

**THE STATE OF DEMOCRACY AND THE RULE
OF LAW IN THE AMERICAS**

HEARING

BEFORE THE

SUBCOMMITTEE ON WESTERN HEMISPHERE,
PEACE CORPS, NARCOTICS AND TERRORISM

OF THE

COMMITTEE ON FOREIGN RELATIONS

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CONTENTS

	Page
Abrams, Hon. Elliott, president, Ethics and Public Policy Center, former Assistant Secretary of State for Inter-American Affairs	3
Prepared statement of	6
Einaudi, Hon. Luigi R., visiting senior fellow, Inter-American Dialogue, former U.S. Ambassador to the Organization of American States	9
Prepared statement of	12
Sweeney, John P., Latin America policy analyst, the Heritage Foundation	16
Prepared statement of	20

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WEDNESDAY, MAY 12, 1999

U.S. SENATE,
SUBCOMMITTEE ON WESTERN HEMISPHERE,
PEACE CORPS, NARCOTICS AND TERRORISM,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC.

The subcommittee met at 3:03 p.m., in room SD-562, Dirksen Senate Office Building, Hon. Paul Coverdell (chairman of the subcommittee) presiding.

Present: Senator Coverdell.

Senator COVERDELL. I am going to call this meeting of the Foreign Relations Subcommittee of Western Hemisphere to order.

I want to thank Mr. Elliott Abrams, who is President of the Ethics and Public Policy Center, former Assistant Secretary of State for Inter-American Affairs; Ambassador Luigi Einaudi, Visiting Senior Fellow at the Inter-American Dialogue and former U.S. Ambassador to the Organization of American States; and Mr. Jack Sweeney, Latin American Policy Analyst at The Heritage Foundation for joining us today.

A few logistical notes. I will read a brief opening statement. They have called for a series of stacked votes at 4, which essentially would give us until 4:15 or 4:20 before I would have to vote. We were scheduled from 3 to 5. So, I think we ought to try to accomplish the essence of what we are trying to do in that timeframe rather than trying to reassemble. It will be best for your schedules as well as ours.

That might mean that some of the questions that we would entertain would be made available to you in writing subsequently, and it is your decision as to whether or not you would choose to respond to them or not, at your convenience.

Let me begin with this brief opening statement, and we will go to the presentations of the three of you.

The purpose of the hearing today is to take a broad look at the state of democracy in the Americas and to focus on some of the challenges that currently confront democratic institutions and the rule of law in the hemisphere. I welcome the opportunity to hear from our distinguished panelists about the progress this hemisphere has made toward greater political and economic freedom and about the obstacles which remain.

Over the last 20 years, Latin America has experienced an incredible political and economic transformation. The statistics are telling. In 1981, 18 of the 33 nations in the hemisphere were ruled by

some form of authoritarian regime. Today all but one, Castro's Cuba, have freely elected heads of government, or in the case of Paraguay, a President who constitutionally succeeded an elected President that resigned.

In almost all cases, greater political and economic freedom are the rule and not the exception, but we all know that democracy is not as simple as one free election and that the rule of law is not established overnight. The growth and preservation of democracy is a process in which civil and political institutions, a free press, a strong and independent judiciary, and an open economy, to name just several are strengthened and institutionalized. The end result is a stable and responsive democracy.

Despite the way the democratization that has swept over the hemisphere, areas of serious concern remain. Indeed, it is clear from recent developments that there are very real and current threats to democracy in the hemisphere.

We need look no further than Haiti to see this. In the past 2 years, Haiti has been without a fully functioning government. Political killings and intimidation appear to be on the rise.

In Paraguay, previously mentioned, democracy recently had a very narrow escape from disaster, though it appears that the new government is on the right track and that the rule of law has been restored.

Colombia is also a great concern and deserves far more of our attention. Continued civil conflict, along with the illicit drug business, represents perhaps the greatest threat to democracy and regional stability in the hemisphere. Look at the numbers. More than 38,000 Colombians have been killed in its 34-year civil war, and according to the State Department, 300,000 Colombians were internally displaced last year. When compared to the situation in Kosovo, this conflict should also demand our attention.

I also want to mention several other issues of concern, including the increasing power and impunity of the drug cartel, economic instability, abuses of freedom of the press, and lack of judicial reform. All in their own way help to undermine the rule of law and threaten regional stability.

Let me conclude my remarks by saying that we are here today because our hemisphere faces serious challenges to democracy. The progress of the past two decades must continue and must be solidified. Our neighbors to the south have worked hard to establish democratic institutions and to allow democratic principles to take root. Our country has also played an important role in encouraging and aiding this process, but our job is unfinished.

We must continue to work with our friends in the hemisphere to strengthen their institutions and to preserve the progress that has been achieved. We have all fought hard for democracy in the hemisphere. We must not turn our backs now.

I look forward to hearing from our three distinguished witnesses. I think I would like to begin in the order in which I introduced them. I would turn to you, Secretary Abrams.

STATEMENT OF HON. ELLIOTT ABRAMS, PRESIDENT, ETHICS AND PUBLIC POLICY CENTER, FORMER ASSISTANT SECRETARY OF STATE FOR INTER-AMERICAN AFFAIRS, WASHINGTON, DC

Mr. ABRAMS. Thank you, Mr. Chairman. Thank you for the invitation and thank you for holding this hearing. I think we sometimes wait until the crises happen rather than try to talk about the underlying events in the region before crises are upon us.

I also want to say it is a great pleasure to be sitting next to a former colleague at the State Department, Ambassador Einaudi, who is one of the country's most distinguished diplomats in Latin America.

When you ask how is democracy doing in Latin America, the answer can be, compared to what? I think you are quite right in saying compared to the situation 15 or 20 years ago, it is still doing very, very well. But there are, as you point out, some alarming trends, and I guess I would raise two points.

The first is that though we are, I think, pretty good in the hemisphere at dealing with coups, with sudden actual coups that throw a government out or change a government the way President Serrano tried to do in Guatemala, for example, or the kind of thing that happened in Paraguay. There is a reaction from us, from neighboring countries, in the case of Paraguay, the MERCOSUR countries, from the OAS. But that is when things are in extremis.

We are not so good at what I guess I would call a slow motion coup where there is not anything as dramatic as a man in uniform walking into the Presidential palace. Here I suppose the example I would give is Peru today where President Fujimori is trying to seize an unconstitutional third term and using the military and the police and the intelligence service to do it. Freedom House just rated the press in Peru, along with the press in Cuba, as the only two that are not free in the whole hemisphere.

I think we have been a little bit slow in our reactions here and in the rest of the hemisphere as well. In the bad old days, generals never criticized each other, 25 years ago, for obvious reasons. Nowadays, the democracies ought perhaps to be a little more supportive of each other I think and more outspoken when this kind of thing happens. The human rights groups have been very vocal. Human Rights Watch, Freedom House, Amnesty International, the Committee to Protect Journalists in a case like Peru have been extremely vocal, but the governments have not, and our Government I think probably not as vocal as it should be. So, this question of the less dramatic situation is one that I think we need to focus on.

The second point I would make is we probably need to focus more on the question of rule of law as opposed to free elections themselves. We are pretty good at free elections even in difficult cases. The hemisphere, as you said, is characterized by free elections, and we are very good, we in the United States and the OAS as well, at helping hold a free election, at sending down observers and printing ballots and really almost guaranteeing that there is a genuinely free election. What is a lot harder is the reform of the judicial proceedings, broadly defined, so that the rule of law is really established.

As I think back to where we were 15 or 20 years ago, we were rightly optimistic about free elections and even generally about freedom of the press because if the government will just let go, a free press will develop. But the rule of law has been a great deal harder because more people are involved. Not just the government, the judges, the prosecutors are involved. There are a lot of people involved in the system, and the opportunities for corruption are very great. We see, of course, that in the context of drugs because there is so much money floating around, the resources are there to corrupt the system.

I think here I would just say a word about Haiti, which you mentioned in your opening statement, and which is one of the worst cases from the democracy point of view. You may recall in 1994 when we intervened in Haiti, one of the reasons stated was that those generals were involved in drug trafficking. Now it is 1999 and the amount of drugs going through Haiti has skyrocketed. In fact, it is estimated that something like 20 to 25 percent of all the cocaine coming to the United States comes through Haiti. So, that intervention, if we are judging it by drugs, certainly was not a success.

As you pointed out, they really have not had an effective government in Haiti for several years now. There are supposed to be local and parliamentary elections this year. I am not so sure they are going to come off.

I think myself that Haiti presents us with another big problem, conceptual problem, and that is, what do we do about someone who is democratically elected, but is not a democrat? That is the way I would characterize President Aristide from his behavior after his election. It was our policy to restore him to power as if he were the answer to Haiti's problems. I think that proved not to be the case. And he may yet get freely and democratically elected next year in the Presidential elections in Haiti, and that I think may present us once again with this problem of what do we do—and here the we is the whole hemisphere, the whole inter-American system. When do we declare after a free election that the activities of the elected President now go beyond the bounds—this may be the case of President Fujimori as well—go beyond the bounds of any democratic or constitutional system and undermine that system to the extent that defenders of democracy in the hemisphere have got to speak out very forcefully?

I am coming to the end of the short period of time I wanted to take.

But I think the rule of law is critical because people vote maybe once a year, once every 2 years, once every 4 years, but they deal with the legal system much more regularly. And if the judges and the prosecutors and the whole system are corrupt, their faith in democracy will be completely undermined.

The hard part is it is very resistant to help from the outside. I think it is a real conundrum. We know how to help in elections, but how can we help in the development of the systems of rule of law?

Thank you.

Senator COVERDELL. Mr. Secretary, take another 5 minutes for yourself. I am going to do that across the board. Given this dif-

ferent configuration, I do not want to cutoff. Even at 15 I know it cuts off the background you all represent, but go ahead and let us add another 5 minutes to this and the same for the others. Please proceed.

Mr. ABRAMS. Thank you.

I would just say another word about Haiti because I think this is one that is not really on the radar screen right now, but it will come back.

I think we have probably paid too little attention—I think the U.S. Government has—to the question of drug trafficking through Haiti, and I think the reason is that we wanted to declare the intervention or the administration wanted to declare the intervention a success. It is hard to call it a success given the amount of drugs going through there and the fact that democracy was not really restored.

We still have 500 troops in Haiti, but the head of the military mission there, Colonel Morris, and the CINCSOUTH, General Wilhelm, want them out on the grounds, among other things, that their safety cannot any longer be guaranteed because the public safety situation is deteriorating very fast there. So, I think Haiti is going to be coming back very quickly.

General McCaffrey of the ONDCP called the situation there very grim, and I think that is quite right.

I think others will be talking about Venezuela, so I will not talk very much about that except to say that I think if that is not on the radar screen, it is going to be very quickly because here again is a case of a free election. There is no doubt, none whatsoever, that President Chavez was elected in a landslide. The problem is at what point—and of course, we all hope he will not get there—would we all have to say that, well, he was elected, but then the activities he has undertaken lead us to say, “this is not democracy.”

As I have said, I think Peru already meets that definition. In its 1999 report, Human Rights Watch said—I will just read a sentence—“The anti-democratic tendencies of Peru’s President Alberto Fujimori became more pronounced as he maneuvered to seek an unprecedented third term in office despite a constitutional limit of two terms. Fujimori’s machinations to perpetuate himself in power continued to undermine the rule of law and independence of the judiciary. The entire National Magistrates Council resigned to protest laws restricting its powers.”

Freedom House, as I mentioned, now calls the press in Peru not free, and in one case, the famous case of Baruch Ivcher, they actually took his citizenship away as well as taking his TV station away. I will actually myself be one of the lawyers representing Mr. Ivcher when that case goes to the Inter-American Court of Human Rights in San Jose, Costa Rica later this year.

So, I would say that I think we are handling the extreme cases pretty well. We are handling the gray areas not quite so well, and one of the reasons, of course, is that there are always crises and we want to handle the crises rather than turning to something that might eventuate into a crisis. But they will eventuate if we do not do more.

On the bright side I would say, what can we do on the question of rule of law, what can we do in these cases? A new institution

is being developed in the region that we are supporting but I think we should support more: the ombudsman institution. Broadly defined, as it is in Latin America, it is not just a matter of "I did not get my pension check." These institutions are turning broadly into watch dogs over the executive branch. In Peru, for example, the Defensoria del Pueblo is a large institution that deals with questions of democracy and human rights, and what we would call a kind of comptroller general function about the administration of public moneys.

These institutions I think can really help in many, many countries in providing a check on government power and a reassertion of the need for a rule of law that comes from within rather than coming from outside the country. So, I hope that in our foreign aid budget and institutions like the National Endowment for Democracy, we provide a good deal of support for these new and very promising institutions in Latin American democracy.

Thank you. Thank you for the extra time.

[The prepared statement of Mr. Abrams follows:]

PREPARED STATEMENT OF HON. ELLIOTT ABRAMS

Mr. Chairman: It is a pleasure and an honor to testify here today about the condition of democracy in Latin America and the Caribbean. Given the importance of this topic, I want to begin by thanking you, Mr. Chairman, for your initiative in holding this hearing. Too often we react to crises rather than preventing crises when we may have the chance. Today, you are examining the basic conditions that will lead toward or away from stability in our region.

There are two main points I wish to make today. First, I think we in this Hemisphere are better and better at responding to coups that actually change a government. We are not nearly as good at responding to slow-motion coups, to a slower but steady erosion of democracy, and we need to think about improving our response. Second, we need to focus more on one key ingredient to democracy, stability, and economic growth: the rule of law.

What is the condition of democracy in this Hemisphere? I suppose we have to say, compared to what? Compared to past decades when the region was mired in military dictatorships, the situation is very good; and compared to many other regions of the world, things seem positively wonderful. The great wave of democratization of the 1980s has not been reversed, and the vast majority of people in this Hemisphere live under elected governments.

We have the luxury, then, of focusing on the problems that democracy faces—and there are real problems, some of which require American policy-makers to rethink current strategies.

In the Caribbean, the Castro dictatorship remains as repressive as it has ever been. The hoped-for opening after Pope John Paul's visit has not appeared, and instead the government has cracked down brutally on the first signs of opposition or dissident groups—the first sprouts in the creation of a civil society free of Party control.

But Cuba is not the only problem in the Caribbean: Haiti is increasingly worrisome. The growth of drug trafficking through Haiti has concerned me throughout this decade but has been played down by US officials until very recently. Now it is acknowledged that an extraordinary 20 percent of all the cocaine arriving in the United States comes via Haiti, and the figure may well be much higher. Given that stopping drug trafficking was one of the justifications for sending 20,000 American troops to Haiti in 1994, billions of dollars later it is very hard to call that policy a success. The greater justification was to "restore" democracy to Haiti, but this has not been accomplished either. According to Col. Morris, head of the U.S. military mission there (now down to 500 troops), it is an increasingly violent and unstable place—and both he and the CINCSOUTH, Gen. Wilhelm, want the troops removed.

Local and parliamentary elections are scheduled for this year, but may well not be held. Presidential elections are scheduled for next year, but even if these can be held there is little reason to believe they will solve Haiti's problems. The most likely winner in the presidential election is former president Aristide, whom our troops restored to office in 1994. It was Administration policy to act as if he personified progress and democracy in Haiti, but we seem to care more about those goals than

he does. Today, corruption and incompetence in the security forces there have left Haiti an open field for traffickers, and there is no real way that democracy can grow in that situation. Gen. McCaffrey of the ONDCP calls the situation "very grim" and he is unfortunately all too right.

Several other Latin countries have experienced challenges to democracy or are experiencing them now. You are familiar with the story in Paraguay, where President Cubas commuted the sedition sentence of Gen. Oviedo and ignored a Supreme Court ruling holding that move illegal. This story seems to have a happy ending where respect for law has been restored, Army rule—direct or indirect—avoided, and both Pres. Cubas and General Oviedo forced out of power. In fact, a Paraguayan judge just last week issued an extradition order for Gen. Oviedo for involvement in the March 23rd assassination of Vice President Argana.

In Ecuador, the instability that followed the removal of President Bucaram has now apparently given way to regular democratic procedures once again. In Venezuela, I think we need to be watching carefully whether President Chavez, who was chosen fairly and with overwhelming public support in a free election, believes himself bound by the rules of the democratic game—or believes that he can discard any rules that are an inconvenience. His rhetoric is soothing one day and alarming the next. His reliance on military support and use of military men in civilian posts is disturbing. I hope, and I believe, that the United States is making it clear that our own relations with Venezuela will change radically should he attempt to move Venezuela away from democracy.

A very worrying case today is that of Peru. As you know, Mr. Chairman, President Fujimori has never exhibited a great respect for democratic procedures, having invented the "auto-golpe" or "auto-coup" when he decided that Congress was just too annoying to put up with. Peru's Constitution states very clearly that he is not entitled to a third term in office, but he seems determined not to allow that small detail to get in his way. He wants a third term, and is willing to undermine democracy in Peru to achieve it.

Those who defend the Constitution and Peruvian democracy therefore face government attack. When Peru's Constitutional Tribunal ruled that he could not have a third term, he had the members who voted "wrong" removed. Human Rights Watch, in its 1999 report, states that:

The anti-democratic tendencies of Peru's President Alberto Fujimori became more pronounced as he maneuvered to seek an unprecedented third term in office despite a constitutional limit of two terms. Fujimori's machinations to perpetuate himself in power continued to undermine the rule of law and independence of the judiciary. The entire National Magistrates Council resigned . . . to protest laws restricting its powers. . . .

As to freedom of the press, Freedom House now rates only two countries in our Hemisphere as having a press that is "Not Free:" Cuba and Peru. Peru was moved from "Partly Free" to "Not Free" this year. Freedom House stated that:

The nation's newspaper and magazines felt increasing pressure from President Fujimori. . . . Since 1992, many journalists have been pressured into self-censorship. Others have been intimidated by libel suits, detention, house arrest, and in one famous case the revocation of a TV station owner's citizenship. Last year, two journalists were killed, 12 received death threats, 10 were beaten or otherwise attacked, and five were arrested. . . .

That TV station owner is Mr. Baruch Ivcher, whose case has been adopted by the Inter-American Human Rights Commission. The Commission is taking the case to the Inter-American Court of Human Rights in Costa Rica, where I will be one of the lawyers representing Mr. Ivcher. Mr Ivcher's "crime" was that his station revealed corruption and brutality at the highest levels of the Intelligence Service, and the Fujimori government wanted to put an end to that kind of investigative journalism.

