

CANADA, THE US AND CUBA

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HELMS-BURTON AND ITS AFTERMATH

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The Martello Papers

The Queen's University Centre for International Relations (QCIR) is pleased to present the twenty-first in its series of security studies, the *Martello Papers*. Taking their name from the distinctive towers built during the nineteenth century to defend Kingston, Ontario, these papers cover a wide range of topics and issues relevant to contemporary international strategic relations.

This volume presents a collection of insightful essays on the often uneasy but always interesting United States-Cuba-Canada triangle. Seemingly a relic of the Cold War, it is a topic that, as editor Heather Nicol observes, "is always with us," and indeed is likely to be of greater concern as the post-Cold War era enters its second decade. The main impetus for the current heightened attention is the American *Helms-Burton Act* of 1996, which seeks to place added pressure upon Cuba *inter alia* by allowing America's government and its citizens to take legal measures against enterprises and citizens of other countries who do business with the island.

Given the efforts of both Washington and Ottawa to mitigate the impact of Helms-Burton on the overall bilateral relationship, it may appear at first glance that this is, as contributor Evan Potter suggests, "a tempest in a teapot." But the issue is important because it has struck a number of raw nerves in the foreign policies of both countries and, as Nicol relates, has exposed profound differences in how Canada and the US conduct diplomacy, especially in the Western hemisphere. This is so, even though both countries share the ultimate goal of seeing Cuba catch up with history and become a liberal democracy, one that respects human rights and the free market.

For many in the US, especially in Congress, the communist government of Fidel Castro remains not only a potential threat to their country's security, but an affront to the ideals upon which America's political culture and foreign policy are based. The end of the Cold War, far from lessening the desire to promote American values abroad, has in many ways reinvigorated the role of idealism, as is evident in the Clinton administration's policy of "engagement and enlargement." If Washington, with the blessing of its allies, can champion democracy and free enterprise in Eastern Europe and Asia, why should it not do the same in the Americas, where its "crusading" zeal first manifested itself in the nineteenth century? Moreover, the well-known influence of the powerful Cuban-American community in Florida must

be taken into the equation (as does contributor Dan Fisk, who worked on Helms-Burton when he was an aide to Senator Jesse Helms).

As with other American friends and allies, and as in other circumstances, Canada finds itself in the uncomfortable position of agreeing with the ends of US policy but having problems with the means — all the more so because the means, as prescribed by Helms-Burton, are seen as directly challenging Ottawa's longstanding approach to Cuba as well as Canadian interests and values. Canada did not break relations with Cuba after 1959, and over the decades continued diplomatic and trade links. In recent years, as Havana has looked for foreign capital to replace the aid once given by Moscow, several Canadian firms have invested in Cuba. Perhaps more important has been the domestic context. Ottawa's stand on Cuba is partly directed toward a public eager to see proof of Canadian independence in foreign policy. Resistance, in the form of Canadian legislation to counter the extraterritorial implications of American law, is regarded as a further assertion of Canadian sovereignty in the face of American hegemony, a challenge seen as being even more pronounced in the unipolar world of the 1990s.

With American security and idealism, Canadian economic interests and nationalist sensitivities, as well as domestic constituencies in both countries, so involved, it is no wonder American-Cuban relations have found their way onto the Canada-US bilateral agenda. The essays in this volume provide a comprehensive and eclectic set of explanations and analyses of this complex triangular issue.

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The papers in this volume attempt to move debate over Cuba forward. In the first essay, Sahadeo Basdeo sets the tone with his explanation of the developments that have led to the current impasse over Cuba, and Canada's difficulties with the *Helms-Burton Act*. Basdeo suggests that the American approach to Cuba differs from Canada's in very important ways, and speaks to the problem of whether there is value in engagement or cooperation.

In the chapters that follow, a series of essays explore the nature of this impasse. Rather than scratch the surface, they look for deeper realities and prospects. As the papers by Fisk and Nicol indicate, American politics have greatly influenced the United States' Cuban legislation. This legislation reflects a concern with much

“Cuba Problem” is as much a metaphor for the inherent difficulties of Canadian-American relations as it is a specific reference to the American concern with this tiny Caribbean state: Regardless of “the remarkable relationship” there are still very contentious issues which have not, and will not simply vanish. As Basdeo concludes in Chapter Two, it is unlikely that different Canadian and American approaches will change in the near future, and certainly not until “Castro dies or demits office.” And while the Canadian approach does not require the latter, the American approach certainly must. Moreover, “the point of significance is that while the US is pre-occupied with the embargo as a vehicle to realise democratic change in Cuba, with that policy’s potential for violence and mayhem, Canada desires an evolutionary and peaceful transition to democracy.”

But even before the Soviet collapse, Cuba's economic recovery was impeded by the US imposed economic blockade, introduced in the early 1960s. The US government has continued to tighten the embargo, particularly since 1989, believing that it would generate the domestic dynamics needed to overthrow the leftist government in Cuba.⁴ Some went so far as to predict the demise of Castro within a few years. There were no limits to such speculation, and indeed in the late 1980s and 1990s many reputable scholars and policy analysts have supported this move towards isolating Cuba. For example, Stanislav Levchenko, once director of the KGB, predicted that Castro would be out of office in 1990. Malcolm S.

sovereignty, laws and interests of host countries which housed US companies. In addition US unilateral action was inimical to the interest of international trade and taken outside the juridical framework of The General Agreements on Tariffs and Trade (GATT).

This line of reasoning did not dissuade the US Congress from passing the *Cuban Democracy Act* on 24 September 1992. This Act was designed to cut US aid to countries trading with Havana and end tax benefits for US companies allowing their overseas subsidiaries to do so. Again international reaction was strong, and once more Canada was among the first to speak out. Dennis Boulet from the Canadian Ministry of External Affairs affirmed that “Canada cannot accept this. What is at stake is the extraterritorial application of a US law that would usurp a company’s right to do business according to Canadian trade laws.”¹⁰ Similar sentiments were echoed by the European Community and the capitals of Latin America and the Caribbean. Among the critics were the US’s closest allies. Even in the United Nations, a Cuban resolution criticizing the extraterritorial effects of the *Cuban Democracy Act*

other foreign firms allegedly “trafficking” in property expropriated by Cuba from American nationals. The Administration was also opposed to the restriction on temporary entry into the United States of corporate officers and controlling shareholders of these companies, along with their spouses and minor children. This stance was reassuring to those who felt that President Clinton was serious about fostering closer person-to-person relations with Cuba, as reflected in several earlier measures, including direct air charters between the US and Havana, the signing of the Tarnoff Alarcon agreement to regularize the migration of Cubans to the US, and the confidence-building measures established between the Cuban and the US Armed Forces in Guantanamo Bay about overflights, shipping and free passage.¹³ However, when on 24 February 1996, the Cuban Air Force shot down two civilian aircraft operated by an organization of anti-communist Cuban exiles known as “Brothers To The Rescue” (one of which was piloted by José Basulto who had been involved in the Bay of Pigs invasion and with obvious CIA connections) President Clinton’s policy changed.

Notwithstanding the argument of the Cubans that their air-space had been perpetually violated by the “Brothers To The Rescue,” and that this went unheeded by the US government, the international community — including Canada — condemned Cuba’s action.¹⁴ It was a violation of internationally accepted rules prohibiting military attacks on civilian aircraft. This cry was taken up by Flori-

Canada's involvement continues to be constructive in Cuba, during the second half of this century. Not only have reciprocal trade figures been climbing, but respect and recognition for different ideological approaches to national development characterize the relationship. This has been reflected in the policies pursued from the time of Conservative Prime Minister John Diefenbaker in 1959, to the incumbent Liberal Prime Minister Jean Chrétien. Like Mexico, Canada has not severed diplomatic ties with Revolutionary Cuba, although many other countries did, after 1959.²⁴ The decision to maintain diplomatic ties with Cuba was taken by Diefenbaker, and has since been upheld by his successors. Diefenbaker's rationale was three-fold. First of all, he believed, with justification, that Canada "stood to gain economically after Washington cut the sugar quota and broke diplomatic relations with Cuba."²⁵ As Kirk notes, "given the dependence of Cuban industry on North American technology, it appeared logical that Canadian subsidiaries of US based companies could provide the required spare parts and machinery."²⁶ Secondly, notwithstanding ideological differences, the Diefenbaker Government was convinced that Castro enjoyed popular support, as he indeed

New Approaches Toward Cuba: Canada Responds to Helms-Burton

By 1994, Canadian official policy to Cuba was clear. Cuba was no longer a threat to anyone and Washington should overcome its phobia regarding Havana. Consequently, Canada consistently argued at various multilateral forums, including the Organisation of American States (OAS) and the Summit of the Americas in December of 1994, that the US position to isolate Cuba was counter-productive.³¹ What was needed was the reincorporation of Cuba into the international economy. In addition, Canada had come to recognize the considerable investment potential in Cuba, which the Canadian private sector had earlier identified and was then exploiting. Official backing was now being given to these initiatives in a positive attempt to revive an ailing Cuban economy. In addition, humanitarian support in the form of food and medical supplies was provided by Ottawa, and the industrial cooperation arm of the Canadian International Development Agency (CIDA) funded many Canadian companies considering investing in Cuba.³²

Apart from these initiatives, the Canadian government also announced, in June 1994, other adjustments in its policy directed at enhancing official bilateral relations with Cuba. These included increased senior-level contacts, beginning with the June 1994 visit to Cuba by Christine Stewart, Secretary of State for Latin America and Africa; strong support for parliamentary exchanges; continuing encouragement for the activities of such non-governmental organizations (NGO's) as Oxfam-Canada, CUSO, the Anglican and the United Churches, the Canadian Foodgrains Bank, Ottawa-Cuba Connection, The Jesuit Centre for Social Faith and Justice and Carleton University of Canada.³³ It was not surprising, then, that Canada's track record and its pro-active and sympathetic position to Cuba has placed it in an ideal position to play a leading role in the campaign against the *Helms-Burton Act* after it was signed into law.

Canada's official position on the *Helms-Burton Act* is anchored philosophically, and politically, in the contribution that it has been making to the renewal of the Cuban economy and society since 1990. Canada has been sensitive to Cuban needs in the circumstances of desperation: To isolate and ignore Cuba is to exacerbate the suffering of its people. No such policy is acceptable. Hence Canadians maintain that Helms-Burton is morally unjust and politically unsound, and that the American objective of forcing Castro out of office through public disenchantment with a collapsing Cuban economy, is far from likely. If anything, that policy mind-set has strengthened Castro's grip on power. Believing that the Canadian approach is far more realistic, Christine Stewart stated in May 1996 in Ottawa, at the Cu5.2(t.e Up)0(Henc2(v)ted in (icanF23.6(.7(enc)-)]TJ)]TJ hy6agementuE -1.224 T -1.2

Our aim is a peaceful transition to a genuinely representative government ... that fully respects internationally agreed human rights standards. And we look forward to Cuba becoming an open economy. However, we differ from the United States on how to reach these objectives. We have chosen the path of engagement and dialogue; the United States has picked isolation.³⁴

To reinforce its arguments against the Castro regime in Cuba, the US has consistently argued that human rights abuses justify the intent of the *Helms-Burton Act*. The US administration has gone so far as to describe Cuba as a police state. To this Canada has consistently argued that while it recognizes Cuba's positive record on economic and social rights, it still has concerns in the areas of civil and political rights. Canada has been among the first to express concern at the severe

in the forefront of this attack condemning Title III of the Act. Title III allows US nationals with claims on expropriated property in Cuba to sue in US courts in order to recover money from foreign companies or people who “traffic” in that property. Likewise Canada and others have denounced Title IV of the Act, which allows the US government to deny entry to senior executives of companies who have been “trafficking” in property subject to a US claim. The latter clause has already affected the senior executives of one of Canada’s major investors, Sheritt International Corporation, who have been barred from entry into the US.⁴⁶

The intent of the *Helms-Burton Act* is basically to starve Cuba of hard currency by dissuading and inhibiting foreign investment in this Caribbean island-nation. While it has partially slowed down investment in Cuba and in a few instances has forced companies to make public announcements of their divestiture from Cuban operations — as in the case of Cemex of Mexico, Redpath of Canada, Paradores Nacionales of Spain and ING of the Netherlands — investment continues to be promising.⁴⁷ By October 1996, some seven months after Helms-Burton, 25 joint ventures were signed bringing the total to 240. One was the big deal with Vancouver-based Wilton Properties, a \$400 million scheme to build 11 resort hotels on the island. Another 143 new projects were under negotiation by the end of 1996. By December of 1996 total foreign investment was put at \$2.1 billion dollars.⁴⁸ Cubans seem confident, despite Helms-Burton, that they can hold on to their existing foreign investors.

However, to ease the Cuban plight Canada, Mexico and the EU have come out opposing the principle of the Act. Canada has maintained that the legal provisions of the Act violate international law and unlawfully imposes domestic US legislation extraterritorially on non-US citizens and companies. Most important, the Act establishes a dangerous precedent for US foreign policy in the hemisphere by imposing, unilaterally, US action to force other countries to comply with American wishes. Canada also opposes the Act on the ground that it violates the principle of international trade. As Christine Stewart points out: “Helms-Burton has transformed a US-Cuban problem into a much broader trade and investment issue that undermines what the United States and its major trading partners have been trying to achieve in the last few years: a freer-trade environment.”⁴⁹ She goes further:

Not only does Helms-Burton brush aside accepted legal practice, it flies in the face of our new vital trade regime, the North American Free Trade Agreement (NAFTA). Canada, Mexico, and the United States negotiated NAFTA to ensure that trade is conducted under a predictable system of rules. We broke new grounds in negotiating rules on investment and movement of business persons. We are concerned that this new law could violate a number of those provisions.⁵⁰

Mexico’s president Ernesto Zedillo emphasized the identical tenor of his country’s concern in June 1996, in an address to the joint sitting of the Canadian parliament. He stated that “Mexico and Canada consider inadmissible every measure that, rather than promote liberty, obstructs freedom, that instead of

dropping barriers, erects them to the detriment of international investment and business.”⁵¹

Apart from its convincing political denunciation of Helms-Burton, Canada’s condemnation of Titles III and IV of the legislation was not altogether altruistic, since it was in part influenced by its considerable preponderance of investment in Cuba. Since the early 1990s the Canadian Government has been providing strong support to Canadian businesses seeking opportunities in the Cuban market. Since then Canada has increased its embassy trade staff, and participated in Cuban trade fairs helping to promote Canadian products.⁵² It has identified areas for macro-economic cooperation, where Canada could help Cuba modernize its key economic policy institutions such as the tax collection system and its central bank needs, and has begun negotiations for a Foreign Investment and Protection investment.⁵³

That input led Lloyd Axworthy, Canada’s External Affairs Minister, to quip after his January 1997 visit to Cuba, that Canada had accomplished more in his five hours of talks with Fidel Castro than the Americans had accomplished in the last 30 years by isolating Cuba. The fact is that Canada sees business investment and the modernization of Cuba’s financial and commercial institutions as a means of assisting the Cuban people to overcome their economic difficulties and enter the market economy. Such an approach would help both current and future investors to undertake effective business operations in Cuba.⁵⁴

Canadian Business in Cuba: A Growing Concern

Canada’s private sector is one of the largest investors in Cuba today. Since the Mulroney era, Canadian entrepreneurs have been seeking commercial and investment opportunities in Cuba with considerable success. Many Canadian companies now have substantial investment in Cuba, especially in the mining sector. Likewise a large number of businesses have been exporting Canadian products to Cuba. Since slightly over 20 percent of Cubans now have access to foreign currency, the catchment area for Canada’s exports has increased. Since 1992, Canadian commercial involvement in Cuba has been extraordinary. As Kirk has vividly stated, one only has “to mingle with Canadian business representatives on the weekend flights to Havana from Montreal and Toronto to see the variety of sectors that believe that the Cuban economy ... is profitable.”⁵⁵ There is no doubt that Canadian companies want to position themselves “to take advantage of the flood of opportunities that will arrive should the US embargo be lifted.”⁵⁶

