

**A New Approach to U.S.-Cuba Relations: The Possibility of
Enhancing the Sovereignty of Both Countries and the Promotion of
Hemispheric Security**

Soraya M. Castro Mariño
Centro de Estudios Sobre Estados Unidos, Universidad de La Habana, Cuba

**Prepared for Delivery at the 42nd Annual Convention of the
International Studies Association, February 20-24, 2001, Chicago, Illinois**

Panel: Changing Patterns of the Regional Conflicts

The seemingly irrational process by which the United States' policy toward Cuba is formulated today is the result of the extreme ideological and confrontational relations prevailing between the two countries for over 40 years. Cutting the Gordian knot not only requires political courage but also a new, realistic framework to be applied in order to achieve improved relations.

The end of the Cold War enabled the United States to redefine its national security priorities. Concerns and objectives that once shaped U.S. policy towards Cuba have been overridden by history. The main goals of U.S. policy towards the island during the 1980's were accomplished. Cuban troops withdrew from Africa in 1989; by early 1992 Cuba ceased its involvement in Latin American revolution. Its military alliance with the former Soviet Union has withered away into insignificance.

The breakdown of the bipolar system of international relations disengaged Cuba from the East-West axis. Consequently, by 1989, perceptions about the island changed and, for the first time since the 1962 Missiles Crisis, most U.S. officials recognized that Cuba was not a threat to U.S. national security.

Cuba had been perceived as a Soviet satellite. The United States government's main demands focused on the need for changes in Cuba's internationalist policy, particularly in Africa and Central America. In the course of those years, however, the question of Cuba was not a priority in U.S. political circles and the policy was rather consensus-based: Democrats and Republicans, liberals and conservatives, generally assumed clear-cut anti-Cuban positions.

The new context offered excellent political opportunities for a review of the Cuba policy, as the apparently most controversial issues in the Cuba-U.S. agenda had been ironed out by history. However, despite the end of the Cold War, U.S. Cuba policy remains an anachronistic remnant of that period. Lack of vision and courage on the part of the present Administration, and the Cuban American right wing willingness to use all its political capital to maintain a tight blockade hold this policy in place.

The right wing of the Cuban-American Community seized the momentum. It pursued various strategies to tighten the blockade and to increase tension between Cuba and the U.S.ⁱ It understood the situation as ideal to try to destroy the Cuban project and, to this effect, pushed Congress initiatives designed to make the system collapse.

At the same time, Republican President George Bush attached little strategic relevance to Cuba and, weighing its new relations with post-Soviet Russia, stayed in expectation of events without altering its policy toward Havana. The topic of democracy and human rights however, was brought to the fore in the bilateral agenda.

In any case, the disappearance of the Soviet Union had a critical impact on Cuba. The island had to undertake an economic overhaul to be able to face internal challenges brought about by changes in international relations.ⁱⁱ Facts then showed clearly that the

dynamics of the policy-making process and the positions of different players did not always coincide. The Executive branch, interested in other strategic and security issues, did not attend to events in Cuba.

Meanwhile a group of legislators, backed by the Cuban-American National Foundation (CANF), the fiercest anti-Cuban lobby, forced the debate on the Cuban issue. Moreover, they turned this issue into a domestic one by fictitiously linking the electoral vote in Florida and New Jersey with Cuba-U.S. relations.

The Executive lacked an articulate strategy with respect to Cuba. Policy-making, based merely on circumstantial events, and around the basic consensus of a total political and economic change, paved the way for certain special interest groups to monopolize the Cuban issue. These groups used the United States' political process and the congressional electoral logic to serve their own interests.

The island faced up to heavy economic pressure and a relatively declining weight in the System of International Relations. Against this background, an initiative was taken which, instead of fostering a policy change in tune with the end of the Cold War, drove the U.S. Congress to intensify pressure to cause the Cuban project to collapse in the short term.

Common objectives and the electoral logic led the Bush Administration to back such legislative measure. Still, they considered it wise to leave some room for executive maneuvers to influence substantive policy elements in case of a threat to U.S. national security by Cuba. The 1992 *Cuban Democracy Act*, also known as the Torricelli Act, was therefore designed to harden the economic blockade and bring more pressure on the island. Eventually, it became the formula to force the debate on Cuba in electoral periods, as evidenced by the enacting of the Cuban Liberty and Democratic Solidarity Act of 1996, commonly referred to as the Helms-Burton Act.

U.S. policy toward Cuba is irrational because it does not live up to reality, i.e., the Cuban reality. There is no Cuban threat, if there was one ever, and a blockade to achieve newly stated goals of "bringing democracy" to Cuba is just inadequate. This paper intends to explain such seeming irrationality.

Two administrations, the former Republican and the current Democratic, have followed up the Cold War policy of embargo and enmity toward Cuba. Under the first, the two countries maintained a relatively low level of conflict, and even managed to sit at the bargaining table to schedule the withdrawal of South African troops from Namibia, and Cuban troops from Angola.

However, under the Administration of President William J. Clinton, a climate of crisis permeates the decision-making process. During non-crisis interludes, a whole new range of players and interest groups have come to influence U.S. policy towards the island. These include non-governmental organizations and private voluntary organizations with an interest in sending humanitarian aid to the island, 'think tanks', business groups,

environmental organizations, and public health groups as well as a diverse representation of Cuban-Americans. They all advise improved economic and diplomatic relations.

None-the-less, U.S. policy towards Cuba tends to accommodate traditional patterns of hostility and confrontation from conservative constituencies in the Cuban-American organizations. These organizations have shaped policy through the Treasury Department and the U.S. Congress, particularly since 1994. Next, evidence is examined to support the hypothesis that domestic politics, in fact, is the driving force in U.S. policy towards Cuba.

Although any policy towards Cuba means relatively little to the U.S., the implications of any policy are enormous for the island. In Cuba, every nuance and component of U.S. policy carries in itself a profound consequence for a variety of domestic constituencies. On the island, U.S. politics constitute a major determinant in the implementation of both foreign and domestic policy, whereas, in the United States, the Cuban case has little impact on foreign policy priorities under the New World “Disorder”.

1993: The Low Profile Policy

By 1993, a democratic President took over the White House, after twelve years of Republican control. The deep process of transformation unfolding in international relations seemed to offer then an excellent opportunity to thoroughly review Cuba-US relations in the framework of an overall policy revision.

Clinton's major foreign policy appointments augured well. Experts, well aware of contemporary international realities, are brought in, namely, Anthony Lake and Samuel Berger to head the National Security Council; Christopher Warren as Secretary of State; Strobe Talbott as Deputy Secretary; Peter Tarnoff as Under Secretary of State; Richard Feinberg, then chairman of Inter-American Dialogue, as NSC Special Assistant for Latin America, and academician Morton Halperin to handle democracy affairs in the NSC, among others.

However, the new Administration stuck to a Bush-period political discourse, and preconditioned an eventual improvement in relations with the U.S.A. to changes in Cuba's political and economic system. It is worth mentioning that this precondition had been in the agenda of U.S. policy-makers since 1983, the year of implementation of Project Democracy. However, this criterion took on a new life, driven by the U.S. post-Cold War foreign policy, and the assumption that Cuba would not survive in the new political and economic scenario.

The initial trend was to timidly assess and interpret structural political and economic changes in the island as simple cosmetic touches aimed at securing larger State control, an asymmetrical relationship between politics and the economy. Consequently, a demand for change in Cuba's political system and leadership was emphasized, with no consideration of the Cuban political culture and national identity.

William Clinton's new administration rhetorically argued that there would be no policy change with regard to Cuba until the precepts of democracy were in place, including the respect of human rights and free elections. The Democratic Administration, however, declared its intent to inform the Cuban government in advance of any U.S. military maneuver to be conducted close to Cuban borders, something unusual since the days of the Carter administration.

In 1993, statements about Cuba from both the Presidents' executive office and the State Department tried to emphasize the fact that the United States had no intention to intervene in the island. Reportedly, the purpose of their policy was to foster a peaceful transition to democracy.ⁱⁱⁱ This assertion was expressly made to erase, or at least ease, Cuba's perception of an external threat. Such a threat was understood by the U.S. to be one of the essential devices in the Cuban government's ability to survive, since it proclaimed itself as the defender of "the people and their revolution".

Ever since Clinton's inauguration, it was emphatically declared that U.S. policy would continue to be one of diplomatic, political and trade isolation of the Cuban government, and the embargo would remain as an instrument of pressure. Meanwhile, the U.S. would be "giving a hand" to the people of Cuba with humanitarian assistance. According to statements made by the then Assistant Secretary for Inter-American Affairs, Alexander Watson, that concept reflected the spirit of the Torricelli Act, which would become the cornerstone of U.S. policy towards Cuba.^{iv}

Certain changes in the policy of hostility were magnified, in particular, the possible donation of food to NGO's or individuals in Cuba, and the possible export to Cuba of drugs and/or medical supplies. However, what was not stressed was that the Cuban Democracy Act constrained those exports to the U.S. government's ability to verify on site, and through other appropriate measures, that the export item was to be used for the desired purpose. This was an infringement of Cuban sovereignty.

The Torricelli Act reinforced the objective of putting an end to the Cuban revolutionary process given the economic situation prevailing on the island. It tightened the blockade to the point of prohibiting American subsidiaries in third countries from trading with Cuba. At the same time, the need for the United States to implement a more active policy where all would depend on the Cuban government's concessions was beginning to take shape more clearly.

All through 1993, statements by Alexander Watson and his former deputy Michael Skol suggested that efforts to achieve policy objectives toward Cuba were not to be confused with an improvement in relations with that country.^v

The right wing of the Cuban community in the U.S. was most concerned about statements made by government officials on the eventual indictment, under the Neutrality Act, of any person involved in violence against Cuba from U.S. territory. In addition, in 1993, the U.S. government said that, in line with its goal of building bridges and reaching out to the Cuban people, it was interested in increasing country-to-country

telecommunication links. To this end, the administration authorized companies to negotiate the establishment of efficient and appropriate telephone communications with the island, and allowed for the granting of specific licenses to representatives of such companies to visit Cuba for contract negotiations.

By the end of 1993, the debate on Cuba and the U.S. government policy on Cuba, vis-à-vis the New World Order and favorable changes on the island, moved within four schools of thought:

- A. The status quo: It suggests the convenience of maintaining the same policy course and readjusting it on a case by case basis with a view to prolonging Cuba's political, diplomatic and economic isolation. Among advocates of this policy were top officials, connected with the Executive Branch policy-making.
- B. A strengthened policy of hostility: It openly recognizes a need to dismantle the Cuban system by whatever means, including a military intervention of the island, as the price Cuba must pay for challenging the United States. Outspoken supporters of this line were Lincoln Díaz-Balart, Ileana Ros-Lehtinen, Robert Menéndez, and the Cuban-American National Foundation lobby.
- C. Communication or constructive engagement: It favors a partial modification of the embargo and the possibility to broaden the framework of government-to-government communication in tune with a gradual progression toward democratization in Cuba. Paramount in this group were powerful think tanks, such as Inter-American Dialogue, the Center for International Strategic Studies and the Institute for Strategic Studies of the U.S. Army War College.
- D. A relative normalization of Cuba-U.S. relations: It is based on the idea that the policy of hostility and its main instrument, the blockade, has not achieved its goal of change by the Cuban government. Consequently, their view was that U.S. policy should radically be reviewed, and the blockade eliminated, as a means to actively sway Cuban society by exposing the people of Cuba to democratic and free-market influences. This line of thought was shared by some academicians and scattered liberal democratic voices in Congress.

Nevertheless, the logic of hostility was favored, and little opportunity was given to counter proposals. This derived from a perception of Cuba's internal situation as a time bomb: the "economic crisis and the illegitimacy of a pre-industrial, antiquated political and economic system" would not withstand the thrust of history.

