

Cuba's Constitutional Reform: Attempting to Reflect the Will of the Cuban People

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On April 18, 2018, the Cuban National Assembly selected Miguel Mario Díaz-Canel Bermúdez[i] to be Raúl Castro's successor as President of Cuba for two terms totalling 10 years. The very next day, Díaz-Canel assumed office as the 17th President of Cuba. Like Fidel and Raúl Castro before him, President Díaz-Canel is highly critical of injustice, poverty, exclusion, the unequal global distribution of wealth and income, as well as other destructive outcomes associated with colonialism, neo-liberalism, imperialism, and racism. All three were also in agreement that capitalism, imperialism, colonialism, and neoliberalism are responsible for promoting the notion that self-interest maximization represents the true nature of human beings, while neglecting the importance of achieving social justice, equality, and the common good.

President Díaz-Canel and the Castro brothers have all claimed that they were willing to do anything in order to strengthen and advance the Revolution. For example, Fidel Castro is quoted as saying that

'it has been stated that socialism must be improved. No one can deny this principle, which is inherent and permanently applicable to every human endeavor' (Fidel Castro, December 7, 1989).

Fidel Castro actually began implementing economic and social reforms in 1991, in an attempt to improve Cuba's socialist system after living standards severely worsened following the collapse of the Soviet Union. That year, Cuba started on a path of economic reform, which included gradually liberalizing prices and permitting Spanish and Canadian companies to invest in the tourism industry through joint ventures with the Cuban government. Subsequently, Raúl Castro continued implementing economic reforms after taking over the presidency from his brother in 2006. Among the specific reforms, which began to be implemented in 2009, were initiatives to decentralize the agricultural sector, allow small businesses to flourish, liberalize real estate markets, and make it easier for Cubans to obtain permission to travel overseas. Raúl Castro also played a key role in reaching an agreement with Barak Obama to re-establish diplomatic relations with Washington, which was announced on December 17, 2014.

Like the Castro brothers before him, President Díaz-Canel is of the view that societal systems are not rigid; rather, they evolve over time by adjusting to changing circumstances and conditions, sometimes necessitating government intervention to respond to economic shocks or system failures. One of President Díaz-Canel's first major reforms will be to update the 1976 Constitution in a manner that benefits the Cuban people, while maintaining the ideals of the Revolution under the premise that 'the revolution, socialism and national

independence are indissolubly linked.’ By doing so, the new Constitution should maintain the legacies of heroes of the *Cuban Revolution (1953-1959)*, namely Fidel and Raúl Castro, *Camilo Cienfuegos (1932-1959)*, *Ché Guevara (1928-1967)*, and *Juan Almeida Bosque (1927-2009)*, as well as those of other national heroes like José Julián Martí Pérez (1853-1895) and Ignacio Agramonte y Loynáz (1841-1873).

The constitutional reform, which has been planned over the course of several years, is being headed by former President Raúl Castro. It was drafted by a 33-person commission consisting of deputies, legal experts and academics in a variety of disciplines, all of whom were appointed by the National Assembly of People’s Power[ii] on June 2, 2018. Subsequently, on July 22, the National Assembly of People’s Power approved the modifications to the 1976 Constitution that were proposed by the commission. The proposed draft maintained 11 articles from the original Constitution, while 113 articles were amended, 13 were deleted, and 87 new ones were added.

To ensure that the reformed Constitution represents the will of the people, 133,681 meetings were held across the island from August 13 to November 15, 2018, which allowed approximately 9 million people, including Cuban exiles, to express their views and opinions on the proposed changes. In the end, the meetings elicited almost 2 million comments on the draft Constitution. Consequently, a total of 760 changes were made as a direct result the comments that were received, with 134 of the draft Constitution’s articles being modified, meaning that ordinary Cubans played a role in the final outcome. According to President Díaz-Canel, this process ensures that ‘all the Cubans will be able to freely express their opinions’ in developing the new Constitution. The success of this process will be determined on February 24, 2019, when Cubans go to the polls to vote in a referendum that will decide whether the newly-reformed Constitution is formally approved.

The draft Constitution reaffirms that Cuba’s political, economic and social system are socialist, and that the Communist Party of Cuba will continue to play a leading role on the island. That means the goal of the reform process is not to move the country towards the establishment of a capitalist system[iii]; rather, it seeks to rejuvenate the island’s socialism, so that it meets the changing needs and desires of the Cuban people and better prepares them to face contemporary global challenges. Although the draft Constitution continues to build on recent reforms pertaining to private ownership, it mostly aims to modernize the island’s economy without regime change. Some of the specific proposals for the new Constitution include: a limited recognition of private property, while avoiding the concentration of wealth and private property in too few hands; facilitating the conditions for a freer market; limiting the presidency to a maximum of two consecutive five-year terms; prohibiting discrimination[iv] based on gender, ethnicity, or disability; altering the definition of marriage from a union between a man and woman to one between two persons of unspecified gender; and, restoring the presumption of innocence in the justice system. Additionally, the country’s leadership structure will be modified from the current system where one leader holds the position of President of the Council of State and of Ministers to one that distributes authority by including a President of the Republic, Vice-President and Prime Minister.

President Díaz-Canel expressed his view that the restructured Constitution, if approved, will demonstrate the government’s continued commitment to the Revolution, which continues to exist for the people through the socialism that it brought. His statements also suggest that, under his presidency, Cuba will continue on its path of instituting reforms aimed at

improving the country's economic and social development, thereby allowing it to remain a symbol of global anti-imperialist and anti-capitalist movements, as well as a sovereign, independent, socialist, and sustainable state, free from all forms of foreign influence.

'The revolution has not aged, it remains young.' (Raúl Castro, Jan 1, 2019)

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Notes

[i] President Díaz-Canel is an electronic engineer by training. He made his first foray into politics in 1993, during the special period, when he became a member and secretary of the Young Communist League of Villa Clara. In 1994, he became first secretary of the Provincial Party Committee of Villa Clara before becoming a member of the Communist Party of Cuba in 2003. In 2009, he served as Minister of Higher Education until 2012, when he became Vice President of the Council of Ministers (deputy prime minister). He became Vice President of Cuba in 2013 and served in that capacity until Raúl Castro stepped down as President in 2018.

[ii] 'The National Assembly of People's Power is the supreme body of state power and represents and expresses the sovereign will of all the people. The National Assembly of People's Power is the only body in the Republic invested with constituent and legislative authority. The National Assembly of People's Power is comprised of deputies elected by free, direct and secret vote, in the proportion and according to the procedure established by law.' <http://www.granma.cu/granmad/secciones/elecciones/112.html>

[iii] President Díaz-Canel often contends that the production and consumption patterns of the capitalist system (neo-liberalism) require militarism, war, and terrorism, and that the pursuit of neo-liberal goals often produces an array of negative consequences, including violations of human rights, the destruction of nature, death, poverty, and exploitation.

[iv] 'The economic and social rights are reformulated, in particular, the right to health and education, which are maintained as a function of the State and free of charge, although it is envisaged that the law will define other issues related to them. The content of the right to equality is further developed by incorporating non-discrimination on the basis of gender, gender identity, sexual orientation, ethnic origin and disability into existing rights (skin color, sex, race, etc.).' <https://walterlippmann.com/draft-cuban-constitution-2018/>

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