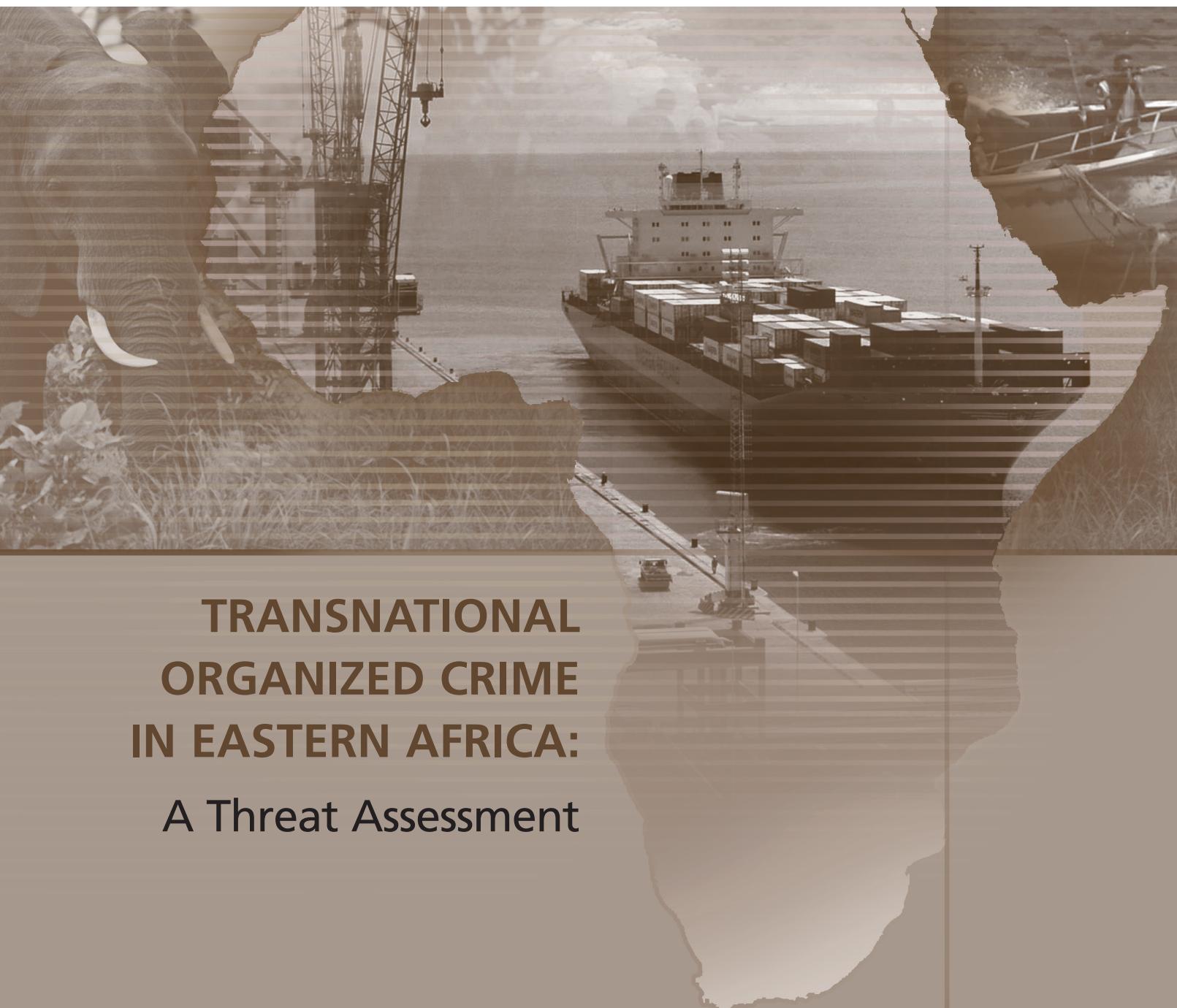




UNODC

United Nations Office on Drugs and Crime



TRANSNATIONAL ORGANIZED CRIME IN EASTERN AFRICA: A Threat Assessment

September 2013

UNITED NATIONS OFFICE ON DRUGS AND CRIME
Vienna

Transnational Organized Crime in Eastern Africa:

A Threat Assessment



Copyright © 2013, United Nations Office on Drugs and Crime (UNODC).

This publication may be reproduced in whole or in part and in any form for educational or non-profit purposes without special permission from the copyright holder, provided acknowledgement of the source is made. UNODC would appreciate receiving a copy of any publication that uses this publication as a source.

Acknowledgements

This study was conducted under the responsibility of the UNODC Regional Office for Eastern Africa (ROEA), Division for Operations (DO), with research support of the UNODC Studies and Threat Analysis Section (STAS), Division for Policy Analysis and Public Affairs (DPA).

Research

UNODC Nairobi: Joanna Wright (Consultant)

UNODC Headquarters: Louise Bosetti, Jenna Dawson-Faber, Ted Leggett, Thomas Pietschmann

Graphic design, mapping support, and desktop publishing

Anja Korenblik, Suzanne Kunnen, Kristina Kuttnig, Deniz Mermenci

Supervision

Aldo Lale-Demoz (Director, DO)

Loide Lungameni (Representative, ROEA),

Thibault Le Pichon (Chief, STAS)

The preparation of this report would not have been possible without the data and information reported by governments to UNODC and other international organizations. UNODC is particularly thankful to government and law enforcement officials met in the region while undertaking research.

The study benefited from the valuable input of many UNODC staff members – at headquarters and field offices – who reviewed various sections of this report. The research team also gratefully acknowledges the information, advice and comments provided by a large range of officials and experts.

The preparation of the report benefited from the financial contribution of the Government of Sweden as part of their support to the UNODC's Regional Programme on Promoting the Rule of Law and Human Security in Eastern Africa.

DISCLAIMERS

This report has not been formally edited.

The contents of this publication do not necessarily reflect the views or policies of UNODC, Member States, or contributory organizations, and neither do they imply any endorsement.

The designations employed and the presentation of the material in this publication do not imply the expression of any opinion whatsoever on the part of UNODC or the Secretariat of the United Nations concerning the legal status of any country, territory, city or area or of its authorities, or concerning the delimitation of its frontiers or boundaries.

Cover pictures © UN Photolibrary, Maersk Line/cc-by-sa-2.0

Website: www.unodc.org



Contents

Key Findings	1
Executive summary	3
Introduction	7
Smuggling of Migrants from Ethiopia and Somalia to Yemen and Saudi Arabia	11
Heroin trafficking from South-West Asia to Eastern Africa	19
Trafficking of Ivory from Eastern Africa to Asia	27
Piracy off the coast of Somalia	35
Implications for interventions	45



