

OBSERVATORY OF ILLICIT ECONOMIES IN EASTERN AND SOUTHERN AFRICA

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Summary highlights



Heroin capsules, a unique feature of Durban's drug market, have emerged in a violent and volatile landscape.

In Durban, a unique trend has emerged for packaging heroin in pharmaceutical-style capsules, which may shed light on the structure of the drug market and supply routes. This trend has emerged as violence in Durban's heroin market has escalated. Police corruption and community support of drug networks are both major factors in the local drug economy, as demonstrated by the recent assassination of a notorious underworld figure, Yaganathan Pillay, otherwise known as 'Teddy Mafia'.



Corruption and criminality at Nairobi's main dumpsite exact a heavy toll on the city's residents and county government.

Around the world, waste management has proven to be a sector vulnerable to organized crime and corruption. The Dandora dumpsite – the only designated dump for the thousands of tonnes of rubbish produced daily in Nairobi – has become the hub for criminal groups and corrupt figures who have infiltrated the waste-disposal

sector at a number of levels, from household-rubbish collection to waste transport. The dump itself has also become an insecure and violent area. New research by the GI-TOC shines a light on the symbiosis between criminal and corrupt figures who combine to leech illicit profits out of Dandora and Nairobi's waste sector at large.



The life of a Kenyan charcoal transporter: a crucial role in a vast, vital and criminalized market.

Charcoal is an essential commodity in East Africa. Cheap, efficient and easily transportable, it is the main energy source in rapidly growing urban areas. Yet regulations suppressing charcoal trade – put in place to reduce deforestation – have resulted in 'grey markets' whereby criminality and corruption allow illegally produced charcoal to be sold. In Kenya, a ban on domestic production has inadvertently brought about just such a grey market. Drawing on ongoing GI-TOC research, we follow the path of one charcoal transporter to illustrate how criminality percolates through the Kenyan charcoal market.



**GLOBAL
INITIATIVE**
AGAINST TRANSNATIONAL
ORGANIZED CRIME



Poor implementation of firearms legislation and corruption in South Africa's firearms registry has put guns in the hands of gangsters.

When it was first introduced, South Africa's Firearms Control Act was intended to usher in a new era of firearms control in the newly democratized country. But

21 years after the Act was passed in parliament, monitoring systems have still not been fully implemented and systemic corruption at the Central Firearms Registry has allowed firearm licences to be issued to suspected gangsters and other underworld figures.

ABOUT THIS ISSUE

Welcome to the first issue of the Risk Bulletin of Illicit Economies in East and Southern Africa in 2021.

As lockdowns and border closures continue across eastern and southern Africa, the economic impacts of the coronavirus pandemic are cutting ever deeper. Other political upheavals are also shaking the region, such as the outcome of the contested elections in Uganda.

In this issue of the Risk Bulletin, we present stories from South Africa and Kenya, which investigate how political shifts are shaping, and being shaped by, criminal networks.

In our lead story this month, we provide a deep dive on Durban's heroin market. South African headlines were filled in recent weeks with shocking images from Durban, where alleged drug kingpin 'Teddy Mafia' was assassinated and his killers themselves killed in a brutal reprisal. Going beyond the headlines, we present our analysis of the volatility and violence in Durban's drug market, and what sets the city apart in the overall landscape of heroin trafficking across South Africa and the wider region.

We then turn to illegal markets in Kenya that have a direct impact on the environment. Waste disposal may not be something widely associated with organized

crime, yet criminality in the sector has actually been reported around the world. The business of waste in Nairobi has become big business for criminal groups with connections to the city's government. Our analysis highlights how provision of services in cities can be subverted by criminal groups and corrupt officials.

We also look at ongoing criminality in Kenya's charcoal industry, which is a major contributor to deforestation in the region. The charcoal market in Kenya is a classic example of a 'grey market', whereby legal and illicitly produced goods are both available to consumers, who may therefore be unaware of a product's illegality. The charcoal market presents a dilemma to policymakers in Kenya, given that demand for charcoal, despite its problems as a polluting fuel, remains high, as well as the fact that the market is a major source of income in rural areas.

Lastly, we report on ongoing corruption and mismanagement at South Africa's Central Firearms Registry, where corrupt officers working in the firearms registry have been able to facilitate firearms licenses being issued to gangsters. This story illustrates how poor implementation of legislation – in this case South Africa's Firearms Control Act – can undermine the legislation's original intentions.

Heroin capsules, a unique feature of Durban's drug market, have emerged in a violent and volatile landscape.

Durban is home to one of the oldest, largest and most deeply entrenched heroin markets in South Africa. As the market has grown in sophistication, a unique method of processing and distributing heroin has come to be widely used in the Durban area: that of packaging the drug in pharmaceutical-style capsules. This unique method sheds light on the structure of the heroin market in and around Durban, yet also raises questions as to why Durban-based drug networks are operating differently to their counterparts elsewhere.

This evolution has taken place in a volatile context. Drug dealers in key Durban suburbs are deeply entrenched in their communities, employing a mix of charitable giving (to secure community favour), violence and links to corrupt police officers. In recent months, a turf war connected to the drug market has escalated, culminating in the assassination of Yaganathan Pillay, a notorious underworld figure also known as 'Teddy Mafia', and a gruesome reprisal.

Heroin capsules: a Durban-specific phenomenon?

In September 2020, members of the Hawks (South Africa's organized crime police unit) uncovered over 170 000 heroin capsules at an upmarket residential estate about 50 kilometres north of Durban. The capsules were part of a haul that also included thousands of tablets of Mandrax and methaqualone (a precursor for manufacturing Mandrax), as well as other large volumes of heroin.

This raid was one of the largest hauls of heroin capsules in KwaZulu-Natal province.¹ In recent years, raids have also discovered laboratory equipment designed to automate the high-speed manufacture of thousands of heroin capsules. One such raid in Springfield Park in Durban in March 2019 revealed capsule-pressing machinery and thousands of empty capsules, with police estimating that they believed 10 000 capsules containing heroin were being manufactured per day.²

Since January 2016, over 710 000 individual capsules containing heroin have been seized in South Africa, according to our analysis of drug seizures reported by the



Evidence gathered by police in Durban in a July 2019 raid that demonstrates the assembly-line production approach and sheer scale of producing heroin capsules.

Photos: South African Police Service

South African Police Service.³ That a single laboratory could produce up to 10 000 capsules per day goes some way to illustrate that the 710 000 reported seized by police are merely the tip of a much larger iceberg.

However, the data is useful in illustrating the geographical concentration of these capsules. During this analysis, no reports were noted of heroin capsules being seized in South Africa outside of KwaZulu-Natal province, and seizures have been overwhelmingly concentrated in Durban. Other seizures were made in surrounding towns near Durban (such as Pietermaritzburg) – all along major roads leading out of the city within a 200-kilometre radius.

This corresponds to the findings of GI-TOC's 2020 study that surveyed illicit drug prices and market dynamics across eastern and southern Africa,⁴ including 15 drug market sites in South Africa. Metrics measured included a comparison of the retail packaging of heroin samples, with capsulized heroin reported only in Durban and Pietermaritzburg.⁵ In other samples collected from Durban and around the country, heroin is more commonly plastic-wrapped and tied – a form of packaging known as a 'twist' or 'twister', among other names.

Examples of heroin in capsule form are also rare outside of South Africa: our research team is aware of only two

other examples. During our research in 2020, capsules were reported by people who use drugs (PWUD) in Busia, a border town that straddles the Uganda–Kenya boundary.⁶ In an earlier, seemingly isolated incident in January 2016, 4 200 capsules of heroin were seized from a woman who was travelling from the Democratic Republic of Congo and attempting to enter South Africa via Zimbabwe.⁷

The capsules in Busia in particular raise questions because of the town's geographic isolation. In interviews, sex workers and PWUD in Busia reported that the capsules were mainly provided by truck drivers. It is possible that the easily disguised pharmaceutical packaging may be an advantage for these drivers when travelling across borders.⁸ There was no evidence to suggest that Busia was either the source or the ultimate destination market for these capsules, which leaves questions open as to where these capsules originally have come from, where they are ultimately sold, and why they are appearing on the Kenya–Uganda border, so far from the only other recorded location for capsules, in Durban.

In both cases, the capsules containing heroin do not appear similar to those being produced in KwaZulu-Natal, with the drug being re-sealed into pharmaceutical-style blister packs in order to resemble

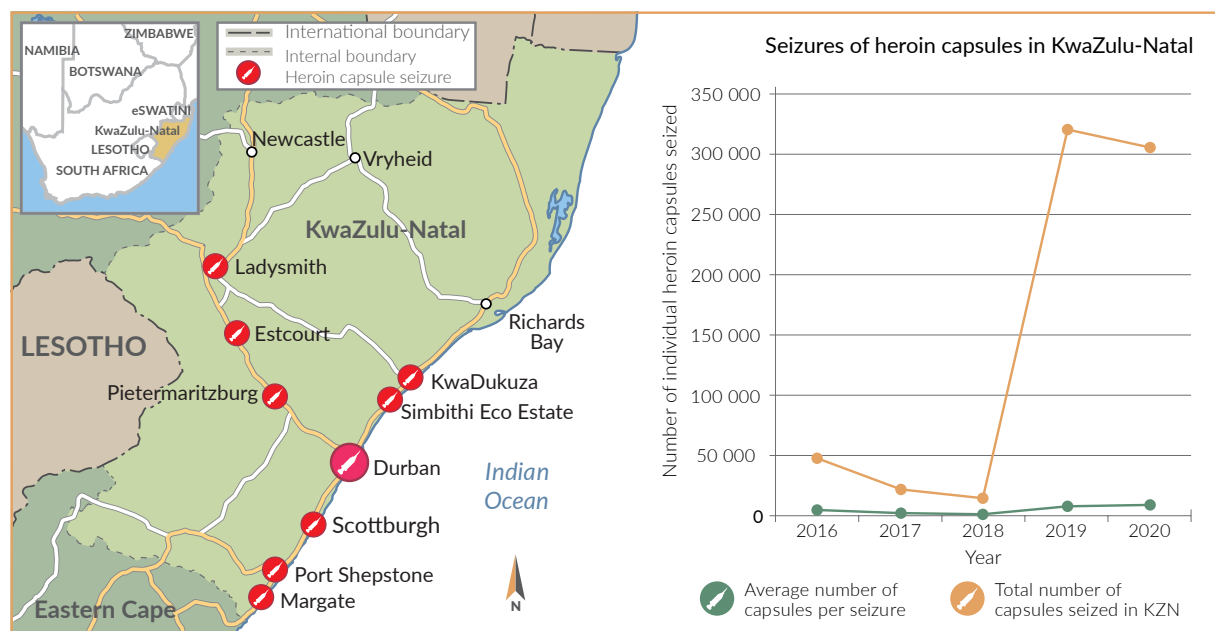


FIGURE 1 The number of heroin capsule seizures in KwaZulu-Natal has risen sharply since 2018.

