On January 20, 2001, Fidel Castro will confront the tenth U.S. president to assume power during his 42-year reign. More significantly, Castro is poised to outlive the U.S. embargo against his regime. If current trends continue in the U.S. body politic, the new U.S. president will preside over the dismantling of efforts to isolate the Cuban dictator.

As the last nondemocratic nation in the Western Hemisphere with the world’s longest reigning strongman, as the nation subject to the most comprehensive restrictions on intercourse with the United States, as the last Soviet dependency to have withstood that empire’s demise, and as a nation that still appeals to many in the world as a grand social experiment, Cuba is unique in its relationship to, and involvement in, U.S. foreign policy. As the new president takes office, that relationship is at a crossroads, with U.S. policy open to debate more than at any time since the advent of the Castro regime, due primarily to the ascendency of opponents of the embargo. The mobilization of the U.S. business and agricultural communities, the emergence of active Vatican interest in the island and new opportunities for the Cuban church to participate in Cuban civil society, the recent drift in the presence of the Cuban American National Foundation (CANF) due to the death of a dynamic leader, the fracturing of the Helms-Burton coalition in the U.S. Congress, and the Castro regime’s persistent international campaign to attract foreign investment and portray itself as the victim of a “U.S. blockade” are significant factors undermining the political consensus in the U.S. Congress on the embargo.

A broader questioning of the utility of sanctions as an instrument of U.S. foreign policy and the evolution of a political consensus on the merits of
engagement” with the People’s Republic of China, Vietnam, and North Korea have expedited the reconsideration of U.S. policy toward Cuba. Also at play are modifications of U.S. policies toward Libya, of the international sanctions regime on Iraq, and of U.S. rhetoric toward Iran. Given this international context, opponents of the Cuba embargo (and, indeed, of embargoes and sanctions generally) are making headway with the question, “Why not policy changes toward Cuba?”

Because of Cuba’s unique place in domestic U.S. politics, the U.S. Congress has been the main driver in U.S.-Cuba policy for the past decade. This was as true for efforts to strengthen the U.S. embargo as it is for recent initiatives to remove it. The new U.S. president must understand that policy toward Cuba runs through Capitol Hill as much as, if not more than, through the Oval Office.

The Rise and Decline of the Embargo

U.S. policy toward the Castro regime was initially a reaction to Cuba’s confiscation of U.S. properties and turn to the Soviet Union in the 1961–1962 period. Concerns about Cuba’s internationalist agenda, especially support of “revolution” in Latin America and Africa, and the repressive policies toward its own citizens also motivated U.S. efforts to isolate the Cuban government. With the collapse of the Soviet Union and its European proxies, many concluded that the same fate would soon befall Castro. Cuba, however, was low on the list of Bush administration priorities given the preoccupation with the fall of the Soviet Union and events in Central America. The Clinton administration was perceived either not to have a Cuba policy or to have a secret plan to normalize U.S. relations with the island.

With the executive branch effectively leaving a policy vacuum, Congress reasserted itself. First, during the Bush administration, a Democrat-controlled Congress, out of a sense of frustration with presidential inattention, approved the Cuban Democracy Act of 1992 (CDA) over Bush’s initial objections. The CDA established a two-track policy to reach out to the Cuban people while strengthening the economic embargo against the regime. It permits humanitarian donations, including food and medicines, while attempting to increase economic pressure on the Cuban government by prohibiting U.S. subsidiaries from trading with Cuba and prohibiting any vessel from entering a U.S. port for a period of 180 days if that vessel had handled freight to or from a Cuban port.

Then, a Republican-controlled Congress, out of a fear that President Bill Clinton and his advisors were interested in giving Cuba the wrong kind of attention, approved the Cuban Liberty and Democratic Solidarity Act, bet-
ter known as “Helms-Burton.” This act sought to build on the dual approach of the CDA, but did so by expanding the target of possible sanctions to third parties that did business in Cuba.

Despite being seen as the ascendency of the pro-embargo forces, the dual track promoted by the CDA and Helms-Burton exacerbated the contradictions underlying U.S. policy, contributing to the erosion of the embargo policy. First, the duality upon which both acts were based—support to the Cuban people and pressure on the Cuban regime—was easy to explain for those who watched Cuba, but has lost currency as relations warmed with China, Vietnam, and North Korea.

