

## Remarks for Harvard University's David Rockefeller Center for Latin American Studies presentation

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Thanks to the David Rockefeller Center here at Harvard for sponsoring this panel with Rep. Jim McGovern and American University Dean William LeoGrande on the Obama Administration's Latin America policy and how the make-up of the new Congress will affect Administration policy. It's a pleasure to be here; the last time I had the privilege of being on a panel with Rep. McGovern and Dean LeoGrande was a year and a half ago when we were all speaking in San Salvador on a trip to commemorate the twentieth anniversary of the assassinations of the six Jesuits and two women in El Salvador.

I want to touch on several specific issues where I think the make up of the new Congress is likely to complicate the Obama Administration's Latin America policy.

In preparing for this talk, and thinking those issues through, I realized I need to start by saying a little about the Obama policy. I think the President started off his term in office with a very strong speech in Trinidad about how he'd like to approach Latin America; I'm sorry to say that the Administration's actions have not yet lived up to the rhetoric. I don't want to leave the impression that the Administration has been implementing a new, dynamic and cutting edge approach to our relationship with Latin America and that the now much more conservative Congress is putting obstacles in the way, and thwarting the bold moves the Administration is trying to make. In fact, the Administration has made some positive, but disappointingly modest changes in U.S. policy toward Latin America, in comparison to the Bush approach.

On the positive side, the Administration has:

- Pursued a much less confrontational approach to addressing U.S. policy differences with the ALBA countries, especially in relation to Venezuela and Nicaragua;
- Sought to address regional conflicts through multi-lateral approaches and multi-lateral institutions, such as the OAS, rather than through the "go-it-alone" approach of the Bush Administration;
- Focused more on institution building as a way to respond to the problems of crime and drug violence in Mexico, Central America and Colombia than on providing military hardware and helicopters. Though this shift hasn't gone as far or as fast as we would like, it's clear that the Administration, and in particular the Department of State, is moving its approach in the direction of strengthening law enforcement institutions.

These are important developments.

On the other hand, the Administration has:

- Made only modest changes in our relationship with Cuba. Obama's election, and his remarks in Trinidad about seeking a new day in our relationship with Cuba, raised expectations that we would see significant shifts in U.S. policy. Instead we have seen small and carefully measured steps. This is disappointing in terms of our Cuba policy and disappointing because U.S.-Cuban relations carry so much symbolic weight with other countries in this hemisphere. Making real changes in our Cuba policy would send an important message to other countries that we are changing our relationship with the hemisphere
- Accepted the post-coup political situation in Honduras. After making very strong initial statements against the coup, the Administration wavered in its support for the restoration of the elected President, and then accepted new elections organized by the coup leaders. The failure to send clear and consistent signals about our support for Pres. Zelaya's re-instatement undermined our credibility as advocates of democracy regionally, and hurt our relations with some other countries in the hemisphere, particularly with Brazil.
- Continued the "drug war" frame (albeit without the "drug war" label), as the way to shape U.S. drug policy abroad. The focus on eradication, interdiction, and heavy punishment for even the smallest scale participants in the drug trade has had little impact on the availability of most illicit drugs in the U.S. and has had enormous human rights and economic consequences for Latin America. While we've seen some shifts in the domestic side of U.S. drug policy, we've seen little movement on the international side.

Why has the change process moved so slowly in the Obama Administration? There are a number of reasons. First, the President and senior Administration officials are consumed with domestic political issues [health care, the deficit, budget issues, etc.] and on foreign policy consumed with Afghanistan, Iraq, etc. There is very little time or attention devoted to Latin America. [And of course, there was no new Assistant Secretary of State for Latin America all through the first year of the Administration.] Second, the foreign policy bureaucracy is filled with holdovers from the eight years of the previous Administration, and bureaucratic inertia and bureaucratic support for the more hard-line approach of the previous Administration mean that some sectors of the bureaucracy have little interest in policy change. Third, conservative groups, both in the U.S. and abroad have been active in hiring Washington lobbyists and advocates to defend maintaining policies that they prefer. [The active lobbying by Washington representatives of sectors of the Honduran elite is a clear example of this.] Whatever the mix of factors, the Administration's Latin America policy has not changed as visibly or dramatically as we would like. The President made a great speech in Trinidad, full of promise and possibility. His Administration has done too little to follow up and implement the changes the President described.

