

# Waiting for Change:

## *Trends in U.S. Security Assistance to Latin America and the Caribbean*

### Introduction

Across Latin America, governments and publics viewed Barack Obama's election with surprise and hope. Presidents eagerly lined up to shake his hand and share a brief moment of history at the April 2009 Summit of the Americas in Trinidad, and many dared to dream that a new relationship with the region might dawn. President Obama's words at the summit helped inspire that hope.

*I know that promises of partnership have gone unfulfilled in the past, and that trust has to be earned over time. While the United States has done much to promote peace and prosperity in the hemisphere, we have at times been disengaged, and at times we sought to dictate our terms. But I pledge to you that we seek an equal partnership. There is no senior partner and junior partner in our relations; there is simply engagement based on mutual respect and common interests and shared values. So I'm here to launch a new chapter of engagement that will be sustained throughout my administration.<sup>1</sup>*

A year later, those unrealistic expectations are much dimmed. The rollout of a major base agreement with Colombia appeared to signal that the Obama Administration was escalating rather than scaling down the U.S. military footprint in the region. The administration's weak response to the Honduran coup, despite the Organization of American States' marshaling of a united front against it, crushed hopes for greater U.S. support for democratic

rule. The refusal to use conditions attached to military aid to Colombia and Mexico signaled to human rights groups that the United States would continue turning a blind eye to its closest allies' abuses. As 2010 began, however, the generous and energetic initial U.S. response to the earthquake in Haiti renewed the potential to shift perceptions.

Our fifteen years of documenting trends in the U.S. military relationship with Latin America, through Democratic and Republican administrations, have convinced us that the underlying, structural relationship is only affected to a limited degree by the White House's current inhabitant. It has also convinced us that a growing trend towards the militarization of U.S. foreign policy spans administrations. Despite this reality, we are disappointed that the Obama Administration has not taken strong, identifiable actions to improve relationships with the region. We still hold out hope for change. But it must come soon.

### Colombia Agreement Muddies a New President's "Change" Message

Regional goodwill towards the new Obama Administration began to erode in mid-2009, as media reports revealed that the United States and Colombia were quietly negotiating a deal giving U.S. personnel increased access to seven Colombian military bases. While Venezuelan

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## Executive Summary

Barack Obama's message of change resonated in Latin America, inspiring hope for a new relationship between the United States and Latin America. Today, however, that hope is dimmed. The rollout of a major base agreement with Colombia appeared to signal that the Obama Administration was escalating, rather than scaling down, the U.S. military footprint in the region. The administration's weak response to the Honduran coup, despite the Organization of American States' marshaling of a united front against it, crushed hopes for greater U.S. support for democratic rule. The refusal to use conditions attached to military aid to Colombia and Mexico signaled to human rights groups that the United States would continue turning a blind eye to its closest allies' abuses. An initial promise to close the prison camp at Guantánamo became enmeshed in a complicated legal and political debate. Aid and economic policy seemed to chart no new course from the Bush Administration, while immigration reform, which the candidate had embraced, was left off the agenda. As President Obama's second year unfolds, the administration's second budget proposing modest changes by trimming the harshest counternarcotics programs in Latin America and slightly boosting drug treatment programs in the United States, along with the generous immediate response to the Haiti earthquake, offer some openings for change.

This report documents the complexities and disappointments of the Obama Administration's relations with Latin America in its first year, with a particular focus on military relationships with the region. It recognizes that an underlying trend towards greater militarization of U.S. foreign policy spans Democratic and Republican administrations. But there is no reason why this must be so. It's not too late for the Obama Administration to push the reset button on U.S.-Latin American relations, but it must take decisive steps to do so.

To meet the promise of hope and change, the administration should:

- Deliver on a generous, multi-year, Haitian- and civilian-led **reconstruction package for Haiti**.
- **Shift the balance of aid** for Latin America and the Caribbean decisively away from military spending to the aid for health, education, disaster relief, strengthening justice and small-scale development that will improve people's lives.
- Establish that the United States **cares as much about the protection of human rights in countries perceived as close partners**, like Colombia and Mexico, as in the rest of the region.
- Continue to suspend military assistance and **condition other aid to Honduras until real steps are taken to achieve justice for human rights abuses**, establish accountability for the coup, protect human rights defenders and others still at risk, remove the military from inappropriate roles and positions, and establish a substantive, inclusive dialogue throughout Honduras to build a just and democratic society.
- **Reassure Latin American governments and publics that the United States is not seeking to project its military power in the region**. This can be partially achieved by reducing military aid, employing transparency in any military arrangements, and ensuring that the lead actor and voice on U.S. policy is the State Department and embassies rather than the Southern Command.

- Support Latin American efforts that embrace a **broader approach to citizen security**, which involves reform and anti-corruption measures for police; functioning judicial systems; citizen oversight, and increased opportunities for youth at risk.
- Through action, not just rhetoric, **focus counternarcotics efforts on our side of the border**, increasing access to drug treatment and controlling the flow of assault weapons into Mexico. Provide greater latitude to Latin American governments to pursue their own innovative approaches to this intractable problem.
- **Allow for the free exchange of people and ideas with Cuba.** Nothing could reset relations with the entire region like a complete end to the archaic travel embargo.
- **Put immigration reform back on the agenda**—and move it forward. Building bridges rather than walls by creating a process for undocumented people to earn legal status and eventual citizenship and upholding family unity as a priority in our immigration policies will immeasurably help U.S. and Latin American families and economies and improve the U.S. image in the region.

President Hugo Chávez complained most loudly, the U.S.-Colombia Defense Cooperation Agreement inspired an outcry from far more moderate leaders, and contributed to a sense that little had changed following the Bush Administration's exit.

This story begins in 1999, as U.S. military personnel, complying with a 1977 treaty, pulled out of several bases in Panama. In order to keep monitoring suspected maritime drug transshipment in Colombia's vicinity, the U.S. government quickly signed ten-year agreements with three nearby governments to allow aircraft, military personnel, and contractors to use runways and other facilities. These "Forward Operating Locations" (also known as "Cooperative Security Locations") operated under agreements restricting them to the mission of detecting and monitoring air and maritime trafficking.

As these agreements were set to expire in 2009, the U.S. government negotiated renewals for the use of the Comalapa airfield in El Salvador and facilities in Aruba and Curaçao in the Netherlands Antilles. One, however, was not renewed: the Forward Operating Location in Manta, Ecuador. Ecuadorian President Rafael Correa kept his promise, first made in the 2006

presidential campaign, to "cut off my own arm" before renewing the basing agreement.<sup>2</sup> The last U.S. personnel left Manta by August 2009.

In the two years before Manta's closure, U.S. officials quietly cast about for alternatives. Rumors in the region's press pointed to talks with Peru about the possible use of a base in Piura<sup>3</sup> or U.S. interest in using the Colombian Air Force's Palanquero airbase in Puerto Salgar, about 50 miles northwest of Bogotá.<sup>4</sup>

By February 2009, it became clear that the Colombia rumors were correct. Colombian Defense Minister Juan Manuel Santos acknowledged that both governments were discussing a Colombian alternative to Manta. These talks were taking place under utmost secrecy, apparently in response to a Colombian government request.

The leaks, however, came from the Colombian side. In July 2009, the Colombian newsmagazine *Cambio* revealed the first details.<sup>5</sup> When U.S. negotiators expressed interest in the Palanquero facility, the magazine reported, President Álvaro Uribe's government offered access to six more bases: an air force base in Malambó, near Barranquilla; army bases in Tolemaida, Tolima, and Larandia and

Tres Esquinas, Caquetá; and naval bases in Cartagena and Buenaventura. Beyond base access, the talks became an opportunity to formalize a series of military cooperation agreements the two countries had cobbled together since the 1950s.

The leaked news caused an outcry around the region, with the presidents of Brazil, Chile, Argentina and Ecuador expressing concern about the unconsulted invitation of a U.S. military presence onto the South American continent. Particularly unfortunate was the effect on relations with Brazil, a country that the Obama Administration had made a special effort to court in early 2009.

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The most vocal response, though, came from Venezuelan President Hugo Chávez. Claiming that the Defense Cooperation Agreement was evidence that the United States was preparing to invade Venezuela via Colombia, Chávez “suspended” relations with Bogotá, deeply cut the countries’ \$7 billion in annual trade, closed many border crossings, and told the Venezuelan armed forces to “prepare for war” with Colombia. While many analysts conclude Chávez used the base agreement to distract domestic public opinion from economic woes (and thus that the Obama Administration’s handling of the matter gave the Venezuelan president a big political gift), tensions between Venezuela and Colombia rose to levels not seen in generations.

U.S. and Colombian government officials signed the agreement in late October 2009. The agreement’s text granted U.S. access to the seven Colombian bases. Neither country’s Congress ratified the agreement. However, the Colombian judiciary’s Council of State sent the Executive power a “concept note”—which is

non-binding—on October 13, 2009, saying that the agreement had to be reviewed by the Colombian Congress and Supreme Court, given that the agreement is “‘broad and unbalanced’ in favor of the United States and is not based on any previous treaty,”<sup>6</sup> among other reasons. Most recently, Colombia’s Constitutional Court has decided to review the agreement. The court accepted a lawsuit introduced by a human rights group that argues that the military accord should be nullified since it was not approved by Congress, as mandated by the constitution.<sup>7</sup> The decision is still pending.

The agreement also declared a very broad, vaguely-worded mission for future security cooperation between the two countries. Article III, Section 1 allows U.S. forces to support activities “to address common threats to peace, stability, freedom, and democracy.” This language could be construed as a U.S. defense guarantee from external aggression, and may indeed have been written with Venezuela in mind.

The agreement, U.S. diplomats insist, does not contemplate any U.S. support for military operations beyond Colombia’s borders.<sup>8</sup> This “non-intervention” message was immediately undercut in early November 2009, when Colombian media revealed a document that had, in fact, been freely available on the Internet for months.<sup>9</sup> The U.S. Air Force’s military construction budget request to Congress spoke of using the Palanquero base for “expeditionary warfare capability” and “full spectrum operations in a critical sub region of our hemisphere where security and stability is under constant threat from narcotics funded terrorist insurgencies, anti-US governments, endemic poverty and recurring natural disasters.”<sup>10</sup>

While this language was later edited, concerns about U.S. plans in the region remained high. Presidents Lula da Silva of Brazil and Kirchner of Argentina released a joint statement that month calling for “guarantees that such accords will not be utilized against the sovereignty, territorial integrity, security and stability of South American countries.”<sup>11</sup> At the end of 2009, the Obama Administration sent communications to the Union of South American Nations (UNASUR) and to the leaders of South American nations

making further guarantees of non-intervention.<sup>12</sup> This appeared to lower the tone of regional leaders' complaints about the accord, with the exception of Venezuela's Chávez.

In April 2010, the administration in fact signed a separate Defense Cooperation Agreement with Brazil. This far shorter document, however, focused chiefly on protocols for future visits of U.S. personnel, and bore almost no resemblance to the Colombian agreement: no U.S. military access to Brazilian bases, no U.S. troop presence, no common defense commitment, and no immunity for U.S. personnel.