Second, the CDA and Helms-Burton were premised on an incorrect reading of the policy being pursued by the executive branch: the search for stability on the island was misread as inaction or movement toward normalization. Congressional supporters of Helms-Burton did not realize that the Clinton administration did have a Cuba policy. As enunciated by one recent head of the U.S. Interests Section in Havana, “Today … our primary concern is the one that did not exist twenty years ago. That is the issue of stability [in Cuba]. [The United States] cannot permit the social dislocation in our country that would be associated with attempting to absorb a large portion of the Cuban population.” He went on to state, “This is our nightmare scenario: Things become unglued, we end up with a flood of migrants, and we are pressured to stop that.”

Hence, the Clinton policy was to support stability on the island. Preventing a migration flood to the United States motivated this search for stability. This emphasis by the Clinton administration is not surprising given that the one political campaign defeat suffered by Clinton is attributed to the reaction of Arkansas voters to the relocation in 1980 of Marielitos to Fort Chaffee in Arkansas.

Pursuing stability meant developing a modus operandi for curtailing any massive immigration outflows and finding a modus vivendi with the Castro government. Congressional initiatives, however, did not seek “stability,” they sought to subvert the regime in Havana. Thus, while congressional initiatives focused on subversion, the executive branch sought to implement and pursue a policy focused on stability first, without having to acknowledge it publicly.

The Clinton administration’s initiatives, from the first changes in the travel restrictions in June 1993, involved a search for a modus vivendi with Cuba, a search for signals to reassure Castro that he need not unleash another Mariel and for mechanisms to encourage Cubans to remain in spite of
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the island’s dire economic situation. Even Clinton’s “baseball diplomacy” in the end was about stability: placating Castro—the clear victor in that endeavor—under the guise of “people-to-people” contact, an instrument promoted by Congress to undermine his hold on power.

The contradiction underlying U.S. policy as defined by the executive branch and by Congress has significance for the longevity of the embargo policy. The embargo is fundamentally a threat to the policy preferred by the executive branch. This has had an impact on the implementation of embargo legislation, especially Helms-Burton, during the Clinton administration.

Old Actors Mobilize on Cuba

After years of quiescence on the use of sanctions generally, and toward Cuba specifically, the enactment of Helms-Burton and the Iran-Libya Sanctions Act (ILSA), an act which mimicked Helms-Burton by applying sanctions against third countries and entities doing business in Iran or Libya, drew new attention to these policies by old actors. At the same time, new actors entered the scene. One old actor was the U.S. business community, now organized and vocal in its opposition to sanctions. The second group included the European and Latin nations and the Vatican.

Within the United States, a critical initiator of the changed attitudes toward U.S.-Cuba policy has been the emergence of an active corporate lobbying effort on sanctions policy that has focused with intensity on Cuba. The U.S. corporate community has developed a grassroots effort, targeting Cuba as the weakest link in the U.S. use of economic sanctions. In concert with long-standing embargo opponents, their immediate objective is to change U.S. policy on travel and the sale of food and medicines; the long-term focus is the end of restrictions on U.S. intercourse with the island.

As part of its new effort to overturn sanctions policy, elements of the U.S. corporate community established USA*Engage in 1997, largely in response to Helms-Burton and ILSA. USA*Engage, followed by the active emergence of the U.S. Chamber of Commerce in lobbying against sanctions, quickly came to three realizations. First, instead of relying solely on “K Street” lobbyists, they had to implement a grassroots strategy focused on local businessmen lobbying their individual members of Congress. Second, Cuba was the weak link in the sanctions structure. Although removing U.S. sanctions against Iran, Libya, and Iraq remained the ultimate goal—as these nations have oil revenues—that goal also meant taking on the domestic lobby interested in strong U.S. support for Israel. Cuba was an easier first target. Third, corporate America learned that Cuba gave them greater resonance with the U.S. media. Initiatives on Cuba brought wider media coverage than did the
general cry of “sanctions reform” or an effort to reverse existing sanctions on a Middle Eastern state.

Initially, the relationship between the traditional anti-embargo lobby and USAEngage was uncertain. Despite their different starting points on the broader ideological spectrum—many of the traditional anti-embargo groups had opposed policies supported by the business community—both soon recognized that they shared a strategic goal regarding Cuba.

