

Kuba

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Teil I: Dornbirn, 5. Juni 2026

Teil II: Dornbirn, 7. Juni 2026

Teil III: Dornbirn, 8. Juni 2026

Teil IV und V: Dornbirn, 9. Juni 2026

Teil I

Am 14. Februar 1898 nahm der US-Senat einstimmig die folgende (orange umrandete) Resolution¹ an:

The VICE-PRESIDENT. The resolution will be read.
The Secretary read the resolution submitted Mr. MORGAN on the 9th instant, as follows:
Resolved, That the President is requested, if in his opinion it is not incompatible with the public service, to send to the Senate copies of the reports of the consul-general and of the consuls of the United States in Cuba written or received since March 4, 1897, which relate to the state of the war in that island and the condition of the people there; or that he will send such parts of said reports as will inform the Senate as to these facts.
2. That the President inform the Senate whether any agent of a government in Cuba has been accredited to the Government or to the President of the United States with authority to negotiate a treaty of reciprocity with the United States, or any other diplomatic or commercial agreement with the United States, and whether such person has been recognized and received as the representative of such government in Cuba.
The VICE-PRESIDENT. Is there objection to the present consideration of the resolution? The Chair hears none. The question is on agreeing to the resolution.
The resolution was agreed to.

Demzufolge gab der US-Präsident, MCKINLEY, am 11. April 1898 im Senat eine Erklärung² ab, mit welcher er diesem einen Bericht³ über die Lage in Kuba vorlegte. Außerdem gab er im Zusammenhang damit am selben Tag im Kongress die Empfehlung⁴ ab, Spanien als Kolonialmacht Kubas den Krieg zu erklären.

Als vorläufiges Ergebnis dessen verabschiedete der Kongress am 20. April 1898 die nachstehende *Joint Resolution*.⁵

[No. 24.] Joint Resolution For the recognition of the independence of the people of Cuba, demanding that the Government of Spain relinquish its authority and government in the Island of Cuba, and to withdraw its land and naval forces from Cuba and Cuban waters, and directing the President of the United States to use the land and naval forces of the United States to carry these resolutions into effect.
Whereas the abhorrent conditions which have existed for more than three years in the Island of Cuba, so near our own borders, have shocked the moral sense of the people of the United States, have been a disgrace to Christian civilization, culminating, as they have, in the destruction of a United States battle ship, with two hundred and sixty-six of its officers and crew, while on a friendly visit in the harbor of Havana, and can not longer be endured, as has been set forth by the President of the United States in his message to Congress of April eleventh, eighteen hundred and ninety-eight, upon which the action of Congress was invited: *Therefore*,
Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, *First*, That the people of the Island of Cuba are, and of right ought to be, free and independent.
Second, That it is the duty of the United States to demand, and the Government of the United States does hereby demand, that the Government of Spain at once relinquish its authority and government in the Island of Cuba and withdraw its land and naval forces from Cuba and Cuban waters.
Third, That the President of the United States be, and he hereby is, directed and empowered to use the entire land and naval forces of the United States, and to call into the actual service of the United States the militia of the several States, to such extent as may be necessary to carry these resolutions into effect.
Fourth, That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said Island except for the pacification thereof, and asserts its determination, when that is accomplished, to leave the government and control of the Island to its people.
Approved, April 20, 1898.

Drei Tage später entbrannte daraus der Spanisch-Amerikanische Krieg⁶, der am 10. Dezember 1898 mit dem Friedensvertrag von Paris⁷ beendet wurde. Darin lautet der Artikel I wie folgt:

Art. I. Spain relinquishes all claim of sovereignty over and title to Cuba.
And as the island is, upon its evacuation by Spain, to be occupied by the United States, the United States will, so long as such occupation shall last, assume and discharge the obligations that may under international law result from the facts of its occupation, for the protection of life and property.

Im Rahmen eines vom Kongress am 2. März 1901 angenommenen US-Gesetzes *Making appropriation for the support of the Army for the fiscal year ending June thirtieth, nineteen hundred and two*,⁸ wurde sodann die folgende EntschlieÙung verabschiedet:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the support of the Army for the year ending June thirtieth, nineteen hundred and two:

[...]

PAY OF ENLISTED MEN.

For pay of enlisted men of all grades, including recruits, fourteen million dollars.

For additional pay for length of service for all enlisted men, exclusive of Hospital Corps, one million dollars.