The Colombia agreement raised human rights concerns as well. The generous immunity guarantees for U.S. personnel in Colombia led to concerns that crimes committed on Colombian soil could go unpunished. U.S. personnel on the bases could find themselves co-located and sharing facilities with units whose poor human rights records rendered them legally unfit for U.S. assistance. (This is not idle speculation: the air force unit based at Palanquero was banned under the Leahy Law for several years in the mid-2000s as a result of its involvement in an indiscriminate 1998 bombing in Santo Domingo, Arauca.)

There is reason for concern about the United States increasing so significantly its union with the Colombian armed forces at a time when the institution has been buffeted by a series of human rights scandals, most notably extrajudicial executions that may have claimed well over 2,000 civilian lives since 2002. With Colombia offering the United States such a generous military-basing arrangement, will Washington now be even less willing to condition military assistance on the armed forces' human rights performance, as U.S. aid law requires?

As this publication goes to press, tensions between Colombia and Venezuela remain high. The United States has begun to build and renovate facilities at the Palanquero base. And—perhaps most ironically—U.S. officials have acknowledged to this report's authors that, since all the Colombian runways are on the other side of the Andes from the Pacific Ocean, the U.S.

military still lacks the ability to monitor maritime drug trafficking that it had in Manta, Ecuador.

A new basing arrangement exists, but Manta has not been operationally replaced. And the way it was handled—with no transparency, no consultation, and perceived arrogance—did great damage to the Obama Administration's aspiration to “reset” relations with the region.

## The Fourth Fleet: Looking Like Gunboat Diplomacy?

In April 2008, the U.S. Navy re-established the U.S. Fourth Fleet after 58 years of inactivity. According to a Navy press release at the time, the Fourth Fleet is “responsible for the U.S. Navy ships, aircraft and submarines operating in the U.S. Southern Command (Southcom) area of focus, which encompasses the Caribbean, and Central and South America and the surrounding waters.”<sup>13</sup> In the intervening years, the U.S. Navy conducted maritime military operations, mostly joint exercises with other nations of the region. Southcom's commander at the time, Admiral James Stavridis, said

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the decision would call on the United States to “build partnerships using a wide range of security cooperation activities that include military-to-military exercises, humanitarian assistance, community relations projects, and professional education and training opportunities.”<sup>14</sup>

In early 2010, many ships of the Fourth Fleet, as a complement to the newly established Joint Task Force-Haiti, were part of the important effort to provide relief and medical assistance following the January 12<sup>th</sup> earthquake.

## Latin American Editorial Pages View Obama

Obama Begins to Send Signals about his Latin America Policy  
*Cambio Magazine, Colombia, March 27, 2009*

Among Latin Americans there are many high hopes. After years of unilateral policy from the Bush Administration and its false choice of 'you are with me, or against me,' the inauguration of Obama and his first announcements—of closing Guantanamo and lifting some restrictions with Cuba—were received warmly. There is the hope of building a constructive neighborhood with the United States.<sup>15</sup>

Obama and Latin America, A Year Later  
*Kevin Casas, La Nación, Costa Rica, January 29, 2010*

We can say with certainty that Latin America isn't a priority for the United States if the most-commented moment in hemispheric relations in the last year is when a Latin American president who has read almost nothing gives a book that almost nobody has read to a U.S. president who has almost no time to read.

President Obama's participation in the Summit of the Americas in Trinidad/Tobago, which included the bibliographic offering from Hugo Chávez, is the closest we've come to the relaunching of hemispheric relations. At the end of the first year, the Obama Administration's results in its policies towards Latin America are modest at best.

It's hard for it to be different. The challenges of Latin America for the United States simply don't have the urgency that emerges from other regions....

Up to now, the change in tone of inter-American relations that President Obama achieved in Trinidad hasn't resulted in a single substantial advance in matters of interest for the nations of the hemisphere. Comprehensive immigration reform in the United States is more distant than ever, despite the demonstrations....

Organized crime has received greater attention, entirely due to the butchery taking place in the north of Mexico. Obama has made the basic gesture of recognizing U.S. responsibility in the immense problem of drug trafficking in Mexico. This is very little, but it's more than any past administration has done.

What it hasn't done is reset the traditional focus of how to address drug trafficking and consumption. While there are every day more voices inside and outside the United States that question the failed strategy of the war on drugs, the debate continues having an insignificant impact in Washington.

Democratic consolidation had its fifteen minutes of fame with the Honduran crisis, which will not enter the history books as a stellar moment for U.S. diplomacy. While the initial reaction of the Obama Administration towards the June coup was clear, rapid, and supported democracy, the following months were an undeniable testimony to the inconsistency and limited relevance of Washington's policy towards the region.

While recognizing the November elections was the least bad option, that doesn't make it a democratic triumph. In the end, for reasons of political convenience the United States ended up capitulating to all of the demands of a reactionary elite determined to prevent any political or economic transformation in Honduras. This left a bitter taste. As did the failure of the Obama Administration to say anything to authoritarian ravings by Chávez or Ortega.

And Cuba, the obsession of a lifetime? In terms of U.S. policy towards the region, the extremely limited progress towards normalization of relations with Cuba is the greatest disillusionment of Obama's first year.

[But] Latin America is rapidly changing, independent of the state of U.S.-Latin American relations. The trends transforming the region—the emergency of Brazil as a world power, the expansion of the middle classes, the growing economic presence of China, the greater political participation of women, to mention a few—continue their march forward irrespective of whatever decision made in Washington.”<sup>16</sup>

### Obama's Star Fades in Latin America *El Mercurio, Santiago, Chile, November 30, 2009*

The initial goodwill that President Barack Obama won in Latin America is beginning to fade out, with costs to his influence and for the stability of the region. Perhaps to its regret, the United States continues to be a decisive protagonist in Latin America. It must take a stand swiftly.

Lacking the means to provide significant economic aid, in order to be more in tune with Latin America, [the United States] should revise its own policies on drugs and immigration, end the blockade on Cuba, contain its internal protectionist measures, and harmonize its positions on climate change, energy, the Doha Round, and other divergences with Brazil, which has weight in the region....

The multilateralism promised by President Obama frequently remains an illusion in the continent, given the strong divisions among governments and the weakness of inter-American organizations.

This can be seen in the growing tension between Colombia and Venezuela over new belligerent threats from Chávez. The source of this escalation is the agreement allowing the use of Colombian military bases by the United States....

Faced with the OAS's inoperativeness, which was leading to polarization in Honduras, the U.S. State Department distanced itself from the organization and many of its members, asserting it would recognize the result of the Honduran presidential elections as long as they are free and transparent, whether or not deposed President Zelaya was restored to power. It is reasonable and legitimate to support the return to democracy with elections... and all the more so when both the ruling and opposition parties are participating, international pressures failed and the Supreme Court recently endorsed the ouster. However, if it is not able to persuade other countries to recognize the elections, the United States exposes itself to isolation and accusations of re-adopting unilateralism. The doubt remains whether Washington, busy with other urgent situations, will be able to take stands, win allies, and give priority to its relations with Latin America.<sup>17</sup>

But there continues to be confusion and concern in the region as to why it was necessary to re-establish a Fourth Fleet. As Admiral Stavridis himself stated, “there are zero permanently assigned ships in the Fourth Fleet, nor is there any intention of permanently basing ships in the region.”<sup>18</sup> For the past several decades, U.S. Naval forces could be assigned to the region as needed without a numbered Fleet designation. It is unclear to many in Latin America why that is no longer the case.

Adding to the concern was the timing and manner of the military’s announcement, which took most of the region by surprise. Without having laid the necessary diplomatic groundwork, the U.S. military gave every impression that this move was intended to expand their presence and capabilities in a region that did not welcome or see the need for such an escalation. Many saw it as a challenge to their sovereignty and evocative of the “gunboat diplomacy” of the past.

On July 1, 2008, the Mercosur Parliament, including Argentina, Brazil, Uruguay and Paraguay, along with delegates from Venezuela, Bolivia and Chile, expressed its disapproval of the decision. President Lula da Silva of Brazil said, “The U.S. Fourth Fleet concerns me because it is going to go exactly where we have just discovered oil.”<sup>19</sup> Meeting with Defense Secretary Robert Gates in September, 2008, Argentina’s Minister of Defense said that her country was concerned about the Fourth Fleet, which she described as “a military move for which we do not see any convincing explanation.”<sup>20</sup>

To no one’s surprise, Venezuela’s Hugo Chávez has been outspoken in his disdain for U.S. military presence in the region. In the fall of 2008, in a move unprecedented since the Cold War, Russian naval warships, led by the nuclear-powered cruiser *Peter the Great*, joined Venezuela for joint maneuvers in the Caribbean. Two Russian bombers also arrived in Venezuela for training missions. Russian Deputy Prime Minister Igor Sechen warned the United States, “It would be wrong to talk about one nation having exclusive rights to this zone.”<sup>21</sup>

The re-establishment of the Fourth Fleet and the signing of the Colombia Defense Cooperation Agreement are certainly not the sole cause of increased regional military tensions. It is nonetheless fair to state that, absent credible diplomatic explanations for such moves, they have been cause for genuine and generalized concern.

The Southern Command has made much of Admiral Stavridis’s outreach initiatives known as the “Partnership with the Americas,” but much of the good that may have come from it is being negated by a mounting perception of unnecessary power projection.

### **At First, Missing in Action: A Human Rights Policy**

When the Dalai Lama returned to Washington for a carefully choreographed meeting with the President in the White House “Map Room” in February 2010, months after having been denied a meeting, the Obama Administration appeared to be addressing criticism that its foreign policy was long on cooperation and short on human rights. We have yet to see if such an adjustment is also forthcoming towards Latin America.

The contradictory U.S. response to the June 28th coup in Honduras, in which the Honduran military, with civilian backing, put President Manuel Zelaya on a plane in his pajamas, sent a signal across the hemisphere that the new U.S. administration was soft on violations of the democratic order and human rights. To Hondurans and Latin Americans opposing the coup, the United States seemed inexplicably powerless against coup leaders of a tiny nation.

It is an advance that the U.S. government did not promote or bankroll this particular Latin American coup and that it condemned the takeover given two hundred years of our country often backing undemocratic regimes. Indeed, the United States temporarily suspended assistance that flowed through Honduran government channels, and reduced military-to-military contacts to a minimum.

But these more principled positions were undercut by the State Department's hairsplitting dithering over whether the coup was a civilian or military coup, with the latter triggering provisions in law for a complete aid cutoff. Even more troubling was the State Department's reluctance to strongly denounce widespread human rights and civil liberties violations. Faced with a failure to broker a deal to convince the coup government to step down and with the confirmation of its top Latin America official held up by Senator Jim DeMint (R-South Carolina), who supported President Zelaya's ouster, the Obama Administration crumbled, signaling its willingness to recognize elections even if minimal conditions were not met.

The Honduran coup, like the extrajudicial execution scandal in Colombia, described below, were just two of the latest challenges to the U.S. military's theory of "democracy by osmosis": that extensive U.S. military engagement can impart respect for human rights and democratic values.

