



**Women's Foreign Policy Group
Author Series Event
June 17, 2009
Washington, DC**

Diana Villiers Negroponte
Nonresident Senior Fellow, Brookings Institution

*The Merida Initiative and Central America: The Challenges of
Containing Public Insecurity and Criminal Violence*

Sarah Kahn: Welcome everyone to Arnold & Porter. I'm Sarah Kahn; I'm a corporate attorney partner here at the firm. I've been here about 20 years and the Women's Foreign Policy Group has been my pro bono client for nearly that many years. It's been an incredible honor and a pleasure to have the Women's Foreign Policy Group as a client. I just wanted to say briefly that you are in a very special place. This area of the firm is called the Garden Room. Since the firm's founding in 1946 in the Red Brick Townhouse that you see here on the wall, we've always had a Garden Room, and there it was actually a room off the garden, the reason for the name. We've had that room, not only there, but when we moved to 1200 New Hampshire and we were there in the 80's and then when we moved to this location in 1995. What has been a tradition at the firm is that at the end of every day, except when we have it set aside for special events, it's a place where the attorneys can gather and have a healthy exchange of ideas. So we're looking forward to that tonight. One thing that some of you may know is that our firm represented Clarence Gideon in the landmark case of *Gideon v. Wainwright* and in that case the Supreme Court unanimously held that state courts are required by the 6th amendment to provide legal counsel to defendants in criminal cases. So I'm very much interested in hearing tonight's discussion and Diana's presentation, including about judicial reforms in Central America. Without further ado, Pat, who is the President of the Women's Foreign Policy Group.

Patricia Ellis: Sarah, thank you so much. One tiny bit of housekeeping: if everyone would kindly turn off their cell phones. Sorry, this day and age that we live in. First and foremost, I am so pleased everyone could join us tonight and I really want to thank Arnold & Porter so much for their very warm hospitality. It's lovely to be in this beautiful room and everybody has been so nice and so helpful to us. We can see why it would be nice to come at the end of the day; everyone's been enjoying it so much it's been hard to get everyone to come into this room, but the fun can continue afterwards. So Sarah, and to your partners, thank you so much for having us here tonight. We're here tonight for another very special reason: to hear from Diana Negroponte about her wonderful new book about Central America. Good evening and welcome to everyone: to our members, to our guests, to friends of Diana Negroponte, and her family. We're very

happy that some of her children have joined us for tonight, and that is really lovely. It's a very special Author Series Event for us because Diana is on the Board of the Women's Foreign Policy Group and we're so honored to have her on the Board. She's just been wonderful, and so helpful in helping us expand our horizons and do so many interesting different programs and initiatives. So it is really a thrill to be able to honor one of our own. Diana's new book is *The Merida Initiative and Central America: The Challenges of Containing Public Insecurity and Criminal Violence*. She has worked on this book, she can tell you the whole process, while she has been a Nonresident Senior Fellow at the Brookings Institution.

We have a number of new people here tonight, and just very briefly, what we're all about is promoting women's leadership and women's voices in pressing international issues of the day. And as I was telling everyone, telling a number of people in our conversations earlier, when I was at the MacNeil/Lehrer Newshour many years ago, Central America was one of my big stories; however, we haven't heard all that much about Central America lately, and I, along with people who follow the issues more closely am very thrilled that once again we are focusing on the Southern Hemisphere and on Central America, because the issues are so pressing and they are so connected with our lives. I always like to find a little bit of a news tag and it was not too hard, because with all the fighting going on in Mexico and other countries, with the drug cartels and criminal gangs which have affected the United States, certainly, because we are all interrelated. Also, there have been so many new elections, but one of note: the new president of El Salvador; Secretary Clinton was down there in El Salvador and other parts of the region where she pledged new and more support for Central America and the Caribbean to combat violent drug traffickers and criminal gangs. This makes our whole discussion tonight extremely timely.

In addition to the Author Series, we do a very active Embassy Series. I'm so pleased to see so many ambassadors here, particularly our women ambassadors but also our male ambassadors; if I could just ask them to stand please. Thank you so much. [Applause] I have to say, no discrimination, but three out of the four people who just stood up have participated in our programs, or hosted events at their embassies, or participated at a program at the OAS. We are extremely grateful, and Ambassador, we'd be happy to work with you as well. The thing that I just wanted to announce tonight that we're really excited about is our new initiative on Women in Power; since there are so many women in the new Administration, we will be doing a whole series hearing from women on all different and important international issues, as well as hearing from their international counterparts. So we have a lot going on, it's a very exciting time, and we hope you will all participate in the future. If you aren't already a member, please consider doing that.