Together, they set out to recruit the U.S. farm and agricultural lobby, recognizing its potential to “bring home” the issue of Cuba to places where it was a nonexistent concern. The idea has been to replicate the farm community’s reaction to President Jimmy Carter’s grain embargo against the Soviet Union. In the case of Cuba, farm bureaus in Texas, Arkansas, Illinois, Missouri, and Nebraska, among others, have now been convinced that Cuba is a $3 billion market denied to them but open to Canadian, French, Brazilian, and Argentinian farmers. The mobilization of these domestic constituencies has paid off handsomely by helping to pressure Congress to repeal certain embargo policies.

Combined with the emergence of these domestic U.S. pressures has been the actions of international actors, especially the European Union (EU) and Canada. The Vatican, whose concern was demonstrated by Pope John Paul II’s visit to Cuba in early 1998, also has affected U.S. interest. In Cuba, the massive turnout to see the pope was attributed to both curiosity and a yearning for change. The pontiff’s broad message to the Cuban people of “be not afraid” and “open [yourself] to the world” also involved an appeal to “the world [to] open itself to Cuba.”

New Dynamics in the Cuban American Community

The pope’s call for change hit a nerve in the Cuban exile community. This has contributed to increased numbers of Cuban Americans willing to voice opposition to the U.S. embargo. Although a majority of Cuban Americans remain strongly anti-Castro and pro-embargo, there is a growing segment of that community that wants to reconnect with the island.

Ironically, the Cuban diaspora’s engagement with the island contains another contradiction: the diaspora represents both a potent mechanism to undermine central Cuban authority and a means to sustain the regime.

For years, Cuban Americans celebrated exile, refusing to return except on the heels of an invasion or Castro’s death. A change is occurring, however, among a younger generation of Cuban exile activists. Many younger Cubans in exile are returning to Cuba to visit and find their family roots, if not actually renew family ties broken by the revolution. These exchanges between
younger Cubans in exile and Cubans on the island offer a potent antidote to Castro’s hold over the population. If increased contacts are a key to Cuba’s political evolution—and most agree that this is the case—it is the Cuban diaspora that can provide the greatest depth and breadth of such contacts. Returning exiles may be “proof” for the Cuban people that there are alternatives to the structure imposed by Castro for organizing society and government on the island.

The sustenance comes with the remittances regularly sent to relatives on the island. Some estimates place the amount as high as $800 million annually, making them one of the island’s largest—if not the largest—sources of foreign currency. Although remittances give the recipient some autonomy from state-rationed goods, as part of its search for hard currency, the Cuban government has opened “dollar stores,” once reserved only to non-Cubans, to anyone with dollars.

At the same time that attitudes in the Cuban American community began shifting, the traditional pro-embargo Cuban American organization, CANF, was searching for new leadership. The November 1997 death of its founder and guiding force, Jorge Mas Canosa, was a setback to CANF and its presence in the Washington policy debate. Another blow to the foundation occurred in the fall of 1998 with indictments in federal court charging some individuals close to CANF with involvement in a plot to assassinate Castro. Although the individuals were acquitted of the charges, the allegations further distracted attention away from the internal situation in Cuba as the political environment in Washington was changing.

Baseball and a Six-Year-Old

Arguably, two other unrelated developments helped loosen U.S.-Cuba policy: “baseball diplomacy” and the saga of six-year-old Elián González.

As part of a series of “people-to-people” exchanges announced by Clinton in January 1999 (and as permitted under the CDA), the administration approved baseball games between the Baltimore Orioles and a Cuban national team. In the spring of 1999, in Havana and Baltimore, respectively, the U.S.-Cuba relationship was played out on a baseball diamond.

