

Background

US-Cuba Relations: From Breakdown to Breakthrough

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Summary

The importance of leaving one's legacy in the American history is absolutely profound for any US President, and in this regard the current President Barack Obama is no different from his predecessors. With the recent breakthrough in the US-Cuba relations, the 44th President has made an indelible mark in the history of US foreign policy. US-Cuba relations have been strained for over five decades in the backdrop of intense Cold War politics. The two neighbours in the Pacific have had close cultural and people-to-people ties, but due to differing stands taken by the governments on various international matters, there have never been any diplomatic relations. The new developments in US-Cuba relations have been welcomed by the Cuban diaspora in the United States and are seen as heralding a new era in the relations between the two nations.

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Historical Ties

US-Cuba relations go back way before Fidel Castro came to power. After Spain's defeat by the US and Cuban forces during the war of 1898, Spain relinquished sovereignty over Cuba. Following the war, US forces occupied Cuba until 1902, when the United States allowed a new Cuban government to take full control of the state's affairs.¹ Though the Americans gave independence to the Cubans, it was not without some conditions. The Platt Amendment, an amendment to a US army appropriations bill, established the terms under which the United States would end its military occupation of Cuba and "leave the government and control of the island of Cuba to its people".² The Platt Amendment laid down eight conditions to which the Cuban government had to agree before the withdrawal of US forces and the transfer of sovereignty (it was in force till 1934).³ The amendment restricted Cuba from being a party to any international treaty, US had exclusive rights to intervene in the island nation and Cuba agreed to sell or give its territory on lease to US for coal mining or naval stationing purposes, thus leading to the establishment of the Guantanamo Bay. On May 27, 1902, USA and Cuba established diplomatic relations and the US Legion in Havana was raised to Embassy status on February 10, 1923 when General Enoch H Crowder was appointed Ambassador.⁴

The Cuban Revolution (1953-1959) changed many things between these two nations. Fidel Castro and his supporters took over the Cuban government, by successfully overthrowing President General Fulgencio Batista. America, which had supported Castro by imposing an arms embargo on the Batista regime, immediately recognized the new government at Havana. Later in April 1959, Fidel Castro made a historically rare visit to Washington DC and met Vice President Richard Nixon. By 1960s, Castro's government had seized private land, nationalized hundreds of private companies- including several local subsidiaries of US corporations- and taxed American products so heavily that US exports were halved in just two years. The Eisenhower Administration responded by imposing trade restrictions on everything except food and medical supplies.⁵ Decrying the "Yankee Imperialism", Castro expanded trade with the Soviet Union instead.⁶ The relationship between the two countries took a turn for the worse post the Bay of Pigs invasion (1961). This invasion was a failed military invasion of Cuba planned by Central Intelligence Agency (CIA) and

¹ "A Guide to the United States' History of Recognition, Diplomatic and Consular Relations, By Country, Since 1776: Cuba", *Office of the Historian, Department of State*, <https://history.state.gov/countries/cuba>, (accessed on April 21, 2015).

² "Milestones 1899-1913", *Office of the Historian, US Department of State*, <https://history.state.gov/milestones/1899-1913/platt>, (accessed on April 21, 2015).

³ Ibid.

⁴ See n.1.

⁵ Claire Suddath, "US-Cuba Relations", *Time*, April 15, 2009, <http://content.time.com/time/nation/article/0,8599,1891359,00.html>, (accessed on June 10, 2015).

⁶ Ibid.

supported/trained the Cuban exiles' force called Brigade 2506 with the sole purpose of overthrowing the Fidel Castro government. The US started distrusting Castro and was wary of his relationship with Nikita Khrushchev, the leader of Soviet Union.⁷ US-Cuba ties got entangled in the complex Cold War geopolitics with 'Cuban Missile Crisis' becoming the pinnacle of US-Soviet tensions and brought the world closest to a possible nuclear war. In October 1962, a US spy plane photographed nuclear missile sites being built by Soviet Union on the Cuban island. President Kennedy decided to place a naval blockade, or a ring of ships, around Cuba. The leaders of the two superpower nations decided on a deal in which the Soviets would dismantle the weapon sites in exchange for a pledge from the United States not to invade Cuba.⁸ In a separate deal, which remained a secret for more than twenty-five years, the United States also agreed to remove its nuclear missiles from Turkey.⁹ President Kennedy issued the permanent embargo on February 7, 1962- and within few years the country, whose economy relied on the use of American products, became a shell of its former self.¹⁰