Note: Seizures of these capsules are highly concentrated in and around Durban, and no seizures have been reported outside of the province.

Source: South African Police Service



Capsules of heroin in Busia, on the Uganda–Kenya border. Unlike the capsules found in Durban, these are re-sealed into medical-style blister packs so as to look like regular pharmaceuticals.

Photos: Supplied

regular medical products. By contrast, the capsules sold in Durban are stored as loose capsules.

The evidence suggests that capsules have come to be widely used only in recent years in Durban's heroin market. One Durban-based police officer speaking to GI-TOC in 2019 described how, in the early 2000s when the heroin market was in its infancy, heroin was largely sold in plastic-wrapped 'chalk sticks' known as dongas.⁹ After this, heroin began to be packaged in straws, which involved a lot of manual labour to prepare.¹⁰ Finally, capsules became more common. Seizure data supports this narrative, as the number of capsules seized has increased exponentially from fewer than 50 000 annually before 2018 to over 300 000 in 2019 and 2020.

The shift towards capsules has brought about a revolution in efficiency, creating an assembly-line style of production that outstrips other methods. In addition, studying the retail packaging can provide interesting information about forms of drug consumption and supply routes.¹¹

For example, the fact that no samples have been reported in our South Africa pricing surveys outside of KwaZulu-Natal – either by police or by PWUD – may suggest that the distribution networks that actually transfer the heroin from bulk into capsules cater only to a local consumer population. Since South Africa's large and growing heroin market is nationwide, in particular in Johannesburg and Cape Town, one might expect some examples from other areas if the capsules were being produced by a network that distributed its wares further afield. However, there is a possibility that examples of capsule heroin may be being

overlooked. After all, in capsule form the drug can more easily be disguised as an innocuous medicine, passing under the radar of police and researchers alike.

In an interview, one Durban police officer argued that dealers had shifted to capsules because consumption in the area had increased: capsules allow dealers to produce a larger quantity more efficiently.¹² While this is a logical argument – capsule production is undeniably more efficient – this in turn raises the question: why has a similar technological revolution not been seen in other parts of South Africa, where heroin consumption is rising as fast as in Durban? Why has the technical expertise seemingly not been passed to networks in other cities, especially when links between Durban drug gangs and those in Cape Town have been previously documented? The concentration around Durban raises many questions for future analysis.

A turbulent drug market: the example of 'Teddy Mafia'

The trend towards heroin capsules has emerged at the same time as Durban's drug market at large has become more volatile. Following in-depth GI-TOC fieldwork re-researching the political economy of urban drug markets,¹³ there are a few key factors to understanding the drugs landscape in Durban. All these factors are exemplified in the story of Teddy Mafia (real name Yaganathan Pillay), a well-known local drug kingpin whose assassination on 4 January this year – and the subsequent mob lynching of his killers – rocked Durban.

Drug dealers in Durban often operate with a very high public profile, enabled by a climate of impunity that



Samples of heroin from different locations in South Africa. The central image shows a heroin capsule, pictured in Durban. The left and right images, collected in Cape Town and Port Elizabeth, respectively, show plastic-wrapped heroin. This is how heroin is generally packaged for consumption in South Africa: capsules are a phenomenon that is unique to Durban.



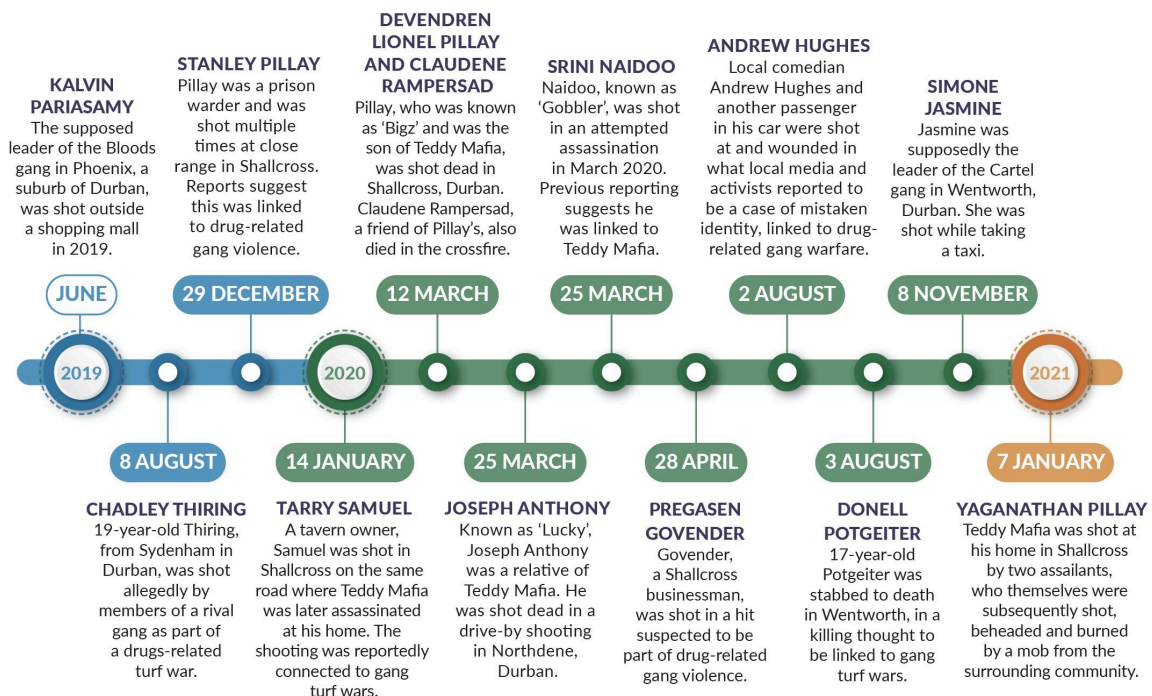
FIGURE 2 Distribution flows of heroin in South Africa.

derives from police corruption. Teddy Mafia was a case in point, working as a well-known 'notorious' dealer in Durban for many years¹⁴ who managed to evade prosecution, despite overwhelming evidence. He was arrested in January 2013 alongside his son after a police raid at their home. A large amount of heroin was seized in the raid, which was hailed as a 'major breakthrough' by police at the time and led to the creation of a special prosecution team in order to expedite his prosecution.¹⁵ In November 2016, Pillay was arrested with drugs worth an estimated R1.8 million (US\$125 000) and several firearms.¹⁶ Finally in April 2020, his arrest at his Taurus Road home accompanied the seizure of several firearms, while a suspected associate was arrested in possession of a significant volume of drugs nearby.¹⁷

Despite these multiple major incidents and the investment of police resources, Teddy Mafia was never convicted of a drug-related offence. In the aftermath of his shooting, South African police minister Bheki Cele asked police why Pillay, as a 'known drug dealer', was never successfully prosecuted.¹⁸

Sources say that this was thanks to law-enforcement officers on his payroll. 'He had many magistrates and senior police guys in his pocket so he could move around and avoid prosecution as he was powerful that way,' said a 45-year-old gang member from Sydenham, another area of Durban.¹⁹ In interviews, Durban police officers have given scathing assessments of the corruption situation. One police officer in a leadership

Assassinations and attempted assassinations suspected of being linked to the drug market in Durban, 2019–2021



Note: The above timeline shows the assassinations and attempted assassinations that have been publicly reported as being linked to the drug market in Durban.

Sources include: Zainul Dawood, 'Cheezy' brother of slain gang boss 'now leader of Phoenix Bloods', IOL, 12 June 2019, <https://www.iol.co.za/dailynews/news/kwazulu-natal/cheezy-brother-of-slain-gang-boss-now-leader-of-phoenix-bloods-25798913>; Orrin Singh, More than R100k in drugs found at flat near Teddy Mafia's home, Hawks confirm, 13 January 2021, TimesLIVE, <https://www.timeslive.co.za/news/south-africa/2021-01-13-more-than-r100k-in-drugs-discovered-at-premises-near-teddy-mafias-home-hawks-confirm/>; Kacveel Singh, Man arrested for stabbing to death Durban teenager, 3 August 2020, <https://www.news24.com/news24/southafrica/news/man-arrested-for-stabbing-to-death-durban-teenager-20200803>; Lee Rongdang, The rise and fall of Durban's drugs gang 'godmother', IOL, 30 October 2020, <https://www.iol.co.za/dailynews/news/the-rise-and-fall-of-durbans-drugs-gang-godmother-c3fba33a-bf4b-4d17-948c-186167bacd18>.

role argued that Durban would not be home to powerful and well-known dealers without police tip-offs and corrupt support.²⁰ Others argued that the pervasive corruption made it dangerous and difficult to do investigative work into the drug trade: 'Durban is so corrupt, you don't know who to trust,' he said.²¹

Speaking to the GI-TOC in 2019, Sam Pillay, a long-standing community activist, expressed frustration at trying to work with the police: 'Since the early days, we knew the dealers, we knew the trade. We knew their pawn shops. We knew the names of the cops who arrived to collect tax. And we supplied that information to the relevant bodies in law enforcement, but there was no will to shut them down. Some of them do get arrested, but there are no convictions.'²²

The community also offers a layer of protection for drug dealers, who provide charitable donations to locals in order to win support, presenting themselves as 'Robin Hood' figures.²³ Again, Teddy Mafia was no exception. A source in the Crime Intelligence Division said that Pillay was 'protected by the community because he supports them financially'. A former police officer in Chatsworth – Pillay's local area – said 'he [Pillay] had big pockets, so many people loved him and would easily fall on a sword for him ... you know how these gang bosses are? They anoint their communities with false charity while they inject those very communities with poisonous drugs that get these youngsters hooked and destroys their lives.'²⁴

When a GI-TOC research team visited Chatsworth in 2019, a queue of people were outside Pillay's home, apparently waiting to receive food distributed from his driveway or to ask for loans. As we drove past, men in nearby hostels blew whistles, which community activists said is a system used to alert drug dealers to a potential police raid.²⁵ At one of Pillay's previous court appearances, supporters reportedly wore T-shirts with the words 'the people's champion' printed on them in support.²⁶