By the end of 1993, the goals of the U.S. low profile policy towards Cuba may be described as follows:

- To achieve a peaceful transition to U.S. defined democracy in Cuba as early as possible;

- To mitigate the suffering of the Cuban people during transition through donations of food to NGO's and individuals, and the possibility to export or sell drugs, even to the Cuban government, under the conditions mentioned before;
- To maintain the diplomatic, political and economic isolation of the Cuban regime, as well as the blockade as a means to pressure for democratic reforms and respect of political human rights;
- To continue Radio Marti and TV Marti broadcasts with the official purpose of promoting the flow of U.S. ideas to the Cuban people;
- To inform the international community of alleged human rights abuses in Cuba;
- To improve conditions to ensure that the peoples of Cuba and the United States communicate freely;
- To keep the ban on tourist or business travel to Cuba in force. To allow travel only on humanitarian, educational or religious grounds;
- To increase the exchange of information material and promote academic and sports exchange, as set forth in Track Two of the Cuban Democracy Act.

These basic policy goals showed a coincidence with studies on Cuba published by powerful think tanks in 1992 and early 1993: the Inter-American Dialogue, "Cuba in the Americas: Reciprocal Challenges"; the National Defense Research Institute, better known as the Rand Corporation, "Cuba Adrift in a Postcommunist World"; the Center for Strategic and International Studies, "Cuba and the New Caribbean Economic Order"; the Institute of Strategic Studies of the Military College of the United States Army, "The United States and Cuba: From the Strategy of Conflict to Constructive Engagement". Some universities were also involved with the subject, namely, the Florida International University, which concluded a \$500,000 study entitled "Cuba in Transition", commissioned by the State Department's Information and Research Office and by the Agency for International Development.^{vi}

Notwithstanding ideological diversity or nuances on very specific aspects, the studies were consensual around the basic pillars of analysis:

- U.S. policy goals toward Cuba should not change because they were meant to force Cuba into a post-Castro society through a change of the political and economic system. To this end, the embargo, as an instrument of economic pressure, has to be maintained for its political effectiveness. The elimination of several embargo measures was not ruled out as long as it proved instrumental to exerting a more active influence on changes taking place on the island.
- The Cuban issue had to be internationalized through multilateral diplomacy, including the United Nations and its agencies, the OAS, the European Parliament, and the Latin-American Parliament.
- In line with U.S. interests, the free flow of information to Cuba should be increased, and a bridge building policy implemented, as it would make it easier to develop eventually a civil society adjusted to democratic standards.
- The United States should not promote a violent transition scenario where they would have to draw away from their foreign policy priorities. The U.S. should not

compromise its future political objectives in a post-Castro Cuba, by an intervention that would definitely fuel anti-U.S. sentiments.

- A recognition of the fact that, no matter how serious the economic crisis may turned out to be, the Cuban government had, no matter how limited, some room for maneuvering.

The Rafters' Crisis, The Migratory Agreements and Track Two of the Torricelli Act

It is only after the 1994 Summer Rafters' Crisis and its negotiated solution, that some U.S. policy makers articulate the need for a policy conception that would use instruments under the Cuban Democracy Act, such as the Track Two. These instruments had not been enforced due to the predicted end of the Cuban revolution.

By the end of 1994, the Cuban issue was raised again. It was linked this time to an understanding, by a segment of the White House and the State Department, that the economic blockade was not sufficient to overthrow the Cuban revolution. In any case, a situation of economic despair could trigger off a spectacular immigration wave. Other instruments of policy, those of persuasion, had to be tested in order to act directly upon the Cuban society.

It is evident that this concern was related to the fact that Cuba had survived the predicted collapse of the revolutionary process. At the same time, the island had not been able to escape economic adjustments that would ultimately lead the country into a new path along its reinsertion in the world economy, with direct implications for the Cuban domestic debate.

Economic readjustment and, above all, the ability of the island to meet the challenge in spite of the U.S. direct pressure policy, rushed the U.S. to use a new logic in its policy toward Cuba. Then, the debate on the need to introduce instruments of persuasion emerges vigorously by the end of 1994.

In the meantime, the migratory accords, signed by the governments of Cuba and the United States in the aftermath of the 1994 rafters' crisis, settled security and humanitarian concerns. The premise was established that migration between both countries had to be legal, safe and orderly.^{vii}

Essentially, the September 1994 agreement put an end to the crisis while the one signed on May 2, 1995 settled the situation at the Guantánamo naval base. Cuban immigrants camping at this U.S. Navy facility would travel to the U.S. as required by immigration laws. Up to five thousand of them were included in the minimum figure of twenty thousand that the U.S. bound itself to admit every year, as per the terms of the September 9 agreement.

Moreover, the May 1995 agreement stipulated that, as of that date, Cuban immigrants that were intercepted at sea or gained entry into the Guantánamo naval base would be returned to Cuba.^{viii} Until this change of policy in 1994, most Cubans arriving in the

United States were able to obtain a permanent resident status in one year at the discretion of the Attorney General.

By virtue of the 1994 and 1995 agreements, the U.S.-Cuba state of migratory affairs returned to normal for the first time since 1959. Migratory relations with the island were placed almost on the same footing, and under the same regulations as it applies to any other country.

For the United States, a solution to this migratory problem was a matter of national interest as the country was in the process of restricting Third World immigration. The settlement of the migratory issue with Cuba was therefore part of a wider perspective. Being U.S. national interests involved, it was possible to streamline the May 1995 agreement through secret negotiations, ignoring regular standards and with no presence of the ordinary State Department's Cuban Affairs Office staff. This suggested that the issue was highly sensitive to the Administration.

The outcome led to the resignations of the Director of the State Department's Cuba Bureau, Dennis Hays, and the Deputy-Director, Nancy Mason. It also led to the creation of a White House-level post, Special Advisor to the President and the Secretary of State on Cuban Affairs. Richard Nuccio was the appointee.

Nuccio favored the blockade as an instrument of pressure on the Cuban government and advocated for the strengthening of the "Track Two" under the Torricelli Act, of which he was one of the masterminds. In his opinion, it favored the building of people-to-people bridges, and encouraged the development of a civil society in Cuba. According to his own statements in an interview with *The Washington Times* on July 30, 1995, "the U.S. government's policy toward Cuba focused around three pieces: In the first place, the most complete economic embargo being enforced by the United States against any country of the world".^{ix} The rationale was that this instrument was bringing about changes on the island.

U.S. policy-makers identified the second piece as "support for the Cuban people" or Track II, better articulated now as a doctrine. Track Two policy meant to seek and implement new ways to reach the entire Cuban society in order to weaken the government from within. It proposed the largest possible amount of non-governmental contacts, including long-distance telephone communications, stronger relations with emerging Non Governmental Organizations in Cuba, and approaching academic circles in different fields of science and the military. In addition, it authorized certain humanitarian donations to the Caribbean country, under the provisions of the Cuban Democracy Act. The third piece was an ambiguous phrase in the Cuban Democracy Act providing that the United States should be prepared to respond in a positive and thoroughly measured manner to political developments, which were to happen in Cuba.^x

Before resigning as the Special Advisor for Cuban Affairs, due to his involvement in the leak of CIA links with murders in Guatemala, Nuccio said the quid pro quo mechanism envisaged the possibility that reform-minded elements may exist in the Cuban

government. In his opinion, they could eventually convince the highest authority to introduce reforms, putting an end to the Cuban government's argument that the U.S. is the obstacle for change in the bilateral relations.

It may be considered that Nuccio's statements were aimed at establishing a certain order of priority for the principles involved in U.S. policy-making towards Cuba. He stressed the importance of considering Cuba's internal developments on formulating policy and, therefore, the feasibility of implementing Track Two of the Torricelli Act.

As Professor William Leogrande wrote:

“But the policy is Janus-faced. Its intent, after all, is to undermine the Cuban government’s authority. In practice, Washington has been unable to resist trying to orchestrate Track Two contacts to maximize their subversive effect. Travel to Cuba, for example is more tightly regulated than at any time during the Cold war. Almost no one is eligible for a general license; travelers must submit justification and obtain the government’s permission for every trip”.^{xi}

The appointment of Nuccio as a Special Advisor was also an attempt to calm down far-right sectors of the Cuban community based in Miami in the aftermath of the May 2, 1995 migratory accords. The migratory talks showed that, in the presence of major concerns or interests and a real negotiating political will on the part of the Administration, lobbies are overridden.

Efforts of the Right to Force the Debate

Hard liners in the Cuban American community were left in disarray after the migratory accord. The Cuban American National Foundation entered a period of political panic that was unprecedented since its inception in 1981.

After May 2, 1995, right wing sectors of the U.S.-based Cuban community founded a coalition known as the Committee of United Cuban Exiles. It included the 2506 Brigade, Cuba Independiente y Democrática, the Valladares Foundation, the Cuban-American National Foundation and Unidad Cubana as affiliates, among others.^{xii}

The Committee, together with Brothers to the Rescue and the Democracy Movement, sponsors flotillas that sail around and fly over the island in a dangerously provocative and flagrant violation of Cuban borders. It also organized "civil disobedience" actions against the Clinton Administration.

As Brenner and Kornbluh wrote:

“The momentum created in the aftermath of the May 2 immigration accord, the pressure from the international community to end an anachronistic Cold War policy, and events in Cuba itself all presented an

opportunity to fundamentally rethink the imperial approach that has dominated U.S. policy for 35 years.”^{xiii}

The Democratic Executive used all forums to declare that the May 2 agreement did not mean a change of policy, and that it was consistent with the framework of the Cuban Democracy Act. The Cuban community right wing, in particular the CANF, decided to defend its uncompromisingly militant positions from the conservative, Republican-majority Congress of the United States.

The CANF, afraid to lose its long standing political leverage as representative of the Cuban community before the U.S. government, used the Helms-Burton bill as an offensive spearhead vis-à-vis other Cuban-American groups that advocated for a dialogue with Cuba.

Following the legislative elections in November 1994, a shift takes place in the philosophical and ideological conceptions ruling policy-making in the United States. The Republicans had obtained the majority in Congress with a highly ideological and conservative agenda. It was their alternative to the Democratic platform in the 1996 presidential elections. This became the distinctive focus of the debate over economic, foreign and domestic policy that permeated American political events after November 1994. It was in that very same context that the debate over Cuba took place in Congress in 1995, putting an end to lines of thought advocating for a "constructive engagement" or a "relative normalization of Cuba-U.S. relations."

This scenario made it possible for the right in the Cuban community and, particularly, the Cuban American National Foundation to channel a number of anti-Cuban proposals through the Legislature. The lobby convened congressmen and senators, with close ideological affiliations, whose electoral campaigns had been funded by its Political Action Committee.

The position of the Democratic Administration was to avoid unnecessary frictions with the small but well-organized right in Miami and, at the same time, with Congress over an issue that was not a political priority. The Administration was at the time embarked upon strong confrontations with the Republicans in areas of the budget, and domestic and foreign policies.

From the beginning, the Clinton Administration tried to reconcile and cut a deal with the sponsors of the Helms-Burton bill by agreeing with the purpose of the draft. Consequently, the objective of toughening the economic, trade and financial blockade against Cuba was not questioned, in an expression of a confrontational policy that endangered the very existence of the Cuban nation.

For years, U.S. policy toward Cuba has been held hostage by domestic factors. The linkage of the Cuban issue to the U.S. electoral process, explained by an overestimation of the impact of the Cuban vote in Florida and New Jersey, and the influence of the Cuban far-right lobby, induced a relative disconnection of the Cuban case from U.S.

foreign policy objectives. The Clinton Administration did not overcome this situation. At this point, in a pre-election year, the President had already decided to move along the lines.

