

U.S. COUNTERNARCOTICS STRATEGY IN AFGHANISTAN

A REPORT
BY THE
**SENATE CAUCUS
ON
INTERNATIONAL
NARCOTICS CONTROL**

ONE HUNDRED ELEVENTH CONGRESS
SECOND SESSION

JULY 2010



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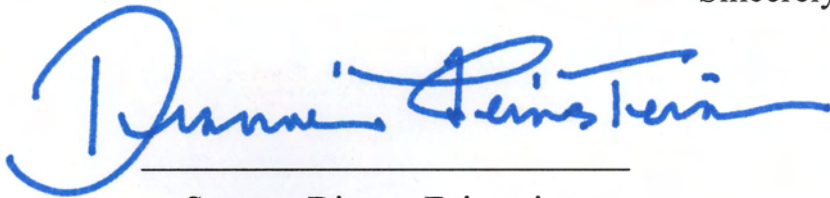
LETTER OF TRANSMITTAL

UNITED STATES SENATE
CAUCUS ON INTERNATIONAL NARCOTICS CONTROL

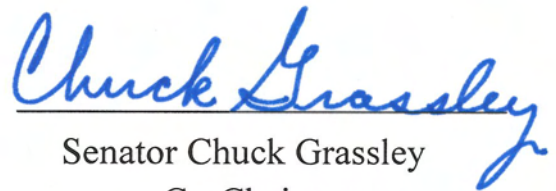
Washington, DC | July 2010

DEAR COLLEAGUE: As the United States commits to both a military and civilian war effort, it is a critical that we re-emphasize just how important the counternarcotics strategy is to success in Afghanistan. The attached report presents findings gathered by caucus staff over the past nine months through briefings, interviews, and the review of documents from both government and non-government subject matter experts. This report also incorporates findings from the Senate Caucus on International Narcotics Control hearing on October 21, 2009, entitled "*U.S. Counternarcotics Strategy in Afghanistan.*" The report describes the direction of the current strategy and provides recommendations for policy makers and stakeholders.

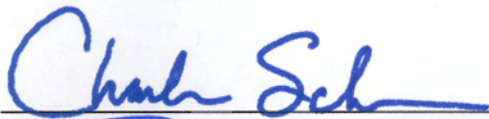
Sincerely,



Senator Dianne Feinstein
Chairman



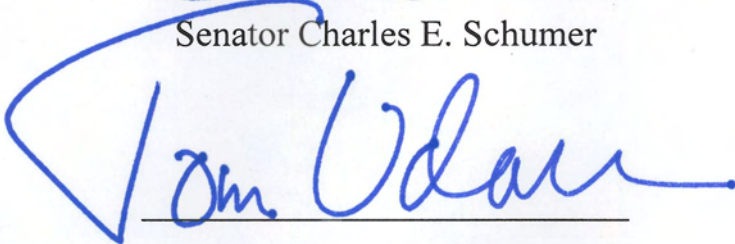
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U.S. COUNTERNARCOTICS STRATEGY IN AFGHANISTAN

EXECUTIVE SUMMARY

Afghanistan has been a source country for narcotics since the 1500s.¹ Since 2001, poppy cultivation has risen dramatically and Afghanistan has become the world's largest producer of opium.² Opium gum is harvested from the bulbs of poppy plants by "scoring" each plant with a knife. The labor-intensive process of scoring each individual poppy bulb takes place on over 300,000 acres and employs approximately 1.6 million Afghans.³ The opium gum is chemically manufactured into morphine and finally converted into heroin.



Photo AP

¹ Macdonald, David. *Drugs in Afghanistan*. Pluto Press, 2007.

² *Addiction, Crime and Insurgency: The transnational threat of Afghan opium*, United Nations Office of Drugs and Crime, October 2009.

³ *Afghanistan Opium Survey*, United Nations Office of Drugs and Crime, September 2, 2009.

The narcotics trade is now a major source of revenue for terrorists.⁴ The Taliban has evolved into a narco-cartel that operates heroin processing labs and provides protection to traffickers. The vast amount of drug money has trumped ideology as the Taliban cashes in on heroin sales. The Drug Enforcement Administration (DEA) estimates the Taliban's "take" to be several hundred million dollars a year⁵, enough to fund the insurgency and expand their drug empire.

In response to the ongoing security concerns and the importance of combating the proliferation of narcotics trafficking by terrorist organizations, on December 24, 2008, the Department of Defense modified a policy to allow military personnel to accompany U.S. drug law enforcement agents or host nation law enforcement and security forces on counternarcotics field operations in a presidentially declared war zone.⁶ Joint missions between U.S. Special Forces, DEA Special Agents, Afghan military and police are being conducted on a routine basis. As a result, in just one operation in October 2009, a major laboratory in the Kandahar province of Afghanistan was raided and 16 Taliban were killed.⁷ Seized at the lab were approximately 1.8 metric tons of opium and heroin, improvised explosive devices (IEDs), IED bomb-making materials, and Taliban training manuals. The DEA took down 25 heroin processing labs in fiscal year 2009 - all of which had ties to the Taliban.⁸

In June of 2009, the U.S. Special Representative to Afghanistan and Pakistan, Ambassador Richard C. Holbrooke discontinued the U.S. led poppy crop eradication program in Afghanistan, saying that it was ineffective and drove farmers to side with the Taliban.⁹ However, eradication is still conducted by the Afghans at the Province level by the Governors and carried out by the Afghan National Police. Meanwhile, the U.S. has expanded its alternative livelihood program for Afghan farmers, hoping to move the economy away from opium and

⁴ Michael A. Braun (DEA-retired)

⁵ Sheldon Shoemaker, Section Chief, DEA Congressional Affairs, December 8th, 2009.

⁶ Memorandum by Deputy Secretary of Defense Gordon England, dated December 24th, 2008, Subject: *Department of Defense International Counternarcotics Policy*.

⁷ Testimony of Michael A. Braun (DEA-retired) before the U. S. Senate Caucus on International Narcotics Control regarding *U.S. Counternarcotics Strategy in Afghanistan*, October 21, 2009.

⁸ Sheldon Shoemaker, Section Chief, DEA Congressional Affairs, December 7, 2009.

⁹ "U.S. to shift approach to Afghanistan drug trade." LA Times, June 2009.

hashish.¹⁰ For example, some significant progress has been made such as the opening of a modern fruit juice concentrate facility in October of 2009. Afghan women will comprise approximately 35% of the staff. Also, in November 2009, the first-ever export of apples was sent from Afghanistan to India.¹¹ The shipment of Afghan farmed goods was viewed as an important first step for Afghanistan entering the international market.

Systemic corruption at all levels of the Afghan government, fueled by the drug trade, remains a problem. It is estimated that the two largest income-generators in Afghanistan are drugs and bribes, accounting for \$2.8 billion and \$2.5 billion per year, respectively.¹² Together, this amounts to about half of the country's (licit) GDP.¹³ This shocking figure clearly indicates the two biggest crime problems in Afghanistan: **Drugs and Corruption.**

Additional resources for the counternarcotics mission are now being considered after it was determined that drug trafficking clearly supports the insurgency. However, experts agree that it may take many years to get the drug trade in Afghanistan under control.¹⁴ Meanwhile, as the U.S. military plans to scale back its presence starting in summer 2011, civilian personnel will remain to continue to support Afghans. A key, unresolved question: Will the civilian counternarcotics forces in Afghanistan have enough manpower, training, and equipment to continue meaningful operations without the U.S. military?

There has been some success in U.S.-led investigations involving Afghan drug lords. For example, in May of 2008 Khan Mohammed of the Nangahar province in Afghanistan became the first person prosecuted and convicted in a U.S. federal court under Title 21 United States Code, Section 960a, also known as the narco-terrorism law. Khan Mohammed was convicted of selling narcotics and intending to use the money from the sale to purchase rockets to launch at the U.S. military base in Jalalabad, Afghanistan. This narco-terrorism law was enacted in 2006 and gives U.S. drug agents the authority to pursue narcotics and terrorism

¹⁰ "U.S. seeds new crops to supplant Afghan poppies." The Wall Street Journal, August 14, 2009.

¹¹ "World-famous Afghan apples exported to India for the first time." USAID Press Release, November 12, 2009.

¹² *Corruption in Afghanistan*, United Nations Office of Drugs and Crime, January 2010.

¹³ Ibid.

¹⁴ Testimony of Vanda Felbab-Brown and Michael Braun before the U. S. Senate Caucus on International Narcotics Control regarding *U.S. Counternarcotics Strategy in Afghanistan*, October 21, 2009.

crimes committed anywhere in the world if they can establish a link between a drug offense and a terrorist act or group. Another Afghan heroin trafficker, Haji Juma Khan, was arrested in October 2008 in Indonesia, based on an international arrest warrant stemming from a narco-terrorism indictment. He was placed in DEA custody and transported to New York where he awaits trial. Khan's drug trafficking revenues provided direct support to the Taliban.¹⁵ While the narco-terrorism statute can be applied worldwide, it stands out in Afghanistan as a significant tool due to the link between the drug trade and the insurgency. Considered the world's single largest heroin trafficker before being arrested by the DEA in a complex undercover sting operation, Haji Bashir Noorzai was also one of the five original founding members of the Taliban Ruling Shura in Kabul. Noorzai was indicted in the Southern District of New York, and is now serving a life sentence with no opportunity for parole.