In 1966, under the Lyndon B Johnson administration, the US Congress passed the Cuban Adjustment Act under which anyone who flees Cuba and enters the US could apply for US citizenship a year later. Throughout the 1970s and 1980s Cuba faced severe economic sanctions from US amidst high oil prices, and dealt with migratory problems. One of the key developments in this era came during the Reagan administration, when Cuba was added to the US State Department's list of states sponsoring international terrorism.¹¹ In 1996, President Bill Clinton signed the Helms-Burton Act which tightened the embargo on Cuba and attempted to weaken Cuba's ties with non-US foreign investors.¹² Five Cuban counterintelligence officers were arrested in 1998 and were convicted in 2001 for espionage in the US.¹³ In 2001, US exported food to Cuba for the first time in more than 40 years after a request from the Cuban government to help it cope with Hurricane Michelle.¹⁴ The largest delegation from the US Congress to visit Cuba since the 1959 revolution went to Havana in 2006, wanting to launch a "new era in US-Cuba relations".¹⁵

⁷ "The Bay of Pigs", *John F Kennedy Presidential Library and Museum*, <http://www.jfklibrary.org/JFK/JFK-in-History/The-Bay-of-Pigs.aspx>, (accessed on June 10, 2015).

⁸ "Cuban Missile Crisis", *John F Kennedy Presidential Library and Museum*, <http://www.jfklibrary.org/JFK/JFK-in-History/Cuban-Missile-Crisis.aspx>, (accessed on June 10, 2015).

⁹ Ibid.

¹⁰ See n.5.

¹¹ Mark P. Sullivan, "Cuba and the State Sponsors Terrorism", *CRS Report for Congress*, May 13, 2005, <https://www.fas.org/sgp/crs/terror/RL32251.pdf>, (accessed on June 12, 2015).

¹² "Timeline US-Cuba Relations, 2014", *Council on Foreign Relations*, <http://www.cfr.org/cuba/timeline-us-cuba-relations/p32817>, (accessed on June 12, 2015).

¹³ Ibid.

¹⁴ "Timeline US-Cuba Relations", *BBC*, October 11, 2012, <http://www.bbc.com/news/world-latin-america-12159943>, (accessed on June 12, 2015).

¹⁵ Ibid.

Cuba and the Obama Administration

President Barack Obama has made a mark in history by reaching a breakthrough with the government of Cuba. The decision made by both the nations to revamp their relations, which have been defunct in practice for decades, was cited as one of the biggest achievement by the Obama administration in the US media. The Latino diaspora, some from Cuba, has played a significant role in the Presidential win of Barack Obama, making this minority group a key concern for the administration. In April 2009, just a few months into the office, President Obama lifted restrictions on family travel and remittances to Cuba.¹⁶ But this initial act of bonhomie was stalled due to the arrest of a USAID worker Alan Gross in Havana on grounds of spying for Washington. Later, in 2011, Cuban agent Rene Gonzalez, one of the five counterintelligence officials convicted for espionage in 2001, was freed on completing the sentence from a Florida jail (a second official was similarly released).¹⁷ With the transfer of power to Raul Castro in 2006, Cuba embarked on a new political journey and started embracing various reforms. Amid a slew of many economic reforms, Raul Castro's government removed bureaucratic requirements for Cubans to obtain government permission to travel abroad in 2012.¹⁸ The relationship warmed up further when US President Obama and Cuban President Raul Castro met for the first time at the Nelson Mandela Memorial Service in 2013 which resulted in the second handshake between US-Cuba leaders in five decades. But the highpoint in this relationship came in 2014 when the Cuban government decided to free Alan Gross in exchange for the release of the remaining three of the five Cubans convicted.

