

**Helping Castro?  
EU and US policies towards Cuba**

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WORKING PAPER

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## Executive Summary

The stagnant political situation in Cuba is a sign of the limited influence that external actors have in advancing the process of democratic transition in countries with authoritarian regimes. Nonetheless, had the EU and the US both coordinated their policies, they could have contributed to political openness in Cuba. When one compares EU policy towards Cuba with that of the US, a series of contradictions are revealed which have prevented a coherent and effective policy of democracy promotion. At the same time, they have also hindered the formulation of a transatlantic agenda, without which neither a policy of sanctions nor one of engagement can work.

Cuba is a source of significant controversy between the US and the EU. This is reflected in the engagement versus sanctions debate which has intensified as a result of the recent measures taken by Washington. The US and the EU differ more than they concur with respect to their policies on Cuba. Several divisive lines separate them regarding the most appropriate economic instruments, the property ownership issue, national sovereignty, the type of transition and democracy, as well as the main dialogue partners, and all of these reflect very different philosophies.

Despite these basic differences, the strategies chosen by the US and the EU towards Cuba have contributed to consolidating the authoritarian political system. European investment and trade with the EU – Cuba's main economic partner – have helped Castro to stabilize his regime in terms of financial resources, and the US sanctions policy has enabled him to justify it politically with the existence of an external enemy.

The forty-year old transatlantic debate over sanctions or engagement in Cuba has been counter-productive in that it has worked in favour of the political interests of the Castro administration. Despite being a key economic partner and having a Common Position on Cuba, the EU has maintained a low profile as a promoter of democracy in Cuba, compared to the confrontational stance taken by the US. The EU's policy of engagement and conditionality has neither helped to promote openness on the island, nor has it provided a counter-weight to the USA position.

In order to become a coherent actor with a view to a future transition in Cuba, the EU should, in the first place, define a common policy, instead of allowing each institution and each government to formulate its own individual strategy based on the general terms set out in the Common Position. To achieve this, an inter-institutional and interdisciplinary working group could be formed to revise European strategy on democracy promotion in Cuba.

In the second place the EU, and in particular Spain, should open a dialogue with Latin American partners and the US about the future of Cuba. Only a coordinated and consistent action could help to further a political and economic opening in Cuba. It is essential to promote changes in Cuba via a multilateral approach instead of creating competing agendas. A sine qua non condition for this would be to substitute the ideological debate about the Cuban Revolution for a pragmatic agenda aimed at achieving a more democratic Cuba which would be better integrated in the community of Western countries.



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## Introduction

“80 años son demasiados años para cumplir funciones de Estado” (Fidel Castro<sup>1</sup>).

In the almost five decades that Fidel Castro has been leading the Revolution, it would appear that there was nothing new to say about the political situation in Cuba. All possible means for promoting democratic openness have been explored without success: neither diplomatic pressure nor dialogue have worked, nor have cooperation, sanctions, integration or international isolation. Despite all predictions to the contrary, Castro's regime resisted until the economic crisis following the fall of the Berlin Wall. Fifteen years after the collapse of the Socialist Bloc, Cuba is still the only Latin American country that rejects representative democracy and in which there has been no political opening. The current paralysis in Cuba reflects the fact that power is concentrated in the hands of the self-proclaimed "maximum leader" Fidel Castro, entrenched in the ideas of a distant revolutionary past.

In contrast to previous years, the recent increase in governments with leftist or populist leanings such as Argentina, (Bolivia), Brazil, Chile, Uruguay and Venezuela has led to a new recognition of the Cuban regime in Latin America. The most visible result of the renewed regional political climate is the alliance that has developed between the governments of Venezuela and Cuba. In return for sending Cuban doctors and teachers to Venezuela, an agreement with Hugo Chávez enables Fidel Castro to import oil under preferential conditions and to resell part of it on the international market. In this way he is reproducing the former model of exchange between Cuba and the Soviet Union with a different ally. This economic and ideological cooperation between Castro and Chávez is viewed with suspicion in Washington and in some European capitals.

<sup>1</sup> In: Tomás Borge, *Un grano de maíz, conversación con Fidel Castro*, Fondo de Cultura Económica, México D.F. 1992, p. 255.

In Cuba, economic development clearly takes a second seat to the political interest in maintaining the one-party system and control over society. Although Castro's government introduced modest economic and administrative reforms to the system in the nineties – by adjusting it to the new international conditions –, the move towards a market economy comparable to that of other socialist countries such as China and Vietnam has not happened. Despite a 5% growth rate is forecast for 2005, state control of the economy has contributed to create a situation of chronic crisis<sup>2</sup>, thus encouraging an underground capitalist system, the so-called black market. No political measure has been taken to encourage pluralism of opinion nor are there any signs that would indicate a transition towards representative democracy. After a brief period of political deregulation between 1991 and 1996, Cuba has turned back to authoritarianism and a tightening of the ranks around Fidel Castro.

Current political signs are not very encouraging. From the outside, both the higher realms of the political leadership and the military seem to be an impenetrable bloc. Internal opposition is "weak" and "divided"<sup>3</sup> between several competing groups. Apart from the fact that the opposition has limited credibility and capacity for leadership on the island, they are also facing increasing repression from the Cuban authorities<sup>4</sup>. Neither in Cuba nor in Miami has a common platform appeared among opponents to the Cuban government. The voice of civil society is barely audible – mainly because Cubans reject all types of political organisations as identified with the government; NGOs are certainly controlled by the government, and the Church's position on Cuba is as heterogeneous as that of the opposition.

<sup>2</sup> Electricity blackouts, water shortages, problems with public transport and difficulties in supplying basic commodities form part of daily life for the majority of Cubans.

<sup>3</sup> According to the report by the Commission for Assistance to a Free Cuba (CAFC), *Report to the President*, Washington DC, 6<sup>th</sup> May 2004, p. xiii.

<sup>4</sup> After a wave of mass arrests of opponents two years ago, in July 2005, the authorities imprisoned 26 dissidents linked to the Assembly to Promote Civil Society in Cuba (APSC) led by the economist Marta Beatriz Roque.

Through economic engagement and conditional political dialogue, Cuba is one of the few countries in Latin America where the UE applies an active common policy to promote democracy. At the same time, Cuba is the only country in the American hemisphere against which the US has imposed a unilateral economic and financial embargo. Given that their approaches are so different, Cuba is still the cause of heated debate between the US and the EU, as is reflected in the age-old argument of "engagement versus sanctions".

Ironically, the different strategies chosen by the US and the EU towards Cuba have only contributed to consolidating the Cuban system: European investment and economic transactions with the EU – its main trading partner – have helped Castro to stabilize his regime in terms of economic resources, and the US sanctions policy has provided an external enemy that politically justifies it. In this sense, the 40-year transatlantic debate over sanctions or engagement has been a self-defeating period, serving only to advance the political interests of Castro's regime.

For this reason it is necessary to consider the creation of a transatlantic policy for the promotion of democracy in Cuba. Apart from the well-known differences, the policies of the US and the EU do have some elements in common which could serve as a starting point to create a shared agenda. Since the approval of the Common Position on Cuba in 1996, the EU has followed a conditional diplomacy, thus moving closer to Washington's policy of pressure. The US lifted the sanction on exports of medicines and food, aligning itself more closely with the EU policy of economic engagement. This shows that US policy towards Cuba is not only limited to sanctions and that the EU has not opted for a strategy of "constructive engagement" but rather for one of "conditional engagement".

## **EU relations with Cuba: conditional engagement**

Traditionally, EU policies towards Cuba have been characterised by a series of principles or minimum common denominators respected by all the member States and community institutions. In the first place, the EU rejects the US embargo – condemning this each year within the framework of the United Nations – as well as all types of economic sanctions, and has opted for the alternative strategy of exporting to, and investing in Cuba (the only market in the world without competition from US companies). Secondly, by respecting the principles of national sovereignty and the right to self-determination, the EU's main dialogue partner in Cuba is not the opposition but the government. Thirdly, up until 2003 – when Castro refused official aid –, the EU had maintained a development policy with Cuba which is included in its regional aid programmes for Latin America. Fourthly, the EU has made the signing of a cooperation agreement with the island conditional on visible democratic changes. Lastly, within the EU, Spain is the member state which exerts greatest influence over European policy towards Cuba.

### ***Cuba's unique position within the EU's Latin America policy***

Cuba has a distinct status within Latin-American policy of the EU. An initial indicator of this is the large number of statements and documents that EU institutions have produced about this Caribbean country since the nineties. Along with Colombia and Venezuela, Cuba is the country that has received most attention in Latin American and Caribbean policy in the EU. Moreover, the uniqueness of the Cuban case is revealed by the following facts:

- First, Cuba is the only Latin American country for which the EU approved a Common Position, in 1996. This, together with a democratic clause that the EU includes in all its treaties with third countries, has prevented the signing of a cooperation agreement with Cuba, excluding the country from the treaties that the EU has with all Latin American countries.

