

Testimony of
Ambassador David T. Johnson, Assistant Secretary of State
for International Narcotics and Law Enforcement Affairs before the
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Ad Hoc Subcommittee on Contracting Oversight
Hearing on “Counternarcotics Contracts for Central and South America”

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Chairwoman McCaskill, Ranking Member Brown, and other distinguished Senators. Thank you for your invitation to discuss U.S. foreign assistance programs that have and currently do support counternarcotics efforts in Central and South America.

Our Latin American allies have struggled with serious challenges to their security and stability from drug traffickers and other transnational criminal organizations that threaten to undermine good governance and the rule of law throughout the entire region. Although insecurity continues to challenge the region, I can point to our program in Colombia as an example of the kind of success our foreign assistance has achieved in addressing these issues.

Since FY2000, the inception of Plan Colombia, the Department of State’s Bureau of International Narcotics and Law Enforcement Affairs (INL) has provided approximately \$4.2 billion worth of foreign assistance for counternarcotics programs in Colombia.

Our efforts in Colombia have produced notable results. In 2008, the most recent year for which U.S. Government estimates are available, cultivation was down 29 percent from 2007 and cocaine production declined 39 percent. These numbers reflect just a fraction of the total impact U.S. programs have had supporting Colombians in their efforts to secure and stabilize their country. Colombia and its people have improved security throughout the country, extended the state's presence to areas that were previously ungovernable, disrupted the drug trade, and more effectively administered justice.

Colombia is today working to solidify these successes under President Uribe's "National Consolidation Plan." Under these policies, security, counternarcotics, rule of law and economic development programs are particularly targeting rural and former conflict areas where democracy and adherence to the law has not fully taken hold and which have historically generated narcotics trafficking and violence. This means that, when possible, security responsibilities are being transferred from the military to the civilian police, and eradication is being closely sequenced with alternative development and efforts to establish permanent government institutions. The United States has tailored its comprehensive assistance program to complement the Colombian Government's policy.

Beginning in 2005, the Colombian Government started the phased implementation of an accusatory system of justice that was completed in 2008. U.S. programs supported this transition, providing more than \$70 million since 2005 for judicial reform programs administered by our interagency partners. Alongside the Department of Justice, the State Department continues to provide training, equipment and capacity building for Colombian justice sector institution development.

Since the implementation of the new judicial system, Colombian cases are being resolved in a matter of months instead of years, and conviction rates have risen from around three percent to approximately 60 percent. More than 50,000 investigators, prosecutors, judges and forensic personnel have been trained on the new criminal procedure codes, and justice is slowly expanding to rural and former conflict regions.

An additional benefit of our program in Colombia is that we have a strong partner in the region, who is working closely with us to help it share its experiences with other countries in the Western Hemisphere, including Mexico. In 2008, President Calderon signed a constitutional amendment approved by the Mexican Congress and the majority of states that paved the way to transition from its old inquisitorial judicial system to an accusatory system, much like the system

now in Colombia. And since 2007, Colombia has trained approximately 5,800 Mexican police and justice officials, both in Mexico and Colombia.

Since late 2006, the Mexican Government has begun aggressively to confront drug trafficking organizations and the corruption they have fueled. The Calderon Administration has spent between \$3 and \$6 billion each year on security, including the justice sector. The government has arrested scores of criminals, including some top members of notorious criminal organizations.

In order to tackle pervasive corruption, the Government of Mexico began systematically removing from duty thousands of corrupt law enforcement officials, customs officials, and prosecutors, including those in key positions. The Public Security Secretariat (SSP) which incorporates the Federal Police is now hiring college graduates who have gone through background checks and passed drug and polygraph tests. The SSP has already hired and trained 4,000 new recruits and plans to augment the force by another 6,000 in the coming year. Mexican Customs is undertaking a similar restructuring to root out corruption and institute new hiring and training practices. To prevent corrupt police from being hired in multiple states or municipalities, the government has developed a National Police Registry, which will include sophisticated biometric technology, to maintain records of all law enforcement officers. In the Attorney General's office, or PGR, the Government of Mexico has developed a modern, computerized case management

system with sophisticated checks and balances to make it much more difficult for prosecutors to purposely lose case files, or improperly influence a case. The system is to be online and operational across most parts of the country in 2011, with country-wide operability in 2012.

The strategy that we are pursuing with the Government of Mexico is an effective long-term program, not a temporary “quick-fix”. Since the advent of the Merida Initiative in 2007, the U.S.-Mexican relationship has developed, matured and evolved both positively and constructively for both countries. We have shifted our foreign assistance focus from providing heavy equipment, such as aircraft, and have moved more deeply into institution and capacity building.

