

OBSERVATORY OF ILLICIT ECONOMIES IN EASTERN AND SOUTHERN AFRICA

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Summary highlights



Sodium cyanide in Kenya's gold market: controlling a toxic chemical in the context of criminality and corruption.

Sodium cyanide has increasingly become the chemical of choice for processing gold ore in Kenya, as it allows more gold to be extracted from low-grade ores than do other methods. While this could be an opportunity for Kenya's gold sector, criminality and corruption are instead turning it into a risk. Many gold 'leaching' or extraction sites operate illegally, some allegedly controlled by political interests. Business disputes over leaching sites have, at times, turned violent. This situation makes effective oversight of sodium cyanide – which can be highly toxic if used incorrectly – a challenge for authorities, and it poses a danger to surrounding communities.



What the proliferation of fake-gold scams tells us about regulation, corruption and criminality in East Africa's gold market.

Fake-gold scams have become a prolific problem in East Africa's gold market. Defrauders promising investors discounted gold consignments – before providing

substitutes or even disappearing – have made off with millions of dollars in misplaced funds. The scams are run by criminal networks operating in Nairobi and Kampala, with connections in South Sudan and the Democratic Republic of Congo (DRC). The case of Lual Lawrence Malong Yor, a flamboyant South Sudanese businessman who was jailed in Uganda last year for masterminding a million-dollar scam, illustrates the workings of the scams. In doing so, it highlights how corruption and informal gold flows in East Africa have made the gold market increasingly vulnerable to these predatory criminal networks.



Illicit economies in Mozambique's embattled Cabo Delgado: answering the key questions.

The jihadist conflict in Cabo Delgado, northern Mozambique, shows no sign of abating. The region has long been a key economic corridor for illicit flows that traverse the East African coast, including drug trafficking (chiefly of heroin and, more recently, methamphetamine and cocaine), illicitly exported timber, smuggled gems and gold. Contrary to some expectations, research by The Global Initiative Against Transnational Organized



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Crime (GI-TOC) has consistently found since early 2021 that al-Shabaab – as the insurgents are known locally – has not been taking control of illicit economies in the region. However, illicit economies were a factor in the deep-seated local grievances that led to the conflict, grievances that government efforts to stem the violence have, as yet, done little to address.



How sensationalism around the emergence of 'new' drugs can distort perceptions of the drug market and have a real-world impact on policing and prosecutions.

Media reporting and public discourse about illegal-drug markets have a universal tendency towards

sensationalism. Accounts about 'new' substances – framed either as particularly addictive or deadly or both – regularly emerge. Yet, as examples in Kenya and South Africa show, identifying new substances can often be based on misconceptions about what these substances are and their presumed effects. These misconceptions can have a real-world impact on policing and prosecutions, particularly in circumstances where forensic capacity to identify new drug types is limited. Speculative reporting about drug markets can muddy the waters, making identifying genuine new drug trends more difficult.

ABOUT THIS ISSUE

Organized crime in the gold trade – focusing on Kenya in particular – is the topic of two of the four articles in this issue of the Risk Bulletin of Illicit Economies in East and Southern Africa. The two stories are very different: one investigates groups illegally using sodium cyanide to extract gold from former mining waste products; the other explores 'gold scams' whereby buyers are duped into paying for falsified or non-existent gold. Yet there is a commonality between them, as both stories illustrate the complex ways in which organized crime can exploit weaknesses in legal markets and disrupt legal industries.

Gold is the global market for security in times of crisis. During the COVID-19 pandemic and in early March with the outbreak of conflict in Ukraine, global gold prices spiked as financial investors sought secure refuge. Yet, as our research surveying illegal gold markets across East and southern Africa documented,¹ it seems that in Kenya the certainty and security of this market is disrupted by criminal activity.

GI-TOC research in other regions is investigating similar questions. The latest issue of our Risk Bulletin of Illicit

Economies in West Africa (another of our three regional bulletins) examines Russia's presence in the gold-mining sector in West Africa, specifically in Mali and Central African Republic. It explores how criminal networks may play a role in disguising the origins of gold, enabling sanctioned Russian entities and individuals to use gold mined in West Africa as a means of generating funds, moving money internationally and accessing foreign currencies.²

GI-TOC research in northern Mozambique has also investigated the dynamics of the illegal gold trade, including how illicit gold and gemstone markets are (and are not) linked to the ongoing insurgency in Cabo Delgado. Although our research has consistently found that the al-Shabaab insurgents are not taking significant control of the province's many illicit markets, these markets still make up an important part of the region's economy and shape its political landscape. A forthcoming GI-TOC paper profiling the criminal landscape of Nampula, Mozambique's third-largest city known as the 'capital of the north', details new findings about this major smuggling hub.³

Notes

- 1 Marcena Hunter et al, Illicit gold markets in East and southern Africa, GI-TOC, May 2021, <https://globalinitiative.net/analysis/illicit-gold-east-southern-africa/>.
- 2 Risk Bulletin of Illicit Economies in West Africa, issue 3, March 2022, <https://globalinitiative.net/wp-content/uploads/2022/04/WEA-Obs-RB3.pdf>.
- 3 Alastair Nelson and Prem Mahadevan, Crime, conflict and corruption: Nampula as a smuggling hub, GI-TOC, forthcoming.

Sodium cyanide in Kenya's gold market: controlling a toxic chemical in the context of criminality and corruption.

For many years, mercury was the chemical of choice for artisanal miners extracting gold in Kenya. Today, sodium cyanide is increasingly being used to process gold-bearing ore – a trend seen around the world in what has been described as a 'cyanide revolution'.¹ However, criminality and corruption in Kenya's gold sector have left authorities struggling to regulate this potentially lethal chemical and contain its environmental impacts.²

The shift to sodium cyanide

Sodium cyanide is more efficient in processing lower-grade gold ore than mercury is. According to Joshua Boiwo, geology officer for Migori county in south-western Kenya, 'Using mercury can get between 25% and 50%, maximum 60% of gold, but with cyanide, you get 95% or even 100% of gold from ore.'³ This means that piled 'tailing' from gold extraction – ongoing in Kenya since the colonial period – is a proverbial gold mine and a magnet for firms wanting to perform gold 'leaching', the process of extracting gold from this waste product.

However, many of these leaching sites operate illegally. 'Where there is enough tailing to sustain a leaching site,

we often build one quickly, work on tailing from an area for six months to a year,' explained Joshua Achieng (not his real name), a representative of investors at leaching sites in Migori and Narok counties. 'Once the area is exhausted, we move on to the next area. This avoids government inspection ... most [sites] are illegal. That is why we have leaching sites in urban centres to complete the process from illegal sites.'⁴ At the time of his interview with the GL-TOC, Achieng was managing five different leaching sites, only two of which were legally licensed.

'Sometimes we only get alerted that a site is in place once they have moved on after finishing the tailing in the area,' said Boiwo. 'It becomes harder to start looking into how cyanide can be decommissioned when there are no legal persons [who can be traced and held responsible].'

Yet the health of local communities and their livestock is put at risk if the strict protocols necessary to ensure that sodium cyanide is used safely are ignored, as the chemical can contaminate water sources. Many of the temporary leaching sites Achieng describes have been



A Kenyan government official collects a water sample in Kowuor village, Migori county, September 2021. Residents believe that the sudden deaths of several livestock can be linked to a nearby gold-leaching site and the use of sodium cyanide.

Photo: Manuel Odeny

the cause of environmental damage, as they are left untreated. However, by this point, the leaching groups have moved onto other sites, leaving no means for residents to hold them accountable.

'We had been fighting for control of mercury in the gold-mining sector, especially with artisanal and small-scale [mining's] effects on the environment, then – boom! Sodium cyanide came in and its impact [on health] is more rapid,' said David Maganya, director of the iHope Foundation, an NGO based in Migori working on rural health issues, including those connected to the mining sector.⁵

Opaque ownership and licensing problems

Most investors who run illegal leaching sites accuse the authorities of rendering it impossible for them to operate legally, due to delays in the approval of licences for leaching sites, in addition to corruption and political interference.⁶ Obtaining a licence can take up to two years – even though the sites themselves may take mere months to clear. Migori county, for example, reportedly had 10 official licensed sites yet 40 applications awaiting approval as of September 2021.⁷ Most sites operating in the region are illegal.

Many in the industry point to a lack of resources in the relevant departments: for example, just three officers from the Department of Geology oversee Migori, Homa Bay, Kisii, Nyamira and Narok counties, which

encompass a huge gold-mining region. This makes it difficult to identify and control leaching sites. James Siagi, the National Environment Management Authority officer in Migori county, acknowledged that this has been a challenge. 'In surveys, we often find illegal sites ... We often give them time to apply [for a licence] or close them and rely on police to effect these orders,' he said.⁸

This situation renders the ownership and management of leaching sites opaque to surrounding communities: often the names of the companies, directors or ultimate ownership of sites are unknown. There are few local workers – much of the skilled labour is provided by workers from overseas – and they are often paid in cash, leaving a scant paper trail. Most locals name a site after the majority group of the foreign nationals working there, which can often be Tanzanian, Indian or Chinese nationals.

