A New Dynamic In US-Cuba Relations: Is The Balance Of Power In U.S. Politics Towards Cuba Changing?

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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.

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 Missile Crisis, most U.S. officials recognized that Cuba was not a threat to U.S. national security. 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 remained an anachronistic remnant of that period. Lack of vision and courage on the part of the Clinton administration and the Cuban American right wing’s willingness to use all its political capital to maintain a tight blockade held this policy in place.

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. The island faced up to heavy economic pressure and a relatively declining importance in the System of International Relations.

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. It understood the situation as ideal to try to destroy the Cuban Revolution and, to this effect, pushed congressional initiatives designed to make the system collapse. 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 a putative link with the electoral vote in the key states of Florida and New Jersey.

Against this background, an initiative was taken which, instead of fostering a policy change in tune with the end of the Cold War, the U.S. Congress intensified pressure to cause the Cuban Revolution to collapse in the short term. The 1992 Cuban Democracy Act, also known as the Torricelli Act, was designed to harden the economic blockade and bring more pressure on the island. It also included elements designed to foster internal changes on the island, referred to as “Track Two.” The Toricelli Act eventually became the formula to force the debate on Cuba in U.S. electoral campaigns, as demonstrated by the enactment of the Cuban Liberty and Democratic Solidarity Act in 1996, commonly referred to as the Helms-Burton Act.

Both the George H. W. Bush Republican administration and the William Clinton Democratic one followed 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 Clinton, a climate of crisis permeated 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. Nonetheless, U.S. policy towards Cuba continue to accommodate traditional patterns of hostility and confrontation from conservative constituencies in the Cuban-American organizations. Evidence will be examined to support the hypothesis that domestic politics, in fact, has been the driving force in U.S. policy towards Cuba. 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 during the Clinton administration.

1993: The Low Profile Policy

William Clinton's major foreign policy appointments augured well for Cuba. Experts, well aware of contemporary international realities were brought in: Anthony Lake and Samuel Berger to head the National Security Council (NSC); 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 Reagan-Bush-period political discourse, and preconditioned an eventual improvement in relations to changes in Cuba's political and economic system. This had been on the agenda of U.S. policy-makers since 1983, but it had taken on a new life with the assumption that Cuba would not survive in the new political and economic scenario.

The initial trend was timidly to 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 for Cuban political culture or national identity.

The 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. However, it 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. Statements in 1993 about Cuba from both the President’s executive office and the State Department tried to emphasize the fact that the United States had no intention of intervening in the island. Reportedly, the purpose of their policy was to foster a peaceful transition to democracy. This assertion was expressly made to erase, or at least ease, Cuba's perception of an external threat, since such a threat was understood by the U.S. to be one of the essential devices in the Cuban government's ability to survive.
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 (1993) that concept reflected the spirit of the 1992 Cuba Democracy or Torricelli Act, which would become the cornerstone of U.S. policy towards Cuba. Certain changes in the policy of hostility were emphasized, 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. What was not stressed was that the Torricelli Act limited those exports to what the U.S. government could verify on site was to be used for the desired purposes. This was an infringement of Cuban sovereignty. 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 government to-government 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.

The Torricelli Act had 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. However, the need for the United States to implement a more proactive 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 (1993) and his deputy Michael Skol (1993) suggested that efforts to achieve policy objectives toward Cuba were not to be confused with an improvement in relations with that country.

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.

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

1) The status quo: It suggested 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 executive branch policy-making.

2) A strengthened policy of hostility: It openly recognized 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 influential Cuban-American National Foundation (CANF) lobby.

3) Communication or constructive engagement: It favored a partial modification of the embargo and the possibility of broadening the framework of government-to-government communication in tune with a gradual progression toward democratization in Cuba. Paramount in this group were the 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.

4) A relative normalization of Cuba-U.S. relations: It was based on the idea that the policy of hostility and its main instrument, the blockade, had not achieved its goal of change by the Cuban government. Consequently, their view was that U.S. policy should be radically 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.

The logic of hostility was favored, and little consideration 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 medicines, even to the Cuban government, under the conditions mentioned above;

• 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 people of Cuba and the United States might communicate freely;

• To keep in force the ban on tourist or business travel to Cuba and to allow travel only on humanitarian, educational or religious grounds;

• To increase the exchange of informational material and to 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 such as the Inter-American Dialogue (1992), the National Defense Research Institute or Rand Corporation (González and Ronfeldt, 1992), the Center for Strategic and International Studies (Preeg, 1992), the Institute of Strategic Studies of the Military College of the United States Army (Shulz, 1993). Some universities were also involved with the subject, namely, Florida International University, which published in 1993 a $500,000 study, "Cuba in Transition", commissioned by the State Department's Information and Research Office and by the Agency for International Development. (Florida International University, 1993)

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

2) The Cuban issue had to be internationalized through multilateral diplomacy, including the United
Nations and its agencies, the Organization of American States (OAS), the European Parliament, and
the Latin-American Parliament.