Provided, That hereafter all allotments of pay of enlisted men of the United States Army, under section sixteen of Act of Congress approved March second, eighteen hundred and ninety-nine, that have been or shall be paid to the designated allottees, after the expiration of one month subsequent to the month in which said allotments accrued, shall pass to the credit of the disbursing officer who has made or shall make such payment: *Provided*, That said disbursing officer shall, before making payment of said allotments, use, or shall have used, due diligence in obtaining and making use of all information that may have been received in the War Department relative to the grantors of the allotments: *And provided further*, That if an erroneous payment is made because of the failure of an officer responsible for such report to report, in the manner prescribed by the Secretary of War, the death of a grantor or any fact which renders the allotment not payable, then the amount of such erroneous payment shall be collected by the Paymaster-General from the officer who fails to make such report, if such collection is practicable: *Provided*, That enlistments in the Regular Army on and after April twenty-first, eighteen hundred and ninety-eight, from which date war was declared to have existed between the United States and Spain, up to and including April twenty-sixth, eighteen hundred and ninety-eight, shall be deemed enlistments for the war with Spain, and shall entitle men so enlisting to the extra pay and on the same conditions granted to men who enlisted in the Regular Army subsequent to the declaration of war, for the war only, as provided by an Act approved March third, eighteen hundred and ninety-nine, entitled "An Act making appropriations for the support of the Regular and Volunteer Army for the fiscal year ending June thirtieth,

¹ Congressional Record – Senate, 14. February 1898, p. 1679.

² Message to the Senate Transmitting a Report of the Secretary of State on the Situation in Cuba | The American Presidency Project

³ Ebd. (FN 2).

⁴ Message to Congress Requesting a Declaration of War with Spain | The American Presidency Project

⁵ Statutes at Large, Vol. XXX, 738.

⁶ https://de.wikipedia.org/wiki/Spanisch-Amerikanischer_Krieg

⁷ MARTENS, *N.R.G.*, 2ème, XXXII, 74.

⁸ Ebd. (FN 5), Vol. XXXI, 895.

nineteen hundred.” *Provided further*, That in fulfillment of the declaration contained in the joint resolution approved April twentieth, eighteen hundred and ninety-eight, entitled, “For the recognition of the independence of the people of Cuba, demanding that the Government of Spain relinquish its authority and government in the island of Cuba, and to withdraw its land and naval forces from Cuba and Cuban waters, and directing the President of the United States to use the land and naval forces of the United States to carry these resolutions into effect,” the President is hereby authorized to “leave the government and control of the island of Cuba to its people” so soon as a government shall have been established in said island under a constitution which, either as a part thereof or in an ordinance appended thereto, shall define the future relations of the United States with Cuba, substantially as follows:

I.

That the government of Cuba shall never enter into any treaty or other compact with any foreign power or powers which will impair or tend to impair the independence of Cuba, nor in any manner authorize or permit any foreign power or powers to obtain by colonization or for military or naval purposes or otherwise, lodgment in or control over any portion of said island.

II.

That said government shall not assume or contract any public debt, to pay the interest upon which, and to make reasonable sinking fund provision for the ultimate discharge of which, the ordinary revenues of the island, after defraying the current expenses of government shall be inadequate.

III.

That the government of Cuba consents that the United States may exercise the right to intervene for the preservation of Cuban independence, the maintenance of a government adequate for the protection of life, property, and individual liberty, and for discharging the obligations with respect to Cuba imposed by the treaty of Paris on the United States, now to be assumed and undertaken by the government of Cuba.

IV.

That all Acts of the United States in Cuba during its military occupancy thereof are ratified and validated, and all lawful rights acquired thereunder shall be maintained and protected.

V.

That the government of Cuba will execute, and as far as necessary extend, the plans already devised or other plans to be mutually agreed upon, for the sanitation of the cities of the island, to the end that a recurrence of epidemic and infectious diseases may be prevented, thereby assuring protection to the people and commerce of Cuba, as well as to the commerce of the southern ports of the United States and the people residing therein.

VI.

That the Isle of Pines shall be omitted from the proposed constitutional boundaries of Cuba, the title thereto being left to future adjustment by treaty.

VII.

That to enable the United States to maintain the independence of Cuba, and to protect the people thereof, as well as for its own defense, the government of Cuba will sell or lease to the United States lands necessary for coaling or naval stations at certain specified points, to be agreed upon with the President of the United States.

VIII.

That by way of further assurance the government of Cuba will embody the foregoing provisions in a permanent treaty with the United States.

