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*La normalisation des relations entre les États-Unis et Cuba: les groupes d'intérêts américains en marche pour le changement*

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# U.S.-Cuba Normalization: U.S. Constituencies for Change

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## Introduction

- 1 Cuba and the United States entered a new chapter of their longstanding contentious relationship when President Barack Obama and President Raul Castro announced on December 17, 2014 their agreement to embark on the path of “normalization”. It was, first and foremost, a symbolic and emotional gesture to move beyond the era of direct hostilities toward constructive engagement. Moreover, their decision to move ahead with pragmatic dialogue and cooperation on matters of mutual interest opened the door to long-overdue diplomatic talks on a host of relatively straightforward matters as well as more vexing issues like property claims and human rights.
- 2 Despite significant progress made during the last two years of the Obama administration, the most difficult obstacles to normalized relations are still in place – a five-decade plus comprehensive embargo that under current U.S. law must remain in place until Cuba adopts major democratic reforms, and the return of the Guantanamo naval base to Cuban sovereignty. With the election of Donald Trump to the White House, Republican control of the Congress and a risk-averse Castro-led regime in power in Havana, all signs point to stalemate at best, and significant backsliding at worst.
- 3 To understand better the motives and interests shaping U.S. policy toward Cuba in the last five years, this article analyzes progress toward normalization to date and the main U.S. protagonists in this unfolding drama. It starts by discussing the U.S. domestic forces that have coalesced around the new policy and their specific but common interests in a

relaxed and more open bilateral relationship. It then catalogues some key areas of greatest interest to those constituencies and how they may benefit from them. It examines the initial steps of the Trump administration to roll back aspects of the Obama engagement strategy and their likely effects. On balance, it concludes that the key factors that have shaped U.S.-Cuba détente to date – commercial and economic opportunities, generational change, and security interests – in the longer term will likely continue to encourage forward progress in resolving one of the last vestiges of the Cold War, albeit in fits and starts. This more optimistic outcome, however, is by no means guaranteed and will depend greatly on the results of U.S. elections in 2018 and 2020.

## U.S. Constituencies for Normalization

- 4 After years of dominating U.S.-Cuba policy by hardline Cuban-American exiles in Florida, the Obama administration entered the White House in 2009 determined to turn the page toward constructive engagement through executive action and direct negotiation of renewed diplomatic ties. This was a political calculation by President Obama to satisfy constituencies within the Democratic Party long in favor of reducing hostilities with Havana; it was also a gamble that he could win over Cuban American voters in the critical swing state of Florida opposed to Bush-era rules that interfered with sending remittances and traveling to visit family on the island. Prominent Cuban-American business leaders were also on record in favor of relaxing ties to Cuba as it began to open the doors to foreign investment as part of its own internal process of economic and social reforms to “perfect” the Cuban socialist system. Winning over these constituencies was enough for Obama to make good on his campaign promise to relax rules for travel and remittances for Cuban Americans shortly after he took office in early 2009.
- 5 The bigger bet – a strategic shift from the policy of isolation and regime change codified under U.S. law in 1996 to a more flexible policy of mutual respect and cooperation – required a more diverse coalition of stakeholders to support and sustain it. The early rounds of regulatory changes during Obama’s first term helped generate more interest among a wide range of elite opinion leaders and the general public in getting to know Cuba better and thereby put pressure on the administration itself and on the Congress to relax the embargo further. These interest groups included:
  - leading business groups from the travel, hospitality, agriculture, health, telecommunications and construction industries;
  - top-ranking journalists and news companies anxious to break into Cuba’s restrictive media environment;
  - establishment think tanks, philanthropies and civil society organizations such as the Council on Foreign Relations, the Aspen Institute, the Brookings Institution, the Washington Office on Latin America, the Ford Foundation, Atlantic Philanthropies and the Americas Society/ Council of the Americas;
  - academics anxious to explore research partnerships and universities keen to offer their students more compelling study abroad opportunities;
  - environmentalists excited about Cuba’s relatively pristine and protected ecosystem;
  - religious groups inspired by calls from Popes John Paul I and II, Benedict and Francis to support and unite the Cuban family, and by Cubans’ revitalized religiosity;
  - military and law enforcement officials eager to work with Cuba’s security forces to protect U.S. borders from drugs and migrants;

- diplomats – U.S. and foreign – who saw first hand how the U.S. embargo mainly served to help the Castros rally domestic and international solidarity against the “imperialist Yankees”; and
  - artists, musicians and museums long drawn to Cuba’s thriving cultural scene.
- 6 While these groups took advantage of the Obama administration’s initial steps to relax travel restrictions, they were stymied by the high costs and red tape associated with doing anything constructive under a system strangled by thousands of rules and micromanagement on both sides of the Florida Straits. Their efforts to get traction were further hampered by Cuba’s arrest in December 2009 of Alan Gross, an American contractor for the U.S. Agency for International Development engaged in helping Cubans access satellite technology in violation of Cuban law. The White House retreated into a holding pattern while it tried through various means to get Gross released.
- 7 The dam broke when President Obama and President Raul Castro announced on December 17, 2014 (known popularly as D17) a plan to normalize relations between the two countries. In a dramatic and emotional turning of the page, the two presidents also arranged for Gross and an imprisoned U.S. intelligence asset to fly home in exchange for three Cuban spies, and the launch of an intensive renewal of diplomatic relations.

