

TESTIMONY BY CITIZENS FOR GLOBAL SOLUTIONS
HEARING ON MILITARY STRATEGY AND OPERATIONAL REQUIREMENTS IN REVIEW OF THE
DEFENSE AUTHORIZATION REQUEST FOR FISCAL YEAR 2007 AND THE FUTURE YEARS
DEFENSE PROGRAM BEFORE THE U.S. SENATE COMMITTEE ON ARMED SERVICES

Statement of Raj Purohit, Senior Fellow, International Law and Justice Program
Washington, D.C.
March 16, 2006*

This testimony has been submitted for inclusion in the record. The citation will be available once the submission has been accepted.

Citizens for Global Solutions (CGS) welcomes these important hearings, and appreciates the opportunity to share our views on the detrimental impact of the American Servicemembers Protection Act (ASPA) on relations between the United States and Latin America. Additionally, because we believe it is part of the same problem, our testimony will address similar concerns regarding the “Nethercutt Provision” which was included in the 2005 and 2006 Foreign Operations Appropriations Bills. We are including an appendix to this submission that details the specific costs of ASPA and the Nethercutt Provision for Latin American and African countries.

At the outset we should acknowledge that Citizens for Global Solutions is a strong supporter of the International Criminal Court (ICC) and looks forward to the day when the United States will play a constructive role in advocating the Court’s mission and mandate. Our organization strongly believes that the ICC is an important instrument in the pursuit of justice and accountability; however we are not submitting this testimony as “supporters” of the ICC, rather as an organization that firmly believes that the U.S. must take a pragmatic approach to its bilateral and regional relations in Latin America and beyond. We will, of course, continue to encourage the international community to leverage the ICC as part of broader efforts to stop conflict and ensure stability in post-conflict situations; and because there is much misinformation regarding the ICC in the public sphere we are happy to meet with the Committee to ensure lawmakers are working with accurate information.

Our submission to the Committee is designed to support efforts to secure a pragmatic shift in U.S. policy. The importance of this end is considerable and dictates that supporters and opponents of the ICC put aside ideological differences and recognize that the current U.S. policy of seeking to secure so-called “Article 98 Agreements,” otherwise known as Bilateral Immunity Agreements (BIA), is unnecessary, unhelpful, and most importantly, harmful U.S. to strategic interests.

ASPA and the Nethercutt Provision: A Counterproductive Policy

At the time of writing, nine countries in Latin America have lost or at risk of losing nearly \$100 million under ASPA and the Nethercutt Provision for fiscal years 2005 and 2006 because the U.S. has cut aid and threatens to continue doing so to countries failing to sign BIAs. We believe that three cases illustrate the detrimental impact of the provisions on targeted countries.

Furthermore it should be clear that the development of each of these sectors would clearly benefit U.S. strategic interests in the region:

Mexico stands to lose almost \$28 million slated for military training and education, as well as for promoting democracy and improved economic competitiveness by strengthening the rule of law and supporting greater transparency and accountability in government. Funds are also slated for use on technical assistance and training to support civil and criminal justice reform, greater respect for human rights, and greater access to justice for disadvantaged populations in selected states. The U.S. State Department has described Mexico as lending “unprecedented cooperation in such areas as immigration, law enforcement and counter narcotics, hemispheric affairs, and trade and investment expansion. As the Committee is also aware, Mexico is the second largest U.S. trading partner.

Brazil stands to lose IMET, FMF, and ESF aid essential to preventing the formation of international criminal and terrorist networks, fighting corruption, and promoting increased democratization. U.S. national interests in Brazil include the promotion of sustainable economic growth and regional stability, expansion of free trade, poverty alleviation, environmental protection, and the reduction of infectious diseases. Under current ASPA and Nethercutt legislation, Brazil stands to lose \$850,000 in military and economic aid.

Peru stands to lose military and economic support funds—totaling \$17.65 million—critical to the country’s efforts to decrease coca production and promote good governance and the rule of law. Of particular significance is the need for ESF for assisting Peru’s Truth and Reconciliation Commission for human rights abuses committed under its former regime. The U.S. has a positive relationship with Peru, prompting the U.S. to point out that the two countries “see eye to eye on such issues as counterterrorism, economic reform, democratic integration, and counter narcotics.