Meine Assoziation zu den farblich markierten Passagen⁹ geht in die folgende Richtung:

Als Gegengewicht zur liberalistischen Kapitalismusmaschinerie, welche die USA mit Unterstützung der Jugendinseln¹⁰ Kubas als Bordell/Ausbildungsstätte für sexualisierte Gewaltanwender als Agenten der Spionage und Termination zu werden beschlossen hatte, wurde der Kubanischen Regierung untersagt, sich nicht nachhaltig zu verschulden, was als eine der Vorstufen des wohlverstandenen Kommunismus gelten kann.

Die Ära Castro war somit, entgegen der der Weltöffentlichkeit präsentierten Version, durchaus im Rahmen

⁹ https://en.wikipedia.org/wiki/Platt_Amendment

¹⁰ https://de.wikipedia.org/wiki/Isle_de_la_Juventud

¹¹ Ob darüber hinaus – Kuba ist bekannt für sein, westlichen Maßstäben durchaus gewachsenes, Gesundheitswesen – auch nazi-gleiche Menschenversuche unternommen oder geraubte Organe transplantiert wurden, sollte eine ICC/UN-Untersuchungskommission interessieren.

Während eines Urlaubs im Februar 1998 waren wir in einer Touristensiedlung, mitten im Kubanischen Urwald, nahe der dortigen Militärbasis, in etwa vis à vis der *Isle de la Juventud* untergebracht, als mich, während El Niño wütete, ein schweres Tropenfieber überkam. Die zur medizinischen Versorgung des Camps abgestellte Medizinstudentin suchte mich mit

dieser Bestimmungen, wobei die genannte lügnerische Version wohl ausschließlich dem Zweck diene, einen Schleier der Feindseligkeit aufrechterhalten zu können, hinter dem Kubas Jugend zugunsten der Erpressungsmöglichkeit betreffs so manchen politischen Kopfes im Westen prostituiert¹² wurde.

Teil II¹³

Die zuvor gemutmaßten Ziele und Zwecke des PLATT-Amendment nehmen in der US-Gesetzgebung während des Zweiten Weltkrieges Gestalt an:

Am 6. November 1942, 9. Januar und 1. Februar 1943 wurden zwischen den Regierungen Kubas und der USA diplomatische Noten über ein *agreement¹⁴ relating to the services of nationals of one country in the armed forces of the other country*, gewechselt, in welchem es heißt:

Der US-Außenminister am 6. November an den Kubanischen Botschafter in Washington:

I
The Secretary of State to the Cuban Ambassador
DEPARTMENT OF STATE
WASHINGTON

November 6, 1942

Excellency:

I have the honor to refer to conversations which have taken place between officers of the Cuban Embassy and of the Department with respect to the application of the United States Selective Training and Service Act of 1940, as amended,² to Cuban citizens residing in the United States.

As you are aware, the Act provides that with certain exceptions every male citizen of the United States and every other male person residing in the United States between the ages of eighteen and sixty-five shall register. The Act further provides that, with certain exceptions, registrants within specified age limits are liable for active military service in the United States armed forces.

This Government recognizes that from the standpoint of morale of the individuals concerned and the over-all military effort of the countries at war with the Axis Powers, it would be desirable to permit certain nationals of cobelligerent countries who have registered or who may register under the Selective Training and Service Act of 1940, as amended, to enlist in the armed forces of their own country, should they desire to do so. It will be recalled that during the World War this Government signed conventions with certain associated powers on this subject. The United States Government believes, however, that under existing circumstances the same ends may now be accomplished through administrative action, thus obviating the delays incident to the signing and ratification of conventions.

This Government is prepared, therefore, to initiate a procedure which will permit aliens who have registered under the Selective Training and Service Act of 1940, as amended, who are nationals of cobelligerent countries and who have not declared their intention of becoming American citizens to elect to serve in the forces of their respective countries, in lieu of service in the armed forces of the United States, at any time prior to their induction into the armed forces of this country. This Government is also prepared to afford to nationals of cobelligerent countries who have not declared their intention of becoming American citizens who may already be serving in the armed forces of the United States an opportunity of electing to transfer to the armed forces of their own country. The details of the arrangement are to be worked out directly between the War Department and the Selective Service System on the part of the United States Government and the appropriate authorities of the Cuban Government. It should be understood, however, that in all cases a person exercising an option under the arrangement must actually be accepted by the military authorities of the country of his allegiance before his departure from the United States.

Before the above-mentioned procedure will be made effective with respect to a cobelligerent country, this Department wishes to receive from the diplomatic representative in Washington of that country a note stating that his government desires to avail itself of the procedure and in so doing agrees that:

(a) No threat or compulsion of any nature will be exercised by his government to induce any person in the United States to enlist in the forces of his or any foreign government;

einem Köfferchen auf, aus dem sie eine Injektionsspritze aufzog – womit, blieb ihr Geheimnis – welche mich nach intramuskulärer Verabreichung binnen 30 Sekunden mich fühlen ließ, wie aus dem Ei gepellt. Ob dieses Serum etwas mit der Matrix zu tun hat, kann ich nur vermuten.