Corruption and violence in the gold sector

People in the industry claim that political figures are often the ultimate beneficiaries of the business. In September 2019, an operation by authorities in Migori county led to the closure of over 40 gold-mining and processing plants operating illegally, including two reportedly controlled by the Migori county governor Okoth Obado.⁹ This is allegedly indicative of the industry today.

Alfred Mukhwasi, a clerk at a law firm in Kakamega, said that most leaching sites are run by people with political



A gold leaching site in Migori county, Kenya, that uses sodium cyanide to extract gold from waste products of previous gold mining. Sodium cyanide can contaminate water sources if the proper precautions to secure leaching sites are not followed.

Photo: Manuel Odeny

connections, which allows processes to be sidestepped when drawing up agreements and buying land. 'A year ago, I did a land sale agreement by some Indian traders through a company that was buying land locally. When I protested it could be illegal to include gold leaching as a prospect for what they will do in the land, they insisted the agreement will sail through because they were backed by senior government officials. Sure enough, six months later a leaching plant was up and running,' Mukhwasi said.¹⁰

Operating outside the legal system has also left leaching sites at a higher risk of conflict, as disputes over gold deals and rivalries between businesspeople are manifested through violence rather than the courts.

One such incident took place on 18 March 2021, when armed men wearing General Service Unit (Kenyan paramilitary police) uniforms attacked a gold-leaching site in Isebania, close to the Tanzanian border. Part of the raid was captured on CCTV phone footage at the premises of businessman Daniel Mogesi Ngocho, who claimed that the officers stole 2.5 kilograms of gold worth 11 million Kenyan shillings (Ksh) as well as Ksh2 million in cash (approximately US\$95 000 and US\$17 000, respectively).¹¹

Arriving in unmarked Toyota Land Cruisers, the police moved to the leaching site and forced their way through by jumping over the gate, beating up three workers and briefly abducting two others. They tortured the men and forced their way into a safe house. They then proceeded into a nearby bar owned by the same trader, started beating up patrons further, then left.

Advocate Mwita Kerario, representing Ngocho, said that neither the police in Migori nor at the nearby Isebania police post were aware of the raid and that they would pursue the case with the government. Ngocho was later charged for tax evasion by the Kenya Revenue Authority in the Kisii High Court. 'I wish to know how much tax I owe the government or what law I have broken to allow this kind of attack from paramilitary [troops] and not regular police, who came in without a search warrant or bothered to tell me what happened. I was charged in court, but nothing is yet to come clear,' the businessman said.¹² Since the attack, Ngocho has lost clients, business partners and trust; he has been forced to close down the site and has greatly scaled down on gold investment.

Again, there is a suggestion that this is politically linked. Sources familiar with the leaching site (speaking on condition of anonymity) said that it has been used as a front by senior Migori county government officials and local politicians. The raid may have been the result of a disagreement between these parties, as local government were unaware it would take place, suggesting that the order for the raid came from higher up.¹³

The risk of violence – in disputes between business rivals or corrupt authorities – has shaped how leaching sites operate. 'For security, we often use urban centres for either leaching or finalizing the process of purifying gold from leaching sites, because in rural areas, getting attacked by criminals is easier. Most urban sites have high brick-and-mortar perimeter walls, razor or live wire on top and several gates and sections cordoned off for security,' said Achieng.

Cyanide supply chains

All those in the leaching industry whom the GI-TOC spoke to reported that sodium cyanide is rarely bought in Kenya, because of strict regulations around its handling and transport.¹⁴ For example, under Kenyan law, cyanide must be transported in an openly marked vehicle showing its contents, which attracts unwanted attention to leaching sites that are operating illegally.

Instead, the chemical is often smuggled in from Tanzania.¹⁵ 'Tanzanians have a chokehold control on cyanide, mercury and sulphuric acid routes in gold mining in Kenya; they have managed to evade all taxes to be paid [by using] smuggling routes ... a tonne of cyanide is between Ksh400 000 and Ksh500 000 [US\$3 400–US\$4 300], and it has remained steady for a long time,' said JB Jobando, a gold trader who owns a (legal) leaching site in Wagusu area in Bondo sub-county. 'I have tried to import the chemicals from Uganda ... where I have gold interests in Arua, [but] taxes and dealing with government places a tonne of cyanide at Ksh600 000–Ksh700 000 [US\$5 100–US\$6 000], with more costs incurred when transported openly in Kenya.'¹⁶

Once the chemical is bought in Tanzania, it is transferred to smaller sealed tanks of about 120–200 litres across the border. 'We strictly use minivans with tinted windows to transport the chemicals through panya [smuggling] routes,' said Muyedi. Minivans – as opposed to the trucks used to smuggle other products

– are chosen because the substance is poisonous and must be handled carefully.

Migori county geology officer Boiwo also confirmed that most sodium cyanide and the skills to use it come from nearby Tanzania, where it has been in use for a long time. This reliance on Tanzanian supply chains means that many sites in Kenya are Tanzanian-controlled.¹⁷

The risk of an opportunity missed?

The 'cyanide revolution' could be a golden opportunity for Kenya's mining sector, allowing businesses to make profitable use of what is otherwise simply a waste product. However, criminality in the sector, vested political interests and the use of violence are instead turning this opportunity into a risk.

Migori county police commander Mark Wanjala, environment agency officer Siagi and geology officer Boiwo all agree that an effort across Kenyan government departments to control leaching and cyanide use is the best strategy for bringing stability to the sector. 'Police can arrest, but we need experts from other departments to ensure an all-round operation that will help in court cases,' said Wanjala.¹⁸

In the meantime, as long as these toxic substances are being used by groups operating outside the law, the health of Kenyan communities and livestock is being put at risk.

Notes

- 1 Boris Verbrugge, Cristiano Lanzano and Matthew Libassi, The cyanide revolution: Efficiency gains and exclusion in artisanal- and small-scale gold mining, *Geoforum*, 126, 2021, 267–276.
- 2 The research for this piece was based in Migori, Narok, Siaya and Kakamega counties, and Nairobi, in September 2021.
- 3 Interview with geology officer Joshua Boiwo, Migori town, 20 September 2021.
- 4 Interviews with Joshua Achieng, representative at gold-leaching sites, Migori county, 13–14 September 2021, and Narok county, 15 September 2021.
- 5 Interview with iHope Foundation director David Maganya, Migori, 21 September 2021.
- 6 Interviews with Joshua Achieng, representative at gold-leaching sites, Migori and Narok counties, 13–15 September 2021; interview with law firm clerk Alfred Mukhwasi, Kakamega Town, 20 September 2021; interview with Patrick Mukhule, Gold Miners official, Ikholomani mines, 21 September 2021; interview with JB Jobando, leaching-site owner at Wagusu, Narok county, 18 September 2021; interview with Simon Odoyo Jaramba, official at Lolgorien Miners Association, Lolgorien, 17 September 2021.
- 7 Interview with James Siagi, Migori county officer for the National Environment Management Authority, Migori, 15 September 2021.
- 8 Interview with James Siagi, Migori county officer for the National Environment Management Authority, Migori, 21 September 2021.
- 9 Ruth Mbula and Ian Byron, Tycoons who reap big from the Migori gold mines of death, *Nation*, 6 October 2019, <https://nation.africa/counties/migori/Tycoons-reap-big-from-gold-mines-of-death/1183306-5300400-ts7qbe/index.html>. Note that Obado is currently on trial for murder (unconnected to his mining interests); see Joseph Wangui, Obado murder trial: Court told how police bungled evidence, *Nation*, 23 March 2022, <https://nation.africa/kenya/news/obado-murder-trial-court-told-how-police-bungled-evidence-3756948>.
- 10 Interview with law firm clerk Alfred Mukhwasi, Kakamega Town, 20 September 2021.
- 11 Ebru TV Kenya, Suspected Police Officers Invades Premises, Steal Gold And Cash, YouTube, 20 March 2021, https://www.youtube.com/watch?v=XgnA-lo_xBM&ab_channel=EbruTVKenya.
- 12 Interview at his premises in Isebania town, 24 September 2021.
- 13 Interviews with off-record sources, Migori county, September 2021.
- 14 According to the Pharmacy and Poisons Act and Environmental Management and Co-ordination Act, Kenya, cyanide is classified as a poison.
- 15 Interview with mercury trader Naphtali Ochieng, September 2021.
- 16 Interview with JB Jobando, leaching-site owner at Wagusu, Narok county, 18 September 2021.
- 17 Interview with JB Jobando, leaching-site owner at Wagusu, Narok county, 18 September 2021; interviews with Joshua Achieng, representative at gold-leaching sites, Migori and Narok counties, 13–15 September 2021.
- 18 Interview with police commander Mark Wanjala, Migori, 21 September 2021.

What the proliferation of fake-gold scams tells us about regulation, corruption and criminality in East Africa's gold market.

