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Reference to this paper in APA (6th):

Runhovde, S. R. (2017). Merely a transit country?: Examining the role of Uganda in the transnational illegal ivory trade. *Trends in Organized Crime*. doi: 10.1007/s12117-016-9299-7

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Merely a Transit Country?

Examining the role of Uganda in the transnational illegal ivory trade

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Uganda is repeatedly implicated in the illegal ivory trade as a transit territory for ivory destined for Asia. Interviews with law enforcement officers reveal that the size of seizures and means of concealment and transportation are varied, showing diversity in the trade's level of organization and sophistication. Arguably, considerable processing takes place within Uganda in terms of stockpiling, repacking and organization of exports but investigations rarely lead to prosecution and conviction of those responsible. Findings demonstrate the intricate role and responsibility of transit countries and illustrate how the transnational ivory trade operates locally.

Keywords: Transnational organized crime, illegal ivory trade, border control, transit, Uganda, wildlife trafficking

Introduction

The illegal trade in elephant ivory and the resulting decline in African elephant populations are issues of growing concern across the globe. Purportedly run by Africa-based Asian-run crime syndicates (CITES 2007) and by rebel militias operating through criminal networks (ICCWC 2014), the ivory trade is used to exemplify how illegal trading in protected species has become an increasingly sophisticated form of transnational organized crime (see the UN General Assembly 2015, Wyatt 2013, Elliott 2012, Wasser et al. 2007, UNODC 2010, UNEP 2014). International co-operation and trans-border intelligence sharing are proposed as the keys to success against the illegal trade (UNEP 2014; UNODC 2015). East Africa is identified as an important transit area for ivory destined for Asia through Kenyan and Tanzanian seaports (UNEP et al. 2013). The Democratic Republic of the Congo (DRC) has been singled out as a significant source of ivory, which is moved across the terrestrial border to Uganda (Titeca 2013) and later containerized for onward shipment to Asia (Milliken et al. 2012). Recent forensic analyses of DNA samples from two large-scale ivory seizures in Uganda in 2013 identified Tanzania as the primary country of origin (Wasser et al. 2015).

Whilst an upward trend has been detected in the number of elephants killed (Harrison et al. 2015), Uganda is portrayed mainly as a transit country rather than a source country for illegal ivory (UNODC 2011; 2016; Milliken et al. 2012). Yet no systematic analysis of what characterizes and facilitates this role at the local level has been undertaken, leaving the categorization of 'transit country' largely unexplained. Furthermore, while the ivory trade is referred to as a transnational form of organized crime, the concrete activities and conditions that this classification entails is often unclear. There is no consensus on a precise, international definition of 'organized crime' and the concept is subjected to definitional debate (Hagan 2006; Finckenauer 2005; von Lampe 2008; 2016). The implication that the majority of illicit trade is conducted by transnational organized crime groups may be overstated and misleading (Aas 2013:137), falsely assumed where in fact numerous independent actors co-operate within network structures (von Lampe 2002).

In order to understand the complexity of the trade and to respond to it efficiently, more precision about local actors, activities and context is needed. As held by Strathern (cited in Hobbs 1998), organized crime is not experienced globally or transnationally, but as a local phenomenon. Most transnational policing is vested in national and local agencies (Aas 2013:165). Drawing on qualitative interviews with law enforcement officers in the East African state of Uganda, this paper aims to shed light on the country's designation and significance as a transit territory by discussing the following questions: By what means is illegal ivory transported across and within Ugandan borders? To what extent could law enforcement practices and challenges indirectly generate opportunities for illegal trade? Greater examination as to *how* ivory is trafficked locally may help to deconstruct the 'over-homogenized' discourse surrounding transnational organized crime (Edwards 2005:221), and identify the concrete activities involved.

Literature Review

The illegal ivory trade - transnational and organized

The African Elephant population numbers an estimated 420,000 to 650,000 animals across 37 countries. Poaching for ivory is a major threat, with approximately 30,000 animals killed illegally each year. Carved into ornamental objects, the ivory is in high demand as an investment commodity from consumers in China, and other countries including Japan, Thailand, and the United States (EIA 2015). The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), of which Uganda became a Party in 1991, aims to ensure that international trade in wild animals and plants does not threaten their survival as a species (Reeve 2006). Most African elephants have the highest level of international legal protection.¹ In Uganda, import, export or re-export of ivory are in contravention of the The Uganda Wildlife Act (2000) and 'liable to a fine of not less than ten million shillings or to imprisonment for a term of not less than seven years'.² Identified as a country of 'primary concern', Uganda was directed by the CITES Standing Committee in 2013 to develop a National Ivory Action Plan as a tool for enhancing the implementation of CITES provisions. While progress has been made, challenges remain, and large-scale seizures of ivory continue to implicate Uganda in the trade.

Transnational crime is characterized by criminals who perceive opportunities to commit unauthorized acts beyond national borders or by the cross-border transfer of illegal commodities (Albrecht 2011:59). Add crimes related to *pollution* and *crimes against wildlife*, and it fits White's (2011) description of 'transnational environmental crime' (TEC), which shares many similarities with transnational organized crime (TOC). Although the concepts 'transnational crime' and 'organized crime' overlap, transnational crimes are often but not necessarily perpetrated by organized criminal groups, and crimes can be organized without crossing international borders (Hill 2005; Madsen 2009; White 2011). The broad definition of 'organized crime' provided by the UN Convention on Transnational Organized Crime³ causes any pattern of profit-motivated,

¹ The species covered by CITES are listed in three Appendices according to the degree of protection they need. All African elephant populations have 'appendix 1' listing, except for the elephants in Namibia, South Africa, Zimbabwe and Botswana, which are listed under "appendix 2".

