



Taking “No” for an Answer

The “American Servicemembers’ Protection Act” and the Bush Administration’s Security Relations with Latin America

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Executive Summary

The United States has a history of close relations with the Western Hemisphere’s armed forces, at times despite strong human rights or democracy concerns. During a recent three-and-a-half-year period, though, these relationships fell prey to the law of unintended consequences.

In 2002 the U.S. Congress approved a measure to “protect” U.S. military personnel from the jurisdiction of the new International Criminal Court in The Hague. Part of the “American Servicemembers’ Protection Act” cut much U.S. military assistance to governments that failed to sign bilateral immunity agreements promising not to extradite U.S. citizens to the court.

In Latin America, this proved to be a blunder. Of twenty-one countries asked to sign immunity agreements in the region, twelve refused. This was a far higher proportion than anywhere else in the world. When sanctions went into effect in mid-2003, these twelve countries – among them several governments that Washington considers to be close friends – saw their U.S. military aid cut back significantly.

U.S. government officials, joined by key members of Congress, complained more loudly about the aid cutoff than did their punished Latin American counterparts. The International Criminal Court sanctions, they argued, were forcing them to lose contact with a generation of of-

ficers who would someday lead their countries’ militaries. The cuts, they added, were taking place at a time when third countries – especially China and Venezuela – were increasing their own military engagement in the



Twelve Latin American countries have had some of their U.S. military aid cut off for refusing to exempt U.S. military personnel from jurisdiction of the International Criminal Court in The Hague.

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hemisphere.

Ultimately, the U.S. government found itself forced to “take ‘no’ for an answer” from its Latin American counterparts. In October 2006, the Bush administration and Congress relented, allowing most of the frozen military aid to flow once again.

The American Servicemembers' Protection Act sanctions were unwise. But were their effects as grave as U.S. officials had warned? How much damage did they do to U.S. security relations – and U.S. foreign policy goals – in Latin America?

This paper seeks to answer these questions, basing its conclusions on a thorough review of the record and dozens of interviews with government officials and other experts in the United States and five Latin American countries.

This survey yielded several interesting findings.

- **The countries subject to sanctions actually experienced a modest overall increase in military and police aid** between 2003 and 2006. This is due to greater use of aid from accounts unaffected by the American Servicemembers' Protection Act, such as “Drug War” programs and monies in the Defense budget.
- **While the sanctioned countries received less military training, other programs – especially Defense-budget programs – increased, helping to cushion the blow.**
- **The main training programs curtailed were courses designed to teach about U.S. doctrine and values, and to “engage” with key officers in the region’s armed forces.** Whether these courses have actually instilled respect for civilian rule and guaranteed U.S. influence is unclear. Their success has never been independently evaluated.
- There was little consensus about the extent of military aid from third countries like China and Venezuela. There was agreement that **military aid from other countries is increasing, but also that it would have increased even without U.S. sanctions.** The region’s militaries today have “somewhere else to go.”
- **The U.S. sanctions were little-noticed in Latin America.** Their impact was masked by stagnating or falling overall aid levels in 2006-2008; other, unrelated U.S. sanctions on aid;

the arrival of governments whose foreign policy is more critical of Washington; and the U.S. government's increasingly tarnished image throughout the hemisphere.

Two steps are necessary to bring the American Servicemembers' Protection Act chapter to a definitive close in Latin America.

First, all remaining International Criminal Court sanctions must be repealed. They continue to be an irritant in security relations, and their repeal would show that Washington is willing to listen to neighbors' concerns and acknowledge policy mistakes.

Second, rather than simply reinstating the same military-assistance programs that existed before, the present is an opportune moment for an impartial review – perhaps by a bipartisan panel – of U.S. aid to the Western Hemisphere's militaries. Some basic questions remain unanswered about the risks and benefits of generously aiding the armed forces of a region marked by stark social inequalities, chronic human-rights abuse and impunity, and fragile, easily reversible democratic transitions. It is important to ensure that the aid programs being reinstated are the right ones for the current U.S. security relationship with the rest of the hemisphere.

I. The American Servicemembers' Protection Act (ASPA)

“The establishment of the Court is still a gift of hope to future generations, and a giant step forward in the march towards universal human rights and the rule of law,” UN Secretary-General Kofi Annan told those assembled in Rome for the July 18, 1998 signing of a statute creating a new International Criminal Court (ICC).

The eighteen-judge panel based in The Hague is considered a “court of last resort” to try “the most serious crimes of international concern, namely genocide, crimes against humanity and war crimes.”¹ Cases are referred by the UN Security Council, by member nations – of which there are now 104 – or by the court's lead prosecutor.

The U.S. government has not shared Secretary-General Annan's view of the ICC. Both the Clinton and Bush administrations voiced concerns that the ICC could be used for politically motivated prosecutions of U.S. citizens and officials. “The treaty purports to establish an arrangement whereby United States armed forces operating overseas could be conceivably prosecuted by the international court even if the United States has not agreed to be bound by the treaty,” Ambassador David Scheffer, the lead U.S. negotiator in the talks that led to the Rome Statute, explained to a U.S. congressional committee.²

U.S. conservatives were even blunter in opposing what they called the “International Kangaroo Court.” Jesse Helms (R-North Carolina), the powerful chairman of the Senate Foreign Relations Committee, warned months before the Rome Statute's signature that the ICC would be “dead on arrival” in the U.S. Senate.

The vote on the Rome Statute was 120 countries in favor, 21 abstaining, and seven opposed: the United States, China, Iraq, Israel, Libya, Qatar and Yemen. On December 31, 2000 – three weeks before leaving office – President Bill Clinton signed the Rome Statute, arguing that doing so would allow the United States to affect the court's evolution. President Clinton did not send the statute to the U.S. Senate for ratification, nor did he recommend that his successor do so.

His successor, of course, was a far fiercer opponent of the ICC. “We will not submit American troops to prosecutors and judges whose jurisdiction we do not accept,” said George W. Bush.

“Every person who serves under the American flag will answer to his or her own superiors and to military law, not to the rulings of an unaccountable International Criminal Court.”³ The Bush administration suspended the United States’ signature of the Rome Statute in 2002.

A bill to shield U.S. servicemembers from “a shady amalgam of every bad idea ever cooked up for world government” – Rep. Tom Delay (R-Texas)⁴

Merely distancing the United States from the ICC, though, was not enough for its U.S. opponents. By mid-2001, Sen. Helms and House Majority Leader Tom DeLay (R-Texas) had introduced legislation to demand further protections from the ICC and its member states. President Bush signed the **American Servicemembers’ Protection Act** (henceforth referred to by its initials, “**ASPA**”) into law in August 2002, as part of a larger emergency appropriations bill for the “War on Terror.”

As its name implies, the ASPA sought to prevent U.S. officials or military personnel from ending up in the dock at The Hague, facing politicized charges from an overzealous prosecutor. The legislation sought to “protect servicemembers” by prohibiting any U.S. cooperation with the ICC, among other punitive and retaliatory actions.

The ASPA was driven by the Bush administration’s then-dominant neoconservative faction, which exercised strong influence in the White House (especially the Vice President’s office), the Office of the Secretary of Defense, and the State Department’s Bureau for Political-Military Affairs. This bureau’s assistant secretary of state at the time, John Bolton (who would later serve a brief tenure as UN ambassador), was an especially energetic and enthusiastic proponent of the ASPA. Bolton heralded the legislation as part of “current efforts by the United States to protect its citizens from the illegitimate assertion of authority over them.”⁵

About a year passed between the ASPA’s introduction in Congress and its final approval. During the congressional debate, the ASPA section that got the most attention was an authorization for the President to use “all means necessary and appropriate to bring about the release” of any U.S. or allied personnel held by, or on behalf of, the ICC. The specter of U.S. commandos raiding the ICC’s facilities to free defendants led critics to refer to the ASPA disparagingly as “The Hague Invasion Act.”

Tying military aid to ICC immunity agreements

The other principal “stick,” contemplated in Section 2007 of the ASPA, was a cutoff of military assistance to countries that failed to sign agreements granting immunity from the ICC to U.S. personnel on their soil – in effect, agreements specifically pledging not to extradite U.S. citizens to The Hague. The U.S. government called these bilateral immunity pledges “Article 98” agreements, referring to a section of the Rome Statute stipulating that member countries cannot extradite individuals to the ICC if doing so would violate other international agreements they have signed.

The ASPA required the U.S. government to ask every ICC member country in the world (with the exception of NATO members, designated “Major Non-NATO Allies,” and Taiwan) to sign Article 98 immunity agreements. Those who refused to sign and ratify such agreements would face cuts to their U.S. military aid, regardless of the closeness of their relations with the United States.

Article 98 of the Rome Statute

Cooperation with respect to waiver of immunity and consent to surrender

1. The Court may not proceed with a request for surrender or assistance which would require the requested State to act inconsistently with its obligations under international law with respect to the State or diplomatic immunity of a person or property of a third State, unless the Court can first obtain the cooperation of that third State for the waiver of the immunity.
2. The Court may not proceed with a request for surrender which would require the requested State to act inconsistently with its obligations under international agreements pursuant to which the consent of a sending State is required to surrender a person of that State to the Court, unless the Court can first obtain the cooperation of the sending State for the giving of consent for the surrender.

At a time when an emboldened Bush administration was pushing a tidal wave of unilateral foreign-policy initiatives – withdrawing from the ABM treaty, rejecting the Kyoto Protocol, establishing “Camp X-Ray” at Guantánamo, beating the drum for an invasion of Iraq – the ASPA got only a moderate amount of attention, scrutiny or debate in Congress.

It had powerful legislative proponents like Helms, DeLay, House International Relations Chairman Henry Hyde (R-Illinois), and Senate Armed Services Chairman John Warner (R-Virginia), while objections from the minority Democrats were partial and qualified. David Obey (D-Wisconsin), the ranking Democratic member of the Appropriations Committee, said he supported the legislation’s goals, but didn’t think that Congress needed to assert itself.

I think the DeLay amendment raises a legitimate question with respect to United States citizens, but I think the proper way to deal with that is to allow the President to negotiate changes in the treaty, rather than having Congress ride off like the Lone Ranger, Marshal Dillon, and Daffy Duck at the same time.⁶

Sen. Christopher Dodd (D-Connecticut) successfully sought to alter the ASPA language to keep the bill from impeding U.S. support to international efforts to punish high-profile war-crimes and genocide cases.

Section 2007, the part of the bill halting military assistance to countries that failed to sign Article 98 agreements, received far less attention during the legislative debate, with only occasional questioning of the wisdom of “sanctioning our allies.”

Even the non-governmental human-rights community paid little attention at the time to this part of the bill. Few NGOs regarded protecting foreign military aid from ASPA sanctions as an important priority for their work, given the United States’ long history of using the affected military-aid programs to assist notoriously abusive armed forces worldwide. (For their part, NGO programs working specifically on Latin America devoted most of their energy to opposing another policy change that appeared in the same emergency-appropriations bill as the ASPA: new language allowing Colombia to use anti-drug military aid for counter-insurgency missions.) As a member of this community at the time, the author recalls several conversations with colleagues in which we expressed puzzlement that the U.S. right wing – which most enthusiastically supports foreign military-assistance programs – would place these programs in direct conflict with its own opposition to the ICC.

Not only did we feel that we did not “have a dog in this fight,” we noted that the language of Section 2007 permitted the President to waive the sanctions – effectively re-starting the flow of military aid – merely by notifying Congress that it was in the “national interest” to do so. We calculated that the President would, in most cases, issue such waivers without a second thought. Our own experience with triggers in foreign aid law that cut military aid – for human-rights

abuses, for failure to combat drugs, for proliferating weapons of mass destruction – had been that such conditions and prohibitions are most often waived or outmaneuvered. Why, most of us figured, would ASPA, with its broad presidential authority to waive the military-aid cutoff, be any different?

A wave of military aid cuts

We were wrong. Since the ICC has barely begun its work, so far taking on just a few cases in Africa, the Bush administration has found little pretext to invoke most of the ASPA provisions. However, it has vigorously implemented the ASPA's "Article 98" sanctions against friendly countries, making Section 2007 by far the law's most visible instrument.

Once the ASPA became law in August 2002, the State Department scrambled to negotiate Article 98 immunity agreements with dozens of ICC member states. In fact, Assistant Secretary Bolton declared, "Our ultimate goal is to conclude Article 98 agreements with every country in the world, regardless of whether they are a signatory or Party to the ICC, or regardless of whether they intend to be in the future."⁷

Pursuant to the ASPA, on July 1, 2003 the Bush administration moved to freeze military assistance to ICC member countries that had not signed Article 98 agreements. The sanctions did not apply to NATO members, "Major Non-NATO Allies" (Argentina, Australia, Egypt, Israel, Japan, Jordan, the Republic of Korea, and New Zealand), and Taiwan. Countries that had signed but not ratified agreements were granted presidential waivers of several months' duration.

To the surprise of many, though, the administration proved to be exceedingly stingy with permanent waivers. Instead, when the ASPA sanctions went into effect, they froze more than \$47 million in military assistance that had been "in the pipeline" on its way to 35 countries.⁸ Even Colombia, at the time the world's third-largest recipient of U.S. aid, got no waiver; Bogotá briefly had \$5.1 million in non-drug military aid frozen. The amount of military aid frozen or canceled worldwide increased further on October 1, 2003, as the U.S. government began a new budget year.

The sanctions covered only some military aid programs

While it halted a significant piece of the U.S. military aid flow to the sanctioned countries, it is very important to note that the ASPA's Section 2007 did not affect all sources of U.S. support to their military and police forces. The law stipulated that the only aid programs subject to sanctions were those in chapters 2 or 5 of the Foreign Assistance Act, or Section 23 of the Arms Export Control Act. This is shorthand for military aid that is (a) in the foreign aid budget, not the Defense Department's budget; and (b) not restricted to a single mission like counter-narcotics, counter-terrorism, non-proliferation, de-mining or other specific initiatives.

The ASPA sanctions froze military aid through four programs:

- **International Military Education and Training (IMET):** The main non-drug military training program in the foreign aid budget. IMET is a "scholarship program" of sorts that funds the training of about 8,500 military and police personnel worldwide each year. With IMET support, trainees receive instruction as students at U.S. military facilities, or in their own countries, where U.S. trainers – "Mobile Training Teams" or "Mobile Education Teams" – may work with groups numbering up to the hundreds.

- **Foreign Military Financing (FMF):** The main program in the foreign aid budget for non-drug grants of weapons and equipment (and small amounts of training). FMF can be viewed as the successor to the old “Military Assistance Program” (MAP), through which billions of dollars of military aid flowed to the developing world during the Cold War. The vast majority of FMF now goes to Israel and Egypt, though the program underwent a modest revival elsewhere in the post-September 11 period.
- **Excess Defense Articles (EDA):** A far smaller program through which the U.S. military makes available weapons and equipment considered “excess”: usually, items at or past the end of their normal period of use.
- **Emergency Drawdowns:** A presidential authority to transfer non-excess weapons and equipment from U.S. military stocks to other countries, citing the existence of an urgent situation such as a natural disaster or a “narcotics emergency.” This authority has been little used of late, as U.S. military stocks have been depleted by wars in Iraq and Afghanistan.

The Nethercutt provision

In 2004 the U.S. Congress toughened the ASPA Article 98 sanctions still further, adding an economic assistance account to the list of aid programs subject to cutoff. Section 574 of the 2005 foreign aid appropriations bill, known as the “Nethercutt provision” after the Washington state Republican congressman who sponsored it, prohibited aid through the **Economic Support Funds (ESF)** program to governments that failed to enter into Article 98 immunity agreements with the United States.

This program, the most flexible of economic-aid accounts available to the U.S. Agency for International Development (USAID), can be used for development and institution-building programs, humanitarian efforts, and even transfers of cash to foreign treasuries (such as balance-of-payments support). The Nethercutt provision has appeared in subsequent years’ foreign aid bills. It has prevented ESF from directly benefiting governments that do not sign Article 98 agreements, but it has not been applied to ESF destined for other entities – such as NGOs – in those countries.

Coming a year after several U.S. allies worldwide had seen their military aid frozen, the Nethercutt provision did not sail through Congress without opposition. Democrats saw it as more mean-spirited than the original ASPA, as it punished the poorest in the sanctioned countries’ populations. Some Republicans, like Jim Kolbe (R-Arizona), chairman of the House Foreign Operations Appropriations Subcommittee, opposed Nethercutt’s amendment using a “security and influence” argument that had hardly surfaced in the original legislative debates on the ASPA two years earlier.

At a time when we are fighting the war on terrorism, reducing this tool of diplomatic influence is not a good idea. ... If we accept [the Nethercutt amendment], the U.S. will be hamstringing itself, placing a straitjacket on its diplomatic tools, when we have a lot of U.S. national security objectives that must carry the same or equal weight as securing [bilateral immunity agreements].⁹

Though it initially failed on a voice vote, the Nethercutt provision passed, 241-166, in a subsequent roll-call vote.

Military aid unaffected by the ASPA

It is important to note that several categories of military and police assistance were not at all affected by the ASPA sanctions. The list includes a few programs funded through the foreign aid

budget, and several more funded through the Defense Department's mammoth budget. Even after the ASPA sanctions went into force on July 1, 2003, aid through all of the following sources continued to flow as usual.

