

Association for International Affairs
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Policy Paper

**EU Common Position on Cuba:
Alternatives and Recommendations**

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The presenters of this policy paper are the non-governmental organizations the Association for International Affairs (Czech Republic), People in Need (Czech Republic), and the Pontis Foundation (Slovakia). The paper aims to contribute to the discussion on EU policy towards Cuba and enhance the dialogue on Cuban policy between Ministries of Foreign Affairs, EU institutions, NGOs, and other relevant actors. The presenters of the paper hope that this and other initiatives will raise public awareness of the issue of democracy and human rights in Cuba, and will result in a more effective and robust EU policy towards the island. The paper was presented at a joint meeting of representatives of the Ministries of Foreign Affairs and non-governmental organizations with projects supporting the transition to democracy in Cuba in Prague, April 26, 2006. The final version of the paper was endorsed by all the NGOs present at the meeting (list below) as their joint recommendations towards the governments of the Member States.

1. Introduction

EU policy on Cuba is guided by the Common Position of December 1996. Its aim is to encourage transition to democracy and respect for human rights, using "constructive, result-oriented political dialogue" and cooperation with all sectors of Cuban society. This paper analyzes briefly the developments and current state of EU-Cuba relations and gives recommendations of measures to be considered for the regular update of the Common Position in June 2006. Presenters of this paper mainly recommend: as a minimum requirement, to maintain the current Common Position; to condemn acts of repudiation; to introduce targeted sanctions against Fidel Castro's regime; to facilitate the free flow of information; to recognize the importance of symbolic support for the Cuban dissidents; and to strengthen support for the Cuban internal opposition.

2. Overview: The Position of the Council of the EU on Cuba (1996 – 2003)

Collapse of the Soviet bloc, early 1990s

The EEC established relations with Cuba in September 1988. As the communist bloc in Eastern Europe disintegrated, the European Union aimed to encourage a peaceful transition to democracy and economic liberalization in Cuba. It hoped to speed up the internal transition process by strengthening relations and by binding Cuba into the international community. The EU started to prepare the negotiations for a trade and economic cooperation agreement with Cuba.

The EU Common Position on Cuba

When the Cuban airforce shot down two civilian aircraft of the Miami-based NGO *Brothers to the Rescue* in February 1996, the EU postponed the dialogue on the cooperation agreement and conditioned it by the progress in political situation. On 2 December 1996, the Council in Brussels adopted the Common Position on Cuba (96/697/CFSP) by which the EU-Cuba relations are guided to this date.¹ The declared objective of the EU, as stated in the Common Position, is "to encourage a process of transition to pluralist democracy and respect for human rights and

¹ Common positions are one of the main legal instruments of the EU's Common Foreign and Security Policy (CFSP) (Articles 13, 14 and 15 of the Treaty on European Union). Common positions define the approach of the Union to a particular matter of general interest of a geographic or thematic nature. Member States must ensure that their national policies conform to the common positions.

fundamental freedoms, as well as a sustainable recovery and improvement in the living standards of the Cuban people.”

According to the Common Position “a transition is most likely to be peaceful if the present regime were itself to initiate or permit such a process”. The EU pledges to facilitate peaceful change in Cuba and promote respect for human rights by intensifying dialogue with the government and “all sectors of Cuban society”, by reminding the Cuban authorities of their responsibilities regarding human rights, by encouraging reforms of legislation, and by evaluating developments in Cuban internal and foreign policies in accordance with the standards applied to other countries; to provide ad hoc humanitarian aid; to carry out “focused economic cooperation actions in support of the economic opening being implemented”; to lend its cooperation if the Cuban authorities progress towards democracy. The implementation of the Common Position is monitored by the Council.²

Since its adoption in December 1996, the Common Position has been regularly reviewed every six months and is currently being reviewed every year. The Cuban government rejects the Common Position as interference in its internal affairs.

Developments in the late 1990's

During the second half of the 1990's, there were no substantive changes in the political and economic situation in Cuba and the Common Position was repeatedly reconfirmed. In 1998, mutual relations warmed up after the visit of Pope John Paul II and release of a number of political prisoners. The increased dialogue, however, didn't lead to the release of four members of the Internal Dissidence Working Group, as requested by the EU. The EU criticized unfair trials in Cuba (March 1999) and called on the authorities in Cuba to introduce a moratorium on executions (June 1999). In 2000, Cuba suspended its application for the EU cooperation agreement in reaction to the resolution of the UN Human Rights Commission. The resolution, elaborated by the Czech Republic and Poland, was backed by all EU member states present in the commission.