But Durban's drug market has grown more violent in recent months, with what has been described as a 'turf war' between rival dealers leading to a series of assassinations.²⁷ This included hits on several members of Teddy Mafia's family.²⁸ Police in the area have also reported that gang dynamics in Durban have been shifting, with local gangs developing into larger criminal enterprises and becoming more violent in their fight for territory.²⁹ Criminal figures in Durban have reportedly hired hitmen from Cape Town to carry out assassinations of rivals.³⁰

These two key trends – rising violent competition and community support for drug kingpins – came together around the events of 4 January, when Pillay was shot in his home in Chatsworth.³¹ The two shooters, who were reportedly known to Pillay – one reporter on the scene later that day reported that these men had previously worked for Pillay³² – came to the house and were allowed past Pillay's strict armed security. According to a

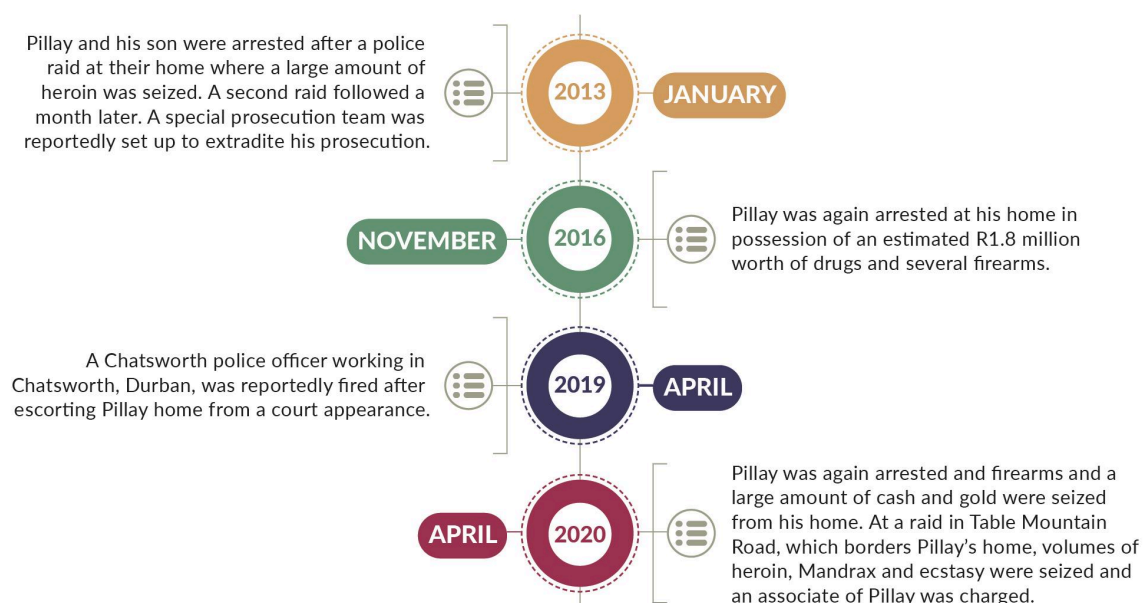


FIGURE 3 Incidents involving 'Teddy Mafia', suspected leader of a drug trafficking network in Durban.

source working in crime intelligence in Durban, the alleged purpose of the meeting was to sell unlicensed firearms to Pillay. However, the source went on, it was in reality an assassination ordered by a rival dealer in Chatsworth, against whom Pillay had been waging war.³³

The men shot Pillay and fled, only to be caught by a mob that had assembled outside the house. They were then reportedly shot, and footage shared widely on social media shows the bodies being beheaded and then burned in view of an assembled crowd of hundreds.³⁴ As police attempted to come to the scene, they were reportedly driven off by community members shooting and throwing stones, and were unable to access the scene for several hours.³⁵ It seems that Teddy Mafia's standing in his community spurred the vicious treatment of his attackers.

Unanswered questions over the rise in the use of heroin capsules

As shown by the career of Teddy Mafia, the phenomenon of heroin capsules – the development of a resource-intensive, more efficient mode of drug

distribution – has taken place under a certain set of circumstances where police are highly compromised, drug networks can operate confidently with impunity (and often with community support) and the rising value of the drugs market (thanks to growing consumption) is spurring violence as groups compete for control. Residents of Shallcross, Durban, have voiced their fears that Teddy Mafia's assassination will lead to further drug market violence.

But how to interpret this phenomenon is still a very open debate. On one hand, it could be argued that investments in laboratory-style equipment to improve heroin production efficiency demonstrate that drug networks in Durban have been emboldened, and are not concerned that sourcing pharmaceutical equipment could raise suspicion. On the other, in a context where corruption is rife and drugs networks are well protected, what is the advantage of concealing heroin in capsule form? Further investigation into the unique characteristics of the Durban drugs market may seek to answer these questions.

Notes

- 1 According to our analysis of drug seizures reported by the South African Police Service, there have been 13 seizure incidents in KwaZulu-Natal since January 2016, each of which have led to the seizure of over 10 000 capsules.
- 2 Accused in R50m Durban drug laboratory bust get bail, *The Citizen*, 4 April 2019, <https://citizen.co.za/news/southafrica/courts/2114876/accused-in-r50m-durban-druglaboratory-bust-get-bail/>.
- 3 In the largest such incident, an estimated 237 422 capsules and 59 kilograms of heroin powder were mysteriously reported stolen while being transported by police after it was seized in a raid in May 2019. Charlele Somduth, Hawks probe disappearance of drugs allegedly stolen while transported by police, *IOL*, 10 May 2019, <https://www.iol.co.za/the-post/hawks-probe-disappearance-of-drugs-allegedly-stolen-while-transported-by-police-22888020>.
- 4 Jason Eligh, A shallow flood: The diffusion of heroin in eastern and southern Africa, Global Initiative Against Transnational Organized Crime, May 2020, <https://globalinitiative.net/wp-content/uploads/2020/05/A-Shallow-Flood-The-Diffusion-of-Heroin-in-Eastern-and-Southern-Africa-GITOC.pdf>.
- 5 Ibid. Note: this research paper illustrates a sample from Durban where capsules were used. In the research underlying the same paper, capsules were also reported in Pietermaritzburg.
- 6 Capsulized heroin use in Busia was reported during fieldwork research for Jason Eligh's report A shallow flood: The diffusion of heroin in eastern and southern Africa, Global Initiative Against Transnational Organized Crime, May 2020, <https://globalinitiative.net/wp-content/uploads/2020/05/A-Shallow-Flood-The-Diffusion-of-Heroin-in-Eastern-and-Southern-Africa-GITOC.pdf>.
- 7 SARS, Dried abalone worth R1-million busted at Cape Town Airport, 6 January 2016, <https://www.sars.gov.za/Media/MediaReleases/Pages/6-January-2016-Dried-abalone,-heroin-intercepted-at-borders.aspx>.
- 8 Findings from GI-TOC fieldwork conducted as research for Jason Eligh's A shallow flood: The diffusion of heroin in eastern and southern Africa, Global Initiative Against Transnational Organized Crime, May 2020, <https://globalinitiative.net/wp-content/uploads/2020/05/A-Shallow-Flood-The-Diffusion-of-Heroin-in-Eastern-and-Southern-Africa-GITOC.pdf>.
- 9 Interview with a law-enforcement officer in a narcotics-focused unit, Durban, 10 April 2019.
- 10 Ibid.
- 11 See Jason Eligh, A shallow flood: The diffusion of heroin in eastern and southern Africa, Global Initiative Against Transnational Organized Crime, May 2020, <https://globalinitiative.net/wp-content/uploads/2020/05/A-Shallow-Flood-The-Diffusion-of-Heroin-in-Eastern-and-Southern-Africa-GITOC.pdf> for more detail on the methodology.
- 12 Interview with a law-enforcement officer in a narcotics-focused unit, Durban, 10 April 2019.
- 13 Simone Haysom, From the Maskani to the Mayor: The Political Economy of Heroin Markets in East and Southern Africa, ENACT Africa, 5 March 2020, <https://enactafrica.org/research/research-papers/from-the-maskani-to-the-mayor-the-political-economy-of-heroin-markets-in-east-and-southern-africa>.
- 14 A source in crime intelligence following Yaganathan Pillay's death described him as a 'notorious' dealer. Interview with Sam Pillay, head of Chatsworth Anti-Drug Association, Durban, May 2019 had also described him as a well-known figure in the Durban drug market.