- **International Narcotics Control and Law Enforcement (INCLE)** and its subset, **the Andean Counter-Drug Initiative (ACI)**: a decade ago, this was a relatively small program combining military and police drug eradication and interdiction with narcotics-related economic-aid programs, like alternative development and judicial reform. With the 2000 advent of Plan Colombia and the more recent campaign against the opium trade in Afghanistan and Central Asia, INCLE has ballooned to become one of the principal sources of U.S. military and police assistance. Like IMET and FMF, it is funded through the foreign-aid budget process; however, it is authorized by a section of the Foreign Assistance Act (chapter 4) unaffected by the ASPA sanctions.
- **Non-proliferation, Anti-terrorism, De-mining and Related Programs (NADR)**: A small but growing source of U.S. military and police aid, NADR is authorized by chapter 8 of the Foreign Assistance Act, and thus exempt from the ASPA sanctions.
- **Assistance for Peace-Keeping Operations (PKO)**: Authorized by chapter 6 of the Foreign Assistance Act, and thus exempt from the ASPA sanctions, this program only benefits the militaries of a few countries worldwide.

The remaining entries on this list of programs unaffected by the ASPA are all funded through the Defense Department's budget. Most came into existence during, or after, the 1990s.

- **Defense Department counter-drug assistance (usually known as "Section 1004," "Section 1033," or the "Central Transfer Account")**: Since 1991 the Defense Department, in its role as "lead agency" for overseas drug interdiction, has had a temporary – but regularly renewed – authority to provide mostly non-lethal assistance to other countries' military and police forces. In regions considered high-priority for the "War on Drugs," like the Western Hemisphere, Defense Department counter-drug aid is now one of the top sources of U.S. military assistance, and the number one source of military training funds.
- **The Regional Defense Counter-Terrorism Fellowship Program (CTFP)**: Since 2002, this Defense-budget program has functioned almost like a parallel IMET program, offering a wide variety of education and training to the world's militaries in the name of responding to terrorism.
- **Exercises and training deployments, including the Special Forces' Joint Combined Exchange Training (JCET) Program**: As long as the "primary purpose" of the activity is to train the U.S. personnel involved, the U.S. military can use its own training funds to deploy overseas for joint instruction. These deployments occur hundreds of times each year in nearly 100 countries worldwide. They include (but are not limited to) joint exercises to simulate responses to threats or to provide humanitarian aid; multilateral command-post or field-training exercises; or Special Forces teams practicing skills and tactics while familiarizing themselves with foreign cultures and geography.
- **Regional Centers for Defense Studies**: In an effort to improve foreign civilians' abilities to administer their countries' defense sectors, in the 1990s the Defense Department used its funds to create a series of regional centers offering education in topics like civil-military

relations, defense resource management, and strategy. Uniformed military personnel make up about one-quarter of these centers' student base.

- **Traditional Commander Activities (TCA) and the Commander Initiative Fund:** The generals in charge of the U.S. military's regional combatant commands (Central Command, European Command, Northern Command, Pacific Command, Southern Command) have discretionary funds to support military-to-military engagement activities like seminars, conferences, and meetings.
- **New authority to "build the capacity of foreign military forces:"** Section 1206 of the 2006 National Defense Authorization law allowed the Defense Department to spend up to \$200 million of its own budget to aid other militaries as it saw fit, essentially creating a parallel aid program quite similar to FMF. This provision was renewed in the 2007 defense bill.

Meanwhile, the ASPA sanctions had no impact on foreign countries' ability to buy U.S. weapons and training with their own money. Arms-sales programs like **Foreign Military Sales (FMS)** and **Direct Commercial Sales (DCS)** continued unimpeded.

U.S. policymakers have argued that they chose to apply the Section 2007 sanctions to military-aid programs – as opposed to most economic-aid programs – out of concern for the U.S. defense personnel present in affected countries to carry out these programs. Immunity arrangements like Status of Forces Agreements were not enough, they argued; a specific guarantee of immunity from the ICC was necessary. It has never been clear, though, why there was less concern for U.S. personnel carrying out the unaffected military-aid programs listed above, who presumably faced the same hypothetical likelihood of extradition to The Hague.

II. The ASPA Sanctions in Latin America

By mid-2006, 23 ICC member countries worldwide still had some of their U.S. aid frozen due to their refusal to sign and ratify bilateral immunity agreements with Washington. Many had said "no" because they believed that such agreements violated their international obligations under the Rome Statute. Many chafed at what they viewed as a unilateral imposition from a U.S. government that did not trust them to know the difference between a serious war crime and a capricious, politicized charge. And many noted the irony of the U.S. government, which produces annual human-rights reports for every country in the world and often scolds abusive regimes, trying to protect its soldiers from an international human-rights body.

Nowhere was the refusal to sign Article 98 agreements – and application of the ASPA sanctions – more widespread than among the United States' neighbors in the Western Hemisphere. Of the 23 countries under sanction in mid-2006, 12 were from Latin America and the Caribbean. Nine other ICC member countries in the region had agreed to sign Article 98 agreements.

In many of the sanctioned Latin American and Caribbean countries, the decision not to sign and ratify bilateral immunity agreements was the subject of very little public debate. For a part of the world that has seen more than its share of unilateral impositions from the United States, it became a point of pride for many leaders – only some of them left-of-center "populists" – to make a show of refusing to kneel before Washington in exchange for a few million dollars' worth of aid.

The nine countries that signed and ratified Article 98 agreements mostly did so out of necessity. Colombia, by far the largest recipient of U.S. military aid in the region (and fifth in the world behind Iraq, Israel, Afghanistan and Egypt), would have lost access to about \$90 million per year in Foreign Military Financing, which would have represented about a 15 percent cut in its overall military and police assistance. Though it seems incredible given the close relationship between the governments of George W. Bush and Álvaro Uribe, about \$5.1 million of unspent FMF to Colombia was indeed frozen between July 2003, when the ASPA sanctions went into force, and September 2003, when Colombia quietly signed and ratified an Article 98 agreement.¹⁰

For tiny Antigua and Barbuda (population 69,000), Belize (288,000) and Dominica (69,000), even a small amount of U.S. assistance made a big enough difference for an Article 98 agreement to seem worthwhile. Dominica delayed its agreement until 2005, until the cutoff of \$400,000 in FMF, the *New York Times* reported, left it “unable to operate its only Coast Guard boat for two years.”

That meant no drug patrols or searches for fishermen lost at sea, said Crispin Gregoire, Dominica's ambassador to the United Nations. “We were reeling from the impact of lost aid, and our economy was not in the greatest shape,” he said. “The government decided to yield and we ended up signing.”¹¹

Regional Responses to Article 98 Sanctions

- “Absolutely no one is going to make me cower. Neither the government, nor Alfredo Palacio nor the Ecuadorian people need to be afraid.” – Ecuadorian President Alfredo Palacio, June 2005¹²
- “[Signing an Article 98 agreement] would go against the multilateral order and against the principles of defense of human rights. ... We may be poor, but we have our dignity.” – Costa Rican Foreign Minister Roberto Tovar, September 2005¹³
- “We will not change our principles for any amount of money. We're not going to [go] belly up for \$300,000 in training funds.” – Barbadian Ambassador to the Organization of American States Michael I. King, August 2005¹⁴
- “We will assume any consequences that might result from our signature [of the Rome Statute]. It is a signature that comes from our principles and this government's political convictions. Whether or not there will be a reduction in U.S. aid is not relevant to us, what is relevant is that our convictions and principles mean something.” – Mexican Presidency Spokesman Rubén Aguilar, February 2006¹⁵
- “Peru will not sign any agreement that impedes it from submitting any country's citizens to the jurisdiction of the International Criminal Court. Peru rejects pressure from any other country on its foreign policy.” – Peruvian Foreign Minister Manuel Rodríguez, August 2004¹⁶
- “Blackmail us, United States? The life, the dignity of Bolivians is not worth a million dollars.” – Bolivian President Evo Morales, February 2006¹⁷

In Bolivia, the pro-U.S. – but short-lived – government of Gonzalo Sánchez de Lozada signed an Article 98 agreement, and managed to shepherd its ratification through the national Senate. The agreement then got stuck in the lower house of Congress, the Chamber of Deputies, where a sizable bloc of legislators from the opposition Movement Toward Socialism (MAS) party ensured that a quiet passage would be impossible. Whenever Sánchez de Lozada or his successor, Carlos Mesa, sought to move the unpopular agreement through the legislature, the MAS took maximum political advantage, portraying the government as unpatriotic. MAS leader Evo Morales even said he would rather “burn down” the Congress than see it pass the immunity agreement. As Morales was elected to Bolivia's presidency in December 2005, final ratification of the Article 98 agreement is not expected.

Table 1: Application of ASPA Sanctions in Latin America and the Caribbean, Late 2006 – Early 2007

Country	Article 98 Status	Aid
Antigua and Barbuda	Ratified an Article 98 agreement	Aid is not cut off
Argentina	As the United States' only "Major Non-NATO Ally" in the region, Argentina is not subject to the American Service Members Protection Act.	Aid is not cut off
The Bahamas	Not a signatory of the Rome Statute	Aid is not cut off
Barbados	Has not ratified an Article 98 agreement	Some aid is cut off
Belize	Ratified an Article 98 agreement	Aid is not cut off
Bolivia	Has not ratified an Article 98 agreement	Some aid is cut off
Brazil	Has not ratified an Article 98 agreement	Some aid is cut off
Chile*	Not a signatory of the Rome Statute	Aid is not cut off
Colombia	Ratified an Article 98 agreement	Aid is not cut off
Costa Rica	Has not ratified an Article 98 agreement	Some aid is cut off
Dominica	Ratified an Article 98 agreement	Aid is not cut off
Dominican Republic	Ratified an Article 98 agreement	Aid is not cut off
Ecuador	Has not ratified an Article 98 agreement	Some aid is cut off
El Salvador	Not a signatory of the Rome Statute	Aid is not cut off
Grenada	Not a signatory of the Rome Statute	Aid is not cut off
Guatemala	Not a signatory of the Rome Statute	Aid is not cut off
Guyana	Ratified an Article 98 agreement	Aid is not cut off
Haiti	Not a signatory of the Rome Statute	Aid is not cut off
Honduras	Ratified an Article 98 agreement	Aid is not cut off
Jamaica	Not a signatory of the Rome Statute	Aid is not cut off
Mexico	Has not ratified an Article 98 agreement	Some aid is cut off
Nicaragua	Not a signatory of the Rome Statute	Aid is not cut off
Panama	Ratified an Article 98 agreement	Aid is not cut off
Paraguay	Has not ratified an Article 98 agreement	Some aid is cut off
Peru	Has not ratified an Article 98 agreement	Some aid is cut off
St. Kitts and Nevis	Ratified an Article 98 agreement	Aid is not cut off
St. Lucia	Not a signatory of the Rome Statute	Aid is not cut off
St. Vincent and the Grenadines	Has not ratified an Article 98 agreement	Some aid is cut off
Suriname	Not a signatory of the Rome Statute	Aid is not cut off
Trinidad and Tobago	Has not ratified an Article 98 agreement	Some aid is cut off
Uruguay	Has not ratified an Article 98 agreement	Some aid is cut off
Venezuela	Has not ratified an Article 98 agreement	Some aid is cut off

*Chile has signed, but has yet to ratify, the Rome Statute.

In Bolivia, the United States was forced to take “no” for an answer, and to cut off much military assistance. The same happened in eleven other Latin American and Caribbean countries, with Mexico – which ratified the Rome Statute in October 2005 – the latest to see its aid cut.

For its part, Chile – which signed the Rome Statute on September 11, 1998, the 25th anniversary of the coup that brought Gen. Augusto Pinochet to power – has yet to ratify its membership in the ICC, though the government of President Michelle Bachelet has already communicated to the United States its unwillingness to sign an Article 98 agreement.¹⁸ The Chilean Senate has delayed a final vote on the constitutional reform that would make possible the Rome Statute’s ratification; the possibility of a U.S. aid cutoff has been mentioned often in the national debate.

The U.S. government feels the pain of its own sanctions

At least in public statements, the twelve Latin American governments subject to ASPA sanctions sought to diminish or deny any impact of the aid cutoff. The loudest complaints about the lost aid were in fact heard from U.S. officials in Washington.

Perhaps surprisingly, the Bush administration failed to foresee the level of regional unwillingness to sign Article 98 agreements. (Speaking off the record, an official more directly responsible for the U.S. government's security relations with Latin America told the author that many did in fact predict "pushback" from the region, but their concerns failed to impact higher-level decisionmaking.) Once it happened, though, the sudden loss of a significant amount of aid funds turned out to be upsetting to administration officials at all levels.

The aid program whose loss elicited the loudest outcries was IMET, the principal non-drug military training program. "One of the most effective resources available to me is the International Military Education and Training (IMET) Program," Gen. Bantz Craddock, the commander of U.S. Southern Command, told a congressional committee in 2006.

[I]n 2005, one-third of the countries in our AOR [Area of Responsibility] were unable to participate in U.S.-sponsored military education. In 2003, the final year of IMET before the ASPA sanctions took effect, 25 percent (771) of the total number of students (3,128) trained from the AOR came from the countries that are now sanctioned.¹⁹

IMET funding for the Western Hemisphere dropped from \$14.2 million in 2003 to \$12.9 million in 2006, while the number of students the program trained dropped from 3,404 in 2003 to 2,294 in 2005.²⁰ The twelve sanctioned countries had four of their military and police personnel – all Bolivians – trained by residual IMET funds in 2005; in 2003 there had been 970 (according to the State and Defense Departments' annual Foreign Military Training Reports – this figure exceeds Gen. Craddock's estimate above).²¹

Seven of the sanctioned countries were getting mostly modest amounts of Foreign Military Financing (FMF) assistance in 2003, totaling about \$6 million. Mexico's late-2005 addition to the list of sanctioned countries stopped it from receiving \$2.5 million in FMF in 2006.²² This would have been the first year in which Mexico was to be included in the FMF program. Losses of FMF funds, according to U.S. Southern Command officials cited in a 2006 Congressional Research Service report, "have made military modernization projects difficult for the affected countries to continue."²³

Excess Defense Articles (EDA) and Emergency Drawdowns, the other two military-aid programs affected by the ASPA, were rarely used even before the sanctions went into effect. (Grant EDA for the entire region totaled only \$3.6 million in 2003, nearly all of it for Colombia.) Officials rarely mentioned these programs when lamenting the ASPA aid cutoffs, though some U.S. officials interviewed did note an inability to help poorer countries' militaries get spare parts through EDA.

When the Nethercutt restrictions on Economic Support Funds (ESF) were added in 2005, they affected Latin American countries that had received a total of \$31.2 million in 2004. (With the addition of Mexico in 2006, the total rose to \$42.6 million.)²⁴ Due to a reprogramming of ESF to aid non-governmental entities in those countries, this economic-aid source was not cut down to zero; however, the twelve sanctioned countries' ESF grants fell to \$25.3 million in 2006.

An orphaned policy

As the Bush administration and other ASPA proponents began to acknowledge their policy's unintended consequence of lost aid opportunities, their position on Section 2007 became increasingly divided. In many conversations and interviews with administration officials – State Department Western Hemisphere Bureau, Office of the Secretary of Defense, Southern Command, embassy officials in several countries – and congressional Republican staff, it was hard to find someone who supported keeping the sanctions in place without presidential waivers. The policy appeared to be orphaned, with likely suspects throughout the government throwing up their hands and saying, “It’s not us.”

When willing to point a finger, they generally indicated in the direction of the White House (National Security Council and Vice-President’s Office) and the State Department’s Bureau of Political-Military Affairs, some of the most ideological quarters of an administration not generally known for its foreign-policy pragmatism. The Congressional Research Service noted this apparent internal split in its April 2006 report on the ASPA sanctions.

Secretary of State Condoleezza Rice has recently acknowledged that invoking ASPA sanctions on key U.S. military allies may be “sort of the same as shooting ourselves in the foot,” and that waivers of military aid restrictions are being considered on a case-by-case basis. The Defense Department’s new Quadrennial Defense Review calls for a possible de-linking of military training programs from ASPA. While the Defense Department, and particularly the U.S. Southern Command, opposes ASPA sanctions on military aid, the Bureau of Political-Military Affairs of the State Department, once overseen by current U.N. Ambassador John Bolton, reportedly strongly supports keeping the sanctions in place. This internal division may be one of the reasons why both State and Defense Department officials declined to testify at the March 8, 2006 hearing of the Senate Foreign Relations Committee on this topic.²⁵

The hard-line view of Political-Military Affairs was not shared throughout the rest of the State Department, particularly those diplomats on whose shoulders fell the often-unpleasant task of telling allies they would be punished if they failed to sign immunity agreements. For their part, the “hard-liners” defended their no-waiver position with the argument that issuing waivers now would be unfair to countries that had already taken the domestically unpopular step of signing and ratifying Article 98 agreements.

As it became clear to all that presidential waivers would not be imminent, and that FMF and IMET would thus remain frozen in a dozen Latin American countries, the sanctions’ opponents in the Defense Department and Congress became more vocal. While generally not questioning the ASPA’s purported objective of “protecting servicemembers” from the ICC, they claimed that the loss of military aid – especially IMET – was doing two types of harm to U.S. foreign policy in the Western Hemisphere.

Lost contact with Latin American militaries

First, officials argued that the loss of IMET and FMF was costing the United States hundreds of opportunities for contact with Latin American military personnel.

For decades – and especially after the Cold War’s end removed the principal perceived threat to U.S. security in the region – “engagement” for its own sake has been one of the main objectives of U.S. military-to-military programs in Latin America. The word refers to a belief, based more on anecdotal observation than on serious study, that military aid and training programs give the U.S. government greater influence – and greater ability to pursue its interests – by fostering contact and relationships with key officers in foreign militaries. “[T]hroughout the region our friendship is reflected in the entire range of military cooperation, in operations, exercises,

training, equipment, education, doctrines, even uniforms, and, for lack of a better term, *élan*,” explained Roger Pardo-Maurer, the deputy assistant secretary of defense for Western Hemisphere Affairs, in September 2005.²⁶

By cutting IMET to a dozen Latin American countries, officials argued, the ASPA was making impossible engagement with several years’ worth of mid-ranking officers who one day would be running their countries’ militaries. Gen. Craddock of Southern Command laid out this argument on several occasions during his 2004-2006 tenure, including his September 2006 nomination hearing to head the European Command.