² The Uganda Wildlife Act, Cap 200 of 2000, section 76.

³ 'Organized criminal group' shall mean a structured group of three or more persons, existing for a period of time with the aim of committing one or more serious offences in order to gain financial reward'. A 'structured group'

serious criminal activity to be considered organized crime, including nearly all transnational wildlife trafficking (UNODC 2016:23). Critical to the argument in this article are Hagan's (2006) and Finckenaue's (2005) assertion that crimes may be complex and 'organized' without being 'organized crime', and that organized crime may relate to both the organization of criminal *activities*, and to the organization of *criminals* (von Lampe 2016:12). Wildlife traffickers may be 'self-employed' and act alone as the opportunity presents itself or they may be employees of a larger informal or formal network (Wyatt 2013:86). While the traditional conceptualization of 'organized crime' involves an element of hierarchy, continuity and rationality, Wyatt (2013) explains that within more informal 'disorganized' networks there is still a level of organization and structure to the offenders' actions, but they do not act on the directions of a formal 'organized crime' group. According to Natarajan (2006), organized crime is mostly the work of loosely linked entrepreneurs in groups where there is limited contact between members. Wildlife smuggling is carried out by a large and varied group of offenders, enabling the smuggling from the source and continuing along the illicit chain. Corrupt law enforcement and government officials or transport employees may act as mediators (Wyatt 2013). The profits or the commodities can be laundered into the licit economy (Elliott 2012)⁴ or traded as payment for goods such as narcotics, arms or gems (Warchol et al. 2003).

Hobbs (1998:408) maintains that rather than focusing on the term 'transnational', improved understanding of organized crime is gained by studying its local manifestation as 'it is at the local level that organized crime manifests itself as a tangible process of activity'. Hobbs 'glocal' conditions of organized crime embrace the idea that contemporary organized crime simultaneously occupies both the local and the global and that the networks are the media through which individuals and groups move from one sphere to the other. The study of transnational crime is difficult because offender behaviour is influenced by unique political, economic, cultural and geographical factors (Warchol et al. 2003). Besides, not knowing the actors involved complicates the issue of which groups to target. Attempting to target a 'Mr. Big' would leave a substantial part of the crimes uncovered if in fact more fragmented and fleeting groups conduct the trade. Yet if law enforcement agencies attempt to focus on all perpetrators, their resources may be spread too thin (Wright 2011; Pires et al. 2016).

The essential role of transit countries in illegal transnational trade

According to The East African Community Customs Management Act (2004:18), 'transit' means the movement of goods imported from a foreign place through the territory of one or more of the partner states to a foreign destination. Trans-shipment points have been identified as an important stage in the illegal wildlife trade (Schneider 2012), but where transit takes place between source and destination countries, the transit country is often neither offender nor victim and frequently falls between gaps in responsibility (Gosling 2014). The gap extends to the academic literature, for while the specific role of transit points has been addressed in the context of human trafficking (Turner and Kelly 2009; Perrin 2010) and narcotics smuggling (Sabatelle

need not have 'formally defined roles for its members, continuity of its membership or a developed structure' (UNODC 2004).

⁴ Elephant ivory in itself is not contraband, and illegally harvested ivory can be laundered into existing legal ivory markets. The legality of individual ivory pieces comes down to paperwork and is susceptible to weaknesses such as corruption (UNODC 2010; Bennett 2015).

2011; Bybee 2012), such studies are rare in criminology and conspicuously uncommon for the illegal wildlife trade. UNODC (2013) refers to the groups, routes and methodology used to move ivory within Africa, between the poaching sites and the ports of exit, as a major research gap. Ivory can be smuggled across multiple international borders and along numerous trade routes, repacked and relabelled on route. Determining the geographical origin of seized ivory can be difficult because the low risk of interception may be more attractive to smugglers than logistic efficiency, and some are willing to transport goods by diverse routes to avoid detection (Wasser et al. 2007; UNODC 2013).

Traffickers resort to transit countries because they provide an advantage over direct origin-to-destination country routing (Perrin 2010). South Africa is identified as a major transshipment point for wildlife from other African nations because of its geographical position, good roads, international airports, remote airstrips and seaports (Warchol et al. 2003). Insufficient legislation and weak law enforcement, as well as operational infrastructure that facilitates entry and exit, are factors that encourage transit in human trafficking (Perrin 2010). Turner and Kelly (2009) emphasize the necessity of extensive and reliable networks of individuals in transit countries, with a detailed knowledge of local landscapes, routes, safe houses and transportation. The services of document forgers and knowledge of strategies for avoiding border controls and police operations are additional factors. Sabatelle (2011) highlights porous borders combined with transport infrastructure as well as bribery and corruption as factors facilitating the drug trade. Identifying and targeting such advantages should be important aims for law enforcement agencies. Their potential significance in the illegal ivory trade in Uganda will be considered.

Deconstructing border control practices

Uganda is landlocked, with borders extending through areas of mountainous landscapes, forests and lakes, and varying degrees of settlement. Two types of economies thrive along the border: the formal and the informal economy. ‘Informal cross-border trade’ refers to trade transactions across the economic boundaries of two or more countries that are not reported or recorded by customs authorities and hence not directly taxable (Alusala 2010). While informal trading is not necessarily illegal, it may involve degrees of illegality according to Okuro (2011), who places smuggling along with corruption, bribery and drug trafficking in the informal economy. The volume and value of informal trade across check-points in Uganda is substantial (Uganda Bureau of Statistics 2014). An extensive network of roads and footpaths allows people to cross the border into neighbouring countries without the inconvenience of security clearance and immigration controls at checkpoints. The Uganda–DRC border is traversed by an estimated 300 smuggling routes around six official border points and high levels of taxation and legal opacity deter traders from conducting trade through the official border crossings to the DRC (Titeca and Herdt 2010) and to Kenya (Okuro 2011). Alusala (2010) states that an illicit trade in small arms and light weapons, human trafficking and drug smuggling takes place at the Uganda–Rwanda border. While bulky packages would attract attention, small quantities are easily ferried across unnoticed. Without sufficient resources to control this traffic, the officials watch it with tacit consent (Alusala 2010).

