ORIGINAL RESEARCH ARTICLE

Between Carter and Clinton: Obama's Policy Towards Cuba
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Abstract: For almost three decades, democracy promotion has been the cornerstone of US policy towards Cuba and it has shaped bilateral relations around the democratic conditionality codified in the embargo against the island. Obama entered the White House as the ‘open minded candidate’ who could realize the promise embedded within Jimmy Carter's 2002 speech in Havana, but, for different reasons, the new President opted for a more ‘Clintonian’ approach characterized by only a partial relaxation of sanctions and people-to-people diplomacy as a tool for obtaining more political concessions from Raúl Castro.

Keywords: Cuba, US, Obama, Democracy Promotion, Embargo

During his first electoral campaign, the Miami Herald defined Barack Obama ‘the most open-minded candidate’ for his stance over the Cuba issue.¹ In fact, according to the future president, the US needed a new approach towards those regimes that his predecessor had considered to be part of the ‘Axis of Evil’ or ‘Beyond the Axis of Evil’, generally linked to Islamic terrorist networks.² This liberal approach was based mainly on the necessity to transcend the anti-Americanism that the ‘Bush doctrine’ had stirred up since 2002.³ Indeed, George W. Bush interpreted hemispheric relations almost entirely according to the global fight against terrorism and US unilateral interventionism, creating a climate of mutual suspicion and isolation.⁴ According to Obama, the US needed to re-engage Latin America and the rest of the world⁵,
and his electoral campaign created a sense of curiosity and optimism.\footnote{6}

This paper argues that Barack Obama partly used an approach towards Cuba that was redolent of that of President Jimmy Carter during his first presidential campaign and his first year in office. However, he was subsequently forced, for different reasons, to opt for a more ‘centralized’ and cautious position such as that taken by Bill and - later, as Secretary of State - Hillary Clinton. The paper underlines the different and sometimes contradictory imperatives underpinning Obama’s policy toward the island and the Cuban government. The history of US-Cuba relations over the past thirty years has been one that is generally characterized by attempts to promote democracy on the island. The analysis in the article therefore highlights Obama’s difficulties to manage a more open approach towards the ‘Cuban problem’ amid the legacy of the Clinton-Bush years.

**CARTER’S APPROACH TO CUBA**

In the late 1970s, Carter inaugurated his presidency by re-focusing on human rights in US Realpolitik towards the Third World and Latin America in general - and Cuba in particular - in the post-Vietnam era.\footnote{7} This represented the first public attempt to re-interpret US-Cuban relations, diverting them from the bipolar logic of the Cold War. Carter’s policy toward Cuba was partly a continuation of Kissinger’s earlier secret efforts to moderate Cuban foreign policy in the Americas and Africa in exchange for a normalization of bilateral relations with the US.\footnote{8} Even if this engagement toward Cuba failed, mainly due to the Cuban military commitment in Africa, to the Mariel exodus of 1980, and other hemispheric and international events (such as the Sandinista and Iranian revolutions, as well as the Soviet invasion of Afghanistan) that compelled Carter to adopt a more vigorous foreign policy,\footnote{9} it was relevant in order to create the basis for a ‘creative’ policy toward Cuba.

In 2002, Jimmy Carter - as president of the Carter Foundation - visited Havana in the midst of accusations levelled against Cuba by several US officials. For example, in May 2002, during a lecture at the Heritage Foundation, John Bolton, Under Secretary of State for Arms Control and International Security, had said:

> The United States believes that Cuba has at least a limited offensive biological warfare research and development effort. Cuba has
provided dual-use biotechnology to other rogue states. We are concerned that such technology could support BW programs in those states.\textsuperscript{10}

In other words, at this time Cuba was considered a sponsor of terrorism simply because it did not join the US in the war on terror and criticized its methods and the invasion of Afghanistan. After this public speech by Bolton, it was clear that Cuba could represent a direct threat to the US for its ‘limited offensive biological warfare research’.\textsuperscript{11}

Bolton’s accusations were not new, even if it was the first time a US official had presented them to public opinion in this way. In October 2001, Ken Alibeck, president of \textit{Advanced Biosystem Inc.}, during a Congressional hearing, accused Castro’s government of planning the construction of chemical and biochemical weapons.\textsuperscript{12} Therefore, Bolton’s speech at the Heritage Foundation was the transposition of the testimony of Assistant Secretary of State for Intelligence Carl W. Ford at the Senate Committee on Foreign Relations (April 14, 2002). Ford stated, without citing any study, that Cuba had the capability to develop chemical weapons and Bolton used entire sentences of Ford’s report to the Committee.\textsuperscript{13} Anya Landau and Wayne Smith have argued that the case for Cuban bioweapons was mounted to downplay former President Carter’s visit to Cuba in May 2002,\textsuperscript{14} as George W. Bush wanted to secure his brother Jeb’s re-election as Governor of Florida by courting Cuban-American hardliners.\textsuperscript{15} Senator Dodd seemingly agreed with this explanation: the fear of Cuban chemical weapons was an answer to Mr. Carter’s trip to the island and to his policy of dialogue toward Havana.\textsuperscript{16}

Moreover, Bolton’s accusations reflected the struggles within the State Department between the neo-conservative faction and Colin Powell, the Secretary of State at the time, who advocated more centralized and multilateral foreign policy views. As Ivo H. Daalder and James M. Lindsay have pointed out, Bolton was appointed as Under Secretary of State for Arms Control and International Security in order to counterbalance Powell’s foreign policy management\textsuperscript{17} and the debate over the Cuban ‘bioweapons’ reflected the deep conflict within the presidential cabinet between multilateralists, unilateralists (the Cheney-Rumsfeld axis) and neo-cons.\textsuperscript{18} After the terrorist attacks on 11\textsuperscript{th} September 2001, the neo-conservative and unilateral ideologies and approaches eroded Bush’s original realism in foreign policy.\textsuperscript{19} This was encapsulated in the 2002 National Security Strategy (NSS), which has been
considered the ideological basis of the so-called ‘Bush doctrine’. The NSS document equalized the ‘rogue states’ to non-democratic and despotic regimes, which could also represent a menace to US national security, and contributed to exacerbate relations with Cuba, which started to feel threatened (especially after Bolton’s accusations) due to the (potential) unlimited application of the ‘Bush doctrine’. In fact, some US officials never stopped claiming doubts about Cuban bioweapons projects, while the CIA received pressure from Bolton and other US Department of State officials to ‘adapt’ their report on Cuba in the midst of internal struggles between the political and military cadres over anti-terrorism and international affairs.