- Second, the island does not form part of the EU's Latin American policy<sup>5</sup> but rather is treated as an ACP (Africa, Caribbean, Pacific) country. Therefore, within the European Commission, Cuba is not included in the portfolio of "Foreign Relations", headed by the commissioner Benita Ferrero-Waldner, but instead is under the responsibility of the commissioner for Development, the Belgian ex Foreign Minister Louis Michel.<sup>6</sup>
- Third, although Cuba is an ACP country, it did not sign the Cotonou Agreement nor does it form part of the future EU regional agreement with the Caribbean. Cuba, therefore, does not benefit from the cooperation programmes that the EU offers the ACP Group and which are its main *raison d'être*. Joaquín Roy compares this paradox to someone belonging to an exclusive Golf Club without being able to play.<sup>7</sup>
- Fourth, although the European Commission opened an office in Havana, in March 2003, not long before the arrest of 75 dissidents, the delegation responsible for relations with Cuba is still located in the Dominican Republic, which leads one to wonder what functions are assigned to the Cuba office.
- Fifth, although Cuba does not comply with the representative democracy requisite referred to in many Declarations, it participates in the Summits between EU, Latin America and the Caribbean<sup>8</sup>, in the Ibero-American Summits, as well as in the conferences between the European Parliament and the Latin American Parliament.

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<sup>5</sup> According to Joaquín Roy, this fact "generates a sense of confusion and frustration". Joaquín Roy, *The European Union Perception of Cuba: From Frustration to Irritation*, Background Briefing FOCAL, Ottawa, 2003, p. 3

<sup>6</sup> Louis Michel visited the island in 2003 and 2004.

<sup>7</sup> See Roy, *op.cit.*, p.5.

<sup>8</sup> Following a decision taken by the Rio Group in 1999, despite the fact that Cuba does not form part of this forum which applies a democratic clause.

- Sixth, as a result of the US embargo, Cuba is the Latin American country which most depends on the flow of economic and development cooperation from the EU.<sup>9</sup> However, the EU's leading role in Cuba's economy is not reflected at a political level, since the influence that European political institutions have on democratic openness on the island is minimum. This is further evidence that economic openness does not automatically lead to democratic reforms.
- Seventh, unlike the traditional *bottom-up* approach to its policy of promoting democracy, strengthening civil society and in particular the NGOs, the EU has opted for the reverse strategy of a *top-down* approach in Cuba<sup>10</sup>, which favours dialogue with the Cuban regime and identifies it as the main agent of political change.

Another peculiarity is that the European Commission has not designed a "country strategy" not has it issued, in the last few years, any official documents relating to Cuba. The only text publicly available defines the Union's policy towards the Caribbean island as one of "constructive engagement". This is true in terms of economy and cooperation, bearing in mind that since the fall of the Berlin Wall, the EU – primarily Spain – has become Cuba's largest trading partner (with particular emphasis on the tourist sector), its main donor and the second largest investor in Cuba.

On a political level, however, through its Common Position on Cuba, the EU follows a policy of democratic conditionality, which underpins once again Cuba's distinct position in the EU's Latin American policy. Despite several attempts to normalise relations, these political conditions, which are unacceptable to the authorities in Havana, have prevented Cuba and the EU from signing a cooperation agreement.

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<sup>9</sup> Since the reestablishment of cooperation, in 1993, the European Commission has destined a total of 145 million Euros to Cuba. Although it officially belongs to the ACP group of countries, Cuba can take part in the regional programmes with Latin America (ALIS, AL-Invest, ALFA, URB-AL).

<sup>10</sup> Comp. Richard Youngs, *The European Union and Democracy in Latin America*, in: *Latin American Politics and Society*, vol. 44, n° 3, Miami, Fall 2002, p. 111-141.

***Between convergence and withdrawal***

Since both sides re-established diplomatic relations in 1988 – within the framework of the cooperation between the then EC and the COMECON – , EU policy towards Cuba has been characterized by a permanent seesawing between convergence with and withdrawal from the Cuban regime. Depending on the political situation in Cuba at any given moment in time, the EU has given priority either to constructive engagement or to diplomatic pressure and light sanctions.

In their 17 years of diplomatic relations there have been five attempts to normalize relations between Cuba and the EU. All of these have failed because of apparently unsolvable political differences. In the five cases, the negotiations were interrupted by adverse political situations in Cuba or external crises, in part provoked by Castro's government. As can be deduced from the following record of their relations, EU Cuban policy has been influenced by three key factors: 1) the US position; 2) the political situation in Cuba; 3) the governments in power in Spain.

I. In 1989, on the initiative of the European Parliament (EP), Cuba and the then European Community tried for the first time to enter into formal relations. Six months after re-establishing diplomatic contacts and a visit by the EP, Cuba suggested the possibility of signing a cooperation agreement. The following year the project fell through because of the events of the so-called "embassy crisis" – when hundreds of Cuban citizens took refuge in European consulates in Havana – thus provoking a serious setback in relations. In addition to this crisis both the domestic situation (the "Ochoa case"<sup>11</sup>) and the international situation (*Glasnost* and *Perestroika* and the fall of the Berlin Wall) acted as adverse influences on the resumption of relations.

II. The second attempt at normalisation occurred in 1995, under the Spanish Presidency of the EU. The EU Troika made a first official visit to Cuba. Following the recommendations of Felipe González's government, the European Council approved a mandate for negotiating a cooperation agreement with Cuba. The subsequent dialogue held by the then commissioner Manuel Marín in Havana, in February 1996, failed because of political differences. A week after his visit, the Cuban authorities shot down two aircrafts coming from the US. In March 1996, Bill

Clinton's Administration gave the green light to the Helms-Burton Bill and, of the urging of José María Aznar's recently elected government, the EU approved the Common Position on Cuba, which conditions a cooperation agreement on advances in democratization.

III. The third attempt to sign an agreement with Cuba began ten years after the re-establishment of diplomatic relations. In September 1998, the EU accepted Cuba as an observer in the post – Lomé negotiations with the ACP group of countries. The involvement of Cuba in the north-south cooperation process revealed a change of strategy from the previous bilateral approach to the multilateral option, in cooperation with the then 77 countries of the ACP group. In February 2000, the Cuban Government applied to the EU to form part of the new agreement and, in principle<sup>12</sup>, would have accepted the democratic clause of the agreement<sup>13</sup>. However, it was signed on the 23 June in Cotonou (Benin), without Cuba. Castro had decided to withdraw the application, apparently because the EU member states had supported – as in previous years – a resolution of the UN Committee on Human Rights against Cuba. Even so, in December 2000, Cuba became the 78<sup>th</sup> member of the ACP group, which had to modify its founding Charter to achieve this end.

IV. The fourth attempt at closer relations between Cuba and the EU took place in December 2001, when both sides resumed political talks. A second meeting was held a year later. Although little came of these meetings, diplomatic channels remained open until March 2003. On 10 March, the European Commission opened an office in Havana, and just a few weeks later, the Cuban police arrested 75 dissidents and sentenced them up to 25 years in prison. On 30 April, the Commission rejected Cuba's application to join the Cotonou Agreement. At the request of the Aznar Government, and for the first time since the Common Position, the EU approved a list of "minor sanctions" on the 5 June, reducing cultural contact and high-level visits and making it official policy to invite dissidents to national celebrations. Fidel Castro rejected these

<sup>11</sup> In 1989, the Cuban government shot General Ochoa for his alleged connexion with drugs trafficking.

<sup>12</sup> See Hilda Puerta Rodríguez, *El acuerdo de Cotonou y el ingreso de Cuba. Universidad de Havana, 2000, p.22.*

<sup>13</sup> Unlike many other agreements, Cotonou does not condition participation explicitly to respecting representative democracy, but rather human rights, rule of law, fundamental freedoms and good governance (article 9 of the Cotonou Agreement).

measures, and his angry reaction led him to suspend official development cooperation and (in fact) diplomatic relations with the EU.

V. This cooling of political relations between the EU and Cuba lasted for two years until a new phase of détente began. Yet again it was the Spanish Government, this time under José Luis Rodríguez Zapatero, that changed European policy by pushing it towards the lifting of the sanctions. This occurred in January 2005. In March of the same year, the Cuban Foreign Minister, Felipe Pérez Roque, went to Brussels in an attempt to unfreeze relations. At a later date, the Cooperation commissioner, Louis Michel, travelled with a Delegation from the European Parliament to Cuba<sup>14</sup>, where he had an interview with Fidel Castro and other officials. Subsequently, Michel recommended that a political dialogue "without taboos" should be resumed with Cuba, and that negotiations for joining the Cotonou Agreement should be renewed. Shortly afterwards, relations were brought to a paralyse again. In June 2005, the EU confirmed the Common Position, and the British Presidency of the Council issued two statements<sup>15</sup> criticizing a new wave of repression and the temporary detention of opposition representatives in Cuba.

This brief review of the history of contemporary relations between the EU and Cuba reflects an ongoing pattern of attempts to foster closer relations and resulting standoffs at an average rate of every three years. The achievements of this period of seesawing between dialogue with and withdrawal from the Cuban Government have been practically negligible: no progress has been made in smoothing the difficult political relations between the EU and Cuba nor has any concession to liberal democracy been made by the authorities in Havana. In the Cuban game, EU policy has been erratic; it has been influenced by the changing interests of the different Spanish Governments, and has over-reacted to the changing political conditions in Cuba. These same tendencies have been present in the EU's interpretation and enforcement of the "Common Position".