## Diplomatic Relations

- 8 The two presidents met in person in April 2015 at the Summit of the Americas in Panama, the first time Cuba was invited to the premiere gathering of heads of state and government from every country of the region. Diplomatic relations with Cuba were officially re-established on July 20, 2015 when the U.S. embassy in Havana and the Cuban embassy in Washington, D.C. re-opened after decades of disengagement. When John Kerry went to Havana for the U.S. Embassy’s flag-raising ceremony on August 14, 2015, accompanied by a high-ranking congressional, business and Cuban-American delegation, he became the first U.S. Secretary of State to visit Cuba in 70 years. President Obama became the first U.S. President to visit Cuba in almost 90 years when he visited Havana less than a year later, on March 21-22, 2016. These steps were the *sine qua non* for a whole host of political, bureaucratic and commercial measures aimed at enlarging the emerging constituencies for change.
- 9 The governments quickly started working on issues such as law enforcement, counternarcotics, civil aviation, environmental protection, and trafficking in persons. A series of regulatory changes following the December 17<sup>th</sup> announcement were enacted by the Departments of Treasury and Commerce the following months, and included new measures facilitating travel, financial transactions, the flow of remittances, commercial sales and exports of certain goods, and telecommunications services between the two countries (U.S. Department of the Treasury, 2015a, 2015b). The White House decided to address the unresolved maritime boundary in the Gulf of Mexico, accept Cuba’s participation in the 2015 Summit of Americas, and review Cuba’s designation as a so-called “state sponsor of terrorism,” which was subsequently rescinded on May 29, 2015 (Hirschfeld Davis J., 2015). In the ensuing 18 months, the two governments signed several agreements to collaborate on various topics, including health, the environment, drug and human trafficking, and telecommunications.

- 10 In sum, without the consent of Congress, Obama was able to end fifty-five years of hostile diplomatic relations, declare the end of “regime change” as the goal of U.S. policy, establish bilateral commissions to tackle shared issues, and facilitate expanded travel and remittances between the peoples of Cuba and the United States (Kopetski M., 2016 :347). Although the White House was unable to rally enough congressional support to lift the embargo, it effectively utilized the president’s executive powers to weaken it, while building bipartisan momentum for its ultimate termination.
- 11 That strategy, however, hit a major roadblock in November 2016 when Donald Trump unexpectedly beat Hillary Clinton to win the White House. President Trump is now wielding his executive powers to reverse course. Trump’s June 2017 executive order, referred to as the Presidential Memorandum on Strengthening the Policy of the United States Toward Cuba, (White House, 2017b) supersedes and replaces Obama’s October 14, 2016 executive order, referred to as the Presidential Policy Directive on United States-Cuba Normalization (White House, 2016). The Trump memorandum expresses strong support for the economic embargo of Cuba and opposes any measures that call for its end, including by the United Nations and other international forums.
- 12 The limited scope of his policy changes to date, however, suggests Trump’s approach may be more talk than action. Trump’s order outlined three main steps to strengthen the embargo. First, new rules would ban individual “people-to-people” visits to Cuba, making it mandatory for U.S. travelers in that category to travel in groups with licensed providers. Second, the new rules would prohibit direct financial transactions that would “disproportionately benefit” entities under the control of the “Cuban military, intelligence, or security services or personnel (such as Grupo de Administración Empresarial S.A. (GAESA), its affiliates, subsidiaries, and successors),” and requires travelers to keep detailed records of their transactions for potential review by the State Department. The Secretary of State has been directed to publish a list of these entities, which occurred in November 2017 (U.S. Department of State, 2017). Third, the order prohibits transactions with a much longer list of individuals associated with the Cuban government to include members of Cuba’s national assembly, judiciary, state media, labor unions and all members of the military, police and intelligence agencies, not just their leadership.
- 13 Trump’s measures are not as onerous as anticipated, and certainly do not amount to “canceling the last administration’s completely one-sided deal with Cuba,” as he stated in his Miami remarks in June 2017 to an ecstatic crowd of pro-embargo exiles gathered at a theater dedicated to one of the fallen “heroes” of the failed Bay of Pigs invasion of 1962 (White House 2017c). They do not, for example, impose any restrictions on Cuban-American family travel and remittances, put Cuba back on the State Department’s terrorism list, close the U.S. Embassy in Havana, restrict the 11 other categories of permitted travel, or reinstate the “wet foot, dry foot” policy that encouraged Cuban migrants to take dangerous routes in their attempts to reach U.S. soil (LeoGrande W., 2017). Diplomatic relations were preserved, although not without some harm.
- 14 While Obama’s policy directive stated “we are not seeking to impose regime change on Cuba; we are instead...respecting that it is up to the Cuban people to make their own choices about their future,” Trump’s policy reverts to the regime change doctrine by reinforcing the basic terms of the embargo as codified by Congress in 1996. It aims “to improve human rights, encourage the rule of law, foster free markets and free enterprise, and promote democracy in Cuba” (Miller A. and T. Piccone, 2016 :301-318)<sup>1</sup> and ultimately

