

THE
UNITED STATES'
RAPPROCHEMENT WITH CUBA:
REASONS, REACTIONS AND REPERCUSSIONS

THE UNITED STATES' RAPPROCHEMENT WITH CUBA: Reasons, Reactions and Repercussions

Judith Radtke



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Foreword

It is a great pleasure to present this first publication within the framework of Young Perspectives, a publication series of the newly founded “Konrad Adenauer Center for International Relations and Security Studies” (KACIRSS). Young Perspectives gives outstanding young academics from all around the world the opportunity to publish their thesis on a current international topic. Above all, Young Perspectives enables academics at the early stages of their career to share their ideas and observations with a broad audience.

In this first edition “The United States’ Rapprochement with Cuba: Reasons, Reactions, and Repercussions,” Judith Radtke, with whom I had the pleasure of working with in Mexico, analyzes the changes in US-Cuban relations from the perspective of both countries. This development officially began with the joint declaration of then US President Barack Obama and Cuban President Raúl Castro on December 17th 2014 to reestablish diplomatic relations. Surprisingly for such a highly political issue, the preceding 18-month long secret negotiations remained secret until the declaration.

Until the end of Obama’s presidency, the rapprochement between the United States and Cuba progressed steadily. On several occasions, the United States eased sanctions and reduced restrictions on trade and travel with Cuba, leading companies such as Google and Airbnb to invest in the island. The political ties between the two nations also developed, as Obama and Castro met at the OAS Summit in April 2015 and the UNGA Summit the following September. The rapprochement reached its height in early 2016, when Obama finally visited Cuba, becoming the first American president to do so since 1928. In his last days in office in January 2017, Obama also repealed the controversial “wet foot, dry foot” immigration policy, which had given Cubans unique rights to residency in the United States.



Trump's presidency calls into question the rapprochement with Cuba, as he took a much more critical stand towards the Cuban government during his campaign to Cuban-American voters and further condemned Fidel Castro upon his death in November 2016. Regardless, Ms. Radtke aptly observes that the most significant thorn in US-Cuba relations, the economic embargo, remains. Now a bipartisan coalition of lawmakers introduced legislation to lift the embargo through the "Freedom to Export to Cuba Act of 2017". The legislation's success depends upon whether the business interest in Cuba can excel against the wishes of hardline politicians, who believe that a tougher stance is necessary to bring democracy to Cuba. Yet it seems unlikely that Cuba will democratize in the near future. The state's apparatus of repression continues to run smoothly and it seems unlikely that the regime will allow for further democratization and fair political participation in the run-up to the change of power in 2018, when Raúl Castro intends to retire. While the US' calculations that an economic opening of Cuba will lead to democratization might not materialize in the near future, if the United States lifts the economic embargo, the regime will no longer be able to blame the country's misery on the the US.

"The United States' Rapprochement with Cuba: Reason, Reactions, and Repercussions" gives readers useful insights into the reasons and motivations behind the Obama Administration's and President Raúl Castro's decision to reestablish relations as well as the immediate domestic and international reactions to it. Understanding the dynamics of rapprochement between Obama and Castro is essential to understanding the future developments in US-Cuba relations, which is why Ms. Radtke's study remains a valuable read deserving of our attention.

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Mexico, July 2017

CHAPTER 1

Introduction

Since 1999, the American news magazine *Time* has published an annual list of the 100 most influential people in the American world, called the “*Time* 100.” While it might not come as a surprise that the 2015-list included the incumbent president of the United States, Barack Obama, for the tenth time, the name of one person on the list most definitely came as a surprise to many readers: Raúl Castro, president of the Caribbean island nation Cuba. For the first time, the leaders of these two countries made it on the “*Time* 100”-list together. This mirrors the policy changes and developments in the relation between the United States and Cuba during the preceding months, emphasizes their historic nature, and is indicative of the high expectations by the American media and public for these changes to “steer [...] conversation in new directions” (Gibbs 4). Such interest in Cuba by the general U.S.-American public has been rare, although the island nation has occupied an important place on the United States’ foreign policy agenda for more than a century.

The beginning of the tumultuous history of relations between the U.S. and Cuba dates back to the time when the United States, an emerging empire, tried to acquire Cuba from Spain. In 1897, they offered 300 million U.S. dollars in exchange for the island, but Spain rejected. The U.S. decided to deploy forces to Cuba to support the island in its war of independence against Spain. On February 15, 1898, one of the U.S. Navy vessels deployed to Cuba, the USS Maine, exploded in Havana Harbor, killing 260 Americans. Although the reason and culprit for the explosion were never determined, the incident unleashed the Spanish-American War. Spain was defeated, and the United States appointed a Cuban administrator. Eventually, in 1902 the U.S. government granted Cuba independence, but under conditions stipulated in the so-called Platt Amendment. Among those were the establishment of a U.S. naval base at Guantánamo Bay and the right to intervene in Cuba at any



time. For the next two decades, the United States exercised this right repeatedly, intervening militarily in Cuban affairs whenever they felt that U.S. interests were threatened. By the 1930s, a new reformist government under Gerardo Machado threatened to set an end to this U.S.-American dominance. Consequently, the U.S. convinced a young military man, General Fulgencio Batista, to overthrow the government in a U.S.-aided plot in 1934. Batista succeeded and assumed power himself, but his rule turned into a dictatorship, catalyzing civil unrest and a guerilla resistance movement led by a young revolutionary named Fidel Castro. In 1959, the guerilla forces reached Havana, ousted the government, and Castro assumed military and political power. Despite misgivings about his communist political ideology, the U.S. recognized his revolutionary government. However, when the Castro regime increased trade with the Soviet Union, nationalized U.S. property in Cuba, and raised taxes on U.S. imports, Washington responded with economic retaliations that eventually resulted in a full economic embargo. Simultaneously, the U.S. severed diplomatic ties with Cuba and began pursuing covert operations to overthrow the Castro regime. The 1961 Bay of Pigs invasion fueled Cuban mistrust and nationalism, leading to Castro allowing the Soviet Union to build a missile base on Cuban soil. The discovery of the missile site by a U.S. spy plane led to the Cuban Missile Crisis that spread fear of a nuclear war in the whole world, until a secret agreement between the Soviet Union and the United States was reached that the sites would be dismantled if the U.S. pledged not to invade Cuba. In turn, the United States agreed to remove its nuclear missiles from Turkey. Following these events, diplomatic and economic isolation became the major focus of U.S. Cuba policy, even after the Soviet Union collapsed and Cuba lost its main ally and financial sponsor. While some adjustments to the sanctions have been made for to allow the export of some U.S. medical supplies and agricultural products to the island, the general trade embargo has remained in place for more than five decades under eleven U.S. presidents, causing lasting damage to the political, economic, and diplomatic relations between the two countries ("A Brief History;" Renwick and Lee).

Against this background, when on December 17, 2014, after 18 months of secret talks and negotiations, Presidents Barack Obama of the United States of America and Raúl Castro of Cuba simultaneously announced to reestablish relations, the international community hailed the day as a historic moment. In his speech, which was broadcast on national television, President Castro expressed his willingness to "tratar los más diversos temas de forma recíproca, sin menoscabo a la independencia nacional y la autodeterminación de nuestro pueblo"¹ ("Raúl Castro



anuncia”), while President Obama expressed his intention to end “a rigid policy that is rooted in events that took place before most of us were born” (United States, *Statement*). Obama explained that he had “been prepared to take additional steps for some time” (United States, *Statement*), namely to reestablish diplomatic relations, review Cuba’s designation as a State Sponsor of Terrorism, increase travel, commerce, and the flow of information to and from Cuba, facilitate authorized banking transactions, improve telecommunications connections, increase the amount of money that can be brought to Cuba on visits, and remove the cap on remittances. While these are steps that the president himself can take to modify existing policy, he emphasized that “the embargo that’s been imposed for decades is [...] codified in legislation” (United States, *Statement*) and can therefore only be suspended by Congress. Nevertheless, he also stressed that he looks “forward to engaging Congress in an honest and serious debate about lifting the embargo” – in accordance with President Castro’s demand: “El bloqueo económico, comercial y financiero que provoca enormes daños humanos y económicos a nuestro país debe cesar”² (Castro).

Yet, just as the announcement of the normalization of relations was received with enthusiasm around the globe, it came as a real surprise. Ten presidents before Barack Obama had had the opportunity to reach out to their counterpart and end a policy that was launched to bring political change to Cuba and Fidel Castro down. Although Fidel is not in power anymore, it is not the result of an effective U.S. Cuba policy, but of a stable and gradual transition from the older Castro brother to the younger one, Raúl, who continues to uphold the revolution’s political, social, and economic models. Despite the fact that examples as this one point out that traditional U.S. Cuba policy has apparently not borne the expected fruits so far, no former U.S. president dared to publicly question its effectiveness, let alone initiate efforts to engage in direct talks with the Cuban president over future cooperation. Against this background, this thesis aims at analyzing President Barack Obama’s motivation and primary reasons to change the United States’ Cuba policy and to reestablish relations with the historically antagonistic island nation. After an introduction to the legal framework of the embargo and its evolution under the U.S. administrations until President Obama first took office, this paper outlines Obama’s political approach toward Cuba and how it developed over the course of his two presidential terms to date. In the following, the concrete steps toward normalized relations taken by the U.S. administration after the December 17-announcement are depicted in chronological order. Due to the limited scope of this thesis, the timeline ends with the fourth round of negotiations



between the U.S. and Cuban delegations at the end of May 2015, and the subsequent analysis consequently disregards all developments that happened afterwards. The next chapters provide a thorough analysis of the main arguments and motivation for President Obama to engage in talks with the Castro regime at this point in time. Having identified his reasons, the following chapter evaluates President Castro's reaction to the changes that have been proposed or initiated already by Washington, as well as its repercussions for the Cuban population. Likewise, reactions at the political and entrepreneurial level within the United States to President Obama's announcement are illustrated. The paper concludes with a summary of the findings, a final reflection on repercussions of the developments in U.S.-Cuba relations at the political, economic and social level, and outlines future prospects.

CHAPTER 2

Legal Framework and Evolution of the U.S. Embargo

The U.S. embargo on Cuba comprises a series of norms with legislative and regulatory status that have been accumulated over the more than five decades the embargo has been in force. This sanction regime, which has varied considerably in intensity and its implementation over the years, has determined the nature of the relationship between the United States and Cuba ever since it was first imposed by U.S. President Dwight D. Eisenhower. This chapter provides an overview of the legislative basis of the embargo on Cuba, introduces the executing agencies, their responsibilities and scope of power, and illustrates the evolution of the embargo due to the relaxing and tightening of sanctions under different U.S. administrations.

In January 1959, Fidel Castro seized power from Cuba's President Fulgencio Batista, an ally of the United States. Shortly after, the new Cuban leader aligned with the Soviet Union and angered the U.S. government with an increasingly anti-American rhetoric. Consequently, then President Dwight D. Eisenhower "made a formal decision to overthrow the Cuban government" (Lamrani 23). The U.S. administration, next to organizing a paramilitary force designed to invade the island and overthrow Fidel Castro, reduced the Cuban sugar import quota, which accounted for 80% of all exports to the United States, stopped deliveries of energy resources, and even began refusing to refine Soviet oil. The Cuban government promptly reacted by nationalizing the three American-owned Cuban refineries Texaco, Shell, and Esso, prompting President Eisenhower to impose the first embargo on exports to Cuba, except for food and medicines (Lamrani 23-24; United States, *Economic Sanctions* 70). On January 3, 1961, "Washington unilaterally broke off diplomatic relations with Havana and banned its nationals from traveling to Cuba" (Lamrani 24).



After a U.S.-supported Cuban exile group invaded the island nation at the Bay of Pigs in April 1961 with the intention to topple the Cuban government, but ultimately failed, Fidel Castro declared on Cuban national television: “Puedo decir, con satisfacción plena y confianza, que soy marxista-leninista y lo seré hasta el último día de mi vida”³ (qtd. in Corso). In response to this pledge of allegiance to the Soviet Union’s ideology, on February 3, 1962, President John F. Kennedy authorized by means of executive order to impose a total embargo on Cuba including a ban on drugs and food products (Lamrani 24). On March 23, 1962, Kennedy expanded the embargo to all products that contain Cuban materials, including those manufactured in other countries (25). The main laws that provide the legal ground for the embargo are the Trading with the Enemy Act (TWEA) of 1917 and the Foreign Assistance Act (FAA) of 1961. The TWEA is a federal law that gives the president the power to assign a department in his administration to regulate, control, and, if necessary, penalize trade with countries hostile to the United States. Since 1962, the Treasury Department’s Office of Foreign Assets Control (OFAC) has assumed this task (Aldaz 85). The FAA became effective in September 1961 and authorized the president to establish and maintain a total embargo upon all trade between the United States and Cuba (Sullivan 18). Consequently, Cuba would not receive any help or economic benefits until the Cuban government returned all property nationalized after 1959 to its former U.S.-American owners (Aldaz 85). Pursuant to these Acts, on July 8, 1963, the Kennedy administration issued the Cuban Assets Control Regulations (CACR). These regulations were “designed to prevent the island from using the dollar in its international trade [...] froze all Cuban assets in the United States and strengthened the ban on travel to Cuba by U.S. citizens” (Lamrani 26). The CACR “remain the main body of Cuba embargo regulations and have been amended many times over the years to reflect changes in policy,” and “require that all exports to Cuba be licensed by the Department of Commerce, Bureau of Industry and Security [BIS]” (Sullivan 18).

During the presidency of Lyndon B. Johnson, Washington continued its campaign to isolate the island, and the sanctions took an extraterritorial turn. Bending to U.S. pressure, in 1964 the Organization of American States (OAS) broke diplomatic relations with Cuba and imposed a partial embargo against the country, which remained in place until 1975. Under the “Food for Freedom Program,” the United States prohibited the exportation of U.S. food products to countries that maintained trade with Cuba. As a consequence, trade relations between Cuba and the West plummeted from 36.9% to 19.6% of its total trade



(Lamrani 27-28). The policy of sanctions against Cuba continued without major changes until “Jimmy Carter became president in 1977 and decided to establish a dialogue with the island . . . and began exploring the possibility of normalizing relations with the Cuban government” (29).

With an amendment of the CACR, beginning in March 1977, U.S. citizens were allowed to visit Cuba and spend 100 U.S. dollars on goods on their trips. Cubans living in the United States were authorized to send remittances capped at 500 U.S. dollars per quarter or 2,000 U.S. dollars per year to close relatives, which could be transferred via approved remittances forwarders. The two countries signed agreements on fishing rights and maritime boundaries, and bilateral trade transactions were allowed in the telecommunications field (Lamrani 29; United States, *Economic Sanctions* 70). Most importantly, however, for the first time since diplomatic relations had broken off in 1961, interests sections, i.e. de facto diplomatic missions that are housed as part of the embassy of a third country recognized by both, were opened in Washington and Havana.

With the rise of Ronald Reagan to presidency in 1981, a more bellicose policy toward Cuba was adopted. The administration reversed most of Carter’s reforms, especially in the realm of travel, “to reduce Cuba’s hard currency earnings from U.S. travelers” (“Chronology”). Travel-related transactions were restricted to certain categories of activities, and a new licensing system was instituted for travel service providers and agencies forwarding remittances to Cuba. In 1982, Washington included Cuba on its list of State Sponsors of Terrorism because of Cuba’s alleged ties to international terrorism and support for terrorist groups in Latin America. Additionally, President Reagan tightened controls on organizations promoting exchanges with the island and issued a blacklist of individuals and companies with whom U.S. companies were forbidden to maintain commercial relations (Sullivan 30-31; United States, *Economic Sanctions* 71).

Through the late 1980s and early 1990s, “the Soviet leadership progressively disavowed Marxist-Leninist tenets, dismantled socialist structures, and arrived at an increasingly cordial accommodation with the United States” (Pérez 303). In 1981, the Soviet Union collapsed and

the international balance of power that had so powerfully shaped many of the policies and programs of the Cuban revolution tilted decisively against the government of Fidel Castro. Cuba found itself alone and isolated, without political friends, without military allies. (304).





The Havana-Moscow alliance, which for so many years had justified the United States' economic state of siege against Cuba, was broken. Yet, rather than normalizing relations with the Cuban government, the George H. W. Bush administration decided to further intensify sanctions in order to weaken the already struggling Cuban economy and give the Cuban revolution a final blow (Lamrani 31-32). In 1992, the president signed the Cuban Democracy Act (CDA), also called Torricelli Act after its author, Senator Robert Torricelli. The scholar Wilson Cardozo explains:

Mit der Anwendung des CDA im Jahr 1992 begann in der Geschichte der Beziehungen zwischen den beiden Ländern eine neue Epoche, da von diesem Zeitpunkt an bis zum heutigen Tag das Embargo verstärkt als politisches Druckinstrument eingesetzt worden ist. Hierbei standen zwei Ziele im Vordergrund: Einerseits sollte Kuba durch die Intensivierung der Sanktionen (Track I) dazu bewegt werden, politische und wirtschaftliche Reformen einzuführen; andererseits wurde davon ausgegangen, dass eine Implementierung der Kommunikation zwischen beiden Ländern (Track II) die Zivilgesellschaft aufbauen und fördern würde. (177-78).

The Torricelli Act restricts trade with Cuba of subsidiaries of U.S. firms established in third countries, which proved to be "quite effective, because after a year, all of these companies had severed their business transactions with the island" (Lamrani 32). Furthermore, the law "prohibited any vessel that had traded in Cuban ports from loading or unloading freight in U.S. ports for 180 days except pursuant to a Treasury license" (United States, *Economic Sanctions* 72), which was also "highly profitable because it cut off Cuba's relations with many global carriers that were more interested in working with the United States" (Lamrani 32). Third countries were discouraged by the Act to grant assistance to Cuba, because the law provides that these kinds of action shall be penalized. In addition, the Act stipulates what kind of economic and political model Cuba should adopt, including "a multiparty system, the return to a market economy, and the privatization of many sectors of the economy" (32). Two years later, the Bush administration tightened restrictions on travel and remittances by introducing new rules to replace the general licenses with a specific licensing requirement (United States, *Economic Sanctions* 72).

In the aftermath of Cuba's shooting down of two U.S. civilian airplanes belonging to the Florida-based Cuban exile organization *Hermanos al rescate* (Brothers to the Rescue) in February 1996, President Bill Clinton suspended all direct flights between the United States and Cuba, and felt obligated to approve

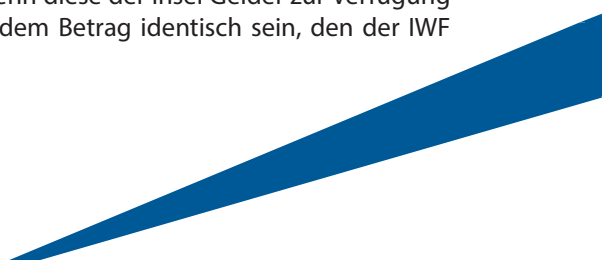


the Cuban Liberty and Democratic Solidarity (Libertad) Act, also called Helms-Burton Act after its authors, Congressmen Jesse Helms and Dan Burton. Specialist in Latin American Affairs Mark P. Sullivan outlines the reason for which the legislation has been one of the main laws determining the U.S. embargo on Cuba until today:

Most significantly, the law codified the Cuban embargo, including all restrictions under the CACR. This provision is noteworthy because of its long-lasting effect on U.S. policy options toward Cuba. The executive branch is prevented from lifting the economic embargo without congressional concurrence until certain democratic conditions set forth in the law are met, although the President retains broad authority to amend the regulations therein.⁴ (19).

Section 204a of the Act specifies that if the president wants to end the embargo, he needs to submit "a determination to the appropriate congressional committees [...] that a transition government in Cuba is in power" before he "is authorized to take steps to suspend the economic embargo of Cuba" (United States, *Cuban Liberty*). The subsequent section stipulates the requirements and factors determining such a transition government, and states explicitly that it "does not include Fidel Castro or Raúl Castro" (United States, *Cuban Liberty*). The law is particularly infamous for its Title III, which "holds any person or government that traffics in U.S. property confiscated by the Cuban government liable for monetary damages in U.S. federal court" (Sullivan 19). Similarly, "foreign investors, once having invested in Cuba, could be prevented from operating on U.S. territory" (Lamrani 34). This extraterritorial dimension of the Act "has been unanimously rejected by the international community, whose interests are directly affected" (34). However, William Cardozo cautions: "Die breite Ablehnung dieses Gesetzes von Seiten der internationalen Gemeinschaft darf nicht als Parteiergreifung für die Interessen Kubas interpretiert werden, sondern als eine Bemühung, eigene Interessen durch internationales Recht zu schützen" (180). Yet, given the scale of international pressure, "Presidents Clinton, Bush, and Obama have suspended the implementation of Title III at six-month intervals" (Sullivan 19). Lastly, section 104 of the Act specifies U.S. opposition to Cuban membership in international financial institutions and states

dass die USA ihre Beitragszahlungen an die Weltbank und den Internationalen Währungsfonds (IWF) reduzieren werden, wenn diese der Insel Gelder zur Verfügung stellen. Die Höhe der Reduzierung soll mit dem Betrag identisch sein, den der IWF





oder die Weltbank Kuba bereitstellt. Der [Helms-Burton Act] sieht somit eine internationale Isolierung der Insel vor, indem er sich gegen eine Mitgliedschaft Kubas in den internationalen Finanzinstitutionen [...] wendet. (181).

In the late 1990s, U.S. agribusiness firms were affected by declining agricultural exports and lower commodity prices. In search for new markets, the agricultural lobby put pressure on policy makers to modify export regulations to Cuba. After a series of devastating hurricanes hit the island, the U.S. government introduced the Trade Sanctions Reform and Export Enhancement Act, commonly known as TSRA, in 2000. TSRA is a licensing regime implemented by OFAC and BIS that “permits the commercial export of food, agricultural commodities, and medical products to Cuban government importers” (United States, *Economic Sanctions* 73) for humanitarian reasons. As Mark P. Sullivan explains, “[t]he enactment of TSRA [...] led to the United States becoming one of Cuba’s largest suppliers of agricultural products” (19-20). But the legislation also stipulates prohibitions on U.S. assistance and financing, and requires full cash payment in advance or that financial transactions be conducted through a bank in a third country. Lastly, the law prohibits all U.S. citizens to travel to Cuba for tourist purposes (Lamrani 37; Sullivan 19).

