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Cuba After Fidel Castro: U.S. Policy Implications and Approaches

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Summary

Cuba has remained a hard-line communist state under Fidel Castro for more than 47 years, but Fidel's July 31, 2006 announcement that he was ceding political power to his brother Raúl for several weeks in order to recover from surgery could be the beginning of a political transition. Over the past few years, there has been increased speculation about Cuba's future without Fidel, who turned 80 on August 13, 2006. While previous predictions about Fidel's imminent demise proved premature, his recent surgery and advanced age make the date of his permanent departure from the political scene all the closer. Before his recent surgery, observers discerned several potential scenarios for Cuba's future after Fidel. These fit into three broad categories: the continuation of a communist government; a military government; or a democratic transition or fully democratic government. According to most observers, the most likely scenario, at least in the short term, is a successor communist government led by Raúl Castro. This is the most likely scenario for a variety of reasons, but especially because of Raúl's official designation as successor and his position as leader of the Cuban military.

For a number of years, the U.S. government has begun to plan for Cuba without Fidel at the helm. This has included examining transition issues and appointing a State Department Cuba Transition Coordinator. Assistance has been provided — primarily through the U.S. Agency for International Development (USAID), but also through the Department of State — to fund projects aimed at promoting a democratic transition in Cuba. The Bush Administration established an inter-agency Commission for Assistance to a Free Cuba to help plan for Cuba's transition to democracy and to help Cubans hasten the transition to democracy. Some observers, however, have questioned the adequacy of the transition planning, in part because it does not recognize the likelihood of a successor communist government headed by Fidel's brother Raúl.

In the new context of Fidel's transfer of power, there are two broad policy approaches to contend with political change in Cuba: a stay-the-course or status-quo approach that would maintain the U.S. dual-track policy of isolating the Cuban government while providing support to the Cuban people; and an approach aimed at influencing the Cuban government and Cuban society through increased contact and engagement. S. 3769 (Ensign), introduced Aug. 1, 2006, would support the Administration's stay-the-course policy approach by authorizing assistance to strengthen Cuban civil society and to support a democratically elected or transition Cuban government. Other Members have indicated that they would advocate a change in U.S. policy toward Cuba in the direction of engagement or legislation providing the President with flexibility to respond to change in Cuba.

For further information, see CRS Report RL32730, *Cuba: Issues for the 109th Congress*; CRS Report RL31139, *Cuba: U.S. Restrictions on Travel and Remittances*; and CRS Report RL32251, *Cuba and the State Sponsors of Terrorism List*.

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Cuban Political Developments

On July 31, 2006, President Fidel Castro provisionally ceded political power to his brother Raúl “for several weeks” in order to recover from intestinal surgery. As a result, in a proclamation signed by Fidel, Raúl Castro became First Secretary of the Communist Party, Commander in Chief of the Revolutionary Armed Forces (FAR), and President of the Council of State and Government, top positions that Fidel had held. Although Cuba has remained a hard-line communist state under Fidel Castro since the 1959 Cuban Revolution, Fidel’s announcement that he was temporarily ceding political power to his brother Raúl could be the beginning of a political transition.

At the same time that he ceded power to Raúl, Fidel Castro tapped six other high-ranking government officials on a provisional basis for key roles in health, education, and energy projects. He delegated the job of promoting public and international health projects to current Minister of Public Health José Ramón Balaguer Cabrera. On education, he designated José Ramón Machado Ventura and Esteban Lazo Hernández, both members of the Political Bureau (Politburo) of the Communist Party and both Vice Presidents of the Council of State. On energy, he designated Carlos Lage, a Vice President of the Council of State and Executive Secretary of the Council of Ministers. Fidel also directed Lage, as well as Foreign Minister Felipe Perez Roque and Central Bank President Francisco Soberón Valdés, to form a commission to manage and prioritize funds for health, education, and energy programs.

At this juncture, there is sparse information coming out of Cuba about Fidel Castro’s medical condition and whether he will be able to resume his role as head of the political system and the Communist Party. On August 13, 2006, Fidel’s 80th birthday, Cuba’s newspaper *Juventud Rebelde* published the first photographs of Castro since his surgery, along with a message from Castro indicating that his recovery would not be short. Castro promised to fight for his health, and urged his supporters to be optimistic, but cautioned that they should “be prepared for any adverse news.”¹ Some observers had been questioning why Raúl Castro had not been seen in public, although his public role in greeting visiting Venezuelan President Hugo Chávez on August 13, 2006, has appeared to put these questions to rest.

¹ “Text of Fidel Castro’s Message,” *Miami Herald*, Aug. 13, 2006.

Cuba's Political System and Transition Scenarios

Although Cuba has undertaken some limited economic reforms in recent years, politically the country remains a hard-line communist state. Until his most recent decision to step down while recuperating from surgery, Fidel Castro ruled since the 1959 Cuban Revolution, which ousted the corrupt government of Fulgencio Batista. Soon after taking power, Castro laid the foundations for an authoritarian regime by consolidating power and forcing moderates out of the government. In April 1961, Castro stated that the Cuban Revolution was socialist, and in December 1961, he proclaimed himself to be a Marxist-Leninist. From 1959 until 1976, Castro ruled by decree.

The Castro government adopted a constitution in 1976, later amended in 1992 and 2002, which set forth the Communist Party as the leading force in the state and society. The 2002 amendments stated that “socialism and the revolutionary political and social system in the Constitution ... are irrevocable, and Cuba will never again return to capitalism.”² Castro has dominated the Communist Party through his position as first secretary of the Political Bureau, the party's leading decision-making institution. He has dominated the government through his position as President of the Council of Ministers, the highest executive branch authority, and as President of the Council of State, which makes legislative decisions on behalf of the National Assembly of People's Power when it is not in session. As President of the Council of State, Castro has continued as both head of state and government since the promulgation of the 1976 constitution.³

For a number of years, Fidel's brother Raúl, as First Vice President of the Council of State, has been the officially designated successor (pursuant to Article 94 of the Constitution), and slated to become head of state and head of government with Fidel's departure. Raúl also has served as First Vice President of the Council of Ministers, as Minister of the Revolutionary Armed Forces (FAR), and as second secretary of the Communist Party. His position in the party was confirmed at the last congress held in October 1997 during which Fidel publicly endorsed Raúl as his political successor.

Although many observers believe that the eventual demise of Cuba's communist system of government is inevitable, there is considerable disagreement over when or how this may occur. Some point to Fidel Castro's age and increasing fragility in recent years and predict that the regime will collapse when Castro is not at the helm. Other observers stress that Fidel is still not out of the picture and that the Cuban government has a plan for the permanent succession of his brother Raúl. They point to Cuba's strong security apparatus and the extraordinary system of controls that prevents dissidents from gaining popular support.