Despite these auspicious premises, Carter’s visit contributed to ease the tensions between the two countries. In fact, Carter reported that the Department of State assured him that there was no evidence confirming Cuban leaks to ‘rogue states’:

I asked them specifically, on more than one occasion, “Is there any evidence that Cuba has been involved in sharing any information to any other country on Earth that could be used for terrorist purposes?” And the answer from our experts on intelligence was “no”.

Moreover, Carter's visit to Cuba created the basis for a future rapprochement between the two countries, while the American public and the media watched his trip with interest and curiosity. According to Carter, Cuba and the US needed to work together on issues of common interest. In his speech at the University of Havana, he declared:

My hope is that the Congress will soon act to permit unrestricted travel between the United States and Cuba, establish open trading relationships, and repeal the embargo.

Furthermore, the former president believed the US had the moral responsibility to ‘take the first step’, suggesting that the end of the embargo was essential to promote democratic change on the island.

**OBAMA LAYS A ‘NEW COURSE’**

During his campaign, Obama's visions partially reflected Carter's approach: he emphasized that Washington needed to make
progress in its relations with Cuba. Obama expressed his willingness to meet Raúl Castro without preconditions. On the contrary, Hillary Clinton rejected any rapprochement with Castro, and defended Title II of the Helms-Burton Act and the democratic conditionality for any future diplomatic contacts with Cuba. In January 2008, Clinton and Obama were both asked to answer questions concerning their preferences regarding US policy towards Cuba, with their answers being published on the website of the Cuban American National Foundation (CANF). Their answers reflected the deep divide over the Cuba issue.

Once he was elected president, Obama tried to put into practice this ‘new course’ with Cuba. In 2009 and 2011, the president loosened travel restrictions along with the regulations on remittances and direct charter flights, and the US rejoined bilateral migration talks with Cuba, which had been abandoned in 2004. These had represented part of President Bill Clinton's strategy after Pope John Paul II's visit to Cuba in 1998. However, in truth the Carterian approach to the ‘Cuba question’ - working on a ‘common ground’ and with ‘common interests’ - has been ebbing since late 2009. In fact, Obama gradually revitalized Clinton's approach on Cuba: a mix of isolation and people-to-people diplomacy. In his first term, Clinton used his presidential powers to promote democracy through people-to-people contacts. However, Clinton’s administration committed to the preservation of the embargo and the isolation of Cuba, avoiding any direct talks with Havana during its reformist phase in the early 1990s. Even the migration talks were a Clintonian habit (Clinton re-inaugurated them after the Balseros Crisis in 1994). As Alzugaray Treto pointed out, proximity, geopolitics and historical ties played (and are still playing) a major role in pushing bilateral talks on hemispheric security and migration issues, despite the US still representing a national security concern for the Cuban government: especially during the George W. Bush years, the aggressive stance by the US against the island frustrated such a (potential) bilateral cooperation.

However, despite the early change in rhetoric, Obama's state-to-state diplomacy remained comparatively weak and it was limited mainly to migration talks: some potential contacts in the fields of military, agricultural and meteorological cooperation were never deeply explored during Obama's first term. For example, after the ‘Gross affair’, Obama ended the bilateral migration talks, which would only be resumed in mid-2013. However, despite the early
change in rhetoric, Obama’s state-to-state diplomacy remained comparatively weak and it was limited mainly to migration talks: some potential contacts in the fields of military, agricultural and meteorological cooperation were never deeply explored during Obama’s first term. In fact, in 2012 the report of the Senate Caucus on International Narcotics Control on US-Caribbean security cooperation suggested several steps still not taken in order to improve the bilateral relations with the island and the efficiency of counter-narcotics efforts in the Caribbean. After June 2013, the US administration did take several steps to engage Cuba in talks regarding a direct mail service between the two countries, and the ‘air and maritime search and rescue’ services.

Despite these meetings, Obama rejected any form of dialogue with the island on broad and essential issues. For example, the US was not prepared to accept a negotiation concerning the USAID subcontractor Alan Gross, who was arrested in Cuba in late 2009 (after the ‘Gross affair’, Obama ended the bilateral migration talks, which would only be resumed in mid-2013), or even a possible prisoner exchange.

On several occasions, the Cuban government stressed the possibility of exchanging Alan Gross with the ‘Cuban Five’, meaning the five Cuban intelligence officers who were monitoring terrorist activities of Cuban exiles in South Florida. They were arrested in Florida in 1998 and charged with spying, their mission being to obtain U.S. military secrets. After their sentencing (in June 2001), Cuba received solidarity internationally against Washington’s hypocrisy in fighting international terrorism. George W. Bush refused to revisit their case or use a prisoner exchange to engage the Cuban government (as suggested by Rep. Diane E. Watson in 2005). At the same time, the administration itself - along with many of the Cuban-American congress-people - contributed to pardon Luis Posada Carriles, who was arrested in 2000, in Panama, for an attempt on Fidel Castro’s life and was connected to several terrorist plots against Cuban targets. The US government discarded Cuban requests for extradition and Carilles was prosecuted for illegal immigration to the US (after being pardoned in Panama) but not for his role in terrorist activities in the Americas. On 6 May 2014, the Cuban MININT (Ministry of the Interior) announced that four Cuban-Americans had been arrested in late April and accused of being linked to Posada Carriles’ terrorist network and plotting attacks on Cuban soil. If these
accusations were confirmed, it would be a major test for Obama's policy.