In 2001, George W. Bush assumed the office of U.S. president. With regard to the exports restrictions in force, the American farm lobby in particular called for the lifting of the extreme sanctions on food exports destined to Cuba, since they cost the agricultural sector 1.24 billion U.S. dollars a year, according to a 2002 study by the Cuba Policy Foundation (Lamrani 37-38). Yet, despite opposition of influential lobbyists, Bush proved to be “the most belligerent White House resident since Ronald Reagan where Cuba was concerned” (37). The repeatedly amended CACR, the Torricelli Act, and the Helms-Burton Act already provided the legal framework for the Cuba policy of the day, but the president opted for new instruments for a stricter implementation of the law. For this reason, in 2003 the U.S. administration established the interagency Commission for Assistance to a Free Cuba (CFAC).

Diese Kommission [stellte] der Exekutive Empfehlungen zur Entwicklung eines umfassenden Programms zur Verfügung, um politische, wirtschaftliche und strukturelle Veränderungen innerhalb Kubas zu fördern und zu begleiten. Die Kommission [wurde] von allen Kabinettsmitgliedern auf Regierungsebene, einschließlich dem *National Security Council*, gebildet. Ihr Kern [bestand] aus dem *State Department* (Außenministerium), das die Programme in Zusammenarbeit mit dem



Department of Commerce (Handelsministerium) [leitete]. Zur Kommission [gehörten] auch das *Department of the Treasury*, *Department of Housing and Urban Development* und *Department of Homeland Security* (Finanz-, Bau- und Heimatschutzministerium) sowie der Direktor der *United States Agency for International Development* (USAID – Amt für internationale Entwicklung). (Cardozo 182, italics as in original).

The Commission's main task was to develop programs and initiatives for the promotion of a transformation process in Cuba and to help prepare the U.S. government respond to such progress. A Transition Coordinator was appointed for the supervision and coordination of the U.S. ministries' activities (Commission for Assistance, *Report 2004* xi).

In 2004, the Commission published its first report, "which concluded that the Cuban government captures a percentage of the money spent by U.S. residents on travel, cash remittances, and gifts through a variety of taxes and fees and this hard currency helps keep the Cuban government in power" (United States, *Economic Sanctions* 2). Based on the Commission's recommendations, the Bush administration introduced measures that aimed at isolating Cuba even further, limiting the cash flow to the island, and financing internal opposition. With regard to travel, these measures included reducing the permitted frequency of family visits from once every 12 months to once every three years for 14 days, with a volume of baggage of no more than 44 pounds per traveler (Commission for Assistance, *Report 2004* 41). Also, license requirements for travel to Cuba increased in general. The amount of money family travelers were allowed to spend per day was reduced from 164 to just 50 U.S. dollars, "approximately eight times what a Cuban national would expect to earn during a 14-day visit" (41). As far as remittances and gift parcels were concerned, no Cuban officials or members of the Cuban Communist Party – including its affiliated institutions – but only immediate family members were allowed to receive them (39-40). Based on the Commission's recommendation, the administration increased funding for "the training, development, and empowerment of a Cuban democratic opposition and civil society" (22).

In 2006, the Commission released a second report, which "[set] forth specific assistance and programs the United States can offer to advance freedom and democracy in Cuba" (United States, *Fact Sheet: Commission*). For the implementation of these programs, a total budget of 80 million U.S. dollars was to be provided over two years, because "unlike previous policies, the Bush administration set a deadline of eighteen months for the overthrow of the Cuban government" (Lamrani 41). The objective was to "improve enforcement of existing sanctions" (United States,



Fact Sheet: Commission), in particular by enacting the titles of the Helms-Burton Act that had been suspended so far. Furthermore, the report set down in detail what kind of assistance the U.S. government planned to offer to a Cuban transition government, especially in the areas of humanitarian needs, free and fair elections, and market-based economic opportunities (United States, *Fact Sheet: Commission*).

As this summary shows, the U.S. embargo's initial justification, namely to bring down the Marxist-Leninist Cuban government, has resulted in "a concerted multidecade effort that has left the Castro regime's position unaffected" (Nincic 19). For this reason, critics of the embargo argue that "[e]ven if it were claimed that sanctions were instrumental to [the Cuban government's] collapse, a foreign policy instrument that took over half a century to produce its effect cannot be considered effective" (20). Even senior foreign policy makers, such as Richard A. Nuccio, who served as President Clinton's special advisor on Cuba from May 1995 until April 1996, admit that

economic embargoes are always blunt instruments of policy. Embargoes lasting over many years, let alone decades, produce side-effects that undermine their usefulness. The permanence of an embargo allows the government to fashion ways to cope with the embargo's impacts and, often, to profit from them at the expense of the population. [...] Long-lived embargoes also empower the propaganda campaigns of the besieged governments to blame the consequences of their own policies on the embargo itself. (Nuccio 26).

An economic embargo thus often has political and social impacts that counter the sanctions' initial purposes. For example, the requirements and factors defining a transition government as stipulated in the Helms-Burton Act "[diktieren] langfristig und auch über ein Ende der Castro-Ära hinaus die Ecksteine der politischen Verhältnisse in Kuba. Selbst für viele Kubaner, die verschiedene Castro-Gegner sind, ist dies ungenießbar" (Hoffmann, "Außenpolitik" 173). Critics in Cuba and abroad decry:

Sollte es in Kuba tatsächlich zu einer politischen Wende im Sinne der Anti-Castro-Hardliner kommen, dann ist das Helms-Burton-Gesetz bereits heute der undemokratische Geburtsfehler der neuen Verhältnisse, so wie es das ominöse *Platt-Amendment* in Kubas erste Republik war. Fürs Erste aber tut das Helms-Burton-Gesetz vor allem eines: Es stärkt die rigidesten Seiten des kubanischen Systems. All denjenigen in Kubas Führung und Funktionärsschicht, die begrenzten Mut zu einer eventuellen politischen Öffnung hätten, zeigt es nur einen tiefen Abgrund, aber keinen Raum für einen gangbaren Reformweg. (173, italics as in original).



Additionally, opponents of the embargo claim that its legal basis is flawed. For example, the economic emergency measures under the Trading With the Enemy Act “may only be applied in case of war or an imminent threat to the national security” (Lamrani 44). Yet, especially with regard to the first condition, it can be stated that to this day “the United States [...] has never been at war with Cuba, including the military intervention in the island in 1898, because the enemy at that time was Spain” (56). Consequently, “[n]either of these two parameters could reasonably be evoked [...] in order to perpetuate the state of siege against the Caribbean island” (44). Likewise, as has been mentioned already, the Helms-Burton Act and particularly its extraterritorial provisions stipulated in Title III are “not only flouting U.S. law but violating international law as well” (34). Lastly, the harsh measures adopted under several U.S. administrations have been criticized by some as representing “a distortion in the priorities for the foreign policy” and constituting “the exact opposite of what is needed to promote opening tolerance and democracy in Cuba” (40). U.S. media have repeatedly publicly denounced U.S.-American hypocrisy in imposing a disproportionately harsh policy on Cuba, stating that “[w]hats most outrageous [...] is that the government ordering this crackdown is the [U.S.] administration, not the communist regime in Havana” (*New York Times*, qtd. in Lamrani 40). Although more than five decades of the embargo have proven “that no practical gain can realistically be expected” (Nincic 28) from its imposition, “the structure of the economic siege has been maintained, although some adjustments were made” (Lamrani 45). In addition to sanctions, U.S. policy toward Cuba has always included support measures for the Cuban population, among them “private humanitarian donations, medical exports to Cuba under the terms of the CDA, U.S. government support for democracy-building efforts, and U.S.-sponsored radio and television broadcasting to Cuba” (Sullivan 19). Yet, the aforementioned negative implications of the embargo have led to a strong consensus on the ineffectiveness of the traditional approach, both in the United States and around the world.



CHAPTER 3

The Obama Administration

Cuba expert Salim Lamrani rightly notes in his book *The Economic War Against Cuba*: “Curiously, the most severe recrudescences of these economic sanctions – except for the Bush administration – were generally the responsibility of Democratic administrations” (45). When Barack Obama, also a member of the Democratic Party, took over the presidency from the Republican George W. Bush, he had “the opportunity [...] to act differently from his predecessors” (44) and chart a new course in the United States’ Cuba policy. This chapter describes the evolution of Barack Obama’s policy stance on Cuba, from his election promises as a presidential candidate in 2008 until his announcement to normalize relations with Cuba on December 17, 2014, a little more than two years before his second and last term in office is going to expire. Afterwards, the steps that were taken to initiate the process of rapprochement between the U.S. and Cuba following the announcement are outlined, covering the time period up to and including the fourth round of negotiations at the end of May 2015.

3.1. President Obama’s Stance toward Cuba

Prior to his first term in office, Democratic presidential candidate Barack Obama gave a speech on May 23, 2008, in Miami, Florida, in which he talked about “Cuba, and also U.S. policy toward the Americas more broadly” (“Obama’s Speech”). He identified the United States’ failure “to address the changing realities in the Americas,” while “others from Europe and Asia – notably China – have stepped up their own engagement” (“Obama’s Speech”). In this political framework, he called for “a new alliance of the Americas” (“Obama’s Speech”), and, specifically, a new strategy toward Cuba. Even though he advertised putting “forward a vision [...]



that goes beyond the ballot box" ("Obama's Speech"), his rhetoric clearly served as a strategic move within his presidential campaign and was tailored to the audience he spoke to, namely the Miami-Dade county electorate. In particular, he addressed the Cuban American community when he stated that upon his election he would maintain the embargo because it serves as leverage against the Castro regime, but would "immediately allow unlimited family travel and remittances to the island" ("Obama's Speech"). The way to bring real change to Cuba, according to then Senator Obama, is "through strong, smart and principled diplomacy" ("Obama's Speech"). Against this background he promised: "And as President, I would be willing to lead that diplomacy at a time and place of my choosing, but only when we have an opportunity to advance the interests of the United States" ("Obama's Speech"). Despite this noncommittal statement, he further specified: "To fulfill this promise, my Administration won't wait six years to proclaim a 'year of engagement'" ("Obama's Speech"). Instead, he would address the Cuba question "from Day One [sic]" ("Obama's Speech").

Just a few months into his presidency, on April 13, 2009, the Obama administration announced a series of changes in the Cuban Assets Control Regulations (CACR) "to fulfill the goals [the president] identified both during his presidential campaign and since taking office" (United States, *Fact Sheet: Reaching*). These modifications included: the lifting of all restrictions on family visits to Cuba, the removal of restrictions on remittances, the authorization of greater telecommunications links with Cuba, and the revision of gift parcel regulations (United States, *Fact Sheet: Reaching*). The changes became effective on September 3, 2009, and mainly facilitated the contact between Cuban Americans and their family members on the island through improved communication infrastructure, direct visits, and cash flows. Thus, first and foremost, President Obama lived up to the expectations of the Cuban Americans who had backed his campaign and cast their vote for him. But while he kept his promise of addressing the Cuba question right away, these small steps toward improved relations between the U.S. and Cuba could hardly be called "a new strategy" that differed substantially from former U.S. presidents' approaches. In fact, he merely reversed some of the radical sanctions imposed in 2004 by the administration of his predecessor, George W. Bush. What is more, on September 14, 2009, President Obama "decided to extend by one year the Trading With the Enemy Act of 1917, legislation that established the economic sanctions against Cuba. In so doing, he has followed the lead of all U.S. presidents since 1962" (Lamrani 44).



On January 14, 2011, the White House announced further modifications of the CACR, which, “combined with the continuation of the embargo,” would “build upon the President’s April 2009 actions” (United States, *Reaching*). These changes became effective on January 28, 2011, and went beyond the mainly private exchange between Cuban Americans and their relatives on the island: they were directed at further enhancing contact with the Cuban people and support civil society through increased purposeful travel, and modified regulations governing non-family remittances (United States, *Reaching*). Thus, during the first years of his presidency, Obama “continued the dual-track policy approach toward Cuba that has been in place for many years. [He] maintained U.S. economic sanctions and continued measures to support the Cuban people” (Sullivan 20).

The most recent announcement by the White House on December 17, 2014, admitted that although U.S. policy toward Cuba “has been rooted in the best of intentions, it has had little effect” (United States, *Fact Sheet: Charting*). President Obama declared to implement “additional measures to end [the United States’] outdated approach, and to promote more effectively change in Cuba that is consistent with U.S. support for the Cuban people and in line with U.S. national security interests” (United States, *Fact Sheet: Charting*). These measures include establishing diplomatic ties with Cuba, expanding travel under the general licenses for the existing legal categories for travel, raising remittance levels, expanding commercial sales and exports from the United States of goods and services, facilitating authorized banking transactions, increasing Cubans’ access to communications, and reviewing Cuba’s designation as a State Sponsor of Terrorism. In addition, the president announced increased support for the involvement of the Cuban civil society in constructive dialogue, for example through Cuba’s first participation in the 2015 Summit of the Americas in Panama (United States, *Fact Sheet: Charting*). In his State of the Union Address in January 2015, he also finally declared: “And this year, Congress should begin the work of ending the embargo” (United States, *Remarks*).

3.2. Timeline of Steps Taken by the Obama Administration since December 17, 2014

The first concrete steps toward rapprochement were taken even before Presidents Obama and Castro announced the beginning of a new chapter in U.S.-Cuban relations. During their secret negotiation talks in the previous 18 months, the two presidents had agreed upon the reciprocal release of U.S. and Cuban nationals,



who were considered spies in the respective other country. On the Cuban side, the government released a subcontractor for the U.S. government's Agency for International Development (USAID) named Alan Gross on humanitarian grounds. Gross was detained in 2009 while working with the Jewish community in Cuba to set up "Internet [sic] access that bypassed local censorship" (Holpuch). He was convicted in March 2011 on charges of acting against Cuba's independence and territorial integrity, and sentenced to 15 years in prison, since "Cuba considers USAid's [sic] programs illegal attempts by the US to undermine its government" (Holpuch).

Simultaneously, the Cuban regime released a former Cuban intelligence officer who had worked in the cryptology section of Cuba's Directorate of Intelligence and acted as double agent for the U.S. Central Intelligence Agency (CIA), providing secret information on Cuban intelligence operatives in the United States to U.S. authorities. In 1995, he was arrested by the Cuban authorities and sentenced to 25 years in prison. According to U.S. officials, his reports were instrumental for the identification and disruption of several Cuban intelligence operatives in the United States that ultimately led to a series of successful federal espionage prosecutions, even after he was arrested (Stein). President Obama did not reveal his identity, merely calling him "one of the most important intelligence assets that the United States has ever had in Cuba" (qtd. in Sullivan 21), but media reports identified the agent as Rolando Sarraff Trujillo.

In return for Trujillo's freedom, the United States released the last three imprisoned members of the Cuban Five, intelligence agents who were sent by then President Fidel Castro to Miami, Florida, to spy on the plans and activities of right-wing exile groups and report on their terrorist operations against Cuba, some of which are proven to have been supported by the CIA (LeoGrande and Kornbluh 332). The Cuban Five were imprisoned in 1998 and later convicted on charges of espionage and conspiracy to commit murder, among others. They are "hailed as heroes in Cuba" (Holpuch) for having sacrificed their liberty for their country, and therefore their liberation by President Obama, according to President Castro, "merece el respeto y reconocimiento de nuestro pueblo"⁵ ("Raúl Castro anuncia"). In President Obama's words, recovering these individuals on both sides of the Florida Straits removed "a major obstacle" and paved the way for "taking steps to place the interests of the people of both countries at the heart of our policy" (United States, *Statement*).

Another prerequisite for the reestablishment of relations between the U.S. and Cuba was the release of 53 prisoners in Cuba. Cuba insists that it has no political



prisoners, but, according to human rights groups, members of the Cuban opposition are arrested on a regular basis because the regime considers them mercenaries in service of the U.S. government with the mission to overthrow the communist government (Trotta, “Misterio”). Nevertheless, the Cuban regime agreed to liberate “algunos presos que eran de interés para Estados Unidos”⁶ (Trotta, “Misterio”). Several weeks after the announcement of December 17, 2014, Cuban opposition leaders and members of the U.S. Senate and Congress urged President Obama to publish the list with the prisoners’ names, which had been kept secret by both governments. On January 12, 2015, the Obama administration assured that the Cuban government had informed them that the release of all 53 prisoners was completed; more than a dozen had already been set free in the weeks and months before the official December announcement. The final release of prisoners closed “a vital part of [the] accord designed to normalize relations between Havana and Washington” (Forero and Schwartz). U.S. officials evaluated Cuba’s response to President Obama’s demand as a sign that the island nation’s government is living up to the deal and is open for a policy that focuses more on engagement (Forero and Schwartz). Likewise, Cuban dissident leaders welcomed the release but stated to be “worried about the [remaining] prisoners who are still in jail” (Forero and Schwartz).

Following President Obama’s announcement in December 2014 to implement a number of policy changes, on January 16, 2015, the Department of the Treasury’s Office of Foreign Assets Control (OFAC) once again amended the Cuban Assets Control Regulations (CACR). In general,

OFAC’s revisions to the CACR relax prior restrictions primarily through the addition of new general licenses and the expansion of existing general licenses, thus allowing some activity by “persons subject to U.S. jurisdiction” that previously required a specific license from OFAC. In addition, definitions of some key terms have been revised, and dollar limits on certain types of transactions have been raised or eliminated. (Covington & Burling 1).

Likewise, the Department of Commerce’s Bureau of Industry and Security (BIS) amended the Export Administration Regulations (EAR) to authorize the export and re-export of certain items to the Cuban private sector.

With regard to travel, OFAC has issued general licenses within 12 categories of authorized travel for many travel-related transactions to, from, or within Cuba that previously required a specific license (United States, *Frequently* 1). However, consistent with the Trade Sanctions Reform and Export Enhancement Act (TSRA)



of 2000, travel-related transactions for purposes not covered by these categories, such as tourism, remain prohibited (2). Travel is now facilitated by the permission “to make travel arrangements through any service provider that complies with OFAC regulations governing travel to Cuba. Airlines and tour operators no longer need to be specifically licensed” (Covington & Burling 4). In addition, travelers are no longer subject to a per-diem limit on spending and may import up to 400 U.S. dollars per person of goods, including no more than 100 U.S. dollars of alcohol and tobacco products (4). The amended CACR have also raised the limit of remittances from 500 to 2,000 U.S. dollars per quarter provided to Cuban nationals, with the exception of certain prohibited Cuban government and Communist Party officials. The prior cap on remittances allowed to be carried per trip by authorized travelers has been raised from 3,000 to up to 10,000 U.S. dollars (5).

In the realm of trade and business, “persons subject to U.S. jurisdiction are prohibited from doing business or investing in Cuba unless licensed by OFAC. . . . The Commerce Department currently authorizes limited categories of items to be exported or re-exported to Cuba” (United States, *Frequently* 10), such as telecommunications items, building equipment, and tools for private-sector end users. Nevertheless, BIS indicates “that Cuban government import agencies and other government-owned, operated, or controlled entities may act as consignees to receive and effect delivery of eligible items” (Covington & Burling 2) as well. Certain goods and services produced by independent Cuban entrepreneurs are now eligible to be imported into the United States.⁷ The BIS amendment of the EAR furthermore enacts license changes “that seek to facilitate donations and promote civil society and human rights” (2). Despite the regulation changes, the internationally disputed extraterritorial application of Cuban sanctions continues: “most exports by U.S.-owned or -controlled entities outside the United States to Cuba, including the provision of goods or services to Cuban nationals (or others) for subsequent export to Cuba” (6) are still prohibited.

The amended CACR authorize “the establishment of telecommunications facilities to provide telecommunications services between the United States and Cuba or third countries and Cuba” as well as “transactions with telecommunications service providers [...] or individuals in order to provide telecommunications services to individuals in Cuba” (Covington & Burling 2). Complementing the CACR modification, the BIS rule authorizes the export and re-export to Cuba of certain items for telecommunications as well as the sale of communication devices, which previously were permitted to be exported to Cuba only as donations (2). In order “to reduce practical barriers to the increased interaction between the two



countries authorized by the amended regulations" (5), U.S. financial institutions are now allowed to open correspondent accounts at Cuban financial institutions to facilitate the processing of authorized transactions, including payment for U.S. exports and for travel services. The reverse case, namely Cuban banks opening accounts at U.S. financial institutions, is still prohibited (5).

One of the major steps to move toward normalization as outlined by President Obama in December 2014 is the reestablishment of diplomatic relations and the reopening of embassies in both countries. On January 22, 2015, a U.S. delegation headed by Assistant Secretary of State for Western Hemisphere Affairs Roberta S. Jacobson traveled to Cuba for the first round of negotiations with a Cuban delegation led by the Director of the North American Division of Cuba's Ministry of Foreign Relations, Josefina Vidal Ferreiro. During this extended bilateral session the parties discussed

cooperation on important issues of mutual interest such as trafficking in persons, law enforcement, environmental protection, telecommunications and global health security, including coordinated responses to oil spills and Ebola. As a central element of [U.S.] policy, [the delegation] pressed the Cuban government for improved human rights conditions, including freedom of expression and assembly. (Jacobson).

The next round of negotiations took place in Washington on February 27, and according to Jacobson "solidified the importance of face-to-face diplomacy" (United States, *Press Availability*). The meeting laid the groundwork for "separate consultations on trafficking in persons and civil aviation," "greater internet connectivity to better support access to information by the Cuban people" and an exchange of "ideas and information about recent U.S. regulatory changes" (United States, *Press Availability*). The following meeting in Havana on March 16 took place in camera. Neither Cuba nor the United States provided details on whether progress was made toward a deal on reopening embassies in Washington and Havana – a goal that, as President Obama repeatedly stressed, was feasible to reach in time for the Summit of the Americas in Panama on April 10 to 11 ("Cuba, US").