Key Findings

- Transnational organized crime in Eastern Africa is a product of both illicit markets that span continents and an underlying weakness in the rule of law.
- Due to conflict and poverty, Eastern Africa produces a large and vulnerable stream of smuggled migrants, who are abused and exploited at multiple stages of their journey.
- More than 100,000 people paid smugglers to transport them across the Gulf of Aden or Red Sea to Yemen in 2012, generating an income for the boatmen of over US\$15 million.
- Around 80,000 of these migrants attempted to cross Yemen to Saudi Arabia, but many of these were waylaid by smugglers and subjected to a range of abuses, including confinement, beatings, extortion and rape.
- Despite the large numbers, the flow of migrants is concentrated, with most embarking from two port areas (Obock, Djibouti and Boosaaso, Somalia) where interventions could be addressed.
- Heroin has been trafficked to and through Eastern Africa since at least the 1980s, but a series of recent large seizures suggests that this flow has increased.
- Some air courting has been noted, but it appears the great bulk of the heroin is being transported by dhow from the Makran Coast, an area that spans Iran and Pakistan.
- The local market is estimated to consume at least 2.5 tons of pure heroin per year, worth some US\$160 million in local markets. The volumes trafficked to the region appear to be much larger, as much as 22 tons, suggesting substantial transhipment. Eastern Africa is a known transit area for heroin destined for South Africa and West Africa.
- Given the prevalence of blood borne disease and known injection drug use, the spread of heroin throughout the region must be carefully monitored and addressed.
- Recent research indicates that the rate of poaching in Eastern Africa has increased, rising to levels that could threaten the local elephant population.
- The bulk of the large ivory shipments from Africa to Asia appears to pass through the container ports of Kenya and the United Republic of Tanzania, where interventions could be addressed.
- It is estimated that between 5,600 and 15,400 elephants are poached in Eastern Africa annually, producing between 56 and 154 metric tons of illicit ivory, of which two-thirds (37 tons) is destined for Asia, worth around US\$30 million in 2011.
- Somali pirates brought in an estimated US\$150 million in 2011, which is equivalent to almost 15% of Somalia's GDP.
- Effective intervention has forced pirates to range ever further from the coast to attain their targets: in 2005, the average successful pirate attack was 109 km from the Somali coast; in 2012, it was 746 km. Ships have also become more effective at defending themselves.
- The increase in risk associated with protracted expeditions and international countermeasures have contributed to a decline in piracy: in April of 2009 alone, pirates hijacked 16 ships, but after April 2011, they averaged less than one per month. There were no successful hijackings for ransom in the Somali area of operations in the first half of 2013.



Executive Summary

Given the size and diversity of the region of Eastern Africa, any discussion of crime problems is necessarily selective. This report focuses on four major issues:

- migrant smuggling from Ethiopia and Somalia to Yemen and Saudi Arabia;
- heroin trafficking from South-West Asia to Eastern Africa;
- ivory trafficking through Eastern Africa to Asia;
- Somali maritime piracy.

These four are very different sorts of activities, but all have emerged in the region due to a common vulnerability. Most of the population of Eastern Africa is poor, and their governments have limited capacity to deter cross-border criminality. Poverty and weak governance also increase the potential for corruption, rendering Eastern Africa a relatively attractive region to traffic from, through, and to. Until the rule of law is firmly established in the region, these crimes and others like them are likely to continue.

Migrant smuggling

Irregular migrants are vulnerable to abuse wherever they are found, but those from Eastern Africa appear to be especially so. Driven by poverty and political instability, they seek a better life in countries where international protection or work can be found, and pay smugglers to help them achieve that objective. Migrant smuggling is illegal, and so is conducted clandestinely. This combination of factors – poverty, secrecy, displacement – leaves the smuggled migrants subject to many forms of predation, including robbery, rape, extortion, and human trafficking.

People migrate from Eastern Africa to many parts of the world, but one of the closest destinations is actually one of

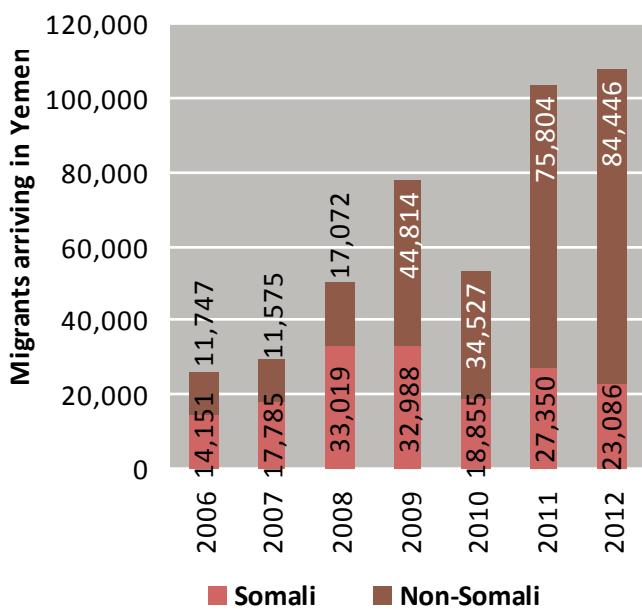
the most hazardous to approach: the Arabian Peninsula. Separated from the Horn of Africa by a relatively narrow strip of water, it is the clear choice for those without the resources to travel further. Since few migrants can cross the water on their own, almost all pay smugglers to move between continents. There are at least two major flows of migrants from Eastern Africa to the Arabian Peninsula: from Somalia and Ethiopia.

Most Somalis only travel as far as the coast of Yemen, where they can seek asylum, and some 10,000 to 30,000 people join more than 200,000 of their countrymen by making this journey every year. More recently, a rapidly growing number of migrants, mostly from Ethiopia, has emerged, rising to almost 85,000 people in 2012. Mostly unskilled laborers and domestic workers seeking employment, many of these people attempt to travel across Yemen, often with very few resources. Yemen, a poor country that has experienced instability and fragmentation in recent years, does not have the capacity to protect these migrants. Criminals can prey on this flow with impunity, taking the little that they have and extorting ransoms from their relations for their release.

The smuggled migrants are exposed to abuse at all stages of their journey, but especially during the maritime passage and increasingly during their time in Yemen. There are two primary embarkation points for the sea journey: Boosaaso, in Puntland (Somalia), on the coast of the Gulf of Aden; and Obock, in Djibouti, south of the Bab al Mandab. Migrants embarking from both of these points have described suffering violence at the hands of their smugglers, including sexual assault, robbery, beatings, and being thrown overboard before reaching shore.

On arrival in Yemen, most of the Somalis report to the refugee camps, but for those migrants who continue, the

Number of smuggled migrants arriving in Yemen by nationality



Source: UNHCR

abuses increase. They are met by other smugglers, many of who have relationships with the boatmen, who insist on “helping” them continue with their journey. The true intent of many of these smugglers is to extort ransoms from relations. Migrants are beaten and raped until the ransom is paid. A very similar situation is seen among Eritrean migrants crossing the Sudan.

Since the migrants and their relations are poor, the total amount taken from each by smugglers is small, but their numbers (over 100,000 in 2012) make up for this, especially as the number of boatmen and extortionists appears to be limited. The boatmen alone made an estimated US\$15 million in 2012.

Heroin

Heroin has been present in Eastern Africa for at least three decades, and dealers from Eastern Africa have been associated with the heroin trade in South Africa since the mid-1990s. It has long been suspected that Eastern Africa served as a transit area, and air couriers have been detected on many occasions. Until recently, however, very little heroin had ever been seized in the region.

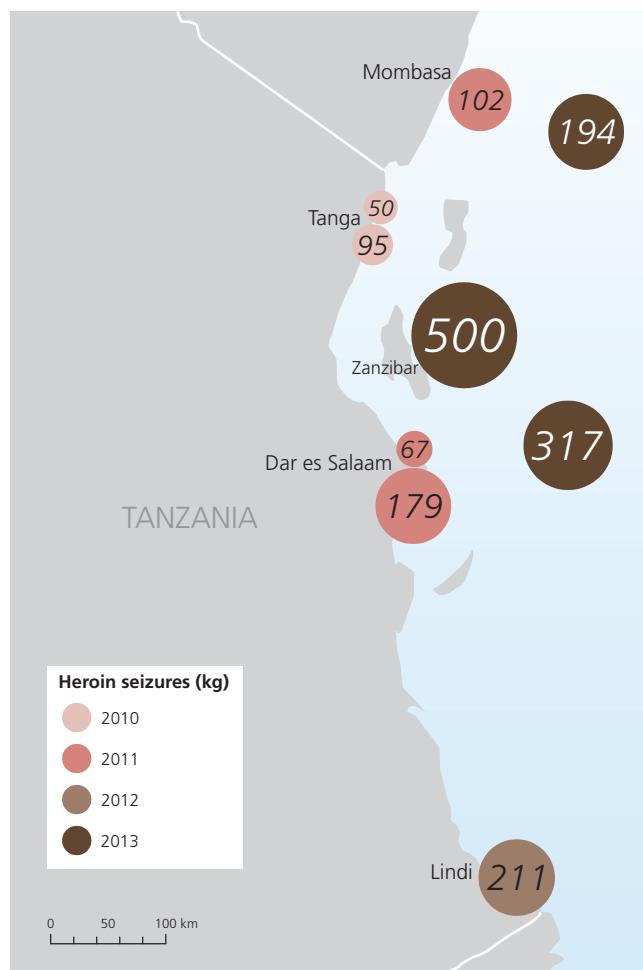
In 2010, that began to change. A series of larger seizures were made indicating that large volumes of Afghan heroin were entering the region by sea from Iran and Pakistan. Between 2010 and 2012, more heroin was seized than in the previous 20 years. In the first five months of 2013, more heroin had been seized than in the previous two years. It was not that the number of seizures were increasing, but those that were being made were far larger than ever before.

