

Diplomacy with Cuba and U.S. National Security

Statement of Philip Peters
Vice President, Lexington Institute

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Mr. Chairman, members of the Subcommittee:

Thank you for this opportunity to discuss the security aspects of American policy toward Cuba.

I believe that a shift toward a policy of engagement with Cuba would serve U.S. interests at a time when our influence in Cuba is low and Cuba is at a turning point in its history. If the Administration and Congress were to ease or end travel restrictions, greater contact on the part of American citizens and American civil society would increase American influence in Cuba. And while Cuba does not represent a security threat to the United States, there are security issues that affect both countries because we are neighbors – international drug trafficking routes cross both our territories, alien smugglers operate between Cuba and the United States, and the marine environment surrounding both countries is connected. These and other issues could be addressed if the United States and Cuba were to agree to hold diplomatic discussions. They could also be addressed by exploring the establishment of military-to-military contacts with Cuba.

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The Obama Administration has expressed a willingness to engage in dialogue with Cuba and, according to press reports, the Administration is talking with Cuban authorities now in an effort to set an agenda for talks. The Administration is also in the process of ending travel and remittance restrictions as they apply to Cuban Americans only, both as a humanitarian gesture, and to increase communication with Cuba and to raise the standards of living of those Cubans who receive visits and aid.

These initiatives come after eight years of a U.S. policy oriented in the opposite direction. While both Presidents Obama and Bush have strongly expressed American opposition to Cuban human rights practices, the Bush Administration generally shunned dialogue with Cuban authorities, it tightened sanctions across the board, and it framed its policy as one that would change the political order in Cuba, or “hasten the end of the dictatorship,” as Secretary of State Rice put it in 2005.

Clearly, that policy had no such effect. Cuba’s government has remained in office, and Cuba has remained stable in spite of U.S. policy. There were expectations that the illness of Fidel Castro, his departure from public view in 2006, and his departure from office would lead to change in Cuba. Those expectations were not borne out.

I raise this point not to debate the past, but to underscore that in this policy, as in foreign policy or any strategic endeavor, it is important to be realistic about ends and means, about the measures we employ and the results we can expect to achieve.

So if the Obama Administration succeeds in establishing a formal diplomatic track with Cuba, what can and cannot be achieved?

Cuba and the United States have been separated by deep differences over ideology and values for 50 years. Until the early 1990’s, we were on opposite sides of the U.S.-Soviet divide that defined the Cold War. Cuba was an active adversary that advised, trained, and supplied guerrilla forces in this hemisphere, and deployed troops to Africa.

A dialogue with Cuba has zero prospect of erasing that history or resolving the ideological differences that still exist – no more than our engagement with the former Soviet Union, or our engagement with China today, could be viewed as instruments for resolving the fundamental differences in values between the United States and those communist powers.

However, a dialogue with Cuba offers an opportunity – not a guarantee of success – to advance U.S. interests in three areas if Cuba proves to be a willing and constructive partner.

First, the Administration could address interests such as migration, drug interdiction, and environmental protection. The United States and Cuba already have limited cooperation in the first two areas, and could initiate cooperation in the third.

Second, the United States could press its concerns about Cuban human rights practices in a face-to-face setting.

Third, the two sides could suggest additional issues for discussion. The presence in Cuba of fugitives from U.S. justice – some there since the 1970’s, some very recent – is a likely concern for any U.S. Administration. Cuba would surely raise issues of its own if there were an expanded agenda.

The key is not to treat Cuba as we would any country in the Caribbean, but to treat it as Administrations of both parties have long treated other communist countries – standing up for democratic values, seeking to engage in areas of potential mutual benefit, and recognizing that to engage in diplomacy is not to endorse the practices of the government on the other side of the table.