The many Canadian companies with investments in Cuba today include the Alberta-based Sherrit International with holdings in nickel and cobalt in eastern Cuba. Wilton Properties Ltd., headed by Vancouver entrepreneur Wally Berukoff has increased the growing Canadian presence by undertaking a \$400 million joint venture to build 11 hotels and other tourist facilities with Cuba’s state hotel firm Gran Caribe. One hotel is to be constructed in Havana, five in Jibacoa, three in

Cayo Lago, and the other two on the Isle of Youth.⁵⁷ Berukoff's decision is seen as courageous given the fact that "there have been some indications that a number of European hotel chains have been holding back, delaying their activities in Cuba to see how Helms-Burton plays out."⁵⁸ Miramar Mining Corp., also based in Vancouver and run by Wally Berukoff, is exploring two mining prospects in Cuba: a copper-gold project on the western end of the island and a gold deposit on the Isle of Youth.⁵⁹ A number of junior-Canadian companies like Holmer Gold Mines Ltd., MacDonald Mines Exploration Ltd. and CaribGold Resources Inc. have joint ventures with Cuban companies to explore for gold. York Medical and Saskatchewan Opportunities Corp. have jointly been engaged in commercializing Cuban pharmaceuticals for sale in the developed world.⁶⁰ Canada Northwest Energy, a subsidiary of Sheritt, has been involved in oil exploration in Cárdenas Bay and on land in Sancti Spiritus; so has Calgary-based Bow Valley Energy Inc. The Delta Hotel chain which manages several hotels in eastern Cuba is also engaged in hotel construction. The Pizza Nova chain has been expanding to meet the needs of Canadian tourists (the largest national destination to Cuba over the last few years) and this has been complemented by investment made recently by Canada's Labatt Breweries.⁶¹ These are only a few in an ever-increasing Canadian private sector presence in Cuba where, by the beginning of 1997, some 30 Canadian companies were doing business and where the two-way trade between Canada and Cuba totalled about \$600 million in 1996.⁶² It is not surprising that Canada has now become one of Cuba's biggest trade and investment partners.

The greatest success story and Canada's biggest corporate test case, is Ian Delaney's Sheritt International. Sheritt's nickel mine at Moa Bay was originally built by Freeport Sulphur Co. of New Orleans in 1959.⁶³ It had only just started shipping nickel concentrate to Freeport's refinery in Louisiana when it was seized by Castro in 1960. In December 1994, Sheritt and the government of Cuba entered into a joint venture whereby Cuban nickel would feed Delaney's refinery at Fort Saskatchewan, Alberta. By this time Delaney was selling more than half of his refined nickel into the United States. The anti-Castro alliance was outraged and by June 1995 Delaney found himself on a US treasury department blacklist. Delaney subsequently thumbed his nose at the American embargo and found new markets for his nickel. As his business relationship with Cuba grew to near mythic proportions, this Canadian entrepreneur, whose investment today is over \$650 million dollars in nickel, cobalt, tourism, gas and oil and has become a "preferred" investor in Cuba, became the first Canadian victim of Title IV of the *Helms-Burton Act*.⁶⁴

Delaney, along with his family and top executives of his company, have been debarred from entering the US.⁶⁵ This action has evoked widespread official and unofficial condemnation in Canada. Art Eggleton, Canada's Trade Minister, described the move as outrageous. "It's ridiculous" he said "for the United States to deprive some Canadian children of the chance to visit Disneyland" noting that kids are hardly a threat to America's national security.⁶⁶ He was supported for the

first time by a passionate body of NGOs. A coalition of church, labour and relief groups urged Canadians to avoid vacationing in Florida unless the US government eased the sanctions.⁶⁷ Marion Dewar, head of OXFAM-Canada was just as forthright: “How can we vacation in a place that bullies its neighbours and harms poor people in Cuba?”⁶⁸ Even Peter Morton, the *Financial Post*’s Washington bureau chief did not mince words. The US has settled its claims with Communist

Any justification by the United States for the measures taken under Helms-Burton on the basis of the national security exception would constitute one of the most alarming instances of reliance on this exception in the history of the GATT, and would pose a significant threat to the credibility of the multilateral trading system as it exists today.⁷³

US \$110 million from American financial houses. While only PanCanadian Petroleum Ltd. of Calgary with its \$17 million investment in oil exploration nears the ceiling established by Clinton, the stakes in question are high for the EU. Libya and Iran account for 25 percent of all the oil imported into the EU and several EU firms have major investment in these countries. France's Total SA oil company for instance is one such firm with an \$820 million contract to develop offshore oilfields with Iran.⁷⁹

It is not surprising that the EU condemns Clinton for trying to impose American hegemony on the Islamic world. Similarly, several of Washington's staunchest allies, already outraged by Helms-Burton, opposed the move. Canada stood among them. Ottawa opposed the measure largely on principle. While Canada shares "the concerns of the United States and other countries on international terrorism and place a high priority on finding ways to combat it, this is not the way to proceed," echoed Foreign Affairs Minister Lloyd Axworthy.⁸⁰ This sentiment was shared by International Trade Minister Art Eggleton who saw the so-called "D'Amato Bill," named after its sponsor, Republican Senator Alfonse D'Amato of New York, as another "attempt by the United States to dictate trade policy to its allies" and vowed that "Canada will continue to defend its interests against the extraterritorial application of such legislation."⁸¹

American Responses to Canada's Position

It was Canada's unrelenting position — coupled with international support provided by Mexico, the 15-member EU, and others — which forced Clinton to suspend Title III of Helms-Burton.⁸² It was an admission that other options needed to be explored to avoid a disruption of good relations between the US and her major trading allies. President Clinton chose to appoint Stuart Eizenstat as his special envoy on Cuba to travel to world capitals to make the case for a real

WTO to postpone appointing members of a panel that was supposed to hear the trade case.⁸⁵ Canada likewise decided to postpone temporarily the establishment of a NAFTA panel.⁸⁶

Clinton's new agenda advocated the need for international pressure to be placed upon Cuba to accelerate the democratic process. To this end, Eizenstat was mandated to persuade Canada, Mexico, the EU and others to adopt five key principles to overthrow Castro. They included making public statements calling for democracy in Cuba, funnelling government aid through Cuban non-government agencies, increasing support for independent journalists, ending government subsidies to Cuba, and pledging not to help Cuba develop a nuclear reactor.⁸⁷ Eizenstat added to this list when he visited Canada in August of 1996. He called for Canadian companies investing in Cuba to adopt new standards for trade and investment, as well as more stringent business practices, through the introduction of the Sullivan principles. This would force Canadian companies to pay workers directly rather than through a government agency, and would recognize the formation of trade unions. Finally the American Under-Secretary of Commerce called upon the Mexican and Canadian governments to drop their NAFTA challenge, insisting that it was wrong to use a trade panel to resolve political differences.⁸⁸ He promised that if America's major trading partners drop retaliation threats and join the US drive to democratize Cuba, Clinton was likely to continue suspending Title III of Helms-Burton.⁸⁹

The call for Canadian companies to adopt new standards for trade and investment evoked strong opposition from Canada's influential Business Council on National Issues [BCNI]. Its president, Thomas D'Aquino, speaking on behalf of 150 large corporations, rejected the position that Canadian companies should reform their hiring and payment policies, environmental practices, and other aspects of doing business in Cuba to satisfy the Clinton administration. D'Aquino asserted that big Canadian companies behaved responsibly around the world though he agreed that "there were limitations of operating in countries, from Cuba to China, with repressive government. Just being in such countries helps bring about political change."⁹⁰

Since 1997, discussions over the *Helms-Burton Act* have produced a temporary ceasefire between the US and its Canadian and EU allies. President Clinton for his part continues to suspend the implementation of Title III. This delay in invoking Title III has allowed Canada and the EU to be firm but fair with Cuba. While they have requested Castro to be more responsive to liberal democratic reforms they have shown greater sensitivity to Cuba's current predicament by setting the tone for constructive change on an incremental basis through direct investment and political dialogue. Canada's agenda for democratic change in Cuba is best illustrated in the joint communiqué issued by the Cuban and Canadian governments after Foreign Minister Axworthy's visit to Havana in January 1997. This spells out the principles of constructive engagement which Canada chooses to pursue rather than the policy of isolationism advocated by the US.

The 1997 Cuban-Canadian communiqué represents the cornerstone of Canadian policy towards Cuba. It stresses joint cooperation and continuing dialogue between both states in a number of areas. These include cooperation in the administration of justice and the judicial legal system including exchanges of judges and judicial training; parliamentary exchanges focusing on the operations of parliamentary experience in both countries; broadening and deepening cooperation and consultation on human rights through exchanges between officials, academics, professionals and experts; support for the activities of Cuban and Canadian non-governmental organizations within the framework of bilateral cooperation; provision of technical support for Cuba's policy of economic reform particularly in the areas of taxation and central banking; collaboration on narcotics interdiction and the prevention of international terrorism; the provision of food aid to Cuba and finally the exploration of joint research and development projects in the health and environment sectors.⁹¹

Notwithstanding US lukewarm support for Axworthy's mission to facilitate democracy in Cuba, the Canadian initiatives in the joint communiqué did not impress Clinton. He responded with some scepticism:

While I am gratified that the Canadians ... and the Europeans, are now talking more to the Cubans about human rights and democratic reforms ... I am sceptical, frankly, that the discussions ... will lead to advances. I believe our policy (of isolation) is the proper one, but I'm glad the Canadians are trying to make something happen in Cuba.⁹²

Nicholas Burns dismissed Axworthy's initiatives as nothing that would guarantee fundamental reform: "there is no reason to believe that ... the tiger is going to change its stripes."⁹³ This assessment by the US reflects the basic difference in the approach of both countries to Cuba. As Axworthy put it Canada sees

value in the specifics of human rights co-operation, including Canadian support for grassroots groups in Cuba, encouraging Cuba to allow UN human rights monitors into the country, helping train judges and legal officers, and expanding a citizens' complaint system. It is the preparatory work needed to facilitate a democratic infrastructure. Democracy must be nurtured.⁹⁴

Axworthy was critical of the US notion that multi-party elections must be the litmus test of freedom in Cuba. "Look at Russia — simply having an election doesn't give you democracy."⁹⁵ The point of significance is that while the US is preoccupied with the embargo as the vehicle to realize democratic change in Cuba, with that policy's potential for violence and mayhem, Canada desires an evolutionary and peaceful transition to democracy.

Conclusions

With such different perceptions and approaches to Cuba, it is likely that Helms-Burton would continue to be on the US statute books for some time, certainly

until Castro dies or demits office. In the meantime Clinton will continue to suspend Title III of the Act indefinitely to appease his allies and critics. For this reason Helms-Burton will continue as a controversial issue in Canada-US relations. Since Title IV of Helms-Burton can only be suspended by the US Congress and consequently is beyond the jurisdiction of the President. Any suspension of this legislation, if it is to occur in the short term, must come from a concerted attempt by three groups: the international community, the silent majority in the US, and Castro himself.

Strong international pressure on the President and the Congress must continue. Both must be persuaded that there are other avenues to achieve democratic change in Cuba — an argument which they themselves must sell to the Cuban émigré community in Miami. Likewise, the normally silent majority in the US must become vocal in the denunciation of an obsolete and anachronistic policy — a policy that remains frozen in the era of the Cold War and hinders a rapprochement with Cuba. This is being made easier by the stance which a major section of the US business community has been taking in recent times. In November 1996, the US Chamber of Commerce came out against Helms-Burton describing it as simply “bad public policy,” and called for significant modification.”⁹⁶ Obviously US businesses with foreign operations fear they may get caught up in an international backlash if all aspects of Helms-Burton come into effect. In addition they view with considerable apprehension how substantial business opportunities, which could be theirs for the taking if the embargo and Helms-Burton are suspended, are quickly slipping away to major investors from Europe, Asia and Latin America. What is therefore needed is an American groundswell resembling the anti-Vietnam

5. Cited in Clifford E. Griffin, "Cuba: The Domino that Refuses to Fall. Can Castro Survive the 'Special' Period?" *Caribbean Affairs*, Vol.5, No.1, January-March, 1992, p. 24.
6. Adres Oppenheimer, *Castro's Final Hour: The Secret Story Behind the Coming Downfall of Communist Cuba*, (New York: Simon & Schuster, 1992), p. 9.
7. Susan Kaufman Purcell, "Collapsing Cuba," *Foreign Affairs*, Vol.71, No.1, 1991/92, p. 145.
8. Ibid.
9. Cited in Griffin, "Cuba: The Domino that Refuses to Fall," p. 32.
10. *Granma International*, 4 October 1992.
11. Editorial, *The Gleaner* [Jamaica], 16' January 1993.
- 12.

27. Ibid.
28. *The Ottawa Citizen*, 7 December 1996.
29. By 1995 the vote at the UN General Assembly against the Cuban embargo was overwhelming. Some 117 countries voted against it, while 3 voted for it. These were the US, Israel and Uzbekistan.
30. *The Ottawa Citizen*, 7 December 1996.
31. Kirk et al., *Back in Business*, pp. 16-17.
32. Ibid.
33. Context: Canada and Cuba, 1 December 1994, issued by Foreign Policy Communications Division, Department of Foreign Affairs and International Trade, Ottawa. Canada provided emergency assistance (food and non-food aid) to Cuba on a number of occasions. In September 1993, Canada provided \$250,000 to the UN World Food Program and \$250,000 to Oxfam Canada on behalf of a consortium of NGO's and churches for the purchase of medical supplies. In March 1994, Canada provided

54. *The Ottawa Citizen*, 24 January 1997.
55. Kirk et al., *Back in Business*, p.18.
56. Ibid.
57. *Maclean's*, 16 January 1996.
58. *Financial Post Daily*, 3 July 1996.
59. Ibid.
60. *Maclean's*, 16 January 1996.
61. *The Globe and Mail*, 7 April 1995; see also *Granma International*, 17 July 1996.
62. *Financial Post*, 26 October 1996; see also Radio-Canada International, 23 January 1997.
63. *Canadian Press Newswire*, 10 July 1996.
64. *Maclean's*, 15 January 1996; 18 March 1996.
65. *Canadian Press Newswire*, 10 July 1996.
66. Ibid.
67. *The Globe and Mail*, 11 July 1996.
68. *Canadian Press Newswire*, 10 July 1996.
69. *Financial Post*, 22 and 24 June 1996.
70. *Vancouver Sun*, 8 March 1997.
71. Stewart, "Keynote Address," p. 5.
72. See Opinion of the Inter-American Juridical Committee in Response to Resolution AG/DOC-3375/96 of the General Assembly of the OAS, entitled "Freedom of Trade and Investment in the Hemisphere," 23 August 1996.
73. Dattu and Boscarior, "GATT and Article XXI," pp. 199-202.
74. Ibid.
75. See *News Release* No.115 issued on 17 June 1996 by the Department of Foreign Affairs and International Trade, Government of Canada, entitled "Government Announces Measures To Oppose US Helms-Burton Act."
76. *The Globe and Mail*, 23 October 1996.
77. *US News & World Report*, 29 July 1996; see also *New York Times*, 21 July 1996.
78. *Maclean's*, 19 August 1996.
79. Ibid.
80. Cited in Ibid.
81. Cited in Ibid.
82. *New York Times*, 18 July 1996; see also *Canadian Press Newswire*, 30 December 1996.
83. *Financial Post Daily*, 3 December 1996.
84. *The Globe and Mail*, 13 February 1997.
85. Ibid.