However, at that point in time, major obstacles on both sides of the negotiation table stood in the way. On the Cuban side, for many years it had been a key demand that the U.S. government remove Cuba from the State Sponsor of Terrorism list. Cuban officials claimed that the re-opening of embassies before Havana was removed from the list would be contradictory (Sherwell). Mark P. Sullivan explains:



Cuba was added to the State Department's list of states sponsoring international terrorism in 1982 [...] because of its alleged ties to international terrorism and support for terrorist groups in Latin America. . . . Cuba had a long history of supporting revolutionary movements and governments in Latin America and Africa, but in 1992, Fidel Castro said that his country's support for insurgents abroad was a thing of the past. (33)

More recently, Cuba's current Minister of Foreign Affairs, Bruno Rodríguez Parrilla, deplored the United States' determination not to remove Cuba from the list when he reiterated before the United Nations General Assembly: "Our small island poses no threat to the national security of the superpower" ("UN Urges"). Following the announcement on December 17, 2014, President Obama reacted to Cuba's objection about its inclusion on the list. He instructed Secretary of State John Kerry to immediately launch a review of Cuba's designation as a State Sponsor of Terrorism, and provide a report to him within six months regarding Cuba's support for international terrorism. On April 8, 2015, Kerry completed the review and recommended that Cuba should be taken off the list because the Cuban government reportedly had not provided any support for international terrorism during the preceding six-month period and had provided assurances that it will not support acts of international terrorism in the future (Rathke; Sullivan 33). On April 14, Obama submitted the "statutorily required report indicating the Administration's intent to rescind Cuba's State Sponsor of Terrorism designation" (Rathke). After the 45-day Congressional pre-notification period expired, the final decision to rescind Cuba's designation as a State Sponsor of Terrorism became effective on May 29, one and a half months after the Summit of the Americas. As a consequence of the rescission, several sanctions will be lifted, including requirements for validated exports licenses for dual-use goods or technology controlled by the Department of Commerce for national security of foreign policy reasons, a ban on arms-related exports and sales, and prohibitions on most foreign aid, food aid, or Export-Import Bank or Peace Corps programs (Sullivan 33).

Yet, when the Summit of the Americas took place in mid-April, Cuba's removal from the list was still uncertain. Still, Presidents Obama and Castro held a historic sidelines meeting at the summit, "the first face-to-face discussion between the leaders of the two countries in a half-century" (Hirschfeld and Archibold). While there was "no tension in the room" during their "hourlong meeting reflecting on the significance of the moment for Cubans, Americans and the entire region," "the two presidents did not agree on everything" (Hirschfeld and Archibold). As Cuba's Foreign Minister concluded after the summit, "[a] principal result is that these two



governments now know each other better [...]. We have a better understanding of our common ground, a better idea of our mutual interests and better knowledge of the scope and depth of our differences” (qtd. in Hirschfeld and Archibold).

A priority condition by the Cuban government for the reestablishment of diplomatic relations, which was closely linked to its designation as a State Sponsor of Terrorism, was the bank-less status of the Cuban Interests Section in Washington. Its former banking partner, the New York-based M&T Bank Corporation, canceled its services with Cuba’s U.S. diplomatic mission in 2013, and Havana blamed the move on U.S. sanctions resulting from it being included on the U.S. list of State Sponsors of Terrorism (Adams). Following M&T’s decision, the mission had to operate on cash only for more than year, and “Cuba’s continued presence on the list made bankers hesitant to pick up the Cuba business because of fears of running afoul of regulations on sanctioned nations” (Whitefield and Wyss). Just a week prior to the U.S. administration’s final decision to rescind Cuba’s designation as a State Sponsor of Terrorism, Stonegate, a small bank based in south Florida, at the request of the State Department started “handling the accounts of the Cuban Interests Section in Washington and its employees” (Whitefield and Wyss), thereby eliminating the financial repercussions for the Cuban government even before Cuba was officially taken from the list.

Yet another major obstacle for the reopening of embassies in Havana and Washington is the American demand that its diplomats be able to travel throughout Cuba and meet dissidents without restrictions. American diplomats in the United States Interests Section in Havana state that “low-level harassment was routine for many years, as Cuba restricted their movements and activities and dragged its feet on permission to do standard maintenance” on the building, which “Cuban state media routinely portrayed [...] as a den of spies” (Associated Press). The issue was revisited during the fourth round of negotiation talks on May 21 to 22 in Washington. Although there were public expectations that a breakthrough might be announced, no agreement was reached when the meeting concluded. While the Cuban delegation told journalists that “the talks would continue, but gave no date for a future next round [U.S. delegation head] Roberta Jacobson said another high-profile gathering might not be necessary” (Klapper). She insisted that the two sides were much closer to the goal of opening embassies in Havana and Washington. Carl Meacham, Director of the Americas Program at the Center for Strategic and International Studies, made a more skeptical assessment of the negotiation status:





This was all about the embassies and they didn't have a deliverable. I think one of the issues is personnel numbers. To have a functioning embassy, the United States will have to beef up personnel. The problem is the Cubans are suspicious of everything. (qtd. in Whitefield and Wyss).

Critics of Obama's approach complain that the United States is satisfying Cuba's demands too easily, while "U.S. gains have been less apparent" (Associated Press). However, it should be recalled that reestablishing diplomatic relations and reopening embassies in Havana and Washington are only first steps in a larger process toward normalized relations. The accomplishments that have been achieved already are the results of direct high-level talks between the two presidents and their staff only. Further actions will require the involvement and compliance of other parties, and thus will certainly be even more time-consuming. Despite all criticism, it is astonishing to see what the two countries with such fundamental differences have agreed upon in just a few months, after more than five decades of isolation. At the end of the period this thesis covers, the two sides had not yet arrived at an agreement in the embassy question, but should the negotiations continue at this pace critics and supporters alike can be confident that a viable agreement will be reached in the near future.

CHAPTER 4

Obama's Reasons and Motivation to Reestablish Relations with Cuba

The economic embargo against Cuba has been in place for more than five decades, and the previous chapters have illustrated the reasons for its implementation as well as its evolution until today. Despite repeated criticism, modifications to specific provisions, and calls to suspend the sanction regime entirely both in the United States and at the global level, Barack Obama is the first U.S. president to openly criticize the United States' traditional policy toward Cuba and to immediately act upon his words together with the Cuban government. The following subchapters identify the principal reasons and motivation for the incumbent president to break the decade-long stalemate and to initiate the reestablishment of relations with Cuba at this point in time.

4.1. *Rául Castro*

In an article from 1988 with the revealing title "Fidelismo," Fidel Castro's biographer Tad Szulc reflects on how Cuba's former leader, who stood at the head of the Cuban Revolution, created a political ideology that was on the one hand based on the notion that "the revolution would be all about: [sic] freedom and happiness" (50), and on the other hand on his personalized, charismatic authority. From a contemporary perspective, Omar López Montenegro, Human Rights Director of the Cuban American National Foundation, adds: "El Fidelismo se caracterizó por los discursos grandilocuentes, de intensa carga ideológica, incrustados en la dinámica de la guerra fría y el concepto de revolución perpetua como razón non plus ultra para cualquier acción del gobierno"⁸ ("Fwd: Respuestas"). Nevertheless,



doubts about Fidel's noble ideological cause already emerged back then. Szulc quotes a Cuban who suggests that Fidel's "only true beliefs, underneath all the rhetoric, [...] revolve[d] around himself" (53). His "political genius, and his rhetoric" (63) were juxtaposed by the "creeping corruption in the Cuban Communist Party – Fidel [was] its first secretary as well as president of Cuba and the armed forces' Commander in Chief – which [...] added to the erosion of popular faith in the selfless qualities of Cuba's [ruler]" (53-54). But for all that, Cuba's longest-serving president enjoyed immense popularity among his people, which is mirrored in Szulc's conclusion: "It is doubtful that any other figure could emerge from among Castro's aging revolutionary peers to take on Fidel's role for long" (63). The fact that the second in command, Fidel's brother Raúl, would eventually take over his sibling's political office was never challenged by the Cuban political elite. As Cuba expert Michael Zeuske puts it: "Die eigentliche graue Eminenz in der langfristigen Auswahl von Kadern und in der stabilen Besetzung wichtiger Posten war und ist Raúl Castro" (120). Nevertheless, Szulc claims that it would be preposterous to assume that he could enjoy Fidel's popularity, because in his opinion Raúl is feared and respected, but not loved (63). Still, in 2006 the era of *Fidelismo* drew to an end when the ailing Fidel Castro temporarily transferred his offices to his younger brother, and finally handed power over to him in February 2008. The political analyst Bert Hoffmann soberly described the imminent transition from one brother to the other in 2007 as follows:

Dabei geht es unter Raúl nicht um „Systemwechsel“ oder gar „Demokratisierung“, sondern um den Übergang vom charismatischen zum bürokratischen Sozialismus, vom personenzentrierten „Fidelismo“ hin zu einem sich auf die formalen Institutionen von Staat, Partei und Armee stützenden System. („Fidelismo“ 90).

Since he stepped down as president, Fidel Castro has seldom been seen in public. However, "Cuban state media have occasionally shown photos or video of the former President meeting with visiting foreign dignitaries" (Landau 1), which leads to the impression that to some extent, he is still pulling the strings in the background. After all, Fidel "demonstrated that he doesn't necessarily need a title to exert control over the island" (Flintoff) already as a young revolutionary. Therefore, it is safe to assume that even if Cuba's former leader "becomes further incapacitated or dies, much of his influence may be maintained by Cuban officials who owe their careers to him and are closely aligned with his ideology" (Flintoff), first and foremost his own brother.



Fidel, entrenched in the structures of his revolutionary dogma, “always elevated politics high above economics” (Feinberg, *Reaching Out* 46). Thus, he never managed to adopt a long-term set of viable policies for his country or bring about sustainable reforms. Shortly after inheriting his duties as president from his brother, Raúl openly criticized the structural weaknesses of Cuba’s system and in 2009 set in motion a comprehensive reform process. While for some observers “Raúl’s frank discussion about the regime’s shortcomings and declarations of the need for change have raised popular expectations enormously” (LeoGrande 87), regime critics from the exile in Miami such as López Montenegro interpret his approach, especially with regard to economic policies, as follows:

El Raúlismo centra su discurso en otra falacia, la idea de que una dictadura comunista puede ser eficiente económicamente (este discurso es al interior del país), y que puede coexistir con formas de producción capitalista (este discurso es al exterior del país). No existen diferencias fundamentales entre [el Raúlismo y el Fidelismo], cada uno responde a las condiciones geopolíticas del momento histórico en que surgieron y se desenvuelven.⁹ (López, “Fwd: Respuestas”).

Raúl Castro certainly reacts to the geopolitical context in a more responsive way than his older brother, making the moment a historic one. He certainly lacks the charisma Fidel had in abundance and which granted him great popularity among the Cuban people, but he makes up for it with a more pragmatic stance toward international cooperation with capitalist countries that gains him trust among the heads of government and state outside of Cuba. Therefore, as Bert Hoffmann concludes in his article, “präsentiert sich Raúl Castro zwar als Kontrahent, aber als verllässlicher, rationaler Verhandlungspartner” (“Fidelismo” 96). Hoffmann states that Raúl has repeatedly offered the U.S. to negotiate without conditions – in his opinion, in the 2007-political framework, a remarkable signal (96). Keeping in mind that at this point in time Raúl had just recently inherited his brother’s offices and was officially only designated as interim president, it seems justified to claim that he has committed himself to adopt a different political agenda than his older brother right from the start.

Pamela S. Falk states in her essay “The US-Cuba Agenda: Opportunity or Stalemate” that “[t]oo often, US policy-makers have reacted to changes in Cuba’s foreign – and domestic – programs, rather than anticipating them”¹⁰ (156). The fact that President Obama has finally responded to Cuba’s willingness to engage in dialogue might be interpreted as his determination to act rather than to follow in his predecessors’ footsteps and to continue to just react. It is indeed anticipation



that characterizes Obama's approach: Coming to terms with the Castro regime and establishing ties with the island nation will lay the groundwork for future U.S.-cooperation between Raúl's successor and the next U.S. president. In February 2013, Raúl Castro announced that the current five-year term will be his last as president, thereby "giving the Castro era an official expiration date of 2018" (Cave). His successor will, in all likelihood, be Miguel Díaz-Canel Bermúdez, currently first vice president of Cuba's Council of State, and it can be argued that this transition of power is going to usher in a new era of political leadership in the country:

Mr. Castro's decision to move Cuba publicly toward a new leader means that the island is now a heartbeat away from being ruled by a person who did not fight in the revolution that brought the Communists to power. The Castros, after aligning themselves for decades with the fighters whom they knew as young guerrillas, appear to have accepted that Cuba will be ruled next by someone whose career developed after the cold war [sic]. (Cave).

However, controversies within the Communist Party or unforeseen changes due to Castro's advanced age could alter or expedite the transition process significantly. Against this background, it seems to be an opportune moment for the United States to negotiate their involvement on the island with Cuba's outgoing leader, who is willing to engage in talks and, as Fidel's example has shown, will most likely still have significant influence on the (domestic) political stage after having stepped down as president.

4.2. U.S. Relations with Latin America

One of the main reasons for President Obama to reach out to Cuba at this point in time might as well be the United States' standing and influence in Latin America. On the face of it, the general perception of the U.S. during Obama's terms in office has not been negative, especially in comparison to rivaling economic powers such as China or Russia that are a strong counterbalance to U.S. activities in the region. Data from a survey conducted by the Latin American Public Opinion Project (LAPOP) in 2012 show that the U.S. profile in the region remains comparatively strong, particularly among countries geographically close to the United States (Azpuru and Zechmeister), and a July 2014 survey by the Pew Research Center reveals that the majorities in eight of nine countries surveyed see the U.S. in a favorable light (Stokes). Nevertheless, the LAPOP survey indicates as well "that



only 30 percent of respondents believe the U.S. will be the dominant power in the future” and “that important segments of the public perceive other Latin American countries (e.g., Brazil) and non-Latin American countries (e.g., Japan) as likely contenders for key influence in the future” (Azpuru and Zechmeister). With respect to trade and investment cooperation in the hemisphere, “there is a perception in Latin America and the Caribbean that the United States lacks strategic vision vis-à-vis the region. In past decades, [there was a range of] ambitious United States initiatives for regional cooperation. Today no such initiatives exist” (ECLAC). For this reason, “most of the countries in the region have deepened commercial relations with China, South Asia, Europe, and Africa and no longer depend exclusively upon the United States” (“Dangerous Complacencies” 17). Decreasing economic U.S.-Latin American cooperation combined with the growing presence of international agents that “have long chipped away at America’s primacy” (Romero and Neuman) send out a clear signal of U.S. indifference toward Latin America. Carl Meacham concludes:

Latin Americans have adopted a more pragmatic view of their northern neighbor and its place in the world, understanding that U.S. policy is driven by its own interests. And, whether because they see U.S. power as waning or because, more than ever before, emerging powers all around the world present a viable alternative to U.S. influence, Latin Americans decreasingly look to the United States. (qtd. in Hicks et al.)

While on a global level Washington’s relation with Cuba has seldom been a matter of urgency, no other political issue is the cause for such disagreement between the U.S. and its southern neighbors. In contrast to the United States, Latin American countries have left the mindset of the Cold War behind and had already restored full economic and political relations with Cuba by the mid-1990s. One of the contentious issues over the United States’ policy toward Cuba is the island’s reintegration into the Organization of American States (OAS), which was founded in 1948. Cuba’s membership was suspended in 1962 under pressure from the U.S. government, because it was stated in Resolution VI “[t]hat adherence by any member of the Organization of American States to Marxism-Leninism is incompatible with the inter-American system and the alignment of such a government with the communist bloc breaks the unity and solidarity of the hemisphere” (Permanent Council). The OAS members’ commitment to pluralistic democracy was later unanimously included in the OAS Charter and thus became a permanently binding prerequisite for accession to the organization. For this reason, even though Resolution VI was revoked in 2009 against the United States’



initial opposition, Cuba's reintegration into the OAS is hardly conceivable without substantial political change on the island. Cuba has often criticized the organization to be biased and dominated by the United States and has hitherto stated that it does not wish to rejoin the OAS (American Society 586). However, many Latin American leaders hold an opinion differing from that of the United States, namely that first steps and negotiations could be initiated with the current Cuban government, rather than only after a political transition on the island (Hoffmann, "Außenpolitik" 181).

Another cause of conflict are the Summits of the Americas, institutionalized gatherings of the leaders of the Western Hemisphere to discuss common policy issues, affirm shared values and commit to concerted actions at the national and regional level to address continuing and new challenges faced in the Americas (Summits of the Americas). The Summits were initiated by President Bill Clinton in Miami in 1994 and explicitly excluded Cuba as a non-democratic country, because "Cuba policy could not be allowed to shatter that cornerstone of hemispheric diplomacy" (Feinberg, "For Latin America"). Cuba's exclusion has been a recurring issue at the summits over the years. The Latin American leaders have continuously pressed to shift course on Cuba, but were always opposed by the United States and Canada. At the 2012 meeting of the Summit of the Americas in Colombia the final declaration was held up over the inclusion of Cuba, because for the first time even conservative-led U.S. allies like Mexico and Colombia were throwing their weight behind the traditional demand of leftist governments that Cuba be invited to the next Summit of the Americas (Cawthorne and Ellsworth). "The assembled Latin American heads of state closed the meeting by warning Washington that, unless Cuba is included in future summits, they would no longer participate" (Hakim).

At the same time, the U.S. is excluded from some of the Ibero-American summits and regional organizations. For example, the Community of Latin American and Caribbean Nations (CELAC) was established in 2011 and comprises 33 Latin American and Caribbean States. It is seen as an alternative to the OAS because it excludes the United States and Canada. At the second summit for CELAC in January 2013 the presidency was passed from Chile's President Sebastian Piñera to Cuba's leader Raúl Castro. The next year, the summit was held in Havana. Many speculated that the summit proceedings indicated that the region is distancing itself from the United States (Nuclear Threat Initiative).

As these examples illustrate, Washington's isolation of Cuba is perceived to be an extreme measure and serves as a fixture of Latin American politics, "something



that has united governments across the region, regardless of their ideologies. Even some of Washington's close allies in the Americas have rallied to Cuba's side" (Romero and Neuman). The threat that not only leftist governments in Latin America but even ideological partners in the region might eventually turn their backs on the U.S. is therefore real. Because even though "Cuba represents the most current, visible reminder that socialism does not work for most Latin American nations, it also continues to serve as a symbol of a nation that has stood up to the United States and endured" (Falk 160). Latin American leaders look "with a general admiration of Havana's resistance to U.S. pressures" (Hakim) to Cuba, and the U.S. administration is most likely afraid that the regime's political conduct might serve as a role model for other countries in the region. Latin American leaders' reverence of former leftist Venezuelan President Hugo Chavez at his funeral in 2013, who was "a committed antagonist of the United States," might be interpreted as a striking example of changing allegiances in the region and suggests "a troubling degree of indifference to the United States in Latin America – as if Washington no longer counted" (Hakim).

Against this background, the United States would do well to regain clout in the hemisphere. Consequently, it can be argued that the Obama administration's rapprochement with Cuba, a country with considerable political weight in the region, is just a first step of the more ambitious plan to revive U.S. presence in Latin America, which will most likely have an immediate positive impact on U.S. perception in the region. One important symbolic gesture was that the 2015 Summit of the Americas in Panama was the first to include the president of Cuba. The inclusion was "unanimously applauded by leaders from across the hemisphere and across the political spectrum," who stated to be "very enthusiastic about what this is going to mean for the future of [U.S.-Latin American] relations" (Horsley). Likewise, since the December 17-announcement, the former Secretary General of the OAS, José Miguel Insulza, has repeatedly expressed hope "that as normalization talks progress Cuba will be willing to fully come into the OAS fold" (Wroughton). At the same time, he stated that it "would be very unhelpful to try to artificially push for immediate results in every area" and that the heads of government and state in the hemisphere should instead "let Cuba and the United States negotiate their matters and their problems and be as helpful as possible" (qtd. in Wroughton), thereby making concessions to the United States' approach for the first time and even pledging support in the process. Several Latin American political leaders' initial response to the thaw in U.S.-Cuban relations was to emphasize the historic nature of the developments,



and even those who are critical of the United States praised President Barack Obama (Sparrow). Some even assert that it is now on the rest of Latin America to hold Cuba accountable for its actions in the process toward normalized relations with the U.S. and beyond (Kilpatrick and Serrano). In the bigger picture, it seems as if President Obama is on the right track toward improved relations with the Latin American and Caribbean countries. With regard to Cuba in particular, for the first time his counterparts in the region are willing to embrace U.S. policy and share the burden of responsibility for the development of an amicable relation between the two countries. Moreover, by being receptive to Latin American opinion on his administration's Cuba policy, Obama holds up to his campaign promise when he first ran for president: to create a new and equal partnership with the hemisphere, "guided by the simple principle that what's good for the people of the Americas is good for the United States" ("Obama's Speech").

4.3. Human and Budgetary Embargo-Related Waste of Resources

An article published by the U.S.-American business magazine *Fortune* in January 2015 on the economic benefits of restoring relations between the United States and Cuba states that

the single-biggest U.S. winner may be the nation's capital. Indeed, the largest source of benefits are likely to come in the form of reduced federal enforcement costs of these sanctions: at least 10 different agencies are responsible for enforcing different provisions of the embargo . . . (Harris).

The main agencies responsible are part of the Departments of Commerce, Homeland Security, Justice, and the Treasury, and they "enforce the Cuba embargo primarily by licensing and inspecting exports and travelers and by investigating and penalizing or prosecuting embargo violations" (United States, *Economic Sanctions*). However, the economic sanctions that were initially enacted to weaken the Cuban government are supplemented by efforts to provide democracy assistance aimed at developing civil society and promoting freedom of information on the island. The U.S. Agency for International Development (USAID) and the Department of State are responsible for the implementation of these programs. Additionally, the U.S. government allocates funds for the Cuban Refugee Program and other assistant services to Cuban immigrants reaching the United States.



These programs are costly “and according to the Government Accountability Office, the U.S. government devotes hundreds of millions of dollars and tens of thousands of man hours to administering the embargo each year” (Harris). With the normalization of relations between the United States and Cuba and the eventual lifting of the embargo, a great number of these programs would require less resources or become entirely dispensable, thus reducing federal costs considerably.