3) 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.

4) The United States should not promote a violent transition scenario where they would have to draw
away from their foreign policy priorities. It should not compromise its future political objectives in a
post-Castro Cuba, by an intervention that would definitely fuel anti-U.S. sentiments.

5) The United States needed to recognize the fact that, no matter how serious the economic crisis 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

In the summer of 1994 Cubans reacting to the economic crisis in their nation began to try to enter
the United States using means that jeopardized their survival. Known as the rafters crisis, this dramatic
increase in attempts to take advantage of the extended U.S. policy toward Cuban immigrants led the U.S.
to modify to some extent the policy which had been the acceptance of all Cuban immigrants arriving in
the U.S. and granting them resident status after one year at the discretion of the attorney general. 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 and established that migration between both
countries had to be legal, safe and orderly (See Schneider, 1995:1206 and Kirschten, 1995: 1198).
The September 1994 agreement put an end to the crisis and committed the United States to admit not less than 20,000 Cuban immigrants every year. Another agreement 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 twenty thousand figure. The May 1995 agreement also stipulated that, as of that date, Cuban immigrants who were intercepted at sea or gained entry into the Guantánamo naval base would be returned to Cuba. By virtue of the 1994 and 1995 agreements, the U.S.-Cuba migratory relations returned to some standard for the first time since 1959.

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. Since U.S. national interests were involved, it was possible to negotiate the May 1995 agreement through secret negotiations, by-passing normal procedures with no presence of the State Department’s Cuban Affairs Office staff. This suggested that the issue was highly sensitive to the administration. The result was the resignations of the Director of the State Department's Cuba Bureau, Dennis Hays, and the Deputy-Director, Nancy Mason, and the creation of a White House-level post, Special Advisor to the President and to the Secretary of State on Cuban Affairs. Richard Nuccio assumed this post.

After the Summer 1994 Rafters' Crisis and its negotiated solution, some U.S. policy makers articulated the need for a policy conception that would use instruments under the Cuban Democracy Act, such as the Track Two that had not been enforced due to the predicted end of the Cuban revolution (Reiff, 1996: 73-83). It was linked this time to an belief understanding by a an influential group in the White House and the State Department that the economic blockade was not sufficient to overthrow the Cuban revolution and that a situation of economic despair could trigger a large scale emigration wave. Other instruments of policy, those of persuasion, had to be tested that would act directly upon 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. 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. The debate on the need to introduce instruments of persuasion emerged vigorously by the end of 1994.

Richard Nuccio favored the blockade as an instrument of pressure on the Cuban government and advocated the strengthening of “Track Two” under the Torricelli Act, of which he was one of the masterminds. He favored the building of people-to-people bridges and encouraged the development of a civil society in Cuba. In an interview with The Washington Times on July 30, 1995 Nuccio indicated that 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. The second piece was "support for the Cuban people” or Track Two, elevated now to the level of a doctrine. Track Two was meant to seek and to 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 carefully calibrated ways in response to positive developments which were to happen in Cuba" (Washington Times, July 30, 1995).

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. Commenting on this Janus-faced policy William Leogrande (1997: 211) noted:
...the policy was intented to undermine the Cuban government’s authority... and ...Washington was unable to resist trying to orchestrate Track Two contacts to maximize their subversive effect.

A the same time, 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 could be overridden. Consequently as Brenner and Kornbluh (1995: 33) observed:

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.

**Efforts to Force the Debate to the Right**

Hard liners in the Cuban American community had been left in disarray after the migratory accords. The Cuban American National Foundation (CANF) had entered a period of political panic that was unprecedented since its inception in 1981. After the May 2, 1995 agreement, right wing sectors of the U.S.-based Cuban community founded a coalition known as the Committee of United Cuban Exiles. It included among others Brigade 2506, Cuba Independiente y Democrática, the Valladares Foundation, the Cuban-American National Foundation and Unidad Cubana. (Chardy, 1995) The Committee, together with Brothers to the Rescue and the Democracy Movement, sponsored flotillas that sailed around and flew over the island in a dangerously provocative and flagrant violation of Cuban borders. It also organized "civil disobedience" actions against the Clinton Administration.

However, the administration declared in many forums that the May 2, 1995 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 passage of the Helms-Burton bill as an offensive spearhead vis a vis some other Cuban-American groups that advocated a dialogue with Cuba.
With the legislative elections in November 1994 the Republicans had obtained the majority in Congress with a highly ideological and conservative agenda. This new context in which debate over Cuban policy took place in Congress in 1995, put almost an end to lines of thought that advocated a "constructive engagement" or a "relative normalization of Cuba-U.S. relations." This 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 activated congressmen and senators, with close ideological affiliations, whose electoral campaigns had been financially supported by its Political Action Committee\(^3\) (The Cuban Free Pac's) (Fechter, 1998).

