

**Leonard Marks Foundation Essay Contest  
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**Reclaiming policy initiative in Cuba by redesigning travel sanctions**

**Submitted by:**

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### **Introduction:**

This memorandum recommends relaxing travel restrictions toward Cuba, especially for Cuban Americans, as a first step toward inducing a peaceful transition to democracy on the island.

### **Summary:**

Cuba today remains strategic to U.S. interests. Given its geographical proximity, an unstable post-Castro Cuba could serve as a haven for drug trade, illegal immigration, money laundering, and even terrorism. Alternatively, a peaceful transition to democracy could transform Cuba into an important trading partner and a key ally in the struggle against these potential threats.

The U.S. must begin to address and influence a post-Castro Cuba now. This memorandum explores three options currently available to U.S. policymakers and recommends easing travel restrictions for Cuban-Americans as a first step in moving beyond the current stalemate in U.S.-Cuba relations. This action should include a public offer to end the travel ban for all American citizens if Cuba adopts the international standards of freedom of movement. This will help the U.S. to coordinate its efforts with those of its allies in support of democratic and market oriented reforms.

### **Discussion:**

Cuba is not insignificant to U.S. interests and in fact poses serious potential threats in ways few strategists have yet considered. As he has for many years, Fidel Castro will likely survive any U.S. effort to remove him. Will Castro's death mark the beginning of a transition to democracy or a descent into political chaos accompanied by uncontrolled mass migration, violence over property rights and global crime? The answer to this question depends on many factors, the most prominent being the level of U.S. engagement with Cuban civil society.

Anyone who has thought seriously about the issue has run into an essential conflict: the desire to engage with Cuba without legitimizing Castro's human rights behavior. Many people expecting reciprocity from Castro have frequently been disappointed by his creativity in opening doors that he is quick to close at his own discretion. The risk of depending on Castro's reciprocity has frequently been used to oppose or delay taking engagement actions. This unfortunate dilemma has provoked the counterargument that guides this memo: there are pro-democracy solutions regardless of what Castro does, and even his lack of reciprocity to engagement actions can be useful for building multilateral pressures on his regime.

The fact that Washington's policy toward Cuba does not have any international support is a serious problem. There is not a single case in which unilateral sanctions have succeeded in achieving regime change. Differing from the U.S. approach, most American allies believe that their citizens traveling to Cuba promotes openness, and empowers civil society. While it is certain that European and Latin American strategies of engagement have produced only modest reforms, the isolation approach, as pursued unilaterally, has merely contributed to the preservation of the status quo. Most importantly, there is no evidence suggesting that continuing unilateral isolation will increase the likelihood of achieving a more democratic, market oriented Cuba.

### **A principled engagement:**

A look at post-communist transitions shows that democratic development has been most successful in countries where the U.S. and the international community were actively

engaged with the emerging civil society. In Eastern Europe, the U.S. and its allies both coordinated their policy with local religious and human rights groups. Simultaneously, the U.S. relaxed its sanctions if the regimes began to observe some international standards of freedom of religion or movement. Today, those countries are important trading partners and key allies of the U.S. in the war against terror and international crime. In contrast, in most of the former Soviet Union, where the level of engagement was the lowest, corruption is rampant and democracy is still a mere hope.

Demonstrating the Cuban government's reluctance to adopt reforms for the benefit of its own people should be a U.S. goal. Rather than insisting upon maximalist goals of regime change or free elections, the U.S. should focus on lesser goals with a liberty multiplier effect, like the adoption of international standards of travel rights. The main advantage of a one-step-at-a-time-approach over an all-or-nothing mindset is that if the Cuban government shows inflexibility toward those gestures, Washington can demand reciprocity not from Castro but from Europe and Latin America in coordinating pressures for reforms. Today's carrots may legitimize tomorrow's sticks. On the other hand, if Castro is forced to reciprocate U.S. gestures, Cubans will benefit from liberalization in the regime.

A sad joke in Cuba asks the question: "What does a Cuban need to develop entrepreneurship?" The answer: "A raft." Although the Cuban government receives some revenue from exiles' travel to Cuba, the positive political and humanitarian impact of Cuban Americans visiting their country for the Cuban civil society outweighs any potential government revenues. By demonstrating that capitalism and respect for human rights allow people to achieve their potential, a majority of Cuban exiles are showing an alternative future to their neighbors and classmates who stayed behind. By connecting with their families, religious groups, and fellow citizens, exiles become part of everyday Cuban life, strengthening the common identity of all Cubans across any political division.

### **Options:**

The following are the options currently available to policymakers. The first two options, despite some advantages, are not in the best interest of the United States.

#### **Option 1: Tighten the Sanctions as they are.**

- a. Cancellation of all travel between the U.S. and Cuba.
- b. Removal of the presidential waiver authority, which would allow claims in American courts against foreign investors on the island.
- c. Cancellation of the 1994 Immigration Agreements.

#### *Pros*

- Further constraining the Cuban government's budget may force it to accelerate some economic reforms. (This is not a predetermined outcome. Some pressures give legitimacy to counter reform steps and reinforce the state's control as it responds to extreme scarcity or aggressive applications of the embargo rules.)