This report makes several recommendations, including:

- Increasing the capacity of the Afghan counternarcotics forces;
- Continuing U.S. support for alternative livelihood programs and evaluating new program proposals;
- Clarifying U.S. policy on eradication;
- Dedicating more personnel and resources for narco-terrorism investigations;
- Increasing dedicated assets for air support of counternarcotics missions prior to the U.S. military drawdown;
- Utilizing narcotics investigations as a tool to root out and prosecute corrupt Afghan officials; and
- Suggesting that policymakers develop a counternarcotics plan as soon as possible for when the military-to-civilian ratio changes.

¹⁵ Statement of Anthony P. Placido (DEA) before the Subcommittee on National Security and Foreign Affairs Committee on Oversight and Government Reform, U.S. House of Representatives entitled, "Transnational Drug Enterprises (Part II): Threats to Global and U.S. Policy Responses." March 3, 2010.

The drug problem in Afghanistan cannot be ignored because it is now a major source of funding for the Taliban. We urge policymakers to recognize that the success of the military effort in Afghanistan depends on the success of the counternarcotics strategy.

Summary of Findings and Recommendations

Finding: In March 2006, as part of the USA PATRIOT Improvement and Reauthorization Act, the United States enacted Title 21 United States Code Section 960a. Known as the narco-terrorism statute, this law gives federal drug agents the authority to investigate narco-terrorism committed anywhere in the world if they can establish a link between a drug offense and a terrorist act or group. It has proven to be an effective tool and should be a priority for funding and action. There are only two groups consisting of 13 Special Agents each dedicated to the investigation of these crimes worldwide. Based in the Washington, DC area, these agents travel around the globe gathering the evidence necessary to charge large scale transnational drug traffickers and narco-terrorists in the U.S. federal court system. Drug trafficking is a worldwide problem that does not conform to international boundaries. The U.S. must engage international drug trafficking organizations wherever they operate and apprehend the leaders. While the narco-terrorism statute can be applied worldwide, it stands out in Afghanistan as a significant tool due to the link between the drug trade and the insurgency.

Recommendation: Consideration should be given to allocating resources in DEA's budget to increase the current level of personnel dedicated to the investigation of international narco-terrorism. Narco-terrorism investigations have resulted in the arrest and conviction of high value Afghan narco-terrorists and have gleaned collateral intelligence which has been used to protect the American and Coalition Forces. For these reasons, resources should be dedicated to finding the links between the Taliban and the narcotics trade in Afghanistan. Additional consideration should be given to providing resources to focus on the drug trafficking activities of Al Qaeda and FARC-linked organizations in Africa.

Finding: The Taliban is linked to the drug trade at every level from the poppy fields, to the heroin processing laboratories, to the transportation and distribution of the illicit product. The Taliban has become both a terrorist organization and a drug cartel, ideology and greed being their principle motivators.

Recommendation: United States policy makers need to recognize that the Taliban operates as a drug cartel. The drug trade in Afghanistan must be addressed with the same level of resolve as the insurgency - by utilizing every means available. If the U.S. ignores the drug problem, we will fail in Afghanistan.

Finding: Specially vetted units supported by U.S. personnel have proven to be very effective at conducting counternarcotics operations around the world. At this time there are only 360 members of the Afghan Counter Narcotics Police (CNP) that have been vetted and work directly with U.S. personnel. Program managers have told the Drug Caucus staff that additional vetted officers are needed based on the scope of the drug problem in Afghanistan.

Recommendation: The U.S. government country team in Afghanistan should take the necessary steps to increase the number of vetted Afghan personnel for counternarcotics missions. Based on the current number of U.S. drug law enforcement personnel available to train and mentor the Afghan officers assigned to the National Interdiction Unit (NIU), an additional 250 Afghan officers can be accommodated.

Finding: The number of helicopters dedicated to counternarcotics missions is insufficient. This issue will become paramount when the Department of Defense begins to scale down the American military presence in Afghanistan. The U.S. Government Accountability Office has identified that airlift requirements for counternarcotics operations are outpacing the original predictions and continue to grow. In March 2010, Attorney General Eric Holder said, “The most significant factor we face in Afghanistan is helicopter lift. DEA must have adequate helicopter lift capacity that is night capable and flown by veteran pilots.” The U.S. counternarcotics mission in Afghanistan cannot be successful without air assets.

Recommendation: Recognizing the essential need to support combat operations in Afghanistan, flight time on U.S. government helicopters needs to be prioritized in order to properly support counternarcotics operations. DoD, State Department, and DEA need to establish protocols under a joint memorandum of understanding (MOU) for the tasking of air assets so that the proper operational tempo is sustained.

Finding: The current Afghan judicial system is not capable of handling the prosecution and incarceration of high level drug traffickers.

Recommendation: The U.S.-supported Afghan judicial system should continue to expand upon prior developmental successes.

Finding: The practice of eradicating illicit crops is supported by the U.S. in several countries around the world. The U.S. government counternarcotics program in Afghanistan should include crop eradication as an option. Crop eradication is a viable tool for narcotics suppression and, as such, should be incorporated into the overall U.S. counternarcotics strategy.

Recommendation: In order to have a comprehensive counternarcotics program in Afghanistan, crop eradication should be used. Poppy crop eradication needs to be conducted in conjunction with the other counternarcotics programs such as alternative livelihood and interdiction.

Finding: Government corruption in Afghanistan is a formidable problem. The U.N. Office of Drug and Crime estimates that Afghans paid \$2.5 billion in bribes to public officials in 2009.

Recommendation: Proactive drug investigations are a significant weapon against corruption. Whenever possible, U.S. law enforcement personnel assigned to assist the Afghan police in drug investigations should expand those cases to include targeting corrupt Afghan officials.

Finding: Alternative livelihood programs are an essential component of the overall counternarcotics strategy in Afghanistan. Afghan farmers need the opportunity and support to grow crops other than poppy.

Recommendation: The U.S. should continue supporting alternative livelihood programs for the Afghan farmer. This program must be executed in close coordination with the crop eradication and interdiction efforts. Every effort should be made to ensure that alternative livelihood support is provided to those in need and not intercepted by corrupt officials.

Finding: Current plans call for the U.S. military to scale down its presence in Afghanistan beginning in July of 2011. Almost every counternarcotics operation conducted in Afghanistan at this time is supported by the U.S. military and these operations are increasing in number. In 2009, DEA conducted 82 interdiction operations in Afghanistan compared with 43 in fiscal year 2008.

Recommendation: Looking ahead, DOD, DEA, and the State Department need to devise a comprehensive strategy for continued operational effectiveness after the departure of U.S. troops from Afghanistan. This strategy should include an assessment of resources needed by civilian forces so that these resources are in place during the transition.

1. CURRENT SITUATION

Afghanistan is the source of over 90% of the world's illicit opium supply. According to the United Nations Office on Drugs and Crime (UNODC), **“...leaving aside 19th Century China, no country in the world has ever produced narcotics on such a deadly scale.”** The amount of opium produced in Afghanistan has risen steadily from 2001 to 2007, reaching about eight thousand metric tons per year.¹⁶ This is enough to supply every opium and heroin addict in the world for **two years**.¹⁷ The narco-economy in Afghanistan employs over 1.6 million people and is believed to be a significant source of government corruption.¹⁸ Most Afghan opium is processed into heroin and exported for sale in markets worldwide. This has caused drug use epidemics in Iran and Russia, and contributed to drug crime in the United Kingdom and other European countries. Heroin reaches the western hemisphere via Canada, where it accounts for about 50% of all heroin consumed, while only about 5% of heroin used in the United States is from Afghanistan.¹⁹ **Afghanistan's drug trade is a major funding source for the insurgency. The combination of these factors makes the narcotics problem in Afghanistan uniquely critical to our national security:**

- In testimony before the Senate Armed Services Committee on December 2, 2009, Admiral Michael Mullen, Chairman of the Joint Chiefs of Staff said, “...this region is the epicenter of global Islamic extremism. It is the place from which we were attacked on 9/11. And should we be hit again, it's the place from which I am convinced the planning, training and funding will emanate. And Al Qaeda may, in fact, be the architect of such an attack, but the Taliban will be the bricklayers.”
- The following week before the same committee, the U.S. Ambassador to Afghanistan, Karl W. Eikenberry, testified that, “The cultivation of poppy and the trafficking of opium without a doubt has the most debilitating effect

¹⁶ *Addiction, Crime and Insurgency: The transnational threat of Afghan opium*, United Nations Office of Drugs and Crime, October 2009.

¹⁷ Figure calculated by dividing the estimate of world consumption (UNODC “Afghan Opium Survey 2009”) by the estimate of total Afghan poppy production (CIA briefing to Caucus Staff on December 3, 2009).

