



General Assembly

Distr.: General
21 September 1999
English
Original: Spanish

Fifty-fourth session

Agenda item 33

Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba

Letter dated 16 September 1999 from the Permanent Representative of Cuba to the United Nations addressed to the Secretary-General

I have the honour to attach the Proclamation by the National Assembly of People's Power of the Republic of Cuba, denouncing the economic blockade imposed by the United States of America on Cuba as an act of genocide.

I should be grateful if you would have this letter and its annex circulated as a document of the General Assembly under item 33 of the agenda of the fifty-fourth session.

(Signed) Bruno **Rodriguez Parrilla**
Ambassador
Permanent Representative

Annex

Proclamation by the National Assembly of People's Power of the Republic of Cuba

The National Assembly of People's Power of the Republic of Cuba proclaims that the economic blockade imposed by the United States of America on Cuba constitutes an act of genocide.

The Convention on the Prevention and Punishment of the Crime of Genocide was adopted by the United Nations General Assembly on 9 December 1948 and was signed by the Government of the United States of America on 11 December 1948 and by Cuba on 28 December 1949. It entered into force on 12 January 1951 and has been signed and ratified by 124 States. Article II of this Convention reads as follows:

“In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group.”

It immediately goes on to include among these acts, in subparagraph (c), “Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part.”

Article III stipulates that the following acts, among others, shall be punishable:

- “(a) Genocide;
- “(d) Attempt to commit genocide;
- “(e) Complicity in genocide.”

It precisely states in article IV:

“Persons committing genocide or any of the other acts enumerated in article III shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals.”

Barely eight months after this Convention on genocide was approved in 1948, the United Nations adopted the Geneva Convention relative to the Protection of Civilian Persons in Time of War, on 12 August 1949, during an international conference convened by the Swiss Government. It was signed and ratified by the Governments of the United States of America and Cuba and entered into force on 21 October 1950. A total of 188 States are currently parties to this Convention.

Article 23 of the Convention provides: “Each High Contracting Party shall allow the free passage of all consignments of medical and hospital stores and objects necessary for religious worship intended only for civilians of another High Contracting Party, even if the latter is its adversary. It shall likewise permit the free passage of all consignments of essential foodstuffs, clothing and tonics intended for children under fifteen, expectant mothers and maternity cases.”

Additional Protocol I of this Convention specifically, precisely and categorically establishes, in article 54, the “protection of objects indispensable to the survival of the civilian population.”

- “1. Starvation of civilians as a method of warfare is prohibited.
- “2. It is prohibited to attack, destroy, remove or render useless objects indispensable to the survival of the civilian population, such as foodstuffs,

agricultural areas for the production of foodstuffs, crops, livestock, drinking water installations and supplies and irrigation works, for the specific purpose of denying them for their sustenance value to the civilian population or to the adverse Party, whatever the motive, whether in order to starve our civilians, to cause them to move away, or for any other motive.”

Thus, it is clear that a blockade on food, medicine and other objects indispensable to survival is not even permitted in times of war.

Leaving aside the countless pirate attacks perpetrated against our country, the dirty wars, the groups armed and supplied by the United States of America, the acts of economic sabotage and terrorism, the introduction of pests and diseases that have affected the lives of people, animals and plants, and the indirect or direct military invasions that have been carried out or have been on the verge of being launched, and limiting ourselves exclusively to the economic aspects of the United States Government’s aggression against Cuba, it must be pointed out that the roots of this genocidal intent date back from before the triumph of the Cuban Revolution on 1 January 1959.

A secret United States document, declassified in 1991, reveals that on 23 December 1958, at a National Security Council meeting attended by President Dwight Eisenhower where the situation in Cuba was being discussed, the Director of the Central Intelligence Agency (CIA), Allen Dulles, categorically stated: “We ought to prevent a Castro victory.”

Three days later, on 26 December, President Eisenhower instructed the CIA that “he did not wish the specifics of covert operations [against Cuba] to be presented to the National Security Council”. This shows how strictly secret the approved measures were.

The sudden and overwhelming triumph of the revolutionary forces six days later did not allow for enough time to “prevent a Castro victory”.

The first United States assault on the national economy would take place on the very day of 1 January 1959, when those who had looted the Public Treasury fled for the United States, together with the perpetrators of the most heinous massacres and abuses against the Cuban people.

