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Joe Biden's war on corruption in Central America

Unlike migrants, corrupt elites in Central America had nothing to fear under Trump. Joe Biden wants to change that — and the elites are closing ranks

For four long years Donald Trump, as US President, harassed Central American migrants with ever more innovative methods. In particular, it was people from the countries of the 'northern triangle' of Central America who suffered under Trump. When migrants from Guatemala, Honduras and El Salvador fled poverty, violence and corruption in their home countries, and hundreds of thousands made their way north in huge caravans, the then US President vilified them as 'criminals' and had children separated from their parents in US detention centres. In the end, he even negotiated agreements with the three countries that declared Guatemala, Honduras and El Salvador to be safe third countries – despite the completely dire situation in the region.

'The United States' greatest interest in Central America is to curb migration,' explains Álvaro Montenegro, Guatemalan columnist and co-founder of the citizens' movement *Justicia Ya*, which fights for transparent policies in Guatemala. Barack Obama had already given top priority to the issue of migration – but the approach was different to Trump's term in office. 'Back then, the US government also focused on reasons for fleeing, such as widespread corruption,' Montenegro recalls. 'So it was primarily about strengthening state institutions and supporting civil society.' The most important political signal from the Obama administration was its unconditional support for the UN Commission to Combat Impunity in Guatemala (CICIG), which has brought down numerous corrupt politicians and businessmen, thus achieving spectacular success in enforcing the rule of law in Guatemala.

But the CICIG's successes didn't last for long: when Trump took office, the fight against corruption and for the rule of law in Guatemala became increasingly difficult. This was also because of lobbying by the country's conservative elites. During the Trump administration, they worked to roll back important advances in the fight against corruption to safeguard

their own political and economic interests. With a lot of money and perseverance, they tried to discredit the CICIG in Washington as an allegedly partisan commission with a left-wing agenda – and in the end their effort succeeded. When Guatemalan President Jimmy Morales allowed the commission's mandate to expire in 2019, Washington did not intervene. 'For Trump, the Guatemalan government and the country's businessmen were the only allies,' explains Montenegro. 'Now, with Biden taking office, civil society can finally be heard again.'

The Engel list is coming for corrupt elites

This prospect has put the country's elites on high alert. They now depend even more on closing their ranks and silencing critical institutions. Consequently, one key event is likely taking place this April, with the replacement of the Guatemalan Constitutional Court, whose rulings have repeatedly run counter to the interests of the powerful elite in recent years. 'They will do everything they can to bring the Constitutional Court under its control,' says Álvaro Montenegro. The opaque nomination process for the highest court in the country is particularly vulnerable to outside influences.

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However, a law passed by the US Congress just last December could create an obstacle for the elite. The legislation provides for the annual publication of the names of all individuals from Guatemala, Honduras and El Salvador who are known to the US government as corrupt and undemocratic actors. Publication on the 'Engel list' – named after former congressman Eliot Engel who initiated the law – can result in far-reaching sanctions such as the revocation of entry permits and the termination of business activities in the US. In Central America as well, the list is likely to become an important political instrument for all those fighting against corruption and for more democracy.

Soon, Salvadoran President Nayib Bukele could also feel its impact. The head of state, who, with his authoritarian behaviour, repeatedly tramples all over basic democratic principles such as the separation of powers and an independent judiciary, always enjoyed good relations with President Trump. Now, even he has to fear that members of his own government will be publicly denounced on the Engel List. 'We don't yet know how

Bukele will react to this,' says Jessica Estrada from the Salvadoran think tank Foundation for Development (FUNDE). 'However, Washington has made it clear that it will no longer tolerate abuse of power and corruption.'

A transnational commission against corruption?

US President Biden has already announced his intention to support the fight against corruption in the region with a new, transnational commission. After all, it was not only the Guatemalan CICIG, but a similar institution called MACCIH (the Mission to Support the Fight against Corruption and Impunity in Honduras) that fell victim to Trump's lack of interest. And in the meantime the anti-corruption commission CICIES in El Salvador, which has been tasked with fighting corruption in the country for the past two years, has so far failed to deliver any significant results.

Whether such a transnational commission, as proposed by Biden, can work is at least controversial. Not only would the coordination effort among investigators be enormous, but it would, above all, need the backing of the national parliaments of Guatemala, El Salvador and Honduras. And in all three countries the corrupt power elites hold a robust majority in parliament.

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In El Salvador, the incumbent President Bukele just achieved a landslide election victory at the end of February and now also controls parliament – he is unlikely to be interested in having his non-transparent governance monitored by international anti-corruption bodies.

The clear-cut case of Honduras

So what leverage does the US government have to exert domestic political influence in Central America? 'Washington can, for example, threaten to cut international aid to El Salvador or even stop cooperation altogether,' explains Jessica Estrada. 'That would have a dramatic impact on major government infrastructure projects supported by the US.'

However, the clearest consequences of the US's new foreign policy agenda may be seen in Honduras. There, President Juan Orlando Hernández is its head of state only by grace of Washington: he owes his

re-election in 2017, overshadowed by accusations of fraud and excesses of violence, primarily to the tacit support of the US government. Under Donald Trump, Hernández was – thanks to his migration deal with the US – able to buy his way out of all repercussions from his proximity to the drug cartels and of the brutal actions of the police and military against its own population. Like Guatemala and El Salvador, Honduras has been declared a safe third country.

Under Biden, who rescinded the third-country rule right at the beginning of his term of office, this is likely to be much more difficult. Hernández's brother was already convicted of cocaine smuggling in a New York court in 2019. It is likely that Hernández himself could suffer a similar fate: he is said to have financed his first presidential election campaign in 2013 with millions from drug smuggling.

However, in order for a trial and a possible conviction to be possible, the US would have to prevent him from being confirmed in office next fall, so that Hernández would then lose his immunity. This would not require any direct interference in the country's internal affairs. It would be enough if this time the US – unlike back in 2017 – were to support the organised forces of civil society and insist on holding free and democratic elections. Then Hernández's days as Honduran President would be numbered.



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