Titeca and Herdt (2010) found that trade is governed through a system of regulation that largely operates outside the legal framework. Compensating for what is perceived as a negligent national government and operating in potentially hostile environments, border control becomes an on-going negotiation between the officials and the local traders. As according to Lipsky’s

(2010) theory of ‘street-level bureaucracy’, officials might resort to ways of bridging the gap between the expectations of the job and what they are able to accomplish. For example, certain compromises are made according to Titeca and Herdt (2010), primarily regarding informal trade and unofficial arrangements where limited quantities of goods are exempt from taxes. Acknowledging that not all rules can be enforced, some goods and actions are perceived as ‘less illegal’ than others, implying that they are controlled less vigilantly. There is also a practical norm of not submitting women carrying small children to strict border controls, which is interesting given Okuro’s (2011) findings that women from different social and economic backgrounds constitute a large industry of smugglers travelling across Uganda between Kenya and Tanzania, and as far as the DRC, smuggling a variety of consumer goods. Local motorcycle taxis (*bodabodas*) are used to ferry taxable or sensitive merchandise between Uganda and Rwanda because they are familiar to the border officials and not searched.

While none of these studies refers specifically to ivory trade, the practical solutions to local enforcement problems could allow ivory to be smuggled under the guise of informal cross-border trade and be *one* factor in explaining how ivory is transported across the Ugandan border undetected. Another outcome would be if such compromises create a setting where border officials consider ivory to be in the ‘less illegal’ category. Looking at supervisory agencies in Sweden Du Rées (2001) identified ‘denial of the victim and/or injury’ and ‘denial of the offenders’ responsibility’ as neutralization techniques employed when officials refrain from reporting environmental offences. Sollund (2012) discovered use of the same techniques in the general acceptance of animal abuse and exploitation, based on an understanding of non-human animals as objects and ‘resources to be harvested’. Considering elephants and ivory as objects and commodities would permit border officials to discount the associated harm and in part tolerate the trade as well as rationalize their own norm-breaking behaviour. The negotiated enforcement practices could also lead to corruption, which plays an intricate part in law enforcement (Punch 2003; 2009) and is a known facilitator for the illegal transit of goods (Sabatelle 2011).

Collectively, these factors may create an advantageous setting for smugglers and form part of that which makes Uganda attractive as a transit route for the illegal ivory trade. The influence of other cultural, political and socio-economic factors, and the dynamic relationships between such contextual factors will not be explored here (see e.g. van Uhm 2015). Nor will Uganda as a source or market country for ivory, or demand reduction approaches in importing countries be considered. Drawing on the ground-level perspectives of law enforcement officers, this study examines the characteristics of recorded illegal ivory trade across and within Ugandan borders as a way of shedding light on the nature of the transit stage. First, the data collection method is presented. Next, issues relating to the policy and practice of control procedures, porous borders, the transit stage and challenges for detection and investigation are highlighted before moving on to discussion and conclusion.

Methods and Data

This research corresponds closely with, and draws upon literature within ‘green criminology’ (see Sollund 2012; White and Heckenberg 2014) transnational criminology (White 2011) and that of conservation criminology (Gibbs et al. 2010). However, the main explanatory framework was found within studies on transnational organized crime and law enforcement. This places the research most accurately within the broader interdisciplinary frame of criminological research and

policing studies. It represents a collective case study by being an empirical examination of similarities and differences among multiple agencies and locations (Stake 2005) intended to provide a better understanding of a contemporary phenomenon (Yin 2012). The methodology employed was semi-structured interviews over 17 weeks in 2013 and 2015. Uganda borders the Republic of South Sudan to the north, Kenya to the east, the DRC to the west, and Tanzania and Rwanda to the south. With approval from the Uganda National Council for Science and Technology, requests to conduct interviews were made to the following organizations: The Uganda Wildlife Authority (UWA), the Uganda Police Force (UPF) and the Uganda Revenue Authority (URA). Locations were chosen to capture variations across the country and to provide a representative sample. Purposeful sampling was used to recruit interview respondents through local managers. Occasionally, snowball sampling was used; i.e. identifying additional locations or respondents through existing ones (Yin 2011:89). Participation was voluntary, and respondents were promised confidentiality beforehand.

Twenty-two customs inspectors and supervisors employed by the URA were interviewed in 13 locations between Uganda and all its neighbouring countries, including two transit-monitoring stations in the interior, Entebbe International Airport and the URA headquarters in Kampala. Interviews with 21 police investigators were conducted at nine locations, covering both central units and local stations responsible for investigating large ivory seizures and crimes reported inside protected areas. Additional respondents were 21 field rangers and supervisors employed by the UWA, a semi-autonomous government agency with sole jurisdiction over illegal acts committed within nature conservation areas. Interview questions overlapped between respondent groups, covering the characteristics of recorded cases, offenders, the relationship with local communities, capacity building and division of responsibility and cooperation between agencies. Interviews with inspectors also pursued criteria used in the selection of control objects and challenges for detection and monitoring of borders. Investigators were asked about the influence of the legal framework for investigation and prosecution, and rangers about wildlife crime characteristics and anti-poaching initiatives within Uganda. Corruption is a major area of concern in wildlife crime enforcement (Elliott 2012; Wyatt 2013; Bennett 2015). However, since it was not a focal point of the research, and because asking respondents about personal misconduct might be misconstrued as an allegation and/or result in untruthful answers (Moreto et al. 2015), the issue of corruption was not specifically pursued in the interviews.