- 15 SABC News, Special prosecution team set up for Durban drug busts, 10 January 2013, available at: https://www.youtube.com/watch?v=NwanSI_VYJg.
- 16 Padavattan Noelene, KZN's Teddy Mafia get bail in R1.8m drug case, IOL, 18 November 2016, <https://www.iol.co.za/news/kzns-teddy-mafia-get-bail-in-r18m-drug-case-2091449>.
- 17 "Yoshini Perumal, Police make breakthrough in Chatsworth drug turf war, Rising Sun Chatsworth, 1 May 2020, <https://risingsunchatsworth.co.za/157261/pictures-police-make-breakthrough-in-chatsworth-drug-turf-war/>.
- 18 Orrin Singh, Cele asks why 'known drug dealer' Teddy Mafia was never successfully prosecuted, Times LIVE, 5 January 2021, <https://www.timeslive.co.za/news/south-africa/2021-01-05-cele-asks-why-known-drug-dealer-teddy-mafia-was-never-successfully-prosecuted/>.
- 19 Personal communication with GI-TOC research consultant, 7 January 2021.
- 20 Interview with high-ranking investigative police officer stationed in Phoenix, Durban, May 2019.
- 21 Interview with a law-enforcement officer in a narcotics-focused unit, Durban, 10 April 2019.
- 22 Interview with Sam Pillay, head of Chatsworth Anti-Drug Association, Durban, May 2019.
- 23 Simone Haysom, From the Maskani to the Mayor: The Political Economy of Heroin Markets in East and Southern Africa, ENACT Africa, 5 March 2020, <https://enactafrica.org/research/research-papers/from-the-maskani-to-the-mayor-the-political-economy-of-heroin-markets-ineast-and-southern-africa>, p 25. Community activists and police officers working in key suburbs said that dealers pay bills for community members and provide loans, have invested in local sports facilities and host celebrations. In return, they may expect support from the community they have patronized.
- 24 Personal communication with GI-TOC research consultant, 7 January 2021.
- 25 Simone Haysom, From the Maskani to the Mayor: The Political Economy of Heroin Markets in East and Southern Africa, ENACT Africa, 5 March 2020, <https://enactafrica.org/research/research-papers/from-the-maskani-to-the-mayor-the-political-economy-of-heroin-markets-ineast-and-southern-africa>, p 25.
- 26 Jeanette Chabalala and Jenni Evans, Teddy Mafia's love-hate relationship - the violent past of Shallcross' 'go-to guy', 6 January 2021, <https://www.news24.com/news24/southafrica/news/teddy-mafias-love-hate-relationship-the-violent-past-of-shallcross-go-to-guy-20210106>.
- 27 Orrin Singh, Alleged Durban drug kingpin Teddy Mafia killed, suspects beheaded, Times LIVE, 4 January 2021, <https://www.timeslive.co.za/news/south-africa/2021-01-04-breaking-alleged-durban-drug-kingpin-teddy-mafia-has-been-shot/>; eNCA, 'Teddy Mafia' Killing, Drug turf war in Chatsworth, Durban, 5 January 2021, available at, <https://www.youtube.com/watch?v=foflxO9ORLE>.
- 28 Pillay's son and his wife's cousin were both murdered in drive-by shootings within 10 days of each other in March 2020. See Chanelle Lutchman, 'Teddy Mafia' claims Metro cops ruined son's 16-day ceremony, IOL, 3 April 2020, <https://www.iol.co.za/thepost/community-news/teddy-mafia-claims-metro-cops-ruined-sons-16-day-ceremony-45998817>.
- 29 Simone Haysom, From the Maskani to the Mayor: The Political Economy of Heroin Markets in East and Southern Africa, ENACT Africa, 5 March 2020, <https://enactafrica.org/research/research-papers/from-the-maskani-to-the-mayor-the-political-economy-of-heroin-markets-ineast-and-southern-africa>, p 26.
- 30 See Simone Haysom, From the Maskani to the Mayor: The Political Economy of Heroin Markets in East and Southern Africa, ENACT Africa, 5 March 2020, <https://enactafrica.org/research/research-papers/from-the-maskani-to-the-mayor-the-political-economy-of-heroin-markets-ineast-and-southern-africa>, p 26.
- 31 He later died in hospital. Alex Mitchley, Suspected Durban drug kingpin Teddy Mafia shot dead, news24, 4 January 2020, <https://www.news24.com/news24/southafrica/news/suspected-durban-drug-kingpin-teddy-mafia-shot-dead-20210104>.
- 32 John Maytham, Alleged Durban drug kingpin Teddy Mafia killed, 5 January 2021, <https://omny.fm/shows/the-john-maytham-show/alleged-durban-drug-kingpin-teddy-mafia-killed>.
- 33 Personal communication with GI-TOC, 7 January 2021.
- 34 Orrin Singh, Alleged Durban drug kingpin Teddy Mafia killed, suspects beheaded, Times LIVE, 4 January 2021, <https://www.timeslive.co.za/news/south-africa/2021-01-04-breaking-alleged-durban-drug-kingpin-teddy-mafia-has-been-shot/>. Footage of the event has been seen by GI-TOC.
- 35 Dasen Thathiah, Brigadier Jay Naicker explains how events unfolded in Shallcross, Twitter post, 4 January 2021, <https://twitter.com/DasenThathiah/status/1346113780967759872>.

Corruption and criminality at Nairobi's main dumpsite exact a heavy toll on the city's residents and county government.

The Dandora dumpsite, a sprawling 30-acre area in the north-east suburbs of Nairobi, is the only designated dump for the thousands of tonnes of rubbish produced daily in the city. Located in the middle of an informal settlement that is home to thousands of people, the dumpsite has long been acknowledged as a dysfunctional and highly dangerous part of Nairobi's municipal infrastructure. Dandora has also become a hub for criminal groups and corrupt figures who operate in the city's rubbish-collection industry.

The criminalization of Dandora follows both international trends and local factors. Internationally, the waste sector is a prime target for organized crime. In August 2020, Interpol reported an alarming global increase in the illegal trade of plastic waste since 2018 and pointed to the environmental threat posed by poor (and criminal) management of the world's waste.¹ Even rich countries with strong bureaucracies are struggling to keep the waste sector free of criminal penetration. An independent review published in 2018 by the UK's

Department for Environment, Food and Rural Affairs found that 'industrial-scale organised waste crime has emerged as an increasing problem' in recent years.²

The waste-management sector is vulnerable to criminal exploitation because it can offer high profit margins at low risk of getting caught for involvement in illegal activities, particularly as the main regulatory agencies involved in the sector are generally not part of the criminal justice system. Furthermore, attempts to regulate hazardous materials often create a breeding ground for cutting corners and exploiting legislative loopholes. The various stages of processing waste – from collection from businesses and houses to the transport of waste and management of the dumpsites themselves – all offer opportunities for criminal rent-seeking and territorial control, and for corruption in the management of municipal contracts awarded to companies.



Garbage trucks at the Dandora dump in Nairobi. This, the only officially designated dump in Nairobi, has been the site of violence between rival gangs of waste pickers and the focus of corruption related to waste-management tenders.

Photo: Simon Maina/AFP via Getty Images

The complex criminal interests in Kenya's waste sector

The Nairobi City County collects only a portion of the city's waste itself – mostly from markets and factories³ – and hires other ministries, state companies and private collectors to do the remainder on its behalf.⁴ These organizations then often charge residents additional fees to collect their waste.

It is lucrative work: according to an official of the Kenyan Alliance of Resident Associations, about 900 000 households pay private collectors an average 500 Kenyan shillings (KSh), or US\$4.60, per month to collect their rubbish.⁵ Officials in the county government say that these private levies amount to an annual turnover of KSh5.4 billion (US\$45 million).⁶

Criminal groups and corrupt figures have become involved at several points in the waste-removal process. In some neighbourhoods of Nairobi, house-to-house rubbish collection (and the profits of the additional fee) are controlled by criminal gangs, who use violence to ensure that their services are contracted and paid for. In Kayole, in the eastern suburbs, each household pays rubbish collectors a KSh150 (US\$1.35) fee. According to one member of Gaza (a gang operating in Nairobi), if this is unpaid, gangs will pour raw sewage on your doorstep or rob your compound. If you insist on refusing their services, they send people to threaten you.⁷

Criminals also profit when the trucks come to the dumpsite to unload waste. About 100 trucks deposit waste at Dandora dumpsite every day, many owned by the approximately 150 private-sector waste operators.⁸ These operators are paid per truckload delivered to Dandora dumpsite, as measured at the weighbridge.

However, according to interviews with a number of gang leaders, some of these trucks arrive empty but are still invoiced, while others are invoiced multiple times for a single load of rubbish. The Dandora dumpsite weighbridge is most times non-functional, yet trucks are paid for non-existent 'clocking' into the weighbridge.⁹ To ensure corruption runs smoothly, members of dumpsite-based gangs are stationed at the weighbridge to look after the interests of their patrons.¹⁰

In July 2018, a report by the auditor-general's office revealed a number of stark irregularities in rubbish-processing contracts, including a case in which a private rubbish vehicle was weighed twice within four minutes

for transporting rubbish from the city centre to Dandora – a 5.4-kilometre journey that can take up to an hour in Nairobi's traffic jams.¹¹ (Even clearing rubbish from the truck and cleaning it before the next trip takes longer than half an hour.) Another waste-management company was paid for working '29 hours a day' based on odometer readings.

According to an official working in the Nairobi City County Revenue Department, there were cases in the auditor-general's report where companies were paid for collecting waste from areas where they were not contracted to operate, and others where companies invoiced for work that had never been done.¹²

Sometimes the county government uses its own resources to collect waste in areas where tenders have already been awarded to private entities. These private entities, which are linked to county government officials, then do not have to do any work, but still get paid.¹³

Violence amid the waste

Groups of waste pickers work the dumpsite, reclaiming metals and other materials to sell on, but the line between an informal subsistence economy and criminal organizations is blurred. Informal waste picking is a service often undertaken by the most vulnerable and that can reclaim far more materials than formal recycling processes, but these waste-picking groups have also been implicated in violence at the dumpsite. In addition, they charge an illegal fee for entry into the dump.¹⁴

In October 2013, a youth was shot dead and his body hacked apart, doused in fuel and torched when gangs clashed in Dandora over control of the dumpsite. Police from a nearby station – who reportedly are often less well-armed than the gangs themselves – merely watched from a distance.¹⁵ That same month a gang member by the name Mulusia (alias 'Daddy') was stabbed to death in a turf war. During this clash, gang members exchanged fire for almost five hours as officers from the nearby Kinyago Police Station looked on, afraid of intervening in case they were robbed of their guns. Two people lost their lives in the turf war that followed.¹⁶

In 2014, the then area MP James Gakuya claimed that gangs were causing insecurity and argued that the Dandora dumpsite be relocated, forcing the High Court to direct the National Environmental Management Authority to undertake an audit of the dumpsite. But

vested interests have made it impossible for the dumpsite to be relocated.