¹⁸ *Afghanistan Economic Update*, The World Bank, September 2009.

¹⁹ DEA estimate, June 2010.

on Afghan society, feeding corruption and undermining the legal economy, while generating funds for the insurgency.”

- In September 2009, the Executive Director of UNODC, Antonio Maria Costa said, “Like never before, the fates of counter-narcotics and counter-insurgency are inextricably linked.” Mr. Costa further stated that, “Controlling drugs in Afghanistan will not solve all of the country's problems, but the country's problems cannot be solved without controlling drugs.”
- On March 11, 2010, the Russian Ambassador to NATO said, “[Russia] is losing 30,000 lives a year to the Afghan drug trade and a million people are addicts. This is an undeclared war against our country.”



Photo AP

2. NARCO-TERRORISM

A narco-terrorist organization is an organized group that is complicit in the activities of drug trafficking to further or fund premeditated, politically motivated violence to influence a government or group of people.²⁰ Of the 44 groups officially designated by the Secretary of State as Foreign Terrorist Organizations, 18 have been linked to some aspect of the international drug trade.²¹ Governments have battled narco-terrorism for decades, in South America the Revolutionary Armed Forces of Colombia (FARC) is heavily funded by the drug trade. The FARC began taxing farmers, one of the oldest forms of organized crime, and has evolved into a full fledged international drug trafficking organization. Getting its start in the drug trade the same way, estimates show that the Taliban is currently at the organizational level of operations at which the FARC operated ten years ago.²²

In March 2006, as part of the USA PATRIOT Improvement and Reauthorization Act, the United States enacted Title 21 United States Code Section 960a.²³ Known as the narco-terrorism statute, this law gives federal drug agents the authority to pursue narcotics and terrorism crimes committed anywhere in the world if they can establish a link between a drug offense and a terrorist act or group. It has proven to be an effective tool for U.S. law enforcement officials to conduct extraterritorial investigations and present the evidence in a federal court in the United States.

While the narco-terrorism statute can be applied worldwide, it stands out in Afghanistan as a significant tool due to the link between the drug trade and the insurgency. It has been particularly effective in combating major drug violators in Afghanistan who are providing weapons and other substantial resources to the Taliban for use against American and Coalition Forces and the innocent civilian population of Afghanistan. In fact, the first person ever convicted of the new law, Khan Mohammed, was captured by DEA and Afghan Counternarcotics Police in

²⁰ Statement of Anthony P. Placido (DEA) before the Subcommittee on National Security and Foreign Affairs Committee on Oversight and Government Reform, U.S. House of Representatives entitled, "Transnational Drug Enterprises (Part II): Threats to Global and U.S. Policy Responses." March 3, 2010.

²¹ Ibid.

²² Ibid.

²³ See APPENDIX 1 for the full definition of Title 21 USC 960a.

Nangarhar Province in October 2006. In May 2008, Khan Mohammed was convicted of having sold narcotics and intending to use the proceeds from the sale to purchase rockets for an attack on the U.S. base in Jalalabad, Afghanistan. Khan Mohammed was sentenced to two life sentences by a U.S. District Court Judge in Washington, D.C. Another Afghan heroin trafficker, Haji Juma Khan, was arrested in October 2008 in Indonesia, based on an international arrest warrant stemming from a narco-terrorism indictment. He was placed in DEA custody and transported to New York where he awaits trial. Khan's drug trafficking revenues provided direct support to the Taliban.

Arms Trafficking and Narco-Terrorism

Since the early 1970s, Monzer Al Kassar has supplied weapons and military equipment to armed factions engaged in violent conflicts in Nicaragua, Brazil, Cyprus, Bosnia, Croatia, Somalia, Iran, and Iraq.²⁴ Some of these factions have included known terrorist organizations, such as the Palestinian Liberation Front. Al Kassar also financed and supplied the weapons that were used in the 1985 *Achille Lauro* cruise ship hijacking. These weapons were used to shoot disabled U.S. citizen, Leon Klinghoffer, in the head. His body was then dumped overboard.

In June 2007, based on a multinational DEA investigation, Al Kassar was arrested in Madrid, Spain on U.S. charges of conspiring to sell millions of dollars worth of weapons to the FARC. Al Kassar was extradited from Spain to the United States where he was tried



Top photo: Monzer Al Kassar in 1998.
Bottom photo: DEA transport Al Kassar, known as "the Prince of Marbella," to the U.S. for trial.
Photos AP

²⁴ Statement of Anthony P. Placido (DEA) before the Subcommittee on National Security and Foreign Affairs Committee on Oversight and Government Reform, U.S. House of Representatives entitled, "Transnational Drug Enterprises (Part II): Threats to Global and U.S. Policy Responses." March 3, 2010.

and convicted of narco-terrorism.

Until Al Kassar's conviction in November 2008, none of the terrorists involved in Mr. Klinghoffer's murder had been brought to justice in the United States. On February 24, 2009, Al Kassar was sentenced to 30 years in prison and ordered to forfeit all foreign and domestic assets, including his mansion in Marbella, Spain.

Viktor Bout first became known in the 1990s as a major weapons trafficker to a number of wars and armed conflicts in Africa. More recently, he was suspected of supplying weapons to the Taliban and Al Qaeda. In March 2008, Bout, also known as the "*Merchant of Death*," agreed to a multi-million dollar deal that involved the sale of weapons to the FARC. After a nine-month undercover investigation that spanned multiple countries, including Curacao, Copenhagen, Romania, and Russia, Bout was arrested in Thailand based on a U.S. request for his provisional arrest under the U.S.-Thailand Extradition Treaty. In May 2008, Bout was indicted by a Federal Grand Jury in the Southern District of New York on charges of conspiracy to kill U.S. nationals and U.S. officers or employees, to acquire and use an anti-aircraft missile, and to provide material support or resources to a designated foreign terrorist organization.

Terrorism and Drug Prosecutors Merge

Recognizing the symbiotic relationships that exist between terrorist groups and narcotics traffickers, the United States Attorney in the Southern District of New York, recently merged the two units in his office that prosecute terrorism and international narcotics cases, to focus more on extremist Islamic groups whose members he believes are increasingly turning to the drug trade to finance their activities.²⁵ Law enforcement and intelligence officials believe that some members of Islamic extremist groups, including Al Qaeda and some of its affiliates, are more frequently turning to the drug trade, kidnapping and other criminal activities to finance their operations.²⁶

²⁵ "United States Attorney Plans Drug-Terrorism Unit." New York Times, January 17, 2010.

²⁶ Ibid.

Al-Qaeda and the Drug Trade

Experts have indicated to staff that, even though the Taliban receives funding from other sources, they need drug money to operate.²⁷ They further advise that while Al Qaeda does not need funding from the drug trade, receiving most of its funding from other sources, it does receive money from narcotics. It is evident that Al Qaeda is becoming increasingly involved with the drug trade as illustrated by arrests made in December of 2009 in Ghana – federal prosecutors in New York charged three people with ties to Al Qaeda and Al Qaeda in the Islamic Maghreb (AQIM) in Africa with narco-terrorism for conspiring to transport 500 kilograms of cocaine belonging to the FARC across Africa and into Europe. The defendants are each charged with one count of narco-terrorism conspiracy under Title 21 which carries a mandatory minimum sentence of 20 years and a maximum sentence of life in prison, and one count of conspiring to provide material support to foreign terrorist organizations under Title 18, which carries a maximum sentence of 15 years in prison.

The case marks the first time that associates of al-Qaeda and its franchise in the Maghreb/Sahel regions had been charged with narco-terrorism offenses in an American court.²⁸

Africa

In a special session of the United Nations Security Council in New York, Executive Director Antonio Maria Costa, U.N. Office of Drugs and Crime, noted that drugs are being traded by “terrorists and anti-government forces” to fund operations from the Andes, to Asia and the African Sahel.²⁹ This alert came just days before the arrest of the three AQIM members on narco-terrorism charges in Ghana. Beset by corruption and poverty, countries across West Africa are the ideal platform for transporting Latin American cocaine to Europe. At least 50 tons of cocaine from the Andean countries cross West Africa every year then head north

²⁷ Briefing to Caucus Staff from the Terrorism Research Center (TRC) on December 14, 2009.

²⁸ “Emerging West African Terror-Drug Nexus Poses Major Security Threat” World Defense Review, January 28, 2010

²⁹ Testimony of Antonio Maria Costa, Executive Director of the UNODC, to the UN Security Council on December 8, 2009.

where they are worth almost \$2 billion on the streets of European cities.³⁰ In terms of drug trafficking, Africa is to Europe what Mexico is to the United States: the primary transshipment point for cocaine from South America.

