, que administra Supermarket23.com y varios sitios web similares como Treew.com y Supermarket.treew.ca.

Bajo diferentes nombres y registrada en Canadá y España, su tienda en Internet lleva varios años en el mercado. Veterano de la guerra de Angola, fue el exdirector del primer sitio web de comercio electrónico del gobierno cubano, Cubaweb.cu, en la década de 1990. También vendió cigarrillos cubanos en línea en su sitio web Unicoshabanos.com.

El Herald no pudo contactarlo. Dado que la empresa está presente en otros países, no está claro si Supermarket23 realiza negocios en Florida, donde su hijo, Anibal Quevedo Jr, la registró como una

sociedad de responsabilidad limitada en 2016. Quevedo Jr. no respondió a las llamadas, mensajes de texto y correos electrónicos. dejados por el Herald. Contactado por teléfono, Carlos Trujillo, dueño de Cubamax, dijo estar ocupado y no poder atender las llamadas del Herald. Tampoco respondió a preguntas enviadas por mensaje de texto. ¿Cómo funcionan estas plataformas? La compra de alimentos en línea para los residentes en Cuba se ha convertido en un negocio popular, pero uno complicado debido al embargo comercial de Estados Unidos sobre Cuba.

El embargo prohíbe todas las transacciones que involucren a Cuba a menos que estén autorizadas por el Departamento del Tesoro u otras leyes. Sin embargo, las empresas pueden exportar legalmente alimentos y medicinas a Cuba e importar ciertos bienes (incluyendo la mayoría de los productos alimenticios) y servicios producidos por empresarios cubanos independientes.

El Departamento de Estado advierte que aquellos que importen bienes de empresas privadas en Cuba “deben obtener evidencia documental que demuestre el estatus independiente del empresario” o evidencia que “demuestre que el empresario es una entidad privada que no es propiedad ni está controlada por el gobierno cubano”. Las personas estadounidenses también pueden solicitar al Tesoro y al Departamento de Comercio que autoricen una actividad o transacción en particular con una licencia especial, que suele ser muy específica.

No todas estas plataformas siguen el mismo modelo. Katapult.com, por ejemplo, también ofrece a negocios privados en Cuba la oportunidad de vender sus productos en su plataforma. En una declaración, Hugo Cancio, el propietario cubanoamericano de Katapult, dijo que la mayoría de los productos que vende a través de la tienda en línea provienen de Estados Unidos. “La gran mayoría de los productos en nuestra plataforma son legalmente importados de Estados Unidos, marcas reconocidas por nuestros clientes a precios módicos”, dijo al Herald.

“Katapult es más que una tienda en línea; es un marketplace donde residen más de 145 tiendas independientes que ofrecen una amplia variedad de productos y servicios.” Si bien estas plataformas en línea pueden estar operando bajo una combinación de licencias generales y específicas, expertos y abogados advierten que las regulaciones no parecen autorizar a empresas bajo jurisdicción estadounidense a comercializar y vender a clientes estadounidenses productos fabricados por empresas estatales cubanas o negocios con vínculos con el estado.

“Todo lo que ha hecho y hará la administración tiene que ver con apoyar al sector no estatal”, dijo John Kavulich, presidente del U.S.-Cuba Trade and Economic Council. “Si alguien usa una licencia general o específica para respaldar la compra o comercialización de productos del gobierno cubano, se está exponiendo increíblemente”.

Los abogados también alertan sobre confiar en que otras excepciones al embargo citadas con frecuencia, como las actividades “en apoyo del pueblo cubano”, brindarían cobertura para estos negocios en línea.

Por un lado, la categoría “apoyo al pueblo cubano se refiere principalmente a los viajes a Cuba; no es una licencia amplia”, dice Robert Muse, un abogado y experto en temas cubanos que se ha opuesto al embargo estadounidense. “Solo porque afirmas que estás haciendo la obra de Dios en Cuba, eso no te inmuniza”, dijo Muse. “Existimos bajo el embargo, desafortunadamente”.

Empresas privadas vinculadas al gobierno cubano La atención sobre estas tiendas en línea se produce en medio de las preocupaciones compartidas por algunos activistas y exiliados cubanos de que las políticas de la administración de Joe Biden para apoyar al sector privado en Cuba podrían ser explotadas por el gobierno o sus allegados. Para los funcionarios estadounidenses, las plataformas de comercio electrónico juegan un papel esencial en un momento en que la escasez de alimentos en Cuba se ha agravado.

“El pueblo cubano se enfrenta a una situación económica y de seguridad alimentaria terrible”, dijo un portavoz del Departamento de Estado. “Estados Unidos ha tomado medidas para facilitar la entrega de donaciones humanitarias privadas y otras exportaciones agrícolas y médicas. Las plataformas que permiten la compra de alimentos en Estados Unidos para su entrega en Cuba conectan al pueblo cubano con el suministro de alimentos”.

Una vocera del Departamento del Tesoro enfatizó que el objetivo de las políticas de la administración es “fomentar oportunidades comerciales fuera del sector estatal” al ayudar a los empresarios cubanos independientes a acceder a las plataformas de comercio electrónico. La vocera dijo que la administración también estaba trabajando para expandir el acceso a “opciones de pago adicionales para actividades basadas en Internet, respaldar pagos electrónicos y facilitar las relaciones comerciales con empresarios cubanos independientes”.

Pero a los activistas les preocupa que el gobierno cubano se esté adaptando para beneficiarse de esas regulaciones. La historia detrás de los productos Tuaba que se ofrecen en los sitios web de Cubamax y Supermarket23 ilustra cómo podría estar sucediendo esto. Cubamax-Tienda Tuaba.png Captura de pantalla del sitio web Cubamax.com mostrando productos Tuaba a la venta. Bajo el mando de Raúl Castro, el Partido Comunista de Cuba adoptó una serie de reformas para descentralizar la economía, que estuvieron estancadas durante muchos años.

Pero cuando la pandemia casi acaba con el turismo y el gobierno se vio urgido de efectivo, algunas reformas ganaron impulso, incluida la transformación de empresas estatales en pequeñas y medianas empresas privadas. El primer paso fue crear empresas estatales locales a las que se les otorgaron más libertades que a la típica empresa estatal. Así nació Tuaba, como marca de Media Luna, un proyecto de mini-industria local de la estatal Empresa Integral Agropecuaria en Ciego de Ávila.

Creada en 2020, Media Luna comenzó a producir jugos y barras de guayaba, y tuvo tanto éxito que apareció en el sitio web del Ministerio de Economía. Luego, sin más explicaciones, los medios estatales anunciaron en octubre del año pasado que Media Luna era ahora una “mediana empresa privada”, la primera en Ciego de Ávila. En realidad, no había cambiado mucho. A pesar de su condición de “no estatal”, la empresa estaba comprometida con “la defensa de los logros del socialismo”, dijo una de sus funcionarias durante una reunión del Partido Comunista a la que asistió el líder cubano Miguel Díaz-Canel, informó ACN en marzo. La directora económica de la empresa, Yamilka Avilés, dijo que la empresa incursionó en el comercio electrónico “con pagos desde el exterior”, y afirmó que Media Luna comercializaba bienes “en varias plataformas extranjeras”. Esa actividad generó \$5 millones en ingresos en 2021, y \$1.2 millones se entregaron directamente a la cuenta del presupuesto central del estado, según el reporte de ACN. Otros \$108,000 y 4.5 millones de pesos cubanos fueron entregados al gobierno local.

García Bacallao, quien presentó la denuncia ante la fiscal general de la Florida, dijo que los funcionarios estadounidenses podrían perderse esas conexiones. “Creo que ahora hay una urgencia porque el Estado cubano está usando esta estrategia en torno a la empresa privada para dar una idea de apertura económica, de cambio”, dijo García Bacallao. “Y el gobierno de Estados Unidos lo está aceptando como algo cierto”.

Radio Marti

Miami, Florida

3 August 2022

Exiliados en Miami protestan en contra de First American Bank: “Es inmoral hacer negocios con una tiranía”

By Ricardo Quintana



Exiliados cubanos protestan contra banco que tendría vínculos con la dictadura cubana

Bajo inclemente lluvia matinal, exiliados cubanos manifestaron su indignación frente a una sucursal del banco First American Bank en Miami que, según versiones, maneja cuentas de misiones diplomáticas del régimen de Cuba en EEUU.

“Tener las cuentas del régimen para lo que sea es una falta moral”, dijo a Radio Televisión Martí el doctor Orlando Gutiérrez Boronat, dirigente de la Asamblea para la Resistencia en Cuba, organización no gubernamental que convocó la protesta. Asimismo, anunció el inicio de una campaña contra las instituciones bancarias que hacen negocios con la dictadura cubana en Estados Unidos y en el mundo. “Es inmoral hacer negocios con una tiranía que apoya la agresión contra Ucrania por parte de Rusia, que es un régimen sangriento”, dijo el Dr. Gutiérrez Boronat.



Sucursal de First American Bank en el suroeste de Miami.

Los manifestantes portaban carteles en apoyo al paro nacional que promueven organizaciones de la oposición en Cuba y gritaban consignas en contra de la entidad bancaria y a favor del respeto de los derechos humanos en la isla. “Estoy aquí porque me indigna y me duele que en un país democrático como EEUU haya instituciones como este banco que financien al régimen castrista”, comentó el exprisionero político, Jorge Luis García Pérez "Antúnez".

Un reciente informe del diario The Miami Herald aseguró que First American Bank maneja las cuentas de la Embajada de Cuba en Washington y de la misión de la isla en Naciones Unidas. El diario cita declaraciones de John Kavulich, presidente del Consejo Económico y Comercial Cuba/Estados Unidos.

“El First American Bank es el banco que tiene las cuentas de la dictadura cubana, su asociación con el crimen y el atropello en Cuba, es directa”, afirmó, por su parte, Luis Zuñiga, activista del Consejo por la Libertad de Cuba.



Manifestación de exiliados cubanos contra First American Bank.

Durante la manifestación, ningún representante de la filial bancaria salió a confrontar a los activistas.

Según fuentes de The Miami Herald, First American Bank adquirió en junio último las cuentas del régimen, después de que Centennial Bank cortó las relaciones de negocios con La Habana por su respaldo a Rusia en relación con la invasión a Ucrania.

Radio Television Martí envió un correo electrónico a First American Bank, indagando sobre lo publicado por el diario local. “No comentamos sobre ninguna de las cuentas de nuestros clientes, ni sobre ninguna negociación que podamos tener con clientes o clientes potenciales, respondió Adelberto Spaan, vicepresidente ejecutivo de la institución financiera. El Departamento del Tesoro de EEUU autoriza a los bancos a manejar las cuentas de misiones diplomáticas de países que son objeto de sanciones.

El Herald informó que, según sus fuentes, First American Bank está en negociaciones con La Habana en una operación con el oficialista Banco Internacional de Comercio para abrir una cuenta de corresponsalía en la isla. En este sentido, el vicepresidente ejecutivo de First American Bank respondió: “Como saben, Cuba es un país fuertemente sancionado y no consideraríamos ninguna relación con nadie que viole las sanciones vigentes o cualquiera de las reglas de la oficina de control de activos extranjeros, OFAC”. Los manifestantes aprovecharon la ocasión para expresar respaldo al paro cívico nacional que promueven organizaciones opositoras en Cuba.

Miami Herald

Miami, Florida

26 July 2022

Bank founded by exile in Miami handles Cuba's accounts for diplomatic posts in the U.S.
By Nora Gámez Torres



The Cuban flag flies in front of the embassy in Washington, which reopened in 2015 after a 54-year break in diplomatic relations. OLIVIER DOULIERY TNS

A bank with Cuban American roots in Miami has recently started handling the bank accounts for the Cuban embassy in Washington D.C. and the Cuban mission at the United Nations in New York.

First American Bank began handling the accounts in June, according to John Kavulich, the U.S.-Cuba Trade and Economic Council president. First American, with headquarters in Illinois, expanded its presence in South Florida after acquiring Miami's Continental Bank in 2019. Continental Bank was the first Cuban-American-owned bank in the United States, founded in 1974 by Carlos Dascal, who fled Fidel Castro's revolution in 1961.

First American Bank acquired Cuba's accounts after Centennial Bank, which had been handling the island's accounts in the U.S., "severed all business relations" with the Cuban government following its support to Russia and its justifications to invade Ukraine, a source with knowledge of the situation told the Miami Herald. The source asked for anonymity to discuss sensitive financial matters.

Thomas E. Wells, chairman and CEO of First American Bank, said the institution does "not comment on our client relationships, recognizing their rights to confidentiality."

Centennial had been providing services to the embassy and the mission since 2017 through its acquisition of Stonegate Bank, which received a special license from the Treasury Department to manage the accounts in 2015. Centennial also handled several other accounts of companies doing authorized business with Cuba.

The U.S. Treasury Department authorizes banks to handle transactions of the diplomatic missions of countries under sanctions. Still, at times, Cuba has had trouble finding a bank willing to do so because it is difficult and expensive for banks to navigate the sanctions laws and regulations. On its annual report filed with the Securities Exchange Commission in February, the company that owns Centennial Bank, Home Bancshares., acknowledged the risk of keeping the Cuban accounts after the acquisition of Stonegate.

"We may have a higher risk of non-compliance with the Bank Secrecy Act and Anti-Money Laundering rules... and will likely need to more closely monitor transactions related to correspondent accounts in Cuba, potentially resulting in increased compliance costs," the company said. Centennial Bank did not reply to an email sent to an address listed on its website nor to messages left to its accounts on Twitter and Facebook. Calls to several branches were not answered. The bank does not provide media contact information on its website. Donna Townsell, senior executive Vice President at Home Bancshares, did not respond to voicemails left by the Herald requesting comment.

No direct banking to Cuba yet Because of the U.S. embargo restrictions, financial transactions involving Cuba usually have to go through another bank in a third country. The Obama administration authorized U.S. banks and companies to open accounts in Cuba for transactions that fall under the law but stopped

short of allowing Cuban entities to do the same in the U.S., a relationship known as direct correspondent banking.

First American Bank is currently negotiating with government-operated Banco Internacional de Comercio SA to open a correspondent account in Cuba, the source with knowledge of the matter said. The Biden administration is working on the regulations to implement policy changes announced in May, including expanding electronic payments and increasing support for U.S. business activities with independent Cuban entrepreneurs. But it is unclear if U.S. officials will go as far as allowing a direct banking relationship with Cuba.

The May announcement received pushback from activists suspicious of any business dealings with Cuba, even if it primarily involves the private sector. After the Cuban government said last week it would allow foreign investment in certain private businesses, Florida Gov. Ron DeSantis directed the state's Department of Economic Opportunity and Enterprise Florida to issue an alert warning Floridians "not to let the communist Cuban regime steal their money through a recent scheme seeking to attract foreign investment for the 'non-state sector,'" his office said in a statement.

Kavulich, who heads a company that received a Treasury Department license to invest and provide financing to small private enterprises in Cuba, believes allowing direct banking relations should be the administration's next "logical" step, given the license he received and the Cuban government's subsequent announcement. Potential investors and those providing financing in the U.S. to Cuban small private enterprises "must have a direct, efficient, and transparent means" to send funds to Cuba and receive their investment income, dividends and loan payments, Kavulich said.

"It will be nonsensical for the Biden Administration to continue to require funds moving from Cuba to the United States to go through banks in third countries- where they then take a fee from every transaction," he added.

According to his calculation, fees were paid on transfers totaling more than \$6.7 billion since December 2001.

El Nuevo Herald

Miami, Florida

26 July 2022

Banco fundado por exiliados en Miami maneja las cuentas del gobierno de Cuba en EEUU
por Nora Gámez Torres



La bandera cubana ondea frente a la embajada en Washington, que reabrió sus puertas en 2015 tras 54 años de ruptura de relaciones diplomáticas. OLIVIER DOULIERY TNS

Un banco con raíces cubanoamericanas recientemente comenzó a manejar desde Miami las cuentas bancarias de la embajada cubana en Washington D.C. y la misión cubana ante las Naciones Unidas en Nueva York.

First American Bank comenzó a manejar las cuentas en junio, según John Kavulich, presidente del Consejo Económico y Comercial EEUU-Cuba. First American Bank, con sede en Illinois, amplió su presencia en el sur de Florida tras adquirir Continental Bank de Miami en 2019. Continental Bank fue el primer banco de propiedad cubanoamericana en Estados Unidos, fundado en 1974 por Carlos Dascal, quien huyó de la revolución de Fidel Castro en 1961.

First American Bank adquirió las cuentas de Cuba después de que Centennial Bank “cortara todas las relaciones de negocios” con el gobierno cubano tras su apoyo a Rusia y sus justificaciones para invadir Ucrania, dijo al Herald una fuente con conocimiento de la situación. La fuente pidió el anonimato para discutir asuntos financieros delicados. Thomas E. Wells, presidente y director ejecutivo de First American Bank, dijo que el banco “no comenta sobre las relaciones con nuestros clientes, reconociendo sus derechos a la confidencialidad”.

Centennial Bank había estado brindando servicios a la embajada y la misión desde 2017 a través de la adquisición de Stonegate Bank, que recibió una licencia especial del Departamento del Tesoro para administrar las cuentas en 2015. Centennial también manejó otras cuentas de empresas que realizan negocios autorizados con Cuba.

El Departamento del Tesoro de Estados Unidos autoriza a los bancos a manejar transacciones de las misiones diplomáticas de países bajo sanciones. Aún así, a veces Cuba ha tenido problemas para encontrar uno dispuesto a hacerlo porque es difícil y costoso para los bancos navegar las leyes y regulaciones del embargo. En su informe anual presentado ante la Comisión de la Bolsa de Valores en febrero, la empresa propietaria de Centennial Bank, Home Bancshares, reconoció el riesgo de mantener las cuentas cubanas tras la adquisición de Stonegate. Noticias de Cuba Reciba el boletín más completo y creíble de noticias, reportajes y columnas de opinión sobre Cuba.

“Es posible que tengamos un mayor riesgo de incumplimiento de la Ley de Secreto Bancario y las normas contra el lavado de dinero... y probablemente necesitemos monitorear más de cerca las transacciones relacionadas con las cuentas corresponsales en Cuba, lo que podría resultar en un aumento de los costos”, dijo la compañía. Centennial Bank no respondió a un correo electrónico enviado a una dirección que figura en su sitio web ni a los mensajes dejados en sus cuentas de Twitter y Facebook. Las llamadas a varias sucursales no fueron atendidas. El banco no proporciona información de contacto para la prensa en su sitio web. Donna Townsell, vicepresidenta ejecutiva sénior de Home Bancshares, no respondió a los mensajes de voz dejados por el Herald solicitando comentarios.

No hay banca directa a Cuba todavía Debido a las restricciones del embargo, las transacciones financieras que involucran a Cuba generalmente tienen que pasar por otro banco en un tercer país. El gobierno de Obama autorizó a bancos y empresas estadounidenses a abrir cuentas en Cuba para transacciones legales, pero no llegó a permitir que las entidades cubanas hicieran lo mismo en Estados Unidos, una relación conocida como corresponsalía bancaria directa.

First American Bank está negociando actualmente con el estatal Banco Internacional de Comercio SA para abrir una cuenta corresponsal en Cuba, dijo la fuente con conocimiento del tema. La administración de Joe Biden está trabajando en las regulaciones para implementar los cambios de política anunciados en mayo, incluida la expansión de los pagos electrónicos y el aumento del apoyo a las actividades comerciales estadounidenses con empresarios cubanos independientes.

Pero no está claro si los funcionarios llegarán tan lejos como para permitir una relación bancaria directa con Cuba. El anuncio de mayo recibió el rechazo de activistas que sospechan de cualquier trato comercial con Cuba, incluso si involucra principalmente al sector privado. Después de que el gobierno cubano dijera la semana pasada que permitiría la inversión extranjera en ciertos negocios privados, el gobernador de Florida, Ron DeSantis, ordenó al Departamento de Oportunidades Económicas y Enterprise Florida que emitiera una alerta advirtiendo a los residentes del estado “que no permitan que el régimen comunista cubano robe su dinero a través de un esquema reciente que busca atraer inversión extranjera para el ‘sector no estatal’”, dijo su oficina en un comunicado.

Cuba Estados Unidos autoriza por primera vez inversión en negocio privado en Cuba 16 de mayo de 2022
04:26 PM

Kavulich, quien dirige una empresa que recibió una licencia del Departamento del Tesoro para invertir y brindar financiamiento a un pequeño negocio privado en Cuba, cree que permitir las relaciones bancarias directas debería ser el próximo paso “lógico” de la administración, dada la licencia que recibió y el posterior anuncio del gobierno cubano. Los inversionistas y quienes brinden financiamiento en Estados Unidos a las

pequeñas empresas privadas cubanas “deben tener un medio directo, eficiente y transparente” para enviar fondos a Cuba y recibir sus ingresos de inversión, dividendos y pagos de préstamos, dijo Kavulich.

“No tendría sentido que la administración de Biden continúe requiriendo que los fondos que se mueven de Estados Unidos a Cuba pasen por bancos en terceros países, donde luego cobran una comisión por cada transacción.”

Florida Politics

St. Petersburg, Florida

25 July 2022

‘The weak policies of (the Biden) administration have led the (Cuban) regime to attempt to perpetrate a financial fraud against the American people.’

Gov. **Ron DeSantis** is slamming President **Joe Biden**’s administration for rolling back sanctions on Cuba and warning Floridians against investing in the island nation’s so-called private sector, a move he says will benefit “the racketeers” running the country and not its entrepreneurs.

DeSantis announced Friday that he directed the **Florida Department of Economic Opportunity and Enterprise Florida** to issue an alert warning Floridians “not to let the communist Cuban regime steal their money through a recent scheme seeking to attract foreign investment for the ‘non-state sector.’”

Under Cuba’s communist regime, Cubans have no way to leverage investments to improve their circumstance, a **press release** from the Governor’s Office said.

“Over the past year and a half, the Biden administration has rolled back American sanctions on Cuba and has failed to assist the Cuban people in their fight for freedom,” the release said.

“This has emboldened the racketeers who run the Cuban regime to launch a kleptocratic scheme claiming that they will welcome American investment in the island’s supposed private sector, but foreign investment is meaningless when there are no property rights for Cuban citizens and when the Cuban government will limit which ostensibly private businesses will be allowed to receive foreign funds.”

Any money sent to those in Cuba “will inevitably end up in the pockets of (former Cuban President) **Raúl Castro**, (current President) **Miguel Díaz-Canel**, and the rest of the Cuban mafia who will use that cash to continue to enrich themselves, impoverish their people and further destabilize the Western Hemisphere,” the release said.

On July 11, 2021, the **largest demonstrations in decades against the Cuban regime** erupted across the island as people flooded the streets amid shortages in food and medicine, a record surge in COVID-19 infections and demanding “libertad” — freedom — from more than half a century of totalitarian control. As the Cuban government cracked down on its citizens, rallies supporting the protests sprung up around the U.S. There were also marches to Washington to demand more action from Biden, who announced new sanctions targeting “elements of the Cuban regime responsible” for suppressing protesters.

In the days and months that followed, DeSantis and other Republicans — many from South Florida, which is home to the country’s largest population of Cuban Americans — **castigated the President** and others, including **Pope Francis**, for their tepid responses.

DeSantis was among Biden’s earliest and most vocal critics over the U.S. response to protests in Cuba. Just two days after protests broke out, the Governor held a **roundtable** at the American Museum of the Cuban Diaspora in Miami to demand the Biden administration ensure continued internet access to the island so Cuban citizens could continue to share information with supporters around the world.

He spoke alongside Sens. **Marco Rubio** and **Rick Scott**, U.S. Reps. **Marío Díaz-Balart**, **Carlos Giménez** and **María Elvira Salazar** of Florida, as well as several other GOP members of Congress and elected

leaders from South Florida. They all agreed it was time for **strong action**, but they offered few details as to what Biden could do beyond helping Cubans maintain an internet connection.

Now more than a year since the protests — and roughly six months since Cuban authorities **handed down sentences of up to 30 years** to 128 anti-government protesters, some of them minors — the Biden administration has lifted several **Donald Trump**-era restrictions on Cuba, including on travel to the island, nonfamily remittances and caps on family remittances and immigration visas.

The administration also opened the door to American investments in Cuban businesses, the first of which, an up to \$25,000 cash infusion in a Cuban private service company, received U.S. Treasury Department approval May 10.

A **May 16 statement** from the U.S. Department of State indicates more such investments may follow.

“We will encourage the growth of Cuba’s private sector by supporting greater access to U.S. Internet services, applications, and e-commerce platforms,” the statement said. “We will support new avenues for electronic payments and for U.S. business activities with independent Cuban entrepreneurs, including through increased access to microfinance and training.”

Months before the July 2021 protests, the Cuban government announced that it would **allow private businesses to operate** in most business sectors, a major change in the country’s state-controlled economy spurred by a plummeting economy and a nationwide shortage of basic goods.

That’s a ruse, according to DeSantis, who said Biden is putting Americans at risk of being swindled by playing into the Cuban regime’s deception.

“The weak policies of this administration have led the regime to attempt to perpetrate a financial fraud against the American people under the guise of private investment opportunities,” he said in a statement.

“Only when Cuba allows free elections, stops jailing people in the middle of the night for simply saying they want human rights, and ensuring private property rights for its citizens should the American people feel confident that money sent across the strait will truly benefit the Cuban people and not the racketeers who run their regime like a mafia.”

Added Lt. Gov. **Jeanette Nuñez**, “The same regime that robbed Cubans, like my parents, of their livelihoods is now desperately begging Americans to ‘invest’ in the island. This scheme is nothing more than a scam that fools only the sympathizers in the Biden administration.”

DeSantis’ comments did not go uncriticized. In a Saturday web post, the **U.S.-Cuba Trade and Economic Council** — a nonprofit business organization whose president, **John Kavulich**, created the company **cleared in May to invest in a Cuban business** — took aim at DeSantis’ business expertise and messaging, which it characterized as nonconstructive and unoriginal.

DeSantis’ “livelihood has been provided by taxpayers,” the group said, adding that the Governor has “no private sector (or) entrepreneurial experience — nothing in the public domain about his trying to start a business, succeeding, failing, etc.”

The group noted that the majority of remittances, flights and packages to Cuba, as well as unauthorized investments in businesses on the island, originate from Floridians, many of them of Cuban descent. Rather than “parroting the writer(s) of editorials published by **The Wall Street Journal** ... and **The Washington Times**,” the group said, DeSantis should have suggested guidelines by which the Cuban government could operate to engender trust and build accountability.

Such guidelines, the group said, could include a clear and workable list of regulations for the delivery of investments and financing to privately owned companies in Cuba, uniform regulations for all privately owned businesses there and a requirement that all monetary transactions be done through direct correspondent banking to ensure the funds move directly, efficiently and transparently from the U.S. to Cuba and back in the form of dividends, profit-sharing and loan payments.

“His advice could have been constructive — ‘My message to the Díaz-Canel-Valdes-Mesa administration in Havana is if Cuba wants a private sector, and I am not convinced they do, (it’s) more of a prop for them, but if they do, then the process for receiving direct equity investment and direct financing for the private sector in the United States — individuals and companies — must be transparent, must be simple to understand, must be equal for everyone, and taxes and fees must be fair so as to permit profits to be reinvested, to be repatriated, and to benefit first (micro, small and medium enterprise) owners and their employees rather than further support misguided decisions of the government,” the group said.

“The state of Florida is a magnet for entrepreneurs — Cuba should follow our example.” The group offered no recommendations for how the U.S. might enforce its proposed rules.

Cigar Aficionado

New York, New York

25 July 2022

Cuba Approves Foreign Investment To Private Sector

By [Peter Kornbluh](#)



Photo/Buena Vista Images/Getty Images

Facing growing shortages of basic goods and fuel, and increased electrical black-outs across the country, Cuba’s National Assembly has approved 75 new economic measures to stimulate the country’s struggling economy. The measures include official authorization of direct foreign investment to Cuba’s small but expanding [private sector](#); reestablishing an official exchange for U.S. dollars that had been closed during the pandemic; and lowering customs duties on goods being brought into the country.

The measures were announced on July 21 by Cuba’s economy minister and vice president Alejandro Gil, who said the new policies were intended to attract foreign currency and investments.

“We are authorizing foreign investment in the non-state sector,” Gil told the National Assembly. The Cuban government, he said, would determine which small and medium-size businesses could receive foreign capital.

“There was never a doubt that the government of Cuba would authorize direct equity investments and direct financing for privately owned companies located in Cuba,” said John Kavulich, who heads the U.S.-Cuba Trade and Economic Council, in a *Miami Herald* article. “The government is in desperate need of the economic activity, the jobs, the creativity, the efficiencies that are the hallmark of a robust private sector.”

In response to a June 2021 application by an LLC created by Kavulich to provide micro-investment and micro-financing to a small, private Cuban service sector company, the U.S. Treasury Department’s Office of Foreign Assets Control (OFAC) authorized, in May 2022, the first license for foreign investment in Cuba since the advent of the U.S. embargo 60 years ago.

“Everyone seeking to support the use of the re-emerging post-[COVID-19](#) private sectors in the Republic of Cuba—restaurants (paladars), bed-and-breakfasts (Airbnb-connected), manufacturers (equipment, food products, etc.), service providers (repair, Internet applications, refurbishment, design, cleaning, artists, etc.)—should be applauding the recognition by the OFAC of the essential expansion from gifting [remittances] to equity investment and financing,” Kavulich wrote in the online publication, *Economic Eye on Cuba*.

Amidst the pandemic, the Cuban government officially authorized the expansion of micro, small and medium-size private enterprises and cooperatives which now total over 4,000 businesses across the island. According Juan Triana, one of Cuba’s leading economists, employment in Cuba’s private sector enterprises is made up of 1.3 million entrepreneurs and employees—approximately 40 percent of the national work force.

“They participate,” he said, “based on their ingenuity, their income and not dangling from the state’s udder and that, in my opinion, is very good, in economic, social and political terms.”

The government’s decision to re-open official dollar currency exchanges on the island should make it easier for [U.S. travelers](#) to use and convert dollars on the island. Currently, the currency is trading on the black market for 100 to 120 Cuban pesos to the dollar, with Cuban hotels offering the official exchange rate of 25 pesos to the dollar. The new rate is expected to be closer to the black-market value. Previously, American travelers lost 13 percent on every dollar when exchanging U.S. currency to Cuban Convertible Pesos (CUCs). Cuban authorities have yet to set the new exchange rate, or to establish a date when it will go into effect.

Kubakunde

Karlsruhe, Germany

22 July 2022

Neues aus Kuba

Aktuelle Nachrichten und Meldungen, Analysen und Hintergrundinformationen

Anzeige

Der kubanische Wirtschaftsminister will Ausländern erlauben in Privatunternehmen auf der Insel zu investieren und einen Devisenmarkt mit einem Wechselkurs einführen, der "wirtschaftlich begründet" ist. Wann die Maßnahmen in Kraft treten sollen, erklärte der Minister nicht.



Neue Maßnahmen zur Ankurbelung der Wirtschaft im kubanischen Parlament angekündigt
(Bildquelle: [Telesur](#) © Abel Padón Padilla/ Cubadebate)

Angesichts einer Wirtschafts- und humanitären Krise, die neue Proteste auf der Insel auszulösen droht, ergreift die kubanische Regierung den beispiellosen Schritt, ausländische Investitionen in den aufstrebenden Privatsektor zuzulassen, und wird den offiziellen Devisen-Umtauschmarkt wieder aufnehmen. Dies ist eine von 75 Maßnahmen, die nach Angaben der Behörden vom Donnerstag (21.) die wirtschaftliche Erholung des Landes fördern sollen.

Die Behörden werden auch die Zollgebühren senken und die Beschränkungen für einige Waren aufheben, die Reisende auf die Insel mitbringen können, sagte Wirtschaftsminister und Vizepräsident Alejandro Gil am Donnerstag in einer Sitzung der Nationalversammlung.

Durch den Einbruch des Tourismus und die Unterbrechung der offiziellen Überweisungskanäle aus dem Ausland hat das Land in den letzten zwei Jahren seine beiden wichtigsten Devisenquellen verloren. Infolgedessen haben die Kubaner täglich mit Engpässen bei Lebensmitteln, Medikamenten und Treibstoff zu kämpfen. Die schwierige wirtschaftliche Lage führte im vergangenen Jahr zu massiven Demonstrationen, und die häufigen Stromausfälle in diesem Sommer haben bereits Proteste ausgelöst.

Kubas Wirtschaft erholt sich langsamer als notwendig, sagte Gil, und deshalb werden die Behörden der Anwerbung ausländischer Investitionen und der Einbindung des wachsenden Dollar-Schwarzmarktes des Landes Priorität einräumen.

"Wir genehmigen ausländische Investitionen in den nicht-staatlichen Sektor", kündigte Gil an. Die Regierung werde jedoch Prioritäten setzen und einschränken, welche Privatunternehmen ausländische Investitionen erhalten dürfen, fügte er hinzu.

Gil nannte keinen Termin für das Inkrafttreten der Maßnahmen und sagte, die Regierung müsse die neuen Regeln erst ausarbeiten.

Kuba hat im vergangenen Jahr neue Gesetze verabschiedet, die zum ersten Mal seit Jahrzehnten die Gründung kleiner und mittlerer Privatunternehmen erlauben. Zum damaligen Zeitpunkt war jedoch unklar, ob diese Unternehmen mit ausländischen Investoren zusammenarbeiten oder Finanzmittel aus dem Ausland erhalten können.

[Im Mai genehmigte die Regierung Biden](#) einem amerikanischen Unternehmen die Finanzierung und Investition in ein Privatunternehmen in Kuba. Zu diesem Zeitpunkt war nicht bekannt, ob die kubanische Regierung dies zulassen würde.

Diese Genehmigung war der Auslöser für die Ankündigung vom Donnerstag, sagte John Kavulich, der Präsident des Handels- und Wirtschaftsrates zwischen den USA und Kuba, der das US-Unternehmen leitet, das im Mai die Genehmigung erhielt.

"Es bestand nie ein Zweifel daran, dass die kubanische Regierung direkte Kapitalbeteiligungen und direkte Finanzierungen für private Unternehmen in Kuba genehmigen würde", sagte er gegenüber der US-Tageszeitung *Miami Herald*. "Die Regierung braucht dringend die wirtschaftliche Aktivität, die Arbeitsplätze, die Kreativität und die Effizienz, die das Markenzeichen eines robusten Privatsektors sind."

Gil kündigte außerdem an, dass Kubaner und Touristen auf der Insel wieder Devisen auf einem offiziellen Markt tauschen können, der während der Pandemie geschlossen war, als die Wirtschaft zusammenbrach und die klamme Regierung nicht in der Lage war, Dollar und andere Fremdwährungen an die Bevölkerung zu verkaufen. Infolgedessen mussten viele Kubaner und internationale Reisende ihre Devisen, einschließlich Euro und anderer Währungen, auf dem Schwarzmarkt umtauschen.

Der Minister für Wirtschaft und Planung kündigte an, dass ein Devisenmarkt für den Kauf und Verkauf von Fremdwährungen an die Bevölkerung mit einem Wechselkurs eingeführt wird, der "wirtschaftlich begründet ist und auf dem wir mit allen Währungen, einschließlich des Dollars in bar, arbeiten können".

Gil sagte nicht, wann der Dienst wieder aufgenommen wird und wie hoch der Kurs sein wird. Derzeit wird ein Dollar auf dem Schwarzmarkt für 120 kubanische Pesos, die Landeswährung, verkauft. Die Regierung legt jedoch einen offiziellen Wechselkurs für staatliche Unternehmen von 24 Pesos für einen Dollar fest. Der Minister sagte, der neue Kurs werde sich vom offiziellen Kurs unterscheiden, wobei er jedoch einräumte, dass der derzeitige Kurs, wie von vielen Wirtschaftswissenschaftlern behauptet, wirtschaftlich wenig sinnvoll sei.

Es ist nicht bekannt, ob die Wiedereröffnung der Wechselstuben bedeutet, dass die Kubaner wieder mit Dollar in den staatlichen Geschäften einkaufen können.

Die Regierung wird außerdem die Einfuhrbeschränkungen für bestimmte Waren wie Handys und Computer aufheben, die Zollgebühren für steuerpflichtige Waren, die von Reisenden eingeführt werden, von derzeit 100 Prozent auf 30 Prozent senken und den Preis für internationale Pakete halbieren.

Der Minister verteidigte die Maßnahmen mit den Worten, sie stünden alle im Einklang mit dem sozialistischen Wirtschaftsmodell und seien gründlich geprüft worden. Er sagte, dass keine der Ankündigungen unmittelbare Auswirkungen haben werde, aber er betonte, dass das Land Bargeld brauche, um die Bedürfnisse der Menschen schnell zu befriedigen.

"Alles, was gegen die Einziehung von Devisen und die Erhöhung des Angebots spricht, geht nicht in die Richtung, in der wir arbeiten müssen, und alles, was wir in dieser Richtung tun - nicht ohne Risiko -, geht in eine positive Richtung", sagte er.

El Nuevo Herald

Miami, Florida

21 July 2022

Cuba permitirá que extranjeros inviertan en negocios privados, reiniciará cambio de dólares

por Nora Gámez Torres



En Cuba abren tiendas que aceptan monedas fuertes La gente hace fila en La Habana para comprar productos nacionales en tiendas estatales, ya que las tiendas comenzaron a aceptar dólares, euros y otras monedas extranjeras para comprar electrodomésticos importados del extranjero. By AP

Ante una crisis humanitaria que amenaza con desencadenar nuevas protestas en la isla, el gobierno cubano dio el paso sin precedentes de autorizar la inversión extranjera en el sector privado y reanuda un mercado cambiario oficial para el dólar, entre 75 medidas que las autoridades dijeron el jueves buscan impulsar la recuperación económica del país.

Las autoridades también reducirán los impuestos de aduana y levantarán las restricciones sobre ciertos bienes que los viajeros pueden traer a la isla, dijo el jueves el ministro de Economía y vicepresidente, Alejandro Gil, en una reunión de la Asamblea Nacional. La paralización del turismo y los viajes de los cubanos en el exterior por la pandemia de COVID-19, así como la ruptura de los canales oficiales de remesas desde Estados Unidos, privó al gobierno de sus principales fuentes de divisas en los últimos dos años, lo que ha provocado una gran escasez de alimentos, medicinas y combustible en la isla. La difícil situación económica también alentó multitudinarias protestas el año pasado y ya se han suscitado nuevas protestas este verano, durante los frecuentes apagones.

La economía de Cuba se está recuperando más lentamente de lo necesario, dijo el ministro, por lo que las autoridades priorizarán atraer inversión extranjera y absorber el mercado informal de cambio de divisas extranjeras. "Estamos autorizando la inversión extranjera en el sector no estatal", anunció Gil. Pero el gobierno establecerá prioridades y limitará qué empresas privadas podrán recibir esa inversión, agregó.

Gil no dijo cuándo se implementaría esa medida. Cuba aprobó nuevas leyes el año pasado que permiten la creación de pequeñas y medianas empresas privadas por primera vez en décadas. Pero en ese momento, no estaba claro si esas empresas podrían asociarse con inversionistas de otros países o recibir financiamiento del extranjero.

En mayo, la administración Biden autorizó a una empresa estadounidense a financiar e invertir en un negocio privado en Cuba. Tampoco se sabía si el gobierno cubano lo permitiría.

Esa licencia fue un catalizador para el anuncio del jueves, dijo John Kavulich, presidente del Consejo Económico y Comercial de Estados Unidos, quien dirige la empresa estadounidense que recibió la autorización en mayo.

Noticias de Cuba Reciba el boletín más completo y creíble de noticias, reportajes y columnas de opinión sobre Cuba.

“Nunca hubo dudas de que el gobierno de Cuba autorizaría inversiones de capital directo y financiamiento directo para empresas de propiedad privada ubicadas en Cuba”, dijo. “El gobierno necesita desesperadamente la actividad económica, los empleos, la creatividad, las eficiencias que son el sello distintivo de un sector privado sólido”. Gil también anunció que los cubanos y los turistas en la isla podrán volver a cambiar dólares en un mercado oficial que se cerró durante la pandemia, ya que la economía se hundió y el gobierno, con problemas de liquidez, no pudo vender dólares a la población. Como resultado, muchos cubanos y viajeros internacionales terminaron cambiando el dinero, incluidos euros y otras divisas, en el mercado negro. Gil no dijo cuándo se reanudaría el servicio ni las tarifas. Actualmente, un dólar se vende a 120 pesos cubanos, la moneda local, en el mercado negro. Pero el gobierno fija un tipo de cambio oficial para las empresas estatales en 24 pesos por dólar.

El ministro dijo que la nueva tasa será “diferente” de la oficial porque debe basarse en “fundamentos económicos”, una admisión de que la tasa actual tenía poco sentido económico, como han dicho muchos expertos. No se sabe si la reapertura de las casas de cambio significará que los cubanos podrán volver a utilizar dólares para comprar en las tiendas gubernamentales. El gobierno también levantará los límites sobre ciertos bienes que los viajeros pueden importar, como teléfonos celulares y computadoras. Asimismo, reducirá los aranceles aduaneros del 100 por ciento actual al 30 por ciento sobre los bienes sujetos a impuestos importados por los viajeros, y reducirá a la mitad el precio de recibir paquetes desde el extranjero.

El ministro defendió las medidas, diciendo que todas están en sintonía con el modelo económico socialista y han sido estudiadas a fondo. Dijo que ninguno de los anuncios tendría un impacto inmediato, pero insistió en que el país necesitaba divisas para abordar las necesidades de la población rápidamente. “Todo lo que vaya en contra o no favorezca la captación de divisas y el aumento de la oferta no va en la dirección en la que tenemos que trabajar, y todo lo que hagamos en esa dirección — no exento de riesgo — va en sentido positivo”, dijo.

Miami Herald

Miami, Florida

21 July 2022

Cuba to allow foreigners to invest in private businesses, will restart dollar exchanges

By Nora Gámez Torres



Cuba announces currency unification Cuban leaders Miguel Díaz-Canel and Raúl Castro announced the country will begin currency unification on Jan. 1, 2021. By Cubadebate

Facing a humanitarian crisis that threatens to set off new protests on the island, the Cuban government is taking the unprecedented step of authorizing foreign investment in its emerging private sector and will resume an official exchange market for the dollar, among 75 measures authorities said Thursday are meant to boost the country’s economic recovery.

In a National Assembly meeting Thursday, Economy Minister and Vice President Alejandro Gil said Cuba’s economy is recovering more slowly than it needs to and that authorities will prioritize attracting foreign investment and channeling the money reaching the country through tourists and foreign remittances.

“We are authorizing foreign investment in the non-state sector,” Gil said. The government will set priorities and limit which private businesses will be allowed to receive foreign investment. Cuba passed new laws last year allowing the creation of small and medium-sized private businesses for the first time in decades. But it was unclear if those businesses would be able to partner with foreign investors or receive financing from abroad.

In May, the Biden administration authorized an American company to finance and invest in a private business in Cuba. But it was not known if the Cuban government would allow it.

That license was a catalyst for Thursday’s announcement, said John Kavulich, the president of the U.S.-Cuba Trade and Economic Council, who heads the U.S. company that received the authorization in May. “There was never a doubt that the government of Cuba would authorize direct equity investments and direct financing for privately owned companies located in Cuba,” he said. “The government is in desperate need of the economic activity, the jobs, the creativity, the efficiencies that are the hallmark of a robust private sector.”

Gil also announced that Cubans and tourists on the island would be able to again exchange dollars in an official market that was shut down during the pandemic, as the economy sank and the cash-strapped government was unable to sell dollars to the population. As a result, many Cubans and international travelers ended up exchanging foreign currency, including euros and other currencies, on the black market. Gil did not say when the service would resume nor the rates. Currently, a dollar sells for 120 Cuban pesos, the local currency, on the black market. But the government sets an official exchange rate for state enterprises at 24 pesos for a dollar. The minister said the new rate will be “different” from the official one because it needed to be grounded on “economic foundations,” all but acknowledging the current rate made little economic sense, as many economists have said. It is not known if the reopening of the exchange houses will mean that Cubans will be able to use dollars again to buy at government stores

The government will also lift limits on certain goods travelers can import, such as cellphones and computers; slash custom fees from the current 100 percent to 30 percent on taxable goods imported by travelers, and cut in half the price of international parcels. The minister defended the measures, saying they are all in tune with the socialist economic model and had been thoroughly studied. He said none of the announcements would have an immediate impact, but he was adamant that the country needed cash to address people’s needs quickly. “Everything that goes against or does not favor the capture of foreign currency and the increase in supply is not going in the direction in which we have to work, and everything that we do in that direction — not without risk — is going in a positive direction,” he said.

Orlando Sentinel

Orlando, Florida

14 July 2022

Esta aerolínea reiniciará vuelos desde Miami a más ciudades cubanas

By David Lyons

Los habitantes del sur de Florida que planean visitar Cuba tendrán más opciones para volar allí este noviembre, el último caso en el que Estados Unidos relajó las restricciones de viaje a la isla.

