

# **CUBA: STILL AN ISLAND OF FEAR**

*Supporting domestic political dialogue in Cuba*

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## Executive Summary

The dynastic transfer of power in Havana from Fidel Castro to his uncharismatic brother Raúl has so far evolved without any destabilizing events. It is yet unknown whether the beginning of the transfer of power will also mark the beginning of a real transition. In the light of expectations of economic liberalisation under Raúl, **the key question of the legitimacy of the new Cuban regime has been temporarily swept under the carpet.** It is possible that it will come up whenever Raúl and his collective leadership are confronted with new domestic and/or international challenges. Each time it will reappear in a stronger form. As long as the new regime avoids free and fair elections, it will rely on fear and sophisticated repression of Cuban society.

**It is not the EU's role to provide cover for the continued repression in Cuba.** It should welcome an easing of rules on the island only if it coincides with political concessions towards democratic opposition and civil society groups. If the EU were to welcome changes whilst the regime continues to incarcerate political opponents or civic activists who 'dare' to demand the enjoyment of human rights and freedoms, these new political prisoners would effectively become the prisoners of the EU in Cuba.

We believe that this new situation necessitates the opportunity to think about the future direction of the EU policy towards Cuba. **If the EU is to have more relevance in Havana, it has to adopt a bolder policy.** At this juncture, the EU cannot be reactive and adopt a "wait and see approach". It has to come up with a pro-active, imaginative agenda that consists of more than just commenting on possible transition processes in Cuba. The opportunity to formulate such a strategy can come at the regular review of its Cuba policy in June 2008.

## I. Transfer of power

On 19 February 2008, in the 50<sup>th</sup> year of his iron rule over the country, Fidel Castro wrote: *"I will neither aspire to nor will I accept--I repeat--I will neither aspire to nor will I accept the position of the President of the Council of State and the commander-in-chief."* These words, but even more importantly the events that followed Raúl Castro's election to the post of President of the Council of State on 24 February, marked the official opening of the transfer of power in Cuba. The unofficial transfer began 20 months previously, when Raúl Castro found himself at the steering wheel after his brother Fidel, the incapacitated Cuban dictator, was hospitalised.

This dynastic transfer of power in Havana has so far evolved without any destabilising events. There were no massive demonstrations, no strikes and no major outbreaks of dissatisfaction, either with the regime or with its new leadership, which can be interpreted as a sign of the regime's firm grasp of control.

While the Cubans have recently witnessed an open admission of systemic problems, it has been clearly stated that the aim of a 'structural and conceptual change' is to raise productivity. No changes in the fundamentals of the regime were either suggested or proposed. Raúl Castro noted that wage rates were not high enough and has spoken of the need to open up to further foreign investment in order to gain 'capital, technology or markets'. Meanwhile, he also stated the necessity to preserve the role of the state and the predominance of socialist property. *"The Communist Party...is the only sure guarantee of the unity of the Cuban nation, and it is the superior managing power of society and the State."*<sup>1</sup>

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<sup>1</sup> Raúl Castro – inaugural speech on February 24, 2008. Published in Granma: Discurso pronunciado por el presidente Raúl Castro Ruz, en las conclusiones de la sesión constitutiva de la VII Legislatura de la Asamblea

The regime has kept the lid firmly closed on freedom of expression. Raúl Castro continues to apply a hard line approach against political dissidents and civic activists. He does that to demonstrate his control and to consolidate power within his own ranks.

The recent changes that the new government has implemented so far are a step ahead, but their real impact on the lives and freedoms of Cuban citizens remains questionable. Formal loosening of restrictions concerning the purchase of electronic equipment (too expensive for most Cubans) has not been accompanied by any lifting of the restrictions on freedom to move and communicate with the outside world.

Cuba has formally signed two international human rights treaties – The International Covenant on Civil and Political Rights and The International Covenant on Economic, Social and Cultural Rights. In general these steps, which had been announced in December 2007, are viewed positively by the international community as well as dissidents themselves. On the other hand, the treaties are not binding until the Cuban Parliament ratifies them, which is expected to take quite a long time. Respect for and observance of these treaties does not automatically come with their signature.

## **II. Political Prisoners**

Raúl Castro has not released any significant number of political prisoners and has kept them firmly behind bars. A small number of political prisoners have been released in the months since he came to power in 2006, but they were more than compensated by the high numbers of new imprisonments.

