

LEGAL FRAMEWORK

FOR RECONSTRUCTION AND DEMOCRATIC TRANSITION IN CUBA

LEGAL AUTHORITIES

A. Constitution of the Republic of Cuba (2019)

Art. 1 — Republic “with all and for the good of all.”

Art. 3 — Sovereignty residing in the people.

Art. 22 — Recognition of multiple forms of property, including private property.

Art. 28— Foreign investment as a component of national development.

Art. 47 — Solidarity among all the Cubans.

Arts. 54–56 — Freedom of expression, association, and assembly.

Art. 78 — Right of consumers to quality goods and services.

Art. 128(k) — Emergency powers of the President.

Art. 227(f) — Citizen initiative for constitutional reform.

B. Cuban Statutory Law

Ley No. 118/2014 on Foreign Investment

Ley No. 59/1987. Civil Code

Law-Decree No. 46/2021 on Micro, Small, and Medium-sized Enterprises (MIPYMES).

Decree No. 49/2021 — Regulations on MIPYMES.

C. United States Law

Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996. Pub. L. No. 104-114. Title II — Assistance to a Free and Independent Cuba. 22 U.S.C. §§ 6061–6067.

D. United States Sanctions and Emergency Authorities

Cuban Assets Control Regulations (31 C.F.R. Part 515).

Continuation of the National Emergency with Respect to Cuba.

Designation of Cuba as a State Sponsor of Terrorism.



E. International Institutional Framework

United Nations Charter (Arts. 1, 2(4), 51).

Inter-American Democratic Charter (2001).

Charter of the Organization of American States..

F. International Human Rights Treaties

Universal Declaration of Human Rights (1948)

International Covenant on Civil and Political Rights (1966). *Signed but not ratified by the Republic of Cuba*

International Covenant on Economic, Social and Cultural Rights (1966). *Signed but not ratified by the Republic of Cuba*

G. Comparative Law on Democratic Transition

Spain — Constitutional Transition (1978).

Poland — Round Table Agreements (1989)

Baltic Constitutional Restoration (1990–1992)

H. Political Context and Negotiation Framework

Statement of President Miguel Díaz-Canel Bermúdez, acknowledging prior negotiations between the governments of Cuba and the United States. March 13, 2026.

A transcript and supporting documentation of this statement shall be included in Annex IV to confirm a diplomatic context in which proposals for national stabilization, constitutional reform, and economic reconstruction may be presented and evaluated.

PREAMBLE

Statement of National Necessity

The Republic of Cuba confronts a structural crisis affecting the stability of the State, the reliability of essential public services, and the institutional capacity to ensure the welfare of its citizens.

Persistent shortages of food, medicine, fuel, and basic goods, together with the deterioration of infrastructure and declining productive capacity, threaten social stability and economic viability.

These conditions prove that the centralized economic model is unable to generate sustained development, technological modernization, and an adequate supply of goods and services. The current situation threatens to deepen humanitarian suffering and institutional paralysis.

The Cuban Constitution (2019) provides the legal foundation for responding to this national crisis. Article 1 establishes the Republic with all and for the good of all;” article 3 affirms that sovereignty resides in the people, and article 47 sets solidarity among Cubans as a fundamental civic principle.

The Constitution also recognizes the legitimacy of multiple forms of property, including private property, and acknowledges the importance of foreign investment for the national development.

Therefore, the present instrument proposes a constitutional and economic framework for the peaceful reconstruction of the Cuban Republic.

Its purpose is not the destruction of national institutions, but their renewal through constitutional means and economic transformation capable of restoring prosperity, stability, and civic dignity.

The public acknowledgment by the Cuban President of negotiations with the United States confirms that a diplomatic context has been set in which proposals for national stabilization and institutional reform may be considered. This framework is presented as a lawful and constructive proposal for national reconstruction within the emerging context.

PRINCIPLES OF CONSTITUTIONAL TRANSITION

The reconstruction of the Cuban Republic must proceed according to principles capable of ensuring legitimacy, stability, and national reconciliation.

Legitimacy Through Law

The transformation of the Cuban State must occur through lawful and constitutional mechanisms rather than through violence or institutional collapse.