American Airlines agregará cinco ciudades a la isla dirigida por comunistas desde el Aeropuerto Internacional de Miami. Funcionarios estadounidenses aprobaron la solicitud de la aerolínea al Departamento de Transporte de EE.UU. para reanudar los vuelos a Santa Clara, Varadero, Holguín, Camagüey y Santiago de Cuba.

“Estas frecuencias adicionales mejorarán el servicio y el acceso entre Estados Unidos y otras ciudades fuera de La Habana, además de ofrecer la mejor conectividad a Cuba a través del hub de American en Miami”, dijo la aerolínea en un comunicado.

Los vuelos son parte de varias medidas de la administración Biden diseñadas para aliviar la llamada campaña de “máxima presión” contra el gobierno de La Habana instalada en 2019 por el predecesor del presidente Joe Biden, Donald J. Trump. Los otros pasos emprendidos por Biden incluyen levantar un límite a las remesas familiares y permitir que grupos estadounidenses visiten la isla con fines educativos.

Las políticas de viaje revisadas se anunciaron en mayo, y American se convirtió en el primero en solicitar los vuelos ampliados. Desde 2019, el servicio aéreo programado desde EE. UU. se ha limitado a La Habana después de que Trump ordenara su nueva serie de sanciones económicas contra el gobierno cubano.

Las sanciones de la administración Trump estaban destinadas a castigar al gobierno cubano por sus políticas sociales, políticas y económicas opresivas. Para Biden, el objetivo ha sido aliviar las dificultades económicas, particularmente a través del apoyo de empresarios en apuros.

Pero a medida que se acercan las elecciones intermedias de noviembre, el ritmo de los cambios en la política de Biden hacia Cuba se ha visto frenado por los opositores políticos conservadores de línea dura en la comunidad en el exilio. Además, el propio régimen cubano, por temor a perder el control, se ha resistido a las iniciativas de políticas liberalizadas iniciadas por la administración Obama.

“La economía cubana está muy estresada”, dijo John Kavulich, presidente del Consejo Económico y Comercial de Cuba de EE. UU. en Nueva York. “Está más estresado de lo normal y eso hace que la actividad empresarial en Cuba sea más desafiante”.

Sugirió que es poco probable que Cuba adopte el levantamiento de sus reglas que restringen la actividad empresarial hasta que vea el apoyo proveniente de los EE.UU.

Tráfico de vacaciones

Tal como están las cosas, American no comenzará su servicio hasta principios de noviembre, cuando el tráfico de vacaciones comience a fluir entre las familias y amigos cubanos en los EE.UU. que desean visitar la isla, dijo Kavulich.

“No ven ninguna demanda inmediata que requiera implementar los vuelos antes de noviembre”, dijo. “Claramente están mirando hacia las vacaciones. Debería haber un mayor número de cargas de pasajeros y carga”.

American ahora opera seis vuelos diarios entre Miami y La Habana.

JetBlue Airways y Southwest Airlines operan vuelos a La Habana desde el Aeropuerto Internacional de Fort Lauderdale-Hollywood, según los sitios web de las aerolíneas. Aunque American sirve al aeropuerto del condado de Broward, no hay vuelos a Cuba desde allí.



Un avión de American Airlines se prepara para aterrizar en el Aeropuerto Internacional de Fort Lauderdale-Hollywood. La aerolínea, que es el operador más grande del Aeropuerto Internacional de Miami, ganó el derecho de agregar cinco ciudades a su servicio a Cuba desde Miami después de solicitar autorización al Departamento de Transporte de Estados Unidos para reanudar los vuelos a destinos fuera de La Habana. (Carline Jean / South Florida Sun Sentinel)

Pero todavía no está permitido volar a Cuba desde o a través de los EE.UU. por puro turismo. Como señala el sitio web de American, hay “13 razones permitidas para viajar”:

Visitas familiares

Asuntos oficiales del gobierno de los EE.UU., gobiernos extranjeros y ciertas organizaciones intergubernamentales
Actividades periodísticas
Investigación profesional o reuniones profesionales.
Actividades académicas educativas
Intercambios de persona a persona (para transacciones relacionadas con viajes compradas antes del 5 de junio de 2019, cuando la administración Trump aumentó las sanciones)
Actividades religiosas
Espectáculos públicos, clínicas, talleres, atletismo u otras competencias y exhibiciones
Apoyo al pueblo cubano
Proyectos humanitarios
Actividades de fundaciones privadas o institutos de investigación o educativos
Exportación, importación o transmisión de información o materiales informativos
Viajes relacionados con ciertas transacciones de exportación autorizadas
Si los viajeros no califican por una de esas razones, pueden adquirir una licencia emitida por la Oficina de Control de Activos Extranjeros de EE.UU. por otras razones que la agencia examinaría caso por caso, según el Departamento del Tesoro de EE.UU.
O bien, los viajeros pueden demostrar que son ciudadanos cubanos que regresan a casa.

Orlando Sentinel

Orlando, Florida

14 July 2022

Travel

This airline will restart flights from Miami to more Cuban cities

By David Lyons
South Florida Sun-Sentinel

South Floridians who plan to visit Cuba will have more options to fly there this November — the latest instance of the U.S. loosening travel restrictions to the island.

American Airlines will add five cities to the Communist-run island from Miami International Airport. U.S. officials have approved the airline's request of the U.S. Department of Transportation to resume flights to Santa Clara, Varadero, Holguin, Camaguey and Santiago de Cuba.

“These additional frequencies will enhance service and access between the United States and other cities outside of Havana, as well as offer the best connectivity to Cuba via American's Miami hub,” the airline said in a statement.

The flights are part of several Biden administration measures designed to ease a so-called “maximum pressure” campaign against the Havana government installed in 2019 by President Joe Biden's predecessor, Donald J. Trump. The other steps undertaken by Biden include lifting a cap on family remittances and allowing American groups to visit the island for educational purposes.

The revised travel policies were announced in May, with American becoming the first to apply for the expanded flights. Since 2019, scheduled air service from the U.S. has been limited to Havana after Trump ordered its new series of economic sanctions against the Cuban government.

The Trump administration's sanctions were meant to punish the Cuban government for its oppressive social, political and economic policies. For Biden, the aim has been to ease economic hardships, particularly through the support of hard-pressed entrepreneurs.

But on approach to the mid-term November elections, the pace of Biden's Cuba policy changes has been slowed by hardline conservative political opponents in the exile community. In addition, the Cuban regime itself, fearing loss of control, has resisted liberalized policy initiatives started by the Obama administration.

"The Cuban economy is so stressed," said John Kavulich, president of the U.S. Cuba Trade & Economic Council in New York. "It's more stressed than is the norm and that makes entrepreneurial activity in Cuba more challenging."

He suggested Cuba is unlikely to embrace lifting its rules restricting entrepreneurial activity until it sees support coming from the U.S.

Holiday traffic

As it is, American won't be starting its service until early November, when holiday traffic starts to flow among Cuban families and friends in the U.S. who want to visit the island, Kavulich said.

"They don't see any immediate demand that would require implementing the flights prior to November," he said. "They're clearly looking toward the holidays. There should be an increased number of passenger and cargo loads."

American now operates six flights a day between Miami and Havana.

JetBlue Airways and Southwest Airlines operate flights to Havana from Fort Lauderdale-Hollywood International Airport, according to the airlines' websites. Although American serves the Broward County airport, there are no flights to Cuba from there.



An American Airlines plane prepares to land at Fort Lauderdale-Hollywood International Airport. The airline, which is the biggest operator from Miami International Airport, won the right to add five cities to its service to Cuba from Miami after asking the U.S. Department of Transportation for clearance to resume flights to destinations outside Havana. (Carline Jean / South Florida Sun Sentinel)

But flying to Cuba from or through the U.S. for pure tourism still is not allowed.

As American's website points out, there are "13 permitted reasons for travel":

Family visits

Official business of the U.S. government, foreign governments and certain intergovernmental organizations

Journalistic activities

Professional research or professional meetings

Educational academic activities

People-to-people exchanges (for travel-related transactions purchased prior to June 5, 2019, when the Trump administration increased sanctions)

Religious activities

Public performance, clinics, workshops, athletic or other competitions and exhibitions

Support for the Cuban people

Humanitarian projects

Activities of private foundations or research or educational institutes

Exportation, importation, or transmission of information or informational materials

Travel related to certain authorized export transactions

If travelers don't qualify under one of those reasons, they can acquire a license issued by the U.S. Office of Foreign Assets Control for other reasons that would be vetted by the agency on a case-by-case basis, according to the U.S. Department of the Treasury.

Or, travelers may show they are Cuban nationals returning home.

The Epoch Times

New York, New York

2 June 2022

Experts Criticize Biden's Changing Policies for Cuba and Venezuela

One expert says avid pursuit of Caracas crude follows 'brutal' mugging of energy policy by political reality

By Nathan Worcester

A discussion hosted by conservative think tank The [Heritage Foundation](#) gave rise to questions about U.S. President Joe Biden's recent moves to ease restrictions on [Cuba](#) and Venezuela—including his actions to step up Venezuelan oil production.

“At a time when the Biden administration is restricting domestic energy, he's giving the [Venezuelan] dictator [Nicolás] Maduro the green light,” said Mike Gonzalez, host of the May 31 event “Cuba and Venezuela Policy in Biden's America Last Agenda.” Gonzalez is The Heritage Foundation's Angeles Arredondo senior fellow.

On May 16, the White House announced a range of new policies on Cuba. The actions may mark the resumption of a trend under the Obama administration that former President Donald Trump had reversed. Biden has moved to reinstate a family reunification program, eliminate a \$1,000 remittance cap, and resume “educational travel” to the island nation. According to an unnamed senior administration official, the new approach to travel will include “specifically authorizing commercial and charter flights to locations beyond Havana.”

The United States has also permitted John Kavulich, who describes himself as a citizen of both the United States and Canada, to invest in a Cuban company—possibly the first such direct investment since 1960. The Miami Herald [reported](#) that the agreement between Kavulich and the Cuban business, which he declined to name, was negotiated by Robert Muse, a Washington attorney. Muse also represented the opposition research firm Fusion GPS in its response to a probe by former House Intelligence Committee Chairman Devin Nunes.

On May 17, a day after announcing its softer policies on Cuba, the Biden administration stated that it would ease some sanctions on Venezuela. It would also allow the U.S. oil company Chevron to negotiate with Venezuela's state-owned oil company, PDVAS. The move came after senior U.S. officials visited Venezuela in early March.

Russia's invasion of Ukraine prompted the attempt to drive a wedge between Caracas and Moscow, as well as to replace Russian oil with petroleum from the socialist South American dictatorship.

Jose Cardenas, a former senior official at the U.S. State Department, suggested that there has been a “consistent ideological undertone” to the Biden administration's actions on both Cuba and Venezuela—a perception that could be reinforced by its sometimes rocky relationship with Jair Bolsonaro, the conservative president of a top U.S. ally, Brazil. Bolsonaro [recently claimed](#) that Biden snubbed him at last year's G20 meeting.

Cardenas noted that Venezuela's [oil production](#) has fallen greatly in recent years, calling into question the wisdom of U.S. overtures to that regime.

Victoria Coates, distinguished fellow for strategic security studies with the American Foreign Policy Council, made a similar point. “They [the Biden administration] think that there's this mythical supply of Venezuelan crude that's somehow going to save their chances in November. That's false,” said Coates,

who served on the National Security Council and in the Department of Energy under Trump. “What we’ve watched unfold over the last 18 months is an energy policy that has been brutally mugged by political reality, in terms of extremely high gas and diesel and natural gas prices.”

Cardenas and Carrie Filipetti, another Trump administration alum, stressed that the Cuban government had stepped up its repression of dissidents in recent months, following anti-government protests in the summer of 2021.

“Particularly at a moment where Russia is otherwise engaged, for us to now be extending a hand to the Cubans at precisely the moment where the regime could suffer even more is absolutely insane to me,” said Filipetti, who’s now affiliated with The Vandenberg Coalition. She and other panelists said Latin America has become the site of a crucial Great Powers competition involving Russia, China, and, to a lesser extent, Iran. Filipetti also took issue with the use of the word “migration” rather than immigration when describing the massive flow of people from Venezuela, Cuba, and other countries to the United States. “I think it’s a weird word to be using,” she said. “These are people who are coming to the United States with the intention of immigrating here and living here. I do think it’s important that we use the language of immigrating, because they’re not just trying to come through.”

“If you want to address the root causes of immigration, addressing the dictatorships in the region is your No. 1 strategy for doing that.” Filipetti cited the flight of an estimated 6 million people from Venezuela in recent years in regard to her point.

State Department officials didn’t respond to a request for comment by press time.

The Epoch Times

New York, New York

2 June 2022

**Expertos critican el cambio de política de Biden hacia Cuba y Venezuela
La ávida búsqueda del crudo de Caracas sigue al "brutal" asalto a la política energética por parte de la realidad política, de acuerdo a uno de los expertos**

Por Nathan Worcester

Un debate organizado por el experto conservador de Heritage Foundation dio lugar a preguntas sobre las recientes medidas del presidente de Estados Unidos, Joe Biden, para aliviar las restricciones a Cuba y Venezuela, incluyendo sus acciones para aumentar la producción de petróleo venezolano.

“En momentos en que la administración Biden está restringiendo la energía doméstica, está dando luz verde al dictador [venezolano] Maduro”, dijo Mike González, anfitrión del evento del 31 de mayo titulado “La política de Cuba y Venezuela en Estados Unidos en la última agenda de Biden”. González es el investigador principal de Ángeles T. Arredondo en la Heritage Foundation de los Estados Unidos.

El 16 de mayo, la Casa Blanca anunció una serie de nuevas políticas sobre Cuba. Las acciones pueden marcar la reanudación de una tendencia bajo la administración Obama que el expresidente Donald Trump había revertido. Biden se pronunció para restablecer un programa de reunificación familiar, eliminar un límite de remesas de 1000 dólares y reanudar los “viajes educativos” a la nación isleña. Según un alto funcionario de la administración Biden, no identificado, el nuevo enfoque de los viajes incluirá “autorizar específicamente los vuelos comerciales y chárter a lugares más allá de La Habana”.

Estados Unidos también permitió a John Kavulich, que se describe a sí mismo como ciudadano tanto estadounidense como canadiense, invertir en una empresa cubana, posiblemente la primera inversión directa de este tipo desde 1960. El medio Miami Herald informó que el acuerdo entre Kavulich y la empresa cubana, que no quiso nombrar, fue negociado por Robert Muse, un abogado de Washington. Muse también

representó a la firma Fusion GPS, que investigaba a la oposición, como respuesta a la investigación del expresidente del Comité de Inteligencia de la Cámara de Representantes, Devin Nunes.

El 17 de mayo, un día después de anunciar sus políticas más flexibles con respecto a Cuba, el gobierno de Biden declaró que flexibilizaría algunas sanciones a Venezuela. También permitiría a la empresa petrolera estadounidense Chevron negociar con la empresa petrolera estatal de Venezuela, PDVSA. La medida se produjo después de que altos funcionarios estadounidenses visitaran Venezuela a principios de marzo. La invasión rusa de Ucrania provocó el intento de abrir una brecha entre Caracas y Moscú, así como de sustituir el petróleo ruso por el de la dictadura socialista sudamericana.

José Cárdenas, un exfuncionario de alto nivel del Departamento de Estado de Estados Unidos, sugirió que ha habido un “trasfondo ideológico consistente” en las acciones de la administración Biden tanto sobre Cuba como de Venezuela, una percepción que podría ser reforzada por su relación a veces inestable con Jair Bolsonaro, el presidente conservador de Brasil, un importante aliado de Estados Unidos, . Bolsonaro afirmó recientemente que Biden lo desairó en la reunión del G20 del año pasado.

Cárdenas señaló que la producción de petróleo de Venezuela ha caído mucho en los últimos años, lo que pone en duda la conveniencia de los acercamientos de Estados Unidos a ese régimen.

Victoria Coates, miembro distinguido de estudios de seguridad estratégica del Consejo de Política Exterior de Estados Unidos, hizo una observación similar. “Ellos [la administración Biden] piensan que existe este mítico suministro de crudo venezolano que de alguna manera va a salvar sus posibilidades en noviembre. Eso es falso”, dijo Coates, quien sirvió en el Consejo de Seguridad Nacional y en el Departamento de Energía bajo la administración Trump. “Lo que nosotros hemos visto desarrollarse en los últimos 18 meses es una política energética que ha sido brutalmente asaltada por la realidad política, en términos de precios extremadamente altos de la gasolina y el diésel y el gas natural”.

Cárdenas y Carrie Filipetti, otra exalumna de la administración Trump, destacaron que el gobierno cubano ha intensificado la represión de los disidentes en los últimos meses, tras las protestas antigubernamentales del verano de 2021.

“Particularmente en un momento en el que Rusia tiene otros compromisos, es que ahora estemos extendiendo una mano a los cubanos precisamente en el momento en el que el régimen podría sufrir aún más es absolutamente una locura para mí”, dijo Filipetti, quien ahora está afiliada a The Vandenberg Coalition.

Ella y otros panelistas dijeron que América Latina se ha convertido en el escenario de una competencia crucial de las Grandes Potencias, que involucra a Rusia, China y, en menor medida, a Irán.

Filipetti también discrepó con el uso de la palabra “migración” en lugar de inmigración al describir el flujo masivo de personas de Venezuela, Cuba y otros países hacia Estados Unidos. “Creo que esa es una palabra extraña para usar”, dijo Filipetti. “Ellos son personas que vienen a Estados Unidos con la intención de emigrar y vivir aquí. Creo que es importante que utilicemos el lenguaje de inmigrar, porque no solo están tratando de pasar”.

“Si ustedes quieren abordar las causas de la inmigración, la primera estrategia para hacerlo es abordar las dictaduras de la región”, añadió a continuación. Filipetti citó la huida de unos seis millones de personas de Venezuela en los últimos años en relación a su argumento.

Los funcionarios del Departamento de Estado no respondieron a una solicitud de comentarios al cierre de esta edición.

Americas

As Biden eases Trump's sanctions, Cubans hope for an economic lift

By Mary Beth Sheridan and Alejandra Ibarra Chaoul



Lenir López Salazar, 17, left, and Leyani Reyes Chaban, 15, embrace on Guanabo Beach near Havana. (Sarah L. Voisin/The Washington Post)

Perfecta Carvajal was the beloved aunt from Miami, a gentle, gray-haired woman who loved children. She was also an economic lifeline for her family in Cuba.

Two or three times a year, Aunt “Pepa” would take the hour-long flight from Florida to Santa Clara, nearly 200 miles east of Havana. Her suitcases would be stuffed with gifts: shoes, clothing, coffee and dried beans. Then the visits stopped. First, President Donald Trump suspended U.S. flights to Cuban cities outside Havana in 2019. Next, the coronavirus struck.

Now, thanks to U.S. policy changes announced last month, the 94-year-old Miami resident is looking forward to returning. “I’m crazy happy about going back,” she said.



The image of Fidel Castro on a government-owned factory in Old Havana. (Sarah L. Voisin/The Washington Post)



Pedestrians pass a mural in Havana decrying the U.S. embargo. “The harassment and the measures against Cuba are inhumane and persist,” it reads in Spanish. “This has to stop #NoMoreBlockade.” (Sarah L. Voisin/The Washington Post)

The flights are among a handful of measures introduced by the Biden administration to ease Trump’s “maximum pressure” campaign against the Communist government. The White House pledged to lift a cap on family remittances and to allow American groups to visit on educational trips. U.S. officials said they were “expanding support for the Cuban people” at a time of desperate shortages and surging migration from the island.

Yet, while the measures are bringing hope to families like Carvajal’s, they fall well short of the normalization of relations under President Barack Obama. Analysts say the recent steps underscore how Washington’s Cuba policy is largely paralyzed, with Biden wary of antagonizing powerful Cuban Americans such as Sen. Robert Menendez (D-N.J.), or losing ground before the midterm elections in November.



Cubans wait for hours to enter state stores, where shelves are stocked with odd items or simply empty. (Sarah L. Voisin/The Washington Post)

“The Cubans don’t trust the U.S. at all, and the U.S. clearly doesn’t trust the Cubans at all,” said Scott Hamilton, who served as U.S. chargé d’affaires in Havana during the Obama opening. Rather than reorienting relations, he said, Biden’s measures “are more about addressing the need to get the numbers down on migration.”

The 60-year-old Cuba trade embargo is the longest-running set of U.S. economic sanctions in the world. Trump added scores of prohibitions, saying he was fighting “Communist oppression” and Cuba’s support for the authoritarian government of Venezuelan President Nicolás Maduro. Biden campaigned on a pledge to “reverse the failed Trump policies,” which he said only hurt families.

“The day that Biden won, people in Cuba celebrated a lot. Both government officials and the population,” Johana Tablada, the deputy director for U.S. affairs at the Cuban Foreign Ministry, said in an interview before the new measures were announced. After the Democrat took office, though, “the Cuban people felt disappointed.”

Biden left Trump’s sanctions in place as the coronavirus pandemic overwhelmed the island’s medical system and strangled tourism, a crucial source of hard currency. The administration’s lengthy Cuba policy review ground to a halt last July when historic nationwide protests erupted over a lack of food, electricity, medicine and democratic freedoms. The government responded to the demonstrations with mass trials and harsh sentences.



Ramón Estrada Casas, 54, center, said he and his son lack money to eat or fix their house. He said medicine that his son needs would not be available even if they could pay. (Sarah L. Voisin/The Washington Post)

The most visible result of Biden’s new measures may be the resumption of U.S. flights to cities outside Havana. They’re a crucial source of cash and goods for families, as Cuban American passengers carry car parts, powdered milk, household cleaning supplies and other items that are difficult to find on the island.

How important is that human supply chain? Cuba received around \$3.7 billion in remittances in 2019, before the pandemic closed airports, the Miami-based Havana Consulting Group estimates. Its president, Emilio Morales, calculates that up to \$3 billion more arrived in the form of goods jammed into suitcases or the big plastic-wrapped bales that Cuban Americans haul to the island. More than a half-million made the trip that year. In addition, tens of thousands of Cuban residents flew back and forth as paid informal couriers, in a kind of personal shopper system on steroids.



Ruslan David Bosch Sardiñas, 38, cuts hair at a kiosk in Old Havana. (Sarah L. Voisin/The Washington Post)

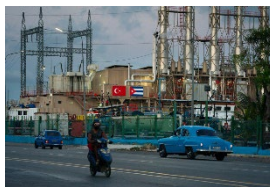


Milk is one of many items in short supply in Cuba. (Sarah L. Voisin/The Washington Post)

Regular flights from the United States to Havana resumed last fall, but it's complicated for travelers to continue on to the provinces. Few Cubans have cars, and gas is scarce. A taxi ride from the Cuban capital to Santa Clara costs about \$150. Carvajal's niece, Miladys Puentes, said it would be tough for her aunt to endure the four- or five-hour bus trip. A direct flight to Santa Clara would make it far easier for Carvajal to reunite with her last surviving sister and other relatives. "I'm so happy that I will get to see them again," she said.

In 2016, as part of Obama's thaw in relations, U.S. airlines began the first direct scheduled flights to Cuba in more than 50 years. Soon, around 200 flights a week connected the United States with Cuban cities including Santa Clara, Holguín, Camagüey, Varadero and Santiago. The Biden administration hasn't yet announced when the flights will be allowed to resume.

Also pending are the new rules on family remittances. Biden plans to scrap the \$1,000-a-quarter limit. But he won't reverse Trump's blacklisting of Fincimex, a major Cuban foreign-exchange company with ties to the military, and instead is seeking an alternative mechanism, officials say. Trump's 2020 decision to bar transactions with that firm triggered the shutdown of more than 400 Cuban offices of Western Union, its U.S. partner. A shortage of dollars from remittances and tourism has contributed to Cuba's raging inflation.



The flags of Turkey and Cuba at a Turkish floating power plant in Old Havana. The United States is not doing business in Cuba, but other countries are. (Sarah L. Voisin/The Washington Post)

Cuba's foreign minister, Bruno Rodríguez, called the announcements "a limited step in the right direction." But he noted that many of Trump's sanctions remained in place.

Americans still aren't allowed to make individual "people to people" cultural trips to Cuba. And most hotels remain off-limits, under U.S. restrictions on patronizing companies linked to Cuba's military or security services.

"That's going to be a natural break on the number of people going," said John S. Kavulich, president of the U.S.-Cuba Trade and Economic Council. Organizers of group tours will have to search for space in private homes or Airbnbs. Cruise ships that once disgorged thousands of passengers each week are still prohibited from visiting Cuba.

Cuba remains on the U.S. list of state sponsors of terror; Trump restored that designation after losing the 2020 election. Many channels of communication between the Cuban and U.S. governments, on issues such as the environment, human trafficking and law enforcement, are dormant.



People gather at a state store after hearing that it was expecting a delivery of chicken. (Sarah L. Voisin/The Washington Post)

"What's striking about these measures is, there's nothing about reopening the diplomatic dialogues that were ongoing at the end of the Obama administration," said William LeoGrande, a professor of government at American University.

Conservative Cuban Americans and some Democrats have criticized Biden's expansion of travel to the island, saying there's no evidence it will foment democracy. Menendez, chairman of the Senate Foreign Relations Committee, said the president's announcement "risks sending the wrong message" at a time when the government "continues its ruthless persecution of countless Cubans" for taking part in the July demonstrations.



Food is delivered to the Cuatro Caminos Market. (Sarah L. Voisin/The Washington Post)



Pedestrians are reflected in the water from a leak in Havana. (Sarah L. Voisin/The Washington Post)

Menendez did praise one of Biden's changes: Resumption of a family-reunification program providing 20,000 immigrant visas a year to Cubans. Processing of those visas in Cuba was halted in 2017 as the United States withdrew diplomats because of a mysterious condition dubbed "Havana syndrome," marked by dizziness and ringing in the ears. Since then, diplomats in many other countries have reported similar symptoms. The CIA concluded this year that it was unlikely a foreign power was targeting U.S. officials globally.

The Biden administration is hoping the new measures will reduce soaring irregular migration. Apprehensions of Cubans on the U.S.-Mexico border have rocketed to more than 113,000 in the first seven months of this fiscal year, nearly three times as many as in all of 2021. Alarmed by the numbers, Washington recently resumed direct bilateral migration talks for the first time in four years.

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ANALYSIS

US Companies Are Willing to Invest in Cuba, But Will Cuba Authorize US Investment?

Miami's cross-border transactions lawyers are hearing from eager clients following the Biden administration's announcement of increased remittances and support for Cuban entrepreneurs. But some attorneys are skeptical about the country's willingness to authorize significant investment sums.

International - Latin America

Dan Roe- Reporter

What You Need to Know

- The Biden administration is poised to reverse several Trump-era restrictions on Cuban immigration, travel, and remittances.
- Several measures target entrepreneurs in Cuba's private sector, where private companies were legalized last year.
- Removing remittance limits will allow more money to flow to Cuban entrepreneurs, but formal investment will still require Cuban government authorization.

Last week, the Biden administration announced several measures meant to reverse Trump-era restrictions on Cuban trade and immigration, such as ramping up immigrant visa processing, loosening travel restrictions, providing Cuban private-sector entrepreneurs with access to e-commerce platforms and cloud technology, and removing the \$1,000 quarterly limit on family remittances.

The administration's latest step to thaw U.S.-Cuba relations would allow more money to flow to the country's private sector through remittances. It could also allow U.S. investors to participate in joint ventures in Cuba, which legalized small- and medium-size businesses last year in the wake of mass anti-government protests.

The announcement kicked Miami's cross-border transactions attorneys into action. "I am always surprised by the resiliency in the interest in Cuba," said Akerman international practice chair Pedro Freyre. "No sooner had this announcement come out that I got three emails from clients who had been in the Cuba space, folks in the travel and hospitality sectors, asking when they can get back in there."

The measures, which may involve the U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC), the Federal Aviation Administration (FAA), and the U.S. Department of Commerce's Bureau of Industry and Security (BIS), have yet to appear in the Federal Register.

But while Holland & Knight international and cross-border transactions partner Aymee Valdivia has also been hearing from eager clients, including airlines and fintech firms, she said that investments involving major U.S. companies or significant sums of U.S. dollars would likely not gain authorization from the Cuban government. Without authorization, the agreements aren't enforceable in Cuban courts.

"You cannot control what Cuba will authorize," Valdivia said. "We have the experience of many clients trying to go to Cuba and put money in the country and invest there. It was authorized by the U.S. government but Cuba didn't accept the business or approve the business. ... They didn't want that U.S. presence or to feel like they were losing control."

The week before the announcement, the Biden administration directed OFAC to approve the country's first equity investment in a Cuban private company since 1960. John Kavulich, president of the nonprofit U.S.-Cuba Trade and Economic Council, was approved to invest \$25,000 in a "service-related" company owned by a Cuban national. At the time of Kavulich's latest update, the Cuban government was reviewing the deal.

Valdivia said the Cuban government may be interested in authorizing such small investments, but substantial sums of money and large U.S. companies are unlikely to be approved. "I don't see Cuba authorizing an Airbnb with six rooms, 50/50 owned by a Cuban person and a U.S. individual," she said.

"That would be U.S. interest and money put into property in Cuba. I don't see that happening." Among the most interested clients are cruise lines, airlines, and other travel industry companies that were previously operating in Cuba until 2019, Valdivia added. Freyre said U.S. investment attempts will start small, with Akerman already working on several potential matters involving small Cuban enterprises. "These small enterprises are in areas that are exciting," he said. "These are the future Cuban unicorns. There are no unicorns in Cuba, but hopefully there will be little baby unicorns running around."

The Washington Times

Washington DC

25 May 2022

**Biden's easing of sanctions on Cuba helps a cruel regime hurt its people
The administration is falsely claiming it will benefit Cubans**

By Editorial Board

OPINION:

Last week, the Biden administration made a catastrophic error in judgment by easing Trump era sanctions against Cuba's military dictatorship. But even worse, it demonstrated either stunning ignorance — or deception — by suggesting the new changes would actually help the Cuban people when in fact they will only help enrich regime officials who are in firm control of the island's economic channels.

The State Department has justified the move in a published statement, insisting that easing the Trump-era restrictions “will support donative remittances to Cuban entrepreneurs, both with the goal of further empowering families to support each other and for entrepreneurs to expand their businesses.” The new changes will supposedly also make it easier for NGOs to send money for humanitarian purposes.

These assertions raise serious questions.

First, it is deceptive because, while the Biden administration may want to take credit for removing the \$1,000 remittance cap for transfers to so-called entrepreneurs on the island, that exception already existed under the Trump era sanctions. The already-existing U.S. Office of Foreign Asset Control's Cuban Assets Control Regulation 31 CFR §515.570(g) already granted a ‘general license’ for entrepreneurs to receive remittances without the \$1,000 limit.

Second, the notion of entrepreneurs or independent contractors conducting business freely under the Cuban military dictatorship is a myth. No one on the island gets to conduct any business without regime approval or connections, which makes the notion of independent business ownership both a legal and factual impossibility. On May 10 the U.S. issued a license from the Office of Foreign Assets Control permitting a U.S. company to finance a Cuban company — an act which almost certainly violates the Cuban Liberty and Democratic Solidarity Act of 1996, which outlawed U.S. credit to Cuba.

As Sen. Bob Menendez said in a statement that lashed out against the easing of sanctions, “For years, the United States foolishly eased travel restrictions arguing millions of American dollars would bring about freedom and nothing changed. And as I warned then, the regime ultimately laughed off any promises of loosening its iron grip on the Cuban people and we ended up helping fund the machinery behind their continued oppression.”

Third, the administration's ease of sanctions came just 48 hours after the Cuban regime approved a new draconian penal code to silence dissent by making it a serious criminal offense punishable up to 10 years in prison for journalists, NGOs and individuals to have access funds or material assets “with the purpose of defraying activities against the State and its constitutional order.” In Cuba, human rights advocacy and public dissent are typically considered activities against the state. Thus, the notion that the easing of sanctions will in any way help NGOs is pure fantasy.

The Biden administration's move could not come at a worse time since the regime was finally on the brink of both economic and political collapse. Last year's July 11 island-wide protests were the largest demonstrations against the regime since Fidel Castro's illegal seizure of power in 1959. Hundreds of Cuban dissidents, democracy activists and even some minors have been imprisoned in terrible conditions with absurdly draconian sentences. In one analysis, 128 protestors were collectively sentenced to 1916 years in prison.

Last week, Sens. Marco Rubio, Ted Cruz, Rick Scott, Bill Cassidy and Jim Risch, and Reps. Mario Diaz-Balart, Maria Elvira Salazar, Carlos Gimenez, Mark Green and Michael McCaul signed a joint statement rightly calling the administration's move a “betrayal.”

“During Cuba's historic anti-regime protests last year, President Biden said ‘[t]he United States stands with the brave Cubans who have taken to the streets to oppose 62 years of repression under a communist regime.’”

Yet today, while hundreds of activists remain unlawfully imprisoned, the White House is resurrecting President Obama's failed policy of unilateral concessions to the Castro/Diaz-Canel criminal dictatorship,” the lawmakers wrote.

“Rather than supporting their pleas for freedom by expanding democracy programming, broadcasting, global diplomacy, and sanctions against their oppressors, the Biden White House is rewarding the Western Hemisphere’s longest-ruling communist dictatorship. . . . The Biden Administration’s repeated appeasement to the Cuban dictatorship is a betrayal of America’s commitment to human rights and freedom, and to the long-suffering Cuban people who are struggling for a genuine democratic transition.”

Not coincidentally, Mr. Biden’s decision comes amid the largest Cuban migration since the 1980 Mariel Boatlift with as many as 35,000 Cubans crossing illegally into the U.S. last month alone. Already, the regime is negotiating with the administration to accept repatriated Cuban immigrants in exchange for the U.S. reinstating a family reunification parole program. This will effectively result in the U.S. returning Cubans who wanted to escape communism back into its clutches — while enabling the regime to send others with more pro-regime values instead.

Everything about what the Biden administration is wrong — legally, politically and morally. With the stroke of a pen, President Biden threw a lifeline to a dying oppressive regime while crushing the hopes of democracy activists who have spent years risking their lives to see Cuba finally set free. This speaks volumes about the lack of compassion and conscience from those running the Biden administration while raising even more questions about what American companies may benefit from stripping prior financial restrictions.

There is no moral justification for this. Mr. Biden’s explanation is simply more Orwellian doublespeak — and just another example of what Americans have tragically come to expect from this administration.

The Wall Street Journal

New York, New York

19 May 2022

Biden’s Strange Help for Cuba **Why aid the struggling anti-American regime in Havana now?**

By The Editorial Board



A Cuban flag is seen next to an American flag outside the U.S. embassy in Havana, Cuba, Tuesday, May 17, 2022. Photo: Ramon Espinosa/Associated Press

Whatever the humanitarian impulse behind the Biden Administration’s Monday announcement that it will lift some sanctions on Cuba, the timing couldn’t be worse. The dictatorship is under stress, and it remains Russia’s closest ally in the Western Hemisphere. Why would Team Biden take the pressure off Havana now?

Cuba’s regime may be in the most precarious state of its 63 years in power. The economy has collapsed, and hero worship of Fidel Castro is as dead as he is. The July 11 uprising last year, when tens of thousands went to the streets and shouted for freedom, exposed the contempt Cubans have for their government.

Thousands of peaceful protesters were rounded up last summer by paramilitary and secret police, and some 750 are still in jail. This week Havana declared a new law criminalizing basic liberties. Insulting a government official is now punishable with up to five years in prison. A Cuban who engages with an international aid group not authorized by the state is headed for years behind bars.

The Biden Administration’s new policy removes the cap on dollar remittances that Americans may send to Cuba, reopens air travel to cities across the island, and restores travel by so-called educational groups. The

practical effect will be to supply the regime, which controls all commerce, with hard currency to keep its repression going.

The Administration says it wants to help the Cuban people. But like the Obama Administration, Team Biden fails to acknowledge that the cause of the island's privation is the regime itself.

Take remittances. Greenbacks sent from Florida don't ever get to grandma. They are confiscated by the government. Whether a military entity or the Cuban central bank grabs the money is a semantic difference. Grandma gets worthless pesos she has to trade for marked-up merchandise in government stores. Group travel to the island is tightly controlled to deliver propaganda and earn income for the military.

The new policy allows U.S. financing for "independent" Cuban entrepreneurs, but no such thing exists. Reality isn't stopping Team Biden, which on May 10 issued a license—from the Office of Foreign Assets Control—authorizing a U.S. company to invest and provide financing to a Cuban company.

The license likely violates the Cuban Liberty and Democratic Solidarity Act of 1996, which prohibits the extension of credit to Cuba. The White House urgency to rescue Havana is ripe for Congressional questions.

EFE

Madrid, Spain

18 May 2022

Estados Unidos autoriza por primera vez inversión en negocio privado en Cuba

Sarah Yáñez-Richards

Nueva York, 18 May (EFE).- Estados Unidos autorizó por primera vez en seis décadas una inversión en un negocio privado en Cuba, emprendida por John Kavulich, quien contó hoy a Efe que lleva casi un año en contacto con "funcionarios de la Administración de Joe Biden", congresistas y senadores que supuestamente han ayudado a llevar a buen término esta operación.

Kavulich, presidente del Consejo Económico y Comercial Estados Unidos-Cuba, no da muchos detalles sobre la inversión "de hasta 25.000 dólares", ni tampoco da el nombre del negocio cubano, pues prefiere esperar a que Cuba dé el visto bueno. Solo adelantó que ese negocio no está relacionado con el Gobierno de Miguel Díaz-Canel, que tiene más de 5 años en el sector servicios y que presenta un crecimiento continuo.

El empresario no quiere dar nombres de quiénes han sido sus interlocutores en la administración Biden: "(Fueron) funcionarios de la administración de Biden-Harris, incluidos el Departamento de Estado, el Departamento del Tesoro, el Departamento de Comercio, el Departamento de Defensa, el Departamento de Justicia en todos los ámbitos, así como con las dos cámaras del Congreso", cuenta Kavulich.

Hasta ahora, el embargo de Estados Unidos a Cuba, vigente desde 1960, impedía este tipo de inversiones y, según Kavulich, es la primera vez que se aprueba este tipo de licencias desde que entró en vigor el boicot. Ningún funcionario de la Administración Biden se ha pronunciado hasta ahora sobre esta cuestión ni sobre el eventual levantamiento del embargo para las inversiones en Cuba.

El inversor presentó la petición de licencia a la Oficina de Control de Bienes Extranjeros (OFAC) el 10 de junio de 2021 y este organismo le dio la luz verde el 10 de mayo de 2022.

Kavulich señala que sus gestiones con la Casa Blanca y el Congreso datan de mucho antes del Gobierno de Biden, tiempo en el que lleva averiguando si sus esfuerzos inversores pueden tener éxito.

Mostrar más

Tras presentar formalmente su petición en junio pasado, el empresario se sentía optimista, pero conforme pasaban los meses fue perdiendo la esperanza.

"Me dieron declaraciones contradictorias y comunicaciones en los pasados dos meses que rompieron con todo mi optimismo", recordó, y recalcó que la noticia final de la aprobación de la inversión lo tomó completamente por sorpresa.

Para que Kavulich pueda invertir en esta compañía -que descubrió gracias a un grupo de Facebook- aún necesita el visto bueno de Cuba, pero el empresario dice estar "90 % seguro" de que lo conseguirá.

"Mi 90 % de certeza no es porque el Gobierno cubano esté entusiasmado, sino por lo necesario que es", recalcó, y explicó que esta necesidad se ha vuelto más evidente con el gran golpe que recibió la economía de la isla con la pandemia.

Asimismo, Kavulich anota que su objetivo en esta inversión no tiene el fin de buscar "un dólar rápido", sino facilitar el camino a los próximos inversores.

"Mi papel como presidente del consejo y el trabajo que el consejo hace desde 1994 es que si hay un problema, tratamos de resolverlo y luego les dejamos saber a todos qué fue lo que hicimos. Y eso es precisamente lo que estamos haciendo aquí", apostilla.

Para Kavulich, el hecho de que se permita una inversión por parte de un empresario estadounidense en la isla puede representar un gran "potencial" para el sector privado de Cuba.

Ayer, Biden dio otro paso más en la apertura hacia Cuba al anunciar un relajamiento de las limitaciones a las remesas y de los vuelos, entre otras cosas, revirtiendo parte de la última ronda de sanciones aplicadas por el anterior presidente de EE.UU., Donald Trump.

"Es difícil no ver una conexión -entre ambas cosas-. Solicitamos la licencia el 10 de junio de 2021. Emitieron la licencia el 10 de mayo de 2022, y seis días después, anunciaron todos estos otros cambios. Si uno más uno es igual a dos, en este caso no cabe duda de que no es una coincidencia", concluyó. EFE

South Florida Business Journal

Miami, Florida

18 May 2022

'This sets a precedent': What an American's investment in Cuba could mean for South Florida

By [Erik Bojnansky](#) – Reporter, South Florida Business Journal

[John Kavulich](#) is likely the first American authorized by the U.S. government to invest in a private company in Cuba since 1960. He says South Florida is positioned to benefit if more deals like his are realized.

The Treasury Department granted Kavulich, president of the U.S.-Cuba Trade and Economic Council, permission to invest \$25,000 into a small business on the island nation. He declined to name the venture because he says the deal is still pending approval from the Cuban government.

But Kavulich says his money will go to a company in the service industry with "more than five years of revenue growth" that is owned by a Cuban national and not the Republic of Cuba.

"This ... sets a precedent for others to try to do the same thing," Kavulich said.

Kavulich, who is based in New York, said it would be a boon for South Florida if businesses on the island expand and flourish with U.S. investments. February marked the 60th anniversary of the U.S. trade embargo

against Cuba and the Biden administration has begun to ease restrictions, including a move this week to expand flights to the island.

"What they'll do is buy more equipment and where they're likely to buy that equipment is from South Florida," he said.

Inventory for independently owned stores would most likely come from retail and wholesalers in South Florida, he added.

Kavulich also said future investment could come from Cubans and Cuban Americans living in Florida. Entrepreneurs in Cuba have been allowed to secure funds from family and friends with through the Free and Independent Cuba Assistance Act of 1993.

"The next stage is, as the business solidifies, as it is growing or wants to grow, you move into the equity investor side ... That is something that we want to encourage," Kavulich said.

However, Sebastián Arcos, a Cuban human rights activist and associate director of the Cuban Research Institute at Florida International University, says it's not clear if the venture Kavulich wants to invest in is operating independently of the Cuban government. Further investments in Cuba's private sector are also far from certain, particularly from the U.S. "The Cuban government has not formally invited investors with clear terms. They are not interested ..." Arcos said.

Cuba's private sector has struggled since Fidel Castro's regime seized medium- and large-sized businesses across the country in 1960, including facilities owned by U.S. companies. "This is still the largest single nationalization of U.S. properties in history. Over a billion dollars in U.S. property was confiscated," he said.

During the Revolutionary Offensive eight years later, the Marxist regime then seized Cuban-owned small businesses such as restaurants, barber shops, and bars.

The Cuban government wouldn't ease restrictions on private enterprise until 1994 as the local economy hemorrhaged without its main benefactor, the Soviet Union.

Between 2010 and 2015, the Obama administration attempted to thaw relations between the countries, but the Cuban government often went back on what was promised, Arcos said. Cuba never created formal regulations for investment from abroad.

Arcos does not advise private investment from the U.S. in Cuba until there is true democratic reform there. Even with Fidel Castro dead and Raul Castro retired, "the hardliners are still in charge today and, as we like to say in Cuba, it might be a different dog, but it has the same collar. The same mentality," he said.

Kavulich countered that entrepreneurship is growing in Cuba and that American investors should be allowed to participate in that growth.

"The re-emerging of the private sector in Cuba is not going anywhere," he said. "It's going to have its challenges, yes, but it's not going to disappear. And I think it is disrespectful for someone to say that it isn't worth trying."

Sun-Sentinel

Fort Lauderdale, Florida

18 May 2022

Expanded travel, money flow to Cuba will roll out slowly, analysts say

By David Lyons

New U.S. travel and remittance policies toward Cuba are likely to be implemented slowly and will be more restrictive than those under President Obama as the Biden administration steers through choppy election year waters.

The historic, but politically explosive, policy issued this week is designed to foster human rights on the island and curb a burgeoning flow of migrants to the U.S.

It will also allow greater travel, but it's unclear at this point how extensive that travel will be or when it will accelerate.

"You've got a cauldron of issues for the Biden-Harris administration and I think they're trying to figure out what the right temperature is," said John Kavulich, president of the U.S.-Cuba Trade and Economic Council in New York.

"You're not going to see a swift ramp-up," he added. "American Airlines will add some of the cities. You still have COVID impacting [travel] because the U.S. still requires travelers to have a COVID test."

"The good news for Cuban private businesses," Kavulich said, "is the more flights that go into Cuba the more cargo they can carry. That has been incredibly helpful for small businesses. The more flights that are going into Cuba, that's going to help these small businesses get the products they need."

In sum, the series of new, politically explosive measures shape up this way, according to a State Department briefing this week:

The U.S. will authorize scheduled commercial and charter flights to Cuban cities other than Havana by reinstating group people-to-people educational travel under a general license. The government is "not reinstating individual people-to-people educational travel," an official said.