The quantum leap in the relationship was a result of eighteen months of secret talks hosted largely by Canada. The move was encouraged by the Pope, who hosted the final meeting at the Vatican. President Obama spoke with Castro over telephone for more than 45 minutes, to finalize the agreement.¹⁹ The Obama Administration went a step further to show high commitment to this newfound vitality in the relationship by removing Cuba from the list of states sponsoring international terrorism. But all these developments have not been welcomed by all quarters in the US system. The leading Republican contender for Presidency, Jeb Bush, denounced Obama for being "more interested in capitulating to (our) adversaries than in confronting them".²⁰ Marc Rubio, the hard-line Cuban-American senator from Florida, attacked the US President "for giving the Cuban regime concession after concession, in exchange for nothing that even remotely resembles progress towards

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ See n.12.

¹⁹ Monish Tourangbam, "Can Washington and Havana Tango?", *Perspectives on the America*, January 5, 2015, <http://www.perspectivesamericas.org/uncategorized/can-washington-and-havana-tango/>, (accessed on June 22, 2015).

²⁰ Peter Kornbluh, "Historic new era between US and Cuba is about to begin", *Al Jazeera*, May 31, 2015, <http://www.aljazeera.com/indepth/opinion/2015/05/historic-era-cuba-150531123042501.html>, (accessed on June 22, 2015).

freedom and democracy for the people of Cuba”.²¹ The initial stages of the talks between the two countries were kept as top secret. The secrecy surrounding these negotiations was necessary since domestically Obama would have had to contend with opposition to actively re-engaging with what is perceived as a corrupt dictatorship.²² The positive developments between US and Cuba can also be credited to the absence of the original planner of the Communist nation, Fidel Castro. His brother, Raul Castro’s presence in the Cuban government has managed to bring modernity and a fresh set of reforms in the nation.

Amendments to the Cuba Sanction²³

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| 1. Travel | In all 12 existing categories of authorized travel*, travel previously authorized by specific licence will be authorized by general license, subject to appropriate conditions. This means that individuals who meet the conditions laid out in the regulations will not need to apply for a license to travel to Cuba. |
| 2. Travel and Carrier Service | Travel agents and airlines will be authorized to provide authorized travel and air carrier services without the need for a specific license from Treasury’s Office of Foreign Assets Control (OFAC). |
| 3. Insurance | US Insurers will be authorized to provide coverage for global health, life or travel insurance policies for individuals ordinarily resident in a third country who travel to or within Cuba. |
| 4. Importation of Goods | Authorized US travellers will be allowed to import up to \$400 worth of goods acquired in Cuba for personal use. |
| 5. Telecommunication | In order to provide efficient and adequate telecommunications services between the United States and Cuba, a new OFAC general licence will facilitate the establishment of commercial telecommunication facilities linking third countries and Cuba and in Cuba. |
| 6. Consumer Communications Devices | Commercial sales as well as donations of the export and re-export of consumer communication devices that enable the flow of information to, from and among the Cuban people- such as personal computers, mobile phones, televisions, memory devices, recording devices and consumer software- will be authorized under Commerce’s Consumer Communication Devices (CCD) license exception instead of requiring licenses. |

²¹ Ibid.

²² Kavita Myles, “Cuba-US Rapprochement, Perspectives on the Americas”, February 20, 2015, <http://www.perspectivesamericas.org/articles-research-scholars/latin-america/cuba-us-rapprochement-chronicle-of-an-event-foretold/>, (accessed on June 22, 2015).

²³ “Treasury and Commerce Announce Regulatory Amendments to the Cuba Sanctions”, *US Department of the Treasury*, January 15, 2015, <http://www.treasury.gov/press-center/press-releases/Pages/j19740.aspx>, (accessed on July 20, 2015).