<sup>14</sup> In August 2001, the then Foreign Minister Louis Michel had visited Cuba for the first time during the Belgian Presidency of the European Council to renew cooperation relations.

<sup>15</sup> Declarations by the EU Presidency from the 15 and 22 July 2005.

### *A "Common Position" without a common policy*

The EU Common Position on Cuba, approved on 2 December 1996, is the main instrument of European foreign policy towards the island. Since this CFSP was established as part of the Maastricht Treaty in 1992, the EU has approved Common Positions on Burma, Cuba, Iraq, Nigeria and Zimbabwe, each with the aim of condemning the precarious state of democracy in those countries. This list of countries demonstrates that the adoption of Common Positions by the EU Council has been the exception rather than the rule, given that this policy is essentially applied to those countries that are not included in any cooperation agreement with the EU.

The main political objective of the Common Position on Cuba is "to encourage a transition process towards a pluralist democracy and the respect of fundamental human rights and freedoms".<sup>16</sup> The EU states, at the same time that "it is very probable that the transition will be pacific if the current regime sets in motion this process itself or makes it possible". The two specific implications of the Common Position for EU relations with Cuba are: (a) the linking of a cooperation agreement to visible progress towards democracy, and (b) the distribution of development aid through European and Cuban NGOs.

The Common Position on Cuba was the result of a series of specific political events. In 1996 – a US presidential election year – President Clinton had passed the Helms-Burton Act in response to a wave of repression in Cuba and to Cuba's shooting down of two civil light aircraft<sup>17</sup>. José María Aznar and the *Partido Popular* had won the elections in Spain. It was José María Aznar who, after a visit to Miami, suggested designing a Common Position about Cuba. Although the initial text was modified, at Aznar's suggestion, the EU approved the Common Position on Cuba, a country of little strategic interest for the Union. For the Aznar administration, the Common Position served two internal aims: 1) to reassert Spain as the bridge between Europe and Latin America, 2) to show Spanish citizens its ability to change the traditional policy of engagement and dialogue with Cuba.

<sup>16</sup> See "Common Position of 2<sup>nd</sup> December 1996 defined by the Council by virtue of the article J.2 of the EU Treaty, on Cuba (96/697/CFSP)".

<sup>17</sup> The planes belonged to the exile organisation *Hermanos al Rescate* who flew over Cuban territory without authorization to distribute anti-Castro leaflets.

Paradoxically, Spain was the first country not to respect the Common Position after its approval, by maintaining its traditional development cooperation with Cuba, by consolidating its position as the principal supplier of goods and the second largest investor on the island, and by accepting Fidel Castro's participation in the Ibero-American summits each year. The 9<sup>th</sup> Summit was held in 1999 in Havana. Consequently, Joaquín Roy concludes that both socialist and conservative Governments "violated the Common Position"<sup>18</sup> in the areas of trade, dialogue and cooperation.

Spain's case illustrates that in the EU – the Commission, the European Parliament and the 25 member States – there is a wide range of policies towards Cuba, from unconditional engagement to political and economic pressure. At the level of member states, and not counting Spain's fluctuating policies, a distinction should be made among the Nordic countries that give priority to the theme of human rights, a group that is in favour of engagement which includes France, Belgium and Portugal, and lastly Germany and the United Kingdom who maintain an intermediate position.<sup>19</sup> The position of the EU countries<sup>20</sup>, of the European Parliament and the Commission vary according to internal political changes. These differences confirm that there is a Common Position without a common policy. At the same time, they reveal that in the EU, national interests prevail over a supranational strategy. Therefore, the Common Position has scarcely been adhered to in the relations of the EU countries with Cuba: "With regard to Cuba, the member States of the Union seem to give priority to bilateral relations rather than to any other aspect of EU policy on Cuba"<sup>21</sup>.

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<sup>18</sup> Joaquín Roy, *op.cit.*, p. 4.

<sup>19</sup> Italy, for example, cancelled its cooperation with Cuba, in response to a wave of detentions in March 2003, while France was the first EU country to invite representatives of the Cuban Government to its national holiday, on the 14<sup>th</sup> July 2005, rejecting the participation of dissidents.

<sup>20</sup> See Instituto de Relaciones Europeo-Latinoamericanas (IRELA), *Revising European Cuba Policy: Perceptions and Interests of Member states*, Madrid, 2000.

<sup>21</sup> Pax Christi Netherlands: *La Unión Europea y Cuba: ¿Solidaridad o complicidad?*, Fifth report on Cuba, Utrecht, 2000.

It should be pointed out that there has been a fundamental contradiction between policies that were established in the interests of member states and the supranational strategy of political conditionality put into practice by the European Commission, which is based on the democratic clause. The smooth relations that the majority of European countries have with Cuba are in sharp contrast to the difficult dialogue and the absence of contractual ties that the country has with the EU. Whereas there is no cooperation agreement between Cuba and the EU owing to political differences, over 20 agreements for bilateral<sup>22</sup> cooperation have been signed. According to Carlos Alzugaray, there is a clear divergence between supranational and bilateral policy in the EU: "Paradoxically, while bilateral relations with the member EU countries have experienced an unmistakable upward trend, one cannot say the same for the relations between Cuba and the European Union as a whole".<sup>23</sup>

Another contradiction lies in a certain division between the portfolio for Development Cooperation and that of Foreign Relations, not only within the European Commission but also in countries such as Germany. Both the commissioner for Cooperation, Louis Michel, and the German Minister for Cooperation, Heidemarie Wiezcorek-Zeul, support dialogue and cooperation in relations with Cuba, while those responsible for foreign policy, Javier Solana, Benita Ferrero-Waldner and Joschka Fischer, have insisted more on democratic conditionality. These divisions can also be identified in other institutions and EU member States.

A third contradiction in European policy is that the Cuban Government is the main dialogue partner for the EU, while the opposition plays a secondary role. This practice does not comply with the Common Position goal of promoting a "pluralist democracy" in Cuba. On the other hand, the fact that Cuba and the EU worked to establish regular political dialogue and that they have only met on two occasions (in December 2001 and in November 2002) lacks coherence.

A fourth contradiction is the constant criticism of the human rights situation in Cuba. In the first place, one might point out that the more relevant question is not so much that of human rights (since unlike other Latin American countries, in

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<sup>22</sup> See IRELA, *op.cit.*

<sup>23</sup> Carlos Alzugaray, *Las relaciones de Cuba con Europa*, mimeo, Havana, undated.

Cuba there is no torture nor disappearances), but one of political rights. In the second place, EU criticism of the political situation in Cuba seems to be excessive when one considers that, according to Amnesty International and Human Rights Watch<sup>24</sup>, other countries in the region (among them Colombia, Guatemala, Brazil and Mexico) have a much worse human rights record.

Lastly, the EU has not reached an internal consensus on the treatment of Cuban dissidents. Although in January 2005, on the recommendation of Spain, the EU suspended measures which had been imposed following the wave of repression on the island two years previously, member states could not come to an agreement on whether dissidents should continue to be invited to their national holidays or not. This opened a new breach in the EU "common" policy towards Cuba.

These inconsistencies have diluted both the potential impact that the conditional diplomacy of the Common Policy could have had and the engagement policy that the member States apply. To sum up, Cuba's case enables us to draw two conclusions regarding the effectiveness of "EU Common Positions": on the one hand, it points to the influence of certain European members in designing and implementing Common Positions (in this case Spain), according to their historical, cultural and economic links with the country in question<sup>25</sup>; on the other hand, although they are created within the framework of the EU Council, the member States show little respect for the Common Positions as an instrument of Foreign Policy and Common Security.

On several occasions, Fidel Castro has called the EU a potential enemy of Cuba and an organization that serves to the interests of the US. This reaction indicates that the Common Position conditioning has not fostered political openness on the island but rather has had the opposite effect. Neither has the conditional diplomacy of the Common Position impeded in any way the liberal flow of trade between both parties.

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<sup>24</sup> See *Amnesty International Report 2005*, London and Human Rights Watch, *World Report 2005*, Washington DC.

<sup>25</sup> In the EU there is an informal agreement on national responsibilities regarding third regions (Eg. Germany is responsible for Eastern Europe, Spain for Latin America and France for Africa).

While the EU has had a limited political role, it has played a key role in the Cuban economy and it is here that, through tourism and the creation of joint-ventures, European companies have had some influence on the modest process of economic reforms<sup>26</sup>. However, unlike other countries, an independent business class has not emerged in Cuba that could act as a political agent of change. Instead, the majority of the state consortiums are managed by military personnel who are emerging as the "economic vanguard" of the country.