Following this approach and the notion of "encouraging Cuba's peaceful transition to a free society," President Clinton announced an executive order on October 6, 1995 before Freedom House. The idea was to make the U.S. policy on Cuba more "flexible" around the fringes.^{xiv}

The President, committed to further tightening the blockade against Cuba, proclaimed the following measures:

- To allow Cuban immigrants residing in the United States to travel to Cuba once a year for humanitarian emergencies, without applying for a special license from the Treasury Department.
- To authorize the exchange of news bureaus between Cuba and the U.S.A. U.S. media interested in opening offices on the island would have to apply for two licenses from the Treasury Department: one to negotiate their presence in Havana with Cuban authorities, and another to open an office if negotiations were successful.
- To permit shipments of donations to Non Governmental Organizations (NGO's) in Cuba, including those active in humanitarian, educational, environmental and human rights affairs.
- To agree to have money transfers made for visa procedures or emergencies through Western Union, which would be allowed to open offices in Cuba.^{xv}

The October 1995 executive order was flimsy. It did not even remove restrictions issued on August 20, 1994, in particular the one that prohibited Cuban-Americans to travel to the island or to send remittances to relatives without a specific license from the Treasury Department. This illustrated the ambivalence that governed President Clinton's moves as far as the policy toward Cuba was concerned, and the lack of will to make substantial changes.

The contradiction between his electoral advisors and his foreign policy advisors swelled. Once again, the dilemma was to either turn the policy toward Cuba into an U.S. foreign issue or keep it as a variable asset in the domestic and electoral process.

Notwithstanding President Clinton's indecision at that incipient stage, the Cuban right wing was convinced that it had to force, through any means, its involvement in Cuba-U.S. developments. The hard-liners perceived Track Two of the Torricelli Act and the secret talks leading to the May 1995 migratory accord, as signals of its declining role in shaping U.S. policy towards the island.

Furthermore, from mid-1995 to February 1996, a number of contacts with Cuba were made by other U.S. sectors, increasing the right's fear of losing its leading role and, practically, its *raison d'être* in the political debate on Cuba.

1995: A Greater Emphasis On Cuba

The irrational persistence of a policy that had not brought the expected results, and the imperative need to shift the course prevailing in the non-existing Cuba-U.S. relations for the sake of America's own political interests, have been featured extensively in editorials by The Wall Street Journal, The Washington Post, The New York Times, Los Angeles Times, U.S.A Today, The Economist, The Journal of Commerce, Time, The Chicago Tribune, and U.S. News and World Report.

Most academic sectors and relevant think tanks that studied Cuban reality advocated a need to maintain the policy of isolation of the Cuban government until democratic changes were introduced in the island. But, at the same time, they urged to try to influence the Cuban society by means of exchanges of information and ideas, academic and cultural exchanges, increased travel to the island, and so forth. This urge strengthened the small group inside the White House Executive Office that was bent on giving priority to such methods.^{xvi}

It was then that, from June 15 to 18, 1995, a number of personalities of The Inter-American Dialogue traveled to Havana. This delegation issued a report in September 1995 under the title "Cuba in the Americas: Breaking the Policy Deadlock." The study made recommendations on how to improve relations to the governments of Cuba and the United States.

This influential think tank, with strong connections in Washington, proposed to lift all restrictions on travel and money remittances to Cuba, although it maintained that the embargo on Cuba was to be used as a negotiating piece in U.S. policy.^{xvii}

In the assumption that a dialogue was the best option to settle the historic Cuba-US conflict, the report said that it would be politically unwise to adopt the Helms-Burton bill. It considered that such a punitive legislative measure would be more harmful for the Cuban people, would weaken the civil society in the island and push democratization backwards.^{xviii} Among other considerations, The Inter-American Dialogue advocated the legal conviction of violent acts against Cuba, and the termination of TV Martí as it violated international telecommunications agreements.

A further study, commissioned by the U.S. Defense Department and entitled, "The Military and the Transition in Cuba," was made public in April 1995. The analysis, made by U.S. and former-Soviet experts, asserted that the people of Cuba and the military seemed prepared to give Fidel Castro the margin necessary to walk the path towards a mixed economy. The study favored a reduction of the economic blockade against Cuba.

Furthermore, Robert Pastor's visit to Havana in May 1995, and a proposal –very diplomatically rejected by the island-- by former President Jimmy Carter to hold private meetings with representatives of the U.S.-based Cuban community and with the Cuban government in order to foster a dialogue, had been understood by experts, as a sign of the

interests that the American political establishment could be promoting through the Carter Center in Atlanta.^{xix}

In this analysis, it must also be considered that, unmistakably, what was happening in Cuba or the perceptions thereof, had an impact on the making of U.S. policy toward Cuba in that period. The process of gradual economic reforms was a fact, beyond any philosophical arguments on their essential causes.

Cuba's economic and political decisions were not considered in the drawing up of U.S. policies towards Cuba, whereas the northern neighbor's intentions have been always pondered in designing the Cuban national project.

In a pragmatic move, Cuban government officials met with Cuban emigrants. In an additional example of this course, former Minister of Foreign Affairs, Roberto Robaina, attended a Seminar on Participant Democracy, held on June 16-18, 1995, in the Cuban province of Cienfuegos, sponsored by the Hans Seidel Foundation from Bavaria, Germany. On that occasion, President Fidel Castro held a three-hour talk with the leader of Cambio Cubano, Eloy Gutiérrez Menoyo, at the International Conference Center.

A Second Conference, "The Nation and the Emigration", was held in Havana, and was considered a sign of the Cuban government's desire to normalize relations between Cubans residing abroad and their country of origin.

One of the major concerns for hard liners from the Cuban community was the overwhelming rush to Cuba by U.S. businessmen. During 1994 and the first quarter of 1995, 250 executives and representatives of 174 U.S. companies, under a license by the Treasury Department, traveled to Cuba to explore business opportunities in the event of an embargo lifting.

In 1995, Cuban officials met with 1300 American executives and signed 40 non-compulsory letters of intent. One of the letters of intent covered a \$10 billion U.S. dollar investment. Another investment proposal made by a group of 12 hotel chains amounted to \$ 2 billion U.S. dollars.^{xx}

Executive officers from major U.S. companies, all with a high annual turnover, i.e. the pharmaceutical giant Elli Lilly, Merck, Marriott, Hyatt, Radisson, Johnson and Johnson, and ATT, visited Havana to study future trade opportunities with the island. Other U.S. companies that showed interest were: ESSO, AMOCO, Chiquita, Nabisco, Chase Manhattan, Carlson Companies, Revlon, Consolidated Cigar Aficionado, General Motors, Dow Chemical, Texaco, Sears, J.C. Penny, K. Mart and Radio Shack.

Particularly important was that some 60 top American executives flew to Cuba on October 6, 1995, in a private fact-finding mission organized by Time Inc. The delegation, which was the largest group of U.S. businessmen welcomed in Cuba in the last few years, met with President Fidel Castro to gather information on Cuban reality.

Before their trip, they met with Leon Panetta, former White House Chief of Staff, and several foreign policy advisers to Clinton, and received approval for their trip to Cuba.^{xxi}

In this context, consideration must be given to multiplying business interests in Cuba after President Fidel Castro's visit to New York for the UN 50th anniversary celebrations in 1995. It was believed that the U.S. business sector might become a pressure group for the total lifting of the economic, trade and financial restrictions imposed by the U.S. government on Cuba. The precedent of China and Vietnam was not negligible despite the big differences between these two countries and the island.

In line with business interests in Europe, Latin America and in the very U.S., U.S. policy-makers suggested the application of the so-called Sullivan principles to investment plans in Cuba. During the years the Pretoria regime was subjected to an international embargo, many U.S. companies chose to stay in South Africa. Such a decision was somehow controversial, and Reverend Sullivan developed a number of principles for U.S. companies to be able to challenge the apartheid's discriminatory employment laws.^{xxii}

Against this background, Rolando Castañeda, from the Inter-American Development Bank, and George Plinio Montalván, former head of the OAS economists' unit, both of Cuban origin, developed guidelines companies based in Cuba might follow not to play to the "political game of the Cuban leadership."

In brief, such principles suggest:

- Direct labor recruitment.
- Introduction of a 48-hour workweek.
- Creation of independent trade unions.
- Equal access to the labor market and tourist resorts for nationals.
- Implementation of market reforms.
- Lift of the embargo on food sales.
- Lift of the blockade, after the release of political prisoners and the adoption of international human rights conventions by Cuba.
- Any claim to be based on compensation, not restitution.^{xxiii}

1996 started with more contacts between various sectors of the American society and Cuban officials. In January, two important groups of legislative assistants traveled to Havana, sponsored, respectively, by the Center for International Policy, a liberal think tank, and by the conservative U.S.A.-Cuba Foundation, headed by Gary Jarmin. A third delegation of religious leaders, academicians and businessmen from companies like Reebok, Gillette and First Boston Bank, led by the Massachusetts Rep. Joe Moakley, also visited Havana.

In late January, New Mexico Democratic Representative Bill Richardson, former U.S representative to the United Nations, met with President Fidel Castro and other senior officials. They discussed three basic topics: - The Cuban government's figure for immigration to the USA; - The release of a number of prisoners in Cuba and, - The status

of fugitives of the American justice who allegedly resided in Cuba. Calvin Humphrey, a counsel to the House Intelligence Committee, also attended.

According to an article by Carl Nagin in the New Yorker, Richardson met President Castro, who brought up the issue of overflights by Brothers to the Rescue. This organization had violated Cuban airspace to drop anti-government flyers on January 9th and 13th.^{xxiv} Concerns about these overflights had also been expressed “to Scott Armstrong, who had close ties to several National Security Council officials...”^{xxv}. The Cuban side understood that they “had ‘reached an understanding’ that the flights would be stopped”.^{xxvi} Later on, in a interview with CBS News on April 30th 1996, Fidel Castro said “that one of his emissaries had received promises from the ‘highest level’ of the U.S. government that there would be no more incursions into Cuban airspace”.^{xxvii}

On February 5 through 9, a joint delegation from the Center for International Policy and the Center for Defense Information met with the Cuban Minister of the Armed Forces, Raúl Castro Ruz, and with General Ulises Rosales del Toro. They discussed military matters and the potential problems that the Juragua nuclear plant might pose to the United States in the future, if construction were resumed. They also talked about Cuban government’s concerns about overflights by Brothers to Rescue. On their return to the U.S., they debriefed at the State Department and with Defense Intelligence Agency officials, and warned that either the U.S. government stopped those actions or an incident was going to occur.^{xxviii}

On February 9, Richardson returned to Cuba and took three Cuban prisoners to the United States. The gesture was valued as positive by the State Department, although it stressed that the Clinton Administration had not asked for the Congressman’s action.

By mid February, the Natural Resources Defense Council also sent to Havana a delegation of experts on energy and environmental safety who met with President Fidel Castro. Among the visitors were Robert Kennedy Jr. and Michael Kennedy, nephews of late President John F. Kennedy. Also in that month, another business delegation led by the former President of the World Bank, A.W. Clausen, and the Director of the World Affairs Council, David Fischer, visited the island to explore the potential of the Cuban market.

Thus, by February 1996, the appearance was that a major turning point of right wing decline was on the making. They felt that the central political role they traditionally played was slipping through their fingers, and feared that the momentum being generated by business interests could lead to an end of the embargo.

The Right Holds The Upper Hand

In the midst of these developments, the Cuban community right wing actions against the island grew more severe, particularly, the violation of Cuba's air and maritime space. Again, the Cuban government reacted by declaring that it would not allow such a provocation.^{xxix}

In the meantime, in early February, a number of policy makers involved in Cuban affairs quit their jobs. They were Alexander Watson, Assistant Secretary of State for Inter-American Affairs, and his deputy, Anne Patterson; Richard Feinberg, NSC Special Assistant for Latin America, and Morton Halperin, NSC Special Assistant for Democracy Affairs. This unquestionably created an institutional void right before the February 24, 1996 incidents.

