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FAX TRANSMISSION

June 13, 1995

TO: Suzanna Valdez

FAX No. 456-6218

FROM:

**Peter R. Orr
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SUBJECT: Interagency Task Force on Cuba

I just left a voice mail with you indicating my interest in participating in the ITFC working group on outreach. I am co-chairing the working group on support for the Cuban people. The attached draft paper, particularly the last section on possible actions to take, should give you a sense of what our group will be focusing on. I've also attached a preliminary scope of work for our review of licensing regulations. Let me know if you agree that it would be useful for me to participate in your group.

6/9/95

**PRE-TRANSITIONAL SUPPORT FOR DEMOCRATIC CHANGE IN CUBA
(A DRAFT DISCUSSION PAPER)**

I. Background

The Cuba Democracy Act of 1992 (CDA)

Section 1705 (g) of the CDA contains the following authorization: "Assistance to Support Democracy in Cuba - The United States Government may provide assistance, through appropriate nongovernmental organizations, for the support of individuals and organizations to promote nonviolent democratic change in Cuba." Other "Support for the Cuban People" CDA provisions permit humanitarian donations of food to NGOs in Cuba, export of medicines, the exchange of informational materials and the opening of communications.

**Language in the Cuban Liberty and Democratic Solidarity Act
(House Version)**

The language of proposed section 110 of the House version of Cuban Liberty and Democratic Solidarity Act of 1995 (Burton Bill) reads as follows:

"The President is authorized to make available adequate support for democracy-building efforts for Cuba, including the following:

- 1) Published and informational matter, such as books, videos, and cassettes, on transitions to democracy, human rights, and market economies to be made available to independent democratic groups in Cuba.
- 2) Humanitarian assistance to victims of political repression and their families.

¹Section 529 of the Foreign Assistance Act, added in 1994, prohibits bilateral assistance to countries which the President has determined are terrorist countries. While no determination has been made under this particular provision that Cuba is a terrorist country, such a determination has been made pursuant to a similar provision in another law. Consequently, State/L considers Section 529 of the FAA to practically nullify the authority to provide bilateral assistance under section 1705(g) of the CDA. This unintentional legal impediment may be corrected through passage of some version of the Cuba Liberty and Democratic Solidarity Act, or through other corrective legislative action. Alternatively, the Administration could review whether Cuba presently should be determined to be a terrorist country under the terms of Section 529. If the facts support a negative determination, then assistance can be provided pursuant to the CDA. If the facts support a positive determination, then a decision would need to be made whether or not to utilize the waiver authority in Section 529 for the purpose of implementing Section 1705 (g) of the CDA.

3) Support for democratic and human rights groups in Cuba. Support for visits and permanent deployment of independent international human rights monitors in Cuba."

Activities Undertaken to date to Support the People of Cuba Pursuant to the CDA (Track II)

To date, track II initiatives have primarily consisted of licensing private humanitarian donations of food and medical supplies (\$65 million licensed so far, amount actually shipped unknown), authorizing the exchange of informational materials and providing licenses to travel for humanitarian, educational, research, human rights and religious purposes. In addition Track II has a telecommunications component which has led to increased communication between Cuba and the U.S.

The NED has used appropriated resources to undertake Track II assistance. While mainly focusing its grants on exile groups, NED has supported two grants for work inside Cuba. One is with Freedom House to support political dissidents in Cuba by bringing in written materials and providing material support for families of dissidents and political prisoners. The second is with AIFLD for work with groups in Cuba trying to organize free trade unions. USIA also actively assists in directly providing written materials via the Interest Section in Havana. USIA does not sponsor Cuban visitors to the U.S. and has only sponsored two speakers in Cuba in the last several years.

Among US Foundations undertaking activities in or related to Cuba within the parameters of the Cuba Democracy Act, the McCarthur Foundation appears to be the most active. This foundation has for several years supported academic/research exchanges between several North American Universities and Cuban institutions. It has financed a long term commodity production and markets research program involving the University of Havana and Florida State University. The Department of Agriculture has also provided Florida State University a grant that is designed to support this same activity, but exclusively financing U.S. costs. Other McCarthur grants have supported Cuban participation in joint environmental programs with such institutions as the New York Botanical Gardens and the Smithsonian Institute; financed journalist exchange programs with the University of North Carolina; and financed training for two Cuban lawyers at the US supported International Development Law Institute in Rome.