Unfortunately, the unintended consequence of that is this International Military Education and Training program, the IMET.

And we are losing, every day, engagement opportunities with many nations around the world.

And over the years, as you said, this has benefited them. But to bring them to our schools, our institutions, they have the opportunity to live in our culture, see strong democratic institutions. Civilian leadership of the military is a powerful thing.

We gain from the engagement, the contact. We understand them better. When we’re there, we’re more appreciative and knowledgeable of their culture. And we’re losing that in very critical countries.

I have been a strong advocate to de-link the IMET program from the ASPA sanction in order that we can engage and not lose contact with a generation or two or three of officers or noncommissioned officers in countries that are important to us and it’s important to them to be linked with us.

So I certainly support and endorse any way possible that we can get this program back on track.²⁷

Sen. Christopher Dodd (D-Connecticut), an early opponent of the IMET sanctions and the longtime ranking Democrat on the Foreign Affairs Committee’s Western Hemisphere Subcommittee, repeatedly echoed this argument, including on the Senate floor in April 2005.

Let me tell you what has happened as a result of linking these up [Article 98 agreements with military aid]. We used to have as many as 800 junior officers or senior officers from Latin America come to the United States each year to go to our schools, to learn about how we would conduct our military operations, to receive the critical training that would make them more in tune with our ideals, our values, as military officers.

As a result of this linkage we have now adopted, we now have zero military personnel coming from these countries.²⁸

The China syndrome: opening the door to third countries’ military aid?

Second, officials cited an even more serious consequence of lost “engagement” opportunities. Other countries, they said, were poised and ready to fill the resulting vacuum of influence over Latin America’s militaries. The competitors most frequently mentioned, both in public forums and private interviews, were China and Venezuela.

A September 2005 Senate hearing on “China’s Role in Latin America,” among other opportunities, gave officials a forum to argue that the ASPA sanctions were giving a regional military toehold to the undemocratic Eastern colossus now challenging the United States’ status as the world’s only superpower. A few examples follow, some of them quite remarkable:

The PRC [People’s Republic of China] has been making headway into the region by using economic measures, employing diplomacy, building infrastructure, negotiating trade deals, and offering resources to cash-strapped militaries and security forces with no strings attached. – Gen. Bantz Craddock, commander of U.S. Southern Command, March 2006²⁹

There was a growing influence from the People's Republic of China in Latin America, offering to spend billions of dollars in the region and I presume, willing as well, to train military personnel. We do not want to lose the tremendous opportunity we have had over the years to maintain these relationships. – Sen. Christopher Dodd (D-Connecticut), April 2005³⁰

China is establishing and strengthening military exchange programs in the hemisphere even as the United States is restricting our military-to-military relations because of differences over the International Criminal Court. In 2004, 20 senior Chinese defense officials visited Latin America. In addition, China sent 125 peacekeepers to Haiti, the first military operation in the Western Hemisphere with Chinese troops. ... [W]e have a culture, a military culture, still built on foundations of democracy and foundations of rule of law, and that is not the Chinese experience, democracy. So we are losing the ability to train young military officers with a fundamental respect and appreciation for what democracy has to offer, and if that is then being filled in any way by countries that do not have that same tradition, we should be concerned. – Sen. Norm Coleman (R-Minnesota), September 2005³¹

We have noted, and are following closely, what appear to be expanding military-to-military contacts between China and countries in the region. ... [W]e are watching closely increased educational exchanges between China and several Latin American and Caribbean countries, and seek to ensure that they do not undermine the commitment of Latin American militaries to democracy and civilian control. – Amb. Charles Shapiro, principal deputy assistant secretary of state for Western Hemisphere Affairs, September 2005³²

On the military front, China has expanded ties through exchanges. It reportedly has direct military-to-military relations with Venezuela, as well as Argentina, Chile, Peru, and Uruguay. The PRC began collaborating with Brazil on spy satellite technology in 1999, providing needed rocket-launch expertise in exchange for digital optical technology that will permit high resolution, real-time imaging. Moreover, access to Brazil's space tracking facilities could give China the ability to attack U.S. satellites with a variety of technologies under development. – Steve Johnson of the Heritage Foundation, who in 2006 became deputy assistant secretary of defense for Western Hemisphere Affairs, September 2005³³

Should another actor attempt to become a serious competitor for military influence and cooperation in the region, an effective response by the United States could become much more costly. ... [W]e need to be alert to rapidly advancing Chinese capabilities, particularly in the fields of intelligence, communications, and cyber warfare, and their possible application in the region. We continue to be concerned about China's capabilities or activities in these areas. As I noted in my recent testimony to the House International Relations Committee, we encourage other nations in the hemisphere to take a close look at how such activities could possibly be used against them or the United States. ... I would not say that I have seen other countries rushing to fill a void [left by the ASPA] or whatever you want to call it, but it has led other countries to look elsewhere. There is no question that China is ramping up its cooperation. They have established what is the largest Latin American studies program in the world. That is new. Who knows what may happen 1 or 2 or 3 years from now with military relationships? – Deputy Assistant Secretary of Defense for Western Hemisphere Affairs Roger Pardo-Maurer, September 2005³⁴

Amid the warnings issued at the September 2005 Senate hearing, Ambassador Shapiro added some needed perspective, reminding the panel that “[t]he number of Latin American students who go to China to study each year is minimal. I saw an estimate that was under 50 total regionwide. I think 2,500 Latin American students, military students, were in the United States last year at various military schools.”³⁵ Elsewhere in his testimony, Deputy Assistant Secretary Pardo-Maurer also made sure to clarify, “We do not see China as directly competitive in this area. There is no evidence of Chinese interest in establishing a continuous military presence in the region, nor is there evidence that Chinese military activities in the Western Hemisphere, including arms sales, at this time pose a direct conventional threat to the United States or its friends and allies.”³⁶

But “[i]t is not just China,” Pardo-Maurer added. He noted that while ASPA was forcing the United States to pull back its military-to-military ties, leftist governments elsewhere in Latin America were forging new ties on their own.

Venezuela and Cuba are offering alternatives for training, not in the military field, but Cuba just recently graduated 12,500 Latin American students in – they call them doctors; we would call them paramedics. But nonetheless, they are training professionals to deal with health issues that are not being addressed in the countries where these students came from. So our ability to develop relationships has been hampered, there is no question.³⁷

In a back-of-the-envelope March 2007 calculation, combining discounted fuel deliveries and other programs, Associated Press journalist Natalie Obiko Pearson estimated that Hugo Chávez’s oil-rich government in Venezuela had given its Latin American neighbors more than \$5.5 billion in grants, loans and bonds since the beginning of 2005.³⁸ Only a tiny fraction of this is military aid. Though nobody interviewed for this project could offer an estimate of how big a fraction it is, several government officials and non-governmental analysts asserted that Venezuela is aggressively expanding its military-to-military ties throughout the hemisphere.

On a less frequent basis – usually in private forums like meetings, conversations and other off-the-record opportunities – government and congressional officials employed two other arguments against the ASPA sanctions in Latin America. First, they expressed concern that the sanctions were hurting perceptions of the United States and giving fuel to Washington’s political detractors throughout the region, at a time when the U.S. standing in regional public opinion was already declining sharply. Second, some worried about the potential damage to fragile regional civil-military relations that could result from a law that effectively punishes the armed forces for a political decision taken by civilian leaders.

Efforts to lift the sanctions

Despite these concerns from powerful quarters of the administration and Congress, the ASPA sanctions remained in place on twelve (at times, eleven) Latin American countries for well over three years. Waivers that could have allowed IMET and FMF to flow again were not forthcoming.

Attempts to change the policy began in earnest in early 2005. With encouragement from Southern Command, Sen. Dodd added an amendment to the 2006 Foreign Relations Authorization bill that would have freed IMET from the ASPA’s purview. While the amendment was easily added, the bill itself – which would have added several modifications to the law governing U.S. foreign-aid programs – never came to a vote, for unrelated reasons.

During the spring of 2006, legislators on several occasions voiced discontent with the ASPA sanctions’ impact on Latin America. In March 2006, Senate Armed Services Committee members attending the Southern Command’s annual “Posture Statement” hearing were unanimous in their dismay at the military-aid cuts. Committee members and future presidential candidates Hillary Rodham Clinton (D-New York) and John McCain (R-Arizona) both expressed their desire to see the problem resolved, though neither backed a specific proposal. In April, Sen. Norm Coleman (R-Minnesota), the chairman of the Senate Foreign Relations Committee’s Western Hemisphere Subcommittee, held a hearing to explore solutions to the ASPA debacle in Latin America; to Sen. Coleman’s dismay, all witnesses from the divided Bush administration declined his invitations to testify.

In July 2006, Rep. Eliot Engel (D-New York), Sen. Dodd's counterpart as the ranking Democrat on the House International Relations Committee's Western Hemisphere Subcommittee, introduced a stand-alone bill to repeal all of Section 2007, as well as the Nethercutt amendment. The bill – introduced near the end of a legislative year in which Congress failed even to approve most of the 2007 federal budget – never came up for debate.

By the fall of 2006, it was clear that the Bush administration's internal battle had ended, and that the ideologues had lost. On October 2 – just as Donald Rumsfeld was on his way to a meeting of Latin America's defense ministers in Managua, Nicaragua – the White House produced its long-awaited waiver of the ASPA's sanctions. The presidential order freed up IMET funding (though not FMF, EDA or emergency-drawdown aid) to eleven of the twelve Latin American countries whose aid was suspended – all but Venezuela. A separate waiver lifting the Nethercutt provision's sanctions on Economic Support Funds came shortly afterward.

The October 2 waiver was not exactly a feat of political risk-taking. It came two days after Congress had given final approval to its annual law authorizing the Defense Department's 2007 budget. Section 1222 of that law – a provision added with no debate or opposition – changed the language of the ASPA sanctions, removing IMET completely from the law's jurisdiction and thus freeing up the training program's frozen funds to all sanctioned countries. President Bush signed the Defense-budget bill into law on October 17, 2006.*

As a result of the waiver and the legislative change to the ASPA, IMET is once again flowing to Latin America. "We have made tremendous progress in extending the International Military Education and Training (IMET) program to partner nations throughout the theater," Southern Command chief Adm. James Stavridis told Congress in March 2007.

We truly appreciate Congress's delinking IMET from the American Servicemembers' Protection Act (ASPA). IMET's overarching training program, as executed by the Department of Defense, has trained tens of thousands of Latin American officers, enlisted, and defense civilian personnel, with graduates reaching the highest level of military and civil service. IMET is a key training program that, until Congress provided relief, had been subject to the provisions of ASPA.³⁹

III. How much damage did ASPA do in Latin America?

Now that the training funds are once again flowing, while smaller programs still remain frozen, it is a good time to take stock of what happened as a result of the three and a half years in which the full ASPA sanctions were in effect. With a thorough review of the official record and media coverage, plus a series of interviews with participants and analysts in the United States and five countries in the region, this investigation sought answers to the following questions.

1. How great was the loss of military-to-military "engagement" opportunities? What kinds of activities were most affected?
2. Was this loss of aid and training lamented, or even noticed, in the recipient countries' governments and security sectors?

* Section 1222 simply removes "Chapter 5 of the Foreign Assistance Act" from the ASPA's list of aid programs subject to sanctions. This would presumably free up Excess Defense Articles and drawdown funds – which are also in Chapter 5 – in addition to IMET. However, all officials interviewed interpreted the legal change as applying only to IMET, leaving the other two programs frozen.

3. Did third countries, like China or Venezuela, take advantage of the ASPA sanctions to increase their own engagement and assistance?
4. How did the ASPA sanctions affect civil-military relations in the sanctioned countries?
5. How did the ASPA sanctions affect perceptions of the United States as a whole in the sanctioned countries?

Measuring the ASPA sanctions' specific impact on U.S. security relations with Latin America proved to be difficult. The last half-decade has been a period of reduced aid and cooling ties with several countries in the hemisphere. The ASPA sanctions are only one of many reasons why this has been so, making it a challenge to determine their weight as a variable.

1. How great was the loss of military-to-military “engagement” opportunities? What kinds of activities were most affected?

The overall amount of aid and training lost due to the ASPA sanctions is measurable, and is moderately significant. Increased aid through other programs, though, compensated for much of the lost assistance.

Table 2: International Military Education and Training (IMET), Foreign Military Financing (FMF), and Excess Defense Articles (EDA) to ASPA-Sanctioned Countries, 2002-2006

	2002	2003	2004	2005	2006
Bolivia FMF	0.50	1.99	3.98	0.00	0.00
Bolivia IMET	0.71	0.80	0.59	0.00	0.00
Bolivia EDA	0.46	0.00	0.00	0.08	0.00
Brazil IMET	0.44	0.48	0.00	0.00	0.00
Brazil EDA	0.01	0.00	0.00	0.00	0.00
Costa Rica IMET	0.39	0.37	0.00	0.00	0.00
Ecuador FMF	3.00	0.99	0.00	0.00	0.00
Ecuador IMET	0.63	0.65	0.00	0.00	0.00
Ecuador EDA	0.05	0.00	0.00	0.14	0.00
Mexico IMET	0.94	1.25	1.28	1.25	0.01
Mexico EDA	0.01	0.03	0.00	0.00	0.00
Paraguay IMET	0.36	0.30	0.00	0.00	0.00
Peru FMF	0.00	0.99	0.00	0.00	0.00
Peru IMET	0.52	0.59	0.00	0.00	0.00
Trinidad & Tobago FMF	0.30	0.39	0.03	0.00	0.00
Trinidad & Tobago IMET	0.13	0.15	0.00	0.00	0.00
Uruguay FMF	1.00	0.99	0.00	0.00	0.00
Uruguay IMET	0.46	0.45	0.13	0.00	0.00
Venezuela IMET	0.46	0.45	0.13	0.00	0.00
Total	10.37	10.87	6.13	1.48	0.01

Millions of U.S. dollars. Table does not include Barbados, Dominica, and St. Vincent and the Grenadines. Much official aid reporting for these countries is combined with four other non-sanctioned states in an “Eastern Caribbean” category. Source: State Department Congressional Budget Justifications for Foreign Operations.⁴⁰

IMET and FMF go down, but other accounts go up

In February 2003, five months before the sanctions took effect, the State Department had informed congressional appropriators that its 2004 budget would include more than \$4.75 million in IMET and \$22.3 million in FMF for the twelve Latin American countries that ended up being sanctioned.⁴¹ (The 2003 amounts had been \$4.4 million in IMET and \$5.4 million in FMF.) That amount fell to \$589,000 in IMET and \$4 million in FMF in 2004 (all of it for Bolivia, which had its ASPA sanctions waived for six months pending a final ratification of its Article 98 agreement, which never happened).⁴² Both accounts dropped to zero by 2005.

Assuming that aid would have held steady at the levels planned for 2004 (and in Mexico, the levels planned for 2006, the year in which sanctions went in place), the total loss of military and police assistance through all affected funding sources was as much as \$80 million.⁴³

Table 3: Potentially Lost IMET and FMF as a Result of ASPA Sanctions, 2004-2006

	<i>Planned 2004 Aid</i>	2004	2005	2006	Total Lost Aid
Bolivia FMF	4.00	0.02	4.00	4.00	8.02
Bolivia IMET	0.90	0.31	0.90	0.90	2.11
Brazil IMET	0.50	0.50	0.50	0.50	1.50
Costa Rica IMET	0.40	0.40	0.40	0.40	1.20
Ecuador FMF	15.00	15.00	15.00	15.00	45.00
Ecuador IMET	0.65	0.65	0.65	0.65	1.95
Mexico FMF	2.50	n/a	n/a	2.50	2.50
Mexico IMET	1.10	n/a	n/a	1.09	1.09
Paraguay IMET	0.30	0.30	0.30	0.30	0.90
Peru FMF	2.00	2.00	2.00	2.00	6.00
Peru IMET	0.70	0.70	0.70	0.70	2.10
Trinidad & Tobago FMF	0.30	0.27	0.30	0.30	0.87
Trinidad & Tobago IMET	0.15	0.15	0.15	0.15	0.45
Uruguay FMF	1.00	1.00	1.00	1.00	3.00
Uruguay IMET	0.45	0.32	0.45	0.45	1.22
Venezuela IMET	0.70	0.57	0.70	0.70	1.97
Total	30.65	22.19	27.05	30.64	79.88

Millions of U.S. dollars. Table does not include Barbados, Dominica, and St. Vincent and the Grenadines. Much official aid reporting for these countries is combined with four other non-sanctioned states in an “Eastern Caribbean” category. In the case of Mexico, the “Planned 2004 Aid” column refers to planned 2006 aid. Source: State Department Congressional Budget Justifications for Foreign Operations.⁴⁴

However, adding military and police aid through all sources – including the many programs not affected by the ASPA sanctions – reveals that the twelve countries’ aid actually *increased* from 2003 to 2006. This owed largely to a boost in counter-narcotics funding.*

* This figure is inexact: due to the unavailability of data about Defense-budget counter-drug aid since 2001, and of all other Defense-budget training programs since 2005, we have had to extrapolate from the last available year. There is no reason to expect, however, that Defense-budget aid has decreased since the last available year.