The relaxation of travel rules revealed some limits too. In fact, Obama expanded the possibility for Cuban-Americans and their families to travel, while US citizens (with no relatives on the island) were still required to prove that their trip 'would enhance contact with the Cuban people, and/or support civil society in Cuba, and/or promote the Cuban people's independence from Cuban authorities', while those trips are currently limited to religious, educational, journalistic activities, and athletic competitions (tourism is still excluded), under a special license obtained from the Office of Foreign Assets Control (OFAC).

Furthermore, some other bureaucratic problems emerged in November 2013. The Cuban government announced the closure of its consular services in the US due to banking account shutdowns as American banks started to revise their policy in order to accomplish US sanctions. The consular services were resumed from December 2013 to mid-February 2014, but after the deadline fixed by the M&T Bank (which was handling Cuban Section business in the US), the Cuban mission closed all these services. This event disrupted Obama's travel policy and the people-to-people's contacts because, after the closure of the Cuban Interest Section in Washington DC, American visitors do not have the possibility of obtaining a Cuban visa to reach the island. Even if the Cuban government blamed the embargo and the restrictions between the two countries, this question could somehow be a field of cooperation between the two countries, as both have strong interests in letting Americans travel to Cuba. In fact, while the Cuban government has not threatened reciprocal action against the US diplomatic mission in Havana, the Obama administration is trying to find a potential solution to this stalemate, which is undermining his policy toward the island.

**Ambivalence in Obama’s Cuba Policy**

The closure of Cuban consular services was directly linked to US sanctions, which Obama, in truth, did not modify dramatically. Moreover, Cuba is still on the State Department list of state sponsors of international terrorism and Obama never announced the intention to remove it; this played a major role in the closure of bank services to Cuban Section in Washington DC. In fact, as a Miami lawyer pointed out:
Banks are very nervous about any type of misstep about money flowing to any country on the OFAC list, because the fines, even if you only make a small mistake, are huge (...). You have to scrutinize everything coming in and out. The problem is, who wants to take that on? You just can’t make money on these accounts.\textsuperscript{57}

This clearly represents a huge dilemma for the Obama administration, which cannot foster the present economic sanctions (and maintaining Cuba on the ‘terror list’), while promoting the ‘people-to-people diplomacy’ that is predicated on a relaxation of travel rules.

Another ambivalent policy regarded OFAC penalties inflicted on some non US-based corporations for their commercial contacts with Cuba. During the Obama years, the Treasury Department has fined several non US-based companies dealing with Cuba, as, according to the Cuban Assets Control Regulations (CACR), ‘all transfers of credit and all payments between, by, through, or to any banking institution or banking institutions wheresoever located, with respect to any property subject to the jurisdiction of the United States or by any person (including a banking institution) subject to the jurisdiction of the United States’ could be under the investigation of the OFAC and thus sanctioned for their activities in Cuba.\textsuperscript{58} In December 2009, the OFAC sanctioned \textit{Credit Suisse AG} (located in Zurich, Switzerland) and inaugurated an ‘epidemic’ trend in targeting non-US financial and banking corporations dealing with Cuba. \textit{ING Bank} (The Netherlands, June 2012), \textit{HSBC Holdings}, (Hong Kong, December 2012), \textit{Bank of Tokyo-Mitsubishi UFJ} (Japan, December 2012), \textit{Intesa San Paolo} (Italy, June 2013), \textit{Weatherford International Ltd.} (UK, November 2013) and \textit{Royal Bank of Scotland} (UK, December 2013) were all fined for the same reason.\textsuperscript{59} In June 2012, the OFAC fined the Dutch bank \textit{ING} $619 million USD - the largest penalty ever for a violation of the Cuban Assets Control Regulations - for its operation on ‘wire transfers, trade finance transactions, or travelers checks’ in Cuba.\textsuperscript{60} Last April, \textit{CWT B.V.} (based in the Netherlands) agreed to pay the US Treasury over $5.9 million, as in 2006 the corporation ‘became majority-owned by U.S. persons and thus subject to U.S. jurisdiction’\textsuperscript{61}

This form of extraterritorial application of US sanctions generated a backlash on foreign companies trading with Cuba. Many of the sanctioned or investigated companies were inevitably forced to stop their relations with Cuba (or other sanctioned
countries, such as Iran or Burma), while non US-based corporations could do the same in order to avoid OFAC controls. For example, after being investigated by the OFAC, the ING suspended its relations with the island.\textsuperscript{62} In April 2014, the US-based PriceSmart Inc. suspended the membership of Cuban citizens at its Jamaican subsidiary due to the potential exposure to US sanctions.\textsuperscript{63} On several occasions, the Cuban government lamented such a crackdown on US and non US-based companies\textsuperscript{64} as it evidently contradicted the appeasement that Obama apparently wanted to pursue with the island and his new travel rules policy. In fact, the American Express Travel Related Services Company, one of the main US tour operators, was fined over $5 million in July 2013, and on 5 May 2014 OFAC sanctioned the Argentinian online tour operator Decolar.com Inc. These extraterritorial applications of the CACR could also cause serious repercussions for Cuban-American family travel and American trips to Cuba just as the revision of M&T’s business in Cuba did.

