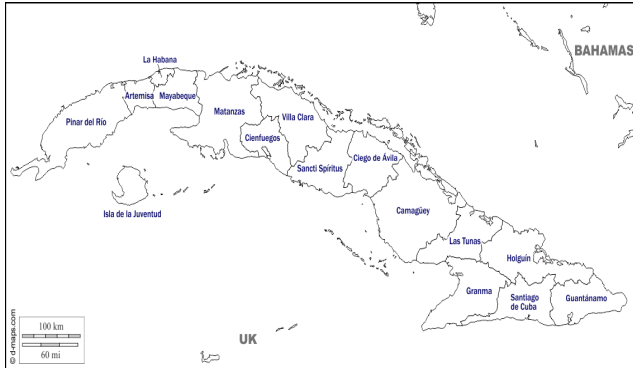


## GUANTANAMO: WHAT IS THE U.S. DOING THERE?

As Cubans point out, Guantanamo is much more than the US naval base and the song, “Guantanamera.” Guantanamo is the easternmost of Cuba’s 15 provinces and its capital city is also named Guantanamo (population 200,000).



### History

The US first seized Guantanamo Bay in 1898 during the Spanish-American War. With many business interests in Cuba, the US had supported Cuba’s revolt against Spanish colonial rule. Following the war’s end and Spain’s formally relinquishing control of Cuba, the US maintained a strong military presence on the island and Cuba became a US protectorate from 1898-1902.

### The Platt Amendment and the US Naval Base

The land for the US naval base at Guantanamo Bay was granted after the US Congress passed the Platt Amendment in 1901 requiring that “...the government of Cuba will sell or lease to the United States lands necessary for coaling or naval stations” and laid down eight conditions to which the Cuban Government had to agree before the US would end its military occupation of Cuba. The Amendment required the Cuban Government to sign a treaty with the US that would make the Platt amendment legally binding. After initial resistance by Cuba, the US pressured the Cubans to incorporate the terms of the Platt Amendment in the Cuban Constitution of 1901. The Constitution took effect in 1902 and land for a naval base at Guantanamo Bay was granted to the US the following year. The US assumed territorial control over the southern portion of Guantanamo Bay under this 1903 lease agreement.

The base occupies 45 square miles of land and water. The US exercises complete jurisdiction and control over this territory, while supposedly recognizing that Cuba retains ultimate sovereignty. There is no expiration date in the 1903 lease and the 1934 Cuban-American Treaty of Relations made the lease permanent unless ended by mutual consent. The US sends Cuba a check annually in the amount of \$4,085; none have been deposited since 1959.

Guantanamo province has 17 miles of land bordering with the US Naval base. The border crossing is at Caimanera, a fishing town and port on the west shore of Guantanamo Bay, just north of the US Naval base and south of the provincial capital. The town is negatively impacted by the US base, with its fishing restricted and access to the town itself limited because of security issues. Due to its proximity to the US base, it is a “forbidden” town and special permission is needed from the Cuban government to visit it.

### The prison

The US base at Guantanamo is infamous today for its prison that has detained hundreds of alleged enemy combatants since the Sept. 11, 2001, attacks. After the prison was established in 2002, the legal status of the detainees has been at the heart of a contentious debate and a source of international condemnation. Donald Trump vowed, during his presidential campaign, to keep Guantanamo open and “load it up with some bad dudes.” In January, 2018, Trump signed an executive order to keep the prison open. The advocacy group, Physicians for Human Rights, responded “The facility is a symbol of U.S. torture and injustice known around the world” stated Dr Homer Venters, its director of programs. “It represents the unlawful, immoral, and harmful regime of indefinite detention and should be shuttered immediately.” (CNBC, Jan 30, 2018) At present, only 40 detainees remain. The base, including the prison, is home to more than 6,000 service members, their families and civilians.

### Is the US Presence in Guantanamo Bay Legal?

Since the Cuban Revolution of 1959, the Cuban government and people have consistently protested against the US presence on Cuban soil, saying the 1903 treaty is illegal under international law and that the base was imposed on Cuba by the threat of force. In his historic meeting with Barack Obama in 2016, President Raul Castro cited the base as a key obstacle in improving US-Cuban relations. Cuba has demanded at the United Nations Human Rights Council that the US return the base and the “usurped territory” which the Cuban Government considers to be occupied since the US invasion of Cuba during the Spanish-American War in 1898.



Some legal scholars judge that the lease may be voidable. “It amounts to a belligerent occupation,’ said Alfred-Maurice de Zayas, an international law scholar who believes the base runs afoul of principles laid out in the Vienna Convention” (NYT article, 6-16-17). He argues that the lease agreement was imposed on Cuba under duress and was a treaty between unequals, no longer compatible with modern international law.

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