

U.S.-Cuban Relations: Spring Forward or Fall Back?

by

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Abstract

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United States efforts to bring about regime removal and democracy in Cuba through economic sanctions, travel restrictions and frozen diplomatic relations have not worked in over 55 years. Every President since Dwight D Eisenhower has corresponded through back channels to Cuba with the government, reviewed sanctions, property claimants, established negotiations, and largely left sanctions in place. This research paper reviews the history of U.S.-Cuban relations, analyzes U.S. sanctions against Cuba, and examines the security policy implications after the U.S. has to modify its policies towards Cuba. It examines whether the U.S. should “Spring Forward or Fall Back” in the motivation to drive change in Cuba with renewed U.S.-Cuban relations. Finally, it will determine if it is feasible, acceptable, and suitable to change the U.S. engagement with Cuba by renewing economic and diplomatic relations and remove the remaining travel restrictions and U.S. trade embargo.

U.S.-Cuban Relations: Spring Forward or Fall Back?

The United States of America is changing its relationship with the people of Cuba. In the most significant changes in our policy in more than fifty years, we will end an outdated approach that, for decades, has failed to advance our interests, and instead we will begin to normalize relations between our two countries.

—President Barack Obama¹

We propose to the Government of the United States the adoption of mutual steps to improve the bilateral atmosphere and advance towards normalization of relations between our two countries, based on the principles of International Law and the United Nations Charter. Cuba reiterates its willingness to cooperate in multilateral bodies, such as the United Nations

—President Raúl Castro²

After fifty-five years of failed U.S. sanctions against Cuba and the resulting lack of diplomatic relations between the two countries, on December 17th, 2014, U.S. President Obama and Cuban President Castro simultaneously announced their intention to normalize U.S.-Cuban relations, starting with the return of imprisoned nationals from each side.³ Each President, addressing the citizens of his own country, announced a new course for U.S.-Cuban relations after decades of back channel negotiations. The change in the countries' relationship, initially marked by a prisoner swap and Havana's release of a jailed U.S. contractor, to be followed by the easing of U.S. sanctions and discussions leading to the normalization of relations, prompted some experts to point to better prospects for Cuba's economy and U.S. relations more broadly in Latin America.⁴ Although long overdue, this announcement came as an unexpected surprise, setting off the ringing of bells in Cuba, while in the heart of Miami, the Cuban exile community protested the decision.

Every U.S. President since Dwight D. Eisenhower has corresponded with the Castro regime through back channels to Cuba to try to improve relations. In nearly every case the negotiations have failed to thaw relations and in many cases have made them worse. Sanctions have been in place essentially since the beginning of the Castro government, with each U.S. President tightening or loosening them slightly but leaving them largely in place. President Obama's bold step, removing all sanctions that were within his legal grasp, gives both countries the first opportunity in over half a century to start over.

This research paper reviews the history of U.S.-Cuban relations, analyzes U.S. sanctions against Cuba, and examines the security policy implications if the U.S. were to modify its policies towards Cuba. It examines whether the U.S. should "Spring Forward or Fall Back" in the motivation to drive change in Cuba with renewed U.S.-Cuban relations. Finally, it will determine if it is now feasible, acceptable, and suitable to change the U.S. engagement with Cuba by renewing full diplomatic relations and removing remaining travel restrictions and the overall U.S. trade embargo.

Background

The current U.S.-Cuban relationship has its roots in the Cold War era. In the late 1950's, Fidel and Raúl Castro led the Cuban revolution to victory, overthrowing U.S. backed President Fulgencio Batista. Prior to the revolution the U.S. had played a major role in driving the social / political / economic life of Cuba for over a half century. Many U.S. corporations had operations in Cuba, including, as a few examples, Coca Cola, Shell, Texaco, United Fruit Company, and a Hilton hotel in the heart of the Havana business district.

Fidel Castro became prime minister of Cuba on February 16, 1959⁵, announcing the Communist nature of the revolution with the stated goal of eliminating inequitable socio-economic classes of citizens. One of the main early acts of the new government was to nationalize essentially all commercial properties, many owned by U.S. citizens and corporations, and to impose a tax increase on U.S. imports.

Angry about the loss of their business property and socio-political freedoms, as well as the increasing isolation of Cuba, most Cuban business owners and upper middle class professionals made a mass exodus from Cuba to the U.S. in search of a better life. Over a half million of these (and subsequent) refugees and their families today form the heart of a vocal Cuban émigré presence in the Miami area. Meanwhile, those without means stayed behind in Cuba, in part because they didn't have the resources to leave, but also because Fidel vowed to take care of the poor.

