

## Programa Todos Cubanos – Propuesta para la transición a la democracia

Publisher  
Konrad Adenauer Foundation

México D.F., August, 2006

<http://www.kasmex.org.mx>

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## Foreword on the Todos Cubanos Program

“We must reach an agreement with regard to our future,” stated Oswaldo Payá, initiator of the “Cristian Liberation Movement (*Movimiento Cristiano de Liberación*)” and recipient of the European Parliament’s Sakharov Award, on May 10, 2006, with the “*Todos Cubanos*” presentation. And this is exactly what the new Program refers to, which we discuss in this brochure. Cuba’s future will be decided upon through a Referendum.

“*Todos Cubanos*” is the consequence of the “Varela Project” and the “National Dialogue”. Under the name “Varela Project” on May 10, 2002, Payá carried out a proposal before the Popular Chamber in Havana, which had a Referendum for voting on proposals about amendments to laws. At that time, Payá clarified this is how better legal conditions would be attained, to offer all Cubans the possibility of configuring a model according to their own social visions. This law initiative was legally in line with Cuban laws, because members of the “Cristian Liberation Movement” managed to gather more than 11,000 signatures. In turn, the Cuban government’s response was that of collecting signatures themselves and delaying the Varela Project to this day.

Another of the regime’s reaction to its citizens’ initiative was a massive wave of arrests in March of 2003 - the so called “Cuban Spring”-, which as a result, led to the European Union freezing relations with Cuba and further intensifying a dialogue with Cuban dissidents. Oswaldo Payá was nominated on several occasions as a candidate for the Nobel Peace Prize, in recognition of his peacekeeping efforts to stimulate liberty and democracy in Cuba. In October 2002, the European Parliament presented him with the Sakharov Award for human rights. The Award was also presented in December 2005 to the “Damas de Blanco”, a Cuban women’s movement, which protested for human rights and freedom of expression in peaceful marches.

A “National Dialogue” has been carried out since 2003, where not only Cubans from the island participate, but also Cuban exiles. The dialogue, which incorporates everyone and must represent the whole of Cuba, gathers the ideas, wishes, desires, hopes, but also the fears which all Cubans hold about and towards the future. The “*Todos Cubanos*” Program derives from this dialogue.

The Program is divided into four segments: Proposals for 1) Constitutional Reforms; 2) a Plan for Changes called Cuba First Plan; 3) a new Electoral Law; 4) and a new Associations Law. Just as in the Varela Project, above all is respect for human rights and the equality of all Cubans before the law. Democratic processes are decisive characteristics which should be included in a new Constitution. The Program is not committed to adopting a certain economic system. However, it rejects all systems which hinder free participation for each and every citizen in the democratic process.

The Konrad Adenauer Foundation supports this Project, as well as the Varela Project, and the initiatives for freedom and human rights, along with the “Damas de Blanco” actions, as by democratically including all Cubans, it presents a free expression of the will of all citizens for their future and aims at freedom and democracy in Cuba.

## Todos Cubanos Program Summary

The Varela Project continues to be a public demand where fundamental rights are legally claimed. The *Todos Cubanos* Program does not deny these rights; neither does the Varela Project, but visualizes the future parting from this situation and offers a plan, a new constitutional base, and a detailed road for peaceful changes.

For nearly two years a National Dialogue was developed with the participation of thousands of Cubans living in and out of the country, offering their opinions and written contributions on the reality in which we live and the desired changes for Cuba.

We now present Cuban society with the *Todos Cubanos* Program (*Programa Todos Cubanos*, PTC), a result of this dialogue, as a proposal, not to close dialogue, but to open and deepen it and make it more participative. Here is a peaceful alternative to achieve the changes that Cuba wants and needs.

With this, we would begin a new phase in our history, legitimized by a Referendum, where Cubans, as the main characters in their own history, and making use of their sovereign right, would democratically indicate the road and goal. With everyone's participation, without exclusion, and respecting the rights of all Cubans, structural and institutional transformations would take place, but all positive actions that our people have created in the last decades and during all their history would be maintained. Institutions would change, but not to exclude or place anyone at a disadvantage, but for the sake of all.

