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U.S. — CUBAN RELATIONS: A QUEST FOR CHANGE

BY

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U.S.-Cuban Relations: A Quest for Change

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ABSTRACT

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Some are of the opinion that Cuba and the United States have never shared normal relations. This negative observation may have some merit. This study analyzes U.S.-Cuban relations starting with Castro's rise to power. It focuses on significant political activities reflected in U.S. sanctions against Cuba. In the past four decades, the world has seen incredible developments. The speed of technological changes is staggering, and we expect even greater leaps. However, U.S.-Cuban relations appear to be frozen in time.

U.S.-Cuban relations paralleled U.S.-Soviets affairs during the Cold War. Then with the fall of Soviets, the Cuban "threat" melted down. Or did it? Here resides the intriguing question, puzzling onlookers. U.S. sanctions against Cuba have actually increased.

Careful scrutiny shows that U.S. policy has changed and that these changes are often closely related to specific events. But such scrutiny also shows that some things have not changed at all. U.S. relations with Cuba seem to be governed more by emotion than reason. Strong emotions often overrule common sense. Everyone wants change, but few are willing to initiate it. The most critical need is a change in attitude. The rest will follow.

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U.S.-CUBAN RELATIONS: A QUEST FOR CHANGE

It should be clearly stated that the principle of sovereignty cannot be sacrificed to an abusive and unfair order that a hegemonic superpower uses, together with its own might and strength, to try to decide everything by itself. That, Cuba will never accept.¹

— Fidel Castro Ruz

Catastrophic Y2K projections consumed the world at-large, and efforts to purge faltering technology extracted untold financial resources. Less than a year into the new century, the worst challenge to the information age has been purged from our memories and become the subject of jokes. A simple algorithm indeed triggered massive global hysteria. Once identified, it took precise intervention to single out critical technical components affected by this change of date. Scientists and technicians revised code, they identified and changed critical microchips...and with great efficiency were able to avert a fearful collapse of computerized networks. International and personal relationships, however, are not so easily resolved. Despite technology, the human factor remains an enigma, yet central to conflict resolution. Such is the case of the U.S.-Cuban relations.

Over forty years have passed since Fidel Castro's seizure of power, and U.S.-Cuban relations remain statically estranged. An embargo instituted under President Eisenhower on 13 October 1960¹ initially banned exports to Cuba, with the exception of medicine and some foodstuffs. These sanctions followed Castro ascent to power through the Cuban Revolution. He had become a popular hero among the Cuban poor, and many saw him as the long awaited hope and liberator of a country under political oppression. But Castro's seizure of power and subsequent heavy-handed rulership brought discontent in Cuba and increased suspicions in the United States. Castro's allegiance with the Soviet Union, embracing communism, then truly alarmed U.S. observers. The U.S.-Cuban relationship became increasingly tense. The ninety miles of ocean between Key West and Cuba began to serve the same functions as the Berlin Wall.

A decade after the collapse of the Soviet Union, U.S. sanctions continue despite significant worldwide reproach. In a drastically politically changed world, characterized by increased efforts for peace and a bustling global economy, the United States and Cuba remain locked in a battle of wills. Castro continues in power, refusing to yield to any pressure and still managing to survive amidst increasing economic woes. The sanctions debate continues both in the United States and abroad, with only slight changes in policy. Technological breakthroughs and attempts to refine the sanctions have not resolved this dilemma. Changes in administration

in the United States have witness little change. A change in Cuba's leadership may bring change, but this too portends much uncertainty and may not bring the desired end-state. Each suggestion for change meets opposition. Consensus among players remains non-existent, except on one issue: Everyone wants change!

THE COLD WAR YEARS

In January 1959, Cuban revolutionary forces seized control of Cuba and overthrew the Batista regime. After an extended quest, Castro attained his objective and proceeded to bring 'justice' upon the island. It is difficult to know Castro's true intent and what his initial motives were. The people of Cuba had lived through many injustices and corruption, and his revolution inspired hope for reform. But Castro's reform came through public trials, exiles, executions, land reforms, and property redistribution. Ironically, this turbulence led to irreconcilable differences and a political duel between the U.S. and Castro, even though U.S leadership initially praised Castro's efforts to redress the rigors of Batista's dictatorship.

The revolution was moving swiftly with new agrarian reform laws, which expropriated lands and forbade foreign ownership. The new regime confiscated American owned oil refineries, providing no compensation, and began nationalization of U.S. and other foreign owned property. In May 1960, Castro resumed diplomatic relationships with the Soviet Union. In the midst of this upheaval, the Cuban Catholic Church condemned the rise of communism in Cuba in a public statement made on 7 August 1960.

Castro immediately replied with a ban on religious television and radio broadcasts. In October 1960, President Eisenhower responded with an economic embargo, except for food and medicine. Then Castro countered with the complete nationalization of remaining American owned property in Cuba. The battle of wills continued until President Eisenhower broke diplomatic relations in January 1961. Throughout these increasingly hostile activities, Cuban exiles, with limited U.S. support, prepared to invade Cuba. In April 1961, early in the administration of President John F. Kennedy, the infamous Bay of Pigs Invasion brought a total embarrassment to the U.S. and a calamity to the invaders. U.S. involvement in the invasion frustrated the efforts of the opposition's efforts in Cuba. It provided Castro with the perfect justification to eradicate all remaining opposition elements within Cuba. Richard Goodwin, White House assistant to Presidents Kennedy and Johnson, quoted Che Guevara in a statement made to him at a party for a Latin American diplomat in 1961: "I want to thank you for the Bay of Pigs. It solidified our rule and discouraged our middle-class enemies."² Following

this fiasco, Castro promptly proclaimed himself a Marxist-Leninist, rubbing communist salt into wounded American pride.

