

What Factors Impact the Promotion of Human Rights by the EU?

Negotiations with Cuba as an Example

Master Thesis by **Caterina Manzi**
9th June 2015

First Supervisor: Prof. Madeleine Hosli
Second Supervisor: Fransje Molenaar, MA

Acknowledgements

I would like to thank all those who have made this thesis possible, starting from my professors at the University of Leiden and at the Clingendael Institute. In particular, I would not have been able to write this work without the support of my supervisor, Prof. Hosli, and of Prof. Paul Meerts, who gave me important input to start my research. Outside the academic context, I am grateful to President Prodi, Prof. Pronk and Vice-President Mogherini, who all took the time to give me some details on their work on the issues dealt with in this thesis. Furthermore, I would like to thank the officials of the EEAS and the European Commission for the extensive interviews and the general support throughout the process. Finally, I would like to express my gratitude to the Instituto de Relaciones Internacionales in La Habana, that opened its doors for me to carry out research on the texts available to them.

Table of Contents

<i>Acknowledgements</i>	2
<i>Table of Contents</i>	3
1. Introduction	5
2. Theoretical background	8
2.1 Negotiations as part of the Realism VS Constructivism Debate	8
2.2 Norm entrepreneurs in negotiations	9
2.3 The EU as a norm entrepreneur	11
2.4 Human rights as a norm	12
2.5 Finding a Zone of Possible Agreement (ZoPA)	13
3. Research design	14
3.1 Case selection	14
3.2 Research question	16
3.3 Methodological approach and hypotheses	16
3.4 Data collection and analysis	20
4. The Common Position	23
4.1 The historical context	23
4.2 The condemnation of the embargo	24
4.3 Economic ties between the EU and Cuba	25
4.4 Human rights	26
4.5 Intra-EU negotiations	27
5. The Cocktail Wars	29
5.1 A strained relationship	29
5.2 The role of the Spanish government	30
5.3 The Eastern enlargement	30
5.4 A relationship between human rights and the choice of an economic system?	31
5.5 Finding a ZoPA	33
6. The road to negotiations	34
6.1 The relationship with the US	34
6.2 The transfer of power in Cuba	35

7. EU institutions	37
7.1 The European External Action Service and the EU Foreign Affairs Council	37
7.2 The European Parliament	38
7.3 Starting negotiations with Cuba	38
7.4 Human rights in the negotiation process	40
8. Conclusions	42
<i>List of acronyms</i>	45
<i>Interviews</i>	46
<i>References</i>	47
<i>Appendix I: Interviews</i>	53

1. Introduction

The EU takes on an active role in the promotion of human rights around the world. The Treaty of Lisbon, one of the founding treaties of the EU, puts the issue of human rights at the forefront of European international policies. Whereas the promotion of human rights has been more effective with countries hoping to become members,¹ there is a role for the EU in the protection of human rights around the world. The EU Delegations, as a matter of fact, are key to this role, as is the European External Action Service (EEAS). This research therefore aims at examining the work done so far in terms of human rights promotion, with the hope of providing suggestions on what challenges need to be faced to improve the EU's role on the matter.

This thesis will research the subject of human rights promotion in the international context, using Cuba as a case study. Since 1959 Cuba has been ruled by a Communist government, led by Fidel Castro until 2008, when power was transferred to his brother Raul. During the Cold War, Cuba allied itself with the Soviet Union and became part of the Eastern bloc (Gaddis 2005). After the Soviet Union was dismantled, Cuba found itself almost isolated from the rest of the world, but – unlike other countries formerly belonging to the same bloc – its government did not crumble. Some European states had made steps to start a constructive dialogue with the Caribbean country during the Cold War,² but it was only at the beginning of the 1990s that an actual political dialogue between Cuba and the EU started being considered.

Whereas the High Representative is confident about the recent round of negotiations,³ steps have been small and slow, as the EU has often criticized Cuba for its poor human rights record and the Communist government has clearly expressed its hostility towards any move that is viewed as an intrusion in its internal affairs. The two parties have often found themselves on opposite sides of the international context and the EU is seen as close to the USA as far as policies against Cuba are concerned (Pérez Milián 2008), even though it has often criticized the embargo. As will be explained later, Cuba's view on human rights can be considered as a challenge to the Western idea that they are universal and indivisible (Gordy and Lee 2009). This thesis therefore considers Cuba as a worst-case scenario against which to test the EU's role in promoting human rights abroad. The analysis seeks to understand what the main challenges are in carrying out this task for the EU.

The first chapter outlines the main theoretical approaches to international relations and explains

1 Interview with President Prodi, (8 May 2015) over the phone.

2 Interview with Professor Pronk, (1 June 2015) The Hague.

3 Brief conversation with Vice-President Mogherini, (16 April 2015) The Hague.

why, in order to study the promotion of human rights, more focus is needed on negotiations and norm entrepreneurship. This thesis mostly takes a constructivist approach, and views the EU as a possible norm entrepreneur of human rights. In order to do this, however, it is important to consider how the norm “human rights” has developed in recent history, especially in reference to the Cold War (since it was a key period for Cuba). Also, it is important to consider that the EU might still be better viewed as a group of norm entrepreneurs (member states), rather than a single one, which means that particular attention needs to be paid to the role of national interests in the promotion of human rights.

The second chapter, then, describes the methodology used for the research and analysis of the topic. This chapter also contains an explanation of the research question and lays out the hypotheses, which are an attempt at suggesting a series of factors that may have impacted the relationship between the EU and Cuba and, therefore, the EU's role in promoting human rights in the island. Moreover, the second chapter explains the division of the case study into three different time periods, which was important in order to allow for possible within-case variations. The first time period consists of the time when the EU's Common Position on Cuba was being elaborated (between 1992 and 1996), while the second is based on a period of particular distrust between the two parties, culminating in the so-called Cocktail Wars between 2003 and 2005. Finally, the last period focusses on the present negotiation process, including intra-EU discussion on which steps to take.

The following chapters reflect this division and consist of the actual analysis. The last time period (going from 2008 to nowadays) is divided into two different chapters, because it is the one that provides most information on how the EU promotion of human rights is working presently. After having outlined the analysis, the thesis will end some conclusions, consisting of a summary of the main findings and of some suggestions for future research.

The analysis was carried out through a qualitative approach, using both primary and secondary sources. Documents produced by all EU institutions were key to understanding how the EU promotion of human rights has worked in the past two decades and are often cited in the research. Interviews with practitioners were also particularly valuable to gather first-hand information on the development of the EU-Cuba relationship. The people interviewed are all from the EU and have worked either on the issue of human rights promotion or of relations with Cuba at different levels. The thesis could have benefited greatly from interviews with officials from Cuban institutions, but it was not possible to arrange them during the time the research was being conducted. The

Appendix is dedicated to an explanation of how interviews were devised and organized.

2. Theoretical background

2.1 Negotiations as Part of the Realism VS Constructivism Debate

Realist approaches to international relations stress the importance of self-interest and security issues. The world is dominated by rational actors who make strategic choices about the way they interact with each other in order to ensure their own safety (Mearsheimer 1995). States, therefore, are in a continuous struggle for their own survival and their behaviour depends on this struggle (Waltz 1979). Cooperation can only arise if states believe that it goes to their advantage and that it puts them in a position of control over the world (Waltz 1979). In this perspective, the most powerful states strive to keep their power while the less powerful ones try to climb up to a better position.

This approach to international relations is reflected in theories that view negotiations as sets of strategic choices made with the sole purpose of improving the international position of a country. States, therefore, carry out a process of measuring the costs and benefits related to each negotiation step, while also trying to manage possible risks (Hampson, Crocker and Aall 2007). There is a high level of suspicion, because each state is aware of the fact that the other actors are also trying to use the process to their own advantage. Their behaviour is dictated by their rationality and self-interest, and this makes it unlikely that the dialogue process involved in a negotiation will build actual trust among the parties (Hampson, Crocker and Aall 2007).

Liberal institutionalism shares the realist view of the world as a system in which actors compete for their survival, but adds that trust can be built through the establishment of international institutions (Keohane and Martin 1995). This approach highlights the fact that there are cases in which states deem it safer to come together and cooperate. Institutions help diminish the fear of what the other actor might do by increasing the level of information-sharing and by imposing penalties on the states that “cheat” (Keohane and Martin 1995). In this perspective, the EU is an actor in its own right with its own self-interests, which it will try to push forward through various means. In negotiations with other countries or institutions it will behave as states do in a realist world.

Hopman (2010) however, argues that a realist approach to international negotiations might be too limited and might not reflect the high level of complexity of a negotiation process. He argues that negotiations are a system of interactions that may change the behaviour of states and even pull it away from their self-interest (Hopman 2010). As a matter of fact, the interests of states in a

negotiation may change depending on how they interact. By entering a negotiation process and by interacting with one another, states are influenced by the interdependent system they act in. Their interests and positions, therefore, are determined by the process they go through, rather than being fixed strategic choices. In a constructive perspective structure and agents shape each other, which in a negotiation context translates into the dependence of actors' preferences on how the negotiation itself is carried out.

Similarly, Onuf (2013) stresses the importance of applying a constructivist framework to international relations, by arguing that rules and preferences are shaped by the process. He revisits Waltz' realist theory to show how close his idea of structure actually is to that of constructivism (Onuf 2009). Rather than being fixed and unchangeable, structure is constructed in our minds (Onuf 2009). As far as negotiations are concerned, this means that the structure in which they develop (e.g. the internal rules of the negotiation and the actor's interests) can be perceived differently by each actor at different points of the process and can change accordingly. Boyer et al. (2005) go as far as arguing that the importance of a negotiation process lies with the outcomes it produces in terms of attitudes and rules that are introduced in the interaction between the parties. A constructivist approach to negotiations, therefore, is particularly important because it highlights the outcomes it can have in terms of changing the parties' interests.

In order to better understand negotiations between the EU and Cuba this will, therefore, take a constructivist approach. As it will be explained in the next section, this will give an opportunity to see the EU as a norm entrepreneur trying to promote the rule of human rights. As Hopman (2010) argues, a constructivist perspective will also help me analyse negotiations as a complex system of interaction, where each step is based on more than self-interest. Given the number of factors involved in negotiations between the EU and Cuba (e.g. EU member states' interests, the relationship between the US and Cuba, cultural differences, etc...) it is particularly important to avoid reducing them to a simple game of risk-management and benefit-maximisation. However, an account of national interests also needs to be considered when exploring the issue of how different EU member states have internalized the norm "human rights". As a matter of fact, as will be shown in the explanation of the third hypothesis, it might be that there are different perspectives on the issue within the EU.

2.2 Norm Entrepreneurs in Negotiations

A constructivist approach to negotiations involving the EU needs to take into account an

understanding of the institution as a possible “norm entrepreneur”. Sunstein (1996) studied social norms at length and argued that they can have a strong influence on human behaviour. As a matter of fact, he argues that social norms and rationality are intertwined to the point that the latter depends on the former (Sunstein 1996). However, social norms can also easily be changed by people who have an interest in doing so. Sunstein (1996) calls these people “norm entrepreneurs” and explains that they can introduce new norms when they manage to overcome the free rider problem.

Whereas Sunstein's studies are mostly focussed on the national domain, Finnemore and Sikkink (1998) take his argument further and apply the concept of norm construction and socialization to the field of international relations. In their perspective, once a state has internalized a certain norm it may be imitated by others (Finnemore and Sikkink 1998). Whether other states will adopt the norm also depends on the position of the state that has already adopted it and, in a way, the relationship between them (Finnemore and Sikkink 1998). As far as the EU is concerned, it might be the case that countries with a prospect of becoming members will be more likely to imitate those that are already members, especially on issues that are directly linked to the Union's interests.