Economic Transformation as the Foundation of Democratic Stability

Political freedom cannot be sustained without economic opportunity. Reconstruction requires the replacement of centralized economic administration with a diversified system based on private enterprise, productive investment, and competitive markets.

Nonviolent Civic Sovereignty

The sovereignty of the Cuban people must be exercised through peaceful civic participation and constitutional processes.

National Reconciliation

The future of the Republic belongs to all Cubans, including those residing abroad.

International Reintegration

The reconstruction of Cuba will restore the country’s participation in the international community of democratic nations.

DOCTRINE OF CONSTITUTIONAL RESCUE

The framework proposed in this instrument is guided by the principle articulated in the maxim “from the unfair law to the rightful law through the law itself”. This doctrine affirms that a constitutional order that no longer serves the common good may be reformed through the lawful exercise of sovereignty by the people. Therefore, the renewal of the Cuban Republic does not require the abandonment of law, but its restoration.

CONSTITUTIONAL MECHANISM FOR REFORM

The transformation proposed in this instrument may be undertaken through mechanisms already recognized within the constitutional order of the Republic of Cuba.

Sovereignty of the People

Article 3 of the Constitution provides that sovereignty resides in the people, from whom all state authority emanates.

Citizen Initiative for Constitutional Reform

Article 227(f) establishes that constitutional reform proposals may be introduced through citizen initiative supported by 50,000 certified registered voters.



Reform of Ideological Supremacy

Constitutional provisions establishing ideological supremacy remain subject to constitutional reform procedures and may therefore be lawfully revised or repealed.

Authority of the National Assembly

The National Assembly possesses constitutional authority to deliberate upon and adopt constitutional amendments.

Emergency Authority

Article 128(k) authorizes the declaration of a national emergency when circumstances threaten the stability of the State or the welfare of the population. Under such conditions, temporary institutional arrangements may be adopted to restore constitutional governance.

TRANSITION PROTOCOL AND EMERGENCY GOVERNANCE

Transition Protocol for Stabilization

The Constitution of the Republic of Cuba provides mechanisms through which the State may respond to extraordinary national circumstances while preserving constitutional legality.

Article 128(k) authorizes the declaration of a national emergency when circumstances threaten the stability of the State or the welfare of the population. The present economic and humanitarian conditions satisfy the threshold contemplated by this constitutional provision.

The persistent deterioration of productive capacity, severe shortages of essential goods, deterioration of public infrastructure, and declining capacity of state institutions to provide basic services collectively constitute a national emergency affecting both social stability and economic viability.

The constitutional framework permits the adoption of temporary institutional arrangements designed to stabilize the nation and restore effective governance. The transition protocol proposed in this instrument is conceived as a lawful mechanism for stabilization rather than as an extra-constitutional rupture of the State.

The public acknowledgment by the President of the Republic that negotiations with the United States have taken place further confirms a diplomatic context in which proposals for stabilization and economic reconstruction may be evaluated.



Within that context, the transition protocol outlined below is presented as a constructive and lawful pathway capable of restoring stability, relieving humanitarian hardship, and allowing the Cuban people to determine the future of the Republic through democratic means.

IMMEDIATE STABILIZATION MEASURES

The stabilization of the Republic requires the adoption of a limited number of immediate measures designed to restore civic trust, reduce humanitarian suffering, and create the institutional conditions necessary for peaceful national reconstruction. These measures constitute the first phase of the constitutional transition process.

1. Immediate Liberation of Political Prisoners

As an initial step toward national reconciliation and restoration of civic legitimacy, the authorities shall adopt lawful mechanisms of indult, executive clemency, or suspension of sentence in order to secure the immediate release of individuals detained or convicted for the peaceful exercise of civil and political rights, in particular political prisoners; prisoners of conscience; individuals prosecuted for peaceful political expression; persons convicted for participation in civic demonstrations or peaceful political organization.

The liberation of such individuals constitutes an essential measure for restoring civic confidence and signaling the beginning of a peaceful transition process grounded in the rule of law.

