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SANCTIONS AS A TOOL OF FOREIGN POLICY
IN INTERNATIONAL AFFAIRS: A
COMPARATIVE ANALYSIS OF SOUTH AFRICA
AND CUBA

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I dedicate my thesis to my family, my grandmother Zeycan, my father Bayram, my mother Gül, and my sister Destegül who supported me throughout my life and studies.

TABLE OF CONTENTS

ABSTRACT.....	1
ABSTRACT IN ITALIAN.....	2
INTRODUCTION	3
CHAPTER I: SANCTIONS AS A POLICY INSTRUMENT	5
1.1. Definitions and Origins	5
1.2. Types of Sanctions	10
1.3. Sanctions as an Alternative to Military Force	12
CHAPTER II: CASE STUDY: SOUTH AFRICA.....	16
2.1. Historical Background in South Africa Prior to Multilateral Sanctions.....	16
2.2. A Road Leading to Isolation: International Sanctions and Boycotts against South Africa	33
2.3. Reflections on the Use of Sanctions in South Africa	48
CHAPTER III: CASE STUDY: CUBA	53
3.1. Historical Background in Cuba Prior to Unilateral Sanctions by the United States	53
3.2. The US Unilateral Sanctions Against Cuba	61
3.3. Reflections on the Use of Sanctions against Cuba	107
CHAPTER IV: COMPARATIVE ANALYSIS OF SANCTIONS AS A FOREIGN POLICY TOOL: SOUTH AFRICA AND CUBA.....	114
4.1. Sanctions Policy in the Cold War Perspective	114
4.2. Characteristics of the Two Cases	118
Conclusion.....	123
REFERENCES.....	126
WEBSITE RESOURCES	134

ABSTRACT

Sanctions have increasingly gained prominence as a foreign policy instrument in international relations. The use of sanctions is not a new phenomenon, but their use has increased, and their objectives have expanded. One of the objectives of sanctions is regime change. The application of multilateral sanctions against the apartheid regime in South Africa stands as a notable successful example of sanctions achieving regime change, whereas the sanctions imposed against Cuba serve as an unsuccessful case, failing to attain the desired outcomes. This thesis provides a comparative analysis of these two cases, explaining the conditions that led to sanctions, the effects of the sanctions in the respective countries, and evaluating the outcomes of these sanctions. It demonstrates that sanctions can convey a diplomatic message and show solidarity with affected populations. While sanctions contributed to South Africa's transition to democracy by showing support to the oppressed South African people of colour, their prolonged application in Cuba raises questions about their effectiveness and basis, considering their negative humanitarian impact on the Cuban people. It is essential to comply with international law and respect ethical principles when employing sanctions as a foreign policy tool, in accordance with the UN Charter. When the use of sanctions aligns with principles of legitimacy and ethics, it is more likely to result in success.

Keywords: Sanctions, Boycotts, Foreign Policy, South Africa, Cuba

ABSTRACT IN ITALIAN

Le sanzioni hanno acquisito sempre più importanza come strumenti di politica estera nelle relazioni internazionali. Il ricorso alle sanzioni non è un fenomeno nuovo; tuttavia, il loro utilizzo è aumentato e i loro obiettivi si sono ampliati. Uno degli obiettivi delle sanzioni è il cambiamento di regime. L'applicazione delle sanzioni multilaterali contro il regime dell'apartheid in Sudafrica rappresenta un notevole esempio di sanzioni riuscite nel raggiungimento del cambiamento di regime, mentre le sanzioni imposte contro Cuba servono come un caso di fallimento, non riuscendo a raggiungere i risultati desiderati. Questa tesi fornisce un'analisi comparativa di questi due casi, spiegando le condizioni che hanno portato all'applicazione delle sanzioni, gli effetti delle sanzioni nei rispettivi paesi e valutando gli esiti di tali sanzioni. Dimostra che le sanzioni possono trasmettere un messaggio diplomatico e mostrare solidarietà nei confronti delle popolazioni colpite. Mentre le sanzioni hanno contribuito alla transizione del Sudafrica verso la democrazia contribuendo alla lotta delle persone di colore sudafricane oppresse, la loro applicazione prolungata a Cuba solleva interrogativi sulla loro efficacia e logica, considerando il loro impatto umanitario negativo sul popolo cubano. È essenziale rispettare il diritto internazionale e rispettare i principi etici quando si utilizzano le sanzioni come strumento di politica estera, in conformità con la Carta delle Nazioni Unite. Quando l'uso delle sanzioni è in linea con i principi di legittimità ed etica, è più probabile che abbia successo.

Parole chiave: Sanzioni, Boicottaggi, Politica Estera, Sudafrica, Cuba

INTRODUCTION

Sanctions have gained prominence as a foreign policy tool, particularly among geopolitically influential nations, serving as politically motivated means to express opposition and achieve various objectives. This thesis explores how sanctions are applied as a foreign policy tool both by the international community through multilateral sanctions and by individual states through unilateral sanctions.

This thesis conducts a comparative analysis of two case studies, South Africa and Cuba, to explore the conditions under which sanctions prove effective and when they prove ineffective. The South African case exemplifies the successful mobilisation of sanctions against oppressive regimes, represented by the anti-apartheid movement. This success can be attributed to the ethical dimension of the cause – combating racial discrimination and promoting human rights. Conversely, the Cuban case illustrates a different dynamic, driven more by the United States' pursuit of regional influence rather than ethical considerations, as this thesis will demonstrate. This contrast underscores the importance of sanctions in promoting universal values. This thesis analyses the differences in the application of sanctions as foreign policy tools, emphasizing the need for ethical considerations in their deployment.

The first chapter focuses on sanctions in general, by providing definitions and exploring their origins. The use of sanctions for political goals has ancient roots, dating back to the Megarian Decree in 432 B.C.E. in ancient Greece. Subsequently, during a later historical period, a notable example of their use emerged with the Continental Blockade during the Napoleonic Wars. Then, they were adopted by the League of Nations, and evolved further with the United

Nations. This chapter also gives definitions on different types of sanctions and explains how and why they were considered an alternative to war.

The second chapter examines one of the case studies, focusing on sanctions applied against the apartheid regime in South Africa. According to many scholars, the successful isolation of South Africa through multilateral sanctions against the apartheid regime stands as an important example of the effective use of sanctions.

The third chapter analyses the sanctions against Cuba. Unilateral sanctions were applied after the Cuban Revolution by the United States which later tried to internationalise the sanctions. Despite being in place for six decades, the U.S. sanctions against Cuba have not achieved their objectives, therefore is considered an unsuccessful example of the use of sanctions.

The fourth chapter draws a comparative analysis of these two cases, South Africa and Cuba. The chapter analyses the basis behind the sanctions and examines the factors contributing to the success of one case and the failure of the other.

CHAPTER I:
SANCTIONS AS A POLICY INSTRUMENT

*“Sanctions are a vital tool ... They constitute a necessary middle ground
between war and words.”¹*

Kofi Annan

1.1. Definitions and Origins

Sanctions are frequently used foreign policy tools in international affairs. The use of sanctions is becoming more common, especially by geopolitically influential nations.² Sanctions are favoured because they provide a seemingly appropriate response to issues and express opposition to certain actions.³ They are politically motivated instruments.

The term ‘sanction’, originating from the Latin verb *sancire*, which signifies the act of ratification or endorsement, carried the implication of approval by ancient Athenians. However, in the 19th century international system, dominated by great powers and European legal principles, this term evolved to have a second

¹ *In Larger Freedom: Towards Development, Security and Human Rights for All*, (New York: United Nations, 2005), para 109.

² Stuart Davis and Immanuel Ness, *Sanctions as War: Anti-Imperialist Perspectives on American Geo-Economic Strategy* (BRILL, 2021), 4.

³ Richard N. Haass, “Sanctioning Madness,” *Foreign Affairs* 76, no. 6 (1997): 74-85, <https://doi.org/10.2307/20048277>.

meaning of enforcement.⁴ With the expansion of prohibition practices, new terminology emerged, including the term ‘embargo’ derived from the Spanish word *embargar*. With the meaning of arrest, it emerged during the seizure of enemy ships in the 16th century. The word ‘blockade’ was popularised in the 17th century, to describe the act of besieging cities, islands, and territories, which was considered a belligerent action requiring a formal declaration of war by states.⁵ The term ‘boycott’, originated in the 1880s with the case of an Irish landowner called Charles Boycott who faced the organised refusal of social and commercial interactions, reflects both disapproval and an effort to pressure non-compliant groups or individuals when force is not an option.⁶

The use of sanctions for achieving political goals is not new. Although the popularity of sanctions has risen recently, their origins go back to the Megarian Decree of 432 B.C.E. in ancient Greece. The Megarian Decree, perhaps one of the earliest examples of a peacetime embargo in the ancient world, was imposed by Athens on the neighbouring city-state of Megara, an ally of Sparta, prior to the Peloponnesian War.⁷ According to Thucydides’ accounts, economic sanctions were imposed on the Megarians as a part of Periclean foreign policy. Although the historical records are not clear about what initiated the decree, some historians think it was to dissuade Sparta and others from further attacks, while for others it was because of kidnapping women.⁸ Suffering from the consequences of sanctions, the Megarians turned to Sparta for help, and the Athenian refusal to lift the trade ban is seen as a key factor leading to the Peloponnesian War. The Megarian Decree was initially presented as an effort to prevent war, yet it was not successful despite Pericles’ efforts. Even though some historians see the trade boycott as the cause of war, according to Thucydides the war with Sparta was inevitable.⁹

⁴ Nicholas Mulder, *The Economic Weapon: The Rise of Sanctions as a Tool of Modern War* (Yale University Press, 2022), 13-14.

⁵ Ibid, 14-15.

⁶ Margaret P. Doxey, *Economic Sanctions and International Enforcement* (Springer, 1980), 15.

⁷ Mark Christian Bodenachak, “Foreign Powers and Coercive Trade in Antiquity: A Review of the Megarian Decree” (MA Thesis, San Francisco State University, 2019).

⁸ Bruce W. Jentleson, *Sanctions: What Everyone Needs to Know®* (Oxford University Press, 2022), 46-47.

⁹ David A. Baldwin, *Economic Statecraft* (Princeton University Press, 1985), 150-154.

An historic example of a blockade, known as the Continental Blockade, dates to the 19th century Napoleonic Wars. Total economic sanctions were imposed by Napoleon Bonaparte against its rival Britain. The trade embargo lasted for six years, with adverse consequences not only for Britain but also France. Shopkeepers had difficulty finding alternative suppliers for goods, including coffee, cocoa, tobacco, and sugar, which were traditionally obtained from British colonies.¹⁰

The use of sanctions during the interwar period by the League of Nations aimed to prevent war and assure collective security. Although the Covenant of the League of Nations did not use the word ‘sanction’, it provided military and non-military measures to restore peace under Article 16.¹¹ Even though the League of Nations’ sanctions worked in the Balkans during this period, they did not work against big powers like Italy or Japan, therefore, they were not enough to prevent the Second World War.¹² One of the main reasons for failing sanctions was their limited nature. An oil embargo was not applied,¹³ and the Suez Canal remained open for Italy. The motivations behind imposing sanctions appear to be a combination of exerting pressure on Italy and preventing a military reaction.¹⁴

The League of Nations was replaced by the United Nations after the Second World War. The use of sanctions outlasted the League of Nations and remained integrated into the framework of the United Nations.¹⁵ The primary objective since 1945 of UN sanctions is to protect international peace and security. However, until the end of the Cold War the use of sanctions was rare because of

¹⁰ Jentleson, *Sanctions: What Everyone Needs to Know*®, 47-49; Agathe Demarais, *Backfire: How Sanctions Reshape the World Against U.S. Interests*, (Columbia University Press, 2022), Kindle Edition, 17-18.

¹¹ Doxey, *Economic Sanctions and International Enforcement*, 3-55; Article 16: “Should any Member of the League resort to war ... it shall ipso facto be deemed to have committed an act of war against all other Members of the League, which hereby undertake immediately to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the covenant-breaking State, and the prevention of all financial, commercial or personal intercourse between the nationals of the covenant-breaking State and the nationals of any other State, whether a Member of the League or not.”

¹² Mulder, *The Economic Weapon: The Rise of Sanctions as a Tool of Modern War*, 296.

¹³ According to Hitler’s interpreter, Mussolini reportedly mentioned in 1938 that if the League of Nations had applied oil embargo, “he would have had to withdraw from Ethiopia within a week.” Doxey, *Economic Sanctions and International Enforcement*, 55.

¹⁴ Baldwin, *Economic Statecraft*, 105.

¹⁵ Mulder, *The Economic Weapon: The Rise of Sanctions as a Tool of Modern War*, 2.

vetoes by superpowers. Two instances of collective sanctions occurred during the Cold War era. The initial implementation of mandatory sanctions by the United Nations took place in 1966 when the Security Council, in accordance with Article 41 of the Charter, applied sanctions against the Ian Smith regime in Southern Rhodesia. The Security Council with Resolution 232 stated that the current situation in Southern Rhodesia threatened international peace and security.¹⁶ Then, in 1977 a mandatory arms embargo was adopted by the Security Council with Resolution 418 against the Apartheid regime in South Africa.¹⁷ After the end of the Cold War the use of UN sanctions has been on the rise. A broad range of mandatory sanctions were applied to both state and non-state actors such as Iraq, the Federal Republic of Yugoslavia, Somalia, Libya, Sudan, Sierra Leone, Haiti, Rwanda, the Taliban etc. The severe consequences of the Iraqi sanctions raised awareness of their harmful impact on innocent civilians. As a response, the UN Security Council decisively shifted away from comprehensive measures towards targeted sanctions by focusing on individuals and entities responsible for actions that threatened international peace and security. The Security Council used targeted sanctions to protect civilians, counter terrorism, support peace building, and prevent nuclear proliferation.¹⁸

Throughout history sanctions have been used in different forms to achieve different objectives. Their use increased significantly with the end of the Cold War. The number of sanctions doubled in the period after 1990 and doubled again after 2010 compared to the period of the Cold War.¹⁹ They have been used openly and covertly to shape the policies of target nations, pursuing a broad spectrum of goals encompassing ideological, political, and economic interests.²⁰ These include changing the political or economic system of other States, promoting human rights, preventing or stopping violence and wars in other states, fighting terrorism and drug trafficking, limiting access to goods and services by other States, and

¹⁶ UN Security Council, “Resolution 232 (1966),” United Nations Digital Library System, 1968, <https://digitallibrary.un.org/record/90502?ln=en>.

¹⁷ UN Security Council, “Resolution 418 (1977),” United Nations Digital Library System, November 4, 1977, <https://digitallibrary.un.org/record/66633?ln=en#record-files-collapse-header>

¹⁸ Thomas J. Biersteker, Sue E. Eckert, and Marcos Tourinho, *Targeted Sanctions: The Impacts and Effectiveness of United Nations Action* (Cambridge University Press, 2016), 1-2.

¹⁹ Mulder, *The Economic Weapon: The Rise of Sanctions as a Tool of Modern War*, 296.

²⁰ Doxey, *Economic Sanctions and International Enforcement*, 4.

preventing nuclear proliferation etc. The expansion in the use of sanctions has coincided with an expansion in their diversity. However, despite their increase, there is a continuing debate on whether they are efficient in achieving their aims. It is widely accepted that sanctions have achieved some degree of success in approximately one-third of the cases.²¹

Sanctions are a popular tool for States to advance their interests. States may aim to change the target's behaviour, deter from certain acts, punish misconduct, or force compliance. Other than these objectives, international and domestic symbolism can be crucial. Even though the use of sanctions seems to be ineffective in some cases, they might be used as 'diplomatic symbols.'²² In this way, sanctions can serve as symbols to gain domestic support for the sanctioning government, while also functioning as international symbols to convey a message to the global community or express disapproval of a targeted regime.²³ As James M. Lindsay puts it: "Critics may deride the symbolic uses of trade sanctions as empty gestures, but symbols are important in politics. This is especially so when inaction can signal weakness and silence can mark complicity."²⁴ Sanctions convey a stronger manifestation of disapproval compared to statements.²⁵

Sanctions can hold relevance within ongoing negotiations by offering a source of bargaining power. The threat of implementing or tightening sanctions or the prospect of lifting sanctions can create a more conducive environment for negotiations.²⁶

The increasing globalization of trade exposes nations, particularly economically disadvantaged and less powerful states, to susceptibility of

²¹ Gary Clyde Hufbauer, Jeffrey J. Schott, Kimberly Ann Elliott, *Economic Sanctions Reconsidered: History and Current Policy* (Peterson Institute, 1990), 93.

²² Peter a. G. Van Bergeijk, *Economic Diplomacy, Trade, and Commercial Policy: Positive and Negative Sanctions in a New World Order* (Edward Elgar Publishing, 1994), 42.

²³ James M. Lindsay, "Trade Sanctions as Policy Instruments: A Re-Examination," *International Studies Quarterly* 30, no. 2 (June 1986): 153-173, <https://doi.org/10.2307/2600674>.

²⁴ *Ibid.*

²⁵ Maarten Smeets, "Economic Sanctions and the WTO," in *Research Handbook on Economic Sanctions* (Edward Elgar Publishing, 2021), 280-296.

²⁶ Francesco Giumelli, "From Effective to Useful Sanctions: Lessons Learned from the Experience of the European Union," in *Coercive Diplomacy, Sanctions, and International Law*, 2016, 246-269.

economic pressure by powerful states.²⁷ Sanctions primarily targeted economically smaller nations like Cuba, North Korea, and Haiti but now also target larger nations like China and Russia, which in turn apply countermeasures, so the potential for collateral damage has also increased.²⁸ The emergence of a multipolar world and the growing economic influence of China changed the landscape of sanctions, with the coexistence of different geopolitical interests.

1.2. Types of Sanctions

There are different types of sanctions, such as trade embargoes of exports and imports; financial sanctions by freezing assets, limiting or prohibiting financial transactions and investment; travel bans by restricting the travel of citizens or selected individuals of the target state; sports boycotts by preventing access to international sports (FIFA, Olympics, Cricket World Cups, and Rugby World Cups etc.); cultural restrictions by preventing artists from the target state to perform; termination of foreign aid; oil embargoes; arms embargoes; nuclear non-proliferation sanctions, etc.²⁹

Sanctions can be comprehensive or targeted (or, as commonly known, ‘smart’). Comprehensive sanctions are imposed on an entire nation and economy, while targeted sanctions are directed at specific individuals, sectors, non-state actors, or regimes. The early 2000s saw a surge in humanitarian concerns due to the damaging effects on innocent civilians of comprehensive sanctions, especially after experiences in Iraq,³⁰ Yugoslavia, and Haiti.³¹ Consequently, the

²⁷ Thomas George Weiss et al., *Political Gain and Civilian Pain: Humanitarian Impacts of Economic Sanctions* (Rowman & Littlefield, 1997), 15.

²⁸ The Economist, “Sanctions Are Now a Central Tool of Governments’ Foreign Policy,” *The Economist*, March 1, 2023, <https://www.economist.com/finance-and-economics/2021/04/22/sanctions-are-now-a-central-tool-of-governments-foreign-policy>.

²⁹ Jentleson, *Sanctions: What Everyone Needs to Know*®, 10-13.

³⁰ Kofi Annan states: “Let me conclude by saying that the humanitarian situation in Iraq poses a serious moral dilemma for this Organisation. The United Nations has always been on the side of

effectiveness and ethics of comprehensive sanctions were questioned. During this period, ‘smart’ or targeted sanctions emerged as a superior alternative, as they targeted individuals directly involved in the actions that prompted sanctions, leading to further increase in sanctions.³² These sanctions focused on those responsible for the sanctioned activities without causing suffering to civilian populations.³³ However, the implementation and monitoring of targeted sanctions are more complex than the comprehensive sanctions. It is also not always possible to prevent negative humanitarian impacts entirely.

Sanctions can be unilateral or multilateral. Unilateral sanctions are applied by individual States. The United States uses sanctions more than any other country. It is said to be “the go-to solution for nearly every foreign policy problem.”³⁴ Multilateral sanctions, typically enforced within the United Nations under Chapter VII, are imposed collectively by the international community or a coalition of states. According to the Article 41 of the UN Charter: “The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.”³⁵ Different from unilateral sanctions, when the UN Security Council imposes

the vulnerable and the weak, and has always sought to relieve suffering, yet here we are accused of causing suffering to an entire population. We are in danger of losing the argument, or the propaganda war - if we haven't already lost it - about who is responsible for this situation in Iraq - President Saddam Hussein or the United Nations.” UN Press, “Secretary-General Says Security Council Should Seek Every Opportunity to Alleviate Suffering of People of Iraq,” March 24, 2000, <https://press.un.org/en/2000/20000324.sgsm7338.doc.html> cited in Vera Gowlland-Debbas, *United Nations Sanctions and International Law* (BRILL, 2021), 16.

³¹ In case of Haiti, Richard N. Haas said that the use of sanctions was not the wise middle way between 3 choices available, but it was “politically ineffective, morally costly, and ultimately domestically unsustainable.” Richard N. Haass, *Economic Sanctions and American Diplomacy* (Council on Foreign Relations, 1998), 72.

³² Aleksandra Kirikakha et al., “The Global Sanctions Data Base (GSDB): An Update That Includes the Years of the Trump Presidency,” in *Research Handbook on Economic Sanctions* (Edward Elgar Publishing, 2021), 62-76.

³³ Thomas J.E Biersteker and Zuzana Hudáková, “UN Targeted Sanctions: Historical Development and Current Challenges,” in *Research Handbook on Economic Sanctions* (Edward Elgar Publishing, 2021), 107-124.

³⁴ Jentleson, *Sanctions: What Everyone Needs to Know*®, 75.

³⁵ United Nations, *Charter of the United Nations*, 1945, 1 UNTS XVI, available at: <https://legal.un.org/repertory/art41.shtml> (accessed 4 October 2023).

sanctions under Chapter VII, they are universal and binding for all UN members.³⁶ UN sanctions can carry symbolic weight and have substantial influence to isolate the targeted country.³⁷ Hence, multilateral sanctions tend to be more effective than unilateral sanctions. In the case of unilateral sanctions, targeted states often can find alternative sources of supply and the phenomenon of sanctions bursting may emerge. A prominent example of unilateral sanctions are those against Cuba applied by the United States, while the United Nations has employed multilateral sanctions against South Africa.

As Baldwin states, sanctions can be negative or positive. Positive sanctions involve the provision or promise of economic benefits to influence the behaviour of the target state, by providing aid, investment projects, subsidies for exports or imports, and other favourable economic measures. On the contrary, negative sanctions are implemented in a punitive way to damage the economy of the target state. Sometimes both positive and negative sanctions may be employed concurrently, generating a ‘carrot and stick’ strategy.³⁸

1.3. Sanctions as an Alternative to Military Force

Sanctions are considered an alternative option to the use of military force since they entail lower risks and lower human and financial costs.³⁹ When States are reluctant to use military force, sanctions provide an alternative policy, between doing nothing and taking military action. They can also be used in conjunction

³⁶ Thomas J. Biersteker, Sue E. Eckert, and Marcos Tourinho, *Targeted Sanctions: The Impacts and Effectiveness of United Nations Action* (Cambridge University Press, 2016), 12; Article 25 of the UN Charter says: *The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter,*” United Nations, *Charter of the United Nations*, 1945.

³⁷ Biersteker and Hudáková, “UN Targeted Sanctions: Historical Development and Current Challenges.”

³⁸ Raul Caruso, “Negative and Positive Sanctions,” in *Research Handbook on Economic Sanctions*, 297-308.

³⁹ Haass, *Economic Sanctions and American Diplomacy*, 2.

with the threat or the use of military force, as with the case of Yugoslavia and Iraq.⁴⁰ According to Robin Renwick, when facing international crises, governments often have three general choices: doing nothing, taking military measures, or pursuing economic sanctions as a response.⁴¹ Agathe Demarais states that sanctions are more attractive than military force because they “fill the void in the diplomatic space between ineffective declarations and potentially deadly military operations.”⁴²

Klaus Knorr acknowledges that “The costs of using power have risen, and its effectiveness has decreased. The world has become less coercible.”⁴³ The examples of ambiguous outcomes and unmitigated failures can be seen from past military actions in Afghanistan, Somalia, and Vietnam.⁴⁴ It is becoming more challenging for Great Powers to subdue or conquer smaller and weaker countries, also in part due to the spread of nationalism.⁴⁵

Another reason to use sanctions is the destructive potential of nuclear weapons. It would have deadly consequences if a nuclear power took military action against another nuclear power.⁴⁶ Therefore, sanctions are feasible alternatives, considering the destructive results from the use of military force in the age of nuclear weapons.

According to David A. Baldwin, “In the foreign policy arena symbols are important.” In an era where ‘images matter’ on the global stage and given the fact that the legitimacy of using military power declined significantly, governments are deeply concerned about the international community’s views regarding their intentions and actions.⁴⁷ This argument suggests that the effectiveness of military statecraft has diminished, with a decline in the importance of territorial conquest

⁴⁰ Ibid, 198-199.

⁴¹ Robin Renwick, *Economic Sanctions* (Cambridge: Harvard University Center for International Affairs, 1981), p.1, cited in Baldwin, *Economic Statecraft*, 123.

⁴² Demarais, *Backfire: How Sanctions Reshape the World Against U.S. Interests*, 12.

⁴³ Klaus Knorr, *The Power of Nations: The Political Economy of International Relations* (New York: Basic Books, 1975), p.318., cited in Baldwin, *Economic Statecraft*, 126.

⁴⁴ Gary Clyde Hufbauer and Euijin Jung, “Economic Sanctions in the Twenty-First Century,” in *Research Handbook on Economic Sanctions* (Edward Elgar Publishing, 2021), 32.

⁴⁵ Makio Miyagawa, *Do Economic Sanctions Work?* (Springer, 2016), 104.

⁴⁶ Ibid, 213.

⁴⁷ Baldwin, *Economic Statecraft*, 99-101.

and an increase in the significance of economic, ideological, and political objectives, leading to the reduced usefulness of force.⁴⁸ For many statesmen, non-military measures such as sanctions is more proper to achieve these objectives.

The substitution of military force with economic sanctions was also considered during the inter-war period by the League of Nations with the aim of maintaining peace. It was said that “The economic weapon, conceived not as an instrument of war but as means of peaceful pressure, is the great discovery and the most precious possession of the League.”⁴⁹ Although, overall, the use of sanctions was not successful in preventing the Second World War, the effort to substitute military means by other possible alternatives was notable.

Some scholars argue that sanctions are not an alternative to military force or war, but rather a method of conducting it. They consider sanctions a form of warfare and a means of coercion, often used by powerful nations against weaker ones to achieve hegemonic goals.⁵⁰ One of the reasons is that they cause adverse humanitarian consequences⁵¹ for civilian populations, especially among the poorest and most vulnerable part of the society. This is an important controversial aspect of using sanctions. Therefore, it is important to monitor the social and economic consequences of sanctions on civilian populations.

In conclusion, sanctions have assumed a crucial role in foreign policy. Governments are progressively recognizing sanctions as a means to influence the conduct of other states in circumstances where diplomatic efforts alone prove inadequate, while military force is deemed hazardous or excessively forceful.⁵² Thus, despite the debate over the political effectiveness of sanctions, they are

⁴⁸ Ibid, 68.

⁴⁹ Doxey, *Economic Sanctions and International Enforcement*, 42.

⁵⁰ Tim Beal, “Sanctions as Instrument of Coercion: Characteristics, Limitations, and Consequences,” in *Sanctions as War: Anti-Imperialist Perspectives on American Geo-Economic Strategy* (BRILL, 2022), 27-50.

⁵¹ Iraq represents an extreme case highlighting the detrimental humanitarian consequences of sanctions. In 1996, the UNICEF representative stated that: “Around 4,500 children under the age of five are dying here every month from hunger and disease ... leaves children of a once prosperous nation suffering from malnutrition on a level with those in Mali and Northern Sudan - two of the poorest countries in Africa.” Gowlland-Debbas, *United Nations Sanctions and International Law*, 136.

⁵² The Economist, “Sanctions Are Now a Central Tool of Governments’ Foreign Policy.”

overly used and considered “less dangerous than military force, but more serious - and sometimes more effective - than diplomacy alone.”⁵³

⁵³ A.F. Lowenfeld, *International Economic Law* (Oxford: OUP) (2008; 2nd ed.), at 925, cited in Tom Ruys, “Sanctions, Retorsions and Countermeasures: Concepts and International Legal Framework,” *Social Science Research Network*, January 1, 2016, <https://doi.org/10.2139/ssrn.2760853>.

CHAPTER II:

CASE STUDY: SOUTH AFRICA

“Through sanctions they isolated South Africa. ... Without sanctions we would not have made the progress and the victories that had been achieved.”⁵⁴

Nelson Mandela

2.1. Historical Background in South Africa Prior to Multilateral Sanctions

Apartheid, meaning ‘apartness’ or ‘separateness’ in Afrikaans, was introduced by the National Party in 1948. It was founded on the racist ideology of white supremacy over Africans, Indians, and Coloureds. Although it was not a new policy, throughout the years it became more extreme, manifesting an increasing degree of oppression against the majority Black people. Although constituting just 15 percent of the population, white South Africans had most of the power and wealth in the country, while the 80 percent Black majority was marginalized and suppressed with the apartheid system.⁵⁵ The enforcement of apartheid, characterized by a policy of segregation, emerged as a prominent human rights issue during the Cold War era.

⁵⁴ UN Multimedia, *Michael Littlejohns interviews Nelson Mandela, President of the African National Congress of South Africa, for World Chronicle program 520*, 24 September 1993, <https://www.unmultimedia.org/avlibrary/asset/2150/2150828/> (accessed October 9, 2023).

⁵⁵ Matthew McRae, “The Sharpeville Massacre,” Canadian Museum for Human Rights, March 19, 2019, <https://humanrights.ca/story/sharpeville-massacre>, (accessed October 10, 2023).

On May 26, 1948, the National Party under the nationalist leader Daniël François Malan emerged victorious in the elections, defeating General Jan C. Smuts and his United Party. The Nationalist Party's election campaign was based on the slogans and ideas such as the 'black danger' ('*swart gevaar*'), 'the nigger in his place' ('*die kaffer op sy plek*'), and 'the white man must always remain boss' ('*Die wit man moet altyd baas wees*').⁵⁶ Although the black people could not vote, the result of this election was significant for them, since it started a period of the gradual implementation of a repressive apartheid regime.

The 1948 election was followed by the adoption of several legislative acts as part of a systematic policy of racial segregation. The Prohibition of Mixed Marriages Act of 1949 and the Immorality Act of 1950 outlawed marriage and sexual relations between whites and other races. The Population Registration Act of 1950 classified all South African citizens based on their presumed racial ancestry, Whites, Coloureds and Natives (Blacks) then later fourth group was added for Indians/Asians.⁵⁷ "The Group Areas Act of 1950, rooted in residential apartheid, designated specific areas within towns and cities for each racial group's residence or business activities,⁵⁸ allowing white people to declare an area as 'white' and displace its existing residents. Prominent instances of forced removals include *Sophiatown* in Johannesburg which was one of the liveliest and oldest settlement of black community and *District Six* in Cape Town.⁵⁹ The Suppression of Communism Act of 1950 banned the Communist Party of South Africa (CPSA). The Pass Laws Act of 1952 obliged all black South Africans older than sixteen years old to carry 'reference books' or 'pass' - documents including various information - to further limit their movement.⁶⁰ The Bantu Education Act of 1953 segregated education based on racial distinctions, so black people could

⁵⁶ Nelson Mandela, *Long Walk to Freedom*, (London: Abacus, 1995), 127-128.

⁵⁷ South African History Online, "The Population Registration Bill is Read for the First Time," <https://www.sahistory.org.za/dated-event/population-registration-bill-read-first-time>, (accessed October 9, 2023).

⁵⁸ Nelson Mandela wrote about how absurd it was that they determined where someone could live, or work based on the curliness of their hair and the size of their lips. Mandela, *Long Walk to Freedom*, 140.

⁵⁹ Paul Nugent, *Africa Since Independence: A Comparative History*, (New York: Palgrave Macmillan, 2012), 300.

⁶⁰ South African History Online, "Pass Laws in South Africa 1800-1994" <https://www.sahistory.org.za/article/pass-laws-south-africa-1800-1994>, (accessed October 10, 2023).

be trained only for menial jobs, in order to be inferior and serve to white people. With the years passing, segregation became more visible in every aspect of life in South Africa.



A wooden bench written 'non-white only' in front of The High Court Civil Annex building in Cape Town, South Africa, 4 May 2019 © Ozge Polat

Black people experienced significant trauma, and frustration.⁶¹ As a result, oppressed people of South Africa, Black, Coloured, and Indian, but also white people opposing apartheid (mostly banned Communist Party members), took some measures influenced by Gandhi's philosophy of non-violence. In 1952, the African National Congress (ANC) and the South African Indian Congress (SAIC), driven by a growing sense of national awareness, initiated the 'Defiance Campaign Against Unjust Laws.' They organised strikes, boycotts,⁶² and acts of

⁶¹ André Wessels, "The United Nations Arms Embargo against South Africa, 1977-1994," *War and Society* 29, no. 2 (October 1, 2010): 137-153, <https://doi.org/10.1179/204243410x12674422128957>.

