

Independent Task Force Report U.S.-Cuban Relations in the 21st Century

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FOREWORD

Forty years after Fidel Castro's seizure of power, the United States and Cuba remain deeply estranged, and U.S. policy toward Cuba continues to excite debate pro and con here and abroad. Some observers expected rapid change in relations between the United States and Cuba at the end of the Cold War. Some thought that, deprived of support from the Soviet Union, the Castro

regime would have to introduce sweeping economic and political changes to survive -- and might well collapse as did so many communist regimes in 1989-90. Others expected that whatever happened in Cuba, U.S. policy toward the island would change once its relationship with Cuba was no longer a part of the great global contest with the Soviet Union.

Ten years after the end of the Cold War, however, the political situation in Cuba and U.S. policy toward Havana are only slightly changed. Despite a precipitous economic decline, Fidel Castro's government remains committed to building state socialism. Cuba's economic reforms -- allowing dollars to circulate freely on the island, opening farmers' markets to supplement the state distribution system, and permitting the very modest growth of self-employment -- have not altered the basic structure of the Cuban economic system. Politically, Cuba is still a one-party state, and independent and well-respected human rights organizations regularly identify serious human rights abuses on the island.

U.S. policy toward Cuba has also remained remarkably unchanged in the aftermath of the Cold War. However, the rationale for U.S. policy toward the island has changed -- from opposing Cuba's efforts to support armed, pro-Soviet revolutionary groups in the region to opposing Cuba's domestic record on human rights and lack of democracy -- but the economic embargo first proclaimed by President Kennedy in 1962 remains the centerpiece of U.S. policy.

Because of what has changed and not changed, the time seems ripe for a fresh look at U.S. policy toward Cuba. With the United States less interested in containing communism than in promoting democracy, Cuba may still pose problems for policymakers, but they are not the same problems that the United States faced in the Cold War. After 40 years, the long era of Fidel Castro's personal rule in Cuba is also drawing to a close. These considerations raise the question of whether the United States should begin to focus less on dealing with President Castro and think more about its long-term relationship with the Cuban people.

In this context, the Council on Foreign Relations, while not taking a position as an institution, sponsored a bipartisan Independent Task Force on U.S.-Cuban Relations in the 21st Century. Task Force members engaged in a comprehensive policy review, identifying U.S. interests with respect to Cuba now and in the future, evaluating current policy, and crafting a range of recommendations that can be implemented within the framework of current legislation.

The Task Force was chaired jointly by Bernard W. Aronson and William D. Rogers, both former assistant secretaries of state for inter-American affairs. Its distinguished members included widely respected scholars, legal analysts,

businesspeople, and former government officials representing a broad range of views and backgrounds. A number of congressional and White House staff members participated in the Task Force meetings as observers. In addition to the members of the Task Force and the listed observers, the Task Force sought comments and advice from a wide variety of experts and interested persons, holding meetings in Atlanta, Houston, Miami, Chicago, and Los Angeles. A delegation was also sent to the Vatican, where members and staff met with Pope John Paul II and with senior Vatican officials to receive their comments on the draft report.

Meeting on three occasions in the fall of 1998, the Task Force decided to look for what it considered to be new and flexible policy approaches toward Cuba based on the new conditions shaping the relationship. While the Task Force did not recommend an end to the embargo or a normalization of official diplomatic relations between the two countries, the group studied a variety of measures that, in its judgment, would tend to normalize relations between the Cuban and American people now and lay the groundwork for better official relations in the future. The Task Force favors a bipartisan policy toward Cuba. At the same time, the Task Force recognized that the president retains very broad authority to modify existing policy toward Cuba, and most of its recommendations call for presidential action, rather than new legislation.

The Task Force members, many of whom have played an active part in formulating recent policy toward Cuba, endorsed a wide variety of measures suggested by the co-chairs in relation to the Cuban American community. Members also supported expanding people-to-people contact through travel and other exchanges, facilitating the delivery of food and medicine to the island, promoting direct American private-sector investment, and stepping up cooperation with Cuba where specific U.S. interests are involved. Notably, the co-chairs and the Task Force members chose not to condition their recommendations on changes in Cuban policy. Whatever Castro does, the Task Force concluded, it is in the interest of the United States to promote broad contacts and engagement between the American and Cuban people and, as the need arises, to provide humanitarian assistance to our neighbors.

Finally, I would like to thank Bernard Aronson and William Rogers, the co-chairs of the Task Force, for their steadfast leadership; Walter Mead and Julia Sweig, the project director and program coordinator, respectively, for their hard and good work in seeing that the Task Force ran smoothly; and Council members for raising important questions on the subject. Most of all, thanks are due to the Task Force itself, for stimulating debate on an issue that requires more serious attention.

Leslie H. Gelb
President

ACKNOWLEDGMENTS

Over the past six months, the Independent Task Force on U.S.-Cuban Relations in the 21st Century sponsored by the Council on Foreign Relations has benefited from the assistance of many individuals. The success of this Task Force is due in large measure to the leadership provided by its co-chairs, Bernard W. Aronson and William D. Rogers. I am especially indebted to the members and observers of the Task Force, who offered their wisdom, intellect, and experience during the crafting of this report. In addition, the report and activities of the Task Force have benefited from comments provided by Professors Jorge Dom'nguez, Marifeli Pérez-Stable, María de los Angeles Torres, Carmelo Mesa- Lago, and Damian Fernández, as well as from former White House adviser for Cuba, Richard Nuccio. p> The Task Force also benefited from a series of meetings and discussions set up through the Council's National Program and its partner institutes. These meetings were of great value in that they enabled the Task Force to take account of the views of people outside the Washington-New York circuit. The Task Force Report underwent many changes between the first draft and the final report. Many of these were due to the extremely helpfulÑand sometimes quite pointed -- suggestions and comments we received in the national meetings. I would like to thank all those who took the time to review the report and attend these meetings, and thank the Pacific Council on International Policy in Los Angeles, the Carter Center in Atlanta, the Chicago Council on Foreign Relations, the James A. Baker III Institute for Public Policy of Rice University in Houston, and the Dante B. Fascell North-South Center of the University of Miami for hosting us so generously and graciously.

Special thanks are due also to those who enabled the Task Force to confer with senior Vatican officials. His Eminence Bernard Cardinal Law, archbishop of Boston, arranged our participation in an audience with His Holiness Pope John Paul II and a meeting with His Excellency Most Reverend Jean Louis Tauran, Vatican secretary for relations with states. The generosity of Allen Adler made the visit possible.

At the Council on Foreign Relations we would like to acknowledge the support for the Task Force provided by Nelson and David Rockefeller Senior Fellow for Inter- American Studies and Director of the Latin America Program Kenneth R. Maxwell, Vice President for Corporate Affairs and Publisher David Kellogg, Director of Publishing Patricia Dorff, Director of Communications April Wahlestedt, Vice President and Director of the Council's Washington Program Paula J. Dobriansky, and Assistant Director of the Council's Washington Program Lorraine G. Snyder.

I also want to thank my colleagues on the Task Force staff without whom this report could not have been written. First and foremost, Senior Program Coordinator Julia Sweig provided hard work, intellectual leadership, and commitment without which both our process and our product would have been much poorer. Additionally, my research associate Rebecca O'Brien and intern Benjamin Skinner went far beyond the call of duty to provide the Task Force with seamless research and administrative support from New York. I am also grateful to Kaya Adams whose administrative support in Washington greatly facilitated our work.

I would like to express gratitude to the Arthur Ross Foundation and the Open Society Institute, whose contributions provided financial support for this Task Force.

Walter Russell Mead
Project Director
Council on Foreign Relations

INTRODUCTION

In reviewing U.S. policy toward Cuba, this Task Force is well aware that we are undertaking one of the most difficult and perhaps thankless tasks in American foreign policy. Our domestic debate about Cuba has been polarized and heated for decades, but this report seeks to build new common ground and consensus with hope and confidence. What shapes our recommendations is a sense that U.S.-Cuban relations are entering a new era. We have tried to analyze the nature of this new era, understand the American national interest vis-à-vis Cuba at this time, and develop an approach to Cuba policy that avoids the polarization of the past.