Thirty-five interviews were conducted with 64 respondents, with years of service ranging from three months to 36 years. The majority of respondents were male. Interviews were conducted in groups (16) or individually (19), depending on the number of respondents available at the time of visit. Except for one interview (which counted eleven respondents), no groups exceeded three interviewees. According to Yin (2011:140) such groups may be treated as adjuncts of interviewing individuals. Although respondents in groups sometimes interacted and supplemented each other, the main line of communication was between interviewer and interviewees. Respondents frequently revealed negative and challenging aspects related to their work situation, several of which were mentioned across interviews and organizations. While this strengthens the credibility of the results, an element of social control cannot be dismissed, especially as group interviews are vulnerable to pressures of conformity. Group dynamics might have pressured co-workers to strive towards what they considered common and socially acceptable norms within the group as well as with managers.

Being the instrument of both data collection and data interpretation, the role of the researcher represents certain challenges. One is to ask relevant questions and being able to identify and follow up on key issues that appear in interviews. Previous experience from conducting interviews with law enforcement officers on the enforcement of wildlife trafficking in Norway eased the development of questions. While the greater part of questions remained unaltered, the interview guide was continually reviewed and updated throughout the research period, as new insight inspired further questions. As such, data collection and analysis were partly concurrent. As proposed by Miles et al. (2014:70), this helps the researcher generate strategies for collecting new and better data. Interviews were not tape-recorded. To provide a solid base for the analysis, the handwritten notes were transcribed electronically on the same day as each interview was conducted so that fragments, abbreviations etc. could be written out while details from the interview were still clear. Transcripts were kept as close to the original statements as possible. The analysis of the transcripts begun by identifying and highlighting keywords in the text of each printed interview (such as 'transit' or 'porous borders'). These provided an inventory of data-driven codes that were then developed into broader, more analytic categories or themes (Gibbs 2007). The themes, which often traversed the interviews, have guided the layout of the findings section.

Because some respondents are more knowledgeable and/or articulate than others, it is the researcher's responsibility to prevent these from acquiring in-proportional influence over results (Brinkmann and Kvale 2015). Conscious efforts were made to include statements from numerous respondents. In order to avoid 'selective plausibilization' (Flick 2009), the credibility of the analysis rests upon a careful selection of quotations. While respondents often expressed similar views, they sometimes contradicted each other. All generalizations are based on dominant patterns in the data. Interview quotes may represent a common theme, or rivalling statements. Combined this should increase the credibility of the analysis by demonstrating the complexity of the material. Flyvbjerg (2013) states that formal generalization is overvalued as a source of scientific development and that 'the force of example' is underestimated in terms of transfer value. Nevertheless, scientific generalization from a qualitative case study limited in time and sample size demands caution. Additionally, because of its clandestine nature, the ivory trade lacks transparency, and it is impossible to analyse its exact nature and dynamics. The respondents' knowledge is limited in that they refer only to cases where Ugandan law enforcement intervened, while ignoring successful smuggling operations.

Findings

Divergent policy and practice in the control of transit goods

Because of its geographical position, customs inspectors describe Uganda as important for legal *and* illegal transit of goods, including fuel, hides, timber, charcoal, scrap metal, household goods and motor parts as well as wildlife and wildlife products. The East African Community Customs Management Act (2004) states: 'An officer may, if he or she has reasonable grounds to believe that any vehicle is conveying any unaccustomed goods whether or not in transit (...), stop and search any such vehicle; [and] require any goods in that vehicle to be unloaded (...)'. However, because goods in transit are not subject to import duty, interviews reveal that practical norms apply to the inspectors' opportunity to search such consignments. While the cargo area of trucks

may be opened for a superficial glance, the inspectors were clear that for transit goods, they need a strong suspicion of illegality before breaking seals or conducting thorough checks of goods and manifests. Tamper-proof seals monitor the movement of trucks carrying dutiable goods to ensure that cargo is not unloaded or interfered with while in Uganda. Breaking seals require clearance from a supervisor, partly 'because the officer himself might not be trustworthy and might take goods in or out' according to Inspector (1). While most inspectors accept that smugglers could exploit these restrictions by hiding ivory inside sealed consignments, they emphasize that the majority of sealed transit trucks go in an east to west direction, destined *for* the DRC or South Sudan, from the Middle and Far East, through Uganda. The common assumption among inspectors is that ivory is trafficked in the opposite direction: from west to east, coming into Uganda from the DRC or from northern Tanzania, going to Asia. Inspector (2) said; 'very few trucks transport goods from Congo to or through Uganda'. Occasionally, 'there might be trucks containing scraps coming in from South Sudan going to Kenya' according to Inspector (4). Depending on the season, these trucks also transport timber, spices, coffee or soil samples as well as charcoal from South Sudan. Inspector (3), questioned the vigilance of Congolese border officials, suggesting 'they might or might not be thorough in their verification of cargo going out from Congo'. Yet, Inspector (2) maintained; 'trucks coming from Congo are not sealed, not with local seal or electronic seal' and 'with these trucks, the cargo area is opened and the content is always verified'. Respondents agreed that the instability in DRC and South Sudan reduces the amount of trade across these borders. For taxation purposes, Uganda's border to Kenya and Tanzania, where trade levels are higher, is a greater priority.

