

OBSERVATORY OF ILLICIT ECONOMIES IN EAST AND SOUTHERN AFRICA

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Summary highlights



Extortion and access to illicit firearms are key to understanding the rise in mass shootings in South Africa.

Mass shootings have claimed dozens of lives in South Africa in recent months. Even though South Africa has become grimly accustomed to some of the highest rates of violent crime in the world, these shootings represent a step change in the scale of violence committed in individual incidents. The shootings range widely in their targets, from liquor taverns in Gauteng and KwaZulu-Natal provinces to shops and homes in Khayelitsha on the outskirts of Cape Town. Many appear to be linked to extortion rackets. The ever-increasing availability of illicit firearms and ammunition is fuelling the fire of extortion and inter-gang rivalries.



Kenya grapples with theft of state ammunition.

A high-profile trial is due to begin in Nairobi, in which a senior police officer in Kenya's paramilitary General Service Unit is charged with the illegal possession of state ammunition. The case is likely to shed light on police complicity in the trafficking of state ammunition

supplies. Our investigation, involving interviews with insiders, former officers and security experts, has exposed a problem of ammunition theft far greater than this individual case. Ammunition is stolen from state training facilities, on security operations and during periods of unrest. Oversight authorities in Kenya have called for better record-keeping in the police service to ensure that bullets do not end up in the hands of criminal networks, fuelling insecurity and political unrest.



Round-tripping, corruption and established smuggling networks: The illegal cigarette trade between Uganda and its neighbouring countries.

In Uganda, cigarettes have for decades been one of many products that are smuggled across the country's land borders with Kenya, South Sudan and the Democratic Republic of the Congo. In border towns, smuggling networks leverage corrupt connections, evasive tactics and, at times, violence to preserve their smuggling routes for these goods. Smoking is declining in most of the world, yet many African countries are high priority for tobacco companies looking to expand



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their market. Expansion of the tobacco industry will also have an impact on these smuggling economies.



Online trade of pangolin products in China is driving pangolin trafficking in eastern and southern Africa.

Four species of pangolin are distributed across sub-Saharan Africa and can be found in countries in eastern and southern Africa. All of them are threatened with extinction as a result of a vibrant online trade in pangolin

products. A new investigation using machine-learning technology focuses on the online market for pangolin and pangolin-derived products in China, an under-researched area of the trade. We found that the marketing of pangolin-derived products on Chinese websites largely does not follow applicable laws and regulations. This has implications for pangolin populations in eastern and southern Africa and the ongoing trafficking of African pangolin to meet Asian demand.

ABOUT THIS ISSUE

Globalization is a phenomenon that shapes illegal markets just as much as their legal counterparts. Changes in policy, regulation and law enforcement in the destination market for an illegal product can have a knock-on effect in supply regions around the world. Our recent research on online markets for pangolin products in China shows this in action. Online trade in pangolin-derived products – widely used for traditional medicine – largely seems unconcerned with the applicable Chinese laws and regulations. So the major destination market for pangolins (including those sourced from East and southern Africa) continues apace.

Similarly, our research into illicit cigarette trading in Uganda has found that this illegal market is shaped by global factors, in this case the approach of transnational tobacco companies to target expanding African consumer markets, as the prevalence of smoking declines elsewhere. In Uganda and its neighbours, a

combination of long-established smuggling economies at border areas, differences between countries in tax on cigarettes, and shifting consumer demand has given rise to a complex and large-scale illicit tobacco market.

The two other articles in this issue, likewise, explore similar themes. An upsurge in mass shooting events in South Africa has been driven, at least in part, by the increasing number of illicit firearms and ammunition available to criminal networks. As our previous research has explored in depth, some of these firearms can be traced to state sources, either lost or stolen from police and other government agencies. Likewise, in Kenya, our investigations have found that state ammunition has been siphoned off by corrupt law enforcement officers for profit. In both cases, these resources – intended to be used by the state for enforcing the rule of law – have instead become the tools used to foment conflict and criminal violence.

Extortion and access to illicit firearms are key to understanding the rise in mass shootings in South Africa.

In July 2022 alone, 26 people were killed and at least 27 injured in six separate reported incidents of mass shootings in South Africa. All six took place at taverns, mainly in Gauteng and KwaZulu-Natal provinces.¹ In the same month, seven people were shot dead at a spaza shop (convenience store) in Mariannhill, KwaZulu-Natal, where, according to the provincial Liquor Board, illegal alcohol was being sold.²

Other areas have also seen rising incidents of mass shootings. In Khayelitsha, a black-majority township on the outskirts of Cape Town, at least 30 people have been killed in mass shootings since the start of 2022, many of which appear to be linked to extortion rackets.

These shootings have left South Africans reeling; even in a country grimly accustomed to high rates of violent crime, the sheer number of lives lost in these incidents has shocked observers. These killings bear similar

hallmarks: while the motives for some shootings may differ, they are the product of vast numbers of illicit firearms and ammunition having flowed to criminal networks in South Africa in recent years.

Violence at taverns in South Africa is neither a new nor uncommon phenomenon. Analysis of crime statistics from the South African Police Service (SAPS) in 2019 identified liquor outlets as the third most common location for 'contact crimes' (a category that includes rape, assaults and murder), following the victim's home and general 'public places' (including parks, streets and open areas).³ Often key points for social congregation in marginalized urban communities where insecurity is particularly high, taverns are a magnet for many, including criminal groups.

However, tavern owners draw a distinction between the general crime that often surrounds taverns and the



FIGURE 1 Tavern shootings in Gauteng and KwaZulu-Natal show different factors at play.

recent upsurge in mass shootings at these sites. As one KwaZulu-Natal tavern owner put it, referring to the general crimes that occur at taverns: 'That is part of normal township criminality, but the recent attacks and shootings seem different from this normal crime.'⁴ A second KwaZulu-Natal tavern owner echoed this: 'There are arguments and conflicts at taverns all the time. These shootings are not the same. This is intimidation. It is not an ordinary crime.'⁵ Official sources agreed: according to the Gauteng Liquor Forum chairperson, Fanny Mokoena, mass shooting incidents began in around 2019.⁶ This appears to be corroborated by reports from SAPS, which detail incidents of multiple shootings at taverns over 2019–2020.⁷

A lack of available evidence about the motives of these tavern shootings has driven intense public speculation. From our interviews, it seems that there are a few different motives. In some cases, such as the Mariannhill shooting in KwaZulu-Natal mentioned above, the shootings appear to be the result of targeted assassinations of specific patrons present at the taverns. Other patrons killed or injured may well have been collateral damage of these targeted hits.⁸

With regards to other incidents, several tavern owners and security experts have referred to increasing levels of extortion of taverns and the emergence of so-called 'tavern mafias' as being behind the shootings. These groups are allegedly attempting to wrest control not only of the taverns' alcohol trade but also of drug sales, which can be concentrated in the taverns as local social hubs.

Sbu,⁹ a tavern owner in northern KwaZulu-Natal, referred to protection and extortion rackets operating in the province, saying, 'There is also extortion going on. If you don't use my protection, [they say], then I shoot people in your tavern.'¹⁰ Sbu described how drugs could also be a factor, noting:

I think there are more drugs involved in taverns closer to urban areas, the lounges that cater to the youth. The liquor business is becoming more dangerous. It is like the taxi industry. Everyone is carrying guns and fighting for their lane. The winner is the most violent guy. It is scary, but there is a lot of money, so that is why there is competition and violence.

One private security operator with close links to taxi and tavern owners said that 'people are telling [him] it has to

do with business mafias who want to control the liquor trade.' 'Basically, taverns are busy and profitable, so you want to control them,' he went on to say. 'There are a few ways of doing that. One is to create a protection racket. So if you don't subscribe to my protection service you know I am going to hit you.' The private security operator continued: 'More drugs are also being sold at taverns now as well. It is an obvious retail outlet. If I am running Tavern A and I want to sell more drugs or alcohol I need to muscle out Tavern B, so I send some guys to shoot up the patrons there.'¹¹

Dr Reza Patel, founder of the Civilian Crime Intelligence Network, made a similar assessment. 'If you control a tavern, you control what goes in and what comes out in a loosely regulated environment,' he said. 'There is all manner of trade within a tavern. I think the shootings are to do with gang rivalries and "debts" not being paid to criminal groups seeking control over these spaces.'¹²

Criminologist and former policeman Dr Hennie Lochner, speaking to South African media organization IOL, also pointed out that the hard COVID-19 lockdown (during which alcohol and cigarette sales were banned) created a bigger market for cheap, illicit cigarettes and alcohol (and thus a bigger illicit market for extortion groups to target), which continued to exist even after the bans were lifted.¹³

The police have made some indications that their investigations are drawing similar conclusions. Briefing the media in early August, National Police Commissioner Lieutenant-General Fannie Masemola said: 'We have found from our investigations so far that the motives of the shootings are either drug-related or extortion.'¹⁴

However, some members of the Gauteng Liquor Forum, made up of micro- and small-scale liquor traders, disagreed, saying that they have not observed attempts of extortion of their members by protection and other rackets. However, as our previous research on extortion has found,¹⁵ owners may be reluctant to report that they are being targeted, for fear of further reprisals.

Mass shootings and extortion rackets in Khayelitsha

In Khayelitsha, a spate of mass shootings prompted the local Development Forum to hold a 'crisis summit' in June 2022. Speaking at the summit, SAPS Major-General Vincent Beaton stated that 86 people had been killed in mass shooting incidents in the year to March 2022, and 36 criminal case dockets had been opened.¹⁶



FIGURE 2 Mass shootings in Khayelitsha, 2020–2022.

