

THE SOFT-SWIFT TRANSITION SANDWICHED BETWEEN TWO MUTUALLY EXCLUSIVE MODELS

Juan Tomás Sánchez

The intense attention being devoted to the problems of Cuba has not produced a corresponding outpouring of studies with a vision and blueprints to future paths for the island with proven results. The consensus among students of the Cuban economy is that a transition will not occur in their lifetime. One of the most voiced forecasts is that, regrettably, it will take generations to remake Cuba to what it once was. Nevertheless, there are children of Cuba who do not want to leave 11 million of their countrymen *a la deriva*, adrift, and want to think about changes.

Cuban historian Leví Marrero wrote in his classic *Cuba: Economía y Sociedad*, that Cuba left the Middle Ages between 1702 and 1763, a period delineated by the ascension to power of the French Bourbon dynasty in Spain and the capture of Havana by the British. Cuba emerged from that period profoundly changed in terms of economic and social outlook. Lesson: changes can occur and can result in much benefit for the country and its citizens.

A SOFT-SWIFT TRANSITION

Transition is the conversion to a new doctrine of laws, a new way to prepare present and future generations to live freely with each other. We define a soft-swift transition as one that entails relatively low costs and economic disruption for citizens while occurring in a relatively short time interval. Keeping a transition simple is preferable to make it possible to implement it and to avoid inflicting unnecessary damage.

A soft and swift transition in Cuba could come from within the National Assembly of People's Power (ANPP). The regime is already preparing itself for

that possibility. Miguel Díaz-Canel, Cuba's *second in command*, in a video that circulated in February 2017, stated that the government had documented "48 counterrevolutionaries" who would be running for elected positions to the 660-seat National Assembly, beginning a process of potential change from within the ANPP. This statement suggests that the leadership may already be acknowledging its weakest point.

It may be that it is still premature to discuss the concept of a soft and swift transition in Cuba. However, if the history of Cuba is any indication, when bad luck and bad weather rain on the government in power's parade, transition ideas will be generated. There is only one "bite at the apple" in successful transitions.

A transition will occur in Cuba. Cuba is not like Eastern European countries. Cuba is and was a Western Civilization country. When freed from the Spanish Monarchy in 1889, Cuba adopted ideas from the American Revolution, such as separation of powers, democratic elections, and more. But it kept the Spanish Civil Laws intact. My favorite example is that Cuba did not adopt—in the drafting of its first Constitution in 1902—the American process of elected judicial branch officers, but kept the Spanish system of contested opposition to posts and irremovability of judges once assigned to official positions, to free judges from influences from above. The examples of how transitions from above came to former Soviet satellite countries may have little resonance in the future Cuba case. The Cuban transition will ben-

efit from Cubans who have lived abroad in the last half-century and learnings in the areas of civil and human rights, property rights, markets, financing of investments, and others.

The totalitarian regime that has ruled Cuba for almost three generations may have distorted the vision of many of what can be expected to happen in our lifetimes in this hemisphere, in a place named Cuba. It is desirable that those of us who have not been under the control of the regime help think about a successful transition process.

TWO MUTUALLY EXCLUSIVE MODELS

Two instances of transitions in our own history in the twentieth century come to mind. The 1933 Revolution, as the period after the flight of president-dictator Gerardo Machado in August 1933 is known, was one of the worst economic times the Republic had known until that time. The transition, which included free elections, the creation of a Constitutional Assembly and the adoption of the 1940 Constitution, protected lives and human rights. Meanwhile, the 1959 Revolution, resulted in life, liberty, and property not being respected and no electoral process; there were massive violations of human rights and decisions were made by the revolutionaries in public speeches rather than by democratic means.

In the first few months after the August 1933 revolution, the Provisional Government ruled by Decrees, under the constitutional umbrella of the 1902 Constitution, and solved the most pressing social issues in fairly short order.

In early 1959, the institutional life of the country seemed to be returning to normalcy after an armed struggle that had immobilized the country during the last part of 1958. But behind the scenes, out of the view of those who did not want to see, from early January 1959 the seeds of a very different regime were sowed: firing squads, Revolutionary Tribunals, and confiscation of property for political reasons. The Rule of Law that was anticipated after the Batista dictatorship vanished until today.

The logic of the success of the transition associated with the 1933 Revolution is consistent with the soft and swift approach. Do only that which must be do-

ne. Open the country for investments. Create the necessary guarantees so that no one will lose his or her civil rights, life or property by an act of the government. The immediate economic results that will follow the application of these principles are paramount to stability.

CONCLUDING REMARKS

The transitions brought about by the 1933 and 1959 revolutions brought different results, but both give valuable guidance. In 1933 and 1959 the expectations from *socialism* were much higher than they are today or will be tomorrow. Change away from a failed situation is popularly attractive, but it increases pressure to succeed and generate positive change.

With their present living standard levels, Cubans cannot afford a transition that will put them in limbo, like a Halfway House. The needed transition needs to be soft, because peaceful change is what is needed and can be provided by changing the purpose of the ANPP as it meets in Cuba's *Capitolio*. When will the transition happen? The outlook from here, mid-2017, is medium to long term.

- Swift has to be the return to a form of government that allows citizens to govern themselves. Setting national elections on a date certain will show a commitment to a swift path to be a normal country again.
- Swift, because human and political rights are not negotiable. The economy cannot live in limbo; it needs quick definition of rights and duties of citizens and of everyone.
- Swift, to avoid looting by Cuban oligarchs following what occurred during the USSR/Russia transition. Conditions are present in Cuba as a result of joint ventures and control by members of the government elite of assets that are part of the *Patrimonio Nacional*.
- Swift as in the *1933 Revolution*, where in one set of documents published in the *Gaceta Oficial* a new government was established, and for the next 100 days the most critical social problems began to be resolved, starting a process that led to a constitutional assembly, the drafting of a constitution and the constitution's approval.