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Hard Talk

Will warming Cuba-EU ties open up U.S.-Cuba relations?

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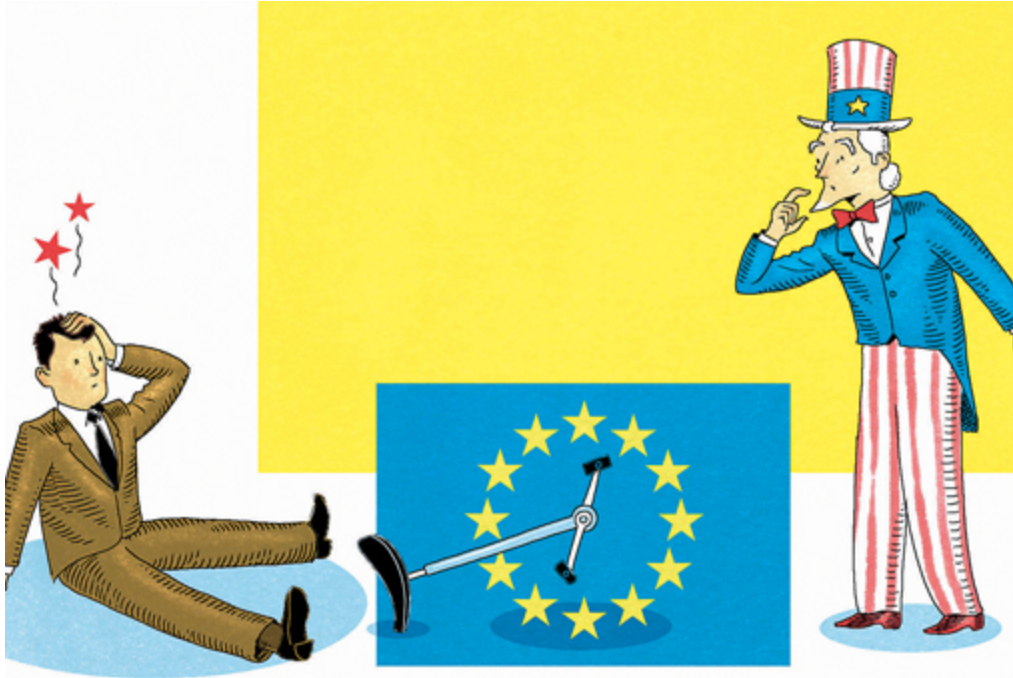


Illustration: Wesley Bedrosian

[The EU has recognized that its Common Position has failed to improve human rights in Cuba. It's time for the U.S. to do the same with its embargo.](#)

BY**[Sarah Stephens](#)**

Will warming Cuba-EU ties open up U.S.- Cuba relations? Yes

When Louis Michel, then-development commissioner for the European Union (EU), met in 2009 with Bruno Rodríguez, Cuba's foreign minister, he worried openly about the slow pace of EU diplomacy. "I think that if the European Union does not consolidate the normalization of relations with Cuba," Michel said, "the Americans will do so before us."¹

He need not have been concerned.

In the nearly five years since Michel and Rodríguez sat down together, the Cuban government has pursued reforms to pry the island's economy back from the edge of crisis—ranging from creating

space for entrepreneurship to ending travel restrictions.

Now is the time for the United States to follow its Atlantic partner and get off the sidelines when it comes to engaging Havana. The Obama administration's track record signals some hope: thus far, the president has used his executive authority to restore Cuban-American family travel, reinstate people-to-people trips, and reconvene the episodic talks on migration and postal delivery. But he has left undisturbed the essential architecture of U.S. policy inherited from the Eisenhower era.

Beyond the 52-year-old embargo, the clear obstacle to engagement is the Helms-Burton Act, enacted by Congress in 1996 to block any diplomatic opening to Cuba unless a future administration exacts existential concessions from a transitional Cuban government succeeding the Castros. But the EU has also been hamstrung by its Common Position—which was adopted the very same year and might be described as “Helms-Burton Lite”—yet they have worked around it.

