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SANCTIONS AGAINST CUBA: A FLAWED U.S. POLICY

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ABSTRACT

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The U.S. sanctions against Cuba have been in place for nearly four decades. Few today think Cuba poses any real threat to the security of the United States, or to any of its neighbors. Its infrastructure is falling apart, the capability and morale of its military has significantly deteriorated, and the nation struggles just to feed itself. With the end of Soviet influence and subsidies on the island in 1991, any vital interests the U.S. had in Cuba ended as well. U.S. concerns in Cuba are peripheral at best. So why are sanctions the dominate instrument of U.S. foreign policy toward Cuba? Are these sanctions still valid, especially considering the U.S. has ended them in other communist countries, such as China and Vietnam? Absent any vital U.S interests in Cuba, or any external threat to the U.S from this agrarian nation, it would seem logical that sanctions would have been lifted long ago. This project examines the genesis of sanctions, U.S. interests, U.S. policy, and recent legislation driving sanctions in Cuba today. Also considered is the role domestic politics play in maintaining sanctions, the validity of such sanctions, and a more effective and coherent U.S. foreign policy strategy towards Cuba.

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SANCTIONS AGAINST CUBA: A FLAWED U.S. POLICY

The U.S. sanctions against Cuba have been in place for nearly four decades. During that period numerous changes have occurred in the policy objectives pursued, and the type of sanctions implemented - all with varied results. In the words of one critic, "it has been the longest-lasting and least successful U.S. policy ever conducted."¹ Despite years of sanctions that were strengthened in 1996 with the passage of the Cuban Liberty and Democratic Solidarity Act, there have been no real substantive changes within Cuba. Fidel Castro is still alive and in power. His domestic policies have not been significantly altered. If anything, critics argue sanctions have only served to inspire nationalism in the same people who are suffering in the wake of their application.² If sanctions have not worked in 38 years, then why should anyone think they would work now, or at any given time in the future? If they were ever going to work they should have worked at the beginning of the decade, when Cuba suddenly found herself without a \$6 billion annual subsidy from the Soviet Union.³

Defenders of the sanctions say they only need more time to work. Lifting them would be tantamount to giving away the store, and would provide Castro the needed capital to maintain the status quo.⁴ They claim that new U.S. investment in Cuba would only serve to enhance Castro's base of power at the expense of the Cuban people, while eliminating any demand on the Cuban government to institute democratic reforms or improve its record on human rights. For these reasons alone they maintain sanctions make perfectly good sense and are the morally right thing to do. To give further weight to their argument, they also point to the possible terrorist threat and alleged drug trafficking coming out of Cuba.

Few today think Cuba poses any real threat to the security of the United States, or to any of its neighbors. Its infrastructure is falling apart, the capability and morale of its military has significantly deteriorated, and the nation struggles with its inherent obligation just to feed its own citizens.

So why are sanctions the dominate instrument of U.S. foreign policy toward Cuba? Are these sanctions still valid today, especially considering the U.S. has ended them in other communist countries such as Vietnam and China?⁵ This has been done even with the knowledge that these countries have similar or worse records on democratic reform and human rights.⁶ Absent any vital U.S interests in Cuba, or any external threat to the U.S from this backward agrarian nation, it would seem logical that sanctions would have been lifted long ago.

This paper examines the genesis of the sanctions, U.S. interests, U.S. policy, and recent legislation that are driving sanctions in Cuba today. Also considered is the role domestic politics play in maintaining sanctions, the validity of such sanctions, and a more effective and coherent U.S. foreign policy strategy towards Cuba.

BACKGROUND

In order to put the debate in perspective, it is important to first look at the origins of the sanctions and subsequent developments through the 1960's, 70's, and 80's.

The beginnings of U.S. trade and economic sanctions date back to 1960 when Cuba and the Soviet Union entered into a trade pact in which the Soviet Union agreed to buy sugar from Cuba and then supply Cuba with crude oil.⁷ On the advice of the state department, U.S. oil firms in Cuba then refused to refine oil purchased from the USSR. This action moved Castro to nationalize the refineries, which in turn resulted in the U.S. canceling most of Cuba's sugar quota.⁸ Castro then retaliated by expropriating all U.S. property, valued then at about \$1 billion.⁹ The expropriations and anti-U.S. rhetoric coming from Castro at the time caused a widespread public demand in the U.S. for retaliation against Cuba.¹⁰ Relations between the two countries deteriorated from this point on, resulting in a full U.S. trade embargo by 1962.¹¹