Illegal imports are small-scale and frequent

Respondents from all agencies said that ivory is primarily smuggled into Uganda through so-called 'ant trade': the movement of small quantities across the border by individuals on foot, bicycle or motorbike, in private cars, buses or small trucks. Maintaining that 'there must be coming a lot of wildlife from Congo', Inspector (5) continued; 'because controls are much stricter in Rwanda and Burundi, it has to come through Uganda'. Interestingly, Inspector (6) attributed his lack of detections to 'the smugglers go through Rwanda instead of Uganda'. Despite describing wildlife smuggling as difficult to detect, customs inspectors are reluctant to accept that significant levels of ivory are transported undetected through their respective stations. While most inspectors at checkpoints along the border to the DRC and South Sudan maintain that they stop all vehicles entering Uganda, thorough checks are conducted on a random basis, and concealment of goods is an issue. Inspector (7), a supervisor explained:

'The truck can be loaded with 15 tons of legal, declared goods and 2–3 tons of ivory hidden among other goods, knowing that if they pack the truck full of ivory, they will be caught. Although customs at the border claim that they check and verify every truck coming from the DRC, they do not open up every sack or package. [They] may take a closer look here and there but they do not have the capacity to go through everything, unless they have received a tip to check a certain truck.'

A relentless stream of people, vehicles and goods prevents thorough inspections at the official checkpoints. There are few electronic scanners or detection dogs available.⁵ Security checks and verifications are done manually. In-depth checks are at the discretion of inspectors, which may be little responsive to signs of wildlife smuggling (Runhovde 2015). A revisit to a DRC checkpoint illustrates the challenges. In 2013, no wildlife cases had been detected for several years, and neither the police nor customs believed this location to be a common entry or exit point for wildlife smuggling. ‘If this is a large problem, we would see some cases’ according to Inspector (6). In 2015, after receiving a telephone tip, customs officers stopped a young man on a bicycle with four unprocessed ivory tusks hidden in a sack of soybeans. The man insisted that he was unaware of the ivory and had only been hired to transport soybeans. He fled without exposing the person who had hired him. While four tusks are not indicative of a major problem, Inspector (8) referred to this case as a ‘surprise and an eye opener to the fact that such smuggling might have been happening here’. Other examples include seizures during routine checks of the cargo area of passenger busses. In 2012, a Congolese national tried to bring in 30 kg of moulded and raw ivory pieces on a bus from Rwanda. In 2015, three school bags containing 21 pieces of unprocessed ivory tusks wrapped in cardboard paper were found on a bus from Tanzania.

Porous borders undermine enforcement

Controlling the traffic on the extensive network of roads and footpaths through the forests is the main challenge and principal explanation for how ivory enters Uganda undetected. Inspector (9) explained that ‘smuggling happens by people travelling many times on different routes with motorcycles, bicycles..., bringing in a little at a time’. Inspector (3) stated that ‘illegal entries at the checkpoint are not really the problem. The problem is that people avoid the checkpoint and use the ungazetted routes.’ Inspector (10) argued: ‘Enforcement is difficult as there are so many different routes to take, and the border is long. The river is only half a metre in depth in many places, making it easy to carry goods across, hiding them in the bush along the river.’ Enforcement teams consisting of police officers, customs inspectors and UPDF soldiers are located in the field and conduct surveillance of routes used by smugglers. Nonetheless, Inspector (2) maintained; ‘the border is porous, customs does not have enough manpower to patrol the border sufficiently’. The conviction that ivory smuggling primarily takes place across unofficial routes is not based on actual seizures, because no respondents had ever seized ivory along these paths. Instead, it might rest on a number of factors, including unwillingness to admit that ivory is smuggled across their own station, acknowledgment that ivory is somehow entering and the knowledge that a range of criminal acts takes place across official *and* unofficial routes. An estimated 40,000 kg of sugar is smuggled daily into the border town of Arua from the DRC on bicycles (Titeca and Herdt 2010). Transit shipments of cannabis (and minerals) from the DRC cross the border to Uganda ‘by every means imaginable’, including body couriers, bicycles and trolleys, by concealment in other shipments and outside of official check-points (Leggett et al. 2012). Vehicles and bicycles are the major modes of transportation for informal (unrecorded) trade between Uganda and neighbouring countries (Uganda Bureau of Statistics 2014). This suggests that ivory is moved across the border by similar means as other legal or illegal goods, and illustrate on a local level what Elliott (2012) refers to as ‘parallel trafficking’: moving

⁵ Detection dogs are now in training and drive-through x-ray devices are being built at some locations.

environmental contraband along the same trade routes as other illegal commodities, combining illegal shipments or using seemingly legal shipments to conceal illegal goods. Inspector (9) made the point that ‘In the end, this sums up to large amounts’. Because of its frequency, small-scale trade may account for substantial quantities over time (UNODC 2013) and may cumulatively endanger whole species (Interpol 2009), without representing global syndicates of organized crime (Abraham and van Schendel 2005; Pires et al. 2016).

Intuition and suspicion within enforcement agencies

At Entebbe International Airport, detections of polished pieces of ivory such as bangles and decorative objects are common. Chinese and Sudanese nationals are identified as the main smugglers. Inspector (11) said; ‘Chinese nationals are responsible for about 80 percent of the seizures’ and Investigator (1); ‘small cases tend to involve Chinese and Sudanese nationals’. Wearing ivory bangles openly, ‘unaware they are doing something illegal’, Sudanese passengers are ‘cautioned and the ivory is seized’. The Chinese however, ‘know they are doing something illegal and try to hide the ivory’. These are arrested according to the investigator. In addition to small-volume trade, major seizures are made regularly. Given that the eastern border areas of the DRC are closer to Entebbe than to Kinshasa, Inspector (7) stated that ‘Entebbe is chosen as an exit because of the location’. According to Inspector (12), ‘control comes down to the discretion of the officer’. The weight of the cargo compared with declared content can be an indicator of illegality as well as ‘the general feeling that the officer gets’, implying that intuition and *gut feeling* guide the selection of control objects. Studies have found that similar criteria guide the discretion of customs inspectors in Norway (Runhovde 2015) and Canada (Pratt 2010).