Serious diplomatic friction between the U.S. and Cuba wasn't long in coming, due to several botched U.S. covert operations to overthrow the Castro government, culminating in the ill-fated April 1961 Bay of Pigs invasion. This also led to the October 1962 missile crisis in which the United States confronted the Union of Soviet Socialist Republics (Soviets) over its attempt to place offensive nuclear missiles in Cuba.⁶ Further major sources of tension in U.S.-Cuban relations during the following decades were the 1980 exodus of 125,000 Cubans to the United States in the so-called Mariel boatlift, the 1994 exodus of more than 30,000 Cubans who were interdicted and housed at U.S. facilities in Guantanamo and Panama,⁷ and the Cuban attack on 2 U.S. civilian planes dropping leaflets, which resulted in the deaths of the four crew in February 1996.

U.S. Sanctions against Cuba

U.S. President John F. Kennedy responded quickly to the presence of a Communist regime less than 100 miles from the U.S. with an economic embargo on trade between the U.S. and Cuba, including slashing sugar imports, imposing strict travel restrictions and breaking diplomatic relations. Subsequent Presidents tweaked the sanctions, with Democratic administrations (e.g. Carter, Clinton, and Obama) loosening them somewhat, and Republican Presidents restoring them. This dynamic changed somewhat in 1996 when Republicans in Congress took advantage of the Cuban downing of civilian aircraft to force President Clinton to sign the Cuban Liberty and Democratic Solidarity Act, better known as Helms-Burton. This law codified the sanctions, limiting the ability of any President to remove them. When President Obama spoke in December 2014, and enacted his proposed changes on January 16, 2015, he basically took every step open to him under Helms-Burton.

Additional restrictions were imposed by the Cuban Democracy Act (CDA), passed in 1992 in reaction to how "The government of Fidel Castro has demonstrated consistent disregard for internationally accepted standards of human rights and for democratic values."⁸ CDA prohibited certain transactions between U.S. firms and Cuba, and further restricted Cuba's ability to conduct foreign commerce. Vessels entering a Cuban port to engage in trade of goods or services are prohibited from entering U.S. ports for 180 days after the departure, and vessels cannot load or unload at any place in the U.S. The CDA also placed restrictions on monetary remittances sent to Cuba from their families in the U.S.

President Kennedy's actions prohibiting U.S. exports to Cuba (taken under authority of the Trading with the Enemy Act) shortly after Fidel Castro took control,⁹ had

the goal of containing and isolating Cuba. This worked to an extent, as Castro's regime became isolated from the U.S. and other western nations. However, in response they increased trade with the Soviets, quickly developing a close alliance between their countries. Meanwhile, U.S.-Cuban relations froze in time, leaving both countries distrusting the other.

Sharing Cuba's mistrust and disdain for the U.S., the Soviets formed a defense alliance for Cuba's protection. Fidel, believing the U.S. was preparing to attack Cuba again whenever an opportunity presented itself, allowed the Soviets to build secret missile bases in Cuba, causing a major crisis for the Kennedy administration. The U.S. quarantined Cuba and began to enforce a full military blockade, interpreted by the Soviets as an act of war. The so-called Cuban Missile Crisis (CMC) took the U.S. and Soviets to the brink of war, ending after thirteen tense days of secret messages and negotiations. The Soviets agreed to remove the missile bases from Cuba, and the U.S. agreed not to invade Cuba and to secretly withdraw U.S. nuclear missiles from the Soviet's bordering neighbor Turkey, although this was not announced as part of the public resolution of the missile crisis.^{10 11} Castro and his regime were excluded from the negotiations, an indicator of the state of U.S.-Cuban relations.

There were two major impacts from this incident. First, since the Soviet missiles were removed, Cuba has never been a true military threat to the U.S. Secondly, the main result of the sanctions has been to drive the Cuban government to seek partnerships with other nations, often countries not entirely friendly with the U.S. The Soviets maintained an alliance with Cuba even after the Cuban Missile Crisis, backing Cuba financially, until the collapse of the Soviet Union left the Cuban economy in

shambles. Since that time the Cuban government has sought and formed alliances with China, Venezuela, and others.

Recent Presidential Actions

The changes announced by President Obama in December 2014, which became law on January 16, 2015, opened U.S.–Cuban relations in several sectors. In the area of travel, the changes allow the 12 permitted categories of travel under general license instead of the more time - consuming specific license. In addition, travel agents and airlines can now provide travel services under general license. Travelers to Cuba can now bring back \$400 worth of Cuban goods, including \$100 in tobacco and rum.

Banking regulations now allow the use of U.S. – based credit cards in Cuba, and authorized remittances from the U.S. to Cuban nationals have been expanded. Several categories of trade have been authorized, including telecommunications facilities linking the two countries, consumer communications devices, and building materials.

In addition, President Obama announced that direct talks would begin between the two nations, with the announced goal of normalizing relations. These discussions have begun in early 2015, with one round held in each nation's capital.

The announcements by the two presidents set off a flurry of activity and debate.