Extortion (and gangs linked to extortion rackets) has been identified as one of the most common underlying factors in these shootings. Here, gangs involved in extortion have not only targeted taverns, but other local businesses, such as shops, and victims in their homes and on the streets.

The recent spike in violence is the culmination of a year's build-up in the activity of extortion networks. Our previous research in 2021 found that gangs involved in extortion in Khayelitsha initially targeted foreign national business owners, particularly Somali communities. However, from 2019 and early 2020, these groups expanded their reach to target non-foreign businesses and residents of Khayelitsha.¹⁷ The shootings are orchestrated to intimidate defiant victims to pay the protection fees.

The case of Yanga Endrey Nyalara, known as 'Bara', shows the violent dynamics of these extortion rackets in action. Nyalara, who was arrested on 1 July 2022, stands accused of 18 counts of murder and at least five

counts of attempted murder linked to mass shootings in Khayelitsha in May 2021 and May 2022. Nyalara and his co-accused are allegedly members of a prominent gang, which, according to National Prosecuting Authority spokesperson Eric Ntabazalila, engaged in the 'extortion of informal businesses around Khayelitsha and [committed] violent criminal acts by instilling fear among the owners of the informal businesses to induce them to pay money to the gang.'¹⁸ They have not yet pleaded to the charges against them.

Nyalara started out in the taxi industry, an industry characterized by high levels of organized crime and violence.¹⁹ He thereafter opened his home for residents to come and report criminal cases that he would resolve, as though acting as a substitute police station.²⁰ In a voice note that was reportedly sent to a community WhatsApp group, Nyalara expressed his anger after members of the Khayelitsha community highlighted the extortion of foreign shop owners in a memorandum about gender-based violence and crime, threatening to withdraw his protection services.²¹ In doing so, Nyalara publicly

described his role as an enforcer and local extortionist. 'You are ungrateful,' he says in the note, explaining:

I do not sleep, going up and down creating new enemies, breaking and strangling people's children for you. Now you hold a march [...], now you get involved in our dealings and the Somalians. That does not involve you. [...] I was doing all this for you. The next thing you guys go and sign memorandums and hand them over to the police, disturbing my dealings that do not involve you.²²

Even though Nyalara's role as an extortionist is seemingly well publicized, residents are reluctant to share information and to expose themselves as targets.²³

Yet 'Bara' is seemingly both feared and revered by the Khayelitsha community. Residents of Khayelitsha Site C marched to the police station singing praises for the protection he offered the community in March 2022, when he was wanted by police.²⁴ Most recently, community members gathered outside the Cape Town Magistrate's Court when he appeared there on 18 August, also to express support.²⁵ There is a complex relationship between communities living in high-risk areas such as Khayelitsha and criminal figures who, even while acting brutally to their victims, can still offer security and protection to those who accept their authority.

WHAT THE DATA SHOW US

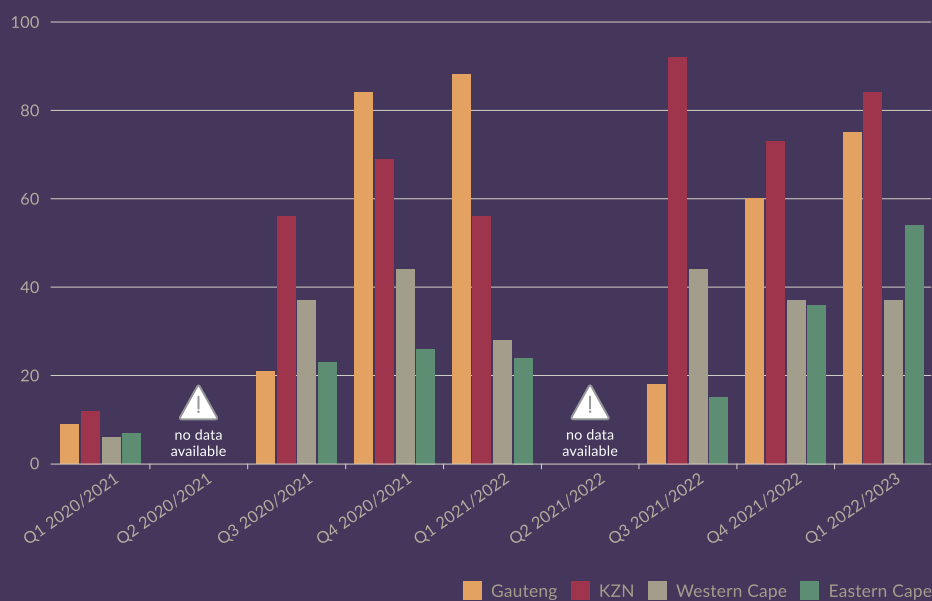


FIGURE 3 Quarterly comparison of four provinces for multiple murders, 2020/21–2022/23.

Source: SAPS annual reports.

SAPS classifies a mass shooting as an incident in which three or more people are shot with a firearm. SAPS does not routinely release data on the frequency of mass shootings, however. In 2022, the Western Cape government released data showing that 442 mass shootings took place in the province between June 2019 and December 2021²⁶, resulting in 563 deaths

and 1 063 people wounded. National comparable data is not publicly available. However, data on 'multiple murders' – defined as an incident in which two or more people are killed, which would include mass shootings (but also murders using other weapons) – shows a 10% uptick in frequency between the three quarters leading to March 2022, and the same period the previous year.

Access to firearms is a common underlying factor

Easy access to illicit firearms and ammunition is a systemic issue that plays a key role in the mass shootings that take place in South Africa.

While the motives for the mass shootings may differ, all appear to have a common theme of being organized and perpetrated by heavily armed gunmen. Criminal networks in South Africa have access to a vast number of illicit firearms. Some of these firearms come from historical stock, left behind by the pre-1994 conflict, or have been smuggled across the borders. Many come from domestic sources, including firearms lost or stolen from civilian owners or firearms under the jurisdiction of the state. Between 2002/3 and 2018/19, more than 26 000 police firearms were lost or stolen, many ending up in criminal hands.²⁷

In almost all instances of tavern massacres, bullets have been fired randomly – into the air or at patrons – suggesting that criminal groups have access to ready supplies of ammunition. Police investigators in the Soweto tavern shooting that occurred in the second week of July 2022 described finding more than 130 spent cartridges from high-calibre weapons at the scene.²⁸ Again, state-owned ammunition has been lost: Police Minister Bheki Cele told parliament in August

2019 that SAPS had ‘lost’ more than 9.5 million rounds of ammunition over the previous six financial years.²⁹

Whatever the different sources for these firearms, one thing is clear: easy access to illicit firearms and ammunition is a systemic issue, which plays a key role in the mass shootings that take place in South Africa.

Assessing the responses

The police response to the mass shootings does not appear to reflect the organized nature of the violence.

Responding specifically to the Soweto tavern shooting, in which 16 people were killed by armed gunmen, Cele announced that the Tactical Response Team and Public Order Police would be deployed into the area. When similar tactics have been used in the past – for example, in response to spikes in violent crime in Eldorado Park, south-western Johannesburg, in 2013 and 2018 – they have achieved a short-term stay in the killings. However, with the initial ‘crackdown’ over, killings have not reduced violence in the long term.³⁰ This is because organized criminal actors can outlast and adapt their activities to accommodate such operations. In addition, the recent tavern shootings are not unique to Soweto, and it is unlikely that the police have the resources to conduct such high-intensity operations in all the areas that are – or could become – affected by such shootings.



Family members wash blood off the street after a shooting incident in Khayelitsha, May 2022.

Gallo Images/Brenton Geach.

During his early August 2022 media briefing, National Commissioner of Police Fannie Masemola acknowledged that there are common threads among some of the shootings, such as links to extortion and drugs. However, Masemola also refuted claims that the rise in mass shootings was linked to organized crime, saying their investigation so far shows no clear link between the shootings. Yet if coordinating an extortion racket, gaining control over profits of the drugs trade, accessing high-calibre weapons and killing multiple weapons is not indicative of a link to organized crime, it is difficult to understand what is. The shootings may not be individually linked, but they are indicative of multiple

organized criminal groups using the weapons readily available to them to kill and intimidate.

The response of the National Commissioner is concerning in that it indicates that the police remain an institution without strategic direction and understanding when it comes to organized crime. The shootings also clearly highlight issues concerning the state's ability to address illicit firearm markets in the country. South Africa is at a tipping point when it comes to organized crime and illicit firearms, and, if left unchecked, shootings such as those witnessed this year at taverns in KwaZulu-Natal and Gauteng and those occurring in Khayelitsha are likely to become commonplace.