There will be more free-flowing family remittances from the U.S. to Cuban residents on the island with the removal of a \$1,000 cap per quarter, per sender/receiver pair. The U.S. will also authorize "donative remittances" to support Cuban families and independent entrepreneurs.

The Cuba Family Reunification Parole Program will be reinstated and the U.S. will continue to increase the capacity for consular services to begin processing 20,000 back-logged immigrant visas from Havana "as quickly as possible."

There will be an increase in support for independent Cuban entrepreneurs through access to the Internet, cloud technology, e-commerce platforms and other measures, including access to microfinance and training.

JetBlue Airways passengers wait to board the first commercial flights to Havana, Cuba, from Fort Lauderdale-Hollywood International Airport in late 2016. Most commercial air travel to the Communist island was halted during the Trump administration, but a new loosening of travel rules by President Biden could trigger a revival in traffic. (Carline Jean / Sun Sentinel)

Ready to react

South Florida airports and the airlines that serve them have been offering Cuba flights ever since President Barack Obama launched a program of detente with the Communist regime in 2016.

As part of it all, air service was allowed from Miami, Fort Lauderdale, Tampa and Orlando to not only Havana, but to multiple cities around the island. Three years later, Obama's successor, Donald Trump, ordered them dialed back, allowing service only into Havana.

Now, more flights to more Cuban cities will be in the offing, but no one in the industry or government has named any new destinations.

"We don't know if they will authorize all airports," said Aymee Valdivia Granda, a Cuban-born lawyer and partner at the Holland & Knight law firm in Miami. "But I would expect that at least two or three

other airports would be authorized for both charter and regular flights. That would increase the flow of U.S. persons to Cuba.”

Between 2018 and 2019, an estimated 500,000 Cuban-Americans visited the island, according to Reuters, citing Cuban government figures. The number of non-Cuban Americans traveling plunged dramatically from 498,538 in 2018 to 58,147 in 2020, as the government locked down the country due to COVID-19. “We will work collaboratively with the airlines to accommodate any increase in Cuba flights with whatever capacity we have available at MIA,” said Greg Chin, spokesman at Miami International Airport. Before the Trump administration changed the policy, American had daily flights to Santiago, Camaguey, Holguin, Santa Clara, and Varadero and six daily flights to Havana.

Cruise lines, whose services were halted under Trump’s restrictions, were not mentioned in the Biden revisions issued Monday. Roger Frazell, spokesman for Carnival Corp., did not comment on the new policy but suggested the company reaped benefits from the Obama rapprochement.

“We were the first cruise company to sail to Cuba in more than 40 years,” he said. “It was a historic moment for all of us when we arrived to the cheering of thousands of people in the community to welcome us.”

A Royal Caribbean cruise sails into the Havana Harbor in 2019. The cruise line industry was not included in the Biden administration's revised Cuba policy easing of travel restrictions between the U.S. and the Communist island. (Photo by Yamil LAGE / AFP/ Getty Images) (YAMIL LAGE/Getty)

The Cuba political divide

Biden had vowed during the 2020 election campaign to reverse tough restrictive policies against commerce and travel to Cuba that were implemented by Trump, who sought to cater to South Florida’s Cuban exile community that has traditionally spared no quarter to the Communist regime built by the late dictator Fidel Castro.

Senior Cuban-American lawmakers have long opposed easing any restrictions against Cuba, calling any liberalized policy toward the regime as appeasement. It was no different after Biden took office and suggested de-icing relations with Havana with the newly announced measures.

Sen. Marco Rubio, R-Fla., said on Twitter that the regime “threatened Biden with mass migration and have sympathizers inside the administration and the result is today we see the first steps back to the failed Obama policies on Cuba.”

“Today’s announcement risks sending the wrong message to the wrong people, at the wrong time and for all the wrong reasons,” added Sen. Robert Menendez, D-N.J., chairman of the Senate Foreign Relations Committee. “To be clear, those who still believe that increasing travel will breed democracy in Cuba are simply in a state of denial.”

U.S. Rep. Charlie Crist, D-St. Petersburg, believes dollars toward economic prosperity will give Cubans the support they need to resist the regime and refrain from risking their lives by migrating to the U.S. via flimsy boats and rafts or overland through Central America and Mexico.

“Amidst the largest Cuban exodus in decades, the Cuban people continue to suffer under the crackdown that began on July 11,” he said Tuesday in a statement to the South Florida Sun Sentinel. “While this is the first Administration in history to apply individual sanctions to criminals and human rights abusers in the Cuban government, it’s clear we can be doing more to support the Cuban people directly and ease their suffering.

“We want to make sure that the moves announced yesterday get done right — that the entrepreneurial dollars go directly to *mamás y papás* and not to businesses controlled by the government or by the military.”

But the task of getting 100% of remittances into the hands of Cuban residents and business operators without being diverted into military bank accounts has been a major challenge.

Remittances

Valdivia said the government typically takes its cut of remittances through taxes and fees, which is why the U.S. government is seeking an independent method of electronic transmission.

“Whether they would allow that money 100% to go to the Cuban individuals without imposing a tax or fees I don’t know,” Valdivia said. “But even if the Cuban government taxes the remittances or applies a fee, at the end of the day most of the money would go to the private sector.”

TN

Buenos Aires, Argentina

18 May 2022

Mientras que EEUU flexibiliza restricciones a Cuba, La Habana se enducere con un nuevo Código Penal

Joe Biden quitó algunas sanciones impuestas por Donald Trump y autorizó inversiones en la isla. El gobierno de Miguel Díaz-Canel dijo que es un paso en la dirección correcta.

Por Marcelo Izquierdo

El presidente estadounidense, Joe Biden, abrió una ventana. Sin mucho ruido mediático quitó algunas de las sanciones impuestas contra Cuba por su antecesor, Donald Trump. Y fue más allá: autorizó a un empresario estadounidense a invertir unos 25.000 dólares en un negocio privado cubano del área de servicios, algo inédito en la historia de la Revolución.

En La Habana recogieron el guante: “Se trata de un paso limitado en la dirección correcta”, escribió el Granma, el órgano oficial del gobernante Partido Comunista, único legal en la isla. Pero puertas adentro, el gobierno de Miguel Díaz-Canel volvió a cerrar filas: aprobó un nuevo Código Penal que, a juicio de la oposición interna, “criminaliza” aún más el disenso.

Leé también: Cuba: crece el éxodo de periodistas mientras el gobierno busca apagar la apertura informativa “El gobierno cubano tendría que tener la habilidad de ser receptivo a esta decisión de Biden y verlo como un paso más. Si hay voluntad se va a destrabar lo que trabe el avance de estos anuncios”, dijo a TN el economista Omar Everleny Pérez, profesor titular de la Universidad de La Habana y exdirector del Centro de Estudios de la Economía Cubana.

Joe Biden removió sanciones impuestas por Donald Trump y abre la canilla a inversiones en la isla

Los anuncios de Biden no significan el fin de una época ni mucho menos. Se trata de volver hacia atrás con algunas de las sanciones impuestas por Trump que echó por tierra la apertura de las relaciones bilaterales impulsada durante el gobierno de Barack Obama. De hecho, el embargo o bloqueo, según lo definen Washington y La Habana, sigue en pie en toda su dimensión.

Sin embargo, las medidas anunciadas por la Casa Blanca tienen un enorme impacto en la vida de los cubanos. Biden autorizó el aumento de los vuelos hacia la isla y el levantamiento de las restricciones a las remesas que los inmigrantes cubanos pueden enviar a su país. Incluso permitirá las “remesas no familiares” para brindar apoyo a emprendedores independientes cubanos.

El presidente Joe Biden se acerca a Cuba (Foto: AP Foto/Andrew Harnik)

En ese marco, el Nuevo Herald de Miami anunció que la Casa Blanca autorizó al empresario John Kavulich, presidente del Consejo Económico y Comercial Estados Unidos-Cuba, a invertir y prestar dinero a una pequeña empresa privada del sector de los servicios en Cuba. El monto es menor a 25.000 dólares. Pero la operación debe ser aprobada aún por el gobierno cubano.

La noticia fue inesperada. El embargo vigente desde 1960 prohíbe la mayoría de las transacciones financieras entre ambos países. “Esa autorización a un empresario norteamericano a participar de un negocio privado cubano es muy importante. Abre un camino”, opinó Everleny Pérez.

Leé también: Condenaron a 127 cubanos a penas de entre 6 a 30 años de prisión por las protestas del 11 de julio

Además, consideró que todas estas medidas anunciadas por Biden, si bien son limitadas, abrirán el paso a otras. “Lo importante es que se puso la bola del lado cubano. Cuba tiene ahora que ser receptiva. Al menos es un reconocimiento a que Estados Unidos debía cambiar de dirección”, indicó.

Para el economista, “esto da la posibilidad a aquellas empresas privadas cubanas que quieran desarrollarse a recibir financiamiento o comprar bienes de capital en Estados Unidos. Porque se les va a facilitar” ese camino.

El nuevo Código Penal cubano: la Revolución cierra filas tras las protestas del año pasado

La apertura estadounidense hacia Cuba se conoció cuando el Parlamento cubano aprobó un nuevo Código Penal que activistas estiman está dirigido a acallar eventuales protestas como las que sacudieron la isla el 11 y 12 de julio del año pasado.

Daniel Triana, coordinador de la plataforma opositora Archipiélago, dijo a TN que se trata de “un retroceso en materia de derechos humanos”.

El activista aclaró que no leyó “con rigor” el nuevo Código Penal, pero advirtió que este instrumento “da ventajas al gobierno para arreciar aún más la criminalización del disenso. Les da todo el margen discrecional para seguir decidiendo en contra de los que disienten de sus doctrinas y para blindarse de la ciudadanía”, afirmó.

El futuro de las relaciones entre Washington y La Habana

La norma modifica las condenas para ciertos delitos, mantiene la pena de muerte y no contempla el femicidio. “Apuesta por la prevención y la educación antes que la represión y también prevé las sanciones con el suficiente rigor para las actuaciones más graves contra la paz social y la estabilidad de nuestra nación”, dijo el presidente del Tribunal Supremo, Rubén Remigio Ferro.

Leé también: Cuba, entre el bloqueo y el embargo: 60 años, 12 presidentes de EEUU y el resabio de la guerra fría

La nueva reglamentación incorporó más figuras criminales para sancionar actividades que las autoridades consideran “subversivas” o contrarias a la seguridad del Estado. Por ejemplo, en la figura de “atentado” se incluyó una pena de hasta cinco años para quien insulte o agreda un agente o un civil que esté cumpliendo su “deber ciudadano”.

Pero hay más: establece sanciones de 10 a 30 años y, hasta la pena de muerte en casos extremos, a quien proporcione información a organizaciones no gubernamentales, instituciones internacionales, formas asociativas o cualquier persona natural o jurídica que no esté autorizada por el gobierno. También castiga con dos a cinco años de prisión a quien “incite” contra el orden socialista. La condena aumenta a 10 años si se usan medios de comunicación para estos casos.

New York, New York

18 May 2022

Biden Wants You to Invest in Cuba

[Arturo Conde, CEPPF®](#)



Biden's administration has authorized an American license to finance and invest in a private company in Cuba. This could be the first of its kind since the beginning of the U.S. embargo on the island-nation over six decades ago. While the investment is worth a maximum of \$25,000, the owner of the license says that it has opened a pathway for other American investors. But could this be a turning point that leads to wider regulation and general licensing for all private business investments in Cuba? Here's what you need to know.

Investing in Cuba Through Private Companies

On May 10, the U.S. Treasury Department approved a license for an American company that was created by John S. Kavulich, president of the [U.S.-Cuba Trade and Economic Council](#).

The license authorizes Kavulich to finance and invest in a private service company in Cuba. And he told SmartAsset that this could be a turning point in U.S.-Cuba legislation that opens the door to future American investments on the island through private companies.

"This is the first time that an occupant of the White House has authorized a direct equity investment and the provision of direct financing to a Cuban private company since the embargo was put in place at the end of the Eisenhower administration," Kavulich said.

The council president explained that he put up the money to create a [limited liability company \(LLC\)](#) in the U.S., as well as the direct equity investment and the direct financing for the small business in Cuba, which adds up to a maximum of \$25,000.

The licensing application process was submitted to the U.S. Treasury on June 10, 2021, and lasted 11 months. Now, Kavulich says that other American investors could file specific licenses to finance and invest in private businesses on the island. But the long-term goal is to institutionalize a policy for this private investment in both countries.

"This is the first license that the Cuban government has seen," he said. "The goal isn't that everyone needs to get their own license. The goal is that the Cuban government issue regulations to cover all private companies and the U.S. government makes this a general license."

How Legislation Affects Investments in Cuba

While U.S. licenses could help build up small private businesses in Cuba, American investments still need to be authorized by the Cuban government. The private sector in Cuba is almost three decades old. The island government enacted a decree in 1993 that authorized the creation and operation of "cuentapropistas," which commonly refers to self-employed and non-state workers in Cuba.

These workers are highly regulated within specific categories that were established by the Cuban government. And in recent years, Kavulich says that the island-nation has made big changes in the private sector, including the formation of LLCs, the approval of micro-, small- and medium-sized enterprises (MSMEs) and the authorization of private companies to employ up to 100 workers.

On the U.S. side, legislation has eased some restrictions again from the ongoing embargo against Cuba. The [State Department announced](#) the reversal of some Trump-era restrictions on May 16, which had limited travel to Cuba and immigration visas. U.S. policy will also ease a ban on non-family remittances to support small private businesses on the island.

Kavulich says that while American legislation could be consistent with business ideals, it has not been practical for investments. And currently, investors lose time and money on fees with legislation that forces them to rely on third countries to move investments in and out of Cuba.

“You move money through a triangle and it could take one to three days to get there with additional costs. But if you do it through direct corresponding banking you could have it within 30 minutes,” he said. “Bank transfer fees are not onerous but they are unnecessary and show a lack of understanding between policy and business. The policy wants you to do business, but it makes it less efficient and transparent than doing business in other places.”

Though U.S. licenses for Cuba, Kavulich says, could help investors streamline private business investments.

Investing in Cuba Through a Closed-End Fund

One of the ways that investors can currently invest in Cuba is through the [Herzfeld Caribbean Basin Fund \(CUBA\)](#), which is a [closed-end fund](#) made up of different securities from non-Cuban companies that engage in business on the island.

“Herzfeld has always been an aspirational look at Cuba,” Kavulich said. “It’s a way to invest in companies that have interaction with Cuba today or might have interaction with Cuba tomorrow. And therefore, it could be a play to gain benefit without investors being directly in Cuba.”

The fund has included airline and cruise companies, hotel chains and other companies that make money from tourism, agriculture and construction, among other industries.

Investors should note that in 2020, [the fund reported](#) cutting holdings in travel-related positions. These included:

- Copa Holdings, S.A. (CPA)
- Marriott Vacations Worldwide (VAC)
- Norwegian Cruise Lines Holdings (NCLH)
- Carnival Cruise Lines (CCL)
- Royal Caribbean Cruises Ltd. (RCL)
- Avianca Holdings, S.A. (AVHOQ)

It also increased exposure to defensive holdings in consumer staples and utilities sectors by adding Fresh Del Monte (FDP) and NextEra Energy (NEE).

As of Dec. 31, 2021, [the fund reported](#) that the largest portfolio positions included:

- MasTec, Inc. (MTZ)
- First BanCorp. (FBP)
- Popular, Inc. (BPOP)
- NextEra Energy, Inc. (NEE)
- Martin Marietta Materials, Inc. (MLM)
- PGT Innovations, Inc. (PGTI)
- Aersale Corporation (ASLE)
- Copa Holdings, S.A. (CPA)
- Royal Caribbean Cruises Ltd. (RCL)
- Cemex S.A.B. de C.V. (CX)

Almost 60% of those assets were allocated in the U.S., roughly 17% in Mexico and just over 13% in Puerto Rico.

Investors should also keep in mind that many of the companies in the fund are poised to benefit from legislation that rolls back or eliminates the embargo. And because shares are limited, the price-per-share can jump when demand increases with favorable policy announcements.

Kavulich says the authorization of U.S. licenses could create additional opportunities for investors and the fund could now set money aside to invest in private companies.

“There’s nothing preventing Herzfeld from turning some of its assets into cash for privately owned companies in Cuba that they believe has a wide path for growth,” he said. “And as of May 10, Herzfeld can now find private Cuban companies that are looking for investment.”

How to Get a License for a Private Company in Cuba

American investors interested in financing and investing in private companies on the island will have to [apply for a license through the U.S. Treasury](#). And because the application gets shared by multiple agencies, Kavulich recommends getting professional help.

“You don’t want to hire someone who is going to learn on your money. You want to retain a lawyer who already knows the regulations and the interagency review process for a license,” he said. “That doesn’t mean you need to hire a big firm. You just need to find someone who has practical knowledge.”

In the case of Kavulich’s license, it took 11 months to process. And after getting U.S. approval, investors will still need to get authorization from the Cuban government.

“We now have one-half of the equation and there’s no expectation that this is not going to happen,” he said, referring to the U.S. license and pending Cuban authorization. “It’s just a matter of how long it’s going to take.”

Bottom Line

While the U.S. embargo on Cuba has prevented Americans from doing business with Cuban nationals and entities for more than 60 years, the Biden administration has recently rolled back Trump-era restrictions and authorized a U.S. license to finance and invest directly in private small businesses on the island. Investors, however, should note that private property and businesses have had little protections from the Cuban government in the past. And all licensed U.S. investments will still need authorization from Cuba.

For those who want to invest in the island and mitigate risk, they might be better served through the Herzfeld Caribbean Basin Fund and other investments in publicly traded companies that engage in the Cuban economy.

Politico

Arlington, Virginia

18 May 2022

Biden’s Cuba and Venezuela policy shifts leave Florida Democrats dismayed

The moves are the latest indication that the Biden administration is not interested in attracting the Hispanic South Florida voters he hemorrhaged in the 2020 election.

Two moves by President Joe Biden's administration this week — easing sanctions on Venezuela and loosening restrictions on Cuba — signal he's likely not interested in improving his standing with the key demographic. | Susan Walsh/AP Photo

By Sabrina Rodriguez and Matt Dixon

President Joe Biden hemorrhaged South Florida Hispanic voters in 2020 — one reason he lost the state to Donald Trump during the last election.

Two moves by his administration this week — easing sanctions on Venezuela and loosening restrictions on Cuba — signal he's likely not interested in improving his standing with the key demographic. And Florida Democrats, already reeling from a tough electoral environment for the party, are disheartened.

“It's frustrating, no question. And I'm sure it will be used [against Democrats],” said state Sen. Annette Taddeo (D-Miami), who is running for governor. “It's very clear they still don't have a political side in the Biden White House.”

Biden's 2020 underperformance in the state was most evident in Miami-Dade County, which has the highest concentration of Hispanic voters in the state. He won the county by 7 percentage points, compared with Hillary Clinton's 30-point margin over Trump in 2016.

Over a roughly 24-hour period, the administration announced Biden is expanding the number of flights to Cuba and ending restrictions on money that immigrants can send to people on the island, a vestige of Trump's hard-line Cuba policy. The administration on Tuesday said it would ease sanctions on Venezuelan President Nicolás Maduro's government if he commits to talks with U.S.-backed opposition leader Juan Guaidó, who is recognized as the country's leader by nearly 60 nations, including the U.S.

Taddeo, in an interview, said she supports Biden reinstating the family reunification program, a long-time campaign promise, but has major issues with the U.S. relaxing restrictions on sending money to the island given the Cuban government's involvement in banking and investment. She added that she has seen no concessions from the Cuban government, as many participants from last year's historic anti-government protests remain in prison.

On Venezuela, she said: “To remove sanctions and allow oil companies to go in there, are we doing that with Russia next?”

Administration officials have long emphasized that they will not shape their foreign policy based on what plays best politically in South Florida. That has left Democrats in the state navigating the political radioactivity of the issue on their own. The area is home to a huge concentration of Hispanic voters and Latin American exiles who fled leftist violence or dictatorships in Colombia, Cuba, Nicaragua and Venezuela. The White House did not respond to a request for comment.

Rep. Val Demings (D-Fla.), who is running for Senate against Sen. Marco Rubio (R-Fla.) said she is “encouraged” by policies to reunite families — the Biden administration on Monday announced plans to restart a Cuban family reunification program after bipartisan calls to do so. But she remains concerned about allowing U.S. investment in private companies based in Cuba, concern sparked by news that the U.S. Treasury Department last week allowed a company headed by the president of the U.S.-Cuba Trade and Economic Council to invest in a Cuban firm.

Rep Val Demings (D-Fla.) speaks during a House committee hearing on Capitol Hill in Washington, D.C.
| Mandel Ngan-Pool/Getty Images

“Allowing investments in the Cuban private sector and easing travel restrictions will only serve to fund the corrupt dictatorship,” Demings, who once was being considered as Biden's vice president, said in a statement.

Florida's massive Hispanic population and long-standing role as one of the nation's largest swing states have long given it a big voice in foreign policy, but the state continues to shift to the political right and national Democrats no longer see it as essential to winning the White House. Already the Democratic Governors Association has signaled it's holding off funding Florida Democrats. Cuban-born Florida International University professor Guillermo Grenier, who conducts the state's highly watched Cuba poll, called the two administration decisions “marginal changes,” and said they might be a nod to the fact that 2022 is setting up to be a bad election cycle for Democrats.

“I think that [Biden] and his advisers realize that the fate of the state does not hinge on isolated policy changes here or there,” he said via email. “It might be that they are calculating that the national dynamics are guiding the 2022 elections and there will be little movement based on marginal changes that affect south Florida constituencies.”

The Cuba measures specifically include expanding flights, easing travel restrictions and lifting limits on sending remittances to people on the communist-run island. The administration is also increasing consular services and reestablishing a family reunification program suspended in 2017. The changes all come after a lengthy review of U.S.-Cuba policy that was largely started following the historic anti-government protests on the island last July.

On Venezuela, the Biden administration has moved to ease some economic sanctions to encourage further discussions between Maduro and Venezuela’s opposition government. The changes will allow for U.S. oil company Chevron to begin talks with Venezuela’s government over potentially restarting oil production. The top two Democratic contenders challenging Florida’s Republican Gov. Ron DeSantis, Rep. Charlie Crist (D-Fla.) and Agriculture Commissioner Nikki Fried, supported Biden’s moves. Crist said it could be a “game changer for freedom and democracy in Cuba,” while Fried said she supports the “relentless pursuit of greater connectivity to, from and among the Cuban people.”

Some Democrats note that Clinton won the Hispanic-rich regions of the state by wide margins in 2016 despite the fact that President Barack Obama loosened restrictions and became the first sitting U.S. president to visit the island since 1959. Obama, who won Florida twice with Biden on his ticket, campaigned on a platform that included further opening relations with Cuba.

“Obama ran on opening up travel to Cuba and easing restrictions on remittances,” said Steve Schale, a Democratic consultant who ran Obama’s Florida campaign and runs a pro-Biden super PAC. “He also spoke to the immigrant experience. What he didn’t have to deal with is a small, but loud chorus of people waxing on about European socialism or screaming to defund the police.”

Schale’s super PAC, Unite the Country, did mail pieces during the 2020 Democratic primary pushing back on language used by some progressives to advocate for policy changes like “defunding” the police but hijacked by Republicans who have effectively used that message to brand all Democrats as extreme. “During the primary, my PAC sent mail that specifically called out ‘revolution’ talk from the far left,” Schale said. “And as you can imagine, there were people who don’t live in Florida who didn’t appreciate it.”

In 2020, Trump made inroads among Latinos across the country, but his most significant gains were in South Florida — not just among Republican-leaning Cuban Americans. Venezuelan Americans, Nicaraguan Americans and Colombian Americans — all growing Hispanic groups in Miami — also shifted farther right.

The Biden administration has largely steered clear of Cuba and Venezuela policy since the start of Biden’s presidency, leaving largely intact Trump’s hard-line policies. When it has made any changes — or even indicated a potential change — criticism has been swift and loud in South Florida, with Republicans taking to the airwaves and organizing events condemning the administration.

Earlier this year, Republicans and top Democrats in the state piled on the administration over talks it held with Maduro to potentially ease sanctions on Venezuelan oil exports. A few months earlier, Biden officials were dragged for their plan to remove Colombian rebel group FARC from a list of foreign terrorist organizations.

The move now, in a midterm election where Democrats are likely to suffer losses anyway, could also be the equivalent of ripping off a political Band-Aid ahead of Biden’s own reelection, Grenier said. “He might also think that acting now will give the waters time to settle by 2024,” he said. “Plus, he [Biden] won the presidency without the state.”

Miami, Florida

16 May 2022

Estados Unidos autoriza por primera vez inversión en negocio privado en Cuba

por Nora Gámez Torres 16 de mayo de 2022



Mujeres caminan junto a una cafetería en La Habana, Cuba, el 6 de octubre de 2021. Mujeres caminan junto a una cafetería en La Habana, Cuba, el 6 de octubre de 2021. Yamil Lage AFP via Getty Images/TNS

En lo que parece ser una primera vez en más de seis décadas, Estados Unidos autorizó a una empresa estadounidense a financiar e invertir en un negocio privado en Cuba, una medida sin precedentes que pudiera abrir la puerta a la inversión estadounidense para ayudar a los cubanos de la isla a independizarse económicamente del estado.

El embargo de Estados Unidos a Cuba, vigente desde 1960, prohíbe la mayoría de las transacciones financieras en las que participen ciudadanos o entidades cubanas, a menos que entren dentro de una excepción o estén autorizadas por una licencia. Los responsables de la reciente iniciativa creen que es la primera vez que el gobierno estadounidense autoriza la financiación e inversión directa en una empresa privada cubana.

La decisión ocurrió la semana pasada, cuando el Departamento del Tesoro permitió a una empresa dirigida por John Kavulich, presidente del Consejo Económico y Comercial Estados Unidos-Cuba, invertir y prestar dinero a una pequeña empresa privada del sector de los servicios en Cuba.

La cantidad que se proporcionará a la empresa cubana es inferior a \$25,000, pero los detalles de la transacción son “tangenciales”, dijo Kavulich. Lo que importa, añadió, es que “ahora otros pueden tratar de beneficiarse del precedente establecido por la licencia”.

“Ahora hay una opción cuando hace días no la había”, dijo.

Sin embargo, la decisión de la de Biden solo tendría significado si el gobierno cubano permite que la inversión estadounidense llegue al emergente sector privado de Cuba, una noción que las autoridades cubanas han rechazado en el pasado. Y la inversión en Cuba sigue siendo arriesgada, porque las leyes cubanas ofrecen poca protección a la propiedad privada y a las empresas. El gobierno ha confiscado con frecuencia los activos de inversionistas locales y extranjeros, a veces por razones políticas.

La administración de Biden tardó 11 meses en aceptar la solicitud de licencia de Kavulich. La política de la administración hacia Cuba se ha mantenido prácticamente sin cambios desde la era de Trump, y los funcionarios de la Casa Blanca pausaron una prometida revisión de la política hacia Cuba para evaluar las consecuencias de las protestas generalizadas contra el gobierno en la isla en julio del año pasado.

Las tensiones entre Washington y La Habana aumentaron después de que el presidente Joe Biden impusiera sanciones a varias agencias de seguridad y funcionarios responsables de la represión que siguió, y las autoridades cubanas respondieron con acusaciones no probadas de que las protestas eran parte de una operación financiada por Estados Unidos.

Sin embargo, el actual éxodo de cubanos hacia las fronteras estadounidenses provocó conversaciones de alto nivel con Cuba en Washington a finales de abril, las primeras desde que Biden asumió el cargo. La licencia del Tesoro llegó días después.

“Que yo sepa, no hay ningún precedente, y no se ha autorizado ninguna inversión directa de capital en Cuba desde que la administración de Kennedy impuso un embargo comercial total”, dijo Bob Muse, abogado de

Washington DC. que redactó el acuerdo de inversión contingente con el propietario de la pequeña empresa cubana y la solicitud de licencia.

“Es un paso significativo”, dijo Muse.

El Departamento del Tesoro declinó hacer declaraciones.

En los últimos años, el apoyo al pueblo cubano y a su emergente sector privado ha sido un objetivo explícito de la política estadounidense. Los cubanoamericanos han financiado durante mucho tiempo los pequeños negocios de familiares y amigos en Cuba a través de las remesas. Pero antes de que Kavulich obtuviera la licencia, no existía ningún mecanismo legal formal para hacerlo. Y con los canales de remesas oficiales cerrados, los emprendedores cubanos tienen dificultades para conseguir capital.

“A lo largo de las tres últimas administraciones ha habido consenso en que fomentar el crecimiento de un sector privado cubano independiente del control gubernamental debería ser un elemento clave de la política estadounidense hacia Cuba”, dijo Ric Herrero, director ejecutivo del Cuba Study Group, una organización cubanoamericana que aboga por el compromiso con Cuba.

“Ahora que las autoridades cubanas han dado por fin pasos hace tiempo esperados para legalizar la empresa del sector privado, deberíamos aprovechar la oportunidad inmediata de cultivar este sector e inculcarle los valores occidentales. De lo contrario, lo dejamos a merced de inversionistas globales fuera del alcance de los reguladores estadounidenses, que pueden no compartir los estándares de los estadounidenses y cubanos”.

Kavulich declinó identificar a la empresa cubana en cuestión porque la respuesta de las autoridades cubanas es incierta, pero cree que la licencia crea presión sobre el gobierno cubano para “igualar” lo que Estados Unidos ya ha permitido.

Mientras la pandemia del COVID-19 golpea a la economía cubana, varios funcionarios cubanos han asegurado públicamente que el país acoge la inversión extranjera. Pero en el pasado, las autoridades se han cerrado a las propuestas de empresas estadounidenses y de exiliados cubanoamericanos. Aunque el aumento de la agitación política y las malas perspectivas económicas han obligado a las autoridades a suavizar las restricciones al sector privado, siguen existiendo varias, y la desconfianza hacia todo lo estadounidense está muy arraigada en el gobierno cubano.

Los cambios introducidos el año pasado en las leyes y reglamentos cubanos otorgaron a las pequeñas y medianas empresas privadas un estatus legal como sociedades de responsabilidad limitada, o LLC, pero el nuevo marco legal es vago y da un amplio margen al gobierno para regular aún más el sector privado.

La ley del sector privado dice que las empresas recién creadas pueden buscar cualquier financiación “legal”, pero no especifica qué califica. El gobierno cubano considera la inversión extranjera como una cuestión separada de la legislación sobre el sector privado y suele tratar las solicitudes de inversión extranjera a través del Ministerio de Comercio e Inversión Extranjera.

Muse dijo que no ve por qué el gobierno cubano no permitiría la inversión en el sector privado. “El propio gobierno ha dicho que el sector privado es parte de su economía y para ello, las empresas privadas necesitan capital. Todos se benefician”.

Kavulich también espera que la administración Biden adopte más medidas para facilitar las relaciones bancarias normales entre los dos países.

Pero es probable que cualquier flexibilización de las sanciones por parte de la administración de Biden también reciba el rechazo de los exiliados y de activistas cubanos en la isla, que creen que la actual represión de la disidencia por parte del gobierno cubano, y el deterioro de la situación de los derechos humanos en la isla, deberían enfrentar un mayor aislamiento.

Saily González, una emprendedora cubana que tuvo que cerrar su negocio de alojamiento y desayuno debido a su oposición al gobierno, dijo que la inversión estadounidense probablemente beneficiaría a los

propietarios privados con conexiones con el gobierno, que son capaces de prosperar a pesar de las limitaciones del sector privado.

“El Partido Comunista de Cuba, la máxima autoridad, nunca permitirá que un local sin lealtad probada al régimen tenga acceso a una inyección de capital estadounidense”, dijo en Twitter. “Y la administración de Biden y Harris debería prestar atención a este asunto”.

Kavulich dijo que se enteró de la pequeña empresa privada en Cuba a la que está tratando de ayudar a través de Facebook y se puso en contacto por correo electrónico. Dijo que la persona no es miembro del gobierno o de las fuerzas militares y que otros estadounidenses que quieran invertir en la isla también tendrían que hacer la debida diligencia con respecto a las personas y entidades involucradas.

Otros emprendedores cubanos creen que la oportunidad de buscar financiación en el extranjero pudiera cambiarles la vida.

“Durante décadas, el sector privado en Cuba ha estado severamente limitado tanto por las políticas nacionales como por el embargo de Estados Unidos”, dijo Camilo Condis, un emprendedor cubano que dirige un pequeño negocio de iluminación en La Habana y presenta el podcast El Enjambre sobre la vida cotidiana en Cuba.

“Ahora, este tipo de licencia abriría oportunidades para los emprendedores cubanos. Veremos si el gobierno cubano permite la inversión extranjera directa en el sector privado o sigue limitando su desarrollo.

“La pelota está en la cancha del gobierno cubano”, dijo. “Lo sabremos pronto”.

Miami Herald

Miami, Florida

16 May 2022

In a first, U.S. government green-lights American investment in private business in Cuba

By Nora Gámez Torres



Women walk next to a coffee shop in Havana, Cuba on Oct. 6, 2021. (Yamil Lage/AFP via Getty Images/TNS) Women walk next to a coffee shop in Havana, Cuba on Oct. 6, 2021. (Yamil Lage/AFP via Getty Images/TNS)

In what appears to be a first in more than six decades, the U.S. has authorized an American company to finance and invest in a private business in Cuba, an unprecedented move that could open the gate to American investment to help Cubans on the island gain economic independence from the state.

The U.S. embargo on Cuba, in place since 1960, prohibits most financial transactions involving Cuban nationals or entities, unless they fall under an exception or are authorized by a license. The people behind the recent initiative believe this is the first time the U.S. government authorizes direct financing and investment in a Cuban private enterprise.

The decision came last week, when the U.S. Treasury Department allowed a company headed by John Kavulich, president of the U.S.-Cuba Trade and Economic Council, to invest and lend money to a small private business in the service sector in Cuba.

The amount to be provided to the Cuban business is less than \$25,000, but the transaction details are “tangential,” Kavulich said. What matters, he added, is that “now others can seek to benefit from the precedent the license established.”

“There is now a choice when days ago there was not,” he said.

The Biden administration’s decision would only be meaningful, however, if the Cuban government allows American investment to reach Cuba’s emerging private sector, a notion Cuban authorities have rejected in the past. And investment in Cuba remains risky, because Cuban laws offer little protection for private property and businesses. The government has frequently seized assets of both local and foreign investors, sometimes for political reasons.

It took 11 months for the Biden administration to agree to Kavulich’s license request. The administration’s Cuba policy has remained mostly unchanged since the Trump era, and White House officials paused a promised Cuba-policy review to assess the fallout of the widespread anti-government protests on the island in July.

Tensions between Washington and Havana grew after President Joe Biden imposed sanctions on several security agencies and officials responsible for the crackdown that followed, and Cuban authorities responded with unproven accusations that the protests were part of a U.S.- financed operation.

But the current exodus of Cubans to the U.S. border prompted high-level talks with Cuba in Washington in late April, the first since Biden took office. The Treasury license came days after.

“To my knowledge, there is no precedent, and no direct equity investment in Cuba has been authorized since the Kennedy administration imposed a full trade embargo,” said Bob Muse, a Washington DC-based attorney who drafted the contingent investment agreement with the Cuban small business owner and the license application.

“It is a significant step,” Muse said.

The Treasury Department declined to comment.

In recent years, supporting the Cuban people and its emerging private sector has been an explicit goal of U.S. policy. Cuban Americans have long financed small businesses of family and friends in Cuba via remittances. But before Kavulich obtained the license, there was no formal legal mechanism to do so. And with official remittances channels shut down, Cuban entrepreneurs are struggling to get capital.

“Over the past three administrations, there has been a consensus view that encouraging the growth of a Cuban private sector independent of government control should be a key element of U.S. policy toward Cuba,” said Ric Herrero, the executive director of the Cuba Study Group, a Cuban-American organization that advocates engagement with Cuba. “Now that Cuban officials have finally taken long-delayed steps to legalize private sector enterprise, we should seize the immediate opportunity to cultivate this sector and inculcate it with western values. Otherwise, we leave it at the mercy of global investors outside the reach of U.S. regulators, who may not share the standards of Americans and Cuban Americans.”

Kavulich declined to name the Cuban company involved, since the response of Cuban authorities is uncertain, but he believes the license creates pressure on the Cuban government to “match up” what the U.S. has already allowed.

As the COVID-19 pandemic hit the Cuban economy, several Cuban officials have given public assurances that the country welcomes foreign investment. But in the past, authorities have shut down proposals by American companies and Cuban-American exiles. While increasing political unrest and poor economic outlooks have forced authorities to ease restrictions on the private sector, several remain in place, and distrust of all things American runs deep within the Cuban government.

Changes last year in Cuban laws and regulations granted small and medium private businesses legal status as limited liability companies, or LLCs, but the new legal framework is vague and gives broad latitude to the government to further regulate the private sector.

The private sector law says the recently created companies can seek any “legal” financing, but doesn’t specify what qualifies. The Cuban government sees foreign investment as a separate issue from legislation on the private sector and usually deals with foreign investment requests through the Ministry of Trade and Foreign Investment.

Muse said he doesn’t see why the Cuban government would not allow investment in the private sector. “The government itself has said the private sector is part of their economy and for that, private businesses need capital. Everyone benefits.”

Kavulich also hopes that the Biden administration takes further action to facilitate normal banking relations between the two countries.

But any easing of sanctions by the Biden administration is also likely to get pushback from Cuban exiles and activists on the island, who believe the Cuban government’s ongoing crackdown on dissent, and deterioration of the human rights situation on the island, should be met with more isolation.

Saily Gonzalez, an entrepreneur in Cuba who had to shut down her bed-and-breakfast business because of her opposition to the government, said American investment would likely benefit those private owners with connections to the government, the ones that are able to thrive despite the several limitations upon the private sector.

“The Cuban Communist Party, the ultimate authority, will never allow that a local without proven loyalty to the regime has access to an injection of American capital,” she said on Twitter. “And the Biden-Harris administration should pay attention to this issue.”

Kavulich said he learned of the small private business in Cuba that he’s trying to help through Facebook and reached out by email. He said the person is not a member of the government or the military and that other Americans wanting to invest in the island would also have to do due diligence regarding the people and entities involved.

Other Cuban entrepreneurs believe the opportunity to seek finance abroad could be life-changing.

“For decades, the private sector in Cuba has been severely limited by both national policies and the U.S. embargo,” said Camilo Condis, a Cuban entrepreneur who runs a small lighting business in Havana and hosts the El Enjambre podcast about everyday life in Cuba. “Now, this type of license would open opportunities for Cuban entrepreneurs. We will see if the Cuban government would allow foreign direct investment in the private sector or continue to limit its development.”

“The ball is in the Cuban government’s court,” he said. “We will know soon.”

Cigar Aficionado

New York, New York

17 May 2022

U.S. Reversing Course On Cuba: More Flights, Fewer Restrictions, Easier Investment And Travel Biden Administration Removing Several Trump-Era Measures

By Peter Kornbluh

In a substantive change to U.S. policy toward Cuba, the Biden administration announced on Monday afternoon that it will move “expeditiously” to lift a series of economic, travel and migration restrictions imposed by its predecessor on the island nation.

“The Cuban people are confronting an unprecedented humanitarian crisis,” said the State Department in a release. “And our policy will continue to focus on empowering the Cuban people to help them create a future free from repression and economic suffering.”

Among the new initiatives is “expanding authorized travel in support of the Cuban people,” the State Department said. Reversing a ban on U.S. airline flights to regional airports in Cuba initiated by the Trump administration in 2019, the State Department announced that it would “authorize scheduled and charter flights to locations beyond Havana.”

The moves go farther, as the United States will also make it easier for Americans to travel to Cuba. Group people-to-people trips will be reinstated, along with travel for education, professional meetings and professional research—categories of travel to Cuba that the Trump administration had eliminated in an effort to curtail the number of U.S. citizens traveling to the island. The new policies do not appear to go as far as Obama-era rules that allowed for individual people-to-people travel, which made visits to Cuba by Americans quite easy, resulting in record numbers of Americans visiting the island.

In a gesture to the Cuban-American community, the Biden administration will reinstate the Cuban Family Reunification Parole Program, which was suspended in 2017. The program allows Cuban-American families in the United States to apply for expedited status for relatives in Cuba to migrate to the United States; more than 22,000 applications are pending under the program.

The State Department noted it would “increase capacity for consular services” in Havana to process visas for legal migration to the United States, but things will not be as easy as they were during the Obama administration for Cubans seeking visas to the United States. The majority of visa applicants will still be forced to apply at the U.S. Embassy in Georgetown, Guyana.

Most significantly for Cubans and Cuban Americans, the administration also plans to return to the Obama-era policy of unlimited remittances, which provided a flow of billions of U.S. dollars to families on the island and contributed significant informal investment for the expansion of small family businesses before the Trump administration limited remittances to \$1,000 per quarter. In November 2020, the Trump administration also forced Western Union to shut down its Cuba operations, dramatically curtailing transmission of remittances during the Coronavirus pandemic.

(Photo/Jose Raga)

In its announcement on Monday, the State Department said it would “engage with electronic payment processors to encourage increased Cuban market accessibility,” and was in talks with the Cuban government about the creation of a nongovernmental receiver in Cuba to process remittances.

The State Department also stated that it “will authorize donative (i.e., non-family) remittances, which will support independent Cuban entrepreneurs,” effectively establishing a mechanism for U.S.-based investment in private sector businesses in Cuba. Earlier this month, the Treasury Department’s Office of Foreign Asset Control authorized the first official investment from the United States in a private Cuban business since the economic embargo began.

“For the first time in 60 years the United States government authorized United States equity investment and financing for a private company located in the Republic of Cuba,” said the investor, John S. Kavulich, president of the U.S.-Cuba Trade and Economic Council.

How long it will take to implement these new measures remains unclear. “The administration is working expeditiously to effectuate these changes,” the announcement read, “which will be implemented via steps taken and regulatory changes made by relevant departments and agencies in short order.”

These moves do not remove the ban on purchasing Cuban cigars and rum. In September 2020, the Trump administration reversed Obama policy and made it illegal for Americans to bring Cuban cigars, rum and other goods back to the United States.

New York Post

New York, New York

16 May 2022

Biden eases money transfers to Cuba and flips Trump migrant, travel rules

By Steven Nelson

The Biden administration on Monday said it would relax rules for sending money to Cuba and reverse former President Donald Trump's policies that made it more difficult to travel to or migrate from the island. The slate of changes outraged prominent Cuban-American politicians who hoped Cuba's authoritarian Communist leaders were on the ropes after large anti-government protests last year, which were harshly repressed.

The financial reforms include lifting a \$1,000 per quarter remittance cap and allowing for direct US investments for the first time since 1960. The US also will restart a family reunification program for Cubans to move to the US, which the Trump administration suspended in 2017, and resume "educational" US group travel to the island that was banned in 2019.

Sen. Bob Menendez (D-NJ), the chairman of the Senate Foreign Relations Committee, condemned the plan to resume educational group tours, saying in a statement that the plan was "akin to tourism" and would benefit the Cuban government.

"I am dismayed to learn the Biden administration will begin authorizing group travel to Cuba through visits akin to tourism. To be clear, those who still believe that increasing travel will breed democracy in Cuba are simply in a state of denial," Menendez said.

Sen. Bob Menendez is in shock of Biden's latest authorization. AP/Alex Brandon Sen. Marco Rubio shared his opinion on the move, taking it as a step back. AP/John Raoux)

Sen. Marco Rubio (R-Fla.) tweeted, "The regime in #Cuba threatened [President] Biden with mass migration and have sympathizers inside the administration and the result is today we see the first steps back to the failed Obama policies on Cuba."

Nicaragua's leftist government in November allowed Cuban citizens to visit without a visa, and many Cubans are using the Central American nation as a starting point to reach the US-Mexico border, where COVID-19 deportation policies are scheduled to end next week.

The restarted Cuban Family Reunification Parole Program allows for 20,000 US visas per year. Biden administration officials defended the policies in a White House-organized call on Monday night.

One administration official said that "the humanitarian situation in Cuba right now is very concerning. And as the president directed us to find ways to meaningfully support the Cuban people, he assessed that these measures do take steps to do so at a particularly concerning time."

The changes upset Cuban-American politicians who hoped Cuba's authoritarian Communist leaders were at ends after large anti-government protests last year. AFP via Getty Images/ Yamil Lage

A different official noted US condemnation of the Cuban authorities' repression of protests last year.

"The crackdown by the Cuban regime after the July 11 protests were there for I think the world to see and the sentences that were imposed on people that were singing in the streets and asking for food and to have a greater say in the future of their country really shows the situation, the lack of respect for human rights on the island," the second official said. He added, "But these are steps that we thought were designed to get specifically to the Cuban people and that were in our unilateral interest."

US citizens have been allowed to visit Cuba since President Barack Obama's administration relaxed decades-old rules in 2015 — though many flouted the prior US ban and entered through third countries.