As Rushton puts it, the ultimate goal of norm entrepreneurs in international relations is to persuade other countries of the legitimacy of the norm in question (Rushton 2008). This is a complex process that, from a constructivist point of view, involves communication and interaction between the norm entrepreneur and other actors with the aim of changing the actors' preferences (Payne 2001). It is important to consider, however, that this process is bound to find resistance, because the states being confronted by the entrepreneur are likely to already have their own norms in place.

Elgstrom (2000) makes an important point in relation to this issue, when he argues that more attention should be paid to international negotiations when studying the process of norm socialization. Since the new rules are likely to clash with those already in place in other states, norm entrepreneurs need to be ready to convince others that the new rule is valid. At the same time, in order to be internalized by the institutions already in place in other countries, the norm needs to go through a process of translation rather than simple imitation (Elgstrom 2000). This interaction between the norm entrepreneur and other actors involves a great deal of bargaining and compromising and can be described as a negotiation (Elgstrom 2000).

A communication-based approach views negotiations as based on dialogues that should address the basic needs of the parties. Moreover, negotiations, in this perspective, often aim at changing the perceptions and attitudes of the parties involved (Hampson, Crocker and Aall 2007). These

approaches also stress the importance of building trust among the parties (Hampson, Crocker and Aall 2007). As mentioned earlier, trust is not possible in a world only dominated by self-interest (apart from those situations where an intergovernmental institution allows it). However, if we take into account the process described by Elgstrom (2000) and by most literature on norm entrepreneurship, we can only understand international negotiations as a continuous process of dialogue where trust can be built through a number of steps.

2.3 The EU as a Norm Entrepreneur

Having reviewed the literature on norm entrepreneurship and having explained why a constructivist approach to negotiations is relevant, it is now important to assess whether the EU can actually be considered a norm entrepreneur trying to promote the norm “human rights”. In order to be a norm entrepreneur, a state (or, in this case, an institution) must have already internalized the norm in question. The fact that the EU has internalized the human rights norm is evidenced by the issuance, in 2000, of the Charter of Fundamental Rights, which guarantees a large number of human rights. Moreover, all member states are parties to the UN (and have therefore ratified the Universal Declaration of Human Rights) and to the two International Covenants on Human Rights. Finally, they all have also signed the European Convention on Human Rights, which is the basis for the European Court of Human Rights. As a matter of fact, a particular attention to issues of democracy and human rights has been a core component of the common identity of EU member states since the early 1990s (Merlingen, Mudde and Sedelmeier 2001).

As mentioned above, however, the main objective of a norm entrepreneur is to convince others to adopt the norm in question. As far as this step of norm entrepreneurship is concerned, the EU has expressed its commitment to promoting human rights abroad in the Treaty of Lisbon, which affirms:

“The Union's action on the international scene shall be guided by the principles which have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world: democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms [...]” (Treaty of Lisbon, art. 24.1)

All negotiations with third countries, therefore, have a strong focus on the issue of human rights.

For example, in all trade agreements signed by the EU a “human rights clause” has been included since the early 1990s as part of the general increase in attention for human rights by member states (Directorate-General for External Policies of the Union 2014). Moreover, the EU actively supports regional and non-governmental organizations that advocate and promote human rights (European External Action Service 2015). The norm can therefore be considered as already internalized by the Union.

Perhaps the clearest example of how the EU has tried to persuade other countries to accept the human rights norm is the Eastern enlargement. When the Cold War ended and the prospect of former Communist countries becoming member states appeared, the Copenhagen criteria were laid out (Conant 2014). According to these criteria, no state can become part of the EU if it does not respect the rule of democracy and human rights (European Commission 2015). Observers have argued that this conditionality has been a more successful strategy to induce respect for human rights than any other international agreement (Conant 2014). Moreover, as it will be explained later, the Eastern enlargement was also an opportunity for the EU to develop its own discourse on human rights in relation to any third country.⁴

2.4 Human Rights as a Norm

An understanding of human rights as a norm that the EU is trying to push needs to take into account their division into two categories. During the Cold War, as a matter of fact, two sets of human rights developed: the civil and political ones, and the social and economic ones. The former used to be linked to the Western bloc (Klabbers 2013), which placed more attention on rights such as the freedom of expression, of association and of non-discrimination. The leaders of the Eastern block, on the other hand, argued that these rights were useless if the social and economic ones were not guaranteed (Klabbers 2013). For example, people cannot have the energy to exercise their freedom of expression if they do not have food to eat during the day. Social and economic rights generally address needs such as nutrition, housing and education. This discourse has often been adopted by developing countries too.⁵ The division into two categories meant that two different treaties had to be written: the International Covenant of Civil and Political Rights (ICCPR) and the International Covenant of Economic, Social and Cultural Rights (ICESCR).

In recent decades this distinction has faded, especially as far as the European Union is concerned (Balducci 2008). However, studies have proven that the Union's institutions still prioritize civil and

⁴ Interview with President Prodi, (8 May 2015) over the phone.

⁵ Interview with Professor Pronk, (1 June 2015) The Hague.

political rights (Balducci 2008). This has been true, for example, in the context of the dialogue with China, where the EU has repeatedly stressed its prioritization of those rights, while the East Asian government clearly placed more importance on the economic and social ones (Kinzelbach 2014). Cuba, similarly to China, has focussed on economic and social rights since it became part of the Eastern bloc during the Cold War. Today, this preference is still reflected in the country's legislation (Pachot 2010) and in how the government stresses the achievements of the Cuban Literacy Campaign (The Independent 2010) and similar initiatives. It is important to realize, therefore, that more attention needs to be paid to cultural norms, as they play a role in defining the norm “human rights” as a whole (Passini 2011).

2.5 Finding a Zone of Possible Agreement (ZoPA)

Understanding the cultural and historic differences in how human rights have developed is particularly relevant to the EU promotion of human rights. As a matter of fact, there has been confusion over which set of human rights is to be given priority on more than one dialogue with third parties regarding this issue. Aside from the case of China, studied at length by Kinzelbach (2014), there are other examples of how such confusion can create difficulties in negotiations. Quevedo Flores (2009) highlights a similar case in recent negotiations with Brazil and other Latin American countries. In that situation, certain clauses had to be included to specify which human rights were being referred to (Quevedo Flores 2009). It is unlikely that the EU promotion of the human rights norm will be successful if it is not clear what that norm actually is.

Confusion over this issue is also problematic from a negotiations perspective, as it limits the possibility of finding a Zone of Possible Agreement (ZoPA), where the parties can conclude the negotiation process in a way that is satisfactory for everyone. Wanis-St. John (2012) studies EU-Iran negotiations and argues that the existence or non-existence of a ZoPA mostly depends on the issue at stake. If the two parties are focussed on different issues (in this case, different sets of human rights), no ZoPA will be possible. On the other hand, it is also important that negotiators are able to determine where the ZoPA lies, if it exists, and this might not be possible if the issue at stake is not clear (in this case, if it is not clear which human rights have priority).

3. Research Design

3.1 Case selection

As mentioned above, norm entrepreneurs do not simply expect other countries to imitate the new norm, as this is likely to clash with older ones already in place (Elgstrom 2000). The institutionalization of a new norm often needs to go through a negotiation process before the new countries are persuaded of its validity and actually adopt it (Elgstrom 2000). For this reason, it is important that more research is focussed on negotiations as part of the norm socialization process, and this is why a negotiation process is the case study of this thesis.

Countries that have a poor record of human rights are the ones most likely to be resistant to the new norms that the EU is trying to promote. Their record is poor precisely because human rights are not part of their culture and their institutions (yet), so when they negotiate with the EU they find themselves confronting an actor trying to persuade them of new rules clashing with the ones they have already in place. It will not be possible for them to accept these new rules unless they are translated into policies that are considered acceptable for their own institutions first. Because human rights are a core principle of all EU's external relations, they are bound to become key to any negotiation with this group of countries, even when the focus technically is on other issues (e.g. trade negotiations).

Cuba has proven to be particularly resistant to norms coming from Western countries, including EU member states. After the revolution in the 1950s, it belonged to the Eastern block until the Cold War, and it has relied on China and on some Latin American partners since the fall of the Soviet Union. It has endured a more than 50 years long embargo by the USA, and a look at Amnesty International annual reports clearly shows that the human rights record of the Caribbean country has not significantly improved in the last decades.⁶

Whereas many countries in the world are accused of not protecting human rights, few of them have shown as much resistance to Western norms and institutions as Cuba has. As a matter of fact, Gordy and Lee (2009) argue that the communist country poses an actual threat to the West in terms of how human rights are perceived. By insisting that its view on the issue is different, Cuba, like North Korea, directly challenges the universality of human rights (Gordy and Lee 2009). This is bound to be problematic for the EU, that will likely face a great deal of resistance when trying to carry out its process of norm socialization in relations with Cuba.

⁶ Amnesty International annual reports on Cuba can be found at <http://www.amnesty.org/en/region/cuba>

EU relations with the Caribbean country have been difficult since the revolution, although several countries made attempts at increasing cooperation with Cuba.⁷ The EU is Cuba's second largest trading partner (EU External Action Service 2014), but the Common Position on Cuba issued in 1996, and still in place, makes it clear that the EU will not fully cooperate with Cuba until its human rights record has improved (European Union Council 1996). As mentioned above, however, it is unlikely that a norm such as human rights will simply be “imitated” by a country where it is not considered a norm yet, and that is why negotiations are key to the process. This research will therefore focus on negotiations with Cuba as a case study for a better understanding of EU promotion of human rights.

Through an analysis of this particularly complicated case, this thesis hopes to provide for a better insight on the challenges faced by the EU when trying to promote human rights. The case study will be divided into three different time periods, following relevant changes in the relationship between Cuba and the EU. Hopefully this research will highlight what factors impact and perhaps facilitate the task of promoting human rights outside the EU.

Firstly, the thesis will look at the period when the Common Position was being developed and issued (1992-1997). During this period, the EU's approach to Cuba was affected by the worsening of US-Cuba relations, which led to the US strengthening the embargo through two different pieces of legislation: the Cuban Democracy Act in 1992 and the Helms-Burton law in 1995. The EU Council therefore issued a Common Position, in 1996, that reflected the willingness to keep a hard line against Castro's government, without completely closing opportunities for dialogue.

Secondly, the thesis will examine the period around the Cocktail Wars, going from 2002 to 2008. Relations between the two parties were particularly strained in those years. Several dissidents were jailed in Cuba, and the EU's response was to take diplomatic actions involving many representatives of the opposition. In that period, the EU was undergoing the process of its first Eastern enlargement, which included many post-Communist countries. As it has already been explained, the enlargement is particularly relevant to the case of Cuba, because it involved the development of the Copenhagen criteria, based on the respect for human rights, and the entrance to the EU of many countries that shared with Cuba the experience of belonging to the Eastern bloc.

Finally, the analysis will consider the period going from the end of the Cocktails Wars to nowadays, when the EU and Cuba started building stronger and more open relations. In particular, the thesis will look at two key events that characterised the beginning of this period: the transfer of

⁷ An example was the Netherlands during the administration of the Den Uyl government (Interview with Professor Pronk, (1 June 2015) The Hague).

power from Fidel to Raul Castro in Cuba and by the election of Obama in the USA. However, the analysis will also have to take into account that the EEAS was established in 2010 and that, by then, many Eastern countries had already become part of the EU and could influence its behaviour in foreign policy. The purpose of this analysis is to understand whether all these factors were relevant in the change of attitude of the EU towards Castro's government, and whether something has changed in the shared understanding of the human rights norms between the two parties.

Not all the challenges that this research will reveal may be applicable to all other cases, but they can provide for a worst-case scenario, against which other negotiations can be tested. They can also help understanding what factors influence the possibility of a dialogue on human rights norms between two parties. Knowing the difficulties the EU is facing in the process is a first step towards learning how to overcome them, which may help making sure that the process of norm socialization involving human rights works well in Cuba, but also in less challenging situations. In other words, this research will help develop policies that may be useful for the promotion of human rights in a number of cases where there is a resistance, on the other side, to the EU's discourse.