We have not tackled every outstanding issue. Instead, we have elected to try to break the current logjam by proposing new steps that we hope can elicit broad bipartisan support. Some will find our recommendations too conservative; others will argue that our proposals will strengthen the current Cuban regime. We hope and trust, instead, that these proposals will promote U.S. interests and values by hastening the day when a fully democratic Cuba can reassume a friendly, normal relationship with the United States.

Too often, discussions of U.S. policy toward Cuba start from the position that the policy over the last four decades has been a failure. Both opponents and supporters of the embargo sometimes embrace this conclusion as a starting point and then urge either jettisoning the embargo because it is counterproductive and a failure, or tightening the embargo to increase its effectiveness.

We believe that U.S. policy toward Cuba throughout the Cold War sought to

achieve many goals, ranging from the overthrow of the current regime to the containment of the Soviet empire. Not all these goals were achieved. Cuba remains a highly repressive regime where the basic human rights and civil liberties of the Cuban people are routinely denied and repressed. Indeed, in its annual report issued in December 1998, Human Rights Watch said that Cuba has experienced "a disheartening return to heavy-handed repression." Still, we believe that U.S. policy toward Cuba, including the embargo, has enjoyed real, though not total, success.

The dominant goal of U.S. policy toward Cuba during the Cold War was to prevent the advance of Cuban-supported communism in this hemisphere as part of an overall global strategy of containing Soviet communism. There was a time in this hemisphere when the danger of Cuban-style communism threatened many nations in Latin America, when many young people, academics, and intellectuals looked to Cuba as a political and economic model, and when Cuban-supported violent revolutionary groups waged war on established governments from El Salvador to Uruguay.

That time is gone, and no informed observer believes it will reappear. Cuban communism is dead as a potent political force in the Western Hemisphere. Democracy is ascendant in the Western Hemisphere, however fragile and incomplete it remains in some nations. Today, electoral democracy is considered the only legitimate form of government by the member states of the Organization of American States (OAS), and they are formally committed to defend it.

A 1998 Defense Intelligence Agency analysis concluded that Cuba no longer poses a threat to our national security. Cuba's Caribbean neighbors are normalizing their relations with Cuba not because they fear Cuban subversion, but in part because they understand that Cuban ideological imperialism no longer constitutes a regional force. The emergence of democracy throughout the hemisphere, the loss of Soviet support, sustained U.S. pressure, and Cuba's own economic woes forced the Cuban regime to renounce its support of armed revolutionary groups. Containment has succeeded, and the era when it needed to be the organizing principle of U.S. foreign policy toward Cuba has ended.

Throughout the Cold War the United States sought either to induce Fidel Castro to introduce democratic political reforms or to promote his replacement as head of the Cuban state. We believe support for democracy should be our central goal toward Cuba. But we also believe that the time has come for the United States to move beyond its focus on Fidel Castro, who at 72 will not be Cuba's leader forever, and to concentrate on supporting, nurturing, and strengthening the civil society that is slowly, tentatively, but persistently beginning to emerge in Cuba beneath the shell of Cuban communism.

This is not a repudiation of our policy of containment but its natural evolution. As George F. Kennan wrote, containment was not simply a strategy to limit the influence of communism in the world. In his 1947 Foreign Affairs article, Kennan argued that communism, as an economic system, required the continuous conquest of new resources and populations to survive. Once bottled up, communist systems will decay. Its poor economic performance and its frustration of the natural human desire for freedom make communism a doomed system if it cannot expand. Communism's collapse across Eastern Europe and the Soviet Union triumphantly vindicated Kennan's views.

The processes of decay that Kennan foresaw for the Soviet Union after containment are already far advanced in Cuba. The Cuban economy contracted significantly after Soviet subsidies ended. Cuba has legalized the dollar, tolerated modest small-business development, however limited, and sought foreign investment in tourism to attract desperately needed foreign exchange.

The Cuban government's formidable instruments of repression keep open dissenters marginalized, but the poverty and repression of daily life for most Cubans, combined with the affluence they see among foreign tourists and Cubans with access to hard currency, are steadily eating away at the foundations of Cuba's system. Pope John Paul II's extraordinary visit to Cuba in January 1998 revealed a deep spiritual hunger in Cuba and massive popular support for the Cuban church. The regime has lost the struggle for the hearts and minds of Cuba's youth, few of whom long for a future under Cuban-style "socialism." Indeed, we believe that in both civil society and, increasingly, within middle-level elements of the Cuban elite, many Cubans understand that their nation must undergo a profound transformation to survive and succeed in the new globalized economy and in today's democratic Western Hemisphere.

Cubans on the island also know well that while they remain citizens of an impoverished nation, struggling to meet the daily necessities of life more than 40 years after the revolution, Cubans and Cuban Americans one hundred miles to the north are realizing great economic and professional achievements. This peaceful majority of Cuban Americans in the United States, by demonstrating that freedom, capitalism, and respect for human dignity can allow ordinary people to achieve their full potential, is helping erode the Cuban regime's domestic credibility.

Almost every person in Cuba knows someone who lives in the United States. Increased contact between Cubans on the island and their friends and relations in the United States -- a central goal of U.S. policy since the 1992 passage of the Cuban Democracy Act -- may have done more to weaken the Cuban government than any other single factor since the collapse of the Soviet Union.

While it is by no means clear how fast change will come in Cuba, there is no doubt that change will come. The regime has two choices. Both lead to change. On the one hand, it can open up to market forces, allowing more Cubans to open small businesses and inviting more foreign investment to build up the economy. This will relieve Cuba's economic problems to some extent -- with or without a change in U.S. policy -- but at the cost of undermining the ideological basis of the Cuban system.

The alternative -- to throttle Cuban small business and keep foreign investment to a minimum -- also will not preserve the status quo in Cuba. If Cuba refuses to accept further economic reforms, its economy will continue to decay, and popular dissatisfaction with the system will increase. Just as Kennan predicted 50 years ago in the Soviet case, a communist system forced to live on its own resources faces inevitable change.

U.S. opposition to Cuban-supported revolution and U.S. support for democracy and development in this hemisphere played critical roles in frustrating Cuba's ambitions to extend its economic model and political influence. With this success in hand, the United States can now turn to the second stage of its long-term policy on Cuba: working to create the best possible conditions for a peaceful transition in Cuba and the emergence of a democratic, prosperous, and free Cuba in the 21st century.

A look at postcommunist Europe shows us that the end of communism can lead to many different results -- some favorable, others not so favorable. In Poland, the Czech Republic, and Hungary, the end of communism started a process of democratic and economic development. In contrast, new governments in much of the former Soviet Union are ineffective and corrupt. Criminal syndicates dominate some of these new economies, and ordinary people have suffered catastrophic declines in living standards. In Nicaragua, free elections ended Sandinista rule, but the successor governments have not yet put the country on the path to prosperity.

Furthermore, there are many different ways in which communist regimes can change. In the former Czechoslovakia, the "Velvet Revolution" led to a peaceful transfer of power. In Romania, the former ruler and his wife died in a bloody internal struggle.

In Poland, civil society developed within the shell of communism, enabling Solidarity to strike a bargain with the Communist Party that provided for a limited period of power-sharing prior to truly free and fair elections. During this transition, the United States -- both the government and many nongovernmental organizations -- actively engaged with and supported Poland's emerging civil society, from the Catholic Church and human rights groups to the Polish trade union movement. Simultaneously, while the U.S. government directly supported Poland's emerging civil society, it also offered

the carrot of relaxing existing sanctions to persuade the military regime to release political prisoners and open space for free expression of ideas and political activity.

As a unique society with its own history and social dynamics, Cuba will find its own solution to the problem posed by its current government. The United States cannot ordain how Cuba will make this change, but U.S. policy should create conditions that encourage and support a rapid, peaceful, democratic transition.

