



International Policy **BRIEF**

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An Opening to Cuba Can Give Obama Momentum Internationally

By Wayne Smith

January 2009

Cuba will not be a priority issue for the new U.S. administration, either in terms of economic interests or security concerns. It will face far more urgent problems in Iraq and Afghanistan, and in tensions between Pakistan and India, and between Israel and Hamas – not to mention the challenge of how to turn around the U.S. economy. But as pointed out in the Brookings report and by a number of other analyses, moving toward a more sensible approach toward Cuba will be one of the quickest and easiest ways of signaling change and encouraging support for our broader foreign policy agenda – especially in Latin America. The fact is that we have no support whatever for our present Cuba policy. Dozens of other governments, including key Latin American governments, have called on us to change that policy. And most certainly it should be changed – as befits a policy that hasn't worked in fifty years, a policy that has become more than anything else an embarrassment.

Most governments call on us to lift the embargo. But that cannot be the first step. Congress first must annul the Helms-Burton Act and possibly take other steps to clear the way. President Obama can indicate his support and encourage the Congress in the right direction. At best, however, it will take time and there will be opposition.

But President Obama can immediately signal change by dropping the Bush administration's rhetoric, which has held that its objective was to bring down the Castro government; rather, Obama should indicate instead that the U.S. wants to encourage change through reduced tensions and dialogue. And in the latter context, it should immediately resume the periodic conversations that used to be held between U.S. and Cuban officials about issues such as migration and drug interdiction and indicate its willingness to discuss other pressing bilateral issues.

And there are a number of things Obama can do quickly and easily, indeed, with the stroke of a pen, that will make a real difference. For example:

Cuban-American Travel. Obama has said that he will immediately remove the restrictions on Cuban-American travel and remittances to their families on the island. A good first step. These were imposed by executive order in 2004. Prior to that, Cuban-

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Americans could visit their families on the island once a year, but no one really checked, so in fact they could visit more frequently than that if there was some need. Since 2004, however, they have only been able to visit once every three years, and, incredibly, there has been no provision for emergency travel. Hence, if, say, Maria, visited her mother in September of 2005, but then, upon return to the U.S., was informed in December that her mother had taken suddenly ill and was dying, there was no way Maria could return to be at her mother's bedside. Rather, she would be told that in three years, she could visit the grave. That is inhumane. Fortunately, Obama has promised to allow Cuban-Americans unlimited travel.

End Restrictions on Academic and Educational Travel. At the same time in 2004 that the Bush administration imposed restrictions on Cuban-American travel, it also imposed severe restrictions on academic travel, and did so arbitrarily. It said it was imposing the new restrictions because of "abuses" of the old system, but it could never point to a single abuse; rather, its purpose clearly was to drastically reduce academic exchanges. And it succeeded. Prior to 2004, there had been hundreds of American students involved in study programs in Cuba. After 2004, only a handful. The principal problem had to do with the length of the new programs. Prior to 2004, most programs had been of three-to-four weeks duration to focus on some aspect of, say, Cuba's culture, politics, history or economy. These programs had neatly fit between semesters and had not interfered with graduation schedules. But after 2004, all programs had to be at least ten-weeks long, i.e., semester-length programs. These did interfere with graduation schedules; hence, few students signed up for them. The very successful academic study programs in Cuba by and large came to an end – in blatant violation of academic freedoms. As in the case of the restrictions on Cuban-American travel, these unwarranted restrictions on academic travel were imposed by executive order. Hence, here again, President Obama can remove them simply with a new executive order, i.e., with the stroke of a pen. And he should do so, in defense of academic freedoms, because the study programs were valuable politically, and to signal change.

At the same time, he should remove the restrictions that were imposed in 2003 on educational travel. This travel had been organized by institutions such as the National Geographic and various art museums and cultural institutions to take Americans to Cuba to learn about Cuban art and culture. Thousands of Americans traveled to Cuba under these programs, travel which certainly strengthened cultural ties between the two peoples. As in the previous cases, the restrictions were imposed by executive order and, again, can be removed by President Obama with the stroke of a pen.

Encourage the Lifting of all Travel Controls. It will take congressional action to lift all travel controls, so that any American who wishes can travel freely to Cuba. It will be important that the president from the outset indicate his full support for such a measure and urge the Congress to introduce and pass the necessary legislation. During

the years of the Cold War, the U.S. pushed for the Helsinki Agreements and encouraged Americans to travel to the Soviet Union, believing them to be, in one way or another, messengers of democracy. That seemed to work reasonably well. How then does it make any sense for us now to prevent Americans from traveling to Cuba? In fact, it does not.

Begin Issuing Visas to Cubans Again. In years past, it was possible to have academic and cultural exchanges with Cuba, with Cuban scholars coming to U.S. universities and conferences, and Cuban artists and musicians able to participate in cultural events in the United States. Under the Bush administration, that has been virtually impossible. Cuban academics have not even been given visas to come to the conferences held by the Latin American Studies Association (LASA). In reaction, LASA has taken the position that until our country is again open enough to invite Cuban participants, it will hold no more conferences in the U.S. Accordingly, last year's conference was moved from Boston to Toronto. This is an embarrassment to us all. The Obama administration should immediately remedy the situation by instructing the State Department to begin again issuing visas to Cuban scholars and cultural figures invited to participate in exchange programs, research projects or cultural presentations. They should, in effect, go back to the guidelines for visas issuance that existed prior to the Bush administration – and examine the possibilities of broadening those guidelines in the months and years ahead, as relations improve and expand.

