Reconciliation and its actors
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Is reconciliation a state of mind?

A process of change in Cuba may benefit from bearing in mind the interesting conclusions of a national survey carried out in 2006 by the Catholic Church related *Vitral Magazine* that underlined a solid consensus along the following lines:

- No one wants violent change.
- No one wants a solution to be imposed by outside forces based in Washington or Miami.
- Some essential things should be changed from the inside.
- Other essential things should be preserved and improved.
- All changes should take place gradually and peacefully.

At present, for a majority of the Cuban population, there is a window of opportunity to set in motion a process of conflict transformation and reconciliation with the participation and compromise of all internal and external parties to the conflict. If the full potential for a conflict transformation strategy is not properly explored and effectively put in place in the short term the situation may also degenerate into a new escalation of tensions and violence between internal and external players.

Many authors believe that reconciliation belongs to a post conflict stage of peace building. In the case of Cuba, nevertheless, it will be safe to say that a timid reconciliation process has already started under different forms since the late seventies through exchanges and conversations of a very limited scope. Two successful conversations on humanitarian issues also took place in the past to free the members of the 2506 Brigade in 1962 and 3,600 political prisoners in 1978 between the exiled community and the Cuban government. Reconciliation is not only a goal for building peace in the aftermath of conflict. It could also be a strategy to promote conflict resolution.

The core element of any conflict transformation effort is to reconstruct broken relations through a reconciliation strategy.

The success of such a reconciliation strategy depends on the capacity to immediately advance towards:

- Changing perceptions of reality and in relation to the other parties in conflict, e.g., mutually *humanizing the face of the enemy;*
- Creating different discreet (direct or indirect) spaces for conversation and dialogue where mutual and common needs could be identified and potential agreements to protect them can be forged;
- Providing the players with capacity building -and facilitation services if needed- for political dialogue and consensus building.
- Engaging key external actors to assist in the creation of an international enabling environment for non violent positive change in Cuba.
- Enhancing the potential role of connectors while containing the influence of dividers and spoilers.

Such actions will not bring about reconciliation but will create an enabling environment to move in its direction in the coming months.

A major issue is to select an operational definition of the meaning of reconciliation. There is a religious approach to that concept, based on love, forgiveness and compassion that is quite extended and usually

taken as the only possible way to define its meaning; but it is not the only one. What is exactly meant by that concept in secular terms?

The International Center for Transitional Justice (ICT) has developed a *civic trust model* definition of reconciliation which could be summarized as follows:

- Reconciliation is something that occurs in the civic or political sphere, rather than at the level of individuals.
- Legitimate reconciliation must be distinguished from efforts to use reconciliation as a substitute for justice.
- Reconciliation cannot be reduced to a state of mind, nor can it expect extraordinary attributes on the part of those being reconciled.
- Reconciliation must be articulated in terms that do not depend entirely on a particular set of religious beliefs.

The ICT explains its *civic trust model* on their webpage in these terms:

"In this view, reconciliation is the condition under which citizens can once again trust one another as citizens. That means that they are sufficiently committed to the norms and values that motivate their ruling institutions; sufficiently confident that those who operate those institutions do so also on this basis; and sufficiently secure about their fellow citizens' commitment to abide by these basic norms and values".

(…)" This view treats reconciliation as more than just a state of mind. It forces us to examine the preconditions of trustworthiness, and hence of reconciliation. The question is: what can be done to make institutions trustworthy and to increase the possibility that citizens will trust them and one another in the aftermath of violence?"

While various churches in Cuba can play the role of societal *connectors*, as they enjoy limited but still much more autonomy than the rest of society, and their humanistic values could serve the goals of reconciliation, there are a number of limitations and challenges to overcome. One of these (perhaps the most significant) is the widespread theological approach to reconciliation that poses the issue of forgiveness on the shoulders of the victims and, for that reason, is resisted by many of them. But churches are only one among various potential connectors and possible agents of reconciliation.