We have a great turn-out tonight, and it is a real tribute to Diana. Before I just say a few more words, I just wanted to recognize the WFPG Board Members who are here tonight, so if they wouldn't mind standing. [Applause] We wouldn't be where we are without them, so I always want to recognize them. As I said, Diana has been at Brookings. At Brookings, she's worked on Latin America; she's done research writing in addition to her new book on the New Left Populism, and then what she's going to talk about now: the

relationship between criminal gangs and state institutions. She previously was at the US Institute for Peace, she's quite a scholar. She's taught at Georgetown, Fordham; she's done so much. She also had another life before she became an academic and she was an attorney, working on international trade law. She also did work while she was in Honduras as the Country Director for World Relief, worked for the American Chamber of Commerce in Mexico City—so a very diversified career. She's served on many boards; I know some of her boards are represented here tonight. Freedom House, Opportunity International, Global Leadership Council, Habitat for Humanity. I just do not usually give someone's educational background but it's so impressive I feel like I have to. She has a PhD from Georgetown, a JD from American University, studied at the London School of Economics, Instituto-Ibero Americano in Mexico City and the Institute Catolique in Paris. So, please join me in welcoming Diana Negroponte.

Diana Negroponte: You know what they say about PhDs? Piled Higher Dung. Now I'm told by the very important technicians here at the distinguished firm of Arnold & Porter that the pressing of one button will illuminate [the screen]. Tonight, I want to take very seriously, but I hope to share these ideas in a way which will captivate you, and to which you will not say oh goodness, I have just undergone Criminal Justice 101, why did I stay? I really do hope that the issues which are raised are going to stay with you, that you will have a human eye, that will enable you to see it like that.

First of all, my heartfelt gratitude to Arnold & Porter for hosting us this evening and for enabling me with a prime focus on judicial reform to hold my first event of my commercial events here in such a distinguished law firm. I really am very, very grateful to you. I also am very grateful to Pat Ellis. Pat, thank you. Thank you for believing in me during those months when I was a lousy board member, because I was writing this bloody book. But thank you very much, and thank you to the many friends who have come.

Why did I choose this? I chose this for a couple of reasons. First of all, Latin America is very close to my heart. John and I have been given five wonderful children from Honduras, and therefore issues that concern Central America matter to us. Two are here tonight, and one should be on her way. When I saw the rising levels of homicide in Central America, I couldn't help but thinking one of them could be my kid. Which of them, would join a gang? Which of them would carry out, and which of them would be a victim? The statistics of homicide are collected by international organizations, medical associations, and the police. But when you think of them in terms of families who lost control of a son or a daughter, each of those numbers matters.

What you've seen here is over the last five years, the steady increase in homicides in the countries of the Northern Triangle – I'm going to focus on three countries: El Salvador, Guatemala, and Honduras – but I do compare them with Nicaragua and Costa Rica. Those two countries have avoided the problem which Honduras, Guatemala, and El Salvador have faced. Mainly, horrific levels of homicide. The numbers overall mean very little in and of themselves because if you don't know the total population, so what, it's a number. But there is a 17% increase in the number of homicides year on year. If we break them down, which the pros do, and measure them in terms of how many people die per

100,000, all three numbers are way above the United States. Do you know what the United States number is per 100,000? 5.6. Canada, 1.7. The northern part of our hemisphere has homicide numbers which are so much lower and raise the question: Why? What's going on? Why do you see numbers like that? For the world on average, it's 8.8. In the United States, where we think the murder rate in the District of Columbia is so high, but the nation as a whole: 5.6. Too high.

Now associated with this is a problem of femicide. To join a gang in Guatemala, the gangs in Guatemala are young people between the ages of 12-24. Actually, you haven't got anywhere else to go at 24 so we've got older gang member called *maras*. The rite of initiation, it required the disfigurement of a girl, and her murder. That brutality has now ended. But it has left in Guatemala a deep fear among young women and their mothers that they might be identified as a potential, possible girlfriend or associated with the *maras*, and subsequently murdered. The interesting phenomenon that we are seeing is that with the end of this initiation rite, they are never fully members of the *maras*. They may be girlfriends, they may be looking after the guys in various ways, they may be caring for their children but they are never considered to be fully members. There is a great deal of sexual discrimination. So for women there is a great sense of identity and prestige being associated with the *maras*. A young woman has great prestige in the community and also protection by being associated with a *maras*, but she will have to accept that she is never an equal. And thus, this desperate contradiction between the abuse, the murder, the disfigurement of women as part of the initiation rite now ended, and now young women desire to be associated because they are so tough. Because when you are associated with a *maras* you are protected physically, maybe, but you also acquire a degree of identity and prestige in the community.