As early as 21 January 1959, United States House of Representatives member Wayne Hays declared that the United States should consider imposing economic sanctions against Cuba, specifically mentioning among these a reduction of the sugar quota and a trade embargo.

Five weeks after the triumph of the Revolution, in a report issued on 6 February, economist Felipe Pazos, who had taken over the management of the Cuban National Bank and who was well known and respected in United States Government circles, announced that the former regime had embezzled or seized US\$ 424 million from the gold and dollar reserves that backed the Cuban peso.

Two months later, on 19 April, *The New York Times* corroborated the report’s claim about the theft of the funds that constituted the country’s only reserves and noted that “much of it [was] flown overseas by Batista and his cronies”.

The spoils of this colossal theft ended up in United States banks. Not a dime was returned to Cuba. The guilty parties were able to fully enjoy the benefits of these stolen funds with impunity and without exceptions.

In early February, a delegation from the Cuban National Bank travelled to the United States to make an extremely modest request for credits in order to sustain the Cuban currency. A few days later, on 12 February, the United States National Security Council

decided to turn down the request. During the same meeting at which this decision was taken, the CIA director stated that Cuba had become, for Washington, “the most worrisome” of the “trouble spots” in the Americas.

A week after the National Security Council decision was taken, while reiterating their refusal to comply with Cuba’s desperate request, the United States authorities noted that the financial difficulties facing Cuba “would tax the governing abilities of any of the best leaders, at least in this hemisphere”.

Barely six weeks had passed since the triumph of the Revolution, and the economic warfare against Cuba had already been unleashed.

The Agrarian Reform Law passed on 17 May 1959 was aimed at providing food for the vast majority of our undernourished population, ensuring the survival of millions of people and directly or indirectly creating jobs for a large percentage of the economically active population unemployed at the time. This law was an urgent and pressing necessity for the economic and social development of the Cuban nation, where major Cuban and foreign landholders owned estates of up to 150,000 hectares. In some cases the land was extensively exploited, while in others it was completely idle. The legislation provided for deferred compensation, to be paid out in reasonable and workable instalments. There was no money available to do it in any other way. The Cuban law, as adopted by a non-industrialized country, was much less radical and more generous than that imposed on Japan by United States General Douglas MacArthur at the end of the Second World War.

In the case of Cuba, the United States demanded the impossible: a prompt, effective and full cash payment.

Even the United States ambassador to Cuba, in a recently declassified confidential message to his Government, had affirmed: “With respect to the provisions in the Agrarian Reform Law for payment of expropriated lands, the Embassy does not view these as a sign of anti-Americanism, but is inclined rather to accept as sincere the Cuban Government’s defence of these provisions on the ground that it is not in a financial position now to make just, prompt and effective compensation and that for revolutionary reasons it cannot postpone agrarian reform until its finances improve.”

A month after the enactment of the crucial Agrarian Reform Law, on 24 June, the United States began to consider using more radical and lethal measures against the Cuban economy. At a meeting called by the State Department to study options for action against Cuba, it was stated that “it behooved the United States Government to take a very firm position forthwith against the law and its implementation”, and that “the best way to achieve the necessary result was by economic pressure”. One of the strategies proposed was to deprive Cuba of its quota privilege in the United States sugar market, based on the belief that “the sugar industry would promptly suffer an abrupt decline, causing widespread further unemployment. The large numbers of people thus forced out of work would begin to go hungry”. At that same meeting, according to the now declassified secret memorandum, United States Secretary of State Herter explicitly qualified these proposals as “measures of economic warfare”.

This clearly genocidal intent was shamelessly asserted in an official memorandum signed by L. D. Mallory, a State Department senior official, on 6 April 1960. After admitting that “the majority of Cubans support Castro”, and that “there is no effective political opposition”, the author of the memorandum stated that “the only foreseeable means of alienating internal support is through disenchantment and disaffection based on economic dissatisfaction and hardship”. He went on to stress that “every possible

means should be undertaken promptly to weaken the economic life of Cuba”, and proposed “a line of action which makes the greatest inroads in denying money and supplies to Cuba, to decrease monetary and real wages, to bring about hunger, desperation and overthrow of government”. Roy Rubottom, State Department Assistant Secretary for Interamerican Affairs, wrote a laconic marginal note on the memorandum: “Yes”.