The United States has learned something else about transitions. Some who formerly served the old regimes, whether through conviction, opportunism, or necessity, have become credible and constructive members of the newly emerging democratic governments and societies. The Polish armed forces -- which enforced martial law against Solidarity in the early 1980s -- are now a trusted NATO partner. Throughout Central and Eastern Europe and the former Soviet Union, officials who once served the communist system became valuable, democratic-minded members of new, free societies. Some former communist parties reorganized themselves on democratic lines in Italy as well as in Eastern and Central Europe -- and now play key roles as center-left parties in constitutional democracies.

This experience allows the United States to approach Cuba today with more flexibility than in the past. Some who today serve the Cuban government as officials may well form part of a democratic transition tomorrow. Indeed, enabling and encouraging supporters of the current system to embrace a peaceful democratic transition would significantly advance both U.S. and Cuban interests in the region.

The American national interest would be poorly served if Cuba's transition led to widespread chaos, internal violence, divisive struggles over property rights, increased poverty, and social unrest on the island. An additional danger for the United States would arise if chaos and instability led to uncontrolled mass migration into the United States. Having tens or hundreds of thousands of desperate Cubans fleeing across the Florida Straits would create both humanitarian and political emergencies for the United States. Civil strife in Cuba would also have serious consequences for the United States, including potential pressures for the United States to intervene militarily.

On the other hand, the benefits to the United States of a peaceful, democratic, and prosperous Cuba would be substantial. A democratic Cuba has the potential to be a regional leader in the Caribbean in the fight against drug trafficking and money laundering. As a trading partner, Cuba would be a significant market for U.S. agricultural, industrial, and high-tech goods and services. A reviving tourist industry in Cuba will create tens of thousands of jobs in the United States. Working together, the United States, Cuba, and

other countries in the region can protect endangered ecosystems such as the Caribbean's coral reefs, cooperate on air/sea rescues and hurricane prediction, and develop new plans for regional integration and economic growth.

Finally, the growth of a stable democratic system in Cuba will permit the resumption of the friendship between Cubans and U.S. citizens, a friendship that has immeasurably enriched the culture of both countries. The estrangement between Cuba and the United States is painful for both countries; a return to close, friendly, and cooperative relations is something that people of goodwill in both countries very much want to see.

TASK FORCE RECOMMENDATIONS AND CURRENT POLICY

With the end of the Cold War, substantial strains on the Cuban economy, and the end of Cuban support for armed revolutionary movements in the Western Hemisphere, U.S. policy toward Cuba has evolved through the 1990s. The 1992 Cuban Democracy Act (CDA) both strengthened economic sanctions against the Castro regime and authorized the president to implement a range of measures to promote exchanges and contacts between Americans and Cubans and take unspecified measures "to support the Cuban people." Following passage of the CDA, the administration reached an agreement with Cuba that restored direct phone service between the two countries, permitted the opening of news bureaus in Havana, and began to ease travel restrictions for scholars, artists, and others. At the same time, the CDA tightened the embargo by blocking trade between third-country U.S. subsidiaries and Cuba. In 1994 and 1995, the United States and Cuba signed immigration accords under whose terms 20,000 Cuban citizens are allowed to emigrate to the United States each year, including up to 5,000 Cubans per year who qualify as political refugees. Cubans attempting to enter the United States irregularly are returned to Cuba.

In 1996, following the downing by Cuban MiGs of two American planes and the deaths of three American citizens and one legal resident, the Cuban Liberty and Democratic Solidarity Act (popularly known as Helms-Burton) passed Congress and was signed into law by the president. The new law further defined U.S. policy toward Cuba. Title I seeks to strengthen international sanctions against the Cuban government through a variety of diplomatic measures. Title II delineates the conditions under which the president may provide direct assistance for and otherwise relate to a new or transitional government in Cuba.¹ Title III further internationalizes the embargo by exposing foreign investment in nationalized Cuban properties to the risk of legal challenge in U.S. courts by American citizens who formerly owned such property, including individuals who at the time of confiscation were Cuban nationals but who have since become U.S. citizens. A provision

of the law allows the president to prevent legal action in the courts by exercising a waiver of Title III every six months. Title IV denies entry into the United States to executives (and their family members) of companies who invest in properties confiscated from persons who are now U.S. citizens.

In the aftermath of the 1996 attack on U.S. civilian planes, the administration tightened sanctions against Cuba, including suspending direct flights from Miami to Havana. The administration continued to exercise its semiannual waiver authority, preventing American citizens from taking legal action pursuant to Title III of Helms- Burton.

U.S. policy evolved following John Paul II's historic visit to Cuba in January 1998, as a bipartisan consensus began to emerge in the Congress and the executive to explore ways to increase the flow of humanitarian aid to the Cuban people. On March 20, 1998, the administration restored daily charter flights and renewed the right of Cuban Americans to send remittances to family members on the island. Tensions between the two countries remain, however. In September 1998 the United States arrested ten Cuban citizens in connection with an alleged spy ring operating in South Florida. In relation to those arrests, in December 1998 the United States expelled three diplomats at the Cuban mission to the United Nations.

In spite of these continuing problems, we favor increasing people-to-people contact between American and Cuban citizens and with Cuban civil society and further facilitating the donation and distribution of humanitarian aid. Building on the provisions of existing law and policy that opened the doors to these wider contacts, our recommendations call for substantially stepped-up people-to-people contact and intensified and decentralized humanitarian relief efforts. We believe that beneath the surface of Cuban communism a modest transition has begun, both in the attitudes of many Cubans living on the island and in emerging church, civic, and small-scale private sector activities. Clearly, the challenge to U.S. policy is to encourage and support this inevitable transition.

FRAMEWORK OF RECOMMENDATIONS

While we no longer expect Cuban communism to survive indefinitely or spread, it should remain a clear objective of U.S. policy neither to support nor to appear to support the current regime. A broad, bipartisan consensus in the United States now exists that the U.S. government should use its influence to support democratic development throughout the Americas. This recognition is axiomatic in U.S. foreign policy and remains the cornerstone of U.S. efforts to promote regional economic integration. The Cuban dictatorship merits no exception to U.S. policy in the Western Hemisphere. This is the first principle that guided us in developing our recommendations:

No change in U.S. policy toward Cuba should have the primary effect of consolidating or legitimizing the status quo on the island. On the other hand, every aspect of U.S. foreign and economic policy toward Cuba should be judged by a very pragmatic standard: whether it contributes to rapid, peaceful, democratic change in Cuba while safeguarding the vital interests of the United States.

SUMMARY OF RECOMMENDATIONS

Our recommendations come in five baskets. Under "The Cuban American Community," we make proposals to increase contacts between Cuban Americans and their friends and families on the island. Under "The Open Door," we propose additional measures to increase contacts between U.S. and Cuban citizens and to open the windows and doors to the world that the current Cuban regime has nailed shut. Under "Humanitarian Aid," the third basket, we offer proposals to assist the victims of the Cuban regime, including both Cuban Americans and people still on the island. Our fourth basket, "The Private Sector," sets forth criteria for a gradual introduction of U.S. economic activities in Cuba to support the recommendations in the first three baskets of proposals. A fifth basket of "National Interest" recommendations makes specific proposals for addressing particular problems that involve U.S. national interests. In general, most of these changes can be initiated unilaterally by the United States and will not require bilateral negotiations with the Cuban regime. The Task Force proposals go well beyond current administration policy with respect to people-to-people contact and humanitarian aid. However, in the case of the private-sector recommendations, the full implementation of these proposals requires changes in Cuban policy and law.

Some of us would propose more sweeping changes, such as unilaterally lifting the embargo and all travel restrictions; others vehemently oppose this step. We do not dismiss these debates, but we chose in this report not to engage in them. U.S. policy must build a bipartisan consensus to be effective. Therefore, we have consciously sought new common ground.

RECOMMENDATIONS

BASKET ONE: THE CUBAN AMERICAN COMMUNITY

Cuban American remittances to friends, families, and churches in Cuba are estimated by various sources at between \$400 million and \$800 million annually. However measured, this is the island's largest single source of hard currency. While it is perfectly normal for developing countries to receive remittances, in the Cuban political context, the dependence on U.S. dollars sent home by Cuban Americans is a humiliating badge of failure. Cuba has become a charity case, dependent on handouts from those it has persecuted,

oppressed, or driven away by poverty.