Colombia is a test case of whether the Obama Administration, unlike its predecessors, will stand for human rights when its close allies commit major abuses. The jury is still out. As a parting gift from President Bush, President Álvaro Uribe received a Presidential Medal of Freedom as he visited the White House in early January 2009. When President Uribe next visited the White House, President Obama welcomed him but raised at least some concerns about army abuses and illegal wiretapping of human rights groups, journalists and judges. Asked about the Colombian president's reelection ambitions, he offered the unsolicited advice that "two terms works for us and that after eight years usually the...people want a change."<sup>22</sup>

Yet later in the year, the State Department refused to invoke the human rights conditions attached to part of U.S. military aid to Colombia. Like its predecessors, it certified Colombia met the conditions, even though the scandal of extrajudicial executions—over 2,000 cases of deliberate killings of civilians allegedly by the army—gained even greater

notoriety during the certification period. Late 2008 saw the sickening murder-for-profit Soacha scheme in which soldiers paid crime rings to round up young men, whom the soldiers then killed to rack up body counts.

Another provision of U.S. law intended to limit U.S. association with human rights abusers, the Leahy Law, also continued to be inadequately enforced in Colombia, whether under the Obama or Bush administrations. While it has been leveraged more in Colombian than in many other countries, the Leahy Law's inadequate implementation allowed U.S. funding of security force units engaged in extrajudicial executions as well as collection of illegally obtained, spurious evidence against human rights defenders.<sup>23</sup>

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The State Department also took a pass on producing even a minimally objective report on whether Mexico met the human rights requirements attached to the Mérida aid package—far from actually deciding to hold up assistance. Mexican human rights groups found this "alarming," given that allegations of human rights abuses by the military in 2009 alone included "forced disappearances...; brutal torture of dozens of municipal officials held captive in a military base in Tijuana; arbitrarily opening fire against a bus full of civilians, killing one of them..."<sup>24</sup> Senator Patrick Leahy (D-Vermont) commented, "It is apparent that neither the Mexican government nor the State Department has treated human rights abuses by the military, which is engaging in an internal police function it is ill suited for, as a priority."<sup>25</sup>

By spring 2010, a few signs emerged that human rights was becoming a stronger priority to the Obama Administration. The annual human rights reports featured a stronger critique of key regional allies' problematic human rights records. Unlike previous years' reports, for instance, the 2010 Colombia document included extensive and important discussions of extrajudicial executions, illegal surveillance, and the emergence of "new" paramilitary groups. Another positive signal on Colombia was the regular visits by the U.S. ambassador to human rights groups' offices, which helped to convey a message of the legitimacy of human rights defenders' work. In April, President Obama raised concerns regarding killings of journalists and activists with Honduran President Lobo.

One positive step taken by Congress was the passage of a provision in the Defense bill championed by Representative Jim McGovern (D-Massachusetts) requiring the Secretary of Defense to release the names of students and instructors at the Western Hemisphere Institute of Security Cooperation (WHINSEC, formerly School of the Americas). Allowing advocates to track whether human rights abusers have received U.S. training is a small but symbolic step towards accountability.

Beyond taking steps to prevent U.S. assistance from contributing to the escalation of abuses by allied security forces, the Obama Administration could place itself in important symbolic ways on the side of the historic quest for truth and justice in Latin America. In Peru in May 2009, ex-President Fujimori was convicted of severe human rights violations. Indomitable Argentine human rights activists, victims and their relatives have labored for years to finally bring to trial, decades later, those accused of the deaths, disappearance and torture of some of the tens of thousands of victims of the "dirty war." Their courageous Colombian counterparts are laying the groundwork for such gains, though they too may not be realized for twenty years. The U.S. government could far more visibly stand by those campaigning for justice.

And the U.S. government could stand to take a few lessons in accountability itself. Acknowledging the role of U.S. military aid and diplomacy in backing

abusive regimes, as well as greater progress in achieving accountability for more recent U.S. abuses in other parts of the globe, from the use of waterboarding to clandestine jails and indefinite detention, would go far towards achieving a new relationship with the Latin American region.

### **Security Assistance Soars, Then is Slightly Checked**

Even after adjusting for inflation, the 2008-2010 period saw the highest levels of U.S. aid to Latin America and the Caribbean since our aid monitoring program began. In nominal dollars, we estimate that overall aid to the hemisphere will come very close to the never-before-touched \$3 billion mark in 2010. This will rise further after additional aid for Haiti is approved, as expected, in a supplemental appropriations bill.<sup>26</sup> The percentage that is military aid will reach a peak in 2010, but the Haiti supplemental and some changes in the FY2011 budget will begin to shift the balance in favor of non-military aid.

U.S. assistance for the region in 2010 will be more weighted toward military aid than in any other year except 2000, the year that the first "Plan Colombia" aid package was approved. We estimate that 49.5 percent of all pre-Haiti aid in 2010 will be military and police aid. During most of the 2000s, this percentage was in the low 40s.

A mostly military and police aid program accounts for the bulk of the 2008-2010 aid jump. The "Mérida Initiative," a Bush Administration proposal to give Mexico and Central America assistance to fight illicit drugs, gangs and organized crime, pumped well over a billion dollars' worth of additional aid into the region. Meanwhile aid to Colombia, the largest recipient country during the last decade, continued near the high levels posted throughout the 2000s, though it declined slightly. As a result, the combined aid total for the region ballooned, and the percentage that was security assistance increased.

In 2009 and 2010, citing the urgency of violence in Mexico, the Obama Administration and Congress chose to "front-load" that country's aid with the most expensive items: helicopters and aircraft valued in the hundreds of millions

U.S. Aid to Latin America and the Caribbean, All Sources							
Military and Police Aid (in U.S. dollars)							
1996	1997	1998	1999	2000	2001	2002	2003
296,946,645	325,237,358	360,993,112	595,000,128	1,055,984,292	483,193,439	735,837,026	877,248,935
2004	2005	2006	2007	2008	2009	2010, est.	2011, req.
919,848,584	852,949,262	918,222,724	1,064,622,269	1,132,161,901	1,153,500,093	1,451,105,489	997,207,407
Economic and Social Aid (in U.S. dollars)							
1996	1997	1998	1999	2000	2001	2002	2003
550,710,000	594,524,000	666,734,000	1,417,690,000	991,311,000	706,767,000	987,005,000	1,036,778,000
2004	2005	2006	2007	2008	2009	2010, est.	2011, req.
1,054,973,000	1,062,638,000	1,145,248,000	1,156,597,812	1,728,857,000	1,770,264,004	1,649,254,608	1,505,652,690

of dollars, which routinely take a year or two to manufacture and deliver.

The Obama Administration's FY2011 aid request, however, along with the expected supplemental, will begin to change the composition of U.S. aid to the region. With the large hardware items already paid for, the administration's aid request for 2011 reduces assistance to Mexico by nearly a third, bringing the entire Latin America and Caribbean aid total down by over 15 percent.

While some analysts bemoaned the proposed 2011 aid cut as evidence of the Obama Administration "turning away" from Latin America, we do not share that view. The picture changes substantially when only two countries, Mexico and Colombia, are removed from the analysis. The 15 percent reduction from 2010 to 2011 is primarily security assistance for Colombia and Mexico. The rest of the region, it turns out, would see a reduction in 2010 (not

counting eventual Haiti aid)—owing mainly to the end of commitments under the Millennium Challenge program—but would maintain that level in 2011. Nonetheless, significant military assistance programs are continuing. The administration would send about \$300 million in military and police aid to Mexico in 2011. Colombia's security assistance remains high, and signing of a new Defense Cooperation Agreement with Colombia could increase the flow of assistance through the defense budget. Elsewhere, a new Caribbean Basin Security Initiative is increasing U.S. aid to security forces to fight organized crime and narco-trafficking.

If, as anticipated, the Obama Administration and Congress approve a massive FY2010 supplemental aid package for Haiti, the overall balance of aid to the region will shift substantially towards economic assistance. This does not affect, of course, the still predominant weight of security assistance in U.S. aid towards many countries in the hemisphere.

U.S. Aid to Latin America and the Caribbean, All Sources Excluding Colombia and Mexico							
Military and Police Aid (in U.S. dollars)							
1996	1997	1998	1999	2000	2001	2002	2003
189,910,198	163,430,408	218,265,112	257,651,115	264,332,546	228,997,158	298,375,689	251,947,755
2004	2005	2006	2007	2008	2009	2010, est.	2011, req.
284,073,693	230,942,404	296,504,756	406,685,301	297,225,730	333,086,125	321,719,521	348,446,581
Economic and Social Aid (in U.S. dollars)							
1996	1997	1998	1999	2000	2001	2002	2003
547,351,000	574,456,000	653,582,000	1,398,473,000	742,643,000	682,737,000	845,805,000	866,880,000
2004	2005	2006	2007	2008	2009	2010, est.	2011, req.
880,843,000	888,332,000	964,770,000	978,210,842	1,401,580,000	1,437,403,004	1,342,756,608	1,210,152,548

### More Water in a Sieve: Counterdrug Policy

For three decades, the United States has been fighting the “war on drugs” in Latin America, with the majority of its military and police aid focused on the region’s major drug-producing and drug-trafficking countries. Supply-side counternarcotics programs such as Plan Colombia, the Andean Counterdrug Program, the Mérida Initiative, and now, the Caribbean Basin Security Initiative aim to stop drugs before they reach the United States. This strategy has consistently proven ineffective in curbing the cultivation of coca, the production of cocaine, or the availability of drugs in the U.S. market.

Since 2000, the United States has invested approximately \$11 billion in counter-drug assistance to Latin America and the Caribbean, yet the statistics used to measure success have not changed significantly: the number of hectares of coca being cultivated in the Andean region has remained steady, the price of cocaine on U.S. streets is near all-time lows, and the

farm-gate price of coca base or coca paste has not budged (see graphs).<sup>27</sup> Instead, the cultivation of coca has become more dispersed and narco-related violence is increasing throughout the hemisphere.

