

**REVIEW OF THE ANTI-DRUG CERTIFICATION
PROCESS**

HEARING
BEFORE THE
COMMITTEE ON FOREIGN RELATIONS
UNITED STATES SENATE
ONE HUNDRED SEVENTH CONGRESS
FIRST SESSION

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CONTENTS

	Page
Aronson, Hon. Bernard William, managing partner, ACON Investments; and former Assistant Secretary of State for Inter-American Affairs, Washington, DC	38
Beers, Hon. R. Rand, Assistant Secretary of State for International Narcotics and Law Enforcement, Department of State, Washington, DC	25
Prepared statement	27
Certification decision memo, March 1, 2001	29
Biden, Hon. Joseph R., Jr., U.S. Senator from Delaware, prepared statement .	20
Boxer, Hon. Barbara, U.S. Senator from California, prepared statement	5
Gilman, Hon. Benjamin A., (R-NY), U.S. House of Representatives	11
Prepared statement	13
Grassley, Hon. Charles E., U.S. Senator from Iowa	7
Prepared statement	9
Hutchison, Hon. Kay Bailey, U.S. Senator from Texas	10
Reyes, Hon. Silvestre, (D-TX), U.S. House of Representatives	15
Prepared statement	16
Statements submitted for the record:	
Drug Strategies, Mathea Falco, president, Washington, DC	43
Washington Office on Latin America	47

REVIEW OF THE ANTI-DRUG CERTIFICATION PROCESS

THURSDAY, MARCH 1, 2001

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC.

The committee met, pursuant to notice, at 10:06 a.m. in room SD-419, Dirksen Senate Office Building, Hon. Lincoln D. Chafee presiding.

Present: Senators Chafee, Biden, Dodd, Feingold, Boxer, and Bill Nelson.

Senator CHAFEE. The hearing will come to order.

Today the Foreign Relations Committee meets to receive testimony on and discuss the so-called anti-drug certification process. This law requires the President to eliminate most forms of U.S. foreign aid and oppose international development loans for a nation deemed not to be cooperating fully with the United States in its anti-narcotics efforts.

Until the mid-1980's, the U.S. Government's linking of anti-drug policy to foreign policy largely involved little more than the granting of discretionary authority to the executive branch. Congress became frustrated with the State Department's unwillingness to confront governments of foreign countries that were major sources and conduits of illegal narcotics.

So in 1986 Congress passed a \$1.4 billion comprehensive anti-drug abuse law. Provisions of this law require the President to impose economic sanctions, including the denial of U.S. foreign aid to any nation that is not cooperating fully in our anti-drug efforts. I would note that this law passed the Senate by a vote of 97 to 2, without objection to establishment of this certification process.

So today, 15 years later, where do things stand? It can certainly be said with accuracy that the drug certification law has drawn the attention of governments abroad. Cooperation abroad with the U.S. anti-drug efforts has increased markedly. But this law also has generated resentment among nations who view the process as overbearing and perhaps arrogant, particularly given that the U.S. is a substantial drug-consuming nation.

In short, the law has, some might argue, hindered the conduct of our foreign policy. A review of the most recent listings of major certified and decertified nations is illuminating. On November 10, 1999, President Clinton listed 25 major drug-producing and drug transit countries. Then on March 1, 2000, of these 25 majors he certified 19 and decertified 6. Then of these six decertified countries, he waived sanctions on four for national interest concerns.

That left just two countries on which the law's sanctions were applied, Afghanistan and Burma, certainly nations that are not major beneficiaries of U.S. aid regardless of the drug issue.

This experience strikes me as more of an exercise in process and of limited effect on our policy. It is also likely one of several reasons why a consensus seems to have developed that alternatives to this process ought to be given a very close look.

I do hope today's hearing will give us an opportunity to fully explore these proposed changes to current law, and I do look forward to the expert witnesses who will provide testimony.

Senator Dodd.

Senator DODD. Thank you very much, Mr. Chairman. Let me first of all thank you for hosting and holding this very, very important hearing on an issue that has consumed a great deal of the Congress' attention over the last decade and a half, the certification issue, and rightly so, given the tremendous interest there is in this country with the devastating effects of narcotic consumption. Sixteen thousand lives are lost every year in this country in drug-related deaths. Obviously, we as representatives of our various constituencies reflect a desire in this country to do something about this, do something about this to try and reduce the pain and suffering associated with this problem.

It was out of that frustration that this legislation was born a decade and a half ago. It is important, I think, at this juncture with a new administration, a new government in Mexico that has committed itself, at least rhetorically, to addressing this issue, that we examine whether or not there is a better way of dealing with the issue of cooperation among producing, money-laundering, transit, consuming countries, all of those nations that are involved in one aspect or another of the drug business.

So I think this is very worthwhile that we are gathering here today. We are going to hear from some very, very good witnesses this morning. I am pleased particularly that we have so many interested Members of Congress. Senator Grassley and Senator Kay Bailey Hutchison I know are going to be before us; Representatives Ben Gilman and Silvestre Reyes, the head of the Hispanic Caucus and my good friend, who I had the privilege of testifying with the other day before the Congressional Black Caucus. I am pleased to be with you again here this morning.

So, Mr. Chairman, we have held hearings from time to time on this issue of counternarcotics cooperation with respect to specific countries. We have not for some time looked at the issue of the certification process itself, and that is what you are going to do and that is why I think this is worthwhile.

I believe it is important to do so. This is a procedure, as I said, that has been in effect since the mid-eighties. The annual certification process has from time to time provoked a great deal of controversy and debate in both the House and the Senate. Presidential determinations with respect to whether a particular country had cooperated fully in any given year were challenged in the Congress, but never overturned.

Senator John McCain and I offered legislation a few years ago to get rid of the certification process and try and come up with something new. Senator Paul Coverdell of Georgia had proposed

some alternative ideas that we were never able to enact into legislation, but I thought were very intriguing. The congressional controversy and sometimes highly critical debate did cause significant friction in the bilateral relationships with respect to the country of concern where the debated certification was occurring, usually Mexico.

I would not suggest for one moment, Mr. Chairman, that the threat posed by illicit drug production and consumption-related crimes is not very, very serious. The international impact is serious and of great concern to all of us. However, of even greater concern to me personally are the effects it is having here at home. Last year Americans spent more than \$60 billion to purchase illegal drugs. Nearly 15 million Americans 12 years of age and older use illegal drugs, including 1.5 million cocaine users, 208,000 heroin addicts in the United States, and more than 11 million smokers of marijuana.

This menace is not just confined to inner cities or the poor. Illegal drug use occurs among members of every ethnic and socioeconomic group in the United States. The human and economic costs of illegal drug consumption by Americans is also enormous. I mentioned already, 16,000 people die annually as a result of drug-related deaths. Drug-related illnesses, death, and crime cost the United States approximately \$100 billion annually, including the cost of lost productivity, premature death, and incarceration.

This is an enormously lucrative business. Drug trafficking generates an estimated revenues of \$400 billion a year annually. The United States has spent more than \$30 billion in foreign interdiction and source country counternarcotics programs since 1981. Despite impressive seizures on the border, on the high seas, and other countries, foreign drugs are cheaper and more readily available in the United States today than they were two decades ago when we began an intensive effort in this area.

For much of that time, the annual certification process has been in effect. Clearly, whatever else one thinks about certification, one must conclude that it has not been the silver bullet with respect to eliminating America's supply or demand for illicit drugs.

Over the course of the 15 years that the certification procedures have been in effect, there have been only minor modifications to the statute. I believe the time has come to make an assessment as to whether it continues to further our national security and foreign policy objectives. Is it really doing the job with respect to promoting effective international cooperation to combat illicit drug production, sales, and consumption, or could we develop some other means that would better serve our interests in this important area and the interests of our allies who seek to cooperate with us in this regard?

As you know, Mr. Chairman, I have introduced legislation to suspend the grading aspects of the certification. I have done so, Mr. Chairman, to create an atmosphere of some goodwill in which President Bush can discuss with other heads of state from Mexico, Colombia, Peru, Bolivia, ways to improve international cooperation among producing, transit, and consuming nations.

During the 2-year suspension period, the Congress would continue to receive detailed reports with respect to what is being accomplished in the areas of eradication, interdiction, extradition of

drug kingpins, efforts to combat money-laundering, et cetera. Moreover, the President has the option, should he choose, to continue the certification process with respect to a country or countries if he determines that this would further bilateral counternarcotics cooperation with respect to that nation or nations.

Mr. Chairman, I have visited a number of these countries over the years and I have met with many heads of state, particularly those in our own hemisphere. I have yet to have a conversation with one of them that thought that our certification process was helpful to them in their national efforts to develop and sustain meaningful and effective counternarcotics programs.

Perhaps it is time at least to listen to whatever proposals they might suggest to do a better job in this area. We lose nothing by trying and a great deal by making the effort.

So with that, Mr. Chairman, I again thank you for hosting this committee hearing this morning. I am looking forward to hearing from our colleagues. As I mentioned earlier before they arrived, members all have a deep interest in the subject matter, worked hard at it for a number of years. I am anxious to hear their thoughts on the subject matter and other members of the committee.

Senator CHAFEE. Thank you, Senator Dodd.

Senator Boxer.

Senator BOXER. Thank you so much, Senator Chafee, for holding this hearing. I also want to welcome our distinguished panel of witnesses, Senators Hutchison and Grassley and Congressman Gilman and Congressman Reyes. I have had the privilege to work with several of my colleagues, including Senator Hutchison, and I will talk more about her colleague Senator Phil Gramm, with whom I am introducing legislation today on this very subject, actually re-introducing it.

We have all been working hard to try and come up with a solution. Senator Feinstein has teamed with Senator Hutchison, I have teamed with Senator Gramm, and Senator Dodd has introduced legislation.

I really want to say to Senator Helms, who is not here, I appreciate this hearing because I thought it would be important to hear all these various proposals. I think we need some changes, although I do respect Congressman Gilman's points that he is going to make, I think quite eloquently because I have read his written testimony, on behalf of the current process.

But I believe for the last several years we have really had no good options before us when it comes to this process. I think that became apparent in our annual debate over the certification of Mexico's efforts in combating illegal drugs. Certifying Mexico has been very difficult to do in light of the upsetting statistics showing that Mexico is a major point of production and transit for drugs entering the United States.

Coming from California, and I know I speak for all the border states, this is a horrific problem for our children, for our families, for our people. I continue to be concerned about the influence of powerful drug cartels in Mexico. In fact, in 1998 I joined 44 other Senators in voting in favor of decertifying Mexico. I want you to know that was a very difficult vote for me, because Mexico is our

friend. But I think when you have a friend you should not lie to your friend. You should be honest. So for me it was really hard to say I can certify that there is really no problem.

That is what we really care about today, to see if we can come up with other options for dealing with this situation. Right now we have the worst of all worlds, where we either have to turn our back on a problem or we humiliate a friend. That is just not a good choice.

I would ask unanimous consent that my entire statement be placed in the record. Mr. Chairman, I would like to just spend a minute talking about the legislation that Senator Phil Gramm and I have reintroduced, the same legislation we introduced last year. We hope it will lead to a more honest and realistic way of addressing the international drug problem. We will replace confrontation with cooperation. We are encouraging nations to join the United States in fighting drugs, but we would eliminate a process which strains our relations with our friends such as Mexico.

Our legislation would exempt from the certification process those countries that have a bilateral agreement with the United States regarding the production, distribution, interdiction, demand reduction, border security, and cooperation among law enforcement agencies. So in other words, what we are saying to countries is, join with us, sign a bilateral agreement with us on all these areas, and then you will not have to be subjected to the certification process. But we do not do away with the United States process, because we think it is a hammer that is unfortunately needed if a country turns its back on this offer from the United States to work in a cooperative way.

So again, Mr. Chairman, thank you very much and I look forward to reaching some consensus on this so we can move forward.

[The prepared statement of Senator Boxer follows:]

PREPARED STATEMENT OF SENATOR BARBARA BOXER

Senator Chafee, thank you for holding this hearing on the drug certification process. I want to welcome our witnesses on the first panel this morning, Senator Hutchison, Senator Grassley, Congressman Gilman and Congressman Reyes. It is a pleasure to see all of you this morning. I am so pleased to see how much interest there is in this important issue.

Over the last several years, Congress has had no good options when it comes to the certification of major drug producing and drug transit countries. This has been most apparent in our annual debate over the certification of Mexico's efforts in combating illicit drugs.

Certifying Mexico has been very difficult to do in light of the upsetting statistics showing that Mexico is a major point of production and transit for drugs entering the United States. I have also been, and continue to be, concerned about the influence of powerful drug cartels in Mexico. In fact, in 1998, I joined 44 other Senators in voting in favor of decertifying Mexico.

Nevertheless, I join many of my colleagues in the belief that the certification process does not work as it was intended. In some cases, what we have now is the worst of both worlds. The certification process subjects some of our closest allies and trading partners to an annual ritual of finger-pointing and humiliation rather than supporting mutual efforts to control illicit drugs.

Today, Senator Gramm and I are reintroducing legislation which we hope will lead to a more honest and realistic way of addressing the international drug problem. By replacing confrontation with cooperation, we are encouraging nations to join the United States in fighting drugs while eliminating a process which strains our relations with allies such as Mexico.

Our legislation would exempt from the certification process those countries that have a bilateral agreement with the United States.

These agreements would have to address issues relating to the control of illicit drugs—including production, distribution, interdiction, demand reduction, border security, and cooperation among law enforcement agencies.

This alternative will give both countries a way to work together for real goals with real results. Make no mistake, this will not give Mexico or any other country a free pass on fighting illicit drugs. On the contrary, our bill encourages the adoption of tough bilateral agreements. It specifically spells out issues that must be addressed in the agreements.

We specifically require the adoption of “timetables and objective and measurable standards.” And, we require semi-annual reports assessing the progress of both countries under the bilateral agreement. If progress is not made, the country returns to the annual certification process, which involves the possibility of sanctions.

It is sure sign of the importance of this issue that we now have several bills to get us out of the drug certification quagmire. It is particularly important to those of us from border states, which are hit so hard by the traffic in illegal drugs.

Thank you Mr. Chairman.

Senator CHAFEE. Thank you, Senator Boxer.

Senator Nelson.

Senator NELSON. Mr. Chairman, I thank you. I have recently visited Colombia with the Armed Services Committee and I was struck by several things and I learned a lot. The first thing I was struck with was not not only are we fighting the narcotraffickers, but the United States interests are clearly entwined with trying to keep an elected democracy viable and not taken over by the drug lords.

So that the United States clearly had in its interest in a country like Colombia not only fighting the drug traffick, but also helping the government remain viable as an elected democracy.

The other impression that I came away with, having gone into two air strips that were carved out of the jungle in southern Colombia, was that we are starting to be effective in our spraying of Roundup, in my judgment not enough, yet they have pulled out of a place called Putumayo, which is the major production of coca. But even if we are effective there, it is going to pop up someplace else, if not in Colombia maybe across the border in Ecuador or down in Brazil or wherever.

So as we approach this—and I know the subject of this hearing is the certification process, but I think we have got to constantly remind ourselves that we have got to do something about the demand side of the equation, about trying to help our children be educated as to the dangers of taking drugs, and then when they do get hooked trying to help them through treatment and rehabilitation.

So one of the reasons I am so happy to be on this committee is for this very subject. I find commonality on this subject with the Armed Services Committee, on which I serve also. So I am looking very much forward to this very distinguished panel: my old friend Congressman Gilman that I had the privilege of serving with; and of course I was back in the House in the days when Senator Grassley was even back there. So I am delighted to be here and hear your testimony.

Thank you, Mr. Chairman.

Senator DODD. I should point out, by the way, that both Senator Chafee and I preceded Senator Nelson by about a week, along with Senator McCain and Senator Fred Thompson and Senator Hagel, who made the same, I think followed the same trip to Colombia

and Ecuador and down to Trace Ischenis and into the Lanandrea military base and the Monta facility in Ecuador. I think we found it very worthwhile as well, and I am sure we will bring that up here today, and some of the points Senator Nelson raised are very legitimate.