2. Authorization of Emergency Humanitarian Assistance

The Cuban population currently faces significant shortages of essential goods, including food, medicines, medical equipment, fuel, and basic household supplies. The transition protocol authorizes the immediate implementation of international humanitarian assistance programs designed to alleviate the most urgent needs of the population. These programs may include emergency food procurement and distribution; acquisition of essential pharmaceuticals and hospital supplies; restoration of medical supply chains; distribution of essential consumer goods necessary for daily life.

Humanitarian assistance may be coordinated through cooperation between national institutions, international humanitarian organizations, faith-based institutions, and civil society networks capable of ensuring the effective distribution of aid.

The objective of these measures is to provide immediate relief to the population while broader economic reconstruction policies are implemented.



3. Suppression of Political Repression

The stabilization of civic life requires the suppression of the mechanisms historically used to monitor and repress civic activity. Accordingly, the transition protocol shall include the immediate suspension of the operational functions of institutions whose primary purpose has been political surveillance or ideological enforcement, including the Department of State Security (DSE) and the Committees for the Defense of the Revolution (CDR) as auxiliary bodies of political surveillance;

The suppression of such mechanisms is consistent with the requirements for democratic normalization contemplated in Title II of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act, which identifies the dismantling of political repression structures as a condition for democratic transition.

4. Restoration of Civil Liberties and Political Participation

The transition framework shall restore the exercise of civil liberties recognized by the Constitution and by international democratic standards. Citizens shall fully exercise the rights of freedom of expression; freedom of association; peaceful assembly; and political participation.

Political organizations, civic associations, professional groups, and independent civil society institutions may register through lawful procedures administered by the Ministry of Justice.

The restoration of these liberties will permit the Cuban people to participate actively in the reconstruction of national civic life.

ESTABLISHMENT OF A PROVISIONAL TRANSITIONAL AUTHORITY

To administer the State during the period of national reconstruction, a Provisional Transitional Authority shall be established through constitutional emergency mechanisms.

The purpose of this authority is to ensure administrative continuity while preparing the institutional foundations of democratic governance.

The authority of the transitional government shall be limited in duration and shall operate under principles of transparency, legality, and accountability to the Cuban people. The principal responsibilities of the Transitional Authority shall include stabilization of public administration; coordination of humanitarian relief programs; implementation of economic reconstruction measures; supervision of constitutional reform procedures; and preparation and organization of democratic elections.

The Transitional Authority shall function as a temporary administrative structure designed to restore institutional stability and guide the nation through the reconstruction period.

TRANSITIONAL CABINET FOR NATIONAL RECONSTRUCTION

To execute the reforms contemplated in this instrument, the Provisional Transitional Authority shall establish a Transitional Cabinet for National Reconstruction, composed of a limited number of ministries capable of administering the State efficiently during the reconstruction period. The cabinet structure shall reflect the fiscal realities of the nation and the necessity of reducing excessive bureaucratic structures inherited from the previous system. The principal ministries of the transitional government may include:

- Ministry of Economic Reconstruction and National Development
- Ministry of Finance and Public Administration
- Ministry of National Defense
- Ministry of Interior and Public Security
- Ministry of Foreign Affairs
- Ministry of Justice and Constitutional Reform
- Ministry of Health and Humanitarian Relief
- Ministry of Agriculture and Food Security
- Ministry of Infrastructure, Energy, and Industry
- Ministry of Tourism and International Investment
- Ministry of Energy and Natural Resources.

Each ministry shall operate under principles of administrative efficiency and fiscal responsibility to ensure that public resources are directed primarily toward national reconstruction and humanitarian relief.

ADMINISTRATIVE RESTRUCTURING OF THE EXECUTIVE BRANCH

The transitional government shall undertake a rational reorganization of the executive branch to modernize public administration and reduce fiscal burdens on the State.

The current Ministry of the Revolutionary Armed Forces (MINFAR) shall be reorganized as a Ministry of National Defense, reflecting the transformation of the armed forces into a professional military institution operating under civilian authority. The armed forces shall progressively withdraw from direct participation in commercial economic activity.



