

Written Testimony of Ambassador David T. Johnson
Assistant Secretary of State for International Narcotics and Law Enforcement Affairs
Before the House Oversight and Government Reform Subcommittee on Domestic Policy
Hearing, “International Counternarcotics Policies: Do They Reduce Domestic
Consumption or Advance other Foreign Policy Goals”
Wednesday, July 21, 2010

Chairman Kucinich, Ranking Member Jordan, and Members of the Subcommittee, thank you for the invitation to testify about the State Department’s role in counternarcotics and criminal justice sector reform efforts around the globe. It is my pleasure to be here today on behalf of Secretary of State Hillary Clinton. As the Assistant Secretary of State for International Narcotics and Law Enforcement Affairs (INL), I oversee the Department’s foreign assistance programs that help our international partners strengthen their own criminal justice sectors and their capacity to provide their own citizens with security under the rule of law. Many of our programs are relevant to the topic of this hearing, as our assistance efforts help foreign governments to curtail illicit crime such as narcotics production and trafficking, and develop the capacity to govern justly.

The State Department’s foreign assistance programs are crafted to address unique conditions on the ground in each of our partner countries where there is a demonstrated need and desire for security and justice sector reform, and where political will exists to counter illicit crime and bring criminals to justice. Through our assistance programs, the State Department contributes a vital set of tools to protect United States national security, including programs to advance our national policy goals identified by the White House and its Executive Offices, including the Office of National Drug Control Policy.

The role of the State Department

The initiatives that I have the privilege to steward on behalf of the State Department represent our nation’s assistance to bilateral or multilateral partners that enhance those partners’ governance capacity. Many of these programs involve efforts to isolate, minimize, and neutralize transnational drug enterprises by enhancing security on the ground. In the context of our diplomatic engagements, INL assistance programs have helped our partners to develop, train, and empower civilian law enforcement to fight crime, including illicit narcotics networks, in a number of countries in Latin America and the Middle East; design and launch public education campaigns about the danger of narcotics in South Central Asia; extend the host government’s rule of law and governance into regions where they did not before exist in Colombia and Peru; foster safe, secure, and humane corrections systems that can serve as platforms for addiction treatment and educational assistance to treat and improve prison populations; and develop drug treatment centers for vulnerable populations including women and children in Afghanistan.

Borrowing a term from my colleagues at the Department of Defense, INL’s activities are the tip of the spear in terms of U.S. foreign assistance engagement. Our assistance programs

directly impact and improve foreign government capacity, and provide the platform for follow-on assistance from our interagency and multilateral partners.

Diplomacy through teamwork

To accomplish our goal of empowering partner nations to combat criminal enterprises, the State Department partners with experts from within our own Federal, State and local governments to bring expertise to bear. The DEA, ICE, and the FBI regularly provide high level skill training and mentoring in INL program countries, U.S. State and local law enforcement officers mentor and train their counterparts on investigations, community policing, and corrections systems, and Non Governmental Organizations (NGOs) are often enlisted to develop educational curriculum and anti-drug campaigns unique to specific cultures and communities.

State Department and USAID programs also enhance international cooperation and coordination among states providing alternative development, economic, and education programs where they can be most useful. We work with groups such as the United Nations, the Organization of American States, the G-8, the European Union, and the Financial Action Task Force and its regional sub-groups, and with foreign governments to set international counterdrug and anti-crime standards, deny safe-havens to criminal groups, pool skills and resources, and improve cross-border cooperation.

Two of our new international legal tools to combat organized crime are the UN Convention against Transnational Organized Crime (UNTOC) and its protocols against human trafficking and smuggling, and the UN Convention against Corruption (UNCAC). These international instruments, along with the three UN counter-drug conventions, create broad standards as well as a legal framework for mutual legal assistance, extradition, and law enforcement cooperation. They also contain unique provisions, such as those on asset recovery found in the UNCAC, providing new tools for U.S. law enforcement. The Justice Department, for example, has used the relatively new Convention Against Transnational Organized Crime on more than 35 occasions as the basis to augment existing extradition authorities and to make mutual legal assistance requests, including for illegal arms dealing, money laundering and fraud prosecutions.

