

## Planning for an emergency humanitarian response and a transition to democracy in Cuba

### I. ESSENTIAL ASPECTS OF A TRANSITION

*\*Who will make decisions on the points below and how? How will the legitimacy to do so be established?*

- 1) Define what will be accepted as “a transition.”
- 2) Define a desirable duration for a provisional (transition) government? Eg. 48, 36, 24, 18, or 12 months?
- 3) Decide how the Provisional/Transition Government will be selected and by whom. (Ideally, through a Council of opposition forces —civil society leaders in Cuba and in exile).
- 4) Define acceptable levels of foreign authority if foreign assistance is requested.
- 5) Select the type of a Provisional/Transition Government as the ultimate executive authority:
  - a) A President and Vice President: they will handpick the team that will govern the country during the transition.
  - b) A “Transition Council” (with an odd number of members – decide how many): whose decisions will be approved by absolute majority. (Define who will select a Transition Council, and how, and provide an ample list of acceptable candidates.
  - c) An International Administration or Multinational Governing Authority (ideally part of a multinational effort): required for a humanitarian intervention, advised by the Provisional Government, ideally under a legal mandate such as the TIAR (Inter-American Treaty of Reciprocal Assistance), NATO, UN’s Responsibility to Protect, or other international legal precept or treaty.)
  - d) Other ?
- 6) Establish a basic legal mandate for governance for the transition period until a new fundamental law or constitution is approved and/or the first elected government is in place.
- 7) Establish how the Provisional Government will administer the country and address urgent needs (security, humanitarian, essential services, etc.)? Where will the financing and resources come from?
- 8) Decide if a new Constitution will be drafted and approved during the transition period or if that will wait for a first elected government to decide.  
If a new constitution will be drafted during the transition, define:
  - o Who will draft it: a Constituent Assembly, a Legal Commission, or other modality?
  - o Will it be approved by national referendum or by the first elected government?
- 10) Define how a first democratic government will be elected:
  - a) Who will be elected: president, vice president, prime minister, parliamentarians, judges, etc.?

- b) Will it be a unicameral or bicameral system?
- c) Will it be a presidential or parliamentary system?
- d) Will national, provincial, and municipal representatives also be elected?
- e) When will the general elections be held? e.g., in 24-36-48 months, or more or less?
- f) How will the candidates claim legitimacy (minimum signatures for new parties, optional primaries, etc.)?
- g) How long will the first elected government last? (If there is no constitution yet, should the term be limited to 2 or 3 years until a new constitution is approved?).

## **II. RECOMMENDATIONS FOR THE TRANSITION PERIOD**

- 1) Establish the Provisional/Transition Government's functions, such as:
  - a) coordinate the transfer of power and enforce/maintain public order;
  - b) provisionally administer the country and state resources, prioritizing public safety, essential services, and the development of a comprehensive emergency relief plan;
  - c) restore fundamental rights and develop a transition roadmap (with a timeline);
  - d) dismantle all repressive organs of the state (State Security) and gain control over the armed and security forces;
  - e) repeal all laws, regulations, or practices that violate fundamental freedoms and civil rights;
  - f) facilitate the development of a new constitution and plan for a national referendum for its popular approval;
  - g) plan for general elections within a reasonable period (no more than 48 months) to elect a government in accordance with the new constitution.
- 2) Establish that: members of the Provisional Government may not be eligible to run for office in the first elections and b.) must be committed to a transition to a full pluralistic democracy.
- 3) During the transition process, be ready to address:
  - a) Adopt a legal framework of reference, such as aspects of the 1940 Constitution, excluding its exclusionary or impractical clauses.
  - b) Prohibit the death penalty and all acts of violence or arbitrary action against all citizens, material property, or public order and peace.
  - c) Punish those who destroy, hide, embezzle, or misappropriate documents, funds, properties, and other state assets.
  - d) Order the safeguarding of official documents and archives (seek the collaboration of public officials and employees).
  - e) Maintain the administrative structure of the State, removing from office and temporarily disqualifying members of the Communist Party, senior civil administrative officials, as well as senior officers of the Ministry of the Armed Forces, the Ministry of the Interior, and the National Police. All officials who remain in any public position must cease collaborating with and supporting the Communist Party and its organs of power. (Seek intelligence at all levels of command and geographic location to identify new candidates in mind to assume their direction, under supervision of the Transition Authority.)
  - f) Refer those who have committed crimes against humanity and other serious human rights violations to a judicial process and guarantee their personal safety and due process of law. (Prevent individual acts of retribution.)
  - g) Legalize civil society organizations and political groups and parties.

- h) Guarantee free access to communications and prioritize the dismantling of state monopolies on the press, education, and communications.
- i) Stimulate productivity, supply, and access to essential goods and services with urgent measures that promote economic and social development.
- j) Release all political prisoners.
- k) Launch a review of all prison sentences, including those condemned for common crimes.
- l) Allow the return of Cubans living abroad, restoring all their rights.
- m) Repeal agreements and collaborations with allies and enablers of the current regime that do not serve the interests of democracy.
- n) Adopt transparency regulations on the management of the provisional government.
- o) Lay the foundations for a process of Truth, Justice, Memory, and Reconciliation that coordinates essential aspects of the transition, including the restoration of confiscated property and property rights and a lustration law.