That overview helps give some context to my discussion of several issues where I think the new Congress will probably negatively impact the President's Latin America agenda. Let me discuss Mexico, Honduras and Colombia policy, and the rhetoric I think we will hear around Venezuela, Nicaragua and Cuba, then touch briefly on two thematic issues – drug policy, and economic policy.

In the **Mexico** case, we've seen some positive shifts in the change from the Bush to the Obama Administration. President Bush supported Mexican President Calderon in launching what was described as a war on drug cartels operating in Mexico, and developed the Merida Initiative to support that effort. The war on drug trafficking organizations was intended to disrupt the cartels, reduce violence, attack corruption and state infiltration by criminal groups, and reduce the flow of drugs to the United States. What we're seeing now are high levels of violence, human rights abuses by the Mexican military that was brought in to replace corrupt police, continuing abuses by the police and continuing flows of drugs to the United States. The strategy doesn't seem to be working.

Since the Merida Initiative was launched, the Congress has taken a couple of important steps to re-shape the effort. First, as it funded the Merida Initiative, the Congress imposed a set of human rights requirements on part of the assistance. Congressional conditions, imposed over strong protests by the Mexican government, but supported by many Mexican and U.S. human rights groups, required progress on investigating and prosecuting human rights violations and on police accountability and transparency, before a portion of the money could be released. Those conditions, which have been renewed every year, have provided an important way of ensuring that human rights are part of the bi-lateral agenda.

Second, the Congress has, over the last three years, moved funding for the Merida Initiative away from military equipment and hardware, and toward support for police and judicial reform and institutional strengthening.

The Obama Administration has continued that shift toward institutional strengthening in Mexico and away from the military and hardware side. In addition, the Obama Administration has taken up the language of "shared responsibility" and talked about U.S. efforts to reduce drug demand and reduce the flow of weapons and illegal cash to Mexico.

Unfortunately, the Administration's modest effort to regulate the flow of weapons – a proposal to tighten reporting requirements for gun dealers in states near the Mexican border on sales of multiple semi-automatic weapons -- has been opposed by pressures from pro-gun interests in the United States.

That's where we are now. The new Congress could alter the current situation in several ways:

- First, House Republicans might try to re-write or eliminate the human rights conditionalities in the Merida Initiative funding. Conservatives sympathetic to hard-line approaches on drugs and crime, perhaps encouraged by Mexican officials, might try to alter the restrictions in the coming year's appropriations bill. This is a worrisome possibility. Senate champions of the human rights conditions would have to defend the language.

- Second, House Republicans sympathetic to the drug war and exploiting concerns about violence along the border could try to shift funding priorities again, and could prioritize funding for the military and hardware side of the Merida Initiative. Budget constraints might make that difficult, since military funding tends to be more expensive than support for institutional reform. Still, this is an issue to monitor.
- Third, anti-gun regulation forces in the Congress can continue to obstruct Administration efforts to control the flow of weapons to Mexico. [This will be a bi-partisan effort, unfortunately.] This will undermine the Administration's position about "shared responsibility" as we continue to be unable to do much about our share of the responsibility, while Mexican law enforcement and civilians die.
- Finally, hardliners now with a higher profile in the House Western Hemisphere subcommittee could raise the level of rhetoric about violence in Mexico, and about Mexico as a "failed state." Though this might not change anything in the funding for the Merida Initiative, it could offend Mexican sensibilities, and damage diplomatic relations. We just saw, in President Calderon's recent visit, how damaging these kinds of remarks can be. The rhetoric could get worse.

