

TULANE ENVIRONMENTAL LAW JOURNAL

VOLUME 16

SUMMER 2003

SPECIAL ISSUE

ENVIRONMENTAL LAW AND SUSTAINABLE DEVELOPMENT IN 21ST CENTURY CUBA

PREFACE

A Symposium on Legal, Institutional, and Political Challenges for Environmental Protection and Sustainable Development

Why Cuba, and why now? These questions focused the attention of the Tulane Institute for Environmental Law and Policy in the spring of 2002 when we proposed to use part of a multiyear research and academic exchange grant to introduce a broad group of legal experts to Cuban environmental policy. In forty years of economic boycott and political suspicion—the same forty years in which the United States and much of the rest of the world has constructed its own environmental legal frameworks—few have inquired how Cuba’s environmental law has taken shape, how Cuba addresses these same issues, and how environmental policies in the largest Caribbean state and the continental United States’ fourth-closest neighbor might affect broader international interests in the region.

The answer to “Why Cuba?” is straightforward. Cuba is one of the last great environmental reserves of the wider Caribbean. Several of its ecosystems remain intact—largely protected from the development pressures threatening other parts of the region—and species diversity and endemism is extremely high. Cuba is still home, for example, to half of all identified plant species in the Caribbean (more than a third of the

number known in the United States and Canada combined).¹ In a May 2003 cover story on “Wild Cuba,” *Smithsonian* magazine quotes a conservationist’s claim that the island state is “the ‘biological superpower of the Caribbean,’”² and the empirical evidence bears this out.³

Cuba’s coastal zone is also rich with marine species. A February 2002 *National Geographic* article on Cuba’s reefs, “A Last Caribbean Refuge,” notes that “Cuba has more than 3,000 miles of coastline, four primary reef systems (each of which is about equal to or longer than the Florida Keys), and more than 4,000 islands, islets, cays, humps, bumps, and spits.”⁴ The editors of a 2002 text, *Ecology of Marine Fishes of Cuba*, conclude that these reefs “are spawning areas for many important fish species. Knowledge and informed management of the Cuban marine fish fauna may be of as much scientific value to its neighbors as to Cuba itself.”⁵

This wealth of diversity remains, in large part, because where development does occur in Cuba, its footprints tend to be small. For many reasons, none the least of which are economic, Cuba has made progress towards the same goals sought by the global community in “sustainable” development—the ability to be largely self-sufficient and meet social needs without mortgaging the future.

Why now? Because Cuba has yet to suffer the consequences and pay the full ecological price that accompanies unconstrained and poorly planned development. These development pressures, however, are on the horizon, and are inevitable. The time to study is now because the time to get ready is now, for what will surely come.

Thus, the question—why Cuba, why now—has several answers. First, because Cuba is a critical and integral part of the ecology of the wider Caribbean, a sort of biodiversity safe deposit box, whose environment has a profound affect on its neighbors. Second, because the environmental legal frameworks within Cuba are cultural, and will continue to influence the development of the island state no matter what its political future. And finally, because there is an ingenuity and commitment in the Cuban people’s ability to make do with less that

1 See Oliver Houck, *Environmental Law in Cuba*, 16 J. LAND USE & ENVTL. L. 1, 6 (2000) (citing CITMA, CUBA: PERFIL JURÍDICO E INSTITUCIONAL SOBRE LA DIVERSIDAD BIOLÓGICA [CUBA LEGAL AND INSTITUTIONAL PROFILE OF BIOLOGICAL DIVERSITY] 5 (1997); Michael L. Smith, *Cuban Biodiversity: An Opportunity for Cooperation and Complementarity*, in THE ENVIRONMENT IN U.S.-CUBAN RELATIONS: OPPORTUNITIES FOR COOPERATION 14 (1995)).

2. Eugene Linden, *The Nature of Cuba*, SMITHSONIAN, May 2002, at 96.

3. *Id.*; see also Houck, *supra* note 1, at 6.

4. Peter Benchley, *A Last Caribbean Refuge*, NAT’L GEOGRAPHIC, Feb. 2002, at 50-51.

5. ECOLOGY OF THE MARINE FISHES OF CUBA, at xiii (Rodolfo Claro et al. eds., 2001).

should be known and studied—not only for what it tells us about Cuba, but for what it tells us about the potential for low-resource, low-impact growth in the rest of the developing world.

In the pages of this special issue, our authors struggle to assess Cuba's approach to environmental regulation in three key areas where development and environmental interests often clash: coastal, urban, and rural. The authors base their conclusions not only on traditional legal research and analysis, but also on fieldwork in Cuba conducted during an academic research and exchange program in August 2002. The authors had the opportunity to travel within Cuba and meet with officials and communities who develop, implement, and live with the policies that are under study. This opportunity, all too rare in the legal scholarship field, was made possible through the continuing support of the John D. and Catherine T. MacArthur Foundation and through a special grant of the General Service Foundation. The authors, and the Institute, remain grateful to these donors. We hope that the articles offered in this special issue of the *Tulane Environmental Law Journal* will serve to advance an understanding of these developments, and of their place in the world.

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