The initial goals of the sanctions imposed by the Eisenhower and Kennedy Administrations were two fold. First, to destabilize the Castro regime, causing its overthrow; and if that failed, to at least make an example of the communist regime by inflicting as much damage on it as possible.¹² When it became increasingly evident that Castro would remain in power, the US objective shifted to a strategic policy of containment. The strategic objectives of the containment policy were outlined in early 1964 by then Under Secretary of State, George C. Ball.¹³ They were to:

1. Reduce the will and the ability of the present Cuban regime to export revolution and the violence to the other American states
2. Make plain to the people of Cuba and to the elements of the power structure of the regime that the present regime cannot serve their interests
3. Demonstrate to the peoples of the American republics that communism has no future in the Western Hemisphere
4. Increase the cost to the Soviet Union of maintaining a communist outpost in the Western Hemisphere.¹⁴

Over the next three decades, these objectives remained at the forefront of U.S. policy directed at Cuba. Despite differences of opinion regarding the approach, it was not difficult to find and maintain overriding public support for U.S. policy. The policy, after all, was formulated against the backdrop of the Cold War and legitimate concern about the Soviet Union and the spread of communism. The establishment of a Soviet satellite so close to American shores raised that concern, then elevated it to new heights in the aftermath of the Cuban Missile Crisis in 1962.

U.S. concern continued to grow as the government of Cuba increased its affiliation with the Soviet Union, and began to support revolutionary movements outside her own borders.¹⁵ In the early 1960's,

the Castro regime attempted to foment rebellion in Venezuela, Guatemala and Bolivia.¹⁶ In 1964, upon the discovery of an arms cache of Cuban origin in Venezuela, the Organization of American States (OAS) joined the U.S. in sanctioning Cuba.¹⁷ In 1967, a key Castro aide, Che Guevara, was captured and executed in Bolivia while leading guerilla activity there.¹⁸ Similar activities kept U.S.-Cuban relations distant throughout the remainder of the 1960's.

Relations between the U.S. and Cuba gradually improved in the early 1970's. This was primarily due to the emergence of détente between the U.S. and Soviet Union, which reduced to some extent U.S. concerns about Soviet expansion in the Western Hemisphere.¹⁹ As a spin off effect, instead of openly advocating the overthrow of Central and South American governments, Castro began to foster diplomatic and trade ties with them. These and other positive developments led the OAS, with the support of the U.S., to lift collective sanctions against Cuba in 1975.²⁰

Improved relations between the two countries ended abruptly in that same year, as Cuba deployed 36,000 combat troops to the African continent in support of a Marxist faction in Angola; and later in 1978, sent another 20,000 troops to support Ethiopia in its war against Somalia.²¹

By the end of the 1970's Cuba's presence had expanded into the Middle East in support of South Yemen.²² The U.S. could only view such activity as further Soviet aggression aimed at converting the world to communism.

Cuba's activity in the 1980's remained relatively unchanged. It continued to provide support to the Leftist movement in El Salvador and the Marxist governments of Grenada and Nicaragua.²³ This only served to further U.S. public perception that Cuba was still a viable threat in the Western Hemisphere.

In the early 1990's things took a turn for the worse for Cuba. With the defeat of the Sandinista party in presidential elections in Nicaragua in 1990 and the collapse of the Soviet Union in 1991, Castro effectively became isolated both politically and diplomatically in the Western Hemisphere.²⁴ This situation gave rise to the introduction of several bills in both houses of Congress to tighten the sanctions. The bills were introduced in hopes that such legislation would put added pressure on Cuba to follow the example of other former Soviet Bloc nations, who were turning away from communist-socialist policies and beginning to move toward open markets and democratic reform.²⁵

In 1991, the Soviet Union withdrew the majority of its troops from Cuba and officially ended all economic assistance on the island, including subsidized petroleum imports.²⁶ Without Soviet military and economic aide, Cuba would begin to struggle as a nation and, in the eyes of many, no longer pose any threat to U.S. national security.

In hindsight, U.S. decision makers were correct in sanctioning Cuba during the Cold War, because it clearly posed a national security threat by its own military strength and that of its Soviet backer. The fact that Cuba had a sizeable military force, was openly promoting and supporting revolutionary activity abroad, and allowed the number one enemy of the U.S. to operate an advance base only 90 miles from the Florida coast, was significant and in our vital national interest to stop.

This policy was valid when the Soviet Union was intact and Cuba's actions threatened regional security and democratic development in the Americas. Now that the threat is gone, what objective is served by a policy that blocks the flow of commerce, people and ideas? What are the interests that are driving U.S. policy in Cuba? Are these interests so important that the U.S. continues a policy that puts such great restrictions on both countries that have no justification in the absence of a security threat?