¹² Siehe zur Vorgeschichte, dem Kubanischen Unabhängigkeitskrieg, so wie den rechtlichen Bedingungen des Mietvertrages über Guantanamo Bay LAMBAUER, *Guantánamo, Kuba: Ein Abriss über den völkerrechtlichen Hintergrund des militärischen Fußes der USA auf Kuba*, (2021)!

¹³ 13 UNTS 85.

(b) Reciprocal treatment will be granted to American citizens by his government; that is, prior to induction in the armed forces of his government they will be granted the opportunity of electing to serve in the armed forces of the United States in substantially the same manner as outlined above. Furthermore, his government shall agree to inform all American citizens serving in its armed forces or former American citizens who may have lost their citizenship as a result of having taken an oath of allegiance on enlistment in such armed forces and who are now serving in those forces that they may transfer to the armed forces of the United States provided they desire to do so and provided they are acceptable to the armed forces of the United States. The arrangements for effecting such transfers are to be worked out by the appropriate representatives of the armed forces of the respective governments;

(c) No enlistments will be accepted in the United States by his government of American citizens subject to registration or of aliens of any nationality who have declared their intention of becoming American citizens and are subject to registration.

This Government is prepared to make the proposed regime effective immediately with respect to the Republic of Cuba upon the receipt from you of a note stating that your Government desires to participate in it and agrees to the stipulations set forth in lettered paragraphs (a), (b), (c) above.

Accept, Excellency, the renewed assurance of my highest consideration.

For the Secretary of State:
G. Howland SHAW

His Excellency Señor Dr. Aurelio F. Conchoso
Ambassador of Cuba

Das eingangs dieser Note erwähnte US-Gesetz, der *ACT To provide for the common defense by increasing the personnel of the armed forces of the United States and providing for its training* ("Selective Training and Service Act of 1940")¹⁴, sieht u. a. vor, was folgt:

[CHAPTER 720]

AN ACT

To provide for the common defense by increasing the personnel of the armed forces of the United States and providing for its training.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Congress hereby declares that it is imperative to increase and train the personnel of the armed forces of the United States.

(b) The Congress further declares that in a free society the obligations and privileges of military training and service should be shared generally in accordance with a fair and just system of selective compulsory military training and service.

(c) The Congress further declares, in accordance with our traditional military policy as expressed in the National Defense Act of 1916, as amended, that it is essential that the strength and organization of the National Guard, as an integral part of the first-line defenses of this Nation, be at all times maintained and assured. To this end, it is the intent of the Congress that whenever the Congress shall determine that troops are needed for the national security in excess of those of the Regular Army and those in active training and service under section 3 (b), the National Guard of the United States, or such part thereof as may be necessary, shall be ordered to active Federal service and continued therein so long as such necessity exists.

SEC. 2. Except as otherwise provided in this Act, it shall be the duty of every male citizen of the United States, and of every male alien residing in the United States, who, on the day or days fixed for the first or any subsequent registration, is between the ages of twenty-one and thirty-six, to present himself for and submit to registration at such time or times and place or places, and in such manner and in such age group or groups, as shall be determined by rules and regulations prescribed hereunder.

SEC. 3. (a) Except as otherwise provided in this Act, every male citizen of the United States, and every male alien residing in the United States who has declared his intention to become such a citizen, between the ages of twenty-one and thirty-six at the time fixed for his registration, shall be liable for training and service in the land or naval forces of the United States. The President is authorized from time to time, whether or not a state of war exists, to select and induct into the land and naval forces of the United States for training and service, in the manner provided in this Act, such number of men as in his judgment is required for such forces in the national interest: *Provided*, That within the limits of the quota determined under section 4 (b) for the subdivision in which he resides, any person, regardless of race or color, between the ages of eighteen and thirty-six, shall be afforded an opportunity to volunteer for induction into the land or naval forces of the United States for the training and service prescribed in subsection (b), but no person who so volunteers shall be inducted for such training and service so long as he is deferred after classification: *Provided further*, That no man shall be inducted for training and service under this Act unless and until he is acceptable to the land or naval forces for such training and service and his physical and mental fitness for such training and service has been satisfactorily determined: *Provided further*, That no men shall be inducted for such training and service until adequate provision shall have been made for such shelter, sanitary facilities, water supplies, heating and lighting arrangements, medical care, and hospital accommodations, for such men, as may be determined by the Secretary of War or the Secretary of the Navy, as the case may be, to be essential to public and personal health: *Provided further*, That except in time of war there shall not be in active training or service in the land forces of the United States at any one time under subsection (b) more than nine hundred thousand men inducted under the provisions of this Act. The men inducted into the land or naval forces for training and service under this Act shall be assigned to camps or units of such forces.