3.2 Research question

This thesis will try to answer the following question: *how has the European Union (EU) treated the issue of human rights in negotiations with Cuba since the issuance of its Common Position in 1996?* As Balducci (2008) explains, the EU has actively engaged with the promotion of human rights in developing countries since the beginning of the 1990s. He also argues that the EU's behaviour on the matter has been influenced both by external and internal factors (Balducci 2008). This research will therefore acknowledge that relations between the EU and Cuba have evolved in a context where several actors and interests interact. In order to do this, a series of hypotheses (outlined in the next section) will be tested.

3.3 Methodological Approach and Hypotheses

This research will take into account the division of human rights into two categories, evidenced by the existence of two Covenants (the ICCPR and the ICESCR). This is particularly relevant to this case study because the division into two categories developed during the Cold War, when Cuba belonged to the Eastern block, which called into question the usefulness of political and civil rights when the most basic material conditions (such as the right to housing or to a proper nutrition) could not be provided (Klabbers 2013). This also partially relates to the challenge that Cuba poses to the

universality of human rights, as understood by the West.

As mentioned above, the EU has come to pay much more attention to economic, social and cultural rights, but studies have shown that the promotion of civil and political rights is still prioritized (Balducci 2008). Moreover, Quevedo Flores (2009) argues that confusion over what exactly constitutes a human rights breach led to the inclusion of certain clauses in agreements with Brazil and other Latin American countries, that define which principles should be seen as essential. This demonstrates that the question of which set of human rights should be given priority has not been answered in a conclusive manner yet. A confusion similar to the one that arose in the contexts examined by Quevedo Flores might be expected when the two sides of the negotiations table prioritize different sets of principles, as it happens between the EU and Cuba. It is possible to expect that this could be an important issue in negotiations with Cuba, one that might lead to problems creating or even finding a possible ZoPA.

Since this research is focussed on the EU promotion of human rights, the thesis will explore how the institution has treated the division of the two sets of human rights. The expected finding is that when the EU has criticized Cuba specifically on the grounds of its lack of protection for civil and political rights, relations have been difficult. On the other hand, when the EU has avoided the focus on this set of rights, relations have been more open. If this is the case, the EU will have found it easier to promote the norm “human rights” when it has not focussed on a specific set of rights and there was more opportunity for dialogue. Therefore, the thesis will explore the following hypothesis:

H₁ – When the EU has stressed the importance of civil and political rights, relations with Cuba have been strained

On the other hand, it is important to analyse whether the different perspectives on human rights have made it difficult for the two parties to find a possible ZoPA. It is likely that if the EU does not explain clearly which rights it gives priority to, it will be impossible for the two parties to find a ZoPA and, therefore, to start a constructive dialogue. This means that confusions over the importance of the different sets of rights has made relations difficult and has therefore become an obstacle to the EU's promotion of the norm. This is why this research will test the following hypothesis:

H₂ – When the EU has not clarified explicitly which human rights should take priority, relations between with Cuba have been strained

Since the EU issued its first Common Position on Cuba in 1996 (re-evaluated every six months), the Castro government has rejected it and relations have been tense. An increase in this tension was seen in 2002, when La Habana jailed 75 dissidents and the EU embassies responded by committing to inviting dissidents to their national day celebrations. Subsequently, diplomatic relations froze and it was only after several months that an agreement was found (Castle 2005). Interestingly, it was the Spanish government that made the first move in that case, and it was the Spanish presidency of the EU that tried to change the Common Position in 2010, albeit unsuccessfully (Lecarte 2014).

Moravcsik and Vachudova (2003), as well as Balducci (2008) highlight the importance of considering national interests when analysing EU's policies, especially in the international relations sphere. For example, national interests were the driving force in EU-Iran nuclear negotiations analysed by Wanis-St John (2012), whereby it was certain member states that initiated negotiations, and they were later followed by the High Commissioner for the EU Common Foreign and Security Policy. It is important to acknowledge, therefore, that the EU might not always act as a single norm entrepreneur, but rather as a community of several norm entrepreneurs. If this were the case, more work would be needed in order to understand whether member states themselves need an increased socialization of the norm in question (human rights) so that they can act collectively, as this will improve the promotion of human rights to third countries.

For these reasons the thesis look at changes in the behaviour of the EU towards Cuba under different presidencies. The work will also examine the possible changes in the EU's approach during different phases of its recent history. In particular, it is possible to expect that the Eastern enlargement of the past decade has had an impact on the openness of the institution towards Cuba. This is because the newest EU members were part of the Eastern bloc during the Cold War, as was Cuba. Finally, the thesis hopes to get some insight on the behaviour of negotiators from different countries during negotiations within the EU team through interviews with practitioners, in order to test the third hypothesis:

H₃ – National interests have a significant impact on the EU's attitude towards Cuba

Since the EU is Cuba's biggest foreign investor (Lecarte 2014), studying patterns of behaviour following changes to the economic system in the Caribbean country might also give some insight on the way negotiations are carried out and on whether the economic side has a link to the promotion of human rights, as feared by Por Otra Cuba and Civil Rights Defenders (2014). It is important to consider that the Cuban government is keen on highlighting that it is not carrying out “reforms”, but rather “updates” to the economic model.⁸ The research will be based on information available on economic measures in Cuba during the last two decades in order to assess whether the pattern of reform was reflected in a certain pattern of behaviour by the EU. In particular, it is possible to expect to find that the transfer of power from Fidel to Raul Castro (considered more economically liberal) in 2008 was seen as a positive move by the EU institutions. The Council Conclusions drawn from the by-yearly review of the Common Position will also provide important data to test this hypothesis.

H₄ – Economic adaptations in Cuba have an impact on the EU's attitude towards the country

Gratius (2011), however, argues that the economic role of the EU in Cuba is necessarily limited by the US embargo. Given the close relationship that the EU has with the USA, it would be interesting to analyse how changes in the behaviour of the latter impact the EU process of human rights promotion in Cuba. It might be easier to work together with the USA as a pair of norm entrepreneurs advocating the same perspective. The EU might therefore be trying to harmonize its actions to those of its trans-atlantic partner. Pérez Milián (2008) makes an interesting suggestion when she argues that the harsher stance taken by the EU during the Cocktail Wars was also a consequence of the difficulties created by the Iraqi war, which had pulled the EU and the USA further apart. The attitude towards Cuba, in Pérez Milián's point of view, was an attempt made by the EU to get closer to the USA again (2008). In any case, it is important to understand what effect the USA have on the EU-Cuba relationship in order to understand whether they constitute a facilitating factor or an obstacle.

In order to test this hypothesis, the research will be based on a comparison between available information on the relationship between the USA and Cuba and the pieces of information already gathered (during the testing of other hypotheses) on the relationship between the EU and the

⁸ Interview with an official from the EEAS, (6 May 2015) Brussels and interview with an official from the European Commission's Department of Trade, (6 May 2015) Brussels.

Communist country. The work will also look at how the EU institutions mention the US in their documents, and at how EU officials view the impact of the Cuba-US relationship. Similar to the case of national interests in the EU, different parties in the USA have different interests in Cuba. The Republican party has historically enjoyed the support of the Cuban diaspora within the country, which lobbies for the continuation of the embargo (Bishin and Klofstad 2012). The main problem expected with this hypothesis is that the most relevant event that might have influenced the way the USA behaves towards Cuba is the election of Barack Obama in 2009, just a few months after power in the island was passed to Raul. It will therefore be difficult to distinguish what is a consequences of one event or the other. Having acknowledged this issue, the thesis hopes to be able to test the following hypothesis:

H₅ – Periods of particular distension or tension in the USA-Cuba relations reflect in the openness the EU shows towards the Caribbean country

The research will therefore develop around five independent variables: the focus on civil and political rights; the confusion over which rights should be prioritized; national interests within the EU; economic adaptations in Cuba; the US-Cuba relationship. The dependent variable for the first two hypotheses is the quality of the relationship between the EU and Cuba, whereas the dependent variable for the last set of hypotheses is the EU's openness towards the Caribbean country (which is also a determining factor of the quality of the relationship). Understanding which of these factors (the independent variables) mostly influences the dependent variables will help answering the research question, by providing insight on how the EU can improve its relations with third countries and therefore make its promotion of human rights more effective.

3.4 Data collection and analysis

As far as data collection is concerned, it is important to consider a number of possible difficulties in the process of research information on negotiations. As Dür and Mateo (2010) describe, gathering this type of data can prove to be extremely challenging. Asking negotiators directly seems to be one of the best approaches, but suffers from three main flaws: the availability of practitioners, the possibility that they might not be always sincere in their answers (Dür and Mateo 2010) and the possible secrecy of negotiations, which would prevent them from sharing certain pieces of information. Therefore, a mixed approach, where interviews are complemented (and cross-checked)

by existing documentation is likely to give better, and more complete, results. However, once again, the possible secrecy of, at least, certain parts of the negotiation process (such as private conversations) might be an obstacle. Moreover, official documents do not take into account the great deal of informal moments that form a negotiation process.

All these difficulties have to be taken into account, but luckily the EU carries out a policy of transparency, and therefore makes several documents available to the public (online, at the EUR-Lex website: <http://eur-lex.europa.eu/homepage.html>). Therefore, this research adopts a mostly qualitative methodology, based on a mixed approach that combines the empirical gathering of information from both primary and secondary sources, as well as interviews with the practitioners involved. As far as primary resources are concerned, the research starts with an analysis of the 1996 Common Position on Cuba and of later Conclusions drawn from the bi-yearly re-evaluation of the Common Position. Furthermore, European Parliament Resolutions on aspects of the relation with Cuba, such as the 2010 one on prisoners of conscience, were also of great interest, as were other similar documents (e.g. written questions to the Council).

These primary sources were particularly important to test H₃, H₄ and H₅, when cross-referenced to the information available on the historical situation, mostly coming from secondary sources. As far as H₃ is concerned, the experience of people directly involved in intra-EU negotiations was particularly relevant. Similarly, the analysis of the Conclusions written in the context of the bi-yearly evaluations of the Common position and the documents drafted by the EU Presidency also gave important insights into the impact national interests have on Cuba-EU relations

I have tried to get in touch with former negotiators in particular, because it is likely that those people negotiating now will have more difficulties sharing secret information, but this was not possible (apart from the case of Professor Pronk, who negotiated with Cuba in a bilateral format in the 1970s). However, EU officials presently working on negotiations were extremely open and provided all the information needed for this work. It has therefore been possible to conduct extensive and extremely interesting interviews with officials from the EEAS, the Commission and the EU Delegation in la Habana. These interviews have helped a great deal in the testing of all hypotheses throughout all the three time periods of analysis, although they were most helpful when researching the latest period of negotiations.

Testing H₅ was done mostly through the gathering of information on the USA-Cuba relationship on secondary sources, including news articles, and then relating those pieces of information to what had already been gathered on the negotiations between the EU and Cuba, in order to assess whether

there are similar patterns of behaviour. The issue was also probed in the interviews with practitioners of the EU team, through questions aimed at understanding whether negotiators were told to change their behaviour after certain events characterizing the USA-Cuba relation, or if they experienced a change in how negotiations were conducted after the election of Obama. Similarly, the question of economic reforms in the islands was also probed during interviews with practitioners. For H₄, secondary sources (mostly news articles) were also referenced in order to understand what the perceived advantages and disadvantages (for the EU) were in relation to the economic measures, and in particular to those introduced by Raul Castro.

As far as the first set of hypotheses (H₁ and H₂) is concerned, the Institute of International Relations in La Habana was extremely helpful in making available some official documents on the matter. However, direct contact with people involved in the process was particularly helpful for these hypothesis, as it made it easier to understand whether a possible ZoPA was identified, and how (or why not). The interviews with negotiators of the EEAS involved, both in Brussels and in la Habana were extremely helpful, and the thesis could have greatly benefited from information from the Cuban embassy in Brussels, but an interview was not possible at the time the research was conducted.