Most recently, Mr. Ivcher has revealed documents from 1996 through 1998 showing that editors of Peru's most respected newspapers, owners of most of its TV stations, and their investigative reporters were subjected to a campaign of wiretapping, bugging, and intimidation by the National Intelligence Service in Peru. The situation in Peru is a sad and alarming one which has been documented—as have all these facts—in the Human Rights Report of the State Department.

Peru, as well as Haiti, Paraguay, Ecuador, and if things go badly Venezuela, raise an important issue for all of us: what should the United States do and what should the Inter-American community do, when democracy is threatened? There have been some good examples. When President Fujimori pulled off his auto-coup and dissolved Congress, U.S. pressure was influential in pushing him back toward electoral

democracy and a new election schedule. When President Serrano in Guatemala tried the same thing, U.S. and Latin pressure helped force him out and was critical in keeping Guatemala democratic. I think U.S. and Latin pressure was important in Ecuador, in assuring stability until last year's Congressional and presidential elections could be held and President Mahuad could enter office. There is no doubt that diplomatic pressure from Brazil and Argentina, Paraguay's partners in Mercosur, joined with American pressure to help keep that country in the democratic camp.

But these are cases of sharp, obvious interference with democracy. What of insidious processes that subvert democracy more slowly—the “slow motion coups?” Often the leader conducting this slow-motion coup was democratically elected—like Aristide in Haiti and Fujimori in Peru—but is no democrat. Having been elected once does not give any leader the right to erode the very free institutions by which he rode to power. When do we admit that a democratically elected leader may be no democrat? Here again Peru is a good example. In Argentina, when it became obvious that the people did not want the constitution changed to permit a third term for Pres. Menem, he was forced to abandon the project. In Peru, Pres. Fujimori has refused to permit a plebiscite, and is abusing his powers—including using the intelligence service against opponents—to assure that he gets a third term.

Neither the Inter-American system nor the United States reacts cogently to this situation. There is little effective regional pressure on Haiti or on Peru today, for example. While the Inter-American human rights machinery is working well in handling particular cases, it cannot pick up the slack when it comes to *systemic* moves away from democracy. And the reaction from leading political figures in the Hemisphere is silence. It would have an enormous impact in these situations were Hemispheric leaders, such as presidents and ex-presidents, to speak out. During the years when military dictatorships were common in the region, the generals had a code of silence whose purpose was obvious: since all were human rights violators and all were preventing democracy, it was evident that all benefitted from their common silence. But it should not be this way today. There are rays of light, including some statements by President Menem of Argentina, but there are not many. Nor are we doing all we should and speaking as loudly as we should. It would have an enormous impact were the United States to speak out more clearly.

Within each society there are of course some brave voices. Just this week the Chamber of Commerce in Haiti issued a statement denouncing lawlessness and violence. Our members, the statement said, “wanted to fight together for a new Haiti based on democratic principles. But, what deception! The business community and civil society, day after day, year after year, since 1986, have reaped nothing but deception, bankruptcy, necklacing, embargo, and, today, anarchy.” In Peru, The ombudsman's office, called the “Defensoria del Pueblo,” was established in 1996 and has proved to be a clear voice for democracy and the rights of the people. Similar institutions exist in several Latin countries and are on the drawing board in others, and these are very valuable and promising initiatives. These institutions can provide an independent voice for democracy and the rule of law in situations where it is difficult to speak out. The United States should be giving them our full support, for there will be an enormous temptation for governments to try to shut them up and maintain a monopoly on power and information.

My second point this afternoon relates to the rule of law. The first step for Latin countries returning to democracy from military dictatorship was to hold free elections, and free elections now characterize the region. A free press was also critical for the transition, and in most of the region the press is free or partly free; as I noted, Freedom House says that only in Cuba and Peru is the press not free. But what is also vitally important for the development of a democratic government and a democratic society is the rule of law, and here progress has generally been far slower. There are some shining exceptions, such as Chile and Uruguay, but they are exceptions. Latin America is more often characterized by judicial systems that do not work and by widespread corruption. Of course, the two go hand in hand: if judges or prosecutors are corrupt, if justice can be bought, there is no real rule of law. This affects both civil and political rights and economic development, for the security of property rights is an absolutely essential building block of the kind of democratic capitalism we all hope will expand in Latin America. And solving these problems is made far more difficult when drug trafficking injects vast sums of money and corruption into systems that are frail to begin with.

For most citizens, who may (or may not) vote in elections every couple of years, interaction with police officers or with judges, in civil and criminal cases, will be their most frequent interaction with their government. If they experience corruption, their belief in democracy will be badly undermined. They will see their own country's return to democracy as a sham, a facade behind which the rich and the

powerful still run things for their own benefit. The rule of law is an essential part of democratic order, as critical as free elections.

What can be done? The international community, including the OAS, is very good nowadays at helping a country plan and hold and safeguard free elections; and a free press will spring up by itself if left unsuppressed. Moreover, there is widespread attention when freedom of the press is violated or when elections are compromised. But building the rule of law is far more difficult and takes far longer, and violations are often hidden from view. As I look back to our human rights policy in the 1980s, it seems to me we were correctly optimistic about the spread of free elections and freedom of speech and press, but too optimistic about the rule of law. Institutions must grow more slowly here, for it takes longer to train a new cadre of judges and prosecutors, and to establish mechanisms to guarantee their honesty.

It is also more difficult for outsiders to help solve this problem, for it requires more time and affects more officials and social institutions that are far more complex. It is perhaps too much to say that foreigners can do nothing to help, but often we cannot do very much. What we can do, and must do, is to cheer when there is progress and protest loudly when there are deliberate efforts to corrupt the judiciary and debase the rule of law. Here again our support for ombudsman offices, such as the Defensoria del Pueblo in Peru, can be critically important, helping defend them against efforts to undercut their influence or budget and shut them down. And when appropriate, as with a number of Caribbean countries, we can lend a helping hand to weak police forces in dealing with the worst enemy of law in many Caribbean and Latin countries, the corruption that stems from the narcotics industry.

The progress made during the last 15 to 20 years should encourage us to maintain and indeed enhance our commitment to democracy in this Hemisphere. However difficult it may seem, the task is less daunting than the one we faced back then. But wherever those who would undercut democracy are active—from the communist dictatorship in Cuba, to the power grab of Fujimori in Peru, to the corruption spread by drug traffickers—American words and action are critical. Sometimes we, together with others in the region, can make an enormous difference. We have an obligation to try, for the democratic principles at stake are our own basic principles and this is, after all, the region in which we live.

Senator COVERDELL. Thank you, Mr. Secretary. I appreciate it very much.

We will turn to the Ambassador for your presentation.

STATEMENT OF HON. LUIGI R. EINAUDI, VISITING SENIOR FELLOW, INTER-AMERICAN DIALOGUE, FORMER U.S. AMBASSADOR TO THE ORGANIZATION OF AMERICAN STATES, WASHINGTON, DC

Ambassador EINAUDI. Thank you very much, Mr. Chairman. Let me join Secretary Abrams in thanking you for this opportunity to present our concerns to you.

I would also like to reciprocate Elliott's nice words about me by saying that since I did work directly with him when he was Assistant Secretary, I can testify that his concern for democracy and for human rights is nothing new, but has in fact infused all of his work.

I share your views and those that Elliott Abrams has set forth in terms of the news being basically good. I think that since we are going to be talking about difficulties, it is incumbent upon us not to do so in a way that adds to the easy cultural stereotypes with which Latin America is often associated, with bad news, with dictatorship, with earthquakes, with breakdowns, with abuses.

I think that I also agree with what you said at the beginning that Americans can be proud of having contributed, but that our job is not yet finished. In my prepared statement, I give a number of what I see as danger signs. I am not going to go over them specifically here for reasons of time, but I will say one thing about them.

First, I had a hard time giving them a clean intellectual shake because I saw political danger signs, I saw economic problems of fulfillment of obligations, I saw social tensions, and I saw problems of criminality and the challenged government authority and ability to maintain the rule of law.

I also listed things that affect virtually every country in the hemisphere. I will admit that I did not hold my hand. I even mentioned the United States in the sense that I think that it is important that we realize that when the largest country in this hemisphere, largest not only in the accident of geographic size, but also in terms of wealth and power, directs its attentions outside the hemisphere, does not follow through on commitments for freer trade that would strengthen regional integration, and manages to convey a sense of indifference to what happens in the hemisphere, that that inevitably adds to the ominous signs that things may not be going as well in the hemisphere as we would like them to go.

Now, let me develop my remarks around three basic points.

First, since the basic good news is that we have not had the classic kind of military coup in which officers rebel against the authority of persons that they are sworn to uphold in office—we have not had that for 20 years or more in the hemisphere—that the issue at this point is to focus not on the rhetorical desirability of democracy as opposed to dictatorship, but really on the components and functioning of democracy.

Second, on the importance of security to democracy—and I think this is a point which is sometimes amiss, but that is nonetheless fundamental—democracy requires a certain element of citizen and national security in order to function well.

And then finally, some thoughts on regional arrangements and cooperation, how to respond to the situation.

With regard to the key components of democracy, let me stress I think that one cannot predict sort of straight line improvements in life or continuation of democracy, but I think at this point that we have succeeded in stopping the pendulum between democracy and dictatorship. We are in the general democratic camp in the western hemisphere, and I believe that basically we are going to stay there, so that our concern from a policy standpoint should not be on the desirability of democracy and more on the quality of democracy.

When we talk about the quality of democracy, the components that I think are important are free elections. I share Elliott Abrams' view that we, and more importantly the Latin Americans, have gotten rather good at that and that they do have problems, but that basically they can handle elections reasonably well.

To pass to other key concepts, separation of powers and public freedoms, which I think is the concern that underlies Mr. Abrams' worries about Peru, and the general question of an impartial administration of justice, which is accessible to all citizens.

Now, in the statement, I go over a number of these points. I am not going to go into them in great detail, but I do want to underscore the fact that we have to worry about gray area cases and about those cases that are not like the classic interruptions of the political process, but rather lead to its gradual erosion or change without consideration or respect for basic constitutional procedures.

And the case I would throw into the hopper on this as a sort of warning flag would be Venezuela. The institutional order in Venezuela today remains intact, but it seems to me that there are clear signs that there are political tensions there that could jeopardize the survival of a democratic system and that the confrontations that have taken place between the elected President and the equally elected Congress and constitutional supreme court make clear that the constituent assembly, which is going to be working this summer, is going to have its work cut out for it to prevent justified reactions against corruption, against the disregard of popular needs to become the basis for a denial of democratic rights.

On the question of security, let me simply say at this point that while these democratic years, which have also, by the way, seen—and I was the U.S. envoy in the settling of the Peru-Ecuador conflict—that have really seen the States of South America in particular, Argentina and Brazil on the nuclear front, massive acceptance by military leaders and institutions of non-political roles, of budget constraints, of the need for confidence-building measures. So, we have seen major good news on, let us call it, the field of interstate tensions, that we have seen really major new danger signs in the area of security forces that must now face organized local and international criminal gangs that, because of the returns of their criminal activity and not just drug trafficking—think of the gangs that are stealing cars in southern California and revamping them in Latin America. We are talking about billions of dollars worth of activity here. These gangs in some cases can have intelligence, communications, planes, weaponry that can challenge the forces of government and, in turn, lead to extra-legal forms and ways of society to organize themselves in defense, including the rights of private security forces and paramilitaries.

So, it seems to me that if we talk about the survivability of democracy and the rule of law in the hemisphere, it is important that we not duck the security issue. It seems to me clear—I am not going to go into great length now in this oral statement, but that you need to face up to civilian control, to operations by security forces under civil law and a fully transparent code. I think we need to separate the professional military and police forces, ensure civilian led police forces. And I think we have to be very careful about military and counter drug operations to have them take a supportive but probably not a lead role.

The case that perhaps raises many of these issues most clearly for me is that of Colombia. You yourself, sir, mentioned in your opening statement some of the abysmal figures. It seems to me that the only long-term solution in Colombia is the gradual development of a more inclusive society. These guerrilla problems exist a long time, and they go before the narcotics thing became major. And you need a more inclusive society, one that is better able to deal with some of these issues and also that has a more effective State authority.

It is inconceivable to me that democracy can be consolidated in Colombia without a military that is capable of supporting that civilian government in its effort to assert lawful authority against all-comers, whether it be the drug dealers, the insurgents, or the paramilitary.

Finally, on regional cooperation or responses to this, let me say that I think that General Assembly resolution 1080 of the OAS has proved quite effective in dealing with the sudden interruptions of democratic and institutional process. I think that in the new grayer areas, there is a great deal to be done. I think that it is important that we as Americans be aware. I think Elliott Abrams did mention that it is a complicated thing to try to act in these situations. I think it is very aware that our power imposes special obligations of restraint, that it is not our business to try to impose unilateral or even multilateral standards on sovereign states.

I think, therefore, that we must accept the burden of attempting to engage in proactive activities. We should focus discussion in advance, as you have helped us to do and as I have tried to take advantage of it, on the elements of democracy and that we should try to, in that way, contribute to an overall improvement in the situation.

I note that on the security point, I think we should negotiate or support negotiated development of a new regional security architecture. I will not go into that.

Let me end simply by saying this. The complexity of the issues arising before us are such and the number of issues they cover that it seems to me that the United States should think in terms of the development of a new hemispheric bargain, one in which, in effect, we would seek to meld cooperation against drugs and crime and corruption in an explicit framework of support for democracy, free trade, and the rule of law.

Thank you, sir.

[The prepared statement of Ambassador Einaudi follows:]

PREPARED STATEMENT OF HON. LUIGI R. EINAUDI

Thank you, Mr. Chairman, for giving me this opportunity to present my concerns at the accumulating stresses against democracy and the rule of law in this hemisphere.

The story of Latin America has been marked by a history of alternation between democracy and dictatorship. In the early 1930s, again in the late 1940s, and most recently in the 1960s, successions of military coups established juntas and de facto governments in a majority of the countries of Spanish America and in Brazil. In recent years, this swing of the pendulum from democracy to dictatorship appears to have stopped. The return to civilian governance that began in the 1970s has continued now for more than 20 years without a single classic military coup. It has become commonplace to talk of the Americas as a hemisphere that, with the single exception of Cuba under Fidel Castro, is entirely democratic.

This hemisphere-wide trend toward strengthening democracy and the rule of law is both powerful and welcome. Our national interests are vitally served by the prosperity and security of our neighbors. I believe Americans should be proud that the United States, under a succession of administrations headed by leaders from both parties, has sought to support the long-term development and stability that can only be nurtured by democracy and the rule of law.

Allow me, however to call to your attention several troubling recent events:

- Last March, Paraguay's Vice President was assassinated under conditions that led to the impeachment and resignation of Paraguay's President. The outcome was ultimately handled in accordance with the constitution, but the whole process was as unsettling as it was unscheduled.
- Earlier this year in Brazil, South America's largest democracy, a state governor almost provoked an international financial crisis by refusing to pay debts his state owed to the federal government.
- In Venezuela, which is the largest foreign supplier of oil to the United States, accusations of corruption amid widespread poverty have given a succession of major electoral triumphs to a dynamic former military coup leader and raised fears that key democratic principles will be at risk in the months ahead.

- In Colombia, the government must fight illegal drug mafias in the midst of guerrilla and paramilitary violence that is deep-rooted and spreading despite a long democratic tradition, a revamped constitution and reinvigorated peace efforts.
- In February 1997, the then-President of Ecuador was impeached almost without warning by a Congress using a unique constitutional interpretation. Today, despite peace with Peru and a new constitution, partisan and regional differences have if anything increased.
- Meanwhile, in Peru, challenges to the separation of powers and to individual freedoms have continued despite international acceptance of a constitution written after the previous charter had been illegally abrogated.
- Chile has one of the hemisphere's most highly developed legal systems, but its domestic legal procedures are being questioned by assertions of international jurisdiction on charges against former President Augusto Pinochet.
- The English-speaking Caribbean remains steadfastly democratic, but sheer lack of size makes its countries highly vulnerable to the dislocations of globalization, whether caused by NAFTA or our opposition to European banana quotas. The entire Caribbean Basin, including Central America, which is still rebuilding from the wars of the 1980s, has been hit hard by plagues from drug traffickers to hurricanes that hamper good governance and stimulate emigration to the United States.
- In much of the hemisphere, local security forces face local and international criminal organizations that take advantage equally well of remote areas with limited government control and new urban sprawls that concentrate underemployed and undereducated populations.
- While our neighbors struggle with these new uncertainties, the hemisphere's oldest independent democracy and most prosperous country, the United States, has its attention focused on problems outside the hemisphere. We have not sustained initiatives toward freer trade that would have strengthened regional integration. And despite sporadic efforts by some to prove otherwise, our neighbors are getting the impression that we are generally indifferent to what happens to them.

These events and patterns are very disparate and not easy to categorize. Taken individually they seem mostly the normal stuff of politics in a global era. They are not the blatant attacks on democracy and the rule of law characteristic of Latin America's past. They are not the product of the arbitrary rule of a single strongman or *caudillo* as is still the case in Cuba. They are not the politics of despair that still dominate Haiti. And they include no prototypical coups against elected civilian authorities by military officers sworn to uphold them—such as the 1968 coup in Peru that led to my first appearance before this Committee thirty years ago last month.

We should be thankful this is the case. As a senior State Department official reminded us recently, “despite the turmoil, constitutional processes in these countries have *not* been scrapped; political differences have *not* generated bloodshed even when there were thousands marching in the streets; the militaries have *not* stepped in as alleged saviors of their country from chaos; the leaders and citizens of these countries have *not* pushed aside democracy and the rule of law” (Acting Assistant Secretary of State Peter F. Romero in Tokyo, April 9, 1999, emphasis in original).

But though these and similar events have not created the stark choices characteristic of the past, I believe that over time they pose important dangers to freedom in the hemisphere. The threats they pose are different from our traditional fears of military coups and rampant instability. When the threats change, our defenses must also adapt. But because the threats are new, we and others have not yet had time to develop agreed responses.