Table 4: Total Military and Police Aid to ASPA-Sanctioned Countries, Through All Accounts, 2002-2006

	2002	2003	2004	2005	2006
Bolivia	49.24	51.77	53.60	48.22	60.41
Brazil	7.01	6.96	10.75	8.85	8.85
Costa Rica	1.30	1.15	0.91	0.94	0.83
Ecuador	34.10	32.47	35.66	27.89	25.25
Mexico	52.45	24.43	49.48	51.80	59.20
Paraguay	1.00	1.40	0.79	1.35	0.84
Peru	73.41	60.89	64.52	66.25	66.25
Trinidad and Tobago	0.82	0.87	0.49	0.58	0.61
Uruguay	1.90	1.72	0.55	0.54	0.57
Venezuela	5.20	3.67	4.05	3.66	4.45
Total	226.43	185.33	220.81	210.07	227.26

Millions of U.S. dollars. For a long list of official sources consulted, visit <http://ciponline.org/facts/sources.htm>.

Only the first four programs listed in Table 5 on the next page (shaded rows) were subject to ASPA sanctions. The first eight programs listed are part of the U.S. government's annual foreign-assistance budget process. The remaining programs are funded through the Defense budget.

Counter-drug programs, unaffected by the ASPA sanctions, had already made up the majority of aid to several of the largest recipients on the list of punished countries; this majority increased still further after the sanctions took effect. Aid through the State Department's International Narcotics Control and Andean Counter-Drug Initiative programs, and through the Defense Department's counter-drug budget, continued to flow in large amounts throughout the ASPA sanctions period. Other unaffected programs that contributed significant, though smaller, amounts were counter-terror aid efforts like the State Department's Non-Proliferation, Anti-Terrorism, De-Mining and Related Programs (NADR) account, and the Defense Department's Regional Counter-Terrorism Fellowship Program (CTFP).

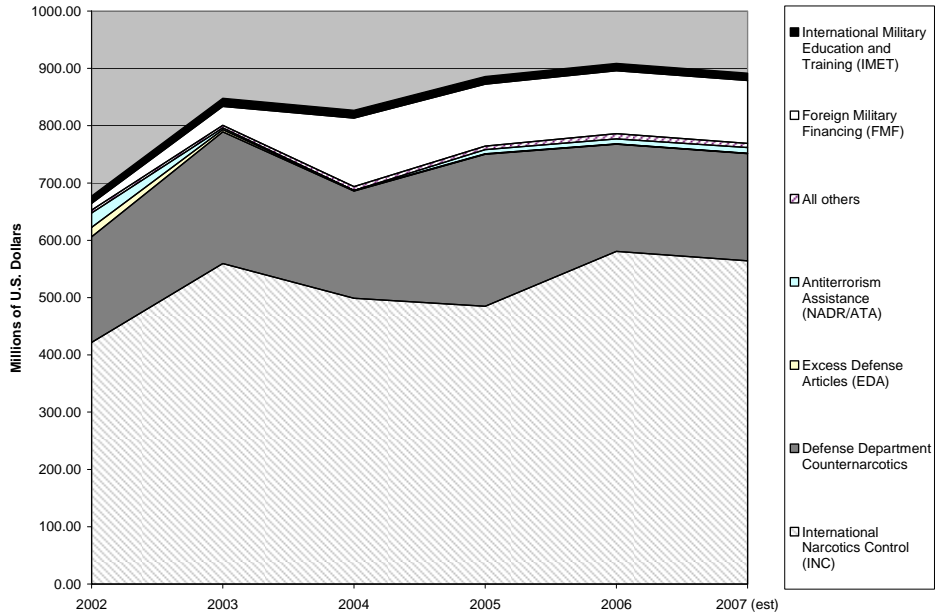
Table 5: Total Military and Police Aid to ASPA-Sanctioned Countries, By Account or Program, 2002-2006

	2002	2003	2004	2005	2006
Foreign Military Financing (FMF)	4.80	5.35	4.00	0.00	0.00
International Military Education and Training (IMET)	5.08	5.72	1.99	1.25	0.01
Excess Defense Articles (EDA)	0.52	0.03	0.00	0.22	0.00
Emergency Drawdowns	0.15	0.11	0.00	0.04	0.00
International Narcotics Control (INC)	160.96	119.36	158.96	140.91	169.32
Antiterrorism Assistance (NADR/ATA)	0.00	0.00	0.00	0.63	1.94
Export Control / Border Security (NADR/EXBS)	0.00	0.00	0.00	0.05	0.70
Small Arms / Light Weapons (NADR/SALW)	0.00	0.00	0.00	0.40	0.20
"Section 1004" (Defense Dept. Counter-narcotics)	52.65	52.65	52.65	52.65	52.65
Counter-Terrorism Fellowship Program (CTFP)	0.00	0.56	1.69	1.89	1.35
Regional Defense Centers (CHDS)	0.83	0.65	0.84	0.84	0.96
Aviation Leadership Program (ALP)	0.01	0.09	0.08	0.05	0.04
Enhanced International Peacekeeping Capabilities (EIPC)	0.01	0.00	0.12	0.21	0.00
JCETS, exchanges and unspecified	1.42	0.81	0.47	1.61	0.08
Total	226.43	185.33	220.81	200.74	227.26

Millions of U.S. dollars. For a long list of official sources consulted, visit <http://ciponline.org/facts/sources.htm>.

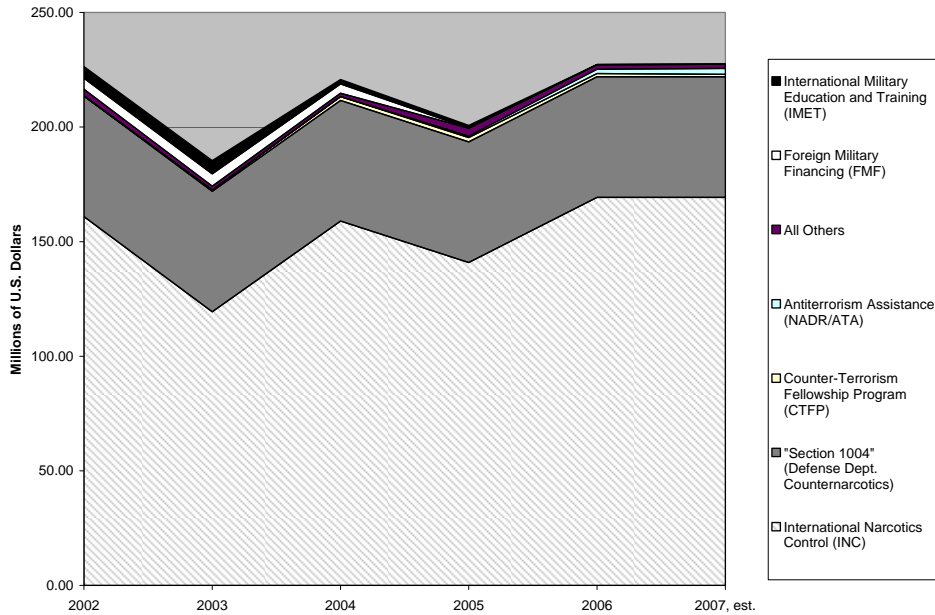
Because the amounts affected by ASPA were relatively small, and because other accounts and countries increased their share, total U.S. military and police aid to Latin America and the Caribbean stayed about the same during the 2003-2006 sanctions period.

Chart 1: Total Military and Police Aid to Latin America and the Caribbean, Through All Accounts, 2002-2007



Millions of U.S. dollars. For a long list of official sources consulted, visit <http://ciponline.org/facts/sources.htm>.

Chart 2: Total Military and Police Aid to ASPA-Sanctioned Countries, By Account or Program, 2002-2007



Millions of U.S. dollars. For a long list of official sources consulted, visit <http://ciponline.org/facts/sources.htm>.

As Chart 2 above indicates, IMET and FMF – the narrow black and white bands at the top, which all but disappear by 2005 – made up a tiny fraction of all aid to the ASPA-sanctioned countries. Their loss was more than compensated by a rise in International Narcotics Control

funds, making total amount of aid for the “punished” countries actually appear greater than it was before the sanctions went into effect.

Training drops, though unaffected programs increase to cushion the fall

Since officials complained most often about losing IMET, a military training program, it is important to look not just at how the ASPA sanctions affected dollar amounts, but at how they affected numbers of U.S. military and police trainees. These statistics are readily available, as the State and Defense Departments must report annually to Congress on the number of foreign military and police personnel trained in the previous year.

When ASPA froze aid in 2003, the State Department had already informed the U.S. Congress that it planned to use IMET to train 798 military and police personnel from the sanctioned countries in 2004.⁴⁵ By 2004, the actual number of IMET trainees from sanctioned countries had fallen to zero (with the exception of Bolivia, where a six-month waiver allowed 1,807 security-force personnel to be trained in early 2004, before the sanctions took effect).⁴⁶ Assuming that the number of IMET trainees would have held steady at the levels planned for 2004 (and in Mexico, the levels planned for 2006, the year in which sanctions went in place), we find that as many as 2,600 Latin American military and police personnel were denied IMET-funded training during the sanctions period.⁴⁷

Table 6: International Military Education and Training (IMET)-Funded Trainees from ASPA-Sanctioned Countries, 2002-2005

	2002	2003	2004	2005
Barbados	12	16	0	0
Bolivia	101	69	1,813	4
Brazil	88	141	13	0
Costa Rica	76	62	6	0
Dominica	8	10	7	n/a
Ecuador	104	116	10	0
Paraguay	56	44	1	0
Peru	90	190	4	0
St. Vincent & The Grenadines	40	12	0	0
Trinidad & Tobago	9	10	0	0
Uruguay	187	211	20	0
Venezuela	78	90	20	0
Total	849	971	1,894	4

Source: Annual Department of State and Defense Foreign Military Training Reports.⁴⁸

Table 7: Potentially Lost IMET Trainees as a Result of ASPA Sanctions, 2004-2006

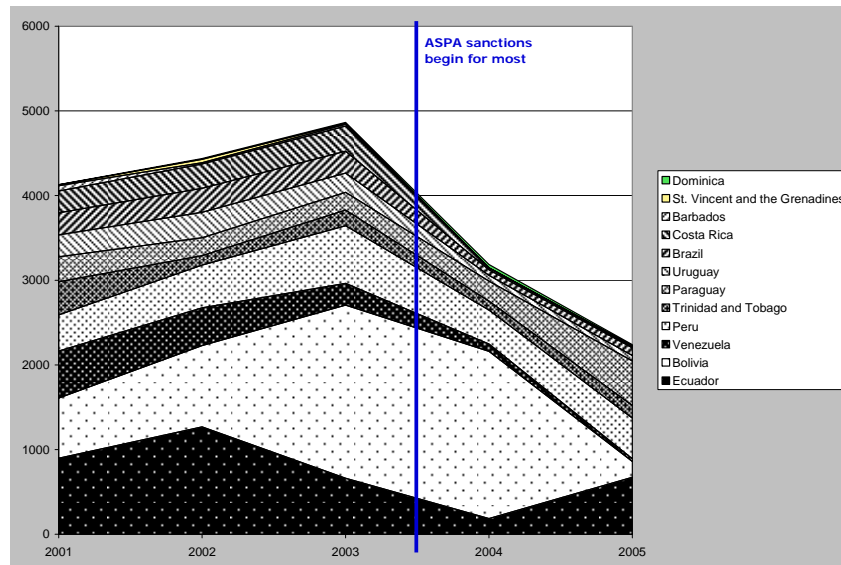
	<i>Planned 2004 Trainees</i>	2004	2005	2006	Total Lost Trainees
Bolivia	116	n/a	112	116	228
Brazil	92	79	92	92	263
Costa Rica	69	63	69	69	201
Ecuador	105	95	105	105	305
Mexico	397	n/a	n/a	397	397
Paraguay	40	39	40	40	119
Peru	115	111	115	115	341
Trinidad & Tobago	10	10	10	10	30
Uruguay	166	146	166	166	478
Venezuela	85	65	85	85	235
Total	1,195	608	794	1,195	2,597

Table does not include Barbados, Dominica, and St. Vincent and the Grenadines. Estimates of planned 2004 training for these countries is combined with four other non-sanctioned states in an “Eastern Caribbean” category. In the case of Mexico, the “Planned 2004 Training” column refers to planned 2006 training. Source: State Department Congressional Budget Justifications for Foreign Operations.⁴⁹

IMET, however, is just one of many accounts through which the U.S. government can fund foreign military training. In fact, even before the ASPA sanctions took hold, the Defense Department’s counter-drug budget funded more Latin American trainees than did IMET. During the sanctions period, a new training program in the Defense budget, known as the Regional Counter-Terrorism Fellowship Program (CTFP), quickly became another principal source of training funds.

Considering all funding sources shows that, while the number of trainees from ASPA-sanctioned countries did fall steeply, that decrease was not the “total cutoff” billed by U.S. officials. From 2003 to 2005, the number of U.S. trainees in affected countries declined by 54 percent.⁵⁰ (As this report goes to publication, the State and Defense Departments have yet to produce their required annual report covering foreign military training in 2006.)

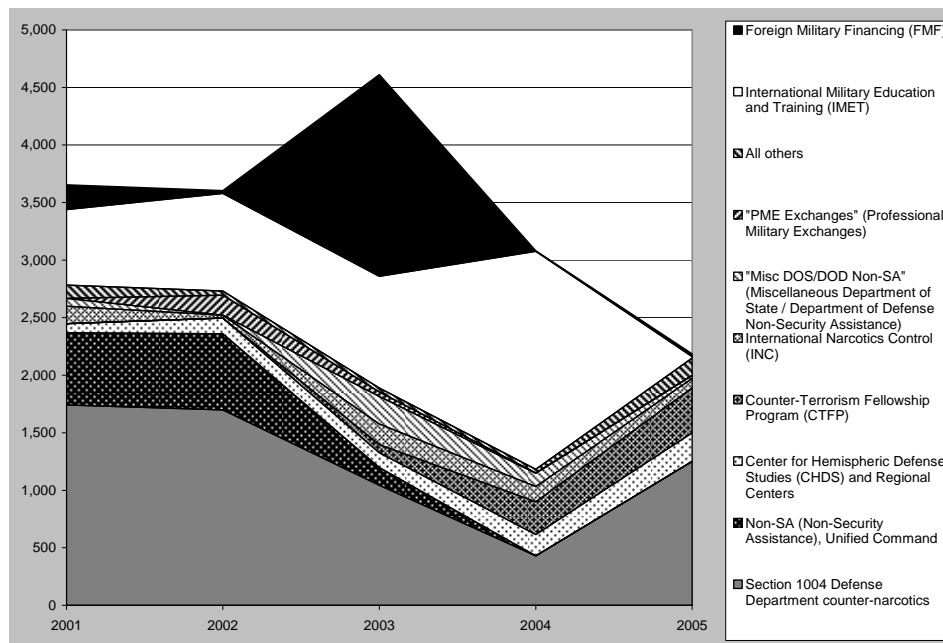
Chart 3 / Table 8: Trainees from ASPA-Sanctioned Countries, Through All Accounts, 2001-2005



	2001	2002	2003	2004	2005	Change, 2003 to 2005
Barbados	64	14	20	2	6	-70.0%
Bolivia	708	961	2,045	1,975	186	-90.9%
Brazil	258	285	259	66	88	-66.0%
Costa Rica	258	286	297	21	17	-94.3%
Dominica	5	9	11	40	14	+27.3%
Ecuador	899	1,267	662	186	673	+1.7%
Paraguay	297	213	210	237	525	+150.0%
Peru	427	507	680	402	481	-29.3%
St. Vincent and the Grenadines	9	41	12	0	2	-83.3%
Trinidad and Tobago	390	109	186	106	148	-20.4%
Uruguay	259	300	226	66	66	-70.8%
Venezuela	557	445	256	85	33	-87.1%
Total	4,131	4,437	4,864	3,186	2,239	-54.0%

Source: Annual Department of State and Defense Foreign Military Training Reports.⁵¹

Chart 4 / Table 9: Trainees from ASPA-Sanctioned Countries, By Account or Program, 2001-2005



Program	2001	2002	2003	2004	2005	Total
Section 1004 Defense Department counter-narcotics	1,742	1,698	1,043	431	1,251	6,165
International Military Education and Training (IMET)	656	849	971	1,894	13	4,383
Foreign Military Financing (FMF)	215	26	1,752	5	24	2,022
Foreign Military Sales (FMS)	477	832	253	105	53	1,720
Non-SA (Non-Security Assistance), Unified Command	626	662	154	0	0	1,442
Center for Hemispheric Defense Studies (CHDS) and Regional Centers	79	137	128	184	247	775
Counter-Terrorism Fellowship Program (CTFP)	0	0	72	285	391	748
International Narcotics Control (INC)	153	24	178	133	83	571
"Misc DOS/DOD Non-SA" (Miscellaneous Department of State / Department of Defense Non-Security Assistance)	66	0	240	115	25	446
All others	116	34	34	32	150	366
"PME Exchanges" (Professional Military Exchanges)	1	175	39	2	2	219
Total	4,131	4,437	4,864	3,186	2,239	18,857

Source: Annual Department of State and Defense Foreign Military Training Reports.⁵²

As the above tables and charts indicate, the disappearance of FMF and IMET (the black and white bands at the top of Chart 4 above) was partially made up by an increase in trainees through accounts like Defense-budget counter-narcotics, CTFP, and the Special Forces' training deployments. Ecuador and Paraguay even saw *increases* in their total number of trainees from 2003 to 2005, despite the sanctions. Aid accounts beyond the ASPA's purview remained robust and clearly helped to prevent a sharp overall drop in training levels.

Using unaffected aid accounts to cushion the ASPA sanctions' blow was a conscious strategy, according to an Army War College research paper written by an official who spent much of the sanctions period as an advisor to the commanding general (CG) of the Southern Command's army component, U.S. Army South.