² Cuba, *Reforma Constitucional 2002*, Political Database of the Americas, Georgetown University, at [<http://www.georgetown.edu/pdba/Constitutions/Cuba/ref02.html>].

³ U.S. Library of Congress, *Cuba, A Country Study*, U.S. Government Printing Office, Washington, D.C. 2002, pp. 235, 237, and 249.

Before Fidel's recent surgery, observers discerned several potential scenarios for Cuba's future when Fidel either dies in office or departs the political scene because of age or declining health.⁴ These fit into three broad categories: the continuation of a communist government; a military government; or a democratic transition or fully democratic government.

Successor Communist Government

According to most observers, the most likely scenario, at least in the short term, is a successor communist government led by Raúl Castro. This is the case for a variety of reasons, but especially because of Raúl's designation by Fidel as successor in the party and his position as leader of the FAR, which, since 1989, has been in control of the government's security apparatus (police, intelligence, and security services) within the Ministry of the Interior (MININT). For many observers, Raúl's strong support from the FAR, which has played an increasing role in Cuba's economy since the 1990s (through ownership of numerous business enterprises) is the most significant factor ensuring that he will succeed his brother. Some see the likely prospect of Cuba under Raúl following a Chinese model, with increases in economic freedom, albeit with continued political authoritarianism. Even before Fidel's recent surgery, some observers contended that the transition had already begun, with Raúl assuming increasing responsibility in policy decisions and day-to-day government management.⁵

Military Government

The scenario of a military-led government is viewed by some observers as a possibility only if a successor communist government fails because of divisiveness or political instability. In this scenario, the military would step in to restore order and control. Absent political instability, it is unlikely that the military would step in to control the government directly since the FAR has had a tradition of deference to civilian control under Cuba's communist government. Moreover, with Raúl Castro heading a communist government, active and retired military officers would likely play significant roles in various ministries and institutions. While a military

⁴ There have been a number of comprehensive studies on Cuba's political transition after Fidel Castro. For example, see Edward Gonzalez, "After Castro: Alternative Regimes and U.S. Policy," Institute for Cuban and Cuban-American Studies, University of Miami, 2002; William M. Leogrande, "The Cuban Communist Party and Electoral Politics: Adaptation, Succession, and Transition," Institute for Cuban and Cuban-American Studies, University of Miami, 2002; Brian Latell, "The Cuban Military and Transition Dynamics," Institute for Cuban and Cuban-American Studies, University of Miami, 2003, and *After Fidel: The Inside Story of Castro's Regime and Cuba's Next Leader*, Palgrave Macmillan, New York, 2005; Jamie Suchlicki, "Cuba After Castro," *World & I*, January 2004; Edward Gonzalez and Kevin F. McCarthy, *Cuba After Castro: Legacies, Challenges, and Impediments*, RAND Corporation, 2004; Javier Corrales, "Cuba after Fidel," *Current History*; February 2005; and Daniel P. Erikson, "Charting Castro's Possible Successors," *SAIS Review*, Winter-Spring 2005.

⁵ "Succession Sí. Transition No.," Institute for Cuban and Cuban-American Studies, University of Miami, Staff Report, Issue 64, May 31, 2005.

government is unlikely, some observers contend that the FAR, as Cuba's most powerful institution and with a large role in the economy, will play an instrumental role in any transition scenario.

Democratic Government

For many observers, the least likely scenario upon Fidel's death or departure is a democratic or democratic transition government. With a strong totalitarian security apparatus, the Castro government has successfully impeded the development of independent civil society, with only a small and tightly regulated private sector, no independent labor movement, and no unified political opposition. Although Cuba's dissident and human rights movement has grown in recent years, with such movements as the Varela Project and the Assembly to Promote Civil Society receiving international attention, these groups are not widely known in Cuba. The extent of these groups' influence in Cuba after Fidel Castro departs the political scene will depend on how much political space they are allowed. In the long run, the work of the dissident and human rights community may play an important role in shaping a future democratic government, but in the short- to medium-term, it appears that a communist successor government would be far more likely. Unlike Eastern Europe's former communist governments, the Castro government sprang from an indigenous revolution, not one imposed by an outside power, although the current extent of the Cuban population's support for the revolution is unknown.

How Raúl Castro Might Govern

There are a variety of views of how Raúl Castro would govern if Fidel permanently left the political scene. The Cuban military under Raúl became increasingly involved in running successful economic enterprises in the 1990s, and Raúl was an advocate of opening up the farmers markets when Cuba was facing a food crisis. As a result, as noted above, some observers see the likely prospect of Cuba under Raúl following a Chinese model, with increases in economic freedom, but with the Communist Party maintaining firm control of the political system. Analysts caution, however, that at this juncture a successor communist government might be less inclined to undertake economic reforms because of the significant amounts of financial support that it receives from Venezuela, including some 90,000 barrels of oil a day on a preferential basis. Some maintain that Raúl's role as head of the FAR demonstrates his management and leadership skills, and that he is much more inclusive and pragmatic in his decision-making compared to Fidel. Some maintain that governance under Raúl would be more collective, in part because of his decision-making style, but also because no one currently would be able to match the historical stature and prominence of Fidel.

Some even see Raúl as more inclined to favor better relations with the United States, which they maintain would be a politically smart move that could increase his popularity among the Cuban people.⁶ In an interview published in the Cuban daily

⁶ Oscar Corral, "Analyst Sees Raúl Castro Taking Over Cuba When Fidel Dies," *Miami Herald*, June 2, 2006; Brian Latell, *After Fidel, The Inside Story of Castro's Regime and* (continued...)

Granma on August 18, 2006, Raúl asserted that Cuba has “always been disposed to normalize relations on an equal plane,” but he also expressed strong opposition to current U.S. policy toward Cuba, which he described as “arrogant and interventionist.”⁷ Some analysts view Raúl’s comments as an indication that he wants dialogue with the United States, while others maintain that his message was more of the same and aimed at attacking U.S. policy toward Cuba.⁸

Other observers see Raúl as continuing his brother’s record of political repression. Some assert that he was personally involved in the execution of opponents in the aftermath of the 1959 Cuban Revolution.⁹ Observers also point to his role as head of the FAR, which since 1989 has dominated the government’s repressive internal security apparatus. Raúl was also responsible for an ideological crackdown in 1996 against those wanting to reform Cuba’s system. Still others question whether Raúl has the charisma and force of personality that have sustained his brother in power for so long. They maintain that divisions within the Communist Party could be exacerbated when Fidel is no longer in power.