The Cuban Family Reunification Parole Program allows for 20,000 US visas per year. Corbis via Getty Images/Frédéric Soltan

Although Trump rescinded the educational group tours, US citizens have still been allowed to go if they could document their "Support for the Cuban People" with little enforcement and easy-to-meet guidelines such as staying at an Airbnb rental rather than a hotel and dining at private restaurants.

The precise new US policies around investments in Cuba were not described in detail in government releases.

The Miami Herald reported Monday that last week the US Treasury Department issued a precedent-setting decision granting a license to a company controlled by John Kavulich, president of the U.S.-Cuba Trade and Economic Council, to invest less than \$25,000 in a Cuban business.

The Herald said the Treasury Department's decision "appears to be a first in more than six decades" and "could open the gate to American investment."

Cuban government salaries are extremely low by international standards — with doctors earning just \$67 per month. Since 2010, Cubans have been allowed to engage in some private enterprises, including owning restaurants.

The State Department cast the Biden reforms as enabling greater freedom from the Communist government, despite pushback.

"We will encourage the growth of Cuba's private sector by supporting greater access to U.S. Internet services, applications, and e-commerce platforms. We will support new avenues for electronic payments and for U.S. business activities with independent Cuban entrepreneurs, including through increased access to microfinance and training," the State Department said.

"We also will support Cuban families and entrepreneurs by enabling increased remittance flows to the Cuban people in ways that do not enrich human rights abusers. We will lift the family remittance cap of \$1,000 per quarter and will support donative remittances to Cuban entrepreneurs, both with the goal of further empowering families to support each other and for entrepreneurs to expand their businesses."

ABC News

New York, New York

16 May 2022

White House expands flights to Cuba, reverses other Trump admin restrictions
The Biden admin will also allow American investment in a Cuban-owned business.

By Shannon K. Crawford

Afp Contributor/AFP via Getty Images, FILE

The White House announced a historic shift in its policy toward Cuba Monday night, saying that for the first time in six decades it will sign off on an American company investing in a private Cuba-based and Cuban-owned business.

The deal is pending approval by the Cuban government but could open the door for additional American dollars flowing to entrepreneurs in the island nation.

Additionally, the Biden administration said it would authorize flights to Cuba beyond Havana, reinstate the Cuban Family Reunification Parole Program, which allows Cubans to join family members in the U.S. on a temporary basis with the potential for obtaining permanent status, and lift the \$1,000 per quarter limit on remittances per sender-receiver pair and allow for donative (non-family) remittances.

A senior administration official said these changes have been in the works for a long time, and will be “implemented in the coming weeks,” but “some will take place faster than others.”

The administration characterizes these moves as “measures to further support the Cuban people, providing them additional tools to pursue a life free from Cuban government oppression and to seek greater economic opportunities.”

Afp Contributor/AFP via Getty Images, FILE A vintage car drives past the US embassy in Havana, Cuba, Oct. 3, 2017.

However, the moves are garnering bipartisan criticism.

Senate Foreign Relations Committee Chairman Bob Menendez said that in the wake of the 2021 pro-democracy uprising, the announcement risks sending “the wrong message to the wrong people, at the wrong time for all the wrong reasons.”

“For years, the United States foolishly eased travel restrictions arguing millions of American dollars would bring about freedom and nothing changed,” he said in a statement Monday.

“The regime in #Cuba threatened Biden with mass migration and have sympathizers inside the administration and the result is today we see the first steps back to the failed Obama policies on Cuba,” Florida Sen. Marco Rubio tweeted.

The administration will also “encourage commercial opportunities outside of the state sector” by authorizing access to expanded cloud technology, e-commerce platforms, as well as explore options to “expand support of additional payment options for Internet-based activities, electronic payments, and business with independent Cuban entrepreneurs,” officials said.

Biden's admin says it will not alter the Cuba Restricted List, entities with which the U.S. government generally prohibits direct financial reactions, "because they would disproportionately benefit the Cuban military, intelligence and security services or personnel at the expense of the Cuban people or private enterprise in Cuba," as defined by the State Department, according to senior administration officials.

Washington Post

Washington DC

16 May 2022

Biden to lift some Trump-era restrictions on Cuba

By Karen DeYoung

A car drives by the U.S. Embassy in Havana on Oct. 30, 2020. (Alexandre Meneghini/Reuters)

The Biden administration is lifting several Trump-era restrictions on Cuba, including on some aspects of travel to the island, caps on family remittances and the issuance of immigration visas.

A State Department statement described the measures as designed “to further support the Cuban people, providing them additional tools to pursue a life free from Cuban government oppression and to seek greater economic opportunities.”

The decision comes after a lengthy internal review, whose implementation was delayed after a Cuban government crackdown on widespread street protests on the island last summer.

The administration has been under pressure to ease the numbers of migrants crossing the southern U.S. border, where tens of thousands of Cubans have become the second-largest group of those seeking unauthorized entry through Mexico. Last month, the administration and Cuba held direct migration talks for the first time in four years.

Under decades-old bilateral accords, the United States had agreed to issue at least 20,000 immigrant visas annually to Cubans in exchange for Cuba's agreement to accept deportation flights of those who arrived illegally or were deemed otherwise inadmissible.

Those agreements were suspended in 2018 as part of the Trump administration's reversal of President Barack Obama's opening to Cuba that had led to a restoration of diplomatic relations in 2015. Visas of all types were further limited by sanctions, and the U.S. Embassy and consulate were reduced to skeleton staffs in 2019.

Under the new measures, the administration will increase capacity at the consulate and reinstate a family reunification parole program.

The Trump-era cap that limited family remittances to \$1,000 every three months is to be lifted. A ban on nonfamily remittances will be eased to allow payment to independent Cuban entrepreneurs, and the Treasury Department has issued at least one license to allow direct equity investment in a private Cuban firm.

"We will encourage commercial opportunities outside of the state sector by authorizing access to expanded cloud technology, application programming interfaces, and e-commerce platforms," the statement said. A senior administration official said they were still exploring ways to allow the direct transfer of money under the new policies, after bank transfers were largely shut down in recent years.

A ban limiting commercial and charter U.S. flights to Havana is also to be lifted, allowing flights to other Cuban cities. U.S. citizen tourism remains prohibited, as does individual travel under most circumstances, but Treasury will now issue licenses for group educational travel.

Cuba is facing a severe economic crisis, caused by a combination of the pandemic and a sharp drop in tourism, and global inflation, as well as continuing U.S. sanctions under the decades-old U.S. trade embargo, which can only be lifted by Congress.

Senior U.S. officials who briefed reporters on the new policy said that President Biden had directed them to come up with options that would both "promote accountability for human rights abuses," including direct sanctions on individual government and military officials, and "explore meaningful ways to support the Cuban people."

"Fundamentally, these policies are ones that are designed to advance our own national interests" rather than establish any new relationship with Cuba's communist government, one official said. The officials spoke on the condition of anonymity under rules imposed by the White House.

Although he pledged during his presidential campaign to reverse Trump's restrictive measures, Biden has been caught between conflicting pressures on Cuba. Senior lawmakers, including a number of Cuban Americans, who have been opposed to easing any of the restrictions were quick to criticize the new initiatives.

"Today's announcement risks sending the wrong message to the wrong people, at the wrong time and for all the wrong reasons," said Sen. Robert Menendez (D-N.J.), chairman of the Senate Foreign Relations Committee. He said he was "dismayed" to learn that travel "akin to tourism" would now be allowed. "To be clear, those who still believe that increasing travel will breed democracy in Cuba are simply in a state of denial."

Sen. Marco Rubio of Florida, the committee's ranking Republican, was equally dismissive. "The regime in #Cuba threatened Biden with mass migration and have sympathizers inside the administration and the result is today we see the first steps back to the failed Obama policies on Cuba," he said on Twitter.

A number of Democrats, however, have been critical of Biden's failure to make the campaign-promised changes. Saying he was "encouraged by steps in the right direction," Rep. Jim McGovern (D-Mass.) tweeted that "reversing Trump's failed strategy & undoing decades of outdated, cold-war policies will take time. I applaud this move towards a smarter strategy of engagement and diplomacy."

In a statement late Monday, Cuba's Foreign Ministry called the changes "positive, but of a very limited scope."

"These announcements in no way modify the blockade," as Cuba refers to the embargo, "or the main measures of economic siege adopted by Trump, such as the lists of Cuban entities subject to additional coercive measures; nor do they eliminate traveling restrictions for U.S. citizens," the ministry said.

The ministry attributed the new policy at least in part to "a demand by the community of Latin American and Caribbean states, and virtually all members of the United Nations," which have for decades each year overwhelmingly denounced the embargo in a U.N. General Assembly vote.

In a potential embarrassment for the administration, a growing number of hemispheric leaders have said they will not attend an America's summit Biden is to host next month in Los Angeles, after officials indicated Cuba was unlikely to be invited. The senior administration officials said that invitations to the gathering, to begin June 6, still haven't been issued and final decisions had not been made. But they insisted that the new policy measures were unrelated to that controversy.

"The plan is to send the invitations soon," one official said. "The host has wide discretion ... we consult with our partners in the region, we have these debates about who to invite, but ultimately it is the prerogative of the host to make that decision."

The administration has said it does not want "non-democratic" countries, including Cuba, Venezuela and Nicaragua, to attend. In response, the presidents of Mexico, Bolivia, Honduras and several Caribbean states have said they would not attend, while a number of others have indicated they may not show up.

The officials also deflected questions about whether the ostensible reason for reducing the size of the embassy and consulate in the first place — the safety of U.S. diplomats suffering mysterious ailments — has been resolved.

The Trump administration charged that the ailments amounted to an "attack" on the diplomats by the Cuban government. Cuba denied it, and identical ailments subsequently were reported in a range of countries. The cause of the reported maladies has never been determined.

"The President directed us to increase staff ... with the appropriate security posture," an administration official said. "We have been working over the course of the last several months to put in place a plan to be able to do so."

Univision News

Mexico City, Mexico

17 April 2022

**¿Se puede obligar a Rusia a pagar con dinero congelado el costo de la guerra en Ucrania?
Cuando los combates terminen, en el futuro se necesitarán enormes sumas de dinero para la
reconstrucción de Ucrania y ayudar a garantizar su seguridad a largo plazo. ¿Quién pagará eso?**

Por: David C Adams

Es difícil cifrar el costo final de la destrucción. Pero es posible que se necesiten al menos 500,000 millones de dólares para reconstruir Ucrania, según los funcionarios de ese país.

Eso es tres veces más que el valor actual de 135,000 millones de dólares del Plan Marshall liderado por Estados Unidos que ayudó a reconstruir Europa tras la Segunda Guerra Mundial.

"Sería bueno hacer que los rusos paguen por eso", dice Martin Kenney, abogado especializado en recuperación de activos en las Islas Vírgenes Británicas, cuya esposa es ucraniana.

Se estima que 340,000 millones de dólares en [reservas de divisas del Banco Central de Rusia se encuentran actualmente congelados en bancos occidentales](#) que podrían utilizarse para contribuir al coste, además de algunas de las propiedades y superyates congelados de los oligarcas, [así como los pagos por el petróleo y el gas ruso.](#)

"Pero es necesaria una reforma de la ley para incautar los activos sancionados. La congelación es temporal", Kenney dijo a Univision Noticias. "Vamos a tener que desarrollar un plan para estos activos congelados para poder liquidarlos y llevarlos a Ucrania", añadió.

Rusia es uno de los mayores exportadores de petróleo y gas del mundo. [Los cálculos indican que Rusia recibe unos 1,000 millones de dólares diarios de varios países de Europa](#) por concepto de la venta de su crudo.

"Habrá una enorme presión para que no se devuelvan los fondos a la Federación Rusa", dijo John Kavulich, un experto en sanciones que estaba de visita en Ucrania cuando comenzó la guerra. "Los gobiernos tergiversarán la lógica política y la lógica jurídica, y los tribunales probablemente se remitirán a los gobiernos porque la cuestión estará relacionada con la política exterior", dijo.

¿Un impuesto sobre el petróleo y el gas rusos para pagar los daños de la guerra de Ucrania?

Kavulich y otros afirman que una tasa de exportación del 10% sobre el petróleo y el gas rusos es "políticamente viable y preferible, ya que ningún gobierno quiere financiar total o parcialmente el coste de la reconstrucción de Ucrania".

Una parte de los fondos debe reservarse para reembolsar a los contribuyentes de [los países limítrofes con Ucrania que han aceptado a los refugiados](#), así como a los que han proporcionado equipos y financiación a Ucrania. "Hay que compensar a todo el mundo. Los contribuyentes de Estados Unidos no deberían pagar por lo que la Federación Rusa ha hecho a Ucrania", dijo.

Los albergues en Polonia están abarrotados: piden a los refugiados ucranianos que sigan hacia otros países. Funcionarios de la Unión Europea dicen que ya están considerando el establecimiento de cuentas de depósito en garantía en las que podrían canalizar al menos una parte de los pagos energéticos de Rusia. Pero [Putin ha advertido que Rusia cortará su suministro de energía](#) si el país no puede acceder a los pagos correspondientes.

La misma medida se utilizó para congelar una gran parte de las ventas de energía al exterior de Irán en virtud de las sanciones estadounidenses e internacionales de la última década.

El miércoles, la secretaria del Tesoro de EEUU, Janet Yellen, dijo que la creación de una cuenta de depósito en garantía para los ingresos energéticos rusos era "un enfoque que vale la pena explorar" como forma de aumentar la presión sobre Moscú.

El seguimiento de la riqueza de los individuos ricos no es fácil, [ya que suele estar oculta tras capas de sociedades y fideicomisos con activos repartidos por todo el mundo](#). Por lo general, el verdadero, o "beneficiario efectivo", se oculta tras el secreto bancario o los nombres de las empresas.

Sin embargo, aunque las jurisdicciones extraterritoriales puedan parecer "fortalezas informativas", Kenney dijo que las autoridades están obligadas a revelar los verdaderos propietarios si la policía lo solicita.

La legislación actual sólo permite, por lo general, que los activos confiscados se entreguen a sus legítimos propietarios, en lugar de ser confiscados o liquidados por dinero en efectivo. Pero esto podría hacerse mediante las llamadas "órdenes de riqueza inexplicable", dijo Kenney, que ha trabajado en varios casos relacionados con oligarcas rusos.

"Tenemos que crear un estatuto que pregunte '¿Cómo se convirtió en el hombre más rico de Rusia? Poner la carga de la prueba en ellos para que demuestren que su riqueza es legítima', dijo. "Si no puedes explicarlo, lo pierdes".

Las autoridades de la isla de Jersey, paraíso fiscal perteneciente a la Corona británica e independiente del Reino Unido, congelaron este miércoles "activos estimados en más de \$7,000 millones sospechosos de estar vinculados" al [oligarca ruso, Roman Abramovich](#), propietario del club de fútbol Chelsea de la Liga Premier, y ya sancionado en el Reino Unido por sus lazos con el Kremlin.

Los megayates de los oligarcas rusos también son un objetivo prometedor, aunque puede haber pocos compradores potenciales dado su extraordinario precio.

Ya se han confiscado dos megayates. El Dilbar del oligarca ruso Alisher Umanov, incautado por Alemania en un astillero de Hamburgo; y el Amore Velo, propiedad de Igor Sechin, en los astilleros de La Ciotat, en la costa sur de Francia. Crédito: VALERY HACHE/AFP via Getty Images

Las autoridades alemanas confiscaron el jueves el yate más grande del mundo, llamado Dilbar, tras determinar que un oligarca ruso sancionado, Alisher Usmanov, había transferido su propiedad a su hermana, una ginecóloga con múltiples cuentas bancarias en Suiza, que también se enfrenta a sanciones occidentales. El Dilbar mide unos 511 pies y cuenta con dos helipuertos y una de las mayores piscinas cubiertas jamás instaladas en un yate, según el Departamento del Tesoro de Estados Unidos, que sitúa su valor estimado entre 600 y 735 millones de dólares. Usmanov es uno de los multimillonarios más ricos de Rusia, con un valor estimado de 13,000 millones de dólares, y un conocido colaborador del presidente ruso. Usmanov fue sancionado en marzo por Estados Unidos, Reino Unido, la Unión Europea y Suiza.

Un hombre hablando por teléfono pasa por delante de la sede del Banco Central de Rusia mientras ondea la bandera rusa, en el centro de Moscú. Crédito: KIRILL KUDRYAVTSEV/AFP via Getty Images

Los activos del Banco Central de Rusia son más complicados.

Normalmente, las naciones soberanas extranjeras son inmunes a las demandas en Estados Unidos en virtud de la Ley de Inmunidad de Soberanía Extranjera (FSIA), que reconoce el principio del derecho internacional que protege las acciones del gobierno, y los activos del país, de la jurisdicción de los tribunales extranjeros. Hay pocas excepciones a la ley, incluidas las reclamaciones de personas individuales. La ley también establece que los estados extranjeros no son inmunes cuando los bienes fueron tomados en violación del derecho internacional, pero eso presumiblemente se aplica a los bienes de los ciudadanos estadounidenses, no a los de otro país.

Las leyes antiterroristas de Estados Unidos se han utilizado para confiscar los fondos que se deben a Cuba procedentes de las llamadas telefónicas internacionales para distribuirlos entre los demandantes en los tribunales. Otros esfuerzos legales están tratando de impedir que Cuba obtenga ingresos de los cruceros que atracan en puertos que una vez fueron de propiedad privada antes de ser confiscados por el gobierno comunista de la isla.

Según Ingrid Wuerth, profesora de Derecho Internacional en la Facultad de Derecho de Vanderbilt, "la FSIA, las leyes de muchos otros países y el derecho internacional proporcionan una protección casi absoluta a los activos de bancos centrales extranjeros utilizados con fines bancarios".

Aunque las sanciones pueden utilizarse para congelar los activos de los bancos centrales rusos, afganos, venezolanos e iraníes que se encuentran en bancos estadounidenses, es mucho más complicado confiscar el dinero de forma permanente y dárselo a otra persona.

Estados Unidos se ha negado a entregar 3.500 millones de dólares en activos del banco central afgano después de que los talibanes tomaran el poder en agosto de 2021. En lugar de retener el dinero ha dicho que designará a un representante no talibán de Afganistán. Estados Unidos también congeló los activos del banco central de Venezuela tras dejar de reconocer al presidente Nicolás Maduro y dar al líder de la oposición venezolana, Juan Guaidó, el control de los mismos, lo que ha provocado un complicado litigio con los acreedores.

El gobierno ucraniano ha contratado a un importante bufete de abogados estadounidense, Morrison & Foerster, para que le ayude a impulsar más medidas punitivas contra la economía rusa y contra funcionarios individuales del Kremlin, según los archivos de la Ley de Registro de Agentes Extranjeros.

Al frente del equipo está John Smith, ex director de la Oficina de Control de Activos Extranjeros del Departamento del Tesoro, que administra las sanciones estadounidenses. Smith, que trabajó en la OFAC hasta 2018, supervisó las sanciones contra Rusia tras [su invasión de Crimea](#) y los territorios orientales de Ucrania en 2014.

El Congreso podría resolver cualquier problema de inmunidad enmendando la FSIA, pero eso aún podría ser desafiado como una violación del derecho internacional, argumentó Wuerth en una reciente entrada de blog. El Congreso podría resolver cualquier problema de inmunidad modificando la FSIA, pero eso aún podría ser impugnado como una violación del derecho internacional.

Sin embargo, si la guerra entre Rusia y Ucrania se prolonga, "aumentará la presión sobre el Congreso para que asigne los activos congelados a personas políticamente simpatizantes perjudicadas por Rusia o por el conflicto", escribió.

Aunque los activos podrían ser entregados para ayudar al pueblo de Ucrania, eso podría plantear cuestiones sobre el debido proceso, los poderes constitucionales del presidente y la inmunidad soberana.

"Es posible que la confiscación de los activos del banco central pueda excusarse bajo el derecho internacional como contramedidas en respuesta a las violaciones del derecho internacional por parte de Rusia en Ucrania", añadió.

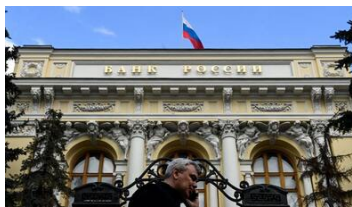
Univision News

Mexico City, Mexico

17 April 2022

**Can Russia be forced to pay for the cost of the war in Ukraine with frozen assets?
When the fighting is done, vast sums of money will be needed in the future for reparations to rebuild Ukraine and to help ensure its long-term security. So who will pay for that?**

Por: David C Adams



A man on the phone walks past the Russian Central Bank headquarters as the Russian flag flies, in downtown Moscow. Crédito: KIRILL KUDRYAVTSEV/AFP via Getty Images

It's hard to put a number on the ultimate cost of the destruction. But it may need at least \$500 billion to reconstruct Ukraine, officials there say.

That is three times more than the \$135 billion present-day value of the U.S.-led Marshall Plan that helped rebuild Europe after World War Two.

At least \$500 billion is needed, says [Martin Kenney, a lawyer specializing in global asset recovery](#) in the British Virgin Islands, whose wife is Ukrainian. “It would be nice to make the Russians pay for that,” he told Univision.

An estimated \$340 billion of Russian Central Bank cash currently sits frozen in Western banks that could be used to contribute to the cost, plus some of the frozen property and super yachts of oligarchs, as well as payments for Russian oil and gas.

“But some law reform is necessary to seize sanctioned assets. Freezing is temporary,” says Kenney. “We’re going to have to develop an endgame for these frozen assets to be able to liquidate them and get them to Ukraine,” he added.

Russia is one of the world’s largest exporter of oil and gas. Russia receives an estimated \$1 billion per day from several countries in Europe from exports of its oil and gas.

“There will be enormous pressure not to return the funds to the Russian Federation,” said [John Kavulich](#), a sanctions expert who was visiting Ukraine when the war began. “Governments will contort political logic and legal logic and courts will likely defer to the governments because the issue will be foreign policy-related,” he said.

A tax on Russian oil and gas?

Kavulich and others say a 10% export tax on Russian oil and gas is "politically viable and preferable as no government wants to fund in whole or in part the cost of reconstructing Ukraine". Some of the funds need to be reserved to reimburse the taxpayers in countries bordering Ukraine who have accepted refugees, as well as those who have provided equipment and funding to Ukraine.

“Everyone needs to be made whole. United States taxpayers should not pay for what the Russian Federation has done to Ukraine,” he said.

European Union officials say they are already considering [the establishment of escrow accounts into which they could funnel at least some of Russia’s energy payments](#). But Putin has warned that Russia would cut off its energy supply if the country can't access payments for it.

The same move was used to freeze a large swath of Iran's foreign energy sales under the U.S. and international sanctions over the last decade.

On Wednesday, US Treasury Secretary Janet Yellen said that [creating an escrow account for Russian energy proceeds was “an approach worth exploring”](#) as a way to ramp up pressure on Moscow.

Chasing down Russian oligarch wealth

Tracking wealthy individuals wealth isn’t easy as it is usually hidden behind layers of corporations and trusts with assets spread all over the world. Usually, the real, or ‘beneficial owner’, is hidden behind bank secrecy or corporate names. However, while offshore jurisdictions may appear to be “information fortresses,” Kenney said authorities are required to reveal the true owners if police request it.

Current law generally only allows for forfeited assets to be handed over to their rightful owners, rather than being confiscated or liquidated for cash. But this could be done through so-called ‘unexplained wealth orders’, said Kenney who has worked on a number of cases involving Russians oligarchs. “We need to create a statute that asks ‘How did you become the richest man in Russia? Put the burden of proof on them to show that their wealth is bone-fide,’” he said. “If you can’t explain it, you lose it.”



\$7 billion frozen in Jersey

Authorities on the British island of Jersey, a popular tax haven, on Wednesday [froze assets estimated at more than \\$7 billion "suspected of being linked"](#) to another Russian oligarch, Roman Abramovich, owner of the Premier League soccer club Chelsea, and one of those sanctioned for his ties to the Kremlin. The mega yachts of Russian oligarchs also make a promising target, though there may be few potential buyers given their extraordinary price tag.



The luxury superyacht Dilbar owned by Russian oligarch Alisher Usmanov sailing off the coast of Monaco. Crédito: VALERY HACHE/AFP via Getty Images

German authorities on Thursday seized the world's largest yacht, named Dilbar, after determining that a sanctioned Russian oligarch, Alisher Usmanov, had transferred its ownership to his sister, [a gynecologist with multiple Swiss bank accounts](#). Dilbar measures some 511 feet and has two helipads and one of the biggest indoor pools ever installed on a yacht, according to the U.S. Treasury Department, which puts its estimated worth between \$600 and \$735 million. Usmanov is one of Russia's wealthiest billionaires worth an estimated \$13 billion, and a known close associate of the Russian president. Usmanov was sanctioned in March by the U.S., United Kingdom, the European Union and Switzerland.

Russia's Central Bank assets are trickier.

Typically, foreign sovereign nations are immune from lawsuits in the United States under the [Foreign Sovereign Immunities Act \(FSIA\)](#) which recognizes the principle of international law that protects the actions of the government, and the country's assets, from the jurisdiction of foreign courts.

There are few exceptions to the law, including claims by individual persons. The law also states that foreign states are not immune when property was taken in violation of international law, but that usually applies to property owned by U.S. citizens, not that of another country. Anti-terrorism laws in the United States had been used to seize funds owed Cuba from international telephone calls for distribution to plaintiffs in court cases. Other legal efforts are currently seeking to prevent Cuba from earning revenue from cruise ships docking at ports that were once privately owned before being seized by the island's communist government.

"The FSIA, the statutes of many other countries, and international law all provide near-absolute protection to foreign central bank assets used for central banking purposes," [according to Ingrid Wuerth, professor of International Law at Vanderbilt Law School](#).

While sanctions can be used to freeze Russian, Afghan, Venezuelan and Iranian central banks assets held at U.S. banks, it's a lot more complicated to actually confiscate the money permanently and give it to someone else.

The U.S. has refused to turn over \$3.5 billion in assets of the Afghan central bank after the Taliban seized power in August 2021. Rather than hold onto the money it has said it will designate a non-Taliban representative of Afghanistan. The U.S. also froze Venezuelan central bank assets after ceasing to recognize President Nicolás Maduro and gave Venezuelan opposition leader Juan Guaidó control over them, leading to complicated litigation with creditors.

To lobby for more punitive measures against the Kremlin, the Ukrainian government has hired a team from a top U.S. law firm led by John Smith, the former director of the Treasury Department's Office of Foreign Assets Control (OFAC) which administers U.S. sanctions. Smith, who served at OFAC until 2018, oversaw sanctions against Russia after its invasion of Crimea and the Donbas region in 2014.

Congress could resolve any immunity problems by amending the FSIA, but that could still be challenged as a violation of international law, [Wuerth argued in a recent blog post](#). Congress could resolve any immunity problems by amending the FSIA, but that could still be challenged as a violation of international law.

However, if the war between Russia and Ukraine drags on, "pressure will grow on Congress to allocate frozen assets to politically sympathetic people harmed by Russia or by the conflict," she wrote. While the assets might be turned over to help the people of Ukraine, that could raise questions of due process, the constitutional powers of the president and sovereign immunity. "It is possible that confiscation of central bank assets might be excused under international law as countermeasures in response to Russia's violations of international law in Ukraine," she added.

Neues Deutschland

Berlin, Germany

3 April 2022

Tourismus als Sanktionsverstoß

US-Gericht verurteilt vier der größten Kreuzschiffahrtsunternehmen wegen Durchbrechung der Kuba-Blockade

Von Andreas Knobloch, Havanna



Kreuzfahrtschiffe laufen den Hafen von Havanna gerne an. Tourismus hat für Kuba eine enorme wirtschaftliche Bedeutung. Foto: dpa/Guillermo Nova

In Florida ist vor einigen Tagen ein weitreichendes Urteil gesprochen worden. Ein Bundesgericht in Miami erklärte, vier der weltweit größten Kreuzfahrtgesellschaften - Carnival, Norwegian, Royal Caribbean sowie MSC Cruises - seien an »verbotenen touristischen Aktivitäten« und »Handel« mit verstaatlichtem Besitz beteiligt gewesen, indem sie Passagiere nach Kuba beförderten und von der Nutzung der von der kubanischen Regierung nach der Revolution beschlagnahmten Hafenanlagen in Havanna profitierten. Es ist die erste Entscheidung dieser Art. Sie dürfte sich auf ähnliche Klagen auswirken; Konsequenzen für den Kreuzfahrttourismus nach Kuba sind dagegen schwer abzusehen.

»Indem sie den Terminal und einen seiner Piers auf verschiedene Weise nutzten, begingen Carnival, MSC, Royal Caribbean und Norwegian illegalen Handel«, so die Bundesrichterin Beth Bloom in ihrer Urteilsbegründung. Die Unternehmen zahlten »Millionen von Dollar an die kubanische Regierung für unzulässige Reisen«, heißt es an anderer Stelle. Die in Miami erscheinende Tageszeitung »Nuevo Herald« spricht von 138 Millionen US-Dollar, die die kubanische Regierung insgesamt erhalten habe. Wir sind eine Genossenschaft!

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Komplett anzeigen

Die Kreuzfahrten der Unternehmen nach Kuba stellten »touristische Aktivitäten« dar, so das Gericht. Es seien keine Aktivitäten, die geeignet sind, direkte Kontakte zwischen US-Amerikanern und Kubanern, so genannte People-to-People-Kontakte, zu fördern, wie es US-Regularien vorschreiben. Nach der US-Blockadegesetzgebung waren die Kreuzfahrtgesellschaften nur berechtigt, US-Amerikaner zu befördern, die unter einer der zwölf gesetzlichen Kategorien reisten. Dazu zählen religiöser, kultureller oder sportlicher Austausch. Touristische Aktivitäten waren zu jeder Zeit gesetzlich verboten. Stattdessen hätten die vier Unternehmen Verträge mit staatlichen kubanischen Unternehmen geschlossen, um »touristische Dienstleistungen« anzubieten, darunter Strandausflüge, Nachtclubbesuche und Stadtbesichtigungen, die nach Ansicht der Richterin »klassische« touristische Aktivitäten darstellen. Die Unternehmen argumentierten, ihre Reisen dienten der Bildung und förderten den People-to-People-Austausch. Eingereicht hatte die Klage Havana Docks, ein Unternehmen, das eine Konzession für den Betrieb des Hafens von Havanna hatte. Havanna Docks wirft den vier Kreuzfahrtgesellschaften vor, den Hafen von Havanna genutzt zu haben, als zwischen 2015 und 2019 Kreuzfahrtschiffe nach Kuba fahren durften.

Die Inflation hat Kuba voll im Griff

Vor allem Menschen ohne Zugang zu Devisen leiden auf der Insel unter der [enormen Entwertung des kubanischen Peso](#)

Im Jahr 2020 hatte ein Gericht die Klage von Havana Docks gegen Norwegian und MSC noch zurückgewiesen. Begründet wurde dies damals damit, dass es sich bei dem Eigentumsanteil des Klägers um einen Pachtvertrag handelte, der im Jahr 2004 auslief. Havana Docks hätte demnach nur Ansprüche nach Titel III aus der Zeit zuvor geltend machen können.

»Richterin Bloom hat ihre früheren Entscheidungen in den Havana-Docks-Klagen gegen die vier Kreuzfahrtgesellschaften aufgehoben. Man könnte argumentieren, dass sich ihre Ansichten seit Mai 2019, als die Klagen eingereicht wurden, weiterentwickelt oder geändert haben«, sagt John Kavulich, Präsident des in New York ansässigen US-Cuba Trade and Economic Council, der das Verfahren aufmerksam verfolgt, gegenüber »nd«. Einen Zusammenhang zur harten Haltung der US-Regierung Joe Biden gegenüber Kuba sieht er nicht. Ermöglicht wurde die Klage durch den Libertad Act, auch Helms-Burton-Gesetz genannt, eine 1996 vom US-Kongress erlassene Verschärfung der US-Blockade gegen Kuba. Donald Trump hatte Anfang 2019 als erster Präsident die Klauseln III und IV aktiviert und somit erst Schadensersatzklagen vor US-Gerichten gegen Unternehmen, die nach der Revolution verstaatlichten Besitz nutzen, ermöglicht.

Kubas schwieriger Spagat

Havannas enge wirtschaftliche Beziehungen zu Russland lassen die Kritik an [Moskau zahm und indirekt ausfallen](#)

Der Fall Havana Docks gegen die vier Kreuzfahrtunternehmen wird nun vor einem Geschworenengericht verhandelt, das für Mai anberaumt ist. In diesem wird über den von den Kreuzfahrtgesellschaften zu zahlenden Schadenersatz entschieden. »Die vier Kreuzfahrtunternehmen stehen vor der Entscheidung: Entweder sie akzeptieren ein Schwurgerichtsverfahren oder sie verhandeln einen Vergleich«, sagt Kavulich, gibt aber zu bedenken, »dass die Geschworenen aus der Gegend von Miami, Florida, stammen und mit Sicherheit auch Personen kubanischer Abstammung umfassen werden«.

Inwieweit das Urteil Auswirkungen auf den Kreuzfahrttourismus nach Kuba haben wird, ist unklar. Derzeit ist dieser aus den USA ohnehin nicht möglich, seit Präsident Donald Trump Mitte 2019 neue Reisebeschränkungen für Kuba erlassen und dabei unter anderem Kreuzfahrten aus den USA auf die Insel untersagt hat. Die Regierung Biden hat diese Regelung fortgeführt. Europäische Kreuzfahrtunternehmen mit Vermögenswerten in den USA, die weiter Kuba anlaufen, laufen daher Gefahr, ebenfalls verklagt zu werden.

Miami, Florida

22 March 2022

‘Prohibited tourism:’ Miami judge deals major blow to cruise companies that traveled to Cuba

By Nora Gámez Torres



Cruise companies scrambled Tuesday, June 5 to reroute their Cuba-bound ships after learning they were no longer allowed to sail to the Caribbean island with less than 24 hours notice from the Trump administration. Ramon Espinosa AP

In a consequential ruling Monday night, a Miami federal judge said four major cruise lines with South Florida ties — Carnival, Norwegian, Royal Caribbean and MSC Cruises — engaged in “prohibited tourism” and “trafficking activities” by carrying passengers to Cuba and profiting from the use of Havana port facilities confiscated by the Fidel Castro-led government, the first decision of its kind that could affect similar lawsuits.

“By using the Terminal and one of its piers in various ways, Carnival, MSC SA, Royal Caribbean and Norwegian committed trafficking acts,” U.S. District Judge Beth Bloom concluded.

According to court records previously reviewed by the Herald, the companies earned at least \$1.1 billion in revenue and paid \$138 million to Cuban government entities.

The companies’ cruises to Cuba “constituted tourist activities and not proper people-to-people activities, paying millions of dollars to the Cuban Government to engage in impermissible travel,” the judge wrote.

Trafficking						
DEFENDANT	DAYS AT THE HAVANA PORT TERMINAL	REVENUE	PAYMENTS TO THE CUBAN GOVERNMENT	PAYMENTS TO THE CUBAN GOVERNMENT FOR TOURIST VISA TAX	PAYMENTS TO THE CUBAN PEOPLE	PAYMENTS TO THE HAVANA DOCKS CORPORATION
Carnival	83	\$112,284,651	\$17,850,055	\$9,570,975	\$0.00	\$0.00
MSC	190 (voyages)	\$247,023,000 or \$272,051,762 (€ = .908)*	\$16,964,866	\$3,893,100	\$0.00	\$0.00
Norwegian	299	\$299,860,891	\$18,825,794	\$14,959,950	\$0.00	\$0.00
Royal	341	\$430,925,849	\$29,940,609	\$26,025,600	\$0.00	\$0.00
Total	912	\$1,115,123,153	\$83,581,325	\$54,449,625	\$0.00	\$0.00

*https://www.irs.gov/individuals/international-taxpayers/ready-average-currency-exchange-rates

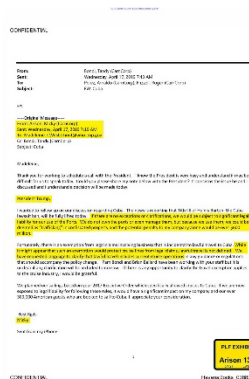
Screenshot of a PowerPoint presentation by Havana Docks’ lawyers filed in a Miami federal court showing payments made by the cruise lines to the Cuban government and their revenue.

The judge sided with Havana Docks, a company that held a concession to operate the port of Havana. The company filed lawsuits against the four cruise lines for their use of the port of Havana between 2015 and 2019, when cruise travel to Cuba was authorized. In 1960, Castro ordered the nationalization of port facilities and never paid their owners. The Helms-Burton Act, a law signed in 1996 also known as the Libertad Act, allows aggrieved owners to sue companies that later engaged in commercial activities or benefited somehow from the confiscated properties.

“The Court provided a careful and meticulous analysis of the evidence and the law,” said Havana Docks’ lawyers Bob Martinez and Stephanie Casey, partners at Colson Hicks Eidson law firm in Coral Gables. “Havana Docks is pleased with the ruling and looks forward to a trial on damages.”

The case will now go to a jury trial, already scheduled for May, that will decide the damages that the cruise lines should pay. The Helms-Burton law includes several formulas to calculate the money owed to the owners.

According to court records, Carnival’s chairman and Miami Heat owner Micky Arison told President Donald Trump — who allowed the lawsuits regarding confiscated property in Cuba to go to court — that the measure could expose his company to penalties over \$600 million.

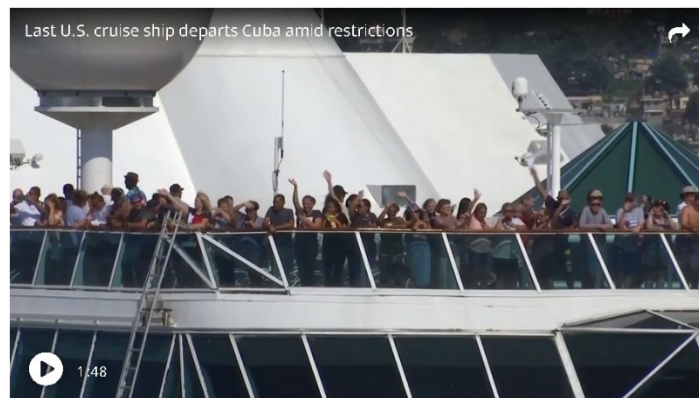


Screenshot of a PowerPoint presentation by Havana Docks’ lawyers filed in a Miami federal court. Carnival CEO Micky Arison wrote an email to President Donald Trump asking to protect cruise companies from lawsuits related to confiscated property in Cuba.

“With Judge Bloom’s ruling, the four cruise lines are nearing a binary choice: accept a jury trial or negotiate a settlement,” said John Kavulich, president of the U.S.-Cuba Trade and Economic Council, who has been tracking these lawsuits. “As the plaintiffs seem to be seeking compensation based upon what the Libertad Act permits, the four cruise lines will determine if a decision by a jury would be more costly than using the Libertad Act formulas to calculate what is owed to the plaintiffs. Key to remember: The jury will be residents of the Miami, Florida, area, and will certainly include individuals of Cuban descent.”

The U.S. government’s authorization to “provide carriers services by vessels” to allow cruises to Cuba under a brief detente promoted by the Obama administration was limited by a complex web of regulations and laws that enforce the U.S. embargo against Cuba and that the cruise companies did not follow, the judge wrote in a 168-page ruling.

In particular, cruise companies were authorized only to transport Americans traveling under 12 legal categories. At all times, tourism activities were prohibited by law and by the Cuban Asset Control Regulations administered by the U.S. Treasury Department.



Last U.S. cruise ship departs Cuba amid restrictions The last U.S. cruise ship departed Havana on June 5, 2019, ending a short boom in cruise ship visits to Cuba that brought tens of thousands of Americans to the island. By AP

Instead, the four companies hired Cuban government agencies to provide “tourism services,” including excursions to beaches, nightclubs and sightseeing tours that the judge said were “classic” tourism activities. The companies argued their tours were “educational” and promoted “people-to-people” exchanges. Carnival, for example, said the evening tours to nightclubs like the famous Tropicana cabaret in Havana did not comply with the Treasury regulations, but that didn’t matter because other day excursions offered did.

The cruise lines also contended that all their activities were legal because they conducted business under U.S. government authorizations called licenses. That was a key defense argument, because the Helms-Burton Act includes an exception from liability if the use of the confiscated property is related to “lawful travel.”

But Judge Bloom dismissed all those arguments and concluded that the cruise lines interpreted regulations promoting “people-to-people” exchanges “impermissible broadly” and that they did not conduct “lawful travel” to Cuba during those years.

“The fact that [the Treasury Department] promulgated licenses for traveling to Cuba, and Executive Branch officials, including the President, encouraged Defendants to do so, does not automatically immunize Defendants from liability if they engaged in statutorily prohibited tourism,” she wrote.

In Carnival’s case, even if the daytime excursions complied with the Treasury regulations, neither the laws nor the regulations “support the proposition that a passenger can spend the night at the Cuban nightclub simply because they spent the day engaged in people-to-people activities,” she wrote.

It is not clear if the judge’s ruling concluding that the four companies broke the law would trigger an investigation by the Treasury Department. A Treasury spokesperson said the agency cannot comment on any “potential or possible investigations.”

A Norwegian Cruise Holdings spokesperson said the company does not comment on pending litigation. The other three cruise companies did not immediately respond to emails seeking comment.

El Nuevo Herald

Miami, Florida

22 March 2022

“Turismo prohibido”: Jueza de Miami asesta un duro golpe a cruceros que viajaron a Cuba

por Nora Gámez Torres

En un fallo significativo el lunes en la noche, una jueza federal de Miami dijo que cuatro importantes líneas de cruceros con vínculos en el sur de Florida (Carnival, Norwegian, Royal Caribbean y MSC Cruises) participaron en “actividades turísticas prohibidas” y “de tráfico” al transportar pasajeros a Cuba y beneficiarse del uso de las instalaciones portuarias de La Habana confiscadas por el gobierno de Fidel Castro, la primera decisión de este tipo que podría afectar a demandas similares.

“Al utilizar la Terminal y uno de sus muelles de diversas maneras, Carnival, MSC SA, Royal Caribbean y Norwegian cometieron actos de tráfico”, concluyó la jueza federal Beth Bloom.

Según registros judiciales revisados anteriormente por el Herald, las empresas obtuvieron al menos \$1,100 millones en ingresos y pagaron \$138 millones a entidades gubernamentales cubanas.

Los cruceros de las compañías a Cuba “constituían actividades turísticas” y no actividades adecuadas para promover los contactos entre los pueblos, y pagaron “millones de dólares al gobierno cubano para realizar viajes inadmisibles”, escribió la jueza en el documento de 168 páginas.

La jueza se puso del lado de Havana Docks, una empresa que tenía una concesión para operar el puerto de La Habana. La empresa presentó demandas contra las cuatro líneas de cruceros por el uso que hicieron del puerto de La Habana entre 2015 y 2019, cuando se autorizó el viaje de cruceros a Cuba. En 1960, Castro ordenó la nacionalización de las instalaciones portuarias y nunca pagó a sus dueños. La Ley Helms-Burton, firmada en 1996 también conocida como Ley Libertad, permite a los propietarios agraviados demandar a

las empresas que luego realizaron actividades comerciales o se beneficiaron de alguna manera de las propiedades confiscadas.

“La corte proporcionó un análisis cuidadoso y meticuloso de la evidencia y la ley”, dijeron los abogados de Havana Docks, Bob Martínez y Stephanie Casey, socios del bufete de abogados Colson Hicks Eidson en Coral Gables. “Havana Docks está satisfecho con el fallo y espera un juicio por daños y perjuicios”.

¿Está su nombre en la lista? El tiempo para demandar por bienes perdidos en Cuba puede acabarse

El caso ahora irá a un juicio con jurado ya programado para mayo que decidirá los daños que deben pagar las líneas de cruceros porque la Ley Libertad incluye varias fórmulas para calcular el dinero adeudado a los propietarios.

Según los registros judiciales, el presidente de Carnival y propietario del Miami Heat, Micky Arison, le dijo al presidente Donald Trump — quien permitió por primera vez que las demandas por bienes confiscados en Cuba llegaran a los tribunales — que la medida podría exponer a su empresa a multas de más de \$600 millones.

“Con el fallo de la jueza Bloom, las cuatro líneas de cruceros se acercan a una opción binaria: aceptar un juicio con jurado o negociar un acuerdo”, dijo John Kavulich, presidente del U.S.-Cuba Trade and Economic Council que ha estado monitoreando estas demandas. “Como los demandantes parecen estar buscando una compensación basada en lo que permite la Ley Libertad, las cuatro líneas de cruceros determinarán si una decisión de un jurado sería más costosa que usar las fórmulas de la Ley Libertad para calcular lo que se les debe a los demandantes. Clave para recordar: El jurado estará compuesto por residentes del área de Miami, Florida, y ciertamente incluirá personas de ascendencia cubana”. El Nuevo Herald es la conexión moderna y digital a la versión impresa tradicional.

La autorización del gobierno estadounidense para “brindar servicios de transporte por barcos” para permitir cruceros a Cuba durante el breve deshielo promovido por la administración Obama estuvo limitada por una compleja red de regulaciones y leyes que hacen cumplir el embargo de EEUU contra Cuba y que las compañías de cruceros no siguieron, dice la sentencia de la jueza.

