



Cuba Alert:

## New Policy Initiatives Reaffirm Fundamentals of U.S. Policy toward the Castro Regime

by Daniel W. Fisk

On the fortieth anniversary of Castro's revolution, a bipartisan, independent task force of the Council on Foreign Relations on U.S.-Cuban Relations in the 21st Century declared that "Cuban communism is dead as a potent political force in the Western Hemisphere today" and that "U.S. policy toward Cuba, including the embargo, has enjoyed real, though not total, success."

Most significantly, the Task Force concluded that "the time has come for the United States to move beyond its focus on Fidel Castro...and to concentrate on supporting, nurturing, and strengthening the civil society that is slowly, tentatively, but persistently beginning to emerge in Cuba today beneath the shell of Cuban communism."

The Task Force's recommendations served as a basis for the Clinton Administration's recent policy initiatives to expand people-to-people contacts with Cuba. Both the Task Force's recommendations and the Administration's initiatives largely are consistent with existing policy as contained in the Cuban Democracy Act of 1992 and the Cuban Liberty and Democratic Solidarity Act of 1996 (also known as Helms-Burton). [The exception is the change in the policy

### Overview

- The embargo on the Castro regime continues to be the cornerstone of U.S. policy toward Cuba, which is designed to promote democratic changes in that regime while providing humanitarian assistance to the Cuban people.
- A recent report by an independent Council on Foreign Relations' Task Force on U.S.-Cuban Relations in the 21st Century concluded that "U.S. policy toward Cuba, including the embargo, has enjoyed real, though not total, success" and that the United States should "concentrate on supporting, nurturing, and strengthening the civil society that is slowly, tentatively, but persistently beginning to emerge in Cuba today beneath the shell of Cuban communism."
- The recently announced policy initiatives by the Clinton Administration are consistent with this new focus and existing U.S. law (except for the change in food and agricultural sales, which remains the subject of debate).

on food and agricultural product sales to Cuba, which has been the subject of congressional expressions of concern as to the President's authority to modify this particular policy without a change in statutory law.]

In the Task Force recommendations, the administration initiatives, and the law, the embargo against the Castro regime remains in force and the cornerstone of U.S. policy towards that regime. Building on that foundation, all three seek ways to assist the Cuban people in building independent economic, political, and social structures, alleviate the suffering resulting from repression, and erode the foundation of the communist regime.

### **CFR Task Force**

Guided by the principle that "no change in U.S. policy toward Cuba should have the primary effect of consolidating or legitimizing the status quo on the island," the Task Force offered a set of recommendations designed to increase contacts and address specific issues with the objective of contributing to peaceful democratic change in Cuba while safeguarding vital United States interests. The Independent Task Force was co-chaired by William D. Rogers and Bernard W. Aronson, former Assistant Secretaries of State for Inter-American Affairs in the Ford and Bush Administrations, respectively.

Seeking to move beyond another embargo debate, the Task Force focused largely on people-to-people avenues for promoting change and providing humanitarian assistance to the Cuban people. Arguably, the most important of these avenues is the relationship between ex-patriate Cubans and Cubans on the island, and the Task Force emphasized this as a significant force in the island's political and economic evolution. Castro's Cuba has replaced its dependence on Soviet subsidies with charity from Cubans abroad; such remittances and other assistance are a "humiliating badge of [the regime's] failure" to provide for its citizens, and they also provide a means by which Cubans can escape dependence on the state and attain autonomy.

- With the goal of strengthening this aspect of civil society, the Task Force recommended ending restrictions on humanitarian visits by those with family in Cuba; increasing the ceiling on remittances (currently authorized at \$1,200/year (\$300 a quarter)); permitting Cuban-Americans who wish to retire to Cuba to do so and collect pension benefits there; allowing those with family on the island to claim relatives as dependents for tax purposes, similar to provisions in existing law for American citizens with dependents in Canada and Mexico; and restoring direct mail service as authorized by the Cuban Democracy Act of 1992.
- The Task Force also recommended enhancing travel opportunities for Americans with a demonstrable professional or other serious interest in traveling to Cuba for academic, scientific, environmental, health, cultural, athletic, or religious activities; increasing cultural exchanges and activities; and easing restrictions on granting visas to Cubans, including officials of the National Assembly, wishing to make private visits to the United States. Other suggestions for promoting people-to-people contacts include the "adoption" of Cuban counterparts by American hospitals, churches, and schools, approval of cash donations to these Cuban counterparts, and the provision of benefits to victims of Castro's repression as provided for in Helms-Burton.
- Limited U.S. private sector involvement in Cuba was suggested in areas where it would facilitate Task Force recommendations or where self-employment is allowed for Cubans. The Task Force further suggested that U.S. economic activities expand beyond these limited areas when the regime permits foreign investors "to hire and pay Cuban workers directly and not through a government agency," the foreign investor pledges "to respect workers' internationally-recognized rights of free association," and the foreign investor pledges "not to discriminate against Cuban citizens in the provision of goods and services." Any U.S. presence should not endorse the situation which now exists whereby foreign investment subsidizes the regime and "reinforces the Cuban regime's control over

the lives of the Cuban people."