In the ten years that the EU has been applying the Common Position in Cuba, there has been no substantial progress in relations: Cuba is still the only Latin American country which has no treaty with the EU and neither has it established a mechanism for regular political dialogue. One might speculate that, underneath it all, this situation suits both parties: the EU can continue to do business with Cuba without entering into conflict with the US; and for the Government of Cuba, European cooperation guarantees its economic survival without it having to make political concessions. Summing up, the umbrella which covers all the policies that the EU actors apply in relation to Cuba would be a strategy of "conditional compromise".<sup>27</sup>

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<sup>26</sup> Among other measures, (up until 2004) it was permitted to possess dollars, to be self-employed, food markets were opened, tourism was promoted and foreign investment was encouraged.

<sup>27</sup> Joaquín Roy talks about a "conditioned constructive compromise based more on the carrot than the stick", op.cit., p.3.

## US policy towards Cuba: Tightened sanctions

The US has opted for the opposite strategy, that of sanctions. Apart from the embargo, since the end of the Cold War, US policy towards Cuba has been governed by the following principles, regardless of the government of the moment:

- Although Cuba forms part of the list of countries that support terrorist groups, according to a Pentagon report disclosed in 1998, the country does not represent a threat to US national security;
- Instead of promoting the exit option and with the aim of reducing the flow of Cubans to their national coast, the US supports and gives incentives to internal opposition against Castro, by financing groups and dissidents on the island;
- The Helms Burton Act in 1996 limits the powers of the President, as opposed to Congress, in modifying policy towards Cuba (only legislative power can lift the embargo);
- Through extraterritorial laws, the US tries to sanction and provide disincentives for the activities of foreign companies in Cuba, with the aim of guaranteeing the presence of national companies there, if and when a change in the regime comes about;
- To satisfy the political interests of exiles and the economic interests of the private sector, the Governments both strengthen (the Torricelli and Helms-Burton Acts) and soften (people-to-people contacts, the sending of food and medicine) the sanctions imposed on Cuba.

### *Cuba: a special case for the US*

As in the case of the EU, it is worth pointing out a series of elements that reveal the uniqueness of Cuba in American policy:

- Since the Clinton Administration, the figure of a special envoy for Cuba has been created with different mandates (Richard Nuccio, Stuart Eizenstat and Caleb McCarry);
- Although diplomatic relations with Cuba do not exist, the so-called US Interest Section in Havana (opened in 1977 during Jimmy Carter's Presidency) is one of the most important and active diplomatic offices.
- Cuba is the only country in the hemisphere and one of the few States against which the US imposes

unilateral sanctions that are not supported by any other country in the world.

- Despite the poor results on the island and the influential business lobby in favour of opening up economic relations with Cuba<sup>28</sup>, no US government has tried to lift the sanctions against the island.
- Since 1966, when it came into force, the Cuban Adjustment Law treats all Cuban who reach the US coasts as political refugees who can obtain a permanent residence permit at the end of one year.
- Despite the enormous imbalances in terms of military capacity, development and size, and contrary to the Pentagon Report, the US government still considers the Castro regime to be a "threat to regional stability, the consolidation of democracy and the free market economies in the Western hemisphere and for the people of the US"<sup>29</sup>.
- First generation Cuban-Americans have consolidated themselves as a group that designs American foreign policy towards Cuba and blocks any substantial change with regard to the embargo and sanctions.

The uniqueness of Cuba in the US is due to the power of the Cuban-Americans who represent the political and business elite in Miami and in a large part of the State of Florida. Just as in Spain, Cuba is a matter of internal policy in the US. If Cuba is a topic of national debate in Spain because of the historical links with its ex-colony, in the US it is so because of the influence of first generation immigrants. Since the former elite, which was white and prosperous, began to flee from the revolution in 1959, the now powerful Cuban-Americans dominate both local policy in the south of the US as well as the agenda of foreign policy towards Cuba. Rather like the influence the Jewish community in the US has on policy in the Middle East, the Cuban community, going beyond its presence in local policy, has conquered part of US foreign policy: the relations with Cuba and Latin America<sup>30</sup>.

<sup>28</sup> A notable example is the organisation USA \* Engage that represents the interests of the private sector and condemns the sanctions imposed by the USA (according to it against some 75 countries).

<sup>29</sup> Commission for Assistance to a Free Cuba, Report to the President, Washington DC, May 2004, p. 8.

<sup>30</sup> Among others, the ex-Subsecretary of State, Roger Noriega, the ex-special representative for Latin America, Otto Reich and Senator Mel Martinez are of Cuban origin.

The disproportionate influence of Cubans in the US – there are only 1.3 million compared with almost 20 million Mexicans – is due to several factors, among them their economic resources and, in political terms, their links with the Republican Party. This alliance was forged in 1981 with the creation of the Cuban-American National Foundation (CANF), backed by the then Government of Ronald Reagan. Although the organization has lost influence compared to other groups representing exiles, and it underwent a profound internal reform after the death of its leader Jorge Mas Canosa in 1997, the CANF still continues to dominate the Cuban political agenda in the US.

The relation between the US and Cuba reflects the "hijacking" of its policy by a small power group and their own private interests: Democrat Senator Chris Dodd expressed it in this way, "US/Cuban relations are held hostage to a small minority in each country"<sup>31</sup> (the hardliners in exile and Castro's supporters). US policy regarding Cuba is the result of the enormous influence that lobbies have there and shows that, in part at least, Cuba is of little interest at the national level. If the island had the economic clout of China or had substantial resources, it is likely that, in the national interest, the US would have modified its policy towards Cuba.

At the same time, it is ironic that the Cuban-Americans themselves contribute to the consolidation of the Cuban regime. Although their main purpose is to overthrow Fidel Castro, their political influence in the US depends on keeping him in power. Taking into account that the most radical opponents of Castro's regime live in Miami, a large part of the Cuba-US conflict<sup>32</sup> is internal. By allowing the "exit" option to prevail – because of repression in Cuba the alternative "voice"<sup>33</sup> is not really possible –, the fighting between Castro's supporters and his opponents has become extraterritorial. In this way, the confrontation between the Cuban Government and the opposition in exile<sup>34</sup> has become a conflict between Cuba and the US.

<sup>31</sup> Senator Chris Dodd's Reaction to Bush Administration's Cuba Policy, Press Release, 20<sup>th</sup> May 2002.

<sup>32</sup> The historical background of this conflict should be remembered, from the passing of the so-called Platt Amendment in 1901 that allowed interference in domestic affairs.

<sup>33</sup> In reference to the book "Exit, voice and loyalty" published in 1970 by the economist Albert O. Hirschman.

<sup>34</sup> Lincoln Díaz-Balart, the brother of Fidel Castro's first wife, is one of the Cuban President's fiercest opponents.

### *A brief overview of US policy*

Since the sixties, US policy towards Cuba has had two aims: 1) to cause the fall of Fidel Castro's regime, 2) to establish a liberal democracy and a free market economy on the island. The main instruments to bring about the end of the regime have been the economic and financial embargo, the suspension of diplomatic relations, the fostering of an opposition movement both inside and outside of Cuba, political propaganda, diplomatic pressure and isolation. Since the US does not recognise nor does it intend to dialogue with the Cuban government, its policy offers no incentive to promote democracy from within, but rather it is based on sanctions and designed for a post-Castro era.

The US approved an economic and financial embargo in 1962 against Cuba and this continues to be the key part of its policy towards its neighbouring country. The aim of these sanctions is to deprive Castro's regime of resources and, as a result, strip it of its legitimacy, by provoking an economic crisis followed by social upheaval. Right from the beginning this has been a dubious proposition, for several reasons:

- (1) The embargo has had more negative effects on the Cuban population than on the representatives of the regime who control the Cuban economy.
- (2) The embargo was one of the reasons that spurred Castro to look for alternative economic partners, thus promoting the alliance with the Soviet Union which also mitigated the effects of the embargo.
- (3) The embargo enables the Cuban regime to offload the responsibility for all the islands' economic problems on the US and to call on national unity as a response to the external threat.
- (4) The embargo is undermined by the sending of remittances<sup>35</sup> which already represent the main source of foreign currency in Cuba. It is a contradiction that the main promoters of the embargo, the Cubans in exile, compensate for its effects by sending money to their relatives on the island.

<sup>35</sup> According to CEPAL, "The substantial family remittances coming mainly from the US have lessened the effect of the embargo", in: *Estudio Económico de América Latina y el Caribe 2003-2004*, Santiago de Chile, p. 297.

(5) Finally, the sanctions conspire against the US national interest of preventing a mass exodus from Cuba, as this would be one of the consequences of a supposed economic and social crisis on the island caused by the embargo.<sup>36</sup>

Despite these contradictions, in the nineties, the US reinforced economic sanctions against Cuba, on the basis of the (mistaken) hypothesis that it was "obvious" that the Cuban economy could not survive the crisis caused by the collapse of the alliance with the Soviet Union<sup>37</sup>. During the Administrations of George Bush and Bill Clinton, this policy led to the passing of two Laws: the 1992 Cuban Democracy Act (Torricelli) and the Cuban Liberty and Democratic Solidarity Act (Helms-Burton). Both have two goals: 1) to internationalize the embargo and to penalize foreign companies who operate on the island; 2) to export its own model of liberal democracy and market economy to Cuba.