II. The Role of Civil Society in Promoting Democratic Transition

Among those in Cuba and the United States who support the goal of a nonviolent transition to democracy in Cuba, a fairly broad consensus exists that promoting civil society in Cuba should be a principal objective of any strategy to promote nonviolent democratic change in Cuba. This consensus is based on experience elsewhere and the present reality in Cuba.

The strengthening of civil society contributes to democratic transitions in two ways. First, civic organizations autonomous of government control have helped articulate popular desires for change and mobilize pressure that has contributed to the end of anti-democratic regimes of the left and the right. This was particularly true in Eastern Europe. Secondly, when an authoritarian or totalitarian regime does fall, by whatever means, the chances for a smooth transition to democracy are severely limited if the bases for civil society have not been developed.

In conjunction with the 1993 United Nations World Conference on Human Rights, a workshop was held with representatives of 25 NGOs from Central and Eastern Europe and South Africa. The workshop report, entitled "The Role of Voluntary Organizations in Emerging Democracies: Experiences and Strategies in Eastern and Central Europe and South Africa", categorized the common functions of NGOs and the particular challenges of NGOs in times of transition. The common functions include:

- Articulating the demands of citizens;
- Encouraging diversity and growth of opinions;
- Being agents of political mobilization;
- Being agents of political socialization;
- Providing early warning mechanisms, on a national as well as an international level (e.g. of humanitarian needs or human rights abuses);
- Being a buffer against the state and against the market.

The specific challenges in times of transition from authoritarian to democratic rule include:

- Charting new relations with governments;
- Helping formulate new legal frameworks supportive of civil society;
- Generating policy options and public information;
- Monitoring the transition process itself;
- Providing a reservoir of talents from which new ranks of political and government leaders can be drawn as the transition proceeds.

III. The Seeds of Civil Society in Cuba Today

The Castro regime has historically been highly successful at eliminating civil society and repressing renewed efforts to establish activities independent of the State. However, developments over the last several years have made it increasingly difficult for Castro to repress civil society as effectively as he had in the past. Small spaces have opened on numerous fronts, and the challenge now is to determine how the outside world, particularly NGOs, can best help independent-

minded Cubans expand this space.

While much attention is focussed on the role of human rights groups in promoting democratic change, it would be a serious mistake to base a democratic change strategy on only these groups. First, because these are the groups that will continue to be most actively repressed by the State. Second, because far greater numbers of individuals have been and will be drawn into associations or other independent endeavors that are less overtly political, but which still offer the prospect of contributing to a democratic transition. The role of environmental groups in Central and Eastern Europe (ecoglasnost) is but one example.

In order to determine the best prospects for assisting the further development of civil society in Cuba, it is necessary to look broadly at Cuban society to see where activities and associations independent of the State are occurring. In most cases, direct USG involvement with independent groups in Cuba would be problematical for these groups, whereas opportunities do exist for the involvement of U.S. and third country NGOs. The following is a brief summary of relevant developments in Cuba.

Human Rights Movement

The Cuban human rights movement that began in the late seventies, was reenergized in the late eighties, inspired in part by glasnost and developments in Eastern Europe. While the numbers of groups expanded (estimates vary from 100 to 200), most of the groups continue to remain fairly small. Alliances, such as the Concertacion Democratica and the Coalicion Democratica were formed, but imprisonment or exile of leaders has thwarted these and other attempts at alliance building. Both the Cuban Committee for Human Rights and the Cuban Commission for Human Rights and National Reconciliation have achieved a certain prominence in the human rights movement and are active in collecting and disseminating information within Cuba and abroad. Contrasting positions on the embargo and on dialogue with the Castro regime tend to divide the movement.

With the collapse of the Soviet Union in 1991, Castro increased repression of human rights groups, increasing arrests and prison terms, instigating attacks by the Rapid Reaction Brigades, and forcing activists into exile. Recent emigration may have led to decreases in membership. Few human rights leaders are well known in Cuba.

Social Service Oriented NGOs

Changes in the former Soviet Bloc also led to dramatic drops in trade, assistance and GDP. With significantly reduced resources, the State's ability to maintain control of the economy and

society has been reduced. Legitimate NGOs, such as CARITAS, have taken on an expanded humanitarian role with the acquiescence of the government. Fraternal organizations, particularly the Masons, are also active.