Country Programs and Results

Colombia - Ten years ago, the United States and Colombia forged a close partnership under the rubric of Plan Colombia. Our goals were ambitious, but important to restoring stability in Colombia, disrupting the drug trade and protecting the citizens of the United States from illegal narcotics. Under the leadership of Presidents Pastrana and Uribe and with the help of U.S. training, equipment and political support, Colombia is now a stronger democracy and able to share the expertise it has developed with countries such as Afghanistan, Mexico, Haiti and other Latin American nations. As a result of progress under Plan Colombia and its follow-on programs, more than 50,000 paramilitary members and guerilla combatants have demobilized, coca cultivation and cocaine production potential have been significantly reduced, a new oral accusatory system of justice is improving transparency and efficiency, and local capacity has grown to a level where we are now able to transfer responsibility for management and funding of

several counternarcotics programs we helped to develop to Colombian control. Most important, public security has improved enormously over the past decade.

All of this real success does not, however, mean that the job in Colombia is done or that there are not serious challenges remaining. As Secretary Clinton has noted, due to the continued high rate of drug use in the United States, our government has a “shared responsibility” to keep working closely with drug-producing and transiting countries, while also strengthening demand prevention and treatment programs at home. In Colombia, drug cultivation and narcotics trafficking remains a source of instability and violence. Criminal organizations, some of which contain demobilized paramilitaries, are waging an internal war over drug corridors and control in some of Colombia’s major cities. Human rights violations and official impunity persist albeit reduced in recent years and being increasingly addressed. And the Revolutionary Armed Forces of Colombia (FARC) and other terrorist groups, although weakened, continue to engage in the drug trade and other criminal activity.

Current U.S. counternarcotics and rule of law assistance is focused on solidifying the successes of the last decade while helping Colombia expand the presence of the state in former conflict regions. In support of the Colombian government’s National Consolidation Plan, U.S. foreign assistance programs are closely integrated in areas where insecurity, the drug trade and a lack of economic opportunities remain impediments to stability and democracy and where much of the country’s violence is generated.

According to the United Nations Office on Drugs and Crime, coca cultivation dropped 16 percent and cocaine production potential fell 9 percent throughout Colombia in 2009. Looking specifically at six municipalities in the Colombia department of Meta that were the initial pilots for the consolidated model of government, local and international officials estimate that coca cultivation has fallen 85 percent and cocaine production declined 88 percent from 2005-2009.

The United States Government’s estimate supports the overall trend of a reduction in coca and cocaine in Colombia. The latest U.S. Government report from 2009 outlines a 29 percent reduction in coca cultivation in 2008 accompanied by a 39 percent reduction in cocaine production potential in Colombia compared to 2007 estimates. Although one of the initial goals of Plan Colombia - reducing coca cultivation by 50 percent - has not been achieved, current cocaine production potential is approximately 295 metric tons, which is a 58 percent decline from the 2001 high of 700 metric tons in Colombia. In addition to the gains made through eradication, the United States has helped bolster Colombia’s interdiction capabilities. In 2009, Colombian security forces seized over 280 metric tons of cocaine and coca base.

Our efforts in Colombia have not only kept hundreds of metric tons of cocaine and heroin from the United States, our experiences there have also informed U.S.-supported initiatives in Mexico, Central America and the Caribbean. We have found that a commitment from officials at all levels – national, regional and local – is fundamental to achieving progress. Plan Colombia and its successor programs have been effective largely because there is political will, beginning at the President’s Office and filtering to the local level. Additionally, it has become increasingly clear that before alternative development and justice programs can make a difference, security must also be established. Once a permanent government security presence is in place, a

comprehensive assistance program that includes counternarcotics, rule of law and economic development, has proven successful in making these achievements more durable.

Peru - Elsewhere in the Andean Region, we still look to Peru as a key U.S. partner. We continue to maintain close coordination with senior Peruvian government officials on strategies for countering the international drug trade. The Garcia Administration's counternarcotics plan coincides with U.S. goals and clearly links interdiction and eradication with alternative development and prevention. On a recent visit to Lima, I spoke with Peruvian counterparts about expanding the basis of our cooperation beyond what has been perceived in the past as an almost exclusive focus on eradication. By moving more U.S. assistance into areas such as expanding the geographic reach of the Peruvian justice system, and promoting programs such as anti-money laundering, asset forfeiture, precursor chemical control, and community policing, we can help to make Peru an even more capable partner.

