



FOUR DAYS IN CUBA

Kathleen Guthrie Woods

Vibrant, captivating, beautiful, and complicated. All of these descriptions of Cuba evoke a country in dramatic transition, possibly from a one-party socialist government to a market-driven democracy. The recent reinstatement of diplomatic relations between the United States and Cuba presents opportunities for businesses, nonprofit organizations, and individuals to explore, and The Bar Association of San Francisco (BASF) saw an opening.

This past February, several members took advantage of the newly restored amicability to embark to Cuba's capital, Havana, for four days of tourism, education, and cultural enrichment. "It wasn't a hard sell," says Merri Baldwin, BASF's president, who had previously enjoyed traveling in Latin America and saw the potential in visiting Cuba. "We wanted to provide a rich, diverse, and valuable experience," she says, one that included glimpses into Cuban life as well as courses for CLE credits. A cross-cultural exchange was organized by Cuba Cultural Travel, an agency that specializes in educational tours for attorneys, and the trip exceeded everyone's expectations.

Understanding the History

Cuba consists of an archipelago of islands just ninety-three miles from Key West, Florida. (For perspective, a drive from San Francisco to Sacramento along Interstate 80 is eighty-eight miles.) The population in 2017 is estimated at 11.3 million. Health care and education are free for everyone, and in 2013, 27 percent held university degrees, and an astonishing 99 percent were literate. “I learned that Cuba is a complicated country with a lot of pluses and minuses,” says Teresa Caffese of the Law Offices of Teresa Caffese, who participated in the trip. Pluses she mentions include music “literally flowing from the streets” and “incredibly resourceful, very welcoming” people. The minuses, though, are impossible to ignore, and range from poor air quality to disheartening poverty and a history of human rights abuses.

The country’s “cold” relationship with the United States has begun to thaw only in the last few years. When Fidel Castro seized power in 1959, Cuba became a one-party socialist state under communist rule and aligned with the Soviet Union. In the early 1960s, the United States and Cuba challenged each other in the Bay of Pigs (1961) and Cuban Missile Crisis (1962), President Dwight Eisenhower “severed relationships,” and the Kennedy administration enacted an embargo on imports and exports. Tensions remained strained, and in 1982, the US Department of State officially designated Cuba as a “state sponsor of terrorism.” As a result, US banks would not lend money to companies that wanted to do business with Cuba.

A number of events in the 2000s played key roles in shifting the relationship, starting in 2006 when Fidel temporarily transferred presidential powers to his brother, Raúl, then made it official in 2008. In December 2014, the embargo was relaxed to allow limited commerce. The administration of President Barack Obama removed Cuba from the terrorism list in May 2015, paving the way for possible economic investment, and in July of that year, as domestic relations

between the two countries resumed, they each reopened embassies in the others’ capitols. President Obama and First Lady Michelle Obama visited in March 2016, the first time a sitting US president had visited Cuba in eighty-eight years.

There is much speculation about what is to come, from the possibility of Cuba’s willingness to institute new market-oriented economic policies, loosen trade restrictions, and open its doors to tourists. This seemed like an ideal time to consider and explore the opportunities and challenges. “I had a vague, limited notion [of Cuba], based on literature and film, plus coverage of the Obama visit,” says Baldwin. This trip allowed her and her fellow travelers to go beyond their assumptions and be educated by speakers who live and work in Cuba.

Enlightened and Informed CLE Courses

“I was surprised at how little we learn and know about Cuba, the history, the culture,” Baldwin says. “All the presenters were more knowledgeable about the United States [than we were of Cuba].” Through four courses for CLE credits, participants gained a better understanding of the issues that have exacerbated relations between the United States and Cuba, as well as an overview of how the Cuban government has changed in recent years and is continuing to evolve.