So today I would like to develop my remarks around three broad themes:

- first, the need to strengthen the key qualitative components of democracy;
- second, the importance of security to democracy and the rule of law; and
- finally, possible responses to the new threats, with particular attention to regional arrangements and cooperation.

I. KEY COMPONENTS OF DEMOCRACY

The end of traditional dictatorships in Spanish America and of colonialism in the Caribbean has been accompanied by elections that are increasingly competitive. But the end of dictatorship has not ended poverty, inequities or human rights abuses, leading some to question the effectiveness of democracy. Arguments have been heard that petty crime, drug trafficking, and corruption thrive in democratic environments and should be met with a good dose of authority and force. With the passage of time, the failures and abuses of the democratic present can become more

vivid than the dimming memories of even greater failures and abuses of the dictatorial past.

I should make clear that I do not expect a generalized return to dictatorship in Latin America or the Caribbean. Our neighbors are too developed, too complicated, and too smart to fall into the mess of domestic instability and lost international opportunities that would inevitably result. I recognize that history is not the inevitable march of progress and that setbacks, even major and lengthy diversions from the path of democracy are possible and even likely. But I do think that Latin America has progressed beyond traditional stereotypes to a point at which the focus of policy concern and public debate should shift from generic support for the *desirability* of democracy as opposed to dictatorship to a focus on the *quality* of how democracy is practiced.

There is, of course, no single model of democracy. In this hemisphere the British parliamentary model has long coexisted with a wide variety of presidential systems. But there are elements that are common to all democracies, and in whose absence claims to democratic practice would be flawed. These include at a minimum free elections, the separation of powers, public freedoms, and an impartial administration of justice accessible to all citizens.

Consider elections. For elections to qualify as democratic, they must be open to all voters and their ballots tallied correctly; they must offer competing candidates who can express their views freely; and they must be held at predictable regular intervals.

I understand that most electoral experts believe Latin American and Caribbean elections now meet these key standards increasingly well, despite serious questions that have come up in some cases about the right to stand for election or reelection, whether or not voting should be compulsory, about whether political parties should enjoy public support, or the extent of voter turnout.

In several countries, but particularly Argentina and Peru, controversies over presidential reelection have bedeviled national politics. However, as long as they are dealt with constitutionally, such issues should be approached respectfully, if at all, by foreigners.

The content of constitutions and what happens between elections are matters that deserve greater attention than is normally given to them. Hemispheric practice is to consider that the principle of nonintervention in the internal affairs of other states—since the mid-1930s the cornerstone of the Inter-American System—requires acceptance of the constitutional provisions in force in each independent state. Just like elections, constitutions can vary but have characteristics that determine their democratic quality. In general these turn on accountability, the impartial administration of justice, the separation of powers among the executive, legislative and judicial branches, guarantees of public freedoms, including freedom of the press, and provisions for efficient state institutions free of corruption.

The biggest regional political crises of the past decade involved interruptions of the constitutional process. The first took place in Haiti in 1991, where the constitutional congress and the military moved against the constitutionally elected president. The second took place in Peru, where the constitutionally elected president and the military moved against the congress and the constitution, including the courts. A third, in Guatemala, saw the elected President appeal to the military, unsuccessfully as it turned out, to close the elected congress.

These events were not classic military coups, but they struck against the separation of powers and the rule of law. I will deal with the regional response shortly. Here I merely want to note that because they entailed a sudden and major interruption of established legal processes, they proved unsuccessful partly because their patent abusiveness automatically rallied opposition against them.

But there are a number of situations that are considerably less clear. Some would argue that despite a new constitution and an elected congress, Peru still poses important questions regarding the independence of the judiciary and the freedom of the press.

Venezuela is another interesting current case. Venezuela's institutional order remains intact. But it is also clear that political tensions have emerged that could jeopardize the survival of a democratic system. At what point does a legitimate reaction against corruption and the disregard of popular needs become an undemocratic denial of the rights of others? Confrontations between the President Chavez and the Congress and especially the Supreme Court make clear that the new Constituent Assembly that is to convene this summer will have its work cut out for it.

II. THE IMPORTANCE OF SECURITY

Military institutions normally get a bum rap in most discussions of democracy. Their past associations with dictatorship, their role as specialists in the use of force, their organizational strength and sometimes privilege have often produced unbridgeable gulfs between military and civilian elites.

From the standpoint of relations among states, recent news has been uniformly positive. Military support for peace in Ecuador and Peru confirms the new era begun by Argentina and Brazil's abandonment of their nuclear programs and the Southern Cone's forswearing of weapons of mass destruction. Military leaders have expanded confidence building measures and accepted budgetary constraints, but as yet no generalized arms restraint regime has emerged. The OAS did, however, help transform a Mexican-Rio Group initiative into a hemisphere-wide convention against the illegal trafficking of small arms that has received the support of the United States.

There has also been some good news on the sensitive internal fronts. With the end of the cold war, the decline in guerrilla insurgencies, and most of all the end of military coups, the gulf between military and civilian groups is beginning to erode. Military matters are no longer the taboo for civilians they once were.

As I noted earlier, however, in much of the hemisphere, weakened military and often ineffective police institutions now face criminal organizations that take advantage equally well of remote areas with limited government control and of new urban sprawls. Car thefts from the United States are less discussed than the narcotics traffic, but are also a business involving billions of dollars. Globalization of drugs and crime has helped spawn gangs that sometimes have better intelligence, communications, planes and weapons than the forces of governments. One sign of the intensity of these problems is the rise of private security forces and paramilitaries.

I suggest there are four keys to the role of the military and security forces in a democracy: civilian control; operations under the civil law and a fully transparent military code (no impunity); a separate professional and civilian-led police force, and a supportive but not lead role in counter-drug operations.

These issues are all present today in Colombia. Colombia presents a very complex over-all situation for which the only long-term solution is the gradual development of a more inclusive society with effective state authority. This formula requires a professional military, professional in that it has the ability to use force effectively but does not do so needlessly because it obeys the law and is respectful of human rights. The drug dealers and to some extent the guerrillas have access to very major resources from the traffic in illegal narcotics. A modern state and a democratic society in Colombia require a military that can support a civilian government in its efforts to assert lawful authority against all comers, be they drug dealers, insurgents or paramilitary forces.

III. REGIONAL COOPERATION IN SUPPORT OF DEMOCRACY AND THE RULE OF LAW

Representative democracy, human rights, and to a lesser but important extent social and economic rights and freedoms are already accepted as legitimate regional obligations, codified in the OAS Charter and in international law.

In the crises in Haiti and Peru mentioned above, the hemispheric community reacted by invoking OAS General Assembly Resolution 1080, which calls for an immediate response by the governments of the hemisphere "in the event of any occurrences giving rise to the sudden or irregular interruption of the democratic institutional process or of the legitimate exercise of power by the democratically elected government in any of the Organization's member states."

In Haiti, the interruption lasted until the legitimate president was restored to office three years later by international military action under the auspices of the United Nations. In Peru, the interruption lasted until a new Congress was elected and wrote a new constitution. Resolution 1080 was also applied to subsequent crises in Guatemala and Paraguay, which also saw the emergence of subregional communities as important guarantors of democratic continuity.

The emergence of new and generally subtler challenges to democracy poses special problems. The hemispheric community has a stake in the outcome, but how it acts or reacts may be less a matter of the member states deciding what to do in particular cases once a crisis has broken out than of systematically supporting and sustaining democracy and the rule of law.

The key is to find a balance between extremes. One extreme would be to turn a helpless eye to even the most grotesque violations of democratic practice. The other extreme would be to attempt to impose unilateral or even multilateral outside standards on an offending country. I believe a balance must be sought by focussing public attention on key components of democratic constitutionalism as discussed

above, and by employing proactive observation and private consultations to address specific cases. If an interruption of legitimate democratic processes takes place despite these proactive measures, there would be no choice but to apply Resolution 1080.

The time is also ripe to expand US support for the Action Program of the 1998 Santiago summit meeting. Particularly as concerns education, security, narcotics trafficking, and integrated cooperation on the administration of justice, we should make an effort to ensure major progress in time for the next Summit of the Americas in Canada.

For the United States, which is completing this year the withdrawal of its military forces from Panama, I would recommend that we support the negotiated development of a new regional security architecture. The Inter-American Defense Board and College should be brought explicitly under civilian control, and any new cooperative security arrangement should also include the Center for Hemispheric Defense Studies and the School of the Americas.

IV. CONCLUSION

This statement has been overwhelmingly about democracy *within* countries. It is important that we also take into account the importance of democracy *among* countries and among groups of countries.

The potential of the Americas has been held back by lack of mutual trust and sometimes even respect. Cultural differences and fragmentation have blocked action as Latin Americans have emphasized the state and sovereignty as counterweights to the power of the United States, and as we have tended to assume problems could only be solved if approached our way.

Democracy and free trade have now created the foundations for a new hemispheric bargain. The basis of the bargain should be cooperation in the fight against drugs, crime, and corruption set in a framework of democracy and free trade. The emphasis should be on cooperation not aid, cooperation not sanctions, and perhaps even cooperation not trade, if that proved necessary to reduce the vulnerabilities of small states.

Freedom is a great balance wheel. So long as people are free to express themselves and organize peacefully, they will have the opportunity to correct abuses and devise new methods of cooperation. I believe that United States and its neighbors have great advantages to reap through a new hemispheric bargain anchored in freedom.

Senator COVERDELL. Thank you, Ambassador. I appreciate very much your remarks. Both of you have written remarks that exceed what you mentioned, and I hope you would submit them, to the extent that you can, for our record which we would more than like to receive.

Ambassador EINAUDI. We will both do so.

Senator COVERDELL. Thank you.

Mr. Sweeney, let me turn to you now.

STATEMENT OF JOHN P. SWEENEY, LATIN AMERICAN POLICY ANALYST, THE HERITAGE FOUNDATION, WASHINGTON, DC

Mr. SWEENEY. Thank you, Senator Coverdell. Thank you for the invitation to appear before this hearing today, and it is nice to be here with my friend Elliott and share a table with Luigi.

In the interest of brevity, I am going to jump over most of my initial presentation because it would just cover ground that Elliott and Luigi have already covered. I am going to turn to the specific question of Colombia and Venezuela, which in my opinion are probably the two biggest challenges the United States faces today in the Western Hemisphere. I start this on page 4 of my presentation.

On March 25, 1999, we published at the Heritage Foundation a policy paper entitled "Tread Cautiously in Colombia's Civil War." I have included that paper as an appendix to this testimony today to be included in the record.

Briefly though, Colombia, the world's largest producer of coca leaf and cocaine, is today in danger of breaking up as a nation. After 34 years of war against the Colombian State, the Communist insurgents that belong to the Revolutionary Armed Forces of Colombia, the FARC, and the National Liberation Army, the ELN, have gained the upper hand politically and increasingly, it appears, in military terms as well.

Since the last 1980's, the FARC and ELN insurgencies have financed their growth and activities by engaging in the illegal drug trade and by kidnapping. Today they control over half of Colombia's national territory, including a demilitarized area in southern Colombia of 16,216 square miles, nearly twice the size of El Salvador, that President Andres Pastrana gave to them on November 7, 1998. Moreover, since early 1997, the rebels have inflicted a series of stunning defeats on the Colombian army in open maneuver combat.

President Andres Pastrana is suing for peace at all costs. The Colombian Government has flatly ruled out any option other than a negotiated settlement, even though the guerrillas have maintained their attacks against Colombian army and police forces and refuse to lay down their arms and have openly called for the creation of a socialist/marxist State in the regions of Colombia they control. Moreover, the Colombian guerrillas have continued to kidnap foreigners, including three American citizens who were snatched in Colombia and subsequently murdered in cold blood in Venezuelan territory.

Let me add too that I think that eventually we are going to learn that the missing American missionaries for the past several years are also dead. I think that sooner or later will be confirmed, if not by the FARC, by the Colombian Government.

Now, President Pastrana's stance of pursuing peace at all costs in my opinion is symptomatic of a profound lack of will by the Colombian Government and by Colombia's political and business elites to confront the narco-rebels and defeat them in battle. Instead of strengthening the Colombian armed forces, the Pastrana Government appears to hope that if the peace process fails completely, the U.S. will come into the breach to bail out Colombia. What makes this lack of Colombian will particularly alarming is the Clinton administration's confusion about what needs to be done in Colombia to terminate the Communist insurgency and contain the illegal drug trade that today accounts for as much as 5 to 7 percent of Colombia's annual gross domestic product. Congress must guard against any efforts by the Clinton administration to send U.S. soldiers to Colombia, and Congress must also guard against any efforts by the politically weak Pastrana Government to dump responsibility for ending Colombia's civil war on the shoulders of American soldiers and taxpayers.

Turning briefly to Venezuela, which is suffering perhaps its worst economic crisis in this century, President Hugo Chavez Frias is seeking to centralize all power in his hands with the backing of some, but not all, elements of the Venezuelan military. A new banking crisis is looming like the one that 5 years ago cost Venezuela 14 percent of its gross domestic product in 1994. Moreover, the non-oil economy is completely paralyzed while investors and

producers wait for the final outcome early next year of the constituent assembly that Chavez is vigorously pursuing. However, this constituent assembly will not resolve Venezuela's economic crisis. When the poor Venezuelans who elected Chavez realize that the constituent assembly will not create jobs, ease their hunger, or improve their wretched living standards, they may turn against him with the same ferocity they showed toward former President Carlos Andres Perez in February 1989 when the country was rocked by bloody riots that lasted a week and caused over 300 violent civilian deaths.

It is too early yet to write off the Chavez Government in Venezuela as a failure, but it is appropriate I think to include some general remarks based on his first 3 months in office.

First, President Chavez has an apocalyptic salvation project that may further destabilized Venezuela in the next 6 to 12 months. His vision is populist, socialist, statist, and militaristic. Moreover, his rhetoric indicates that the kinds of constitutional reforms that Chavez has in mind would involve more government ownership, control, and regulation of all economic activity, and fewer political freedoms for his opponents. He speaks significantly of participative democracy instead of representative democracy. If you look at the Cuban constitution under Castro, it is participative. In other words, if you are with me, you are participating; if you are against me, you are out of it. And that I fear is one of the things that is happening now in Venezuela.

Second, Chavez says he supports democracy and free markets, but his actions show otherwise. Currently more than 300 active duty military officers are in civilian government posts. Some of these posts occupied by these active duty military officials involve general staff of the Colombian armed forces reporting to officials who formerly were their subordinates. So, tensions have been created within the structure of the armed forces of Venezuela.

Second, since he became President last February, more than 2,000 former military personnel have been appointed to local, regional, and national security jobs throughout Venezuela. Chavez also has called repeatedly for the dissolution of both the Venezuelan Congress and Supreme Court, and he also supports eliminating free elections for State Governors.

Third, since assuming the Presidency barely 3 months ago, Chavez has demonstrated a growing bias against the United States. For example, he personally lobbied against the U.S. in the recent U.N. vote in Geneva on Cuba's human rights violations. Moreover, his Foreign Minister, Jose Vicente Rangel, has openly disparaged the U.S. Ambassador in Venezuela for the Ambassador's carrying out his job, and has stated that Venezuela henceforth will vote in the U.N. with countries the likes of Cuba, the People's Republic of China, Iraq, and Libya. Chavez has also cozied up to Cuban dictator Fidel Castro, and he has interfered in the Colombian civil war with a decided preference toward the Communist narco-guerrillas of that country.

Fourth, President Chavez does not have a viable economic plan to pull Venezuela out of its present crisis. He has little interest in economic matters, except as they may affect his constitutional reform project. Moreover, he does not have a coherent economic team

and his cabinet is not composed of first-rate individuals qualified professionally for the post they now hold.

Mr. Chavez also has created impossibly high expectations among the Venezuelan people that he cannot meet. It is not clear yet how the Venezuelan people will react when they finally realize that writing a new constitution will not improve their socioeconomic standard of living. While the constituent assembly process unfolds over the next 6 to 12 months, the public's support for Chavez may hold up, especially if he launches very public efforts to detain and imprison anyone perceived as being corrupt. Some of this has already begun to happen.

During a recent visit to Venezuela, the son of a leading Accion Democratica official was arrested based on an anonymous telephone call held in communicado, and even when the Foreign Minister and the Interior Minister both went to the office of the State security police director to request this young man's release, he laughed in their face. They had to go straight to Chavez to get Chavez to get this kid set free. So, we are seeing the whole notion of due process being trashed completely by the Chavez Government.

When the constituent assembly process finally ends with a new constitution, the Venezuelan people will realize that populism is no substitute for sound free market policies, and at that point it is possible that we will see outbreaks of violence in Caracas and other major Venezuelan cities.

The last point on Venezuela. Chavez does enjoy widespread support within the Venezuelan armed forces, but that support is not unanimous. There are even dissident groups within his own MBR 200 movement, including the Governor of Zulia, Mr. Ideas Cardenas, who is considered the intellectual father of Chavez' political movement. Ideas Cardenas has already broken publicly with Chavez and said that he would oppose any effort to toss out the country's institutions, as Chavez appears to be seeking to do with his constituent assembly.

Moreover, the Venezuelan National Guard, which succeeded in blocking two failed military coups in 1992, the first one being led by Chavez, does not back the new President. He does not have their support. Therefore, any attempt by Chavez to launch a Fujimori style self-coup somewhere down the road would undoubtedly result in street battles between armed forces and National Guard units.

Finally, touching on what Elliott has said today and what Ambassador Einaudi has said today, there is probably very little that the U.S. could have done in the last couple of years to prevent any of these threats to democracy from erupting across the region. But the United States Government's extended disengagement from Latin America since 1994 has complicated the region's problems by projecting the mistaken message that Latin America is not an area of great importance to the United States. At a time when a strong U.S. presence in Latin America could be of help to democratic governments in the area who are trying to confront their economic and political difficulties, the U.S. under President Clinton very lamentably is not having even a marginal impact in some of these countries.

By way of example, two of the most important countries in South America, Argentina and Brazil, have been without an accredited U.S. Ambassador for over 2 years and about 1 year, respectively. Yet, Argentina is our only non-NATO special ally in Latin America, while Brazil is the largest economy in South America and a critically important actor in hemispheric trade liberalization.

