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Homeland Security and the Bilateral Relationship between the United States and Argentina

Although the United States has increased its attention to the problem of international terrorism after September 11, 2001, countries throughout the Western Hemisphere continue to have different perspectives on the issue and place varying degrees of emphasis on counterterrorism efforts. On September 20, 2005, the Latin American Program convened a group of scholars and policymakers from the United States and Argentina to discuss Argentina's response to the United States' new foreign policy agenda as well as the current state of bilateral counterterrorism cooperation. The conference consisted of a morning panel that addressed U.S. counter-terrorism policy and international efforts to combat terrorism, and an afternoon panel focused on Argentine policies and strategies for combating terrorism.

The moderator of the first panel, Georgetown University professor *Paul R. Pillar,* called attention to the fact that despite the recent focus on its Islamic varieties with their geographic implications, terrorism has been and continues to be a problem for some countries in the hemisphere, including Colombia, Peru and Argentina. Argentina, in fact, was the site of attacks by the Lebanese Hezbollah on the Israeli embassy in 1992 and again in 1994 on the Argentine-Jewish Mutual Association. These examples, as well as the 1998 U.S. embassy bombings in Tanzania and Kenya, demonstrate the global reach of terrorism, he argued. In both cases, the countries were the victims of a conflict of which they were not a part.

Deborah McCarthy, senior advisor for counterterrorism at the Department of State, noted that the U.S. government devotes few resources to counterterrorism in Latin America. There, the majority of assets flow to counter-narcotics. The State Department's approach, she said, focuses on the terrorist threat in the region within a broader effort to combat international criminal groups. Border security receives particular attention, including a project to identify the visa requirements of individual nations in order to establish potential patterns of movement between countries. Other efforts include tracking and halting global financing of criminal groups. McCarthy mentioned the importance of the many partnerships the United States has with Latin American countries, including Argentina, that involve policy dialogue, law enforcement, and intelligence exchanges. She also emphasized the significance of multilateral cooperation in the fight against organized crime and terrorism, pointing to the success of the OAS counter-terrorism committee.

Deborah McCarthy

The Latin American response to terrorist threats in the region has been slow and timid, allowing groups like Colombia's FARC guerrillas to reach out to criminal organizations in countries such as Argentina and Brazil.

The shift in U.S. foreign policy priorities from trade and development to security following 9/11 has strained U.S.-Latin American

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relations, argued *Jerry Kloski*, director of TD International. Countries, such as Argentina after the economic crisis of December 2001, felt abandoned in their economic problems, while the United States redeployed its assets around the world to fight terrorism. According to Kloski, the Latin American response to terrorist threats in the region has been slow and timid, allowing groups like Colombia's FARC guerrillas to reach out to criminal organizations in countries such as Argentina and Brazil. It is important for countries to deal with these new threats, Kloski warned, since the presence of criminal operations can have negative social repercussions, such as increased drug addiction. Better law enforcement is the key to curbing terrorism, although this approach is complicated by the fact that the political leadership in many countries such as Argentina remains suspicious of law enforcement due to the abuses of past military regimes.

The terrorist attacks of September 11, 2001, highlighted the need for a security approach that bridges the gap between [national security and domestic law enforcement].

Turning to legal aspects of the "war on terror," *Elizabeth Rindskopf Parker*, dean of law at the University of the Pacific, explained that U.S. policy has traditionally distinguished between national security and domestic law enforcement. The terrorist attacks of September 11, 2001 highlighted the need for a security approach that bridges the gap between these two systems. Accordingly, Parker argued for reforming the legal system to better address cross-border terrorism while maintaining respect for civil rights and liberties. Parker argued that lessons and techniques could be drawn from the military in order to strengthen domestic law enforcement in the areas of prevention, response, and recovery. Reforms should aim to increase domestic law enforcement's access to information and intelligence, find a balance between protecting sensitive evidence and ensuring an open judicial process, and improve civil response capabilities to avoid an over-reliance on the military.

Speaking of the "unambiguous need for a universal definition" of terrorism, *Emilio Cárdenas*, editor-in-chief of *Agenda Internacional* and former chairman of the Committee on Terrorism of the International Bar Association, criticized the international community's failure to reach a consensus on this issue at a September 2005 United Nations Summit in New York. Cárdenas argued that terrorism is a crime against humanity and therefore without a statue of limitations. Were such a definition to be adopted, however, many government officials in Latin America could be prosecuted due to their involvement with groups that used violent means to oppose the military governments of the 1970s. Therefore, some supreme courts in the region have rejected this definition. Another obstacle to agreeing on a definition of terrorism in the region, Cárdenas claimed, is the fact that neighboring states do not label the FARC and ELN in Colombia as terrorists. He concluded by highlighting a list of urgent priorities that need to be undertaken by countries in Latin America to deal with terrorism including cutting off terrorist financing, increasing border security, strengthening institutions and the rule of law, improving intelligence gathering, and working towards a consensus as to the definition of terrorism.