In **Colombia**, we've seen some recent progress. The end of President Uribe's term, and the election of President Santos, has seen a shift in tone. President Santos has talked more about respect for human rights [WOLA experienced this first hand. Our staff had received a number of death threats in the last year of the Uribe Administration and had gotten very limited response from the Colombian government. When we received a threat shortly after President Santos came to power, senior Colombian officials called our office directly, expressed concern, and promised action.] He has moved forward on land rights legislation that could affect displaced communities. And he has moved in recent weeks to reach out to Venezuela and Ecuador in an effort to lower regional tensions. We're pleased to see these developments, although we will withhold final judgment until we see progress toward implementing President Santos' pledges.

Again, too, we've seen a gradual shift in U.S. support for Colombia over the last few years, away from hard side military funding and toward support for police and judicial reform, and institutional strengthening, an effort led by the Congress, and one in which Rep. McGovern has played a key role.

Meanwhile, the Obama Administration, while making ambivalent statement about whether it believes there has been sufficient progress on human rights issues to justify moving ahead with the Colombia "free trade" agreement that has been pending for several years, has held off introducing enabling legislation in the Congress. In fact, this holding off has helped maintain pressure on the Colombian government on labor rights and other human rights issues.

The new Congress could affect these developments in several ways:

- First, the pro-free trade camp in the House has been strengthened significantly, and pressure on the Administration to introduce the Colombia FTA [and other free trade agreements] will go up significantly. Free traders will argue for the agreement not so much on the grounds that the human rights and labor rights situation has improved [though they will make that argument], but on the grounds that the U.S. should promote trade agreements in general, for the economic benefits they bring. Human rights groups and the U.S. labor movement will oppose this effort, and for the Obama Administration the politics of this will be very complicated.
- Second, hardliners in the Congress who have long been sympathetic to the Colombian government and hostile toward human rights restrictions, will likely use President Santos' statements about human rights, labor rights, and Afro-Colombian and indigenous issues to try to reduce human rights conditionality in legislation, and human rights pressures by the State Department and the Embassy. Without waiting to see whether or not President Santos' government follows through on his statements, they are likely to urge the U.S. government to reduce the pressure on human rights issues.

In **Honduras**, the Obama Administration was initially strong in its opposition to the coup. But it failed to follow up on this strong position. The Administration was hobbled by its own ambivalence. It was troubled by the coup and what it meant for democracy in the region. But many Administration officials disliked the Zelaya government and its relationship with Venezuela, and were reluctant to see Zelaya return in a politically stronger position. There was no Assistant Secretary of State at the time, so consistent attention and leadership were lacking. In this uncertain atmosphere, conservative sectors of the Honduran elite reached out to lobby Washington directly and through hiring lobbyists and PR firms. Hardliners in the Senate put holds on several key Administration nominations in order to pressure the State Department. Under these pressures, the Administration wavered. The negotiations for Zelaya's return collapsed, and the U.S. accepted that the interim government set up after the coup would organize new elections. This outcome made democracy in the region seem more fragile to pressures from right-wing forces, weakened the image and credibility of the Obama Administration, and hurt our relations with other governments that had strongly and consistently opposed the coup, particularly Brazil.

Since the elections in late 2009, the post-coup government of President Lobo has sought to re-build its international credibility by making gestures on human rights, while seeking to appease the hard line forces that organized the coup. While Lobo has pursued fitful negotiations with now-exiled President Zelaya about making it possible for him to return to Honduras, and named a Truth Commission to investigate the coup and related events, he has appointed military officials involved in the coup to senior government positions, and failed to move forcefully against continuing human rights abuses committed against journalists, human rights defenders, and supporters of the opposition National Resistance Front. The Obama Administration has pressed Lobo on some of the human rights issues and on the Truth Commission; the pressure for Zelaya's return has come primarily from other nations that have set it as a pre-condition for Honduras' re-admission to the OAS.

