

CUBA STUDY GROUP

U.S.-CUBA RELATIONS IN THE BIDEN ERA:

A Case for Making Engagement Resilient as a Means of
Providing Long-Term Support for the Cuban People

WHO WE ARE

The Cuba Study Group is a non-partisan, policy and advocacy organization comprised of Cuban-American business leaders and young professionals who share a vision of a free, sovereign, inclusive and prosperous Cuba that provides opportunities for all of its citizens to fulfill their aspirations.

We aim to put our collective experience in leadership skills, problem solving, and wealth creation at the service of the Cuban people. By helping to remove both external and internal obstacles, we seek to facilitate change, empower individuals and promote civil society development in Cuba.

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EXECUTIVE SUMMARY

This paper makes a renewed case for engagement with Cuba as the best way for the United States to advance its national interests, reassert its regional leadership, reduce resistance to reform within the Cuban government, and promote a freer, more prosperous future for the Cuban people. It also argues that the United States should continue to highlight Cuba's democratic failings and support actors across the spectrum of Cuban society who work to ensure that greater economic and civic freedoms are guaranteed on the island.

The United States and Cuba must learn from both the successes and missed opportunities of their last period of détente. As President Joseph R. Biden Jr. looks to fulfill his pledge to return to a policy of engagement with Cuba, both countries must strive to make the normalization of relations resilient in order to insulate progress from unpredictable political cycles. Getting there will require both governments to negotiate cooperation agreements and facilitate private sector economic arrangements that can sufficiently cement diplomatic relations and socio-economic integration between the two countries. In many instances, progress may only be achieved through individual but parallel policies that both reduce exposure to codified U.S. embargo sanctions and generate the political space necessary for the U.S. Congress to lift them. For Cuba, this means taking advantage of the next four years to advance meaningful economic liberalization and guarantee greater rights for Cubans both at home and abroad. For the United States, it means abandoning its centerpiece policy of regime change and allowing Cuba's future to be determined by and among Cubans themselves.

This may seem like a daunting task, but circumstances are still conducive for meaningful diplomatic breakthroughs between the historic Cold War adversaries. The devastating effects of the Covid-19 pandemic have prodded Cuba to finally overhaul its dual-currency system and commit to further market liberalization. Cuban authorities have an opportunity to signal to their citizens, the Cuban diaspora, and Washington that they are finally willing to bring their country into the 21st century. But effective follow-through is less likely if the United States continues to be seen as attempting to exploit the crisis by maintaining blanket sanctions under the illusion that further pressure will cause the Cuban government to break.

Thus, we recommend that the Biden administration pursue a multi-pronged approach to get bilateral relations immediately back on a more constructive track, regain control of the narrative, and incentivize further reforms in Cuba. Prioritizing early moves that have a clear and visible impact on the lives of Cubans on the island and abroad will help restore public support for engagement among Cuban-Americans. The

new administration should also place equal emphasis on addressing some of the more intractable issues that divide both governments early on.

Track 1: Restore Support for the Cuban People as a Policy Priority and Rebuild Trust

- a. Reverse policies that have unduly harmed the Cuban people. This includes, but is not limited to, lifting restrictions on commercial and charter flights, ending remittance caps, restoring consular services in Cuba, restarting the Cuban Family Reunification Program, reinstating the five-year multiple-entry visa for Cuban nationals, and revising banking and finance regulations to ensure the continuity of formal remittance transfers and correspondent banking in Cuba.
- b. Restore support for the Cuban private sector as a policy priority.
- c. Resume and bolster public health cooperation with Cuba to combat Covid-19.
- d. Restore and strengthen working-level diplomatic ties by appointing an ambassador to lead U.S. Embassy Havana (or a chargé d'affaires with ambassadorial rank if the Senate is unlikely to confirm an ambassadorial appointment), initiating bilateral talks to fully re-staff the U.S. and Cuban embassies with security guarantees, and resuming bilateral cooperation on national security issues.
- e. Implement additional confidence-building measures—like ordering an immediate apolitical review of Cuba's re-designation as a State Sponsor of Terror, updating and restoring the 2016 Presidential Policy Directive "United States-Cuba Normalization", and once again waiving Title III of the Helms-Burton Act—that improve the climate for success on higher-profile, longer-term impediments to normalization, such as those identified under Track 2.
- f. Create, through recurring public events, private consultations and official visits to South Florida, feedback mechanisms whereby the Biden administration can engage the Cuban American community on Cuba policy and gain input from a diversity of Cuban American community leaders and members in return.

Track 2: Tackle the "Tough Stuff" and Make Normalization Stick Through High-Level, Direct Diplomacy

- a. Designate a Special Representative for Cuba or other high-level administration official(s) to negotiate cooperation agreements, private sector economic arrangements, and roadmaps for resolving long-standing disputes between the United States and Cuba, with the aim of deepening socio-economic ties between both countries. Breakthroughs in negotiations on U.S. property claims, the Venezuelan crisis, and private sector trade can build momentum and shift the calculus for normalization on Capitol Hill.

Track 3: Respond to Openness with Openness

- a. As the Cuban government moves to recognize greater rights for its citizens and nationals, and opens opportunities for U.S. and diaspora direct investment, respond with U.S. economic openings allowed by executive authority.
- b. In tandem with progress made under Track 2 and/or Track 3(a), seek congressional support for repealing counterproductive codified Cuba sanctions, as well as for other targeted initiatives that broaden forms of U.S. assistance and support to the Cuban people beyond democracy promotion alone.

Cuba, for its part, must overcome internal resistance to a more open relationship with the United States and be willing to make changes that will safeguard bilateral relations regardless of which U.S. political party is in power. The Cuban government has long opposed demands for concessions involving their internal affairs or foreign policy. Yet normalization would benefit from less emphasis on process and more emphasis on results. Whether Cuba takes steps toward guaranteeing greater economic and civic freedoms as a result of bilateral negotiations or internal reforms, the fact remains it must take them if it wishes to free itself from the vicissitudes of U.S. politics. Meaningful progress in state-diaspora relations, legal investment in the island's private sector, and guaranteeing greater rights for all Cubans to participate in their country's economic, political, and public affairs would materially reduce Cuba's exposure to the dynamics of the Helms-Burton Act and other embargo laws. It would also help to generate the political momentum needed for the U.S. Congress to repeal these statutes once and for all. While standing on principle that it will not compromise its sovereignty, Cuba can and should make internal reforms that are in the interest of the Cuban people and have the corollary benefit of paving a sustainable road to full normalization with the United States. Reality requires movement and energy on both sides to achieve a more lasting rapprochement that can withstand further stress tests in the relationship that are bound to emerge along the way.

After 2020, the window for achieving significant progress toward full normalization may be finite, and the costs of not doing so could be severe. Failure to make relations stick this time around could entrench another generation of Cubans and Cuban Americans on both sides of the Florida Straits in prolonged patterns of mutual suspicion and hostility.

I. INTRODUCTION

On December 17, 2014, Cubans and Americans celebrated as their governments announced a historic agreement to restore diplomatic relations and work toward normalizing political and economic ties. Six years later, the hope of that moment has all but vanished, as bilateral relations are at their lowest point in recent memory.

Embassies remain open, and a number of agreements and regulatory changes from the Barack Obama administration remain in force. But between a dramatic reduction of diplomatic staff, severe restrictions on U.S. travel and remittances to the island, the unprecedented activation of Title III of the 1996 Helms-Burton Act, and the re-inclusion of Cuba in the list of states sponsors of terrorism, the Donald Trump administration's rollback of normalization efforts over the last four years was dramatic and relentless.