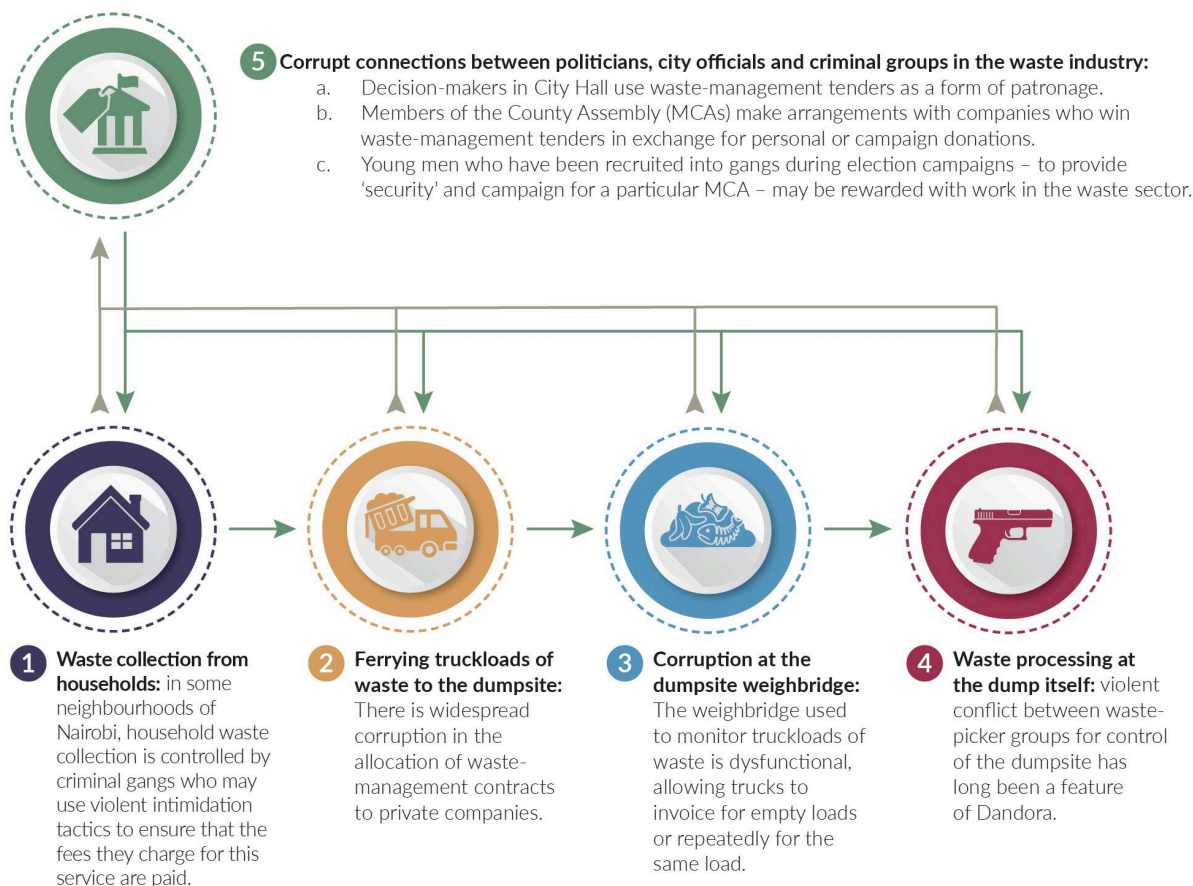
Police oversight was subsequently withdrawn from the dumpsite, which has become a no-go area for police. 'We used to guard the place until 2016, when we were inexplicably removed from the dumpsite without reason,' says a police officer who was once deployed at the dumpsite. 'Now it's an insecure area. We can only walk through the area, but we cannot risk making any arrests.'¹⁷

Interviewees report that the removal of the police presence has meant that the dumpsite has become more violent. Clashes often break out for control of rubbish, in most cases between youth from Dandora and Korogocho, two neighbouring informal settlements.¹⁸

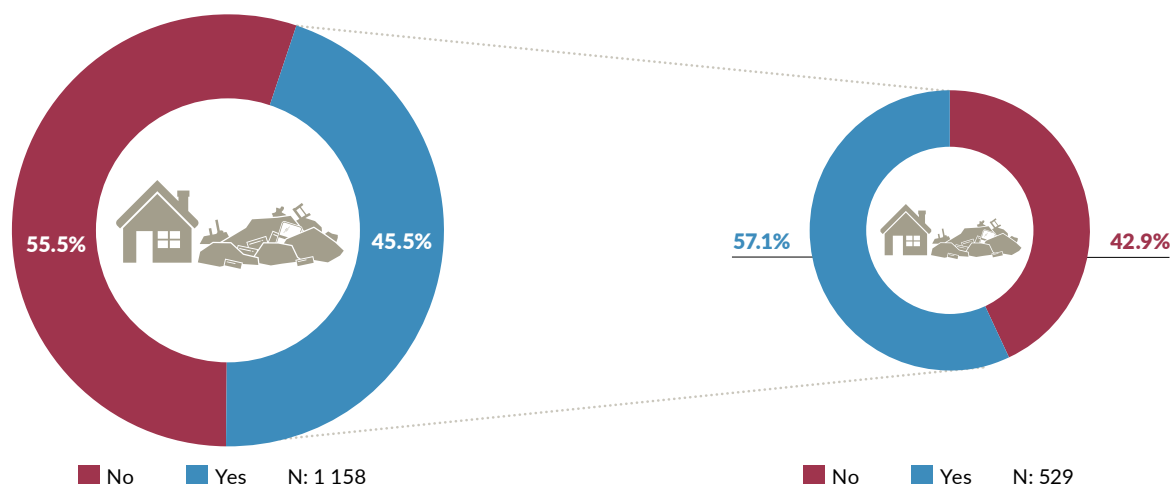
The lack of police intervention also makes the dumpsite an attractive location for storing contraband such as guns and drugs. Interviewees told the GI-TOC that firearms are hidden in waste transported to the area because rubbish is hard to physically check and there are no scanners at the toll station. 'You can call it [Boma Village, a settlement in Dandora dumpsite] a stock exchange for guns, if that's the best description. The garbage isn't screened. Police cannot hazard a swoop down on the village. We don't know what happens there,' says a police officer who once served at Kinyago Police Station.¹⁹ In 2018, police attempted to ransack Boma Village in search of firearms, but were repulsed in an exchange of fire with criminals.²⁰ There have been allegations that gangs are allowed to deal guns at the dumpsite as long as they protect the interests of private

DANDORA DUMPSTE – ECOSYSTEM OF CRIMINALITY

Criminal groups and corrupt actors are exploiting several different parts of Nairobi's waste-management sector. Dandora dumpsite provides an example of how this ecosystem works.



COMMUNITY EXPERIENCES OF ORGANIZED CRIME IN THE SOLID-WASTE MANAGEMENT SECTOR IN NAIROBI, KENYA



Notes: A recent academic study into conflict and crime in the waste sector in Nairobi and Mombasa conducted a household survey with residents of Nairobi on their experiences of crime relating to waste. 45.5% of respondents reported that they were aware of cartels operating in the waste-management sector. Of these, 57.1% reported that they had themselves experienced crime and violence related to it.

Source: Kanyiva Muindi et al, Conflict and crime in municipal solid waste management: evidence from Mombasa and Nairobi, Kenya, Cities and Health, September 2020, <https://doi.org/10.1080/23748834.2020.1810600>.

waste-management companies allied to powerful people in the government.

Relationships between rubbish cartels and the political system

There is an intricate web of relationships stretching between City Hall and Dandora dumpsite, connecting politicians, private waste companies and gangs.

In interviews in January 2020, the GI-TOC was told that the waste-management tender process was used to influence members of the county assembly to ensure their support for leading political figures.²¹

Some assembly members make arrangements with the companies who win tenders in exchange for personal or campaign donations, and request that these companies hire certain young people to act as rubbish collectors.

These young people are typically the same men who have worked for the assembly members as 'security' during their election campaigns. They largely just move waste from households to a central collection point, where it is collected by trucks belonging to either the county or private companies to go to the dumpsite.²² 'Some of the criminal groups here were started by some particular members of the county assembly who had during election campaigns promised the youths jobs. ... Essentially, these are extortion groups because they demand fees from residents for the job that is really undertaken by the county government,' says an official of a residents' association in Buru Buru Estate, Nairobi.²³

This picture of corruption is consistent with the findings of a recent study on the waste-management sector in Nairobi and Mombasa, which reported that 'recurrent in the discussions [with respondents was the idea that] corruption within the Nairobi County Council was to blame'.²⁴



People sort through heaps of garbage at Dandora dumpsite, Nairobi.

Photo: Simon Maina/AFP via Getty Images

'Procurement in [the waste-management sector] is fraught with so many irregularities. And this has been going on decades on end, and keeps defying every change in the leadership at City Hall,' says a veteran news reporter embedded at City Hall.²⁵ A senior official in the Revenue Department of the Nairobi County Government highlighted the risks of challenging the status quo, saying 'you don't ask questions about the management and operations at the dumpsite unless you want to be eliminated'.²⁶

The corrupt way in which waste is managed in Nairobi has sapped the county of resources to provide waste-removal services and left neighbourhoods to be extorted by criminal service providers. According to the senior official in the Revenue Department, City Hall used to collect 'millions of shillings in revenue in a month from the dumpsite about five years ago but now all it gets is KSh50 000 [US\$460] per week'.²⁷

The fraud and lack of oversight that accompanies the criminalization of the waste-management sector is so severe that Nairobi does not even know how much rubbish it actually produces, and so how much needs to be collected. Some reports indicate Nairobi produces 2 500 tonnes of rubbish per day, while others show

3 500 tonnes. The level of procurement irregularity such as double-invoicing, and the proliferation of illegal unofficial dumpsites – as transporters avoid Dandora due to its poor access, the dysfunctional weighbridge and the fines levied by gangs – makes exact estimates nearly impossible.²⁸

An international phenomenon borne out of local political factors

The complex ecosystem of criminality and corruption seen at the Dandora dumpsite is a reflection of the systemic vulnerabilities seen in the waste sector elsewhere in the world, but it has also been driven by local factors.

Nairobi, like other cities in Kenya, has seen rapid urban growth over the past 30 years. Over that time, waste production has grown massively, while political developments paved the way for violent actors to enter the waste sector. The austerity measures of the 1990s – which resulted in the City Council (now the City County) retreating from service provision – led to the informalization of the economy of Nairobi and the entry of private actors into urban service provision and increased competition for clients and control – competition that in some instances became violent.²⁹

This became an entrenched problem in the first decade of the new millennium as political actors offered impunity for illicit enterprises to criminal gangs who worked for them during campaign periods. The failure to deal with more 'white collar' forms of corruption in the city administration also allowed corrupt political actors to operate with impunity.

Gangs and other groups have, in some cases, become wealthy through providing informal services or taxing

residents for transport, waste removal and electricity and water provision – services that the state has failed to provide.³⁰ Neither is this trend likely to change in the near future: Nairobi is continuing to urbanize, but this expansion now comes at a time when waste management – an economy that is critical to the environmental and population health of the city – has become deeply criminalized.