In July 2021, a Ugandan anti-corruption court found South Sudanese businessman Lual Lawrence Malong Yor guilty of defrauding an Ethiopian national of over US\$1 million.¹ Together with his associates, Malong – who had become notorious for posting videos of himself online lying on top of piles of dollars² – had carried out an elaborate fake-gold scam, obtaining money and creating false documentation for consignments of gold that never materialized.³

The striking details of the story made headlines across East Africa.⁴ Yet, dramatic as it was (even the presiding judge described it as worthy of a movie), Malong's case is by no means unique. Criminal networks with connections in the DRC and South Sudan play an increasingly active role in fake-gold scams in Nairobi and Kampala. These cases, which involve fraudsters promising investors gold

but delivering imitations (such as brass) or simply disappearing with investors' money, highlight the issues of corruption and poor regulation in East Africa's gold sector that underlie this burgeoning criminal economy.

How gold scammers operate

Gold scammers in East Africa tend to target foreign investors (from as far away as Malaysia, India, Dubai, Ukraine, Korea and the UAE), offering them gold at very low prices.⁵ Prospective buyers are enticed with bars of genuine gold, gold-plated metals and nuggets, or even powder. However, according to CP Mwangi, chairperson of Kenya Chamber of Mines, 'What people are buying on the streets is brass, which once cooked, looks like gold.'⁶ In one case from September 2021, a Guinean national operating from Nairobi defrauded an Indian national, agreeing to sell him 44.45 kilograms of gold at US\$39.70 per gram (well below international market rates of the time) to be shipped from Guinea through Nairobi's Jomo Kenyatta International Airport; instead, the dealer sent river pebbles.⁷

A review of major cases reported by law enforcement in Kenya and Uganda between the beginning of 2021 and the beginning of March 2022 shows that defrauded investors lost an estimated US\$25 million in a total of 18 incidents.⁸ In one case from 2020, a DRC national, arraigned in a Nairobi court in January 2022, was accused of defrauding a Ukrainian of US\$8.32 million in



Lual Lawrence Malong Yor, the South Sudanese businessman found guilty of conducting a million-dollar 'gold scam' by a Ugandan anti-corruption court in July 2021.

Photo: Twitter



Malong shows off his wealth to great acclaim on social media.

Photo: Instagram

2020,⁹ an amount equivalent to 136% of the value of Kenya's total gold production.¹⁰

Many of the networks involved appear to be made up of foreign nationals. GI-TOC research indicates that, in the past year, Kenya has arrested seven foreigners (three Cameroonians, two Tanzanians, a Nigerian and a Zambian) in connection with the sale of fake gold, while Uganda arrested eight suspects (five Congolese, two Nigerians and a Cameroonian) in the first three months of 2021.¹¹ Rivalry between gold-scamming networks and disputed deals have led to violence and assassinations.¹²

A problem of international proportions

The international impact of the East African fake-gold business cannot be overstated. In 2019, Kenyan President Uhuru Kenyatta moved to defuse a diplomatic incident by meeting with the ruler of Dubai, Sheikh Mohammed bin Rashid Al Maktoum, associates of whom had been scammed by Kenyan nationals in a Ksh400 million (over US\$3.5 million) deal involving the promise of 4.6 tonnes of gold that didn't exist. The gold was allegedly to be sourced in the DRC and transported to the UAE through Jomo Kenyatta. Kenyan authorities indentified Senator Moses

Wetangula, former foreign minister and now leader of one of the country's key political parties, as a 'key person of interest' in this case.¹³ Wetangula dismissed the claims as a 'non-issue'.¹⁴

Law enforcement authorities in Kenya and Uganda have appealed to prospective gold buyers to beware potential scammers.¹⁵ The head of Kenya's Directorate of Criminal Investigations (DCI), George Kinoti, has urged embassies and high commissions around the world to advise their citizens of the issue: 'The gold scam has now reached alarming levels as unsuspecting foreign nationals are being swindled out of large amounts of money by fraudsters,' he declared in December 2021.¹⁶

The Malong case: A classic of the genre

The details of the elaborate scam Malong carried out includes many of the hallmarks typical of 'fake gold' deals. Malong first made an acquaintance with Abebe Engda, a friend of his eventual victim WG Dessie, both South Africa-based Ethiopian businessmen. Over six months from June 2017, he set up a series of meetings with the two men, at high-end hotels in Uganda and Nairobi, and in South Sudan and South Africa, facilitating



A consignment of fake gold bars seized by police officers at Jomo Kenyatta airport in Nairobi in June 2021, which had been imported from Uganda.

Photos: Directorate of Criminal Investigations, Kenya

DATE	COUNTRY	NATIONALITY OF ALLEGED PERPETRATORS	NATIONALITY OF VICTIMS	AMOUNT (KG)	ESTIMATED VALUE IN US\$ (AT TIME OF INCIDENT)	STATUS OF LEGAL PROCEEDINGS
February 2022	Kenya	Congolese, Kenyan	Motswana	10	41 327	
January 2022	Uganda	Ugandan	Chinese	n/a	56 488	
January 2022	Kenya	Cameroonian	Kenyan	15	30 973	
January 2022	Kenya	Congolese (DRC)	Ukrainian, Japanese	n/a	8.31 million	
January 2022	Kenya	Kenyan	n/a	n/a	8 849	
December 2021	Kenya	Kenyan, Cameroonian	Korean	n/a	25 663	
November–December 2021	Kenya	Kenyan, Cameroonian	n/a	5	309 734	
September 2021	Kenya	Bissau-Guinean	Indian	44.45	1.77 million	
July 2021	Kenya	Zambian	n/a	n/a	1.39 million	
June 2021	Kenya	n/a	n/a	n/a	n/a	
May 2021	Kenya	Kenyan, Nigerian	Italian	n/a	\$163 716	
May 2021	Kenya	Kenyan	n/a	n/a	\$263 716	
May 2021	Kenya	Cameroonian, Kenyan	n/a	250	8.85 million	
March 2021	Uganda	Ugandan	American	n/a	8 million	
February 2021	Kenya	Nigerian	American	10	155 752	
February 2021	Uganda	Ugandan	American	n/a	6 million	
February 2021	Uganda	Ugandan	Ugandan	n/a	141 220	
February 2021	Uganda	Ugandan	American	n/a	3.5 million	



Ongoing investigation



Arrests made



Charges filed

FIGURE 1 Reported gold scams in Kenya and Uganda from February 2021 to February 2022.

all their travel visa requirements. As seen in other, similar scams, the intention with such high-end meetings is to expose to the potential victim that the perpetrator is wealthy and legitimately making substantial profits from the gold trade.

Malong offered to sell Dessie two tonnes of gold sourced in the DRC. Dessie had travelled to 'Uganda, to Kenya, to Dubai, to Hong Kong SAR and back and forth several times chasing gold that never was,' the court stated. By the time of his arrest, Malong had still not supplied the gold.¹⁷

Malong was aided by a network of people: one posed as an army general from the DRC (the owner of the fictitious gold), and others pretended to be representatives of the Uganda and Kenya revenue authorities and INTERPOL. Dessie was conned into paying money to these individuals to facilitate the deal.

Dessie and his associate 'trusted [Malong] as a man of God', thinking that his religious principles made him a trustworthy business partner. They had also 'put so much money in the deal that they feared to pull out believing it was due to mature. Pulling out would lead to loss,' said Judge Lawrence Gidudu in the ruling.¹⁸

The reality of Malong's background is difficult to decipher. While he has claimed to be related to South Sudan's former army chief of staff Paul Malong Awan,¹⁹ including through his public LinkedIn profile, the nature of their relationship is unclear.²⁰ Both Paul and Lawrence Malong have also at other points denied any familial relationship.²¹ Paul Malong Awan has been subject to sanctions by both the UN and the US government for his role in South Sudan's conflict and a series of corruption allegations.²²

Reporting from investigative organization The Sentry published in 2020 describes Malong as a 'politically exposed person' in South Sudan who holds, respectively, stakes of 10% and 17% in gold-dealing companies JPL Gold & Diamond and Gold Stone Mining. These companies are reportedly among several South Sudan-registered gold companies with ties to politically exposed persons.²³

Hadley Becha, director of CANCO, a Kenyan non-governmental organization that deals in environmental governance and matters to do with the extractive industry, told the GI-TOC that it is common for gold

scammers to pose as the relatives of top politicians and officials from the country in which the 'investment' would happen, usually South Sudan or the DRC.²⁴

Malong's network falsified a litany of documents required for gold-export transactions – among them, export permits purportedly issued by the Commissioner of the Directorate of Geological Survey and Mines in Entebbe; freight and cargo company receipts; an analytical lab report from the National Chamber of Commerce and Industry; and a bill for air freight. False documentation is an essential part of many gold scams in convincing the investor of the legitimacy of their gold supply.

A regional gold market vulnerable to criminality and fraud

According to an official in Kenya's Chamber of Mines, corruption in state institutions charged with controlling the mining sector and managing large-scale informal gold supplies has made the region's gold sector attractive both to investors eager to circumvent regulations to buy cheap gold and to scammers looking to prey on these investors.²⁵

Becha made a similar assessment: 'There's a belief that you can get cheap gold from the eastern Africa region, and that's why international merchants of the commodity run here. They believe that this place is very corrupt and that it lacks laws and regulations to govern the business.'²⁶ Ironically, it seems that for some investors the dubious desire to make a profit on a low-price, low-regulation market is what puts them at risk of being scammed.