In 2019, events in Venezuela became a major new factor affecting Cuba policy. The White House implemented a "maximum pressure" campaign to pry the Maduro government and the Cuban government apart. But far from driving a wedge between both governments, new sanctions only gave Havana a reason to cling harder to those bonds.

The failings of current U.S.-Cuba policy are even more apparent in our present global health crisis. The outbreak of the Covid-19 pandemic last spring sent Cuba's already sclerotic economy into a tailspin. Yet rather than offering assistance to public health authorities in Cuba, the United States kept in place byzantine regulations governing sales of medical equipment and supplies to the island, and it tightened sanctions to the point of shutting down formal remittance channels, thus worsening the pandemic's humanitarian costs.

By now it is evident that the Trump administration's Cuba policy was primarily steered by domestic political concerns, particularly in the State of Florida. The 45th President sought to replace his predecessor's opening with a historically discredited policy of resource denial ostensibly designed to punish Cuban authorities and usher in democratic change. Yet while messaging around Cuba sanctions and the evils of socialism has long paid political dividends in Miami, there is scant evidence that a policy of regime change, under any U.S. administration, has punished anyone in Cuba more than the island's civil society, private sector, and general citizenry. Nor has such a policy ever advanced the cause of Cuban democracy in any discernible way.

For its part, the Cuban government's stubborn adherence to its outmoded centralized model has failed to deliver economic prosperity or guarantee civil

liberties for the Cuban people. In 2011, the government recognized that reforms were necessary to revitalize the island's moribund economy, but resistance within the Cuban Communist Party and its Soviet-style bureaucracy forestalled a deeper market opening. Neither a transition to new generational leadership in 2018 nor the ratification of a new constitution in 2019 were enough to shake the government out of its paralysis. This only deepened discontent with Cuban authorities among Cubans on and off of the island and spurred irregular migration to the United States.

Nevertheless, a sixty-year-old policy of blanket sanctions and economic pressure that by all metrics has compounded the suffering of the Cuban people is not morally superior. That is especially so if that policy has failed to yield meaningful concessions from Cuba's political leadership and complicates the island's path to recovery from health and economic crises. Far from encouraging change and reform from within, these policies actually make changes more difficult, politically costly, and painful for the citizenry.

Therefore, this paper makes a renewed case for engagement with Cuba—not as a silver bullet for fixing Cuba's problems, but as the best, most reasonable way for the United States to advance its national interests, reassert its regional leadership, reduce resistance to reform within the Cuban government, and promote a freer, more prosperous future for the Cuban people. It also argues that the United States should continue to highlight Cuba's democratic failings and support actors across the spectrum of Cuban society who work to ensure that greater economic and civic freedoms are guaranteed on the island. Strident denunciations of the failures of communism and absolutist conditions for sanctions relief are feeble substitutes for robust diplomacy and policy actions that balance idealism and realpolitik, show the United States as magnanimous, and progressively empower the Cuban people to shape their own destinies.

At the same time, the United States and Cuba must learn from both the successes and missed opportunities of their last period of détente. As President Joseph R. Biden Jr. looks to fulfill his pledge to return to a policy of engagement with Cuba, both

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economic arrangements that can sufficiently cement diplomatic relations and socio-economic integration between the two countries. In many instances, progress may only be achieved through individual but parallel policies that both reduce exposure to codified U.S. embargo sanctions and generate the political space necessary for the U.S. Congress to lift them. For Cuba, this means taking advantage of the next four years to advance meaningful economic liberalization and guarantee greater rights for Cubans both at home and abroad. For the United States, it means abandoning its centerpiece policy of regime change and allowing Cuba's future to be determined by and among Cubans themselves. Resilient normalization will also require both governments to tackle some of the thornier grievances that have divided our countries historically.

This may seem like a daunting task, but circumstances are still conducive for meaningful diplomatic breakthroughs between the historic Cold War adversaries. The devastating effects of the Covid-19 pandemic have prodded Cuba to finally overhaul its dual-currency system and commit to further market liberalization. Cuban authorities have an opportunity to signal to their citizens, the Cuban diaspora, and Washington that they are finally willing to bring their country into the 21st century. But effective follow-through is less likely if the United States continues to be seen as attempting to exploit the crisis by maintaining blanket sanctions under the illusion that further pressure will cause the Cuban government to break.

Engagement is not an end in itself, nor a guarantee. It is a pathway that, much more than perpetual sanctions, holds the greatest promise to gradually steer actors in Cuba and the United States toward a more prosperous, shared future—one in which the Cuban people alone choose their destiny. **The Biden administration has a unique opportunity to right the course, but so must Cuba do its part.** After 2020, the window for achieving significant progress may be finite, and the costs of not doing so could be severe. Failure to make normalization stick this time around could entrench another generation on both sides of the Florida Straits in prolonged patterns of mutual suspicion and hostility.

II. ENGAGEMENT: MERITS AND MISSED OPPORTUNITIES

Beginning in 2009, but accelerating dramatically between 2015 and early 2017, the United States made it easier for U.S. citizens and residents to travel to the island, eased restrictions on spending money in and sending money to Cuba, and opened the door for limited forms of U.S. investment that stood to primarily benefit the Cuban people. While the embargo as a whole is codified under U.S. law, the executive branch

retains significant authority over how it is implemented.¹

Opponents of such measures argued that they “achieved nothing” and amounted to the United States “giving everything away” without receiving anything in return.

On the merits of its own goals—that is, incrementally empowering a wide array of civic and economic actors in Cuba, and advancing U.S. interests—engagement was more successful than any other U.S. policy toward Cuba of the past 60 years.

Such criticisms fundamentally misjudge policies of engagement by the standards of the 1996 Helms-Burton Act and other laws codifying the U.S. embargo against Cuba, whose aim was to precipitate regime change thorough policies of resource denial. On the merits of its own goals—that is, incrementally empowering a wide

array of civic and economic actors in Cuba, and advancing U.S. interests—engagement was more successful than any other U.S. policy toward Cuba of the past 60 years:

- **Cuba saw unprecedented private sector growth.** Hundreds of thousands of U.S. travelers to Cuba (dating to 2011) helped fuel a significant expansion of Cuba’s nascent private sector, benefitting thousands of livelihoods. By late 2016, fully one third of Cuba’s labor force was working—formally or informally—in the private sector. By relaxing remittance restrictions, the White House also facilitated the creation of new financial and informal investment linkages between Cubans at home and abroad.
- **Access to information and technology on the island exploded.** As part of the agreement to normalize diplomatic relations in 2014, Cuba committed to expanding internet access for its citizens. Regulatory changes authorizing U.S. investment, dialogue, and partnerships with Cuba’s state telecommunications authorities helped pressure the Cuban government to follow through on this commitment beginning with the creation of public Wi-Fi hotspots in 2015. Cuba has since further expanded Internet access through the rollout of 3G and 4G data services.

¹ U.S. sanctions on Cuba are administered and enforced by the Treasury Department’s Office of Foreign Assets Control (“OFAC”) through the Cuban Assets Control Regulations (“CACR”) and by the Commerce Department’s Bureau of Industry and Security (“BIS”)—regarding exports to Cuba—through the Export Administration Regulations (“EAR”), in consultation with the Department of State. Federal regulations generally prohibit all U.S. persons from entering into any transaction in which Cuba or any Cuban national has an interest, either direct or indirect, including payment transactions, extensions of credit and all dealings in, transfers, importations and exportations of any type of property. However, OFAC and BIS both have broad power to authorize otherwise prohibited transactions and exports through the issuance of licenses.

