WASHINGTON OFFICE ON LATIN AMERICA

Testimony of

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Hearing on Latin America in 2010: Opportunities, Challenges,

and the Future of U.S. Policy in the Hemisphere

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Senator Dodd and other members of the Committee, thank you for inviting me to testify today on the future of U.S./Latin American relations. Senator Dodd, it is an honor to testify at your final hearing. Among the many accomplishments in your distinguished career in the Senate, you will be remembered for your courageous support of democracy and peace processes Central America and for the beginnings of change in U.S./Cuba policy. You have drawn on your own deep knowledge and commitment to Latin America to challenge the U.S. Congress to adopt policies that would form the basis of a more cooperative relationship with the region. It has been a privilege to work with you. You leave the Senate having made concrete improvements in U.S./Latin American relations.

I will take this opportunity to reflect on some of the issues you have worked on over the years and how changes taking place today will produce both challenge and opportunity in the years ahead.

Navigating Change

Change in the region – new political dynamics, new economic patterns – is taking place at every level. This is not the Latin America of 1970. The issues confronting the region are changing, and regional leaders – governmental, civil society, and business – at many levels are working on solutions.

Parts of Latin America are the most violent in the world, but the causes of violence are different now. The violence that still afflicts too many in the region is generally not created by guerilla movements or state sponsored human rights violators, but by street criminals, youth gangs and/or organized crime. Organized crime groups, which include contraband smugglers, extortionists, and robbery rings along with drug traffickers, are not only engaging in violence, but corrupting government officials and undermining democratic institutions. Cities like Ciudad Juarez, San Salvador, Medellin, Caracas and Rio de Janiero are all trying to figure out how to cope with these powerful groups that, in extremes, can rival or replace state structures. Too much of this violence is rooted in the trafficking of illicit drugs, destined for the U.S. market – an issue that must be addressed anew in the policy arena.

In Latin America, the challenge today is to make police and justice systems function in a rights-respecting fashion. These systems must work to hold accountable both organized crime and human rights abusers. There has to be the political will and the ability for governments to arrest and prosecute criminals while not committing human rights violations. And, the will to implement tax structures to support a functioning justice system

Poverty alleviation is another example of change. Innovative targeted cash transfer programs (CCTs) have made progress in reducing absolute poverty. This model – new to Latin America in the last decade – makes much-needed financial resources available to poor households, but requires certain actions from the cash recipients, such as keeping children in school and having health check-ups. Twenty-six countries in Latin America have now implemented CCTs. There is evidence of children staying in school longer and being healthier. The question now is, will these programs be sustainable and lead to economic development? Or, will kids stay in school longer and then enter the workforce to find little opportunity in the formal sector?

If Latin America is facing long-term problems in new contexts, it is also developing new approaches. There are exciting moves to develop institutions that will facilitate regional solutions to regional problems. One can critique UNASUR or the Mexican-sponsored Summit of Latin America and the Caribbean (CALC), but it is clear that Latin America, or a large part of it, is seeking to manage regional conflicts, development and trade on its own. The United States needs to recognize this reality.

Notably, most of Latin America has weathered the “economic downturn” much better than the United States. And economies that are less dependent on the United States have been the least affected. While of course there are many factors contributing to this, what has been demonstrated is that the region’s stability, prosperity and in many ways, its future need not depend upon the United States.

Of course there are exceptions to everything I’ve said, but the point remains the same. The challenges and opportunities Latin America faces have taken new shapes under new circumstances. The challenge for the United States is to be relevant to Latin America.

And yet, I’m sorry to say this, but many of the prevailing attitudes and debates in the U.S. Congress about Latin America policy tend to be polarized and seem stuck in the past.

Polarization, Collaboration and the Need for "Intermestic" Policymaking

President Obama, in addressing the last Summit of the Americas, pledged that, "…the United States will be there as a friend and a partner, because our futures are inextricably bound to the future of the people of the entire hemisphere. And we are committed to shaping that future through engagement that is strong and sustained, that is meaningful, that is successful, and that is based on mutual respect and equality."