President Obama's steps to ease sanctions have brought about increased interest in travel to Cuba and U.S. companies possibly doing business there. Cuban citizens hope the thaw will bring about economic and other reforms. While the overall mood is supportive of the thaw, this is not unanimous. A vocal minority on both sides threatens to derail the announced changes.

Cuban-Americans

Within the Cuban-American community of 1.2 million people in Florida,¹² opinion is divided largely along generational lines; between those who fled over fifty years ago versus those who came to the U.S. more recently looking for a better life. While the former are loudly opposed to any ties with a Cuban government headed by a Castro, the latter, as well as the U.S.-born descendants of both groups, feel it is time to move on. A June 2014 poll of Cuban-American adults in the Miami area showed that overall, “a majority of Cuban-Americans support normalizing ties and ending the embargo, signaling a generational shift in attitudes toward the island.”¹³

“The Cuban-American community in southern Florida traditionally influenced U.S. policy toward Cuba, and both Republicans and Democrats have feared alienating a strong voting bloc in an important swing state in presidential elections,”¹⁴ according to the Council on Foreign Relations. Among U.S. citizens, the majority favor normalizing relations and removing travel and other restrictions. However, in Washington a small group of anti-Castro Cuban-American members of Congress promise to create as much interference as possible, attempting to block the appointment of an ambassador to Cuba, oppose funding for the U.S. embassy in Havana, and fight the removal of Cuba from the terrorism list. Their argument is that we are rewarding the Castro regime and abandoning the fight against Cuban Communism, while supporters of normalization point out that 55 years of isolation haven’t achieved any of the desired results.

Even for President Castro, moving closer to Cuba’s sworn enemy is not without its internal challenges. Many hardliners in the Communist Party staunchly defend the current system. They hope to maintain one-party control of politics and Cuba’s economy and could force Raúl to jail dissidents who oppose official policy. Jailing large numbers

of Cubans would play into the hands of those in the U.S. opposed to the thaw, and in a worst-case scenario could trigger another wave of emigration.

While both presidents face some resistance to their efforts, it appears that both seized the advantage of their tenure in office. President Obama is in the final two years of his Presidency and President Castro has announced he will retire at the end of his current term in 2018. In effect, they both have nothing to lose, and appear to want this historic change as a part of their legacy.

Property Claims in Cuba

As Congress has made very clear in the Helms-Burton Act, “it is the sense of the Congress that the satisfactory resolution of property claims by a Cuban Government recognized by the United States remains an essential condition for the full resumption of economic and diplomatic relations between the United States and Cuba”.¹⁵ The Cuban government has settled expropriation property claims with several foreign states, including Canada, France, Spain and Switzerland.”¹⁶ These settlements resulted from direct government-to-government negotiations, and the resulting installment payments added up to only a percentage of the total claim amounts. The claims of U.S. nationals and Cuban exiles are still open and have not been satisfied. The U.S. national claimants refer to U.S. citizens or corporations who owned expropriated property in Cuba when it was seized by the Cuban government. These claims have been certified by the Federal Claims Settlement Commission (FCSC) for approximately \$6 billion including interest. “Cuba will also need to prepare itself to address the expropriation claims of Cuban nationals, whether the claimants are on the island or abroad.”¹⁷ The Cuba national claimants were Cuban at the time of the expropriation of their property and are not

covered by the FCSC, but they are protected legislatively and interlinked with lifting the U.S. embargo.

Just as a reference point as to how this might play out, Nicaragua found itself in a similar condition as Cuba after the Sandinista government adopted a Marxist program of social revolution, seizing land, houses, ranches, banks, and businesses of U.S. nationals and anyone opposing the regime. Many claimants fled abroad while the government nationalized their property. After a regime change, international law recognizes the right of foreign nationals to be compensated for expropriated property. As leverage, the U.S. pressured Nicaragua by threatening to withhold aid, and as a result “between 1990 and 2008, the Nicaraguan government paid over \$430 million in compensation to some 1,600 American claimants. There are still around 200 American citizens claiming restitution.”¹⁸ While Nicaragua has not fully compensated expropriation claims, they are continuing to show progress, and thereby meeting statutory requirements.

When U.S. envoys meet with Cuban negotiators, they must discuss methods of compensation to the owners of the expropriated properties. This topic has been raised through several administrations, with the Cubans replying that “Cuba would gladly consider compensation for expropriated properties, if the United States would accede to a formula to compensate Cuba for the losses and damages from the embargo and the acts of aggression since 1959.”¹⁹ Although U.S. national and Cuban exile claims resolution will take place under international law and the watchful eye of Congress, negotiations on compensation for nationalized U.S. property will be protracted and difficult, both because Cuba does not have the hard currency reserves necessary to pay

any substantial claim and because Cuba has counterclaims for the damage done by the embargo and the CIA's covert war in the 1960s.²⁰

U.S. National Interests

President Obama's 2015 National Security Strategy (NSS) states the U.S. will promote and advance U.S. national interests, universal values, and a rules-based international order. President Obama's recent actions have taken considerable steps forward by opening U.S.-Cuban relations, easing sanctions against Cuba, engaging and empowering the Cuban people. The following sections will examine the individual goals of the NSS as they relate to Cuba. Specifically the paper will address security, prosperity, travel, trade and universal values.