Three months later, on 6 July 1960, the United States adopted the measure first conceived a year earlier, namely, the removal of the Cuban sugar quota. Never again would the United States buy a single pound of sugar from Cuba. A market that was established over the course of more than 100 years between the United States and Cuba, with Cuba guaranteeing the supply of this essential food product to the United States in the first half of the century during the two world wars, from which the United States emerged as the wealthiest, most powerful nation in the world, was wiped out in a second, dealing a savage blow to the country’s major source of employment and revenue and depriving it of essential funds for acquiring the food, medicine, fuel and raw materials needed to ensure the survival of its people.

Upon adopting this measure, President Dwight Eisenhower declared that the United States would be looking towards other economic, diplomatic and strategic actions. This was merely a means of psychologically preparing international public opinion, given that the most strategic of all actions taken in that era had been approved much earlier and was already in full progress: the Bay of Pigs mercenary invasion.

From that time onward, successive economic measures against the Cuban people continued to accumulate, shaping up a full and comprehensive blockade, which went as far as to prevent Cuba from importing even an aspirin produced in the United States or exporting to that country a single flower cultivated in Cuba. At the same time, in violation of their constitutional rights, United States citizens were prohibited from visiting Cuba under threats of severe prison sentences.

This fully fledged blockade, shamelessly and euphemistically referred to in official terms by the apparently innocuous word “embargo”, has been progressively intensified throughout the past 40 years.

A great many people have died or seen their health irreparably damaged because of the delays and complications involved in acquiring, through the established channels, medicines patented in the United States and produced there by its own companies or by their subsidiaries abroad, or by the national industries of other countries of the world.

It is impossible to imagine a worse crime, perpetrated in such a cruel, cold-blooded and merciless way for so many years. If food products for children, the elderly, pregnant women or sick people, developed with the most advanced technology, were produced either in the United States by its own companies or those of any other country, or if they were produced in other countries by United States companies, these products were unavailable to children, the elderly, pregnant women or sick people in Cuba.

Actually, if even a tiny part manufactured in the United States was used in medical equipment produced anywhere in the world, with qualified labour and raw materials from other countries, that equipment could not be exported to Cuba.

This was the minutely detailed way in which the blockade against the Cuban people was designed.

But not even all of that, nor the “brain drain” nor the theft of doctors — half of whom were taken from Cuba in the first years of the Revolution — and of tens of

thousands of professionals and technicians trained by a country capable of eradicating illiteracy in just one year was enough to crush our people's resistance.

Then, at the most critical and difficult time in our history, when the Soviet Union and the socialist bloc collapsed and the country was deprived of the fundamental markets and sources of supplies it could count on to withstand the ferocious economic warfare waged against an island located only 90 miles from the United States coast, that country decided to act more ruthlessly still against Cuba: the blockade was intensified to the maximum, in a case of truly vulgar and repugnant opportunism.

A number of United States transnationals involved in the marketing of food products, with subsidiaries abroad, had managed to overcome countless obstacles and continued to supply Cuba with certain foodstuffs from distant third countries, without violating any of the established rules. The brutal policy intended to subdue the Cuban people through hunger and disease would soon include actions aimed at depriving the country of even these possibilities of acquiring food.

The 1992 Torricelli Act, among other restrictive measures that considerably affected the maritime transport of food and other commodities between Cuba and the rest of the world, prohibited United States subsidiaries based in third countries from trading with Cuba. The legislation put an end to commercial operations that, in terms of food and medicines, amounted to over US\$ 700 million worth of imports.

This genocidal policy reached even more infamous heights with the Helms-Burton Act, which codified all previous administrative restrictions, expanded and tightened the blockade and established it in perpetuity. Under the Helms-Burton Act, the blockade would remain in force even in the hypothetical case that the Revolution was overthrown. This notorious juridical aberration stipulated that, even if the United States succeeded in installing a puppet regime in Cuba, the blockade could be lifted only when the property issue had been settled, as provided in that Act, or rather, once the Batista supporters, embezzlers and former exploiters had been given back the lands received by individual farmers and workers involved in various forms of cooperative production and State enterprises, as well as all the formerly existing homes, factories and social facilities used for schools, hospitals and other purposes, or those built by the Revolution on lands once owned by Cuban and foreign landholders or on urbanized land where over a million new homes had been constructed and handed over to the people by the Revolution, along with the definitive independence of their homeland.