Notes

- 1 INTERPOL report alerts to sharp rise in plastic waste crime, Interpol, 27 August 2020, <https://www.interpol.int/en/News-and-Events/News/2020/INTERPOL-report-alerts-to-sharp-rise-in-plastic-waste-crime>.
- 2 Independent review into serious and organized crime in the waste sector, published by UK Department for Environment, Food and Rural Affairs, November 2018, <https://www.gov.uk/government/publications/serious-and-organised-waste-crime-2018-review>.
- 3 Collins Omulo, Why dismantling city 'garbage cartels' is an uphill task, Daily Nation, 12 March 2020, <https://www.nation.co.ke/counties/nairobi/dismantling-city-garbage-cartels-is-difficult/1954174-5488998-a8i8q2/index.html>.
- 4 The Nairobi City County is the successor to the City Council of Nairobi. This is a recent change in designation and references have been retrospectively changed in interviews and sources referred to in this article for ease of comprehension. See <https://nairobi.go.ke/about-nairobi/> for more information.
- 5 Interview with official of the Kenya Alliance of Resident Associations (KARA), Nairobi, 18 February 2020.
- 6 This amount is based on figures provided in interviews with City Hall officers.
- 7 Interview with a Gaza member, Nairobi, 30 January 2020.
- 8 Interview with a Nairobi City County official working in the Revenue Department, Nairobi, 13 June 2020.
- 9 Interview with a leader of a gang that cleans rubbish trucks upon offloading, Nairobi, 13 June 2020; interview with a senior police officer who once secured the dumpsite, Nairobi, 14 June 2020, by phone.
- 10 Interview with a senior police officer who once secured the dumpsite, Nairobi, 14 June 2020, by phone.
- 11 Sh 200 million: Nairobi waste scandal: Company worked 29 hours in a day, Corruption Tracker, 8 February 2019, <https://trackcorruption.org/sh-200million-nairobi-waste-scandal-company-worked-29-hours-in-a-day/>.
- 12 Interview with a Nairobi City County official working in the Revenue Department, Nairobi, 13 June 2020.
- 13 Interview with a revenue officer with Nairobi City County deployed at Dandora, Nairobi, 12 February 2020.
- 14 Interview with a Gaza gang member, Nairobi, 30 January 2020.
- 15 Interview with a researcher who had done empirical research on the dumpsite, 25 October 2020.
- 16 Interview with two gang members at the Dandora dumpsite, Nairobi, 17 February 2020.
- 17 Interview in Nairobi, 17 February 2020.
- 18 Youth Unemployment in Kenya – A Ticking Time-Bomb, ed. Helmut Danner et al. Nairobi: Longhorn Publishers, 2016.
- 19 Interview with police officer, Nairobi, 18 February 2020.
- 20 Interview with a senior police officer, Nairobi, 17 February 2020.
- 21 Interview with an official of a neighbourhood residents' association in Eastlands, Nairobi, 29 January 2020.
- 22 Interview with a revenue officer at the Nairobi City County, Nairobi, 17 February 2020.
- 23 Interview with an official of a residents' association in Buru Buru Estate, Nairobi, 29 January 2020.
- 24 Kanyiva Muindi et al., Conflict and Crime in municipal solid waste management: evidence from Mombasa and Nairobi, Kenya, Cities & Health, <https://doi.org/10.1080/23748834.2020.1810600>.
- 25 Interview with reporter, 14 June 2020, by phone.
- 26 Interview with a revenue officer at the Nairobi City County, deployed at Dandora, Nairobi, 12 February 2020.
- 27 Ibid.
- 28 Interview with a Nairobi City County official working in the Revenue Department, Nairobi, 13 June 2020.
- 29 Kanyiva Muindi et al., Conflict and Crime in municipal solid waste management: evidence from Mombasa and Nairobi, Kenya, Cities & Health, <https://doi.org/10.1080/23748834.2020.1810600>.
- 30 Ken Opala and Simone Haysom, The Politics of Crime: Kenya's gang phenomenon, Global Initiative Against Transnational Organized Crime, November 2020, <https://globalinitiative.net/analysis/gangs/>.

The life of a Kenyan charcoal transporter: a crucial role in a vast, vital and criminalized market.

James, 50, is a matatu (minibus taxi) driver in Embakasi, in the south-east of Nairobi. His name has been changed here. In addition to ferrying residents around the city, he also regularly travels to Meto, a district far to the south that is close to the border with Tanzania, in order to transport charcoal produced in the district back to the capital.¹ As mundane as this journey may seem, thanks to a ban imposed on charcoal production and trade in Kenya, James is in fact transporting contraband goods.

High demand for charcoal means that a 'grey market' for charcoal continues in Kenya, facilitated by criminality and corruption. A GI-TOC research team has been conducting a study investigating the role of organized crime in the charcoal trade in Kenya, Uganda and South Sudan. James's role, as a charcoal transporter bringing illicit fuel to the capital, illustrates what we have found

to be the key elements of criminality in this vast, vital and often outlawed market.

Regulating the charcoal trade

Charcoal is an essential energy source in East Africa: it is cheap, efficient and easily transportable. In rapidly urbanizing areas, alternative energy sources are often simply not affordable or available.² The charcoal market is also a key source of employment: in Kenya, the Ministry of Environment and Forestry estimated in 2016 that the charcoal trade was the largest informal-sector employer, employing 700 000 people, who in turn were believed to be supporting between 2.3 million and 2.5 million dependants.³

Yet demand for charcoal has led to widespread deforestation and damage to ecosystems and biodiversity that, in turn, threatens the environment that sustains rural populations.⁴ Regulation of the charcoal market



A charcoal trader packs charcoal in small tins for sale in Nairobi in 2019. The charcoal market in Nairobi can be described as a 'grey market', as legally imported charcoal is sold along with – and indistinguishable from – charcoal that has been illicitly produced.

Photo: Simon Maina/AFP via Getty Images

demands a difficult balancing act: the quality of life of millions of urban residents and employment in poor communities on the one hand, and the need to preserve biodiversity and reduce carbon emissions on the other.

Yet some governments in East Africa have turned to blunt instruments in order to achieve this fine balance. In Kenya, this came in the form of the nationwide moratorium on charcoal production and trade in domestically produced charcoal – although the commodity can still be legally imported –, first introduced in 2018 and still in effect today.⁵

The aim of this moratorium is to conserve the country's forests. However, our research has found that it has had unintended consequences. According to charcoal producers, the moratorium damaged the livelihoods of those in producing areas. 'The ban came like death; there was no forewarning,' says Tsingwa Nduria, chairperson of the 2 000-member charcoal producers association in Msambweni, on Kenya's south-east coast.⁶

Despite the disruption, the trade has continued as a lucrative grey market, where corruption and criminality now

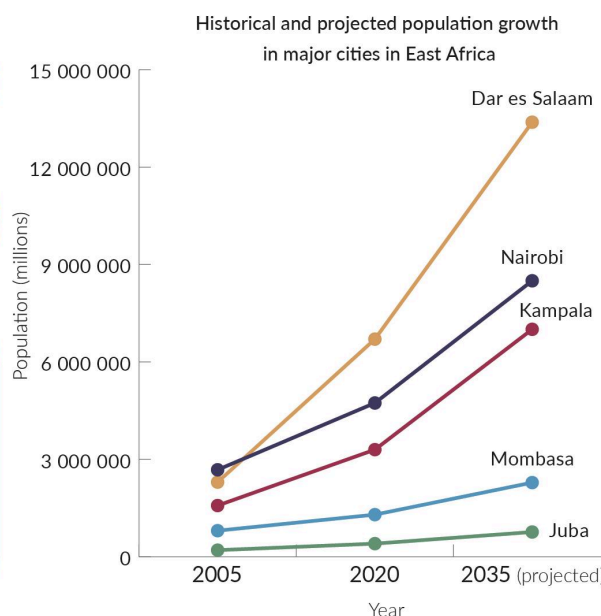
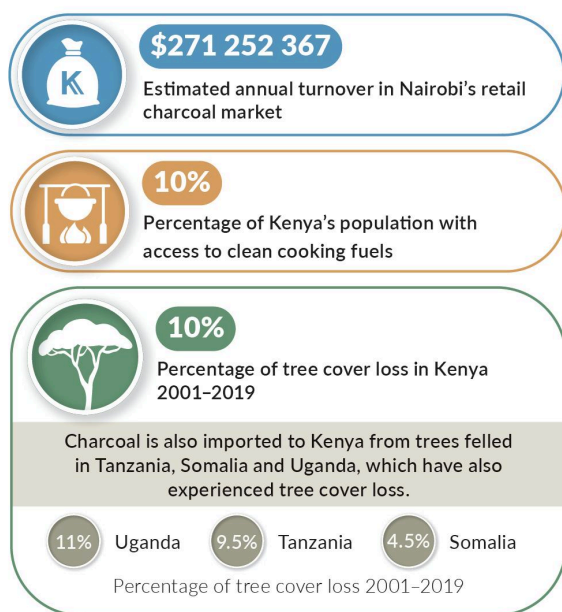
exist along the value chain. Other studies on the effects of trade bans on other commodities where demand is not elastic have made similar findings.⁷ As banning charcoal does not reduce demand in itself, those in the market will continue to operate illegally if the potential benefits outweigh perceived risks of legal sanctions.

Charcoal by minibus

James, the charcoal transporter, begins his journey from Nairobi at 7pm to reach Meto by midnight. The charcoal sale is arranged between James's boss, a charcoal dealer, and a broker working in the Meto forest region. The broker ensures enough charcoal is collected from 'bases' of charcoal production throughout the forest to meet his dealer's needs.

At the production level, the very act of harvesting wood for charcoal production is illegal, but production has nevertheless persisted. In some regions of Kenya, such as Kitui and Kajiado, local communities are sometimes intimidated into producing charcoal for dealers who control the region's market.⁸ In Kajiado, a cartel involving local chiefs, Kenya Forestry Service officers, police and some politicians has reportedly targeted private and communal

DEMAND, PROFIT AND IMPACT IN KENYA'S CHARCOAL MARKET



Note: Despite the national moratorium on charcoal production, the charcoal market in Nairobi continues to turn a significant annual profit, worth millions of dollars. Most of Kenya's population do not have access to clean cooking fuels and instead rely on fuels such as charcoal for their daily needs. Rapid urbanization across East Africa is contributing to rising demand for energy. The incentive to produce charcoal – by illicit as well as legal means – is therefore set to increase in the future.

Source: Global Forest Watch; The Energy Progress Report; Population Stat.

land that is home to indigenous tree species for charcoal production.⁹

At sunset the following day, James begins his return journey. The transportation of charcoal involves attempting to evade law enforcement or negotiating a series of bribes along the route. James's boss, the dealer, uses matatu drivers like James for transportation, both because of their speed and because of their know-how in dealing with police. How much a transporter pays per bribe varies, but they are able to estimate what they are likely to pay based on the quantity of their charcoal consignment.