Notes

- 1 In South Africa, the police classify a mass shooting as an incident in which three or more people are shot with a firearm.
- 2 Suthentira Govender, Durban tuck shop where seven died sold alcohol illegally, TimesLIVE, 31 July 2022, <https://www.timeslive.co.za/news/south-africa/2022-07-31-durban-tuck-shop-where-seven-died-sold-alcohol-illegally>.
- 3 SAPS annual crime statistics presentation, April 2019 to March 2020, https://www.saps.gov.za/services/april_to_march_2019_20_presentation.pdf.
- 4 Interview with tavern owner, Ladysmith, 13 August 2022.
- 5 Interview with Vryheid tavern owner, 13 August 2022.
- 6 Group call with Gauteng Liquor Forum board members, 15 August 2022, via Zoom.
- 7 SAPS annual crime statistics presentation, April 2019 to March 2020, https://www.saps.gov.za/services/april_to_march_2019_20_presentation.pdf.
- 8 In the shooting at Siqhopokazi Tuckshop in Mariannhill, which left seven people dead, three armed men opened fire on a group gathered at the tuckshop. According to SAPS police spokesperson Brigadier Jay Naiker, information suggests that one of the men killed could have been the target of the shooting. See Tamsin Metelerkamp, Mass shooting in KZN's Mariannhill leaves seven dead; 65 arrested in Gauteng after Krugersdorp gang rape, Daily Maverick, 31 July 2022, <https://www.dailymaverick.co.za/article/2022-07-31-mass-shooting-in-kzns-mariannhill-leaves-seven-dead-65-arrested-in-gauteng-after-krugersdorp-gang-rape>. In a second incident, three men armed with pistols and wearing balaclavas entered the Monaco tavern in Mamelodi, Tshwane, firing shots into the air before approaching a 33-year-old patron and shooting him twice in what appears to have been a targeted hit. Though technically not a 'mass shooting', this has similar characteristics to the Mariannhill shooting.
- 9 Not his real name.
- 10 Interview with KwaZulu-Natal tavern owner, 13 August 2022.
- 11 Interview with private security operator, Durban, 14 August 2022.
- 12 Interview with Dr Reza Patel of the Civilian Crime Intelligence Network, 2 August 2022, by phone.
- 13 Wendy Jasson Da Costa, Mafia-style turf wars blamed for tavern killings, *Independent on Saturday*, 23 July 2022, <https://www.iol.co.za/ios/news/mafia-style-turf-wars-blamed-for-tavern-killings-3b64902b-160a-443b-aa5c-4184a64aafd7>.
- 14 Karabo Ledwaba, Masemola assures tavern shootings are not linked, announces appointment of top cops, *City Press*, 1 August 2022, <https://www.news24.com/citypress/news/masemola-assures-tavern-shootings-are-not-linked-announces-appointment-of-top-cops-20220801>.
- 15 Peter Gastrow, Lifting the veil on extortion in Cape Town, GI-TOC, April 2021, <https://globalinitiative.net/analysis/extortion-cape-town>.
- 16 Suné Payne, Khayelitsha community says 'black lives don't matter' after 86 die in 36 mass shootings in one year, Daily Maverick, 16 June 2022, <https://www.dailymaverick.co.za/article/2022-06-16-khayelitsha-community-says-black-lives-dont-matter-after-86-die-in-36-mass-shootings-in-one-year>. The summit also revealed that between the beginning of March and 16 June 2022 there were 26 victims of mass shootings in Khayelitsha.
- 17 Peter Gastrow, Lifting the veil on extortion in Cape Town, GI-TOC, April 2021, <https://globalinitiative.net/analysis/extortion-cape-town>.
- 18 Genevieve Serra, Cape's most wanted man did not act alone in Khayelitsha killings, *Weekend Argus*, 18 August 2022, <https://www.iol.co.za/weekend-argus/news/capes-most-wanted-man-did-not-act-alone-in-khayelitsha-killings-b92ee1d6-74e4-4972-b36b-2b6eff84252f>.
- 19 Interview with Khayelitsha community member, Mitchell's Plain, 28 July 2022. Two other sources separately confirmed his role in the taxi industry.
- 20 Khayelitsha man who 'protected' residents wanted by police, *Weekend Argus*, 31 March 2022, <https://www.iol.co.za/weekend-argus/news/khayelitsha-man-who-protected-residents-wanted-by-police-dd69a00d-0383-411b-8875-153ff1ac8713>.
- 21 Khayelitsha residents call for a local criminal to be protected at all costs, *Weekend Argus*, 23 February 2022, <https://www.iol.co.za/weekend-argus/news/khayelitsha-residents-call-for-a-local-criminal-to-be-protected-at-all-costs-404cd6b4-b251-4afd-bbdd-e3ed9b4f61e5>.
- 22 Voice note shared with the GI-TOC by member of the community social media group.
- 23 Interview with Khayelitsha community member, Mitchell's Plain, 27 July 2022.
- 24 Khayelitsha man who 'protected' residents wanted by police, *Weekend Argus*, 31 March 2022, <https://www.iol.co.za/weekend-argus/news/khayelitsha-man-who-protected-residents-wanted-by-police-dd69a00d-0383-411b-8875-153ff1ac8713>.

- argus/news/khayelitsha-man-who-protected-residents-wanted-by-police-dd69a00d-0383-411b-8875-153ff1ac8713.
- 25 Jenni Evans, 'He keeps us safe': Supporters of extortion accused and suspected mass murderer want him released, News24, 18 August 2022, <https://www.news24.com/news24/southafrica/news/he-keeps-us-safe-supporters-of-extortion-accused-and-suspected-mass-murderer-want-him-released-20220818>.
- 26 See Nomalanga Tshuma, More than 1 600 deaths in the Western Cape due to mass shootings, Cape Argus, 20 May 2022, <https://www.iol.co.za/capeargus/news/more-than-1-600-deaths-in-the-western-cape-due-to-mass-shootings-2e72f483-0dc6-42ae-96c2-356a9c173084>; see also Chevon Booysen and Odwa Mkentane, Nearly 450 mass shootings in Western Cape in just 30 months, Cape Times, <https://www.iol.co.za/capetimes/news/nearly-450-mass-shootings-in-western-cape-in-just-30-months-22baf3ca-a7e5-4b7a-8d30-e27ad9761bf6>.
- 27 Jenni Irish-Qhobosheane, How to silence the guns? Southern Africa's illegal firearms market, GI-TOC, September 2021, <https://globalinitiative.net/wp-content/uploads/2021/09/GITOC-ESA-Obs-How-to-silence-the-guns-Southern-Africas-illegal-firearms-markets.pdf>.
- 28 Molefe Seeletsa, Tavern shootings: Over 130 cartridges found at Soweto scene as Cele dismisses 'terrorism' claims, *Citizen*, 11 July 2022, <https://www.citizen.co.za/news/south-africa/crime/3138626/bheki-cele-soweto-tavern-shootings-11-july-2022>.
- 29 Pieter Groenewald, 9,5m rounds of ammunition lost in six years, *PoliticsWeb*, 11 August 2019, <https://www.politicsweb.co.za/politics/95-million-rounds-of-ammunition-lost-in-six-years->.
- 30 Jenni Irish-Qhobosheane, Mark Shaw and Kim Thomas, Ending the cycles of violence: Gangs, protest and response in Western Johannesburg, 1994–2019, GI-TOC, July 2019, <https://globalinitiative.net/wp-content/uploads/2019/07/TGIATOC-Ending-the-Cycles-of-Violence-Report-1999.pdf>.

Kenya grapples with theft of state ammunition.

In 2017, the Small Arms Survey estimated there to be 40 million firearms in civilian possession across Africa. Of these, around 16 million were estimated to be held illegally, 18 million of unclear status and just 5.8 million legally registered.¹ Illicit firearms and ammunition are being used by armed groups and organized criminal networks in several African countries to fuel violence and conflict.

Kenya is illustrative of this phenomenon. Research from organizations such as the UN Office on Drugs and Crime (UNODC) and the Institute for Security Studies has ranked Kenya among the highest of countries in Africa for illicit firearm possession and seizures of illegal weapons.²

A key factor that enables the use of these illicit firearms is the availability of ammunition, including ammunition from state sources.³ Historically, the Kenyan government itself supplied ammunition to frontier ethnic groups (among them the Turkana, Pokot and Borana) to counter cross-border incursions. Now, authorities are grappling with cases in which state ammunition is being diverted to illegal hands by the same people charged with safeguarding them.⁴

Illicit sales of ammunition from the General Service Unit

According to a security expert, a high-profile trial, due to begin soon in Nairobi, may shed light on the extent to which state ammunition ends up in wrong hands. David Okoth Opiyo, an inspector with the General Service Unit (GSU), the paramilitary wing of the Kenya Police Service, stands accused of the illegal possession of 2 040 rounds of AK-47 ammunition. He has pleaded not guilty to the charges against him. Opiyo served as an instructor in charge of the armoury at the GSU Training School in Nairobi's Embakasi district.⁵ The AK-47 is the firearm of choice for bandits, terrorists and ethnic militias in Kenya, and the same rifle is used by police and military units.⁶

Opiyo was arrested in September 2021. Police officers found the cache of ammunition that is at the centre of the trial after they responded to a shooting incident in which a lone gunman had fired 20 times at Opiyo's car. Police at the scene reported suspicions that this was 'a

POLICE 5 THE KENYA POLICE POLICE CASE NO: CR153/134/2021
O.B. NO. 2 OF 15/09/2021 CHARGE SHEET DATE TO COURT: 23/09/2021
COURT FILE NO: 26442

Christian Names in full or Name DAVID OKOTH	Surname or Father's Name OPIYO	Identity Card No.	Sex MALE	Nationality Kenyan	Age 39	Address (Include District and Location Where applicable)
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CHARGE
BEING IN POSSESSION OF AMMUNITIONS CONTRARY TO SECTION 4A (1) (b) OF THE FIREARMS ACT CAP 114 LAWS OF KENYA

Particulars of offence (See second Schedule of C.P.C.)
DAVID OKOTH OPIYO: On the 14th day of September 2021 near Total petrol station Utawala area, Mihango location in Njiru Sub-County Within Nairobi County, you were found being in possession of 2040 (two thousand and forty) rounds of live ammunitions of caliber 7.62x39mm special without a lawful justification from licensing officer.