- Finally, the Task Force recommended increased access to the United States by Cuban officials, military-to-military confidence building measures, and greater anti-drug cooperation. These recommendations provoked some disagreement among Task Force participants. For instance, one Task Force member noted that the Castro regime is in a Stalinist, not Gorbachev, phase and questioned the extent to which officials of the current regime will be agents of change. Another questioned the appropriateness of military-to-military contacts at this time: the United States has made clear that it has no aggressive intentions towards Cuba and the U.S. military has conducted itself accordingly, even when Cuban aircraft have violated U.S. airspace or shot down civilian aircraft over international waters. Cuban military tolerance of democratic change is dependent on the Cuban leadership, not the United States, and military-to-military contacts would do nothing but lend credibility to an integral element of the regime's repressive apparatus. As for the idea of greater counter-drug cooperation, any such enhanced interaction beyond the case-by-case cooperation now at work, would require U.S. law enforcement to engage directly and systematically with Castro's state security apparatus.

### **Clinton Administration Policy Initiatives**

On January 5, 1999, President Clinton announced a series of policy initiatives towards Cuba, including:

- the licensing, on a case-by-case basis, of food and agricultural sales to entities independent of the Cuban government;
- an expansion in those who can send legal remittances to Cubans (except for senior-level Cuban government and communist party officials) and independent Cuban entities;
- an expansion of direct passenger charter flights to Cuban cities other than Havana;
- an expansion of people-to-people contacts of an educational, cultural, humanitarian, religious, journalistic, and athletic nature, including authority for the Baltimore Orioles to explore the possibility of playing exhibition games in Cuba to benefit Caritas-Cuba; and
- the re-establishment of direct mail service.

Of these five Administration initiatives, all are consistent with the general policy recommendations of the CFR Independent Task Force. Administration officials involved in the policy acknowledged the influence of the Task Force's work on their decision, with the President noting that there is a "strong and growing bipartisan consensus that the United States can and should do more to work with the Cuban people toward a future of democracy and prosperity."

### **National Bipartisan Commission**

Some critics of the embargo had hoped that the President would overturn existing U.S. policy through the formation of a so-called "national bipartisan commission." While some endorsers of this commission genuinely believe that the time is ripe for a comprehensive review of U.S. Cuba policy, the commission's most vocal proponents appeared less interested in a genuine discussion and review of U.S. policy toward the Castro regime and more interested in creating political cover for a reversal of current policy. The President did not approve such a commission, which would have been fraught with divisions and most likely resulted in two reports, not one, on how to deal with the Castro regime. That a senior Cuban official expressed disappointment with the U.S. President's decision not to appoint this commission is a sign that the idea had little to do with a fair-minded look at the policy and the regime at which that policy is targeted.

Rather than replaying a well-worn debate on the embargo, the CFR Task Force co-chairs pointed the policy discussion in those areas where resources could be directed to the Cuban people, while neither ignoring nor dismissing the repressive nature of the Castro regime. Since the Cuban

Democracy Act of 1992, and as reiterated in the Cuban Liberty and Democratic Solidarity Act of 1996, U.S. policy towards Cuba has been based on an embargo on the Castro regime and efforts to support the emergence of a civil society in Cuba. The CFR report, for the most part, affirms and builds on this framework and avoids the premise that U.S. policy must change for Castro to change. The report's strength lies in its ability to move beyond the "embargo debate" and to suggest ways to build civil society despite the continuing intransigence of Castro. By finding a set of policy recommendations upon which both embargo proponents and opponents could agree, the Task Force moved the "Cuba debate" in a constructive direction. It is significant that while Task Force participants differed on the embargo question, every Task Force member endorsed the general policy thrust of the report regardless of their views on this larger question.

One aspect of the CFR report, however, raises a concern that was not reconciled: many of the recommendations call for unilateral Executive implementation even while the Task Force notes that a bipartisan consensus is key to a policy's effectiveness. This seems to contradict the Task Force's call for enhanced Executive-Congressional consultations. While many of the report's recommendations have merit, part of building a bipartisan consensus is Executive-Congressional agreement on moving forward, not unilateral presidential actions. The more any policy modifications reflect a clear executive-legislative consensus before implementation, the more such policy changes will signal that U.S. resolve on behalf of a democratic Cuba, not rapprochement with the Castro regime, remains firm and consistent.

Despite this one contradiction between its recognition of the importance of a bipartisan policy process and its call for unilateral presidential implementation, the CFR Task Force approach is a model for policy-makers to follow as they continue to look for ways to support the Cuban people and promote that nation's democratic transition.

#### *About the Author*

Daniel W. Fisk was a member of the Council on Foreign Relations' Independent Task Force on U.S.-Cuban Relations in the 21st Century. As a senior staff member and an Associate Counsel of the Senate Committee on Foreign Relations, he played a principal staff role in the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996. He is now an Adjunct Fellow with the Center for Strategic and International Studies, Washington, D.C., a member of the Board of Directors of the Institute for U.S.-Cuba Relations, Washington, D.C., and a Teaching Associate/Ph.D. candidate in the Department of Political Science at Arizona State University, Tempe, AZ.

\*\* The views expressed are those of the author and do not necessarily reflect the views and opinions of the co-chairs or other participants of the Independent Task Force on U.S.-Cuban Relations in the 21st Century.