The Ministry of Foreign Affairs (MINREX) shall also undergo institutional restructuring in order to align Cuba’s diplomatic presence with the economic capacity of the nation. The diplomatic service shall prioritize relations with principal economic partners, regional organizations, and international financial institutions while reducing excessive diplomatic representation that imposes unsustainable financial burdens on the national budget.

These reforms are intended to create a modern, efficient, and fiscally responsible executive branch capable of administering the reconstruction of the Cuban Republic.

ECONOMIC RECONSTRUCTION AND INSTITUTIONAL SAFEGUARDS

National Anti-Corruption and Transparency Authority

The success of national reconstruction requires the establishment of strong institutional safeguards capable of preventing corruption, abuse of public resources, and illicit appropriation of national assets during the transition period.

Experience in numerous democratic transitions demonstrates that economic reform processes—particularly those involving privatization, restructuring of state enterprises, and international investment—are vulnerable to capture by networks of corruption if appropriate oversight mechanisms are not established.

For this reason, the transition framework establishes an independent National Anti-Corruption and Transparency Authority, charged with supervising the integrity of reconstruction programs and the lawful administration of public resources.

The Authority shall operate independently from the executive branch and shall possess the legal authority necessary to investigate corruption, audit public expenditures, and monitor government contracting.

Its functions shall include:

- oversight of the Cuban National Reconstruction and Economic Development Fund
- monitoring of privatization processes involving former state enterprises
- supervision of the restructuring and liquidation of military-controlled economic conglomerates
- investigation of corruption involving public officials or contractors participating in reconstruction programs
- publication of periodic public reports detailing the use of reconstruction funds and public resources.



The establishment of such an institution is essential to maintaining public confidence in the reconstruction process and ensuring that national recovery serves the interests of the Cuban people rather than private networks of influence.

Cuban National Reconstruction and Economic Development Fund

The reconstruction of the Cuban economy requires a coordinated financial mechanism capable of mobilizing investment, restoring productive capacity, and financing the modernization of national infrastructure. For this purpose, the transition framework establishes a Cuban National Reconstruction and Economic Development Fund.

The Fund shall operate as the principal financial instrument supporting the economic recovery of the Republic. Its primary objectives shall include:

- stabilization of essential public services and infrastructure
- financing of small and medium-sized enterprises
- reconstruction of transportation and energy infrastructure
- modernization of agricultural production
- development of new industrial capacity capable of generating employment and export revenue.

To ensure transparency and credibility in international financial markets, the Fund may be organized as a financial entity administered under internationally recognized standards of accounting, auditing, and financial governance.

Given the importance of investor confidence and financial stability, the corpus of the Fund may be administered through financial institutions located in the United States or other jurisdictions possessing established regulatory frameworks capable of ensuring transparency and accountability.

The administration of the Fund shall be subject to the oversight of the National Anti-Corruption and Transparency Authority. International participation may include cooperation with multilateral financial institutions such as the International Monetary Fund, the World Bank, and the Inter-American Development Bank.

The Fund shall also facilitate the participation of Cuban entrepreneurs residing abroad who wish to invest in the reconstruction of the national economy.



Restoration of Private Property and Resolution Of Confiscated Assets

One of the central challenges confronting the reconstruction of the Cuban economy is the resolution of property confiscations carried out during the early decades of the revolutionary government. Numerous enterprises and private properties belonging to Cuban citizens and foreign investors were nationalized without compensation, creating long-standing legal disputes affecting both domestic economic development and international investment relations.

The reconstruction framework establishes a lawful process for the resolution of these claims consistent with international legal standards and with the provisions of Title II of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act.

The objective of this process is to restore confidence in the rule of law and encourage the reintegration of Cuba into the global economic system.

Possible mechanisms for resolving confiscated property claims may include:

- restitution of confiscated assets where feasible
- negotiated compensation agreements between the State and former owners
- participation of former owners in privatization processes involving enterprises built upon confiscated property.

These mechanisms will require the establishment of specialized legal procedures capable of adjudicating property claims efficiently and transparently. The judiciary shall play a central role in resolving disputes arising from these processes.