Thank you, Mr. Chairman.

Senator CHAFEE. Thank you, Senator Dodd. Thank you, Senator Nelson.

Senator Grassley, welcome.

**STATEMENT OF HON. CHARLES E. GRASSLEY, U.S. SENATOR
FROM IOWA**

Senator GRASSLEY. Thank you very much. Glad to be with you. Do you want me to start, then?

Senator CHAFEE. Yes, please. Lead off.

Senator GRASSLEY. Thank you, Senator Chafee. Thank you, Senator Dodd and all of our colleagues, including those who are here to testify.

Today is that annual date that the President must submit his findings on the counterdrug cooperation efforts. That process obviously is somewhat controversial or we would not be here today for this hearing or with the different ideas to change it.

Before discussing my bill, S. 376, I want to say a few things about the controversy surrounding the certification process. I begin by quoting the basic law of the mid-1980's, chapter 8, Foreign Assistance Act: "International narcotics trafficking poses an unparalleled transnational threat to today's world and its suppression is among the most important foreign policy objectives of the United States.

"Under the Single Convention on Narcotic Drugs, 1961, and under the United Nations Convention Against Illicit Trafficking in Narcotics and Psychotropic Substances, parties are required to criminalize certain drug-related activities." Then continuing to quote: "International narcotics control programs should include as a priority goal the suppression of illicit manufacture of and trafficking in narcotics drugs, money-laundering, and precursor chemical diversion." The international community should provide assistance, where appropriate, to those producers and transit countries which require assistance because, quoting again, "effective international cooperation is necessary to control the illicit cultivation, production, and smuggling, trafficking in, and abuse of narcotic drugs."

The law empowers the President to conclude international agreements to implement these objectives. It then requires a method of accountability, and that is what this process is about. What the law says in summary is that we acknowledge that international production and trafficking are bad, that the United States and other countries have obligations under their own laws and under international laws to stop production, trafficking, and use, and that it is reasonable and responsible to expect these countries and others to be accountable for those efforts, even if they do not want to be and do not like it.

There seems to be, however, some dissatisfaction with these expectations. We hear charges of unfairness, of unilateral decision-

making, of living in a glass house. While I understand that some are unhappy, I do not think it is time to throw the baby out with the bath water. I do not believe that the circumstances that led Congress some 14 years ago to establish this standard have substantially changed. If anything, production and trafficking are worse. The criminal organizations engaged in these activities have grown more powerful and bolder.

Our obligations to protect and defend the people across the country is no less real or demanding. The need for tough responses and tough-mindedness about those responses remains a call upon our best efforts.

I do not believe that the need for accountability is any less today than it has ever been. The United States, with others if possible, without if necessary, must be a leader in ensuring that we and others are taking adequate steps to meet our obligations. This is not some philosophical discussion. It involves what we propose to do about something very basic that is happening across the land. Drug availability and use are causing direct and real harm today, right now, in our homes, schoolyards, neighborhoods, in our hospitals and on our streets.

Most of the drugs that do this harm are from overseas. They are produced and trafficked by major criminal gangs. In some cases those activities are aided and abetted by foreign governments or corrupt officials with them. This is not something that we can or should ignore, overlook, or make excuses for. We do not do this in respect to our battle against terrorism and the state support of state terrorists, and we should expect no less when it comes to drugs.

I repeat the words from the law. This is one of our most important political, foreign policy objectives.

That being said, I do believe that we can make some changes in the current certification process. The changes I propose will retain the important accountability aspects while retooling efforts to be more effective. Our goal should not be to spend time debating the certification process. We need to spend our time in doing something about the problem it is meant to address.

I also believe, in part a result of certification, that other countries now take the need to deal with drug trafficking more seriously. It is important to take that fact into account. That is why Senator DeWine and I offer S. 376. A quite simple approach. It replaces the current three-tiered certification decisionmaking process with a single determination. My proposal requires a decertification notice only. There is no more "major list." The focus is on the international bad actors.

This parallels what we do with state support of terrorism. By doing this, we focus attention then on the bad guys. We keep the important accountability aspect of our law. We keep the useful reporting process. We keep the leverage with bad actors that is one of the most useful features of the law.

But the change gives us a chance to reduce the tension with some of our friends and allies over the process. It gives us some Zantac for the foreign policy heartburn that we seem to have had with many administrations; and it gives us a 3-year trial period to see how it works.

I believe these changes offer us a good chance to retain the usefulness of certification, and so I would thank the committee for their kind attention to my proposal.

[The prepared statement of Senator Grassley follows:]

PREPARED STATEMENT OF SENATOR CHUCK GRASSLEY

Mr. Chairman, I want to thank the committee for holding this important hearing. Today is the first of March, the annual date for the President to submit his findings on international counter drug cooperation. This certification process lately has become somewhat controversial. Today's hearing, as I understand it, is to examine this process and several bills to change it now before the committee.

Before I discuss my bill, S. 376, and the changes it proposes, I want to say a few things about the certification process and the controversy that now accompanies it.

Let me begin by quoting briefly from the original law that created the certification process back in the mid 1980s. Chapter 8 of the Foreign Assistance Act reads, in part, as follows:

International narcotics trafficking poses an unparalleled transnational threat in today's world, and its suppression is among the most important foreign policy objectives of the United States.

Under the Single Convention on Narcotic Drugs, 1953, and under the United Nations Convention against Illicit Trafficking in Narcotic and Psychotropic Substances, parties are required to criminalize certain drug-related activities. . . .

And following from this:

International narcotics control programs should include, as priority goals, the suppression of illicit manufacture of and trafficking in narcotic . . . drugs, money laundering, and precursor chemical diversion. . . .

The international community should provide assistance, where appropriate, to those producer and transit countries which require assistance

Because . . .

Effective international cooperation is necessary to control the illicit cultivation, production and smuggling of, trafficking in, and abuse of narcotic . . . drugs.

The law empowers the President to conclude international agreements to implement these objectives. It then requires a method for accountability.

What the law says, in summary, is that we acknowledge that international production and trafficking are bad. That the U.S. and other countries have obligations under their own laws and under international law to stop production, trafficking, and use. And that it is reasonable and responsible to expect this country and others to be accountable for those efforts. Even if they don't want to be and don't like it.

There seems to be, however, some dissatisfaction with these expectations. We here charges of unfairness. Of unilateral decision making. Of living in glass houses. While I understand that some are unhappy, I do not think it is time to throw the baby out with the bath water.

I do not believe that the circumstances that led Congress some 14 years ago to establish this standard have substantially changed. If anything production and trafficking are worse. The criminal organizations engaged in these activities have grown more powerful and bolder. Our obligations to protect and defend the people across this country is no less real and demanding. The need for tough responses and toughmindedness about those responses remain a call upon our best efforts.

I do not believe that the need for accountability is any less today that it has ever been. I am also of the opinion that the U.S.—with others if possible, without if necessary—must be a leader in ensuring that we and others are taking adequate steps to meet our obligations.

This is not some esoteric discussion about airy philosophical ideas. It involves what we propose to do about something very basic that is happening across this land. Drug availability and use are causing direct and real harm today.

In our homes, schoolyards, and neighborhoods. In our hospitals and on our streets. Most of the drugs that do this harm come from overseas. They are produced and trafficked by major criminal gangs. In some cases, those activities are aided and abetted by foreign governments or corrupt officials in them.

This is not something we can or should ignore, overlook, or make excuses for. We do not do this in respect to terrorism and state support for it, and we should expect

no less when it comes to drugs. I repeat the words from the law, this is one of our most important foreign policy concerns.

That being said, I do believe that we can make some changes to the current certification regime. The changes I propose will retain the important accountability aspects while retooling certification to be more effective. Our goal should not be to spend time debating the certification process. We need to spend our time in doing something about the problem it is meant to address.

I also believe, in part a result of certification, that other countries now take the need to deal with drug trafficking more seriously. It is important to take that fact into account.

That is why I offered S. 376 along with Senator DeWine. What it does is quite simple. It replaces the current three-tiered certification decision making process with one determination. My proposal requires a decertification notice only. There is no more "Majors List." The focus is on international bad actors. This parallels what we do with states that support terrorism. By doing this, we focus attention on the bad guys. We keep the important accountability aspects of the law. We keep the useful reporting process. We keep the leverage with bad actors that is one of the most useful features of the law. But the change gives us a chance to reduce the tensions with some of our friends and allies over the process. It gives us some Zantac for the policy heartburn we seem to have had with Administrations. And it gives us a three-year trial period to see if it works.

I believe these changes offer us the best chance to keep certification and retain its usefulness. I want to thank the committee for its time and attention.

Senator CHAFEE. I would like to thank the distinguished Senator from Iowa and welcome the distinguished Senator from Texas.

**STATEMENT OF HON. KAY BAILEY HUTCHISON, U.S. SENATOR
FROM TEXAS**

Senator HUTCHISON. Thank you, Senator Chafee, Mr. Chairman.

Let me say that I think it is very encouraging that so many members are now really involved and interested in this issue. Many of us have worked for several years to try to come up with an alternative process that would promote mutual cooperation and respect and result, rather than this certification process which has not really done the job that we wanted it to do.

The certification process has the alternative of giving an A for cooperation, an F for noncooperation, or an F with a waiver like a social promotion. That is not really a good—at least it has not been a process that has produced the results of significantly lowering the drug trafficking and the number of illegal drugs that are coming into our country.

So I would ask the committee to move forward and keep all of the people in mind who have bills introduced. We now have four. The legislation that I offer this year has Senators Feinstein, Domenici, Kyl, Sessions, Graham and Bingaman. Senator Boxer and Senator Gramm, Senator Dodd and his group, and Senator Grassley all have very good nuggets. If we can work together, this would be enough that we could actually make a difference.

I think we are seeing a new day in Mexico. President Fox has taken significant steps to eliminate corruption. He fired or transferred 45 of 47 customs inspectors along the U.S.-Mexico border. In the first month of this year, 150 tractor-trailer trucks containing contraband were stopped by Mexican customs officials. That is in 1 month. Last year for the entire year, only 38 tractor-trailers were stopped for contraband.

So I think President Fox is certainly showing that there is a new day in Mexico and I think that we should take this opportunity

with our partner to see if we can do something that would promote mutual cooperation.

One of the things that I would suggest is a multilateral approach, where we develop through our multilateral institutions—the Organizations of American States, other treaty organizations—systems which insist on accountability and cooperation to win the war on drugs. A nation that fails to meet acceptable international standards should be subject, not to sanctions just from the United States, but from the international community.

These sanctions and the mechanism should be harsh and swift. All nations must know that failure to work cooperatively in the drug war has consequences.

So, Mr. Chairman, I would just hope that you would take my legislation, the other three pieces of legislation. Let us all have a part in the discussion, and I hope you will mark up a bill, go to the full Foreign Relations Committee, and let us stop certification before we have the same situation next year and let us show President Fox and the others that are grappling with this problem that there is a different approach, we want it to be cooperative, but we want it to have results. I think that is all of our goal.

Thank you very much.

Senator CHAFEE. Thank you, Senator, and we will try and work together as we go forward on this.

The distinguished Congressman from New York, welcome.

**STATEMENT OF HON. BENJAMIN A. GILMAN, MEMBER, U.S.
HOUSE OF REPRESENTATIVES FROM NEW YORK**

Mr. GILMAN. Thank you, Senator Chafee.

I want to thank our panelists who are here today, the committee members, and we welcome this opportunity of sharing some thoughts with you on the annual drug certification process. I am pleased to join our panelists, Senator Kay Bailey Hutchison, Senator Grassley, and Congressman Reyes, who are here sharing their views.

I am here to participate because I am a Member of Congress who strongly supports the current law on the certification, among many other Members of Congress. Our annual drug certification is a simple process, straightforward, but often misunderstood. It simply requires that 30 or so major drug producing and major transit nations like Mexico, before they receive any direct United States aid and-or support for their multilateral loans, must demonstrate that they are fully cooperating with us in fighting drugs, which have been destroying our communities and particularly our young people here at home.

Historically, I note that this annual drug certification approach has been overwhelmingly supported by American taxpayers. The U.S. Conference of Mayors under Mayor Daly of Chicago, who at the local level can do nothing about the international trade that targets our communities, has strongly supported this process in the recent past.

Our Federal Government has the lead responsibility in stopping drugs coming from abroad. The local mayors have wisely seen the annual drug certification as a key and a powerful tool for the Fed-

eral Government in its primary role in helping to protect their communities and citizens from those drugs which originate overseas.

Surprisingly, a Wall Street Journal poll reported not too long ago that 65 percent of the Latin American people also favor U.S.-imposed sanctions on countries which do not do enough to combat illicit drug production and trafficking. Our Hispanic neighbors know that the United States must undertake serious steps to address these serious problems of illicit drugs.

Many of us in the Congress who were around when drug certification was developed by the Democratic Congress for a Republican President in 1986 continue to believe that it is not too much to ask for any nation's full cooperation in fighting drugs before we provide American taxpayer assistance to that nation. Along with the majority of American taxpayers, I think many of us see eye to eye on that issue.

For years here in the Congress before 1986 we all heard good words and lofty promises from many of the foreign governments about their promised cooperation on the supply side in their interdiction efforts, but all we got at that time were words until drug certification came along. Only then did the major producing and transit nations know that our Nation was serious and we were prepared to withhold our aid if need be.

As Senator Nelson has noted, there is no question that our Nation needs to do a great deal more in solving the demand problem. We welcome that challenge and we are spending billions of dollars on demand reduction here at home and doing our share on that front.

Drug certification has been a valuable tool in our supply side arsenal, an equal part of the battle against drugs. As we all know who have been in the battle for far too long, we must simultaneously reduce both supply and demand and do it at the same time. It helps to keep drugs out of our Nation in the first place by reducing supply.

Moreover, as we address demand here at home, we must not ignore the impact that an unlimited supply of cheap, pure and addictive drugs from abroad has had in creating new, as well as sustaining, demand at home. That is precisely what drug certification is intended to address. For example, on the supply side Colombian-led drug dealers who were providing free samples of their heroin to our young people here at home in the early nineties helped initiate the current Colombian heroin crisis in the Eastern United States, according to our own DEA experts.

Today Colombia is cooperating in eliminating the opium in the Andes before it ever arrives on our shorelines. Bolivia, Peru, the Dominican Republic, and Thailand are also cooperating and making substantial progress at eliminating illicit drugs from their nations which previously targeted our Nation.

We receive that cooperation, not just due to drug certification, but as part of it. They began doing more and more to cooperate with us in our common struggle when they recognized that we were serious in our efforts. Accordingly, I am urging our Congress, urging this Senate committee, not to unilaterally disarm ourselves by doing away with our annual drug certification process.

This vehicle, which was once described by the Clinton administration's Assistant Secretary of State for International Narcotics Control, Randy Beers, who is here with us today, and I quote him as saying: "It is a policy tool which is controversial, not because it has failed, but because it is working." That was Randy Beers' statement. Other Clinton administration drug-fighting officials have said the same thing and I certainly fully agree with them.

Whether the proposal we are considering, whether those proposals that we are considering today are to do away with our own certification process and replace it with an OAS multilateral evaluation system or suspension of the certification process for a number of years, or other proposed reforms as some in the Senate have proposed, I urge our respective bodies to stay the course, make no change in current law. As Senator Grassley has noted today, let us not throw out the baby with the bath water.

The OAS system has no teeth, no sanctions, and its ratings are often the lowest common denominator of the performance of each nation's individual efforts in fighting drugs.

The utilization of our annual drug certification tool geared to U.S. aid should not be abandoned because it makes some of our nearby neighbors and foreign allies uncomfortable or embarrassed. The American taxpayer and the people of Latin America know better, as was underscored at our recent international conference on drugs in Bolivia just last week, which I had the opportunity of attending. International cooperation in fighting drugs is essential for all of us to succeed, and I think all of our constituents recognize that.

