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CUBA: POTENTIAL REFUGEE CRISIS?

AN ASSESSMENT

A Writenet Report by Holly Ackerman commissioned by United Nations High Commissioner for Refugees, Emergency and Security Services

June 2006

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TABLE OF CONTENTS

Executive Summary i				
1	1 Introduction and Historical Background1			
2	2 Refugee Crises in Post-Revolutionary Cuba			
	2.1	Context of Crises	3	
	2.2	Camarioca		
	2.3	Mariel		
	2.4	The Rafter Crisis of 1994	7	
	2.5	Refugee Camps		
3	Pos	t-1995 Dynamics	9	
	3.1	US Policy	9	
	3.2	Factors Mediating Future Crises		
	3.3	Future UNHCR Role		
4	Со	nclusions	14	
5	Bibliography17			

Executive Summary

Between 1959 and 2000, over 800,000 Cubans left the island and received refuge in the United States. Although each exit was individually stressful, when considered collectively, the pattern was largely legal and orderly. Moreover, the exodus occurred in an environment of regime continuity in Cuba that has extended for 47 years without effective civic challenge.

Despite this context of relative order and stability, Cuban migration has been highly controversial. Unplanned, mass sea exodus remains the most likely source of future refugee problems that might require UNHCR action. This report reviews the three major post-revolutionary incidents of refugee crisis in Cuba, in an effort to analyze whether unplanned mass exit is likely to recur in the short term. Factors that may prevent conflict are emphasized and constructive roles for UNHCR are suggested.

In the 30 year period between 1965 and 1995, in three unplanned sea exits from Cuba, approximately 5,000 left via the port of Camarioca in 1965, 125,000 via the port of Mariel in 1980 and 35,000 via rafts and small craft in the summer of 1994 from throughout the island. These incidents share a general pattern which starts with a buildup of citizens making illegal exits independently. This leads to state-initiated augmentation of their numbers. The state then demonizes those who leave, describing them as anti-social elements, while simultaneously producing a refugee crisis for the US by increasing their numbers. As a result new terms of migration are negotiated between the two countries. It then becomes mutually advantageous to shut down sea exits.

The process and terms of negotiation to end the crises have varied, with decisive US presidential action, bureaucratic support and quick entry into good faith negotiations being key elements. The Cuban government gained concessions in legal migration and rid itself of domestic malcontents with each round. By 1994, however, the US government refused to accept the refugees, interning them at the US naval base at Guantánamo and agreeing to repatriate rafters in future. A similar agreement was reached with the Cayman Islands, Bahamas and Jamaica. Hence, a Caribbean-wide policy was agreed that increased policy control for the government but left its citizens with reduced options for exit.

Since then the climate in which mass refugees are evaluated has changed. The Bush administration has cast mass exit as an act of military aggression rather than a refugee crisis. In 2003 Castro warned of a new opening but did not follow through when threatened with US military response. Residual demand for exit now reaches at least the 550,000 mark. Should Cuba's top leader die or be disabled in the next decade the resulting uncertainty would likely produce another mass exit.

Roles for the UNHCR in averting or minimizing future crises include careful monitoring of rate of exit by sea; educating the US Congress about the prior rounds and need for a humane policy; coordinating with mass organizations and NGO's in Cuba to address a rush to exit; promotion of a Caribbean consultative body on migration that starts to build a coordinated regional response; observation of transitional Cuban elections if and when they occur; provision of expertise as needed to identify and assure that third countries will assist in immediate aid and in achieving permanence for refugees.

1 Introduction and Historical Background

The last Spanish colony to achieve independence in 1898, Cuba has had a doubly frustrated political history, being dominated by the interests of the United States and simultaneously unable to define and consolidate a national political project capable of including all Cubans without resort to arms or mass exile. Defining the causes, balance and interrelation of these two frustrations has occupied historians since independence. Comparing Cuban and US names for the war that ended Spanish is rule is illustrative of the problem. What Cubans call the War of Independence is known in the US as the Spanish-American War.

By any name, the war ended with US occupation and resulted in the verbatim inclusion of the US Congressional Platt Amendment in the first Cuban constitution in 1902, where it would remain until abrogated in a 1934 treaty. The Platt Amendment gave the US the right of military intervention in Cuba, a right that was exercised in 1906, 1912 and 1917. Platt remains a fountain of deep resentment for many Cubans.

From 1908 through 1924 political leadership was maintained through domestic mechanisms that included widespread corruption, vote buying, economic advantages granted to the military, periodic political imprisonment soon followed by amnesty and exile. Following his election in 1924 President Gerardo Machado seized dictatorial powers, bringing the country to a state of martial law in 1930 and near civil war by 1933, when he was overthrown by a general insurrection known as the Revolution of 1933. During the post-1933 period reforms could not be consolidated. During this time an Army sergeant named Fulgencio Batista came to dominate Cuban politics as the Army Chief of Staff (1934-1940) and then as elected President (1940-1944). A Constitution independent of US intervention and broadly representative of political opinion was eventually enacted in 1940.

Politics was further complicated by three domestic factors: generalized corruption that drained public funds and slowed development; political gangs openly engaged in violence that threatened public safety; and a political culture that stressed the importance of individual leaders over substantive platforms, resulting in constant splitting of political parties and action groups that only heightened grudges and settling of scores.

Between 1940 and 1952 three national elections gave hope that democratic forms might deepen. Instead, the 1952-1965 period involved the defeat of the democratic process. The first blow came with the end of constitutional government via Fulgencio Batista's coup d'état on 10 March 1952. This was followed between 1952 and 1956 by a failed effort by civic organizations and political parties to restore democratic institutions via political pacts and negotiations. The political class lacked effective leaders, willing to forego personal ambition in order to build a publicly supported political coalition to restore the 1940 Constitution. Political failure gave way in 1956 to the rise and eventual success of violent insurrection culminating in the revolution of 1959. Since then, the rate of exit from the island, by legal and illegal means, has been unique in Cuban history and has produced periodic refugee crises.¹

¹ Under Article 247 of the Cuban Penal Code it is illegal for citizens to leave Cuba by any means without government permission. Under Article 13 of the Universal Declaration of Human Rights, to which Cuba is a signatory, "everyone has the right to leave any country, including his own, and to return to his country".