As an author, historian, and chief editor of *Temas*, a publication focused on social sciences and humanities, Rafael M. Hernandez provided a thought-provoking presentation on “Cuba in Transition: The Rule of Law as Part of Cuban Reforms.” He described a complex and highly politicized society—one in which there is no Internet access, mobile phones, or emails—and posed questions about Cuba’s pos-

La Historia de Laura (Laura's Story)

Laura Castellanos was two years old when her family left Cuba in 1961, and she had not been back since “as a matter of family respect.” After her parents passed away, she and her partner Teresa Caffese looked into traveling there and learned that having dual citizenship didn’t make it easier. “Going on a Cuban passport was dicey until Obama changed restrictions on travel,” she says, and that’s when she and Caffese started thinking seriously about planning their visit. “Fast-forward to the BASF trip.” The timing worked. She went through a special visa process and pulled out her original Cuban passport. “Big eyes, lots of curly hair,” she says. “I’m not much different, just the hair is grayer,” she says in her engaging good humor. “The visa came through, and we had one week to get ready to go.”

That gave her little time to prepare emotionally. “When you grow up as an immigrant, especially as an exile, a refugee, you grow up on the hyphen: Cuban-hyphen-American,” she says. “You never feel you fully embody one or the other. I always had a fear I’d never be Cuban enough.” She reflected on this as the plane approached its destination. “I was taking photos out the window as we were landing and I started to cry,” she says. Once she was out and about in Havana, speaking Spanish, Cubans stopped her to ask, “Is this your first time back?” When she replied yes, “Eighty percent of the people hugged me and welcomed me home,” she says, “then we got into wonderful conversations.”

The trip was profoundly personal for her. She hoped to experience recognition, in a scent or a sight. She hoped to validate her own memories. “I found the hospital where I was born, the university where dad got his medical license, the first apartment my parents lived in, where I was brought home, the last home before we left.” Indeed, she went home again, and, “I got off the hyphen.”

sibly reembracing capitalism and a market economy.

In his presentation “Dispute Resolution and the Craft of Judging in Cuba,” Narciso Cobo Roura offered an insider’s view of the country’s legal system. A professor of law at the University of Havana and a former judge on the People’s Supreme Court, Cobo Roura gave an overview of the constitution and access to justice (it’s free; there are no fees), and introduced applicable laws and international conventions.

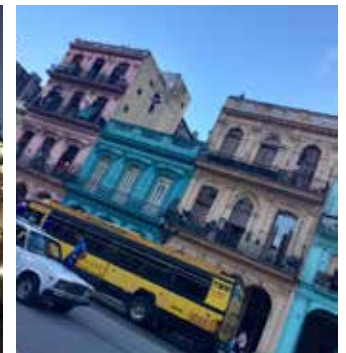
Gregory Biniowsky is an attorney with the Canadian-based law firm of Gowling Lafleur Henderson. He moved to Cuba more than twenty years ago, has taught at the University of Havana, and consults with companies and philanthropies that are exploring opportunities in Cuba. He shared some of his insights into Cuban society, the evolving political landscape, and the fast-changing business and investment environment in his lecture, “Foreign Legal Practice, Investment Opportunities and Challenges.”

Juan Alejandro Triana is a professor at the University of Havana. In his presentation on “Economic Law and the New Cuban Economy,” attendees learned that the economy, with a 2013 gross domestic product (GDP) of US\$65.8 billion, is dominated by exports of sugar, tobacco, coffee, and skilled labor. Triana addressed Cuba’s special regulations and licensing for cooperatives and self-employment. He also looked at the rise of entrepreneurship in this decade, the country’s need for foreign investment, and the optimism behind the National Development Plan 2030, which endeavors to develop opportunities in construction, telecommunications, energy, transportation, agriculture, biotechnology, and tourism.