US INTERESTS

In 1996 when the European Union (EU) challenged the U.S. at the World Trade Organization (WTO) because of the extraterritorial nature of new legislation (Helms-Burton), the U.S. immediately defended its actions as a matter of national security, rather than one of trade.²⁷ This was clearly an attempt by the U.S. to use any means possible to block the action by the EU. At the time of the implementation of Helms-Burton, the European Union's top official for trade, Sir Leon Brittan, said, "it is not credible to suggest that protection of U.S. national security requires interference in the legitimate trade of European companies with Cuba."²⁸

Clearly there is no evidence today to support the notion that Cuba poses a security threat to the U.S. or its neighbors. The only conceivable threat from Cuba would come from its military, and drastic budget and manpower cuts make that nearly impossible.²⁹ The harsh realities of the Cuban economy since 1991, has even forced Castro to use the armed forces to assist in the civilian sector. As much as 30% of the force at any given time has been involved in agriculture and manufacturing sectors, at the expense of military training.³⁰ This has seriously degraded the military skills and readiness of units.

Further evidence of the military's decline was included in a 1998 Defense Intelligence Agency assessment.³¹ The report confirmed what many experts had believed for years. It found that Cuba's military was in no way a threat to U.S. national security. The report concluded that the Cuban Armed Forces had been significantly diminished, and that its military was now geared toward internal defense, rather than making any offensive moves external to its borders. The findings also revealed that the Cuban military suffered from a severe shortage of fuel and spare parts. As a result, its MIG fighter force had been reduced to two squadrons and could fly only intermittently.³²

Marine General Charles Wilhelm, the current commander of U.S. Southern Command, further validated Cuba's military situation this past year by saying that "Cuba's armed force has no capability to project itself beyond the borders of Cuba, so it's really no threat to anyone around it."³³

Though many in the current administration and Congress see our interests in Cuba as vital or important, the facts discussed above clearly do not support that position, and have not supported it since the Soviet departure. There is nothing that justifies the strength of the current measures being taken against Cuba because of serious or potential harm it might pose to the security of the United States. To the contrary, it would not be in Castro's best interest to attack the U.S. in any manner, when he certainly understands that any serious provocation on his part would only give the U.S. a pretext to restore Cuba to its pre-revolutionary status.

United States interests in Cuba are peripheral at best. Like many other "problem nations" with whom the U.S. has contact, our concerns relate primarily to influencing democratic reform, controlling U.S. borders, countering drug trafficking, maintaining regional stability, protecting U.S. citizens abroad, and creating an environment where human rights are respected and protected.³⁴

There is an inconsistency however in the way U.S. interests drive U.S. foreign policy toward Cuba, versus the way they drive U.S. policy toward other countries, especially in those with similar records. For example, the current administration states that there will be no progress towards normalization of relations and lifting of sanctions until Cuba implements democratic reforms, and improves its record on human rights.³⁵ The U.S. rationalizes the sanctions by claiming Cuba is one the most egregious violators of human rights in the world.³⁶ This is not entirely the whole truth. Although it is conceded that Cuba has had some serious violations, respected human rights organizations have never accused Cuba of the kinds of genocide, torture, disappearances, maltreatment of women, children, religious and ethnic minority groups, which happen routinely in many other parts of the world.³⁷ In fact, the record shows there are countries with which the U.S. has perfectly normal, even preferential relations, which have worse records on human rights, and no sanctions whatsoever. Then, why should the U.S. continue a policy that is not evenhanded and excludes Cuba?

Cases in point are China and Vietnam. The U.S. fought wars against these communist nations in the 1950's and 60's. Both have been responsible for thousands of American deaths during these wars. Their collective record on human rights is considered worse than that of Cuba.³⁸ Just one example was the massacre at Tiananmen Square orchestrated by the Chinese government.³⁹

Their record on democratic reform is no better. Both governments are still practicing Marxist doctrine, and have not held free elections since coming to power. Yet the U.S. engages Vietnam, and provides China with Most Favored Nation (MFN) status and a \$60 billion annual trade surplus.⁴⁰ The U.S. also permits the sale of sophisticated computers to China and allows the proliferation of missile technology.⁴¹

The bottom line is that the Administration and Congress have detached human rights and democratic reform from commercial dealings with some totalitarian regimes, but not with Cuba. Where the U.S. government is highly concerned about the treatment of Cuban citizens, it ignores the rights of Chinese citizens in favor of access to their markets. Moreover, if trade is so essential for the spread of human rights and democracy, then why is the U.S. not experimenting with this type of approach in Cuba?

The U.S. also has strong trade ties with many countries in the Middle East whose record of human rights and democracy is also questionable. Saudi Arabia in particular is open for trade, but proselytizing can be grounds for execution.⁴² The state department reported that in this Islamic state, the government prohibits the practice of other religions. Conversion by a Muslim to another religion is considered apostasy. Public apostasy is a crime punishable by death.⁴³ If Cuba were a major exporter of oil and gas, sanctions would not exist today.