The EU concluded that the Common Position failed to achieve its purpose, and that neither American toughness nor European flexibility does the Cuban people or its member countries much good. It also concluded that Raúl Castro's leadership has changed in some fundamental ways the circumstances in which Cuban citizens live and work—so much so that Europe's top negotiator, Christian Leffler, says the reforms triggered the talks.²

For its part, Cuba was eager to come to the table. As one European source told Reuters, “Cuba wants capital, and the European Union wants influence.”³ Soon afterward, the first formal meeting between EU diplomats and their Cuban counterparts produced a roadmap for the negotiations, and the process was underway.⁴

It's time the U.S. admits that our far harsher sanctions on Cuba have also failed. Unfortunately, the weight of history and habit have thus far prevented the administration from building on the sensible but incremental reforms President Obama already offered, and is allowing the EU to go first in direct negotiations. What will get him to move now?

Not economics. While Cuba would undoubtedly benefit from expanding trade relations with the U.S., U.S. corporations have demonstrated very little appetite for the Cuban market or its 11 million consumers. Even after the success of Tom Donahue's visit to Cuba in May with the U.S. Chamber of Commerce, the private sector is likely to wait for normalization to occur rather than advocate that it happen faster, given the Obama administration's aggressive enforcement of the embargo.

Nor will politics carry the day. Despite winning the Sunshine State in 2008 and 2012, and polls conducted this year that show majorities in South Florida and Miami-Dade County supporting normalization, there is no indication the White House will move boldly after treating the diaspora community politically like a Fabergé egg for years. Even if it waits until after the 2014 elections, there are three powerful arguments that can and should persuade the administration to follow Europe's lead and engage in direct negotiations with Cuba's government.

First, negotiating would help the U.S. repair its role in the region. Every nation—from the powerhouses of Brazil and Mexico to the conservative capitals in Colombia and Canada—has embassies and trading partnerships with Cuba, except the United States. By insisting on policies that

isolate Cuba, we've created conflict inside the Organization of American States and given impetus to the creation of new regional institutions like the *Comunidad de Estados Latinoamericanos y Caribeños* (Community of Latin American and Caribbean States—CELAC) that embrace Europe but exclude us.

Second, negotiating will align us with the economic and political interests of Cuba's people. President Castro's economic opening, while incomplete, is also real.⁵ It is offering Cubans more choices, jobs and pay, and greater control over their own lives.

Third, negotiating can put the issue of freeing usaid contractor Alan Gross and broader questions like human rights on the table. The European Union made it clear that its concerns about democracy and human rights in Cuba will still influence its policy, and the Cuban government made its acceptance of that fact clear. As Carlos Alzugaray, Cuba's former ambassador to the EU, recently observed, Cuba's government abandoned its demand that Europe repeal the Common Position before it would start negotiations. As the Associated Press reported, Cuban officials have said "they are prepared to discuss any and all issues on a basis of mutual respect."

If the U.S. is prepared to drop its preconditions requiring Cuba to meet U.S. political requirements before we sit down to talk, we can engage with Cuba's government, respecting its sovereignty and building its confidence, so we can turn the conversation to the sensitive political subjects that U.S. sanctions over the course of 50 years have never persuaded the Cubans to discuss.

A decade ago, the Bush administration never would have followed Europe's lead. Under its Commission for Assistance to a Free Cuba, Caleb McCarry, the transition coordinator, worked hard to apply political pressure on our democratic allies in Brussels so they would converge behind the much harder-line regime change policies that originated in Washington.

At the time, then-senator and presidential candidate Obama called it "naïve" to continue a U.S. policy that had failed for decades. Now that the failures of the Common Position and Helms-Burton have converged, President Obama has a great opportunity to stand by his words, follow Europe's lead, sit down with Cuba, and negotiate a new relationship that will realize our country's national interest while also helping Cubans realize a better future for themselves.

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[The EU is engaged in a discussion that will yield no change in human rights conditions on the island. The U.S. would be wise not to follow the EU's lead.](#)

BY

[Joel Brito](#)

Will warming Cuba-EU ties open up U.S.- Cuba relations? No

In March, the European Union (EU) and the Cuban government announced a renewal of bilateral talks on trade and investment. Lured by Cuba's proposed social and economic reforms, including a new foreign investment law, the expansion of self-employment, and loosened travel restrictions, the EU agreed to return to the negotiating table for the first time since the establishment of the Common Position in 1996, including human rights and democracy in the discussion on improved economic relations.