The major seizures in 2013 were all made at sea by international forces, so it remains unclear whether this increase in seizures is indicative of an increase in flow or an increase in

the detection rate. Data on the state of local demand is poor. Eastern Africa is a known transit area for heroin destined for South Africa, but there have been no indications of sudden increase in demand in this well-monitored market. South Africa is a known transit country for drugs destined for Europe, however. Eastern Africa has also been noted as a transit area for heroin destined for West Africa, where there are anecdotal indications of an increase in demand. West Africa is also a transit area for Europe.

It appears that the primary method of trafficking is dhows, the modern version of the traditional sailing craft. They depart from the Makran Coast, a strip of desert coastline that crosses from Pakistan to Iran along the coast of the Arabian Sea and the Gulf of Oman. Air couriers also takes place, apparently coordinated by Tanzanian traffickers, many of who have spent time in South West Asia.

Locations of large heroin seizures, 2010-2013



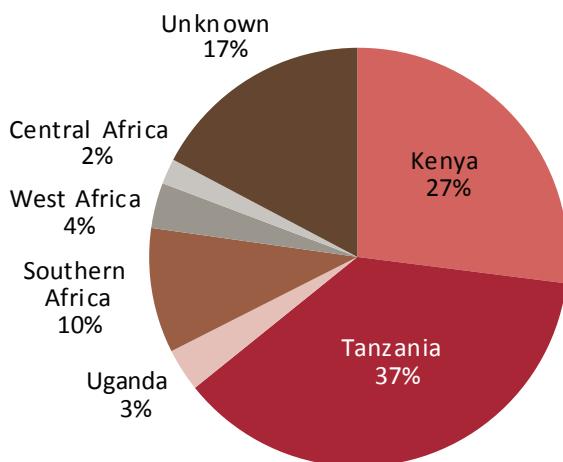
Data on the extent of heroin use in the region are scarce and contradictory, but those that do exist suggest a market for 2.5 tons of pure heroin per year, worth some US\$160 million. The volumes trafficked to the region appear to be much larger, as much as 22 tons, suggesting considerable transhipment.

Ivory

Demand for ivory in Asia has fuelled a rising rate of poaching in Eastern Africa, undermining the sustainability of the

local elephant population. In addition, most of the illicit ivory trafficked from Africa passes through the ports of Kenya and the United Republic of Tanzania. Both as source and transit areas, then, these two countries are key.

Global breakdown of ivory seized in very large seizures (>800 kg) by country or region of export, 2009-2011



Source: Elephant Trade Information System

While much of the poaching encountered in Eastern Africa in the past may have been opportunistic, it appears that a growing share is the work of dedicated poaching expeditions. Some of these expeditions cross borders and involve non-state armed groups, particularly Somali gangs. Expatriate Chinese resident in Eastern Africa comprise some of the most important middlemen. Although they have taken measures to address the illicit trade, Thailand and China remain two of the most important destinations.

Very large shipments, involving the ivory of tens or even hundreds of elephants, are regularly encountered, suggesting a well-developed and well-resourced distribution network. But small quantities are also encountered, demonstrating a parallel “ant” trade. Due to the bulk of the product, most major seizures are made from shipping containers, while individual tusks are sometimes chopped into suitcase-sized chunks and processed ivory may be carried on commercial air flights.

It is estimated that between 5,600 and 15,400 elephants are poached in Eastern Africa annually, producing between 56 and 154 metric tons of illicit ivory. Based on the known destination of ivory seized, about two-thirds of the global ivory market is located in Asia. Two-thirds of 56 tons is 37 tons. At US\$850 per kilogram at destination, this flow would be worth around US\$30 million in 2011.

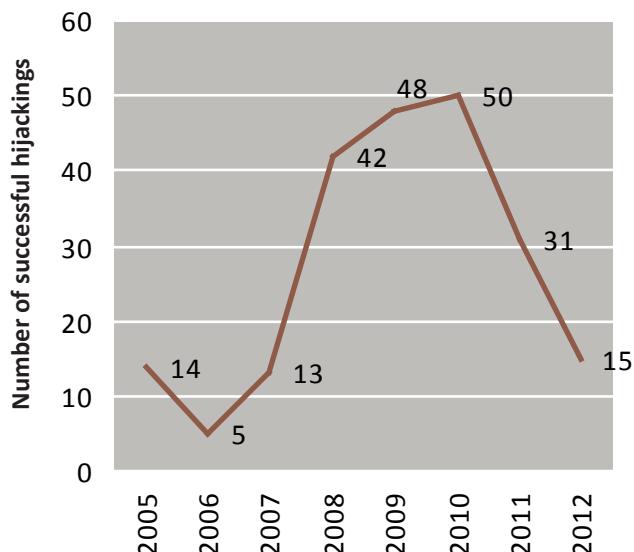
Piracy

Due to its strategic position along the Gulf of Aden (over 42,000 vessels transit the area each year), piracy has a long history in Somalia, but the current wave of successful hijackings began only in 2005. Somali pirates brought in an estimated US\$150 million in 2011, which is equivalent

to almost 15% of Somalia’s GDP. Aside from aid and remittances, piracy quickly became the largest source of foreign exchange in the country.

But international action to protect this vital maritime channel has been strong, and piracy has become more difficult, with pirates roaming hundreds of miles from the Somali shore to find their prey. In 2005, the average successful pirate attack was 109 km from the Somali coast; in 2012, it was 746 km. The increase in risk associated with these protracted expeditions and international countermeasures has contributed to a decline in the popularity of piracy. In April of 2009 alone, pirates hijacked 16 ships, but after April 2011, they averaged less than one per month. There were no successful hijackings for ransom in the Somali area of operations in the first half of 2013, although several vessels remained in pirate hands from previous attacks.

Number of successful Somali hijackings attributed to Somali pirates

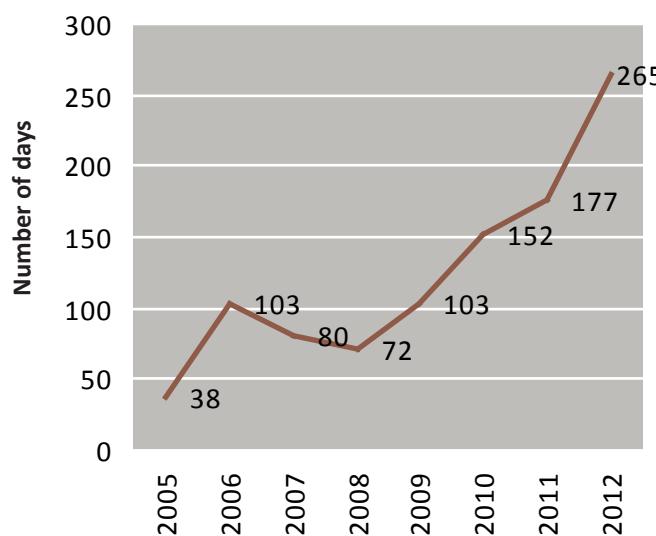


Source: UNODC-WB database

In addition, the ransom negotiation process has become increasingly protracted as pirates demanded larger and larger ransoms. By January 2011, the Somali pirates were holding some 28 vessels and nearly 600 crewmembers. This has increased costs for the pirates, who are responsible for maintaining the hostages. And in 2012, for the first time, pirates began to see a downturn in their average ransom per vessel.