The decision to shoot down two Brothers to the Rescue aircraft on February 24th while, according to the Cuban government, in violation of Cuba's air space -an assumption later contested by an Official Report of the ICAO (International Civil Aviation Organization-, was the pretext used to let the political trend of reinforced hostility prevail.^{xxx}

Even now, it is still incredible that the United States, aware of the risky nature of overflights, did nothing to avoid a crisis. This episode has significant relevance security-wise for both the United States and Cuba, and for the whole of the Caribbean.

On February 26, Clinton asked Congress to pass a law seeking immediate compensation for the dead pilots' relatives. He declared his intention to work together with Congress to pass the then pending Helms-Burton bill, ordered an expansion of Radio Martí, and prohibited direct charter flights between Cuba and the United States. At the same time, the President requested, through the U.S. representative to the United Nations, that a Special Session of the UN Security Council be convened to condemn Cuba's action.^{xxxii}

In October 1996, a leak to The Miami Herald aired that Clinton requested the Pentagon at the time to provide possible response options, namely:

- A mass air strike, or
- A missile attack against the San Antonio air base from where the MIGs had originated.^{xxxiii}

The Pentagon, however, advised against such measures and recommended extreme caution. This is proof enough of the fact that U.S. national security criteria not always coincides with the wishes of the extreme right.

Security structures in Cuba-U.S. relations are very fragile. Small players, like the well organized right wing of the Cuban Community, can influence not only bilateral relations, but also an issue associated with national and regional security.

The Democratic Executive, not to be perceived as “weak”, decided to back the Cuban Liberty and Democratic Solidarity Act, which calls for sanctions against Cuba and/or third countries dealing with it. The new Act dictates the terms under which any future Cuban government is to be recognized by the U.S. government, and preconditions bilateral relations to the resolution of claims under U.S. law. Furthermore, the Act undermines the President's authority to change, in the interest of the U.S. nation, a particular course of action, and subordinates the President to Congress.

On March 12, 1996, the President executed the Cuban Liberty and Democratic Solidarity Act, better known as the Helms-Burton Act. On the same day, coincidentally, the Republican primaries were held in the state of Florida. The presidential decision to promulgate the most anti-Cuban Act in the history of the Cuba-U.S. conflict, a codification of the blockade into a rule of law, was, short of a military option, the most drastic step to take following the aircraft shoot-down. Additionally, the shoot-down certainly provided Clinton with an excuse not to veto the Helms-Burton bill, thus avoiding an overriding veto by a pro-bill Republican Congress. Besides, it made it easy for him to prove Cuban extremists wrong in their assertion, risky in the eve of the Florida vote, of a presidential intent to change the policy of hostility.

The Helms-Burton Act, just as the 1992 Cuban Democracy Act, known as the Torricelli Act, was passed in an election year. This was influenced by fear of the Presidency being accused of weakness with respect to "Castro's Cuba", and a neglecting of real U.S. foreign policy considerations.

Consequently, Cuba as an issue goes beyond itself. It becomes a test case of a possible proposal for change of the overall system of international relations, the principles and practices in contemporary international law, and the rights and duties of States in trade and commerce.

Unlike the Cuban Democracy Act of 1992 that focused on trade, the new legislation targets on the financial area, with a view to limiting Cuba's needed re-insertion in the world market.^{xxxiii} Cuba outlined a policy of incentives for foreign capital investment, reshuffled its institutions, and drafted new legislation. Additionally, it introduced transparency in its external finances as a step in the debt renegotiation. Right then and onward, the U.S. Congress tried all sorts of legislation to hinder a process of reform, already entangled in a web of difficulties.

The Helms-Burton Act did not come into effect in its entirety. Title III, providing for civil judicial procedures on American courts to claim seized property, did not enter into force until August 1, 1996, after President Clinton decided to put it into effect on July 16.^{xxxiv}

The new Act allows the President to postpone the entry into effect of Title III every six months, and/or delay its enforcement for six months after signing it into effect. Therefore, under the pressures of an election year, Clinton chose the technicality of entering Title III into effect while postponing, until today, the right to file claims on U.S. courts for any property seized after 1959.

His re-election aspirations and his fear to be accused by the right of not maintaining a strong-hand policy toward Cuba led Clinton to disregard requests to postpone the entry into force of Title III. Important business groups like the National Manufacturers Association, the Chamber of Commerce of the United States and the National Council of Foreign Trade were among the ones filing such requests.

This decision by the U.S. President was characteristic: trying to make a good impression on various sectors, no matter how contradictory their interests may be. Clinton tried to avoid a trade dispute with major U.S. trading partners that had opposed the Helms-Burton Act. That problem could not be settled by the then President's special representative for the promotion of democracy in Cuba, Stuart Eizenstat, but enabled the President to gain time until the 1996 elections.

The Helms-Burton Act is named after the heads of the Senate Foreign Relations Committee, and of the House Sub-Committee for the Western Hemisphere, respectively. The Act is a compilation of anti-Cuban measures introduced late in 1994 by Cuban born legislators Lincoln Díaz-Balart, Ileana Ros-Lehtinen and Robert Menéndez. They all exude a philosophy of punishment.

This anti-Cuban Act transgresses the principles that govern international law, such as the self-determination of nations, sovereign equality among States, the illegitimacy of the use or threat of use of force, including economic coercion, and non-interference in the internal affairs of States. The Act has three major objectives, aimed particularly against Cuba:

- To tighten the economic siege and hamper the process of economic transformation in Cuba;
- To render impossible any prospects of improved relations between Cuba and the United States by creating practically insurmountable obstacles to the solution of mutual problems;
- To bring Cuba back to the status it had early in the 20th century, when the United States dictated the destiny of the Cuban nation.^{xxxv}

The spirit and the letter of this legislation attest to the essential conflict existing between Cuba and the United States: Sovereignty Vs Domination. This only adds up to the excuse of ideological aversion to socialism as a political and social model, which is revealed as fallacious by the fact that the United States has entered commercial and diplomatic understandings with China and Vietnam.

As Jorge Dominguez, Professor of Harvard, wrote:

“The Helms Burton Act is quite faithful to the theme of the Monroe Doctrine and the Roosevelt Corollary. It claims for the United States the unilateral right to decide a wide array of domestic policies and arrangements in a nominally sovereign post Castro Cuba. In the Monroe Doctrine, the United States asserted its right to specify which system of government was acceptable in the Americas. In the Roosevelt corollary, the U. S. Government claimed the additional right to stipulate specific economic and other policies and specifically to redress the nonpayment of debts ”,^{xxxvi}

The Cuban Liberty and Democratic Solidarity Act tries to obstruct an eventual improvement of relations between the two neighboring countries. It attempts to undermine the present system of international relations, in which the destiny of the Cuban nation has become a test case for a new proposal.

The Helms Burton Act, correctly Dominguez formulated:

“rediscovers the ideological brio of Imperialism. At the end of the twentieth century, as in centuries past, the United States is demanding the right to set the framework for the political and economic system it would tolerate inside Cuba”.^{xxxvii}

Cuba in the U.S. Foreign Or Domestic Agenda?

Paradoxically, the reaction of U.S. allies opposing the extraterritorial character of the Helms-Burton Act creates favorable conditions for the Cuban case to return to the U.S. foreign policy agenda, overshadowing domestic considerations in policy-making towards the island.

Nevertheless, the very existence of this Act is an almost insurmountable obstacle between two neighboring nations that for ideological and emotional reasons are still involved in the Cold War. Hard-liners have so far prevailed: Helms-Burton intends to undermine trade, and cut any source of foreign exchange or investment in the island.^{xxxviii}

However, trade is a top priority in the U.S. foreign policy agenda. It may, in the medium term, take the Cuban issue out of the domestic agenda, away from the electoral logic and political expediency of special interest groups based in Miami or Union City, and into a foreign policy debate.

There is a pressing lack of consensus in Congress, even among Republicans, on whether or not international trade should be an instrument of foreign policy. The debate flows mainly between Helms-style isolationists and free trade oriented conservative Republicans. Such free trade orientation by U.S. conservative Republicans is in open conflict with the Helms-Burton Act and, in general, with U.S. unilateral economic sanctions. This conservative sector, which has pushed significant agreements like NAFTA, is now trying to figure out to what extent the U.S. government is entitled to apply a policy of protectionism, based on alleged national security or foreign policy demands, and in the detriment of free trade policies.

Since February 1996, U.S. policy towards the island has been to maintain the status quo and implement the Helms-Burton Act, even in the face of European resistance. This reached its peak on February 20, 1997. The European Union decided to challenge the Helms-Burton Act, and asked the World Trade Organization (WTO) to name a dispute panel on that legislation. The U.S. policy of hostility towards Cuba has been justified on the grounds, not of the Cold War old criteria, but of the Cuban government downing of the two Brothers to the Rescue aircraft.

The complaint at the WTO was suspended in April 1997 after the then President's special representative for the promotion of democracy in Cuba, Stuart Eizenstat, promised the European Union that his government would lobby the U.S. Congress to amend the controversial Act.

On April 11, 1997, on the same day that Stuart Eizenstat announced the understanding reached by the United States and the European Union, the office of Senator Helms released a statement. It stressed:

“Congress will insist on the full implementation of the Helms-Burton Act, including Titles III and IV. We will not accept the case before the World Trade Organization. Europe has been the one that has jeopardized this organization by taking a foreign policy dispute before such institution”.

Due to the 1997 agreement, the E.U. decided to suspend its case for a year to allow for a negotiated settlement. At the same time, the United States threatened to invoke Article XXI of the WTO, arguing that the implementation of the Helms-Burton Act was a matter of national sovereignty and interest. A general precedent was close to be established, undermining the ability of the WTO to keep trade borders open. This was not clearly in U.S. interests, especially in the heat of a domestic debate on the use of unilateral economic measures as foreign policy instruments.

Negotiations between the European Union and the United States took more than a year. In fact, it was a long and tense dispute over U.S. threats of sanction against European companies if they failed to follow U.S. policy toward Cuba. It was a major irritant to transatlantic ties.

The U.S. and the E.U. cut a deal in their dispute over the Helms-Burton Act as a means to relax tensions before the E.U.-U.S. summit, to be held on May 18, 1998. This understanding was just a piece of a larger quarrel, namely, the contentious trade dispute involving U.S. sanctions on foreign companies. Also pending was the issue of U.S. sanctions on European companies involved in energy projects in Libya and Iran, a real priority for some European countries like France and Italy. The Cuban issue, on the contrary, was not as important as the controversy on oil investments. Therefore, they would not allow the questionable Helms-Burton Act to hurt a more general agreement, of mutual interest for both the European Union and the United States.

At the same time, the proposed Multilateral Agreement on Investment (MAI) was similarly held hostage to the Helms-Burton Act. Although, the MAI, like the proposed transatlantic trade agreement, faces a number of other significant hurdles, its conclusion is not possible without a settlement of the dispute over the Helms-Burton Act. The European Union had strongly opposed U.S. sanction laws, which it considered illegal under world trade agreements. It had threatened to sue the United States and to impose sanctions on U.S. companies in retaliation. Therefore, the pre-summit deal helped the United States avoid a major conflict with Europe.

The European Union agreed to establish “disciplines” –introduced for the first time ever, and with an international reach-- to bar future use of expropriated property, and to deter investments in expropriated property, including in Cuba. The U.S. Executive Branch, on its part, agreed to add waiver authority to Title IV of the Helms-Burton Act in the U.S. Congress, as the U.S. President has for Title III.^{xxxix} As mentioned before, under Title III in the Helms-Burton Act, Clinton may waive permission to former owners of contested property to initiate sue procedures against foreign companies in U.S. courts.^{xl} Under the law, Clinton may exercise this waiver every six months. He has done it every time since the 1996 enacting of the Act.