But it would be misguided to assume that the Cuban reforms are a sign of genuine change within the regime. Rather, they represent an attempt to adapt the revolution's principles of "protect and perpetuate" to changing circumstances: a strategy that has allowed the regime to survive repeated economic and political shocks over the past 55 years.

Less than a decade ago, then-President Fidel Castro was singing a different tune about cooperation with the European Union. During a speech on July 26, 2003, he declared, "The government of Cuba, out of a basic sense of dignity, relinquishes any aid or remnant of humanitarian aid that may be offered by the European Commission and the governments of the European Union [...] Cuba does not need the European Union to survive, develop and achieve what you will never be able to achieve."

Trusting that this logic long-held by the Castros—then Fidel, now Raúl—has changed will cost current negotiators and potential investors dearly.

If the talks continue, it wouldn't be surprising if—soon after the contract with the EU is signed—European businesspeople are arrested for corruption, bank accounts are frozen, and Cuban officials start employing, again, their bullying strategy of "support me unconditionally, or go with your investments somewhere else."

Christian Leffler, the EU's managing director for the Americas of the European External Action Service, said during his April visit to the island that the human rights debate will not be among the main topics at the relaunch of the conversations. Is the EU being flexible or simply conceding a pivotal democratic issue to avoid confrontation?

When the bilateral talks were first announced, Cuban Foreign Minister Bruno Rodríguez said he hoped a rapprochement between Cuba and the EU could create an opportunity to move the needle on U.S.-Cuba relations. But while the issue of human rights appears to be, at best, a secondary priority for the EU talks, its absence is an absolute deal-breaker for the U.S., where the political debate around Cuba is already polarized.

For decades, various U.S. administrations have made the defense of human rights for Cuban citizens a priority in U.S. relations with the Cuban regime and used the embargo as a tool to pressure the regime. As the Helms-Burton Act of 1996 states, the U.S. has a "moral obligation to promote and protect human rights and fundamental freedoms."

This has left Cuba-U.S. relations at an impasse. With the embargo still in place and tension still simmering over jailed USAID contractor Alan Gross, the odds of strengthening diplomatic ties are slim to none. Unless the White House decides to turn a deaf ear to the opinion of the majority on the island and change the nature of its relationship with the Castros—through executive action, without a consensus among the different actors linked to this issue—the needle won't move.

Moreover, any possibility that Cuba might be moved off the State Department's State Sponsors of Terrorism list was extinguished when the North Korean ship *Chong Chon Gang* was discovered last July to be carrying tons of undeclared weapons from Cuba to North Korea. Cuban authorities claimed the cargo was "obsolete defensive weaponry" that was going to be "repaired and returned" (shipped undeclared and hidden under sacks of sugar, of course).

The fact is, the EU has placed itself in a position of negotiating with a government that has repeatedly attempted to violate international laws, and that routinely eavesdrops on its guests, recording all conversations and videotaping the activities of all leading who visit the country.

It will take a lot more than superficial reforms to bring the U.S. to the table.

Those who fear losing investment opportunities to the EU or other countries are ignoring the fact that the terms of foreign investment are still mediocre at best, even after the new foreign investment law that went into effect in June. For example, while foreign companies will now be allowed to own a 100 percent stake in a venture on the island, they will be denied the tax breaks that are afforded to joint ventures with the Cuban government.

American policymakers should remember that when the current regime collapses under internal and external pressure, Cuba's natural market (given its geographical situation, and historical and family ties) will be the U.S., to which it will be inevitably and quickly drawn. If the U.S. maintains its current diplomatic stance, political and economic ties with a future democratic Cuba will be assured.

There's no doubt that U.S. government officials will be watching the Cuba-EU talks closely. For now, though, it will be smart for the U.S. to keep its distance from these negotiations, which have been tainted from the very beginning.

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