When then Senator Barack Obama ran his presidential campaign in 2008, he “promised that underperforming and nonperforming programs would be cut or decreased” (Landau 15). His statement was likely a reaction to the spending on Cuba programs during his predecessor’s two presidential terms. President George W. Bush created the Commission for Assistance to a Free Cuba (CAFC) in 2003 that called for dramatic funding increases for democracy-building activities “until the dictatorship ceases to exist” (Commission for Assistance, *Report 2006* 20). The first report published by the CAFC in 2004 recommended funding amounting to 41 million U.S. dollars for the purpose of “building democracy by empowering Cuban civil society” and “illuminating the reality of Castro’s Cuba” (Commission for Assistance, *Report 2004* 25). In 2006, the Commission published a second report that suggested to double the budget, allocating 80 million U.S. dollars over two years for the Cuba Fund to a Democratic Future, and recommended to provide no less than 20 million U.S. dollars annually for ongoing Cuba democracy programs (Commission for Assistance, *Report 2006* 20). In November 2007, the United States Government Accountability Office (GAO) published a report, which highlighted that U.S. agencies’ capacities to diligently enforce the Cuba embargo were strained because of President Bush’s embargo-tightening policy introduced in 2003. The GAO identified that the inspections of Cubans arriving at Miami International Airport conducted by the Department of Homeland Security’s Customs and Border Protection (CBP) was disproportionately high in comparison to the inspection of other international arrivals: 20% versus an average of 3%. The report cautioned that this inflation of inspections occupies “a majority of the agency’s inspection facilities and resources at the Miami airport, straining CBP’s capacity to inspect other travelers according to its mission of keeping terrorists, criminals, and inadmissible aliens out of the country” (United States, *Economic Sanctions* 6). In the U.S. Treasury Department the situation looked similar: “Over 70% of [the] inspections each year are centered on smuggled Cuban goods, even though the agency administers more than 20 other trade



bans” (Harris). Likewise, the Treasury’s Office of Foreign Assets Control (OFAC) resources were tied up because “[a]lthough the Cuba embargo is one of more than 20 sanctions programs OFAC administers, embargo-related cases comprised 61 percent of OFAC’s investigatory caseload from 2000 through 2006,” according to the report (United States, *Economic Sanctions* 6). Additionally, the GAO noted that “since 2000, OFAC has conducted more investigations and imposed more penalties for violations of the Cuba embargo than for all of the other 20-plus sanctions programs the agency implements” (9). Lastly, the report stated that the embargo’s complexity and changing rules may have led to unintended violations by some individuals and companies, and that these violations are difficult to detect or control (United States, *Economic Sanctions*). As these examples from the report show, during President Bush’s terms in office the government agencies were overwhelmed with the workload related to enforcing the provisions of the complex Cuba embargo with due diligence, which in turn resulted in negligence of other responsibilities. At the same time, funding by the U.S. government for democracy assistance programs in Cuba was increased considerably. In conclusion, it can be stated that despite the exorbitant amount of monetary and human resources spent for the achievement of the proclaimed objective of ousting the Castro government, when President Barack Obama assumed office this goal still had not been achieved.

Another agency that quadrupled its budget in Bush’s two terms in office is the U.S. Agency for International Development (USAID), which provides democracy assistance for Cuba through U.S.-based and third country nongovernmental organizations to declared political opposition groups, independent librarians, journalists, economists, and families of political prisoners. From 1996 to 2014, Congress appropriated about 264 million U.S. dollars in funding for Cuba democracy efforts. While USAID has received most of this amount, the Department of State has also received program-funding allocations since fiscal year 2004. In recent years, the total sum amounted to 45.3 million in 2008, and 20 million in each fiscal year from 2009 through 2012, 19.3 million in 2013, and 20 million in 2014. The administration’s request for fiscal year 2015 was for 20 million (Sullivan 38; United States, *Cuba* 1). Investigations of USAID’s Cuba program by the GAO in 2006 and 2008 found “oversight weaknesses that increased the risk of grantees’ improper use of grant funds and noncompliance with U.S. laws and regulations” (United States, *Cuba* 2). In the criticized instances, grantees were sending questionable USAID-financed



donations, such as cashmere sweaters, Godiva chocolates and Nintendo PlayStations to dissidents in Cuba, or stole funds for personal use (Sullivan 13). The GAO auditors found that tens of millions of dollars had been channeled to anti-Castro groups in Miami, “people who have a vested interest in continued hostility between Cuba and the United States” (LeoGrande 95), and “that 30 percent of the agency’s Cuba-related expenditures were questionable” (Eckstein, “The Personal” 132). Additionally, a study by the Cuban American National Foundation in 2008 found “that most funding pays instead for U.S. organizations’ operating costs and off-island transition studies” (Sullivan 13). In January 2013, GAO issued a third report, which concluded that USAID had improved its oversight to minimize waste and mismanagement and maximize impact on the ground in Cuba, “but found that the State Department’s financial monitoring had gaps” (40). As these reports illustrate, considerable amounts of money that were supposed to fund democracy programs in Cuba have – sometimes deliberately, sometimes unintentionally – fallen into the wrong hands, making USAID’s program an easy target for critics who denounce that Washington’s aid is “intended more to win votes from Florida exiles than to promote change on the island” (Eckstein, “The Personal” 132). In addition to considering the USAID programs’ effectiveness, the Obama administration is confronted with the fact that the program itself is an obstacle to engagement because it has been framed as an instrument of regime change, and the Cuban government regards it as a security threat (Sullivan 15).

Next to these well-known programs, smaller initiatives tied to the economic embargo cause additional costs, but their effectiveness can be equally questioned. For example, U.S.-government-sponsored radio and television broadcasting to Cuba – Radio and TV Martí – began in 1985 and 1990, respectively, with the purpose to offer alternatives to state-controlled media. Both are run by the federally funded Office of Cuba Broadcasting (OCB), which is based in Miami, Florida. Since the OCB’s inception, more than 500 million U.S. dollars have gone into funding the broadcasts, with an annual budget that peaked at 36.9 million in 2006 during the Bush administration and 27 million appropriated by Congress for fiscal year 2015 (Amerigian; Sullivan 41). Yet,

[d]espite the enormous funds [...], there is little indication that the broadcasts have been able to attract a significant audience or that they have influenced Cuban society in a meaningful manner. . . . This failure is partly due to signal jamming by Cuban authorities, who frequently distort the broadcasts with counter-transmissions. (Amerigian).



Moreover, official congressional investigations have repeatedly raised questions about adherence to broadcast standards (Sullivan 41-42). Although several recommendations for improvement and various attempts to cut funding have been made over the years, the broadcasts are still in place.

Given the bad record of the democracy-promoting programs that are tied to the economic embargo, and the costs associated with the actual implementation of embargo provisions, the process of normalizing relations between the United States and Cuba is a suitable opportunity to rethink the necessity of some programs or to revise their objectives and costly implementation strategies. Cutting government spending in general and fulfilling his promise to reduce or end under- or nonperforming programs in particular might therefore have been part of Obama's motivation to reestablish relations with the Caribbean island nation, as well as it would be a welcome side effect of the rapprochement with Cuba for the United States federal budget.

4.4. Business Opportunities

In 1959, before the Cuban Revolution ousted the U.S.-backed authoritarian government of Fulgencio Batista, "Cuba relied upon the United States for 65 percent of its exports and 73 percent of its imports. The Cuban economy was, therefore, totally dependent on the U.S. market" (Lamrani 19). With the implementation of the economic embargo, trade between the two countries was almost brought to a complete standstill. Yet, adjustments to the embargo authorized to some extent the export of food, agricultural products, and medical supplies to Cuba. With the enactment of the Trade Sanctions Reform and Export Enhancement Act (TSRA) in 2000, the United States became "the main supplier of agricultural products to Cuba and thirty-eight of its fifty states have signed trade agreements with the island" (36-37). From 2000 to 2006, annual U.S. exports to Cuba rose substantially, from six to about 350 million U.S. dollars, with the result that over this period U.S. exports to Cuba totaled more than 1.5 billion U.S. dollars (United States, *Economic Sanctions* 3). The global economic downturn and Cuban government decisions that lessened its ability to earn foreign exchange led to a sharp decrease in 2009 and 2010, but trade recovered: "as of mid-2010, Cuba ranked fortieth of a total of 225 global export markets for U.S. agricultural products" (Fisk and Perez 83), and since 2007 "the United States has become Cuba's fifth-largest trading partner" (Renwick and Lee). These figures show that trade in food and agricultural products continues despite the embargo. Given its proximity to



the United States – 145 kilometers off the U.S. coastline – Cuba is a natural market, although modest in size. Similarly, for countries located in the Caribbean Basin, such as Cuba, “the relevant export market is first and foremost the United States” (Feinberg, *The New Cuban Economy* 15).

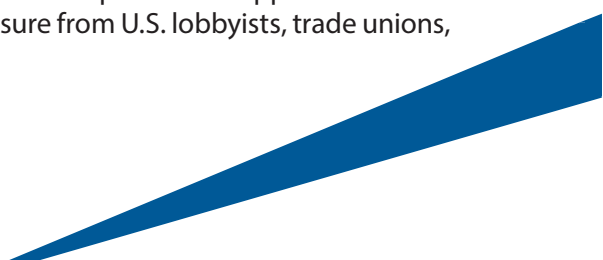
However, the limitations in trade resulting from embargo provisions prevent the United States and Cuba alike to tap into one of their most natural and close markets. As a consequence, “[t]he current embargo policy inflicts billions in annual losses on both the U.S. (by conservative estimates, around \$1.2 billion a year) and Cuban (\$685 million a year) economies” (Harris). The Cuban government even “estimates that more than fifty years of stringent trade restrictions has amounted to a loss of \$1.126 trillion” (Renwick and Lee). In addition, Cuba decries that the extraterritorial application of the embargo provisions is an “[obstacle] to the development of Cuba’s relation with the international community” (Lamrani 63). As Salim Lamrani explains, it is for this reason that

Cubans call the state of siege imposed by Washington a ‘blockade,’ an operation designed to cut off completely all supplies and not simply an ‘embargo,’ which is an administrative measure or legal barrier aimed at preventing the movement of goods from one country to another. (55).

Yet, the regime is not the only party that claims to suffer economically from the embargo. The business community in the United States strongly opposes the sanction regime, too. The powerful American Federation of Labor and Congress of Industrial Organizations, “which brings together more than fifty U.S. trade union organizations, adopted a resolution at its Constitutional Convention in September 2009 that urged Congress to lift the sanctions against Cuba and to fully normalize relations with Havana” (Lamrani 68). Already the adoption of the TSRA in the year 2000

was the product of a farm-state congressional reaction to Congress’ own efforts to increase sanctions regimes generally. This also reflected the specific interest of the farm lobby in expanding commercial markets for U.S. food and agricultural products and was based on the argument that ‘American farmers and ranchers face a disproportionate burden from U.S. economic sanctions.’ (Fisk and Perez 82).

Likewise, “the U.S. Chamber of Commerce, representing the business world and the country’s largest multinationals, has also expressed its opposition to the status quo” (Lamrani 68). With regard to pressure from U.S. lobbyists, trade unions,





and entrepreneurs, and in the light of the fact that due to the embargo the United States denies itself access to an adjacent market, it can be assumed that one of President Obama's reasons to push for normalized relations with Cuba is potential business opportunities on the island that have been neglected until today.

Apart from the expansion of agricultural and food products exports, normalized relations or even the entire lifting of embargo provisions would make the U.S. tourism industry an inexhaustible source of business. Statistics indicate that about 600,000 U.S. travelers come to Cuba each year, about 80% of them Cuban Americans visiting family ("USA erlauben Fährverbindung"). According to estimations, in 2010 a reported 1,000 Cuban Americans per day traveled to the island to visit relatives (Fisk and Perez 79). Also, tens of thousands of visitors come on cultural, religious, and educational exchanges that fall under the license categories authorized by the Cuban Asset Control Regulations (CACR) (Rodriguez and Orsi). These visitors have always relied on charter flights authorized by the U.S. Treasury Department's Office of Foreign Assets Control, because regular airline flights to Cuba are not allowed under the embargo provisions. In addition to licensed travelers, "[a]n untold number of others have, for years, skirted travel restrictions by journeying through third countries such as the Bahamas or Mexico" (Rodriguez and Orsi). The U.S. International Trade Commission estimates that "if the restrictions were lifted, up to 1.1 million US citizens would travel to Cuba in the short term [...]. This would immediately increase the number of tourists visiting Cuba by up to 50 percent" (Wilkinson 57). Cuban officials even put the figure at 1.5 million, which would supplant Canada as Cuba's main source of tourism (Rodriguez and Orsi). U.S. airline companies were among the first operators in the tourism industry to profit from the normalized relations and eased travel restrictions. When Obama took the first steps to lift travel restrictions in 2011 by allowing Americans to visit Cuba on authorized people-to-people tours, airline companies immediately teamed up with charter companies to sell seats (Trejos). After the December 17-announcement, several U.S. airlines operating from airports all over the United States immediately expanded their services to Cuba, because modifications of the CACR abolished the need for a specific license. Although airlines "are still not allowed to sell tickets for Cuba flights, [...] they can operate the aircraft" (Trejos). In addition to air travel, "a mode of travel between the two countries that was common in the 1950s" (Córdoba and Paris) was revived in May 2015 as well, when

the Treasury Department issued licenses to several companies to operate ferry services between the United States and Cuba[. T]he proposed services still require additional



U.S. and Cuban permits, but at least one company maintains that it could begin operations by the fall of this year (Sullivan 1).

This increase in infrastructure is not only going to benefit service providers in the U.S. and Cuban tourism sectors and facilitate travel for individuals, who then in turn are going to stimulate economic activity during their visits to the respective country, but also provides the necessary requirements for some multinationals that “may use Cuba as a regional hub, serving the neighboring islands as well as the southeast United States” (Feinberg, *The New Cuban Economy* 15). Thus, by authorizing to ease the travel restrictions, President Obama not only laid the groundwork for improved infrastructure for U.S.-Cuban trade and travel, but also provided a stepping stone for increased business with multinational concerns that is going to be of benefit for the United States and the entire region. Apart from economic profits, the presence of multinationals and U.S. companies in Cuba is linked to a political advantage for the United States: “If democratic countries increase their economic stakes in Cuba, they will simultaneously enhance their political influence with its current and future leaders” (Brookings, *Cuba: A New Policy* 3-4). But it is not only the Cuban government that could be influenced ideologically by increasing U.S. and international business operations on the island, but also the Cuban population. The technology industry takes on particular importance here. For example, the possibility of increased export of telecommunications equipment to Cuba opens up new ways for Cuban nationals to establish links with the world outside of the island and access otherwise censored information. As Ken Roberts of the *Miami Herald* argues: “Across the world, the cellphone, particularly the smart phone, is being heralded for being a driving force for liberating people from poverty and oppression and opening opportunities.” Similarly, companies specializing in technological developments such as long-range wireless signal broadcasting could explore “options to remotely broadcast free-access wireless Internet signals to densely populated centers in Cuba” (Walser and Wachtheim), thus circumventing the censorship of state-controlled Internet access points.

In conclusion, it can be said that President Obama’s decision to engage in talks about the normalization of relations with Cuba is most likely influenced by powerful business and trade representatives in the United States. Just as preceding U.S. presidents yielded to these groups’ vested interests and in certain instances modified embargo regulations for the promotion of trade, business opportunities in the tourism and technology sectors in particular provide an incentive for charting a new course toward Cuba. In addition to the monetary prospects, U.S.



political and ideological influence in Cuba is likely to increase if U.S. companies have an economic relationship on the ground. Yet, it is difficult to foretell how Cuba's society is going to put the new economic opportunities to use, and especially to what extent the Cuban government will respond to the United States' push in economic affairs, as the case of the pending permits for some ferry services illustrates.

4.5. Cuban Immigration

Political persecution, dissatisfaction with Cuba's socialist system, and the hope for a better life in the United States are the main reasons for Cuban nationals to leave their home country and try to cross the border with the northern neighbor – in most cases illegally, by land or by sea. In 2008, Cuba ranked fifth as a top immigrant-sending country after Mexico, China, India, and the Philippines (Wasem 15). The following chapter describes the development of Cuban migration to the U.S. until today, starting with the first wave of refugees fleeing from political persecution after the Cuban Revolution. Afterwards, an analysis of Cuban migration behavior following the December 17-announcement explains how the history of Cuban migration influenced President Obama's decision to pursue a different approach toward the island and, in turn, what impact the expected changes in relations between the two countries will have on future Cuban migration to the United States.

4.5.1. History of Cuban Migration to the U.S.

In the first years following the Cuban Revolution, "many associates of the deposed President Fulgencio Batista's government and others who soon objected to the new government's policy" (Domínguez 31) fled the island to escape prosecution. Upon arrival to the United States, they were granted parole or admitted "on what was assumed would be a temporary basis" (Landau 22). However, "[b]y 1962 between 1500 and 2000 Cubans were arriving weekly" ("United States: Cuban Refugee Program") and it soon became clear that they would not return. In order "to address the legal status of 300,000 Cubans who'd fled Fidel Castro's socialist revolution" ("Rethinking"), in 1966 the U.S. Congress passed the Cuban Adjustment Act (CAA), which states that



the status of any alien who is a native or citizen of Cuba and who has been inspected and admitted or paroled into the United States subsequent to January 1, 1959 and has been physically present in the United States for at least two years, may be adjusted by the Attorney General, in his discretion and under such regulations as he may prescribe, to that of an alien lawfully admitted for permanent residence . . . (Cuban Adjustment Act)

The provisions of this legislation also apply to the spouse or children of a Cuban refugee residing with him or her in the United States. In 1976, the time the refugee has to be present in the U.S. before becoming a permanent resident was reduced to one year. With the CAA, the United States

erleichterten die Flucht, indem sie allen Kubanern ohne Unterschied Flüchtlingsstatus zusicherten [...], konnte doch die Tatsache, dass so viele Menschen die ‚rote‘ Insel verlassen wollten, als Beweis für die Unterlegenheit des Kommunismus dienen. Die Erleichterung der Einreise für die Kubaner hatte somit eine wichtige symbolische Funktion im Kampf gegen den Kommunismus [...], hier verlief die US-amerikanische Heimatfront des Kalten Krieges. (Henning 619)

Not only was the first wave of Cuban immigrants granted permanent residency without having to prove a case of persecution, but President John F. Kennedy also recognized that the situation was beyond the scope of what individual states and volunteer agencies could handle. Therefore, he assigned responsibility over to the Secretary of Health, Education and Welfare, and authorized federal assistance through the Cuban Refugee Program, which started in February 1961. The Program consisted of financial assistance, educational loans, health care, adult education and re-training, resettlement, and care of unaccompanied children ("United States: Cuban Refugee Program"). Additionally, in 1965 the Department of State began providing chartered flights into the U.S. from Miami, Florida. By 1971, about 243,000 of the refugees had entered the country via airlift (Comptroller General 1).

In the years to come, the program had to adapt to emergency situations. Its efficiency was put to the test when on April 4, 1980, a group of Cubans violently forced entry into the Peruvian Embassy in Havana to gain asylum. The incident sparked riots and forced President Fidel Castro to allow unlimited emigration through the port of Mariel in order to appease the agitated Cuban public. From April 21 to September 26, about 125,000 Cubans reached the United States before the Cuban government closed the port again. Despite the enormous strain on the U.S. administration's capacity to handle the influx of Cuban migrants and the realization that Cuba's regime had seized the



opportunity to release more than 2,000 Cuban criminals and mental institution patients with the wave of migrants, the U.S. government called the Mariel exodus “proof of the failure of Castro’s revolution” (Domínguez 45). Following the Mariel incident, “[t]he U.S. government stopped issuing immigrant visas to all Cubans until and unless the Cuban government were to take back several thousand Cubans who [...] had been found excludable from the United States under the immigration laws – the ‘Mariel excludables’” (47). Finally, in 1984 the United States and Cuba signed a migration agreement, in which Cuba assured that it would take back a certain number of “Cuban excludables”, and the United States guaranteed to resume issuance of up to 20,000 immigrant visas to Cuban nationals every year. However, when in May 1985 the U.S. began broadcasting a radio program to Cuba, the regime “felt betrayed by what it considered U.S. aggression” (50) and suspended the agreement. It was not until November 1987 that the two governments reinstated it exactly as it had been agreed upon in 1984.

After the collapse of the Soviet Union, the Cuban economy crashed, causing a crisis that triggered a raft exodus in the summer of 1994:

Tausende von Kubanern verließen die Insel, um auf selbst gebauten Booten (*Balsas*, deshalb ‚Balsero-Krise‘) die USA oder Inseln der Karibik zu erreichen. Im August und September 1994 taten sie dies, ohne von der kubanischen Polizei, der Küstenwache oder anderen Sicherheitskräften behelligt zu werden. Der Exodus löste Furcht vor noch größerer Immigration in Florida und anderswo aus. (Zeuske 146, italics as in original)

To replace “the massive flow of dangerous and illegal migration [...] by a safer, legal, and more orderly process” (Meisler), Presidents Clinton and Castro signed a new immigration agreement on September 9, 1994. The agreement stipulated that the U.S. would no longer permit Cubans intercepted at sea to come to the United States; rather, they would be placed in a safe haven camp in a third location. Also, the U.S. and Cuba agreed to cooperate on the voluntary return of Cubans who arrived in the United States or were intercepted at sea. Furthermore, the U.S. administration agreed to admit no less than 20,000 immigrants from Cuba annually, not including the immediate relatives of U.S. citizens. A “visa lottery” program was established to randomly select who, among the many Cubans seeking to migrate, would receive a visa (Wasem 2). The agreement was amended on May 2, 1995, specifying that the approximately 33,000 Cubans, who had previously been intercepted at sea and detained at the Guantanamo Bay U.S.



