
Biden Should Reverse Trump's Designation of Cuba as a "State Sponsor of Terrorism"

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Last month, Havana was the seat of the first high-level talks between Cuba and the United States since 2018, fueling speculation that the Biden administration may be contemplating removing Cuba from the State Department's list of State Sponsors of Terrorism (SST), an easy first step that wouldn't require congressional approval.

In Washington, everybody knows that Cuba isn't a state sponsor of terrorism. President Obama understood that when, in April 2015, he removed the island from the SST list (the Trump administration would later reinsert it). Ben Rhodes, one of Obama's deputy national security advisers, tweeted at the time: "Put simply, POTUS is

acting to remove Cuba from the State Sponsor of Terrorism list because Cuba is not a State Sponsor of Terrorism.”

Obama believed it was in the national interest for the US to veer away from its age-old Cuba policy. Stemming from his belief that engagement would serve a greater purpose than isolation, the shift contributed greatly to improving Obama's standing in Latin America. After the fiasco of last year's Summit of the Americas, Biden may find this to be an attractive prospect.

If anything, the election of left-of-center governments in several Latin American states means the region is now even more united on the Cuba issue than before.

Unsurprisingly, a week before his trip to Washington, President Lula da Silva of Brazil said Cuba was likely to feature in his discussion with the US president, as “Cuba was always on the agenda” in his meetings with Bush and Obama.

It's also significant that Cuba returned to the SST list for the most dishonest of reasons: Trump's pandering to the extremist anti-Cuba lobby, including Florida Senator Marco Rubio, then vice chairman of the Senate Intelligence Committee in charge of investigating Trump's Russia connections. If Trump's motives were dishonest, the process by which Cuba was put back on the list was even more deceitful. Trump found an opening not in Cuban support for war or terror, but in Cuba's support for peace: specifically, Colombia's peace.

Cuba had been the host of the talks that led to the September 2016 peace deal between the Colombian government and the Revolutionary Armed Forces of Colombia (FARC) guerrillas. At the same time, negotiations between another group, the National Liberation Army (ELN), and the Colombian government had begun in Ecuador. But in April 2018, Ecuadorian president Lenín Moreno stunned the world when he announced that he was withdrawing support from the negotiations. Cuba then accepted Colombia's request to host the ELN talks.

In August 2018, Iván Duque, who had campaigned against the peace deal in the 2016 referendum, became Colombia's new president. Political will for a negotiation with the ELN appeared to be waning. Then, on January 17, 2019, ELN members—probably a faction opposed to the talks—bombed the Bogotá police academy. The result was a devastating 22 deaths. Colombia entered a state of national mourning. Seizing his chance, Duque announced the end of the peace talks. He also demanded that Cuba extradite the ELN delegation to be tried for terrorism.

For Cuba, extraditing peace negotiators meant violating the protocol it had signed alongside the Colombian government, the ELN, and other guarantor countries. Such standard protocols exist precisely in order for delegations to be able to return unharmed to their base of operations in the event talks come to an abrupt end.

Without such guarantees, no peace talks would be possible anywhere in the world.

Cuba condemned the ELN attack but announced that it would "act in strict compliance with the [protocols]" and refused to extradite the negotiators. Norway, having played a big role in talks both with FARC and the ELN, gave Cuba its full support. The Norwegian ambassador in Colombia declared that "Cuba [hosted] the negotiations at the request of the Colombian state.... Cuba has been very clear that the protocols signed with the parties must be honored. Norway, like other countries, fully shares that position, which is based on international law."

On January 11, 2021, taking advantage of the deadlock, US Secretary of State Mike Pompeo announced that Cuba was back on the SST list, because "Cuba has refused Colombia's requests to extradite ten ELN leaders living in Havana after the group claimed responsibility for the January 2019 bombing of a Bogota police academy."

Inclusion in the SST list adds yet another tranche of draconian sanctions to the Cuban embargo that has been in place for decades. Suffice it to say that Cuba couldn't access syringes for Covid-19 vaccines and struggled to import medicines, food, and essential raw materials during the pandemic as a result of a tightening embargo.

It is overdue for the Biden administration to pursue the normalization of ties with Cuba. Taking the country off the terror list should be followed by other steps, including the

reversal of all of Trump's executive measures. Biden could also waive Title III of the Helms-Burton Act, which allows US nationals to sue any persons or entities who do business with property confiscated by the Cuban Revolution; the provision had been suspended since the Clinton administration, until Trump lifted the suspension in 2019.

As for Florida, lost to Democrats for the foreseeable future, it should not be the driving force behind US–Latin American relations.
