

Back on the good track: historical institutionalism and the new political model between the EU and Cuba

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Abstract: The beginning of the negotiations of the Political Dialogue and Cooperation Agreement (PDCA) in 2014 opened the way for the birth and implementation of the New Political Model (NPM) between the European Union and Cuba (EU-Cuba). The birth of the NPM meant the beginning of a relationship under equal conditions and non-interference, and it reinforced the political dialogue and the cooperation. The main objectives of the NPM-PDCA are to promote the welfare of the Cuban society and the transformation of its economy, setting away the relationship from the Common Position established in 1996. This article analyzes some of the peculiarities of the process of negotiation and signing and the provisional implementation of the agreement from 2016 towards 2021, until the completion of its ratification process, both by member-states and the European Parliament. From an institutional-historic approach, we will explain the reason why the NPM means a milestone in the relationship between the EU and Cuba, as it enabled the parties to build a new space of mutual respect and understanding. Beyond the specific case, the article also emphasizes the potential for implementation of this Agreement by the EU in its rapport with Latin America and the Caribbean, and the Global South.

Keywords: EU-Cuba – Institutional-historic approach – reciprocity – New Political Model – Political Dialogue and Cooperation Agreement – Foreign Policy.

(A) INTRODUCTION

The aim of this article is to analyze the configuration of the New Political Model (NPM) of the European Union-Cuba (EU-Cuba) relationship and the effects of its provisional implementation on the rapport between both partners. In order to accomplish this, the article analyzes, within the disciplinary frame of International Relations, why and how an NPM between the EU and Cuba has been built. This analysis matters because the relationship between the EU and Cuba has been traditionally approached through the lenses of power-politics, due to the EU's sustained support to the economic and political blockade from the USA against Cuba, before and after the end of the Cold War. Networks, rather than billiard balls, appear to be the appropriate metaphor for an international system increasingly dominated by transnational relations, socioeconomic concerns, and an expanding web of actors, international norms, rules and institutions.¹

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¹ B. Buzan, and G. Lawson, *The Global Transformation: History, Modernity and the Making of International*

The article is structured in two sections. The first provides an analysis of the factors that helped restore a political dialogue between the EU and Cuba in 2008 and the beginning of the EU-Cuba NPM in 2014, and we examine the stages that allowed the parties to reach the negotiation and signing of the Political Dialogue and Cooperation Agreement (PDCA) in 2016, whereas in the next section we take a close look at the factors that have helped to reinforce the EU-Cuba relationship NPM starting in 2017, and we continue to state the reach of the NPM and how likely it is to be reproduced in the relationship between the EU and LAC. We finish with some concluding thoughts.

(B) FROM POWER POLITICS TO HISTORICAL INSTITUTIONALISM

As a matter of fact, according to Buzan and Lawson, post-war realism developed in reaction not only to both the practical and the intellectual failures of the inter-war period, and the experiences of the Second World War and the Cold War, but also to the decolonization process and its corresponding revolutionary developments. As Robert Cox points out, it is not by chance that this theoretical current should have coincided with the Cold War, which imposed upon international relations the category of bipolarity and an overwhelming one-sided concern for the defence of the US's power as a stronghold of order, ignoring other important developments such as decolonization². Buzan,³ however, considers that some elements of the realist canon have a timeless quality. No matter what the structure, or how differentiated the units, power politics, the logic of survival, and the dynamics of (in)security, all them seem to be universally relevant to international relations. This aspect of the realistic approach casts a light on the reason for the EU's Common Position against Cuba, and it also explains why the Common Position was a by-product of the US's foreign policy. The relationship with Cuba is an addendum to this power politics contention, because it was part of the US's domestic politics and it was amplified in the relationship that the EU created with Cuba by way of the Common Position [CP] from 1996 until it was suspended in 2008. In the CP, the EU conditioned a greater political dialogue, official development assistance and commercial cooperation with the Cuban government to respecting Human Rights [HHRR] and to completing a peaceful transition in the island. These conditionings were not accepted by the Cuban government and originated diplomatic tensions. As Buzan pointed out⁴, at any period of history it is very hard to escape from the fact that the major powers do play the central role in defining international political and economic order. Thus, while the particular

Relations (Cambridge University Press, Cambridge, 2015), at 306.

² R. Cox, *The New Realism: Perspectives on Multilateralism and World Order* (Palgrave Macmillan, New York, 1997), at 248. [doi.org/10.1007/978-1-349-25303-6]; also, 'Social Forces, States and World Orders: Beyond International Relations Theory', 10 (2), *Millennium* (1981) 127 at 126-155. [[doi:10.1177/03058298810100020501](https://doi.org/10.1177/03058298810100020501)].

³ B. Buzan, 'The timeless wisdom of realism?', in S. Smith, K. Booth, & M. Zalewski (eds.), *International Theory: Positivism and Beyond* (Cambridge University Press, Cambridge, 1996), 60 at 47-65.

⁴ *Ibid.*

circumstances and conditions of history change from era to era, there does seem to be a certain continuity to some aspects of political life.

In sum, these elements explain the birth of the Common Position and the reason why the EU made its rapport with Cuba dependent on the US's foreign policy. However, time has shown that the Common Position did not achieve its goals and was not in the EU's interest. For this reason, it had to be derogated so that the political dialogue and the cooperation with the government of Cuba could be restored, on the basis of mutual respect and reciprocity. This is precisely what we are set out to prove in this article.

The shift in the EU-Cuba relationship is in line with the change in international geopolitics, and it is a result of the New World Order that arose after the collapse of the socialist bloc. David Slater⁵ argues that socio-political categories such as First World, Second World and Third World – in use since the Second World War until the end of the Cold War – as well as North and South – in use since the end of the Cold War up to these days – are cohesive with the predominating discourses in each era and are oriented toward the political and geographical delimitation of the international space according to the parameters established by the powers-that-be. This criterion, inherent to the post-colonial approach, excludes the development of a political, cooperation-based, unconditional dialogue, one that implies zero interference in the domestic affairs of any Third World or South country. Abrahamsen, states that the post-colonial discussion is fundamentally centered on the analysis of the North-South relations in a global context⁶, as well as on the role of groups or movements that have been marginalized in the setting of domestic and global orders. This author points out that agents and countries from the Third World or the South aren't passive agents within the world system or in their relation with First World or North countries, even if their possibilities for action remain low. In fact, Galindo⁷ is of the mind that post-colonial perspectives in international relations [IIRR] are focused on the study of contemporary power, hierarchy and domination relations that are articulated around the colonial experience, and that these are reproduced and sustained by discourses and practices that reaffirm such relations on a national and global basis. That is the reason why this paper does not follow the tenets of post-colonial theory, but those of institutional theory.

Against this background, our approach takes thus distance from both realist and neorealist approaches based in power politics,⁸ which subordinates expectations of a good negotiation, to the momentary geopolitical situation., because these approaches have a diminishing

⁵ D. Slater, *Geopolitics and the Post-colonial: Rethinking North – South Relations* (Wiley-Blackwell Publishing, Oxford, 2004), at 14.

⁶ R. Abrahamsen, 'Postcolonialism', in M. Griffiths (ed.) *Encyclopedia of International Relations and Global Politics* (Routledge, London, 2008) 111 at 111-122.

⁷ F. Galindo, 'Enfoques postcoloniales en Relaciones Internacionales: un breve recorrido por sus debates y sus desarrollos teóricos', 22 *Relaciones Internacionales* (2013) 85-107, at 88.

⁸ Buzan, *supra* n. 3, at 61.

importance in the analysis of the NPM between the EU and Cuba. Instead, we choose to approach NPM through the lens of Steinmo's historical institutionalism, because it "allows us to better examine the dynamic relationships between ideas, interests, and institutions, helping us thus to better understand the variation in policies and preferences across cultures and over time"⁹. The main contention of the Institutional theory is that political choices are mediated by the more general institutional conditions, widely understood as the combination of formal and informal rules, norms, conventions, and political standards prevailing in a particular policy at any given time¹⁰. These institutional contexts forge across historical time both the opportunities and the constraints in which the political choices of relevant actors are framed. This framing shapes not only the formulation of interest. It also entails social values, political preferences, and expectations of legitimacy, creating its own political inertia. In other words, institutions have a historical logic of their own, and therefore they create a path of dependence whose unplanned consequences are unforeseen by political actors. These historical paths can be modified only by exceptional political events which are able to shape a new institutional context¹¹. This concept allows for identification of the key elements that have colored the institutional shift in the bilateral relationship between the European Union and Cuba and which helped build the NPM between both agents.

For this reason, the building and implementation of the New Political Model in the EU-Cuba relationship has a high impact on the relation of both parties, because it has been implemented through political dialogue and cooperation, with no previous conditions, on an equality basis and after eliminating any and all interference in the parties' domestic affairs. In this vein, this work addresses the EU-Cuba relationship through the institutional-historical approach of international relations. Analytically, historical institutionalism is a research tradition that examines how temporal processes and events influence the origin and transformation of institutions that govern political and economic relations¹². This approach allows us to analyze how the European Economic Community – nowadays, the EU – normalized political, commercial and cooperation ties with the former socialist countries, "with China since 1985, with Vietnam since 1996, even with Russia [heir to the USSR] since 1989"¹³, but did not follow suit with the Cuban government. We may now ask: Why did the relationship between the EU and Cuba not become normalized? This policy was not of application on the relationship that the EU built with the Cuban government, first of all,

⁹ S. Steinmo, 'Historical Institutionalism and Experimental Methods', in O. Fioretos et al (eds), *The Oxford Handbook of Historical Institutionalism* (Oxford University Press, Oxford, 2016) 119, at 108-124. [doi:10.1093/oxfordhb/9780199662814.013.6].

¹⁰ *Ibid.*

¹¹ A. Lecours, 'New Institutionalism. Theory and Analysis' (University of Toronto Press, Toronto, 2005), at 363.