Now, more than indifference, in my opinion, the U.S. administration's growing disengagement from Latin America is a symptom of a deeper underlying in U.S. foreign policy, namely that the Clinton administration does not have a coherent Latin American policy and never has had such a policy. Since 1993, this administration has consistently maintained that its foreign policy in Latin America consists of promoting free trade, consolidating democracy, and defending human rights. However, these ideals that the U.S. administration seeks to achieve do not in and of themselves constitute a foreign policy, but rather a statement of policy objectives that we hope to achieve. Still missing are the regional and country-specific strategies designed to achieve our policy objectives in Latin America.

Thank you.

[The prepared statement of Mr. Sweeney follows:]

PREPARED STATEMENT OF JOHN P. SWEENEY

In assessing the state of democracy and rule of law in the Americas, one can point to both good and bad news. The good news is that, generally speaking, democracy and rule of law are stronger today throughout Latin America than was the case only a decade ago. Having said that, however, the bad news is that the region's democracies remain very fragile, and rule of law remains very tenuous in many Latin American countries. Political corruption, organized crime and drug trafficking are pervasive throughout the region, and are becoming more so with each day that passes.

While the U.S. Administration focuses all of its attention on Kosovo, storm clouds are gathering closer to home, particularly in South America where a succession of economic and political crises during the first four months of 1999 have raised legitimate concerns about the region's democratic stability.

The recent outbreak of economic and political turmoil in Latin America is taking place following more than two consecutive years in which economic freedom expanded at a faster pace in South America than any other developing region of the world. Now that progress is threatened in several countries, especially Paraguay, Ecuador, Peru, Venezuela, and Colombia.

In Paraguay, a deadly power struggle between competing factions of the long-ruling Colorado party led to the assassination of the Vice President and impeachment of the President, who fled to asylum in Brazil. This conflict was not between democrats and would-be coup leaders. Instead, it was a power struggle between competing and very corrupt factions within the long-ruling Colorado party. The fact is that Paraguayan politicians have little taste for true democracy and open markets. Additionally, Paraguay is home to Ciudad del Este on its so-called Triple Frontier with Brazil and Argentina. Ciudad del Este is a major center in South America for organized smuggling of merchandise goods, and other criminal activity such as drug trafficking, money laundering, black market arms sales, and terrorism. Paraguay is only nominally a democracy.

In Ecuador, the combination of the El Nino weather phenomenon in 1998, political and corporate opposition to government economic reforms, plus chronic corruption, bankrupted the economy of that country. The IMF is bailing out Ecuador so that it will not be forced to default on its foreign debt obligations. However, the Ecuadorian people, its business leaders and the government's political opposition clearly have no taste for the kind of austerity and restructuring measures which are needed desperately to place the economy of Ecuador on a sound footing.

In Peru, the overall economy is weathering the effects of the Brazilian crisis in relatively good condition, but President Fujimori, whose government is backed by the military, wants to extend his presidency for a third five-year term as of 2000. Since Fujimori carried out his self-coup in 1992, he has succeeded in defeating the

bloody *Sendero Luminoso* and *Tupac Amaru* insurgencies, and in putting the economy on a fast-growth path. However, Peru under Fujimori has also suffered an increase in human rights abuses committed by the government, official repression of free speech, political persecution of Fujimori's critics, and a deepening of corruption within the military establishment that controls the country in silent "partnership" with Fujimori.

The Caribbean region has become the playground of Colombian and Mexican drug traffickers. The Dominican Republic and Haiti have become major drug transit routes. Puerto Rico has become the main Caribbean staging point for shipping drugs to the mainland U.S. Since it is a U.S. Commonwealth territory, once the drugs arrive "in country" it is easier to ship them by air on domestic U.S. flights—which are not monitored as closely as foreign flights.

On December 31, 1999, the last U.S. military forces will withdraw from Panama, leaving that country without the ability to defend itself from destabilizing incursions by Colombian guerrillas, para-militaries and drug traffickers. Some critics doubt that the Panamanian government can maintain and operate the Panama Canal efficiently. Many Panamanians also share those doubts.

Measured against these countries, the situation in Brazil and Mexico appears to be positively bullish. The economic crisis in Brazil appears to be easing, and the Mexican economy has grown stronger thanks mainly to its membership in the North American Free Trade Agreement (NAFTA). However, a note of caution about both countries.

The economy of Brazil may well start to recover in the second half of 1999, as the Cardoso government and IMF are both predicting, but the Brazilian people will continue to suffer for years the effects of the economy's 4–6% projected contraction this year. Brazil accounts for about half of the poorest people in Latin America. As in Mexico after the 1995 peso crisis, the effects of the economic crisis in Brazil will include a severe and prolonged downturn of living standards in the domestic or non-export economy, accompanied by an increase in unemployment, crime and government corruption.

As for Mexico, the NAFTA has clearly helped to strengthen the Mexican economy as it becomes more closely integrated with the U.S. economy. Mexico today is our second most important trading partner. Measured overall, NAFTA has been a major commercial success. However, that success has been eclipsed almost completely by the emergence of Mexico as a major force in the U.S.-Latin America drug trade. Mexico has become the principal gateway for over 60% of the illegal cocaine smuggled into the U.S. each year. Government corruption is endemic here too, especially among police and military officials. Drug-related corruption in Mexico reached very close to the highest levels of power during the Salinas Administration. During the Zedillo Administration, there have been numerous cases of drug-related corruption within the Mexican military and police establishments. Mexican drug traffickers have amassed significant political and economic influence in Mexico during the past decade, while in the U.S. they control the drug trade from the Southwest to the Pacific Northwest. They have also gained market share at the expense of Colombian drug traffickers on the Eastern seaboard from South Florida to Maine.

In 1994 the expansion of free trade was at the top of the U.S. Administration's foreign policy agenda for Latin America. Today the top U.S. foreign policy priority in Latin America is the war on drugs, and Colombia is the epicenter of that war. So I'm going to focus on Colombia, and its neighboring country Venezuela, for the balance of my presentation.

On March 25, 1999, The Heritage Foundation published a second policy study entitled "Tread Cautiously in Colombia's Civil War." That paper has been included as an appendix to this testimony today.

Colombia today is in danger of breaking up as a nation. After 34 years of war against the Colombian State, the Communist insurgents that belong to the Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN) have gained the upper hand politically and, increasingly, in military terms as well. Since the late 1980s, the FARC and ELN insurgencies have financed their growth and activities by engaging in the illegal drug trade. Today they control over half of Colombia's national territory, including a demilitarized area in southern Colombia of 16,216 square miles—nearly twice the size of El Salvador—that President Pastrana gave the rebels on November 7, 1998. Moreover, since early 1997 the rebels have inflicted a series of stunning defeats on the Colombian Army in open maneuver combat.

President Pastrana is suing for peace at all costs. The Colombian government has flatly ruled out any option other than a negotiated settlement, even though the guerrillas have maintained their attacks against Colombian army and police forces. Moreover, the narco-rebels have continued to kidnap foreigners, including three

American citizens who were snatched in Colombia and subsequently murdered in cold blood in Venezuelan territory.

President Pastrana's stance of "peace at all costs" stance is symptomatic of a profound lack of will by the Colombian government, and by Colombia's political and business elites, to confront the narco-rebels and defeat them in battle. Instead of strengthening the Colombian armed forces, the Pastrana Government appears to hope that, if the peace process fails completely, the U.S. will come into the breach to bail out Colombia. What makes this lack of Colombian will particularly alarming is the Clinton Administration's confusion about what needs to be done in Colombia to terminate the Communist insurgency and contain the illegal drug trade that accounts for as much as seven percent of Colombia's annual gross domestic product (GDP). Congress must guard against any efforts by the Clinton Administration to send U.S. soldiers to Colombia, and must also guard against any efforts by the politically weak Pastrana government to dump responsibility for ending Colombia's civil war on the shoulders of American soldiers and taxpayers.

In Venezuela, which is suffering perhaps its worst economic crisis in this century, President Hugo Chavez Frias is seeking to centralize all power in his hands with the backing of some (but not all) elements of the Venezuelan military. A new banking crisis is looming, like the one five years ago that cost Venezuela 14% of its gross domestic product in 1994. Moreover, the non-oil economy is completely paralyzed while investors and producers wait for the final outcome early next year of the constituent assembly that Chavez is pushing vigorously. However, the constituent assembly will not resolve Venezuela's economic crisis. When the poor Venezuelans who elected Chavez realize that the constituent assembly will not create jobs, ease their hunger or improve their wretched living standards, they may turn against him with the same ferocity they showed towards former President Carlos Andres Perez in February 1989, when the country was rocked by bloody riots that lasted a week and caused over 300 violent civilian deaths.

While it is too early to write off the Chavez government in Venezuela as a failure, it is appropriate to include some general remarks based on his first three months in office.

1. Chavez has an apocalyptic salvation project that may further destabilize Venezuela in the next 6–12 months. His vision is populist, socialist, statist and militaristic. Moreover, his rhetoric indicates that the kinds of constitutional reforms that Chavez has in mind would involve more government ownership, control and regulation of all economic activity, and fewer political freedoms for his opponents. He speaks of "participative" democracy instead of "representative" democracy.

2. Chavez says he supports democracy and free markets, but his actions show otherwise. Currently, over 300 active duty military officers are in civilian government posts. Additionally, since Chavez became President last February more than 2,000 former military personnel have been appointed to local, regional and national security jobs throughout Venezuela. Moreover, Chavez has called repeatedly for the dissolution of both the Venezuelan Congress and Supreme Court, and he also supports eliminating free elections for state governors.

3. Since assuming the presidency barely three months ago, Chavez has demonstrated a growing bias against the United States. For example, Chavez personally lobbied against the U.S. in the recent UN vote in Geneva on Cuba's human rights violations. His Foreign Minister, Jose Vicente Rangel, has openly disparaged the U.S. Ambassador in Venezuela, and has stated that Venezuela henceforth will vote in the UN with countries the likes of Cuba, the People's Republic of China, Iraq, and Libya. Chavez has also cozied up to Cuban dictator Fidel Castro, and has interfered in the Colombian civil war with a decided preference towards the Communist narco-guerrillas of that country.

4. Chavez does not have a viable economic plan to pull Venezuela out of its present crisis. He has little interest in economic matters, except as they may affect his constitutional reform project. Moreover, Chavez does not have a coherent economic team, and his Cabinet is not composed of first-rate individuals qualified professionally for the posts they now hold.

5. Chavez has created impossibly high expectations among the Venezuelan people that he cannot meet. It's not clear yet how the Venezuelan people will react when they finally realize that writing a new constitution will not improve their socioeconomic standard of living. While the constituent assembly unfolds over the next 6–12 months the public's support for Chavez may hold up, especially if he launches very public efforts to detain and imprison anyone perceived as being corrupt. Obvious targets for such arrests are the traditional politicians and business elites who wrecked Venezuela, but that circus won't last indefinitely. When the constituent assembly process finally ends with a new

Constitution, the Venezuelan people will realize that populism is no substitute for sound free market policies, and at that point outbreaks of violence will be very likely to occur in Caracas and other major cities.

6. Chavez enjoys widespread support within the Venezuelan armed forces, but that support is not unanimous. Moreover, the Venezuelan National Guard, which succeeded in blocking two failed military coup attempts in 1992 (the first one led by Chavez), does not back Chavez. Therefore, any attempt by Chavez to launch a Fujimori-style self-coup would undoubtedly result in street battles between armed forces and National Guard units.

No Latin America Policy. The United States could have done very little to prevent any of these economic and political difficulties from erupting across the region in recent months. However, the Clinton Administration's extended disengagement from Latin America has complicated the region's problems by projecting the mistaken message that South America is not a region of great importance to the United States. At a time when a strong U.S. presence in South America could be of help to democratic governments in the area in confronting their economic and political difficulties, the U.S. under President Clinton is not having even a marginal impact.

For example, two of the most important countries in South America—Argentina and Brazil—have been without an accredited U.S. Ambassador for over two years and about one year, respectively. Argentina is the only non-NATO special ally in Latin America, while Brazil is the largest economy in South America and a critically important actor in hemispheric trade liberalization. Meanwhile, in Chile, the Clinton Administration's ambiguous response to the illegal detention of the former Chilean President, General Augusto Pinochet, has helped to reopen old wounds that still fester deeply in Chilean society.

Moreover, while President Bill Clinton was in Central America last March pledging \$954 million of reconstruction aid for countries devastated by Hurricane Mitch, he said nothing about helping Ecuador recover from the nearly \$3 billion of damage caused in 1998 by the weather phenomenon known as El Nino. Instead, President Clinton formally apologized to Guatemala and other Central American countries for alleged American military involvement in human rights abuses committed during the 1970s and 1980s, even though the U.S. military never was involved directly or indirectly in such abuses.

More than indifference, the Clinton Administration's growing disengagement from South America is a symptom of a deeper underlying problem in U.S. foreign policy, which is that the Clinton Administration does not have a coherent Latin America policy. Since 1993, the Clinton Administration has consistently maintained that its foreign policy in Latin America consists of promoting free trade, consolidating democracy, and defending human rights. However, these ideals that the U.S. Administration seeks to achieve do not constitute a foreign policy, but rather a statement of policy objectives. Still missing are the regional and country-specific strategies designed to achieve these policy objectives.

[Appendix I]

TREAD CAUTIOUSLY IN COLOMBIA'S CIVIL WAR

EXECUTIVE SUMMARY

After six years of ignoring the growing connection between Colombia's drug traffickers and Marxist rebels bent on toppling the democratically elected government, President Bill Clinton has decided to increase U.S. military aid to Colombia to step up efforts in the war on drugs. He is also backing a questionable peace plan proposed by newly elected Colombian President Andres Pastrana to negotiate with the Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN), two Marxist guerrilla organizations that have battled the Colombian state for over three decades. In fact, General Barry McCaffrey, head of the White House Office on National Drug Control Policy, has stated that the FARC is "heavily involved in protecting, transporting, and in some cases operating drug labs."

Pastrana maintains that after a peace pact is signed, the rebels will aid the government in fighting Colombia's war on drugs. If Pastrana's peace initiative fails, his only options will be to surrender nearly half of Colombia to the over 20,000 well-armed FARC and ELN insurgents, or to order the Colombian army to try and defeat them in battle. However, the Colombian army is not capable of defeating them. U.S. defense experts estimate that it will take at least two years to train, equip, and field a modern professional Colombian army capable of defeating rebel units of between 300 and 1,000 guerrillas.

The United States should do all it can to help Pastrana's new Colombian government end the country's decades-old civil war and eliminate the illegal drug trade. However, in January 1999, the FARC announced that all U.S. military and law enforcement personnel in Colombia would be considered legitimate targets to be killed or captured. Before endorsing the Administration's decision to increase U.S. military involvement in Colombia, Congress must know how the Administration will react if the peace talks break down.

President Clinton's priorities in sending additional military aid to Colombia are unclear. Is the increased military aid to Colombia to be used to fight drug traffickers, or will some of it be spent training Colombian army forces to battle the rebels, who earn close to \$1 billion from drug trafficking, kidnapping, extortion, and other crimes each year? Moreover, what measures will the Administration take if Pastrana's peace talks fail and the civil war becomes more violent? Would the President propose sending U.S. soldiers to Colombia to help keep the peace, as he has done in Bosnia, Haiti, Kosovo, and Somalia?

The peace talks, which officially opened on January 7, 1999, promptly stalled because the rebels have no real incentive to negotiate an agreement. They believe they have the upper hand politically and, increasingly, in military terms as well. Even if Pastrana successfully negotiates peace, the illegal drug trade will not be affected. Cocaine and heroin are Colombia's largest export products, ahead of coffee and petroleum, and they account for between 5 percent and 7 percent of the country's annual gross domestic product. If, as part of the agreement, the rebel organizations do crack down on the illegal drug trade in the areas they control, the drug traffickers will simply move operations elsewhere.

In December 1998, the Clinton Administration acknowledged that U.S. policy in Colombia is being set by default. This is an alarming admission, given President Clinton's decision to increase U.S. military aid—including sending additional U.S. military advisers into a country where over 200 American military and law enforcement personnel are currently stationed. Before agreeing to the President's plan, Congress should ensure that the Administration's Colombia policy is based on a clear strategy that spells out objectives and limitations. U.S. soldiers must not be sucked by default into Colombia's civil war. Specifically, Congress should:

- Initiate a thorough review of U.S. drug policy in Latin America. With trade expansion off the Administration's policy agenda indefinitely, Congress should ascertain if U.S. anti-drug aid to Latin American law enforcement and military forces is being used properly and effectively before considering increasing the aid.
- Abolish the annual drug certification process. Certification has become a pointless annual exercise that compresses the national drug policy debate to three or four weeks a year, yet one that poisons relations with America's most important Latin American allies and trading partners.
- Set clear limits on U.S. military aid to Colombia. Congress should ensure that no U.S. soldiers participate in battles between the Colombian army and drug-trafficking rebel organizations.
- Manage the drug-related insurgency as a law enforcement problem. The FARC and ELN rebels are involved in drug trafficking, and as such should be treated as organized criminals who are an integral part of the drug threat facing the Western hemisphere.
- Implement a serious anti-drug assistance program with Colombia. In demanding better results from the Colombian government, the U.S. Administration failed to provide sufficient material support, which seriously undermines the anti-drug efforts of Colombian law enforcement and indirectly helps the rebels gain the upper hand in combat.
- Agree to help train and equip a professional Colombian army. A civil war in Colombia can threaten U.S. interests in Latin America, but the conflict can be solved only by the Colombians. The United States should aid the democratically elected government to field a modern, professional Colombian army that is capable of defeating the rebels in combat.
- Seek a multilateral approach to managing the Colombian crisis. A unilateral increase in military aid to Colombia without a counterbalancing multilateral approach involving key Latin American countries would be repudiated in the region as U.S. imperialism. A multilateral approach should include the participation of the Organization of American States, especially in monitoring reported human rights abuses in Colombia.

CONCLUSION

It is clearly in America's national interest to help Colombia end its civil war and eradicate illegal drugs, but the Clinton Administration should tread cautiously in escalating U.S. military involvement in Colombia. President Clinton and Members of Congress would be wise to remember that America's involvement in the Vietnam war began with a few dozen U.S. military advisers and a small financial investment. If the limits of U.S. military involvement in Colombia are not spelled out clearly at the outset, the risk is great that significant numbers of U.S. soldiers could, by default, be sucked into the Colombian quagmire.