Another thorny issue concerns US agricultural exports. Obama relaxed the Trade Sanction Reform and Export Enhancement Act (TSRA) in order to ease US agricultural sales to the island, which started in late 2001 after hurricane Michelle. These reforms were approved by Congress and signed into law by president Clinton to let US farmers to sell their products to Cuba, but obliging Cuba to pay in cash.\textsuperscript{65} Obama simply repealed the restrictions which had been subsequently imposed by George W. Bush in 2005,\textsuperscript{66} but Cuba would nonetheless still need to pay for US agricultural products ‘before the transfer of title to, and control of, the exported items to the Cuban purchaser’ as in the original version of the TSRA. However, these conditions were not as good as those offered by other countries dealing with Cuba, such as China or Brazil.\textsuperscript{67} In recent years, this export reached a peak of more than $700 million (in 2008) but since then it has declined significantly, to $363 million in 2011, and $465 million in 2012, due to the international economic crisis which has also affected Cuba.\textsuperscript{68}

As signaled by the US International Trade Commission (USITC), the most important checks to these activities are clearly related to trade and travel restrictions and to bank transfer regulations; without these sanctions, the American companies could expand their share in Cuban agricultural imports.\textsuperscript{69} Sometimes, these regulations are also highly intricate. In July 2012, the OFAC punished the American company Great Western Malting Co. for the sales of barley malt to Cuba through ‘a foreign affiliate’ (a
subsidiary company based outside the US). Paradoxically, the company could have escaped the sanctions ‘if the subject goods had been shipped from the United States’, because ‘they would have been eligible for an OFAC license’. In addition to that, there is another factor that helped in preserving the status quo and in limiting further steps to ease sanctions and re-launch economic cooperation with Cuba. According to Sánchez Egozcue, American business lobby activities to ease the sanctions began to decline, as ‘once a license has been granted, the incentive to support such lobbying efforts decreases because access to the Cuban market has been achieved’.

Even the response of the US to the Cuban migration reform of 2013 revealed Obama’s cautious strategy to further opening up towards the island. The US administration commented positively on the Cuban migration reform in early 2013 and announced that the Cuban citizens holding a B-2 visa (for touristic and medical purposes) could apply for special 5-year multiple-entry visas. However, this positive change did not cancel or repeal the Cuban Adjustment Act or the ‘wet food, dry foot policy’, which Cuba still considers part of US strategy to destroy the Revolution.

**Democracy Promotion and Obama’s ‘Clintonian Shift’**

In addition to these changes, Obama further revealed his Clintonian shift on several occasions, as he embraced Hillary Clinton’s quest for ‘reciprocity’ from Cuba. In April 2009, Obama pointed out that future conciliatory moves by the US would depend on significant concessions from the Cuban government. Like President Clinton before him, the promotion of democracy on the island remained the cornerstone of US policy under Obama. As a White House spokesman confirmed, the US government was seeking to promote a democratic change through the ‘Trojan horse’ of people-to-people contacts, remittances and family travel. The administration memorandum on Cuba (April, 2009), titled *Promoting Democracy and Human Rights in Cuba*, stated that

> the promotion of democracy and human rights in Cuba is in the national interest of the United States and is a key component of this Nation’s foreign policy in the Americas.

The document listed a series of relaxations of travel rules and remittances with the ultimate goal of generating a political transition on the island, while reducing the ‘dependency of the
Cuban people on the Castro regime’. The 2011 initiative for Cuba, called *Reaching out to the Cuban People*, precisely echoed Clinton’s 1994 speech in Miami in which the president stressed the idea of ‘reaching out to the Cuban people’ in order to bypass and dismantle the Cuban regime. This strategy was not new, as Clinton used it as part of the ‘Track II’ of the CDA: according to this approach, the academic and cultural exchanges (vastly cut during George W. Bush’s two terms in office) as a form of ‘cultural diplomacy’ were perceived as providing for the strengthening of Cuban society and the spreading of liberal democratic ideas to the island.

The ‘Gross affair’ also showed that The United States Agency for International Development (USAID) had never abandoned its project of providing the Cuban people with internet and computer technology in order to receive news and communications from outside the island and, ultimately, to provoke the organization of political opposition in Cuba. The sentencing of Alan Gross signaled that Cuba would react with intransigence to any effort to ‘export’ democracy to the island, even through people-to-people contacts. Using anti-terrorism laws, the Cuban government could easily cut off those links between USAID contractors and Cubans, as happened during the ‘Black Spring’ of 2003.

Moreover, we should also note that in Cuba USAID and other US government agencies with a mandate for democracy promotion generally use strategies (such as employing sub-contractors as foreign agents without any notification to the hosting government) that would also be considered illegal in the United States according to the US Code, and these also display scant respect for Cuban sovereignty. Recently, *Associated Press* revealed that in 2010 the USAID Office of Transition Initiatives and a contractor, Creative Associates, created a Twitter-like platform (called ZunZuneo) to promote democracy and create internal instability for the Cuban government by fomenting mobs and political unrest. Even though the service ceased to function in September 2012 due to a lack of financial resources, this story signaled that Washington is seeking an internal revolution to oust the Cuban government and is simultaneously exposing contractors, sub-contractors (such as Gross) and common Cuban citizens to the risk of being incarcerated. Even Gross himself declared that the ZunZuneo project ‘was the final straw’, and he decided to go on hunger strike (suspended after a few days) to pressure the Cuban and American governments for his release. According to his attorney, the protest
was caused by the fact that USAID covert projects could endanger his life and showed US hypocrisy over his case:

USAID has made one absurdly bad decision after another. Running this program is contrary to everything we have been told by high-level representative of the Obama administration about USAID's activities in Cuba.86

In other words, this ill-fated way to promote democracy can clearly endanger the few positive steps in state-to-state contacts that Obama has gained since 2009 and it can also create (once again) a climate of suspicion that would not promote common interests such as the liberation of Alan Gross.