The Clinton administration was at the time embarked upon strong confrontation with the Republicans in areas of the budget and domestic and foreign policies. From the beginning, the Clinton administration tried to cut a deal with the sponsors of the Helms-Burton bill by agreeing in principle with the purpose of the draft. The objective of the administration was to avoid unnecessary friction 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.

For years, U.S. policy toward Cuba had been held hostage by domestic factors. The linkage of the Cuban issue to the U.S. electoral process, explained by the expected 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 general U.S. foreign policy objectives. In a pre-election year, based upon this calculus the idea of "encouraging Cuba's peaceful transition to a free society," President Clinton announced an executive order on October 6, 1995, at a meeting held by Freedom House. The objective was to make the U.S. policy on Cuba more “flexible” around the fringes (Corzo, 1995). He proclaimed the following measures:

1) 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;

2) To authorize the exchange of news bureaus between Cuba and the United States, 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;

3) To permit shipments of donations to NGOs in Cuba, including those active in humanitarian, educational, environmental and human rights affairs;

4) To agree to have money transfers made for visa procedures or emergencies through Western Union, which would be allowed to open offices in Cuba (Corzo, 1995).

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 a U.S. foreign policy issue or keep it as a variable asset in the domestic and electoral process.

Notwithstanding President Clinton's indecision, the Cuban-American right wing was convinced that it had to force, through any means possible 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 toward the island. Furthermore, from mid-1995 to February 1996, a number of contacts with Cuba were made by other U.S. sectors were to increase 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

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 efforts to try to influence 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.

It was then that, from June 15 to 18, 1995, a number of participants in The Inter-American Dialogue, an influential think tank with strong connections in Washington, traveled to Havana. The delegation issued a report in September 1995 under the title "Cuba in the Americas: Breaking the Policy Deadlock" that made recommendations the governments of Cuba and the United States on how to improve relations. They proposed lifting all restrictions on travel and money remittances to Cuba, while maintaining the embargo to be used as a negotiating piece in U.S. policy (Inter-American Dialogue, 1995). Based on 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 would push democratization backwards (Inter-American Dialogue, 1995). The Inter-American Dialogue advocated the conviction of perpetrators of violent acts against Cuba and the termination of TV Martí, as it violated international telecommunications agreements. Another study, commissioned by the U.S. Defense Department, "The Military and the Transition in Cuba," was made public in April 1995. The analysis, made by U.S. experts on Cuba and the former Soviet Union, asserted that the people of Cuba and the Cuban military seemed prepared to give Fidel Castro the leeway necessary to walk the path towards a mixed economy. The study favored a reduction of the economic blockade against Cuba.

In May 1995 former Carter administration official Robert Pastor visited Havana with a proposal that Jimmy Carter himself hold private meetings with representatives of the U.S.-based Cuban community and the Cuban government to foster a dialogue. This suggestion was very diplomatically rejected by the
island. The initiative was understood by experts as a sign that the American political establishment was promoting a possible dialogue through the Carter Center in Atlanta (Alfonso, 1995).

It must also be considered that, unmistakably, what was happening in Cuba or the perceptions thereof, was having an impact on the making of U.S. policy toward Cuba. The process of gradual economic changes in Cuba was a fact, beyond any philosophical arguments about their essential causes. The Cuban government’s economic and political decisions were not usually 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 addition, then Minister of Foreign Affairs, Roberto Robaina, attended a June 16-18 1995, Seminar on Participant Democracy, in the Cuban province of Cienfuegos, sponsored by the Bavarian Hans Seidel Foundation. In connection with that event, President Fidel Castro also 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 license from the Treasury Department, had 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 (Falk, 1996:16). Executive officers from 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. to gather information on Cuban business possibilities. The delegation, which was the largest group of U.S. businessmen welcomed in Cuba in the period, met with President Castro. Before their trip, they had met with Leon Panetta, White House Chief of Staff, and several foreign policy advisers to Clinton, and received approval for their trip to Cuba (Nagin, 1998: 31). Business interests in Cuba continued to intensify after Castro's visit to New York for the UN 50th anniversary in Fall 1995. It appeared 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 precedents of China and Vietnam were not irrelevant despite the differences between these two countries and the island.

The beginning of 1996 saw 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.-Cuba Foundation, headed by Gary Jarmin. A third delegation of religious leaders, academicians and businessmen from companies including Reebok, Gillette and First Boston Bank, led by the Massachusetts late Rep. Joseph Moakley, also visited Havana.