For U.S. public opinion, this exchange was perhaps as significant as the pope’s visit. The Orioles-Cuba baseball games moved U.S. foreign policy toward Cuba from the news and op-ed pages to the sports pages of U.S. newspapers, reaching Americans who otherwise pay scant, if any, attention to international news. Although U.S. public opinion has tended to favor the embargo on Cuba in recent years, in the wake of “baseball diplomacy” and the pope’s visit, public attitudes shifted toward support for engagement with
Cuba. Whereas surveys between 1992 and 1996 showed the public opposed to the normalization of U.S.-Cuban relations and in favor of the embargo, by May 1999, Gallup found support for normalization had risen to 71 percent, with 25 percent opposed. The May poll also recorded a shift in attitudes on the embargo: 51 percent now expressed support for ending the embargo, while 42 percent expressed opposition to such a move. Respondents continued to express strong negative feelings toward Cuba, however.1

The shift in public opinion from pro-embargo to pro-engagement is understandable given the events of the preceding 18 months. Although the attention surrounding Elián Gonzalez is credited with changing public attitudes toward the U.S. embargo policy, public opinion had already become pro-engagement prior to his rescue in the Florida Strait. The Elián case did, however, give the media an excuse to give sustained focus to Cuba, U.S. policy, and Miami’s Cuban American community.

Due to this episode, particularly the way the Clinton administration handled it, CANF’s position within the Cuban American community initially appeared to have been strengthened. Many have focused on the inability of CANF to have Congress approve legislation giving Elián either U.S. citizenship or permanent resident status, but the ordeal regalvanized CANF’s efforts in the exile community.

The new dynamics have affected some embargo supporters’ approach to Cuba. One result of the pope’s visit was an initiative by CANF, endorsed by Senator Jesse Helms (R-N.C.), chairman of the Senate Foreign Relations Committee, to have the United States provide $100 million in humanitarian assistance over four years directly to the Cuban people. Introduced as the Cuban Solidarity (Solidaridad) Act, the proposal was significant for two reasons. First, it represented a shift in the U.S. congressional debate from “whether” to provide aid to “how” to do so. In previous debates, the focus was on permitting private donations. Solidaridad proposed direct U.S. humanitarian aid to the Cuban people, marking a largely unnoted change in the thinking of embargo supporters like Helms. Second, and perhaps of greater political significance, the initiative, coming in the midst of a leadership vacuum in the Cuban American community, fractured the Helms-Burton coalition along House-Senate lines. The reaction of the House leadership to the initiative was quick and firm: nothing of the sort would be approved in that chamber. The aftershocks of the initiative are still being felt in the ability of embargo supporters to develop a proactive agenda upon which they can agree.
Warning Signals for Embargo Supporters

In Washington, the current policy environment contains warning signals for embargo proponents. As a result of their earlier successes, and the fallout from the Solidaridad initiative, embargo supporters in Congress have failed to find answers to the questions “What else can be done to strengthen U.S. policy?” and “How can we require the executive’s implementation of existing restrictions?”—leaving them on the defensive on the larger question of U.S. policy. Where they have been able to agree—providing compensation for the families of the four “Brothers to the Rescue” pilots killed in February 1996 when their aircraft were shot down by Cuban MiGs, and weighing in on the fight between Bacardi-Martini and Pernod Ricard over who owns the “Havana Club” trademark—the issues have had the appearance of placating constituency interests in south Florida rather than moving broader national policy. Although the compensation and trademark initiatives have implications for U.S. Cuba policy and international U.S. trademark agreements, they fall below the political radar for most policymakers, allowing the initiative on the larger question of U.S. Cuba policy to be held by embargo opponents.

The death of Senator Paul Coverdell (R-Ga.) and the retirement of Senator Connie Mack (R-Fla.) can be expected to further harm the pro-embargo coalition, especially in the Senate. Coverdell was an important bridge between “old bulls” like Helms and the Senate leadership. He also was one of the strongest supporters of initiatives on property rights, pushing the administration to pursue with the Europeans a comprehensive international mechanism using Helms-Burton’s right-of-action as leverage. Mack’s commitment to the embargo was never in doubt. His quiet and reassuring manner was effective in persuading his colleagues and in minimizing dissension within Republican ranks.

Warning signals that the embargo’s days are numbered can be found in recent congressional votes to permit food and agricultural sales and to limit the enforcement of the travel restrictions. In the House, language sponsored by Representative George Nethercutt Jr. (R-Wash.) in the fiscal year 2001 agricultural appropriations bill to lift restrictions on food sales was protected by the Appropriations Committee when it voted 24 to 35 to defeat an amendment offered by Republican Whip Tom DeLay (R-Tex.) to delete it. The original Nethercutt proposal was modified as the result of an effort by the House Republican leadership to overcome the dissension within the party over the question of sanctions on food and agricultural exports. The compromise language permits food and medicine sales, but without U.S. credit or financing for Cuban purchases—third-country financing is permitted—while codifying current restrictions on travel to Cuba. This modification of Nethercutt’s pro-
posal was not a victory for embargo supporters, but rather an exercise in damage control. In the end, the uncertain compromise revealed disarray within Republican ranks more than a consensus on a coherent policy.