Naval Base in Cuba, were allowed to come to the United States on humanitarian grounds. Secondly, the amendment stated that rather than placing Cubans intercepted at sea in safe haven camps, the United States would repatriate them to Cuba (3). This practice has become known as the “wet foot, dry foot” policy:

Put simply, Cubans who do not reach the shore (i.e., dry land), are returned to Cuba unless they cite fears of persecution. Those Cubans who successfully reach the shore are inspected by DHS [Department of Homeland Security] and generally permitted to stay in the United States and adjust under CAA the following year. (4)

The developments in U.S. migration policy toward Cuba show a clear trend. In the early 1960s, the United States welcomed Cuban migration “as an instrument to overthrow [the Cuban government]” (Domínguez 88). The fact that Cuban nationals willingly left their home country because power had fallen into the hands of Fidel Castro confirmed the U.S. administration’s conviction of communism’s inferiority, and thus they were ready to assist Cuban immigrants financially and ideologically. Until the 1980s, the United States saw Cuban migration “as a sign that the Cuban government had failed” (88). However, when the U.S. administration realized that the other side of the coin was the Cuban regime taking advantage of the emigration waves to the U.S. “in order to export the opposition or to cleanse the [sic] society of those it disliked” (88), the United States government temporarily suspended all immigration cooperation. In the years to follow, although Cuban emigrants still enjoyed preferential treatment compared to other foreign nationals entering U.S. territory in search of refuge or asylum, “the status quo of U.S. policy toward Cuban migrants was altered significantly” (Wasem 2). The main objective until today has been to ensure safe, legal, and orderly immigration, but also to keep a cap on the issuance of immigration visas to control the influx of Cuban nationals becoming permanent residents in the U.S. after one year. As a result of the 1996 agreement, migration talks between the two countries are supposed to be held twice a year. However, these talks were suspended at several times in history: first by the Bush administration in January 2004 due to Cuba’s refusal to discuss several migration-related issues, until President Obama revived the talks in 2009. Yet, when Alan Gross was sentenced to 15 years in prison in 2011, they were again suspended for two years. Since June 2013, the talks have taken place regularly in six-month intervals again.





4.5.2. Current Migration Trends

Despite all policy measures to prevent illegal immigration to the United States and to provide an orderly framework for legal migration, a study by Florida International University in 2014 found that “[m]ore Cubans migrated to the United States during the first ten years of the 21st century than in any previous decade since the revolution” (Florida 24). Escaping the island by boat via the Florida Straits to the United States has become common practice. The U.S. Coast Guard provides data on alien migrant interdictions from fiscal year 1982 until the first of May 2015, which show that interdictions of Cuban “boat-people” have fluctuated substantially. Starting with less than 50 interdictions per year during the 1980s, the Mariel exodus in 1994 marked an all-time high with 38,560 reported interdictions. After a sharp decline to at times less than 500 interdictions per annum in the years to follow, the number spiked again in 2007, when 2,868 Cubans were interdicted at sea, but decreased slightly afterwards again (United States, *Alien*). Similarly, this fluctuation can be seen in data about detentions at land borders. Data on apprehensions by the U.S. Border Patrol reveal that detentions of Cubans increased by 39% from 2002 (1,541) to 2005 (2,144) (Nuñez-Neto, Siskin, and Viña 17). In the five-year period from 2005 to 2010, apprehensions on land peaked at 4,295 in 2007, but slipped to only 712 in 2010 (Sapp 2). By 2012, this number had risen to 4,041 apprehensions again (Simanski and Sapp 3). Overall, it can be stated that the occasional, and sometimes significant, declines in numbers cannot obscure the fact that the general trend in illegal Cuban immigration to the United States has moved upward.

With these figures in mind, the migration trend depicted in an official population projection by the Cuban National Bureau of Statistics (*Oficina Nacional de Estadísticas* in Spanish) in 2006 raises doubts as to whether the Cuban government is willing to realistically assess the emigration situation in Cuba. Based on “los antecedentes, situación actual y la evolución de la población cubana”¹¹ (Oficina Nacional), the report elaborates projections for five-year periods, starting with 2005 to 2010 and ending with 2030 to 2035. As one of the final findings, the paper suggests: “Las migraciones externas se mantendrán en los promedios actuales durante un decenio y después comenzaría a descender un 25% por cada nuevo quinquenio hasta hacerse igual a cero”¹² (Oficina Nacional). This statement stands in strong contrast to the previously mentioned U.S. data indicating that sharp fluctuations in migration patterns are standard, and that Cuban immigration to the United States has risen rather than fallen over the last decade. Consequently, it



seems unrealistic to assume that this trend will break after the next decade and that the figures will decline gradually afterwards. Additionally, if the government's forecast was truly based on precedents in the history of Cuban migration, it would take into consideration that political and social developments strongly correlate with the decision to migration, as has been proven by the Mariel exodus following social upheaval in Havana.

Keeping this argument in mind, it is interesting to take a look at current developments in Cuban migration following the December 17-announcement. At the beginning of 2015, the U.S. Coast Guard issued a statement on the recent migration behavior of Cuban "boat people," in which it reported the interdiction of 481 migrants in 37 events in December 2014, an increase of 117% from December 2013. Already in the first five days of 2015, a total of 96 Cuban migrants were interdicted at sea in seven separate events in the Florida Straits (Lamothe). During the following months, U.S. media reported on a daily basis about a growing number of interdictions at sea. The *Martí* web page, part of the multimedia initiative including Radio and TV Martí that was initiated by the United States to broadcast uncensored news to Cuba, stated in late April 2015 that from January until then 2,086 Cubans had been interdicted at sea by the Coast Guard, representing a 170% increase compared to the same period in 2014 ("Interceptan"). Likewise, a report from May 2015 revealed that during the first three months of the year a total number of 9,371 Cubans trying to reach the United States by sea or by land had been detained, mainly along the Mexican border or the Miami coast ("Llegada de Cubanitos"). As these examples show, as a consequence of the announcement of U.S.-Cuban rapprochement, illegal Cuban immigration to the United States has increased dramatically in a very short time. The reason is obvious: the Cuban regime has always opposed U.S. immigration law and policy, decrying that in particular the "wet foot, dry foot" policy "promotes illegal immigration, people-trafficking and dangerous journeys across the Florida Straits on flimsy vessels" (Trotta, "U.S., Cuba Clash"). Added to that, the Cubans' preferential treatment in the U.S. is an attractive incentive for emigration that "drains the country of talent" (González). For this reason, the United States and Cuba already clashed over the question of U.S. immigration policy during the first round of negotiations, because "[d]espite Havana's objections, the Americans vowed to continue granting Cuban immigrants special status" (Trotta, "U.S., Cuba Clash"). Nevertheless, crowds of Cuban nationals head to sea because they fear that their exceptional legal status under the CAA might be taken away if the U.S. and Cuba come to an agreement that satisfies both sides.



This fear might not be completely groundless. President Obama's decision to open up to rapprochement with Cuba might in part be motivated by the belief that once normalized relations between the two countries make it easier for more Cubans to travel frequently to the United States, less Cuban nationals will try to emigrate illegally to the U.S. and become permanent residents. Additionally, U.S. hope is that normalized relations with the socialist country will improve business opportunities on the island and speed up Raúl Castro's economic market reform process, which, in turn, would provide improved living conditions for Cuban nationals. Higher living standards and satisfaction with employment opportunities on the island might prevent a considerable number of Cubans from migrating for economic reasons, thus reducing the number of illegal immigrants and applicants for permanent residency in the U.S., or even averting future crises comparable to the Mariel exodus. Moreover, in recent years the CAA has been increasingly criticized, as Ruth Ellen Wasem summarizes:

Over the decades since its enactment, it has enabled most Cubans to enter the United States regardless of whether they have proper immigration documents. Some opponents of the CAA assert that it is discriminatory because it gives Cubans an immigration advantage that foreign nationals from no other country have. (17)

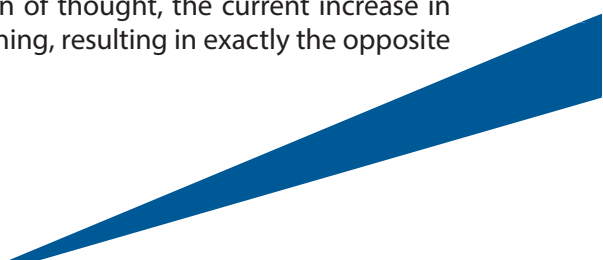
These critics argue that in particular against Washington's overhaul of the flawed U.S. immigration system in general, "Cubans should have the same rights as other foreign-born immigrants – no more, no less" (Eckstein, "Time"). In addition, "[i]mmigration control proponents have argued that [the CAA] serves as a magnet attracting Cubans who would not otherwise qualify for admission" (Wasem 17). They denounce that the post-Cold War arrivals "are seeking better economic conditions, not fleeing political persecution" (González). In consequence, having received "green cards after being paroled into the U.S. under the [CAA, they] frequently return to Cuba to visit relatives, making a mockery of the policy" (González). According to these critics' reasoning, treating Cubans preferentially under the CAA is an outdated and unnecessary approach. Although at this point in time the Obama administration insists that U.S. immigration policy for Cubans will not change, with opposing voices becoming louder and the aforementioned argumentation in mind, Obama might opt in the long run for finding a mutual agreement with his counterpart and end Cubans' unique immigration privileges rather than continuing a policy that was initially introduced to "highlight [...] Cubans' preference for capitalist democracy over communism" (Eckstein, "Time").



Yet, when President Obama made his announcement in December 2014, he most certainly did not foresee this spike in illegal Cuban immigration. Keeping in line with the argumentation that improved living conditions in Cuba due to normalized relations with the U.S. would serve as an incentive for Cubans to stay in their home country rather than emigrating to pursue the American Dream, the U.S. president might have presumed that a reverse migration would take place, namely the permanent return of those Cubans living in U.S. exile who emigrated for mainly economic reasons. In theory, upon their return they would take with them American values and ideology, and thus subversively introduce capitalist thinking to the socialist neighbor country. However, as Doris Henning argues in her essay "Kuba in Miami: Migration und ethnische Identität," this reasoning is not very realistic:

Wahrscheinlicher, als dass nach einem politischen Wechsel Kubaner aus den USA massenhaft nach Kuba zurückkehren, ist, dass viele Inselkubaner nichts anderes wollen, als 40 Jahre sozialistische Mangelwirtschaft hinter sich zu lassen und ein neues Leben in Florida zu suchen, wo es schon [über] eine Million Landsleute gibt, die ihnen den Start erleichtern könnten. (648)

Even if the reestablishment of relations between the two countries opens up new opportunities for Cuban nationals, these changes are going to take time. Instead of waiting for more freedoms at home and – should Congress lift the embargo entirely – an end of Cuba's isolation, younger Cubans are most likely going to continue to strive for a life in a familiar environment, but on soil that promises more opportunities – a reality they expect to find in the well-established Cuban American community. In contrast, the older generations of self-exiled Cubans, who sought refuge in the United States because of fear of actual political prosecution, have no interest in returning to their former homeland because their "memories of atrocities, oppression, and torture committed by the Castro regime during 55 years are awfully difficult to forgive, let alone forget" (García). A March 2015-poll by Bendixen & Amadi International among 400 Cuban American adults living in the United States asked whether they would even travel to Cuba in the near future. 67% stated they would not, while only 24% said they would. Filtered by country of birth, of the people stating they would not travel to Cuba 75% were born in Cuba, and 45% in the U.S. While only 36% among the 18 to 29-year olds would not travel to Cuba, in the 65+ bracket the figure amounted to 83% (Bendixen & Amadi International). Following this train of thought, the current increase in Cuban immigration might just be the beginning, resulting in exactly the opposite





of what is expected: instead of Cubans leaving the United States following the reestablishment of relations between the two countries, an ever growing number might come and want to stay.

An apparent contradiction manifests itself: while a great number of U.S. and international business representatives have been flocking to Cuba to determine potential opportunities on the island during the last months, the Cuban population is alarmed about the impending changes and many have fled the island. Omar López Montenegro sums up:

En los últimos 6 meses, a partir del 17 de diciembre, el tema cubano se mueve en dos grandes direcciones contradictorias. Los intereses extranjeros en dirección a la Isla [sic], y los intereses de los cubanos que viven en la Isla [sic] en dirección al extranjero. No hace falta ser muy inteligente para darse cuenta que nadie puede saber más de un país que los que viven en él, así que si ellos miran hacia afuera en busca de mejores horizontes, la situación no puede ser tan promisoría allá adentro.¹³ ("Resumen de hoy: La vida")

If President Obama's decision to initiate negotiations with Cuba is really partly influenced by previous migration trends and the hope that less people are going to immigrate to the United States under normalized relations between the two countries, he should not dismiss Cuban reality. Cuban nationals would rather leave the island in panic hoping for a better future abroad than stay and wait for changes to be implemented at home. Cuban exiles in the United States are not willing to return even after Raúl Castro has shown his willingness to introduce reforms and negotiate with the U.S. government. This proves that Cuban nationals in Cuba and living in exile in the U.S. do not believe that they are going to be the ones profiting from normalized relations, but that it will be the business community and government officials on both sides. Yet, since it is the ordinary Cuban citizen and not the business representative or the state official who is going to immigrate to the United States when he or she is dissatisfied with the situation at home, President Obama should change his focus and work to ensure that the Cuban population understands all impending changes, their advantages for Cuban nationals, and the resulting opportunities on the island.

4.6. Cuban American Influence

According to data by the Pew Research Center, an estimated two million Hispanics of Cuban origin reside in the United States, up from 1.2 million in the year 2000



(Lopez and Krogstad). This makes Cubans the fourth-largest population group of Hispanic origin living in the United States (Brown and Patten). In 2000, 68% of Cuban Americans were born in Cuba. This number dropped to 57% in 2013, since the older generation of Cuban exiles has started to pass away (Lopez and Krogstad). About two-thirds of all Cuban and Cuban American nationals in the United States reside in Florida, "with a majority (54 percent) of the population living in metropolitan Miami" (Singer and Svajlenka). Despite the large migration wave after Fulgencio Batista's overthrow in 1959 and the Mariel boatlift in 1980, "[m]ore than half of the immigrants from Cuba (52%) arrived in the U.S. in 1990 or later" (Brown and Patten). Each of these migration groups was uprooted in a different time period. For this reason, their varying political views "can be traced back to their different experiences when they lived on the island" (Eckstein, "The Personal" 139). Scholars usually divide them into a pre- and post-Mariel group, differentiating between "old" and "new" Cuban emigrants living in the United States.

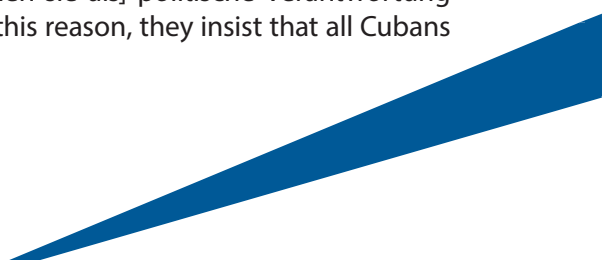
In general, those Cubans who emigrated right after Fidel Castro seized power, mainly between 1959 and 1964,

were political refugees who flourished in Batista's Cuba but struggled with the Revolution. These immigrants tended to hold higher skilled jobs [...] and were more likely to have had property seized and relatives persecuted, imprisoned, and tortured at the hands of the Castro government. (Bishin and Klostad 588).

For them, the Revolution was a defining politically negative experience, which "continued to shape their views on Cuban matters even after they had lived for decades in the United States" (Eckstein, "The Personal" 139). Upon their arrival to the United States, these self-defined exiles "were able to avail themselves of a variety of [...] programs that would help foster their economic success" (Bishin and Klostad 588). Additionally, Doris Henning elaborates that

[e]in nicht zu unterschätzender Faktor, der zum Erfolg beitrug, war auch die Tatsache, dass das Werte- und Normensystem dieser [Emigranten] sich seit langem an den USA orientierte. ..., sei es durch vorherige Aufenthalte in den USA, sei es durch Beschäftigung in auf Kuba tätigen Unternehmen ... (629).

This first generation of immigrants firmly believes in the Cuba as it used to be before the Revolution: "das *Cuba de ayer* – das Kuba, wie es war und das Kuba, das hätte sein können – zu repräsentieren [sehen sie als] politische Verantwortung und Auftrag" (639, italics as in original). For this reason, they insist that all Cubans





who leave their home country do so for political reasons and must be considered political refugees (640).

Yet, Cubans' motivation to emigrate has clearly evolved over time. The Mariel and post-Mariel arrivals "were children of the revolution, and their defining experience was the traumatic economic crisis caused by the abrupt ending of Soviet aid and trade" (Eckstein, "The Personal" 139). Their motivation to emigrate was therefore "less political and more directly tied to the desire for increased economic opportunity" (Bishin and Klostad 589). They "lack the anti-Castro fervor that characterizes earlier émigrés' political views" (586), retain close ties to family on the island and try to improve the economic situation of those left behind by sending money from the United States. Estimates of yearly remittances to Cuba vary widely, ranging from about 400 million to two or three billion U.S. dollars, depending on the available data and methodological calculations applied. By the beginning of the twenty-first century, the Mariel and post-Mariel immigration groups "accounted for about one-fourth of the island-born in the United States, outnumbering the exile core" (Eckstein, "The Personal" 139) and defining the transition from a self-conception of exiles to immigrants.

Cuban migrants' differing experiences on the island, the resulting political mindset, and the time gap between migration waves caused "a real generational and ethnic division in the Cuban-American community" (Olson and Olson 88). Even though more recent arrivals are "just as disenchanted with the communist regime as the first-generation exiles," they reject the latter's "all-or-nothing political polarization" (Lopez-Levy). Cuba expert Wilson Cardozo elaborates:

Sie haben keine radikale konterrevolutionäre Position und kritisieren die Intoleranz der ultrakonservativen Organisationen in Miami. Die junge Generation von Immigranten verändert das Bild der kubanischen Gemeinde in den USA, da sie ihre Verbindungen zu der Verwandtschaft in Kuba aufrechterhält. (118).

And Doris Henning adds: "Meinungsumfragen zeigen, dass [die jungen Exilkubaner] mehrheitlich für den Dialog mit denen auf der Insel eintreten und an einem friedlichen Übergang zu einem neuen Kuba mitwirken wollen – wenn sie sich überhaupt noch dafür interessieren" (645-46). This split in political and ideological opinion between "old" and "new" Cubans mirrors itself in polls about support for the U.S. economic embargo among Cuban Americans in the United States. While in 1991 a mere 13% of Cuban American adults in South Florida opposed continuing the embargo, this figure has climbed to 52% in 2014, and 68% now support the reestablishment of diplomatic relationships (Lopez and Krogstad).



Yet, a Miami poll from mid-2014 among Miamians who were born in Cuba showed that 61% still support the embargo (Lind). For them, “the embargo [symbolizes] continued commitment to their battle with Castro, which they [refuse] to put to rest, even with the transition of rule from Fidel to his brother, Raúl” (Eckstein, “The Personal” 139). Consequently, only 47% of Cuban immigrants who arrived before 1965 in the U.S. state that they favor the re-establishment of diplomatic relations between Cuba and the United States (Lopez and Krogstad). In comparison, 58% of Cubans who arrived in the U.S. in 1995 or later oppose the embargo, and 80% of recent Cuban immigrant arrivals are in favor of reestablishing diplomatic ties (Lopez and Krogstad).

Yet, the older generation of Cubans has established itself a strong presence in the United States. Immediately upon their arrival in the 1960, these immigrants made an effort to actively help shape U.S. policy toward Cuba. However, their influence was only marginal, until in July 1981 a small group of Cuban Americans founded the Cuban American National Foundation (CANF) in an “attempt to reach a widespread audience of national media, policy decision and public opinion makers” (“History”). Backed by generous private donations the CANF quickly managed to enter “Washington’s Cuba-policy maker’s inner circle” (“History”) and became the first exile organization in the United States to successfully advance interests of the Cuban diaspora not only on the local, but also on the national level. While the foundation’s members advocate a hard line U.S. Cuba policy, the CANF’s “fundamental founding principle in its approach to the US political system was to seek, for the first time in Cuban exile political activities, a broad bipartisan consensus” (“History”). As a consequence, the financially strong foundation supports conservative legislative proposals “disregarding the political denomination of the office holder” (“History”) and in the past has “also supported campaigns of non-Cuban Americans” to “rally congressional support for legislation it favored” (Eckstein, “The Personal” 129). For example, Robert Torricelli,

chief congressional sponsor of the first post-Cold War embargo-tightening legislation, the 1992 Cuban Democracy Act [...] was a New Jersey Democrat, but not of Cuban descent. Torricelli was the second-largest recipient of Cuban American funding between 1979 and 2000, and, as the political contributions flowed to his campaign coffer, the former advocate of U.S.-Cuba dialogue championed tightening the embargo. (129).

Similarly, in 1996, the two sponsors of the next embargo-tightening legislation, the Helms-Burton Act, “received substantial Cuban American campaign



contributions either shortly before introducing the legislation or when Congress deliberated the bill" (130). As these examples illustrate, "through generous contributions, the CANF made it very worthwhile [...] to support hard line anti-Castro policies" (Wilkinson 55). At the same time, "[b]y targeting negative advertising at any [legislation or] electoral hopeful who suggested a softening of policy towards Castro, the CANF made it deeply unattractive [...] to bother with the Cuba question" (55). The foundation and success of the CANF was a stepping stone for the creation of other organizations and Political Action Committees, which funnel "contributions to help elect pro-embargo candidates, to defeat pro-embargo-loosening candidates, and to create an anti-Castro constituency among members of Congress who might otherwise have been indifferent to Cuban matters" (Eckstein, "The Personal" 131).

Organizations such as the CANF give conservative, first-generation Cuban exiles a voice and exert influence on U.S. Cuba policy through financial funding. Yet, at the basis this group's political strength relies on the non-organized ordinary Cuban Americans' vote. Since only U.S. citizens have the right to vote, Cuban immigrants need to bear the costs of and "must endure the torpid citizenship process, which under the 1966 Cuban Adjustment Act takes about five years. Immigrants who have not been in the United States this long are ineligible for citizenship and thus unable to vote" (Bishin and Klostad 595). As a consequence, once they have obtained it, "Cuban Americans take both citizenship and voting rights seriously" (Eckstein, "The Personal" 126). Due to their lower socioeconomic background and less accommodating circumstances at the time of their arrival to the U.S., the cost of political participation for post-Mariel immigrants is greater than for the earliest Cuban refugees, who tended to enter the U.S. with more resources and benefited from incentives and programs provided by the U.S. government (Bishin and Klostad 588; 595). For example, when President Bush tightened the embargo in 2004, "[m]ost Soviet era émigrés were U.S. citizens and therefore likely to vote [for his reelection], whereas only one-fourth of New [sic] Cubans were U.S. citizens" (Eckstein, "The Personal" 140). Doris Henning points out a curiosity:

Ihren politischen Einfluss haben die Kubaner vor allem dadurch gesichert, dass sie in sehr viel höherem Maße als andere Latinos die US-Staatsbürgerschaft angenommen haben und das dadurch erworbene Wahlrecht auch häufiger und gezielter ausüben [...]. Offensichtlich wurde nie ein Widerspruch darin gesehen, den Anspruch zu erheben, die ‚wahren Kubaner‘ zu sein und gleichzeitig US-Bürger zu werden. Es wurde



im Gegenteil als Möglichkeit interpretiert, im Interesse Kubas, wie es die Diaspora definiert, Einfluss auf nationale und lokale Politik zu nehmen. (646-47).