⁶² In 1958, Nelson Mandela wrote in his article 'Our Struggle Needs Many Tactics' that boycotts should be strategically used as a 'tactical weapon' in their struggle. Jesse Bucher and Stuart Davis, "Boycott and Sanctions as Tactics in the South African Anti-Apartheid Movement," in *Sanctions*

civil disobedience as part of their struggle against the apartheid regime. As a result of this passive resistance, many people were imprisoned.

International reaction against the apartheid regime started with India in 1946, who had a significant Indian population in South Africa. The earliest discussions of economic boycott started in India.⁶³ India asked the UN General-Assembly to consider the South African government's racial discrimination policy and treatment of Indian people⁶⁴ a violation of human rights and the fundamental freedoms declared in the UN Charter. The South African government argued the matter was exclusively an internal affair. At the request of thirteen African and Asian states, the issue of apartheid was included in the General Assembly agenda. The UN Commission on the Racial Situation in the Union of South Africa (UNCORS) was established, and it declared that the apartheid policy constitutes a danger to international peace and security.⁶⁵

The ongoing situation in South Africa and the Defiance Campaign attracted international attention from individuals and organizations. In the United Kingdom, John Collins, a Canon at St. Paul's Cathedral, developed an interest in South Africa after reading Alan Paton's 1948 novel, '*Cry the Beloved Country*.' He founded the Christian campaign group Christian Action and actively supported the Defiance Campaign by seeking donations from affluent acquaintances. Meanwhile, in the United States, a small circle of liberal pacifists and civil rights activists, including Bayard Rustin and A. Philip Randolph, established a new organization called *Americans for South African Resistance* (AFSAR), later renamed to *American Committee on Africa* (ACOA), in 1952 to support the resistance campaign. AFSAR issued newsletters about the campaign and appealed for financial contributions to aid its efforts.⁶⁶

as War: Anti-Imperialist Perspectives on American Geo-Economic Strategy (BRILL, 2022), 345-359.

⁶³ Simon Stevens, "Boycotts and Sanctions against South Africa: An International History, 1946-1970" (PhD thesis, Columbia University, 2016), 26.

⁶⁴ In 1946, the Asiatic Land Tenure and Indian Representation Act banned people of Indian origin from buying land. United Nations, *The United Nations and Apartheid 1948-1994* (The United Nations Blue Books Series; V. 1), United Nations Publications. Kindle Edition, 165-166.

⁶⁵ *Ibid*, 192-220.

⁶⁶ Stevens, "Boycotts and Sanctions against South Africa: An International History, 1946-1970", 61-62.

Some international opponents of apartheid took independent initiatives to exert economic pressure to support the anti-apartheid struggle in South Africa. The actions taken by the governments of India and Pakistan to draw attention to the apartheid issue inspired other nations in British Caribbean colonies. They adopted the idea of boycotting South African products, both at the governmental level and among consumers. The legislative proposals for a prohibition on imports of South African goods were discussed in Jamaica and Barbados. Traders in South Africa were concerned that the idea of boycotting South African goods could potentially spread to other countries.⁶⁷

Within South Africa, the concept of economic isolation attracted attention with the involvement of Trevor Huddleston, a British Anglican priest, who had been working in Johannesburg since 1943. Huddleston developed close ties with key figures in the ANC, and he had previously asked Canon Collins in London to raise funds for the Defiance Campaign in 1952. The implementation of new laws in South Africa led Huddleston to question the potential for internal actions to bring about a new and inclusive order in the country. He began to assert that significant external intervention was crucial for the anti-apartheid movement, especially though enforced economic measures. He shared this idea with Reverend Michael Scott in London and suggested that, during Scott's upcoming visit to New York, he should advocate at the United Nations for possible economic sanctions on South Africa. Scott regarded sanctions as an untried middle way, offering an alternative to the ineffective diplomatic appeals of the United Nations General Assembly Resolutions and the option of military force.⁶⁸ Huddleston also proposed a cultural and sports boycott of South Africa. Huddleston suggested foreign artists not perform for all-white South African audiences, and later broadened the idea to encompass a boycott of all-white South African sports teams in international competitions.⁶⁹

During the 1958 All-African People's Conference in Accra, attended by over 300 official delegates of representations from various political, youth, labour, and

⁶⁷ Ibid, 63-65.

⁶⁸ Ibid, 67-70.

⁶⁹ Ibid, 82-83.

women's groups from twenty-eight African nations, the focus was on African liberation. It was agreed that the situation in South Africa demanded more than resolutions, but actual action, particularly by implementing economic sanctions and not buying goods from South Africa. It was a significant proposal since it marked the inaugural instance in which an international assembly had decided to employ an economic boycott to support the anti-apartheid movement.⁷⁰

Despite these internal and international efforts in the struggle against apartheid, initially there were no considerable measures taken by States or international organisations to pressure the South African government. As the apartheid government became increasingly oppressive in suppressing domestic efforts, it became evident that international support and the economic isolation of South Africa were essential to fight apartheid. The tragic experience of 1960 and the following developments proved this.

On March 21⁷¹, 1960, over 5,000 individuals gathered in Sharpeville, Transvaal, to demonstrate against the Pass Laws, organised by the Pan African Congress (PAC), and during the peaceful protest armed police officers fired on the crowd, resulting in the deaths of 69 people and injuries to over 200, including children. Some of them were shot from behind as they tried to flee. The Sharpeville Massacre was a watershed moment for the international community as it showed the cruelty of the apartheid regime and it provoked global condemnation.⁷²

The apartheid government declared a state of emergency, by arresting many people and banning the ANC and the PAC. The anti-apartheid movements abandoned non-violent resistance, establishing their military wings. The ANC

⁷⁰ Ibid, 105-106.

⁷¹ In 1966, the United Nations General-Assembly declared 21 March, the day of Sharpeville Massacre as the *International Day for the Elimination of Racial Discrimination*. Nelson Mandela said: "March 21 is the day on which we remember and sing praises to those who perished in the name of democracy and human dignity." McRae, "The Sharpeville Massacre."

⁷² Ibrahim J. Gassama, "Reaffirming Faith in the Dignity of Each Human Being: The United Nations, NGOs, and Apartheid," *Fordham International Law Journal* 19, no. 4 (January 1, 1995): 1464, <https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=1504&context=ilj>; United Nations, *The United Nations and Apartheid 1948-1994*, 246-272.

with its military wing *Umkhonto we Sizwe* 'MK'⁷³ (Spear of the Nation), decided to focus on undermining the State through acts of sabotage without causing casualties.⁷⁴

The president of the ANC Albert J. Luthuli⁷⁵ called for a boycott of South African goods. Also, Martin Luther King was an opponent of apartheid and when he met with Luthuli, they called for economic sanctions against the apartheid regime. King and Luthuli said: “Urge your government to support economic sanctions; Don’t buy South Africa’s products; Don’t trade or invest in South Africa.”⁷⁶ In June 1960, during the Second Conference of Independent African States in Addis Ababa, the call for sanctions against South Africa gained momentum. Afterwards, multiple governments severed diplomatic ties with South Africa and implemented various economic and non-economic sanctions against the nation.⁷⁷

In March 1960, Ecuador presented a draft resolution to the Security Council, urging it to recognise that the evolving situation in South Africa could pose a threat to international peace and security.⁷⁸ In April 1960, in response to an urgent appeal from 29 Asian and African Member States, the Security Council passed Resolution 134, with two abstentions from France and United Kingdom, and acknowledged that the ongoing situation in South Africa had caused international tension and could pose a threat to global peace and security.⁷⁹ In June 1962, Ghana’s President Kwame Nkrumah criticized nations providing military support

⁷³ MK Manifesto declared: “*Umkhonto we Sizwe* will carry on the struggle for freedom and democracy by new methods, which are necessary to complement the actions of the established national liberation movement.” Nelson Mandela, *Long Walk to Freedom*, 338.

⁷⁴ United Nations, *The United Nations and Apartheid 1948-1994*, 300-330.

⁷⁵ Albert J. Luthuli was awarded for Nobel Peace Prize in 1960 “for his non-violent struggle against apartheid” and he was first African to receive this award. It was an important international recognition of anti-apartheid struggle. Sifiso Mxolisi Ndlovu, “On Nkosi Albert Luthuli Nobel Peace Prize Speech,” *Présence Africaine* 185/186 (2012): 121-129, <https://www.jstor.org/stable/24431119>.

⁷⁶ “Appeal for Action against Apartheid - Statement Issued Jointly by Chief Albert Luthuli and Reverend Martin Luther King, Jr, 10 December 1962,” South African History Online, <https://www.sahistory.org.za/archive/appeal-action-against-apartheid-statement-issued-jointly-chief-albert-luthuli-and-reverend>, (accessed October 14, 2023).

⁷⁷ United Nations, *The United Nations and Apartheid 1948-1994*, 272-300.

⁷⁸ UN-iLibrary, *Yearbook of the United Nations 1960*, 145-146, <https://www.un-ilibrary.org/content/books/9789210602099/read>, (accessed October 10, 2023).

⁷⁹ United Nations, *The United Nations and Apartheid 1948-1994*, 246-272.

to South Africa, noting that while the UN Security Council declared that apartheid in South Africa endangered global peace, some permanent Security Council members, like the United States, were supplying arms to the South African Government.⁸⁰

On November 1962, the General Assembly passed Resolution 1761 (XVII) and recommended particular measures to be adopted by Member States, individually or collectively: “a) Breaking off diplomatic relations with the Government of the Republic of South Africa or refraining from establishing such relations; b) Closing their ports to all vessels flying the South African flag; c) Enacting legislation prohibiting their ships from entering South African ports; d) Boycotting all South African goods and refraining from exporting goods, including all arms and ammunition, to South Africa; e) Refusing landing and passage facilities to all aircraft belonging to the Government of South Africa and companies registered under the laws of South Africa.”⁸¹ Numerous Member States severed diplomatic, and economic ties with South Africa. However, South Africa’s main trading partners did not endorse or enforce the resolution, resulting in relatively modest economic repercussions for South Africa. Resolution 1761 passed with 67 votes, while 16 members voted against it, and 23 abstained. The 1962 General Assembly vote is important as it indicated a core group of opponents to sanctions, comprising 16 States, of which 10 of them are South Africa’s main trading partners: the UK, USA, Japan, France, Belgium, the Netherlands, Canada, and Australia (plus West Germany which was not part of the UN yet and Italy which abstained). This coalition included Spain and Portugal, Turkey, Luxembourg, Greece, New Zealand, Ireland, and South Africa.⁸² Resolution 1761 was not binding, so the UN General Assembly requested that the Security Council takes further action by implementing sanctions.⁸³ The Special

⁸⁰ Annamart Van Wyk and Jackie Grobler, “The Kennedy Administration and the Institution of an Arms Embargo against South Africa, 1961-1963,” *Historia* 46, no. 1 (May 2011): 109-133, <https://journals.co.za/doi/pdf/10.10520/EJC38017>.

⁸¹ UN General Assembly, *The policies of apartheid of the Government of the Republic of South Africa*, 6 November 1962, A/RES/1761, available at: <https://www.refworld.org/docid/3b00f1dc8.html> (accessed October 10, 2023).

⁸² Newell M. Stultz, “The Apartheid Issue at the General Assembly: Stalemate or Gathering Storm?” *African Affairs*, January 1, 1987, <https://doi.org/10.1093/oxfordjournals.afraf.a097877>.

⁸³ United Nations, *The United Nations and Apartheid 1948-1994*, 326-370.

Committee on Apartheid was established with a mission of raising global awareness of the anti-apartheid struggle.

While the resolution did not result in substantial policy shifts at the governmental level in many Western countries against the apartheid regime, it intensified the pressure exerted by international anti-apartheid activists and organizations. In Denmark, the Social Democratic Youth organization (DSU) played an important role by translating and publishing a booklet written by South African activist Abdul Minty, which outlined the history of South Africa and apartheid. The booklet called upon both ‘housewives and governments’ to join in boycotting the country, considering the apartheid government equal to Nazi Germany. Moreover, DSU urged the Danish government to implement sanctions as recommended by the UN General Assembly Resolution 1761.⁸⁴

The Rivonia Trial between 1963-1964, in which Nelson Mandela and others were charged with acts of sabotage, attracted global attention with the presence of international journalists. Despite expectations of a death sentence, Mandela’s famous speech⁸⁵ during the trial greatly influenced international public opinion. In response, the Security Council passed Resolution 190 (1964), calling on the South African Government to abandon the death penalty and grant an amnesty to all imprisoned people.⁸⁶ Under growing international pressure, the defendants were sentenced to life imprisonment instead of the originally anticipated death penalty.

Despite the increasing calls for freedom for the oppressed people of South Africa, the Hendrik F. Verwoerd government escalated the enforcement of its apartheid policy. The evolving and alarming situation in South Africa led the Security Council to take stronger actions. Because of an arms build-up by South Africa and that arms were being used to reinforce the violent apartheid policy, the

⁸⁴ Jan Pedersen, “Christopher Munthe Morgenstjerne: Denmark and the National Liberation in Southern Africa: A Flexible Response. Nordiska Afrikainstitutet, Uppsala, 2003.” *Historisk Tidsskrift* 104, no. 2 (February 4, 2013), <https://tidsskrift.dk/historisktidsskrift/article/download/56152/76358>, 24.

⁸⁵ Nelson Mandela: “*During my lifetime I have dedicated myself to this struggle of the African people. I have fought against white domination, and I have fought against black domination. I have cherished the ideal of a democratic and free society in which all persons live together in harmony and with equal opportunities. It is an ideal which I hope to live for and to achieve. But if needs be, it is an ideal for which I am prepared to die.*” Mandela, *Long Walk to Freedom*, 438.

⁸⁶ United Nations, *The United Nations and Apartheid 1948-1994*, 461-480.

Security Council adopted Resolution 181 (1961), with two abstentions from France and the United Kingdom, by calling upon all States “to cease forthwith the sale and shipment of arms, ammunition of all types and military vehicles to South Africa.” This Resolution was not binding for Member States, as it was not adopted under Chapter VII of the UN Charter.⁸⁷ The Resolution was important as it was the first arms embargo applied to a Member State. However, it did not include trade sanctions.

The Kennedy Administration realized that the apartheid policy was not only a target of African and Asian Member States in the United Nations but also faced growing opposition from public opinion in the United States and Western Europe. By June 1963, international pressure for punitive measures against South Africa intensified, forcing the United States to confront a new and critical phase in the apartheid issue. While Kennedy and his advisors opposed sanctions, they realized the importance of taking action to maintain U.S. influence with newly independent African states, acknowledging that verbal condemnation of apartheid was no longer sufficient. Six days before the Security Council’s meeting on apartheid, George Ball, the U.S. Under-Secretary of State, supported Kennedy’s proposal of an arms embargo. However, he made it clear that this did not mean his support for additional measures.⁸⁸ The U.S. decided to support the UN Security Council decision by imposing an arms embargo to South Africa, protesting its policy of apartheid.⁸⁹ Italy and West Germany also complied with Resolution 181. However, France took the opportunity to increase its military cooperation with South Africa and eventually became its primary provider of arms.⁹⁰ The demand for an arms embargo gained political attention in the United Kingdom in 1963 when Labour Party leader Harold Wilson, speaking at an anti-apartheid rally in London, committed his party’s support to the embargo.⁹¹ When the Labour party won the general elections in November 1964, and the UK enforced an arms

⁸⁷ Ibid, 353-379.

⁸⁸ Wyk and Grobler, “The Kennedy Administration and the Institution of an Arms Embargo against South Africa, 1961-1963.”

⁸⁹ New York Times, “U.S. is Said to Agree to Arms Sanctions Against South Africa,” *The New York Times*, October 26, 1977, <https://www.nytimes.com/1977/10/26/archives/us-is-said-to-agree-to-arms-sanctions-against-south-africa-un-is.html>. (accessed October 10, 2023).

⁹⁰ Wessels, “The United Nations Arms Embargo against South Africa, 1977-1994.”

⁹¹ United Nations, *The United Nations and Apartheid 1948-1994*, 1042-1070.

embargo, the French government was willing to step in and take advantage of the situation. In 1964, the De Gaulle administration chose to strengthen its trade relations with South Africa, resulting in a significant threefold growth in French exports to the apartheid government.⁹² So, in 1963 and 1964, the United States and the United Kingdom, both major arms suppliers to South Africa, had applied arms embargoes. Some nations restricted the sale of arms used for repression but permitted sophisticated weaponry for external defence. While others continued to supply arms that could serve both military and civilian purposes.⁹³ The prevailing opinion in most newspapers was that the arms embargo would not weaken South African military but would accelerate South Africa's domestic arms production, aiming for full self-sufficiency.⁹⁴

The United States avoided adopting sanctions, claiming that they were an inadequate means to persuade the South African Government to abandon apartheid and they would harm the very people they aimed to assist. Furthermore, the debate escalated as the Soviet Union criticized the United States for prioritizing investments in South Africa over human rights concerns. One of the reasons for opposing sanctions was that the United States had significant military and economic interests in South Africa due to its strategic importance. South Africa had a history of being a reliable Western ally in global conflicts such as the First and Second World Wars.⁹⁵ Although during the Second World War, South Africa under the United Party government with the leadership of Jan Smuts aligned with the Allies, the National Party publicly sympathized with Nazi Germany.⁹⁶ During the Cold War, South Africa's strong anti-communist stance was an important limiting factor for the United States to not take further measures against the apartheid regime. According to the anti-apartheid liberation

⁹² Ivan Du Roy, "Remembering French Investments in Apartheid South Africa," *Multinationals Observatory*, December 17, 2013, <https://multinationales.org/en/news/remembering-french-investments-in-apartheid-south-africa>. (accessed October 11, 2023).

⁹³ United Nations, *The United Nations and Apartheid 1948-1994*, 1015-1042.

⁹⁴ Wyk and Grobler, "The Kennedy Administration and the Institution of an Arms Embargo against South Africa, 1961-1963."

⁹⁵ *Ibid.*

⁹⁶ Mandela, *Long Walk to Freedom*, 127.

movements, the United States was “blinded by anti-communistic hysteria.”⁹⁷ Despite criticizing South Africa for violating human rights, the Kennedy administration failed to take substantial action and continued to collaborate economically with the regime. The United States’ Cold War approach to South Africa prioritized ‘pragmatism over principle.’⁹⁸

Oliver Tambo and leaders of the SACP visited Moscow to ask for military assistance and training for the armed struggle, and in turn Soviet training of *Umkhonto we Sizwe* forces in Angola was used by the South African government as propaganda, claiming that liberation movements were controlled by the Soviet Union.⁹⁹

According to the British government, sanctions would lead to undesirable consequences at a substantial cost to the British economy and cause job losses in the United Kingdom resulting from a reduction in exports to South Africa. The emphasis on preserving a ‘working relationship’ with the South African government meant that Britain was hesitant to take significant measures. The British government chose to abstain from voting on a voluntary arms embargo resolution of the Security Council, as long as it helped avoid economic sanctions.¹⁰⁰

Among the UN Member States various opinions on sanctions against South Africa existed. The majority of them believed it was necessary to apply comprehensive and binding sanctions under the Chapter VII, including economic and diplomatic measures. On the one hand, the USSR, socialist nations, and newly independent and developing countries backed stronger measures to dismantle the apartheid system. On the other hand, the main and traditional trading partners of South Africa, including three permanent members of the Security Council, the

⁹⁷ Wyk and Grobler, “The Kennedy Administration and the Institution of an Arms Embargo against South Africa, 1961-1963.”

⁹⁸ Zoe Hyman, “‘To Have Its Cake and Eat It Too:’ US Policy Toward South Africa During the Kennedy Administration,” *The Sixties* 8, no. 2 (2015): 138-155, <https://www.tandfonline.com/doi/full/10.1080/17541328.2015.1099836>.

⁹⁹ Vladimir Shubin, “The Soviet Union/Russian Federation’s Relations with South Africa, with Special Reference to the Period since 1980,” *African Affairs*, January 1996, 5-30.

¹⁰⁰ Stevens, “Boycotts and Sanctions against South Africa: An International History, 1946-1970,” 229.

United States, the United Kingdom, and France, with veto power to prevent binding resolutions, opposed sanctions. They claimed that isolating the South African government and excluding it from the United Nations and other international organizations would have adverse consequences. These three permanent Security Council members, along with West Germany and Japan, accounted for 70 percent of South Africa's imports and half of its exports. South Africa relied on these nations for trade, investments, and technology, while these countries depended on South Africa's resources, such as diamonds, gold, and minerals.¹⁰¹ In 1966, the UN General Assembly with Resolution 2202(XXI) stated that: "by their failure to cooperate in implementing resolutions of the General Assembly ... and by their increasing collaboration with the Government of South Africa, have encouraged the latter to persist in its racial policies," and this "has aggravated the danger of a violent conflict."¹⁰²

The African States at the General Assembly pushed for additional Security Council measures that would be compulsory and have a more significant impact on the South African economy, such as imposing an oil embargo. This strategy aimed to damage the South African economy rapidly since the country had no domestic oil reserves.¹⁰³ The evolving global movement against apartheid enjoyed consistent support from the United Nations and it supported South African liberation movements and victims of apartheid. Anti-apartheid activists pressed for measures such as mandatory arms, oil, and economic embargoes, and cultural and sports boycotts. By increasing awareness of apartheid, they shaped public opinion in favour of the anti-apartheid struggle, especially in countries such as the United States, the United Kingdom, and other Western countries which are South Africa's main trading partners and opposing sanctions.¹⁰⁴

In 1963, the General Assembly adopted Resolution 1899 concerning Namibia and called upon all states to abstain from providing petroleum to South Africa, marking the initial step in a series of UN measures for oil sanctions

¹⁰¹ Vernon D. Johnson and Eliot Dickinson, "International Norms and the End of Apartheid in South Africa," *Safundi*, October 2, 2015, 355-377.

¹⁰² United Nations, *The United Nations and Apartheid 1948-1994*, 514-550.

¹⁰³ Stevens, "Boycotts and Sanctions against South Africa: An International History, 1946-1970," 232.

¹⁰⁴ United Nations, *The United Nations and Apartheid 1948-1994*, 629-650.

against Pretoria. In 1968, the General Assembly adopted Resolution 2396 by stating that the international anti-apartheid campaign must be intensified, and Member States should suspend their educational, sporting and activities with the apartheid regime.¹⁰⁵

South Africa left the Commonwealth and declared itself a Republic in 1961. It faced expulsion and voluntary withdrawal from numerous international organizations. After the condemnation of apartheid by the UN Specialized Agencies, South Africa withdrew from the United Nations Educational, Scientific and Cultural Organization (UNESCO), the Food and Agriculture Organization of the United Nations (FAO), and the International Labour Organisation (ILO). After 1966, South African liberation movements were accepted as the authentic representative of the people of South Africa, the legitimacy of the apartheid's regime was questioned and progressively declined. In 1974, the UN granted observer status to the ANC. In 1976, the ANC's leader in exile Oliver Tambo addressed the General Assembly for the first time, focusing on the issue of apartheid.¹⁰⁶ The General Assembly proposed to the Security Council that South Africa should be expelled from the United Nations under Article 6¹⁰⁷ of the UN Charter. Because South Africa's apartheid policies were in violation of the principles of the Charter and the Universal Declaration of Human Rights, and South Africa did not fulfil its responsibilities as outlined in the Charter. However, this proposal did not pass due to three negative votes from permanent members, the United States, the United Kingdom, and France. Despite not being expelled, South Africa was unable to participate in the General Assembly's activities. The General Assembly continued its efforts to pressure the South African regime, by recommending the complete exclusion of South Africa from participating in any international organisations and conferences under the United Nations' auspices as long as apartheid was in practice. By 1975, South Africa was excluded from all

¹⁰⁵ Ibid, 1564-1580.

¹⁰⁶ Adrian Carl Mopp, "National liberation movement in the international political arena: a case study of the African National Congress at the United Nations (1960 to February 1990)," *Rhodes University*, 1996, 40-41.

¹⁰⁷ Article 6 of the Charter says: "*A Member of the United Nations which has persistently violated the principles contained in the present Charter may be expelled from the Organization by the General Assembly upon the recommendation of the Security Council.*" United Nations, *The United Nations and Apartheid 1948-1994*, 981-1027.

United Nations organs.¹⁰⁸ Starting from the end of the 1960s, the General Assembly recognized apartheid as a ‘crime against humanity’ and, in 1973, adopted the *International Convention on the Suppression and Punishment of the Crime of Apartheid*¹⁰⁹ with four dissenting votes (South Africa, the United States, the United Kingdom, and Portugal).¹¹⁰

South Africa had a limited foreign service, primarily concentrated in western Europe and North America. The initial outcomes of the isolation campaign of the anti-apartheid forces included the Soviet withdrawal of its consular office in 1954, prompted by the Suppression of Communism Act and the closure of the South African embassy in Cairo in 1960, which was the country’s only diplomatic presence in Africa at the time. The establishment of a consulate in Beirut served as the sole alternative. Furthermore, in 1967, leaders of the Organization of African Unity (OAU) reached an agreement to terminate all consular and diplomatic relations with South Africa. During the period from 1948 to 1965, the majority of the African and Asian states avoided having diplomatic relations with South Africa. The sole area of expansion during this time was in Western Europe. Diplomatic relations only extended in Western Europe. In later periods, the South African government’s efforts to establish diplomatic relations in order to avoid total isolation had only modest success, particularly in Latin America during the 1970s.¹¹¹

Cultural and sports boycotts played a significant role in opposing the apartheid regime. South Africa was excluded from the 1964 Tokyo Olympic Games. In 1970, it was also expelled from the International Olympic Committee. Many international artists chose not to perform in South Africa, and these protests effectively pressured nations like the United States, the United Kingdom,

¹⁰⁸ Ibid, 1015-1042.

¹⁰⁹ It was adopted by Resolution 3068 (1973), and Article 1 says that: “*The States Parties to the present Convention declare that apartheid is a crime against humanity and that inhuman acts resulting from the policies and practices of apartheid and similar policies and practices of racial segregation and discrimination, as defined in article II of the Convention, are crimes violating the principles of international law, in particular the purposes and principles of the Charter of the United Nations, and constituting a serious threat to international peace and security.*” Ibid, 11322-11466.

¹¹⁰ Ibid, 802-828.

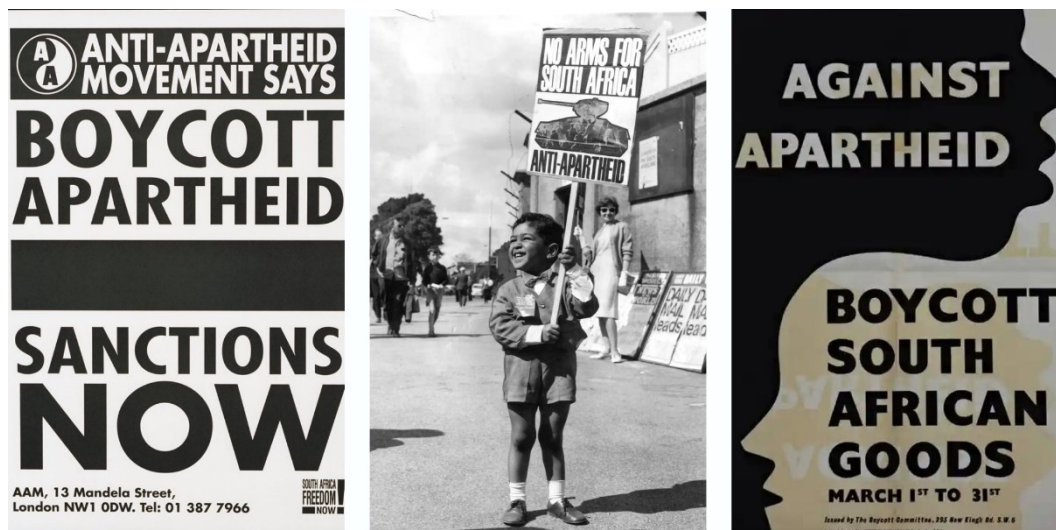
¹¹¹ A. J. Christopher, “The Pattern of Diplomatic Sanctions against South Africa 1948-1994,” *GeoJournal* 34, no. 4 (December 1994): 439-446, <https://doi.org/10.1007/bf00813139>.

Australia, and New Zealand, which were hesitant to impose effective sanctions. South Africa's all-white sports teams faced exclusion from international competition due to widespread protests, predominantly led by students in Western countries. Following sports boycotts, South Africa remained involved in international sports mainly in tennis, cricket, rugby, and golf, primarily with Commonwealth countries. In Australia, the South African rugby delegation met with a massive anti-apartheid protest, leading to Australian Air Force planes transporting the South African team due to trade union refusals to provide transportation. During the protest many people were injured and arrested, and a state of emergency was declared in the State of Queensland. The South African cricket tour was postponed and then later cancelled. International anti-apartheid organisations called for boycotting South African wine and its other products. With Resolution 35/206, the General Assembly called upon member states to end all cultural agreements with South Africa, avoid promotion of tourism to South Africa, and end visa-free entry for nationals of South Africa.¹¹²



Anti-Apartheid Movement supporters protesting at the Springboks and Glamorgan cricket match, Swansea, 1965 © Media Wales Ltd/AAM

¹¹² United Nations, *The United Nations and Apartheid 1948-1994*, 1590-1667.



Left: A poster prepared by Anti-Apartheid Movement © Sue Longbottom

Centre: Young Anti-Apartheid Advocate Calls for Arms Embargo Support, St Helen's cricket ground in Swansea, Wales, 1965 © Media Wales Ltd

Right: Poster for the March Month of Boycott, 1960 © Mountain and Molehill

However, despite the widespread sports boycott, several sports organisations and athletes, particularly from some Western nations, continued to participate in sporting events in South Africa. In fact, some international sports bodies, such as the International Tennis Federation, not only refused to support exclusion measures against South Africa but also sought to penalize countries that implemented a boycott against South African sports events. Many governments and sports organizations believed that boycotting apartheid teams was not sufficient, but that action should be taken against those violating boycotts. In response to this problem, the United Nations proposed an *International Convention against Apartheid in Sports*. A registry for athletes playing in South Africa was created. These initiatives involved a 'third-party boycott,' which meant boycotting not just South Africa but also those collaborating with apartheid in the realm of sports. Upon the proposal of non-aligned nations, the UN General Assembly appointed a committee to develop a convention. The General Assembly approved the International Declaration against Apartheid in Sports on December 14, 1977. Drafting the Convention was challenging due to concerns about a binding 'third-party boycott' provision. After years of consultations, the

Committee completed the draft Convention in 1985, which was adopted by the General Assembly and opened for signature in 1986. The Convention mandated that countries should ban the entry of athletes who competed in South Africa, as well as those individuals who invited sports teams representing South Africa.¹¹³

2.2. A Road Leading to Isolation: International Sanctions and Boycotts against South Africa

In the 1970s and 1980s the situation in South Africa deteriorated due to escalating tension and violence. The 1976, another significant watershed moment, made the international community realise how brutal and illegitimate the apartheid regime was. The education policies of the apartheid regime, tracing back to the Bantu Education Act of 1953¹¹⁴, systematically disadvantaged Black students. The decision to implement Afrikaans as the language of instruction in schools, instead of English, worsened the situation further. On June 16, 1976, thousands of schoolchildren as young as ten gathered in the largest black township in Johannesburg, Soweto, to protest the South African government's discrimination policies. Police opened fire on students killing 176 and wounding more than 1000 people according to government data, although the real number is presumed to be much higher.¹¹⁵ Hector Pieterse, a 12-year-old, was among the first to be killed by the police, and his image as he was carried by another student with his tearful sister, became an iconic symbol of apartheid's brutality.¹¹⁶ This photo was spread globally and the killing of school children by South African

¹¹³ Ibid, 1667-1694.

¹¹⁴ Nelson Mandela said: "The consequences of Bantu Education came back to haunt the government in unforeseen ways. For it was Bantu Education that produced in the 1970s the angriest, most rebellious generation of black youth the country had ever seen." Mandela, *Long Walk to Freedom*, 198.

¹¹⁵ Saul Dubow, *Apartheid, 1948-1994* (Oxford University Press, 2014).