“Based on the presentations,” says Ray Marshall, a partner with Sheppard, Mullin, Richter & Hampton, “I came away with a greater appreciation for the rights and freedoms we enjoy,” specifically individual worker rights, and the freedom of speech and association, for Cuba’s economy is still state controlled. He also gained a new perspective about the two countries’ shared history. “In America, we think of Cuba as unnecessarily hostile: communist, pro-Russia. But in listening to their perspective, US policy has been quite hostile.” The embargo, the attempted assassinations of Fidel Castro,



Impressions from BASF's journey to Cuba. Top right, BASF Executive Director Yolanda Jackson and 2017 BASF President Merri A. Baldwin. Photos by Merri A. Baldwin and Dawn Lloyd



and the policies that affected their economy, “they see these as acts of aggression,” Marshall says. “We often don’t stop to see how our actions are perceived out of our lens. How would we react if a country was doing this to us?”

Interacting with individuals is frequently mentioned as a highlight of the trip. “People to people is great,” says Marshall. “They’re fun, engaging.” Russ Roeca, a partner at Roeca Haas Montes de Oca, concurs. “What impressed me most about this trip was the warmth, beauty, and generosity of the people toward Americans,” he says. “This is something that was always inculcated by [Fidel] Castro: Americans are wonderful, it’s simply the government that they so mistrust.” From his interactions with the Cuban people and presenters, Roeca formed some new opinions about future relations. “It is so clear from our visit that the US embargo and the sanctions imposed by the US should be in the proverbial dustbin of history,” he says.

“Cuba is not a one-sided story,” says Laura Castellanos, who works in financial services with AssetMark and traveled with Caffese, her spouse. (Read Castellanos’s personal

story on page 52.) “Many years ago, Teresa and I went to Vietnam. It’s more than a country or a place, it’s a history that defines the US, and Cuba is like that.”

More eye-opening and educational experiences came from adventures in and around Havana. Included on the itinerary was a tour of mural artist José Fuster’s home and studio, concerts that celebrated Cuban music, and a visit to Plaza de la Revolución, the center of the government. Other highlights were visits to Finca Vigía, Ernest Hemingway’s home in San Francisco de Paula, and Cojímar, the fishing village featured in his Pulitzer Prize-winning novel, *The Old Man and the Sea*. Free time allowed for visits to a cigar factory store and the world-famous Tropicana nightclub. On the final day, the group was privileged to attend an informative, candid, and off-the-record briefing at the US embassy.

“It was awesome,” sums up Castellanos. Although she’d read a lot of history prior to the trip, she felt she learned so much more from the presentations. “I wanted to stay as open as possible,” she says. “The lectures provided a healthy span of perspectives on the situation in Cuba today,

potential for the future, also a look back at how it became what it is today.”

Looking Forward

As the participants reflect on their experiences in Havana, they’re considering how they might contribute to the evolving US–Cuba relationship. American companies will need guidance in navigating rules, regulations, and licenses if they wish to do business in Cuba. Castellanos plans to start a consultancy, one that will help Cubans adjust to greater economic freedoms. “The change coming, it’s what people want,” she says, and “it’s a double-edged sword.” She gives the example of using credit. “It’s new to them,” and there will be challenges.

There is encouragement to be found in the spike of tourism following Obama’s lifting of travel restrictions, allowing more Americans to visit, to explore the contradictions, to experience the country’s beauty, and to meet the people face

to face. “It’s definitely on the list to consider a return trip,” says Baldwin, and in addition to giving more BASF members the opportunity to go, she’d like to explore areas outside Havana, get out to the countryside and coastal areas. Having read more about Cuba following the first trip, “I’d return with different questions,” she says.

Many questions remain about the future of US–Cuba relations, and the participants of this trip remain optimistic. “The best way to succeed,” Triana offered in his presentation, is “effective and continued interchange, patience, and persistence.”

Kathleen Guthrie Woods has been contributing feature articles to San Francisco Attorney magazine since 2010. To read more of her work, search for “Guthrie” on the BASF website, www.sfbat.org

Working together to make things happen

We can energize each other’s efforts—
and help reach those common goals faster.
That’s why PG&E applauds the Justice &
Diversity Center of The Bar Association of
San Francisco. Together, we can help make
great things happen.



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