(c) Each such man, after the completion of his period of training and service under subsection (b), shall be transferred to a reserve component of the land or naval forces of the United States; and until he attains the age of forty-five, or until the expiration of a period of ten years after such transfer, or until he is discharged from such reserve component, whichever occurs first, he shall be deemed to be a member of such reserve component and shall be subject to such additional training and service as may now or hereafter be prescribed by law: *Provided*, That any man who completes at least twelve months' training and service in the land forces under subsection (b), and who thereafter serves satisfactorily in the Regular Army or in the active National Guard for a period of at least two years, shall, in time of peace, be relieved from any liability to serve in any reserve component of the land or Naval forces of the United States and from further liability for the training and service under subsection (b), but nothing in this subsection shall be construed to prevent any such man, while in a reserve component of such forces, from being ordered or called to active duty in such forces.

Schwierig vorstellbar ist, dass die hier vorgenommene wechselseitige Verschränkung von Staatsbürgern beider Seiten, die in der Armee der jeweils anderen Seite Dienst tun, in den nach dem Zweiten Weltkrieg ausgebrochenen Feindseligkeiten zwischen den beiden Nationen keine Rolle gespielt haben sollte.

Das Zutreffen der oben angestellten Assoziation erweist sich damit als möglich, wenn nicht wahrscheinlich!

Teil III

In Konformität dazu vereinbarten die beiden Parteien in einem Zusatzvertrag¹⁵ vom 14. Januar 1926 zum Auslieferungsvertrag¹⁶ vom 6. April 1904, was folgt:

THE REPUBLIC OF CUBA and the UNITED STATES OF AMERICA, being desirous of enlarging the list of crimes on account of which extradition may be granted with regard to criminal acts committed in the United States of America or in the Republic of Cuba under the Treaty¹ concluded between both nations for the extradition of fugitives from justice, signed April 6, 1904, and the Protocol amending the Spanish text of said Treaty, signed on December 6, 1904, with a view to the better administration of justice and the prevention of crime, have resolved to conclude the present Additional Treaty and have appointed for this purpose as their respective Plenipotentiaries:

THE PRESIDENT OF THE REPUBLIC OF CUBA:
Señor Carlos Manuel DE CÉSPEDES Y DE QUESADA, Secretary of State of the Republic of Cuba, and

THE PRESIDENT OF THE UNITED STATES OF AMERICA:
Mr Enoch H. CROWDER, Ambassador Extraordinary and Plenipotentiary of the United States of America in Cuba;

Who, after having communicated to each other their respective full powers, which were found to be in good and proper form, have agreed to the following Articles:

Article I.

Number 10 of the list of crimes contained in Article II of the Extradition Treaty concluded between the Republic of Cuba and the United States of America is increased by the addition of the crime of immoral abuses made criminal by the laws of both countries, said number being drafted to read as follows:

(10) Rape; bigamy; immoral abuses when made criminal by the laws of both countries:

Die hier eröffnete Diskrepanz zwischen dem *made criminal* im Einleitungssatz des Artikels I einerseits und dem *when made criminal* in der nachfolgenden Ziffer (10), welche an DOWNING STREET gemahnt, andererseits ermöglicht systematische Erpressungen von TäterInnen promiskuer Handlungen auch dann, wenn letztere nicht gesetzlich kriminalisiert worden sind.

Eine passende stilistische Abrundung brachten die *Convention for the Prevention of Smuggling of Intoxicating Liquors*¹⁷ und die *Convention for the Suppression of Smuggling Operations between their respective Territories*¹⁸.

¹⁴ 54 Stat. 885.

¹⁵ 61 LoNTS, 363.

¹⁶ MARTENS, 2ème, XXXIII, 124.

¹⁷ Ebd. (FN 15), 369.

¹⁸ Ebd. (FN 15), 383.

In der zuerst genannten Konvention heißt es, allein Kuba bindend, auszuweisen:

Article I.

The High Contracting Parties declare that it is their firm intention to uphold the principle that three marine miles extending from the coast line outwards and measured from low-water mark constitute the proper limits of territorial waters.

Article II.