Finally, reports written by Cuban civil society organizations operating outside the country were also relevant to the research, as they tend to highlight the direction of the process of norm socialization. Even though these organizations arguably have little saying in the building of Cuban institutions at the moment, their close ties with the country's community mean that they have a deeper understanding of whether a norm such as human rights is in the process of being accepted by Cubans. Their reports are available online, an example being the afore-mentioned report by Por Otra Cuba and Civil Rights Defenders (2014).

4. The Common Position

4.1 The historical context

As an EEAS official explained during an interview, the EU discourse around Cuba that led to the issuance of the Common Position was rooted in a particularly important period for the Communist government.⁹ The Berlin Wall had come down and the Eastern bloc had disappeared, which meant that the US had become the only hegemonic power left in the world. Until then, Cuba had relied heavily on the support of the Soviet Union, as even the countries geographically closer (namely Latin America and the Caribbean) had chosen to side with the USA.

At the same time, however, the Castro government started exploring options for support outside the traditional Eastern bloc towards the end of the 1980s. Aside from getting nearer to China and some Caribbean and Latin American countries, it also made an incredible effort to fit international institutions that were not dominated by its Northern neighbour, while, at the same time, it started openly calling for an end to the embargo (Dominguez 2001). Moreover, it declared that it would stop arming rebels in other countries, which was an important issue for many EU countries (Dominguez 2001).

With the Cold war ended and Cuba visibly trying to reach out to the rest of the world, the moves by the US to try and strengthen the embargo started to look increasingly outdated to other countries, including the European ones. Moreover, many countries' economies were negatively affected by the embargo (Dominguez 2001), and were even more negatively affected by the Torricelli Law in 1992 and by the Helms-Burton Act in 1995, which, among its provision, would allow the US to ask for compensation to EU companies that had business in Cuba, with the consequence that it would “discourage companies from third countries from trading with Cuba” (European Commission 1995, ch 3 par. a).

While the US was passing new legislation to further isolate the Communist government, therefore, the EU started exploring its options and, as a matter of fact, it seemed to consider itself as fundamental to link Cuba back to the international community:

“it is clear that the European Parliament believes that a successful, peaceful transition to a market economy and political pluralism in Cuba will require the active support of the European Union to help bind the island republic back into

⁹ Interview with an official from the EEAS, (6 May 2015) Brussels.

the international community.”

(European Commission 1995, ch 2, par. c)

4.2 The condemnation of the embargo

The documents drafted in the years preceding the publishing of the Common Position show that the EU took a clear stance against the embargo, and in particular against the recently issued Torricelli and Helms-Burton Acts. Evidence of the condemnation of the embargo can be found in several documents drafted by the European Parliament:

“recognizing the effects of the economic and financial blockade, unilaterally maintained for 33 years by the United States, although the Torricelli Act is contrary to international law and has been rejected by the international community”

(European Parliament 1994, preamble A)

“taking note of the fact that the economic and financial embargo of Cuba by the United States for the past 34 years, not forgetting the attempted invasion, has not achieved its objective of forcing change and believing that attempts to isolate and strengthen the boycott, though affecting standards of life adversely, will hinder rather than hasten reforms”

(Committee on Foreign Affairs 1995, preamble J)

“Many experts take the view that the embargo is anachronistic now that the Cold War is over, and is also counterproductive, since it has an adverse impact on the Cuban people and legitimizes their leaders' temptation to resist change.”

(Economic and Social Committee 1996, par. 6.1.5)

A clear explanation of the reasons behind this condemnation is offered by the European Commission, in its 1995 report on Relations between the EU and Cuba. Lifting the trade embargo, the Report explains, would encourage contact between the US and the Communist government, which would, in turn, facilitate the democratic transition envisioned by the EU (European Commission 1995). Instead, the Commission believed that the embargo was “blocking the Cuban

reform process” (European Commission 1995, par. 3.a). The EU was convinced that the best way to help bring about reform in Cuba was dialogue, not strong economic measures cutting the country out of the international system.

The deterioration of the relationship between the US and Cuba, therefore, does not seem to have had an impact on the EU's approach to the island in the years preceding the Common Position. In other words, H₅ does not seem to be confirmed for the first period analysed. The EU's openness towards Cuba was not negatively affected by the USA's attitude.

However, it is important to consider that there might be a difference in the attitudes of the main EU institutions involved. The reports mentioned above are all from either the Commission or the Parliament but the Common Position itself, adopted by the Council, takes a different stance and could have been more influenced by the USA's policy, as explained by an EEAS official.¹⁰ This would point to the Council being more easily influenced by the developments in the US-Cuba relations.¹¹ At the same time, the Common Position contains a veiled criticism of the embargo as well, when it is stated that “[i]t is not European Union policy to try to bring about change by coercive measures with the effect of increasing the economic hardship of the Cuban people” (European Union Council 1996, art.1). Even considering intra-EU differences, therefore, it is still possible to assert that the overall attitude of the EU towards Cuba was markedly different than that of the US between 1994 and 1997.

4.3 Economic ties between the EU and Cuba

As mentioned above, many EU member states were negatively affected by the US embargo on Cuba (Dominguez 2001). Reports drafted by both the Commission and the Parliament, as a matter of fact, evidence that many European countries had developed bilateral economic ties with the Caribbean island, especially in the years immediately following the end of the Cold War (European Commission 1995, par. 2.d; Committee on Foreign Affairs 1995, preamble P; Economic and Social Committee, par. 8.1). Many EU countries, therefore, clearly had relevant economic interests in the island, and the EU as a whole saw a potential for its own economic growth that was not being taken advantage of (Committee on Foreign Affairs 1995).

The way economic reform in Cuba is presented in the 1995 Commission report shows that it had an impact in the will to start talks for a strengthening of relations with Cuba (European Commission

¹⁰ Interview with an official from the EEAS, (6 May 2015) Brussels.

¹¹ The Commission briefly illustrates the different roles and attitudes of the EU institutions in chapter 2 of its 1995 report.

1995). As a matter of fact, annex A of the report is a list of the main economic reforms enacted by the Castro government since the end of the Cold War, which evidences the great importance placed on such measures (European Commission 1995). The Common Position also acknowledges that the EU's attitude towards Cuba is strongly linked to the increase in openness of the Cuban economy (Common Position 1996, art. 2). During this historical period, therefore, the variable “economic adaptations in Cuba” from H₄ seems to have had a significant impact on EU-Cuba relations.

4.4 Human rights

While debating the possibilities for improved relations with Cuba, the EU recognized that the economic transition in the country could not happen at the expense of the Communist government's achievements in terms of education, health care, employment and other relevant areas (Committee on Foreign Affairs 1995). In other words, the EU seemed to recognize the importance of economic and social rights, and the steps the Cuban government had taken in order to guarantee their protection. From the EU side, therefore, there was a deep understanding of which rights Cuba gave priority to and an agreement on the importance of such rights.

It is also important to notice that the European Parliament's Committee on Foreign Affairs makes reference to specific rights that are already given priority to in the island: “racial equality, the rights of women, the high level of literacy, the establishment of a publicly provided health service, low infant mortality and high life expectancy”. (Committee on Foreign Affairs 1995, Preamble D) Moreover, the Committee makes specific reference to which rights need to be given more attention in Cuba, such as “the lack of educational pluralism, freedom to teach and freedom of expression” (Committee on Foreign Affairs 1995, Preamble D). Both the European Parliament and the Commission also placed great importance to the issue of political prisoners (Committee on Foreign Affairs 1995; European Commission 1995). As these examples show, there seemed to be great clarity from the EU side as to which specific rights needed particular attention over the whole period analysed, meaning that H₂ is not confirmed. As a matter of fact, there does not seem to be a correlation between the clarity made by EU institutions over the importance of the different sets of rights and the openness of the relationship.

It seems like the EU stressed the need to strengthen the protection of civil and political rights, while also acknowledging the importance of social and economic rights. In other words, it did not give priority to one set of rights over the other, but it viewed a division in the way civil and political rights are treated in the island, in comparison with social and economic ones, and it expressed that

in its reports. The results of this analysis, therefore, show that H_1 was confirmed during this period, since when there was no particular focus on civil and particular rights on the part of the EU reflected on a period of relative distension between the two parties.

As mentioned earlier, an understanding of the needs of the parties is vital to a communication-based approach to international relations. As a matter of fact, great importance was given by the European Parliament to the Cuban authorities' fear that a transition to a free-market economy would lead to higher rates of unemployment in the country (see Economic and Social Committee 1995), which points to an attempt made by the EU to listen to the needs of the other side. However, it is also important to note that the EU discourse on human rights during this period was strongly tied with the discourse on democratic reform. Most importantly, it was tied with an apparently active effort by the EU to promote internal political reform. This is particularly true in the case of the Common Position, which explicitly states:

“In order to facilitate peaceful change in Cuba, the European Union
(a) will intensify the present dialogue with the Cuban authorities and with all sectors of Cuban society in order to promote respect for human rights and real progress towards pluralist democracy”

(Common Position 1995, art. 3)

As explained by an official of the EEAS, this was the main obstacle to the improvement in relations with Cuba, which in effect only took place much later.¹² Cuba strongly opposes international interference with internal affairs. This could be seen as a need that was not properly heard and addressed by the EU in the period analysed here, which might have had a negative effect on the search for a ZoPA. Once again, the European Parliament showed a different attitude than the Council, and seemed to understand the needs of the Cuban government better.¹³ This issue will be explored further in the next section.

4.5 Intra-EU negotiations

The 1995 report by the Committee on Foreign Affairs states:

12 Interview with an official from the EEAS, (6 May 2015) Brussels.

13 As an example of this acknowledgement on the part of the European Parliament, please refer to the repeated use of the phrase “with due respect for the sovereignty of the Cuban people” or similar in report by the Committee on Foreign Affairs

“The Committee on Development and Cooperation regrets that Parliament's views have not been taken into account by the Council since, when the report is adopted in plenary, the Troika group will already have submitted it, for which reason it calls for the conclusions to be dispatched immediately and wishes to be involved in whatever measures are adopted as a result of those conclusions”

(Committee on Foreign Affairs 1995, Conclusions, par. 9)

This statement seems to confirm the idea that there might have been differences among the EU institutions. Another evidence of these differences are the written questions submitted by members of Parliament to the Commission and to the Council. MEP Thomas Megahy, for example, asked the Commission why Commissioner Marin had raised the issue of reforming the penal code to Castro in a meeting that was supposed to be about economic reform, and whether the same issue would be raised with other countries, for example of the People's Republic of China (Megahy 1996). MEP Alonso raised a similar question to the Council, as he asked whether pieces of legislation similar to the Common Position were going to be issued in relations to other countries that have a poor human rights record (Alonso 1997a).

On the other hand, the research has not highlighted particularly relevant differences in attitudes between EU member states during this period, which would mean that H₃ is not confirmed. However, an official from the EEAS mentioned during an interview that it was the Spanish presidency which pushed for the adoption of the Common Position,¹⁴ something highlighted by the analysis of Pérez Milián (2008) too. The official from the EEAS, on the other hand, also explained that Spain's attitude towards the Cuban government generally used to depend on which party was in power in the country. It would therefore be difficult to attribute the Common Position to an expression of a national interest per se, but rather an expression of party interests.

In 1997 it was clear that the political dialogue with Cuba was to be halted. The Common Position had linked it to progress on the human rights front and to political reform in the country, which went against the needs and interests of the Communist government. This is evidenced by the answer to the question of MEP Alonso to the Commission in 1997, on whether a dialogue with Cuban authorities could be initiated (Alonso 1997b). The Commission answered that the Common Position was making it impossible to start such dialogue. In other words, at that point, it was out of the hands of either the Commission or the Parliament.

