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U.S. POLICY IN NICARAGUA : TWO ROADS BECKON

INTRODUCTION

The Central American peace treaty negotiations have edged closer to a conclusion than most political observers thought possible when Mexico, Colombia, Panama, and Venezuela first met in January 1983 on Contadora Island to draft a regional peace settlement. Under intense pressure to "succeed" in their negotiations, and pushed by Nicaragua's acceptance of a draft circulated in September, U.S. friends in the region are eager to bring the negotiations to a close.

U.S. policy in Central America is at a crossroads. Two separate roads beckon--or tempt--policymakers. One could lead to an agreement with the nations of the region; the other could result in increased U.S. pressure on Nicaragua's Sandinista regime. While both courses can be tested, events in the near future may force the U.S. to place primary emphasis upon one rather than the other. The choice the U.S. makes should depend primarily upon a tough-minded assessment of which course better serves long-term U.S. security interests, peace in Central America, the need to check Sandinista threats to Nicaragua's neighbors, and the need to sever the Nicaraguan military alliance with the Soviet Union.

There are pitfalls to both approaches. The signing of a Central American treaty would lend some legitimacy to the current Nicaraguan regime, and would represent a de facto recognition of a Marxist-Leninist state in the center of the Central American isthmus. A peace treaty may be viewed by the American public and the U.S. Congress as a definitive solution to the problems in Central America, signalling that further U.S. attention to the region is unnecessary. Because treaties are not self-enforcing, such a lapse of attention could prove as dangerous as it has been in the case of Cuba, where U.S. hesitation in the face of a Soviet military build-up has created a serious security problem.

Pursuing a course of mounting pressure on Nicaragua, denying it the breathing space that an agreement would afford, also has its costs. It may be difficult for the Administration to sustain the current level of public attention and concern about Nicaragua. Obtaining support for a more forceful policy may require major compromises by the Administration on some of its other policy priorities.

If the objective of U.S. policy in the region is to secure Central American nations against a long-term military and subversive threat from Nicaragua, and to prevent the consolidation of a Soviet-allied, Marxist-Leninist state in Central America, then Washington must not accept a treaty simply for the sake of a treaty. For an agreement to be acceptable, it must be enforceable and verifiable. It must ensure that Nicaragua reforms its representative political system and ends its military build-up and destabilization efforts.

LESSONS OF HISTORY

The U.S. has been talking with Nicaragua's Sandinista regime for months. As the Reagan Administration pursues these negotiations, it should keep an eye on history. Past U.S. experience with treaties in Korea and Indochina throws light on the pitfalls of negotiating with communist belligerents in the Third World. Extensive and continual violations by the communist signatories of the 1953 Korean Armistice, the 1962 Declaration on the Neutrality of Laos, and the 1972 Paris Accords on Vietnam show that supervisory and control mechanisms were thwarted by those countries despite the lengthy and cautious negotiations that preceded the agreements terminating the fighting.

Just three months after signing the 1972 Paris Accords, for example, North Vietnam had infiltrated 30,000 additional troops and over 30,000 tons of military equipment into South Vietnam--in direct violation of the agreement. After its victory, in fact, Hanoi boasted about how it had fooled Washington and how easy it was to ignore the treaty. Korean Armistice terms were broken within days of signing, as Soviet MiGs were transferred to hastily reconstructed airfields throughout North Korea. And North Vietnam barely made a pretense of withdrawing its troops from Laos, as required by Article 2 of the 1962 Declaration on the Neutrality of Laos.

A number of reasons have been offered for such casual disregard of treaty obligations by the communist signatories and for the fact that violations were not reported or investigated by the authorized supervisory bodies. Ambiguities and weaknesses in the treaty language were partly responsible. Systematic determination by the communist signatories to circumvent verification and control procedures, however, was more significant. Yet most important was the apparent failure of will by the U.S. or its allies to denounce the violations and take appropriate action to enforce the treaty terms.