Closer to home, the human rights record of some of our Latin American neighbors, such as Peru, Columbia, and Mexico, does not appear to be much better.⁴⁴ But the U.S. continues to engage these countries both diplomatically and economically.

While it is essential that Cuba deal with the political freedoms that should be afforded all people, sanctions only serve to contract human rights in a broader sense of the definition that should include economic rights. This is brought out in the United Nations resolution 152, section VI, dated July 1983 entitled Rejection of Coercive Economic Measures.⁴⁵ It stipulates that "all developed countries shall refrain from applying trade restrictions, blockades, embargoes, and other economic sanctions incompatible with the provisions of the Charter of the United Nations...against developing countries as a form of political coercion which affects their economic, political and social development."⁴⁶ The U.S. clearly violates the spirit of this law when dealing with Cuba. A policy that endangers the lives of the Cuban populace in this regard, fails to stand up to world's accepted norms of human rights.⁴⁷

U.S. interests would be better served by a more consistent foreign policy. If a policy of constructive engagement that includes trade and economic ties is appropriate for China, where U.S interests are deemed vital simply by the nuclear threat it poses; then, the same policy should be good enough for a small island nation in the Caribbean that is currently no threat to the U.S at all. Selective indignation or vengeance should not be the basis of U.S. foreign policy directed at Cuba.

U.S. POLICY

The objective of the current policy in Washington toward Cuba is the peaceful transition of that state to a stable, democratic form of government (without Castro or his brother Raul) and respect for human rights.⁴⁸ By isolating Cuba economically, the administration seeks to pressure the Castro regime into making the necessary political and economic reforms that will lead to a more open society. In following this course, it hopes to forestall any eventual chaos in a post-Castro Cuba that would threaten the United States with massive, uncontrolled immigration, leaving the U.S. largely with strictly military options to control its borders.⁴⁹

However, this policy, when analyzed carefully, produces no favorable outcome for the United States. If effective, it could very well have the opposite affect, and put Cuba in a position that could cause migration, not prevent it. For instance, if sanctions worked perfectly as designed and had the desired impact of moving the Cuban populace against its leader and established government, does anyone really believe that Castro, having had absolute power for the last 40 years, would willingly and peacefully transfer the reigns of government to an opposition party, or even hold free and fair elections? The only recourse to a policy that promotes the elimination of a head of state is for that leader to view it as a threat and implement measures to stop it. Castro's course of action would more likely be to fight on to the bitter end, with much of his population supporting him. The outcome from this kind of scenario would probably be a civil war that would guarantee regional instability, and push thousands of refugees onto Florida beaches.

This type of scenario is precisely what the U.S. government does not want to provoke. However, it is no secret that Castro's way of dealing with the opposition in the past, has simply been to open the floodgates of migration. The Mariel Boat Lift provides us with some precedence. As relations between the U.S and Cuba dropped to an all-time low in the spring of 1980, Castro relieved the pressure by allowing the migration of 120,000 members of the opposition onto U.S. shores.⁵⁰ In 1994, Castro responded once again to growing unrest by opening the safety valve and letting some 30,000 disaffected Cubans depart via the sea.⁵¹ If faced with similar circumstances, there is nothing to prevent him from sending another wave of migrants.

There is also a significant problem if the policy is ineffective and results in a course that will not move the Castro regime closer to reform, or the Cuban populace toward demanding it. The evidence suggests that this is already the case. Castro is still in power with popular support. Moreover, he continues to get away with blaming U.S. policy for his country's lack of success, while relying on remittances (estimated at 1 billion per year) from Cuban-Americans in South Florida, and the black market to feed and clothe his people.⁵² This trend is sure to continue as long as Castro enjoys the support of his people, remains in good health, and continues to control the government.

In the final analysis there are numerous flaws with the current policy. First, it has not worked in the last 38 years. Secondly, if Cuba's situation were so bad, why would it require any outside help to make the populace suffer enough to change its government? Castro and his failed policies should have facilitated this on their own, without any outside help from U.S. foreign policy. And lastly, the poorer Cuba becomes through sanctions, the weaker and less able it will be to mount any real resistance to an oppressive government - a regime that thrives on the poor becoming more dependent, not less, for its survival.⁵³ When sanctions are directed at the powerful, the pain just gets passed down to the next level, which in Cuba's case is the poor. The very people the advocates of sanctions are trying to help, always suffer in the end.

To the degree that Castro maintains the ability to portray the U.S. as a source of all Cuba's ills, Cuban citizens will continue to associate their struggles with the sanctions, rather than with the failure of their own centralized and inefficient economy.