¹¹⁶ Aryn Baker, "This Photo Galvanized the World against Apartheid. Here's the Story behind It," *Time*, June 15, 2016, <https://time.com/4365138/soweto-anniversary-photograph/>. (accessed October 12, 2023).

police sparked international condemnation of apartheid. The Soweto Uprising led to mass resistance against the apartheid regime and the protests spread to other townships and across the country. The South African government reacted by intensifying suppression and violence. In 1977, another crucial moment occurred when Steve Biko, leader of the Black Consciousness Movement and founder of the South African Students Organisation SASO, was beaten to death while in police custody. He was seen as a 'hero and martyr' for the struggle against apartheid.¹¹⁷

These tragic events triggered a stronger international anti-apartheid stance. During this period, there was a significant increase in international support for the anti-apartheid cause, with some Western governments, inspired by Sweden, even providing direct aid to South African liberation movements. Smaller Western nations initiated measures to limit their economic ties with the South African government. Although previously this move was considered ineffective without a Security Council resolution, now they thought it would be a good example so other countries would follow too by taking similar measures.¹¹⁸

The question of apartheid was discussed during Security Council meetings in March 1977. The representative of Mauritius said that stronger actions were necessary since the loans and foreign investment provided by Western states were preventing a positive change in South Africa. The ANC representative stated that although international condemnation increased considerably, no real action was taken and, in the meantime, South Africa gained time to improve itself economically and militarily. The Western powers by arming the apartheid regime were protecting their interest in the region as they had seen South Africa as a 'local gendarme',¹¹⁹ The representative of Botswana said that the Rhodesian regime, with the help the apartheid regime, was attacking neighbouring states, and South Africa with a flourishing arms industry was about to acquire nuclear weapons. The Venezuelan representative drew attention to foreign investment as

¹¹⁷ Gassama, "Reaffirming Faith in the Dignity of Each Human Being: The United Nations, NGOs, and Apartheid."

¹¹⁸ United Nations, *The United Nations and Apartheid 1948-1994*, 698-725.

¹¹⁹ UN-iLibrary, *Yearbook of the United Nations 1977*, 133-136, <https://www.un-ilibrary.org/content/books/9789210601917/read>, (accessed October 12, 2023).

an important issue. Foreign investments were giving material support to the regime to continue its discriminatory policies. The Western capital and technology were helping to develop nuclear energy. Sweden, Denmark, Norway, Finland, and Iceland expressed their support for a Security Council resolution imposing a binding arms embargo and restriction on new investment. Sweden was among the Member States that implemented a voluntary arms embargo on South Africa.¹²⁰ The Cuban representative, as written in the UN Yearbook of 1977, stated: “The struggle against colonialism and racism ... required the unity of all progressive forces. Attempts to use ‘anti-communist’ arguments against the struggle would fail.”¹²¹

In October 1977, the Security Council with Resolution 417 defined the South African regime as ‘racist’ for the first time and asked for a stop to violence against non-white people.¹²² After worsening conditions and violence in South Africa and increasing pressure from the General Assembly and international public opinion, the Security Council unanimously adopted Resolution 418 and enforced a binding arms embargo against South Africa under Chapter VII in November 1977. The Security Council condemned the South African Government for its persistence on apartheid policy, its repressive actions, its hostility towards neighbouring countries and its proximity to producing nuclear weapons and threatening international peace and security. All existing contracts with the South African government concerning arms, ammunition and military equipment had to be terminated. It was a binding and significant resolution as UN Secretary-General Kurt Waldheim said: “The first time in the 32-year history of the Organization that action has been taken under Chapter VII of the Charter against a Member State”.¹²³

The South African government argued that the UN arms embargo would bolster white South Africans’ resistance to foreign interference and South Africa would eventually achieve self-sufficiency in producing all necessary military equipment. The imposition of a mandatory arms embargo and the international

¹²⁰ Ibid, 136.

¹²¹ Ibid, 137.

¹²² United Nations, *The United Nations and Apartheid 1948-1994*, 856-882.

¹²³ Ibid, 1042-1096.

campaign to isolate South Africa unintentionally helped the National Party government, as they used this a means of propaganda to tell white South African voters that there was a ‘total onslaught’ against them. As a result, the National Party won the 1977 elections with a greatest victory ever.¹²⁴

The United Nations aimed to address loopholes by establishing a committee to reinforce the binding arms embargo. It called on UN Member States to refrain from importing arms from South Africa with its recommendations. Despite the efforts, it was not successful in preventing violations of the arms embargo by third parties. South Africa was still involved in arms and ammunition exports to twenty-three nations, amounting to R1.8 billion in value by 1988.¹²⁵ South Africa shifted its focus from acquiring new arms from abroad to improving and modernizing existing systems then to the production of new armament systems. This evolution ultimately resulted in the establishment of a robust domestic arms manufacturing sector. The 1977 arms embargo was applied too late because in the meantime South Africa had had enough time to develop its own arms industry. Another factor limiting the efficacy of the arms embargo was that there were still countries supplying arms to the apartheid regime, such as Israel. Furthermore, the South African economy was strong enough to supply itself with arms from the black market. Nevertheless, the arms embargo helped to increase pressure on the apartheid regime and reinforce its pariah status.¹²⁶

Given South Africa’s dependence on oil imports, the United Nations saw the imposition of an oil embargo as an effective pressure tactic that could complement the arms embargo against South Africa. In 1973, the Summit Conference of Arab States made the decision to enforce an oil embargo on South Africa, leading the Special Committee against Apartheid to call upon other governments and organizations to join. In 1979, the General Assembly adopted the resolution ‘Oil embargo against South Africa.’ Iran, which was an important oil supplier to South Africa, announced a stop to oil sales in 1979 after their revolution. In 1980, the Netherlands Parliament voted for an oil embargo on South

¹²⁴ Wessels, “The United Nations Arms Embargo against South Africa, 1977-1994.”

¹²⁵ Ibid.

¹²⁶ Ibid.

Africa. While South Africa managed to acquire oil despite the United Nations' attempts to enforce an effective embargo, it had to pay a substantial premium to secure clandestine shipments.¹²⁷ However, South Africa's dependency on oil as a source of energy was around 25 percent. Having one of the world's largest coal reserves, it was questioned whether the oil embargo would have critical adverse effects on South Africa.¹²⁸

Under growing international pressure and sanctions, in 1983 the South African government announced a new constitution with the aim of 'reforming' apartheid. The plan included creating a tricameral Parliament, alongside the existing white parliament, to give some rights for Indian and Coloured people. However Indian and Coloured chambers were subject to a white veto, and this plan excluded Black people which were the majority of the South African population. The Botha government aimed to segregate Coloured and Indian people from the Black community, however, their strategy failed as over 80 percent of Coloureds and Indians boycotted the election. This move was criticised by the international community and sparked more countrywide civil unrest. The United Democratic Front was established to coordinate protests, by unifying hundreds of anti-apartheid movements and organisations. The anti-apartheid struggle drew global attention once again when in 1984 Bishop Desmond Tutu was given the Nobel Peace Prize.¹²⁹

After the arms and oil embargo, many states believed that comprehensive economic sanctions were needed to pressure further for the elimination of apartheid. Over the years of anti-apartheid struggle, the General Assembly continuously called upon Member States for comprehensive economic sanctions on South Africa. However, initially its trading partners were against taking economic measures because of their own economic interests. South Africa was attractive for many international companies since it offered cheap black labour and high profits. South Africa's economy relied on loans, investments, and

¹²⁷ United Nations, *The United Nations and Apartheid 1948-1994*, 1124-1201.

¹²⁸ John F. Burns, "South Africa, Plunged into Oil Crisis, Seeks Ways to Cope," *The New York Times*, July 13, 1979, <https://www.nytimes.com/1979/07/13/archives/south-africa-plunged-into-oil-crisis-seeks-ways-to-cope-imports.html>. (accessed October 12, 2023).

¹²⁹ Mandela, *Long Walk to Freedom*, 618-619.

technology for growth, therefore, effective economic measures would force the apartheid government to negotiations for political change. In 1976, the General Assembly by adopting 'Programme of Action against Apartheid,' asked all Member States to terminate their economic relations with the apartheid regime, to prohibit financial loans and investments to South Africa, and to take measures within international organizations such as the European Economic Community, the World Bank, and the International Monetary Fund, etc.. Sweden and Norway decided to stop investments. After pressuring General Assembly resolutions, in 1985, the Security Council adopted Resolution 569 asking Member States to stop new investments and loans to South Africa.¹³⁰

In the meantime, international anti-apartheid movements continued pressuring their governments to take effective economic sanctions. In the late 1970s, many anti-apartheid activists started disinvestment and divestment campaigns, especially in the United States, the United Kingdom, and other Western states.¹³¹ Zambian President Kenneth Kaunda supported economic sanctions and said that: "If you don't apply sanctions hundreds of thousands of people will die and your investments will go up in flames."¹³² Many state and local authorities in Western countries refrained from interacting with firms associated with South Africa, while labour unions divested their pension funds from such corporations. Anti-apartheid activists increased their pressure on banks and international corporations, and when the crisis and violence increased in South Africa, many corporations decided to stop giving loans and operating in the country.¹³³

International anti-apartheid protests grew continuously, also in student campuses which in the United States saw the most extensive demonstrations since the Vietnam War.¹³⁴ The African American community formed *TransAfrica*¹³⁵ in

¹³⁰ Ibid, 1175-1254.

¹³¹ Ibid, 1254-1280.

¹³² Sanctions against South Africa: The Peaceful Alternative to Violent Change, (New York: United Nations, 1988), Hein Online.

¹³³ United Nations, *The United Nations and Apartheid 1948-1994*, 1254-1280.

¹³⁴ Dubow, *Apartheid 1948-1994*, 222.

¹³⁵ The founder of *TransAfrica* Randall Robinson after his trip to South Africa in 1976 said: "Another world, closed off, dramatically crueller than the old south of my memory" Randall Robinson, "South Africa," *Ebony*, May 1985, 133 cited in Jessica O'Connor, "Racism Anywhere Threatens Freedom Everywhere": The Legacy of Martin Luther King, Jr. in Black America's Anti-

1977 to advocate for sanctions, boycotts, and divestment campaigns and initiated the *Free South Africa Movement* in 1984. The objective was to ‘mobilize public opinion’ on foreign policy issues and pressure the United States to take more rigorous sanctions.¹³⁶ The Carter administration despite speaking more harshly about the apartheid regime than previous governments and placing human rights as an important aspect of U.S. foreign policy, it supported the *Sullivan Principles*¹³⁷ and avoided taking economic measures against the apartheid regime.¹³⁸ The Reagan administration opposed the stringent actions against the apartheid regime. Reagan adopted a policy of *constructive engagement* against the apartheid regime, by defending the idea of having more positive economic and diplomatic relations to convince the regime to reform. The objective of the policy also included the prevention of Soviet influence in southern Africa.¹³⁹ The Comprehensive Anti-Apartheid Act of 1986 enforced economic sanctions through a ban on investment and loans in South Africa and a ban on importing various South African goods, such as coal, iron, steel, coal, and agricultural products, and removed South African Airways’ landing rights in the United States. The act was adopted despite Reagan’s veto efforts when the House and the Senate override it. As a response to the override, Reagan said: “Punitive sanctions, I believe, are not the best course of action; they hurt the very people they are intended to help. My hope is that these punitive sanctions do not lead to more violence and more repression” while others said it was “a moral and diplomatic wake-up call.”¹⁴⁰

Apartheid Activism,” *Australasian Journal of American Studies* 34, no. 2 (December 2015): 44-58, <https://www.jstor.org/stable/44779733>.

¹³⁶ Alex Lichtenstein, “One Struggle: Legitimizing Anti-Apartheid Discourse,” *Safundi* 5, no. 3 (2004): 1-6, <https://doi.org/10.1080/17533170400705307>.

¹³⁷ In 1977, civil rights leader Leon Sullivan, first black member of board of General Motors, introduced six principles for U.S. investment and businesses in South Africa, focused on combating discrimination and fostering equality and education. These principles were initially seen a way to encourage positive change and reforms in South Africa without direct intervention. However, they also sparked debate, as the idea conflicted with cutting economic ties and isolating South Africa.

¹³⁸ Simon Stevens, “‘From the Viewpoint of a Southern Governor’: The Carter Administration and Apartheid, 1977-81,” *Diplomatic History* 36, no. 5 (September 25, 2012): 843-880, <https://doi.org/10.1111/j.1467-7709.2012.01067.x>.

¹³⁹ O’Connor, “‘Racism Anywhere Threatens Freedom Everywhere’: The Legacy of Martin Luther King, Jr. in Black America’s Anti-Apartheid Activism.”

¹⁴⁰ Andrew Glass, “House Overrides Reagan Apartheid Veto, Sept. 29, 1986,” *POLITICO*, September 29, 2017, <https://www.politico.com/story/2017/09/29/house-overrides-reagan-apartheid-veto-sept-29-1986-243169>, (accessed October 14, 2023).

One of the most important international solidarity movements was the Anti-Apartheid Movement (AAM) in the United Kingdom. In the 1960s and 1970s, the AAM initiated various boycott campaigns, and in the early 1980s coordinated boycotts at the national level were introduced. A comprehensive effort in 1985 led to an expansion of boycott activities nationwide, with activists closely scrutinizing South African products in stores and protesting outside retailers and supermarkets.¹⁴¹ The AAM played a crucial role in influencing the British Government to take effective economic sanctions, given the United Kingdom's significant role as one of South Africa's key trading partners. The Thatcher government from 1979 was reluctant to oppose apartheid and apply economic sanctions as the South African government was seen as an anti-communist ally during the Cold War.¹⁴² Margaret Thatcher¹⁴³ opposed any kind of sanctions because in her view they were 'crime against free trade'.¹⁴⁴ The Thatcher government cited several reasons for opposing sanctions in South Africa: presumed ineffectiveness of sanctions in promoting political change of the government, the potential negative psychological impact of sanctions on South Africa, the adverse effects of sanctions on the oppressed people, with the belief that economic sanctions could lead to job losses and increased poverty among the Black community. However, it was argued that Black people were already suffering enough, and they would be 'willing to make a sacrifice' to achieve a democratic and free South Africa. As of 1981, bilateral trade between the two countries amounted to £1.7 billion. Ending economic relations with South Africa, a former British colony, would mean a significant number of job losses in the

¹⁴¹ Robert Skinner, "'Every Bite Buys a Bullet': Sanctions, Boycotts and Solidarity in Transnational Anti-Apartheid Activism," *Moving the Social* 57 (March 1, 2017): 97-114, <https://doi.org/10.13154/mts.57.2017.97-114>.

¹⁴² "The British Anti-Apartheid Movement," South African History Online, <https://www.sahistory.org.za/article/british-anti-apartheid-movement>. (accessed October 14, 2023).

¹⁴³ Thatcher infamously defined the ANC as a terrorist organisation. Sam Matthews Boehmer, "Questionable Allies: British Collaboration with Apartheid South Africa, 1960-90," *The International History Review*, August 2023.

¹⁴⁴ Richard Dowden, "How Margaret Thatcher Helped End Apartheid - despite Herself," *The Guardian*, April 10, 2013, <https://www.theguardian.com/world/2013/apr/10/margaret-thatcher-apartheid-mandela>, (accessed October 14, 2023).

United Kingdom. Furthermore, South Africa was a prominent source of strategic minerals and metals.¹⁴⁵

In 1986, the European Economic Community decided to halt new investments in South Africa. At that stage, some Member States individually had already taken some actions, but it was necessary to bring those measures with a Council Decision¹⁴⁶ to a harmonized level. However, it was challenging to find common ground, as some Member States such as the United Kingdom, France and West Germany were more economically involved with South Africa. As a consequence, it was agreed on a lowest common ground between Member States and the agreed policy was adopted through a decision instead of a regulation.¹⁴⁷ The European Economic Community implemented a ban on importing steel and iron from South Africa; however, this ban did not include diamonds and coal, South Africa's primary exports.¹⁴⁸

Chase Manhattan Bank decided to cease issuing new loans to private borrowers in South Africa, stating their decision was driven by economic considerations rather than political factors.¹⁴⁹ A Chase executive explained: "We felt that the risk attached to political unrest and economic instability became too high for our investors. We decided to withdraw. It was never the intention to facilitate change in South Africa, the decision was taken purely on account of what was in the interest of Chase."¹⁵⁰ Another important example was the withdrawal of Barclays Bank. Although they stated that it was for commercial reasons, the effect of pressure from opponents of apartheid was undeniable. As the chairman of Barclays, Sir Timothy Bevan said: "World opinion counts... It affects

¹⁴⁵ Boehmer, "Questionable Allies: British Collaboration with Apartheid South Africa, 1960-90."

¹⁴⁶ Article 1 of the Decision: "*Member states shall take the necessary measures to ensure that new direct investments in the Republic of South Africa by natural or legal persons resident within the Community are suspended.*"

¹⁴⁷ Martin Holland, "Disinvestment, Sanctions and The European Community's Code of Conduct in South Africa," *African Affairs* 88, no. 353 (October 1, 1989): 529-547, <https://doi.org/10.1093/oxfordjournals.afraf.a098215>.

¹⁴⁸ Philip I. Levy, "Sanctions on South Africa: What Did They Do?" *The American Economic Review* 89, no. 2 (May 1, 1999): 415-420, <https://doi.org/10.1257/aer.89.2.415>.

¹⁴⁹ Robert A. Bennett, "Chase Ends Loans to South Africans," *The New York Times*, August 1, 1985, <https://www.nytimes.com/1985/08/01/business/chase-ends-loans-to-south-africans.html>, (accessed October 13, 2023).

¹⁵⁰ Levy, "Sanctions on South Africa: What Did They Do?"

commerce. And world opinion has changed quite a lot this year.”¹⁵¹ Many other European and American banks did the same. However, some banks and companies decided not to leave South Africa, justifying their decisions with initiatives aimed at promoting empowerment of the Black community.¹⁵² When the companies were sold, the new owners usually kept the existing workforce, which did not affect Black workers to a considerable extent. But when a company closes its operations, it has a negative effect on employment.¹⁵³

Many international companies started to leave South Africa because of the combination of different factors, such as increasing violence and civil unrest, labour strikes, inflation, the loss of value of the Rand, and the suspension of loan payments by the South African government.¹⁵⁴ The country became increasingly unattractive for investments. Private lenders, concerned about South Africa’s worsening political and economic conditions and doubting the government’s ability to repay its debt, played a significant role in the capital outflow from the nation.¹⁵⁵ This was an important factor in exacerbating the financial situation in South Africa, along with increasing economic sanctions. South Africa adopted measures to circumvent the economic sanctions, by import substitution and using third countries which did not join the sanctions. Although these measures did not avoid the economic cost of sanctions, as it was estimated that in the mid-1980s, these trade sanctions cost South Africa approximately \$354 million per year.¹⁵⁶ South Africa, with its open economy heavily dependent on international trade, experienced the immediate consequences of sanctions, leading to lower prices for

¹⁵¹ Steve Lohr, “Barclays Pullout: The Pressure Grew,” *The New York Times*, November 25, 1986, <https://www.nytimes.com/1986/11/25/business/barclays-pullout-the-pressure-grew.html>. (accessed October 13, 2023).

¹⁵² Bill Keller, “The World; South Africa Sanctions May Have Worked, at a Price,” *The New York Times*, September 12, 1993, <https://www.nytimes.com/1993/09/12/weekinreview/the-world-south-africa-sanctions-may-have-worked-at-a-price.html>, (accessed October 14, 2023).

¹⁵³ Allan I. Mendelowitz, “U.S. Sanctions Against South Africa: Statement of Allan I. Mendelowitz, Senior Associate Director, National Security, and International Affairs Division, Before the Committee on Foreign Relations, United States Senate,” U.S. General Accounting Office, 1988.

¹⁵⁴ Holland, “Disinvestment, Sanctions and The European Community’s Code of Conduct in South Africa.”

¹⁵⁵ Levy, “Sanctions on South Africa: What Did They Do?”

¹⁵⁶ Hufbauer et al., *Economic Sanctions Reconsidered: History and Current Policy*, cited in Levy, “Sanctions on South Africa: What Did They Do?”

its exports and higher costs for imports.¹⁵⁷ Sanctions significantly restricted the South African economy. Some studies indicated that its economy could have been 20 to 35 percent bigger in the absence of sanctions. The oil embargo alone had led to an estimated loss of \$22.1 billion for the South African economy between 1979-1988.¹⁵⁸ Between 1972-1994 the trade volume and the economy of South Africa experienced significant changes. During this time, GDP growth declined from the prosperous levels of the 1960s, and the country experienced a recession between 1990-1992. Import surcharges were implemented after various economic difficulties, including the halt of capital inflows after the Soweto uprising in 1976, during 1982-1983 due to the collapse in the gold price, and in response to a sovereign debt crisis in 1985.¹⁵⁹

The increasing violence and instability in the country led the apartheid regime to lose legitimacy and confidence. Some Afrikaners were divided, with some questioning the apartheid system and recognizing the need for change, while others supported rigorous measures to maintain white minority rule. Botha's reform moves were seen as 'cosmetic' changes rather than genuine reforms against ever-growing international criticism.¹⁶⁰ The country fell into crisis and people were protesting in mass all over the country. The apartheid government responded to the increased level of protest with increasing levels of violence. As a result, many people were killed and arrested, and a state of emergency was declared with many troops deployed. During this period, the relationship between the ANC and the Zulu-based Inkatha Freedom Party deteriorated, leading to the use of the term 'black on black violence.'¹⁶¹ It was feared the political violence and non-ending conflict in the country would turn into a civil war. The South

¹⁵⁷ Winston P. Nagan, "Economic Sanctions, U.S. Foreign Policy, International Law and the Anti-Apartheid Act of 1986the Anti-Apartheid Act of 1986," *Florida Journal of International Law* 4, no. 1 (September 1988), <https://scholarship.law.ufl.edu/cgi/viewcontent.cgi?article=1148&context=fjil>.

¹⁵⁸ United Nations, *The United Nations and Apartheid 1948-1994, 1966-1992*.

¹⁵⁹ Lawrence Edwards, "South Africa's International Trade". *PRISM Working Paper 2021-1*, Cape Town: Policy Research on International Services and Manufacturing, University of Cape Town, 2021.

¹⁶⁰ Dubow, *Apartheid 1948-1994*, 199.

¹⁶¹ "Apartheid - The Early 1980s," South African History Online, <https://www.sahistory.org.za/article/apartheid-early-1980s>, (accessed October 14, 2023).

African government was more isolated than ever after continuous international pressure and sanctions.

Between 16-20 June 1986, the General Assembly, in collaboration with the Organisation of African Unity and Non-Aligned Countries, convened a World Conference on Sanctions against Racist South Africa, urging effective international measures during a critical period for South Africa and southern Africa. During this conference Oliver Tambo said that “We can in fact enhance the isolation of apartheid South Africa in a meaningful way. Taking advantage of mass, popular sentiment in favour of sanctions, governments that are committed to anti-racism and truly interested to minimise the bloodshed and usher in an era of peace, freedom, and justice in southern Africa, can and must take further steps towards the imposition of comprehensive sanctions.”¹⁶²

In 1978 for the sixtieth birthday of Mandela, the ‘*Free Mandela*’ campaign was initiated. In 1982, Archbishop Huddleston, made an international declaration advocating for the release of Mandela and others. In June 1988, the Anti-Apartheid Movement organised ‘*Nelson Mandela: Freedom at 70*’ campaign, with participation of many famous singers and artists such as Sting, Whitney Houston, Stevie Wonder, and many others, watched by millions of people all over the world. There was a growing global call for the release of Mandela.¹⁶³ Botha dismissed the call to release Mandela, claiming that Mandela was a ‘communist’ and a ‘terrorist.’¹⁶⁴

South Africa faced a coordinated diplomatic isolation campaign due to its apartheid policy between 1948-1994. By the end of the 1980s, the efforts of anti-apartheid movements gave results also in Western nations as South Africa became increasingly isolated. In July 1985, France recalled its Ambassador from South Africa and decided to ban any new investments in the country. In October 1985 Japan, one of the main trading partners of South Africa, adopted economic

¹⁶² “Victory Is Within Our Grasp: Statement at the World Conference on Sanctions against Racist South Africa by O. R. Tambo, UNESCO House, Paris, 16 June 1986,” South African History Online, <https://www.sahistory.org.za/archive/victory-within-our-grasp-statement-world-conference-sanctions-against-racist-south-africa-o>, (accessed October 14, 2023).

¹⁶³ United Nations, *The United Nations and Apartheid 1948-1994*, 1306-1357.

¹⁶⁴ Dubow, *Apartheid 1948-1994*, 221.

sanctions against the country.¹⁶⁵ Despite the international isolation of the South African Head of State, the ANC found recognition. For instance, the ANC was invited as official guests to the funeral of Sweden's Prime Minister Olaf Palme,¹⁶⁶ whereas the South African Government was excluded. The ANC received an invitation to a French government banquet commemorating the French Revolution in 1989, whereas the South African government was not included in the event.¹⁶⁷ Following successful international campaigns against apartheid led by the United Nations and global anti-apartheid movements, South Africa found itself in a position of severe isolation, with 30 diplomatic representations abroad in 1990. In the meantime, the ANC was increasing its number of overseas offices.¹⁶⁸ Given the profound divisions within South African society, the prevailing endemic violence, and isolation¹⁶⁹ of the apartheid regime at the international level, negotiations became inevitable.

Two important changes occurred during this period at both national and international level which paved the way for the political transition in South Africa. On the national level Botha was replaced by Frederik Willem de Klerk as the party leader, and then de Klerk became President of South Africa in September 1989. De Klerk was seen as different compared to its predecessors. Mandela said on de Klerk: "He was not an ideologue but a pragmatist, a man who saw change as necessary and inevitable."¹⁷⁰ Considering the ongoing chaos and violence in the

¹⁶⁵ United Nations, *The United Nations and Apartheid 1948-1994*, 4380-4400.

¹⁶⁶ Olof Palme was a significant supporter in the anti-apartheid struggle, and a friend of Oliver Tambo. He expressed his views one week before his assassination, asserting that apartheid was a "despicable system," and so, "apartheid cannot be reformed; it can only be abolished." "Olof Palme and the Liberation of Southern Africa by Oliver Tambo, 01 March 1988," South African History Online, <https://www.sahistory.org.za/archive/olof-palme-and-liberation-southern-africa-oliver-tambo-01-march-1988>, (accessed October 15, 2023).

¹⁶⁷ Adrian Carl Mopp, "National Liberation Movement in the International Political Arena: A Case Study of the African National Congress at the United Nations (1960 to February 1990)" (MA Thesis, Rhodes University, 1996).

¹⁶⁸ David Simon, *South Africa in Southern Africa: reconfiguring the region*, (Oxford, Ohio, Cape Town: James Currey Ohio University Press D. Philip, 1998), 78.

¹⁶⁹ According to Deon Geldenhuys, isolation has four main dimensions "political-diplomatic, economic, military, and socio-cultural" and he defines seven indicators to understand whether isolation efforts were successful "international recognition, pariah image, diplomatic relations, membership of international organisations, official visits, international treaties, international censure." Deon Geldenhuys, *Isolated States: A Comparative Analysis*, (Cambridge University Press, 1990) cited in Mopp, "National Liberation Movement in the International Political Arena: A Case Study of the African National Congress at the United Nations (1960 to February 1990)."

¹⁷⁰ Mandela, *Long Walk to Freedom*, 660.

country, a domestic change was inevitable. It was time to make genuine reforms and lead the way to dismantle the illegitimate apartheid system. On the international level, the fall of the Berlin Wall in November 1989 and consequently the fall of the Soviet Union and an end to the Cold War was a historic moment. It was now clear that national anti-apartheid movements were not led by Soviet Union, therefore the apartheid government could not use this excuse to avoid implementing reforms and releasing political prisoners. Previously, the coming to power of Mikhail Gorbachev signalled a change in Soviet policy also towards southern Africa.¹⁷¹ This policy aimed to end hostilities in Angola, facilitate independence for Namibia, and bring an end to the apartheid regime in South Africa.¹⁷² In December 1988, the Angola/Namibia Accords were signed in New York that started a process of negotiations that ultimately led to Namibia's independence and the complete withdrawal of Cuban troops from Angola.¹⁷³

Under growing international pressure, ongoing violence, financial crisis and economic sanctions, president de Klerk initiated the reform process. In February 1990, President de Klerk lifted the ban on political organizations such as the ANC and the PAC, and on February 11, 1990, Nelson Mandela was released from prison after 27 years. Mandela appealed to the international community in his Cape Town City Hall speech not to lift sanctions until free democratic elections with universal suffrage were conducted.¹⁷⁴ The period between 1990-1994, during negotiations, was full of violence and political turmoil. White extremists against the reforms were attacking black people, black nationalists were attacking white people, and there was conflict also among black people between the Inkatha Freedom Party and the ANC. All sides in conflict, the country was on the edge of civil war. Thousands of people died during the transition period.

¹⁷¹ Dubow, *Apartheid 1948-1994*, 257-264.

¹⁷² Shubin, "The Soviet Union/Russian Federation's Relations with South Africa, with Special Reference to the Period since 1980."

¹⁷³ Melvyn P. Leffler and Odd Arne Westad, *The Cambridge History of the Cold War: Volume 3, Endings* (Cambridge University Press, 2010), 240-241.

¹⁷⁴ New York Times, "South Africa's New Era; Transcript of Mandela's Speech at Cape Town City Hall: 'Africa It Is Ours!,'" *The New York Times*, February 12, 1990, <https://www.nytimes.com/1990/02/12/world/south-africa-s-new-era-transcript-mandela-s-speech-cape-town-city-hall-africa-it.html>, (accessed October 16, 2023).

The initiated reforms by President de Klerk had a notable impact on its diplomatic isolation. During this period, diplomatic missions of South Africa expanded from 23 to 39, although this expansion was geographically uneven and mostly concentrated in Eastern Europe. Therefore, 24 of these diplomatic missions were in Europe. Japan elevated its consulate in Pretoria to the rank of an embassy. The OAU delayed the establishment of diplomatic relations until the new government was formed through democratic elections. As a result, only Lesotho, Gabon, and Ivory Coast established full diplomatic ties. Lesotho, given its geographical position, depended heavily on South Africa. The leadership of these countries believed that encouraging the process of political transition in South Africa through diplomatic recognition was more constructive than confrontation.¹⁷⁵

After a long and chaotic negotiation period, the parties¹⁷⁶ agreed to hold South Africa's first democratic multi-racial elections on April 27, 1994. In September 1993, during the meeting of the Special Committee against Apartheid, Nelson Mandela called upon the international community to end economic sanctions.¹⁷⁷ Following the agreement between the parties and the announcement of the election date, the United Nations initiated efforts to end South Africa's international isolation by calling upon Member States to remove economic sanctions and the oil embargo. Finally on the election day, after many years of struggle against apartheid, millions of black South Africans voted for the first time in their life. The ANC won the historic election by 62.5 percent of the votes.¹⁷⁸ On May 10, 1994, Nelson Mandela became the first black and democratically elected president of South Africa. On May 25, the Security Council adopted a resolution and lifted the arms embargo after 17 years, which was the final remaining sanction in place against South Africa. The United Nations General Assembly

¹⁷⁵ Christopher, "The Pattern of Diplomatic Sanctions against South Africa 1948–1994."

¹⁷⁶ In 1993, Nelson Mandela and F.W. de Klerk received the Nobel Peace Prize in recognition of their efforts to peacefully end the apartheid regime. "The Nobel Peace Prize 1993," NobelPrize.org, <https://www.nobelprize.org/prizes/peace/1993/press-release/>, (accessed October 16, 2023).

¹⁷⁷ "668th Meeting of Special Committee Against Apartheid: Address by Nelson Mandela," UN Audiovisual Library, September 24, 1993, <https://www.unmultimedia.org/avlibrary/asset/2543/2543531/>, (accessed October 16, 2023).

¹⁷⁸ United Nations, *The United Nations and Apartheid 1948-1994*, 2738-2764.

reinstated South Africa’s credentials and officially readmitted South Africa into the General Assembly.¹⁷⁹

	1948	1965	1979	1989	1993	1994
Africa	0	0	1	1	4	21
Middle East	1	0	1	1	1	7
Asia	0	0	1	1	2	8
Australasia	1	1	1	1	1	1
Western Europe	8	13	13	13	16	16
Eastern Europe	0	0	0	0	8	8
North America	2	2	2	2	2	2
Central America	0	0	3	0	0	1
South America	3	3	5	4	5	5
Total	15	19	27	23	39	69

Table 1 Number of South African Diplomatic Missions in Different Regions 1948-1994¹⁸⁰

The sanctions and boycotts implemented through the struggle of national liberation movements and the support of international solidarity movements to isolate South Africa were crucial in dismantling the apartheid system.

2.3. Reflections on the Use of Sanctions in South Africa

The effectiveness of the sanctions is debated among scholars. Many argue for the inefficacy of sanctions, but the case of South Africa is often accepted as a success story, although it took long time to bring desired results. However, the

¹⁷⁹ Ibid, 2772-2801.

¹⁸⁰ Christopher, “The Pattern of Diplomatic Sanctions against South Africa 1948-1994.”

transition of South Africa from a racist apartheid government to a democratically elected government was not just a result of the implementation of international comprehensive sanctions. The role of sanctions is undeniable, but this process in South Africa was a result of a combination of factors.

Many different factors contributed to the end of the oppressive apartheid regime. Internal struggle and sacrifices made by South Africans was the main factor. But that alone was not sufficient to bring an end to apartheid. South African opponents knew that it was essential to get international support to effectively isolate the South African government. In her autobiography '*Part of My Soul Went with Him*', in 1984, Winnie Mandela wrote: "We are only interested in sanctions now. Every alternative has been examined by those men who have spent their lifetimes in prison. One doesn't dream for one minute that sanctions alone would bring the government down, or disinvestment alone. But it is part of a tool one can use. And in fact, tools of this nature which are instruments of liberation would lessen the bloodbath we are heading for."¹⁸¹ Since the apartheid regime became more violent to suppress internal struggle and the country was heading towards civil war, the only possible way to dismantle apartheid was through international support to sanction and isolate South Africa. The South African exiles tried to focus attention on their cause. International anti-apartheid movements helped to shape public opinion against apartheid and pressured their governments to enforce effective sanctions. Therefore, sanctions complemented the internal struggle by legitimising the cause of South African liberation movements. They helped to increase the pariah status of South Africa.