By means of the extraterritorial application of the sanctions, the Torricelli and Helms-Burton Laws are aimed at reducing or banning the activities of non-US companies – European, Canadian or Latin American – in Cuba. Regarding the situation in Cuba, the main objective of the Cuban Liberty and Democratic Solidarity Act is to condition US aid and the lifting of the embargo after a democratic transition in Cuba to certain political factors, among them the return and/or compensation of properties, and the resignation of Fidel and his brother Raúl Castro (Title II of the Helms-Burton Act).

On the other hand, during Bill Clinton's government some measures were passed that eased the embargo: some restrictions were removed to promote the renewal of contacts between the civil societies, humanitarian aid could be sent again, and the US Congress approved the lifting of sanctions on the export of food and medicines to Cuba. In the same way, after the "*balsero* crisis" – the exodus of 32,000 Cubans to the US coast in rafts-, both sides signed migratory agreements in 1994 and 1995 to control the exodus from Cuba, and established to this end annual talks between the authorities.

<sup>36</sup> In the last decades there have been two large waves of migration to the US coasts: the "Mariel" crisis in 1980 and the "*balsero* crisis" in 1994.

<sup>37</sup> See point (6) of the Cuban Democracy Act 1992.

### *Is Bush's policy speeding up a transition in Cuba?*

"Cuba will soon be free"  
(George W. Bush, 10 October 2003)

Freeing Cuba – this "outpost of tyranny"<sup>38</sup> – from Fidel Castro rather than promoting democracy is the main aim of the policy of George W. Bush's Government. Although the political instruments – the strengthening of sanctions and isolation –, are not new compared to previous Administrations, what is new is the design of a detailed agenda for a post-Castro Cuba in the US. Likewise, the attempt to accelerate a political change from Washington has awakened fears in Havana of a possible "military invasion", following the example of Iraq.<sup>39</sup>

George W. Bush defined his policy towards Cuba shortly before the presidential elections in November 2004, bearing in mind the interest of the Cuban-Americans in Florida, the State governed by his brother, Jeb Bush. The key part was the setting up, on 10 October 2003, of a Commission for Assistance to a Free Cuba, presided over by the then Secretary of State Colin Powell who delegated the coordination to the then Subsecretary of State Roger Noriega, of Cuban origin. The Committee's task was to draw up a post-transition programme with five objectives:

1. Speed up a peaceful end to the "dictatorship"
2. Establish democratic institutions, respect for human rights and the rule of law
3. Create the core institutions of a free economy
4. Modernise infrastructure
5. Provide for basic needs in the areas of health, education, housing and human services.

The "Powell Report"<sup>40</sup> was released on 6 May 2004. Its main task was "to accelerate the transition in Cuba", "undermine the survival strategies of Castro's regime" and "to prevent the regime's strategy of succession (from Fidel to Raúl Castro)"

<sup>38</sup> According to Condoleezza Rice in her opening speech, 18<sup>th</sup> January 2005.

<sup>39</sup> According to the ex-Cuban Ambassador to the EU, Carlos Alzugaray, "as in Iraq, Washington proposes a "change of regime" at all costs, in which there would be a return, according to their plans, to the Cuba that existed before 1959", in: *Cuba Review*, New York, 2003.

<sup>40</sup> It arose from the so-called Commission for Assistance to a Free Cuba, created by President George W. Bush in October 2003.

(chapter I). The report suggested strengthening the sanctions policy, not at the government level, but by limiting the contacts between the civil societies. Following its recommendations, the US government approved the following measures:

Concerning Cuba:

- Reduce the visits by relatives to Cuba from one visit a year to one every three years;
- Restrict other types of visits as well as academic exchange<sup>41</sup>;
- Prohibit the sending of remittances to members of the PCC and representatives of the Government, and limit remittances to near relatives;
- Reduce the sending of packets to Cuba to one a month and prohibit the sending of non-basic articles;
- Increase resources to strengthen opposition to Castro (14.4 million dollars of additional funds were allocated to different agencies in the US).

With regard to the International Community:

- Apply the visa sanctions of Title IV of the Helms-Burton Act against foreign companies who operate in Cuba (by denying them entry to the States) and review whether the waiver of Title III serves the national interest;
- Make additional diplomatic efforts in Europe and in Latin America to drum up support for NGOs and dissident groups, as well as to promote a greater understanding of US policy towards Cuba;
- Promote the creation of a common international platform to speed up a transition in Cuba<sup>42</sup>.

These measures, which were allocated \$59 million in resources, involve, on the one hand, reducing the contacts of Cuban-Americans with their relatives on the island and, on the other, a more offensive policy directed towards the exterior. However, in acknowledgement of the interests of American companies, the export of medicines and food is not restricted – the sanctions lifted by Congress in 2000 – nor are remittances forbidden. A third

<sup>41</sup> As a result of this measure, according to the US State Department, travel between the US and Cuba has been reduced by 57%.

<sup>42</sup> One of the US activities in this area was supporting the Conference "International Committee for Democracy in Cuba" organized in September 2004 in Prague under the auspices of Vaclav Havel.

element which has not been modified is the half-yearly suspension of Title III (the so-called *waiver*) of the Helms-Burton Act, which prevents legal action against foreign companies who invest in US "properties" in Cuba.

In this way, the packet strengthens the sanctions, but it introduces what can be considered cosmetic changes to satisfy the demand of a particular sector of the exiles: "The measures have been received to respond to US domestic concerns rather than as serious foreign policy steps"<sup>43</sup>. Ultimately, Bush's policy towards Cuba does not represent a new strategy. On the contrary, it is closely related to the Helms-Burton Act approved by the previous Clinton government. The Powell Report complies with what the Helms-Burton Act calls a "plan to offer assistance" to a future Transition Government in Cuba (Title I, points A and B). In this sense, the detailed post-Castro programme is in essence the implementation of the Freedom and Cuban Democratic Solidarity Act known as Helms-Burton.

Even so, the measures are controversial in the US. According to a group of prestigious experts, among them Jorge I. Domínguez, this policy steps away from the traditional objective of promoting a "peaceful transition", it increases the risk of violence, proposes a blueprint for the future of Cuba and suggests a unilateral role for the US in a transition, without relying on the cooperation of the EU or of Latin America<sup>44</sup>. The Washington Office for Latin America (WOLA) believes that the measures will have a limited impact. In their opinion, this policy is "ineffective, hurtful to the Cuban people, and restrictive of the rights of Americans, including Cuban-Americans"<sup>45</sup>.

The restrictions on travel and the sending of remittances have also been criticised by the Cuban community. The internal debate among the exiles has revealed a conflict of generations. While the first generation of Cuban immigrants – the most influential and conservative – do not now have any relatives on the island, almost all of the second-generation Cuban-Americans (they mainly emigrated for economic reasons) have close links

<sup>43</sup> Rachel Farly/Geoff Thale, *A Critical Analysis of Bush's New Cuba Policy*, Washington Office on Latin America (WOLA), Washington DC, May 2004. p.1.

<sup>44</sup> An Open Letter to Secretary of State Colin Powell. *Policy Brief Cuba*, Inter-American Dialogue, Miami, September 2004.

<sup>45</sup> Rachel Farly/Geoff Thale, op.cit.

with family members in Cuba and they send remittances, regardless of their political persuasion.

Paying heed to the critics, Powell's successor, Condoleezza Rice, has lowered Cuba's profile in US foreign policy. Fulfilling the President's mandate, the Secretary of State named the Republican Caleb McCarry "Cuba Transition Coordinator", on the 28 July 2005. His function is to design and implement a strategy to make progress in the process of transition towards a "Free Cuba". Caleb McCarry<sup>46</sup> does not have a distinguished political track record: during the previous eight years he was staff director for the Committee on International Relations in the House of Representatives of the Congress. His appointment indicates that Condoleezza Rice preferred to create a more technical than political post. In the same line, the substitution of Roger Noriega as subsecretary for Hemispheric Affairs in September 2005, indicates a certain separation between the interests of the Cuban lobby and those of the government regarding Cuba.

However, the creation of a "Cuba Transition Coordinator" demonstrates that the US Government does not so much believe in a transition from within, but rather in a fall of the regime brought on by Washington. Both the recommendations by the Powell Committee and the appointment of McCarry prove that George W. Bush's government is aiming at a more proactive and paternalist strategy than its predecessors in order to provoke the fall of the Cuban regime. This implies increasing resources to promote an opposition movement in Cuba and initiating preparations for the "day after" in the US. In Cuba, McCarry's appointment has been interpreted as an interference in internal affairs "to publicly coordinate subversive actions against the island"<sup>47</sup>. In an official statement the Cuban foreign minister, Felipe Pérez Roque, warned that it was a "process to annex" Cuba and compared McCarry with the then Governor in Iraq, Paul Bremer<sup>48</sup>.

According to the logic of the Cuban regime, George W. Bush's policy towards Cuba confirms the image of a "besieged fortress" mentioned by

<sup>46</sup> McCarry was a member of the Subcommittee for International Relations in the US House of Representatives and before that Vicepresident of the Americas programme of the Center for Democracy.