TREAD CAUTIOUSLY IN COLOMBIA'S CIVIL WAR

The marriage of Communist insurgency and drug trafficking in Colombia, the world's largest producer of coca leaf and cocaine, has elevated a decades-old civil conflict into a dangerous war that now threatens stability in Latin America. It also endangers vital U.S. interests in the region, including the war on drugs.

Colombia produces 80 percent of the cocaine and two-thirds of the heroin making its way into the United States.¹ According to the Colombian Finance Ministry, the illegal trade brings in between \$3 billion and \$5 billion a year, making it Colombia's top export earner.² The amount of land in Colombia devoted to the cultivation of coca—the raw material for cocaine—increased in 1998 alone by 28 percent, according to General Barry McCaffrey, head of the White House Office on National Drug Control Policy.³

During the late 1980s and early 1990s, the United States worked closely with both the Colombian police and military. But in 1993, the Clinton Administration sharply reduced military aid to the Colombian army because of its poor record on human rights. Meanwhile, the Administration insisted that Colombia step up its drug interdiction efforts, and it imposed economic sanctions on Colombia from 1995 to 1998. That policy undermined U.S. relations with Colombia as well as with other Latin America countries.

However, since the election in 1998 of Colombian President Andres Pastrana, the Clinton Administration has increased anti-drug aid to Colombia, from \$100 million in 1997 to \$289 million. Moreover, President Clinton recently announced he will increase U.S. military aid to Colombia to step up efforts to fight the drug traffickers.⁴ And he endorsed Pastrana's plan to eradicate the drug trade through alternative crop development programs that are financed by the United States and other countries.

The wisdom of his decisions is questionable. Colombia is perilously close to internal collapse. If that happens, Colombia could become a Balkan-type problem in America's backyard, with much of its northern territory controlled by paramilitary groups and drug traffickers, southern Colombia controlled by Marxist rebels, and the government hanging on to the urban central region that includes the important cities of Bogota, Medellin, and Cali. Such a balkanization of Colombia into volatile mini-states, with its ensuing political and social instability, would contribute to a tremendous explosion in the illegal narcotics trade.

The United States should help the Colombian government end its civil turmoil peacefully and terminate the illicit drug trade. It should also help the government disarm the paramilitary groups and encourage the Pastrana government to stop the systematic human rights abuses reportedly committed by members of Colombia's armed forces. These goals are consistent with U.S. foreign policy objectives in Latin America of expanding free trade, consolidating democracy, and eradicating the illegal drug trade. However, greater direct U.S. military involvement in Colombia's civil war is not. In addition, in January 1999, one of the rebel organizations announced that all U.S. military and law enforcement personnel in Colombia would be consid-

¹ Douglas Farah, "Colombian Army Fighting Legacy of Abuses," the *Washington Post*, February 18, 1999, p. A15.

² Reuters, "Drug Hauls and Kidnappings in Colombia Surged in 1998," the *Los Angeles Times*, December 20, 1998, p. A4.

³ John Otis, "Despite Eradication Bid, Another Bumper Coca Crop," the *Houston Chronicle*, February 12, 1999, p. 28.

⁴ Although the Administration is providing \$40 million of training, intelligence, and logistical support to Colombia during 1999, U.S. military aid can be expected to increase over the next two or three years as the Colombian civil war escalates. Moreover, more military aid likely will be accompanied by an increasing number of U.S. military advisers in Colombia.

ered legitimate targets to be killed or captured.⁵ Furthermore, "If they are in army or police barracks and there is a fight, we will confront them, rebel leader Raul Reyes said."⁶

If peace talks between the government and the rebels break down and U.S. military advisers are targeted, Congress must know how the Administration will react. Before President Clinton obligates U.S. troops to become directly involved in fighting Colombia's drug problems and civil war, he should establish clear contingency plans to safeguard the lives of U.S. military personnel in Colombia in case Pastrana's peace plan fails.

Moreover, before agreeing to increase U.S. military aid to Colombia, Congress should:

- Initiate a comprehensive review of U.S. drug policy in Latin America;
- Abolish the ineffective and politically damaging drug certification process;
- Set specific limits on U.S. military aid to Colombia;
- Ensure U.S. troops do not become involved in fighting Colombia's civil war by limiting the number of U.S. military advisers and monitoring how the military aid is spent;
- Manage the drug-related insurgency as a law enforcement problem;
- Implement a serious anti-drug assistance program, building on the \$289 million one-year, anti-drug package that Colombia received in October 1998;
- Agree to help train and equip a professional Colombian army;
- Seek a multilateral approach to managing the Colombian crisis.

COLOMBIA'S PEACE PLAN

The centerpiece of President Pastrana's strategy to end the civil war, repair the economy, and terminate the drug trade is a negotiated peace pact with the Marxist rebels, who are now involved in drug trafficking. Pastrana maintains that after a peace pact is signed, these "narco-rebels" will help wipe out the drug trade in areas they control. As part of his "Plan Colombia," Pastrana agreed to give control of a large area of Colombia to the rebels and to fund large-scale agriculture and infrastructure development programs to substitute food crops for coca and opium poppies. Currently, the Colombian government estimates this crop effort will cost up to \$4 billion overall. Most of the money for this effort is to come from the United States, other as-yet unspecified countries, and multilateral organizations.

Pastrana's peace plan is unlikely to succeed. First, the Colombian government has been unable to counter the growing involvement of Marxist insurgents in drug trafficking, and the Colombian army has been unable to defeat the rebels in battle. Moreover, the rebels have little incentive to abide by a peace agreement because they believe they hold the upper hand. Second, by making major concessions to the "narco-rebels," Pastrana is conferring political status and an implicit legitimacy on their efforts. Third, even if the peace talks succeed, the illicit drug trade that funds the rebels' activities is unlikely to be deterred significantly. Even if the FARC and ELN rebels decide to curtail drug operations in their areas, the traffickers will simply move their operations. Clearly, President Clinton should not have endorsed this plan.

Flaws in Colombia's Peace Plan

After 34 years of fighting the Colombian government, the Communist Revolutionary Armed Forces of Colombia (FARC) and the smaller National Liberation Army (ELN) now control nearly half of Colombia's territory. Over 35,000 Colombians have been killed in the civil war, and between 1 million and 2 million have been displaced. Colombian President Andres Pastrana has stated that he wishes to end the violence and unite the country. He maintains that the rebels are not seeking permanent control of any part of Colombia's territory, but instead, once a peace pact is signed, will join the government's fight against drug trafficking.

However, the prospects for a peace accord are poor. FARC's rebel leaders say their goal is to establish political control over as much of Colombia as they can capture in order to install a Marxist Socialist regime.⁷ They will have to fight paramilitary groups to do this. Carlos Castano, who heads the largest and most violent paramilitary organization in Colombia, warned Pastrana that the paramilitaries "do not

⁵ Agence France Presse, "Colombian Guerrillas Warn US Advisors Could Be Targets," January 4, 1999.

⁶ *Ibid.*

⁷ Tim Padgett, "The Backyard Balkans," *Time*, January 18, 1999, p. 44.

share the concept of peace at any price because we consider it dangerous for the existence of the nation and its institutions.”⁸

When the official peace talks began on January 7, 1999, the FARC demanded “sweeping changes in State bodies,” blamed the United States for the political violence that started in 1964, verbally attacked the International Monetary Fund, and called for a new constitutional assembly to replace the constitution approved in 1991. It demanded that the government increase the demilitarized area under its control to include five more municipalities.⁹ It also demanded that some 500 imprisoned guerrillas be freed and all aerial spraying of illegal drug crops inside the demilitarized area be halted immediately.

The FARC commander, Manuel Marulanda Velez, even demanded that the government recognize the FARC as a military force. FARC wants a new military doctrine based on the defense of Colombia’s borders, a reduction in the size of Colombia’s armed forces, and greater respect for human rights. It has called for a revision of Colombia’s military treaties, a 10-year moratorium on Colombia’s foreign debt, and a drug “solution” that targets demand in the United States and other large consumer countries, instead of interdiction of supply and production in Colombia.¹⁰ Marulanda said he intends to pursue a clear socialist agenda that “combines the best from Soviet socialism, from Chinese socialism, from Vietnamese socialism, and from Cuban socialism.”¹¹ In alluding to the increased U.S. military aid for Colombia, he added that the FARC aspires “to keep Colombia from becoming a new Vietnam.”¹²

The talks stalled after paramilitary groups killed over 130 suspected rebel sympathizers. The FARC rebels gave the government until April to take firm action against the paramilitary groups. And the ELN rebels broke off talks when their demands for a demilitarized zone in an area of northern Colombia that would be approximately one-fifth the size of the FARC’s zone in southern Colombia were rejected.

FARC and ELN narco-rebels have demonstrated repeatedly that they have no real incentive to lay down their arms and negotiate a peaceful resolution of the Colombian conflict. (See sidebars.) They have continued to assault police and Army units throughout Colombia, killing dozens of police and civilians and capturing scores of prisoners and weapons. Moreover, on March 4, 1999, the FARC viciously murdered three U.S. human rights workers, including two women, by shooting them execution-style in the face and chest.¹³

Although Pastrana insists that the peace talks are starting to gather momentum, it appears more likely that the process will drag on indefinitely as the rebels try to extract additional political and economic concessions. The FARC and ELN clearly feel they have the upper hand. If the peace talks fail, Pastrana’s only options are to surrender Colombia to the rebels or order the Colombian army to fight them. In its present state, the Colombian army cannot defeat the rebels. It is a garrison army of conscripts who have little tactical and strategic training or mobility. The Colombian army is poorly trained, poorly equipped, poorly led, and severely tarnished by its long history of corruption and human rights abuses.¹⁴ Moreover, for most of the past decade, it has failed to stage a single successful offensive against the rebels. In recent years, the Colombian army has lost more than 80 engagements involving 300 or more guerrillas.

Because he lacks the resources to fight the FARC and ELN successfully, Pastrana is pursuing peace with foes whose stated goals include toppling his government. Since his inauguration on August 7, 1998, Pastrana has conferred full political recognition of FARC and ELN rebels and acknowledged their political and administrative control over nearly half of Colombia. Moreover, on November 7, 1998, he demilitarized a region of 16,216 square miles in southern Colombia—an area that is twice the size of El Salvador where more than a third of Colombia’s illegal narcotics crops are grown—by withdrawing all Colombian soldiers and police. Originally, the FARC-

⁸ “Pastrana’s Peace Process,” *Latin American Special Report*, Vol. 6, No. 12 (October 31, 1998), at <http://www.latam-news.com>.

⁹ Inravisión TV-A, “FARC reportedly wants demilitarized zone expanded,” *BBC Summary of World Broadcasts*, January 19, 1999.

¹⁰ Bryan Bender, “2 Fronts, 1 War,” *Jane’s Defence Weekly*, Vol. 31, No. 4 (January 27, 1999).

¹¹ *Semana*, “Interview with FARC leader Tirofijo,” *BBC Summary of World Broadcasts*, January 18, 1999.

¹² *Ibid.*

¹³ Adam Thomson, “Colombia Peace Process Faces Threat,” the *Financial Times*, March 12, 1999, p. 3.

¹⁴ U.S. Department of State, “Country Reports on Human Rights Practices,” at http://www.state.gov/www/global/human_rights/hrp_reports_mainhp.html.

controlled zone was to be demilitarized by February 7, 1999, but Pastrana extended that deadline until the end of May 1999.

Who Are the Rebels?

On April 8, 1998, U.S. Marine Corps General Charles Wilhelm of the U.S. Southern Command (Southcom) warned that Colombia's armed forces are incapable of defeating Marxist guerrillas in the Revolutionary Armed Forces of Colombia (FARC) and National Liberation Army (ELN).¹⁵ Three days later, FARC's high command urged "all revolutionary" forces to unite and fight U.S. involvement in Colombia in a communique stating that "the open meddling of the empire (the United States) in Colombia's internal affairs fully justifies the armed revolutionary struggle."¹⁶

The FARC was established in 1966 as the military wing of the Colombian Communist party. The smaller ELN began in the 1960s, and was inspired by Fidel Castro's revolution in Cuba. For over three decades, these rebels sought to establish a Marxist Colombian state by force of arms. Until the 1980s, the FARC had fewer than 1,000 guerrillas, but over the past decade, it has grown to at least 15,000 well-armed guerrillas. The ELN now boasts about 5,000 guerrillas.

The largest concentrations of FARC guerrillas—and the biggest expanse of coca fields in Colombia—are located within a regional triangle in southern Colombia. The FARC controls about 50 small ports in the Gulf of Uraba in northern Colombia through which it smuggles weapons and precursor chemicals for manufacturing cocaine and heroin from Panama. The FARC and ELN control and administer about half of the Colombian national territory. More than 57 percent of the country's mayors support or obey them.¹⁷ They patrol the roads and waterways, regulate fishing, and hold trials for suspected criminals. In some areas, they created public services and agriculture credit banks and collect funds for road improvements at toll stations.¹⁸

The FARC exploited the demise of the cocaine cartels in the 1980s, first by providing security to drug crops and clandestine labs, and later as coca growers and operators of illegal processing labs. Today, some rebel units own warehouses and aircraft and control clandestine airfields that formerly belonged to the Medellin or Cali cartels.¹⁹ The Colombian government has estimated that the FARC and ELN earned over \$900 million from drug trafficking and kidnapping in 1997. According to General Rosso Jose Serrano, chief of the Colombian National Police, the FARC completes guns-and-cash-for-drugs deals with organized crime groups in Chechnya, Russia, Ukraine, and Uzbekistan.²⁰

A Catalog of Rebel Attacks

Since 1994, the intensity of Colombia's guerrilla war has increased. The FARC demonstrated in the past two years alone that it has the ability to confront and defeat Colombian army units in open combat and amass large units against multiple targets around Colombia, and the ELN has demonstrated its intentions clearly as well:²¹

- On February 26, 1998, a Colombian army brigade was dispatched to break up a concentration of 600 guerrillas reportedly ready to attack Cartagena del Chaira near the Caguan River. The guerrillas organized a successful ambush. After three days, 80 soldiers had been killed, 43 captured, and the rest dis-

¹⁵Thomas B. Hunter, "FARC Proposes Anti-US Unity," *Jane's Intelligence Review*, Vol. 5, No. 6 (June 1, 1998), p. 16.

¹⁶*Ibid.*

¹⁷David Spencer, "A Lesson for Colombia," *Jane's Intelligence Review*, Vol. 9, No. 10 (October 1, 1997), p. 474.

¹⁸Outside Colombia, the FARC has opened representative offices in Venezuela, Mexico, Argentina, Ecuador, and Spain, and in 1998 sought unsuccessfully to open a sixth office in Brazil similar to what the Palestinian Liberation organization (PLO) was allowed in Brazil during the early 1980s.

¹⁹Colombian National Police estimates that in 1997 about 3,155 guerrillas were directly involved in protecting drug crops, laboratories and airstrips, as well as collecting war taxes from those associated with the drug business. Between 1994 and 1998, guerrillas fired over 160 times at Colombian police aircraft and helicopters on anti-drug operations, killing 44 anti-drug agents and wounding 75 others.

²⁰Jamie Dettmer, "Drug War on U.S. Streets is Fought in Colombia," *Insight on the News*, November 24, 1997, p. 36.

²¹*Ibid.*

persed in the jungle.²² This was the first time the FARC defeated a large elite Colombian army unit in maneuver warfare.²³

- In the first week of August 1998, before Pastrana was inaugurated, the FARC and ELN launched at least 42 attacks in 14 different sectors. More than half of the attacks involved guerrilla units of 300 to 1,000 fighters. After two weeks of fighting, 104 military and police were dead and between 129 and 158 government troops taken prisoner; 243 guerrillas had been killed.
- On October 18, 1998, the ELN sabotaged Colombia's main oil pipeline, causing a huge fire that destroyed the small village of Machuca; 45 people burned to death and another 26 died later from severe burns.²⁴
- On November 2, 1998, the 120-man police detachment in Mitu, a town of 14,000 located about 400 miles from Bogota near the border with Brazil, were assaulted by up to 1,000 FARC guerrillas who arrived by river. About 80 police and 10 civilians were killed, and 40 police were taken prisoner. FARC units ambushed about 500 soldiers and police approaching the besieged town by land. At least 28 soldiers and police were killed in that attack.²⁵
- On March 4, 1999, the FARC viciously murdered three U.S. human rights workers, including two women, by shooting them execution-style in the face and chest.²⁶

In the majority of these attacks, the guerrillas covered their withdrawal by placing scattered land mines and ambushing groups of approaching soldiers.²⁷ The FARC is also able to jam Colombian army and police communications with electronic equipment in small aircraft.

The United States should support a sensible effort by the Colombian government to end the civil war, eradicate illegal drugs, and overcome the country's economic slump. However, Pastrana's "Plan Colombia" will not achieve these objectives for these reasons:

- It is not a peace plan. Pastrana's peace proposal is little more than a white flag signaling the government's surrender. Instead of unifying Colombia as a single nation, Pastrana's plan will likely balkanize it. Colombia's urban centers would remain nominally under the government's control, but most rural territory would fall under rebel and paramilitary control. According to Pastrana, by agreeing to the plan, the rebels would give up nearly \$1 billion a year in proceeds from drug trafficking and extortion. But these lost "earnings" would need to be offset by a massive infusion of internationally financed cash and development aid. This is not a Marshall Plan, as President Pastrana would have the United States believe; it is a transfer of wealth to Communist rebels that will not guarantee their criminal activities will cease. In the United States, this would be called extortion.

- It fails to implement serious reform plans. To achieve lasting peace, Pastrana must change Colombia's institutions and legitimize and protect private property rights. Moreover, he must change the culture of institutionalized corruption, violence, and systematic abuse of human rights. Although the involvement of the FARC and ELN rebels in drug trafficking, kidnapping, extortion, and cattle rustling makes them criminals, and not revolutionaries, the fact remains that some of their grievances against the Colombian state are valid. Historically, the ruling political class has sought self-enrichment and ignored the needs of the people. In addition, it has ignored the need to strengthen Colombia's military with resources sufficient to defeat the Communist insurgency. Significantly, both the rebels and the paramilitaries who oppose them share similar and skeptical opinions about the new government's willingness to negotiate an agreement based on real institutional reforms.