Moreover, the US continues to invest a significant amount of money in financing the promotion of democracy on the island. As CRS reported,

from FY1996 to FY2012, Congress appropriated some $225 million in funding for Cuba democracy efforts. In recent years, this included $45.3 million for FY2008 and $20 million in each fiscal year from FY2009 through FY2012. The Administration’s FY2013 request was for $15 million, but an estimated $19.3 million was ultimately allocated after congressional action. The Administration’s FY2014 request was again for $15 million, but Congress ultimately appropriated up to $17.5 million.87

And we should also add over $27 million per year for the transmission of Radio and Television Martí to the island.88 Nevertheless, the US Section of Interest in Havana (USINT) and its sub-partners seem to maintain – as far as is possible - their independence from the political establishment in Washington and USAID, as the Government Accountability Office (GAO) lamented in both 2006 and 2013.89 In other words, implementing partners on the island are not properly monitored, and the ‘state’s monitoring does not ensure program funds are used as intended”90.

In other cases, the USINT in Havana showed an almost total independence from Washington in managing US relations with Cuban internal regime opponents. In late 2009, Yoani Sánchez, the international award-winning Cuban blogger and ‘dissident’, published on his blog Obama’s reply to the letter she had sent him.91 As the cables from Wikileaks revealed, the USINT drafted the answers for Obama,92 and his final letter to Yoani Sánchez contained only few cosmetic changes from the draft version of the
US Section of Interests in Havana. In other words, USINT was able to fabricate a case that could endanger US-Cuba relations.

President Obama vs The Hardliners in Congress

After Obama's first election, the Cuban government reacted with mixed feelings. Like Clinton, he received guardedly positive comments from Havana, but the Cuban regime was never prepared to accept any negotiation regarding the principles of the Revolution and its political system. As in the early 1990s, Havana could have acquiesced to join broad talks on bilateral issues, but Raúl Castro and other Cuban officials would not accept US-driven political and economic reforms. In other words, the Cuban government was prepared to be involved in win-win, positive-sum talks (on migration issues, prisoner exchange, drug trafficking, counter-terrorism activities, etc.) while the US interpreted the bilateral relations mainly as a kind of zero-sum game focused on democratic conditionality.

Another striking similarity between Obama's and Clinton's first years in office concerned the external forces which menaced their power to dictate the US agenda over Cuba. Clinton, especially in the management of the migration crisis in 1994-95, reached some independence from the CANF and the Cuban-American congresspeople, but after that, Congress (and the Cuban-American hardliners) took the lead and pushed for approving the Helms-Burton bill in late 1995. Like Clinton, Obama needed to fight against Congress to maintain his political stance over Cuba. Senators Robert 'Bob' Menéndez (D-NJ), Marco Rubio (R-FL) and Ted Cruz (R-TX), and Representatives David Rivera (R-FL), Mario Díaz-Balart (R-FL), Ileana Ros-Lehtinen (R-FL) and Albio Sires (D-NJ) represented the Cuban-American congresspeople in Congress and the pro-embargo faction. This bipartisan group could lobby for maintaining current economic and travel sanctions against Cuba as several Republicans and Democrats received contributions for the electoral campaign from the US-Cuba Democracy Political Action Committee. In the 2008 and 2012 electoral campaigns, contributions from Political Action Committees (PACs) were granted to both Republican and Democratic candidates, creating a huge and heterogeneous coalition of pro-embargo supporters (in 2012, 97 candidates to the House and 17 to the Senate benefited from its funding). Moreover, the US-Cuba Democracy PAC remains the most generous group in
the 'Foreign and Defence Policy' political action committees in Congress: in 2012 it granted over $300,000 to its candidates.101

Robert 'Bob' Menéndez, as Chairman of the Senate Committee on Foreign Relations, Ileana Ros-Lehtinen, who served as Chairman of the House Committee on Foreign Affairs until January 2013, along with Marco Rubio, have consistently undertaken strong filibustering activity in Congress: in mid-2011, they presented several bills to cut travel and remittances.102 In December 2011, the pro-embargo congressional hardliners threatened not to approve the Omnibus Spending Bill in order to include in the text a provision to reintroduce the pre-2009 restrictions.103 The planned visit to Cuba by the pop stars Jay-Z and Beyoncé in Spring 2013 (which was fully licensed by OFAC as cultural exchange) revealed that some intransigent congressional actors still oppose travel to Cuba, as they consider these exchanges little more than forms of tourism.104

Even though Obama gained a consistent victory on this last issue, the Clintonian struggle between the President and Congress has not been decisively transcended. In fact, in the spring of 2011, Obama threatened to veto any congressional bill or provision that would undermine his policy toward Cuba.105 In 2013, as the Panamanian police discovered a North Korean ship carrying old Soviet arms from Cuba, the Cuban-American congress-people criticized Obama’s efforts to engage Cuba and they vigorously attacked the Obama-Raúl handshake in December 2013.106

Unlike Clinton, Obama resisted congressional centrifugal initiatives on Cuba. Clinton never directly raised the spectre of the veto to the Helms-Burton bill in 1995, and he was forced to sign it after the Cessnas shoot-down in February 1996. As this took place in international waters, the signing of the Helms-Burton Act (in early March 1996) essentially represented something of a good deal to avoid further clashes with Congress (and with the Cuban-American lobby that wanted a firm response to Cuba) or a potential military escalation, and also to secure Clinton’s re-election in 1996.110

By contrast, Obama consciously utilized this particular presidential prerogative to extensively defend his foreign policy. He was consequently able to insulate the timid progress in bilateral relations from any emotional response to the incarceration of Alan Gross and to Orlando Zapata Tamayo’s death while on hunger strike. Although the Washington Post and some senior Republican congress-people suggested re-introducing the 2004 sanctions as
leverage to obtain the liberation of Gross. Obama actually responded by expanding travel rights in 2011.