The Nethercutt “compromise” was supposed to resolve the issue of food sales and travel to Cuba. The House, however, subsequently approved by large margins two other Republican amendments to allow food sales and to end enforcement of the travel restrictions, momentarily overturning the agreement just concluded on Nethercutt. The House voted to lift sanctions on food and medicine sales by a 301-116 vote. This was followed by a 232-186 vote to restrict the enforcement of the travel ban. Although only Nethercutt became law, the House’s repudiation of two pillars of the embargo demonstrates the dramatic political change that is occurring on the entire Cuba issue.

The Senate has been as active in turning against the embargo. A year earlier, the Senate accepted language ending the use of food and agriculture sanctions except in the case of nations deemed by the State Department to be “terrorist” states. The confirmation of the Senate’s shift against the Cuba embargo can be found in late July 2000 with a 79-13 vote to lift the embargo on food and medicine.

Which Way Will the Policy Go?

How will the changed congressional and public consensus on Cuba propel U.S. policy? More importantly, how can the United States proactively support democratic elements on the island and provide humanitarian support to the Cuban people, while continuing to impede the regime’s access to the hard currency it needs to sustain its repressive apparatus? Recognizing the inherent tensions in this strategy, the final question is “What next?” Are there steps and specific mechanisms that can move the objective—not just the debate—forward?

The new president should realize that the Washington debate is not driven by what has happened in Cuba; it is driven by what has not happened. There is no evidence of significant or fundamental political or economic change on the island, nor that Castro has loosened his grip on power. Since 1992–1993, the Cuban regime has made some reforms to deal with the loss of Soviet subsidies. Use of the dollar has been legalized; several categories of work have been authorized for self-employment; cooperative farms have been granted

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more autonomy, including some latitude to sell products outside central-planning dictates; and the regime has aggressively attempted to woo foreign investors for joint ventures with the Cuban government. All of these changes represent tactical responses to the Cuban regime’s need for hard currency; none of these changes represent a fundamental shift in Castro’s system. The essence and everyday fact of a repressive, controlling system remain unchanged. In fact, the shift in Washington appears to be based primarily on U.S. domestic perceptions and priorities rather than any foreign policy consideration of change in Cuba.

The first question to be answered in determining the direction of U.S. Cuba policy is “Who is going to take the lead?” Congress led the effort to strengthen the embargo and is now, slowly but surely, undoing it. The Bush and Clinton administrations primarily reacted to Congress. If the next president chooses to react rather than lead, he can expect to be presented with a number of legislative initiatives early in his term loosening components of the embargo: allowing the sale of food and agricultural products on credit and lifting travel restrictions. Members of Congress favoring the continuation of the embargo are largely on the defensive and will be limited in their ability to keep embargo-lifting initiatives bottled up. The first decision confronting the new president is whether he will be a leader on Cuba policy or a spectator.

There is room for the president to lead. The president must balance the use of existing policy instruments with a realization that the momentum favors changing policy. While this pro-engagement momentum may be tempered or momentarily halted by a massive crackdown on human rights on the island, the unleashing of a wave of Cuban migrants, or some act such as the shooting down of civilian aircraft in early 1996, the change within the 106th Congress will continue to be reflected in the next Congress.

Too much of the recent U.S. policy debate has focused on what Washington is failing to do, rather than on what the Cuban government is doing. That approach should not go unchallenged. Recognizing the new situation, the president needs to use the altered debate to refocus attention on Cuba.