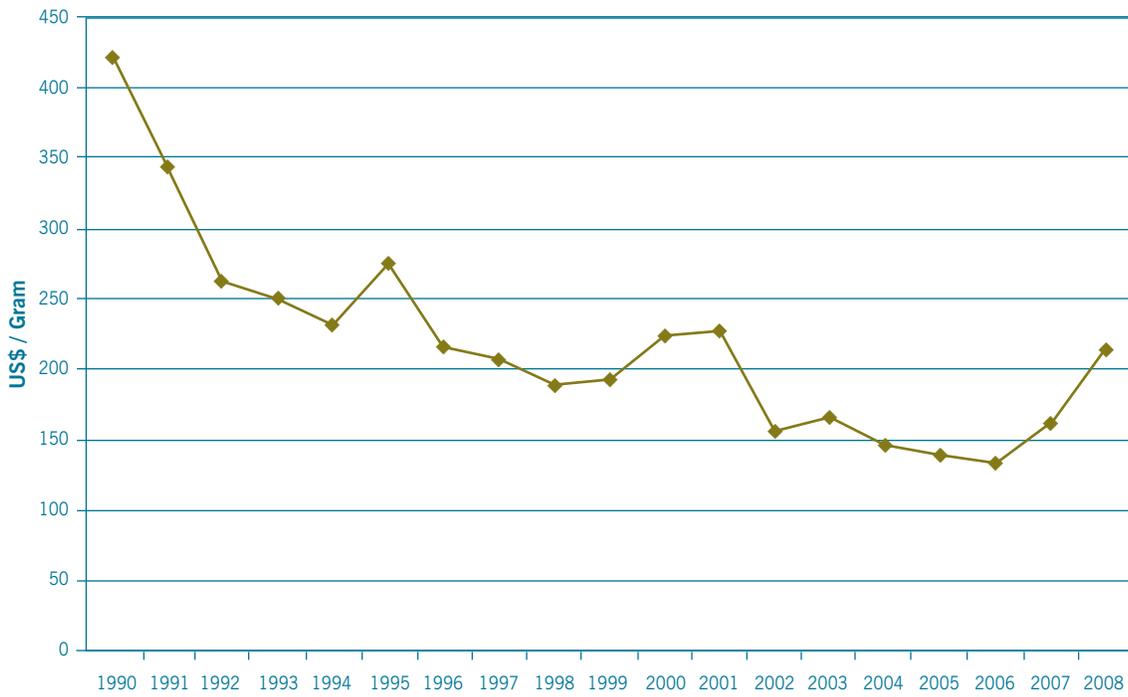
**Coca cultivation in the Andean region.** The United Nations Office on Drugs and Crime (UNODC) reported a significant 18 percent drop in the number of hectares under the cultivation of coca in Colombia from 2007 to 2008. The total number for the Andean region, however, decreased only 7 percent, from 181,600 hectares under cultivation in 2007 to 167,600 hectares in 2008. (Data from 2009 will not be available until mid-2010.)

The United Nations attributed Colombia’s decline in coca cultivation to the manual eradication of 96,115 hectares of coca bush, an increase of 44 percent compared to the area manually eradicated in 2007. This increase occurred amid a significant drop in aerial herbicide fumigation, from 153,133 hectares of coca bush in 2007 to 133,496 hectares in

Price of a Kilo of Coca Base/Paste in Colombia – UN Estimates

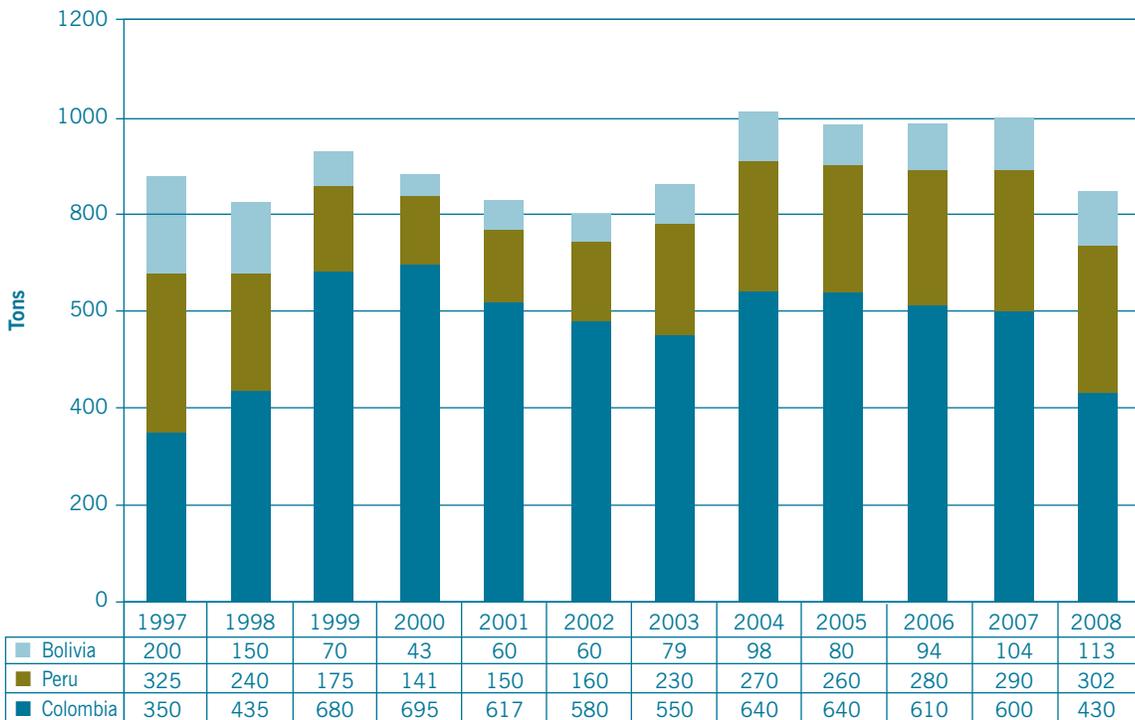


### Purity and Inflation Adjusted Price of Cocaine in the United States, 1990-2008

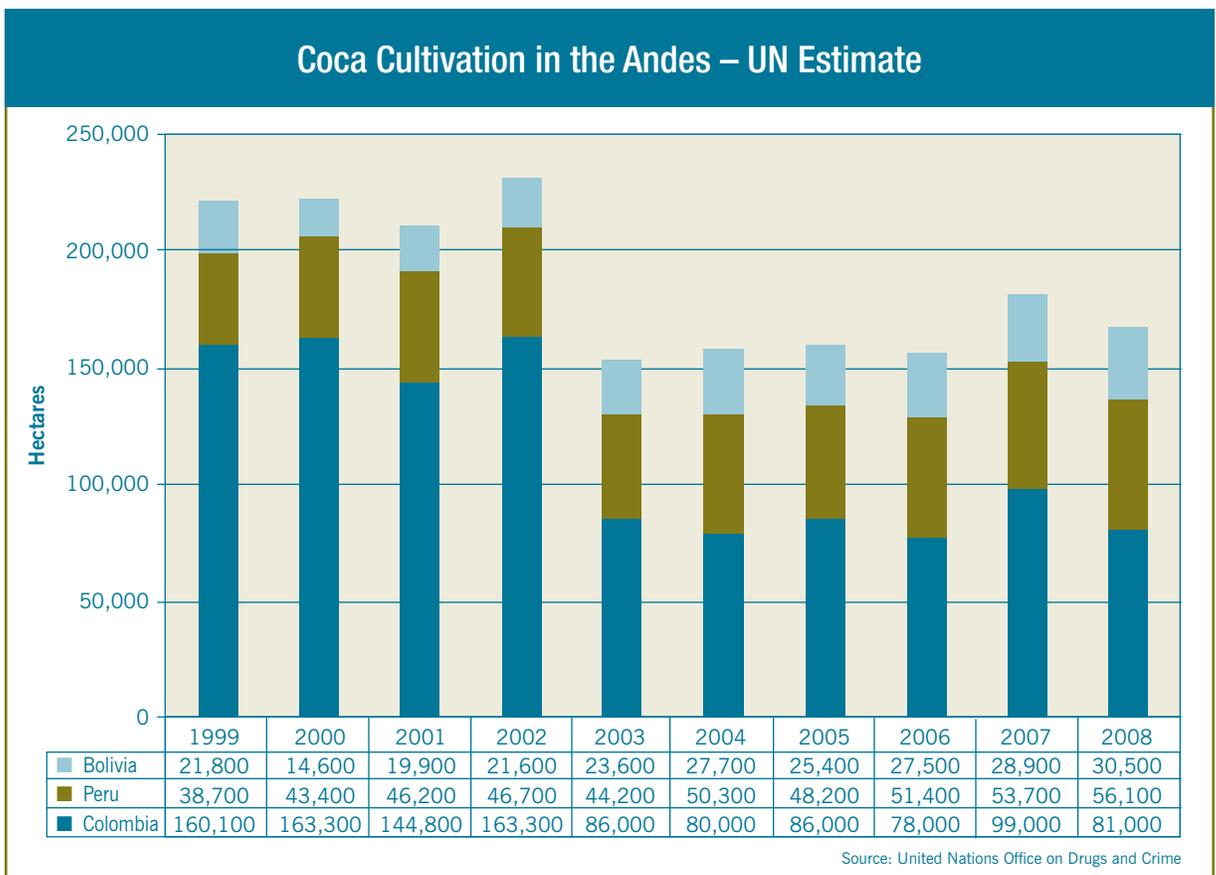
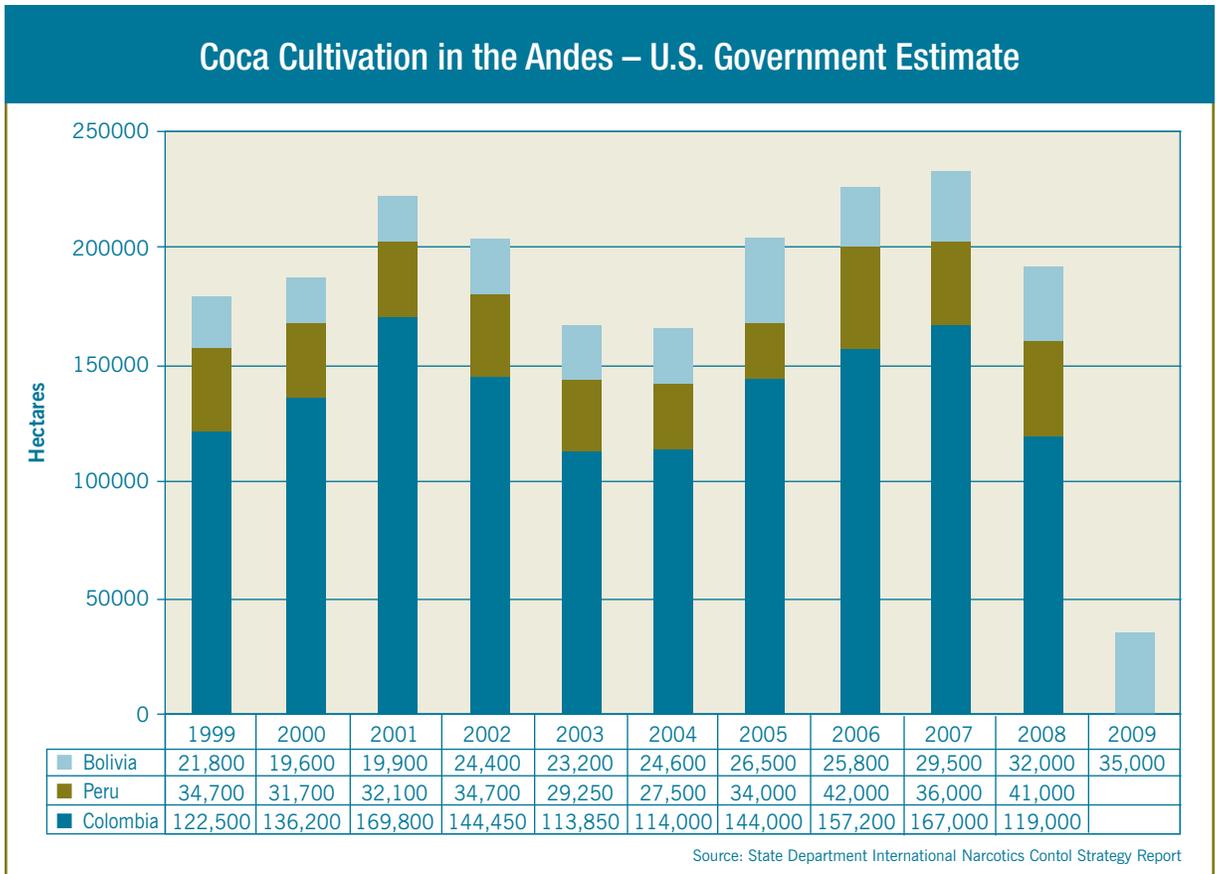