86. Ibid.
87. *Financial Post Daily*, 28 August 1996.
88. Ibid.; see also *The Globe and Mail*, 27 July 1996.
89. *Financial Post Daily*, 28 August 1996.
90. *Financial Post*, 31 August 1996.
91. See text of "Joint Declaration of the Ministers of Foreign Affairs of Canada and Cuba," issued on 22 January 1997.
92. *The Ottawa Citizen*, 24 January 1997.
93. Ibid.
94. Ibid.
95. Ibid.
96. *Financial Daily Post*, 8 November 1996.

3. *Cuba in US Policy: An American Congressional Perspective*

Daniel W. Fisk

Introduction

In general, Americans who have focused on the issue of Cuba agree on the objective of democratic change on the island, while disagreeing on the most effective means of promoting such a change. The US government's policy towards Castro's Cuba often is dismissed as a relic of the Cold War and an American preoccupation with Communism, but it is more appropriate to view Cuba policy since the fall of the Soviet Union in terms of the "democracy agenda."¹ Whether cast as "idealism" or "*realpolitik*," this "democracy agenda" seeks the promotion of government based upon the consent of the governed and free markets with equality of opportunity and access.

The two most recent iterations of US Cuba polic-*ys1.284[em2aiT40.06DiTw (t)04s*

Partly in response to domestic constituencies, however, Congress could not ig-

by state security and an infrastructure that consisted of a large number of properties taken from American citizens in violation of international law and, arguably, Cuban law. While pursuing these economic openings, the regime continued its efforts to “perfect a system in which repression of the Cuban people serves as a foundation for the governments maintenance of power.”¹⁴

Congress: Where to With Cuba Policy?

Senator Jesse Helms, Chairman of the Senate Committee on Foreign Relations, and Admiral (ret.) James “Bud” Nance, the Committee’s Republican Chief of Staff, approached the question of Cuba with no preconceived notions as to what course to follow, except that they did not wish to legitimize or subsidize the Castro regime. They merely had a “gut instinct” that the issue needed reinvigorating. As the staff member responsible for Western Hemisphere issues, I was asked to begin considering policy options and the political environment to achieve any course of legislative action.¹⁵

One question that those favouring lifting the US embargo could not answer was: why is Castro’s number one priority the embargo’s end? Even critics of the embargo conceded that this was (and remains) at the top of Castro’s foreign policy objectives. It is the regime’s top priority because the regime calculates that not only can it survive such a US policy change, but can actively profit from it.¹⁶ Such a policy shift would provide both the hard currency the regime needs and the legitimacy Castro wants.

A second question involved the record of engagement. The argument is that US policy has failed; that after nearly 40 years and eight US Presidents, the policy has not succeeded in removing Castro or moderating his behaviour. Castro is still in power, true, and his internal behaviour remains as repressive (but more sophisticated) today as it was in its infancy. However, there is another record of relations with Cuba that bears equally upon this debate: the record of over three decades of engagement by other nations with Castro’s , (vir(v)126o)54(t s14ban la)uhdas fub bed ofcad17.9

The Legislative Process

Congress is about perceptions and math, politics and policy. The perceptions involve power, namely who has it and who exercises it. The math involves a simple equation: how does one get 218 House members and 60 Senators (enough to break a filibuster) to agree on a specific course of action or policy. The politics involves how to get that objective through Congress and signed into law; the policy is what one hopes to achieve by passage of the legislation.

Hobbes said that “the reputation of power is power.” And it is power that was assumed to have been transferred from the President to Congress with the election of 1994. But power is not simply an institutional arrangement within Congress; it is also something that is embodied in certain members of that institution, some by title (such as the Speaker of the House), some by a willingness to exercise whatever prerogatives the institution accords them. One such person was deemed to be Senator Jesse Helms of North Carolina, a conservative Republican closely identified with Ronald Reagan and anti-communism. Known as “Senator No,” it seemed that Helms had one quality that Washington had trouble dealing with: principles. The issue for Helms was not popularity or praise from the *New York Times* and *Washington Post*. He was willing to use Senate rules to influence or block policy. Consequently, his elevation to the Chairmanship of the Senate Foreign Relations Committee gave the drafting of the LIBERTAD legislation credibility and allowed for its serious consideration by the policy and political communities.

But Congress is also a math problem. In this sense, the other part of LIBERTAD was the effort to create and maintain a legislative coalition, a process likened to herding cats,¹⁹ capable of garnering majority (and presidential) support. As such,

approved by the House of Representatives, either in committee or in amendments on the floor. Other sections were the result of opportunities that arose during the drafting of the legislation. For instance, information provided to the committee regarding activities by international financial institutions (IFIS) to provide assistance to Cuba,²¹ and Russia's intelligence and military relationship with Cuba, prompted insertion of language relating to these issues. In the case of the intelligence facility at Lourdes, Russia and Cuba announced agreement that Russia would exchange \$200 million in fuel and materiel for continued use of the facility, which is targeted at the United States,²² during the drafting phases of the legislation. Hence, the section conditioning US aid to Russia on that nation's aid to Cuba for use of the Lourdes facility.

Title II, "Assistance to a Free and Independent Cuba," was largely the Menendez legislation from the 103rd Congress, which the Administration had worked to keep bottled up. This title was significant for its clear indication that LIBERTAD was a bipartisan piece of legislation. But more importantly, it was an opportunity to force the Executive Branch to think about and articulate how the United States was prepared to deal with and assist a post-Castro Cuba — something that neither the Clinton Administration nor any of its predecessors had been willing to do on their own initiative.

Titles III and IV dealing with property rights were the new, and most controversial, provisions. As noted earlier, Cuba's strategy to attract foreign investment involved the regime's use of properties confiscated from US nationals, including citizens who were naturalized after immigrating to the United States or who were the target of property takings because of their political beliefs. In 1994, in the conceptualization stages of the LIBERTAD Act, representatives of US citizens with property claims against the Cuban Government expressed concern to the Senate Foreign Relations Committee about the Castro Government's willingness to provide economic benefits to third-parties who were willing to invest in properties that had been confiscated unlawfully from US citizens. The most prominent cases involved the Canadian corporation, Sherritt Inc., and its use of nickel mining properties and facilities confiscated from an American corporation, and the efforts of the Mexican investment group, Grupo Domos, to manage the Cuban phone system, the infrastructure of which also was confiscated from a US national. A third case involved the British company, Unilever. Unilever was reported to be exploring the use of facilities which were confiscated from US nationals Proctor & Gamble, Inc., Colgate Palmolive, as well as a Cuban family, and for which no compensation or other redress had been provided.²³ There was also information about the possible development of other lands confiscated from American nationals for the benefit of Cuba's tourist infrastructure.²⁴

Throughout Congress' consideration of the LIBERTAD bill, the Administration's point agency for the legislation was the State Department. While State was consistent in its objections, no clear message came from the White House; rather, conflicting signals came from that end of Pennsylvania Avenue. For instance, in a

13 April 1995 CNN interview, President Clinton said “I don’t know why we need any more legal authority than we already have.” But he did not reject the legislation outright, which would have been a far stronger signal. Further, the White House political people were not as critical or dismissive of the legislation as was the State Department. The message appeared to be that the White House would let State fight as long as it could, but if the bill landed on the President’s desk, there was no guaranteed veto. Regardless, the congressional strategy was to keep pushing forward, trying to take legitimate Executive concerns into account and balance the need for presidential flexibility with the congressional need to ensure that any policy was honoured in its spirit rather than in the breach.

While LIBERTAD was not meant as a “political” bill (meaning to gain votes for Republican candidates), it always had a political dimension, especially given that the Senate Majority (Republican) Leader Bob Dole was the expected Republican presidential nominee in 1996. The drafters of LIBERTAD were aware of the course taken by the Cuban Democracy Act: President Bush originally had opposed that legislation, arguing that it negatively affected his flexibility to conduct foreign policy and expressing concerns about the restrictions on both shipping and subsidiary trade with Cuba. However, as election-day 1992 drew nearer, Bush was confronted with both the policy and political implications of that legislation. After candidate Clinton endorsed the bill, Bush, who was then vacationing in Maine, announced he would support an improved version of the bill.²⁵

The original time-frame was to have LIBERTAD enacted during 1995. It was hoped that the momentum of the Republican majority, the intense focus on the “Contract with America” (of which Cuba was not a part), and the general disarray in the Clinton Administration would result in a relatively quick enactment. But the sponsors also were quite prepared to wait out the White House, letting the heat of November 1996 work its influence on the President and those advising him. Our calculation was that Clinton, having campaigned to the right of Bush on Cuba in 1992, would feel the pinch if he did not support the bill.

In February 1996 two civilian aircraft were shot down by Cuban fighters. It has become conventional wisdom to declare that, until that moment, LIBERTAD was dead and that Castro, through some Machiavellian ploy, deliberately shot down the planes in order to have LIBERTAD approved, the objective being to distract attention from his internal behaviour and divide the US and its allies.²⁶ In fact, the opponents of LIBERTAD had made two mistakes that became dispositive in the wake of the shoot-down.

The first mistake was to convince themselves that the bill was dead, despite every indication from the bill’s supporters that they were looking for avenues to get it to the President. When Helms had to drop the right-of-action provisions after failing, despite Dole’s support, to break a Senate filibuster in September 1995, the opponents declared that provision beyond resurrection. The “death watch” for the entire bill was considered over when the naming of the House and

Senate members to a “conference committee” (to reconcile the two versions of the bill) became entangled with Helms’ other legislative effort to reorganize the

or writing totally new provisions. On Title III, for Senator Helms, in particular, preservation of the principle of a remedy for American citizens remained a prior-

legislation that each had wanted. And each had input into the process — committee staff had an open door policy, including for the bill's opponents — but it was the Chairman who made the ultimate decision on the substance and form of the legislation.

One of the interesting dynamics in the process involved the question of property rights. Jorge Mas Canosa, CANF's founder and president, was a reluctant

What has been LIBERTAD's Impact?

As we have seen, in late 1994, there was a listless US Cuba policy, an Administration that could and would apply US leverage when the cause suited it (e.g., Haiti), a Cuban regime desperately seeking new sources of hard currency, and a growing disrespect for the property rights of American (and other foreign) citizens by Western Hemisphere nations. The LIBERTAD Act changed this situation dramatically.

The intensity of the Castro regime's reaction to the law is the first litmus test of determining the impact of the policy. That the LIBERTAD Act has been effective is supported by the intensity of the Castro regime's efforts against it. Castro is not gone yet, but he is being squeezed. And the "squeeze" includes both US sanctions and initiatives like the *Cuban Solidarity Act* (Solidaridad) and other efforts to get aid to the Cuban people. The LIBERTAD Act's impact should be judged not only in terms of where we are today, but also where we might have been without the LIBERTAD Act. Further, the results should be judged in terms of whether the Act has begun to meet some of the goals that the authors set, not solely in terms of outsiders' reactions.

Specifically, The LIBERTAD Act sought four broad policy objectives. These were (i) to halt the drift in US policy; (ii) to stimulate global isolation of the Castro regime; (iii) to shut-off Castro's escape route by complicating his foreign investment schemes (and, in so doing, protect the property rights of American citizens who had been victimized by Castro's exploitation of wrongfully taken property and elevate international attention on property rights); and (iv) to have the United States prepare for the inevitable transition. In some form, each of the LIBERTAD Act's four main objectives is being achieved.

First, the LIBERTAD Act has done more than stop the drift in US policy. The law has invigorated US policy and produced a level of effort on Cuba that is almost unprecedented — and which many would never have expected from the Clinton Administration. Since the bill's enactment, we have seen the most sustained US policy focus on Cuba in nearly three decades.

The drift in US policy was halted, in part, by the codification of the embargo. While the President retains flexibility in implementing provisions of the Cuban embargo, it cannot be suspended or lifted in its entirety until real political and economic reform is underway in Cuba. Congressional frustration and dissatisfaction with the implementation of the economic embargo was specifically noted in the Conference Report which accompanied the LIBERTAD Act.³² Consequently, approval of the multifaceted LIBERTAD Act, like the *Cuban Democracy Act* be-

Haitian military regime, but they also understood that pressure could be exerted on the Castro regime in various ways beyond such an embargo. For a regime that is overly sensitive to public criticism of any kind, any number of avenues that increase international attention on its behaviour can be seen as a sanction and a

- The British Government, in late 1997, announced it would step up its human rights activities in Cuba; and collectively, EU member states with embassies in Havana created a Working Group on Human Rights.
- The November 1997 Ibero-American summit saw unprecedented public criticism of Castro for not fulfilling promises he made at the 1996 summit in Santiago, Chile. While not expecting Castro to change his stripes, many were surprised at the number of Latin American officials who were prepared to criticize Castro publicly for his failure to live up to his political commitments. (During the November 1996 Ibero-American summit, Castro signed the communique calling for democracy throughout Latin America.)
- Symbolically, Nicaragua's President-elect Arnoldi Aleman did not invite Fidel Castro to his inaugural in January, 1997.
- The International Confederation of Free Trade Unions, Europe's largest labour confederation, issued a stinging report condemning labour conditions in Cuba's "worker's paradise." The report calls for truly independent unions and enhanced worker rights, and strongly supports adherence to "best business" practices by foreign investors in Cuba.
- The international business community, for the first time, is serious about the development and implementation of "best business practices" for investors in Cuba. While the ultimate impact of such guidelines is open to question, they are a positive step forward. Nonetheless, any "best business practices" must mandate that Castro not control an investor's workforce. Cubans should be free to work for whom they want, not for whom Castro wants them to work. The serious discussion of "best business practices" did not emerge until after LIBERTAD was on the books.

It is significant that no comparable list of international and/or multilateral activities exists before the enactment of the LIBERTAD Act. When the LIBERTAD Act was introduced, no one would have predicted this level of pro-human rights and pro-democracy efforts toward Cuba. The LIBERTAD Act raised the stakes on Cuba and has advanced US strategy to win unprecedented multilateral support for common goals in Cuba.

Another objective of the Act is to prompt the US Government to prepare for Cuba's inevitable democratic transition. Prior to the enactment of the LIBERTAD Act, the US Government had done no formal planning to support Cuba's transition. It had contingency plans to deal with another Mariel exodus, but no plans to address the broader and more important question of democratic change in Cuba.

The LIBERTAD Act's authors wanted to send a clear message to the Cuban people that the United States is prepared to assist fully a democratic transition on the island, while respecting the Cuban people's right to self-determination. Indeed, the Act allows the President to lift the embargo, without further congressional action, once he determines that a democratic government is in place in Cuba. On 28 January 1997, the President released a report on "Support for a Democratic

- ING Groep NV, a Dutch banking and insurance group, announced on 4 July 1996, that it was ending its involvement in the Cuban sugar industry after it was discovered that 45 mills the group financed were claimed by Americans. It also backed out of co-financing with Banco Bilbao Vizcaya

needs to evolve to better defend these rights. The most significant step in this regard has been the 18 May 1998, EU-US “Understanding with Respect to Disciplines for the Strengthening of Investment Protection” (also known as the EU-US Property Disciplines).

In April 1997, the EU and US agreed

to step up their efforts to develop agreed disciplines and principles for the strengthening of investment protection, bilaterally and in the context of the Multilateral Agreement on Investment (MAI) ... [with these disciplines seeking to] inhibit and deter the future acquisition of investments from any State which has expropriated or nationalised such investments in contravention of international law, and subsequent dealings in covered investments.³⁹

The fact that the EU was willing to discuss property “disciplines” confirmed one of the underlying assumptions of the LIBERTAD Act — that current international property standards were inadequate. The disciplines, as negotiated, appear to further confirm, and affirm, the LIBERTAD Act’s finding that

the international judicial system, as currently structured, lacks fully effective remedies for the wrongful confiscation of property and for unjust enrichment from the use of wrongfully confiscated property by governments and private entities at the expense of the rightful owners of the property (sec. 301(8)).