Religious Organizations

Economic hardship, combined with the debasement of official ideology have led to a resurgence of religion and religious affiliation. For pragmatic reasons, the Castro regime has tolerated this development, including accepting constitutional changes in 1992 that officially changed Cuba from an atheistic to a secular state and permitting religious believers to be members of the communist party. While the Catholic Church in Cuba has nowhere near the stature and influence that it had in Poland or Chile prior to the transitions in those countries, it nonetheless has assumed a cautious activist position on human rights issues. It has been reported that the Catholic Church will soon be establishing civic education programs in each parish. Another report referred to the future establishment of "Commissions for Peace and Justice." These reports point to a potential broadening of the role of the Church as an intermediary between popular demands for change and the State.

Private Economic Activity

Concurrently, the contraction of state employment and the worsening of remuneration for such employment has led to a progressive shift of economic activity into the black market and the expanding spheres of authorized self-employment. The further contraction of State employment in the period ahead will expand the numbers of people engaged in independent economic activity, legally or illegally. As a result, growing numbers of Cubans are informally associating with each other for economic purposes independent of governmental control. This process is likely to create increasing pressure for more formal independent associations to further the economic interests of members.

Unions

The prospect of increasing retrenchment in the state sector and increasing hardship for remaining state employees is likely to lead to increasing restlessness in the ranks of the state-controlled unions and increasing pressure to push agendas at odds with government economic policy. The present posture of the official confederation of trade unions (CTC) of cooperating with and defending the regime's plans to lay off an additional 500,000 to 800,000 workers this year will severely strain the remaining credibility of the official unions. If past practice is any indicator, "political reliability" will frequently be a factor in selecting those who get fired, thus adding a further cause of

resentment on the part of the unemployed. Several self-proclaimed dissident "unions" exist in Cuba today. The core groups consist mainly of unemployed transportation workers. It is unknown whether membership numbers in the hundreds or several thousands, and it appears that they have not had any discernible impact.

Professionals and other Elites

Among elites as well, whether they are academics at the University, technocrats at government controlled think tanks, or even Communist Party officials, there is an increasing tendency for thought, writing and action that is at variance, if not open opposition, to official positions. Groups of architects, lawyers, economists, and journalists have each established independent unauthorized professional associations.

Government-Controlled NGOs

The Cuban government has actually fostered the creation of government-controlled pseudo NGOs in part to serve as vehicles for attracting foreign assistance. Some entities in this category have shown indications of occasionally pursuing agendas independent of central government direction.

IV. What is Needed to Expand and Strengthen Civil Society in Cuba?

The development of civil society in Cuba will depend on the resources, particularly informational, available to independent groups and the amount of space independent groups have in which to operate. Outside assistance to develop civil society should aim at addressing both factors.

A. Common Needs of Independent Groups in Cuba

The kind of assistance that a particular independent group may need to function and expand will vary depending upon its purpose and circumstances. But several common needs have been identified or can be reasonably be deduced.

1) Information related to the group's mission - Whether the group has a human rights mission or an economic mission, the dearth of relevant information and informational materials in Cuba is a common problem for most independent groups. Radio broadcasts from abroad can meet some of this need, but it has its limits. Jamming is a problem in some areas. While more could and probably should be done to use Radio Marti to disseminate targeted educational programs, the medium has its limitations when it comes to conveying detailed or complicated information.

Outside supporters attempt to get written or recorded informational material to groups and individuals on the island through embassies and individual travelers. Both the demand for such material and the opportunities for getting it into Cuba appear to greatly exceed the present supply, notwithstanding the regime's efforts to obstruct the dissemination of information.

2) Opportunities for personal exchanges with experienced outsiders - Both mature and nascent NGOs traditionally rely heavily on exchanging experiences with others who have undertaken similar tasks or gone through similar experiences. For the nascent NGO, this not only imparts useful information, but it provides valuable moral support and encouragement. This is particularly important for NGOs working in a repressive environment. The opportunities for recognized dissidents to travel outside of Cuba are limited at best. Many, even if they could get permission to leave, would not do so for fear that they would not be readmitted. Cuban government controls over travel to the island and its security measures used to monitor suspect travelers limit but do not preclude short-term contacts between visitors and local NGOs and dissidents. Long-term stays for advisory purposes would be more problematical.