In late January, New Mexico Democratic Representative Bill Richardson, former U.S representative to the United Nations and Secretary of Energy, and Calvin Humphrey, a counsel to the House Intelligence Committee, met with President Castro and other senior officials. They discussed three basic topics: the Cuban government's figure for immigration to the United States; the release of a number of prisoners in Cuba; and the status from "fugitives" from American justice who allegedly resided in Cuba.

According to Carl Nagin during the Richardson meeting Castro brought up the issue of overflights by Brothers to the Rescue. This organization had violated Cuban airspace on January 9 and 13 dropping anti-government flyers (Nagin, 1998: 30-35). Concerns about these overflights had also been expressed “to Scott Armstrong, who had close ties to several National Security Council officials…” (Nagin, 1998:
The Cuban side understood that they “had ‘reached an understanding’ that the flights would be stopped” (Nagin, 1998: 35). Later on, in an interview with CBS News on April 30, 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” (Nagin, 1998: 35).

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 the Cuban government’s concerns about overflights by Brothers to Rescue. On their return, the U.S. delegation was debriefed at the State Department and by Defense Intelligence Agency officials; they warned that if the U.S. government did not stop those actions an incident was going to occur (Nagin, 1998: 33).

On February 9, Richardson again went to Cuba and returned to the United States with three former Cuban political prisoners to the United States. The gesture was considered to be positive by the State Department, although it stressed that the Clinton Administration had not asked for the Congressman’s action. In mid February, the Natural Resources Defense Council also sent a delegation of experts on energy and environmental safety to Havana that met with President Castro. Among the visitors were Robert Kennedy Jr. and Michael Kennedy, nephews of the late President John F. Kennedy. Also during 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 that would lead to a decline in the influence right-wing Cuban-Americans on U.S. policy was in the making. They felt that the central political role they had 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 Maintains the Upper Hand

In the midst of these developments, right wing actions Cuban-Americans 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 provocations (Robaina, 1996 a, b). 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 in the Clinton administration.

On February 24, 1996, Cubans shot down two Brothers to the Rescue planes that were, according to the Cuban government, in violation of Cuba's air space, an assertion later contested by an Official Report of the International Civil Aviation Organization (ICAO, 1996). The decision to shoot down the two Borthers to the Rescue's aircrafts was the pretext used to let the political trend of reinforced hostility prevail. It is incredible that the United States government, aware of the risky nature of overflights, did nothing to avoid a crisis. The episode had significant security relevance for both the United States and Cuba, and for the whole of the Caribbean. 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.

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 (Weekly Compilation of Presidential Documents, 1996).

In October 1996, a leak to The Miami Herald revealed that Clinton had requested at the time of the shoot down that the Pentagon provide assessment of two possible response options, namely, a massive air strike or a missile attack against the San Antonio air base from where the MIGs had flown (The
Independent, 1996). The Pentagon, however, advised against such measures and recommended extreme caution. This demonstrates that U.S. national security criteria do not always coincide with the wishes of the extreme right.

The Democratic administration, not to be perceived as “weak”, decided to back the Cuban Liberty and Democratic Solidarity Act (Helms-Burton), which called for sanctions against Cuba and/or third countries dealing with it. The new act dictated the terms under which any future Cuban government was to be recognized by the U.S. government and preconditioned bilateral relations to the resolution of property claims under U.S. law. Furthermore, the act undermined the President’s authority to unilaterally change a particular course of action, subordinating the President to Congress in the realm of foreign policy (U.S. Congress, 1996).

On March 12, 1996, the President signed 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 possible following the aircraft shoot-down. The incident had provided Clinton with an excuse not to veto the Helms-Burton bill, a step that would have been overridden by a pro-bill Republican Congress. Also, on the eve of the presidential elections, it made it possible for him to undercut Cuban extremists’ charges that he was changing the policy of hostility toward Cuba.

The Helms-Burton Act, like the 1992 Cuban Democracy Act Toricelli Act, was passed in an election year. Both events were influenced by a fear that the President would be accused of weakness toward “Castro’s Cuba.” In both cases the government failed to address real U.S. foreign policy considerations (See Huntington, 1997: 28-49). U.S. actions against Cuba went beyond Cuba itself and compromised the U.S. conduct of international relations, principles and practices in contemporary international law, and the rights and duties of states in trade and commerce (U.S. Congress, 1996).

Unlike the Cuban Democracy Act of 1992 that focused on trade, the new legislation targeted the financial area in order to limit Cuba’s re-insertion into the world market. Cuba had adopted a policy of
incentives for foreign capital investment, reshuffled its institutions, and drafted new legislation. Additionally, it had introduced transparency in its external finances to facilitate debt renegotiation. From this point on, the U.S. Congress attempted several legislative maneuvers to hinder the Cuban process of reform, a difficult endeavor to begin with.

