

[The Helms-Burton is also illegal within the United States](#)



Not even the legal system of said nation respects the Helms-Burton Act, its authors blinded by their desire to destroy the Cuban Revolution, by their interest in bending and submitting a people whose dignity and courage, is recognized within the community of nations, which has helped to confront them, and resist aggressions, in defense of its freedom, their independence and its sovereignty.

The willingness of the Cuban government to find a solution to the issue of compensation for expropriated properties through a civilized dialogue and on the basis of the respect and sovereign equality of States, was reaffirmed on December 24, 1996 when the Act No. 80 on Reaffirmation of Cuban Dignity and Sovereignty was adopted. This legislation declares the Helms-Burton Act unlawful, unenforceable and without any legal value or effect in our country, and also prescribes aspects of special significance such as:

- To consider null any complaint covered in it, regardless of the citizenship of the filing it.
- To reaffirm the disposition of the government of the Republic of Cuba, expressed in the laws of nationalization, concerning a fair compensation of the expropriated properties to natural or legal persons who held US citizenship at that time.
- That these compensations for the properties nationalized to the United States can be settled as part of a negotiating process between the US. and Cuban governments.- Compensation claims must be examined alongside with the compensation to which the Cuban State and people are entitled, due to the damages caused by the blockade and the aggressions of all kinds, whose responsibility is entitled to the US Government.- Any person, natural or legal from US. who uses the procedures established in the Helms-Burton Act, accepts its terms or tries to use them to the detriment of others is excluded of these future and possible negotiations. It is appropriate to notice that the Helms-Burton Act recognizes the right to establish claims, under the protection of its courts, to persons who at the time of nationalization were not US citizens. and acquired this condition afterwards. Another aspect to highlight is Section 6 of Article 302 where it clearly states that "no US court. will invoke "The Act of State Doctrine " to refrain from making a determination on the substance of an undertaken action ... "We wonder where the independence of the judicial power of that country has gone. Is it not evident that we are witnessing a flagrant interference of the legislative power in the areas of competence of the judiciary at the expense of its independence of action, and that all this constitutes, undoubtedly, a violation of the constitutional order of that State, the very essence of its institutional system, the separation of powers and the so-

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called checks and balances based on the idea that it is not enough to separate powers and guarantee their independence, they should be given the means to defend their own powers from intrusions of another one?BLINDED BY THE THIRST FOR DESTRUCTIONIt is appropriate to quote now James Madison, considered one of the Founding Fathers of the United States and its Constitution, when he said:"To what expedient will we then resort to keep in practice the necessary division of powers among the different departments, as established by the Constitution? The only answer that can be given is that since all precautions of an external nature have been inadequate, the defect must be replaced when designing the internal structure of the government, in such a way that its different constituent parts can be, by their mutual relations, the means of keeping each other in their place."Even, the Helms-Burton Act goes against judicial precedents established by US courts, which, according to its legal system, establish the action for the solution of the conflicts brought to them.The Act of State Doctrine is the precedent of justice in the United States today, and for the first time was applied in the case Underhill vs. Hernández in 1946, when he said:"Every sovereign State is bound to respect other sovereign States each other's independence, and the courts of a country cannot meet in session to judge the acts of another country's government carried out within its own territory. The reparation of grievances by reason of these acts must be obtained using the means that sovereign powers may use in their relations with each other ".On March 23, 1964, the Supreme Court of the United States, upon hearing of the Sabbatino vs. Banco Nacional de Cuba, established:"In spite of how burdensome it may be to the public norm of this country and to the member states, we conclude that an expropriation of this nature is best served at the national interest as well as at the progress towards the goal of International Law governing among nations, keeping intact the Act of Sovereign Power Doctrine so that in this case its application reigns."

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AGAINST THE INTERNATIONAL ORDERThe transgression of the international legal order by the United States government is manifested, among others, in their position on the Cuban government's nationalizations, which goes against Resolutions 2625 (XXV) and 1803 of the United Nations. The latter notes that:"Nationalization, expropriation or requisition, must be based on reasons of public utility, security or national interest, which are recognized as superior to the mere private or particular interest, both national and foreign. In these cases, the corresponding compensation will be paid to the owner in accordance with the rules in force in the State that adopts these measures in the exercise of its sovereignty and in accordance with International Law, he adds. In any case where the question of compensation gives rise to a dispute, the national jurisdiction of the State that takes such measures must be exhausted."

"However; by agreement between sovereign States and other interested parties, litigation may be settled by arbitration or international judicial settlement." On the other hand, its claim to limit the process of investment of foreign capital is another violation of the international law, as this process is recognized as a vehicle for the development of peoples, as formulated in instruments of both the United Nations and the World Trade Organization. For these reasons, we cannot understand each other. The permanent denunciation by all honest and goodwill people facing this unbalanced and illegal act, the call for sanity, respect for the legal order of States and the international community, imposes at this time when firmness, unity and loyalty of our people shall prevail.

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