Accused arrested	Date of arrest	Without or with warrant	Date Apprehension Report to Court	Bond or Bail and Amount	If application made for summons to issue
YES	15/9/2021	W/O	23/9/2021	In custody	III / IIII / IIII

Remanded or Adjudged to Complainant and Address
REPUBLIC THROUGH NATIONAL POLICE SERVICE

Witnesses

Sentence
Court and Date
CMS COURT MAKADARA ON if fine paid

Officer in Charge **MAKADARA POLICE STATION**

Image of a charge sheet from the Opiyo case.

Photo: supplied.

case of a deal gone sour', that Opiyo had been attempting to sell the ammunition discovered in his car.⁷ Opiyo later surrendered himself to the police and said that he had been a victim of carjacking.⁸

The discovery of the cache of ammunition in Opiyo's car came after a series of unconnected, suspicious incidents linked to the GSU and, specifically, officers in charge of weapons armouries, although it is not yet clear if there are any links between these events. Weeks before Opiyo's arrest, security officers recovered 2 640 rounds of ammunition, believed to be from the same training school, from a group of herders in Laikipia County.⁹ Laikipia, located about 340 kilometres north of Embakasi, is the site of ongoing police operations.¹⁰

Two days later, an instructor based at the Embakasi Training School was killed in unclear circumstances, just a few kilometres from where the rounds of ammunition were found in Laikipia.¹¹ At almost the same time,

Corporal Joseph Maghanga, another GSU instructor, was found dead at a quarry in Nairobi.¹² Two months before Opiyo's arrest, an officer at the GSU headquarters in Ruaraka, about 14 kilometres from the Embakasi Training School, went missing. The officer, Corporal Joseph Otieno, had also been deployed in the armoury section.¹³

Sources told Kenya's *People Daily* newspaper that police are investigating the links between these incidents – which have left three serving or former GSU officers dead and a further three abducted with their whereabouts unknown – and the smuggling of ammunition.¹⁴ A former GSU officer told us that this ammunition smuggling syndicate within the GSU is responsible for thousands of bullets stolen from police and military arsenals, but that police and military officers have long avoided taking action as it would mean incriminating some of their own.¹⁵

The tip of the iceberg of state-ammunition smuggling in Kenya

The Opiyo case has shone a spotlight on the smuggling of state ammunition and arms in Kenya. Yet sources within the National Police Service (NPS), former officers of the GSU, and security experts believe it is part of a

much larger problem. According to a Nairobi-based security analyst, the trafficking of state ammunition has been going on quietly for decades and 'is huge business, drawing networks of law enforcement officers, arms dealers and political warlords in troubled regions in the country.'¹⁶

The stolen ammunition fuels conflict and criminality. Some of the stolen stock flows to areas in northern Kenya and the Rift Valley region, which are affected by ethnic violence, cattle theft and banditry. For example, the 2 040 rounds of ammunition seized from Opiyo's car were reported by police to be destined for Isiolo and Laikipia,¹⁷ areas where hundreds of people have been killed and thousands displaced in the past year in clashes linked to this year's general election. A legislator from Isiolo was the destined recipient of the 'beans', the Kenyan slang term for ammunition.¹⁸ Nor is this limited to ammunition theft: a March 2022 report from the Kenya National Focal Point on small arms claimed that rogue police officers were leasing out weapons to bandits in the war-strewn counties of Turkana, Baringo, Marsabit, Isiolo, West Pokot and Samburu.¹⁹ In urban areas, such as Nairobi, stolen ammunition may be used by criminal groups in armed robberies and carjackings.



Theft of state ammunition in Kenya is fueling conflict and criminality in the country and the wider region.

Photo: Andrew Renneisen/Getty Images.

The trafficking of state ammunition in Kenya 'is huge business, drawing networks of law enforcement officers, arms dealers and political warlords.'

Our months-long investigation, involving interviews with insiders, former officers and security experts, has exposed a police force lax in accountability and without transparency in record-keeping. The evidence suggests that the GSU is leaking ammunition. However, Unit Commandant Douglas Kanja has dismissed claims that some rogue officers could be involved in the smuggling of ammunition, saying that his unit has foolproof mechanisms to ensure that all supplied ammunition is accounted for.²⁰

Methods of siphoning off state ammunition

Interviews with police officers and security experts described several ways in which state ammunition is stolen. As in many countries, state ammunition in Kenya is not serialized, therefore making it difficult to trace back to a particular source.²¹

Shooting ranges at officer training schools are a key source of illicit ammunition. Every year, thousands of recruits and officers descend on shooting ranges for training. Officers and instructors in charge of the armoury can falsify records on the amount of ammunition used and use this to siphon off resources. One former instructor told us that an officer can sign off 50 rounds of ammunition for every recruit but hand out just 20.²² At one time during his tenure, the instructor got a directive from a senior government official to supply him with ammunition. 'I saw this happen a number of times,' said one former marksman.²³

Poor record-keeping within the NPS has led to an absence of accountability at the armouries. A 2018 report from the Independent Policing and Oversight Authority (IPOA)²⁴ noted the 'manipulation of Arms and Ammunition Movement Register' to be one of several schemes in which 'concerted efforts by officers to cover-up crimes' take place.²⁵ The report recommended that the place review the policies controlling the arms ammunition register.

'We know this happens, but what can we do? Nothing,' was the response from a police officer in Nairobi. 'The range officer has the power to decide your future in the force, so you cannot incriminate them. What happens to the non-expended ammunitions and spent cartridges

was none of our business during our time as recruits.'²⁶ During his training, two companies each comprising 180 recruits would go to the shooting range for weeks. Each day, a recruit would be handed five different types of gun and entitled to 10 rounds of ammunition per gun. But the range officer or instructor would only provide half of the ammunition. At the end of the day, as many as 4 500 rounds of ammunition would have been siphoned off.

According to a GSU officer who was, at one time, involved with the administration of the armory at the GSU Training School Embakasi, 'During my time in the armory at the school I would be summoned by senior officers and ordered to issue ammunition to individuals and record it as being issued for field training. This does not only happen at the training school but also in other stations, but not at large scale compared to the training colleges.'²⁷

Special security operations can also be the source of arms and ammunition leaks. The Kenyan government dispatches special units of the GSU or the military to restore order in areas marred by conflict. Currently, there are special military and paramilitary operations in several regions of Kenya, including Laikipia, Marsabit, Turkana, Elgeyo Marakwet and Wajir, to deal with insecurity occasioned by election violence, terrorism or cattle theft. In Marsabit, for instance, politically instigated ethnic conflict claimed more than 500 lives in the period from April 2021 to April 2022.²⁸

According to a former GSU officer who now runs a Nairobi-based security company, these operations are avenues for the theft of ammunition that eventually gets into the hands of the same criminals that the officers are fighting against.²⁹ 'We mainly buy these bullets from police. Sometimes they come to this place to conduct security operations to recover stolen animals. They come loaded with bullets, which they sell to us. We also buy from local police posts and patrol bases in North Horr, Maikona and Dukana,' a herder from Kalacha in North Horr, Marsabit said.³⁰

In addition, not all weapons recovered from bandits or criminals during operations end up in state hands. 'We don't keep records and account for all weapons and ammo recovered during security operations, and this allows room for felon officers to steal and sell the same to the same people that they had been recovered from,' said a senior police officer who has worked in Baringo.³¹