3) Internal Networking - Mirroring the need for contacts and information exchanges with sources outside Cuba is the need for greater communication between independent groups and activists on the island. Cuban authorities use the derisive term "grupusculos" to reflect the small size of dissident groups. Repressive controls on the rights of association and expression are intended to keep civil society atomized.

The ability to communicate between groups serves several vital purposes in strengthening civil society and promoting a transition to democracy. It can provide a sense of broader solidarity to combat the sense of isolation and fortify commitment. It enables individual groups to better define their roles and strategies in the context of what other groups are doing. Finally, it is essential for helping to build consensus on issues of common concern.

Means of communication between independent groups in authoritarian and transitional societies can range from the individually typed samizdats of Soviet Russia to the computer networks of Eastern Europe today. Outside parties can play an important role in relaying independent information emanating from a country back to others within the country, as was the case with fax communications coming from China at the time of Tiananmen square. Radio Marti and other external radio stations perform such a role for Cuba. To a limited degree NGOs outside Cuba also can and do reproduce written materials produced in Cuba for distribution in Cuba.

4) Leadership and Organizational Development - Besides having access to information related to its primary objective, an NGO in Cuba may also need help in developing its leadership and organizational capabilities. Contacts with other NGOs both outside and inside the country should be utilized to transfer this know-how as well. This is a poor substitute, however, for intensive training.

5) Operational Resources - The general impoverishment of Cuba, combined with the particular hardships faced by activists, makes it extremely difficult for most independent groups to acquire the resources to pay for the most elementary of operational needs, such as transportation and communications. Advancing beyond small scale discussion groups will also often require the resources to provide financial support to full-time workers and activists.

6) Program Resources - Beyond the needs mentioned above, independent groups that provide a service need the resources to finance the service. Human rights groups seek to provide support for the victims of repression. This may be support for the families of prisoners or support to those who have lost their employment as retaliation for dissident activities. The ability of humanitarian NGOs to grow is directly related to their access to the money and supplies required for their programs, which generally must be donated from abroad.

B. Providing Space for Civil Society

The premise of this paper is that Castro will allow no more space for independent organizations and independent action and expression than circumstances force him to. The circumstances that presently inhibit the Castro regime from totally repressing the seeds of civil society are:

- Desperately needed external economic cooperation can be jeopardized by heightened human rights concerns on the part of cooperating countries. Potential investors and tourists can be turned away by an external impression of increased repression and violence.

- Limited space for independent economic activity and limited space for debate of incremental reforms is judged by the regime to be necessary to stem the downward slide of the economy.

- The regime will want to avoid acts of repression that it perceives will carry a high risk of catalyzing internal opposition.

- The economically induced retrenchment of the state, and particularly of the security forces, requires the state to prioritize the use of its control and repression capabilities.

The above assessment has several implications for external donors interested in increasing space for civil society in Cuba.

- The prospects for expanding space for civil society should be greatest in areas that are not overtly political, and particularly through activities that offer some tangible socio-economic benefit (e.g. humanitarian assistance) that the regime would be reluctant to deny to people.

- Activities that promote favorable name recognition, both within and outside the island, for independent organizations and individuals, potentially increase the risk to the regime of repressing these individuals and organizations.

- Activities that increase the flow of information domestically and internationally regarding abuses of human rights in Cuba will provide additional pressure on the regime to moderate repression.

- Civil society strengthening activities sponsored by or involving groups and individuals from countries or international institutions whose good will is important to the Cuban government will be less likely to be obstructed by the regime than activities undertaken by entities with less potential leverage.

V. Approaches to Meeting the Needs

The above assessment suggests a possible USG strategy to support the development of civil society in pre-transitional Cuba. A paramount issue in refining and implementing such a strategy is the potential negative consequences of overly identifying particular on-island initiatives with the USG. On most activities it will generally be preferable to minimize the USG profile and maximize the profile of NGOs and other countries. However, it is USG policy, as reflected in the Cuba Democracy Act, that the USG extend its support to the Cuban people in their efforts to build democracy. This policy is public, and it serves USG interests to let the Cuban people know that positive support is being provided to the people. The proper balance between these two principles can only be determined on a case-by-case basis.