Yet Obama’s Cuba policy was primarily affected by the difficult legacy of the Helms-Burton Act, which limits presidential power to engage with Cuba or to remove the embargo unilaterally. In particular, Title II of the Act virtually prevents the president from completely removing the economic sanctions and, since 1996, has codified democratic conditionality as the main precondition in dealing with the Cuban government. Since the Helms-Burton Act, crushing the Revolution and expelling Fidel and Raúl Castro from power ‘is not a matter of policy: it is a law’. These preconditions leave little space for maneuver for US presidents. Obama could have expanded the migration talks and military and agricultural cooperation, but the core of the problem, the Cuban embargo, would remain in place, because the legislative framework in which it sits is now even tighter than it was in the early 1990s. The US government’s ability to extend touristic travel to Cuba is also notably limited: according to the TSRA of 2000, the president can only authorize a series of travel not related to ‘touristic activities’. This is what Obama could do (and did do) in 2011. In fact, Obama’s policy toward Cuba remained a sort of re-edition of Clinton’s carrot-and-stick strategy mainly based on supporting the status quo as fixed by the legislation, while waiting for some positive signs to come from the island.

ANALYTICAL IMPLICATIONS

To understand the significance of the evolution of US-Cuba policy under Obama, we have to answer one main question: quite simply, why did Obama change his view and adapt his policy toward Cuba?

In my view, there are two principal explanations for this shift. The first is primarily linked to the electoral process. In the 2008 election, American public opinion was looking for candidates not involved in the ‘Bush doctrine’ and the war on terrorism. Looking at the Cuba issue, the Bush years had exacerbated the tensions between the two countries, while US-Cuba policy was counterproductive: the Bush government offered many federal posts to Cuban-American hardliners; accused Cuba of transferring bio-weapons technology to ‘rogue states’; tightened sanctions on remittances and travel and the terms of trade and payments of the TSRA; enforced the OFAC regulations; reduced academic and cultural contacts and exchanges; and created the Commission to
Assistance to a Free Cuba, the reports of which (released in 2004 and 2006) revealed clearly American imperial ambitions over Cuba. Despite all these hardline efforts, US-Cuba policy produced no remarkable successes.\textsuperscript{118}

In the 2008 campaign, Obama was able to develop a distinctly ‘Carterian branding’ to distance himself from Bush’s legacy, as well as the politics of both John McCain and Hillary Clinton, and to reach out to those disaffected American voters who had become unhappy with the the truculent character of the country’s foreign policy. Approaching the democratic nomination and the final rush for the White House, Obama operated a re-centralization of his views over Cuba,\textsuperscript{119} and, once elected president, he continued to pursue the liberalization on travel and remittances, while abandoning his more liberal proposals (for example, the meeting with Raúl). This ‘electoral’ explanation therefore implies that president Obama never completely shared Carter’s views on how to approach Cuba. In fact, he used only what we might term a ‘moderate’ Carterian approach. During his campaign, Obama never promised to repeal the embargo or to re-establish normal diplomatic relations with Cuba, but instead opted for a more vague and cautious ‘change in Cuba policy’.\textsuperscript{120} He was probably aware that the provisions of the Helms-Burton Act would influence or even dictate his foreign policy and it would be difficult to find a congressional majority to move forward the modifications to such a law. In fact, while the pro-embargo faction was still alive, several democratic bills to ease the restrictions lingered and died in Congress.

At the same time, Obama likely used a liberal approach to court Cuban-American voters, as a significant part of the (increasingly heterogeneous) community became dissatisfied with Bush’s 2004 restrictions.\textsuperscript{121} Indeed, during Obama’s campaign, the Cuban-American community was far from the strong and unanimous ‘moral community’ of the 1980s and the 1990s,\textsuperscript{122} and several frictions and divergent views emerged. In particular, the generational gap between the ‘golden exiles’ and the new immigrants threatened to affiliate the community with the Republican Party.\textsuperscript{123} The majority of Cubans in South Florida were likely to accept a more open policy toward the island, which meant the relaxations on travel rules and remittances.\textsuperscript{124} Obama obtained a remarkable success among Cuban-Americans (especially in 2012) as he was able to interpret this need for change from the younger generation in particular.\textsuperscript{125}
In recent years, Bill Clinton confessed that when he was president, he had doubts about the embargo as a proper leverage to obtain a democratic transition in Cuba, but he was compelled, due to electoral policy, to support and expand it by signing the Helms-Burton Act. Even if with different premises and outcomes, the special partnership between Washington and Miami and the so-called ‘two level game’ policy toward Cuba is surviving. In February 2009, a poll revealed that 72 per cent of Cuban-Americans in Florida agreed on maintaining the embargo until the complete democratization of Cuba (even the majority of Cuban Democrat voters agreed on that) and they expressed no hope for a transition under Raúl. This meant that Cuban-Americans favored the relaxation on travel and remittances but they did not abandon some intransigent positions over the embargo and regime change. Cuban-American hardliners and the pro-embargo congress-people are contributing to perpetuate the long-term hostility between the two countries, and the (at least) anachronistic posture of blind revenge against Fidel Castro and the Cuban Revolution, which has been adversely conditioning US policy towards Cuba for over 50 years. Cuban-American public opinion, along with the Cuban-American pro-embargo strategy in Congress, is mainly based on demanding more economic and political reforms from within Cuba. Obama’s shift in policy could have followed this moderate change within the Cuban-American community in South Florida more decisively, but further steps were blocked.

This brings us to the second explanation, which is linked to both the timing of Obama’s shift and also to US major foreign policy goals in Cuba. President Obama probably took his time to evaluate Raúl’s real intentions to cooperate with the US: as some State Department advisers admitted in early 2009, the president just wanted to ‘test the water’ with Cuba. As it became evident that Cuba was not interested in changing its political regime, Obama’s engagement failed and the president moved towards a more obviously set of Clintonian positions.

