

Biden and Cuba's Non-Priority

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Abstract: This chapter envisions how the normalization process between Cuba and the United States could be rescued in light of the July 11th events. Starting from the premise that plural dialogues and a better understanding is always preferable to animosity between neighboring countries, the chapter examines how each country's interests would be enhanced by normalization, and how such a process could be practically advanced.

Democrats will also move swiftly to reverse Trump Administration policies that have undermined U.S. national interests and harmed the Cuban people and their families in the United States, including its efforts to curtail travel and remittances. Rather than strengthening the regime, we will promote human rights and people-to-people exchanges, and empower the Cuban people to write their future (Democratic Party, 2020).

Introduction

One might feel disoriented in trying to imagine how the normalization process between Cuba and the United States after July 11, 2021 could be rescued, because of the domestic challenges both countries are facing. These include COVID-19, the global recession, regional and global tensions, climate change, and the socio-economic and political divisions and polarization that both nations must address to provide their citizens with a more stable future.

The Process of Normalizing Relations with Cuba

On December 17, 2014, President Barack Obama and President Raúl Castro Ruz announced the historic agreement to re-establish diplomatic relations. It took eighteen months of secret talks for the two governments to agree on a path forward, but the political will of both governments prevailed. Political will also was the basis to move forward to initiate the process towards normalization. At the same time, peculiarities in the relationship influence the complicated transition, in which everything—or almost everything—had to be constructed from the beginning (Brenner 2006, 280–295).

On both sides, there was a clear understanding that the complexity of the topics transcended the ontology of the bilateral Cuba–United States relationship. In this logic, both sides knew that they needed to take into consideration that the security dilemmas in the economic, social, and environmental, and health sectors constitute elements of the first order and are as significant as

matters directly concerning traditional and non-traditional military threats. This need for change, however, did not result in a modification of the strategic goal of the United States, to change the Cuban socioeconomic and political system (White House, 2014). This caveat, nevertheless, does not negate the fact that President Barack Obama overcame the symbolic cost of negotiating with the Cuban government and its historic leadership.

His 2016 visit to Havana, the first undertaken by a U.S. president since 1928, formalized a new approach that broke with the traditional policy of hostility. Instead, it sought to oppose the Cuban government by “empowering” the “people” and identifying specific Cuban groups and social strata as drivers of future change inside Cuba. Instead of assuming that there could be a sudden and chaotic transformation encouraged from outside the country, the fundamental change would be stimulated from within, capitalizing on the substantial modifications that were already occurring on the Island in both the socioeconomic and political realms.

The new approach recognized that both countries needed to confront challenges that were mutually shared. That could have helped to shape a new paradigm of a cooperative and successful relationship between Cuba and the United States, in which they acknowledged their existing differences but focused on cooperation to advance national interests (Buzan 2008, 292–294). However, the new approach was short-lived as Donald J. Trump entered the White House in January 2017.

Trump’s Policy towards Cuba

In June 2017, Trump went to Miami where he signed the National Security Presidential Memorandum on Strengthening the Policy of the United States Toward Cuba (Trump, 2017). It superseded and replaced the Presidential Policy Directive #43 unveiled on October 14, 2016, which marked Barack Obama’s breakthrough moment towards a policy of full normalization (White House, 2016).

Reversing the Obama administration’s practice, senior Trump administration officials ended almost any contact with Cuban officials, while working-level diplomats struggled to maintain practical conversations with their Cuban counterparts on issues of mutual interest. Meanwhile, Trump policymakers poisoned the bilateral atmosphere with false accusations against Cuba, such as the assertion that Cuba had harmed or permitted injury to U.S. diplomats with so-called “sonic” attacks. They also imposed draconian restraints on travel by U.S. citizens, cruise ships, and remittances from the United States. Nine days before the administration ended, during one of the worse moments of the pandemic in Cuba, Secretary of State Mike Pompeo designated Cuba as a “State Sponsor of Terrorism” (U.S. State Department, 2021). The designation not only restricts U.S. foreign assistance and the sale of dual-use items that could be used for both military and civilian purposes, and requires the withdrawal of U.S. support for loans from global financial institutions. More importantly, it imposes an enormous cost on Cuba’s international transactions, most of which flow through American banks whose managers fear U.S. sanctions for handling Cuban funds.