Why do we care about Central America? I would argue that it's our fifth border. Mexico, Canada, Caribbean, Central America. And because that border between Guatemala and Mexico is now transparent with the transfer of people, drugs, arms, money, illegal goods, flows through with minimum impediment. And therefore this area really forms one of our borders with such easy transfer between North America and Central America. Over 88% of the cocaine that is coming from Colombia and Bolivia in the south and ending up in our markets passes through Central America. If the Mexican government succeeds in containing the actions of the drug cartels in Mexico, the cartels will just increase their activity within Central America and the Caribbean. They are what we call cockroaches, weed them out of one place, they will move into another. Many of you've seen the movie *Sin Nombre*? It's the story of a poor family from Honduras who seek to cross this area, go through Mexico and immigrate into our country. And it is the challenges and the risk that they take to make their journey. Entry, landmark, I won't say anymore, but see it, it's worth seeing.

The violent epic increased so much in this area that the Ambassador from Costa Rica here in the United States three months ago said: "Central America is under attack." It's also criminal networks which are operating in an organized, hierarchal, corporate fashion and then the cartels as well are bearing the drugs and other aspects of it. But I want to

focus for a moment just on this network that is very violent, and this group which is portrayed in the film *Sin Nombre*.

What I want to show you here is the number of people who are part of a gang. What you will see is that Honduras has by far the most number of young men and a few young women who join a gang. Nicaragua has less and the reasons for that are interesting and I may go into that if we have time. They are identified by the tattoos they wear and by the hand signals by which they recognize each other. The tattoos are very extensive on the cranium on this young man. What becomes very difficult is when you leave the *mara*, the removal of tattoos is much more painful than the actual stamping of the tattoos. As I've studied this problem of the gangs, and these more sophisticated criminal networks all juiced by the money from the cartels and no one disputes that, I said the law, the courts must be a solution. Surely the courts have the capacity to contain and to act as mutual arbiters. I saw that there have been many major reforms of the judicial system carried out throughout Latin America: an old Spanish inquisitorial system in which the prosecution was made by an individual who was usually the judge or in writing, three or four months after you've been arrested, minimum opportunity for a defense, no public exposure. An undertaking of reform throughout the hemisphere introducing presumption of innocence, a public trial, oral arguments, a judge who is not also the prosecutor, the presence of public defenders, protection for witnesses. And the intent of the person to be in a independent and more trustworthy process of the state.

Latinobarometro carries out a very good survey of key issues in the hemisphere. This may look high, but it's way below 50%. Nicaragua, less than 15% of people surveyed have any trust in the judiciary. Guatemala, around 20%. It's fundamental distrust for a system which is perceived as favoring the rich, or "telephone justice." A man's son is arrested; he had a car accident, he's picked up by the police, he goes to detention, his father is there, a prominent member of society and he picks up the phone: "Senor Fred, my son, he behaves, it's a pity, I'm sorry," and the son is released that afternoon. But Jaime who stole three loaves of bread because his mother and sisters are hungry has no one to telephone for him. He stays in the prison until such time that his case comes before the judge as a public defendant. It's not unusual for Jaime to be in jail for 120 days, the maximum allowed by the Constitution. The general public can not trust a system that is clearly undermined, clearly benefits those with access to the courts. They therefore seek justice outside the court system. Lynching is becoming increasingly the recourse in Mexico and Guatemala. If the court system is not trusted, you take the guy out and you find a lamppost or whatever awful way you choose. That's not the way any society should do things because it's random, popular anger against perceived defendants, carried out without any due process and certainly no respect for the fundamental rights of that individual.

You know what that is [on the screen]? Those are the files of individuals whose cases have been put aside for a judge. These are individual judicial proceedings left there; none of us would wish to have our cases within that pile. And if you introduce computers, so that you can organize cases, you can avoid random allocation of a case to a particular

judge; this is what has to end. Cases must be filed electronically, in order to preserve the evidence and ensure that the case will come forth in its due time and impartially.