On the other hand, under Title IV, the government is required to deny visas to executives, or their families, working for foreign companies that profit from the disputed property. However, the President cannot waive visa denials.^{xli} Under the new U.S.-E.U. agreement, the U.S. Administration is only under the obligation to amend Title IV. Since this amendment is linked to the mentioned disciplines, and since these disciplines would be permanent, the U.S. Executive Branch should have to include a waiver in Title IV.^{xlii}

The so-called disciplines are supposed to ensure the following:

- An outright ban of any future investment on any expropriated property.
- The set up of an international claim registry for claimants, who allege expropriated property, to file.
- A special treatment to countries with a pattern or practice of expropriation. Moreover, disciplines apply retroactively.^{xliii}

Annex D -called the E.U. side letter- under the Understanding, derives from the result of an investigation by a European expert team on claims of expropriated property filed against Cuba by some U.S. entities. The European Union said that “it appears, using a sampling of those claims, that these expropriations appear to “have been in violation of international law” and that the new disciplines might apply.^{xliv} The application of the disciplines also means that if a European investor wants to invest in Cuba, he has to go, in almost every instance, to a commercial assistance agency to get risk insurance. The essence of the agreement is that no commercial assistance agency in Europe can allow or provide assistance to an investor in Cuba without satisfying itself that such an assistance will not work on expropriated property. It would be the responsibility of the commercial assistance agency in Europe to do the screening and be the filter. They have to determine that the property was not “illegally” expropriated before granting any commercial assistance.^{xlv} Insofar as disciplines and the promotion of investment protection are concerned, the Understanding is not a legally binding commitment for Europe. But it states that while the deal “constitutes a political arrangement reflecting the participants’ intention to apply these disciplines on a policy basis, the participants will make a joint proposal in the Multilateral Agreement on Investment (MAI), which upon entry into force, will be an agreement binding under international law”.^{xlvi}

The European Union’s decision to wait for the fulfillment of a promise made by the U.S. Administration suggests that it was not understood that, in U.S. decision-making, the

only authority that can pass or amend legislation is the U.S. Congress, and not the Executive Branch. The promise to include amendments to Title IV, and a waiver similar to the one in Title III could be not viable from the point of view of the U.S. Congress. In other words, the administration has no guarantee that Congress will agree to the promised changes. Jesse Helms reacted negatively to the news of the agreement. "It will be a cold day in you-know-where before the E.U. convinces me to trade the binding restrictions in the Helms-Burton for an agreement that legitimizes their theft of American property in Cuba," he said. Rep. Lincoln Diaz-Balart said the administration "should not assume this has the support of Congress."^{xlvi}

On May 18, 1998, in an effort to underscore the easing of trade tensions between the United States and Europe, Clinton announced the launching of a "Transatlantic Economic Partnership" of enhanced efforts to reach market-opening trade agreements in a number of areas by the year 2000. Clinton's proposal to launch new global trade talks marked a return to the world trade debate after a humiliating rebuff last year by Congress, which refused to go along with his request of a fast-track trade negotiating authority. The president needs such an authority to negotiate agreements not only in a new trade round, but also in other regional initiatives. The cave-in seemed to be the European Union's payment for the "Transatlantic Economic Partnership". Maybe it placed the transatlantic relationship on an ever-stronger footing. However, at what cost?

One of the most important costs for the European Union is to recognize the United States as the Hegemon in this changing world. The concept of hegemony is a very difficult term. The idea of the Hegemon is that it thinks not only about its own direct benefit, but also about preserving the entire system in the belief that if the system is preserved, the Hegemon will benefit. The Hegemon sets the rules of the game. But, consequently, it has to cash in on being the world's police force. In view of Washington's fiscal constraints, a second alternative to the vision of a super power Hegemon is under consideration. The Clinton Administration is incorporating the so-called multilateral hegemony approach. The President prefers mutual support among traditional allies, especially in issues like trade and commerce, not codified by international law and still under debate.^{xlvi}

The Pope's Visit

Pope John Paul II's visit to Cuba, from January 21st to 25th, 1998, will have a lasting impact on the island and, likewise, a major effect in U.S.-Cuba relations. This visit highlighted the failure of U.S. policy towards Cuba. The Pope criticized the U.S. embargo. He said:

"The Cuban people," "cannot be denied the contacts with other peoples necessary for economic, social and cultural development...". His holiness called for "the world to open to Cuba, and for Cuba -- with all its "magnificent possibilities" -- to open to the world".^{xlix}

All of Latin America condemns the U.S. embargo on Cuba. U.S. European allies refuse to go along, and Canada goes out of its way to counter U.S. efforts to cut off all contact between Cuba and the outside world. During the Second Summit of the Americas in Chile, the Cuban issue was discussed. Canadian Prime Minister Jean Chretien visited the island on April 1998. Barbados -- in the name of the Caribbean region -- called for Cuba's complete reinsertion, and Brazilian President Fernando Henrique Cardoso described Cuba's presence as essential in order to speak of a unified American continent. In 1998, The Dominican Republic and Guatemala announced that they had reestablished diplomatic relations with Cuba. Spain reassigned its ambassador to Havana in April, putting an end to a diplomatic crisis, which had broken out in 1996. Moreover, on April 21, 1998, Mexico called for Cuba to be re-admitted into the OAS.

Meanwhile, the balance of power in U.S. politics is beginning to shift away from Cuban American hard-liners. There is an important U.S. trend: the erosion of conservative support for traditional U.S. Cuba policy. The National Review, the Wall Street Journal and the Washington Times all editorialized against the U.S. Cuba policy. The U.S. Chamber of Commerce is lobbying aggressively in favor of sale of food and medicine to Cuba.

The decline of broad conservative support for the blockade leaves Miami's hard-liners almost alone in their support of this policy. These hard-liners are also concerned about the gathering momentum of forces in favor of a softening of the blockade. They are also affected by a vacuum of leadership after the death of the Chairman of the Cuban-American National Foundation (CAN-F), Mas Canosa, in 1997.

Hard-line policy critics in Miami have become far more visible. About 200 Cuban Americans from the Miami area went to Washington in April 1998 to lobby Congress to end the blockade on food and medicine.¹ A parallel process is taking place in Dade County. Under the 1994 Migration Agreement, a new wave of Cubans are legally arriving in Miami. They left the island without political resentment or social distress. Their concerns are more alike to those of other immigrants from Latin America, and "fighting communism in Cuba" is not, for sure, among their priorities.^{li} Now, only 35% of Cuban-Americans were born in the U.S.^{lii} They belong to the so-called second and third generation of Cuban Americans. Their group approach of Cuba differs from their parents' or grandparents'. Miami's demography seems to be changing radically, and that will effect policy towards Cuba in the near future.

The issue of U.S.-Cuban relations is also discussed in circles and by groups that have never been involved before. Growing numbers of corporate leaders, labor union officials, as well as politicians and business associations, have taken a stand against the trade ban. Nearly 700 companies, trade associations, and farm organizations, joined 'USA Engage'. It is a new movement aimed at eliminating unilateral U.S. economic sanctions against Cuba and other countries around the world. Members and supporters include the U.S. Chamber of Commerce, the National Association of Manufacturers, Eastman Kodak, General Motors, Goodyear and Honeywell. Some economists estimate U.S. trade with the

island, if the ban were now lifted, would jump to \$3 billion per year and then soar to \$7 billion within a few years.^{liii}

U.S. cardinals had made it clear that they see the Pope's visit as the first engagement of a long campaign, and they were determined to press for more change in U.S. policy. Boston's Cardinal, Bernard Law, called for a bipartisan presidential commission to recommend changes in U.S. policy, and urged a rapid end to all restrictions on the sale of food and medicine to the island. The papal visit to Cuba highlighted fault lines in Congress, the business community and the religious sector over the U.S. blockade.

A House bill sponsored by former Rep. Esteban Torres (D-Calif.), which would allow sale of food to Cuba and remove many of the current restrictions on sale of medicine and medical supplies was introduced in the International Relations Committee in 1998. Nevertheless, blockade supporters used to control this Committee. In the Senate, a similar bill was introduced, sponsored by Sen. Christopher Dodd (D-Conn.), the ranking minority leader of the Foreign Relations Committee. It would authorize the President to allow the sale of medicine and medical equipment to Cuba. A range of organizations backed these bills, from the Roman Catholic Church and other religious groups to the U.S. Chamber of Commerce.

The bills garnered the support of about 25 percent of members of Congress. Sponsors included both Republicans and Democrats. Even business mogul David Rockefeller, former Treasury Secretary, Lloyd Bentsen Jr., former Deputy Secretary of Defense, Frank Carlucci, and former NATO Supreme Commander, General John J. Sheehan, supported Dodd and Torres' legislation.

Americans For Humanitarian Trade With Cuba (AHTC) backed the bills. This is a bipartisan coalition focusing solely on restoring sale of U.S. produced food and medical supplies to Cuba. AHTC is joined, under a wide spectrum of interests and motivations, by U.S. leaders from business, government, labor, medical, religious and humanitarian communities as well as by some groups of the Cuban-American community.

Momentum for action was so strong after the Pope's visit that Senator Jesse Helms and the Cuban American National Foundation (CAN-F) put forward a different bill in order to preempt sweeping changes that would have opened up trade and allowed the sale of food and medicine to Cuba. The initiative was aimed at undercutting those willing to end restrictions on the sale of food and medicine to the island.^{liv}

The plan marked the Cuban American National Foundation's first policy initiative since the death of Jorge Mas Canosa. It was clear that Foundation leaders were eager to reassert a presence in Washington with a new bill that would have undercut rival legislation to allow food and medical sales.^{lv} However, the proposal caused a rare rift among hard-line Cuban-American leaders. The three Cuban-American members of U.S. Congress all rejected the plan, saying it was unnecessary and confusing, and that it invited criticism of the embargo. They feared that even this slight change could turn the blockade policy around.^{lvi}

For the first time since the introduction of the Helms-Burton Act, designed to starve Cuba of foreign investment and codify a 35-year-old trade blockade, U.S. efforts to isolate Havana have come under sustained attack. The Brookings Institution held three major seminars on Cuba in 1998, and the Council on Foreign Relations established a task force on Cuba.^{lvii} This indicates that the issue is warming up. More Republicans are questioning current policy.

After the Pope's visit, Clinton and his Administration have undertaken the daunting task of trying to defend his policy in the face of reality. Clinton has been able to get away with silently persisting in obstinate futility. Administration officials had no plans for dealing with Cuba before the Pope's visit, and they have been caught flat-footed as many sectors of American society lashed out at the embargo. Despite pleas from Pope John Paul II, many humanitarian groups, members of the U.S. Congress, European, Canadian and Latin American leaders, the United Nations and the U.S. Chamber of Commerce, neither Congress nor President Clinton seemed prepared to ease any area of an obsolete policy.

Cuba responded to the Pope's visit by allowing churches to flourish and agreeing to release scores of prisoners. Cuba watchers looked to the United States for a response. Two months later, on March 20, 1998, William Clinton announced the following measures:

- The resumption of licensing direct humanitarian charter flights to Cuba.
- The establishment of new licensing arrangements to permit Cuban Americans and Cuban families living in the United States to send humanitarian remittances to Cuba.
- Streamlining and expediting the issuance of licenses for the sale of medicines and medical supplies and equipment to Cuba.^{lviii}

The steps taken by the Administration were very modest. They simply restored humanitarian provisions that were in effect when Clinton took office, but were subsequently suspended in 1994 and in 1996. This has underlined that the U.S. non-policy towards Cuba has no rationale, and only intends to maintain the status quo to mollify a small group of right wing Cuban Americans activists in Florida. Opportunities to promote positive change are just wasted. Officials insisted that the moves did not signal a weakening of the long-standing U.S. embargo on trade with Cuba, which they said, remains the cornerstone of efforts "to isolate and undermine the regime of President Fidel Castro".^{lix} They identified four elements of U.S. policy designed to: "pressure the Cuban government through the embargo and the Libertad Act; support for the Cuban people; encouraging a multilateral effort to promote democratic change; and maintaining the safety and legality of migration".^{lx} In other words, U.S. Cuba Policy is still stuck somewhere in the Cold War era.