<sup>47</sup> *Granma*, national publication, Havana, 2<sup>nd</sup> August 2005.

<sup>48</sup> See *El País*, Madrid, 31<sup>st</sup> July 2005.

Fidel Castro to justify his authoritarian regime. For the Cuban Government, the US is a perfect enemy: because of its hostile policy it creates the arguments for legitimising the need for political unity around the figure of Fidel. The enemy next door enables Castro to divert attention from the internal agenda to the need for external defence. It also allows him to discredit all alternative thinkers as "US mercenaries" and to identify his mantra "socialism or death" with national sovereignty. Moreover, by interfering in domestic Cuban policy, the US contributes to competing agendas between the different groups, who are divided into pro- and anti-embargo forces. Lastly, its policy allows Fidel Castro to interpret liberal democracy as a concession to the enemy and the end of sovereignty. Following this logic, portrays his resistance to democratic changes as a moral victory against the imperialist enemy.

For these reasons, rather than promoting a transition, US policy has contributed to blocking political openness in Cuba. According to ex-Assistant Secretary of State William D. Rogers, "Castro needs the United States as a threat. Having an enemy serves to sustain his system. The embargo plays into his hands"<sup>49</sup>. By maintaining the traditional policy of sanctions, successive US governments have legitimised the authoritarianism, political repression and the nationalism of the Castro regime by encouraging a "rally round the flag"<sup>50</sup> effect.

In its 2005 Report, Amnesty International concludes that: "The US embargo and related measures continued to have a negative effect on the enjoyment of the full range of human rights in Cuba"<sup>51</sup>. This tendency has been consolidated during the current Government which, according to Phil Peters, is very far from its objective of promoting a peaceful transition to democracy in Cuba<sup>52</sup>. At the same time, with this policy, the US has frustrated the EU's constructive commitment to promote a political opening in Cuba.

<sup>49</sup> William D. Rogers, *U.S. should alter course on Cuban relations*, The Birmingham News, 10/7/2005.

<sup>50</sup> Peter Rudolf, *Sanktionen gegen Iran, Optionen, Probleme, Perspektiven*. SWP-Aktuell 36, Berlin, August 2005, p. 2.

<sup>51</sup> Amnesty International, *2005 Report* (Cuba chapter), Madrid 2005.

<sup>52</sup> Phil Peters, *the Bush Cuba Policy after Two Years*. Cuba Policy Report. Lexington Institute, Arlington, May 2003.

## The transatlantic dimension: helping Castro

The different strategies of the EU and the US towards Cuba, described above, are counter-productive with regard to fulfilling the goal of promoting democracy in Cuba. Economic sanctions, diplomatic isolation and the fostering of the opposition by the US contribute to the failure of the European approach of promoting openness in Cuba through dialogue and economic engagement. On the other hand, having become Cuba's principal economic partner, the EU is undermining the effects that the US tries to create with the embargo and other sanctions.

### *The external blockade to democracy in Cuba*

Without going into the debate over sanctions versus engagement, neither the US policy of punishment of Cuba nor that of EU engagement have been effective. Their failure is due not only to the Cuban regime's refusal with regard to open its system, but rather, by having opted for different goals, instruments and partners on the Cuban issue, the EU and the US have helped Fidel Castro to continue in power. Instead of encouraging reforms on the island, the transatlantic differences produce an external blockade to democracy in Cuba that works in the following way:

- Through its trade dealings with Cuba, and the cooperation and dialogue with Fidel Castro's Government, the EU fills the gap that the US embargo has left on the island. By having chosen the path of cooperation, the European countries helped Cuba to survive the collapse of the Socialist bloc and, at the same time, mitigated the impact of the US sanctions. In this way, EU policy compensates for the so-called "double blockade",<sup>53</sup> it provides economic resources and gives the Cuban regime a certain international legitimacy. If the EU had opted for the sanctions policy in the nineties, instead of its policy of engagement with Cuba, it is possible that it would have contributed to the fall of the Cuban regime brought on by a lack of resources. Even taking into account the high risk of violence that the scenario of economic collapse would imply, a different EU policy would have weakened the regime.

- The US sanctions policy does not work for two reasons: 1) because European companies and other countries compensate for its effects, 2) because it is used by Castro to justify his authoritarian regime. At the same time, US policy contributes to the failure of the EU's attempts to promote openness via economic cooperation and political dialogue. Supposing that the US had followed the EU strategy, lifted the sanctions and entered into diplomatic relations with Cuba, the Cuban regime could then no longer have justified its authoritarian policy with the external threat nor the economic difficulties caused by the embargo. This would have divested it of legitimacy and cast doubt on Fidel Castro's leadership.

More than four decades of authoritarianism in Cuba have demonstrated the inefficiency of US and EU policies. Therefore, to continue with the ritual of reducing the debate between the US and the UE over Cuba to one of sanctions versus engagement will deepen transatlantic differences, but will not contribute to the goal of promoting democracy. An alternative would be to design a common strategy between the EU and the US defining, for example, a policy of "conditioned engagement" as a common denominator.

### *Key differences between the US and the EU*

Only a coordinated strategy between the EU and the US can contribute to a political opening in Cuba. Nonetheless when it comes to Cuba, EU and US policies are characterised more by differences than similarities.

- *Transition and democracy: break-down or reform?*

The US and the EU share the goal of promoting political change towards representative democracy in Cuba. However, the Helms-Burton Act, the Powell Report and the Cuban Transition Coordinator all cast doubt on whether the current Government intends to encourage a process of peaceful transition in Cuba. While the EU favours a scenario of gradual and peaceful transition, the US promotes a break-down of the current regime. They pursue different means of transition: the US supports an external transition coming from the opposition, and the EU supports a transition "from within" which implies a certain degree of political continuity. If the EU prefers to encourage a democratic reform process, the US seeks the fall of the Castro regime. The US foresees the creation of a liberal democracy arising from the ashes of the

<sup>53</sup> That is what Fidel Castro called the U.S. embargo and the effects of the eclipse of the USSR for Cuba.

former political system. According to the Common Position, the EU prefers a democracy with social equity, maintaining the achievements in the areas of health and education. According to the Powell Report, the US seeks to dismantle the social system, substituting it for an assistance programme and new infrastructure.

- *Key players in the Cuba of the future: opposition or regime?*

The US policy towards Cuba and, to a large extent, also that of the EU, is centred on the political actors and not on the institutions. While the US has a clear *bottom-up* approach of encouraging civil society, in contrast to its traditional principles in Latin America<sup>54</sup>, in its relations with Cuba the EU applies a *top-down* policy, being its central theme dialogue with the authorities. With regard to their Cuban counterparts, both the EU and the US have talks with the dissidents, representatives of the civil society and Government officials. Nonetheless, the US considers the more radical opponents as future key players in Cuba (thus contributing to polarization) while, in accordance with its policy, the EU tends to favour members of the current regime and the moderate opposition (thus seeking reconciliation). By talking to the Government, the EU assumes that a transition in Cuba would include members of the political leadership. According to point one of the Common Position "it is very likely that the transition will be peaceful if the current regime initiates it by itself or makes the said process possible". Therefore, the EU concedes a secondary role to the dissidents, who are not mentioned in the Common Position. The US believes that the more radical opposition will play a leading role in political change in Cuba.

- *Economic instruments: Sanctions or engagement?*

The main instrument of the US against Cuba is the economic and financial embargo. Its aim is to cause an economic crisis and a popular revolution against the maximum leader. It is a possible scenario, but reviewing past history, and taking into account that Castro survived the economic crisis after the collapse of the socialist bloc<sup>55</sup>, it would appear to be an unlikely outcome. Since Cuba opened its economy, the EU participates in the reform process through consultancy, trade and investment. Half of the 400 mixed companies are of European origin. According to the Common Position, the EU wants

<sup>54</sup> See Richard Youngs, *op. cit.*, p. 115.

<sup>55</sup> The disappearance of Cuba's alliance with the USSR and the other socialist countries caused a 40% drop overnight in the Cuban GDP.

to encourage economic openness in order to contribute to "a sustainable recovery and improvement in the quality of life of the Cuban people". This goal is in direct opposition to the US embargo and incompatible with the sanctions which the EU rejects and considers counterproductive<sup>56</sup>.

- *Political instruments: Isolation versus integration*

Since the sixties, the US has propelled the regional and international isolation of Cuba. Following this initiative, Cuba's participation in the system of the hemispheric organizations – among them the Summit of the Americas, the Organisation of American States (OAS), the Inter-American Development Bank (IDB) – has been suspended. Due to the US veto, Cuba cannot receive loans from the International Monetary Fund (IMF) or the World Bank. In contrast with the US isolationist approach, the EU seeks to further Cuba's integration in regional and international organisms. In this way, it has supported Cuba joining the ACP group, its linking to CARICOM and its participation in the European-Latin American Summits.