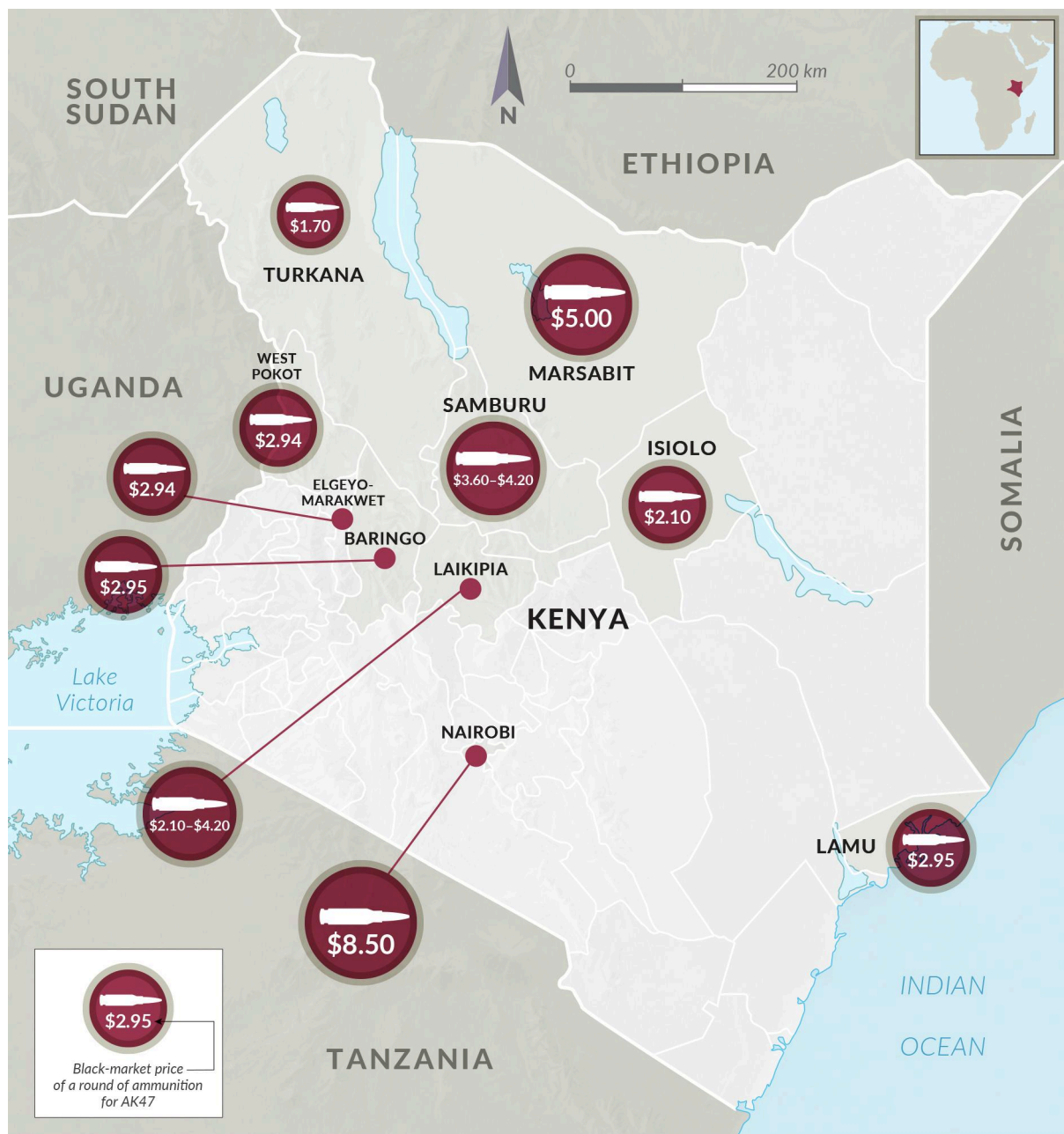


FIGURE 1 Black-market prices for AK-37 ammunition in Kenya, 2022.

Note: Price given per bullet.

During civil unrest, such as election violence or violent street protests, police officers are not obliged to account for expended ammunition.³² This provides corrupt police officers with the opportunity to siphon off ammunition from state armouries. According to a police instructor, 'The tragedy is that police can target innocent civilians just to justify theft of bullets. An officer out to steal bullets can cause a crisis as excuse not to account for bullets.'³³

There are also bulks of unused ammunition that had been supplied to different police stations for use by the

Kenya Police Reservists (a unit bringing together civilians to assist police with maintaining law and order),³⁴ before the outfit was disbanded. In Marsabit, Elgeyo Marakwet, Baringo and Laikipia counties, this is the ammunition that locals say senior police officers have been selling to them, mainly through brokers.

An infrequently reported issue

In the year to June 2019, Kenya's IPOA received 3 237 complaints against police misconduct – from both police officers themselves and the public – but none related to the theft of state ammunition.³⁵ The NPS itself has a

special unit – the Internal Affairs Unit (IAU) – to receive and investigate misconduct. Similarly, the IAU does not mention the theft of state arms in its latest annual report. The report lists 22 categories of police misconduct, none of them to do with theft or trafficking of firearms or ammunition. Only one case of ‘misuse of firearm’ was recorded among the 1 043 complaints filed with the IAU in 2020.³⁶

A lack of reporting may suggest that police officers are fearful or unwilling to speak out about police misconduct. IPOA’s report also found that one of the key reasons for lack of reporting of complaints by police officers was the ‘fear of victimization’.³⁷ Security experts and former officers described a culture of silence and non-cooperation of police officers with investigations into misconduct.³⁸

Despite this lack of reporting, the IPOA nonetheless recognizes the problem and has recommended that stringent measures are put in place to bring about

accountability in the handling of firearms. ‘The Inspector General of the National Police Service should review the policy on arms and ammunition register to ensure that an officer signs upon being issued and on return of the firearm or ammunition. The Inspectorate Department in the Service should be robust and effective to ensure proper records keeping and management of all policing records and registers,’ it recommended in 2018.³⁹

Access to ammunition is key for criminal networks. While arms may have a lifespan of decades, their real value depends upon ammunition supplies. The trafficking of state-owned weapons and ammunition is not a uniquely Kenyan problem: our research has investigated the same issue in South Africa, Zimbabwe and Mozambique. In South Africa, in particular, thousands of state-issued weapons have been lost or stolen over the past decade.⁴⁰ In Kenya, as the Opiyo case highlights, access to state ammunition fuels some of the most intractable conflicts in the country, including ethnic violence and banditry.

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Round-tripping, corruption and established smuggling networks: The illegal cigarette trade between Uganda and its neighbouring countries.

While smoking is declining in most of the world, many African countries are high priority for tobacco companies looking to expand their market. Findings from research and monitoring groups – such as the 2022 Tobacco Atlas, which monitors smoking prevalence and industry behaviour worldwide, and Stopping Tobacco Organisations and Products, an industry watchdog – have shown concerted efforts by Transnational Tobacco Companies (TTCs) to market their products and gain influence in African countries.¹ Both the production and consumption of tobacco products are shifting from high-income countries to middle- and low-income countries (many of which are in East and southern Africa).² Importantly, the number of smokers in Africa is increasing, largely driven by the growing population.³

Cigarette smuggling has been an issue in East Africa since late 1990s, with Uganda being a source, transit point and destination for illicit cigarettes.

The strategies adopted by TTCs have a significant knock-on effect on the illicit tobacco market. Elsewhere in Africa and globally, TTCs have been known to take advantage of cigarette smuggling routes where this offers an opportunity for profit.⁴ An investigation by the Organized Crime and Corruption Reporting Project (OCCRP) in 2021, for example, revealed how British American Tobacco (BAT) has supplied cigarettes to Mali, knowing that these cigarettes would be destined for trafficking groups in the jihadist-held north of the country.⁵

‘Whether these companies are directly involved in smuggling is contentious, but what we can say is that they often deliberately leave their supply chains unsecured, making smuggling by other parties easier,’ says Dr Hana Ross, an expert on tobacco control and Principal Research Officer at the Economics of Excisable Products Research Unit at the University of Cape Town.⁶

TTCs are also widely known to invest considerable resources in shaping the narratives around the illicit tobacco trade, as well as lobbying governments against increasing taxes on tobacco products by arguing that this will increase smuggling.

In Uganda, cigarettes form part of broader smuggling economies. Cigarette smuggling has been an issue in East Africa since at least the late 1990s, with Uganda being simultaneously a source, transit point and destination for illicit cigarettes of various kinds.⁷ These complex dynamics persist today.

Uganda’s complex cross-border cigarette flows

Uganda has a significant illicit cigarette market. In March 2022, the Uganda Revenue Authority (URA) estimated the cost to Uganda’s economy at 30 billion Ugandan shillings (UGX) (just under US\$8 million) in annual revenue from illicit cigarette smuggling alone.⁸ Between 2014 and 2016, 650 tonnes of tobacco were seized countrywide.⁹

Available estimates suggest that the illicit market grew during the COVID-19 pandemic. According to URA commissioner Vincent Seruma, between 2019 and 2020, illicit trade in cigarettes increased by 17.4% by the end of the 2020 calendar year, mainly because of the impact of the pandemic.¹⁰ BAT Uganda estimated that illicit trade grew 44% over the same period.¹¹ Given the vested interest of companies such as BAT in this area, this may well be an inflated estimate.

Uganda is at the centre of some oddly circuitous smuggling routes, owing to a phenomenon known as ‘round-tripping’. Cigarettes are marked for export from one country to another, meaning that tax is not payable in the country of origin. Instead of being delivered to the intended destination, the stock is smuggled either back to its country of origin or to a third country and sold, illegally, tax free.¹²

Cigarettes are smuggled into Uganda from neighbouring Kenya along *panya* routes (smaller, less frequented back roads – *panya* means ‘mouse’ in Swahili). Smuggled cigarettes travel, mostly by truck,¹³ from the bustling western Kenyan border town of Busia, until they reach the eastern Ugandan city of Mbale, where part of the consignment is distributed to retailers. Much of the stock remains in Uganda, moved along the major highway at night to the capital, Kampala, and smaller towns along the way. Some are taken further north to districts around the central Lake Kyoga. Some stock crosses the border into either the Democratic Republic of the Congo (DRC) or South Sudan.¹⁴

In turn, some of these products find their way back into Uganda.¹⁵ As a process, it appears counterintuitive, but the costs of transporting cigarettes in this roundabout fashion are lower than if tax were to be paid on the products, allowing for greater profit to be made. Products manufactured in Uganda are shipped through the DRC and South Sudan, before finding their way back to Uganda.¹⁶

According to an official with the URA based at Elegu border post, at the northern border with South Sudan, these smuggling routes from Kenya, through Uganda to the DRC and South Sudan, have been active for years.¹⁷