Let me just note that when we were attending an Atlantic conference that was organized by former President Carter not too long ago the President of Bolivia sat alongside me at that meeting and he whispered over to me that without the threat of decertification his government would never have enacted the laws of asset seizure, money-laundering that they truly needed to fight drugs. Today, as we all know, Bolivia is about to become free of illicit coca and remove the stigma of association with the cocaine business for that country.

I urge our colleagues, the United States must lead in the international fight against illicit drugs that clearly threatens not only our national security, but the national security of too many other nations. Drug certification has provided us with an extremely powerful tool in that struggle. We must be prepared to tell it like it is about what other nations are doing or not doing to help in our national fight to reduce supply in this serious threat from illicit drugs from abroad.

It is essential that we protect our young people and our communities by using and leveraging our foreign assistance wisely and effectively, and let us make use of every available tool in doing that.

Thank you, Mr. Chairman.

[The prepared statement of Representative Gilman follows:]

PREPARED STATEMENT OF REPRESENTATIVE BENJAMIN GILMAN (R-NY)

Thank you, Senator Helms. I welcome this opportunity for sharing our thoughts on our annual drug certification process. I am pleased to have been invited to participate in this hearing as one of those of us in the United States Congress who strongly and unabashedly supports the current law on certification.

Our annual drug certification is a simple and straightforward process, but much misunderstood. It simply requires that those 30 or so “major” drug producing and “major” transit nations like Mexico, before they receive direct U.S. aid and/or our support for their multilateral loans, must demonstrate that they are fully cooperating with us in the fighting drugs which are destroying our communities and our young people here at home.

Historically, I note this annual drug certification approach has been overwhelmingly supported by our American taxpayers. The U.S. Conference of Mayors under Mayor Daley of Chicago, who at the local level can do nothing about the international trade that targets their communities, has strongly supported this process in the recent past.

The federal government has the lead responsibility in stopping drugs coming from abroad. Our local mayors have wisely seen the annual drug certification as a key and powerful tool for the federal government in its primary role in helping to protect their communities and citizens from those drugs which originate overseas.

Surprisingly, as a Wall Street Journal poll showed not too long ago, 65 percent of the Latin American people also favor U.S. imposed sanctions on countries which do not do enough to combat illicit drug production or trafficking. Our Hispanic neighbors know the U.S. must undertake serious steps to address such a serious problem as illicit drugs.

Many of us in the Congress who were around when drug certification was developed by a Democratic Congress for a Republican President in 1986, continue to believe that it's not too much to ask for any nation's full cooperation in fighting drugs before we provide American taxpayer assistance to that nation. Along with the American taxpayers, we see eye to eye on this front.

For years here in the Congress, before 1986, we all heard good words and lofty promises from foreign governments about their promised cooperation with us on the supply side and interdiction efforts. But all we got were words until drug certification came along. Only then did these major producing and transit nations know that we were serious and were prepared to withhold our aid, if need be.

The United States needs to do even more in solving its demand problem, and we welcome that challenge. We are spending billions on demand reduction here at home, and doing our share on that front. Drug certification is a valuable tool in our supply side arsenal—an equal part of the battle against drugs. It helps to keep drugs out of our nation in the first place.

Moreover, as we address demand here at home, we must not ignore the impact that an unlimited supply of cheap, pure, and addictive drugs from abroad has in helping to create new, as well as sustaining, demand at home. That is what drug certification is intended to address.

For example, on the supply side Colombian-led drug dealers who were providing free samples of their heroin to our young people here at home in the early 1990's, helped initiate the current Colombia heroin crisis in the Eastern United States, according to our own DEA experts.

Today, Colombia is cooperative in eliminating the opium in the Andes before it ever gets here. Bolivia, Peru, Dominican Republic and Thailand are also cooperating and making great progress in eliminating illicit drugs from their nations which targeted our country. We received this cooperation not just because of drug certification, but as a part of it. They began doing more and more to cooperate with us in our common struggle, when they recognized that we were serious.

Accordingly, I urge the Congress not to unilaterally disarm ourselves by doing away with our annual drug certification process. This vehicle was once described by the Clinton Administration's Assistant Secretary of State for International Narcotics Control, Rand Beers, as “a policy tool which is controversial, not because it has failed, but because it is working.” Other Clinton Administration drug fighting officials have said the same thing. I fully agree with them.

Whether the proposal is to do away with our own certification process and replace it with an OAS multilateral evaluation system or suspension of the certification process for a number of years, or other reforms, as some in the Senate have proposed, I urge our respective bodies to stay the course and make no change in current law. The OAS system has no teeth, no sanctions, and its ratings are often the lowest common denominator of the performance of each nation's individual efforts in fighting drugs.

The use of our own annual drug certification tool, geared to U.S. aid, should not be abandoned because it makes some of our nearby neighbors and foreign allies uncomfortable or embarrassed. The American taxpayer and the people of Latin America know better. International cooperation in fighting drugs is essential for all of us to succeed, and our constituents recognize that.

The United States must lead in the international fight against illicit drugs that clearly threatens our national security. Drug certification has provided us a powerful tool in that struggle.

We must be prepared to “tell it like it is,” about what other nations are doing or not doing to help our country’s fight in this serious threat from illicit drugs from abroad. It is essential that we protect our young people and our communities by using and leveraging our foreign assistance wisely and effectively.

Senator CHAFEE. Thank you, Congressman Gilman.
The distinguished Congressman from Texas, welcome.

STATEMENT OF HON. SILVESTRE REYES, MEMBER, U.S. HOUSE OF REPRESENTATIVES FROM TEXAS

Mr. REYES. Thank you very much, Mr. Chairman. I want to thank you and Senator Dodd, as well as members of the committee, for inviting me to be here this morning. I am honored to be sitting here with three of my distinguished colleagues: Senator Kay Bailey Hutchison, Senator Chuck Grassley, and Congressman Ben Gilman. I welcome the opportunity to be here and testify on the annual drug certification process, which I believe has outlived its usefulness and should be eliminated or dramatically changed.

I speak from a unique perspective, one which I believe no other Member of Congress has. I am not a career politician. I am not an academic who has analyzed data, nor have I consulted with scholars or think tanks. I was born, raised, and worked, and today continue to live on our Nation’s border with Mexico. I have firsthand knowledge and experience of our Nation’s war on drugs, because I spent more than 26½ years of my life on the front line of that war as a Border Patrol agent enforcing our Nation’s immigration and narcotics laws. For 12 of those 26½ years, I was the Border Patrol Sector Chief in McAllen, Texas, and El Paso, Texas.

Mr. Chairman and members of the committee, the most important lesson that I learned while working on the border is that to be successful in our fight against drug trafficking we must help Mexico reform its police apparatus as well as its legal and judicial systems. If the United States and Mexico are to stop drug smuggling, we must cooperate and work in an environment of mutual understanding.

Because about 60 percent of the cocaine on the streets of the United States passes through Mexico, its cooperation is vital to any counterdrug effort that we impose. Merely criticizing Mexico achieves nothing. The U.S. consumes more than \$5 billion a year in illegal drugs. We should own up to our responsibility and stop trying to blame others.

Indeed, a recent survey found that 46 percent of Americans believe that Americans are indeed responsible for the problem of illegal drugs in the United States. However, interestingly enough, 50 percent of those same Americans believe that the certification process should be made tougher. They believe that we as a country are responsible for creating the demand, but we need to punish foreign nations for our problem.

We should not continue to use the certification process as a forum to vent frustrations that we as a Nation feel about the devastating impact of drugs on our communities and neighborhoods. The Mexican Government every year bristles at the annual certification process, viewing it as an affront to their nation and an in-

fringement on their sovereignty. The former Mexican Ambassador to the United States, Jesus Reyes-Heróles, refers to this certification process as “the most stressful period each year in the relationship between our two great nations.”

This stress does not in my view enhance the cooperation essential to defeat this mutual scourge. We must continue to build upon the kind of process we have seen in the last few years. The United States policy of judging the drug-fighting efforts of other countries is counterproductive and must be changed if we are to have any real impact on the international drug trafficking scenario.

We must develop a process in which we engage our partners through cooperation rather than confrontation. Today I am going to introduce legislation modeled after Senator Dodd’s bill, which suspends the certification process for 2 years. The legislation states that “It is the sense of Congress that the President should convene a conference of the heads of state of major illicit drug producing countries, major drug transit countries, and major money-laundering countries to present and review drug reduction and prevention strategies for each of those countries.”

My legislation will ask the President to come up with an alternative to the annual certification process by November 1, 2002.

Mr. Chairman, today I am encouraged at the direction which this debate is heading. It is quite a contrast from the ugliness associated with this debate 4 years ago, when legislation was introduced to actually decertify Mexico. President Bush has indicated that he will review the certification process and congressional leaders like my good friend Senator Hutchison and Congressman Jim Kolbe have introduced bills to suspend or waive the process.

Last week I and eleven Members of the Congressional Hispanic Caucus met with President Fox and members of his administration in Mexico City. Among the many issues we discussed was the issue of certification. I believe there is a real commitment from President Fox and his administration to the fight against drug trafficking. Moreover, President Fox fully understands the dangers involved in this partnership and simply expects from us a commitment to that partnership.

Finally, Mr. Chairman, I look forward to working with all of you to come up with an alternative that is productive rather than confrontational, because I believe that the President and Congress can come up with a workable solution.

I want to thank you again for giving me this opportunity to testify this morning and I would be pleased to answer any of your questions. Thank you.

[The prepared statement of Representative Reyes follows:]

PREPARED STATEMENT OF REPRESENTATIVE SILVESTRE REYES (D-TX)

Thank you Chairman Chafee and Senator Dodd for inviting me to be here this morning. I am honored to be sitting here with three of my distinguished colleagues, Senator Kay Bailey Hutchison, Senator Chuck Grassley, and Congressman Ben Gilman. I welcome the opportunity to be here and testify on the annual drug certification process, which I believe has outlived its usefulness and should be eliminated.

I speak from a unique perspective, one which no other Member of Congress has. I am not a career politician. I am not an academic who has analyzed data, nor have I consulted with scholars or think tanks. I live on our nation’s border with Mexico. I have first-hand knowledge and experience of our nation’s “war on drugs.” I spent more than 26 years of my life on the front line of that “war” as a Border Patrol

agent, enforcing our nation's immigration and narcotics laws. For 12 of those 26 years, I was the Border Patrol Sector Chief in McAllen, Texas and El Paso, Texas.

The most important lesson I learned while working on the border is that to be successful in our fight against drug trafficking, we must help Mexico reform its police apparatus as well as its legal and judicial systems. If the U.S. and Mexico are to stop drug smuggling, we must cooperate and work in an environment of mutual understanding. Because about 60% of the cocaine on the streets of the United States passes through Mexico, its cooperation is vital to any counterdrug effort. Merely criticizing Mexico achieves nothing.

The U.S. consumes more than \$5 billion a year in illegal drugs. We should own up to our responsibility and stop trying to blame others. Indeed, a recent survey found that 46 percent of Americans believe that Americans are responsible for the problem of illegal drugs in the U.S. Interestingly enough, 50 percent of those same Americans believe that certification should be made tougher. They believe that we as a country are responsible for creating the demand but we need to punish foreign nations for our problem. We should not continue to use the certification process as a forum to vent the frustrations we as a nation feel about the devastating impact of drugs on our communities.

The Mexican government bristles at the annual certification process, viewing it as an affront to their nation and an infringement on their sovereignty. The former Mexican Ambassador to the United States, Jesus Reyes-Heroles, refers to the certification process as "the most stressful period each year in the relationship between the two nations." This stress does not, in my view, enhance the cooperation essential to defeat this mutual scourge.

We must continue to build upon the kind of progress we have seen in the past few years. The United States policy of judging the drug-fighting efforts of other countries is counterproductive and must be changed if we are to have any real impact on international drug trafficking. We must develop a process in which we engage our partners through cooperation rather than confrontation.

Today, I am going to introduce legislation modeled after Senator Dodd's bill, which suspends the certification process for two years. The legislation states that it is the sense of Congress that the President should convene a conference of the heads of state of major illicit drug producing countries, major drug transit countries, and major money laundering countries to present and review drug reduction and prevention strategies for each country. My legislation will also ask the President to come up with an alternative to the annual drug certification process by November 1, 2002.

I am encouraged at the direction this debate is heading. It is quite a contrast from the ugliness associated with this debate four years ago, when legislation was introduced to decertify Mexico. President Bush has indicated that he will review the certification process, and Republican leaders, like Senator Hutchison and Congressman Jim Kolbe, have introduced bills to suspend or waive the process.

I look forward to working with all of you to come up with an alternative that is productive rather than confrontational. I believe that the President and the Congress can come up with a workable solution. Thank you again for asking me to testify this morning and I will be happy to answer any questions you may have.

Senator CHAFEE. Thank you, Congressman Reyes. You have got what they say in the Army, boots on the ground time.

Mr. REYES. Yes, I do.

Senator CHAFEE. Senator Biden.

Senator BIDEN. Mr. Chairman, I appreciate the time. I am going to ask unanimous consent my opening statement be placed in the record, if I may, and summarize it very, very briefly.

I, like Chairman Gilman, was here, as a matter of fact was a co-author of this legislation that we are talking about changing. I just want to set the record straight on a few things. No. 1, at the time we introduced the legislation we got zero cooperation from any head of state. The Mexican head of state would not even talk to us. The Colombian head of state would not talk to us. No one would discuss this issue with us. It was considered our problem.

The truth is it is demand-driven. But I find it kind of fascinating. If you apply the logic of suggesting that because it is demand-driven we should not hold those who are supplying and those who ac-

commodate it as accountable, then we might as well decide that organized crime that is spawned in the United States of America, that is involved in the drug trafficking, should not be held responsible; it is a demand problem.

I do not find it a demand problem when in my State of Delaware Colombian heroin now which is 94, 95 percent pure, is given out for free by organizations that go through and are coordinated out of Colombia and out of Mexico and given free to high school kids. Now it is a demand problem.

This is a disease of the brain. Once in fact you get hooked on drugs, it is a disease of the brain. It is not something you are able to control. So when an organization comes along and concludes that they are going to give out free samples to kids who are below the age of being able to make judgments about whether or not they should go out on a date or not and then says, well, this is a demand problem, it is our problem, and we are not going to hold any other nation accountable, I think that is garbage. I think that is absolute garbage.

I would point out a second thing, that once we did this, once we did this, it has caused serious problems, but now we actually have cooperation. Mexico would not even talk to us in 1978, in 1981, in 1983, would not even talk to us about the corruption of their system and what was going on, would not even discuss it with us. I got all these lectures about how this is only our problem, it is a gringo problem, nobody else's.

Since this has been put into place, it has worked in fits and starts. I am prepared to change it, unlike the chairman. I am prepared to sign on to Senator Dodd's bill. But I do not like this revisionist history about how none of this made any sense at the time we did it in the context in which we did it. I strongly take issue with that.

The third point that I would make is that it is time to give these leaders a chance. Guess what, we now have someone in Mexico who is serious, not a corrupt leader, not a corrupt head of state, which we often dealt with the previous 20 years.

So this is a different world. Fox is serious, putting his life on the line, as is, I might add, Pastrana putting his life on the line. So now we have people who are serious about it, and I am willing for one to say: Now you are serious, you have been serious, now your elected leaders are taking real chances. Pastrana has taken more chances in Colombia, literally putting his life on the line to clean up everyone from the police department to their military and going after the paramilitary. He deserves a break, in my view. Fox deserves to have a breather here.

So I am prepared to lift this for 2 years because it is not working now. I admit it is now counterproductive. But I respectfully suggest, everybody go back and remember, remember what kind of responses we got from Mexico when you, Congressman Reyes, were on the line there, doing a job I would not take on a bet. God bless you. As my mother would say, no purgatory for you, straight to heaven, nothing in between.

So I do not want us to get into this thing where somehow this is merely, merely a consequence of an avaricious drug market here that is born by the lack of discipline on the part of the American

people and the unwillingness of the American Government to do anything about it, et cetera. This is an economy, a drug economy, that has in fact a relatively small group of people who are inclined to seek it, but has an incredibly sophisticated marketing apparatus.