A second issue relates to the provision of assistance to groups or individuals who may not be truly independent of government influence or penetration. Although considerable caution needs to be taken in this regard, undertaking a narrow purist approach (i.e. absolutely limiting activities to certifiably independent groups) will seriously circumscribe the potential areas in which impact could be achieved. Even external groups with unquestioned commitment to human rights in Cuba see the advantage of trying to

contribute as well to a more concerted international effort to pressure the Castro regime to allow additional space for civil society in Cuba.

- Determine the feasibility of the proposal by Orlando Gutierrez (Directorio Revolucionario Democratico Cubano) to establish a private non-partisan foundation dedicated exclusively to providing humanitarian assistance to active members of the Cuban opposition as well as political prisoners and their families inside Cuba. If judged feasible, the USG should help promote this private initiative.
- Assure resolution of the present legal impediment to providing bilateral assistance to support democracy activities pursuant to the Cuba Democracy Act.
- Identify present external assistance activities by USNGOs that appear effective, and determine if additional USG support would increase impact.
- Identify USNGOs that have a track record of activities relevant

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to the needs described above, and determine if they would be interested and able to extend their programs to Cuba.

- Give priority to USNGO programs that operate collaboratively with third country and international NGOs which can bring to bear the experiences of other NGOs in emerging democracies. Also give priority to programs that will involve individuals and organizations from countries that are likely to have particular diplomatic leverage in Cuba.
- Assess the opportunities for internal networking of independent groups in Cuba. Identify and support the efforts of independent organizations in Cuba that may be attempting to provide networking services to other groups.
- Assess the feasibility of promoting and supporting independent associations and/or support programs for self-employed individuals, small entrepreneurs, and small farmers. Review issue with other donors and determine whether any have a particular entre that could evolve in this direction.
- Have Radio Marti review how it might best assist in promoting a concerted campaign to strengthen civil society in Cuba.
- Determine the feasibility of establishing, probably under the auspices of an international NGO, a training program in Cuba for NGO leaders.
- Have USIA review the feasibility of initiating outward exchange programs, perhaps starting with individuals deemed less risky by Cuban authorities.
- Advise potential donors of informational materials, particularly the NGOs above, that the USIA office in Havana has the capacity to distribute a greater amount of informational materials. The intended recipients of the materials will have to make their own assessment of whether they are willing to risk the additional scrutiny or pressure that may come from Cuban authorities by being in contact with the USINT. USIA will in turn need to determine what bounds or restrictions may be necessary, given its overall mission in Cuba.
- Establish a small democracy fund at the U.S. Interest Section, just as other embassies in Havana have done and as USAID has done through USIA in all of our embassies in Central and Eastern Europe. By providing total latitude to the USINT regarding the types of assistance and beneficiaries that would be prudent, the risk of unduly jeopardizing recipients should be minimized. Also, by initially utilizing criteria similar to that used by other embassies in Havana, risks of mischaracterization of the fund should be reduced.

ITFC WORKING GROUP ON SUPPORT FOR THE CUBAN PEOPLE
ASSESSMENT OF LICENSING REGULATIONS

1. Description of status quo.

- a. Legislative basis
- b. Executive Orders
- c. August 94 additional sanctions
- d. Specific licenses, blanket licenses, and items exempt from license requirements
- e. Roles of OFAC, Commerce and State in implementation
- f. Present degree of administrative discretion and guidelines used
- g. Steps licensees must follow, extent of information that must be provided, and typical time required to obtain approval
- h. Statistics and profiles of approvals vs. disapprovals
- i. Extent to which licenses granted may not be used and likely reasons, e.g. delay in issuance or lack of firm plans to proceed
- j. Extent to which licensed travel and exports are not consummated due to restrictions by Cuban authorities
- k. Extent to which inquiries do not result in official license requests and likely reasons, e.g. advice to inquirer indicates approval would be unlikely
- l. Estimates or indications of the extent to which travel and transactions subject to licensing requirements are undertaken without proper licenses
- m. End use monitoring and extent of knowledge regarding whether licensed travel and exports were for the purpose identified in the license request

2. Informal assessment of outside views on present licensing requirements and procedures

- a. Humanitarian organizations
- b. Human rights groups
- c. Religious groups
- d. Foundations
- e. Academics and academic/research/policy institutions
- f. Cuban-American organizations
- g. Other relevant organizations

3. Options to modify licensing requirements and/or procedures to promote greater "support for the Cuban people"

[Rank options from the more minor adjustments to the more significant and potentially controversial. On each, assess potential impact, both negative and positive.]