Return Of Industrial Assets to the Private Sector

The reconstruction of the Cuban economy requires the progressive transfer of productive assets from centralized state administration to private enterprise capable of generating economic growth and employment. Many industrial sectors currently operate under state monopolies that have proven inefficient and unable to maintain adequate production levels.

The transition framework therefore establishes a program for the gradual privatization and modernization of industrial enterprises, conducted through transparent procedures subject to public oversight. Priority sectors for economic liberalization shall include industrial manufacturing; tourism infrastructure; transportation and logistics networks; telecommunications; mining and mineral extraction; petroleum exploration and energy development.

Special attention shall be given to sectors in which enterprises belonging to Cuban citizens or foreign investors were previously confiscated without compensation.



Existing concession agreements granted to foreign companies involving such assets shall be subject to legal review during the transition period to ensure compliance with lawful property rights and internationally recognized investment standards.

The objective of these reforms is to create a dynamic industrial sector capable of attracting investment, generating employment, and restoring productive capacity within the Cuban economy.

Ministry of Energy and Natural Resources

The reconstruction of the Cuban economy will require careful management of the nation’s natural resources, including mineral deposits, offshore petroleum reserves, and strategic energy infrastructure.

For this purpose, the transitional government shall establish a Ministry of Energy and Natural Resources responsible for administering national energy policy and regulating the exploitation of natural resources.

This ministry shall supervise petroleum exploration and production; mining operations involving nickel, cobalt, and other strategic minerals; development of renewable energy infrastructure; negotiation and regulation of energy concessions granted to domestic and foreign investors.

The ministry shall also coordinate with international energy companies and financial institutions to modernize Cuba’s energy infrastructure and reduce the nation’s dependence on imported fuels.

Transparent management of natural resources will play a crucial role in generating revenue necessary for national reconstruction.

Dismantling of GAESA

The military Grupo de Administración Empresarial S.A. (GAESA) currently controls a substantial portion of the Cuban economy through military-administered enterprises operating in sectors including tourism, retail commerce, logistics, and financial services.

The concentration of economic power within military institutions is incompatible with democratic governance, economic transparency, and civilian control of national resources. The transition framework requires the orderly dismantling of GAESA as a military economic conglomerate through:

- Audit of GAESA Assets

A comprehensive audit shall identify all financial holdings, enterprises, real estate assets, and foreign partnerships associated with GAESA. This audit shall be conducted under independent financial supervision to ensure transparency and prevent the concealment or diversion of national assets.



- Transfer of GAESA Enterprises to Civilian Administration

Following the completion of the national audit, enterprises currently administered by GAESA shall be transferred to civilian economic administration. These enterprises may subsequently be converted into civilian state enterprises; privatized through transparent investment procedures; reorganized as worker-owned cooperatives where appropriate.

- Emergency Use of Liquid Assets for Humanitarian Relief

Liquid financial assets recovered from GAESA shall be directed toward immediate humanitarian relief programs designed to alleviate shortages affecting the Cuban population. These resources may be used for procurement of food supplies; acquisition of essential medicines; restoration of hospital supply chains; distribution of essential consumer goods.

The redirection of these resources toward humanitarian purposes reflects the principle that national wealth must serve the welfare of the Cuban people.

SOCIETAL RECONSTRUCTION, DEMOCRATIC TRANSITION, AND INTERNATIONAL COOPERATION

Municipal Economic Reconstruction And Local Governance

The reconstruction of the Cuban Republic cannot be achieved solely through national-level reforms. Sustainable economic recovery requires the revitalization of municipal governance and local productive capacity.

Municipal governments shall therefore play a central role in coordinating local economic development and implementing reconstruction programs tailored to the specific conditions of each locality.

To facilitate this process, the transition framework establishes Municipal Reconstruction Councils, composed of representatives of:

- municipal authorities
- local entrepreneurs and cooperatives
- professional associations
- educational and cultural institutions
- faith-based organizations and churches
- civil society organizations.



A distinctive element of this reconstruction framework is the participation of municipal organizations of the Cuban exile community, many of which maintain historical, familial, and cultural ties with specific municipalities within Cuba.

These diaspora organizations possess valuable financial resources, professional expertise, and international connections capable of supporting local reconstruction efforts.