Uganda and Kenya's immediate neighbours, the DRC and South Sudan, are major gold producers. Yet the informal nature of their gold industries has made them magnets to criminal actors ready to use corruption, financial leverage and violence to turn a profit.²⁷ Fraudsters are also conscious of the fact that international investors perceive gold from the DRC and South Sudan to be cheap and easily accessible.²⁸

Kenya and Uganda play complementary roles in the scams. Whereas Kampala acts as an operations base for criminal networks, Nairobi – as the major regional communications and financial hub – is the centre of the financial transactions in these scams. According to Kenyan security expert George Musamali, 'The fraudsters come from as far as South Africa, the DRC and South Sudan to work with Kenyan fixers, because

A TRANSCONTINENTAL FRAUD: COUNTRIES NAMED IN THE MALONG GOLD-SCAM COURT JUDGMENT

UGANDA: The primary country of Malong's operation, where he recruited co-conspirators and planned the scheme from Kampala. Dessie (the victim of the scam) met Malong here to discuss the deal. Most payments were received here, including the initial payment for the gold. Malong was arrested here in November 2018.

UAE: The initial country where Malong convinced his victim that the gold would be shipped to. Dessie made a US\$70 000 payment to a contact of Malong's (posing as a Uganda Revenue Authority officer) intended to facilitate the export of gold from Uganda to Dubai. Another payment was made later allegedly to 'bribe' UN officials in Dubai to re-route a gold shipment.

SOUTH SUDAN: Malong's home country, where his companies are registered and based. Dessie and another contact travelled to Juba, the capital, to meet with Malong and discuss business opportunities.

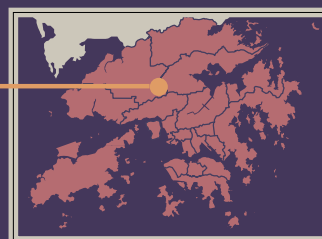
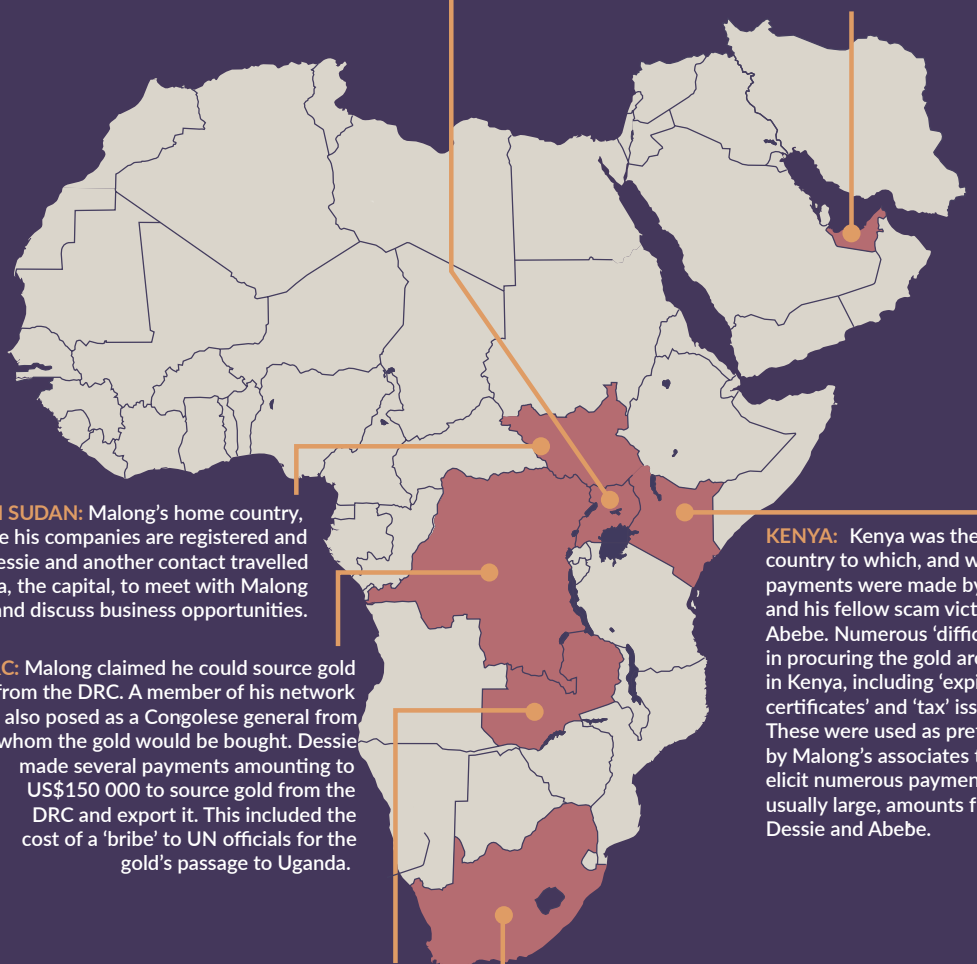
DRC: Malong claimed he could source gold from the DRC. A member of his network also posed as a Congolese general from whom the gold would be bought. Dessie made several payments amounting to US\$150 000 to source gold from the DRC and export it. This included the cost of a 'bribe' to UN officials for the gold's passage to Uganda.

ZAMBIA: In early 2018, Dessie was told by Malong that the gold would be exported from the DRC to Lusaka, Zambia. Dessie travelled there and paid US\$10 000 to facilitate this, but no gold was forthcoming.

SOUTH AFRICA: Country where Dessie lives and works. It is also the site of the initial meeting between him and Malong.

HONG KONG SAR: Intended to be the ultimate destination market for the fictitious 150kg gold shipment. Dessie and his associate travelled to Hong Kong SAR three times, as the judgement describes, 'chasing gold that never was'.

KENYA: Kenya was the main country to which, and where, payments were made by Dessie and his fellow scam victim Abebe. Numerous 'difficulties' in procuring the gold arose in Kenya, including 'expired certificates' and 'tax' issues. These were used as pretexts by Malong's associates to elicit numerous payments in varying, usually large, amounts from Dessie and Abebe.



the country provides an ideal climate for their handiwork.²⁹ A Kampala-based gold dealer revealed that 'Kampala is like a fieldwork area; real deals are hatched from Nairobi, then done in Kampala.'³⁰

The role of corruption

In Kenya, a leadership figure in a key political party, a former cabinet secretary, and three MPs representing constituencies in Nairobi are alleged to be major figures in the fake-gold industry. These individuals are currently being investigated for colluding with foreigners to defraud international investors, according to a source at the DCI.³¹ In March 2021, Kenya's DCI recovered fake gold and US\$283 million in fake currency, all linked to a former cabinet secretary. The case is yet to be prosecuted.³²

'In Kenya, the correlation between crime and politics remains watertight. Most of the big scandals are driven by or facilitated by top politicians and bureaucrats who remain untouchable because the state doesn't want to go for them out of fear that the political scales will tilt against it,' said a senior official in the Office of the Director of Public Prosecutions, Nairobi.³³

In Uganda, some of the major players in fake-gold scams are alleged to be members of the police and military.³⁴ In a notable case, police questioned the Deputy Director of Internal Security Idi Taban Amin (son of former president Idi Amin) in March 2021 in connection with a gold scam where a US national lost over US\$8 million.³⁵

Legitimate co-conspirators

Defrauders such as Malong would have difficulty pulling off such elaborate schemes without the aid of transnational conspirators and corrupt lawyers,

immigration personnel and law-enforcement officers strategically placed in Nairobi and Kampala. One gold dealer speaking to the GI-TOC in Kampala described a system in which some corrupt gold dealers will ensure there is an issue with an international buyer's paperwork so that border authorities have a pretext for seizing the gold or the opportunity to exchange it for false gold during inspection.³⁶ Kenya's DCI has publicly stated that 'the multi-million shilling conspiracy is executed with the assistance of various agencies, including some government institutions'.³⁷

Legal firms have also featured prominently in gold scams, accused of facilitating criminality by registering dud companies on behalf of the scammers or facilitating bank transactions. A lawyer for the anti-corruption court based in Kampala argued that legal professionals may also be 'aiding criminality' by lending legitimacy to the fraudulent deals.³⁸

An unwelcome reputation

Prolific fake-gold scams pose a problem to the smooth operations of gold regulatory bodies and discourage genuine investors. 'The international dimension to the fraud is giving Kenya a negative and unwelcome reputation in the world of minerals and mining,' said then-mining minister Dan Kazungu in 2020.³⁹

While Ugandan and Kenyan police have emphasized the need for prospective buyers to exercise due diligence and engage the relevant regulatory bodies before transacting businesses, the involvement of officials in many of these scams makes identifying a reliable authority more difficult, meaning buyers are left guessing when trying to distinguish a fake gold deal from the real thing.

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Illicit economies in Mozambique's embattled Cabo Delgado: answering the key questions.

Just over a year ago, the town of Palma, Cabo Delgado, was the target of a major insurgent attack that left dozens dead. A mass exodus of thousands of survivors fleeing the town by boat sought refuge in Pemba, the provincial capital further to the south.¹ The attack caught international attention in part due to Palma's proximity to the US\$20 billion gas development run by French oil company Total, on the Afungi peninsula.