We sit here and say we do not want the cigarette companies to put Joe Camel on a pack. Well, go look, as you well know better than I do, Congressman, look at the way they package everything from LSD these days all the way to heroin. They even have their own colors. This is packaging.

So to suggest that people do not do anything about those who are packaging and aiming at our kids is to me—and I am not saying you suggested that—to me absolutely makes no sense. If you apply that logic, criminal organizations here who are totally home-grown—by the way, more marijuana comes out of California than any other part of the world. That would be like saying, OK, here is what we do, those organizations distributing that, you know, let us not focus on them, let us focus on the kids what are using it and get them.

By the way, the last point I will make and I will stop: I have every single year since the drug czar legislation was written issued a lengthy report, and a study on drugs in America. Every single one of those years I have pushed for more and more support for dealing with the demand side.

It is true, the criticism I think is absolutely true, until recently we have as a Congress been unwilling to pay serious attention, and I say recently, the last 4 or 5 years, pay attention to the demand side. It is the place we should be expending a great deal more of our money. The reason I am prepared to spend less money on interdiction is because it does not work very well, not because it is immoral to attempt to do it, not because we are offending other nations not because of anything else, but because you do not get the biggest bang for the buck.

So again I will conclude by saying, I make no apologies for having coauthored this and written this in the first instance. I think it did have an effect. It has had an effect. It has had some negative effects, but by and large it has been much more positive than it has been negative. I respectfully suggest we would not be here unless we embarrassed other nations, as they view it, by focusing on this.

I remember meeting with the President of Colombia in 1978, I believe it was, and saying: You will change your mind when one thing happens, when you become drug addicted. You cannot be a grower and a transit place without your own country getting addicted. Guess what is happening in Mexico now. Guess what is happening in Mexico now. So now Mexico is a lot more focused than it was before, not only because it has a decent leader, not only because it has a leader who I think is committed to this, but also because, guess what, they have got themselves a demand problem, and it is growing.

So I am prepared to join Senator Dodd and the Congressman in his bill to call for that waiver, because the single most important part of this—and I will cease and desist; it would have been easier if I had read my statement. It would have been shorter, but, as you can tell, I feel kind of strongly about this. I have been doing this

for 20 years with as much energy as anybody who has ever worked in this place, and I am frustrated.

The thing that Senator Dodd is proposing and you are proposing, Congressman, is the key. That is the call for the nations involved in this to get together and try to come up with a genuinely serious approach, because I respectfully suggest Chairman Gilman is generally correct about the Organization of American States and what they have done so far. So I think this gives us a chance. We will find out who is serious. We will find out who is not. I think the two leaders in Colombia and in Mexico warrant this opportunity, and I am willing to sign onto it.

But I do not accept the notion that this was a bad idea at the outset.

[The prepared statement of Senator Biden follows:]

PREPARED STATEMENT OF SENATOR JOSEPH R. BIDEN, JR.

Mr. Chairman, 15 years ago, I joined several other colleagues in co-authoring the law to require the annual certification of counter-narcotics performance by foreign nations.

For my part, enactment of the law was necessary to send a wake-up call. It was necessary, in my view, to push the major drug producing and transiting countries to take our concerns about the drug issue seriously. It was also necessary to force Congress and the Executive Branch to review, on a systematic basis, the counter-drug performance of our allies and our adversaries.

I still believe it is reasonable for the United States to require aid recipients to cooperate on narcotics control. I still believe that there is a value to forcing the Executive Branch and Congress to review the state of international cooperation on an annual basis.

I still believe, finally, that certification is a useful—if imperfect—diplomatic tool. Even the State Department, which prefers to confront foreign nations privately rather than publicly, conceded in last year's international narcotics report that "though controversial, throughout the 14 years it has been in effect the certification process has proved to be a powerful policy instrument . . . [a]s uncomfortable as it may be for all concerned, it is a healthy process."

All that said, I have an open mind about alternative proposals. And I'm willing to take a time out, as Senator Dodd's bill would provide, as we search for those alternatives.

The Dodd bill does not get rid of certification entirely—it permits the President to keep the certification process for certain countries if he believes it is useful to do so. If the Dodd bill becomes law, the burden would still be on Senator Dodd to pass a bill for permanent repeal.

The main reason I am willing to suspend the process is that one major rationale for it—to prod major narcotics producing nations to take action—seems unnecessary at this time. The two most significant nations from which drug trafficking to this country occurs—Colombia and Mexico—have presidents who are clearly committed to working closely with us to address the drug problem.

Two other countries in the hemisphere which had been major producers of coca—Bolivia and Peru—have also made significant strides in reducing drug cultivation.

Suspension of certification does not mean that we are going to stop paying attention to the actions of foreign nations in combating narcotics cultivation and trafficking. Under the Dodd bill, the State Department will continue to issue its annual report on narcotics. Congress will continue to monitor the situation closely.

Also, the Organization of American States has begun work on a multilateral mechanism in which nations of this hemisphere will jointly assess each country's record. The process will be showcased for the first time at the Summit of the Americas in April.

Though it is too soon to assess the effectiveness of this mechanism, I believe it holds some promise in fostering greater cooperation among the nations of the region.

In closing, I welcome this debate. I commend Senator Dodd for starting it, and I thank you, Mr. Chairman, for convening this hearing today.

Senator BOXER. Mr. Chairman, I wonder if I could say something here, because California was mentioned.

Senator BIDEN. I did not mean—

Senator BOXER. No. California was mentioned, and I think it should be mentioned when I talk about this because it is our kids that are suffering probably more than anybody else because of where we are. But I want to make a point. I agree with my friend, if we did not do this certification and hold the threat of decertification we perhaps would have no progress whatsoever and, we were talking before, we have made a little.

The point is, I think the Dodd bill goes too far. The bill that Senator Gramm and I have keeps the certification system in place if a country will not sign a bilateral agreement with us and make measurable progress. So I think my colleague ought to take a look at that one, because I think it is a little tougher. We do not do away with certification, because I do agree. No one could have said it better than you did.

You know, it is like your kids. In my case, they are quite grown now, but when they were little they complained, complained, and complained about pointing out the error of their ways, but in the end it was a good thing. Here is the point about this. This is about equals, not kids. But we need to work together, because we have got the demand problem and they have got the supply problem and now, as Senator Biden points out, they are starting to get the demand problem.

We are equals. We have to work together. That is why we offer this bilateral agreement.

I just want to put a couple of facts on the record. Today three million drug users are in need of treatment now, but they cannot get it because they do not have money to pay for it and we do not have it. Some 2.1 million are receiving treatment. Now, there is nothing worse than someone finally deciding to kick a habit and going to the county health department or wherever they have to go and being told, come back in 3 months, you are on a waiting list. By then, God knows what could happen, what crimes could be committed.

Senator BIDEN. Ninety more crimes.

Senator BOXER. And they lose the desire to kick the habit or they may die. We do not know. So the fact of the matter is, as Senator Biden has said, we need to do more. That does not mean that you do not blame the people who are pushing the stuff. It all has to happen. We need a balanced plan. It is what Senator Nelson said before, Senator Biden, you arrived at the hearing. He made the point about looking at everything.

Congressional Research Service says that reduction of supply accounts for 66 percent of the Federal anti-drug control budget, 66 percent. So we really do not have a balance and we need to do more on all ends. But I am really glad we are having this hearing because there is a lot more than meets the eye to all of this. I think Senator Biden put this all into perspective. Certification has its problems, but it caught everybody's attention. We now have to make some changes in it, but let us not, in my opinion, throw the baby out with the bath water. I agree with the Honorable Ben Gilman on that point.

I hope we can come up with some compromise that keeps some vestiges of the certification and still takes a little from all of our bills on the rest.

Mr. GILMAN. Mr. Chairman.

Senator CHAFEE. Thank you, Senator Boxer.

Yes, Congressman Gilman.

Mr. GILMAN. I might just ask for a few more minutes. I have to return to a hearing we are conducting in our House International Relations Committee.

Senator CHAFEE. We appreciate your patience, yes.

Mr. GILMAN. I want to thank the gentlelady, Senator Boxer, for the comments she made. I want to commend Senator Biden for his outstanding service over the years in fighting the drug war and Senator Boxer for what she is doing in California.

We struggled to get the drug certification measure adopted. Senator Biden led that effort in 1986. It was a Democratic Congress and a Republican President, as I noted before.

Senator DODD. A Republican Senate, too, by the way.

Mr. GILMAN. Yes, a Republican Senate.

But it was a worthy effort because it accomplished a great deal. How well we remember how important it was then to make the countries who were not listening to us turn around and start working with us. I think that should be enough of a lesson to us, that countries who did not want to cooperate started cooperating because we withheld aid.

Why should we be paying taxes and giving tax money to countries that are not cooperating with this serious problem? I urge my colleagues, give that a great deal of consideration. For the 30 years that I have been involved in fighting the drug war, we find there are five essential elements, five battlefields, and we have got to reduce supply and demand simultaneously.

We do that by starting with the drug producing nations. They have to eradicate, they have to provide alternative crops. Then when it gets into the supply routes, we have to interdict and we have to provide intelligence to help in interdiction. Then when it reaches our shorelines, to make certain that our enforcement officials have the wherewithal to do the job to put the drug traffickers behind bars. Then on the demand side, educate our young people by all means to prevent the utilization of narcotics, teach them how deadly these illicit drugs are, that they are not recreational, and then to treat and rehabilitate.

Eradicate, interdict, enforce, and then reduce demand by education, prevention, and treat and rehabilitate. This certification tool is an important tool in all of that, because we are telling the drug producing nations, we are asking them: Cooperate with us, but if you do not cooperate then we are not going to give you any Federal assistance. Is that too much to ask? I think that is something that all of our taxpayers would like to see us do.

I thank you for this opportunity, and I want to thank our colleagues on the committee for focusing attention on this very important issue. Thank you, Mr. Chairman.

Senator CHAFEE. Thank you, Congressman.

Mr. REYES. Mr. Chairman, if I could make a couple comments. Senator, did you have something?

Senator HUTCHISON. Do you all have votes going?

Mr. REYES. I have got a vote, and I just wanted to make a couple of comments particularly about Senator Biden's comments. The first one is I think it is a mistake if we do not look at the issue of drug trafficking and the drug problem and fighting it on three different levels. We have got to fight it on the interdiction level, the education level, and the treatment level.

Any one of those components that you slight, you are slipping away from a balanced approach to fighting it. As the Senator was talking there about his frustration and perhaps a frustration shared by others here this morning in terms of what brought about the certification process and the fact that he referred repeatedly to Mexico would not talk, I was thinking about the many times that I as a chief received cooperation at the local operational level from many fine and outstanding Mexican colleagues that were on the front line of fighting drugs, that were making those kinds of sacrifices.

The sacrifices that I am talking about are, purely stated, getting killed, getting killed because they would not succumb to corruption, because they would not look the other way. You know, one of the things that I think we should keep in perspective is the terrible price that Mexico has paid as a country while engaging in this fight with us against drug trafficking. You know, we have seen a man of the church gunned down in Guadalajara. We have seen repeatedly prosecutors that are either killed outright or disappear. We have seen police officials that get killed, their families intimidated, families get killed.

I am speaking from my own personal experience from being on the border and fighting. So I think it is useful to have a process that puts us all in the mix, because just to simply point fingers and just to simply manifest our frustration directed at a single country or a single portion of the problem does us no good. I think we have to have a balanced approach. I think we have to have the wisdom to know that we are all in this together.

The certification process was well intended and has brought about a lot of the benefits that people have spoken about. But it is time to modify it. It is time to use it for something other than just a bully pulpit to just bash a segment or a country or a frustration that we feel. That is what I am saying.

I think the true wisdom in this is to understand that we are in it together, to understand that in order for it to continue to be successful we have to modify it. Third and I think most important of all is to understand that we must be flexible from a public policy. I was saying—I do not know if you were in here, Senator, when I said it—but you know, there are two arenas that we need to understand we are engaged in. There is a political arena, which is the one that produced the frustration that you articulated so well a few minutes ago; and then there is the operational arena. That operational arena is where I think we sometimes lose sight of not just the commitment individually that Mexican law enforcement and prosecutors and others make to the effort, but that also we have to be mindful that we need to continue to fund and support.

So again I appreciate that opportunity. I think the perspective that I bring is one of 26½ years of being there. So I will be glad

to discuss any of these experiences with you in the hopes that we can have a public policy that works for all of us. That is the most important thing, because today we are frustrated because of the scourge of drugs and the impact that they are having on all our neighborhoods, Mexico included and Latin America included as well.

So thank you again for the opportunity.

Senator CHAFEE. Thank you.

Congressman, Senator, anything to add? Are you preparing to leave?.

Senator HUTCHISON. Yes, unless there were any questions I was going to leave.

Senator DODD. No, just to say, I mentioned earlier before you came in, Kay, that Senator Hutchison and I have worked together closely on this issue for the last few years, and she cares about it very, very much and brings, obviously, a tremendous experience with a border state like Texas, not unlike Congressman Reyes, who deals with this issue in a very direct way all the time.

I am hopeful in the next few weeks here we will be able to develop a piece of legislation that everyone can feel very comfortable with. I do not want to take up the time. We have got other witnesses to come and the Senator has to move on. Obviously, one of the problems is in a sense that today is March 1, is the certification day, so we will have to slip, I guess, on the proposal you have made because of the 1-year. We are already into the year, so we would have to modify, I guess, the dates on that, which you may want to comment on.

Second, just to make note of the fact that I am for the suspension. Obviously, we keep in place—I do not want to get into a debate here, but we keep in place the President's right to decertify, in a sense to make notice of where we are getting cooperation and where we are not. So it does not eliminate the entire process. It merely eliminates the congressional process for 2 years. We can still have the President, President Bush, make determinations about the cooperation we are receiving with any number of nations that are involved in the business of narcotrafficking.

My concern would be now, and this would be the challenge, that this 2-year suspension is designed to generate some real effort. We can do so much up here, but the administration has really got to take this up now. If it is merely just buying some time so we do not have an embarrassing foreign policy debate for 2 years and then ask for an extension for another year and one after that, this will have been nothing more than just an interim period and we will be right back where we were before.

So I know your close ties and I know some of them are here in the audience, so, taking advantage of your presence, and maybe you would like to comment on that, whether it is the 1-year that you have recommended or the 2 years that we have recommended. I suspect we both agree that that period of time, whatever it is, better be used very effectively if we are going to come up with an alternative that means something.

Senator HUTCHISON. I agree with you. I would be very disappointed if we do not have something in concrete that is different and workable at this time next year. So I believe that your 2 years

was not meant to be a full 2-year moratorium, but rather to give us the time to do something that would be workable.

Senator DODD. One Congress, yes.

Senator HUTCHISON. So in my legislation it requires the President to have a plan in place by June 30 and report to Congress with that plan. I would like to see us have a multinational approach rather than a binational approach with our other country neighbors and friends.

Senator DODD. I agree.

Senator HUTCHISON. So I would just like to ask the chairman of the subcommittee to consider calling a kind of a working meeting with those who want to participate, and I would say looking at the sponsors of each of our bills, and let us talk about what we would really like to propose. I would like to move legislation right away and have something that can go to the President and bring the White House into our working meeting and see what they would propose as well. Let us hammer something out and do it this year and send it to the President, so that we have a process in place that we think will be more workable, rather than, as we have in the last 4 years, as Senator Dodd knows, come to the deadline, not liked the alternatives, tried to forge a consensus, and we have not been able to, so we wait another year. That is not acceptable today.

Senator DODD. Thank you.

Senator HUTCHISON. Thank you.

Senator CHAFEE. Thank you, Senator.

I guess we have had some good ideas put forth here, and some divergence of opinions. I think that it is a good suggestion to have a working meeting and get together. We appreciate that suggestion. Thank you for your time and patience.

Now I would like to welcome the Honorable Rand Beers, Assistant Secretary for International Narcotics and Law Enforcement Affairs of the State Department. Good morning.

