

Testimony on "Confronting Drug Trafficking in West Africa"

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Mr. Chairman, I want to thank you and your colleagues for the invitation to join you in today's hearing on "Confronting Drug Trafficking in West Africa". My name is Mike McGovern, and I am a professor of anthropology at Yale University. I was previously the West Africa Director of the International Crisis Group, where I conducted research on the region from the Sahara-Sahel region down to the Niger Delta.

I would like to limit my remarks to two brief points and one suggestion for a partial solution. I am happy to enlarge on any of these during the questions period.

1. I begin with a 'Tale of Two Countries'. We know that international drugs traffickers have chosen to use West Africa as a preferred transshipment point for Latin American cocaine headed to Europe. Where these relationships have flourished, it has typically been in contexts where the traffickers have worked in complicity with high-level political military officials.¹ This has been the case notably in both Guinea Bissau and Guinea Conakry. Yet what do we know about local reactions to this state of affairs? Quite a lot, actually, if we talk with people, read the local newspapers, and listen to call-in radio shows like those in Conakry where these are topics of burning interest.

Both countries have recently seen a radical upsurge in the presence of transshipped drugs and the money and violence that come with them. Both are experiencing considerable political instability, falling standards of living, and recently saw their presidents die. In Guinea Bissau it appears that the president's death may well have been orchestrated by the traffickers. However, the reactions to the presence of traffickers is quite different in the two countries. In Guinea Bissau², the attitude towards the fact that drugs transshipment have come to dominate the national economy seems to be agnostic. Cocaine is one good amongst many³, and to the extent that cocaine represents a scourge for those who use it, many Bissau Guineans seem to consider this the concern of those European countries where the drug is consumed, and perhaps of those Latin American countries where it is produced. The biggest concern of many Bissau Guineans has been over the perceived fairness or not of the redistribution of wealth gained by such means.

¹ I recommend Stephen Ellis's 2009 article, 'West Africa's International Drug Trade' In *African Affairs* 108/431:171-196 to anyone interested in this subject.

² I base my Guinea Bissau comments on conversations with Guinea Bissau specialists, including one colleague who has worked there for some 20 years and was in the country in March when the Army chief of staff and the president were assassinated.

³ In this way drugs are like cashews, which have lured many Bissau Guineans away from the backbreaking work of subsistence rice cultivation but exposed them to the whims of the international cashew market.

In other words, it is alright to enrich oneself by participating in the drugs trade, so long as one shares the wealth with kin, with allies, and with political clients.

By contrast, the reaction in Guinea has been frankly moralistic and utterly negative. The ill-gotten wealth is seen as corrupted, as are any persons involved in it. Most Guineans I know have a sophisticated understanding of the gangrenous potential of such criminal economic networks to insulate the powerful against any claims made by ordinary citizens, to cultivate secrecy and other kinds of abuse, and to destabilize countries by creating competing factions amongst the powerful. The widespread rumor that members of former president Lansana Conté's family were key actors in the drugs trade was seen by most Guineans as proof of the moral degradation of the regime, and robbed it of whatever remaining legitimacy it might have had. The military junta that took power immediately after Conté's death last December made prosecuting drug traffickers one of its number one priorities, and the deceased president's brother in law and son are presently in prison, along with the former Army chief of staff, Navy chief of staff, and head of the Gendarmerie. There are also a number of Nigerians and an Israeli awaiting trial on drugs charges. Although the junta has gradually lost much of its legitimacy by signaling the possibility that the head of the junta might break his promise to return power to civilians, the drugs trials have been a continuing source of popularity and legitimacy for them, and there is considerable public pressure for the trials to move forward.

The distinction I have suggested between Guinea and Guinea Bissau is to some extent exaggerated. There are certainly some Bissau Guineans who are morally outraged by the presence of drugs traffickers in their country just as there are some apathetic Guineans in Conakry.⁴ Yet I think the differences are real, and they point to at least two important findings for policy makers. First, there are significant differences in national culture and this suggests that a one-size-fits-all approach to this problem is likely to yield poor results. In Guinea Bissau, there may be a lot of work to be done simply in convincing ordinary Bissau Guineans that the drugs trade is, on balance, against their own self-interest. In Guinea, where people are already convinced of this, the problems have more to do with the strategies, institutions and processes used to act on an existing social consensus. The other 'take-away' point I would underline is that even where there are significant differences in national attitudes, we may find elites acting in similar ways. The amount of money at stake is enormous, often outstripping small nations' GDPs, and international traffickers are not stupid: they choose those countries where the political elite has already show itself more or less indifferent to the welfare of the population, treating the national patrimony as their personal property and capable of coordinating activities within the military and civilian channels necessary to provide cover to such major international networks.

2. The second point is that in West Africa as elsewhere, criminal networks centered on drugs often co-operate with and cross-fertilize other extra-legal networks. In West

⁴ Anthropologist Daniel Smith has nicely captured the ways that disapprobation and acceptance of criminal behavior can co-exist in the same society or even the same person. See *A Culture of Corruption: Everyday Deception and Popular Discontent in Nigeria*. Princeton: Princeton University Press 2006.