“to promote a stable, prosperous, and free country for the Cuban people...” He states that his Administration’s policy “will be guided by the national security and foreign policy interests of the United States, as well as solidarity with the Cuban people,” asserting that the Cuban people have the same ideas about sovereignty and human rights as Americans (Miller A. and T. Piccone, 2016, *op. cit.*)<sup>2</sup>. Nonetheless, the policy measures he espouses are likely to hurt Cuban citizens, particularly those in the burgeoning private sector that have benefited from a big jump in U.S. travelers (Leogrande W. and R. Newfarmer, 2017; Berkeley Cohen H. and A. Ahmed, 2017)<sup>3</sup> and civil society activists trying through various means to contest one-party rule on the island.

## Economic and Trade Ties

- 15 One of the most important U.S. sectors driving the call for normalization with Cuba has been the U.S. business community. There are at least three key elements of this coalition: 1) the agricultural industry; 2) the travel and hospitality industry; and 3) the telecommunications and internet sector. Companies in the fields of health and medicine, construction materials and professional services were also engaged, though more as secondary players.
- 16 Working sectorally and in combination through such newly formed groups as the U.S.-Cuba Business Council, an arm of the U.S. Chamber of Commerce (which has long opposed the embargo), the U.S. Agriculture Coalition for Cuba, and the Cuban Consortium<sup>4</sup>, these companies and their advisors have sought to position themselves on the inside track for business opportunities in Cuba in the short and medium term. Given the comprehensive and complex nature of the U.S. embargo, they understood the need to press urgently for regulatory relief to explore, let alone negotiate, commercial deals on the island. Some of these companies also sought congressional action, for example to lift the restriction on private financing for agricultural exports or to end the prohibition on tourist travel to Cuba.
- 17 A two-pronged strategy evolved: first get the White House and relevant agencies to ease the embargo’s rules on commercial and trade transactions as much as possible, and second (and simultaneously) lobby the Congress to loosen the embargo in pieces, if not wholesale. A coalition of like-minded pro-normalization constituencies at the national and local levels organized under the banner of Engage Cuba<sup>5</sup>, to push for congressional action to lift the embargo. Pro-normalization Cuban-American business leaders, who played a critical role in Obama’s first term to convince the White House and State Department to stick with the strategy of rapprochement, continued to have an important voice in specific cases and transactions. But to date they have been unable to persuade their senators and representatives in Congress and in Florida and New Jersey to back off their traditional hardline, pro-embargo approach.
- 18 Making the case to allow U.S. businesses to compete in Cuba’s slowly liberalizing economy made a lot of sense politically, especially given the important ties between the corporate sector and the Republican party. But it did not suffice legally given the onerous strictures of the embargo law itself. In order for the president to justify easing the embargo, he had to draft the regulatory amendments in a way that principally benefited the Cuban people, particularly private farmers and the nascent private sector engaged in self-employment activities in Cuba’s rapidly expanding tourism industry.

- 19 It is in this context that one should understand the most important regulatory steps taken after the D17 breakthrough. President Obama outlined key regulatory changes designed to increase “the speed, efficiency, and oversight of authorized payments between the United States and Cuba.” The changes initially covered a wide range of sectors including:
- Expanding exports of commercial goods and services to Cuba to provide lower-priced goods to Cubans;
  - Altering banking regulations to allow U.S. institutions to open accounts at Cuban financial institutions to facilitate transactions between the countries, and authorizing U.S. credit and debit cards for use by travelers in Cuba;
  - Allowing the commercial export of certain communication items to increase Cubans’ ability to communicate more easily with people in the United States and the rest of the world.
- 20 Following this presidential directive, the Departments of Treasury and Commerce instituted a series of regulatory changes split into five packages from January 2015 to October 2016. The series included changes for sectors already exempted (partially) from the embargo and most likely to benefit from the early phase of normalization - agricultural trade, non-tourist travel and hospitality, and telecommunications; in addition, important changes were made to ease export and import rules, banking transactions, and remittances policies.