Some voices in the United States argue that, by enhancing hard-currency holdings in Cuba, remittances prop up the current regime and prolong the island's agony. This argument is not without merit, but, on balance, we disagree. First, we share a basic moral and humanitarian concern over easing the suffering of Cuba's people. Moreover, the success of the Cuban American community is one of the most powerful factors in promoting change in Cuba. The transfers of money, goods, and medical supplies from Cuban Americans to friends, family, and religious communities in Cuba are helping create a new group of Cubans who no longer depend on the state for their means of survival.

Remittances from Cuban Americans help create small businesses in Cuba and allow hundreds of thousands of Cubans to improve their lives independent of government control. Furthermore, Cuban Americans will play an important role in the construction of a postcommunist Cuba. Their national and global contacts, understanding of market economies, and professional skills will give them a vital role as a bridge between the United States and Cuba when Cuba rejoins the democratic community.

Cuban American Community Recommendations

1. **End Restrictions on Humanitarian Visits.** We recommend an end to all restrictions on the number of humanitarian visits that Cuban Americans are permitted to make each year. The federal government should not be the judge of how often Cuban Americans, or any other Americans, need to visit relatives living abroad.
2. **Raise the Ceiling on Remittances.** Under current regulations, only Cuban Americans are permitted to send up to \$1,200 per year to family members on the island. We recommend that the ceiling on annual remittances be increased to \$10,000 per household and that all U.S. residents with family members living in Cuba should be permitted to send remittances to their family members at this level on a trial basis for 18 months. This policy should continue if the executive, in consultation with Congress, concludes at the trial period's end that the Cuban regime has not enacted tax or other regulatory policies to siphon off a significant portion of these funds, and that this policy furthers the foreign policy interests of the United States.
3. **Allow Retirement to Cuba for Cuban Americans.** We recommend that retired and/or disabled Cuban Americans be allowed to return to Cuba if they choose, collecting Social Security and other pension benefits to which they are entitled in the United States, and be granted corresponding banking facilities.
4. **Promote Family Reunification.** Many members of the Cuban American community are concerned about the difficulty their family

members in Cuba encounter in getting U.S. visas for family visits. While commending the efforts of the overworked consular staff in Havana, we believe it is important that Cuban Americans receive and be seen to receive fair and courteous treatment. We recommend that the State Department and Immigration and Naturalization Service (INS) make every effort in processing requests at the U.S. Interests Section in Havana to insure that Cuban citizens wishing to visit family members in the United States face no higher hurdle in obtaining visas than that faced by family members in other countries wishing to visit relatives in this country. We recommend that State Department and INS officials meet regularly with representatives of the Cuban American community to discuss ways to expedite the determination of eligibility for family visits to the United States. Later in this report, we recommend an expansion of U.S. consular services in Cuba.

5. Restore Direct Mail Service. The 1992 Cuban Democracy Act grants the president the authority to authorize direct mail service between the United States and Cuba. We recommend that representatives of the U.S. and Cuban postal services meet to begin restoring direct mail service between the two countries.

BASKET TWO: THE OPEN DOOR

Since the passage of the 1992 Cuban Democracy Act, U.S. law has recognized that spreading accurate and fair information about the outside world in Cuba is an important goal of American foreign policy. The lack of information about events in Cuba has also enabled the Cuban regime to persecute its own people with little fear that foreigners will come to their support -- or, in some cases, even know what the Cuban government is doing. Whether through Radio Marti, restoring direct telephone service, or promoting cultural and academic exchanges, the United States has consistently sought to increase the access of Cubans to news and information from abroad.

We believe the time has come to significantly upgrade and intensify these efforts. The Cuban people are hungry for American and world culture, for contacts with scholars and artists from other countries, for opportunities to study abroad, for new ideas and fresh perspectives. U.S. policy should encourage these exchanges and encounters through every available measure.

Open Door Recommendations

1. Facilitate Targeted Travel. Despite bureaucratic obstacles erected by both governments, the exchange of ideas remains one of the most promising areas for genuinely fruitful people-to-people contact. Since 1995, the United States has significantly cut the red tape surrounding academic exchanges. We commend that trend and urge the further reduction of restrictions on academic (undergraduate, graduate, and

postgraduate) and other exchanges. We recommend that, following a one-time application, the Office of Foreign Assets Control (OFAC) grant a "permanent specific license" to all Americans with a demonstrable professional or other serious interest in traveling to Cuba for the purpose of engaging in academic, scientific, environmental, health, cultural, athletic, religious, or other activities. The presumption would be that these applications would normally and routinely receive approval.²

In 1994, Congress passed a Sense of Congress resolution stating that "the president should not restrict travel or exchanges for informational, educational, religious, cultural or humanitarian purposes or for public performances or exhibitions between the United States and any other country." At the same time, congressional policy toward Cuba has increasingly focused on opening opportunities for meaningful encounters between American and Cuban citizens. Thus, we recommend that the OFAC grant easily renewable multiple-entry special licenses to travel agencies and nongovernmental organizations for structured travel programs available to groups and individuals for the purposes enumerated by Congress. Individual participants in such travel would visit Cuba under the organizing agency's license.

This recommendation is formulated to facilitate a more open relationship between Cubans and Americans, not to support a Cuban tourism industry currently built on a system that prevents foreign employers from hiring and paying workers fairly and directly and denies Cuban citizens access to facilities designated exclusively for foreigners. When and if employers are able to hire and pay their workers directly, and when the system of "apartheid tourism" ends, we recommend that the United States consider permitting leisure travel.

2. Allow More Private Visits of Certain Cuban Officials to the United States. The United States currently denies visas for travel to the United States by Cuban officials who rank at the ministerial level and by the 500 deputies of the National Assembly of People's Power. Because of the positions they now hold and may assume in the future, many such individuals are among those we believe should have the opportunity to interact with Americans, to experience our system directly, and to witness the vigor and openness of our own public policy debate. We recommend that the United States lift its blanket ban on travel to the United States by deputies of the National Assembly and Cuban cabinet ministers, exercising a presumption of approval for applications from these officials for travel to the United States, except for those identified by the State Department who are credibly believed to have directly and personally participated in or ordered grave acts of repression that violate international law, or who represent a legitimate

security concern to the United States. In making this recommendation we seek to encourage nongovernmental and private contacts such as those sponsored by U.S. academic institutions. We recognize that this recommendation risks greater penetration of the United States by Cuban intelligence agencies. We have confidence in the ability of U.S. national security agencies to guard against this threat, and we believe that the gains far outweigh the risks. Nevertheless, this danger must be carefully watched and adjustments in this policy calibrated accordingly.

3. Facilitate Cultural Collaboration and Performances by Americans in Cuba and by Cubans in the United States. Since the passage of the 1992 Cuban Democracy Act, there has been a significant increase in the number of Cuban artists, actors, and musicians traveling to the United States. Unfortunately, fewer U.S. performers have traveled to Cuba. These exchanges and activities are vital to any strategy to end the cultural isolation of the Cuban people. Through simplified visa and license procedures and other mechanisms, the U.S. government should encourage an increase in these programs. We applaud efforts to date to support such initiatives and recommend further that the United States encourage collaboration between American and Cuban artists and allow transactions for the creation of new cultural and/or artistic products. Cuban artists performing in the United States today are allowed to receive only modest per diem payments to cover living expenses. We recommend that Cuban artists performing in the United States be allowed to receive freely negotiated fees from their American hosts. Similarly, American artists performing in Cuba should be eligible to be paid for their work at reasonable negotiated rates.
4. Protect and Share Intellectual Property. Currently, Cuba systematically pirates significant amounts of U.S. cultural and intellectual property, ranging from Hollywood movies broadcast on Cuban television to computer software used throughout the island. Cuba refuses to consider paying for this illegal use of intellectual property, citing the U.S. embargo as an excuse. This creates an awkward situation for the United States. On the one hand, our interest in opening Cuba to outside influences leads us to encourage and even facilitate Cuba's access to U.S. and other foreign films, cultural materials, and political and economic literature. On the other hand, the U.S. government cannot condone theft from U.S. citizens and corporations. Furthermore, we must ensure that Cuba does not become an international center for the illegal production and redistribution of pirated intellectual property. We therefore propose that the United States allow and encourage U.S. companies and artists to guarantee and protect their trademarks and copyrights and to negotiate permission for Cuba to use their products. We recommend that the U.S. government license and approve these transactions and authorize companies to spend funds obtained through these settlements for filming, recording, translation, or other legitimate

cultural activities in Cuba. Likewise, we encourage both governments to regularize and comply with domestic and international trademark and copyright protection regimes.