Realizing the strategic importance of maintaining solid military-to-military relations, especially in an era of transnational threats and a focus on homeland defense, the CG directed his staff to develop other engagement initiatives (without circumventing the Article 98 Sanctions) to maintain military support to regional armies which the Combatant Commander prioritized as vital to our national security. Other component commanders from the U.S. Air Force, Navy and Marines also had to increase their engagement initiatives; they drew from different streams of funding like Commander's Traditional Authority (TCA), provided by the Combatant Commander, and Counter-Drug (CD) and Counter-Terrorist (CT) funds to make up for the loss of IMET funds for training the regional militaries and security forces.⁵³

Combining sanctioned and non-sanctioned countries, it is clear that the ASPA provisions had little or no effect on the total number of Latin American military and police personnel who received U.S. training. 15,039 regional security-force personnel received U.S. training from all funding sources in 2002, 22,831 in 2003 (the increase owed entirely to Colombia), 15,845 in 2004, and 17,008 in 2005.⁵⁴

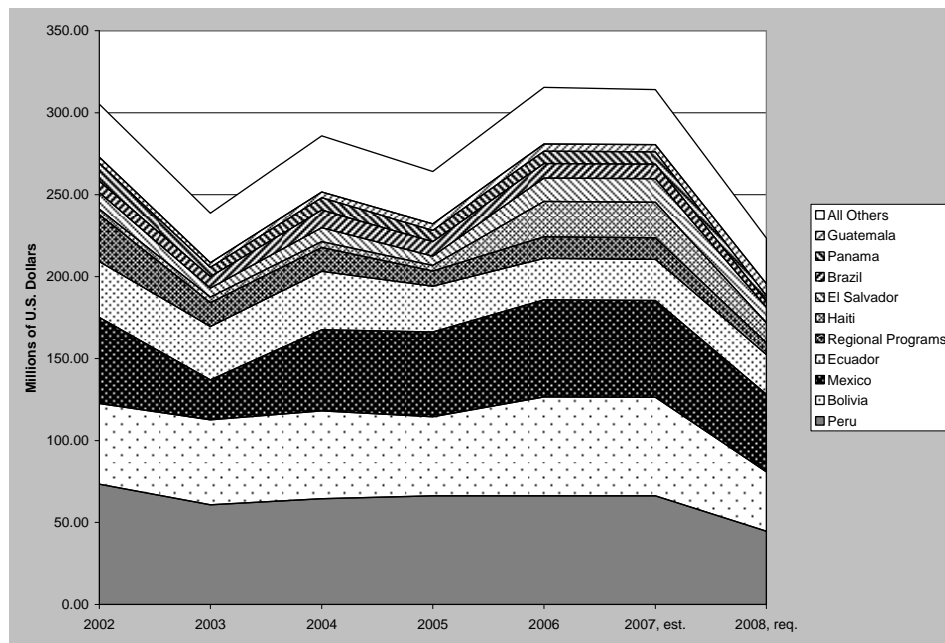
There are, in fact, even more trainees than these statistics indicate. Beyond the training programs that are regularly reported to Congress, the Southern Command carries out a robust exercise schedule, as well as other joint training deployments like the Special Forces' mostly classified

Joint Combined Exchange Training (JCET) program. U.S. troops continue to deploy throughout the region on Humanitarian Civic Assistance missions, building roads, schools and wells while offering medical, dental and veterinary care to poor villagers. Nearly every military in the region participates in regular conferences, seminars, exchanges, and other relatively low-cost efforts that seek to maintain existing levels of engagement. In countries where relations between the Bush administration and elected civilian leaders have grown frosty, it is accurate to say that military-to-military ties are currently closer than other state-to-state relationships.

The sanctions' impact is masked by an overall stagnation in aid

While these other, harder-to-count training and engagement activities have kept relations close, it is still the case that U.S. military aid to Latin America is definitely not growing, and may drop in 2007 and 2008. It is also clear that the ASPA is only one of several reasons why this is so. Excluding Colombia from the equation illustrates how steep the coming drop in aid may be.

Chart 5 / Table 10: Total Military and Police Aid to Latin America and the Caribbean, Excluding Colombia, From All Programs and Accounts, 2002-2008 request



	2002	2003	2004	2005	2006	2007, est.	2008, req.
Peru	73.41	60.89	64.52	66.25	66.25	66.24	44.76
Bolivia	49.24	51.77	53.60	48.22	60.41	60.25	36.09
Mexico	52.45	24.43	49.48	51.80	59.20	59.00	47.39
Ecuador	34.10	32.47	35.66	27.89	25.25	25.09	24.27
Regional Programs	28.68	14.56	14.48	9.29	13.21	13.21	7.17
Haiti	3.30	3.37	3.67	3.37	21.64	21.64	12.14
El Salvador	10.05	5.57	8.49	5.71	14.21	14.25	9.53
Brazil	7.01	6.96	10.75	8.85	8.85	8.90	3.56
Panama	11.01	5.68	7.58	6.85	7.54	7.57	3.46
Guatemala	3.66	2.90	3.40	3.98	4.45	4.45	7.31
All Others	32.37	30.09	34.25	31.95	34.46	33.53	27.88
Total	305.29	238.68	285.88	264.16	315.46	314.11	223.57

Millions of U.S. dollars. For a long list of official sources consulted, visit <http://ciponline.org/facts/sources.htm>.

The main reason is simply that the Bush administration is not increasing, and plans to draw down, the amount of money available for Latin America. The Iraq war and other expensive pursuits in the Middle East have drained funds from foreign military cooperation programs – including the “Drug War” eradication and interdiction programs that have been a mainstay of U.S. aid to the region’s security forces for nearly twenty years. The Bush administration has also undergone a rethinking of foreign aid programs that has placed a lower priority on “middle income” countries, like most Latin American states.

Aid has also stagnated or dropped as a result of cooling U.S. relations with several elected governments, the so-called “populists,” whose foreign policies have been more critical of Washington. While the Article 98 sanctions have been an irritant in relations with some of these governments, they alone do not explain why defense-ministry civilians in Argentina, Bolivia, Brazil, Ecuador, Uruguay and of course Venezuela may be requesting less U.S. assistance and contact.

Finally, aid may be decreasing because Section 2007 of the ASPA is not the only set of sanctions being applied to U.S. military aid in Latin America. Argentina cannot receive grants of weapons or military equipment because of the Brooke Amendment (Section 638 of the Foreign Assistance Act), which prohibits such aid to countries that default on U.S. loans. Nicaragua had much of its military aid frozen for a year because it was too slow in honoring an agreement to turn over old surface-to-air missiles provided by the Soviet Union in the 1980s. Paraguay had a series of joint training exercises canceled in October 2006, when it revoked immunity (not ICC immunity) granted to the U.S. personnel carrying out those activities. Venezuela, which ten years ago was the United States’ biggest arms customer, today cannot receive non-drug aid, or buy arms, because the Chávez government has been deemed to be “not fully cooperating” on counter-terror efforts, and failing to cooperate in the “War on Drugs.” Guatemala and Colombia, meanwhile, face partial restrictions on military assistance due to their security forces’ chronically troubled human-rights performance. This wide array of other sanctions added to the difficulty of determining the ASPA restrictions’ true impact.

The sanctions’ pain, officials contend, was qualitative, not quantitative

Questioned about this larger context, U.S. officials have been quick to point out that the pain ASPA inflicted on their aid programs was more localized than a mild overall decrease might indicate. The sanctions caused a disproportionate drop in some very specific categories of aid

that the U.S. government values highly. Hardest-hit were traditional, long-term, non-drug, non-technical training courses, which are generally funded only by IMET.

U.S. officials contended that multi-week officer development courses – such as the Captains’ Course and Command and General Staff Course offered by the Western Hemisphere Institute for Security Cooperation (WHINSEC, the successor to the Army School of the Americas) – are important tools for developing relationships with up-and-coming officers in the region’s military establishments. While more technical or combat-oriented courses could be funded from counter-drug accounts, only IMET could pay for courses with the intended side benefit of giving Latin American officers a greater appreciation for U.S. military doctrine, professionalism and respect for civilian control. Poorer countries in the region, they added, have come to depend on such U.S. courses as stepping-stones for promotion to higher rank.

Some IMET-Funded Courses Not Given to ASPA-Sanctioned Countries in 2005

- Captains’ Career Course (WHINSEC)
- Civil-Military Operations (WHINSEC)
- Company Grade Officers Professional Development (Inter-American Air Forces Academy, or IAAFA)
- Command and General Staff Course (WHINSEC)
- Department Resource Management (WHINSEC)
- Human Rights Instructor (WHINSEC)
- NCO Professional Development (IAAFA; one student from Trinidad and Tobago did attend this course in 2005 with funds from the Defense Department’s Regional Counterterrorism Fellowship Program)
- Senior NCO Professional Development (IAAFA; one student from Trinidad and Tobago did attend this course in 2005 with funds from the Defense Department’s Regional Counterterrorism Fellowship Program)

Source: Annual State and Defense Department Foreign Military Training Reports.⁵⁵ Descriptions of most courses can be found online at <http://www.state.gov/t/pm/rls/rpt/fmtrpt/2006/74695.htm>.

U.S. officials frequently invoke the “engagement and influence” argument, the same one employed to counter activists and members of Congress who support closing the WHINSEC. They even contend that the transition to democracy and civilian rule that Latin America has experienced over the past twenty-five years owes significantly to U.S. training programs.

This claim has never been studied or tested, and there are counter-examples like Nicaragua, which underwent a democratic transition in the late 1980s and early 1990s without a penny of U.S. assistance. The belief that training programs increase the United States’ influence, while fostering professionalism, democratic values and respect for human rights, is principally an article of faith.

U.S. officials’ complaints usually centered on the loss of IMET; interviews revealed less unease about cuts to FMF and EDA, two programs that mainly provide arms and equipment. These programs remain under sanction today. Though FMF and EDA are principally non-drug programs, we did hear concerns that the ASPA cutoff was hampering counter-drug efforts by stopping the flow of spare parts needed to maintain maritime and riverine vessels used for drug interdiction. ASPA closed the door on FMF that would have paid for internal order-keeping, “counter-terrorism” and peacekeeping aid in Bolivia in 2004, and border-security aid for Mexico in 2006.

The Nethercutt amendment ended up reducing non-military Economic Support Funds (ESF) to the affected countries by about \$17 million – or 40 percent – from 2004 to 2006. The rest of the ESF aid continued to flow as grants to non-governmental entities in the sanctioned countries.

Table 11: WHINSEC Students from Sanctioned and Non-Sanctioned Countries, 2002-2005

	2001	2002	2003	2004	2005
Sanctioned Countries:					
Bolivia	79	68	34	128	4
Costa Rica	20	34	23		3
Dominica				1	
Ecuador	47	26	52	29	
Mexico	19	7	29	5	5
Paraguay	19	38	26	4	14
Peru	18	37	35	45	2
Trinidad and Tobago				1	1
Uruguay	12	20	7		
Venezuela	41	52	27		
Sanctioned Countries Subtotal:	255	282	233	213	29
Other Countries:					
Argentina	18	22	12	17	20
Bahamas				1	
Belize				1	
Chile	159	174	129	85	52
Colombia	151	127	316	336	217
Dominican Republic	46	59	21	18	21
El Salvador	11	48	66	14	73
Grenada				2	
Guatemala	3	13	10	10	20
Guyana				1	1
Honduras	12	15	39	119	71
Jamaica				19	16
Nicaragua	3	10	17	14	10
Panama	1	6	14	16	17
St. Kitts and Nevis				1	1
St. Lucia				2	1
Suriname				3	3
Other Countries Subtotal:	404	474	624	659	523
Total Regional WHINSEC Attendance:	659	756	857	872	552

Source: For a long list of sources consulted, visit <http://ciponline.org/facts/soa.htm>.

2. Was this loss of aid and training lamented, or even noticed, in the recipient countries' governments and security sectors?

Seen from Latin America and the Caribbean, the ASPA aid cuts' impact – with a few exceptions – went mostly unnoticed. The small amount of money involved, the short time period (three and a half years), and the increase in training through other sources kept the sanctions from dealing too grave a blow to regional military-to-military relations.

U.S. military personnel interviewed, however, claimed that sanctioned countries' military officials regularly lamented the loss of IMET and FMF when interacting with visiting U.S. military leaders or U.S. embassy military groups. Many, they said, had come to depend on

WHINSEC courses – “some time at Fort Benning” – as a prerequisite for promotion to higher rank in their own militaries, or at least as a reward for good performance.

The author’s own interviews with defense and military officials from three sanctioned countries yielded no strong complaints about the ASPA sanctions, which they unanimously sought to downplay as a minor issue. This may have owed to an unwillingness to question a civilian decision (not to ratify the ASPA) in an interview with a foreign investigator, or a desire not to be perceived as dependent on U.S. assistance. However, officers did complain about very recent reductions in the overall amount of U.S. aid, particularly aid from counter-drug programs, which they said threatened to create holes in their capabilities.

3. Did third countries, like China or Venezuela, take advantage of the ASPA sanctions to increase their own engagement and assistance?

The past few years in Latin America and the Caribbean have seen an evident – but impossible to measure – increase in military assistance and military-to-military contact from non-U.S. sources. U.S. officials have publicly fretted about increased military aid from China and Venezuela, and increased arms sales from Russia and elsewhere in Europe. At times, they have done so while arguing that the ASPA sanctions are reducing U.S. influence in the hemisphere.

In private, however, U.S. military and defense officials interviewed for this project were much more dismissive and circumspect about third-country military involvement. This was especially true in the case of China: in contrast with the borderline inflammatory statements made at congressional hearings, no interviewee expressed any near-term concern about China’s military efforts. One even said that “Adm. Stavridis [who assumed command of U.S. Southern Command in October 2006] is talking about this a lot less than [his predecessor] Gen. Craddock did.”

One U.S. military interviewee noted that China is now offering a Command and General Staff course in Spanish, which “a couple dozen” Latin American military students are attending in Beijing. With bemusement, he noted that the Chinese course “re-engineered our stuff,” basically mirroring the content of the U.S. course as exactly as possible. Some officials did note, however, that China is offering its training with “no strings” – that is, no human-rights vetting or other conditions to meet, and less bureaucracy in the selection and enrollment of trainees – something they saw as a potential long-term issue.

More concerns were heard about the military assistance being offered by Venezuela and, by extension, Cuba. The example most cited was Evo Morales’ Bolivia, where the Chávez government is assisting the construction of border posts, has lent helicopters for military transport, and has promoted a bilateral military cooperation agreement, among other activities. Concerns were also expressed about increased Venezuelan-Cuban military influence in Argentina and Nicaragua. (As his report goes to press, the same officials are likely voicing similar worries about Ecuador, where Rafael Correa’s left-of-center government assumed office in January 2007.)

Those interviewed revealed no consensus about the Cuban-Venezuelan “threat.” Some officials with a clearly more ideological outlook voiced concerns about a well-orchestrated plan to attain the regional “revolution” that the Castro government was never able to achieve on its own. Others – most, in fact – saw expanded military aid as an inevitable result of Venezuela’s oil wealth, but questioned the quality and usefulness of the assistance being offered.

None of those interviewed were willing to characterize the increased Chinese, Venezuelan or other military assistance as a response to the ASPA sanctions. It did not seem plausible that the FMF and IMET cutoff to 12 countries might have inspired third countries to “strike while the iron is hot” and seek to fill the U.S. aid vacuum. All agreed that these countries would have increased their military assistance with or without ASPA, but that the sanctions made it more difficult to provide a counter-offer and may even have pushed some countries to look toward Beijing or Caracas. “It’s not like they don’t have anywhere else to go” if hit with sanctions from Washington, one U.S. diplomat explained.

4. How did the ASPA sanctions affect civil-military relations in the sanctioned countries?

Because the amount of aid under sanction was small, and the duration was short, it was next to impossible to determine whether the ASPA sanctions created civil-military friction in the affected Latin American countries. Defense and military officials from sanctioned countries did not express any resentment toward their civilian leaders, whose failure to ratify Article 98 agreements cost them parts, equipment, slots at the WHINSEC and other training opportunities. Some in fact expressed agreement with their government’s decisions not to sign the immunity deals, viewing them as a defense of their national autonomy and sovereignty.

Some U.S. officials, however, said that the Article 98 sanctions had inspired strong behind-the-scenes civil-military discussions in some countries. The Army War College paper by the former U.S. Army South staffer discusses this problem at length.

As the Political-Military Advisor to the Commanding General (CG) of U.S. Army South, I traveled extensively throughout Latin America and the Caribbean during the period 2003-2006. Almost without exception, talking points for the CG included the Article 98 Sanctions. The topic became so sensitive that several U.S. ambassadors advised the CG not to broach the subject with the host commanders and ministers of defense unless the subject was brought up by them first. But the sanctions issue almost always arose. On several occasions, the commanders or ministers would state that they had always enjoyed very close and cordial relations with the U.S. military, so they could not understand why their militaries were now penalized for political decisions (not signing a bilateral Article 98 Agreement with the U.S.) which they advised against, but the decision was ultimately up to their legislature and chief of state.

Many of our regional partners engaged in similar scenarios of political-military discussions concerning Article 98 sanctions. Military commanders generally favor signing an Article 98 Agreement with the U.S. since they are the parties most affected by the sanctions, while the politicians generally favor signing with the ICC and not the United States.⁵⁶

5. How did the ASPA sanctions affect perceptions of the United States as a whole in the sanctioned countries?

The United States’ image has fallen precipitously in the eyes of Latin American public opinion, both elite and non-elite, over the past few years. The ASPA sanctions get only a small piece of the blame for this.

Rising anti-U.S. sentiment – or at least dislike of the current U.S. administration – is evident in a variety of measures. The annual regional poll carried out by the Chile-based *Latinobarómetro* organization tells a grim story: the percentage of the 18,000 respondents reporting a favorable opinion of the United States fell from 73 percent in 2001 to 61 percent in 2005.⁵⁷ The 2006 *Latinobarómetro*’s 20,000 respondents gave President George W. Bush a 21 percent approval rating – tied with Fidel Castro for last place in the region.⁵⁸ A recent poll of Latin American “elites” by the U.S.-based Zogby organization found even worse results: only a 13 percent regional approval rating for the U.S. government’s handling of its relations with Latin America.