Cooperation in drug interdiction

The State Department reported the following in its 2009 International Narcotics Control Strategy Report:

- “Although Cuba is neither a significant consumer nor a producer of illegal drugs, its ports, territorial waters, and airspace are susceptible to narcotics trafficking from source and transit countries.
- “The GOC [Government of Cuba] regularly detects and monitors suspect vessels and aircraft in its territorial waters and airspace. In cases likely to involve narcotics trafficking, it regularly provides detection information to the USCG [U.S. Coast Guard].
- “The Cuban Government has established an auxiliary force that involves training and educating Cuban citizens regarding counter narcotics policy. All Cuban citizens are required to report to the appropriate authorities regarding the discovery of actual or suspected narcotics that wash-up on their shores. The GOC claims to have trained employees at sea-side resorts and associated businesses, including fishermen, in narcotics recognition and how to communicate the presence of illicit narcotics to the appropriate Cuban Border Guard (CBG) personnel or post. This approach helps address the fact that Cuba’s interdiction capability is limited by a lack of resources.
- “In all, between January and September 2008, the GOC seized 1.7 metric tons (MT) of narcotics (1,675.7 kilograms of marijuana and 46.8 kilograms of cocaine), and trace amounts of crack, hashish, and other forms of psychotropic substances. In comparison, in 2007, 2.6 MT were seized by the GOC as a result of its various interdiction efforts.
- “In April, Cuban authorities assisted Jamaican anti-drug personnel with the disruption of a marijuana trafficking network by providing real-time information, resulting in the detention of the traffickers, and the confiscation of a trafficking aircraft that contained a load of marijuana. In July, information provided by the CBG operations center in Havana led USCG assets to a drug-laden go-fast in the Windward Pass. Upon realizing the USCG had discovered their vessel; the traffickers discarded their contraband into the sea, which led to the wash-up of 172 packets of marijuana along the coasts of four Cuban provinces, totaling 916.49 kilograms.

- “The U.S. has no counternarcotics agreements with Cuba and does not fund any GOC counternarcotics law enforcement initiatives. In the absence of normal bilateral relations, the USCG DIS officer assigned at the USINT [U.S. Interests Section] Havana acts as the main conduit of anti-narcotics cooperation with the host country on a case-by-case basis. Cuban authorities have provided DIS exposure to Cuban counternarcotics efforts, including providing investigative criminal information, such as the names of suspects and vessels; debriefings on drug trafficking cases; visits to the Cuban national canine training center and anti-doping laboratory in Havana; tours of CBG facilities; and access to meet with the Chiefs of Havana’s INTERPOL and Customs offices
- “Cuba’s Drug Czar had raised the idea of greater counternarcotics cooperation with the USG and Commander-in-Chief Raul Castro had called for a bilateral agreement on narcotics, migration, and terrorism. However, these approaches have not been offered with forthright or actionable proposals as to what the USG [U.S. government] should expect from future Cuban cooperation.”

This assessment is similar to those we have seen over the past decade, ever since the United States upgraded communications between the Coast Guard and its Cuban counterpart and sent a Coast Guard liaison officer to work permanently in the U.S. diplomatic mission in Havana. In sum, Cuba does not figure prominently in the production, consumption, or trafficking of illegal drugs in the Caribbean, and the major concern that the United States has regularly expressed is that Cuba’s territory – its airspace and extensive coastline and coastal keys – can be used by traffickers moving drugs northward.

Given this situation, and given that the limited cooperation in place now works reasonably well, I believe the Administration would do well to explore whether some form of increased communication and cooperation might serve U.S. interests.

Allies such as Spain, Britain, and France have provided police training and modest material assistance to help Cuban authorities stem the flow of drugs through Cuba to Europe.

If the United States were to explore this question, it would remain to be seen whether Cuba would offer, as the State Department puts it, “forthright or actionable proposals as to what the U.S. government should expect from future Cuban cooperation.” It would also remain to be seen whether the United States would wish to merely enhance the current communication and liaison functions, or provide material assistance. And if increased cooperation were to be agreed, it would not offer the prospect of a major breakthrough in Caribbean drug interdiction, given that Cuba’s main role is that of a country whose territory is used for transshipment.

Yet if we take seriously the challenge of stopping drug flows in the Caribbean, there is every reason to seek closer cooperation with Cuba.