The moderator of the second panel, *Ana Baron*, Washington bureau chief of *Clarín*, commented that Latin American officials' past ties to terrorist groups and the participation of the military in the area of domestic security are issues that deserve further attention. She asked the panelists to elaborate on Argentine policies and strategies for combating terrorism.

The **Latin American Program** serves as a bridge between the United States and Latin America, encouraging a free flow of information and dialogue between the two regions. The Program also provides a nonpartisan forum for discussing Latin American and Caribbean issues in Washington, D.C., and for bringing these issues to the attention of opinion leaders and policy makers throughout the Western hemisphere. The Program sponsors major initiatives on Decentralization, Citizen Security, Comparative Peace Processes, Creating Community in the Americas, U.S.-Brazilian relations and U.S.-Mexican relations.

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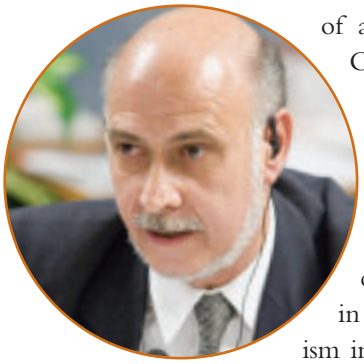
Argentina's secretary for security in the Ministry of the Interior, *Luis Tibiletti*, discussed the government's efforts to strengthen security, particularly through institution building. Tibiletti noted that Argentina was the first Latin American country to enact a law creating a new intelligence system, which included the establishment of a National Directorate of Criminal Intelligence. Moreover, Argentina is increasing its capacity to enforce border security, train police officers, cooperate between agencies, and become involved in multilateral counterterrorism initiatives within Mercosur, the OAS, and the United Nations. At the regional level, Argentina has paid particular attention to terrorism in the tri-border area and worked with Paraguay and Brazil to address problems such as narcotrafficking and money laundering. Tibiletti also outlined several specific areas of cooperation between the United States and Argentina, including FBI and DEA training of Argentine intelligence analysts.



Luis Tibiletti

Elaborating on the official view of the Argentine government, *Victor Beauge,* special representative for terrorism and international affairs in the Ministry of Foreign Affairs, argued that international terrorism must be fought through the use of multilateral, bilateral, regional and sub-regional coalitions, all of which Argentina has successfully created and maintained. Regarding Argentina's involvement in the United Nations, Beauge noted that Argentina ratified twelve UN conventions on terrorism, signed a thirteenth convention, and—as a non-permanent member of the UN Security Council—presented five reports related to terrorism to the Council. At the regional and sub-regional levels, Argentina is active in the OAS Inter-American Committee Against Terrorism and works on counterterrorism initiatives within Mercosur. Expanding upon Tibiletti's presentation, Beauge stressed the importance of strengthening security at home, while adding that a fundamental aspect of the fight against terrorism also lies in the fight against social exclusion and extreme poverty.

Eugenio Burzaco, president of the Fundar Foundation, was less optimistic about Argentina's response to terrorism. He argued that institutional weaknesses—limited budgets, political corruption, a lack of common enforcement laws between MERCOSUR countries, the absence of advanced security technology, and a lack of interagency coordination—give terrorists the opportunity to commit crimes. He offered several recommendations for areas to improve, including better intelligence sharing and legislative reform.

Reexamining a theme raised by Ambassador Cárdenas, *Juan Carlos Frías,* secretary of the Bicameral Intelligence Commission of the Argentine Congress, spoke of the difficulties faced when trying to agree on a definition of terrorism. Drawing distinctions between terrorism and organized crime, Frías argued that terrorism is driven by a political or ideological agenda, whereas organized crime is motivated by financial or personal gain. Terrorism is often confused with organized crime, he said, and can be deciphered only through a close look at the criminal motives. Frías spoke in detail of the legislative measures Argentina enacted to address terrorism, including changes to the penal code, reform of the intelligence system, and expanded powers to investigate terrorist financing. Despite these measures, Frías argued that Argentine law has failed to define terrorism clearly, thus impeding efforts to counter it.

[Should terrorism be deemed a crime against humanity,] many current government officials could be prosecuted due to their involvement with groups that used violent means to oppose the military governments of the 1970s.

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