This report reviews the major post-revolutionary incidents of refugee crisis in Cuba, in an effort to analyze whether unplanned mass exit is likely to recur in the short term. Factors that may prevent conflict are emphasized and likely scenarios in the event of crisis are suggested.

2 Refugee Crises in Post-Revolutionary Cuba

Although irregular exit from Cuba has been an intermittent and dramatic source of world attention, most Cubans living outside the island have left by orderly, legal means with the United States being the primary receiving country. Between 1959 and 2000, over 800,000 Cubans entered the continental United States.² An additional 400,000 persons in the United States claim Cuban descent, bringing the total Cuban-American population to 1.2 million in 2000.³

Smaller but distinguishable Cuban communities have also been established in Venezuela, Spain, Puerto Rico, France and Germany, bringing the total post-revolutionary community in the exterior to approximately 10 per cent of the size of the island population.⁴ Of these, 165,000 were involved in three incidents of dangerous and unplanned mass exit, which were resolved largely through bilateral arrangements between the United States and Cuba with only minor involvement from the United Nations High Commissioner for Refugees (UNHCR).⁵

Discussing the general question of government stability, the noted Cuban sociologist Haroldo Dilla Alfonso has said: "No political regime in Latin America has enjoyed greater stability than the one installed in Cuba after the triumph of the Revolution in 1959. In the course of four decades, there have been only three moments in which the discontent of sectors of the population has been translated into collective actions and outcomes that have been disruptive of the established order."⁶

Given such stability, one might ask why UNHCR needs to consider whether developments in Cuba and in its relations to other countries might lead to a situation needing provision or protection for refugees. However, UNHCR attention is warranted precisely because two of the incidents identified by Dilla ignited mass exit of refugees, and the third "moment" was

² Boswell, T.D. and G.M. Diaz, *A Demographic Profile of Cuban-Americans*, Miami: Cuban American National Council, 2002, p. 39

³ Ibid.

⁴ For further information on these communities, see, Ríos de Hernández, J.and A. Contreras, *Los cubanos: Sociología de una comunidad de inmigrantes en Venezuela*, Caracas: Fondo Editorial Tropykos, 1996; Ackerman, H., Different Diasporas: Cubans in Venezuela, 1959-1998, in A. Herrera and L. Gil (eds), *Revisiting the Cuban Diaspora: The "Idea of a Nation" Displaced*, Albany: SUNY Press, fc; Cobas, J. A. and J. Duany, *Cubans in Puerto Rico: Ethnic Economy and Cultural Identity*, Gainesville: University Press of Florida, 1997; Esteve, H., *Exilio cubano en Puerto Rico: Su impacto socio-político (1959-1983)*, San Juan P.R: ESMACO, 1984; Martín Fernández, C. and V. Romano García, *La emigración cubana en España*, Madrid: Fundación de Investigaciones Marxistas, 1994; Mühlschlegel, U., Cubans in Germany. Paper presented at the 51st Congress of the Seminar on the Acquisition of Latin American Library Materials, March 2006, Santo Domingo

⁵ Scholars generally describe the demography of the extended Cuba-US exodus in terms of four "waves", the first coming between 1959 and 1964 and consisting of approximately 210,000 arrivals. Between 1965 and 1973 a second wave of 273,000 included both the middle and working classes. A third wave is marked by the approximately 125,000 unplanned arrivals during the 1980 Mariel boatlift and the fourth consisted of approximately 37,000 persons who left in small boats, rafts and inner tubes in 1994. Boswell and Diaz, p. 2

⁶ Dilla Alfonso, H., Cuba: The Changing Scenarios of Governability, *Boundary* 2, Vol. 29, No. 3, pp. 55-75

actually a five year period of armed conflict inside Cuba during the early years of the revolutionary government, which generated internal displacement.⁷ The nature and consequences of past collective action, taken together with a changed world context, the failing health of the revolutionary leadership, particularly that of President Fidel Castro, make an assessment prudent.

2.1 Context of Crises

In the thirty year period between 1965 and 1995, there were actually three unplanned sea exits from Cuba. Approximately 5,000 left via the port of Camarioca in 1965,⁸ 125,000 via the port of Mariel in 1980 and 35,000 via rafts and small craft in the summer of 1994 from throughout the island.⁹ Although the incidents have individual contexts and consequences as discussed below, there is a shared general pattern:

which starts with a buildup of citizens making illegal exits independently. This leads to state-initiated augmentation of the numbers. The state then demonizes those who are leaving, describing them as anti-social elements. Simultaneously, the state produces a refugee crisis for the U.S. by increasing the numbers of those leaving, and uses the crisis to enter into migration negotiations that provide benefits to the Cuban regime. It then becomes mutually advantageous to shut down sea exits.¹⁰

With an eye toward avoiding and/or managing future crisis, the three incidents are summarized below, drawing out salient features including origins, efficacy of political and humanitarian response, terms of settlement and effect of media and public opinion on the duration and intensity.

2.2 Camarioca

Although it is the least known of the three crises, the Camarioca boatlift set the pattern. In 1965, direct flights from Cuba to the US had been unavailable for three years and most citizens resorted to small boats and rafts as a means of surreptitious exit. By 1963, hundreds were arriving in South Florida each month with descriptions of dramatic drowning and near death experiences occasionally appearing in the national press and, more frequently, in Miami, where public opinion began to turn against acceptance of further refugees as their numbers grew.¹¹

⁷ Piñeiro, J. L., Pueblos Cautivos: Entrevista con el Doctor José Luis Piñeiro, *Encuentro de la Cultura Cubana*, Vol. 20, Spring 2001, pp. 228-31

⁸ Refugees Gather in Cuban Village, *New York Times*, 14 October 1965. Estimates of the totals vary because the boatlift occurred in two steps. Between 7 October 1965, when the first boat from Camarioca arrived in the US, and 15 November 1965, when Premier Castro stopped the exit of private boats, a total of 2,979 people left. At that time, 2,000 people remained at Camarioca awaiting transport. A US-leased ship evacuated those who remained in the camp. Hence, approximately 5,000 persons left "through Camarioca".

