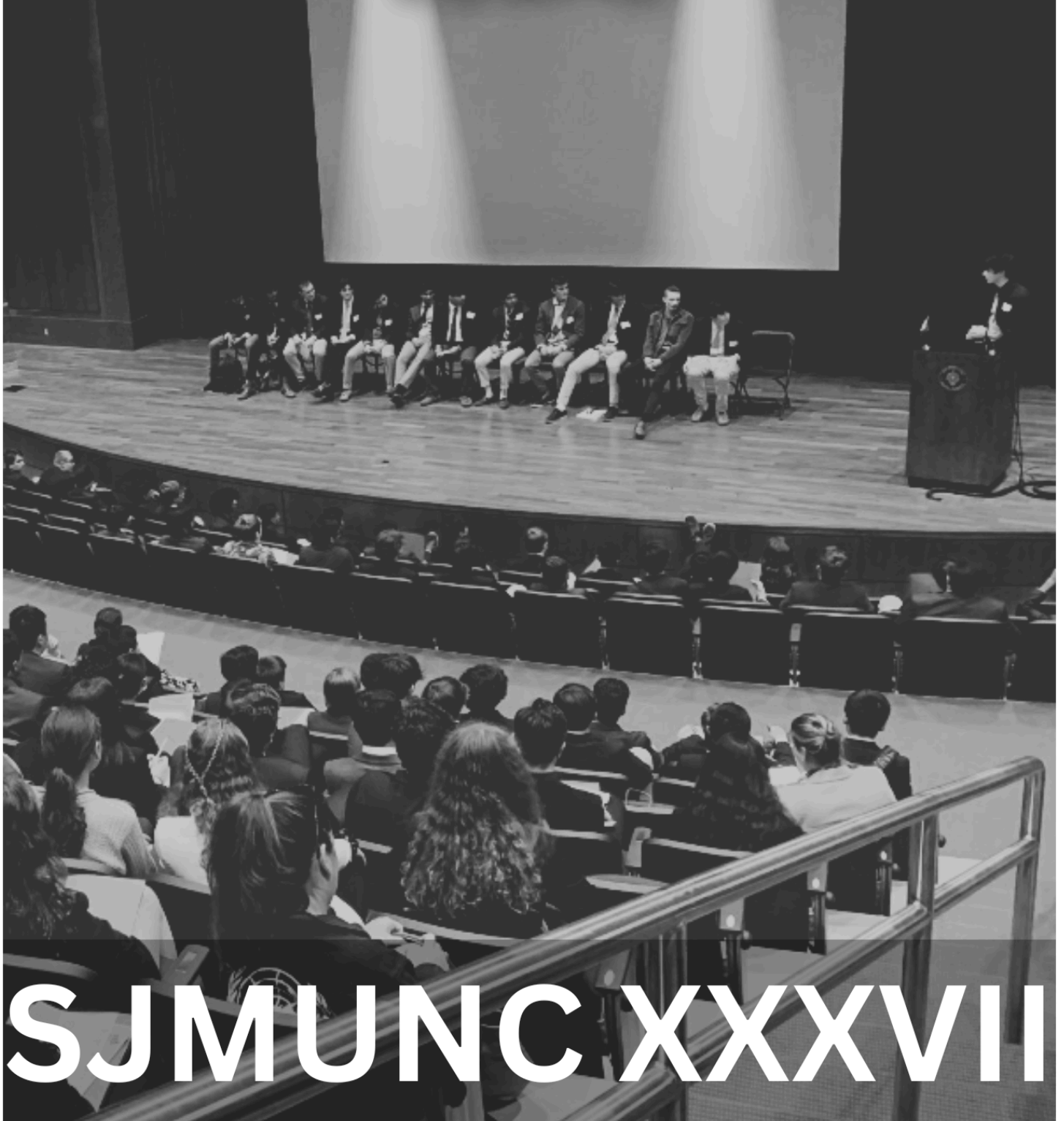


Intermediate Committee LEGAL



SJMUNC XXXVII

Saint John's Model United Nations Conference

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Letter From the Chairs

Dear Delegates,

We welcome you to this year's LEGAL Committee at SJMUNC XXXVII. As your chairs, we look forward to the delegations' compelling discussions, fruitful negotiations, and collaborative solutions to the issue presented. As the LEGAL Committee, a greater focus will be on debating international law and accountability amongst nations.

Outside of Model UN, Sean and I are in the theater, Improv, and Philosophy clubs. I am currently the president of both the Improv Club and Philosophy Club. Those who have Sean as their chair next year might hear him say the same thing in his opening letter.