In foreign policy circles, we all talk a good game about "partnership" and "collaboration" with our neighbors to the south, but the United States hasn't really figured out how to play by the new rules. And, many policy makers haven't figured out that, for better or for worse, the United States doesn't write those rules anymore. The United States has to change how it conceives of its role with the region and incorporate that into how it makes policy. It means thinking more "intermestically" – attempting to conceive of domestic and international U.S. policy at the same time. It means working with our neighbors to develop common solutions to common problems.

The polarization we see too often in Congress today has a damaging effect on foreign policy. This polarization distorts our understanding, diminishes our credibility, and complicates our relationship with the region. The debate in Congress too often reinforces the "us" versus "them" mentality.

The immigration debate is a good example. In the United States, immigration is currently at the forefront of polarizing issues, and it spills over into our relationship with Latin America. We build bigger and longer walls to keep "them" out. The tone and the visual here is enormously offensive to Latin Americans.

Missing from the U.S. policy debate on immigration is an analysis of why people leave their homes to make the treacherous journey north. Migrants are certainly central to economic growth in the United States, and sending countries certainly depend on the remittances sent by migrants. But people leave their homelands and face terrible hardships, even death – as we saw recently with the massacre of 72 Central American migrants in Mexico – because they are desperate, facing a lack of economic opportunity that enables them to sustain themselves and their families at home.

We need to start thinking about migration and development as one. And realize that immigration isn't only about domestic U.S. policies. Economic development that will create more and better paying jobs in Latin America is in our interest. If we think more intermestically, we will make better policies for the United States.

Not thinking "intermestically" can create dangerous policies. Dramatically increased border control at the U.S. southern border is one example of a policy with serious unintended consequences. Those who follow migration patterns in Mexico will tell you that as the United States made it harder to cross our southern border, the way people crossed the border changed. Now migrants need more sophisticated knowledge of the weak links in the system. It is organized criminal networks who have that information. And so the migration networks that were once "mom and pop" operations have given way to drug trafficking networks that control routes into the United States. Let me be clear. The

migrants are not criminals. They are the victims of organized crime.[1] And with those criminal networks come a much greater abuse of migrants and more violence on the border. Although we once thought it would keep us safer, more border security has lead to the consolidation of organized crime on our border.

So many of the issues we face today cannot be addressed by us alone, but require new ways of thinking – ones that embrace understanding transnational issues and develops national policies that are mutually reinforcing.

Drug policy is one of the easiest issues to understand and one of the hardest to affect. Drugs are a part of our societies and are not going away. We can't win a war against them. Drugs and our policies to control them create tremendous damage at many levels – consumption, crime, disease, expense and violence – with an often devastating impact on families. The United States has spent years focusing its international drug policy on source country eradication and regional interdiction. When "successful," these strategies have moved production and transport to new areas. Every time it moves, some new region of Latin America has been devastated by the violence and corruption that follow the drug trade.

There is a vibrant drug policy debate happening in Latin America. WOLA has been facilitating informal inter-governmental drug policy dialogues for the past three years, and they are exciting. Information is being shared between countries about drug control strategies that have reduced the harm caused by drugs. Drug policies are being changed. The consequences of drugs and drug policy are as controversial in Latin America as they are here in the United States, and in some countries like Mexico, even more so. But there is an underlying understanding that the status quo is not good enough. Next week WOLA is releasing an eight country study looking at the impact of drug laws on incarceration and prison overcrowding in Latin America. The study has revealed that prisons are bursting at the seams with low-level/non-violent drug offenders who are easily replaced in the drug trade. The human and financial cost of the drug war is too high, and basically something's got to give.

In the region, the United States is seen as the enemy of an open discussion of drug policy. For too long the United States has judged and conditioned other countries on their adherence to prescribed approaches to drug policy.