The Municipal Reconstruction Councils may therefore establish cooperative partnerships with municipal associations in exile to facilitate:

- microfinance programs for local entrepreneurs
- investment in small industrial and agricultural projects
- restoration of local infrastructure
- educational and vocational training initiatives.

Through such partnerships, the reconstruction of municipal economies may benefit from the combined efforts of Cubans residing both within the island and abroad.

Expansion of Micro, Small and Medium-size Enterprises

Micro, small and medium-size enterprises constitute the backbone of modern market economies and represent a crucial source of employment, innovation, and local economic development.

The transition framework prioritizes the expansion of private enterprises through the strengthening of the legal framework governing Micro, Small, and Medium Enterprises (MIPYMES). The regulatory environment governing these enterprises shall be simplified to reduce bureaucratic obstacles and encourage entrepreneurial activity. Private enterprise shall be authorized across a broad range of economic sectors including:

- retail commerce
- manufacturing and small industry
- professional services
- transportation services
- construction and mechanical repair
- pharmacies and medical supply distribution.

Local chambers of commerce and professional associations shall be encouraged to organize independently to facilitate cooperation among entrepreneurs and promote local investment.



The expansion of private enterprise will stimulate economic growth, increase the availability of goods and services, and restore productive dynamism to the Cuban economy.

Agricultural Reform and Food Security

The restoration of national food production constitutes one of the most urgent priorities of economic reconstruction. Decades of centralized agricultural administration and state monopolies have significantly reduced productivity and undermined the capacity of the agricultural sector to supply the population with basic food products.

The transition framework therefore includes measures designed to restore private agricultural production and strengthen rural economic development. These measures include:

- expansion of private agricultural property rights
- long-term leasing arrangements for agricultural land
- elimination of state monopolies over agricultural distribution
- development of agricultural credit and insurance systems
- investment in agricultural infrastructure and irrigation systems.

Agricultural cooperatives may also be encouraged to facilitate collaboration among farmers and improve access to markets and agricultural technology.

The revitalization of Cuban agriculture will strengthen national food security, reduce dependence on imported food supplies, and generate employment in rural communities.

Judicial Restoration and the Rule of Law

The reconstruction of democratic institutions requires the restoration of an independent judiciary capable of guaranteeing constitutional rights and enforcing the rule of law. The judicial system should operate independently from political authority and ideological influence.

Judges shall exercise their functions in accordance with the Constitution and the law, free from interference by political organizations or security institutions. The courts shall guarantee equal protection of the law to all citizens and shall serve as the ultimate guardians of constitutional liberties.

The transition framework recognizes that many Cuban legal professionals residing abroad possess expertise that may contribute significantly to the restoration of the national justice system. Municipal legal associations in the exile community may cooperate with Cuban institutions to support judicial training programs; modernization of court administration; development of independent bar associations; legal education initiatives.

Such cooperation may facilitate the rapid restoration of a professional and independent judicial system capable of resolving disputes arising from economic reconstruction and property restitution.

Electoral Transition Framework

The restoration of democratic governance requires the establishment of an electoral system guaranteeing political pluralism and universal suffrage. The transitional authority shall therefore initiate the reform of Electoral Law No. 127/2019 in order to eliminate mechanisms restricting political participation.

Political parties and civic organizations wishing to participate in elections shall be registered through the Ministry of Justice (MINJUS) in accordance with transparent procedures.

The right to vote and to stand for public office shall extend to all Cuban citizens residing both within the national territory and abroad.

Diaspora voting mechanisms may include participation through diplomatic missions or other secure voting systems established by law.

An independent National Electoral Authority shall administer electoral processes and ensure transparency in the conduct of elections.

Democratic elections for the National Assembly and other constitutional institutions shall be organized within the transitional period established by the stabilization protocol.

National Reconciliation, Indult, and Penal Reform

The reconstruction of democratic society requires national reconciliation grounded in liberty, legality, and respect for human dignity. As an initial measure of the transition process, the provisional authority shall adopt lawful mechanisms of indult or executive clemency to secure the immediate release of political prisoners; prisoners of conscience; persons convicted for the peaceful exercise of expression, association, religion, or political participation.