5. Pioneer "Windows on the World." Successful transitions to multiparty systems and market and mixed market economies in Eastern Europe, Spain, Portugal, and Latin America may offer constructive guideposts to help Cuba's transition occur in as benign a manner as possible. To that end, the United States should pioneer the creation of a merit-based program for Cubans to study in American universities and technical training institutes. The program should also include sending professionals with technical expertise to advise Cuba in the development of institutional mechanisms that support the emergence of small businesses and private farms. In addition, we recommend that the United States Information Agency (USIA) invite Cuban government officials (except those excluded as defined in Basket Two, Item Two) and scholars for its programs that bring foreign citizens to meet with their peers in and out of government in the United States.

We further recommend that funds be made available from various public and independent sources, such as the National Endowment for the Arts, the National Endowment for Humanities, the National Endowment for Democracy, the Fulbright scholarship program, and from private foundations for university and other programs to support national, regional, and bilateral research activities involving Cuba. This includes support for new acquisitions by Cuban libraries. In addition, we recommend that the United States encourage and facilitate direct funding of in-country activities by private foundations so that their grant-making activities can include direct support to Cuban research institutions and community organizations. We recommend that the U.S. government consult with foundation officers and others with expertise in this field to determine a fair and feasible approach. We note with concern that some academic and other nongovernmental institutions, citing pressure from the Cuban government, have barred Cuban Americans from participating in existing exchange programs. Discrimination based on ethnicity or place of origin is a violation of U.S. civil rights laws. All organizations participating in exchanges or other activities with Cuba should state clearly that in compliance with U.S. law, they will not discriminate against participants based on age, race, gender, or national origin.

6. Permit Direct Commercial Flights. We recommend that the OFAC authorize and license direct commercial flights to Cuba. Current regulations authorize daily direct charter flights between Miami and Havana. It is not in the U.S. national interest that non- U.S. carriers capture the entire market of expanding travel to and from Cuba. We therefore recommend that American commercial airlines begin to open

routes to Havana and perhaps other Cuban cities not only from Miami but from other major cities and hubs. We recommend also that the United States and Cuba negotiate a civil aviation agreement to this end.

7. Amend Spending Limits. Current regulations limit licensed travelers to Cuba to spending no more than \$100 per day, plus transportation and expenses for the acquisition of informational materials, including artwork. We recommend that the OFAC impose this limit only on spending in state-owned enterprises and joint ventures.
8. Expand Diplomatic and Consular Services. The recommendations in this report will greatly increase demands on the U.S. Interests Section in Cuba. Current U.S. consular services in Cuba should not be limited to Havana. We recommend that the United States open a subsection of its Havana consular office in Santiago de Cuba, a step that will also increase our ability to fill the quota of 5,000 slots available for Cuban political refugees each year. We recommend that the United States negotiate a reciprocal agreement with Cuba that will allow each country to expand its consular services to accommodate increased contact between citizens of both countries.
9. Demand Reciprocity in Limitations on Activities by U.S. and Cuban Diplomats. At present, an imbalance exists wherein American diplomats in Havana are denied access to government offices, the courts, the National Assembly, the University, and virtually all official Cuban facilities other than the Ministry of Foreign Relations. The same is not the case in Washington, where Cuban diplomats freely walk the halls of Congress, meet with elected representatives, speak at universities, and otherwise have access to a fairly wide range of American governmental and nongovernmental representatives. We recommend that the United States and Cuba discuss a reciprocal widening of the areas of permitted activities for diplomats in both countries.

BASKET THREE: HUMANITARIAN AID

The 1992 Cuban Democracy Act established regulations addressing the humanitarian needs of the Cuban population. Since then, the economic crisis has worsened. This basket of recommendations includes humanitarian measures that will help relieve the suffering of the Cuban people today while building the basis for a better relationship between Cuba and the United States in the future.

Humanitarian Aid Recommendations

1. Institute "Cash and Carry" for Foods and Medicines. We applaud the intention behind recent efforts in the Congress and the executive branch to facilitate the increased delivery of humanitarian aid to Cuba.

Recognizing that a consensus is emerging to extend humanitarian aid to benefit the Cuban people directly, we recommend that the president accelerate and facilitate this process by eliminating all licensing with respect to donation and sales of food, medicines, and medical products to nongovernmental and humanitarian institutions such as hospitals, which are nominally state-run but are not primarily instruments of repression, while authorizing all necessary financial transactions for cash payments on a noncredit basis. We recommend that the State Department issue a specific list of repressive institutions that are to be excluded as potential aid recipients or buyers.³ To further facilitate donations and sales of food, medicines, and medical products, we recommend that the United States issue licenses to U.S. private voluntary and religious organizations, nongovernmental organizations, and businesses to operate distribution centers in Cuba.

2. Promote People-to-People Aid. We support American engagement with a wide range of civil institutions, particularly those in the private sector; e.g., the emerging church-run medical clinics and humanitarian institutions such as hospitals, which are nominally state-run but are not primarily instruments of repression. With the support and encouragement of the Congress, the administration has significantly widened the opening for Americans to launch humanitarian, people-to-people programs in Cuba. We encourage American local governments and nongovernmental organizations to "adopt" their Cuban counterparts, whether through church, hospital, school, environmental, or university programs. The United States should eliminate the need for licenses for humanitarian donations and shipments, including material aid and cash, and should grant a general license for related travel. We recommend that the United States impose no limit on the amount of material donations under such programs, while requiring a license for cash donations above \$10,000 per year by any one American institution to its Cuban counterpart -- with the exception of private foundations, for which we recommend waiving that limit and permitting the grant-making bodies to use their own institutional criteria to determine in-country funding limits. In the same spirit as that which underlies the Basket One recommendation regarding family remittances, we recommend the United States permit American families to adopt and send remittances to Cuban families of up to \$10,000 per year.
3. Allow Cuban Americans to Claim Relatives as Dependents. Currently American citizens with dependent relatives living in Canada and Mexico can claim them as dependents for federal income tax purposes if they meet the other relevant IRS requirements. We recommend an amendment to U.S. tax laws so that American taxpayers with dependents who are residents of Cuba can also claim this deduction.
4. Provide Benefits for Families of Prisoners of Conscience. Under current law, the president may extend humanitarian assistance to

victims of political repression and their families in Cuba. We recommend that the United States encourage our European and Latin American allies to join with us to provide support and assistance to family members who, because of their imprisoned relatives' peaceful political activities, may find themselves denied access to jobs by Cuban authorities or who have lost the wages of an imprisoned spouse or parent. If it is not possible to deliver the funds to affected families in Cuba today, we recommend that the funds be paid into interest-bearing accounts in the United States and elsewhere, free of all tax, to accumulate until such time as the intended recipients can collect.

BASKET FOUR: THE PRIVATE SECTOR

Private-sector, for-profit business activity in Cuba by U.S. individuals and corporations raises a number of difficult issues. To take one example, Cuban labor laws currently require foreign investors to contract Cuban workers indirectly through the Ministry of Labor and Social Security, a violation of internationally recognized labor rights. While there are some minor exceptions to the rule, the overall result of these requirements is that the foreign investor pays several hundred dollars per month per worker, but the worker receives no more than a few dollars per month. By allowing the Cuban state to control which Cubans have access to coveted jobs with foreign investors, the system reinforces the Cuban regime's control over the lives of the Cuban people.

Until a complete settlement of the claims resulting from nationalization of private property in Cuba is reached, U.S. investors in Cuba could conceivably end up buying or profiting from nationalized property and find their titles or earnings challenged under international law by the original owners. Many trademark and other intellectual property problems involve the two countries. Cuba's insistence that most foreign investment take the form of joint ventures in which the Cuban government often retains a controlling interest is another serious problem, as is the incompatibility of Cuba's legal and financial arrangements with U.S. trade policy.