1. How would you grade the US government's handling of its relations toward Latin America?

Table 1: Opinion of U.S. Handling of Relations with Latin America

2006 Elite	Overall	Argentina	Brazil	Colombia	Chile	Mexico	Peru	Venezuela
Excellent	1	--	3	--	--	--	3	4
Good	12	5	14	23	5	14	18	9
Positive*	13	5	17	23	5	14	20	13
Fair	45	62	46	46	57	21	64	45
Poor	38	33	37	31	38	65	15	43
Negative	86	95	83	78	95	86	79	88

*Positive responses are the aggregate of Excellent and Good. Negative Responses are the aggregate of Fair and Poor.

Source: 2006 Latin American Elite Survey, Sample Size 603, Margin of Error 4.5%.

Source: Testimony of John Zogby of the Zogby International polling organization, joint hearing of the House Foreign Affairs Subcommittee on International Organizations and Oversight and Subcommittee on the Western Hemisphere, March 12, 2007.⁵⁹

Unhappiness with the United States was on full display in the large and at times violent protests accompanying the 2005 Summit of the Americas in Mar de Plata, Argentina; the protests that greeted President George W. Bush at every destination on his March 2007 tour of Latin America; and on editorial pages throughout the region. (A fuller discussion of Latin America's sinking esteem for the United States can be found in *Tarnished Image*, a 2006 report by the Washington-based Latin America Working Group.⁶⁰)

With a tarnished image has come reduced U.S. influence: Washington's ability to pursue its agenda in the region is diminished. Only a half-dozen Western Hemisphere countries supported the Bush administration's decision to invade Iraq, and opposition from Mexico and Chile complicated its efforts to get UN approval. For the first time, the United States proved unable to see its preferred candidate win election to the OAS secretary-generalship. Some of the hemisphere's larger economies have preferred to pursue regional trade blocs, rather than seek bilateral or hemispheric agreements along the lines of the model proposed by the United States.

Countries have also shown independence in the military sphere. Legislatures in Peru, Argentina and elsewhere have said "no" to U.S. military exercises on their soil. Defense ministries have sought to make major new weapons purchases from Russia, Western Europe, China and Brazil. And several countries may have even decided to stop sending military trainees to the WHINSEC, as the U.S. advocacy group School of the Americas Watch has claimed, and as a September 2006 question the Senate Armed Services Committee posed to the incoming Southern Command chief, Adm. James Stavridis, appears to confirm.

Question: What is your assessment of the impact on regional cooperation of the decisions by Venezuela, Argentina, Bolivia, and Uruguay to no longer send military personnel to WHINSEC for instruction?

Answer: I have been briefed that Bolivia has 59 students programmed to attend WHINSEC in 2006. It is my understanding that Venezuela, Argentina, and Uruguay have not stated that they will no longer send military personnel to WHINSEC. However, these three countries do not currently have any students programmed to attend the institution. These countries will miss opportunities to establish lasting relationships with the future leaders from the rest of the hemisphere.⁶¹

The ASPA sanctions played only a small part in bringing about this overall loss of U.S. prestige, and resulting distancing from Washington, in Latin America and the Caribbean. While it certainly didn't help matters, the tying of military aid to Article 98 agreements is just one more bullet point on a long list of reasons why U.S. influence has flagged. The list also includes:

- The Iraq war, the Guantánamo prison camp, torture allegations, and other excesses of the Bush administration's pursuit of the "war on terror."
- Pursuit of unilateral "go it alone" policies like rejecting the Kyoto Protocol, the ABM treaty, and of course the International Criminal Court.
- The domestic debate over U.S. immigration policy. The legislation to build a wall along the U.S.-Mexican border was a very powerful symbol, inspiring a wave of indignant editorials in periodicals across the region's political spectrum.
- Washington's pursuit and promotion of a "neoliberal" economic model which, while increasing macroeconomic growth rates, has worsened income inequality and weakened the state's ability to provide basic services and public goods.
- The "War on Drugs," which has been perceived in the region as an entirely repressive approach – fumigations in Colombia, forced coca eradication in Bolivia, extraditions everywhere – that has failed even to come close to achieving its stated goals.
- A general feeling that Latin America and the Caribbean are not a priority for Washington – that good relations with the region are simply taken for granted, and not the result of a constant give-and-take.

As long as these conditions remain in place – or are perceived to remain in place – the ASPA sanctions will remain an important, but relatively marginal, reason why U.S. influence and standing in Latin America are so very low.

The Bush administration's decision to "take no for an answer," partially withdrawing the ASPA sanctions, was a necessary step toward undoing some of the damage. While the significance of the restored military aid is not great, Washington sent a positive message to the region merely by admitting (tacitly, not explicitly) that it made a mistake.

Still more humility and willingness to compromise – not just more presidential visits – will be required to set U.S. relations with Latin America on a better footing. This means showing much more inclination to pursue interests by engaging the region, rather than issuing decrees and sanctions. But this is a subject for another research paper.

IV. Conclusions

In the context of U.S. security relations with Latin America and the Caribbean, the impact of the American Servicemembers' Protection Act sanctions on military-aid programs was minimal. Their effect was most keenly felt only on a specific type of military training deemed important for "engagement," while the bulk of U.S. aid to the region's military and police forces was unaffected.

However, the "context of U.S. security relations" with the hemisphere is important. The ASPA sanctions went into effect at a time when the U.S. image and influence were plummeting in most

of the region, while leaders with a critical stance toward Washington were being elected, and while security forces were showing a new openness to work with other countries' militaries.

The restoration of IMET and ESF to the sanctioned countries – and the resulting tacit admission that the United States made a mistake – was an important first step toward changing this context and re-engaging with Latin America on security issues. But more steps will be necessary.

1. Repeal all of the ASPA sanctions for Latin America and the Caribbean. U.S. accession to the International Criminal Court appears unlikely for the foreseeable future. But the counter-productive nature of the ASPA sanctions – including the remaining limits on FMF, EDA and drawdowns – should be abundantly evident to all. Section 2007 of the ASPA should be repealed, and U.S. diplomats should be given the flexibility to determine whether a real risk exists of a foreign government extraditing U.S. citizens to The Hague.

Even if Section 2007's repeal proves to be politically untenable, it is urgent that the 2008 foreign aid bill omits the Nethercutt provision, with its cruel withdrawal of economic aid to developing countries.

2. While removal of the punitive, unilateral ASPA sanctions would be positive, a mere restoration of military aid is not necessarily a sign of progress in U.S.-Latin American relations. From the Cold War to the Drug War, military aid to Latin America has been controversial for many good reasons. The present “pause” in military-to-military ties, in part a result of the ASPA, offers an opportunity to carry out **a thorough review of U.S. military aid programs in the region.**

While the ASPA sanctions were a poor reason to limit military assistance, a mere resumption of what came before is far from optimal. The present reinstatement of aid presents a good moment for some mechanism – a bipartisan commission perhaps – to consider the history, and the future, of U.S. aid to the militaries of the Western Hemisphere. After years of bitter policy debates, impassioned human-rights activism, and frequent legislative maneuvering, some basic questions remain unanswered about our relationships with the armed forces of a region marked by stark social inequalities and fragile, easily reversible democratic transitions.

- Is there an adequate balance between aid to the region's militaries and aid to the region's civilian institutions, such as judiciaries, social-service agencies, legislatures or local governments?
- Are military-to-military relations generally stronger than civilian-to-civilian government relations in the region? If so, is this a problem?
- Are existing human-rights protections in the law adequate or effective?
- Are U.S. aid programs encouraging appropriate military roles and missions?
- Are U.S. aid programs encouraging healthy civil-military relations?
- Are claims of the benefits of “engagement” – influence, encouragement of shared values, improved U.S. security – accurate or overstated? Are these benefits worth the investment of resources?
- If “engagement” is so beneficial, why is there not more investment in efforts to link civilian officials from the U.S. and Latin American governments?

The partial removal of ASPA sanctions in Latin America is good news; it is important that the U.S. government recognize its mistakes and take “no” for an answer once in a while. However, it is also important to ensure that the aid programs being reinstated are the right ones for the current U.S. security relationship with the rest of the hemisphere.

Appendix: ASPA and U.S. Military Relations with Several Countries

In order to measure the impact of the ASPA sanctions in Latin America, the author visited five countries: three of them under sanction, and two exempt. In each, he interviewed U.S. embassy personnel, host-nation security officials, independent security analysts, and non-governmental human-rights organization staff. This appendix includes brief observations on the ASPA sanctions’ impact on, and U.S. military relations with, each visited country.

A. Sanctioned countries

1. Peru

Thanks almost entirely to counter-narcotics aid, Peru is slightly ahead of Bolivia, and far behind Colombia, as the hemisphere’s second-largest recipient of U.S. military and police assistance. The large counter-narcotics programs – which mainly go to Peruvian Police eradication and interdiction efforts – were not affected by the ASPA.

IMET and FMF made up only a small fraction of Peru’s assistance and trainee pool; as a result, few Peruvians had much to say about the ASPA sanctions’ impact in their country. U.S. embassy staff explained that the following programs in Peru were most deeply affected by the ASPA aid cuts.

- Attendance of Peruvian personnel at the Western Hemisphere Institute for Security Cooperation (WHINSEC) and the Inter-American Air Forces Academy (IAAFA). This left the U.S. government “unable to influence the thought processes of future leaders.”
- Pilot training.
- FMF that could have made up for a decline in counter-drug accounts’ funding for a riverine interdiction program begun in the late 1990s. Right now, there is “no money for maintenance support” for the river patrol boats granted to the Peruvian police and navy in past years.
- For Peruvian army units near the Colombian border, loss of FMF has made it “hard to patrol without fuel, MREs, boots, spare parts, GPS and radios.”
- Lack of EDA has made it impossible to provide parts for Peru’s coast guard.

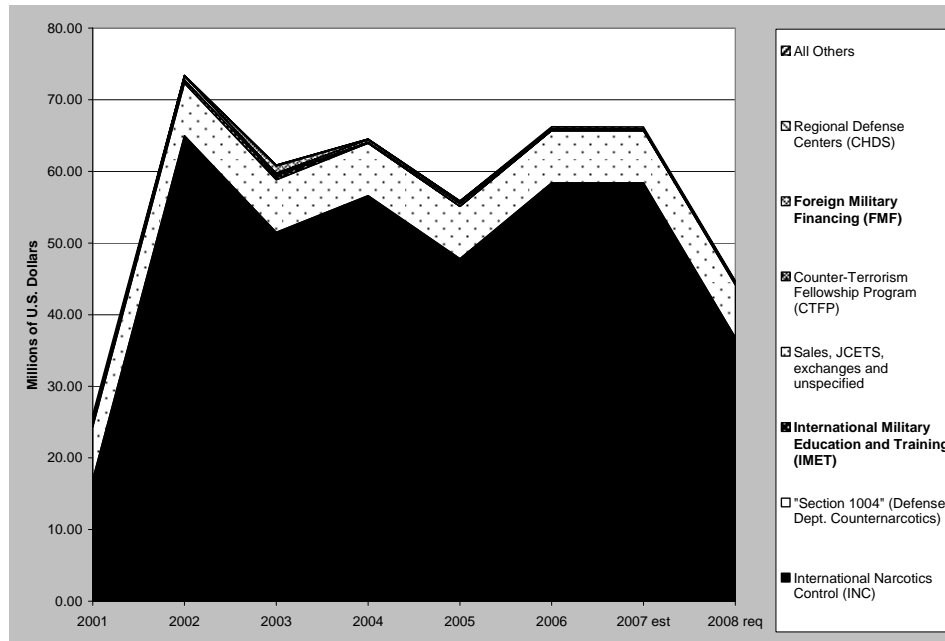
The loss of IMET and FMF was little noticed in Peru, however, for several reasons.

- U.S. embassy personnel in charge of security assistance aggressively sought an increased share of funds from Defense-budget accounts unaffected by the ASPA. Maximizing the flow of aid funds from the Defense-budget counter-narcotics account and Counter-Terrorism Fellowship Program helped patch holes in training funds left by lost IMET. Using these new funding sources was “a matter of necessity,” according to a U.S. Military Group official. He explained that securing monies for Peru (and in his previous posting in Ecuador, another

ASPA-sanctioned country) often required some nimble bureaucratic maneuvering to capture unspent funds at the end of each fiscal year.

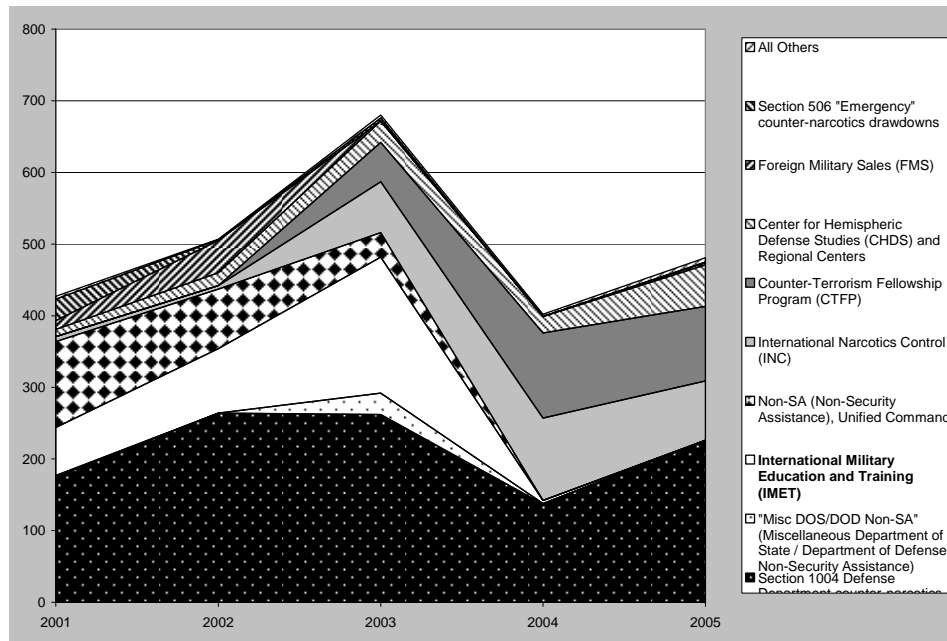
- Peru hosted three U.S. military exercises in a seven-month period. PKO South, an annual staff exercise simulating decisionmaking for peacekeeping missions, took place in August 2006. That same month, U.S. reservists and guardsmen built infrastructure and provided medical care for a New Horizons humanitarian-assistance exercise. In February 2007, Peru hosted the Falcon and Condor bilateral air-force exercise. This frequency of high-profile joint training opportunities overshadowed the ASPA sanctions in public perceptions.
- Overall aid to Peru – including counter-drug aid – has been stagnant for a few years, and cuts are foreseen in the Bush administration’s 2008 budget. In that context, the ASPA-triggered aid reductions simply appeared to be part of a larger trend.

Chart 6: U.S. Military and Police Aid to Peru, All Programs and Accounts, 2001-2008



Millions of U.S. dollars. For a long list of official sources consulted, visit <http://ciponline.org/facts/sources.htm>.

Chart 7: U.S. Military and Police Trainees from Peru, 2001-2005



Source: Annual Department of State and Defense Foreign Military Training Reports.⁶²

2. Bolivia

Of all countries visited, Bolivia – the hemisphere’s third-largest U.S. military and police aid recipient – had the largest number of observers concerned about the ASPA sanctions. This is mainly because of the overall political context.

Bolivia’s debate over an Article 98 immunity agreement with the United States was public and acrimonious. In 2003, the government of Gonzalo Sánchez de Lozada signed an Article 98 agreement and shepherded its ratification through Bolivia’s Senate. It ran into trouble in Bolivia’s Chamber of Deputies, however, where opposition leaders from Evo Morales’ Movement Toward Socialism (MAS) party blocked ratification, taking maximum political advantage and appealing to Bolivians’ nationalism by vocally opposing the agreement. The Article 98 agreement, a U.S. embassy official said, became “a good pretext for those in the Congress who opposed Goni [Sánchez de Lozada’s nickname] and wanted to say no.”

Now that Morales and the MAS party are in power, Bolivians continue to pay attention to the ASPA sanctions, as they remain sensitive to any indications that the United States may be distancing itself from the Morales government and Bolivia’s security forces. Even the Bush administration’s planned reductions in military assistance – the same reductions as those foreseen for Peru, Ecuador and Mexico – have been front-page news in La Paz, and fodder for politicians opposing the Morales government.

U.S. government officials contend that the loss of IMET and FMF had a substantial impact in Bolivia. The Bolivian military is “dependent” on U.S. aid to equip and train itself, and the ASPA cuts risk it devolving into “a less professional and capable force.” FMF was particularly important, embassy staff explained, because it was needed to help the government to “keep order” in a country where a single road blockage could paralyze the economy for weeks.