## Travel and Hospitality

- 21 The Obama administration moved quickly to liberalize permitted travel to Cuba by expanding legal justifications in the 12 categories of licensed travel, including the broad “people to people” category frequently used by U.S. travelers. On December 17, 2015, the one-year anniversary of President Obama’s announcement, the two countries agreed to start commercial flights (Oppmann P. and R. Marsh, 2016)<sup>6</sup>. U.S. airlines now negotiate directly with the Cuban government to plan and maintain routes to the island. Establishing direct flights has brought thousands of daily visitors to Cuba and helped spur bilateral economic relations across a range of related sectors including private and public transportation, retail, food services, hospitality, travel services, and air traffic control.
- 22 The U.S.-based cruise industry also has jumped at the chance of expanding their Caribbean routes to include long-forbidden Cuban ports of call on their itineraries. Roughly 140 commercial cruises are scheduled to visit Cuban ports in 2017 from both large and mid-sized U.S. cruise companies, including major cruise lines such as Carnival, Royal Caribbean, Norwegian and Regent Seven Seas (Engage Cuba, 2017). On May 2, 2016 Carnival Cruise Line’s Adonia ship became the first cruise ship to dock in Cuba in nearly 40 years. Carnival Cruise Line – a member of Engage Cuba’s Business Council – used its Fathom brand to bring 704 passengers under a “people-to-people” travel license (CBS/AP, 2017). In the related hospitality industry, companies like Starwood and Marriott (now merged) and Airbnb (Noticias Telemundo, 2017)<sup>7</sup>. were early out of the gates in working under the new rules to obtain special U.S. licenses to reach agreements with relevant Cuban ministries to manage hotels and bookings in private Cuban homes.
- 23 Since these travel-related rules were changed, the number of U.S. travelers to the island has continued to climb. According to Cuba’s National Office of Statistics and Information, Cuba welcomed 284,937 Americans in 2016, an increase of 74 percent from the prior year.

By the end of May 2017, the island had already welcomed 284,565 U.S. visitors (these numbers do not include members of the Cuban diaspora living in the United States, which separately increased 45 percent compared to the same period the year earlier). If the rate of American tourism to Cuba continues apace through the year, it will represent a 145% increase over 2016 (Cuba Debate, 2017).

## Agricultural Trade

- 24 While the U.S. agriculture industry is already permitted under the embargo to export food commodities to Cuba, it is prohibited by Congress from doing so on credit; restrictions on ships entering U.S. ports from Cuba pose another legislative roadblock to expanding bilateral trade. As a result, Cuba's food imports from U.S. companies steadily dropped from a high of over \$700 million a year in 2008 to just \$232 million in 2016 (U.S.-Cuba Trade and Economic Council, 2017). Obama inserted some slight flexibility to the rules but only Congress can actually fix the underlying problem.
- 25 There have been growing bipartisan efforts in Congress to address this hindrance to increasing agricultural exports to Cuba given the potential benefits for American companies across multiple states. In September 2015, Republican Governor Asa Hutchinson of Arkansas, which has suffered from falling sales of poultry and rice, asked Congress to lift restrictions preventing U.S. food companies from selling to Cuba on credit (Trotta D., 2015). In October of 2015, nine governors from Alabama, California, Idaho, Minnesota, Montana, Pennsylvania, Vermont, Virginia and Washington wrote letters to congressional leadership highlighting the harm that the embargo has done to American agriculture exports. The letter stated that trade restrictions stifle job creation in rural areas and "ending the embargo will create jobs here at home, especially in rural America, and will create new opportunities for U.S. agriculture." It went on to state that "expanding trade with Cuba will further strengthen our nation's agriculture sector by opening a market of 11 million people just 90 miles from our shores, and continue to maintain the tremendous momentum of U.S. agricultural exports, which reached a record \$152 billion in 2014," (Koplowitz H., 2015).
- 26 These arguments helped build some momentum in Congress to take action. On December 16, 2015, the U.S. House of Representatives formed the bipartisan with 10 bipartisan members of Congress representing districts with a wide array of industries, including agriculture, manufacturing, and tourism, that would benefit from business relations with Cuba (Toosi N., 2015; U.S. House of Representatives Cuba Working Group, 2015). Many Republican lawmakers have visited Cuba and support lifting the embargo for economic reasons. For example, Republican Governor of Texas Greg Abbott, following a trip to Cuba, publicly supported efforts to engage in bilateral trade, particularly in the agricultural sector (KVUE, 2015). Bipartisan efforts in the House and Senate, principally from farm states, to allow private financing for agricultural sales and to remove the six-month restriction on ships traveling from Cuba failed, however, to gain a vote due to opposition from the House and Senate Republican leadership (Zengerle P. and M. Spetalnick, 2015; Jansen B., 2016).