Connectors and Dividers

The Corporate Engagement Project (CEP) published a study produced by the Collaborative for Development Action, Inc. (CDA) on dividers and connectors in February 2003. In this study the following definition of dividers and connecters is provided:

"All societies are characterized by elements that can be used to divide people into subgroups ("dividers") and elements that can connect people across subgroups ("connectors"). When these divisions are fueled or these connectors are undermined, societies can fragment, sometimes even to the point of warfare. When, on the other hand, connectors are reinforced and dividers are overcome, people find ways to live side by side, working together to address common problems" (Dividers and Connectors, February 2003, page 2)

Cuban society as any other has a number of *connectors* between players and sectors which may otherwise be divided or in conflict. Music and sports (particularly baseball, track and field, volleyball and boxing) remain connectors between Cubans living on the island and the Diaspora.

The historical attempts by the Cuban government to erase the names of Cuban musicians, entertainers and sport champions who may have decided to move to another country to pursue their professional careers or have made any critical statement in relation to their policies have failed. Tapes of Willy Chirino, Gloria Estefan and Isaac Delgado circulate in the underground market and the achievements of baseball stars like the Duke, now playing at the Big Leagues, remain a source of satisfaction for most citizens. The

same goes for movie stars such as Andy Garcia. Interestingly enough, these areas can also play the role of connectors between Cuba and the United States in their bilateral conflict.

Taking into account the internal roots of the Cuban conflict it will be more important to sponsor an all Cuban stars baseball game (integrating players from the island and the Diaspora in the same teams) than a Cuba versus USA event that may only have an impact on the international / bilateral component of this conflict. A variety of the second possibility could be to have an integrated (Island residents + Diaspora) Cuban team playing with an all American one. Integrated concerts via satellite could also play a role to foster reconciliation in the future.

A promising connector –with still untapped potential as a reconciliation tool- is the endeavor taken by members of different types of human networks (former classmates, ex residents of the same town, ex colleagues in a professional trade, and others) to reconstruct their agreeable memories and relationships while avoiding touching upon political discussions or experiences that divided them in the past. The internet bears witness of a number of initiatives in this field that, despite the existing limitations in Cuba to access the World Wide Web, have brought together individuals that split into separate enemy camps during the revolutionary process. While addressing painful experiences in that area are carefully avoided in those websites, the human reconnection made possible in cyberspace is an invaluable contribution to the national reconciliation process that awaits Cuban society.

The churches are also a connector since the Cuban Communist Party reversed its policy of excluding religious believers from its ranks. Now communists and non communist believers can mix in religious gatherings and confide their thoughts and "sins" to the same priest or preacher. They can also share the limited, extremely cautious, but yet existing, church independent publications. This new situation enhances the potential connector role of churches within the country.

Nevertheless churches like any other institution in Cuba are targeted by the state for infiltration, surveillance, censorship, economic and political coercion and other inconveniences to the possibility of displaying their full potential in taking a leading role as connectors and agents of reconciliation. It is that context that explains the disappointing statements made recently to a church magazine (*Espacio Laical*, January 2008) by Cardinal Jaime Ortega. In an outstanding declaration for the top leader of the Catholic Church in a deeply divided and violence prone country, the Cardinal washed his hands regarding any institutional attempt at fostering a national reconciliation process that may have ideological or political connotations. According to the Cardinal's view the issue of reconciliation is a private matter that each one should address at the personal level.

Last but not least among *connectors* is the eventuality that a significant natural disaster may force an always reluctant Cuban government to open the doors to international humanitarian aid and that the Cuban Diaspora could then seize the opportunity to lend a helping hand and demonstrate its good will. The current social situation and its subjective impact on the mind of the common citizen is so fragile that any major natural disaster could easily become a relevant source of political unrest. If such scenario ever materializes the most basic ethical approach advise against the United States, the opposition or exile groups to exploit it. Instead it should be taken as an opportunity to bring about mutual confidence among conflicting parties and foster national reconciliation.

On the other hand, *dividers* are also present overlapping with the main axis of conflict within Cuban society: support or rejection of government policies, access to dollars and privileges associated with that currency or to a bureaucratic hierarchy, identifying with certain minority and generational sub cultures (such as hip hop, rap, gay/lesbian, hard rock), skin color, provincial origin (western or eastern provinces), living in Cuba or being a member of the Diaspora could trigger envy or ideological and cultural tensions. But many of these elements are not dividers per se, but merely distinctions that are artificially nurtured and manipulated to turn them into dividers through a politics of resentment and identity.