The transitional authority shall also initiate reform of criminal legislation to repeal provisions used to suppress civil liberties.

The courts shall establish procedures for the review and annulment of convictions imposed under laws incompatible with constitutional freedoms.

At the same time, national reconciliation shall not imply impunity for serious violations of fundamental rights. Acts including torture, enforced disappearance, extrajudicial killing, and major corruption shall remain subject to lawful judicial investigation.



International Contact Group for Cuban Reconstruction

The reconstruction of the Cuban Republic will benefit from coordinated international cooperation. An International Contact Group for Cuban Reconstruction may be established to facilitate collaboration between the Cuban transitional authorities and international partners.

Participants in this framework may include the United States, the European Union, the International Monetary Fund, the World Bank, the Inter-American Development Bank, and representatives of the Cuban diaspora.

The purpose of this contact group shall be to coordinate financial assistance, investment initiatives, and technical cooperation programs designed to support the reconstruction of the Cuban economy and the consolidation of democratic institutions.

By Cuba Demanda:

Santiago A. Alpizar, Esq.
President

MSc. Arnaldo M. Fernández
Vice President

**CUBA
DEMANDA** INC.

ANNEX I**TIMELINE****First Twenty-Four Months of Transition**

The reconstruction process shall occur in four principal phases.

Phase I — Stabilization (First 90 Days)

- liberation of political prisoners;
- authorization of humanitarian assistance;
- declaration of emergency authority under Article 128(k);
- establishment of provisional transitional authority.

Phase II — Institutional Reorganization (3–9 Months)

- formation of transitional cabinet;
- establishment of anti-corruption authority;
- initiation of GAESA audit;
- creation of Cuban National Reconstruction Fund.

Phase III — Economic Reconstruction (9–18 Months)

- expansion of private enterprise;
- privatization of selected state enterprises;
- agricultural reform;
- negotiation of international investment agreements.

Phase IV — Democratic Consolidation (12–24 Months)

- reform of electoral law;
- registration of political organizations;
- preparation of national elections;
- transfer of authority to elected government.

ANNEX II

DOCTRINE

I. Purpose and Scope

This Annex sets forth the legal doctrine supporting the constitutional legitimacy of the transition framework described in this instrument. Its purpose is to articulate, in coherent juridical terms, the lawful basis upon which constitutional transformation may occur within the Republic of Cuba under conditions of systemic crisis.

This doctrine is grounded in the Constitution of the Republic of Cuba (2019), principles of democratic sovereignty, and recognized norms of international law governing democratic governance and the protection of fundamental rights.

II. Foundational Principle: Sovereignty of the People (Article 3)

Article 3 of the Constitution of the Republic of Cuba establishes that sovereignty resides non-transferable in the people, from whom all state authority emanates.

This provision constitutes the primary source of constitutional legitimacy. The Constitution derives its authority from the sovereign will of the people and not the inverse.

Accordingly, sovereignty is not extinguished by the constitutional order; rather, it remains the original and continuing source of legal authority within the State.

Under established principles of constitutional theory, this form of sovereignty is understood as constituent power—that is, the authority to create, modify, or renew the constitutional order itself.

III. Distinction Between Constituent Power and Constituted Powers

The Cuban constitutional system distinguishes, implicitly and structurally, between:

- **Constituent Power** — the sovereign authority of the people (Article 3); and
- **Constituted Powers** — the institutions of government created by the Constitution, including the National Assembly, the Executive, and other state organs.

Constituted powers are bound by procedural and substantive limitations contained within the Constitution, including those established in Article 229 regarding constitutional reform.

However, such limitations do not extend to the constituent power itself. The sovereign people, as the source of constitutional authority, cannot be permanently bound by restrictions imposed within the constitutional framework they have created.

IV. Legal Nature and Scope of Article 229

Article 229 of the Constitution establishes limitations on constitutional reform, including the protection of certain political and ideological provisions.

These limitations are binding upon constituted organs of the State exercising derivative authority under the Constitution.

However, Article 229 does not—and cannot, as a matter of constitutional theory—extinguish or limit the original constituent power of the people recognized in Article 3.