Cuba's location is of strategic importance for smugglers, and smugglers surely wish that in the future they will be able to find ways to use Cuban territory at low risk. And while the prospect of increased drug activity in Cuba seems remote under current circumstances, one can envision economic scenarios where that would change, for example in a severe economic downturn, or a successful economic scenario where a boom in trade, investment, or tourism would increase the number of vectors in and out of Cuba. If either of those scenarios were to come to pass, enhanced cooperation now would indeed be an ounce of prevention.

Migration

The control and regulation of illegal and legal migration is a second area where the United States and Cuba cooperate actively, and where enhanced communication could potentially lead to results that serve U.S. interests.

Our cooperation is framed by accords reached between the two governments in 1994 and 1995. These accords declared a "common interest in preventing unsafe departures from Cuba." The United States committed to return Cubans intercepted at sea while attempting to reach U.S. shores without a visa, and not to grant parole to those who reached U.S. shores "in irregular ways." Cuba committed to accept returned migrants and not to take reprisals against them. The United States also set a target of allowing 20,000 Cubans to migrate legally each year.

Taken together, these and other measures were designed to provide ample opportunities for Cubans to migrate safely and legally to the United States, and to provide disincentives for illegal migration.

The accords have worked reasonably well, as the United States has met or exceeded the target of 20,000 legal immigrants per year in nearly every year since the accords were reached. It is impossible to measure the number of Cubans who planned illegal departures by sea, but were dissuaded by the prospect of repatriation, yet it's a safe bet that years of interceptions and repatriations have had an impact.

Last year, the United States further expanded legal emigration opportunities when it created a special Cuban Family Reunification Parole Program. This program allows Cubans who seek to emigrate to join family in the United States to be processed within months, rather than waiting years, which is the norm in other countries.

In spite of these factors, there continues to be a flow of illegal immigration from Cuba, the most troubling aspect of which is the organized business of alien smuggling. According to recurrent press reports, smugglers charge fees in the range of \$8,000-\$10,000 to bring Cubans to the United States. They do so directly, or through Mexico's Yucatan peninsula, where the networks house the migrants then bring them to the U.S.-Mexico border. Alien smugglers in general present a security concern because they are capable of smuggling drugs or other contraband; the smugglers on the Cuba route have

engaged in unsafe practices that have cost migrants their lives, and the presence of Florida-based smuggling rings in Mexican territory has been of deep concern to the Mexican government.

While both governments have maintained their commitments to the accords, each has stated grievances with the other side's practices. The United States complains that Cuba has not permitted the U.S. consulate to conduct a visa lottery in Cuba for more than a decade, and a new lottery is needed to generate a fresh pool of applicants for immigrant visas. Cuba has complained that the United States has never upheld its commitment to deny parole to Cubans who reach U.S. territory "in irregular ways," i.e. to end the "dry foot" policy initiated by the Clinton Administration.

The accords provide for semiannual consultations on the functioning of the accords themselves, but these talks were suspended by the Bush Administration.

Considering the importance of the accords and the strong U.S. interest in stemming illegal migration, it would make sense for the Obama Administration to renew these consultations.

Environment

The United States and Cuba have no current environmental cooperation programs, although American academics and conservation groups have maintained contacts with counterparts in Cuba and have conducted research, both individually and in collaboration with Cubans, on diverse scientific and environmental questions. Foreign organizations such as the World Wildlife Fund of Canada collaborate effectively in Cuban environmental planning and protection programs.

Given our proximity and shared environment, it makes sense for Cuba and the United States to explore avenues of environmental cooperation, whether through government programs or openings to greater American private sector activity.

There is one issue that makes this matter particularly urgent: Cuba's interest in deep water oil exploration in its territorial waters off its northwestern coast. A Spanish-led consortium drilled an exploratory well in 2004, and plans have been announced for additional drilling later this year.

The location of Cuba's exploration zone and the Gulf Stream current that links this area to the waters off Florida's eastern coast virtually ensure that an accident in this area would harm Florida's rich coastal environment. Now, before extensive drilling occurs, is the time for U.S. experts to talk with Cuban counterparts about this situation and to determine what kinds of information exchange, planning, and collaboration are possible to prepare for a potential accident.