The *Todos Cubanos* Program (PTC) contains four documents which make up a system:

- A proposal for Constitutional Reform
- A proposal of the plan for changes called the *Plan Cuba Primero*,
- (Cuba First Plan)
- A proposal for a new Electoral Law

- A proposal for a new Associations Law

If the PTC is approved in a Referendum, it would then come into effect, legitimately, without institutional rupturing and through that step of improvement which is the institutionalization of all rights, in an environment of freedom, of national reconciliation, solidarity and with the responsible participation of all citizens, from the law to the law.

The Constitution would be modified so as to guarantee all human, economic, political and social rights for all Cubans and a democratic and plural system with deep humanistic and social content. All rights would also be guaranteed for workers, as would economic freedom and Cuban's rights to own businesses and private enterprises, without the country deriving into mercantile excesses, but liberating capacities, creativity, and hard work of Cubans to attain well being, social justice, and sustainable development.

National independence, territorial integrity, national and popular sovereignty, the united character of our Republic and the freedom of all Cubans are expressly affirmed in this PTC, and all of its contents and spirit are coherent with these principles, inseparable one from the other, in which our nation was created.

Each aspect of this PTC is marked by a profound conscience of the need to protect the environment and the education of new generations, in this responsibility. The *Todos Cubanos* Program establishes the bases of an integrated humanism with a vision for the future of a fairer society, one that is more human and freer for newer generations, for whom a healthy environment must be preserved. All change and transformation process established in the PTC will be developed in two stages: the Preliminary Stage and the Constitutional Stage.

The Preliminary Stage begins upon PTC approval in a Referendum by the Cuban sovereign population and will last between 240 and 270 days. As of this moment, the Constitutional Stage begins, and will last between 810 and 900 more days. During the Preliminary Stage free and democratic elections will take place to elect a new parliament and a President of the Republic who will govern during the Constitutional Stage, named as such because during this stage a new Constitution for the country will be prepared.

In the Preliminary Stage all rights are legally guaranteed, including economic freedom and the economy begins to reactivate. All Cubans are empowered to participate in the country's economic, cultural, and political life and the first free elections are prepared. Upon conclusion of the Preliminary Stage, the new government and parliament, who have been elected in free and democratic elections to be carried out at the end of this stage, will take over their positions.

Once the PTC is approved in a Referendum, a Contact Group is created and made up of two components: representatives from the National Assembly of the Popular Power and the Referendum Managing Committee for the *Todos Cubanos* Program Referendum, which is the citizen's movement promoting this Referendum.

This Contact Group will have the mission of coordinating the integration of a new Minister's Council governing during the Preliminary Stage, a new Supreme Court and the National Electoral Commission regulating the entire electoral process to be held in this stage.

The new Minister's Council, which will be known as the National Unity and Reconciliation Government (GRUN), will have a balanced make-up between what is proposed by the Referendum Managing Committee for the PTC, on one hand, and what is proposed by the National Assembly of the Popular Power on the other, and as such it will be comprised by 50% of members proposed by each of these components. The Referendum Managing Committee will make their proposals taking into consideration opinions and recommendations from Human Rights and civic groups and organizations that used to belong to the democratic and peaceful opposition before the PTC was approved. The National Unity and Reconciliation Government (GRUN) and the Supreme Court will step into action 20 days after the Referendum, which is also when the National Assembly of the Popular Power recesses. The GRUN has the mission of guaranteeing free elections and rights to all citizens and of implementing the Cuba First Plan, in compliance with the Constitution in the PTC and its Transitory Resolutions.

When the Preliminary Stage begins, human rights associations are legalized as well as the Citizens Committee for Reconciliation and Dialogue, promoted by the Referendum Managing Committee, for their immediate and indispensable role in the application of the PTC from its inception and defend the rights within the PTC. The Citi-

zens Committee for Reconciliation and Dialogue are citizen organizations, in charge of preserving the processes of abuse of power and PTC deviations and are an instrument of democratic participation.

The Cuba First Plan calls for the GRUN to name National Commissions and Sub commissions which will aid them in completing their tasks. These Commissions will be made up of, in a balanced way, the membership proposed by the two Contact Group components and will have the mission of watching over the compliance of the Cuba First Plan in each Ministry and state institution and society as well as implementing the Plan.