The Republic of Cuba agrees :

(1) That it will raise no objection to the boarding of private vessels under the Cuban flag outside the limits of territorial waters by the authorities of the United States, its territories or possessions, in order that inquiries may be addressed to those on board and an examination be made of the ship's papers for the purpose of ascertaining whether the vessel or those on board are endeavouring to import or have imported alcoholic beverages into the United States, its territories or possessions, in violation of the laws there in force. When such inquiries and examination show a reasonable ground for suspicion, search of the vessel may be instituted.

(2) If there is reasonable cause for belief that the vessel has committed or is committing or attempting to commit an offense against the laws of the United States, its territories or possessions, prohibiting the importation of alcoholic beverages, the vessel may be seized and taken into a port of the United States, its territories or possessions, for adjudication in accordance with such laws.

Obschon das englische Substantiv *inquiry* in einer nachgeordneten Bedeutung auch bloß *Befragung* heißt, kommt ihm, vor allem im Plural gebraucht, vordergründig jene der *Untersuchung* zu; wobei das *to address* auch *to direct* bedeutet: genügend Spielraum für *bullying parties*, das zu unziemlichen Leibesvisitationen bis hin zur Betreibung des Rotlichtgeschäfts auf Hoher See miss zu interpretieren, mit dem Druckmittel in der Hinterhand, Alkoholschmuggler laufen zu lassen, so sie willfährig sind, wobei dem zitierten Absatz (2) und seiner Eröffnung, solche Untersuchungen auch auf Schiffen vorzunehmen, die die USA bereits wieder verlassen haben, in partieller Redundanz zur oben an zweiter Stelle genannten Schmuggel-Konvention besondere Aufmerksamkeit zu schenken ist.

Teil IV

Bereits am 31. Dezember 1913 war es Im Haag zwischen den Niederlanden und Kuba zur Unterzeichnung eines in Spanisch und Niederländisch abgefassten Konsularvertrages¹⁹ gekommen, aus dessen französischer Übersetzung durch das LON-Sekretariat, wie folgt zu zitieren ist:

SA MAJESTÉ LA REINE DES PAYS-BAS et le PRÉSIDENT DE LA RÉPUBLIQUE DE CUBA, désirant resserrer les liens d'amitié qui unissent les deux nations et assurer le plus grand développement possible à leurs relations commerciales, ont décidé de conclure la présente Convention, qui établit d'une manière claire et précise les droits, devoirs et immunités des fonctionnaires consulaires cubains dans les colonies hollandaises.

Et, à cet effet, ils ont désigné pour leurs plénipotentiaires respectifs :

S. M. LA REINE DES PAYS-BAS,

Le Jonkheer J. LOUDON, Ministre des Affaires étrangères ; et

Le PRÉSIDENT DE LA RÉPUBLIQUE DE CUBA,

Señor don Juan de Dios GARCIA KOHL, Envoyé extraordinaire et Ministre plénipotentiaire aux Pays-Bas ;

lesquel dûment autorisés à cet effet, sont convenus des dispositions suivantes :

Article I.

Aux termes de la présente Convention, le Gouvernement de la République de Cuba pourra nommer des consuls généraux, des consuls, des vice-consuls et des agents consulaires dans tous les ports des possessions d'outre-mer et des colonies néerlandaises ouverts au commerce de toutes les nations.

Article 2.

Les consuls généraux, consuls, vice-consuls et agents consulaires de la République de Cuba seront considérés comme des agents commerciaux chargés de protéger le commerce de leurs ressortissants dans leur district consulaire. Ils résideront au port de la colonie indiquée dans leurs lettres de provision et seront soumis aux lois civiles et pénales de la colonie, sauf dans les cas exceptionnels prévus en leur faveur par la présente Convention.

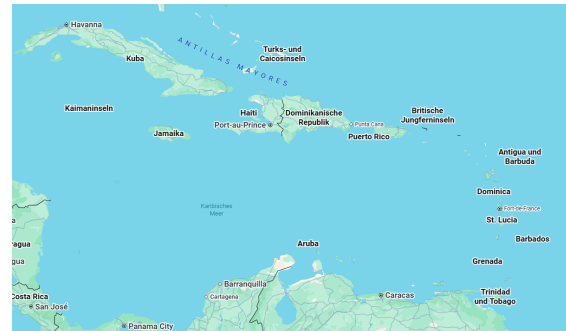
Article 3.