Bolivia – In Bolivia, the Government's decision last year to expel all DEA personnel has clearly undermined counternarcotics efforts. We are concerned with the Bolivian Government's weakened capability to identify drug kingpins and to dismantle major trafficking organizations. The DEA provided Bolivia with intelligence and investigative capabilities that cannot be easily replaced. Nonetheless, Bolivian and U.S. officials still meet regularly to coordinate program activities and to resolve issues. We continue reaching out to Bolivia in pursuit of a cooperative counternarcotics relationship that achieves concrete results. This year, we will provide \$20 million in logistics and training to support Bolivian counternarcotics efforts.

Venezuela - As noted in the UNODC World Drug Report, Venezuela is one of the principal drug-transit countries in the Western Hemisphere. Venezuela's geographic position offers access to the Caribbean Sea and Atlantic Ocean, and its extensive land border with Colombia make it a natural choice for trafficker smuggling routes. Drug trafficking is a multinational problem that requires close cooperation among all countries. More effective counternarcotics cooperation between Venezuela, Colombia, the United States and others is critical to addressing the region's drug trafficking problem. Venezuela unilaterally terminated nearly all counterdrug cooperation with the United States in 2005, and bilateral cooperation is currently limited to coordination on vessel interdiction on the high seas, and restricted, informal information exchanges between law enforcement authorities. Even so, the United States is prepared to renew counternarcotics cooperation with Venezuela. In particular, we would welcome the Venezuelan Government's signing of the outstanding Addendum to the 1978 U.S.-GoV Bilateral Counternarcotics Memorandum of Understanding, which would allow us to move forward on a mutual understanding of our joint efforts.

Mexico - In Mexico, our collaboration with President Calderon is based on the Merida Initiative, part of which has supported the growth of the federal police force, part of the Secretariat of Public Security (SSP), and its efforts to interdict illicit drugs and counter drug violence. With our support, the Government of Mexico is building capacity and credibility in its federal police force and working to further extend its reach far outside of Mexico City. Merida programs have also provided technological assistance such as non-intrusive inspection equipment and K-9 training, both of which are critical to Mexico's developing narcotics search and seizure operations along our shared border. Each of INL's assistance programs in Mexico

responds to specific requirements defined within letters of agreement between our two countries for each fiscal year, which ensures that we are both striving toward shared programmatic objectives and a shared understanding of the timing for program implementation.

Through FY09, \$982 million of Merida Initiative International Narcotics and Law Enforcement (INCLE) funding has been obligated to provide support to counternarcotics programs. These obligations can be grouped into two broad efforts: purchase of equipment, or building capacity of personnel or systems.

U.S. foreign assistance programs and law enforcement collaboration with Mexico is showing tangible results. In 2009 alone Mexico extradited 107 fugitives to the United States, exceeding the highest previous number – 95 extraditions in 2008. Mexican operations have disrupted the illicit operations of powerful drug trafficking organizations, including removing top leadership, such as Arturo Beltran Leyva (killed during attempted arrest) in December 2009, the arrest of Carlos Beltran Leyva in December 2009, the arrest of Eduardo Teodoro “El Teo” Garcia Simental (Arellano Felix Cartel) in January 2010, the arrest of Jose Antonio “Don Pepe” Medina Arreguin, March 2010, and the arrest of Gerardo “El Indio” Alvarez Vasquez in April 2010.

This unprecedented level of cooperation continues north of the border, where the multi-agency Project Coronado resulted in the arrest of 1,186 alleged members of the drug trafficking organization La Familia Michoacana in October 2009. In February 2009, more than 750 individuals were arrested on narcotics-related charges under Operation Xcellerator, a multinational effort that targeted the Sinaloa cartel, seizing \$59 million, hundreds of firearms, more than 12,000 kilos of cocaine, and 5,500 kilos of methamphetamine. On June 10, Attorney General Holder announced the arrest of more than 2,200 individuals on narcotics-related charges in the United States and the seizure of more than 74.1 tons of illegal drugs as part of a 22-month multi-agency law enforcement investigation known as “Project Deliverance” -- a U.S.-Mexico, interagency, cross-border operation.

