

ISSUE BRIEF

No. 4357 | FEBRUARY 25, 2015

Six Issues the U.S. Should Not Concede to Cuba During Normalization Talks

Ana Quintana

The U.S. and Cuba will hold the second round of normalization talks on February 27 in Washington, DC. This follows the U.S.'s attempt in late January to negotiate the terms of reestablishing diplomatic relations with the Castro regime. In those talks in Havana, Cuban officials made it clear that the regime will not change its political or economic system, despite the Obama Administration's many overtures. The regime also demanded an end to the embargo and removal of Cuba from the U.S. list of State Sponsors of Terrorism before restoration of diplomatic relations. Later in January at a summit of Latin American countries, Cuban leader Raul Castro reiterated these points, conditioning further openings with the U.S. on the lifting of the U.S. embargo, the return of Guantánamo Bay naval base, and compensation for "human and economic damage" incurred as a result of the U.S. embargo.¹

In the midst of so many foreign policy disasters, the Obama Administration is eager to finalize this deal. The Administration prematurely set a deadline of April, presumably in time for Cuba's underserving participation at the seventh Summit of the Americas.² This will be Cuba's first participation in the meeting of hemispheric leaders, despite its violation of the summit's principle tenants of democracy and free trade. By April, the Administration has

declared that both countries will have reciprocal embassies and that Cuba will be well on its way off the State Sponsors of Terrorism list.³ In the meantime, the Cuban government has put significant hurdles in the way.

Six Key Issues

Heading into the talks, the U.S. should not waiver on six issues:

- 1. Guantánamo Bay.** The U.S. should make no compromises on the Guantánamo Bay naval base or agree to restitution to the Cuban government for its use. The Cuban government is well aware of the President's dangerous intentions to shut down operations at the naval base. They are also aware of the Administration's desire to finalize the normalization process. Via the Platt amendment, the U.S. government entered into a perpetual agreement to lease Guantánamo Bay from the Cuban government. The President does not have the authority to frustrate or impede this existing law without congressional approval.
- 2. Cuba's democratic opposition and human rights activists.** The U.S. should continue to support Cuba's democratic opposition and independent human rights activists. The Cuban government strongly opposes Washington's support for dissidents and is raising it as an obstacle to the President's much-wanted embassy in Havana. Most recently, Cuban diplomats urged the U.S. not only to stop funding of independent groups, but also to mandate the Cuban government's role in selecting which organizations receive funding.

This paper, in its entirety, can be found at <http://report.heritage.org/ib4357>

The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
(202) 546-4400 | heritage.org

Nothing written here is to be construed as necessarily reflecting the views of The Heritage Foundation or as an attempt to aid or hinder the passage of any bill before Congress.

The U.S. needs to make sure that U.S. policy continues to support civil society groups on the island that uphold U.S. values and are unaffiliated with the Castro regime and its Communist ideology.

3. The State Sponsors of Terrorism list. The U.S. should not agree to remove Cuba prematurely from the State Sponsors of Terrorism list. Removing Cuba from the list would ignore both the Cuban government's inherently malicious nature and the utility of terrorist designations. For more than three decades, the Castro regime has directly supported terrorist organizations as designated by the U.S. government. Recent activities include Havana's violations of U.N. Security Council (UNSC) resolutions, its leadership role in directing Venezuela's military and intelligence, and its steadfast support and intimate relationship with countries such as Syria, Iran, and North Korea. Removing Cuba from the list would also remove restrictions that preclude Cuba from receiving preferential foreign aid and trade benefits. The U.S. cannot ignore the implications of removing an undeserving regime from this list.⁴

4. U.S. exports and investment. The U.S. should reject policies that support financing for U.S. exports and investments in business ventures on the island that are owned or managed by the Cuban government, military, or Communist Party. Business interests have been leading the movement against the Cuban embargo, and the President's new policy has emboldened them. Recently, the U.S. Agricultural Coalition for Cuba was launched. Backed by large corporations such

as Cargill, the coalition is lobbying to end the embargo in order to receive U.S. taxpayer subsidies for exports to Cuba. Business interests should not be allowed to dictate foreign policy. The regime routinely defaults on foreign loans and is guilty of the largest uncompensated theft of U.S. assets in recorded history, valued at \$8 billion. Negotiators should also recognize that the Cuban military owns and operates about 80 percent of the Cuban economy and that expanding trade relations would overwhelmingly benefit the regime, not the Cuban people.⁵

5. The LIBERTAD Act. The U.S. should evaluate future overtures on the principles enshrined in the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act. The President's new Cuba policy has violated the standards of existing U.S. law by not requiring the Cuban government to modify its behavior one iota in exchange for a loosening of restrictions. According to the LIBERTAD Act, the Cuban embargo cannot be repealed until Cuba demonstrates that it will hold free and fair elections, free all political prisoners, and guarantee free speech and workers' rights. Regrettably, the Administration's new Cuba policy is systematically chipping away at the embargo.

6. Reject any agreement that is tantamount to compensation for the U.S.'s embargo against Cuba. The U.S. embargo was implemented to protect U.S. businesses following the Castro regime's illegal seizure of U.S. assets, which are valued at \$8 billion. This is still regarded as the largest uncompensated seizure of U.S. assets by a foreign

-
1. Eyder Peralta, "Raúl Castro Demands Return of Guantánamo Before Normalizing Ties with U.S.," NPR, January 29, 2015, <http://www.npr.org/blogs/thetwo-way/2015/01/29/382357760/castro-demands-return-of-guant-namo-before-normalizing-ties-with-u-s> (accessed February 24, 2015).
 2. First Summit of the Americas, "Declaration of Principles," December 1994, <http://www.summit-americas.org/miamidec.htm> (accessed December 19, 2014).
 3. Barack Obama, "Statement by the President on Cuba Policy Changes," The White House, December 17, 2014, <http://www.whitehouse.gov/the-press-office/2014/12/17/statement-president-cuba-policy-changes> (accessed February 24, 2015).
 4. Ana Quintana, "Congressional Oversight Needed as Obama Administration Moves to Remove Cuba from Sponsors of Terrorism List," Heritage Foundation *Issue Brief* No. 4338, January 29, 2015, <http://www.heritage.org/research/reports/2015/01/congressional-oversight-needed-as-obama-administration-moves-to-remove-cuba-from-state-sponsors-of-terrorism-list>.
 5. Ana Quintana, "How Congress Should Respond to the President's Radical Change in Cuba Policy," Heritage Foundation *Issue Brief* No. 4326, December 23, 2014, <http://www.heritage.org/research/reports/2014/12/how-congress-should-respond-to-the-presidents-radical-change-in-cuba-policy>.

government in U.S. history. The President's negotiators should not overlook or concede the more than 8,000 active property claims on the Department of Justice's Certified Claimant List.⁶

Conclusion

The Obama Administration naively believes that granting the Castro regime every item on its never-ending wish list will lead to improved relations. Maximizing pressure, not unilateral concessions, is the only way to pave the way toward a democratic and free Cuba.

—Ana Quintana is a Research Associate for Latin America in the Douglas and Sarah Allison Center for Foreign and National Security Policy, of the Kathryn and Shelby Cullom Davis Institute for National Security and Foreign Policy, at The Heritage Foundation.

6. U.S. Department of Justice, "Foreign Claims Settlement Commission of the United States Cuban Claims Program, Certified Claimant List," April 22, 2009, <http://www.justice.gov/sites/default/files/fcsc/docs/ccp-listofclaims.pdf> (accessed February 22, 2015).