

EU-Cuba Political Dialogue and Cooperation Agreement

OVERVIEW

Cuba is the only Latin American country to have no bilateral agreement with the EU. Between 1996 and December 2016, relations between the EU and Cuba were governed by the 1996 Common Position, which subordinated cooperation and the conclusion of any bilateral agreement to the achievement of visible progress in the field of democracy and human rights on the island.

Nevertheless, political dialogue and cooperation were re-launched in 2008, following a leadership change in the country, and in February 2014 negotiating directives for a bilateral EU-Cuba Political Dialogue and Cooperation Agreement were adopted by the Council. After seven rounds of negotiation, the agreement together with the proposal for its conclusion was published by the Commission on 25 November 2016, and the agreement was signed on 12 December 2016. Its three main chapters concern political dialogue, cooperation and sectoral policy dialogue, and trade and trade cooperation. Human rights remain a contentious issue.

The agreement has been submitted to the European Parliament for consent to its conclusion. The Committee on Foreign Affairs adopted a recommendation to give consent and an accompanying report on 20 June 2017; these are due to be voted during the July 2017 plenary session. The agreement also needs to be ratified by the EU's Member States.



Political Dialogue and Cooperation Agreement between the European Union and its Member States, of the one part, and the Republic of Cuba, of the other part

Committee responsible: Foreign Affairs (AFET)
Rapporteur: Elena Valenciano (S&D, Spain)
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Introduction

From 1996 until its recent repeal in December 2016, the European Union (EU) [Common Position](#) (96/697/CFSP) governed relations with Cuba, subordinating cooperation and the conclusion of a bilateral agreement to the achievement of visible progress regarding democracy and respect for human rights on the island. The 2006 change in leadership in Cuba, from Fidel to Raúl Castro, who has recognised the need for reform – more economic than political – opened a window of opportunity for the EU to re-launch [political dialogue](#) and cooperation with Cuba in 2008, including the establishment of a fully fledged [EU delegation](#). Another driver of the EU's re-engagement with Cuba has been the fact that all 28 Member States maintain diplomatic relations with the island – up to 20 of them having signed bilateral agreements – and relations have much improved in recent years. The EU has become Cuba's second trading partner and its main export partner, as well as the biggest foreign investor on the island. This is also in line with the gradual normalisation of [US-Cuba relations](#) under the two terms of the Barack Obama administration between 2008 and 2016. In 2014 the Council, therefore, adopted negotiating directives for an EU-Cuba Political Dialogue and Cooperation Agreement (PDCA), which was signed on 12 December 2016 and is now under ratification. Cuba is the only Latin American country which has no bilateral agreement with the EU.



Existing situation

The 1996 EU Common Position

In June 1996, the Florence [European Council](#) regretted that Cuba's [political circumstances](#) had 'not allowed further progress in EU-Cuba relations', and hoped that developments in the country's political situation would 'create the conditions necessary for such progress'. A few months later, an 'EU common position on Cuba' was adopted by all EU Member States. The [position's](#) stated objective was 'to encourage a process of transition to pluralist democracy and respect for human rights and fundamental freedoms, as well as a sustainable recovery and improvement in the living standards of the Cuban people', although it clarified that the EU would not enforce coercive measures that could increase the economic hardship of the Cuban people', thus distancing itself from the [Helms-Burton Law](#). Paragraph 2 stated that 'the European Union considers that full cooperation with Cuba will depend upon improvements in human rights and political freedom'. And paragraph 3 contained a series of measures to be developed by the EU in order to facilitate peaceful change in Cuba:

- a) increased dialogue with the Cuban authorities and all sectors of Cuban society in order to promote respect for human rights and real progress towards pluralist democracy;
- b) efforts to find opportunities to remind the Cuban authorities of their fundamental responsibilities regarding human rights, in particular freedom of speech and association;
- c) action to encourage internal legislative reform concerning political and civil rights;
- d) assessment of developments in Cuban internal and foreign policies against the same standards applied to EU relations with other countries, in particular the ratification and observance of international human rights conventions;
- e) willingness to provide ad hoc humanitarian aid via the Member States;
- f) focused economic cooperation via the Member States to help Cuba open up its economy.