- It weakens the government's position while strengthening the rebel position. Pastrana's actions have weakened the government's negotiating position and strengthened the rebel position. He conceded giving up 16,216 square miles of land and began discussing a prisoner exchange months before the official peace talks

²² David Spencer, "Bogota continues to bleed as FARC find their military feet," *Jane's Intelligence Review*, Vol. 10, No. 11 (November 1, 1998), p. 35.

²³ FARC can now field its entire force—15,000 fighters—on sustained operations for up to one week at a time. The M-16 has replaced the Soviet-era Kalashnikoff assault rifle as the guerrillas' weapon of choice, which is smuggled into Colombia from Central America by Arab smugglers operating out of Panama and Ciudad del Este, a South American city located where the borders of Argentina, Brazil and Paraguay meet.

²⁴ Radio Cadena Nacional, "ELN rebels to continue attacks on oil facilities," *BBC Summary of World Broadcasts*, November 4, 1998.

²⁵ *Ibid.*

²⁶ Thomson, "Colombia Peace Process Faces Threat."

²⁷ "Some 100 dead as Colombian soldiers, rebels battle," *Agence France-Presse*, November 3, 1998.

began. He legitimized the FARC by acknowledging their administrative control over large parts of Colombia and downplaying their involvement in the drug trade. And although he has replaced the high command of the armed forces with officers who are known to be honest and concerned about human rights, he has been slow to articulate a plan to modernize and strengthen the armed forces quickly. Meanwhile, the rebels exploit his concessions to make him appear weak to Colombians and the world. For example, when the peace talks were officially launched on January 7, 1999, Pastrana sat alone at the dais while the FARC commander-in-chief sent a low-ranking official to read a letter attacking the government—and the United States as an imperial aggressor—but which said little about peace.

- It is unlikely to satisfy the different groups involved in the crisis. All of the key parties involved in the peace process—the government, the FARC and the ELN, the paramilitaries, the armed forces, and the Clinton Administration—have different expectations. Pastrana wants to demobilize the insurgency and end the political violence that is hurting the people and the economy and damaging Colombia's image. Eradicating illegal narcotics is a secondary consideration. U.S. and Colombian law enforcement officials claim that Pastrana ordered all counter-narcotics operations halted in the FARC-controlled demilitarized zone as long as the peace process is ongoing.²⁸

The FARC and ELN rebels want to establish a Marxist government in nearly half of Colombia's territory, nationalizing banks and natural resource industries, redistributing land to millions of peasants, and expelling foreign investors. Klaus Nyholm, head of the United Nations Drug Control Program in Colombia, says that the FARC and ELN rebels "speak like a handout from the Soviet embassy in the 1970's. They don't have any definite ideas about what they would do. Their main idea is that the (Colombian) government and the international community should come in with massive assistance."²⁹ Meanwhile, the paramilitaries who are financed by private landowners and drug traffickers are determined to wipe out the FARC and ELN at any cost. They also oppose free-market policies that Colombia has followed since 1990. The drug traffickers want to continue doing business, regardless of who runs the country.

The Colombian army's credibility and image have been tarnished by high-level corruption in the chain of command, and systematic human rights abuses. It hopes to erase this image and the humiliation it has suffered from an inability to control the rebels by destroying the rebels instead of making peace.

The Clinton Administration is supporting the peace process to the extent that it helps to eliminate illegal drug trafficking. For example, the U.S. Administration and Congress both warned the Colombian government that any reductions or delays in carrying out large-scale aerial spraying of illicit drug crops within the FARC's demilitarized zone would lead to a suspension of U.S. anti-drug aid.³⁰

U.S. and Colombian business interests care less about drugs and guerrilla insurgencies than about creating a stable economic environment that is conducive to investment, growth, and profits. The FARC and ELN insurgency inflicts destruction that is equivalent to between 4 percent and 5 percent of the annual gross domestic product, which scares away billions of dollars in potential foreign investments.

- The rebels have no real incentive to negotiate peace and then adhere to an agreement. One of two conditions must exist in order to conclude a successful peace agreement. Either one side is so strong that the other side is compelled to seek peace, or both sides must have a genuine desire for peace. The guerrillas are not strong enough in military terms to capture Colombia's urban centers and topple the elected government, but they have clearly defeated the Colombian army in jungle warfare and achieved sufficient legitimacy to shape the political agenda. The extent of the FARC and ELN's alleged desires for peace should be weighed against their continued attacks on military and police units and their stated determination to capture and control as much of Colombia as they can.

- The rebels are part of the drug trafficking problem. During a visit to the United States in October 1998, Pastrana declared that the fact that guerrillas and drug crops are found in the same general areas in Colombia might be more coincidental than deliberate.³¹ Joe Toft, former head of the U.S. Drug Enforcement Administra-

²⁸Tod Robberson, "U.S. Pins Anti-Drug Aid to Colombia's Plan for Rebel-Run Zone," the *Dallas Morning News*, February 11, 1999, p. 18A.

²⁹John Otis, "Columbian (sic) Guerrillas Unlikely Allies in War on Drugs; U.S. Doubts Offer to Help Replace Coca and Opium With Legal Crops," the *Houston Chronicle*, February 14, 1999, p. A30.

³⁰*Ibid.*

³¹National Press Club, speech by Colombian President Andres Pastrana, October 30, 1998.

tion (DEA) office in Colombia from 1988 to 1994, would disagree: "The rebels are in it for the money they get for providing security to the drug lords. The rebels are criminals, period."³² Nearly two-thirds of the \$1 billion taken in each year by the FARC and ELN is derived from drug trafficking, and the remainder comes from activities like kidnapping, cattle rustling, and extortion. To its credit, the Clinton Administration is not buying Pastrana's argument. General Barry McCaffrey says that the FARC is "heavily involved in protecting, transporting, and in some cases operating drug labs."³³

- The alternative crop development strategy is mere window dressing. A key element of "Plan Colombia" is a scheme to attract large-scale foreign aid to underwrite the cost of an alternative crop development program to substitute legal food crops for coca and opium. The rebels are demanding that repressive anti-drug measures—such as aerial spraying—be suspended and U.S. anti-drug resources used instead to finance these development efforts.

However, Washington remains committed to aerial crop spraying, for which Congress approved \$200 million in October 1998, compared with only \$60 million earmarked for alternative crop development programs in Bolivia, Peru, and Colombia. The United Nations estimates that Colombia will need at least \$1 billion for alternative crop development. Other estimates range as high as \$5 billion just for a regional alternative development program in southern Colombia, with no guarantee of denting the illicit drug trade.

The alternative development programs have reported some success in Bolivia and Peru, but any decline in drug cultivation usually has been offset by increased drug crop cultivation in areas outside the development zones. A large-scale effort in Colombia would have to target illicit drug cultivation across the entire nation, which would cost many billions of dollars. So far, the Inter-American Development Bank (IADB) pledged to contribute \$1.6 billion to a fund to support the Colombian peace process. Part of this money would be used for alternative development. The IADB has already committed \$90 million a year for a Colombian crop substitution effort called *Planta*. Additionally, the United Nations agreed to provide Colombia \$80 million a year for such alternative development.

These amounts are too insignificant to have a lasting impact on the drug trade, because no other crop is as profitable as the coca plant, which produces up to \$2,500 a year for Colombian peasants compared with about \$300 a year from legal crops. Moreover, coca and opium growers live in remote and inaccessible areas without the infrastructure to warehouse, transport, and market alternative food crops.

- Peace with the rebels will not affect the illegal drug industry. Even if the rebels sign and respect a peace agreement, the drug trade will continue to flourish. Drug traffickers have the capability to defend themselves against the rebels, hire paramilitaries for protection, and fight the government to a standstill. Moreover, drug traffickers always have the option of moving operations to locations outside rebel-controlled areas and beyond the reach of police and military forces.

SETTING U.S. COLOMBIA POLICY BY DEFAULT

A White House official told a reporter for the *Washington Post* in December 1998 that Colombia "poses a greater immediate threat (to America) than Bosnia did, yet it receives almost no attention. So policy is set by default."³⁴ This is a startling admission. The Administration does not have a sound policy to deal with the growing political and security crisis presented by the turmoil and drug trafficking in Colombia. It is also alarming in light of President Clinton's decision to increase U.S. military aid to Colombia as part of a stepped-up strategy to fight the war on drugs. If the Administration's policy in Colombia is evolving more by reaction than by design, then the limits of U.S. military involvement in the Colombian conflict have not been determined.

A Policy Shift. The Administration maintains that the United States will not get involved in Colombia's 34-year-old civil war. However, it has become increasingly difficult to separate Colombia's war on drugs from its war against the Marxist rebels. David Passage, the State Department's former Director of Andean Affairs, says that the United States could help the Colombian military regain control of the

³² Paul Reid, "Colombia: Kaleidoscope of Violence," the *Palm Beach Post*, December 27, 1998, p. 1A.

³³ Ian Kemp, "Military Leaders Are Replaced in Colombia," *Jane's Defence Weekly*, Vol. 30, No. 17 (August 19, 1998). See also Linda Robinson, Gordon Witkin, and Richard J. Newman, "Is Colombia Lost to Rebels?" *U.S. News & World Report*, May 11, 1998, p. 38.

³⁴ Douglas Farah, "U.S. to Aid Colombian Military; Drug-Dealing Rebels Take Toll on Army," the *Washington Post*, December 27, 1998, p. A1.

territory held by the rebels with “a few dozen (American) military advisers and making a small investment.”³⁵

Although the U.S. military’s involvement in the war on drugs in Latin America has been growing since the late 1980s (see the Appendix), President Clinton’s decision to increase military aid to Colombia represents a significant policy shift for his Administration.

For example, from 1994 until 1998, the Clinton Administration’s Colombia policy was one that:

- Ignored the growing regional security threat posed by the FARC and ELN rebels involved in drug trafficking and extortion;
- Insisted that no linkages exist between drug traffickers and rebels;
- Withheld anti-drug assistance that would help the Colombian National Police be more effective in drug interdiction while it demanded that Colombia battle its illegal drug trade more effectively;
- Refused to help the Colombian military because of its poor human rights record, which enabled the rebel insurgency to grow; and
- Abused the annual drug certification process in a failed effort to unseat former President Ernesto Samper, who was elected in 1994 with the help of more than \$6 million in contributions from drug traffickers.

When the Medellin cocaine cartel was finally destroyed in December 1993 following the death of its head, Pablo Escobar Gaviria, the Colombian government was in a good position to attack drug traffickers effectively. However, 1994 was a presidential election year in Colombia, and the Clinton Administration made little effort to encourage outgoing President Cesar Gaviria³⁶ to maintain the pressure against drug traffickers by going after the Cali cocaine cartel, which at the time controlled over 80 percent of the global Colombian cocaine trade.

How Decertification Backfired. The situation in Colombia started to deteriorate rapidly in mid-1994 with the election of Ernesto Samper, a member of the incumbent Liberal Party. Samper was absolved of concerns about his drug connections after a political trial in the Colombian congress, but the U.S. Administration repudiated him and sought unsuccessfully to force his resignation by imposing sanctions from 1995 to 1998. These sanctions led to sharp reductions of U.S. aid, including anti-drug aid, which further weakened the Colombian National Police’s fight against the drug traffickers. Moreover, from 1994 to 1998, Colombia’s armed forces—and particularly its army—grew significantly weaker, partly as a result of the Clinton Administration’s refusal to provide military aid to Colombia’s military units if even one individual in the unit was suspected of abusing human rights. Samper’s ties to the Cali drug traffickers also gave the FARC and ELN an excuse to declare his administration illegitimate and refuse to engage in talks.

The Clinton Administration’s campaign to oust Samper by decertifying Colombia backfired. First, the sanctions inflamed Colombian nationalism and favored his eventual absolution by the legislature. Second, they undermined the Clinton Administration’s efforts to step up the fight against drug traffickers, despite the arrest of the Cali cocaine cartel’s top kingpins in 1995. Third, they distracted U.S. policymakers from the regional security threat posed by the rapid expansion of Colombia’s drug-financed insurgency. And, fourth, they caused a general deterioration of U.S.-Latin America relations, as Mexico and other countries in the region joined Colombia in publicly repudiating the drug certification process.

The Thaw in Relations. The four-year chill in U.S.-Colombian relations started to thaw during Pastrana’s official visit to Washington on October 27–30, 1998. President Clinton even proclaimed the Harvard-educated Pastrana’s inauguration as “a new beginning for Colombia,” and promised that the U.S. would help to end the civil war.³⁷ Pastrana hailed the arrival of “a new era in relations between Colombia and the United States,”³⁸ and pledged to fight drug trafficking, resolve Colombia’s civil war peacefully, halt the depredations of the paramilitary groups, and end human rights abuses committed by the Colombian army. The two heads of state signed a new bilateral “Alliance Against Drugs,” and President Clinton pledged his support for Pastrana’s peace plan. Since Pastrana’s inauguration, the Administration has increased anti-drug aid to Colombia by almost 300 percent.

Behind the warm smiles and professions of friendship, however, the “new” U.S.-Colombia relationship is tenuous. Washington has serious doubts about the viability

³⁵ *Ibid.*, p. A8.

³⁶ Gaviria is currently Secretary General of the Organization of American States (OAS).

³⁷ “Colombia’s Pastrana, Clinton promise to fight drug trafficking,” *Agence France Presse*, Washington, D.C., October 29, 1998.

³⁸ George Gedda, “Two Countries Agree to Expand Cooperation on Drugs,” *Associated Press*, Washington, D.C., October 28, 1998.

of the peace plan, and it is concerned that the negotiations could halt U.S.-financed operations in southern Colombia to eradicate cocaine crops and destroy clandestine jungle laboratories. The Clinton Administration doubts the ability of the Colombian government to prevent the civil war from spiraling out of control if the peace process collapses. U.S. policymakers are also skeptical that the FARC and ELN are committed to peace.

And yet, despite these reservations, when the Colombian government asked the Clinton Administration to meet secretly in Costa Rica with senior FARC representatives, the answer was yes. In mid-December 1998, Philip Chicola, a mid-level official with the State Department's office of Andean affairs, met secretly in San Jose, Costa Rica, with a small group of FARC leaders that included Luis Edgar Devia (Raul Reyes), the FARC's coordinator of international activities. Devia's role is similar to the one played by Sinn Fein's Gerry Adams in Ireland.

The unprecedented meeting took place in the home of Alvaro Leyva, a former legislator and minister of the now-ruling Conservative Party, who is exiled in Costa Rica because he is wanted by the Colombian judicial authorities for his alleged ties to the Cali drug cartel. Although the Colombian government requested that the Clinton Administration meet with the FARC, it did not participate in the meeting. The FARC immediately embarrassed the Clinton Administration after the meeting by disclosing the secret meeting to Colombian news media. James P. Rubin of the State Department was forced to explain lamely that the Administration's intention had been "to demonstrate our support for the Colombian peace process."³⁹

NEEDED: COLOMBIA POLICY BY DESIGN

In January 1999, the FARC announced that all U.S. military and law enforcement personnel in Colombia would be considered legitimate targets.⁴⁰ If peace talks between the government and the rebels break down and U.S. military advisers are targeted, Congress must know how the Administration will react. Would President Clinton propose sending U.S. soldiers to Colombia to help keep the peace, as he has done in Bosnia, Haiti, Kosovo, and Somalia?

Because of America's escalating drug problem and its vital interests in Latin America, the United States must consider doing all that it can to help Colombia end its decades-old civil war with the Communist insurgents and battle Colombian drug traffickers effectively. However, before Congress endorses President Clinton's decision to increase U.S. military aid to Colombia, it should require the Administration to spell out in detail the goals it expects to achieve in the next two years. Congress should make certain that the Administration's decision to expand military aid will not eventually suck American soldiers into the maelstrom of Colombia's ongoing civil war.

Congress should demand that the Administration explain the limits it will set on America's growing military involvement in Colombia. Congress should know how long the Administration plans to give military aid to the Colombian army, how much that aid can be expected to increase, what it will include, and whether there is a clear exit strategy. These are crucial details. Today, over 200 American soldiers are stationed in Colombia at any given moment, but this number will likely grow if the Administration increases U.S. military aid to the Colombian army.

To design an effective Colombia policy, Congress should:

- Initiate a thorough review of U.S. drug policy in Latin America. Congress is already moving in that direction. On March 3, 1999, Representatives Benjamin A. Gilman (R-NY), Elton W. Gallegly (R-CA), Dan Burton (R-IN), and John L. Mica (R-FL) agreed to seek a full investigation of the Bureau of International Narcotics and Law Enforcement by the State Department's Office of the Inspector General, to determine how U.S. anti-drug aid is being spent in Colombia. This is a good beginning, but congressional review of U.S. drug policy in Latin America should be expanded to include U.S. anti-drug activities in Mexico, the Caribbean, and Central and South America. Such a review undoubtedly would conclude that from the U.S.-Mexico border to Tierra del Fuego, U.S. drug policy is a shambles.

The Clinton Administration has been unable to reduce the cultivation and production of illicit narcotics in Colombia, which has turned into an increasingly violent narcostate teetering on the brink of collapse. In Mexico, the Administration's much-vaunted bilateral cooperation in the war on drugs has become an annual exercise in political posturing designed to hide the fact that drug trafficking and related corruption continue to grow unchecked. In Central America and the Caribbean region,

³⁹ Associated Press, "U.S. Met Colombian Rebels at Bogota's Request," the *New York Times*, January 5, 1999, p. A3.

⁴⁰ Agence France Presse, "Colombian Guerrillas Warn US Advisors Could Be Targets."

which the Clinton Administration largely ignored since 1993, drug traffickers are spreading their distribution networks relentlessly, overwhelming weak legal and political institutions in countries that have no hope of obtaining trading parity through the North American Free Trade Agreement (NAFTA). Without such trading parity, governments in Central America and the Caribbean cannot effectively attack the widespread poverty and lack of economic development that drug traffickers exploit. And in South America, drug traffickers have opened new markets and routes for shipping cocaine to Europe and Asia, partly to escape U.S. anti-drug monitoring and interdiction efforts in the Andean and Caribbean regions.

- Abolish the annual drug certification process. Congress should take a hard look at the annual drug certification process that has become a major cause of growing tension and discord between the United States and Latin American countries.⁴¹ Many policymakers support the yearly drug certification ritual as a means for continuing to apply pressure on the Administration and the governments of major drug producing or drug transit countries.