Although the Cuban government has been dominated by Fidel Castro, analysts have discerned three factions or political tendencies that help explain political dynamics in Cuba: hardliners, centrists, and reformists.¹⁰ At the helm, Fidel and his strong supporters (many from the early days of the revolution, but also including younger Cubans, such as Foreign Minister Felipe Pérez Roque) are considered hardliners or *duros*, those opposed to fundamental political or economic change. Centrists are those who support some market-based solutions to the country’s economic problems, but do not espouse wholesale Western-style capitalism. Most significantly, centrists do not challenge the supremacy of the Communist Party and do not advocate political reform. Observers have placed Raúl Castro and the FAR in this category because of the significant market-oriented policies utilized by the army in its administration of military and civilian businesses. Finally, reformists — who have been scarce in recent years — prefer a more aggressive move toward a market-oriented economy and political liberalization that might allow a loyal opposition to operate, although within the context of the communist regime maintaining political power. Over the years, several prominent reformists have been ousted from their positions, such as former Foreign Minister Roberto Robaina and former Communist Party Secretary Carlos Aldana. A prominent reformer who has remained in power is Carlos Lage, who was responsible for Cuba’s market-oriented reforms in the 1990s.

⁶ (...continued)

Cuba’s Next Leader, Palgrave Macmillan, New York, 2005; Sara Miller, “Where the Next Castro Might Take Fidel’s Cuba,” *Christian Science Monitor*, Aug. 3, 2006.

⁷ “No Enemy Can Defeat Us,” interview of Raúl Castro by Laszar Barredo Medina, *Diario Granma*, Aug. 18, 2006.

⁸ Nancy San Martin, “Raúl Castro Hints at Readiness for Dialogue with Washington,” *Miami Herald*, Aug. 19, 2006.

⁹ Frances Robles, “Where is Raúl Castro?” *Miami Herald*, Aug. 3, 2006.

¹⁰ Edward Gonzalez, 2002; and Edward Gonzalez, *Cuba, Clearing Perilous Waters?*, RAND, 1996.

In recent years, hardliners have dominated government policy, as demonstrated by Cuba's strong crackdown on dissidents in 2003 and by the backtracking on some of the limited economic reforms enacted in the 1990s, but some observers maintain that the various divisions within the party will re-emerge once Fidel is no longer on the scene. Moreover, they contend that the prospects of a democratic transition in the long-term could depend on whether the reformers will predominate after Fidel is gone.¹¹

Many observers maintain that Raúl's advanced age — he turned 75 in June 2006 — will make him a transitional figure and contribute to increased competition for power. As a result, many believe that it will be important to look at other political figures that could be eventual successors. Among the key figures they identify are Carlos Lage, cited above, who was instrumental in implementing Cuba's limited economic reforms in the 1990s; Ricardo Alarcon, president of the National Assembly and a close adviser to Fidel on U.S. relations, who has been described as a centrist potentially open to economic reforms but intransigent on political reform; and Foreign Minister Felipe Perez Roque, most often described as an orthodox hardliner, who at 41 is the youngest minister and the youngest Member of the Politburo.¹² Another important political figure and hardliner is Gen. Abelardo Colomé, a close friend of Raúl Castro and the head of MININT, who some observers believe could become Defense Minister if Raúl permanently succeeded Fidel.¹³ Some analysts maintain that other Cuban military leaders could be potential challengers to Raúl's power.¹⁴ Raúl's appointment of former MININT head and hardliner Ramiro Valdés as minister of information science and communications in late August is viewed by some as an attempt to keep a potential rival close at hand.¹⁵

U.S. Policy

U.S. Policy Tied to Fulfillment of Democratic Conditions

Since the early 1960s, U.S. policy toward Cuba has consisted largely of isolating the communist government of Fidel Castro through comprehensive economic sanctions, including an embargo on trade and financial transactions and prohibitions on U.S. assistance to the Cuban government. An exception to this policy has been that U.S. agricultural exports to Cuba have been allowed since late 2001, albeit with numerous restrictions and licensing requirements under the provisions of the Trade Sanctions Reform and Export Enhancement Act of 2000 (P.L. 106-387, Title IX).

¹¹ William Leogrande, 2002, p. ii.

¹² Edward Gonzalez, "After Castro: Alternative Regimes and U.S. Policy," Cuban Transition Project, Institute for Cuban and Cuban-American Studies, University of Miami, 2002.

¹³ Daniel P. Erikson, "Charting Castro's Possible Successors," *SAIS Review* vol. XXV, no. 1, Winter-Spring 2005.

¹⁴ John Dorschner, "Raúl Castro Could Have Challengers in Future," *Miami Herald*, Aug. 10, 2006.

¹⁵ Nancy Sue Martin, "Raúl Castro Names Rival to Cabinet," *Miami Herald*, Sept. 1, 2006.

A second component of U.S. policy has consisted of support measures for the Cuban people, including democracy-building efforts and radio and television broadcasting to Cuba.

Economic sanctions were strengthened with the enactment of the Cuban Liberty and Democratic Solidarity Act of 1996 (P.L. 104-114), which sets forth a number of conditions for the suspension and ultimate termination of the embargo. For the suspension of the embargo, these conditions require that a transition government: does not include Fidel or Raúl Castro; has legalized all political activity; has released all political prisoners; has dissolved several coercive elements of state security; has made commitments to free and fair elections for a new government in 18 months; has ceased interference with Radio and TV Marti broadcasts; is making demonstrable progress in establishing an independent judiciary, respecting internationally recognized human rights and basic freedoms, and allowing the establishment of independent trade unions and social, economic, and political associations; and has given assurances that it will allow the speedy and efficient distribution of assistance to the Cuban people. The actual termination of the embargo would require additional conditions, including, most significantly, that an elected civilian government is in power.

The dilemma for U.S. policy is that the current legislative conditions just described could tie the hands of policymakers if political change does not unfold swiftly toward a democratic transition. Under the more likely scenario of a future communist government, the U.S. sanctions-based policy would remain in place until these conditions were fulfilled or until legislation was enacted superceding the language of the Cuban Liberty and Democratic Solidarity Act. Critics maintain that these conditions could prevent the United States from responding quickly to political change in Cuba or influencing a future communist regime with reformist tendencies.

Some argue, however, that it is important for Congress to keep these conditions in place so that the President does not back away from support for democracy in Cuba.