With our support, the Government of Mexico is now targeting entire criminal organizations, from “mules” to financiers, and hit men to middle-managers. The joint U.S. /Government of Mexico High Value Target List is still an important element, but is not the only focus. U.S. assistance is providing critical air capability to ensure the rapid deployment of the police and military forces to sites and locations where the Government of Mexico determines they are needed. The United States is supporting Mexico’s specialized units with training, equipment, and technical advice. We are working on complex money laundering investigations, asset forfeiture issues and weapons trafficking. We are building

mechanisms to share information vital to the investigation and arrest of Mexican criminals.

The United States is supporting Mexico's reform of its criminal justice sector – from the police, to prosecutors, customs, corrections and the judiciary. Merida funding has enabled U.S. Federal, State, and local law enforcement officers to train over 4,300 new Federal Police investigators in investigative techniques, including securing a crime scene, interviewing suspects and witnesses, surveillance, evidence collection, and testifying in oral trials. We are providing expertise and funding for prosecutorial training in all 31 Mexican states and the federal district this year, focusing on the new judicial reforms. Colombian prosecutors have played a key role in training their Mexican counterparts. We are currently working with Mexican Customs to provide assistance for their new academy, and we have provided training for law enforcement canine programs and their handlers.

The Department of State is also committed to helping Mexico improve and develop its border security capabilities, improving and modernizing their inspection efforts in line with 21st century practices. The U.S. and Mexican governments have launched a range of initiatives that challenge the traditional view and are developing a framework for a new vision of 21st century border management. In the short term, U.S. assistance is contributing non-intrusive

inspection equipment and canine programs to detect drugs and other contraband moving north, and guns and cash moving south. We are working to help build new capabilities within Mexico's border forces, as well as enhancing our information sharing and better coordinating our operations on the U.S. side of the border. The results of this should make America's Southern Border safer on both sides.

Finally, we are working to build strong and resilient communities in Mexico. We know that communities are key to deterring the influence of criminal organizations, whether through anonymous tips, socio-economic alternatives, and educational opportunities.

Professional integrity projects are a key component of every Merida Initiative institution-building project. These projects are a critical piece of the strategy, and the foundation for strong, effective, transparent institutions which will detect corruption and deter it over the long-term. The programs vary with each institution, but generally consist of vetting at the recruitment phase, with background checks, financial disclosures, drug testing, and polygraphs. The programs then also build systems within each organization to continue to vet personnel throughout their careers, provide a secure system and transparent procedures for reporting corruption, and develop operations to ensure the personnel are not engaging in corrupt activities. These programs are not quick fixes: they take sustained effort, commitment, refinement, and persistence. But they are a

very solid start towards further developing a Mexican criminal justice sector committed to the rule of law and professional integrity.

INL's counternarcotics programs elsewhere in the region work to target drug production directly at the source. In Bolivia, the world's third largest coca cultivator and cocaine producer, our counternarcotics program seeks to reduce coca cultivation and to strengthen the capacity of law enforcement to interdict drugs and precursor chemicals. We also support systematic criminal justice reform through the training of police, prosecutors and judges in investigative techniques, forensic sciences, human rights and trafficking in persons. The current Bolivian Government, however, is a matter of concern for us with respect to its counternarcotics policies and actions, which have demonstrated diminished program results. The U.S. is committed to having a cooperative relationship with Bolivia that achieves concrete counternarcotics and justice sector results and Bolivian and U.S. officials still meet regularly to implement programs and activities and to resolve issues.

Ecuador, in contrast to its Andean neighbors, is a major transit country for illicit drugs rather than a major producing country. To address the trafficking of an estimated 200 metric tons of cocaine annually through the country, INL's counternarcotics programs aim to improve the professionalism and integrity of Ecuador's police, military, and judicial institutions to more effectively investigate

and prosecute the criminal organizations involved. A key priority has been to support Ecuadorian police and military presence along the northern border with Colombia.

In Peru, the second largest cocaine producing country in the world and a major exporter of cocaine and cocaine base, the INL program's eradication and interdiction efforts have succeeded in reducing coca cultivation in particular in the notorious Upper Huallaga Valley where coca production has declined 72 percent in the last three years. The decline can be directly linked to eradication programs working in tandem with alternative development aid to improve roads, provide potable water and schools, as well as cash crops such as cacao and coffee for farmers. This has served as a model of what we consider to be a balanced "hard side – soft side" approach to counternarcotics foreign assistance efforts. We plan to replicate this approach in other areas as we press the Peruvian Government to assume greater responsibility for the effort to free up funds for port security and judicial sector reform.