The Administration does not certify countries like Colombia and Mexico on objective benchmark criteria, but rather on the basis of U.S. political considerations. From 1994 to 1998, the Administration dictated that Colombia should be sanctioned on four consecutive occasions. However, Mexico was repeatedly certified during this period as a fully cooperating ally in the U.S. war on drugs, despite clear and compelling evidence that drugs continue to flood into the United States through Mexico, where powerful drug cartels are gaining increased control of political and legal institutions. This double standard outraged Latin Americans and produced a region-wide consensus that the U.S. drug certification process is interventionist and imperialist.

The drug certification process also compresses the drug policy debate in Congress to only three or four weeks each year. Congress should abolish the drug certification process and focus instead on working with the Administration to develop and implement an effective anti-drug policy in countries like Colombia and Mexico.

- Set clear limits on U.S. military aid to Colombia. The Administration should specify whether Colombia only will receive U.S. military aid during the last two years of this Administration or if the military aid will be extended over a longer period. In a best case scenario, according to congressional defense analysts, it will take two years to train and equip professional Colombian soldiers, although a complete overhaul and modernization of Colombia's armed forces could require up to a decade of sustained effort. Strict limits should be imposed on sending U.S. soldiers to Colombia. Sending additional military advisers to Colombia should not be a backdoor attempt to increase the number of U.S. soldiers in Colombia, especially if the FARC and ELN continue their war against the government and target U.S. advisers. The crisis in Colombia is a clear threat to regional stability, but it is a crisis that can be solved only by Colombians. The United States should help the Colombian government end the civil war and battle drug traffickers, but U.S. military personnel should not, under any circumstances, take part directly in any armed confrontations against the rebels, drug traffickers, or paramilitary groups.

- Manage the insurgency as a law enforcement problem. Pastrana made a mistake when he conferred political legitimacy on the FARC and ELN and portrayed their insurgency as not linked to drug trafficking. The Clinton Administration suffered a greater lapse of judgment when it met secretly with FARC officials last December. The FARC and ELN are criminals, who care most about the profits they earn from drug trafficking, kidnapping, extortion, and cattle rustling. Moreover, in October 1997, Secretary of State Madeleine Albright announced that the FARC had been added to the State Department's list of terrorist organizations—and U.S. policy has long been that America does not negotiate with terrorists. Instead of supporting Pastrana's decision to grant these rebels political status, the Administration should encourage Pastrana to withdraw his government's political recognition of the rebels.

- Implement a serious anti-drug aid program. Washington has failed to provide the Colombian authorities with the resources they need to fight drug traffickers effectively. The bulk of the U.S. anti-drug aid in Colombia is earmarked for the destruction of drug crops by aerial spraying, yet the Colombian National Police is

⁴¹The U.S. Anti-Drug Act of 1986 created the annual drug certification process that requires the U.S. President to report by March 1 the countries that cooperate with America's war on drugs and those that are not cooperating. Congress created the drug certification process to monitor the results of the tens of billions of dollars the United States has spent in the past three decades chasing elusive international drug traffickers. The certification process was also intended to serve as a carrot-and-stick policy tool for keeping U.S. pressure on major drug-producing countries like Colombia. For example, anything less than a full certification—such as a national interest waiver or outright decertification—would trigger automatic cutbacks or suspensions in U.S. aid.

short of helicopters to transport anti-drug police units and sustain their operations in Colombia's drug producing regions. Its 70 helicopters, including many Vietnam-vintage UH-1 (Huey) helicopters, are between 35 and 40 years old and cannot be operated safely at the altitudes where most coca plants and opium poppies are cultivated.

In October 1998, Congress approved a \$289 million anti-drug aid package for Colombia, which required the Clinton Administration to certify that the FARC-controlled demilitarized zone was not being used as a haven for drug traffickers and illegal crop cultivation. This aid package, consisting almost entirely of helicopters and other counter-narcotics assistance, was a step in the right direction. However, congressional leaders have already warned that the aid could be suspended if the Administration verifies that the Pastrana government is allowing drug traffickers to operate unchallenged inside the demilitarized one.

It would be a mistake for Congress or the Administration to hold up the anti-drug aid. Suspending the aid will only weaken the anti-drug effort and strengthen the rebels and drug traffickers. Instead of threatening Colombia with sanctions, the Administration should increase anti-drug assistance to bolster Colombia's efforts to fight the illegal drug trade.

- Agree to help train and equip a professional Colombian army. The Colombian army has about 125,000 soldiers, of which 55,000 are committed to protecting urban centers, oil fields, and other key installations. At present, only about 30,000 soldiers are being used for counter-insurgency operations. Because it is so thinly stretched, the army has established small company and platoon-sized posts wherever possible, but this enabled the rebels to achieve local numerical superiority, a situation that is exacerbated by the lack of equipment for small Colombian units. The Colombian military has only 20 operational helicopters and three AC-47 gun-ships, and part of its armored inventory dates back to 1943. This effectively renders the army as a military constabulary with only internal security functions. Typically, its soldiers go into the rebels' zones carrying only 80 rounds of ammunition (compared with 250 rounds per U.S. soldier). There is no hope of making this army a professional army in just six months. In a best-case scenario, it will take at least two years and cost U.S. taxpayers billions of dollars. Colombia's Defense Ministry has already asked the Clinton Administration to underwrite the cost of a \$1.5 billion plan to train and equip professional counter-insurgency units.

- Adopt a multilateral approach to manage Colombia's crisis. President Clinton's decision to increase U.S. military aid to Colombia may prove unwise if the Administration fails to win the support of the Latin American countries that share lengthy and mostly undeveloped borders with Colombia. The perception that the United States is acting unilaterally would undermine the success of the Administration's efforts. Such countries include Brazil, Ecuador, Panama, Peru, and Venezuela. The United States has vital commercial interests in assuring the continued security of the Panama Canal, and in Venezuela it has vital energy interests in which U.S. oil firms have invested many billions of dollars. The United States also has a compelling interest in working closely with Brazil to contain the spread of Colombian rebels or drug traffickers in its northern Amazon region.

Similarly, Colombia's neighbors share an interest in keeping the Colombian civil crisis confined within Colombia's borders. Brazil, Peru, and Venezuela recently began increasing their military presence along their borders with Colombia and officially wamed the Colombian government and rebels to keep their differences strictly inside Colombia. Since 1994, however, the Clinton Administration's misuse of the drug certification process has strained relations between the United States and the Latin American countries that annually appear on the State Department's International Narcotics Control Strategy Report.

The Administration should work through the Organization of American States (OAS) to build hemispheric support to rid Colombia of drug traffickers and the Marxist narco-rebels. The Colombian civil war, with its drug underpinnings, threatens not only the security interests of the United States, but also the security and economic stability of many Latin American democracies. In particular, the OAS should develop and implement a program using Latin American human rights observers to monitor and report on the activities of all groups in conflict in Colombia, including the armed forces, Marxist rebels, and paramilitary groups. However, to become involved credibly in a multilateral process aimed at preventing the balkanization of Colombia, the Secretary General of the OAS—former Colombian President Cesar Gaviria—should be replaced by someone from a different Latin American country in order to assure all parties of the organization's neutrality.

CONCLUSION

Colombia is on the verge of becoming a "lose-lose" situation. If President Pastrana accepts the demands of the FARC and ELN groups for political and territorial autonomy, Colombia would start to break apart into Balkan-type factions. Paramilitary violence would escalate rapidly, and regional stability would be threatened. If the Pastrana peace talks fail, which appears increasingly likely, Colombia will sink deeper into a vortex of violence that could spill into neighboring countries, endangering the region's stability. The country is no less than a tinderbox awaiting only a careless spark to explode in flames.

It is clearly in America's national interest to help the Pastrana government end Colombia's decades-old civil turbulence and eradicate the illegal drug trade. But the Clinton Administration should tread cautiously in escalating the U.S. military's involvement in the Colombian narco-insurgency. Before it can fight the rebels effectively, the Colombian army needs to be modernized, professionally trained, and re-equipped with the arms and other equipment needed to achieve tactical and strategic mobility on the battlefield. This could take several years of sustained effort involving extensive U.S. training of Colombian military units, and could cost Americans billions of tax dollars.

The Administration's new Colombia policy should include a specific timetable for providing military aid, clear objectives and transparent methods for measuring the resulting gains (or losses) from that aid, and strict limitations on the extent of America's escalating military involvement in Colombia. It also is vitally important that the Administration's new Colombia policy detail contingency plans to safeguard the lives and security of U.S. military personnel in Colombia if Pastrana's peace talks fail and the violence escalates dramatically.

Above all, the Clinton Administration must not lose sight of the fact that the Colombian conflict between the government, rebels, drug traffickers, and paramilitaries is fundamentally a Colombian problem that Colombians must resolve. If the limits of U.S. military involvement in Colombia are not spelled out clearly at the outset, the risk is great that significant numbers of U.S. soldiers would be swallowed up by the Colombian quagmire. President Clinton would be wise to remember that America's involvement in the Vietnam War—which he opposed as a university student—began with a few dozen U.S. military advisers and a small investment.

[Appendix II]

At the end of the 1980s the Communist insurgency was believed by many to be dying in Colombia. A decade later in 1999, Colombian President Andres Pastrana is suing for peace at any cost, with drug-financed insurgency that wields the upper hand politically and, increasingly, in military terms as well. Moreover, the Colombian civil war increasingly threatens the stability of a region that includes Panama, Venezuela, Ecuador, Peru and Brazil. How did this happen?

1. The U.S. Administration has contributed to the escalating crisis in Colombia. The U.S. government has known since at least 1992 of the growing involvement of the FARC and ELN in Colombia's illegal drug trade, but chose to ignore it. From January 1993 until October 1998, the U.S. Department of State took the position that the Colombian insurgency and the Colombian drug trade were two different and unrelated problems. This position was based mainly on the Administration's concerns about the Colombian military's poor human rights record. The Clinton Administration's decision to end U.S. military aid to Colombia in 1993, and sanction Colombia four times from 1995 to 1998 in the annual drug certification process, weakened the police-led war on drugs in Colombia and implicitly helped the expansion of the FARC and ELN. At a more direct level, since 1993 the U.S. Department of State has fundamentally mismanaged the distribution to Colombia of anti-drug funds and equipment, routinely holding up anti-drug aid approved by Congress. Whatever anti-drug aid offered to Colombia by the United States never arrives in time, and is never enough. While continuously demanding better anti-drug results from Colombia, the U.S. Administration has consistently failed to provide Colombia with sufficient financial and material anti-drug aid. For example, most of the helicopters provided to the Colombian National Police (CNP) by the U.S. government are aged clunkers between 35 and 40 years old without the altitude ceiling where opium poppies are grown.

2. The Clinton Administration has been unclear about why U.S. military aid to Colombia is being increased. In October 1998 President Clinton said the increased U.S. military aid would be used to fight not guerrillas, but drug traffickers. However, in March 1999 U.S. Secretary of Defense Cohen stated that the purpose of increasing U.S. military aid to Colombia was to "enable the Colombian army to face

the guerrillas more efficiently." From Haiti to Kosovo, this is not the first time that the Clinton Administration has issued contradictory statements about the purpose of policy initiatives involving any use of military force.

3. The Pentagon has not been engaged in Colombia, and does not want to become engaged. The U.S. Department of Defense (DOD) does not have a strong interest in this issue for budgetary and doctrinal reasons, and in the Office of the Secretary of Defense (OSD) for political reasons. America's armed forces have become seriously over-extended as a result of large budget cutbacks, and the numerous international humanitarian and peacekeeping deployments ordered by President Clinton as he stumbles from one foreign policy crisis to another.

4. Outside the U.S. Southern Command (Southcom), there is very little interest or support at the Pentagon for greater military engagement with Colombia if that means a bigger slice of the Pentagon's budget has to be earmarked to Colombia from other needs. Doctrinally, U.S. defense strategists do not see any security threats in Latin America that would endanger the territorial integrity of the United States. President Clinton and Republican leaders agree that drugs threaten U.S. national security and have obliged the U.S. military to become increasingly involved in anti-drug operations. However, in terms of U.S. strategic military doctrine Latin America is little more than a backwater, especially ten years after the end of the Cold War with the now-defunct Soviet Union. There are no Latin America war scenarios at the Pentagon.

5. The drug trade is flourishing within the demilitarized zone. Illegal flights by drug traffickers are operating unmolested out of the DMZ, through what is called the Colombia-Ecuador-Brazil air bridge. Illegal drug flights from the DMZ to Cuba are also increasing. Meanwhile, the U.S. military presence in the region is being scaled back. AWACS support for anti-drug operations has all but vanished over Colombia as DOD has diverted assets to Kosovo. Moreover, on May 1, 1999 Howard Air Force Base in Panama will be closed down. Most anti-drug flights originate from Howard. The loss of this forward base will severely curtail U.S. counter-drug operations in the region.

6. The stability of Panama is at high risk. The Revolutionary Armed Forces of Colombia (FARC) are expanding their presence in the Darien region in southern Panama. The end of the U.S. military presence on December 31, 1999 will leave Panama unprotected. The Panamanian government is unprepared to manage the situation by itself.

Senator COVERDELL. I appreciate your comments, Mr. Sweeney.

Let me try to get a general question versus a country-specific. We may come to that, but I would like to begin just in the context of sorting out a broader policy.

I may ramble here for a minute, but when we accomplished the framework for democratic institutions in the United States, the population was the highest paid work force in the world already. They could all read because of the study of the Bible, and so they were a very unique population upon which you could build a framework of the order of law. Conversely, as we have seen democratic institutions find themselves throughout the hemisphere, they are not confronted with similar populations.

Now, if we set the narcotic or institution of criminal activity the Ambassador has alluded to beyond narcotics aside, you still would have been dealing with the very fledgling institutions of enforcement, judiciary, et cetera. And with that aside, clearly the interaction of free trade and commerce and activity, along with reasonable support from the international community and here, I think these democratic governments by their nature would have led to a progressively improving infrastructure. It still would have taken years to build.

To use I think one of the better examples, not without problems, is some of the work that has been accomplished in Nicaragua among the judiciary, the human rights issues, et cetera as they endeavor to come from almost a still shot for 20 years prior to the new government.

Now we impose this very far-reaching, powerful, well-financed, sophisticated management, best assets surpass many of the hemisphere's armed forces, and we overlay everything we have been talking about with this ingredient. To me the security question has become the overriding question in terms of the nurturing of these democracies.

I think, Mr. Secretary, you alluded to the trade and that needs more impetus, more attention, et cetera. I think it is coming. The ups and downs of our own politics and administrations here either speed up, slow down, but I think the trend line will continue to show that commerce and integration of trade activity is going to continue.

So, as I look out across the hemisphere, it is the threat you alluded to, Mr. Ambassador, that is the most troubling to me, and for the life of me, I cannot, given our approach to sovereign rights—and you look at the infrastructure under there that was just beginning, that seems to me to be a very dark problem that I have not heard anybody get a fix on.

So, I would like each of you to—well, one, if you disagree that that is not the center of the stalemate, say so and tell me what is. If it is, how in the world do we get at it?

I, just as an anecdote, met with General Serrano of the Colombian police force I guess within the last 2 weeks. What a daunting task. You kind of wonder where his perseverance comes from. But I did not leave the meeting very comforted not because of what he was endeavoring to do, but it just seemed almost an interminable and daunting task.

I will stop with that. We will go in the same order. Mr. Secretary, is that right? If that is wrong, where is the fulcrum of our problem? And your general comments.

Mr. ABRAMS. This is a very difficult and complicated question you have posed.

I guess I would say that I think that security is not the only central issue—security/drugs. There are others. One of them, the difficulty in some countries of building those institutions from the ground up anyway. You would be having, for example, in Haiti a good deal of trouble without drugs. No question about that.

Senator COVERDELL. And I was trying to make that point, that even if you removed everything, it still would have been a daunting task that would have taken years and years and years.

Mr. ABRAMS. I guess I would say, second, another big problem is there are people in positions of power in the region who are very much opposed or seem to be opposed to the achievement of this model of democracy and rule of law. Obviously, Fidel Castro is at the top of that list. There are many others. And we now debate, for example, as Mr. Sweeney said this morning, where is President Chavez on that spectrum?

But security—and this was in Ambassador Einaudi's testimony and I think very rightly—is critical. So, what can we do?

I think there are some things we can do. How can I put this? It is not just that we are pushing the supply of security. There is a demand for security on the Latin and Caribbean side, and to some extent, we are not meeting it. That is, I think if we were willing

to provide more help for police and military training, a number of countries in the region would be happy to accept that help.

I think we need to recognize—and to some extent we do—there are countries that cannot do it. It is one thing to say, well, you know, maybe we can offer a little bit of training to Brazil, but what about Grenada? What about Dominica? What about St. Vincent? These are countries which do not have the resources.

Now, we are dealing with them. We have agreements with a number of Caribbean countries in which they permit us to patrol the waters around their country, and in a sense they are sacrificing a bit of their sovereignty in order to gain a bit more security. And we should continue with that kind of arrangement because they cannot do it. There is no possible way they are going to be able to get the resources the drug traffickers have.

But I think in the case of Colombia, we are going to need to make a decision perhaps a little bit down the road, 6 months from now, how deeply involved we want to be. It is going to be a very tough question because either we are going to have to decide that we will just leave the Colombians to stew in that, or we are going to have to take the risks of joining them in what may be a very difficult struggle against the guerrillas.

Now, we can hope to avoid that. Maybe the peace negotiations that have just restarted will make some progress. Maybe it will be possible to do better against the drug traffickers without getting more directly involved. But I think that is an issue.

We are now directly involved throughout the Caribbean, naval and Coast Guard forces and to some extent air force. That I think is the key question we are going to have to ask about Colombia. How involved do we wish to be and are we willing to be if the Colombians are willing to accept more help?

Senator COVERDELL. This benign neglect that has been referred to in the Clinton administration—would you say that with some exceptions that this has been a problem for a long time in the United States? We really have not paid enough attention to the hemisphere really anywhere along the line with some few exceptions.

Mr. ABRAMS. Yes. We have tended to react to crises. James Reston of the New York Times once said Americans will do anything for Latin America except read about it. I think for long periods, there has been a tremendous amount of inattention. And when something happens, Castro takes over Cuba, or the Sandinistas take over Nicaragua, there is a huge reaction for a few years and then it ebbs away. Other things come to the front page, and we do not pay the attention we should.