Sometimes, smugglers offer bribes to staff to avoid electronic screening of their consignments. Suspicion from other staff when consignments are withheld from screening for no apparent reason has led to seizures. An investigator in the Special Investigation Unit described a case from 2013, where an abandoned consignment was discovered by clearing agents following the departure of an Etihad flight. The consignment, which had not previously been screened, contained 15 rhino horns, 440 pieces of raw ivory tusks and 372 pieces of worked ivory in the form of bangles, necklaces and chopsticks. The information obtained from the airline booking system led to a fake mobile phone number, a fake postal address and a company that had been out of business for five years. The passenger who had been booked to travel with the consignment never appeared. Six suspects have been arrested since the discovery, one of them a handler at the airport. Enquiries are still ongoing but have yet to produce conclusive results. The investigator is convinced of the involvement of airport staff, and interviews reveal that respondents are suspicious of the integrity of employees in other agencies. In one case, Investigator (2) warned that ‘customs is involved and may not want to speak about this case.’ Referring to another case, Inspector (13) stated that ‘police at Entebbe would not give me information because they are in on it.’ The frequency of which corruption among government officials was mentioned by respondents voluntarily demonstrates that it is a major area of concern. In the words of Inspector (5) ‘corruption in Uganda is a disease. Everybody is doing it. That is how people justify their actions’. The implied lack of trust between agencies is an impediment to effective enforcement if it prevents cooperation and exchange of information. Arguably, there is a need to cultivate improved relations between the agencies.

A 'transit and repackaging country'

The data reveal numerous examples of seizures where ivory was found hidden among local Ugandan products such as coffee beans, fish maws, charcoal, shea butter, soybeans, among shredded plastic material headed for 'recycling and export', inside wooden articles, as decoration on handbags or declared as telecommunication equipment. The ivory was sometimes found with other illegal wildlife products such as hippo or warthog teeth, pangolin scales and rhino horns. This suggests that some degree of processing takes place within Uganda, between the stages of import and export. Investigator (3) of the Special Investigation Unit said; 'People transport ivory a little at a time, stockpiling it somewhere in Uganda. Then it is loaded onto a truck and taken out of the country, either by land or by air.' In transit, the ivory may pass through several villages and cities. Inspector (1), working at a transit monitoring station in central Uganda, recalled a seizure of nine ivory tusks found buried in the ground following a tip-off. In 2013, customs authorities recovered 832 pieces of ivory from the warehouse of a freight company outside Kampala. Inspector (14) believed that Uganda is used as a transit route because 'someone has a connection with people here that can ship it out', thereby pointing to the involvement of forces outside Uganda in the trade. Similarly, Inspector (10) admitted that there is an 'organized side to the crimes, as a marked outside must drive the smuggling' but without being able to explain how it is co-ordinated or led.

Varese (2012) found that when a criminal organization relocates or expands abroad, it builds a rudimentary organizational structure that is localized and dependent on extensive contact with local individuals in order to operate. According to Hobbs and Dunnighan (1998), even the traditional 'international' criminal organizations must function as interdependent local units. Turner and Kelly (2009) have highlighted the necessity of extensive and reliable networks of knowledgeable individuals in transit countries. Comparable conditions may be true for the illegal ivory trade. A UNODC report suggest that brokers in transit countries are key players with connections in both source and destination countries, triggering the participation of marginalized communities in poaching and trade, brokering transnational deals and trafficking in large volumes (Akella and Allan 2012). In Zambia, a Congolese migrant and prolific exporter of ivory procured tusks gradually by using a network of poachers and suppliers throughout the region. Tusks were stored in small quantities in the houses of friends and relatives until collected (EIA 2010). According to Puffer (cited in Warchol et al. 2003) , efforts to control ivory trade in Kenya have been complicated owing to the ethnic links across borders that allow smugglers to create an informal international market for trading in wildlife. Similar constellations may operate within Uganda, but although frequently mentioned in interviews, few respondents could offer detailed information about the transit stage itself. Titeca (2013) identifies two possible trading routes for ivory from Garamba National Park in the DRC through Uganda: via South Sudan or via Arua on the Uganda-DRC border. From here, the ivory is transported to Kampala where it is sold to bigger traders and then exported from Entebbe or forwarded to Mombasa. Respondents mentioned two seizures, cleared through Malaba on the eastern border with Kenya, illustrating that the ivory is not passed through Uganda in one swift operation. In 2015, a container with 106 tusks of unprocessed ivory hidden among coffee from Kampala was detected in Singapore. In 2013, a shipment declared as fish maws from Uganda was found to conceal 775 pieces of raw and worked ivory and was seized in Mombasa. While the origin of seized ivory is often not established, echoing the majority of respondents, Inspector (15) explained that 'the amounts are too big to come from Uganda. Then there wouldn't be any elephants left here'.