The Cuban Commission for Human Rights and National Reconciliation reported that there were 234 political prisoners at the end of 2007, down from 283 a year earlier.<sup>2</sup> Yet this picture is different when we look at the underlying trend of a growing number of detainees kept without formal charges.

- Out of 75 political prisoners who were on trial in 2003, over 50 still remain behind bars.
- Just a few months after July 2006, when Raúl came to power, at least 17 civic activists were imprisoned for being “dangers to the state”, and “disturbing public opinion”.<sup>3</sup>
- In November 2007, around 40 people were detained without formal charges for various reasons, including demonstrating for university autonomy and freedom of expression.<sup>4</sup>
- On 10 December 2007, at least 24 people were detained in order to stop them from commemorating International Human Rights Day in Havana.<sup>5</sup>

It seems that the regime is just assuming the old strategy of releasing a number of political prisoners who have already fulfilled a major part of their sentences, or have serious health conditions. Their release has apparently outweighed the risks of them dying in prison.

Earlier in 2008, some political prisoners were transferred from solitary confinement to the general prison population. In the case of Rolando Jimenez Posada, a former prosecutor

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Nacional del Poder Popular. Palacio de las Convenciones, La Habana, 24 de febrero de 2008, “Año 50 de la Revolución”

<sup>2</sup> See Reuters: “Cuba rights abuses continue but fewer prisoners: group”, January 16, 2008

<sup>3</sup> Sentences ranged from 1 to 4 years. „Algunos aspectos de la situación de derechos humanos en Cuba”, issued by Comisión cubana de derechos humanos y reconciliación nacional on July 5, 2007

<sup>4</sup> Cubanet, December 6, 2007: „Continúa ola de arrestos en Cuba.”

<sup>5</sup> Cubanet, December 11, 2007: “Detenciones por el día de los derechos humanos.”

and Varela Project activist, such a transfer resulted in his beating by the prison mob and lead to the near loss of his eyesight. The same brutal intimidation was applied in the case of Antonio Diaz Sanchez after he begun protesting against the inhuman conditions within Cuban prisons.

Repression in Cuba has not diminished, but rather changed its form. The regime has shifted its strategy towards a different style: from long-term sentences to threats, interrogations, short-term detentions and other harassment techniques. In its 2007 Report, Human Rights Watch writes: *"Cuba remains the one country in Latin America that represses nearly all forms of political dissent. There have been no significant policy changes since Fidel Castro relinquished direct control of the government to his brother Raúl Castro in August 2006."*<sup>6</sup>

Recently, on 15 February 2008 Miguel Angel Moratinos, the Foreign Minister of Spain, announced that Cuba had unilaterally decided to free four political prisoners.<sup>7</sup> The very limited success of this approach by the Spanish came only weeks before its own general elections, and helped Foreign Minister Moratinos and his PSOE government to fight pre-emptive criticism on Cuban policy by the opposition. While Spanish diplomacy now trumpets its "success", the EU has to be cognizant that it cannot relinquish efforts aimed at the release of all political prisoners, just on the contrary, it must remain one of the cornerstones of its policy.

Cuban dissidents are confined to prisons because they exercised their internationally recognised human rights and freedoms. The EU must make the release of political prisoners a key condition by which it will measure progress in political dialogue with Cuba. Otherwise, the EU or its member countries should bear a share of responsibility for their fate.

### **III. Legitimacy of Raúl Castro's regime**

In the light of expectations of a change, the legitimacy of the new regime lies forgotten in the darkness. **The key question of the legitimacy of the new regime has been temporarily swept under the carpet.** As long as Fidel is still alive, it could quite possibly stay there. But it is also possible that it will come up whenever Raúl and his collective leadership are confronted with new domestic or international challenges. Each time it will reappear in a stronger form, with the government unable to answer its call since the regime's legitimacy does not rely on free and fair elections. It is true that more than 8.2 million Cubans participated in the recent legislative 'elections' on 20 January 2008 with the voter turnout seemingly reaching the incredible 96.9%. However high the number of votes, the public did not have any real chance to choose and elect their own representatives.<sup>8</sup> At the same time, there are some unseen novelties in the new legislative body: it is quite young – 70% of candidates were born after the revolution; there are more women and Afro-Cubans than ever; and a priest of Santería was elected for the first time as a member.