However, since 2010 Cuba has actually been experimenting with a remarkable range of reforms, with the introduction of some free-market elements: an emerging middle class has to some extent been created, and the US now has the distinct possibility of sustain its growth by easing trade and travel rules, and removing Cuba from the ‘terror list’. Yet Cuban reforms have been described as being excessively slow and gradual. The government in Havana compromised in reforming the economy but also sought
to avoid Eastern European-style sudden economic changes, which led to the sudden collapse of the communist regimes and significant instability afterwards. In other words, the Cuban government is looking much more to Asian approaches - like those taken by China and Vietnam in the early 1990s - in terms of institutionalizing single party rule along with a partial transition to a market-oriented economy.\textsuperscript{135}

Shortly after Raúl Castro succeeded his brother, he made some public statements on the need for increasing political openness, but this appeal was made entirely within the frame of the defense and the enhancement of Cuban socialism.\textsuperscript{136} In other words, the Cuban reforms are still far from creating the conditions, codified in the Title II of the Helms-Burton Act, to repeal the embargo and to re-establish normal diplomatic relations between the two countries. These include, at a minimum, free and fair elections, a multiparty system, and the ousting of Fidel and Raúl from the future Cuban transitional government, along with a range of other conditions as laid out in the Cuban Liberty and Solidarity (LIBERTAD) Act, 1996. In particular, the Title II of the Act has been codifying the ‘road map’ for the (future) Cuban democratic transition to democracy and capitalism: a Chinese or Vietnamese-style transition would not accomplish the ‘predictions’ for the Cuban future as contained in the Act.

**US-CUBA RELATIONS AND DEMOCRACY PROMOTION**

If we look at US-Cuba relations in terms of promotion of democracy, we notice that Carter’s speech at the University of Havana was aimed at restructuring the relations between the two countries, but his main goal was ‘exporting’ democracy to Cuba. In fact, the former president explicitly criticized single-party rule and endorsed the petition of the ‘Varela Project’ to reform the Cuban constitution.\textsuperscript{137} From Carter to Obama, the commitment to the promotion of democracy remained a sort of ‘state policy’ in the US approach toward Cuba, which has become a type of American ‘democratic promotion workshop’. Carter, in 2002, suggested a strategy of state-to-state cooperation and engagement, which former Secretary Rice called ‘transformational diplomacy’,\textsuperscript{138} in order to persuade the government in Havana to concede more political and civil liberties to the Cuban people. Ironically, Cuba would probably have progressed more rapidly in its economic reforms without the US unilateral embargo and with free access to
the huge American marketplace. Yet Washington would like to see more (political and economic) reforms in exchange for future moves on trade, travel and remittances.

Like Carter in his (only) term in the White House, Obama understood that a rapprochement with Cuba was a long and windy road, full of obstacles. The path Carter suggested in Havana represented a complete shift from the US policy towards Cuba of the last 50 years, and the outcomes could have been some remarkably positive changes in terms of a democratic transition (of some kind). Already in April 2009, at the Summit of the Americas in Trinidad and Tobago, Obama expressed his impatience: ‘Let me be clear: I’m not interested in talking [with the Cuban government] just for the sake of talking’. In May 2011, the US president stressed this point again:

For us to have the kind of normal relations we have with other countries, we’ve got to see significant changes from the Cuban government and we just have not seen that yet.

In the same way, a few months later, Obama downplayed Cuban reforms as ‘not enough’ to start a normalization of bilateral relations. In late 2013, the president argued for an ‘updating’ and ‘modernization’ of US policy towards Cuba (as he did in early 2009). Even if it is difficult to see how the administration should move to update his policy, Obama’s ‘newest course’ is probably linked to the fact that he ‘began to see some changes in Cuba’. Yet after the handshake between Obama and Raúl Castro at Mandela’s funeral in South Africa (in December 2013), the State Department consciously minimized the important of this gesture. Indeed, despite Obama showing some willingness to relaunch the engagement with Cuba, he has been consciously refraining from any state-to-state contacts or any public displays of conciliation with Castro’s government.

In addition to these ambiguous moves, the US commitment to democracy promotion, which has long been a part of US main strategy towards Cuba, remained the only official instrument with which to evaluate Cuban reforms and changes. Dealing with Cuba, Obama’s ‘dignity promotion’ was nothing more than a revisited edition of Bill Clinton’s ‘enlargement’ of democracy, human rights and free market in the Americas. Even the end of the veto on Cuban re-admission to the Organization of American States (OAS) represented the fulfillment of Hillary Clinton’s vision towards Cuba. Indeed, to rejoin the Organization fully, Cuba will
need to respect the Inter-American Democratic Charter of 2001; Cuba’s hemispheric isolation was mainly re-adapted for present times but never completely abandoned, even if the country was once again becoming a thorny issue in US-Latin America relations.\textsuperscript{149} Moreover, as Louis A. Pérez Jr. recalled in his seminal work, the presumption that Cubans are not capable of self-government, if not with an external and ‘benevolent’ US intervention and interference in Cuban internal affairs, still remains an enduring rationale for US policymakers.\textsuperscript{150} The very term ‘normalization’ of bilateral relations is not a shared vision of the future: Cuba and the US have different visions about what should be considered a ‘normal’ bilateral relationship.\textsuperscript{151}

In the last few years, the US needed a strategic reorientation in its promotion of democracy,\textsuperscript{152} after a national and international backlash during Bush’s two terms.\textsuperscript{153} In fact, Obama tried to foster a brand new and more ‘sustainable’ concept of democracy and the promotion of it;\textsuperscript{154} and he tried to revert the damage caused to US international prestige by the previous administration. Yet this approach did not represent a complete desertion of US vocational missions to ‘export’ democracy abroad. As Thomas Carothers has pointed out,

\begin{quote}
the initial stepping back was not intended as, and did not constitute, a major shift in the place of democracy support within American foreign policy. It was primarily a change of tone and message...\textsuperscript{155}
\end{quote}

Obama’s policy toward Cuba has been following this path: under his presidency, the United States has clearly moderated its tone and rhetoric towards Cuba. But, in the final analysis, Obama has not retreated dramatically – let alone decisively - from President Clinton’s ‘Track II’ strategy, as codified in the Cuban Democracy Act of 1992.