4) Appoint Coordinators (or use another name) in the role of Ministers, who will, in turn, appoint their management and advisory teams with experts in their respective fields, excluding those disqualified (preemptive lustration). They will administer --during the initial transition phase-- the entire existing structure of government and the State, replicating the functions of most of the existing bodies, restructuring them as needed, to promote efficiency. They should make sure to comprehensively address:

- a) Economy: humanitarian aid, urgent economic measures related to food, healthcare, the monetary and financial system, foreign debt, and foreign investment, and manage state-owned enterprises, developing alternative privatization plans whose approval will be the responsibility of a popularly elected government.
- b) Infrastructure: energy, transportation, water, aqueducts, telecommunications, ports and airports, roads, transit routes, housing, and national assets.
- c) Security: dismantle the repressive apparatus, maintain public order and the defense of the national territory, manage identity and migration policies and services, combat corruption, illicit activities, and impunity, seek international support to combat transnational crime, and promote the professionalism and political neutrality of the Police, Armed Forces, and security apparatus.
- d) Essential Services: Public Health, Social Assistance, Education, Environment, and relations with churches/religions and civil society institutions.
- e) Communications and Press: dismantle the state monopolies and guarantee access and privacy of all communications.
- f) International Relations: manage international humanitarian aid and coordinate the State's diplomatic representations, appointing Ambassadors and Extraordinary Envoys abroad until a popularly elected government assumes this function.
- g) Judicial Branch: purge and remove from office the Supreme Court and judges and prosecutors not aligned with the democratic transition, ensure an impartial, independent, and professional judicial system, list the laws that require priority review, and initiate a review of the sentences of all prisoners.
- h) Electoral Service: review the census, organize the electoral process (facilitating multiparty rule), and schedule the constitutional referendum and first elections.
- i) Working Group (or Commission) for Transitional Justice: initially coordinate processes such as lustration, state archives, embezzled assets, and restoration of private property.

### **III. RECOMMENDED PLANNING FOR A TRANSITION IN CUBA**

Put in place resources to:

1. Develop a plan to address immediate needs: food, water, medicine, electricity, and essentials.
2. Consult with experts in infrastructure and finance as well as financial institutions, multilateral and private to develop sound reconstruction plans.
3. Consult with international experts on different aspects of transition to develop action plans (not wish lists).
4. Develop detailed medium and long-term recovery plans (not wish lists) focused on economic stabilization and adjustment, infrastructure reconstruction (energy, water, housing, transportation, ports, and telecommunications), and agricultural and industrial production, all with their corresponding financing and investment prospects and projections.
5. Compile a bibliography of Cuba-specific transition studies in existence and take relevant findings into account.
6. Compile existing transition proposals by Cuba civil society groups and extract significant recommendations, indicating degrees of correlation amongst each one.
7. Compile a bibliography of relevant or useful transition studies and create a menu of relevant lessons and findings highlighting the most successful international outcomes.
8. Coordinate with civil society organizations and entities to coordinate different aspects of transition efforts.

### **IV. SUGGESTED PLANNING FOR A TRANSITION IN CUBA BY THE US GOVERNMENT**

Given the worsening systemic crisis in Cuba, the collapse of the regime, economy, and basic services will likely occur in the short term and, among other things, provoke a mass migration. For humanitarian and national security reasons, the US government will be pressed to respond and should have a plan to do so quickly and effectively. After all, Cuba is a longstanding security threat to the US, the region, and the world for many other reasons, albeit one that has been often underestimated.

A stable and prosperous Cuba will not only allow for an important ally to reemerge 90 miles from the mainland, but also provide lasting business opportunities and a prime tourist destination for US citizens.

In case regime change in Cuba leads to a democratic transition, a complex and long process is unavoidable; its difficulties will be exacerbated by extreme —perhaps unprecedented— immediate economic and social needs and very extensive financial and other requirements for the country's reconstruction.

The definition of a “transition” should adopt most Helms Burton Law requirements with needed adjustments (eg. move the timeframe for elections from 18 months, require for certain existing high regime officials —government and Communist Party— to relinquish power).

Define the different scenarios of how regime collapse or change could come about.

Suggestions:

- 1) Review, update, and complement the report of the 2004 Commission for Assistance to a Free Cuba and develop a detailed plan for an emergency response.
- 2) Create a comprehensive list of civil society leaders, groups, and organizations inside and outside Cuba to:
  - a.) identify credible and reliable interlocutors that could be part of a transition council or government; and
  - b.) to assist in aid distribution and outreach efforts.

\*Include:

- Exile and independent societies of engineers, lawyers, cattle ranchers, sugar mill owners, syndicates, etc., incl. the Association for the Study of the Cuban Economy
- Churches and religiously affiliated groups
- Exile NGOs, esp. those with limited networks in Cuba
- Opposition and civil society groups inside Cuba

- 3) Invite OAS, NATO, and other U.S. allies to develop a multilateral plan to call on the international community to:
  - i.) sanction Cuban leaders who refuse to relinquish power;
  - ii.) stop extending credits and material assistance to the current regime;
  - iii.) support the empowerment of Cuban citizens and their free access to telecommunications;
  - iv.) send humanitarian aid directly to the people and only through independent entities;
  - v.) prepare to support a transition.

*Prepared by Maria C. Werlau, March 29, 2025, revised Aug. 26, 2025.*