⁹ These numbers would be larger if a "peri-crisis" timeframe were used. For example, in the 12 months prior to the Camarioca boatlift an additional 1,521 came by sea. In the 1994 rafter crisis, 4,731 arrived in the seven months prior to Castro's announcement that people could leave freely. Ackerman, H. and J.M. Clark, *The Cuban Balseros: Voyage of Uncertainty*, Miami: Cuban-American National Council, 1995, p.7

¹⁰ *Idem*, p. ii

¹¹ Clark, J.M., The Exodus from Revolutionary Cuba, 1959-1974: A Sociological Analysis, Ph.D. dissertation, University of Florida, Gainesville, 1975

Between 1960 and the end of 1964 the Cuban Refugee Emergency Center (1959-1961) and the subsequent Cuban Refugee Program (1961-1977) recorded that approximately 8,000 persons arrived alive in Florida by sea, some in yachts but most in small boats and, by 1964 as access to materials diminished in Cuba, in homemade rafts.¹² These *boteros* or *lancheros*, as they were called at the time, drew focused attention from the revolutionary government only after 1964, once counter-revolutionary forces were brought under control inside the island. The government then enjoyed extensive domestic and international support and the continued exit was an embarrassment and a steady drain on professional and technical workers. In addition, the new government needed to consolidate control over its borders.

Without warning on 28 September 1965 Premier¹³ Castro announced that, in order to stop the irregular exits, "we could, for example, fix up the port of Camarioca in Matanzas, one of the closest points, so that to all who have relatives we could give a permit to come by ship".¹⁴ Within a few days, more than 100 boats captained by Cuban exiles were in the port of Camarioca.¹⁵ In one stroke, Castro had simultaneously dictated an existential domestic emigration policy that profoundly challenged the domestic immigration policy of the United States. In so doing, he expanded and drew attention to what might arguably have been called an unnoticed but emerging mass refugee crisis that was citizen-generated.

In 1965 the United States was at first eager to absorb the refugees – their numbers were small, the US economy was growing and Cold War rhetoric was high. They seemed simply to be "more Cubans" in what had become a continuing if sometimes halting exodus. Speaking at the foot of the Statue of Liberty, President Lyndon Johnson responded initially by welcoming the exodus "declaring to the people of Cuba that those who seek refuge here will find it".¹⁶ Johnson made an immediate supplementary request to Congress for US\$ 12.6 million in order to assist the resettlement of the refugees and had funds flowing within 30 days. He called upon voluntary social agencies to take expanded responsibility for the actual resettlement. He pointedly thanked the people of Florida for their past "humanity and decency" and called upon the entire nation to open communities to the newcomers, thereby side-stepping the divisive, anti-refugee politics that was developing as sheer numbers overwhelmed Miami.¹⁷ Johnson's policy response was decisive, well-funded and without significant domestic antagonisms.

Even in what seems today to be small numbers, however, the expanded mass exodus strained institutions unaccustomed to reception and resettlement on this scale. The word "boatlift" does not adequately convey the precarious nature of a convoy of overcrowded small boats with inexperienced crews, often of inadequate size to travel in open seas, with United States Coast Guard (USCG) crews only able to monitor at intermittent points. Nor does it get across the complexity and danger of transfer on the high seas after boats have broken up, swamped

¹⁶ Johnson, L. B., President Lyndon B. Johnson's Remarks at the Signing of the Immigration Bill, Liberty Island, New York, 3 October 1965, http://www.lbjlib.utexas.edu/johnson/archives.hom/speeches.hom/651003.asp [accessed May 2006]
¹⁷ Ibid.

¹² 5 Arrive on Homemade Raft: Survive Week at Sea, *Miami Herald*, 7 August 1964

¹³ Fidel Castro held the title of Premier 1959-1976, when he became President

¹⁴ Castro, F., Speech in Celebration of the Fifth Anniversary of the Founding of the CDRs, 28 September 1965, *Castro Speech Database*, <u>http://www1.lanic.utexas.edu/la/cb/cuba/castro/1965/19650929</u> [accessed May 2006]

¹⁵ Cuba Port Teems with Small Craft, New York Times, 18 October 1965

or stalled. A high-ranking USCG official compared the 1965 operation to the war time rescue of US soldiers from the English Channel during the Normandy invasion of World War II.¹⁸ Recognizing the volatile potential of the refugee situation, President Johnson and Premier Castro entered secret negotiations within days through the good offices of the government of Switzerland in an effort to end the crisis.¹⁹

Through a Memorandum of Understanding signed in November, the Cubans gained generous, subsidized terms.²⁰ The dangerous sea lift would be replaced with regularly scheduled, twice weekly flights going from Varadero, Cuba to Miami at US expense. Flights began on 1 December 1965 and continued until 31 August 1971, when the so-called "freedom flights" or "air bridge" was unilaterally cancelled by the Cubans.²¹ However, the programme was extended for two years through subsequent arrangement between the two governments, so that all those approved for exit by 1971 could leave. When the last plane reached Miami on 5 April 1973, over 268,000 persons had been safely transported. How many more would have continued to sign up had registration not been abruptly and arbitrarily ended is unknown.

Through arbitrary action Premier Castro had made manifest a gathering refugee crisis that ultimately resulted in a policy of seemingly endless, orderly and gradual release of his critics, and in so doing he had also steered US refugee policy. Equally important, the new government received a kind of diplomatic recognition by the US if only indirectly. The incident demonstrated that despite heated Cold War rhetoric and bi-lateral antagonisms the Cuban Premier and the US President could cooperate relatively quickly when events demanded, thereby saving lives and limiting the extent and duration of a crisis. Both leaders were able to claim moral and ideological high ground, though the Cubans got the best of the bargain overall.