In 2008, President Calderon signed a constitutional amendment, approved by the Mexican Congress and the majority of states, which paved the way to transition from its old inquisitorial judicial system to an accusatory system that uses transparent oral trials and relies more heavily on physical evidence. The new system, which by law must be implemented by 2016, should make it more difficult to corrupt or disrupt the judicial process. While the federal government and parliament has been slow to make the changes necessary to implement the accusatory system – for example, developing and passing a new criminal procedures code and a new penal code – fifteen Mexican states have begun reforming their own judicial systems in this direction. Six states are already using oral trials.

In order to tackle pervasive corruption, the Government of Mexico began systematically removing from duty thousands of corrupt policemen, customs officials, law enforcement officials and prosecutors, including high-level officials. In re-building these institutions, the Government of Mexico is working towards developing extensive internal controls which should mitigate systemic corruption. They are developing career tracks, with increased salaries, building an esprit de corps, enhancing management skills and integrating offices of professional

responsibility and/or internal affairs, into each and every justice institution. To prevent corrupt police from being hired in another state or municipality, the government has developed a National Police Registry, which will include advanced biometric technology. In the Attorney General's office, or PGR, the Government of Mexico has developed a modern, computerized case management system with sophisticated checks and balances to make it much more difficult for prosecutors to lose case files, or improperly influence a case. The system is to be online and operational across most parts of the country in 2011, with country-wide operability in 2012.

The Government of Mexico is now targeting entire criminal organizations, from drivers to financiers, and hit-men to middle-managers. The joint U.S. Government-Government of Mexico High Value Target List is an important element, but is not the only focus. The United States is supporting Mexico's specialized units with training, equipment, and technical advice. We are working on complex money laundering investigations, asset forfeiture issues and weapons trafficking. We are building mechanisms to share information vital to the investigation and arrest of Mexican criminals. U.S. assistance has also successfully expanded Plataforma Mexico, which provides sophisticated information technology equipment to law enforcement entities, and contributes equipment to enhance the security of law enforcement and judicial officials throughout Mexico. Finally, the record number of extraditions from Mexico to the United States during the last three years has demonstrated Mexico's efforts to bring serious violent offenders to justice.

The State Department is also helping Mexico build strong and effective institutions to sustain the rule of law and protect human rights. The United States is supporting Mexico's reform of its criminal justice sector – from the police, to prosecutors, customs, corrections and the judiciary. For example, U.S. Federal, State, and local law enforcement officers were instrumental in training over 4,300 new Federal Police investigators in investigative techniques, including securing a crime scene, interviewing suspects and witnesses, surveillance, evidence collection, and testifying in oral trials. We are providing expertise and funding for prosecutorial training in all 31 Mexican states and the federal district this year, focusing on the new judicial reforms. We are currently working with Mexican Customs to provide assistance for their new academy, and we have provided training for law enforcement K-9 programs and their handlers. In one of the more innovative programs, we are working with the U.S. states of Colorado and New Mexico to provide training and technical assistance for corrections officers, not only from Mexico, but also from Central America. We are working with the Government of Mexico now to determine how best to engage with their State and local institutions. We know that State and local entities are key to the long-term effectiveness and sustainability of our cooperative justice sector reform efforts in Mexico.

The State Department is also committed to helping Mexico improve and develop its border security capabilities, improving and modernizing their inspection efforts in line with 21st century practices. The U.S. and Mexican governments have launched a range of initiatives that challenge the traditional view and are developing a framework for a new vision of 21st century border management. In the short term, U.S. assistance is contributing non-intrusive inspection equipment and K-9 programs to detect drugs and other contraband moving north, and guns and cash moving south. The State Department is working with a number of interagency colleagues

to help build new capabilities within Mexico's border forces, as well as enhance our information sharing and better coordinate our operations on the U.S. side of the border.