With the approval of the *Todos Cubanos* Program in a Referendum, all imprisoned and detained prisoners who have been held for peaceful and conscious political reasons are immediately and unconditionally freed.

Also, claims for unfair and abusive imprisonment will be considered immediately. The death penalty will be abolished. The National Dialogue manifested the disposition and the spirit of forgiveness and reconciliation among Cubans. The PTC remains coherent with this spirit of openness and reconciliation, by legally guaranteeing participation, respect and opportunities for all Cubans, regardless of their political position. The decision of a possible general amnesty and the scope of this amnesty must be decided upon by the entire Cuban society, with responsibility during the Constitutional Stage, in an environment of serenity, dialogue and democracy. Any revenge or vengeance action will be prosecuted, as will any action or declaration which incites to confrontation among Cubans, or aggression against others for their actions in the stage prior to the PTC approval, or for any other cause. The use of mass media to issue offenses or attempt against other's decorum will not be allowed.

The PTC returns the voice to people and establishes a government of laws with independent courts. All citizens will have the right to create political parties, including communists, with equal rights, without advantages over others or privileges for any single group or ideological trend. For this reason, the current Cuban Communist Party and the Union of Young Communists are dissolved, but communists are not excluded and can participate with full rights, though they will not have any privileges under the law. The Constitution approved with the PTC proclaims that sovereignty lies within the people, and for this reason the faculties attributed thus far to the



Communist Party of being a governing entity of society and other exclusive powers they have to date, violate citizen's rights and are incompatible with popular sovereignty and the new proposal for a Constitution. Political parties will not be formed on the basis of race, sex, or class, nor those who in their programs or in practice, deny the right of other citizens to create different parties and political organizations, or who deny any of the universally recognized human rights or those established in the PTC, or who attempt against democracy, the unitary character of our Republic or against territorial integrity, independence and national and popular sovereignty.

All members of the armed corps will pledge loyalty to the country and its indispensable character of a sovereign, independent, unitary, democratic and free Nation; to the sovereign citizens and the PTC approved in Referendum by the Cuban people. This oath also has the commitment of following civil authority, respecting and protecting the free and democratic elections process defined in this Program, and complying with results. In the Preliminary Stage, a dialogue process will be established where the rank and file of all armed forces, the Citizen's Committee for Reconciliation and Dialogue and its Local Committees will participate, and from which appropriate recommendations will be derived to carry out the transformation of the armed forces, which will be directed by the Minister's Council constituted in the Constitutional Stage. Military citizens may not occupy eligible or government positions, nor can they function as civil judges. In order for them to present themselves for election or occupy positions as ministers, they must leave their military condition.

The PTC guarantees that no family or any citizen will lose ownership of their house or will be evicted from their home for any reason. All restrictions and abusive controls and violations of fundamental liberties which paralyze housing development and impede the solution to this dramatic problem which many Cuban families suffer, will be eliminated. A new Housing Law will be written which should empower all the capabilities of the State, society and families to overcome the shortages and limitations in this area and which will eliminate the despotic "*frozen areas*" categories.

Public Health and Education will continue to be free, as will all public services that are free until now. Hospitals or any health center or institution, schools, universities or education centers will not be privatized.

Teaching plans will be modified, so as to liberate the Cuban education system from political and ideological conditioning so that it can educate for liberty, respect and in the exercise of all human rights consecrated in this PTC, for solidarity, social responsibility, tolerance, and mutual respect. The State will guarantee secular education harmonizing it with the right of believers who want their children to be educated in the religious faith which they profess.

The State's media will not be privatized. The rights of citizens, businesses, societies, political parties, institutions, churches, and social and political organizations to start new mass media outlets such as newspapers, magazines, radio and television stations, internet networks and others, are recognized. But during elections, paid ads to promote candidates are prohibited.

The right of all Cubans to enter and leave the country is recognized; the ominous category of "*definite departure*" is eliminated for those who have left the country or wish to leave the country, and the properties of those who immigrate are respected as of this moment. All exiles and their children are proclaimed in their ample condition as Cubans, and all their full rights as Cuban citizens are restored. All Cubans in exile have the right to enter their country freely and return to live in Cuba if they so desire. The GRUN will take the legal measures to facilitate exercising these rights in an orderly and gradual manner.