Subsequent to the passage of the Helms-Burton Act, and with the aim of tightening even further the blockade against the Cuban people, the United States Congress has adopted, by a show of hands, numerous amendments to bills which had to be passed with such urgent speed, and were at the same time so lengthy, that many lawmakers did not even have time to read them. The Cuban-American terrorist mob, closely linked to the extreme right wing, has achieved its goal of changing the blockade from an executive order into a rigorous and inflexible legislation. Thus, the genocide was institutionalized.

It would be impossible to accurately estimate the human and material damage caused by this genocidal policy.

The American Association for World Health (AAWH), following a 1997 study of the consequences of the blockade in this field, concluded that it "appears to violate the most basic international charters and conventions governing human rights, including the Charter of the United Nations, the charter of the Organization of American States, and the articles of the Geneva Convention governing the treatment of civilians during wartime. [...] The Geneva Conventions, to which 165 countries are parties, including the United

States, require the free passage of all medical supplies and foodstuffs intended for civilians in time of war. The United States and Cuba are not at war. In fact, their Governments even maintain diplomatic representations in Havana and Washington. Nevertheless, the AAWH has determined that the embargo's restrictions signify the deliberate blockading of the Cuban population's access to food and medicine — in times of peace”.

In the same report, the AAWH expresses its belief that “the United States embargo of Cuba has dramatically harmed the health and nutrition of large numbers of ordinary Cuban citizens. [...] It is our conclusion that the United States embargo has caused a significant rise in suffering — and even deaths — in Cuba”.

Throughout seven consecutive years, the United Nations General Assembly has consistently adopted a resolution on the necessity of ending the economic blockade imposed by the United States of America on Cuba. The world's condemnation of this genocidal policy has visibly grown from year to year.

Between 1992 and 1998, the Cuban resolution has received, in these seven consecutive years, 59, 88, 101, 117, 137, 143 and 157 votes in favour. During those same years, the United States has only managed to obtain 3, 4, 2, 3, 3, 3 and 2 votes, including its own. It could not possibly be more humiliatingly isolated in its genocidal policy.

The blockade not only deprives the country of essential supplies from abroad. It also deprives it of markets for its products, which it needs to cover the costs of imports. It deprives it of the credits crucial for normal trade and transportation; it raises prices and costs to astronomical levels; it prevents access to seeds, to the means of fighting pests and diseases, and to more efficient food production technology; it obstructs economic development in every way. Its effect on the country's life is devastating. Only a people with a high degree of political awareness and patriotism, a truly exceptional and heroic people before the world's astonished eyes, a people certain of victory, could be capable of resisting. The Cuban people have taken to heart the apophthegm by José Martí: “Freedom is very costly, and one must either choose to live without it, or decide to pay its price.” This does not in any way lessen the guilt of those responsible for the monstrous crime that has been perpetrated and continues to be perpetrated against the Cuban people.

Article VI of the Convention referred to at the beginning of this proclamation states, without room for the slightest doubt, that “persons charged with genocide or any of the other acts enumerated in article III shall be tried by a competent tribunal of the State in the territory of which the act was committed”.

Subparagraph (e) of article III stipulates with the same precision that accomplices to genocide shall also be punished.

The National Assembly of People's Power of the Republic of Cuba declares:

1. That the economic blockade imposed by the Government of the United States of America on Cuba constitutes an international crime of genocide, in accordance with the definition stipulated in the Convention on the Prevention and Punishment of the Crime of Genocide, adopted by the United Nations General Assembly on 9 December 1948;

2. That, on the basis of the arguments put forward and the foregoing declaration, it proclaims Cuba's right to demand that such acts be punished;

3. That as a result of the grave, systematic and ongoing genocide carried out over the course of 40 years against the people of Cuba, and in accordance with international standards, principles, agreements and laws, the Cuban courts have the right to try and punish the guilty parties, whether they be present or absent;

4. That acts of genocide and other war crimes are not subject to any statute of limitations;
5. That the guilty parties can be punished even with a life imprisonment sentence;
6. That criminal responsibility does not exempt the aggressor State from providing material compensation for the human and economic damage it may have caused;
7. That it calls on the international community for support in this struggle to defend the most elemental principles of justice, the right to life, peace, and the freedom of all peoples.

Havana, 13 September 1999