Economic problems arose with economic sanctions which made the apartheid policy increasingly costly. Because of the political turmoil and non-ending violence, South Africa became less attractive for international investors, and the country's creditworthiness declined dramatically. The Rand lost its value rapidly

¹⁸¹ Winnie Mandela and Mary Benson, *Part of My Soul Went with Him* (W. W. Norton & Company, 1985), 125, cited in Manu Karuka, "Hunger Politics: Sanctions as Siege Warfare," in *Sanctions as War: Anti-Imperialist Perspectives on American Geo-Economic Strategy* (BRILL, 2022), 51-62.

during the last years of apartheid, taking into account the political uncertainty in the country (see *Figure 1*).¹⁸²

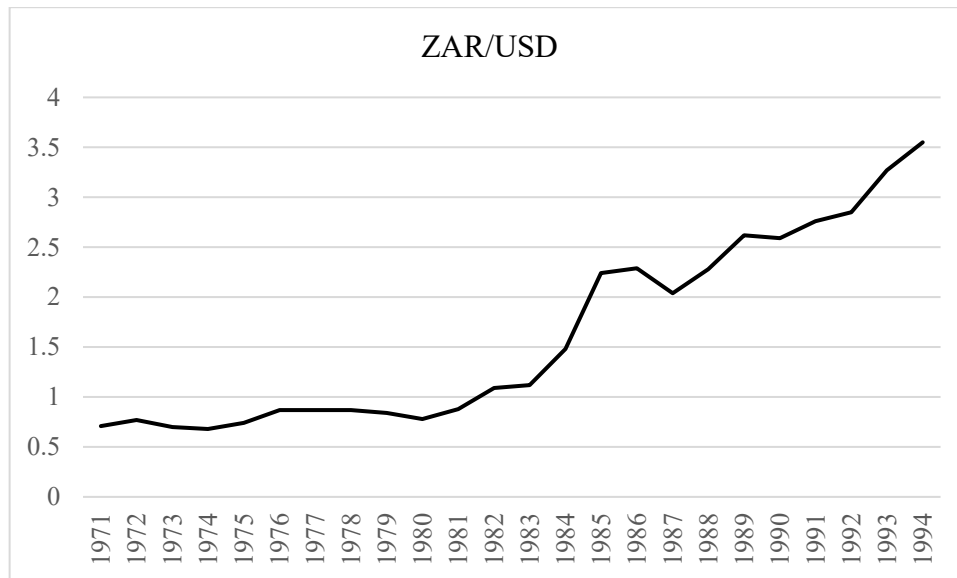


Figure 1 Exchange rate of the South African Rand against the U.S. Dollar

The end of the Cold War was an important factor for the political transition in South Africa. The anti-apartheid struggle was affected by the bipolar era and confrontation between the United States and the Soviet Union. Both wanted to assert their political and economic influence in southern Africa. The apartheid regime used the ideological conflict as propaganda, asserting itself as the protector of Western values and an anti-communist stronghold in the region.¹⁸³ The Afrikaner regime claimed that Nelson Mandela and the ANC were controlled by the Soviet Union. The communist paranoia of the United States and other Western powers combined with their economic interest delayed the implementation of sanctions, hence the process of ending apartheid. Mandela stated in his book

¹⁸² Charles Feinstein said that economic downfall was “a major factor in the collapse of white rule.” Charles H. Feinstein, *An Economic History of South Africa: Conquest, Discrimination and Development*, (Cambridge University Press 2005), 149, cited in Ellen R. Feingold, Johan Fourie, and Leigh Gardner, “A Tale of Paper and Gold: The Material History of Money in South Africa,” *Economic History of Developing Regions* 36, no. 2 (May 4, 2021): 264-281, <https://doi.org/10.1080/20780389.2021.1926232>.

¹⁸³ Boehmer, “Questionable Allies: British Collaboration with Apartheid South Africa, 1960-90.”

'Long Walk to Freedom' that he was not a communist and the ANC never wanted to install a Soviet-led communist regime. He admitted that the ANC collaborated with SACP in their struggle against apartheid, just as American, British and Soviets unified and fought against Hitler, their common enemy.¹⁸⁴ He further said that the white Afrikaners which supported their struggle were mainly SACP members, such as Bram Fischer,¹⁸⁵ a member of the SACP and a lawyer who defended Mandela and others during the Rivonia trials. Furthermore, the ANC and its exiles searched for any kind of support they could find. Cuba, newly independent states, the Soviet Union, and Scandinavian countries supported them throughout the anti-apartheid struggle. Until a late stage, the United States, the United Kingdom, and France used their veto power at the Security Council to prevent effective sanctions. Although before the end of the Cold War some binding sanctions were implemented against South Africa, with the fall of Communism, the political transition to a democratic South Africa accelerated.

A moral obligation was another significant factor. As South Africa got more isolated and turned to a pariah state, apart from those white extremists who turned to violence to prevent peace negotiations, many white South Africans questioned the apartheid systems and realised the need for reforms. South Africa was continuously condemned by the international community. Most United Nations Member States consistently called for strong and punitive measures against the apartheid regime. Moreover, the apartheid system was in violation of the UN Charter and many customary law principles. As Ibrahim Gassama put it "The UN centred campaign against apartheid helped to establish the principle that how a government treats its citizens is a matter of international concern that could justify international sanctions and other punitive measures." It was a moral obligation of the international community to take these measures to bring an end to an unjust and racist system. This justifies the use of sanctions as a foreign policy tool to influence other states' actions in the best interests of humanity as a whole. A crucial aspect of the national and international anti-apartheid movement's call for

¹⁸⁴ Mandela, *Long Walk to Freedom*, 435-436.

¹⁸⁵ Mandela said: "I always took strength from the fact that I was fighting with and for my own people. Bram was a free man who fought against his own people to ensure the freedom of others." Ibid, 562.

isolating and sanctioning South Africa arose from a commitment to the principles of human dignity, equality, and rights. It aimed to end the suffering of the majority of the South African people. This makes the use of sanctions in South African case legitimate and ethical, and universally acknowledged.

CHAPTER III:
CASE STUDY: CUBA

“Emerging from underdevelopment is an enormous task, especially for Cuba because of the US blockade.”¹⁸⁶

Fidel Castro

3.1. Historical Background in Cuba Prior to Unilateral Sanctions by the United States

The Cuban embargo, or the blockade (*el bloqueo*) as it is called in Cuba, was applied in 1960 after the Cuban Revolution and is the most comprehensive and second oldest continuing sanctions applied by the United States.¹⁸⁷ Still in place after more than sixty years, the embargo has failed to achieve its objectives, yet economically it has devastated Cuba. Initially U.S. objectives were ousting Castro and ending communist regime. After many years with no success, the United States aimed to bring economic hardship to the island by containing and

¹⁸⁶ *Fidel: The Untold Story*, directed by Estela Bravo, 2001, <https://www.youtube.com/watch?v=GP9IFC8xPNk>, (accessed October 9, 2023).

¹⁸⁷ The embargo applied against North Korea which dates to 1950 is the oldest ongoing embargo. Donna Rich Kaplowitz, *Anatomy of a Failed Embargo: U.S. Sanctions Against Cuba* (Lynne Rienner Pub, 1998), 1-2. (Dr. Donna Rich Kaplowitz is an academic director and professor at the University of Michigan)

isolating Cuba.¹⁸⁸ Being 90 miles away from the United States, or in ‘America’s backyard’ as it is often referred to, Cuba has always been strategically important to U.S. interests. Because it is geographically very close, the United States wants to keep its influence in the country.

The U.S. interest in Cuba originated with the Monroe Doctrine of 1823, articulated by former President James Monroe. This policy aimed to prevent the intervention by European powers in Western hemisphere affairs, so the United States could keep its hegemony in the New World.¹⁸⁹ The U.S. obsession with Cuba dates to an even earlier date, when in 1805 Thomas Jefferson said that Cuba’s “possession (was) necessary for the defence of Louisiana and Florida.”¹⁹⁰ Between 1825-1858, four U.S. Presidents made attempts to purchase Cuba from Spain, but these efforts failed.¹⁹¹

In 1868, Cuba’s first War of Independence (1868–78) against Spanish domination failed without achieving independence. The second War of Independence started in 1895, led by José Martí, who was a Cuban journalist and poet also known as the ‘founding father of Cuban independence.’ Martí was fighting for independence but also for racial equality, freedom from economic oppression, and justice for all Cubans.¹⁹² He was against any kind of foreign influence, whether from Spain or the United States. Although he died during the battles, his ideas are still praised by Cubans. In 1886, slavery was abolished on the island and freed slave people supported the revolution.¹⁹³ In the name of defending Cubans, the United States made a military intervention on the island. In

¹⁸⁸ Haass, *Economic Sanctions and American Diplomacy*, 35. (Richard N. Haass is an U.S. diplomat and president of the Council on Foreign Relations between 2003-2023)

¹⁸⁹ “The Monroe Doctrine, 1823,” Gilder Lehrman Institute of American History, <https://www.gilderlehrman.org/history-resources/spotlight-primary-source/monroe-doctrine-1823>, (accessed October 17).

¹⁹⁰ Salim Lamrani, “Fidel Castro, Hero of The Disinherited,” trans. Larry R. Oberg, *The International Journal of Cuban Studies* 8, no. 2 (2016), <https://doi.org/10.13169/intejcubastud.8.2.0151>. (Salim Lamrani teaches at the University of Paris-Sorbonne Paris IV and the University of la Réunion, he is specialised on Cuban American relations.)

¹⁹¹ Alexis Heraclides and Ada Dialla, “The US and Cuba, 1895-98,” in *Humanitarian Intervention in the Long Nineteenth Century: Setting the Precedent* (Manchester University Press, 2015), <https://doi.org/10.7765/9781526125125.00018>, 199. (Alexis Heraclides is a professor at the Panteion University and Ada Dialla is a professor at the Athens School of Fine Arts)

¹⁹² Kaplowitz, *Anatomy of a Failed Embargo: U.S. Sanctions Against Cuba*, 16.

¹⁹³ Ibid.

1898, an explosion in Havana destroyed a U.S. battleship, the *USS Maine*, leading to the death of 266. This event provided a reason to the United States to enter the war. However, Cuban leaders of the independent movement feared that this intervention would lead to domination. As Martí said: “To change masters is not to be free.”¹⁹⁴

Cuban and American allies did not have a good relationship, considering the race issue and the great number of Afro-Cuban soldiers. The war ended shortly as Spain surrendered after three months. When U.S. soldiers celebrated their victory with a parade in Santiago de Cuba, they did not invite their Cuban allies and even prevented them from entering the city. While most U.S. narratives say that Cuba could not have gained independence without their help, most Cubans think that they were on the edge of victory and the U.S. intervention “robbed them of their fruits of victory.”¹⁹⁵

Although Cubans sought real independence, the island became a U.S. protectorate between 1901-1933. Orville Platt, Republican Senator of Washington introduced the *Platt Amendment*, so that the United States could determine domestic and foreign policy of the island in the name of assuring independence and protecting life and property in Cuba. According to Ramon Eduardo Ruiz: “No Cuban nationalist has ever forgotten that humiliation. On the eve of independence, the Cuban had confronted truth: in theory he was a free man, but in practice he was a vassal of the United States. It was out of such experiences that Cuban attitudes towards the United States evolved.”¹⁹⁶

After the U.S. made a trade agreement with Cuba, American investment in Cuba increased significantly, reaching \$1.5 billion by 1929. The great majority of the U.S. investments were made in the Cuban sugar industry. As a result, sugar production expanded. The United States became the main market for Cuban imports and exports. Cubans were no longer landowners but most of them served as the labour force for American investors. Cuba was made dependent on the production of a monocrop, sugar. According to Cuban anthropologist Fernando

¹⁹⁴ Heraclides and Dialla, “The US and Cuba, 1895-98,” 203.

¹⁹⁵ Ibid, 211-212.

¹⁹⁶ Kaplowitz, *Anatomy of a Failed Embargo: U.S. Sanctions Against Cuba*, 17.

Ortiz sugar symbolised foreign domination, dependence, and slavery.¹⁹⁷ They were obliged to import most of the food they needed, and export those produced domestically. The dependence of the Cuban economy on sugar and the fluctuations of the sugar price on the international markets, especially during global depression of 1930s caused wages to decrease and unemployment to increase dramatically.¹⁹⁸

Gerardo Machado was elected President in 1925 with a mandate to fight against the Platt Amendment, but his time in office was marked by corruption and the island's economy was damaged further. In 1933, he was ousted by a group of army officers led by Colonel Fulgencio Batista. After the coup, Batista supported Dr. Ramón Grau San Martín. As president for only 120 days, Grau wanted to improve living conditions for the working class with social and economic benefits including an 8-hour working day and a minimum daily wage. He was against the Platt Amendment. The Roosevelt administration refused to recognize Grau's government as they claimed he had 'communistic tendencies.' Consequently, Grau was forced out of office. The United States ended the Platt Amendment and its right to occupy Guantánamo naval base. However, a new treaty signed in 1934 made it possible for the U.S. to rent the base until the treaty was abrogated by the consent of both sides, which meant the United States could remain until it was willing to withdraw. During the period of 1934-1940, Batista installed puppet regimes which responded to U.S. interests. None of them tried to diversify Cuba's economy or improve the living conditions of ordinary Cubans. In 1940, Batista won the election and governed the island until 1944, then again between 1952-1959. Grau came to power again in 1944 and he was very different compared to his first term. His party, *Partido Auténtico*, came together with the Communist party and Conservative Republican Party to win power, then he disengaged with the Communist Party. His corruption brought another government change, leading Carlos Prío Socarrás to power. He proved incapable of fixing the country's economic problems. Batista returned to run in the elections. However, without

¹⁹⁷ Aviva Chomsky, *A History of the Cuban Revolution* (Wiley-Blackwell, 2015), 41. (Aviva Chomsky is an American professor and historian who teaches at the Salem State University in Massachusetts and specialized in Caribbean and Latin American history.)

¹⁹⁸ Kaplowitz, *Anatomy of a Failed Embargo: U.S. Sanctions Against Cuba*, 18.

letting elections take place, he organised a coup d'état.¹⁹⁹ His regime was immediately recognised by the U.S.

During the military dictatorship, Batista dissolved all political parties and suspended constitutional guarantees. To get support from the United States, he created the Bureau for the Repression of Communism (BRAC) in 1955. His regime was ruthless and corrupt, and he was working for U.S. interests.

Fidel Castro, a young lawyer, was a candidate of the *Partido Ortodoxo* running in the 1952 elections which were cancelled by Batista, leading Castro to take legal action against the dictator for constitutional violations, but his petition was dismissed by the courts. Castro, angered by not having elections, led the Cuban Revolution by launching a guerrilla attack in Santiago de Cuba in 1953. This attempt was unsuccessful, and Castro was imprisoned. With his '*History Will Absolve Me*' speech at his trial, he criticized the Batista regime and advocated for increased political and social freedoms, ultimately inspiring the July 26th Movement.²⁰⁰ Later he was given amnesty and released from prison. He continued the struggle, together with other revolutionaries including his brother Raul and Argentinian doctor Ernesto 'Che' Guevara. Castro, while in Mexico during his self-exile, planned the revolutionary movement and sailed back to Cuba on the yacht *Granma*. Through a combination of bad weather and Batista's army forces, this attempt also failed. Few of them survived and they fled to the Sierra Maestra mountains. The revolutionaries established a base camp with a basic radio transmitter and began organizing a movement against Batista, appealing to the local peasants with promises of land reform, democracy, and education. They conducted literacy classes and gradually recruited locals into the movement, initiating a guerrilla warfare campaign.²⁰¹ They received support from the majority of Cuban people who were discontent with Battista's repressive dictatorship. As one deputy of the U.S. embassy in Cuba, Wayne Smith, put it "by

¹⁹⁹ Ibid, 18-22.

²⁰⁰ Gary Prevost, "Fidel Castro and the Cuban Revolution," *Headwaters* 24 (2007): 19–33. (Gary Prevost is a professor Emeritus of Political Science at the College of St. Benedict and St. St. John's University (USA), specialised on Latin America and South Africa.)

²⁰¹ Ibid.

the end of 1958, ... 95 percent of the Cuban population was in opposition to Batista.”²⁰²

While Batista claimed he crushed the revolutionary movement and Castro presumed dead, Herbert L. Matthews,²⁰³ a *New York Times* reporter, ²⁰⁴ wrote that Castro was alive and was preparing for guerilla warfare to overthrow dictator Battista. The article made Castro and his movement internationally famous, subsequently attracting both domestic and international assistance. His writings, along with the Cuban Army’s bombardment of civilians in the Sierra Maestra, intensified the pressure on the United States to halt arms shipments to Batista.²⁰⁵

In March 1958, the United States imposed an arms embargo on the Batista regime and the U.S. support for Batista started to fade. Even though the Cuban army was dependent on U.S. military support, they still outnumbered the revolutionary forces and were better equipped. But there was another significant factor. As Wayne Smith said: “the common Cuban soldier became increasingly demoralized as he realized he was fighting for an unpopular cause and defending a dictator whose corrupt system was hated by the vast majority of Cubans.”²⁰⁶

During the summer of 1958, revolutionary forces started a widespread offensive against Battista’s forces. Castro’s unit seized Santiago, and from the City Hall’s balcony, he proclaimed the triumph of the Cuban revolution on January 1, 1959. Battista fled from Cuba to the Dominican Republic which was ruled by another dictator, Rafael Trujillo. Subsequently, officials from the Batista regime escaped the country, taking \$424 million from the Central Bank with

²⁰² Kaplowitz, *Anatomy of a Failed Embargo: U.S. Sanctions Against Cuba*, 24.

²⁰³ After his interview with Castro, Matthews wrote about him and Cuba, saying: “The personality of the man is overpowering ... thousands of men and women are heart and soul with Fidel Castro and the new deal for which they think he stands,” and “Communism was not a cause of the Cuban Revolution; it was a result.” Anthony DePalma, “Myths of The Enemy: Castro, Cuba and Herbert L. Matthews of the New York Times,” *The Kellogg Institute for International Studies*, July 2004, https://kellogg.nd.edu/sites/default/files/old_files/documents/313_0.pdf. (Antony DePalma is a former foreign correspondent for the New York Times, specialised on Mexico and Cuba.)

²⁰⁴ Herbert L. Matthews, “Cuban Rebel Is Visited in Hideout; Castro Is Still Alive and Still Fighting in Mountains,” *The New York Times*, February 24, 1957, <https://www.nytimes.com/1957/02/24/archives/cuban-rebel-is-visited-in-hideout-castro-is-still-alive-and-still.html>, (accessed October 18, 2023).

²⁰⁵ DePalma, “Myths of The Enemy: Castro, Cuba and Herbert L. Matthews of the New York Times.”

²⁰⁶ Kaplowitz, *Anatomy of a Failed Embargo: U.S. Sanctions Against Cuba*, 26.

them.²⁰⁷ Fidel Castro ended more than sixty years of U.S. control over Cuba, restoring the autonomy that had been lost during the U.S. involvement in the Cuban War of Independence.²⁰⁸

When Castro came to power, per capita income in Cuba was higher than all Latin American countries except Venezuela. However, income distribution was highly unequal. While Havana's middle and upper classes enjoyed relatively good access to food, education, and healthcare, more than half of the population, called *guajiros* by Cubans, lived in rural areas in extreme poverty. According to Claes Brunendus, a Swedish economist, 44 percent of *guajiros* had never went to school. Merely 11 percent could drink milk, 4 percent had meat in their diet, and only 2 percent consumed eggs.²⁰⁹ Because of their poor diet, they were very vulnerable. 9 percent of landowners held 62 percent of the land.²¹⁰ 75 percent of the land was used for growing sugar, and 84 percent of Cuba's exports were sugar products. Cuba had to import food and petrol. The education system was weak. A quarter of Cubans were illiterate, and illiteracy reached almost half of the population in rural areas. The health system was not in good condition either - there were not enough beds or doctors in rural areas.²¹¹

Before the revolution Cuba was highly dependent on its trade with the United States. Cuba's imports amounted to around 65 percent from the U.S., and exports were around 70 percent to the U.S. The Cuban economy also depended on a sugar quota determined by the U.S. In 1958, the United States acquired 58 percent of Cuba's annual sugar exports. Therefore, "Cuba's economy was not only dependent on a single crop but on a single customer."²¹² The revolution's aim was to regain national sovereignty, terminate its U.S. dependence and diversify its economy. In 1960, John F. Kennedy recognised Castro's historical importance and the failure of America policy on Cuba, saying: "We used the influence of our government to advance the interests and increase the profits of the private

²⁰⁷ Salim Lamrani, *The Economic War Against Cuba: A Historical and Legal Perspective on the U.S. Blockade*, Monthly Review Press, Kindle Edition, 2013, 18.

²⁰⁸ Lamrani, "Fidel Castro, Hero of The Disinherited."

²⁰⁹ Chomsky, *A History of the Cuban Revolution*, 38.

²¹⁰ Kaplowitz, *Anatomy of a Failed Embargo: U.S. Sanctions Against Cuba*, 27.

²¹¹ *Ibid*, 27-29.

²¹² *Ibid*, 30.

American companies, which dominated the island’s economy. 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. ... But our action too often gave the impression that this country was more interested in taking money from the Cuban people than in helping them build a strong and diversified economy of their own. It was impossible not to arouse the animosity of the Cuban people.”²¹³ This explains determining factors behind the revolution. On the other hand, in 1958, although Cuba represented only a small portion of both U.S. global exports with 3 percent and imports with 4 percent, it held significance as a trading partner for the United States. Specifically, it stood as the seventh largest export destination for U.S. goods in that year, ranking higher than countries like Brazil, as well as the entire Middle East.²¹⁴

	1957	1958	1959	1960	1961	1962	1963	1964
	Pre-Castro Cuba		- - - - First years of Castro Government in Cuba - - - -					
						US comprehensive sanctions		
US exports to world (\$m)	20,850	17,910	17,634	20,575	21,000	21,700	23,347	26,508
US exports to Cuba (\$m)	617	547	439	224	14	13	36	0
Percent to Cuba	3.0	3.1	2.5	1.1	0.1	0.1	0.2	0
US imports from world (\$m)	13,255	13,255	15,627	15,017	14,714	16,389	17,138	18,684
US imports from Cuba (\$m)	482	528	475	357	35	7	0	0
Percent from Cuba (\$m)	3.6	4.0	3.0	2.4	0.2	0.1	0	0

Table 2 Source: U.S. Department of Commerce, 1967 Business Statistics

²¹³ John F. Kennedy, ‘Speech of Senator John F. Kennedy, Cincinnati, Ohio, Democratic Dinner’, 6 October 1960, <https://www.jfklibrary.org/archives/other-resources/john-f-kennedy-speeches/cincinnati-oh-19601006-democratic-dinner>, (accessed October 18, 2023), cited in Lamrani, “Fidel Castro, Hero of The Disinherited.”

²¹⁴ Stephen Koplán et al., “The Economic Impact of U.S. Sanctions with Respect to Cuba,” *U.S. International Trade Commission* (United States International Trade Commission, February 2001), <https://www.usitc.gov/publications/332/pub3398.pdf>.

3.2. The US Unilateral Sanctions Against Cuba

Fidel Castro wanted to create an egalitarian society through wealth and income distribution; therefore, he initiated social and economic reforms to achieve this aim. From 1959 to 1961, Cuba experienced an economic transformation towards a planned socialist system. The foundation of this transition was the Agrarian Reform Law of 1959. He limited landownership to 995 acres. This action led to the dissolution of major land holdings, especially those owned by the United States in the sugar industry, some of which were over 400,000 acres. The land was then distributed to numerous rural workers and farmers. All farms underwent nationalization, which involved transferring ownership from U.S. entities to Cuban owners. Ownership of land by foreign entities was forbidden. A literacy initiative deployed numerous young volunteers to rural regions, increasing literacy rates. The government initiated the construction of numerous schools, the training of additional teachers, and expanded healthcare access to the entire population. Furthermore, previously private, and racially segregated places, including clubs and beaches, were made accessible to the public.²¹⁵ Wages were increased, employment opportunities were provided to the unemployed, and reductions in rent and utility rates benefited the urban working class. Social services became either free or very affordable. Education, healthcare, medicines, social security, water, public telephone services and many others were free basic social services.²¹⁶

The initial response of the United States to these reforms was mixed. According to U.S. embassy staff in Cuba, the U.S. understood the need for reforms and recognised the right of Cuba to implement them if appropriate compensation was given. However, when Cuba expropriated agricultural lands and mines belonging to Americans, the United States decided to reduce or cancel the sugar quota. In 1960, the Eisenhower administration in collaboration with the

²¹⁵ Prevost, "Fidel Castro and the Cuban Revolution"; Kaplowitz, *Anatomy of a Failed Embargo: U.S. Sanctions Against Cuba*, 35-36.

²¹⁶ Chomsky, *A History of the Cuban Revolution*, 40.

Central Intelligence Agency (CIA) decided to take covert actions, and launch sabotage actions against Cuba.²¹⁷ The United States's post-revolution policy against Cuba was declared in a memorandum written by the US Deputy Assistant Secretary of State for Inter-American Affairs, Lester Mallory with a subject of 'The Decline and Fall of Castro.' The memorandum said that: "1) The majority of Cubans support Castro. 2) There is no effective political opposition. 3) Fidel Castro and other members of the Cuban Government espouse or condone communist influence. ... 6) The only foreseeable means of alienating internal support is through disenchantment and disaffection based on economic dissatisfaction and hardship" and continued by saying "every possible means should be undertaken promptly to weaken the economic life of Cuba ... denying money and supplies to Cuba, to decrease monetary and real wages, to bring about hunger, desperation and overthrow of government."²¹⁸ The memorandum makes it clear that the concern of the U.S. is the 'communist influence' of the new revolutionary Cuban government. This fact makes Cuba a target for U.S. sanctions.

The main objective of the U.S. embargo was to oust Fidel Castro from power. Considering the extensive and vulnerable economic ties between Cuba and the United States, the Cuban economy became the target. In 1960, the U.S. government initiated the embargo in retaliation against nationalisation of American property on the island and to defend the economic interest of the American people. Cuba initially intended to compensate nationalized property by issuing bonds, with the expectation of repaying them using a portion of the country's export earnings through trade with the U.S. Despite Cuba being willing in the 1960s to engage in negotiations regarding the claims issue, the U.S. consistently rejected such discussions.²¹⁹

²¹⁷ Kaplowitz, *Anatomy of a Failed Embargo: U.S. Sanctions Against Cuba*, 36.

²¹⁸ Lester Mallory, *Memorandum From the Deputy Assistant Secretary of State for Inter-American Affairs (Mallory) to the Assistant Secretary of State for Inter-American Affairs*, 6 April 1960, <https://history.state.gov/historicaldocuments/frus1958-60v06/d499>, cited in Helen Yaffe, "US Sanctions Cuba 'to Bring About Hunger, Desperation and the Overthrow of the Government,'" in *Sanctions as War: Anti-Imperialist Perspectives on American Geo-Economic Strategy*, vol. 212, 2022, 129-147.

²¹⁹ Kaplowitz, *Anatomy of a Failed Embargo: U.S. Sanctions Against Cuba*, 4.

In February 1960, USSR Politburo member Anastas Mikoyan visited Cuba, resulting in the signing of a Soviet-Cuban trade agreement, and shortly after Cuba secured a \$100 million credit line from the Soviet Union to support Cuba's industrialisation efforts. However, this credit could only buy Soviet goods such as oil and machinery. The Soviet Union agreed to buy Cuban sugar, but at below world market prices.²²⁰ These developments led to the reestablishment of formal diplomatic relations between Cuba and the Soviet Union. By establishing economic relations with the Soviet Union, Cuba demonstrated that it was diversifying its trade relations to overcome U.S. dependency.

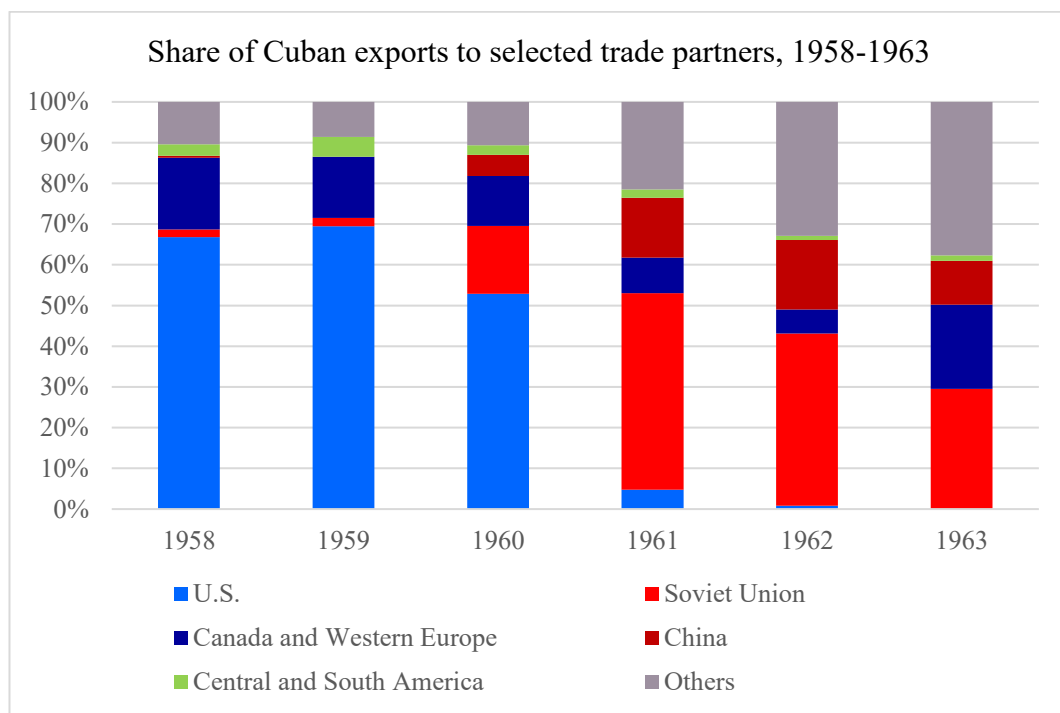


Figure 2 Source: United Nations, ECLAC, Economic Survey of Latin America, 1963, p. 273

Cuban trade with the Soviet Union and socialist countries increased significantly (see *Figure 2* and *Figure 3*). The Cuban economy was no longer U.S. centred. The U.S. reaction was to reduce Cuba's sugar quota by amending the Sugar Act of 1948. The Cuban government nationalised all U.S. property, banks,

²²⁰ Ibid, 37.

and enterprises, and 3 major oil companies (Texaco, Royal Dutch Shell, and Standard Oil). Then, the Eisenhower government reduced Cuba's quota to zero, applied an oil embargo on Cuba, and reduced personnel in the U.S. Embassy in Cuba. The United States further escalated its measures and imposed an almost total embargo by freezing Cuban assets in the U.S., banning all Cuban imports, limiting Cuban exports, and prohibiting delivery of strategic materials to Cuba. Consequently, Cuba sent Che Guevara on a mission to make trade agreements with socialist countries. Cuban U.S. trade dependence decreased significantly. While in 1957 its imports from the U.S. were worth \$577 million, in 1962 it was merely \$1 million. On the other hand, in 1962, 80 percent of Cuban trade was with socialist countries.²²¹

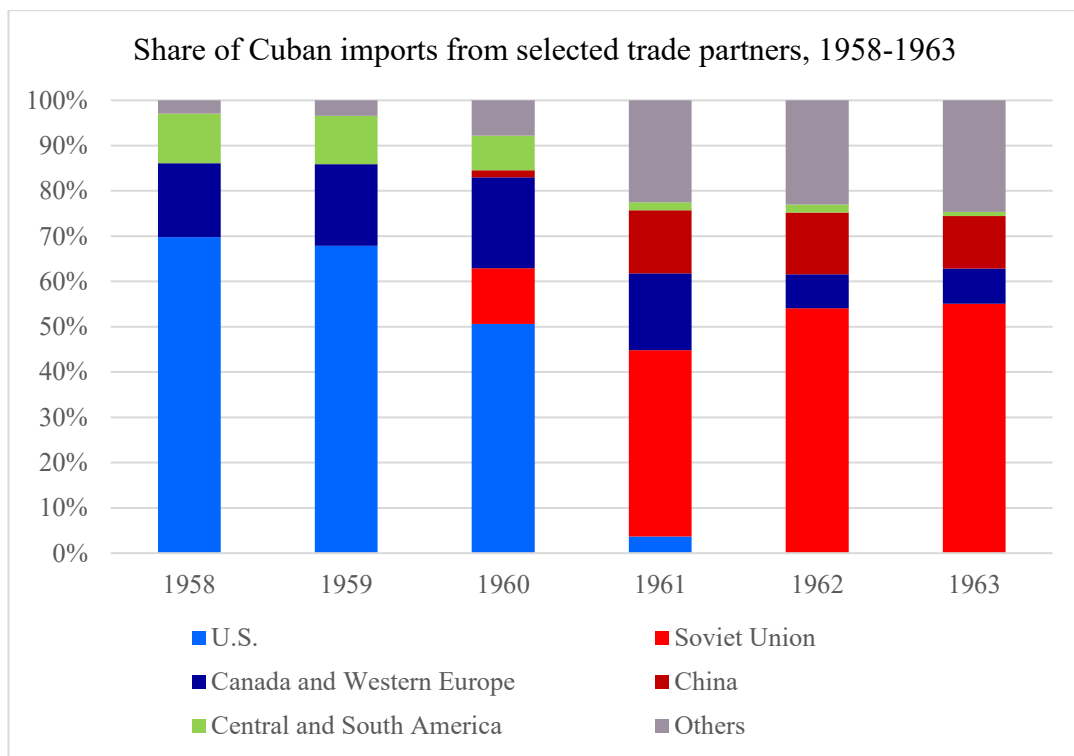


Figure 3 Source: United Nations, ECLAC, Economic Survey of Latin America, 1963, p. 273

²²¹ Ibid, 38-42.