En particular, las compañías de cruceros solo tenían autorización para transportar a los estadounidenses que viajaban bajo 12 categorías legales. En todo momento, las actividades turísticas estuvieron prohibidas por ley y por las Regulaciones de Control de Activos Cubanos administradas por el Departamento del Tesoro de Estados Unidos.

En cambio, las cuatro empresas contrataron agencias gubernamentales cubanas para brindar “servicios turísticos”, incluidas excursiones a playas, clubes nocturnos y recorridos turísticos que, según la jueza, eran actividades turísticas “clásicas”. Las empresas argumentaron que sus recorridos eran “educativos” y promovían intercambios entre personas (“people-to-people”). Carnival, por ejemplo, dijo que los recorridos nocturnos a clubes como el famoso cabaret Tropicana en La Habana no cumplían con las regulaciones del Tesoro, pero eso no importaba porque otras excursiones durante el día sí lo hacían.

Las líneas de cruceros también sostuvieron que todas sus actividades eran legales porque realizaban negocios bajo autorizaciones del gobierno estadounidense llamadas licencias. Ese fue un argumento clave de su defensa, porque la Ley Helms-Burton incluye una excepción de responsabilidad si el uso de la propiedad confiscada está relacionado con un “viaje legal”.

Pero la jueza Bloom desestimó todos esos argumentos y concluyó que las líneas de cruceros interpretaron las regulaciones que promueven los intercambios “persona a persona” de un modo “inadmisiblemente amplio” y que no realizaron “viajes legales” a Cuba durante esos años.

“El hecho de que [el Departamento del Tesoro] promulgó licencias para viajar a Cuba, y los funcionarios del Poder Ejecutivo, incluido el presidente, alentaron a los Demandados a hacerlo, no los exime automáticamente de responsabilidad si se involucraron en un turismo prohibido por ley”, escribió.

En el caso de Carnival, incluso si las excursiones diurnas cumplieron con las normas del Tesoro, ni las leyes ni los reglamentos “respaldan la proposición de que un pasajero puede pasar la noche en el club nocturno cubano simplemente porque pasó el día involucrado en actividades” que cumplen con la categoría de viajes de contactos “persona a persona”, escribió la jueza.

No está claro si el fallo que concluye que las cuatro empresas infringieron la ley y las normas de viaje desencadenará una investigación por parte del Departamento del Tesoro. Una portavoz del Tesoro dijo que la agencia no puede comentar sobre ninguna “investigación potencial o posible”.

Un portavoz de Norwegian Cruise Holdings dijo que la compañía no comenta sobre litigios pendientes. Las otras tres compañías de cruceros no respondieron de inmediato a correos electrónico en busca de comentarios.

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Cruise ship headed to port in Havana, Cuba. Photo: ttinu / Adobe Stock

US Judge Rules Cruise Lines Docking in Cuba Trafficked in Stolen Property

A lineup of top Am Law firms failed in efforts to defend major cruise lines Carnival, Royal Caribbean, Norwegian and MSC, with U.S. District Judge Beth Bloom calling the use of Havana docks seized during the Cuban revolution “a tangible injury.”

By [Amy Guthrie](#) 

A Miami federal judge has ruled that four major cruise lines—Carnival, Norwegian, Royal Caribbean and MSC Cruises—violated a ban on tourism and engaged in “trafficking” of confiscated property by allowing passengers to disembark at a port terminal in Havana that was confiscated decades ago by the communist government in Cuba following the Cuban Revolution.

The [ruling](#), issued Monday by U.S. District Judge Beth Bloom of the Southern District of Florida, represents a rare win for a claimant brought under Title III of the Helms-Burton Act that aims to compensate individuals whose property was confiscated in Cuba.

Havana Docks, an American company, held a concession to operate the port of Havana. It was never compensated when Cuban leader Fidel Castro nationalized the port facilities in 1960. The company is represented by Roberto Martínez, Stephanie A. Casey, Zachary A. Lipshultz and Aziza F. Elayan-Martinez of Colson Hicks Eidson, a trial law firm based in Coral Gables, Florida; and Rodney S. Margol of Margol & Margol, a civil litigation firm in Jacksonville.

The cruise lines, which could now be liable for huge damages awards, are represented by a lineup of top firms in Big Law. Royal Caribbean Cruises is represented by Scott D. Ponce and Sanford L. Bohrer of

Holland & Knight; Carnival Corp. is represented by Stuart H. Singer of Boies Schiller Flexner, Pedro A. Freyre of Akerman and George J. Fowler III of Jones Walker; Norwegian Cruise Line is represented by Richard C. Lorenzo and Allen P. Pegg of Hogan Lovells; and MSC Cruises is represented by J. Douglas Baldrige, Andrew T. Hernacki and Justin B. Nemeroff of Venable.

Law.com International has reached out to all of the law firms involved for comment. They declined to comment.

Royal Caribbean, Carnival and Norwegian are each headquartered in South Florida. MSC Cruises is based in Geneva, but has a subsidiary in South Florida.

The Foreign Claims Settlement Commission, which adjudicates claims against foreign governments that involve the expropriation of property belonging to U.S. nationals, certified in 1971 that actions by the Cuban government resulted in a financial loss for Havana Docks of over \$9 million, plus 6% annual interest from the date that the property was seized.

Havana Docks, which was incorporated in the state of Delaware in 1917, said it managed the terminal until its confiscation in 1960. At that point, the company said it still had 44 years left on its concession.

Unpersuasive Defense

The cruise lines argued, unsuccessfully, that the expiration of Havana Docks' concession in 2004 meant that the firm couldn't claim an interest in the stolen property beyond that date.

They also argued, unsuccessfully, that the sailings promoted "people-to-people" contact—a soft form of diplomacy that was encouraged via the easing of travel restrictions to Cuba during the administration of former U.S. President Barack Obama.

In 2015, the Treasury Department's Office of Foreign Assets Control (OFAC) tweaked the Cuban Assets Control Regulations to allow travel under general license, rather than authorizing trips to Cuba on a case-by-case basis. That meant U.S. citizens could travel to Cuba with the goal of supporting civil society on the island or promoting the Cuban people's independence from Cuban authorities.

Tourism to Cuba was still expressly banned, and the rules specified that the "predominant portion" of the activities engaged in by U.S. travelers should not be with individuals or entities acting for or on behalf of the Cuban government.

The cruise lines rolled out shore excursions that brought passengers to watch performers at the world-renowned Tropicana Cabaret and cruise along the streets of Havana in pastel-hued, mid-century American cars driven by Cubans.

The tours were organized by Havanatur and Cubanacan, both official tour operators of the Cuban government that report to the Ministry of Tourism.

In her sometimes strongly worded ruling, Bloom called it "a stretch" to label tourist activities such as visiting landmarks, watching shows, drinking rum, smoking Cuban cigars and buying souvenirs as meaningful, people-to-people interactions.

She also noted that the cruise lines earned "hundreds of millions of dollars" through their trips to Cuba, and they paid Cuban entities "tens of millions of dollars" to use the terminal and operate shore excursions. Her harshest words appear in a section that summarizes the statutory and regulatory background for the case.

"Since Fidel Castro seized power in Cuba in 1959, 'communist tyranny and economic mismanagement' has plagued the island nation, substantially deteriorating the welfare and health of the Cuban people," Bloom wrote.

"The communist Cuban Government has systematically repressed the Cuban people through, among other things, 'massive and systemic violations of human rights' and deprivations of fundamental freedoms. In

response, the United States has consistently sought to impose international sanctions against the Castro regime.”

She concluded, “The use of Havana Docks’ property without its authorization constitutes a tangible injury,” adding that “trials scheduled in each case shall proceed solely on the issue of Havana Docks’ damages.”

Significant Win

John Kavulich, president of the nonprofit U.S.-Cuba Trade and Economic Council, said the cruise lines must now calculate whether they can negotiate a more favorable outcome via a settlement than via a jury trial.

“Key to remember—the jury will be residents of the Miami, Florida, area, and will certainly include individuals of Cuban descent,” Kavulich said.

More than two dozen cases were filed after the Trump administration allowed Title III to take effect in May 2019, paving the way for U.S. citizens to pursue litigation against entities that purportedly traffic in Cuban property that was privately owned before the 1959 communist revolution.

A string of those cases were dismissed in 2020, either because plaintiffs had inherited their claims from deceased relatives after a cutoff date or because they were unable to establish jurisdiction.

The U.S. Justice Department’s Foreign Claims Settlement Commission certified nearly 6,000 claims on property confiscated by Cuba with a principal value of \$1.9 billion.

To date, only one other Title III case has concluded in favor of the plaintiff. An American family that once owned a vast sugar plantation in Cuba reached [an out-of-court settlement](#) in 2021 with Switzerland-based building materials LafargeHolcim for its use of property seized in the Cuban revolution.

Izvestia

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МИР

СЮЖЕТ: [АНТИРОССИЙСКИЕ САНКЦИИ](#)

«Санкции выжимают все соки из тех, кто их применяет»

Президент торгово-экономического совета США–Куба Джон Кавулич — о последствиях антироссийских ограничений для всех сторон

[Наталья Портякова](#)



Фото: ИЗВЕСТИЯ/Наталья Портякова

В случае с санкциями против России, введенными после начала спецоперации на Украине, не будет победителей и проигравших — рестрикции станут «коллективной болью для всех». Однако снимать ограничения против Москвы, тем более в столь же спешной манере, в которой они вводились, Запад не будет даже после окончания боевых действий на территории Украины. Такое мнение в интервью «Известиям» высказал президент торгово-экономического совета США–Куба Джон Кавулич, побывавший недавно в Киеве и [Москве](#). Американский предприниматель также предположил, что замороженные валютные счета России вряд ли когда-то ей вернутся, поскольку, скорее всего, будут отданы Украине и соседним с ней странам, принявшим украинских беженцев. «Существует глобальная индустрия противостояния санкциям»

— **Вы не понаслышке знаете о том, как живет под санкциями Куба. Если сравнить санкционную блокаду Острова свободы, которой уже 60 лет, и нынешние санкции против России, какие ограничения, по вашему мнению, наиболее масштабны?**

— Санкции против России являются гораздо более всеобъемлющими, чем санкции против Кубы. Основное отличие сегодня заключается в том, что у Российской Федерации имеется более глубокий «резервуар» для поглощения санкций и она не страдает от наличия коммерческих, экономических и политических ограничений, которые тормозят процветание правительства, контролируемого Коммунистической партией, не желающей поддерживать устойчивый частный сектор.

— **Целью всех рестрикций, выдвигаемых США и их союзниками — по крайней мере публично, — во всех случаях всегда было «изменение поведения режима», будь то Куба, Иран, Китай или Россия. Достигала ли когда-либо санкционная политика США заявленной цели?**

— Нет ни одного примера, чтобы применение санкций Штатами приводило как к смене режима, так и к изменению базового поведения режима. Санкции, как правило, выжимают все соки в первую очередь из тех, кто их применяет, а не из тех, против кого они вводятся. Существует глобальная индустрия противостояния санкциям — правительства стали очень способными использовать рестрикции для дальнейшего укрепления того поведения, от которого эти санкции должны их были отговорить.

Президент Путин провел последние 15 лет, внедряя законы, нормативные акты и политику, призванные противостоять санкциям, и он следил за тем, как санкции не смогли достигнуть заявленных целей в случае с Китаем, Кубой, Ираном, Никарагуа, Северной Кореей, Сирией, [Турцией](#), Венесуэлой и самой Россией. Эти названные страны даже могли бы совместно создать авторизованный справочник под названием «Подверглись санкциям? Я тоже там был. Вот ваш исчерпывающий гид, чтобы пройти через санкции и обойти их».

«Скорость введения санкций против России не означает, что они будут так же быстро сняты»

— **В случае с последними антироссийскими санкциями мы уже видим некоторые негативные последствия для Европы и США, в первую очередь в том, что касается цен на энергетических рынках. Может ли такой экономический вред самим себе подтолкнуть США и ЕС пересмотреть какую-то часть экономических мер против России через год-два?**

— Что касается санкций, введенных с 24 февраля против России в ответ на ее действия на территории Украины, глобальный ответ был подобен переключателю, а не реостату (имеется в виду, что их «врубили» одним махом, а не повышали постепенно. — «Известия»). Никогда еще такое большое число стран так быстро не переходило от заявлений к разработке документов, к исполнению этих документов, а затем и к демонстрации результатов в отношении применения санкций.

Но скорость введения мер против России не означает, что после санкции будут так же быстро сняты. Хотя в этой ситуации не будет одного победителя и одного проигравшего — это будет коллективная боль для всех.

Существует определенная логика в том, что Россия после вывода войск с Украины просит (или требует) все страны, которые ввели санкции, немедленно снять их таким же быстрым способом, каким они вводились. Но со стороны Запада, особенно со стороны Канады, ЕС, США и Великобритании, будет оказываться политическое давление с целью продолжения санкций на том основании, что акт вывода войск не устраняет физический ущерб, нанесенный инфраструктуре городов по всей Украине. На устранение этих повреждений уйдут годы.

Кроме того, месседж [Запада] России будет таким: президенту Путину нельзя доверять, и до тех пор, пока он остается главой государства, главой правительства или оказывает существенное влияние на правительство за пределами официальной должности, санкции, хотя, возможно, и не все, останутся.

— В августе прошлого года [США](#) заморозили резервы афганского Центробанка в своих банках, и недавно часть этих денег было решено пустить на выплату компенсаций семьям жертв терактов 11 сентября. Какая участь ждет замороженные американцами валютные резервы России?

— Скорее всего, эти деньги никогда не вернуться. Правительство Украины оценило нанесенный на сегодняшний день ущерб примерно в \$120 млрд. Будут иски о неправомерной смерти и иски о физическом ущербе, поданные гражданами Украины против правительства Российской Федерации. Будут судебные иски или требования о доступе к средствам Центрального банка России от правительств Венгрии, Молдовы, Польши, Румынии и Словакии и, возможно, даже ЕС с требованием возмещения потенциально миллиардов долларов США, которые их налогоплательщики должны были направить на поддержку более 3 млн беженцев, пересекающих их границы в течение последних трех недель.

Взять Польшу. Хоть она и гостеприимна, а граждане Украины и Польши имеют общие коммерческие, экономические, политические и социальные связи, расходы есть расходы — и щедрость Польши не будет бесконечной. Как сторона, принимающая примерно 80% беженцев с Украины, Польша имеет стимул поддерживать Россию и Украину в усилиях по прекращению конфликта. И как только в Варшаве поверят, что правительство Украины не в состоянии одержать верх, а продолжающиеся военные действия принесут только смерть и разрушения, а с ними и еще больше беженцев, правительство Украины будут склонять к заключению сделки с Россией. Хотя даже при заключении сделки восстановление жилищного фонда и инфраструктуры не означает немедленного возвращения украинцев на родину.

«На Украину будет оказываться давление, чтобы она согласилась на всё»

— Как долго украинский вопрос будет занимать центральное место в повестке в США и оставаться в центре внимания западного общества?

— Республиканская партия, скорее всего, получит контроль над палатой представителей США в результате выборов в ноябре 2022 года. Руководство партии уже сообщило, что будет проведено по крайней мере два громких расследования, когда они возьмут палату под свое управление, начиная с января 2023 года: 1) Хантер Байден (сын президента [Джо Байдена](#)) и его отношения с [Украиной](#); 2) Хантер Байден и его отношения с Китаем. Таким образом, Украина будет продолжать оставаться частью политического дискурса в США до 2023 года. И это не принесет пользы Украине.

Для Украины конфликт реален, для всех, кто находится за пределами Украины, эта реальность виртуальна — они взирают на происходящее из безопасности и комфорта своих домашних кинотеатров.

Украинцы хотят верить, что США, члены НАТО, члены ЕС заботятся об Украине. Реальность такова, что Запад не будет ни рисковать, ни вступать в военный конфликт с Россией из-за Украины. Точно так же, как он не будет этого делать в случае с Китаем из-за Тайваня, с Израилем из-за Голанских высот или расширения еврейских поселений или в случае если Турция, член НАТО и бывший активный кандидат на членство в ЕС, захватит часть Кипра, не находящуюся под ее контролем.

Мало кто из политиков хочет видеть у себя дома трупы своих солдат. Они будут терпеть более высокие цены на нефть, на природный газ и на бытовую технику. И могут с большим мастерством создавать нарратив, перекладывающий вину за это на третьих лиц.

Общественность во всех странах хочет снижения цен на топливо и на продукты питания. До тех пор, пока этого не произойдет, они будут искать виноватого. И политики, которые публично говорили, что будет больно, но это необходимая боль ради общего блага, начнут дезавуировать эти заявления. И начнут обвинять Украину в том, что она эгоистична в своих просьбах к миру чем-то еще жертвовать, зная, что исход уже определен. На Украину будет оказываться давление, чтобы она согласилась на всё, что остановит боевые действия. Позже — возможно, через несколько лет — Украина может отказаться от того, на что она теоретически согласится сейчас, и вновь начнет стремиться к членству в ЕС и НАТО.

«Соединенные Штаты никогда не должны уходить первыми»

— **Американские посольства не закрывались во время конфликтов в Ираке, Сирии и даже Вьетнаме. Но на Украине и США, и другие западные страны разом эвакуировали свои дипмиссии. Это было оправданным решением, по-вашему?**

— Штатам и другим странам не следовало закрывать свои посольства в Киеве. Этот массовый исход за исключением Франции и Китая, в частности, нанес значительный ущерб и без того хрупкой психике граждан конкретно Киева и других городов по всей Украине.

Более практичным было бы, чтобы посольство Соединенных Штатов осталось бы полностью освещенным — с огнями, направленными на флаг США на шесте перед зданием. [Было бы лучше] с посольством, охраняемым морскими пехотинцами США, и с сотрудниками, проводящими встречи, работающими над оказанием помощи компаниям Штатов, которые хотят экспортировать, импортировать и предоставлять услуги на Украине.

Отъезд стал сигналом о том, что США поверили в то, что Россия собирается сделать, и не подготовились к обеспечению безопасности посольств и их сотрудников, и стали верить в то, что дипломатов, офицеров и членов их семей, а также морских пехотинцев намеренно или по безжалостному безрассудству убьют, что дипломаты станут заложниками. Для президента Путина это продемонстрировало, что коллективная оппозиция боится его больше, чем он мог бы бояться их.

Соединенные Штаты никогда не должны уходить первыми — страна с крупнейшей экономикой, крупнейшими вооруженными силами не должна лидировать из тыла.

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Moscow, Russian Federation
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PLOT: ANTI-RUSSIAN SANCTIONS

"Sanctions squeeze all the juices out of those who apply them"

President of the US-Cuba Trade and Economic Council John Kavulich on the consequences of anti-Russian restrictions for all parties

By Natalia Portyakova



Photo: IZVESTIA/Natalia Portyakova

In the case of sanctions against Russia, introduced after the start of the special operation in Ukraine, there will be no winners and losers – restrictions will become "collective pain for everyone." However, the West will not lift restrictions against Moscow, especially in the same hasty manner in which they were introduced, even after the end of hostilities on the territory of Ukraine. This opinion in an interview with Izvestia was expressed by the President of the TRADE and Economic Council of the United States-Cuba, John Kavulich, who recently visited Kiev and Moscow. The American businessman also suggested that Russia's frozen currency accounts are unlikely to ever be returned to it, since they are likely to be given to Ukraine and neighboring countries that have accepted Ukrainian refugees.

"There is a global industry to resist sanctions"

You know firsthand how Cuba lives under sanctions. Let's compare the sanctions blockade of the Island of Freedom, which is already 60 years old, and the current sanctions against Russia, what restrictions, in your opinion, are the most ambitious?

Sanctions against Russia are much more comprehensive than sanctions against Cuba. The main difference today is that the Russian Federation has a deeper reservoir to absorb sanctions and does not suffer from the commercial, economic, and political constraints that hinder the prosperity of a communist party-controlled government unwilling to maintain a resilient private sector.

The goal of all the restrictions put forward by the US and its allies , at least publicly – in all cases has always been to "change the behavior of the regime", be it Cuba, Iran, China or Russia. Has the US sanctions policy ever achieved its stated goal?

There is not a single example of the use of sanctions by the United States leading to both regime change and a change in the basic behavior of the regime. Sanctions, as a rule, squeeze all the juices first of all from those who apply them, and not from those against whom they are imposed. There is a global industry of opposition to sanctions – governments have become very capable of using restrictions to further reinforce the behavior that these sanctions should have dissuaded them from.

President Putin has spent the past 15 years implementing laws, regulations and policies designed to counter sanctions, and he has watched as sanctions failed to achieve their stated goals in the case of China, Cuba, Iran, Nicaragua, North Korea, Syria, Turkey, Venezuela and Russia itself. These named countries could

even jointly create an authorized handbook called "Sanctioned? I've been there too. Here's your comprehensive guide to getting through the sanctions and getting around them."

"The speed of the introduction of sanctions against Russia does not mean that they will be lifted as quickly"

In the case of the latest anti-Russian sanctions, we already see some negative consequences for Europe and the United States, primarily in terms of prices in energy markets. Could such economic harm to themselves push the US and the EU to reconsider some part of the economic measures against Russia in a year or two?

As for the sanctions imposed on February 24 against Russia in response to its actions on the territory of Ukraine, the global response was like a switch, not a rheostat (meaning that they were "hacked" in one fell swoop, and not increased gradually. - "Izvestia"). Never before has so many countries moved so quickly from declarations to the drafting of documents, to the implementation of those documents and then to the demonstration of results with regard to the application of sanctions.

But the speed of the introduction of measures against Russia does not mean that after the sanctions will be lifted as quickly. Although in this situation there will not be one winner and one loser – it will be a collective pain for all.

There is a certain logic in the fact that Russia, after the withdrawal of troops from Ukraine, asks (or demands) all countries that have imposed sanctions to immediately lift them in the same rapid way as they were imposed. But there will be political pressure from the West, especially Canada, the EU, the US and the UK, to continue sanctions on the grounds that the act of withdrawal does not repair the physical damage done to the infrastructure of cities across Ukraine. It will take years to repair this damage.

Moreover, the message to [Western] Russia will be that President Putin cannot be trusted, and as long as he remains head of state, head of government, or exerts significant influence on the government outside of official office, sanctions, though perhaps not all, will remain.

In August last year, the [United States](#) froze the reserves of the Afghan Central Bank in its banks, and recently it was decided to use part of this money to pay compensation to the families of the victims of the September 11 attacks. What fate awaits Russia's foreign exchange reserves frozen by the Americans?

Most likely, this money will never be returned. The government of Ukraine has estimated the damage caused to date at about \$120 billion There will be lawsuits for unlawful death and lawsuits for physical damage filed by citizens of Ukraine against the government of the Russian Federation. There will be lawsuits or demands for access to Funds from the Central Bank of Russia from the governments of Hungary, Moldova, Poland, Romania and Slovakia, and possibly even the EU, demanding reimbursements of potentially billions of US dollars that their taxpayers should have used to support the more than 3 million refugees crossing their borders over the past three weeks.

Take Poland. Although it is hospitable, and the citizens of Ukraine and Poland share common commercial, economic, political and social ties, spending is spending – and Poland's generosity will not be infinite. As the party hosting roughly 80% of ukraine's refugees, Poland has an incentive to support Russia and Ukraine in efforts to end the conflict. And as soon as Warsaw believes that the Ukrainian government is unable to prevail, and the ongoing hostilities will bring only death and destruction, and with them even more refugees, the Ukrainian government will be persuaded to conclude a deal with Russia. Although even with the conclusion of the deal, the restoration of the housing stock and infrastructure does not mean the immediate return of Ukrainians to their homeland.

"Ukraine will be pressured to agree to everything"

How long will the Ukrainian issue occupy a central place in the agenda in the United States and remain in the center of attention of Western society?

The Republican Party is likely to gain control of the U.S. House of Representatives in the November 2022 election. The party's leadership has already announced that there will be at least two high-profile investigations when they take over the house starting in January 2023: 1) Hunter Biden (son of [President Joe Biden](#)) and his relationship with [Ukraine](#); 2) Hunter Biden and his relationship with China. Thus, Ukraine will continue to remain part of the political discourse in the United States until 2023. And this will not benefit Ukraine.

On all four sides: what new sanctions does the European Union impose against Russia. And can we expect progress from the next round of negotiations between Russia and Ukraine?

For Ukraine, the conflict is real, for everyone outside Ukraine, this reality is virtual – they look at what is happening from the safety and comfort of their home theaters.

Ukrainians want to believe that the United States, NATO members, EU members care about Ukraine. The reality is that the West will neither risk nor enter into a military conflict with Russia over Ukraine. Just as he would not do so in the case of China because of Taiwan, with Israel because of the Golan Heights or the expansion of Jewish settlements, or in the event that Turkey, a NATO member and former active candidate for EU membership, seizes a part of Cyprus not under its control.

Few politicians want to see the corpses of their soldiers in their homes. They will tolerate higher prices for oil, natural gas and household appliances. And they can, with great skill, create a narrative that shifts the blame for this to third parties.

The public in all countries wants lower fuel and food prices. Until that happens, they will look for someone to blame. And politicians who have publicly said that it will hurt, but it is a necessary pain for the common good, will begin to disavow these statements. And they will begin to accuse Ukraine of being selfish in its requests to the world to sacrifice something else, knowing that the outcome has already been determined. Ukraine will be pressured to agree to anything that will stop the fighting. Later, perhaps in a few years, Ukraine could abandon what it would theoretically agree to now and seek EU and NATO membership again.

"The United States Should Never Leave First"

U.S. embassies have not closed during conflicts in Iraq, Syria, and even Vietnam. But in Ukraine, both the United States and other Western countries immediately evacuated their diplomatic missions. Was that a justifiable decision, do you think?

"The United States and other countries should not have closed their embassies in Kiev. This mass exodus, with the exception of France and China, in particular, caused significant damage to the already fragile psyche of citizens of Kyiv and other cities throughout Ukraine.

It would be more practical for the United States Embassy to remain fully lit — with lights pointed at the U.S. flag on a pole in front of the building. [It would be better] with an embassy guarded by U.S. Marines and with staff holding meetings working to assist U.S. companies that want to export, import, and provide services in Ukraine.

The departure was a signal that the U.S. believed in what Russia was going to do, and was not prepared to ensure the security of embassies and their employees, and began to believe that diplomats, officers and their families, as well as marines, would be killed intentionally or recklessly, that diplomats would be held hostage. For President Putin, this demonstrated that the collective opposition fears him more than he might fear them.

The United States should never leave first — the country with the largest economy, the largest military, should not lead from the rear.

Voice of America

Washington DC

5 March 2022

Remesas a Cuba: entre la informalidad y las expectativas

La entrada de remesas, principalmente desde Estados Unidos, constituye una de las principales fuentes de entrada de moneda dura a la economía de la isla.

Luis Felipe Rojas

La gente de un club náutico local lleva las banderas cubana y estadounidense a la costa para mirar a la nadadora estadounidense Diana Nyad, el 18 de agosto de 2012. FotoAP

MIAMI, EE. UU. — Desde que en noviembre de 2020 se supo que cerraban todas las sucursales de Western Union en Cuba debido a las sanciones del gobierno del expresidente Donald Trump, muchos cubanos dentro y fuera de la isla esperan el día en que sea restablecido el canal formal que permita el envío de moneda dura a la isla.

Para algunos se trata de sobrevivir con lo que envían los parientes emigrados, mientras opositores y críticos del gobierno de La Habana aseguran que las remesas no resolverán la crisis económica que achacan al mal desempeño del gobierno comunista que lidera Miguel Díaz-Canel.

La llegada del presidente Joe Biden a la Casa Blanca avivó las esperanzas, pero hasta la fecha el Departamento de Estado ha reiterado que *sigue buscando opciones* para el restablecimiento del envío de remesas Cuba.

"...Pero aún no tiene una fecha específica de cuando comenzarían, ni cómo se implementarán las mismas", dijo un portavoz del Departamento de Estado a *Voz de América* el pasado jueves.

El funcionario explicó además que tras las protestas de julio del 2021 "la Administración [Biden] creó un Grupo de Trabajo de Remesas para explorar opciones que permitan a las familias cubanas apoyarse entre sí, facilitando remesas a Cuba que beneficien al máximo al pueblo cubano y minimicen o eliminen los beneficios para el régimen cubano y su ejército".

Otros detalles no fueron inmediatamente revelados.



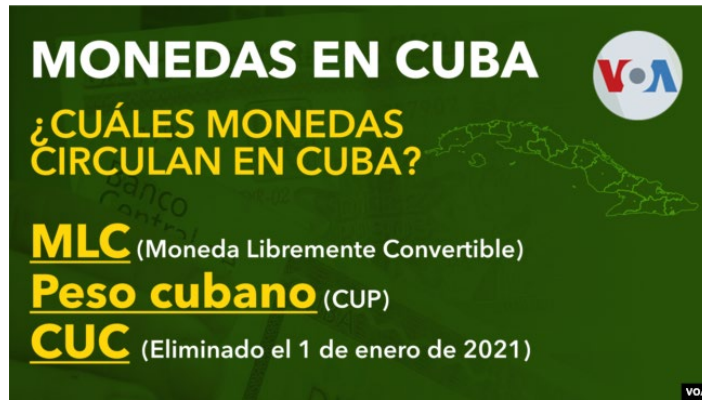
TAMBIÉN LEA

Inflación y dolarización golpean a la economía cubana

Buscando opciones

En agosto pasado, el Grupo de Trabajo proporcionó análisis y opciones al Consejo de Seguridad Nacional. "La Administración continúa considerando esas opciones y explorando soluciones innovadoras, como los pagos digitales", agregó.

La tarea del actual gobierno estadounidense es buscar vías para que el dinero, que era enviado a través de la compañía Western Union, no vaya a parar a manos del conglomerado GAESA, una entidad del Ejército cubano bajo cuyo control estaba la empresa FINCIMEX, contraparte de Western Union que fue sancionada por Estados Unidos.



¿Cuáles monedas circulan en Cuba?

Las remesas en cifras

Según datos de *Havana Consulting Group*, 2021 fue el año en que Cuba recibió la menor cantidad de ingresos por concepto de remesas, con una entrada de 1,084.01 millones de dólares, desde 3,128.93 millones recibidos en 2019 a través de la sancionada FINCIMEX.

El gobierno cubano no suele ofrecer datos de las transacciones relacionadas a las remesas del exterior. En 2020, el Banco Central de Cuba (BCC) otorgó licencia operativa a la entidad RED S.A. para las operaciones de envío de remesas, tras el cierre de Western Union en la isla. Sin embargo, recientemente anunció que la empresa Orbit S. A haría esa función.



¿Cómo se ha comportado el envío de remesas a Cuba en los últimos 7 años?

"Orbit S.A. puede no ser la respuesta"

Los expertos han llamado la atención sobre el hecho de que *Orbit S.A* no haya comenzado ningún tipo de operación hasta la fecha o esté asociada a alguna reconocida entidad bancaria cubana.

La economía cubana cerró 2021, el año del duro golpe de la pandemia a nivel mundial, con una inflación en los precios al consumidor del 70%, según anunció el Ministerio de Economía y Planificación en su balance anual.

“Orbit S.A.. puede no ser la respuesta”, dijo desde Nueva York, en entrevista con *VOA*, John S. Kavulich, presidente de *U.S.-Cuba Trade and Economic Council, Inc.*

“Si el gobierno de Cuba hubiera buscado crear Orbit S.A como una solución, es decir, no tener conectividad con las Fuerzas Armadas Revolucionarias de la República de Cuba (FAR), entonces: 1) habría identificado quién controla Orbit SA y 2) funcionarios del Banco Central de la República de Cuba, Cimex SA (que maneja las remesas), operada por el gobierno de la República de Cuba, y el Ministerio de Relaciones Exteriores de la República de Cuba (MINREX) probablemente habrían promovido de inmediato a Orbit SA como una solución para el tema de las remesas electrónicas”, explica.



John S. Kavulich | U.S.-Cuba Trade and Economic Council

Cuba desmiente a entidad canadiense

El Banco Central de Cuba afirmó el viernes que no tiene relación alguna con la entidad canadiense RevoluGROUP para el envío de dinero a la isla.

"Se ha difundido la noticia que la entidad extranjera RevoluGROUP Canada Inc. ha incluido a Cuba dentro de los países destinatarios para el envío de remesas. En tal sentido, informamos que ninguna institución financiera cubana, o de otro tipo, tiene contrato o relación formal con RevoluGROUP, por lo que se desconoce la formalidad y seguridad de dichas transacciones", indicó la nota del Banco Nacional de Cuba. Esta entidad canadiense había informado previamente en un comunicado que iniciaba negocios con Cuba "tomando precauciones especiales" por tratarse del país bajo embargo económico de Estados Unidos durante décadas. De hecho, dijo en el texto la entidad canadiense indicó que había "consultado" al Departamento de Tesoro debido a "las complejidades que rodean a este mercado específico".

"Ratificamos que el gobierno de los Estados Unidos mantiene las prohibiciones y medidas coercitivas aplicadas en 2020 y 2021 contra entidades financieras cubanas", concluyó el breve comunicado del Banco Nacional de Cuba.

El dinero llega con las "mulas"

Cubanos que han emigrado, muchos de ellos a Estados Unidos, suelen viajar a la isla cargados de productos de primera necesidad para aliviar las carencias de sus parientes. Algunos son contratados por agencias de viajes, que suelen utilizarlos para llevar desde medicinas hasta televisores.

A estos viajeros que regularmente van a Cuba cargando la paquetería y remesas enviadas desde Estados Unidos por medio de las agencias de viaje se les denomina popularmente como "mulas".

Las cifras de cuánto dinero entra por esta vía a Cuba no se pueden precisar, dado que circula por este canal de carácter informal.

En este punto, Kavulich advierte sobre el rol de control del gobierno cubano: "No hay forma de apartar completamente el rol del gobierno de Cuba cuando el dinero está ingresando al país como moneda, por medio de "mulas", o electrónicamente", vaticinó.



TAMBIÉN LEA

Impacto de sanciones a Rusia en Venezuela, Cuba y Nicaragua se verá en los próximos días: EE. UU.

Tras la suspensión de las operaciones de Western Union y la prohibición de compras directamente en dólares, el gobierno de Cuba estableció las tiendas en Moneda Libremente Convertible (MCL), una moneda que puede ser euro, dólar canadiense o estadounidense, libras esterlinas, entre otras, y que circulan solamente por medio de tarjetas electrónicas.

Las tarjetas se pueden recargar en el mercado informal a un costo que varía entre los 30 ó 40 dólares por cada 100 que se depositan en las mismas.

Kavulich, por ejemplo, estima que "la Administración Biden-Harris debe permitir que la OFAC (Oficina de Control de Bienes Extranjeros) autorice la entrega de financiamiento directo y la inversión directa a los trabajadores por cuenta propia y la gestión de micro, pequeñas y medianas empresas (MIPYMES)".



Envío de remesas a Cuba por Western Union en 2019

“Falta de garantías”

Impuesta hace unos 25 años, la política cubana de la doble moneda desembocó en denuncias de segregación social pues el CUC (la moneda que suplantó al dólar en el mercado interno) se cotizaba a una tasa de 24 pesos cubanos (CUP).

En 2021 mediante la Tarea Ordenamiento, el Gobierno se propuso eliminar el CUC –con el que los cubanos compraban los artículos de primera necesidad, electrónicos y otros de más demanda.

Ahora, las mismas tiendas, pero con menos ofertas debido a la escasez de recursos, venden en Moneda Libremente Convertible (MLC), una moneda a la que solo se tiene acceso prepagando tarjetas en dólares desde el exterior.

En Cuba, las únicas monedas foráneas aceptadas son dólar canadiense, franco suizo, euro, libra esterlina, yen japonés y el nuevo peso mexicano.

"No se ve una ruta"

Consultado por la **VOA**, el analista e investigador asistente de Heritage Foundation, Mateo Haydar, dijo desde Washington que hasta ahora el gobierno de Biden no ha dejado en claro sus estrategias al respecto.

“No se ve una ruta”, dijo. “No hay ninguna garantía de que el capital que entre a la isla, desafortunadamente no caiga en manos del régimen para enriquecer a las empresas, los conglomerados y a la élite castrista”, señala Haydar.

Dolorosa, complicada, así califica Haydar la situación actual en la isla, donde son los cubanos comunes y corrientes los que sufren lo peor del descalabro económico. Sin embargo, precisó: “todo lo que sea en beneficio de fortalecer al cubano de a pie, frente al poder adquisitivo y al acceso al capital, pues bienvenido sea”.

Algunas predicciones a la vista

Desde la isla, Ángel Rodríguez Pita, del *Observatorio de Derechos Económicos*, vaticina que la tasa actual en que se encuentra la moneda fuerte pudiera elevarse mucho más, por lo que urge una solución inmediata.



Tasa de cambio en el mercado informal

No es cosa de esperar, apunta.

“Mientras más se demore en llegar a esto, será peor porque en Economía se busca por naturaleza el equilibrio, y la Tarea Ordenamiento fue agregarle un cero a todo: se multiplicó por 10 los salarios y gradualmente los precios irán aumentando 10 veces, el dólar, el euro y el MLC son mercancías con valor de uso y valor de cambio que han salido a buscar su valor en el mercado que son 10 veces al valor del cierre de 2019, es decir 24 x 1 en 2019 y en 2023 a 240 x 1 y eso sí no demora”, sostiene Rodríguez.

En la actualidad algunos sitios que cubren temas cubanos dentro de Cuba ubican el dólar estadounidense a razón de 100 CUP (pesos cubanos), mientras el euro ronda los 110 CUP y el MLC también a 100 CUC.



TAMBIÉN LEA
EE. UU. aumentará personal en embajada de La Habana

La Casa Blanca recientemente anunció la ampliación de los servicios consulares en su embajada *en La Habana*, con lo que daría así curso para salir del retraso en la tramitación de las visas, un proceso que quedó interrumpido tras las afecciones a diplomáticos estadounidenses debido a supuestos "ataques sónicos" conocidos como '*Síndrome de La Habana*'.

Paridoismo de Barrio

Havana, Republic of Cuba

4 March 2022

¿Los vehículos eléctricos tienen futuro en Cuba?

Por: [Olivia Marín Álvarez](#)



El 4 de marzo de 2022, la Oficina de Industria y Seguridad (BIS, por sus siglas en inglés) del Departamento de Comercio de Estados Unidos desaprobó la [emisión](#) de una licencia para exportar solicitada por la compañía Premier Automotive Export Ltd.

La empresa ofrecía donar cuatro estaciones de carga de vehículos eléctricos para su uso en la Embajada de Estados Unidos en Cuba y en la residencia del Embajador de ese país en La Habana. El motivo para no conceder la licencia se basó en que la transacción fue cancelada por la propia Embajada.

En diciembre de 2021, un portavoz del Departamento de Estado de Estados Unidos [explicaba](#) que, si bien la administración de Biden ha establecido el [objetivo](#) de acelerar el desarrollo y empleo de vehículos eléctricos y sus estaciones de carga como parte de su estrategia para combatir el cambio climático, la Embajada de ese país en Cuba no operaba vehículos de este tipo.

Al mismo tiempo, señalaba que su importación resultaba poco probable en un futuro cercano, debido a los problemas de infraestructura eléctrica en la Isla y la falta de mecánicos entrenados para proveer servicios a los vehículos. Este mismo argumento fue presentado a Premier Automotive Export Ltd el 3 de febrero de 2022 en respuesta a su oferta de donación.

Sin embargo, de acuerdo con el [Consejo Económico y Comercial Estados Unidos-Cuba](#), vehículos eléctricos de compañías como Stellantis N.V, Peugeot y Nissan operan actualmente en la Isla. Además, el país planea incrementar el uso de este tipo de vehículos en el transporte automotor nacional para 2030.

Periodismo de Barrio responde varias preguntas esenciales para comprender las perspectivas del uso de vehículos eléctricos en Cuba.

¿Estados Unidos ha exportado vehículos eléctricos a Cuba con anterioridad?

Sí. De hecho, la propia Premier Automotive Export Ltd ha recibido licencias en cuatro ocasiones. La [primera](#), durante la presidencia de Obama, autorizaba la exportación de vehículos eléctricos del modelo Nissan Leaf y estaciones de carga de la marca Clipper Creek a la Embajada de Guyana en La Habana hasta el 31 de enero de 2021.

La segunda y tercera, expedidas bajo la administración de Trump, permitían exportar autos eléctricos, híbridos, de gasolina, camiones, carros de golf, motocicletas y *scooters* a las [misiones diplomáticas en Cuba](#) hasta el 31 de octubre de 2021 y partes de automóviles hasta el 31 de julio de 2023, respectivamente.

En el caso de la segunda licencia, se incluía la [venta](#) de 500 carros de golf, 100 estaciones de carga, 25 camionetas, 500 autos de tipo Sedán, 100 de tipo *hatchbacks* y 150 de tipo coupé, 500 camionetas todoterrenos (SUV), 25 minivanos, y 5000 motocicletas y *scooters* por un valor total de 75 065 000 dólares estadounidenses.

El documento especificaba que los vehículos eran para uso exclusivo de las misiones diplomáticas y su equipo y que nacionales cubanos no podían emplearlos, excepto con fines oficiales de la misión diplomática, además, estos debían ser destruidos o retirados del país antes de que los diplomáticos salieran de Cuba.

La [tercera](#) licencia fue expedida el 24 de junio de 2022 como una renovación de las anteriores y aprobaba la venta de vehículos eléctricos, híbridos y de gasolina a las misiones diplomáticas en Cuba.

No obstante, dos licencias anteriores solicitadas también por Premier Automotive Export Ltd con el fin de exportar este tipo de vehículos y sus estaciones de carga a emprendedores cubanos y [micro, pequeñas y medianas empresas](#) (MIPYMES) en Cuba fueron negadas a fines de 2021. El BIS [informó](#) a la empresa que

esta acción resultaba perjudicial para la [política exterior](#) de Estados Unidos, pues existía el riesgo de que se emplearan en actividades que podrían generar ingresos al Gobierno cubano.
¿Cómo funcionan los vehículos eléctricos?



En 2020, el transporte automotor consumió 992 000 toneladas de combustible en Cuba (Foto: Sadiel Mederos).

De acuerdo con [New Motion](#), una empresa enfocada en sistemas de [transporte sostenible](#) perteneciente a la corporación Shell, estos funcionan con motores eléctricos, en vez de con motores de gasolina y obtienen su energía de baterías recargables instaladas en el vehículo.

También existen diferentes modelos de vehículos híbridos que emplean tanto motor eléctrico como de combustión. Dentro de estos se encuentran los enchufables, los no enchufables y los de autonomía extendida.

Los primeros pueden conectarse a las estaciones de carga destinadas para recargar las baterías del motor eléctrico. Los no enchufables funcionan con el motor de combustión, mientras que el eléctrico es empleado como complemento y su batería se recarga cuando se frena o desacelera el vehículo, [explica](#) LG Barcelona. Por su parte, los de autonomía extendida usan normalmente el motor eléctrico, y el de combustión solo cumple la función de recargar la batería cuando se encuentre baja o descargada, [especifica](#) Ford.

¿Cuba usa actualmente vehículos eléctricos?

Según el [Primer Informe Bienal de Actualización](#) de Cuba a la Convención Marco de las Naciones Unidas sobre Cambio Climático, en 2020 el país empleaba 40 ómnibus híbridos de la marca Yutong para la transportación de pasajeros en La Habana.

Además, funcionaban con baterías eléctricas dos taxis de la empresa Taxi Cuba, 24 paneles de Aguas de La Habana y un ómnibus operado por la Empresa de Ómnibus Urbanos también en la capital.
¿Cuáles son los beneficios de los vehículos eléctricos?



El uso de vehículos eléctricos permite reducir las emisiones de gases con efecto invernadero (Foto: Sadiel Mederos).

En 2020, el sector del transporte automotor del país consumía 992 000 toneladas de combustible, de las cuales el 74 % eran de diésel y el 26 % de gasolina, [especifica el Programa para el Uso y Desarrollo Perspectivo de los Vehículos Eléctricos por Baterías en el Transporte Automotor 2020 – 2030](#).

Una de las principales ventajas de estos vehículos radica, precisamente, en la disminución del consumo de combustibles fósiles y su importación. En el caso de los ómnibus híbridos no enchufables se ha obtenido un ahorro que varía de 57 % a 66 %.

Su uso permite reducir las emisiones de gases con efecto invernadero e incrementar la eficiencia energética y la disponibilidad técnica de los medios de transporte para la población.

¿En qué estado se encuentran los vehículos de transporte en la Isla?

El 77% de los vehículos cubanos cuenta con más de 20 años de explotación. En el sector estatal el 85% ha sido empleado por más de 10 años. Esto conlleva a que existan problemas de rendimiento, disponibilidad

y seguridad, lo cual afecta la calidad de los servicios públicos y productivos, explica el Programa para el Uso y Desarrollo Perspectivo de los Vehículos Eléctricos.