Even though their number is comparatively small and gradually declining due to demographic change, the group of first-generation Cubans within the exile community constitutes “a voting bloc whose enormous political heft belies its size” (Lopez-Levy). These Cubans “have magnified their political influence by primarily residing in the largest electoral ‘swing state,’ Florida; by electing ‘their own’ to local offices; and by prioritizing ethnic concerns when voting” (Eckstein, “The Personal” 126).

Yet, despite organizational support, an economic advantageous position, and U.S. citizenship, “[t]he grip of the Cuban-American hardliners on [...] politics is slipping, diluted by the generational change in the Cuban-American community” (LeoGrande 90). Pre-Mariel refugees tend to be Republican. Their support for the GOP emanates from the party’s strong anti-communist stand, its pro-business and small government platform, as well as the general perception that the Democratic Party does not pursue an uncompromising and successful U.S. Cuba strategy (Bishin and Kloststad 588). Yet, traditional party loyalty has been crumbling since Barack Obama’s first presidential campaign. “Ordinary Cuban Americans became increasingly divided in the policies they coveted, and influential Cuban Americans ceased to speak in a single voice to leverage votes for ethnic gain” (Eckstein 138). The most prominent example for that is the endorsement of then Senator Obama’s candidacy by CANF chairman Jorge Mas Santos, which demonstrated that in 2008 the Cuban exile community had grown apart from the Republican politicians who traditionally had represented its interests in Washington over decades. In the 2008 presidential election, “Obama obtuvo el 35% de los votos cubanoamericanos, una cifra inesperadamente alta, que se elevó al 48% en 2012, un record para un demócrata”¹⁴ (“Confidentes”). According to a survey conducted after the election, 84% of the Cuban Americans older than 65 supported Republican candidate John McCain, while 55% of the younger members of the community voted for Obama (Cerezo 146). The support for Obama in his run for president reflects a shift in political party affiliation among Cuban registered voters – a trend that has not been reversed to date. A 2013 Pew Research Center’s survey showed that “Democrats have made inroads with the community, with younger Cubans leaning increasingly Democratic compared with their elders” (Lopez and Krogstad). Among Cuban immigrants who arrived before 1990, 48% said they identify with or lean toward the Republican Party, while 35% said they are Democrats. In contrast, 57% of recent



Cuban immigrant arrivals (those arriving since 1990) stated they are Democrats, while only 19% identified with the Republican Party (Lopez and Krogstad).

As this chapter has demonstrated, the Cuban American community in the United States, in particular the first generation of immigrants, has considerable political influence on U.S. policy toward Cuba, making it an “intermestic issue,” as Bert Hoffmann calls it: “[eine] Frage, in der internationale und nationale (*domestic*) Politik scheinbar untrennbar verquickt sind” (“Außenpolitik” 183, italics as in original). The Cuban community’s representation by organizations such as the CANF that exercise considerable influence on policy makers through financial contributions and a strong public presence make it impossible for the U.S. administration to disregard the community’s opinion on Cuba policy. Yet, the demographic change has caused an ideological split within the Cuban American community. Exile hardliners’ voices, who continue to fight a “long-distance civil war” (188) with the Castro regime on the island, are increasingly drowned out by the younger generation of Cuban immigrants, who tend to break with the traditional political and ideological orientation. A poll by Florida International University in March 2014 among the Cuban American community in the U.S. showed that “[s]ixty-four percent of registered voters consider a [presidential] candidate’s position on Cuba to be important in determining their vote” (Florida 17). For President Barack Obama, satisfying this politically influential constituency therefore requires a carefully balanced approach toward Cuba, but at the same time the Cuban American community’s internal evolution has opened up opportunities for policy changes. Even though the President has publicly admitted that “no practical gain can realistically be expected” from the embargo, “sanctions often provide symbolic gratifications [for] specific [...] constituencies” (Nincic 28), in this case the conservative “old” Cubans. Thus, although President Obama decided to loosen some of the embargo restrictions during his first term in office, the general embargo stayed in place. Yet, despite their unrelenting approach and decade-long concessions by U.S. administrations, “[haben a]uch die Exilkubaner [...] letztendlich kein Rezept in der Hand, wie es denn zu einem politischen Wechsel kommen sollte – außer weiter zu warten auf einen Zusammenbruch, Volksaufstand oder den Tod Castros” (Hoffmann, “Außenpolitik” 185-86). Realizing that, President Obama seized the moment of the gradual shift in party affiliation and voting decision among Cuban American exiles and decided to radically change the U.S. approach toward Cuba in his second term in office. This was a politically bold move, because his announcement might have alienated some of the most radical Cuban exiles, who – embedded in the organizational framework

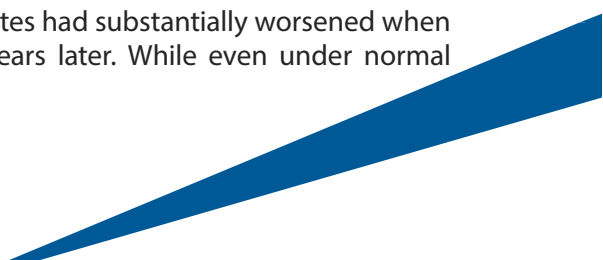


of the CANF and other organizations that are unwilling to extend a hand to Cuba while it remains under the Castro brothers' reign – have shaped U.S. Cuba policy for decades. However, against the general trend toward a “warmer attitude toward Cuba amongst recent emigrants” (Lind), President Obama's decision to reestablish relations most likely tips the scale in his favor within the Cuban American community as a whole. By gradually turning away from traditional patterns and the “old” constituency, Obama opened up new paths toward Cuba and in so doing also toward a “new” constituency for the Democratic Party.

4.7. Elections and Political Legacy

On October 6, 2014, The Brookings Institution, a Washington-based think tank, hosted a number of Cuba experts to discuss recent research findings and provide recommendations for present and future U.S. negotiators. During this conversation, William M. LeoGrande, professor of government at American University, stated that “there's a tendency [...] among policymakers to hope that if you sort of take small steps toward an improvement in relations, you won't cause too much of a political furor at home because they're just small steps” (Brookings, *Uncorrected Transcript* 25). It seems as if this statement can be applied to President Barack Obama's Cuba policy during his first term in office. Obama argued that President “Bush's policies left Cubans too dependent on the Castro-led regime and too removed from the transformative message that Cuban Americans carry” (Eckstein, “The Personal” 141), and consequently decided to lift the restrictions on travel and remittances imposed by his predecessor's administration. This was far from being a revolutionary accomplishment, since previous U.S. presidents had repeatedly modified provisions of the embargo over the course of the years. It was rather a cautious step toward fulfilling one of his main campaign promises, namely to improve relations with the hemisphere. Mark Weisbrot argues that there is no electoral gain and only possible risk in changing U.S. policy toward Latin America, since the region is off the radar screen for the vast majority of the U.S. electorate (69). He adds that “[t]he embargo on Cuba is an obvious example; although the risk of losing Florida[s] Cuban American voters] because of lifting the embargo is increasingly small, there is simply no reason to take a small risk” (69). Nevertheless, Obama decided to test the waters without causing “too much of a political furor at home.”

The economic situation in the United States had substantially worsened when Barack Obama stood for reelection four years later. While even under normal





circumstances “[f]oreign policy concerns [...] do not play a major role in U.S. presidential elections” (Weisbrot 69), the country’s economic demise at that time was every policy maker’s principal preoccupation. Whereas at the beginning of the year 2011 Obama had further modified embargo provisions, “[u]nder these circumstances, it [did] not make sense from a political point of view to get into any avoidable fights over foreign policy” (69) in order to improve his chances of being reelected. For this reason, the president focused on economic issues in his campaign and secured a second term in office. Nevertheless, the political panorama changed significantly after two years of his presidency. Faced with “persistent congressional gridlock and the results of the 2014 midterm elections, which gave Republicans a majority in both the House and the Senate, Obama confronted two more years of complete inaction” (Naím). Against this abysmal political background, he ran the risk of being a so-called lame duck – a policy maker who no longer has any political influence. Apparently, the president decided to place no value on keeping a low foreign policy profile anymore, but instead promised to defy Congress and his political opponents: “[W]herever and whenever I can take steps without legislation [...], that’s what I’m going to do” (United States, *President*). With regard to Cuba, this meant to make use of presidential executive orders to change embargo provisions in order to go further in reestablishing relations with the island nation than any other U.S. president before him. In light of the developments in Obama’s Cuba strategy over the course of his two tenures it seems fair to say that two things motivate his approach: the presidential election cycle and the desire to leave a legacy.

It can be noted here that Obama’s approach falls in line with some of his predecessors’. In 1992, Congressman Robert Torricelli, Democrat of New Jersey, introduced the Cuban Democracy Act (CDA), also known as Torricelli-Act, which reflected congressional frustration about President George H. Bush’s Cuba policy as well as the growth of a politically active Cuban American constituency (Fisk and Perez 75). Even though Bush had “noch zwei Jahre zuvor gegen einen ganz ähnlichen Vorstoß, das so genannte *Mack-Amendment* sein Veto eingelegt” (Hoffmann, “Außenpolitik” 166, italics as in original), he eventually approved the Torricelli-Act a mere three months before his term of office came to an end. Bush’s refusal to sign the Mack-Amendment (which was to ban all subsidiary trade with Cuba from third-countries) was clearly motivated by his vested interest to cater to the influential business lobby with subsidies located outside of the U.S., whose trade amounted to approximately 718 million U.S. dollar in 1991 (166). But when it came to the Torricelli-Act he was driven by competition with the Democratic



presidential candidate, then Governor Bill Clinton of Arkansas, who embraced the legislation: “When pressed to choose between backing business and ally interests and courting Cuban American Florida votes in an election year, the latter mattered more” to the incumbent president (Eckstein, “The Personal” 134). In order to get those votes, the ball was in Bush’s court to prove that the Republican candidate, traditionally in favor of tightening the embargo, was not softer on Cuba than the rivaling Democrat.

Despite his support for the Torricelli-Act, Bush eventually lost to Clinton, who “thought he could put Cuba policy on the backburner after the 1992 election” (LeoGrande 88). This proved to be rather shortsighted, because just a few years later Clinton was faced with a similar decision. On February 24, 1996, Cuban military jets shot down two U.S. civilian planes belonging to the Cuban American organization *Hermanos al rescate* (Brothers to the Rescue), killing three U.S. nationals. On March 12, 1996, President Clinton signed the Helms-Burton Act into law, which “was prepared in February 1995 and Washington waited for the most opportune moment to put it to a vote” (Lamrani 33-34). The Act severely strengthened the economic siege, inscribed the embargo into law, and deprived the U.S. president of all former prerogatives. Some critics suggest that without the brutal incident the president would not have signed the legislation. Nevertheless, “[i]n his memoir Clinton acknowledged that his support for the bill was good election-year politics in Florida” (Eckstein, “The Personal” 135), where he even held the signing ceremony – just as his predecessor did. Despite Clinton’s comparatively liberal stance toward Cuba, following Bush’s example he succumbed to electoral pressure and signed an “embargo-tightening legislation that he previously had opposed” (134). As a result, he was the first Democratic candidate to win the swing-state Florida in 20 years, as well as his presidential reelection bid (135). However, the downside to his signing was “that it undermined whatever chance he might have had in a second term to lift the embargo in exchange for changes on the island” (135). Similarly, had Bush won the 1992-election instead of Clinton, he would not have been able to revert the legislation responsible for his victory without losing face. For this reason, it can be stated that both Bush’s and Clinton’s actions served their “opportunistic, short-term political interests but [were] inappropriate for the long term” (120). In the case of the Helms-Burton Act, with its internationally unpopular extraterritorial claims, the United States torpedoed its relation with other countries as well by signing it into law: “What was good for winning an election proved bad for U.S. foreign relations” (135) with the rest of the world. Nevertheless, the names Bush and Clinton are irrevocably connected with



the Torricelli and Helms-Burton Act, respectively, thus leaving behind a legacy in the context of U.S. Cuba policy.

As these examples show, “embargo policies, in the main, became more restrictive in presidential election years” (Eckstein, “The Personal” 133) – principally for opportunistic electoral reasons, but also with the side-effect of being remembered as a president who had a decisive impact on the history of U.S.-Cuban relations. Yet, when not running for re-election incumbents readily supported loosening the embargo, “so that concern with the Florida vote did not take center stage” (136). In his second term in office, President Barack Obama seems to follow in the footsteps of his predecessors. Since he cannot be reelected in 2016, there is no need for him to please moneyed and influential lobbyists or other groups with vested interests. Secondly, he cannot be held accountable as president for future negative implications of his policy. And, most importantly, he defies his current disadvantageous political position by concentrating on an area where he has the necessary leeway to bring about immediate political change without depending on congressional approval. However, to leave a lasting legacy, he needs to ensure that the next U.S. president will continue his Cuba policy and not revert it. For this reason, it is in his own interest to actively support the possible 2016 Democratic presidential candidates who are going to run against Republican candidates such as Cuban American Senator Marco Rubio from Florida. Rubio has announced that, should he make it into the White House, he would immediately break relations with the Cuban regime (“Marco Rubio”), thus wiping out the progress made in U.S.-Cuban relations that otherwise would be Obama’s legacy. With his tireless dedication since the December 17-announcement to lay the groundwork for future diplomatic, economic, and political relations Obama helps the possible 2016 Democratic presidential candidates in many ways: “if this is kind of off the table the table [sic] before the campaign really begins, [they] can pick up some momentum” (Brookings, *Uncorrected Transcript* 32). In practical terms, picking up momentum means securing campaign financing and votes. In contrast to the Democrats, the Republican presidential candidates can always count on funding from (Florida’s) Cuban American hardliners. For example, in the first 24 hours after Rubio had officially declared to run for president, he collected 1.25 million U.S. dollars for his campaign (“Marco Rubio”). Yet, a considerable number of Cuban Americans have developed a much less radical stance toward Cuba, thus representing a constituency for Democrats to tap into. For this reason, Obama’s fellow party members and likely successors ask him to



[‘]get this done,’ not only because of the regional strategic opportunity [in Florida] but because there’s campaign finance opportunity there where you have Cuban Americans of longstanding republican [sic] wealth orientation who have now moved and are [...] saying repeatedly, publicly and privately, ‘We want to be a part of Cuba’s future. American laws are getting in our way.’ Who are ready to put to bed the longstanding fight. (Brookings, *Uncorrected Transcript* 21-22).

To sum up, confronted with a limited scope of political action in the remaining months of his presidency, President Obama’s recently launched Cuba policy on the one hand paves the way for the victory of another Democrat in the next presidential election, and on the other hand proves that he “gets things done” even under adverse conditions. Although “[p]olitical opportunity is never a guarantee for political action or policy coherence,” it can undoubtedly be stated that in this case “for the first time in decades there is a convergence in political self-interests in Cuba and the United States that could break a legacy of stalemate” (Huddleston and Pascual 13). Therefore, in contrast to U.S. presidents before him, Obama’s allegedly opportunistic policy move contributes to a greater political cause, namely the long-term improvement of U.S. foreign policy relations with Cuba, rather than to simply serve short-term political interests. One can only hope that in the case of the election of a Republican candidate as president he or she will look beyond party lines or vested interest and ensure coherence of future U.S. Cuba policy.



CHAPTER 5

Reactions to Obama's Approach

As has been stated in this thesis, Washington's relation with Cuba has seldom been a matter of urgency for U.S. policy makers in the past. Today, the situation is different. President Obama is clearly aware of the fact that in order to reach tangible results by the end of his presidency, which cannot be easily reverted by a potential successor with adverse political views, there is need for urgent and decisive action. Following his announcement on December 17, 2014, Obama has come under considerable pressure from his party colleagues, business lobbyists, and other interest groups to deliver on his promise to reestablish relations with Cuba. Therefore, he is eager to set developments in motion that were agreed upon during the negotiation talks with the Cuban government over the last months. This chapter describes the reactions by the Cuban government, the U.S. Congress, and the U.S. business community to Obama's political push forward and, based on these descriptions, outlines the developments that can realistically be expected.

5.1. Reactions by the Cuban Government

In contrast to the U.S. president, Raúl Castro has the sole authority in his country: in addition to his duties as president, he simultaneously holds all the highest political and military offices that exist in Cuba. Furthermore, almost all enterprises in Cuba are state-owned after being nationalized by the Castro government in the wake of the revolution in 1959. Therefore, Castro does not feel obliged to explain himself to his party or the Cuban business community. He made this clear at a press conference with Cuban journalists on May 12, 2015, where he stated that changes on the island would, as they always had, be implemented at the Cuban



pace (“Raúl: proceso”). Keeping in line with his announcement in December, this statement shows that he is willing to embrace closer political and economic ties with the U.S., but not at the expense of Cuba’s national sovereignty and its commitment to the fundamental principle of socialism. Since this ideology is the legacy of the Castro brothers’ revolution, the “Cuban pace” actually means formerly Fidel’s and now Raúl’s pace. Especially with regard to the expected economic transformations, Raúl added during the press conference: “Sobre todo no queremos tomar ninguna medida que sacrifique a nuestro pueblo. Eso es lo más importante. Y nuestro pueblo lo entiende”¹⁵ (“Raúl: proceso”). He acts protective of Cuba’s national ideology and the public good, apparently backed by the citizens’ approval, while on a superficial level he “appears to be open to business and expanded interaction with the world” (Fisk and Perez 84). Nevertheless, one needs to take a closer look at this seemingly well-intended protective and slow-paced approach.

Castro speaks of measures that could demand sacrifices of the Cuban people. In fact, however, the economic and political situation in Cuba to date requires high sacrifices already. Examples of the populations’ suffering are numerous. With regard to the economy, a 2014 global ranking of the average monthly disposable salary confirmed that Cuba’s average salary of 25.05 U.S. dollars is the lowest in the world (“Cost of Living”). Since Cuba’s economy is largely state-controlled, with the government owning most means of production and employing a majority of the workforce, most Cubans are forced to sustain their livelihood with the extraordinarily low wages paid by the government (Sullivan 10). Cubans who wish to improve their living conditions independently of the government and turn to the private sector and self-employment have to combat internal restrictions, excessive regulations, onerous taxation, and bureaucratic limitations imposed by the state (González-Corzo). Even though Raúl Castro has understood the importance of market-oriented economic reforms if Cuba’s slacking centrally-planned economy is to recover, the so-called *lineamientos*, reform guidelines adopted by the Cuban government in 2011, lack clarity with regard to Cuba’s future development model and have failed to end the chronic shortages of food and unstable supply of products to the present day that cause suffering among the final consumers in Cuba (Brookings, *Cuba’s Economic Change* 3; “Shortages”). In the political arena the only recognized political party in Cuba is the Communist Party, “a selective organization [...] in which only the best revolutionaries can belong” (Delgado), even though other parties exist. The government exerts tight control over the political system and continues to repress individuals and groups



who criticize the government or call for basic human rights. State officials employ a range of tactics to punish dissent and instill fear in the public, including beatings, public acts of shaming, termination of employment, and threats of long-term imprisonment ("Human Rights").

Cuba's ideology, state and social structure revolve around the regime. The population is heavily dependent on the Communist Party and the government, since they dominate all areas of life. Disloyalty is severely penalized and self-reliance impeded by taxation, restrictions and regulations, while party allegiance and adherence to the socialist ideology are rewarded. As a consequence, most Cubans rely on the government and recur to traditional though limiting structures if they want to succeed or simply survive in Cuban society. Until recently, the United States' Cuba embargo policy has additionally kept money out of the hands of the Cuban population and exacerbated its dependence on these structures. For this reason, the prospect of foreign investment, job opportunities for the Cuban population in foreign companies located on the island, and, first and foremost, the possibility of private accumulation of money, pose a huge threat in the eyes of the Cuban government, since these opportunities present an alternative model and the regime would no longer be indispensable. Against this background, it is questionable whether the Cuban population perceives the initiatives for rapprochement proposed by the U.S. government as demanding a sacrifice of them, as Castro claims they might. In contrast, they would offer Cubans the opportunity to liberate themselves from governmental control and preponderance in many areas. Thus, it can be claimed that Castro's seemingly protective intentions are actually aimed at protecting the regime's own relevance.