These cases illustrate the importance of specific parcels of aid money to these three countries. The cases of Mexico, Brazil, and Peru alone demonstrate the counterproductive nature of ASPA and the Nethercutt Amendment. In combination the needs that should be met by this aid is a short list what should be the top priorities of the United States.

We need to seriously question why we are pursuing policies that would see, for example, Mexico lose \$23 million earmarked for anti-corruption programs, Peru lose \$16 million to combat narco-trafficking and terrorism and Paraguay lose \$5.55 million for counter corruption and terrorism programs.

At a time when the foreign policy focus of the Administration seems to be centered on fighting terrorism, surely it makes good sense to provide funds that assist neighboring countries working to tackle terrorism and the scourge of narco-trafficking. The link between terrorism and drugs has been clearly made in policy circles, the example of Afghanistan comes to mind, and we do not need to see an escalation of this linkage on our doorstep. Furthermore, as Administration officials have noted transparent and effective governments are more likely to earn the respect of their citizenry and therefore be more stable, the U.S. should be doing all that it can to encourage counter-corruption efforts in the hemisphere.

Similar examples can be found throughout the hemisphere and while we will not detail them in this submission, the table below provides a flavor of the costs of this flawed policy in Africa.

Congress should be under no illusions that at a time when these important funds are being cut, other countries are stepping into the political space that we have vacated. Foreign policy experts have noted two disturbing trends in particular, namely the growing influence of Venezuela and China.

Venezuelan President Hugo Chavez has sought to utilize his "Petroamerica" initiative to strengthen his appeal at a time when the United States is increasingly unpopular in Latin America because of the cuts in critical military and economic aid it has made in pursuit of BIA's. The U.S. Administration's closest allies in the region, President Alvaro Uribe of Colombia and President Alejandro Toledo of Peru, have rightly noted that the United States should be deepening its engagement in, and economic support of, Latin America to offset the appeal of Venezuelan President Hugo Chavez not diminishing such engagement. It is a matter of public record that they have urged US policy makers to act as good neighbors, recognize the importance of strong regional alliances, and engage with Latin America.

In the case of China, foreign policy experts have noted that it has made a strong push to increase its power and influence in Latin America. A series of articles in various foreign policy journals have noted this push and we would like to note that a similar Chinese push is occurring in Africa. CGS concurs with the public view of General John Craddock, Commander of the U.S. Southern Command, and witness at this hearing, when he warned of "extra-hemispheric actors...filling the void" caused by U.S. implementation of ASPA. Gen. Craddock will be detailing his own opinions at this hearing but we wished to note his earlier statement that aid cuts are "restricting our access and interaction [with our allies]," thereby "hampering the engagement and professional contact that is an essential element of our regional security cooperation strategy."

To conclude, Citizens for Global Solutions believes that Congress must play a leadership role in ensuring that the United States puts pragmatism before ideology. The costs of our current BIA policy are significant and causing real harm, both on the ground and to our strategic interests in the hemisphere. There is no downside to pragmatism - the actions of the ICC clearly demonstrate that the Court is not a threat to Americans—its Chief Prosecutor, Luis Moreno Ocampo last month refused to investigate U.S. soldiers accused of committing atrocities in Iraq, and is instead actively engaged in investigating the Darfur crisis. We should therefore dispense with ASPA and the Nethercutt Provision and start rebuilding the alliances needed to ensure the U.S. has a smart, strategic, and effective foreign policy for the twenty-first century.

