IMLA INTERNATIONAL

The Paradox that is Cuba

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We climbed into the rear seat of a pink and white 1956 Chevy Bel Air with matching tuck and roll upholstery accompanied by the sounds of the Everly Brothers singing their 1958 classic "Bye Bye Love." No, this was not an auto show or the concours d'elegance, rather it was a taxi in Havana — and after a few mojitos, the national drink of Cuba, we were going from Habana Vieja (Old Town) to our hotel near the Central Park. The fare was five pesos. The warm Caribbean air was fragrant with the scent of white ginger mariposa but the engine's sound was not the smooth throb of a GM V-8 but that of a wheezing, tinny Czech or Polish diesel. The taxi's heavy truck leaf springs were not meant for Chevy "see the USA" cruising but were necessary to navigate the numerous patches, cobbles and potholes of old Havana streets. After 60 years the made-in-Detroit mechanical guts of this classic beauty were long gone, replaced by whatever the ingenious and creative Cuban mechanics could scrounge, beg or borrow. The quintessential 1950's American style and veneer were there and still beloved by the taxi driver and all Cubans alike. He was not the owner of the taxi because virtually everything is owned by the state, and much like the state it was cobbled together from disparate sources to make it work in what the natives refer to as "the Cuban way." Only in Cuba could the taxi fleet be over half a century old. Without an internet there is no Uber option either, but in the Cuban way there is also the "colectivo" or shared taxi which reminded us of another 1950 phenomena...how many college kids can be stuffed in a phone booth?

Along Paseo de Martí to the Hotel Parque Central we passed old churches, colonial forts, palatial baroque mansions and majestic plazas, almost all faded, decrepit, mildewed or in some state of desuetude. Even though there are no earthquakes in Havana, buildings just fall down with chilling regularity. The bars evoke memories of "Papa" Hemingway. Groups of men gather in the park not to debate politics but to argue about baseball, ERA's and batting averages. The ever-present salsa music is not imported but endemic to the island and based on 500 years of musical evolution as our host Professor Alberto Faya demonstrated one evening with a Cuban musical time machine starting with Mozart and African rhythms.

Havana is both visually lush and yet ruined, sad but vibrant, trapped in time but yet free spirited and creative. The sounds and smells are unique to this island and reflect a glorious history and uncertain future. There is both mystery and mystique for Americans long deprived of this exciting yet forbidden place. The colonial and neoclassical architecture is proud like the Cubans themselves, but the last coat of paint was applied in the days of Eisenhower not Obama. The beautiful and iconic "Capitolo" building, next to the rococo Gran Teatro de la Habana, is an intentional replica of and homage to our American national Capitol but has not had a deliberative body use it in 60 years. On the Malecón, a grand seaside boulevard of European pretensions, referred to by one travel writer as "Havana's sofa" because it's the romantic couples hangout, there sits the nearly empty Riviera Hotel built and paid for in cash by the mobster Meyer Lansky (aka Hyman Roth for Godfather II fans) and unchanged both inside and out since 1960. Our

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host, noted architect Pedro Vasquez, while rapturous of the 1950's modernist style (it's a Cuban national monument) told us that even the silverware and the dishes date from the mobster times of casinos, gambling and dance girls. There are few street lights, no credit cards, no ATM's, little cell or internet access...but there is also no traffic, few light signals, no armed police and no crime. The Cuban people are open, warm and sharing - yet Soviet style government billboards rail against America and decry "el bloqueo de cuba" which is the six decades old trade embargo imposed by the US. This is the paradox that is Cuba today. But that is likely to change dramatically. Cuba is on the hinge of history and the cusp of change. Diplomatic relations with Cuba were restored just a few months ago. The American embassy on the Malecón is no longer an empty useless shell. And a sitting American President has visited Cuba for the first time since Calvin Coolidge.

Under the auspices of IMLA and its International Committee 40 municipal lawyers and guests recently traveled to Havana Cuba under a "people to people" license issued by the Office of Foreign Assets Control, an obscure division of the U.S. Department of the Treasury which enforces the Cuban embargo laws. "Tourism" for Americans is still illegal so the official purpose of the trip was to observe and experience the coming transformation of a country and its political and economic system at an inflection point in history similar in some respects to the fall of the Berlin Wall and the end of apartheid in South Africa. The participants sought to engage in substantive and informative exchanges of ideas, knowledge and experience with our Cuban counterparts on a range of issues both local and regional. We were scheduled by the Cuban government to meet with judges, politicians, lawyers, artists, journalists and private entrepreneurs to appreciate their perspectives on the Cuban metamorphosis. After a 45 minute charter flight from Miami, we arrived at Jose Martí airport and curiously went through metal detectors after getting off the aircraft. The first image that greets the new arrivals is that of Che Guevara, yet there are very few images of Fidel or Raul Castro.