A year on, South Africa is on the cusp of sending a full combat force to the Southern African Development Community (SADC) regional deployment (known as SAMIM) operating in Cabo Delgado,² while the SADC itself has extended the mandate of SAMIM to July 2022, supposedly for a phase of 'de-escalation' of the conflict.³ When SAMIM and Rwandan forces first arrived in June 2021 and recaptured swathes of insurgent-held territory, it initially seemed that the tide of the conflict had turned. Now, however, violence continues to flare up as smaller, more scattered groups of insurgents – known locally as al-Shabaab – are terrorizing populations.⁴

In Nangade district, which borders Tanzania, 24 000 people were forced to flee their homes between January and mid-March 2022, according to the UN High Commissioner for Refugees (UNHCR). Some 5 000 more have fled to Mueda, a neighbouring district. 'Those fleeing violence suffered and witnessed atrocities, including killings and the decapitation and dismemberment of bodies, sexual violence, kidnappings, forced recruitment by armed groups and torture. The threat of renewed violence means that the number of people arriving in Mueda continues to increase,' said UNHCR spokesperson Boris Cheshirkov.⁵

Around 784 000 people have been displaced since the conflict started in October 2017, according to the latest data released by the International Organization for Migration.⁶ Efforts to return displaced people to Mocímboa da Praia – a strategically important town in restoring the region's economy – are stalling, because the area is still insecure.⁷

As the rainy season – which gave al-Shabaab insurgents a chance to regroup – nears its end, there are fears of a renewed escalation in the conflict, and potential expansion into the neighbouring Niassa and Nampula provinces. The violence has waxed and waned according to seasonal cycles in previous years.

But what impact could this resurgence of violence have on the illicit economy? The region has long been a key economic corridor for illicit flows that traverse the East African coast, including drug trafficking (chiefly of heroin and, more recently, methamphetamine and cocaine); illicitly exported timber, ivory and other wildlife products; and smuggled gems and gold. The question of whether al-Shabaab is involved in or controls illicit economies has been the subject of intense speculation, politically driven allegations and, at times, disinformation. Our research has investigated key questions about how illicit economies play a role in the political economy of this troubled region.⁸

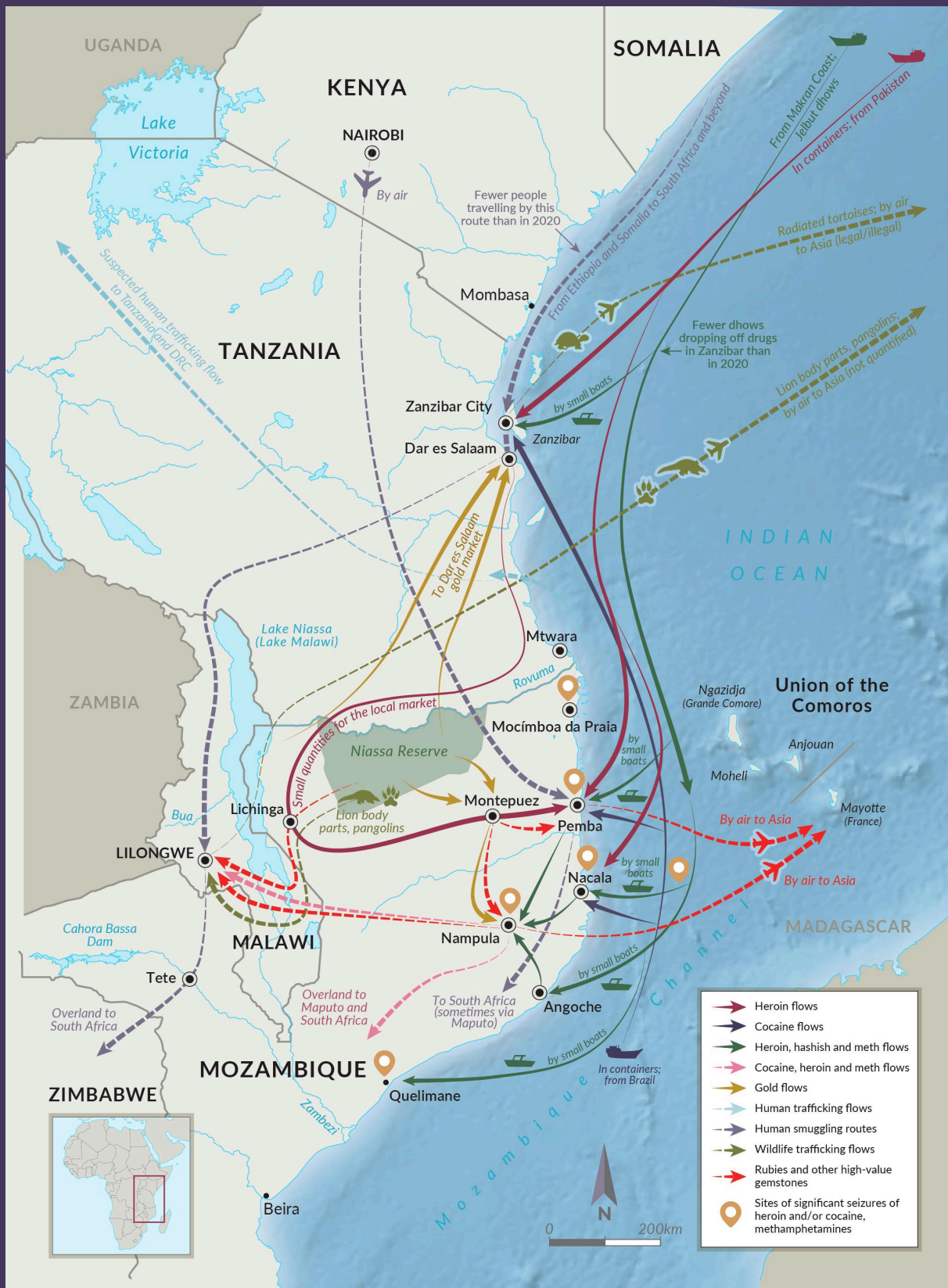
Do illicit economies fund the insurgency?

Overall, our research has concluded that involvement in the illicit economy constitutes only a small proportion of the insurgents' funding base. The main sources of funding for the insurgency are local, primarily obtained from the support of local businesspeople, cash and goods seized during attacks, and looting.

Some new evidence has emerged of alleged international support to the insurgents. In March 2022, the US enacted sanctions against four alleged financiers of the Islamic State, all of whom are based in South Africa. The Mozambican insurgents have claimed allegiance to the Islamic State since 2019. One – Peter Charles Mbagi – is accused of having supported the insurgents by helping the group acquire equipment from South Africa and attempting to procure weapons for them in Mozambique.⁹ However, local sources of funding appear to be the group's primary support.

In terms of illicit economies, GI-TOC research and interviews have found no current connection between

ILLICIT FLOWS THROUGH NORTHERN MOZAMBIQUE



Note: Dashed arrows indicate flows that have been reported to the GI-TOC where precise geographical routes are unknown.

drug trafficking and al-Shabaab. When the conflict broke out, traffickers based in Mocímboa da Praia shifted their operations to the south, away from the conflict's epicentre. These traffickers have yet to return to their former northern bases, as the security situation remains volatile.

The discovery of 28 kilograms of heroin in Mocímboa da Praia in early October 2021 was taken by Mozambican authorities as evidence that al-Shabaab is involved in drug trafficking,¹⁰ as the drugs were discovered in a location known to be used by the group during its occupation of the town. However, other factors – such as the time of year of the seizure, the volume of drugs involved and the location – suggest that this cache of drugs had, in fact, been stored by another trafficker before the insurgents captured Mocímboa da Praia. The trafficker likely then abandoned the drugs in an urgent escape. To our knowledge, no other similar seizures have been made.

Kidnap for ransom – of both Mozambican and foreign nationals – is a source of income for al-Shabaab. A standard opening ransom demand from the insurgents is apparently 1 million Mozambican meticaís (US\$16 000).¹¹

This is part of a broader, well-documented al-Shabaab strategy of kidnapping people in towns and villages under attack. The insurgents kidnap individuals with skills they wish to exploit – such as medical professionals – young children to train as fighters, and women and girls.¹² Human Rights Watch estimated in December 2021 that more than 600 women and girls have been kidnapped by al-Shabaab since 2018.¹³ Once inside the insurgent bases, these young women are reportedly taught to behave as part of al-Shabaab's Islamist social order and are forced into 'marriages' to al-Shabaab fighters.¹⁴

It is suspected that select groups of younger women are then trafficked by the insurgents. Women who had previously been held captive by the insurgents reported to Mozambican think tank Observatório do Meio Rural that some of the kidnapped women were 'selected' to go to Tanzania to study English.¹⁵ Sources suggest that these women and girls are, in fact, trafficked overland from the insurgent-controlled areas to southern Tanzania.¹⁶ Their subsequent fate remains unknown. There are initial reports that young men and boys are trafficked overland to the DRC to work in informal mining to generate money for the

insurgency.¹⁷ It has not yet been possible for the GI-TOC to independently verify these trafficking flows.