STATEMENT OF HON. R. RAND BEERS, ASSISTANT SECRETARY OF STATE FOR INTERNATIONAL NARCOTICS AND LAW ENFORCEMENT, DEPARTMENT OF STATE, WASHINGTON, DC

Mr. BEERS. Mr. Chairman, thank you. Senator Dodd, Senator Biden, thank you for the opportunity to discuss the narcotics certification mechanism and the President's certification decisions for this year with the committee. As has been indicated before, we are focused here on certification, which is a supply side issue, and that is appropriate, but I also would like to take note, in light of several Senators' comments, that this administration, as indicated by both Secretary Powell and President Bush and others, fully supports the efforts to reduce demand within the United States, and this discussion should not take away from the importance of that purpose and the need to move forward and to do a better job in that regard as well.

Certification is a straightforward procedure. Every year the President must certify that governments of the major drug producing and transit countries have cooperated with the United States or have taken adequate steps on their own to meet the goals and objectives of the international standard that most countries signed onto, the 1988 U.N. Drug Convention.

If the President does not certify a government, it is ineligible for most forms of U.S. assistance, with the exception of humanitarian and counternarcotics aid. The United States is also obliged to vote no to any assistance loans in the multilateral development banks for countries that are denied certification.

Most governments are now aware that U.S. law requires the President to provide this annual assessment of counternarcotics cooperation. Many resent what they describe as a unilateral and subjective assessment of their performance with no reciprocal accountability from the United States. I would point out, however, that each determination is the product of a year-long consultative process. We have worked with our partners to establish realistic mutually acceptable goals for certification evaluation purposes based on the goals and objectives of the United Nations convention.

The relevant benchmarks are established by mutual consensus and the factual basis for any judgment is clearly set forth in the certification determinations. Though certification throughout its 15-year existence has proven to be an effective, if blunt, policy instrument for enhancing counternarcotics cooperation.

Prior to the March 1 deadline for certification each year, we have seen countries introducing legislation, passing laws, eradicating drug crops, and capturing elusive drug kingpins. The timing is no coincidence. These countries know that their actions will have an impact on the President's certification decisions. They also know what the U.S. expects from them.

Over the past several years, we have made the administration of the certification process more transparent. As I indicated, each spring after the decisions are announced our embassies give a formal demarche to each country explaining the prior year's decision and working with those countries to set benchmarks for the coming years. The benchmarks become the standards by which the country is reviewed in the following year's process.

Throughout the year, the embassy goes back to the governments to discuss progress and barriers in meeting the benchmarks, supplemented by high level U.S. Government visits. When the President finally makes these decisions on the 1st of March, there would be no government taken by surprise.

That said, we are aware that there is a growing sense among some in Congress that there may now be more effective approaches to strengthening international drug cooperation. Several different bills recently have been introduced in the Senate that would change the certification process in some way. While I have long supported certification and believe that it is a useful tool, we should not hesitate to investigate other ways to encourage cooperation on counternarcotics.

Recent years have seen a dramatic shift toward greater cooperation in this area and certification or any alternative should reflect the evolving international environment in an effort to strengthen that cooperation. One of the most encouraging developments is the multilateral evaluation mechanism, or MEM, a peer review system for assessing individual and collective performance mandated by the 1997 Summit of the Americas. Developed by the Inter-American Drug Abuse Control Commission and the Organization of American States, the MEM involves an intensive review by a group

of independent experts of information submitted by the 34 OAS member states about their anti-drug efforts.

The MEM process provides a consensual framework for a frank exchange of views and an evaluation and recommended remedial action. While the process is still evolving, the MEM seeks to cover national and regional compliance with international norms and treaty obligations. This parallels the goals and standards of the U.S. certification process and could potentially make our unilateral process an anachronism in the Western Hemisphere.

We in the administration are reviewing the legislation recently introduced in the Senate that would revise the certification process in some way. We believe that it is appropriate to consider how the current process might be altered to reflect the changes in the international situation that have occurred since narcotics certification was first introduced.

That said, any regime that might modify or replace certification should have an enforcement mechanism to ensure continued international cooperation. Moreover, if there were efforts to suspend the certification process we believe the President must retain in the interim the power to decertify or sanction individual countries using the standards of the current process. We do not believe that there should be exemptions for individual countries or regions at this time. Future carve outs, however, may be appropriate for regions where there is a mutually acceptable and credible mutual evaluation process in place and working.

I know that all of us, both in the administration and in Congress, are interested in developing the best and most effective mechanisms to counter the threat of international narcotics trafficking, whether that be through the certification process or some other procedure, and I look forward to working with all of you to that end.

Now, as required by law, on the 1st of March and determined by the President of the United States, I have the following announcement to make. The following countries that were identified on the 1st of November of last year have been certified: Bahamas, Bolivia, Brazil, China, Colombia, the Dominican Republic, Ecuador, Guatemala, India, Jamaica, Laos, Mexico, Nigeria, Pakistan, Panama, Paraguay, Peru, Thailand, Venezuela, and Vietnam.

The following two countries, Cambodia and Haiti, were decertified with a national interest waiver; and the following two countries, Afghanistan and Burma, were decertified.

Sir, that concludes my testimony. I would be happy to answer any questions.

[The prepared statement of Mr. Beers follows:]

PREPARED STATEMENT OF HON. R. RAND BEERS

COUNTERNARCOTICS CERTIFICATION

Mr. Chairman, I appreciate this opportunity to discuss the narcotics certification mechanism and the President's certification decisions for this year with the Western Hemisphere, Peace Corps, and Narcotics Subcommittee of the Senate Foreign Relations Committee. Certification is a straightforward procedure. Every year the President must certify that the governments of the major drug producing and transit countries have cooperated with the U.S.—or have taken adequate steps on their own—to meet the goals and objectives of an international standard that most countries have signed onto, the 1988 UN Drug Convention. If the President does not cer-

tify a government, it is ineligible for most forms of U.S. assistance, with the exception of humanitarian and anti-drug aid. The U.S. is also obliged to vote “no” to any assistance loans in the multilateral development banks for countries denied certification.

BACKGROUND

The certification process is a statutory requirement. In 1986, the Congress—frustrated by what it perceived at the time as reluctance on the part of the State Department to take effective measures against the governments of drug source and transit countries—introduced the drug certification process. It requires the executive branch to identify the major drug producing and transit countries and impose sanctions on those that do not cooperate with us—or take adequate steps on their own—in meeting international drug control goals. The law provides a waiver for those countries which, because of their vital interest to the United States, should be exempted from the sanctions related to a denial of certification.

Most governments are now aware that U.S. law requires the President to provide this annual assessment of counternarcotics cooperation. Many governments resent what they describe as a unilateral, subjective assessment of their performance, with no reciprocal accountability from the United States. I would point out, however, that each determination is the product of a year-long consultative process. We work with our partners to establish realistic, mutually acceptable goals for certification evaluation purposes, based on the goals and objectives of the UN Convention. The relevant benchmarks are established by mutual consensus and the factual basis for any judgment is clearly set forth in the certification determinations.

Though controversial, throughout its 15-year existence the certification process has proved to be an effective, if blunt, policy instrument for enhancing counternarcotics cooperation. Prior to the March 1 deadline for certification each year, we have seen countries introducing legislation, passing laws, eradicating drug crops, and capturing elusive drug kingpins. The timing is no coincidence. These countries know that their actions will have an impact on the President’s certification decisions. They also know what the U.S. expects from them.

Over the past several years, we have made the administration of the certification process more transparent. Each spring after the decisions are announced, our embassies give a formal demarche to each country, explaining the prior year’s decision and setting benchmarks for the coming year. The benchmarks become the standard by which the country is reviewed in the following year’s process. Throughout the year, the embassy goes back to the government to discuss progress and barriers in meeting the benchmarks, supplemented by high-level USG visits. When the President finally makes his decisions on March 1, there should be no government taken by surprise.

That said, we are aware that there is a growing sense among some in Congress that there may now be more effective approaches to strengthening international counterdrug cooperation. Three different bills have recently been introduced in the Senate that would change the certification process in some way. While I have long supported certification and believe that it has been a useful tool, we should not hesitate to investigate other ways to encourage cooperation on counternarcotics. Recent years have seen a dramatic shift towards greater international cooperation in this area, and certification, or any alternative, should reflect the evolving international environment in an effort to strengthen that cooperation.

MULTILATERAL EVALUATION MECHANISM

Over the past decade the international community has intensified its collective efforts to counter illegal narcotics production, trafficking, and abuse, moving away from finger-pointing and toward greater emphasis on shared responsibility. One of the most encouraging developments is the Multilateral Evaluation Mechanism or “MEM,” a peer review system for assessing individual and collective performance, mandated by the 1997 Summit of the Americas. The MEM was developed by the Inter-American Drug Abuse Control Commission (CICAD) of the Organization of American States (OAS).

The MEM involves an intensive review by a group of independent experts of information submitted by the 34 OAS Member States in a detailed questionnaire breaking down the components of their anti-drug efforts: their policies, strategies, and programs. The experts’ findings were reviewed and approved at a Special Session of CICAD in December 2000 and the OAS formally released this first, baseline report on February 2. Having participated in the CICAD Special Session, I was struck by the frankness and openness of the discussions about national policies and programs that were prompted by these objective preliminary evaluations. With the

baseline study completed, the second phase of evaluation will include follow-up on the initial recommendations as well as the addition of other, more qualitative, indicators that will probe more deeply into performance.

The MEM process provides a consensual framework for such frank exchanges of views, as well as critical evaluation and recommended remedial action. While the process is still evolving, the MEM seeks to cover national and regional compliance with international norms and treaty obligations. This parallels the goals and standards of the U.S. certification process and could, potentially, make our unilateral process an anachronism in the Western Hemisphere. The proof will, of course, be in the actions governments take to address the gaps or weaknesses in their anti-drug efforts that have been identified by the MEM. We believe, however, that most governments will be more responsive to constructive criticism offered by a community of nations after an objective and collaborative process, than to requirements imposed by a subjective, unilateral process accompanied by the threat of sanctions for non-compliance.

PENDING LEGISLATION

We in the Administration are reviewing the legislation recently introduced in the Senate that would revise the certification process in some way. We believe that it is appropriate to consider how the current process might be altered to better reflect the changes in the international situation that have occurred since narcotics certification was first introduced. Any regime that might modify or replace certification should have an enforcement mechanism to ensure continued international counter-narcotics cooperation. If there were efforts to suspend the certification procedure, we believe the President must retain in the interim the power to decertify or sanction individual countries using the standards of the current process.

We do not believe that there should be exemptions for individual countries or regions at this time. Future carve-outs may be appropriate, however, for regions where there is a mutually acceptable and credible multilateral evaluative mechanism in place.

CERTIFICATION DECISIONS FOR 2001

(See attached Decision Memo below.)

SUMMARY

I know that all of us—both in the Administration and in the Congress—are interested in developing the best and most effective mechanisms to counter the threat of international narcotics trafficking—whether that be through the certification process or some other procedure—and I look forward to working with you to that end.

THE WHITE HOUSE

WASHINGTON

MARCH 1, 2001

PRESIDENTIAL DETERMINATION No. 2001-12

MEMORANDUM FOR THE SECRETARY OF STATE

SUBJECT: Certification for Major Illicit Drug Producing and Drug Transit Countries

By virtue of the authority vested in me by section 490(b)(1)(A) of the Foreign Assistance Act of 1961, as amended (the "Act"), I hereby determine and certify that the following major illicit drug producing and/or major illicit drug transit countries have cooperated fully with the United States, or have taken adequate steps on their own, to achieve full compliance with the goals and objectives of the 1988 United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances:

The Bahamas, Bolivia, Brazil, People's Republic of China, Colombia, Dominican Republic, Ecuador, Guatemala, India, Jamaica, Laos, Mexico, Nigeria, Pakistan, Panama, Paraguay, Peru, Thailand, Venezuela, and Vietnam.

By virtue of the authority vested in me by section 490(b)(1)(B) of the Act, I hereby determine and certify that, for the following major illicit drug producing and/or major illicit drug transit countries that do not qualify for certification under section 490(b)(1)(A), the vital national interests of the United States require that assistance

not be withheld and that the United States not vote against multilateral development bank assistance:

Cambodia and Haiti.

Analysis of the relevant U.S. vital national interests and risks posed thereto, as required under section 490(b)(3) of the Act, is attached for these countries.

I have determined that the following major illicit drug producing and/or major illicit drug transit countries do not meet the standards for certification set forth in section 490(b):

Afghanistan and Burma.

In making these determinations, I have considered the factors set forth in section 490 of the Act, based on the information contained in the International Narcotics Control Strategy Report of 2001. Given that the performance of each of these countries has differed, I have attached an explanatory statement for each of the countries subject to this determination.

You are hereby authorized and directed to report this determination to the Congress immediately and to publish it in the *Federal Register*.

Senator CHAFEE. Thank you, sir, very much.

My question relates to the multilateral evaluation mechanism that was mandated by the 1997 Summit of the Americas. Is there a similar mechanism for those countries outside the hemisphere?

Mr. BEERS. Sir, as a result of the 1998 U.N. General Assembly special session, there was mandated coming out of that session a requirement to develop such a mechanism. The Committee on Narcotics and Drugs of the U.N. General Assembly has met on that issue. It has begun a process to create something similar on a global basis. But it is far, far from being at a stage even of the multilateral evaluation mechanism within the Western Hemisphere. That in fact was used as the model for the look on a global basis of a similar mechanism.

Senator CHAFEE. It might be noted that not quite half of the countries that were certified but nonetheless on the list are from outside the hemisphere.

Mr. BEERS. Yes, sir.

Senator CHAFEE. Senator Dodd.

Senator DODD. Thank you, very much, Mr. Chairman.

Thank you, Mr. Beers, for your work, by the way, over the years in this area. We appreciate your continued involvement with it.

That change, by the way—in this year's list there are two changes on it from last year; is that correct?

Mr. BEERS. That is correct, sir.

Senator DODD. Why do you not identify the change for us?

Mr. BEERS. Last year Paraguay received a national interest waiver and Nigeria received a national interest waiver. This year they are judged to be certified.

Senator DODD. The law actually says "fully cooperating."

Mr. BEERS. Yes, sir.

Senator DODD. As we all know, that is the word that oftentimes attracted a lot of debate, because, while there is a lot of cooperation, sometimes to get full cooperation is always where the lines can get drawn, I suppose. It makes it more difficult to some degree.

Mr. BEERS. Yes, sir. There is clearly judgment involved in each of those decisions.

Senator DODD. We appreciate the effort you make to do so.

Just a couple of points. One, you know we have introduced a bill, and I do not know whether the administration at this point is pre-

pared to talk about specific pieces of legislation. But I think you sort of outlined what we have tried to describe here and that was the suspension for a Congress. I use the Congress because by the time Congress gets up, you get a new administration in place—we do not even have a lot of the officials to be named to be confirmed yet who would be dealing with these issues. So my concern is that we are going to lose probably 6 or 8 months just getting personnel in place before you try and put together a proposal.

But in the meantime, we keep and allow the President to do exactly what you have described. So I am not going to ask you to endorse a particular piece of legislation, but we have been listening carefully to your ideas and thoughts on this process as we try to come up with a new scheme and a framework, and I appreciate it.

Two questions. One, a lot of criticism has been raised about international organizations and their efforts and how successful or unsuccessful they have been, particularly the OAS and the U.N. What have they been doing in your mind and are their programs something that we could look to to build on or replace that ought to give us any encouragement at all? Or in your observation—and use your own language here, obviously—have the OAS and U.N. efforts in this area been a failure?

Mr. BEERS. Thank you, sir. To answer those questions, if I might just specifically answer your alluded-to first question. We are not going to comment on any of the specific bills at this particular time, but we do certainly remain open to discussions on any and all of them and hope that this committee and other work will coalesce into a single proposal, if you will, that we could then be in a position to take.

Senator DODD. Well, it would be helpful to know what the administration feels about it. None of us want to go ahead and draft something and then have you object to it. So obviously it would be important that you indicate whether we are heading in the right direction or the wrong direction on various ideas.

Mr. BEERS. That is why the core of this position is that we would like to retain an enforcement mechanism of some form in any final form that this might take. But we are open to discussing how we get from here to there.