Source: State Department International Narcotics Control Strategy Report

### Cocaine Production in the Andes – UN Estimate



Source: United Nations Office on Drugs and Crime

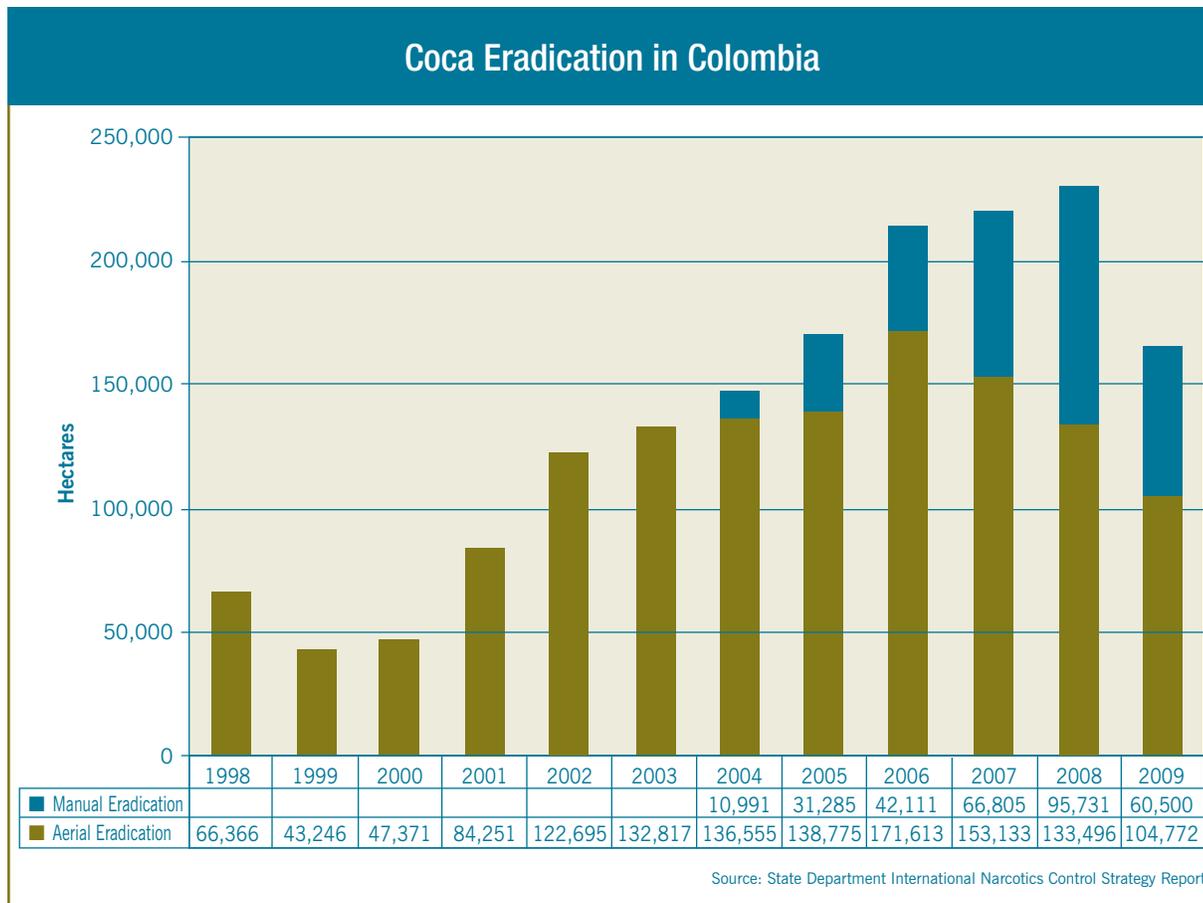


2008.<sup>28</sup> U.S. Ambassador William Brownfield made an unusual admission to the Colombian press in March 2010, remarking on the shift in U.S. funding away from aerial spraying and towards alternative development, saying that “To our critics, I should say: ‘You were right,’ and that’s why we are changing our strategy.”<sup>29</sup>

While the 2008 drop in coca cultivation in Colombia is encouraging, it is not as remarkable as it sounds. It represents a return to the same levels of coca cultivation that the UN agency detected in 2003-2006, the years after Plan Colombia brought an increase in eradication, especially in the department of Putumayo, and the FARC guerrillas lost the free rein they enjoyed over five municipalities in western Meta and northern Caquetá departments during a failed 1998-2002 peace process. Progress is unlikely to continue in 2009, when eradication—both aerial and manual—declined significantly as the economic crisis and the collapse of large pyramid schemes hit hard in coca-growing zones.

U.S. estimates of the land area under coca cultivation each year provided larger estimates but a similar trend of decreases in Colombian cultivation, and increases in Bolivia and Peru, in 2008. It is notable that the U.S. government, which has been estimating coca-growing in the Andean region since the late 1980s, has consistently found a regional total of about 200,000 hectares for this whole period. From 1987-2008, the average annual estimate was 200,040 hectares, ranging from a low of 176,000 hectares (in 1987) to a high of 232,500 hectares (in 2007). The latest estimate (192,000 hectares in 2008) was only 4 percent lower than the 22-year average and 5 percent lower than the average of the past five years (2004-2008). Moreover, the 2008 estimate of 192,000 hectares was almost identical to the estimate for the year 2000 (190,000 hectares), the year Plan Colombia began.

Another discouraging trend is that as Colombia more aggressively eradicates coca plants, cultivation becomes more dispersed within



Colombia and is pushed to other coca-producing nations. This phenomenon is often described as the “balloon effect,” a theory that argues that as long as demand is strong, coca cultivation will merely be pushed into new areas as it is squeezed out of existing coca cultivating areas. Eradication progress in one department in Colombia is often canceled out by increased coca-growing in other departments. The UNODC’s report confirms this: 75 percent of the coca plots the agency detected in 2008 were not planted with coca in 2007. And 59 percent of them had no coca in any of the UNODC’s earlier surveys.

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U.S. Ambassador to Colombia William Brownfield remarked on the shift in U.S. funding away from aerial spraying and towards alternative development, admitting that “To our critics, I should say: ‘You were right,’ and that’s why we are changing our strategy.”

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**The balloon effect on trafficking.** In addition to supply-side production shifts in Andean coca cultivation, the United States’ fight against drugs has caused shifts in trafficking patterns. This “balloon effect” is expressing itself in increased crime rates throughout Central America, a far more prominent trafficking problem in Ecuador and Venezuela, and new drug trafficking routes emerging through West Africa into Europe.

In 2008 and 2009, the United States and Mexico shifted their focus to targeting drug traffickers and the major drug cartels in Mexico, forcing traffickers to seek alternative routes, mainly through Central America and the Caribbean. In 2008, approximately 65 percent of cocaine shipments from the Andean region went first to Central America, with Costa Rica and Panama increasingly becoming the first point of entry, and countries like Guatemala experiencing murder rates even exceeding those in Mexico and Colombia.<sup>30</sup>

The United States has already invested about \$1.4 billion to fight drug trafficking in Mexico

under the “Mérida Initiative” framework, with so far only minor impact on drug supplies in the United States and no effect on Mexico’s alarmingly high violence measures.

#### **Changing attitudes in Latin America.**

Frustration with the drug war’s results and harsh impact is growing in the region. In February 2009, former presidents Fernando Henrique Cardoso (Brazil), César Gaviria (Colombia), and Ernesto Zedillo (Mexico) released a report on the war on drugs’ limits and unwanted effects in Latin America. “Drugs and Democracy: Toward a Paradigm Shift” recommends a new strategy based on treating drug use as a matter of public health, reducing consumption through education and prevention, and focusing on repressing organized crime.<sup>31</sup>

The sentiment expressed in “Drugs and Democracy” has also been reflected in recent actions taken by Latin American governments. In 2009, Mexico and Argentina began to adopt what they believe will be more effective approaches, such as decriminalization of possession for personal consumption and treatment for drug users, with the aim of freeing law enforcement to focus on the large drug trafficking organizations instead of small-scale users.<sup>32</sup>

#### **Are the Obama Administration and Congress open to shifting policy?**

Despite hopes raised for a more pragmatic approach, we have yet to see major shifts in U.S. counternarcotics policy. In the cement-like rigidity of U.S. counternarcotics policy, even a few frank comments can be welcome. Secretary of State Hillary Rodham Clinton, speaking in Mexico, acknowledged the role played by U.S. demand for drugs, admitting that the United States’ “insatiable demand for illegal drugs fuels the drug trade.”<sup>33</sup> National Drug Control Policy Director Gil Kerlikowske also acknowledged drug addiction as a public health problem.<sup>34</sup> However Obama Administration officials may view the drug policy shifts underway in the region, they have largely refrained from direct criticisms, which marks an improvement from previous U.S. administrations’ approach. The FY2011 budget meanwhile requests modest but welcome increases in federal funding for prevention and treatment, but the overseas aspects of drug policy show little

evidence of a new approach, beyond the gradual scaling down of the controversial aerial spraying program in Colombia (a move already underway in previous budgets approved by the Democratic-controlled Congress).

The United States Congress is at least starting to acknowledge the need to reevaluate U.S. drug policy. In October 2009 the House of Representatives passed a bill introduced by Representative Eliot Engel (D–New York). The “Western Hemisphere Drug Policy Commission Act of 2009” aims to set up a ten-member bipartisan commission to address failed U.S. policies and provide recommendations for improvement, aiming at reducing illicit drug supply and demand.<sup>35</sup> As the bill was introduced, Representative Engel noted, “Clearly, the time has come to reexamine our counternarcotics efforts here at home and throughout the Americas. My bill will assess all aspects of the drug war—including prevention and treatment programs in the United States.”<sup>36</sup>

Even this potentially useful step may not move forward, as there is no companion bill in the Senate (where a related bill to create a blue-ribbon panel to recommend reforms to the U.S. criminal justice system has cleared the Judiciary Committee but faces an uncertain future). Serious evaluation is long past due, as the past two decades of fighting supply-side cultivation and trafficking have not brought significant changes to the landscape. Instead they have merely dispersed the problem into new regions, such as Central America and the Caribbean.

### Plan Colombia Gives Way to “Integrated Action”

In 1990, Colombia surpassed El Salvador as the hemisphere’s largest recipient of military and police assistance. Colombia remained in the number-one position until June 2009, when a supplemental appropriation for the “Mérida Initiative” gave that distinction to Mexico. Colombia’s security forces continue to get about a million dollars a day in U.S. aid, however.

In 2007, after the Democratic Party took over majority control of both houses, the

U.S. Congress began cutting back military assistance and increasing economic and civilian institution-building aid to Colombia. The aerial fumigation program was cut particularly deeply.