The same Latin American drug trafficking organizations that supply U.S. markets, such as the FARC, are playing a key role in the rapid growth of drug trafficking in Africa. At least nine DEA designated top-tier drug trafficking organizations from South American and Mexico have operations in Africa.³¹ Al Qaeda and AQIM are united in their anti-American cause and their appetite for easy money, making their relationship with the Mexican and South American cartels an obvious one.³² As Al Qaeda and AQIM gain notoriety and capital from their trafficking activities, their ranks swell and they become an even more serious threat to the region.³³

Criminal organizations operate a sophisticated and growing fleet of “narco-air” transport planes to include twin-engine turboprops, executive jets, and retired Boeing 727s.³⁴ These aircraft are transporting multi-ton loads of narcotics from cocaine-producing areas in the Andes to West Africa and the Sahel. The FARC transports cocaine from Colombia to Venezuela where the coast provides an ideal departure point for Africa bound flights.³⁵ President Hugo Chavez refuses to allow the DEA to work in the country and Venezuelan government officials have been accused of conspiring with the FARC in cocaine trafficking and the training of narco-terrorist assassins.³⁶

Once in Africa, Al Qaeda is believed to facilitate the smuggling of cocaine across the Sahel and into Europe. At least 10 aircraft have been discovered using this route since 2006 though the detection efforts of the U.S. are extremely limited

³⁰ African Multinational Counter-Narcotics Seminar, Stuttgart, Germany, January 21, 2010.

³¹ Testimony of Thomas Harrigan, Senate Foreign Relations Committee, Subcommittee on African Affairs: *Confronting Drug Trafficking in West Africa*, June 23, 2009.

³² “Three Al Qaeda Associates Arrested on Drug and Terrorism Charges” Department of Justice Press Release, December 18, 2009.

³³ “Exclusive: Al Qaeda Linked to Rogue Air Network.” Reuters, January 14, 2010.

³⁴ Ibid.

³⁵ *Cocaine Trafficking in Western Africa*, United Nations Office of Drugs and Crime, October 2007.

³⁶ “Venezuela’s Hugo Chavez allegedly helped Colombian, Spanish militants forge ties.” The Washington Post, May 20, 2010.

and there is no long range radar coverage over the Atlantic.³⁷ Nearly all of the aircraft were detected by chance, and it is likely there is a significantly greater number of aircraft utilizing this route to smuggle narcotics and weapons into the region.³⁸

Interdiction efforts by local authorities in Africa have been largely unsuccessful because smugglers have access to better resources. Local authorities do not have sufficient guns for their police or gas money for the vehicles donated to them by outside governments, nor do they have high security prisons. In July 2008, a jet landed at an international airport in Guinea Bissau with an estimated \$50 million of cocaine on board. Soldiers working for the traffickers challenged attempts by the police to thwart the delivery and the cocaine was never recovered.³⁹



Source UNODC

This map, compiled by UNODC (2008) illustrates narcotics trafficking routes through north and West Africa. Products are delivered to the western Sahel, the region between the Sahara and the Sudan, and smuggled to Europe through northern Africa.

³⁷ “Exclusive: Al Qaeda Linked to Rogue Air Network.” Reuters, January 14, 2010.

³⁸ Ibid.

³⁹ Ibid.

The drug trade has had a particularly devastating effect on Guinea Bissau, whose uppermost government and military officials are believed to be involved in the trade.⁴⁰ In March 2009 the President of Guinea Bissau, Joao Bernardo Vieira, was assassinated at his residence by his own soldiers in an apparent reprisal for a bomb attack that killed Guinea Bissau's Military Chief of Staff on the same day. There had reportedly been a feud between the two victims which was exacerbated by a dispute over drug trafficking.⁴¹ At the time of the assassination of the President, the International Crisis Group, an independent research and advocacy organization, said that, "There remains a real risk of it [Guinea Bissau] becoming Africa's first narco-state."⁴²

In April 2010, the U.S. Treasury Department designated Guinea Bissau's Air Force Chief of Staff Ibraima Papa Camara and former Navy Chief of Staff Jose Americo Bubo Na Tchuto as drug kingpins.⁴³ The action was taken pursuant to the Foreign Narcotics Kingpin Designation Act (Kingpin Act), which prohibits U.S. persons from conducting financial or commercial transactions with these individuals and freezes any assets they may have under U.S. jurisdiction. The U.S. Treasury Department said the two played "significant roles in international narcotics trafficking."⁴⁴

The U.S. government has a very limited law enforcement footprint in Africa and this is a problem as South American narco-terrorist organizations establish strong links with Al-Qaeda and AQIM in the region. In January 2010, DEA's Regional Director in South America, Jay Bergman, said the lawless conditions in West Africa have, "provided the venue for an unholy alliance between South American narco-terrorists and Islamic extremists."⁴⁵

⁴⁰ "2 West Africa Slayings May Signal a New Day." New York Times, March 9, 2009.

⁴¹ Ibid.

⁴² "Soldiers Kill Guinea-Bissau's President After Death of Army Chief, Diplomats Say." New York Times, March 2, 2009.

⁴³ "U.S. Names Bissau Military Bosses as Drug Kingpin." Reuters, April 8, 2010.

⁴⁴ "Treasury Designates Two Narcotics Traffickers in Guinea-Bissau." Treasury Department Press Release, April 8, 2010.

⁴⁵ "Colombia rebels, al Qaeda in "unholy" drug alliance." Reuters, January 5, 2010.

3. EXISTING COUNTERNARCOTICS POLICIES FOR AFGHANISTAN

During testimony before the Senate Armed Services Committee on December 8, 2009, Ambassador Eikenberry stated:

Our strategy for combating the pervasive impact of illegal narcotics is multi-pronged, involving demand reduction, efforts by law enforcement and the military to detain major traffickers and interdict drug shipments, and support for licit agricultural development. The U.S. Drug Enforcement Administration works closely with Afghan partners to investigate and prosecute major traffickers. With our support, the Counter-Narcotics Justice Task Force has become the most effective judicial organization in Afghanistan today, with successful investigations, prosecutions, and convictions of hundreds of drug traffickers. But the narcotics problem will never have a satisfactory solution without economic development in this still desperately poor country.

Since early in the Bush Administration, counternarcotics policy in Afghanistan has been based on five basic pillars:

- (1) poppy eradication
- (2) drug interdiction
- (3) judicial reform measures
- (4) public awareness campaigns
- (5) economic and agricultural development assistance

Policy Changes

In a strategic review released in March 2009, the Obama Administration called for an overhaul of the U.S. civilian strategy that focused on agricultural sector job creation. The review found that crop substitution and alternative

livelihood programs had been “underdeveloped and under-resourced.”⁴⁶ The Administration also signaled a shift in policy to focus on high level drug lords.⁴⁷ Previously, critics of poppy eradication claimed that without viable alternative livelihoods for farmers, Afghans would continue to grow opium poppy, and that eradication may lead them to support anti-government groups.

The most discussed shift in policy has been to the decision to cease U.S. led eradication of illicit poppy plants. Poppy plants produce opium which is converted into morphine and then finally into heroin. In June 2009, Ambassador Richard Holbrooke, the Special Representative to Afghanistan and Pakistan said that, "Eradication is a waste of money," and that, "It might destroy some acreage, but it didn't reduce the amount of money the Taliban got by one dollar. It just helped the Taliban. So we're going to phase out eradication."⁴⁸ Instead, the focus was to be placed on alternative crops for farmers and other pillars. The money for U.S. led eradication was reprogrammed to the other pillars.

A significant change also occurred in December 2008, when the U.S. Department of Defense (DOD) changed its policy to enable U.S. armed forces to directly support the counternarcotics missions conducted by the U.S. Drug Enforcement Administration and their Afghan counterparts. Prior to this change military leaders had stayed away from counternarcotics operations calling it “mission creep.” They believed that it would take away from the focus on counterinsurgency operations. This shift in DOD policy has led to a number of successful operations.

In just one raid in May of 2009, the DEA’s Foreign-deployed Advisory and Support Team (FAST), the Afghan National Interdiction Unit, the Afghan National Army, and a United States Special Forces team, in Marjah, Helmand province, seized 18,164 kilograms of opium; 200 kilograms of heroin; 1,000 kilograms of hashish; 72,727 kilograms of poppy seed; chemicals used to make drugs; and a significant cache of weapons including 44 blocks of Iranian C4, Improvised

⁴⁶ White Paper of the Interagency Policy Group's Report on U.S. Policy toward Afghanistan and Pakistan.

⁴⁷ Ibid.

⁴⁸ "U.S. to shift approach to Afghanistan drug trade." Associated Press, June 28, 2009.

Explosive Devices (IED), mortar rounds, and other weapons used to attack Coalition Forces.⁴⁹



Photos DEA

DEA's Foreign-deployed Advisory and Support Team (FAST), Afghan National Interdiction Unit, Afghan National Army, and United States Special Forces seize and destroy narcotics in Marjah, May 2009.

⁴⁹ 2010 *International Narcotics Control Strategy Report (INCSR)*, Bureau of International Narcotics and Law Enforcement Affairs, March 1, 2010.