¹² O. Fioretos, T. Falleti, and A. Sheingate, 'Historical Institutionalism in Political Science', in O. Fioretos et al (eds), *The Oxford Handbook of Historical Institutionalism* (Oxford University Press, Oxford, 2016) 10, at 5-24. [doi: 10.1093/oxfordhb/9780199662814.013]

¹³ European Commission, Joint Communication of 16 of april 2019, JOIN (2019), 6 final.

because the goal was to remove the last bastion of the socialist system from the US's backyard (Latin America and the Caribbean – LAC); secondly, because the EU's foreign policy met the interests of the United States in their foreign policy. For this reason, when it comes to Cuba, the EU sets up a political relationship permeated by the conditionality and interference sanctioned by the 1996 CP against the Cuban government and society and in accordance with the interests of the United States.

(C) THE SETTING OF THE EU-CUBA NEW POLITICAL MODEL BETWEEN 2008 AND 2022.

The EU's foreign policy toward Cuba was, until 2008, a sheer contradiction, because it was based on an institutional position that was different from the one being used with socialist and formerly socialist countries and with all the rest of LAC countries. Such policy had the result that Cuba was, until 2016, “the only LAC country with which the EU had not signed a Cooperation or Association Treaty”¹⁴. This political anomaly was eradicated only with the onset of a political dialogue on an equal basis, sustained on the absence of interference and on mutual respect from both parties, which are the essential traits of the EU-Cuba NPM. The positive effect of the EU-Cuba NPM may have encouraged the European Parliament and the European institutions to state that “[t]he dialogues should help to identify shared priorities, interests and new cooperation opportunities [...] and the Political Dialogue and Cooperation Agreement with Cuba signed in 2016 established policy dialogues in a wide array of areas, providing an adequate institutional framework to enhance cooperation on bilateral and regional issues”¹⁵. In order to achieve this goal, it is essential to replicate the space of political and cooperative dialogue created by and in the EU-Cuba NPM, so that it allows for the development of a political dialogue that honors the parties' common interests.

Beyond theoretical debates, through this theory we aim to explain the building of the EU-Cuba NPM and the behavior of the agents that play a part in the process, to continue to assess the reach and impact of the NPM in LAC and how likely its model is to be replicated in other cases.

The second element of note in the setting of the EU-Cuba NPM is a result of the compilation of bibliographic data and of the six interviews made during this Research to EEAS¹⁶ (European External Action Service) officials¹⁷. It has emerged that the EU-Cuba

¹⁴ J. Tvevad, ‘[Latin America and the Caribbean](#)’, Fact Sheets on the European Union – 2018, published in October 2018, accessed 15 December 2020.

¹⁵ European Commission *supra* n. 13.

¹⁶ Statement by the EEAS experts in the interviews between 2016 and 2018.

¹⁷ Note by the author: The EU-Cuba relation has always been a very sensitive topic for both parties. This is the reason why the names and positions of the EEAS interviewees are withheld. Nowadays, these officers are members of EU embassies and of bodies created by the PDCA. Therefore, the interviewees are going to be cited such: Statement by the EEAS expert in the interview made in Alicante (2016a); (2018); in the interview via telephone made in Madrid-

relationship “has been and still is a very sensitive subject and a top priority for European institutions and for the Cuban government”. This occurs due to several factors, “firstly, because the relationship has always been permeated by the interests of the US about Cuba. For this reason, the EU applied the CP as a pressure tool that was aligned with the US foreign policy against Cuba. And thirdly, because of Cuba’s symbolic value in the world scenario, being the only socialist country in LAC, resisting the economic blockade from the US for more than 50 years despite it being reinforced by the Helms-Burton Act in 1996 and in 2019”¹⁸. The blockade pursued a social outburst and unrest in Cuba and, as a result, a political transition, very much as has happened in Venezuela since January 2018 to June 2019.

The relations between Cuba and the European Economic Community, now the EU, had first been established in 1988 in the context of the Cold War. In this scenario, the European Council approved the proposal by the President of the government of Spain, José María Aznar, to apply the “Common Position” (CP) against Cuba in 1996. By way of the CP, the EU would condition the Official Development Assistance (ODA) and the commercial cooperation with Cuba to respecting human rights and to completing a peaceful political and economic transition in Cuba.

We agree with authors Anna Ayuso and Susanne Gratius on their opinion that, “the relations between the EU and its predecessor, the European Community, and Cuba were conditioned by the position and cooperation with other external partners, above all the United States, Latin America and the Caribbean, and Canada”; and “by the influential role of the development and human rights NGOs that work in or about Cuba. The political conditionality, which is included in the EU Treaty, and the inclusion of the democratic clause [...] [w]as an important obstacle in the development of the cooperation with the island, because Fidel Castro, as a matter of principle, always refused to accept the conditionality”¹⁹.

In this context, the EU and its member states were aware that the CP and the blockade from the US could create a serious general scarcity, including of food and medicines, which would have a negative impact on the Cuban society and which could provoke a social and political crisis in the island.

In the literature cited, perhaps the pioneering, most consistent view in its critique of the reach of the CP is that of Alexander Ugalde. This author believes that the CP “has failed without accomplishing the goals that it was after [...] [i]ts starting points were absolutely inadequate, and its political and diplomatic mechanism is particularly objectionable, because the EU stated its position one-sidedly, and because of its aim to change the political, legal,

Brussels; (2017a): in the interview via telephone made in Madrid-Brussels; (2017b) (2017c): in the interview made in Brussels; (2016a): in the interview made in Alicante; (2016b): in the interview made in Santander.

¹⁸ Statement by EEAS experts, *Ibid*.

¹⁹ A. Ayuso and S. Gratius, ‘¿Nadar a contracorriente?: El futuro del acuerdo de la Unión Europea con Cuba’, in A. Ayuso and S. Gratius (eds) *Nueva etapa entre Cuba y la UE: escenarios de futuro* (Barcelona, CIDOB, 2017) 103 at 89-104.

economic and social structure of a sovereign state”²⁰

As a matter of fact, this step was a first breach in the institutional bridge between the EU and Cuba, the second breach was EU’s interference in Cuba’s domestic affairs in defence of human rights. These events were the critical points in the relation, and they pushed the Cuban government to unilaterally break the political dialogue and the cooperation with the EU in 2003. In order to face this twofold challenge, the Cuban leaders needed to start a process of economic and political adjustments to ensure the economic survival of the country and the continuity of the political power [...]. Therefore, through a slow, difficult and hesitant process, Cuba managed to recover part of its economic abilities [...] and still to keep the revolutionary ideals alive to a great extent²¹.

In order to guarantee the survival of the Cuban socialist system and the well-being of the Cuban people, in the 7th Congress of the Cuban Communist Party (CCP), the Cuban government continued to prompt changes in its internal and external policy. These changes allowed the CCP to respond to the loss of Cuba’s main social and political ally and its main international market, as had been stated in the Council for Mutual Economic Assistance. This stage is known as the “special period” and began right after the disintegration of the Union of Soviet Socialist Republics along with its socialist camp, in 1990.

In all the process of change, the alignments of the Cuban Economic and Social Model stand out, as well as the statement made by President Raúl Castro about the monitoring of the minimum age to become part of the government, and his will to cease to be the President of Cuba beyond 2018. In fact, the 3rd Plenum of the Central Committee of the Communist Party of Cuba, on 18 May 2017, approved restructuring the working lines that the Cuban government ought to follow in order to achieve an economic transformation without moving away from the socialist system. The election of Miguel Díaz-Canel as the new President of Cuba, in April 2018, and the referendum launched on the project to reform the Cuban Constitution in February 2019 mark the change of both domestic and foreign politics that the government of Cuba has been leading since the dismantling of the Socialist bloc until 2020, including its increasing ability to adapt itself to new times.

This strategy justifies the fact that process of change championed by the Government of Cuba in its domestic and foreign policy has, as top priority, to guarantee the continuation of the Cuban socialist system and of the welfare of the Cuban people; then, to change its international image, and to show the will to comply with all the commitments that are in

²⁰ A. Ugalde, ‘Análisis de 2012 de la Posición Común de la Unión Europea hacia Cuba: Una Política Incoherente, Contradictoria y Fracasada’, *La Revista Vasca de Sociología y Ciencias políticas INGURUAK* (2013) 1591-1604, at 1601.

²¹ M. Da Silva, G. Johnson, and A. Medeiros Arce, ‘Cuba and International Reintegration in the 21st Century: Looking for New Partners’, in K. Dembicz (ed), *CUBA: ¿quo vadis?* (CESLA UW, Warszawski, 2013) 248 at 247-268.

accordance with the international laws.

In this scenario, a constitutional change was called for in order to guarantee the rights and welfare of the people and comply with the national and international agreements, especially after signing the Political Dialogue and Cooperation Agreement between the European Union and Cuba, in 2016. Even though the agreement does not include or demand the reform of the Cuban constitution, it was necessary to guarantee a greater constitutional protection to be able to “pay the Cuban debt in the new timeframes agreed upon with the Paris Club in 2015, along with the payments that the Government must make to purchase products in the foreign market and the need to improve the payment cycles to the foreign investors settled in the country”²².

The aforementioned elements are framed in time. Even if eleven years is not a long period of time, it is necessary to group up and analyze all the facts in their temporary and historic category. For this reason, it is indispensable to analyze the different stages that the negotiation, signing and provisional implementation of the First PDCA have gone through, in what has been called the EU-Cuba relation NPM.

The development and evolution of NPM is set within five stages, which are split in two moments: preceding moments (2008-2013) and crystallization (2014-2021). Within the preceding moments are the first stage, Reestablishment of the EU-Cuba Political relation (2008-2009), and the second stage, Setting of the negotiations of the EU-Cuba Agreement (2010-2013). The first steps that confirm the institutional change in the relation of both partners happen here.

The crystallization includes the decisive steps that have consolidated the institutional change within the EU-Cuba NPM. Such institutional change has materialized in the third stage, with the Negotiation and Signing of the EU-Cuba Agreement (2014-2016), and in the fourth stage with the Ratification and Provisional Application of the EU-Cuba Agreement (2017-2022). The Agreement being finally launched on 15 May 2018 signified the institutional change in the relation between both parties. Finally, the fifth stage will begin with the Entry into Force and the Implementation of the PDCA between the member states and Cuba (2020-2025).