Research by the GI-TOC has found no evidence that al-Shabaab has been taxing or controlling northern Mozambique's illicit gemstone or gold trade. Cabo Delgado's hotspots of artisanal and small-scale mining and the illicit trade in gold and gemstones are, in fact, concentrated outside of areas where al-Shabaab has held territory.

However, some black-market gold and ruby traders are reported to provide financial support to the insurgents. These are individuals running legitimate businesses in the region as well as smuggling gold and precious gems. They also seem to have been connected to al-Shabaab for several years, perhaps pre-dating the armed conflict in the years when the group was a radical conservative religious sect. These traders allegedly provide a financial network to shift cash, gemstones, gold, people and goods over the boundary lines of the conflict, to launder funds through legitimate business, and to deposit payments on behalf of the insurgents.

Has the conflict had an impact on illicit economies in Cabo Delgado?

Trafficking routes through northern Mozambique are resilient and have adapted to the conflict, by shifting away from areas where insurgents hold territory and the conflict is most intense. By early 2021, drug trafficking routes had moved south through southern Cabo Delgado and Nampula province and have remained there.

Heroin and cocaine shipped in containers are still arriving at the ports of Pemba and Nacala. Heroin and methamphetamine arriving on Jelbut dhows – long-range wooden fishing and transport vessels – from Iran and Pakistan are being offloaded further south.

Before the conflict, deliveries arrived at Mozambique's northern coast, with Pemba as the southernmost drop-off point. The beaches, small ports and towns of Quissanga, Ilha do Ibo and Mocímboa da Praia were key hotspots for drug-trafficking activity. The town of Mocímboa da Praia has long been known as a smuggling hub, not just as a landing point for heroin but also for people smugglers ferrying passengers along the 'southern route' of migration from the Horn of Africa towards southern Africa, and as a transit point for flows of ivory poached in Niassa Special Reserve, illegal

timber and other illicit goods.¹⁸ These flows have now been disrupted.

Now, Pemba is the most northerly drop-off point, and drugs are also landing on the coasts of Nampula and Zambezia provinces, including in Nacala, Angoche and Quelimane.¹⁹ International law-enforcement sources, people involved in trafficking networks and local fishing communities report that drugs are still arriving at Pemba's fishing port. Fishing vessels are often used to collect drug shipments from larger vessels out at sea before they are brought to the fishing port and beaches south of Pemba, then warehoused locally ahead of onwards transit.²⁰ Reports suggest that from arrival into Nampula province, heroin and cocaine are now also being transported overland west through Malawi, rather than exclusively southwards to South Africa and Maputo, as in previous years.²¹

A similar pattern has been seen in the trafficking of illegal timber, which has been a market in northern Mozambique for decades.²² The scale of this trade from Cabo Delgado was demonstrated in August 2020, when

Mozambican authorities seized 82 containers of illegally harvested logs bound for China and held them at the port of Pemba. Those containers were later smuggled out from police custody and exported in December 2020.²³ Following investigations, 66 of the containers were recovered en route to China.²⁴ In mid-November 2021, a further seven containers were recovered.²⁵

Chinese logging companies dominate the Cabo Delgado logging industry.²⁶ These companies are currently most active along the corridor between Montepuez and Mueda and often operate illegally within the eastern boundary of the Niassa Special Reserve.²⁷ This area, to the west of the main area of insurgent activity, has been secure from al-Shabaab attacks, enabling these companies to continue operating.

While logging had been prominent in this region for many years, it intensified during the conflict, and there were reports of military checkpoints extracting rent payments from logging trucks moving along this road.²⁸



A shipment of heroin and methamphetamine seized in Nacala, northern Mozambique, March 2021.

Photo: SERNIC

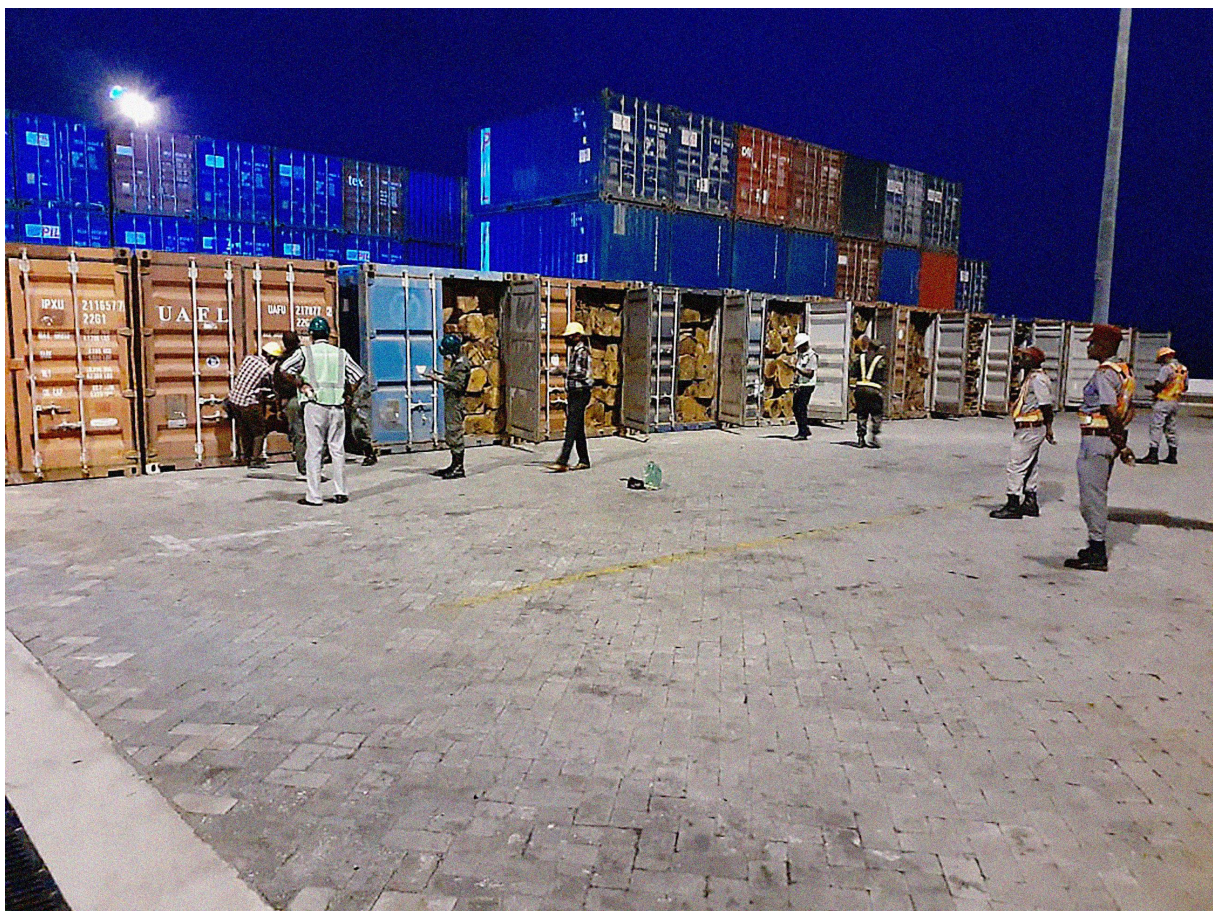
Within al-Shabaab territory, logging activity is reportedly less intensive than in areas controlled by the Mozambican military, though it is ongoing. There are no reports suggesting that al-Shabaab has been involved either directly in the logging trade or in 'taxing' the trade systematically as a means of funding. As with drugs, the most intensive illicit-economy activity is outside the insurgents' areas of control.

Did illicit economies contribute to the outbreak of the conflict?

The insurgency in Mozambique was born from an amalgam of different drivers, principally deep-seated grievances over economic inequality and political exclusion.²⁹ Socio-economic divides fractured communities along religious and ethnic lines. People in Cabo Delgado have borne decades of government neglect and extreme poverty while they have seen political elites seize the benefits of the region's natural resources – such as rubies and gas – and profiteer from criminal markets.

For decades, the financial gains of northern Mozambique's illicit economies, including drug trafficking and illegal logging,³⁰ have also accrued with senior FRELIMO figures, the dominant political party in the country, and local business elites.³¹ Corruption is a characteristic feature of governance in the region. One expert interviewed by the GI-TOC described corruption as the single most important factor shaping Mozambique's economy.³² Organized criminal activity has, for many years, been a significant driver of this corruption.

These injustices have been used in the insurgents' propaganda. For example, in Muidumbe in April 2020, insurgent leader Bonomado Omar (also known as 'Ibn Omar') addressed assembled residents saying that they had occupied the village 'to show that the government of the day is unjust. It humiliates the poor and gives advantages to the rich. The people who are detained are from the lower classes and this is not just. Whether people like it or not, we are defending Islam.'³³



Mozambican authorities seize 82 containers of illegally felled timber bound for China at the port of Pemba, August 2020.

Photo: ANAC

In the case of illicit gemstones, the management of one illicit economy may have driven insurgent recruitment. Artisanal miners working illegally on private mining concessions have been treated brutally by police and mine security. To these groups, this was perceived as the state – principally through the police – forcing them to abandon their livelihoods in order to protect powerful interests.³⁴ This contributed to radicalization.