Due to the higher risk of transporting charcoal under the ban, transporters, or dealers who control transport, push up prices to account for money paid as bribes or potential losses due to confiscation and arrests. A charcoal dealer in Nairobi said that the increased risk of having trucks seized by the police, or of arrest, has forced transporters who are not 'protected' by dealers out of business.¹⁰

James first drives his truck to a car wash at Ilbisil, where all the dust and mud is removed, to avoid detection by traffic police on the lookout for charcoal. Dusty vehicles believed to come from forests draw attention. He then sets out for Nairobi.

He pays KSh3 000 (US\$27.70) at the first police roadblock. This is a standard bribe that has remained consistent for some time. The second roadblock is at the weighbridge at Mlolongo – about 20 kilometres from Nairobi's central business district. Here, he pays KSh5 000 (US\$46.13). This roadblock draws police and

the county council inspectorate officers, and one must take care of them all. At any other roadblocks in between, he pays an average of KSh1 000 (US\$9.20). If James is unlucky, he will cross paths with a patrol car from the Directorate of Criminal Investigations. His misfortune would cost him KSh10 000 (US\$92.25).

Aside from bribes made to police along the route, James also makes payments to owners of farms passed when moving charcoal from the forest to the main highway, in order to ensure their cooperation.¹¹ Informal agreements may also be formed between charcoal transporters and the police. These include what is known as kusafisha barabara, meaning 'to cleanse the road' in Kiswahili. A dealer who sources charcoal from Busia, Ilbisil and Kajiado described how this entails collusion between powerful charcoal dealers and the police service, whereby police are withdrawn from major transport routes, allowing the unimpeded flow of charcoal from point to point.¹² If roadblocks and patrols need to be reintroduced, dealers will receive prior notice from the police involved.

According to Luka Chepelion, a member of the County Executive Committee in charge of Environment and Forestry in West Pokot, north-west Kenya, police have also been reported actively transporting charcoal themselves.¹³ In at least one instance, a large load was confiscated only to reportedly disappear from the inventory, likely sold to another dealer.¹⁴

Indeed, since the moratorium, charcoal has come to provide a major source of income for corrupt police officers, who actively seek out opportunities to 'tax' the illicit trade. For example, between Lunga Lunga and



A highway cuts through the town of Ilbisil, a key trafficking centre for charcoal produced in Kajiado County. Kajiado is allegedly home to a cartel that controls charcoal production involving local chiefs, Kenya Forestry Service officers, police and some politicians.

Likoni – a 95-kilometre route often used by charcoal transporters – there are about 19 roadblocks in an area that is supposed to have just one.¹⁵

James arrives in Nairobi between 3am and 4am, just before people pour out onto the streets. His final task as a driver is to evade the city's traffic police, before delivering his consignment to its final destination. Due to the costs of bringing the charcoal to market, prices for the fuel have increased since the moratorium was imposed.

Despite the intentions of the charcoal moratorium, ever-increasing demand for cheap energy in urban centres and the ability of dealers and transporters to consistently evade and collude with law enforcement means that the charcoal market is still a lucrative proposition in Kenya. In James's words, 'after doing this for years, I have come to accept that charcoal is gold'.

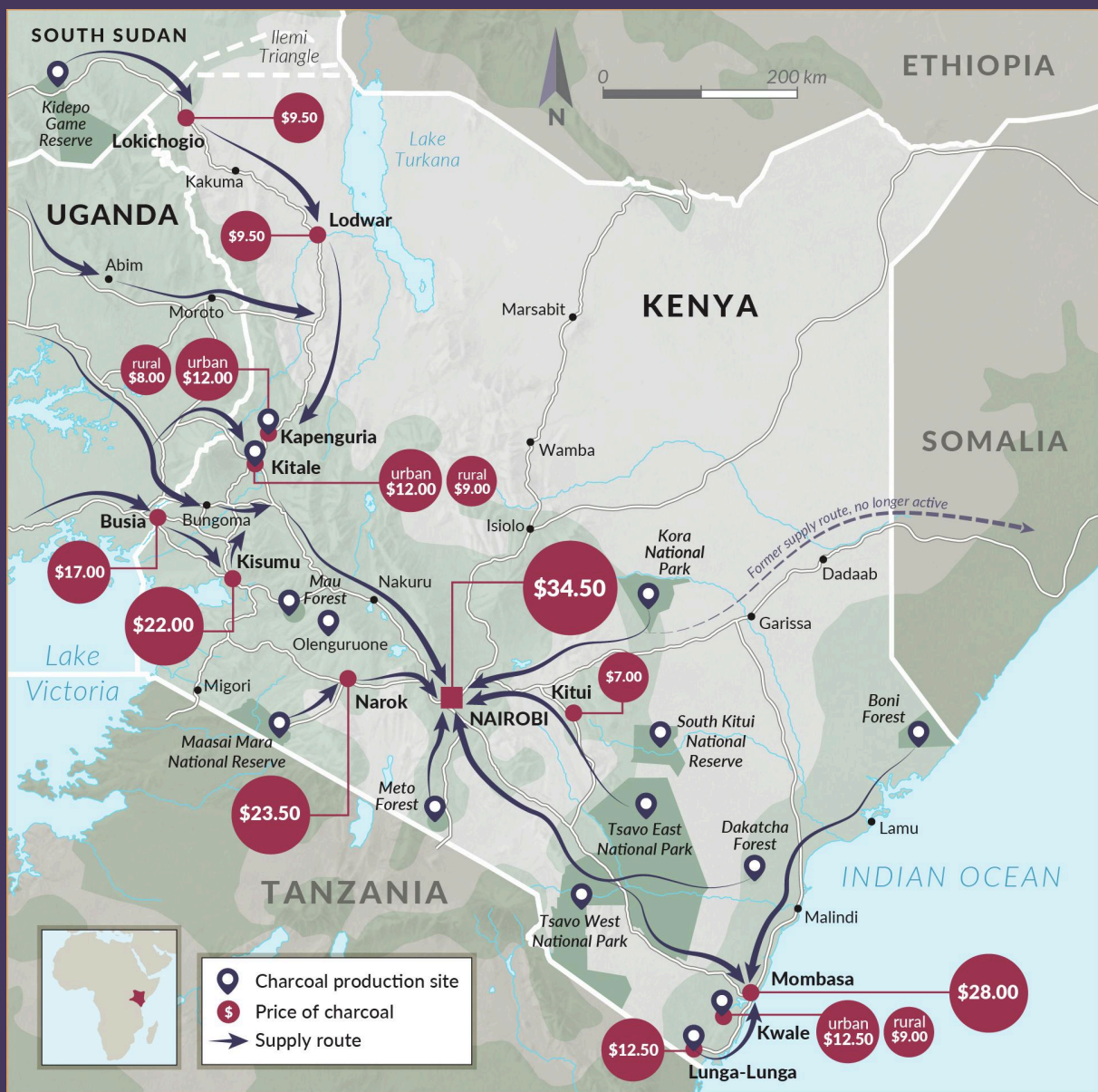


FIGURE 4 Transport routes for charcoal and retail charcoal prices in Kenya.

Note: Price data collected from GI-TOC fieldwork looking at criminality in the charcoal market in East Africa.

Notes

- 1 Interview in Eastlands, Nairobi, 24 July 2020.
- 2 See Adam Branch and Giuliano Martiniello, Charcoal power: The political violence of non-fossil fuel in Uganda, *Geoforum*, 97, 2018, 242–252, <https://doi.org/10.1016/j.geoforum.2018.09.012>; Gerald Shively et al., Profits and margins along Uganda's charcoal value chain, *International Forestry Review*, 12, 3, 2010, 270–283, https://www.cifor.org/publications/pdf_files/articles/ajagger1001.pdf.
- 3 Kenyan Ministry of Environment and Natural Resources, National Forest Programme of Kenya 2016–2030, 2016, <http://extwprlegs1.fao.org/docs/pdf/ken190060.pdf>.
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- 5 Kenyan Ministry of Environment and Natural Resources, Press Statement: Extension of the Moratorium on Logging Activities in Public and Community Forests, 16 November 2018, <http://www.environment.go.ke/wp-content/uploads/2018/11/4048264.pdf>.
- 6 Interview with Tsingwa Nduria, Lunga Lunga, 3 September 2020.
- 7 Criminological literature has largely been wary of trade bans as an effective measure for controlling markets for goods for which demand is inelastic. See for example Kirsten Conrad, Trade bans: A perfect storm for poaching? *Tropical Conservation Science*, September 2012, doi: 10.1177/194008291200500302.
- 8 This was reported in separate interviews with multiple sources, including dealers, transporters, brokers and police; July–August 2020, in Kajiado and Kitui.
- 9 This allegation was made by several interviewees, Interview with Kajiado-based newspaper reporter who has extensively covered charcoal activities in the County, Kitengela Town, 4 August 2020. Interview with Charles Wambugu, Kajiado Central sub county commissioner in Kajiado Town, 13 August 2020. Ministry of Environment and Forestry, Taskforce Report in Forest Resources Management and Logging Activities in Kenya, April 2018.
- 10 Interview with Mwalimu, a charcoal dealer, Nairobi, 9 August 2020.
- 11 James reported this 'toll fee' to each farm as being a small payment of KSh200 per vehicle passing through. Mostly charcoal from Meto passes through five farms before getting onto the Namanga Highway on its destination.
- 12 Interview with a dealer who sources charcoal in Busia, Ilbissil and Kajiado, 9 August 2020.
- 13 Interview with Luka Chepelion, West Pokot County CEC in charge of Environment and Forestry, Kapenguria Town, September 2020.
- 14 Interview with a Kajiado-based newspaper reporter who has extensively covered charcoal activities in the county, Kitengela Town, August 2020.
- 15 This was reported in several interviews in the region, including with dealers, officials of charcoal producing associations (CPAs), police and county government personnel, between 1 and 4 September 2020. This was also observed during GI-TOC fieldwork in Kwale in September 2020.

Poor implementation of firearms legislation and corruption in South Africa's firearms registry has put guns in the hands of gangsters.

'Our success or failure in fighting crime is, to a large extent, dependent on how effectively managed [the Central Firearms Registry (CFR)] is. ... Its effectiveness cannot be compromised.'¹ These were the words of then South African Minister of Police Nathi Mthethwa, speaking to the media in November 2010 about the management of its CFR, the entity responsible for controlling civilian access to firearms.

