Testimony
of
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"Confronting Drug-trafficking in West Africa"

Chairman Feingold, Ranking Member Isakson, and distinguished members of the Committee, thank you for inviting me to testify at this important hearing on drug-trafficking in West Africa. Thank you also for asking my colleagues from the Department of Defense (DoD) and the Drug Enforcement Administration (DEA) to join me at the witness table. We are united in our understanding of the serious threat that drugs and drug trading are to Africa and to U. S. interests. Our partnership and coordination are essential to any success in deterring this threat.

A Rapidly Growing Problem

Drug-trafficking, especially of cocaine, has increased dramatically through West Africa in recent years. Before 2005, seizures from all of Africa rarely totaled more than one ton a year. Between 2005 and 2008, at least 46 tons of cocaine were seized in West Africa alone. By 2007, the Executive Director of the United

Nations Office on Drugs and Crime (UNODC) described West Africa as "under attack." Access to shifting global cocaine markets drove traffickers to look for new routes.

Global cocaine markets have shifted because of demand, supply, and the value of the dollar. Cocaine use in the United States has declined, while use in Europe has increased. Law enforcement efforts in the United States and Latin America have made it harder for traffickers to move cocaine to US markets. The declining value of the US dollar, relative to the Euro, may also have influenced the shift towards European markets. As European law enforcement made it more difficult to move cocaine along direct routes from South America to Europe, traffickers began to look for alternate ways to access the European markets.

West Africa is appealing to traffickers for several reasons. It has endured a staggering level of poverty, which promotes a susceptibility to corruption: on average, 50% of the population lives on less than $2 a day. West Africa lies in close proximity to Latin America. Dakar, Senegal, is 700 miles closer to Recife, Brazil, than it is to Paris, France. West Africa's borders also are mostly unguarded and porous. The region boasts more than 2,600 miles of coastline. In perspective, our Pacific coast (minus Alaska) and Atlantic coast each are less than 2,100 miles long. West Africa's area and population are slightly less than that of our contiguous 48 states. Many governments do not have the legal systems, judicial

structures, plans, funding, resources, and political will to combat drugs. Half the region's population is under the age of 18 and the unemployment rate of the work-age population average is 30-50%. Thus, the trafficking of illegal narcotics is a lucrative alternative in a culture disposed to view narcotics like any other commodity to buy and sell.

Moreover, foreign traffickers usually prefer unstable but not chaotic operating environments. They choose to operate in countries with weak law enforcement and judicial systems and thrive in areas where they can operate with impunity – either by corrupting officials or by inept systems. West African nations like Guinea-Bissau and Guinea fall into these categories.

In some countries, we can rely on local cooperation to prosecute and expel foreign traffickers, especially if such action displaces outsiders from the trade. However, such cooperation is compromised when the foreign traffickers are able to cultivate complex, symbiotic networks with the local elite.

Drug-trafficking in West Africa Harms U.S. Interests

Though the majority of the drugs transiting West Africa do not come to the United States, the proceeds flow to the same South American drug-trafficking organizations that traffic drugs to the United States. This illicit activity reinforces and bolsters their financial strength. Guinea-Bissau's GDP is $340 million; that is

the wholesale value of six tons of cocaine, which can easily be trans-shipped over one to two months. This creates a threat to good governance, local and regional stability, and development in West Africa. UNODC has noted that,

> "*The relationship between diamond smuggling and the civil wars in Sierra Leone and Liberia has been well documented, but, at their peak, profits accruing from this activity amounted to some tens of millions of dollars per year. The potential destabilizing influence of the cocaine traffic, where the value of a single consignment can exceed that sum, is very real*."

Drug-trafficking poses at least two threats to good governance, a principal focus of U.S. diplomacy and foreign assistance in West Africa. First, trafficking normally is facilitated by corrupting public officials from law enforcement and judicial actors to the highest levels of government. Second, politicians could look to drug money to finance their elections.

Being a transit state is detrimental to a country's development. The government has less to invest in health or education, because those resources have been diverted to address the insecurity resulting from possible trafficking-related violence. Investors are less inclined to do business in transit countries: unstable environments are risky and operating in high-crime areas entails higher business costs.