2.3 Mariel

By 1980, with the Cuban economy in crisis, entering foreign embassies to ask for asylum became a popular strategy for leaving the country. Numbers jumped from 25 in 1978 to approximately 440 in 1979.²² At the same time large government ships were being hijacked with increasing frequency as a means of leaving the country. US intelligence sources had warned that Cuban authorities were threatening another mass opening to relieve domestic pressure but no response had been initiated by US authorities.²³

On 1 April the most dramatic and extensive civil crisis since 1959 crystallized, when wouldbe asylum seekers driving a public bus smashed through the gates of the Peruvian embassy in Havana. President Castro insisted that embassy asylum seekers should be treated as criminal trespassers. However, after a series of diplomatic missteps the Peruvians came down on the

¹⁸ Coast Guard Saved 15,000 During '65, New York Times. 3 January 1966

¹⁹ Engstrom, D.W., *Presidential Decision Making Adrift: The Carter Administration and the Mariel Boatlift,* Lanham: Rowman & Littlefield, 1997, p. 24

²⁰ Eder, R., US-Cuba Accord Near: Sea Shuttle Ends, *New York Times*, 29 October 1965

²¹ Szulc, T., Cuba is Halting Refugee Airlift to Miami, *New York Times*, 1 September 1971

²² Larzelere, A., *Castro's Ploy-America's Dilemma: The 1980 Cuban Boatlift*, Washington: National Defense University Press, 1988, p. 118

²³ Smith, W.S., *The Closest of Enemies: A Personal and Diplomatic Account of US-Cuban Relations since 1957*, New York: Norton, 1987, pp. 199-203

side of asylum, causing an enraged Castro to withdrawal police protection and declare on national television that the embassy was open territory. Within 36 hours nearly 11,000 people had entered the compound.²⁴

To resolve the crisis the government of Costa Rica agreed to provide a staging ground where the embassy asylum seekers could be sent by UNHCR for processing and resettlement in third countries.²⁵ International media coverage of the arriving refugees in San José proved so adverse that Castro cancelled further flights. He then recast the geopolitics from an international to a bilateral level and expanded the size of the crisis, calling the embassy asylum seekers "lumpen". Addressing a May Day rally he called the whole affair an "imperialism provocation" engineered by the United States and stated that anyone "who does not have a mind that adapts to the idea of a revolution, he who does not have a heart that can adapt to the effort of heroism required by a revolution; we do not want them. We do not need them."²⁶ The port of Mariel was opened on 21 April 1980 for their exit to South Florida.

In this second round contextual factors changed for the worse and lessons from Camarioca were forgotten. President Carter was occupied with multiple crises, with the Iran hostage taking situation being the most pressing. Nonetheless, in keeping with his leadership style, he reserved final decisions on Cuban events, delegating policy making but not final authority. His cabinet officers disagreed on an approach and even those who wanted to admit the refugees disagreed on how it should be done.²⁷

A simultaneous influx of Haitian refugees further complicated the surge. The administration seemed to confuse handling each situation equitably with behaving the same in two different contexts. As if that were not enough, immigration law had changed only weeks before to bring US policy into conformity with the UN definition of refugees and calling into question the Cubans' blanket claim for asylum based on flight from Communism. The administration was without clear regulations or previous experience administering the new approach. The US had changed the definition without carefully considering policies and procedures for the US as a "country of first asylum".

Simultaneously, the US economy was experiencing "stagflation" for the first time, producing a predictable reduction in popular humanitarian impulses. Quickly added to this was a negative public image of the refugees. Both President Castro and the US media cast the "Marielitos", as they were called, as social misfits, delinquents and violent criminals. To add credibility to this claim Castro released a small number of criminal and forensic inmates into the group. The US media and the Cuban government stubbornly continued stigmatizing the entire group, thus making their resettlement more difficult. At the same time violent "acts of repudiation" on the island caused injury to those who were leaving Cuba.²⁸

²⁴ For a recent personal account and analysis of these events, see, Ojito, M. A., *Finding Mañana: A Memoir of a Cuban Exodus,* New York: Penguin Press, 2005

²⁵ Engstrom, p. 55

²⁶ Castro, F., Speech Given at the May Day Rally in Revolution Square, 1 May 1980, *Castro Speech Database*, <u>http://www1.lanic.utexas.edu/la/cb/cuba/castro/1980/19800501.1</u> [accessed May 2006]

²⁷ Engstrom, p. 169

²⁸ Galán Pino, S., La Embajada de Perú: Un salto hacia la libertad, Miami: Twin Printing, 1984, p. 97

No clear US policy developed, as the dimensions of the crisis expanded and the administration shifted in its policy stance. The refugees were welcomed and then rejected; released directly into the streets of Miami and then detained in four isolated Army installations; negotiations were refused and then opened without offering terms other than a demand that Castro end the exodus. By the time serious negotiations began in early September 1980, 112,000 refugees were already on US soil.²⁹ Again, the episode closed through unilateral Cuban action, with the US having agreed to a fuller negotiation of bilateral issues at a future date. Castro closed the port of Mariel on 26 September 1980 after 124,776 refugees had left.³⁰ The Cuban government reported that an additional 375,000 had registered to leave but were not allowed out.³¹ As with Camarioca, Castro provided no warning or rationale for the closure. What was clear, however, was that a residual demand existed.

2.4 The Rafter Crisis of 1994

In many ways the origins of the raft crisis of 1994 were simply Camarioca writ large. Early warnings of a crisis were abundant. Following the dissolution of the Soviet Union and the change in Eastern European governments and consequent loss of the subsidy they had provided, Cuba was in the worst economic crisis of its history. Individual citizens were leaving illegally by sea in escalating numbers. By July of 1994 refugee resettlement agencies in Miami had tripled in staff size over a period of weeks and were operating on 24 hour shifts to manage the arrivals;³² refugee camps had been established in the Cayman Islands with funds from the European Union and in the Bahamas through donations from Cuban-American companies.³³ Emboldened by these numbers, groups began hijacking large craft, causing the Cuban government to tighten border enforcement. The ferry connecting Havana with the suburb of Regla was taken three times in nine days and twice made it to US waters.

On 13 July 1994 a stolen government tugboat, the *13 de Marzo*, was rammed and sunk by Cuban authorities, using high pressure fireboat hoses. As many as 37 of the 72 on board, including women and children, were killed. Partly in response to this incident, the first internationally recognized post-revolutionary rioting occurred on 5 August near the Havana seawall in the old part of the city. In response, Fidel Castro once again blamed the US embargo for economic conditions that fuelled exit and pointed out that more illegal Cuban rafters were being admitted than were those legally processed under US-Cuban migration agreements negotiated as a consequence of the last crisis at Mariel.³⁴ He once again threatened to suspend border enforcement. Thousands more began setting out on anything that would float.

