

RECOMMENDATIONS OF THE EUROPE-CUBA NGO NETWORK TO THE EU REGARDING ITS POLICY TOWARDS CUBA

May 4, 2009

Summary of Primary Policy Recommendations

The European Union should

1. Maintain the 1996 Common Position on Cuba
2. Continue to call for the release of all political prisoners
3. Honor its pledge to also meet with members of independent civil society in Cuba
4. Insist that the International Committee for the Red Cross (ICRC) be allowed to meet with political prisoners and to report on prison conditions in Cuba
5. Ensure that the European Commission (EC) cooperation programs with Cuba reflect the two track diplomacy policy by guaranteeing that a portion of the EU Development Funds budgeted for Cuba between 2009 and 2011 are earmarked for independent civil society and non-state actors
6. Include NGOs and CSOs as informal partners to the political dialogue with Cuba through briefing and debriefing meetings relevant to human rights issues

Expanded Policy Recommendations

1. *Maintain the 1996 Common Position for Cuba* – The EU should not make any moves toward lifting the 1996 Common Position until the Cuban government has made concrete and measurable steps towards the establishment of a pluralistic democracy and improving its human rights record.
2. *Continue to call for the release of all political prisoners* – The Council Conclusions in June 2008 called for the unconditional release of all political prisoners in Cuba as a pre-condition for establishing full bilateral languages. The EU's firm stance with Belarus, which led to the release of all political prisoners in August 2008, should be seen as a precedent for continuing this approach.
3. *Honor its pledge to meet with members of independent civil society in Cuba* – Since last year's lifting of the 2003 diplomatic measures, not a single high level delegation from Europe has met with members of the pro-democracy movement or independent Cuban civil society. The EU should insist that the Cuban government either allow European Commission and EU member states delegations to meet with members of Cuba's independent civil society or risk the curtailing of the high level visits essential to the furthering of the political dialogue.
4. *Insist that the ICRC be allowed to meet with political prisoners and to report on prison conditions in Cuba* – The EU should advocate for the Cuban government to allow ICRC representatives to conduct a full and unhindered inspection of the Cuban

penitentiary system. The ICRC has been allowed to conduct prison conditions in other repressive regimes and should be given unrestricted access to meet with political prisoners and prisoners of conscience in order to assess their well-being.

5. *Ensure that the European Commission (EC) cooperation programs with Cuba reflect the two track diplomacy policy by guaranteeing that a portion of the EU Development Funds budgeted for Cuba between 2009 and 2011 are earmarked for independent civil society and non-state actors* – In May 2009, the EC is scheduled to approve a €41 million package of international cooperation funds for Cuba. In order to ensure the transparency and non-discriminatory use of the EU Development Funds, a portion of these funds should be budgeted for independent civil society and non-state actors. Although it is certain that the money will be accounted for according to EU standards, there are currently no guarantees that this money will go to support independent civil society.
6. *The EU Should Include NGOs and CSOs as informal partners to the political dialogue with Cuba through briefing and debriefing meetings relevant to human rights issues* – There is a precedent for Presidency, EC and Council briefing and debriefing meetings with European NGOs and CSOs on a number of countries and regions where there are ongoing human rights concerns and conflicts. Considering the difficulties which high level delegations have had in meeting with dissidents and independent Cuban CSOs, we recommend that the EU collaborate with organizations from the European ‘third sector’ that have direct ties to such Cuban groups.

Background and Context

In June 2008, the Council decided to lift the suspended 2003 diplomatic measures in order to pursue a comprehensive political dialogue with the Cuban government in the hopes of encouraging the Cuban government to embrace the European “views on democracy, universal human rights and fundamental freedoms” outlined in its conclusions.

This June, the Council is scheduled to review its foreign policy towards Cuba once again. This review will include an analysis of the effectiveness of the current political dialogue and whether or not the 1996 Common Position should be maintained.

The Council’s decision to develop a different approach to Cuba was made in the wake of the smooth transfer of power from Fidel Castro to his brother Raul in February 2008. This raised some expectations that greater changes were on the horizon. Some of these expectations were indeed met when Raul Castro initiated a series of small economic reforms and fulfilled an earlier promise for Cuba to sign the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR). Unfortunately the reforms stopped there, one year later, the ICCPR and ICESCR have not been debated, let alone approved or implemented, by the Cuban National Assembly.