Security

The NSS says to reinforce homeland security and keep U.S. citizens safe while strengthening our national resilience. Cuba poses no conventional or traditional threat to U.S. National Security, its citizens, allies or partners. The only time Cuba was a serious threat to the U.S. was when the Soviet missiles were based there. The rest of the world does not view Cuba as a threat. It's to the U.S. advantage to have a bilateral agreement or alliance with Cuba, and resolve resource and other problems with solutions that will strengthen both countries.

Cuba is currently not a threat to the U.S., but if U.S.-Cuban relations do not improve, there is the risk that other countries like Russia, China, Venezuela or North Korea will intervene and we could face another Cuban Missile Crisis. Fidel is "reliant on donations from the oil-rich Venezuelan government to keep the Cuban economy afloat — something that appears more unreliable all the time as Venezuela's economy and political system teeter on the end of collapse."²¹

Cuba was placed on the U.S. Department of State (DOS) list of State Sponsors of Terrorism in 1982, because numerous government reports and statements under the Reagan Administration alleged Cuba had ties to international terrorism and supported terrorist groups in Latin America,²² although there is no evidence linking Cuba to terrorist activity. In fact, “Cuba not only condemned the 9/11 attacks and expressed solidarity with the American people, but also signed all terrorist resolutions and offered to sign agreements with the U.S. to cooperate in combating terrorism.”²³ Support for Cuba has risen, as shown in a 2014 report showing 61 percent of the American people believe that Cuba should not be considered a state sponsor of terrorism; in Florida, the number rises to 67 percent.²⁴

Prosperity

Neither the trade nor the travel embargo is being lifted, but President Obama’s announcement will make it easier to get a license to travel to Cuba and will allow visitors to purchase and bring back goods to the United States. Americans also will be able to send up to \$8,000 a year (up from \$2,000) to Cubans and will no longer need a specific license to do so.²⁵ Between increased tourism income and remittances, income opportunities and standards of living will increase. With reduced restrictions on remittance, trade, and travel, Cuba could develop a middle class, especially for those working in the hotel and tourism industry, and eventually evolve away from a communist society without outside interference. In addition to the economic benefits to the Cuban people, U.S. expanded travel and remittance policies will help Cubans by providing alternative sources of information and by strengthening independent civil society.²⁶

Travel

While tourism remains banned by law, the new rules put in place by President Obama in January 2015 will make it easier for Americans to visit Cuba than it has been for over fifty years.²⁷ In addition, Cuban-Americans can more easily travel between the two countries, taking needed cash remittances and other scarce goods with them to family members in Cuba. The changes also allow airlines to apply for licenses to schedule regular commercial flights to and from Cuba.

One aspect of U.S. – Cuban relations that will require further negotiations is the Cuban Adjustment Act (CAA) (also currently known as the wet foot-dry foot rule). Under this act and its many modifications, Cubans who flee their country are eligible for special consideration regarding permanent U.S. residency. Under revisions to the policy agreed to by both nations in 1995, Cubans picked up at sea (“wet foot”) are sent home or to a third country, while any Cuban who manages to arrive on U.S. soil (“dry foot”) is eligible for residency. Cuba wants the Act repealed, believing that it encourages Cubans to attempt unsafe boat trips across the Straits of Florida. Indeed, in December 2014, just one month after both Presidents’ speeches on their interest in renewing U.S.-Cuban relations, the numbers of immigrants fleeing Cuba and found at sea had doubled, with many Cubans gambling with their lives against the sea and not willing to chance a policy change. Cuban officials urged the U.S. to end its policy of allowing Cubans who reach U.S. soil to stay as refugees, saying it is a dangerous enticement. U.S. officials so far maintain that the policy will remain in effect.²⁸ The stated U.S. policy is that “the United States is committed to supporting safe, orderly, and legal migration from Cuba through the effective implementation of the 1994-95 U.S.-Cuba Migration Accords.”²⁹ According to Michael Flynn, director of the Defense Intelligence Agency, “President

Raúl Castro will manage his nation's political, socioeconomic, and security force conditions to maintain regime viability and keep the likelihood of a mass migration to a minimum."³⁰

