

THE CUBAN EMBARGO AND HUMAN RIGHTS

Intercultural Human Rights Law Review Annual Symposium

October 24, 2008

INTRODUCTORY REMARKS

SIEGFRIED WIESSNER*

It is fitting that we meet today, here in Miami, at St. Thomas University, to consider, in essence, our relationship, the relationship of our own family, as in the case of our Dean and many here in the audience, the relationship of our university, represented by its President, as it was founded in Cuba in the late 1940s, and the relationship of our country with an island, a country, a people, so close to us, but yet so far—separated from our shores by only a tiny few miles, but invisible to most of us, to even those who have been living here, like me, for decades.

Cuba, the Pearl of the Antilles, is a special place. It is not a coincidence that the country's undisputed moral leader over time, its hero of independence, is a poet and a lawyer, in this order – the celebrated José Martí. He reflected the spirit of the island when he wrote “*la felicidad general de un pueblo descansa en la independencia individual de sus habitantes.*” So this focus, this fierce quest for personal independence is coupled with a deep, seemingly old-worldly fascination and affection for all things cultural, the life of the mind, beauty. One of the most celebrated quotes of José Martí is: “*un grano de poesía es suficiente para perfumar un siglo*”: a grain of poetry is sufficient to give perfume, aroma to a century.

One of the persons radiating this veneration for, and himself embodying the lofty ideals of Cuba, has been a person, a couple actually, I was blessed to work with in co-founding this university's Human Rights Institute back in the early 1990's: Ambassador

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Andrés Vargas Gomez, *un hombre culto*, in the truest sense of the word. Nobody who ever met him will forget his gentle spirit, his friendship, his quest for a world order of human dignity, transcending the bitterness he could have felt for the 20 years he spent as *plantado* in Cuba's jails. With his wonderful wife, who waited for him here as a professor at St. Thomas University, as an arts teacher, Maria Teresa. What a beautiful couple—what a waste of time, for them, and for us. This personal history of a close friend reflects the tragic path this beautiful island has taken in its recent past. Like José Martí in the 19th century sought to end his country's status as the last faithful daughter of Spain, the first global colonial empire, today's quest for an order of human dignity faces the reality of the 50 year anniversary of another revolutionary change that has brought untold and abiding suffering and the experience of painful separation to many.

The embargo imposed by our government against the present government of Cuba can only be understood in light of the history, the facts on the ground, and the preferred policies of both countries and people. It may be the unique function of an institution like ours, as Monsignor Casale has stated, a university with a Catholic mission and Cuban roots, to serve as a forum for deep reflection, academic analysis, and commitment to the common interest of a public order of human dignity, that allows us to broach today, in the middle of a passionate electoral campaign, this topic which has generated much controversy—lamentably often producing more heat than light. Our Intercultural Human Rights Program, particularly, the student leaders of the *Intercultural Human Rights Law Review*, Yara Lorenzo and Slava Borshchukov, and its other fifty members were essential to the success of this forum. They have brought together scholars from all disciplines as well as experts and decision makers to analyze the problem carefully, dispassionately, rationally, to possibly conceive of recommendations for optimizing decisions in the future. As ambitious as this agenda is, we are guided by the motto: You have to shoot for the stars if you want to at least reach the moon.

The experts of this day include Professor Antonio Jorge, former Provost of St. Thomas University, then called Biscayne College, Professor of Political Science and Economy at the Universities of

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Miami and FIU; Professor Berta Hernández-Truyol from the University of Florida College of Law, Gainesville, head of its international trade and human rights program; Professor Eckart Klein of the University of Potsdam, former Member of the United Nations Human Rights Committee; Sven von Burgsdorff, the European Union's Chargé d'Affaires to Cuba for a couple of recent years, presently working at the University of Miami; Dr. Katrin Hansing, from Florida International University's Cuba Research Institute; Nicolás Gutiérrez, a lawyer who has focused on this issue for many years; Armando Perez Roura, Director of Radio Mambí; Daniel Wilkinson from Human Rights Watch; and last, but not at all least, my mentor and friend, the celebrated keynote speaker, Professor Michael Reisman.

Michael Reisman has made innumerable and unique contributions to a world order of human dignity.¹ He has formed me in many ways, my approach to law and my approach to my profession. His advice is, and remains, essential to our intercultural human rights program. That is why I am delighted that, tonight, the *Intercultural Human Rights Law Review* will bestow our First Annual Human Rights Award on this eminent scholar and friend. It is with deep pleasure and gratitude that I give you Professor Michael Reisman.

¹ For a tribute to Michael Reisman, delivered at a conference in his honor organized at the Yale Law School on April 24, 2009, see Siegfried Wiessner, *Law as a Means to a Public Order of Human Dignity: The Jurisprudence of Michael Reisman*, 35 YALE J. INT'L L. 525 (2009).