Asimismo, la elevada **dependencia de las importaciones de combustible** para su funcionamiento crea una vulnerabilidad ante dificultades en el suministro y variaciones de precios en el mercado internacional que pueden llevar a la interrupción o reducción considerable de los procesos productivos y la prestación de servicios.

De igual forma, a medida que pasa el tiempo, se encarecen los costos de mantenimiento y de adquisición de las piezas de repuesto.

¿Qué estrategia se ha planteado para incrementar el empleo de vehículos eléctricos en Cuba?

Para 2030, el país proyecta introducir más de 56 000 vehículos eléctricos a su flota de transporte. El Programa para el Uso y Desarrollo Perspectivo de Vehículos Eléctricos por Baterías plantea una implementación en tres etapas.

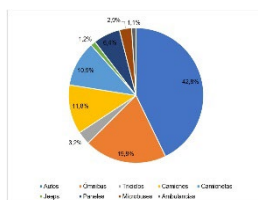
La primera, de 2019 a 2021, se enfocó en la elaboración de normas jurídicas que regularan el empleo de los vehículos eléctricos, la creación de una estrategia para la incorporación de la tecnología de estos vehículos a la industria nacional, la búsqueda de financiamiento, y la evaluación de la posibilidad de fabricación de piezas de repuesto y de baterías de níquel y cobalto.

La segunda etapa, de 2022 a 2026, prevé la reducción de los precios de las baterías de litio a nivel internacional y una mayor participación de las **fuentes renovables de energía** en el sistema electroenergético del país, por lo que se espera una reducción en el periodo de amortización de la inversión en los vehículos eléctricos y una mayor eficiencia en el empleo del crudo nacional para la generación de energía eléctrica. Con base en estos supuestos, los objetivos de la etapa radican en lograr la electrificación de 12 700 vehículos de combustión y la importación de más de 17 000 vehículos eléctricos.

A su vez, se instalarán y estarán en operación un mínimo de 1 390 puntos de carga lenta o semirrápida en lugares públicos y 100 estaciones de carga rápida con la posibilidad de cargar hasta 4 vehículos eléctricos al mismo tiempo.

Igualmente, se liberalizará la venta en divisas de este tipo de autos para uso particular y se realizarán análisis de factibilidad para la introducción de tractores y máquinas ingenieras eléctricas.

La última etapa, de 2027 a 2030, contempla la electrificación de otros 4 787 vehículos de combustión y la importación de 22 000 como mínimo. Para ese momento el país contará con más de 56 000 vehículos eléctricos, distribuidos por tipo de vehículos de la siguiente forma:



Tipos de vehículos eléctricos proyectados para 2030 en Cuba (Fuente: Elaboración propia con datos del Programa para el Uso y Desarrollo Perspectivo de los Vehículos Eléctricos por Baterías en el Transporte Automotor 2020 – 2030).

También se instalarán otros 1 036 puntos de carga lenta o semirrápida en lugares públicos y 80 estaciones de carga rápida.

¿Qué resultados se esperan obtener con el Programa?



El 85% de los vehículos estatales cubanos ha sido empleado por más de 10 años (Foto: Jorge Luis Toledo Padrón).

Con el empleo de vehículos eléctricos se prevé la reducción de 505 000 toneladas equivalentes de diésel y gasolina por año, lo cual representa el 50 % de lo que consumía de combustible el transporte automotor en 2018.

Además, se estima un ahorro de 3 829 millones de dólares estadounidenses en un periodo de 10 años en términos de combustible, mantenimiento y piezas de repuesto, en comparación con los gastos asociados a los vehículos de combustión.

Igualmente, se incrementará la eficiencia, disponibilidad y seguridad del transporte, así como el desempeño del sistema electroenergético nacional, debido a un mayor uso de las fuentes renovables de energía.

Se reducirán las enfermedades respiratorias en las ciudades por la mejora de la calidad del aire, derivada de una menor contaminación, pues se calcula que se reducirán las emisiones de gases con efecto invernadero en 1 039 000 toneladas al año.

Seatrade Cruise News

Miami, Florida

24 February 2022

Cuba cruise lawsuit appears headed to jury trial in Miami



PHOTO: ANNE KALOSH

Carnival, Royal Caribbean, MSC and NCLH are being sued for their use of the Havana Cruise Terminal. A lawsuit charging the four cruise giants with trafficking in stolen property by using Havana's cruise facilities appears headed to a jury trial in Miami.

By [Anne Kalosh](#)

US District Judge Beth Bloom rejected the defendants' motion to strike plaintiff Havana Docks Corp.'s demand for a jury trial. The trial is scheduled for May.

In 2019, Carnival Corp., Royal Caribbean Group, MSC Cruises and Norwegian Cruise Line Holdings were sued under Title III of the Helms-Burton Act by Havana Docks Corp., which holds a US-certified claim to piers that were nationalized after the 1959 Cuban revolution.

The cruise giants reject the charge that their calls at the Havana facilities qualify as trafficking in stolen property, arguing mainly that cruise travel to Cuba was lawful at the time and use of the terminal was required by Cuba, while also disputing the validity of Havana Docks Corp.'s claims under Helms-Burton. Miami jury may be 'problematic' for the defendants

John Kavulich, president of the US-Cuba Trade and Economic Council, noted a Miami jury would likely include members of Cuban descent, which may be 'problematic' for the defendants. 'How many residents of South Florida do not have an opinion about Cuba? Obama? Trump?' he wrote in a blog on the case.

US-based cruise lines were able to send ships to Cuba under the Obama administration, before such operations were subsequently [shut down by the Trump administration](#). The Trump administration also activated Title III of Helms-Burton, making it possible for Americans to seek compensation from foreign firms for the use of their properties appropriated by Cuba's communist government. Carnival Corp. was the [first US-based company sued](#).

Impetus for a settlement?

Kavulich suggested there may be impetus for a settlement given the 'uncertainties of juries.' Carnival, Royal Caribbean, MSC and NCLH had filed a [motion for summary judgment](#) in January. Kavulich also expressed surprise that a decision on that motion did not come before the ruling about a jury trial.

WLRN

Miami, Florida

17 February 2022

Commentary

Yes, cruise lines screwed up in Cuba. But engagement built up Cubans' sense of control

By Tim Padgett



Al Diaz/Miami Herald- PRIVATE PUSH The San Cristobal paladar, or privately run restaurant, in Havana that President Obama visited in 2016.

COMMENTARY: The positive effects of U.S. travel to Cuba — especially strengthening private entrepreneurs — helped bring Cubans out to protest last summer.

This week the [Miami Herald confirmed](#) something many suspected: U.S.-based cruise lines, in violation of the trade embargo against communist Cuba, made deals to provide tourism services there after the Obama Administration normalized relations with the regime in 2014.

The cruise lines claim they were simply doing what U.S. rules at the time allowed. But whether or not it was legal, they were making a mockery of the actual and spiritual intent of the U.S. opening to Cuba. Not to ferry sunburned, Cohiba-puffing gringos to the state-run El Tropicana Night Club — but to put real Americans in contact with real Cubans in their real homes, restaurants and businesses, to share some real people-to-people exchange that might plant the seeds of real change on a really oppressive island.

The cruise companies were instead promoting the kind of Margaritaville excursions to Cuba that I and several colleagues were decrying back then. The vintage Chevrolet convertible-and-mojito slurping packages the Kardashians' reality show sophomorically glorified. The "I wanna see Cuba frozen in 1959

before it changes” visits that insult Cubans there and here — and any adult who appreciates that changing a wrecked and repressive country is the whole damn point.

It doesn't matter whether you agree with keeping the Cuba embargo in place or not. (I don't.) It's about understanding that, for now anyway, American visitors shouldn't treat Cuba like Cancún. That it's fine to smoke the cigar and sip the rum — if you're also engaging ordinary Cubans and helping them inhale some small, empowering token of financial and philosophical independence from the Cuban Communist Party. Which is why my beef here isn't just with the cruise lines. It's also with the Cuba policy hardliners who've been jumping up and down this week shouting, “See?! We told you Obama's engagement policy was nothing more than a tourism ATM for Raúl Castro!”

Running your own business space can be as attitudinally freeing as roaming cyberspace — and make you less afraid about marching en masse to shout, “We're not afraid anymore!”

That's bull and then some. Yes, the Obama Administration should have reined in the cruise lines. But much if not most U.S. travel to Cuba was done right. And before former President Trump derailed engagement in 2017, it did two potent things: it helped Cubans win long overdue access to the internet and social media; and it strengthened Cuba's fledgling private entrepreneurs.

Both those developments helped lead to the unprecedented, island-wide anti-government protests in Cuba last July.

POWDER KEG

The internet is the more obvious factor: arguably, it was Cubans' resourceful mastery of Telegram and other networking platforms that lit the powder keg of their economic and human rights anger. But the decade-long experience more than half a million Cubans had had with entrepreneurial self-employment, even as limited as it is in Cuba, shouldn't be underestimated. Running your own business space can be as attitudinally freeing as roaming cyberspace — and make you less afraid about marching en masse to shout, “We're not afraid anymore!”

“It comes down to finally having even just a little sense of control,” says former New York Times correspondent Anthony DePalma, whose recent book, “The Cubans: Ordinary Lives in Extraordinary Times,” charts that mindset change through rich personal histories that often include cuentapropismo, or private enterprise.

“After more than half a century of the regime controlling everything in their lives, that taste of personal control did help nudge more Cubans than ever to go out to the streets.”



Eliana Aponte/AP- Cubans march through Havana in July protesting their communist regime in nationwide demonstrations of unprecedented size and anger.

So it seems obvious that helping Cubans push the cuentapropismo envelope further is the most effective policy path to follow now — especially since the cash-strapped Cuban regime itself is pushing it. In December it proposed allowing foreign investment in the island's small private enterprises.

“The Biden Administration should not be waiting for the Cuban government to permit that,” says John Kavulich, head of the U.S.-Cuba Trade & Economic Council in New York. “You've got U.S. businesses that are saying, ‘Let us in to help these folks.’”

Some, Kavulich points out, are already soliciting the U.S. Treasury Department for embargo licenses to invest directly with Cuban entrepreneurs.

Along with re-opening the flow of remittances to Cuba — cash that’s often used as private business capital — yanqui investment would help the U.S. help Cubans feel more of that emboldening sense of control.

The kind that can push Cuba toward a freer future — and to becoming an island that cruise line tourists can’t keep frozen in 1959.

The Miami Herald

Miami, Florida

14 February 2022

U.S. cruise lines hired Cuban agencies to provide ‘tourism services’ to passengers

By Nora Gámez Torres



Duration 0:53 Passengers board first cruise ship from U.S. to Cuba Passengers boarded the Fathom Adonia to inaugurate the first cruise service between the United States and the island in more than half a century. By Carl Juste

At the height of the enthusiasm sparked by President Barack Obama’s historic restoration of relations with Cuba, several cruise lines rushed to secure a piece of the island’s untapped market under newly eased regulations promoting “people-to-people” engagement.

The cruise companies knew that traveling to Cuba for tourism was illegal. So, instead of sipping mojitos at Varadero beach, Americans going to Cuba were supposed to participate in humanitarian and social-impact initiatives to help Cubans gain independence from the state, the cruise lines pledged.

But a recent trove of unsealed documents from related lawsuits filed in Miami federal court shows that behind the scenes, four major cruise lines — Carnival, Royal Caribbean, Norwegian and MSC Cruises — made deals with Cuban Ministry of Tourism agencies to provide “tourist services” to their passengers, despite the long-standing U.S embargo’s ban on tourism to the island. The services included excursions to cabarets and beaches that arguably did not comply with the travel rules at the time.

Carnival registered a subsidiary with the Cuban Chamber of Commerce in 2018 for the stated purpose of “conducting commercial activities related to tourism,” according to the documents. And the company also signed a memorandum of understanding with a tourism company named Gaviota, owned by Cuba’s military — which runs much of the economic activity on the island — for the provision of “tourism services.”

Not wanting to be left behind, Royal Caribbean even made inquiries with a Cuban government law firm to secure permits to open and operate casinos in Cuba, according to the documents, which also show that Royal Caribbean profited from reselling Cuban “tourist visas” to passengers at a 50 percent mark-up.

The cruise companies went ahead despite warnings in the U.S. Treasury Department’s regulations and the agency’s communications that the authorization to take travelers to Cuba was no excuse for violating other laws and regulations, the records show. They also risked doing business with Cuba despite knowing that some of the ports they would be using were the subject of property-claims disputes because they had been confiscated from their owners by the Fidel Castro government in 1960.

When confronted with the evidence in court, the companies have insisted that all their dealings in Cuba were legal because cruise travel was authorized by the Obama administration as part of an ambitious overhaul of U.S. foreign policy towards the Caribbean island.

Although the Cuba travel bubble was short-lived, the cruise lines' bet paid off: The four companies brought in at least \$1.1 billion in revenue from sailings to Havana between 2016 and 2019. The booming business benefited the Cuban government as well; it pocketed a more than \$138 million.

The details of the inner workings of cruise travel to Cuba emerged in hundreds of pages of unsealed documents filed in federal court in Miami that are part of lawsuits against each of the cruise lines by an American company, Havana Docks, which claims the cruise lines were illegally using its three piers at the port of Havana that were wrongfully confiscated by the Fidel Castro government in 1960. The records include contracts, financial statements, email exchanges, legal assessments and depositions. Some were just partially referenced in PowerPoint presentations shown during a hearing that began on Jan. 12 because their full version remains under seal at the cruise lines' request.

A judge's ruling that the companies were involved in prohibited tourism would end up confirming many Cuban-Americans and South Florida public officials' worst fears: that the people-to-people travel was a thin veil for illegal tourism that enriched Cuba's coffers, helping to fund a repressive regime. And such a ruling could increase the chances of a multi-million payout to Havana Docks in compensation for illegally using its property in Cuba. Ultimately, the case is also a test of Obama's presidential authority to make foreign policy changes that some insisted crossed the limits of what was permissible under the embargo.

After several motions and delays, U.S. District Judge Beth Bloom is set to decide whether the lawsuits will go to trial.

“The art of the Cuban cocktail”

The picture that emerged at a January hearing, when the judge agreed to unseal some of the evidence, seemed to confirm some of the worries shared by Cuban exiles about the economic opening under the Obama administration, in particular, that the “people-to-people” travel category was tourism in disguise.

In the beginning, some cruise executives themselves shared the same view.

In a video shown in court, recorded at the Cuba Opportunity Summit organized by Knowledge@Wharton in 2015, Norwegian President and CEO Frank del Río said he believed taking thousands of American travelers under the “people-to-people” rules was “a stretch.”

“Tourism is still illegal under today's set of rules and policies and guidelines,” Del Río, himself a Cuban American, said. “And it would be difficult for us to have a ship with 4,000 tourists — people, let's call them — show up in Havana and call that people-to-people travel. That would be a stretch of the rules.”

Del Río said Norwegian would not take advantage of changes in the travel regulations made by the U.S. Treasury Department at the time because other laws governing the embargo, like the 1996 Helms-Burton Act, were still in place.

“My perspective is, from my three brands, until Congress officially repeals Helms-Burton, even if you can backdoor through [the Treasury Department] it wouldn't be the proper thing to do, and I don't think you can do it on a sustained basis. I don't think that that backdoor or that loophole if you will, would work on a sustained basis,” he said.

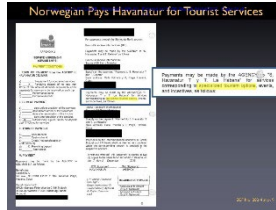
The Helms-Burton Act, passed by Congress in 1996, codified many of the rules that constitute the embargo against Cuba. Its Title III, enforced for the first time in 2019 by President Donald Trump, allowed Havana Docks to sue the cruise lines for using its confiscated property.

Still, when the Treasury Department further eased the guidelines to explicitly allow “carrier services by vessels” in September 2015, the cruise lines, including Norwegian, jumped to do business with Cuba.

But some of the actions taken by these four companies may have arguably gone beyond what was legal, the court records show.

According to unchallenged evidence presented during the January hearing, Carnival, Royal Caribbean and Norwegian, all based in Miami, signed contracts with Havanatur, the Cuban Ministry of Tourism’s largest travel agency, for the provision of “tourist services” to their passengers, the records show. MSC Cruises did the same with Cubanacan, another government travel agency and hotel chain.

“Through this agreement, the parties have stipulated the terms by which Havanatur shall sell tourist reception services in the Republic of Cuba in order to serve passengers sent by the agency,” reads the contract signed by Del Río on behalf of Norwegian, according to screenshots of the document shown in court. “The latter,” meaning Norwegian, “shall likewise make payments resulting from these services.”

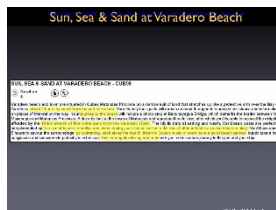


Tourism-61.jpg Screenshot of a PowerPoint presentation by Havana Docks’ lawyers filed in a Miami federal court showing financial information included in the contract signed by Norwegian with Havanatur.

MSC Cruises entered into a similar agreement with Cubanacan, under which the Cuban agency was in charge of providing “tourist services,” including shore excursions to the passengers.

“This appears to be powerful evidence that there was an intention to provide tourist activities,” Judge Bloom said at the January hearing.

As part of the deals, the cruise lines marketed and sold excursions offered by the Cuban companies — from a “cocktail-making class” to spending an evening “under the Cuban sky” at the famous Tropicana Cabaret in Havana and excursions to Varadero and Santa Maria beaches — that did not appear to comply with the requirements in Treasury’s general licenses authorizing both the cruises and the passengers to travel to Cuba, the records show.



Tourism-49.jpg Screenshot of a PowerPoint presentation by Havana Docks’ lawyers filed in a Miami federal court. MSC Cruises sold this excursion to Varadero to its passengers.

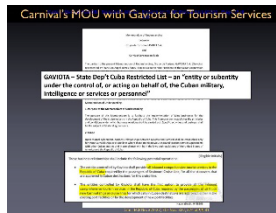
A paragraph in MSC Cruises’ marketing material selling an eight-hour excursion to the famous Varadero beach resort says: “The idyllic natural setting and warm, Caribbean water are perfectly complemented by free use of beach umbrellas and chairs during your stay as well as a delicious buffett. You’ll have about five hours to savor the surroundings, go swimming, stroll along the beach, listen to Cuban music or even have a go at a beach game. This thoroughly relaxing tour ends with your scenic return journey to the port and your ship.”

According to descriptions of Old Havana sightseeing tours, Havana bus tours, excursions to see a colonial-era cannon ceremony at the bay or go scuba diving offered by the cruise lines, those also did not seem to follow regulations that travelers should maintain a full-time schedule of educational activities that included substantial interaction with locals. In its guidelines at the time, the Treasury Department explicitly said that exploring the streets of Havana and engaging in “brief exchanges with shopkeepers” and “casual conversations with waiters at restaurants and hotel staff” were not “educational activities that will result in meaningful interactions” with Cubans.

Norwegian told its passengers these excursions complied with Treasury’s rules, Havana Docks’ lawyers said during the hearing. But Carnival included a disclaimer in its marketing material for evening excursions to Tropicana, the Cabaret Parisien and the cannon ceremony known as “El Cañonazo,” acknowledging that “this evening shore excursion does not comply with the People-to-People guidelines and cannot be

considered to be part of the required full schedule of activities.” This disclaimer was made available to cruise passengers.

Screenshots of Carnival’s memorandum of understanding with Gaviota, the military-owned tourism company, do not show when it was signed. The full document remains under seal and it is not known if Carnival made any payments to Gaviota. In 2017, Gaviota was added to the State Department’s list of firms that U.S. companies are banned from doing business with.



Tourism-17.jpg Screenshot of a PowerPoint presentation by Havana Docks’ lawyers filed in a Miami federal court. Carnival signed a memorandum of understanding with Gaviota, a tourism company run by the Cuban military. Gaviota is under U.S. sanctions.

Carnival did not answer questions about the memorandum, the registration of a subsidiary in Cuba or the specific tours brought up in the hearing. In a written statement, the company told the Miami Herald: “Carnival Corporation, like other major cruise companies, took passengers to Cuba pursuant to licenses issued by the U.S. government and with the encouragement of the President as a means of creating interactions between Americans and Cubans which, over time, would, and did, benefit the Cuban people. The statute specifically exempts lawful travel to Cuba and the use of Cuban facilities, such as a port, necessary to that travel.”

“Carnival Corporation only undertook lawful travel as provided under these U.S. government licenses, and contracts with Cuban organizations were part of this lawful travel program,” the statement adds. “State Department officials working under the Obama Administration made verbal and written statements that cruise travel to Cuba was covered under the ‘lawful travel’ exception in the Helms-Burton Act: they told this to Havana Docks itself when asked.”

A spokesperson for MSC Cruises said that the company does not comment on pending litigation. Royal Caribbean declined to comment. Norwegian did not respond to a comment request.

Several lawyers with knowledge of the Cuba embargo regulations consulted for this story expressed surprise at the evidence regarding tourism that has come up in court.

“The issue here is that not only did they sign a document that used the word tourism. Then you have your passengers engaged in what any person reasonably would understand as tourism,” said John Kavulich, the president of the U.S.-Cuba Trade and Economic Council, who has closely followed the Helms-Burton lawsuits. “But here’s where it gets challenging. The cruise lines are saying ‘none of this mattered because we did it legally, we had a license from Treasury, from Commerce, the blessing of the White House’ that immunized them from everything else. The question for the plaintiffs and the judge is, are they correct?”

Florida members of Congress who at the time opposed the Obama administration’s policies of engagement with Cuba expressed concern about the new evidence.

“Under the Obama-era concessions to the Cuban regime, travel restrictions to Cuba were eased,” Republican U.S. Sen. Marco Rubio said. “The use of travel agencies to funnel money to companies owned by the Cuban military is actively funding the repression against the Cuban people.”

When told about the documents by the Herald, in which he is mentioned, Miami Republican U.S. Rep. Mario Díaz-Balart called for a Treasury Department investigation.

“When President Obama permitted virtually unrestricted travel to Cuba, I repeatedly and publicly stated that this type of travel was unlawful,” Díaz-Balart said. “If the alleged terms of these contracts are accurate, they would constitute a clear violation of the law. [Treasury] must investigate these potential violations immediately and hold any and all violators accountable to the fullest extent of the law.”

The lawful travel defense

Evidence pointing to the violation of the tourism ban, which could prompt a Treasury Department investigation, may damage the cruise lines' case in court because much of their defense strategy hangs on the argument that they traveled legally to Cuba. A central piece of the case is how judges will interpret an exception in the Helms-Burton Act that prevents lawsuits for the use of confiscated property if the use is "necessary" to "lawful travel."

The cruise companies argued at the January hearing that they met the conditions set by the "lawful travel" exception because they took passengers to Cuba legally under several government licenses. They said they were encouraged by the Obama administration's change of regulations to allow U.S. companies to provide trips and lodging to Americans traveling under 12 authorized categories, including "people-to-people" educational exchanges.

The Treasury regulations authorizing cruises to Cuba, however, did not define "lawful travel." But neither the law nor Treasury regulations allow plain tourism.

On November 2017, the Treasury Department published the following guidance on its website: "Is travel to Cuba for tourist activities permitted? No. Consistent with the Trade Sanctions Reform and Export Enhancement Act of 2000, travel-related transactions involving Cuba are only permitted for the 12 categories of activities.... Travel-related transactions for other purposes remain prohibited."

The language in both general and specific licenses regulating travel to Cuba also warned about potential liabilities.

A specific license obtained in July 2015 by Carnival, the first company that sailed to Havana from Miami, only includes authorization to provide carrier services between the U.S. and Cuba and lodging passengers "engaged in activities authorized" by Treasury's Cuba regulations. The document, also filed in court, includes several warnings that "nothing on this license" excuses not abiding by other laws and regulations.

Outside the court, records show that the cruise companies were concerned about whether the licenses under which they took passengers to Cuba would offer enough protection, especially from lawsuits related to the use of confiscated property, and began lobbying efforts to stop the suits.

In early 2019, news broke that the Trump administration was moving to green-light the lawsuits about confiscated property and the cruise companies received notification letters from Havana Docks about potential litigation. The companies then asked the Cruise Lines International Association to evaluate their legal risk. The CEOs of the four cruise companies sit on the association's global executive committee.

The study, commissioned to law firm Venable LLP, warns that "it is unclear whether a court would find that carriers and travel service providers, including the cruise lines, are covered by" the lawful-travel exception.

According to the deposition of the cruise association's associate general counsel, Bradley Rose, the organization met with lawyers and lobbyists in January 2019 to discuss how to influence the Trump administration to protect the cruise lines from the lawsuits.



Trump email page 36-36.jpg Screenshot of a PowerPoint presentation by Havana Docks' lawyers filed in a Miami federal court. Carnival CEO Micky Arison wrote an email to President Donald Trump asking to protect cruise companies from lawsuits related to confiscated property in Cuba.

The efforts included a letter to then-Secretary of State Mike Pompeo and even a meeting between Carnival's chairman and Miami Heat owner Micky Arison and President Trump at the White House, Havana Docks' lawyer Robert Martinez said at the January hearing.

In a follow-up email sent to the White House on April 17, 2019, Arison again pleaded with Trump to modify the regulations to clarify that the "lawful travel" exception in the Helms-Burton Act included cruise operations.

"If there are no exceptions or clarifications, we would be subject to significant legal liability for the use of the Ports" in Cuba, Arison wrote. "While it might appear that such an exemption would protect cruise lines from legal claims, lawful travel is not defined."

"The potential penalty to my company alone would be over \$500 million," he noted.

Not only were Arison's efforts were unsuccessful, but two months later the Trump Administration banned cruise travel to Cuba altogether to punish Cuba for its support of the regime in Venezuela.

"Putting lipstick on a pig"

During the January hearing, however, the cruise lines' lawyers called cruises to Cuba "the quintessential example of lawful travel."

They also tried several arguments to defend the tourist activities in Cuba.

One Carnival lawyer, Meredith Schultz, interpreted a Treasury prohibition on "transactions related to activities that are primarily tourist-oriented" as not barring "excursions that are tourist-oriented" because the word used was "transaction" and not "excursion." She went on to say that, "It says it's related to activities that are primarily tourist-oriented. This means that transactions can be secondarily tourist-oriented."

Another lawyer representing Norwegian, Allen P. Pegg, took a different approach and said the excursions to spend an evening at a cabaret or go scuba diving indeed complied with the people-to-people regulations.

"Plaintiff pointing to issues that you know: 'That looks fun.' That's essentially what they're telling Your Honor. 'And that scuba diving trip looks like it might have been a good time.' That does not undercut the fact that these were all designed and had critical components of meaningful interaction with the Cuban people, which is what people-to-people is all about."

The lawyers also argued that the passengers themselves also bore responsibility.

"I think if you're going to say: 'Oh, if you spent the whole day on the beach,' that's a Helms-Burton claim against that person, not against Carnival," Schultz said. "There is daylight there between the cruise ships providing carrier services and what the passengers are doing. And [the passengers] are the ones signing these declarations and making these affidavits."

The general license under which the cruise lines could transport people to Cuba required that the passengers were in compliance with one of the 12 authorized travel categories. Passengers had to sign affidavits to attest they were, and the cruise lines had to keep the records for five years.

When Pegg, Norwegian's lawyer, made a similar argument, Judge Bloom called it "somewhat circular" because the passengers signed the affidavits based on the excursions and itineraries offered by the cruise lines.

On its website, Royal Caribbean, for example, told passengers that "in order to satisfy United States law, you will need to fulfill on one of the allowed reasons for visiting, but that's easy too. You just need to book a shore excursion that complies with U.S. requirements (this includes any Royal Caribbean shore excursion.) Just be sure to know that a day tour must be booked; night tours alone won't meet the requirement."

The cruise lines' lawyers also pointed out that Treasury never went after the companies for their activities in Cuba. Citing "concerns" about its record-keeping practices, Treasury did issue a "cautionary letter" in 2019 warning that Royal Caribbean's "dealings in possible unauthorized travel by U.S. persons to Cuba appears to have violated" U.S. regulations But the agency did not find enough evidence to conclude there was a violation.

A Treasury Department spokesperson said the agency does not comment on investigations and could not answer questions related to the lawsuit.

Ultimately, the cruise lines' lawyers said, the court has no business in considering if the cruise companies facilitated tourism because they received authorization from the U.S. government to travel to Cuba.

"I guess Carnival's position is it wouldn't matter if there were many excursions that were tourism-related because the Court should not look behind the blanket authorization," Judge Bloom said. "That is correct, your Honor," Schultz replied.

"If there's even one passenger who complied with people-to-people requirements, Carnival has done its job by providing carrier services to that passenger if that passenger's lawful travel and Carnival's use of the terminal is incident to that passenger's lawful travel," the lawyer continued. "That box is checked. It's done. So yes. The Court does not need to look into what actually happened in Cuba."

After hours of going back and forth on the lawful travel defense, Martinez, the Havana Docks' leading counsel, provided a colorful description of the defendants' presentation.

"These cruises to Cuba were tourist cruises," he said. "And to call them anything else is to put lipstick on a pig."

Havana Docks' lawyers declined to comment for this story.

"The more they dig into it, the worse it will look"

As many Cuban exiles worried, the records show that the Cuban government made significant money out of these deals to provide "tourism services" to American travelers. Havanatur, for example, received \$38 million, and the government made \$54.4 million just in "tourist" visa fees.

Some of the money the cruise lines paid went to obscure offshore companies controlled by the Cuban government, such as Agencia Marítima Mapor S.A., based in the Virgin Islands and linked to a global network of offshores through which the government and the military carry out the island's shipping and maritime dealings while avoiding U.S. sanctions. MSC Cruises paid \$9.3 million to Mapor for services as a "ship agent" at the Havana port, according to the court documents.

Trafficking					
UNIT/CLASS	DATE OF THE TRAFFICKING	UNIT/CLASS	AMOUNT OF PAYMENTS TO THE CUBAN GOVERNMENT	AMOUNT OF PAYMENTS TO THE CUBAN GOVERNMENT	AMOUNT OF PAYMENTS TO THE CUBAN GOVERNMENT
Carnival	83	\$17,260,000	\$17,260,000	\$6,900,000	\$6.90
MSC	190	\$24,250,000	\$24,250,000	\$1,800,000	\$1.80
MSC (Dreyfus)	10	\$12,000,000	\$12,000,000	\$6,000,000	\$6.00
Marinegroup	200	\$20,000,000	\$20,000,000	\$10,000,000	\$10.00
Regal	301	\$40,000,000	\$40,000,000	\$10,000,000	\$10.00
Total	512	\$113,510,000	\$113,510,000	\$34,700,000	\$34.70

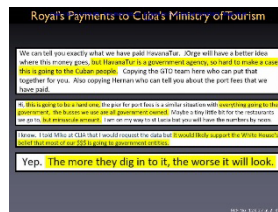
The money page 2-2.jpg Screenshot of a PowerPoint presentation by Havana Docks' lawyers filed in a Miami federal court showing payments made by the cruise lines to the Cuban government and their revenue.

Of the four companies, Royal Caribbean made the most revenue, \$430.9 million, and sought opportunities to make more. Between 2017 and 2018, the cruise line explored the possibility of operating onboard casinos while in Cuba, according to the company lawyers' description of emails between several Royal Caribbean executives and lawyers with COMAR, a Cuban government legal agency. The emails themselves are under seal because Royal Caribbean cited attorney-client privilege. Their content was described as "Casino Opening in Cienfuegos and Santiago," "RCCL trying to secure permits to open and operate Casinos in Cuba," "Operation of cruise ship casino during berthing in Cuban territory," "Casino Opening Hours

Seeking legal advice from counsel,” “shipboard casinos,” “operating onboard casinos,” and “compliance/legality of opening casinos.”

Though the Trump Administration’s shutdown of U.S. cruise travel to Cuba in June 2019 hurt some of the island’s self-employed workers near the port, especially drivers, souvenir makers and restaurant waiters, the records also back up claims by Florida politicians that comparatively little money went to Cuban private businesses and entrepreneurs, contrary to what both the Obama administration and the cruise industry publicly claimed.

After the Trump administration and members of Congress like Rubio expressed concern that the Cuban government was pocketing much of the money from cruise travel, Royal Caribbean executives sought to find data proving otherwise.



Tourism-89.jpg Screenshot of a PowerPoint presentation by Havana Docks’ lawyers filed in a Miami federal court. In an email exchange, Royal Caribbean executives discussed whether there was evidence supporting that cruise travel benefited the Cuban people.

Ahead of a meeting with Rubio, Eleni P. Kalisch, at the time a Royal Caribbean vice president, asked two company executives if they could provide data about how much the company paid the Cuban government versus how much they were able to “directly support the Cuban people.” She said the Cruise Lines International Association was collecting the data and was trying to “portray the financial support we provide to the Cuban people as equal or greater than the support to the government (assuming the data supports that).”

The two company executives were identified only as Michael and Roberta in a PowerPoint presentation with excerpts from an undated email exchange. The full version of the emails is still under seal.

“Havanatur is a government agency, so hard to make a case this is going to the Cuban people,” said one of the unidentified executives. “This is going to be a hard one,” the other executive replied. “The port fees is a similar situation with everything going to the government, the buses we used are all government-owned. Maybe a little tiny bit for the restaurants we go but minuscule amount.”

One of the executives in the email exchange said the data would likely support the White House’s claims. Another one replied: “Yep, the more they dig into it, the worse it will look.”

El Nuevo Herald

Miami, Florida

14 February 2022

Cruceros contrataron a agencias del gobierno de Cuba para actividades turísticas

por Nora Gámez Torres



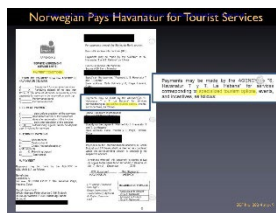
Cubanos saludan a pasajeros en el barco de cruceros Adonia de Carnival a su llegada a La Habana desde Miami en mayo de 2016. Cubanos saludan a pasajeros en el barco de cruceros Adonia de Carnival a su llegada a La Habana desde Miami en mayo de 2016. Ramón Espinosa AP

En el apogeo del entusiasmo provocado por el histórico restablecimiento de las relaciones con Cuba por parte del presidente Barack Obama, varias líneas de cruceros se apresuraron a asegurarse una cuota del prometedor mercado de la isla bajo las regulaciones que habían sido relajadas para promover el contacto entre los pueblos.

Las compañías de cruceros sabían que viajar a Cuba para hacer turismo era ilegal. Entonces, en lugar de tomar mojitos en la playa de Varadero, se suponía que los estadounidenses que iban a Cuba participarían en iniciativas humanitarias y de impacto social que ayudarían a los cubanos a independizarse del estado, según prometieron las líneas de cruceros.

Pero nueva evidencia que se hizo pública en la corte federal de Miami muestra que tras bambalinas, cuatro compañías de cruceros importantes—Carnival, Royal Caribbean, Norwegian y MSC Cruises—firmaron acuerdos con agencias de viajes del gobierno cubano para brindar “servicios turísticos” a sus pasajeros, pese a la prohibición sobre el turismo contenida en el embargo. Los servicios incluían excursiones a cabarets y playas que no parecían cumplir con las reglas sobre los viajes a Cuba.

Carnival registró una subsidiaria en la Cámara de Comercio de Cuba en 2018 con el propósito declarado de “realizar actividades comerciales relacionadas con el turismo”. Y firmó un memorando de entendimiento con una empresa de turismo llamada Gaviota, propiedad de las fuerzas armadas de Cuba, que dirige gran parte de la actividad económica en la isla, para la prestación de “servicios turísticos”.



Tourism-16.jpg Captura de pantalla de una presentación de PowerPoint de los abogados de Havana Docks presentada en un tribunal federal de Miami. Carnival registró una subsidiaria en la Cámara de Comercio de Cuba.

No queriendo quedarse atrás, Royal Caribbean incluso hizo consultas con una agencia legal del gobierno cubano para obtener permisos para abrir y operar casinos en Cuba, según los documentos, que también indican que Royal se benefició de la reventa de “visas de turista” cubanas a pasajeros con un margen de beneficio del 50 por ciento.

Las compañías de cruceros siguieron adelante a pesar de las advertencias del Departamento del Tesoro de que la autorización para llevar viajeros a Cuba no era excusa para violar otras leyes y reglamentos, según muestran los récords y comunicaciones de la agencia. También se arriesgaron a hacer negocios con Cuba a pesar de tener algún conocimiento de que algunos de los puertos que iban a utilizar eran objeto de disputas por reclamos de propiedad porque fueron confiscados a sus dueños por el gobierno de Fidel Castro en 1960.

Cuando se confrontaron con la evidencia en la corte, las compañías insistieron en que todos sus tratos en Cuba eran legales porque el gobierno de Obama autorizó los viajes en crucero como parte de una ambiciosa reforma de la política exterior de Estados Unidos hacia la isla caribeña.

Aunque la burbuja de los viajes a Cuba duró poco, su apuesta valió la pena ya que las cuatro compañías obtuvieron al menos \$1.1 mil millones en ingresos por viajes a La Habana entre 2016 y 2019. El floreciente negocio también benefició al gobierno cubano, que se embolsó un poco más de \$138 millones.

Estas interioridades del negocio de los cruceros a Cuba aparecen en cientos de páginas de documentos recientemente catalogados como récords públicos en el tribunal federal del Distrito Sur de Florida vinculados a demandas contra cada una de estas líneas de cruceros por parte de la compañía estadounidense Havana Docks. Esta compañía afirma que las líneas de cruceros estaban usando ilegalmente sus tres muelles en el puerto de La Habana que fueron confiscados indebidamente por el gobierno de Fidel Castro en 1960.

Los registros incluyen contratos, estados financieros, intercambios de correo electrónico, evaluaciones legales y declaraciones. Algunos solo se mencionaron parcialmente en las presentaciones de PowerPoint que se mostraron durante una audiencia en enero porque su versión completa permanece sellada a petición de las compañías de cruceros.

El fallo de un juez de que las empresas estaban involucradas en actividades turísticas terminaría por confirmar los peores temores de muchos cubanoamericanos y funcionarios públicos del sur de la Florida: que los viajes bajo la categoría de contacto “persona a persona” fueron una cortina de humo para justificar el turismo ilegal que enriqueció las arcas de Cuba, ayudando a financiar un régimen represivo. Y tal fallo podría aumentar las posibilidades de un pago multimillonario a Havana Docks en compensación por el uso ilegal de su propiedad en Cuba. En última instancia, el caso pone a prueba la autoridad del presidente Obama para hacer cambios en la política exterior que algunos insisten traspasaron el límite de lo permitido por el embargo.

Después de varias mociones y demoras, la jueza federal del Distrito Sur de Florida, Beth Bloom, decidirá si las demandas irán a juicio.

“El arte del cóctel cubano”

La imagen que surgió en la audiencia de enero, cuando se autorizó a Havana Docks a revelar algunas pruebas, parece confirmar algunas de las preocupaciones de los exiliados cubanos sobre la apertura económica bajo la administración de Obama, en particular, que la vaga categoría de viajes para promover el contacto entre los pueblos (people-to-people) era turismo disfrazado.

Al principio, algunos ejecutivos de cruceros compartían la misma opinión.

En un video mostrado en la corte, grabado en el Cuba Opportunity Summit, un evento organizado por Knowledge@Wharton en el 2015, el presidente y director ejecutivo de Norwegian dijo que creía que llevar a miles de viajeros estadounidenses bajo esas reglas era “una exageración”.

“El turismo sigue siendo ilegal bajo el conjunto de reglas, políticas y pautas actuales”, dijo Frank del Río, quien es cubanoamericano. “Y sería difícil para nosotros que un barco con 4,000 turistas, llamémoslos personas, se presente en La Habana y llame a eso un viaje ‘de pueblo a pueblo’. Eso sería forzar las reglas”.

Del Río dijo que Norwegian no aprovecharía los cambios en las regulaciones de viaje realizados por la Oficina de Control de Activos Extranjeros (OFAC) del Tesoro en ese momento porque otras leyes que rigen el embargo, como la Ley Helms-Burton, aún estaban vigentes.

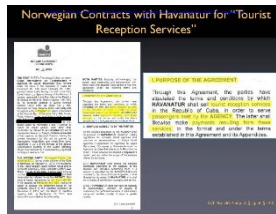
“Mi perspectiva es, para mis tres marcas, hasta que el Congreso revoque oficialmente la Ley Helms-Burton”, continuó, “incluso si puedes hacerlo por la puerta trasera a través de OFAC, no sería lo correcto. No creo que esa puerta trasera o esa brecha legal, por así decirlo, funcionen de manera sostenida”.

La Ley Helms-Burton, aprobada en 1996, codificó muchas de las reglas que constituyen el embargo contra Cuba. Su Título III, puesto en vigor por primera vez en el 2019 por el presidente Donald Trump, permitió a Havana Docks demandar a las líneas de cruceros por presunto uso de sus bienes confiscados.

Aún así, cuando Departamento del Tesoro suavizó aún más las pautas para permitir explícitamente los “servicios de transporte por barco” en septiembre de 2015, Norwegian y otras líneas de cruceros corrieron a hacer negocios con Cuba.

Pero algunas de las acciones tomadas por las líneas de cruceros parecen haber ido más allá de lo que era legal en ese momento.

Según evidencia no disputada presentada durante la audiencia reciente, Carnival, Royal Caribbean y Norwegian, todas con sede en Miami, firmaron contratos con Havanatur, la agencia de viajes más grande del Ministerio de Turismo de Cuba para que proveyera “servicios turísticos” a sus pasajeros, según muestran los registros. MSC Cruceros hizo lo mismo con Cubanacán, otra agencia de viajes y cadena hotelera del gobierno.



Tourism-60.jpg Captura de pantalla de una presentación de PowerPoint de los abogados de Havana Docks presentada en un tribunal federal de Miami. Norwegian firmó un contrato con Havanatur, una agencia del Ministerio de Turismo de Cuba.

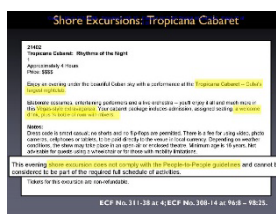
Según el acuerdo, Havanatur brindó “servicios de recepción turística” a los pasajeros, incluidas excursiones en tierra.

“Mediante este acuerdo, las partes han estipulado los términos en que Havanatur venderá servicios de recepción turística en la República de Cuba para atender a los pasajeros enviados por la agencia”, se lee en el contrato firmado por Del Río en nombre de Norwegian, según capturas de pantalla del documento mostrado en la corte. “Este último”, es decir, Norwegian, “realizará igualmente los pagos resultantes de estos servicios”.

MSC Cruceros firmó un acuerdo similar con Cubanacán, en virtud del cual la agencia cubana se encargaba de brindar “servicios turísticos”, incluidas las excursiones a los pasajeros.

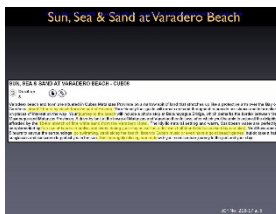
“Esto parece ser una evidencia poderosa de que hubo una intención de proporcionar actividades turísticas”, dijo la jueza Bloom en la audiencia.

Como parte de las ofertas, las líneas de cruceros comercializaron y vendieron excursiones ofrecidas por las compañías cubanas, desde una “clase de coctelería” hasta pasar una velada “bajo el cielo cubano” en el famoso Cabaret Tropicana de La Habana y excursiones a las playas de Varadero y Santa María, que posiblemente no cumplían con los requisitos de las licencias generales de la OFAC que autorizan tanto a los cruceros como a los pasajeros a viajar a Cuba.



Tourism-27.jpg Captura de pantalla de una presentación de PowerPoint de los abogados de Havana Docks presentada en un tribunal federal de Miami. Carnival vendió esta excursión Tropicana a sus pasajeros.

Este es un párrafo de un material de marketing de MSC Cruises que vende una excursión de ocho horas al famoso balneario de Varadero: “El idílico entorno natural y las cálidas aguas del Caribe se complementan perfectamente con el uso gratuito de sombrillas y sillas de playa durante su estadía, así como con un delicioso bufé. Tendrás unas cinco horas para saborear el entorno, ir a nadar, pasear por la playa, escuchar música cubana o incluso jugar en la playa. Este recorrido completamente relajante termina con su viaje panorámico de regreso al puerto y a su barco”.

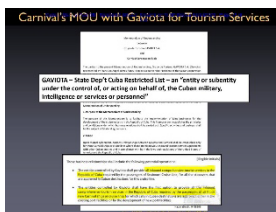


Tourism-49.jpg Screenshot of a PowerPoint presentation by Havana Docks' lawyers filed in a Miami federal court. MSC Cruises sold this excursion to Varadero to its passengers.

De acuerdo con las descripciones de los recorridos turísticos de La Habana Vieja, los recorridos en autobús por la capital cubana, las excursiones para ver una ceremonia con cañones de la época colonial en la bahía o ir a bucear, ofrecidas por las líneas de cruceros, estas actividades tampoco parecen haber seguido las regulaciones de que los viajeros debían mantener un horario completo de actividades educativas que incluyeran una interacción sustancial con los lugareños. En sus lineamientos en ese momento, el Departamento del Tesoro dijo explícitamente que explorar las calles de La Habana y participar en “intercambios breves con los vendedores” y “conversaciones informales con los meseros en los restaurantes y el personal del hotel” no eran “actividades educativas que resultarán en interacciones significativas” con los cubanos.