In its fourth paragraph, the Common Position stated that the European Union would lend its support to Cuban authorities as they progressed towards democracy, and would consider the appropriate use of the means at its disposal, including the intensification of political dialogue and cooperation. It would also step up dialogue with the Cuban authorities so as to explore further the possibilities for the negotiation of a Cooperation Agreement with Cuba. Finally, implementation was to be monitored by the Council, with an evaluation to be carried out every six months. The Common Position was repealed in December 2016 on the signature of the EU-Cuba Political Dialogue and Cooperation Agreement (PDCA).

Current EU-Cuba relations

The EU is Cuba's second trading partner (after Venezuela), its main export partner, and the biggest foreign investor on the island. EU tourists represent a third of total arrivals. In 2016, the EU [exported](#) €2.25 billion-worth of goods to Cuba, and imports from the island amounted to €338 million (mainly mineral fuels, sugar, beverages and tobacco). After the 2014 reform of the Generalised Scheme of Preferences, Cuba was considered an upper-middle income country and lost trade preferences for exports to the EU.

EU [development cooperation](#) with Cuba, covered by the Development Cooperation Instrument (DCI), also resumed in 2008, with €90 million committed between then and 2014. An additional €50 million has been committed for the 2014-2020 period to support Cuba's development in the fields of: sustainable agriculture and food security (€21 million), the environment (€18 million), support for sustainable economic and social modernisation (€10 million), and other support measures (€1 million). An additional €5 million has been allocated for social and cultural projects implemented by civil society organisations and local authorities. Cuba is also involved in regional programmes such as AI-Invest (SME internationalisation), COPOLAD (cooperation on drugs policies), EUROCLIMA (climate change mitigation and adaptation strategies) and Erasmus+ (education mobility and capacity-building in academic institutions).

The EU has been providing Cuba with emergency assistance since 1993, and over €94 million has been granted for humanitarian aid, destined mainly for people affected by hurricanes and other natural disasters. Over €6 million has meanwhile been provided as specific support for disaster preparedness.

EU negotiation objectives

The EU considered that the changes that were taking place in Cuba and in its position at regional and international level, including in its relations with individual EU Member States, as well as the important [progress](#) made in EU-Cuba relations since the re-launch of political dialogue and cooperation in 2008, justified codifying existing political dialogue, cooperation and trade relations within a conventional instrument, i.e. an agreement. The [negotiation](#) of a first generation agreement with Cuba would add coherence to the existing relationship, where a central position was given to respect for human rights and the wellbeing of the Cuban people, and would provide an institutional framework within which that relationship could develop through political dialogue and cooperation, and advance as circumstances allowed. The agreement would complement and support the frameworks already developed by EU Member States with the island.

Counterpart's position

[The Cuban authorities](#) consider the signing of the agreement to be a [big success](#), as it explicitly recognises the sovereignty, territorial integrity and political independence of the Republic of Cuba, which they considered to be infringed by the Common Position. They believe that Europe is now communicating with Cuba with respect. Cuban Foreign Minister, Bruno Rodríguez, has confirmed that economic ties with Europe are a priority for his country in its effort to build an efficient and sustainable socialist economy, and that Cuba wants to ensure its sovereignty. The Cuban government also considers that the agreement will for the first time provide a contractual framework for both parties that is reciprocal, respectful and mutually beneficial for the development of political dialogue and cooperation, including trade facilitation.

Since diplomatic links with the EU were first established in 1988, Havana has shown an interest in the joint creation of a legal framework for relations, and Cuban President, Raúl Castro, has declared that his country is open to entering a new period in relations between both parties, based on respect and reciprocity.