In formulating our recommendations about private U.S. business in Cuba, we once again try to walk a middle way. These recommendations open a door for Cuba progressively to escape some of the consequences of the embargo -- to the extent that the Cuban government gives Cubans the right to own and operate their own enterprises, allows foreign companies to hire Cubans directly, and begins to respect basic internationally recognized labor rights. The recommendations will make clear to the Cuban people (as well as to other countries) that the chief obstacle to Cuba's economic progress is not U.S. policy but the Cuban government's hostility toward private property and independent business, its control of the economy and investment, its persistent appropriation of the lion's share of the wages of working Cubans, and its unwillingness to allow companies to pay fair wages to their employees or

permit them to engage in free collective bargaining.

Private Sector Recommendations

1. **Begin Licensing Some American Business Activity.** We recommend that four limited categories of American businesses receive licenses to operate in Cuba. The first category -- already eligible for licensing -- can generally be described as newsgathering or the procurement of informational material. The second category relates to supporting licensed travel, including transportation to and from Cuba and services to assist the private sector, such as paladares and bed and breakfasts, in capturing the business resulting from increased licensed travel. (Examples of this type of business are guides and Internet registries that provide information for foreign visitors about private restaurants, bed and breakfasts, car services, and other private services available in Cuba.) The third category includes activities related to distribution of humanitarian aid and sales. In the fourth category are businesses that facilitate activities related to culture, including the production of new cultural materials, the purchase and sale of artworks and other cultural materials, and the verification of Cuban adherence to intellectual property rights agreements. These four categories, in our judgment, provide such clear benefits that we recommend the U.S. government begin licensing private businesses to operate in all these fields, each of which involves primarily activities that support objectives clearly specified in U.S. law. The U.S. government should routinely license business operations in Cuba restricted to these four areas and allow the transactions and support services necessary to conduct them.
2. **Condition Additional American Business Activity.** Beyond these limited areas, a number of groups have looked at how to structure U.S. business relations in Cuba without reinforcing the status quo. One of the best known is a set of guidelines known as the Arcos Principles. Drawing from these and similar efforts such as the Sullivan Principles in South Africa and the MacBride Principles in Northern Ireland, we recommend that American businesses demonstrate that they can satisfy three core conditions before being licensed to invest in Cuba for activities beyond the four specified above: the ability to hire and pay Cuban workers directly and not through a government agency; a pledge by the company to respect workers' internationally recognized rights of free association; and a pledge by the company not to discriminate against Cuban citizens in the provision of goods and services. (The final condition is designed to counter the practice of "tourism apartheid" in which certain foreign-owned and -operated facilities do not allow Cuban citizens to use their facilities, even when they have the money to pay.) We would also encourage U.S. investors -- indeed, all foreign investors in Cuba -- to provide reading rooms, classes, Internet access, and other on-site facilities so that their

employees can enjoy wider access to the world. If Cuba should change its labor laws to make compliance with these principles easier, it would then become much easier for U.S. companies to invest. For a specific business license to be approved, however, it is enough for a particular company to demonstrate that it can satisfy the three criteria listed above.

If and when Cuban law is changed to facilitate compliance with the core principles outlined above, or if Cuban authorities begin to grant exemptions and waivers on a routine basis, we would recommend that Congress and the executive consider broader application of such licensing. In all cases, licensing a business to operate under these provisions would in no way reduce the risk of incurring Helms-Burton penalties for trafficking in confiscated property.

BASKET FIVE: THE NATIONAL INTEREST

National Interest Recommendations

1. **Conduct Military-to-Military Confidence-Building Measures.** Both Presidents Bush and Clinton have stated that the United States has no aggressive intentions toward Cuba, and the Pentagon has concluded that Cuba poses no significant national security threat to the United States. We believe, therefore, that it is in our national interest to promote greater ties and cooperation with the Cuban military. We believe the more confident the Cuban military is that the United States will not take military advantage of a political or economic opening, the more likely it is that elements of the Cuban Armed Forces will tolerate or support such an opening and the less justifiable it will be to divert public resources from social needs to maintaining a defense force far beyond the legitimate needs of the nation. We believe this process should proceed on a step-by-step basis with many of the initial contacts through civilian agencies, both governmental and nongovernmental. We also believe it would be useful for the United States to encourage an opening of relations between militaries in other nations that have carried out successful transitions from communist regimes to democratic societies, such as those in Eastern Europe and, where appropriate, in Latin America. We also recommend that the Pentagon and State Department initiate conversations with the Cuban Armed Forces and others to reduce tensions, promote mutual confidence-building measures, and lay the basis for the improvement of relations in the future should Cuba move toward a democratic transition.
2. **Probe Areas for Counternarcotics Cooperation.** Cuba sits at the center of a substantial drug trade in the Caribbean Basin. Its neighbor to the east, Haiti, has recently emerged as a major port for cocaine transit

from South America to the United States. Despite the outstanding indictments against some Cuban officials for alleged drug trafficking, the Cuban state has both the geographical and the institutional resources to help America fight the war on drugs if the Cuban regime chooses to do so. In recent years, the United States and Cuba have cooperated on a limited case-by-case basis in counternarcotics efforts in the Caribbean Basin. We recommend that the appropriate U.S. government agencies test Cuba's willingness to take serious steps to demonstrate its good faith in furthering cooperation in the counternarcotics arena, while protecting the confidentiality of U.S. intelligence sources and methods. We note that Cuba still harbors individuals indicted in the United States on serious drug trafficking charges. Clearly, limited cooperation in this area will depend on a demonstrated willingness by the Cuban government to address this issue seriously.

3. Institute Routine Executive Branch Consultations with Congress and Others on Cuba Policy. We recommend continued and enhanced bipartisan consultations by the executive branch with Congress and with a broad range of leaders representing political, social, and economic groups in the Cuban American, humanitarian, religious, academic, and cultural communities. As we have seen in U.S. policy toward Central America, and throughout most of the post-Cold War era, a bipartisan consensus between Congress and the executive is a precondition for sustaining a long-term, successful U.S. foreign policy initiative.
4. Form a Working Group on the 21st Century. When people in both the United States and Cuba talk about the future relationship between the two countries, they often speak of the "normalization of relations." In fact, the United States and Cuba have not had "normal" relations since the United States intervened to end Spanish rule in 1898. Since the current Cuban regime came to power in 1959, it has employed a formidable propaganda machine to cloak Cuban nationalism in a banner of anti-American rhetoric. Cuban schoolchildren are taught to view the Cuban revolution as the only legitimate guarantor of national sovereignty and to regard the United States as a constant threat to Cuba's independence. However opposed the United States has been and remains to the present Cuban government, the American people have no interest in intruding upon Cuba's sovereignty, independence, or national identity. As Cuba inaugurates its second century of independence, we recommend that the Council on Foreign Relations or another similar private institution convene a binational working group of scholars, policy analysts, and others to begin working out an agenda for a new relationship between the United States and Cuba in the 21st century, analyzing a range of complex bilateral and regional issues, including the resolution of outstanding property claims; the status of the U.S. military base at Guantánamo Bay; 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 reentry into the Organization of American States (OAS); and the integration of Cuba into the international financial system.

FOLLOW-UP STEPS

These proposals represent a beginning of what we hope will become a growing bipartisan policy toward Cuba. We believe that responsible officials and interested individuals and groups should monitor the effect of these recommendations, should they be implemented, and after a reasonable period of time assess whether changes, modifications, and additional steps are warranted.