A conflict transformation approach may do well in using the connectors as spaces for facilitating the positive establishment of an emotional connection among people who are in conflict for different reasons.

For the same token it may also wish to avoid strengthening the dividers already existing within society and take deliberate steps to isolate the *spoilers* from their potential constituencies.

Sharpening concepts and refining strategies

Conceptual confusions on reconciliation and a number of other code words need to be dispelled before any advancement can be made in this field.

What meaning could we give to concepts such as guilt, justice, amnesty, and forgiveness, in order to be able to integrate them into a coherent intellectual framework to understand the present odds and to produce a comprehensive, operational strategy for reconciliation?

Guilt, culpability and responsibility

The German philosopher Karl Jaspers published in 1946 "The Question of German Guilt", a collection of academic presentations he made the previous year in which he established a difference between four different types of guilt in post war German society: a) criminal, b) political, c) moral and d) metaphysical. His observations may remain useful to understand the different kinds of complicity and responsibility of the citizenry under a totalitarian state. They may also be useful to speculate on the challenges that a national reconciliation process may present in the case of Cuba.

Criminal guilt is associated to crimes committed under a totalitarian regime which may be considered by courts or some mechanism of truth and reconciliation that could hold some authority on the future faith of those who participated in them. Justice to be served in these cases has to face several complications given the fact that under these regimes the laws of the land legalized human rights violations. If the state has not adhered to international law instruments of human rights when the crimes were committed the court would have to make a decision on the possibility of judging acts that did not represent a legal crime in the country at the time they were carried out. In the case of Cuba the only international instruments of humanitarian law that the state had adhered and did not repudiate are the Geneva conventions on war crimes. Thus, cases in which it could be established that the Cuban post 1959 government violated the articles of those conventions (as could be the case in some instances with the war prisoners of the Bay of Pigs or those captured during the civil war in the Escambray mountains) could be material for a trial in a future Cuba or at an international tribunal. Heads of States are protected during their mandate from international detention or indictment for violations of human rights or other crimes.

Political guilt concerning the responsibility of leaders and individuals who did not have "blood in their hands" but who were part of the legal and repressive machinery that facilitated the commission of crimes but were not directly linked to them are not material for criminal courts but could be addressed –if society deems it necessary- with administrative and political regulations and sanctions.

Moral and metaphysical guilt fall in a different category. The first relates to the responsibility of not doing anything to prevent harm done to other human beings. The metaphysical guilt have to do with the denial of the *other* humanity, the conformity with anything that may be happening to them, the lack of interest in verifying if the reports on brutal violations of human rights were accurate or the guilt associated to deliberately deciding that there was a risk in trying to find the truth and doing nothing. The usual apology of most citizens ("I did not know") calls for the question, "and why did you not do anything to know?" These two types of guilt are so pervasive in totalitarian societies that any attempt to deal with them with the tools used for the others (courts, administrative sanctions) are literally impossible and could only feed the divisions and resentments already existing.

The tools of transitional justice

When peace and change seem at hand there is a natural tendency by politicians but also by society to bring it about as soon as possible and –almost- at whatever price. In those circumstances the burden is transferred from the executioners of human rights violations to their victims. The latter are confronted with all sorts of pressures to give in their claim for justice and "forgive and forget". Refusal is taken as an egotistical stand or a politically incorrect desire of vengeance. This is one reason for the tensions that have affected the relations between the human rights organizations and the peace-builders community. While the first align themselves with the victims and sometimes even press them to demand criminal trials, the latter take a stand on the side of responding to the needs of peace and normalization of society as a whole and regard any attempt to bring up demands for justice as an obstacle in persuading the perpetrators to negotiate a settlement and relinquish power.

In this area every case is different, there are no universal formulas and the solutions must come from the specific social reality of the country, its culture and recent history. A rule of thumb is that no solution should be imposed against the expressed will of the majority but some form of minimum satisfaction should be provided to the demands of justice presented by the victims.

Victims have basic needs that include the following:

a) A social recognition of the abuse committed against them.

b) Finally getting to know all the facts related to their case.

c) Evidence of the State or perpetrator's will to acknowledge the responsibility for the harm done by extending some form of compensation to the victims or their close relatives.

d) Receiving a request of forgiveness from the perpetrator and having freedom to decide if that kind of mercy will be extended or not.

e) Ensuring that severe legal and /or administrative sanctions will be imposed on the perpetrator.