**Aggressively Implement Existing Humanitarian Aid Programs**

Funding for democracy-building and humanitarian aid to nongovernmental sectors in Cuba should be bolstered significantly. Current U.S. law authorizes the president to support “democracy-building efforts in Cuba.” The program, implemented by the U.S. Agency for International Development (USAID), has focused on efforts to help develop Cuban nongovernmental
organizations (NGOs) and build solidarity with Cuban human rights activists, among other activities. USAID has obligated $6.4 million over the past four years to democracy-building programs targeted at Cuba. There are obstacles to such programs, although a recent external audit concluded that USAID-funded efforts “have demonstrated the potential to contribute to a peaceful transition to democracy in Cuba.”

Initiatives by U.S. institutions to host Cubans in the United States should receive enhanced funding. U.S. NGOs should be encouraged to invite Cubans, especially professionals and undergraduate students, to the United States. The right of people to leave Cuba legally is dictated by the Cuban government, but that should not limit the United States from repeatedly and persistently extending invitations to Cubans to participate freely in events, courses, and professional meetings in the United States.

LIFT THE CAP ON REMITTANCES

Current restrictions limit the legal amount that may be remitted to Cuba to $300 in any three-month period. The cap should be lifted. The initial beneficiaries of such a change will be Cubans with relatives in the United States, but remittances allow them to extend those benefits to other Cubans and sectors, permitting Cubans with access to dollars to acquire products and services from self-employed Cubans and contributing to the development of alternative markets.

PERMIT ‘CASH-AND-CARRY’ SALES OF CERTAIN PRODUCTS

Castro has an embargo on the Cuban people, using food and medicine as weapons. The United States should say unequivocally that it does not play by those rules. The ban on the sale of food and medicines should be lifted and replaced with all the food and medicine the regime, or individual Cubans, can buy with cash in hand, but with continued restrictions on credit to the regime.

PERMIT CONDITIONED U.S. INVESTMENT ON THE ISLAND

U.S. businesses and farmers should be permitted to invest in Cuba, but only on the condition that they be allowed to deal directly with their Cuban workers, including freedom to hire, fire, and pay independent of any Cuban government entity. The U.S. investors could not staff their Cuban enterprises with a majority of non-Cubans or with Cubans whom they have been told to hire by the Cuban government. Further, U.S. investors must abide by the “Principles for Foreign Investment in Cuba” endorsed by Cuban human rights activist Gustavo Arcos. Patterned after other guidelines for corporate
conduct in repressive regimes, such as the Sullivan Principles, the goal of the “Arcos Principles,” as they are commonly referred to, is to promote human rights, as well as fair hiring and employment practices in Cuba.

**Open the United States to Goods Produced by Self-Employed Cubans**

Those in Cuba who have accepted the challenge of self-employment or who can otherwise sell products outside the central economy comprise a sector that the democratic nations should nurture. One signal of support for these individuals is the immediate announcement that they can buy and sell their legal (under U.S. law) goods and services to the U.S. market. This will not have an immediate economic impact in either country, but it sends an important, positive message. Any Cuban citizen or privatized Cuban enterprise should be granted access to the U.S. market with no tariffs, penalties, or other impediments (except for those related to health and safety). Although largely symbolic in its short-term effect, such an act would be an important signal that the United States sees this sector playing a significant part in Cuba’s post-Castro recovery.

**Reinvigorate Radio Martí**

Radio Martí once represented an important instrument for spreading the pro-freedom message to Cuba. Today it still retains that possibility but only if there is action to return it to neutral territory. Moving the facilities to Miami sacrificed its effectiveness, making it simply another Miami radio station. Radio Martí should be relocated and every effort should be made to end its image as a mouthpiece of the Miami Cuban American community.

**Reevaluate TV Martí**

TV Martí sought to build and expand upon the work of Radio Martí. For the past four years, TV Martí has atrophied. The aerostat that is critical to the transmission of its signal has been down for a year because of disagreements between the current Martí leadership and the U.S. Air Force. TV Martí remains a good idea, but not much more; it is a hope more than a reality. The next president should mandate a reevaluation of the program, with the objective of either making it a serious enterprise or closing it. The United States should offer to abolish TV Martí in exchange for the Castro regime’s end to the jamming of a relocated Radio Martí.

**Lift the Travel Restrictions**

The prohibitions and licensing restrictions on U.S. citizens traveling to Cuba have not stopped those intent on visiting the island. The guidelines
are so broad that, except those acknowledging upfront that “tourism” is the only reason for traveling, just about anyone wishing to visit the island can justify their trip. The result has been the relaxation of guidelines in January 1999 due as much to the embarrassment that the restrictions were being ignored as to encourage “people-to-people” contact. There should be no illusions about how much of a difference travel makes in closed societies. It is limited, at best. The focus should be on why Cubans cannot freely visit other countries, not why there are restrictions on U.S. citizens.