To interpret Article 229 as permanently binding the sovereign would be to subordinate the source of constitutional legitimacy to its derivative expression, a result incompatible with fundamental principles of democratic constitutionalism.

V. Constitutional Emergency and Systemic Breakdown

Article 128(k) authorizes the declaration of a national emergency when circumstances threaten the stability of the State or the welfare of the population.

The current conditions within the Republic of Cuba—characterized by severe economic deterioration, shortages of essential goods, degradation of infrastructure, and institutional incapacity—constitute circumstances that satisfy the threshold contemplated by that provision.

The declaration of a national emergency under Article 128(k) has three relevant legal effects:

1. It constitutes formal recognition that the constitutional order is operating under conditions of systemic stress or partial dysfunction;
2. It authorizes the adoption of temporary institutional measures necessary to restore stability and effective governance;
3. It creates the legal and political conditions under which the exercise of civic sovereignty may become necessary to restore constitutional normality.

Article 128(k), however, does not itself authorize constitutional amendment or the suspension of entrenched constitutional provisions. Its function is enabling, not constituent.

VI. Reactivation of Constituent Sovereignty Under Conditions of Crisis

Where a constitutional order becomes incapable of fulfilling its essential purposes—including the protection of fundamental rights, the provision of basic services, and the preservation of public welfare—the sovereign authority of the people is not extinguished but reactivated.

Under such conditions, the exercise of constituent power may occur through lawful and peaceful civic mechanisms, including broad civic participation; institutional reconfiguration through transitional arrangements; processes leading to constitutional reform or renewal.



This doctrine does not constitute an abandonment of constitutional legality, but rather its restoration through the activation of its foundational principle: the sovereignty of the people.

VII. Legal Status of Entrenched Ideological Provisions

Article 4 of the Constitution establishes the irrevocable character of the socialist system.

This provision, when read in conjunction with Article 229, operates as a limitation on constitutional reform by constituted powers.

However, as established above, such limitations do not bind the constituent power of the people.

Accordingly:

- Article 4 is entrenched within the framework of constituted authority, but
- it is not immutable in the face of sovereign constituent action grounded in Article 3.

The modification, replacement, or removal of such provisions may therefore occur through the lawful exercise of constituent sovereignty under conditions of constitutional reactivation.

VIII. Transitional Governance and the Role of Emergency Authority

A transitional authority established under Article 128(k) does not itself exercise constituent power. Rather, it serves as a facilitating institutional mechanism whose functions include stabilization of public administration; restoration of civil liberties; coordination of humanitarian assistance; creation of conditions necessary for the free expression of civic sovereignty.

The transitional authority operates within the constitutional order but prepares the institutional environment for the lawful exercise of constituent power by the people.

IX. Compatibility with International Law and Democratic Norms

The doctrine articulated in this Annex is consistent with principles of international law recognizing the right of peoples to democratic governance; the protection of fundamental rights and freedoms; the legitimacy of peaceful constitutional transformation.

These principles are reflected in the Universal Declaration of Human Rights; the Inter-American Democratic Charter; the Charter of the Organization of American States, and other international legal instruments.

The restoration of democratic governance through peaceful and lawful means is consistent with international legal norms and state practice.

X. Conclusion

The constitutional framework of the Republic of Cuba, when interpreted in light of Article 3, permits the lawful exercise of sovereign constituent authority under conditions of systemic crisis recognized pursuant to Article 128(k).

The limitations contained in Article 229, and the ideological entrenchment reflected in Article 4, bind constituted powers but do not extinguish the original sovereignty of the people.

Accordingly, the transition framework described in this instrument rests upon a legally coherent doctrine under which sovereignty remains the ultimate source of constitutional legitimacy; constitutional emergency conditions justify transitional institutional arrangements; and the Cuban people retain the lawful authority to renew the constitutional order in service of the common good.

FINAL OBSERVATION

The annex package demonstrates that the transition framework rests upon:

- identifiable constitutional authority
- recognized statutory law
- international legal norms
- historically validated transition models.

Together with the main instrument, these annexes provide a comprehensive blueprint for the peaceful reconstruction of the Cuban Republic.