

# A ROAD MAP FOR RESTRUCTURING FUTURE U.S. RELATIONS WITH CUBA

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## EXECUTIVE SUMMARY

The summary of this policy paper provides guidelines for U.S. government officials and Congress for dealing effectively with the range of topics that will need to be addressed once decisions are made to restore normal relations with a Cuba whose leaders are committed to establishing a fully democratic system of government. The process of restoring normal relations will be lengthy and difficult because of the many contentious issues to be resolved.

Several assumptions must be stated at the outset. First, the recommendations included herein apply only after a decision is made to restore normal relations and do not address current U.S. policy. The Cuban Democracy Act of 1992 (Pub. L. No. 102-484) clearly states U.S. law and the conditions required for normalization, namely Cuba's pledge to hold free, fair and internationally observed elections and adhere to accepted standards of human and civil rights. This act, therefore, is the point of departure for any process of restructuring relations. In the event that the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act becomes law, it will supersede the Cuban Democracy Act in certain respects and increase the restrictions on current bilateral relations. Nevertheless, the potential for passage of this legislation does not alter the recommendations of this paper, except to the extent that the bill, in its final form, could specify additional requirements and linkages during a Cuban transition.

Second, the paper assumes a cooperative government in Cuba but does not suggest a particular scenario for

political change. Although the specific sequence and pace of restoring normal relations depend on the nature of that change and the political composition of the Cuban government, as well as the political circumstances then existing in the United States, this paper only prescribes basic principles and general steps for U.S. policy. The process will most likely be gradual, with some issues resolved before others. A logical first step would be an agreed framework that addresses the more contentious issues like claims, migration and trade, but this does not preclude simultaneous work on other topics. Indeed, it may be preferable to handle "smaller" issues like communications and travel before resolving the larger ones, but again, this decision depends on political factors beyond our power to foresee. The purpose here simply is to suggest *how* to deal with each issue on its own. The order of presentation of the issues does not imply a proposed sequence of policy-making.

Finally, this paper assumes that U.S. policies during the Cuban transition will be predicated on the basic principle of full respect for the sovereignty of Cuba and the right of the Cuban people to freely choose their form of government and leaders.

This paper is based on (1) analysis of the laws, regulations and policies that govern bilateral relations at the present time; (2) extensive interviews with current and former U.S. government officials, members of Congress, business leaders, academics and prominent members of international organizations; and (3) ideas and recommendations developed by members of the working group, individually and collectively.

## MAJOR RECOMMENDATIONS

1. Once a decision has been reached to embark on a program for restoring normal relations with Cuba, the president should appoint a senior coordinator in Washington to oversee the implementation process, including the management of aid and assistance programs, liaison work with multinational organizations and the establishment of contacts with Cuban officials. Meanwhile, the head of the U.S. Interests Section in Havana should be appointed *chargé d'affaires* while the president begins the process of appointing an ambassador.
2. The first priority for the senior coordinator should be the drafting of a framework agreement that outlines a process and a timetable for addressing the outstanding bilateral issues. The coordinator should draft the agreement in close consultation with the U.S. Congress and Cuban officials.
3. The Department of State should negotiate an agreement with the Cuban government to establish as soon as possible a mechanism for dealing with U.S. citizen confiscation claims against Cuba. This agreement should set forth a process that expeditiously frees up as much property as possible from claims; for example, the process could move quickly on the certified claims while simultaneously devising a mechanism to settle the remaining claims in a just and equitable manner. The Department of State should not espouse additional claims unless Congress passes legislation to do so. The public release of this agreement will clarify a program for dealing with claims that will undoubtedly require more time to settle in practice. Meanwhile, claimholders will be reassured that a fair process of settlement is underway and that they need not attempt to bring pressure to impede or postpone other aspects of the normalization process.
4. The U.S. government should encourage prompt Cuban accession into international organizations like the International Monetary Fund and the World Bank once Cuba satisfies readmission requirements, while supporting the lifting of the Cuban government's suspension in the Organization of American States. Congress should resist pressures to link the demands of sectors in the United States with U.S. financial commitments to the organizations and their programs for rebuilding Cuba
5. Restoring normal relations will require immediate lifting of the trade embargo and other economic sanctions. The U.S. government should also encourage a process which facilitates the granting of Most Favored Nation status to Cuba. The Export-Import Bank and the Overseas Private Investment Corporation should take the lead in expanding incentive programs for U.S.-based trade and investment, assuming that Cuba has embarked on a plan for resolving its outstanding debt and meets other normal requirements by these institutions.
6. Unilateral U.S. restrictions on travel, port entry and access, and mail services should be lifted quickly. The need for continuation of Radio and TV Martí will have to be examined, but these programs should proceed as long as the U.S. government determines that they could play a constructive role during a Cuban transition.
7. The departments of State and Justice should move towards implementing, to the extent circumstances permit, a normal immigration policy that treats Cubans like other immigrants. In implementing such a policy, the United States should give due regard to the protection of political refugees and take steps to permit the reunification of families with members both in Cuba and the United States.
8. The National Security Council and the Department of Defense should examine plans for the future of Guantánamo Naval Base within the overall context of U.S. base policy and security relations in the hemisphere. It may be useful to propose future creative uses of the base if and when full sovereignty over its territory is returned to Cuba.
9. U.S. aid and assistance programs for Cuba should be carefully targeted and monitored. As-

## A Road Map for Restructuring Future U.S. Relations with Cuba

suming that the conditions in the U.S. Congress will not favor large appropriations of bilateral aid, the U.S. government's role should focus mainly on stimulating and coordinating efforts among private and international donors. To that effect, the United States should request that the World Bank constitute at the earliest possible time a consultative group on Cuba. Finally, all aid programs should be designed to have limited duration and encourage the processes of political reform, economic self-reliance, domestic and foreign investment, and positive trade relation-

ships. Emergency aid should continue to be available to Cuba as long as conditions on the island require it, especially if a future transition turns chaotic.

More extensive recommendations for each issue are included in the Atlantic Council's policy paper<sup>1</sup>. The steps it describes should contribute to a smoother process of restructuring relations as well as stimulate the efforts of Cuba to establish itself as a democratic state and a responsible participant in regional and global affairs.

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1. Atlantic Council of the United States. *A Road Map for Restructuring U.S. Relations with Cuba: A Policy Paper*. Washington D.C.: Atlantic Council of the United States, 1995.