(1) Reestablishment of the EU-Cuba Political Relation (2008-2009)

The first stage takes place in years 2008 and 2009, when both parties officially acknowledge the beginning of top-level ministerial meetings. This stage is characterized by a wave of moderate optimism between the parties and all over the world, as a result of changes that had been made globally and in the EU. Eg: the changes operated on the functioning of the EU

²² A. Berg-Rodríguez, ‘La reforma constitucional en Cuba en el marco de la aplicación provisional del Acuerdo UE-Cuba del 2016’, 9(6) *Oñati Socio-Legal Series* (2019) 924-950, at 930. [Doi: <http://opo.ijsj.net/index.php/osls/article/view/1171>].

High Representative due to the enforcement of the Lisbon Treaty in 2009 and the economic opening brought about by Raúl Castro as the new President of Cuba. Actually, the Reestablishment of the Political relation and the Setting of negotiations of the EU-Cuba Agreement are the preamble to the NPM, because essential changes had taken place to facilitate an approach between both parties on an equal basis, with the aim to eliminate the CP and build a political dialogue with their interests in mind.

The results of this analysis reveal that the EU has evolved through a combination of periods of gradual change and specific events that created critical junctures where actors were able to push through more rapid changes. [...] while others encourage slow change (interlinkages) and can facilitate profound changes (diverse legacies and supranational law) in specific contexts²³. This made the rapport between the EU and Latin America & the Caribbean more diverse and less defined.

Ayuso and Gratiús argue that an added difficulty for the Commission and its development programmes was posed by the separation that has happened in the EU's economic and social cooperation policy with the Caribbean, on the one hand, and with Latin America, on the other [...]. [T]he relations were even in different directions, of development (DEVCO) for ACP and of Foreign Affairs (RELEX) for Latin America. Cuba, lacking a specific agreement, gravitated between the one and the other, without fully integrating into either, due to political differences as well as to the lack of a legal framework²⁴.

These factors, together with the EU's will to change its relationship with Cuba, fostered the estrangement of the EU from the US's foreign policy and the resumption of the political dialogue on a ministerial level; further, it suspends the CP and resumes cooperation with the Cuban government and society. As a result, the CP was politically overcome, even if it stayed legally enforced²⁵. On the other hand, under Raúl Castro's presidency, starting in 2008, the negotiation frame with the EU became more flexible and started to be characterized by a more pragmatic position; eg negotiations started even under the CP, which was still in force²⁶.

These steps start with the shift in the EU's institutional position in its relation with Cuba, as the EU put aside all impositions and conditionings that the CP had entailed. This time, the European institutions decided to develop a political dialogue on the basis of mutual respect, the absence of interference in the parties' domestic affairs, and the suspension of the CP against Cuba. This criterion was apparent in the interviews made by the author to the six

²³ M. Thatcher and C. Woll, 'Evolutionary Dynamics in Internal Market Regulation in the European Union', in O. Fioretos et al (eds), *The Oxford Handbook of Historical Institutionalism* (Oxford University Press, Oxford, 2016) 508, at 505-517. [doi: [oxfordhb-9780199662814-e-30](https://doi.org/10.1017/oxfordhb-9780199662814-e-30)]

²⁴ A. Ayuso and S. Gratiús, *supra* 19.

²⁵ F. Černý, 'The EU's Cuban Challenge (1988-2013)', in K. Dembicz (ed), *CUBA: ¿quo vadis?* (CESLA UW, Warszawski, 2013) 286 at 269-310.

²⁶ A. Ayuso, S. Gratiús, & R. Pellón, 'Reencuentro Cuba-UE, a la Tercera va la Vencida. Escenarios tras el acuerdo de cooperación', 177 *Notes Internacionales, CIDOB* (2017) 1 – 5, at 3.

EEAS officials. In fact, the EU experts consider the CP “a mistake, as it responded to the interests of the states of the Atlantic Axis, which were aligned with the interests of the US. That’s why the member states did not apply the CP and it became an inefficient tool, even though it destroyed the bridge between the European institutions and the Cuban government and people”²⁷. Because of this, for the EU, applying the CP against Cuba was an ambivalence in its foreign policy.

The steps that had been taken in the stages one and two were aimed at re-establishing political dialogue and cooperation between the EU and Cuba, as well as at restoring a relation of mutual trust and respect that would allow to build an institutional and legal NPM between both. This process was marked in 2008 by the start-off of the negotiation rounds at a ministerial level to re-establish a political and cooperation dialogue between the parties, with the goal in mind to commence negotiations for a PDCA between the EU and Cuba. As a result, the first stage frames the start of negotiations of the political model that both parties wanted to reach, and which paved the way to the following stages.

This context facilitated that each stage would have, as a central element, “the will of the parties to build an NPM in order to strengthen the EU-Cuba relations”, through the implementation of a “political and cooperation dialogue” to “accompany the Cuban society in the process of modernization of the Cuban economic and social model”. These traits were of the essence so that the NPM would be implemented on the basis of an equal status, twelve years after the EU Council had approved the CP against Cuba.

At this point, we must first answer this question to continue our analysis: how was the EU-Cuba NPM built? Firstly, the EU and Cuba succeeded at building an NPM because the political dialogue and the cooperation between both parties were re-established after the CP was indefinitely suspended. Secondly, the institutional trade-off between the EU and the Cuban government allowed the parties to create the NPM as a political and institutional space that was free of all conditions and of all mutual interference, where the political dialogue is the integrating axis and the communication bridge to negotiate both parties’ common interests, in a context of mutual respect.

Finally, it was possible to build the NPM through the initiation and ulterior signing of the Agreement between the EU and the Cuban government, only once the CP had been derogated. Interestingly, both parties have acknowledged that political dialogue on the basis of an equal status has proved to be the most useful tool for both parties to start converging and to work together toward common goals –a more useful tool, at any rate, than the coercion utilized by the EU against Cuba by way of the CP. Actually, the CP against Cuba was a response emanated from a political moment that was framed in the context of the Cold War, and within the US’s foreign policy and interests.

²⁷ Statement by the EEAS officials in the interviews between 2016 and 2018.

For this reason, the EU High Representative for Foreign Affairs in 2016, Federica Mogherini, stated that “[t]he end of negotiations and upcoming signature of the Agreement mark the end of the EU’s 1996 Common Position as the Union’s instrument defining its external relations with Cuba. [...] [I] will propose a Council decision to repeal it formally, in parallel to the processes leading to the signature of the agreement”.

This argumentative framework lays the foundation to understand, from the institutional theory, the shift in the EU’s position in its relation with Cuba, and the way in which the Cuban government shifted its relation to the EU institutions. Because, instead of seeing actors as rational decision-makers constrained and incentivized by institutional structures, we should explore the iterative relationship between human preferences and the institutions in which they are raised²⁸. This argumentation explains why, during the validity of the CP, the two-side cooperation, as well as the trade between the member states and the Cuban government flourished. In principle, this scenario arose because observance and implementation of the CP was not mandatory for the member states and because it did not respond to the interests of the EU and of many of its members.

Because of this, stage number one was a turning point in the EU-Cuba relation, as it was the first occurrence of both parties coming to a negotiation table away from the Cold War, in an atmosphere of mutual respect, no interference and no previous conditions. This turn in the EU-Cuba relation helped to put a premium on a constructive political dialogue that would respond to the mutual interests of the parties.

It was in this space that ministerial meetings between the EU and Cuba took place, with the final result of a request to initiate negotiations toward a PDCA between both. This result was preceded by the restoration of relations between Spain and Cuba, with the coming to power of the Socialist Party (PSOE) in Spain in 2008. This political connection was deployed by the EU, Cuba, and Spain to valorize the economic and social changes that the Cuban government was working on from 2006 to 2008 under Raúl Castro’s leadership, all the while the EU was exhibiting how its political position toward Cuba had changed.

In this context, the governments of Cuba and of Spain reestablished political dialogue on Human Rights, and this resulted in the progressive release of the dissidents that had been arrested in Cuba, including the 75 detainees from 2003. Likewise, the Cuban government gave the go-ahead for an official visit of the EU Development Commissioner to Cuba, an event that marked the beginning of the rebuilding of the political dialogue and of the cooperation between the EU and Cuba. Then, in 2008, the government of Cuba signed the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

In all stages, the signed Agreements were not ratified by the Cuban government, but we

²⁸ Steinmo, *supra* n. 9, at 120.

cannot rule out the possibility that the ratification of both Covenants could have been a part of the political dialogue on Human Rights that the EU and Cuba started in the framework of the PDCA. The same applies to the signing of the moratorium by the government of Cuba not to impose death penalty. Basically, death penalty²⁹ is regulated to preserve the revolutionary progress in the face of terrorist attacks. For this reason, the moratorium would be signed in the long run and could be conditioned to the extinction of the blockade and of the US's interference in Cuba's domestic affairs.

In the first and the second stage, restoration of cooperation between both partners contributed to reinforcing the political dialogue between the EU and the Cuban people, the main target of the DOA from the EU. Likewise, the building of the NPM was reinforced as well, with an increased cooperation in the critical areas for the Cuban people and government, which in fact allowed the EU to accompany the Cuban people in the process of transformation of the Cuban economy.

We agree with Garay and Toirac on their statement that, since 1988, the European Union has subsidized over two hundred cooperation projects in Cuba with about 300 million euros³⁰. Two moments in the financing of the EU to Cuba stand out. In the first moment, from 1988 to 2007, the EU supported the US's policy against Cuba, because a cooperation had been established on condition that human rights should be respected and that an economic and political transition should happen in Cuba. Whereas in the second moment, beginning in 2008, there are ministerial negotiations and the start of a bilateral EU-Cuba cooperation, following the EU's interest with the Cuban people and government.