Preparation of the agreement

Discussions on improving EU-Cuba relations started during the 2010 Spanish Presidency, and in November 2012 the Foreign Affairs Council instructed the Commission to suggest negotiating directives for a political dialogue and cooperation agreement – which were finally adopted in February 2014.

High-level [political dialogue](#) meetings between the EU and Cuba had already been launched in 2008, and seven meetings were held subsequently, the most recent on 11 March 2016 in Havana. Bilateral relations, EU and Cuban regional issues and global matters of mutual concern (such as migration and terrorism) have been discussed in order to define possible areas for cooperation. The strengthening of the United Nations as the core of the multilateral system and the promotion of the EU-CELAC strategic partnership have been identified as common objectives.

A regular, separate, [human rights dialogue](#) between the two sides was also established in 2015 – when negotiations had already begun – and the agreement contains provisions aimed at formalising this. Three high-level dialogues on the subject have been held so far (in June 2015 in Brussels, June 2016 in Havana, and May 2017 in Brussels), led by the EU's Special Representative for Human Rights, Stavros Lambrinidis. The dialogue is intended to allow the two sides to exchange views on basic human

rights principles as well as on their concerns, seeking to identify possible areas for cooperation or share best practice in order to achieve tangible results.

[Human rights](#) were the cornerstone of the 1996 Common Position, which linked European cooperation to improvements in this area, as well as that of fundamental freedoms. Cooperation with Cuba was temporarily suspended in 2003 following the imprisonment of 75 dissidents. The separate dialogue was launched as a way to overcome the obstacle presented by human rights concerns during negotiation of the agreement.

Negotiation process and outcome

On 10 February 2014, the EU adopted [negotiating directives](#) for a bilateral [EU-Cuba Political Dialogue and Cooperation Agreement](#). Seven rounds of talks were held in all. The first three were held in April 2014 in Havana, in August 2014 in Brussels, and in March 2015 in Havana. A [fourth round](#) (centred on cooperation and trade) took place on 15 and 16 June 2015 in Brussels – Federica Mogherini also held a [bilateral meeting](#) with Miguel Díaz-Canel, Cuba's first vice president, on the margins of the 2nd [EU-CELAC summit](#). There was then a fifth round in September 2015 in Havana, a [sixth round](#) on 1 and 2 December 2015 in Brussels, and a seventh and [final round](#) in March 2016. On 11 March 2016, the process concluded with the initialling of the text – on this occasion Mogherini visited Cuba.

The changes the agreement would bring

According to the explanatory statement accompanying the proposed [Council decision](#) on the agreement's conclusion the EU-Cuba PDCA sets a stable framework for relations between the two parties. It replaces the ad hoc dialogue and piecemeal cooperation carried out until now, and will allow for better political dialogue and bilateral cooperation, as well as joint action in multilateral fora, defining general principles and objectives for EU-Cuba relationships. The agreement has three main chapters, on:

- political dialogue, covering issues such as human rights, small arms, light weapons and disarmament, migration, drugs, the fight against terrorism, racial discrimination and xenophobia, and sustainable development;
- cooperation and sectoral policy dialogue, including human rights, justice, migration, governance, civil society, economic and social development, the environment and regional integration and cooperation; and
- trade and trade cooperation. This part codifies the conventional (WTO-related) bases for EU-Cuba trade, covering the principles of international trade as well as cooperation in the fields of customs, trade facilitation, technical standards, and sustainable trade and investment, with a view to improving the prospects for deeper economic relations and developing a stronger framework for investment.

It also establishes an institutional framework composed of a Joint Council and a Joint Committee, and includes a provision on the fulfilment of obligations, with the measures to be taken and procedure to be followed should one of the parties fail to fulfil its obligations under the agreement.

The Political Dialogue and Cooperation Agreement ([PDCA](#)) would help strengthen relations between the EU and Cuba, supporting the country's economic and social modernisation, promoting its sustainable development, democracy and human rights, and finding common solutions to global challenges.

Stakeholders' views

This section aims to provide a flavour of the debate and is not intended to be an exhaustive account of all different views on the proposal. Additional information can be found in related publications listed under 'EP supporting analysis'.