During the Preliminary Stage, no business, installation, section of land, state owned real estate or personal property, even if it has a private status, will be privatized. The Minister's Council in the Constitutional Stage will make the decisions on the transformations of property, paying attention to national interest and common well being. Strategic sectors such as basic industry and energy will not be privatized. There can be no privatization while rights have not been institutionalized. This is the only way to avoid corruption, hand outs, and sharing of the country's resources against the interest of the majorities.

From the first moment of its application, the Cuba First Plan guarantees the right of all Cubans to form private enterprises, institute businesses, and carry out transactions in the country and with other countries. The PTC guarantees worker's rights for free contracting, looking after the respect for all rights, including the right to freely create unions and the right to protest.

A Monetary Reform will be carried out to return redeemable value to the national currency, strengthen Cuban's purchasing power and give the Nation a single currency with authentic exchange value which will allow Cuba and all Cubans without exception to participate in national and international economic life. The Monetary Reform will be carried out as a harmonious part of all socioeconomic transformations which will take place in the country, and for this, it is incumbent upon the PTC's humanistic spirit and social justice content and equilibrium, to attain real revitalization of the Cuban economy.

An Agricultural Reform would also take place which would have as a fundamental principle the delivery of land in ownership, in its diverse forms, to those who work the land or make it produce for benefit of the nation or that of its owners. This process will take into consideration the expert's criteria on what is most convenient for the country, as well as criteria and interests of families and communities in those specific locations where the Agricultural Reform applies. The delivery of lands will always take place starting from the state properties, respecting individual properties and small farmer co-ops, so that not one family or community is stripped of the land they work on, in ownership or usufruct, or the house they live in, whichever the lands in which these houses are located. As such, the Agricultural Reform will be carried out directed to guarantee common good and promotion of economic and human growth of rural sectors in the widest and deepest sense, giving priority to those who always worked the land and wish to be part of rural development.

The new Electoral Law will be valid only for the elections that will take place in the Preliminary Stage. Representative and participative democracy are not contradictory or exclusive, but are reinforced and enriched. Citizens will nominate, directly or through Electoral Movements, eligible candidates to the different posts and will elect through direct and secret ballots, both Delegates to the Municipal and Provincial Assemblies, as well as the Representatives to the National Assembly of the Cuban People, and the President and Vice President of the country. Citizens have the right to legally associate for the creation of Electoral Movements in order to promote candidacies to the various eligible posts of citizens who identify themselves with their principles. The parliament elected in the elections that take place during the Preliminary Stage will be known as the National Assembly of the Cuban People and will

have, aside from legislative faculties, the mission of preparing a new Constitution which will be subjected to Referendum. This Constitution will govern the country when the term of the *Todos Cubanos* Program expires.

By institutionalizing rights, the Cuba First Plan in its Preliminary Stage immediately introduces citizens to participation in the country's political, cultural and economic life and offers them democratic and participative instruments to control the entire process. This Preliminary Stage concludes with the elections to the National Assembly of the Cuban People and the nation's President. This is where the Constitutional Stage begins, where the democratically elected government expands into the changes defined in the *Todos Cubanos* Program. All transformations of this PTC are constructive and inclusive, are oriented towards common good, guarantee individual rights and plant reconciliation and the environment for tolerance, respect and fraternity among Cubans. The deep humanist and social contents in the *Todos Cubanos* Program are inseparable from the democracy and liberty which the Program proclaims. This can be considered as utopian. However, if we look at history, even the most recent, we will discover that the *Todos Cubanos* Program, precisely because of this coherence, is more realistic, as only by exercising all rights can people achieve integrated development and building social justice; democracy is true.

Solidarity with Cuba means supporting what Cubans want and need. This is what is expressed in this *Todos Cubanos* Program. For this reason, solidarity with Cuba means supporting Cuban's rights to be consulted in a Referendum so that Cubans themselves decide their own future.

Far from renouncing this dream, Cubans are awakening to carry it out.