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## El Nuevo Herald

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 porqué 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 Condís, 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

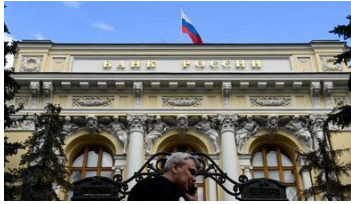
Mexico City, Mexico

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 Russian 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.

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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. Havana 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 Schadenersatzklagen 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.

## The Miami Herald

### 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.

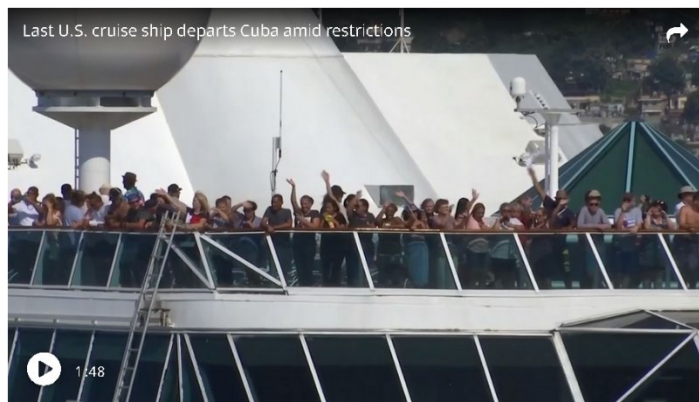
According to court records previously reviewed by the Herald, the companies earned at least \$1.1 billion in revenue and paid \$138 million to Cuban government entities.

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	\$14,999,950	\$0.00	\$0.00
Royal	341	\$430,925,849	\$29,940,609	\$26,025,600	\$0.00	\$0.00
<b>Total</b>	<b>912</b>	<b>\$1,115,123,153</b>	<b>\$83,581,325</b>	<b>\$54,449,625</b>	<b>\$0.00</b>	<b>\$0.00</b>

\*https://www.in.gov/individuals/international-tourism/entry-average-currency-exchange-rates





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.

## Law.com

### New York, New York

#### 22 March 2022



*Cruise ship headed to port in Havana, Cuba. Photo: itinu / 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**  
**Moscow, Russian Federation**  
**21 March 2022**



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 вернутся. 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. Хотя 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, перекалывающий 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.

# Izvestia

## Moscow, Russian Federation

### 21 March 2022

**WORLD**

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

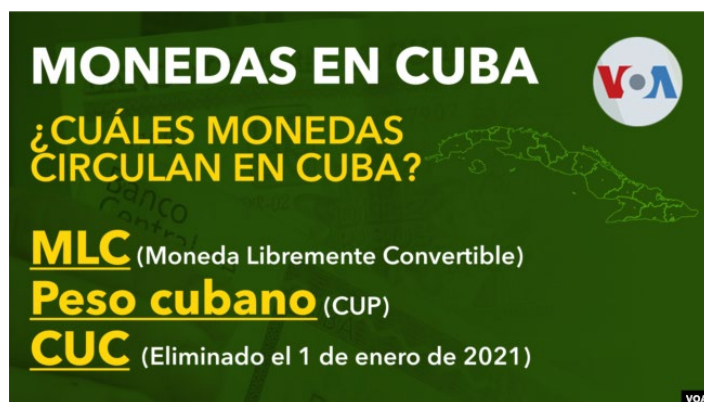
**Inflación y dolarización golpean a la economía cubana**



## 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](#)

Foto: Jorge Luis Toledo Padrón.



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.

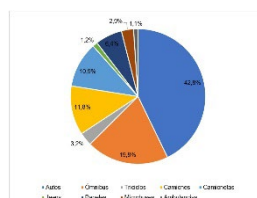
La primera, de 2019 a 2021, se enfocó en la elaboración de normas jurídicas que regularan el empleo de los vehículos eléctricos, la creación de una estrategia para la incorporación de la tecnología de estos vehículos a la industria nacional, la búsqueda de financiamiento, y la evaluación de la posibilidad 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.

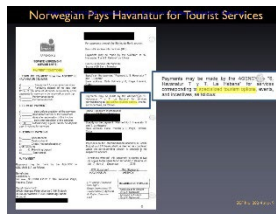
The Helms-Burton Act, passed by Congress in 1996, codified many of the rules that constitute the embargo against Cuba. Its Title III, enforced for the first time in 2019 by President Donald Trump, allowed Havana Docks to sue the cruise lines for using its confiscated property.

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.”

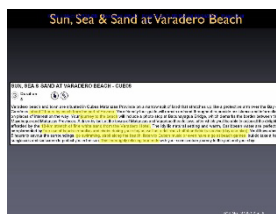


Tourism-61.jpg Screenshot of a PowerPoint presentation by Havana Docks’ lawyers filed in a Miami federal court showing financial information included in the contract signed by Norwegian with Havanatur.

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.

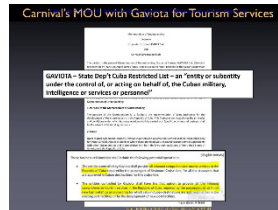
A paragraph in MSC Cruises’ marketing material selling an eight-hour excursion to the famous Varadero beach resort says: “The idyllic natural setting and warm, Caribbean water are perfectly complemented by free use of beach umbrellas and chairs during your stay as well as a delicious buffet. You’ll have about five hours to savor the surroundings, go swimming, stroll along the beach, listen to Cuban music or even have a go at 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.