## Telecommunications Changes

- 27 The telecommunications sector, while permitted under certain conditions to do business in Cuba, was hindered by onerous regulations that took a narrow interpretation of Congress' prohibition of "investment" in Cuba's telecommunications "infrastructure" (Piccone T. *et al.*, 2010). This changed after D17. The Treasury Department instituted a new OFAC general license to facilitate the establishment of commercial telecommunications facilities linking third countries and Cuba and authorized additional services incident to internet-based communications and related to certain exportations and reexportations of communications items. Obama's Commerce Department created a Consumer Communication Devices (CCD) license exception to authorize "commercial sales, as well as donations, of the export and reexport of consumer communications devices that enable the flow of information to from and among the Cuban people – such as personal computers, mobile phones, televisions, memory devices, recording devices, and consumer software" instead of requiring licenses. On September 21, 2015, further changes went into effect that removed the limitation on License Exceptions for Consumer Communications Devices (CCD) to support other types of transactions, such as leases and loans of eligible items for use by eligible end-users (U.S. Department of the Treasury, 2015b).<sup>8</sup>
- 28 These revisions also allowed U.S. businesses providing telecommunications and internet-based services to establish themselves in Cuba and enter into joint ventures with Cuban entities. The first of these joint ventures was between Sprint and the Cuban state-owned telecommunications company ETECSA (Schwartz F., 2015). Verizon Wireless began offering roaming service in Cuba shortly thereafter, followed by AT&T and T-Mobile. In 2015, the two countries also established direct calling capability for the first time in 15 years. In addition, U.S. technology leader Google negotiated an arrangement with ETECSA to allow for faster and easier access to its services. Snail mail is back in service too. On March 15, 2016, direct mail service between the U.S. and Cuba resumed with President Obama's letter to a 76-year-old Cuban woman among the first batches of mail (Stanglin D., 2016). The U.S. Postal Service now offers full-range services and other U.S. delivery service companies like UPS and DHL are negotiating to get on the island.

## Banking Changes

- 29 One of the most important commercial sectors that has been the most reluctant to engage in Cuba is the banking and finance industry. Painful penalties imposed on U.S. and foreign banks by Treasury Department's OFAC for violating the embargo have left bitter reminders of the risks entailed in financing transactions between U.S. and even third country entities and Cuba.
- 30 Obama era regulatory changes to banking policy permitted depository institutions to open and maintain correspondent accounts at a Cuban financial institution to facilitate the processing of authorized transactions, and authorized U.S. financial institutions to enroll merchants and process credit and debit card transactions for travel-related and other transactions. The changes also permitted banking institutions, including U.S.-registered brokers or dealers in securities and U.S.-registered money transmitters, to process authorized remittances to Cuba under an expanded general license.

- 31 The wider changes announced September 18, 2015 allowed some Americans to establish bank accounts and offices in Cuba, employ Cuban nationals and hire persons subject to U.S. jurisdiction in Cuba (Schwartz F., 2015, op. cit.). The fourth round of regulatory changes in March 2016 allowed Cubans to open bank accounts in the U.S. They also allowed “U-turn transactions”, where money from Cuba or a Cuban citizen can be cleared through a U.S. bank and transferred back in dollars. Treasury also allowed American banks to process dollar-denominated transactions from Cuba, and to open accounts for Cubans that they could use to receive payment in the United States and send money back to Cuba (Hirschfeld Davis J., 2016). In response to growing demand from U.S. pharmaceutical and medical research entities to partner with Cuba’s biotechnology industry, the October 2016 round of Obama era regulations enabled persons engaged in joint medical research or transactions involving Cuban-origin pharmaceuticals to open and maintain bank accounts in Cuba (U.S. Department of the Treasury, 2016). Despite these changes, the banking industry remains mostly on the sidelines, which is further hampering a host of transactions between the two countries.

## Remittances Changes

- 32 From the start of the Obama administration, the White House supported steps to ease the flow of U.S. remittances to Cuban families on the island, which has become an increasingly important source of income for a large number of Cuban citizens. This was a popular move among the Cuban exile community in Florida and elsewhere; it also benefits U.S. money transfer companies, which charge an average of 8 percent commission on wire transfers to Cuba, generating up to \$320 million in annual revenue for these companies (Engage Cuba, 2017).
- 33 Beginning in 2009, the Treasury Department, under Obama’s direction, incrementally removed limits on remittances through multiple amendments to the Cuban Assets Control Regulations (CACR). Following the January 15, 2015 announcement, the Department of Treasury and Commerce lessened limits on generally licensed remittances to Cuban nationals (other than certain prohibited Cuban government and Cuban Communist Party officials) from \$500 to \$2,000 per quarter, allowed “certain remittances to Cuban nationals for humanitarian projects, support for the Cuban people, or development of private businesses” without limitation<sup>9</sup>, and allowed travelers to carry \$10,000 to Cuba “in total family remittances, periodic remittances, remittances to religious organizations in Cuba, and remittances to students in Cuba pursuant to an educational license.” The September 15, 2015 amendment lifted the dollar limits altogether on donative remittances and amounts travelers may take to Cuba<sup>10</sup>. Loosening limits on remittances allowed relatives to send money to Cuba to start small businesses or to cover their family members’ migration costs (Morales E., 2017).