Doing "justice" in these situations often means using different legal and extra legal tools to satisfy as many of these legitimate demands as possible within the material and political context in which cases are reviewed. Such tools may include different forms of *restorative justice,* Truth and Reconciliation commissions together with criminal trials and civil sanctions that may or may not, in some cases, include an immediate amnesty suspending the sentence. For many victims it is of the utmost importance that the perpetrator has to face some kind of court where the facts will be reconstructed, their condition of victims admitted and the allocation of guilt made clear. If the sentence is finally carried out or an amnesty releases the defendant at some later stage seems to be, for not a few of the victims, of secondary importance. What seems to be of utmost importance to them is that all the other emotional needs mentioned above are satisfied and some form of restorative justice compensates to some degree the damage done to them.

But amnesty is not amnesia; neither should it take the form of blanket impunity. Justice should be served in satisfactory manner or reconciliation will be unlikely and peace will tantamount to a brief truce after which hostile attitudes and violent behavior may take over the societal front seat once again. Serving justice does not mean, necessarily, resorting to criminal courts. Other tools of justice as mentioned above could be use to satisfy the needs and demands of the victims while strengthening governability.

Amnesty
Amnesties are not exonerations of guilt. It is not an official forgiveness and it does not imply recognition of innocence of the sanctioned person. They only mean that for some state reason the implementation of a sentence is suspended. It is a legal resort to allow due legal process to take place in independent fashion –which may end up in allocation of guilt and responsibility with the corresponding sanctions- while cementing a still fragile society that goes through an all out transformation process.

Forgiveness
This action can only be taken by the victims. Only they have the legitimate right to forgive. That is their power. The perpetrators hesitation in acknowledging their guilt and asking for forgiveness is sometime related to their unwillingness to recognize that power. Is always hard to extend forgiveness and even more so in the absence of a genuine apology. The simple admission of the crime and cooperating with the authorities in reconstructing the facts is usually not enough for a victim. They expect to hear from the lips of the perpetrator a formal request that is addressed to them directly. Victims will not take any recognition of guilt and a formal apology as enough cause to forgive the perpetrator. They will try to asses if there is genuine remorse, pain for the harm committed more than fear from the possible consequences now that the scenario has turned around. They may also expect some form of compensation from the perpetrator – besides any other action to this regard taken by the state- as a fair sanction for the damage caused.

Challenges to Reconciliation

The pillars of "immobilization"
What sustains the present status quo is not only the fear of being repressed if standing out to challenge it. It is also – and perhaps mainly- for fear of the uncertainties that the future may bring. Such fears are the pillars of the present paralysis and are constantly being fed by conservative forces within the Cuban power elite, the ultra right of the Cuban American community and within some sectors of the US government.

These pillars of conservatism and societal immobilization are, on the one hand, the different types of fear of possible losses in relation to what the future might bring (see columns to the left) and, on the other, the forces and factors that nurtured those fears at the present time (see columns to the right). In a nutshell everyone fears the uncertainties associated to future change and are prone to look for better accommodation within the present while most are open to gradual reforms to improve the situation.

If reconciliation is to be conceived not only as post conflict tool for peace building but also as a tool at the stage of conflict resolution then the obstacles to change are also obstacles to reconciliation while advances in the area of reconstructing the fabric of human networks and relations could be seen as tool to advance the goals of conflict settlement and resolution.

Any conflict transformation and reconciliation strategy should design specific actions aimed at weakening the pillars of fear that sustain paralysis within the present situation.

While many possible initiatives could be mentioned, some of them already ongoing, the codeword to a conflict transformation and reconciliation strategy is ***contacts***.

Hostility, misperceptions of enemy's intentions, misinformation about realities, finds a fertile ground in isolation. There is an urgent need to break down the barriers of person to person contacts between all the actors either in formal or informal spaces and have them engage in all possible exchanges and conversations. Only meeting in respectful, non- structured and non committed environments, can they discover the human side of that abstraction called "the enemy" and have a better assessment of the costs associated to change.