This time round the US administration, now under President Bill Clinton, was better prepared and more resolute than the Carter team. They quickly revealed the general features of a preexisting containment plan called Operation Distant Shore, which included a military blockade

²⁹ Engstrom, p. 121

³⁰ Weisman, S.R., Havana Government Unilaterally Cuts Off Refugee Boat Exodus, *New York Times*, 27 September 1980

³¹ Tears in a Cuban Port, New York Times, 28 September 1980

³² Monsignor Bryan Walsh, Director, Archdiocese of Miami Catholic Charities. Personal interview, Miami, 18 August 1994

³³ Cayman Islands, Cayman Islands Annual Report 1994, George Town, 1995, p. 33

³⁴ Mesa-Lago, C., *Cuba's Raft Exodus of 1994: Causes, Settlement, Effects, and Future,* Coral Gables: University of Miami, 1995, p. 4

to turn back all rafters.³⁵ After 35 years of near total acceptance by the US, Cuban citizens simply did not believe they would be refused and continued to leave with the expectation that they would go directly to the United States. On 19 August President Clinton publicly announced that rafters would henceforth be taken to a "safe haven" at the US Naval Base at Guantánamo Bay, Cuba, until they could be relocated to third countries. Never, he said, would they be allowed into the United States. At the same time the administration began talks with the Cuban government that eventually resulted in two migration agreements, the first on 9 September 1994 and again on 2 May 1995.

The terms of the agreements assured the Cubans a minimum of 20,000 immigration visas per year, a portion of which would be governed by a special lottery for Cubans otherwise ineligible to emigrate.³⁶ The chance of winning the lottery is a hope that has since restrained those who might otherwise set to sea. In future, rafters intercepted by the US would be returned to Cuba. Similar bi-lateral memos of understanding on return of rafters were signed between the government of Cuba and the governments of the Cayman Islands, Bahamas and Jamaica.³⁷ The Cuban government had essentially achieved a Caribbean-wide policy on return of rafters.

2.5 Refugee Camps

The quality of reception and resettlement in the camps was problematic and suggests an area of concern if future crises occur. The 1994 crisis took place three months into the hurricane season but the rafters' tents were not protected against storm or sun. On 13 November tropical storm Gordon struck the camp, washing away tents, destroying the refugees' few belongings, flooding the camp and increasing the sense of hopelessness among detainees. Communication between the military and the refugees was strained and rioting resulted both in temporary camps in Panamá and in Guantánamo from the uncertainty and idleness. Though limited, retaliation by the military in Panamá was reminiscent of later scandals related to Abu Ghraib.³⁸

It took officials an unconscionable six months to identify and resettle to the US the approximately 2,500 children who were in the camps. In studies conducted in Guantánamo, over half of all children displayed "very severe symptoms" of post-traumatic stress, with preschool children showing "very severe symptoms" in over 85 per cent of cases. Six months after resettlement, a sample of camp children showed continuing symptoms in 57 per cent of cases and even ten years after the experience both adults and children report continuing symptoms.³⁹

³⁵ Santiago, F., We Won't Allow a Mariel, *Miami Herald*, 7 August 1994

³⁶ Winning the lottery does not, however, guarantee exit. It only provides the winner with a chance to be considered by the US government. Winners also have to pay approximately US\$ 2,000 in fees to the Cuban government and must fulfill two of three qualifications: being a high school graduate; having worked for a least three years; having relatives already in the US

³⁷ Payne, D.W., *Cuba: Systematic Repression of Dissent*, Washington: INS Information Resource Center, 1998

³⁸ Campisi, E., Guantánamo: Safe Haven or Traumatic Interlude?, *Latino Studies*, Vol. 3, No. 3, pp. 375-92

³⁹ Rothe, E., Post-traumatic Stress Symptoms in Cuban Children and Adolescents During and After Refugee Camp Confinement, in T.A. Corales (ed.), *Trends in Posttraumatic Stress Disorder Research*, New York: Nova Science Publishers, 2005, pp. 101-27

In addition to ineffective reception, the US was particularly inept at arranging third country cooperation in resettlement, suggesting a further area where UNHCR consultation might improve a future situation. Nicaragua, Honduras, Costa Rica, El Salvador, Antigua, Grenada and the Turks and Caicos Islands were all approached to take rafters in 1994 and ultimately refused.⁴⁰ Only Panamá accepted and then only with a strict six month time limit which they refused to extend after the camp was burned and ransacked during rioting. Since then, rafters who ask for asylum when picked up at sea have been held at Guantánamo pending individual review. These individuals eventually have gone to third countries such as Venezuela, but the US government has been reluctant to publicly acknowledge or promote use of the third country option to a domestic public that is unfamiliar with such practices.

3 Post-1995 Dynamics

3.1 US Policy

The general mechanism of action in the Cuban case has been further specified in terms of national security studies by Harvard Strategic Studies Fellow, Dr. Kelly Greenhill. She defines the process as "extortive engineered migration", a form of "migration in which (real or threatened) outflows are used to induce changes in political behaviour and or to extract economic side-payments from a state or states".⁴¹ Greenhill argues that the mechanism is one of few available to weak states in trying to coerce strong states to make concessions. Ordinary citizens become political weapons in the process.

The post-9/11 environment, where the US declared and recently reaffirmed an aggressively unilateral and preemptive national security policy, makes strategic gains unlikely for the Cubans in the short term. Issues such as migration, crime and drugs, formerly considered social and economic problems or, at most, non-traditional security issues that required coordinated civil and military cooperation, have received a predominantly military interpretation by the Bush administration. Cuba has been designated a particular target, having been listed as one of the world's seven "despotic systems" in President Bush's National Security Strategy made public on 16 March 2006.⁴² The potential cost to Cuba may simply outweigh the benefits to be derived, if refugees are interpreted as literal rather than symbolic weapons.

On previous occasons the Cuban government has always, prior to releasing refugees en masse, figuratively tested the US waters by issuing threats in advance of action and permitting moderate increases in exit to see what the response might be. Exactly this sort of threat was issued by Fidel Castro in 2003, as he once again faced increased hijacking of large boats.⁴³ He charged that the US had slowed down issuance of the agreed upon 20,000 minimum US immigration visas. In response the US let it be known that a general exodus would be considered an act of aggression, though the US authorities simultaneously resumed normal visa processing and eventually exceeded the annual minimum. Castro never acted on his threat to open the sea gates.