Finally, we are working to build strong and resilient communities in Mexico. We know that communities are key to deterring the influence of criminal organizations, whether through anonymous tips, socio-economic alternatives, or educational opportunities. State Department assistance in this area will help build a culture of lawfulness through continued engagement and education with schools, the media, law enforcement officials and civil society. Our assistance will also be expanded to devote increased resources to the prevention and treatment of substance use and its consequences – goals reflected in our National Drug Control Strategy. This year, the Office of National Drug Control Policy and the Department of State hosted a delegation from Mexico at a Bi-national Demand reduction conference to share information and develop next steps for reducing illicit drug consumption on both sides of our shared border – consumption that is fueling the violence. The State Department is also working closely with the Government of Mexico to enhance tip lines and emergency call centers so that the police will be more accountable and responsive to the communities they serve and foster greater public confidence.

We have also agreed with the Government of Mexico to work together in several of the most affected Mexican communities, like Ciudad Juarez. In February and June, our governments held bilateral planning sessions to discuss options for improving the situation in Juarez. Our discussions spanned various topics including: 1) improving information collection and analysis and using it to lead law enforcement operations and investigations; 2) developing law enforcement task forces to best utilize resources for patrols, investigations, and visible policing; 3) promoting enhanced cooperation in investigations between Federal, State, and local police officers and the military; 4) augmenting expert prosecutors in Juarez and developing procedures for cooperation between Federal and State prosecutions; 5) developing standard procedures for securing a crime scene and collecting evidence; 6) elaborating a plan for safe, secure and humane detention facilities; and 7) establishing procedures to vet active state and local police officers and weed out corrupt actors.

We are working closely with Mexican officials to direct U.S. assistance where it can best be applied in Juarez. The range of assistance being offered includes: measures to reform State and local police, internal controls, assistance to prosecutors and judges, corrections training, equipment, including complex IT and communications equipment, as well as technical assistance and advice on running task forces, sharing information, and developing actionable law enforcement information. Because Chihuahua has already converted to an accusatory system, State police and judicial officials in Juarez begin their work with a presumption of innocence, and are relying on evidence for their cases, while Federal officials, including a recently-deployed cadre of SSP officers are still working in the old inquisitorial system. These examples do not prohibit work in Juarez, but they do provide a sense of how complex the situation is and how there are conflicting systems that require time-consuming coordination.

Afghanistan - On the other side of the world, the United States has been taking steps to counter a very different drug threat. Like Colombia, Afghanistan is the world's largest producer of an illegal set of drugs; in this case opiates. Unlike Colombia, most of these drugs do not come to the United States but either remain in the region or go to Europe, Russia, China, the Middle

East or West Africa. However, the drug trade poses a threat to Coalition efforts to stabilize the region and Afghanistan itself. Funding from the drug trade supports the Taliban other insurgent groups trying to overthrow the Afghan government. It also fuels the extensive corruption that undermines the ability of the Government of Afghanistan to provide security, expand development, and strengthen the rule of law.

To ensure a comprehensive and coordinated approach to the drug problem in Afghanistan, we are currently working with our interagency and international partners to target narcotics traffickers and drug lords – especially those with ties to the insurgency – and enhance the government’s focus on agriculture, interdiction, demand reduction, public information, and rule of law. All of our efforts aim to connect the Afghan people to effective government institutions, build the capacity of central and provincial authorities, provide legal alternatives to poppy, and target – and dismantle – the very intersection where corruption, insurgency, and narcotics threaten the progress of Afghanistan, its neighbors, and the United States.

Central Asia - Most of the opiates produced in Afghanistan pass through Iran and Pakistan en route to regional and international markets. However, Central Asia is an important route for opiates destined for the Russian market. To help stem the flow of Afghan opium and heroin through Central Asia and onward to Europe and Russia we work closely with drug control agencies and border services in the region to improve interdiction, law enforcement information sharing, and border controls.