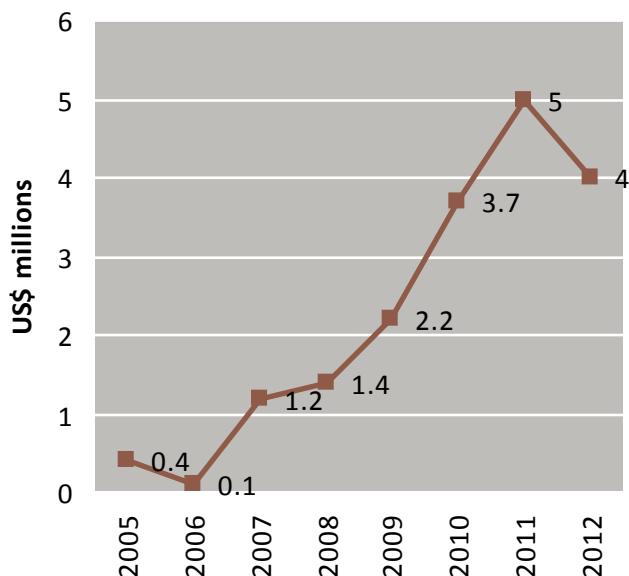
The core pirates were estimated to number between 1,500 and 3,000 at the beginning of 2012. They are usually adult men, often former fishermen or soldiers, and their operations vary greatly in sophistication. Hostages have described some pirates who board as being very familiar with the particulars of the ship, suggesting the vessel was chosen in advance. But naval observers have also described pirate vessels “fishing” for targets in the busiest shipping lanes. Pirates have even tried to attack naval patrol ships, clearly indicating a lack of advance planning.

Average number of days between successful Somali hijackings and payment of a ransom, by year of release



Source: UNODC-WB database

Annual per vessel average of ransom payments made to Somali pirates



Source: UNODC-WB database

Despite the recent reduction in activity, piracy remains one of the most profitable activities in a country where legal alternatives may be hard to find. Based purely on attacks where the ransom payment was known, pirates earned at least US\$36 million in 2012. If ransom values were inferred in cases where they were not known, the figure would be as high as US\$40 million. Preventing piracy from returning to former levels will require constant vigilance offshore and the promotion of sustainable development onshore.

Implications

Eastern Africa's transnational organized crime problems are driven by two distinct dynamics: illicit markets and weakness in the rule of law. Each of these dynamics must be addressed.

The illicit markets that affect Eastern Africa often originate or terminate on other continents. As a result, purely local interventions are inadequate to resolve the underlying problem. Optimally, these markets should be evaluated and strategically addressed at a global level, but to protect Eastern Africa, local law enforcement must also be strengthened.

For example, it appears that most of the heroin entering Eastern Africa is on its way to somewhere else. Indeed, Eastern Africa's heroin problem is likely rooted in its use as a transit area. To stop the heroin flow, the most potent interventions could be found in countries hosting the supply or in those hosting the demand. But to protect Eastern Africa, it must be made less attractive as a transit area.

To do this, the rule of law in the region must be strengthened. This is no small task, and is inextricably bound to the long-term objective of developing the region. Fortunately, it is not necessary to improve governance across the board

to have substantial impact on trafficking. Interventions in key areas, such as support to front line law enforcement, or container and border control, could greatly reduce Eastern Africa's attraction to smugglers. Anti-corruption measures are also essential to creating a genuine deterrent.



Introduction

This report focuses on transnational organized crime affecting the area covered by the UNODC Regional Office for Eastern Africa (ROEA):

- Burundi,
- the Comoros,
- Djibouti,
- Eritrea,
- Ethiopia,
- Kenya,
- Madagascar,
- Mauritius,
- Rwanda,
- the Seychelles,
- the Republic of Somalia,
- the United Republic of Tanzania, and
- Uganda.

This region contains countries of several distinct sub-regions, including the Horn of Africa (Somalia, Ethiopia, Eritrea, and Djibouti); the Great Lakes region (Rwanda, Burundi, and Uganda); the Swahili Coast (Kenya and the United Republic of Tanzania); and the Indian Ocean Islands (Madagascar, Comoros, Seychelles, and Mauritius). These sub-regions are commonly associated due to underlying historical, cultural, or geographic similarities between the countries they contain.

For example, the countries of the Horn of Africa have faced disruption due to persistent conflict and periodic drought. Most of its people speak Cushitic or Semitic languages, and cross-border ethnic groups are common. The Somali, for example, comprise the majority of the population in Djibouti and a significant minority in Ethiopia; the Afar are

found in Eritrea, Ethiopia, and Djibouti; and the Tigray in Eritrea and Ethiopia. Similar commonalities are found in the other sub-regions.

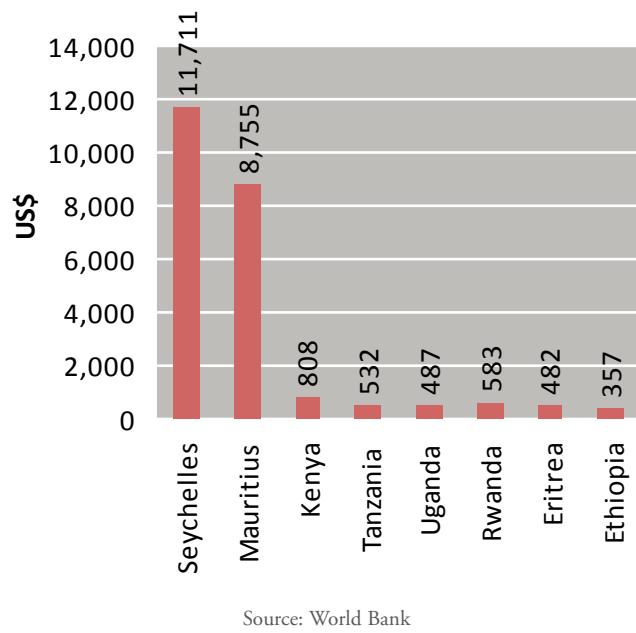
In general, the countries of the Horn of Africa are the poorest, followed by those in the Great Lakes, the Swahili Coast, and the Indian Ocean Islands (with the exception of Madagascar, which remains poor). Most countries in the region are experiencing positive economic growth, but most are growing off a very low base. Economic gains may not be distributed evenly through the population, with rural areas being particularly under-developed and vulnerable to shocks, especially those related to agricultural production or global commodities markets. In most countries, the majority of the population lives in these rural areas.

Such a large and heterogeneous area encompasses a very large number of crime problems, and so this study was necessarily selective in the issues it could highlight. It is not intended to be comprehensive, but rather to focus on some of the largest and best-documented transnational crime problems. While crimes such as cattle rustling may be most relevant to the rural people who comprise the majority of the population, this report focuses on issues that are inherently transnational in nature. Cross-border smuggling of common goods to avoid taxation (foodstuffs, tobacco, alcohol, khat, petrol, and other consumables), which appears to be widespread, is also not covered in this report.