U.S. Preparation for Cuba's Political Transition

For a number of years, the U.S. government has been making efforts to prepare for a political transition in Cuba. Pursuant to the Cuban Liberty and Democratic Solidarity Act of 1996 (P.L. 104-114, Section 202(g)), the Clinton Administration submitted a report to Congress in January 1997 on "Support for a Democratic Transition in Cuba," which outlined the assistance that Cuba would likely seek during a democratic transition and ways in which the United States and the international community could provide assistance. The report made broad recommendations regarding potential U.S. support to help Cuba consolidate its democratic political transition and to advance economic recovery and transition.¹⁶

Since 1997, the U.S. government has provided assistance — primarily through the U.S. Agency for International Development (USAID), but also through the Department of State — to fund projects aimed at promoting a democratic transition

¹⁶ "Support for a Democratic Transition in Cuba: Report to the Congress," U.S. Department of State, Jan. 28, 1997, online at [<http://www.state.gov/www/regions/wha/helmbu.html>].

in Cuba. Much of the assistance is aimed at supporting the development of an independent civil society, but it has also included specific assistance to examine Cuba's transition. From FY2001 through FY2005, the United States provided about \$46 million for USAID and State Department democracy projects, while an estimated \$11 million will be provided in FY2006 and the FY2007 request is for \$9 million. The assistance has included more than \$3 million in USAID grants since 2002 to fund a Cuba Transition Project at the University of Miami. The project finances studies examining and making recommendations for Cuba's reconstruction once the post-Castro transition begins.

In addition to USAID and State Department funding, the National Endowment for Democracy (NED) has funded Cuba democracy projects for more than 20 years. From FY2001 through FY2004, NED's funding for Cuba averaged almost \$1 million a year. In FY2005, NED's funding for Cuba projects from its regular budget declined as it received money from the State Department to implement Cuba democracy projects. NED's overall funding for Cuba projects amounted to \$2.36 million in FY2005, but the lion's share of this, \$2.24 million, was provided by the State Department for NED to implement Cuba projects. To date in FY2006, NED has approved 12 Cuba projects with about \$1.2 million, with over a third of that in funds provided by the State Department.

May 2004 CAFC Report. In October 2003, the Bush Administration established an inter-agency Commission for Assistance to a Free Cuba (CAFC) to help plan for Cuba's transition from communism to democracy, and to identify ways to help bring it about. Chaired by then Secretary of State Colin Powell, the Commission consisted of five working groups focused on: hastening Cuba's transition; meeting basic human needs; establishing democratic institutions, respect for human rights, rule of law, and justice and reconciliation; establishing the core institutions for a free democracy; and modernizing infrastructure and addressing environmental degradation.

In May 2004, President Bush endorsed the recommendations of a report issued by the Commission, which made recommendations for immediate measures to "hasten the end of Cuba's dictatorship" as well as longer-term recommendations to help plan for Cuba's transition from communism to democracy in the various areas covered by the five working groups.¹⁷ The President directed that up to \$59 million be committed to implement key recommendations of the Commission, including additional support for democracy-building activities and for broadcasts of Radio and TV Marti to Cuba via an aircraft. Some of the report's most controversial recommendations included a number of measures to tighten economic sanctions on family visits and other categories of travel and on private humanitarian assistance in the form of remittances and gift parcels.¹⁸ The Commission report stipulated that the assistance to a transition government described in the report would be predicated on

¹⁷ The full 423-page Commission report is available on the State Department website at [<http://www.state.gov/p/wha/rt/cuba/commission/2004/>].

¹⁸ For further information, see CRS Report RL31139, *Cuba: U.S. Restrictions on Travel and Remittances*, by Mark P. Sullivan.

Cuba's success in fulfilling the democratic conditions set forth in the Cuban Liberty and Democratic Solidarity Act.

In late July 2005, Secretary of State Condoleezza Rice appointed Caleb McCarry as the State Department's new Cuba Transition Coordinator to direct U.S. government "actions in support of a free Cuba." Appointment of the Coordinator, as set forth in the Commission's May 2004 report, was intended to signal the unwillingness of the United States to accept the Cuban government's succession strategy. The Coordinator is tasked with facilitating expanded implementation of democracy projects and planning for future transition assistance contingencies.

July 2006 CAFC Report. Secretary Rice reconvened the CAFC in December 2005 to identify additional measures to help Cubans hasten the transition to democracy and to develop a plan to help the Cuban people move toward free and fair elections. Secretary of Commerce Carlos Gutierrez co-chaired the Commission, and Cuba Transition Coordinator McCarry prepared a second CAFC report in an inter-agency process involving 100 participants from 17 federal departments. Working groups were established to focus on democracy and governance, humanitarian assistance, economic growth and infrastructure, and security and the rule of law.

The Commission's report, which was expected to be completed in May 2006, was ultimately released on July 10, 2006.¹⁹ Just as in the May 2004 report, the first and most significant chapter of the new report makes policy recommendations to hasten political change in Cuba toward a democratic transition. These involve measures to strengthen support for Cuban civil society, to break the regime's information blockade, to undermine the regime's succession strategy, and to deny revenue to the Cuban government.

The Commission calls for the United States to provide \$80 million over two years for the following:

- to support Cuban civil society (\$31 million);
- to fund education programs and exchanges, including university training in Cuba provided by third countries and scholarships for economically disadvantaged students from Cuba at U.S. and third country universities (\$10 million);
- to fund additional efforts to break the Cuban government's information blockade and expand access to independent information, including through the Internet (\$24 million); and
- to support international efforts at strengthening civil society and transition planning (\$15 million).

According to the Cuba Transition Coordinator, this assistance would be in addition to funding that the Administration is already currently budgeting for these

¹⁹ U.S. Department of State, Commission for Assistance to a Free Cuba, Report to the President, July 2006, 93 p., available at [<http://www.cafc.gov/rpt/>].

programs.²⁰ Thereafter, the Commission recommends funding of not less than \$20 million annually for Cuba democracy programs “until the dictatorship ceases to exist.” This would roughly double the amount currently spent on Cuba democracy programs.

The Cuba Transition Coordinator maintains that there are no new sanctions proposed in the report, but rather a series of recommendations for better enforcement of current restrictions to ensure compliance. Nevertheless, several of the Commission’s recommendations to deny revenues to the Cuban government could be construed as new sanctions, especially since they call for changes in current Treasury and Commerce Department regulations or the licensing criteria or reporting requirements for such regulations. Among the recommendations regarding the Treasury regulations, the Commission calls for: the elimination of the use of cash-card services for licensed travel to Cuba; and new licensing criteria and reporting requirements for travel and carrier service providers, including a requirement that they have an annual independent financial audit. With regard to the Department of Commerce regulations, the Commission calls for, among other measures, tightened regulations for the export of humanitarian items (other than agricultural or medical commodities) to ensure that the exports support Cuban civil society and not government-controlled organizations. The report specifically cites the Cuban Council of Churches as a government-controlled organization. The Commission also calls for the establishment of an inter-agency Cuban Nickel Targeting Task Force to re-invigorate the existing U.S. nickel import certification and control in order to ensure that imported products such as steel do not contain Cuban nickel, an increasingly lucrative source of revenue for the Cuban government.