- **Diaspora-island relations improved.** The Cuban American community and the Cuban population became more integrated. Increased travel and communication in both directions facilitated the flow of information and telecommunications equipment (smart phones, software, media, etc.) and sowed the seeds of reconciliation across divides of experience and history.
- **Civil society partnerships and activism blossomed.** Partnerships with U.S. universities, NGOs, and cultural institutions helped propel the growth and diversification of Cuba's civil society. Likewise, both open dissent and voices for more incremental reform flourished between 2015 and 2016. In a context where the United States was beginning to be seen as a potential partner, Cuba's internal voices for change could no longer be so easily dismissed as proxies of a foreign enemy.

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During this period, U.S. and Cuban authorities also set aside the antagonist rhetoric that largely defined their relations for decades and opened direct dialogue on issues of mutual concern. Formal embassies opened in both nation's capitals in 2015, which facilitated routine government-to-government communication as well as the work of issue-specific bilateral working groups. Direct

talks with Cuban officials resulted in the signing of over 20 bilateral agreements and Memoranda of Understanding (MOUs) that directly served U.S. policy goals in Cuba and benefitted U.S. national interests and security. Finally, direct diplomatic engagement positioned U.S. officials to more effectively support Cuban citizens and civil society and led to a historic, impactful presidential visit in 2016.

That said, Cuba was slow to respond to many of the opportunities that engagement provided. Dozens of American companies traveled to Havana in 2015 and 2016 seeking opportunities created by modest new commercial allowances under U.S. law—including in Cuba's state sector. All but a few were rebuffed or got bogged down in Cuba's bureaucracy. Cuba also did not take advantage of the detente to sufficiently deepen domestic reforms. While the Cuban private sector flourished with the help of increased numbers of U.S. visitors, it remained tightly constrained in scale and in the areas of the economy in which it could operate. Cuban officials balked at granting the so-called "self-employed" the legal recognition they would need to be able to access import and export channels directly or accept foreign investment legally—despite offers from many U.S. institutions, NGOs, and advocates to help.

Politically, the cumulative effect of unprecedented U.S. engagement also prompted a defensive response from some in the Cuban Communist Party. Unnerved by the expectations unleashed by President Obama's visit and wary of the pressures on centralized control that a closer relationship with the United States created, hardliners within the Cuban government seized on a characterization of engagement as "regime change by other means" by mid-2016. These hardline voices sidelined and antagonized moderate voices who favored internal reforms, and put the brakes on a further economic or political opening. The prospects of a return to regime change policy after the election of Donald Trump only strengthened the hardliners' hands, setting the stage for a further freezing of reform dynamics inside Cuba and a revival of familiar patterns of bilateral recrimination and hostility.

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Yet relations between Cubans at home and in the United States did not advance as far as necessary to build an abiding diaspora constituency for normalization policy. Despite an important revision to its own migration laws in 2013, which made it easier for Cubans to travel abroad and maintain ties with their home country after emigrating, the Cuban government did not implement other reforms that Cuban migrants consistently requested.

Despite an important revision to its own migration laws in 2013, which made it easier for Cubans to travel abroad and maintain ties with their home country after emigrating, the Cuban government did not implement other reforms that Cuban migrants consistently requested. These included: homogenizing migrant categories under Cuban law, ending prohibitions on return for Cubans who "abandon" official missions abroad, reducing expensive passport fees and extensions, lifting residency requirements for political participation, or allowing

Cubans abroad to invest legally in the island's private sector. Combined with the underrecognized importance of rising remittance receipts for the Cuban economy and continued grievances related to Cuba's closed political system, these limits bred substantial resentment in Cuban diaspora communities.

III. RETURN TO RESOURCE DENIAL: DUBIOUS RESULTS AND HUMANITARIAN COSTS

The Trump administration's policy toward Cuba developed in phases. In June 2017,

President Trump announced that he was "cancelling" President Obama's "bad Cuba deal" and implemented modest new travel restrictions and a "Restricted Entities List" of enterprises linked to the Cuban military with whom U.S. persons were henceforth prohibited from engaging in transactions. The climate began to deteriorate further with reports of unexplainable health incidents affecting U.S. and Canadian diplomatic personnel in Havana dating to the year before. The United States held Cuban officials responsible for not providing sufficient security and permanently downgraded its embassy to ordered departure status. By April 2018, the drawdown of the U.S. embassy and consequent closure of the U.S. consulate in Havana became permanent.

In 2019, and in coordination with its efforts to bring about a political transition in Venezuela, the Trump administration began to implement a wider "maximum pressure campaign" on Cuba that continued through 2020. Measures included (but were not limited to):

- The elimination of 5-year multiple entry visas for qualified Cuban visitors to the United States.
- The activation of Title III of Helms-Burton, an unprecedented step that authorized lawsuits in U.S. courts against foreign and Cuban entities alleged to be "trafficking" in private property confiscated by the Cuban government in the 1960s.
- The cancellation of a 2018 contract between Major League Baseball and the Cuban Baseball Federation to create a formal pathway for the recruitment of Cuban baseball players to the Major Leagues.
- The ending of all "people-to-people" educational travel to the island, including cruises.
- Sanctions on shipping companies transporting oil from Venezuela to Cuba.
- Lowering the permissible level of de minimis U.S.-origin content in goods exported to Cuba from third countries to 10% (from a previous 25%).
- Bans of all commercial and charter flights to Cuban destinations from the United States, with the exception of Havana.
- The expansion of the "restricted entities list" to ban U.S. persons from staying at most Cuban hotels.
- New quarterly limits on family and donative remittances to Cuba, followed by prohibitions on U.S. remittance providers from working with Cuban military-linked banking counterparts, thus halting legal remittance flows completely.

Broadly speaking, these policies returned the United States to a decades-old strategy

of resource denial. Shut off the sources of hard currency to the Cuban economy—or scare away foreign investment—and the Cuban government purportedly would be forced to adjust its domestic and international behavior (including its ties with

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Venezuela) or cede control when faced with domestic demands for change. But there was over five decades of evidence to show this approach was unlikely to succeed. Nor is there evidence it worked over the last four years. Judged by the merits of its own objectives—bringing about the downfall of the Cuban regime, or curbing its support for the Maduro regime in

Caracas and human rights abuses at home—this embargo redux failed.

Consider the following: In April 2018, Cuba's government successfully completed a partial generational leadership transition—the selection of Miguel Díaz-Canel as President of the Councils of State and Ministers—without incident. A reform to Cuba's constitution followed in 2019 that acknowledged new forms of private property but kicked down the road binding economic changes, like the legalization of small and medium-sized enterprises. It also ignored demands for greater political participation entirely. In the meantime, private sector expansion on the island had stalled, with Cuban authorities implementing a 16-month freeze on the issuing of new licenses to private sector businesses in August 2017. Likewise, in the last few years, direct and indirect forms of repression against democracy and civil society activists have increased. Far from liberalizing Cuba's political sphere, Decree-Laws 349 (2018) and 370 (2019) placed greater restrictions on free expression by seeking to prohibit independent artists from working legally and threatening fines or jail sentences for individuals using publicly controlled internet networks in ways deemed threatening to the Cuban state. Most recently, public protests sparked by the government's decision to raid the headquarters of the San Isidro Movement (MSI)—a group of artists and other creatives who demanded greater political freedoms and the release of one of their colleagues from jail—were dismissed as U.S.-backed provocations in state media. Several protest leaders were subsequently prohibited from leaving their homes.

That said, the Trump administration was keenly successful in championing its policy among the U.S. voters likely to care about it most: Cuban-Americans. It became clear early on that the reversal of engagement's purported "failures" mattered to the White House for its electoral mobilizing potential. In a constant series of high-profile visits to South Florida, Trump administration officials aggressively linked a crusade against communism abroad to a campaign against the purported infiltration of left-wing

socialism at home. Neither reality nor results matched the rhetoric, but as the election returns of 2020 in Miami-Dade County suggest, the strategy seems to have paid off.