There are long-standing links between artisanal miners of gems and gold and the insurgents. A number of research groups have reported that insurgents have

concentrated their recruitment efforts on garimpeiros, as the informal miners are known, by exploiting local grievances over economic marginalization,³⁵ or in some cases by tempting recruits with promises of employment in Cabo Delgado mining sectors.³⁶ This includes recruiting garimpeiros working in Niassa Special Reserve.³⁷ A prominent leader of al-Shabaab, named Maulana Ali Cassimo, is known to have demonstrated publicly against the attitude of authorities to artisanal miners and poachers in Niassa Special Reserve before the insurgency.³⁸

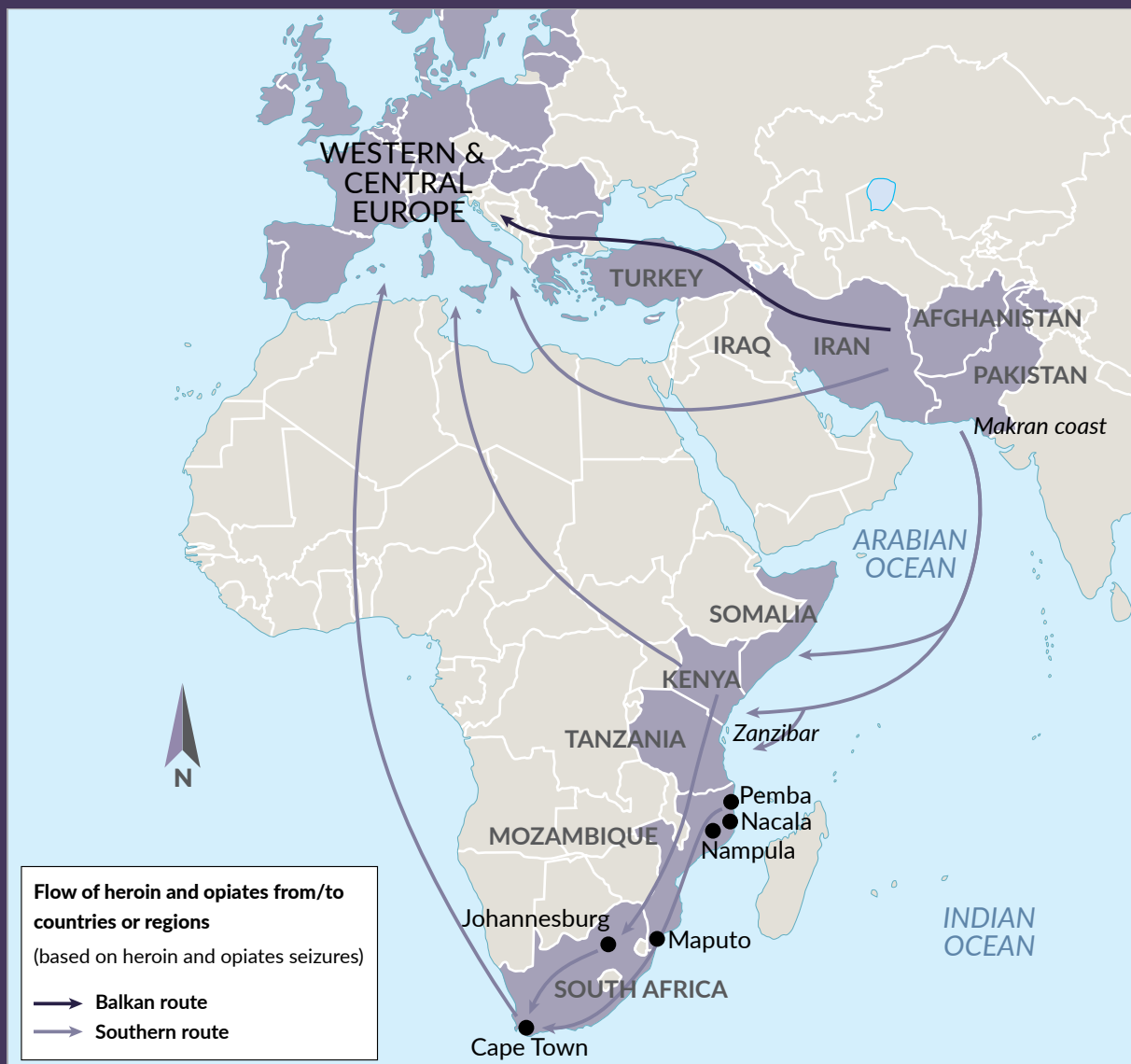


FIGURE 2 Heroin flows from Afghanistan, including via northern Mozambique.

Why understanding illicit economies is important in Cabo Delgado

As seen in claims that the insurgents have been involved in drug trafficking, it is easy to make assumptions about the relationship between conflict and organized crime that turn out to be erroneous. Other contexts, such as the conflict in Afghanistan, can be a cautionary comparative example, as there the relationship between the Taliban and the drug trade was poorly understood or overestimated. This led to wasteful and damaging policy decisions.³⁹ Therefore, in-depth reporting of the dynamics of the conflict is needed to develop a more nuanced picture.

The factors that helped create the insurgency – a breakdown in governance and delivery of government services, socio-economic exclusion, rampant corruption and organized crime, elite capture of resources, and ethnic and religious divides – remain in place in Cabo Delgado. The International Crisis Group, which has been monitoring the conflict, reported in a briefing in February 2022 that with these local grievances unaddressed, ‘the insurgency will persist as a source of regional insecurity.’⁴⁰ The GI-TOC has drawn the same conclusion from its research. In addition, while trafficking routes have shifted slightly, northern Mozambique remains a key economic corridor for illicit flows, including major drug-trafficking routes to the southern African region and beyond.

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How sensationalism around the emergence of ‘new’ drugs can distort perceptions of the drug market and have a real-world impact on policing and prosecutions.

Media reporting and public discourse about illegal drug markets tend to be almost universally sensationalist.¹ ‘Scare stories’ about drug markets – often coloured by moralistic perceptions about illegal drugs and the people who use them – regularly announce that a ‘new drug’, which promises to be uniquely addictive or deadly, has hit the streets.

However, this anxiety can be both misplaced and premature. ‘There is a general failure to properly investigate what these “new” substances might be when they emerge,’ said Julia Buxton, a drug-policy expert at the University of Manchester, referring to the global context. ‘There is so much scope for media exposure and pushing a conservative moralistic agenda ... [that] influential people jump on the bandwagon without considering first principles. This happened [in the UK] with legal highs and even fictional drugs.’²

These sensationalist accounts can have real-world effects, as several examples from eastern and southern Africa attest to. ‘The media is a reflection of our society, which is largely uneducated on drug matters,’ said a Kenyan drug researcher and activist, who declined to be named due to the sensitivity surrounding debates on drug issues in Kenya.³ According to this activist, it is not just the media that is prone to misconceptions: ‘MPs, magistrates, judges ... many are not educated on these matters.’

A Kenyan craze: *Shashamane*

Around late 2020, several reports emerged in the Kenyan press of a drug called *shashamane*, named for the Shashamane region of Ethiopia,⁴ where it is believed to have originated.⁵ One headline from the widely read Kenyan newspaper *Nation* claimed that the drug was ‘turning youths into zombies’ when mixed with ‘custard seed oil and cannabis’ before being rolled and smoked.⁶

The majority of these articles suggested that *shashamane* was simply a form of cannabis. A cannabis strain of the same name is discussed on online growing sites as originating in East Africa and is said to produce a ‘strong cerebral high’.⁷ Other news sources referred to *shashamane* as a type of *bhanga* (a Kenyan term for cannabis).⁸

Yet other reports made different claims, asserting, for example, that *shashamane* was a ‘blended narcotic’ with an effect akin to ‘cocaine and opium’.⁹ However, as cocaine (a stimulant) and opium (a depressant), naturally have very different physical effects, this is an impossible claim.

Until a chemical profile of *shashamane* is conducted, it cannot be known for certain what the make-up of the substance is, although experts suspect that it is probably a strain of high-THC cannabis, which may on occasion be cut with other products.¹⁰ It is likely that *shashamane* is a broad term for cannabis that is mixed with other substances on an ad-hoc basis but does not have a singular make-up.