The Commission’s report also calls for the Administration, when considering the suspension of Title III of the Cuban Liberty and Democratic Solidarity Act (pertaining to lawsuits of U.S. citizens against those who traffic in confiscated property in Cuba), to examine in particular whether the country of the foreign company involved is engaged in a process of support for Cuba’s regime succession. It also recommends more vigorous enforcement of the visa restrictions under Title IV of the Cuban Liberty and Democratic Solidarity Act for officers (and their immediate relatives) of foreign companies investing in expropriated U.S. property in Cuba.

Chapters 2-6 of the Commission’s report set forth detailed plans of how the U.S. government, along with the international community and the Cuban community abroad, could provide assistance to a Cuba transition government to help it respond to critical humanitarian and social needs, to conduct free and fair elections, and to move toward a market-based economy. With respect to potential U.S. assistance to help Cuba protect property rights and address the issue of confiscated property, the report calls for the United States to reassure the Cuban people that it would not support an arbitrary effort to evict them from their homes. The report notes that there are numerous restrictions under U.S. law that affect the provision of assistance to Cuba, including conditions set forth in the Cuban Liberty and Democratic Solidarity

²⁰ U.S. Department of State, Second Report of the Commission for Assistance to a Free Cuba, Briefing, July 10, 2006.

Act. The report also maintains, however, that some assistance for Cuba “may be provided in certain circumstances on the basis of laws that authorize assistance ‘notwithstanding any other provision of law’ or on the basis of certain extraordinary general waiver authorities in the Foreign Assistance Act.”²¹

The final chapter of the report outlines a series of preparatory steps that the U.S. government can take now, before Cuba’s transition begins, so that it will be well prepared in the event that assistance is requested by the new Cuban government. These include steps in the areas of government organization, electoral preparation, and anticipating humanitarian and social needs.

At the same time that it issued its report, the Commission issued a two-page “Compact with the People of Cuba” pledging to support Cuba’s transition government with assistance as it moves from communism to democracy.²² The compact maintained that the United States would supply such support provided that the transition government is committed to dismantling all instruments of state repression and to implementing internationally respected human rights and fundamental freedoms. These rights and freedom include guaranteeing the rights of free speech, press, and worship; legalizing all peaceful political activity; releasing all political prisoners; establishing an independent judiciary; allowing the creation of independent trade unions and independent social, economic, and political associations; ensuring the right to private property; and organizing free and fair elections for a democratically elected new Cuban government within 18 months. These conditions include many, but not all, of the conditions for assistance set forth in the Cuban Liberty and Democratic Solidarity Act. The language of the Compact appears to call for the Cuban government’s commitment to undertake these measures rather than actually having implemented them before the provision of assistance.

Potential Policy Implications. U.S. government preparations for a Cuba transition have several potential policy implications. In its two reports, the Commission for Assistance for a Free Cuba set forth a strategy of undermining the Cuban government’s succession plan. As noted in the May 2004 Commission report, “the United States rejects the continuation of a communist dictatorship in Cuba.” When the report was issued, then Assistant Secretary of State for Western Hemisphere Affairs Roger Noriega asserted in public comments that “the United States.....will not accept a succession scenario.”²³ The July 2006 Commission report again asserts that it is U.S. policy to undermine Cuba’s succession, and further maintains that Cuba is seeking to use its close relationship with the Chávez government in Venezuela as a means to ensure continuity of its communist regime. As noted above, however, the most likely scenario for a post-Fidel Cuba, at least in the short term, appears to be a successor communist government headed by Raúl Castro.

²¹ U.S. Department of State, Commission for Assistance to a Free Cuba, Report to the President, July 2006, p. 34.

²² The text of the compact is available at [<http://www.cafc.gov/cafc/rpt/2006/c18351.htm>].

²³ U.S. Department of State, Report to the President by the Commission for Assistance to a Free Cuba, Remarks by Roger Noriega, Assistant Secretary for Western Hemisphere Affairs, May 6, 2004.

Some observe that open U.S. policy to undermine Cuba's transition process could reduce the likelihood of U.S. influence in a post-Fidel government, and might not be in the best interest of ensuring an orderly and peaceful transition. Moreover, the disruption of an orderly transition could unleash a host of potential problems for the United States, including the possibility of mass migration from Cuba that has occurred in the past during times of economic and political crisis. Some observers also have questioned the Administration's planning because they believe it attempts to micro-manage the transition by providing the minutiae of what the United States would like to see in a new post-Fidel Cuba. For some, this feeds the Cuban government's rhetoric that the United States wants to take over Cuba, and runs the risk of stirring Cuban nationalism and alienating the Cuban population. For example, the detailed transition plans in the 2004 report elicited a negative response from several prominent dissidents such as Oswaldo Payá and Elizardo Sánchez, who maintained that the future transition should be coordinated and run by Cubans.

The July 2006 Commission report received a mixed response from Cuba's dissident community. Although some dissidents, like former political prisoner Vladimiro Roca, maintained that they would welcome any U.S. assistance that helps support the Cuba dissident movement, others expressed concerns about the report. Dissident economist and former political prisoner Oscar Espinosa Chepe stressed that Cubans have to be the ones to solve their own problems. According to Chepe, "We are thankful for the solidarity we have received from North America, Europe, and elsewhere, but we request that they do not meddle in our country."²⁴ Miriam Leiva, a founding member of the Ladies in White, a human rights organization consisting of the wives, mothers, and sisters of political prisoners, expressed concern that the report could serve as supposed evidence for the government to imprison dissidents.²⁵ Leiva also faults the Commission's report for presuming what a Cuban transition must be before U.S. recognition or assistance can be provided. According to Leiva, "Only we Cubans, of our own volition ... can decide issues of such singular importance. Cubans on the island have sufficient intellectual ability to tackle a difficult, peaceful transition and reconcile with other Cubans here and abroad."²⁶

The Commission's recommendation to tighten regulations for humanitarian exports to the Cuban Council of Churches (which the Commission characterizes as a government-controlled organization) has drawn fire from some U.S. religious institutions. Church World Service, a U.S.-based humanitarian aid organization, considers the Cuban Council of Churches an ecumenical partner and has channeled assistance through the Cuban organization. Although the Commission's report maintains that humanitarian agricultural and medical exports will be allowed, Church

²⁴ Nicholas Kralev, "Bush OKs Initiative to Support Opposition," *Washington Times*, July 11, 2006.