And since 2004, our primary objective in Haiti has been to transform the Haitian National Police to a law enforcement institution capable of providing security for Haitians and maintaining the rule of law. We have approximately 50 civilian police (CIVPOL) advisors supporting MINUSTAH, the UN Mission in Haiti, which is leading the international effort to train and expand the Haitian

National Police. We have directly supported the HNP efforts to recruit and train police at its academy by providing uniforms, vehicles, and other equipment as well as instruction for specialized units within the HNP such as forensics, SWAT and traffic. We have also supported the counterdrug, anti-money laundering and Coast Guard units of the HNP to enhance their capacity to interdict drugs and take down trafficking organizations,

The January 12 earthquake in Haiti is obviously a devastating event and the level of destruction it caused is such that Haiti must now rebuild its institutions. However, an encouraging development that emerged from the crisis was the performance of the HNP. Within a few days of the earthquake, the HNP were patrolling the streets and attempting to protect their communities from the thousands who had escaped from prison. Even more significant was the change in attitude of ordinary Haitians toward the HNP who no longer view the police as corrupt and predatory. The HNP remains a long way from being capable of ensuring public safety throughout Haiti and the earthquake is a major setback to U.S. and international efforts to rebuild and reform the HNP. However, I think we can say that the foundation has been laid on which to build the effective law enforcement institution the Haitian people so desperately need.

Finally, I would like to conclude with our approach to administering the funds entrusted to the State Department to make these efforts possible. As

stewards of these funds, our business approach toward implementation is to seek the most effective and efficient implementer to achieve our program goals. As a matter of business practice, we chose implementation vehicles after conducting analysis of the program type, past performance of potential implementers, cost, availability, and the political and security environment in which we operate. The implementing mechanisms include contracts with companies of all sizes, program agreements with interagency partners, grants to non-governmental organizations and educational institutions, and contribution letters to multilateral organizations. We work hard to identify the best mechanism to get the job done effectively and efficiently, taking into account the unique requirements established by our host nation partners.

For each of these implementing vehicles, the Department of State requires, and INL takes steps to provide project managers and program officers with appropriate training to effectively manage, implement, and oversee programs.

For example, in the Western Hemisphere, INL employs over 100 Foreign Service officers, U.S. personal services contractors (USPSC), and Locally Engaged Staff (LES) who have been trained in federal acquisition regulations and proper contract oversight procedures.

INL's approach to program management allows the State Department to plan for effective transitions and build up and draw down program management and oversight staff as circumstances require. In our build up for the Merida Initiative, INL's staff in Mexico and Central America has almost doubled from 64 individuals to 112, over 30 of which are trained as certified Contracting Officer's Representative (COR). In Colombia, the nationalization of our programs, due to programmatic success, has resulted in a reduction of contract personnel from almost 1,200 in 2006, to 598 in 2010.

In country, the Narcotics Affairs Section (NAS), in conjunction with host nation representatives, take a leading role to determine program requirements. Procurements to support our programs are made by the American Embassies contracting officers, the Department's Regional Procurement Support Office in Ft. Lauderdale, Florida, the Department's Office of Acquisition, or by INL directly. Factors such as the complexity, type of acquisition, scope of work, the involvement of other agencies, or requirements such as "Required Sources of Supply" and whether other agencies have existing contract vehicles (e.g., Government-wide Acquisitions Contracts, etc.) are considered among other factors in the analysis of the procurement.

Once procured, a variety of management controls are essential to monitoring and oversight. All U.S. government procured commodities and construction are

subject to INL's annual end-use monitoring and reporting to track their use and consistency with agreed foreign assistance use.

The Department of State remains committed to building and maintaining the necessary capacity to address citizen safety, rule of law, and transnational crime in the Western Hemisphere for two compelling reasons: first to assist our international partners in their efforts to build this capacity for their own security and safety, and second to diminish the impact transnational crime may have on America's citizens.

As stewards of substantial taxpayer dollars for critical national security and foreign policy objectives, we consistently review, adapt, and improve our programmatic contract management, and oversight requirements. We recognize this critical objective and have increased our financial oversight staffing, auditing capacity, and contract administration. Enhancing this capacity is a critical objective of mine, that, with your support, I fully aim to achieve.

Thank you for your time and I look forward to responding to your questions.