Trade

According to a truism proposed by Albert Einstein, we cannot solve our problems with the same thinking we used when we created them. President Obama has made significant improvements moving U.S. forward regarding trade with Cuba, though short of lifting the trade embargo, as he can't repeal legislation enforcing the embargo without action by Congress.³¹ The embargo has changed over the years; the latest revision states the trade embargo will be enforced until Cuba improves human rights, transitions to democracy, and holds elections leading to a change in government.³² Advocates for the embargo argue Cuba has not met these provisions so the embargo should stay in place, while opponents argue that the embargo is counter-productive and has not produced the desired results after five decades. In fact, U.S. efforts to isolate Cuba have begun to have the reverse effect of cutting off the U.S. for potential partnerships in the Western Hemisphere. In addition, although Cuba is subject to general trade sanctions, as part of an effort by the U.S. government to reach out to the Cuban people the U.S. has become Cuba's largest supplier of food.³³

The U.S. has diplomatic and full trade relations with China, Russia, Laos, and Vietnam, which are all communist countries, do not pretend to be democratic, and are all known to have human rights violations. The U.S. does not have full diplomatic relations with Cuba or North Korea for varying reasons and chooses not to trade with North Korea at all. The U.S. not trading with North Korea is vital to national security, but Cuba poses no more of a security threat to the U.S. than Canada and Mexico. Cuba is a

very stable country, with essentially the same government for the last fifty-five years. Justifying the trade embargo on the grounds that Cuba needs to develop into a democratic society supporting the U.S. interest of a fully democratic Western Hemisphere is emotionally satisfying. However, it is hypocritical, given our relations with China and similar regimes.

Universal Values

Regardless of the changes implemented so far or yet to come, the U.S. will continue to engage Cuban officials and implement U.S. programs designed to promote positive change and encouraging reforms in Cuba. "The U.S. Congress funds democracy programming in Cuba to provide humanitarian assistance, promote human rights and fundamental freedoms, and support the free flow of information in places where it is restricted and censored."³⁴ While there is no official U.S. Embassy in Cuba, the public diplomacy mission in Cuba is handled by the U.S. Interests Section (U.S.INT) in Havana, which essentially performs all the duties of an embassy except for the formal diplomatic relations with the host country. Its functions are similar to those of any U.S. government presence abroad: Consular Services, a Political and Economic Section, a Public Diplomacy Program, and Refugee Processing unique to Cuba.³⁵

A Rules-based International Order

The U.S. advances international order by promoting peace, security and opportunity through stronger cooperation to meet global challenges by promoting "a prosperous, secure, and democratic Western Hemisphere by expanding integration and leveraging a new opening to Cuba to expand our engagement".³⁶ The U.S. "will work with Cuba on matters of mutual concern and that advance U.S. national interests, such

as migration, counternarcotics, environmental protection, and trafficking in persons, among other issues."³⁷

In fact, Cuba has promoted many global causes that are well aligned with U.S. interests. Cuba has helped to improve global health care capability, practicing healthcare diplomacy by training thousands of doctors and nurses in areas such as Africa, China and Venezuela. Cuba continues to export doctors throughout the world to help after disasters and treat diseases such as HIV, Ebola, etc. Cuban doctors work in rural areas of other countries, and these countries send local students to train in Cuba.

The U.S. must also engage with the Cuban people, letting them know why U.S.-Cuban relations matter to us both. Programs such as People to People help Cubans understand that Americans do not dislike the Cuban people, that the disagreement has been between the two governments, and that even the official disagreements can be resolved. This message can be relayed through increasing visits to Cuba by U.S. citizens under people-to-people exchanges and other licensed travel under loosened travel restrictions.

At the end of the day, Cuba is our closest neighbor after Canada and Mexico. Cuba is located in the Caribbean Sea, surrounded by the world's busiest maritime trade routes. The U.S. needs it to be stable from a security standpoint: Cuba and the U.S. share an interest in maritime security, regional stability and free trade / commerce routes. Thus, Cuba is of great importance in the interest of maintaining peace and stability among Latin American countries and the promotion of free unconstrained commerce.

Recommendations

The U.S. should normalize relations with Cuba and continue to break down barriers. The embargo didn't work and should be lifted, as well as all sanctions and restrictions. A new Cuba strategy dominated by the diplomacy, economics, and information components of national power is imperative. The U.S. should continually push for renewed relations with Cuba to advance security, promote prosperity, universal values and international order. Renewed relations will increase U.S. access to markets in Cuba, help stimulate the growth in U.S. exports, generate export-related jobs, and foster an economic recovery, while enhancing the protection of U.S. property rights. The U.S. President, Administration, Congress, DOS, among others must engage Cuba using smart power to demonstrate to the Cuban nations the U.S. administration's desire to move forward.