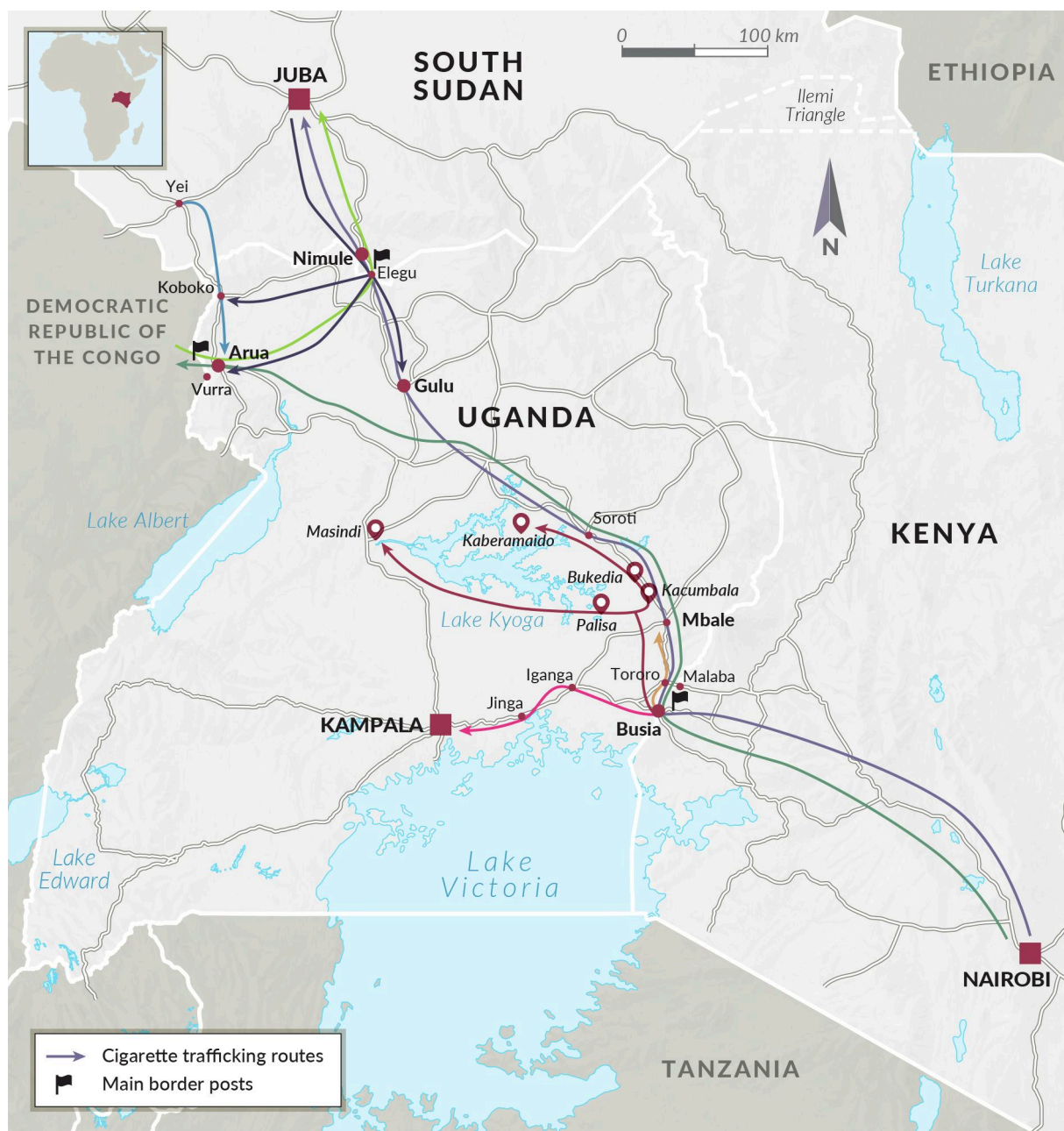


FIGURE 1 Cigarette trafficking routes in Uganda.

Supermatch in focus: An example of round-tripping in action

Some of these dynamics were laid bare in a long-running, convoluted court dispute between two East African tobacco companies over Supermatch, a popular cigarette brand. Leaf Tobacco – which holds the trademark for Supermatch in Uganda and South Sudan – sued the URA, arguing that Mastermind was ‘illegally transiting Supermatch cigarettes through Uganda and that some of it ends in Uganda’, under the pretext of exporting them to South Sudan.¹⁸ Leaf argued that they were suffering losses to their revenues in Uganda, as these cigarettes were being re-exported illegally from South Sudan into Uganda, in the type of round-tripping dynamic described above, and that the URA should prevent their transit through Uganda.

The lawsuit was eventually dismissed, the court finding that Ugandan authorities were obliged under international law to allow the passage of the goods through its territory and that the legality of their entry into South Sudan was a matter for authorities in that country to decide.¹⁹ The judge accepted the plaintiff’s claim that Mastermind’s Supermatch cigarettes were often found in Uganda illegally, but decided it could not be proven that it was Mastermind involved in the smuggling.



A store selling smuggled cigarettes in Koboko Town, Uganda.

Photo: supplied

As one URA regional manager described, ‘South Sudan is another wilderness in administration. Its methods of operation are a mess. On our side, we clear cigarettes at the border (officially) because we cannot stop international business. But we know that most of it will come back into Uganda.’²⁰

Our research found that brands of exported cigarettes from Kenya, officially destined for South Sudan, are found in Uganda. This includes Supermatch,²¹ confirming the Mastermind brand’s presence and that this smuggling dynamic continues. Ironically, Leaf Tobacco’s Supermatch cigarettes, produced in their facility in Yei, South Sudan, are also reportedly routinely smuggled into Uganda.²²

How cigarettes form part of broader smuggling economies

In regions such as Arua, a town in north-western Uganda near the borders with the DRC and South Sudan, and Elegu, a border post with South Sudan, cigarettes form part of broader smuggling economies. Armed conflict and insecurity in Uganda and its neighbours and links between communities across national borders have played a role in creating this smuggling economy. Communities living along the borders of Uganda, South Sudan²³ and the DRC²⁴ have relied on informal trade, and each other, during times of conflict.²⁵

Other commodities smuggled along the same routes and by the same networks include fuel. ‘It takes two to three weeks to accumulate money to buy a motorcycle when smuggling cigarettes, but this must be alternated with fuel, which makes quicker money and is less detectable,’ explained one smuggler.²⁶ ‘Fuel smuggling is widespread because people depend on it,’ he added.²⁷

Muto,²⁸ a taxi operator in Koboko, near the DRC border, occasionally participates in smuggling cigarettes and fuel from South Sudan to Uganda. His three brothers smuggle cigarettes and fuel from South Sudan to Koboko, from where they distribute. On a good day, Muto makes a turnover of UGX1.5 million to UGX3 million (roughly US\$400 to US\$800) from between three and five round trips from Morobo to Koboko, using *panya* routes interlinking the countries. *Boda boda* (motorcycles) are commonly used.²⁹ Muto’s younger brother, with four years’ experience in smuggling, explained that transport is inexpensive. When using agents, it costs 2 500 Sudanese pounds (US\$19.20)

from Juba to Yei, 1 500 South Sudanese pounds (SSP) (US\$11.50) from Yei to Kaya, and UGX15 000 (US\$4) from Kaya to Koboko town.³⁰

'Box trucks' – transport vehicles with sealed cabins – with special compartments created inside to hide cigarettes are used to cross the border.³¹ Modified vans, with seats removed, are also used to transport contraband. URA presence along the Elegu–Atiak highway, which runs for 36.5 kilometres in a southerly direction from the border to Atiak town,³² is high, and close to a dozen arrests occur daily. However, cases are rarely opened and no attempts at prosecution are made due to systemic corruption.³³

These smuggling networks sometimes use weapons and violence to defend their interests. Nahori Oyaa, the Resident District Commissioner of Arua, noted that tax officials stationed at border towns face intimidation by smugglers, some of whom carry firearms.³⁴ Violent incidents have occurred. In Koboko District, in respective incidents in 2019 and 2021, URA offices were torched in protest at the impounding of smuggled goods.³⁵ A recall of URA personnel often follows events like these. Smugglers use this time to restock, and revenue is lost through non-collection before officials are redeployed.³⁶

Smuggling routes cross the Unyama River to Elegu, where handover to intermediaries takes place.³⁷ The intermediaries then sell to dealers. According to a local official at the border post, the smugglers work at night, often using *panya* roads, and are always armed (often with AK-47s).³⁸ Syndicates allegedly have contacts in government departments of Immigration, Revenue and Border Security, used for facilitating the uninhibited flow of illicit goods.³⁹ Before transportation, smugglers contact acquaintances within the URA overseeing the issuance of permits to ensure safe passage of smuggled goods through bribery.⁴⁰

'Can you imagine even bribes of UGX10 000 [US\$2.66] is received by these people,'⁴¹ said one community leader in Elegu, decrying law enforcement attitudes.⁴² South Sudanese smugglers who move cigarettes into Uganda pay bribes to border/security authorities of between SSP2 500 (US\$19.20) and SSP5 000 (US\$38.40) depending on the size/quantity of merchandise, according to a journalist based in Elugu.⁴³ That such small amounts are accepted demonstrates the systemic nature of corruption and the ease with which border officials can be bribed. This gives an indication of

the extent of non-enforcement of border controls and how smuggling is normalized along the border.

Nyeko Geoffrey, a community leader in Elegu, argued that law enforcement is carried out 'selectively' with respect to smuggling.⁴⁴ A dealer operating between Elegu and Nimule (a border town on the South Sudan side) remarked, 'If you are arrested with cigarettes or fuel, your goods and motorbike are confiscated, you are asked to pay fines, but then your goods are sold by the enforcement officials [URA] for their personal gain. They are in business, not law enforcement.'⁴⁵

'It is not about to end,' the District Local Government Chair for Arua, Cosmas Iyikobwe, remarked, citing the number of youths engaged in various criminal activities, including brokering illicit flows of goods.⁴⁶ Iyikobwe also referred to the limited level of social cooperation in the fight against organized crime, as civilians distrust the state. The region allegedly loses more than UGX1 billion (approximately US\$265 500) in revenue to smuggling, lamented Moses Obeta, chairperson of the business community in Arua District.⁴⁷

How the focus on taxation ignores other drivers of the illicit cigarette trade

The tobacco industry often argues that high taxation on tobacco products drives the illicit trade.⁴⁸ This is despite the proven efficacy of excise increases in curbing smoking prevalence and illicit trade.⁴⁹ In Uganda, a 2019 study estimated that smoking prevalence drops between 2.6% and 3.3% for every 10% increase in price.⁵⁰ Furthermore, global research indicates that prices of illicit cigarettes also tend to increase with price increases in the legal market.⁵¹ Research further demonstrates that illicit trade is generally higher in countries where legal cigarettes are cheaper.⁵²

In 2015, Uganda introduced new legislation, the Tobacco Control Act 2015, which increased the excise tax on cigarettes to 40% of the cost price, banned smoking in public places, and raised the minimum smoking age to 21.⁵³ The legislation has been credited with helping reduce the prevalence of smoking in Uganda. The legislation came under attack from the tobacco lobby, with BAT going as far as taking the Ugandan government to court in an attempt to declare the Act unconstitutional.⁵⁴ The court found against BAT, but this is nonetheless an example of industry attempts to undermine tobacco control.