ADDITIONAL AND DISSENTING VIEWS

On Expanded Telecommunications with Cuba

The Cuban Democracy Act properly sought to expand opportunities for communications between Americans and Cubans. Our recommendations note the need to follow through on the Cuban Democracy Act's call for direct postal service between the two countries. We would go further, however, and reexamine the Cuban Democracy Act provisions regarding telecommunications between Cuba and the United States. It seems to us that telecommunications and computer technology have evolved rapidly enough, even in the relatively few years since the enactment of the Cuban Democracy Act and Helms-Burton, to merit such a reexamination. Among other things, we believe the OFAC should consider licensing U.S. companies and firms to provide communications facilities and services on the island, as long as those facilities do not and could not reasonably be expected to enhance the military posture of the regime or otherwise facilitate actions inimical to U.S. interests. (Today, U.S. telecommunication companies are limited to running wires up to Cuba's shores and must, therefore, interconnect with the decrepit Cuban telephone system.) In the meantime, the Cuban telecommunications system -- including access to the Internet -- will eventually be the mechanism by which information is disseminated. As such, it is a fundamental element of many of the recommendations we have made and should be strengthened and improved. We see no reason why U.S. technology and know-how should be excluded from the process of upgrading Cuba's telecommunications infrastructure.

*Allen R. Adler
Mario L. Baeza
Philip Peters*

The Case Against the Necessity of Executive and Congressional Consensus

When a number of us first approached this project, we decided to use as our point of departure the most recent congressional and executive branch consensus regarding Cuba policy -- namely, the Cuban Liberty and Democratic Solidarity Act of 1996, commonly referred to as the Helms-Burton Act, and the Cuban Democracy Act of 1992 (collectively, the "Acts"). Instead of focusing on the punitive measures contained in the Acts, however, we turned our attention to those provisions that call for increased contacts between Cubans and U.S. citizens, and to other measures designed to encourage and support the growth of private enterprise and individual freedoms in Cuba. In particular, we focused on the plain meaning and intent of the Acts, which, among other things, are designed to "assist the Cuban people in regaining their freedom and prosperity," as well as to "seek a peaceful transition to democracy and resumption of economic growth in Cuba." Starting from this presupposition, we concluded that a much wider range of permissible activity and contacts between U.S. and Cuban citizens are justified under the Acts than those currently permitted by administrative orders. We then set out to come up with policy prescriptions that, in our view, were vital or desirable in accomplishing certain goals.

I believe the Task Force Report accomplishes this objective. However, I would go further and make clear that, as a legal matter, the implementation of most of our recommendations does not require both congressional and executive branch consensus. I believe that substantially all of our recommendations can, as a legal matter, be implemented by executive orders or administrative actions only. While I concur that as a matter of political pragmatism it would be desirable, if not essential, for the executive and legislative branches to proceed hand-in-hand, I do not wish to concede that the presidential powers to implement the law do not extend to the taking of actions recommended in the Task Force Report, except with respect to certain private-sector initiatives which would, in fact, require amendments to the existing law.

Mario L. Baeza

On the Benefits for the United States from Increased Contact

The report of the Independent Task Force is focused almost entirely on what Cubans can gain from additional U.S. contacts. I would like to make explicit what is perhaps implicit in our report -- namely, that there are many benefits we Americans can derive from increased contact with the Cuban people. The U.S. business community has a keen interest in making its own assessments of who is who in Cuba and of the nature of the problems, risks, and opportunities that it is likely to encounter in a post-regime era. In the fields of health care, medicine, bioengineering, and computer science, there are advances by Cuban scientists and professionals that we could benefit from. Similarly, there is much to Cuban cultural life, including the celebration of the Afro-Cuban culture, that, even today, can enrich us greatly.

Mario L. Baeza

On the Cuban Economy and the Scope of Proposed Changes in U.S. Travel and Investment Policy

We signed the report but want to express our own assessment of U.S. policy and the situation in Cuba, and our consequent belief that U.S. interests would be served by more far-reaching changes in policy.

Whatever its successes in the past, American policy toward Cuba today is counterproductive at its core. The 1960s-vintage objective of the political and economic isolation of Cuba made sense when the Soviet Union still existed and Cuba's behavior threatened security and democratic development in the Americas. Today, those factors are gone and the policy chiefly serves to limit American influence by blocking the flow of people, commerce, and ideas. Moreover, it restricts freedoms of American citizens in ways that have no justification in the absence of a security threat.

The policy sends a deeply hostile message to the Cuban people. U.S. law bars trade, even in benign goods. It bars U.S. investment and uses extraordinary legal means to discourage foreign investment. It calls for the United Nations to impose a global trade embargo on Cuba. It bans any ship that calls on Cuba from entering American ports for six months, even if that ship delivered only rice and aspirin to Cuba.

It is little wonder that Cuba's Catholic bishops call this a "cruel" policy that attempts to "destabilize the government by using hunger and want to pressure civic society to revolt." One is hard pressed to find dissidents or Cubans on the street who see virtue or political reason in this approach.

In sum, American policy toward Cuba lacks the magnanimity and confidence that befit a great power whose chief global adversary has vanished.

The report mentions small businesses, but does not capture the full extent of economic change in Cuba. A series of limited openings -- incentive-based agriculture, farmers' markets, small business, foreign investment -- have, in addition to other measures such as the legalization of foreign currency, created a new economic sector governed by market mechanisms, not state planning. Workers who earn tips or high dollar wages from foreign investors generate demand for produce at farmers' markets or for small business services. Family remittances add to this demand.

This sector would surely expand if Cuban policies were more open, but even now it represents a significant step forward for Cuban and American interests. It has raised Cubans' incomes and skill levels, and has introduced new ways of doing business that prepare Cuba for a more capitalist future.

We are confident that greater contact between Americans and Cubans will benefit U.S. interests, and we offer some illustrative recommendations below.

Today's severe restrictions on American citizens' travel to Cuba have no national security justification, no political logic in the Cuban context, and no precedent in U.S. policy toward the Soviet Union or China since the 1970s. Our colleagues constructively support "targeted" travel, but we go further. All American citizens personify American ideas and values. The travel ban and its onerous licensing processes should be dropped. Americans traveling freely, without government licensing or program restrictions, will support the expansion of free-market activity in Cuba and will build links with Cuban society that no government program would envision.

Under the Helms-Burton law, American policy allows sanctions to be eased only when Cuba's leadership and political system are replaced. Previous law allowed sanctions to be eased in a calibrated response to positive reforms undertaken in Cuba. This provision should be

restored.

Regarding investment in Cuba, we agree that changes in Cuban policy are desirable, but we also recognize that foreign investors working under current Cuban law are improving the lot of Cuban workers today. We therefore urge a bolder step: permitting full economic relations in a single sector such as agriculture, telecommunications, or housing. As commerce develops, American companies will surely bring benefits to Cuban workers and their families, and they could encourage positive change in Cuban policy. Further action could depend on the results of this single- sector experiment.

*Ted Galen Carpenter
Craig Fuller
Franklin W. Knight
Philip Peters*

The Case for Ending Discrimination Against Cuban Scholars and Artists

While the Task Force Report indicates that, because of pressure from Cuban authorities, U.S. institutions have barred Cuban Americans from participating in existing exchange programs and states that such practices should not continue, it makes no mention of continuing efforts by some groups to prevent Cuban scholars and artists from participating in scholarly and cultural events in the United States. Both types of discrimination and censorship should cease.

Rodolfo O. de la Garza

The Case for Maintaining the Embargo

This report correctly emphasizes the importance of strengthening civil society in Cuba to help bring about a peaceful transition to democracy on the island. Efforts toward this end will be undermined, however, if most of the new resources reaching Cuba end up in government, rather than in private, hands. This is why the embargo must remain in place for now. If democracy is to develop in Cuba, the balance of power and resources between the state and the civil society that currently exists on the island must be reversed so as to favor the people.

Mark Falcoff

Daniel W. Fisk
Susan Kaufman Purcell

The Case for Executive-Congressional Agreement

Since the Cuban Democracy Act of 1992, and as reiterated in the Cuban Liberty and Democratic Solidarity Act of 1996, U.S. policy toward Cuba is based on an embargo on the Castro regime and efforts to support the emergence of a civil society in Cuba. This Task Force Report, for the most part, affirms and builds on this framework and avoids the premise that U.S. policy must change for Castro to change. In fact, the strength of this report is its attempt to find ways to build civil society despite the continuing intransigence of Castro. For these reasons, I endorse the general policy thrust of the report. One aspect of the report which raises a concern, however, is that many of the recommendations call for unilateral executive implementation even while the Task Force notes the importance of a bipartisan consensus to a policy's effectiveness. This seems to contradict the Task Force's call for enhanced executive-congressional consultations. Many of the report's recommendations have merit, but part of building a bipartisan consensus is executive-congressional agreement on moving forward, not unilateral presidential actions. These recommendations will be effective only if such consultations would occur before implementation or changes in policy. Executive-congressional agreement on these recommendations will signal that U.S. resolve on behalf of a democratic Cuba, not rapprochement with the Castro regime, remains firm and consistent.