14 Interview with an official from the EEAS, (6 May 2015) Brussels.

5. The Cocktail Wars

5.1 A strained relationship

Not much progress was made in the dialogue between the EU and Cuba in the years following the Common Position. The Council evaluated its decision every six months, but never decided to change it. As a matter of fact, the EU criticized Cuba's human rights record on several occasions during those years and relations were consequently strained (EurActiv.com 2001). The answer given by the Council to MEP Sánchez García in 2000 precisely highlights the fact that the EU-Cuba relationship had seen no substantial changes in those years (Sánchez García and Council of the European Union 2000).

However, it is also important to note that, until 2003, dialogue was never completely closed, as efforts were made on both sides to improve the situation, to the point that an EU official delegation to Cuba was opened in 2003 (ACP-EU Joint Parliamentary Assembly 2003). In particular, the Belgian leadership seemed to try and push for the EU to start structured negotiations with the Cuban government. This is evidenced by the fact that it was Belgium's Foreign Minister leading the 2001 delegation to la Habana (EurActiv.com 2001) and by the answer given to MEPs Maij-Weggen and Deva by the Commission in 2002 (European Commission 2002), which attributes the re-launching of the political dialogue with Cuba to the Belgian presidency of the EU. As the next section will show, the role of national interests seems to be an important factor in determining the EU's behaviour in those years.

The relationship deteriorated when a number of journalists and dissidents were jailed in Cuba in 2002. Documents from all European institutions show that the EU was watching closely the situation (European Commission 2002, Presidency of the European Union 2003, European Parliament 2004, European Union Council 2004). These events led to several measures and sanctions being imposed by the EU on the Cuban government. In its Declaration on behalf of the European Union, the Presidency stated that:

“Furthermore and vis-à-vis the current situation in Cuba, the EU has unanimously decided to:

- limit the bilateral high-level governmental visits
- reduce the profile of member states' participation in cultural events

- invite Cuban dissidents at national days celebrations
- proceed to the re-evaluation of the EU common position”

(Presidency of the European Union 2003)

Gibbs deems the decision of European states to start inviting dissidents to their national days celebrations as the one that most “infuriated the Cuban government”, and for this reason this historical period in EU-Cuba relations has been called “the cocktail wars” (Gibbs 2003).

5.2 The role of the Spanish government

As mentioned above, the Belgian leadership of the EU was characterized by an attempt to open a dialogue with Cuba, but things deteriorated afterwards. Pérez Milián (2008) highlights the role played by Spanish Prime Minister Aznar throughout the whole period going from the issuing of the Common Position to the Cotonou agreements with the Caribbean countries in 2000 (when, in the author's point of view, Spain and the UK pushed for the introduction of specific clauses for Cuba). Most importantly, the author also argues that Prime Minister Aznar was responsible for the new sanctions imposed on Castro's government in 2002, when Spain held the EU presidency once again, following the Belgian one. Similarly, Lamrani, a French academic whose work focusses mostly on Cuba, also attributes the political and diplomatic sanctions on Castro's government to the Aznar's presidency (Lamrani 2007).

At the same time, Spain was also the first country that normalized relations with Cuba (Gibbs 2005). As a matter of fact, it was the Spanish Foreign Minister who asked for the policy of inviting dissidents to the embassies to be dropped (Castle 2005). Whereas the suggestion to drop the “Cocktail War” was taken on by the EU in the end, not all countries agreed that normalizing relations with Castro's government was the best option (Castle 2005).¹⁵ As a matter of fact, former Communist countries, and in particular the Czech Republic, were keen on keeping a hard line towards Cuba, even when Spain was ready to open up, an issue that will be explored in the next section.

5.3 The Eastern enlargement

Ten countries entered the EU in 2004, most of them belonging to the former Communist bloc. These countries had a shared history with Cuba, because they were on the same side of the Cold

¹⁵ It does not seem surprising that Pérez Milián (2008) sargues there was a high degree of political fragmentation inside the EU in those years.

War, but had taken an extremely different path after the Soviet Union was dismantled. As an official from the EU Delegation in La Habana confirmed, it is possible to imagine that these countries were particularly keen on not granting many concessions to a Communist government, and that this resulted in a harsher stance from the EU on the issue of human rights.¹⁶ As a matter of fact, Castle reports that Czech politicians drew direct parallels between the situation of their country during the Cold War and that of Cuba (Castle 2005). It seems, therefore, that the perspective of the Eastern countries might have played a big role in the EU's behaviour towards Cuba and, in particular, towards the issue of human rights in those years. This, together with the role played by the Belgian and the Spanish governments and by the political fragmentation seen in those years (and recounted by Pérez Milián), seems to confirm H₃.

The Eastern enlargement, however, was also important because of the internal work on human rights that it required within the EU. The development of the Copenhagen criteria radically changed the relationship between the EU and any country that it wished to negotiate with, and not only with prospective member states. As a matter of fact, the enlargement was, in a way, an instrument for the expansion of the role of human rights in the EU¹⁷ From that moment onwards, human rights became a fundamental premise to any negotiation.¹⁸ Since new countries are joining or are hoping to join the EU in future, it is particularly important to acknowledge how internal changes to the structure of the EU influence the promotion of human rights.

5.4 A relationship between human rights and the choice of an economic system?

There are two other factors that seem to be important to understand the EU's promotion of human rights in Cuba during this period: economic interests and the relationship with the US. As far as the former is concerned, Pérez Milián (2008) argues that human rights were used as an excuse to push for a capitalistic system. As a matter of fact, she views the EU's criticism of the Helms-Burton law as intimately connected to the negative effects the legislation had on its economic interests (Pérez Milián 2008). In this context, it is interesting to note that a number of documents issued by the EU institutions in those years stress the need for economic reform in the Caribbean country.

“The European Parliament

16 Interview with an official from the EU Delegation in la Habana, (18 May 2015) La Habana.

17 Interview with President Prodi, (8 May 2015) over the phone.

18 Interview with President Prodi, (8 May 2015) over the phone.

[...] Regrets the lack of economic and social reforms, which is making the daily lives of Cuban citizens harder”

(European Union Parliament 2004, par. 10)

“The Council expressed regret at the imposition of new restrictions on private enterprise since the last evaluation, with negative consequences for many Cuban people. It repeated its view that the opening of the Cuban economy would benefit all its people”

(European Union Council 2004)

“The European Union believes that the lifting of the US trade embargo would open Cuba's economy to the benefit of the Cuban people. The European Union also urges the Cuban government to bring about change in the economic field, particularly by lifting restrictions on private enterprise.”

(European Union Presidency 2005)

These extracts are parts of larger documents generally focussed on the lack of respect for human rights in the island. It is therefore difficult to argue that the EU's economic interests were more important than the promotion of human rights. However, it seems clear that there was a connection between the two in this period and that the lack of economic reform in the Cuban system was one of the factors that pushed the EU to take a hard stance towards the Communist government, which confirms H₄.

As far as the relationship with the US is concerned, Pérez Milián (2008) interestingly argues that the EU's attitude against Cuba is not necessarily a consequence of the attitude of the US, even if it follows similar patterns. The findings of this research point to a similar conclusion: whenever EU institutions mention the US policies against Cuba, they do so in order to criticize the illegality of the embargo. Moreover, all the documents analysed tend to stress the fact that the EU does not share the view that avoiding dialogue, as the US was doing, is the best way to promote the respect for human rights. The period of the Cocktail Wars was not characterised by particular moments of tension between the USA and Cuba. Furthermore, there seems to be no evidence to support Pérez Milián's (2008) claim that the EU's attitude towards Cuba might be linked to the Iraqi war and to a willingness by the EU to mend issues in the relationship with its North American partner. For these

reasons, H_5 does not seem to be confirmed for this time period. However, it is also important to acknowledge that there might have been a link between the way the attitude of certain member states and their willingness to not ruin their bilateral relation with the US, as it had happened in the years of the Cold War.¹⁹

5.5 Finding a ZoPA

Despite numerous attempts, it is clear that it was impossible during those years to find enough common ground to start an actual political dialogue. As a matter of fact, relations deteriorated to the point that diplomatic ties were officially broken for a couple of years. This incapacity to start a constructive dialogue gave no positive results in terms of human rights protection. It is impossible, however, to attribute these difficulties to a confusion over which rights should be prioritized. The focus of the disagreement in those years was on how the EU saw the treatment of dissidents in the island (a matter of political and civil rights), meaning that H_1 is confirmed for this time period.

At the same time, the analysis by Pérez Milián (2008) highlights that Cuba viewed this as an excuse to cover up the EU's interest in changing the country's economic interest. Whereas this does not necessarily mean that Castro's government was trying to shift the focus to social and economic rights, it evidences a difference in perspectives by the two parties. H_2 is not confirmed by this research, as the EU was very clear on which specific rights were important during this period of tense relations. Nevertheless, the importance given by the EU to civil and political rights and the fear by Cuba that this was being used as an excuse for a push towards a capitalistic system meant that the two parties were not able to find any ZoPA.

¹⁹ Interview with Professor Pronk, (1 June 2015) The Hague.

6. The road to negotiations

Although economic and political measures against the Cuban government were suspended in 2005 (Castle 2005), relations between the country and the EU did not improve significantly in the following years. The European Parliament wrote, in 2007:

“The European Parliament

[...]

2. Regrets the absence of any significant signs on the part of the Cuban authorities in response to the EU's calls for full respect for fundamental freedoms, especially freedom of expression and political association;

3. Regrets the failure to respond to the call of Parliament and the Council for the immediate release of all political prisoners and prisoners of conscience, and insists that imprisoning Cuban dissidents for their ideals and their peaceful political activity is contrary to the Universal Declaration of Human Rights”

(European Parliament 2007)

Relations began changing in 2008, when a memorandum of understanding was signed between the two parties and when the Commission started considering the development of a negotiation mandate.²⁰ As will be explained in the following section, this led to the beginning of the ongoing negotiation process in 2014.

Whereas it is difficult to pinpoint the exact events that led to the improvement of relations, the next section will analyse two important factors: the election of Obama in the USA and the transfer of power from Fidel to Raul Castro in Cuba. As it will be explained later, both these events are strictly connected to the last hypotheses of this research (H₄ and H₅). In order to test the remaining hypotheses, then, the creation of the EEAS in 2010 and the way EU institutions and Member States national interests have interacted on the issue of Cuba in recent years will be examined.

6.1 The relationship with the US

As mentioned earlier, the Cuban diaspora in the USA generally tends to vote for the Republican party, which has historically granted them more support for the embargo (Hayden 2015). When

²⁰ Interview with an official from the EEAS, (6 May 2015) Brussels.

Obama was elected, in 2008, this happened with a large support from the young Cubans living in the country, and especially in Florida (until then, a stronghold of the Cuban lobbies) (Hayden 2015). Whereas Republican Presidents have always taken a hard stance on Cuba, Democrats have taken different approaches, even though none of them effectively managed to ease relations with the Communist government. Obama behaved accordingly and did not show any relevant sign of rapprochement until very recently, therefore making it difficult to argue that his election was key to the EU's change in attitude towards Cuba. H₅ cannot, therefore, be confirmed.

As a matter of fact, all the officials from the EU confirmed that the relationship between the US and Cuba has not influenced the EU's approach to the country in recent years.²¹ Indeed, the recent opening of the US towards Castro's government, comes years after the EU started discussing the possibility of a structured dialogue. As an official from the EEAS explained, the EU is a long way ahead of the USA in terms of building trust with the Cuban government.²²

Similarly, answers given by both the Council and the Commission to MEPs' questions highlight that both institutions distanced themselves from the US continued attempt at isolating Cuba. As a matter of fact, through their answers, they align themselves with the Member States' decision to support a UN resolution condemning the embargo, which has been presented every year since 1991 (Meyer and European Commission 2010; Meyer and EU Council 2011). It is also significant that the Council, in its 2009 Conclusions on Evaluation of the EU Common Position on Cuba, notes how the OAS had recently decided to open possibility of membership to the Communist government (European Union Council 2009), a move that went against a USA veto imposed in 1962 (Hufbauer 2011).