²⁵ Frances Robles and Pablo Bachelet, "Plan for Change in Cuba Gets OK," *Miami Herald*, July 11, 2006.

²⁶ Miriam Leiva, "We Cubans Must Decide," *Miami Herald*, July 15, 2006.

World Service has expressed concern that its ability to provide other humanitarian items such as blankets, school kits, and sewing supplies will be curtailed.²⁷

U.S. Response to Fidel's Ceding of Power

In response to Fidel Castro's announcement that he was temporarily ceding power to his brother Raúl, President Bush issued a statement on August 3, 2006, that "the United States is absolutely committed to supporting the Cuban people's aspiration for democracy and freedom." The President urged "the Cuban people to work for democratic change" and pledged U.S. support to the Cuban people in their effort to build a transitional government in Cuba.²⁸ U.S. officials indicated that there are no plans for the United States to "reach out" to the new leader. Secretary of State Rice reiterated U.S. support for the Cuban people in an August 4, 2006, statement broadcast on Radio and TV Martí. According to Secretary Rice, "All Cubans who desire peaceful democratic change can count on the support of the United States."²⁹

Assistant Secretary of State for Western Hemisphere Affairs Thomas Shannon subsequently asserted that the temporary ceding of power to Raúl signifies "the beginning of political change in Cuba." Shannon maintained that the Cuban regime's attempt to carry out a stable transfer of power would be unsuccessful, maintaining that "there's no political figure inside of Cuba who matches Fidel Castro."³⁰

In response to Raúl Castro's August 18, 2006, statement that Cuba is open to normalized relations with the United States, Assistant Secretary Shannon reiterated a U.S. offer to Cuba, first articulated by President Bush in May 2002, that the Administration was willing to work with Congress to lift U.S. economic sanctions if Cuba were to begin a political opening and a transition to democracy. According to Shannon, the Bush Administration remains prepared to work with Congress for ways to lift the embargo if Cuba is prepared to free political prisoners, respect human rights, permit the creation of independent organizations, and create a mechanism and pathway toward free and fair elections.³¹

While there is some U.S. concern that political change in Cuba could prompt a migration crisis, similar to the 1980 Mariel boatlift in which 125,000 Cubans fled to the United States and in 1994 when almost 40,000 Cubans were interdicted, there has been no unusual traffic since Castro ceded power. The U.S. Coast Guard has plans to respond to such a migration crisis, with support from the Navy if needed. In her

²⁷ Church World Service, "Church World Service Decries Bush's Approval of Cuba Report and Aid Restrictions Today," News Release, July 10, 2006.

²⁸ White House, "President Urges Cuban People to Work for Democratic Change," Aug. 3, 2006.

²⁹ U.S. Department of State, "Secretary of State Condoleezza Rice Message to the People of Cuba," Aug. 4, 2006.

³⁰ Lesley Clark, "U.S. Official: Regime Won't Last," *Miami Herald*, Aug. 12, 2006.

³¹ U.S. Department of State, "U.S. Policy Toward Cuba," Thomas Shannon, Assistant Secretary for Western Hemisphere Affairs, August 23, 2006.

August 4, 2006, message to the Cuban people, Secretary of State Rice encouraged “the Cuban people to work at home for positive change.”

On August 11, 2006, Department of Homeland Security (DHS) Deputy Secretary Michael P. Jackson urged “the Cuban people to stay on the island” and discouraged “anyone from risking their life in the open seas in order to travel to the United States.” At the same time, DHS announced additional measures to discourage Cubans from turning to alien smuggling as a way to enter the United States. The measures support family reunification by increasing the numbers of Cuban migrants admitted to the United States each year who have family members in the United States, although the overall number of Cuban admitted to the United States annually will remain at about 21,000. Cubans who attempt to enter the United States illegally will be deemed ineligible to enter under this new family reunification procedure. In another change of policy, Cuban medical personnel currently conscripted by the Cuban government to work in third countries will be allowed to enter the United States; their families in Cuba will also be allowed to enter the United States.³²

U.S. officials are also discouraging those in the Cuban American community who want to travel by boat to Cuba to speed political change in Cuba. Cuban American leader Ramon Saul Sanchez, of the Miami-based Democracy Movement, threatened to stage acts of civil disobedience if the Bush Administration does not allow his organization to send boats to Cuba to pick up those attempting to flee the island or to aid political dissidents.³³ In the past, Sanchez has led flotillas of boats near Cuban territorial waters as acts of nonviolent political protests.

U.S. Policy Approaches

Over the years, although U.S. policymakers have agreed on the overall objective of U.S. policy toward Cuba — to help bring democracy and respect for human rights to the island — there have been contrasting schools of thought about how to achieve that objective. Most of the debate has centered on the wisdom of U.S. economic sanctions on Cuba. Some have advocated a policy of keeping maximum pressure on the Cuban government until reforms are enacted, while continuing efforts to support the Cuban people. Others argue for an approach, sometimes referred to as constructive engagement, that would lift some U.S. sanctions that they believe are hurting the Cuban people, and move toward engaging Cuba in dialogue. Still others have called for a swift normalization of U.S.-Cuban relations by lifting the U.S. embargo.

While there has been growing sentiment in Congress over the past several years to ease sanctions on Cuba, legislative efforts to make changes to the economic

³² Department of Homeland Security, “DHS Announces Additional Measures to Combat Alien Smuggling of Cubans,” and “USCIS Will Further Strengthen Measures that Support the Reunification of Families Separated by the Castro Regime,” Press Releases, Aug. 11, 2006.

³³ John Lantigua, “Exile Leader Wants Option to Send Boats to Cuba,” *Cox News Service*, Aug. 3, 2006.

embargo have not been enacted. President Bush has threatened to veto several appropriations bills if they contained any provisions weakening Cuba sanctions. At this juncture, Congress and the Administration essentially agree that any change in the U.S. sanctions-based policy toward Cuba will only be triggered by substantial movement toward democracy on the island.

In the new context of Fidel's provisional transfer of power to his brother Raúl, observers have advocated two general policy approaches to contend with Cuba's transition process: 1) a stay-the-course or status-quo approach that would maintain the U.S. dual-track policy of isolating the Cuban government while providing support to the Cuban people; and 2) an approach aimed at influencing the Cuban government and Cuban society through increased contact and engagement.