The outcome of the 1962 Cuban missile "agreement" should also be a lesson in negotiating with Soviet client regimes in this hemisphere. The agreement stipulated that the Soviet Union would remove all offensive weapons from Cuba (including missiles and IL-28 Beagle strike aircraft), while the U.S. proffered assurances that it would not invade Cuba. The Soviet Union relied on perseverance, propaganda, and deceit to violate that agreement without provoking a strong U.S. reaction.¹ Moscow now has offensive weapons on planes, ships and missiles based in Cuba and operated by members of the Soviet armed forces. And in violation of a 1970 Moscow-Washington "agreement," produced in the wake of controversy over a submarine base at Cienfuegos, Soviet nuclear submarines are serviced in and from Cuban ports.

Because the U.S. would play an important, though indirect, role in an eventual Central American peace plan, Washington must heed the lessons of past experience: verification and control provisions must be carefully drafted and a treaty is only as viable as is the parties' determination to demand full compliance.

ELEMENTS OF AN ACCEPTABLE TREATY

If the U.S. seeks more from a Central American peace treaty than a thin disguise for disengagement, the pact must contain clear and unambiguous commitments that protect U.S. regional interests and the interests of its allies. These requirements include:

- 1) an end to Nicaraguan support for guerrilla insurgents and its destabilization activities in neighboring countries;
- 2) restoration of a military balance in the region;
- 3) severance of Nicaraguan military and security ties to Cuba and the Soviet bloc; and
- 4) the establishment of pluralistic democracy.

The importance of pluralistic, representative governments to peace in the region cannot be overstated. History teaches that democracies are slower to initiate war and more respectful of human rights than non-democracies. More specifically, so long as the Marxist-Leninist leaders of Nicaragua deny the Nicaraguan people the rights and freedoms for which they fought Anastasio Somoza, regional tensions are not likely to subside. The democratic opposition to the Sandinistas surely will continue its armed struggle, using neighboring territories as sanctuary, thus heightening the possibility of armed conflict between countries.

¹ These salami tactics and the passivity of the U.S. are concisely described in Harold W. Rood, Kingdoms of the Blind (Durham, North Carolina, 1980), pp. 96-133.

On the other hand, the political insecurity of Nicaragua's neighbors could be allayed were Managua to move toward democracy through genuinely free elections. They then would have less reason to fear that a communist dictatorship in Nicaragua would pursue the terrorist and destabilization tactics of Cuba's Fidel Castro.

Managua also must promise to stop supporting the leftist guerrillas in El Salvador and to reduce the size of Nicaragua's armed forces. Given Nicaragua's ideological hostility to its neighbors and its oft-proclaimed goal of spreading its revolution throughout the region, it is small wonder that other Central American nations are discomfited by a Nicaraguan military build-up that vastly exceeds its defense needs.² Nicaraguan neighbors should not be expected to accept a peace treaty that ensures Nicaragua's military superiority and leaves it free to destabilize other governments through its support for subversion and insurgencies.

The final essential requirement for an acceptable peace treaty in Central America is that compliance be verifiable and enforceable. While this should be self-evident, since treaties rarely are based on trust alone, it is particularly important in dealing with the Sandinista leadership. In its short five-year history, it already has a record of duplicity in dealing with its own people and the international community. It committed itself in writing to the Organization of American States (OAS) to free elections, a mixed economy and a nonaligned status, and it promised its people a genuine democracy. Instead it has become a close ally of the Soviet Union and Cuba.³ Its government ranks, swelled with Cubans, Libyans, East Germans, and Bulgarians, nearly has emasculated the private sector. And it demonstrated its determination to stay in power by holding rigged "elections" that effectively excluded its critics and opponents.

Effective verification requires on-site inspection teams and clear procedures for prompt reporting and appropriate response. But verifying compliance with the prohibition on support for insurgents in neighboring countries--through financial backing, training and arms trafficking--poses a much more intractable problem than does monitoring such conventional warfare capability measurements as army size or number and quality of weapons.

² The Nicaraguan build-up is not a defensive response to U.S. hostility. First, it began while the U.S. was pursuing a friendly policy toward Nicaragua, based on economic assistance. Second, Nicaragua's military capability is as inadequate to defend against a U.S. attack as it is grossly oversized to defend against attack by its neighbors.