Daniel W. Fisk

DISSENTING VIEWS

The Case Against Counternarcotics Cooperation

The report's recommendation regarding counternarcotics cooperation is misguided on two levels. First, as such distinguished Americans as Milton Friedman and George Shultz have pointed out, Washington's hemispheric war on drugs is a futile policy that causes serious collateral social and economic damage to numerous countries. Second, cooperation on narcotics issues would require U.S. collaboration with the most odious and repressive agencies in Cuba's police-state bureaucracy. Such collaboration would send precisely the wrong message to Cubans who want to weaken these instruments of

repression.

Ted Galen Carpenter

The Case Against Further Counternarcotics Cooperation

Any initiatives for cooperation should clearly place the burden on Cuba to show that it respects international standards in combating illegal drugs. Specifically, by harboring fugitives -- including Cuban officials facing outstanding indictments for drug trafficking -- Cuba has shown little, if any, serious interest in combating this threat to the hemisphere. Even more problematic, however, is that any expansion beyond the current case-by-case cooperation would require U.S. law enforcement to engage directly with Castro's state security apparatus. If we require human rights to be respected by other entities with whom we engage in counternarcotics efforts, the same threshold is doubly important in the case of Cuba. At most, the Task Force should recommend a comprehensive U.S. government assessment of the extent of drug trafficking in and through Cuba, including an assessment of any official Cuban complicity, a briefing prepared for the Congress, and a determination by the two political branches as to the appropriate next steps.

*Mark Falcoff
Daniel W. Fisk*

On Potential Problems with Facilitating "Targeted Travel"

There is a qualitative difference between those seeking to help, or reunite with, their families and those simply seeking something "forbidden." Recommending a "general license" for tourist agencies potentially facilitates tourism for those who have no demonstrable professional or other serious interest in Cuba, but who are interested in the novelty of leisure tourism, or who are investors scavenging to make a quick buck or to exploit a controlled labor force. These serve the interests of neither the United States nor the Cuban people. Such a result would benefit a sector of the Cuban economy that is a significant source of hard currency for the regime.

Daniel W. Fisk

The Case for Executive-Congressional Agreement on Sales of Food

Given that the extent of the president's authority to authorize sales of food unilaterally is uncertain, I must dissent from the recommendation that the president change the current structure by unilateral action. While I support developing ways to provide food assistance, any change should be a decision by both political branches of government.

Daniel W. Fisk

On the Complexity of Food and Medicine Sales to Cuba

U.S. law currently allows the sale of medicines and medical supplies to Cuba. It is doubtful that the Cuban government is interested in this, having made only one effort to purchase anything, despite repeated positive efforts by U.S. officials and private citizens to facilitate the provision of supplies the Cuban government claims it cannot get from anywhere else but the United States. More significantly, regarding the food situation, the fact that an island that was an exporter of food prior to Castro's ascendance cannot feed itself after nearly 40 years of the Castro regime is a consequence of that system's failure, not the U.S. embargo. The United States remains the most generous nation in assisting the victims of natural or man-made disasters; Cuba is clearly the latter. On the other hand, there is a purpose for daring the regime to live up to its rhetorical commitment to provide for the Cuban people: every dollar spent on food and medicine is one less dollar spent directly on the repressive apparatus of the state. There should be no illusions about Castro's interest in food and medicine, but there should be no mistake about our humanitarian objectives to mitigate the odious consequences for the people resulting from that regime. Pursuing our humanitarian objectives while minimizing benefits to the Castro regime is a delicate process that requires a positive consulting process between the executive and legislative branches.

Daniel W. Fisk

The Case Against Expanded Military-to-Military Contacts

The United States has made clear that it has no aggressive intentions toward Cuba, and the U.S. military has conducted itself accordingly, even when Cuban aircraft have violated U.S. airspace or shot down

civilian aircraft over international waters. Cuban military tolerance of democratic change is dependent on the Cuban leadership, not the United States. The United States also has enunciated its willingness to assist the Cuban military in a democratic transition. At most, we should be encouraging the governments and militaries of the former communist regimes in Eastern Europe to engage their military counterparts in Cuba. To have the U.S. military engage in such measures with a country that remains on the U.S. State Department list of countries supporting terrorism, beyond the monthly meeting related to Guantánamo, would legitimize an instrument of Castro's repression.

Daniel W. Fisk

The Case Against Access to the United States by High-Level Cuban Officials

In our view, the degree of access afforded to Cuban government officials in "Basket Two: The Open Door" is excessive. Cuban cabinet ministers and high-ranking parliamentarians are complicit in the regime's repression and should be denied access to the United States.

*Daniel W. Fisk
Adrian Karatnycky*

The Case Against Official Exchanges

We support most of the humanitarian recommendations, but the report goes too far. The premise of the exercise was supposed to be to bypass the regime and start the rebuilding of Cuban civil society. Yet, the report urges exchanges with the most senior government and military officials on the odd theory that they will be agents of change. In Central Europe, on the contrary, the most successful new democracies are those that went furthest with lustration -- that is, purging the senior levels of their institutions (civil service, military, universities, etc.) of communist hacks. Similarly, a "Working Group on the 21st Century" with such regime-approved individuals strikes us as quite naïve.

Moreover, the report is wrong to imply that its recommendations will promote political change. The regime is not in its Gorbachev phase, but at its most Stalinist -- witness the recent crushing of the Concilio Cubano. This is another reason to avoid legitimizing the regime, and to stick to modest measures that may ease the burden of ordinary Cubans

and help restore private institutions.

The regime is doomed anyway, no matter what we do, so U.S. policy has considerable margin for error. But we need not be so eager to use it all up.

http://frwebgate.access.gpo.gov/cgi-bin/useftp.cgi?IPaddress=162.140.64.21&filename=publ114.104&directory=/diskc/wais/data/104_cong_public_laws

Office of Foreign Assets Control, Cuban Assets Control Regulations:
<http://www.access.gpo.gov/nara/cfr/waisidx/31cfr515.html>

Secretary of State Madeleine K. Albright, Opening Remarks on Cuba at Press Briefing followed by Question and Answer Session by other Administration Officials Washington, D.C., March 20, 1998:
<http://secretary.state.gov/www/statements/1998/980320.html>

Fact Sheets prepared by the Office of the Coordinator for Cuban Affairs, Bureau of Inter- American Affairs, May 13, 1998:

Cuba Travel Violations: New Procedures for Fully Hosted Travelers:
http://www.state.gov/www/regions/wha/fs_980513_cuba_travel.html

Implementing Procedures for Direct Humanitarian Cargo Flights:
http://www.state.gov/www/regions/wha/fs_980513_cargo_flights.html

Implementing Procedures for Direct Passenger Charter Flights:
http://www.state.gov/www/regions/wha/fs_980513_charterflights.html

Implementing Procedures for Family Remittances to Cuba:
http://www.state.gov/www/regions/wha/fs_980513_family.html

Implementing Procedures for Facilitating the Licensing of the Export of Commercially Sold and Donated Medicines, Medical Supplies and Equipment to Cuba:
http://www.state.gov/www/regions/wha/fs_980513_medical_cuba.html
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NOTES

¹The impact of Title II on U.S. policy is disputed. When the president signed Helms-Burton into law, he stated that, "consistent with the Constitution, I interpret the act as not derogating the president's authority to conduct foreign policy." Noting that Title II "could be read to state the foreign policy of the United States," he announced that he viewed the Title II provisions as "precatory," or as a petition by the Congress. Many congressional leaders do not support this view. ²Current regulations require all individuals wishing to travel to Cuba (with the exception of journalists who may travel without government preclearance under a "general license")

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Last Updated: 15-Apr-99