A term lost in translation: *Nyaope* in South Africa

Late in the first decade of the 2000s, researchers and media reports began to identify what was believed to be a new street drug in South Africa, named variously *whoonga* or *nyaope*. As is seen in reporting around *shashamane*, media articles and reports described *nyaope* as ‘highly and uniquely addictive’, made up of a cocktail of substances including crushed antiretroviral (ARV) pills, illicit drugs such as heroin and methamphetamines, and other substances ranging from rat poison to cement powder.¹¹

Yet the reality is far simpler. ‘*Nyaope* (*whoonga*) is heroin,’ said Colonel Jaco Westraat, head of the chemistry unit at the South African Police Service Forensic Science Laboratory in the Western Cape. ‘It may often be cut

with other substances, but that has always been the case with hard drugs on the street.¹² Many have made this argument since the terms first emerged.¹³ Speaking to the media as early as 2010, experts, police, and even dealers claimed that *whoonga* and *nyaope* were simply the new terms for what were previously known as heroin 'sugars', despite the mythmaking around these supposedly new drugs.¹⁴

Nyaope and *whoonga* are both derivations of Swahili words, meaning 'white' and 'flour' respectively, used to describe the appearance of crushed heroin.¹⁵ Neither term refers specifically to heavily adulterated heroin,¹⁶ and the presence of specific adulterants, such as ARVs, is inconsistent in test samples.¹⁷ Similar concerns about drugs being cut with ARVs also emerged when methamphetamines (known locally as *tik*) became more widely used in South Africa around 2005; these claims were later found to have been exaggerated.¹⁸

These erroneous beliefs have had consequences for how *nyaope/whoonga* is understood, both in popular

discourse and in academic circles. One research team even went as far as manufacturing their own *nyaope* based on what they believed its components to be. The purpose of the study was to find ways of chemically profiling the cocktail. Ironically, a street sample obtained by the same research group had different ingredients to the lab-made substance (notably, the street sample did not contain the ARV drug efavirenz, which was considered to be a common ingredient), but this did not deter the group from proceeding with a chemical analysis of the latter.¹⁹

When misconceptions meet limited analytic capacity

In Kenya, there is very limited forensic testing capacity with which to analyze street-drug samples and that which does exist is under-utilized. 'All 47 counties are supposed to have labs for testing, but due to lack of funds, only the Nairobi lab is functional,' said the Kenyan drug researcher.²⁰

Samples from other counties can be sent to Nairobi, but this is often forgone and trials rely instead on the



***Nyaope* or *whoonga* (heroin), ready to be smoked. The emergence of new terms in South Africa for the substance led to misconceptions around the drug.**

Photo: Bongani Siziba/SOPA Images/LightRocket via Getty Images

testimony of law enforcement. 'Samples' are often manufactured 'evidence' presented by police officers with the aim of soliciting bribes from accused persons and are not sent for testing.²¹ 'Sometimes a prosecutor will rock up with some plant material and claim it is cannabis, or some dangerous drug, without sufficient evidence,' said the Kenyan activist. 'Astute magistrates will throw out the case, but others may rule to convict based on preconceived ideas without sufficient evidence-based research.'²²

Kenyan drug legislation distinguishes between cannabis and other narcotic substances, with much greater penalties for the latter. Under the law for narcotic substances, the accused could be jailed for 20 years to life (as opposed to 10 to 20 years for cannabis) or fined Ksh1 million (US\$8 600 or triple the market value of the substance), depending on their intention.²³ This is a crucial distinction in the case of *shashamane*, which is likely to be a form of cannabis but may be believed to be a stronger narcotic.²⁴

South Africa, by comparison, does not face the same challenges as Kenya when it comes to testing capacity. In trials of drug-related offences, samples are tested and positively identified prior to trial. However, as Westraat explains, '[South Africa has] a backlog of about 44 000 cases, mainly due to difficulties acquiring the necessary chemicals due to the pandemic.' This backlog leads to delays in due process. '[For example], one dealer was arrested for peddling meth. After three months awaiting test results, it was determined to be phenacetin [an analgesic]. He made an illegal misrepresentation ... but he ultimately sat locked up for three months for selling a legal substance,' said Westraat.²⁵ Media reporting on drug seizures can be erroneous due to journalists receiving unverified information by authorities on the type of drugs seized.²⁶

The popular discourse about drugs can also affect how users are perceived by their communities and how the matter is policed. 'A cop would be more likely to go after someone if they suspect *nyaope* possession – as the drug is more identifiable – than possession of something like synthetic cannabinoid,' says Richard Chelin, a

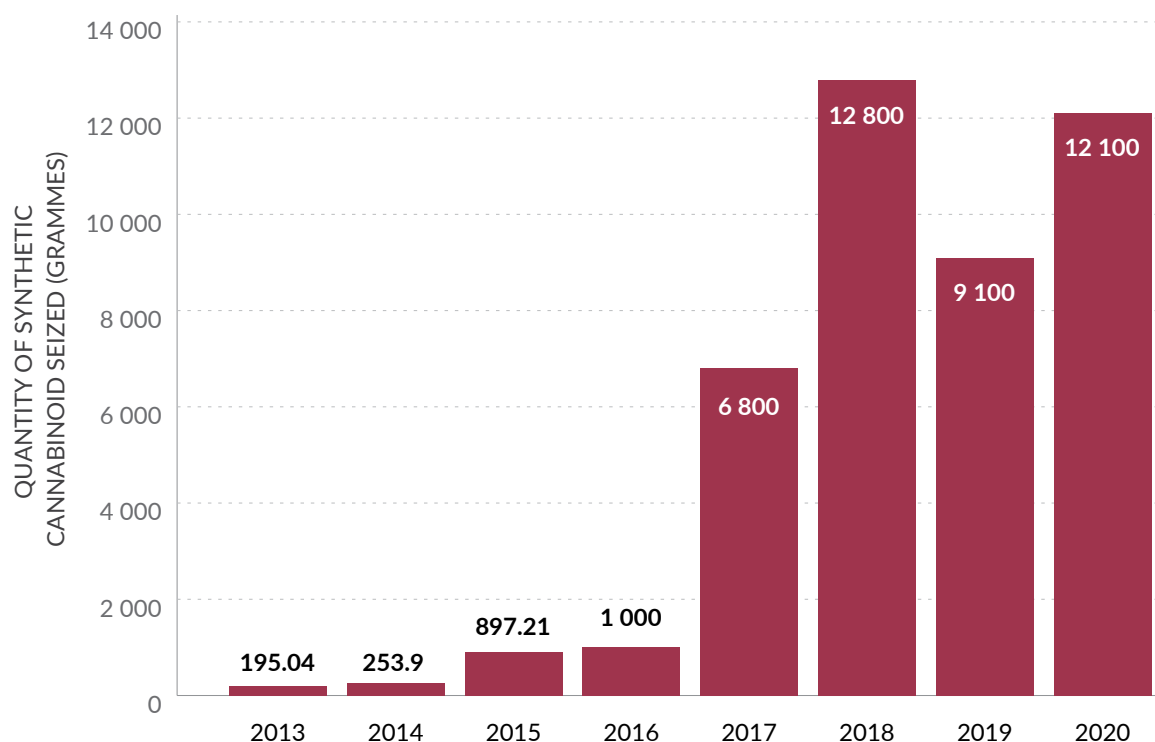


FIGURE 3 Synthetic cannabinoid seizures, Mauritius, 2013–2020.

Note: The sharp increase in synthetic cannabinoid seizures by Mauritian authorities since 2016 is one indicator of how this class of drugs rapidly emerged in the island state. Reports suggest use was initially concentrated among youth populations.

Statistics Mauritius, Crime, Justice, and Security, 2020, https://statsmauritius.govmu.org/Pages/Statistics/By_Subject/CJS/SB_CJS.aspx.

researcher at the Institute for Security Studies. 'There's a greater chance of securing an arrest, even if not a conviction.'²⁷ 'Arrest numbers are a metric used to measure success of policing drugs throughout most of the world,' agreed Buxton,²⁸ as this bulletin has analyzed previously with respect to South Africa.²⁹

Where new drugs have emerged: The case of synthetic cannabinoids

Reporting on new drugs is not always sensationalism, as the emergence of synthetic cannabinoids in the Indian Ocean islands proves. Long-standing heroin flows to and through the western Indian Ocean islands have been joined in recent years by a flood of synthetic cannabinoids, which have fundamentally disrupted drug markets in Mauritius, Mayotte and the Comoros. Global trends – as collated by organizations including the UN Office on Drugs and Crime – have pointed towards a global increase in the use of many different types of synthetic drugs, from cannabinoids to opioids.

These synthetic cannabinoid compounds, known locally as chimique (meaning 'chemical' in French), arrived in the region between 2011 and 2013. By 2015, they had drastically changed the illicit-drug markets of Mauritius and Mayotte, and by 2018 that of the Comoros. The substances and their precursors were purchased online and imported from China, mainly by post. Early reporting on the new drug trend concentrated particularly on use by young people.

At the same time, awareness of and capacity to identify these new substances is lacking. 'We lack hard data for [new psychotropic substances] in Africa, largely because of lack of awareness,' said Chelin. 'For example, very few customs officials know what they're looking for, and you won't find what you're not looking for.'³⁰

Reducing speculation in a changing drug market

Drug markets constantly change, and new and more potent substances always emerge. However, thorough investigation into these substances must be conducted before claims are made about their composition and effects.

'We create new languages for the reproduction of fear without the reproduction of evidence,' said Buxton. 'The major problem is that we try to move forward with "new" threats without addressing existing ones.'³¹ *Nyaope* and *shashamane* are two examples of this. A consequence is that the attention of the public, policymakers, and sometimes researchers, can become absorbed in mythologies surrounding these drugs rather than establishing facts.

When combined with the sometimes-limited capacity of law enforcement to forensically analyze drug samples, and some lack of awareness of emerging drug trends, the popular misconceptions stemming from drug 'scare stories' can have a real impact on policing, prosecutions and the perceptions of people who use drugs.

Notes

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- 31 Ibid.

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