But until resources are allocated for the efficient execution of judicial process, there is a system which is chaotic and open to corruption. Whose case got lost? Who paid the fee for the filing papers? We'll never know. There's another aspect: our country likes to claim that all of our judges are impartial, but we try. We try. But the tradition in Latin America is that the judge is appointed by powerful political patrons, and he will remain loyal to those patrons in the decisions that he makes. That is an expectation of the code. So when we look at [the World Economic Forum's Global Competitiveness Report for 2006 assessing public perception of judicial independence from a scale of one to seven], Costa Rica does best; there is a greater independence in Costa Rica. Nicaragua does the worst. But in each case reaching even halfway in the public's estimate of whether a judge, or the prosecutor, or the defense attorney is independent, isn't enough. Because of this absence, it's a system, it's not independent, access depends on who pays.

Latinobarometro asked in 2006: "Who would be willing to pay for a lesser sentence?" And you see the results. The government compared them with [results from the same poll in] 2008 [which demonstrates a] greater willingness to pay for justice. But if you can't pay, and under the present economic circumstances you cannot pay, you land and stay in jail. The presence of the youth gangs and the criminal organizations combined with the justice system that is not working, led society to ask for very restrictive law. The mere tattooing on the body is sufficient for arrest. The hand signs, they are an indication of the association with the *maras*. Citizens, demanding security on their way to work, sending their children to school, said "we want to have tough laws." Arrested for the mere presence of the tattoos as association in the *maras*. I take those as facts that would certainly indicate that they are not going to a tea party.

In this photograph taken by Reuters which I find very interesting: you clearly have the *maras* with their tattoos; [behind the *maras*] those are the police who to protect themselves and protect their families wear these barricade helmets. Do the police work for the state? Do they work for society? Or in fact, is there a relationship of mutual advantage between the criminal organizations and the police? I was down in Guatemala last June [with someone]; I managed to get him to come with me on a so-called tour of the barrio of Villa Nueva. A policeman earns \$400 a month. The norm for the cartel, the drug cartel, is to provide \$4000 a month to stay out of the way. Even if you were to increase that salary for the police, the drug cartels will always exceed it. So the question comes, how do you prepare a man or a woman to be a policeman, gaining the trust of the society with whom and where he works? In Guatemala City, the gangs target the busses. A bus driver carries how many: 60? 80? The bus driver has to pay a war tax, extortion. Also, if I want to go into that bus and take your iPod, your beautiful necklace, the cash in your wallet, I get into that bus and I rely on the bus driver letting me in. One, your companion goes up to the lady in the front row, puts a knife to her throat while the other goes around collecting the goods. It's done quietly between one bus stop and another. And when they reach the next bus stop, the bus driver stops and the two men get off the bus with their loot.

So I ask [inaudible name], the man who shares these awful stories with me: “Why can’t you resist? Were there not enough of you strong, virile men to prevent these actions by just two people?” He said: “No, we know that had we made any protest at all, they have not a qualm about assassinating the woman sitting in the front. Therefore, we accept it, it happens roughly once every six months on the way to or back from work.” In the case of Guatemala City, the attacks have been so frequent and so insistent that the bus owners went on strike. For seven days, they closed down Guatemala City by refusing to drive their busses and have their drivers back on the road until the police would come and accompany them. And that is what happened a little while earlier this year but even more so in 2007.

The problem is in the same way as there is a lack of confidence in the justice, there is a lack of confidence in the police. These are all negatives; the only positive we have to point to are the police in Honduras. That’s quite an interesting thing that has happened because the police used to be part of the military but have recently become an independent civilian force. The thing is, to select men and woman for the police who are better educated and have more status within their community. Because not only do they have to gain the trust of the community, they have to carry out investigations and collect evidence quite fast for the prosecutor bringing his case to make a conviction. In the case of Guatemala, the conviction rate is under 2%. So the gangs laugh: ok, so they get picked up, they get arrested, they go to jail but because the process is so slow, the judge will be obliged to release them because of lack of evidence, delays in the prison, delays in coming to court, and very often the conditions in the prison are so bad that human rights defenders can bring the case and it dismissed. There is in effect an alliance between the police and the criminal gangs where they say “Hey, it’s part of a process, but I end up free.” This is where the Ambassador of Colombia who is with us today is so important; this situation is identical or similar to that which existed in Colombia in the 1990s. And today, in a Latinobarometro survey, 68% of those surveyed said they trusted the police. So it can be done. 74% in Colombia in the recent Latinobarometro survey said they trusted the courts. So what did Colombia do in 1988 right up to 2008, twenty years, to reinstate the citizens’ trust in the institutions and in the rule of law? They have a major national commitment to strengthen their law system to a full egalitarian system and to provide the social and economic benefits such that there was an alternative to a life of crime. That was the purpose of the leaders from the Hemisphere when they gathered two weeks ago in San Pedro Sula[, Honduras, for the General Assembly of the Organization of American States].