## Migration

- 34 One of the longstanding areas of contention between Cuba and the United States, and within the U.S. political arena, is migration. Ever since Fidel Castro opened the gates in 1980 to over 125,000 Cuban emigrants seeking passage to the United States, including many from Cuban prisons and mental health institutions, the question of how to manage

the mix of political asylees and economic migrants confounded policymakers and scrambled politics in the Cuban diaspora. Some constituencies chafed at the special privileges afforded only to Cubans who could declare asylum the moment they stepped foot on U.S. soil and begin receiving special welfare assistance. Even anti-Castro factions in Cuba grew tired of the system's growing exploitation by Cubans posing as political refugees but more interested in securing easy access to a U.S. green card and then traveling back and forth to Cuba. In 2016, with the acrimonious political debate in the United States trending increasingly against immigration, these forces coalesced in favor of ending the special privileges granted to Cuban migrants.

- 35 Knowing that the Obama administration's efforts at normalization jeopardized their preferential immigration status, an increasing number of Cuban migrants attempted to gain access to the United States after D17. The Migration Policy Institute reported that after several years of reduced entries, "the number crossing the U.S.-Mexico border after a long, often treacherous journey rose from about 31,000 in 2015 to roughly 38,500 in 2016... [and] the number of Cuban rafters interdicted by the U.S. Coast Guard jumped from 4,500 in 2015 to 7,400 in 2016," (Duany J., 2017).
- 36 These fears were not unfounded. On January 12, 2017, after months of negotiations with the Cuban government, President Obama revoked the preferential wet foot/dry foot policy, which granted automatic entry to any Cuban citizen who was able to reach American soil. The visa lottery allowing 20,000 Cubans to enter the country legally each year was not changed. In his statement, Obama argued that "by taking this step, we are treating Cuban migrants the same way we treat migrants from other countries (White House, 2017a); other administration officials highlighted the move as an important step in combatting human trafficking (Caldwell A. and J. Pace, 2017). President Trump, who campaigned on a platform of cutting down both legal and illegal migration, did not object. Nor did Cuban-American legislators in Florida who, fearing a loss of political support from newly arrived migrants who did not share their strong anti-Castro views, had sponsored legislation to close the loopholes in 2016. The first deportations of non-visa Cuban immigrants under the new policy took place under the Trump administration a month later on February 17 (Gómez Torres, N., 2017).
- 37 The effect of the policy change was visible immediately. While the number of Cuban "inadmissibles" intercepted by US Customs and Border Protection at the Southwest border rose significantly from 17,109 to 28,642 to 41,523 from FY2014-16, that number plummeted to 14,592 in FY2017 (October 2016 to June 30, 2016) with only 806 after January 2017 (U.S. Customs and Border Protection, 2017).
- 38 President Trump is unlikely to reverse this change in policy because it would undermine his strong position against illegal immigration. Any mention of it was noticeably absent from his Cuba announcement in June, and Senator Rubio, one of the architects of Trump's new policy, has been outspoken in his opinion that the policy was flawed and frequently abused by Cubans travelling back and forth from the United States to the island (Mazzei P. *et al.*, 2017).

## Property Claims

- 39 One issue that has bedeviled U.S.-Cuba relations is property claims by American citizens and corporations for the loss of their property after the Castro regime expropriated

hundreds of farms, factories and family estates shortly after the revolution. While many corporations long ago wrote off these claims as a loss, others hope that one day they could get some type of preferential access to the Cuban market, if not meaningful compensation. Many other Americans, however, retain strong emotional connections to their lost properties and demand adequate compensation, with interest, if not full restitution of the properties themselves. Another class of claimants – Cuban Americans who were not U.S. nationals at the time of the taking and left the island after expropriation – have pursued their claims against Cuba in U.S. courts and/or lobbied U.S. and Cuban government officials to seek compensation (Feinberg R., 2015 :18).<sup>11</sup> Together, these groups offered a potentially powerful constituency in the United States in favor of normalization.