Biden's First Nine Months: Not to Move a Finger

From President Joseph Biden on down, U.S. officials repeatedly stated in the first nine months of the new administration that Cuba was not a priority – even though maintaining the inhumane Trump policy during the COVID-19 pandemic went beyond the definition of cruel and unusual punishment and did not serve U.S. national interests (Blinken, 2021; Psaki, 2021). From the Cuban point of view, it seemed as if the Biden administration believed that the Cuban people could wait forever for its announced policy review to conclude – which still had not occurred as of this writing. Meanwhile, the ongoing rationale for continuing the Trump policy has been that Cuba is not a priority, which Cubans see as a contemptuous dismissal: we don't care about ordinary Cubans. In taking this stand, the president and his policy advisers blatantly disregarded what the Democratic Party promised, and candidate Biden asserted during the presidential campaign: “I would pursue a policy of advancing the interests and empowering the Cuban people to freely determine their outcome, their future” (DeFede, 2020).

Even while Biden declared in July 2021 that “We stand with the Cuban people,” his administration refused to lift restrictions on remittances, travel, and the sale of medicine that could have helped alleviate some of the humanitarian problems Cuba was enduring, including the increasing rate of COVID-19 infections and deaths, the accompanying health crisis due to shortages of medicine and equipment such as syringes, and food shortages. I do not have evidence to claim that its behavior was the result of a calculated policy to push for the end of the Cuban socio-political system. But in encouraging dissent through social media, it also chose to take advantage of the enormous burdens ordinary Cubans were shouldering, due to the economic measures under the January 2021 *Tarea Ordenamiento*, the pandemic fatigue, the clamor for a needed domestic plural national dialogue, and the daily grind in obtaining basic necessities (Blumenthal, 2021; U.S. Agency for International Development, 2021).

No Humanitarian Interest: What About National Interests?

The social unrest that broke out across the island on July 11, 2021, illustrates how dangerous it is for U.S. policy to remain dead in the water, subordinated to domestic politics—Florida politics in particular. Even if the Biden administration does not want to rationalize a new policy towards Cuba for humanitarian reasons, it could move towards a different policy based on the national interests of the United States. As a start, Biden could remove Cuba's designation as a state sponsor of terrorism for the same reasons Obama offered: “(1) the Government of Cuba has not provided any support for international terrorism during the preceding 6-month period; and (2) the Government of Cuba has provided assurances that it will not support acts of international terrorism in the future” (White House, 2015). That step could remove a major obstacle preventing both governments from pursuing their national interests with a new series of dialogues.

The development of the negotiating agenda between Cuba and the United States might be shaped creatively and pragmatically with the objectives of expanding areas of cooperation about bilateral and multilateral issues, discussing matters about which there are different conceptions (e.g., human rights and property claims), and seeking negotiated solutions to complex questions. Both governments might agree on an agenda related to matters about which there is consensus or

not between the two parties about the possibility of concretizing new arrangements for collaboration in the short and medium term. This could include issues related to human rights, claims, climate change, the protection of biodiversity and shared ecosystems, the response to natural disasters; the fight against pandemics, infectious diseases, and other threats to world health; cultural, scientific, and academic exchanges; as well as telecommunications, agriculture, meteorology, seismology, civil aviation, intellectual property, trademark and patent protection, and transnational crimes such as money laundering, drug trafficking, human trafficking, and smuggling. During the Obama Administration, tangible results on these issues served the interests of both countries. Even though the Trump Administration stopped implementing nearly all of the 22 Memoranda of Understanding on which these advances were based, it did not abrogate the MOUs. They are still available if Cuba and the United States want to re-engage.