In January 1961, the United States unilaterally ended diplomatic ties with Cuba and prohibited its citizens from travelling there.²²² On April 17, 1961, Castro proclaimed that his revolution was ‘socialist.’ During his speech he said: “This is what they cannot forgive ... we have carried out a socialist revolution right under the nose of the United States!”²²³

The 1960 election campaign in the United States focused on Cuba. On the one hand John F. Kennedy, Democratic presidential candidate, claimed that the Eisenhower government acted too late and lost Cuba to the Communists, and he supported the idea of military intervention in Cuba. On the other hand, Richard M. Nixon, the Republican presidential candidate, described the Cuban regime as ‘an intolerable cancer’ and that he would aim to suppress the regime with further measures. When Kennedy came to power, he continued with Eisenhower’s plan which aimed to overthrow the Castro regime, but under different conditions. More than a thousand Cuban exiles, called the 2506 Brigade, were trained by the CIA to invade and topple the Castro regime. Within three days the Cuban forces defeated the exile forces at the failed Bay of Pigs invasion. The 2506 Brigade continues to hold the United States responsible for the failure. U.S. President John F. Kennedy abruptly called off the planned U.S. airstrikes aimed at incapacitating Castro’s air force. He made this decision out of concern that the United States must not appear to be directly supporting the invasion. Castro reached an agreement with the United States to release the prisoners captured from the Brigade in return for \$53 million worth of medicine and food to benefit the Cuban population. The 19th April, the end of the Bay of Pigs invasion, is still being celebrated in Cuba as the “first defeat of imperialism in Latin America.”²²⁴

After the failure of the Bay of Pigs invasion, the United States maintained its primary objective of removing Castro from power in Cuba. However, the main

²²² Lamrani, *The Economic War Against Cuba: A Historical and Legal Perspective on the U.S. Blockade*, 24.

²²³ “What the Imperialists Cannot Forgive - Fidel Castro’s Speech in Advance of the Bay of Pigs Invasion,” Cuba Solidarity Campaign, <https://cuba-solidarity.org.uk/news/article/4207/what-the-imperialists-cannot-forgive---fidel-castros-speech-in-advance-of-the-bay-of-pigs-invasion>, (accessed October 19, 2023).

²²⁴ BBC News, “How the Bay of Pigs Invasion Began - and Failed - 60 Years On,” *BBC News*, April 23, 2021, <https://www.bbc.com/news/world-us-canada-56808455>, (accessed October 19, 2023).

strategies shifted towards clandestine operations and economic embargoes with the aim of containing and isolating the Cuban revolution. The aim of isolation was, according to Philip Brenner, “partly to cripple and topple the government and partly to contain Cuba’s influence on other countries where social and economic conditions made them candidates for revolution.”²²⁵ In September 1961, the Kennedy administration adopted the *Foreign Assistance Act* which prohibited aid to communist nations, including Cuba, and countries that supported Cuba. In February 1962, President Kennedy extended the embargo by prohibiting all trade with Cuba, except for food and medicine. This expansion was implemented through the *Foreign Assistance Act* and the *Trading with the Enemy Act* of 1917²²⁶. The total embargo came into force on February 7, 1962, and it included a ban on medicine and food products, which according to Salim Lamrani contravened international humanitarian law. According to Article 23 of the 1949 Geneva Convention (IV) on the Protection of Civilian Persons in Time of War, “Each High Contracting Party shall allow the free passage of all consignments of medical and hospital stores ... intended only for civilians of another High Contracting Party, even if the latter is its adversary. It shall likewise permit the free passage of all consignments of essential foodstuffs, clothing and tonics intended for children under fifteen, expectant mothers and maternity cases.”²²⁷ Even though there was no ‘hot’ war in Cuba, an embargo on food and medicine, which would lead to civilian suffering, should be avoided. In the following months until September 1962 the United States tightened even further the embargo, including a ban on all Cuban products, even those products manufactured in other countries but with Cuban components, revoking Cuba’s Most Favoured Nation (MFN) status, prohibition of ships which engaged in economic relations with Cuba from entering U.S. ports, prohibition on American

²²⁵ Philip Brenner, *From Confrontation to Negotiation: U.S. Relations with Cuba* (Routledge, 1988), 13-14, cited in Kaplowitz, *Anatomy of a Failed Embargo: U.S. Sanctions Against Cuba*, 47.

²²⁶ In 1917, the United States Congress enacted the *Trading with the Enemy Act* with the primary aim of preventing trade with Germany and the Central Powers during World War I. Initially intended for wartime use, this legislation evolved over the subsequent century and served as the foundation for global economic sanctions carried out by the United States, authorized by the President, during both wartime and peacetime. Benjamin A. Coates, “The Secret Life of Statutes: A Century of the Trading with the Enemy Act,” *Modern American History* 1, no. 2 (May 16, 2018): 151-172, <https://doi.org/10.1017/mah.2018.12>.

²²⁷ Lamrani, *The Economic War Against Cuba: A Historical and Legal Perspective on the U.S. Blockade*, 24-25.

tourists bringing Cuban made products to the U.S., and prohibition of Cuban ships entering U.S. ports.²²⁸

The economic impact of the comprehensive embargo on Cuba was devastating. These measures weakened Cuba's economic ties with the Western world, leading to a 60 percent reduction in trade with capitalist countries between 1962-1963, thereby intensifying Cuba's dependence on the Soviet Union. According to historian Louis A. Pérez Jr, the U.S. embargo had a severe impact, as numerous industries faced crisis due to the unavailability of essential spare parts, causing widespread disruptions and paralysis in many factories. The transportation sector was notably hard-hit as nearly a quarter of buses and a half of passenger trains in Cuba were rendered inoperative by the end of 1962.²²⁹ In 1963, the Cuban government implemented a rationing system to mitigate the potential threat of food shortages and famine.²³⁰ Due to the substantial economic damage caused by the U.S. embargo, there was a surge in popular support for Castro among the Cuban population, the so-called 'rally round the flag' effect.

Alongside economic measures, the United States also adopted Operation Mongoose to overthrow the Castro regime through covert actions, sabotage, terrorism, and assassination attempts. There were over 600 attempts by the CIA to assassinate Castro, by adding poison to his ice cream or milk shake, putting explosive in his cigars, and many other ways which in the end all failed.²³¹

From 1962 to 1970, the U.S. embargo received substantial international compliance, notably from the Organization of American States (OAS). In 1962, although Latin American countries had mixed attitudes towards the Cuban embargo, after U.S. pressure and especially the U.S. threat to withdraw funds from countries that voted against the resolution, Cuba was excluded from the OAS. Cuba was excluded from the Latin American Free Trade Association (LAFTA) as well. The U.S. government also pressured European allies and NATO

²²⁸ Kaplowitz, *Anatomy of a Failed Embargo: U.S. Sanctions Against Cuba*, 48-49.

²²⁹ Louis A. Pérez Jr., *Cuba: Between Reform and Revolution* (New York: Oxford University Press, 1995), 346, cited in Lamrani, *The Economic War Against Cuba*, 25-26.

²³⁰ Lamrani, *The Economic War Against Cuba: A Historical and Legal Perspective on the U.S. Blockade*, 25-26.

²³¹ *638 Ways to Kill Castro*, directed by Dollan Cannell, 2006, <https://www.dailymotion.com/video/x2206jh>, (accessed October 20, 2023).

member states to take measures against the Cuban government. It was easier to convince Latin American countries since they were junior partners in their economic relations with the U.S., but Western allies were less receptive to U.S. efforts to spread the Cuban embargo. While the United Kingdom and Norway were reluctant to enforce the embargo, Turkey and West Germany cooperated with U.S. demands.²³²

In October 1962, U.S. reconnaissance satellites detected that the Soviet Union was building nuclear missiles in Cuba, which became the focus of a dangerous confrontation between the two superpowers. President Kennedy and his advisers thought of three possible options: using military force against Cuba, using a diplomatic approach to resolve the crisis, or naval ‘quarantine’ of the island. Kennedy chose the quarantine option, with OAS support, to prevent offensive weapons from arriving in Cuba. Facing a serious threat of nuclear conflict, President Kennedy engaged in secret negotiations with Soviet Premier Nikita Khrushchev to solve the crisis. Kennedy requested the withdrawal of Soviet missiles from Cuba under United Nations inspection, and Khrushchev requested the withdrawal of U.S. missiles from Turkey and a promise not to invade Cuba. Both sides through intense negotiations agreed to withdraw their missiles, and the missile crisis was over. The Cuban Missile Crisis and the threat of nuclear war was a unique episode in the Cold War. According to some, it bolstered Kennedy’s reputation both at home and abroad and potentially alleviated global criticism after the unsuccessful Bay of Pigs invasion,²³³ but for others the U.S. threats against Cuba led to the crisis in the first place. Thomas Paterson concluded that: “Had there been no exile expedition at the Bay of Pigs, no destructive covert activities, no assassination plots, no military manoeuvres and plans, and no economic and diplomatic steps to harass, isolate, and destroy the Castro government in Havana, there would not have been a Cuban Missile

²³² Kaplowitz, *Anatomy of a Failed Embargo: U.S. Sanctions Against Cuba*, 59-60.

²³³ “Milestones: 1961-1968: The Cuban Missile Crisis, October 1962,” Office of the Historian, Foreign Service Institute, United States Department of State, <https://history.state.gov/milestones/1961-1968/cuban-missile-crisis>, (accessed October 21, 2023).

Crisis.”²³⁴ However, despite the U.S. pledge not to launch a military invasion of Cuba, the United States maintained its Cuban strategy through economic embargoes that aims to remove the Castro regime and isolate Cuba.

The United States aimed to further isolate Cuba economically by regionalisation and multilateralization of the embargo through ‘moral suasion.’ This effort initiated by the Kennedy administration and continued with the Johnson administration. In February 1963, the National Security Action Memorandum No.220 was adopted by the White House which prohibited government-funded shipments by any merchant vessels involved in trade with Cuba. Some allied governments such as Turkey, Liberia, Panama, West Germany, and some others, took measures to prevent their ships engaging in trade with Cuba. While other countries such as the United Kingdom rejected U.S. requests as it did not provide any legal basis.²³⁵

The U.S. government took further steps and adopted the *Cuban Assets Control Regulations* (CACR) in June 1963. The ban on all commercial transactions with Cuba aimed to limit the flow of U.S. dollars. Restrictions on transactions related to travel substantially restricted the freedom of movement between Cuba and the United States.²³⁶ U.S. Attorney General of the time, Robert F. Kennedy criticised the travel ban to Cuba, saying that: “It would be wise to remove restrictions on travel to Cuba ... it is more consistent with our views of a free society and would contrast with such things as the Berlin Wall and Communist controls on such travel.”²³⁷ The United States. in order to strengthen the isolation. asked other states to end air links with Cuba. The United Kingdom and Canada rejecting ending flights but agreed to search planes. Spain refrained

²³⁴ Thomas G. Paterson, “Contesting Castro: The United States and the Triumph of the Cuban Revolution,” (Oxford University Press, 1995), 260, cited in Kaplowitz, *Anatomy of a Failed Embargo: U.S. Sanctions Against Cuba*, 62.

²³⁵ Kaplowitz, *Anatomy of a Failed Embargo: U.S. Sanctions Against Cuba*, 63-64.

²³⁶ “The US Embargo Against Cuba: Its Impact on Economic and Social Rights,” *Amnesty International*, 2009, <https://www.amnesty.org/en/documents/amr25/007/2009/en/>.

²³⁷ Robert F. Kennedy, *Memorandum for Honourable Dean Rusk, Secretary of State: Travel to Cuba*, December 12, 1963, cited in William M. LeoGrande, “A Policy Long Past Its Expiration Date: US Economic Sanctions against Cuba,” *Social Research an International Quarterly* 82, no. 4 (December 1, 2015): 939-966, <https://doi.org/10.1353/sor.2015.0055>. (William M. LeoGrande is a professor at American University School of Public Affairs in Washington, D.C., specialised in U.S. foreign policy toward Latin America and Latin American politics.)

from imposing travel restrictions, and instead increased its flights to Cuba. As a response, the U.S. halted military and other kind of aid to those non-compliant states. Overall, the U.S. effort partially succeeded as the number of Western ships to Cuba decreased significantly.²³⁸

The Johnson administration repealed the licence that permitted the sale of food and medicine to Cuba. This makes the embargo on Cuba a unique case, since even Vietnam and Iraq were allowed to buy food and medicine from the United States during wartime.²³⁹ Then, the 2,500 personnel stationed at the U.S. naval base in Guantanamo were compelled to reside and spend their earnings exclusively within the base, resulting in an extra annual economic loss of \$5 million for Cuba.²⁴⁰ In 1964, the U.S. achieved its objective to regionalise the embargo, when the OAS imposed an embargo on Cuba excluding and medicine, after increasing U.S. pressure and Cuban support in Venezuela for revolutionary forces. The OAS decided to end their diplomatic relations with the Cuban government and suspend all maritime transportation with the exception of those on humanitarian grounds. This was a victory for the U.S., however, economic measures taken by the OAS was against the *Charter of The Organization of American States*, as Article 19 states “No State or group of States has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other State. The foregoing principle prohibits not only armed force but also any other form of interference or attempted threat against the personality of the State or against its political, economic, and cultural elements” and Article 20 states “No State may use or encourage the use of coercive measures of an economic or political character in order to force the sovereign will of another State and obtain from it advantages of any kind.”²⁴¹

The United States, however, was not that successful in persuading its Western allies to join the embargo. The United Kingdom, Canada and Japan were the main capitalist states that continued their commercial relations with Cuba. The

²³⁸ Kaplowitz, *Anatomy of a Failed Embargo: U.S. Sanctions Against Cuba*, 66-67.

²³⁹ Ibid.

²⁴⁰ Lamrani, *The Economic War Against Cuba: A Historical and Legal Perspective on the U.S. Blockade*, 26.

²⁴¹ Ibid, 26-27.

United Kingdom especially was against any kind of U.S. effort to implement an extraterritorial application of the embargo. The persuasion efforts of the United States did not really work, as during 1964 imports to Cuba from capitalist nations increased around 80 percent.²⁴²

In 1966, the United States enacted the Food for Peace Act, aimed at providing food assistance to nations facing hunger, but it also included restrictions that prevented aid to countries maintaining economic ties with Cuba or North Vietnam. Countries such as India, Pakistan, Morocco, and Yugoslavia were affected by this restriction as they were trading with Cuba. For instance, India was facing famine in that period and had to compromise with the United States demand to not expand trade with Cuba in order to receive U.S. grain. In 1967, the State Department announced that travel to Cuba was prohibited since it would damage the management of U.S. foreign affairs, and U.S. passports would not be valid to travel to Cuba unless it was permitted by the State Department.²⁴³

After exclusion from the AOS, Castro's *Second Declaration of Havana* proclaimed revolution as inevitable in Latin America due to economic exploitation and the dominance of pro-U.S. repressive governments. In the 1960s, Cuban leadership expressed solidarity with these ideas and embraced the duty of every citizen to contribute to the revolution on a continental scale. The Cuban government provided support to revolutionary movements in Venezuela, Colombia, Nicaragua and Guatemala, and also in Bolivia where Che Guevara was killed.²⁴⁴ In 1967, the OAS decided to tighten the embargo against Cuba fearing the spread of Communism in Latin America. However, regional sanctions did not have much effect because even before the revolution trade with Latin America was only small portion of total Cuban trade.

During this time, Cuba, to evade the embargo and replace U.S. trade, established new trade alliances, particularly with the Soviet Union and other socialist nations, while also continuing economic relations with non-socialist countries. The Soviet Union became the main trade partner of Cuba, constituting

²⁴² Kaplowitz, *Anatomy of a Failed Embargo: U.S. Sanctions Against Cuba*, 70-71.

²⁴³ Ibid, 72-73.

²⁴⁴ Prevost, "Fidel Castro and the Cuban Revolution."

around half of the total Cuban trade, while China was the second with 9 percent.²⁴⁵ In 1972, Cuba joined the *Council for Mutual Economic Assistance* (COMECON). Cuba was able to establish new economic ties which in turn proved to be more financially advantageous for the Cuban economy. For example, between 1961-1985 Cuba received around \$40 billion of Soviet aid. However, despite Soviet aid, the U.S. embargo had a significant cost for the Cuban economy.²⁴⁶

With the Nixon administration, U.S. policy on Cuba did not change. Despite Nixon's efforts for *détente* with China and Soviet Union, the embargo on Cuba was enlarged, including a permanent ban in the U.S. market on all products that contained Cuban nickel.²⁴⁷ While the U.S. Secretary of State Henry Kissinger supported the idea of a change in Cuban policy, the 'personal animosity' of Nixon delayed the improvement of relations. This was only possible during the Presidency of Gerald R. Ford.²⁴⁸ The possibility of easing the Cuban embargo was raised by many states, considering the United States had already done so with two major Communist nations. During the mid-1970s, there was momentum for easing tensions between Cuba and the United States since U.S. officials realised that economic sanctions did not bring the end of the Castro government and they made Cuba closer to the Soviet Union. Some Republican congressmen suggested to Nixon a normalisation of relations with the Cuban regime, but this proposal was rejected by the State Department. In 1973, the United States and Cuba reached an agreement aimed at preventing hijackings, obliging both parties to either pursue strong legal actions or extradite individuals involved in plane or boat hijackings.²⁴⁹ In 1974 Gerald R. Ford became U.S. President and implemented measures to ease sanctions on Cuba. Democrat Senator Claiborne Pell and Republican Senator Jacob Javits introduced legislation urging the improvement of relations between the two countries. Democrat Senator George McGovern urged

²⁴⁵ Kaplowitz, *Anatomy of a Failed Embargo: U.S. Sanctions Against Cuba*, 77.

²⁴⁶ Ibid.

²⁴⁷ Lamrani, *The Economic War Against Cuba: A Historical and Legal Perspective on the U.S. Blockade*, 27.

²⁴⁸ Kaplowitz, *Anatomy of a Failed Embargo: U.S. Sanctions Against Cuba*, 85-89.

²⁴⁹ Bernard Gwertzman, "U.S. and Cuba," *The New York Times*, February 18, 1973, <https://www.nytimes.com/1973/02/18/archives/hijack-pact-but-thats-all-now-us-and-cuba.html>, (accessed October 22, 2023).

for lifting sanctions after his trip to Cuba. The Senate Foreign Relations Committee unanimously approved a nonbinding resolution to terminate the Cuban embargo. The Ford administration permitted U.S. businessmen to travel to Cuba on special licenses and authorised payments to Cuba for landing fees of U.S. planes and some commercial transactions. The travel ban was eased also for journalists and scholars through special licences, and they were allowed to bring Cuban books, films, newspapers, photos, and research documents.²⁵⁰ Public opinion was also in favour of a normalisation of relations between the two countries according to a Harris survey made in 1975.²⁵¹

Another important development of 1970s was the OAS vote to end the Cuban embargo in July 1975 in San José, Costa Rica. 16 votes out of 21 was in favour which included the U.S.²⁵² It was decided that each country make its own trade policy with Cuba, independent from each other and the United States. Already in the beginning of 1970s some OAS member states had trade relations with Cuba. In 1970, at the Inter-American Economic and Social Council meeting, Venezuelan President Rafael Caldera and Prime Minister of Trinidad and Tobago Eric Williams put forward the idea of a continuation of economic and diplomatic relations with Cuba, although this idea was rejected. Chile under socialist president Salvador Allende ended the embargo and opened relations with the Cuban government.²⁵³ Castro and Allende had a friendship that had been established prior to 1970.²⁵⁴ In 1972, Peru suggested lifting the Cuban trade embargo with a bill to the OAS, which was rejected. However, despite this, many countries started establishing economic and diplomatic relations with Cuba,

²⁵⁰ Kaplowitz, *Anatomy of a Failed Embargo: U.S. Sanctions Against Cuba*, 89.

²⁵¹ *Ibid*, 90.

²⁵² Countries voted in favour were “Argentina, Bolivia, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, the United States, Haiti, Honduras, Mexico, Panama, Peru, the Dominican Republic, Trinidad and Tobago, and Venezuela,” and those voted against were “Paraguay, Chile and Uruguay,” while those abstained were “Brazil and Nicaragua.” David Binder, “Cuba Sanctions, Imposed in 1964, Lifted by O.A.S.,” *The New York Times*, July 30, 1975, <https://www.nytimes.com/1975/07/30/archives/cuba-sanctions-imposed-in-1964-lifted-by-oas-vote-at-costa-rica.html>, (accessed October 22, 2023).

²⁵³ Kaplowitz, *Anatomy of a Failed Embargo: U.S. Sanctions Against Cuba*, 86-87.

²⁵⁴ Salvador Allende advocated for an alternative approach to achieving socialism, known as the ‘*via Chilena al Socialismo*’ a Chilean path to socialism that relied on constitutional and peaceful methods, in contrast to the notion that armed conflict was the sole path to revolution as it was with the Cuban Revolution. Tanya Harmer, “The Rules of the Game: Allende’s Chile, the United States and Cuba, 1970-1973” (PhD, London School of Economics and Political Science, 2008).

including Jamaica, Barbados, Guyana, Trinidad and Tobago, and Argentina. Cuba bought wheat and maize from Argentina, and Argentina even took a further step by declaring that subsidiaries of American-owned companies operating in Argentina must engage in trade with Cuba. The OAS decision marked a significant step towards Cuba's reintegration into the region, leading to a decrease in Cuban isolation within Latin America. It was also a significant victory for the Cuban government, as the U.S. efforts to regionalise the embargo failed.

After the OAS decision to lift the embargo, the United States removed limitations on trade conducted by subsidiaries with Cuba. The State Department's statement in August 1975 regarding the decision to ease certain economic sanctions against Cuba was viewed as a crucial move towards fostering a more regular relationship between two nations. This change in policy received acclaim from Democratic Senator George McGovern, who described it as a 'historic' move. The policy included the termination of restrictions on providing aid to countries that allowed their ships or aircraft to transport goods to or from Cuba. Nevertheless, the prohibition on selling strategic goods remained in force. According to a White House spokesman further progress in normalising relations with Cuba depended on Castro's approach, and Castro expressed his opinion to Senator McGovern that he might consider engaging in dialogue if the United States lifted its ban on selling food and medicine.²⁵⁵ In October 1975, the U.S. Commerce Department reported that "Unilateral continuation of the Cuba embargo becomes a bit more costly to the United States, though that economic cost is still relatively small."²⁵⁶ The reason behind this was increasing sugar prices and consequent increasing economic strength of Cuba. Despite these embargo easing efforts, total normalisation of relations between Havana and Washington was not easy to achieve because of existing issues. On the one side, Castro requested the total termination of the Cuban embargo. On the other side, Soviet-Cuban ties, and Castro's efforts to export revolution to Latin American and Africa

²⁵⁵ Gelb, Leslie H. "U.S. Relaxes Ban Against Trading with the Cubans." *The New York Times*, August 22, 1975. <https://www.nytimes.com/1975/08/22/archives/us-relaxes-ban-against-trading-with-the-cubans-ends-12yearold-curb.html>, (accessed October 22, 2023).

²⁵⁶ "U.S. Says Cuba Ban Is Less Effective," *The New York Times*, October 19, 1975, <https://www.nytimes.com/1975/10/19/archives/us-says-cuba-ban-is-less-effective.html>, (accessed October 22, 2023).

were major problems for the United States. The compensation for expropriated American property in Cuba was another problem.²⁵⁷ While there was a partial reduction in tensions between Cuba and the United States, the deployment of Cuban troops to help the People's Movement for the Liberation of Angola (MPLA) during the Angolan civil war disrupted this progress, due to strong U.S. opposition to Cuban military engagement in Angola. As President Ford said that the Cuban involvement in the Angolan civil war "destroys any opportunity for improvement of relations with the United States."²⁵⁸ On the other hand, Castro stated that the Cuban embargo would be tightened again during the election year. According to Donna R. Kaplowitz, Castro considered Washington's limited dedication to a substantial shift in U.S. policy when assessing the advantages and disadvantages of Cuba's ongoing involvement in Angola.²⁵⁹ Until 1991, Cuban support in Angola involved 50,000 Cuban civilians and around 370,000 Cuban soldiers, constituting roughly five percent of Cuba's population. It is estimated that around 4,300 Cubans lost their lives in African conflicts, with approximately half of these casualties occurring in Angola. While this intervention potentially prevented Angola from disintegrating, it also transformed the country into a focal point of Cold War tensions, drawing important U.S. backing for the National Union for the Total Independence of Angola (UNITA), the rival of the MPLA in the Angolan civil war,²⁶⁰ and the involvement of the neighbouring apartheid regime in South Africa.

On October 6, 1976, a tragic event happened when right-wing Cuban exiles trained by the CIA in U.S. exploded a bomb on Cubana Airlines flight 455, after taking off from Barbados. This terrorist attack killing 73 people, including 24

²⁵⁷ Kaplowitz, *Anatomy of a Failed Embargo: U.S. Sanctions Against Cuba*, 93.

²⁵⁸ David Binder, "U.S. and Cubans Discussed Links In Talks in 1975," *The New York Times*, March 29, 1977, <https://www.nytimes.com/1977/03/29/archives/us-and-cubans-discussed-links-in-talks-in-1975-us-and-cuba.html>, (accessed October 23, 2023).

²⁵⁹ Kaplowitz, *Anatomy of a Failed Embargo: U.S. Sanctions Against Cuba*, 93-94.

²⁶⁰ Cuban government further supported the Angolan people by giving education to 2.4 million Angolans, including 1.36 million women. Scholarships were provided for thousands of Angolans so they could study at Isla de la Juventud in Cuba. The educational support served as a tool for sustaining MPLA's authority, and today, Angolans trained by Cuba hold crucial roles in politics, economics, and education. Thus, Cuban support represented a crucial contribution to the Angolan development. Alex Vines, "Fidel Castro's Greatest Legacy in Africa Is in Angola," Chatham House, December 6, 2016, <https://www.chathamhouse.org/2016/12/fidel-castros-greatest-legacy-africa-angola>, (accessed October 23, 2023).

members of the Cuban national fencing team, many of which were teenagers, was never forgiven by the Cuban people. Fidel Castro in his speech declared that the CIA was involved in bombing the Cubana plane. Two of the masterminds of the bombing was Orlando Bosch, who was involved in the assassination of Cuban diplomats, and Luis Posada Carriles, who was also responsible for the 1997 bombing of hotels in Cuba which killed a 32-year-old Italian tourist. Both were CIA agents, anti-Castro, and anti-communist Cuban exiles. Bosch was arrested in the U.S. for parole violation. Republican politician Ileana Ros-Lehtinen and other Miami Republicans started a campaign to release Bosch, and Jeb Bush, son of the later U.S. President George H. W. Bush, was their campaign manager. Despite continuing protests, including from the U.S. Justice Department, that Bosch was a terrorist and therefore should not be allowed to stay in the U.S., George Bush granted residency to Orlando Bosch.²⁶¹ Bosch defended his actions, stating that “I consider we are at war with Fidel Castro. In war everything is valid.”²⁶² Then, Posada, another terrorist, entered the U.S. asking for political asylum. George Bush said, “If anybody harbours a terrorist, you are terrorist”. Wayne Smith²⁶³ said that both Bosch and Posada were well known terrorists and the U.S. had sheltered them. He further said, “We are not able to deal rationally with Cuba.” Right-wing Cuban exiles in Miami who are strong supporters of the Cuban embargo, and continuously pressure the U.S. government to tighten the embargo, saw these terrorists as heroes.²⁶⁴ The Cuban American National Foundation (CANF), a conservative anti-Castro organisation comprising Cuban exiles in the United States, consistently opposed any relaxation of sanctions against Cuba. Its founder, Jorge Mas Canosa pushed for more severe measures to remove Castro and held substantial influence in Washington policy circles, to the extent that he was almost seen as having veto power over U.S. policy toward Cuba, according to

²⁶¹ Ann Louise Bardach, an American journalist specialised on Cuba and Miami relations, commenting on the case, *638 Ways to Kill Castro*, directed by Dollan Cannell, 2006, <https://www.dailymotion.com/video/x2206jh>, (accessed October 20, 2023).

²⁶² Ibid.

²⁶³ Wayne Smith is a former U.S. diplomat to Cuba and professor of Latin American studies at the Johns Hopkins University.

²⁶⁴ BBC News, “Luis Posada Carriles: Cuba Anti-Communist Activist Dies,” *BBC News*, May 23, 2018, <https://www.bbc.com/news/world-latin-america-44226647>, (accessed October 23, 2023).

Cuban exile scholar Damian Fernandez.²⁶⁵ Posada stated that throughout the years, Jorge Mas Canosa and other leaders of the National Foundation had provided him with financial support.²⁶⁶

In 1976 the sugar price decreased significantly, from 60 cents to 8 cents per pound. At that time Cuba was still largely dependent on sugar exports, which constituted around 80 percent of total Cuban exports. Nonetheless, the existence of trade with the Soviet Union and socialist countries gave some security to overcome the crisis. In 1976 the total value of Cuban trade was \$7.2 billion and 60 percent of it was with the Communist bloc and 40 percent with capitalist countries.²⁶⁷ In 1979 Japan, Canada and Spain were Cuba's main capitalist trading partners, constituting 50 percent of total Cuban exports with capitalist nations. The same year, Cuba's growth rate declined from 9.4 percent to 4.3 percent. The factors behind the decline were increasing energy costs, rust disease that reduced the production of sugar, blue mould disease that destroyed the tobacco harvest, and the limitation of fishing outside 200-mile zone established in 1977.²⁶⁸

After the election of Democrat President Jimmy Carter in 1976, the change in the political environment was suitable for reconciliation. The efforts of the Carter administration were significant to show that minor objectives of the sanctions were more likely to be achieved than the major objectives. This meant that through making human rights a priority in his agenda, Carter aimed to improve human rights on the island and the release of political prisoners, rather than the unachievable aim of removing Castro from power. Another important point was that easing the embargo could bring more desired results than tightening the embargo and increasing hostility between two nations.²⁶⁹ Secretary of State Cyrus Vance defended the idea of easing sanctions by saying: "The time has come

²⁶⁵ Douglas A. Borer and James D. Bowen, "Rethinking the Cuban Embargo: An Inductive Analysis," *Foreign Policy Analysis* 3, no. 2 (April 2007): 127-143, <https://doi.org/10.1111/j.1743-8594.2007.00044.x>.

²⁶⁶ New York Times, "Cuban Exile Says He Lied to Times about Financial Support," August 4, 1998, <https://www.nytimes.com/1998/08/04/world/cuban-exile-says-he-lied-to-times-about-financial-support.html>, (accessed October 23, 2023).

²⁶⁷ Jerry Flint, "Cuba Says Lifting Blockade Won't Bring Gush in Trade," *The New York Times*, April 21, 1977, <https://www.nytimes.com/1977/04/21/archives/cuba-says-lifting-blockade-wont-bring-gush-in-trade-cuba-says-no.html>, (accessed October 23, 2023).

²⁶⁸ Kaplowitz, *Anatomy of a Failed Embargo: U.S. Sanctions Against Cuba*, 105-106.