**Modified on July 13, 2006*

**APPENDIX A: Latin American Countries
Total Aid Cut/Threatened**

Country	ICC Member	BIA Signed	Total IMET and FMF Cut/Threatened (2005 and 2006)	Total ESF Threatened (2005 and 2006)	TOTAL
1. Argentina	Yes	No*	n/a	n/a	n/a
2. Bolivia	Yes	No	\$6,400,000	\$16,000,000	\$22,400,000
3. Brazil	Yes	No	\$100,000	\$750,000	\$850,000
4. Chile	No	No	n/a	n/a	n/a
5. Colombia	Yes	Yes	n/a	n/a	n/a
6. Costa Rica	Yes	No	\$100,000	n/a**	\$100,000
7. Cuba	No	No	n/a	n/a	n/a
8. Dominican Republic	Yes	Yes	n/a	n/a	n/a
9. Ecuador	Yes	No	\$3,100,000	\$20,000,000	\$23,100,000
10. El Salvador	No	No	n/a	n/a	n/a
11. Guatemala	No	No	n/a	n/a	n/a
12. Haiti	No	Yes	n/a	n/a	n/a
13. Honduras	Yes	Yes	n/a	n/a	n/a
14. Mexico	Yes	No	\$4,850,000	\$23,000,000	\$27,850,000
15. Nicaragua	No	Yes	n/a	n/a	n/a
16. Panama	Yes	Yes	n/a	n/a	n/a
17. Paraguay	Yes	No	\$300,000	\$5,550,000	\$5,850,000
18. Peru	Yes	No	\$1,650,000	\$16,000,000	\$17,650,000
19. Uruguay	Yes	No	\$850,000	n/a**	\$850,000
20. Venezuela	Yes	No	\$100,000	\$1,000,000	\$1,100,000
				GRAND TOTAL	\$99,750,000

* Argentina has EXEMPT status under both ASPA and the Nethercutt Provision.

** These countries do not receive ESF aid.

APPENDIX B: Latin American Countries IMET, FMF, and ESF Specifics

NOTE: Many of the countries listed below received significantly more aid in 2003 and 2004, before the U.S. enforced the aid cuts under ASPA. Furthermore, many countries have requested much lower aid amounts in the hope that they will be granted despite the absence of BIAs with the U.S. All numbers are requested amounts.

1. Bolivia

Threatened Amount:

2005: FMF: \$3 million
 IMET: \$800,000
 ESF: \$8 million

2006: FMF: \$1.8 million
 IMET: \$800,000
 ESF: \$ 8 million

FMF used for: providing equipment and training assistance to Bolivian Armed Forces and to military police to increase their effectiveness in their traditional national security role. Assistance will focus on sustaining operations, repairing vehicles, and maintaining equipment. The State Department is also working with the military to better coordinate Bolivia's counter-terrorism activities.

IMET used for: providing professional military education to key Bolivian military personnel, with a focus on civil-military relations, resource management, and democratic institution building.

ESF used for: promoting trade capacity and competitiveness as well as democratic values and practices. Programs will advance the productivity of Bolivian businesses in key value-added sectors with export potential; support the development of a well-formulated trade policy framework; improve municipal governments and administration of justice reform; strengthen democratic political parties; and enhance conflict prevention and mitigation efforts.

Bolivia TOTAL: \$22.4 million

2. Brazil

Threatened Amount:

2005: IMET: \$50,000

2006: IMET: \$50,000
 ESF: \$750,000

IMET used for: promoting Brazil's ability to serve in international peacekeeping missions, and improving the interoperability of U.S. and Brazilian forces.

ESF used for: poverty alleviation, promoting economic growth, and improving the quality of life for Brazil's under-served populations.

Brazil TOTAL: \$850,000

3. Costa Rica

Threatened Amount:

2005 IMET: \$50,000

2006 IMET: \$50,000

IMET used for: promoting the U.S. goal of ensuring peace and regional security. IMET will further professionalize law enforcement officers and coast guard personnel through courses such as patrol craft commander training, rule of law, and discipline in police operations.

Costa Rica TOTAL: \$100,000

4. Ecuador

Threatened Amount:

2005 FMF: \$2 million
 IMET: \$300,000
 ESF: \$13 million

2006 FMF: \$750,000
 IMET: \$50,000
 ESF: \$7,000,000

FMF used for: providing tactical vehicles, communications equipment, equipment to enhance coastal and riverine mobility, and logistics packages to armed forces. FMF will also support operations and maintenance of logistical aircrafts, as well as increase Ecuador's readiness for peacekeeping operations (such as its operation in Haiti).

IMET used for: enhancing Ecuadorian military professionalism and technical expertise; helping further consolidate civilian control of the military.

ESF used for: increasing support for the democratic system by strengthening the justice sector, building democratic local governance, fighting corruptions, and supporting free and fair elections.

Ecuador TOTAL: \$23.1 million

5. Mexico

Threatened Amount:

2005	IMET: \$1.25 million ESF: \$11.5 million
2006	FMF: \$2.5 million IMET: \$1.1 million ESF: \$11.5 million

FMF used for: improving joint counterterrorism efforts along the long U.S. border. FMF will complement the U.S.'s already broad engagement with Mexico on homeland security activities by improving the capability of Mexican forces to respond to terrorist threats by providing equipment and training to Mexican military units. These funds will likely support training and improvements in naval and air interdiction and radar capabilities, as well as the acquisition of communications and detection equipment.