We're pleased to invite you to the Saint John's campus to participate in the conference. We suggest you contemplate the briefings and resources we've provided and do some research on your own to formulate your country's stance on the issue. We also highly recommend position papers, but they are not required. However, they are an excellent way to outline your approach to the situation before the committee. You may contact us with any questions or papers at murraa25@stjohnshigh.org and connos26@stjohnshigh.org. We're honored to have you at SJMUNC and can't wait to see you all on the committee.

Best of Luck,

Aden Murray, 24' and Sean Connor 25'

Statement of the problem

The United States embargo against Cuba has continued for its sixty-sixth year in a row. The American Association for World Health stated,

“Few other embargoes have so restricted medical commerce as to deny the availability of life-saving medicines to ordinary citizens. Such an embargo appears to violate the most basic international charters and conventions governing human rights...a humanitarian catastrophe has been averted only because the Cuban government has maintained a high level of budgetary support for a healthcare system designed to deliver primary and preventive healthcare to all of its citizens.”¹²

The embargo continues to deprive the people of Cuba of necessities.

Cuba has also grown well known for its abundance of classic cars, another direct result of the decades-long embargo. With an auto industry frozen in the 1950s, Cubans are forced to maintain dated vehicles that, while charming and nostalgic, demand significant upkeep that people in need of transportation often struggle to provide. This issue isn't limited to road travel, as farmers must contend with aging equipment. On top of this, the parts frequently necessary to repair the jalopies are typically out of production and difficult to come by, encouraging smuggling from outside the country.³ By lifting the embargo, Cuba would present an untapped market for automobile manufacturers and allow the Cuban people to modernize their transportation and update commercial vehicles.

¹Davis and Ness, *Sanctions as War: Anti-imperialist*, 144.

² Kennedy, "El Bloqueo," Aljazeera.

³ Will, "The cars of the Cuban trade embargo," BBC.

The international community has repeatedly raised concerns about the legality of the embargo because American policy routinely pressures sovereign nations to restrict trade with Cuba. Many claim the blockade violates the Charter of the United Nations and international law. Similar policies have been explored regarding Libya and Iran. The United States' ability to manipulate a sovereign nation's economic policy sets a dangerous precedent that must be addressed. Many of those who voted to condemn the embargo in 2023 were concerned that superpowers such as the United States could exert economic hegemony by violating the sovereignty of foreign nations and breaking international law in the process.⁴

The continuation of this embargo impacts much more than Cuba, and those who they wish to trade with; the precedent set by this has the power to define the terms non-interference and non-intervention, two terms at the core of what it means to be a sovereign nation.⁵

⁴ Economic Development, "General Assembly," United Nation News.

⁵ Economic Development, "General Assembly," United Nation News.

History of the Problem

On January 1st, 1959, Fidel Castro led the Cuban revolution, replacing the previous government led by Fulgencio Batista, an American-backed military dictator. Under the Batista government, many Cuban industries were controlled by American companies. John F. Kennedy stated in a speech, “At the beginning of 1959, U.S. companies owned about 40 percent of the Cuban sugar lands - almost all the cattle ranches - 90 percent of the mines and mineral concessions - 80 percent of the utilities - and practically all the oil industry - and supplied two-thirds of Cuba's imports.”⁶ After the revolution, these assets were seized from American companies and nationalized or redistributed to Cuban workers. The American government wanted compensation for seized assets. Castro's refusal to compensate became the justification for a harsh embargo.

In 1963, the United States banned travel to Cuba. Later that year, the Cuban Assets Control Regulations (CACR) were issued to sanction Cuba. This prohibited the importation of all items from Cuba except “informational” items.⁷

The embargo initially only restricted US companies from Cuban trade, but in 1996, the United States Congress passed the Helms-Burton Act to penalize foreign companies that trade with Cuba. This act imposed American political views onto the economies of foreign nations. European,

⁶ Kennedy, “Speech of Senator.”

⁷ ProCon.org, “History of the Cuba Embargo,” ProCon.org.

Canadian, and Mexican officials claimed the embargo was unlawful before the Helms-Burton Act was passed.⁸

The embargo remained consistent apart from one brief year of eased restrictions and less hostile relations. This was due to Barack Obama's attempt to ease relations with Cuba. During this time, Pope Francis hosted a meeting in the Vatican that helped ease relations. Obama's successor, Donald Trump, reversed many policies put in place by the Obama administration and implemented some of the most strict anti-Cuban policies in recent American history.⁹

In 2023, the United Nations voted to end the U.S. embargo on Cuba for the 31st time. One hundred eighty-seven countries voted in favor of this. Israel and the United States were the only countries in opposition, while Ukraine chose to abstain.