Increased support should be extended to those initiatives that play a *connecto*r function by reconstructing the fabric of human relations previously broken. The growth of these recovered human networks can play a critical role in correcting distortions and could also facilitate informal information flows that, even when they may not have a direct political nature, could contribute to readjust the perceptions of *the other* realities and humanize the context of the conflict.

Is Miami a challenge or the first melting pot of reconciliation?

The two main exchanges with the Cuban government that brought about positive results were initiated by private groups of Cuban Americans. In 1962 the war prisoners of the 2506 Brigade were released in exchange for an indemnification from the US government, but it was a small group of their relatives who put the wheels in motion. In 1978 –we are now close to the thirty-first anniversary- conversations also took place with the Cuban government by a group of Cuban Americans acting on a private capacity. Those talks resulted in the freedom of more than 3,600 political prisoners and a more flexible attitude from Havana to allow family trips in both directions. These trips generated the first wave of reconciliations at the family level between relatives separated by the emotions and passionate politics of the first years of the revolution as well as by the restrictions imposed on any form of contact with those who left the country that were imposed by the Cuban government.

It is interesting to take note that the city of Miami - world famous for its intolerance - has pioneered, grudgingly and inadvertently, this secular approach to reconciliation. After the turbulent years of the sixties and seventies, when political intolerance unleashed terrorism against dissenting voices which may have dared to speak out for dialogue with the Cuban government, the Reagan Administration took the initiative of passing the word that the United States' days of the Old West were over and anyone who would commit crimes on American soil would be dealt with accordingly. The trials against members of the Omega 7 group and harassment against other violence prone individuals finally filtered through the most hardened skulls: once in the United States, former communists and anticommunist activists would have to respect the Rule of Law and coexist side by side. Ronald Reagan did not ask anyone for forgiveness or chant to the tune of Love thy Neighbor, but reminded all that in a democracy, hostile ideologies have to coexist and submit to the principle of Law and Order.

In today's Miami General Del Pino and members of the 2505 Brigade may go, separately, to speak at the same TV program and later perhaps have dinner, at separate tables but at the same restaurant, without the Miami Dade morgue having any extra work that evening. True, a heated debate and mutual lawsuits followed the TV presentations. Passionate hatreds have not been uprooted and different forms of subtle or not so subtle discrimination and exclusions arises anytime that someone expects them to go unchecked. But the reconciliation process between former foes now has an institutional and legal landscape to prosper. Moving from bombs and bullets to lawyers, lawsuits, and bitter debates in the media is not an insignificant step towards a civic model of reconciliation. Coexistence is the first stage of other forms of reconciliation.

While in Cuba citizens are still pressed to integrate the so called Quick Response Brigades to verbally harass and physically attack dissidents in the streets and at their homes, the enforcement of federal and local laws in Miami now makes it improbable, if not impossible, that violent groups could act in similar fashion. The Cuban American enclave has also struggled to free the media and bookstores from providing only one perspective on the island. Radio anchors from the left and the right now take up their battles to the airwaves and books published in Havana can be found in libraries and bookstores. Many citizens may justly feel that their dissenting views on Cuba are still not welcome in Miami and that expressing them may invite all sorts of verbal violence and even discriminatory practices to block their vertical social mobility or access to some jobs. While the second could be challenged legally the first will remain an unpleasant reality until new generations come to take public roles, passions cool down and a new political culture develops within the community.

In a certain way Miami has become the *melting pot* of several Cuban migratory waves of quite different compositions and political backgrounds. If reconciliation is to be seen, from a Christian perspective, as the forgiveness of all past wrongdoings and achieving a common vision of what happened, the Cuban American community is not there yet. Perhaps it will never be. But a different perspective emerges if the bar is adjusted to accept the secular view that such processes sometimes take more than one generation. From that alternative interpretation reconciliation for now could simply mean to provide evidence that Cubans are ready to live and coexist with former foes under democratic institutions and norms universally respected while all their behavior is submitted to the rule of law.

Ironically as it may sound, today's Miami - not the one that existed twenty five years ago - may be starting to mirror what an imperfect coexistence and reconciliation could look like in the first few years after democracy has taken hold in Cuba. Reconstructing relations marked by half century of hate and resentment while changing a culture of more than a hundred years of passion and intolerance, may take another generation. But that is a central challenge for a conflict transformation strategy in the Cuban case.