The Helms-Burton Act did not come into effect in its entirety. Title III, providing for civil judicial procedures in American courts to claim seized property, did not enter into force until August 1, 1996, after President Clinton decided to implement the law and at the same time delayed legal action on July 16.

The new Act allowed 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 after he left office, the right to file claims on U.S. courts for any property seized after 1959 (U.S. Congress, 1996).

His re-election aspirations and fear of being accused by the right of not maintaining a strong policy toward Cuba led Clinton to disregard requests to postpone the entry into force of Title III. Important business groups including 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 President Clinton was characteristic: trying to make a good impression on various sectors, no matter how contradictory their interests might be. At the same time, Clinton tried to avoid a trade dispute with major U.S. trading partners that had opposed the Helms-Burton Act.

The name Helms-Burton Act referred the heads of the then Senate Foreign Relations Committee and of the House Sub-Committee for the Western Hemisphere, respectively. The Act was a compilation of anti-Cuban measures introduced late in 1994 by the Cuban born legislators Lincoln Díaz-Balart, Ileana Ros-Lehtinen and Robert Menéndez, all of which were punitive in nature (U.S. Congress, 1996). This act violates principles basic to international law such as: the self-determination of nations; sovereign equality among states; the illegitimacy of the use of or threat of the use of force, including economic coercion; and non-interference in the internal affairs of states (U.S. Congress, 1996).

The act had three major objectives aimed particularly against Cuba:
1) To tighten the economic siege and to hamper the process of economic transformation in Cuba;

2) 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;

3) 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.

The spirit and the letter of this legislation demonstrated the essential conflict existing between Cuba and the United States: sovereignty versus domination. That ideological aversion to socialism as a political and social model was only an excuse and was revealed by the fact that the United States had entered commercial and diplomatic understandings with China and Vietnam. As Harvard Professor Jorge Domínguez (1997:58) 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.

The Cuban Liberty and Democratic Solidarity Act tried to obstruct an eventual improvement of relations between the two neighboring countries (U.S. Congress, 1996). It attempted 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.

As Domínguez (1997:58) put it:

[the Helms-Burton Act] "…rediscover[s] 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.
Cuba: Foreign Or Domestic Agenda?

Paradoxically, the reaction of U.S. allies opposing the extraterritorial character of the Helms-Burton Act created favorable conditions for the Cuban issue to return to the U.S. foreign policy agenda, overshadowing domestic considerations in policy-making regarding the island. However, trade is a top priority in the U.S. foreign policy agenda. It might, 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. Nevertheless, the very existence of this Act is an almost pernicious impediment between two neighboring nations that for ideological and emotional reasons are still involved in the Cold War. Hard-liners prevailed: Helms-Burton intended to undermine trade and to reduce sources of foreign exchange or investment in the island.

There was and is a pressing lack of consensus in U.S. 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 and FTAA, 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 to the detriment of free trade policies.

After February 1996, U.S. policy towards the island was 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 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 the administration would ask Congress to amend the controversial act (Marquis, 1997). On April 11, 1997, 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, where he insisted on the full implementation of the Helms-Burton Act, including Titles III and IV.

The EU 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 being 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. Finally, the United States and the EU cut a deal in their dispute over the Helms-Burton Act as a means to relax tensions before the EU-U.S. summit that was to be held on May 18, 1998. The understanding was just a piece of resolving a larger quarrel, a contentious trade dispute involving U.S. sanctions on foreign companies (Lippman, 1998b). The issue of U.S. sanctions on European companies involved in energy projects in Libya and Iran, was a real priority for some European countries such as France and Italy. The Cuban issue was not as important as the controversy over oil investments, so the questionable Helms-Burton Act could not be allowed to threaten a more general agreement, of mutual interest for both the European Union and the Unites States (Vicent, 1998).

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, faced a number of other significant hurdles, its conclusion would not have been 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. The pre-1998 summit understanding helped the United States avoid a major conflict with Europe. The European Union agreed to establish “disciplines,” a concept
introduced for the first time and with an international reach, to bar future use of expropriated property and to deter investments in expropriated property, including in Cuba (European Union Commission, 1998). The so-called disciplines are supposed to ensure the following: an outright ban of any future investment on any expropriated property; the setting up of an international claim registry for claimants to file property claims; and a special treatment of countries with a pattern or practice of expropriation. Moreover, the disciplines would be applied retroactively (European Union Commission, 1998: 1-5).