Many Cuban [exiles and dissidents](#) feel betrayed by the signature of this agreement, as they believe it infringes fundamental principles of democracy and ethics, ignoring human rights and the rule of law. On 9 December 2016, nearly 40 opposition organisations wrote a [letter](#) to HR/VP Federica Mogherini, rejecting the agreement for not being conditional upon respect for the individual and collective liberties of the Cuban people. In the letter, they ask the EU to link ratification of the agreement to a set of concrete measures aimed at sparking a democratic transition on the island.

On 8 December 2016, [Civil Rights Defenders](#), a Swedish independent expert organisation, issued a [report](#) on the subject, with the title 'Nothing but a Dialogue on Human Rights', arguing that the agreement does more to complement 'the government's strategy to transfer the political power from the revolutionary generation to their political heirs, and the economic power to the hands of the military', than it does to promote the human rights agenda. The report also argues that, by defending the status quo in Cuba, 'the international community is delegitimising the democracy movement's strategy to work for change with non-violent means'.

Cuban dissident [Guillermo Fariñas](#) – who was awarded the Parliament's Sakharov Prize in 2010 – has also publicly expressed his [opposition](#) to the European Parliament giving consent to the agreement if the deal is not made dependent on respect for human rights. He spoke to the EP Subcommittee on Human Rights on 12 October 2016. According to him, the agreement should include specific aspects such as the liberation of political prisoners, legalisation of other political parties and the adoption of a democratic electoral law. Others, like Rosa Maria Paya – daughter of deceased 2002 Sakharov Prize winner Oswaldo Paya – have publicly supported the establishment by the Cuban government of a ['roadmap'](#), with progress to be made in the field of human rights and liberties, prior to the agreement's ratification.

Nevertheless, [EU diplomatic sources](#) have explained that the EU 'is not giving a blank cheque to Cuba' as, according to Article 85, violations of the agreement regarding respect for human rights, disarmament and non-proliferation will be a 'serious infraction', although 'suspension would be a measure of last resort'.

Position of the European Parliament

The Committee on Foreign Affairs (AFET) appointed Elena Valenciano (S&D, Spain) as rapporteur. She published a [draft recommendation](#) regarding the EP's consent on 27 March 2017 as well as a [draft report](#) containing a motion for an accompanying non-legislative resolution on the subject detailing the Parliament's position. In the first debate held in the AFET Committee on 10 April 2017, [all political groups](#) in the European Parliament were favourable to the EP consenting to the agreement's conclusion. The rapporteur expressed her satisfaction and asked MEPs to use the same criteria for Cuba regarding human rights as have been used for other countries, such as China. She believed that it was important that the EU should underpin the tendency towards an opening up of international relations with Cuba.

Amendments to both documents had to be submitted by 24 April 2017, and were discussed by the AFET Committee on 29 May 2017. At that meeting there was an [exchange of views](#) *in camera* with Roland Schäfer, EEAS Deputy Managing Director for

the Americas, and Stavros Lambrinidis, the EU's Special Representative for Human Rights.

Both documents were voted in the [AFET Committee](#) on 20 June 2017, with the recommendation adopted by 57 votes to 9, with 2 abstentions. The rapporteur stated that, with this vote, the European Parliament is supporting the use of dialogue and cooperation with Cuba 'as the best instrument to advance in a constructive and future-oriented relationship, beneficial for the citizens on both sides of the Atlantic'.

Recommendation on the draft Council decision

The [recommendation](#) is that the European Parliament give its consent to the conclusion of the agreement. The justification given by the rapporteur is that the PDCA 'is a highly sophisticated, necessary and appropriate instrument which will provide a framework for the relations that the EU and its Member States already maintain with the Republic of Cuba'. As these relations have already gone far beyond the limitations imposed by the 1996 Common Position, there is worldwide consensus on the need to lift these restrictions – especially in the Latin American and Caribbean region – and 20 EU Member States have signed bilateral agreements with Cuba. The results already achieved through the human rights dialogue are a reason for optimism as to the benefits of the agreement, and Cuba is demonstrating its interest in having the EU as a reference.

