

Processes of Constitutional Change Underway in Cuba

By Tom Whitney

When young Cubans led by Fidel Castro attacked Santiago's Moncada Barracks and barracks in Bayamo on July 26, 1953, they were rebelling in part against the Batista regime's disregard of Cuba's fairly progressive Constitution of 1940. In 1976, 15 years after the victory of Cuba's socialist revolution, Cubans voting in a national referendum approved a new Constitution. Cubans now are about to revise that Constitution for the third time.

Cuban leaders in 1992 were facing serious stresses following the collapse of the Soviet Bloc, the nation's main arm of economic support. They responded with a [bevy of constitutional revisions](#) aimed at increasing citizen participation in politics and adjusting the state to worsening economic difficulties. There would be, for example, direct election of deputies to national and provincial legislative assemblies. Local councils were instituted.

A national referendum in 2002 approved constitutional changes declaring, in effect, that socialist nature of the Cuban nation is "irrevocable." Cuba's government was responding to the "Varela Project" put forth by political dissidents who had collected thousands of names of citizens united in their call for political change in Cuba.

Currently preparations are in the works for further change to Cuba's Constitution. That possibility emerged [in 2013](#). And former President Raul Castro called for constitutional change during the 7th Congress of the Cuban Communist Party in 2016.

On April 19 the National Assembly named Miguel Díaz -Canel as Cuba's new president. In his [farewell remarks](#) then, Castro reported that the Assembly in its next regular session, in July, would be proposing a commission of deputies who would initiate the "project of a new Constitution."

Castro spoke too of the new post of prime minister being created and of diffusing the power concentrated now in the hands of Cuba's chief of state, who is also first secretary of the Communist Party. He indicated that term limits for high offices, already approved by the Communist Party, would become part of the constitution.

Rather than wait for the July session of the National Assembly, the Council of State on May 28 declared that an extraordinary session of the National Assembly would convene on June 2. The Assembly that day created a commission of fellow deputies tasked with carrying out the process. President Díaz -Canel went on to announce the names of the 33 deputies who, representing a range of professional backgrounds and governmental responsibilities, would be joining the commission. He designated former President Castro, still serving as first secretary of the Communist party, as the commission's facilitator.

Castro followed by telling commission members they would be meeting for the first time that very afternoon. He thus signaled the project's high priority.

The plan is for the commission to prepare a draft version of constitutional reforms to be presented to the Assembly for discussion and modification at its next regular session, in July. The proposals will then be submitted to the Cuban People who in community meetings and at workplaces will discuss them and propose changes. After that, the National Assembly will once more consider modifications of the proposals and approve a final version. The final step will be a national referendum.

The main impetus for constitutional reform stems from new economic and societal realities in Cuba. In the words of [one observer](#): "The principal incentive for this initiative is to adjust the existing legal framework to the great changes economic taking place on the island for more than a decade, for example, the emerging private sector."

In fact, the number of Cubans no longer employed by the state has risen to 10 percent of working Cubans. Planners are seeking constitutional changes that will accommodate foreign investment, private businesses, and new forms of cooperatives. Additionally, many Cubans hold citizenship in other countries, something the current Constitution prohibits.

Ideas are circulating as to how the Constitution will take into account the 40,000 Cubans who emigrate every year and LGBT community members who are now demanding equal rights, marriage equality prominent among them. One commentator sees the state now having to acknowledge "a [small but assertive](#) middle class and to respond to academicians interested in "professionalizing deputies" in the National Assembly and in reducing their number.

In addition to changes proposed by former President Castro relating to terms and jobs of certain officeholders, the National Assembly in its [special session proposed](#) that the Constitution reflect the favorable results of an experiment in Artemisa and Mayabeque Provinces. In those provinces efficiency and effectiveness increased markedly once two persons, rather than one, were performing the separate jobs of president of provincial and municipal assemblies and president of administrative councils.

René Fidel González is a Cuban university professor and essayist. At stake, he writes, is “[continuity of the Revolution](#) as a political project ... This is something that is of concern not only to the present leadership of the Revolution ... but it also relates to a sense of responsibility in terms of personal and collective coherence that members of different age groups and different generations are experiencing.”

On May 28, Cuban president Miguel Díaz-Canel spoke similarly but more concretely: “[We work to achieve](#) constitutional norms that reflect the durability of a sovereign, independent, socialist, democratic, prosperous, sustainable and also inclusive nation. It’s one where institutions of the revolutionary state are being strengthened and where Martí’s teaching still prevails, the one declaring that the first law of our republic will be cultivation by Cubans of the full dignity of humankind.”