At the same time, advocates of resource denial may point to events in Cuba in 2020 and early 2021 as dubious evidence that the cumulative effects of U.S. economic pressure worked. In July 2020, the Cuban government announced that it would be moving forward on several long-stalled pieces of its previously approved roadmap for economic reform. These included: expanding space for Cuba's "self-employment" sector, legalizing small- and medium-sized private enterprises, and advancing currency reform. Yet while currency reform officially began on January 1, 2021, Cuba's expansion of "self-employment" in February 2021 was accompanied by explicit prohibitions on private sector work in a range of professional, wholesale, and value-added activities where there is no compelling reason for the state to have a monopoly.² Meanwhile, by early 2021, talk of legalizing small and medium sized enterprises had quieted to a murmur. It is doubtful that U.S. policies were the direct cause of these modest private sector openings. While deteriorating economic conditions in Cuba over the last four years have contributed to domestic distress, all signs suggest Cuban authorities resisted pressures for reform until hit by the devastating economic effects of Covid-19, which forced the country to shut its borders to tourism and sent the economy into its worst crisis since the 1990s.

All told, the Cuban government made only one concession to Trump administration pressure. In late 2020, it quietly authorized the Cuban Central Bank to take over for a blocked military-run financial enterprise, FINCIMEX, as the intermediary for remittance processing in the country. (At present writing, however, the new link is inactive, and of course, the Cuban Central Bank is still a government-owned entity.) Yet, this concession is slim compared to the outsized humanitarian costs of the Trump administration's two-year "maximum pressure" campaign. Renewed travel restrictions for U.S. citizens predominantly hurt the Cuban people, civil society actors, and independent entrepreneurs who had come to count on U.S. customers and become an important voice for reform. Renewed travel and remittance restrictions for Cuban Americans, meanwhile, unjustly punished Cuban families for the actions of the Cuban government. The closure of the U.S. consulate in Havana—to say nothing of a broader immigration crackdown at the U.S.-Mexico border—left would-be Cuban migrants and visitors to the United States, including refugees and asylum seekers, with few remedies. And as the recent raid on the MSI and subsequent quelling of public protests showed, far from improving Cuba's human rights record or creating conditions for democratization, hostility contributed to a climate in which it became easy for the Cuban government to

² Consult the full list here: <http://media.cubadebate.cu/wp-content/uploads/2021/02/Anexo-No-1.pdf>

once again label all critics as "mercenaries" of Washington's designs.

The fact remains that a policy of resource denial once again failed to advance democracy for Cubans or reduce the government's repression of dissenters, but it did cause severe dislocations for the Cuban people. Nor has Cuba changed its position of steadfast solidarity with the government of Nicolás Maduro. Despite claims by the most ardent proponents of the U.S. embargo, a policy that aggravates the suffering of the Cuban people, without achieving concrete outcomes beyond symbolic victories to stoke up U.S. electoral campaigns, is not and can never be morally superior.

IV. NATURE ABHORS A VACUUM: CEDING GROUND TO U.S. COMPETITORS

The end of U.S. engagement policy toward Cuba also left a void for other countries to fill. In the best cases, friendly nations like Canada, the United Kingdom, Spain, and Norway seized the opportunity to beef up their diplomatic outreach, civil society support, and business investments on the island. Direct negotiations between Cuba and the European Union also yielded a significant political and economic accord in late 2016 that both sides have continued to implement. Such strategies have elicited positive responses from the Cuban government—including on sensitive matters like human rights—where U.S. sanctions continue to fail.³

Far more worrisome for U.S. interests have been the efforts by global rivals like China and Russia to seize the ground that the United States left behind. Cuban authorities know the contours of great power competition. Even when normalization was ongoing, they occasionally bolstered their ties with U.S. adversaries. Nonetheless, allowing that a healthy diversity of limited alignments is in the Cuban national interest, the

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United States should not relish announcements that a Russian spy ship visited Havana harbor (2018), that Chinese trains are now running along Cuba's dilapidated national railway, or that Cuba ultimately turned to Chinese

technology giants like Huawei to help build out its internet infrastructure, rather than accepting offers from U.S. companies like Google.

³ For example, quiet European Union diplomacy was instrumental in securing the release of José Daniel Ferrer, a Cuban pro-democracy activist imprisoned for political motives for several months beginning in late 2019, and currently held under house arrest.

China and Russia do not appear willing to supplant Venezuela as Cuba's predominant trade partner and chief financial benefactor. Nonetheless, recent investments, partnerships, and bilateral agreements between the Cuban government and China and Russia on issues like intelligence cooperation, information and communications technology development, and cyber-security do represent challenges to U.S. interests. At a time when asymmetrical and unconventional threats among great powers are of growing concern, the United States must not undercut its own national interests by minimizing its presence in Cuba. Any U.S. administration should prefer a Cuba that counts on U.S. private enterprise, know-how, and technological standards for its future development. At the same time, the United States would better serve the Cuban people by helping their government reach the best possible accommodation in its relationships with great powers, rather than by encouraging Havana's defiance through a singular focus on regime change.

V. MAKING RELATIONS RESILIENT

Engagement with Cuba remains both the most practical and moral long-term policy approach toward the island. It is also the one that best advances U.S.

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interests. Economic bridges and partnerships—especially with the island's emergent private sector and certain public sector industries—improve living conditions for the Cuban people. This puts them in a stronger position to demand changes within their own society over time. Likewise, on a number of practical fronts—immigration, combatting drug trafficking, environmental mitigation, and public health—there remain strong national

security imperatives for the U.S. government to collaborate with Cuban authorities.

Diplomatic recognition and dialogue do not give the Cuban government a pass for its practices. Rather, they provide the best chance for the United States to advocate for its own interests and democratic norms directly with Cuban authorities, while also removing external impediments and pretexts for internal Cuban reform. Furthermore, engagement better positions the United States to enlist Cuban cooperation in seeking a peaceful resolution to sensitive international matters like the crisis in Venezuela. Otherwise, the Venezuelan political crisis appears likely to remain a stalemate. As it

stands, Cuba has little incentive to reconsider its support for the Maduro regime.

And yet, the United States and Cuba must also surpass the limitations of what was achieved between 2014 and early 2017. The fact that the Trump administration was able to rollback engagement policies so thoroughly, and at no domestic political cost, proves that efforts to "bury the last remnant of the Cold War in the Americas" (as President Obama put it in 2016) did not go deep enough—on either side of the Florida Straits. By the end of the Obama administration, neither government-to-government relations, U.S.-Cuba commercial ties, nor Cuba-diaspora links had deepened enough to generate stakeholders willing and able to aggressively push back against a reversal of engagement policy. Moving forward, the guidepost for a policy of engagement must be to make that policy resilient—resilient to future challenges to the U.S.-Cuba relationship (of which there will no doubt be many), and to political volatility in the region and leadership changes in the United States. That means not just picking up where the Obama administration left off, but also revising the approach to maximize its political sustainability.

Thus, we recommend that President Biden pursue a multi-pronged approach to get bilateral relations back on a more constructive track immediately, regain control of the narrative, and incentivize further Cuban reform. The approach involves 1) measures the Executive Branch can and should implement unilaterally to undo the damage of the last four years, 2) high-level diplomatic negotiations to make progress on deeper bilateral divides and more durable commercial ties, and 3) measures that the United States can implement in response to evolving conditions in Cuba itself. It should be a flexible approach, comprised of ongoing exchanges, with agreements where possible, and individual but parallel measures where prudent. What is key is that it be mutually responsive, with both sides acting proactively to strengthen relations today, and not waiting for more favorable conditions to materialize in some uncertain future.