Les consuls généraux, consuls, vice-consuls et agents consulaires de la République de Cuba ne pourront entrer en fonctions ni jouir des immunités que leurs fonctions comportent, sans que le Gouvernement de Sa Majesté la Reine des Pays-Bas ne leur ait accordé l'exequatur. Les lettres de provision des dits fonctionnaires devront indiquer leur district consulaire et le lieu de leur résidence.

A partir du moment où le Gouverneur de la colonie aura contresigné l'exequatur, les fonctionnaires consulaires auront droit à la protection du gouvernement et à l'aide des autorités locales, afin que le libre exercice de leurs fonctions soit assuré.

Le Gouvernement se réserve le droit de retirer l'exequatur ou de la faire retirer par le Gouverneur de la colonie, en indiquant les motifs de cette mesure.

Der Vertrag beginnt im Artikel 1 mit der Einschränkung seines örtlichen Geltungsbereichs auf die niederländischen überseeischen Kolonialgebiete der Karibik, den Niederländischen Antillen²⁰, die damals zum einen VENEZUELA vorgelagert sind, zum andern südöstlich von PUERTO RICO auf einem Archipel säumen und mit SURINAM am südamerikanischen Festland liegen²¹.



In seinem Artikel 2 setzt er mit der Unklarheit fort, welche die Passage *le commerce de leurs ressortissants* hinterlässt, indem nämlich Handel eine Zweiseitigkeit darstellt, was wohl zu den, zu Spekulationen und Marktverzerrungen einladenden Möglichkeiten des Zwischenhandels geführt hat.²² Es mag aber auch sein, dass diese Raffinesse dazu dienen sollte, den gleichsam US-Kubanischen Händlern und Konsuln den Rücken bei deren einseitigen und ausbeuterischen sowie überdies kriminellen²³ Aktivitäten zu stärken.

Bestätigt wird dies durch den zweiten Satz *leg cit*, der eine Ausnahme vom Legalitätsprinzip formuliert, welchem die Konsularischen Funktionäre an sich unterworfen sind, sofern nicht (etwa für delikate Angelegenheiten?) per gouvernementalem Dekret etwas anderes gilt; siehe dazu sogleich Artikel 3.

Im ersten Satz des ersten Absatzes desselben wirft der rosa markierte Teil interpretative Fragen dahin auf, ob er nicht mit dem *ne* und dem *ni* eine Verbindung zu einem *nur* darstelle, womit der folgende, lila Nebensatz eine gänzlich andere, nämlich quasi harmlose Bedeutung erführe, als wenn er als Relativsatz aufgefasst wird.

Der zweite Absatz aber hat es noch mehr in sich! Denn angesichts deren Kleinschreibung und der Tatsache der Großschreibung der im Absatz 3 nachfolgenden Regierung (*Gouvernement*) erhebt sich die Frage, ob die Passage *droit à la protection du gouvernement* nicht als seitens der Niederlande kapitulierende Einräumung von örtlicher Regierungsgewalt an die Konsuln aufzufassen ist.

Überdies stellt der blaue Nebensatz im Absatz 3 den Gouverneur separat seiner Regierung, womit er (einschließlich seines bewaffneten Korps) mit der ersteren Zustimmung zum Büttel solchen Handelsmissbrauchs wird.

¹⁹ 14 LoNTS 366.

²⁰ https://de.wikipedia.org/wiki/Niederl%C3%A4ndische_Antillen

²¹ Ausschnitt aus Google Maps.

²² Vgl. dazu meine kommentierte Übersetzung des *Oktrois* PHILIPPS V. (Spanien) an GIPUZKOA aus 1720!

²³ Erinnert sei an die *Lend-Lease*-Finanzierung von Waffen durch im Budget nicht zugeteilte Mittel (konfiszierte Drogengelder). Siehe dazu RN 258 meines *Schriftsatzes* an den EGMR aus 2016 sowie mein vorangegangenes Rechtsmittel, 40, an den EuGH!

Insgesamt erweist sich dieser Konsularvertrag in enger Abstimmung mit den oben erörterten Möglichkeiten aus der US-kubanischen Machtverschränkung, was Drogen- und Menschenhandel angeht.

Teil V

In jedweder Hinsicht einen Höhepunkt stellt dar die US-kubanische Vereinbarung²⁴, die kraft Notenwechsels vom 12. und 17. Dezember 1951 betreffs der Vergünstigungen für *pleasure yachts* geschlossen worden ist; sie lautet:

I

The Cuban Ambassador to the Acting Secretary of State

EMBAJADA DE CUBA
WASHINGTON, D. C.

