Tulane University Law School
Payson Center for International Development
Spring 2013

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Property Law & Policy in Cuba:
The Creation of Property Markets

This two-credit course, which will be open to both Law and Payson Center students in International Development, will focus on the legal and policy implications of Cuba’s recent turn to create limited forms of private property markets.

The course will consist of three distinct parts. Part I will consist of six (6) 90-minute meetings in New Orleans over the course of six evenings early in the Spring 2013 semester, during which students will read and discuss introductory materials on Cuba and its legal and property systems before and since the Revolution. Additional readings will focus on other socialist systems (e.g. the former Soviet Union) that shifted to free market property systems, and the legal efforts and impediments to doing so. In addition, each student will be assigned to a four-student group. Each four-student group will meet with the instructor twice (also for ninety meetings each time) before the field trip to discuss student research on one of the short list of possible paper topics to be pursued by students.

Part II will consist of an intensive, one-week case study/applied-learning seminar in and around Havana, Cuba, during Spring Break 2013. Reading materials, consisting mostly of background reading on Cuba and primary policy and legal sources, will be distributed prior to the inter-session week. The week will consist of six days following the same format: an academic lecture every morning on a theme relating to environmental and/or land use and/or sustainable development questions in Havana and environs, followed by a field visit connected to the day’s lecture. Students will then have some time to themselves in the late afternoon. The group will then reconvene early every evening for a discussion about the day’s lecture and field visit, and the ways in which the experience sheds light on the themes they wish to address in their paper research.
Finally, Part III of the course will consist of a series of at least three (3), 120-minute meetings in which students will present their work to their classmates.

**Learning Objectives**

This course should enable students to:

1. Identify policy and legal problems (and particularly those relating to property law and policy in Cuba specifically and Latin America and the Caribbean more generally) using primary and secondary texts of a policy, legal and academic nature;
2. Formulate critical, reasoned responses to those problems;
3. Reflect upon and propose solutions to one or more such problems;
4. Learn from and synthesize information for such problems received from diverse, multi-disciplinary speakers and diverse field experiences;
5. Develop individual responses to what they learn in a manner that responds to cultural difference and diverse social circumstances and historical contexts; and
6. Conduct academic research on a otherwise unexplored topic of environmental protection/sustainable development policy and law and write up results, conclusions and recommendations in a paper of publishable quality; and
7. Present and defend their analytical findings before a critical and informed audience.

**Why Cuba, and why now?** On November 3, 2011, the government of Cuban President Raúl Castro announced that it would allow some forms of private property. Will the socialist country’s basic ideology remained unchanged as a result of these reforms, as the government maintains, but allowing for needed economic expansion? Or does this herald the beginning of a period of unbridled speculation and a capitalist future, as the government’s critics allege? This course will aim to begin to understand these debates and in particular to educate students on both the changes in property ownership in Cuba and the role of law and regulation as those changes are put into effect. In addition, the course aims to prompt students to think about what any society means when it talks about “property”, whether “public” or “private” or a mixture of both.

**Research Paper Requirements**

The paper should be an original piece of academic research appropriate for the student's discipline on a topic dealing with property law, ideally about or comparing Cuba's new property law with another property system. In order to assist students to focus their research, the instructor will distribute a list of three to five possible topics on which students may write at the end of the Spring 2013 semester. The paper should be between 15-20 pages in length, in 12-point, Times New Roman format, doubled-spaced, with one-inch margins all around. (Students who wish to use this work to satisfy their upper-level writing requirement will need to follow those standards.) Students should use footnotes, following Bluebook format in the case of Law students and the Chicago Manual of Style in the case of International Development studies students. A bibliography should be attached to the paper and should not be included in the
The paper is due no later than 5 pm CST on Tuesday, April 30, 2013, by email to the professor at: colin.crawford@tulane.edu. The subject line should say “Cuba paper” and the document should be labeled as follows: “STUDENT LAST NAME, FIRST NAME, CUBA PAPER 2013”.

**Oral Presentation and Critique**

Students will be assigned to present and critique of the paper of another student to the entire class upon return from Cuba. The author will be given a chance to respond and clarify during this presentation.

**Evaluation**

Student performance in the course will be evaluated as follows:

- Attendance & class participation in New Orleans: 10%
- Attendance and class participation in Cuba: 10%
- Research paper: 60%
- Oral presentation and critique of classmate’s paper: 20%

Students will be evaluated using the published evaluation criteria that apply to their respective programs. Evaluation criteria for each of the above elements will be distributed to students enrolled in the course before the first meeting. Students will receive a letter grade for the course; a pass/fail option is not available. Law students will be graded on the mandatory grading curve.