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<sup>6</sup> World Report 2007, Human Rights Watch, <http://hrw.org/englishwr2k7/docs/2007/01/11/cuba14886.htm>

<sup>7</sup> Moratinos underlined: *"This has been a unilateral decision by the Cuban authorities which we appreciate and for which we express our satisfaction. We are going to continue working with them in the future always respecting their decisions and encouraging them to move forward in this sensitive sector.* See <http://www.iht.com/articles/ap/2008/02/15/news/Cuba-Prisoners-Freed.php>

<sup>8</sup> Just a few facts that speak volumes about the legitimacy of the electoral process: 1) The Cuban Communist Party is the only legal political party in Cuba. 2) Cuban citizens have no real choice in who can be considered a candidate since they have no right to propose independent candidates on a national level. 3) The number of candidates is equal to the number of people who are to be elected. 4) Candidates are chosen by six specific organisations under the direct control of the communist party. 5) Voters can only select approved candidates for ballots to be considered valid. Finally, the ballot took place at a time when many people were incarcerated and sentenced for speaking out in favour of a choice. The road to being able to make a choice is far from being reached.

However, undergoing legitimation at the top of the regime is not the whole story. The bottom-up approval from the population is based on fear and the use of elaborative security measures against any opponents, real or fictional. These are designed specifically to keep social discontent and its multipliers (dissidents, independent trade unionists, local priests, opinion-makers etc.) at bay.

More than ever, the legitimacy of the Cuban dictatorship is now very fragile. In practice it relies on the Army, mainly its upper ranks<sup>9</sup>, and the extensive security apparatus, but also on Raúl's official cult (as Fidel's brother and Army chief), as well as his political skill and ability to hold together the collective leadership. As Carlos Alberto Montaner has observed<sup>10</sup>, Raúl knows that he and his brother are above the institutions and have enough capacity for intimidation to govern without any consensus. But that power is not transferable.

Raúl needs to move fast. As noted by the [Financial Times](#), "*the big question is whether Cuba will be able to move fast enough to meet popular expectations.*" The dire economic situation is the salt which has been rubbed deep into the wounds of Cuban society.<sup>11</sup>

Within the current situation, the regime will want to fence off and neutralise international pressure for democratization and improved respect for and the observance of human rights. This new political strategy is inspired by a mix of consumerism and pragmatic authoritarianism that created economic growth whilst reinforcing Communist Party rule in China and Vietnam. Cuba is enjoying good channels of credit and trade from China. It is now Cuba's second-largest trading partner. In addition to imports of inexpensive oil from Venezuela, ties with China have become crucial to the Cuban regime's economic survival. Another part of the equation is clearly the Cuban tourism industry, dependent on tourists and investment from Europe.

#### **IV. EU Policy**

The EU can be part of the solution, but at the moment, however, it is instead part of the problem. The way the EU currently positions itself towards Raúl Castro and his new leadership is an important part of the overall picture.

The upcoming diplomatic calendar of the EU is not conducive to fast action. The Council is due to review its Common position on Cuba during June 2008. The Slovenian Presidency will prepare a debate in the Council, starting at the Working Group level (COLAT).

The EU has closely followed developments in Cuba in the area of human rights abuses. Its concerns were formulated over several occasions, most recently under the German EU Presidency in the June 2007 Council Conclusions.<sup>12</sup> The European Parliament has also been unequivocal in expressing its views.

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<sup>9</sup> "After Fidel. Who will rule Cuba?", by Reuben F. Johnson, The Daily Standard, February 19, 2008, <http://www.weeklystandard.com/Content/Public/Articles/000/000/014/765knrup.asp>

<sup>10</sup> Miami Herald, April 01, 2008

<sup>11</sup> With the average monthly salary around \$17.00, shortages and high prices for basic foodstuffs, the black market compensates for the absence of a functioning free market. Struggle for daily survival is palpable in the streets through repeated trade offers made to tourists- via demands for dry milk, toiletries and other basic needs. Stealing and corruption are widespread. The country imports 85 percent of foodstuffs, whilst agricultural production deteriorates, due to low efficiency, lack of investment and new technologies and machinery. Public transportation is crumbling, the electrical grid is decrepit, communications are obsolete, medical services are deplorable.

<sup>12</sup> Council Conclusions on Cuba, 2809th EXTERNAL RELATIONS Council meeting, Luxembourg, 18 June 2007 : "The Council deplores that the human rights situation has not fundamentally changed, despite a decrease in the number of political prisoners and acts of harassment. The Cuban Government continues to deny its citizens internationally recognized civil, political and economic rights and freedoms. The EU once again urges the Cuban

Some recent signals from the EU however, go in the opposite direction. Louis Michel, Commissioner for Development and Humanitarian Aid, once again visited Havana and tried to open doors to a political deal: *“The European Commission stands ready to continue working with the Cuban Government, in coordination with our European Union partners, to improve and deepen cooperation on issues of common interest such as the environment and climate change. The objectives of this process remain those of the EU's Common Position and are consistent with the EU's policy of constructive engagement towards Cuba.”*<sup>13</sup>

It would be appalling if the European Union were to trade the freedom and dignity of Cubans for environment and climate change.