- 40 After Obama’s D17 announcement renewing diplomatic relations, the two governments established a bilateral working group to address the nearly 6,000 certified property claims valued by the Foreign Claims Settlement Commission at \$1.9 billion. If simple interest of six percent per annum were included, that valuation jumps to \$8 billion. Congress authorized these claims without identifying funds to pay them and signaled it did not intend to pay them (Feinberg R., 2015, *op. cit.* p 2.). Some question whether the Cuban government would ever be willing or able to provide adequate compensation to the claimants. Three bilateral talks on these claims have occurred thus far; however, none has been resolved and the process appears dormant.
- 41 As a sign of the ongoing political and economic interest in settling these claims, Senators Marco Rubio and Bill Nelson of Florida sent a letter as recently as June 2017 to the secretaries of State and Treasury asking them to work with Congress “to develop a plan and timeline for resolution of these claims, as well as consider instructing the FCSC to conduct a third Cuban Claims Program to allow for potential new claimants.” While Trump may have no interest in ending the embargo, he may be interested in resolving U.S.-Cuban claims in order to address the legitimate demands of a business class he represents. It was the Trump Organization, after all, that sent senior representatives to the island as recently as late 2012 to explore potential hotel and golf opportunities (Drucker J. and S. Wicary, 2016). To avoid further complicating the issue, and preserve options for resumption of talks, President Trump announced the suspension of Title III of the Helms-Burton embargo law and indicated to Congress that the suspensions will continue (Whitefield M., 2017).<sup>12</sup> If ever given effect, Title III would allow former owners of commercial property expropriated by Cuba to sue foreign companies "trafficking" in those confiscated holdings.

## Conclusion

- 42 This brief review of the U.S. constituencies favoring normalization between the United States and Cuba demonstrates the complex interaction between domestic politics, economic interests and foreign policy. It does not even begin to address, however, the even more complex relationship between these factors and Cuba’s sovereign decisions on how to manage its national economy, politics and foreign policy. Nonetheless, given the decades of control that the Cuban diaspora has had on U.S. policy toward the island, and its resurgence under the Trump administration, it is clear that the momentum in favor of normalization on the U.S. side has taken a direct hit. Trump’s proclamations at the UN General Assembly in September further underscored his decision to leave the embargo

untouched until “the corrupt, destabilizing regime in Cuba” makes fundamental reforms. These latest setbacks, however, are not fatal. As the Cuban exile leadership in the United States ages and mellows, wholesale opposition to rapprochement has declined, as indicated by the relatively soft measures announced by Trump in Miami in June 2017. Meanwhile, the constituencies in favor of normalization in both political parties have not gone away. If anything, the groups that have rallied for President Obama’s historic rapprochement towards Cuba have gotten stronger, more organized and better funded. The horizon looks cloudy, but over time, trends portend gradual progress toward U.S. entente with Cuba in the medium to long term.

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## NOTES

1. The United States has a history of failed democracy promotion in Cuba, epitomized by USAID’s Zunzuneo or “Cuban Twitter” program to provoke opposition to Fidel Castro’s regime through social media and resulting in Cuba sentencing USAID contractor, Alan Gross, to 15 years in prison.
2. Cuba’s history of Spanish colonialism planted the idea that political participation was contingent on government favor, with the government as the primary source of authority.
3. The Cuban non-state sector – private bed and breakfasts (casas particulares), restaurants, taxis, tour guides, etc. – receives about 31 percent of all tourist dollars. Many small business entrepreneurs rely on the recent influx of Americans travelling to Cuba. American travelers are more likely to use these services, particularly when traveling as individuals.
4. The author serves on its advisory board.
5. The author serves on its policy council.
6. JetBlue Flight 387 on August 31, 2016, was the first direct commercial flight between the U.S. and Cuba in over half a century.
7. Since AirBnb came to Cuba in 2015, making it easier for Cubans to rent out their homes to foreigners, the company has generated \$40 million in income for self-employed Cubans. AirBnb currently has 22,000 rooms for 70 cities and towns in Cuba.
8. The CCD export policy was also expanded to authorize services related to additional types of items authorized by Commerce, and to add training related to the installation, repair, or replacement of those items.
9. Americans belonging to the following categories were permitted to maintain a physical presence in Cuba: offices, retail outlets, or warehouses: “news bureaus; exporters of certain goods authorized for export or re-export to Cuba by Commerce and OFAC, such as agricultural products and materials for construction or renovation of privately-owned buildings; entities providing mail or parcel transmission services or certain cargo transportation services; providers of telecommunications or internet-based services; entities organizing or conducting educational activities; religious organizations; and providers of carrier and certain travel services.”
10. These general licenses allow remittances for humanitarian projects in or related to Cuba that are designed to directly benefit the Cuban people; to support the Cuban people through activities of recognized human rights organizations, independent organizations designed to promote a rapid, peaceful transition to democracy, and activities of individuals and non-governmental organizations that promote independent activity intended to strengthen civil society in Cuba; and to support the development of private businesses, including small farms.



11. There are actually three main types of claims---certified property claims, uncertified property claims, and state sponsor of terrorism claims--all of which put a burden U.S.-Cuba relations and necessitate settlements.

12. Title III of Helms-Burton allows the filing of claims against companies “trafficking” in areas confiscated from Americans after the Cuban revolution and was designed to have a chilling effect on foreign investment in Cuba. Every U.S. president since Bill Clinton has routinely suspended the lawsuit provision every six months because letting the lawsuits go forward would alienate important trading partners such as Canada and EU countries whose citizens have invested in Cuba .