With respect to the international organizations, let me speak first about the OAS. As a result of the 1998 Summit of the Americas in Santiago, which then directed the OAS to actually begin the process of developing the multilateral evaluation mechanism, I participated in the negotiations of the final framework that was to be used for the evaluation. It took more than a year to come up with. We then created the system of creating international experts independent of governments to actually go through that review.

By all of our estimation, those of us who participated in this process, it was a true example of the changes that have taken place in the hemisphere first, as indicated earlier. We do not talk about producers and consumers in the same way that we used to, in the same confrontational way. We talk about it being a hemispheric problem, about all of us having the problem and all of us needing to work together, and shared responsibility is the sort of foundation of all of that discussion. That is the way it proceeded.

That said, no one, no one, would say that what we did in terms of the first year's evaluation represents yet a fully functioning, credible multilateral evaluation mechanism. We laid down a benchmark, if you will. We looked at what nations were doing, we looked at what nations were planning to do. We made some judgments about that, the experts did, and then the OAS endorsed those recommendations.

We are going to take several years for this process to mature to the kind of system that in fact would be a credible replacement for certification. But it is a process that I think is working, and I say that from personal experience, and we should be supportive of that process as it moves forward.

With respect to the United Nations, as I indicated in response to Senator Chafee, it is much further away, but we do have programs of credible cooperation with the U.N. system and with other international partners in the U.N. context. The one that I would point to now, which is still in the early stages, though, is an effort to focus on Afghanistan as a major heroin producing country, not so much for the United States, but certainly, for the European Union and states of the former Soviet Union.

There is indication now that the ban that the Taliban have put on the production of opium poppy may in fact be working in the sense that there may not be as much opium poppy growing in Afghanistan today at this point in time as there was last year. But I would also say that that is very much the beginning of a process. There was so much overproduction in years past that there are huge stockpiles.

Senator DODD. That may be the only positive thing you can say about the Taliban, by the way. If someone was trying to find something positive you could say about the Taliban, you have told me. But the things they do that are terrible would outweigh—

Mr. BEERS. They are horrible, but on this issue and with U.N. pressure on them we may be seeing some progress. I do not want to claim victory by any stretch on that, but we may be seeing some progress. It will be interesting over the years ahead to see if in fact that U.N. sanction, that U.N. look at Afghanistan, in fact may lead to some success there.

Senator DODD. Get some results.

Two quick ones. My time is up. I unfortunately am not going to be able to stay, and I want to apologize to Bernie Aronson, my friend, if I do not stay for his testimony. He has been sitting here patiently. I know what he has to say. I read his comments. Two quick things.

No. 1 is, there have been some proposals that just would take Mexico out of the loop for the obvious reasons, here our neighbor, new administration. My concern about that is the potential problems we create with other allies in the hemisphere by sort of separating one out and leaving others in and creating its own sort of tensions. I wonder if you would comment on that.

No. 2, I have been down in Colombia here the last few days with Senator Chafee, and Senator Biden has been down several times I know of, I think, in the last year. Senator Nelson was down with Carl Levin and others after we were down, the week after we were down. I always felt that the concern—we decertified Colombia back

in 1996 and 1997. When I look today at the paramilitary, the FARC members that move back and forth, and this narcobusiness now in Colombia, which it is hard to separate the lines—everybody seems to be in the business one way or another—that that period, that 2 years when we basically decertified Mexico, we sort of, we almost created a vacuum in which a lot of this began to happen.

Now, it did not all happen at once. But I am curious just from your observations whether or not, looking back now retrospectively, whether or not that decertification, which for the Samper government obviously created some serious problems, but sort of walking away in a sense did not in some way contribute to the problems we are seeing today in that nation, the magnitude of the problems we are seeing.

Mr. BEERS. Sir, first with respect to the Mexico issue, as I indicated in my prepared and oral remarks, we also do not favor any singling out for exemption of any individual country, for exactly the reasons that you allude to. It is more problem overall than it is benefit for that individual country perhaps.

With respect to the issue of Colombia, you pose a very interesting question and I am sure people will disagree about this for some time to come. I would first focus on the fact that during the period of decertification the level of cooperation between our DEA and the Colombian national police and the level of effort on the part of the Colombian national police increased a great deal. It was during this same period that the Colombian national police in fact became an organization within Colombia that came to be viewed as a credible police organization, as opposed to a corrupt organization.

Now, obviously a lot of that is dependent upon General Serano and his leadership of that organization at that time. But I certainly have the impression, and I think a number of others do, that he was given a free hand to do that because of the extreme pressure that had been put on the Government of Colombia by the fact that they were decertified.

So cause and effect? I am not sure. But I certainly would not concede the point that in fact decertification was what led to the increased effort on the part of the Colombian national police and it was that increased effort that built the foundation for the level of cooperation that we are in fact able to undertake today and that the absorptive capacity of Colombia for the Plan Colombia supplemental might not be today what it is if it had not been for that ramping up of cooperation with the Colombian national police during that timeframe.

Senator DODD. Very good.

I have taken more time than I should and I apologize. Mr. Chairman, I thank you, and please forgive me if I do not stay for the rest of the hearing.

We thank you. We look forward to your soon cooperation on this. We do not have a lot of time on this thing.

Mr. BEERS. Yes, sir.

Senator DODD. So we are interested—if we are going to do something in a 2-year framework, you better do it fairly soon, because then you are not going to meet—you are going to have a self-fulfilling prophecy of failure on this and that is not going to serve anyone's interest. So we would appreciate as soon as possible to

hear back on some of these ideas that are out there and any recommendations you would make, so we can put something together here fairly quickly and present it to our colleagues.

Mr. BEERS. Yes, sir.

Senator DODD. Thank you very much.

Thank you, Mr. Chairman.

Senator CHAFEE. Thank you, Senator Dodd.

Senator Biden.

Senator BIDEN. Thank you.

Rand, thank you, by the way, for your service. It took the longest time to get the State Department to pay attention to this issue. As you know, I have been the thorn in the side—

Mr. BEERS. Certification has had a value, sir, if only within the State Department.

Senator BIDEN. I have been a thorn in the side of the State Department on this issue for 15 years or longer. I think you have done a really fine job.

I would like to followup on the question that Senator Dodd just asked you. It is true and it can be argued that it is possible that by decertifying, some domestic programs, some programs that would aid the domestic economy of Colombia were hurt and theoretically that could have had some negative impact upon the economy and upon the psyche even of the Colombians.

But I would point out that people who say that there has been no progress, maybe I have been doing this too long and maybe you have been doing this too long, but I remember the days when we would sit here and the Medellin Cartel and the Cali Cartel were things of which movies were made and where billions of dollars were exchanged and they literally controlled entire areas of Colombia. Now a different group controls entire areas of Colombia.

I want to remind everybody—you know better than I do—that it literally took the purging of the entire national police force, close to 5,000 people, to put together what no one ever thought would happen. If we had had this debate, this discussion, in 1992 about Colombia and said, you know, by the year 2000 they are going to have basically eliminated the Cali Cartel and the Medellin Cartel and, by the way, it is going to be the police force in Colombia that is viewed as the good guys and they are going to be the ones what people are going to look to and we will look to, I think most people would have thought you and I certifiable.

But that is what has happened. That is what has happened. Now, not everything is perfect, but what has happened is there has been tremendous progress. I think that if we got some leaders of the various countries we are talking about in private, you will find they may tell you that they needed our threats to be able to carry out their initiatives.

If I could make an analogy, one leader in the last several months—and I have been meeting with a lot of these folks—indicated to me that the thing he most wanted done was to get American generals and the Joint Chiefs of Staff literally to come to his country and sit down with his military and say: Hey, fellows, here is the deal.

What we keep forgetting is some of these very countries that we have talked about having put such a burden on by this process, we

are able to allow that leadership occasionally, and it has worked occasionally, to say the devil made me do it; I do not want to have to do this to you folks; I do not want to have to purge you; I do not want to have to not appoint so and so and so and so and so and so in charge; but look, if I do we are not going to get the following assistance; so as good citizens of whatever country, step down.

But yet the debate persists here, and it is the only thing—I do not think there is anything I have disagreed with Senator Dodd on in the 20-some years we have worked together except the emphasis, the emphasis on where our pressure comes down. Is it a net negative or a net positive?

But let me get to my question, and that is that one of the things I have been impressed with in recent visits to the region is the astounding progress Peru has made and the astounding progress that Bolivia has made in terms of cultivation. Now, that could all turn tomorrow. This thing could just flip tomorrow. But there has been significant assistance from the U.N. on those initiatives.

One of the reasons why Colombia is where it is today is because it used to be, as you know better than I do, it was the place where the coca leaf was turned into cocaine. Now it is the place where the coca leaf is grown as well as turned into cocaine as well as exported. Part of that is because other countries have acted in a way effectively to shut down their production.

So my question is this. As it relates to the producing countries—and right now Mexico is more a transiting country than a producing country—as it relates to the producing countries, it seems to me we are approaching an opportunity, an intersection here, where if we follow through on what we did not follow through on on the Andean Project, when George the first was President, if we did that, if we act—I did not mean that facetiously. It came off the wrong way. How do you say, the former President Bush? The first George, OK.

He had an Andean plan where crop substitution, trying to invigorate the copper mines, trying to build infrastructure that would not, meaning roads and highways and water systems, et cetera. But the commitment waned.

I think our biggest failing on dealing with the producing countries has been our unwillingness to provide and seek among our allies and friends more support for the economic side of the equation for these countries. You may recall, at the very moment we really had made a dent and the Colombians had made a dent on production and export out of Colombia and the region, what did we do? We let the International Coffee Agreement collapse. And we cut off their ability to sell cut flowers in the United States, their two single biggest industries and exports to the United States. We got into a fight with them.

So while we were trying to keep cocaine off our streets, we got in a fight because coffee prices were rising too high in the supermarkets. So we instead crushed—not crushed; wrong word—we impacted negatively on their one cash crop that we do not mind having exported to us, coffee, and we impacted on, as related to our accusation of unfair trade practices, on their cut flower industry, which is a gigantic industry to them and to us.

I find that counterproductive. Now, it is not the same circumstance now. So it is a very long prelude to a short question. Do you think we can, and if you do should we, be emphasizing, as relates to Colombia in particular but also the whole Andean region, so we do not let this success in Peru and Bolivia escape us, provide more economic assistance? Were I President, I would be asking our NATO allies, who also are the victims of this—victims; are the recipients of this export—to be sitting down and saying, you do not like Plan Colombia that much, how about let us come up with Plan Andean and us come up with several billion dollars to help them begin to transform their economy and put these folks to work, who we are putting out of business by the fumigation process?

Talk to me just a little bit about that, Rand. And I will cease, Mr. Chairman.

Mr. BEERS. Thank you for this opportunity, and I truly do mean that. As you, I too have been around for a long time, through several administrations, from both sides of the aisle, and I do believe that this is the best opportunity that we will ever have. It is not so much that it is new ideas, but that it is ideas whose time has, I hope, finally come. But, as has been our problem in so many instances, it is not something that we are going to solve at a single stroke or in a single year. It is going to have to be a process that we all agree or have agreed to begin.

Senator BIDEN. If you will allow me, or on the cheap.

Mr. BEERS. Or on the cheap. I was getting to that point too, sir.

Senator BIDEN. OK.

Mr. BEERS. I believe that we are going to have to do that. I think that the Plan Colombia supplemental represented an excellent start, but it is only 1 year's worth of funding. As I said yesterday two floors below, this administration will come forward with a package which will be significant, which will be regional, which will be more devoted to alternative development and social programs and economic assistance than the preceding package was.

We have heard you and we have heard others in that regard. It will reach out internationally again and make exactly the points that you have made, sir, in terms of economic assistance in partnership with international donors.

If I might, just one brief historical comment. One of the dilemmas that we had with respect to the earlier aid package that was put forward during the first Bush administration was that Colombia, because of the state of its economy, was too rich to be an aid recipient. So while we did do counternarcotics assistance, we did not do at that particular point in time any economic assistance.

But I think one of the problems, if I can look back historically on that period, was we did not persist with that effort.

Senator BIDEN. And I am not casting blame on anybody.

Mr. BEERS. That is not casting blame on either the Bush administration or the subsequent Clinton administration. It is simply that we sort of did not finish the job. We only began the job. I think that if there is a lesson to be learned from that point in time, it is that this is not a short-term and it is not an inexpensive proposition. We have to look seriously and we have to look over time at trying to deal with this process.

If we do and if we do it in a comprehensive and integrated fashion—and your comments about trade policy intersecting with counternarcotics policy and creating a dysfunctionality are absolutely on the mark. This is a policy approach which has to be comprehensive across the range of U.S. and international policy toward this region, and we have to look at all of those decisions.

Senator BIDEN. Rand, I think you and I and a few others finally have everybody's attention here—I mean this sincerely—because of a confluence of certain things that have happened, some of them very good, like the two new leaders in Mexico and Colombia.

Mr. Chairman, I know I have gone over my time and I will cease with this. I truly welcome, as the ranking member of this committee, your interest in this issue and this subcommittee. I hope that we all understand, though, that no matter what we do on the certification or decertification process, no matter what we do on significant increases in my Judiciary Committee and the Health committee dealing with making sure that we provide more treatment and education, that we finally figured out—Congressman Gilman said they are the pieces. I think the pieces have changed slightly.

The way to deal in my view with the producing countries is not only to put them in a position which we have focused on of late, of giving their counternarcotics capability a reasonable shot, and they have been reluctant to do that until recently, but also deal with, help them deal with their internal economic problems that allow for—if you study Colombia, if you study any of these countries, you realize that they end up where they are in large part because of dysfunctional systems they have, because of dysfunctional societies relating to access to opportunity within those societies.

There is a lot we could do to be helpful now that there are leaders emerging from those countries who see this not through a single prism, not through a single lens. So I hope we think about, when we think about the notion of producing countries, not only whether or not we give them more time as it relates to decertification, not only give them more assistance as it relates to helping them on the enforcement side of the equation, but also go to them now at a time and undercut, for example, the FARC, undercut the ELN, by going in and giving them significant assistance relative to the wide disparity in income opportunities in those countries.

There are things we can do that I think will give us a better shot of gaining hold of this. But as you know, Rand—and you and I have had this discussion—the last 4 years, including the Clinton administration, the last 5 years, to get anybody's attention here in the Senate or in the House or in the administration to do something bold about dealing with our drug problem, it has not been there.

In the late eighties and the late seventies when I wrote this legislation, I could have asked for a zillion dollars and everybody would have given it. Anything we asked for we got, because everybody was—every poll in America showed the No. 1 problem people were concerned about was crime and drugs, and so we got it.

It is kind of like, it is like cutting grass. You have got to keep cutting it, you have got to keep cutting it. You cannot cut it once and say, I got it down now and now I can go home.

So I hope, Mr. Chairman, I can work with you and others, many others on both sides of the aisle, to come up with a comprehensive notion and support the administration, because I believe this is something President Bush understands. I believe this is something that he is interested in. I hope this is something that he will be willing to use his leadership to follow through on, because we have a real opportunity right now, a real opportunity.

I thank you for your time.

Senator CHAFEE. Thank you, Senator Biden. Yes, we have to keep cutting the grass.

Senator BIDEN. That is right, you really do. It is like what is going on in law enforcement now. We are talking about cutting the budget for the crime bill. Give me a break. We got crime down 8 years in a row, an average 7 percent a year, and people go: OK, we got that done now; we do not need another 100,000 cops; we got that finished; we do not need to do any more.

It amazes me. But it is like cutting the grass. You let it go now—there is no way we can spend less money. We have to spend more money to deal with these problems. The moment you spend less money, I promise, that grass grows.

Senator CHAFEE. We will also be having hearings on, as Mr. Beers said, the administration's proposal on expanding Plan Colombia, whether it is an Andean plan or something along those lines. There will be other opportunities.

Thank you so much for your time and testimony.

Mr. BEERS. Thank you, sir.

Senator CHAFEE. I would like to welcome the Honorable Bernard Aronson, former Assistant Secretary of State for Inter-American Affairs.