Africa, these may include human trafficking, arms trading and insurgent networks. A few quick examples will help me make this point:

--As Algeria and Libya have clamped down on the formerly robust stream of African migrants crossing the Sahara desert in order to reach North Africa and ultimately Europe, those same migrants have moved towards the West African coast, taking fishing pirogues⁵ in order to reach the Canary Islands. Meanwhile, drugs shipments that had previously headed by boat or air from the West African coast northward to Europe have increasingly traded places with the former human trafficking routes, now crossing the desert. A 2008 seizure of 750 kilograms of cocaine along the Mali-Algeria border is one example of the growth of the drug trade along this route.⁶

--In the Niger Delta drugs are one of multiple interchangeable currencies along with stolen oil, weapons, and cash. This links a variety of criminal activities to the drugs trade, ranging from kidnapping expatriate oil company employees for ransom, to oil bunkering,⁷ to the arming and use of young men as political muscle to determine the outcome of elections in the region. It also helps to interlink disparate criminalized networks, ranging from the militants fighting in the creeks of the Delta to the political 'godfathers' controlling politics at the local level, to the oil companies themselves, who often pay, and allegedly even arm, some actors in order to act outside the law against others.⁸

Increasingly groups are diversifying their tactics and mixing and matching the activities of organized crime syndicates, insurgent groups, and quasi-state actors. Different groups share expertise and contacts. The relations between state and non-state actors are often ambiguous, sometimes fluctuating between complicity and enmity, or at other times varying between different groups within government that are competing for preeminence.

Finally, I would like to close with a suggestion regarding one productive approach to this problem. I believe that much more attention needs to be paid to support of the justice sector in many West African countries. Certainly the officials from the Drug Enforcement Agency and other arms of the government who testify today will have already requested that the subcommittee grant more money for the kinds of training and cooperation that will assist in interdiction and investigation activities in countries like

⁵ A kind of long canoe.

⁶ For more on the complex interlinkages amongst Islamist insurgency, Tuareg rebellions against the Malian and Nigerian states, cigarette smuggling, and human trafficking, see *Islamist Terrorism in the Sahel: Fact or Fiction?* Africa Report N° 92. Brussels: International Crisis Group 2005.

⁷ Bunkering is theft of oil by filling tankers illegally and selling it for personal gain, estimated to account for some 30% of overall Nigerian oil production. It exists alongside smaller-scale theft of oil by illegally tapping into pipelines.

⁸ This is the case with 'surveillance' contracts, in which militants who make a credible enough threat to the security of oil installations are often paid off under the guise of a kind of private security contract. More serious accusations, for instance that Royal Dutch Shell armed Nigerian military and hired government troops who shot at protestors in the 1990s were recently settled with an out-of-court payment to the families of nine activists (including Ken Saro-Wiwa) hanged by the Nigerian Abacha government. Shell still denies any wrongdoing, and described the payments as a 'humanitarian gesture'. See 9 June 2009 'Joy at Nigeria Oil Deaths pay-out. BBC News <http://news.bbc.co.uk/2/hi/africa/8091104.stm>.

Guinea Bissau and Guinea. I would like to suggest that a narrow approach may not yield the desired outcomes, even if it appears initially to be admirably focused and consequently less expensive.

It is not by coincidence that in going after the traffickers in Guinea, the junta bypassed the judicial system and conducted a kind of popular "kangaroo court" televised live to the entire country, in which the head of the junta personally interrogated those accused (including the son of the recently deceased president) and extracted confessions from them. The lower-ranking officers who took power in Guinea felt, like most Guinean civilians, that the judicial branch of government was not a branch at all, but merely an appendage of the executive. In light of this, the soldiers have set up a parallel justice system to deal not only with drugs cases but also with land disputes and all manner of other complaints. I believe they are acting in good faith in doing this, but the approach is clearly not sustainable in the long term. What is necessary is a thoroughgoing reform of all the institutions implicated in the justice sector, from the police to low-level magistrates, from systems of case management to civic education regarding the role and the prerogatives of the Supreme Court. Guinea is not alone in needing this kind of support. Liberia also has been in desperate need of justice sector reform, and efforts over the last three years are just beginning to show results. But systemic change will require concerted long-term support organized by a holistic view of the changes sought.

Many West African intellectuals have grown weary and even skeptical of foreign lectures about the virtues of democracy. Many decry the focus on elections to the exclusion of all else. I would agree, but would add this: the focus is not just too much on elections; it is also too focused on the executive branch of government. Granted, in Guinea, Guinea Bissau and a number of other countries, the executive has all but swallowed up the legislative and judicial branches, even if they have constitutional prerogatives of their own. It can be hard to see how one might gain any access to the legislative or the judicial without passing by the executive first. Yet why would we expect the executive to willingly cede the power it has worked long and hard to monopolize, especially when what is at stake may be investigation of its own illegal activities?

I will not have to convince this audience of the importance of a strong and independent legislature for any healthy democracy. However, in the case of drug trafficking, it is an independent and neutral judiciary that will make the greatest difference. I urge the subcommittee to consider the present problem within the larger framework of the need for holistic long-term support for the justice sectors of West African countries. The fact that the last place many West African peasants go when faced with a case of rape or a land dispute is the courts; the fact that the chief justice of a Supreme Court does not have the courage to declare a president in a coma incompetent to fulfill his functions; and the fact that international drug syndicates can operate in these same countries in total impunity may not at first glance seem to be interrelated facts, but indeed they are.

Thank you.