- *National sovereignty or not?*

In contrast to the US, the EU respects Cuba's national sovereignty. The EU accepts Castro's Government as its principal political partner and does not question the fundamentals of the Revolution. The US Government, on the contrary, only talks with some sectors of the exiled community and, although they have not been elected democratically, recognises them as legitimate representatives of the Cuban people. The Helms-Burton Act<sup>57</sup>, the Powell Report and the Cuban Transition Coordinator indicate that the US intends to accelerate a democratic transition from the outside. The same can be said about the issue of properties confiscated during the Cuban Revolution: since it invests in Cuba, the EU accepts nationalisations, the Helms-Burton Act declares them to be illegal.

- *Properties: return or recognition?*

The activities of European companies in Cuba have provoked conflict with the US who, in the Helms-Burton Act, claims legal right to property and assets which were nationalised by the Cuban Revolution. Titles III and IV of the Act prohibit business people

<sup>56</sup> Richard Youngs, *op. cit.*, p. 112: "considerable consensus emerged that coercive policies would, in most cases, be counterproductive".

<sup>57</sup> The Helms-Burton Act mentions the "right to self-determination of the Cuban people", the Powell Report does not.

who invest in Cuba from visiting the US and foresee compensation or return of former properties<sup>58</sup>. In several declarations, the EU has rejected the Helms-Burton Act and in 1997 it filed a complaint before the World Trade Organisation (WTO). A year later, on 18 May 1998, the EU and the US signed a so-called "Understanding" to avoid conflict in the WTO. According to this pact, the EU undertook to limit investment in Cuba and to withdraw its complaint before the WTO. The US promised to use the President's veto against Title III, and to reach a consensus with Congress about not applying Title IV. The EU and the US only complied with one part of the agreement; the EU withdrew its complaint before the WTO and the Presidents of the US vetoed Title III. According to Jorge Domínguez, the results of the transatlantic pact "killed Helms-Burton de facto"<sup>59</sup>. Nonetheless, in the future, the question of property and the legality of European investment in Cuba will be one of the most controversial points<sup>60</sup>.

### Several common elements

Despite these differences, US and EU policies have more elements in common than is evident from the "sanctions versus engagement" debate. In the first place, the EU and the US apply a series of similar political instruments in their policies towards Cuba:

- *Democratic conditioning.* Although their final aims are different, both apply political conditioning to Cuba: the US by means of Chapters I and II of the Helms-Burton Act which define the conditions for recognising a future transition in Cuba; the EU through its Common Position on Cuba (point 4), according to which full normalisation will only happen "as long as the Cuban authorities advance towards democracy".
- *Monitoring of human rights* Both the US and the countries of the EU condemn the situation in Cuba each year within the framework of the UN Commission for Human Rights by voting in

<sup>58</sup> Based on a property register prior to the Cuban Revolution, lawsuits are allowed in U.S. courts against companies who invest in assets nationalised by Castro. Later, all Cuban-Americans were permitted to register their former properties in Cuba.

<sup>59</sup> Jorge Domínguez, *Cuba and the Pax Americana: U.S.-Cuban Relations Post-1990*, in: Jorge Domínguez/Byung-Kook Kim (eds): *Between Compliance and Conflict. East Asia, Latin America, and the "New" Pax Americana*, Routledge, New York/London 2005, p.193-217, p.201.

<sup>60</sup> See Joaquín Roy, *Cuba, the United States, and the Helms-Burton Doctrine*, Miami 2000.

favour of the corresponding Resolution<sup>61</sup>. Moreover, through official statements, both the EU Council and the US Government condemn the violation of human rights in Cuba and demand the freeing of political prisoners<sup>62</sup>.

- *Trade Relations:* While the EU member States intensified their trade relations and investment with Cuba in the nineties, the US kept up an intense trade with the island in food and medicines. According to the Chamber of Commerce, with a total volume of \$800 million, the US became the main food exporter for the island, and Cuba was its 25<sup>th</sup> destination for agricultural goods<sup>63</sup>.
- *Humanitarian cooperation:* the EU (since 1993) and the US (since 2000) offer humanitarian aid to Cuba, in particular to compensate for the effects of the frequent hurricanes that affect the country. Since 2003, they have stopped sending aid to Cuba because the Cuban Government rejected both official US aid and that of the EU because it considered that it carried unacceptable political conditions.
- *Dialogue with the Cuban Government.* The US Government maintains regular talks with immigration authorities in Havana (since 1995) and occasional talks about the fight against drugs and border protection<sup>64</sup>. The EU started political talks again in 2001 with Fidel Castro's Government. Furthermore, representatives of community institutions and of member States maintain regular contacts with Cuban officials.
- *Support for the opposition:* Both the US and the EU support different dissident groups and maintain a dialogue with them. One of the initiatives supported by both is the Varela Project which is led by the Christian Democrat Oswaldo Payá – in October 2002 he received the Sajarov Prize from the European

<sup>61</sup> The last resolution was passed in April 2004 by 22 votes in favour and 21 against.

<sup>62</sup> In its 2005 Report, Amnesty International estimated that in Cuba there are "at least 70 political prisoners". According to the Cuban opposition there are about 300 people.

<sup>63</sup> Chamber of Commerce of the U.S.A., Letter of Bruce Josten to John W. Snow, 21/3/2005.

<sup>64</sup> According to William Leogrande, "almost every U.S. administration has engaged in some dialogue with Cuba, regarding specific issues of mutual interest (e.g. international hijacking and migration)", in Marifeli Pérez-Stable (Coord.), *Transition Reader*, soon to be published.

Parliament. The Varela project proposes conducting an opinion poll about the regime under the terms provided for by the Cuban Constitution.

- *Diplomatic contacts:* The US, the European Commission and 11 member States of the EU have diplomatic representation in Cuba. Although it is not an embassy, the US Interest Section in Havana is one of the largest diplomatic offices. The same can be said of the European commission in Havana, which is important but is not an embassy, since policy concerning Cuba is implemented from the Dominican Republic.
- *Official visits:* while EU representatives make frequent visits to Cuba, US citizens have also increased their journeys to the Caribbean country. Before the Powell Report, many US representatives travelled to the island on official missions, among them the President of the Chamber of Commerce, Thomas Donohue (in July 1999) and US Congress delegations (in June 2000 and March 2003).

In the second place, it should be mentioned that neither in the US nor in the EU is there one sole strategy towards Cuba but rather multiple policies. In the last decade two main groups have arisen who represent different alliances of interests at the transatlantic level:

**1. The pro-punishment hardliners.** An alliance was created between US and EU actors who favour a policy of pressure and who support certain opposition groups. In the US, the main defenders of the sanctions are the hawks in exile and the Government, which currently dominate policy towards Cuba. In the EU, this group is made up of representatives of the Christian Democrat political parties and some Governments. The result of this alliance, at the EU level, has been the imposition of the Common Position, in accordance with Spain's initiative. Another example was the passing of light sanctions in the summer of 2003, proposed by the government of José Maria Aznar. A third example was the conference organised by the International Committee for Democracy in September 2004 in Prague<sup>65</sup>, which was supported by former Czech President, Vaclav Havel.

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<sup>65</sup> Towards Democracy in Cuba, 17-19 September 2004, Prague.

**2. The pro-incentive softliners.** Unlike the first group, an alliance has not yet arisen between the actors who favour a policy of engagement with Cuba. In the US, the private sector, represented by the Chamber of Commerce, *USA \* Engage* and the *US Cuba Trade Association*<sup>66</sup>, is the leading promoter of political change in the US. Another pro-engagement group in the US are the left-wing sectors and those who consider that the sanctions are contrary to the objective of democracy. In the EU, countries such as Belgium, France and Portugal are traditionally in favour of engagement and, just as in the US, so are European business people. In the US, the lifting of restrictions on food and medicine exports, as well as the restoring of contacts with civil society under Clinton's Government are examples of an engagement policy. In the EU, engagement is the usual political line, and it was reinforced by the renewal of political talks – during the Belgian Presidency of the Council – and recently, by the lifting of the "sanctions" at the suggestion of Rodríguez Zapatero's government which favours a policy of dialogue with Castro.

At present, there are some signs that point to a convergence between US moderates and EU hardliners.

**In the US,** the embargo is weakening and opposition to the sanctions policy is growing. In the first place, some economic sanctions have been lifted as in 2000 Congress authorised the conditional exporting of medicines and food to Cuba (among other stipulations, public Cuban companies have to pay cash for the shipments). In second place, opposition to the embargo is growing. On the one hand, moderate exile political groups have appeared that want to ease or abolish them; on the other hand, the embargo affects US economic interests and as a result, the business lobby (industry and tourism), who want to lift the sanctions, is growing<sup>67</sup>. Besides, not even the defenders of the embargo, the Cuban Americans in Miami, believe that it is an efficient tool: 45.9% stated that it was of no use although an overwhelming majority of 65% were in favour of

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<sup>66</sup> This organisation was created in April 2005 to promote the full normalisation of trade relations between the U.S. and Cuba ([www.uscuba.org](http://www.uscuba.org)).

<sup>67</sup> The authorization to export food and medicines to Cuba was the result of pressure by the influential food and drug lobby in the U.S.

keeping it<sup>68</sup>. In the US there is a growing division between, on one side, public opinion and a part of Congress in favour of lifting some sanctions, and on the other side, the Government who defends the interests of the hardcore sectors of the Cuban exile community. A sign of a slight levelling between the two groups was the closely contested vote in Congress, on 30 June 2005, about an amendment which intended to raise the number of trips relatives can make to Cuba.