Repeal Helms-Burton, Cuban Democracy Act, and Cuban Adjustment Act

The Helms-Burton Act, CDA, and CAA should be repealed to stimulate both U.S. and foreign investments in Cuba. The presence and return of local and foreign investors will secure Cuba's place in the global market place, and the U.S. reputation will change from oppressor to collaborator. The long-term benefits of renewing relations are import / export trading and oil and gas energy resources. In addition, with the Acts lifted, U.S. corporations and individuals whose property was confiscated by the Castro regime can seek restitution.

The Helms-Burton Act was passed by the U.S. Congress as a stronghold on Cuba's economy with a long term goal of forcing the Castro's from power. Even after

President Obama's recent easing, some firms are hesitant to invest in Cuba, fearing a U.S. lawsuit or losing property under provisions established by Helms-Burton. According to the Cuba Study Group, "as long as Helms-Burton remains the law of the land, its singular focus of hurting the Cuban government will continue to undermine any effort to empower Cubans inside the Island."³⁸

The Cuban Democracy Act's intent was to forbid American companies and their subsidiaries from trading with Cuba and thereby aiding the Cuban economy, as opposed to the way the U.S. rebuilt its defeated foes in Europe and Asia after World War II. The language of the CDA demands human rights and democratic reform from Cuba's government, as opposed to labelling Cuba a national security interest or threat.

The Cuban Adjustment Act has lost its symbolic value of denouncing Castro's regime and it should be repealed or modified to apply to political Cuban refugees only. Much has changed since the CAA was first implemented. Originally created as a tool to allow Cubans to escape the physical threat of the Castro dictatorship, it's now used as a tool to escape an economically stricken island. Since the beginning, the U.S. has supported the CAA to allow Cubans to escape the isolated island until a new regime is in power. But over a half-century later, "the steady arrival of new waves of Cubans who frequently travel back to the island has eroded this support. Today, many exiles are questioning the validity of the CAA; some wonder if the law should be modified to benefit only political refugees."³⁹ The CAA should be repealed since no other country is getting the same treatment. Refugees from Haiti and the Dominican Republic, for example, have the same need, to escape an economically stricken country.

Restore Diplomatic Relations

Travel restrictions and frozen diplomatic relations have not worked. The U.S. should abandon its containment efforts to bring about regime removal and democracy to Cuba. The U.S. Department of State (DOS) and the United States Agency for International Development (USAID) should use smart power to engage Cuba through economic and diplomatic means. The U.S. is more likely to win over the Cuban people and government if the U.S. acts without a threat of coercion or intimidation. As far as Cuba's political perspectives, leading with the civilian agencies can go a long way. President Raúl Castro (Raúl) views the U.S. as small-minded and incapable of viewing another country without measuring the country with the U.S. scale. To prove Raúl wrong, the U.S. efforts to bring about regime removal and democracy in Cuba through economic sanctions must be abandoned. The U.S. was not formed overnight, so Cuba should be encouraged to evolve from within, and without outside intervention. Diplomatically, the U.S. has a lot of image building to do in Cuba and Latin America and must remind the world, leaders and citizens of both countries of how bilateral and multilateral relations are important. Placing an Ambassador back in Cuba and re-establishing the embassy would be a great start. According to both Presidents, they want to tear down the differences and not continue the isolationism.

As mentioned previously Cuba has unsettled disputes with corporations and individuals who claim restitution for nationalized property. With normalized diplomatic relations, these claims, as well as Cuba's claims against the U.S. for lost revenue due to the isolation, can finally begin to be resolved. Although final resolution will undoubtedly take some time, initiating these discussions will further stabilize relations going forward.

Review Cuba's Status on Terrorist List

Cuba's opposing and publicly condemning the U.S.-led global war on terror does not meet the definition of terrorism. Cuba does not "pose a significant risk of committing, acts of terrorism that threaten the security of U.S. nationals or the national security, foreign policy, or economy of the U.S."⁴⁰ President Obama has ordered the State Department to do a comprehensive review to determine if Cuba's designation is reflective of Cuba's current status. Under Section 6(j) of the Export Administration Act, the President must submit a report to Congress 45 days before terminating the designation that certifies the Cuban government has not provided any support for international terrorism during the preceding six months and has made assurances to the United States that it will not support terrorist acts in the future.⁴¹

Lift the Trade Embargo

The U.S. once had the backing of the United Nations (UN) for the embargo but has lost international support. The UN General Assembly met on 28 October 2014, and called for the "necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba."⁴² For twenty-three straight years, the UN has considered a resolution condemning the U.S. embargo of Cuba. The 2014 vote mirrored the previous year as 188 of the 193 member nations voted for the nonbinding resolution in favor of the U.S. removing the embargo, with only the U.S. and Israel voting against it. This proves the international community is no longer supportive of the U.S. embargo or policies to isolate Cuba, highlighting potential obstacles to bilateral and multilateral relations between the U.S. and other countries, especially in Latin America.