Norwegian le dijo a sus pasajeros que estas excursiones cumplían con los requerimientos del Tesoro, según dijeron los abogados de Havana Docks en la audiencia de enero. Pero Carnival incluyó un descargo de responsabilidad en su material de marketing para las excursiones nocturnas a Tropicana, el Cabaret Parisien y la ceremonia del cañón conocida como “El Cañonazo”, reconociendo que la excursión “no cumple” con los requerimientos de la categoría de viaje de intercambio entre los pueblos y “no puede ser considerada como parte del programa completo de actividades requerido”.

Las capturas de pantalla del memorando de entendimiento de Carnival con Gaviota no muestran cuándo se firmó. Tampoco se conoce si Carnival hizo algún pago porque el documento completo permanece sellado. Gaviota fue incluida en la Lista Restringida de Cuba del Departamento de Estado en noviembre de 2017. Las empresas bajo la jurisdicción estadounidense no pueden realizar transacciones financieras directas con entidades en la lista.



Tourism-17.jpg Captura de pantalla de una presentación de PowerPoint de los abogados de Havana Docks presentada en un tribunal federal de Miami. Carnival firmó un memorando de entendimiento con Gaviota, una empresa de turismo dirigida por militares cubanos. Gaviota está bajo sanciones de Estados Unidos.

Carnival no respondió preguntas sobre el memorando, el registro de una subsidiaria en Cuba o las excursiones específicas referidas en la audiencia. En una declaración escrita enviada a el Nuevo Herald, Carnival declaró lo siguiente:

“Carnival Corporation, al igual que otras importantes compañías de cruceros, llevó pasajeros a Cuba de conformidad con las licencias emitidas por el gobierno de Estados Unidos y con el apoyo del Presidente como medio para crear interacciones entre estadounidenses y cubanos que, con el tiempo, beneficiaría y beneficiaron al pueblo cubano. El estatuto exige específicamente los viajes legales a Cuba y el uso de las instalaciones cubanas, como un puerto, necesarias para ese viaje”.

“Carnival Corporation solo realizó viajes legales según lo dispuesto en estas licencias del gobierno de Estados Unidos y los contratos con organizaciones cubanas fueron parte de este programa de viajes legales”, agrega el comunicado. “Los funcionarios del Departamento de Estado que trabajaron bajo la administración de Obama hicieron declaraciones verbales y escritas de que los viajes en crucero a Cuba estaban cubiertos por la excepción de ‘viaje legal’ en la Ley Helms-Burton: se lo dijeron a Havana Docks cuando se les preguntó”.

Un portavoz de MSC Cruises dijo que la compañía no comenta sobre litigios pendientes. Royal Caribbean declinó comentar. Norwegian no respondió a una solicitud de comentarios.

Varias personas con conocimiento de las regulaciones del embargo a Cuba consultados para este artículo expresaron su sorpresa por la evidencia sobre el turismo presentada en la corte federal de Miami.

“El tema aquí es que no solo firmaron un documento que usaba la palabra turismo. Entonces tienes a tus pasajeros involucrados en lo que cualquier persona razonablemente entendería como turismo”, dijo John Kavulich, presidente del U.S.-Cuba Trade and Economic Council, quien ha seguido de cerca las demandas relacionadas con la ley Helms-Burton. “Pero aquí es donde se complica. Las líneas de cruceros están diciendo ‘nada de esto importa porque lo hicimos legalmente, teníamos una licencia del Tesoro, del Departamento del Comercio, la bendición de la Casa Blanca’ que los inmunizó de todo lo demás. La pregunta para los demandantes y la jueza es, ¿están en lo correcto?”.

Trafficking						
BT/Quota	CARRY OVER TICKETS	TOTAL	INVESTMENT IN THE CARRY OVER TICKETS	FINANCIAL STATE INVESTMENT IN TICKETS	FINANCIAL STATE TICKETS	FINANCIAL STATE CONTRIBUTION
Carnival	83	\$11,200,000	\$11,200,000	\$6,500,000	\$6,500,000	\$6,500,000
MSC	190 (Overage)	\$24,000,000	\$24,000,000	\$1,500,000	\$1,500,000	\$1,500,000
MarineStar	200	\$25,000,000	\$25,000,000	\$1,500,000	\$1,500,000	\$1,500,000
Royal	347	\$43,000,000	\$43,000,000	\$2,500,000	\$2,500,000	\$2,500,000
Total	912	\$110,000,000	\$110,000,000	\$12,000,000	\$12,000,000	\$12,000,000

The money page 2-2.jpg Captura de pantalla de una presentación de PowerPoint de los abogados de Havana Docks presentada en un tribunal federal de Miami que muestra los pagos realizados por las líneas de cruceros al gobierno cubano y sus ingresos.

Los miembros del Congreso de Florida que en ese momento se opusieron a las políticas de compromiso de la administración Obama con Cuba expresaron su preocupación por la nueva evidencia.

“Bajo las concesiones de la era de Obama al régimen cubano, se aliviaron las restricciones de viaje a Cuba,” dijo el senador republicano Marco Rubio. “El uso de agencias de viajes para canalizar dinero a empresas propiedad del ejército cubano está financiando activamente la represión contra el pueblo cubano”. Cuando el Herald solicitó un comentario sobre los documentos, en los que aparece mencionado, el representante republicano de Miami, Mario Díaz-Balart, pidió una investigación por parte del Departamento del Tesoro.

“Cuando el presidente Obama permitió viajar prácticamente sin restricciones a Cuba, declaré repetida y públicamente que este tipo de viaje era ilegal”, dijo Díaz-Balart. “Si los supuestos términos de estos contratos son exactos, constituirían una clara violación de la ley. La OFAC debe investigar estas posibles violaciones de inmediato y responsabilizar a todos y cada uno de los infractores con todo el peso de la ley”.

La defensa de los ‘viajes legales’

La evidencia que apunte a la violación de la prohibición de hacer turismo, que podría dar lugar a una investigación del Tesoro, pudiera dañar a las líneas de cruceros ante los tribunales porque gran parte de su estrategia de defensa conjunta depende del argumento de que sus viajes a Cuba eran legales. Una pieza central en el caso es cómo los jueces interpretarán una excepción en la Ley Helms-Burton que previene demandas por el uso de bienes confiscados si dicho uso es “necesario” para “viajar legalmente”.

Las compañías de cruceros argumentaron en la audiencia que cumplían con las condiciones establecidas por la excepción de “viaje legal” porque llevaban pasajeros a Cuba legalmente bajo licencias del gobierno. Dijeron que se sintieron alentados por el cambio de regulaciones de la administración Obama para permitir la prestación de “servicios de transporte en embarcaciones” y alojamiento a los estadounidenses que viajaban bajo 12 categorías autorizadas, incluidos los intercambios educativos “de persona a persona”. Estas exenciones en el programa de sanciones a Cuba se denominan “licencias generales”. El Departamento del Tesoro también puede autorizar transacciones particulares a través de licencias específicas.

Sin embargo, las regulaciones del Tesoro que autorizan los cruceros a Cuba no definieron los “viajes legales”, y ni las leyes ni las regulaciones permitían el turismo, razón por la cual el asunto está bajo la consideración de los jueces.

En noviembre de 2017, la OFAC publicó la siguiente aclaración: “¿Está permitido viajar a Cuba para actividades turísticas? No. De acuerdo con la Ley de Reforma de Sanciones Comerciales y Mejora de las

Exportaciones de 2000 (TSRA), las transacciones relacionadas con viajes que involucren a Cuba solo están permitidas para las 12 categorías de actividades identificadas.... Las transacciones relacionadas con viajes para otros fines siguen prohibidas”.

El lenguaje en las licencias generales y específicas que regulan los viajes a Cuba también advertía sobre posibles responsabilidades.

Una licencia específica obtenida en julio de 2015 por Carnival, la primera compañía que navegó a La Habana desde Miami durante el breve deshielo en el 2016, solo incluye la autorización para prestar servicios de transporte entre Estados Unidos y Cuba y alojar pasajeros que realicen “actividades autorizadas” por las regulaciones sobre Cuba. El documento, también presentado en la corte, incluye varias advertencias de que “nada en esta licencia” excusa el cumplimiento de otras leyes y reglamentos.

Fuera de los tribunales, los registros muestran que las compañías de cruceros no estaban seguras de que las licencias bajo las cuales llevaban pasajeros a Cuba ofrecieran suficiente protección y se involucraron en esfuerzos de cabildeo para detener las demandas relacionadas con la propiedades confiscadas.

A principios de 2019, se conoció la noticia de que la administración Trump estaba considerando dar luz verde a las demandas sobre propiedades confiscadas y las compañías de cruceros recibieron cartas de notificación de Havana Docks sobre posibles litigios. Luego, las compañías pidieron a la Asociación Internacional de Líneas de Cruceros (CLIA, por sus siglas en inglés) que evaluara su riesgo legal. Los directores ejecutivos de las cuatro compañías de cruceros forman parte del comité ejecutivo global de CLIA.

El estudio, encargado al bufete de abogados Venable LLP, advierte que “no está claro si un tribunal determinaría que los transportistas y los proveedores de servicios de viaje, incluidas las líneas de cruceros, están cubiertos por” la exención de viaje legal.

Según la declaración del abogado general asociado de CLIA, Bradley Rose, la organización se reunió con abogados y cabilderos en enero de 2019 para discutir cómo influir en la administración Trump para que “no se puedan presentar reclamos legales bajo el Título III contra las líneas de cruceros y/o mantener la suspensión general de las demandas bajo el Título III”.

Los esfuerzos incluyeron una carta al entonces secretario de Estado Mike Pompeo e incluso una reunión entre el presidente de Carnival y propietario del Miami Heat, Micky Arison, y el presidente Trump en la Casa Blanca, dijo en la audiencia el abogado de Havana Docks, Robert Martínez.



Trump email page 36-36.jpg Captura de pantalla de una presentación de PowerPoint de los abogados de Havana Docks presentada en un tribunal federal de Miami. El director ejecutivo de Carnival, Micky Arison, escribió un correo electrónico al presidente Donald Trump para pedirle que protegiera a las compañías de cruceros de demandas relacionadas con propiedades confiscadas en Cuba.

En un correo electrónico de seguimiento enviado a la Casa Blanca el 17 de abril de 2019, el día en que se esperaba el anuncio de la aplicación del Título III, Arison volvió a pedir al presidente Trump que modificara las regulaciones para aclarar que la referencia a los “viajes legales” en la ley Helms-Burton incluía operaciones de cruceros.

“Si no hay excepciones ni aclaraciones, estaríamos sujetos a una importante responsabilidad legal por el uso de los puertos en Cuba”, escribió. “Si bien podría parecer que tal exención protegería a las líneas de cruceros de reclamos legales, los viajes legales no están definidos”.

“Solo la sanción potencial para mi empresa sería de más de 500 millones de dólares”, señaló.

Los esfuerzos de Arison fueron en vano. Ese mismo día, la administración de Trump activó el Título III. Unos meses después, en junio, eliminó por completo los viajes a Cuba en cruceros.

“Poniendo lápiz labial a un cerdo”

Durante la audiencia, sin embargo, los abogados de las líneas de cruceros adoptaron un tono optimista y llamaron a los viajes en crucero a Cuba “el ejemplo por excelencia de los viajes legales”.

También desplegaron varios argumentos para defender la actividad turística en Cuba.

Una abogada de Carnival, Meredith Schultz, interpretó una prohibición de la OFAC sobre las “transacciones relacionadas con actividades que están principalmente orientadas al turismo” como que no excluye “excursiones que están orientadas al turismo” porque la palabra utilizada fue “transacción” y no “excursión”. La prohibición, continuó “está relacionada con actividades que están principalmente orientadas al turismo. Esto significa que las transacciones pueden estar secundariamente orientadas al turismo”.

Otro abogado que representa a Norwegian, Allen P. Pegg, adoptó un enfoque diferente y dijo que las excursiones para pasar una noche en un cabaret o bucear efectivamente cumplían con las regulaciones de la categoría de viajes para promover el contacto entre los pueblos.

“El demandante señala cosas, que usted sabe: ‘Eso parece divertido’. Eso es esencialmente lo que le están diciendo a Su Señoría. ‘Y ese viaje de buceo parece que podría haber sido divertido’. Eso no socava el hecho de que todos fueron diseñados y tenían componentes críticos de interacción significativa con el pueblo cubano”.

Los abogados también dijeron que los pasajeros tenían responsabilidad.

“Creo que si vas a decir: ‘Oh, si pasaste todo el día en la playa’, eso es una demanda bajo la Helms-Burton contra esa persona, no contra Carnival”, dijo Schultz. “Allí hay distancia entre los cruceros que brindan servicios de transporte y lo que hacen los pasajeros. Y ellos son los que firman estas declaraciones y hacen estas declaraciones juradas”.

La licencia general bajo la cual las líneas de cruceros podían transportar personas a Cuba requería que los pasajeros cumplieran con una de las 12 categorías de viaje autorizadas. Los pasajeros tenían que firmar declaraciones juradas para dar fe de ello, y las líneas de cruceros tenían que conservar los registros durante cinco años.

Cuando Pegg, el abogado de Norwegian, hizo un argumento similar, la jueza Bloom lo calificó de “algo circular” porque los pasajeros firmaron las declaraciones juradas basadas en las excursiones e itinerarios ofrecidos por las líneas de cruceros.

En su sitio web, Royal Caribbean, por ejemplo, les dijo a los pasajeros que “para cumplir con la ley de Estados Unidos, deberá cumplir con uno de los motivos permitidos para visitar, pero eso también es fácil. Solo necesita reservar una excursión en tierra que cumpla con los requisitos de Estados Unidos (esto incluye cualquier excursión en tierra de Royal Caribbean). Solo asegúrese de saber que se debe reservar una excursión de un día; los recorridos nocturnos por sí solos no cumplirán con el requisito”.

Los abogados también señalaron que la OFAC nunca persiguió a las líneas de cruceros por sus actividades en Cuba. Citando “preocupaciones” sobre sus prácticas de mantenimiento de registros, la OFAC emitió una “carta de advertencia” a Royal Caribbean, advirtiéndole que su participación en “posibles viajes no autorizados de estadounidenses a Cuba parecen haber violado” los reglamentos. Pero la agencia no encontró evidencia suficiente para imponer una multa.

Una portavoz del Tesoro dijo que la agencia no comenta sobre sus investigaciones y que no podía comentar sobre las demandas en litigio.

En última instancia, dijeron los abogados de los cruceros, el tribunal no tiene por qué considerar si las compañías facilitaron el turismo porque recibieron autorización del gobierno de Estados Unidos para viajar a Cuba.

“Supongo que la posición de Carnival es que no importaría si hubiera muchas excursiones relacionadas con el turismo porque el tribunal no debería mirar más allá de la autorización general”, dijo la jueza. “Eso es correcto, su Señoría”, respondió Schultz.

Si solo un pasajero cumple con los requisitos de la categoría de viajes para promover el contacto entre los pueblos, “Carnival ha hecho su trabajo al proporcionar servicios de transporte a ese pasajero si el viaje legal de ese pasajero y el uso de la terminal por parte de Carnival es incidental al viaje legal de ese pasajero”, continuó la abogada. “Esa casilla está marcada. Está hecho. Entonces sí. La corte no necesita investigar lo que realmente sucedió en Cuba”.

Después de horas de ir y venir sobre la defensa del “viaje legal”, Martínez, el principal abogado de Havana Docks, proporcionó una descripción colorida de la presentación de los acusados.

“Estos cruceros a Cuba eran cruceros turísticos”, dijo. “Y llamarlos de otra manera es poner lápiz labial a un cerdo”.

Los abogados de Havana Docks declinaron comentar para esta historia.

“Cuanto más indaguen, peor se verá”

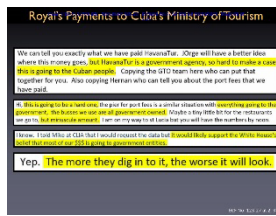
Como les preocupaba a muchos exiliados cubanos, los registros muestran que el gobierno cubano ganó mucho dinero con estos acuerdos para brindar “servicios turísticos” a los viajeros estadounidenses. Havanatur, por ejemplo, recibió \$38 millones, y el gobierno hizo \$54.4 millones solo en concepto de visas de “turista”.

Parte del dinero pagado fue a oscuras empresas offshore controladas por el gobierno, como la Agencia Marítima Mapor S.A. La empresa, constituida en las Islas Vírgenes, está vinculada a una red global de empresas fantasmas a través de la cual el gobierno y los militares llevan a cabo los negocios de transporte marítimo de la isla mientras evitan las sanciones estadounidenses. MSC Cruises pagó \$9.3 millones a Mapor por servicios como “agente de buques” en el puerto de La Habana, según los documentos judiciales.

De las cuatro empresas, Royal Caribbean obtuvo la mayor cantidad, \$430.9 millones en ingresos, y buscó oportunidades para ganar más. Entre 2017 y 2018, la compañía exploró la posibilidad de operar casinos a bordo de sus barcos en Cuba, según la descripción de correos electrónicos entre varios ejecutivos y abogados de Royal con COMAR, una agencia legal del gobierno cubano. Los correos electrónicos no son récord público porque Royal citó el privilegio abogado-cliente. Su contenido fue descrito por los abogados de Royal como “Apertura de casinos en Cienfuegos y Santiago”, “RCCL tratando de obtener permisos para abrir y operar Casinos en Cuba”, “Operación de casino de cruceros durante el atraque en territorio cubano”, “Horario de apertura de casinos”, “casinos a bordo”, “operación de casinos a bordo” y “cumplimiento/legalidad ante la OFAC para abrir casinos”.

Aunque la suspensión de los viajes de cruceros de Estados Unidos a Cuba en junio de 2019 perjudicó a algunos de los trabajadores por cuenta propia de la isla, especialmente a los chóferes, fabricantes de souvenirs y camareros en paladares alrededor de los puertos, los registros también respaldan las afirmaciones de los políticos de la Florida de que comparativamente poco dinero iba a los emprendedores y negocios privados, contrario a lo que tanto la administración Obama como la industria de cruceros afirmaron públicamente.

Después de que la administración de Trump y congresistas como el senador Rubio expresaron su preocupación de que el gobierno cubano se estaba quedando con gran parte del dinero de los viajes en crucero, los ejecutivos de Royal Caribbean intentaron buscar datos que demostraran lo contrario.



Tourism-89.jpg Captura de pantalla de una presentación de PowerPoint de los abogados de Havana Docks presentada en un tribunal federal de Miami. En un intercambio de correos electrónicos, los ejecutivos de Royal Caribbean discutieron si había evidencia que respaldara que los viajes en crucero beneficiaban al pueblo cubano.

Antes de una reunión con Rubio, la entonces vicepresidenta de Royal, Eleni P. Kalisch, preguntó a dos ejecutivos de la empresa si podían proporcionar datos sobre cuánto pagaba Royal al gobierno cubano en comparación con cuánto podían “apoyar directamente al pueblo cubano”. Ella dijo que CLIA estaba recopilando los datos y estaba tratando de “presentar el apoyo financiero que brindamos al pueblo cubano como igual o mayor que el apoyo al gobierno (suponiendo que los datos lo respalden)”.

Los ejecutivos de la compañía solo fueron identificados como Michael y Roberta en una presentación de PowerPoint con extractos de un intercambio de correo electrónico sin fecha. La versión completa de los correos electrónicos aún está sellada.

“Havanatur es una agencia del gobierno, por lo que es difícil argumentar que esto va al pueblo cubano”, dijo un ejecutivo no identificado. “Esto va a ser difícil”, respondió otro. “Las tarifas portuarias son una situación similar con todo yendo al gobierno, los autobuses que usamos son todos propiedad del gobierno. Tal vez un poco para los restaurantes a los que vamos, pero una cantidad minúscula”.

Uno de los ejecutivos en el intercambio de correos dijo que los datos probablemente respaldarían las afirmaciones de la Casa Blanca. Otro respondió: “Sí, cuanto más indaguen, peor se verá”.

El Nuevo Herald

Miami, Florida

12 February 2022

Cuba pagó \$304 millones a compañías estadounidenses por la compra de alimentos

por Rose Monique Varela Henriquez

Cuba pagó \$304 millones a compañías estadounidenses por la compra de comida durante el pasado año. Esta cifra equivale a un crecimiento del 86% en las operaciones comerciales entre ambos países, según datos del Departamento de Agricultura de Estados Unidos.

El costo de la importación de estos alimentos podría haber sido mucho más alto ya que los datos oficiales del Consejo Económico y Comercial entre EE.UU y Cuba no incluyen los gastos del transporte, recargos bancarios y otros aranceles de envíos a la isla caribeña.

La mayoría de las importaciones a Cuba fueron de pollo congelado, por el que se pagó \$279 millones. Entre otros productos alimenticios adquiridos se encuentran también la carne de cerdo, especias, arroz, jugos y bebidas no alcohólicas.

El gobierno de Cuba se ha trazado la meta de obtener “soberanía alimentaria”, pero actualmente la isla importa el 80% de la comida que consume, informó el medio digital CiberCuba.

Estados Unidos es el mayor proveedor de alimentos a Cuba, aseguró al canal local CBS4 Carlos Eire, profesor de la Universidad de Yale y experto en Cuba.

Si se pregunta cómo esto es posible, en el año 2000 el Congreso estadounidense aprobó la Ley de Reforma de Sanciones Comerciales la cual permite exportar productos agrícolas y alimenticios a Cuba, a pesar del embargo.

Aun así, la existencia del embargo obliga a que las compras que el régimen cubano haga a compañías estadounidenses deben pagarse por adelantado, en efectivo, sin opciones de crédito.

El presidente de Sanderson Farms, tercer productor avícola más grande de Estados Unidos, Lampkin Butts, resaltó que “de alguna manera, no sé cómo, tienen [Cuba] bastante efectivo y están en el mercado con fuerza”, afirmó al medio especializado WATTPoultry el año pasado.

Gran parte de los productos alimenticios que llegan a la isla terminan vendiéndose en restaurantes de hoteles y resorts operados por el estado con precios que no son accesibles para la mayoría de los cubanos, de acuerdo a críticos como Eire.

WLRN

Miami, Florida

11 February 2022

Cuba creates a new money-transfer agency — but is there anything different about Orbit?



Ismael Francisco/AP- Cubans at a Western Union money-transfer office in Havana on the company's last day open there, in November 2020, after new Trump Administration restrictions on remittances from the U.S. made operating there too difficult.

Cuban exiles might ask: If Cuba's new agency to handle electronic cash transfers from abroad is controlled by the military, like the old agency, what's the point?

This week the Cuban government introduced a new agency to handle electronic cash transfers to the island from abroad. But the big question everyone's asking is ... why?

Orbit is the name of the new state-run Cuban firm for handling the money, usually called remittances, that folks like Cuban exiles here send to Cubans on the island. Before the pandemic, that cash totaled close to \$4 billion a year — but has fallen 70% since then.

That's due in large part to restrictions former President Trump put on those cash transfers from the U.S. in order to sanction Cuba's dictatorship — which takes a cut of that money.

It's not clear if Cuba thinks creating Orbit might persuade President Biden to ease those restrictions — especially if the Cuban military controls Orbit, just as it ran the old Cuban money-transfer agency, Fincimex, which the U.S. has blacklisted.

“We still have the same question, which is: who controls Orbit?” said John Kavulich, who heads the U.S.-Cuba Trade and Economic Council in New York.

“What it does do is create a little bit of a discussion again on these U.S.-Cuba money issues.”

That is, a discussion about not only whether the U.S. should loosen Trump's measures on cash transfers to Cuba — but also take steps such as opening up direct U.S. investment in Cuba's fledgling private businesses as well as the sort of direct U.S.-to-Cuba banking to better facilitate it.

“You’ve got U.S. companies that are saying, ‘Let us in to help these folks,’” said Kavulich. “But the Biden Administration has been sitting on a license application to allow direct investment in small and medium-size Cuban enterprises.”

The Administration says it is still “reviewing” those Cuba policy options.

The Miami Herald

Miami, Florida

9 February 2022

At the height of the enthusiasm sparked by President Barack Obama’s historic restoration of relations with Cuba, several U.S.-based cruise lines rushed to secure a piece of the island’s untapped market under newly eased regulations promoting “people-to-people” engagement.

The cruise companies knew that traveling to Cuba for tourism was illegal. So, instead of sipping mojitos at Varadero beach, Americans going to Cuba were supposed to participate in humanitarian and social-impact initiatives that would help Cubans gain independence from the state, the cruise lines pledged.

But a recent trove of unsealed documents from related lawsuits filed in Miami federal court shows that behind the scenes, four major cruise lines — Carnival, Royal Caribbean, Norwegian and MSC Cruises — made deals with Cuban Ministry of Tourism agencies to provide “tourist services” to passengers, including excursions to cabarets and beaches that did not (or softer?) comply with the embargo laws and regulations that prohibit tourism.

In a race to beat competitors, Carnival registered a subsidiary with the Cuban Chamber of Commerce in 2018 for the stated purpose of “conducting commercial activities related to tourism.” And the company also signed a memorandum of understanding with Gaviota, a tourism company owned by the military conglomerate GAESA, for “tourism services.”

Not wanting to be left behind, Royal Caribbean even made inquiries with a Cuban government law firm to secure permits to open and operate casinos in Cuba, according to the court documents. Royal also profited from reselling Cuban “tourist visas” to passengers at a 50 percent mark-up.

The cruise companies went ahead despite warnings by the U.S. Treasury Department that the authorization to take travelers to Cuba was no excuse for violating other laws and regulations, They also took the risk to do business with Cuba despite knowledge that some of the ports they would be using were the subject of property-claims disputes because they were confiscated from their owners by the Fidel Castro government in 1960.

Although the Cuba travel bubble was short-lived, the cruise lines’ bet paid off: The four companies brought in least \$1.1 billion in revenue from sailings to Havana between 2016 and 2019. The booming business benefited the Cuban government too, which pocketed a little over \$138 million.

This and more popped up in hundreds of pages of unsealed documents filed in federal court in Miami linked to lawsuits against each of the cruise lines by an American company, Havana Docks. The records include contracts, financial statements, email exchanges, legal assessments and depositions. Some were just partially referenced in PowerPoint presentations shown during the hearing because their full version remains under seal as requested by the cruise companies.

The parties have been involved in fierce litigation for over two years over the question of whether or not, by docking at the port of Havana, the cruise companies “trafficked” on confiscated property. Havana Docks holds a U.S. government-certified claim for the loss of assets and a concession to operate three piers at the Havana port that decades later were used as the cruise terminal welcoming American travelers.

The four cruise lines are registered outside the United States but keep their principal place of business in Florida, three of them in Miami.

After several motions and delays, U.S. District Judge Beth Bloom is set to decide whether the lawsuits will go on to trial.

“The art of the Cuban cocktail”

The picture that emerged at a January hearing, when the judge gave Havana Docks permission to unseal some of the evidence, seemed to confirm some of the worries shared by Cuban exiles about the economic opening under the Obama administration, in particular, that the “people-to-people” travel category was tourism in disguise.

In the beginning, some cruise executives shared the same view.

In a video shown in court, recorded at [a 2015 event in New York organized by Wharton](#), Norwegian president and CEO Frank del Río said he believed taking thousands of American travelers under the “people-to-people” rules was “a stretch.”

“Tourism is still illegal under today’s set of rules and policies and guidelines,” Del Río, himself a Cuban American, said. “And it would be difficult for us to have a ship with 4,000 tourists — people, let’s call them — show up in Havana and call that people-to-people travel. That would be a stretch of the rules.”

“My perspective is, from my three brands, until Congress officially repeals Helms-Burton,” he continued, “even if you can backdoor through OFAC [Treasury’s Office of Foreign Assets Control], it wouldn’t be the proper thing to do, and I don’t think you can do it on a sustained basis. I don’t think that that backdoor or that loophole if you will, would work on a sustained basis.”

The Helms-Burton Act, passed by Congress in 1996, codified many of the rules that constitute the embargo against Cuba. Its Title III, enforced for the first time in 2019 by President Donald Trump, allowed Havana Docks to sue the cruise lines for alleged trafficking on confiscated property.

Still, when OFAC further eased the guidelines to explicitly allow “carrier services by vessels” in September 2015, Norwegian and other cruise lines took advantage of the open “backdoor” to do business with Cuba. But some of the actions taken by the cruise lines appear to have gone beyond what was legal at the time.

According to undisputed evidence presented during the recent hearing, Carnival, Royal Caribbean and Norwegian, all based in Miami, signed contracts with Havanatur, the Cuban Ministry of Tourism’s largest travel agency, for “tourist services,” the records show. MSC Cruises did the same with Cubanacan, another government travel agency and hotel chain.

“Through this agreement, the parties have stipulated the terms by which Havanatur shall sell tourist reception services in the Republic of Cuba in order to serve passengers sent by the agency,” reads the contract signed by Del Río on behalf of Norwegian, according to screenshots of the document shown in court. “The latter,” meaning Norwegian, “shall likewise make payments resulting from these services.” Part of the payments went to a bank account in dollars that Havanatur kept with French bank Crédit Mutuel. The bank [dropped Havanatur’s account](#) in July 2020 because of the company’s links with sanctioned military-owned company Fincimex.

MSC Cruises entered into a similar agreement with Cubanacan, under which the Cuban agency was in charge of providing “tourist services,” including shore excursions to the passengers.

“This appears to be powerful evidence that there was an intention to provide tourist activities,” Judge Bloom said at the January hearing.

As part of the deals, the cruise lines marketed and sold excursions offered by the Cuban companies — from a “cocktail-making class” to spending an evening “under the Cuban sky” at the famous Tropicana Cabaret in Havana and excursions to Varadero and Santa Maria beaches—that did not comply with the ban on tourism

or the requirements in OFAC's general licenses authorizing both the cruises and the passengers to travel to Cuba.

Here's a graph in an MSC's marketing material selling an 8-hour excursion to the famous Varadero beach resort: "The idyllic natural setting and warm, Caribbean water are perfectly complemented by free use of beach umbrellas and chairs during your stay as well as a delicious buffet. You'll have about five hours to savor the surroundings, go swimming, stroll along the beach, listen to Cuban music or even have a go at beach game. This thoroughly relaxing tour ends with your scenic return journey to the port and your ship." Descriptions of Old Havana's sightseeing tours, Havana bus tours, excursions to see a colonial-era cannon ceremony at the bay or go scuba diving offered by the cruise lines also did not follow regulations that travelers should maintain a full-time schedule of educational activities that include substantial interaction with locals. In its guidelines at the time, OFAC explicitly said that exploring the streets of Havana and engaging in "brief exchanges with shopkeepers" and "casual conversations with waiters at restaurants and hotel staff" were not "educational activities that will result in meaningful interactions" with Cubans.

Some of these excursions sold by Norwegian said they were "OFAC-compliant." But Carnival included a disclaimer in their marketing material for evening excursions to Tropicana, the Cabaret Parisien and the cannon ceremony known as "El Cañonazo," acknowledging that "this evening shore excursion does not comply with the People-to-People guidelines and cannot be considered to be part of the required full schedule of activities."

Screenshots of Carnival's memorandum of understanding with Gaviota do not show when it was signed. The full document remains under seal. Gaviota was added to the State Department's Cuba Restricted List in November 2017. Companies under U.S. jurisdiction cannot make direct financial transactions with entities in the list.

Carnival response. Cruise companies responses

Several lawyers with knowledge of the Cuba embargo regulations consulted for this story expressed surprise at the admissions regarding tourism heard at the federal court in Miami. They declined to be quoted because of their involvement in the more than 40 lawsuits related to confiscated property in Cuba.

"The issue here is that not only did they sign a document that used the word tourism. Then you have your passengers engaged in what any person reasonably would understand as tourism," said John Kavulich, the president of the U.S.-Cuba Trade and Economic Council, who has closely followed the Helms-Burton lawsuits. "But here's where it gets challenging. The cruise lines are saying 'none of this matter because we did legally, we had a license from Treasury, from Commerce, the blessing of the White House' that immunized them from everything else. The question for the plaintiffs and the judge is, are they correct?"

Florida members of Congress who at the time opposed the Obama administration's policies of engagement with Cuba and voiced their concern with cruise lines representatives called for an OFAC investigation. Rubio and Diaz Balart comments.

"When President Obama permitted virtually unrestricted travel to Cuba, I repeatedly and publicly stated that this type of travel was unlawful," Miami Representative Mario Díaz-Balart said. "If the alleged terms of these contracts are accurate, they would constitute a clear violation of the law. OFAC must investigate these potential violations immediately and hold any and all violators accountable to the fullest extent of the law."

The lawful travel defense

Navigating the Cuban embargo is difficult because it is governed by different regulations and laws. OFAC administers and can make changes to the Cuban Assets Control Regulations (CACR). But notably, it cannot authorize tourism because the Trade Sanctions Reform and Export Enhancement Act of 2000 (TSRA) prohibits OFAC from licensing transactions for tourist activities. Furthermore, OFAC does not administer the Helms-Burton Act.

Evidence pointing to the violation of the tourism ban, which could prompt an OFAC investigation and possible fines, may damage the cruise lines case in court because much of their joint defense strategy hangs on how judges will interpret an exception in the Helms-Burton Act that prevents lawsuits for the use of confiscated property if such use is “necessary” to “lawful travel.”

The cruise companies argued at the hearing that they met the conditions set by the “lawful travel” exception because they took passengers to Cuba legally under a government license. They said they were encouraged by the Obama administration’s change of regulations to allow providing “carrier services by vessels” and lodging to Americans traveling under 12 authorized categories, including ‘people-to-people’ educational exchanges. These exemptions in the Cuba sanctions program are called “general licenses.” OFAC can also authorize particular transactions through specific licenses.

Yet the Treasury regulations authorizing cruises to Cuba did not define “lawful travel,” and neither the law nor OFAC regulations allowed plain tourism, which is why the matter is under consideration by judges. Because OFAC has no authority over the Helms-Burton Act, Havana Docks’ lawyers went further and argued that the cruise lines should have abided by the more stringent travel regulations described in that law—which have not been modified since 1996—if they wanted to avoid lawsuits for the use of confiscated property.

Evidence showed during the hearing indicates the cruise companies had some prior knowledge of the claims. During a meeting referenced in internal Carnival communications, Florida Republican representative Mario Diaz-Balart also warned its executives that many Cuban ports were confiscated property.

The language in both general and specific licenses regulating travel to Cuba also warned about potential liabilities.

A specific license obtained in July 2015 by Carnival, the first company that sailed to Havana from Miami during the brief detente, only includes authorization to provide carrier services between the U.S. and Cuba and lodging passengers “engaged in activities authorized” by the Cuba regulations administered by OFAC. The document, also filed in court, includes several warnings that “nothing on this license” excuses compliance with other laws and regulations.

Except for the authorized activities, “nothing in this License authorizes any person subject to the jurisdiction of the United States to engage in any transaction or activity prohibited by the CACR, or by any other laws and regulations administered by the Office of Foreign Assets Control,” the license says. The authorizations, the warning continues, “apply only to the laws and regulations administered by OFAC and should not be interpreted to excuse the Licensees from compliance with other laws, regulations, orders, or rulings to which they may be subject.”

Havana Docks’ lawyers contend the licenses, specific or general, did not provide carte blanche to use the confiscated property. And that calling at the Havana port was not “necessary” to transporting passengers to Cuba but a calculated business decision because the Cuban capital was the most attractive destination. Most cruises also went to other destinations like Cienfuegos or Santiago de Cuba.

Lawyers representing the cruise lines replied that such interpretation of “necessary” would “render the lawful travel exclusion absolutely meaningless.”

“Under the licenses we are entitled to go anywhere in Cuba,” said Stuart H. Singer, a Carnival lawyer who presented oral arguments on behalf of the four cruise lines. “And it is not an appropriate position for the Plaintiff to say that: ‘If there’s just someplace in Cuba you could go to, you could go there rather than Havana.’ We have the right, since we can go anywhere, to go to Havana.”

Yet, outside the court, records show that the cruise companies were unsure that the licenses under which they took passengers to Cuba would offer enough protection and engaged in lobbying efforts to stop the lawsuits related to confiscated property.

Concerned about news in January 2019 that the Trump administration was moving to enforce Title III and again in February, after receiving notification letters from Havana Docks about the potential lawsuits, the companies asked the Cruise Lines International Association (CLIA) for a liability assessment if Title III were to be activated—the CEOs of the four cruise companies sit at the CLIA Global executive committee.

The study, commissioned to law firm Venable, warns that “it is unclear whether a court would find that carriers and travel service providers, including the cruise lines, are covered by” the lawful travel exception. “We anticipate that a court could interpret the Travel Exception narrowly, such that only persons engaged in activity that was otherwise authorized under U.S. sanctions at the time the Act was signed in 1996 are exempted from private rights of action,” it adds.

According to the deposition of CLIA’s Associate General Counsel Bradley Rose, the organization met with lawyers and lobbyists in January 2019 to discuss how to influence the Trump administration so “that legal claims under Title III cannot be made against cruise lines and/or maintain the overall suspension of lawsuits under Title III.”

The efforts included a letter to then-Secretary of State Mike Pompeo and even a meeting between Carnival’s chairman and Heat’s owner Micky Arison and President Trump at the White House, Havana Docks’ lawyer Robert Martinez said at the hearing.

In a follow-up email sent to the White House on April 17, 2019, the day the announcement of Title III’s enforcement was expected, Arison again pleaded with President Trump to modify the regulations to clarify that the “lawful travel” exception in the Helms-Burton Act included cruise operations.

“If there are no exceptions or clarifications, we would be subject to significant legal liability for the use of the Ports” in Cuba,” he wrote. “While it might appear that such an exemption would protect cruise lines from legal claims, lawful travel is not defined.”

“The potential penalty to my company alone would be over \$500 million,” he noted.

“Putting lipstick on a pig”

During the hearing, however, the cruise lines’ lawyers stroke a bullish tone, calling cruise travel to Cuba “the quintessential example of lawful travel.” They also tried a bunch and, at times, convoluted arguments to defend the tourist activities in Cuba.

One Carnival lawyer, Meredith Schultz, interpreted an OFAC prohibition on “transactions related to activities that are primarily tourist-oriented” as not barring “excursions that are tourist-oriented” because the word used was “transaction” and not “excursion.” She went on to say that “It says it’s related to activities that are primarily tourist-oriented. This means that transactions can be secondarily tourist-oriented.”

Another lawyer representing Norwegian, Allen P. Pegg, took a different approach and said the excursions to spend an evening at a cabaret or go scuba diving indeed complied with the people-to-people regulations. “Plaintiff pointing to issues that you know: ‘That looks fun.’ That’s essentially what they’re telling Your Honor. ‘And that scuba diving trip looks like it might have been a good time.’ That does not undercut the fact that these were all designed and had critical components of meaningful interaction with the Cuban people, which is what people-to-people is all about.”

The lawyers also tried to blame the passengers.

“I think if you’re going to say: ‘Oh, if you spent the whole day on the beach,’ that’s a Helms-Burton claim against that person, not against Carnival,” Schultz said. “There is daylight there between the cruise ships providing carrier services and what the passengers are doing. And they are the ones signing these declarations and making these affidavits.”

The general license under which the cruise lines could transport people to Cuba required that the passengers were in compliance with one of the 12 authorized travel categories. Passengers had to sign affidavits to attest they were, and the cruise lines had to keep the records for five years.

When Pegg made a similar argument, judge Bloom called it “somewhat circular” because the passengers signed the affidavits based on the excursions and itineraries offered by the cruise lines. The lawyers also pointed out that OFAC never went after the cruise lines for their activities in Cuba. Citing “concerns” about its record-keeping practices, OFAC issued a “cautionary letter” to Royal Caribbean but didn’t impose a fine. The letter was dated June 6, 2019, but it suggests that OFAC had been auditing Royal since 2018.

A Treasury spokesperson said the agency does not comment on investigations. Additional treasury response to questions

Ultimately, the lawyers said, the court has no business in considering if the cruise companies facilitated tourism because they received authorization from the U.S. government to travel to Cuba. “I guess Carnival’s position is it wouldn’t matter if there were many excursions that were tourism-related because the Court should not look behind the blanket authorization,” judge Bloom said. “That is correct, your Honor,” Schultz replied.

“If there’s even one passenger who complied with people-to-people requirements, Carnival has done its job by providing carrier services to that passenger if that passenger’s lawful travel and Carnival’s use of the terminal is incident to that passenger’s lawful travel,” the lawyer continued. “That box is checked. It’s done. So yes. The Court does not need to look into what actually happened in Cuba.”

After hours of going back and forth on the lawful travel defense, Martinez, the Havana Docks’ leading counsel, provided a colorful description of the defendants’ presentation.

“These cruises to Cuba were tourist cruises,” he said. “And to call them anything else is to put lipstick on a pig.”

“The more they dig into it, the worse it will look”

As many Cuban exiles worried, the records show that the Cuban government made good money out of these deals to provide “tourism services” to American travelers. Havanatur, for example, received \$38 million, and the government made \$54,4 million just in “tourist” visa fees.

Some of the money paid was funneled to obscure offshore companies controlled by the government, such as Agencia Marítima Mapor S.A. The company, incorporated in the Virgin Islands, is linked through its representative, Andrés Ernesto Muñoz Campos, to [a global network of offshores](#) through which the government and the military carry out the island’s shipping and maritime dealings while avoiding U.S. sanctions. MSC paid \$9,314,386.41 to Mapor for services as a “ship agent” at the Havana port, according to the court documents.

Of the four companies, Royal Caribbean made the most, \$ 430, 925, 849 in revenue and sought opportunities to make more. Between 2017 and 2018, the company explored the possibility of operating onboard casinos while in Cuba, according to the description of emails between several Royal executives and lawyers with COMAR, a Cuban government legal agency. The emails are withheld by Royal, citing attorney-client privilege. Their content was described as “Casino Opening in Cienfuegos and Santiago,” “RCCL trying to secure permits to open and operate Casinos in Cuba,” “Operation of cruise ship casino during berthing in Cuban territory,” “Casino Opening Hours Seeking legal advice from counsel,” “shipboard casinos,” “operating onboard casinos,” and “OFAC compliance/legality of opening casinos.” Royal Caribbean response.

Though the [shutdown of U.S. cruise travel to Cuba](#) in June 2019 [hurt some of the island’s self-employed](#), especially drivers, souvenir makers and waiters at paladares around the ports, the records also back up claims by Florida politicians that comparatively little money went to Cuban private businesses and entrepreneurs, contrary to what both the Obama administration and the cruise industry publicly claimed.

After the Trump administration and senators like Republican Marco Rubio expressed concern that the Cuban government was pocketing much of the money from cruise traveling, Royal Caribbean executives scrambled to look for data proving otherwise.

Ahead of a meeting with Rubio, Royal's vice president Eleni P. Kalisch asked two company executives if they could provide data about how much the company paid the Cuban government versus how much they were able to "directly support the Cuban people." She said CLIA was collecting the data and was trying to "portray the financial support we provide to the Cuban people as equal or greater than the support to the government (assuming the data supports that)."

The company executives were only identified as Michael and Roberta in a PowerPoint presentation with excerpts from an undated email exchange. The full version of the emails is still under seal. "Havanatur is a government agency, so hard to make a case this is going to the Cuban people," said an unidentified executive. "This is going to be a hard one," another replied. "The port fees is a similar situation with everything going to the government, the buses we used are all government-owned. Maybe a little tiny bit for the restaurants we go but minuscule amount."

Someone said the data would likely support the White House's claims. Another executive replied: "Yep, the more they dig into it, the worse it will look."

AFP

Paris, France

4 February 2022

Cubanos de Miami superam limites do embargo para enviar mercadorias à ilha



Cubanos em Miami durante ato contra o governo em 14 de novembro de 2021 afp_tickers

Maria é cubana e mora há quatro anos em Miami, Flórida. Para enviar roupas e medicamentos a parentes em seu país natal, ela comparece a uma agência de encomendas, um tipo de negócio onipresente na cidade e que consegue chegar no limite do embargo americano à Cuba.

As agências se adaptaram à medida imposta por Washington desde fevereiro de 1962. Por preços que oscilam entre 2,5 e 5 dólares por libra (0,45 kg), enviam para a ilha caribenha – que fica 145 km ao sul da Flórida - todo tipo de produtos.

Em Miami, que tem a maior comunidade cubana dos Estados Unidos, várias pessoas como Maria recorrem a estabelecimentos similares para enviar uma ajuda essencial aos parentes em Cuba, que enfrenta a pior crise econômica em 30 anos. "Fico feliz de poder ajudar meus pais e irmãos", afirma a contadora de 33 anos, triste com a situação em seu país.