Unenforceable legislation enacted in 1996 under the Cuban Liberty and Democratic Solidarity Act is currently the impetus for the policy dilemma in which the U.S. presently finds itself.⁵⁴

CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY ACT (LIBERTAD) OF 1996

The Cuban Liberty and Democratic Solidarity Act of 1996, more commonly known as Helms-Burton was promoted as the legislation that was finally going to break the back of the Castro Regime.⁵⁵ Its purpose was to exert such economic pressure on Cuba that it would effectively replace Castro with a transitional government that would ultimately lead Cuba to democracy. Initially the bill had some early and limited success. However, the effects were short-lived as Cuba ended 1996 with a growth rate of 7.8%.⁵⁶ Growth rates since then have slowed in 1997 and 1998 to 2.5% and 1.2% respectively.⁵⁷ The fact that

the Cuban economy is still able to grow at a positive rate, despite the pressures put on it by Helms-Burton, is a clear indication the legislation has not worked well.

Since its implementation, Helms-Burton has not only failed in achieving its intended objective of bringing about meaningful change in Cuba, but has had the opposite effect in many ways. This has not been a surprising development, given the history of the two countries. Whenever the U.S. has pressured Cuba, the government of Cuba has instinctively resisted such pressure. Therefore, the results have not been a record of stimulating change, but rather, one of impeding it.

This was the case back in 1992 with the enactment of the Cuban Democracy Act (CDA), which expanded U.S. sanctions against Cuba by prohibiting subsidiaries of U.S. companies located in third countries from trading with Cuba, and also banning ships from third countries from loading or unloading any freight in the U.S. for at least 180 days after departing a Cuban port.⁵⁸ The goal of its principal author, then Congressman Robert Torricelli (D-N.J.), was to speed the collapse of the Castro regime through economic strangulation. Instead of having the desired affect, it caused the Castro government to tighten its belt and find new sources of trade to replace those previously occupied by U.S. subsidiaries. In addition to not ending the Castro regime, the CDA proved costly to the U.S. internationally as it attracted widespread opposition from the world due to its extraterritorial application.⁵⁹

Helms-Burton has had similar effects with virtually the same results. President Clinton signed the Act into law in March of 1996.⁶⁰ The bill had been tabled in 1995 after Senator Helms (R-N.C.) was unable to overcome democratic filibusters, but received new life and moved quickly through Congress after Cuban MIGs shot down two planes flown by Cuban exiles off the Cuban coast.⁶¹

Four titles, two of which, have been highly contested, drive the Act: Title I imposes additional sanctions intended to deepen the isolation of Cuba's economy.⁶² The cornerstone is the codification of the sanctions.⁶³ Prior to the enactment of Helms-Burton, sanctions against Cuba were driven by a series of executive orders. The president had the authority to strengthen, loosen, or even do away with sanctions if he so desired. Now only a majority in Congress can end the sanctions, as Title I restricts the president from taking any major steps toward normalization without an act of congress.⁶⁴

Title II instructs the president to develop an assistance plan for a post-Castro transition government. It enumerates requirements and factors for determining that a transition toward democracy is underway in Cuba. It includes things such as legalized political activity, release of political prisoners, and free and fair elections that do not include Fidel Castro or his brother Raul.⁶⁵

Title III is the centerpiece of the legislation. It calls for the return of properties expropriated by the Cuban government and allows U.S. citizens to sue anyone who currently invests in these properties. International criticism is centered on this title, which caused, at the time, a diplomatic rift and near trade war between some of our closest allies.⁶⁶

Title IV directs the State Department to deny visas to executives of foreign companies who are deemed to benefit from these holdings "that traffic in" a venture that uses property confiscated by the Cuban government.⁶⁷

By any objective measure, the Act has not succeeded in achieving its goals. Upon its passage, the bill drew immediate and united opposition from the international community.⁶⁸ Foreign governments interpreted the Act as the U.S. being virtually above the law, and not wanting to abide by international law, treaties, or agreements to which it had become a party. The fact that the U.S., prior to Helms-Burton, had always recognized that a state could not advance the claims of those who were not citizens at the time they lost their properties, and was now going against this precedent under Helms-Burton, did not sit well with allies.⁶⁹