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 had for Title III. 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, only the U.S. Congress can amend the law. Under the new U.S.-EU agreement, the U.S. administration was only under the obligation to amend Title IV (European Union Commission, 1998: 5). Since this amendment was linked to the “disciplines,” and since these disciplines would be permanent, the U.S. executive branch would need to have to included a waiver in Title IV. Insofar as disciplines and the promotion of investment protection are concerned, the Understanding is not a legally binding commitment for Europe (European Union Commission, 1998:Annex A, 7). It stated that while the agreement: "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 (European Union Commission, 1998: Annex A, 7)".

The European Union’s decision to wait for the fulfillment of a promise made by the U.S. administration ignored 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. 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 (Balz, 1998)".
The Pope’s Visit

Pope John Paul II's visit to Cuba, from January 21st to 25th, 1998, would have a lasting impact on the island and, likewise, a major effect in U.S.-Cuba relations. The 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.” (Weiner, 1998) All of Latin America had condemned the U.S. embargo on Cuba. U.S. European allies refused to go along, and Canada went 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 had 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, that had started 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 was beginning to shift away from Cuban American hard-liners. 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 had come under sustained attack. There was 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 Time all editorialized against the U.S. Cuba policy. The U.S. Chamber of Commerce was lobbying aggressively in favor of sale of food and medicine to Cuba. Nearly 700 companies, trade associations, and farm organizations had joined “USA Engage,” a new movement aimed at eliminating unilateral U.S. economic sanctions against Cuba and other countries around the world. Members and supporters included the U.S. Chamber of Commerce, the National Association of Manufacturers, Eastman Kodak, General
Motors, Goodyear and Honeywell. Some economists estimated U.S. trade with the island, if the ban were lifted, would increase "to $3 billion a year and rise to $7 billion within a few years (Kirby, 1988:8)".

U.S. cardinals had made it clear that they saw 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 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 also highlighted fault lines in Congress, the business community and the religious sector over the U.S. blockade. The Brooking Institution held three major seminars on Cuba in 1998, and the Council on Foreign Relation established a task force on Cuba and subsequently published two reports (Aronson and Rogers, 1999 and 2000).

The decline of broad conservative support for the blockade left Miami’s hard-liners almost alone in their support of the policy. These hard-liners were concerned about the gathering momentum of forces in favor of a softening of the blockade. They were 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. Critics in Miami of the hard-line policy became 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. A parallel process was taking place in Dade County. Under the 1994 Migration Agreement, a new wave of Cubans was legally arriving in Miami. New arrivals had left the island without political resentment or social distress. Their concerns were more like to those of other immigrants from Latin America, and “fighting communism in Cuba” was not among their priorities. Also, the second and third generation Cuban Americans’ approach of Cuba differs from their parents or grandparents, though as Lisandro Perez (1999) described they have elected to remain silent or simply endorse the current policy, so demographic change has not translated into a change of policy in Miami.

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.
In the aftermath of the Pope's visit a House bill sponsored by former Rep. Esteban Torres (D-Calif.) which would allow sale of food to Cuba and remove many of the restrictions on sale of medicine and medical supplies was introduced in the International Relations Committee in 1998, a committee controlled by blockade supporters. 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 have authorized the president to allow the sale of medicine and medical equipment to Cuba. The bills garnered the support of about 25 percent of members of Congress. Sponsors included both Republicans and Democrats. A range of organizations backed these bills, from the Roman Catholic Church and other religious groups to the U.S. Chamber of Commerce.

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

Momentum for action was so strong after the Pope's visit that Senator Jesse Helms and the Cuban American National Foundation (CANF), in order to preempt sweeping changes that would have opened up trade to Cuba, put forward a different bill aimed at undercutting those willing to end restrictions on the sale of food and medicine to the island. The plan marked the Cuban American National Foundation's first policy initiative after the death of Jorge Mas Canosa. It was clear that Foundation leaders were eager to reassert a presence in Washington (The Washington Post, 1998).

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 (Ros-Lehtinen, Ileana, Lincoln Díaz Balart and Robert Menéndez, 1998). They feared that even a slight change could turn the blockade policy around.6
After the Pope’s visit, Clinton and his administration undertook the daunting task of trying to defend his policy in the face of reality. Administration officials had no plans for dealing with Cuba before the Pope’s visit, and they were 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.