Since then, the executive branch has adjusted with another shift in assistance to Colombia, one that borrows heavily from the counter-insurgency thinking very much in vogue in U.S. defense-policy circles as a result of the experience in Iraq and Afghanistan. Starting in 2004 but accelerating in 2007, the U.S. Southern Command and (later) the U.S. Agency for International Development worked with the Colombian government on a new strategy, called “Integrated Action.”

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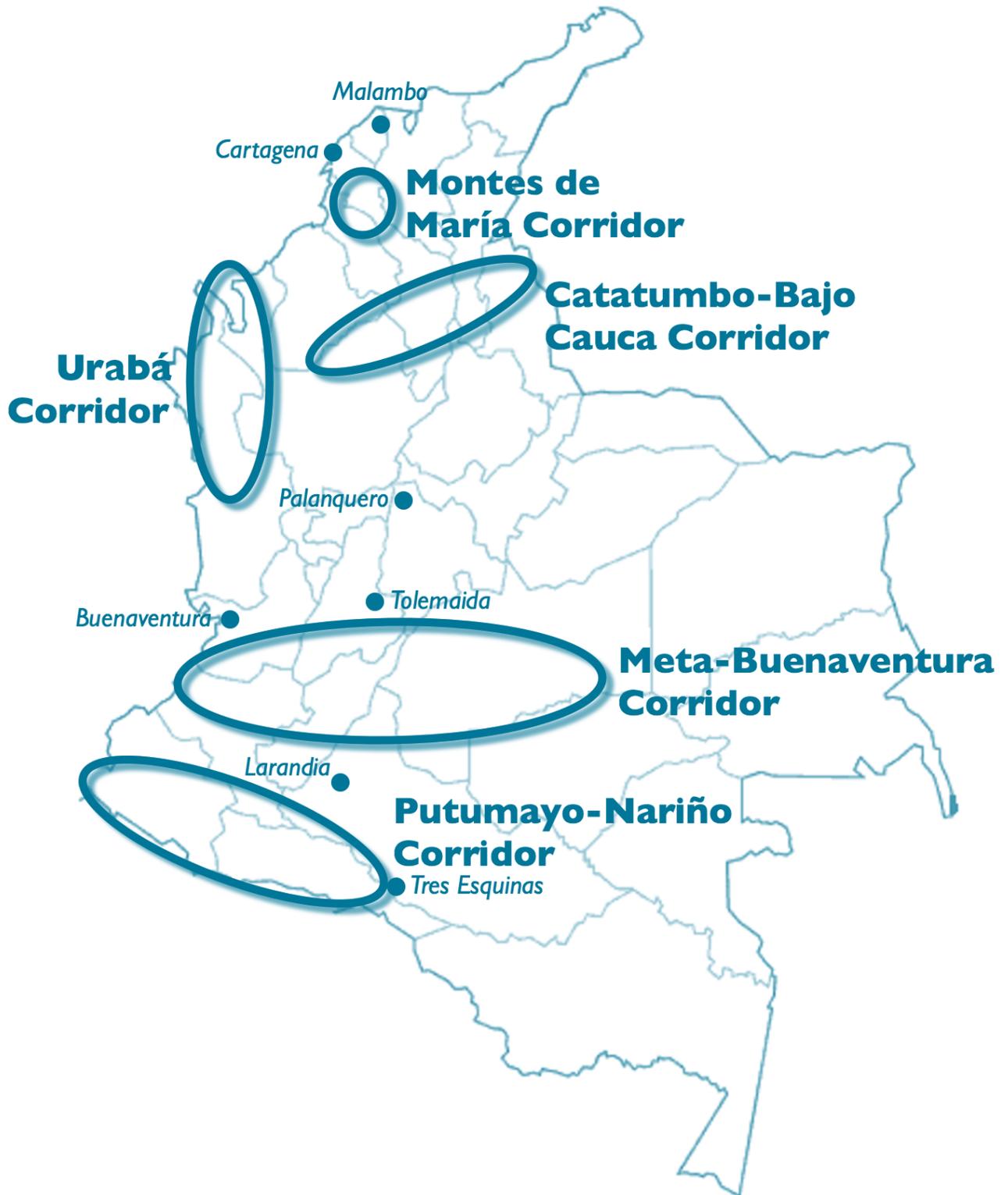
In the cement-like rigidity of U.S. counternarcotics policy, even a few frank comments can be welcome.

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In several sub-regions of the country, an agency in the Colombian Presidency known as the Center for the Coordination of Integrated Action (CCAI) oversees what is designed to be a phased, coordinated process of bringing a functioning government into zones that have never known one. According to the plan, the military comes into each zone first, scattering illegal armed groups and creating a security perimeter. Within that perimeter, the rest of the government—police, justice, land-titlers, road-builders, health, education and productive projects—quickly enters; in theory, the population becomes sufficiently supportive of the government presence that the security perimeter expands to the point where the large military presence is no longer necessary.

The U.S. government is supporting this Integrated Action concept most heavily in five zones of the country, according to a framework, developed in 2009, that it calls the Colombia Security and Development Initiative (CSDI).<sup>37</sup>

The U.S. Southern Command and USAID are working together in these areas, and plan to



 **Areas where U.S. aid will be focused under the CSDI**

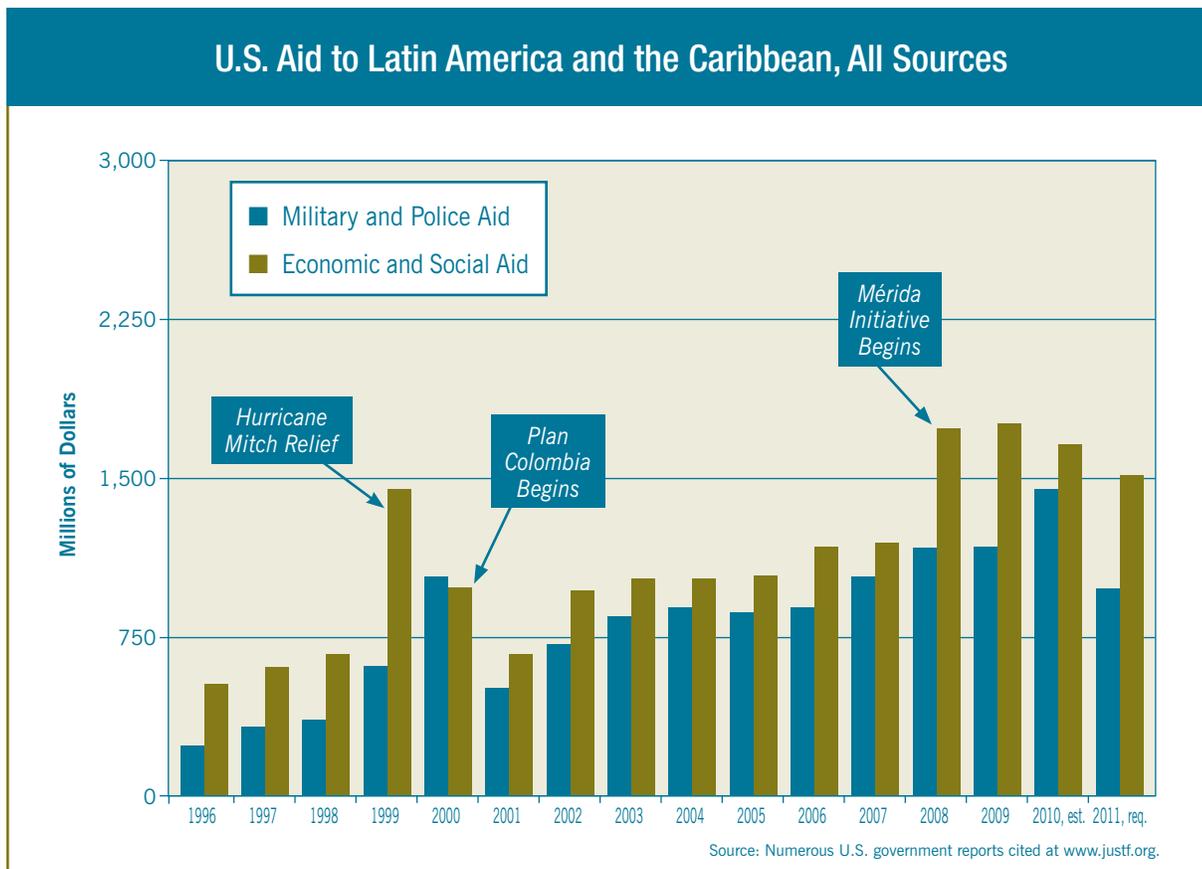
 **Bases mentioned in the U.S.-Colombia Defense Cooperation Agreement**

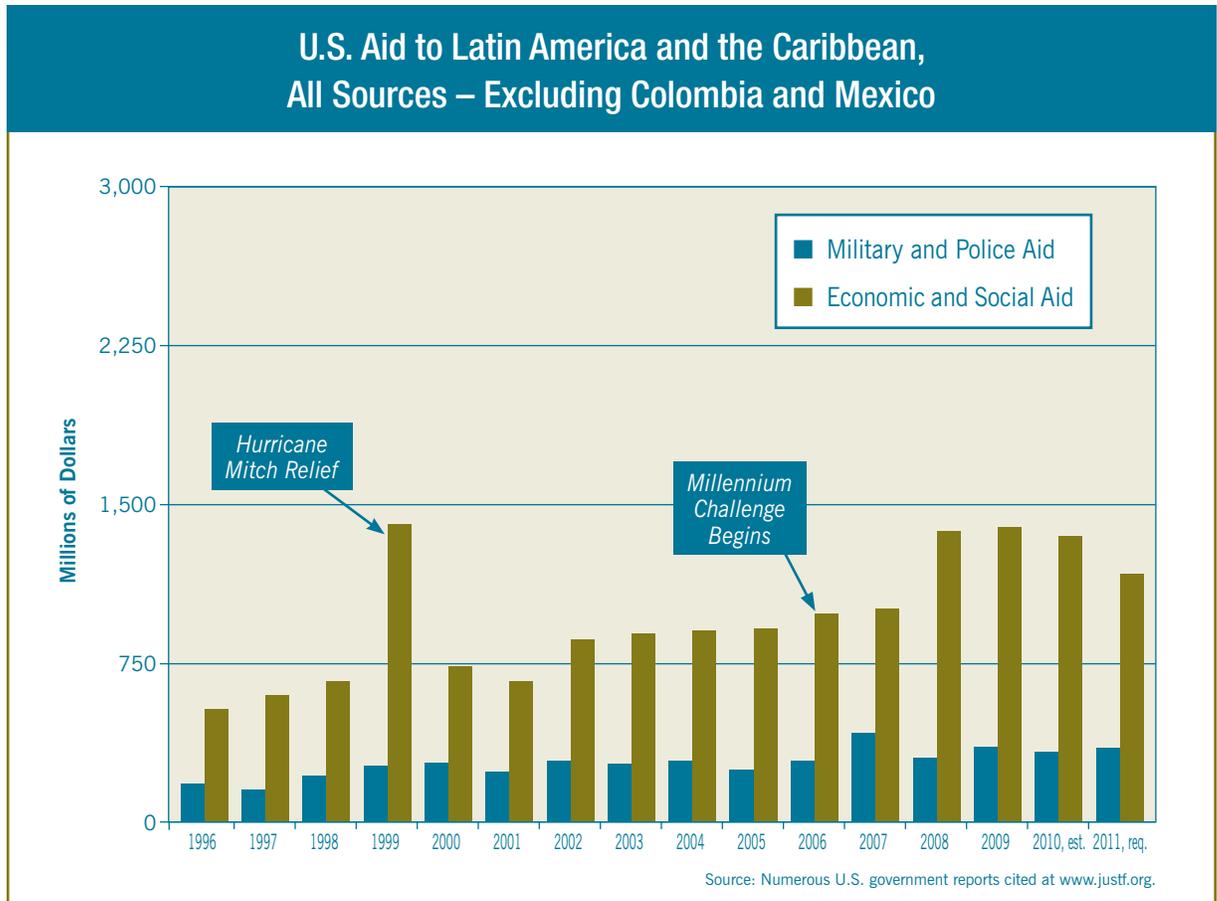
invest several hundred million dollars over the next few years. They have been working longest in the La Macarena zone, a longtime FARC (Revolutionary Armed Forces of Colombia) stronghold about 200 miles south of Bogotá, where a “Plan for the Integrated Consolidation of La Macarena” (PCIM) has been functioning under CCAI coordination since 2007. Most U.S. support for the model elsewhere in the country has come since 2009. Beyond these CSDI zones, the U.S. government plans to invest little over the next few years.