While U.S.-Cuban relations continued deteriorating, the Soviets found a surrogate state in Cuba. Meanwhile, the new president was John F. Kennedy. The Soviets, perceiving a fortuitous and convenient opportunity, proceeded to test the new, inexperienced administration by attempting to use Cuba as a missile projection base. In October 1962, U.S. discovery of missile site construction in Cuba brought the two superpowers into a direct confrontation. At no other time was our nation so close to a direct nuclear holocaust with the Soviets.

The U.S. placed a quarantine around Cuba to preclude further armaments from reaching the island while pursuing strong and decisive diplomatic exchanges with the Soviets. The crisis ended when the Soviets agreed to remove the missiles from Cuba in exchange for a U.S. promise not to invade the island and to remove U.S. missiles in Turkey. Goodwin also recalls the change of atmosphere after the Soviet withdrawal of missiles from Cuba. President Kennedy dispatched an emissary to talk with the Cuban delegate at the United Nations. Unfortunately, the assassination of President Kennedy brought a tragic end to this rapprochement initiative. The embargo was frozen in place.³

Cuba officially became an enemy of democracy and of the United States by virtue of its relationship with the Soviet Union and its advocacy of communism. As a protectorate of the Soviets, Cuba alleviated its economic dependence from the United States. To implement a new phase of the embargo, the Treasury Department issued the Cuban Assets Control Regulations (CACRS) on 8 July 1963, as authorized by the Trading with the Enemy Act of 1917. This regulation prohibited business between U.S. personnel and Cuba, including travel and exports. Moreover, all Cuban-owned assets in the United States were frozen. Economic sanctions against Cuba were conceived according to a 'stick and carrot' approach. But they led only to a deep stubborn rivalry and diplomatic stalemate.

Cuba then openly defied U.S. policy and began contributing significantly in militant engagements throughout the world, opposing U.S. national interests. Aided by Soviet economic subsidies, Castro was able to resource his ideological pursuits and openly defy the United States. The U.S. responded with more concerted attempts to choke the Cuban economy through economic and political isolation. U.S. sanctions toward Cuba were adjusted in an attempt to curtail U.S. dollars and other resources from reaching Cuba and to prevent Cuban access to the U.S. market. Cuba extended the Soviet threat to our doorsteps, while Castro worked to increase anti-American sentiments and export revolution throughout the hemisphere.

Several interest groups attempted to influence U.S.-Cuban relations during the Cold War period. Cuban exiles and Cuban-Americans living in the United States have been a source of tension with their relentless pressure to overthrow Castro by any means. Those with relatives in the island have struggled to maintain communication and provide their relatives with assistance during difficult times. Separated families have been frustrated by restrictions on the exchange of money, food, medicine, manufactured goods and travel. By 1975, starting with the Ford Administration and continuing through the Carter Administration, U.S. policy underwent relaxation in attempts to address these concerns. However, in 1982 the Reagan Administration imposed new prohibitions, as part of a renewed commitment to the strategy to contain communism.

Hard-line anti-Castro opponents stood opposed any change in policy. Meanwhile, Cuba was actively engaged in exporting its military revolution in Angola, Ethiopia, Somalia and Central America. Cuban sanctions were consistent with the U.S. containment policy and to counter the threat of communism to our neighborhood. As long as the Soviets and their ideology posed a threat to democracy, so would any of its surrogates. This made Cuba even more dependent on the Soviets.

THE CURTAIN COMES DOWN

The fall of the Soviet Union came upon Cuba like a tidal wave. Without its umbilical cord of Soviet subsidies, Cuba had to confront new challenges. Castro's early idealism had envisioned a diverse economy with a strong industrial base. But Castro's mentor, Khrushchev, had other ideas. Khrushchev based the entire Cuban economy on sugar, making Cuba wholly dependent on Soviet markets for its sale export commodity. In this early partnership, Cuba had no other feasible economic option.⁴ Years of Soviet dependency then left Cuba largely unprepared to function in a new global market economy. Odds were against Cuba, especially because of its isolation from the United States, its nearest neighbor and the world's largest economy and consumer market.

Cuba had to find a new market for its main exports of sugar and tobacco. It needed hard currency, credit, investors. Cubans needed to import food, medicine, technology and other manufactured goods. Cuba's economy and infrastructure started falling fast, opening a new window of opportunity for U.S.-Cuban relations.

Some critics expected Cuba to fold quickly like many other communist regimes in 1989-90. Some anticipated radical changes to U.S. Cuba policy as part of global changes after the

collapse of the Soviet Union. Despite Cuba's post-Cold War economic devastation, the Castro regime somehow survived and Cuban-U.S. relations remained hostile.

Recalcitrant and determined as ever, Castro instituted austere rationing measures in his fight for survival. His absolute control in Cuba bought him enough time to recruit new foreign investors, thereby keeping the island from further financial ruin. A number of countries were ready and willing to do business with Cuba. So the scale began a slow tilt toward survival. Western Europe, Canada and Mexico began to offset the loss of Soviet aid. Moreover, subsidiaries of U.S. multinational corporations within those countries began trading with Cuba. Along this difficult road to recovery was a sign that Castro did not intend to give up control.