We need to focus on three aspects, they say: improve our law enforcement, get the training, better equipment, radio, better investigations. We need to continue with the reforms of the justice system and seek to bring in independent justices. And we must focus on the social and economic aspects of it. That’s the stage we are at now; we want to reach the point when these men can produce their certificate of freedom, that they can leave the *maras*, leave the criminal gangs, and find ways to reinsert themselves within society. In Medellín with Mary Sue Conaway last June, we met former members of the FARC and former members of the paramilitary who had started jobs, started small

businesses which permitted them and their families to reinsert and reintegrate into society. And that's what the countries of Central America are trying to do now. They're focusing on job training; they're seeking to invest more in education. They are looking into the problems of family violence, they're looking into ways in which disputes can be resolved within the community in alternative ways, that it doesn't necessarily have to go before a judge and a court, that an alternative remedy can be found. We're looking for psychological help for young men and women who have joined gangs.

Former gang members that I met in Guatemala left because of the baby. The girlfriend was pregnant, the girlfriend produced a beautiful boy or girl, and she said "I don't want to bring up our son or daughter with this life. Let's leave, let's leave this geographic area, let's start our life again." So that young man had a turtleneck up to here and he had long sleeves because he didn't want to show his tattoos. Then, he and the mother of the child were determined to leave the *maras*, to reintegrate and start life anew. So what can we in the United States do? It's not our role; it's their country but we can be supportive. That's what the whole effort of the Merida Initiative is about. The sum of money is relatively small, but it's a way for us to bring the experience that we have gained working with gangs in our major cities, to bring the technology and to bring the expertise, to help where we are invited. It has to be a situation where we are the responders and the invited. But the principle focus and the responsibility must lie with the country. The initial funds for Merida were very much focused on technology and equipment, but with strong input from Congress, we see more money now going into social programs, to prevention, and intervention. There is hope; it can be resolved; Colombia is the example which shows us it can be done. But we've got to hang in; we've got to support these vulnerable states that are under attack who can regain the confidence of their leaders. I hope I haven't bored you too much.

Ms. Ellis: Thank you so much, that was wonderful. I'm just going to start off the conversation and then we'll open it up to questions. I'd like to start where you left off with the United States. I'd just like to get a sense of how effective you think the aid has been, and if the monies are allocated properly. There is another American connection to this that we were talking about earlier: we are deporting a lot of gang members back to the region. I was wondering if you could talk a little bit on then, the impact it is having. Then, just turn to broaden it out: what about international institutions? You mentioned the OAS, but what about the World Bank, the OAS? What is their role? What are they doing?

Dr. Negroponte: Although the Merida Initiative was formed two years ago, the monies have only just started being distributed. We are very slow in our distribution. Small amounts are being distributed, I have not yet seen the impact of that in Central America, and we have to hope that the State Department and the Bureau on International Narcotics and Law Enforcement will start getting this money out not only to Mexico where there has been a major part but also to Central America. As far as the deportations: you may recall that within the last three years the anti-immigrant sentiment of the country became very strong. To the point that it didn't even require a criminal charge before your immigration status was examined, but a mere traffic violation could be the necessary

recourse to opening up an investigation. If you were found to not be legal, you began your deportation procedure, and in many cases, were returned.

Many of the young men and women who come from Central America came with their parents when they were six or seven years old, they were babies. When they are returned, they have no family, they have no knowledge of the culture, and they land in those cities without the means to integrate. The gang is there and the gang offers you a meal, a place to stay, and a job, you jump. Deportations have exacerbated the problem of the maras, the gangs, the young ones go to. Hector Morales is the man to ask about what the role of the OAS has been. The OAS is fully apprised of the problem, it is aware, there is concern but for the OAS to mobilize to effective action is a process which is complicated. Maybe sometimes a little longer and less effective than we'd prefer. Other international organizations: Pan-American Health Organization is the most effective because it sees this problem of homicide as a health problem within society, and it focuses on how you can help reduce intra-family violence and the various aspects that go into poor education and marginalized urban areas which contribute to the formation of these gangs and the homicides they carry out.