IMET used for: providing training to strengthen military command and technical capabilities, human rights standards, resource management, and English-language skills. These programs will increase interoperability and enhance cooperation in counter-drug and other law enforcement support missions.

ESF used for: promoting democracy and improved economic competitiveness by strengthening the rule of law and supporting greater transparency and accountability in government. Funds will be used for technical assistance and training to support civil and criminal justice reform and greater respect for human rights, and greater access to justice for disadvantaged populations in selected states.

Mexico TOTAL: \$27.85 million

6. Paraguay

Threatened Amount:

2005	IMET: \$250,000 ESF: \$3 million
2006	IMET: \$50,000 ESF: \$2.55 million

IMET used for: promoting democracy in Paraguay and regional stability by increasing the professional of military personnel and continuing to develop military respect for civilian

authority. IMET will also be used to train Paraguayan officials and officers at various military schools, with a focus on civil-military operations and sustaining democracy.

ESF used for: strengthening democracy, helping protect the environment, and improving child and maternal health. ESF will promote democracy by strengthening local governments, encouraging reform, and supporting civil-military dialogue and a vigorous civil society.

Paraguay TOTAL: \$ 5.85 million

7. Peru

Threatened Amount:

2005	FMF: \$1 million IMET: \$300,000 ESF: \$8 million
2006	FMF: \$300,000 IMET: \$50,000 ESF: \$8 million

FMF used for: improving the military's capabilities to protect Peru's borders and promote regional stability. FMF will upgrade medical, engineering, general field support and C-130 maintenance capabilities of the Peruvian army. The enhancement support by FMF will increase the ability of GOP security units to operate in remote areas where illicit crop cultivation and drug production are prevalent and where domestic terror groups seek refuge. FMF will also support acquisition of field operations items, communications gear, and specialized equipment. Funds will provide body armor, night vision goggles and small arms for Peru's only dedicated counterterrorism unit.

IMET used for: improving military professionalism and capabilities by providing military and civilian defense professional training, which reinforces the critical principle of civilian rule.

ESF used for: strengthening democratic institutions and further reforming the economy; improving administration of justice and the rule of law, improving the investment and business climate, reducing poverty, improving local governance, encouraging greater citizen participation in decisions-making and increase civilian control over the military.

Peru TOTAL: \$ 17.65 million

8. Uruguay

Threatened Amount:

2005	FMF: \$500,000 IMET: \$150,000
------	-----------------------------------

2006 FMF: \$150,000
 IMET: \$50,000

FMF used for: supporting Uruguay's efforts in international peacekeeping by providing spare part and maintenance support, especially for aviation units and specialized naval patrol boats.

IMET used for: promoting regional stability by strengthening the Uruguayan military as a democratic institution. Participation by civilians and military officers in the Center for Hemispheric Defense Studies and IMET-funded courses will improve civil-military relations, rationalize the defense policy planning process, build civilian expertise in defense matters, and inculcate the principles of human rights in future military leaders.

Uruguay TOTAL: \$850,000

9. Venezuela

Threatened Amount:

2005 IMET: \$50,000
 ESF: \$500,000

2006 IMET: \$50,000
 ESF: \$500,000

IMET used for: strengthening military links and providing important training to the Venezuelan military, including training on human rights.

ESF used for: strengthening democratic institutions and promoting the rule of law and respect for human rights.

Venezuela TOTAL: \$1.1 million

→GRAND TOTAL: \$ 99,750,000

**APPENDIX C: African Countries:
Kenya, South Africa, Nigeria
Total Aid Cut/Threatened**

Country	ICC Member	BIA Signed	Total IMET and FMF Cut/Threatened for 2005 and 2006	Total ESF Threatened for 2005 and 2006	TOTAL
Kenya	Yes	No	\$15,300,000	\$16,000,000	\$31,300,000
Nigeria	Yes	No	\$3,600,000	\$10,000,000	\$13,600,000
South Africa	Yes	No	\$100,000	\$2,300,000	\$2,400,000
				GRAND TOTAL	\$47,300,000

***Kenya, Nigeria, and South Africa are three of the most important geo-strategic countries in Africa, and they are all U.S. allies.**

APPENDIX D: African Countries IMET, FMF, and ESF Specifics

1. Kenya

According to the U.S. State Department, “Kenya is the linchpin of East Africa stability and security. Kenyan support for the war on terrorism has been solid and wholehearted...Kenya remains a principle point of access for U.S. military and relief operations in the region.”