- Os buracos do embargo -

O bloqueio, como o governo de Havana chama o embargo, autoriza a exportação de alimentos e produtos agrícolas dos Estados Unidos para Cuba. Também permite que cidadãos enviem uma vez por mês produtos como remédios, roupas e dispositivos eletrônicos, desde que as quantidades sejam ajustadas às de um presente entre indivíduos. Dependendo dos produtos e do prazo de entrega, as agências enviam os pacotes por via marítima ou aérea. "Os navios são mais baratos, mas os produtos demoram no mínimo três meses a chegar ao destinatário", explica a gerente de um dos estabelecimentos, Ana (ela usou um pseudônimo). "Por avião demora por volta de 45 dias, mas depois depende das autoridades cubanas", afirma.

Algumas empresas de transporte marítimo organizam envios periódicos a Cuba diretamente a partir dos Estados Unidos. Mas outras empresas transitam por outros países, como Panamá e México, em uma forma de evitar o embargo.

"Ao fazer isso, estas empresas não têm restrições sobre o que pode ser enviado", diz John S. Kavulich, presidente do Conselho Econômico e Comercial Cuba-EUA. "São mais baratas porque têm mais atividade e uma variedade maior de produtos disponíveis".

- As "mulas" –

Ana afirma que sua empresa não recorre ao transporte marítimo através de países terceiros e que, no que diz respeito aos envios aéreos, apenas trabalha com as companhias aéreas de passageiros que aceitem transportar carga em seus aviões. Ela admite, no entanto, que outras agências recorrem às "mulas", pessoas que voam dos Estados Unidos para Cuba transportando todo tipo de produtos em sua bagagem, em troca de pagamento.

"Uma mula pode levar praa Cuba um micro-ondas para alguém, roupas, remédios que exigem pedido médico, etc, e também dinheiro", explica Kavulich. Mas o trabalho das "mulas", que também oferecem os serviços a particulares, vai além da simples ajuda entre familiares e pode constituir uma espécie de canal paralelo de importação em Cuba. "Enviam máquinas de lavar, carburadores, pneus, xampus, esmaltes para unhas", cita Kavulich.

Uma prática que as autoridades americanas muitas vezes fingem não perceber, destaca o especialista, e que, em Cuba, pode burlar a alfândega caso as quantidades não indiquem um uso comercial dos produtos.

- Acesso desigual -

Há alguns meses, quem deseja ajudar parentes em Cuba tem outra opção além das agências de encomendas: supermercados online que enviam as compras para residências na ilha.

Uma das plataformas mais conhecidas é a Katapult, fundada pelo empresário cubano-americano Hugo Cancio, com sede em Miami. Apenas em novembro do ano passado, a empresa enviou para Cuba 83 toneladas de produtos a partir de Miami.

Kavulich destaca que os envios de mercadorias e dinheiro, seja por agências, "mulas" ou plataformas online, "aumentam a distância entre aqueles (em Cuba) que têm acesso a amigos e familiares e aqueles que não têm".

"E, politicamente, são uma recordação visível do fracasso do governo cubano", resume.

Miami Herald

Miami, Florida

4 February 2022

Consular services in Havana to increase in 'the not too distant future,' U.S. diplomat says

BY NORA GÁMEZ TORRES



A year after announcing a review of U.S. policy towards Cuba, a top State Department official hinted the Biden administration was readying to move to increase visa processing in Havana.

Assistant Secretary for the Western Hemisphere Brian Nichols told lawmakers during a Thursday hearing that the State Department was planning to beef up its personnel at the U.S. Embassy in the Cuban capital.

“The president announced our intent to resume visa services, we’re working towards that, and we’ll be deploying temporary duty consular officers to Havana in the not too distant future and increasing processing there,” Nichols said.

A State Department spokesperson declined to say when visa processing would resume in Havana. “The administration committed to exploring options to ensure appropriate staffing at the U.S. Embassy in Havana to facilitate diplomatic and civil society engagement and the provision of consular services, while maintaining an appropriate security posture,” the spokesperson said. “These options could include sending both temporary and longer-term personnel. At this time, we have no specific changes to announce.”

The State Department reduced the embassy staff and shut down most consular services in 2017 after several events now referred to by the Biden administration as “anomalous health incidents” that are still under investigation. The Trump administration also suspended the Cuban Family Reunification Parole Program, which had allowed many Cuban Americans to bring their family members to the U.S. sooner than through the regular process.

The processing of immigration visas moved to the U.S. Embassy in Guyana, an expensive destination for Cubans. The COVID-19 pandemic further disrupted the process.

According to the State Department’s most recent figures for 2021, there are 90,771 pending family-sponsored immigrant visa petitions for Cubans, up from 78,228 cases in 2020. Cubans who want to travel to the U.S. to visit relatives also have to go to a third country for consular interviews.

The Biden administration promised to roll back many of the measures taken by the Trump administration and ordered a Cuba policy review during President Joe Biden’s first days in office. But the White House said the task was not a priority.

After a popular uprising in July, National Security Council officials said the administration had hit the “pause button” on the review out of concern for the human rights situation on the island. News alerts in your inbox Sign up for email alerts and be the first to know when news breaks.

“Thousands of Cuban Americans continue to be negatively impacted by the lack of visa services in Havana and restrictions on remittances and travel,” U.S. Rep. Joaquin Castro said at the Foreign Affairs committee’s hearing. “These Americans are unable to support their family in Cuba with remittances or reunite them through travel or immigration.”

President Biden also ordered a study of ways to increase internet connectivity on the island. NSC officials later said technological hurdles make that difficult to achieve and shifted the focus to supporting tools to circumvent censorship. The administration has remained silent on other issues like flights to Cuba, which are currently limited to Havana.

Also on Thursday, Miami Republican Reps. Mario Díaz-Balart, María Elvira Salazar and Carlos Gimenez sent a letter to Biden calling for the resumption of consular services in Havana, prioritizing access to human rights activists and those with urgent humanitarian or medical need. “It was particularly insulting to many in our districts when regime operatives, and their favorites such as the professional baseball players, were able to access on-island consular services while the vast majority of more deserving Cubans were forced to travel to a third country at considerable expense,” they wrote.

The representatives also asked the administration to resume the Cuban parole program and cited legislation they introduced to that effect, which proposes conducting in-person interviews at the U.S. Naval Station in

Guantánamo Bay, Cuba, if restrictions on consular services continue. But the plan faces several logistical obstacles, not least that it requires the agreement of Cuban authorities.

Díaz-Balart told the Herald that restoring consular services at the embassy should go along with other conditions like denying employment at the embassy to Cuban nationals linked to the government and limiting the number of Cuban diplomats stationed at the Cuban Embassy in Washington. “Any action taken to resume consular services that does not include these conditions would be dangerous and irresponsible,” he said.

The deterioration of human rights on the island and fears that a policy of engagement could be politically costly with Cuban-American voters in Florida have weighed on the administration’s decision to hold back on any moves on Cuba.

Instead, the administration has focused on punishing Cuban security agencies and officials involved in the crackdown on the July 11 protests with several rounds of sanctions. Cuban authorities acknowledged they have imprisoned more than 700 protesters; among them, “there are many, many children who have been sentenced to eight and ten years in prison under harsh conditions, and it’s a shocking abuse of human rights,” Nichols said at the hearing.

But several other elements of the policy review remain on hold, including a study directed by Biden to find a way to resume remittances to Cuba without benefiting the Cuban government. “The remittances working group has provided its recommendations to the White House with ways that we could expand the use of remittances on the island without increasing the funds that would go to the Cuban government military,” Nichols said. “Those recommendations are with the White House, and we await their decision.”

Asked about what the Cuban government could do to encourage changes on the U.S. side, Nichols said it “could release the hundreds of political prisoners that it’s arrested since July of last year, particularly the children, the people that have been sentenced to harsh prison sentences.”

“That would be an important first step for Cuba to take,” he added.

But the mixed messages on Cuba from the White House have been frustrating for those on the opposite side of the debate. Florida Republicans regularly criticized the administration for what they perceived as a lack of action. “I am pretty frustrated,” Salazar said at the hearing. “What is the Biden administration doing?” she asked in reference to the growing repression in Cuba and Nicaragua.

Others in the business community are puzzled over what they see as an abandonment of what is supposed to be a pillar of U.S. policy towards Cuba: the support of the private sector.

The Treasury Department has not answered a request for clarification on whether direct financing to the Cuban private sector is allowed under the current regulations, said John Kavulich, the president of the U.S.-Cuba Trade and Economic Council.

“The Biden-Harris administration is politically constipated when it comes to Cuba policy,” he said.

El Nuevo Herald

Miami, Florida

4 February 2022

Aumentarán trámites de visa en La Habana “en un futuro no muy lejano”, dice diplomático de EEUU

por Nora Gámez Torres



La embajada de Estados Unidos en La Habana está operando con el personal mínimo desde septiembre del 2017, después que varios diplomáticos sufrieron misteriosos síntomas médicos. Desmond Boylan AP

Un año después de anunciar una revisión de la política de Estados Unidos hacia Cuba, un alto funcionario del Departamento de Estado anunció que la administración de Biden se estaba preparando para aumentar el procesamiento de visas en La Habana.

El subsecretario para el Hemisferio Occidental, Brian Nichols, dijo a los representantes federales durante una audiencia el jueves que el Departamento de Estado planea reforzar su personal en la embajada en la capital cubana.

“El presidente anunció nuestra intención de reanudar los servicios de visas, estamos trabajando para lograrlo y enviaremos oficiales consulares de servicio temporal a La Habana en un futuro no muy lejano y aumentaremos el procesamiento allí”, dijo Nichols.

Una portavoz del Departamento de Estado declinó decir cuándo se reanudaría el procesamiento de visas en La Habana.

“La Administración se comprometió a explorar opciones para garantizar la dotación de personal adecuada en la embajada de Estados Unidos en La Habana para facilitar la participación diplomática y de la sociedad civil y la prestación de servicios consulares, manteniendo condiciones de seguridad adecuadas”, dijo la vocero. “Estas opciones podrían incluir el envío de personal temporal y de largo plazo. En este momento, no tenemos cambios específicos que anunciar”.

El Departamento de Estado redujo el personal de la embajada y cerró la mayoría de los servicios consulares en 2017 después de varios eventos a los que ahora la administración Biden se refiere como “incidentes de salud anómalos” que aún están bajo investigación. La administración de Donald Trump también suspendió el Programa de Parole para la Reunificación Familiar Cubana, que permitió a muchos cubanoamericanos traer a sus familiares a Estados Unidos antes que lo que les correspondería a través del proceso regular.

El trámite de las visas de inmigración se trasladó a la embajada de Estados Unidos en Guyana, un destino costoso para los cubanos. La pandemia interrumpió aún más el proceso.

Según las cifras más recientes del Departamento de Estado para 2021, hay 90,771 solicitudes de visa de inmigrante pendientes patrocinadas por familiares de cubanos, una cifra más alta que los 78,228 casos reportados en 2020. Los cubanos que desean viajar a Estados Unidos para visitar a familiares también deben ir a un tercer país para entrevistas consulares.

El gobierno de Biden prometió revertir muchas de las medidas tomadas por su predecesor y ordenó una revisión de la política hacia Cuba durante sus primeros días en el cargo. Pero la Casa Blanca dijo que la tarea no era una prioridad. Después de un levantamiento popular en julio, los funcionarios del Consejo de Seguridad Nacional dijeron que la administración había presionado el “botón de pausa” en el proceso de revisión debido a la preocupación por la situación de los derechos humanos en la isla. El Nuevo Herald es la conexión moderna y digital a la versión impresa tradicional.

“Miles de cubanoamericanos continúan afectados negativamente por la falta de servicios de visa en La Habana y las restricciones a las remesas y los viajes”, dijo el representante Joaquín Castro en la audiencia del comité de Asuntos Exteriores. “Estos estadounidenses no pueden mantener a su familia en Cuba con remesas o reunirse con ellos a través de viajes o inmigración”.

El presidente Biden también ordenó estudiar formas de aumentar la conectividad a internet en la isla. Los funcionarios del NSC dijeron más tarde que los obstáculos tecnológicos hacen que eso sea difícil de lograr

y cambiaron el enfoque para respaldar herramientas de evasión de la censura. /La administración se ha mantenido en silencio sobre otros temas como los vuelos a Cuba, que actualmente se limitan a La Habana.

También el jueves, los congresistas republicanos de Miami Mario Díaz-Balart, María Elvira Salazar y Carlos Giménez enviaron una carta al presidente Biden pidiendo la reanudación de los servicios consulares en La Habana, priorizando el acceso a los activistas de derechos humanos y aquellos con necesidades humanitarias o médicas urgentes.

“Fue particularmente insultante para muchos en nuestros distritos cuando los operativos del régimen y sus favoritos, como los jugadores de béisbol profesionales, pudieron acceder a los servicios consulares en la isla mientras que la gran mayoría de los cubanos más merecedores se vieron obligados a viajar a un tercer país [y hacer] un gasto considerable”, escribieron.

Los representantes también solicitaron a la administración que retome el programa de parole y citaron un proyecto de ley que introdujeron a tal efecto, que propone realizar entrevistas en persona en la base naval de Guantánamo, si continúan las restricciones a los servicios consulares. Pero el plan enfrenta varios obstáculos logísticos, entre ellos el acuerdo de las autoridades cubanas.

Díaz-Balart le dijo a el Nuevo Herald que el restablecimiento de los servicios consulares en la embajada debería ir acompañado de otras condiciones como negar empleo en la embajada a ciudadanos cubanos vinculados al gobierno y limitar el número de diplomáticos cubanos estacionados en la embajada de Cuba en Washington. “Cualquier acción que se tome para reanudar los servicios consulares que no incluya estas condiciones sería peligrosa e irresponsable”, dijo.

Muchos observadores creen que el deterioro de los derechos humanos en la isla y los temores de que una política de acercamiento podría ser políticamente costosa con los votantes cubanoamericanos en Florida han influido en la decisión de la administración de frenar cualquier movimiento sobre Cuba.

En cambio, la administración se ha centrado en castigar a las agencias de seguridad cubanas y los funcionarios involucrados en la represión con varias rondas de sanciones. Las autoridades cubanas reconocieron haber encarcelado a más de 700 manifestantes; entre ellos, “hay muchos, muchos niños que han sido condenados a ocho y diez años de prisión en condiciones muy duras, y es un abuso escandaloso de los derechos humanos”, dijo Nichols en la audiencia.

Pero varios otros elementos de la revisión de la política siguen en suspenso, incluido un estudio encomendado por Biden para encontrar una manera de reanudar las remesas a Cuba sin beneficiar al gobierno cubano. “El grupo de trabajo de remesas ha brindado sus recomendaciones a la Casa Blanca sobre formas en que podríamos expandir el uso de remesas en la isla sin aumentar los fondos que irían a los militares cubanos”, dijo Nichols. “Esas recomendaciones están en la Casa Blanca y esperamos su decisión”.

Consultado sobre qué podría hacer el gobierno cubano para alentar cambios del lado estadounidense, Nichols dijo que “podría liberar a los cientos de presos políticos que ha detenido desde julio del año pasado, en particular a los niños, a las personas que han sido condenadas a duras penas de prisión”.

“Ese sería un primer paso importante para Cuba”, agregó.

Pero los mensajes contradictorios sobre Cuba de la Casa Blanca han frustrado a muchos en ambos lados del debate.

Los republicanos de Florida critican regularmente a la administración por lo que perciben como falta de acción.

“Estoy bastante frustrada”, dijo Salazar en la audiencia. “¿Qué está haciendo la administración Biden?” preguntó en referencia a la creciente represión en Cuba y Nicaragua.

Otros en la comunidad empresarial están desconcertados por lo que ven como un abandono de lo que se supone que es un pilar de la política estadounidense hacia Cuba: el apoyo al sector privado.

El Departamento del Tesoro no ha respondido a una solicitud de aclaración sobre si el financiamiento directo a los emprendedores privados cubanos está permitido bajo las regulaciones actuales, dijo John Kavulich, presidente del Consejo Económico y Comercial EE.UU.-Cuba.

“La administración Biden-Harris está políticamente estreñida cuando se trata de la política hacia Cuba”, dijo.

AFP

Paris, France

3 February 2022

Five things to know about 60 years of US sanctions on Cuba

By Katell ABIVEN

On the eve of the embargo's entry into force on February 7, Kennedy ordered for himself a shipment of 1,200 Cuban cigars -- a product since illegal for US citizens.

John Kavulich, president of the US-Cuba Trade and Economic Council, said the goal of such embargoes - - publicly at least -- is "a change in behavior of the regime."

In recent years, Washington has justified the sanctions by pointing to rights violations by Havana and its support for the government of Venezuela's Nicolas Maduro. Cuba has not budged on either issue.

"Not only the justification has evolved, but also the types of actions" taken against Cuba, said Alina Lopez Hernandez, a Cuban researcher and editorial writer. "For as long as it was bilateral, it was easier for Cuba," she said. It was a subject "barely mentioned (by the Cuban government) in the first three decades of the revolution" when Havana had Soviet backing.

But since the Torricelli laws and Helms-Burton laws of 1992 and 1996 that ramped up the punitive measures, companies and foreign banks operating in Cuba have faced harsh penalties for doing business there. "With these two laws (the embargo) lost its bilateral character, it became externalized and became a blockade," said Lopez.

The Cuban government, which also uses the term blockade, estimates its economy has been damaged to the extent of some \$150 billion. Since 2000, food has been excluded from the sanctions, but Cuba must pay cash.

- 30 years of UN opprobrium -

Every year since 1992, Cuba has presented a motion condemning the sanctions at the UN General Assembly. The first time, 59 countries voted for it, now most are in favor. Only the United States and Israel vote consistently against the motion, except in 2016 under a brief period of diplomatic detente under then-President Barack Obama.

The Helms-Burton act, said Ric Herrero of the Cuba Study Group, "was intended to create an international embargo against Cuba." But the UN's consistent rejection shows how this has been "a resounding failure."

- How to lift it? -

America's policy towards Cuba has been dictated by internal politics ever since the end of the Cold War, when Cuba lost strategic value, said Herrero. Traditionally, the electoral weight of Florida -- a state that can sway US elections and has a strong presence of Cuban immigrants -- has stood in the way of relaxation. However, "the Democrats are not competitive right now in Florida so there's no real expectation the Democrats are gonna win Florida," Herrero said.

The pressure, instead, is coming from New Jersey and its Democratic senator Bob Menendez, a child of Cuban immigrants who supports the embargo. "Because you have a 50-50 split in the Senate, you need his vote in order to pass your legislative agenda and in order to keep him happy this administration has been willing to follow his lead on Cuba," said Herrero.

Even Obama, who had relaxed some sanctions, could not lift them entirely due to the Helms Burton law which interdicts any president from changing the embargo by decree.

- Internal blockade -

In Cuba, it is called an "internal blockade" -- "the bureaucracy, excessive centralization, the lack of incentives for producers," said economist Omar Everleny Perez. "Economically, the (American) blockade is one of the causes of the situation in Cuba, but not the only one." Unable to produce what it needs, the island nation imports 80 percent of what it consumes.

Steps to liberalize the private sector have come late and have been slow to change the situation on the ground, with much of the economy still in state hands. For Lopez, "internal policies weigh more on the situation of Cuba than the (US) blockade, because the strengthening of the embargo dates back to the 1990s but the bad policies are historic, they date back to the 1960s."

The Miami Herald

Miami, Florida

3 January 2022

U.S. vows 'decisive' response if Russia pursues threatened deployments to Cuba, Venezuela

By Michael Wilner and Nora Gámez Torres



Russian President Vladimir Putin (R) shakes hands with Cuban leader Miguel Diaz-Canel (L) during their meeting at the Novo-Ogaryovo state residence outside Moscow, Russia, 29 October 2019. Russian President Vladimir Putin (R) shakes hands with Cuban leader Miguel Diaz-Canel (L) during their meeting at the Novo-Ogaryovo state residence outside Moscow, Russia, 29 October 2019.

WASHINGTON The Biden administration responded Thursday to threats from Russian officials that Moscow could begin military deployments in Cuba and Venezuela if tensions continue to rise with the United States, vowing a "decisive" response if it sees any evidence that the threat is real.

Russia's deputy foreign minister, Sergei Ryabkov, told state television Thursday that he could "neither confirm nor exclude" the potential deployments. Russian media followed up on the remarks with a report that agents from Russia's spy agency, the FSB, had visited the two Western Hemisphere countries in recent days.

"We are not going to respond to bluster," a senior administration official told McClatchy and the Miami Herald. "If Russia actually started moving in that direction, we would deal with it decisively."

Tensions have been rising between Washington and Moscow since December, when Russia began amassing tens of thousands of troops on its border with Ukraine. Russian officials, including President Vladimir Putin, have not ruled out an invasion. Talks have taken place between Russian, American, European and NATO officials over the past three days across Europe, but officials have not reported any breakthroughs.

The Associated Press was first to report on Ryabkov's comments.

Some Cuban exiles have been closely watching the Biden administration's standoff with Russia and China, with the hopes a new geopolitical realignment would entice the Biden administration to claim Cuba in the U.S. circle of influence and more actively seek regime change on the island. Ryabkov's comments could add to the speculation that the Caribbean island could again become entangled in a replay of the Cuban missile crisis.

The governments of Cuba and Venezuela have not publicly responded to the comments. The Cuban embassy in Washington did not immediately respond to a request for comment.

As tensions grew between Havana and Washington during the Trump administration, Russia has become closer to the communist island, approving loans and increasing military cooperation.

A senior-level official of the Russian Ministry of Defense quoted by the U.S.-Cuba Trade and Economic Council estimated that a "robust" presence in Cuba would bring millions in spending for infrastructure upgrades of airports and ports. The Russian official estimated that the economic impact of having up to 2,500 Russian civilian and military forces in Cuba could bring \$100 million annually to the Cuban government. Russia could also pay an additional fee to Cuban authorities as it did in the past for hosting the Lourdes intelligence listening post near Havana.

Russia also increased its economic involvement in the oil sector in Venezuela, helping the country skirt U.S. sanctions. According to U.S. officials at the time, Russia also played a role in convincing Venezuela's Nicolás Maduro to stay in power when the opposition attempted to flip top military leaders in 2019.

Venezuela's interim government led by Juan Guaidó, which the United States recognizes as the country's legitimate authority, rejected Ryabkov's comments in "categorical" terms.

"The fact that a high-ranking official of that country has insinuated an action of this scale represents an absolute transgression to national sovereignty and the integrity of our territory," the interim government said in a statement. "Venezuela cannot be used as a pawn in a geopolitical game between the powers of the world."

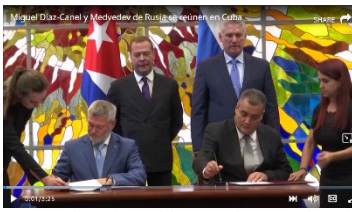
El Nuevo Herald

Miami, Florida

3 January 2022

EEUU promete respuesta "decisiva" si Rusia hace despliegue militar en Cuba y Venezuela

por Nora Gámez Torres y Michael Wilner



Miguel Díaz-Canel y Medvedev de Rusia se reúnen en Cuba El presidente cubano, Miguel Díaz-Canel, se reunió el 3 de octubre con el primer ministro ruso, Dimitri Medvedev, en La Habana, quien se encuentra en una visita de dos días al país. By AP

El gobierno de Biden respondió el jueves a las amenazas de funcionarios rusos de que Moscú podría comenzar despliegues militares en Cuba y Venezuela si las tensiones continúan aumentando con Estados Unidos, y prometió una respuesta “decisiva” si ve alguna evidencia de que la amenaza es real.

El viceministro de Relaciones Exteriores de Rusia, Sergei Ryabkov, dijo el jueves a la televisión estatal que no podía “ni confirmar ni negar” los posibles despliegues. Los medios rusos dieron seguimiento a los comentarios con un reporte de que agentes de la agencia de espionaje de Rusia, el FSB, habían visitado los dos países del hemisferio occidental en los últimos días.

“No vamos a responder a las fanfarronadas”, dijo un funcionario de alto rango de la administración a McClatchy y al Miami Herald. “Si Rusia realmente comenzara a moverse en esa dirección, lo abordaríamos de manera decisiva”.

Las tensiones han aumentado entre Washington y Moscú desde diciembre, cuando Rusia comenzó a acumular decenas de miles de tropas en su frontera con Ucrania. Los funcionarios rusos, incluido el presidente Vladimir Putin, no han descartado una invasión.

Se han llevado a cabo conversaciones entre funcionarios rusos, estadounidenses, europeos y de la OTAN durante los últimos tres días en Europa, pero los funcionarios no han informado de ningún avance.

La agencia Associated Press fue la primera en informar sobre los comentarios de Ryabkov.

Algunos exiliados cubanos han estado observando de cerca el enfrentamiento del gobierno de Joe Biden con Rusia y China, con la esperanza de que un nuevo realineamiento geopolítico impulse a la administración a reclamar a Cuba a la esfera de influencia de Estados Unidos. y buscar más activamente un cambio de régimen en la isla. Los comentarios de Ryabkov alimentan la especulación de que la isla caribeña podría volver a enredarse en una repetición de la crisis de los misiles de 1961.

Los gobiernos de Cuba y Venezuela no han respondido públicamente a los comentarios. La embajada cubana en Washington no respondió de inmediato a una solicitud de comentarios.

A medida que crecían las tensiones entre La Habana y Washington durante la administración de Donald Trump, Rusia se ha acercado más a la isla comunista, aprobando préstamos y aumentando la cooperación militar.

Un funcionario de alto nivel del Ministerio de Defensa de Rusia citado por el U.S.-Cuba Trade and Economic Council estimó que una presencia “robusta” en Cuba generaría millones en gastos para mejoras de infraestructura de aeropuertos y puertos. El funcionario ruso estimó que el impacto económico de tener hasta 2500 fuerzas civiles y militares rusas en Cuba podría traer \$100 millones anuales al gobierno cubano. Rusia también podría pagar una tarifa adicional a las autoridades cubanas como lo hizo en el pasado por albergar el puesto de escucha de Lourdes en La Habana.

Noticias de Cuba Reciba el boletín más completo y creíble de noticias, reportajes y columnas de opinión sobre Cuba.

Rusia también aumentó su participación económica en el sector petrolero de Venezuela, ayudando al país a eludir las sanciones estadounidenses. Según funcionarios estadounidenses en ese momento, Rusia también jugó un papel en convencer a Nicolás Maduro de permanecer en el poder en Venezuela cuando la oposición intentó derrocarlo en 2019, en un plan que involucraba a los principales líderes militares.

El gobierno interino de Venezuela encabezado por Juan Guaidó, al que Estados Unidos reconoce como la autoridad legítima del país, rechazó los comentarios de Ryabkov en términos “categóricos”.

“El mero hecho de que un alto funcionario de este país haya insinuado una acción de este calibre representa una absoluta trasgresión a la soberanía nacional y a la integridad de nuestro territorio”, dijo el gobierno interino en un comunicado. “Venezuela no puede ser utilizada como peón en un juego geopolítico entre las potencias del mundo”.

The Miami Herald

Miami, Florida

3 January 2022

Future of claims involving confiscated properties in Cuba may lie with U.S. Supreme Court

By Nora Gámez Torres



Cuban exile talks about how the government took her family's properties. Concepción Beltrán's family was never notified that their farms – mostly sugarcane and tobacco fields – had been nationalized by the revolutionary government in 1959. The lands had been in the family's possession since the late 19th century.

A petition to the U.S. Supreme Court to weigh in on the interpretation of the Helms-Burton Act might decide the fate of several claims by Cuban Americans who seek compensation for property confiscated in Cuba six decades ago.

The petition, filed in December, asks the court to review the interpretation of the term “acquire” in the context of the law. In practice, that will decide whether heirs of the original property owners also have the right to sue companies doing business with those properties in Cuba.

The petitioner is Robert M. Glen, whose family owned two beach properties in Cuba's famous Varadero area that are now the site of four hotels. He is suing American Airlines because the company offered to book the hotels through its website, and he received no compensation for those activities. He initially filed his lawsuit in Miami federal court in September 2019.

Glen and others like him have waited decades for the possibility to get any compensation for properties seized by the Cuban government shortly after Fidel Castro rose to power in 1959.

Congress passed the Helms-Burton Act, also known as the Libertad Act, in 1996 to provide Americans and naturalized Cuban nationals with a remedy in U.S. courts to sue companies engaging in unlawful business

activities with property confiscated by the Castro regime. But President Bill Clinton and successive presidents suspended a key provision, Title III, that allows the cases to proceed in court.

After President Donald Trump surprisingly lifted the suspension in May 2019, at least 42 lawsuits have been filed in federal courts against several companies, including 26 based in the U.S. The figures come from the U.S.-Cuba Trade and Economic Council, the most complete depository of Title III lawsuit information.

But because so many years have passed since the Cuban government confiscated millions in assets without offering compensation, many of the original owners have died, and heirs like Glen are pursuing the lawsuits.

Helms-Burton, however, includes a clause barring cases involving people who “acquired” ownership of the claim related to a confiscated property after March 12, 1996, when the law was enacted.

At the core of the request for review by the Supreme Court is the issue of whether passive inheritance can be interpreted as an acquisition. The Fifth Circuit Court of Appeals found Glen has standing to sue, but because he “acquired” ownership of the claim via inheritance after 1996, the lawsuit lacks merit.

Glen’s lawyers argue that this interpretation is “overly literal” and “renders Title III toothless.” “Without intervention by this Court, all trafficking claims held by heirs whose family members died between 1996 and 2019 will be totally barred,” the petition argues. The lawyers contend that the Fifth Circuit opinion also “undermines Congress’ express foreign policy aim of deterring trafficking in confiscated property by granting a private right of action to naturalized victims of the Castro regime.”

While the case’s progression up to the Supreme Court is “unusually swift,” it’s possible that the court will not take the case, as it usually awaits disagreements by the lower courts to be resolved before weighing in, said John Kavulich, the president of the U.S.-Cuba Trade and Economic Council.

The Biden administration could also have a say on the fate of the Helms-Burton lawsuits, after the Eleventh U.S. Circuit Court Of Appeals in Atlanta invited the U.S. government to clarify the meaning of several terms in the law text, including “acquire.”

“What does the word “acquire”... mean? Is inheritance encompassed in the term “acquire?” the appeals court asked the government.

There might be other outcomes for Glen’s petition to the Supreme Court, Kavulich said, including a ruling that concludes that the issue should be resolved in Congress by, for example, passing legislation to change the March 1996 cut-off date.

“However, a most significant result for the plaintiff could be if SCOTUS decides to hear the case and then rules in favor of the plaintiff,” he added. “Then, the approximately thirty-plus Libertad Act Title III lawsuits that have been prepared by legal counsel and ready to be filed will likely be filed.”

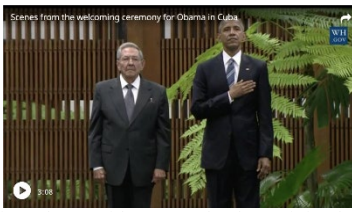
The Miami Herald

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Airbnb, a flagship of U.S. engagement with Cuba, fined for ‘apparent’ embargo violations

By Nora Gámez Torres



Scenes from the welcoming ceremony for Obama in Cuba President Barack Obama joined Cuban president Raul Castro for a wreath laying and welcome ceremony on March 21, 2016 as part of the U.S. president's historic trip. By McClatchy

Once the symbol of U.S. economic engagement with Cuba under the Obama administration, vacation rental company Airbnb has been fined by the Treasury Department for apparent violations of the U.S. embargo, the Office of Foreign Assets Control said Monday.

OFAC said in a statement that the company agreed to pay \$91,172.29 to settle “its potential civil liability for apparent violations of sanctions against Cuba.” The violations included accepting reservations from guests traveling to the island outside the current 12 authorized categories and failing to keep certain records. Currently, Americans can travel to Cuba under 12 authorized categories: family visits, educational and religious activities, some athletic competitions, support for the Cuban people, and humanitarian projects. Traveling for other professional activities such as journalism or research is also authorized.

The fine amount was lowered from a maximum of \$600,000 because Airbnb disclosed the potential violations and cooperated with OFAC, the agency said.

“Airbnb operates in more than 220 countries and regions around the world and we take sanctions compliance very seriously,” Airbnb spokesperson Christopher Nulty said. “We are pleased to have reached this agreement with OFAC.”

But OFAC’s enforcement action is also a reminder of how much U.S. policy towards Cuba has changed in the past six years. After a short opening period under Obama, President Donald Trump hit the Cuban government with a flurry of new sanctions and many of the changes to the embargo regulations made by his predecessor were reversed. So far, little has changed under President Joe Biden, who has repeatedly criticized the Cuban government for its crackdown on dissidents and anti-government protesters.

Back in 2016, Airbnb’s president and co-founder, Brian Chesky, traveled to Cuba as a member of President Obama’s delegation. The company had started doing business in Cuba the previous year, and it was the flagship for the new U.S. policy of engagement and support to Cuban entrepreneurs. In 2019, Airbnb reported 36,400 listings in Cuba, according to the U.S.-Cuba Trade and Economic Council.

The Obama administration also touted Airbnb’s success in Cuba to encourage American companies to do business with the island.

But in its Monday press release, OFAC took the opposite view, stating Airbnb’s apparent violations of the embargo “undermined” U.S. foreign policy towards Cuba. It also warned American companies from doing business with sanctioned countries.

“This action highlights the risks associated with entering new commercial markets, particularly one that has elevated sanctions risks such as Cuba, without fully anticipating the complexities of legally operating in a U.S.-sanctioned jurisdiction and fully implementing appropriate sanctions compliance controls,” OFAC said. News alerts in your inbox Sign up for email alerts and be the first to know when news breaks.

OFAC said after Airbnb started doing business in Cuba, the scaling up of its services “outpaced the company’s ability to manage the associated sanctions risks via its technology platforms.”

According to the release, Airbnb has put in place new “sanctions compliance” measures to prevent residents in Cuba from using the platform as guests and a screening process to ensure Cuban hosts are not government officials or communist Party members, among other steps.

Airbnb received criticism after reports that Vilma Rodríguez, Raúl Castro’s granddaughter, was renting a mansion through the company’s platform.

El Nuevo Herald

Miami, Florida

3 January 2022

Demanda por tráfico con propiedad confiscada en Cuba llega a la Corte Suprema

por Nora Gámez Torres



El tiempo para demandar por bienes perdidos en Cuba puede acabarse. El gobierno de Fidel Castro publicó listas de personas y empresas cuyas propiedades fueron confiscadas en Cuba. Ahora podrían convertirse en evidencia en demandas bajo la ley Helms-Burton.

Una petición para que la Corte Suprema de Estados Unidos decida cómo interpretar la Ley Helms-Burton podría decidir la suerte de varias demandas de cubanoamericanos que buscan compensación por propiedades confiscadas en Cuba hace seis décadas.

La petición, presentada en diciembre, solicita al tribunal que revise la interpretación del término “adquirir” en el contexto de la ley. En la práctica esto decidiría si los herederos de los propietarios originales también tienen derecho a demandar a las empresas que hacen negocios (“tráfico”) con esas propiedades en Cuba.

El solicitante es Robert M. Glen, cuya familia poseía dos propiedades en la playa de Varadero donde ahora se erigen cuatro hoteles. Él está demandando a American Airlines porque la compañía ofrecía reservar los hoteles a través de su sitio web y él no recibió compensación por esas actividades. Inicialmente presentó su demanda en la corte federal de Miami en septiembre de 2019.

Familias como la de Glen han esperado décadas por la posibilidad de obtener alguna compensación por las confiscaciones que ordenó Fidel Castro después de asumir el poder en 1959.

En 1996, el Congreso aprobó la Ley Helms-Burton, también conocida como Ley Libertad, para proporcionar a los estadounidenses y ciudadanos cubanos naturalizados la posibilidad de demandar a las empresas que participan en actividades comerciales ilegales con propiedades confiscadas por el régimen de Castro. Pero Bill Clinton y los presidentes sucesivos suspendieron una disposición clave, el Título III, que permite que los casos avancen en los tribunales.

Después de que el presidente Donald Trump levantara sorprendentemente esa suspensión en mayo de 2019, se han presentado al menos 42 demandas en los tribunales federales contra varias empresas, incluidas 26 con sede en Estados Unidos. Las cifras provienen del U.S.-Cuba Trade and Economic Council, el depositario más completo de información sobre las demandas amparadas en el Título III.

Pero debido a que han pasado tantos años desde que el gobierno cubano confiscó millones en activos sin ofrecer compensación, muchos de los propietarios originales han muerto, y herederos como Glen están llevando adelante las demandas.

La ley Helms-Burton, sin embargo, incluye una cláusula que prohíbe los casos que involucran a personas que “adquirieron” el título de la reclamación después del 12 de marzo de 1996, cuando se promulgó la ley.

En el centro de la solicitud de revisión por parte de la Corte Suprema está la cuestión de si la herencia pasiva puede interpretarse como una adquisición. El Tribunal de Apelaciones del Quinto Circuito determinó que Glen tiene un derecho legítimo a demandar, pero dictaminó que la demanda no tiene mérito porque él “adquirió” la propiedad vía herencia después de 1996.

Los abogados de Glen argumentan que esta interpretación es “demasiado literal” y “deja sin dientes al Título III”.

“Sin la intervención de este Tribunal, todas las demandas por tráfico por parte de herederos cuyos familiares murieron entre 1996 y 2019 quedarán totalmente excluidas”, argumenta la petición. Los abogados sostienen que la opinión del Quinto Circuito también “socava el objetivo expreso de política exterior del Congreso de disuadir el tráfico de propiedad confiscada al otorgar un derecho de acción privado a las víctimas naturalizadas del régimen de Castro”.

Si bien la progresión del caso hasta la Corte Suprema es “inusualmente rápida”, es posible que la corte no tome el caso, ya que generalmente espera los desacuerdos de los tribunales de apelaciones antes de opinar, dijo John Kavulich, presidente del U.S-Cuba Trade and Economic Council.

La administración Biden también podría influir en el futuro de las demandas amparadas en la ley Helms-Burton ya que que la Corte de Apelaciones del Undécimo Circuito de en Atlanta invitó al gobierno a aclarar el significado de varios términos en el texto de la ley, incluido “adquirir”.

“¿Qué significa la palabra” adquirir “...? ¿La herencia está incluida en el término “adquirir?” preguntó la corte de apelaciones de Atlanta al gobierno.

También podría haber otros resultados para la petición de Glen ante la Corte Suprema, agregó Kavulich, incluido un fallo que concluya que el tema debe resolverse en el Congreso, por ejemplo, mediante la introducción de legislación para cambiar la fecha límite de marzo de 1996.

“Sin embargo, un resultado más significativo para el demandante podría ser si [la Corte Suprema] decide escuchar el caso y luego falla a favor del demandante”, agregó. “Entonces, es probable que se presenten las aproximadamente más de treinta demandas bajo el Título III de la Ley Libertad que que están listas para ser presentadas”.

Diario De Cuba

Madrid, Spain

3 January 2022

Un heredero de propiedades confiscadas en Cuba eleva una petición a la Corte Suprema de EEUU Robert M. Glen solicita al tribunal que revise la interpretación del término 'adquirir' en la Ley Helms-Burton.



Fachada de la Corte Suprema de EEUU. Al Drago The New York Times

El heredero de dos propiedades confiscadas en Varadero, donde ahora se erigen cuatro hoteles en Cuba, presentó el pasado diciembre una petición a la Corte Suprema de Estados Unidos para que interprete la Ley Helms-Burton, en particular el término "adquirir", informó el periódico El Nuevo Herald.

"En la práctica esto decidiría si los herederos de los propietarios originales también tienen derecho a demandar a las empresas que hacen negocios ("tráfico") con esas propiedades en Cuba", puntualizó la citada fuente.

Robert M. Glen está demandando a American Airlines porque la compañía ofrecía reservar los hoteles a través de su sitio web y él no recibió compensación por esas actividades. Inicialmente presentó su demanda en la Corte Federal de Miami en septiembre de 2019.

Sin embargo, la Ley Helms-Burton incluye una cláusula que prohíbe los casos que involucran a personas que "adquirieron" el título de la reclamación después del 12 de marzo de 1996, cuando se promulgó esa Ley en EEUU, apuntó El Nuevo Herald.

Los abogados de Glenn piden a la Corte Suprema revisar si la herencia pasiva puede interpretarse como una adquisición. El Tribunal de Apelaciones del Quinto Circuito determinó que Glen tiene un derecho legítimo a demandar, pero dictaminó que la demanda no tiene mérito porque él "adquirió" la propiedad vía herencia después de 1996.

Para los abogados esa interpretación es "demasiado literal y deja sin dientes al Título III. Sin la intervención de este Tribunal, todas las demandas por tráfico por parte de herederos cuyos familiares murieron entre 1996 y 2019 quedarán totalmente excluidas. Socava el objetivo expreso de la política exterior del Congreso de disuadir el tráfico de propiedad confiscada al otorgar un derecho de acción privado a las víctimas naturalizadas del régimen de Castro", señaló la petición.

Si bien la progresión del caso hasta la Corte Suprema es "inusualmente rápida", es posible que la Corte no tome el caso, ya que generalmente espera los desacuerdos de los tribunales de apelaciones antes de opinar, dijo John Kavulich, presidente del U.S.-Cuba Trade and Economic Council, a la citada fuente.

La Administración de Joe Biden también podría influir en el futuro de las demandas amparadas en la Ley Helms-Burton ya que la Corte de Apelaciones del Undécimo Circuito de Atlanta invitó al Gobierno a aclarar el significado de varios términos en el texto de la ley, incluido "adquirir". "¿Qué significa la palabra 'adquirir'? ¿La herencia está incluida en el término 'adquirir'?", preguntó esa Corte al Gobierno.

Según Kavulich, uno de los posibles resultados es que se falle para que el tema se resuelva en el Congreso, por ejemplo, mediante la introducción de una legislación para cambiar la fecha límite de marzo de 1996.

"Sin embargo, un resultado más significativo para el demandante podría ser si (la Corte Suprema) decide escuchar el caso y luego falla a favor del demandante. Entonces, es probable que se presenten las aproximadamente más de treinta demandas bajo el Título III de la Ley Libertad que están listas para ser presentadas", agregó el experto.

La Administración de Donald Trump activó en mayo de 2019 el Título III de la Ley Helms-Burton, que permite a ciudadanos estadounidenses demandar a empresas que lucren con propiedades decomisadas en Cuba por el régimen iniciado por Fidel Castro en 1959.

Desde 2019 se han presentado al menos 42 demandas en los tribunales federales contra varias empresas, incluidas 26 con sede en Estados Unidos, según el U.S.-Cuba Trade and Economic Council, reseñó El Nuevo Herald.

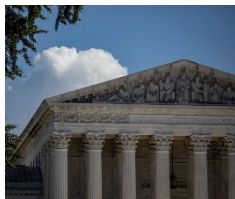
Aunque no hay ninguna empresa condenada en firme por el Título III de la Ley Helms-Burton, las empresas "se piensan mucho más" invertir en propiedades confiscadas en Cuba y analizan "con profundidad las posibles consecuencias que puede traer", dijo Ignacio Aparicio, socio y director del Cuban Desk de Andersen.

NewsMax

West Palm Beach, Florida

4 January 2022

Hopes of Confiscated Cuban Property Claimants Await Supreme Court Decision



(Getty Images)

By Brian Freeman

A petition asking the U.S. Supreme Court to review the interpretation of the Helms-Burton Act might determine the fate of some claims by Cuban Americans who seek compensation for property confiscated in Cuba six decades ago after Fidel Castro rose to power, the Miami Herald has reported.

In practical terms the court will decide whether heirs of the original property owners also have the right to sue companies doing business with those properties in Cuba.

The petitioner is Robert Glen, whose family owned two beach properties in Cuba that are now the site of four hotels. He is suing American Airlines, because it offered to book the hotels through its website, and he received no compensation. Glen and others like him have waited decades for the chance to get any compensation for properties seized by the Cuban government, even though Congress passed the Helms-Burton Act in 1996 to provide such people with a remedy in American courts to sue companies engaging in unlawful business activities with confiscated property.

But successive presidents suspended a key provision, Title III, that permits the cases to proceed in court until then-President Donald Trump lifted the suspension in 2019. Since then, at least 42 lawsuits have been filed in federal courts against several companies, including 26 based in the U.S., according to the Miami Herald.

But complicating the matter is that many of the original owners have died, and heirs like Glen are pursuing the lawsuits. Helms-Burton, however, includes a clause forbidding cases involving those who "acquired" ownership of the claim connected to a confiscated property after March 12, 1996, when the law was enacted. The key question for review by the Supreme Court is whether passive inheritance can be interpreted as an acquisition. The 5th Circuit Court of Appeals found Glen has standing to sue, but that the lawsuit lacks merit because he "acquired" ownership of the claim through inheritance after 1996.

Glen's lawyers called that interpretation "overly literal" and "renders Title III toothless." The petition argued that "without intervention by this Court, all trafficking claims held by heirs whose family members died between 1996 and 2019 will be totally barred." The lawyers contend that the 5th Circuit opinion also "undermines Congress' express foreign policy aim of deterring trafficking in confiscated property by granting a private right of action to naturalized victims of the Castro regime."

John Kavulich, president of the U.S.-Cuba Trade and Economic Council, explained that if the court decides to hear the case and then rules in favor of the plaintiff, then "the approximately 30-plus Libertad Act Title III lawsuits that have been prepared by legal counsel and ready to be filed will likely be filed."