STATEMENT OF HON. BERNARD WILLIAM ARONSON, MANAGING PARTNER, ACON INVESTMENTS, AND FORMER ASSISTANT SECRETARY OF STATE FOR INTER-AMERICAN AFFAIRS, WASHINGTON, DC

Mr. ARONSON. Thank you, Mr. Chairman.

Senator CHAFEE. Thank you for your patience. Good morning.

Mr. ARONSON. Good morning. Given the lateness of the hour, maybe I will just make a few comments if I could.

Senator CHAFEE. I look forward to them.

Mr. ARONSON. First of all, I want to commend you and the committee for holding this hearing. In my experience, usually, we pay attention to Latin America when there is a crisis and we are trying to put out a fire. I think you and the committee are trying to be preemptive and take advantage of an opportunity, and I commend you for that.

If you listen to the discussion it seems to me there is a large degree of consensus, which I think bodes well for your chances of shaping legislation. There is a consensus that narcotics production, distribution, and transit is a national security threat to countries in the region and has to be dealt with and that interdiction plays a role. There is clearly a consensus that we have to do more on the demand side.

I think there is a consensus that we need accountability in the certification process, and I applaud the fact that in Senators Dodd

and McCain's bill the reporting requirements and the designation of major suppliers and transit countries continue.

But there also seems to be a consensus that certification is a tool and that we ought to take a look at it and see if we can perfect it. That is what I understand the 2-year hiatus to be. So let me suggest a few thoughts about how to perfect it and what you might do with the 2 years.

In my experience, one of the problems with certification is that the choice is all black or white. You either do it and invoke the full level of the sanctions or you do not. I think if we had a longer time to debate Colombia, both sides were right; decertification had a positive effect, but it also helped create a vacuum into which the FARC and others took advantage.

So one suggestion I would have would be to provide a menu to the President which he could use and to offer more sanctions than currently exist. For instance, one of the greatest sanctions the United States has in Latin America—this may come as a surprise—is to lift the visas of those who are engaged in the drug trade or are suspected, or are not cooperating. I think that ought to be a tool in the certification process that the President might use alongside economic sanctions. So you might maintain the economic benefits and lift the visas of 100 people in the Congress, police, army, and the business community who are drug traffickers. It has an effect when it is a visa to the United States.

A second suggestion I would make to use this 2-year hiatus is to review something that we began in the first Bush administration, which was drug summits with producing and consuming countries. We started in Cartagena in 1990 with Peru, Bolivia, and Colombia. We went to San Antonio and included Mexico. I think it takes some of the sting out of the certification process if we first bring the countries involved in on the development of the standards and we set goals for them and us that they are part of formulating.

It is the old saying that is good advice for the executive: if the Congress is not in on the takeoff they are not going to be in on the landing. I think the same is true on a common drug strategy. So I think that is another thing that the executive should consider doing. Those drug summits send a message and reinforce certification.

Third, I would strongly associate myself with those who have made the point that we have to stay the course. I was part of the original Andean drug strategy. We spent some money, and we charged up the hill, and then we charged back down again. That does not work.

I think Senator Biden is dead right both about domestic law enforcement and international law enforcement. This is a long-term struggle to defend democratic institutions and the rule of law. Interdiction is important because if we do not interdict then countries are going to become criminalized and they are going to be Lebanized and they are going to be taken over by criminal gangs, and it is not just drugs we are going to face, it is going to be immigration trafficking, and gun trafficking, and there will be hell to pay.

Interdiction has to be part of it, but we cannot fight this war like Desert Storm. I think we have gotten impatient as Americans. This

is like World War II, where you take an island and then you take another island, and it is a long, drawn-out struggle, and it has to continue. I totally agree with that point.

I think the 2-year extension is a good one. As I understand it, the President would still have discretion to invoke certification if he thought that was necessary. I think that ought to be a part of the bill, including the sanctions. But, again, if you create a Chinese menu of sanctions that the President can use, he does not have to either send a nuclear missile or do nothing. He can pick and choose, or she can pick and choose, and he can invoke sanctions for 3 months and then lift them. Then, it seems to me you have the leverage that is correctly needed. I think Senator Biden and Congressman Gilman are right, if you do not have leverage and consequences you are not going to have any teeth in this. But if it is simply a blunt instrument, you are put in the position of either using something that is too heavy or doing nothing.

So, I think some process where we set goals for ourselves as well as Latin America, where we are held to standards, too, so there is more dignity in the process would be an important change in certification. I believe also the President should have a lot of discretion about whether to invoke this or not and it is not mandatory, a range of sanctions that he can pick and choose among, invoke, or take back if there is a positive response. In Colombia, if we had decertified perhaps for 6 months, but waived economic sanctions and lifted visas for 100 people, it might have had the same incentive effect, but it would not have destabilized Colombia at a very difficult time that others have taken advantage of.

I think if we can build some bipartisan trust and a working consensus with the administration, I think we can do what the committee wants to do. I applaud it again for doing so: which is to perfect this instrument and to make it more useful, but it has to be part of a larger strategy.

I would just remind the committee that, with regard to Colombia, there is nothing you could do right now that would help create economic alternatives more than to expand and renew the Andean Trade Preferences Act. Colombia right now is disadvantaged because the good work you did with regard to the Caribbean Basin on textiles and apparel now disadvantages Colombia because they are behind, and they are going to lose several hundred thousand jobs unless the Congress moves in the same direction with regard to the Andean countries.

I also agree with Senator Biden's point about our allies. I think Europe is still practicing a kind of denial about this issue, like we did 20 years ago. It is a huge consumption problem there. I think with regard to Plan Colombia they are sort of missing the forest for the trees. Part of our agenda for the G-7 and other groupings ought to be to enlist Europe and Japan in reaching out and providing aid, and providing the same kind of trade preferences.

I think an Andean Trade Preference Act that included the European Union, the United States, Canada, and Japan would be a powerful instrument to help these countries as we wage this battle. But it has got to be a broader strategy and it has to be a long-term strategy. We get very impatient as Americans, but look at how many years it took us to take down our own mafias in this country.

It took 50 years. Everybody knew the Mafia controlled the Fulton Fish Market and the cement trade and the garbage-hauling in New York City, but until we developed the RICO statute and the will to take them on they operated in our countries, too, and we are a heck of a lot richer and better organized than some of these countries in Latin America.

So I think we need to have the will to do this right and to do it on a bipartisan basis.

Senator CHAFEE. Thank you very much once again. Very well said.

You were talking about Andean trade. Getting off the subject of certification would you care to comment on the Free Trade Area of the Americas? Is that also beneficial?

Mr. ARONSON. It is extremely beneficial, and I hope that we can also resolve this legitimate domestic debate about the terms of trade. When we were moving forward with the vision of extending free trade throughout the hemisphere, we empowered all the reformers, all the good guys. They had leverage to take tough decisions internally to open up their economies because there was a great prize to be gained, which was access to our market.

When we retreated from that, we undermined the reformers. Now the cohesion and the sort of momentum that we had where the hemisphere was moving together toward a common goal has been dissipated, and you see a heck of a lot more centripetal forces in the region. Frankly, Latin America has a lot of troubles these days. The Andean region has never been in more trouble politically and socially and in terms of national security in the last 50 years, and it does affect us.

So I think we should move forward with the FTAA. I think that there is a decent bipartisan compromise to be struck on labor and the environment, if we have goodwill and are truly committed to finding a compromise we could that would allow us to have fast track, which has now been renamed "trade promotion authority."

But I think we need to get going on that as well, Mr. Chairman.

Senator CHAFEE. I do think that trade policy does affect narcotics and the specific focus of today's hearing.

Mr. ARONSON. There is no question about it. What Senator Biden and others said is correct. Largely on the growing side, these are campesinos. They do not make the money. They are in many ways exploited. The people who grow coca leaf in these regions are very poor people, and in many cases they do not want to be in the drug trade. But you cannot take away the trade they have to feed their families and put nothing in its place and expect them to stay out of the drug trade.

They will grow coca leaf—if that is the only licit crop, if that is the only place where they can get the product out, if that is the only place where there is a transportation network, which is true in many regions in Colombia. So I think we have to have a broad strategy that recognizes that this is defending democratic institutions and building democratic institutions, it is extending alternative development, it is taking down these criminal enterprises.

I agree with the Senator also on the Medellin Cartel. I remember when Newsweek ran a cover story and said they were the "Kings of Cocaine," they were untouchable, they were all 15 feet tall, they

were more powerful than the state, and they listed 50 of them. Virtually everybody on that list is either in jail or has gone, not to purgatory, but wherever they should have gone. And they were taken down with a strong effort by Colombians and with a lot of help from the United States.

Senator CHAFEE. Senator Biden.

Senator BIDEN. Bernie, thank you very much. I appreciate your being here.

Just one thing that I—there are many things that I have overlooked, but one of the things that I have overlooked in as much time as I have spent on this, and I did not realize its potential significance, was the lifting of visas. You and I both know there are certain people in some of the countries we have mentioned where we have asked the leadership to make difficult decisions to purge them, jump over them, let them go, et cetera, sometimes on our own advice, and then we turn around and we give them visas and they are dining in Miami, they are up in New York for a play.

I must tell you, I underestimated the significance of denying visas to those 10 or 100 people in the various countries. You do not have to do it now, but at your leisure I personally would like to know, and maybe the committee as a whole would, too, if you were in my spot who would you be going to in this administration to make the case and how would we be drawing up that list?

In other words, it is an area that I am a little like that—they used to have the joke about Texas. It is not about Texans. I am like that guy from Texas who said: I do not know much about art, but I know what I like. Well, this is the one area I really have not looked at. I personally, and maybe the committee as a whole, could use some very specific advice on how we get—and maybe the administration is already looking at it, in fairness to them—how we get to the point where in the near term we take some of these leaders off the hook by denying visas to some of the very people we have said are a problem.

Mr. ARONSON. Senator, I totally agree with you. There is a former Colombian general right now who was purged from the Colombian military who meets with Carlos Castana, the leader of the paramilitaries, and supports their activities, and he has a visa to the United States. The signal it sends is that somehow it is a Good Housekeeping Seal of Approval.

Senator BIDEN. Absolutely.

Mr. ARONSON. Conversely, when you take it away the signal is this guy is no good.

But I would suggest that the committee look at a whole range of sanctions that you could build into a certification process, like visas, like asset seizures, like going after assets in the United States, like proscribing their business activities from any form of U.S. assistance or participation.

It is very similar to the debate you have been having up here about economic sanctions. It is such a blunt instrument when you wield it on an entire society, many of the victims are people who do not deserve it. Yet you want to find a way to target the people you want to target. It seems to me that you take some of the sting out of the certification process, or some of the difficulties, in addition to all these other mechanisms we have talked about like multi-

lateral mechanisms, putting ourself under the microscope, if you came up with a whole range of sanctions, such as visas, targeting assets, and maybe some others that we have not thought about, you laid them out and let the President choose among them. Then he might say: I am not going to stop OPIC and Eximbank and IMF for Colombia at a time when it is fighting for its life against guerillas, but there are 250 people who are complicit in the drug trade who are going to get sanctions, whom we are going to make them pariahs internationally, whose assets we are going to attach, and that would have as much effect.

Senator BIDEN. Would you be willing to work with me on that, drawing up such a list with Brian and myself, to actually sit down and do that?

Mr. ARONSON. Sure. In my experience, those kinds of lists are a lot easier to put together than people think. I think we always know.

Senator BIDEN. I think you are right. I must tell you, though, it has just been recently in a couple conversations over the last 6 months with some of the folks what are making these hard calls and they look at me and say: But Joe, general so and so is in town. What does that say back in wherever?

Mr. ARONSON. Exactly.

Senator BIDEN. Well, thank you, Bernie. I will call you.

Mr. ARONSON. Happy to do it.

Senator CHAFEE. Thank you very much for your time and testimony.

Mr. ARONSON. Thank you.

Senator CHAFEE. We look forward to working with you in the future.

The hearing is adjourned.

[Whereupon, at 12:08 p.m., the committee was adjourned.]

STATEMENTS SUBMITTED FOR THE RECORD

PREPARED STATEMENT OF MATHEA FALCO, PRESIDENT, DRUG STRATEGIES,
WASHINGTON, DC

Mr. Chairman, I am delighted to have the opportunity to submit testimony to the Foreign Relations Committee on the utility of the certification process.

I am President of Drug Strategies, a non-profit research institute that promotes more effective approaches to the nation's drug problems. My own interest and expertise in international drug control policy date to my service as Assistant Secretary of State for International Narcotics Matters from 1977-1981.

Drug Strategies has played an active role in the debate over certification and the debate about the trajectory of U.S. international drug policy more generally. In 1995, I published an article on the certification process in *Foreign Affairs*. In 1997, I chaired the Council on Foreign Relations Task Force responsible for the report *Rethinking International Drug Control: New Directions for U.S. Policy*. In 1998, Drug Strategies published *Passing Judgement*, a review of certification's implementation and impact. For the report's release, we convened a major media forum featuring Members of Congress; key U.S. and Latin American government officials; and journalists from leading newspapers and magazines in the United States, Mexico and Colombia. The Century Foundation commissioned Drug Strategies' Senior Research Associate, John Walsh, to conduct an in-depth analysis of certification and possible alternatives. I would be happy to furnish all of these materials to your committee.

When Congress debated the legislation that created the certification process in 1986, the House Foreign Affairs Committee cautioned against expecting too much from a sanctions approach, noting that

U.S. efforts to persuade other countries to increase their antinarcotics efforts are ultimately limited by the difficulty of dealing with sovereign countries, the boundaries of U.S. leverage, the competition of other U.S. national security interests, and by the lack of a persuasive U.S. domestic commitment and effort. Experience has demonstrated that politically attractive solutions such as “cutting off foreign aid” or vastly increased funding for international narcotics activities will contribute only marginally to combating this problem. (*International Narcotics Control Act of 1986: Report to Accompany H.R. 5352*, Report 99-798, 1986).

Fifteen years later, the Committee’s words have been repeatedly and resoundingly confirmed. A charitable assessment of certification would find that it has proven irrelevant. A more accurate appraisal is that certification has proven detrimental, in both practical and symbolic terms. Intended to improve foreign cooperation with U.S. drug control efforts, certification has instead become a stumbling block to cooperation. Enacted to underscore U.S. resolve in confronting drugs, certification has helped perpetuate the myth that foreign supply rather than demand for drugs in our own communities is at the heart of America’s drug problems.

Despite its failures as a policy, the certification process persists because many Members of Congress still find it to be politically advantageous. The drug issue’s potency in electoral politics (or at least its perceived potency) means that certification is not treated as some more or less arcane foreign policy matter or as a dry, technical matter of executive branch oversight. Instead, certification has become an annual platform for sounding tough on drugs—by attacking the administration, other countries, or both.

BUILDING ON SHAKY PREMISES

Certification’s policy failure extends directly from the flawed premises on which it was built. The 1986 certification legislation was rooted in bipartisan confidence in the supply-side approach to drug policy. Stepped-up drug control efforts in drug producing countries and at the border would translate into higher drug prices and reduced drug use at home. “Winning the war on drugs,” according to Rep. Dan Rostenkowski’s House Ways and Means Committee, meant that “the problem must be attacked at its source. . . . Increased pressure on foreign governments and increased enforcement at the border should substantially diminish supplies and drive up prices.” (*International Drug Traffic Enforcement Act: Report to Accompany H.R. 5410*, Report 99-794, 1986).

Second, certification was based on a willingness in Congress to employ unilateral economic sanctions, and a belief in their effectiveness in pressuring other governments to do as the United States wished. If certain drug source countries were reluctant to control illegal crop production and smuggling activities, then, according to the House Ways and Means Committee, “Greater economic pressures must be brought to bear on such countries.” (Report 99-794, 1986). The dual operating assumptions behind the certification legislation are that (a) the United States, with the threat of economic sanctions, can compel other countries to curb drug production and exports, and (b) if other countries would only do more to curtail drug supplies, our drug problem would be diminished.