In this case, cooperation has been one of the central axes that has characterized and will continue to characterize the shift in the institutional positioning within the process of restoration of the EU-Cuba relation. On the other hand, the restoration of the political bridge and the setting of the new EU-Cuba political model, and of the EU-LAC model, were reinforced with the implementation of the Lisbon Treaty in 2009, and with the new functions of the High Representative that were stated in Art. 18 of the Treaty of the European Union. The entry into force of the Treaty helped the European Common Diplomacy (ECD) to evolve toward the interests of the EU and its citizens, insofar as the new roles that the HR began to play in the framework of the EU's common policy have allowed the building of a cohesive policy in its relation to LAC and, very especially, to Cuba.

Due to this, the roles of the HR included in the 2009 Lisbon Treaty are qualitatively of higher value than the previous ones, as the HR has new positions that are articulated as a three-peak umbrella, of which the central axis and executing arm is the European External

²⁹ See Arts. 190, 263, 298, 327 in Law n° 87/1999, to modify the Criminal Code, entered into force 16 February 1999.

³⁰ European Union, Cuba Delegation, *Cooperación Unión Europea – Cuba. Contribuyendo a la Agenda 2030 para el Desarrollo Sostenible*, (2019), at 16.

Action Service (EEAS). Art. 18.2, Art. 18.3, Art. 18.4, Art. 27.1, Art. 27.2 and Art. 27.3. of the Treaty of the European Union establish these as the HR's new roles: being accountable for the EU's Common Foreign and Security Policy (CFSP) and of the EU's Common Security and Defence Policy (CSDP). In both cases, the HR represents the EU before third parties, and is in charge of the development, planning and execution of the CFSP and the CSDP. Furthermore, the HR became the president of the Foreign Affairs Council and the Vice-president of the Council, in charge of ensuring the cohesiveness of the EU's foreign action. To help with the development of these roles, the HR relies on the EEAS as the tool that has allowed to invest the Union's common policy with more cohesiveness.

Aldecoa defends that “the main novelty about the figure of the High Representative-Vice-president of the European Commission is that he/she plays three completely different roles, which until then had been played by three different people. Such roles they gave a momentum and an enhanced clarity in the negotiations carried out by the EU and Cuba in this stage, which was the framework for setting the EU-Cuba NPM”³¹. This context allowed for communitarization of the EU's foreign policy and for establishing a policy that was cohesive and coordinated with the LAC and with the Cuban government.

(2) Setting of the Negotiations of the EU-Cuba Agreement (2010-2013)

The launch of the EEAS as the HR's executive arm was the element that marked the setting of the EU-Cuba Agreement negotiations. On the other hand, the entry into force of the EEAS and of the HR's new roles brought along the intensification of the ministerial meetings between the EU and Cuba. As a matter of fact, the proposal made by the Commission to the EU Council requesting the mandate to initiate the political dialogue for PDCA negotiations is one more step that goes to show how the parties, using political dialogue on equal terms, managed to bring their positions closer to each other, and to begin working toward their common interests, without compromising their political systems, values, principles, and political or economic sovereignty.

In this scenario, granting the mandate implied a heavy symbolic burden for the EU, because it meant that the three-year work of the HR Catherine Ashton, and of the EEAS, was at stake, as well as the image and the leadership of the EU in the LAC and in the international scenario. Because of this, the building of the political bridge and the setting of the negotiation previous to the PDCA are a part of the precedents that made it possible to build a bridge between the parties. In this process, the EEAS was in charge of giving the government of Cuba the technical training to start the negotiation of the PDCA with the EU and allow for rapid advancements in the negotiation of the Agreement, because the different themes had been identified and pre-negotiated.

³¹ F. Aldecoa, ‘La diplomacia europea como Diplomacia Común’, in F. Aldecoa (ed), *La diplomacia común europea: el servicio europeo de acción exterior* (Marcial Pons, Madrid, 2011) 32, at 19 – 41.

In opinion of one of the EU experts (2017b) interviewed during the course of this research, “negotiations started in 2014, but the internal debate within the EU had begun in 2010 and, when we were having a debate with the member states that we wanted to start off a new path with Cuba [...], once we got the confirmation, we began to have informal talks with the Cubans about the clause of Non-Violation of Human Rights, and the suspension clause, which mentions the non-proliferation of nuclear weaponry, so the Cubans were prepared”³².

This process shows the cohesiveness and the communitarization of the EU’s foreign policy in its relation to Cuba, as well as the relevance of the Agreement for both parties. It is also indicative of the professionalism of both teams, as they both understood that they had to be clear on the concepts, the reach, and the technical complexity of the language in which the Agreement had been written, so that further steps could be taken on the EU and Cuba’s common interests.

(3) Breaking the Glass Ceiling: Negotiation and Signing of the EU-Cuba Agreement (2014-2016)

The proposals and recommendations put forward in 2013 by the HR Catherine Ashton and by the European Commission to begin the negotiation of a Cooperation Agreement with the government of Cuba finished off the setting of the negotiations toward the Agreement. Because of this, the mandate conferred on 10 February 2014 by the EU Council means the start of the third stage and of the EU-Cuba NPM. In the mandate, the Council authorizes the Commission and the HR to begin negotiations with Cuba toward the PDCA, under supervision and with consultation of the Council’s Working Group on Latin America, and of the Trade Policy Committee; this, along with suspending the Common Position against Cuba for the entire duration of the negotiations for the Agreement with the Cuban government.

As a matter of fact, the beginning of the negotiation rounds of the EU-Cuba PDCA marked the beginning of the third stage. This process was supervised from Brussels by the HR Catherine Ashton, and “as Head of the Delegation, Christian Leffler, EEAS Director of the Americas, whereas the Cuban delegation was headed by the Cuban Vice minister of Foreign Relations, Mr. Abelardo Moreno”³³. The first round of negotiations toward the UE-Cuba RDPC was held in April 2014 in Havana and was loaded with great symbolism and political charge both at a regional and international level. On the one hand, the Cuban government was consolidating the Cuban socialist system 90 miles away from the US, without losing its sovereignty or giving up its principles and its political and social values. On the other, the UE, the United States’ major commercial and military ally, consolidated its political, commercial and cooperative relation in the US’s most sought-after territory. In fact, with this

³² Statement by the EEAS official in the interview made in Brussels (2017b).

³³ Cubaminrex, [‘Celebrada cuarta ronda de negociación del Acuerdo de Diálogo Político y Cooperación’](#), *Periódico Granma*, 15 December 2020.

step, the EU acknowledges the CP's sheer inefficacy in its relation with Cuba and begins to withdraw from the confrontational and isolation policy that the US was maintaining against Cuba. For this very reason authors such as Schouten are of the opinion that probably, the biggest challenge is the challenge to America. The rest of the world is showing some ability to understand and to be party to an adjustment to a new world order—but will America understand? That's the big problem³⁴.

The beginning of the negotiation rounds between the EU and Cuba was the first step towards dialogue and the end of the conflicts between both actors up to that point and the conflicts that the new world order might bring about. Because of this, the onset of the EU-Cuba New Political Model was a breach of the Cold War, as it established a relation on an equal basis, with no conditionings, and from both parties' mutual respect. At the same time, the EU acknowledges the right of the Cuban government and the Cuban people to make their own internal decisions on the future of the country in an independent manner. The NPM happens because the application of the CP was ineffective, and it did not make the Cuban government endeavour a political and economic transition. It was not implemented by all the member states, either, because it responded to the interests of the US. This context demanded a radical change in the UE's relation with the Cuban government that would allow for a new style in the political field and in the cooperation field, and one that would respond to the parties' common interests.

Secondly, it was imperative to build a space of political dialogue, of cooperation, on Human Rights, and of commerce on a basis of equality and of mutual respect from both parties. It was also necessary to unify all the policies about cooperation and commerce that the member states had with Cuba, and to rebuild the institutional bridges and the political dialogue that the EU had been holding with the government of Cuba in 1994. Thirdly, the EU had to back up the economic interests that the government of Cuba had, as well as those of the States that had participated in the European blockade and which now wished to abolish the CP in order to sign a PDCA with Cuba. Fourthly, the EU had to take this step to become more autonomous from the foreign policy that the US maintains against Cuba and towards LAC.

These factors have transferred a high political value to the beginning of the Agreement negotiations in Havana in the international scenario, and they have made both parties more visible both in their region and in the Atlantic axis. This fact has an effect, too, on the responsibility that both parties took up with the start of the negotiations, however the Cuban dissidence based on the United States reckoned the negotiations were a whitewashing in favor of Castro's government, or that they were simply leading nowhere.

Susanne Gratius argues that “rather than counterparts or representatives of a future Cuban government, the dissidents and human rights activists are seen, by Brussels, from the prism

³⁴ P. Schouten, ‘Theory Talk #37: Robert Cox on World Orders, Historical Change, and the Purpose of Theory in International Relations’ (*Theory Talks*, 2009), at 2.

of cooperation to development. Unlike the US, the EU does not identify the dissidents and the Cuba-based opposition members (whom the EU deems weak in terms of power) as the main agents of change, but rather the Government”³⁵.

For this reason, in the first negotiation round, the parties agreed on delimitating the bilateral topics and those of mutual interest, such as “migration, the environment, the extraterritorial effect of the American blockade and human rights. To fulfill this goal, they agreed on negotiating the Agreement in several fields of mutual interest”³⁶. This strategy has allowed for both parties to reach their interests, while at the same time admitting that the Agreement could generate new opportunities for technical and financial bilateral cooperation, as well as dialogue about policies on several sectors. Likewise, the parties agreed on pushing forward, through the PDCA, an economic cooperation and an exchange by means of international law and the parameters from the World Trade Organization.

To reach this goal, in the second negotiation round, celebrated in Brussels, a negotiation structure was approved which was formed by the points where there was a strongest affinity between the parties, as well as those where there was less of an affinity, because this would allow them to quickly move forward through the former in order to go on to the latter³⁷. The structure laid on three essential points: political dialogue, cooperation and dialogue about sectoral policies; and commerce and commercial cooperation, next to the decision of celebrating meetings in rotation, so that Havana and Brussels would be the capital cities in which the NPM negotiation rounds, the signing of the EU-Cuba PDCA and the decision for its provisional implementation would take place.