Remove the Restrictions on Cuban Payment for Agricultural Goods. Over the past few years, U.S. agricultural producers have been allowed to sell to Cuba. Indeed, they are now one of its major suppliers, selling over \$500 million a year of their products to the island. Estimates are, however, that those sales could be tripled if the U.S. government would remove the complicated payment system it forces the Cubans to follow. This also could be done with the stroke of a pen and would benefit U.S. suppliers as well as Cuban purchasers. It should be done as quickly as possible.

Remove Cuba From the List of State Sponsors of Terrorism. Cuba has been on the State Department's list of state sponsors of terrorism for many years now. Leaving aside the question of whether it ever should have been on the list, there has been no evidence at all over the past decade that would justify its presence there. I study the list carefully every year and have noted what seems to be an effort on the part of its authors to signal their disagreement with its conclusions. For example, the 2007 report noted that "Cuba did not attempt to track, block or seize terrorist assets, although the authority to do so is contained in Cuba's Law 93 against acts of terrorism, as well as Instruction 19 of the Superintendent of the Cuban Central Bank."

But any competent lawyer would respond to that by asking "what assets?" There is no evidence at all that Al-Qaeda or any other terrorist organization has any assets in Cuba. And so, there is nothing to seize. The only thing the statement makes clear is that

Cuba does have laws on the books against support for terrorism. How, one must ask, does that square with the report's assertion that Cuba is a terrorist state?

And the 2007 report also mentions the presence in Cuba of members of the Basque ETA guerrilla organization and the Colombian FARC and ELN. But it acknowledges that they are living legally in Cuba and goes on to state that: "There is no information concerning terrorist activities of these or other organizations on Cuban territory."

That being the case, their presence, then, is not a cause to keep Cuba on the list.

Removing Cuba from the list can be accomplished without fanfare or policy statements. The State Department every spring prepares a report on the subject. In years past, those reports have concluded that Cuba should remain on the list, but have done so without any supporting evidence. This year, once the new leadership is in place in the State Department, it should give instructions to those preparing the report to come up with an honest conclusion. If there is no evidence that Cuba is involved in terrorist activities, the report should say so and recommend that it be removed from the list.

Pardon the Cuban Five in Return for the Release of Cuban Political Prisoners. Cuba will never accept preconditions. Demanding that it release political prisoners before the U.S. takes any steps to improve relations is the best way to assure that neither ever takes place. The Cubans have been down that road before, to their regret. Raul Castro, however, has come up with an interesting idea. One gesture for another, as he describes it. Cuba would be willing to talk to a number of the dissidents now held in prison, and their families, to see if they'd be interested in going to the U.S. If so, Cuba would be willing to release them. That would be its gesture. The gesture on the part of the U.S. would be that it free the Cuban Five, the five Cuban agents who came to the U.S. to penetrate and spy on exile terrorist organizations in Miami.

The Cuban Five should be pardoned anyway. Their trials were grossly unfair. There was never any evidence that they had committed any crime other than to be the unregistered agents of a foreign power. They were spying on exile groups, not on the U.S. government. And spying on exile groups is not a crime. The case of Gerardo Hernandez is perhaps the worst. Convicted of "conspiracy to commit murder," he is serving a life sentence. Yet there was never any evidence at all that he was involved in any way in the shoot down of the Brothers to the Rescue aircraft back in 1996. The conviction of the Five and their long years in prison are a black mark on the U.S. system of justice, one that at some point must be overturned. One can imagine the outcry among some in Miami, however, at the suggestion that they be pardoned.

Raul Castro's suggestion may offer a way out. It would be difficult for the hardliners to oppose the pardoning of the Five if that was to lead to the freeing of a group of political prisoners in Cuba. And so, hopefully, it is something President Obama can at some point consider.

Close TV Marti. For years now, the U.S. has tried to beam television programs into Cuba. The Cubans have by and large managed to block them out so the U.S. is now having the signals broadcast from a plane. This is most expensive and has had questionable success. In any event, the programs are broadcast during the dawn hours, so it is doubtful that many people would be watching even if they could receive the signals. The whole exercise simply makes us look foolish. TV Marti should be cancelled, and in fact so should Radio Marti; rather, we should go back to programs on the VOA. These were widely listened to in Cuba and had great credibility, something Radio Marti has never had.

An Encouraging Word. After so long and bitter a feud, the idea of restoring amicable relations may seem quixotic. If, however, the two sides begin a dialogue and discuss their differences sensibly and logically, they will find that solutions are not so difficult to come by. Neither should pose a threat to the other's security and economic engagement would benefit both. Dialogue, in short, can produce a mutually-beneficial outcome that confrontation never could.

Dr. Wayne S. Smith is one of our most veteran Cuba-watchers. He first began observing the Cuban Revolution as an analyst in the Department of State's Bureau of Intelligence and Research in early 1957, just after Castro returned to Cuba to begin his guerrilla struggle against Batista. He was then transferred to Havana, arriving there in August of 1958 and remaining as Third Secretary of Political Affairs until the U.S. broke diplomatic relations in January of 1961. He served on the Cuba Desk from 1964-66 and was with the first group of American diplomats to return to Cuba in 1977. From 1977 until 1979, he was director of Cuba Affairs in the Department of State, and then became chief of the U.S. Interests Section in Havana until 1982, when he left the Foreign Service because of his disagreements with policy. Since then, he has been an adjunct professor at Johns Hopkins University involved with its Cuba Exchange Program, and since 1992, a senior fellow at the Center for International Policy in Washington, D.C. where he directs its Cuba Program. He is the author of The Closest of Enemies: A Personal and Diplomatic History of the Castro Years (W. W. Norton, 1987).

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