For the purposes of brevity and clarity, flows unique to particular countries are not explored in this report. Transnational flows affecting some of these countries (Uganda, Rwanda, Burundi) were discussed in a 2011 assessment of transnational organized crime in Central Africa,¹ which

¹ UNODC, *Organized Crime and Instability in Central Africa: A Threat Assessment*, October 2011.

Figure 1: GDP per capita adjusted for purchasing power parity in 2011



focused on the Great Lakes region. This work is not repeated in the present report.

Instead, this report looks particularly at some of the illicit markets concentrated along the coasts. Most of the countries of Eastern Africa are poor and the coast, with its major container ports and numerous harbours, provides opportunities to interact with wealthier markets abroad, as a source and as a transit region. This interaction can lead to the development of domestic illicit markets.

Four of the largest markets are examined in detail, with reference made to a half-dozen more. These four markets pose different sorts of threats, but all are transnational, and sufficiently large to have a regional impact. Criminals based in Eastern Africa profit from the transnational movement of:

- migrants from Ethiopia and Somalia to Yemen and Saudi Arabia
- heroin from South-West Asia to Eastern Africa
- ivory from Eastern Africa and across the continent to Asia
- hostages and hijacked vessels from national and international waters to the coast of Somalia (maritime piracy)

These flows do not represent all the transnational organized crime problems affecting the region. Migrants are also smuggled, for example, from the region to Southern Africa. The impact of fraudulent medicines is also a serious issue and firearms trafficking occurs in the area. But these four were deemed to be the most significant flows in terms of volumes and impact on which reliable information is available. Other issues are often discussed in boxes in the main flow chapters.

All four of these markets involve maritime transport. As a result, ports, both major and minor, are key to the illicit flows, as are the owners and operators of the maritime craft

involved. Many markets operate with the collusion of corrupt officials, who ensure that the law is not enforced.

These corrupt officials are key to understanding the vulnerability of Eastern Africa to organized crime. In a world where containerized shipment has rendered the most roundabout shipping routes commercially viable, traffickers are attracted to ports where controls are weak or where officials can be bribed. For many of the world's major illicit flows, Eastern Africa is thankfully remote. But, as the 2006 seizure of close to a ton of cocaine in Kenya demonstrates, this may make little difference to traffickers attracted more by a low risk of interception than logistic efficiency.

Transnational organized crime takes place in a context of domestic organized crime and related violent crime, including offences such as murder, extortion, and robbery. These offences demand immediate response and sap the resources of national law enforcement agencies. As a result, illicit flows that mostly transit the region may be given secondary priority.

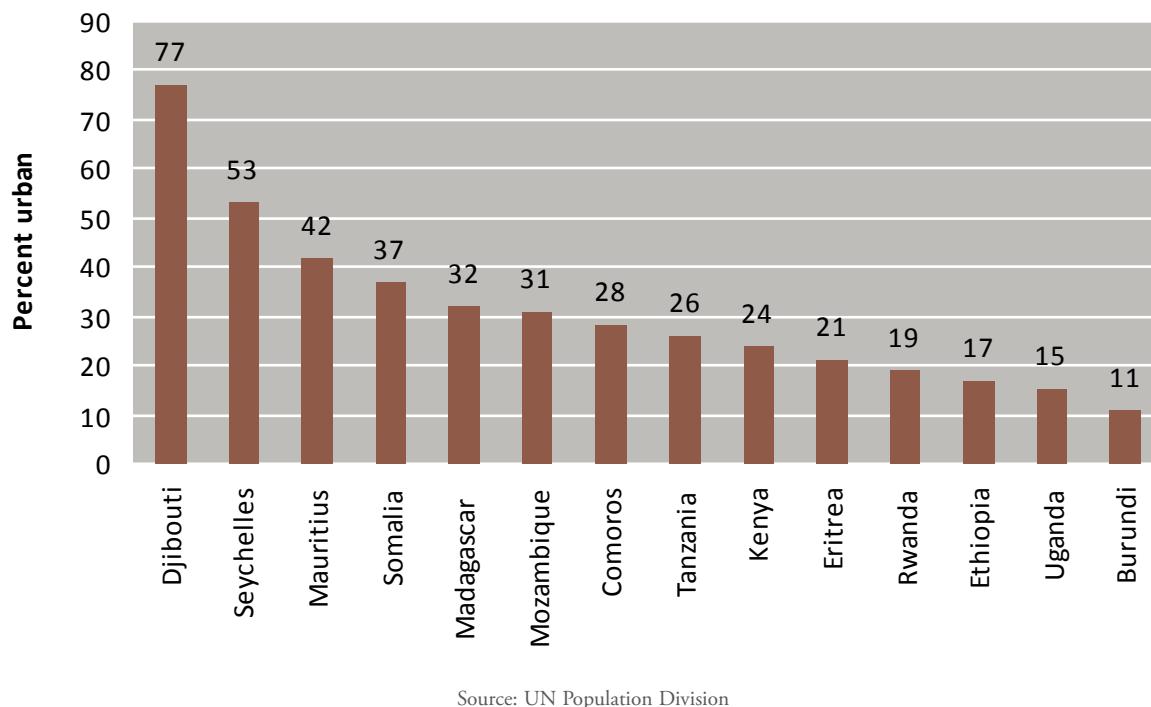
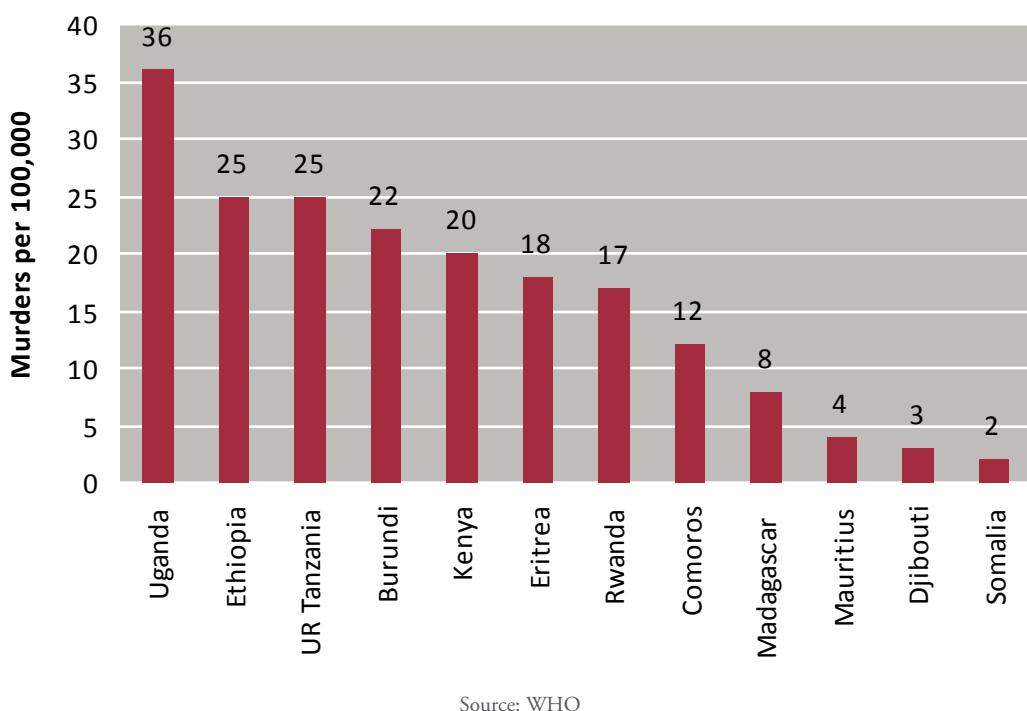
Measuring the extent of domestic organized crime is difficult. Recorded crime data tends to be unreliable, since the worst affected people are often those least likely to report their victimization to the police, and the police are least likely to collect these data where they are thinnest on the ground. Given the lack of resources in most countries in Eastern Africa, this problem is especially acute in the region. In addition, recorded crime data are only an indirect indicator of organized crime, since most trafficking is only detected when countries invest resources in detecting it.