574

December 12, 1951

Excellency :

I have the honor to inquire whether the Government of the United States would be disposed to conclude an arrangement with the Cuban Government with a view to exempting on a basis of reciprocity, the pleasure yachts of the two countries from navigation dues and from usual requirements of entry and clearance.

In this relation, I have the honor to inform Your Excellency that yachts used and employed exclusively as pleasure vessels and belonging to any resident of the United States, are allowed to arrive at and to depart from any Cuban port without entering or clearing at the customs house thereof, and without the payment of any entry or clearance charges, tonnage taxes, or charges for cruising licenses.

If Your Excellency's Government consents to grant on a basis of reciprocity the same facilities to pleasure yachts belonging to any resident of Cuba, I permit myself to propose that the present note and its reply will serve as an arrangement between our two countries.

Accept, Excellency, the assurances of my most distinguished consideration.

L. MACHADO

His Excellency Mr. James E. Webb
Acting Secretary of State
Washington

II

The Secretary of State to the Cuban Ambassador

DEPARTMENT OF STATE
WASHINGTON

Dec. 17, 1951

Excellency :

I have the honor to acknowledge the receipt of your note No. 574 of December 12, 1951, inquiring whether the Government of the United States would be disposed to conclude an arrangement with the Government of Cuba with a view to exempting on a basis of reciprocity the pleasure yachts of the two countries from navigation dues and from usual requirements of entry and clearance.

In reply I have the honor to inform your Excellency that, in view (1) of the statements in your note concerning the extent of such privileges granted by Cuba to pleasure vessels belonging to any resident of the United States and (2) of the provisions of Section 104, Title 46 of the United States Code, the Government of the United States agrees to grant on a reciprocal basis the same privileges to pleasure yachts belonging to any resident of Cuba.

The Government of the United States further agrees, in accordance with your Excellency's proposal, that the note under acknowledgment and this note will serve as an arrangement between our two countries.

Accept, Excellency, the renewed assurances of my highest consideration.

For the Secretary of State :

T C M
Thomas C. MANN
Acting Assistant Secretary of State

His Excellency Senor Dr. Luis Machado
Ambassador of Cuba

Eine helle Freude für Drogen- und Menschen schmuggler bzw. allerlei sexualisierte Vergnügungen der Superreichen und deren politische Marionetten zu verfänglichen Zwecken!

Der darin zitierte 46 USC 104²⁵ lautet bis heute:

In this title, the term "citizen of the United States", when used in reference to a natural person, means an individual who is a national of the United States as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).

(Pub. L. 109-304, §4, Oct. 6, 2006, 120 Stat. 1486.)

Und der 8 USC 1101(a)(22)²⁶, auf den darin verwiesen wird:

(22) The term "national of the United States" means (A) a citizen of the United States, or (B) a person who, though not a citizen of the United States, owes permanent allegiance to the United States.

Diese Definition trifft, was die dauernde Treuepflicht angeht, wie die Faust aufs Auge auf die in der US-Armee wehrpflichtigen Kubaner zu, die oben erläutert wurden.

Bereits im August desselben Jahres vereinbarten die beiden Parteien zwei Abkommen über eine Militärmission bzw. eine Navale Mission, je von Angehörigen der US-Streitkräfte nach Kuba, die in ihren Bestimmungen rücksichtlich der vorzeitigen faktischen Auflösung durch Rückzug dieser Angehörigen aus öffentlichen Interessen jenen der US-Iranischen Militärkooperations-Abkommen sehr ähnlich sind, nämlich je in Artikel 4 (b), der da lautet:

Article 4. This Agreement may be terminated before the expiration of the period of two (2) years prescribed in Article 2, or before the expiration of the extension authorized in Article 3, in the following manner :

a. By either of the Governments, subject to three months' written notice to the other Government;

b. By the recall of the entire personnel of the Mission by the Government of the United States of America in the public interest of the United States of America or at the request of the Government of the Republic of Cuba, without necessity of compliance with provision (a) of this Article.

Diese Formulierung deutet nicht nur darauf hin, dass die Kubanische Revolution von beiden Seiten gewollt und inszeniert worden ist, sondern bot auch die höchstwahrscheinlich genutzte Möglichkeit, die militärische Kooperation über solchen (unvollständig vollzogenen) Rückzug hinaus fortzusetzen, solange und sofern dies im öffentlichen Interesse der USA lag, was zur Schaffung eines gesellschaftspolitischen Gegengewichts der Fall war und ist.

Arthur H. Lambauer

²⁴ 152 UNTS 2012.

²⁵ <https://www.law.cornell.edu/uscode/text/46/104>

²⁶ https://www.law.cornell.edu/uscode/text/8/1101#a_22