Since the start of the Clinton Administration, U.S. officials announced that significant actions by the Cuban government would be followed by carefully calibrated responses from the U.S. government. The Cuban government accommodated the Pope's visit. It allowed live T.V. broadcasts of the Pope's mass. It released prisoners. Still, the U.S.

government was uncertain of whether Cuba had come to a point of achievement that would merit some positive response from the United States.

A mere 20 days after the measures were approved by the Administration on March 20th, 1998, the Defense Department went public with its conclusion that Cuba poses no significant threat to U.S. national security. For the first time ever, since the time of the 1962 Missile Crisis, it was recognized the Cuba constituted no threat to U.S. national security. Policymakers inside the Administration must have known of this conclusion when they announced the March measures.

Senior Defense officials increasingly favor engaging their island counterparts to reduce existing tensions. The report, instructed in an amendment to an Act introduced by Florida Sen. Bob Graham in 1997,^{lxi} portrays “Cuba's Revolutionary Armed Forces as a severely diminished military” and downplays “the risks posed by chemical or biological weapons”.^{lxii} It also says the chances of another mass exodus from the island are reduced.^{lxiii}

U.S. Southern Command Chief in Miami, Marine Gen. Charles Wilhelm said:

"That armed force has no capability whatsoever to project itself beyond the borders of Cuba, so it's really no threat to anyone around it. As much as 70 percent of the armed forces' effort is involved in their own self-sustainment, in things like agricultural pursuits. ... It does not even begin to resemble the Cuban armed forces that we contemplated in the '80s."^{lxiv}

Current and former Pentagon officials said they have no evidence of high-level Cuban complicity in drug running to the United States. They do not think Cuba "weaponized" biological agents against the United States; and said that the best way to deal with the Juragua nuclear plant is to provide cooperation and scrutiny under the International Atomic Energy Agency.^{lxv}

According to Pentagon officials, the most “immediate risk to U.S. interests is posed by unchecked emigration from Cuba”.^{lxvi} For that reason, U.S. military officials are “reflexively uncomfortable with a U.S. policy” that preaches on provoking a popular uprising or economic ruin.^{lxvii} Prepared in coordination with the Defense Intelligence Agency, the CIA, the National Security Agency, the National Security Council and the State Department, the assessment said that Cuba now poses "a negligible threat to the U.S. or surrounding countries".^{lxviii}

By September 1998, former Secretaries of State Henry Kissinger and Lawrence Eagleburger, citing a need for "an objective analysis" of U.S. policy towards Cuba, were urging President Clinton to authorize the creation of a bipartisan commission.

On October 13th, 1998, Senator John W. Warner led an initiative, with the support of 24 of his Senate colleagues, recommending the President to establish a National Bipartisan Commission to review U.S.-Cuba policy. Senator Warner's initiative was backed by

former Secretaries of State Henry Kissinger, George Shultz, and Lawrence Eagleburger, former Secretary of Defense Frank Carlucci, former Undersecretary of State Lawrence Eagleburger, former Assistant Secretary of State Harry Shaldermann, and former Senator Malcolm Wallop. They said that a comprehensive study of Cuba policy was needed since none had been made after 1960 when the United States first began restricting trade ties with Cuba. Warner's letter to the President recommended that the proposed commission study such issues as Cuba's risk to U.S. national security, compensation for U.S. business which properties were confiscated in Cuba, and the domestic and international impact on the U.S. economy of the embargo against Cuba.^{lxix}

The three Cuban-American representatives, Ileana Ros-Lehtinen, Lincoln Díaz Balart, and Roberto Menéndez, as well as Senators Robert Torricelli and Bob Graham, immediately began to lobby against the proposed bipartisan Committee. Ros-Lehtinen and Díaz Balart branded it as the "Gore Commission" in an attempt to pressure the possible 2000 presidential candidate.

Recent Developments In U.S.-Cuba Relations

The general context offered an excellent opportunity to review overall U.S. policy towards Cuba. The President, in any case, needed a moral conviction to try it. Unfortunately, Clinton's personal traits as President showed an inconsistency and a lack of commitment when required to utter an opinion not in tune with what he perceived as the prevailing political trend.

The U.S. President had plenty of problems. He became the second President in U.S. history to be impeached. The House of Representatives approved two articles of impeachment related to his affair with former White House intern Monica Lewinsky, and his attempts to cover it up.^{lxx} Clinton will go down in history as the only elected President confronted with a formal impeachment trial. The 106th Congress' (1999-2000) was submerged by the Clinton-Lewinsky affair. The domestic political context had been extremely hostile to push for a change in U.S. policies towards Cuba and, as usual, Clinton and his Administration seemed to have decided to try to avoid responsibility.

On January 5, 1999, in a politically cautious move, President Clinton announced that the Administration had rejected the proposal made by 24 senators from both parties, to constitute a bipartisan commission to review all aspects of U.S. policy towards Cuba. At the same time, Clinton announced "the relaxation of some U.S. restrictions" on Havana that revealed Washington's desire to merely nibble around the edges of the Cuba policy and clear away a massive bureaucratic backlog.

Most of the announced changes come under Track Two of the 1992 Torricelli Law that allows "people-to-people contacts" as a way of promoting the growth of civil society in Cuba. The basis of "the policy of perpetual hostility", as phrased by Henry Kissinger, designed to isolate the Cuban government, and the use of the embargo as a key policy element, were combined in a proposal to influence the Cuban society internally to bring about change from inside. The measures included a study by the United States

Information Service of alternative broadcast sites to improve reception of Radio Martí and TV Martí in Cuba and an increase in public diplomacy programs to inform Latin America and the European Community on “the reality in Cuba today”.

Clinton also announced the reestablishment of direct mail service between the United States and Cuba. Other changes aimed at “facilitating people-to-people contact” were the authorization of the transfer of \$300 quarterly by any U.S. citizen to any Cuban family (except for senior-level Cuban government and Communist party officials), in addition to the ongoing remittances from Cuban-Americans, Direct flights from U.S. cities in addition to Havana for licensed travelers were approved, and flights from New York began in December. Food sales to entities independent of the Cuban government by groups such as religious groups or private restaurants could apply for approval on a case-by-case basis.

The New York Times editorialized:

“The pity is that the Clinton Administration has been hesitant about seizing this opportunity. The steps it has proposed, including the visit by the Orioles and a return engagement in America by the Cuban national baseball team, fall well short of the change in direction that is now politically sustainable in Washington”...”Mr. Clinton must go beyond useful tinkering with an outdated policy. He must lead the way to a more promising approach based on deeper American engagement, not continued isolation”^{lxxi}

On analyzing the measures announced by the Clinton administration on January 5, Wayne S. Smith, Chief of the U.S. Interests Section in Havana between 1979 and 1982, wrote in Los Angeles Times:

“What had been called for was a thorough review of policy that would lead to sweeping changes. What we got instead was a series of unimportant small steps, some impractical, others a timid augmentation of what we are already doing, but none that alter policy in any significant way.”^{lxxii}

President Clinton did not seem interested in reviewing the Cuban question from another perspective. In a cost-benefit analysis, the predominant interpretation feared that a policy review concerning Cuba would hurt presidential candidate Albert Gore in New Jersey and Florida in the 2000 elections. Again, domestic politics and a blurred vision on foreign policy are setting the tone. No potential candidate in the 2000 elections wanted to anger a segment of Cuban-American voters. Politicians, policy experts, academicians, business people, humanitarian groups and other Cuba experts who advocate improved relations with Havana dominated intellectual debates, but their influence was not translated into the political arena.

Cuba policy seemed to be more a domestic political issue than a foreign policy question. The timing reflected domestic politics: The 2000 U.S. Elections. On announcing the measures on January 5th, 1999 Clinton allowed a little margin to move forward with the

Cuban issue before the 2000 presidential election. So the President's best bet on the Cuban case was therefore that nothing concerning the largest island of The Antilles would make him or the Vice-President felt pressured to act one way or another. He could not anticipate that another migration crisis was going to happen and that it would polarize even more the State of Florida: The boy Elián González Brotón.^{lxxiii}

In the post Cold War period, the low priority in the U.S. foreign policy agenda on Cuba is evidenced by a high degree of incoherence and disarticulation, not only conceptual, but also practical. The three major crisis of the period —namely, the 1994 Rafters' Crisis, the 1996 shoot down of two aircraft of "Brothers to the Rescue" by the Cuban government and the 1999 crisis around the boy Elián González Brotón — are characterized by the absence of coordinating structures, or power vacuums at the highest level of decision making the US, particularly in the National Security Council. In all three instances, the fragility of the structure of the bilateral relations becomes quite evident. Small players, as the well-organized right wing of the Cuban community, affect not only bilateral connections, but also elements of regional and national security.

The fictitious linkage of the Cuban issue to elections in Florida and New Jersey, and the political influence of the fiercest lobby The Cuban American National Foundation has caused a relative alienation of the Cuban issue from U.S. foreign policy objectives, as the plight of six-year-old Elián Gonzalez so dramatically illustrates. The case, which seems to be a clear-cut one of migratory policy and parental rights, swiftly became popular fodder for U.S. politicians, both in Congress and on the presidential campaign trail.

Yet the debate over Elian also underlines that The Cuban American National Foundation is no longer an unchallenged power. The growing debate over Washington's policy towards Cuba has now extended beyond the right wing of the Cuban-American community. Congressional representatives, business associations, churches, humanitarian groups, academicians and even the Republican Governor of Illinois George Ryan have all underscored the irrational persistence of maintaining a policy that has not brought the expected results, and the imperative need to shift the course prevailing in the non-existing Cuba-U.S. relations for the sake of America's own political interests. The political muscles of the new actors advocating for a change of policy are yet to be tried in the policymaking process towards Cuba.

The lack of a long term articulate strategy by the Clinton Administration -one that would see beyond circumstances- and the basic consensus on the island's need to modify its political system both contribute to the manipulation of the Cuban issue by monothematic right-wing groups. These groups used the U.S. political process and Congressional logic to perpetuate their particular interests. Over the years, they have become an experienced and astute pressure group expert at effectively inserting itself into the North American political game.

However, this political craftiness may not be enough to counter the shift in U.S. public opinion, especially within the business community, the Catholic Church, and humanitarian groups. The deep process of transformation of the international system, the

new actors advocating for a change of policy towards the island, a more weakened leadership within the CAN-F and demographic changes in the Cuban community in Miami suggest that time may be right for this shift in U.S. public opinion to be translated into a change in policy.

Conclusion

There is an interesting twist as far as U.S. policy making with respect to Cuba is concerned. It shows an asymmetry in the relevance that each country attaches to the other. While policy-making in Cuba has always taken U.S. politics into serious consideration, the island has not been, in the short or medium term, a political priority for the United States.

For more than 40 years, this fact constrains the debate on U.S. policy towards the island and consequently, those showing very specific interests in the Cuban issue have traditionally monopolized the discussion. Namely, a group of hard liners in Miami has been the most vocal and influential and artificially they have forced the U.S. policy toward Cuba to be held hostage by domestic factors.

A necessary reassessment of the Cuban issue on the U.S. foreign policy agenda is an imperative vis-à-vis future attitudes and actions in bilateral relations.

Globalization, the contradictory process of integration, and the marginalization of states, nations, and social groups have been amalgamated by the need to face genuine universal problems like underdevelopment, pollution, migration, drug traffic, proliferation of weapons, human smuggling and new challenges to national, regional, and international security.