The disciplines should have an additional chilling effect on investment in Cuba, specifically. The EU-US Property Disciplines apply, *inter-alia*, to a country with a record of repeated expropriations in contravention of international law, as viewed by the United States or an EU member, in which case each party to the disciplines is expected to make diplomatic representations against the expropriating state, as well as deny government support or government commercial assistance for “covered transactions” in expropriated property. This includes a denial of government loans, grants, subsidies, and guarantees.⁴⁰ This would be the first instance of any multilateral mechanism being put in effect for property claimants.

The EU and US also agreed to establish a registry where claimants may file their claims regarding property taken in contravention of international law. Filed claims must be reviewed by the parties to the Disciplines before proceeding with government assistance to a project involving that property. The registry would represent the first time that an international mechanism has been established through which claimants could provide notice of an expropriation/confiscation claim.

US officials argue that this is the best deal the US can get; that, while it does not reach investments made prior to 18 May 1998, it establishes an enforceable mechanism by which to deter investments in properties taken in contravention of international law. Under Secretary of State Stuart Eizenstat testified before Con-

US disagreement over Cuba was the genesis of the disciplines and its provisions on states with an established record of repeated expropriations, and arguably apply to Cuba, the global extent of their applications cannot be overlooked.

Congress has raised several concerns about the disciplines conceptually and how they will be implemented. For example, the United States is required not only to recognize investments prior to 18 May 1998, but must also accept that those investors remain eligible for governmental commercial assistance. And, the United States must agree that wrongfully taken property remains immune from sanction in perpetuity (or, effectively, until a new Cuban government decides how to deal with Castro's confiscations — a decision, which given Castro's efforts to cloud title, may cause further complications and lead to charges of a wrongful taking of the rights of the Castro-period foreign claimant).

Some in Congress, including Senator Helms, have argued that the United States, in the case of Cuba, should not condone wrongful takings that occurred under the previous or current regimes. On the contrary, the clearly targeted, discriminatory takings engaged in by the Castro regime against both Cuban and foreign nationals should be taken into account by the United States, the EU, and the disciplines. The United States should not be engaging in a process that allows the international community to legitimize the taking of property against norms that reject governmental actions against individuals based on race, religion, or personal beliefs.⁴¹ Congress and the Administration occuritorbn3a.ty remJ T*

benefactors were falling. In the new order emerging from the Cold War, with its emphasis on “geoeconomics,”⁴³ a tightening of the economic pressures on Cuba was expected to force Castro either to open the system or force him from power altogether.

To some extent, this pressure has contributed to change in Cuba. With the loss of Soviet subsidies and no clear or sufficient alternative with which to replace

through political and economic policies designed to support the creation of representative, transparent institutions and free markets. These policies are premised upon the desire for government based on the consent of the governed and operat-

second, there is getting the Executive Branch to act on that policy. The first is easier to achieve than the second, which includes the search for the right mechanisms to move the Executive. The LIBERTAD Act sought to enunciate a clear US position and create incentives so that the Executive Branch could not avoid the issues. In this regard, the Act is working, albeit not necessarily as the authors of the legislation originally envisioned it.

The question now, nearly three years after LIBERTAD's enactment, is what next? Foreign investment has not turned out to be the panacea for Cuba's economic ills. This is because of the regime's ineptitude, ideological rigidity, and the potential legal complications created by the LIBERTAD Act. The EU-US Property Disciplines may have complicated the situation even further by bringing the EU into a process that recognizes that some of the Castro regime's takings were in contravention of international law.

The Pope's visit in January 1998 and the new activism of the Cuban Catholic Church also add a dimension that still is open to interpretation. Did Castro gain more from the Pope's visit than he lost? How much space will the church have to engage in religious activities? How do those outside Cuba support such openings? These remain questions that are impacting the policy debate within the United States. One response has been for LIBERTAD's congressional supporters to offer legislation to provide humanitarian assistance to the Cuban people,⁵⁰ although this does not include a lifting of the embargo. There also has been a renewed debate about the direct sale of food and medicines to Cuba. A bipartisan Senate majority has supported exempting food and medicine from US sanctions in certain instances.⁵¹ While these do not represent massive shifts in Congress, they do reflect a recognition that other avenues need to be pursued. What is significant about this debate is that the question is how to aid the Cuban people directly, not whether the United States should be doing so.

The other notable shift is occurring within the Cuban-American community. For years, Cubans celebrated exile. The litmus test of opposition to Castro's regime was whether one left the island, not whether one remained in Cuba and challenged the regime by whatever means seemed appropriate. This attitude is beginning to change, especially among a younger generation of Cuban exile activists. They are returning to Cuba to visit and find their family roots, if not actually renew family ties once divided by the Revolution. This type of exchange, between younger Cubans in exile and Cubans on the island, offers a potent antidote to Castro's propaganda and hold over the population. If increased contacts are a key to Cuba's political evolution — and most observers regardless of where they stand on the embargo agree that this is the case — it is the Cuban diaspora that can exercise the greatest depth and breadth of such contacts. Cubans in exile dealing with Cubans on the island will exert the greatest influence over the island's political and economic evolution. It is Cubans in exile who have travelled outside Havana and the resort areas, and they will continue to do so. They are the

“proof” for the Cuban people that there are other alternatives for organizing society and government on the island in ways different from the structure imposed by Castro.

Both Castro’s and the embargo’s end are inevitable. The question is, when? Admittedly, US policy may have both threatened and sustained the regime at various periods. The contradictions of US policy may serve as a sort of balancing apparatus for the regime. In closing, I suggest that American resolve against closed political systems has not been found to be anything but positive for indigenous pro-democracy forces. Cuba may prove to be an exception. In the final analysis, the embargo may produce the realization that reconciliation and political evolution are dependent on the Cuban people, both those on the island and in exile, and not on some external factor or relationship. A primary role of the embargo is to signal that the Castro regime is on the “wrong side of history” while the Cuban people sort out how their history should progress.

Notes

1. Howard Wiarda, *Cracks in the Consensus: Debating the Democracy Agenda in US Foreign Policy* (Washington, DC: Centre for Strategic and International Studies, 1997).
2. Public Law 102-484, 106 Stat. 2315, 23 October 1992. The Cuban Democracy Act was approved as title XVII of the Fiscal Year 1993 National Defence Authorization Act.
3. Public Law 104-114, 110 Stat. 785, 12 March 1996. This Act is more popularly known as “Helms-Burton” or the LIBERTAD Act.
4. The US constitutional system has been described as “an invitation to struggle for the privilege of directing American foreign policy” (Edwin S. Corwin *The President: Office and Powers*, 4

hearing of the House of Representatives Subcommittee on Western Hemisphere Affairs. Shortly after this, the senior State Department official with regional responsibilities for Cuba, Ambassador Mike Skol, resigned from the US government. See,

momentum in 1994 with the enactment of a Helms' amendment (Section 527 of the Foreign Relations Authorization Act for fiscal years 1994 and 1995, P.L. 103-236) to sanction nations that had engaged in uncompensated takings by conditioning US bilateral assistance and support in the international financial institutions (IFIS) on the willingness of those nations to remedy the situation.

12. For a discussion of "self-employment" see the work of Philip Peters, Senior Fellow at the Alexis de Tocqueville Institute, Arlington, Virginia, including "Cuba's Small Business Experiment: Two Steps Forward, One Step Back," *Cuba Briefing Paper Series*, No. 17 (Washington, DC: Georgetown University, March 1998).

For earlier articles on self-employment see the following from *The Economist*: "Keeping the faith," 9 October 1993, pp. 46-48; "Cuba lives, in a fashion," 3 September 1994, pp. 43-44; and "The doors inch open in Castro's Cuba," 19 November 1994, pp. 45-46.

13. See, for example, "Cuba's Economy, Cast Adrift, Grasps at Capitalist Solutions," by Tim Golden, *The New York Times*, 12 January 1993, pp. A1, A5; "Cuba goes fishing for foreign investment," *The Economist*, 25 June 1994, p. 41; and "The graying revolution: Cuba's economy is a mess, its people restive, but Castro remains defiant," *US News & World Report*, 26 September 1994: 5563.

A brief discussion of the importance of foreign investment to Cuba also is found in Gillian Clissold Gunn, *Cuba in Transition: Options for U.S. Policy* (New York: Twentieth Century Fund Press, 1993); and Ernest H. Preeg, with Jonathan D. Levine, *Cuba and the New Caribbean Economic Order* (Washington, DC: Center for Strategic and International Studies, 1993).

For a more recent analysis of foreign investment, see Maria C. Werlau, "Foreign Investment in Cuba: The Limits of Commercial Engagement," in *Cuba in Transition*, Vol. 6, Proceedings of the Fifth Annual Meeting of the Association for the Study of the Cuban Economy (ASCE), held at the University of Miami, Miami, FL., August 8-10, 1996 (Washington, DC, 1997), 456-495. Werlau notes that "the most decisive element of this [Cuba's] economic opening has been a drive to attract foreign capital, essentially in the form of joint venture and economic cooperation agreements between state enterprises and foreign investors" (p. 457).

14. *Americas Watch*, "Perfecting the System of Control: Human Rights Violations in Castro's 34th Year, January 1992 - February 1993," Vol. 5, No. 1, 25 February 1993. *Americas Watch* wrote: "Cubans are all too familiar with their government's perennial campaigns to 'perfect' all aspects of Cuban society. Yet after more than three decades in power, Fidel Castro's government has succeeded in perfecting nothing so much as its pervasive system of control. With the collapse of world communism and the Cuban economy in free fall, this system of control has increased in importance as a foundation for the government's maintenance of power..."
15. The first discussions I had with Helms' committee chief of staff occurred in the spring of 1994 during our conversation about my taking a job with the Foreign Relations Committee. At the time, I was a professional staff member of the House's counterpart committee responsible for foreign policy issues. The general outlines of LIBERTAD came together before the November 1994 elections, which thrust Helms into the Senate Foreign Relations Committee Chairmanship. What was introduced in February 1995 as the Chairman's legislation would have been introduced regard-

22. "In the Americas: Russia to Keep Spy Station Open," *Miami Herald*, 13 November

strongly disliked Mas Canosa and CANF, and the general leniency in US immigration policy accorded Cuban refugees. However, he also was close to Bob Dole and the calculation was that he would not hurt Dole on such a vote if it was critical to Dole's election). Both Simpson and Rockefeller voted to approve the conference report.

29. We were looking for things to make the bill more palatable for the White House, but

implementing agency can ignore this congressional guidance, but it does so at its own peril. In this sense, the report is largely a political document. However, there are numerous instances in which agencies that have failed to respect congressional direction contained in a conference report have found this guidance written into permanent, statutory law.

33. "Castro condemns US promise of aid," *Miami Herald*, 30 January 1997.
34. Joint venture statistics for 1991 to 1995 period, are taken from Gareth Jenkins, "European Investment in Cuba: Scope, Opportunities and Challenges," remarks prepared for the *Cuba Transition Workshop, Foreign Investment in Cuba: Past, Present, and Future*, sponsored by Shaw, Pittman, Potts & Trowbridge and Oceana Publications, Inc., Washington, D.C., 26 January 1996. In his spoken remarks to this workshop, Jenkins attributed the drop in joint ventures in Cuban to the LIBERTAD bill, then pending before the US Congress.
35. For example, see, "Cuba's appeal as investment is cooling off," *Miami Herald*, 23 June 1995, and "Helms to Cuba: See You in Court," *National Journal*, 10 July 1995.
36. The continuing complications of the LIBERTAD Act were referenced in "Development of Foreign Investments in Cuba, Business Opportunities and their Prospects," by Dr. Miguel Alejandro Figueras, an advisor to the Cuban Ministry for Foreign Investment and Economic Collaboration, in *Business Tips on Cuba*, September 1997, 17-23. *Business Tips on Cuba* is a publication of the National Office in Cuba of the Technological Information Promotion System (TIPS), a project of the U.N. Program for Development (LJNDP).

What is of note is that Figueras' statement places the total number of "associations" between Cuba and foreign investors at 260, but later makes reference to "functioning associations" (p. 21). Werlau, *op. cit.*, concluded that "it has been impossible to arrive at actual figures for overall materialised and direct foreign investment in Cuba" (p. 461), further noting that Cuban figures may include "announced investments

40. Since this list is based upon public reports, it is possible that some of the listed companies have quietly re-entered the Cuban market, not publicising their importance or using subsidies. Both foreign investors and the Cuban Government have been looking for ways to reduce a foreign investor's vulnerability to potential LIBERTAD sanctions. For example, see "Investors Find Ways to Limit Sanctions Risk," *CubaNews*, September 1997, p. 7
41. *The EU-US Property Disciplines* are discussed more fully in Daniel W. Fisk, *The EU-US Agreement and Protection of American Property Rights in Cuba, Occasional Paper Series*, Vol. 2, No. 2 (Washington, DC: Institute for US-Cuba Relations, 23 July 1998). Also see, Ralph Galliano, ed. Policy Forum Remarks: *The EU-US Agreement and Protection of American Property Rights in Cuba*. (Remarks by participants at the Institute for US Cuba Relations Policy Forum held in the Capitol Building, Washington DC, 23 July 1998, Washington DC Institute for US Cuba Relations, 1998).
- Representatives from the State Department, European Union, House International Relations Committee, and the American property claimant community discussed the proposed EU-US agreement at this forum.
42. Yuri Pavlov, *Soviet-Cuban Alliance, 1959-1991* Miami, FL: University of Miami North-South Centre, 1994), 261.
43. Jacob Heilbrunn, "Mr. Nice Guy: Sandy Berger's sunny foreign policy," *The New Republic*, 13 April 1998, 19. Heilbrunn, in describing Clinton Administration foreign policy (which could also describe George Bush's policy as well), notes that "its focus is on creating a new global community that binds nations into a web of economic interests, military institutions, and political organisations... [The] theory holds that the old order has passed and traditional security concerns have given way to a world in which countries have more to gain from cooperation than from confrontation. Economic modernization leads ineluctably to political freedom; the zero-sum game of realpolitik can give way to win-win Geopolitics. It is geopolitics by way of geoeconomics."
44. See, "Cuba In Evolution: Trying to Reconcile," *Dallas Morning News*, September 27, 1998, Section R.
45. See, Howard J. Wiarda, *Cracks in the Consensus*; and Tony Smith, *America's Mission: The United States and the Worldwide Struggle for Democracy in the Twentieth Century*, Twentieth Century Fund Book (Princeton, NJ: Princeton University Press, 1994).
46. Many of these conditions were codified into law with the enactment of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, P.L. 104-114, at sections 205 and 206 (22 USC 6065 and 6066).

Currently, the law requires that neither Fidel nor Raul Castro be part of any transition government. Debate, however, continues as to whether the embargo should be tied to their willingness to stand for and accept the results of a popular election in return for a lifting or suspending of the embargo. The premise is that the US is prepared to accept a democratically-elected Castro government should he (or his brother) win. Others hold that there can be no democratic process as long as Castro remains on the island.