**Required Texts**

TO COME

**Schedule**

**Part I: Understanding the Problem:** meetings during the Spring 2013 semester will occur on DAY evenings from 8:00 pm-9:30 pm, as follows:

<table>
<thead>
<tr>
<th>DAY AND DATE</th>
<th>TOPIC</th>
<th>ASSIGNED READING</th>
</tr>
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<tbody>
<tr>
<td>Wed. 1/30/13</td>
<td>History &amp; Background of post-Revolutionary Cuban property law</td>
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<tr>
<td>Wed. 2/13/13</td>
<td>The new property law: possibilities and implications</td>
<td></td>
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<tr>
<td>Tues. 2/19/13</td>
<td>New property law and important economic sectors (e.g. tourism)</td>
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<tr>
<td>Wed. 2/20/13</td>
<td>New property law and implications for urban planning</td>
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<tr>
<td>Mon. 3/18/13</td>
<td>New property law and environmental protection</td>
<td></td>
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<tr>
<td>Tues. 3/19/13</td>
<td>Discussion of possible paper topics</td>
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</tbody>
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Part II: Cuba Case Study/Field Experience [Note: this agenda is subject to change.]

Reading assignment: prior to arrival in Cuba, students are expected to have completed the course-reading packet and be prepared to discuss the readings during the course of the week.

<table>
<thead>
<tr>
<th>DAY &amp; DATE</th>
<th>TOPIC</th>
<th>SPEAKER</th>
<th>FIELD TRIP</th>
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<tbody>
<tr>
<td>Fri. Mar. 23</td>
<td>Travel to Cuba</td>
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<tr>
<td>Sat. Mar. 24</td>
<td>Beach day</td>
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<tr>
<td>Sun. Mar. 25</td>
<td>Havana today</td>
<td>Land use official or academic talking about spatial organization of the city</td>
<td>City tour looking at range of neighborhoods, commercial and residential zones</td>
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<tr>
<td>Mon. Mar. 26</td>
<td>The new property law</td>
<td>Government lawyer involved with drafting of the law; focus to be on understanding how law intends to avoid promoting speculation and leading to wealth concentration</td>
<td>Visit to discuss consequences of new law with small business owners and/or people who are or plan to sell residences or visit to housing ministry to understand what this means for housing provision – maybe visit to post-revolution housing developments</td>
</tr>
<tr>
<td>Tues. Mar. 27</td>
<td>New property law and urban planning</td>
<td>Someone involved in urban planning, e.g. a planner for city of Havana</td>
<td>Visit to some sector of the city that could be changed with property transactions, whether with increased commercial or residential development</td>
</tr>
<tr>
<td>Wed. Mar. 28</td>
<td>New property law &amp; historic preservation</td>
<td>Someone involved in historic preservation – could be an architect, e.g.</td>
<td>Walking tour of Havana Vieja</td>
</tr>
<tr>
<td>Thu., Mar. 29</td>
<td>New property law and environmental protection</td>
<td>Someone from environment ministry or a green activist to talk about environmental concerns with new market developments</td>
<td>Visit to an environmentally sensitive area (e.g. Malecón, wetlands, forest on urban periphery)</td>
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<tr>
<td>Fri., Mar. 30</td>
<td>New property law and tourism</td>
<td>Tourism official to discuss law's implications for this important economic sector</td>
<td>Visit to a tourist resort (e.g. Cayo Coco or Veradero Beach)</td>
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<tr>
<td>Sat., Mar. 31</td>
<td>Return to New Orleans</td>
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**Part III: Critical Presentations: meetings during the Spring 2013 semester will occur, at a minimum, as follows:**

**DAYS AND DATES TO BE DETERMINED**

Students will present the work of a classmate to other class members at these meetings and the author will be given a chance to comment and clarify, as needed; as above, all students are expected to attend all presentations.

**Cost**

Law students will receive two credits at no extra cost, as part of their Spring 2013 tuition.

Payson Center students will be responsible for the payment of tuition for two credits.

In addition, there will be a program fee of $1,900.00 per student. This fee will cover the following: ground transportation in Cuba to and from the airport and to and from all program events, Cuban cultural visas, lodging in shared accommodations for eight (8) nights, with breakfast and lunch, in addition to the fees of all speakers and any admission fees to events or field visits. Group dinners will be organized and optional; there will be a group dinner the first and last night at the course’s expense. Students must have a valid passport and a cultural visa; information about how to obtain this visa will be distributed in the Fall 2012 term, shortly after course registration. The non-refundable program fee must be received no later than Friday, December 21, 2012; the only condition for refund would be if enrollments are not sufficient to ensure the viability of the program; a minimum of 10 students is required to go ahead with the program as described above; the total number of students who may attend is 20.
Prior to departure, there will be a one-hour orientation to cover program logistics. Attendance is mandatory for enrolled students and is tentatively scheduled for (DAY AND DATE TBD) at 6 pm in the evening.