In this process, the EU ratified its intention of accompanying the Cuban government and people “in the current change and modernization process, by providing a reinforced framework for political and cooperation dialogue. The defence and promotion of human rights and fundamental freedoms are still central to the relation”³⁸.

Besides this, in the 2nd EU-CELAC Summit, the regional State leaders encouraged the EU to exit the context of confrontation that the US were maintaining against Cuba, and for the negotiation, signing and implementation of the Political Dialogue and Cooperation with Cuba to begin³⁹. According to Martínez and Pérez the results of the 1st EU-CELAC summit bolstered the change in the Latin American context. In order to negotiate with the region, the Europeans could no longer ignore Cuba, because its neighbors were in support of Cuba and

³⁵ S. Gratiús, ‘Europa y Estados Unidos ante los Derechos Humanos en Cuba’, 10 (20) *Araucaria. Revista Iberoamericana de Filosofía, Política, Humanidades y Relaciones Internacionales* (2008) 175-193, at 179.

³⁶ Statement by the EEAS expert in the interview made in Madrid-Brussels (2018).

³⁷ Ibid.

³⁸ Statement by the EEAS expert in the interview made in Brussels (2017).

³⁹ UE-CELAC Brussels Declaration, ‘Building Bridges and Strengthening our Partnership to Face Global Challenges’ (2015), at 16.

were pressuring so that the island would not be excluded or, at the very least, so that their decisions were respected⁴⁰.

In this scenario, in June 2015, the eyes of Latin America and of the whole world were on Brussels – first, because it was the place of the 2nd EU-CELAC Summit, in which the member states backed, in the Brussels Declaration, “the opening and progress of negotiations on a landmark Political Dialogue and Cooperation Agreement with Cuba”⁴¹

The second most important event for LAC was the fourth round of the negotiation of the Agreement, on 15 and 16 June, in which the parties confirmed their interest in continuing to move forward quickly with the Agreement negotiations. This finished with the celebration of the first EU-Cuba Human Rights Dialogue Encounter, on 24 and 25 June, in Brussels, which marked a turning point in the relation of both parties, because human rights were a matter of Cuba’s domestic policy.

In this context, and with the announcement of the visit of the President of the United States, Barack Obama, to Cuba, on 21 March 2016, it was possible to ramp up negotiations toward the Agreement. After seven encounters, the First Political Dialogue and Cooperation Agreement between the EU and Cuba was begun on 11 March 2016, ten days before Obama’s visit. With this step, the EU confirmed its will to turn its relation with Cuba, and go one step beyond initiating bilateral negotiations, in order to build a space of mutual respect and understanding, through signing a PDCA with the Island, regardless of how the relation between the two neighbours would come along.

The European Union and the Cuban government have built a new political model in their relation with the aim to configure a political and institutional space of understanding and cooperation, where dialogue is the main instrument to be used in the area of cooperation, human rights, and trade, in an atmosphere of equal status, no interference in the parties’ domestic matters, and mutual respect, so that mutual trust can be built.

The reality is that the NPM allows the EU to accompany the Cuban government and people in the process of transforming their economic and social model so as to promote the welfare of the Cuban people, with zero interference in the Cuban government and people’s internal affairs. According to Pérez Villanueva (2013, p. 37), Cuba continues to transform its economy, implementing deep changes at legal and institutional levels, facilitating the development of other, non-state production forms, and, above all, acting from a pragmatism unknown to a large proportion of the current generations⁴². Moreover, the new model can bring the Cuban government the perfect tools and scenario to continue to make changes in its

⁴⁰ C. Martínez Hernández, and S. Pérez Benítez, ‘Relaciones Cuba-Unión Europea (1959-2014) desde un enfoque histórico’, 122-123 *Revista de Relaciones Internacionales de la UNAM* (2015) 65-90, at 83.

⁴¹ UE-CELAC, *supra* n.39.

⁴² O. Pérez Villanueva, ‘The Update of Cuba’s Economic Model: The Need that Cannot be Put Off’, in K. Dembicz (ed), *CUBA: ¿quo vadis?* (CESLA UW, Warszawski, 2013) 16 at 15-38.

economic system, to ensure coverage of the domestic market's needs; this, without overlooking the potential demand for their products in the European common market, as long as the Cuban products comply with the European common market's phytosanitary requirements.

In this context, Font and Jancsics⁴³ defends that “Cuba should follow a gradual state-controlled transformation from planning to market, but an Asian-type agriculture-led economic growth model does not seem to be a feasible option for the country. Therefore, Cuba should allow foreign actors to invest in large-scale infrastructure projects on the island”.

The above-mentioned aims are part of the goals, the principles and the aspirations that both partners have signed in the PDCA, out of a mutual agreement and a previous negotiation. Through the NPM, the parties proved their political and institutional will to continue cementing their bilateral and multilateral relations in order to create a space of mutual trust, with the welfare of the Cuban people in the center and using political dialogue as a vehicle to reinforce their relation.

Because of this, the derogation, on 6 December 2016, of the Common Position that the EU had suspended in the process of negotiation with Cuba signifies the crystallization of the EU-Cuba NPM and it marks the difference between the EU's foreign policy toward Cuba as opposed to that of the US's. As a result, the signature of the EU-Cuba PDCA, on 12 December 2016, is the main manifestation of the New Political Institutional-Legal EU-Cuba Model, which was itself a product of the joint work by the HR Mogherini, the EEAS and the Cuban diplomacy.

This result proves that: “[H]istorical institutionalism's basic insights—that in order to understand how institutions work and change, we need to better understand what people who constitute these institutions believe and how they behave”⁴⁴. The NPM allows to develop the new EU-Cuba relations, because it unifies, through the Agreement, the dispersed agreements that already existed between the member States and the Cuban government on cooperation and commerce. Simultaneously, it has allowed them to display a unified message in foreign policy and commerce, with the EEAS and the HR being the agents that initiate the political dialogue with the Cuban government.

Following Ayuso, Gratiús and Pellón, from now on, both parties share a relation of dialogue that aims to build bridges, increase the mutual presence and facilitate the exchange with no previous requisites⁴⁵. Because of this, the EU-Cuba Agreement is an essential tool for both partners to foster their foreign policy goals, with the central aim of working for the

⁴³ M. Font and D. Jancsics, ‘From Planning to Market: A Framework for Cuba’, 35 *Bulletin of Latin American Research* (2016) 148 at 147–164.

⁴⁴ Steinmo, *supra* n. 9, at 120.

⁴⁵ Ayuso et al, *supra* n. 26, at 4.

welfare of the Cuban and the European people. However, if a change happens in the EU foreign policy toward Cuba, the NPM-PDCA can turn into an instrument of political pressure for the Cuban government to tackle deeper transformations around Human Rights and in its economic model, namely, freedom of speech, and a further opening and liberalization of its economy.

(4) Implementation of the EU-Cuba Agreement (2017-2022)

The beginning of the fourth stage prompts us to analyse, from a place of marked uncertainty, the challenges that lie ahead of the ratification and provisional implementation of the EU-Cuba PDCA, because it is a Mixed Agreement. In this kind of Agreement, the EU and the member states have common competences in their relation with Cuba. For this reason, 83 of the 89 articles that form the EU-Cuba PDCA are provisionally being applied. Up until, on December 15, 2020, only one-member state (Lithuania)⁴⁶ is left to ratify the PDCA; the latest ones to ratify were Netherlands and Sweden, so it seems that ratification will not face any obstacles.

This fourth stage is framed in the post-hegemonic era, and co-occurs with the rise of nationalisms in Europe, as well as with the migratory crisis that broke out in Europe, as a consequence of the Syria war, which has expanded on to Libya and to the European territory –these events, along with the attacks perpetrated from 2015 to 2018 in France, the United Kingdom, Belgium and Spain, have marked the EU’s common security policy. One more factor to add to these is the impact of COVID-19 in the European Union, and “Russia’s aspiration to regain and keep the Cuban market, especially with Russian high technology products”⁴⁷. These elements can all hinder the ratification of the Agreement, but they can also act as a catalyst to push its application forward. An added factor to this scenario is the US President Donald Trump’s intention to make his country the first hegemonic power in economy, politics, and the military, just like it was in the 20th Century.

The coming into power of Donald Trump in the US has not brought along better times for the diplomatic relation between both neighbors, since 2017 saw a decrease in the staff of the “American embassy and the closure of the embassy in Havana in December 2018”⁴⁸. Moreover, the blockade was reinforced in 2019, with the implementation of Chapter III of the 1996 Helms-Burton Act, according to which American citizens are enabled to sue any company that occupies properties that had been confiscated by the Cuban government in 1959. The change in the relationship of the neighbors led to a strengthening of the blockade

⁴⁶ 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, OJ 2017 L 259.

⁴⁷ N. Kalashnikov and L. Nikolaeva, ‘Russia and Cuba: New Stage of Cooperation’, in K. Dembiczy (ed), *CUBA: ¿quo vadis?* (CESLA UW, Warszawski, 2013) 315 at 311-338.

⁴⁸ M. Pentón, ‘[USCIS cierra permanentemente su oficina en la embajada de EE. UU. en La Habana](#)’, El Nuevo Herald, 15 December 2020.

against Cuba and to an increased pressure from the US in their foreign policy to destabilize the Cuban economy and its socialist system. “While the United States rate these measures as ‘embargo’, Cuba insists that it is a ‘blockade’. One way or the other, the sanctions are one-sided, extra-territorial, and designed to punish the Cuban people”⁴⁹.

For this reason, the EU and Cuba are going to have to implement policies to minimize the effect of the blockade on Cuba’s external trade, to protect the European businesspeople, and to allow using the EU-Cuba PDCA as a tool to ensure the well-being of the Cuban people and the update of the economic and social model. In doing the latter, the Cuban government is being aided by the European institutions. In this scenario, it is worth insisting that the European activities in Cuba will continue to be restricted for as long as the US’s embargo endures. These restrictions will affect the EU’s institutional network and the practical schedules of the member states⁵⁰.