Over a week, our hosts described both the current political relationship between Cuba and the United States as well as some of the myths that they believe most Americans hold about the Castros and Cuba. Currently the Cuban trade embargo is enforced through six separate federal statutes and has its historical roots in the 1958 revolution which deposed President Fulgencio Batista and installed Fidel Castro, the subsequent conversion of Castro to communism and nationalization of American businesses, the country's alliance with the former Soviet Union, the 1961 Bay of Pigs invasion by CIA backed Cuban expatriates and the installation of medium range offensive nuclear missiles triggering the 1962 "Cuban Missile Crisis." Under Presidents Kennedy and Clinton, Congress expanded the initial trade restrictions to a complete







embargo on all trade with the exception of food and certain humanitarian products. The stated political purpose of one of these statutes, the Cuban Democracy Act of 1992 for example, is to maintain sanctions on Cuba so long as the Cuban government refuses to move toward "democratization and greater respect for human rights."

Frozen in time for almost 60 years, change is now occurring at both a tepid and yet rapid pace. The Soviet Union collapsed in 1992, signaling the end of the Cold War and potential casus belli between Cuba and the United States. Fidel Castro relinquished power to his brother Raul in 2008 and Raul has announced his own retirement and general elections.

In 2011 a new era of economic reforms was inaugurated to spur capital investment. Non-US foreign investments have been permitted during the US trade embargo but multinational companies have been previously reluctant to invest in Cuba because of fears of repercussions from the American government. Cuba has no foreign exchange assets and buys discounted petroleum from Venezuela, now another failed socialist state, by exporting doctors. Foreign capital investment is also hampered by the Cuban government requirements that it act as the middleman for procuring skilled labor and determining wages. We learned from our hosts that the construction of a cruise ship terminal at the Mariel Harbor is a victim of such governmental inflexibility.

Domestically, private businesses are slowly allowed to open and prosper. State owned restaurants provided decent fare but service is the epicurean equivalent of your state department of motor vehicles. Private restaurants called paladares started as family owned enterprises but are very successful and considered culinary incubators. On the main shopping street of Calle Obispo we engaged in an experiment with our hosts to determine which shops were state owned and which were privately owned. The more active the touts, the greater likelihood that is was a private business. If your shopping interests, however, were beyond cigars, rum and t-shirts it didn't really matter since there was very little to buy. In lectures by Rafael Hernandez, editor of Temas, the leading Cuban magazine in the social sciences and humanities, it is clear that the state can no longer control nearly all forms of economic activity as it has for so many years.

But once again the paradox that is Cuba ripples through discussions of privatization of the economy. There are no business regulations and no taxation system. Since virtually everyone is a government employee, there is no income tax. Since property is owned by the state, there is no property tax. Since most goods and services are sold by the state, there is no sales tax. To make things more complicated, the Cuban regime has instituted a dual currency system. Most Cubans are paid in Cuban pesos for which there is no foreign exchange or exchange rate but generally considered to be worth about 5 cents, but in the nascent tourist industry the Cuban Convertible Peso (CUC) is used and its value pegged to the dollar. As foreigners we were required to convert dollars to CUC's (for a nice service charge paid to the government) and could only pay for services with the CUC. In one day a waiter at a private restaurant, a bellman at a hotel or a bartender at a paladar can make more in tips paid in CUC's than a doctor or lawyer's monthly salary (all doctors and lawyers work for the state, there is no such thing as private practice). One of our hosts stated that the CUC would be abolished but there is no timetable for that.

The participants learned many things about the judicial system in meetings with members of the Cuban bar and judiciary and shared perspectives with a former ambassador, foreign journalist, architect, music-professor as well as visiting state sponsored privatization experiments in creative dance, solid waste and recycling, municipal transport and agriculture. Our hosts spoke of freedom of speech and assembly, the lessening power of the communist party, but of particular note was the assertion that all Cubans are free to come and go from the island nation as they please. Yet in August of 2015, 23 Cuban men and one woman sailed 111 miles across the Florida Straits to Key West in a boat made from sheet metal and twelve welded 55 gallon steel drums powered by a pick-up truck engine. Again this is the paradox that is Cuba.

The current evolving policy of the United States toward Cuba is accelerating the changes we learned from our hosts. While the President cannot repeal the various embargo laws, he has ordered the restoration of diplomatic relations and eased travel and credit restrictions. While IMLA was in Cuba, regulations were promulgated providing credit to Cuba, something they are sorely lacking. Those who support normalization of relations with Cuba insist that Western influence and private economic growth and development will be beneficial to the people of Cuba. Those who oppose such normalization believe that the authoritarian government will simply be stronger and that the people will not see any material benefits. While it is not up to the author or IMLA to wade into that political morass, it is important to point out that this very issue was openly and frankly discussed between IMLA members and our hosts.

There was no hint of censors nor was any topic considered taboo. In fact the best evidence of this is openness is a timeworn joke told by one of our hosts... "Fidel Castro is a great man, he has such wisdom, intellect and talent. He is a patriot and a man of the people and the savior of our country...but he is a terrible bartender. After 60 years of practice he still cannot make a cuba libre." ML



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