Evidence from regions such as Arua and Elegu border post demonstrates how tax is just one factor among many shaping the illicit trade in cigarettes. Cross-border demand for consumer goods, corruption, insecurity and professionalized, armed smuggling networks mean a vibrant smuggling market persists.

Ugandan authorities have made moves to counter the illicit cigarette trade, including by introducing a form of

digital tax stamp system in 2019, which traces excisable products from manufacture to sale, to curtail smuggling;⁵⁵ conducting operations to seize shipments of illicit cigarettes; and, as of April 2022, commissioning 245 Uganda People's Defence Force attachés for anti-smuggling operations, working with the police.⁵⁶ Yet corruption continues to facilitate the smuggling of cigarettes and other goods.

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Online trade of pangolin products in China is driving pangolin trafficking in eastern and southern Africa.

The pangolin – often described by conservation organizations as ‘the world’s most trafficked mammal’ – has home ranges across eastern and southern Africa. Out of eight recognized species of pangolin, three species can be found in East Africa and one in southern Africa. Pangolins are under immense pressure from poaching and trafficking to meet the demand for meat and scales as well as body parts used in traditional medicine. While some pangolins in Africa are poached for consumption on the continent, the bulk are trafficked to China, where there is a large (legal) domestic market for pangolin-derived products.¹

The GI-TOC’s new research, in collaboration with the University of Oxford and the Zoological Society of London, focuses on the online market for pangolin and pangolin-derived products in China, an under-researched area of the pangolin trade. Our research found that the marketing of pangolin-derived products online in China largely does not follow applicable laws and regulations. This has implications for pangolin populations in eastern and southern Africa and the ongoing trafficking of African pangolin to meet the demand for pangolin in Asia.

Snapshot of the pangolin trade in China

The commercial international trade in pangolins and pangolin parts has been illegal under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) since 2017. Most countries also ban the domestic trade of pangolins, with the notable exceptions of China, Gabon and Sierra Leone. Despite this, multi-tonne seizures of illegal shipments of pangolins, pangolin scales and other parts from both Africa and Asia are made regularly. Although national and international legislative protection measures have steadily improved, the enforcement of these laws remains inadequate, ineffective and under-resourced, enabling the continuation of the trade.

The UN Office on Drugs and Crime estimates that, in 2018, customs agencies seized the equivalent in scales, meat and bones of about 141 000 live pangolins. It is estimated that, in central Africa alone, between 400 000 and 2.7 million pangolins are poached every year.²

China is home to three species of pangolin, all of them protected species. If caught, pangolin traffickers in China face high penalties or jail sentences. However, the trade in pangolins and pangolin derivatives is allowed to operate under certain legal conditions. Manufacturers seeking to buy and use pangolin parts need to first obtain several authorizations from different government agencies.

According to China’s Wildlife Protection Law, in order to use pangolin scales in the manufacturing of traditional Chinese medicine (TCM) drugs and other items, companies in China can obtain a permit from the State Forestry and Grassland Administration. Drugs containing pangolin scales (as well as a selection of other endangered species) cannot be legally sold without displaying the China National Wildlife Mark (CNWM) logo.

The CNWM logo informs customers that the drug contains ingredients derived from a protected species. It also lets them know the species concerned and tells them that the ingredient was legally sourced, in addition to indicating how it was sourced (whether from the wild or from farms).

Our research found that the CNWM requirement remains largely unobserved in online advertisements, with some websites deliberately hiding the presence of pangolin in their products.³ Pangolins and TCM drugs listing pangolin products are also widely advertised online and available for international shipping on some sites, without clear indications about the origin of the scales. This practice may be fuelling demand for illegally trafficked pangolin scales from Africa.

Pangolin trade in eastern and southern Africa

Some of the largest confiscations of African pangolins and pangolin scales were recorded in Asia between 2017 and 2019, with more than 609 confiscations of 244 600 kilograms of pangolin scales and 10 971 individual animals, according to data from wildlife-trade monitoring group TRAFFIC.⁴ These figures show the scale of demand for pangolin in Asia and illustrate the role that Africa plays in feeding this demand. Pangolin seizures reduced significantly between 2020 and 2021,

康爱多 合理用药 更健康

改善睡眠

搜索

金戈 男性脱发 麒麟丸 痛风 疤痕 痤疮

全部分类 首页 男科中心 美肤商城 器械商城 资讯中心 慢性病专场 掌上康爱多 品牌馆

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数量 1 商品已售完

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An advertisement for Kangshuan Jiaonang, a medication that contains pangolin scales. The CNWM label is not displayed on the product packaging that is advertised on the website.

Photo: 360kad.com

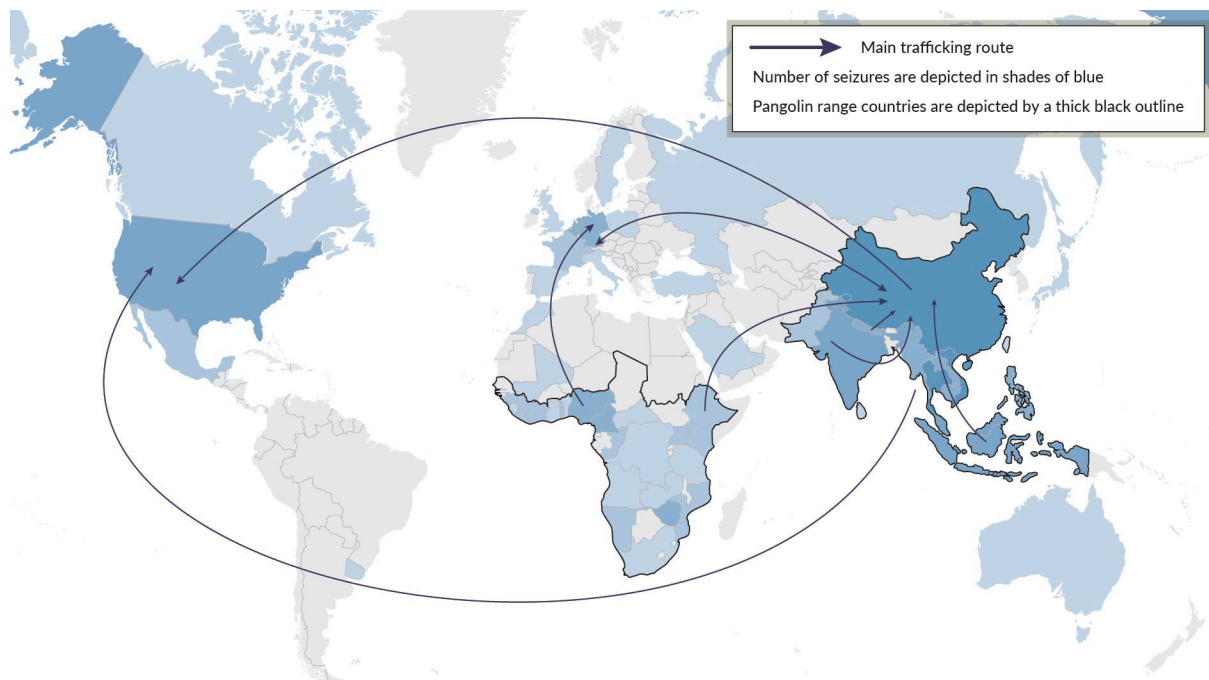


FIGURE 1 Main trafficking routes linking range states and consumption markets for pangolins.

Note: The figure does not present the total relative volume of scales.

with 233 seizures in Asia of 13 389 kilograms of scales and 247 individual animals recorded.⁵ These low numbers have been attributed to global travel restrictions due to the COVID-19 pandemic and do not necessarily reflect a reduction in demand for pangolin.⁶

In southern Africa, data on pangolin seizures from 2018–2022 from the Wildlife Seizure Dashboard, aggregated by the Centre for Advanced Defense Studies, shows that Namibia has the highest number of pangolin seizures, followed by Malawi, South Africa and Zimbabwe.⁷ High seizures in Namibia have been attributed to increasing drought conditions in the country, which have forced these nocturnal animals to forage for food during the day.⁸ However, as pangolin populations in East Africa dwindle, environmental experts anticipate that more seizures will take place in southern Africa.⁹

Zambia has the highest record of pangolin seizures at its airports.¹⁰ The pangolins and pangolin parts seized at airports in southern Africa are mostly been destined for Asia.¹¹ Most of these items have been discovered in luggage and air freight, as traffickers usually transport medium to large shipments.¹² South Africa leads the number of recorded instances of pangolin seizures destined for China, mostly via Hong Kong, perhaps in part thanks to its major airports, which act as international and regional hubs, providing a gateway for international trafficking routes.¹³

In East Africa, pangolins are also heavily targeted for poaching and trafficking. Uganda, for example, is home to three of the four pangolin species found in Africa: the ground pangolin, giant pangolin and white-bellied pangolin. In March 2022, state prosecutors from 11 countries in East Africa formally pledged to increase cross-border cooperation to combat wildlife trafficking

and money laundering in recognition of the problem of pangolin poaching.¹⁴ This followed queries by environmental activists over the low level of prosecutions and the lenient penalties issued in Uganda.¹⁵ It remains to be seen whether these pledges will yield any results for Africa's endangered pangolin species.