**In the EU** scepticism is growing with regard to normalising relations with Cuba (during Castro's government). The negotiations of a cooperation agreement between the EU and Cuba have already lasted fifteen years, with nothing tangible to show. The attempts to normalise relations by means of bilateral agreements and, from 1998 onwards, within the framework of the ACP group of countries, have failed owing to insurmountable political differences. At the moment, it does not appear likely that either side will renew negotiations. To this one can add the frustration that the repeated waves of repression against opponents have created in the EU and the limitations to freedom of expression by the authorities in Havana which – together with the Common Position and the Helms-Burton Act – worsened domestic political conditions from 1996 onwards. Above all, the EU member States that are traditionally committed to promoting human rights such as Denmark, Sweden and the Netherlands, supported by those closest to the US position (the United Kingdom, Poland, and the Czech Republic), are in favour of implementing democratic conditionality and of maintaining the Common Position on Cuba.

What are the perspectives for a more coordinated policy between the US and the EU? The first option would be a "victory" of the moderate sector in the US which would speed up the creation of a transatlantic agenda with the EU. The possible result of this outcome could be a policy of "conditional constructive engagement". Nonetheless, the main obstacle for this scenario is the US sanctions policy. Although it seems to reflect a tradition more than a conviction, the present Government cannot be expected to eliminate the embargo, in the first place because of its alliance with hardliners in exile and secondly, because it would imply to recognise that the US had applied a mistaken strategy for more than 40 years.

An alternative transatlantic platform could be a scenario based on a toughening of EU policy driven

by the "pro-punishment hardliner". In this case, the EU would support a policy of economic sanctions and of isolation of the Cuban regime internationally, like the United States. However, this scenario can probably be ruled out, because it would have very few supporters within the EU and it would result in the opposition of the majority of the member States and community institutions. Likewise, as with the first scenario, it would mean that the EU would have to admit that its policy of engagement had been a failure.

On this background, it is most likely that the US and the EU will stick to their usual differences over the Cuban issue. Even so, an agenda for cooperation in the areas mentioned above could be defined, in which both the EU and the US would apply the same measures. Within a pragmatic political framework, common measures could be identified, among them the continued monitoring and international condemnation of the political situation in Cuba. These measures would also include the coordination of support to sectors of the civil society in Cuba, the defining of the role of the EU and the US in a post-Castro scenario, joint visits by European and American representatives to Cuba, the coordination of (future) humanitarian aid, as well as the elaboration of an agreement which goes beyond the "Understanding" regarding the property issue.

<sup>68</sup> Cuban Research Institute (CRI), Institute for Public Opinion Research, 2004 Cuba Poll, Miami.

## **Towards the future: Perspectives and recommendations**

Cuba not only demonstrates the failure of policies to promote democracy. It also shows how different policies can have the opposite effect and contribute to the maintenance of an authoritarian regime. Given that the different policies of the EU and the US towards Cuba have not succeeded in bringing about a political change, both sides should revise the aims, content and methods of their strategies. They should also identify possible ways to make their policies more complementary. For the EU, this would mean revising its policy towards Cuba and making it more coherent. For the US, this would mean holding a national debate on the usefulness of the embargo and the policy of tightened sanctions.

Considering the contradictions and divisions that Cuba creates both in the EU and the US, as well as the different agendas pursued by hardliners and softliners, it seems quite unlikely that in the near future a joint policy will be defined which will be backed by the majority of actors on both sides. Although US and EU positions on the Cuban issue are not as divergent as is commonly held, the most recent changes in their policies – the lifting of sanctions on the part of the EU, and the Powell Report and the appointment of the Cuban Transition Coordinator by the US –, have obstructed even more official channels of dialogue.

Once there are signs of political change in Cuba, new windows of opportunity could be opened for policy coordination. A post-Castro scenario would oblige both the EU and the US to redefine their positions. Unlike the US, EU policy towards Cuba – including its Common Position – does not envision a political scenario without the Castro regime. Therefore, the EU takes the present political status quo as its starting point and adjusts its strategy according to the behaviour of the authorities in Havana. Quite the opposite happens in US policy which ignores the present regime and is directed towards an (uncertain) future scenario of transition in Cuba with new political actors from within the opposition to Castro.

In actual fact, both the EU and US policies lack future vision. EU strategy can be criticised for being too reactive; it is based on current political conditions and does not anticipate a political scenario without the "maximum leader". US

strategy does not take into account the actual political conditions on the island, and is based on a fictional Cuba dreamed up in the imagination of the first generation of exiled Cubans who are the most active politically and who, in their vast majority, have not laid foot on Cuban soil in decades. Therefore, both the EU institutions and the US Government should revise their policies.

### ***Proposals for a more prominent EU role***

Despite having a Common Position and being a key economic partner, the EU has maintained a low profile as a promoter of democracy in Cuba, compared with the US's negative prominence. Its policy of engagement and conditionality has not served to encourage openness on the island, nor does it provide a counterweight to the US position. To become a coherent and credible actor with a view to a future transition in Cuba, the EU should define a common policy, instead of allowing each institution and each government to apply its own individual strategy based on the general terms set out in the Common Position.

This would imply, in the first place, opting for democratic conditionality (and applying it at member state level) or else for an engagement which is not contingent on political conditions (thus changing the European Commission strategy). The conditionality option would entail maintaining and applying the Common Position. This could be done in two ways: either by providing incentives for the Cuban regime or by means of sanctions. The engagement option would mean abolishing the Common Position and signing a cooperation agreement with Cuba within the framework of ACP-EU relations. The sanctions option would mean excluding Cuba from the European-Latin American Summits and other political forums. It would also imply suspending aid and all other agreements until political changes happen.

In second place, with a view to a post-Castro transition in the future, the EU should make a clearer decision with regard to its dialogue partners, both at Government level and in the opposition. This requires designing a strategy for a future Cuba based on prior consideration of who may be the influential political figures once Castro disappears from the scene in Cuba. Since the EU supports a peaceful and gradual transition, it would be logical to favour the more moderate and conciliatory sectors within the Government and the opposition. This would be a proactive policy of promoting democracy but,

unlike the US, its goal would be to foster careful mediation between the groups most willing to talk, thus seeking a peaceful transition and national reconciliation between the Government and the opposition.

In third place, a group should be created to revise EU Cuban policy. Faced with the present contradictions in EU policy towards Cuba, and with the aim of launching new proposals concerning the future of the island and its relations with Europe, an inter-institutional and interdisciplinary working group should be set up within the framework of the CFSP (and preferably coordinated by the General Secretariat headed by Javier Solana). This new working group would involve embassies and civil society and it would revise European strategy for promoting democracy in Cuba. Finally, the EU should encourage a debate with the US and certain Latin American countries, with a view to formulating a common strategy towards Cuba.

### *Constructing a transatlantic platform?*

This last initiative would imply abandoning reactive EU policy and replacing it with an active strategy in favour of a multilateral approach to promoting democracy in Cuba. In their own economic interest, sooner or later, the US, Canada, the EU and those Latin American countries who invest in the island (Brazil, Argentina and Venezuela) will have to reach an agreement about the Cuban issue, because the Helms-Burton Act affects all their interests and requires a long-term solution once a transformation starts in Cuba.

The present impasse of the main external actors only creates political deadlock in Cuba and delays a democratic transition. If each one of the parties involved continues with the same practice – the US with its policy of tightened sanctions; the EU with its democratic conditioning; Latin America and the EU with their condemnation of

the embargo and policy of engagement–, they will continue to contribute to political paralysis in Cuba. Remembering the words of former president of the Spanish Government, José María Aznar, someone will have to "mover pieza" on the Cuban board. If Latin America, the US and the EU continue to follow separate paths, they will not promote a democratic transition in Cuba. Instead they will block this path.

Concrete initiatives could pave the way for a common policy on Cuba. A first proposal would be to include the issue on the agenda of the Transatlantic Summits between the EU and the US and/or to create a common evaluation group for this matter. Similarly, by taking advantage of the multiple forums for political dialogue that exist at inter-regional level, the EU should design a common agenda with Latin America on the Cuban issue. The Transatlantic Summits and the European-Latin American Summits could be the two most suitable summits in which to talk about the Cuban question separately, before thinking about formulating a trilateral agenda.

Only coordinated action will help promote a peaceful transition to democracy and economic openness in Cuba. The different policies of the EU, the US and certain Latin American countries will only contribute to the longevity of the Cuban regime. Although it might be naïve to pursue a common platform, it would be worth thinking about the possibility of promoting democracy in Cuba by multilateral means instead of creating competing agendas. The minimum common denominator for all sides would be the interest in a democratic Cuba and in economic engagement. A *sine qua non* condition for this would be to replace the old ideological debate over the Cuban Revolution, which creates divisive lines within each political party, for a pragmatic agenda with the common goal of a more democratic Cuba better integrated in the International Community.



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