³ The Sandinista government has signed party-to-party agreements with East Germany, Bulgaria, and Czechoslovakia; affiliated with all major international communist front organizations; and joined Inter Sputnik, the Soviet-controlled telecommunications network.

Subversion, destabilization, and terrorism are by nature difficult to prove, or to attribute irrefutably to a given source. Since it is precisely this kind of covert unconventional warfare that Nicaragua's neighbors most fear, and on which Managua's Soviet bloc tutors most commonly rely, there would have to be provisions allowing for very intensive on-demand inspection.

POLITICAL IMPLICATIONS

Beyond the technical and operational feasibility of an overall Central American peace treaty, political and diplomatic repercussions on U.S. policy-making and on the calculations of its friends in Central America must be weighed. Should the Central American countries sign a comprehensive treaty, the American public and even the Congress may consider the crisis "solved," and therefore be reluctant to devote resources to assuring that the treaty is enforced. Americans traditionally believe strongly in the efficacy of such legal instruments as treaties and charters to regulate and resolve international conflict. At the same time, Americans have shown reluctance to denounce or take steps to resist treaty violations. While there are obvious differences between a Central American peace treaty and the U.S.-Soviet SALT agreements, the latter demonstrates U.S. reluctance to be forceful in demanding that the other party live up to its commitments.⁴ A tacit U.S. acquiescence in Nicaraguan and Soviet bloc treaty violations would also be a disturbing message to U.S. allies and friends around the world. The U.S. cannot afford to abandon another ally to communist aggression through the subterfuge of a treaty without seriously undermining its credibility.

The U.S. should also consider the possibility that the Central American countries may decide to sign an agreement sharply curtailing U.S. military assistance to the region. The interests of the countries, however, makes such an outcome unlikely; Salvadoran President Jose Napoleon Duarte's ability to overcome the military threat of the leftist guerrillas would be greatly diminished, and Costa Rica and Honduras clearly view Nicaragua's military strength and dedication to Marxist-Leninist revolution as a threat to their political and economic development. Guatemala, however, has taken a weaker position toward Nicaragua in the Contadora peace treaty negotiations. This is partly due to Guatemalan annoyance at continued U.S. criticism of its human rights record and U.S. hesitation in supplying arms to its government. Mexico, an outspoken defender of the Sandinista regime, is also able to influence Guatemala on the Contadora treaty by holding out the prospect of cooperation in policing its side of their common border to disrupt leftist guerrilla operations launched against Guatemala from Mexican territory.

⁴ See National Security Record No. 63, "Soviet Treaty Violations and U.S. Compliance Policy."

Nevertheless, international expectations of a diplomatic settlement of the Central American conflicts combined with domestic political pressure in some of the countries for a compromise with Nicaragua could lead the Core Four (El Salvador, Honduras, Costa Rica, and Guatemala) to sign an agreement that does not effectively curb Soviet and Soviet-bloc intervention in Nicaragua or require the Nicaraguan government to institute a genuinely democratic process. U.S. interests would then require that it continue to pursue those goals independently, through continued pressure for aid for the anti-Sandinista forces, insistence in international organizations, primarily the Organization of American States, that the Nicaraguan government meet its commitment to hold free and fair elections, and economic sanctions. The possibility of direct military intervention by the U.S. should not be dismissed.

CONCLUSION

U.S. experience in dealing with communist and Soviet-supported regimes counsels caution in Central America. Nicaragua cannot be expected to comply with a treaty's terms in the absence of continued U.S. surveillance and pressure. Yet the impact of a peace treaty, in terms of public opinion and prohibitions on a U.S. military presence in the region, may straitjacket U.S. efforts to ensure Nicaraguan compliance. If Nicaragua rejects verification and enforcement provisions that would make the treaty a viable instrument for peace in the region, the U.S. should not accept the treaty. Such an agreement would protect neither U.S. interests nor the independence of Central American nations. Nor would it offer Nicaraguans hope that their country one day soon would become a democracy.

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