47. Edwin S. Corwin, *The President: Office and Powers*, 171.
48. Jeremy D. Rosner, *The New Tug of War: Congress, the Executive Branch, and National Security* (Washington, DC: Carnegie Endowment for International Peace, 1995).
49. “Unified government” is when the same party controls both the executive and legislative branches of the federal government; “divided government” is when one political party controls one branch of government but does not completely control the other branch, namely Congress. For a discussion in the American political science literature on this phenomena see Morris Fiorina, *Divided Government*, 2nd ed. (Boston: Allyn and Bacon, 1996).
50. On 14 May 1998, Helms, and 21 Senate colleagues, introduced the “Cuban Solidarity Act,” also known as SOLIDARIDAD. It would provide \$100 million over four years in humanitarian assistance to the Cuban people.
51. In July 1998, the Senate approved an amendment that would have exempted food and medicine from US sanctions unless a country has supported acts of international terrorism or systematically denies access to food and medicines on the basis of political beliefs or as a means of coercion. *Congressional Record* (daily edition), 15 July 1998, pp. S8226-S8227.

The original language exempted food and medicines without qualification. This language was offered by Senator Chris Dodd (DConnecticut) a strong opponent of the US embargo against Cuba. Embargo supporters then added the perfecting language, which would have the effect of limiting food and medicine to the Castro regime, which remains on the US State Department’s list of “terrorist countries” and which uses access to food and medicine for coercive purposes. Existing legal authorities contained in the Cuban Democracy Act, however, allow for the provision of food and medicines to the Cuban people. The food and medicine provision was dropped in its entirety from the legislation that went to the president for approval at the end of the last Congress. A bill similar to the Dodd amendment has been introduced in the Congress that convened in January 1999.

thus something for the historians to write about after he departs the political stage.³ It is also true that the Canadian-Cuban relationship has presented Chrétien with an excellent opportunity to differentiate his government, especially in terms of relations with the United States, from the supposedly “camp-follower” approach of Brian Mulroney’s Conservative government. (One should not dismiss lightly, or underestimate the significance of, the fact that taking a position on Cuba which

strategy vis-a-vis Cuba. Lastly, it concludes with some observations about constructive engagement and the direction which Canadian-Cuban relations are likely to take in the new millennium.

Chrétien Engages Castro's Cuba

The Chrétien government's policy of engagement began to take shape in mid-1994, and was subsequently entrenched with the appointment of Lloyd Axworthy as Foreign Minister in early 1996. Meanwhile, addressing the June 1994 annual General Assembly of the Organisation of American States (OAS) in Belém, Brazil, then Secretary of State for Latin America and Africa, Christine Stewart, reiterated Canada's desire to see Cuba reintegrated into the inter-American family. In her prepared remarks to the Assembly, Stewart stated pointedly that Cuba's continued "exclusion" from the hemispheric forum — which had been undertaken at the behest of the United States in 1962 — was an unhealthy situation for all of the countries of the Americas.⁶ In an obvious reference to US policy toward Cuba, Ms. Stewart went on to say: "It is in all our interests, individually and as an organisation, as well as in the interests of the people of Cuba, that we support a process of change in Cuba that is positive and orderly."⁷ A few weeks later, while attending a conference in Havana organized by *The Economist* magazine, she announced that Cuba would once again be eligible for Canadian development assistance — which had been suspended by the Trudeau government in 1978 over Cuban involvement in the war in Angola. As Ms. Stewart indicated in her comments, Canadian NGOs operating in Cuba have asked Ottawa to do more at the official level and what "they are telling us is that Cuba is at a point when it is more important than ever for governments to remain in contact."⁸ Most of the \$1 million in aid, however, would be funnelled through Canadian non-governmental organizations (NGOs) in Cuba so as to deflect US criticism of propping up an autocratic regime.

Clearly, Canada's development assistance approach to Cuba has taken on a renewed vigour since June of 1994, and it has included a number of interesting and unique components. After a rather protracted series of negotiations, both countries agreed, in March of 1996, to establish a formal government-to-government bilateral aid programme, which amounted to some \$30 million over a five-year period. As a result, Canada quickly became one of the largest donor countries in Cuba today, and thus is in a position to influence Cuban policy-making, if only marginally.⁹ Some of the funding was to be earmarked for strengthening "civil society" in Cuba — including funding for Cuban NGOs, human rights institutions, and various ministries within the Cuban government. Most important, however, was the fact that the development assistance programme was not specifically linked to any appreciable progress on increased political and economic liberalization in Cuba.

While it is true that the reinstatement of the aid programme was in response to public pressures from the NGO community in Canada, the most significant factor was the push from an over-anxious Canadian business community. As a result, the overall programme itself reflects the bilateral relationship's long-standing emphasis on economic and commercial considerations. As is often the case with respect to Canada's ODA these days, humanitarian concerns and poverty-alleviation get short shrift, while trade and investment opportunities are highlighted.¹⁰ In fact, CIDA INC. funding was provided to private sector businesses to conduct a host of feasibility studies in Cuba and to help Canadian companies undertake training programmes for those Cubans working on construction of the recently inaugurated Terminal 3 at José Martí International airport. In addition, some of the money is being used to implement a number of measures geared toward improving Cuba's current business and investment climate. For instance, CIDA is assisting the Cuban government with regard to creating a more modern tax administration regime, offering much-needed training and advice for officials of the Bank of Cuba, and providing technical assistance to policy-makers in the Cuban Ministry of Economy and Planning.

Canada's policy of engaging the Cubans — as in the case of Canada's modest aid programme for the country — was clearly on display at the initial December 1994 Summit of the Americas in Miami. The high-level gathering brought together the leaders of all the countries of the Americas, with the notable exception of Cuba's President Castro. In response to President Clinton's disparaging comments about Cuba's lack of democratic pluralism, PM Chrétien wasted little time

Canada's focus on engaging the Cubans and reintegrating them hemispherically continued at the June General Assembly of the OAS in Montrous, Haiti. Once again, Secretary of State Stewart carefully outlined Canada's approach: “Canada's policy toward Cuba has been one of constructive engagement — we believe that political and economic advances can be encouraged by maintaining a dialogue with the Cuban people and government.”¹⁴ While pointing out that progress needs to be made in Cuba in areas such as democratic development and human rights, she went on so say that “we believe that the OAS should begin to examine ways of opening up a similar dialogue with Cuba, looking toward the day when conditions will be appropriate for its reintegration into the inter-American system.”¹⁵

Moreover, at the June 1996 OAS General Assembly in Panama, in the wake of the deplorable 24 February downing of two civilian Cessnas by Cuban MG fighter jets, Stewart was just as adamant about the ineffectiveness of ostracizing Cuba. She pointed out that “policies of isolation do not prevent such tragedies; indeed, they only give rise to the hardening of militant policies and reinforce the wrong kind of nationalism and political rigidity.”¹⁶ It is worth noting that the profile of Canadian-Cuban relations was enhanced even further by the early 1996 appointment of Lloyd Axworthy as Canada's new Foreign Minister. With a personal interest in the Cuban file, and a strong supporter of engaging the Cuban government constructively, Axworthy was anxious to hold discussions with senior Cuban officials.

The first such meeting took place in Ottawa in mid-May between Axworthy and Cuban Foreign Minister Robaina, who was participating in a symposium on Helms-Burton — which had been organized by the Canadian Foundation for the Americas and the Washington-based Centre for International Policy. Besides exchanging notes on the implications of Helms-Burton, both ministers dealt with a variety of issues on the bilateral agenda, including human rights. The next high-level meeting took place in late October, when Cuban Vice-President Carlos Lage visited Ottawa for additional bilateral discussions. After meetings with Axworthy and Prime Minister Chrétien, it was announced that Canada would provide relief to Cubans who were negatively affected by Hurricane Lili.

One of the most interesting elements of Canada's constructive engagement approach toward Cuba took place in late January 1997, when Axworthy undertook a two-day visit to Havana — where a highly-touted 14-point Canada-Cuba Joint Declaration for bilateral cooperation in a variety of areas (including human rights) was signed. This rather extraordinary trip, which undoubtedly was vigorously opposed by officialdom in Washington, marked the first time in almost 40 years that a Foreign Minister from Canada had actually visited the island. Like former Prime Minister Trudeau's 1976 state visit to Cuba, Axworthy's meetings with President Castro and senior Cuban officials engendered a good deal of media coverage in Canada, which was largely negative in tone.¹⁷ But it also created a fair amount of media and political attention in Washington — a city which tends

Arguably the most significant component of Canada’s policy of constructive engagement, which took it to a new level, was the announcement at the April 1998, Santiago Summit of the Americas that Prime Minister Chrétien would be making an official visit to Cuba toward the end of the month. Leaked by the US delegation to the Summit, and harshly criticized by President Clinton’s National Security adviser Sandy Berger, an angry prime minister was forced to disclose the details of the surprise trip to a clutch of Canadian reporters.²⁵ According to the prime minister, President Clinton had been notified of the impending trip some ten days prior to the Summit meeting, and at that time, did not indicate his disapproval of the visit. In his closing remarks at the final news conference, Chrétien noted that most of the leaders at the meeting “talked to me very positively about this decision” and he thought that “in consultation with the Vatican, that it was good to go at this time.”²⁶

Meanwhile, the two-day visit itself did not lead to any ground-breaking agreements between the two countries, it did solidify an already close and cordial bilateral relationship.²⁷ Both sides derived certain tangible benefits from the visit, including the point that engagement and dialogue — unlike isolation and hostile rhetoric — is the most appropriate avenue for inter-American diplomacy vis-a-vis Cuba. From Canada’s standpoint, it further cemented a burgeoning trade and investment stake in Cuba, facilitated the negotiation of an investment protection agreement, and handed the Liberal government a golden opportunity to score a number of domestic political points. In turn, the Castro government strengthened a growing political, commercial and technological relationship with a leading member of the G-8, acquired a certain amount of international legitimacy and credibility from the visit, and was given another public forum from which to condemn the US embargo against Cuba as tantamount to “genocide.” There was, however, no major progress on the human rights front, despite a vague promise from President Castro to “consider” signing the UN International Covenant on Economic, Social and Cultural Rights. Still, Chrétien lectured the Cuban leader, in what were reportedly some tense exchanges, on the kinds of political and economic reforms that Cuba would have to adapt if it hoped to be welcomed warmly back into the hemispheric family.²⁸ Lastly, the Prime Minister asked for the release of four prominent political prisoners, had some of his officials meet with a select group of Cuban dissidents, and met personally with Cuba’s Catholic Cardinal, Jaime Ortega.

Canada’s Constructive Engagement: Strengths and Weaknesses

In the wake of the prime minister’s Cuba visit, there is no shortage of opinions — from government officials, representatives of the NGO community, the media,

capacity to prod or cajole a country toward initiating reforms. The argument here, of course, is that by engaging a country you acquire more leverage to influence the behaviour of the rights-abusing state. Dialogue, political interaction and commercial exchange, then, create a strong incentive for the offending regime to begin to walk along the reform path so as not to jeopardize the benefits and advantages accruing from that very engagement.

In theory, engaging a country such as Cuba is supposed to foster change through the very act of engagement — and the ancillary opportunities which that offers.³³ At the core of this argument is the contention that engagement will invariably lead to an infusion of liberal ideas and values (at the elite and mass level) in the targeted societies. From dialogue at the political level, then, world leaders can educate or sensitize a leader of an authoritarian state on the finer points and advantages of democratic pluralism, respect for human rights, and greater political freedom. And when representatives from a foreign country meet and speak with university professors, lawyers, spokespeople for NGOs, and students — or provide support to other groups within civil society — it helps to encourage positive change from within. By offering resources to grassroots organizations and reform-minded people on the ground, the real forces for social change, the hope is that these same groups and individuals will press the government for more political space and accountability.

Furthermore, from greater economic or commercial exchange, it is hoped that the Cuban government will eventually introduce additional positive reforms. This argument is underscored by the idea that economic liberalization and free markets in the targeted country will necessarily contribute to political liberalization.³⁴ As Donnelly explains: “Economic support that appears to help stabilise repression actually undermines it.”³⁵ The opening of markets, and the introduction of free enterprise, will have — over a period of time — a salutary effect in terms of improving the human rights climate in revolutionary Cuba. And sustained economic growth in Cuba will set in motion a host of powerful economic and political forces — including a reduced role for the state (as both an employer and benefactor), the dismantling of the existing order and the sharing of authority, and the growth of a liberal-minded middle class.³⁶ With an expanding middle class, and its accompanying stake in the existing system, it will eventually press for change and a voice in the polity, for governmental accountability, and for greater political space. Lastly, expanded commercial contact, especially with western (enlightened) commercial enterprises, can infuse not only its Cuban workforce, but also the political leadership in Cuba with ideas about greater personal freedom.³⁷

In point of fact, the theory is not wholly applicable to the Cuban scenario for a variety of reasons. In the first place, the revolutionary government in Havana is fearful of how the United States — just 90 miles away — would seek to exploit any attendant political and economic space that might result from greater liberalization in Cuba. It is understandably concerned given the fact that successive US administrations have sought to destroy the Cuban revolution, to assassinate Fidel

Castro, to turn a blind eye to (illegal) activities of armed Cuban exiles, and to pressure numerous governments to break relations with Cuba. Indeed, the so-called “Trading with the Enemy” act stands as a potent reminder to Cubans of the

on human rights issues in Cuba. But a more cynical interpretation would suggest that this approach is largely intended to “defend” Canada’s human rights record and to “explain” why it is engaging a host of rights-abusing states. The Liberal government can, however, point to its engagement and initiatives with Cuba and China as proof of the political importance which it attaches to human rights concerns, and thus be “seen” by the Canadian public as doing something in this area. In other words, it provides the government with ammunition to use against critical NGOs and a public perception — reinforced by Ottawa’s handling of the November 1997 APEC Summit in Vancouver — that trade takes precedence over human rights considerations. In the final analysis, though, engagement does not bring about positive change in the targeted country in the short or long term. In fact, it merely serves to maintain an authoritarian state in power and does little to change the human rights climate — since there is no pressure on the regime to do so. States will only change their abusive behaviour because they have to (e.g., in order to hold on to political power); and not because they want to or because those engaging them are asking them to do so.

Has Constructive Engagement Worked?

From the early days of the Chrétien Liberals coming to power, Canada’s Cuba policy has embraced commercial exchange, mutual respect, and diplomatic dialogue and eschewed the long-standing US strategy of economic embargo, the mentality of viewing Cuba as a “rogue state,” and international political ostracism of Cuba. During the April 1998 Santiago Summit of the Americas, Chrétien reiterated this view when he noted: “The policy of positive engagement is one I’ve practised for a long time.”⁴⁰ And, just prior to his departure for Havana in late April, he explained once again: “Isolation leads nowhere. But if we are engaging them, discussing with them, offering help ... the people of Cuba and the president of Cuba will certainly be happy to have a dialogue.”⁴¹ Not unexpectedly, then, Canadian officials have indicated on numerous occasions their endorsement of

press briefing after attending an OAS conference in Washington in early March of 1998, he stated boldly: "The whole embargo and the Helms-Burton bill is totally counterproductive. It just doesn't work."⁴⁵ Further to this, and just a month or so before Chrétien's visit to Cuba, Axworthy wrote: "To criticise the U.S. economic embargo against Cuba, and the Helms-Burton legislation, is not to argue for the status quo in Cuba. Rather, it is to react to an approach that runs contrary to our own. It is to criticise a policy that has proven unsuccessful in achieving its own stated goals, and that is the source today of much suffering among the Cuban people."⁴⁶

Of course, if as Axworthy says, the US approach has been unsuccessful and counterproductive, then this raises the obvious question for Canada's policy of constructive engagement: Has it successfully achieved its stated objectives in Cuba? Those objectives were succinctly outlined by Christine Stewart, then-Secretary of State for Latin America and Africa, while attending a 1994 conference in Havana organized by *The Economist* magazine: "First, we are here to promote several concrete Canadian interests, especially in terms of commercial activities. Second, we wish to support positive, peaceful change in Cuba, both political and economic."⁴⁷

Cuban National Assembly members met with their Canadian counterparts in Ottawa, as part of the Canada-Cuba parliamentary exchange/seminar programme.⁵¹

In mid-December, Canadian officials met with representatives of the Cuban government to take stock of the 14-point Joint Declaration and to lay the ground work for Chrétien’s April 1998 visit. Two months later, high-level discussions

course, the relationship has improved steadily, with Cuba standing as Canada's largest trading partner in the Caribbean.⁵⁶

During his attendance at the mid-May 1998 G-8 meetings in England, and in the wake of his trip to Cuba, Prime Minister Chrétien suggested that Canada's policy of engagement had helped to create a rapprochement between Washington and Havana. Speaking to reporters after a 45-minute private meeting with President Clinton, Chrétien remarked: "What I can say, is that my trip to Cuba didn't create as much controversy as some had expected that we'd have ... The reaction of the president and his spokesman were very moderate under the circumstances."⁵⁷ When pressed a little further on his contention, he pointed out that the US Chamber of Commerce is calling for openness with Cuba, along the lines of the Canadian position. He then went on to quip: "I guess they understood my argument when I said don't rush, you guys, one day you will recognise Cuba, but don't rush because by the time you are there, you'll be welcome in Canadian hotels."⁵⁸

Critics of Canada's engagement strategy would likely begin where Chrétien actually left off — that is, with his reference to Canada's commercial stake in Cuba. Stated differently, constructive engagement can be seen as little more than a cover for camouflaging continued trade relations with a dictatorial regime and,

hand. This, in turn, has a tendency to lead to “hardliners” in both ideological camps effectively playing into the hands of their foes.