In response to the Act, Canadian legislators threatened to introduce their own Act (Godfrey-Milliken Law). The bill countered Helms-Burton by permitting the descendants of the United Empire Loyalists who fled the United States in the years following the 1776 revolution to reclaim land confiscated unjustly and illegally by the U.S. government and its citizens.⁷⁰ Furthermore, in the spirit of Helms-Burton, Canada would be able to exclude corporate officers, or controlling shareholders of companies that engage in trafficking, as well as the spouse and minor children of such persons from entering Canada. Also, descendants of the 80,000 American Loyalists who fled the future United States of America and whose property was confiscated by self-constituted revolutionary courts would be equally entitled to prosecute U.S. citizens who now benefit from the seized loyalist estates. Canadians with proven lines of descent would be entitled to restitution, compensation, and interest, which could amount to billions in today's dollars. The Canadians were planning on calling the bill the American Liberty and Democratic Solidarity (Loyalty) Act, and claimed it would have been consistent with the new moral standard in international commerce set at the time by Helms-Burton.⁷¹ Great Britain and Mexico threatened similar legislation.

It quickly became apparent that Title III of the law would not stand up in U.S. courts.⁷² In fact, President Clinton has repeatedly chosen to waive this title in the interest of not triggering foreign retaliatory legislation, such as that proposed in Canada; and out of concern that if Cuban-Americans were allowed to sue the Cuban government in U.S. courts for confiscated property, the law would then have to be applied universally to all ethnic groups (i.e.; Palestinians, Vietnamese, etc) living in the United States with similar situations.⁷³

Helms-Burton's unilateral nature has simply altered trade patterns without seriously damaging Cuba. Unless multiple countries are a part of any sanctions effort, the target country can avoid the punishing effects by turning to alternative sources of trade.⁷⁴ This fact was supported in a 1984 comprehensive sanctions study conducted by Gary Hufbauer, Jeffery Scott and Kimberly Ann Elliot, which was addressed again in 1990 in Economic Sanctions Reconsidered.⁷⁵ The authors looked at sanctions levied on countries from 1914 to 1990. Of the 115 cases studied, only 34% achieved success.⁷⁶ But in a 1997 examination of their findings by Robert A. Pape, it was determined that of the 115 cases considered upon

reexamination, in reality only 5% were considered to be successful.⁷⁷ In the majority of these cases sanctions failed because of their unilateral application. He further determined that sanctions also fail because countries rely on the expectation that economic punishment can overwhelm a state's commitment to pursuing its own policy goals. As in Cuba's case most states resist external pressure. If the pressure applied is indiscriminate, it may even increase nationalism in a target country. Such an occurrence often makes states willing to endure greater punishment, rather than abandon what is seen as its national interests. In addition, states can mitigate the damage through substitution, sacrifice and trade with other countries. Even when a regime is unpopular, which is not the case in Cuba, it can usually protect its power-base by shifting the economic burden to opponents or disenfranchised groups.⁷⁸

Apart from the bill's apparent violation of international law and ineffective unilateral application, Helms-Burton raises the question of how far the U.S. is willing to go in attempting to change the political climate of another country. Cuba is the only government in the world for which the U.S. has a specific law saying what type of government should exist, as if it were a colonial state.⁷⁹ Cuba is not Libya or Iran, where in the cases of both these countries, confirmed support to international terrorism is the reason for the sanctions.⁸⁰

Ultimately, Helms-Burton has accomplished several things, none of them positive. It has helped Castro to further consolidate his power. When he perceived this law as a threat in 1996, he immediately cracked down on dissidents, which led to the suppression of the opposition in Cuba. This in turn stymied modest reforms and brought about additional hardship on the Cuban people. It has further damaged relations with our closest allies. Today no other country, with the exception of Israel, supports the sanctions. The European Union, the Organization of American States, Canada, and Mexico have all condemned the Act.⁸¹ Furthermore, in each of the last seven years, the United Nations has voted in favor of ending the sanctions codified by the Act, most recently by an affirmation of 157-2.⁸² Although the resolution was not binding, it reflected unanimity among many U.S. allies against the use of unilateral sanctions as an instrument of foreign policy.

If not for the success of selected special interest groups, primarily domiciled in South Florida, who have brought constant pressure on the past three administrations and Congress, Helms-Burton would probably not be law today.

DOMESTIC POLITICS

Domestic politics tend to drive foreign policy. This is particularly true with U.S. policy directed at Cuba. Where there is no widespread public interest or awareness on a particular issue that has an immediate impact on the life of a U.S. citizen, then that area of foreign policy can become vulnerable to domestic special-interest groups. In the same way that African-Americans drove the agenda on sanctions related to apartheid in South Africa, and the Jewish-American community drives U.S. foreign policy toward Israel today; the Cuban-American community in South Florida and New Jersey continue to shape the policy and debate on Cuba.⁸³

The Cuban American National Foundation (CANF) founded in 1981 has been the Cuban-American community's most potent voice.⁸⁴ Through effective organization of the political views of Cuban-Americans, CANF has worked to ensure that the Congress and the White House never went soft on communist in Cuba.⁸⁵ They have done this to the tune of \$27 million since 1982.⁸⁶