4. TALIBAN TIES TO THE DRUG TRADE

Afghanistan has historically been a source country for opium and hashish.⁵⁰ In a country where the dominant profession is farming, Afghans cultivate high-quality cannabis and heroin demanded by wholesalers worldwide. There are several drug trafficking organizations operating in Afghanistan. They have well-established illicit trade routes, and take advantage of porous borders to get their product out of the country. While dominating the world in production of opium, there has been less focus on the Afghan production of hashish. In fact, in June of 2008, **the largest drug seizure in world history** was made in Southern Afghanistan, when forces raided a processing facility and discovered an astonishing **235 metric tons** of hashish.⁵¹ Estimates place drug trafficking at 30% of Afghanistan's GDP.⁵²

The drug traffickers are co-equals with the Taliban regarding the production of narcotics in Afghanistan. They work by consensus.⁵³ The best example of this was in 2000 when a ban was placed on the production of opium.⁵⁴ It was the



Photo AFP

Taliban who adopted the ban. However, this ban had to be agreed upon by the drug traffickers. According to the Central Intelligence Agency, at the time of the ban, one kilogram of opium had been selling for \$25, an all time low.⁵⁵ Just months after the word of the Taliban's ban on opium production spread, the price per kilogram climbed tenfold.⁵⁶ The ban was lifted the following year.

⁵⁰ Macdonald, David. *Drugs in Afghanistan*. Pluto Press, 2007.

⁵¹ Statement of Michael A. Braun (DEA-retired) before the U. S. Senate Caucus on International Narcotics Control regarding *U.S. Counternarcotics Strategy in Afghanistan*, Wednesday, October 21, 2009.

⁵² *Corruption in Afghanistan*, United Nations Office of Drugs and Crime, January 2010.

⁵³ Briefing to Caucus Staff on December 14, 2009 from the Terrorism Research Center (TRC).

⁵⁴ Ibid.

⁵⁵ Briefing to Caucus Staff on December 3, 2009 from CIA's Crime and Narcotics Center (CNC).

⁵⁶ Ibid.

A retired senior CIA official told our staff that the drug trafficking organizations also **act as intelligence collection officers for the Taliban.**⁵⁷ Since the drug traffickers are located in places throughout the country where the Taliban do not have a presence, they are able to collect information such as the troop movements of U.S., NATO, and Afghan forces and provide it to the Taliban.

In testimony before the Senate Armed Services Committee on March 16, 2010 General David Petraeus, Commander of U.S. Central Command said:

Another major component of our strategy is to disrupt narcotics trafficking, which provides significant funding to the Taliban insurgency. **This drug money has been the “oxygen” in the air that allows these groups to operate.** With the extension of authority granted to U.S. forces to conduct counter-narcotics operations, we are able to more closely work with the Afghan government to disrupt the illicit narcotics industry through interdiction of the narco-trafficking network.⁵⁸



Photo AFP

⁵⁷ Briefing to Caucus Staff from the Terrorism Research Center (TRC) on December 14, 2009.

⁵⁸ Testimony of General David Petraeus, Commander of U.S. Central Command, before the Senate Armed Services Committee on March 16, 2010.

The statement of UNODC Director Antonio Maria Costa last year that, “A marriage of convenience between insurgents and criminal groups is spawning narco-cartels in Afghanistan linked to the Taliban”⁵⁹ raises serious concerns. Comparing the Taliban to other parts of the world like Colombia and Myanmar, he believes the drug trade in Afghanistan has gone from being a funding source for insurgency to becoming an end in itself saying, “Drug money is addictive, and is starting to trump ideology.”⁶⁰

DEA officials told us that they seized or destroyed 25 heroin labs in fiscal year 2009 and that those labs, “for the most part, have a direct/indirect tie to Taliban.”⁶¹ As far as exactly how much money the Taliban makes from the drug trade, DEA advised, “There is no DEA estimate as to how much money the Taliban may be receiving from the drug trade but anecdotal information from DEA cases indicate it is potentially in the **hundreds of millions of dollars.**”⁶²

In the October 21, 2009, Drug Caucus hearing, “*U.S. Counternarcotics Strategy in Afghanistan*”, Michael Braun, DEA’s former Chief of Operations, testified (without identifying the specific target since the case is currently pending in U.S. federal court) that:

The DEA and Afghan counterparts raided an HVT’s [High Value Target] compound in Eastern Afghanistan and seized drug ledgers which clearly show that **\$169 million dollars had moved through the trafficker’s hands for the sale of 81 metric tons of heroin over just a 10-month period.** He is unequivocally affiliated with the Taliban, and is facing American justice.⁶³

⁵⁹ *Afghanistan Opium Survey*, United Nations Office of Drugs and Crime, September 2, 2009.

⁶⁰ Ibid.

⁶¹ Sheldon Shoemaker, Section Chief, DEA Congressional Affairs, December 7th, 2009

⁶² Shoemaker, December 8th, 2009

⁶³ Statement of Michael A. Braun (DEA-retired) before the U. S. Senate Caucus on International Narcotics Control regarding *U.S. Counternarcotics Strategy in Afghanistan*, October 21, 2009.

Regarding High Value Targets related to the Taliban, Mr. Braun testified that:

The DEA is usually focused on building prosecutable cases against 15 to 20 HVTs in Afghanistan. These are the ‘most wanted’ drug traffickers in the country and most, if not all, are members of the Taliban. Those who aren’t Taliban are closely linked to the Taliban. I am proud of the men and women of the DEA for their work with Afghan counterparts in bringing several of the most notorious Afghan traffickers to justice in the United States. Traffickers like **Haji Bashir Noorzai, who was the world’s single largest heroin trafficker before being arrested by the DEA in an elaborately complex undercover sting operation. He was also one of the five original founding members of the Taliban Ruling Shura in Kabul**, and was on Central Command’s ‘Top 10’ HVT list when we invaded Afghanistan and initially ousted the Taliban in 2002. Noorzai got a taste of American justice in the Southern District of New York, and is now serving a life sentence with no hope of parole. The DEA could not have successfully brought Noorzai or any of the other Afghan HVTs to justice without the powerful extraterritorial jurisdictions that you bestowed on the Agency when you [Congress] passed legislation enacting the Title 21, 959 and 960(a) statutes.

Value Chain

The value chain represents the sequential steps in production during which value is added to a product. While the Taliban’s take from the drug trade is significant, it is only a fraction of the proceeds from the global heroin market. The price of Afghan heroin climbs about 2,000 percent when sold to wholesalers in consumer countries (prices average \$50,000 U.S. dollars per kilogram).⁶⁴ The CIA estimates that last year’s poppy crop could produce about 650 metric tons of heroin making it worth \$32.5 billion at wholesale prices in Europe.⁶⁵

⁶⁴ *UNODC World Drug Report 2009*, United Nations Office of Drugs and Crime, 2009.

⁶⁵ Briefing to Caucus Staff from the Central Intelligence Agency, January 2010.

This chart, compiled by the International Council on Security and Development, shows the approximate price range for a kilogram of heroin by location.



1. Price and purity information taken from the UNODC World Drug Report 2009 <http://www.unodc.org/unodc/en/data-and-analysis/WDR-2009.html> and EMCDDA <http://www.emcdda.europa.eu/index.cfm>

2. The average farm-gate price value of opium in Afghanistan has fluctuated over the last 5 years between 64US\$ and 138US\$

3. 10 kilograms of raw opium (650US\$) makes 1 kilogram of heroin (2,256-2,553US\$) in Afghanistan, or put another way 650\$ of raw opium sold at the farm-gate eventually becomes 53,000\$ of heroin sold on the streets of Europe, an 80 times increase.

The importance of preventing our adversaries from climbing up the value chain in the international narcotics market cannot be overstated. A report by James Fearon, a political science professor at Stanford University, studied 128 civil wars since 1945 and concluded that, on average, civil wars lasted 39 years longer when insurgent groups were financed by contraband like heroin or cocaine.⁶⁶

⁶⁶ "Is al Qaeda Bankrupt? Desperate For Funds Terrorists Are Changing Their Business Model." Forbes Online, March 10, 2010.

5. INTERDICTION

Experts told members and staff that interdiction of drug traffickers is a key component of any counternarcotics strategy.⁶⁷ Interdiction in Afghanistan targets individuals and organizations that process narcotics for export. Experts also agree that interdiction efforts must target top traffickers linked to the Afghan government.⁶⁸ Some experts have also expressed their concern to staff that the Afghan counternarcotics forces who conduct interdiction operations are under-resourced.⁶⁹



Photo AFP

Afghan Counternarcotics Capabilities

As part of the overall strategy in Afghanistan, an emphasis has been placed on U.S. training and mentoring of Afghan personnel to be able to conduct counternarcotics operations on their own. This effort has focused on the Counter Narcotics Police (CNP) in Afghanistan who have the national mandate to combat narcotics trafficking. The CNP is supported by the U.S. State Department's International Narcotics and Law Enforcement (INL) program and DEA to further its reach to seize drugs, arrest traffickers, and bring them to justice. The program's

⁶⁷ Michael A. Braun (DEA-retired), Professor David Mansfield, Dr. Vanda Felbab-Brown, and Norine McDonald.

⁶⁸ Ibid.