#### *Cons*

- Allow other business interests to take advantage of U.S. absence.
- Places more pressure on constructive actors within Cuba who are advocating for gradual liberalization like the Catholic Church, the dissidents or reformist factions in the government. Cuban hardliners will argue against them that U.S. pressures do not allow space for reforms.

- Increases the likelihood of violence and uncontrollable massive emigration if an unlikely collapse of the Cuban state occurs.
- Continues to isolate the U.S. from its allies and to single out those in Cuba in contact with American political actors as targets of governmental repression.
- Fails to address current U.S. domestic debate on Cuba policy.

**Option 2: Unilateral overturning of Embargo.**

The U.S. decides unilaterally to drop either the embargo or the travel ban.

*Pros*

- Impact of American tourism, trade or both in Cuba will have profound economic effect on Cuban civil society and make the repression of those who establish partnerships with groups in the U.S. more difficult.
- U.S. firms will benefit; the gap between the U.S and its allies about Cuba will close.

*Cons*

- Would likely strengthen the state at least as much as the civil society (although it would likely be skewed to strengthening the part of the state associated with the pro market groups).
- Might be perceived as legitimizing Cuban political system and betraying American solidarity with democratic forces.
- A total overturning of Embargo would amount to acceptance in the Western Hemisphere of a non-democratic regime in violation of the OAS Democratic Charter.

**Option 3: Recommended Action: Reclaim policy initiative by redesigning travel sanctions.**

U.S. policy should not abandon its democratic principles and ideals but that does not amount to an all-or-nothing-mindset. In this vein, the Secretary should urge the President to study the travel sanctions, removing restrictions that single out U.S. relations with those pursuing a democratic change in Cuba and make them easy prey for repression.

- Travel of Cuban exiles represents a unique opportunity to encourage national reconciliation among Cubans. Regardless of what Castro does, nothing has eroded the foundations of Cuban communism more than the visits of Cubans living in the U.S. On balance, the benefits of eliminating the restrictions on travel by Cuban Americans to Cuba far outweigh any economic benefit the Cuban government can gain. The Secretary should propose that the President eliminates every restriction in this regard.
- The U.S should craft a linkage strategy offering political and economic incentives in return for partial Cuban dismantlement of totalitarian structures. The decision to end the travel prohibition for Cuban Americans should be accompanied by a high level offer of calibrated removals of travel restrictions for U.S. citizens if Cuba lifts its requirements for an exit permit (the so-called *tarjeta blanca* (white card)) or the 11-month-limit for traveling abroad for Cuban citizens or stops denying exiles the option to return to the island on ideological grounds.
- Relaxing or eliminating the travel sanctions should be part of an effort to make the U.S Cuba policy more multilateral. Once the U.S. decides to eliminate travel restrictions, the Administration should urge international actors to demand Cuba's reciprocity to U.S. measures.
- As part of this discussion, the U.S should promote a traveler code of conduct in coordination with Europe and Canada. The U.S. should encourage a public

diplomacy effort to shame hotel and airlines companies involved in discrimination in Cuba. Travel agents should not be allowed to sell tourist packages or direct flights to some specific islands of the Cuban archipelago, where Cubans are barred. Even if some countries do not adopt those policies, these conditional measures are important symbolic tools to shame the Cuban government for its Human Rights violations, as well as firms that ignore apartheid tourism in their business with Cuba. This is a battle for the hearts and minds not only of the Cubans but also of the travelers to, and the businesspeople interested in, the island.

- More travelers between Cuba and the U.S. will demand more cooperation between the two states in areas of order and mutual interest. It should create better conditions for more cooperation in narcotics interdiction, terrorist threats, money laundering, immigration and criminal activities.

#### *Pros*

- Promotes engagement without ignoring human rights concerns or singling out those in contact with U.S. actors.
- Makes clear to public opinion and allies that it is communism, not the U.S., which is the main obstacle to the solution of the humanitarian issues in the Cuban conflict.
- Gives more flexibility and better information to the U.S. for influencing Cuba.
- Closes the gap between the U.S., Europe, and Latin America in the area of travel to Cuba.
- Provides a positive road map out of the current stalemate. In addition to taking the initiative with a first step, the U.S. signals specific actions that test the Cuban government's will to accept international standards in the specific area of freedom to travel.
- Today's cooperation on issues like law enforcement will reduce the chances of future proliferation of criminal activity.

#### *Cons*

- Castro will claim some measure of victory and receive a moderately significant cash flow.
- It may cause some political difficulties with the most militant groups of the Cuban American community.

#### **Recommendation:**

It is time to subject the Cuba issue to the strategic thinking that helped end the Cold War. It is recommended that the Secretary endorse the principled engagement option. Redesigning the travel sanctions will make it crystal clear to the public and allies that communism is the main barrier to a Cuban solution. It will also help to promote human rights by negotiating a multilateral strategy toward Cuba that takes into account the interests of U.S. allies and the preeminence of Cuban domestic actors in changing their reality.