

# **Cuba: Legal Implications of the Resignation of the Cuban President**

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## CUBA

### Legal Implications of the Resignation of the Cuban President

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#### Resignation of Fidel Castro

On July 31, 2006, the Cuban news service Granma made public a Proclamation from President Fidel Castro, announcing a temporary transfer of power from Fidel to his brother Raul, who until that time served as a general in the Cuban armed forces and second-in-command of the government and the Communist Party.<sup>1</sup> The transfer took place due to an acute intestinal problem that required Fidel Castro to undergo surgery.<sup>2</sup> Even though Fidel Castro did not indicate in his proclamation the legal authority he used in order to cede power temporarily to his brother, it should be noted that article 94 of the Cuban Constitution provides that in case of the absence, illness, or death of the President of the Council of State (i.e., Fidel Castro), the First Vice President (i.e., Raul Castro) assumes the President's duties.<sup>3</sup>

On February 19, 2008, Granma published a message from Fidel Castro in which he announced that, due to his poor health, he could no longer serve as President of Cuba.<sup>4</sup> After Castro resigned, the National Assembly of People's Power (Cuba's legislative body) convened in order to elect a new president, which is one of its powers according to the Cuban Constitution.<sup>5</sup>

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<sup>1</sup> *Proclama del Comandante en Jefe al Pueblo de Cuba*, GRANMA ONLINE, [http://www.granma.cubaweb.cu/secciones/siempre\\_con\\_fidel/art-021.html](http://www.granma.cubaweb.cu/secciones/siempre_con_fidel/art-021.html) (last visited Feb. 27, 2008); see also *Background Notes: Cuba*, U.S. Department of State Web site, Nov. 2007, available at <http://www.state.gov/r/pa/ei/bgn/2886.htm>.

<sup>2</sup> *Id.*

<sup>3</sup> Constitución de la República de Cuba (Cuba Constitution, as amended), art. 94, G.O., Jan. 31, 2003, available at [http://www.gacetaoficial.cu/html/constitucion\\_de\\_la\\_republica.html](http://www.gacetaoficial.cu/html/constitucion_de_la_republica.html). This hyperlink connects to the official Web site of Cuba's Official Gazette.

<sup>4</sup> *Mensaje del Comandante en Jefe*, GRANMA ONLINE, <http://www.granma.cubaweb.cu/2008/02/19/nacional/artic03.html> (last visited Feb. 27, 2008).

<sup>5</sup> Constitución de la República de Cuba (Cuba Constitution, as amended), art. 75 (1), G.O., Jan. 31, 2003, available at [http://www.gacetaoficial.cu/html/constitucion\\_de\\_la\\_republica.html](http://www.gacetaoficial.cu/html/constitucion_de_la_republica.html). This hyperlink connects to the official Web site of Cuba's Official Gazette.

## Raúl Castro Elected Cuba's New President

On February 24, 2008, the National Assembly of People's Power elected Raúl Castro, Fidel's younger brother, as president of Cuba's Councils of State and Ministers.<sup>6</sup> The Council of State acts on behalf of the Assembly (which meets twice a year) when it is not in session.<sup>7</sup> The President of the Council of State is the Head of State and Head of Government.<sup>8</sup> The Council of Ministers is the highest ranking executive and administrative body.<sup>9</sup>

In his inaugural speech, Raul Castro indicated that he intends to confer with Fidel Castro on matters of special relevance for Cuba, especially those pertaining to defense, foreign policy, and the socioeconomic development of the country.<sup>10</sup> In addition, Raul Castro asked the assembly to give him some time to think about who will be the members of his cabinet (except the Defense Minister and the Vice President, who were appointed on February 24, 2008) and, most importantly, to give him some time to analyze the current government system and to consider changes to it, if necessary.<sup>11</sup> The Assembly approved this proposal and determined that the new cabinet and possible changes to the government system will be discussed in a session that will take place later in the year.<sup>12</sup>

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<sup>6</sup> Acuerdo VII-5, Asamblea Nacional del Poder Popular de la República de Cuba, GACETA OFICIAL (G.O.), Feb. 25, 2008, available at [http://www.gacetaoficial.cu/pdf/GO\\_X\\_011\\_2008.pdf](http://www.gacetaoficial.cu/pdf/GO_X_011_2008.pdf). This hyperlink connects to the official Web site of Cuba's Official Gazette. See also *Elegido Raúl Castro presidente de los consejos de Estado y de Ministros*, GRANMA ONLINE, <http://www.granma.cu/espanol/2008/febrero/dom24/1presidente.html> (last visited Feb. 27, 2008).

<sup>7</sup> Constitución de la República de Cuba (Cuba Constitution, as amended), arts. 78 & 89, G.O., Jan. 31, 2003, available at [http://www.gacetaoficial.cu/html/constitucion\\_de\\_la\\_republica.html](http://www.gacetaoficial.cu/html/constitucion_de_la_republica.html). This hyperlink connects to the official Web site of Cuba's Official Gazette.

<sup>8</sup> *Id.*, art. 74.

<sup>9</sup> *Id.*, art. 95.

<sup>10</sup> *Discurso pronunciado por el presidente Raúl Castro Ruz el 24 de febrero de 2008*, GRANMA ONLINE, <http://www.granma.cu/espanol/2008/febrero/dom24/9discurso.html> (last visited Feb. 27, 2008).

<sup>11</sup> *Tres propuestas de Raúl. Intervención del compañero Raúl Castro Ruz, Presidente de los Consejos de Estado y de Ministros, en la Sesión Constitutiva de la VII Legislatura de la Asamblea Nacional del Poder Popular, efectuada en el Palacio de las Convenciones, el 24 de febrero de 2008*, GRANMA ONLINE, <http://www.granma.cu/espanol/2008/febrero/lun25/Ra%FAI.html> (last visited Feb. 27, 2008).

<sup>12</sup> Acuerdo VII-6, Asamblea Nacional del Poder Popular de la República de Cuba, G.O., Feb. 25, 2008, available at [http://www.gacetaoficial.cu/pdf/GO\\_X\\_011\\_2008.pdf](http://www.gacetaoficial.cu/pdf/GO_X_011_2008.pdf). This hyperlink connects to the official Web site of Cuba's Official Gazette.