The geographic, economic, political, and cultural space Cuba and the United States share cannot be ignored. Therefore, the need to agree on subjects of common interest is a short term must, both for security reasons and to cut short a long list of outstanding issues, some over one hundred years old. Common sense and new international and domestic conditions, beyond any symbolism or political personalization, demand concert before bilateral and regional problems. Among the latter, it is politically viable and doable in the short term to carry coordinated efforts to deal with environment issues, migration, and human and drug traffic.

On an equal footing and under international law, negotiations in the medium term would prove sensible. They might address issues like claims and reclaims from both governments, the status of the Guantánamo Navy Base, the lifting of economic sanctions and, consequently, the restoration of normal trade relations. This would then open the way for consular and diplomatic relations.^{lxxiv}

The legal regulatory framework in the Helms-Burton Act and the codification of all acts, conditions any move towards negotiation to a change of government in Cuba and the

implementation of a number of mandates stipulated by U.S. law notwithstanding the desires of the Cuban people.^{lxxv}

For most Cubans on the island, sovereignty and independence are fundamental values. The intent to restore U.S. domination in Cuba is then faced with a Cuban national interest. The resulting contradiction becomes practically insurmountable.

Therefore, only wisdom and a negotiating will, as well as consideration of both countries' history, vocation for independence, and their national interests and regional security would help find the formula to clear the road ahead to rational coexistence in the dawn of the 21st century.

Quotations and Bibliographic Notes

ⁱ We abide by the definition given in Webster's Collegiate Dictionary, the action taken by the United States against Cuba is both a blockade and an embargo, with embargo defined as "an order of government prohibiting the departure of commercial ships from its ports", while a blockade constitutes "any restrictive measure designed to obstruct the commerce and communications of an unfriendly nation".

ⁱⁱ In 1991-1994 Cuba underwent a painful reality check, as the foreign underpinning of its economy vanished. The collapse of the U.S.RR and of the COMECON brutally exposed Cuba's economic vulnerability. General economic activity fell by 29% between 1989-1993. The reforms of the 1990s introduce or gave an altogether new importance to other forms of properties, including joint ventures with foreign capital, cooperatives and small-scale private property. The redefinition of the role of the state, along with the ongoing process of social differentiation, have markedly changed the constellation of social actors in Cuba and have posed a potential challenge to the traditional mechanisms for generating and preserving acceptable levels of consent. The chances for internal conflict in Cuba increase.

ⁱⁱⁱ "El Nuevo Herald", 5 de mayo de 1993, pp 1B y 2B.

^{iv} Hearing On the Western Hemisphere Subcommittee and the Economic Policy, Trade and the Environment Subcommittee and the International Operations Subcommittee of the House of Foreign Affairs Committee, Alexander Watson, Assistant Secretary of State and Richard Newcomb, Office of Foreign Assets Control, Treasury Department, Rayburn House Office Building, Washington D.C., November 18, 1993.

^v Speech Delivery by Michael M. Skol, Principal Deputy Assistant Secretary of State for Inter-American Affairs, Before the Women's National Democracy Club Educational Foundation on November 18, 1993; and Alexander Watson, October 26, 1993; Op Cit.

^{vi} A Report of the Inter-American Dialogue Task Force on Cuba: Cuba in the Americas Reciprocal Challenges, A special Report; Inter-American Dialogue of the Aspen Institute, October 1992, Washington D.C.; González, Edward and David Ronfeldt: Cuba Adrift in the Postcommunist World RAND, National Defense Research Institute, prepared for the Under Secretary of Defense for Policy, Published 1992 by RAND, Santa Monica, Ca; Preeg, Ernest: Cuba and the New Caribbean Economic Order, CSIS, Washington D.C., 1992; Shulz, Donald E: The United States and Cuba: From the Strategic of Conflict to Constructive Engagement, Strategic Studies Institute, U.S. Army War College, Department of the Army, The Department Defense, May 12, 1993; Florida International University: Cuba in Transition, Prepared for The State Department and AID, June 1993.

^{vii} Kirschten Dick: "Guantanamo, SI; Otherwise, NO"; In: National Journal; 13 May 1995, p 1198 y Schneider, William: "Immigration Politics Strikes Again"; In: National Journal, May 13, 1995, p 1206.

^{viii} Greenhouse, Stephen: "How Clinton Administration Reversed U.S. Policy on Cuban Refugees"; in: The New York Times News Service via DowVision, May 20, 1995.

^{ix} Washington Times, July 30, 1995, p 1A.

^x Idem;

^{xi} Leogrande, William. M.: "Enemies Evermore: U.S. Policy Towards Cuba After Helms-Burton.", In: Journal Latin American Studies, 29, 211-221. Cambridge University Press, 1997.

^{xii} Chardy, Alfonso: "Ex-Rivals Unites for Rafters"; in: The Miami Herald, May 13, 1995, p 15A.

^{xiii} Brenner, Philip and Kornbluh, Peter: "Clinton's Cuba Calculus"; In: NACLA: Report on the Americas, Vol. XXIX, Sep/Oct 1995, p 33-40.

^{xiv} Corzo, Cynthia: "Anuncio alivia a exiliados que desean viajar a Cuba"; in: El Nuevo Herald, 7 de octubre 1995, p 10A.

^{xv} Corzo, Cynthia: "Nuevos pasos alientan cambio pacífico en la Isla, dice Clinton"; in: El Nuevo Herald, 7 de octubre 1995, p 1A-10A.

^{xvi} A Report of the Inter-American Dialogue Task Force on Cuba: Cuba in the Americas Reciprocal Challenges, A special Report; Inter-American Dialogue of the Aspen Institute, October 1992, Washington D.C.; González, Edward and David Ronfeldt: Cuba a Drift in the Postcommunist World RAND, National Defense Research Institute, prepared for the Under Secretary of Defense for Policy, Published 1992 by RAND, Santa Monica, Ca; Preeg, Ernest : Cuba and the New Caribbean Economic Order, CSIS, Washington D.C., 1992; Shulz, Donald E: The United States and Cuba: From the Strategic of Conflict to Constructive Engagement, Strategic Studies Institute, U.S. Army War College, Department of the Army, The Department Defense, May 12, 1993; Florida International University: Cuba in Transition, Prepared for The State Department and AID, June 1993.

^{xvii} A Report of the Inter-American Dialogue Task Force on Cuba: "Cuba in the Americas: Breaking the Policy Deadlock", A special report; Inter-American Dialogue of the Aspen Institute, September 1995, Washington D.C.

^{xviii} Idem;

^{xix} Alfonso, Pablo: "En marcha el diálogo de Carter"; in: El Nuevo Herald; 21 de Septiembre 1995; p 1A-11A.

^{xx} Falk, Pamela: " Eyes On Cuba: U.S. Business and the Embargo", In: Foreign Affairs, March-April 1996, p 16.

^{xxi} Nagin, Carl: "Annals of Diplomacy: Backfire", In: The New Yorker, January 26, 1998, p 31.

^{xxii} En los años cuando el régimen de Pretoria estaba sometido a un embargo internacional, muchas compañías norteamericanas decidieron mantenerse en Sudáfrica. Esa decisión resultó muy controvertida para determinados sectores norteamericanos, y un reverendo llamado Sullivan desarrolló una serie de criterios a ser aplicados por las compañías norteamericanas con la finalidad de que en su política de empleos se desafiaran los criterios discriminatorios del Apartheid.

^{xxiii} Falk, Pamela: Op Cit.,

^{xxiv} Nagin, Carl: Op Cit., p 30 35.

^{xxv} Idem, p 33

^{xxvi} Idem, p 35.

^{xxvii} Idem, p 35.

^{xxviii} Idem, p 33.

^{xxix} “Statement By Roberto Robaina, Minister of Foreign Affairs of the Republic of Cuba, to the Resumed 50th Session of the U.N. General Assembly”, March 6.

^{xxx} Report of the Investigation Regarding the Shooting Down of Two U.S. Registered Private Civil Aircraft by Cuban Military Aircraft on 24 February 1996, ICAO, June 20, 1996.

^{xxxi} U.S. Newswire, February 26, 1996.

^{xxxii} The Independent, October 2, 1996.

^{xxxiii} See: Section 101 (2). Cuban Liberty and Democratic Solidarity Act of 1996. (H. Rept 104-468).
Section 102 (a). Cuban Liberty and Democratic Solidarity Act of 1996. (H. Rept 104-468).

Section 102-(c) (d). Cuban Liberty and Democratic Solidarity Act of 1996. (H. Rept 104-468).

Section 102 (h). Cuban Liberty and Democratic Solidarity Act of 1996. (H.Rept104-468).

Section 103 (a). Cuban Liberty and Democratic Solidarity Act of 1996. (H. Rept 104-468).

Section 104-(a) (b). Cuban Liberty and Democratic Solidarity Act of 1996. (H. Rept 104-468).

Section 105. Cuban Liberty and Democratic Solidarity Act of 1996. (H. Rept 104-468)

Section 101 (3) and Section 106 (a) (d) (2). Cuban Liberty and Democratic Solidarity Act of 1996. (H. Rept 104-468)

Section 108. Cuban Liberty and Democratic Solidarity Act of 1996.(H. Rept 104-468).

Section 110. Cuban Liberty and Democratic Solidarity Act of 1996. (H. Rept 104-468).

Section 107. Cuban Liberty and Democratic Solidarity Act of 1996.(H. Rept 104-468).

^{xxxiv} See: Title III, Section 302. Cuban Liberty and Democratic Solidarity Act of 1996. (H. Rept 104-468). The Act allows U.S. national to sue for money damages in U.S. Federal court those persons that traffic in property confiscated in Cuba. It extends the right to sue to Cuban Americans who became U.S. citizens after their properties were confiscated or nationalized.

^{xxxv} See: Title II-Assistance to a Free and Independent Cuba. Cuban Liberty and Democratic Solidarity Act of 1996. (H. Rept 104-468).

On January 28, 1997, the American government published a program titled “Support for a Democratic Transition in Cuba”. This plan is an integral part of the Helms-Burton Act, which under section 202 (g) of Title II, stipulates that it will be applied only when a transition government is in power in Cuba and after that government takes appropriate measures to return to U.S. citizens all property nationalized and confiscated after 1959. The plan establishes a so-called aid for various areas and organizations for a six-year period in specific sectors of Cuba’s society, without considering the realities and sovereign rights of the Cubans. The document sets the terms for a hypothetical aid, but during the so-called transition period, diplomatic and trade relations will not be resumed. Even if a “transition government” comes into power in Cuba the embargo must continue until a "democratically elected government" is in place, certificated by the U.S. government. It states that “for the time being, no country, no international organization or institution is in position to make specific commitments to give funds to support transition in Cuba.

^{xxxvi} Dominguez, Jorge: “U.S. Cuban Relations: From the Cold War to the Colder War”, In: Journal of Interamerican Studies and World Affairs, 1997, p 58.

^{xxxvii} Idem,

^{xxxviii} See: Title III, Section 302. Cuban Liberty and Democratic Solidarity Act of 1996. (H. Rept 104-468), Op Cit; , and Title IV of the Cuban Liberty and Democratic Solidarity Act of 1996. (H. Rept 104-468). Title IV provides that the Secretary of State, in consultation with the Attorney General, must exclude from

the United States any foreigner who had acquired, negotiated, managed or used property in Cuba that is under claim by any U.S. citizen or company. The list of the excludable includes corporate officers, principals, or shareholders with a controlling interest of an entity involved in the confiscation or nationalization of U.S. property or trafficking of U.S. property. It also includes the spouses, minor child, or agent of aliens who could be excludable under this provision. This provision is mandatory and only waiveable on a case-by-case basis for travel to the United States for humanitarian medical reasons or to defend themselves in legal actions regarding confiscated property.

^{xxxix} See: Title III, Section 302. Cuban Liberty and Democratic Solidarity Act of 1996. (H. Rept 104-468); and Title IV of the Cuban Liberty and Democratic Solidarity Act of 1996. (H. Rept 104-468).