²⁶⁹ *Ibid*, 95.

to move away from our past policy of isolation. Our boycott has proved ineffective, and there has been a decline of Cuba's export of revolution in the region."²⁷⁰ The Carter administration took some steps to ease the embargo, and relations between the two countries slightly improved. In 1977, revisions were introduced to the Cuban Assets Control Regulations by the Treasury Department. U.S. citizens gained permission to travel to Cuba and were able to spend \$100 on Cuban goods, the sale of food and medicines was authorised, and Cubans residing in the United States were able to provide financial assistance to their families in Cuba.²⁷¹ Also, Cuban people with a U.S. visa could travel to the U.S. Most importantly, diplomatic relations were established by opening "interest sections" in Havana and Washington with the collaboration of the Czech and Swiss governments. Limited numbers of diplomats were granted permission to reoccupy their former embassies in each other's capitals.²⁷² This was a significant moment as two decades after bilateral relations were severed in 1961, diplomatic missions were established in both Washington and Havana. Wayne S. Smith, who had been the last American official to depart Cuba when bilateral relations were disrupted, was appointed ambassador by President Carter.²⁷³ In the U.S. Congress there were many supporters of lifting the Cuban embargo. Democrat politician Jonathan Bingham supported the idea of ending the embargo without preconditions. Democrat Senator Hubert Humphrey underlined that the annual cost of the Cuban embargo for American business was \$650 million, hence the embargo must be lifted.²⁷⁴ Other senators supported at least a partial lifting of sanctions for food and medicine, as a first significant step towards normalisation of bilateral relations. Democrat Senator George McGovern said that the embargo "never did make any sense. It only made Cuba more dependent on the Soviet Union and eliminated any influence we might have. It was an entirely irrational act on our

²⁷⁰ Ibid.

²⁷¹ Lamrani, *The Economic War Against Cuba: A Historical and Legal Perspective on the U.S. Blockade*, 29.

²⁷² Kaplowitz, *Anatomy of a Failed Embargo: U.S. Sanctions Against Cuba*, 97-98.

²⁷³ Lamrani, *The Economic War Against Cuba: A Historical and Legal Perspective on the U.S. Blockade*, 29.

²⁷⁴ Kaplowitz, *Anatomy of a Failed Embargo: U.S. Sanctions Against Cuba*, 98.

part.”²⁷⁵ Consequently, McGovern’s proposal to allow the sale of food and medicine to Cuba passed with 10 to 7 votes at the Senate Foreign Relations Committee. However, the House of Representatives then voted against it. Some Republican Senators even proposed closing the ‘interest section’ which was recently opened in both countries’ capitals. According to the State Department, the office in Havana focused on advancing U.S. interests and had achieved notable success in facilitating the release of American prisoners.²⁷⁶

In 1977, a group of American businessmen travelled to Cuba to talk about future trade possibilities in the event of lifting the embargo, receiving enthusiasm from Cuban trade officials. Cuban officials expressed their willingness to trade with the U.S. businessmen, considering their need for foodstuff and technology. In return, Cuba could export sugar, nickel, and tobacco. Subsequently, Marcelo Fernandez Font, Cuban Foreign Minister, visited the U.S. to urge for lifting sanctions. Considering the embargo neither achieved compensation for expropriated American property nor a change in the Cuban regime, the American business community opposed the Cuban embargo given the possible business opportunities. However, they were not openly opposed to the embargo since Cuba was a small market and they were hesitant to anger Cuban exiles in the United States.²⁷⁷

The process of improving bilateral relations halted when in 1978 Castro deployed Cuban troops in Ethiopia, to support Ethiopia at war with Somalia. However, despite this some dialogue remained in place between Cuba and the U.S. Lawrence Theriot was the first Commerce Department officer to visit the island after 17 years, to interview Cuban officials. Castro expressed his opinion that the United States should consider easing sanctions to some extent as a step toward improving bilateral relations. After a partial improvement in relations,

²⁷⁵ William Greider, “McGovern Says He Will Urge Easing of Cuba Trade Embargo,” *Washington Post*, April 12, 1977, <https://www.washingtonpost.com/archive/politics/1977/04/12/mcgovern-says-he-will-urge-easing-of-cuba-trade-embargo/1bf8c835-87c8-4a34-b540-0497e85786f2/>, (accessed October 23, 2023).

²⁷⁶ Graham Hovey, “State Dept, Opposes Senate Move On Cuba,” *The New York Times*, June 30, 1978, <https://www.nytimes.com/1978/06/30/archives/state-dept-opposes-senate-move-on-cuba-resolution-to-cut-off-ties.html>, (accessed October 23, 2023).

²⁷⁷ Kaplowitz, *Anatomy of a Failed Embargo: U.S. Sanctions Against Cuba*, 99-100.

Castro permitted the emigration of Cubans who had family in the U.S. and visits from Cuban exiles to come to Cuba to see their family members. Castro also agreed to release thousands of political prisoners to the United States. The Carter administration was able to find a solution to some problems such as family visits and the release of political prisoners because he used a different approach compared to previous administrations. He favoured the easing of sanctions and initiating a dialogue, and reciprocally, the Cuban government also responded positively in seeking common ground.²⁷⁸ This suggests that cooperation rather than confrontation brings more desired results.

The relations between Cuba and the United States, after a period of successful normalisation, deteriorated in 1979, during the U.S. presidential election year. Democratic Senator Frank Church announced that a brigade of Soviet troops had been detected in Cuba. It was later discovered that it was a 'training brigade' which had been stationed in the island since the Cuban Missile Crisis. However, the issue damaged improving U.S.-Cuba relations and *détente* between United States and the Soviet Union. Another important event that further worsened the relations was the *Maríel* boat lift in 1980. Castro announced that Cubans who wanted to live in the U.S. were free to go. More than 120,000 Cubans, some of them were prisoners and mental patients, migrated and sailed to Miami. Although the initial reception of immigrants by Americans were welcoming, when they found that there were many criminals among the arrivals, public opinion changed.²⁷⁹ During the presidential election campaign Republican candidate Ronald Reagan criticized Carter for improving U.S. relations with human rights violators such as Cuba. Carter lost the 1980 election to Reagan and the U.S policy on Cuba turned hostile again. Castro said about Carter that: "the only president in the last 20 years to have made some positive gestures to us."²⁸⁰

During the 1980s the Cuban economy declined further. One of the reasons for this was the fall in the price of sugar from 25 cents per pound in 1980 to 3 cents per pound in 1985. The devaluation of the dollar during the Reagan

²⁷⁸ Ibid, 102-103.

²⁷⁹ "Witness History - Mariel Boatlift from Cuba - BBC Sounds," BBC, May 25, 2011, <https://www.bbc.co.uk/sounds/play/p00gqyfm>, (accessed October 23, 2023).

²⁸⁰ Kaplowitz, *Anatomy of a Failed Embargo: U.S. Sanctions Against Cuba*, 106.

administration caused a decrease in Cuban purchasing power and increased Cuba's foreign debt denominated in other currencies, from \$1.2 billion to \$5.5 billion. Cuba's primary Western creditors included financial institutions in Japan, Canada, and France. Cuba had to reduce imports paid in hard currency, which led to a decline in imports from Western nations from 40 percent to 15 percent between 1978 and the mid-1980s.²⁸¹ Existing sanctions were contributing to Cuba's problems and preventing the economy from improving. According to researchers, the annual cost to Cuba of the U.S. embargo was \$400 million in 1986, and according to the Cuban National Bank the total cost of the U.S. embargo on Cuba was \$12 billion. In the beginning of the 1990s, the cost of the embargo reached to \$40 billion.²⁸² It is true that the U.S. embargo did not reach its objective of overthrowing Castro and ending the communist regime on the island, but it certainly had huge costs on the Cuban economy. However, on the other hand, the embargo reduced competition by making Cuba more attractive for other countries to substitute U.S.. As the *Financial Times* put it "the attraction of doing business in America's back garden without having to compete with U.S. companies."²⁸³ Many international companies from Europe, Asia, and Latin America came to Cuba for a trade fair in 1987. Spain became Cuba's main capitalist trading partner, replacing Japan. Cuba continued exporting sugar at subsidised prices to socialist countries, by selling sugar at artificial prices. Cuba was also re-exporting Soviet oil, buying extra oil and re-selling the surplus to Western nations to earn hard currency.

After the period of economic hardship, Castro took some measures to focus on other exports such as nickel and increase the tourism sector. Because of the need for foreign currency, Cuba initiated measures to enhance economic relations with Western countries. In 1982, the Cuban government's most significant move was to allow foreign corporations to engage in joint ventures, permitting Western companies to hold a 49 percent share with Cuban state enterprises. The Cuban government would refrain from intervening in labour, production, and pricing aspects. The tourism sector especially received emphasis.

²⁸¹ Ibid, 117-118.

²⁸² Ibid, 118.

²⁸³ Ibid.

Castro also started a ‘rectification campaign’ in 1986, asking the Cuban people to ‘work harder for less.’²⁸⁴ The campaign reflects a renewed dedication to socialist values, emphasising morality over material rewards, state control rather than market influence, and voluntary participation.²⁸⁵

Cuba also tried to improve relations with the U.S. by announcing that Castro was ready to have a dialogue with the U.S. government, but Reagan was not interested. Castro even agreed to take back those Cubans from the *Mariel* boatlift who are criminals and not eligible to stay in the U.S. Cuba also allowed human rights groups to visit prisons to see the conditions of political prisoners on the island. Despite the Cuban government’s conciliatory approach toward the Reagan administration and its hopes for a reevaluation of sanctions considering Cuba’s economic challenges, Reagan proceeded to intensify the sanctions.

According to Georg Schultz, Secretary of State, the main objectives of the White House were destabilising Cuba’s economy, ending the internationalisation efforts of Castro, ending Cuban-Soviet ties, and bringing a capitalist order to Cuba. Even though these objectives were difficult to achieve, as they were for previous U.S. administrations, it would show U.S. hostility towards the Cuban regime. Therefore, the embargo was not economic but rather political.²⁸⁶ The Reagan administration revoked many of the reforms initiated by Carter and tightened the embargo. This included designating Cuba a terrorist nation in 1982 and imposing stricter controls on imports from countries trading with Cuba. Reagan also limited the categories of individuals allowed to travel to Cuba and imposed severe travel restrictions.²⁸⁷ Wayne S. Smith, who was the head of the U.S. Interests Section in Havana and an advocate for diplomatic dialogue between the two countries, decided to resign from the State Department in August 1982 in protest at the Reagan administration’s aggressive policies against Cuba.²⁸⁸ Reagan pursued an extraterritorial extension of the embargo by prohibiting the

²⁸⁴ Ibid, 118-119.

²⁸⁵ Susan Eckstein, “The Rectification of Errors or the Errors of the Rectification Process in Cuba?,” *Cuban Studies* 20 (1990): 67-85, <https://www.jstor.org/stable/24486987>.

²⁸⁶ Kaplowitz, *Anatomy of a Failed Embargo: U.S. Sanctions Against Cuba*, 122.

²⁸⁷ Lamrani, *The Economic War Against Cuba: A Historical and Legal Perspective on the U.S. Blockade*, 30.

²⁸⁸ Ibid.

importation of goods made with Cuban nickel. U.S. allies complied by certifying the absence of Cuban nickel in their exports. In 1983 an extraterritorial ban was also imposed on nickel products originating from the Soviet Union, a significant buyer accounting for nearly half of Cuba's nickel production.²⁸⁹ Despite the general trend of escalating sanctions during the Reagan administration, there were efforts by some members of Congress to lift them, though these attempts ultimately proved unsuccessful. In 1981, Democrat Congressman George Crockett advocated to start 'a meaningful dialogue' with Cuba. In 1985, Democrat Congressman Ted Weiss proposed legislation to lift the Cuban embargo, arguing that Cuba could be a potential major trade partner and market for U.S. goods. In 1987-88, Representatives Bill Alexander and Doug Bereuter proposed legislation to end the food embargo. Alexander drew attention to lost exports, while Bereuter opposed the immorality of food embargo. However, these proposals were rejected.²⁹⁰

The connection between the governments of Cuba and Nicaragua was a politicized aspect of U.S. Central American policy when the Sandinistas, a Marxist-Leninist revolutionary group, came to power in 1979. This is primarily due to Cuba's significant support for the Sandinista National Liberation Front (FSLN).²⁹¹ Following the success of the Nicaraguan revolution, revolutionary movements expanded to other Latin American nations, including El Salvador and Guatemala, with the goal of seeking support from both Cuba and the Soviet Union. The U.S. State Department accused Cuba, claiming that Castro was exporting revolution in Central America and the Caribbean. In the 1980s, Cuba changed its approach in the region from military assistance to advocacy of peace and negotiation. However, this new approach was ignored by the U.S. government who consistently accused Cuba of being an aggressor.²⁹²

In 1986, the Office of Foreign Assets Control (OFAC) issued a list of specially designated persons and companies under the Foreign Assets Control

²⁸⁹ LeoGrande, "A Policy Long Past Its Expiration Date: US Economic Sanctions against Cuba."

²⁹⁰ Kaplowitz, *Anatomy of a Failed Embargo: U.S. Sanctions Against Cuba*, 133.

²⁹¹ Gary Prevost, "Cuba and Nicaragua: A Special Relationship?" *Latin American Perspectives* 17, no. 3 (1990): 120-137, <https://www.jstor.org/stable/2633815>.

²⁹² Kaplowitz, *Anatomy of a Failed Embargo: U.S. Sanctions Against Cuba*, 121.

Regulations of the Treasury Department, including 118 Cubans. The Treasury Department also tried to increase the effects of the embargo by ramping up enforcement actions such as fines and inspections on people involved in trade with Cuba.²⁹³ The State Department expelled a Cuban diplomat, Ricardo Escartin, declaring him *persona non grata*. The expulsion was prompted by allegations that he had attempted to involve American businessmen in illicit trade activities.²⁹⁴ The aim was to show American businessmen that trading with Cuba was still illegal. The United States tried to prevent Cuba from rescheduling its debt by sending memos to Western nations and questioning Cuba's economic capacity. However, Cuba's good record as a debtor and aid from the Soviet bloc gave security to its Western creditors. The Reagan administration's attempt to isolate Cuba within the region proved unsuccessful due to the rising sense of regional pride and the transformation of Latin American governments from dictatorships to democracies. Cuba's acquisition of a Latin American seat on the UN Security Council in 1989 showed its improving regional connections and the diminishing influence of the United States in the region.²⁹⁵

An important factor contributing to the hardline Reagan approach to Cuba was the right-wing Cuban American National Foundation (CANF) composed of members from the rich, white, conservative Cuban American community. Although they did not represent the opinion of all Cuban exiles in the U.S., they were the most powerful and financially advantaged group. They were known for contributing millions of dollars to congressional candidates with the aim of influencing U.S. foreign policy on Cuba, particularly to intensify sanctions and impose more punitive measures on Cuba.²⁹⁶

In 1988, a tripartite agreement was signed between Angola, South Africa, and Cuba through U.S. intermediation, so Cuba would withdraw their troops from Angola. This was the only successful move by the Reagan administration, which was a result of negotiation efforts by the United States. Overall, Reagan's efforts

²⁹³ Ibid, 124-125.

²⁹⁴ Philip Taubman, "U.S. Expels Cuban Envoy, Saying He Broke Trade Ban," *The New York Times*, February 12, 1981, <https://www.nytimes.com/1981/02/12/world/us-expels-cuban-envoy-saying-he-broke-trade-ban.html>, (accessed 24 October, 2023).

²⁹⁵ Kaplowitz, *Anatomy of a Failed Embargo: U.S. Sanctions Against Cuba*, 128-129.

²⁹⁶ Ibid, 134.

to isolate Cuba in Latin America again failed, and he also extended the Cuban embargo. However, Cuba's economic problems were a result of a declining sugar price, not Reagan's efforts to tighten the embargo. The United States' policy towards Cuba was irrational as it was not able to achieve its political goals once again, and it was also not beneficial to the U.S. economy. As Republican Minnesota state senator George Pillsbury said, the Cuban embargo reflects "economic illiteracy ... on the part of the people in our country who make foreign policy."²⁹⁷

The most significant event for the Cuban economy was the collapse of the Soviet Union with the end of the Cold War. Previously, in 1988, 85 percent of total Cuban trade was with the Soviet Union. When Mikhail Gorbachev came to power, aid to Cuba and imports started to decline. Between 1989 and 1993, Cuba experienced a severe economic downturn, with imports declining from \$8.1 billion to \$1.2 billion, while exports declined by 75 percent. This economic crisis resulted in a 32 percent decrease in GDP, while the share of international trade in GDP also dropped, from 70.2 percent to 25.9 percent.²⁹⁸ Soviet foreign aid, which was \$5 billion in 1989, declined to zero in 1992. The Cuban government, to survive this crisis, increased trade with non-Communist nations. The 'Joint Venture Law' known as 'Law 50' pragmatically promoted joint ventures with foreign partners, especially with Spanish. Tourism and biotechnology were the two most important sectors for these joint ventures. Cuba also took a flexible approach in its trade relations. Cuba's economic ties with China showed improvement. By 1988, China had become Cuba's third-largest provider of consumer goods, and in 1989 it ranked as the second-largest buyer of Cuban sugar. By 1990 the trade between Cuba and China had tripled compared to 1987, favouring Cuba in terms of the trade balance.²⁹⁹ Trade between Cuba and Latin America doubled between 1998 and 1990. Therefore, Cuba concentrated its efforts on enhancing economic relations with other nations to compensate for the trade losses resulting from the collapse of the Soviet bloc.

²⁹⁷ Ibid, 135.

²⁹⁸ Lamrani, *The Economic War Against Cuba: A Historical and Legal Perspective on the U.S. Blockade*, 31-32.

²⁹⁹ Kaplowitz, *Anatomy of a Failed Embargo: U.S. Sanctions Against Cuba*, 146.

Although it was expected that after the Angolan agreement, the U.S. attitude towards Cuba would soften, the Bush administration took further steps to make the Cuban embargo more extreme. In 1990, Bernard W. Aronson, Assistant Secretary of State, announced new conditions for improving bilateral relations, which were fair and free elections and respecting human rights. So, the focus of the embargo was now domestic politics, rather than foreign affairs since there was no Soviet threat.³⁰⁰ Since the Cold War and communist expansion was no longer a basis, the United States had to find other reasons to maintain and extend the embargo. The Cuban ambassador Ricardo Alarcón during his speech before the UN in 1991 mentioned how trade contracts were cancelled because of U.S. pressure, including those for essential items like Indian rice.

In 1989, Republican Senator Connie Mack proposed legislation known as the *Mack Amendment* which would prohibit subsidiary trade. The State Department criticized this proposal saying, “We permit (subsidiary trade) because we recognise that attempting to apply our embargo to third countries will lead to unproductive and bitter trade disputes with our allies.”³⁰¹ This act was passed by Congress and vetoed by President George H. W. Bush. Then, Democrat Congressman Robert Torricelli proposed the *Cuban Democracy Act* in 1992 and the Republican White House did not support the legislation. However, during the heated presidential election campaign, Democrat Presidential candidate Bill Clinton in Miami during his campaign said that “I think this administration has missed a big opportunity to put the hammer down on Fidel Castro and Cuba. I have read the Torricelli bill and I like it.”³⁰²

In 1992 President Bush, under pressure to win the Miami electoral vote, signed into law the *Cuban Democracy Act* (CDA), also known as the *Torricelli Act*, marking one of the most controversial extensions of the Cuban embargo. Torricelli claimed that this act would bring an end to the Castro regime within weeks. According to scholar Helen Yaffe,³⁰³ Torricelli praised Cuba after his 1988

³⁰⁰ Ibid, 147-148.

³⁰¹ Ibid, 151.

³⁰² Ibid, 152.

³⁰³ Dr. Helen Yaffe teaches at the University of Glasgow, specialised on economic history in Latin America, especially in Cuba.

visit by saying: “Living standards are not high, but the homelessness, hunger and disease that is witnessed in much of Latin America does not appear evident.”. However, he decided to sponsor the CDA after campaign contributions from the Cuban American National Foundation.³⁰⁴ Moreover, his aspirations to pursue a senatorial position in New Jersey, a state with a significant Cuban population, explains his sudden and intense focus on tightening the Cuban embargo.³⁰⁵ The Torricelli Act prohibits U.S. company subsidiaries in foreign countries from engaging in trade with Cuba. 90 percent of these subsidiary transactions with Cuba involve food and medicines.³⁰⁶ This illustrates the extent to which the U.S. focus on Cuba can lead to actions that are morally questionable. As Ricardo Alarcón said at the UN General Assembly meeting in 1992, “The United States ... prevent us from purchasing oil, foodstuffs, and medicines; puts pressure on investors and businessmen. Never before, other than in the course of war, has a people been subjected to such rigorous, prolonged and total attack. This aggression is being carried out against a small and poor country - a country with very few natural resources, and no substantial sources of energy; a country whose development prospects are totally dependent on foreign trade; a country that receives no credit or finance from international organizations; a country to which even various types of humanitarian aid are restricted. And now attempts are being made even to prevent us from trading.”³⁰⁷ The New York Times wrote that same year about the *Torricelli Act* saying “this misnamed act is dubious in theory, cruel in its potential practice and ignoble in its election-year expediency ... The Cuban Democracy Act would deepen despair on the island but achieve nothing constructive. There is, finally, something indecent about vociferous exiles living safely in Miami prescribing more pain for their poorer cousins.”³⁰⁸ Within a year, many subsidiaries ceased their business ties with Cuba. Additionally, any vessel

³⁰⁴ Yaffe, “US Sanctions Cuba ‘to Bring About Hunger, Desperation and the Overthrow of the Government,’” 134.

³⁰⁵ Kaplowitz, *Anatomy of a Failed Embargo: U.S. Sanctions Against Cuba*, 151.

³⁰⁶ Lamrani, *The Economic War Against Cuba: A Historical and Legal Perspective on the U.S. Blockade*, 31.

³⁰⁷ UN General Assembly Provisional Verbatim Record of the 15th Meeting, Statement made by Mr. Alarcon de Quesada (Cuba), 28 September 1992.

³⁰⁸ “Opinion: Making Poor Cubans Suffer More,” *The New York Times*, June 15, 1992, <https://www.nytimes.com/1992/06/15/opinion/making-poor-cubans-suffer-more.html>, (accessed October 25, 2023).

that visited a Cuban port faced a 180-day ban from entering the United States which further amplified the extraterritorial dimension of the Cuban embargo. Salim Lamrani states that this act is a violation of international law since it represents an unauthorized interference in the internal affairs of sovereign nations, attempting to control their trade relationships with Cuba.³⁰⁹ The CDA granted the Treasury Department the authority to impose civil fines up to a maximum of \$50,000 and enforce property forfeiture in cases of embargo violations. During that same month, Congress enacted a law that heightened the criminal consequences for deliberate breaches of the Trading with the Enemy Act TWEA to a maximum of \$1 million in fines for companies and \$100,000 for individuals. Offenders could be subject to a maximum of ten years of imprisonment. Furthermore, countries that supply assistance to Cuba would be ineligible for the U.S. aid.³¹⁰

The conditions for sanctions to be lifted were that Cuba holds ‘free and fair elections’ and must have a ‘free market economic system’ is, according to Helen Yaffe, contrary to the UN General Assembly declaration of December 1960, which says “*All peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.*”³¹¹ Furthermore, it is also contrary to the UN General Assembly Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of their Independence and Sovereignty which states: “*No State has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any State. Consequently, armed intervention and all other forms of interference or attempted threats against the personality of the State or against its political, economic, and cultural elements, are condemned.*” And “*No State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights or*

³⁰⁹ Lamrani, *The Economic War Against Cuba: A Historical and Legal Perspective on the U.S. Blockade*, 31.

³¹⁰ Kaplowitz, *Anatomy of a Failed Embargo: U.S. Sanctions Against Cuba*, 150.

³¹¹ Yaffe, “US Sanctions Cuba ‘to Bring About Hunger, Desperation and the Overthrow of the Government,’” 134.

*to secure from it advantages of any kind. Also, no State shall organize, assist, foment, finance, incite or tolerate subversive, terrorist, or armed activities directed towards the violent overthrow of the regime of another State, or interfere in civil strife in another State.”*³¹²

According to scholar Donna R. Kaplowitz, U.S. opinion that letting Cuban people suffer will bring the end of the Castro regime is “ignorant of reality” because the Cuban people want desperately for sanctions to be lifted.³¹³ It was clear decades ago that Cuban sanctions did not bring the results U.S. government wanted. The *Torricelli Act* was also opposed by many countries because of its extraterritorial extension. Joe Clark, Foreign Affairs Minister of Canada, said the act is a violation on Canada’s sovereignty. Peter Lilley, British Trade Secretary, said that only the British government can decide its trade policy with Cuba, not the U.S. So, Canada and the United Kingdom put forth blocking orders against the CDA. Canada’s blocking order imposes penalties on Canadian-based subsidiaries, including fines of up to \$8,500 or the possibility of a five-year prison sentence for complying with the CDA. Fernando Solana, Mexican Foreign Minister, said that the legislation was against the principle of non-intervention and so against international law. President of Mexico Carlos Salinas de Gortari said, “the blockade (of Cuba) is completely unacceptable in a sovereign nation.”³¹⁴ Moreover, even Cuban dissidents who spent many years in prison, such as Elizardo Sanchez Santa Cruz and Eloy Gutierrez Menoyo, many U.S. companies, for instance United Technologies and Continental Gerain, and the religious community in Cuba opposed the legislation. Menoyo said “Why not admit that communism has lasted longer whenever an embargo has been imposed? Vietnam, China, North Korea, and Cuba are clear examples.”³¹⁵ In November 1992, the UN General Assembly adopted a resolution on “Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba” that asked Member States to “take necessary steps to repeal or

³¹² General Assembly Resolution 2131 (XX), Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of their Independence and Sovereignty, 21 December 1965.

³¹³ Kaplowitz, *Anatomy of a Failed Embargo: U.S. Sanctions Against Cuba*, 153.

³¹⁴ *Ibid*, 153-154.

³¹⁵ *Ibid*, 156.

invalidate them,” meaning the CDA. The U.S. State Department had foreseen that the Torricelli Act would make U.S. a pariah.³¹⁶

President H. W. Bush left office, with sanctions stricter than ever, even though the U.S. government had not achieved its objectives for Cuba. Even after the end of the Cold War and the collapse of the Soviet Union, when Cuba was no longer a threat to U.S. national security, the U.S. government and Torricelli argued that the short term suffering of Cuban people will bring long term benefits for Cubans.³¹⁷

After a difficult period for Cuba, in 1994 the economy started to grow and in 1994 it grew by 7.8 percent. The tourism sector emerged as the driving force of the Cuban economy and a crucial source of foreign currency earnings to replace sugar, with over one million tourist arrivals and \$1.7 billion in 1997. The tobacco and nickel sectors grew significantly, by 40 percent and 31 percent respectively in 1996, alongside fish production and the pharmaceutical sector (see *Figure 4*).³¹⁸

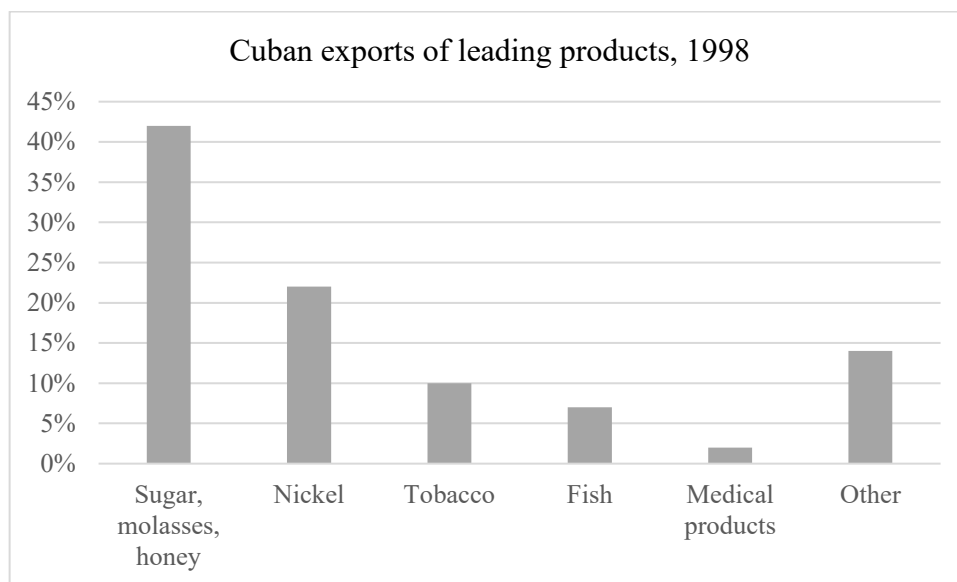


Figure 4 Source: CIA, Handbook of Trade Statistics, 1999

³¹⁶ Ibid, 157.

³¹⁷ Ibid, 163.

³¹⁸ Ibid, 171-173.

Despite a moment of recovery from the economic crisis, standards of living on the island were below the levels of 1989 and inequality was rising. Especially, the presence of rich foreign tourists and the increasing prosperity of Cubans employed in the tourism sector intensified political tensions within the nation. In response to the economic crisis, the Cuban government took significant measures. In 1993 penalties for the use of the US dollar were removed. Then, Castro introduced several liberalisations, including allowing Cubans to have foreign currency, to hold bank accounts in US dollars and to make payments for services rendered by Cubans in dollars. The government also planned to introduce a national currency with convertibility and opening shops that sell imported goods. Furthermore, limitations on self-employment³¹⁹ were relaxed in certain sectors, but with the possibility of hiring only family members.³²⁰ In 1995, the Cuban government enacted the *Foreign Investment Act*, which permitted foreign investors to hold 100 percent ownership, replacing the earlier joint venture law of 1983, which had restricted ownership to a maximum of 49 percent. The new law allowed foreign investment in most sectors with the exception in defence, health, education, and national security. It included a significant section outlining legal protections for foreign investors, including the right to not be expropriated except for reasons of ‘public utility or social interests.’ In such cases, compensation would be provided based on the mutually agreed commercial value. Furthermore, the legislation covers various aspects, including banking, import-export, environmental protection, labour regulations, taxation, and dispute resolution.³²¹

Cuba’s diplomatic ties with Caribbean and Latin American nations improved, culminating in the establishment of full diplomatic relations with all South American countries by 1996. Trade with Latin America expanded significantly, accounting for 30 percent of Cuba’s total trade in 1993. Cuba

³¹⁹ Barbershops were among the earliest businesses in Cuba to transition to private ownership. A Cuban barber Josefina Hernandez Torres says “Self-employment is the best thing that happened. Before, the state paid you a salary, and granted paid holidays. And they paid our medical expenses. Now we do not have these benefits. But it is much better now ... We do not have bosses. We are free ... Sometimes foreigners come in, we charge them 5 CUCs (\$5) and that is a big salary raise in our income.” Tom Geoghegan, “Cuba’s DIY Economy Raises Hope,” *BBC News*, March 20, 2016, <https://www.bbc.co.uk/news/world-latin-america-35789660>, (accessed October 27, 2023).

³²⁰ Kaplowitz, *Anatomy of a Failed Embargo: U.S. Sanctions Against Cuba*, 174-176.

³²¹ Jorge A. Vargas, “Cuba: Foreign Investment Act of 1995,” *International Legal Materials* 35, no. 2 (March 1, 1996): 331-356, <https://doi.org/10.1017/s0020782900032757>.

attracted foreign investment projects from many countries, including Mexico and numerous others.³²²

Cuban-U.S. relations became tense again during an immigration crisis as Cuba's decision to allow its citizens to leave the island resulted in 30,000 Cubans reaching the United States in a month. Following negotiations, the two nations reached an agreement where Cuba committed to reducing illegal immigration, and in return the U.S. pledged to issue 20,000 immigrant visas annually to Cubans. The Clinton administration implemented several measures aimed at partially relaxing sanctions, including enabling undergraduate students to pursue studies in Cuba, authorising U.S. non-governmental organizations (NGOs) to provide financial aid to Cuban NGOs, and allowing Western Union to establish offices in Cuba.³²³

By 1996, Cuba had emerged from its economic crisis and experienced a return to growth, attracting international investment in the tourism sector. This development became a focus point for opponents of Cuba in the U.S., leading to government sanctions aimed at preventing foreign investments and tourists. Cuban exiles resorted to acts of terror, including bombing campaigns targeting hotels and tourists to deter investments and discourage foreign visitors from coming to the island. In February 1996, Cuban military forces shot down two small planes of exiles³²⁴ attempting to enter Cuban airspace from the U.S., killing 4 people on board.³²⁵ In March 1996, President Bill Clinton signed into law the

³²² Kaplowitz, *Anatomy of a Failed Embargo: U.S. Sanctions Against Cuba*, 175-176.

³²³ Ibid, 179.

³²⁴ The aircraft belonged to *Brothers to the Rescue*, a Cuban exile organization based in Miami. In the preceding month, they had conducted another flight, distributing leaflets over Havana that included the text of the Universal Declaration of Human Rights and criticized Fidel Castro. Some members of this group were former Cuban Air Force technicians or pilots, with expertise in Cuba's air defence system. Larry Rohter, "Exiles Say Cuba Downed 2 Planes And Clinton Expresses Outrage," *The New York Times*, February 25, 1996, <https://www.nytimes.com/1996/02/25/world/exiles-say-cuba-downed-2-planes-and-clinton-expresses-outrage.html>, (accessed October 25, 2023); The president of the organisation, José Basulto, had been engaged in covert operations against Cuba during the 1960s and trained by the CIA. During an interview on a television programme on Miami's channel 41 in December 2005, he publicly confessed to his involvement in the August 24, 1962, bazooka attack on a Cuban theatre, which killed twenty people. Lamrani, *The Economic War Against Cuba: A Historical and Legal Perspective on the U.S. Blockade*, 33.