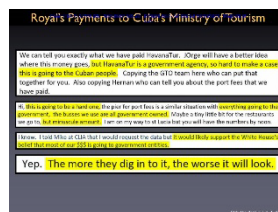
Trafficking						
BIT/Block	DATE OF THE TRANSACTION	TOY/TOLE	INVESTOR'S COUNTRY	FINANCED BY THE COUNTRY OF ORIGIN (USD)	FINANCED BY TOY/TOLE	FINANCED BY THE COUNTRY OF ORIGIN
Carnival	03	07/12/2017	USA	\$6,300,000	\$0.00	\$0.00
MSC	190 (Devygnet)	04	USA	\$1,300,000	\$0.00	\$0.00
Marinegroup	200	02/28/2017	USA	\$1,500,000	\$0.00	\$0.00
Regal	347	04/04/2016	USA	\$2,500,000	\$0.00	\$0.00
<b>Total</b>	<b>012</b>	<b>14,170,000,000</b>	<b>USA</b>	<b>\$11,600,000</b>	<b>\$0.00</b>	<b>\$0.00</b>

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



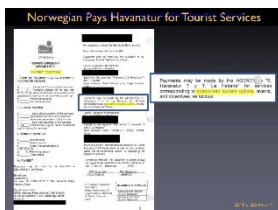
Cubanos saludan a pasajeros en el barco de cruceros Adonia de Carnival a su llegada a La Habana desde Miami en mayo de 2016. Cubanos saludan a pasajeros en el barco de cruceros Adonia de Carnival a su llegada a La Habana desde Miami en mayo de 2016. Ramón Espinosa AP

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.

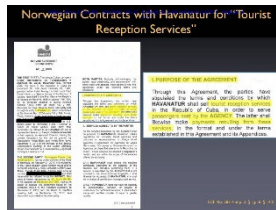
“Mi perspectiva es, para mis tres marcas, hasta que el Congreso revoque oficialmente la Ley Helms-Burton”, continuó, “incluso si puedes hacerlo por la puerta trasera a través de OFAC, no sería lo correcto. No creo que esa puerta trasera o esa brecha legal, por así decirlo, funcionen de manera sostenida”.

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.

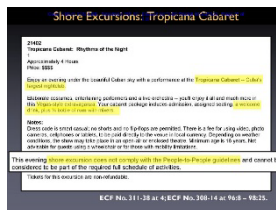
Según el acuerdo, Havanatur brindó “servicios de recepción turística” a los pasajeros, incluidas excursiones en tierra.

“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.

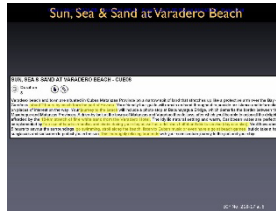
“Esto parece ser una evidencia poderosa de que hubo una intención de proporcionar actividades turísticas”, dijo la jueza Bloom en la audiencia.

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”.

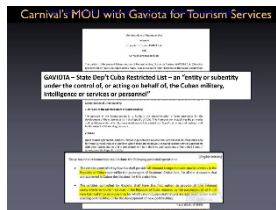


Tourism-49.jpg Screenshot of a PowerPoint presentation by Havana Docks' lawyers filed in a Miami federal court. MSC Cruises sold this excursion to Varadero to its passengers.

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						
DEFENDANT	DATE OF THE VIOLATION	OFFENSE	FINANCIAL PENALTIES	FINANCIAL PENALTIES (COURT ORDER)	FINANCIAL PENALTIES (SETTLEMENT)	FINANCIAL PENALTIES (TOTAL)
Carnival	83	01/12/2001	\$17,800,000	\$17,800,000	\$0.00	\$17,800,000
MSC	100	01/12/2001	\$18,000,000	\$18,000,000	\$0.00	\$18,000,000
MarineStar	200	01/12/2001	\$18,000,000	\$18,000,000	\$0.00	\$18,000,000
Regal	301	01/12/2001	\$18,000,000	\$18,000,000	\$0.00	\$18,000,000
Royal	312	01/12/2001	\$18,000,000	\$18,000,000	\$0.00	\$18,000,000

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 ataque 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.



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."

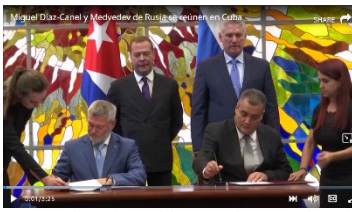
## **El Nuevo Herald**

**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.”

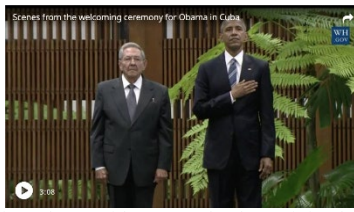
# **The Miami Herald**

## **Miami, Florida**

### **3 January 2022**

**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.

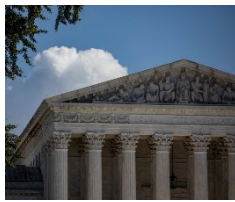
Aunque no hay ninguna empresa condenada en firme por el Título III de la Ley Helms-Burton, las empresas "se piensan mucho más" invertir en propiedades confiscadas en Cuba y analizan "con profundidad las posibles consecuencias que puede traer", dijo Ignacio Aparicio, socio y director del Cuban Desk de 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."