## ABSTRACTS

The United States and Cuba made important strides after the re-launch of diplomatic relations between the two countries under Presidents Barack Obama and Raul Castro in 2015-2016. These changes were both psychological and symbolic as key themes of mutual respect, sovereignty and reconciliation gained ground. They were also pragmatic, cutting across a wide range of issues from travel and hospitality, which has helped catalyze a major increase in U.S. travelers to the island, to telecommunications and migration. These measures reflected the emergence of an effective coalition of U.S. constituencies that organized individual and joint efforts to regain the advantage over the traditional pro-embargo approach of the Cuban diaspora.

With the inauguration of Donald Trump in January 2017, however, forward momentum in bilateral relations has nearly ground to a halt as the hardline Cuban exile community has reasserted primacy in shaping U.S. policy toward the island. Nonetheless, the Republican Party is divided over how far to roll back the changes made by Obama as specific constituencies with the most to gain from normalization defend their interests in continued normalization. The author analyzes the various U.S. stakeholders pushing for relaxation of the embargo and how the Obama administration’s policies benefited them. It will also look at the role of the U.S. Congress and the prospects for rapprochement in the years ahead.

Les Etats-Unis et Cuba ont réalisé de grandes avancées dans leur relation après que les présidents Barack Obama et Raul Castro ont renoué les relations diplomatiques en 2015-2016. Ces changements étaient à la fois d'ordre psychologique et symbolique alors que progressaient des aspects aussi fondamentaux que le respect mutuel, la souveraineté et la réconciliation. Ils étaient également d'ordre pragmatique, couvrant un large éventail de questions, telles que les voyages ou l'hébergement — contribuant ainsi à catalyser une hausse significative du nombre de voyageurs américains sur l'île— ou bien encore les télécommunications et la question migratoire. Ces mesures ont reflété l'émergence d'une coalition de groupes d'intérêts américains qui ont réussi à organiser les efforts individuels et collectifs pour prendre l'ascendant sur l'approche traditionnellement favorable à l'embargo défendue par la diaspora cubaine.

Toutefois, avec l'entrée en fonctions de Donald Trump en janvier 2017, toute avancée dans les relations bilatérales est au point mort puisque la ligne dure de la communauté cubaine en exil est redevenue prépondérante dans la politique des Etats-Unis envers l'île. Cependant, le parti républicain reste divisé sur ce qui doit être maintenu ou supprimé dans les changements opérés par Obama car plusieurs groupes d'intérêts qui ont tout à gagner à la normalisation des relations défendent âprement la poursuite du processus de normalisation. L'auteur analyse les différents

secteurs américains favorables à un assouplissement de l'embargo et comment les mesures prises par l'Administration Obama ont pu leur bénéficier. Il analyse également le rôle du Congrès américain et les perspectives de rapprochement dans les années à venir.

Durante 2015-2016, Cuba y los Estados Unidos hicieron zancadas muy importantes tras de la re-lanza de las relaciones diplomáticas entre los dos países bajo Presidentes Barak Obama y Raul Castro. Estos cambios fueron psicológicos y simbólicos a medida que avanzaban los temas claves de respecto mutuo, soberanía, y reconciliación. También eran pragmáticos, atravesando una amplia gama de temas de viajes y hospitalidad, lo que ha ayudado a catalizar un importante aumento en los viajeros estadounidenses a la isla, a las telecomunicaciones ya la migración. Estas medidas reflejaban la aparición de una coalición efectiva entre unos grupos interesados estadounidenses que organizaban fuerzas juntas e individuales para recuperar la ventaja sobre la propuesta tradicional de la diáspora cubana que era pro embargo.

Sin embargo, tras de la toma de posesión de Donald Trump el enero de 2017, la comunidad de exilios cubanos ha retomado el poder de influir las políticas estadounidenses con respecto a la isla, y el impulso hacia adelante para con las relaciones bilaterales ha parado. Al mismo tiempo, el partido republicano está dividido en sus opiniones en cuánto debería revertir la normalización cuando grupos específicos con lo más para ganar continúan a defender sus intereses en la normalización. El autor analiza las varias partes interesadas quienes están empujando por una relajación del embargo y como las políticas de la administración de Obama les beneficiaron. El artículo también analiza el papel del congreso estadounidense y las posibilidades para *rapprochement* en los años que vienen.

## INDEX

**Mots-clés:** Cuba, normalisation, groupes d'intérêts américains, relations diplomatiques, embargo

**Palabras claves:** Cuba, normalización, grupos interesados estadounidenses, relaciones diplomáticas, embargo

**Keywords:** Cuba, normalization, U.S. constituencies, diplomatic relations, embargo

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