³²⁵ Yaffe, "US Sanctions Cuba 'to Bring About Hunger, Desperation and the Overthrow of the Government,'" 134-135.

Cuban Liberty and Democratic Solidarity Act, also known as the *Helms-Burton Act*³²⁶ proposed by Republican Senators Jesse Helms and Dan Burton. It was a significant and controversial law which ‘codified’ the embargo into law, thus transferring the authority to lift the embargo from the U.S. President to Congress.³²⁷ With this legislation, according to Helms, the U.S. can say “Adiós, Fidel”³²⁸, although, initially, due to concerns about extraterritorial consequences and constraints on presidential authority, the Clinton administration had opposed the bill in Congress. Secretary of State Warren Christopher had expressed objections regarding how the legislation could restrict the president’s discretion in foreign affairs. However, the shooting down of a Cuban American aircraft by Cubans during an election year led Clinton to sign the bill to avoid appearing ‘soft on communism’ and as Kaplowitz says, “thus yielded to demands pressed on him once again by a Republican Congress, a Republican presidential candidate, and the wealthiest elements in the Cuban American constituency.”³²⁹

Title II of the *Helms-Burton Act*, known as ‘*Regime Change by Legislation*,’ aimed to establish a democratic regime in Cuba without the involvement of the Castro brothers. It includes key provisions such as a democratically elected government through free elections and a multi-party political system.³³⁰ The most controversial part of the legislation is Title III on ‘*Protection of property rights of United States Nationals*’ which allowed U.S. courts to pursue legal action against foreign companies that took control of or ‘traffics’ nationalised properties that had previously belonged to individuals who, when the nationalisation occurred, were Cuban citizens, but had later become U.S. citizens after going into exile. However, it is important to note that under U.S.

³²⁶ Previously, the Helms-Burton Act was approved by the Republican-dominated House in 1995, but it came to a standstill in the Senate due to worries that it would limit the ability of the executive branch to manage foreign policy. The concern was whether it was suitable to grant Congress the power to define the criteria for lifting Cuban sanctions. Alberto R. Coll, “Harming Human Rights in the Name of Promoting Them: The Case of the Cuban Embargo,” *UCLA Journal of International Law and Foreign Affairs* 12, no. 2 (2007): 199-273, <https://www.jstor.org/stable/45302317>.

³²⁷ *Ibid*, 135.

³²⁸ Lamrani, *The Economic War Against Cuba: A Historical and Legal Perspective on the U.S. Blockade*, 33.

³²⁹ Kaplowitz, *Anatomy of a Failed Embargo: U.S. Sanctions Against Cuba*, 183-184.

³³⁰ Coll, “Harming Human Rights in the Name of Promoting Them: The Case of the Cuban Embargo.”

law, such legal action is permissible only if the aggrieved individual was a U.S. citizen during the expropriation, and if the expropriation violated international law.³³¹ Given the absence of these conditions, the *Helms-Burton Act* violated both U.S. and international law.³³² The exercise of a state's jurisdiction is confined to its own territory. However, it can extend beyond its borders under specific circumstances, such as when there is a connection with the state, like the nationality of the legislation's target or the principle of protection. The U.S. has faced criticism regarding the *Helms-Burton Act* and extending extraterritorial scope, also because of exceeding these jurisdictional limits.³³³ Furthermore, scholar Andreas F. Lowenfeld³³⁴ stated that "the attempt to impose American policy judgments on nationals of friendly foreign states is not only unwise but ... is a violation of international law."³³⁵

Moreover, the act under Title IV denies visas to the U.S. for those people involved in 'trafficking' properties. This law imposes a \$50,000 fine on unlicensed travellers to Cuba, prohibits imports of sugar products from nations trading in Cuban sugar. Additionally, President Clinton indefinitely halted all charter flights from the U.S. to Cuba. It is significant to highlight that the sponsors of the act, Helms and Burton, received campaign contributions from the Cuban American National Foundation. Due to the significant political influence of Cuban Americans in the state of Florida and their substantial campaign contributions, U.S. presidents and legislators have become increasingly interested in intensifying the embargo against Cuba. In the November 1996 election, South Florida's Cuban American population voted to re-elect Clinton in greater numbers than any

³³¹ Lamrani, *The Economic War Against Cuba: A Historical and Legal Perspective on the U.S. Blockade*, 33; Kaplowitz, *Anatomy of a Failed Embargo: U.S. Sanctions Against Cuba*, 180.

³³² Lamrani, *The Economic War Against Cuba: A Historical and Legal Perspective on the U.S. Blockade*, 33.

³³³ Michael Bothe, "Compatibility and Legitimacy of Sanctions Regimes," in *Coercive Diplomacy, Sanctions, and International Law* (BRILL, 2016), 42.

³³⁴ Andreas F. Lowenfeld was a professor of International Law Emeritus at the New York University School of Law and arbitrator in international disputes.

³³⁵ Andreas F. Lowenfeld, "Unilateral Versus Collective Sanctions: An American's Perception," in *United Nations Sanctions and International Law* (Kluwer Law International, 2001), 102.

previous Democrat had received from that community, with 36 percent of Cuban Americans supporting Clinton, as opposed to 22 percent in 1992.³³⁶

The law also includes a provision that permits the president to delay the implementation of Title III for renewable periods of up to six months if this suspension serves U.S. national interests and facilitates democracy process in Cuba. This provision was added at the last moment to make the law more acceptable to President Clinton who would lose substantial executive authority and acknowledged that Title III would be problematic for U.S. allies. He used this provision to counter the objections of allies. This action, which left the law in place while partially suspending its implementation, failed to satisfy both the law's critics and its proponents.³³⁷ In spite of the legislative freeze, the U.S. State Department established a specialised unit focused on managing claims on property seized by the Cuban government, tasked with the analysis and collection of relevant data.

The extraterritorial character of this new legislation was condemned both by Cuba and the international community. In September 1996, during the UN General Assembly meeting, Roberto Robaina González, Minister for Foreign Affairs of Cuba, said that “The *Helms-Burton Act*, aimed against everyone’s sovereignty and against Cuba, a sovereign State, was conceived as an additional effort to subdue our people through hunger and poverty.”³³⁸ The European Union (EU) published a statement saying that “The EU cannot accept that the United States should seek through unilateral legislation to determine and restrict the EU’s economic and commercial relations” and that the extraterritorial extension “has no basis in international law.” Mexico and Canada condemned the legislation and issued blocking orders. Latin American countries stated that the act was against international law. The EU went even further by taking action against *the Helms-Burton Act* before the World Trade Organisation (WTO); therefore, the legality of the legislation was challenged.³³⁹ In response to the new US legislation aimed at protecting its economic interests, the EU Council of Ministers enacted anti-

³³⁶ Kaplowitz, *Anatomy of a Failed Embargo: U.S. Sanctions Against Cuba*, 182-183.

³³⁷ *Ibid*, 181.

³³⁸ The United Nations General Assembly, 14th plenary meeting, 30 September 1996.

³³⁹ Kaplowitz, *Anatomy of a Failed Embargo: U.S. Sanctions Against Cuba*, 184-185.

boycott regulations. This legislation prohibited compliance with the *Helms-Burton Act*, unless an EU firm obtained a waiver on the grounds that not complying with *Helms-Burton* would cause significant harm to either the interest of the company or the EU, and gave the possibility to EU countries to countersue U.S. companies. The WTO agreed to establish a dispute settlement panel to examine the EU's complaint regarding the *Helms-Burton Act*. However, the Clinton administration declared that the U.S. would not participate in this proceeding, contending that the *Helms-Burton Act* was driven by foreign policy objectives rather than commercial considerations and, thus, should not be subject to WTO judgment. As a result of strong opposition from the U.S. major trading partners and the implementation of anti-boycott legislation in the EU, the United States opted to exempt European companies from the Act and eased its policies.³⁴⁰ In 1998, Pope John Paul II visited Cuba and condemned the U.S. embargo calling it “oppressive economic measures, unjust and ethically unacceptable.”³⁴¹ In 1997, the UN General Assembly adopted a resolution that “seeks repeal of extraterritorial measures like United States Helms-Burton Act against Cuba” which was voted 143 in favour and 3 against - the U.S., Israel, Uzbekistan.³⁴² The American business community also challenged the U.S. embargo on Cuba for the first time with this act, and pressured for lifting the embargo, in view of possible business opportunities in the island. The Act and the continuous harsh attitude against Cuba by the U.S. government were also criticised by the U.S. public. *Global Exchange*, a California based human rights group, protested the travel ban to Cuba by organising the *Freedom to Travel Campaign*. Medea Benjamin, the founder of the group said that

³⁴⁰ From the perspective of the WTO, economic sanctions are seen as contradictory to the principles of trade liberalisation. Sanctions primarily undermine the Most-Favoured-Nation (MFN) and the National Treatment (NT) principles. However, the creators of the General Agreement on Tariffs and Trade (GATT) included specific provisions in Article XXI, which fall under the ‘security exceptions,’ allowing for the imposition of economic sanctions. The specific conditions for invoking these provisions were left to the discretion of the member countries. Maarten Smeets, “Economic Sanctions and the WTO,” in *Research Handbook on Economic Sanctions* (Edward Elgar Publishing, 2021), 280-296.

³⁴¹ Kaplowitz, *Anatomy of a Failed Embargo: U.S. Sanctions Against Cuba*, 185.

³⁴² “Assembly Again Seeks Repeal of Extraterritorial Measures like United States Helms-Burton Act Against Cuba,” The United Nations, November 5, 1997, <https://press.un.org/en/1997/19971105.ga9349.html>, (accessed October 26, 2023).

the United States is the sole Western democracy where travel is considered a criminal offense.³⁴³

The persistent disrespect by the United States for international law and the strong opposition by U.S. allies against extraterritorial extension of legislation suggest that the adoption of this law, according to Kaplowitz, was primarily driven by domestic U.S. political considerations rather than a genuine commitment to promoting democracy in Cuba. This is evident as President Clinton approved the legislation during an election year to secure votes from South Florida.³⁴⁴ The scholar Ann Julia Jatar³⁴⁵ wrote that “U.S. policy seems more concerned with old properties than with new democracy.”³⁴⁶

In October 2000, in the wake of several destructive hurricanes in Cuba and under the influence of the U.S. agricultural industry seeking new markets to sell their surplus products, Congress enacted the *Trade Sanctions Reform and Export Enhancement Act*. This law permits the sale of food products to Cuba on humanitarian grounds. However, the United States imposes stringent conditions on these transactions, including prepayment in a non-dollar currency and financial dealings must be carried out through a bank located in a third country.³⁴⁷

George W. Bush has been the most confrontational U.S. President in relation to Cuba since Reagan. During the Bush administration, there were significant restrictions imposed on academic, cultural, scientific, and sports exchanges between the United States and Cuba. These restrictions led to the denial of entry to approximately one hundred Cuban scholars invited to a scientific seminar organized by the Latin American Studies Association in the U.S. in March 2003 due to visa issues. In February 2004, the administration also prevented the Cuban singer, Ibrahim Ferrer from the *Buena Vista Social Club*, and four other artists from traveling to the U.S. to accept their Grammy Awards, citing

³⁴³ Kaplowitz, *Anatomy of a Failed Embargo: U.S. Sanctions Against Cuba*, 186-188.

³⁴⁴ *Ibid*, 186.

³⁴⁵ Dr. Ana Julia Jatar holds the position of Chief Editor at both El Tiempo Latino in Washington, D.C., and El Planeta Media in Boston. Furthermore, she is the founder of Venezuelan Women in Action, an NGO committed to the advocacy of women’s rights in Venezuela.

³⁴⁶ *Ibid*, 189.

³⁴⁷ Lamrani, *The Economic War Against Cuba: A Historical and Legal Perspective on the U.S. Blockade*, 36.

Article 212 of the Migration Act, which refers to terrorists, and murderers. The State Department argued that their visit would be ‘detrimental to U.S. interests.’³⁴⁸ The Bush administration introduced stricter measures, reducing the number of days that Cubans living in the United States could spend with their families in Cuba, to 14 days in every 3 years, and redefining the notion of family by excluding uncles, aunts, cousins, and other relatives. Consequently, Cuban Americans could no longer visit their aunts or send them money. Only spouses, children, parents, siblings, and grandparents were considered family members, and if these family members were Communist Party members, it was no longer possible to send them money.³⁴⁹ These measures were criticised heavily. The *New York Times* wrote in June 2004 that “It is outrageous that the people of a communist nation have just been told they can see their relatives living outside the country only once every three years. Not only that, the types of items and amounts of money they can receive from overseas will also be curtailed, along with their exposure to visitors on cultural and academic exchanges. What’s most outrageous, however, is that the government ordering this crackdown is the Bush administration, not the communist regime in Havana.”³⁵⁰ Furthermore, any Cuban-American who visited a sick family member in Cuba without obtaining prior approval from the Treasury Department, exceeded the limited stay of fourteen days every three years, or provided financial support to their cousin or Communist Party member mother, faced potential penalties of ten years imprisonment and fines amounting to a million dollars. Likewise, any American tourist spending a weekend in Havana could face the same severe consequences.³⁵¹ The objective of President Bush’s travel restrictions to Cuba was to limit the Cuban government’s access to hard currency, as the volume of legal and illegal travel to Cuba had increased after the end of the Cold War.³⁵²

Fidel Castro, citing his deteriorating health, formally resigns in 2008 as the President of Cuba. He passes the presidential role to his brother, Raúl, who had

³⁴⁸ Ibid, 37.

³⁴⁹ Ibid, 39.

³⁵⁰ Ibid, 40.

³⁵¹ Ibid, 42.

³⁵² LeoGrande, “A Policy Long Past Its Expiration Date: US Economic Sanctions against Cuba.”

previously held a prominent position in the government and military. In response to Fidel Castro's resignation, President Bush calls for Cuba to embrace democracy. New President Raúl made his first international trip to meet with Hugo Chavez, President of Venezuela. Previously in 2000, Hugo Chavez and Fidel Castro signed an accord wherein Venezuela provided discounted oil to Cuba in exchange for Cuban assistance in education, healthcare, and technology.³⁵³ The Bush administration established the *Commission for Assistance to a Free Cuba* which unveiled a plan with the objective of applying Titles III and IV of the *Helms-Burton Act* in specific nations. This plan primarily focused on Venezuela due to its status as Cuba's most significant trading partner.³⁵⁴

Since Raúl Castro assumed the presidency in 2008, a significant reform was initiated to transform Cuba's government-controlled system, marking a substantial overhaul, with the aim of expanding the private sector and diminishing the involvement of the state. He has broadened the range of permissible businesses to over 200 and relaxed the licensing process, resulting in an estimated 20-30 percent of the workforce being engaged in private employment.³⁵⁵

A new era in relations between Cuba and the United States started when Democratic candidate Barack Obama became U.S. President in 2009. During his presidential campaign in 2007, Obama declared that "We have been engaged in a failed policy with Cuba for the last 50 years, and we need to change it."³⁵⁶ The Obama administration signalled its readiness to pursue a new approach to its foreign policy towards Cuba. In April 2009, President Obama declared the removal of restrictions, initially implemented in 2004 by the Bush administration which impacted Cubans residing in the United States with family in Cuba. As a result, Cuban Americans gained the ability to visit Cuba without any limitations

³⁵³ "U.S.-Cuba Relations," *Council on Foreign Relations*, <https://www.cfr.org/timeline/us-cuba-relations>, (accessed October 26, 2023).

³⁵⁴ Lamrani, *The Economic War Against Cuba: A Historical and Legal Perspective on the U.S. Blockade*, 42.

³⁵⁵ Michael Voss, "Raul Castro Says Cubans Must Back Economic Reforms," *BBC News*, December 18, 2010, <https://www.bbc.com/news/world-latin-america-12029873>, (accessed October 27, 2023); Geoghegan, "Cuba's DIY Economy Raises Hope," March 20, 2016.

³⁵⁶ LeoGrande, "A Policy Long Past Its Expiration Date: US Economic Sanctions against Cuba."

on duration and could send unrestricted financial support to their families.³⁵⁷ Cuba was also removed from the list of states that supports terrorism.

Initially, Fidel Castro insisted that the U.S.-imposed embargo must be unilaterally lifted before any discussions about normalizing relations could take place. He frequently used the analogy of not being able to negotiate “with a dagger at our throat.” However, he still engaged in talks with the U.S. government, leading to agreements on various problems over the years. Raúl Castro maintained his demand for the lifting of the sanctions but did not insist on it as a prerequisite for normalisation of bilateral relations. He expressed his willingness to engage in talks with the U.S. administration on a wide range of topics if the dialogue was characterised by equality, and absolute respect for Cuba’s sovereignty.³⁵⁸

The initial meeting between the leaders of two States occurred in 2013 when Obama offered a handshake to Raúl Castro during a memorial service for South African President Nelson Mandela. While some perceived this as a simple act of courtesy, others contended that it represented the U.S. President’s unspoken acknowledgment of Cuba’s significance in Africa, particularly for its role in the anti-apartheid movement, which is highly praised.³⁵⁹ In 2014, the leaders of both nations announced that they had been engaged in secret negotiations for more than a year, facilitated by Pope Francis and the government of Canada. The outcome was an agreement to establish complete diplomatic relations which included elevating their Interests Sections to fully operational embassies. This development was met with widespread celebration among the Cuban population, marking a significant thaw in relations.³⁶⁰ In a landmark event in March 2016, President Obama made a historic trip to Cuba, marking the first visit by a sitting U.S. President to the island since the Cuban Revolution. During this visit, the two leaders engaged in discussions about human rights and the lifting of economic

³⁵⁷ Lamrani, *The Economic War Against Cuba: A Historical and Legal Perspective on the U.S. Blockade*, 43.

³⁵⁸ LeoGrande, “A Policy Long Past Its Expiration Date: US Economic Sanctions against Cuba.”

³⁵⁹ Chomsky, *A History of the Cuban Revolution*, 168.

³⁶⁰ Ibid.

sanctions.³⁶¹ His visit followed an historic agreement between Cuba and the U.S., that allowed commercial flights between the two nations for the first time since 1961.



Raúl Castro meets Obama in Havana on March 21, 2016

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In 2013, European countries represented around 23 percent of Cuban trade, while Latin American nations (excluding Venezuela), constituted around 25 percent, Venezuela represented for 35.4 percent and Canada contributed 4.6 percent to Cuban trade. Cuba received crucial assistance from Venezuela, Brazil, and China. Venezuela supplies approximately two-thirds of Cuba’s oil, China has extended trade credits exceeding \$1 billion to enable Cuba to purchase Chinese products, and Brazil offered financial support for the billion-dollar upgrade of Cuba’s Mariel port.³⁶² The Cuban government adopted a series of economic reforms. These reforms permitted citizens to engage in the buying and selling of

³⁶¹ “Raul Castro Fast Facts,” *CNN*, May 18, 2023, <https://edition.cnn.com/2012/12/13/world/americas/raul-castro---fast-facts/index.html>, (accessed October 26, 2023).

³⁶² LeoGrande, “A Policy Long Past Its Expiration Date: US Economic Sanctions against Cuba.”

houses and cars. They also involved the expansion of bank lending and the broadening of opportunities for self-employment.

Certain components of the embargo framework were written in law, like the *Helms-Burton Act* of 1996, so President Obama had the ability to adjust the embargo through his authority but only Congress had the capacity to lift sanctions.³⁶³ However, Cuban officials argued that Obama had the capability to take more substantial steps in dismantling the U.S. embargo.³⁶⁴

On November 25, 2016, the Cuban revolutionary leader Fidel Castro died when he was 90 years old. As the *BBC* put it “His supporters said he had given Cuba back to the people. Critics saw him as a dictator.”³⁶⁵ In April 2018, Raúl Castro stepped down as president and gave power to Miguel Díaz-Canel, first non-Castro since the revolution to hold the Cuban presidency.³⁶⁶

When Republican candidate Donald Trump became the U.S. President in 2017, there was a new surge of hostility against Cuba and the embargo was tightened again. President Trump implemented more stringent regulations on U.S. citizens’ travel to Cuba, arguing that the existing policy permitted the Castro regime to profit from the surge in tourism. President Trump defended his more rigorous measures and the reversal of Obama’s Cuba policy by citing concerns about the human rights record of Cuba’s government. Critics of his administration raised questions about why Cuba is being specifically targeted for human rights abuses while similar concerns are being downplayed in other regions of the world, such as Saudi Arabia, a country Trump visited in 2017 and considered a close ally of the United States.³⁶⁷ In April 2019, the Trump administration declared that after a 23-year suspension, Title III of the Helms-Burton Act would be put into effect

³⁶³ Ibid.

³⁶⁴ Yaffe, “US Sanctions Cuba ‘to Bring About Hunger, Desperation and the Overthrow of the Government,’” 140.

³⁶⁵ “Fidel Castro, Cuba’s Leader of Revolution, Dies at 90,” *BBC News*, November 26, 2016, <https://www.bbc.com/news/world-latin-america-38114953>, (accessed October 26, 2023).

³⁶⁶ “Cuba’s Raúl Castro Hands over Power to Miguel Díaz-Canel,” *BBC News*, April 19, 2018, <https://www.bbc.com/news/world-latin-america-43823287>, (accessed October 26, 2023).

³⁶⁷ Steve Holland, “Trump Rolls Back Parts of What He Calls ‘terrible’ Obama Cuba Policy,” *Reuters*, June 17, 2017, <https://www.reuters.com/article/us-usa-cuba-idUSKBN1970EC>, (accessed October 26, 2023).

and added Cuba back on the list of countries sponsoring terrorism again.³⁶⁸ In 2020, in an effort to secure the Cuban-American vote in the state of Florida before the upcoming presidential election, the Trump administration prohibited Americans from bringing back Cuban rum or cigars and staying at hotels owned by the Cuban government.³⁶⁹

The Covid-19 pandemic hit Cuba hard. The pandemic forced borders to close and tourist visits to Cuba sharply declined by 75 percent, causing the island to lose a significant source of hard currency. This situation led to one of the most severe food shortages in nearly a quarter of a century.³⁷⁰ GDP fell by 11 percent in 2020. Despite persistent pleas from the United Nations and the international community to remove the sanctions, allowing Cuba to address the global health crisis more effectively, President Trump imposed additional sanctions.³⁷¹ The Cuban government, due to the fragile economic situation, initiated a process of liberalization. President Miguel Díaz-Canel unveiled a series of reforms, which included salary raises and granting state-owned companies more autonomy.³⁷² Despite domestic challenges brought by the pandemic, Cuba sent medical specialists to numerous countries to treat Covid patients, as an example of international solidarity.³⁷³

In 2021, Democratic candidate Joe Biden, formerly Vice President during the Obama administration, was elected U.S. President. Contrary to expectations of sanctions relief, the initial actions of the Biden administration showed no significant changes regarding Cuba, except for stating that addressing the issue

³⁶⁸ Yaffe, “US Sanctions Cuba ‘to Bring About Hunger, Desperation and the Overthrow of the Government,’” 141.

³⁶⁹ Jeff Mason and Matt Spetalnick, “Trump Imposes New Bans on Cuban Rum, Cigars, Hotels,” *Reuters*, September 23, 2020, <https://www.reuters.com/article/us-usa-cuba-idUSKCN26E2OL>, (accessed October 23, 2023).

³⁷⁰ Ed Augustin and Frances Robles, “Cuba’s Economy Was Hurting. The Pandemic Brought a Food Crisis.,” *The New York Times*, September 20, 2020, <https://www.nytimes.com/2020/09/20/world/americas/cuba-economy.html>, (accessed October 26, 2023).

³⁷¹ Yaffe, “US Sanctions Cuba ‘to Bring About Hunger, Desperation and the Overthrow of the Government,’” 141.

³⁷² James Bloodworth, “Cuba’s Coronavirus Success Story Might Not Save Its Economy,” *Foreign Policy*, August 6, 2020, <https://foreignpolicy.com/2020/08/06/coronavirus-victories-cuba-health-care/>, (accessed October 26, 2023).

³⁷³ Yaffe, “US Sanctions Cuba ‘to Bring About Hunger, Desperation and the Overthrow of the Government,’” 142.

was not a top priority.³⁷⁴ The Biden administration revealed its intention to relax the stringent sanctions enforced on Cuba during the Trump presidency. The new measures, which were approved, include easing restrictions on family remittances, travelling to Cuba, speeding up U.S. visas for Cubans, and allowing donations to relatives other than family members.³⁷⁵

Over the years, U.S. administrations have alternated between tightening and relaxing sanctions on Cuba, yet none of these actions have led to the complete removal of sanctions. Substantial periods of relaxation in sanctions occurred during the Democratic administrations of Carter and Obama. The Cuban American community, particularly the CANF and their financial resources, have had a significant influence on shaping U.S. policy toward Cuba and tightening the embargo. Scholars commonly categorize Cuban emigrants into two groups: those who left Cuba before and after the *Mariel* boatlift, distinguishing between ‘old’ and ‘new’ Cuban immigrants in the U.S. The first group, who departed shortly after the Cuban Revolution were often political refugees who belonged to middle- or high-income groups and had their properties confiscated. For them the revolution represented a negative experience and even after many years living in the U.S. they hold a grudge against the Cuban government and the majority support strict sanctions against Cuba. The second group on the other hand were the generation of the revolution and the main reason for their immigration was the search for economic opportunities. They did not have a strong anti-Castro view like the first group. Instead, they maintained close connections with their families on the island and sent remittances to improve their economic well-being. This division in political and ideological views between the two groups is reflected in polls about support for the U.S. economic embargo among Cuban Americans. Over the years, support for the embargo has shifted, with a growing number of ‘new’ emigrants favouring the reestablishment of diplomatic relations with Cuba,

³⁷⁴ Ibid, 144.

³⁷⁵ “US Agrees to Ease Trump-Era Sanctions on Cuba,” *BBC News*, May 17, 2022, <https://www.bbc.com/news/world-europe-61473884>, (accessed October 26, 2023).

while a significant proportion of ‘old’ emigrants continue to support the embargo as a symbol of their ongoing struggle against the Cuban regime.³⁷⁶

	Oppose embargo	Favour diplomatic relations	Favour unrestricted travel for all	Have travelled to Cuba	Support food sales	Support medicine sales
Generations						
Not Cuba born	48.9%	69.9%	60.7%	19.9%	72.2%	78.2%
Waves						
1959-1979	26.1%	38.6%	32.3%	26%	41.9%	58.1%
1980-1994	43.3%	57.9%	53.2%	41.6%	62.7%	70.8%
1995-2004	58%	73.8%	77.5%	49.4%	80.3%	87.3%
2005-2016	70.5%	89.5%	87.4%	35.1%	89.9%	91.3%

Table 3 Percentage support of each Cuban embargo policy by Cuban Americans based on generation and nativity (FIA Cuba Poll, 1997-2016)³⁷⁷

The significant political influence of CANF is rooted in its representation of more than 1.5 million Cuban-Americans (majority of them Republican, see *Figure 5*)³⁷⁸ residing in the United States, particularly in New Jersey (14 electoral votes) and Florida (30 electoral votes).³⁷⁹ As a result, U.S. administrations often align with maintaining or even intensifying the embargo to secure electoral votes from these states, despite the majority of the Americans supporting the

³⁷⁶ Judith Radtke, “The United States’ Rapprochement with Cuba: Reasons, Reactions and Repercussions,” *Konrad Adenauer Center for International Relations and Security Studies*, 2017, https://www.kas.de/c/document_library/get_file?uuid=2b2c27a8-df2e-feee-58f0-23f692d82499&groupId=252038.

³⁷⁷ Guillermo J. Grenier, “Engage or Isolate? Twenty Years of Cuban Americans’ Changing Attitudes towards Cuba - Evidence from the FIU Cuba Poll,” *IdeAs*, no. 10 (November 17, 2017), <https://doi.org/10.4000/ideas.2244>.

³⁷⁸ Jens Manuel Krogstad, “Most Cuban American Voters Identify as Republican in 2020,” Pew Research Center, October 2, 2020, <https://www.pewresearch.org/short-reads/2020/10/02/most-cuban-american-voters-identify-as-republican-in-2020/>, (accessed October 27, 2023).

³⁷⁹ Omar Sánchez, “The Sanctions Malaise: The Case of Cuba,” *International Journal* 58, no. 2 (2003): 347-372, <https://doi.org/10.1177/002070200305800206>; “Distribution of Electoral Votes,” National Archives, June 26, 2023, <https://www.archives.gov/electoral-college/allocation>, (accessed October 27, 2023).

normalisation of diplomatic relations and lifting the embargo.³⁸⁰ Mark Weisbrot states that “although the risk of losing Florida (*s Cuban American voters*) because of lifting the embargo is increasingly small, there is simply no reason to take a small risk.”³⁸¹

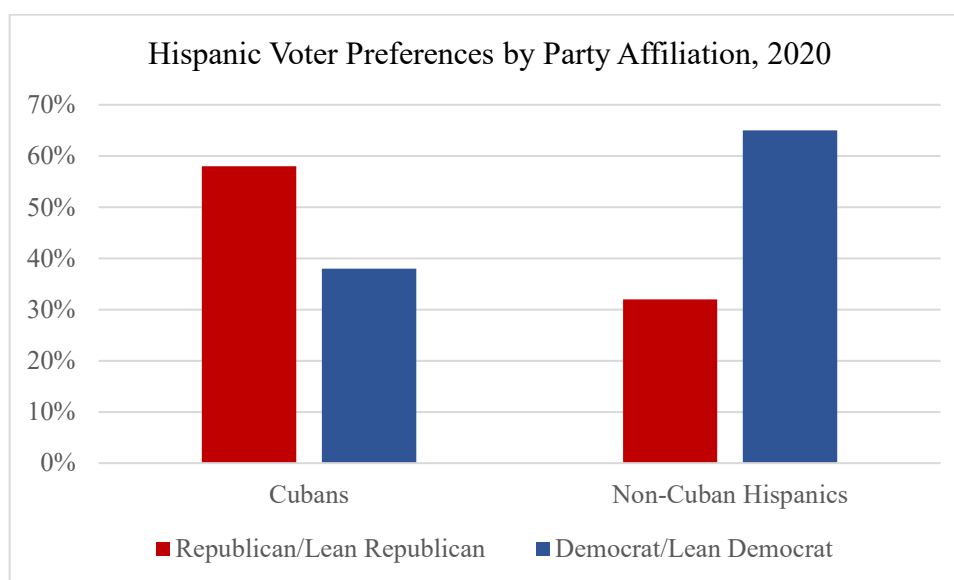


Figure 5 Source: Pew Research Center

As the demographic landscape evolves, resulting in shifts in the proportions of older and newer generations among Cuban Americans (see *Table 3*), there is potential for the newer generations to strongly advocate for the normalization of diplomatic and economic relations with Cuba and the permanent lifting of the embargo (see *Figure 6*).

³⁸⁰ “Most Support Stronger U.S. Ties with Cuba,” Pew Research Center, January 16, 2015, <https://www.pewresearch.org/politics/2015/01/16/most-support-stronger-u-s-ties-with-cuba/>, (accessed October 27, 2023).

³⁸¹ Radtke, “The United States’ Rapprochement with Cuba: Reasons, Reactions and Repercussions.”