In order to achieve each of the goals, in 2019 the EU and Cuba held two Political Dialogues about Unilateral Coercive Measures, the last of which was in November 2019 in Havana, with the aim to tackle “the toughening of the economic, commercial and financial blockade imposed by the United States on Cuba”⁵¹. In this context, some EU member states can hinder the ratification of the EU-Cuba Agreement in the European Parliament, with the aim to protect their political and commercial interests with the US, just like it happened with the CP back in 1996.

(C) THE “OK” OF THE EUROPEAN PARLIAMENT TO THE EU-CUBA AGREEMENT

The main challenge in the fourth stage was to reach the provisional implementation of the Agreement, which had been put on hold for six months by the European Parliament. Because of this, the EU-Cuba PDCA had to wait until June 2017 for the European Parliament to approve the signing and provisional implementation of the Agreement. The favorable result achieved in the Parliament makes it 70% likely that the PDCA be ratified by the European Parliament after each member state has ratified the Agreement in its own parliament.

It is of note that the non-legislative Resolution passed by the European Parliament gives the go-ahead only to the provisional implementation of the Agreement and it authorizes the EU Council to sign the Agreement. We must underscore that the four Political Dialogues on Human Rights between the EU and Cuba from 2015 to June 2020 contributed to unite resolves within the European Parliament to approve the start of the provisional

⁴⁹ C. Alzugaray, ‘La política exterior de Cuba en la era Trump’, in A. Serbin (ed), *Cuba y el proceso de actualización en la era de Trump* (Pensamiento Propio, Buenos Aires, 2017) 216, at 205-220.

⁵⁰ J. Roy, ‘Las relaciones entre la UE y Cuba en el marco de la apertura de Barack Obama y Raúl Castro’, 10 *Análisis Real Instituto Elcano* (2015) 1-8, at 8.

⁵¹ EEAS, ‘[La Unión Europea y Cuba mantienen un Diálogo sobre Medidas Coercitivas Unilaterales](#)’, published on 30 November 2019, accessed 15 December 2020.

implementation. This process is a moral compromise for the European Parliament to approve the PDCA, as long as there isn't a violation of the clauses that can provoke the suspension and end of the Agreement, such as violation of Human Rights, the respect and promotion of democratic principles and the disarmament and nuclear non-proliferation, included in Art. 1, section 5, and Art. 7, respectively.

We agree with Cástor Díaz Barrado that “the parties to this Agreement take different and even confrontational positions in regards to the “democratic principle” which has long kept them at a low level of cooperation, and which, at times, has created strong clashes and discrepancies on this subject”⁵².

The delay of the European Parliament in giving a thumbs-up to the implementation of the Agreement laid the foundations for the announcement of the provisional implementation of the PDCA to reinforce the political dialogue and the international cooperation between the EU and Cuba, because both partners chose 1 November 2017 to make the announcement, thus impregnating it with a high impact and a twofold symbolic charge on a regional and international level, for being the day that the EU voted in the United Nations against the US's economic blockade to Cuba. Its implementation was programmed for May 2018, one month after the Cuban elections, and after HR Mogherini had received the support from the Cuban government to implement the Agreement with the EU, in her third visit to Cuba in early 2018.

In this scenario, there is still the possibility that not every member state ratifies the Agreement. If this were the case, the provisional implementation for an indefinite period of time of the Agreement would still be valid in the sections that are the EU's exclusive competence and make for 90% of the Agreement. Whereas, if all member states do ratify, the Agreement with Cuba would then begin to be developed, in the stage called “The Entry into Force and Implementation of the PDCA between the member States and Cuba”.

Following Ortiz (2016, p. 371), the EU's goal is clear: they don't want to lose their status as primary trade partner if the embargo is lifted, despite the fact that the trade between the two neighbouring countries -Cuba and the US- will be quicker and less expensive than that between Brussels and Havana⁵³. “But in the longer term Havana will need to send clearer and more coherent economic policy messages if it is to realize the potential for development offered by trade and investment. Europe has a great political and entrepreneurial interest in constructively accompanying Cuba along that road”⁵⁴.

⁵² C. M. Díaz Barrado, ‘El ‘Principio Democrático’ al hilo del Acuerdo sobre Diálogo Político y Cooperación entre La Unión Europea y Cuba’, 36 *REEI* (2018) 1-40, at 26. [doi: 10.17103/reei.36.03]

⁵³ E. Ortiz, ‘European Union - Cuba: Complex Relationship, Uncertain Future’, 32 *Anuario Español de Derecho Internacional* (2016) 337-356, at 339. [doi: 10.15581/010.32.337-371]

⁵⁴ E. Schmieg, ‘Cuba ‘updates’ its economic model: perspectives for cooperation with the European Union’, 6/ 2017 SWP Research Paper (2017) 1-28, at 26.

This new stage would be a new step to finish up the institutional change between both actors, but it would happen in the framework of the relations between the member states and the Cuban government, and it is more likely after the election of Miguel Díaz-Canel as the new President of Cuba, and as the main leader in charge of continuing to make changes in the Cuban economic and social model, in favor of ensuring the survival of the Cuban socialist system into the 21st Century and the well-being of the Cuban people. Authors such as García Castro and Brenner state that no one expects Miguel Díaz-Canel Bermúdez, whom the National Assembly elected as Cuba's president in April 2018, to chart a course dramatically different from the one President Raúl Castro had established⁵⁵.

For this reason, the implementation of the EU-Cuba Agreement has become an instrument that allows both parties to enhance their political weight, their visibility and their credibility in the international arena, because it is one more proof that the EU is effectively distancing itself from the US's foreign policy, and it is also a token of support to the Cuban people and government in the international arena. Whereas Navarro is of the opinion that “negotiating an Association Agreement between Cuba and the European Union [...] would help to considerably increase the trade and investment exchanges between the two parties”⁵⁶. This can be the higher stage of the New Political Model in the EU-Cuba relationship.

(1) The Institutional Mechanism of the New EU-Cuba Model

The EU-Cuba PDCA has a novel and complex structure, very characteristic of International Agreements. It has 89 Articles distributed into five Parts and nine Titles. The Agreement includes, in the 24 points of its Preamble, the aspirations, the limitations of the parties, the principles and the aims that embody the Agreement. The EU-Cuba NPM has a new structure because both parties acknowledge political dialogue as the axis and the only effective tool to promote and materialize the aspirations, the limitations of the parties, as well as the principles and the structural aims to consolidate the NPM in their relation.

According to Díaz Barrado and Morán “both Cuba and the European Union settle and reaffirm their own values, and their purpose is to open, in a limitless way, an ample space for cooperation, with neither of the parties having to relinquish the positions that they have traditionally maintained”⁵⁷. This does not imply that the EU may begin to export its values to the Cuban government and people, and ensure a higher welfare to the society, through a better distribution of resources in society and through the effective implementation of the

⁵⁵ T. García Castro and P. Brenner, ‘Cuba 2017: The end of an era’, 38 (2) *Revista de Ciencia Política* (Santiago) (2018), 259-279, at 275. [<http://dx.doi.org/10.4067/s0718-090x2018000200259>]

⁵⁶ A. Navarro, ‘La Nueva Relación entre la Unión Europea y Cuba’, in J. Álvarez et al *Cursos de Derecho Internacional y Relaciones Internacionales de Vitoria-Gasteiz* (Aranzadi, Pamplona, 2019) 232, at 227-245.

⁵⁷ C. Díaz Barrado, and S. Morán, ‘Las relaciones Cuba y Unión Europea: el comienzo de una gran amistad’, 34 *Anuario Español de Derecho Internacional*, (2018) 969-1001, at 970. [Doi:10.15581/010.34.969-1001]

economic changes approved in the 7th Congress of Cuba's Communist Party.

The EU-Cuba PDCA is an Agreement for Scientific and Technical Cooperation which includes Research, Development and Innovation, scientific exchange and technologic transference to guarantee the transformation of the Cuban economic and social model. Moreover, the PDCA does not have a financial budget for its implementation and development, nor is it a trade agreement, or a preferential one, because Cuba ceased to be a recipient of the scheme of generalised tariff preferences in 2014. For this reason, the Agreement is, to the Cuban government, an essential tool to foster the transformation of the island's economic model, with the pace and the control that the government itself imposes.

In the EU-Cuba NPM, the partners have put working with the Cuban government in the centre of the relation, and in doing so, working for the welfare of the Cuban society by using political dialogue, and, even if other actors are acknowledged, these will only be included “when appropriate”, because their participation is not mandatory. Due to this, all proposals and initiatives that may be presented will be subject to debate and approval through the political dialogue that the parties develop. To fulfil this aim, the Agreement has a complex structure that spins around the axis of political dialogue, with this being the mechanism that can guarantee that the Agreement responds to the interest of Cuban, European and Latin American societies.

In order to achieve an effective functioning, the Agreement has created four bodies and entitled them with enforcing the agreement and implementing every one of its decisions: the Coordination Committee, the Joint Council, the Joint Committee, and the Cooperation Subcommittee. In this new context, the enforcement of the Joint Council (JC) on 15 May 2018 is an extremely relevant fact in the institutional change of both parties, because it is the body in charge of enforcing and supervising that the Agreement is correctly functioning, with adherence to the parties' common principles, aims, and interests. The configuration of the Joint Council gives its decisions great political weight and a binding character for the parties. Moreover, the first meeting was led by the HR Federica Mogherini, and the Foreign Affair Minister of Cuba, Bruno Rodríguez, was in attendance.

As part of the consolidation of the institutional change and the NPM, the JC must assess the Agreement every year and no less often than every two years, and must be formed by “ministry level officers”. This trait enhances the political weight of the five political dialogues that were approved in the 2018 Joint Council. In order to ensure this trait, it is foreseen that most meetings be held in Brussels.