Being a transit state is also harmful to public health. Though initially most transit states in Africa do not have markets for illegal drug consumption, eventually they develop. In West Africa, local facilitators of trafficking networks are believed to be paid in cocaine. Much of this is smuggled to Europe but anecdotal evidence suggests small domestic markets for cocaine are already developing.

USG Efforts to Stop the Drug Flow and Obstacles

The Department of State recognizes the serious threats posed by drug-trafficking in West Africa. With our interagency colleagues, we have engaged in a careful planning process. The Department of State's Bureau for International Narcotics and Law Enforcement Affairs (INL) has been leading interagency counternarcotics assessments throughout West Africa. These assessments have provided valuable information about the nature of the drug threat and the willingness and capacity of West African governments to respond to the threat. A comprehensive counternarcotics strategy requires both the interdiction of the drugs and the dismantling of the drug-trafficking organizations (DTOs). Our European partners are focused largely on interdiction, which is logical as the majority of the cocaine flows to Europe. We are primarily working to build the law enforcement and judicial capacity of West African governments to effectively

counter the DTOs. This complements the European focus and fits well with U.S. security, governance, and development objectives in West Africa.

Rule of law and judicial capacity strengthen the ability of emerging democracies of the region to prevent or respond to transnational issues such as rising drug-trafficking. One of the areas our Interagency Task Force has looked at through the assessments is countries' counternarcotics legal frameworks. While most West African states have many of the elements in place to support more robust national counternarcotics efforts, there are some ways in which the laws could be improved. In some countries, there is significant judicial discretion allowed in sentencing for even the most serious drug offenses. In Togo and The Gambia, judges can decide to sentence traffickers to prison or simply to fine them. This invites corruption. Many countries lack the legal concepts of conspiracy and plea bargaining. Both are powerful legal tools in combating organized crime. Asset forfeiture is another helpful legal and financial tool. West African countries that have some sort of asset forfeiture laws often require a conviction before they can seize assets. By contrast, many other countries around the world have alternative legal mechanism that provide a broader basis and more efficient means for seizing and forfeiting assets related to criminal activity.

The national agencies charged with counternarcotics missions across West Africa vary from actively facilitating trafficking to risking their lives to stop it.

Even in agencies that have the will to counter drug-trafficking, there are common challenges to their ability to do so effectively. Many do not know how to gather and analyze counter drug intelligence. Most of the big seizures in West Africa have occurred by chance or through a foreign tip off. Further, the agencies do not know how to conduct investigations. Basic policing is a challenge and most agencies will require significant assistance before being able to conduct complex investigations. Counternarcotics programs and strategies are inherently interagency. Border officials and traffic cops need to coordinate with lead counternarcotics police agencies that, in turn, must work closely with prosecutors or investigative judges to develop a case. This is a significant challenge.

Like law enforcement, the judicial sectors across West Africa vary widely. Senegal, for example, is a society with a capable judiciary and a respect of the courts and the rule of law. Sierra Leone recently convicted traffickers in a historic case connected to a July 2008 cocaine bust. Guinea-Bissau, on the other hand, has not tried a drug case since 2005. Even with such mixed results, there are common challenges. The courts have sizeable backlogs. In many countries, prisons hold accused persons who have been awaiting trial longer than the maximum sentence they would receive if found guilty. In the rare cases where West African countries have arrested and tried foreign traffickers, the traffickers often hire talented private defense attorneys. Further, due to capacity problems, defendants are often held too

long before being charged, which has resulted in some dismissals. Even when this does not happen, police and prosecutors often prepare cases and witnesses poorly, with the alleged drug seized neither proven to be cocaine nor tied to the defendant. Finally, countering judicial corruption is a challenge around the world, and West Africa is no exception. This is an area of serious concern and will require careful attention.

As with the rest of the criminal justice system, prisons vary greatly from country to country. Guinea-Bissau has no civilian prison whatsoever, though one is nearing completion. Togo, on the other hand, has a prison system that is functioning remarkably well given the extreme lack of resources. The main challenge corrections systems face is maintaining custody over accused and convicted traffickers. Security at many prisons is not good and traffickers have access to significant financial resources with which to bribe prison officials.