Embargo advocates in the United States were likewise not giving up their quest to free Cuba from the Castro regime. In the aftermath of the Cold War, Congress and the Bush Administration developed a subtle change in policy. It shifted the containment policy to a pro-Cuban democracy policy with the embargo as its centerpiece. On 15 October 1992, Congress passed the Cuban Democracy Act, commonly known as the Torricelli bill. Congressman (now Senator) Robert Torricelli was a Democrat from New Jersey. His bill prohibited foreign-based subsidiaries of U.S. companies from trading with Cuba, forbade U.S. citizens from entering Cuba, and prohibited transferring U.S. currency to Cuba, which made Cuban Americans' remittances to their families in Cuba illegal. It allowed private groups to deliver food and medicine to Cuba for humanitarian purposes, and some telecommunications exports. The bill attempted to prevent every possible U.S. resource from reaching the Castro regime, while allowing a small window for humanitarian assistance.

Overall, the Cuban Democracy Act tightened restrictions and increased controls on U.S. citizens' interaction with Cuba. It also provided the president broad authority to use of existing legislation to discourage other countries from trading with Cuba. The president could declare those countries trading with Cuba ineligible for U.S. aid, assistance, or sales, and preclude forgiveness or reduction of debts owed to the U.S. government. The Act also gave the president authority to rescind the prohibitions if Cuba met certain conditions, such as conducting free internationally supervised elections, showing respect for civil liberties and human rights, allowing freedom of the press and moving toward the establishment of a market economy. To many, this 'stick and carrot' approach looked more like political blackmail. Hoping to strangle Castro out of power, the bill sought to intimidate U.S. subsidiaries and other countries from trading with Cuba.

The Cuban Democracy Act was the first post-Cold War change in U.S. Cuban policy. It attempted to drive a wedge between the Castro regime and the Cuban people. In essence, the

policy sought to establish a degree of engagement with the Cuban people while containing Castro's ability to threaten U.S. interests abroad. Having lost Soviet subsidies, Castro was unable to continue support of guerrilla forces abroad. But his anti-American and anti-democracy antagonism continued. Castro's opponents were concerned that increased economic capabilities would send the Cuban government back on the old course. The bill's impact on the Cuban economy was considerable and almost immediate. It increased shipping costs from distant ports, higher prices for imports, and compounded export difficulties. This Act created so much pressure that Cuban officials announced that removal of the embargo would be their number one international priority.

To counteract these effects, the Cuban government responded with limited economic reforms, a type of social-capitalism, but keeping a tight control. In a partial compromise, Castro permitted resumption of activities previously banned. In 1993, the first year of the Cuban Democracy Act enforcement, Castro legalized the use of dollars to conduct business in Cuba. The Cuban government also granted Cubans limited business opportunities for self-employment, such as restaurants and farmers' markets. However, self-employment taxes were exorbitant, so the government became the primary benefactor of their entrepreneurial efforts. The economy was in shambles and needed financial initiatives. But Castro had no intent in advancing individual freedom or relaxing his control.

In order to obtain needed hard currency, Cuba welcomed foreign investment, especially in the tourism industry – with strict stipulations. The Cuban government maintained close control of hiring and payment of Cuban workers, and the companies had to pay the hard cash to the Cuban government. The government would in turn pay the workers in Cuban pesos at its own discretion and exchange rate. This was a convenient arrangement for the Cuban government; it provided control on capitalistic pursuits while the government kept the hard currency. For the Cuban workers, however, this arrangement provided little incentive for productivity and the employer had limited quality control on employees.

Cuba's limited economic reforms provided a measure of success and opened attractive possibilities for foreign investors, especially in the absence of U.S. competition. They offered a unique opportunity for investors and the Cuban government alike. Investors could look for a best bargain and the Cuban government could obtain the needed hard currency. These reforms attracted foreign investors to Cuba and aroused new concerns in the U.S. Congress.

Congress was concerned that these foreign investments involved property expropriated by the Cuban government, formerly owned by U.S. citizens. They interpreted this activity as an illegal profit at the expense of the original owners. In February 1996, the U.S. Congress gave

birth to the Cuban Liberty and Democratic Solidarity Act, also known as the Helms-Burton bill. The bill enjoyed strong support in the House and the Senate. But President Clinton had some initial reservations: The President was concerned that some of its provisions would not stand in court and that our allies would oppose the Bill.

However, on 12 March 1996, President Clinton signed the Helms-Burton bill, declaring, "The Libertad Act, which I have signed into law in memory of the four victims of this cruel attack, reasserts our resolve to help carry the tide of democracy to the shores of Cuba."⁵ On 24 February 1996, Cuban aircraft had shot down two U.S. registered civil aircraft belonging to Brothers to the Rescue in international airspace. U.S. intelligence had information of Cuban infiltration of the Miami based organization Brothers to the Rescue. Some believe the bill was a partial retaliation response.⁶ Contrary to Clinton's words, the bill definitely diminishes the President's authority to conduct foreign policy.

This was probably the most ambitious and controversial bill in the history of the U.S. Cuban policy. The bill contained four components intended to strengthen sanctions and discourage foreign investments in Cuba.

- Title I, among other things, codified the U.S. embargo. This action severely curtailed presidential autonomy in Cuban policy. All prior executive sanctions from Kennedy in 1961 through the 1992 Cuban Democracy Act were changed into law rather than executive orders.
- Title II required the president to provide an economic plan to assist transition of Cuba to a democracy.
- Title III authorized U.S. citizens to bring federal lawsuits against anyone 'trafficking' in property expropriated by the Cuban government. The law granted the president authority to suspend these lawsuit provisions for six month at a time, if he deemed it in the national interest and as facilitating democracy in Cuba.
- Title IV denied above 'traffickers' entry into the United States.