\textbf{CONCLUSION}

In summary, is quite likely that President Obama wanted neither to expose his administration and his foreign policy to something of a naive approach (or simply to longer-term goals) over Cuba, nor to challenge domestic constituencies of interest that had contributed to his campaigns, and the result was a re-edition of Clinton’s strategy, which Jorge Domínguez has recently described as simply a ‘Clinton-plus’ scenario.\textsuperscript{156} This shift certainly represented a transition to a more pragmatic foreign policy. As some
commentators noted, 'in office, Obama has been a progressive where possible but a pragmatist when necessary'. The Cuba issue perfectly identifies this dual approach in Obama’s foreign policy. A president, who had sponsored a ‘new course’ with Cuba, pragmatically accepted the embargo as leverage to obtain more political and economic reforms. Amid the debate over the absence of an American ‘grand strategy’ in the international arena, he chose the old comfortable policy towards Cuba. In President Obama’s eyes, perhaps having a proven unsuccessful strategy is sometimes better than having no strategy at all.

NOTES ON CONTRIBUTOR

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NOTES


10 John R. Bolton, ‘Beyond the Axis of Evil.’


16 U.S. Senate, *Cuba’s Pursuit of Biological Weapons*, 35.


18 Michael Hirsh, ‘Bush and the World.’


37 Schoultz, The Little Infernal Cuban Republic, 460.


54 ‘Cuba suspends consular services in the U.S. due to banking problem’, Reuters, 14 February, 2014.
57 In David Adams, ‘Cuba suspends consular services in U.S.’, A13.
58 Cuban Assets Control Regulations, 31 CFR, §515.201.a.


‘Cuba protests PriceSmart’s suspension of memberships in Jamaica’, Reuters, April 11, 2014.


Schoultz, The Little Infernal Cuban Republic, 519. President Clinton reluctantly signed the Act (Clinton, 2000) as the TSRA determined limited possibility to export agricultural products to Cuba, while section 7209.b tightened presidential authority over extending travel rights to US citizens.


‘EE.UU. concederá visas a cubanos de hasta cinco años con entradas múltiples’, EFE, July 31, 2013.


Office of the Press Secretary, ‘Memorandum for the Secretary of State, the Secretary of Treasury, the Secretary of Commerce’, April 13, 2009. Accessed June

77 Ibid.


88 Ibid., 43.


Jonathan Farrar admitted that Yoani Sánchez never sent the same questions to Raúl Castro as she had claimed in her blog in order to discredit the Cuban government. Other cables from WikiLeaks revealed that the USINT considered that Yoani Sánchez, through her blog, could play a major role within Cuban dissidence (as ‘the ‘ol guard’ dissidents mostly have been isolated from the rest of the island. The GOC does not pay great attention to their articles or manifestos because they have no island-wide resonance and limited international heft’) and, since 2007, she established deep contacts with the Interest Section in Havana (USINT to Department of State, ’Consenso On-Line: An Impartial Forum In Cuba?’, Confidential 07HAVANA622, June 28, 2007, Accessed June 13, 2014 http://wikileaks.org/cable/2007/06/07HAVANA622.html; USINT to Department of State, ’U.S.- Cuba Chill Exaggerated, but Old Ways Threaten Progress‘, Secret 10HAVANA9, January 6, 2010. Accessed June 13, 2014 http://wikileaks.org/cable/2010/01/10HAVANA9.html).


94 Ted Cruz was elected in 2012.

95 In 2012 David Rivera lost his seat against Joe García, who became the first Cuban-American democrat elected in Florida and showed less intransigent and more liberal positions toward Cuba and the embargo.

96 The US-Cuba Democracy PAC was founded in 2003 to ‘raise funds from individuals to contribute to candidates running for the United States Congress, who oppose any economic measures that directly or indirectly finance the repressive machinery of the Cuban dictatorship and, who are committed to supporting legislation seeking to strengthen support for Cuba’s courageous pro-democracy movement‘, http://www.uscubapac.com/purposeandagenda.html.


100 Damien Cave, ’Trip to Cuba By Beyoncé And Jay-Z Investigated‘, New York Times, April 9, 2013, A7.


121 Florida International University, 2008 Cuba Poll (Miami: Cuban Research Institute, 2008).


Florida International University, 2008 Cuba Poll; Florida International University, 2011 Cuba Poll (Miami: Cuban Research Institute, 2011).


Taylor Branch, The Clinton Tapes, 294.


The Carter Center, 'Remarks by Former U.S. President Jimmy Carter at the University of Havana, Cuba.'


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The Washington Quarterly, 29 (2006): 7–26. Unfortunately, as Secretary of State, Condoleezza Rice never put into practice the ‘transformational diplomacy’ in US relations with Cuba, while she was waiting for Fidel’s death to engage the future Cuban government, Condoleezza Rice, No Higher Honor: A Memoir of My Years in Washington (New York: Random House, 2011): 568-570. Moreover, Secretary Rice presided the Commission to the Assistance to a Free Cuba, whose 2006 report was far from being a form of ‘transformational diplomacy’, as it codified several aspects of Cuba’s future in political, economic, welfare state fields, Commission for Assistance to a Free Cuba, Report to the President, July 2006.


141 In ‘Obama: No ‘Real Change’ from Cuba’, AFP, May 13, 2011.


144 ‘Obama tells dissidents he’s begun to see ‘changes’ in Cuba’, EFE, November 9, 2013.


155 Thomas Carothers, ‘Barack Obama’, in Foreign Policy and Democratic Promotion, 196-213.
Domínguez, ‘Reshaping the Relations between the United States and Cuba’, 45-46.