Summary

As the previous discussion demonstrates, it is exceedingly difficult to know with any certainty which is the best strategy or approach for precipitating meaningful political and economic reforms in Cuba. An argument could be made cogently for either engagement or punishment — and both of these positions have validity and appeal as well as weaknesses and pitfalls. In the insightful words of author Michael Ignatieff, although referring to a different context and to individual morality and engagement, “no one is quite sure whether our engagement makes things better or worse; no one is quite sure how far our engagement should extend; no one is quite sure how deep our commitments really are ... and our engagement may be intense, but shallow.”⁶³ And there is no guarantee that dialogue and constructive engagement will eventually lead to greater political space in Cuba; just as there is no guarantee that sanctions and isolation will bring about those same reforms (although obviously four decades of this latter approach have clearly been a failure). In addition, it is impossible to know the degree to which engagement, operating on its own, has been responsible for any recent changes in Castro’s Cuba. It is probable, however, that engagement — in conjunction with a variety of other diplomatic measures — would be more likely to contribute to positive change in Cuba than estrangement. Significantly, those other options should not exclude the possibility of imposing an escalating series of punitive sanctions, if no progress is forthcoming on the human rights front.

In the specific case of Cuba, and unlike the China situation, engagement seems to offer a more effective, albeit slower, means of moving Cuba along the transitional path. Given its size, the nature of its economy, and its proximity to the United States, Cuba would appear to be more susceptible to engagement rather than isolation. Although it certainly does not possess any magic formula and clearly carries with it real potential for major setbacks, dialogue and exchange does open a window of opportunity almost by default — especially given the failure of US policy toward Cuba since the early 1960s. Clearly, threats and harsh rhetoric alone have been exposed as an ill-advised and doomed approach, and one that has only served to galvanize Cubans around the Cuban flag and the Castro government itself. The key to unlocking the door to real change in Cuba is not through hostility and antipathy, but will necessarily require a build-up of trust, confidence and mutual respect — the hallmarks of any engagement strategy. But one should be careful not to base their support for engagement solely on the basis of an ill-conceived and failed US policy. In the end, advocates of engagement need to demonstrate eventually some tangible results from their strategy, rather than simply waiting passively on the sidelines.

Still, there is the vexing question of why Canada's policy of constructive engagement has yet to bear significant results in the area of political liberalization in Cuba. It is important to remember from the outset that altering the behaviour of any authoritarian or autocratic state is often a Herculean task, as the cases of Iraq and China clearly attest. While not an excuse for inaction, but rather a cautionary reminder, efforts to change a regime are invariably plagued by international reticence and a lack of staying power, "leaky" sanctions, and wrenching moral dilemmas and attendant human costs. In other words, there are no "quick fixes" here, only a panoply of diplomatic options — many of which are not particularly effective or attractive, instrumentally and morally. The real challenge, of course, is to locate a workable balance that delivers measured progress, holds out a reasonable chance of long-term structural change, has widespread international endorsement and is morally defensible.

Even when some of these qualifications are within reach, as in the Cuban case, there are still problems with the strategy of constructive engagement. Canadian officials themselves are very cognisant of the fact that wholesale political change in Cuba is not going to happen over-night or in the immediate future. Axworthy himself has argued that engagement with Cuba is a long-term process, and the joint declaration is a work in progress.⁶⁴ Additionally, the Cubans themselves will be insistent, as they are on many things, in moving forward the "Cuban way" — at their pace, on their terms, and without conditionality. Vigorous denunciations of both the speed and substance of Cuba's reforms, however, could jeopardize Canada's goodwill in Cuba. Pushing the Cubans into a corner would likely prove counterproductive. And as long as Fidel Castro remains in power, and there exists no serious organised political opposition, he is unlikely to implement reforms in the face of pressure tactics, as nine US presidents have witnessed personally. However, the critical question about Castro, especially given his dominant role in the policy-making process in Cuba, may not be whether he champions reform himself, but if he stands in its way.

As the new millennium quickly approaches, there is unlikely to be anything fundamentally new about the Canadian-Cuban dynamic. The overall bilateral relationship will continue along in the same vein — cordial, mutually respectful and engaged politically and economically. Of course, Canada's strategy of constructive engagement will undoubtedly continue, and will do so for the foreseeable future, unless progress on the human rights agenda is halted entirely, or there is some ominous external development (e.g., military confrontation with the US) to necessitate a re-evaluation. In the meantime, at every opportunity, Canadian officials will raise the issue of human rights and democratic development with their Cuban counterparts. There will also be periodic evaluations of the 14-point Joint

our values and day-to-day efforts to realise them.”⁶⁵ This is trenchant advice which the Canadian government would do well to remember.

Notes

1. CNN Live Broadcast, Albright press conference from the US State Department, 20 March 1998.
2. In many ways, Canada has consistently maintained in some form or another — and with varying degrees of commitment — a policy of engaging the Cubans since the early 1960s. For historical background on the relationship, see John M. Kirk and Peter McKenna, *Canada-Cuba Relations: The Other Good Neighbor Policy* (Gainesville, FL: University Press of Florida, 1997).
3. Paul Knox, “Chrétien legacy tied to Havana,” *The Globe and Mail* 30 April 1998, p. A15.
4. See, Peter McKenna, “Canada and Helms-Burton: Up Close and Personal,” *Canadian Foreign Policy* 4.3 (Winter 1997), pp. 7-20.
5. The term “principled pragmatism” was first articulated by Foreign Affairs Minister Axworthy during his October 1997 speech at McGill University. See, Department of Foreign Affairs and International Trade, “Notes For An Address By The Honourable Lloyd Axworthy, Minister Of Foreign Affairs, At McGill University: Human Rights And Canadian Foreign Policy: Principled Pragmatism,” *Statement* (16 October 1997), pp. 1-11.
6. Government of Canada, “An Address By The Honourable Christine Stewart, Secretary of State (Latin America and Africa), To *The 24th General Assembly of the Organisation of American States*,” (7 June 1994), p. 4.
7. *Ibid.*
8. Government of Canada, “Notes For An Address By The Honourable Christine Stewart, Secretary of State (Latin America and Africa), To *The Economist Conferences Second Round Table With The Government of Cuba*,” (20 June 1994), p. 5.
9. For a recent treatment of Canadian assistance to Cuba, see, Michel Hogue, “A Canadian Approach?: Canada’s Official Development Assistance and Foreign Policy Towards Cuba,” (unpublished paper, March 1998), pp. 1-17.
10. *Ibid.*, pp. 3-4
11. “Cuba’s Absence at America’s Summit Skirts Formal Agenda” *Cuba INFO* 6:16 (1996), p. 3.
12. *Ibid.* As the host for the next Summit of the Americas in 2001, it remains to be seen whether Canada will invite the Cubans to attend the high-level meetings.
13. Department of Foreign Affairs and International Trade, “Robaina Visit to Mark 50 Years of Diplomatic Ties Between Canada and Cuba,” *News Release* No. 56 (17 March 1995), p. 1. During this same year, the Cuban Minister of Foreign Investment and Economic Co-operation, the President of the National Bank of Cuba, and the President of the Cuban National Assembly all visited Canada for bilateral talks.

14. Department of Foreign Affairs and International Trade, "Notes For an Address by The Honourable Christine Stewart, Secretary of State (Latin America and Africa), To The 25th General Assembly of the Organisation of American States," *Statement* (6 June 1995), p. 3.
15. Ibid.
16. Department of Foreign Affairs and International Trade, "Notes For an Address by The Honourable Christine Stewart, Secretary of State (Latin America and Africa), To The 26th General Assembly of the Organisation of American States," *Statement* (3 June 1996), p. 7.
17. For instance, see the 23 January editorial by *The Globe and Mail*: "Canada's Gift to Mr. Castro."

sity: Human Rights And Canadian Foreign Policy: Principled Pragmatism,” *Statement* (16 October 1997), pp. 1-11.

30. See, Jack Donnelly,

50. That same month, imprisoned Cuban writer, Cecelio Sombra Haber, was released by Cuban authorities. According to Minister Axbworthy, Sombra's release was "a result of both PEN Canada's efforts and Canada's policy of engagement and dia-

5. *Canada and Helms-Burton: Perils of Coalition-Building*

Evan H. Potter

Introduction

Canada, as a middle power, has gained leverage and projected its interests in the past through the use of strategic coalitions of like-minded states. Yet, the use of extra-territorial legislation by the Clinton Administration to force divestment from Cuba is not an issue that is amenable to resolution through sustained pressure from coalitions. This paper shows the difficulties for Canada of engaging in mission diplomacy on a foreign policy issue that is driven by US domestic interests. It examines the forces at play when Canada, Mexico and the European Union (EU) attempted to forge a loose coalition in 1996-1997 to counteract the *Helms-Burton Act*. Importantly, how did the particular nature of the US's bilateral relations with the individual members of this coalition affect the success or failure of the extra-territorial application of this US law? Helms-Burton highlights both parallels and inconsistencies in the foreign policies of the US and its allies.

The essay's major finding is that while Canada may be a natural coalition leader, it faced particular difficulty building a coalition of like-minded states on a foreign policy issue that was driven by powerful American domestic interests. The paper describes the Clinton Administration's ability to blunt concerted international opinion on its Cuba policy and its ability to split, with relative ease, a coalition of its own allies.

The first section of the paper describes the

The concluding section offers an explanation for the weakness of the coalition, including a close examination of why the Canadian government, contrary to its public rhetoric, did not take more aggressive action.

Historical Context

On 24 February 1996, Cuba shot down two unarmed civilian planes flown by anti-Castro dissidents from Miami. Under intense pressure from Cuban-Americans, United States President Bill Clinton signed the *Cuban Liberty and Democratic Solidarity (LIBERTAD) Act*, known as the *Helms-Burton Act*, into law on 12 March. This marked the beginning of a shrill diplomatic war between the US and some of its closest allies, a war over the right of one nation to decide the trading partners of other nations.

profit from, property expropriated by the Cuban Government and subject to a claim by US nationals. President Kennedy issued the first economic sanctions against Cuba in response to a series of expropriations of US properties. Those sanctions have been strengthened several times since their initial enactment, and have long forbidden US corporations and nationals from investing in, trading with, or even travelling to, Cuba.¹ These provisions were further tightened in the *Cuba Democracy Act* of 1992 to cover foreign subsidiaries of American companies. It prohibited US interests from engaging in transactions related to Cuba, but did not attempt to regulate the conduct of entities not otherwise subject to US laws. This exclusive focus on American entities, however, changed with the passage of the *Helms-Burton Act*.

The *Helms-Burton Act* incorporates all regulations governing the US economic embargo of Cuba that were in effect on 1 March 1996. By doing so, the Act makes it harder to ease those restrictions in the future, not only because congressional approval will be more difficult than regulatory change but also because the Act sets difficult preconditions for lifting those sanctions. In essence, Helms-Burton makes the current level of sanctions the baseline for future action. More importantly for the purposes of this analysis, the Act extends the reach of Cuba sanctions to include the activities of firms and individuals not otherwise subject to US law. It does so primarily through two provisions. Title III governs civil liability and creates a private right of action in US courts against those who “traffic” in property confiscated by the Castro regime, if a claim to that property is owned by a US national. Title IV excludes “traffickers” from the United States.

To allow for a diplomatic settlement, the Act gives the President waiver authority under Title III. On 16 July 1996, in a politically motivated decision, Clinton permitted Title III to take effect on 1 August, while at the same time suspending for six months the right to file suit. The Presidential waiver was exercised again on 16 January, 1997, effectively postponing the filing of any Title III suits until 1 July. The President has extended the waiver ever six months since this time.

In essence, the Damocles sword of Title III hangs over the heads of foreign companies active in Cuba, threatening to drop every six months if the President does not renew the waiver of the right to file suit. The Clinton Administration’s use of the threat of Title III acts as a carrot and stick, to pressure third countries to take a greater interest in the removal of the Castro regime and to restore democracy to the island (Title II of the Act). In late 1996, Clinton appointed the then-Under Secretary of Commerce Stuart Eizenstat to negotiate with American allies, and suggested that future waivers could be country specific.

Although the Clinton Administration’s tactic was to exercise the waiver option, it was legally obliged to enforce Title IV, which excludes “traffickers” from the United States. The visa denial provision is both mandatory and broad and the vagueness of its terms potentially puts many executives of non-US companies, with interests in Cuba, at risk of being denied entry to the United States. In practice, the guidelines for the enforcement of Title IV are vague, which gives the

billion. Cuba's almost total dependence on foreign energy sources further accentuated this economic vulnerability.

Post-Cold War geopolitics gave Havana no choice but to integrate Cuba into the global economy. Under a system of "capital without capitalism," Castro liberalized the foreign direct investment law, allowing foreign investors to own Cuban

economy substantially. In other words, the US embargo fed a militant nationalism in Cuba that increased rather than lessened Castro's grip on power.

It is somewhat ironic that US intransigence on repealing Helms-Burton also fed nationalist sentiments among the coalition members. This was especially true in Canada and Mexico, but also in Europe, where there was an uneasy feeling that Helms-Burton and other US extra-territorial legislation was a symbol of "Pax Americana," transferred from the Cold War to the post-Cold War. The coalition against Helms-Burton in large measure rested on a latent, emotional, and somewhat ill-defined, anti-Americanism.

A Differentiated American Perspective

How the debate over Cuba is framed goes to the heart of explaining the differences between the US and its allies.⁷ It is also instructive to note that there are a number of "American" perspectives. Indeed, it is surprising how wide the gulf is between the Administration's/Congress's point of departure on the Act and that of the peak horizontal business associations such as the American Chamber of Commerce.

Cuba as a Security Threat to the United States

As late as 1997, the Clinton Administration insisted that Cuba was a threat to its national security (although the US military reversed this position in 1998). Its allies, while acknowledging the volatile history of Cuban-US relations before and during the Cold War, have had difficulty accepting that acrimony from this relationship should be allowed to spill over and become an irritant in their own bilateral diplomatic relations with Washington.