Because the politics around Cuba and Florida under the Trump administration have undermined the public concept of how normalization helps empower the Cuban people and improve their lives, we suggest that the Biden administration prioritize early moves that have a clear and visible impact on the lives of Cubans on the island and abroad, in order to highlight what a U.S.-Cuba policy of engagement can achieve.

We believe the Biden administration should restart high-level bilateral talks as early as possible to address more intractable issues that divide both governments as well as negotiate more enduring trade and investment openings allowed by executive authority.

At the same time, we believe the new administration should restart high-level bilateral talks as early as possible to address more intractable issues that divide both governments as well as negotiate more enduring trade and investment openings allowed by executive authority. The approach taken by the Obama administration and Cuban authorities after the initial breakthrough in 2014 focused first on building trust and goodwill, taking actions that empower the Cuban people, and then tackling thornier items like trade/investment or the settlement of U.S. property claims. But the reversal of 2014-2017 has shown that failure to make progress on difficult bilateral matters, particularly those that directly impact U.S. and Cuban citizens, is a significant factor exposing normalization to electoral impatience in the United States. Cuban authorities themselves have acknowledged that, from their end, little progress toward the resolution of deeper grievances with Washington makes it hard to envision a path to normalization that is sustainable over time.

VI. RECOMMENDATIONS TO THE BIDEN ADMINISTRATION

Track 1: Restore Support for the Cuban People as a Policy Priority and Rebuild Trust

a. Reverse policies that have unduly harmed the Cuban people.

The Biden administration should immediately and unilaterally undo recent measures that disproportionately hurt Cuban citizens. In so doing, it should highlight the positive benefits that policies of engagement can bring to the Cuban people, including in the Cuban diaspora community in the United States. In this spirit, we urge the Biden administration to:

- Reauthorize commercial and charter travel to all previously authorized Cuban destinations.
- Restore general licenses for self-guided and group people-to-people travel, as well as all other previously authorized travel categories.
- Lift all limits on family & donative remittances imposed since 2019.
- Revise banking and finance regulations to ensure the continuity of formal remittance transfers and correspondent banking in Cuba. (As Cuba allows for the establishment of alternative financial structures independent from military control, OFAC should provide guidance to remittance processors and financial institutions to facilitate transactions.)
- Restart the Cuban Family Reunification Program (CFRP), flying in personnel on a weekly basis to process applications and using videoconferencing technology at

U.S. Embassy Havana for interviews as long as regular consular services remain interrupted.

- Ensure the expedient and fair processing of all pending Cuban asylum claims, allow Cuban asylum seekers in ICE custody to await adjudication of their claims in the company of family members paroled into the United States, and end Cuban inclusion in the "Remain in Mexico" Program (if the program is not eliminated in full)—or, if eligible, allow would-be Cuban migrants in third countries to apply for entry into the United States under the revived CFRP.
- Reinstate the five-year, multiple-entry B2 visitor visa for qualified Cuban nationals (through third-country embassies until consular services in Havana are restored).
- Reinstate the awarding of student visas for qualified Cuban students seeking to pursue graduate degrees in the United States, and agree to process in Havana as exceptions before full consular services are restored.
- Reauthorize wide academic, scientific and cultural exchanges to facilitate the operations of American NGOs in Cuba.
- Loosen sanctions that restrict the export of goods to Cuba from third countries if those goods have 10% or more components of U.S. origin.
- Direct the United States Postal Service to resume direct mail with Cuba.

b. Restore support for the Cuban private sector as a policy priority.

It should be the policy of the United States to facilitate U.S. private sector support for the continuing expansion of the Cuban private sector, regardless of evolving limitations and restrictions under Cuban regulations. To expand the practical impact and reach of Obama-era authorizations for trade with the Cuban private sector that remain in effect, the Biden administration should create a new general license that:

- Enables Cuban entrepreneurs with non-immigrant visas to open bank accounts and establish corporate entities in the United States.
- Authorizes U.S. persons to provide business-to-business services to Cuban entrepreneurs and non-state enterprises (including electronic payments processing).
- Removes tariff barriers to approved importations from Cuban entrepreneurs.
- Allows direct investments by U.S. persons in Cuba's private sector, to encourage Cuba to create a legal framework for such investments.

c. Resume and bolster public health cooperation in light of Covid-19.

The Biden administration should also restore and improve public health cooperation with Cuba in response to the ongoing challenges associated with Covid-19. We recommend it:

- Reinstitute the 2016 MOU between HHS and Cuba's Ministry of Public Health, focusing on information exchanges and facilitating acquisition of proven vaccines and other therapies.
- Authorize U.S. sales of medical supplies, equipment, and other emergency equipment to Cuba via general license, and loosen end-use verification requirements.

d. Restore and strengthen other working-level diplomatic ties.

The Biden administration should resume diplomatic ties and dialogues on practical issues of shared concern with Cuban authorities. To do so, it must:

- Appoint an ambassador to lead U.S. Embassy Havana, or a chargé d'affaires with ambassadorial rank if the Senate is unlikely to confirm an ambassadorial appointment.
- Initiate a bilateral dialogue to fully re-staff U.S. and Cuban embassies with appropriate security guarantees. (It has been more than two years since the last reported health incident among U.S. diplomatic personnel. Similar incidents affecting U.S. personnel in China did not result in a consular shutdown. Investigations on the causes of these injuries should continue and will be better served with a fully functional embassy representing U.S. interests in Havana.)
- Resume full U.S. consular operations in Havana & comply with 2017 migration accords.
- Resume and strengthen bilateral cooperation on national security issues of mutual interest (e.g. migration, law enforcement, counternarcotics).

e. Implement additional confidence-building measures that improve the climate for success on higher-profile, longer-term impediments to normalization.

In order to strengthen the likelihood that Cuba will come to the table on some of the delicate issues enumerated in Track 2 below, the Biden administration should take the following steps to help further restore bilateral trust and goodwill:

- Order an immediate apolitical review of Cuba's re-designation as a State Sponsor of Terrorism.
- Resume full waiver of Titles III and IV of the Helms-Burton Act.

- Call for a review of the U.S. State Department’s Cuba Restricted List to determine whether transactions involving entities and sub-entities identified on the list do in fact disproportionately benefit the Cuban military, intelligence and security services at the expense of the Cuban people and private enterprise in Cuba, and revise the list accordingly.
- Replace the Trump administration's National Security Presidential Memorandum NSPM-5 entitled "Strengthening the Policy of the United States Toward Cuba," from June 2017, with an updated version of the Obama administration's Presidential Policy Directive "United States-Cuba Normalization," dated October 2016, that responds to current circumstances.
- Order the U.S. Department of State to conduct a full review and audit of existing Cuba democracy promotion programs to address conflicts of interest and

The Biden administration should directly engage the Cuban American community as a partner in its policy toward Cuba. It should seek regular, honest appraisals on its approach and cultivate popular support for its policies.

misplaced incentives, and ensure programs are consistent with, and supportive of, the administration’s policy. (Aside from the Cuban government's opposition to the latter as unwelcome interference in its internal affairs, past non-partisan investigations have shown that such programs are rife with wasteful spending, suffer from a lack of professionalism, and tend

to delegitimize their recipients in so far as they are funded under a provision of the Helms-Burton Act linked to an explicit U.S. policy of regime change.⁴)

- Direct the U.S. Department of Agriculture to engage its Cuban counterpart in a dialogue on food production and security, with a focus on providing assistance to the island’s cooperative and private agricultural sector.
- Revive and revise the deal between Major League Baseball and the Cuban Baseball Federation as necessary to minimize its exposure to U.S. codified sanctions.

f. Engage the Cuban American community as a partner.