In parallel, in the four bodies created *ex officio* by the Agreement lies the strength and the complexity of the structure of the EU-Cuba Agreement, to ensure that the European institutions and the Cuban government can work for the welfare of the Cuban people during the process of transformation of Cuba's economic and social model, in a context where the only condition is that both parties work for a common interest and in benefit of the Cuban and the European people.

(2) The EU-Cuba Joint Council Within the Framework of the NPM (2018 – 2022)

The entry into force of the EU-Cuba NPM in 2018 is a landmark for both parties and is highly symbolic in the area of international relations; firstly, because it is the first case of success of implementation of a political, institutional and legal model of relation between the EU and Cuba – ie, the US's major socio-political and commercial partner and the country that has been resisting an economic blockade from the US for more than 50 years without ceding its sovereignty and without making a political transition – and which places the welfare of the Cuban and European societies in its center. Second, the Agreement or New Political Model is based on and articulated around a political dialogue on an equality basis, by mutual agreement, and from mutual respect.

Alongside this, the provisional implementation of the Agreement is the finest manifestation of the restoration of the political dialogue and the political relations between both parties, since it mends the diverging views between the EU and its member states in their relation with Cuba. Simultaneously, the PDCA is all the more relevant because it encouraged the parties to hold four more political dialoguing sessions on Human Rights, all of which was the result of the cohesion and coordination work carried out by the HR, the government of Cuba and the EEAS around the new foreign policy that both actors have been building in their relation.

The implementation of the Agreement has allowed the enforcement of the five dialogues that were approved in the first EU-Cuba Joint Council (2018):

- The Fight Against Mass Destruction Weapons;
- The control of Conventional Guns;
- Human Rights;
- The Implementation of the 2030 Sustainable Development Agenda; and
- The Solution to Unilateral Coercive Measures.

The five political dialogues approved in the Joint Council directly contribute to facilitating a greater bilateral cooperation in the areas that the EU and the government of Cuba were keen to tackle in order to strengthen their relation in the framework of the PDCA. The announcement by the Joint Council can be considered as a moral binding for the parties in the international arena, and a whole declaration of intent from the EU and Cuba in favor of acting, through the Agreement, in global governance.

The dialogue on human rights is at the core of EU-Cuba relations. The annual human rights dialogue allows both sides to exchange views on basic principles and address mutual concerns. One of the objectives of the dialogue is to identify areas for cooperation and share best practices. For example: “Support to human rights defenders; Monitoring and follow-up on cases of violation of freedom of association, peaceful assembly and freedom of expression,

including artistic expression; Support to the promotion of economic rights, and in particular to the emergence of the private sector; Support to the promotion of women's rights and gender equality; Support to abolition of the death penalty"⁵⁸.

Despite this situation, it is worth noting that "the European Union is the only foreign partner with which Cuba has agreed on a regular political dialogue about human rights. Therefore, the EU has opened an important space for deliberation and exchange (...). [T]he common agenda of human rights is an important tool to secure the presence and influence of the EU at the beginning of a new political and economic era for Cuba"⁵⁹.

The next formal dialogue on human rights will be held in Havana in October in 2020. In this dialogue the Civil society has a crucial role to play; for this reason, "all five political dialogues are preceded by an event with civil society to ensure that exchanges are as inclusive as possible"⁶⁰. In this space, in 2019, "the EU drafted a Gender Action Plan for Cuba, which is now being implemented"⁶¹. These results are a qualitative leap forward in the development of the EU-Cuba rapport, and both parties are showing hints of gradual openness.

In order to keep reinforcing the cooperation area, in November 2018 the HR Mogherini encouraged the celebration of the first meeting of the Cooperation Subcommittee, in Havana, with the aim to ensure the assignment of an ODA budget for Cuba in the 2021-2027 timeframe; whereas the commercial area has been strengthened with the participation of the European Commissioner for International Cooperation and Development, Neven Mimica in the Cuba Business Forum celebrated in Havana in 2019.

Dialogue on the Sustainable Development Agenda is closely linked to dialogue on cooperation. This link is due to the fact that the projects that each party is implementing in the framework of the Agreement are aligned with the guidelines from the 2030 Sustainable Development Agenda and with the government's interest to guarantee the welfare of the Cuban people. For this reason, the projects focus on three sectors: "sustainable agriculture and food security, environment and support for a better use of key natural resources for sustainable development, as well as support to sustainable economic and social modernization. The selected sectors respond to the national priorities identified in the "Cuban Guidelines for economic and social policy", which aim to promote reforms in the country".

Quoting Garay and Toirac "the European cooperation in Cuba is clearly on the increase. In fact, at the end of 2019, the ongoing projects had a value of 139 million, four times the average of the previous ten years". This behavior helps to reinforce the relation between both

⁵⁸ EEAS, [Chapter on Cuba: EU Annual Report on Human Rights and Democracy in the World 2019 \(2019\)](#), accessed 15 December 2020.

⁵⁹ A. Ayuso and S. Gratiús, *supra* n. 19, at 102.

⁶⁰ EEAS, '[EU-Cuba Relations](#)'. (2020), accessed 15 December 2020.

⁶¹ EEAS, *supra* n. 58.

partners, and allows the EU for an increased visibility in the Cuban social context, thanks to the exchange of experts and the academic exchanges in the framework of the Erasmus+ programme. To deepen the relationship, the EU-Cuba Joint Council met for the second time on 9 September 2019 in Havana, Cuba. The council analysed the level of implementation of the decisions taken in Brussels. The purpose of this meeting was to reinforce the NMP and ensure compliance with the agreements. For this reason, the joint committee was launched.

Bruno Eduardo Rodríguez Parrilla, Minister of Foreign Affairs of Cuba considers that: “The celebration of this second Joint Council is an example of the progress in our relations with the EU. It allows us to take stock of this progress and to outline future actions of mutual benefit”. In the same line, Federica Mogherini, High Representative for Foreign Affairs and Security Policy, signed that: “The Political Dialogue and Cooperation Agreement between the EU and Cuba is a sign of the importance we attach to our relations. We hope that the new chapter we have opened can further strengthen the friendship between the people of Europe and of Cuba. This is why we are here: to celebrate and to further strengthen our dialogue and cooperation”⁶².

With this step, the risk that the Joint Council meetings could become merely formal summits to read through the agenda items has been minimized, as it establishes a work planning that will have to be supervised by the Joint Council and launched by the Joint Committee.

In Sanahuja’s opinion, what is most relevant is that the Agreement places the EU in a favourable position, as a partner and as an interlocutor, in the face of the changes that can happen in the future. Once again, the Agreement itself and the intensifying of the rapport with Cuba stand as a symbol of the EU’s involvement with Latin America and the Caribbean⁶³. On a regional level, the parties want to reinforce and encourage a stronger triangular cooperation between the EU, Cuba, and LAC. In this case, Cuba would be the link to the cooperation, due to Cuba’s influence in international politics and its high symbolic value all over the Caribbean and Latin America. See OPS and SEGIB “A unique case is that of Cuba, since it plays a role as a high relevance offeror in the South-South cooperation for health development [...] [C]uba is the only country that, in the database for 2015, has at least one record for one project or action offered for each and every country.”

Josep Borrell, in the context of COVID19, said that: “In Cuba, the EU is strategically adjusting the cooperation projects to the new context [...] [W]e are grateful to Cuba for having responded immediately to the call for doctors and nurses by Italy and other

⁶² [EU-Cuba Joint Council](#) (adopted 9 September 2019), accessed 15 December 2020.

⁶³ J. Sanahuja. ‘Crisis de globalización y hegemonía en cuestión: un escenario de cambio estructural para Cuba y Latinoamérica y el Caribe’, in A. Serbin (ed), *Cuba y el proceso de actualización en la era de Trump* (Pensamiento Propio, Buenos Aires, 2017), 197, at 165-204.

countries”⁶⁴.

In this framework, “a dialogue was initiated to explore proposals by organizations from the civil society that would give an answer to the pandemic in Cuba, from the viewpoint of health and of lessening the impact on vulnerable communities, especially on ageing people”⁶⁵. The outcome of this dialogue is the signing of two projects, “with a total financing of 2 million euros, in the framework of the Thematic Programme of Support to Organizations of the Civil Society and Local Authorities”⁶⁶.

At this point, two projects stand out: the one named “Taking care of the elderly in times of COVID-19”, joining the Italian organization WeWorld-GVC and the Cuban Society of Gerontology and Geriatrics, as well as the Havana provincial government”⁶⁷, and the project to “Increase the measures of prevention and response to COVID-19 in Cuba, led by the Cuban Society of Hygiene and Epidemiology and the Cuban Society of Bioengineering, together with the Spanish NGO Movement for Peace (MPDL), and to decrease the expansion of the SARS-CoV-2 in the population”⁶⁸. The signing of both projects within the context of COVID-19 has helped to reactivate the EU-Cuba Agreement and to reinforce the work done by the Government and by the Cuban people to stop the COVID-19 and to begin the reactivation of the economy.

The work done by Cuba in the South-South cooperation is all the more relevant because it has managed to overcome the economic barriers that the six-decade long economic blockade by the US has imposed. For this reason, Cuba can be a valuable partner to promote multilateral initiatives, as has been the case in Colombia’s peace process and in the several South-South cooperation projects that have been implemented in the countries of this region.

Gutierrez, consider that “the Agreement is, undoubtedly, the first expression of the EU’s 2016 Strategy in its aim to establish a closer link with Latin America, but, this Agreement is also testing the EU in its ability to make profit of the opportunities that Latin America brings, overcoming the challenges and avoiding the risks”⁶⁹. While Díaz Barrado considers that the “Agreement closes the “cooperation framework” that the EU and LAC have designed, which theoretically should be based on common values and principles; nevertheless, in this case, a more pragmatic approach to international relations was preferred”⁷⁰.

⁶⁴ J. Borrell. *‘La Unión Europea y América Latina y el Caribe: aunar esfuerzos frente al coronavirus’* (Statement by HR Josep Borrell, 2020), accessed 15 December 2020.