⁶⁹ Michael A. Braun (DEA-retired), Walter Purdy (TRC)

goal is to establish a self-sustaining law enforcement agency. The Afghan counternarcotics police organization consists of the following specialized vetted units:

Sensitive Investigative Unit (SIU) - The Sensitive Investigations Unit is a DEA/INL sponsored, vetted, and highly trained group of 45 Afghan investigators whose mission is to gather and exploit evidence, work undercover and obtain confidential informants, and build cases against High Value Drug Traffickers. The officers were trained in Quantico, Virginia.

Technical Investigative Unit (TIU) - The Technical Investigations Unit is a DEA/INL sponsored, vetted and highly trained group of investigators who utilize legally authorized Afghan wire intercepts to gather evidence against High Value Drug Trafficking. This unit consists of **11** Afghan officers with 100 interpreters to log, monitor and conduct call intercepts. The officers were trained at Quantico.

National Interdiction Unit (NIU) -The National Interdiction Unit is a DEA/INL sponsored and mentored, tactically trained Afghan law enforcement unit. They are trained to execute search warrants, conduct raids, interdict and seize narcotics and precursor chemicals, secure evidence and make arrests.

DEA vetted unit program managers told staff that due to the change of policy last year U.S.-led crop eradication efforts were scaled down. The State Department had supported a large Poppy Eradication Force consisting of about 643 Afghan Police Officers.⁷⁰ The country team in Afghanistan has developed a plan to transition 250 of these officers into the DEA Mentored National Interdiction Unit (NIU). Training has begun with four basic classes scheduled. It is anticipated that after this transition the NIU Force will increase from 246 members to approximately 569 by the end of FY2010.⁷¹ DEA program managers say that this increase will enhance the capability to deploy NIU officers in larger numbers regionally as they are in very high demand by Coalition Forces because of their skill level.⁷²

⁷⁰ Keith Weis, Assistant Regional Director, DEA Kabul Country Office, June 17, 2010.

⁷¹ Ibid.

⁷² Keith Weis, Assistant Regional Director, DEA Kabul Country Office, June 17, 2010.



This chart depicts the various smuggling routes for heroin out of Afghanistan. The U.N. Office of Drug and Crime estimates that last year 150 metric tons of heroin was smuggled out of Afghanistan through Pakistan, 105 metric tons through Iran, and 95 tons through Central Asia.

It is noteworthy that Iran shares a long border with Afghanistan, has the worst addiction problem of any country, and is a major supply route out of Afghanistan.

6. OPERATIONAL END GAME

The term “Operational End Game” refers to the final result of a counternarcotics operation including arrests and seizures. Operational End Game provides quantifiable results and disrupts the drug trafficking organizations (DTO) by removing their personnel from the field and denying revenue to the DTOs. Additionally, seizures stop the drugs from getting further up the value chain in the retail market and ultimately to the end user. As some drug law enforcement experts have put it, without a successful end game, all of the previous hard work is just for “practice.”⁷³

Air Assets and End Game Capability

After the exhaustive and time-consuming measures taken to recruit and train Afghan personnel, develop intelligence information, follow investigative leads, and gather evidence on suspected drug traffickers, the time comes to execute an operation to lawfully arrest those suspected drug traffickers and seize their narcotics. In order to execute counternarcotics operations in Afghanistan, a large force of law enforcement personnel supported by military troops is required due to security concerns. The counternarcotics team must be transported to the target location by helicopter. The shortage of helicopters in Afghanistan for counternarcotics missions is similar to a big city in the U.S. without patrol cars. **There is no end game capability in Afghanistan without the appropriate number of helicopters.**

In the October 21, 2009 Drug Caucus hearing, Mr. Michael Braun testified that:

The DEA’s counter narco-terrorism operations and vitally important intelligence gathering missions are routinely delayed, often for several days, because the DEA lacks its own organic helicopter assets in Afghanistan.

UH-60 Blackhawk and CH-47 Chinook helicopters are the safest and most reliable airframes needed to transport DEA Special Agents, and

⁷³ Lt. Robert Taylor (Ret.), Atlanta High Intensity Drug Trafficking Area (HIDTA) Task Force.

their U.S. Special Forces and Afghan colleagues into the remote mountainous terrain where they most often find themselves working.

In March 2010, the U.S. Government Accountability Office (GAO) published a Report to Congress entitled *Afghanistan Drug Control: Strategy Evolving and Progress Reported, but Interim Performance Targets and Evaluation of Justice Reform Efforts Needed* (GAO-10-291) in which they identified the concern of limited air assets:

Defense and DEA officials stated that airlift requirements have grown beyond what was originally envisaged for the Air Interdiction Unit, and they also stated they expected these requirements to grow further as DEA expands into forward operating bases.

DEA officials expected future air support needs of the expanded presence to grow to include medical evacuations services, logistical lift, and convoy support, all of which they judged would outstrip the air assets currently available to the Air interdiction Unit.⁷⁴

The Price tag for End Game Capability

The acquisition cost for one CH-47F Chinook helicopter is approximately \$35 million. The better equipped MH-47G, used by U.S. Special Forces in Afghanistan, costs \$60 million per aircraft and has an hourly operating expense of \$6,000. The UH-60M Blackhawk helicopter has an acquisition cost of approximately \$20 million and an hourly operating cost of \$2,500. Therefore, the total acquisition cost for 15 Blackhawk helicopters would be approximately \$300 million and for three Chinooks \$180 million for a total of \$480 million to acquire the aircraft needed in Afghanistan. DEA would need to provide personnel for these helicopters, including training and operation and maintenance costs. **Bottom line:** Helicopters are expensive assets to purchase and operate. They are also

⁷⁴ *Afghanistan Drug Control: Strategy Evolving and Progress Reported, but Interim Performance Targets and Evaluation of Justice Reform Efforts Needed*, U.S. Government Accountability Office, March 9, 2010 (GAO-10-291).

essential to counternarcotics operations in Afghanistan and without them; the U.S. would not have the ability to conduct counternarcotics missions.

Chairman Feinstein asked Attorney General Eric Holder about the lack of air assets for counternarcotics operations in Afghanistan to which he responded:

The most significant factor we face in Afghanistan is helicopter lift. DEA must have adequate helicopter lift capacity that is night capable and flown by veteran pilots.

While DEA still firmly believes that the Blackhawk helicopter is a suitable platform for operations in Afghanistan, a recent evaluation of operations in Afghanistan and current budgetary issues leads DEA and its Aviation Division to the conclusion that the development of a helicopter operation utilizing these assets is not feasible. Cost for the initial purchase of such assets and construction of an infrastructure would be expensive, and the ongoing costs to maintain such an operation are not likely to be sustainable. At present, DEA lacks the necessary personnel and resources to effectively build and manage such a program.

Despite these issues, helicopter support in Afghanistan is still a much needed commodity. There are organizations currently in Afghanistan, to include the United States military and the Department of State, who are willing and able to utilize airframes such as the Blackhawk in support of DEA operations. If



Photo AP

provided with the necessary resources, this support could be provided to DEA on a reimbursable basis.⁷⁵

⁷⁵ Attorney General Holder's response to questions for the record dated March 22, 2010. U.S. Senate Committee on the Judiciary hearing entitled *Oversight of the Department of Justice* on November 18, 2009.

7. JUDICIAL END GAME

“Judicial End Game” involves the successful prosecution of those persons involved in the drug trade. The government of Afghanistan is operating with a new constitution, laws, and procedures that require support to ensure a strong and fair judicial process.

Judicial Reform

A large scale State Department effort is underway to overhaul the judicial system in Afghanistan. While this effort still has a long way to go, it is seen as a model for the reform processes in Afghanistan.

Afghan Prison System

The Afghan prison system has been described to staff as an overcrowded breeding ground for the insurgency since common criminals are grouped together with insurgents.⁷⁶ The Afghans do not have a prisoner tracking method that can accurately locate or track the sentences and



Photo AFP

release dates of the prisoners. While this situation has improved with international assistance, it still needs more time to develop. Even if the Afghans could successfully investigate and arrest high level narcotics traffickers, State Department personnel advised staff that the Afghan prison system is ill equipped to handle their incarceration.⁷⁷ Therefore, the Judicial End Game capability for the

⁷⁶ Briefing to Caucus Staff from the Office of the Special Representative to Afghanistan and Pakistan on January 15, 2010.

⁷⁷ Briefing to Caucus Staff from the Office of the Special Representative to Afghanistan and Pakistan on January 15, 2010.

most significant cases is contingent on successful and effective U.S.-led extraterritorial investigations.

8. ERADICATION

Around the world, poppy crops are eradicated in two ways: aerial spraying and manual eradication. The President of Afghanistan is opposed to aerial spraying.⁷⁸ Manual eradication had been carried out for some time by a U.S.-led force though Afghans currently lead the eradication effort. According to the February 2010 Afghanistan and Pakistan Regional Stabilization Strategy published by the Office of the Special Representative for Afghanistan and Pakistan, “Local Afghan officials will continue their independent eradication efforts, as appropriate, and we will reinforce progress in reducing opium cultivation through successful programs like the Good Performers Initiative (GPI) which rewards poppy free provinces with additional agricultural and economic support.”⁷⁹

The results of the annual UNODC Opium Survey determine the amount that each province receives under GPI.⁸⁰ The survey relies on the interpretation of satellite photos and polling Afghan farmers about poppy crops. Caution should be taken when granting these rewards because although an Afghan province may not grow poppy plants, that does not mean the province is free of “stash” houses where opium is stored, or processing labs where opium is made in morphine and then converted into heroin. Regardless of the results of the ONODC opium survey, Afghan provinces found to have any type of involvement with the drug trade, including: heroin and hashish processing



Photo AP

⁷⁸ “Russia urges U.S. to destroy Afghan opium crop” Associated Press, September 23, 2009.