6.2 The transfer of power in Cuba

As already mentioned above, another important event characterising the beginning of the latest period in EU-Cuba relations was the transfer of power from Fidel Castro to his brother Raul, who officially took the role of President of the Council of State in 2008 (Mesa-Lago 2008). This move was met with high expectations that the new President would be more liberal on the economic front (Sullivan 2008). As a matter of fact, the government led by Raul Castro has adopted several measures to “update”²³ the economic system, such as the expansion of the private sector and the widening of possibilities for self-employment (Mesa-Lago and Pérez-López 2013). This new period

21 Interview with an official from the EEAS, (6 May 2015) Brussels and interview with an official from the European Commission's Department of Trade, (6 May 2015) Brussels.

22 Interview with an official from the EEAS, (6 May 2015) Brussels.

23 See the research methodology chapter for an explanation of why the term “update” is used instead of “reform”.

in Cuban political history that Mesa-Lago and Pérez-López call a “pragmatist period” coincides with the decisions by the EU to open negotiations, which seems to confirm H₄. Indeed, officials from the EEAS agreed that the 2008 transfer of power and beginning of reforms might have had an impact on the EU's decision to re-open formal negotiations.²⁴

However, it is also important to notice that an interview with a practitioner from the Commission's Trade department revealed that there is a perception that no significant measure has actually been taken in recent years.²⁵ When discussing the issue further, the same official also expressed some frustration at the slow pace of the preparatory work for the Trade chapter of negotiations. As an official from the EU Delegation explained, Cuban negotiators are seen as extremely prepared on political issues, but not on economic ones.²⁶ Whereas the political dialogue is coming to an end, the trade chapter has not formally started yet and this, according to the official in the Delegation, is to be attributed mostly to the high expectations of the Cuban government.²⁷ The same official also expressed the willingness of the EEAS to help Cuba build capacity in the trade field,²⁸ which means that the perceived lack of relevant economic measures does not reflect in a particular attitude of closeness by the EU.

In this case, it is therefore important to distinguish between the negotiation mandate and the actual work at the negotiating table. The transfer of power to Raul (and the hopes of economic update measures this move carried) was a contributing factor in the increased openness of EU institutions towards the Cuban government, but the adoption (or non-adoption) of actual measures does not change the openness of EU negotiators towards the other party. The next section will discuss how different institutions and national interests have interacted in the negotiation process involving Cuba, in order to highlight other factors influencing the EU's recent attitude towards the country.

24 Interview with an official from the EEAS, (6 May 2015) Brussels, and interview with an official from the EU Delegation in la Habana, (18 May 2015) La Habana.

25 Interview with an official from the European Commission's Department of Trade, (6 May 2015) Brussels.

26 Interview with an official from the EU Delegation in la Habana, (18 May 2015) La Habana.

27 Interview with an official from the EU Delegation in la Habana, (18 May 2015) La Habana.

28 Interview with an official from the EU Delegation in la Habana, (18 May 2015) La Habana.

7. EU Institutions

Since the Treaty of Lisbon, the EU's international relations are guided by the EEAS, responsible for ensuring the functioning of the EU Delegations around the world and the cooperation of member states in matters of foreign relations.²⁹ It is important to remember, however, that the EEAS is a relatively new institution, as it was only established in 2010. Its work is closely linked to that of the European Parliament (EP) and the Council of Foreign Affairs, as both institutions still retain a certain degree of power in decisions regarding the EU's external relations. Moreover, the EEAS has to share the power of representing the EU internationally with its member states (Wessel and Van Vooren 2013). Not surprisingly, this division of responsibilities within the EU is not always clear-cut, and Mrs Mogherini, the High Representative of the Union of Foreign Affairs and Security Policy,³⁰ recently referred to this issue in a lecture at the University of Leiden, where she argued that it is time the EU found a unified voice in international settings (Mogherini 2015). This has an impact on relation with Cuba since, as explained by an official in the EU Delegation in la Habana, the government seems to have difficulties understanding how EU institutions work and interact at times.³¹ This chapter will briefly analyse how EU institutions interact on the issue of foreign affairs, before making specific reference to the process of negotiations with Cuba.

7.1 The European External Action Service and the EU Foreign Affairs Council

As mentioned above, the EEAS is tasked with coordinating the external affairs of the EU and coordinating the Common Foreign and Security Policy.³² It is headed by the High Representative, who is also the Vice-President of the Commission. In terms of negotiations, it holds the right of initiative, and it is the main body participating in the negotiation process, through its officials based in the different divisions or in the Delegations around the world. Among the divisions that compose the EEAS, there is the Global and Multilateral Issues one, which comprises a Human Rights department.

However, it is important to consider also that the EU Foreign Affairs Council still retains a certain degree of power in coordinating the EU's external relations. As far as relations with Cuba are concerned, it is the body that issued the Common Position in 1996 and that reviews it every six months. In general, the Council plays a key role in adopting measures to regulate the EU's external

29 For more information, see the EAS's website <http://www.eeas.europa.eu>

30 From here onwards, she will be referred to simply as the High Representative

31 Interview with an official from the EU Delegation in la Habana, (18 May 2015) La Habana.

32 For more information, see the EAS's website <http://www.eeas.europa.eu>

relations, such as sanctions, and giving negotiating directives to the Commission.³³ As a matter of fact, it collaborates closely with the EEAS, since the High Representative also chairs its meetings. Generally, the Commission draws a proposal to start negotiations with a certain country or on a certain issue, and the Council reviews it (and modifies it, if necessary), before eventually adopting it. Once the proposal has been adopted, it becomes the negotiations' mandate for the Commission. The next sections will explain how this process worked in the case of Cuba, after having briefly analysed the role of the European Parliament (EP).

7.2 The European Parliament

As far as the role of the European Parliament is concerned, it is important to acknowledge that the EEAS is financially accountable to the EP. As a matter of fact, the EP's Committee on Foreign Affairs decides on the allocation of funds in order to promote the EU's interests around the world. The approval of the Committee on Foreign Affairs is also needed for any international agreement. Furthermore, the EP enacts a policy of parliamentary diplomacy, involving the parliaments of other countries in order to strengthen the EU's international relations.³⁴ Not surprisingly, therefore, the EP has played a key role in relations with Cuba and has issued several Resolutions on the matter, that are necessarily taken into account by the EEAS and that have been of great interest for this research.

However, during an interview with an official from the EEAS, it became clear that the EP is not directly involved in negotiations with other countries until the agreement is finalized. At that point, the EP has a role of consent, meaning it can either approve or reject the final text of the negotiations.³⁵ On the other hand, during a negotiation process, there is close consultation between the EEAS and the Committee on Foreign Affairs, often in a restricted form (generally involving only the Chair of the Committee), so that the views of the Parliament can also be taken into account.³⁶ Therefore, whereas the EP officially has only a role of consent at the end of the process, there is constant dialogue between the institutions, in order to avoid the whole process being wasted at the end.

7.3 Starting negotiations with Cuba

33 For more information, see the Foreign Affairs Council's website <http://www.consilium.europa.eu/en/council-eu/configurations/fac/>

34 For more information, see the website of the EP's Committee on Foreign Affairs <http://www.europarl.europa.eu/committees/en/afet/home.html>

35 Interview with an official from the EEAS, (6 May 2015) Brussels.

36 Interview with an official from the EEAS, (6 May 2015) Brussels.

In the case of Cuba, the EEAS prepared its negotiation mandate and discussed it with all other Commission services involved. Once representatives of the other Commission departments had provided their input, the mandate was then transferred to the Foreign Affairs Council.³⁷ There, the text was debated by the working group on Latin America, mostly composed of members of the permanent representations to the EU.³⁸ It took ten meetings of the working group before a text was finally agreed upon. This is particularly interesting because, as an official of the EEAS explained, it often takes only two or three meetings of the working group to agree on a negotiation mandate. The case of Cuba, therefore, was particularly controversial and, as matter of fact, has often been high on the agenda of the working group.³⁹ For this reason, while the Council had adopted the Commission's recommendation in April 2013, an agreement on the text was finally reached only in February 2014.

As confirmed by the officials interviewed, there is no common front line of former Communist countries on the case of human rights in Cuba at the moment.⁴⁰ However, there are different perspectives, as the countries that are keener on taking a harsh stance against Castro's government are Germany, Poland, the Czech Republic and – up to a certain extent – Sweden.⁴¹ Whereas the latter three countries are seeing some significant changes in how human rights are treated in the island, Germany tends to still be very strict on the issue.⁴² These tend to be the countries with the highest involvement of civil society in politics.⁴³ These different perspectives were the main reason why the process of issuing a negotiation mandate took so long, therefore confirming the validity of H₃. It is also interesting to note that an official from the EU Delegation in la Habana stated that, despite frequent meetings with representatives from other member states' delegations, they find it difficult to speak as one unified voice in Cuba.⁴⁴ As a matter of fact, the Parliament expressed some frustration in 2008 at the role national interests played in the way the issue of human rights in Cuba was being treated by EU institutions:

“The European Parliament

37 Interview with an official from the EEAS, (6 May 2015) Brussels.

38 Information on the Council's working groups can be found at <http://www.consilium.europa.eu/en/council-eu/preparatory-bodies/>

39 Interview with an official from the EEAS, (6 May 2015) Brussels.

40 Interview with an official from the EEAS, (6 May 2015) Brussels, and interview with an official from the EU Delegation in la Habana, (18 May 2015) La Habana.

41 Interview with an official from the EEAS, (6 May 2015) Brussels, and interview with an official from the EU Delegation in la Habana, (18 May 2015) La Habana.

42 Interview with an official from the EU Delegation in la Habana, (18 May 2015) La Habana.

43 Interview with an official from the EEAS, (6 May 2015) Brussels.

44 Interview with an official from the EU Delegation in la Habana, (18 May 2015) La Habana.

[...]

- Regrets that the existence of intra-EU disagreements on policies towards a given country such as Cuba or the reluctance of Member States to antagonise major partners such as Russia have led the EU to adopt only ‘informal sanctions’ in Presidency Conclusions, reflecting an unbalanced or inconsistent application of EU sanctions”

(Committee on Foreign Affairs 2008)

Once the Council agreed on a negotiation mandate, the EEAS was then able to inform the Cuban side of the possibility to start negotiations. The Cuban government quickly agreed,⁴⁵ and negotiations finally began at the end of April 2014. The work between the two parties is ongoing and involves close cooperation among several EU institutions, as will be explained in the next section.

7.4 Human rights in the negotiation process

EU negotiations with third countries develop through a series of chapters, which means that the formation of the negotiation table can vary depending on which chapter is being discussed. For example, when the trade chapter is opened in negotiations with Cuba, somebody from the department of Trade in the Commission will be present.⁴⁶ This setting ensures close cooperation between the EEAS and other departments of the Commission. It is interesting to notice how both an official of the EEAS and one from the Commission's Department of Trade often referred to the EEAS simply as “Commission” during the interview, and they also referred to each other as “colleagues”.⁴⁷ The official from the EEAS also explained how, in a way, the new setting that derived from the Treaty of Lisbon complicated coordination issues between the two bodies, since they are now based in two different buildings, with two different sets of people.⁴⁸

Since 2008/2009, when relations improved again, the EU has not stressed the relevance of civil and political rights over economic and social ones. While taking measures to engage the Cuban civil society, the EU Delegation in la Habana is also implementing a series of programmes aimed at improving the country's capacity in different job sectors. Whereas the text of the agreement on the

45 Interview with an official from the EEAS, (6 May 2015) Brussels.

46 However, the chief negotiators will remain the same, an important factor in the development of personal relationships.

47 Interview with an official from the EEAS, (6 May 2015) Brussels and interview with an official from the European Commission's Department of Trade, (6 May 2015) Brussels.