Even murder figures, generally regarded as the most accurate due to the fact that a high share are captured in the official records, are often dubious in the region. For example, making use of the public health data, Somalia emerges as the country with the lowest murder rate in Eastern Africa. That said, these data indicate serious murder rates in several of the most populous countries in the region. If calculated on a population-weighted basis, Eastern Africa's violence levels are second only to Southern Africa's on the continent.

In Eastern Africa, as in many parts of the world, the line between criminal and political violence can be thin. Of particular concern is the involvement of non-state armed groups in local illicit markets, or even transnational trafficking. The admixture of ideological and acquisitive motivations can produce particularly intractable criminal groups, who profit (or, at least, make a living) off continued conflict. There are a number of examples in Eastern Africa.

In addition, the relative attraction of Eastern Africa as a transit area is a product of corruption. The countries of Eastern Africa are well aware of this challenge, which is both a product of and a contributor to the lack of public sector capacity, particularly law enforcement capacity.

Thus, the trafficking flows examined are symptomatic of deeper governance issues. Addressing these flows requires two distinct sets of interventions.

Figure 2: Share of the population residing in urban areas in 2010**Figure 3:** Murders per 100,000 in 2008, based on public health sources

On the one hand, international efforts are required to reduce the international illicit flows. Understanding the optimal point of insertion for these efforts requires an understanding of the entire trafficking chain. While the countries of Eastern Africa must play their role, it may be that the key intervention required to reduce trafficking of a commodity in the region lies in other parts of the world. To protect a vulnerable region, the international community should do what it can to insulate Eastern Africa from these trans-regional flows.

At the same time, governance must be strengthened within the region, reducing its vulnerability to both international and domestic organized crime. Even if the present flows were addressed through international efforts, it is likely that new ones would emerge, as they have in West Africa, until this underlying weakness is reduced.

Non-state armed groups

Many non-state armed groups are born of local rebellions, and so are intensely focused on local affairs. They raise funds by taxing all economic activity, licit and illicit, in the areas they control. These areas are effectively outside the control of the state, and so are attractive to transnational traffickers who wish to avoid contact with law enforcement authorities. But the relationship between the armed groups and the trafficking tends to be limited to taxation.

Eastern Africa contains several groups that challenge this model, however. The Lord's Resistance Army, for example, originated as a regional and ethnic uprising. It has abandoned its nation of origin (Uganda), and, in the process, seems to have abandoned the notion of territorial control altogether, spreading through vulnerable rural areas across four nations. Although it traditionally funds itself through looting, it has recently been accused of involvement in the ivory trade.² Since its *modus vivendi* is based on nomadism, its ability to maintain long-term involvement in any given illicit market is questionable.

Al Shabaab has engaged in international political violence, including the bombing of nightclubs in Uganda in 2010, and affiliated itself to Al Qaeda in 2012. After seizing control of the southern port town of Kismaayo, the group began to tax the charcoal trade to the Arabian peninsula, until it lost control of the city due to Kenyan military action in October 2012. Members of Al Shabaab have been linked to ivory poaching in Kenya,³ and to a Tanzanian Islamist group reportedly linked to heroin trafficking.⁴ They have also allegedly taxed pirates working from the ports they control, which is worrisome given the group's recent movement into Puntland.⁵

The Mungiki cult is a different type of group altogether. Banned as an organized crime group in 2010, Mungiki was framed as a Kikuyu self-defense and cultural movement, but it became involved as a political tool in the violence surrounding the 2007 Kenyan national elections.⁶ There is little evidence of its involvement in transnational activities, but it acted like a street gang in the areas it controlled, demanding protection money from local businesses and transportation services.

2 S/PRST/2012/28, Statement by the President of the Security Council.

3 http://www.councilofnations.org/index.php?option=com_content&view=article&id=221%3Akenyan-poaching-crisis&catid=45%3A2012&Itemid=140

4 S/2012/544, 2012 Report on Somalia of the Somalia and Eritrea Monitoring Group, para. 36, 37.

5 S/2012/544, 2012 Report on Somalia of the Somalia and Eritrea Monitoring Group, para. 30.

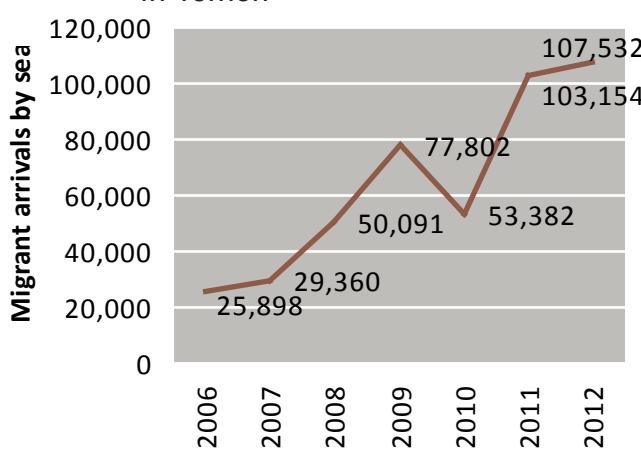
6 See, for example, the authorization to investigate issued by the International Criminal Court (ICC-01/09-19): <http://www.icc-cpi.int/iccdocs/doc/doc854287.pdf>



Smuggling of Migrants from Ethiopia and Somalia to Yemen and Saudi Arabia

Yemen is one of the poorest countries in the world, and has recently experienced serious unrest. It may seem an unlikely destination for migrants seeking a better life. But it is located a few day's journey from Somalia, where the security situation is even worse. It also provides a pathway for emigrants from Ethiopia, an even poorer country, to the wealthier Arab nations to the north. The relative attractions of Yemen, either as a place of refuge or as a pathway to the affluent Arab states, has apparently increased in recent years: the number of migrants arriving on its shores quadrupled between 2006 and 2012.

Figure 4: Number of migrant arrivals by sea in Yemen



Source: Regional Mixed Migration Secretariat⁷

⁷ Where not otherwise referenced, much of the detail in this chapter, especially on the situation in Yemen, is drawn from the work of the Regional Mixed Migration Secretariat (RMMS). The RMMS is a small group located in Nairobi with the aim of assisting with the “overall regional migration and asylum challenges identified by the Inter Agency Standing Committee’s Mixed Migration Task Force. Its Steering Committee and founding agencies are UNHCR, IOM, DRC, Intersos and the Yemen Mixed Migration Task Force. See: <http://www.regionalmms.org/index.php?id=52>