Military-to-military relations

It would also be wise for the United States to explore the establishment of contacts between the U.S. military and the Cuban armed forces. A model for such contacts is the two decades of contacts that the Pentagon has conducted with the Chinese military.

The United States has had military-to-military relations with China since 1993, maintained by both the Clinton and Bush Administrations in spite of their different approaches to foreign policy in general.

Between 1997 and 2007, there have been nine rounds of Defense Consultative Talks with China; at four rounds our Secretary of Defense was present, and at four our Chairman of the Joint Chiefs of Staff was present. Beyond these talks, there have been many contacts, exchanges, and visits by officials and officers of lower rank.

This military-to-military relationship has continued in spite of considerable difficulties, including those caused by the collision of a Chinese fighter jet with a U.S. surveillance plane in 2001, and the NATO bombing of China's embassy in Belgrade in 1999.

Its purpose has been to allow each side to develop contacts with each other, to develop mutual understanding, to establish means of preventing conflicts, and to discuss nonproliferation, terrorism, POW/MIA, and other issues. In 2002, Under Secretary of Defense for Policy Douglas Feith said:

“...there is the political will on our side to have good military-to-military exchanges with China. We see that if those exchanges are structured properly, they will serve our interests, they will serve our common interests. And the principal interest is in reducing the risks of mistake, miscalculation, misunderstanding. If these military-to-military exchanges actually lead to our gaining insights into Chinese thinking and policies and capabilities and the like, and they can gain insights into ours, then it doesn't mean we'll necessarily agree on everything, but it at least means that as we're making our policies, we're making them on the basis of accurate information. That's inherently a good thing.”

An account of U.S. relations with China's military is in an excellent report from Shirley A. Kan of the Congressional Research Service, “U.S.-China Military Contacts: Issues for Congress.” The report is available at <http://www.fas.org/sgp/crs/natsec/RL32496.pdf>.

To be sure, the differences between the People's Liberation Army and Cuba's Revolutionary Armed Forces are vast, as are the differences between their impact on regional and global security. China is a major power with nuclear weapons capability; it is capable of projecting power beyond its borders; its activities have generated concerns about proliferation of weapons technology; and its military behavior has at times been provocative.

Cuba is not in this category.

Military-to-military relations with Cuba need not occur at the defense minister level, and they would not address some of the global security issues we treat with China. However, it makes no sense that our contact with Cuba's military is limited to monthly discussions of issues surrounding the Guantanamo naval base, and that the regional military commanders for the Western Hemisphere have relationships with the leaders of every military institution in this hemisphere save Cuba's. To establish such relationships, to make clear each side's views and intentions, to work on crisis prevention, and to address other security concerns that each side may have, it would make sense for the United States to explore the possibility of military-to-military relations with Cuba.

Other issues

Given the 50-year standoff between Cuba and the United States and the lack of engagement during the Bush Administration, my guess is that if a diplomatic track is to be established, the most practical place to start would be on the issues described above. These neighborhood issues are of direct interest to both sides, they are not fraught with political difficulty, and modest results could be achieved in the near term if conditions are right.

However, an initial focus on neighborhood matters need not exclude other areas of discussion.

President Obama would surely instruct his representatives to press human rights concerns. In time, law enforcement issues such as the presence of fugitives from U.S. justice could be broached. In addition to fugitives who reached Cuba in the 1970's after perpetrating hijackings and other crimes, there are recent fugitives, most notably a series of individuals who emigrated from Cuba, engaged in Medicare fraud, then returned to Cuba when pursued by U.S. authorities.

Cuba has issues of its own: U.S. economic sanctions, the five Cuban agents serving espionage sentences in U.S. jails, and the presence of individuals in the United States who were involved in terrorist attacks in Cuba. The most prominent of these is Luis Posada Carriles, whom the Bush Justice Department labeled an "admitted mastermind of terrorist plots and attacks," and whom the Obama Justice Department is now preparing to prosecute for, among other offenses, lying about his past involvement in terrorist activities.