Citing the La Macarena experience, U.S. and Colombian officials have issued celebratory statements about the model’s success. There has been talk of adapting the Integrated Action strategy in Afghanistan and elsewhere in the world where armed groups operate in ungoverned zones.<sup>38</sup> Indeed, many of the La Macarena region’s town centers are safer, with little guerrilla activity in these villages’ “urban core,” and a government presence has been established for the first time.

The “Integrated Action” model however, poses risks. No area, including La Macarena, has achieved security improvements sufficient to allow the military to draw down its presence and give way to civilian leadership. In fact, 2009 saw increased FARC activity in the La Macarena zone, making territory beyond the town centers too dangerous for most civilian projects. Meanwhile the Colombian government’s civilian ministries and agencies have been slow to join the effort. The net result is a high danger of militarization of development: soldiers playing the leading role in humanitarian and productive projects, even leading community development processes. This is not a desirable outcome, as it distorts the military’s role in society and, by so closely identifying economic aid projects with the army’s operations, makes them likely targets for guerrilla attack.

Further challenges come from impunity: increasing state presence can do more harm than good if the government’s representatives, both military and civilian, face no consequences





for acting abusively or corruptly. Reports of human rights abuses, mass arrests, or toleration of “new” or “emerging” paramilitary groups are difficult to verify, given security conditions in the Integrated Action zones, but are nonetheless highly troubling because of their potential to unravel the population’s already weak trust in what is supposed to be the “legitimate” government. Similarly, forced coca eradication risks weakening support for the government if it occurs abusively and is not closely coordinated with food security and economic development assistance.

The Integrated Action model is an improvement over the nearly exclusively military approach that came before in these areas of the country. There appears to be more of a recognition that the problem U.S. policy most needs to help Colombia address is governance: the lack of a state presence, civilian as well as military, in much of the country’s territory. That is a major conceptual change after years of failed shortcuts

like the fumigation program. But Integrated Action could bring a disastrous outcome without a far greater civilian role, close consultation with affected populations, a willingness to challenge corrupt local political leaders, a clearer commitment to small landholders, and a high-profile effort to ensure that government representatives do not act with impunity. Without adjustments along these lines, the Integrated Action model risks ending up as another entry on the list of frustrated strategies adopted and abandoned over the past twenty years.

### Arms Purchases: South America Stocks Up

The United States’ reactivation of the Fourth Fleet and new base agreement with Colombia have deteriorated—not enhanced—the regional security environment. Increased U.S. military presence combined with existing regional

tensions provides South American countries with a convenient justification for increasing arms expenditures.

For many years national defense budgets remained virtually unchanged in South America, but reports are surfacing about significant new arms purchases by Brazil, Venezuela, Ecuador, Chile, and Colombia, among others in South America. Whether or not you call it an arms race, the increase is substantial. Led by arms purchases, South America's defense spending increased by 30 percent from 2007 to 2008, reaching \$50 billion.<sup>39</sup>

A few examples illuminate this new trend's magnitude. Brazil, which is both buying and selling weapons, has increased its military budget by an astonishing 50 percent during President Lula da Silva's administration alone.<sup>40</sup> Venezuela, claiming the need to secure itself against a U.S. invasion, has spent almost US\$7 billion on new weapons in the last three years.<sup>41</sup> And in 2008 alone, the United States' strongest ally in the region, Colombia, spent around US\$5.5 billion on its military purchases, 13.5 percent more than in 2007.<sup>42</sup> Most of the continent has followed a similar pattern.<sup>43</sup>

A South American arms race could awaken old and unresolved conflicts, aggravate present bilateral tensions, and fuel mistrust and fear. Relations between Colombia, Venezuela, and Ecuador are increasingly strained, and other regional conflicts also go unresolved, including disputes between Chile and Bolivia as well as between Chile and Peru. The facts on South America's arms purchases are difficult to find and even more difficult to verify. Many of the details about defense spending are not coming from governments or other official sources, but rather from media outlets and analysts. It is possible that many of the reported agreements for loans and purchases may not be completed. But without official public information these reports are often the first indicators of what is taking place. This is indicative of a related problem: a lack of transparency and diplomatic communication.

The nations of South America are entitled to arm and modernize their defense systems. Many

recent budget increases are, in part, intended to update and modernize military equipment.<sup>44</sup> But an arms race may be avoided if countries reveal their purchases through official channels, communicate their intentions, and establish initiatives to build trust and confidence. One such initiative, which many countries in South America used previously, is the "White Paper," a regular publication explaining strategic goals and budgeting priorities. These should be institutionalized as a way of communicating and being transparent about defense expenditures and intentions. The South American Defense Council, supported by UNASUR and the OAS, could play a leading role by encouraging countries to develop White Papers and being in charge of their diffusion and distribution. The Council could also develop White Paper standards as guidelines for the countries to follow when drafting these documents.

The U.S. government could help address the climate that fuels arms purchases through greater diplomacy and transparency. Relations could be improved through agreements or diplomatic notes that state explicitly what the U.S. will and will not do militarily in the region, thus minimizing anxiety over potential future action.

## U.S. Military Presence on the Border

A year after the September 11, 2001 attacks, the Department of Defense reorganized its Unified Command Plan to include the new U.S. Northern Command (Northcom). Unlike the five other regional combatant commands, Northcom's responsibility includes the military defense of the U.S. "homeland." Its area of focus is comprised of all land, sea and air approaches within the continental United States, Alaska, Canada, Mexico and surrounding waters.

Congress has authorized the Department of Defense to conduct counterdrug support missions along the border since the 1980s, and that authority was expanded to include counterterrorism activities after 9/11. Since Northcom's founding, the Department of Defense has increased its profile in border

security, but it still does not have the actual responsibility to “secure” the borders—which is an authority reserved for the Department of Homeland Security.

**The Posse Comitatus Act.** The U.S. military’s ability to participate in law enforcement activities has been limited since the post-Civil War era by a law known as the Posse Comitatus Act.<sup>45</sup> For over a century, American citizens have enjoyed the more-or-less bright line dividing the responsibilities of our country’s military and police agencies, preventing the use of federal military troops for law enforcement.

Each state’s governor, under Title 32 of the U.S. Code, has at his or her disposal National Guard troops, which may be used in extraordinary circumstances for law enforcement. These forces answer to the governor, who is elected by the people of that state. This is quite different from the U.S. military under Title 10, whose authority is directly up the federal chain of command to the President as the Commander-in-Chief.

Police agencies in general, whether federal or local, are trained to use the minimum force necessary to enforce the laws. Military troops, in general, are trained to use overwhelming lethal force to fight and win wars.

While the Department of Defense does not have authority to be involved in direct law enforcement activities, it does have limited authority to support federal, state and local law enforcement agencies.<sup>46</sup> In 1986, the Department of Defense issued a directive that clarified the restrictions put on the military in the role of law enforcement assistance.<sup>47</sup> It stated that the military may not be involved in the interdiction of a vehicle, vessel, or aircraft; it could not conduct a search or seizure; and it could not perform an arrest, apprehension, stop-and-frisk, or similar activity. Nor could there be use of military personnel for surveillance or pursuit of individuals, or as undercover agents, informants, investigators, or interrogators.<sup>48</sup>

In 2006 Congress, out of frustration with what it saw as ineffective law enforcement, passed a bill amending portions of the Posse Comitatus

Act and allowing for the expansion of the President’s power to declare martial law and take charge of National Guard troops without state governor authorization.<sup>49</sup> These provisions were repealed the following year by the new Democratic congressional majority.<sup>50</sup>

**Northcom’s Assistance to Law Enforcement.** During the past several years, as drug-related violence escalated, Northcom has explored boosting the U.S. military presence along the U.S.-Mexico border. In March 2009, Northcom Commander General Victor E. Renuart testified before the U.S. Senate that Northcom is working with the National Guard, the Defense Security Cooperation Agency, and other authorities to secure the border against infiltration by Mexican drug cartels.<sup>51</sup> In addition, Northcom provides technology to the U.S. Customs and Border Patrol and other law enforcement authorities.<sup>52</sup> Further, Northcom’s subordinate command, Joint Task Force North,

employed joint air, ground, and maritime sensors along the nation’s southwest and northern borders and coasts; conducted detection and monitoring of suspected trafficking threats; provided for information and intelligence sharing among law enforcement agencies; supported the U.S. Border Patrol’s requests for enhanced tactical infrastructure along the southwest border; and provided Federal law enforcement with other support such as transportation, tunnel detection capabilities, and basic military skills training.<sup>53</sup>

Under the Mérida Initiative and the Department of Defense “Section 1206” authority to use its budget to train and equip foreign militaries, Northcom has provided the Mexican military with training and U.S. military equipment including personal protective equipment, digital media forensics equipment, night vision devices, and equipment needed to board suspect vessels at sea. Also provided were transport helicopters and maritime surveillance aircraft to the Mexican military.

Two decades ago, the U.S. Congress<sup>54</sup>—over the objections of then Secretary of Defense Frank Carlucci—enacted into permanent law a section directing the Department of Defense to take

the lead role in the detection and monitoring of drug trafficking coming into the United States, which was, until then, a law enforcement responsibility.<sup>55</sup> The military, it was argued, had the enhanced technical capability and the deep resources necessary to perform such law enforcement tasks. Today Northcom, again with its highly advanced technical capabilities and rich resources, is becoming more and more involved in border law enforcement assistance. While Northcom nods to the importance of the principles of the *Posse Comitatus Act*, the pattern of turning to the Department of Defense out of frustration with the inabilities of traditional law enforcement agencies warrants close attention.<sup>56</sup>

### Southern Command in the Lead

In our March 2008 report *Ready, Aim, Foreign Policy*, we detailed the U.S. Southern Command's ambitious reorganization from a "Combatant Command" into a "Joint Interagency Security Command." The purpose of the change was to move from a military organization with the traditional focus on training, strategic and tactical concerns, to an organization that evolves into more of an interagency "force multiplier," integrating the efforts of not only the military, but other U.S. civilian agencies. The new Command completed its reorganization and established, as a *deputy* to the military commander, a U.S. State Department ambassador.