**Enforce Reciprocity in the Treatment of U.S. and Cuban Diplomats**

Although private Cuban citizens should be extended invitations to visit the United States, Cuban officials and diplomats should only be accorded the degree of latitude that U.S. diplomats in Cuba are given. The United States should not duplicate the active harassment and psychological campaign that the Cuban government wages against U.S. diplomats in Havana, but the consequent restrictions on the travel of U.S. representatives stationed in Cuba should be duplicated for Cuban diplomats in the United States.

**Pursue an Enforceable International Convention on Property Rights**

One consequence of Helms-Burton was increased international sensitivities to uncompensated expropriation claims. The Clinton administration and the EU negotiated some general “disciplines” for addressing property claims in situations such as those in Cuba, where Americans who had property expropriated have yet to be compensated as required by international law. The EU-U.S. framework was premised on exempting EU member states, persons, and entities from U.S. sanctions in exchange for limitations on their investments in Cuba (and other states where uncompensated claims arise) in properties that were expropriated from U.S. citizens. The problem has been that neither the Clinton administration nor the EU has been able to agree either on the modalities or where responsibility for enforcement lay within the EU context. In the end, the agreement looked more like a political fig leaf than an effort to address the substance of uncompensated property issues. This, at least, is what the Republican leadership in Congress concluded.

Despite its flaws, the stillborn EU-U.S. agreement does represent a first step toward addressing an issue of import to U.S.-Cuba relations and to the increasing pace of foreign investment globally. The new president should
pursue an enforceable mechanism for countries with unresolved expropriation claims. Europe and Canada, two investors in Cuba that share the larger U.S. view of global investment rights, should be approached to reinitiate a process that goes beyond Cuba.

From the start, however, the president should make clear that he is committed to pushing for amendments in U.S. law in exchange for a substantive agreement. Trading parts of the embargo structure for a strong international instrument on property rights should be part of a larger framework for advancing Cuba’s democratic and free-market evolution, as well as for advancing a global agenda of free trade and respect for investor rights.

SEEK NEW ALLIES TO PROMOTE DEMOCRATIC CHANGE IN CUBA

The democratization of Latin America, especially the electoral victory of Vicente Fox in Mexico in July 2000, has been a setback to Castro’s vision for the Western Hemisphere. Under the previous Mexican governing structure, Castro could often count on Mexican condemnation of the perceived sins of U.S. policy rather than the real crimes of the Cuban regime. The election of Fox changes that equation. The new U.S. president should reach out to Fox and explore avenues for promoting the shared values of democratization and free markets in Castro’s Cuba. This outreach must recognize that Fox’s first priority is Mexico’s economic development and that many Mexicans retain a sense of sympathy and admiration for Cuba’s standing-up to the United States. Although areas of disagreement will remain between the United States and Mexico in their respective approaches to Cuba, the fact that a Mexican president is willing publicly to raise issues of human rights, elections, and freedom in Cuba is very important to the hemisphere.

Conclusion

The year 2001 marks the forty-second year of the Castro revolution and the forty-first year in which U.S. policy has sought to affect the behavior, if not the demise, of the Castro regime. It also marks a new stage in the debate over U.S. policy toward Cuba, a debate now driven by opponents of the embargo. It is no longer a matter of the embargo going with Castro’s demise. The embargo, at least as we have known it, is going regardless of Castro or anything he does. If current history is any lesson, Castro can expect to see another U.S. president before a U.S. president can expect to visit a free Cuba.
U.S. policy, in both words and actions, should retain a focus on the behavior of the Cuban government until it meets the minimum standards of democratic governance that exist in the Western Hemisphere. Castro retains a desire for complete U.S. acceptance of his rule and unfettered access to U.S. markets, currency, and technology. The challenge for the next president is how to position the United States to assist the reconciliation of the “Cuban family” and the democratic evolution of the Cuban polity, while continuing to signal that the Castro regime, so long as one remains, is on the “wrong side of history.”

Notes