A litany of security concerns forms a backdrop to the legislation. According to American officials, for example, Cuba's unsafe nuclear facility represents a potential Chernobyl 90 miles off US shores. Russia continues to use the island as an intelligence listening post. There is a possibility of a mass migration of possibly one million Cubans to the US should the island collapse in economic and political chaos, and Havana is a national security⁸ threat in the league of such international pariahs as Libya and Iran. Finally, Cuba's name is also invoked by US officials when describing the global drug trade, although Mexico is surely a greater threat to US "security" interests in terms of migration and drug trafficking than is Cuba.

Because the United States contends that no dispute settlement panel of the World Trade Organisation (WTO) is competent to judge a country's self-definition of national security, the invocation of Cuba's threat to its national security was, and continues to be, a powerful American weapon to nullify any potential negative findings of such a panel.

US Business Reaction

There is a basic philosophical difference between the Administration and “big business” on the efficacy of unilateral sanctions. The three-million-member United States Chamber of Commerce, for example, has argued since 1922 against these types of sanctions, believing that they rarely bring about regime changes, are

to counter-sue in Canadian courts and to win judgements that would offset any penalties imposed in the US. It also authorizes “blocking orders” to prevent enforcement of US judgements in Canada. The law allows the federal government to impose fines of up to C\$1.5 million against Canadian companies, and up to C\$150,000 against individuals, for complying with the Act. On the international front, in June 1996 Canada supported a unanimous resolution at the Organisation of American States to have the Inter-American Juridical Committee assess the legality of the Act. The Committee later ruled that Helms-Burton did not conform to international law. Ottawa also argued that the Act was a violation of the North American Free Trade Agreement (NAFTA), since it would make Canadian investment in the US subject to less favourable treatment.

Having accused the previous Conservative government as a “camp follower” of the United States, Helms-Burton provided the Liberal government with a very convenient rallying point for the “independent foreign policy” that it had called for while in Opposition. The Chrétien Government was at this time also smarting from the public criticism of its trade-before-human-rights approach to China. Cuba became one of the few value symbols in Ottawa’s trade-driven foreign policy. With polls showing that 71 percent of the Canadian population was soundly behind the Government in its denunciation of the US legislation, the Canadian prime minister and his trade and foreign affairs ministers were all extraordinarily vocal on Canada’s Cuba policy. In a somewhat unusual display of partnership with the federal government, a coalition of Canadian NGOs led by Oxfam Canada, and including unions and national farmers’ groups, went so far as to launch a boycott-Florida campaign. As one senior Canadian official commented, Canada’s unified reaction to Helms-Burton was entirely predictable, “like mother’s milk,” in that it showed that Canada was independent from the United States.

In late January 1997, Foreign Affairs Minister Lloyd Axworthy and Secretary of State Christine Stewart made a 24-hour visit to Cuba to sign a 14-point declaration on human rights. For Axworthy, the trip signified Canada’s longstanding policy of engagement with the Castro regime, the belief being that it was better to “work from inside, talk across the table instead of pillorying (Castro) from a megaphone in a Capital Hill committee room.”¹⁰ It also reflected his attempt to position Canada’s foreign policy as one of “effective influence.”

The declaration in Canadian eyes was unprecedented because it committed the Cubans, for the first time, to work publicly with Canada on human rights and governance issues through initiatives such as judicial training, academic exchanges, and the strengthening of a Citizens’ Complaints Commission within the Cuban National Assembly. However, it cut very little ice with the Americans. Nor did subsequent seminars organized by Canada on children’s rights (in Havana) and on women’s rights (in Ottawa). Although Canada was careful in its public announcements to not link the brief visit with its rejection of Helms-Burton, the visit nonetheless was seen by both the Administration (“collaboration with a dictator” said the State Department’s spokesperson; “sincere but misguided” said

President Clinton) and Congress (“another finger in the eye of the US,” said a spokesman for Senator Jesse Helms) as yet another grenade lob by the Canadians in the diplomatic fire-fight between the two countries over the appropriate way of introducing democracy to Cuba. Clinton’s Special Envoy on Cuba, Stuart Eizenstat, was equally dismissive, suggesting that the Complaints Commission was a far-cry from an independent ombudsman and would probably end up dealing with such problems as electrical outages rather than human rights abuses. Given the Canadians’ apparent leverage with Havana, the Clinton Administration wondered out loud why it was that Ottawa did not insist on reforms of the Cuban penal code to eliminate political crimes, the establishment of independent NGOs, and the establishment of an independent press.

The war of words would continue with Canada’s riposte often being that the US was suffering a case of “selective indignation” given its refusal to impose equally harsh sanctions on another human-rights abusing regime — China. To this, the Americans would as often as not respond that they didn’t need any lessons on such indignation from a country that was intent on mobilizing the international community to punish Nigeria’s generals through the use of economic sanctions. The US response to another whirlwind visit to Cuba by Prime Minister Chrétien in the spring of 1998 was more muted, but also one of indignation at what it considered was unnecessary provocation (a “propaganda bonanza” for Castro) by its northern neighbour. In contrast, Pope Jean-Paul’s visit to Cuba a few months prior to the Chrétien visit was seen in a much more positive light by the US Administration. There is, of course, a delicious irony to this diplomatic contre-temps: had the Canadians succeeded in getting what the Americans would have considered more meaningful reforms out of the Cubans, then this would have put paid to the entire US strategy of using isolation to create democracy on the island. Canada’s “failure” to secure major reforms was in fact the best outcome for the United States.

On the surface, then, it would appear that Canada — having self-consciously decided that it would be, in the words of Foreign Minister Axworthy, an “active Western Hemisphere player” — was in a relatively strong position, morally and in international law, to lead an international coalition against Helms-Burton. The answers to why this leadership was weak and why there did not appear to be full commitment by the coalition’s members, lie in the complex bilateral relationships between the United States and the individual members.

Impact of Helms-Burton on Canada-US Relations: Tempest in a Teapot

Judging from the extensive media coverage, one could be forgiven for thinking that Helms-Burton had caused irreparable fissures in some of the US’s most important bilateral relations. But the Act’s impact should be put into perspective.

Although the United States probably did not anticipate such a visceral reaction from its allies, this should not be interpreted as the Act having altered the overall “tones” of the US’s relations with Canada, the EU, and Mexico.

The Clinton Administration understood as much. So did Ottawa, it just did not say so publicly. As Special Envoy Eizenstat quipped at a conference on Helms-Burton in 1997, the reaction to the Act had actually been a “tea party” when

one senior official.¹² That is, as long as no more companies were named under Title IV,¹³ Canada could blithely pursue a strategy of harassment that played well domestically but did not incur any real costs. Following this logic, Ottawa's strategy — despite pressure from the Europeans and with the Mexicans taking their cues from the Canadians — was to maintain the threat rather than carrying it out. This tactic also did not preclude Ottawa from eventually pursuing the WTO and NAFTA tracks or further “multilateralising” the dispute through the Multilateral Investment Agreement, since the US legislation was but the tip of a plethora of unilateral sanctions and secondary boycotts being deployed by the Americans.

What does the case of the *Helms-Burton Act* teach us about the effectiveness of coalition-building against the United States? That the US achieved a deal with only the EU can be explained by the lack of trust between Canada and the EU. The lack of desire on the part of the Mexicans to be too intimately involved in the process, and the fact that among the coalition partners only the EU had the weight to deal with the United States — highlights Canada's confusion about exactly where it wanted to be on the issue. Was it to be out in front as a Hemispheric leader (as it saw itself on Nigeria and landmines), or back at home tending to its bilateral relationship with Washington? Although the extra-territorial implications of Helms-Burton were clearly important to those opposing Washington's position, they were not so important as to imperil the bilateral relationships of the loose coalition.

The Clinton Administration has had the quiet satisfaction, with relatively very little effort, of making the Europeans and Canadians move human rights in Cuba

7. Wayne Smith, *Washington Post*, 1 March 1996, p. A8.

6. *The Geopolitical Discourse of Helms-Burton*

Heather N. Nicol

Introduction

It has become clear over the past two years that if close neighbours such as Canada and the US agree on many issues of national and international concern, a consensus on Cuba remains an exception. American and Canadian perspectives on Cuba are ultimately constructed by, and related to, the broader cultural and value systems and geographically specific contexts in which decision-making occurs. This paper attempts to decode the geopolitical discourse surrounding the passage, in the United States, of the *Cuban Democracy Act* in 1992, as well as the *Helms-Burton Act* in 1996. Both Acts were passed amidst a fanfare of public hearings, debate, and discussion in the United States, and in Canada amidst a discussion of their potential impacts, legitimacy, and countermeasures. Decoding the discourse provides insights into the symbolism inherent in geopolitical referents deployed by Canadians and Americans. It allows us to describe and interpret the place of Cuba in the global system and permits us to follow the trail of these symbols as they attain mythic proportions. These myths are subsequently used to legitimize and give meaning to geopolitical discourse on Cuba, by contextualizing hemispheric metaphors in ways which reinforce Canadian and/or American perspectives on national interest and world power relations respectively.

In this paper, we concentrate our decoding efforts upon a variety of Hearings over the Cuban embargo, including those before the United States Senate, and the Congressional Committee on International Relations. We also explore supplementary materials comprised of various Conference and Staff Reports, as well as public statements made by key players in the drafting and passing of the Act. In

Canada, we have focused our efforts on examining the Canadian Parliamentary response to American embargo legislation by looking primarily within the House of Commons Debates — although we have attempted to use various official and unofficial responses of Canadian policy-makers to American geopolitical assertions regarding Cuba, wherever possible.

Helms-Burton and Canadian/American Relations in the 1990s

In the early 1990s, the relationship between Canadian and American policy-makers

surrounding the passage of the Acts was protracted and acrimonious, and at least one Conference Report was necessary to resolve issues and problems with the original versions of the bills. The rhetoric used by politicians, their advisors, and witnesses before the various committees struck to debate the bill, was colourful and virulent, and in general drew upon a wellstream of anti-Castro sentiment. Those who opposed the bill were accused of a variety of motives, by both ultra-Conservative politicians and by powerful Cuban lobby groups. The Cuban American National Foundation, a powerful anti-Castro lobby group, publicly condemned their opponents in what can only be described as extremely pejorative terms. For example, it was said of one politician that opposed the bill that “is sad to see a former member of Congress that [sic] had developed such a keen expertise in US security issues now mouthing slogans indistinguishable from the Castro

destruction of two unarmed civilian aircraft and four human rights activists, three of them US citizens.”⁸

The shooting down of civilian planes prompted speedy passage of the *Helms-Burton Act*. This act was the catalyst that ensured bipartisan support for the *Helms-Burton Act* in the spring of 1996. Still, it is not difficult to imagine the surprise of Canadian and European decision-makers when not only did the Act come into force, but when the Clinton Administration — which had previously had some concerns about the bill — communicated that its support of the Act was no knee-jerk reaction, but a well-considered action which would mete justice to the enemies of democracy and serve as a guideline to America’s less morally evolved trading partners. Indeed, at a conference of Canadian, American and European policy-makers held in Washington in the spring of 1997, Stuart Eizenstat, President Clinton’s special envoy remarked to the European Union’s delegate that the American position on Cuba was taken because “we have a moral core to our foreign policies.”⁹ (The European delegate could be excused for wondering, for at least one brief second, whether this was the reincarnation of Thomas Jefferson, returning to reveal that he had developed his philosophy of American democracy not only as a reaction to the perceived decadence of 18th century European society, in the throws of a brutish restructuring of urban and industrial relations, but also with Cuba in mind!)¹⁰

In view of the fact that Eizenstat justified the Administration’s position on Cuba using a symbolism which conjured up founding myths, it is not surprising that Canadian policy-makers, at the same meetings, responded with some of their own. They argued that such moral high ground was unwarranted, based upon US treatment of British Loyalists during the American Revolution. Evoking their own national symbolism, Canadians brought to the table the terms of *Bill C-339, an Act permitting descendants of United Empire Loyalists (who fled the US after the American Revolution of 1776) to establish a claim to the property that was confiscated without compensation*. This Act had passed its first reading in the Canadian House of Commons in October of 1996, although it has not been given final reading — and probably never will.

Since then, exchanges between American and Canadian policy-makers, academics, politicians, and other interested parties have continued, becoming increasingly heated in the process. Canada’s Minister of Foreign Affairs made an official visit to Cuba in 1997, and has publicly reaffirmed Canada’s position of constructive engagement with Cuba. In 1998, Canada’s Prime Minister met with Cuban officials in Havana, much to the dismay of American politicians (see Chapters Two, Three and Four, this volume). Canadians continue to have had great difficulty in understanding the American justification for the Helms-Burton legislation, while Americans have grown frustrated with Canadian condemnation of their Cuban policies. No volley of Canadian indignation has had any significant impact upon American decision-makers, who measure their foreign policies by a different yardstick. Nor have Canadians become convinced that the *Helms-Burton*

Act represents a “new” and “moral” approach to Cuba, rather than an anachronistic throwback to the Cold War. Rather, each position, American and Canadian, represents a culturally specific system of meaning, a social and political construction, whose intelligibility depends upon the understanding and acceptance of shared meanings and systems of symbolism. Each discourse authorizes a culturally specific approach to Cuba, and to the sphere of international relations in general.

The Evolving Symbolism of the New World Order

The geopolitical discourse surrounding anti-Cuban legislation has more often been

not by the object of its message, but by the way it utters its message or its “mode or representation.”¹⁴ Moreover, modes of representation are “implicit in practice, but are subject to revision as practice continues.”¹⁵

In keeping with this definition and understanding of geopolitical myth-making, in this paper we attempt to decode Helms-Burton discourse by breaking down the connotation system and identifying its “geopolitical referents.” Geopolitical referents are those works or word symbols that describe and situate Cuba within a broader global context, in terms of its landscapes, peoples and institutions. Indeed the modes of representation that inform the geopolitical discourse of the *Helms-Burton Act* (and its companion legislation the *Cuban Democracy Act*) become the semiotic elements or the sign vehicles for connective aspects of culture. In other words, these sign vehicles expose symbolic constructions of reality which inform the vocabulary of policy-makers, and substitute for reality. Nonetheless, there are no universal meanings: each symbol is socially specific to the particular purposes and interests which lie behind it, so that the discourse becomes a nested set of meanings, symbols and cultural constructions in which the intelligibility of the reality described changes with geographical scale and perspective.

This nesting can be understood more clearly if we realize that combinations of words, phrases and obvious meanings produce understandings at three levels or scales of significance. The first is at the descriptive level, where Cuba itself serves as a semiotic referent (“island of tyranny” for example). Cuban peoples are reduced to caricatures — victims of oppressive violence or perpetrators of violence, while the island is described by language, which is, to say the least, pejorative. The second is the national level where an internally constructed frame of referents is evoked (the Cuban American community, for example). At this level, the discourse is framed by referents to values, beliefs and communal consensus that are “American” and have meaning in relation to the American nation state as a frame of reference. When Americans speak of Cuban interests, or Cuban ethnicity, this is usually a construction derived from a specific frame of reference within the Cuban American community. The third frame of reference, and perhaps the most familiar, is the global level, where broader systems of political order are used as frameworks for connotation. In this case, “new world” order is used interchangeably, in the American vocabulary with “unipolar” world. And, as we shall see, the idea that “new world” order is synonymous with “unipolar world” is a point over which Canadians and Americans disagree.