Lessons from Obama: Why Not?

The first MOU focused on Marine Protected Areas (NOAA, 2015). Signed in November 2015 by Cuba's Ministry of Science, Technology, and Environment of Cuba and the National Oceanic and Atmospheric Administration and National Park Service of the United States, the MOU calls for scientists from the Florida Keys and the Texas Flower Garden Banks' national sanctuaries to work together with researchers from Cuba's Guanahacabibes National Park and the Banco de San Antonio. It was complemented by a Joint Declaration from the two countries' foreign ministries which advocated for environmental cooperation on maritime, coastal, and biodiversity protection, including endangered species, climate change, the reduction of wastewater, and marine contamination (U.S. Department of State, 2015b).

In December 2015, Cuba and the United States agreed to the re-establishment of direct mail service and in February 2016, they signed an MOU to establish commercial air service between the two countries. The service started in August 2016 (U.S. Department of State, 2016). Subsequently, Cuba's Institute of Civil Aeronautics and the U.S. Transportation Security Administration worked out procedures for deploying security officers on flights between the two countries. Also, in 2016, Cuba's Ministry of Agriculture and the U.S. Agricultural Department signed an MOU to stimulate advances in commercial agriculture, agricultural productivity, food security, sustainable management of natural resources, as well as to facilitate cooperation in matters related to the exchange of information about mechanisms and strategies to confront climatic changes.

The role of scientists, professors, and specialists in the talks of experts was substantial. Both countries deployed specialists as talks and negotiations were taking place. Their interaction provided the added benefit of creating new dialogues and ways to develop practices from new perspectives. For example, conversations among technical experts before the signing of the March 2016 MOU on improving the security of maritime navigation were essential to creating a new framework (NOAA, 2016). The MOU defines specific actions to improve coordination in making nautical charts, monitoring and forecasting tides and currents, as well as in modernizing geodesic networks and spatial frameworks. In addition, it allows for the exchange of information, experiences, and good practices, joint research, and the development of mechanisms, methodologies, and technologies. A similar path was followed prior to the signing of the next two MOUs: on cooperation and exchange in the area of wildlife conservation and national

terrestrial protected areas, and cooperation in the exchange of information on seismic records and related geological information. These MOUs, along with one on cooperation for the exchange of information and research on Weather and Climate, signed in December 2016, served the national interests of both countries. Yet both the Trump and Biden administrations let them languish by failing to engage in implementing talks. (One modest MOU signed in January 2017 – a Twinning Agreement between Cuba’s Ciénaga de Zapata National Park and the U.S. Everglades National Park – is being implemented.)

Global public health and disaster assistance are other potentially fruitful areas of cooperation. Following the 2010 Deepwater Horizon oil spill in the Gulf of Mexico U.S. experts became concerned in 2012 that Cuba’s initiation of deep-water drilling had the potential to create a spill that would reach Florida’s coastline. At the time, the U.S. embargo prevented Cuba from using containment equipment with parts made in the United States. The irrationality of this circumstance from a U.S. perspective led the Obama administration to explore ways to communicate and coordinate in the event of a disaster and allow Cuba to buy U.S.-manufactured equipment. The first step was taken in 2015 when Cuba and the United States agreed on a Multi-Lateral Technical Operating Procedure to institute safety protocols in the event of cross-border spills. In January 2017, the two governments signed a Cooperation Agreement on preparation and response to spills of hydrocarbons and other harmful and potentially dangerous substances in the Gulf of Mexico and Florida Straits, though this MOU has not been operational since then.