Senator COVERDELL. Ambassador.

Ambassador EINAUDI. Thank you, sir.

I guess that my answer would be do not underestimate people, do not underestimate the military, and do not underestimate our neighbors, even the smallest countries. And let me give you a couple of examples and then get to my bottom line.

I remember the Nicaraguan playwright and poet, Pablo Antonio Cuadra, reacting with real outrage when some visiting Europeans commented that it really did not matter that the Nicaraguans did not have much freedom under the revolutionary Sandinista regime

because everybody knew that poor people were not capable of appreciating or using freedom.

I think that those Europeans were underestimating the Nicaraguans and I think that in fact democracy, if one looks at its different forms, can be practiced by poor people in their communities quite as much as anybody else.

Do not underestimate the military. I said in my written testimony that the military often gets a bum rap in discussions with democracy because everybody thinks that is where the dictators come from. The dictators come from there. They are the ones that use force, et cetera, et cetera, et cetera. In my experience, whatever the past, over the past most recent 10 years, military leaders have been looking for civilian guidance, and one of the striking things in the inter-American system is that we have an Inter-American Defense Board that does not come clearly under political authority. And it has been the military that are asking for that, to match the gradual democratization and constitutional structures, that progress has been taking place in their countries.

I think that again, a lot of people were surprised that Peru and Ecuador made peace, and one of the reasons they were surprised that the military in both countries would oppose it. In fact, when given clear authoritative directions, the military stood at attention and did what was in the national interest and what they were being told to do by their constituted authorities. So, I think we do not have to worry or underestimate the military.

I agree with what has been said about some of these small places. But what has been fascinating to me is that they have been showing the capacity to organize together, to come together. The eastern Caribbean States have managed to come together to pool resources and to help each other at moments of crisis.

Part of the reason why the interruption of government in Paraguay has not worked has been that the neighbors, the immediate neighbors, the countries of MERCOSUR, have banded together to work to support things.

What I think is needed most of all here—and I do not want to sound terribly Pollyanna-ish because what I am really saying is, look, these people can do it. What we need is the right framework. We then need to pay attention in a consistent fashion and be patient and not expect overnight results. The right framework is democracy and the rule of law because it guarantees participation and it is a self-regulating framework in that when you have got freedom, you can always correct abuses and errors.

Pay attention. You asked Elliott Abrams the followup question on that. I think the problem is not a problem of the Clinton administration. I think one should give President Clinton his due. He has attempted to be supportive on Central America. I hope the Congress will complete the special appropriation there.

I never had difficulty in getting his support at critical moments, just as I never had difficulty, let it be said, in getting the support of the Senate Foreign Relations Committee and the House International Affairs Committee at key moments of the Peru-Ecuador problem.

The issue, as Elliott was saying, is not moments of crisis, it is sustained attention and caring that is justified by the very special

relationship—it is a horrible word that goes back to the Nixon times, I admit, but the special relationship that the United States and the other countries of this hemisphere have and share together, sharing the same hemisphere. Once we get the right framework and we pay attention, then we have to be patient because none of these organizations, certainly not the OAS, and with all due respect, sometimes not even the U.S. Congress is going to solve everything overnight.

Senator COVERDELL. I am just astounded you would make an assertion like that.

I want to pursue that just a bit further because I think I completely agree with what we should not underestimate. What I am trying to do is size, though, what we should estimate from this criminal threat and their ability to destabilize what would have been the natural tendencies of the people, their institutions, the military.

Another anecdote. I remember meeting with the defense minister in Guatemala immediately following the signing of the peace accord, and he was exceedingly proud that he would be the last military secretary, whatever, of defense, minister of defense in his country. It would revert, following him, to civilian rule, and he was exceedingly proud of it.

But at least it is my observation that there is a possibility of being overwhelmed. You have alluded to it and I would like you to—if that is not a warranted concern, then I am relieved. If it is a warranted concern, I am troubled and struggling with exactly how we get at that.

Ambassador EINAUDI. It is a warranted concern, sir, and I will respond with two things.

One is brand new. It is not in my statement, but I think it is the truth. Unfortunately, we are helping the gangs in these neighboring countries by the way in which we are deporting aliens or persons of foreign origin who have committed crimes under the latest Immigration and Naturalization Act. If you look at the number of people that we have deported to the Dominican Republic or to El Salvador, you will discover that we have sent them well-trained, street-smart criminals in numbers that match local police forces. So, I do not have a clear solution, but I want to flag it because it is something that our neighbors are suffering and they are not very comfortable about the way it is working. At least we seem to be giving advance notice now, but there are major problems there.

But let us do something positive, and this is the second point. It is what I ran over in my testimony. All right, we are going to send them street-smart criminals. Let us do something about helping to train security forces within the right framework. Let us get an inter-American security system that is modern and is based on all of the right caveats, but that ultimately when you are through and done with it, it makes sure that under civilian authority, you have military guys that are capable of being trained, of exchanging experiences, and of learning to interoperate with each other.

I am not talking, let it be clear, to committing U.S. troops to Colombia or something like that. What I am saying is to create some sort of a regional framework—it would have to be negotiated and worked out—that does not allow these gangs to do what they have

been doing. The narco-traffickers—as soon as we or another country together work up resistance to their activities, they shift them and they go elsewhere. What we need to do is develop a common, multilateral approach that will meet them there. They cannot shift, and that gives people the professionalism and the competence and the ability to work.

There is an enormous amount to be done, sir, in the sharing of intelligence. It has got nothing to do with sending Americans abroad. It has to do with working out ways in which we can help improve the intelligence of our governments and of civilian-led professional police, not just military, to respond to these gangs. And I think that there are many things that can be done in that area.

And I am sorry. I am running on too long.

Senator COVERDELL. No, no, no. I most appreciate it. I might come back to that in a moment, but I do want to give Mr. Sweeney a chance.

Mr. SWEENEY. Well, thank you, Senator.

I find it difficult to believe, from the 33 years I lived and worked in Latin America, that the United States is exporting street-smart Central Americans back to their home countries so they can engage in crime down there. I think many, if not most, of the people we are deporting for criminal activities entered this country illegally in the first place and many of them had prior criminal backgrounds. So, I do take issue with Ambassador Einaudi on that. I do not think the United States is responsible for sending street-smart trained criminals down to Latin America to make things more miserable for the Latin Americans.

I think the threat of organized crime and drug trafficking in Latin America could conceivably undermine everything the United States is trying to achieve in the region. I think that if we want to get ahead in Latin America, one of our basic foundations of Latin America policy must be trade integration with the region. On this I do fault the Clinton administration. There has been no effort by this administration, since December 20, 1994 when the Mexican peso collapsed, to move the trade issue forward in Latin America. As a result, we have lost influence, we have lost leadership in the region, we have become marginal players in the trade process, and increasingly countries down there are not really trying to cooperate with us.

I think we underestimated the extent of the threat that faced us in the region after the cold war in terms of organized crime and drug trafficking, and I think we overestimated the region's capacity to reform its institutions, particularly the judicial system, the courts, and public administration.

I want to close with this final point. Most of the policy reforms that have been enacted throughout Latin America in the last 10 years grew out of the so-called Washington Consensus more than a decade ago. You may recall, sir, when it was argued here in Washington that if we applied macroeconomic free market policies in Latin America, the region would start to achieve its potential and the political reforms would follow. I think we underestimated how much resistance there is in the region to the kinds of institutional and political reforms that are still needed to establish a func-

tional, transparent, capitalist democracy type of system in Latin America.

And that was recognized last year, by the way, by the World Bank, which 10 years after the Washington Consensus formula came out, they came out with a study saying institutions do matter and they identified the judicial system, financial system, public administration, and education as the four major institutions that need reform. If you look today at the financial system in Latin America, the judicial system and the system of public administration in country after country, that is precisely where you find the nexus of corruption and organized crime undermining the democratic institutions, fragile as they are.

Senator COVERDELL. How do you take to the Ambassador's concept of an inter-American security system?

Mr. SWEENEY. I agree fully. I think one of the problems with U.S. policy in Latin America has been that when President Bush articulated his Enterprise for the Americas initiative in June 1990, he talked about trade, not aid. But the whole security dimension was left off the agenda. The present administration has not built upon that. We have seen no trade expansion and very little progress in terms of security arrangements.

Nonetheless, even if we had a hemispheric-wide security arrangement in place, it would be utopian for us to believe that we are going to be eradicate completely organized crime in drug trafficking in Latin America. Drugs, like the sex trade, like alcohol, like gambling, are a human vice crime. They have been with us for centuries and they always will be with us. But we know here in the United States we cannot eradicate it, but we also know that we must have transparent judicial and law enforcement institutions capable of at least achieving a degree of control which is acceptable for society. That is a goal we should seek in Latin America, and to get there, it is going to take a long time and it is going to take a lot of work building up these institutions.

But we are not engaged right now. We are not there. We need to get back into the game. We need to put trade back on the agenda. We need to take the leadership in pushing for a different hemispheric security arrangement. I know there is a lot of concern about this in military circles that deal with Latin America. They feel that is a big vacuum in our policy toward the region. But if it is not addressed at the highest levels by our congressional leaders and, most importantly, by the President of our country, the administration, we are not going to get there.

Mr. ABRAMS. Mr. Chairman, if I could just add one note to this, on the security side that you are raising.

Senator COVERDELL. It is good that you are raising the question because I was just about to raise one with you. So, you go ahead.

Mr. ABRAMS. May I?

Senator COVERDELL. Yes, please.

Mr. ABRAMS. I would just raise the question of whether at this moment, at which we perhaps should be doing more to address the security problem and particularly the drug side of it, we are diminishing our ability to do so because of Panama. Now, I am not suggesting that we should now insist on maintaining bases in Panama if the Panamanians do not want us. But our ability to operate in

the region depends on having bases. Yes, you can do it from Florida, but the Pentagon has data on how much harder it is if, for example, we do not have Howard Air Base.

Now, maybe there are places in the region that we could use as substitutes, and I know that we are talking and negotiating. But it would be tragic, if at a moment at which perhaps there is a consensus that we may need to do more, it turns out that we are able to do less.

Senator COVERDELL. Well, I would expand upon that in that the—with regard to security, almost every institution that in the interim, while we do not have an inter-American security system—in the interim have the principal responsibility for protecting us, which as a secondary effect protects others—almost all of those assets are being reduced. The Coast Guard, Customs, DEA are all shrinking at the moment. Now, that has not happened because it has not been ratified by the Congress. I do not think it will be. But those are the kinds of proposals that you are facing.

I was going to ask you, Mr. Secretary, in this committee we have been discussing a—we have used the word “alliance” instead of inter-American security system. That has been being bandied around here for some time. Some proponents, my good friend from Connecticut, see it as a substitute for certification as a general process. Others see it more in the context I think that you have described it, Mr. Ambassador.

I have the distinct view our own State Department is one of the principal hurdles. There has not been a coming forward around this idea. It is almost as if it would open up a threat, intelligence which I suspect is a real problem, but also a platform for which to assert and challenge and the like.

I was wondering if you agreed with that, have seen any evidence of it. Having been in the State Department, do you think that is a reasonable concern that they would have with regard to developing an inter-American security platform?

Mr. ABRAMS. I do not think it is a particularly compelling concern. Some of the problems you could eliminate by being vigilant as you set the system up. And the other thing is that if NATO is a system of countries in which we are essentially dominant, although it includes nations like Britain, France, and Germany, we are going to be pretty dominant in any such system that is set up in the Western Hemisphere, as we have always been, for example, in the OAS and the Inter-American Bank.

So, I think it is a very difficult process. It will be if we decide to go that route. But I do not think that it presents really those kinds of dangers to us.

And I think it presents us with great opportunities because it is true, I think if you look back, that every year, as we get to the point of almost certifying or decertifying Colombia—it has been true over the past 10 years—they do things. Then they say, “we did not do it because of certification.” It was just a coincidence I guess that they did it the week before the vote.

Nevertheless, there is something wrong with that basic posture. The notion that the country which is the market for the drugs and consuming the drugs sits in judgment on much poorer countries having much trouble, fighting the war on the front line against the

drug traffickers—the notion that our best possible position, our most helpful position is to sit in judgment and issue condemnations, rather than achieving a kind of better alliance to fight this scourge, just seems to me not as good a solution as we can reach.

Mr. SWEENEY. May I add to that?

Senator COVERDELL. I am going to come right down the line again. Ambassador, do you want to comment on that question?

Ambassador EINAUDI. Let me try to be succinct. It seems to me that the State people from my memory are not overly enthusiastic about inter-American security forces or cooperation in part out of the traditional interagency battles that seem to dominate life in Washington, in part because they are correctly aware that a large number of Latin American governments would react as though this gave them a great headache. This is partially because of past histories of intervention, partially because when countries are cooperating with us or want to cooperate with us on economic and trade issues, the last thing they want to appear is as though they are becoming our puppets on the security side and working with us. And there the disproportion of American weight is enormous, and it does create major problems politically in negotiating the architecture which is what I hope that we will try to do.

That probably means that we are going to need to include in the negotiation, if we are going to take it seriously—and I think we must—some questions that will make clear that what we are looking for is not some sort of new jumping off point for American interventions or military action in South America. In that sense, it could turn out that the fact that we are removing all of our forces from Panama this year might actually suggest, even to our critics, that we are willing to modernize and look for new modern relationships. And it could well be that something can be negotiated if it is clear that that is our position.

It seems to me that the major initial stress should not be on force deployments. That is not the issue. The issue should be on education, the kinds of things we have in the Inter-American Defense College. We have a Center for Hemispheric Defense Studies. We have a School of the Americas. All of these are heavily American influenced institutions because of the resources we have put in them, because of the lack of civilian control from our neighbors. All of them have various degrees of controversy. The function they fulfill in this new situation is indispensable and we should be talking about how to put them into the right framework and how to strengthen them. And that is where we need to make things work, not thinking about shooting guns or putting our people in jeopardy.

Other countries want to solve this problem. You mentioned the extraordinary dedication of some of the Colombians that you have met. Let us not forget they have lost more soldiers and people in this war than can be—I do not have the number—

Senator COVERDELL. It is approaching the Vietnam—it is 38,000.

Ambassador EINAUDI. It is extraordinary. They are putting their lives on the line. Let us work with them to make sure that they put them on the line as effectively as possible, that the use of force—and it is a question not of indiscriminate use of force. That is precisely the point, how to discriminate, how to apply effectively,

how to support the creation of government authority where now, in all too many cases, there is not any.

Senator COVERDELL. Mr. Sweeney.

Mr. SWEENEY. Speaking about Colombia briefly, a lot of people have died in the conflict in Colombia. But it is interesting to note in Colombia that as many people approximately die in 2 years as American soldiers died in the entire Vietnam war. It is also interesting to note that about 85 percent of the people who die violently do not die as a result of political violence, they die as a result of criminal violence in Colombia. So, that is an important point I think that needs to be made.

I think there are certain things, certain opportunities the United States could have made use of in recent years, which we have not made use of. I am not a diplomat. I am a journalist by profession and I have been in business for myself before I came to Washington. But it seems to me that reciprocity and negotiation are the tools of a good, effective diplomat. Let me give you two examples: the Caribbean and Central America.

We have been trying unsuccessfully for 6 years to approve NAFTA parity for the Caribbean Basin Initiative countries. More recently the United States has been conducting a banana war with the European Union basically favoring one or two major U.S. multinational corporations but putting the Caribbean community in a situation that they face economic distress. It seems to me that a well-reasoned diplomatic response to our friends in Central America and the Caribbean would seek to balance out our concerns for defending the free trade interests of our American exporters with preserving and protecting our security interests in the region as well. There is an example of reciprocity that has not been forthcoming from the United States and which has created ill will amongst the Caribbean nations toward us, to the point that they have threatened to stop cooperating in the war on drugs.

Let me give you a second and more important—

Senator COVERDELL. There are several maritime agreements that they are threatening—

Mr. SWEENEY. A second and more important issue, the case of Colombia which has become the epicenter of this country's foreign policy in Latin America, the war on drugs in Colombia. We have for years been demanding that the Colombians do more and better in fighting the war on drugs, and then we fail to give them systematically year after year the kinds of resources and equipment and material they need. The helicopters that we have given the Colombians until recently, now that we have approved Blackhawks for them, but until recently we have been giving them Vietnam era Huey helicopters that cannot even operate at the ceilings where the poppy crops and a lot of the coca crops—they do not have the range to reach these crops.

If we want to work with the Colombian Government, and we expect the Colombian Government to do more in fighting the war on drugs, then the United States must give Colombia the resources it needs to fight that war, whether we sell them the resources or grant them the resources as a gift, whatever it is. We cannot ask our friends to fight an 800-pound gorilla with a fly swatter. And that is what we have been doing for the last 5 years.

Senator COVERDELL. I am going to bring us to a close. We have been at this about an hour and a half. I want to thank each of you panelists for your illuminating remarks and your dedication to your country over the years.

We will probably submit several written questions to each of you, and again, it is at your discretion. You are not agencies, so we cannot demand that you respond to them. But whatever information you might share with us would be most helpful.

I would just say in concluding then that we all began with the good news, but clearly there is a cloud here that has to be confronted and pretty quickly because it does have the potential of destabilization and it is enormously forceful and powerful. You have all alluded to it in varying ways.

This has been most helpful to me and I am sure it will be others as well as we try to fashion how we are going to move to the new millennium in our relations with the hemisphere.

I think one of the pieces of good news that has not really been mentioned here is the general attitude of our fellow countrymen. I mean, I think there is a growing integration mentally of the economic prowess of the hemisphere. You can go to in my State any rural community, and they are very much aware of their relationship with the hemisphere because it is affecting them. It is affecting jobs and opportunities. So, some of the traditional problems that have existed and mind sets I think are vanishing, which I think is a very positive sign and may be the undergirding that allows us to move to these other issues because I think the Nation is prepared to be more involved with this hemisphere, whether the politician is or is not for the time being. I really think that is a strong possibility among our own countrymen and probably the will or the backbone upon which we can build some of these new ideas.

Again, I thank each of you very, very much.

[Whereupon, at 4:27 p.m., the subcommittee was adjourned.]