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| 7. Remittances | The limits on generally licensed remittances to Cuban nationals other than certain prohibited Cuban Government and Cuban Communist Party officials will be increased from \$500 to \$2,000 per quarter. |
| 8. Third Country Effects | US owned or controlled entities in third countries, including banks, will be authorized to provide goods and services to an individual Cuban national located outside of Cuba, provided the transaction does not involve a commercial exportation of goods or services to or from Cuba. |
| 9. Small Business Growth | Certain micro financing projects for entrepreneurial and business training, as well as for private business and agricultural operations, will be authorized. |
| 10. Cash in Advance | The regulatory interpretation of "cash in advance" is being redefined from "cash before shipment" to "cash before transfer of title to, and control of, the exported items" to allow expanded financing of authorized trade with Cuba. |
| 11. Supporting Diplomatic Relations and USG Official Business | To facilitate the reestablishment of the diplomatic relations with Cuba, OFAC is adding a general license authorizing transactions with the Cuban official missions and their employees in the United States. |
| 12. Support for the Cuban People (SCP) | Exports and re-exports to provide support for the Cuban people in three areas: improving living conditions and supporting independent economic activity; strengthening civil society; and improving communications- will be eligible under Commerce Department's SCP license exception. |
| 13. Gift Parcels | Consolidated shipments of gift parcels will be eligible for the same commerce license exception that authorizes individual gift parcels. |
| 14. Liberalizing License Application Review Policy | Commerce will set forth general policy of approval for applications to export or re-export items necessary for the environmental protection or enhancement of US and international air and water quality or coastlines. |

***The Categories of General Licenses Available to Authorized Travellers to Cuba²⁴**

1. Family Visits
2. Official Business of the US Government, foreign governments and certain intergovernmental organizations
3. Journalistic Activity
4. Professional Research and Professional Meetings

²⁴ "Charting a New Course", White House, <https://www.whitehouse.gov/issues/foreign-policy/cuba>, (accessed on June 23, 2015).

5. Educational Activities
6. Religious Activities
7. Public Performances, Clinics, Workshops, Athletic and Other Competitions and Exhibitions
8. Support for the Cuban People
9. Humanitarian Projects
10. Activities of Private Foundations, research or educational institutes
11. Exportation, importation, or transmission of information or information material
12. Certain export transactions that may be considered for authorization under existing regulations and guidelines

New Start, Old Neighbours

Even though both the nations have managed to acquire a significant breakthrough in the relationship, the road ahead for them is full of challenges. The present predicament of the relationship is that of a high level political event, where on the one hand, important sections in the United States have publicly recognized the failure of their policy towards Cuba, and on the other, the Supreme Cuban Administration seems convinced that it would be essential to transform the model of “resistant socialism”.²⁵ The decade-long political stalemate between the two nations has though come to an end, but the long historical disagreements on various matters has not disappeared. The US motive of changing the Cuban regime is no more its goal, but that does not automatically result in the US not worrying about its long held concerns in Cuba i.e. democracy and human rights violation. The original points of friction very much exist between these two neighbours, but what has changed are the time and the viewpoint of the leaders. The Obama administration has acknowledged that their policy on Cuba has been the most outdated one, considering it has been more than two decades since the Cold War got over. The biggest knot in their relationship has been untied, but that doesn’t spare the leaders from confronting some age-old pinpricks.

The strong political will and diplomatic competence shown by the leaders and administrations of both the countries is the reason for this new major development. The diplomatic opening in US-Cuba relations has implications at three levels: bilaterally - the shift to a policy of constructive but critical engagement with Cuba offers the Obama

²⁵ Lenier Gonzalez Mederos, “Cuba and the United States: The Challenges of Starting Anew”, *The Huffington Post*, January 29, 2015, http://www.huffingtonpost.com/lenier-gonzalez-mederos/cuba-and-the-united-state_1_b_6571814.html?ir=India&adsSiteOverride=in, (accessed on June 22, 2015).

administration a chance to advance its strategic interests in a variety of areas including counter narcotics cooperation, aviation, maritime security, disaster relief, human trafficking and migration; regionally- closer economic ties between the two might lead to Cuba depending less on Venezuela for energy; and internationally- Russia and China will have the scope to continue to play increasingly complex roles as creditors and investors on the island.²⁶ The revival of the relationship between the two countries can be very beneficial not only to America, but also to Cuba. Easing of tensions with United States creates stability to handle the urgent economic, political and social transformation that the island nation needs in the 21st century, most urgent being the disassembling of institutions derived from the Soviet model adopted in 1976 and only partially reformed in 1992.²⁷ Though the major step has been taken by Obama and Castro, ongoing commitment is required for the relationship, many challenges for which are inevitable.

²⁶ Ted Piccone, "United States-Cuba Normalization: Strategic Implications for US National Security", *Brookings*, April, 2015, <http://www.brookings.edu/research/papers/2015/04/us-cuba-normalizations-piccone>, (accessed on June, 25, 2015).

²⁷ See n.23.