⁴⁰ Lipman, L., Guantánamo Will Expand, *Pittsburgh Post-Gazette*, 25 August 1994

⁴¹ Greenhill, K.E., Engineered Migration and the Use of Refugees as Political Weapons, *International Migration*, Vol. 44, No. 4, 2002, pp. 39-74

⁴² United States, National Security Council, *The National Security Strategy*, Washington, 16 March 2006, <u>http://www.whitehouse.gov/nsc/nss/2006/</u> [accessed May 2006]

⁴³ Chardy, A., US Ready in Case of Major Exodus from Cuba, *Miami Herald*, 20 April 2003

Instead, Cuban domestic repression rose, when three ferryboat hijackers were summarily tried in closed court without due process and executed without observing the timelines and appeals procedures required by Cuban criminal law. Their bodies were not returned to the families for burial. This provided a powerful object lesson to Cuban citizens. The US would no longer accept them and the Cuban government was willing to openly use lethal force to prevent them from accelerating the level of exit.⁴⁴ At the same time the development of organized political opposition was set back by the roundup, trial and long term incarceration of seventy five dissidents.⁴⁵ The Cuban government had repressed the general population and incarcerated the political opposition. A fourth round of crisis had failed to materialize but at the cost of human rights.

Since then external factors have increased internal pressure. In October 2003 President Bush appointed the US Commission for Assistance to a Free Cuba to explore ways to "help the Cuban people bring about an expeditious end of the dictatorship" and "consider the requirements for United States assistance to a post-dictatorship Cuba". Shortly after, in April 2004, the US ended the semi-annual migration talks that had taken place since the 1994 crisis and arguably had helped to prevent further engineered migration, calling them "unproductive".

The Commission's findings were harsh and implementation has been punitive, comprehensive and relentless, reducing the number of relatives eligible for exile remittances, limiting frequency of return visits and curtailing educational travel and flights to the island among other measures.⁴⁶ At the same time, the Bush administration has continued, updated, expanded and trained for Operation Distant Shore, claiming the coordinated readiness of forty different federal, state and local agencies to turn back a Caribbean boat crisis from any source.⁴⁷ A second report, planned for May 2006 but postponed, is predicted to include further restrictive measures. Hence, current US administration policies place the Cuban government in a bind; the traditional means for bringing the US to the bargaining table has been labelled as an act of terror in an era of preemptive US military action, while the elimination of measures designed to assist the Cuban people only accelerates demand for exit. Destruction of the current regime is the avowed purpose of US action, raising the spectre of interventionism.

3.2 Factors Mediating Future Crises

Forecasting another sea exit is like predicting whether a developing tropical storm will become a hurricane. We know that pressure is building but fluctuating ambient conditions will determine a unique shape and direction in each iteration. If formed, a few degrees of movement can change the consequences greatly. In the Cuban case there is sufficient demand for, and such an entrenched pattern of, exit that any change in government, whether a

⁴⁴ Ibid.

⁴⁵ Amnesty International, Cuba: Essential Measures? Human Rights Crackdown in the Name of Security, London, June 2003

⁴⁶ United States, Department of State, Commission for Assistance to a Free Cuba, *Report to the President*, Washington DC, 4 May 2004, <u>http://www.state.gov/p/wha/rt/cuba/commission/2004/</u> [accessed May 2006]. For a full listing of rules implemented in response to the Commission's findings see United States, Department of State, *Summary of New Rules on Travel and Exports to Cuba*, Washington DC, 22 July 2004, <u>http://www.state.gov/p/wha/rls/fs/34617.htm</u> [accessed May 2006]

⁴⁷ Chardy

succession by Raul Castro or a transition directed by others, will create a surge of individual citizens taking advantage of social disorganization to slip away albeit at high risk to their own lives. How large and how long the surge will be depends on whether and with what speed US and Cuban diplomats enter negotiations and agree on terms that offer an alternative to exit.

An historical view on US electoral politics is a key factor affecting the possibility of future crisis. Each past refugee crisis in Cuba has coincided with a domestically progressive Democratic presidency. Pragmatically, these leaders had constituencies that were more likely to favour humanitarian responses in general and were also more likely to engage in negotiations with President Castro, since the mostly Republican Cuban-American community was lost to them as a voting constituency. They initially misjudged the magnitude of the crisis but did respond, engage and negotiate. Using this yardstick, 2008 would be the year to watch for another engineered migration if a Democratic President were elected.

By that time the size of frustrated demand will be large. Since the close of registration for the freedom flights in 1971, there has been a residual demand that can only be roughly and indirectly calculated. In 1980 the Cuban government acknowledged that an additional 375,000 people wanted to leave when Mariel harbour was closed. More recently, in 1994, 1996 and 1998 the Special Program for Cuban Migration (commonly known as the Cuban visa lottery) had three registration periods for which 5,000 winners were selected annually. The registration periods resulted in 189,000, 435,000 and 541,000 registrants respectively, giving a rough idea of just one category of those who wanted to leave and qualified.⁴⁸ Clearly, frustrated demand exceeds 550,000.

Another factor complicating the situation is the changing geography of the last round of sea exits. Although media attention was on US/Cuban interaction in 1994, the crisis itself was actually regional. Bahamas and the Cayman Islands required UNHCR assistance in handling the numbers of rafters at that time.⁴⁹ A generalized island-wide surge of even 30,000 is sufficient to require refugee camps in both countries and to overwhelm local capacity.

Clearly political and economic conditions inside Cuba will be primary in mediating the size and intensity of demand for exit. Although there has been some recovery of the economy since the post-Soviet plunge, political control continues as the single most important priority of the Castro government and works against a rational economic policy. This is another bind for the Cuban leadership; economic opening produces benefits for individuals that decrease the likelihood of an exit crisis but stimulate the organization of a civil society to represent citizen interests. Unchecked, these dynamics threaten the continuation of the regime and its ideology just as they did in the USSR and Eastern Europe. Ever the agile politician, Fidel Castro has constructed a collage of contradictory policies that quickly alternate or simultaneously employ benevolent, malevolent and disengaged tactics to assure continued political control. Economic development is blunted as a result. Essentially the regime chases a misery curve rather than stabilizing the economy.