CANF has also been extremely successful in mobilizing individuals and business interests with a stake in a free Cuba to pour millions of dollars into the U.S. political system. Since 1990, representative and now Senator Robert J. Torricelli, (Dem. NJ), has been a primary recipient, reportedly receiving in excess of \$120,000 from CANF directors, trustees and its funding arm, the Free Cuba Political Action Committee (PAC).⁸⁷

CANF has played a key role in other areas as well. In the midst of questions about the overall effectiveness and bias of Radio Marti, a \$280 million taxpayer funded radio program directed at Cuba, CANF lobbied Congress and stopped efforts in 1997 to shut the station down.⁸⁸

CANF's biggest successes however, have come in the 1990's with two very critical pieces of legislation. In 1991, they viewed the withdrawal of the Soviet Union from Cuba as a window of opportunity to force change in Cuba.⁸⁹ As a direct result of their lobbying activities, Congress tightened sanctions first in 1992 through the Cuban Democracy Act, then with the enactment of Helms-Burton in 1996.

CANF's power has emerged and flourished despite evidence derived from polls (since 1988), that it does not represent the majority of the Cuban-American community, or the American populace as a whole. It has basically filled a public opinion vacuum in the absence of any real attention by the American public at large. Those who question its motives are often labeled as communist sympathizers, which is difficult to counter, especially in light of the fact that a communist dictator still remains in power. CANF has also been accused of using fear tactics to ensure compliance with its agenda.⁹⁰

Though hatred of Castro still unites Cuban-Americans for the most part, there is no agreement on a single approach to Cuba. A growing number of Cuban Americans are beginning to question the wisdom of current policies.⁹¹ While there are those who continue to support CANF and are virtually intolerant of other strategies, there are an equal number of Cuban-Americans who want to see some kind of a dialogue.

This has primarily been the result of changing demographics.⁹² The balance of power within the Cuban exile population is now shifting from those seeking to regain their properties to more recent arrivals that have closer ties to families in Cuba.⁹³ Hardliners, who lost their assets and social positions during the revolution, tend to be refugees who left Cuba before 1960. Their children now believe a political outcome can be affected by economic engagement.

To the extent that U.S. policy directed at Cuba is not held hostage in the future by special interest groups as it has in the past, great progress can be made toward a more effective and coherent U.S. policy in Cuba. The only way to assist those trying to affect change within Cuba is to shift the center of

gravity from the exiled population to the interior of Cuba. Real change will only come from within Cuba itself. A change in U.S. policy, focused on engagement rather than isolation, could be the catalyst that accelerates that process.

POLICY OPTIONS

President Clinton's 1996 declaration in which he said, "Until we see some results, there will be no concessions," is the message behind U.S. policy in Cuba today.⁹⁴ However, it is a message that has lost its resonance with the American people. In a poll conducted in 1998 by the Program on International Policy Attitudes (PIPA), a majority of Americans felt the sanctions were ineffective, isolationist, and hurt the Cuban people. An even greater number thought the U.S. should establish diplomatic relations, and moderate the sanctions for humanitarian reasons, by allowing the sale of food and medicine to Cuba.⁹⁵ Although the Clinton Administration has reached out recently in ways it feels would benefit ordinary Cuban citizens, such as allowing Cuban-Americans to increase the amount of money (remittances) sent to family, friends, and churches; and ending restrictions on Humanitarian visits, the policy still does not go far enough. The administration should consider other policy options:

OPTION I: CONSTRUCTIVE ENGAGEMENT

This option would consider measures short of dropping the whole embargo that would gradually build a relationship with Cuba. With this policy, parts of the Helms-Burton Act would have to be rescinded, because it would require the administration to begin a formal dialogue with the government of Cuba, specifically Castro. The policy would permit full economic relations in a single sector such as agriculture, telecommunications, housing, or tourism, while keeping other pieces of the sanctions policy in place. Recent efforts were made in 1999 by prominent members of Congress to move in that direction. A bipartisan Senate group led by Sen. Warner (R-V.A.) and Sen. Dodd (D-C.T.) supported a farm appropriations amendment to lift certain sanctions on the sale of food and medical supplies.⁹⁶ Although it was a modest proposal that was ultimately defeated in Congress, it was a step in the right direction. By taking this kind of approach, it would serve as a good faith measure by the U.S., and build a degree of trust between the two governments that does not presently exist.