Based on their knowledge of seizures, respondents describe a low-volume, high frequency trade in ivory entering Uganda via the western and southern borders – the ‘ant-trade’. However, seizures of ivory that has been smuggled across the eastern border or passed through Entebbe are often larger in volume and suggest some specialized and co-ordinated activity. Apparently, stockpiling, repackaging and logistical planning of exports takes place within Ugandan borders. Conceivably, ivory imported in small quantities, by individuals acting alone or within informal networks, are fed into the larger, organized transnational shipments at the transit stage. Thus, the “minor” trade may in fact be a component of the large-scale trafficking. Dismissing Uganda as simply a transit country is arguably inaccurate and it may be necessary to redefine the role of such countries.

Detections and reporting - un-strategic and uncommon

The Uganda Wildlife Authority attributes increases in ivory seizures to criminal intelligence gained from stronger collaboration between the UWA and agencies such as customs, police, Interpol, the Lusaka Agreement Task Force and the Kenya Wildlife Service (CITES 2013). While this may be true, most seizures described in interviews suggest that the effort at local levels is less targeted and that detections are often coincidental. For example, the seizure of ten pieces of ivory, 127 hippo teeth and 64 warthog teeth from a truck was ‘just bad luck for the driver’ according to Inspector (5). After the detection of ivory among fish maws in 2013, such declarations are now treated as suspicious according to an inspector in the URA’s Enforcement and Intelligence office. Otherwise, there was little indication of risk profiling for wildlife smuggling. Inspector (8) said ‘it is very likely for the ivory to reach Kampala unless there is a tip-off’. Respondents from all agencies report heavy reliance on informants and ‘tip-offs’ as a way of detecting crimes in general. Informants are typically traders and local people. Although tip-offs have led to ivory seizures, these were presented as rare, and some locations had never received such information. Unlike goods that attract revenue, there is no official reward system for intelligence on wildlife crime. This may demote reporting since, according to Inspector (2), it must ‘happen out of sympathy for the animals, not personal gain.’ Besides the lack of financial incentive, von Lampe and Johansen (2004) have emphasized that within communities with a history of self-rule and solidarity, any disloyal behaviour would be directed against the entire local community. People who report community members to the authorities may face social exclusion and become a target for abuse (Harrison et al. 2015). The inclination to report ivory smuggling may be further weakened if considered to be in the ‘less illegal’ category outlined by Titeca and Herdt (2010), especially if the people involved are seen as ‘successful businessmen’ fending for themselves through cross-border trade and not causing harm to the community. Finally, the level of reporting could also be challenged by an often-mentioned hostility towards the customs authority. Inspector (1) said that for protection, the inspectors who receive military training and carry weapons ‘are encouraged to spend their socializing time at the grounds of the station’. According to Akella and Allan (2012), the use of violence or threats against officials is an effective method for reducing the motivation of front-line enforcement officials to take action.

Investigation and prosecution compromised

To determine involvement of ‘organized crime’ in the traditional sense is difficult because investigations were said to produce little evidence of the ivory’s origin, owner or final destination. Inspector (15) said; ‘It is very difficult to trace where the shipment has entered from because it

might have been repacked and labelled differently by the time it reaches Entebbe.’ Investigator (1) of the Aviation police added: ‘Not once has the investigation led to the people organizing the smuggling being arrested. No witnesses have come forward. None of the arrested handlers or agents has revealed names because of either threats or promises.’ The investigator believed that the suspects’ silence is proof that powerful people are behind the trade, and Inspector (9) called the intercepted shipments ‘well-planned moves where the smugglers connive with the right people.’ The amount of tangible evidence to support such beliefs is too lacking in detail and quality to clarify the identity or nature of those who may control the trade. The failure to prosecute and convict environmental crimes successfully is well documented (Wellsmith 2011; Lowther et al. 2002) and partly attributed to its low prioritization by law enforcement officers and judicial systems (Elliott 2012; Wasser et al. 2008; Sollund and Maher 2015; Runhovde 2016). It is a generally recognized problem that investigations stop at the point of seizures and that valuable information for prosecution and intelligence gathering is ignored, partly because law enforcement agencies lack the capacity to collect samples and to submit them to forensic facilities (ICCWC 2014). DNA analyses of major ivory seizures across Africa and Asia have revealed that the ivory tend to originate from concentrated areas, suggesting systematic targeting of elephant populations. This leads Wasser et al. (2007; 2008; 2015) to conclude that an elaborate network in the Far East, capable to receive and launder hundreds of tusks into legal markets is driving the trade. This may challenge the theory that ivory is poached and initially traded in a less organized, opportunistic manner, through decentralized methods throughout Africa and that small-scale trade is consolidated into major shipments. A likely conclusion however, is that across the continent ivory is trafficked via a range of situations, and that both scenarios are applicable. The lack of success in investigations and prosecutions is also attributed to insensitivity to wildlife crime by the judiciary and weak laws on environmental crimes, which according to a UPDF major ‘represent minimal risk for traffickers upon detection’.⁶ One notable example is an incident in 2014 when a Ugandan high court judge ruled in favour of a Congolese businessman applying to have his 2.9 tons of seized ivory released from the URA for onward export after confiscation while transiting through Uganda (UWA 2014). Incidents like this are unlikely to deter smugglers from using Uganda as a transit country for illegal ivory.

Discussion and Conclusion

Organized crime remains an ever-changing, contradictory and diffuse construct (von Lampe 2008). For social scientists hoping to understand, to explain and ultimately to inform policymakers, clear definitions are important because policies and practices grounded in myth and stereotypes are unlikely to succeed in the real world of criminal organizations and organized crime (Finckenauer 2005). Legally, the categorization of ‘organized crime’ has important implications as it attracts added resources and allows for more intrusive and authoritarian methods and increased penalties (see Abraham and Schendel 2005; Larsson 2016).⁷ The discourse on illegal wildlife trade proliferates, and the semantics used indicate that it is an issue of severity.