An example of the tactics can be seen in policies related to micro-enterprise. Here the government legalized and licensed over 100 categories of *trabajo por cuenta propia* (self-employment) in September of 1993 ostensibly to improve the economic situation of the

⁴⁸ Wasem, R., *Cuban Migration Policy and Issues*, Washington: Congressional Research Service, 1996, pp. 1-6

⁴⁹ Ackerman, H., Los balseros Cubanos: luego y ahora, *Encuentro de la Cultura Cubana*, Vol. 36, April 2005, pp. 131-53

general populace. Within a year, 161,873 licenses had been granted by the state and 600,000 were pending. In May 1994, however, the government passed Decreto-Ley 149 which aimed to curb "illicit enrichment" by unlicensed persons as well as licensed individuals who exceeded limits. At the same time prices were raised on utilities, food and tobacco products, and services that had previously been free were assigned prices (e.g., vitamins, cultural activities, school lunches).⁵⁰ By 1995 an income tax was established that initially targeted only the self-employed, imposing daily or monthly fees even as the cost of licences was increased. Additional detailed restrictions were enacted in 1998 and 2001.⁵¹ Hence, an economic opening was followed quickly by measures that thwarted those who stepped into the opening. Rather than creating a climate of economic optimism or maximizing development, the arbitrary measures fostered anxiety and even threatened viability for some in a way that defied economic logic but was explicable in terms of power politics. The benevolence of opening the market was followed by malevolent measures allowing the government to simultaneously claim that they were adapting the economy and punishing ideological deviants.

Maladministration does not account for all of Cuba's economic problems. Loss of subsidies and the US embargo are the other key variables. Soviet subsidies, estimated at US\$ 65 billion between 1960 and 1990, have been partially replaced by Venezuela which subsidizes Cuban sugar prices, subsidizes oil at a rate of US\$ 1 billion per year and eases unemployment by bringing over 40,000 Cuban doctors to work in poor communities in Venezuela. Cuban debt to Venezuela was allowed to reach US\$ 3 billion by 2005. Remittances sent by Cubans in the US account for another US\$ 800 million to US\$ 1 billion per year. Since 1996 the US has twice tightened the embargo, contributing to the decline. Under President Bush enforcement has intensified. Taken together the three factors make it unlikely that the economy will recover to pre-1990 levels within the foreseeable future.

The patterns that characterize the economy are also played out in civil society in the hundreds of small political parties and non-governmental organizations that developed in the 1990s and expanded in the 2000s. Some leaders of these groups have been imprisoned without due process in inhumane conditions; others are allowed foreign travel which includes external recruitment of support for their dissent; some are permitted internet access; others have been selectively physically attacked by government sanctioned mobs. A stop and go pattern of repression and passivity permits the government to claim that it is expanding political liberties even as it represses activists. President Castro can point to the various facets of this patchwork policy to support a variety of contradictory claims.

Seeking exit is a natural response to discouraging, unpredictable and unstable conditions. Given the likelihood of another burst of exit, what can UNHCR do?

3.3 Future UNHCR Role

At a national level, UNHCR can monitor and evaluate exits from Cuba to spot an emergent crisis. The exit of hundreds of persons per day has generally been considered a benchmark of trouble.⁵² Contingency plans should be made and updated for reaction to an incipient crisis.

⁵⁰ For a detailed listing of these changes see Alfonso, P., Exiliados de tendencias diversas dialogarán en el Centro Carter, *El Nuevo Herald* [Miami], 13 January 2004

⁵¹ For a detailed discussion see Reuters, Cuba Tightens Controls on Self-employed Workers, 7 July 1998 and Johnson, T., Castro Has Chokehold on Private Sector, Scholars Say, *Miami Herald*, 21 Novenber 2002

⁵² Chardy

Here, the networks of mass organizations and NGOs inside Cuba that have been highly effective during natural disasters would be good vehicles for public education about the real dangers of sea exit. If a new exit emerged they might effectively limit the size and duration by circulating information on conditions in the Straits. The possibility of re-equilibration of an incipient crisis should be carefully explored. An eye to exchange of information and communication with Cuban entities specific to a sea crisis is needed and it is a function that is not being filled. Clearly, these arrangements assume that there is a margin of socio-political space that would permit such work.

At a national level in the United States, the 2006 midterm Congressional elections should be monitored and new members and their key staff contacted to promote awareness of the history and humanitarian costs of prior episodes and the political will for cooperative management between governments to prevent recurrence. Awareness of the regional effects and periodization of Cuban sea exit is generally low in the United States within both the public and the private sector. The UNHCR educational mission should include general consciousness-raising about the crisis dimension of the Cuban situation as well as parallel situations in the Dominican Republic and Haiti.

Considering the spectacular failure of federal disaster relief in the Gulf Coast following hurricane Katrina in 2005, there is reason to believe that the US might fare worse than it did in 1994 in handling a Cuban exodus should it occur. Movement away from civil solutions and overextension of forces could also contribute to diminished US capacity both to conduct relief and to conduct it humanely. Reinforcing liaison and training for US disaster authorities and the elected representatives charged with their oversight is essential to assess and mitigate these issues. Further, a more intensive dialogue would aid constructive information exchange, common understanding of scenarios and technical cooperation.

The intransigence of the Cuban and US government in restraint of political and civil liberties on the one hand and maintenance and tightening of an economic embargo that punishes the general population on the other, make it unlikely that either party to the Cuban problem would join a regional or multilateral plan to contain or respond to a sea crisis caused by irregular migration. Nonetheless, it is worth encouraging and stimulating creation of a consultative body in the Caribbean that parallels or joins the Regional Conference on Migration (RCM, commonly called the Puebla process). The Caribbean nations most affected by Cuban sea crises (the Cayman Islands and Bahamas) and those that are members of the RCM (Dominican Republic, Costa Rica, Honduras, Belize) or have observer status (Jamaica), have stakes in resolving the issue of massive sea exits.⁵³ The history of the RCM shows that small state action can be the foundation for an effective regional forum for special policy issues.

An additional issue of international concern is the possibility of observing elections and certifying their results when there is a political opening. In recent elections observation and certification limited and clarified much of the mutual accusation among parties that might have damaged the organized political process. Elections in Venezuela in 2004 and Bolivia in 2005 demonstrated that even highly polarized contests can be successfully managed.

⁵³ See presentations on how the Bahamas is caught between US and Cuban policies in: Charles, J., Bahamas on Tightrope Between US and Cuba, *Miami Herald*, 13 April 2006, p. 2, and, Corral, O., Congress Members Want To Put Pressure on Bahamas, *Miami Herald*, 24 February 2006

International and regional observers might also prevent intervention if results are contrary to US preferences.