This new organizational scheme was intended to eventually be used as a template for the entire set of regional combatant commands. The African Command (Africom) was formally activated as an interagency command after this model in October 2008. Not surprisingly, the blurring of responsibilities between civilian and military responsibilities at Africom has caused controversy in the intervening months. The State Department's Inspector General issued a report warning about the "militarization of diplomacy" that stated, "Embassy staff received little instruction as to how they should integrate and work with Africom officials, for example. And within the department, there is 'considerable internal debate about the wisdom

of military funding of U.S. development and public diplomacy activities in Africa."<sup>57</sup>

As Southcom went ahead with its reorganization, the House Armed Services Committee weighed in with concerns of its own. In the report accompanying the 2009 National Defense Authorization Act, the committee noted questions regarding "the appropriateness of including the economic welfare of a region, in this case Central and South America and the Caribbean, within the core of the [combatant command's] mission."<sup>58</sup> It went on to pose a question regarding "The role [that] the Department of Defense generally, and the [combatant commands] more particularly should have in establishing foreign assistance policy as part of the foreign assistance process at the Department of State or as part of the inter-agency process led by the National Security Council."<sup>59</sup>

Since the advent of its interagency focus, the Southern Command looks more broadly at the region, where most of the transnational problems, whether they be economic, law enforcement or social and political, are seen increasingly as threats to U.S. national security. Defense Secretary Robert Gates lauded Southcom's commander at the time, Admiral Stavridis, for changing the culture of the command to one that better addressed these concerns. "When he first took this post nearly three years ago, [Stavridis] understood that the mix of security challenges facing this region—narcotics, corruption, gangs, kidnapping and more—does not lend itself to military solutions as traditionally understood and practiced. Toward this end, [Stavridis] has not just redrawn this command's organization charts, he has fundamentally reformed its institutional culture and ways of doing business."<sup>60</sup> Instead of reinforcing the principle of keeping the military out of matters that do not require military solutions, the Secretary endorsed the adoption of responsibilities more appropriate for other, civilian, agencies.

Another example of this interagency overreaching has to do with gangs. Gangs in Latin America, especially in Central America, are a continuing and growing public security problem. But the

appropriate response is through a comprehensive community response, including law enforcement; there is not a military solution. However, as recently as December 2009, during a visit to the Southern Command's headquarters, members of a human rights delegation were given cards that indicate the priorities of the command. Included as the command's number-two priority was the threat of Latin American gangs.

The desire for interagency coordination in the national security arena is not new. From the National Security Act of 1947, to the Goldwater Nichols Act of 1986, to the establishment of Joint Interagency Coordination Groups within the combatant commands, and now to the new template for the regional commands themselves as "Joint Interagency Security Commands," the intention to have all agencies work together remains a laudable goal.

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When an interagency flow chart puts the military at the top and the civilian as the deputy, the message to civilian agencies as to who should be running the show becomes murky at best.

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However, when an interagency flow chart puts the military at the top and the civilian as the deputy, with the bulk of resources managed by the military's combatant command, the message to the civilian agencies as to who is—or should be—running the show becomes murky at best. If more regional commands adopt the Southcom model, all too often the task of coordination and decision-making will fall to the organization that has been put on the top of the organization structure, and has the resources and the personnel to get the job done. As the Joint Interagency Security Command concept—and budget realities—would have it, that is the military, whether it is the appropriate agency or not.

As we go to press, we have learned that the Southern Command has, at least temporarily, abandoned its new flowchart, replacing its interagency "directorates" with the traditional

"J-1, J-2, J-3" structure that it had before the reform, and that most regional commands still use. Evidently, the Haiti relief effort, Operation Unified Response, was hampered by confusion about where the "directorates" were supposed to link up with other military units.

General William Fraser, the head of the Southern Command, has said that it is not yet clear whether Southcom will go back to its new model, though a spokesman asserted that the command intends to continue proceeding toward being an interagency platform.<sup>61</sup> In July 2010, the Government Accountability Office of the U.S. Congress is to produce an evaluation of the new model. We hope that it provides more insight, and remain concerned that the interagency organization with the most resources—the military—will dominate the agenda.

### Earthquake Relief in Haiti

Responding to the worst natural disaster to strike our hemisphere in modern history, President Obama named the U.S. Agency for International Development (USAID) as the head of U.S. disaster relief efforts in Haiti. Given the enormous scope of this disaster, including the destruction of ports, roads and other infrastructure needed to distribute assistance, however, the U.S. military ended up playing the predominant role in the weeks immediately following the earthquake.

Led by the U.S. Southern Command, the dedication of 13,000 military personnel helped facilitate search and rescue efforts, as well as the distribution of food, water, and supplies to millions of Haitians. Of special importance was the hospital ship *USNS Comfort*—one of few facilities providing medical assistance in the days immediately following the disaster. In light of the enormous losses suffered by the Haitian Government and the UN peace mission in Haiti (MINUSTAH), the U.S. military's role proved critical in supplying relief and assistance. The newly established U.S. Joint Task Force–Haiti continues to work alongside other local and international organizations.

The military's role was not without controversy. One point of contention in the early stages of relief was decisions over access to landings by planes delivering relief and medical care. As the U.S. military in effect controlled access to Port au Prince's airport, Doctors without Borders and other organizations complained that planes carrying medical supplies and personnel were being turned away in favor of aircraft on security-related missions, and that civilian agency medical and humanitarian aid was not sufficiently prioritized.

As recovery begins, it is important for military assistance to be fully shifted to civilian control and phased out. According to the principles on aid delivery issued by the coalition of humanitarian aid agencies known as InterAction, "U.S. military should, as a rule, be used in disaster relief as a last resort, in situations requiring an extraordinarily quick response or large lift capacity. The military response should be limited in geographic and programmatic scope, and should always be in support of civilian agencies."<sup>62</sup>

We look forward to a generous U.S. commitment to long-term reconstruction efforts that are sustainable, decentralized, and, most importantly, orchestrated by Haitians themselves.

## Recommendations: Resetting the U.S.-Latin American Relationship

The Obama Administration must move beyond the difficult first year to rebuild trust with the region—and not just trust of the region's governments, but trust of the region's people. The most important steps that it could take to reset the relationship with the region are:

- **Deliver on rebuilding Haiti.** Off to a good start, the U.S. government can provide generous, sustained assistance that is Haitian-led (involving both government and civil society), ecologically sustainable, decentralized, civilian-led and transparent.
- **Decisively shift aid away from military spending towards people's needs.** A

more dramatic shift in aid priorities towards disaster relief and reconstruction, humanitarian aid for refugees, health and education, support for rule of law and human rights, and small-scale development—aid that improves people's lives—is long overdue. The United States' profile in the region should not be dominated by military spending.

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- **Stand up for human rights—including with our closest allies.** Human rights abuses region-wide are a serious concern, but the problem takes on an added dimension when security forces receive substantial U.S. aid. The United States must press both Colombia and Mexico to end impunity for human rights abuses committed by security forces, and it should use the human rights requirements in law to do so. It should develop a human rights action plan for Colombia to engage all relevant U.S. government agencies and stand visibly with human rights defenders.
- **Through actions as well as rhetoric, demonstrate a willingness to change counternarcotics policy and listen to our partners.** A modest first step is for Congress to approve the reductions in aerial spraying in Colombia and military hardware in Mexico included in the FY2011 budget, but more should be done to scale back inappropriate military roles and strengthen the capacity of civilian institutions in counternarcotics efforts and to address the United States' own contribution towards drug-related violence. Rather than impose a model that has yielded disappointing results against drug trafficking and production, the administration must give Latin American governments more latitude to forge their own paths. The U.S. government must do its own part by substantially increasing access to drug treatment in the United

States and taking steps to control the flow of assault weapons into Mexico.

- **Support human rights and accountability in Honduras.** The U.S. government should continue to suspend military assistance and should condition other assistance and refrain from supporting Honduras's readmittance into the OAS until real steps are taken to investigate and prosecute human rights abuses, establish accountability for the coup, take measures to protect human rights defenders, journalists, activists, members of the LGBT community and others at risk, remove the military from inappropriate roles, and establish a substantive, inclusive dialogue throughout Honduras to build a just and democratic society. The U.S. government must be more outspoken regarding human rights violations and the urgency of bringing the perpetrators to justice.
- **Reassure Latin American governments and publics about U.S. military intentions.** The decision to sign the U.S.-Colombia defense cooperation agreement was a blow to improved U.S.-Latin American relations, and the best step would be to annul it. Short of that, through transparency about the agreement and other military arrangements, and by ensuring that the lead actor and voice on U.S. policy in the region is the State Department and embassies rather than the Southern Command, the United States should seek to reassure Latin America that it is not seeking to project its military power in the hemisphere. This means defining limitations on the Colombian agreement to make it clear that this neither entails unlimited support for Colombia's internal war nor that the United States will use Colombian territory to attack its neighbors, and defining more narrowly what Washington regards as fitting within the vague rubric of "common threats to peace, stability, freedom and democracy." The U.S. government could also sign agreements with bordering governments, stating that the U.S. will not seek to enter their land or airspace without specific permission of civilian authorities. Congressional oversight should be strengthened with regular reporting about the
- presence and activities of U.S. personnel at Colombian installations.
- **Support Latin American efforts that embrace a broader approach on citizen security.** Concerns about crime, including organized crime and gang activity, dominate public opinion in several countries. As citizens demand that their governments do more to protect them, the United States can help—but only by recognizing that using militaries or adopting get-tough police tactics will not work. Protecting citizens requires reform and anti-corruption measures in the police; a smoothly functioning, secure and technologically adequate judicial system; effective oversight by citizens and the media; and targeted programs to increase opportunities for young people.
- **Encourage diplomacy and negotiation.** It is not in the U.S. interest for the currently poor relationship between Colombia and Venezuela to devolve into armed conflict. Nor is it in the U.S. interest for Colombia to face another decade of endless war with the FARC and ELN guerrillas. The administration should work with all relevant governments and international organizations to reduce tensions and capitalize on opportunities for dialogue.
- **Allow for the free exchange of people and ideas with Cuba.** Nothing could reset relations with the region like the complete end to the archaic travel embargo. Expanding diplomatic agreements on a range of issues (migration, environment, disaster preparedness, drug interdiction, direct mail, and a host of other common concerns) is also a way to reduce tensions and build towards further engagement.
- **Put immigration reform back on the agenda**—and move it forward. Building bridges rather than walls by creating a process for undocumented people to earn legal status and eventual citizenship and upholding family unity as a priority in our immigration policies will immeasurably help U.S. and Latin American families and economies and improve the U.S. image in the region.

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For more information about military aid to Latin America and the Caribbean, including a database of all U.S. assistance to the region, see the CIP/LAWGEF/WOLA website:  
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