48 Interview with an official from the EEAS, (6 May 2015) Brussels.

political chapter is still confidential, both officials from the EEAS and the Delegation stressed that the EU considers human rights indivisible.⁴⁹ As the previous chapters have shown, this is different from what happened in the years preceding 2008, when the EU actively adopted measures to encourage the protection of civil and political freedoms in the island. This latest period of distension in EU-Cuba relations, therefore, seems to coincide with a period in which no set of right is given particular priority by the EU, therefore confirming H₁.

Moreover, it is also important to highlight the role of EU Delegation in clearing up any possible confusion over the issue of human rights, as well as any other possible issue. Aside from supporting the negotiating team in Brussels, the Delegation engages in constant dialogue with the Cuban government in order to help work on the agreements in between rounds of negotiations.⁵⁰ As a matter of fact, explaining the positions behind what has being said in a negotiation round is a key role for the Delegation,⁵¹ which means H₂ is not confirmed for this last period of analysis either. Since H₂ has not been confirmed for any of the periods considered in this research, it seems that difficulties in establishing fruitful relations between the EU and Cuba cannot be attributed to a confusion over which sets of rights should be given priority.

49 Interview with an official from the EEAS, (6 May 2015) Brussels, and interview with an official from the EU Delegation in la Habana, (18 May 2015) La Habana.

50 Interview with an official from the EU Delegation in la Habana, (18 May 2015) La Habana.

51 Interview with an official from the EU Delegation in la Habana, (18 May 2015) La Habana.

8. Conclusions

This research has tried to answer the question: *how has the European Union (EU) treated the issue of human rights in negotiations with Cuba since the issuance of its Common Position in 1996?* Using different periods of the EU-Cuba relation, the thesis has highlighted a number of factors that influence the EU promotion of human rights. Through the analysis of a series of hypotheses, the impact of a number of variables has been assessed. I will present here the main findings related to each hypothesis, while also suggesting possible steps for future research in the field.

As far as the first two hypotheses are concerned, it seems clear that there was no particular confusion over the importance of human rights. The EU Delegation in la Habana plays an important role in explaining the institution's interests through each step of the current negotiations. Even before the Delegation was opened, the documents issued by all EU institutions have generally been clear on what rights the EU considered particularly important. H₂, therefore, has not been confirmed during the analysis.

However, it is true that there seems to be a connection between the independent variable “focus on civil and political rights” and the dependent variable “quality of relationship between EU and Cuba”. As a matter of fact, H₁ has been confirmed for all three time periods considered, as, when the EU has stressed the relevance of civil and political rights, relations have been particularly strained. On the other hand, it is also important to consider that those rights have often been linked, in the EU's discourse, to a change towards democracy. As explained earlier, the Cuban government, like many other governments around the world, dislikes interference with its internal affairs.⁵² Difficulties finding a ZoPA, therefore, could derive more from the EU's insistence on democratic principles, rather than on the discourse around human rights. Future research could focus on whether the EU can envision a political system different from Western-style democracies that still respects the universality and indivisibility of human rights.

Furthermore, the variable “economic adaptations in Cuba” also seems to have a relevant impact on the dependent variable “EU's openness towards Cuba”. This analysis has shown that the EU has placed particular importance on the updating of the Cuban economic system, and it has linked it to its attitude towards the Communist government, therefore confirming H₄. However, this research did not go as far as assessing whether this role of economic openness means that human rights are given less priority, or if it means that promoting economic openness could help the protection of

52 Interview with an official from the EEAS, (6 May 2015) Brussels.

human rights.

As far as H₅ is concerned, the research has evidenced that there has been a change in the impact that USA's policies towards Cuba have on the EU's openness towards the island. The variable seems to have had a relevant impact in the past, but this seems to have changed now. The reason behind the greater influence of the US in the first period analysed might have been the fact that the Cold War had ended only recently. It is important to consider that Cuba, thanks to its geographical position, was strategic to the Soviet Union, especially in the first decades of the Cold War.⁵³

This thesis has also evidenced the role played by national interests in the way the EU relates to third countries, predicted by H₃. In the case of Cuba, Spain has always had a prominent role, mostly because of its historical ties with Latin America.⁵⁴ It is important to notice, however, that these national interests are – to a certain extent - connected to which party is in power in the country, as in the case of Spain. In order to understand this dynamic better, it would be interesting to interview the people that form the working groups at the Council.

Moreover, as mentioned in the previous chapter, an important role in influencing European countries' views on human rights is played by the level of involvement of civil society in that country. This does not necessarily depend on the government and has had a particular impact on countries like Germany and Sweden. Furthermore, this analysis has shown that the EU has followed the treatment of individuals forming the Cuban civil society closely (e.g. the imprisonment of dissidents during the Cocktail Wars). Whereas there is no civil society in the “European” sense in Cuba,⁵⁵ individuals are making an increasing effort to organize themselves, especially thanks to small improvements in the availability of Internet facilities. Future research could therefore focus on how to involve civil society, both at the EU level and in third countries, in order to ensure better promotion of human rights.

As far as the behaviour of the single countries is concerned, this research has also highlighted the important role played by the Eastern enlargement, both in terms of adding countries with different perspectives to the EU and of changing the way human rights are treated in the institution. As explained previously, former-Communist countries tended, at the beginning, to be stricter on the Cuban government. However, this tendency faded out and, at the moment, only two of them are still stricter than other EU countries (an attitude that could perhaps be attributed to the role of civil society rather than their Communist history). The impact of the 2004 enlargement on the promotion

53 Interview with Professor Pronk, (1 June 2015) The Hague.

54 Interview with Professor Pronk, (1 June 2015) The Hague.

55 Interview with an official from the EU Delegation in la Habana, (18 May 2015) La Habana.

of human rights should be studied further, in order to understand the impact that future enlargements could have on the issue.

In conclusion, the main factors that have impacted the EU promotion of human rights in Cuba in the last two decades have been national interests, the focus on civil and political rights and Cuba's economic openness. The USA's policy towards the island had an impact at the beginning of the period studied, but it does not have a great influence anymore. On the other hand, it is clear that no confusion can be attributed to the EU on which human rights should be given priority. The analysis has also brought up other factors that could have been relevant and that could be ground for future research: the link between human rights and democracy, the involvement of civil society organizations and the role of the enlargement in changing the EU's discourse on human rights. Also, more attention should be paid to whether the link between human rights promotion and economic measures is helpful or not.

List of Acronyms

ACP – African, Caribbean and Pacific states

EEAS – European External Action Service

EP – European Parliament

EU – European Union

ICCPR - International Covenant of Civil and Political Rights

ICESCR - International Covenant of Economic, Social and Cultural Rights

MEP – Member of the European Parliament

US(A)⁵⁶ – United States of America

ZoPA – Zone of Possible Agreement

⁵⁶ Both US and USA were used in the thesis.

Interviews

- Brief conversation with Vice-President Mogherini, (16 April 2015) The Hague.
- Interview with an official from the EEAS, (6 May 2015) Brussels.
- Interview with an official from the European Commission's Department of Trade, (6 May 2015) Brussels.
- Interview with President Prodi, (8 May 2015) over the phone.
- Interview with an official from the EU Delegation in la Habana, (18 May 2015) La Habana.
- Interview with Professor Pronk, (1 June 2015) The Hague.

References

Primary sources

- ACP-EU Joint Parliamentary Assembly, (2003) *Resolution on the situation in the Caribbean region*, 26 September 2003.
- Committee on Foreign Affairs, Security and Defence Policy, (1995) *Report on the Communication from the Commission to the Council and the European Parliament on relations between the European Parliament and Cuba*, 1 December 1995.
- Committee on Foreign Affairs, (2008) Report on the Evaluation of EU Sanctions as part of the EU's Actions and Policies in the Area of Human Rights, 15 July 2008.
- Economic and Social Committee, (1997) *Opinion of the Economic and Social Committee on 'Relations between the European Union and Cuba'*, 24 February 1997.
- European Commission, (1995) *Communication from the Commission to the Council and the European Parliament: Relations between the European Union and Cuba*, 28 June 1995.
- European Commission, (2002) *Joint Answer to Written Question E1458/02 and E1467/02*.
- European External Action Service, (2014) *EU Relations with Cuba*, available at http://eeas.europa.eu/cuba/index_en.htm accessed on 13th February 2015.
- European External Action Service, (2015) *The EU and Human Rights*, available at http://eeas.europa.eu/human_rights/index_en.htm, consulted on 18th April 2015.
- European Parliament, Council and Commission, (2000) *Charter of Fundamental Rights of the European Union*, 18 December 2000. European Commission, (2015) *Conditions for Membership*, available at http://ec.europa.eu/enlargement/policy/conditions-membership/index_en.htm, consulted on 19th April 2015.
- European Parliament, (1994) *Resolution on the Situation in Cuba*, 29 September 1994.
- European Parliament, (2004) *Resolution on Cuba*, 25 March 2004.
- European Parliament, (2007) *Resolution on Cuba*, 21 June 2007.
- European Union Council, (1996) *Common Position on Cuba*, 2 December 1996.
- European Union Council (2004) *Council Conclusions on the 14th Evaluation of the Common Position*, 16 December 2004.
- European Union Member States, (2007) *Treaty of Lisbon*, 13 December 2007.
- European Union Presidency, (2003) *Declaration by the Presidency, on behalf of the*

European Union, on Cuba, 5 June 2003.

- European Union Presidency, 2(005) *Explanation of Vote: Embargo against Cuba*, 8 November 2005.
- Mogherini, F., (2015) *What is the role of the European Union in the world?*, Lecture given at the University of Leiden, Campus den Haag, 16 April 2015.

Secondary sources

- Alonso, J. C., (1997a) *Common Position on Cuba*, Written Question to the Council No. 33/97.
- Alonso, J. C., and European Commission, (1997b) *Dialogue with Cuba*, Written Question E-307/97.
- Balducci, G., (2008) 'The study of the EU promotion of human rights: the importance of international and internal factors' in *GARNET*, Working Paper No: 61/08, pp. 1-33.
- Bishin, B., and Klostad, C., (2012) 'The Political Incorporation of Cuban Americans: Why Won't Little Havana Turn Blue?' in *Political Research Quarterly*, Vol. 63(3), pp. 586-599.
- Boyer, M. A., et al. (2005) 'Negotiation as a Constructivist Process: Perceptual Assumptions and Negotiator Choice in Simulated International Negotiations', Discussion Paper presented at the annual meeting of the International Studies Association, available at http://www.globaled.uconn.edu/GlobalEdI/presentations/isa05_constructivism.pdf.
- Castle, S., (2005) 'Truce declared in 'cocktail wars' between EU and Cuba' in *The Independent* 1 February 2005, available at <http://www.independent.co.uk/news/world/europe/truce-declared-in-cocktail-wars-between-eu-and-cuba-6153503.html>.
- Conant, L., (2014) 'Compelling Criteria? Human Rights in the European Union' in *Journal of European Public Policy*, Vol. 21, Issue 5, pp. 713-729.
- Directorate-General for External Policies of the Union, (2014) *The European Parliament's Role in Relation to Human Rights in Trade and Investment Agreements*, available at [http://www.europarl.europa.eu/RegData/etudes/etudes/join/2014/433751/EXPO-JOIN_ET\(2014\)433751_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/etudes/join/2014/433751/EXPO-JOIN_ET(2014)433751_EN.pdf).
- Domínguez, J. I., (2001) 'Cuban Foreign Policy and the International System' in Tulchin, S., and Espach, R. H., eds, *Latin America in the New International System*. Colorado: Lynne Rienner Publishers, pp. 183-206.