Since the start of the Clinton Administration, U.S. officials had stated that significant actions by the Cuban government would be followed by carefully calibrated responses from the U.S. government. The Cuban government facilitated the Pope’s visit. It allowed live TV broadcasts of the Pope’s mass. It released scores of prisoners. Churches were allowed to flourish. 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; and streamlining and expediting the issuance of licenses for the sale of medicines and medical supplies and equipment to Cuba (The Chicago Tribune, 1998; The Los Angeles Times, 1998; USIA, 1998).\(^7\)

These steps were very modest, merely restoring humanitarian provisions in effect when Clinton took office, but suspended in 1994 and in 1996. This underlined that the U.S. policy toward Cuba has had no rationale and was only intended to maintain the status quo in order to mollify a small group of right wing Cuban Americans activists in Florida. Officials insisted that the moves did not signal a weakening of the long-standing U.S. embargo on trade with Cuba, which they said remained the cornerstone of efforts “to isolate and undermine the regime of President Fidel Castro (Lippman, 1998)”. 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 (USIA, 1998).” In other words, U.S. Cuba policy was still stuck somewhere in the Cold War era.

Twenty days after these measures were approved the Defense Department announced its conclusion that Cuba for the first time since the 1962 missile crisis constituted no threat to U.S. national security. The report, required by an amendment to the Defense Department Authorization Act introduced by Florida Sen. Bob Graham in 1997, portrayed “Cuba's Revolutionary Armed Forces as a severely diminished military” and downplayed “the risks posed by chemical or biological weapons (U.S. Defense Department, 1998).” It also said the chances of another mass exodus from the island were reduced. The then U.S. Southern Command Chief in Miami, Marine Gen. Charles Wilhelm said that the Cuban "armed force has no capability whatsoever to project itself beyond the borders of Cuba, so it's really no threat to anyone around it.... It does not even begin to resemble the Cuban armed forces that we contemplated in the '80s (Marquis, 98)."

Current and former Pentagon officials said they had no evidence of high-level Cuban complicity in drug running to the United States. They did not think Cuba "weaponized" biological agents against the United States; and said that the best way to deal with the Juragua nuclear plant was to provide cooperation and scrutiny under the International Atomic Energy Agency (U.S. Defense Department Report, 1998: 4). 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 posed "a negligible threat to the U.S. or surrounding countries (U.S. Defense Department Report, 1998:1)."

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 (Law Office: Baker, Donelson, Bearman and Caldwell, 1998). On October 13, Senator John W. Warner led an initiative, with the support of 24 of his Senate colleagues, recommending that the President establish a National Bipartisan Commission to review U.S.-Cuba policy (United States Senate, 1998). Senator Warner’s initiative was backed by
Kissinger, Eagleburger, former Secretary of State George Shultz, former Secretary of Defense Frank Carlucci, 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 since 1960 when the United States first began restricting trade with Cuba. Warner's letter to the President recommended that the commission study such issues as Cuba’s risk to U.S. national security, compensation for U.S. businesses with properties confiscated in Cuba, and the domestic and international impact on the U.S. economy of the embargo against Cuba (United States Senate, 1998).

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 put pressure on the possible 2000 presidential candidate.

Recent Developments in U.S.-Cuban Relations

This moment could have been an opportunity to review overall U.S. policy towards Cuba. However, the President would have 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 support a position not in tune with what he perceived as the prevailing political trend. In addition, the President had other problems as he became the second president in U.S. history to be impeached. The House of Representatives approved two articles of impeachment. The 106th Congress was overwhelmed by the impeachment.

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 (United States Senate, 1998). At the same time, Clinton announced “the relaxation of some U.S. restrictions” on Havana that revealed Washington's desire merely to 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 allowed “people-to-people contacts. 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. Approval of food sales to entities independent of the Cuban government such as religious groups or private restaurants could applied for on a case-by-case basis. The New York Times (1999) 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.

Analyzing these measures, Wayne S. Smith, Chief of the U.S. Interests Section in Havana between 1979 and 1982, declared in The Los Angeles Times (1999):

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

President Clinton did not seem interested in reviewing the Cuban question from another perspective. From a cost-benefit perspective, the predominant consideration seemed to be that a policy review concerning Cuba would hurt presidential candidate Albert Gore in New Jersey
and Florida in the 2000 elections. Once again, domestic politics and a blurred vision on foreign policy were 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 advocated improved relations with Havana dominated intellectual debates, but their influence was not translated into the political arena. The President could not have anticipated that another migration crisis was going to happen and that it would polarize even more the state of Florida: The boy Elián González Brotón.

In the post Cold War period, the low priority of policy toward Cuba in the U.S. foreign policy agenda suffered from a high degree of incoherence and disarticulation, not only at the conceptual, but also at the practical level. The three major crises of the period—the 1994 rafters crisis, the 1996 shoot down of two “Brothers to the Rescue” aircrafts and the 1999 crisis around Elián González—were characterized by the absence of coordinating structures and a power vacuum at the highest level of U.S. decision-making, particularly the National Security Council. In all three instances, the fragility of the structure of the bilateral relations became quite evident.