A PAPER TIGER

Neither of these premises has proven valid. As the House Foreign Affairs Committee foresaw, the leverage that the threat of decertification was meant to provide has never materialized. In the vast majority of cases, the threat is hollow, because of three key factors.

1. For certain targeted countries, such as Afghanistan and Burma, the sanctions entailed by decertification are essentially redundant. U.S. relations with such countries are already frayed, and little if any economic aid of any sort is at stake in the certification process. In the 14 years of certification decisions, just five countries—Afghanistan, Burma, Iran, Nigeria and Syria—have accounted for almost all of the decertifications issued. Only three other countries have ever been decertified: Panama (1988 and 1989); Laos (1989); and Colombia (1996 and 1997).

2. Even for the majority of targeted countries who are not already considered pariah states, the sanctions actually triggered by decertification amount to far less than the rhetoric implies. The President can continue providing drug-related assistance (economic, military and police aid) to countries that have been decertified. Humanitarian aid—such as disaster relief, food, medicine, and refugee assistance—is also exempt from suspension. Successive U.S. administra-

tions, for example, have considered virtually all bilateral aid to Colombia to be drug-related, leaving little at risk of suspension in the event of decertification. Colombia received \$56 million in U.S. aid in 1996 and another \$82 million in 1997, despite having been decertified both years.

Decertification requires the United States to vote against any multilateral development bank (MDB) loans to the designated country. U.S. opposition to MDB loans for a decertified country is unconditional; no exemptions are made for loans to meet basic human needs. But the significance of the U.S. vote depends on the U.S. share of voting power (largely a function of capital contributions) and on the voting rules of the particular multilateral bank. Only in the Inter-American Development Bank's (IDB) concessional Fund for Special Operations (FSO) do U.S. voting power and the voting rules combine to make a U.S. "no" vote tantamount to a veto. Among the 14 Latin American countries currently subject to certification, only Bolivia and Haiti are restricted to FSO loans and would therefore be directly affected by a U.S. "no" vote were they to be decertified. The other 12 countries are eligible for the IDB's "ordinary capital" loans, which are not vulnerable to a U.S. veto. For example, despite being decertified in 1996 and 1997, Colombia received 18 World Bank and IDB loans totaling \$930 million. In 1996, the country was awarded more in MDB loans (\$676 million) than in five of the previous nine years, a period when Colombia was always certified, either fully or under the vital national interests provision. In sum, for most countries neither the MDB nor the U.S. aid sanctions are nearly as significant as they might appear at first glance.

3. Where U.S. relations with a given country are considered so important that decertification is never considered a real option—despite the negligible sanctions that are actually entailed—the threat of decertification rings especially hollow. The extraordinary case of Mexico illustrates the failures of certification. Although the actual sanctions triggered by decertification would be barely perceptible in Mexico, and although Mexico has always been certified as "fully cooperating," Mexicans detest the certification process itself as a hypocritical ploy on the part of U.S. politicians to blame Mexicans for America's own failure to cope with its drug problems. Other Latin Americans join Mexicans in questioning Washington's moral authority to judge other nations when U.S. demand for drugs fuels the illegal trade. Mexico's apparent impregnability as far as decertification is concerned does not diminish Mexican contempt for the process, even as the double standard gives credence to the claims of the governments of smaller Latin American countries that the process is basically unfair. (Mexico is the United States' second largest trading partner. In 1999, total U.S.-Mexican trade was more than double the total U.S. trade with all the other 13 Latin American nations subjected to certification that year.)

Proponents of decertifying Mexico contend that unless the U.S. government shows that it has the will to deny certification to Mexico, cooperation will remain unsatisfactory. But if the United States were to decide that the risks of antagonizing Mexico by denying certification were justified, there is little reason to believe that Mexican antidrug cooperation would improve as a result. The sanctions triggered by decertification pose little threat to Mexico: Very small amounts of U.S. aid are at stake, and U.S. opposition cannot prevent approval of World Bank or IDB loans to Mexico. A decision to decertify Mexico would have to count on the political embarrassment of the situation to prod Mexican officials into line with U.S. priorities. Mexican contempt for the certification process, combined with the political need to avoid even the appearance of bowing to U.S. pressure, point to an outcome of less cooperation, not more.

A FLAWED STRATEGY

The certification process was devised as a tool to enhance the performance of the United States' supply-side approach to drug policy. Does the overall strategy in which certification is embedded make sense? If the supply-side strategy is fundamentally ineffective, then even perfect fidelity in implementing that strategy—including maximum cooperation from foreign governments—will not deliver the desired results.

The appeal of a supply-side approach to drug policy is undeniable. Focusing on drug production overseas provides an easy way to sound "tough" on drugs by excoriating foreign governments. The supply-side approach is also attractive because it appears to be logical: The easiest way to stop drug abuse would be to eliminate drugs before they get to the United States. According to the State Department's Bureau for International Narcotics and Law Enforcement Affairs (INL) budget presentation for fiscal year 1999, "By stopping drugs from ever being produced or reaching our

shores, INL programs probably deliver the largest returns of any federal anti-drug program.”

The primary purpose of U.S. interdiction and international drug control programs—on which the United States has spent more than \$33 billion dollars since 1986—is to raise the price and reduce the availability of illegal drugs in the United States. By now, we should certainly expect there to be *some* evidence that the supply-side strategy works to make drugs more expensive and less available. In fact, despite our efforts, heroin’s average U.S. retail price has *fallen* by 45 percent since certification was enacted, while the price of cocaine has dropped by 42 percent. Nor do supply-side efforts seem to have lowered availability. High school seniors in 1999 perceived crack cocaine to be just as available as seniors perceived it to be in 1987 (in both years, 41 percent of seniors considered crack to be “fairly easy” or “very easy” to get). Over the same period, the proportion of high school seniors who see heroin as “fairly easy” or “very easy” to get has risen from 24 percent to 32 percent. In the face of considerably escalated U.S. supply-side efforts since certification went into effect, the key measures of success have plainly been headed in the wrong direction.

These dismal results suggest that the supply-side strategy is itself seriously flawed, and that the alluringly simple logic of “going to the source” is belied by a more complicated reality. Four major obstacles severely limit the potential of international supply-control initiatives to reduce U.S. drug problems.

1. The idea that eliminating drug production in foreign countries would stop drug abuse at home overlooks the fact that illicit drugs can be produced in the United States as well. For example, domestic production accounts for an estimated one-quarter to one-half of U.S. consumption of marijuana, by far America’s most widely used illicit drug.

2. Drug crops can be grown cheaply almost anywhere in the world, and America’s annual drug demand can be supplied by a relatively small growing area. *A 30 square mile poppy field—about the area of northwest Washington, D.C.—can supply the U.S. heroin market for a year. The annual U.S. demand for cocaine can be met from coca fields extending about 400 square miles, roughly one-third the area of the State of Rhode Island.* In reality, of course, drug crop cultivation is not conveniently located in one place. Farmers have strong economic incentives, to shift, expand or modify cultivation as required to protect their livelihoods. Enforcement directed at growers tends to disperse cultivation to ever more remote areas, making detection and eradication even more difficult.

3. Interdiction may achieve impressive tactical successes against drug traffickers, but these efforts are overwhelmed by the volume of drug production. Drugs are now so plentiful that even the largest seizures have little impact on drug availability in the United States. Traffickers quickly move on to new sources, shipments and routes. As U.S. Coast Guard Vice Admiral Roger Rufe, Jr. explained to reporters in 1997: “When you press the balloon in one area, it pops up in another. . . . It’s a market economy; with demand as it is in the U.S., they have plenty of incentive to try other routes.” For example, in the late 1980s, intense interdiction efforts in southern Florida and the Caribbean pushed cocaine traffickers to switch to routes through northern Mexico, where they formed partnerships with Mexican trafficking organizations. The result has been wealthier and bolder traffickers in Mexico, but no diminution in the drug flow. New smuggling routes are practically without limit, whether in the Amazon jungle or at the U.S. border. This is especially so for a country intent on easing the barriers to legal trade: Each year an estimated 436 million people enter the United States by land, sea and air; 116 million motor vehicles cross U.S. borders; and more than nine million shipping containers and 400 million tons of cargo enter U.S. ports. *The amount of cocaine estimated to come across the U.S.-Mexico border each year would fill only six trucks—yet more than 3.5 million trucks and rail cars cross the border annually.*

4. The price structure of the illegal drug market ensures that even the most successful overseas drug control operations will have minimal impact on U.S. prices. Almost 90 percent of the price of drugs on U.S. streets is the result of the value added due to the risks of distributing and selling drugs after they enter this country. The total cost of cultivating, refining and smuggling cocaine to the United States accounts for less than 15 percent of retail prices here. As one Drug Enforcement Administration (DEA) official has explained, “The average drug organization can afford to lose as much as 70 percent to 80 percent of its product and still be profitable.” As a consequence, even the most effective eradication and interdiction campaigns in producer countries have little, if any, effect on U.S. drug prices.

STATE OF THE DEBATE

The inherent obstacles to supply-side drug policy have been discussed for years. Detailed accounts have been published by RAND, the Council on Foreign Relations, and the U.S. General Accounting Office (GAO), as well as in the academic literature. For example, a 1988 RAND analysis concluded that, "Increased drug interdiction efforts are not likely to greatly affect the availability of cocaine in the United States," primarily due to "the small share of total drug distribution costs that are accounted for by the smuggling sector." A 1994 RAND report found treatment to be ten times more cost effective than interdiction in reducing cocaine use in the United States, and twenty-three times more cost-effective than source country drug control programs. U.S. government publications have also described some of the basic obstacles to supply-side success. The GAO has reported to Congress on the speed with which drug traffickers adjust to enforcement pressures. The CIA and the State Department published the proceedings of a 1994 conference on the economics of the drug trade that featured a presentation of how the illegal drug market's price structure limits the value of antidrug operations at the "source." In short, analysis that raises basic questions about current policy—and a growing body of supporting evidence—have been in the public domain for some time, and readily available to Members of Congress and their staffs.

Yet, the recurring debates in Washington over international drug policy show barely a trace of this fundamental critique. Having raised expectations about what can be accomplished through supply-side policies, officials are now loathe to tell voters that in fact very little has been achieved. The key question for policy makers should be whether the evident lack of success to date stems from inadequate implementation of an otherwise sound policy or whether the poor results reflect more fundamental strategic flaws. But policymakers have not addressed whether the strategy is appropriate, arguing instead that success simply requires more resources, more time, and better coordination. Operational problems—faulty coordination, lack of continuity, and resource constraints—may contribute to the policy's poor record, but they are not decisive, even when taken together.

The certification process has not improved the track-record of supply-side policy in meeting its own goals: U.S. drug prices—which supply-control policies backed by the certification process were supposed to push higher—have instead declined. Policymakers have focused on how U.S. supply-side policies might be better implemented; the annual Congressional debates surrounding particular certification decisions are now a staple of this discussion. But the debates over certification have always been limited by the implicit assumption that U.S. supply-side policy can achieve its objectives. Unfortunately, that policy suffers from elemental flaws, which limit interdiction and international drug control programs to a marginal role, at best, in U.S. efforts to reduce drug abuse. Certification compounds the problems inherent in the supply-side approach by reinforcing the notion among policymakers and the American public that foreign governments can play a decisive role in reducing drug abuse in this country.

WOLA • WASHINGTON OFFICE ON LATIN AMERICA

EXERPTS FROM ACROSS THE SPECTRUM CALL FOR REFORM OF THE ANNUAL DRUG
CERTIFICATION PROCESS

(January 30, 2001)

"Congress should end the requirement that U.S. Presidents annually certify Mexico's cooperation with its anti-narcotics efforts. In 1997 and 1998, President Bill Clinton certified a non-compliant Mexico while not certifying Colombia, despite evidence that efforts in both countries did not merit certification. Such dual treatment is an irritant to hemispheric relations and undermines the effectiveness of the certification process."

Stephen Johnson, The Heritage Foundation
U.S.-Mexico Relations: No More Business as Usual, July 20, 2000

"Recommendation: Undertake a full-scale reassessment of anti-drug strategy at home and abroad, with a view toward devising a more effective and better coordinated approach that our neighbors will be able to support as allies. This might include streamlining and clarifying the chain of command regarding narcotics policy, recalibrating the increasing imbalance in Latin America and the Caribbean between the U.S. military and civilian law enforcement institutions in the drug war, and

pursuing options related to an annual hemispheric ‘cooperation’ certification process proposed at the Santiago Summit.”

North-South Center

The Case for Early and Sustained Engagement with the Americas: A Memorandum to the President-Elect and His Foreign Affairs/National Security Team, December 2000

“The OAS, with strong support from the United States, has now developed a promising multilateral procedure for assessing anti-drug efforts by every nation in the hemisphere. Replacing U.S. certification with the OAS procedure would enhance cooperation regionwide—and should be a high priority for the new administration [in] Washington.”

Inter-American Dialogue

A Time for Decisions: U.S. Policy in the Western Hemisphere, December 2000

“At an absolute minimum, we should immediately end the arrogant and hypocritical congressionally mandated annual ‘certification’ of Latin American countries by which we judge how well they are fighting our drug use problem.”

William Ratciff, Hoover Institution

Undoing “Plan Colombia,” December 27, 2000

“Certification is bad drug policy, bad foreign policy, and bad for our national conversation on both. First, it sends mixed signals to other countries about the rewards or punishments for their efforts in the war on drugs. Second, while cast as a means to increase cooperation, the process repeatedly fosters conflict. Third, and most importantly, certification symbolizes and reinforces a misguided broader U.S. international drug policy that aims to stop the supply of illegal drugs from entering the United States.”

Bill Spencer, Washington Office on Latin America

Failing to Make the Grade: The Case Against U.S. Drug Certification Policy, February 1999

“Now the theory of the certification may be fine, but I think the practice is seen primarily as one of threatening punishment, which seems to me a dubious way to solicit voluntary and enthusiastic cooperation. If the threat is followed by actual decertification, it builds enormous hostility and resentment generally, not only in the decertified country, which, again is hardly conducive to the goals we are pushing.”

General Brent Scowcroft, National Security Advisor to President George Bush Sr. Hearing before the House Committee on International Relations, April 29, 1998

“The primary measure of success for the United States has been reductions in foreign opium, coca and marijuana production. Reductions would presumably lead to higher drug prices in the United States, which in turn would prevent new drug use and drive addicts into treatment. However, annual worldwide opium production has doubled in the past decade, while coca production has nearly doubled . . . The certification process—by focusing on one aspect of often complex bilateral relationships—can distort the management of U.S. foreign policy.”

Drug Strategies

Passing Judgement: The U.S. Drug Certification Process, 1998

In a letter to Senator Christopher Dodd supporting legislation to suspend certification: “Wanted to confirm that the Administration supports the Dodd-McCain legislation on international drug cooperation. Believe your thinking supports U.S. drug policy by recommending a mechanism that would allow us to make fundamental improvements in the way we cooperate with major drug producing and transit countries. At a minimum, your bill promises to remove a major cause of foreign policy friction, especially with Latin American and Caribbean countries . . .”

Barry McCaffrey, then-Director of the Office of National Drug Control Policy, July 16, 1997

In a letter to Senator Christopher Dodd supporting legislation to suspend certification: “We believe your amendment would allow the Administration to develop and implement a new multilateral strategy to stem the flow of illegal narcotics. We believe the passage of this amendment will lead to a more effective multilateral effort in the war against drugs.”

Samuel L. Berger, then-National Security Advisor to President Clinton,
July 16, 1997

“The criteria are vague and inconsistently applied, while the punishments are often more apparent than real. More important, the process itself is corrosive in its effects on U.S. relations with other countries, which often have a complex of problems that cannot be effectively addressed by this type of intervention.”

Council on Foreign Relations

Rethinking International Drug Control: New Directions for U.S. Policy, 1997

“The certification process whereby the U.S. government rules on the anti-narcotics efforts of drug-producing or drug-transit countries is at the heart of (the drug) war. Certification is an arbitrary and hypocritical exercise.”

L. Jacobo Rodrigues, Cato Institute

Time to End the Drug War, December 3, 1997