⁶ The Uganda Wildlife Act is currently being reviewed by the Government (CITES 2016).

⁷ The UN General Assembly (2015) recently upgraded the seriousness of wildlife crime, calling upon member states to make trafficking in protected species involving organized criminal groups a ‘serious crime’. ‘Serious crime’ shall mean conduct constituting an offence punishable by a maximum deprivation of liberty of at least four years or a more serious penalty (UNODC 2004).

Yet arguably, tough-sounding concepts such as ‘transnational organized crime’ risk making the challenge seem irreproachable, deterring national law enforcement agencies from effectively responding at local levels. As proposed by Pires et al. (2016) it may lead officers to overlook that locals in fact are responsible, and intimidated citizens may become less likely to report crimes. Rather than confronting intangible notions of transnational threats, officers may benefit from having concrete knowledge of how ivory traffickers operate locally, which would render them better equipped to recognize and respond to the challenge. Besides, most operational law enforcement officers essentially require the ability to detect and respond to offences that violate the national laws of their own country. What constitutes the accepted definition of TOC, and establishing that the illegal ivory trade is transnational, highly sophisticated and organized, is of limited interest or use if officers are not given the appropriate tools and instructions for dealing with crime locally.

Findings reveal that ivory is moved across the border using the same trade routes and methods as, and sometimes in combination with, other legal or illegal commodities. The literature and the empirical data combined suggest that in practice, borders are operated through compromises and discretionary decision-making, and the combination of restrictive control of transit goods, informal trade allowances and a lack of clear procedures may result in gaps and negligence in the control. For example, the allowances made for informal trade could provide opportunities to smuggle ivory in small quantities disguised as informal trade, along with a wide range of other goods transported across the border unchecked. While seizures along the western and southern border demonstrate a small-scale trade in ivory, concealed and transported in rudimentary ways, the large and mixed consignments seized during or after export suggest a more professional and co-ordinated activity and indicate that a gradual building of stockpiles is taking place inside Uganda. Still, the hypothesis that ‘organized crime’ runs the ivory trade in Uganda is not informed by this case study. While limited in number, the examples provided tentatively suggest that the activities require varying levels of organization and point to a diverse group of actors being involved. The lack of investigative results prevents the establishment of how the import, export and transit are directed and managed. Respondents point to the involvement of local actors, potentially with contacts in both source and destination countries. Providing a variety of services, these individuals may play a key role at the transit stage, although their level of expertise, extent of engagement and versatility remains unknown. The findings also suggest that geographical position and weak governance encourage the transit of ivory through Uganda, consistent with the role of transit countries in other illegal transnational trades. Most distinctly, the weaknesses relates to limited investigative success, lenient penalties, inability to control the borders sufficiently and corruption compromising well-intended efforts.

The respondents’ accounts are sometimes conflicting and their individual experiences might be misleading if considered in isolation. This should not diminish the value of gathering information from law enforcement personnel with first-hand experience from on-site levels. Organized crime is by nature clandestine, leaving the evidentiary base of policy discussion often weak (UNODC 2016). Findings imply that the role of ‘transit countries’ and the responsibility of law enforcement agencies in such countries should be given increased attention, as they could be a valuable source of intelligence to other countries, providing information on local actors and activities. While large-scale seizures receive the most attention from the international community, the impact of small-scale trade, through its combined volume and potential merging with larger

shipments, should not be underestimated. According to respondents, ivory seizures receive a significant level of media attention. Given the implied lack of investigative results, instead of celebrating seizures, more emphasis should be placed on acknowledging a successful conclusion once offenders are brought to justice. Contraband found in a container or a suitcase is evidence, not a law enforcement success (Rademeyer 2016). Important questions to ask are how many seizures lead to arrest, prosecution and conviction? Who is being prosecuted and convicted?

Finally, given the limited scope, this study has not properly examined important factors such as the effect of sanctions, the judiciary's perspective or the relationship and motivations of the offenders. Furthermore, to rely on enforcement measures for controlling offences against the environment have been shown to entail a range of problems (Wellsmith 2011) and poaching and wildlife trafficking cannot be resolved by law enforcement alone. Biodiversity conservation are contingent on support for wildlife amongst the people who live with it (Duffy 2016). Combined with the lack of reward, the infrequency of tip-offs could reflect fear of reprisals from traffickers, a limited concern for wildlife crime and discontent with protected areas due to human/wildlife conflicts and crop-losses (see Hartter and Goldman 2010). This necessitates the inclusion of multiple methods and interventions in the fight against wildlife crime, including community-based initiatives that integrate biodiversity conservation and rural development. An improved understanding of how the illegal ivory trade takes place within Africa, and the mechanisms at work between poaching and export is one step in the strategy to counter it. This article has aimed to contribute to this understanding.

Compliance with ethical standards

Ethical approval All procedures performed in studies involving human participants were in accordance with the ethical standards of the institutional and/or national research committee and with the 1964 Helsinki declaration and its later amendments or comparable ethical standards.

Human and animal studies The study does not contain any studies with animals performed by the author.

Funding This work was partly financed through a scholarship awarded by the Nordic Africa Institute in 2013.

Conflict of interest The author declares that she has no conflicts of interest.

Informed consent Informed consent was obtained from all individual participants included in the study.

Acknowledgements

This paper has benefited greatly from discussions with and feedback from H. I. Gundhus, R. Sollund, J. Gosling and P. Larsson. I am grateful to G. Muwulya for assistance during the data collection and to the Norwegian Embassy in Kampala for writing introduction letters to the relevant organizations. I also thank the respondents for sharing their knowledge, without which the present study could not have been completed.

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