If the Administration over the last year has not been forceful on Zelaya's return or on human rights issues in Honduras, the new Congress is likely to be even more sympathetic to the conservative and pro-coup elements in Honduras, and likely to increase pressure on the Administration to not take strong stands on human rights, on the recommendations of the Truth Commission, or on Zelaya's return.

This issue will become more complicated in the next few months.

- The Truth Commission will release its report before the summer. While the National Resistance Front has been deeply skeptical about the objectivity of the Commission, the report is likely to be more critical than hard-line elements in Honduras want. How the Commission's conclusions and recommendations are received and implemented will be a major debate, and there could be pressures on the State Department from conservatives in the Senate and from the new majority in the House.
- Negotiations about exiled President Zelaya's return, in particular about whether all the charges brought against him by judicial authorities after he was forced out of the country will be dropped, will intensify in the lead-up to the OAS General Assembly in June. The Obama Administration is eager to see Honduras re-admitted to the OAS; Brazil, Venezuela, and other countries have seen Zelaya's return as a pre-condition for re-instatement. Again, hard-line forces in the Congress, who have listened closely to conservative Honduran forces, may well pressure the Administration not to press the Lobo government and judicial authorities to drop all charges against Zelaya.

Along with pressures on the Administration in relation to countries where the U.S. has significant influence, it is like that hardliners in the Congress will try to change public and congressional perceptions about, and thus influence U.S. policy toward, several countries where we currently have much less influence. These include Venezuela, Nicaragua, and Cuba.

On **Venezuela**, the Obama Administration has pursued a more low key and less confrontational approach with the Chavez Administration. Though critical on a number of issues, the Administration has generally sought not to elevate its differences with Venezuela into public confrontations, presumably believing that it only fed nationalist and anti-American sentiment to do so, and was less likely to actually influence events in Venezuela in a constructive way. Republicans on the House Foreign Affairs Committee have been critical of this approach, and have argued that Venezuela represents a threat to U.S. interests in the hemisphere not only because of differences over economic policy and governance and democracy issues, but because Venezuela has developed ties with Iran and with Iranian surrogates, such as Hezbollah, that threaten U.S. security interests. They have been making this case for a number of years; in October of 2009, under Democratic leadership, the House Western Hemisphere subcommittee held a hearing on the topic. Now, with more conservative Republicans in control, we can expect more questions, more statements, and more hearings on this topic. Similar rhetoric is likely on **Nicaragua**, where President Daniel Ortega is likely to run for re-election under a questionable court decision permitting him to do so.

This kind of rhetoric is unfortunate. It certainly exaggerates the role of Iran in the Western Hemisphere, and tends toward a black and white, Cold War style approach to Latin America that is at odds with the realities of the region. It's problematic for two additional reasons. First, U.S. influence in both countries is relatively limited, and pressing the Administration to pursue high profile confrontations, rather than steady efforts to maintain or expand political space, is likely to be not only ineffective, but counter-productive, as it feeds into nationalist sentiment. Second, such rhetoric does not sit well with the rest of Latin America. There are a wide range of views in Latin America about the Chavez government, about Nicaragua, and about U.S. relations with those countries. But there is little sympathy for heavy-handed U.S. rhetoric, which simplifies the realities, and tries to paint the region in black and white terms.

On **Cuba**, we are likely to see similar rhetoric, accompanied by efforts to turn back the Administration's modest steps to open travel between the U.S. and Cuba and pursue diplomatic initiatives in areas of mutual interest (natural disasters, drugs, environmental concerns). We can expect hearings on Cuba, and an escalation of the harsh rhetoric that has for so long accompanied conservative critiques of Cuba.

As I noted above, Cuba is symbolically important in Latin America. It is not helpful in our relations with the hemisphere to again demonize the country, rather than more realistically engage with it. The Administration has so far moved ahead with its already announced plans to ease travel restrictions and expand air flights to Cuba. It remains to be seen how effective hard-line pressures will be on the Administration.