⁷⁹ *Afghanistan and Pakistan Regional Stabilization Strategy*, Office of the Special Representative for Afghanistan and Pakistan, U.S. Department of State, February 24, 2010.

⁸⁰ “Ambassador Wayne Preside of Pledge of \$38.7 Million for Good Performers Initiative.” Embassy of the United States to Afghanistan Press Release, November 2009.

facilities; precursor chemical storage; distribution centers; and drug storage facilities, should be denied GPI funds.

Prior to being discontinued, the U.S.-led manual eradication program of Afghan poppy was administered by the State Department's Bureau of International Narcotics and Law Enforcement Affairs.⁸¹ State Department personnel told staff that eradication destroyed only 4% of the total Afghan poppy crop.⁸² While the State Department supports aerial eradication in other countries, the program did not include aerial spraying of poppy crops due to objections by Afghan government officials. Staff was also told that previous eradication was not conducted in conjunction with supplemental assistance for the Afghan farmer which created a desperate economic situation.⁸³



Photo AP

An ex-CIA official, Dr. Michael Scheuer, said that eradication is not just about chopping down poppy plants; it is about putting pressure on the drug traffickers. Dr. Scheuer suggested that eradication equals pressure.⁸⁴ This pressure causes the drug traffickers and insurgents to make mistakes which increases

the amount of intelligence gathered, which in turn leads to more operational success. Staff asked the same official and a group of counter-terrorism experts about the theory that forced eradication drives the farmers to side with the Taliban, to which they responded, **“They already work for the Taliban.”**⁸⁵

⁸¹ Briefing to Caucus Staff from the Office of the Special Representative to Afghanistan and Pakistan on January 15, 2010.

⁸² Ibid.

⁸³ Ibid.

⁸⁴ Briefing to Caucus Staff from Dr. Michael Scheuer on December 14, 2009.

⁸⁵ Briefing to Caucus Staff from Terrorism Research Center (TRC) on December 14, 2009.

The debate over crop eradication was highlighted after the U.S. Marine offensive effort in Marja, Afghanistan where orders were given to leave the fields of opium alone. A member of General McChrystal's strategic Advisory Group, Commander Jeffery Eggers was quoted in the *New York Times* as saying, "We don't trample the livelihood of those we're trying to win over." The spokesman for the Afghan Ministry of Counternarcotics said, "How can we allow the world to see lawful forces in charge of Marja next to the fields full of opium, which one way or another will be harvested and turned into poison that kills people all over the world?"⁸⁶

The need for a balanced approach to counternarcotics is important and the evidence clearly suggests U.S. policy should include some types of eradication.

⁸⁶ "Fearful of Alienating Afghans, U.S. Turns Blind Eye to Opium." *The New York Times*, March 21, 2010.

9. CORRUPTION

Throughout the world, public corruption and narcotics trafficking go hand in hand and Afghanistan is no exception. According to a study by the U.N. Office of Drugs and Crime, corruption and bribery are a part of everyday life in Afghanistan. In January of 2010, the U.N. Office of Drugs and Crime Executive Director Antonio Maria Costa stated:

The problem is enormous by any standards. In the aggregate, Afghans paid out \$2.5 billion in bribes over the past 12 months – that’s equivalent to almost one quarter (23%) of Afghanistan’s GDP. By coincidence, this is similar to the revenue accrued by the opium trade in 2009 (which we have estimated separately at \$2.8 billion). In other words and this is shocking, **drugs and bribes are the two largest income generators in Afghanistan**: together they amount to about half the country’s (licit) GDP.⁸⁷

Most experts we spoke with agree that corruption at all levels of government enable narcotics trafficking.⁸⁸ Producing ton quantities of heroin is labor intensive and the final product needs to be transported to market with assurances of security from either the Taliban or corrupt government officials. Drug traffickers could take their chances moving their product and hope that they do not get caught, arrested or killed, but the more prudent way to conduct their illicit business is to pay for the peace of mind up front. In order to operate in Taliban-controlled space, drug traffickers must pay the Taliban. In order to operate in Afghan-government controlled space, the drug traffickers must pay off corrupt government officials.

Historically, corrupt public officials have rendered many aspects of the counternarcotics program useless, including using the eradication program as a means of extortion and by robbing alternative livelihood programs of resources intended for the Afghan farmer.⁸⁹

⁸⁷ *Corruption in Afghanistan*, U.N. Office of Drug and Crime, January 2010.

⁸⁸ Michael A. Braun (DEA-retired), Professor David Mansfield, and Dr. Vanda Felbab-Brown.

⁸⁹ M. Braun (DEA-retired).

In May of 2010, David Mansfield, a fellow at the Carr Center, Harvard Kennedy School, who has conducted research on the role of opium in Afghanistan for the last 14 growing seasons wrote:

This image of the Talib as drugs trafficker and the drugs trafficker as Talib is not the one that is most recognisable to the bulk of the Afghan population. In fact, **there is a growing belief in the south that those working for the government are more actively involved in the trade in narcotics than the Taliban.** Even in other parts of the country, accusations are made against senior government officials and are widely believed by rural Afghans. Indeed, farmers in some of the most remote rural areas often claim that it is only those in positions of power in their area that can trade illegal drugs.

There is a growing recognition of the role that both insurgents and corrupt government officials play in the drugs trade. There are even **concerns over the level of cooperation that might exist between state and anti-state actors in provinces like Helmand,** not only in facilitating the movement of drugs from one part of the country to another but also in engineering a level of instability in a given area so that the production and trade of opium can thrive.⁹⁰

The corrupt public officials' involvement in the Afghan drug trade undermines the legitimacy of the state and drives segments of the population to side with insurgents. Therefore, the counternarcotics strategy in Afghanistan must include a high-priority anti-corruption campaign. Public corruption investigations are sensitive and time-consuming. The good news is that the majority of the investigative techniques that are being provided to the Afghans for the counternarcotics mission can also be applied to corruption investigations. Additionally, drug investigations themselves uncover corruption; therefore the aggressive pursuit of drug traffickers in Afghanistan will likely lead to evidence against corrupt public officials.

⁹⁰ David Mansfield, "Where Have All the Flowers Gone? Assessing the Sustainability of Current Reductions in Opium Production in Afghanistan." May 1, 2010.

10. ALTERNATIVE LIVELIHOOD PROGRAM

For the past several years, the U.S. has had a program to provide Afghan farmers with the means to plant licit crops and yet poppy cultivation continues to thrive. A comprehensive alternative livelihood program is not as simple as handing out seeds and fertilizer. It is a complex process and these programs are long term projects.

Since the “Alternative Livelihoods Program” has been in place for several years with little effect on the poppy cultivation levels in Afghanistan, staff asked State Department officials about the viability of the current program. State Department officials tell us that they are now executing the program more “effectively” since establishing new oversight protocols to ensure that the Afghan farmer receives assistance.⁹¹ Drug Caucus staff was provided the following examples of Alternative Livelihoods Programs:

- The first ever export of apples from Afghanistan to India in November 2009. The apples are filling a demand in India where a drought has reduced India’s apple harvest.
- On October 15, 2009, a modern fruit juice concentrate facility opened in Kabul that will buy fruit from 50,000 Afghan farmers from provinces including Kandahar, Helmand, Wardak, Ghazni, Paktya, Farah, and Kapisa. This facility will export their products and Afghan women will comprise approximately 35% of the staff.
- USAID sponsors cash for work projects such as restoring canals. This type of work provides wages for the workers while providing infrastructure improvements.

There are many more success stories in diverse areas such as poultry, fish farms, agricultural skills training, food processing, and cashmere.

⁹¹ Briefing to Caucus Staff from the Office of the Special Representative to Afghanistan and Pakistan on January 15, 2010.

In the October 21, 2009, Drug Caucus hearing Dr. Vanda Felbab-Brown, a Fellow at the Brookings Institution and adjunct professor in the Security Studies Program at Georgetown University's School of Foreign Service, testified that:

Rural development appropriately needs to lie at the core of the counternarcotics strategy because, despite the enormous challenges, it has the best chance to effectively and sustainably strengthen the Afghan state and reduce the narcotics economy.

Perhaps in no country in the world since Mao wiped out poppy cultivation in China in the 1950s, did counternarcotics efforts face such enormous challenges as they do in Afghanistan.

Counternarcotics rural development in Thailand took thirty years.