Ms. Ellis: If the Obama administration is stepping up aid to help combat these problems, if you were advising them, what would you tell them to do with this money?

Dr. Negroponte: There is a clear assessment that initially governments do need the equipment. If you don't have radios, if you don't have patrol cars, if you don't have the means to be able to transfer your police unit to remote areas, you're stuck. Initially, the focus then is on the equipment. But very soon afterwards you have to provide the training, how to become community police, how to carry out investigations, how to be targeted in your identification of criminals and not just go round up twenty guys who look guilty. You have to become laser in your focus on criminality and not just general behavior.

Ms. Ellis: One last question and then I'm opening it up so get ready with your questions. I just read a wire story yesterday about the increased number of Mexican policemen who are trying to flee to the United States because they don't have too many options. It said in this particular story that most of them end up being illegal because they aren't granted asylum. This is another conundrum, extension of the very issues that you were talking about.

Dr. Negroponte: It is an extension; asylum, as Sarah Kahn and the lawyers among you know, is only granted under very specific conditions. So, journalists, policemen, mayors, bureaucrats, judges to take care of their own lives and those are their families cannot necessarily acquire asylum. The conditions are not there. Many of them will come just for a few months, and then seek to return. You can with your border pass stay in the United States for 90 days, now it's been extended. This would give them three months of relatively quiet which might reduce their exposure to whomever they offended among the criminal gangs.

Ms. Ellis: Questions, if you could identify yourselves. Stand up, say your name.

Margaret Daly Hayes: I love your presentation. I teach a course on this at Georgetown. You talked about the rule of law; you used the phrase that all over the region, countries are trying to adopt an accusatory system. We train prosecutors, maybe we train judges, but we aren't providing the computers or the training to the court clerks who could clean up that mess in the basement. We don't seem to have made an effort to reach out to the local training system which might be the university or so forth where lawyers are trained. Do we need to think more holistically about the relationship of the whole judicial system, and I would add the prison system (which nobody likes to deal with), to that as well as this police training? Just focusing on the legal side, I'm concerned that we do short-courses but we don't do the long-course. We fix this part but we don't fix the rest of the network. What's your take on this?

Gail Kitch: I'm going to go a different direction. I'm thinking that all of these countries are trapped in the same Cold War game; they were all the pawns of 20 years ago. Is El Salvador very different? Why then is El Salvador a different place? I think of the larger sort of pawns, the money disappears when you aren't interesting anymore so you cut it off in the environment you're operating anymore if you are Guatemala, Honduras, whatever. Why is El Salvador a different story?

Dr. Negroponte: The answer to these questions is within this audience itself. Margaret Daly Hayes is the leading expert on judicial proceedings in Colombia. There has been a major crisis and you so rightly identified that solutions are a comprehensive, integrative approach. But Margaret, we only respond when invited. It's not our country. So while I and you may advocate a comprehensive solution, are you going to be able to get the funding out of the US Congress for a comprehensive approach? And who will do which task? Regina Hopkins here from the American Bar Association has an active program in training judges. They have been training judges for 14 years in Latin America. But it's just the judges. So, in El Salvador we have been training public defenders. USAID has a very successful program there which is more effective than the public. So now the fringe, once again, is leading. But in response to question on El Salvador, you have here the expert from the United Nations, who in post-war drafted agriculture reform and integration programs, Graciana del Castillo from Columbia University. Would you take on that question?

Graciana del Castillo: In comparing Guatemala with El Salvador: in El Salvador there were all of these reintegration programs for the combatants. Why is that we see a difference in the integration, very well down in El Salvador but very badly in Nicaragua and Guatemala. The peace process moved along very well, with reintegration for former combatants in terms of the *maras*. Why don't we see the difference of the reintegration in Central America? The UN made all this effort to create and implement, to unite them, and then they closed the mission and left UNDP there who wasn't doing anything for all of the people and their land. Eventually, it collapsed. All these programs that they were introducing and created during the duration of the agreement, but eventually people had to abandon plans because people didn't have the credit or the expertise. I think it's not

enough to create all these programs and then just close the operation and leave. The fact is that the experience of reconstruction in El Salvador was much more effective.