For my bureau, the central focus is Tajikistan, which shares a porous 828 mile border with Afghanistan. Since 2005, we have reconstructed border posts at nine key locations and provided training and equipment that have made the Tajik Drug Control Agency one of the best in the region. To enhance regional cooperation, we provide substantial political and financial support for the Central Asian Regional Information Coordination Center (CARICC) located in Kazakhstan, which serves as a hub for the Central Asian nations, Russia, and Azerbaijan to exchange law enforcement information and facilitate international cooperation on drug investigations. In 2009, CARICC conducted three international “controlled delivery” operations involving Central Asian governments, Russia, and Ukraine that led to the dismantling of three transnational criminal organizations. Prior to the creation of CARICC, there was no such regional coordination mechanism at the operational level. In southern and central Europe, the Southeast European Cooperative Initiative’s Center for Combating Trans-border Crime (or SECI Center), which the Department of State helps to support, plays a similar coordinating role among 13 states. Both organizations represent important steps forward in regionalizing law enforcement efforts and strategies in order to match the transnational reach of criminal organizations.

West Africa - About 40 percent of the cocaine trafficked to Europe transits through West Africa. Since law enforcement there is generally weak, under-resourced, and notoriously corrupt in almost all of the countries, these states can offer a series of safe havens where traffickers can operate with impunity. Even where police are able and willing to make arrests, convictions are rare and prison sentences even rarer. The power of traffickers has become pervasive in Guinea Bissau. Such areas serve as a natural magnet for other crime groups – whether trafficking in persons, firearms, or other contraband. This illicit commerce could eventually attract terrorist

groups seeking to train and operate with minimal interference. Finally, there is clear evidence that Colombian cartels have branched out and are now operating on the ground in some West African states. This creates an additional source of income that strengthens the mother organizations back in South America.

The State Department led interagency assessments throughout the region. AFRICOM, DEA, and other USG agencies participate. These have been a valuable source of information on how narco-trafficking is affecting West African countries, the capability and will of regional governments to confront narco-trafficking, and the steps our international partners are taking to address the problem. Our goals in the region are to create an inhospitable operating environment for international drug trafficking organizations by strengthening host nation criminal justice institutions and to improve West African counterdrug cooperation with the United States. Since some EU states are also stepping up their activities there, Department coordination with the EU promotes mutually reinforcing programs.

Demand Reduction

Thus far, my remarks have focused on supply reduction, programs and initiatives to attack and disrupt organizations and the supply train at various points in the process and to change the economic environment that encourages drug production. The State Department also has programs to help foreign governments reduce their own domestic demand for drugs, an increasing problem for many societies that previously regarded themselves as largely immune to drug abuse. This includes many developing countries, some of which now have the highest rates of serious drug addiction in the world. In 2009, we worked with approximately 400 community groups in 30 countries.

As we say in my bureau, our demand reduction program punches above its weight. A little goes a long way. Department assistance to volatile regions of the world, for example, provides access to major Muslim-based organizations and networks that are critical for advancing America's national security interests in those parts of the world and helps prevent at-risk youth from falling into drug trafficking and terrorist organizations through programs to reduce drug abuse and drug-related violence. Collaboration in Afghanistan, Pakistan, and Indonesia with our network of Muslim-based, anti-drug programs that prevent and reduce drug use (e.g., outreach and drop-in centers) also provides additional alternatives to radical schools that recruit young people into terrorist organizations. The demand reduction network has provided an inroad into previously inaccessible enclaves such as mosques and madrassas in many societies that have helped establish a *prevention component* to our collective efforts to fight terrorism.

More generally, we have found that demand reduction assistance in source countries has made community leaders with whom we work more receptive to supply reduction efforts. Moreover, since a relatively small percentage of chronic drug users consume the majority of drugs in many foreign countries, getting such users into treatment not only reduces drug consumption, but also helps to undermine local drug markets and reduce the profitability of drug dealing. Our demand reduction programs not only improve the quality of life, but also help undermine the illicit networks, including those with insurgent and terrorist connections.

Conclusion

The State Department makes use of a broad range of tools to attack transnational drug and other criminal enterprises. Our primary focus is on improving the criminal justice sectors – police, prosecutors, courts, and administration – of foreign governments so that they can confront such threats directly on their home turf and before they reach our borders. In key drug source countries, this also includes support for drug crop elimination and assistance programs to wean farmers away from drug crops. By modernizing police methods and criminal laws, we also improve the ability of partner governments to cooperate with U.S. law enforcement agencies at the operational and prosecutorial level.