Contrary to what the Cuban authorities claimed during the United Nations Human Rights Council’s recent Universal Periodic Review (UPR) in Geneva, Cuba’s human rights record has not improved in any significant way. While the total number of reported and documented political prisoners has gone down from 234 in early 2008 to 205¹ cases as of January 31,

¹ <http://ca.reuters.com/article/topNews/idCATRE50R70T20090202>

2009, the Europe-Cuba NGO Network continues to receive regular reports on hundreds of independent activists and members of civil society who have been detained for short periods of time and harassed. The conditions for those still in prison continue to be inhumane and unsanitary, well below the United Nations Standard Minimum Rules for the Treatment of Prisoners and international verification missions have not been allowed to visit the prisons. However, all signs seem to indicate that the Council will extend the political dialogue and policy of engagement for an additional year, despite the fact that Cuban government has failed to meet a number of specific conditions.

The political dialogue and resumption of high level visits of EU officials to Cuba has improved the level of discourse between Cuban and EU negotiators and officials. However it is not known to what extent the EU and EU member states have advocated for the release of political prisoners. Over the past year and a half, there have been several high level visitors and delegations to the island. These include three visits by EU Commissioner Louis Michel, and top-level bilateral visits made by Spain, Germany, Ireland and France. Considering that the specific statement in the Council Conclusions of 2008 conclusions that “its policy for EU contacts with the democratic opposition remains valid,” the fact that not a single member of Cuban civil society has been met during a single high level EU visit gives serious cause for concern. While it may be unlikely that a high level delegation or team of experts participating in the political dialogue would be given permission by the Cuban government to meet with independent non-state actors in Cuba, there should at the very least be more effort made to allow low level delegations or good will ambassadors to be able to do so on the EU’s behalf.

Since the lifting of the 2003 EU measures, international cooperation with Cuba has increased considerably. In addition to of the €4 million from ECHO funds, and as the €7.5 million for ongoing hurricane response assistance, the EC is scheduled to offer unilaterally €41 million from its international cooperation fund between 2009 and 2011 to Havana. This package of funds will mainly be dedicated to the fields of ‘cultural heritage,’ the environment, and food security, as well as a limited number of academic exchanges in the field of business management. The Europe-Cuba NGO Network feels that academic exchange between the EU and Cuba could be another way to give shape to the EU multi track diplomacy towards Cuba, especially if more academic areas are included and if the EU ensures that the beneficiaries represent the full cross section of Cuban society. Furthermore, social and human rights issues should be included in all of such programs.

In addition, the European Commissioner for Development, Louis Michel, stated during his last visit to the island that the 1996 Common Position should be reviewed in the light of the renewed relations with Cuba. This common EU policy towards Cuba originally conditioned development cooperation aid to economic and political reforms. The lifting of the common position would give way for a contractual bilateral relationship and possibly an Economic Partnership Agreement. The latter is of most interest to Cuba as it is in great need of a major source of low interest loans and financing. This situation gives the EU political leverage that must not be squandered unless substantial changes are made in Cuba in dealing with human rights concerns.

As stated above, there is a precedent for positive results based on clear demands for human rights reforms, as in the case of Belarus, where the EU’s refusal to back down over these issues led to a release of all political prisoners by the authorities last August. The Europe-Cuba NGO Network hopes that the EU will show the same level of resolve when determining

its future relations with Cuba to honor the two-track approach under which the current policy of engagement was originally conceived.

Signed by:

- Asociacion de Iberoamericanos por la Libertad (Spain)
- Asociación Española Cuba en Transición (Spain)
- Christian Democratic International Center - KIC (Sweden)
- Christian Solidarity Worldwide (UK)
- Freedom House Europe (Hungary)
- Fundacion Hispano Cubano (Spain)
- Italian Helsinki Committee for Human Rights (Italy)
- International Society for Human Rights (Germany)
- People in Need (Czech Republic)
- People in Peril Association (Slovakia)
- PONTIS Foundation (Slovakia)
- Solidaridad Española con Cuba (Spain)