As a consequence, while Castro is in no hurry to harness foreign investment for the general population, he seems eager to attract international capital "in segments of the economy that will benefit the current Cuban government's survival strategy" (Fisk and Perez 84-85). The most obvious sector that generates considerable revenue and provides considerable opportunities for future U.S.-Cuban cooperation is the tourism sector, which in 2013 represented 10 percent of Cuba's gross domestic product ("U.S. Investment"). President Obama's easing of travel restrictions to Cuba set off an avalanche of visits by representatives of airline companies, ferry services, hotel chains, banking institutions, and telecommunication firms, despite the fact that until this date travel to Cuba solely for tourist activities remains prohibited. Nevertheless, these business representatives immediately announced to expand their operations in Cuba and started exploring opportunities on the island. However, as almost all segments of Cuba's economy, the tourism



sector is intricately intertwined with the military as well. The Cuban Armed Forces (*Fuerzas Armadas Revolucionarias* (FAR) in Spanish) have played a gradually increasing role in the management of the Cuban economy, starting with the progressive disappearance of materiel and subsidies from Moscow upon the collapse of the Soviet Union. Raúl Castro, already back then the FAR's Commander in Chief, an office he holds until this day, introduced an enterprise management improvement system that streamlined the military's operations in service of the ailing Cuban economy ("The Cuban Military"). Today, the military is not only a largely self-financing institution but also a major player in the overall Cuban economy ("U.S. Investment"). With regard to the tourism industry the military operates businesses such as hotels, tour companies, and retail stores through a multitude of companies, among them Gaviota S.A., which directly controls 20-25 percent of Cuba's hotel rooms in partnership with foreign hoteliers, Cubanacán, another hotel group, Aerogaviota, a domestic airline that carries tourists on refurbished Soviet military aircraft flown by Cuban air force pilots, or Habaneros, a tobacco enterprise ("The Cuban Military;" "U.S. Investment"). Therefore, increased tourism cooperation with Cuba will contribute to "the Cuban military's diverse business ventures that bring in an estimated US\$1 billion a year" ("The Cuban Military"). As could be observed in the past, "[g]iving the military lucrative revenue streams allowed the Castro brothers to secure their authority over economic activity, even while implementing more capitalist economic practices" ("U.S. Investment"). Economist Richard E. Feinberg warns that the Cuban government is doing the same in the context of U.S.-Cuban rapprochement: "[T]he Cuban government is setting aside some of the juiciest tourism opportunities for itself. [...] The safe yields are reserved for state-owned firms, especially Gaviota . . ." (Feinberg, "Cuba's Foreign Investment"). By closing deals between foreign investors and state-run enterprises at the earliest stages during the high-level negotiation talks, the regime deprives the public sector of the opportunity to seize the moment and expand its businesses, thus becoming a counterweight to state control. With this strategy, the Cuban government ensures that it continues to have significant influence on the economic development on the island despite the influx of foreign capital and joint ventures with foreign enterprises.

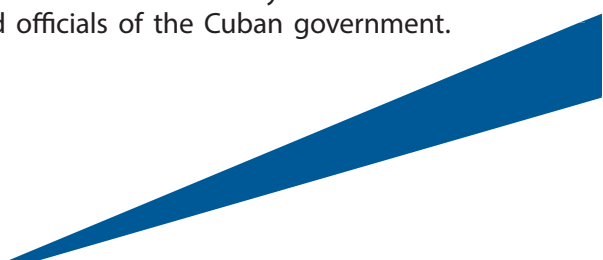
Raúl Castro has always entrusted "a military managerial elite for the day-to-day oversight of the FAR's business empire," providing "potentially lucrative positions for the officers involved" ("U.S. Investment"): a great number of senior military leaders have served as chairmen or CEOs of civilian-run enterprises over the years. By assigning high-profile, lucrative positions to an elite group of military men, the



Castro brothers have created a network of loyal and grateful supporters they can surely rely on even in the nearing post-Castro era. Despite this safety net, the Castros like to take their fate into their own hands, and therefore have always ensured that power stays in the family. Raúl took the presidency over from his ailing brother Fidel, and extended family members have always been placed in influential positions – on the one hand because the Castro family certainly claims the tangible benefits of Cuba’s development under their reign for themselves, on the other hand because the family name is intricately linked with Cuba and thus needs to be preserved at the top of society. For this reason, after revolution-era General Julio Casas Regueiro passed away in 2011, Raúl Castro’s son-in-law, General Luis Alberto Rodríguez López-Callejas, succeeded him as executive director of the military holding corporation Enterprise Administration Group, which oversees all of the military’s state-run companies (“U.S. Investment”). López-Callejas was also put in charge of the Mariel port project, a one billion U.S. dollars-modernization project co-funded by Brazil of a massive deep water port that could become the largest in the Caribbean, and the construction of an adjacent 180-square-mile area for industrial and energy production.

Fidel Castro’s son Antonio Castro Soto del Valle holds the position of vice president of the International Baseball Association. Baseball has been the Cuban national sport since the Cuban War of Independence against colonial Spanish rulers. When the war was over, the game was banned and Cubans were expected to dutifully embrace the Spanish pastime of bullfighting. These efforts to ban the sport gave baseball quickly a deeper significance to the Cuban people and the game itself became symbolic of freedom from the Spanish oppressors. To this day, baseball continues to be synonymous with Cuban identity and nationalism (“Culture in Cuba”). However, Cuba’s professional baseball league is affected by talented players defecting to the U.S. in search for more promising career opportunities. Following Cuba’s opening to the international markets and improved relations with the northern neighbor in general, the world of sports will certainly hold many financial opportunities for Cuba’s professional baseball division. With Antonio Castro in such an influential position and his expertise of the sports business, Cuba, and the Castro family in particular, has a foot in the door.

Lastly, Raúl Castro’s only son Alejandro Castro Espín is head of the intelligence and counter-intelligence units of the nation’s two powerful Ministries of Defense and Interior, and thus holds considerable power. He is consistently at his father’s side and dispenses orders to ministers and officials of the Cuban government.





Although he has a lower military rank than his father, his directives are interpreted and obeyed by important officials as if issued by General Castro himself ("Another Castro"). For years he was regarded as the possible successor of his father, until Raúl announced that first vice president of the Council of State Miguel Díaz-Canel would replace him in 2018. According to the Cuban Constitution the person holding the office of vice president of the Council of State is the official successor to the president. Nevertheless, "there [is] no guarantee that Mr. Díaz-Canel will be Cuba's next president. Many other young leaders have been pushed out of power over the years for reasons of scandal or disloyalty" (Cave). Alberto de la Cruz claims:

The Castro dictatorship's pattern of propping up replacements, only to knock them down before they get too powerful or too popular, is painfully evident. For that reason, it is hard to believe that Raul [sic] Castro's latest political [move to appoint Díaz-Canel as his successor is] anything more than another ruse to deflect attention away from the ruling family.

Yet, even if Díaz-Canel is elected as the first civilian head of state, "the regime will endure for some time after the Castro's disappear from the scene" ("U.S. Investment"). The family's desire to retain privileges, wealth, and power is reflected in their efforts to stake out their territory in the private sector. Even if at some point in the future the transition to democracy, which has been eagerly awaited by the United States for over 50 years, is successful, the Castro clan will enjoy a solid economic basis and will be deeply rooted in the existing political and military structures.

The telecommunications sector, which is closely linked to the tourism industry, is another area the Castro regime is eager to expand for personal gain and the consolidation of traditional structures against the background of U.S.-Cuban cooperation. In a world where people are accustomed to rely on their smartphones for almost everything, telephone rates are extremely cheap, and free Wi-Fi connections in public spaces are considered part of the normal customer service, it is obvious that Cuba's telecommunications infrastructure is in urgent need of an overhaul if this sector is to match predicted developments in the tourism sector. To date, Cuba has one state-owned telecommunications company, ETECSA (*Empresa de Telecomunicaciones de Cuba* in Spanish), which provides antiquated, expensive, and heavily state-controlled telecommunications services. Especially Internet access is a great obstacle. The Cuban authorities "have gone as far as to call the Internet 'the great disease of 21st [sic] century' because it feeds its users with 'counter-revolutionary' information" ("Cuba"). The Internet is reserved for the



ruling elite, but even the privileged few usually have access only to an Intranet specially created and filtered by the authorities ("Cuba"). For everyone else, there are expensive government-run Internet cafes where an hour of connection can cost between six and ten U.S. dollars, a prohibitive amount of money given an average weekly salary of about 20 U.S. dollars (Franceschi-Bicchierai). When in March 2014 the Cuban government issued a new foreign investment law that benefitted foreign companies interested in investing on the island, officials stated clearly that "the communications industry has not been included in the policies that have been prioritized to draw foreign investment" (qtd. in Díaz). However, after the presidential declaration of December 17, 2014, the U.S. government authorized a series of measures regarding telephone and Internet-based communications services to Cuba to which the regime "announced that it was willing to receive US telecommunication companies in order to explore the possibility of conducting business in spheres that are beneficial for both parties" (Díaz). In March 2015, the U.S. reached an agreement with ETECSA to provide a direct telecommunications connection between the two countries, and entered into negotiation talks about broadening Internet connectivity on the island. In June 2015, the Cuban Ministry of Telecommunications published a National Strategy paper for the development of broadband connectivity infrastructure in Cuba.¹⁶ The strategy provides for broadband Internet access with a speed of 256 kilobytes per second that will cost no more than 5% of the average monthly salary of the Cuban population. However, there is also a clear hierarchy of who is going to benefit first from increased connectivity. By 2018, the end of Raúl Castro's term in office, the entities of the Communist Party on the national, provincial, and municipal level, the state institutions, the administration and its agencies are supposed to have 100% broadband connectivity, as well as banking institutions and the Cuban postal services. Two years later, public and private industries are supposed to have 90% broadband connectivity, followed by 80% for public and private commercial industries, 95% for educational and health services, and 100% for the government's point of presence on the national, provincial, and municipal level (República de Cuba 7-8). In contrast to the full Internet coverage for government entities, the strategy provides for "no menos del 50% de los hogares (1 942 950)"¹⁷ (República de Cuba 8) to have broadband Internet access. The Cuban regime's stance toward telecommunications seems hypocritical. On the one hand, the government demonizes improved international telecommunications connections, which would facilitate the general public's access to information that might incite anti-regime sentiments, on the other hand Cuba's leadership is eager



to improve infrastructure for those entities that could benefit from conducting business in these spheres. As in the tourism sector, safeguarding the regime's interest takes precedence over the general public's needs and wishes.

Official government announcements like the National Strategy for the development of broadband connectivity infrastructure add fuel to the fire of critics, who claim that the economic impulse of Obama's Cuba policy "beneficiará a los militares que controlan el turismo mientras que la tecnología solo promoverá un mayor control de la información de parte del regimen"¹⁸ ("Medio centenar"). These critics fear that even "if Cuba [is somehow] able to put a meaningful technology infrastructure in place in coming years," rather than "being a driving force for liberating people from poverty and oppression and opening opportunities" it will strengthen "the Castro grip on power and [increase the] repression of the Cuban people" (Roberts). The aforementioned illustrations lead to the assumption that Raúl Castro's slow-paced response to President Obama's pressure to deliver results is motivated not by his desire to protect the Cuban population from disproportionate U.S. ventures, but by a calculated survival strategy in order to secure the regime's influence and legacy in Cuban society beyond the political era of the Castro brothers.

5.2. Reactions in the United States

The general U.S.-American population's reaction to President Obama's announcement to chart a new course toward Cuba was positive, as confirmed by statistical evidence. More than a decade of polls by the Washington-based market and opinion research institute Gallup have found that across the board on average about 50% of the American population has favored the reestablishment of U.S. diplomatic relations with Cuba, with the lowest percentage point in 1996 (40%), and the highest in 1999 (71%). Likewise, example surveys conducted in 1999, 2000, 2002, 2009, and 2015 show that about half of the U.S.-American population is in favor of the U.S. government ending its trade embargo against Cuba (Gallup). A national survey conducted by the *Washington Post* shortly after Obama's announcement revealed a sharp increase in public support: 68% of U.S.-Americans said they support ending the trade embargo, up 11 percentage points from 2009, and 74% stated they are in favor of ending travel restrictions to Cuba – a jump of 19 points from five years ago (Clement). Yet, it is of particular interest to take a closer look at the reactions of two influential groups in the United States, which



are directly affected by and involved in the process of normalizing U.S.-Cuban relations: the U.S. Congress and the business community.

5.2.1. U.S. Congress

As the introduction to this subchapter shows, support for allowing trade and travel with Cuba has grown in general in nearly every major demographic group. Filtered by party membership, more than three quarters of the persons questioned in the *Washington Post* survey who identify as Democrats support allowing trade and travel, and favor ending the embargo with Cuba. But even among Republicans, who traditionally are most skeptical, support has risen. In 2009, 36% of Republicans said the United States should end the trade embargo and 40% favored an end to travel restrictions. Yet, in the years since, Republican support has grown more than 20%, with 57% now supporting trade with Cuba and 64% supporting travel between the countries. With regard to establishing diplomatic relations, Republicans are split: 49% support the idea and 47% are in opposition (Clement). This split in party ideology became obvious when Republican Senator and presidential candidate Rand Paul publicly admitted that traditional Cuba policy “‘just hasn’t worked’ and normalizing relations is ‘probably a good idea’” (qtd. in Kane and O’Keefe).

Yet, conservatives in the Republican Party “with long anti-Castro records occupy powerful positions in Congress and could thwart Obama’s overtures toward Cuban President Raúl Castro” (Kane and O’Keefe). For a small but influential cadre in the U.S. Congress the Cuba question is a matter of personal concern: currently, eight Cuban Americans are Congress members. While Cuban Americans represent less than 1% of the U.S. population, they are overrepresented in the Senate, where they make up 3% of the membership, including two presidential candidates (Republicans Ted Cruz and Marco Rubio) as well as a former Chairman and present minority member of the Foreign Relations Committee (Democrat Robert Menendez) (Hook). Of the five Cuban Americans in the House of Representatives, one is a member of the Democratic Party and the remaining four are Republicans. Although these Congress members run the ideological gamut and span in age from mid-thirties to mid-sixties, they are all children of the Castro-era migration for whom exile in the United States was a searing experience (Hook). They fiercely reject President Obama’s policy of rapprochement with Cuba, and find support among the GOP-leaders of the Republican-controlled Congress.



One of the complex repercussions of the Helms-Burton Act is that the legislation limits the executive branch's scope of action,

denn bevor das Gesetz erlassen worden war, waren die meisten Sanktionen gegen die Insel von der Exekutive der Vereinigten Staaten verhängt worden. Die Bestimmungen waren das Resultat von Exekutivverordnungen, die vom Präsidenten erlassen, modifiziert, bestätigt oder annulliert werden konnten. Dies gab ihm die uneingeschränkte Vollmacht, die Beziehungen zu Kuba zu gestalten und zu führen. Er hatte die volle Autorität, Abschnitte des Gesetzes aufzuheben und auf konstruktive Schritte der kubanischen Regierung zu reagieren, ohne eine Kongressbilligung suchen zu müssen. Diese Möglichkeiten sind seit der Einführung dieses Gesetzes nicht mehr gegeben. Nur der Kongress kann die Exekutivverordnungen modifizieren oder durch ein Gesetz entfernen, zudem kann er die Bedingungen festlegen, unter denen mögliche Veränderungen vorgenommen werden können. Die implizierten Bestimmungen sind somit auf undefinierbare Zeit nicht modifizierbar, solange der Kongress sie nicht verändert oder aufhebt. (Cardozo 181-82).

Against this background, the Cuban American Congress members have the legal power and are determined to block the administration's policy change proposals toward Cuba. Several bills and resolutions have already been introduced in Congress, whose provisions could affect the new Cuba policy. Two influential Republicans, Senate majority leader Mitch McConnell and House speaker John Boehner,

are increasingly preaching to their rank-and-file Republicans that [the] annual spending bills are where they can advance conservative goals by attaching provisions that reduce or eliminate funds for projects, or by attaching policy riders that specifically forbid federal agencies from taking actions. (Kane and O'Keefe).

In particular, opposition in Congress revolves around the reestablishment of diplomatic relations, the rescission of Cuba's designation as a State Sponsor of Terrorism, and the easing of restrictions on travel and trade. Concerning the last point, one of the opponents' main arguments is that U.S. property is still confiscated by the Cuban government. Consequently, a bill has been introduced that would require the president to submit a plan that demands of the Cuban regime to cover an outstanding debt of seven to eight billion U.S. dollars¹⁹ – a sum Obama's opponents consider a just compensation for the expropriations following the Cuban Revolution – before he takes action to ease restrictions on travel or trade with Cuba ("Senadores buscan;" Sullivan 52). Likewise, other draft appropriation



bills discussed in Congress contain provisions stating that “no funds in the bill [can] be used to facilitate scheduled flights to Cuba if they land or pass through property confiscated by the Cuban government,” or “to issue a license or certificate for a commercial vessel that [docks] or [anchors] within [a certain radius] of a port or property that was confiscated by the Cuban government” (Sullivan 49). With regard to trade, some legislative initiatives “would attempt to prevent additional categories of exports to Cuba authorized as part of the Administration’s policy change” (49). Yet, despite all opposition, the president has the final say in these matters: “Obama could veto those individual spending bills if they include Cuba restrictions he finds objectionable” (Kane and O’Keefe).

With regard to the reestablishment of diplomatic relations, namely reopening a U.S. embassy in Havana and nominating an ambassador to Cuba, critics decry that the U.S. government engages in negotiations with the Cuban regime, although the island nation does not seem to make progress with the promotion of human rights. This argument can be backed by Cuban human rights groups such as the *Comisión Cubana de Derechos Humanos y Reconciliación Nacional* (Cuban Commission for Human Rights and National Reconciliation) that report a sharp increase in arbitrary detentions of pacifist political dissidents, opposition leaders, and regime critics in Cuba during the first months of the year 2015 (“Grupo disidente”). Similarly, Cuba is the only country in the Americas that consistently makes the Washington-based NGO Freedom House’s list of the world’s most repressive societies for its widespread abuses of political rights and civil liberties (Freedom House). According to U.S. state officials, reopening a U.S.-American embassy in Havana would not likely pose a problem for the administration as there is already a U.S. Interests Section operating there that could easily be converted into a fully-fledged diplomatic mission. However, given the strong opposition by Cuban American Congress members and their supporters, the confirmation of an ambassador might be detained: the Senate Foreign Relations Committee holds hearings on all diplomatic nominations, and can vote against sending a nomination vote to the full Senate (Goodenough). Yet, “if the Senate blocks or stalls a particular nomination – either because of concerns about the nominee or for broader policy reasons – the executive branch can override the hurdle” (Goodenough) by appointing the ambassador to the post during a congressional recess. This in turn “would set up a showdown over whether Republicans are willing to shut down portions of the government over the diplomatic openings to Cuba” (Kane and O’Keefe).





When President Obama submitted his report to Congress to officially take Cuba off the U.S. government's list of State Sponsors of Terrorism, which, if approved, would in turn ease additional trade restrictions, Congress had 45 days to review the report and was given the opportunity to block the rescission. Several lawmakers staunchly opposed the president's move, "accusing Obama of sidling up to a brutal dictatorship" (Liptak). Yet,

despite the objections, neither Boehner nor other opponents of Obama's Cuba policy sought to block the terror designation removal in Congress. A GOP congressional source said leaders anticipated that overcoming a presidential veto on the measure would be difficult, and determined the practical effects of the removal were minimal. (Liptak).

Still, opponents' reactions were unambiguous. Republican Representative Ileana Ros-Lehtinen, the first Cuban American and the first Latina elected to Congress and a fervent critic of Obama's stance toward Havana, argued that "the President has established a dangerous precedent that the United States does in fact negotiate with terrorists, putting a target on every American's back and jeopardising [sic] our national security" (qtd. in Kampmark). House speaker John Boehner issued a statement in which he expressed that Obama "has handed the Castro regime a significant political win in return for nothing," since the Cuban regime has offered no "indication it will cease its support for violence throughout the region, including the brutal attacks on Cuban democracy protestors in Panama City during the [2015] Summit for the Americas" (Speaker Boehner's Press Office). Although Congress chose not to block the rescission, Boehner emphasized congressional determination to take action against the president's Cuba policy: "Most U.S. sanctions on the Cuban regime are contained in other laws – laws the U.S. House will ensure remain in place as we work to protect those fighting for freedom, and in many cases, simply their own survival" (Speaker Boehner's Press Office).

5.2.2. U.S. Business Community

Although the Helms-Burton Act codified the embargo into law and its repeal would require a two-thirds vote in Congress, thereby giving Congress the decision-making authority about lifting or maintaining the commercial embargo in general,

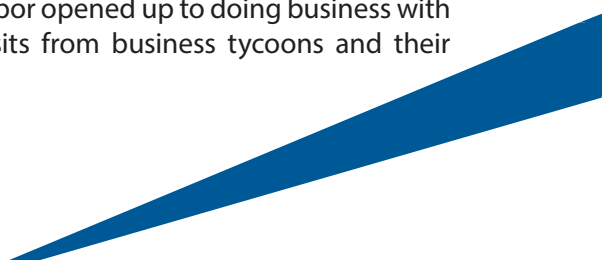
the Clinton Administration interpreted the [Helms-Burton] provision as essentially limited to the codification of the President's authority to promulgate and modify the



Cuban Asset Control Regulations (CACR). The Executive Branch based this interpretation on the President's broad foreign affairs authority and authorities existing under the Trading With the Enemy Act (TWEA) of 1917, as amended. It is under this interpretation of the law that the Clinton, George W. Bush, and Obama Administrations adjusted elements of U.S. policy towards Cuba . . . (Fisk and Perez 77).

For this reason, even while the president is not authorized to end the embargo or lift the travel ban without congressional approval, he can effectively dismantle it "by using his licensing authority to permit U.S. exports of certain goods and services, encourage two-way trade in a wide variety of goods and services, and allow broad categories of travel to Cuba" (Huddleston and Pascual 22-23), as has been proven in the past by several U.S. presidents. Nevertheless, the problem remains that these measures could easily be revoked by the incumbent himself or any subsequent U.S. president, "lo que no otorgaría seguridad jurídica a estas actividades, y desde luego no permitiría considerar ningún tipo de actividad económica de largo plazo"²⁰ (Aldaz 94). This legal uncertainty caters to Obama's opponents, who claim that the president is looking for a quick fix of U.S.-Cuban relations, but that issuing new licenses and introducing regulations that circumvent the actual embargo does not provide the appropriate assurances for future U.S. business ventures ("Senadores buscan"). While the economic sanctions toward Cuba are codified in law and "[p]rospects [in Washington] for lifting the embargo in the short term are dim," as Michael Shifter of the Inter-American Dialogue think-tank cautions (qtd. in Rathbone), the only loophole for doing business in Cuba, namely President Obama's CACR modifications, might not provide enough legal security for the U.S. business community to invest in operations on the island at this point in time. In addition to the legal insecurity for business operations on the U.S. side, the judicial system in Cuba itself is deeply intertwined with the executive, due to the lack of separation of powers. Laws are issued by a unicameral legislative assembly, which meets only twice a year, and are adopted unanimously in all cases (López, *El negocio*). For this reason, the adoption of new legislation in favor of foreign investment is going to be heavily influenced by the Cuban regime's stance on the influx of foreign capital. Since the judicial system is not independent, U.S. companies have no entity to turn to for settlement in case of disputes with the Cuban state (Gomez and Jervis).