Mthethwa went on to say that the 'current state of affairs at the CFR is far from what and how it is supposed to be ... If we are serious about reducing crime, instead of serving as an additional arsenal to our mission, suffice to say the CFR currently acts as a bottleneck in our crime-fighting initiatives.'²

Mthethwa's statements emphasized how important controlling civilian access to firearms was to curbing criminal violence in South Africa. But they brought about little change in the management of the CFR, and his grim assessment of the state of the registry still rings true 10 years later.

In September 2020, Lieutenant Colonel Charl Kinnear – the Anti-Gang Unit section head in the South African police force – was investigating a gun licensing scandal involving senior police officers and underworld figures when he was assassinated outside his home. His shocking death, and the possible link to the ongoing investigations into firearms corruption, has brought the implementation of South Africa's Firearms Control Act once more into the spotlight.³



South African police officers outside court during the hearing of Zane Killian, charged with the murder of Lieutenant Colonel Charl Kinnear, the Anti-Gang Unit section head in the South African police force. At the time of his assassination, Kinnear was involved in investigating a large guns-to-gangs syndicate that involved key underworld figures.

Photo: Gallo Images

The syndicate Kinnear was investigating was not an isolated phenomenon. Chaotic administration and endemic corruption has bedevilled the CFR since its inception, giving rise to a situation whereby gangsters and corrupt officers can manipulate flaws in monitoring systems to grant firearm licences unlawfully.

How the Central Firearms Registry has been left open to manipulation

Accurate record keeping is a cornerstone of effective firearms control. For it to be effective, it is necessary to keep records that enable the tracking of guns throughout their life cycle.

The CFR is the entity tasked with record keeping and control of civilian access to firearms under the Firearms Control Act, passed by the South African Parliament in 2000 and put into operation in 2004. At the level of individual police stations, a designated firearms officer is appointed to carry out local-level functions of the CFR. However, the ways in which the Firearms Control Act has been implemented have left the CFR open to manipulation.

One of the key objectives of the Firearms Control Act was to establish a database at the CFR that would provide an accurate and comprehensive picture of firearm ownership and when licences are due for renewal. To do this, the South African Police Service (SAPS) developed what became referred to as the digital Enhanced Firearms Register System. In September 2004,

SAPS signed a contract with ICT company Waymark to develop and implement the system. However, as the cost of the contract skyrocketed (from R93 million to an eventual contract fee of R412 million, US\$6.2 million and US\$27.6 million at today's rates) and years passed with the system not being fully implemented, the contract was eventually cancelled and police launched an internal investigation.

The chaos surrounding the Waymark contract and associated IT systems has resulted in police still having to rely on manual systems to issue firearm licences. This makes it virtually impossible for the data that is eventually digitally stored in the database to be accurate and up-to-date on all licensed firearms issued. Flaws in the system also expose the CFR to manipulation of information captured on the system by officials. Investigations have found that firearm licences could be manipulated on the database, and licences could even be issued for firearms that had been part of stock destined for destruction or for fully automatic firearms (licences for which are limited by law for specific use).⁴

The system for firearms dealers to digitally submit information on their stock is likewise not operational. Because this has to be done manually, and because firearms dealers cannot view what the CFR has listed as their stock, some dealers are concerned that corrupt SAPS officials could add additional firearms without the dealer's knowledge in order to license illicitly acquired weapons.⁵



A gun confiscated from a 24-year-old allegedly affiliated with a Cape Town gang. The South African authorities have admitted that the firearms-control regime is plagued with problems.

Photo: Bishop Lavis police station via Facebook

A Johannesburg lawyer who represents gun dealers told the GI-TOC that, in their view, there are few, if any, gun dealerships in the country whose records match those held by the CFR.⁶ These inconsistencies not only provide an opportunity for corrupt police officers to manipulate forms and fraudulently license firearms, but they could also be used by unscrupulous dealers to sell firearms without following proper licensing protocols.

Guns for gangsters: corruption in acquiring firearm licences

Before his assassination, Charl Kinnear was involved in investigating a large guns-to-gangs syndicate that involved prominent Western Cape Underworld figures including Nafiz Modack. Modack has been implicated in extortion rackets in Cape Town and now faces charges including contravening the Firearms Control Act.⁷ It was alleged that underworld figures (including Modack) and their family members and friends had obtained firearm licences unlawfully. 28 people have been arrested as part of this investigation, 15 of whom were serving members of the police. Police officers at a number of Gauteng police stations as well as officials from the CFR were among the police officers arrested.⁸

This syndicate is by no means the first case involving 'guns to gangsters' or highlighting corruption within the CFR. Over the last decade, there have been numerous allegations, reports and cases of corruption involving

CFR officials and their counterparts at the local police station level.

In 2013, 18 CFR officials, including the then head of the registry, Brigadier Mathapelo Miriam Mangwani, were suspended following alleged involvement in fraudulent issuing of firearm licences. Mangwani was later found guilty in an internal disciplinary hearing, having received monthly payments from a firearms dealership.⁹

In 2014, detectives investigating the activities of gang leaders in the Western Cape began to suspect that certain gang bosses were able to acquire firearm licences through fraudulent channels.¹⁰ Their investigations into alleged gang leader Ralph Stanfield revealed that Stanfield had five firearm licences, all of which had been issued within just three days of the application being made. Stanfield had then used these licences to purchase a large amount of ammunition.¹¹

Three police officers in the employ of the CFR in Pretoria – Priscilla Mangyani, Billy April and Mary Cartwright – were arrested as part of this investigation. The three are alleged to have been involved in a syndicate that worked with others at the CFR to issue gun licences based on fraudulent applications.



Ralph Stanfield, an alleged gang leader, and his wife. Investigations implicated Stanfield in having acquired several firearm licences without following regular procedures.

Photo: Gallo Images

At the time of these arrests, a senior police officer involved in the investigation said that the police had analyzed hundreds of gun licences and identified several individuals and companies who had apparently benefited from the syndicate by receiving firearms licences fraudulently.¹²

The state provisionally withdrew charges against the three police officers, as well as charges against Stanfield, his sister and then girlfriend Nicole Johnson in October 2016, but subsequently reinstated them in April 2018. Seventeen others were also charged with being part of the same syndicate. These 23 individuals now face, collectively, 109 charges, including fraud, racketeering and unlawful possession of firearms. In 2015, the same group of Western Cape police detectives arrested Gauteng-based police colonel Christiaan Prinsloo, due to his involvement in facilitating the supply of guns stolen from police armouries and stores to gang bosses and leaders in the Western Cape. Prinsloo pleaded guilty to 11 charges of racketeering, corruption and money laundering.¹³

While the media coverage of the Prinsloo case naturally focused on the diversion of guns from police armouries to gangsters, the investigation into his activities also revealed that Prinsloo had used his position in the police service to

secure firearm licences for people who should never have been allowed to possess weapons. These licences were issued to gangsters and other criminal groups as well as to security companies, some of whom were allegedly linked to or were working for criminal networks.¹⁴

A senior police officer explained how this worked: 'Applications would flow through identified local police stations and then run through the CFR. The local station would be the lowest level in rung, and often people at the CFR would tell the person wanting the licence which station to send their application through.'¹⁵

Similar patterns were also seen in other cases, whereby gangsters wishing to obtain firearm licences would travel to a police station identified where a corrupt CFR officer would be able to handle applications, rather than (as required in law) at their local station.

It is a stark irony that the key objective of the Firearms Control Act – to control firearm proliferation – has not only been undermined by more than a decade of poor implementation and corruption at the local police station level and the CFR, but has also enabled dangerous criminal elements to acquire firearms and ammunition.

This article draws from research contained in a new policy brief recently published by the GI-TOC's Observatory of Illicit Economies in Eastern and Southern Africa, titled 'Gun Licences for Sale: South Africa's failing firearms control', by Jenni Irish-Qhobosheane. The paper examines how the entity responsible for controlling civilian access to firearms became so embroiled in corruption that criminal syndicates have been able to infiltrate the registry and acquire firearm licences. Available at: <https://globalinitiative.net/analysis/south-africas-firearms-control/>.



Notes

- 1 Remarks by Minister of Police, E.N. Mthethwa, MP to the National Press Club, on the current challenges affecting the SAPS firearms application and licensing processes, Pretoria, 2 November 2010.
- 2 Ibid.
- 3 Philani Nombembe, Gangs gun bonanza, Sunday Times, 27 September 2020, <https://www.timeslive.co.za/sun-day-times/>

- news/2020-09-27-top-cop-charl-kinneer-was-close-to-cracking-guns-to-gangs-syndicate-before-murder/.
- 4 These irregularities came out in investigations into the activities of Christiaan Prinsloo, who pled guilty to charges relating to his involvement in facilitating the supply of guns stolen from police armouries and stores to gang bosses and leaders in the Western Cape.

- 5 Interview with Andrew Sauter, Johannesburg, 26 April 2018.
- 6 Interview with Martin Hood, Johannesburg, 4 May 2018.
- 7 Marianne Thamm, Orange is the new blue: Finally, a reckoning for corrupt cops, Daily Maverick, 12 December 2020 <https://www.dailymaverick.co.za/article/2020-12-12-orange-is-the-new-blue-finally-a-reckoning-for-corrupt-cops/>.
- 8 Jenni Evans and Riaan Grobler, Nafiz Modack, cop and one other accused granted bail in massive gun licence fraud case, News24, 17 June 2020, <https://www.news24.com/news24/southafrica/news/nafiz-modack-cop-and-one-other-accused-granted-bail-in-massive-gun-licence-fraud-case-20200617>.
- 9 Angelique Serrao, Top cop axed over gun saga, IOL, 7 April 2014, <https://www.iol.co.za/news/top-cop-axed-over-gun-saga-1672115>.
- 10 Interview with senior police officer, Cape Town, 16 August 2018.
- 11 A licensed firearm holder is allowed to purchase up to 200 rounds of ammunition from a firearm dealer and if, as was the case with Stanfield, the person has more than one licence they are able to purchase 200 rounds for each additional firearm.
- 12 Caryn Dolley, Police 'gave guns to gangs', Weekend Argus, 28 September 2014, <https://www.iol.co.za/news/police-gave-guns-to-gangs-1756940>.
- 13 More details about this case will be revealed in a forthcoming book by Mark Shaw, Give Us More Guns, expected March 2021.
- 14 Interview with senior police officer involved in the Prinsloo investigation, Cape Town, 16 August 2018.
- 15 Interview with senior police officer, Cape Town, 19 April 2018.

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