The DEVE and INTA Committees were also consulted for opinion and supported the view that the European Parliament should give its consent. An amendment was tabled by three MEPs opposing Parliament's consent to the agreement.

Motion for a non-legislative resolution on the draft Council decision

The accompanying motion for a resolution stresses the high strategic value of the EU-Cuba relationship; that the agreement matches the principles and values established by the EU institutions for its external relations; and that it will mark a turning point in bilateral relations between the two parties. It recognises Cuba's high level of commitment to the EU in a wide range of fields and its efforts to incorporate the UN fundamental principles on human and labour rights into its own legislation; calls on Cuba to align its human right policy with international standards and to ratify the United Nations human rights conventions still pending; reminds that the persecution and imprisonment of anybody for his/her ideas or peaceful political activity infringes the Universal Declaration on Human Rights, and asks for the liberation of citizens imprisoned for those reasons. It stresses the relevance of the inclusion of a chapter on political dialogue and the establishment of an institutionalised human rights dialogue; and recalls that there is a provision to suspend the agreement if the provisions on human rights are violated. It also calls for the 'lifting of the United States' economic blockade' in Cuba, as it continues to have a widespread impact on the Cuban population.

A total of 174 amendments were tabled to the report, many of them proposing to include additional references to human rights. The Committees on Development (DEVE) and International Trade (INTA) were also consulted for opinion, and made a series of suggestions.

Signature and ratification process

The [proposal](#) of the Commission and the HR/VP for the agreement's conclusion was published on 21 September 2016, and the Council's subsequent [draft decision](#) was issued on 25 November 2016. The decision to sign the agreement was taken by the

Foreign Affairs Council on 6 December 2016 and the EU-Cuba PDCA was signed by Federica Mogherini, EU foreign ministers and Cuban Foreign Minister Bruno Rodriguez Parrilla on 12 December 2016. The 1996 Common Position was repealed on the same day. Being a mixed agreement,¹ it must have the consent of the European Parliament and must be ratified by all [EU Member States](#).

The original intention was that the agreement would be applied provisionally before the European Parliament gave its consent. Just before the agreement was signed, however, in a [letter](#) sent to the HR/VP, Elmar Brok (EPP, Germany), then-chair of the Committee on Foreign Affairs, asked for provisional entry into force of the agreement to be delayed until it could be examined by the European Parliament for consent, invoking 'political sensitivity'. The official notification needed for provisional entry into force has not yet been sent.

The European Parliament is scheduled to hold a debate on the agreement and vote on giving its consent at the July 2017 plenary session.

European Parliament supporting analysis

- Cirlig, C-C, [Cuba: foreign policy and security aspects](#), EPRS, April 2015.
- Gómez Ramírez, E, [Cuba: Political situation](#), EPRS, September 2015.
- Puccio, L, [Future scenarios for US-Cuba relations](#), EPRS, February 2015.
- Tvevad, J, [Cuba, the USA and the EU: Forging closer ties, looking to the future](#), EP Policy Department, September 2015.

Other sources

- [EU/Cuba Political Dialogue and Cooperation Agreement](#), European Parliament, Legislative Observatory (OEIL).
- Council of Hemispheric Affairs (COHA), [The European Union and Cuba: the Common Position](#), 15 July 2010.
- Civil Rights Defenders, [Nothing but a Dialogue on Human Rights](#), The EU agreement with Cuba and the Current Political Developments, Policy Paper No 3, 8 December 2016.

Endnote

¹ Whenever an international agreement includes shared competences or concurrent competences or Member States' competences, then it is said to be 'mixed'. While for agreements falling under exclusive EU competence the EU ratification procedure is sufficient for entry into force of the agreement. Mixed agreements must be ratified by EU Member States in accordance with their domestic ratification procedures.

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