New research on the digital market for pangolin and pangolin-derived products

Our research on the digital market for pangolin and pangolin-derived products uncovered some attempts to bypass legal requirements for the marketing and sale of such items. The research sheds light on the use of pangolin parts and scales in the manufacturing of a number of items, especially TCM remedies, and provides evidence that the internet plays a major role in the trade of pangolin-derived products, thus fuelling the demand for pangolin.

The research made use of a machine-learning-based tool called Cascade, programmed to monitor online platforms advertising pangolin-derived items in English and Chinese.¹⁶ The technology detected nearly a thousand instances of retail and classified websites offering pangolin-derived TCM drugs, wine and incense over a six-month period (April 2021 to October 2021), in addition to advertisements for raw and processed scales and body parts. Most of the advertisements were posted on Chinese-language websites, many of which offer to ship their products internationally. As a result, these products may well be imported into European and North American countries and sold to consumers based in regions where the sale of pangolin products is prohibited.

The research found major trade-compliance gaps in Chinese laws, which allow a vibrant trade of pangolin-derived products to take place online on classified platforms and facilitated by third-party 'agents'.

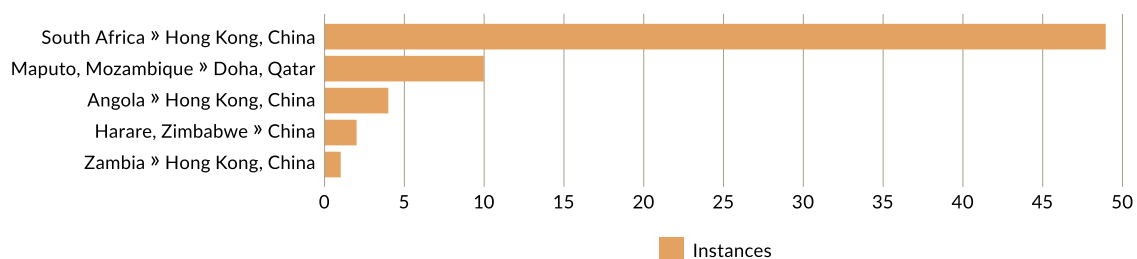
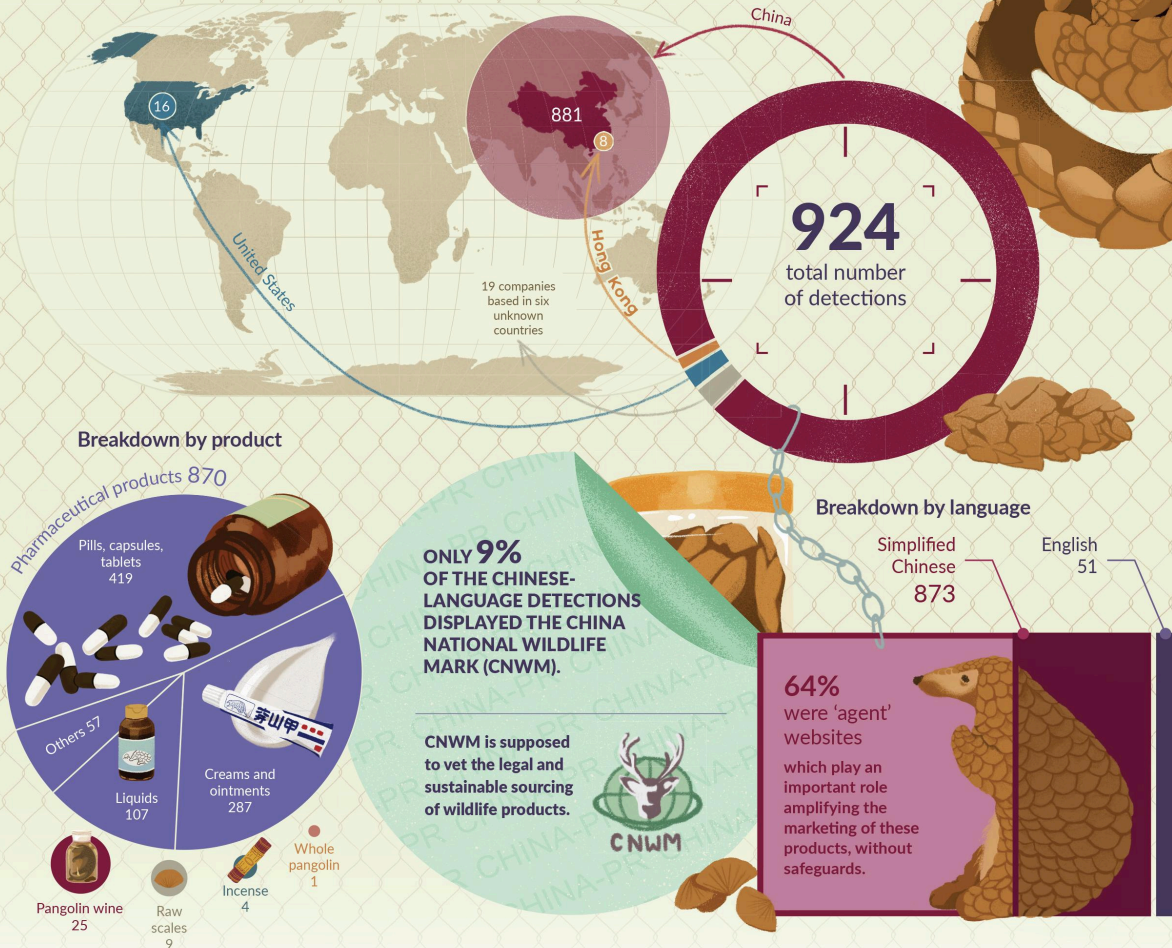


FIGURE 2 Wildlife seizures in southern Africa en route to Asia.

Oxpeckers, How pangolins are smuggled from Southern Africa, 3 June 2022, <https://oxpeckers.org/2022/06/how-pangolins-are-smuggled/>

PANGOLIN TRAFFICKING

Despite pangolins benefiting from the highest protection levels in China and internationally, pangolins and traditional Chinese medicine drugs listing pangolin products are still widely advertised online, without clear indications about the origin of the scales. This practice may be fueling demand for illegally trafficked pangolin scales.



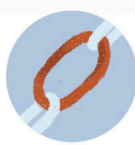
KEY TAKEAWAYS



Despite strict and strong laws, the online market for pangolin-derived traditional Chinese medicine drugs is largely not compliant with national and international laws and regulations.



Without the CNWM logo and other information, customers are not able to make informed decisions about the impact of their consumption of pangolin-derivatives on the continued existence of the species. They are being misled by omission.



'Agent' websites act as important intermediaries in the trade chain, but are not bound by the same rules as manufacturers or sellers of pangolin-derived products.



Online sites may also be contributing to the circulation of pangolin-derived items in non-Chinese markets.



More pressure from law-enforcement agencies is needed to encourage e-commerce platforms to self-police and deter the illicit trade in pangolin-derived items.

Pangolin products are still being widely advertised online, without any clear indications about the origin of the scales – omitting, for example, the CNWM logo and other legally required information. The absence of the CNWM logo results in customers unable to make informed decisions about the impact of their consumption of pangolin derivatives on the environment and global biodiversity. This is because the CNWM label is the only means by which customers are able to directly verify whether TCM products have sourced wildlife ingredients – such as pangolin scale – through legal and sustainable channels.

The digital market may also be contributing to the circulation of pangolin-derived items in non-Chinese markets. Thirty-one websites in our sample were found to be advertising pangolin-derived products to consumers outside of China. These sites are therefore advertising these products in areas where there are strong legal prohibitions on the trade of pangolin-derived products, and all sales should expose market actors to legal actions because of the international trade of pangolin being prohibited. Twenty-four out of 55 detected advertisements offering pangolin-derived

products to consumers outside of China found using Cascade obscured the presence of pangolin in the list of ingredients.

There are major trade-compliance gaps in Chinese laws, which allow a vibrant trade of pangolin-derived products to take place online.

Overall, the online market for pangolin-derived products may be driving demand for illegally trafficked pangolin scales. This is because the online market does not follow the full scope of laws regulating the market in China and internationally. More pressure from law enforcement agencies is needed to encourage e-commerce platforms to self-police and deter the illicit trade in pangolin and pangolin-derived products.

A regulation problem with global reach

Pangolins are threatened with extinction and the online trade of pangolin-based products only increases this threat of extinction. Data on pangolin seizures in southern Africa shows that pangolin populations are increasingly under threat, as populations in East Africa and other parts



A rescued pangolin in Johannesburg. Pangolins and pangolin parts seized at airports in southern Africa are mostly being destined for Asia.

Photo: Luca Sola/AFP via Getty Images.

of the continent dwindle. This is likely to lead to an increase in trafficking from southern Africa to meet the demand for pangolins and pangolin parts, particularly in Asian countries. While China has a legal framework for

regulating and restricting the illicit trade of pangolin-derived items, and endangered species in general, pangolin products continue to be sold openly online.

Notes

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