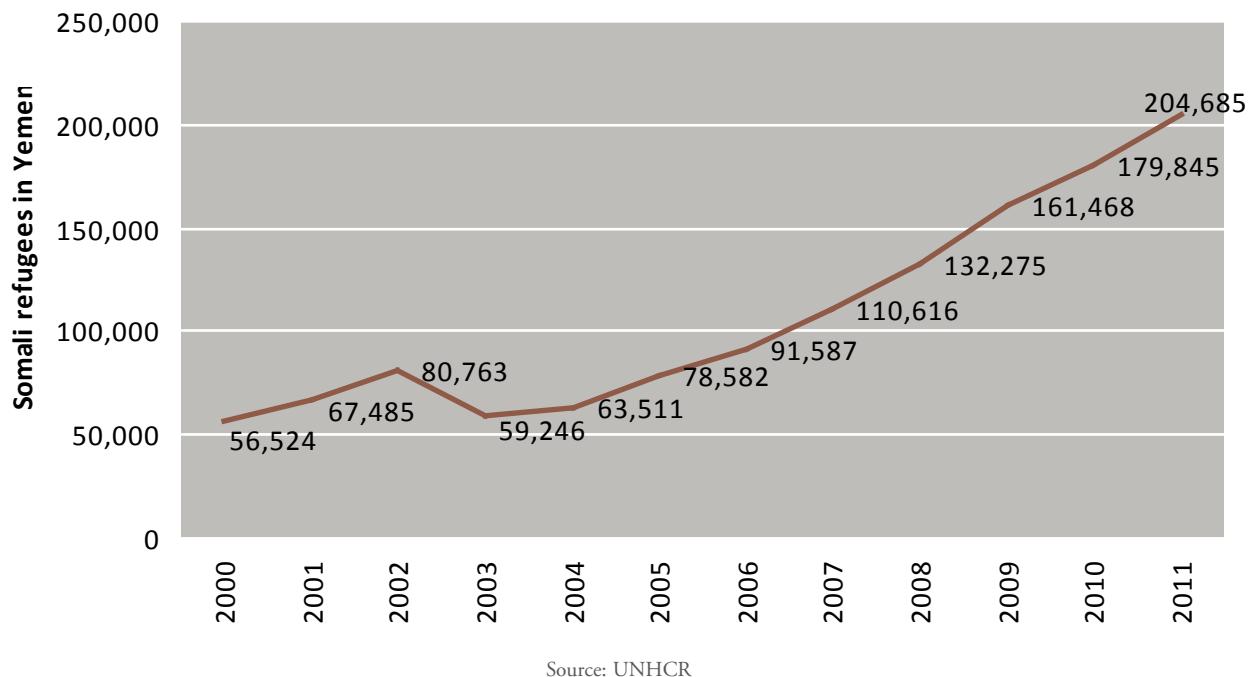
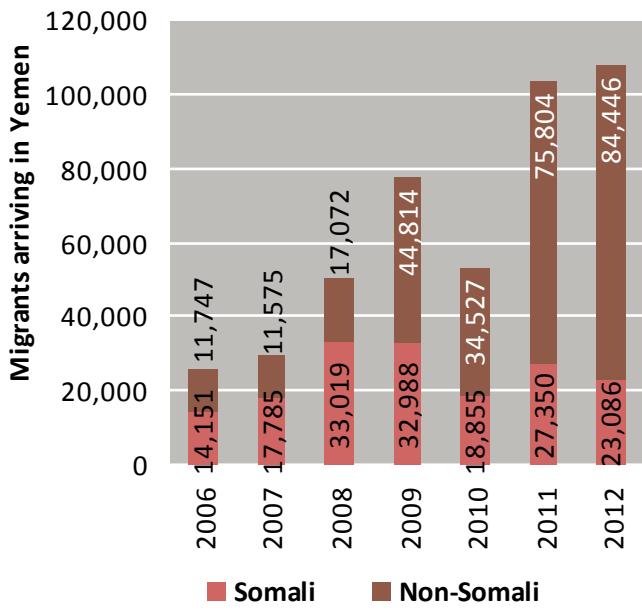
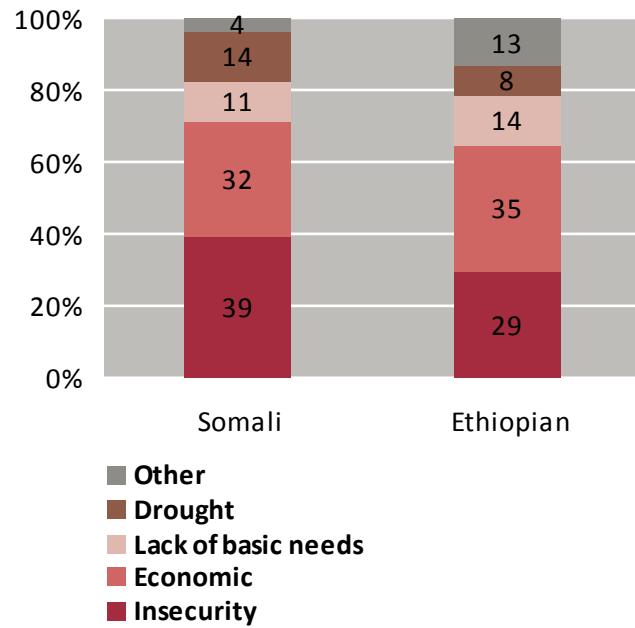
This flow of migrants is actually two national flows – from Somalia and from Ethiopia – with different motivations for migrating. Due to the long-standing conflict in Somalia, the government of Yemen recognizes Somalis as *prima facie* refugees, and facilities have been established for their care. Most Somalis, and even ethnic Somali Ethiopians who can pass themselves off as Somalis, are destined for these refugee camps, and Yemen is currently hosting over 200,000 of them.⁸ Some also proceed to other destinations where international protection can be claimed.

Local conflicts in Ethiopia may also produce refugees, but most are economic migrants, headed for Saudi Arabia or other affluent states to the north. Severe drought has destroyed many livelihoods in Ethiopia. As in many developing countries, parts of Ethiopia have become dependent on remittances from workers abroad. Remittances to the country increased eightfold between 2003 and 2008. But whatever the cause, in contrast to the Somalis, there has been a recent large increase in the number of Ethiopian migrants. Between 2008 and 2012, the number of Ethiopians arriving on Yemen's shores has increased eightfold, and 80% of the migrants detected in 2012 were Ethiopian.

Nearly all of these migrants are smuggled. Migrants from the Horn of Africa destined for the Middle East may make portions of their journey unassisted, but there is one clandestine border crossing that almost always requires smugglers: the crossing of the Gulf of Aden or the Red Sea.

These maritime smugglers, many of who may dabble in other forms of smuggling or maritime piracy, are notorious for their abuses. By local standards, their rates are exorbitant, the price of the passage inflated by its illegality. To

⁸ UNHCR, 2013 UNHCR country operations profile- Yemen. Available at: <http://www.unhcr.org/pages/49e486ba6.html>

Figure 5: Number of Somali refugees in Yemen**Figure 6:** Number of migrants arriving in Yemen by nationality**Figure 7:** Motivations for migrating in 2011

avoid detection, they may force migrants overboard, many of who are people from arid areas that never learned to swim, before reaching the shoreline. They may extort additional fees while underway, or hold select migrants for ransom. Women may be sexually abused.⁹

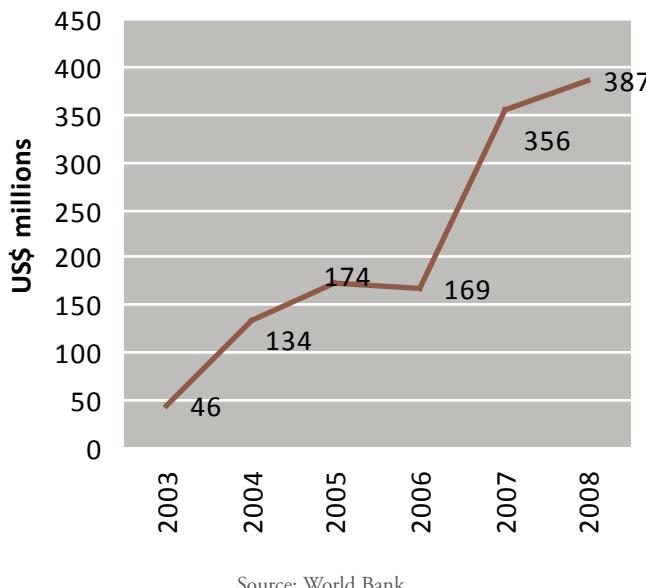
And once the migrants reach Yemeni shores, the situation actually becomes worse, especially for Ethiopians destined for Saudi Arabia. Smugglers work with some of the boatmen, and are waiting to “assist” the migrants when they arrive, whether they want help or not. Smugglers in Yemen

may even buy migrant groups for the purpose of extorting money from them, beating and raping the migrants until ransoms are paid. Some of the migrants may be trafficked: sold as domestic workers or exploited sexually.¹⁰ After the victimization is complete, they may be abandoned or turned over to the authorities.¹¹

¹⁰ Roberts, R, *Desperate choices: Conditions, risks, and protection failures affecting Ethiopian migrants in Yemen* (Nairobi, Danish Refugee Council and the Regional Mixed Migration Secretariat, 2012). The RMMS reports that these women may be “sold to Saudi Arabia families as virtual ‘slave’ domestic workers while others are used in clandestine sexual exploitation networks,” (p. 39).