There is a real opportunity for greater collaboration and cooperation with Latin America on drug policy. While changes in the drug certification process that you shepherded through Congress, Senator Dodd, were an important step forward, more affirmative actions need to be taken to change this dynamic. One small step the Senate could take during the lame duck session would be passing the bill to establish a Western Hemisphere drug policy commission, which has already cleared the House.

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[1] In December WOLA, in conjunction with the Mexico-based Miguel Agustin Pro Juarez Human Rights Center, will publish a paper on the kidnapping of migrants in Mexico.

Overcoming polarization will be the challenge for the next Congress and the rest of this Administration.

I had the privilege of testifying before the Western Hemisphere Subcommittee of House Foreign Affairs after the coup in Honduras. This hearing was a disturbing experience, not just because the region had not seen a military coup in years, but because the Subcommittee's analysis of the situation broke down along party lines. All of the Democrats described the events in Honduras as a coup, and none of the Republicans were willing to make that determination. The debate was like a flashback to the Central America years of the Cold War.

In Latin America, calling what happened in Honduras a coup was a given. All the region's governments condemned it in those terms. In some ways, the congressional debate here complicated efforts at collaboration and engagement with Latin America on Honduras. Lingering Cold War frameworks that see the region in black and white terms are likely to get substantial air time in the next Congress, including spending too much time on Venezuela and Cuba.

This Cold War conceptualization can distort our relationship with Latin America by placing too much emphasis on extremes – instead of marginalizing the extremes – and inhibiting our ability to work together with the other ninety percent of the region on common problems.

To work together across party lines and with governments of different political inclinations in the hemisphere, we should think in terms of good government. Good government should not be a partisan issue.

Finally, and I hate to say it, but the United States has lost its credibility on human rights in Latin America. We have not practiced what we preached. If you try to talk about human rights in Latin America, which I do and I'm sure many of you do as well, you are constantly reminded of this.

The United States is seen as hypocritical. Our government uses human rights to beat up its adversaries (Cuba and Venezuela) and soft-pedal when it comes to its friends (Colombia, Honduras and Mexico). Cuba and Venezuela deserve criticism, but so do Colombia, Honduras and Mexico. We need to confront the fact that we are not taken seriously on human rights matters. The State Department writes in-depth annual human rights reports and then both Republican and Democratic administrations turn around and flout the human rights conditions that Congress has imposed on aid to Colombia and Mexico.

The region views us as considering ourselves above the law. We won't submit to the Inter-American Court on Human Rights. We have the posse comitatus law here that divides police and military functions, but in our engagement with Latin America we routinely promote the opposite, encouraging militaries to take on policing functions.[2] We even train Latin American police at U.S.

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[2] See *Preach What you Practice: The Separation of Military and Police Roles in the Americas*, Washington Office on Latin America, November, 2010.

military schools. And let's not forget that Guantanamo is in this hemisphere. While many U.S. citizens may have forgotten that we are imprisoning people for years without trial, Latin America has certainly not.

Conclusion

This is a moment of tremendous opportunity in U.S./Latin American relations. Prosperity in the region is increasing, and we are one of its main trading partners. It is developing its own policies and leadership and focusing on regional solutions to regional problems. We do not need to "lead" Latin America. We need to convince Latin America that it is worth partnering with us and that the United States wants to be a partner in the solution of regional problems. Not just their problems, but our problems – drugs, poverty, human rights, the environment, migration and development.

To seize these opportunities, we must change. We must think intermestically and develop policies that demonstrate it. We must be consistent on human rights – intermestically – at home and in foreign policy. We must demonstrate that Latin America matters to our future – even if it means spending some money, using up some political capital, and confronting hard-liners who want to be reliving conflicts of the past.

Senator Dodd, you were instrumental in fighting for peace, human rights and democratic governance in Central America during the 1980s and 1990s. It is my hope that others in the U.S. Senate will rise to the occasion upon your departure and help focus U.S. attention on this new agenda.