President Clinton has exercised the suspension authority granted under Title III every six months since the inception of this law. Foreign countries have expressed much discontent with the overall U.S. Cuban policy. Certainly this latest law is no exception to other countries' disapproval of U.S. policy. The six-month presidential exceptional authority has provided a back door for potential political confrontations with our allies. Much speculation surrounds the legality of Title III; many believe it cannot withstand a legal challenge. But overall Helms-Burton has

brought mixed reviews. It has created ill feelings among the United States and its allies, and discouraged some investors' interest in Cuba. It has also discouraged lenders from accepting some properties as collateral, as they fear claims from former U.S. owners of confiscated properties, punishable under Helms-Burton.

At minimum, Helms-Burton has been a burden to the Cuban government, forcing it to find more creative workarounds of the policy. But worse, the bill has taken foreign policy authority from the executive and handed it to Congress. Even though it is difficult to specify the effects of this policy upon the Cuban economy, it has definitely estranged U.S. and Cuba even further. And U.S. allies certainly do not like it.

PEOPLE TO PEOPLE CONTACT

In a new approach, post Cold-War U.S.-Cuban policy sought to distinguish the Cuban regime from the Cuban people. Executive and legislative initiatives throughout the Nineties document this emphasis. In theory, the concept relies on a simple logic: separating the people from the regime. Sustain and assist the Cuban people; castigate the cancerous regime. This policy, however, has proven difficult to implement. Many claim it has made little difference in Castro's relations with the Cuban people. For some, it poses the problem of serving two masters: One would destroy Castro, the other would save Cuba for democracy. Politically, this shift brought two old players back onto the field, the anti-Castro group and the anti-embargo advocates. It appears extremely difficult to marginalize Castro while working directly with the Cuban people or to enforce restrictive sanctions against the Castro regime without negatively affecting the people.

The other side of this equation is Castro and his regime. Every effort to assist the people of Cuba gives Castro an opportunity to show his resolve. As long as he perceives an effort to undermine his authority, he will thwart the plans and use them for his convenience. Castro will continue accusations and propaganda about the imperial hegemonic superpower attempting to impose its will. Who said the Cold War was over?

In January 1998, Pope John Paul II made an unprecedented visit to the island, delivering his message "*no tengas miedo*" – do not fear. His climatic visit symbolized a slow resurgence of the Catholic Church in Cuba. The Pope's visit was both a religious message of hope and a diplomatic statement. The Pope's visit did not portend a miraculous transformation of Cuban Society. But it has been a catalyst for further increments of change. Castro made some concessions by authorizing an official Christmas holiday and a significant increase in the number of priests in the island. But he continues to refuse access of the church to the

government-controlled media or reestablishment of religious education.⁷ The visit presented a difficult challenge to the Pope, who had to balance diplomacy with his attempt to advance religious freedoms and observance of human rights. After his visit, Pope John Paul II publicly condemned all embargoes as deplorable, adding that embargoes hurt the most needy.⁸ His message...we must change.

On 20 March 1998, following the Pope's visit to Cuba, President Clinton authorized further initiatives in response to humanitarian needs. Section 5(b) of the Trading With the Enemy Act allow changes to sanctions. Accordingly, the President restored direct charter flights between U.S. and Cuba for authorized U.S. travelers. The President's action also expedited licenses for medical exports and re-instituted family assistance of up to \$300.00 per quarter from Cuban-Americans, to their family members in Cuba.⁹ Secretary of State Madeleine K. Albright, in a statement explaining the president's action, reiterated that this was not a change in policy towards the Cuban Government. She asserted that U.S. policy sought a peaceful transition to Cuban democracy.¹⁰

On 13 May 1998, administration spokesman James P. Rubin, in a statement to the press, outlined the new measures and gave notice that the Department of the Treasury and Commerce was already working on implementing procedures. Rubin stressed that the measures and implementing procedures were consistent with U.S. Cuban policy, citing its four main components:

- Pressure on the regime for democratic change;
- Support for the Cuban people through humanitarian assistance and help in developing civil society;
- Promotion of more concerted multilateral effort to promote democracy and human rights; and
- Cooperative arrangements to keep migration in safe, legal, and orderly channels¹¹

President Clinton's changes properly exercised his executive authority and were consistent with the Cuban Democracy Act and the Cuban Liberty and Democratic Solidarity Act. Nonetheless, these changes raised considerable concern. Senator Jesse Helms described the decision as a big mistake that would seriously complicate Congress' ability to provide the Cuban people with increased humanitarian assistance through legislation. Representative Lincoln Diaz-Balart and Ileana Ros-Lehtinen, Florida Republicans and Cuban-Americans, accused the president of unilaterally relaxing the sanctions.¹² Hard liners were quick to charge that these

new allowances would severely weaken the effects of the embargo by allowing a significant increase in dollars reaching the Cuban economy.

On 5 January 1999, President Clinton claimed the 20 March measures were having a positive impact: "They demonstrate the United States' compassion for the Cuban people, our strong interest in building bonds between the citizens of our nations, and our determination to provide the people of Cuba with hope in their struggle against a system that for four decades has denied them even basic human rights."¹³ The president then announced additional changes to reach out to the people of Cuba: They provided expansion of remittances by any U.S. citizen, not just those with families in Cuba. They expanded people to people exchanges in academia, sports and others. They provided authorization of food and agricultural inputs to independent non-governmental entities. They increased authorization of charter passenger flights to cities in Cuba and the United States and redirected efforts to establish direct mail service to Cuba.

The same day, 5 January 1999, the president confirmed he had declined a suggestion to appoint a bipartisan commission to review the overall Cuba policy. No official explanation has been offered for this refusal. A group of Republican and Democratic senators and former U.S. officials – including Henry Kissinger, George Shultz and Lawrence Eagleburger – had made the proposal.¹⁴ As the century closed, the common principle concerning U.S.-Cuban relations was change. All parties involved agreed that the status quo was undesirable, but common ground was still not found.