Through periodic public events, private consultations, and official visits to South Florida, the Biden administration should create channels whereby it can explain its policies to Cuban Americans and gain input from a diversity of Cuban American community leaders and members (e.g. young and old, U.S.-born citizens and recent

⁴ Cuba Democracy Assistance: USAID's Program is Improved, but State Could Better Monitor its Implementing Partners (Washington, D.C.: Government Accountability Office, 2013).

immigrants) in return. Such dialogues will help the administration:

- Receive regular, honest appraisals of the content and pacing of its Cuba policy measures.
- Cultivate popular buy-in within the Cuban American community for its approach.

Track 2: Tackle the “Tough Stuff” and Make Normalization Stick Through High-Level, Direct Diplomacy

a. Designate a Special Representative for Cuba or other high-level administration official(s) to negotiate cooperation agreements, private sector trade/investment arrangements, and roadmaps for resolving long-standing disputes between the United States and Cuba, with the aim of deepening socio-economic ties between both countries.

Negotiations with Cuban officials and relevant stakeholders should tackle a host of bilateral issues, including, but not limited to, the following:

- The settlement of long-standing certified U.S. property claims, making clear this is a top priority for the administration.
- A pathway to resolving Cuban American property claims, including the possible establishment of an independent mechanism for Cuban Americans to negotiate settlements directly with the Cuban government.
- How to structure private sector trade and investment arrangements to minimize their exposure to U.S. codified sanctions.
- The Venezuelan crisis—specifically, involving Cuba in multinational negotiations to broker monitored elections in Venezuela.
- Returning fugitives of U.S. justice to the United States.
- Restarting a bilateral Human Rights Dialogue that addresses Cuban political prisoners, politically motivated detentions and travel restrictions on the island, and the work of non-state media.
- Advancing investigations on health incidents at U.S. Embassy Havana and a more recent April 2020 shooting incident at Cuba's Embassy in Washington.
- Opportunities to structure multilateral aid packages and other investments in critical infrastructure and energy with minimal exposure to U.S. embargo laws.
- The future of structural obstacles to fully normalized relations such as the Helms-Burton Act and other relevant statutes, the wider trade embargo, U.S.-funded broadcasters Radio and TV Martí, and the U.S. military base at Guantanamo Bay.

Between 2015 and 2016, several of these issues were under the remit of bilateral

working groups, or the respective diplomatic missions in both countries. That said, recognizing that it may take a new team at U.S. Embassy Havana the better part of a year to accomplish many of the items in Track 1, we believe the appointment of a higher-profile envoy (or envoys) from the administration is warranted. This would facilitate the pace of work on multiple fronts, and it would also signal to Cuba that the United States assigns achieving real progress on this basket of difficult issues a high level of priority.

High-level diplomacy will not be easy. Each of the issues listed above has proven thorny for a reason. On property claims, it will be crucial to manage expectations, as they could take years to solve completely.⁵ Nor is Cuba currently in an economic position to pay claimants directly. The United States will be reticent to directly pay for or acknowledge damages for the effects of the embargo, as Cuba demands. And any potential solution to the status of Guantanamo Bay requires a separate plan for solving the equally intractable problem of what to do with terror suspects detained on the U.S. base.

Selecting the right interlocutors to lead negotiations on behalf of the United States will also be crucial. They must be individuals whose professionalism and diplomatic experience breeds trust on the Cuban side. Bipartisan representation within the negotiating team would also help them maintain credibility in Washington and in South Florida. There will continue to be opposition to direct negotiations with the Cuban government among many Cuban expatriates—even as, hopefully, Cuba’s ongoing domestic reform efforts and the administration’s own efforts to reshape the narrative restore a wider constituency for normalization within the Cuban American community. (More on both of these points below). Frequent consultations with Cuban Americans will also provide helpful guidance in responding to these critiques.

Perhaps the biggest challenge is that a U.S. diplomatic team will also be handicapped in what it can deliver. We would prefer that the Executive Branch have fuller discretion over Cuba policy. However, because many aspects of U.S. sanctions on Cuba are codified by law, grievances that Cuba most wants addressed—including the complete lifting of the embargo and the repeal of Helms-Burton—are not in the Executive Branch’s power to effectuate on its own.

Nonetheless, there are creative ideas for workarounds on sensitive topics—like swapping property claims for investment incentives/breaks, building a fund for compensation, and establishing a basis for future investment guarantees. Similarly, the U.S. could address the legacies of the embargo by opening Cuba’s path to international financing or offering substantial economic development aid. On Venezuela, the United

⁵ By comparison, negotiations on U.S. property claims after the Sandinistas rose to power in Nicaragua took 20 years.

States could bring Cuba to the table by offering incentives like access to energy trade and investment that address the island's economic needs while easing its political anxieties. There is nothing to stop U.S. negotiators from outlining the parameters or framework of a deal on any of these matters (in isolation or together), and then using the notional commitments Cuba has made in the process to bring its case before Congress.

Recognizing that all of these issues cannot be resolved overnight, or even in one administration, the goal must nonetheless be to demonstrate significant progress, and even a breakthrough or two, to improve the lives of the Cuban people, build goodwill, and strengthen long-term support for normalization efforts in the United States. If negotiators can work out pieces of a deeper *modus vivendi*, that momentum could shift the calculus of other necessary stakeholders, namely on Capitol Hill.

Track 3: Respond to Openness with Openness

a. Enable Cuban-led economic reforms with responsive U.S. commerce and regulatory openings allowed by executive authority.

As the Cuban government moves to recognize greater rights for its citizens and nationals, and opens opportunities for U.S. and diaspora direct investment, the United States should:

- Restore prior authorizations for U.S. trade and investment in infrastructure projects (renewable energy, transportation, water and sanitation, etc.) benefit the Cuban people.
- Eliminate the full Restricted List of Cuban entities with which U.S. persons are forbidden from doing business or engaging in even otherwise licensed transactions.

b. Seek congressional support for removing impediments of current U.S. law governing Cuba sanctions as well as other targeted initiatives.

In tandem with progress and notional commitments made on Track 2 and/or Track 3(a), the Executive Branch should consider the following options:

- Request that Congress codify trade and investment authorizations that support the Cuban private sector.
- Request congressional allocations for aid initiatives geared toward Cuban economic development.
- Mobilize allies in Congress to repeal the travel ban and prohibition on agricultural sales financing under the 2000 Trade Sanctions Reform Act (TSRA), and to fully repeal the 1992 Cuba Democracy Act and the 1996 Libertad Helms-Burton Act, which codify the bulk of the embargo.

VII. RECOMMENDATIONS TO THE GOVERNMENT OF CUBA

Diplomacy, as in dance, takes two. As noted above, the Cuban government resisted attempts under the Obama administration to frame engagement as a better way to bring about political and economic change on the island. That is not surprising given Cuban authorities' historical aversion to legacies of U.S. political interference in island affairs. U.S. engagement was also sometimes described in the media as a Trojan Horse, whereby the onslaught of U.S. visitors eager to "see Cuba before it changes" would accelerate that change by infusing Cuba with capitalist values. Such characterizations intensified rather than eased Cuban officials' fears of change and nationalist anxieties.

Nonetheless, as noted above, this concern led to excessive trepidation on Havana's part when presented with the opportunities that engagement did provide. The Cuban government's calculus appeared to be that, with normalization here to stay, it was better to go slow, and perhaps even play off a burst of American investment interest to court better terms with investors from elsewhere. Yet because of that caution, or false sense of confidence, normalization did not achieve enough by early 2017—particularly in terms of U.S. commercial engagement—to create constituencies in the United States deep enough to resist a return to bilateral conflict when the Trump administration chose that track. This, informed voices in Cuba's government now quietly admit, was a strategic mistake.