Despite the significant challenges facing West Africa, there is reason for hope. Oil-wealthy Nigeria is entirely unique: numerous and very experienced Nigerian traffickers have been deployed worldwide over decades. But despite its many problems the Government of Nigeria has demonstrated increased political will in fighting narcotics. U.S.-donated body scanners at Nigeria's four international airports are having a deterrent effect, causing traffickers to shift their operations to seaports and land borders, where adequate protection is lacking, or to

airports in neighboring countries. Nigeria's National Drug and Law Enforcement Agency (NDLEA) flexed its muscles in arresting a drug kingpin, processing an extradition, and convicting 1,231 of 1,239 traffickers in 2008. The Attorney-General recently approved the embedding of a USG sponsored drug investigations specialist within the NDLEA. The Government of Cape Verde has vast potential as a trans-Atlantic partner for regional interdiction activities, as an intelligence platform, and as a facilitator of dialogue with Guinea-Bissau. It benefits from: a strong and stable democracy; its strategic location; its three U.S. Federal Aviation Administration-certified airports; its excellent track record on cooperation with DOD's United States Africa Command (AFRICOM), NATO, the European Union and U.S. and European law enforcement agencies; and, its success at curbing drugs from Latin America.

Furthermore, we hope that our projected re-establishment of a formal diplomatic presence in Bissau will help improve what we know about the problem there and encourage the host government to raise its profile on this important matter.

Department of State assistance is targeted and carefully monitored. For instance, in Ghana we will support a judicial advisor this year to develop further capacity to prosecute complex drug cases. In countries where there is not yet a strong understanding of the domestic implications of being a transit state, we will

use public diplomacy to build this awareness. Our embassies have been instrumental in facilitating the expulsion of traffickers into U.S. custody, which has a powerful deterrent effect.

The Department of State's counternarcotics assistance programs are shaped according to the following principles. Above all, we do not want our assistance inadvertently harming innocents. We don't want equipment we provide misused. Since donated boats or radios could be used to facilitate trafficking, for example, such assistance must be provided responsibly. Second, counternarcotics operations are dangerous and should not expose our West African partners to unnecessary risks that they have not been prepared to address.

Counternarcotics assistance should include both operational support and institutional reform. Providing training and equipment are important components of assistance strategies, but we must also address institutional incentives and structures. For example, prosecutors might not know how to oversee a complex investigation or turn it into a winning case. Training in these areas should be part of the assistance provided. Institutionally, the prosecutorial service may not be structured to encourage complex investigations. Promotions of these prosecutors might factor the number of convictions without regard for the complexity of cases. These structures must be reformed if prosecutors are to learn *and implement* complex prosecutions.

The U.S. Interagency Task Force has collaborated closely to confront these challenges. At the working level, State, DEA, and DoD jointly have conducted all assessments and now include the FBI, Treasury, and USAID on a case-by-case basis. The Department of State also hosts an African counternarcotics working group with even broader interagency participation. Senior level coordination is also taking place, particularly between the three agencies represented on this panel. Similarly, international coordination is also taking place at both the working and policy levels. One of my INL colleagues will be leading the US delegation to meetings with the EU Drug troika in the coming weeks. We look forward to working more closely with AFRICOM to help build capacity, provide data analysis and management, facilitate interoperability, and promote limited interdiction, where feasible.

Finally, there is much that the United States can learn and do in concert with the Europeans, Latin Americans, and international organizations in order to fight increasing narcotrafficking in the region. Increasing our own knowledge of, and ability to track, trans-Atlantic contraband and developing regional African capacity through a reliable, willing partner (such as Cape Verde) and its government could be one of our more productive and cost-effective efforts as part of an integrated approach.

For Fiscal Year 2010, the Department has requested $7.96 million in narcotics and law enforcement assistance for West Africa. Our primary targets are to develop capacity in the law enforcement and judicial sectors in Guinea-Bissau ($3 million), Cape Verde ($2 million), Nigeria ($2 million), Ghana ($500,000), Sierra Leone ($250,000), Guinea ($110,000) and Burkina Faso ($100,000). To complement these efforts, we propose applying $42.4 million in other Department resources to bolster democracy, governance, and rule of law programs in these countries. As Secretary Clinton has indicated, the Department requires sufficient personnel and financial resources to carry out its missions, and we welcome your support in helping us do so.

I look forward to hearing from my colleagues, listening to your insights, and consulting you further as we address this serious issue. Thank you for your invitation, and for your consideration and support.