ENTER THE MILLENNIUM

"The application for stay presented to Justice Kennedy and by him referred to the Court is denied. The petition for a writ of certiorari is denied."

"With that brief decision, the U.S. Supreme Court cleared the way for Juan Miguel Gonzalez to return home with his son, Elian Gonzalez. They did so on Wednesday, June 28. Elian Gonzalez is the 6-year-old Cuban boy rescued at sea in November 1999, and brought to the United States."¹⁵

— U.S. Supreme Court

The plight of a six-year old boy became the focal point of U.S.-Cuban relations as we entered the 21st Century. It poignantly illustrated the depth, passion and intricate human dynamics that continue to surround this issue. It became a challenge to state, federal and international law officials, and a case study in sociological and psychological disciplines for

years to come. The media found a subject fraught with many opportunities for exploitation. And civil society witnessed another stage of human complexity – sometimes irrational. Finally, the Elian Gonzalez event provided impetus to revisit the U.S.-Cuba political impasse, with particular attention on the immigration arena.

The Cuban Adjustment Act of 1966 (CAA) provides special procedures for Cuban nationals to obtain a haven in the United States as permanent residents. On 30 September 1999, Congress enacted the Illegal Immigration Reforms and Immigrant Responsibility Act (IIRIRA), making some changes to the immigration laws. The IIRIRA declared inadmissibility to individuals arriving in the United States at a place other than an open port-of-entry. However, after serious considerations of the IIRIRA, the Immigration and Nationalization Service established that Cuban nationals who arrived at other than designated ports-of-entry are eligible for parole, as well as eventual adjustment of status under the CAA.¹⁶ The United States and Cuba have engaged in periodic discussions on migration since 1980. In September 1994, through Joint Communiqué 1994, the two nations agreed to direct Cuban migration with regular reviews of the migration situation and implementation of the accords. In May 1995, under a companion accord, the United States began returning Cubans interdicted at sea or entering the U.S. Naval Base at Guantanamo Bay. Those who could demonstrate a well-founded fear of persecution were resettled in third countries. Since the 1994 joint communiqué, U.S. and Cuban representatives have met roughly twice per year in an effort to implement the accords.¹⁷ However, the struggle between the two nations continues, despite these accords.

On 15 January and again on 18 July 2000, President Clinton suspended Title III enforcement of the Helms-Burton Act. The president's continual suspension of Title III since 1996 has attracted much criticism. Opponents believe that the president's action seriously undermines the bill and allow Castro free use of illegally obtained properties. With presidential elections at hand, a new president could discontinue the suspensions and thus create considerable tension for Cuba and her traders.

The Cuban economy continues to be a mixed bag. And the way Cuba is conducting business makes foreign investors nervous. Karen DeYoung of the Washington Post quoted an anonymous representative of a major foreign investor: "The regulatory framework is not there. When momentum is interrupted, it feels like you're going backward."¹⁸ The Cuban economy has actually been experiencing a slow but steady growth since 1994. Sanctions continue to extract a high price upon the Cuban economy, but a number of countries continue to trade with Cuba in direct challenge to the U.S. sanctions. In a 1998 report, The International Monetary Fund reported Spain, Russia, Mexico, France, Canada and China as strong exporters to Cuba. Even

so, Cuba has not become a full partner in global commerce.¹⁹ Cuba continues active interactions throughout the world in pursuit of trade and new investors.

While the economy has been able to survive, the people of Cuba live at the brink of starvation. Government subsidized rations are not nearly sufficient. Unless the Cuban economy expands dramatically, Cubans will remain in poverty, marginalized citizens of a prospering hemisphere. Even with housing and utility subsidies, free education and health care, there appears to be a chronic shortage of food and medicine. On 29 July 2000, Castro delivered a one-hour speech to 200,000 Cubans in Santa Clara challenging the United States to 'play fair' with his country. He charged that the increased 'people-to-people contact' push by Washington was an attempt to weaken the Cuban political system. Castro said that he did not mind the contacts, but first the United States needed to get rid of the embargo, change migration policies, and lift other business and travel restrictions. Castro added that the United States could not destroy the Cuban revolution by either force or seduction.²⁰

This was one of three Castro messages, part of a national campaign. This was Castro's attempt to maintain pressure on the United States to change its policies on Cuba following Elian Gonzalez' return to the island. It also showed Castro's apparent willingness to sacrifice Cuba for his own needs. Flamboyant revolutionary rhetoric does not satisfy the hunger of a starving Cuba. Castro's pride appears to rise at the expense of his people. But for how long?

In August 2000, during the Republican national convention, the U.S. Cuban policy made a center stage appearance. Despite strong opposition from within its ranks, the Republican Party reached consensus to keep the embargo in its platform for the November 2000 election.²¹ Accordingly, presidential candidate George W. Bush subsequently echoed the old hard line to keep all current sanctions against Cuba and to challenge Fidel Castro to democratize his government. One area, however, of possible re-evaluation would be Clinton's repatriation policy.²² This decision reflected concern for strong Cuban-American electoral states such as New Jersey and Florida. Yet, neither party seemed interested in pushing the envelope during an election year.

On 18 October 2000, after nearly three years of efforts by farm and business groups, the Senate passed legislation allowing sales of food and medicine by U.S. companies to Cuba. The \$78 billion agricultural funding bill had been held hostage by this item. Although the food and medicine exemptions were directed to Cuba, they also benefited Iran, North Korea, Libya and Sudan. Pressure by American farm groups and the U.S. Chamber of Commerce had strengthened the anti-sanctions drive and blocked progress of the huge agricultural bill.