Cuban Foreign Minister Bruno Rodriguez spoke at the UN podium, appealing to the U.S. to change the course of an embargo he said has caused great harm to the people of Cuba and caused cumulative economic damage amounting to more than \$1 trillion.⁴³ The impact is “taking into account the depreciation of the dollar against the international price of gold - since being imposed on the island in 1962.”⁴⁴ Even if this financial figure is greatly inflated, there is no doubt the embargo has affected Cubans and potential U.S. investments in Cuba because of the numerous sanctions which have made it difficult to trade and conduct financial transactions with Havana. Cuba will press international damage claims for the harm caused by the embargo, which they will argue is great enough to more than wipe out the reparations they owe U.S. interests for property seized after the revolution. Whatever the amount, whether a few billions or the trillion dollars mentioned above, it continues to grow daily.

Because of the embargo, the U.S. has lost out on many opportunities, including having eleven million potential Cuban customers to buy U.S. goods and services. This half century embargo did not work, and has had an effect on the U.S. economy as well. It continues to cost U.S. companies billions in lost revenue. While the U.S. continues to shun Cuba, other countries are capitalizing on the opportunity by creating bilateral and multilateral agreements with Cuba.

In some cases the sanctions encourage Cuba to collaborate with regional players that are less friendly to American interests.⁴⁵ For example, in 2011 Cuba “inked a deal with Venezuela for the construction of an underwater communications link, circumventing its need to connect with U.S.-owned networks close to its shores.”⁴⁶ Other lost opportunities to tap new markets and investments in Cuba include hotels,

restaurants and a golf course. Cuba has partnered with several energy companies from countries including Angola, Brazil, Spain, Russia, and others to explore significant reserves of natural resources to include oil and gas. Russia and Abu Dhabi are making plans to build a major new international airport in Cuba. The U.S. has missed many commercial opportunities because of the apprehension of appearing weak. The U.S. should be tired of being viewed as the bully, especially when there is nothing to gain.

Even if the failed embargo is not lifted, the U.S. can continue to engage Cuba and build a foundation of open relations. There will possibly be an increase in U.S. goods and services transported to Cuba, but while the embargo is still in force, U.S. banks and corporations will be apprehensive about seeking waivers to engage with Cuba.

Lift U.S. Tourist Travel Ban

Lift completely the travel ban to allow all U.S. citizens to travel to Cuba. The best way to ensure a gradual change in Cuba away from being a communist state is to lift all travel restrictions and send Cuba a million U.S. tourists annually. The simple interaction with U.S. tourists will help Cubans nationals as “the flow of ideas, money, and people helps along preexisting Cuban desires for greater freedoms and rights. That's also why one of the American conditions for the recent deal is that Cuba will allow wider internet access, thus encouraging the growth of a grassroots political culture.”⁴⁷ The U.S. will not have to demand change in Cuba; it will start to happen automatically.

Suitability, Feasibility, Acceptability Test

“Restrictions by the U.S. Government on travel by American citizens to Cuba have been part of the long-term U.S. policy to force political change in Cuba via restrictions on commerce, communications, travel, and other forms of transactions that are routine between nation states.”⁴⁸ The New Cuba policy is supported by a strategy option to normalize U.S.-Cuban relations by loosening various restrictions. This section will analyze the new Cuban strategy toward normalization to consider its feasibility (outcome is successfully accomplished by the means available), acceptability, (option will gain the crucial support from the people it needs to or whether it will lead to opposition or criticism), and suitability, (whether the option is the right one in given circumstances).

U.S. strategy to normalize U.S.-Cuban relations is feasible, promoting a secure environment using diplomatic and economic elements of power. The “majority of American voters, Cuban-Americans and Cuban democracy advocates in the island have rejected isolation as an element of U.S. policy toward Cuba and have called on the U.S. government to implement a policy of greater contact and exchange with Cuban society.”⁴⁹ “Our shift in Cuba policy has the potential to end a legacy of mistrust in our hemisphere; it removes a phony excuse for restrictions in Cuba, stands up for democratic values, and extends the hand of friendship to the Cuban people.”⁵⁰ President Obama’s “new strategy” towards diplomatic and economic relations will play a significant role in normalizing U.S.-Cuban relations while exposing Cuban nationals to U.S. culture. For half a century the U.S. isolation of Cuba has not worked to get its desired results, while the new strategy will reach out to Cubans through humanitarian

support measures and the easing of restrictions on travel and remittances. To get to the desired outcome, the U.S. can leverage “trade and diplomatic relations, in which we are actually talking to Cuba, and have some potential influence with them because of our trade and engagement, we will also be in a better position to raise concerns about human rights and democratization that we cannot meaningfully raise today.”⁵¹

The strategy is acceptable because it promotes a new beginning in the U.S.-Cuban relations which is in keeping with U.S. national interest, promoting opportunities and prosperity, and highlights the significance of universal values. Due to the unilateral U.S. embargo on Cuba, the U.S. has isolated itself from Cuba while the international community has opened relations. The U.S. has lost out on many opportunities because of the embargo, including having eleven million potential Cuban customers to buy U.S. goods and services. The new strategy will give Cubans on the island more access to phones and technology; it’s just a matter of time before the once filtered messages are more freely received.