Nor did Cuba seize on the climate of engagement with its former Cold War rival to sufficiently deepen domestic reforms. Again, only in recent months, spurred by the effects of the Covid-19 pandemic and Cuba's deepest economic crisis in thirty years, have Cuban authorities moved to tackle currency reform and committed to accelerating liberalizing, market-friendly measures that the best Cuban economists have long argued are necessary. Ironically, in waiting so long, the Cuban government now risks giving credence to those in the U.S. who argue that tough sanctions lead to change, even if, as we have argued above, that is not the case.

Strategically and historically, it is understandable why Havana remains unlikely to put all its eggs in one basket and focus exclusively on a better U.S. relationship. A proud, nationalist strain in Cuban political culture is averse to the perception of caving to external demands for internal change. From its perspective, Havana also took risks in agreeing to normalize diplomatic relations with the United States in 2014 without its biggest grievances being addressed—including the embargo and U.S. government-funded democracy support for Cuban dissidents. They also saw progress quickly and unceremoniously reversed under Trump and may feel the onus is solely on the United States to fix its mistake.

If Havana has reason to be wary of going back down the road of normalization with Washington for fear of seeing advances subjected again to fluctuations in U.S. electoral politics, the best way to neutralize that concern would be to take better advantage of a return to engagement to deliver results for interested stakeholders and, above all, the Cuban people.

But if Havana has reason to be wary of going back down the road of normalization with Washington for fear of seeing advances subjected again to fluctuations in U.S. electoral politics, the best way to neutralize that concern would be to show serious interest in taking better advantage of a return to engagement to deliver results for interested stakeholders and, above all, the Cuban people. This means not just prioritizing government-to-government engagement, but also aggressively

pursuing commercial relationships and deepening internal reforms.

We recognize that the Cuban government has long opposed demands for concessions involving their internal affairs or foreign policy. Yet Cuban authorities must understand an abiding political reality: the longer it takes them to normalize relations with its diaspora, allow legal U.S. investments in its private sector, and take further steps toward opening Cuban society politically and economically, the longer they will remain vulnerable to the politics and dynamics of the Helms-Burton Act and its related embargo laws. Cuba must also recognize that to the degree its internal policies are among the drivers of irregular Cuban migration to the United States, they are relevant to U.S. national security.

Nevertheless, we agree that a policy of conditionality has never been, and is still not, the answer. For normalization to stick the emphasis must be less on process than on results. Whether Cuba takes steps toward greater economic and civic freedoms as a result of bilateral negotiations or internal reforms, the point is it must take them if it wishes to free itself from the vicissitudes of U.S. politics and dramatically improve its economic wellbeing. While standing on principle that it will not compromise its sovereignty to directly engage in quid pro quos for internal reform, Cuban officials can and should make internal reforms that are in the interest of the Cuban people and that have the corollary benefit of making the road to normalization with the United States easier in the first place.

Change is needed in Cuba not because the United States demands or wants it, but because—embargo or no embargo—Cuba’s future requires it. Cuba has already made the sovereign decision to advance a significant economic liberalization—though, as noted, measures implemented so far do not go far enough. It has also recognized the

need to reintegrate its nationals abroad into Cuban society and taken preliminary steps to normalize state-diaspora relations. Here, too, however, there is more work to be done. If following through on these items and deepening them as necessary enables a political pathway to lasting normalization, and indeed the resolution of big-ticket items that Cuba cares about most (e.g. the embargo), then that is something to celebrate. Reality requires movement and energy on both sides to achieve a more lasting rapprochement that can withstand further tests in the relationship that are bound to emerge along the way.

Havana must also appreciate that a new U.S. administration alone will not guarantee a highly public Cuba normalization drive. A case for normalization became politically possible for the Obama administration in 2014 in part because starting in 2008, and particular after 2010, Cuba began to embark on its own modest economic reforms. Likewise, the regional environment in 2014 was one in which left-leaning

Cuba must follow through on the internal economic reforms that government leaders began rolling out in July 2020 and embrace further decentralization of its productive sectors.

Latin American governments were pushing the United States to normalize ties with Cuba as the key to a broader realignment of hemispheric relations. A rightward shift in the region since means this is no longer so much the case. Nor can Havana count on the U.S. Congress to lift the embargo

unilaterally, especially during the early years of the Biden administration, despite Democratic majorities in both the House of Representatives and Senate. Given competing priorities, and an increased number of Cuban-American representatives opposed to lifting sanctions, even minor changes to U.S. sanctions law are unlikely through the legislative branch without the political momentum that only Cuban cooperation and reform can generate.

Thus, while the Biden administration should unilaterally undertake the humanitarian and confidence-building measures listed above—which would essentially take the bilateral relationship back to January 2017—building political momentum for deeper normalization that includes greater executive authorizations for U.S. commerce or the congressional repeal of codified embargo sanctions requires that U.S. policymakers be able to point to evidence of greater and ongoing reforms in Cuba. A forward-looking posture from Cuba is all the more important given the sheer volume of issues the new administration in the United States will face. Between the pandemic, the deep divide in domestic politics, the related crisis in the U.S. economy, and the work of restoring the integrity of federal institutions, the Biden administration will have enormous capacity constraints.

Together, the extent of the island's economic needs (especially after Covid-19), the size of the U.S. market, and the inexistence of any other single power that can supplant Venezuela as an external benefactor should all point a new generation of leaders on the island to welcome renewed steps toward rapprochement with the United States. To maximize the potential of such an eventuality, Cuba must follow through on the internal economic reforms that government leaders began rolling out in July 2020, reconsider their limitations, and embrace further decentralization of its productive sectors. Measures that would considerably improve the political climate for normalization in the United States and allow engagement policy to regain and sustain momentum include, but are not limited to, the following:

- Finalizing the currency unification process (already underway).
- Narrowing the list of sectors and activities now explicitly prohibited in the self-employment sector as of February 2021. While the change in approach from a previously narrow list of 127 approved categories to a list of 124 explicitly barred ones is welcome and does create significant opportunities, many remaining prohibitions lack strategic sense and remain excessive, particularly as they pertain to professional, wholesale, value-added, journalistic, and creative activities.
- Legalizing small and medium size enterprises, and further expanding the economic activities in which the Cuban private sector can operate.
- Further liberalizing foreign investment laws to allow all investors (including Cubans living abroad) to legally partner with the Cuban private sector and directly hire workers.
- Allowing Cuba's private sector to export and import directly, not only via state companies.
- Guaranteeing greater rights for Cubans citizens and émigrés (regardless of departure date) to participate in their country's economic, political, and public affairs.

Reforms would not just help usher in a more hopeful future for the Cuban people; they would also help develop the constituencies necessary to protect engagement policy and generate the political urgency necessary to achieve a more lasting normalization of relations with Washington.

- Welcoming a greater diversity of political views, and ceasing arbitrary detentions and hostility toward non-state journalists, artists, and peaceful activists.
- Creating a legal framework with clear rules for non-state media to freely operate in Cuba.

- Proposing creative solutions for how to address U.S. property claims.
- Playing a constructive role in multilateral efforts to bring about a solution to the Venezuelan crisis.

Parallel progress on these fronts would not just help usher in a more hopeful future for the Cuban people; it would also develop constituencies to defend engagement and generate the political urgency necessary to achieve a more lasting normalization of relations with Washington. Ultimately, these steps would help build sufficient congressional support to repeal codified embargo sanctions.

It is true that U.S. policy toward Cuba should be guided by the national interest and not by domestic politics. But strong partisan opposition in the U.S. Congress and the outsized role of Florida (and its ever-growing number of Cuban immigrant voters) in the Electoral College make this an aspirational goal more than a reflection of present-day reality. The hard truth remains that only the Cuban government, through its acts or omissions, can reduce its own salience in U.S. political discourse.

