

STRATEGIC OPPORTUNITIES INTERNATIONAL

Prepared Statement of

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Before the

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and International Organization**

Hearing: Human Rights Vetting: Nigeria and Beyond

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Chairman Smith, Ranking Member Bass, and distinguished Members of the subcommittee, thank you for inviting me here to testify today of this important matter concerning foreign policy, national security objectives and the training of foreign military forces. Always important, supporting our friends and allies in professionalizing their forces in what has become an era of persistent conflict has become a key component of our National Defense Strategy. This requirement has caused the Department of Defense to emphasize security assistance and security cooperation as a method to achieve this support. One of the components of these engagement strategies is foreign military training. Since the 1990's, a requirement to providing training is the certification on human rights, better known as the Leahy laws.

Designed to promote the "respect for human rights abroad" as well serving as important foreign policy tools, these legal provisions also help safeguard America's image abroad by ensuring that we do not deliberately or accidentally train brutal or corrupt defense and security forces. Despite its noble intent, there is a negative side to these provisions. Cumbersome, time consuming validation and vetting of local national forces ensure that a rapid response to emergency training requirements will not occur. Units that are black listed seem to be forever tarnished for the misdeeds of their predecessors and active cooperation at all levels of a local national defense establishment is required. We cannot engage and professionalize a force if it has committed or has been accused of committing actions we find objectionable. Of course, that means that we will not have the opportunity to insert ourselves in professionalization efforts for the force in question or help eradicate that behavior or action we find objectionable or rapidly help in moments of crisis.

During the course of these hearings, you will have the opportunity to listen to experts who will discuss legal, human rights and foreign policy that can explain in detail the provisions, the requirements and restrictions as well of the benefits of this law. What I can offer is complimentary views, the viewpoint of the guy on the ground that has spent years trying to facilitate and execute U.S. foreign policy and national security goals and objectives from while serving as the U.S. Defense Attaché office, executing security cooperation at the Theater Army level, from the viewpoint of the previous commander of the Army's designated security assistance training command.

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Examples

Nigeria: Between 2006 and 2008, I was the senior military representative to the Gulf of Guinea Energy Security Talks. The principal military force earmarked for the protection of the oil fields and pipelines was the Joint Task Force. Set up in 2004 to restore order in the Niger Delta, the JTF was composed Nigerian army, navy, air force and mobile police elements. From almost the beginning, this JTF was accused of excessive force, human rights violations including extrajudicial executions, torture and destruction of homes believed to have harbored militants. By late 2007, the situation had deteriorated further, with foreigners and expatriates routinely kidnapped and the oil installations threatened. Assistance requested included communications equipment, boats and training. At that time, the U.S. was importing approximately 10% of our oil consumption from Nigeria. Because of the allegations of human rights violations as well as Nigerian unwillingness to grant U.S. access to the region in question, we were unable to meet any of the assistance requests to help secure this vital resource and still unresolved by the time I departed. This inability to assist when requested did but strain on our bilateral relationships.

The Leahy Law restrictions on engagement were compounded by previous sanctions and a poor command and control infrastructure. Prior restrictions to engagement has led to a generation of Nigerian leaders who do not know us, having received professional education from some of our competitors. In some cases, I was faced with offering limited assistance not necessarily in line with what was requested, to people who didn't like us to start off. The Nigerian C2 infrastructure frequently failed, did not give real time updates and frequently led to a disconnect between units in the field and their command infrastructure. Ajuba did not control its units in the Delta and the command infrastructure in the Delta had little influence on the activities of its units as they deployed from their home bases. It is important to remember that in many cases, engagement equal access. Units and services I could offer training to, I had access and I could assist in the professionalization of those units.

Uganda. Another example of issues with Leahy vetting was passed to me by my former security assistance chief in Nigeria, LTC Lu Perozo, USA (ret) from his recent service in Uganda as the U.S. Defense Attaché. LTC Perozo stated that he had been approached by the AFRICOM J2 who wanted to expand the level of cooperation with the Chieftaincy of Military Intelligence (CMI). The AFRICOM objective was to improve Ugandan capabilities in two areas: AMISOM and counter LRA. Both were/are USG priorities. As the DAO and AFRICOM looked at ways to do this (train and equip), it was soon realized that Leahy vetting was an issue. Sections within the organization and the incumbent Chief, a serving Brigadier General, would not pass vetting. As a measure of cooperation the Chief was replaced. His successor was a U.S. trained officer with a great reputation who wanted to implement some reforms at CMI. The initial thought was that this change would allow forward movement. Instead the new Chief was also deemed a "bad guy" because now he was part of the unit. This made it all the way up to President Museveni and the Commander of Land Forces. Needless to say it created all sorts of issues for the

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United States in implementing just about every program. The Commander Land Forces stated it simply, “If you don’t want to help us we’ll just ask Russia and China.”

Liberia. At the beginning of this century, this small West African country's army was, at best, a mess. After decades of near continuous civil war, the government soldiers' hands were as bloodied as any rebels'. The troops were undisciplined, unpaid, and undertrained. They were a motley crew that protected no one in a country where pretty much everyone was vulnerable to violence. By 2006, it was decided that the United States would undertake the mission to transform them into a professional military. Today, Liberia's soldiers are among the best in the region. They have been vetted, trained, paid, and readied for action by the United States. To achieve this, the US Government spent more than \$300 million to rebuild from this military from scratch. Every soldier admitted into the Army was vetted. The next batch of recruits for the AFL was just enlisted this year, and all 140 of them were put through a similar rigorous vetting. Since 2010, the US military has on average over 50 US military officers on the ground providing continuous mentorship and training for the AFL, yet as Commander, US Army Security Assistance Training Management Organization (SATMO), I was faced with delays in deploying trainers due incomplete vetting. COL Tim Mitchell, the current Defense Attaché still has to follow the requirements to validate and vet each individual AFL soldier prior to the arrival of a mobile training team or other training mechanism. This is time-consuming, bureaucratic, and unproductive, and has led on several occasions to AFL personnel not being allowed to receive the training. Despite these requirements, the same soldier can be “mentored” on an annual basis.

Leahy Law Ground Truths based on my professional experiences

- (1) Credible allegations are all that is necessary to delay or prevent training
- (2) Forces that fail to pass vetting usually are those forces most in need of external assistance to professionalize
- (3) In-country vetting requires active cooperation from the client nation, and is seen in some cases, a direct infringement on national sovereignty
- (4) Regional differences and insensitivities to differing local cultures still plague many countries in Sub-Saharan Africa.
- (5) Many militaries are plagued the command and control infrastructure that does not allow its commanders in the field to have direct control of his forces.

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(6) Much of Africa is still developing a sense of national identity and that a sense of national patriotism would triumph over village, tribal, religious or regional affiliations in a time of crisis

(7) Engagement can equal access. Lack of engagement usually equals lack of access. We can't influence what we can't visit/see/assist/engage

Recommendations for improvements to the Leahy Law:

(1) Authorize DoD human rights training in a broad category of subjects similar to the expanded IMET program of the 1990's. Allow engagement that is designed to assist in the professionalization of those errant forces; focus on the law of land warfare, human rights, the military role in civil society and others similar subject.

(2) linked with Item #1 above, develop an exit strategy for bad individuals and units that will build toward the potential for full engagement. Rehabilitate and professionalize vice punish.

(3) Develop a blanket unit vetting process for forces free of violations.

In closing, I would like to remind everyone that if we don't engage, our global competitors can and usually will.