Ms. Ellis: Diana, you mentioned Colombia a few times. We have the Ambassador with us from Colombia.

Ambassador Carolina Barco: I want to congratulate you on a very intelligent program. I would agree that we need to work on this, and I know we could talk about this all night so I just want to make two points. One is we need to remember to focus on the drug issue. The police can be corruptible with money but they are also being threatened with their lives, their children, etc. So until we have a certain level of security, I think we're going to see as long as this whole issue of the drug money, I think we're really able to [inaudible] of our democracy. I think we need to keep on working at a state level, in Colombia and all of Central America; we need to keep that focus. We need to work on demand, we need to work on [inaudible] and immigration. I recently read an article on Mexico, saying that Mexico is not only at this moment a country of traffic; it's also a consumer, and Colombia is not only a producer we're a consumer now. I really hope to work together, there's a shared responsibility. Are we being successful? I hope one day we can talk about our art and biodiversity, but now we always are talking about drugs. We are moving from an inquisitorial system to an oral one but it takes time, the judges are working on it. We're starting to see progress; because it's oral it should be faster than all the written arguments. We've worked with the US government, the US government is willing to work with our countries and we thank you.

Karina Gould: I was wondering, you talked about femicide on the women. I was wondering: why did it stop? What caused the change in culture? Why did that happen?

Dr. Negroponte: I believe that it created a negative stigma and gave the *maras* far greater pressure; and that a degree of disgust in the practice lead them to abandon that rite of initiation.

Ms. Ellis: A few more questions, and then we'll end. Diana brought copies of her book, and anyone that wants one signed can get one.

Heather Berkman: I worked on this issue a few years ago with the IEDB. I'm curious, back a few years ago when I was working on this the general consensus was that there was a limited and not a very strong connection between the organized crime and the drug traffickers who were seen as the organized crime as amateurs. Has that shifted or changed in the recent years, I've heard now that the organized crime are trying to create consumption markets in Guatemala. How has this changed?

Dr. Negroponte: Heather, I believe this hasn't changed that much. The cartels are contracts; I want three people picked up, I call this number, the *mara* will carry it out. Criminal organization, I need you to get rid of, dispose of so-and-so. It will be carried out. It creates sufficient distance that the criminal organizations and the cartels can say "it wasn't me." The *maras* used to rely on their own criminal activities to pay for their own

activities, extortion mostly. The quantity of drug money has brought them into the trade in a petty way. They are not transporting quantities [at the level of other groups], but they're trading. And so they are also petty drug dealers. And that is also providing sufficient income for them to keep up their activities. So I would say that they have become adjuncts to a trade that is much greater than what they live off of.

Stephen Donehoo: In Colombia in the eighties, the illegal groups came to have a political agenda which they exercised in various ways. Do you see that occurring in Central America as well?

Dr. Negroponte: This wonderful man negotiated the release of the three American engineers who were held hostage in Peru. Well, you represented their families on a pro bono basis, and I just want everyone to recognize what you did. No, I do not see a political agenda or justification either in Mexico or in Central America. This is money, this is profit. In order to get that profit, you have to serve the people that [inaudible]. But I do not see them as participating in the political process. Now there are those who have been in Venezuela and see the present government participating actively in the drug trade. There could be that association, but I have not seen it in the Northern Triangle.

Viviana Giacaman: I'm glad that was the last question. I want to hear your thoughts on this entire political context. Mexico becoming a failed state, do you see that happening in Guatemala, moving towards a failed state due to drugs? How significant is that relationship?

Dr. Negroponte: I just want to say right up front that the report that put Pakistan and Mexico in the same sentence was a clumsy thing to do; it does not reflect the governments and states affected. There are failed areas but Mexico is not a failed state. However, they introduced the term "black network" in which she recognized that the increasing activity of the criminal gangs had accomplished a weakening of states with the capacity to bribe majors, police, clerks of the court, whatever. It causes the state institution to weaken such that the rule of law is barely evident. It is more evident in civil law, in property law. Arnold & Porter can rely to a degree on property laws and civil procedures when it represents clients. But in the area of criminal law the state institutions are too weak to defend the interests of society, and criminal gangs have become too smart.

Ms. Ellis: I think we all learned so much tonight, it was so rich and wonderful. There were wonderful questions. I want to thank everyone, and most of all congratulations to Diana.