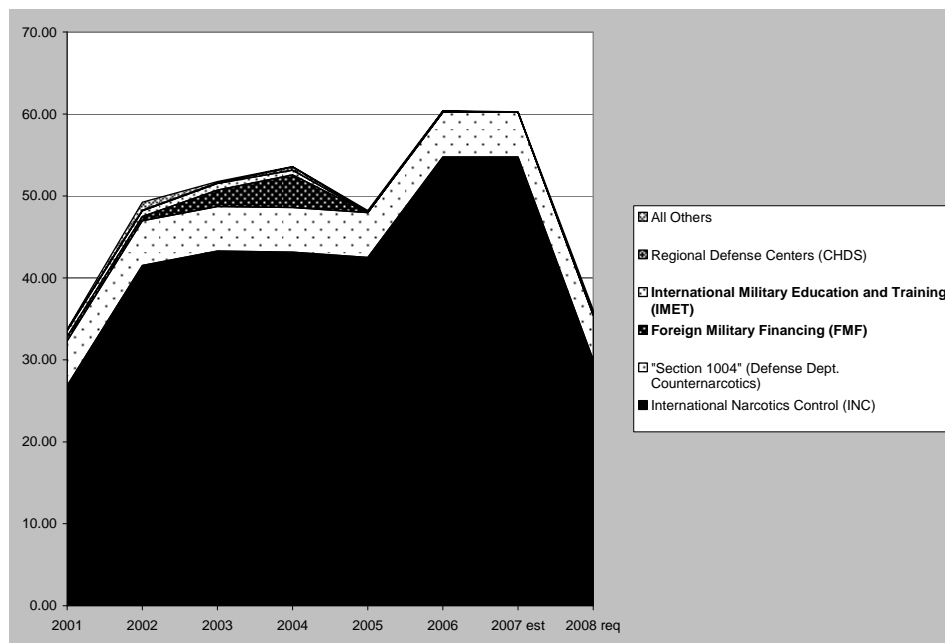
Senior Bolivian military personnel interviewed dismissed the ASPA sanctions' impact as minimal. A general explained that while the lost aid and training were important, it was being mitigated by increases to Bolivia's own military budget, which has been boosted by increased government income from natural-gas revenue.

Other observers, especially critics of President Morales, claim that vastly increased military aid from Venezuela has more than filled the gap left by reduced U.S. assistance. They cite a military agreement the two countries signed in 2006 – but which has yet to be approved by Bolivia's Congress – that commits Caracas to assisting Bolivia with arms purchases and intelligence coordination, as well as the construction of military posts near Bolivia's borders. (The latter issue has generated some friction with Paraguay.) One non-governmental human-rights expert said that the Venezuelan military may even be helping the Bolivians choose officers for promotions.

Despite prodding to say something inflammatory, U.S. embassy staff interviewed downplayed any concerns about Venezuelan military assistance. This was not the opinion of Defense Department officials who accompanied Secretary of Defense Donald Rumsfeld on an August 2005 visit to South America, who warned that “Cuban ideology, backed by Nicaraguan [*sic.*; the official probably meant “Venezuelan”] financing, is targeting nations like Bolivia that are teetering between democracy and leftist governments and could go either way.”⁶³

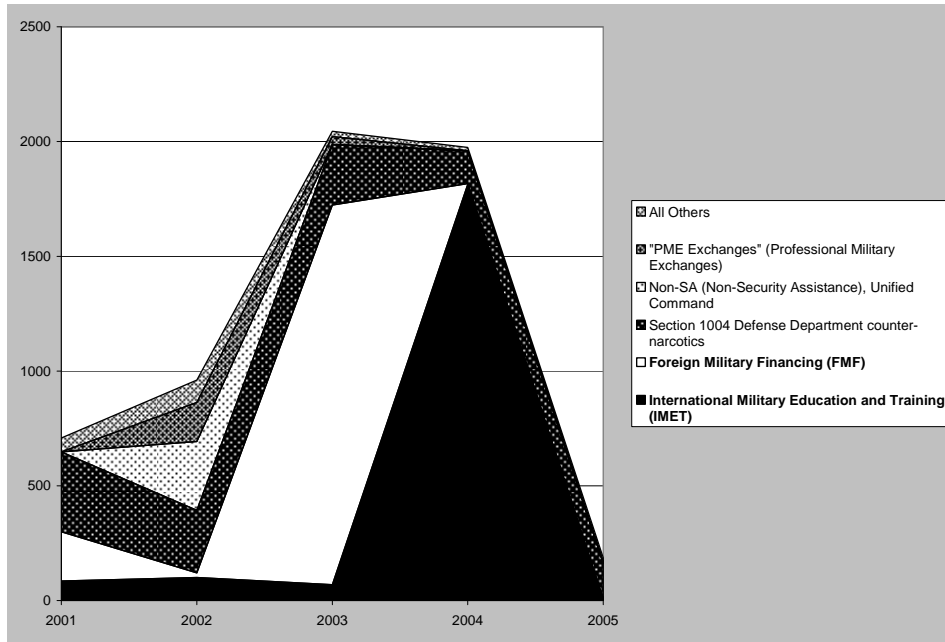
The ASPA sanctions are just one of many factors making greater distance between the U.S. and Bolivian militaries a likely outcome. A 2005 episode in which the U.S. government helped the Bolivian military dispose of some Chinese missiles, without following established procedures, was used as “a political football” by the opposition MAS party, according to U.S. embassy staff, and increased MAS distrust of the U.S. military. The threat of counter-narcotics sanctions against the Morales government, which is at odds with Washington in its approach to coca cultivation, could trigger a future cutoff of non-drug military aid. And of course, the frosty relations between the Bush and Morales administrations show little promise of warming.

Chart 8: U.S. Military and Police Aid to Bolivia, All Programs and Accounts, 2001-2008



Millions of U.S. dollars. For a long list of official sources consulted, visit <http://ciponline.org/facts/sources.htm>.

Chart 9: U.S. Military and Police Trainees from Bolivia, 2001-2005



Source: Annual Department of State and Defense Foreign Military Training Reports.⁶⁴

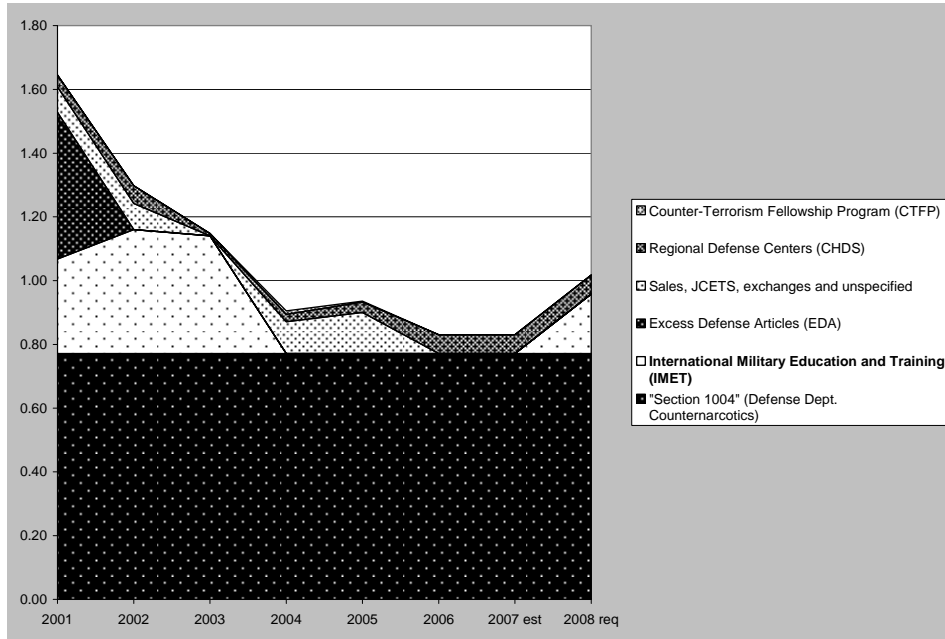
3. Costa Rica

Costa Rica was included in the sample because it is the only Central American country subject to ASPA sanctions. However, the amount of aid at stake – indeed, the total amount of aid that flows to Costa Rica’s Public Force – is so small that the ASPA has been a non-issue.

The main impact of the ASPA-triggered cuts, U.S. officials said, was a reduced ability to help Costa Rica secure its ports and patrol its coastal waters.

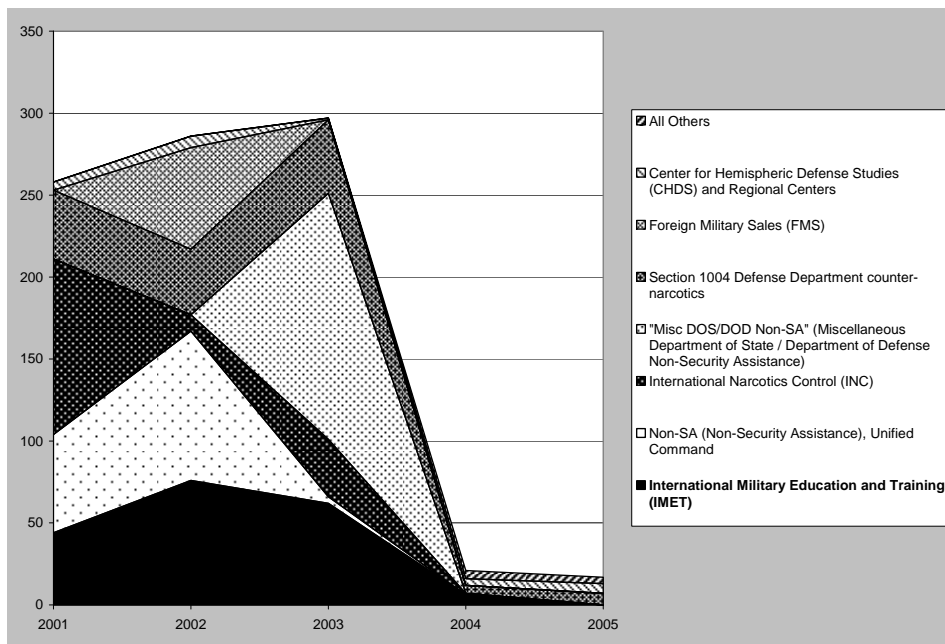
The U.S. security relationship with Costa Rica was described as tranquil, if not a full embrace. All those interviewed denied that there is any ill will left from the Costa Rican refusal, on constitutional grounds, to allow the United States to establish an Inter-American Law Enforcement Academy (ILEA) on its soil. Security relations were unchanged as a result of the May 2006 inauguration of Óscar Arias, a critic of the Bush administration’s foreign policy but also a strong proponent of the Central American Free Trade Agreement.

Chart 10: U.S. Military and Police Aid to Costa Rica, All Programs and Accounts, 2001-2008



Millions of U.S. dollars. For a long list of official sources consulted, visit <http://ciponline.org/facts/sources.htm>.

Chart 11: U.S. Military and Police Trainees from Costa Rica, 2001-2005



Source: Annual Department of State and Defense Foreign Military Training Reports.⁶⁵

4. Paraguay

Though we were unable to visit Asunción for this investigation, Paraguay gets honorable mention because it is the one country with which military-to-military relations appeared to grow *closer* during the period in which the ASPA sanctions were in effect. The number of U.S.-funded

Paraguayan trainees increased substantially, as Defense-budget programs more than filled the gap left by lost IMET. Starting in mid-2005, the United States and Paraguay carried out a series of joint exercises – including humanitarian deployments, Special Forces JCET training, and – in July 2006 – a 15-nation Special Forces exercise called “Fuerzas Comando.” Relations grew so close that the U.S. State Department was compelled to post a page to its website denying rumors that the United States was planning to establish a base in the Chaco region.⁶⁶

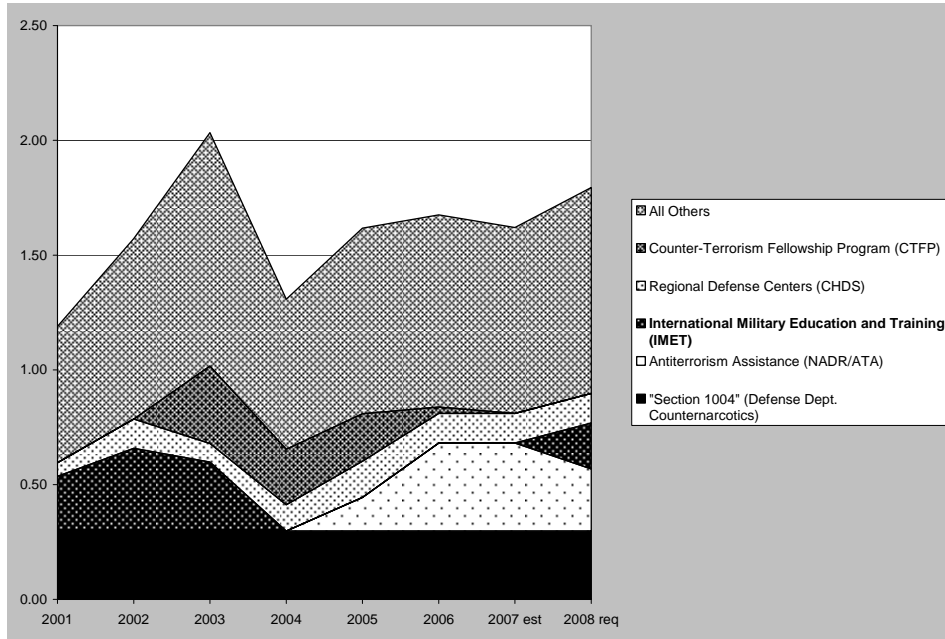
U.S. Training Exercises Planned in Paraguay, 2005-2006

1. July-September 2005: Joint Combined Exchange Training (JCET) 230WF, with 32 U.S. Army Special Forces personnel and an MCC-130 aircraft.
2. July-September 2005: JCET 400W, with 10 U.S. Army Special Forces personnel.
3. July-September 2005: Joint Combined Counter-Narcotics Exercise CNT071, with 10 U.S. Special Forces personnel.
4. July-December 2005: Medical Readiness Training Exercise (MEDRETE 1), with 15 U.S. military medical personnel.
5. January-June 2005: Medical Readiness Training Exercise (MEDRETE 2), with 15 U.S. military medical personnel.
6. October-December 2005: JCET 10WF, with 10 U.S. Army Special Forces personnel.
7. October-December 2005: Joint Combined Counter-Narcotics Exercise CNT014, with 10 U.S. Special Forces personnel.
8. January-March 2006: JCET 023N, with 10 U.S. Special Forces personnel.
9. January-March 2006: JCET 220WH, with 12 U.S. Army Special Forces personnel, 30 U.S. Air Force personnel, 25 U.S. Army Aviation personnel, a C-5 and a C-130 aircraft, and two or three MH-60L helicopters.
10. April-June 2006: JCET 303F, with 30 U.S. Army Special Forces personnel.
11. April-June 2006: JCET 300F, with 10 U.S. Army Special Forces personnel.
12. July-September 2006: JCET 401W, with 10 U.S. Army Special Forces personnel.
13. July-September 2006: “Fuerzas Comando” military exercise, training in anti-terrorism. 60 U.S. military personnel, including 30 Army Special Forces; 180 Special Forces personnel from other armies in the hemisphere, and one C-17 transport aircraft.

Source: Paraguayan Congress.⁶⁷

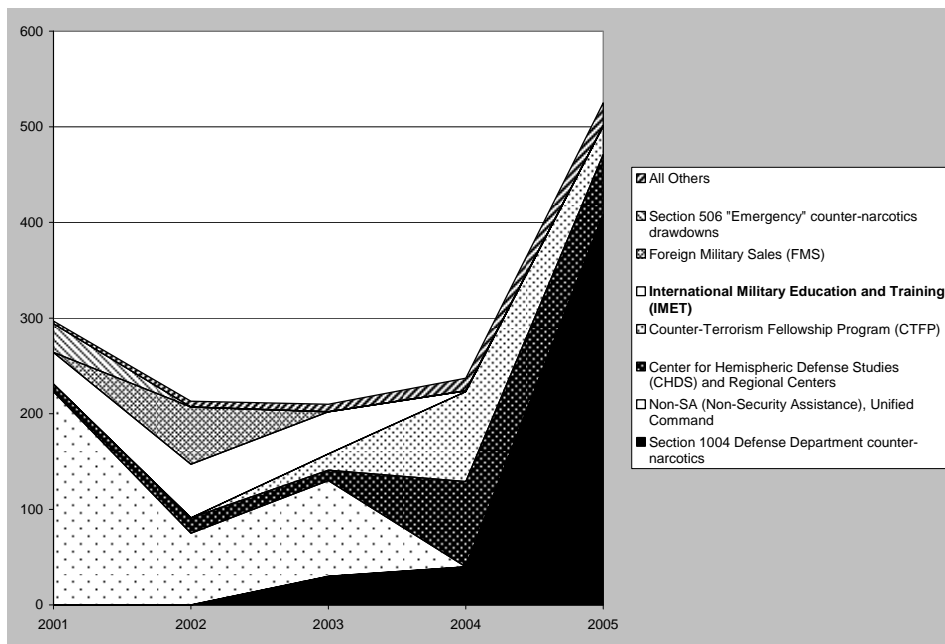
The honeymoon between the United States and Paraguay ended in November 2006, when the Asunción government – likely under pressure from Mercosur neighbors unhappy about the increased U.S. military presence – abruptly revoked the immunity agreement protecting U.S. military personnel in Paraguay to carry out the series of exercises begun in mid-2005. (This agreement covered immunity from prosecution in Paraguay; it was not an Article 98 agreement offering immunity from the International Criminal Court.)

Chart 12: U.S. Military and Police Aid to Paraguay, All Programs and Accounts, 2001-2008



Millions of U.S. dollars. For a long list of official sources consulted, visit <http://ciponline.org/facts/sources.htm>.

Chart 13: U.S. Military and Police Trainees from Paraguay, 2001-2005



Source: Annual Department of State and Defense Foreign Military Training Reports.⁶⁸

B. Countries not sanctioned

1. Argentina

Argentina is the United States' only "Major Non-NATO Ally" (MNNA) in the Western Hemisphere, a mostly symbolic designation (from Section 517 of the Foreign Assistance Act) that confers few material benefits. One of those benefits, however, is exemption from the sanctions in Section 2007 of the ASPA. Though Argentina is a member of the International Criminal Court, it never had to sign, and has not signed, an Article 98 agreement.