^{xl} See: Title III. Cuban Liberty and Democratic Solidarity Act of 1996. (H. Rept 104-468).

^{xli} See: Title IV. Cuban Liberty and Democratic Solidarity Act of 1996. (H. Rept 104-468).

^{xlii} Understanding with Respect to Disciplines for the Strengthening of Investment Protection, May 1998, p 5.

^{xliii} Idem; p 1, 2, 4.

^{xliv} Understanding with Respect to Disciplines for the Strengthening of Investment Protection. Annex 4. EU Side Letter, p 12. The sampling of those claims were taken only from the certified claims by the U.S. Foreign Claims Settlement Commission. In 1964, the U.S. Congress authorized the Foreign Claims Settlement Commission to determine and validate the amounts of claims by U.S. citizens or firms against the Cuban government. The Foreign Claims Settlement Commission certified 5,911 claims as valid. The total value of nationalized, expropriated, intervened or impounded assets was determined to be an aggregate principal of 1.851,057,358, at a yearly interest rate of 6%, from the moment the asset had been lost. The total number of claims rejected by Commission or withdrawn were 5,905.

^{xlv} Understanding with Respect to Disciplines for the Strengthening of Investment Protection. Annex A. p 7.

^{xlvi} Idem; p 5

^{xlvii} Balz, Dan: "U.S. Eases Stand on Cuba, Iran Sanctions: Helms Condemns, Europe Hails Move", In: The Washington Post, Tuesday, May 19, 1998; Page A15

^{xlviii} Brenner Philip: Today U.S. Foreign Policy, Conference at CESEU, Havana University, February, 1998.

^{xlix} See the analysis of this phrase made by Fidel Castro In: Comparecencia televisiva del Presidente del Consejo de Estados y de Ministros de Cuba Fidel Castro Ruz el 2 de febrero 1998.

^l Russell Mead, Walter: "Remaking U.S.-Cuba Policy" In: Los Angeles Times, Sunday, March 29, 1998

^{li} According to Jose Cabanas, head of the Ministry of Foreign Relation's section that deal with Cuban outside the island, more than 100 000 Cubans have arrived to The United States as a result of the 1994 Migration Agreement. Conference dictated at Havana University, September 11, 1998.

^{lii} Idem.

^{liii} Jones, Kirby and Rich, Donna: Opportunities for U.S.-Cuba Trade. A study by the Cuban Studies Program of the John Hopkins University, School of Advanced International Studies, Washington DC, P 8.

^{liv} See: Comparecencia televisiva del Presidente Fidel Castro del 3 de Febrero y el discurso del 14 de Febrero de 1998 en la inauguración de la sesión de la Asamblea del Poder Popular. See: Discurso en Ginebra del 17 de Mayo de 1998 en la Swiss-Cuban Friendship Association.

^{lv} The Washington Post "The Cuba Food Embargo", Editorial, Friday, February 6, 1998; Page A24.

^{lvi} The Senate Foreign Relations Chairman Jesse Helms, R-N.C., the entire GOP leadership and several Democrats introduced on May 14, 1998 the legislation to authorize \$100 million over four years in humanitarian aid to the Cuban people, while urging stepped-up U.S. government support for "democratic opposition groups in Cuba." The measure would require the president to seek a UN resolution calling on Fidel Castro to "immediately respect all human rights, free all political prisoners, legalize independent political parties, allow independent trade unions and conduct freely contested elections". It also urges the administration to commence "freedom broadcasting" through Radio and TV Marti broadcasts from Guantanamo Bay and "suitable sites around Cuba." In addition to humanitarian aid, the bill calls for "democracy assistance" -- communications equipment, printing presses, photocopiers and other items that internal opposition groups need to spread pro-democracy messages. The Reagan Administration provided such assistance to Poland during the 1980s. 20 other senators including five Democrats and Majority Leader Trent Lott, R-Miss support the proposal.

^{lvii} See: U.S.-Cuban Relations in the 21st Century: Independent Task Force of the Council on Foreign Relations
Co-Chairs Report: Bernard W. Aronson and William D. Rogers, January 15, 1999.

^{lviii} Chicago Tribune: Give Cuba trade, Not Charity, March 25, 1998; Cristopher Marquis: "Medidas de EU aún causan debate en exilio", In: El Nuevo Herald, jueves, 26 de marzo de 1998; Los Angeles Times: "U.S. Policy on Cuba", Thursday, March 26, 1998; The Miami Herald: "Much a do about little", Section: Opinions, OP-ED Commentaries, Wednesday - MAY 20, 1998, p A22. Background Briefing With State, Commerce and Treasury Department Officials Regarding Implementation of March 20 Measures on Humanitarian Flights, Family Visits and Monetary Remittances for Cuba Wednesday, May 13, 1998. At the beginning of 1999 none medicine had arrived to Cuba on a sale basis, and the relaxation of the policy was questioned not only by the Cuban Government but also by U.S. Scholars.

^{lix} Lippman , Thomas W.: "U.S. to Ease Some Curbs Against Cuba", In: The Washington Post, Friday, March 20, 1998; Page A01

^{lx} See: Background Briefing With State, Commerce and Treasury Department Officials Regarding Implementation of March 20 Measures on Humanitarian Flights, Family Visits and Monetary Remittances for Cuba Wednesday, May 13, 1998. Worldnet "DIALOGUE" United States Information Agency Television and Film Service of Washington, D.C. Guests: Michael Ranneberger, Coordinator, Cuban Affairs, U.S. Department of State, Murette Evans (sp), Office of Foreign Asset Control, U.S. Department of the Treasury, TOPIC: New Measures for Cuba, Post: Havana, Host: Ivan Silva Acuna, Date: May 13, 1998.

^{lxi} See: Defense Department Authorization Act (PL 105-85). As Signed into law, section 1228 called for the Secretary of Defense to carry out, by March 31, 1998 a review and assessment of Cuban military capabilities and the threat to U.S. National Security posed by Cuba, and an assessment of the contingency plans developed by the Secretary to counter any threat posed by Cuba to the United States.

^{lxii} Defense Department Report: The Cuban Threat to U.S. National Security, May 1998.

^{lxiii} Idem:

^{lxiv} Marquis, Christopher: "Pentagon wants U.S. military to work with Cuba Posted"; In: The Miami Herald, Friday, March 27, 1998

^{lxv} Idem:

^{lxvi} Defense Department Report; Op Cit.;

^{lxvii} Marquis Christopher: "Pentagon wants U.S. military to work with Cuba Posted"; Op Cit.

^{lxviii} Defense Department Report; Op Cit.;

^{lxix} Gedda George: Ex-U.S. Officials Speak Out on Cuba, Associated Press AP 10/13/98. 1354

See also: United States Senate, Washington D.C. October 13, 1998, Letter to the Honorable William Jefferson Clinton, President of the United States by 24 senators. Law Office: Baker, Donelson, Bearman and Caldwell, a professional Corporation, Washington D.C., September 30, 1998. Letter to Honorable John Warner signed by Howard Baker, Jr., Frank Carlucci, Henry Kissinger, William Rogers, Harry Shaludeman, and Malcom Wallop.

^{lxx} On December 19, 1998, The House of Representatives of the U.S. Congress impeached President Clinton and approved an article on perjury and another on obstruction of justice.

^{lxxi} The New York Times, 6 January 1999 NYT Editorial: Changed Terrain on Cuba. P A1

^{lxxii} Wayne S. Smith: "Instead of Needed Changes, Administration Continues a Failed Policy"; THE NATION, CUBA, LA Times 10 January 1999. In this article Wayne adds: Cuban Americans currently can send \$1,200 per annum to family members; under the new rules, any U.S. citizen can send that much to private citizens or entities on the island. A church in Los Angeles, for example, that has a relationship with a church in Cuba can now send money. Presumably, Americans could also send money to Cuban friends to help start small business, say, a private restaurant. Any increase in the flow of dollars to Cuba's hard-currency-short economy will be helpful. The proposed sale of food to private institutions, the sale of fertilizers and farm implements to private farmers and cooperatives, and the proposal to begin direct mail service between the U.S. and Cuba will be more difficult to implement. Neither private restaurants nor farmers have any means of buying such goods. The importation of goods and the system for distributing them are in the hands of the government. So unless U.S. firms can sell to government entities, or unless Cuba modifies its means of importation, few sales are likely to be made. As for direct mail service, the Cubans have long taken the position that it will require regularly scheduled air service, not charters. That would require a civil air agreement between the two countries".

^{lxxiii} The boy, Elián González, was rescued off Florida on Nov. 25 and is living with relatives in Miami. He had clung to an inner tube for two days after a boat full of Cubans capsized in an effort to reach Florida illegally. Elián's mother, stepfather and nine other people died at sea. His father's relatives in Miami, who want him to stay with them, took in Elián. His father, Juan Miguel González, who was divorced from the mother, wants Elián returned to his hometown, Cárdenas. On January 5, 2000, U.S. immigration officials said that a 6-year-old boy rescued at sea should be returned to his father in Cuba. The decision announced by Doris Meissner, commissioner of the Immigration and Naturalization Service, required the boy, Elian Gonzalez, to leave Miami and return to Cuba by Jan. 14. The notion that other administrations might have sought to have the issue decided differently was reinforced as the chairman of the Republican National Committee and the two leading Republican candidates, Gov. George W. Bush of Texas and Senator John S. McCain of Arizona, were quick to denounce the ruling. While the issue appeared settled in Washington, Cuban-Americans in Miami have made the case a

cause, taking their anger over the decision into the streets. On January 12, U.S. Attorney General Janet Reno rejected a Miami-Dade family court judge's authority to award custody of Elian Gonzalez to his great-uncle and challenged the family's attorneys to take the matter to federal court if they wish to appeal her ruling. This latest twist in the Elian saga serves principally to prolong the boy's stay in the United States. To allow time for court proceedings, Reno lifted the January 14 deadline set by the Immigration and Naturalization Service for the boy's return to Cuba and no new deadline was set. On January 19, the so-called Family lawyers filed a federal lawsuit asking a judge in Miami to block Elián's return on the grounds that U.S. immigration officials violated his rights by twice denying him a hearing for political asylum. It was the beginning of a long judicial process. The U.S. Justice Department late on April 12 ordered an end to the 4 1/2-month tug of war over Elián González, telling the Miami so called relatives to take the boy to a Miami-area airport at 2 p.m. on April 13. So called relatives defied the order to hand over the boy and instead obtained an order from a federal appeals court that kept Elián in the United States while the fight went on. With the so called relatives defying a government order to give Elián to his father, on April 22, Elián González was removed from his uncle's Little Havana home in a tightly coordinated operation led by the Border Patrol and INS agents. After five interminable months in which the boy was turned into a celebrity by the manipulation of distant so called relatives, the cowardice of politicians and the hypocrisy of some in Miami, a predawn raid rescued Elián and returned him to his dad at Andrews Air Force Base, Maryland. In the meantime, Elián remained in the United States. A temporary injunction preventing his departure issued by the appeals panel was automatically extended. On June 26, the so called Miami relatives filed an appeal with the Supreme Court and two days later on June 28, the Supreme Court rejected the appeal; and Elian returned home with his father to Cuba after seven months.

^{lxxiv} A rationale could be, if possible this scenario, to open negotiations on a series of regional issues, i.e.: the implications for the Western Hemisphere of the restoration of a Cuban sugar quota; the impact on the Caribbean economy of resuming normal bilateral trade relations; Cuban participation in the Caribbean Basin Initiative (CBI) and the Free Trade Area of the Americas (FTAA); prospects for Cuba's re-entry into the Organization of American States (OAS); and the integration of Cuba into the international financial system.

^{lxxv} **Cuban Liberty and Democratic Solidarity Act of 1996.** (H. Rept 104-468). **Title II-Assistance to a Free and Independent Cuba. Cuban Liberty and Democratic Solidarity Act of 1996. (H. Rept 104-468).**