Initial actions of U.S. policy makers might include establishing a U.S. quota for Cuban sugar, lifting travel restrictions (i.e.; tourism), or allowing U.S. airlines unrestricted access to the island. Policy actions that would reunite families, exempt food and medicine sales, and alleviate suffering would have priority under this option. The president would also be granted the authority to waive any portion of Helms-Burton, should its application become contrary to U.S. interests. Any further economic assistance would depend entirely on the success of this approach.

OPTION II: FULL ENGAGEMENT

This policy option would end economic sanctions altogether. Economic engagement would be emphasized as a means of bringing about change. U.S. policies with other communist countries, such as

Vietnam and China, are based on this approach. Under the proposal, full diplomatic and economic ties would be established between the U.S. and Cuba in hopes that communism would collapse faster through greater exposure to U.S. products, ideas, and culture, than from the continuance of an embargo. The idea that the rapid infusion of U.S. investment in Cuba would serve U.S. strategic interests better in the long run is also part of the rationale behind this option. With U.S. corporations being able to fully engage Cuba and develop Cuban markets, the present Cuban government would not be able to withstand the resulting internal pressures and would be forced to accommodate change. Full economic engagement would also impact favorably on the growth of a middle class, which does not exist in Cuba today. The development of a middle class is often the first step toward attaining a government that is accountable to the people, responsive to market reform, and respectful of human rights. This policy approach would require that Helms-Burton be repealed.

RECOMMENDATION

Recommend Option II. A change in U.S. policy is long overdue. Present policy objectives are likely to fail, primarily because Castro will never submit to their current demands. Constructive or limited engagement alone will never achieve the desired results. A gradual approach as outlined in the first option would only allow Castro to continue the blame game. Whenever he perceives his control threatened with new U.S. initiatives, he will likely act in the predictable manner of his past, either by cracking down on the opposition, or by provoking the U.S. to take a harder line, which would continue to allow him to build popular support by attributing Cuba's misery to U.S. policy.

In the end, Castro will do whatever it takes to retain power, and he will do so without making any sacrifices that will radically alter the Cuban political system. This became clear in 1993 when he was forced to open the Cuban economy to foreign investment and legalize the dollar, despite 30 years of hostility toward the U.S., and the social cost of doing so.⁹⁷

The U.S. can better influence what happens in Cuba, and better anticipate what will happen in a post-Castro era, by doing what the U.S. does best; completely opening its borders, and trade with a nation that has considerable agricultural and tourism potential. The U.S. needs only to learn from its engagement with Eastern Europe. Communism fell there, not because it was isolated, but because it was penetrated with trade, information, and people. It is difficult to argue that a more open Cuba would not be advanced by increased trade and business activity between the two countries, or even by having thousands of American tourists invade Cuban beaches.

A policy that completely removes sanctions is now the only reasonable approach. And although there is no guarantee that Castro will not divert new capital that would further strengthen his regime, this course would finally put an end to the blame game, by removing any excuse that Castro might use to advance his cause. The focus would then shift to Castro and his government for the answers to hard questions, exposing the real reasons behind the economic backwardness of the Cuban nation.

CONCLUSION

There is little evidence to suggest that isolation and confrontation will ever have the impact on the Cuban government desired by the current Administration, Congress, and Florida based Cuban-Americans. Even when sanctions were appropriately applied in a U.S. effort to stem the tide of communism in the Western Hemisphere, they did not stop Castro from exporting revolutionary activity outside his own borders. Efforts to take a hard line policy stance only give Cuban leaders a pretext to continue their repression, and divert attention away from their failures.

It has now been nearly ten years since the end of Soviet subsidies in Cuba. U.S. legislators and lobbyists argued early in the decade that tougher economic pressure on Cuba would surely collapse the Castro regime, and bring about democratic reform. The Cuban Democracy Act of 1992 and the Helms-Burton Act of 1996 were initiated with that goal in mind. However, that goal has clearly not been attained. The Miami originated legislation has failed to achieve most of its intended objectives, as U.S. policy embedded in the law continues to suffer from a monumental disconnect between means and ends.

U.S. policy as currently formulated is flawed. It will never increase Cuba's economic distress to the point that Castro would peacefully relinquish power, nor will it produce such a crisis great enough to cause a civil war leading to a Cuban democratic state. To the contrary, if U.S. policy does not change, it will continue to have an adverse affect on the very people it is claiming to help, and may eventually pose serious migration problems for the U.S. Only a policy of engagement that opens a serious dialogue between the two nations, ends trade sanctions in their entirety, and gives the Cuban people the necessary tools for economic growth, will change the present situation. It would be far better for the U.S. not to make it any more difficult for the Cuban people, than the Marxist system has already succeeded in doing. The threat from Cuba has long since passed. Now is the time to move beyond the Cold War and fully embrace a policy that engages Cuba on all fronts.

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