⁸ Jackson, "Helms-Burton, the U.S.," American Society of International Law.

⁹ ProCon.org, "History of the Cuba Embargo," ProCon.org.

Possible Solutions

The fact the United Nations has voted thirty-one times with near unanimity to end the sanctions against Cuba demonstrates that most countries are in favor of policy change of some kind. Even an immediate end to the Cuban embargo would not fix this issue's problems. One possible solution could clarify what economic policy infringes on the national sovereignty of United Nations member states. This solution could address the extent to which a nation can use its economic, military, or geopolitical strength to pressure another nation to enact a monetary policy that benefits foreign interests over domestic interests. A resolution that concretely outlines the situations in which sanctions are permitted may prevent superpowers from abusing sanctions in the future. Another possible solution could be to try and compromise with the United States, this may include either economic incentives such as trade opportunities, or political incentives such as a change in Cuban foreign policy. The expansion of economic investment in Cuba is another possible solution. Countries such as China have invested in the Cuban economy, if enough countries invest in Cuba it is possible that the devastating effects of the embargo could be eliminated while turning a huge profit for investors. This solution is only recently a possibility due to market reforms that allow joint-stock companies in Cuba.

Bloc Positions

Anti-Embargo

Cuba

- Benefits from the embargo being lifted and compensation from the United States.
- Founding member of ALBA (Bolivarian Alliance for the Peoples of Our America).

Venezuela

- Extremely close to Cuba.
- Founding member of ALBA (Bolivarian Alliance for the Peoples of Our America).
- President Maduro has many personal and political ties to Cuba
- Cuba, unlike many countries in the region, recognizes the legitimacy of President Maduro.

Nicaragua

- ALBA member.
- Close relations with Cuba.

Bolivia

- ALBA member
- Historically strong ties to Cuba despite rocky-relations after the 2019 Bolivian political crisis.

Russian Federation

- Maintained friendly relations with Cuba since the end of the Cold War.
- Has dealt with sanctions and officially condemns the Cuban embargo.

India

- Called for an end to the embargo.
- Cuba has supported Indian membership in the UN Security Council.
- Both nations are a part of the non-aligned movement.
- India has given aid to Cuba during many times of crisis.

Vietnam

- Strong political and economic ally of Cuba.

People's Republic of China

- Cuba's second-largest trading partner.
- Massive economic investments into Cuba.

South Africa

- Has advocated for an end to the Cuban embargo.
- Large material and political supporter of Cuba.

Pro-Embargo

United States of America

- Benefits from status quo and maintaining hegemony in the region.
- Opposes checks on the veto system and weakens the influence of superpowers.

Ukraine

- Dependent on American support due to war with Russia.
- Voted against the measure to end the embargo.

Israel

- Major American ally
- Voted against the measure to end the embargo.
- Cuban President, Miguel Díaz-Canel, has condemned Israel's involvement in Gaza.

Other

Canada

- American ally.
- Historically critical of the embargo.

Mexico

- Trades needed goods to Cuba despite the embargo.
- Historically critical of the embargo.

Panama

- Home to the Panama Canal and is located in proximity to Cuba.

Colombia

- Fidel Castro helped facilitate talks between the Colombian government and guerilla groups fighting against the government.

Brazil

- Has had moderately unstable relations with Cuba in the past but has recently begun to resume growing ties.
- One of the few Nations to vote against the measure to end the embargo did so in 2019.

France

- The recent victory of The New Popular Front in parliament may sway France even closer to Cuba.
- Cuban trade partner.
- Ally of the United States.

The United Kingdom

- Ally of the United States.
- Seeking ways to support Cuba.

Japan

- Robust automotive industry, could benefit from trade.
- Ally of the United States.

South Korea

- Home to significant electronics corporation Samsung.
- Would benefit embargo lift due to Cuba's untapped market regarding its energy sector.

- Ally of the United States.

Iran

- Friendly relations formed with Cuba in hopes of opposing U.S. sanctions.
- Tense relations with the United States.

Saudi Arabia

- Better relations with the United States than most countries in the region.

Kenya

- Recent protests against President Ruto's tax reforms have criticized the IMF for backing changes in economic policy that resulted in increased prices for the poor. Many protests claim this is another example of Western powers using international bodies to control less developed countries. Kenyan protesters may see many parallels with the Cuban people who suffer from the embargo.
- A few bilateral trade agreements with Cuba have been signed.

Australia

- American ally.

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