Even though Cuba has a gross domestic product of merely 80 billion U.S. dollars, "the December 17 announcement lit a bonfire of expectations among US businesses" (Rathbone). The northern neighbor opened up to doing business with Cuba, as can be seen by the incessant visits from business tycoons and their





representatives to the island to this date. However, U.S. and Cuban experts alike soon cautioned that the economic prospects and expectations are most likely overstated, for several reasons. First of all, the Cuban state typically insists on having a majority stake in partnerships with foreign companies. This is why Gary Hufbauer, fellow at the Peterson Institute for International Economics observes that “[a]ny U.S. company [considering future investment in Cuba] must do its own strategic analysis about whether it will eventually want to compete with state-owned enterprises or partner with them” (qtd. in Garcia). Additionally, in general data on Cuba’s economic performance present problems of availability, reliability, timeliness, and transparency. The definitions of the official statistics and the methodology used in deriving the indicators are not always clear, and the absence of support to Cuba from the International Monetary Fund and World Bank makes international comparisons difficult (Feinberg, *Reaching Out* 7). The Cuban regime justifies this secrecy by pointing to U.S. hostility, “affirming that the U.S. Treasury might take advantage of greater transparency to harass Cuba’s economic partners or seize Cuban assets” (Feinberg, *The New Cuban Economy* 19). Therefore, the data must be interpreted with caution, and the figures are not reliable enough for U.S. enterprises to base their operations on. Cuba has a dual-currency system, with the Cuban peso (CUP, *peso cubano* in Spanish), which largely circulates in the domestic economy, and the so-called convertible peso (CUC, *peso cubano convertible* in Spanish). Marc Frank of the *Financial Times* explains: “Residents and tourists can purchase CUCs at government exchange offices at a rate of one for 25 CUP (\$0.04). State and foreign companies must exchange CUCs at the official one-to-one rate. Neither currency is convertible outside the island.” Additionally, Cuba legalized the U.S. dollar in 1993. This diversity of currencies is another factor that hinders full transparency in financial accounts and causes price distortions (Frank), adding to the lack of a solid basis for business cooperation with Cuban companies or operations on the Cuban market in general. Yet, although currency unification is part of President Castro’s efforts to introduce market elements to the Cuban economy, as with other economic and entrepreneurial reform processes the Cuban government chooses to proceed overly cautious. In the words of Castro himself, the reform measures “tienen un carácter experimental. [...] Aunque se avanza en su aplicación, no tenemos por qué acelerar el paso, tenemos que cogerle el ritmo a los acontecimientos”²¹ (qtd. in “Raúl Castro llama”).

The tourism sector is beyond doubt Cuba’s most appealing sector for U.S. investment, and it is growing fast. Representatives of hotel chains and companies such as Airbnb, a website for individuals to rent out private lodging, therefore



were quick to travel to the island to explore their options to invest and expand operations in Cuba. However, as Gabriel Escarrer, founder of one of the world's largest hotel chains, Meliá Hotels International, argues:

El cambio en Cuba es irreversible pero hay exceso de optimismo acerca de los plazos. [...] Para los nuevos empresarios que deseen implantarse ahora a la vista de las nuevas expectativas, creo que será difícil competir con los grandes grupos norteamericanos e internacionales que sin duda querrán posicionarse con fuerza.²² (qtd. in Urrutia)

His statement corroborates the skeptics' argument that the Cuban market is too small for exhaustive investment and, once it opens up to foreign business, will be saturated quickly. The tourism industry reports a "pent-up demand" (Garcia) for travel services to and accommodation options on the island after the December 17-announcement. Yet, if Congress refuses to lift the embargo, which prohibits American tourism to Cuba except under the categories authorized by the CACR, this demand cannot be satisfied and all investments made in prospect of new market opportunities will have been in vain. Even if the U.S. embargo were to end overnight, the aforementioned legal and economic impediments plus "the thicket of Soviet-style bureaucracy and centralising [sic] socialist attitudes that makes doing business difficult" constitute an "internal embargo" on the island (Rathbone). In conclusion, Cuba's potentially exciting market still holds many risks for investors, and the power play between his congressional opponents and the president suggest that the business community, after the initial thrill has subsided, is going to jump on Castro's bandwagon and adapt its operations to the pace of developments.



CHAPTER 6

Conclusion

The initial response to the announcement that the United States and Cuba intend to normalize relations after severing the diplomatic and economic ties more than 50 years ago was predominantly positive. Observers in the United States, Cuba, and around the world celebrated the announcement as a truly historic moment and a step in the right direction. Living up to his campaign promise in 2008 to design a new Cuba strategy within the framework of creating a new alliance of the Americas, President Obama acted upon his criticism of the outdated and ineffective embargo measures and initiated the first steps toward rapprochement, despite strong opposition from the Republican-dominated Congress. As this thesis illustrates, Obama's motivation for breaking with traditional U.S. Cuba policy is based on a series of reasons. First of all, the fact that Cuba's incumbent president Raúl Castro presents himself as a comparatively reasonable leader, who has announced to step down in 2018 but will most likely continue to exert very considerable influence on the island's political elite, sets the stage for Washington to negotiate about cooperation and compromises in U.S.-Cuban relations. Secondly, Cuba's defiant and unrelenting attitude toward the United States over the last five decades serves as an intriguing role model for leftist and nationalist movements in Latin America. By reaching out to Cuba, the United States sends out a signal that Washington is not indifferent to the developments in the hemisphere and that it wishes to regain clout in the region. The next reason for rapprochement is economically motivated: balancing the national budget is a challenging task for every president. More than 50 years of economic sanctions and complementing programs have caused federal costs that are difficult to justify when they do not yield the expected success. Since not much has changed at the political level in Cuba to date, and reports have proven that the responsible U.S. agencies are overwhelmed with their tasks and are performing poorly, cutting the human and budgetary costs by changing U.S. Cuba policy is probably part of



Obama's political motivation. Speaking of economic reasons, normalized relations also promise increased trade between two natural commercial markets, and open up a wide range of business opportunities, which in turn might enhance future U.S. political and ideological influence in Cuba. Another important argument for the reestablishment of relations is the impact of Cuban migration to the U.S. Normalized relations might provide an incentive for potential Cuban emigrants to reconsider leaving their home country, thus decreasing the number of illegal immigrants asking for refuge and U.S. citizenship, and might even cause a reverse migration of the first generations of Cuban immigrants. Yet, as this thesis points out, the prerequisite for this development is that Cuban nationals perceive the announced changes on the island as beneficial for them. On the other side of the Florida Straits, the Cuban American community as a potent constituency has traditionally exerted strong pressure on U.S. presidents to consider its political stance in designing U.S. Cuban policy. Yet, recent demographic and ideological changes within the community have opened up the opportunity to chart a new course toward Cuba while securing the constituency's continued political support. Lastly, President Obama's Cuba move leaves him a legacy within a limited political scope of action, while supporting the presidential campaigns of his fellow Democrats, who, upon election, would ensure that his efforts are not reversed.

The Cuban government's reaction to President Obama's push forward is rather sobering, especially with regard to the benefits for the Cuban general population: the regime seems to accommodate all proposals and initiatives around Cuba's socialist, deeply hierarchical system, and acts mainly in its own instead of the common interest. While critics in the United States accuse President Obama of making far too many concessions in exchange for nothing,

Cuban leaders [traditionally] have a hard time distinguishing between gestures and concessions. So the Cubans worry that even small steps on their part may be misinterpreted in Washington as weakness. . . . As a result of this concern, Cuba wants the United States to take not just the first step towards reconciliation, but the first several steps. And to make matters worse, Havana tends to discount U.S. gestures that serve U.S. interests. . . . (Brookings, *Uncorrected Transcript* 13).

Because of Cuba's reluctance to implement changes at the same pace as the United States, the U.S. president finds himself in a difficult position: while he needs to give in to demands by the Castro government in order to lay the groundwork for negotiations on an equal footing, he has to appease his most ardent critics and political opponents at home, some of which, such as the members of Congress,



are going to play a critical role in the developments in the months ahead. Immediately after the December 17-announcement, (Cuban American) Republicans threatened to block or counteract embargo-loosening legislative proposals, thus exercising considerable political pressure on the president. For this reason, "Washington, for its part, wants Cuba to take significant steps to give the White House political cover from domestic critics so that the White House can show that a policy of engagement pays dividends" (13). In addition to this balancing act, after an initial wave of enthusiasm about potential opportunities on the Cuban market, the U.S. business community, faced with legal insecurities and the institutional hurdles connected with Cuba's socialist system, back-pedaled as well. The failing support at the political and entrepreneurial level in the United States, and Cuba's slow-paced response indicate that the realization of some of the proposed measures will most likely turn out to be lengthy procedures.

Yet, despite adverse conditions the U.S. president seems determined to follow through with his policy changes. Without doubt, his decision to normalize relations with Cuba clearly breaks with the traditional U.S. approach of isolating the island nation economically, with the final objective of ousting its government. Quite the contrary, President Obama and Castro's simultaneous announcement to reestablish relations sent out a signal of unprecedented cooperation and agreement between the U.S. and Cuban government right from the start. Obama's reasoning is that by "engaging an evolving Cuban leadership there is more potential for real change in Cuba" (Fernandes 26). However, there is always another side to the coin: the "Obama administration's tacit abandonment of regime change as the primary aim of U.S. policy toward Cuba" (Lowenthal 119) also smacks of settling for a reality the United States had fought against for more than 50 years. Realizing that the economic sanctions, government-funded democracy-promoting programs, and ideological as well as financial assistance to Cuba's civil society from powerful exile groups and ordinary Cuban immigrants alike have not resulted in the anticipated changes on the island, Obama opted for reaching out to the Cuban government instead of continuing to fight it. But despite his revolutionary political decision, history has proven that the Cuban reality is not going to change overnight, and reactions by the Cuban government suggest that today's situation is no different – a reality the U.S. president has come to terms with it. Thus, one must raise the question: was the December 17-announcement truly a moment that is going to change the course of U.S.-Cuban history, or was it – from the United States' point of view – simply a pragmatic decision born out of frustration about a failed policy?





Should the latter be the case, no grandiloquent speeches and enthusiastic press statements are going to obscure the fact that the starting position is the same as always: Cuba is still a socialist country with a Castro at its top, confirming its unwavering political position, and deadlocked in traditional structures that impede foreign engagement. The United States, for its part, still does not seem to have abandoned its colonial aspiration of gaining a foothold in Cuba through political and economic interference, but is hindered by Cuba's mistrust of U.S. gestures and resistance from the opposition at home. Yet, even a pragmatic decision offers an historic opportunity – namely to involve new actors in the process. With his steps to gradually increase the flow of resources and information to the ordinary Cuban citizens over the course of his two terms in office, President Obama laid the groundwork for greater involvement of the Cuban people. However, last months' developments give the impression that "[t]odo el mundo diseña a Cuba, menos los cubanos" (López, "Resumen de hoy: De Hollande") – foreign policy makers and investors from all over the world rushed in droves to the Caribbean island after the December 17-announcement so as not to miss the opportunity to take part in and profit from Cuba's possible opening to the United States. However, negotiations were held only at the highest levels, and since in Cuba the government is involved in almost every area of life, opportunities for other parties to voice their opinion were very limited to nonexistent. By giving the Cuban opposition and civil society a greater say in the process of normalizing relations, new spaces could be opened for cooperation that go beyond high-level talks. In doing so, the Cuban government would be forced to engage in dialogue with its own population and take into consideration differing opinions. The participation of the Cuban population would thereby decrease the regime's dominance and ease the country into a more democratic direction.

On December 17, 2014, the White House released a Fact Sheet that summarized the president's new policy approach. The last paragraph concludes: "Ultimately, it will be the Cuban people who drive economic and political reforms" (United States, *Fact Sheet: Charting*). As this statement demonstrates, President Obama has realized that external pressure from the top does not hold the key to success in U.S.-Cuban relations. Now is the time for him to either settle for negotiating a new policy with the Cuban government at its pace, or to extend a hand not only to the island's elite, but to the ordinary citizens as well. His decision will determine whether the December 17-announcement was a truly historic moment, and what the future will hold for the United States' relation with Cuba.

CHAPTER 7

Afterword

More than two years have passed since President Obama's announcement on December 17, 2014, to reestablish relations with Cuba. Due to the limited scope of this thesis and the time constraints when it was written during the first five months of 2015, the description and analysis of actions taken by the United States and Cuba for the improvement of relations at the political, economic, and social level only cover the period up to and including May of that same year, followed by an outline of future prospects. With the transfer of power from Barack Obama to Donald Trump on January 20, 2017, the deck may be reshuffled also regarding U.S. policy toward Cuba. Therefore, this afterword takes stock of the developments in U.S.-Cuban rapprochement from June 2015 until January 2017, the last months of the Obama administration.

On July 20, 2015, diplomatic relations between the two countries were officially restored when, for the first time since severing ties in 1961, they reopened embassies in each other's capitals. While Cuban Foreign Minister Bruno Rodríguez Parrilla traveled to the embassy in Washington to raise the Cuban flag that same day, U.S. Secretary of State John Kerry presided over the ceremony in Havana one month later during his visit on August 14. José Ramón Cabañas Rodríguez, who had been chief of the Cuban Interest Section in Washington since November 2012, became Cuba's ambassador to the United States, and, likewise, President Obama appointed Jeffrey DeLaurentis, senior diplomat in the U.S. Interest Section in Havana since 2014, as U.S. ambassador to Cuba.

The first meeting of the leaders of the two nations on U.S. soil in over 50 years took place on September 29, 2015, on the sidelines of the UN General Assembly, where they discussed easing travel and trade restrictions. The first visit of a sitting U.S. president to Cuba in nearly ninety years took place from the 20th to the 23rd of March 2016, when President Obama met with Raúl Castro as well as dissidents to



discuss the potential for change and future cooperation. However, the announcement of Obama's presence also set off waves of detentions prior to his visit. In the first two weeks of March, over 500 critics of the Cuban government were detained, some of whom were scheduled to meet with the U.S. president, to create a "climate of intimidation [...] so it [did] not occur to anyone to say anything to Obama" (Cave and Hirschfeld Davis), according to dissidents.

On February 16, 2016, U.S. Transportation Secretary Anthony Foxx and Cuban Transportation Minister Adel Yzquierdo Rodríguez signed an agreement to resume scheduled air service, allowing, in addition to the charter flights already in operation, "the scheduling of 20 daily round-trip flights between the U.S. and Havana as well as 10 daily round-trip flights to each of nine other international airports in Cuba for a total of up to 110 daily flights" (Ziv). The first passenger jet eventually touched down in Santa Clara, Cuba, on August 31, 2016, and in the weeks to follow several U.S. airlines began service to Cuba.

The number of Cubans entering the United States spiked dramatically in the two years after the announcement of the thaw in U.S.-Cuban relations. In 2015, Cuban entries jumped 78% over 2014, and increased 31% in 2016, compared to the previous year (Krogstad). The surge in migration was based on Cubans' fear that the United States might end its lenient policy of allowing illegal immigrants to stay due to the improved relations with the island and the Cuban governments' repeated complaints about the special immigration privileges that might encourage Cubans to risk dangerous escape trips and that allegedly drains the country of professionals. On January 12, 2017, President Obama eventually decided to repeal the "wet foot, dry foot" policy after "months of negotiations focused in part on getting Cuba to agree to take back people who had arrived in the US" (Associated Press in Washington).

Over the course of the months several amendments were made to the Cuban Assets Control Regulations (CACR). Following the first amendments on January 16, 2015, that were already mentioned in this thesis, a second set of regulatory changes was issued on September 21, 2015, which expands general travel licenses for ships, facilitates banking transactions, and removes limits on remittances as donations. On January 27, 2016, the United States loosened financing restrictions on exports and re-exports to Cuba, excluding agricultural products, and expanded some authorized licenses for travel. A third set of regulations was issued on March 16, 2016, and allows people-to-people educational travel to Cuba, Cubans to have U.S. bank accounts, and U.S. citizens to establish a business presence on the island. (Gonzalez) The most recent amendments became effective on October 17, 2016.



They streamline authorizations for trade and commerce, encourage scientific collaboration involving Cuban-origin pharmaceuticals and joint medical research, facilitate that medical research by authorizing certain grants and scholarships, improve living conditions for the Cuban people by expanding upon already existing authorizations for grants and humanitarian-related services, and authorize further travel and travel-related transactions ("International Trade Update").

Yet, not least due to the Republican Party's dominance in the U.S. Congress, the embargo on Cuba remains in place and "[m]ost transactions between the United States, or persons subject to U.S. jurisdiction, and Cuba continue to be prohibited, and OFAC continues to enforce the prohibitions of the CACR" (United States, *Frequently – Updated* 1), which is a major impediment to the development of cooperation between the United States and Cuba in the economic and business sectors. Another obstacle is the "barrier that the Cuban government imposes on foreign investment, in which it reserves for itself at least a 51% participation in the capital of these firms" (Salazar-Carrillo and Murgu). Therefore, despite the fact that especially in the hospitality and entertainment sectors U.S. enterprises such as Starwood Hotels (March 2016), AirBnB and Netflix (both July 2016) have expanded their operations to the island, American entrepreneurs are still reluctant to "pour their money into the regime itself rather than into the individual bank accounts of Cubans who they hire at their enterprises," fearing that "[t]he swell of foreign investment in Cuba may not provide the stability and equality that optimists hope for" (Sequeira).

On November 25, 2016, Fidel Castro died at the age of 90 after a long battle with illness. Although his death had long been expected, the reactions to his passing could not have reflected more clearly the division between advocates and enemies of the Castro regime: While Cuba declared 90 days of national mourning and Havana's streets were deserted, in Miami, home to the largest diaspora of expatriate Cubans, and other U.S. cities people took to the streets celebrating Fidel's death and calling for political change in Cuba (Carroll, Jones, and Francis).

Whether Fidel's brother Raúl will keep to his announcement of stepping down in 2018 and whether it will actually mark the beginning of a new political era in Cuba remains to be seen. In the meantime, Donald Trump's election as President of the United States could certainly reshape the fragile relationship between Washington and Havana. As Trump announced in several tweets during the electoral campaign, he might overturn ex-president Obama's executive actions "[i]f Cuba is unwilling to make a better deal for the Cuban people" (@realDonaldTrump). His Cuban-American supporters will certainly hold him to this



campaign promise, and the strong position of the Cuban-American delegation in the United States Congress is another influential factor. Yet, President Trump is known for his contradictory statements and for having the mindset of an entrepreneur. For this reason, despite the political pressure exerted by adversaries of a political and economic opening toward Cuba, actually reversing Obama's policies might seem counterintuitive to the new president. Whether it is the course of greater engagement set by former President Barack Obama or a change in the opposite direction by President Donald Trump – the success of U.S. foreign policy toward Cuba will always hinge on some form of political liberalization and democratic opening by the Castro regime.

Notes

All translations in footnotes in this thesis are the author's own translations:

1. Discuss the greatest number of topics on a mutual basis, without putting the Cuban people's national independence and self-determination in jeopardy
2. The economic, commercial, and financial blockade that causes enormous human and economic damages to our country must end.
3. I can say with full satisfaction and confidence that I am a Marxist-Leninist, and will be until the last day of my life.
4. All capitalization of titles and offices in direct quotations are maintained as in the original.
5. Deserves the respect and the appreciation of our people
6. Some prisoners who were of interest to the United States
7. To access the full list of eligible goods and services produced by independent Cuban entrepreneurs that may be imported, which was issued by the State Department on February 13, 2015, see: <http://www.state.gov/e/eb/tfs/spi/cuba/515582/237471.htm>
8. The Fidelismo is characterized by grandiloquent speeches, heavily loaded with ideology, embedded in the Cold War dynamic and the concept of perpetual revolution as the ultimate justification for any government action.
9. The Raúlismo centers its rhetoric on another fallacy, the idea that a communist dictatorship can be economically efficient (this is the rhetoric directed towards the interior of the country), and that it can coexist with other forms of capitalist production (this is the rhetoric directed towards the exterior of the country). There are no fundamental differences between



Raúlismo and Fidelismo, each one of them responds to the geopolitical context of the historic moment in which it came up and developed.

10. The use of "US" instead of "U.S." in direct quotations is maintained as in the original.
11. History, the current situation and population trends in Cuba
12. External migrations are going to continue at existing levels for the next ten years. Afterwards, they are going to decrease by 25% for each five-year period until they reach zero.
13. In the last six months since December 17, the Cuba issue has moved in two opposite directions. Foreign interests have moved toward the island, while the interests of Cubans living on the island have moved abroad. One does not need to be very smart to understand that no one knows a country better than the people living in it. Therefore, if they look abroad in search of a better future, the situation on the island cannot be that promising.
14. Obama won 35% of the Cuban-American votes, an unexpectedly high percentage, which increased to 48% in 2012, a record for a Democrat.
15. Most of all, we do not want to take any measures that would demand sacrifices of our people. This is the most important thing. And our people understand this.
16. In Spanish: *Estrategia Nacional para el desarrollo de la infraestructura de conectividad de banda ancha en Cuba*
17. Not less than 50% of public households (1 942 950)
18. Is going to be of benefit to the military men who control the tourism industry, while technology is going to promote greater control of information on the part of the government
19. The calculation of seven to eight billion U.S. dollars is based on an original property value estimated at 1.8 billion U.S. dollars, plus 6% annual interest.
20. Which would not provide any legal certainty for these activities, and consequently not allow for any kind of economic activity in the long term
21. Are experimental. [...] Even if we make progress in their implementation, we do not need to accelerate the process, but adapt it to the pace of developments.
22. Change in Cuba is irreversible, but there is excessive optimism with regard to the available positions. [...] I believe it will be difficult for new entrepreneurs wishing to establish themselves in light of the new expectations to compete with the big North American and international groups that without doubt are going to position themselves vigorously.
23. The whole world designs Cuba, except for the Cubans.

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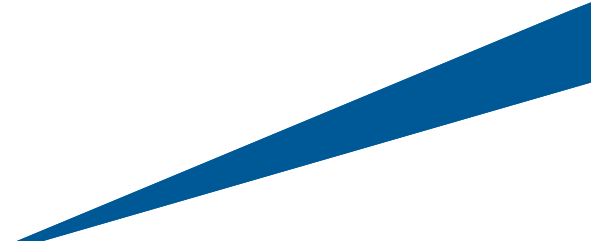
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