In the search for reliable partners to act on the Cuban case the planned cooperation of third countries has been a particular weakness in past rounds of mass exit. Here, the UNHCR must be a leader in promoting partnership and the watchdog against impermanence. In 1994 over a third of refugees were shifted from temporary camps in Guantánamo to even less permanent camps in Panamá and back again. Others were shifted from George Town, Grand Cayman to Guantánamo. Still others went from the Cayman Islands to Bahamas.⁵⁴ There is a clear danger of simply shifting refugees from one locale to another rather than finding a durable solution. Particularly in countries with established Cuban communities the possibility of community support should be explored as a way to hasten resettlement and to minimize multiple camp experiences.

Ultimately resolution of the danger of mass exit from Cuba is dependent upon converting the present political tension between the US and Cuba into partnership. Although it seems a tall order beyond the immediate powers of the UNHCR, prior rounds of mass exit from Cuba demonstrate that it is one of few areas where the two countries have been able to negotiate. By educating officials, monitoring conditions and preparing regional associates, UNHCR can assist that process.

4 Conclusions

There is a tendency in popular and academic analysis to view Cuba's post-1959 history as a case of historical breaks including profound changes in the form of political domination, political party system, foreign policy and economic model. However, when viewed as a series of continuities as well as breaks we are able to see long term features of Cuban political culture that are equally illuminating and perhaps more fruitful.

The post-1959 period can be analyzed as only the most dramatic of attempts to address chronic frustrations and negative tendencies of Cuban politics such as personalism among political elites where individuals are trusted and institutions are not; a zero sum game where those who do not actively support you are enemies who must be annihilated; an economy that is not sufficiently nuanced and open to sustain development.⁵⁵ The small circle of "historic" revolutionary leaders who have controlled events is but an additional and prolonged example of the longstanding Cuban tendency to split into small groups with dominant leaders. Generational and inter-group struggle are the logical consequences. These are enduring problems that Cubans will confront whether Castro is succeeded by his brother or a democratic transition. Contextualizing the future by reference to continuities can facilitate political adaptation and reconciliation. Avoiding the polarized context promoted by a "break with history" view is essential.

Movement away from dysfunctional tradition should be supported among all parties. A positive trend can be seen in the growing commitment to nonviolence from both diaspora and

⁵⁴ On Panamá see Campisi; on the Cayman Islands and Bahamas see Ackerman

⁵⁵ For an extended discussion of Cuban political culture and prospects for reconciliation, see, Task Force on Memory, Truth, and Justice, *Cuban National Reconciliation*, Miami: Latin American and Caribbean Center, Florida International University, 2003, <u>http://memoria.fiu.edu/memoria/documents/Book English.pdf</u> [accessed May 2006]

island political opposition groups. As the generational baton is passed the political spectrum widens and begins to tilt toward moderation. Some of the hundreds of local political and civic groups that appeared during the 1990s have established tentative national networks. Best known are the Varela Project headed by Osvaldo Payá Sardiñas which seeks a national referendum on political transition; the human rights group, Comisión Cubana de Derechos Humanos y Reconciliación Nacional, headed by Elizardo Sánchez Santa-Cruz; and a series of shifting umbrella groups who have tried to expand the common ground among all dissident groups or to find incremental consensus among Social Democratic and Christian Democratic organizations. These groups remain small and weak relative to the Cuban state but can be seen as harbingers of a nonviolent transition.

Equally important though more difficult to specify are reformist tendencies within the Cuban Communist Party which have been conceptually described by Cuban academic Rafael Hernandez.⁵⁶ Respect for democratic centralism among reformists presumably limits their public visibility and message. A more powerful limit on emergence is the fate of those previously touted as reformers (e.g., Roberto Robaina, Carlos Lage) who have been easily and summarily removed from office by President Castro. The recently exiled Raul Rivero has challenged the existence of this sector.

There are also important changes in the diaspora. Over 250,000 persons have died in exile in the US, naturally reducing the older extremist elements. Some analysts have doubted the sincerity and depth of diaspora commitments to nonviolence, focusing instead on the continuity of post-revolutionary terrorist actions by belligerent diaspora groups. Nonetheless, demography and methods of contestation are shifting and even descendents of hardcore conservatives such as Jorge Mas Santos, son of Jorge Mas Canosa, now endorse peaceful solutions.⁵⁷ In Miami a recent well publicized call for public reaffirmation of armed struggle produced a gathering of less than 20 persons.⁵⁸ To be sure, a strong right wing still exists but the extent to which they can impose their will is being reduced.

Both US islolationist policy and European/Canadian constructive engagement seem to have failed to soften the regime but positive direct engagement from individual world leaders has provided public education, bridge building and small concessions. For example, visits to the island from President Carter in 2002 and Pope John Paul II in 1998 expanded general knowledge about civil society, secured the release of some political prisoners and revived the Church as an alternative site for personal expression. Since his visit, Carter has continued to provide good offices to Cuban-American groups in an effort to promote reconciliation in the diaspora.⁵⁹ Continued diplomacy must be aimed at areas where parties can agree and should be approached by the international community and key world leaders as humanitarian rather than political issues and as matters for quiet diplomacy rather than high profile debates.

⁵⁶ See Hernández Rodríguez, R., *Looking at Cuba: Essays on Culture and Civil Society*, Gainesville: University Press of Florida, 2003

⁵⁷ In the popular media the political complexity of the diaspora is largely undocumented and badly skewed, usually featuring only the figure of Jorge Mas Canosa (1939-1997), founder of the right wing Cuban American National Foundation (CANF). As a result CANF takes on almost mythic status and other political groups are ignored.

⁵⁸ Cancio Isla, W., Buscan ayudar a la insurrección contra Castro, *El Nuevo Herald* [Miami], 18 February 2006

⁵⁹ Alfonso, Exiliados de tendencias diversas

Although Cuba's political future is clouded, three things are likely. Fidel Castro will serve until his death or physical incapacitation. Second, his only apparent successor at this time is his brother, Raul Castro, whose ability to manage an interim period therefore becomes increasingly important. Lacking Fidel's charisma, Raul will need to substitute either force or accommodation. Third, the relative stability that has characterized the post-1959 period will be severely challenged with a mass exodus being the contingency for which the international community should plan. As in the past, which tactics predominate will be mediated by whether and how a moderate sector can mobilize inside and whether US interference can be minimized.

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