Stay the Course

A stay-the-course approach essentially emphasizes the current U.S. policy of isolating the Cuban government with comprehensive economic sanctions, while providing support to the Cuban people. Such an approach also includes — in the context of July 2006 report of the Commission for Assistance to a Free Cuba — increased funding to support Cuban civil society, education programs and exchanges, and efforts to break the Cuban government's information blockade. A continuation of the sanctions-based approach also is consistent with conditions set forth in the Cuban Liberty and Democratic Act for a lifting of the embargo.

Advocates of this status quo approach argue that only sustained pressure on the Cuban government at this critical time will ensure that political change will lead to an actual transition to democracy, rather than a succession that only would prolong communist rule. Supporters also contend that it is important for the United States to react cautiously as political change occurs in Cuba in order not to stoke political instability that could lead to a migration crisis. Observers have also augured that a cautious stay-the-course approach, without elevated rhetoric, helps emphasize to the Cuban people that Cubans on the island hold the key to determining their future and denies the Cuban government fuel for perpetuating the myth that the United States wants to invade Cuba.³⁴

A potential ramification of this approach is that the United States could end up watching political events unfold in Cuba without any opportunity to exert influence. If Cuba's political transition moves swiftly toward democracy, then U.S. support for a transition government would be assured, but if Cuba's political transition involves a communist successor government, as most observers now predict, then the United States could be sidelined in terms of influence.

A variant of the stay-the-course policy approach emphasizes tougher rhetoric with the intent of sparking political change. Soon after Fidel ceded power to his

³⁴ See for example, Helle Dale, "After Fidel; An Opportunity for Freedom in Cuba," *Washington Times*, Aug. 9, 2006; Eduardo Aguirre Jr., "U.S. Ready to Help Cubans in Rebuilding Their Country," *Miami Herald*, Aug. 10, 2006; and William E. Gibson, "Power Shift Unlikely to Change U.S. Policy," *Orlando Sentinel*, Aug. 2, 2006.

brother, a leading U.S. anti-Castro group, the Cuban American National Foundation, which traditionally advocates for a hardline policy toward Cuba, called for those within the ranks of the Cuban government to take advantage of the opportunity to return freedom to the people of Cuba.³⁵ The president of the Foundation, Jorge Mas Santos, said that such action could take the form of “a military or civilian uprising” that “will put Cuba on the path toward democracy.”³⁶ At this juncture, the Bush Administration has adopted a more cautious approach by urging the Cuban people to work for peaceful democratic change, and emphasizing that the United States would provide support to Cuba in its democratic transition. To some analysts, the Administration’s toned down rhetoric stems from its concern about contributing to instability in Cuba and a potential migration crisis.

Engagement

An alternative policy approach advocated by some observers is one that seeks to advance U.S. engagement with Cuba with the goal of being able to influence Cuba in the aftermath of Fidel Castro’s departure from the political scene. Such a policy approach could entail the Administration taking action to engage the Cuban government on such issues as migration, drug trafficking cooperation, terrorism issues, efforts to combat human trafficking, and environmental cooperation. It could also entail the Administration relaxing some economic sanctions on Cuba (such as restrictions on travel and remittances), and consulting with Congress about relaxing other sanctions or providing the President with the ability to lift sanctions in response to political or economic changes in Cuba. As noted above, pursuant to the Cuban Liberty and Democratic Solidarity Act, the suspension and ultimate termination of the Cuba embargo is tied to the fulfillment of certain democratic conditions in the country, including that Raúl Castro is not part of the government.

Advocates of this type of approach argue that the United States should not miss the opportunity to reassess and reshape its Cuba policy to be able to respond swiftly and meaningfully to events in Cuba. They argue that almost half a century of strong U.S. sanctions have not brought about political change in Cuba, and that the departure of Fidel Castro from the political scene allows the United States an opportunity to forge a new policy aimed at supporting Cuban civil society with increased contact and establishing diplomatic contacts with the Cuban government. Along these lines, some U.S. military officials maintain that contacts between the U.S. and Cuban militaries should be established in order to allow for reliable communication in case of emergencies. Some supporters of engagement maintain that the United States needs to be prepared to reduce economic sanctions in calibrated ways in response to positive developments in Cuba. They maintain that such an approach would support peaceful transition in Cuba and reduce the likelihood of civil conflict and a potential migration crisis. Other observers contend that an engagement approach would put the United States and many of its European

³⁵ Cuban American National Foundation, Official Statement, July 31, 2006.

³⁶ Randy Nieves-Ruiz, Cuban Exile Leader Calls for an Uprising,” *Agence France Presse*, Aug. 3, 2006.

and Latin American allies on the same page in terms of Cuba policy, augmenting opportunities for cooperation in advancing democratic practices in Cuba.³⁷

A variant of this policy approach advanced by some observers is to move swiftly toward the normalization of U.S.-Cuban relations. Supporters of this approach argue that Cuba is not a security threat to the United States, and point out that the United States maintains full diplomatic and trade relations with many government around the world with poor human rights records, such as China, Vietnam, and Saudi Arabia. Normalized relations, it is argued, would increase chances to influence Cuba in implementing economic and political reforms.

The major concern that critics have with an engagement approach is they believe it could prolong Cuba's communist government by providing it with an economic lifeline, making it unnecessary for the government to implement reforms. According to this view, U.S. retrenchment from a policy of sustained pressure on the regime would send the message that the United States is abandoning its support for democracy in Cuba in favor of stability.

Legislative Initiatives

In the aftermath of Fidel Castro's announcement that he was provisionally ceding political power, two legislative initiatives discussed below were introduced that would essentially support the Administration's stay-the-course policy approach. Both focus on strengthening Cuban civil society and on assisting a future transition government or democratically elected government in Cuba. Other Members have indicated that they would introduce legislation advocating a change in U.S. policy toward Cuba in the direction of engagement or legislation providing the President with flexibility to respond to changes in Cuba.³⁸

S. 3769 (Ensign), the Cuba Transition Act of 2006, introduced August 1, 2006, would authorize: assistance for the Organization of American States to advance human rights in Cuba; assistance to support Cuban civil society in preparation for a political transition in Cuba; and assistance to establish a "Fund for a Free Cuba" that would provide assistance to a transition government in Cuba pending a presidential determination that a transition government was in power. According to Senator Ensign, S. 3769 is consistent with the recommendations in the July 2006 report of the Commission for Assistance to a Free Cuba, and is needed to demonstrate to the Cuban people "that the leaders of the United States are willing to join them in their request to be free."³⁹ The measure is similar to a proposed Senate amendment

³⁷ See for example, Elaine Monaghan and Shawn Zeller, "Revolution vs. Evolution in Cuba," *CQ Weekly*, Aug. 7, 2006; Terry L. McCoy, "It's Time to Rethink U.S. Policy Toward Cuba," *Miami Herald*, Aug. 15, 2006; "90 Miles and Light Years Away," *New York Times*, Aug. 10, 2006; "Engaging Cuba," *Financial Times*, Aug. 2, 2006.