Republicans answering to farmers and GOP congressional leaders committee to keeping sanctions intact finally reached a deal.

Final passage of the bill has received mixed reviews from all sides. Anti-Castro groups did not favor its passage, but claim partial victory due to the restrictive language of the bill. The conditional language and restrictions attached to this bill make business transactions with Cuba nearly impossible. The bill forbids public or private U.S. financing and leaves Cuba financially incapable to make needed purchases. Farm groups have gain partial access to sell their goods, but vouch to try to loosen restrictions again next year.

In Havana, Castro led 800,000 Cubans in an 'organized' protest march. Castro called the bill a sham saying it humiliated the Cuban people. He claimed the bill was full of restrictions and in fact made the embargo more restrictive. He stated that Cuba would not buy a single item under these new provisions. This may be rhetorical posturing, but it demonstrates the never ceasing antagonism between the two countries. The march paralyzed Havana and provided another opportunity for inflamed anti-American protests. Meanwhile, political repression in Cuba continues, with temporary detention of dissidents and political activists.

On the eve of U.S. national elections, political gamesmanship took center stage. Clever manipulations and inside deals brought the debate to an end, with no real progress. It seems difficult to reconcile how hard-line communist countries with worse records than Cuba can obtain better deals with U.S. than Cuba. Such issue adds to the complexity and inefficacy of U.S.-Cuban relations and the continual bureaucratic animosity of the last forty years. Once again, domestic politics took precedence over fundamental change, while foreign policy remained enslaved to interest groups.

A QUESTION ON LEGITIMACY

It is certainly an understatement that Fidel Castro has been central to and a constant factor in U.S.-Cuban relations. Even President Clinton's policy change to a 'people-to-people contact' policy was designed to deny legitimacy of Castro's regime. In the absence of official diplomatic relations, the U.S. has used a number of secondary alternatives to maintain the inevitable link of communications needed in a civilized world. Cuba's proximity to and history with the U.S. contribute to a tangled web of deceit and hostility. Even recent extensive efforts by independent organizations like The Council on Foreign Relations have failed to offer relief. In its independent task force report 'U.S.-Cuban Relations in the 21st Century', the Council closed an available door by adopting a principle of preventing even the appearance of

legitimizing the current regime.²³ It appears to be anathema to speak directly with the Cuban chief of state. The rest of the world, however, does not seem to have the same reservations.

On 9 November 2000, by a vote of 167-3 with four abstentions, the United Nations General Assembly passed a resolution calling for an end to the U.S.-Cuban embargo. Since 1992, the United Nations General Assembly has voted annually to urge the U.S. to drop the embargo. In 1999, 155 countries supported the resolution, with eight abstaining. This year Israel and the Marshall Islands joined the United States opposing the resolution.²⁴ Although the resolution is non-binding, the message is clear. In the arena of sanctions, Castro is winning the information war looking like a victim of an overpowering oppressor.

Human rights and democracy are in a different category in the information war of legitimacy. The Pope's visit to Cuba in 1998 may have been the one event to significantly crystallize global opinion regarding human rights in Cuba. His visit focused the eyes of the entire world upon this small island and the reality of human suffering for the world to see. His instant credibility had an immediate effect around the world's nations and among non-governmental organizations. The splash effect also vitalized U.S. efforts within the United Nations to increase its official stance against Cuba and hold it accountable for human rights violations. Thus, the political counter-attack by the U.S. has Castro losing ground in this category. But this minor victory does nothing to resolve the larger issues, while Castro seems to be gaining ground in the world of international relations.

Cuba-Mexico relations between long time associates have been fairly tense in the last few years. Castro criticized Mexico's participation in the North American Free Trade Agreement as a departure from Mexico's tradition of resistance to U.S. hegemony. In August 1999, Mexico blocked Cuba's participation in the San Jose Pact, a preferential program of oil sales to Central American and Caribbean nations.²⁵ Additionally, during an Ibero-American summit in Havana, Mexico's Foreign Minister Rosario Green met with local anti-Castro dissidents. Following this meeting, outgoing Mexican President Zedillo called for democratic reform in Cuba.²⁶ This was a curious initiative coming from a government ruled for 71 years by the Institutional Revolutionary Party (PRI). Change may however be underway: The new National Action Party (PAN) won the Mexican presidency, taking office on 1 December 2000. Castro and the New Mexican President Vincent Fox seem to be developing an amicable relationship, attempting to smooth out events of recent years. The new center-right Mexican government promises to maintain opposition to the embargo, but is equally committed to strong U.S. ties.

In Venezuela, Fidel Castro praised Venezuelan President Hugo Chavez for having made the people of that South American nation "revolutionary allies" of Communist Cuba. Chavez is a

former paratrooper colonel jailed for two years after leading a failed coup attempt in 1992, then elected president in 1998.²⁷ Castro's five-day visit in late October 2000 concluded with signature of the Caracas Energy Accord, a \$500-million-a-year oil deal at current crude prices, representing half of Cuba's imported oil. This accord resulted from Mexico's refusal to include Cuba in the San Jose Pact. The agreement allows Cuba to pay for even more oil by sending doctors, athletic trainers, industrial engineers and other experts to Venezuela instead of cash.²⁸ Chavez deeply admires Castro and appears to share common ideology regarding the U.S. 'hegemony'. This symbiotic relationship is not shared by a large number of the Venezuelan people or many within its legislature. The close association between these two leaders carries both practical and symbolic significance. Chavez gave Castro his most substantial economic boost since the collapse of the Soviet Union and granted him a hero's reception in Venezuela. Chavez in turn received adulation from a legendary figure and may aspire for a much larger leadership role in Latin America.