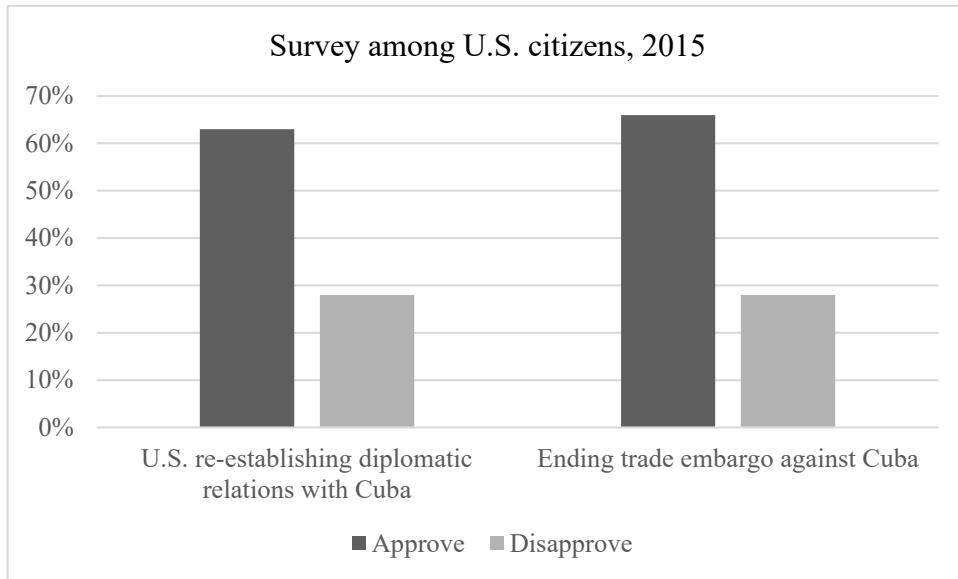


Figure 6 Source: Pew Research Center

3.3. Reflections on the Use of Sanctions against Cuba

In 2014, Cuba calculated that the total cost of the U.S. embargo had reached \$144 billion since 1960.³⁸² Nevertheless, despite its heavy cost on the Cuban economy and the Cuban population, the embargo has failed to achieve its objectives, yet is still in place after 63 years. The U.S. government imposed comprehensive sanctions following the Cuban Revolution, initially in the name of anti-communism and the promotion of democracy. After the Cold War, these sanctions were justified on the grounds of promoting human rights. However, many scholars and Cuban people argue that the sanctions not only failed to achieve their intended objectives but also had a detrimental impact on human rights. The Cuban government condemned the embargo, or blockade as they

³⁸² Yaffe, “US Sanctions Cuba ‘to Bring About Hunger, Desperation and the Overthrow of the Government,’” 143.

describe it, as ‘genocidal policy.’³⁸³ According to Kaplowitz, sanctions theorists highlight that embargoes in some cases are perceived as ‘inhumane’ measures that may damage the reputation of the sanctioning nation, and the embargo imposed on Cuba has led to a decline in the moral standing of the United States on the world stage.³⁸⁴

The far-reaching influence of the embargo, enhanced by Cuba’s small size and its proximity to the United States, has had a disproportionate impact on the country. The embargo has prevented Cuba benefiting from its proximity to the U.S. market, which is large and strategically advantageous. Throughout most of the history of the embargo, U.S. administrations have applied heavy pressure on foreign governments and companies to discourage any economic ties with Cuba. It has discouraged many private international companies from engaging in business with Cuba. As a result, the effects of the embargo on human rights extend to various aspects, including public health, education, culture, nutrition, children rights, and family rights.³⁸⁵ The economic crisis in Cuba has had a severe impact on nutrition, especially of those pregnant women and children who as a result have suffered from anaemia. Between 1989-1993, the halving of Cuban imports led to an 18-25 percent reduction in the availability of protein and calorie sources. Until 1992, children up to 13 years old and seniors over 65 received a daily milk ration, but in 1992, the ration was limited to children, 6 years old and under.³⁸⁶ The embargo negatively impacts the well-being of an entire nation, especially its children and the elderly. Economic sanctions have significantly affected the healthcare sector in Cuba. A striking fact is that nearly 80 percent of patents in the medical industry are controlled by American pharmaceutical companies and their subsidiaries. Cuba faces obstacles in accessing vital medicines due to U.S. sanctions. For instance, in 2004 the OFAC imposed a \$168,500 fine on the pharmaceutical company Chiron Corporation for exporting vaccines for children to Cuba via its European subsidiaries, despite having obtained authorisation from

³⁸³ Lamrani, *The Economic War Against Cuba: A Historical and Legal Perspective on the U.S. Blockade*, 72-73.

³⁸⁴ Kaplowitz, *Anatomy of a Failed Embargo: U.S. Sanctions Against Cuba*, 158.

³⁸⁵ Coll, “Harming Human Rights in the Name of Promoting Them: The Case of the Cuban Embargo.”

³⁸⁶ *Ibid.*

UNICEF.³⁸⁷ The U.S. embargo has significantly impacted education in Cuba. It has raised the cost of educational supplies by limiting access to goods produced in the U.S. or made with U.S. components. The embargo also prevents the ability of private American organizations, charities, and churches to aid Cuban schools. According to the Cuban government, Cubans face visa denials for their participation in academic and cultural events in the United States.³⁸⁸ According to the scholar Alberto R. Coll,³⁸⁹ one of the main legal and ethical shortcomings of the embargo is that, despite its stated aim of promoting the human rights of Cubans in Cuba, but also Cuban-Americans in the U.S., it in fact violates their right to maintain their ‘family life’. Carlos Lazo, a Cuban American in Miami, comments on travel restrictions: “Against my will and for decades I have been deprived of attending important happenings in Cuba such as the death and funeral of my father, grandfather, uncles ... weddings, births ... There were the long illnesses of my father Thanks to Washington’s restrictions it got very difficult, onerous and lengthy to obtain and deliver vital medications, thus prolonging the suffering and distress of patients and relatives on both sides of the straits ... its hypocrisy and double standard (go not to Cuba, but OK with China, Vietnam, Russia, Saudi Arabia, etc.) are incredible and not worthy of any nation that truly values family and God.”³⁹⁰

The U.S. embargo gets a negative reaction also from U.S. scholars, public opinion, and newsletters. The Washington Post wrote in 2009: “To this day, there is one communist country toward which American policy has been unrelentingly hostile. One communist government with which we have never even attempted *détente*. One communist country that we invaded without even a fig leaf of an invitation from a legitimate government. One communist country where we have never tried the seductive power of capitalism and instead have maintained a total trade embargo. And now, 20 years after communism collapsed almost every place

³⁸⁷ Lamrani, *The Economic War Against Cuba: A Historical and Legal Perspective on the U.S. Blockade*, 46-48.

³⁸⁸ Coll, “Harming Human Rights in the Name of Promoting Them: The Case of the Cuban Embargo.”

³⁸⁹ Alberto R. Coll is a professor at the DePaul University, Chicago, specialised in international law, international human rights, and Latin America.

³⁹⁰ *Ibid*, 250.

else, in this same country a communist government survives unreformed and unapologetic. If any conclusion can be drawn with scientific certainty about any question in the field of political science . . . it surely is that the United States' Cuba policy has not worked . . . And nothing has changed, except that our embargo makes us look more ridiculous and powerless than ever.”³⁹¹ Throughout the years, there had been many proposal bills at the Congress by senators both from the Democratic Party and the Republican Party to lift or to ease the embargo. The U.S. embargo against Cuba also draws negative reaction from the international community. President Luiz Inacio Lula da Silva of Brazil said during a speech “Cuba has been an advocate of fairer global governance. And to this day it is the victim of an illegal economic embargo.”³⁹²



An anti-embargo mural in Montevideo, Uruguay, April 2023 © Ozge Polat

³⁹¹ Michael Kinsley, “The Cuba Embargo a Proven Failure,” *Washington Post*, April 17, 2009; cited in Lamrani, *The Economic War Against Cuba: A Historical and Legal Perspective on the U.S. Blockade*, 134.

³⁹² Reuters, “Brazil’s President Calls U.S. Economic Embargo on Cuba ‘illegal’, Condemns Terrorist List Label,” *Reuters*, September 16, 2023, <https://www.reuters.com/world/americas/brazils-president-calls-us-economic-embargo-cuba-illegal-condemns-terrorist-list-2023-09-16/>, (accessed October 28, 2023).

The main policy goals of overthrowing Castro and bringing an end to the socialist regime were not realistic to achieve. Sanctions theorists argue that smaller and medium-scale policy objectives and specific goals are more likely to be effective in achieving desired outcomes.³⁹³ Regime change was not very likely, especially during the period of the Castro brothers. Fidel Castro and other revolutionaries believed in their cause, to become independent from U.S. influence³⁹⁴ and to create a society where everyone is equal and has free education and free healthcare. As Fidel Castro said: “The blockade is aimed against an entire nation. Against millions of people. If my life is the price of lifting the blockade, it is a small price to pay. I would be willing to give my life, but I won’t sacrifice the Revolution, socialism, or our principles.”³⁹⁵ During the Clinton administration, the U.S. Agency for International Development issued a report ‘Support for a Democratic Transition in Cuba’ which would offer \$4 to \$8 billion to a post socialist Cuba. Fidel Castro became furious and said “What most outrages us is that they are trying to buy us ... It is shameful that someone should imagine that for all the gold in the world we would be capable of agreeing to be slaves again.”³⁹⁶ However, the Cuban government demonstrated a greater willingness to engage in diplomatic negotiations and a normalisation of relations when U.S. administrations eased sanctions, as seen in the cases of the Carter and Obama administrations, compared to when they faced increasing pressure and hostility. During times of economic crisis, many reforms were adopted to improve the lives of the Cuban people. A more constructive approach by the U.S. administration toward Cuba would have a higher likelihood of fostering positive transformations in the island. Despite the heavy U.S. blockade for decades, Cuba still managed to survive this long. There is economic hardship, and more reforms are needed. Cuba has survived 63 years, while keeping its socialist ideology. As former President of Ecuador, Rafael Correa said in 2009 “it is impossible to judge the success or

³⁹³ Kaplowitz, *Anatomy of a Failed Embargo: U.S. Sanctions Against Cuba*, 6.

³⁹⁴ According to U.S. diplomat Wayne Smith “Castro was determined that Cuba would be fully independent from the United States and that he succeeded ... In fact, I would say that Cuba now for the first time in its history is completely independent. No longer a Spanish colony, no longer a U.S. protectorate, no longer a client state of the Soviet Union. It is on its own.” *Fidel: The Untold Story*, directed by Estela Bravo, 2001.

³⁹⁵ *Fidel: The Untold Story*, directed by Estela Bravo, 2001.

³⁹⁶ Kaplowitz, *Anatomy of a Failed Embargo: U.S. Sanctions Against Cuba*, 198.

failure of the Cuban model without considering the US blockade, a blockade that has lasted for 50 years. Ecuador wouldn't survive for five months with that blockade.”³⁹⁷

Cuba has many problems because of economic mismanagement, especially after the collapse of the Soviet Union and the end their support caused a phase of economic problems. While a limited number of reforms have been implemented, the Cuban people continue to struggle with persistent economic challenges. Sergio Guerra Vilaboy, a Professor of History at the University of Havana in Cuba, says during an interview with Deutsche Welle (DW) “Since 1990, Cubans have not been able to afford basic necessities with their income.” A Cuban historian and a member of the Academy of Cuban History in Cuba, Alina López Hernández says “The embargo is not making things any easier, but it is not the decisive factor. Cuba is an island in the middle of the sea, but we have a shortage of salt and fish. Cuba has lots of arable land, but we do not produce enough fruit to eat. We cannot blame the embargo for that. Our model of socialism has not worked ... We cannot use the U.S. embargo to defend Cuba's inefficiency.” A Cuban artist in Havana, Nilda Bouzo, who was a revolutionary and believed in their cause, comments on how Cuba changed after the revolution: “People of Cuba say that when Fidel took over the country it was like a jewel. It was clean, new, freshly painted, with beautiful buildings. Now when you walk down the street, it makes you want to cry.” An elderly Cuban, Dagoberto Yáñez, during the same interview says: “Freedom is good, but it does not fill your stomach, right?”³⁹⁸ Despite the revolution's aim to bring equality among the Cuban population, inequality and poverty has continued to increase since 1990. While those who work in the tourism sector and those who get remittances from their relatives abroad are relatively better off than others, those who do not have these opportunities struggle to meet their basic needs. According to Amnesty International, people in Cuba have to stand in long lines for essential goods due to food shortages that

³⁹⁷ Helen Yaffe, “Cuba is poor, but who is to blame - Castro or 50 years of the US blockade?,” LSE Latin America and Caribbean Blog, March 1, 2017, <https://blogs.lse.ac.uk/latamcaribbean/2017/03/01/cuba-is-poor-but-who-is-to-blame-castro-or-50-years-of-the-us-blockade/>, (accessed October 28, 2023).

³⁹⁸ DW Documentary, “Cuba: High Prices, Lines and Shortages,” October 22, 2022, <https://www.youtube.com/watch?v=Ya46bmRa0os>, (accessed October 30, 2023).

have continued for many years, and certain areas of the island often experience power outages.³⁹⁹ Furthermore, according to Kaplowitz, the U.S. embargo enabled the Cuban government “to blame many economic shortcomings on U.S. economic aggression.”⁴⁰⁰

As 63 years have passed and all major U.S. foreign policies concerning Cuba have failed, it becomes increasingly illogical to employ sanctions as a foreign policy tool in the Cuban case. Moreover, U.S. Cuban policy, instead of being a genuinely formulated foreign policy objective, was primarily influenced by the preferences and interests the Cuban American community. The economic sanctions initially used as a tool of foreign policy in international relations lost their logic in the Cuban case, and the focus gradually shifted and became predominantly a matter of domestic policy. They became increasingly unpopular and attracted criticism not just from Cuba but from all around the world. No democratic country which promotes human rights should have a foreign policy aim to “bring about hunger, desperation”⁴⁰¹ to a people of another country, causing suffering, no matter the reason.

³⁹⁹ “Human Rights in Cuba,” Amnesty International, 2022, <https://www.amnesty.org/en/location/americas/central-america-and-the-caribbean/cuba/report-cuba/>, (accessed October 30, 2023).

⁴⁰⁰ Kaplowitz, *Anatomy of a Failed Embargo: U.S. Sanctions Against Cuba*, 200.

⁴⁰¹ Lestor Mallory, *Memorandum From the Deputy Assistant Secretary of State for Inter-American Affairs (Mallory) to the Assistant Secretary of State for Inter-American Affairs*, 6 April 1960, <https://history.state.gov/historicaldocuments/frus1958-60v06/d499>.

CHAPTER IV:
COMPARATIVE ANALYSIS OF SANCTIONS AS A FOREIGN POLICY
TOOL: SOUTH AFRICA AND CUBA

“The purpose of sanctions is not to make us feel good but to do good.”⁴⁰²

Richard N. Haass

4.1. Sanctions Policy in the Cold War Perspective

The Cold War and bipolarization between the superpowers played a crucial role with far-reaching consequences in both the South Africa and Cuba cases, although in a different way. In the South Africa case, the Cold War significantly contributed to the delay in the Western states’ adoption of sanctions, alongside their economic interests. Conversely, in the case of Cuba, the Cold War served as one of the driving factors behind the United States’ enforcement of sanctions.

In Southern Africa, both white minority regimes and liberation movements used the Cold War rivalry as a significant ideological foundation for their own agendas and to defend their actions.⁴⁰³ The apartheid government in South Africa used the threat of Communism to discredit liberation movements, justify actions against them, and distract international attention from the real reasons for

⁴⁰² Haass, “Sanctioning Madness.”

⁴⁰³ Matthew Graham, “Cold War in Southern Africa,” *Africa Spectrum* 45, no. 1 (2010): 131-139, <https://doi.org/10.1177/000203971004500106>.

opposition to racist rule.⁴⁰⁴ The apartheid regime claimed that South African liberation movements were acting under Soviet influence with the aim of establishing a communist government. The U.S. and Western powers regarded South Africa as a bulwark against communism in the region, believing that the South African Government impeded Soviet expansionism in southern Africa. Furthermore, South Africa held a preeminent position as the most substantial military and economic power in the area. The rise of Marxist governments in Mozambique (represented by the Mozambique Liberation Front, FRELIMO) and in Angola (led by the People's Movement for the Liberation of Angola, MPLA), alongside the transition from Ian Smith's white minority regime to majority black rule in Rhodesia, renamed Zimbabwe, raised concerns within the white minority apartheid regime, as they could serve as sources of inspiration for oppressed South Africans.⁴⁰⁵ The South African government, which had consistently aligned itself with Western strategic and economic interests, contended that it was encircled by hostile nations under the influence of the Soviet Union⁴⁰⁶ so it could keep Western support. Hence, a combination of these elements, including the anti-communist stance of Western powers, especially the United States, alongside strong economic ties with South Africa – a crucial supplier of gold, diamonds, and cheap labour – prolonged the process of enacting multilateral sanctions and isolating the apartheid regime. Consequently, the dynamics of the Cold War played a role in the struggle against apartheid, and the end of the Cold War constituted one of the international factors that facilitated the political transition.

There was also significant Cuban support for the South African people's struggle against apartheid. Mandela wrote in 1975 when he was in prison in Robben Island: "It was the first time that a country had come from another continent not to take something away, but to help Africans to achieve their freedom."⁴⁰⁷ When the MPLA came to power in 1975, according to the historian

⁴⁰⁴ Chris Saunders and Sue Onslow, "The Cold War and Southern Africa, 1976-1990," in *The Cambridge History of The Cold War* (Cambridge University Press, 2010), 223.

⁴⁰⁵ Ibid, 222-238; Graham, "Cold War in Southern Africa."

⁴⁰⁶ Saunders and Onslow, "The Cold War and Southern Africa, 1976-1990," 225.

⁴⁰⁷ "The Secret History of How Cuba Helped End Apartheid in South Africa" (Democracy Now!, December 11, 2013), <https://www.youtube.com/watch?v=jNpXUC391vc>, (accessed October 29, 2023).

Piero Gleijeses, South Africa, urged by the United States, invaded Angola to impede the victory of the MPLA. Had Fidel Castro not intervened in Angola, the victory of the MPLA would likely have been short-lived. Gleijeses goes on to emphasize that Cuba stands as the only nation in the world that sent its troops to confront the apartheid forces, and defeated them.⁴⁰⁸ This became a source of inspiration for black people in their struggle against apartheid. Then, Cubans stayed in Angola to protect it from the apartheid army, where they also trained the ANC and its armed wing. Cubans were seen by South Africa and the United States as a proxy of the Soviet Union. Fidel Castro commented on this by saying that: “It was a question of globalising our struggle vis-à-vis the globalised pressures and harassment of the United States. In this respect it did not coincide with the Soviet viewpoint. We acted ... without their cooperation.”⁴⁰⁹ Guided by José Martí’s principle, ‘*Homeland is humanity*,’ Fidel Castro integrated international solidarity⁴¹⁰ as a part of Cuba’s foreign policy.⁴¹¹ Gleijeses argues that how Cubans treated Angolans is a very good example. They helped them to achieve their victory, protected them from an aggressive South African army, and provided them with technical support. He says: “the tendency would be to treat a government so dependent with some kind of superiority, and this is something I have never found in international relations. This kind of respect which Cuba treated what by all objective counts should have been a client government ... is particularly striking for someone ... who lives in the U.S., because certainly the U.S. government does not treat governments that depend on Washington with much respect.”⁴¹² Gleijeses also points out that the role of former U.S. administrations in the struggle against apartheid is ‘shameful’ while Cuba played a significant role in favour of the liberation of South Africa.⁴¹³ When Mandela visited Cuba in 1991 he said that “We have come here today recognizing our great debt to the Cuban people. What other country has such a history of selfless

⁴⁰⁸ Ibid.

⁴⁰⁹ Ibid.

⁴¹⁰ Even Henry Kissinger said that “Fidel Castro was the most genuine revolutionary of our times.” Henry Kissinger, *Years of Renewal* (New York, NY, 1999), p. 785 cited in Lamrani, “Fidel Castro, Hero of The Disinherited.”

⁴¹¹ Lamrani, “Fidel Castro, Hero of The Disinherited.”

⁴¹² “The Secret History of How Cuba Helped End Apartheid in South Africa”

⁴¹³ Ibid.

behaviour as Cuba has shown for the people of Africa?”⁴¹⁴ His visit was criticised by the U.S. government, to which he responded “We are now being advised about Cuba by people who have supported the apartheid regime these last 40 years. No honourable man or woman could ever accept advice from people who never cared for us at the most difficult times.”⁴¹⁵ Thenjiwe Mtintso, former South African ambassador to Cuba, recalled the commitment of Cuba in the anti-apartheid struggle and liberation of Africa, by saying “Today South Africa has many new friends. Yesterday these friends were calling our leaders and our combatants terrorists, harassing us from their countries while supporting apartheid in South Africa. Today, these same friends want us to accuse and isolate Cuba. Our answer is very simple: It is the blood of Cuban heroes and not that of those friends that deeply nourishes the African soil and revives the tree of liberty in our country.”⁴¹⁶

According to David Baldwin, Cuba presented a significant challenge to American foreign policy, primarily on political and psychological grounds. Following World War II, during the Cold War, containing communist influence became the main objective of American policy. The presence of a communist government established by a ‘charismatic’ leader with international solidarity aspirations, 90 miles away from the United States, which also had strong economic ties with the Soviet Union, represented a significant ‘symbolic threat’ to U.S. anti-communist principles.⁴¹⁷ The United States wanted to show to people that there is no prospect for communism in the Western hemisphere. So, also in the Cuba case, the Cold War had an important impact on enforcing comprehensive sanctions against Cuba, especially after the 1962 Cuba Missile Crisis, alongside the expropriation of U.S.-owned properties. Following the Cuban Revolution, the Soviet Union replaced the United States as its main trading partner, and aided Cuba throughout the Cold War. Cuba supported many liberation and guerilla

⁴¹⁴ “Nelson Mandela on How Cuba ‘Destroyed the Myth of the Invincibility of the White Oppressor,’” Democracy Now!, December 11, 2013, https://www.democracynow.org/2013/12/11/nelson_mandela_on_how_cuba_destroyed, (accessed October 29, 2023).

⁴¹⁵ Sean Jacobs, “To so Many Africans, Fidel Castro Is a Hero. Here’s Why,” *The Guardian*, November 30, 2016, <https://www.theguardian.com/commentisfree/2016/nov/30/africa-fidel-castro-nelson-mandela-cuba>, (accessed October 29, 2023).

⁴¹⁶ Lamrani, “Fidel Castro, Hero of The Disinherited.”

⁴¹⁷ Baldwin, *Economic Statecraft*, 176.

movements in Latin America and Africa, many of them aiming to set up a Marxist-Leninist government. The U.S. perceived these actions as a threat to U.S. security and the Monroe Doctrine. However, even after the collapse of the Soviet Union and the end of the Cold War, the U.S. did not modify its Cuban policy.



Nelson Mandela and Fidel Castro, July 26, 1991, Matanzas, Cuba © Libiria Noval

4.2. Characteristics of the Two Cases

The roles played by international organisations in these two cases are rather divergent. The United Nations' comprehensive campaign against apartheid, including diplomatic, economic, and cultural isolation, proved effective in dismantling discriminatory policies in South Africa. The United Nations played a crucial role in the struggle against apartheid through General Assembly

resolutions and Security Council sanctions. This prolonged effort spanned several years and presented numerous challenges. Nonetheless, the United Nations demonstrated firm determination in raising global awareness about apartheid and rallying Member States to move from mere condemnation to concrete, effective actions. The UN General Assembly adopted resolutions on the issue of apartheid from 1946, but only in 1977 the first binding sanction, an arms embargo, was adopted through a Security Council resolution. Throughout the years of anti-apartheid struggle, the topic was on the agenda of the UN. After enforcing voluntary and binding sanctions at the UN level through General Assembly and Security Council resolutions, the United Nations also pressured Member States to enforce effective measures to complement the UN sanctions.

Year	In favour	Against	Abstention	US vote
1992	59	3	71	against
1996	137	3	25	against
2008	185	3	2	against
2016	191	0	2	abstention
2022	185	2	2	against

Table 4 The UN General Assembly vote to end the U.S. embargo against Cuba, selected years

In the Cuba case, since 1992 the UN General Assembly adopts non-binding resolutions every year requiring the United States to lift sanctions against Cuba (see *Table 4*). Although they did not bring the desired results, these efforts remain significant in exerting pressure on the U.S. government, particularly as the number of votes in favour of lifting the embargo continues to rise. The 1992 resolution was adopted after the collapse of the Soviet Union and in reaction to the *Torricelli Act*. The concern was “law and regulations whose extraterritorial effects affect the sovereignty of other States and the legitimate interests of entities

or persons under their jurisdiction.”⁴¹⁸ The 2016 vote carried particular importance as the U.S., for the first time, abstained from it. This abstention served as a symbolic representation of the engagement policy embraced during the Obama administration. This action was hailed as a victory by the Cuban government, although it faced criticism from many U.S. politicians.⁴¹⁹ However, the United States then persisted in its customary practice of opposing the yearly UN General Assembly resolution that urges the lifting of the U.S. embargo on Cuba. In the 2022 vote, Member States criticized the economic embargo on Cuba as “cruel, inhumane, and punitive,” while also urging the United States to initiate dialogue with Cuba.⁴²⁰ In the case of South Africa, the UN General Assembly adopted resolutions to implement sanctions against the apartheid regime, whereas in the Cuban case, the objective was to exert pressure for the removal of sanctions against Cuba.

The South African case serves as a good example of multilateral sanctions, while the U.S. embargo on Cuba represents a case of unilateral sanctions. The use of multilateral sanctions against apartheid provides a clear illustration of sanctions imposed to promote human rights, and became successful. Since it was adopted through the Security Council, it was binding, and its legality cannot be questioned. It was adopted in conformity with the UN Charter and customary international law against a racist regime. Where the legality of sanctions is concerned, the Cuba case differs from the South Africa case. The United States sought to internationalise its unilateral sanctions through extraterritorial measures with the *Helms-Burton Act*. However, this act attracted substantial criticism for its non-compliance with international trade norms, and its legality was even challenged by the EU at the WTO. Given that unilateral sanctions tend to be less effective than multilateral ones, allowing the targeted country to seek alternative trade partners, the United States aimed to bolster the efficacy of its embargo

⁴¹⁸ Coll, “Harming Human Rights in the Name of Promoting Them: The Case of the Cuban Embargo,” 258.

⁴¹⁹ “US Abstains from UN Vote against Cuba Embargo,” *BBC News*, October 27, 2016, <https://www.bbc.com/news/world-us-canada-37784136>, (accessed October 30, 2023).

⁴²⁰ “Adopting Annual Resolution, Delegates in General Assembly Urge Immediate Repeal of Embargo on Cuba, Especially amid Mounting Global Food, Fuel Crises,” UN Press, November 3, 2022, <https://press.un.org/en/2022/ga12465.doc.htm>, (accessed October 30, 2023).

through extraterritorial extension of U.S. law. However, the legal rationale for the existing U.S. embargo on Cuba lacks consistency. An important question for the legitimacy of the embargo is whether the embargo is supported by the United Nations and regional organisations, or a substantial number of international actors.⁴²¹ This was not the case for the embargo against Cuba. Hence, whereas the international community widely acknowledged and supported the legitimacy of multilateral sanctions against South Africa, the United States' efforts to extend the reach of its embargo in the Cuban case, including restrictions on the sale of food and medicine, have raised questions about its legitimacy.

Human rights were a focal point in both cases, although in different ways. The objective of sanctions against the apartheid government was to support the South African population in their pursuit of freedom and the advancement of their human rights. Before 1994, Black Africans were discriminated against, lacking not only political rights but also equal social and economic rights compared to their white South African counterparts. Conversely, in the Cuban case, U.S. sanctions further exacerbate the economic challenges faced by the Cuban population. These sanctions restrict travel, impacting the tourism sector and job opportunities for many Cubans. They also limit families from visiting one another in Cuba and the U.S., hinder Cubans from receiving remittances from their relatives, and often contribute significantly to their cost of living. Most critically, these sanctions impede Cubans from accessing essential food and medicine, which should never be prohibited on humanitarian grounds. Following the conclusion of the Cold War, the United States shifted the rationale behind its Cuba policy, asserting its aim was to foster democracy and political rights among the Cubans. Nevertheless, even after three decades, these objectives have proven ineffective, with the embargo contributing to undermining the human rights of the Cuban people. These factors raise ethical questions about the U.S. embargo.

The global anti-apartheid campaign, mobilised by individuals worldwide, played a crucial role in supporting the struggle of South African people to achieve their freedom. In countries like the United States, the United Kingdom, and other

⁴²¹ Coll, "Harming Human Rights in the Name of Promoting Them: The Case of the Cuban Embargo," 254-255.

Western nations, student groups rallied for comprehensive global economic sanctions. International anti-apartheid movements and NGOs exerted pressure on their respective governments to implement these sanctions. They had great success in shaping public opinion and raising awareness to support boycotts and sanctions for the South African cause in many countries. On the other hand, since the Eisenhower administration enforced the embargo on Cuba in 1960, over one hundred American organisations have been actively contesting the U.S. policy towards Cuba. The enduring nature of the anti-Cuban embargo movement, despite its limited success, stands out as a remarkable feature. Throughout its history of activism, it has faced various challenges, including scarce resources, the influential Cuban American community in South Florida, which held a hard-line stance with remarkable financial resources, and consistent opposition from U.S. administrations, both Democratic and Republican. However, recently the movement benefitted from national and international factors, including the end of Cold War, the Pope's historic visit in Cuba in 1998 when he called for lifting the embargo, a growing number of Cuban Americans in the U.S. who oppose the embargo and call for normalisation in relations, and growing criticism from the international community of the embargo.⁴²²

Both cases were driven by the goal of promoting regime change and promoting democracy. In the South African case, sanctions were employed to pressure the South African government, ultimately leading to the establishment of democracy through universal suffrage in 1994. In contrast, the U.S. embargo against Cuba was intended to advance democracy and encourage the adoption of a multiparty system. However, in this case, the embargo fell short of achieving these objectives, and the desired democratic transformations did not materialise.

In both cases, sanctions had a negative impact on the economies of the targeted countries. They led to reduced foreign investments, altered trade relations, and disruptions in financial transactions. However, South Africa had a more advantageous economic position than Cuba, characterized by greater wealth and abundant natural resources. While South Africa enjoyed an advantageous

⁴²² Indira Rampersad, "The Anti-Cuban Embargo Movement in the United States," *Peace Review* 26, no. 3 (August 26, 2014): 402-411, <https://doi.org/10.1080/10402659.2014.938000>.

economic position, the persistent violence within the country created an insecure investment environment. Furthermore, divestment and disinvestment campaigns also exacerbated this situation, particularly in the South African case, as they were part of broader efforts to economically isolate the apartheid regime. In the case of Cuba, on the other hand, despite the willingness of the business community to engage with the nation, U.S. pressure effectively impeded potential investment opportunities. The U.S. embargo not only cut economic ties with Cuba but also, through the *Helms-Burton Act*, dissuaded numerous international companies from engaging in trade with Cuba.

Conclusion

In the realm of international relations, states more often use the tools of power to develop strategies intended to influence others to act in ways that align with their own interests or the common interests of humanity.⁴²³ Sanctions have become more prominent in global politics and increasingly used due to the growing economic interdependence between nations and the declining acceptability of using military force. In the South African case, military force was not a viable option for the international community. In the Cuban scenario, while there were instances like the training of Cuban exiles for the Bay of Pigs invasion and covert operations, U.S. administrations abstained from directly engaging in military intervention to achieve regime change. However, it is crucial to note that the U.S. embargo on Cuba went beyond merely enforcing sanctions; it can be characterized as economic warfare. As Nicholas Mulder points out: “sanctions shifted the boundary between war and peace.”⁴²⁴ The application of sanctions by states serves a dual purpose: it conveys a diplomatic message and demonstrates

⁴²³ Nagan, “Economic Sanctions, U.S. Foreign Policy, International Law and the Anti-Apartheid Act of 1986.”

⁴²⁴ Mulder, *The Economic Weapon: The Rise of Sanctions as a Tool of Modern War*, 2.

solidarity with the affected population. In the case of South Africa, this dynamic was particularly evident as the international community, through the enforcement of sanctions, supported the oppressed South African population and conveyed a clear message that the racist regime was illegitimate and democratic transition was a condition to lift the sanctions. However, when the scale of the sanctions is beyond the necessary limits, as in the case of Cuba which ends up causing more harm than assistance to the Cuban people, it suggests concerns about the nature of the United States' solidarity with them. Another problem is that, as Cuba has been under sanctions for more than six decades, there is no incentive for regime change or to make significant reforms, since it becomes less and less credible that U.S. will lift the sanctions. Even the end of the Cold War did not bring a considerable change in the U.S. policy towards Cuba. In the case of Cuba, the use of sanctions as a foreign policy tool evolved into more of a domestic issue, predominantly influenced by the interests of the Cuban American community rather than aligning with broader U.S. foreign policy objectives.

Many factors contributed to the political transition that led to a democratic South Africa. The isolation of South Africa by the international community and foreign pressure, with ongoing escalating violence in the country and the fear of civil war, combined with domestic and international anti-apartheid movements, paved the way for dismantling the unsustainable apartheid regime.⁴²⁵ International solidarity, through economic, diplomatic, and moral isolation against apartheid, was a significant contributor to this process. The use of sanctions was also a moral obligation because it concerned the freedom and human rights to People of Colour, which is the majority of the population of South Africa. This was the reason for the success of the South African case. Considering the failure of the sanctions to promote regime change and to improve human rights in Cuba, keeping sanctions in place despite not leading to any significant change raises questions about the effectiveness and rationale of this longstanding policy. It cannot be considered a foreign policy goal, as the objective became the punishment of a regime, together with its population. The credibility of the

⁴²⁵ Ozge Polat, "The Role of the United Nations in the Anti-Apartheid Struggle: South Africa Between 1948-1994 and the End of Apartheid," University of Padua, 2021.

objective is also questionable, as the U.S. does not maintain the same stringent policy towards other countries that violate human rights.

In 2018, the UN General Assembly asked “all States to cease adopting or implementing any unilateral measures not in accordance with international law, international humanitarian law, the Charter of the United Nations and the norms and principles governing peaceful relations among States, in particular those of a coercive nature, with all their extraterritorial effects, which create obstacles to trade relations among States, thus impeding the full realization of the rights set forth in the Universal Declaration of Human Rights and other international human rights instruments, in particular the right of individuals and peoples to development.”⁴²⁶ Therefore, sanctions must be used as a foreign policy tool only in accordance with international law and the UN Charter, and if there is an ethical policy and humanitarian principle that sanctions promote.

⁴²⁶ Pierre-Emmanuel Dupont, “Human Rights Implications of Sanctions,” in *Economic Sanctions in International Law and Practice* (Routledge, 2020), 39.

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