³⁸ Elaine Monaghan and Shawn Zeller, "Revolution vs. Evolution in Cuba," *CQ Weekly*, Aug. 7, 2006.

³⁹ *Congressional Record*, p. S8541, Aug. 1, 2006.

(S.Amdt. 319, Ensign) to S. 600, the FY2006 and FY2007 Foreign Affairs Authorization Act.

During August 3, 2006, Senate floor consideration of the FY2007 Department of Defense Appropriations Act, H.R. 5631, Senator Bill Nelson offered S.Amdt. 4853, ultimately ruled out of order, that would have provided \$40 million for a “Cuba Fund for a Democratic Future.” The funding would have supported the Cuban people and the democratic opposition to take advantage of opportunities to promote a transition to democracy. The funding would also be available to assist a transition government in Cuba or a democratically elected government pursuant to a presidential determination that Cuba has satisfied the conditions set forth in the Cuban Liberty and Democratic Solidarity Act of 1996.

Before Cuba’s recent political changes, there were numerous legislative initiatives on Cuba introduced in the 109th Congress. In pending action, the House-passed and Senate Appropriations Committee’s versions of the FY2007 Transportation/Treasury appropriations bill, H.R. 5576, contain a provision that would ease U.S. sanctions by prohibiting funds from being used to implement tightened restrictions on financing for agricultural exports to Cuba that were issued in February 2005. The Senate Appropriations Committee’s version of the FY2007 Agriculture appropriations bill, H.R. 5384, contains a provision that would liberalize travel to Cuba related to the sale of agricultural and medical goods. (For information on these and other legislative initiatives on Cuba, see CRS Report RL32730, *Cuba: Issues for the 109th Congress.*)

Longer-Term Policy Issues

Beyond the current isolation-versus-engagement policy debate on Cuba, moving toward normalization of U.S. relations with Cuba will raise a number of important longer-term policy issues for the United States. These include the restoration of diplomatic relations, compensation to U.S. citizens and companies for their properties expropriated in Cuba, trade relations, the status of the U.S. naval base at Guantanamo Bay, and Cuban migration to the United States.

Within the context of deteriorating U.S.-Cuban relations in the early 1960s, the United States broke relations with Cuba in January 1961 in response to a Cuban demand to decrease the staff of the U.S. Embassy within 48 hours. In 1977, under the Carter Administration, the two countries signed an agreement for the establishment of an Interests Section in each capital. These two Interests Sections in Havana and Washington essentially operate as embassies, although not in name and without accredited ambassadors, and occupy the former embassy buildings of each country. Full normalization of diplomatic relations to the ambassadorial level would most likely only occur after an overall improvement in relations.

This would include progress in dealing with the issue of compensation for the expropriated properties of U.S. citizens. In 1972, the Foreign Claims Settlement Commission (FCSC), an independent agency within the Department of Justice,

certified 5,911 claims of U.S. citizens and companies that had their property confiscated by the Cuban government through April 1967, with 30 U.S. companies accounting for almost 60% of the claims.⁴⁰ The original value of the claims was \$1.8 billion, but with interest, the value of the claims is today estimated at about \$7 billion.⁴¹ Many of the companies that originally filed claims have been bought and sold numerous times. Earlier this year, the FCSC initiated a second Cuban claims program with a filing deadline of August 11, 2006, for properties confiscated after May 1, 1967. There are a variety of potential alternatives for restitution/compensation schemes to resolve the outstanding claims, but it is evident that resolving the issue would entail considerable negotiation and cooperation between the two governments.⁴²

In terms of trade, Cuba could become one of the most significant U.S. trade partners in the Caribbean Basin upon the normalization of relations. For example, since late 2001, when U.S. agricultural exports were first allowed pursuant to certain restrictions under the Trade Sanctions Reform and Export Enhancement Act of 2000, Cuba has purchased more than \$1.3 billion in U.S. agricultural products. Beyond the overall trade embargo, Cuba also is currently denied normal trade relations treatment pursuant to the Trade Act of 1974 and is excluded from participation in the U.S. preferential trade programs for the Caribbean Basin region. U.S. sugar imports from Cuba are also specifically prohibited. Lifting these sanctions could have a significant impact on the level of trade between the two countries. Cuba's population of 11 million and its two-way foreign trade of almost \$9.9 billion in 2005 (\$2.7 billion in exports and almost \$7.2 billion in imports)⁴³ point to the country becoming the largest U.S. trade partner in the Caribbean absent economic sanctions.

With the normalization of U.S.-Cuban relations, the status of the U.S. naval base at Guantanamo Bay would most likely change. The mission of the base, which dates back to 1903, has changed over time and currently includes being the location of a U.S. military prison for detainees in the war against terrorism. As set forth in a 1934 U.S.-Cuban treaty, the U.S. presence at Guantanamo can only be terminated by mutual agreement or by abandonment by the United States. However, a provision in the Cuban Liberty and Democratic Solidarity Act of 1996 (P.L. 104-114, Section 201) states that once a democratically-elected Cuban government is in place, the United States will be prepared to enter into negotiations to return the base or to renegotiate the present agreement under mutually agreeable terms.

With regard to Cuban migration, normalization of relations could bring about change to the U.S. policy, set forth in the Cuban Refugee Act of 1966 (P.L. 89-732),

⁴⁰ "A Road Map for Restructuring Future U.S. Relations with Cuba," Policy Paper, The Atlantic Council, June 1995, Appendix D.

⁴¹ Lauren Villagran, "Property Claims Party of U.S.-Cuba Trade Question," *Associated Press*, Aug. 10, 2006.

⁴² Matías F. Travieso-Díaz, Esq. "Alternative Recommendations for Dealing with Expropriated U.S. Property in Post-Castro Cuba," in *Cuba in Transition, Volume 12*, Association for the Study of the Cuban Economy, 2002.

⁴³ "Cuba Country Report," Economist Intelligence Unit, August 2006, p. 5.

popularly known as the Cuban Adjustment Act, that allows the Attorney General and now the Secretary of Homeland Security to permit undocumented Cubans arriving in the United States to stay and adjust to permanent resident status within one year. In 1996, Congress approved legislation (P.L. 104-208, Division C, Title VI, Section 606) that conditions the repeal of the Cuban Adjustment Act upon a presidential determination that a democratically-elected Cuban government is in power.

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