Besides Spain, the key role in setting the stage for the EU-Cuba agenda will be played by France. It has already assumed the local Presidency in Havana (Slovenia does not have an Embassy there). As the holder of the next EU Presidency in the second half of 2008, it will be guiding EU policy towards Cuba for the whole year ahead. The Czechs then take over in January 2009. Havana knows this cycle very well. Raúl will try to make a deal with the EU during 2008.

This puts France in a tricky position. As it is known, Paris has a tacit agreement with Madrid to support Spanish positions on Latin America in exchange for their support for the French positions on Africa. On the other hand, in doing so, French Foreign Minister Bernard Kouchner can expect to be criticised for failing to live up to its own promises and commitments to universal values and human rights.

Once again: **The Cuban regime has set as its domestic goal repression, not dialogue. The EU should not fall into the trap set by Havana.** The result of a continuation of present policies of the Cuban regime can only be a future internal (and possibly violent) confrontation on the island. This should not be the aim of the EU. It should welcome the easing of rules only if it coincides with reaching out to the political prisoners, dissidents and civil society groups.

The EU's policy goal is not stability in the sense of **conserving** the dictatorship but in **conversing** towards peaceful change. The primary political goal is to assist in starting a domestic political dialogue in Cuba. For Cubans, there is no other way to climb out of the current stagnation, misery and poverty than through political dialogue among the key groups within Cuban society concerning the reforms that need desperately to be instituted.

## **V. RECOMMENDATIONS:**

We believe that neither a *“wait and see”* attitude nor an atomization of EU policy towards Cuba into specific sectoral fragments without any strong basis can be an effective approach. If the EU is to have more relevance, it has to constitute a bolder policy, with its elements consisting of the following.

1) Political dialogue with Havana must have **clear focus, format and benchmarks**, which should be regularly monitored. A review period of one year is not suitable within the current situation. The EU's Common Position should not become a victim of Cuban

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Government, also in Cuba's capacity as a member of the Human Rights Council, to release unconditionally all political prisoners, and reaffirms that this issue constitutes a key priority in its policy towards Cuba.”

<sup>13</sup> In Statement by Commissioner Louis Michel on nomination of Raúl Castro as new President of Cuba, 25 February, 2008, [http://ec.europa.eu/commission\\_barroso/michel/speeches/docs/ip/2008/Statement-%20by-Commissioner-Louis-Michel-on-nomination-of-Raúl-Castro-as-new-President-of-Cuba\\_en.pdf](http://ec.europa.eu/commission_barroso/michel/speeches/docs/ip/2008/Statement-%20by-Commissioner-Louis-Michel-on-nomination-of-Raúl-Castro-as-new-President-of-Cuba_en.pdf)

skillful diplomacy, but should benefit from diverging individual initiatives among the EU member states aimed at settling bilateral - or sectoral- specific issues and interests.

2) It is imperative that the content of any dialogue with the Cuban government must be **strictly conditional**. It must be rooted in the values shared by the European Union. And it must keep any action concentrated on its key priority - the release of political prisoners.

3) Within this political framework, the EU can become more creative with **carrots of practical assistance to Cuba**. We can help Raúl to deliver further improvements in living standards, but he must give us more releases of political prisoners (especially those in jail from March 2003). One offer could involve a promise of delivering a substantial number of large-capacity buses for municipal transportation painted in EU-colours to alleviate one of Cuba's chronic problems. Similar conditionality can be applied to move a step further - to recognise human rights, starting with the freedom of expression and to set conditions for free and fair elections.

4) The EU should not be shy in assisting to bring about the "structural and conceptual change" in Cuba that Raúl has called for, but only based on the values that the EU cherishes and was founded upon. We should **promote a European model of economic transition** that resulted in a market economy, not in a managed economy.

5) The EU has to provide more **assistance to Cuba's independent civic initiatives and cultural projects**. The European Union's presence in Havana is very modest, if not invisible. The EC Delegation in Havana must have a coherent, sustainable strategy combined with more relevant financing. Atomized funding can hardly have substantial impact.