Hartwig Berghaus, a German official, stated that the German government and private sector have arrived at the point of strengthening political and economic relations with Cuba. On November 2000, Magdeburg-based SKET Walzwerkstechnik, representing the MPC Group of Hamburg, and Cuban State steel maker Acinox signed a contract to build a steel rolling mill in Cuba. Three German banks are providing the finances, and the two countries have signed a debt consolidation and renegotiations agreement for around \$110 million of outstanding Cuban debt to Germany.²⁹ Germany has come to terms with pragmatic economic necessities, embarking in its largest investment venture since the old days of communist East Germany.

Finally, Willem Van't Wout, president of Rotterdam-based Fondel International B.V., is working on another significant partnership to repair, develop, and manage the north coast Cuban port, Mariel. Financing is coming from partners and Dutch banks, but he hopes to secure support from the Dutch government subsidy program. Van't Wout has been associated with Cuba's strategic nickel mining and processing industry.³⁰ These are expensive long-term investments that shed light on perceptions of Cuba's economic potential. Foreign governments and private agencies are increasing partnership operations. Meanwhile, the U.S. seeks to enforce embargoes.

A SMOLDERING FIRE

At 74, Castro is hardly the vigorous figure of yesteryear. But the fire is not out. Like an old fox, he has shown versatility, resiliency, brutality, ruthlessness, endurance and a great deal of flexibility. Castro's strong anti-American sentiments have driven him to provide a neighboring

alternative to the U.S. democracy and market economy. He will never attain the stature of Jose Marti or Simon Bolivar, two legendary Latin American heroes. Nonetheless, despite much controversy, Castro still commands a degree of admiration throughout Latin America, if for no other reason than his successful, longtime defiance of the United States. Some believe that under the right conditions, Castro's endorsement could provide the inspirational spark to ignite latent fires of Latin American economic frustration. Democracy may not be all it should be. The U.S. should take a closer look south of the border.

Venezuela's president, Hugo Chavez, has openly embraced Fidel Castro as a role model and Castro has responded in kind. Venezuela has the biggest oil reserve outside the Middle East and currently provides one third of the U.S. oil. Chavez has been using oil to influence Central American and Caribbean countries and used the recent OPEC summit as a platform for anti-American rhetoric.³¹ His overall behavior, along with visits to Libya and Iraq should give us all reasons for concern.

Latin America is steadily succumbing to a historical tradition of political and economic instability. Corruption and poverty continue to increase within some countries, and efforts to democratize have failed to materialize economic dreams. The climate is ripe for opportunistic enterprise: the kind we saw during Che Guevarra's days. Colombia's fight against Marxist guerrillas and cocaine traders intensifies, and Chavez openly criticizes U.S. military assistance to equip Colombia's government for this fight.³² Ecuador's vice-president replaced the president following a military coup in January 2000 as the country attempts to overcome the worst economic crash in their history. Peru has returned to political instability and governmental corruption in the midst of a power struggle between Fujimori and former intelligence advisor Vladimiro Montesinos. Argentina, Latin America's third largest economy, has fallen to corruption and is at the brink of a financial crisis that could drag other countries down.

But we don't need to go beyond the U.S. borders to find vestiges of Castro's influence. On 5 December 2000, five Miami-area men were tried for spying for Cuba. The five were arrested in 1998 as part of a larger group who plotted to infiltrate Miami exile groups and gather intelligence from U.S. military installations in Florida. Gerardo Hernandez, one of the accused, is charged with conspiracy to murder. He allegedly provided Cuban authorities the flight plan of the 1996 plane belonging to Brothers to the Rescue, subsequently shot down by Cuban MiGs.³³ We should not be surprised that spying activities within the U.S. are not the exclusive domain of adversary countries.

THE ROAD AHEAD - A REMAINING THREAT

On February 2000, in his report to the Senate Armed Services Committee 'Military Threats and Security; Challenges Through 2015', Vice Admiral Thomas R. Wilson, Director, Defense Intelligence Agency (DIA) did not even mention Cuba.³⁴ Two years earlier, the DIA published the '1998 Report on the Cuban Threat to U.S. National Security' and concluded that Cuba did not pose a significant threat to the U.S. or other countries in the region.³⁵ Given these reports, we must conclude that U.S.-Cuba policy is not based on Cuba's potential threat to the United States. Even illegal migration does not appear to be a likely threat. Under current agreements, only a small fraction of the 20,000 Cuban annual immigrant allocation has been arriving in the United States. "In 1999, 2,048 Cubans illegally made it to the United States and 80 percent were believed to have been smuggled."³⁶ Legally, even fewer Cubans make it to the United States, due to Castro's restrictive policies. Smuggling of Cubans is a concern and a dangerous venture, but it does not presently represent a security threat to the United States only a diplomatic issue.

The real threat is that current U.S.-Cuban policy is contradictory and in total disarray. In an interview with Telemundo, President Clinton recalled the change in political atmosphere after the 1996 shooting of the Miami-based plane. Referring to the Helms-Burton Act, President Clinton admitted, "I signed it. But it tied the hands of the executive so much that it is hard for us to use the full panoply of pressures we had...The real purpose of the bill was to further restrict the ability of Americans to travel to Cuba and have person to person contact. I think that's a mistake."³⁷ So Clinton clearly expressed the contradiction and frustration of a divided policy. Anti-Castro sentiments override people-to-people contact. Clinton indicated that he believes the Cuban system is unsustainable under Castro, probably a widely held belief. But he also expressed a desire to see change in Cuba before Castro's death.