There is no easy solution to these issues, but there is surely no solution at all if the two governments fail to explore options in face-to-face, confidential settings. Talks on drugs, migration, and the environment offer an ideal opportunity for this exploration to occur.

The Cuban threat

Finally, Mr. Chairman, in deference to others on this panel I have not provided detailed testimony on the question of Cuba's potential threat to U.S. national security.

However, as I have examined the public record and talked to officials over the years, and as I have watched what our government has and has not done with regard to Cuba, it has seemed very clear to me that Cuba represents no significant threat in military terms. For the record, I would like to submit an article on this question that I wrote for the Miami Herald in 2007. The article follows:

Cuba – How Scared Should We Be?

by Philip Peters

The Miami Herald, March 16, 2007

According to a defector, Cuba has a secret, underground laboratory southeast of Havana called "Labor Uno," where biological agents -- "viruses and bacteria and dangerous sicknesses" -- are being developed for military use.

The administration calls Cuba a "state sponsor of terrorism," so if the defector's story is true, Cuba would represent what President Bush terms one of the worst national security threats of the 21st century: the world's most dangerous weapons in the hands of the world's most dangerous people.

How scared should we be?

Not scared at all, if we judge by the administration's policies and public statements, none of which betray concern, much less certainty, about any threat emanating from Cuba.

The defector, Roberto Ortega, was Cuba's top military doctor. He visited Labor Uno in 1992 while he was escorting a visiting Russian delegation.

Ortega may be entirely truthful, but the Iraq experience teaches that fragments of interesting information do not amount to "slam-dunk" intelligence.

Indeed, the Iraq intelligence failure led U.S. agencies to reassess their views on weapons programs worldwide. The result came in August 2005 when, with Ortega's account in hand, these agencies downgraded their Cuba assessment, concluding unanimously that it was "unclear whether Cuba has an active offensive biological-warfare effort now, or even had one in the past."

But the administration gives us more reasons to sleep easy.

- **Cuba missed the "axis of evil."** With the exception of now-departed John Bolton, senior officials responsible for security matters have been silent about Cuba. In October 2005, Bolton's successor as the State Department's top security official, Robert Joseph, did not mention Cuba in a global survey of weapons of mass destruction issues. Cabinet-level officials

routinely chide Cuba's human rights abuses but mention no security concerns.

- **Ana Montes unchallenged.** After Cuban spy Ana Montes was discovered to be working as the administration's top Cuba defense-intelligence analyst in 2001, Bolton and other officials charged that she had skewed U.S. intelligence, including a famous 1998 report that called Cuba's military capabilities "residual" and "defensive" and its threat "negligible." But in six years, the administration has issued no report offering a less benign assessment, even though it would serve its political interests to do so. Montes' betrayal, we can deduce, involved leaking the identities of agents and other U.S. secrets to Cuba rather than distorting U.S. intelligence.
- **Migration exception.** If the administration had the slightest concern about terrorism coming from Cuba, it would not have a unique, open-door policy toward undocumented Cuban migrants, where we welcome those who reach our shores or Mexican border crossings and release them into the community within hours. This may make humanitarian sense, but it is truly a pre-9/11 policy in a post-9/11 world. It tells Cuba, if indeed it is a terrorist state, to infiltrate operatives not through cloak-and-dagger ruses but mixed in with everyday migrants.
- **No negotiations.** In return for a promise to cap its nuclear program, North Korea will receive fuel oil and direct talks with Washington that could lead to normalized relations. Similarly, Iran has been offered rewards for ending its nuclear ambitions. In the Cuban case, the administration seeks no talks and does not pursue Ortega's recommendation that international inspectors go to Cuba. Apparently, the administration sees nothing to talk about.

What we are left with is that the only visible U.S. action in response to a Cuba-related security issue is a maritime exercise to prepare for a possible migration crisis in the Florida Straits.

Floridians can therefore go back to worrying about hurricanes, tornadoes and inadequate insurance coverage -- until, that is, Raul Castro figures out that a new weapons program might be the ticket to achieve normal relations with the United States.