

Baseball Diplomacy: Raising The Curtain On Negotiations Between Cuba And The United States Over Cuban Baseball Players

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Objectives

The topic of this sport, governance and policy project is the present and future relationship between Cuba, Major League Baseball (MLB) and the United States (U.S.) as it relates to Cuban nationals playing professional baseball in the U.S. This presentation will: 1) review the history of relations between Cuba and the U.S.; 2) provide an overview of the current negotiations between MLB and the Cuban government concerning the integration of Cuban ballplayers into MLB; 3) outline the options available to the parties; 4) predict the outcome of the discussions; and 5) evaluate the potential implications on the sport of baseball in both countries.

Purpose and background

Prior to 1959, Cuban ballplayers were allowed to travel freely between Cuba and U.S. to play professional baseball, subject to the racial segregation laws in the States. After dissidents led by Fidel Castro overthrew the government of Fulgencio Batista in 1959, the U.S. severed diplomatic ties with Cuba. In 1962, President John F. Kennedy issued a proclamation which effectively placed an embargo on all trade with the island nation (Proclamation No. 3447). Further restrictions were placed on economic relations between Cuba and the U.S. through proclamations and laws which culminated in the enactment of the Helms-Burton Act in 1996 (Helms-Burton Act, 1996). The Department of the U.S. Treasury, through its Office of Foreign Assets Control (OFAC), is responsible for implementing the embargo restrictions and licensing exceptions. Since the 1960's, a number of exceptions to trade with Cuba have also been authorized by presidential decree.

On December 17, 2014, President Obama announced major changes in U.S. policy towards Cuba, including expanded political and economic relations between the two countries (President Obama's Policy Directive on Cuba, 2014). However, the baseball relationship remained unchanged: Cuban nationals remain ineligible to participate in MLB. Cuban players have two paths to MLB: Defect and become U.S. citizens, which would make them eligible for MLB's annual draft; or become a citizen of a third country, in which case they will be classified as free agents, eligible to sign a professional contract with any of the 30 MLB organizations (Goorabain, 2016).

The second option provides a player with the potential for greater economic benefit, but both options are fraught with human sacrifice and physical risk. Defection is usually accomplished with the assistance of smugglers who essentially engage in human trafficking. Oftentimes players and their families are threatened with bodily harm or even death if they do not agree to sign over a substantial portion of their future earnings to their smugglers (Kaminsky, 2015). In order to prevent this scenario, and the attendant negative publicity, MLB is currently in talks with the Cuban government to reach an accommodation that will allow Cuban baseball players to freely leave their country to play baseball in the U.S. without forfeiting their Cuban citizenship.

Design and implementation

This project will outline the various options currently being discussed between the Cuban government (represented by the National Institute of Sports, Physical Education and Recreation — or INDER, and the Ministry of Foreign Affairs — or MINREX) and MLB. Those options include: 1) implementation of a draft, similar to the process that applies to U.S. and Canadian players; 2) a posting system resembling the one that MLB currently has with Nippon Professional Baseball — the Japanese Leagues; 3) an academy system that mirrors what MLB does in the Dominican Republic; 4) some combination of the foregoing; and 5) maintaining the status quo (Kaminsky, 2015).

Results, evaluation and future

The negotiations between Cuba and MLB are fluid. The authors will monitor the discussions and include an update in their presentation. Also, at the time of submission of this abstract it is unknown what direction the Trump Administration will take regarding U.S. policy towards Cuba. President Trump may elect to continue and even expand Obama's policies, reverse them, or chart a new course. Regardless of which avenue the Trump Administration takes, the talks between MLB and the Cuban government will be impacted. Even if MLB and Cuba reach an agreement, unless and until the embargo is overturned by the U.S. Congress, MLB will be required to seek OFAC approval prior to implementing the terms of the agreement. In addition,

under the terms of the Collective Bargaining Agreement between MLB and the Major League Baseball Players' Association, the union is a necessary party to the finalization of any agreement negotiated between MLB and the Cuban government.

References

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