Nonetheless, U.S. security relations have declined more with Argentina than they have with most countries that *were* subject to ASPA sanctions. Washington's problem is that it became associated with two entities that are very unpopular in Argentina today: the armed forces, and former President Carlos Menem.

Menem, who was Argentina's president for most of the 1990s, actively sought a very close relationship with the United States during his tenure. (It was at this time that Argentina gained MNNA status.) Many Argentines blame the former two-term president, however, for the severe economic depression that roiled the country in late 2001 and early 2002 – and they resent the Bush administration for refusing to help stabilize the situation the way the Clinton administration did during Mexico's 1997 peso crisis. At that point, one Argentine analyst explained, it became clear that being a Major Non-NATO ally had little meaning. The United States has a higher disapproval rating in Argentina than anywhere else in Latin America – 32 percent in the 2005 *Latinobarómetro* poll – and it has made little political sense for left-of-center President Néstor Kirchner to court Washington.⁶⁹

Meanwhile the Argentine military, unlike those of its neighbors, also has a low standing in local public opinion. This owes to the 1976-1983 military government's gross human rights abuses, seriously miscalculated 1982 invasion of the Falkland Islands, and inept mismanagement of Argentina's economy. President Kirchner has won accolades at home by encouraging prosecutions of previously amnestied *junta* members and other military human rights abusers. By linking up so closely with Menem and the military during the 1990s – then turning its back in the 2001 crisis – the U.S. government set itself up for a drastic souring of relations with Buenos Aires.

This distance was underscored by the Argentine government's handling of anti-U.S. protests at the 2005 Summit of the Americas in Mar de Plata. The Mar de Plata experience, a U.S. official explained, led Washington to reduce its efforts to engage the Kirchner government. Though a new U.S. ambassador sought to rekindle relations upon his late 2006 arrival, the estrangement with Argentina grew further in March 2007, when President Kirchner allowed Venezuela's Hugo Chávez to counter President Bush's visit to nearby Brazil with a public rally in Buenos Aires. (Chávez has helped Argentina by buying up billions of dollars of the country's debt.)

U.S. aid to the Argentine military did not amount to very much during the Menem years, since the country was not a priority for the "War on Drugs." Nonetheless, as a Major Non-NATO ally Argentina enjoyed priority access to Excess Defense Articles. This access was blocked after Kirchner took office – not because of the ASPA, but because of the Brooke Amendment (Section 638 of the Foreign Assistance Act), which prohibits grants of weapons and equipment to countries that default on their U.S. loans. Aid to Argentina's security forces is currently limited

to training programs and a few counter-drug and counter-terror efforts, mainly led by the DEA, in Argentina's northern border region.

Despite the low level of aid, all officials and analysts interviewed agreed that relations between the U.S. and Argentine militaries are as close and friendly as they were during the Menem years. "The Argentine military still has an affinity for, and a desire to work with, the United States," a U.S. embassy official explained. Exchanges, seminars, and engagement activities funded through Southern Command's budget continue to be frequent, and Argentina did host a port of call during the 2006 version of the annual UNITAS naval exercise. The Argentine Congress, however, has been unwilling to grant immunity for U.S. personnel to participate in exercises and other training deployments on Argentine soil.

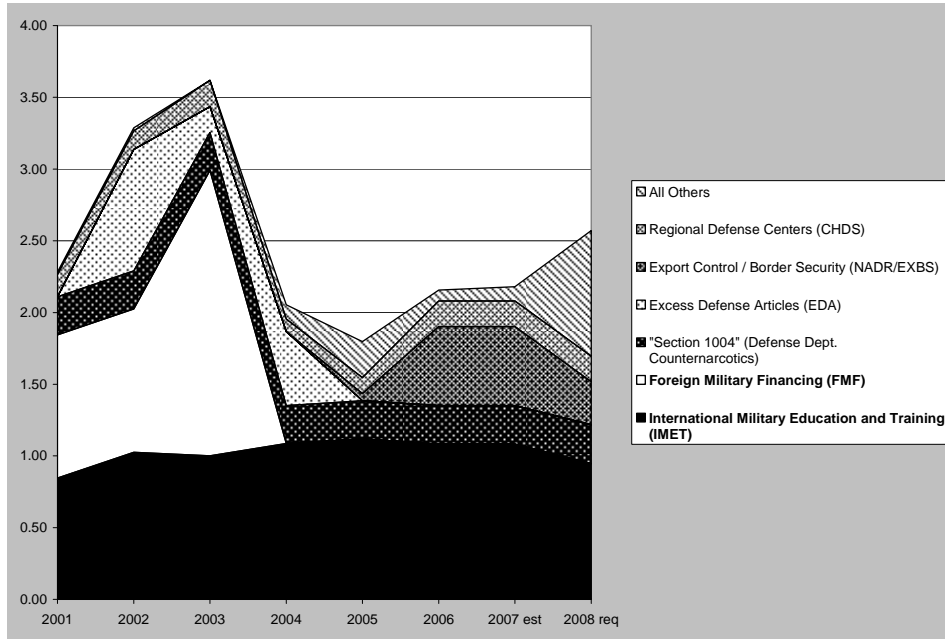
While the U.S. government maintains good relations with Argentina's uniformed military, its dealings with the Kirchner government's civilian Defense Ministry officials are more distant. These officials – many of them exiles or even prisoners of previous military regimes – are seeking to implement some ambitious reforms to the armed forces, including "jointness," changes to military justice, and procurement reform. While U.S. officials acknowledged that these reforms are being pursued in a serious way, they noted that the Argentine military has been somewhat resistant – "relations between the defense ministry and the armed forces leadership are not like Rumsfeld and Pace" – and that the Defense Ministry has not sought any advice or input from the United States.

For their part, Argentine defense officials criticized the U.S. government's encouragement of "non-traditional" military roles that, like counter-narcotics and counter-terrorism, require the armed forces to be in frequent contact with the population. "The United States seeks the *policialización* of the armed forces" – their taking on of police characteristics – an Argentine defense official complained.

As in Bolivia, conservative Argentine analysts alleged that the Venezuelan military is on the move in Buenos Aires, offering advice to the defense-ministry reform process and helping to organize citizen militias. U.S. officials were less concerned about this possibility, noting that Venezuela has little advice to offer a country with Argentina's size, wealth, and regional standing.

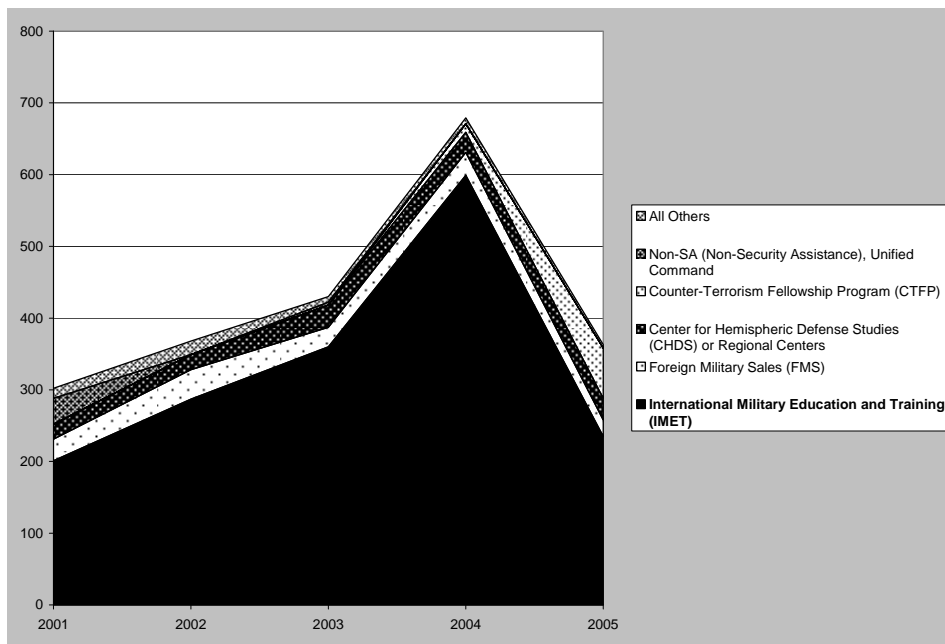
While the extent of Venezuelan assistance and influence in Argentina was impossible to measure, it appeared to be increasing, while U.S. assistance and influence were on the wane. More than anything else, this appears to be a result of political choices that the Clinton and Bush administrations made in Argentina.

Chart 14: U.S. Military and Police Aid to Argentina, All Programs and Accounts, 2001-2008



Millions of U.S. dollars. For a long list of official sources consulted, visit <http://ciponline.org/facts/sources.htm>.

Chart 15: U.S. Military and Police Trainees from Argentina, 2001-2005



Source: Annual Department of State and Defense Foreign Military Training Reports.⁷⁰

2. Nicaragua

“IMET is a key training program that, until Congress provided relief, had been subject to the provisions of ASPA,” reads the March 2007 congressional “Posture Statement” of Adm. James Stavridis, the commander of Southern Command. “We are working vigorously to renew training

opportunities throughout the region, including partner nations like Nicaragua, where an IMET graduate recently led the interception of 871 kilograms of cocaine.”⁷¹

The admiral’s testimony appears to imply that aid to Nicaragua has been restored as a result of the softening of ASPA sanctions. This is not the case – Nicaragua, which has not signed the Rome Statute, was never subject to ASPA.

Nor, however, has Nicaragua’s military been a significant recipient of U.S. aid. The former Sandinista People’s Army, which changed its name to “Army of Nicaragua” in the mid-1990s, was shunned by the U.S. government for years. This did not begin to change until the U.S. military’s humanitarian effort in the late-1998 aftermath of Hurricane Mitch. (“We got into Nicaragua on a tailwind supplied by a hurricane,” the Southern Command’s Gen. Charles Wilhelm joked in 2000.⁷²)

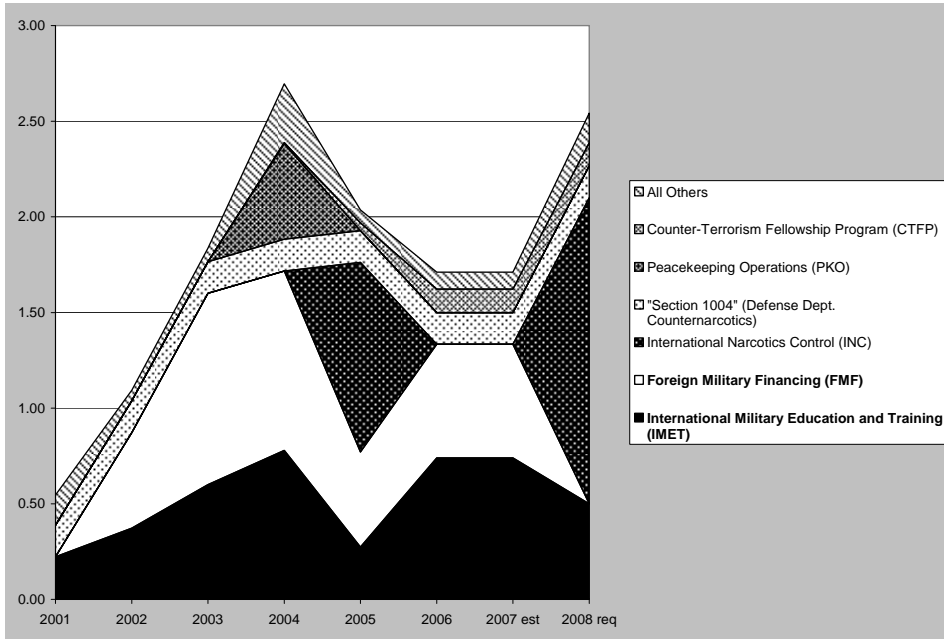
During the 2000s, U.S. aid to Nicaragua’s military has remained small, but has increased. Particularly under the tenure of Defense Minister José Adán Guerra, military-to-military relations grew closer until Nicaraguan personnel once again began attending classes at the WHINSEC, the successor to the Army School of the Americas, and participating in – and hosting – joint military exercises organized by Southern Command.

Military aid was suspended in 2005, when the Nicaraguan military appeared unwilling to comply with a U.S. demand that it destroy its stockpiles of as many as 2,000 surface-to-air missiles, gifts from the Soviet Union in the 1980s. (The U.S. government is concerned that corrupt military officials might allow the SAMs to end up in the hands of terrorists.) The aid was re-started after the Nicaraguan army renewed a pledge to destroy the missiles, but an undetermined number remain operable.

Though aid levels have been low, warm military-to-military relations resulted in Nicaragua’s hosting of the seventh meeting of Latin American defense ministers, an event supported largely with U.S. funds, in Managua in October 2006.

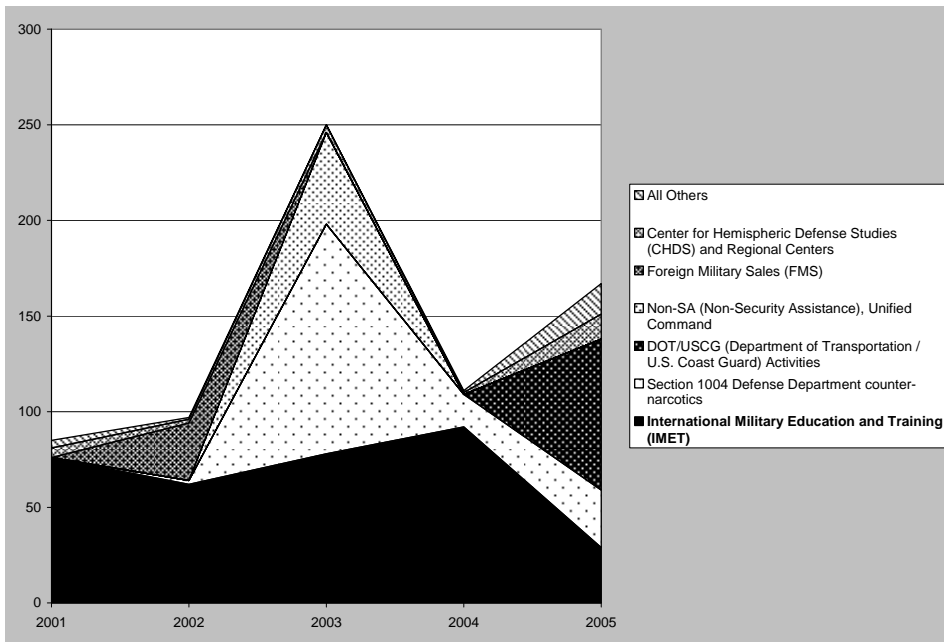
A month later, however, Nicaraguans elected Sandinista leader Daniel Ortega, a longtime nemesis of U.S. conservatives, to the presidency. It is unclear whether the thaw in U.S.-Nicaraguan military-to-military relations will survive this new political context. The continued controversy over undestroyed SAMs is likely to present both countries with a crucial test at some point this year.

Chart 16: U.S. Military and Police Aid to Nicaragua, All Programs and Accounts, 2001-2008



Millions of U.S. dollars. For a long list of official sources consulted, visit <http://ciponline.org/facts/sources.htm>.

Chart 17: U.S. Military and Police Trainees from Nicaragua, 2001-2005



Source: Annual Department of State and Defense Foreign Military Training Reports.⁷³

Endnotes

- ¹ “About the Court,” International Criminal Court website, visited February 2007 <<http://www.icc-cpi.int/about.html>>.
- ² Cited in the text of the American Servicemembers’ Protection Act of 2002 <<http://www.state.gov/t/pm/rls/othr/misc/23425.htm>>.
- ³ John R. Bolton, Under Secretary for Arms Control and International Security, Remarks at the American Enterprise Institute, Washington, DC, November 3, 2003 <<http://www.state.gov/t/us/rm/25818.htm>>.
- ⁴ Joe Lauria and Farah Stockman, “Aid cuts threatened by US over tribunal,” The Boston Globe (Boston: December 5, 2004) <http://www.boston.com/news/nation/articles/2004/12/05/aid_cuts_threatened_by_us_over_tribunal/>.
- ⁵ Bolton, November 3, 2003.
- ⁶ Congressional Record (Washington: Library of Congress, May 23, 2002).
- ⁷ Bolton, November 3, 2003.
- ⁸ Richard Boucher, Spokesman, U.S. Department of State, Daily Press Briefing (Washington: Department of State, July 1, 2003) <<http://www.state.gov/r/pa/prs/dpb/2003/22159.htm>>.
- ⁹ Citizens for Global Solutions, “The Nethercutt provision: Cutting off Our Nose to Spite Our Face” <http://www.globalsolutions.org/programs/law_justice/icc/bias/nethercutt/nethercutt_impact.pdf>.
- ¹⁰ U.S. Department of State, Office of the Spokesman, “Suspension of Military Assistance to Colombia” (Washington: Department of State, September 30, 2003) <<http://www.state.gov/r/pa/prs/ps/2003/24789.htm>>.
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- ¹² Juan Forero, “Bush’s Aid Cuts on Court Issue Roil Neighbors,” The New York Times (New York: August 19, 2005) <<http://www.nytimes.com/2005/08/19/international/americas/19immunity.html>>.
- ¹³ Pablo Bachelet, “U.S. aid threatened by global court pact,” The Miami Herald (October 23, 2005).
- ¹⁴ Forero, August 19, 2005.
- ¹⁵ Presidencia de la República de México, “El Presidente Fox inaugurará formalmente el Puerto Chiapas a la entrada de cruceros: Rubén Aguilar, Vocero de Presidencia” (Mexico: February 9, 2006) <<http://fox.presidencia.gob.mx/actividades/crecimiento/?contenido=23371>>.
- ¹⁶ Eigen’s Political and Historical Quotations (consulted January 2007) <<http://politicalquotes.org/quotedisplay.aspx?DocID=65902>>.
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