Between 2001 and 2002, EU-Cuba relations improved - the Council noted signs of improvement in living standards for the population (June 2001), Belgian Foreign Minister Louis Michel, holding the rotating presidency of the EU, visited Cuba (August 2001), and the European Commission and the ACP countries made their support clear for Cuba's incorporation into the Cotonou Agreement. The political dialogue was resumed and in January 2003, Cuba applied for accession to the Cotonou agreement. In March 2003, the EU's Delegation was inaugurated in Havana.

Measures of 5 June 2003

An abrupt deterioration in EU-Cuba relations came following the arrests of 75 Cuban dissidents, including representatives of *Varela Project*, in March and April 2003, and the executions of three men for an attempted escape to Florida on a hijacked ferry. In May, the European Commission suspended the process of Cuba's accession to the Cotonou agreement.

² 96/697/CFSP: Common Position of 2 December 1996 defined by the Council on the basis of Article J.2 of the Treaty on European Union, on Cuba, <http://europa.eu.int/eur-lex/lex/LexUriServ/LexUriServ.do?uri=CELEX:31996E0697:EN:HTML>

On 5 June, the EU, on Spain's initiative, decided to take following measures: “to limit the bilateral high-level government visits; reduce the profile of member states’ participation in cultural events; invite Cuban dissidents at national days' celebrations and proceed to the re-evaluation of the EU Common Position”³. As a response, the Cuban government took back for the second time its application to the Cotonou Agreement, called off the political dialogue scheduled for December 2003, refused direct aid coming from the EU, and launched a propaganda campaign against some EU Member States and EU acceding countries. In April and May 2004, a group of 16 human rights activists and journalists were arrested and the Cuban government imposed new restrictions on private enterprises. In June 2004, GAERC reaffirmed the measures of 5 June 2003.

Following a change in the Spanish government (José Maria Aznar's conservative government was replaced by the socialists of José Luis Rodríguez Zapatero), Madrid changed its position and started to advocate the suspension of EU diplomatic sanctions. During the second half of 2004, Cuban authorities released some of the 75 political prisoners imprisoned in March 2003, and in November Cuba reopened diplomatic contacts with Spain. By the end of January 2005, the Cuban government renewed diplomatic contacts with all EU countries. On 31 January 2005, the Council temporarily suspended the 5 June 2003 measures.

3. Latest Developments and Current EU Policy towards Cuba

To this date Cuba remains the only country in the region without an EU cooperation agreement. After the Cuban authorities expelled several European politicians and journalist planning to attend the *Asamblea para Promover la Sociedad Civil* (Assembly to Promote Civil Society) in May 2005 in Havana, the Council of the EU “categorically condemned Cuba's unacceptable attitude towards foreign parliamentarians and journalists” but reaffirmed the Common Position and “reiterated its willingness to maintain a constructive dialogue with the Cuban authorities ... including on the issue of granting visas to the members of the respective governments for visits, with the aim of achieving tangible results with regard to human rights, democratization and the release of political prisoners, as well as in the political, economic and cooperation spheres. The human rights issue should be raised by every high-level visitor.”⁴ The measures of 5 June 2003 remained suspended and the date for next evaluation of the Common Position was set for June 2006.

Despite the EU's willingness to enter dialogue, the position of the Cuban government remains confrontational and the repression in Cuba is deteriorating. In October 2005, Fidel Castro labeled EU nations as "hypocrites", and in the services of the United States, after the European Parliament granted *Damas de Blanco*, a group of wives, mothers and sisters of jailed Cuban dissidents, the Sakharov Prize for Freedom of Thought. Only fourteen of the 75 activists arrested in March 2003 were conditionally released. The number of prisoners of conscience has grown by 40 in the second half of 2005. Prisoners’ families are subject to persecution and an increasing number of acts of repudiation (*actos de repudio*).⁵ These acts, aiming mostly at dissidents' homes and families, consist of psychological torture, as well as assaults on property. They are illegal

³ Declaration by the Presidency, 5 June 2003, http://ue.eu.int/ueDocs/cms_Data/docs/pressdata/en/cfsp/76075.pdf

⁴ GAERC, 13 June 2005, http://ue.eu.int/ueDocs/cms_Data/docs/pressdata/en/gena/85430.pdf

⁵ Working Visit to Cuba, Pax Cristi, January 2006

both under international law and under the constitution of Cuba. Given their rather dispersed character, they – unlike visible big events such as mass arrests in March 2003 - have so far not attracted the level of attention from the international community that would have been appropriate.

On 2 February 2006, the European Parliament adopted its first resolution on Cuba. It regretted the unresponsiveness of the Cuban authorities towards the EU's calls for the respect for fundamental freedoms. It also condemned the worsening repression in the island, the increase in the number of political prisoners and the travel ban on the *Damas de Blanco*.