Finally, I want to quickly comment, in addition to these remarks about how the new Congress might affect our bi-lateral relations with various countries, and our image in Latin America, on two big thematic issues that I think the new Congress will impact.

First is **U.S. drug policy** toward Latin America. As I've noted a couple of times in talking about Mexico and Colombia, the Obama Administration has not made any significant shifts in the international drug policy that it inherited from the Bush Administration and the Clinton Administration before it. It has pursued policies focused on crop eradication and interdiction in Latin America, and for the most part has advocated for zero-tolerance approaches to drug use, including the continued criminalization of drug use and stiff punishment for non-violent drug offenses. In our view, these policies are ineffective in reducing drug availability in the United States and elsewhere, and destructive both in human rights and economic terms in Latin America. Despite the serious problems with our drug policy, and while there's been some movement on U.S. domestic policy [support for needle exchange, accommodation on medical marijuana, cocaine sentencing reform], there's been no clear shifts on the international side, particularly in Latin America. Meanwhile, there's been real movement in Latin America itself. A 2009 report from a commission chaired by former Mexican President Ernesto Zedillo, former Colombian President Cesar Gaviria, and former Brazilian President Fernando Henrique Cardoso called the drug war a failure, and advocated new approaches. Many Latin American governments are considering turning away from harsh enforcement strategies to more public-health oriented approaches. The Obama

Administration faces challenges in how it responds to these developments, which implicitly reject the U.S. approach.

This is obviously a politically difficult issue for the Administration. It's always easy to appear tough on drugs, and much harder politically to take more thoughtful and ultimately more productive approaches. In the current partisan environment, that's likely to be even more the case. It will be very tempting for conservatives in the Congress to attack the Administration in the most partisan and least useful ways, if it responds in a nuanced way to the new developments in Latin America. It's unfortunate that, at a moment when Latin America is taking its own lead on these issues, the Administration in the U.S. will be under pressure to respond in a knee jerk and hard-line way.

In addition to drug policy, I want to quickly comment on **economic policy**. For many years, U.S. economic policy toward Latin America emphasized free trade agreements and "Washington consensus" economic policies – opening to foreign investment, reducing the role of the state, privatizing previously public goods, and reducing regulation of the market. Because of changes in the region, and as a consequence of the financial crisis, support for a free trade zone of the Americas has almost evaporated, and the Washington consensus formula has been discredited. The Obama Administration is not pursuing major economic initiatives in relation to Latin America, beyond seeking to expand U.S. exports (a major theme of the President's trip to Brazil and Chile). The Administration is likely to try to advance the two pending free trade agreements, with Panama and Colombia over the next couple of years, but not likely to pursue other major initiatives. Business friendly Republicans will certainly seek to push the trade agreements more rapidly, and will support commercial and export-oriented deals, and will seek to urge the Administration to be friendly to more pro-market governments (Chile, Mexico, and Peru) relative to governments where the state is playing a stronger regulatory role. But economic policy is not likely to be a major bone of contention in Latin America in the next two years.

In summary, the Obama Administration has on its own made only modest changes in its approach to Latin America in the first half of the President's tenure. There will be Republican pressures in the second half of the Administration -- to view the region in a more polarized fashion in relation to Honduras, to Venezuela and Nicaragua, and to Cuba; to pursue the drug war more aggressively in Mexico and Colombia and perhaps Central America, and with less concern for the human rights consequences; to ratify trade agreements with Colombia and Panama. These pressures will complicate our relations with the rest of the hemisphere. And they will make life more difficult for the Administration. But since Administration policy has shifted only modestly in any case, the pressures will not reverse any major shifts.

Our work must consist not only of advocacy and education against the pressures that will come from conservatives and policy hardliners, but work to move the Administration to act more boldly and to take more steps to implement the vision the President articulated in Trinidad.

Thanks, and I look forward to your questions.