VIII. THE ROAD TO RESILIENT RELATIONS RUNS THROUGH, NOT AROUND, MIAMI

Cuban American voter sentiment toward the Cuban government and U.S.-Cuba relations represents the largest domestic political roadblock to normalization. Yet it can also be its greatest enabler and was one of the factors that facilitated the diplomatic breakthrough between the United States and Cuba in 2014. At the time, poll after poll showed that Cuban American opinion on matters of U.S.-Cuban policy had become more diverse and propitious for change. Just as President Obama would not have moved to normalize relations without early signs of reform inside Cuba, it is unlikely he would have proceeded had there not been signs of a growing constituency of Cubans in the United States fed up with the futility of a "forever sanctions" policy. In turn, his policy shift helped to further move public opinion in favor of engagement, bringing support in the Cuban American community to record levels. By 2016, a clear majority of Cuban Americans in South Florida favored lifting the embargo completely.⁶

That said, Cuban American recognition of the ineffectiveness of U.S. sanctions was never the same as accepting conditions in Cuba as they were. If many Cuban expatriates welcomed the chance to communicate with, visit, and support their family

⁶ Guillermo J. Grenier and Hugh Gladwin, 2016 FIU Cuba Poll: How Cuban Americans in Miami View U.S. Policies Toward Cuba (Miami, FL: FIU Cuba Research Institute, 2016).

members on the island more easily, those same expatriates looked warily at the Cuban government's resistance to urgently needed reforms, as well as the Cuban economy's rising dependence on remittance receipts.

Like numerous U.S. observers and Cuban citizens on the island, many Cuban Americans were thus dismayed that the Cuban government did not take greater advantage of the opening, especially to deepen reform domestically. As a result, in the past few years, Miami has witnessed resurgent support for resource denial policies—not just among older exiles and the children, but among a surprisingly high percentage of the more than half a million Cuban migrants who have arrived in South Florida since the 1990s. No doubt, this trend has been fueled in part by the Trump administration's insistent messaging around the "failure" of the Obama policy and its over-heated anti-socialism rhetoric in the context of the 2020 presidential campaign. But the cumulative, perhaps short-term effect is that it has become more challenging to make the political case for normalization domestically.

If grievances with the Cuban government made some Cuban Americans liable to reverse their support for normalization, engagement advocates in the United States also failed to appreciate the fragility of what was gained through unilateral executive action. It was assumed that popular opinion toward normalization would continue to evolve in their favor inexorably, as it indeed did through 2016. That proved wishful thinking, as confirmed by polling since 2019 and the Trump administration's successful counteroffensive in the 2020 presidential campaign.⁷ It is now common to hear in the Cuban diaspora that "engagement failed," even if those making such arguments can't make a credible case for what "turning the screws" has accomplished over the years. According to the 2020 FIU Cuba Poll, support for policies "designed to put maximum pressure on the Cuban government" has also gone up. Likewise, given that President Trump significantly improved his performance among Cuban American voters between 2016 and 2020, it may be tempting for domestic political operatives in the Biden administration to conclude that engagement is a political loser in the eyes of Cuban Americans—that is, that a policy of normalization will cost any U.S. political party the "Cuban vote."

Yet, as the results of the 2020 FIU Cuba Poll reveal, a majority of Cuban Americans still recognizes that the embargo has been a failure.⁸ And when asked whether they support individual pro-engagement measures, majorities still back freer travel regulations, the resumption of consular services at U.S. Embassy Havana, and policies

⁷ Equis Research, "Florida: Deep Dive on the Cuban vote", Medium, July 14, 2020.

⁸ Guillermo J. Grenier and Qing Lai, 2020 FIU Cuba Poll: How Cuban Americans in Miami View U.S. Policies Toward Cuba (Miami, FL: Florida International University, 2020).

designed to "improve the economic well-being of the Cuban people." These results suggest that party or presidential candidate preference among Cuban Americans in the most recent election was less tied to Cuba policy than hardline advocates would have us believe. In fact, voters consistently rank Cuba policy lowest among the issues driving their vote.

Given the obvious ways in which U.S.-Cuba policy will remain a factor in electoral politics in South Florida and nationally, Cuban officials must acknowledge the symbiotic, in fact triangular nature of the bilateral relationship.

A Biden administration can thus be confident that policies that correct the excesses of the Trump administration on travel, remittances, and the treatment of Cuban immigrants will be popular. However, the Biden administration cannot expect Miami opinion to follow its policy lead entirely. It would be well

advised to work proactively in South Florida to build deeper buy-in to the idea that a policy of engagement is good both for the future of Cuba and South Florida's Cuban community. Otherwise, we could be back to square one come the next election cycle. That is why the above recommendation to consistently engage and welcome feedback from Cuban Americans is key.

Likewise, the Cuban government must also realize that engagement with the United States is unlikely to be resilient if it seeks to bypass Miami. The Trump policy reversal after 2017 did not materialize from a vacuum. It was fueled in part by the unaddressed grievances toward the Cuban government of not just older exiles, but also many younger Cuban immigrant voters—grievances that the Trump campaign was able to exploit. Cuban officials will likely push back on the idea that it should treat its relationship with the Cuban diaspora as a corollary to its relationship to Washington. It prefers to treat both relationships on separate tracks—one as a dialogue between states, and one as a process of exchange with its own citizens. But given the obvious ways in which U.S.-Cuba policy will remain a factor in electoral politics in South Florida and nationally, Cuban officials must acknowledge the symbiotic, in fact triangular nature of the bilateral relationship. The more Cuba's diaspora sees Cuba advancing the course of domestic reform, and the more that Cuba normalizes relations with its diaspora in the first place—by, for example, providing its members with equal rights and protections under Cuban law, or creating opportunities for Cubans abroad to invest in Cuba in transparent ways and reintegrate themselves into island society—, the less public support future partisan efforts to rollback engagement policies will enjoy.

IX. CONCLUSION: TIME IS OF THE ESSENCE

The Cuba of today is not the Cuba many on the outside, or in Cuba, want to see. But the United States can achieve more by working with the Cuban people, and yes, their government, than by working strictly against them. Any policy that makes life easier for Cubans on the island, even if it brings a collateral benefit to the Cuban state, is the more virtuous path and is more likely to incentivize positive change. Prioritizing resource denial over empowering individuals is the recipe the United States has followed for almost 60 years, and the results speak for themselves. Notwithstanding recent domestic political headwinds, the Biden administration has a unique opportunity to once again make a case, and build support for, an alternate approach.

But Cuba must also do its part. Normalization will remain vulnerable to partisan winds unless Cuba follows through on its stated intentions to finally deepen internal reform. Cuban officials must also understand that heavy-handed responses to peaceful internal dissent are not only reprehensible, but also complicate the case for normalization in the United States. Finally, Cuba can take better advantage of the opportunities that engagement brings and/or demonstrate a willingness to make serious progress on the most difficult issues that have divided Cuba and the United States for decades. That is why the work of a Special Representative or similar administration official could be so important, and one hopes Cuba would meet such an appointment by naming an equally high-level envoy.

Rebuilding a modicum of trust between Washington and Havana will not be easy. The policies of the past four years have done considerable damage. But the truth is that time is not on either party's side. We recognize that President-elect Biden may choose to be a one-term president due to his age. We also recognize that the domestic U.S. political environment is highly divided and volatile. This means that if there is a chance to recommence the path to normalization, both sides will need to act quickly—more quickly, frankly, than they have ever acted before. **The urgency of the moment, compounded by Cuba's needs amid its gravest economic crisis in a generation, calls for bold action. Should both countries fail to get engagement right this time and set the path toward normalization on firmer ground, we worry we will not see another chance for years to come.**