Threatened Amount:

2005	FMF: \$7,000,000 IMET: \$650,000 ESF: \$8 million
2006	FMF: \$7,000,000 IMET: \$650,000 ESF: \$8 million

FMF used for: enhancing Kenya’s counter-terrorism capabilities, its border and coastal security, and its peacekeeping capacity. FY 2006 funds will be used to procure new and maintain previously purchased U.S.-origin patrol crafts, supplies, individual-soldier equipment, weapons, communications equipment and night vision devices, radars/sensors, medical equipment vehicles, maintenance, and repair and spare parts for military systems.

IMET used for: supporting peacekeeping and counter-terrorism efforts; increasing the professionalism of the Kenyan military and providing specialized border and coastal security training.

ESF used for: strengthening democratic institutions, supporting Kenya’s nascent anticorruption campaign, assisting critical economic and government reform programs, reinforcing Kenya’s counter-terrorism capacity, improving its legal system and enhancing the government’s interaction with marginalized Muslim communities along the Swahili coast. ESF also buttresses Kenya’s vital regional leadership as mediator in the Somalia and Sudan peace processes.

Kenya TOTAL: \$31,300,000

2. Nigeria

According to the U.S. State Department, “Nigeria is the dominant economic and political power in West Africa. Nigeria strongly supports U.S. counter-terrorism efforts and has been at the forefront of African efforts to combat terrorism. Our over-arching national interests in Nigeria...include ensuring that Nigeria is a cooperative partner on issues ranging from regional stability to its importance as a leading supplier of petroleum to the U.S.”

Threatened Amount:

2005	FMF: \$1 million IMET: \$800,000 ESF: \$5 million
2006	FMF: \$1 million IMET: \$800,000 ESF: \$5 million

FMF used for: emphasizing improved accountability' training will consolidate the Nigerian military's position under civilian authority, improve professionalism and enhance its regional peacekeeping capabilities.

IMET used for: helping Nigeria improve military management and training. FMF will strengthen the Armed Forces Staff College/Infantry Center and the school's simulation center, train teams in counter-terrorism and peacekeeping, build military justice capacity, and provide C130 technical support to enhance air mobility.

ESF used for: developing conflict resolutions mechanisms; working with the judiciary and local and international human rights groups to address concerns about harsh punishments; supporting preparations for 2007 National elections with a focus on capacity building for Nigeria's Independent National Election Commission (INEC) and training for domestic non-governmental organization election observers and political party representatives.

Nigeria TOTAL: \$ 13.6 million

3. South Africa

According to the U.S. State Department, "South Africa is the cornerstone of regional stability and the leading catalyst for economic growth in southern Africa...The U.S. has major interests in South Africa's continuing development as a stable, democratic, and market-oriented state that can address major internal challenges. South Africa is a cooperative partner of the United States in addressing terrorist and international criminal threats, nonproliferation, and regional instability."

Threatened Amount:

2005	IMET: \$50,000 ESF: \$1 million
2006	IMET: \$50,000 ESF: \$1.3 million

IMET used for: further transforming South Africa's defense force into a professional military cognizant of human rights considerations and subject to civilian control by the government. This would include sponsoring training at U.S. command and staff colleges, and focus on peacekeeping, flight safety, and medical/health issues, such as the prevention and treatment of HIV/AIDS.

ESF used for: expanding existing forensic and investigative capabilities, particularly with regard to financial crime and counterfeiting, which have a direct impact on U.S. citizens and businesses.

South Africa TOTAL: \$2.4 million*

*State Department information indicates that the U.S. cut funds to South Africa starting in FY 2004: In FY 2003, South Africa received **\$6,000,000** in FMF and **\$1,258,000** in IMET.

→GRAND TOTAL: \$47,300,000

For Additional Information Please Contact:

Raj Purohit
Senior Fellow
Citizens for Global Solutions
418 7th Street SE
Washington, DC 20003
202-546-3950 x 108
202-546-3749 (f)
rpurohit@globalsolutions.org
<http://www.globalsolutions.org>