⁶⁵ EEAS, *‘Unión Europea apoya a Cuba en su respuesta frente a la COVID-19’*, accessed 15 December 2020.

⁶⁶ Ibid.

⁶⁷ Ibid.

⁶⁸ Ibid.

⁶⁹ C. Gutiérrez Espada, ‘La Unión Europea después del Brexit’, in N. Cornago et al, *Repensar la Unión Europea: Gobernanza, seguridad, mercado interior y ciudadanía* (Tirant lo Blanch, Valencia, 2019) 37, at 33-48.

⁷⁰ Díaz Barrado, *supra* n. 52, at 28.

In the framework of the Covid-19, the EU can establish a closer cooperation with LAC and especially with Cuba in the field of research through the Horizon2020 program and the Directorate General for Civil Protection and Humanitarian Aid of the European Union (ECHO).

To achieve this goal, the EU can use the Bolivarian Alliance for the Peoples of Our America (ALBA) so that EU can acquire greater visibility and weight in the region, relying on Cuba (co-founder of ALBA together with Venezuela), to stimulate greater political dialogue with the Venezuelan government and continue to strengthen health cooperation with LAC in the framework of Covid-19. On this last point, the EU could support the ALBA Humanitarian Fund, created on July 3, 2020, by the ALBA Bank, with the aim of “consolidating and executing resources aimed at actions to mitigate the effects of the Covid-19 pandemic, among them the necessary financial support for the economic boost”⁷¹.

This scenario has been achieved due to the effects that Covid-19 is having in LAC and because of the policy implemented by the President of the United States Donald Trump towards LAC, especially against Cuba and Venezuela, from 2017 to October 2020. This has caused ALBA to leave behind the “existential crisis after the death of Hugo Chávez in 2013 and the death of Fidel Castro three years later”⁷². On the 15th anniversary of its founding, on December 14, 2019, the commitment was resumed to deepen “regional independence and genuinely Latin American and Caribbean integration”; and “regional unity and integration as the only way to confront the domination exercised by the hegemonic structures of world power”⁷³.

In this scenario, on August 6, 2020, the first phase of the project “Single Window of Foreign Trade” (SWFT) was launched, with the aim of facilitating the management of Cuban and foreign businesspeople who carry out international purchase and sale operations in Cuba”⁷⁴. This mechanism is part of the gradual process that the Cuban government is carrying out with various specific objectives. The first is to streamline internal procedures to respond to European investors who wish to invest within the framework of the EU-Cuba PDCA; second, to modernize the central administration of the State and especially the area of Foreign Trade to adjust to the procedures of the international market, and at the same time, to minimize the effects of the North American blockade on the island’s foreign trade.

We are of one mind with Arturo López-Levy's that, starting with the 2016 agreement, it

⁷¹ Banco del ALBA, ‘[Nace el Fondo Humanitario del ALBA para hacer frente a los desafíos económicos de la pandemia del COVID-19](#)’, accessed 15 December 2020.

⁷² S. Gratiús, and J. M. Puente, ‘¿Fin del proyecto alternativo ALBA? Una perspectiva política y económica’, 180 *Revista de Estudios Políticos* (2018), 229-252, at 243. [doi: <https://doi.org/10.18042/cepc/rep.180.08>]

⁷³ Portal ALBA, ‘[Declaración de la XVII Cumbre de Jefes de Estado y de Gobierno del ALBA-TCP](#)’ (2019), accessed 15 December 2020.

⁷⁴ EEAS, ‘[Cuba pone en marcha primera fase de Ventanilla Única de Comercio Exterior, fruto de la cooperación de la UE en el país](#)’ (2020), accessed 15 December 2020.

would be possible to “articulate mechanisms of resistance, of protection of commercial and financial transactions, and of legal counter-reprisals and punishments against those actors who, within the US system - individual claimants, companies and lawyers - intend to use the US courts to initiate litigation contrary to European and Cuban laws, and International Law. This is the worst scenario for the Trump administration”⁷⁵.

For this reason, the start-up of the Cuban one-way window constitutes an essential step in the consolidation of the EU-Cuba NPM, increasing the responsibilities and tasks that the Joint Council will have to supervise. At the same time, it is a sign of the EU’s distancing from the foreign policy that the United States maintains against Cuba and LAC. In addition to this, it reinforces the EU-Cuba cooperation in international bodies, since the One-Way is the result of cooperation from the European Union in Cuba, MINCEX and technical support from UNCTAD (United Nations Conference on Trade and Development).

Along with the implementation of the SWFT, and with the aforementioned projects, the EU reinforces its commitment with the Cuban people and the international society in order to work for the welfare of the European, Cuban and Latin American people by means of the political dialogue. Finally, the provisional implementation of the EU-Cuba PDCA bestows a formal status to all the previous dialogues that the parties had been carrying out before the Agreement, with a low impact on the Cuban and European society.

(D) CONCLUDING REMARKS

The new political model forged in the EU-Cuba bilateral relation starting in 2014 was a result of the institutional change between both parties, and it put an end to the conditions and the interference that the EU had previously been imposing in its relation with Cuba, by way of the Common Position. The institutional change of the EU and the government of Cuba gave way to a relation based on the institutional political dialogue on a basis of equality and mutual respect from both parties in the political, commercial, cooperation and human rights arenas. Interestingly, the NPM has reinforced the institutional political dialogue between the partners, in a 180-degree turn of the EU’s relation with the Cuban government and people in each of the areas that gives substance to the PDCA and configures the NPM. Through the NPM, the parties have proved to be politically and institutionally willing to continue strengthening their bilateral and multilateral relations in order to build a space of mutual trust.

From a pragmatic point of view, the relation between the EU and Cuba has changed against all odds, with a full institutional change in each area of the EU-Cuba NPM, and offers

⁷⁵ A. López-Levy, ‘Cuba y el Gobierno de Trump: Retorno al conflicto e implicaciones para la relación triangular con Europa’, 8 *Análisis Carolina* (2019) 1-19, at 4.

every key aspect for it to be replicated in the EU's relation with the government of Venezuela and, furthermore, to be used by the contact group tailored by the EU –Norway and Cuba – with the aim to gather the government and the opposition of Venezuela around the negotiation table and help the country reach a social and political stability.

On the other hand, the political and institutional dialogue reinforced the EU-Cuba relation, allowing the negotiation and signing, out of a mutual agreement, a PDCA with a complex structure that includes and respects both parties' norms and international law. In 2018, they created and enforced the first EU-Cuba Joint Council, for it to be the political, institutional and legal body in charge of ensuring and monitoring that the implementation of the PDCA responds to both parties' common interest. Because of this, its decisions are bonding and mandatory for each party. Herein lies the main strength of the EU-Cuba NPM, because every decision and recommendation is negotiated and based on a mutual agreement.

For this reason, “we can state that the PDCA determines the legal regime of the bilateral relations between the EU [...] and Cuba, which not only consolidates and reinforces the previous progress, but it also modernizes, expands and gives a future projection to a general legal framework that boosts Cuba as one of the privileged partners of the EU in Latin America and the Caribbean”⁷⁶.

As far as cooperation goes, for the first time it was possible to establish a Dialogue on Human Rights between both actors, and, as a result, five meetings were held between June 2015 and June 2020.

The strategic value and the undeniable political symbolism of Cuba for the whole Caribbean and Latin American region does not escape our analysis, and this twofold value was made obvious in the EU-CELAC 2013 and 2015 summits, where the pressure exercised by the Latin American States was a key element for the EU to start negotiating, signing and implementing the Political and Cooperation Dialogue with Cuba. Following the initial results, this scheme can be replicated in the LAC region.

In fact, with the self-inflicted absence of the United States in the political changes announced by Raúl Castro as of 2018, “the EU has the opportunity to assume the leading role and strengthen the alliance with the Caribbean and Latin American countries that follow the same policy of international insertion for Cuba”⁷⁷.

Certainly, the EU can become a strategic partner to continue stimulating the reactivation of ALBA and to contribute to regional integration in Latin America and to strengthen the EU-LAC health cooperation through triangular cooperation. With this step, the EU would achieve great visibility in LAC and would reinforce the role of Cuba as an essential pivot in

⁷⁶ J. Martín Arribas, ‘The Legal Regime of the Current Bilateral Relations Between the European Union, its Member States and the Republic of Cuba’, 13 *Revista Electrónica Iberoamericana* (2019) 508-604, at 601.

⁷⁷ A. Ayuso, and S. Gratiús, *supra* n. 19, at 101.

South-South Cooperation, and Triangular EU-Cuba-LAC.

Secondly, the implementation of the PDCA on 15 May 2018 turned the NPM into a “present-future” tool, because it invested the relation with more trust, and because it ensured a bigger political and moral weight to the government of Cuba before the US and the EU in its relation with LAC. Because of this, the PDCA has at its core the aim to align with the welfare of the societies (Cuban, European, and Latin American) and to offer the government of Cuba the tools to contribute to the change of the Cuban economy. Besides this, it offers the EU the possibility to accompany the government and the people of Cuba in the process of economic change. The challenge of this external part of the process of change which the Cuban government has to face consists of the urgent need of adapting the original roadmap of the internal transformation process until 2018 to the entirely different and rapidly changing external conditions⁷⁸. Finally, Cuba is very slowly but progressively opening itself to the world, and, most importantly, it is doing so for the well-being of the Cubans. The challenge here is to observe how the EU wants this opening to be and how the EU will continue to open itself to Cuba in the framework of the EU-Cuba NPM while the U.S. continues to be the hegemonic power and with the world being negatively affected by the COVID-19 and the related crisis. This scenario can be an opportunity to enforce new mechanisms of bilateral cooperation in the fields of health and foreign trade, as well as it is in the best interest of the European and the Cuban people and, by extension, of the international community.

⁷⁸ W. Grabendorff. ‘Cuba: The Challenges of Change’, in A. Serbin (ed), *Cuba y el proceso de actualización en la era de Trump* (Pensamiento Propio, Buenos Aires, 2017) 35, at 33-56.