American Perspectives of Cuba: An Overview of the Geopolitical Context

During the Cold War, the US perceived both Cuba and the Caribbean in geostrategic terms. At one extreme, Serbin claims, the US goal in the Caribbean had been to

Americans Encode Cuba: The Cuban People and Places in Geopolitical Discourse

The hundreds of pages of text produced in both the construction and passage of the *Cuban Democracy Act* and the *Helms-Burton Act* are replete with word symbols and encoded meanings which orient the geopolitical discourse of decision-makers. Even a cursory analysis of these texts indicates that there are any number of commonly used pejoratives that describe location, economy and landscapes of Cuba. It is often called an “island of tyranny” or a “dreary communist outpost,” whose people survive as a nation of “soil tillers” and “potato harvesters.” It is a nation “reduced to bicycles” a reference to the shortage of inanimate-powered vehicles on the island. Moreover, it is “Castro’s Cuba,” rather than a nation of 11 million people. The result, according to one witness before the Senate Subcommittee on Western Hemisphere and Peace Corps Affairs, is that

the Cuban landscape today can be described as sombre — at worst hellish. The people of Cuba today enjoy no freedoms. They are barely able to eat to survive. They live under constant despair, never knowing when they may face the next challenge from the police state created by Castro.²⁰

Such images of Cuba contrast with the reality of the Island’s tropical and sub-tropical landscapes as much as they do with the reality of everyday life for many Cubans. “The bitter despotism of one-man rule in Cuba” is a descriptor, which constitutes geographical reductionism, and stands in contrast to the island’s complexity and new regional importance within an integrating Caribbean. Indeed, such images perpetuate, rather than terminate, the Cold War and impede the arrival of the so-called “new world order.”

It is clear, therefore, that the geographic referents within the texts of American

perceived as a community in exile, a diaspora, rather than an ethnic community like any other. While it is clear that there is a large group of Cuban Americans who are exiles, it is not clear that the exile community is representative of the totality of Cuban refugee experience. Indeed, there are significant differences of opinion.

This was made very clear in comments made by Ernesto Betancourt, former Director of Radio Martí, who testified before the US Senate Sub-Committee on International Relations on the Helms-Burton Act. Betancourt identified himself as a Cuban American who had fought in the Cuban Revolution of 1959, and who had represented Castro's government in Washington during the early years. In confirming the diversity of opinion within the Cuban American community within Miami alone, Betancourt observed that it is not really an exile community but an ethnic community, where the dominant conservative groups have also had the dominant voice. Citing polls that suggest that only approximately 20 percent of Cuban-Americans would consider returning to Cuba if Castro were removed, Betancourt condemned what he perceived as the repressive actions of the Cuban American Foundation (CANF). He noted that the image that the present government has sent to the Cuban people is that the US Government's policies towards Cuba are influenced by Cuban exiles who want to reclaim power on the island. He argued that by supporting these groups in Washington, the administration was sending the "wrong message."

I left Radio Martí because of a disagreement with Mr. Mas, and his foundation. Afterwards, I found that many people in there, Miami, when I went down to speak or to do anything, were afraid of expressing themselves ... I think that we are facing a situation of constraint or threatened freedom of expression in the Miami community.²⁵

Similarly, A.M. Torres, Executive Director of the Cuban American Committee in Washington DC, supported by a report from America Watch, told Senate Subcommittee's Helms-Burton hearings that the CANF position was highly selective and did not represent the Cuban American community within Miami, much less the US. In privileging the CANF position within the *Cuban Democracy Act* and the *Helms-Burton Act*

the Cuban American community evoked internally coherent and self-referring meanings only from the perspective of the most conservative elements of the Cuban American community. As such, it defined formal Cuban American geopolitical considerations from a relatively narrow spectrum. Moreover, it serves internal political “games” rather than hemispheric realities.

Helms-Burton and American Global Metaphors

When encoding the meaning of Cuba within global contexts, the American geopolitical discourse is extremely selective. American policy-makers use global symbolism artfully, to reinforce the rationale for American intervention. All references to the Western Hemisphere, for example, evoke a geopolitical space in which only democracy is legal. The Western Hemisphere is reduced to a series of multilateral agreements or spaces in which American foreign policies prevail, and in which American political cultures should.

Symbolic references are made to exploit the belief in the moral justification of American policy-makers in hemispheric domination, and their commitment to freedom, justice and democracy. Indeed, the belief that these values make up the psyche of the American people draws clearly upon the Jeffersonian founding myth evoked by Eizenstat and others. Prominent in the discourse are references to other similar myths. “This nation of ours is committed to those principals of freedom, justice and democracy”; “Cuba is unstable because the United States did not make plans for the Island’s future after independence”; “we may have stood alone, but we never profited from dictatorship.”

Such descriptions of a common American character — derived from the fact that a common geographical territory is shared — may seem incredulous to some, but they evoke very powerful national responses. They suggest an apparent naturalness of American supervision of the democratic transition in Cuba, and they are often evoked by supporters of the *Helms-Burton Act*. Indeed, as one Senator remarked during the Helms-Burton Hearings in 1995, “I do not believe that our European friends really disagree with what we are doing, but if they did we have a right to expect their deference.”

Certainly these images and representations are not necessarily new. They have characterized the American political perception of Cuba for decades. What is most interesting about the American discourse in the 1990s, however, is that in the so-called “new world order,” Cuba is not the only frame of reference from which American embargo policies actually gain force. Such policies, it may come as little surprise, gather equal force from American policy-makers’ own perception of their geopolitical status and their situation within the Western Hemisphere.

Justification for American foreign policy making because of the special characteristics of the Western Hemisphere is a common theme in the Helms-Burton

discourse. It reasserts the US position as a hegemon in a geostrategic forum. The

While much has changed since 1938, the fundamental observation that foreign policies are based upon Canadian situations remains valid. Consequently, Canada's reaction to Helms-Burton is not about Cuba per se, but about Canada's finding its place in an international and interdependent world (see Chapter Four, this volume). Canada's policies with respect to Cuba are framed with numerous references to the influence of "our neighbour to the south," and Cuba's "special relationship" with Canada.²⁸ At least one MP has also observed these similarities between Canada and Cuba are all the more potent because Cuba, like Canada, is in the so-called American sphere of influence. It "is supposed to behave like a good little neighbour."²⁹ Size, in this case, is a geopolitical descriptor which also describes power relations. (Canadian policy-makers have also been known to use biblical metaphors such as David and Goliath to express power differentials between the nations — David, in this case referring to Cuba, Goliath to the US).

More often, however, the Canadian geopolitical discourse regarding Cuba speaks directly to the issues of American policies and global interdependence, or Canada's relationship to Cuba within a global economic framework. This is a small, but telling detail. For example, Helms-Burton is contextualised by Canadian policy-makers against the backdrop of the other friendly trading nations in the Caribbean basin, thus exposing the American assertion that Cuba is isolated within the Western Hemisphere. This strategy is, to a large degree, a deliberate attempt by Canadian decision-makers to defuse the anti-Castro debate by refusing to engage in its rhetorical discourse and concentrating upon external points of geopolitical reference.

Indeed, one of the most forceful statements was made in March of 1996, by BQ MP Benoit Savague, who observed that

the dispute between Cuba and the United States provides a patent example of the complexities in the relationship among the countries of the three Americas ... the Helms-Burton Bill, through its extraterritoriality, violates international law and impinges on Canadian sovereignty in the area of foreign relations. This conflict also reveals the close weave of political, economic and commercial ties among the various trading partners of the continent.³⁰

Savague's statement reveals the Canadian commitment to interdependence — and to making one's way in the America's within a complex web of policies and practices. Even, Canada's former Trade Minister Art Eggleton publicly declared, with reference to the *Helms-Burton Act*, that Canadians had broken down too many barriers to begin constructing new ones. He urged them to work together to engage, rather than to isolate, Cuba and all the other Cubas around the world." Much of the Canadian geopolitical discourse surrounding the *Helms-Burton Act* connotes internal references concerning Canadian character, geography and history which have created special relationships with Cuba, and special characteristics which imbue it with the necessary power to act as an effective global mediator. Stressing linkages and fighting extraterritorial limitations imposed by actions taken by neighbours to the south, Canadian decision-makers have clearly

and deliberately constructed a geopolitical discourse which says as much about the proximity and relationship between Canada and the United States as it does about Cuba. Politicians and policy-makers have used various metaphors to describe the Canadian-American relationship in which Helms-Burton is situated. Although there remain numerous references to the issues upon which consensus is achieved, nonetheless the *Helms-Burton Act* evokes comparisons of the relationship to a roller coaster ride or a throwback. Indeed, the acrimonious structure of feeling that infuses Canadian policy-makers is encoded within the discourse, when Helms-Burton is compared to the Sword of Democles, hanging over the heads of Canadians. Although they live in an economy where countries are interacting more now than ever, Helms-Burton is seen as a work of “legislative thuggery,” by “our neighbour south of the border.” “Could this hypocrisy be possibly related to the fact that Cuba, like Canada, is in the so-called American sphere of influence?” asked more than one MP.

Further references to the interdependent symbolism of Canadian decision-makers are more closely tied to symbols of the so-called “new world order.” The deliberate attempt of Canadian policy-makers to keep geopolitical discourse focused upon global interdependence and international law has meant that references to Cuba are discouraged, except within the context of the impact of the bill on Canadian trade and international systems, and here condemnations are frequent. “Helms Burton is in contravention of the NAFTA agreement with the United States,” more than one legislator has claimed, “and it is also an affront to Canada’s right to set its own foreign policy.” Consequently, then Canadian Secretary of State, Christine Stewart, was quick to point out that

not only does Helms Burton brush aside international legal practice, it flies in the face of our new and vital trade regime, the North American Free Trade Agreement [NAFTA].... We broke new ground in negotiating rules on investment and movement of business persons. We are concerned that this new law could violate a number of those provisions.³¹

Canadians are quick to stress that in their adoption of countermeasures to Helms-Burton, they have consulted with friends around the world. They have launched a number of initiatives on a broad front. In the final analysis, however, the discourse evokes the symbolism of hemispheric integration, to promote engagement, cooperation and interdependence. “Engagement” is to be the tool of Canadian politicians and diplomats, while their goals are open trading systems, engagement, cooperation and mutual benefit.

Such goals are not possible, of course, without new definition of legitimate geopolitical spheres of influence. Rochlin comments that the Post-Cold War era has ushered in a new reality for hemispheric security, and that it represents a movement towards hemispheric economic integration alongside what appears to be the emergence of global tripolarity. The result, Rochlin argues, is that “inter-American security is more important than ever, but Ottawa’s political commitment to the hemisphere, as manifested in its full membership in the OAS, means that

Canada has a new responsibility for defining and resolving interAmerican security issues.”³² Consequently, the fact that Western Hemisphere agendas will be determined by Washington makes it all the more important for Canadians to encourage a more progressive stance with regard to inter-American security in general, and Cuba in particular.

Conclusions

Canadians and Americans differ appreciably in their understanding of, and approach to, Cuba. Both, in justifying their positions, rely upon clashing perceptions of world order — which are perceptually and culturally distinct from each other. Much of the difference is derived from the global metaphors used to build national identity and myth. The way in which such metaphors are linked to dialogue and policy formation are complex, as many have discovered, but it is still clear in the final analysis “that one nation clearly focuses upon the integrity and durability of cultural macroregions” while the other “has developed a vocabulary for analysing the interconnections between them.”³³

differences are historical and geographical, but they are also cultural. Each country, Canada and the United States, deploys its own myths and cultural referents in making sense of the world and its own identity within it. To Americans, the Western Hemisphere is a geostrategic territory — a sphere of influence — in which American interests must be defended. To Canadians, it is a mesh of interdependent, less territorialised common interests.

Geopolitical discourses surrounding the *Helms-Burton Act* highlight such differences. They also suggest that we cannot ignore the fact that specific geopolitical discourses make specific historical and political claims. Differing texts authorize different approaches, while power relations are transposed into extremely resilient myths and metaphors. It is worth keeping this in mind when exploring the contours of the “new world order” and the implications of Helms-Burton.

Notes

1. J. Jockel, “Canada and the US: Still Calm in the Remarkable Relationship.” In *Canada Among Nations: 1996, Big Enough to be Heard*. Edited by Fen Osler Hampson and Maureen Appel Molot. (Carleton University Press, 1996), p. 111.
2. See US Senate Committee on Foreign Relations, *Staff Report. Confiscated property of American Citizens Overseas: Cases in Honduras, Costa Rica and Nicaragua. 1994. LIBERTAD Act. Public Law 104-114, State. 785. 1996.*
3. Wane Smith, 1997. “The Effects of Helms-Burton: Chasing Disaster.” Presentation to the Brookings Institute Conference *Helms Burton: A Loose Cannon?* Washington, DC.
4. See US Senate, Committee on Foreign Relations. *Confiscated Property of American Citizens Overseas: Cases in Honduras, Costa Rica and Nicaragua. A Republican Report to the Committee on Foreign Relations. 1994.*
5. See The Cuban American National Foundation, *Press Release. 24 April 1997. <http://www.cannfnet.org/english/press/p7904241.htm>.*
6. See US Senate Subcommittee on Western Hemisphere and Peace Corps Affairs of the Committee on Foreign Relations, 22 May and 14 June 1995. p. 62.
7. J. Jockel, “Still Calm in the Remarkable Relationship” *op. cit.* p. 117.
8. See Statement of Alberto J. Moro On the Cuban Liberty and Democracy Solidarity (LIBERTAD) Act of 1996, before the US Senate Foreign Relations Committee, 30 July 1996.
9. Comments of Stuart Ezinstat to the “*Helms-Burton: A Loose Cannon?*” Conference, Brookings Institute, Washington 1997.
10. For a classic commentary on the linkages between Jefferson’s attitudes towards European society and his democratic philosophy, see Lucia and Morton White’s study *The Intellectual Versus the City*. (Cambridge, Harvard University Press, 1962).
11. G.J. Ashworth, *On Tragedy and Renaissance: The Role of the Loyalist and Acadian Heritage Interpretations in Canadian Place Identities*. (GEO PERS. 1986), p. 8.

12. Dominic Strianata. *An Introduction to the Theories of Popular Culture*, (New York, Routledge, 1995), p. 112.
13. John Agnew and Stuart Corbridge, *Mastering Space, Hegemony, Territory and International Political Economy*, (New York, Routledge, 1995).
14. See R. Barthes, *Mythologies*, (London, J. Cape) 1973.
15. John Agnew and Stuart Corbridge, *op. cit.* p. 46.
16. Adres Serbin, *Caribbean Geopolitics: Towards Security Through Peace* (Bolder, Col., L. Reinner Publ., 1990), p. 7.
17. *Ibid.*, p. 22.
18. *Ibid.*, p. 31.
19. See J. Dominguez, "The Powers, the Pirates, and International Norms and Institutions in the American Mediterranean" p. 15, in Andres Serbin's *Cuba and the Caribbean: Regional Issues and Trends in the Post-Cold War Era*. (Wilmington, Del., SR Books, 1997).
20. See *Hearings Before the US Senate Subcommittee on Western Hemisphere and Peace Corps Affairs of the Senate Committee on Foreign Relations. Cuban Liberty and Solidarity Democratic Act*. 1992, p. 57.
21. See Canada. *Legislative Debates*, 1996. 9 October 1997. Ref. 4488.
22. See Agnew and Corbridge, *op. cit.*, p. 65.
23. Denis Conway and Paul Lorah, "The Cuban and Haitian Diasporas" in *Under Threat: Forced Migrations Since World War II*. Forthcoming, L.Y. Luciuk and M.S. Kenzer.
24. See *Subcommittee Hearings Before the US Senate Subcommittee on Western Hemisphere and Peace Corps Affairs*, 1996. p. 78.
25. Agnew and Corbridge, *op. cit.*
26. James Eyres "Defining a New Place for Canada in the Hierarchy of World Power," in *Towards a New World: Readings in The History of Canadian Foreign Policy*, R.L. Granatstein ed. (Toronto, Copp Clark Ltd. 1992), p. 82.
27. Canada. *Parliamentary Debates*. Ref 02-29-1996 p. 130-English.
28. Canada. *Parliamentary Debates*. Ref. No. 03-0401996 p. 550-Translation.
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