PASSIVE STALEMATE – BREAKING THE PARADIGM

When President Clinton addressed the Cuban issue following the 1998 Pope's visit, his response was 'it is up to Castro'. U.S. policy is very much a wait-and-see; it reads and feels like an unconditional surrender to Castro. But no self-respecting head of state in a 'free world' should be expected to accept such demands as the U.S. has habitually imposed on Castro. In fact, Castro's crackdown on dissidents may be an effort to ensure his legacy continues after his parting. Many have been waiting in vain for Castro's demise, while some have tried to bring it

about. Meanwhile, the U.S. and Cuba remain in a cold war of attrition: U.S. pushes more legislation and Cuba seeks ways to move ahead, subverting sanctions.

Several names come up in discussions about Castro's successor. In 1997, during the Fifth Party Congress, Castro announced that his brother Raul would be his successor, but later retracted the statement. He then re-addressed the issue, stating that this was not for him to decide, that within Cuba there were long standing institutions fully empowered to make that choice.³⁸ Raul may be Castro's first choice for succession, but others within the party could step up to the challenge. Ricardo Alarcon, president of the popular assembly and longtime ally of the Castro brothers, could be a possibility.³⁹

The Fifth Party Congress underscored Castro's commitment to stay the course. Within the realm of near-future possibilities, Castro could step down, set up his successor, and assure a controlled and somewhat peaceful continuation of his revolutionary legacy. Whether by death or by Castro's choice, the question is one of transition. What will happen in Cuba after Castro? Will it move toward democracy and market economy? Will it continue on its present course?

The U.S. desire for a peaceful transition in Cuba often guides its concern for Cuba. Events such as those of 13 July 1989 are evidence of Castro's resolve to remain unchallenged.⁴⁰ The execution of Castro's close and popular associates such as Div. Gen. Arnaldo Ochoa and Col. Tony De La Guardia provide insight to increase internal tension and growing dissent within the ranks. A transition without a real prospect of hope for the Cuban people is bound to brake the camel's back. Beyond Castro, no other figure exists capable to exert his control over the Cuban mechanism. Anarchy, mass migration and a grand scale disorderly insurrection are possibilities, while searching for legitimate leadership. The claimants to leadership will come from within and without...from individuals and from interests groups. And the United States will be drawn into legal battles concerning property rights of U.S. citizens and uncertain alternatives of response.

U.S.-Cuban relations suffer from a passive stalemate of indirect diplomacy disguised by a cloak of legitimacy. Since 1 September 1977, the U.S. has maintained a fully manned U.S. Interests Section in the former seven-story Havana U.S. Embassy. Officially, the Interests Section and U.S. diplomats are accredited to the Swiss Embassy in Cuba. But the U.S. political leadership refuses to re-establish full diplomatic relations with Cuba, ostensibly because establishment of such a relationship would imply legitimacy of Castro and his regime. Thus U.S. refusal to recognize Castro has become almost a half-century obstacle to international relations in our own hemisphere.

When an entire world persistently urges the U.S. to drop its sanctions on Cuba, how could direct talks between Cuba and the U.S. be seen as a negative step? Dialogue is long overdue – extensive, intense, profound, pragmatic, and in good faith. Such a dialogue would compromise no one's principles. Indeed, it would observe a basic democratic principle: Proper dialogue would facilitate the Cuban peoples' efforts to decide their own political future. A wait-and-see attitude lacks initiative and it will likely suffer when events start to unravel.

CLOSING THOUGHTS

I propose a different perspective on U.S.-Cuban relations, a perspective based on dignity and respect, among those who are different but equal, one that allows disagreement and fosters understanding. Isolation is helping no one, except perhaps Castro, while U.S. political fears keep engagement at arm's length. Political pride has blinded and obscured good reasoning. Cuba and the U.S. are engaged in an asymmetric war of rhetoric and political extortion. And the people of Cuba continue to live in peril, buffeted by the hardships of economic sanctions, isolated by U.S. policies and helpless to overcome their distress, part of it caused by Castro's overwhelming pride.

Castro has mastered the art of international diplomacy at the United States' expense. His influence in the Americas is the reward of David in battle with Goliath. Despite Castro's record on human rights, his unabashed defiance to the United States and anti-American rhetoric still find receptive ears. People engulfed in poverty and frustrated by corruption, where the promises of democracy and prosperity have not materialized, look elsewhere for a message of hope. Oddly enough, they may become deaf to the reality of voices crying under poverty and human rights oppression in Cuba, and blindly reach for empty dreams of hope through revolution. It is not hard to believe a lie when the truth is hopelessly painful. Castro's rhetoric fuels their discontent. And U.S. failure to effectively address the Cuban dilemma hurts U.S. credibility and the progress of incipient democracies.

Castro exchanged his modus operandi of military power for an active political and informational campaign in his efforts to stop U.S. sanctions. The sanctions remain, but Castro stays ahead in the battle for world opinion against sanctions. Further, new investors are coming to Cuba; new economic developers and new doors are opening. And Castro remains, apparently as strong as ever. Perhaps it would be wise to ponder upon the Pope's words of advice to the United States and Cuba after his 1998 visit: "To change, to change...."

Difficulties in personal relationships may not be unlike relations between nations. As between people, differences between nations may best be resolved through direct and constant

interactions. Human depravation and oppression of the Cuban people should never receive anyone's seal of approval. Nevertheless, open dialogue between the U.S. and the Cuban governments is a legitimate course of action for change. In due time, constructive dialogue will open the doors and minds that for a long time have been shut in isolation and prepare the Cuban people for a new beginning. It is time to change.

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