- Dür, A., and Mateo, G., (2010) 'Choosing a bargaining strategy in EU negotiations: power, preferences, and culture' in *Journal of European Public Policy*, Vol. 17(5), pp. 680-693.
- Elgström, O., (2000) 'Norm negotiations. The construction of new norms regarding gender and development in EU foreign aid policy' in *Journal of European Public Policy*, Vol. 7(3), pp. 457-476.
- Euractiv.com, (2001) 'EU Delegation visits Cuba', *Euractiv.com*, 24 August 2001, available at <http://www.euractiv.com/general/eu-delegation-visits-cuba/article-115830>.
- Finnemore, M., and Sikkink, K., (1998) 'International Norm Dynamics and Political Change' in *International Organization*, Vol. 54, Issue 4, pp. 887 – 917.
- Gaddis, J. L., (2005) *The Cold War: A New History*, (New York, USA: Penguin Publishers).
- Gibbs, S., (2003) 'Cuba's Cocktail Wars' in *BBC News*, 15 July 2003, available at <http://news.bbc.co.uk/2/hi/americas/3069341.stm>.
- Gibbs, S., (2005) 'Havana Halts EU “Cocktail Wars”' in *BBC News*, 4 January 2015, available at <http://news.bbc.co.uk/2/hi/americas/4144305.stm>.
- Gordy, K., and Lee, J. S. E., (2009) 'Rogue Spectres: Cuba and North Korea at the Limits of US Hegemony' in *Alternatives* 34, pp. 229-248.
- Gratius, S., (2011) 'European Union Policy in the Cuba – U.S. - Spain Triangle' Domínguez, in J. I., Hernández, R., and Barberia, L. G., eds *Debating U.S.-Cuban Relations: Shall We Play Ball?* (New York: Routledge), pp. 121-138.
- Hampson, F. O., Crocker, C. A., and Aall, P. R., (2007) 'Negotiation and International Conflict' in Webel, C., and Galtung, J., eds., *Handbook of Peace and Conflict Studies* (London: Routledge), pp. 35-50.
- Hayden, T., (2015) 'How Shifting Immigrant Tides Encouraged Normalization With Cuba' in *The Nation*, 27 May 2015, available at <http://www.thenation.com/article/208289/how-shifting-immigrant-tides-encouraged-normalization-cuba>.
- Hopmann, P. T., (2010) 'Negotiated cooperation: synthesizing rationalist and constructivist perspectives' in Zartman, I. W., and Touval, S., eds., *International cooperation: the extents and limits of multilateralism* (Cambridge: Cambridge University Press) pp. 95-110.
- Hufbauer, G. C., et al., 2011 *Case Studies in Economic Sanctions and Terrorism*. Case 60-3 (Cuba), available at <http://www.iie.com/publications/papers/sanctions-cuba-60-3.pdf>, consulted on 18th December 2014.
- Keohane, R. O., and Martin, L. L., (1995) 'The Promise of Institutional Theory',

International Security, Vol. 20, Issue 1, pp. 39-51.

- Kinzelbach, K., (2014) *The EU's Human Rights Dialogue with China: Quiet Diplomacy and its Limits* (London: Routledge), Ch. 1.
- Klabbers, J., (2013) *International Law* (Cambridge: Cambridge University Press), Ch. 6.
- Lamrani, S., (2007) *Cuba y la Union Europea*, 11 February 2007 available at <http://www.tlaxcala.es/pp.asp?reference=2047 &lg=es>, consulted on 25 May 2015.
- Lecarte, J., (2014) *A new phase in EU-Cuba relations* for the European Parliament Research Service, available online at [http://www.europarl.europa.eu/RegData/bibliotheque/briefing/2014/140812/LDM_BRI\(2014\)140812_REV1_EN.pdf](http://www.europarl.europa.eu/RegData/bibliotheque/briefing/2014/140812/LDM_BRI(2014)140812_REV1_EN.pdf).
- Mearsheimer, J. J., (1995) 'The False Promise of International Institutions', *International Security*, Vol. 19, Issue 3, pp. 5-49.
- Megahy, T., (1996) *Penal Reform in Cuba and elsewhere*, Written Question to the Commission No. 681/96.
- Merlingen, M., Mudde, C., and Sedelmeier, U., (2001) 'The Right and the Righteous? European Norms, Domestic Politics and the Sanctions Against Austria' in *Journal of Common Market Studies*, Vol. 39(1), pp. 59-77.
- Mesa-Lago, C., (2008) *The Cuban Economy at the Crossroads: Fidel Castro's Legacy, Debate over Change and Raúl Castro's Options*, Working Paper 19/2008 (Madrid: Real Instituto Elcano).
- Mesa-Lago, C., and Pérez-López, J., (2013) *Cuba Under Raúl Castro: Assessing the Reforms* (Boulder, USA: Lynne Rienner Publishers), Ch. 1.
- Meyer, W., and European Commission, (2010) *UN Resolution on the Blockade Against Cuba*, Written Question E9520/10.
- Meyer, W., and EU Council, (2011) *Twentieth UN Resolution calling for an End to the US Embargo Against Cuba*, Written Question E010336/11.
- Moravcsik, A., and Vachudova, M. A., (2003) 'National Interests, State Power, and EU Enlargement' in *East European Politics and Societies*, Vol. 17(1), pp. 42-57.
- Onuf, N. G., (2009) 'Structure? What Structure?', *International Relations*, Vol. 23, Issue 2, pp. 183-199.
- Onuf, N. G., (2013) *World of Our Making* (South Carolina, USA: Routledge), Introduction.
- Pachot, K., (2010) 'A propósito del carácter fundamental de los derechos económicos,

- sociales y culturales. Una mirada desde la doctrina comparada y la experiencia del ordenamiento jurídico cubano', *Estudios Constitucionales*, available at http://www.scielo.cl/scielo.php?script=sci_arttext&pid=S0718-52002010000100002.
- Passini, S., (2011) 'Beyond European Union enlargement: Albania and human rights in the realm of everyday life', *The International Journal of Human Rights*, Vol. 15, Issue 8, pp. 1349-1361.
 - Payne, R. A., (2001) 'Persuasion, Frames and Norm Construction', *European Journal of International Relations*, Vol. 7, Issue 1, pp. 37-61.
 - Pérez Milián, D., (2008) *La Saga Europea de la Política de los Estados Unidos hacia Cuba*, (La Habana: Editorial de Ciencias Sociales).
 - Por Otra Cuba and Civil Rights Defenders (2014) 'Platform for Discussion on the Current E U - C u b a N e g o t i a t i o n s ', available online at <http://www.civilrightsdefenders.org/files/Platform-for-EU-Cuba-Negotiations-.pdf>.
 - Quevedo Flores, J. A., (2009) 'La cláusula de derechos humanos en la acción exterior de la Unión Europea: retórica o efectividad' n *Los derechos humanos en la sociedad internacional del siglo XXI*, Vol. 2, pp. 125-140.
 - Rushton, S., (2008) 'The UN Secretary General and Norm Entrepreneurship: Boutros Boutros-Ghali and Democracy Promotion', *Global Governance*, Vol. 14, Issue 1, pp. 95-110.
 - Sánchez García and Council of the European Union (2000) *Evolution of Democracy in Cuba and EU cooperation with the country*, Written Question E-2965/00.
 - Sullivan, M. P., (2008) *Cuba's Political Succession: From Fidel to Raúl Castro*, CRS Report for Congress, available at <https://www.fas.org/sgp/crs/row/RS22742.pdf>.
 - Sunstein, C. S., (1996) 'Social Norms and Social Rules', *Columbia Law Review*, Vol. 96, Issue 4, pp. 903-968.
 - The Independent, (2010) 'Latin lessons: What can we learn from the world's most ambitious literacy campaign?', *The Independent*, 7th November 2010.
 - Waltz, K., (1979) *Theory of International Politics* (McGraw-Hill), pp. 102-129.
 - Wanis-St. John, A., (2012) 'Nuclear Negotiations: Iran, the EU (and the United States)' in Faure, G. O., ed., *Unfinished Business: Saving International Negotiations From Failure* (Georgia, USA: University of Georgia Press), pp. 63-89.
 - Wessel, R. A., and Van Vooren, B., (2013) 'The EEAS's diplomatic dreams and the reality

of European and international law', *Journal of European Public Policy*, Vol. 20, Issue 9.

Appendix I: Interviews

When analysing a negotiation process, interviews are key to understanding better what goes on behind the drafting of official documents and agreements. For the purposes of this thesis, it was important to gather information on past and present negotiations, both within the EU and between the EU and Cuba. For this reason, talking to officials of the EEAS was particularly relevant, as they are the main negotiators on the EU's side and they often coordinate intra-EU discussions on external relations. As far as the EU-Cuba relations are concerned, this work is carried out by the department of Mexico, Central America and the Caribbean in Brussels, and by the Delegation in La Habana. The protocols for the interviews with officials from these two institutions can be found at the end of this appendix.

Furthermore, the interview with an official from the Commission's Trade Department helped understand the link between the trade chapter of the negotiations to the issue of human rights. The same protocol of the interview with an official from the EEAS was used, but the interview was less structured. On the other hand, as was confirmed by an MEP from Italy, the European Parliament has not been officially involved in the process of negotiations with Cuba yet. Therefore, interviews with current MEPs would not have been particularly relevant for this thesis.

On the other hand, talking to high-level (former) officials and politicians, namely President Prodi, Vice-President Mogherini and former Minister Pronk, was key to understanding the main ideals underpinning the work of the EU or, in the case of Prof. Pronk, of an EU country. These interviews were not as structured as those with the officials from the EEAS and the Commission, as the purpose was more to listen to personal experiences, rather than to gather specific pieces of information. Therefore, no protocol is available, but the interview with President Prodi was focussed on the Eastern enlargement and the issue of human rights, while the interview with Prof. Pronk touched on a wide range of issues, going from the relationship between the Netherlands and Cuba in the 1970s to the recent opening of the US towards the Communist country. In the case of Vice-President Mogherini, she provided some information on her visit to Cuba during an extremely brief private conversation at the end of her lecture at the University of Leiden, on 16th April 2015.

Interview Protocol I (official from the EEAS)EU institutions

What is the role of the EEAS in negotiations with Cuba? How does the EEAS relate to other EU institutions on the matter?

Are there different interests and perspectives within the EU and how are they articulated?

How was the recent round of negotiations initiated?

Who initiated it? (Cuba/EU? Which EU institution?)

Was the Common Position discussed within the EU before initiating it?

The “practical” side of negotiating with Cuba

Do you feel that Cuban negotiators have a different style of conducting negotiations than European negotiators?

Do you feel that there are different styles of conducting negotiations within the EU and especially the EEAS?

Can you guide me through a typical round of negotiations with Cuba?

Example questions:

How are the date and location chosen?

How does a negotiation start?

Is there a fixed programme for the negotiation (agenda, breaks, end-time, etc...)?

Human rights

How (and when) do you introduce the issue of human rights with Cuban negotiators?

Do you discuss specific rights/sets of rights that are important to the EU?

How do Cuban negotiators discuss the issue?

Do you use reports that show the human rights situation in the country?

How is Cuban civil society involved in the process? Do you have negotiations with Cuban NGOs?

US-Cuba

Have recent developments in the US-Cuba relationship affected EU-Cuba negotiations? How?

Does the issue of the US-Cuba relationship come up during negotiations? If so, in which way?

Interview Protocol II (official from the EU Delegation in La Habana)EU Institutions

What's the role of the EU delegation in Cuba? How is the Delegation involved in the recent rounds of negotiations?

Are there different interests and perspectives within the EU and how are they articulated?

Is there a common front of the Eastern countries?

The “practical” side of negotiating with Cuba

Is there a cultural difference in the way Cubans and Europeans approach negotiations?

How are negotiations on the political chapter conducted?

Past relations

Why there were years when EU-Cuba relation were so difficult before 2009?

Human rights

Are there specific rights the EU is trying to promote?

Probe about two different sets of human rights

There are many other countries that don't respect human rights but with which EU has “normal” relations. Is there a difference here because Cuba is communist?

Do you ever deal with the Cuban civil society? Does that cause political problems with the government (e.g. Cocktail Wars)?

US-Cuba

Does the relationship between Cuba and the US influence the one between the EU and Cuba?

The economic system

Is Cuba introducing new economic measures?

Was the change in the EU's attitude due to the transfer of power from Fidel to Raul?