As has been clear from the brief overview of the EU policy towards Cuba, there is a repetitive pattern in the mutual relations: a rapprochement including increased dialogue and the opening of the possibility of a cooperation agreement has in the past been followed by a particularly visible act of repression committed by the Cuban authorities against the opposition (the shooting down of exile opposition airplanes in 1996; mass arrests in 2003), to which the EU reacted by freezing the dialogue and introducing limited punitive measures. In this pattern, the EU has accepted Castro's lead in the mutual relations, and limited itself to reacting to particular developments. Given that neither the economic nor the human rights situation on the island has improved significantly since the beginning of the 1990s, this reactive policy seems to be rather ineffective.

4. Alternatives of EU Policy Towards Cuba

As the Council approaches the evaluation of the Common Position, there are four basic theoretical alternatives – with a myriad of differently shaded versions or combinations of these four - that the EU could follow as its policy towards Cuba.

- **Regime Destabilization Strategy, Effort towards the International Isolation of the Cuban Government**

This theoretical alternative would consist of the strong support of the Cuban opposition on one hand and economic and political pressure aimed at undermining the stability of Cuban regime on the other. This approach, however, would be in contradiction to the Common Position and would require its substantial change. Given the historic context of EU policy towards Cuba and the current distribution of opinions within the Council, any steps towards this policy alternative are highly unlikely.

- **Deepening of the Dialogue and Increased Cooperation with the Cuban Government**

This alternative would mean to further limit or completely cease the criticism aimed at the lack of democracy in Cuba and the situation of human rights. It would mean increased dialogue with the Cuban authorities and, on the other hand, perhaps the cessation of contacts with Cuban dissidents. The negotiations of the EU-Cuba cooperation agreement would be launched.

On the positive side, the relations between Havana and the EU would probably warm up considerably and some immediate economic rewards could be granted to EU countries. Negative aspects of this alternative strongly prevail as it would be seen as a sign of weakness by Fidel Castro, and would go contrary to all past efforts of the EU in regard to the situation of democracy and human rights in Cuba. It would also demoralize Cuba's internal opposition

and independent civil society, and would most likely lead to even stronger persecution of the dissidents. It is likely that the increased economic exchange between the EU and Cuba would - on the Cuban side - remain to be controlled by the government and would not lead to the increased liberalization of economy inside the island.

- **No Change in Current Policy towards Cuba**

This alternative would mean maintaining the current Common Position, the suspension of the June 2003 measures and continued dialogue with Cuba. Positive aspects of this alternative are that maintaining the status quo requires much less consensus than joint action in any direction. It also sends a signal of continuity. The negative aspect is the lack of results being produced by the current EU policy. Continuity can also be viewed as stagnancy, incapacity of action, and weakness.

- **Maintaining the basic principles of the Current Common Position, Increased Support of Peaceful Opposition, Increased Targeted Pressure on the Top Levels of the Cuban Government**

This alternative would consist of adjusting the rules of EU development aid provided to Cuba to make it easily accessible to independent civil society. Both real and symbolic gestures of support towards the Cuban opposition would intensify. On the other hand, Castro's regime would be closely watched and immediately punished for human rights abuses, for example by targeted visa bans against top Cuban officials.

The advantage of this alternative would be that it is very close to the general status quo. The changes could be limited to targeted punitive measures (similar to the June 2003 measures) and on adjustments in the EC Regulations governing EIDHR or any mechanism that replaces it in the future. It would also mean both real and moral support for the opposition and would enable the EU to support independent civil society on the island.

This alternative is recommended by the presenters of this Policy Paper.

5. Recommendations for the Review of the EU Common Position

The representatives of the non-governmental organizations that have gathered in Prague have acknowledged that there has been no improvement in the aims set in the Common Position concerning human rights situation in Cuba. Our recommendations for the EU Common Position are:

- **Maintain the Current EU Common Position – a Minimum Requirement**

As there has been no change towards the better in the human rights situation on the island since the last evaluation in June 2005, the current Common Position should, as a minimum, be maintained.

- **Strongly Condemn the Acts of Repudiation (Actos de Repudio)**

The EU should declare that these "spontaneous" acts are a gross violation of human rights and should condemn this practice, which is endorsed and often organized by the Cuban government. It should also take practical steps such as the simultaneous summoning of

Cuban Ambassadors to EU capitals to signal the unified stance of the EU in this regard, as recommended by the EU Heads of Mission (HOMs) in Havana in their report of March 7, 2006.