Photos USAID

Minister of Agriculture, Irrigation and Livestock Mohammad Asif Rahimi and other guests observe the juicing process at the new Omaid Bahar Juice Concentrate Processing and Fresh Fruit Packaging Facility in Kabul. The new Omaid Bahar Fruit Processing Company factory makes high-quality pomegranate juice for domestic consumption and export.

11. SECURITY

Drug Trafficking Organizations open operations in areas that lack security, where there is no rule of law and illicit activities can flourish. This is not only true for Afghanistan but for every country around the world, including the United States. The best counternarcotics strategy in the world is useless without the element of security. At this time, American and Afghan civilian forces alone are unable to conduct operations against large scale drug traffickers without the support of the U.S. military. The unarmed civilians who oversee other essential counternarcotics programs cannot function without security in the areas they administer.

In the October 21, 2009, Drug Caucus hearing, Dr. Vanda Felbab-Brown testified that:

The number-one prerequisite for success in Afghanistan with respect to narcotics is security. Without it, the Afghan government cannot be stabilized; nor can counternarcotics policies be effective. Whether one adopts iron-fisted eradication or sustainable rural development as the core of a counternarcotics policy, security is essential. Without security first, counternarcotics efforts have not yet succeeded anywhere: Suppression without alternative livelihoods in place requires firm control of the entire territory to prevent illicit crop displacement and harsh suppression of the population dependent on illicit crops, which apart from being problematic with respect to human rights, is also very costly politically. Rural development requires security, otherwise investment will not come in, the population will not make risky long-term investments in legal crops, and structural drivers of cultivation will not be effectively addressed. **Development under a hail of bullets simply does not work, and in the context of insecurity, illicit economies persist and dominate.**⁹²

⁹² Testimony of Dr. Vanda Felbab-Brown before the U. S. Senate Caucus on International Narcotics Control regarding *U.S. Counternarcotics Strategy in Afghanistan*, October 21, 2009.

Without security the ambitious U.S. sponsored alternative livelihood program will not succeed. In fact, no program has a chance of success in Afghanistan without adequate security.

12. U.S. MILITARY SCALE DOWN

The DEA and their police counterparts in Afghanistan cannot sustain a campaign against narco-terrorists without direct support from the U.S. Defense Department. The Senate Drug Caucus will continue to strongly encourage the highest level of DoD support to the counternarcotics effort in Afghanistan. The DEA has advised that they will stay in Afghanistan indefinitely in order to assist the Afghans on their counternarcotics efforts.⁹³ The planning for the eventual departure of U.S. and NATO forces needs to address the changeover to a civilian force mission. This planning must take into account that future counternarcotics operations may need to be carried out with the same equipment and tactics used by the military. The task of replicating a U.S. Special Forces-type of operation with civilian law enforcement personnel will be the goal. The equipment must be available to continue the current operational tempo.

The insurgency is being funded by the drug trade. Even if the current levels of drug trafficking activity in Afghanistan are curtailed, any potential future insurgency would likely be funded by the drug trade. It is simply the most effective means to make large amounts of illicit funds.



Photo AP

⁹³ "DEA Agents Target Afghanistan's 'Narco-Insurgency'." CBN News, April 27, 2010.

13. HEROIN AS A WEAPON

According to the Executive Director of the U.N. Office of Drugs and Crime, Antonio Maria Costa, the world demand for opium remains stable (at around 5,000 tons)⁹⁴, which is several thousand tons lower than is produced in Afghanistan every year. Yet, prices are not crashing, which suggests that a large amount of opium is being withheld from the market. “Stockpiles of illicit opium now probably **exceed 10,000 tons** - enough to satisfy two years of world (heroin) addiction, or three years of medical (morphine) prescription,” says Mr. Costa. **“Where is it, who is hoarding it and why? Intelligence agencies should defuse the ticking-bomb of opium stockpiles before these become the source of potential sinister scenarios,”** warned Mr. Costa.⁹⁵

Heroin is a weapon. It kills people, it ruins lives, it leads to criminal behavior, it corrupts governments, and it puts a strain on society. Besides providing funding for insurgents and terrorists, the heroin itself is a weapon of the insurgency and terrorists. The CIA estimates that last year, Afghanistan produced enough opium to make 650 metric tons of pure heroin;⁹⁶ a massive amount that could kill hundreds of thousands. When he learned that a large shipment of heroin was heading to American cities, convicted Afghan narco-terrorist Khan Mohammed was recorded on surveillance tape saying:

**“Good, may God turn all the infidels into dead corpses...
Whether it is by opium or by shooting, this is our common goal.”**⁹⁷

Policy makers should look at the drug production in Afghanistan in every context: as a source of revenue for the insurgency; a cause of debilitating social and health problems for consumer countries; and as a weapon used as poison to kill innocent victims.

⁹⁴ *Afghanistan Opium Survey*, United Nations Office on Drugs and Crime, September 2, 2009.

⁹⁵ *Ibid.*

⁹⁶ Briefing to Caucus Staff on December 3, 2009 from CIA’s Crime and Narcotics Center (CNC).

⁹⁷ “Member of Afghan Taliban Sentenced to Life in Prison in Nation’s First Conviction on Narco-terror Charges.” Department of Justice Press Release 08-1145, December 22, 2008.

14. CONCLUSION

We want thank the brave men and women who seek to stem the flow of illicit drugs in Afghanistan. The Senate Caucus on International Narcotics Control will continue to track the progress of this important endeavor. For years, the correlation between the war effort and counternarcotics effort was not fully recognized. At this point, it has been made clear that those efforts are one and the same. We must recognize that the success of the war in Afghanistan is contingent upon the success of the counternarcotics strategy in Afghanistan. What we can learn from our involvement in Afghanistan is that we cannot afford to ignore the impact of the drug trade in areas of conflict. Finally, good governance and the rule of law is a constant effort that must be sustained for the duration. When it comes to the counternarcotics mission in Afghanistan, there is no finish line.

APPENDIX

1. Title 21 of the United States Code, Section 960(a)

Title 21 USC § 960a - Foreign terrorist organizations, terrorist persons and groups

(a) Prohibited acts

Whoever engages in conduct that would be punishable under section 841 (a) of this title if committed within the jurisdiction of the United States, or attempts or conspires to do so, knowing or intending to provide, directly or indirectly, anything of pecuniary value to any person or organization that has engaged or engages in terrorist activity (as defined in section 1182 (a)(3)(B) of title 8) or terrorism (as defined in section 2656f (d)(2) of title 22), shall be sentenced to a term of imprisonment of not less than twice the minimum punishment under section 841 (b)(1),^[1] and not more than life, a fine in accordance with the provisions of title 18, or both. Notwithstanding section 3583 of title 18, any sentence imposed under this subsection shall include a term of supervised release of at least 5 years in addition to such term of imprisonment.

(b) Jurisdiction

There is jurisdiction over an offense under this section if—

- (1) the prohibited drug activity or the terrorist offense is in violation of the criminal laws of the United States;
- (2) the offense, the prohibited drug activity, or the terrorist offense occurs in or affects interstate or foreign commerce;
- (3) an offender provides anything of pecuniary value for a terrorist offense that causes or is designed to cause death or serious bodily injury to a national of the United States while that national is outside the United States, or substantial damage to the property of a legal entity organized under the laws of the United States (including any of its States, districts, commonwealths, territories, or possessions) while that property is outside of the United States;

(4) the offense or the prohibited drug activity occurs in whole or in part outside of the United States (including on the high seas), and a perpetrator of the offense or the prohibited drug activity is a national of the United States or a legal entity organized under the laws of the United States (including any of its States, districts, commonwealths, territories, or possessions); or

(5) after the conduct required for the offense occurs an offender is brought into or found in the United States, even if the conduct required for the offense occurs outside the United States.

(c) Proof requirements

To violate subsection (a), a person must have knowledge that the person or organization has engaged or engages in terrorist activity (as defined in section 1182 (a)(3)(B) of title 8) or terrorism (as defined in section 2656f (d)(2) of title 22).

(d) Definition

As used in this section, the term “anything of pecuniary value” has the meaning given the term in section 1958 (b)(1) of title 18.

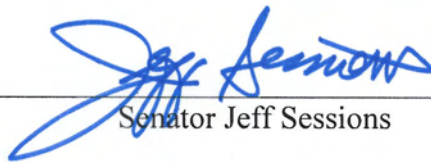
Addendums

ADDITIONAL COMMENTS

Additional Comments from Senator Sessions

The war in Afghanistan represents an enormous American commitment. Our strategy, which is now being lead by General Petraeus, is counterinsurgency. I strongly believe that no single component of our Afghanistan effort, no matter how important, should undermine or weaken this effort, whether it be counter-narcotics, counter-terrorism, economic development or political unity.

I agree that a majority of funds for the Taliban is derived from illegal drug trafficking and believe this report drives home that point and properly expresses the need to aggressively combat it as part of our overall strategic plan. Because I do not think this valuable report undermines the concerns I have noted and, in essence, calls for a more effective counter-narcotics effort, I endorse it. It should not, however, be seen as creating a new independent entity that would act in any way outside of the overall Afghanistan counter-insurgency plan.



Senator Jeff Sessions