While the new policy is the source of controversy, especially among the few influential politicians of Cuban-American descent, who claim no action should be taken and vow to block progress, poll results “find a majority of Cuban-Americans oppose maintaining the embargo.”⁵² President Obama has done all he can do to demonstrate the U.S. commitment to bilateral dialogue throughout the western hemisphere and economic interconnectivity for U.S.-Cuban relations. The lifting of the embargo will be up to Congress.

This strategy is suitable because it is the right time to drop all the restrictions and seek better relations with Cuba. The presence of a U.S. Ambassador, the State

Department and integrated country teams could strengthen U.S.-Cuban relations, providing a foundation for greater peace, diplomacy, and universal values, while reducing the potential risk associated with a failed or failing state. The new economic growth generated by common interests, global trade and investments underwrites the need for joint efforts in new jobs and shared prosperity. It's time for the U.S. to develop a working relationship with our neighboring state to help combat narcotics and human trafficking, and foster climate control and one day their possible transition to another government.

“Since December 17, 2014, eight public opinion polls have been released that all show strong public support for President Obama’s decision to restore diplomatic relations with Cuba and his call to end the embargo.”⁵³ This shows overwhelming support among the American people for the President’s actions, although for opponents, these polls don’t seem to matter. “Miami’s three Cuban-American Republicans in the U.S. House of Representatives say they don’t want to see a Cuban embassy opened in Washington D.C. -- or a Cuban consulate anywhere else in the country -- because it would risk allowing Cuba to spy on the U.S.”⁵⁴

In terms of risk, the U.S. engagement with Cuba should not be used as leverage for immediate regime change, but must rise above any political agenda. A medium risk to the new plan is the few politicians pushing their personal agenda, claiming to represent the voice of constituents, and attempting to dictate foreign policy regarding Cuba. An open question is whether candidates for the 2016 presidential election will take the electoral risk of losing or winning Florida by speaking out for reversing or continuing the Obama administration’s path. The US strategy to normalize U.S.-Cuban

relations has gained crucial support from the Cuban nationals and with time may lead to Raúl loosening the reins and normalizing Cuba's internal relations. With Raúl retiring in 2018, the U.S. must be postured for a transitional Cuban government, keeping in mind it can swing for the good or bad.

Conclusion

The Cuba Study Group mentioned, "The U.S. embargo toward Cuba is a collection of prohibitions, restrictions and sanctions derived from several laws that has been in effect for more than 50 years. Taken together and compounded with the designation of Cuba as a state sponsor of terrorism, they result in the most severe set of sanctions and restrictions applied against any current adversary of the United States."⁵⁵ In the half century since U.S.-Cuban relations were frozen, the world has changed. The Cold War ended, the Soviet Union collapsed, and yet the U.S. continues to maintain policies toward Cuba that have not worked. The U.S. should push for renewed relations, join the rest of the international community in identifying Cuba as a prospective partner, and stop efforts that have only succeeded in making Cuba an adversary. Leaders in Latin America (e.g. Cuba, Venezuela, Chile) use the U.S. posture in opposition to Cuba as a basis of effective anti-U.S. propaganda. The embargo isolates the U.S. without any rational expectation of regime removal and democracy. Ending the embargo before Cuba meets our desired conditions shows growth and not weakness.

The U.S. strategy of trying to force change in Cuba by replacing its ruling regime has not only been totally ineffective, but is no more justified than an outside country asking the U.S. to change its form of government. The time has come to drop an

outdated policy that benefits no-one on either side. The sanctions the U.S. imposed on Cuba actually aided the Castro regime by creating the right atmosphere to make communism acceptable to the Cuban people. Cuba has not violated U.S. national interests; therefore changing our policy would send a message to other countries that the U.S. can move forward.

Finally, this paper concludes the U.S. government should engage the Cuban government, developing a bilateral trade agreement and promoting business entrepreneurship. Lifting the embargo and opening U.S.-Cuban relations will not magically make differences in the type of government go away, but it will stop a policy that is a fifty-five year old repeated failure and posture the U.S. to better assist the Cuban people. We should show the world that the U.S. is committed to moving ahead in the best interests of Cuba and the U.S. into the 21st Century. The Cuba Study Group also indicated, “while we wait on the U.S. Congress to act, the Executive Branch should continue to take proactive steps through its limited licensing authority to safeguard and expand the free flow of contacts and resources to the Island, encourage independent economic and political activity in Cuba, and increase the relative power of Cuban private actors.”⁵⁶

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