- **Unconditional release of political prisoners**

The EU should call for the unconditional release of all political prisoners. Prisoners released over the last two years were released only conditionally. Since their release, they have been threatened with the resuming of their prison sentences if they continue with their activities.

- **Introduction of Time Frames and Benchmarks**

As it is increasingly obvious that current EU policy has not led to any improvements regarding the transition to democracy or the human rights situation on the island, it would be recommended to strengthen the position's appeal on human rights, introducing realistic time frames and measurable benchmarks for improvement. These should be complemented by targeted punitive measures.

- **Punitive Measures Targeted at the Cuban Leadership**

Punitive measures should, in particular, be considered in regard to the top echelons of Cuban government. HOMs in Havana should prepare a list of Cuban officials who are directly responsible for human rights violations. This list should be regularly updated, made public and distributed in Cuba. In response to expulsions of EU politicians and other visitors to Cuba, the EU should reciprocate by applying a visa ban to selected Cuban officials.

- **Long Term EU Transition Strategy for Cuba**

The EU should prepare a long-term strategy for the transition in Cuba. After Fidel Castro has gone, European countries must be ready to actively help in the first steps of the Cuban transition towards democracy. EU policies should use all the possible contact to prepare the Cuban society - to the maximum possible extent - for a swift and peaceful transition to a democratic political system and market economy. An Advisory Group should be formed by the EU and prepare to provide technical assistance to the future Cuban democratic government. The new Member States' experience with the transition to democracy could be of significant help in this process.

- **Free Flow of Information**

All possible means should be employed to facilitate a free flow of information to Cuba. The diplomatic missions of EU Member States should serve as an accessible source of information for all Cuban citizens. Every mission of an EU Member State should be encouraged to have at least one computer with internet connection accessible for the Cuban general public. It should also make available a selection of European newspapers, magazines and recently published books. At least some of these publications should be available in Spanish.

All available means should be used to enable Cuban students to receive scholarships to study at European universities. Scholarships for young people who want to participate in "distance learning" in degree programs abroad and the exchange of young professionals should be

established. European radio stations with worldwide coverage should also be supported to broadcast more information on Cuba in their Spanish language programs.

- **Emphasize Symbolic Elements of EU Policy towards Cuba**

The opposition and Cuban citizens should know that they are internationally supported, that they are not alone. New symbolic measures should be implemented by the EU diplomats in Havana – for example, visits to the families that underwent an act of repudiation. They should also invite civil society representatives to all public events organized by the EU Embassies. Although these measures might not have a tangible impact, they are an important symbolic gesture signaling that the EU is not satisfied with the way Castro's regime has responded to change in EU policy in January 2005. As stated by one of the leading Cuban dissidents Oswaldo Payá, "the invitations (for the dissidents) were a sign of a very high value".⁶

- **Increase support for civil society in Cuba**

The EU missions in Cuba should intensify their contacts with the independent civil society. EU diplomats should regularly visit civil society events and consistently inform their capitals about them. The funds channeled through EIDHR or any other instruments that might replace it, should be made as easily accessible to independent civil society as possible. We regret that the latest Call for Proposals made under the EC/Decentralized Cooperation in April 2005 was not a step in this direction.

- **Oppose Cuban membership in the newly formed UN Human Rights Council**

European Union member states should oppose Cuban participation in the newly formed UN Human Rights Council. It is important that the EU does not support membership for those countries in which severe human rights violations are taking place.

The recommendations included in this policy paper are supported by the following NGOs:

<i>Asociacion Encuentro de la Cultura Cubana</i>	<i>Spain</i>
<i>Asociacion Espanola Cuba en Transicion</i>	<i>Spain</i>
<i>Association for International Affairs</i>	<i>Czech Republic</i>
<i>Christian Democratic International Center</i>	<i>Sweden</i>
<i>Freedom House Hungary</i>	<i>Hungary</i>
<i>Fundacion Hispano Cubana</i>	<i>Spain</i>
<i>Iberoamerican Association for Freedom</i>	<i>Spain</i>
<i>International Society for Human Rights</i>	<i>Germany</i>
<i>Konrad Adenauer Foundation</i>	<i>Germany</i>
<i>Lech Walesa Institute</i>	<i>Poland</i>
<i>People in Need</i>	<i>Czech Republic</i>
<i>People in Peril</i>	<i>Slovakia</i>
<i>Pontes</i>	<i>Czech Republic</i>
<i>Pontis Foundation</i>	<i>Slovakia</i>

⁶ Cuba: UE cambia su política, 13 October 2004,
http://news.bbc.co.uk/hi/spanish/latin_america/newsid_3738000/3738408.stm