Even before they restored formal diplomatic relations, Cuba and the United States found ways to work together on common interests related to global health. The two countries cooperated in fighting the 2014 Ebola epidemic in West Africa, and in Haiti in 2015 (Voice of America, 2015). By June 2016, an MOU between Cuba’s Ministry of Public Health and the U.S. Department of Health and Human Services established coordination across a broad spectrum of public health issues, including global health security, communicable and non-communicable diseases, research, and development, and information technology. Now more than ever, because of COVID-19 in the short run and the increasingly calamitous effects of climate change, the need to cooperate bilaterally, regional, and globally is an imperative national interest of every country.

As cooperation on MOUs builds trust, they could also serve as a way to recover the process towards normalization. Other important agreements that could be rescued concern migration, search and rescue, and law enforcement issues. Cuba and the United States signed a Joint Statement on Migration Policy on January 12, 2017, as a complement to the 1994-95 Migration Agreements. But the United States has not fulfilled its obligations concerning the number of visas issued, and the last semi-annual migration meeting was held in July 2018. Similarly, a July 2016 cooperation agreement on illicit trafficking in narcotic drugs and psychotropic substances and January 2017 cooperative agreements on law enforcement and on aeronautical and maritime search and rescue operations were only partially implemented during the Trump administration and did not have sufficient time to demonstrate their potential benefits.

And Then...

Just as President Trump reversed the Obama administration’s executive orders regarding Cuba which paved the way for cooperation between the two countries, President Biden has the

authority to cancel the previous administration's decisions. Cuba's humanitarian crisis could provide an acceptable political rationale. But if human suffering does not motivate him to fulfill his promise to help "the Cuban People," an objective calculation of U.S. national interests should compel him to consider reversing Trump's policy. In June 2021, the United Nations General Assembly voted 184-2 (with three abstentions) against the U.S. blockade of Cuba. Elections in Ecuador, Bolivia, and Peru indicate that conservative governments in the region are being turned out of office. And Mexican President Andrés Manuel López Obrador's recent strong denunciation of the inhumane U.S. policy toward Cuba may signal new support for Cuba in Latin America (Reuters, 2021).

If President Biden were to focus on U.S. national interests concerning Cuba, instead of narrow and probably fruitless electoral calculations, he could take the following decisions tomorrow, without the need for congressional approval:

- Repeal the June 16, 2017 National Security Presidential Memorandum on Strengthening the Policy of the United States Toward Cuba.
- Restore the letter and spirit of Obama's October 2016 Presidential Policy Directive #43 that "describes the U.S. vision for normalization with Cuba and how our policy aligns with U.S. national security interests" (White House, 2016).
- Restore and maintain every six months the waiver of Title III of the 1996 Cuban Liberty and Democratic Solidarity (LIBERTAD) Act, known as the Helms-Burton law.
- Completely restore the functions of the U.S. Embassy in Havana and permit the Cuban Embassy in Washington D.C. to staff its operations fully in accord with United Nations Vienna Conventions.
- Reevaluate the inappropriate designations of Cuba as not "cooperating fully with U.S. counterterrorism efforts" and as a Tier 3 country with respect to trafficking in-persons.

From Cuba's perspective, any discussions in the near future must also take into consideration the suffering of Cubans during the pandemic. Other short-term issues that would need to be included are the restoration of travel and remittances to Cuba, the maintenance of orderly migration, and the cessation of support to provocateurs.

In order for both countries to travel the long and complex road toward normalization, they must work towards the restoration of trust, which they can achieve if they focus on their mutual interests and respect each other's own evaluations of the risks to their distinctive national interests. As a result of confidence-building measures, there could finally be a recognition of a future Cuban-U.S. relationship that is characterized by positive synergies.

The normalization process during Obama's second term confronted core problems and challenges that are still with us. While the circumstances today are not the same as they were then, the approach taken by Cuba and the United States still makes sense today. Its outcomes offer evidence that better relations are possible, and its achievements can still serve as building blocks. Mutual respect, agreements rooted in the principles of international law and the UN Charter, and political will to think outside of the box could actually make Cuba and the United States good neighbors.

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