The linkage of the Cuban issue to elections in Florida and New Jersey, and the political influence of the most fierce lobby, the Cuban American National Foundation, caused a relative isolation of the Cuban issue from overall U.S. foreign policy objectives, as the plight of six-year-old Elián Gonzalez so dramatically illustrated. The case, the seemed 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 underlined that the Cuban American National Foundation was no longer an unchallenged power. The growing debate over Washington's policy toward Cuba now extended beyond the right wing of the Cuban-American community. In 2000 the House of Representative and the Senate overwhelmingly approved two proposals by Rep. George R. Nethercutt (R. Wa) and former Senator John D. Ashcroft (R. MO) aimed to lift the embargo on food and medicines, including the
possibility of U.S. private sector financing to purchase those products. But Republican leadership in the House, under whip Tom DeLay of Texas and backed by the three Cuban American legislators, inserted a "compromise language" on the conference committee, which banned on public and private financing and codified the existing ban on travel to the Island into law. Subsequently, the main idea of selling foods and medicines was modified into an Act that blocked the easing of the embargo. (Karen DeYoung, 2000)

Nevertheless, congressional representatives, business associations, churches, humanitarian groups, academicians and even the Republican Governor of Illinois George Ryan all underscored the irrational persistence of maintaining a policy that had not brought the expected results and the imperative need to shift the course prevailing in the scarcely existing Cuba-U.S. relations for the sake of America's own political interests. But the political muscle of the new actors advocating a change of policy were yet to be tried.

The lack of a long term articulated strategy by the Clinton Administration—one that would see beyond immediate circumstances—and the general assumption that the island would have to modify its political system both contributed to the manipulation of the Cuban issue by mono-thematic right-wing groups. These groups used the U.S. political process and manipulation of the Congress to perpetuate their particular interests. Over the years, they became an experienced and astute pressure group expert at effectively inserting itself into the North American political game. However, this political craftiness might 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 a change of policy towards the island, a more weakened leadership within the CANF and demographic changes in the Cuban community in Miami suggested that time might have been 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, Cuba has not been, in the short or medium
term, a political priority for the United States. For more than 40 years, this fact has constrained 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.

A reassessment of the Cuban issue, placing it in a world context is imperative for the
establishment of constructive relations between the two nations. Globalization with its contradictory
processes of economic integration and the marginalization of states, nations, and social groups has made
it essential to face the genuine universal problems of underdevelopment, pollution, migration, drug
trafficking, 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 can not 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 a common will to overcome bilateral and regional problems. Between
the United States and Cuba it would be possible to deal successfully with issues of the environment,
migration, and drug trafficking.

Under international law, negotiations in the medium term would prove sensible. They might address
issues like claims and counter-claims of both governments, the status of the Guantánamo naval base, the
lifting of economic sanctions and, as a result, the restoration of normal trade relations. This would open the
way for consular and diplomatic relations.

The legal regulatory framework in the Helms-Burton Act makes any move toward negotiation conditional on a
change of government in Cuba and the implementation of a number of mandates stipulated by U.S. law without
regard for the desires of the Cuban people. For most Cubans on the island, sovereignty and independence are
basic values. Thus, the intent to restore U.S. domination in Cuba violates a fundamental Cuban national interest.
The resulting contradiction becomes practically insurmountable. Wisdom and a negotiating will, as well as
consideration of both countries’ history, vocation for independence, national interests and regional security will
be required for rational coexistence to be achieved at the dawn of the 21st century.
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1 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”.


3 The Center for Public Integrity studied the Cuban foundation's lobbying in 1996, concluding it was among the most effective and most feared on Capitol Hill. The Washington-based center monitors campaign tactics and ethical issues. The study focused on the Helms-Burton Act's passage. CANF officials and related groups contributed $4.4 million to federal election campaigns since 1979, the study found.

4 See: The Cuban Liberty and Democratic Solidarity Act of 1996, Title III, Section 302. (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.

5 See: The Cuban Liberty and Democratic Solidarity Act of 1996, Title II- Assistance to a Free and Independent Cuba. (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 document sets the terms for a hypothetical aid, but during the so-called transition period, diplomatic and trade relations will not be resumed. 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.

6 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." 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. A similar bill have been introduced by Helms and Joseph Lieberman in the Current 107 Congress.

7 The USIA reference is a Backgound Briefing with officials from the Departments of State, Commerce and Treasury; they were Michael Ranneberger, Coordinator, Cuban Affairs, U.S. Department of State, Marette Evans (sp), Office of Foreign Asset Control, U.S. Department of the Treasury, the topic was Implementation of March 20 Measures for Cuba on Humanitarian Flights, Family Visits and Monetary Remittances, May 13, 1998. By the beginning of 1999 no 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.

8 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.

9 Liberal Democrats, the pharmaceutical industry and Republicans from farming States, optimistic to sell food and medicine to Cuba, constituted the coalition.