¹¹ Ibid, pp. 39 and 44.

⁹ See the reports of the Regional Mixed Migration Secretariat, cited below.

Figure 8: Workers remittances to Ethiopia

Source: World Bank

This chapter focuses on the Ethiopians in Yemen, but they are not the only migrants from the region to be kidnapped and extorted. Eritrean migrants crossing the Sudan and Egypt are also commonly waylaid, either by the smugglers they paid to transport them or by nomadic groups. As in Yemen, the victims are forced to call relatives and are abused until ransoms are received (see Box opposite).

How is the smuggling conducted?

While the migrants are classed by nationality, they actually represent distinct sub-populations of their respective countries. Some parts of Somalia, including Puntland and Somaliland, are a source for very few migrants. The same is true of much of Ethiopia. Most of the migrants come from one of just four areas:

- South-Central Somalia, including Mogadishu;
- the Oromia area of south and southwest Ethiopia;
- the Tigray area of northern Ethiopia (bordering Eritrea);
- the Somali National Regional State of eastern Ethiopia (bordering Somalia).¹²

There are 85 enumerated ethnic groups in Ethiopia, of which 10 had populations of more than one million at the time of the 2007 Census. Of these, just four comprised three-quarters of the population and contributed 97% of the migrants in 2012. Ethiopia is a federation of distinct regions – most of the regions are named for the ethnic group that comprises more than 90% of the population. As a result, the region of origin of Ethiopian migrants is a good proxy for their ethnicity.

12 Although migrants from the Somali region of Ethiopia comprised just 6% of the migrants detected in 2011, exactly proportionate to their share of the Ethiopian population, it is highly likely that some passed themselves off as nationals of Somalia in order to claim refugee status.

Kidnapping of Eritrean migrants in Sudan and the Sinai

While Ethiopian migrants typically seek to travel to the Arabian Peninsula, Eritreans are more likely to head north into the Sudan, Egypt, and Israel. Their numbers have greatly increased since 2007, and UNHCR estimates that some 500 Eritreans cross the border into Sudan each month. Many use the services of smugglers, but, like their unaccompanied counterparts, they are also subject to kidnapping and extortion.

In 2011, the UN Monitoring Group on Somalia and Eritrea reported repeated incidents of abuse, rape and even murder of Eritrean migrants in Sudan or the Sinai.¹³ Based on reports from local and international non-governmental organizations,¹⁴ the main perpetrators are men from local tribes in Eastern Sudan and Eritrea (such as the Rashaida tribe) and in the Sinai (some Bedouin groups).¹⁵ The UN Monitoring Group on Somalia and Eritrea has also reported the involvement of some members of the Eritrean security services in this trafficking.

According to the testimony of over 1300 African asylum seekers, half of whom were Eritrean, waylaid migrants are imprisoned for periods of 10 to 200 days while their captors attempt to extort ransoms from relatives based overseas. Both male and female migrants report being repeatedly beaten, raped, and deprived of food and water.¹⁶ Abuse is severe and includes the use of molten plastic and electrical shocks, inflicted with increased intensity when the victims are in phone contact with relatives.¹⁷

Each of these source areas has its own routes to the two principal embarkation points on the coast:

- Boosaaso, in Puntland (Somalia), on the coast of the Gulf of Aden
- Obock, in Djibouti, south of the Bab al Mandab.

The trip from Boosaaso is the longer, covering around 200

13 UN Security Council, *Report of the Monitoring Group on Somalia and Eritrea pursuant to Security Council resolution 2002*, 13 July 2012, S2012/545.

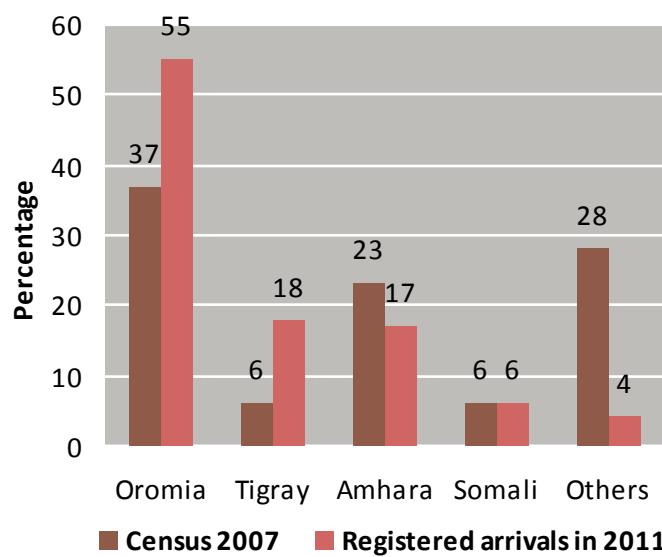
14 Such as Hotline for Migrant Workers (*The Dead of the Wilderness. Testimonies from Sinai Desert, Hotline for Migrant Workers*, February 2011) and Physicians for Human Rights ("Hostages, Torture, and Rape in the Desert: Findings from 284 Asylum Seekers about Atrocities in the Sinai", February 2011, available at: http://www.phr.org.il/uploaded/Feb_23_2011_Sinai_Report_English-PHR-Israel.pdf)

15 Van Reisen M., Estefanos M., Rijken C., *Human Trafficking in the Sinai: Refugees between Life and Death*, Tilburg University/Europe External Policy Advisors, 2012.

16 Physicians for Human Rights, "Hostages, Torture, and Rape in the Desert: Findings from 284 Asylum Seekers about Atrocities in the Sinai", February 2011.

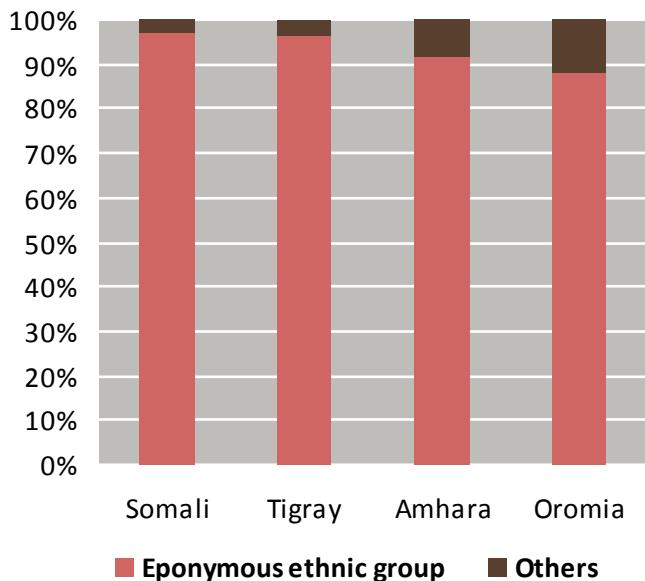
17 Tilburg University/EEPA, 2012, op cit.

Figure 9: Province of origin of registered Ethiopian migrants arriving in Yemen in 2011 and share of population of Ethiopian provinces in 2007



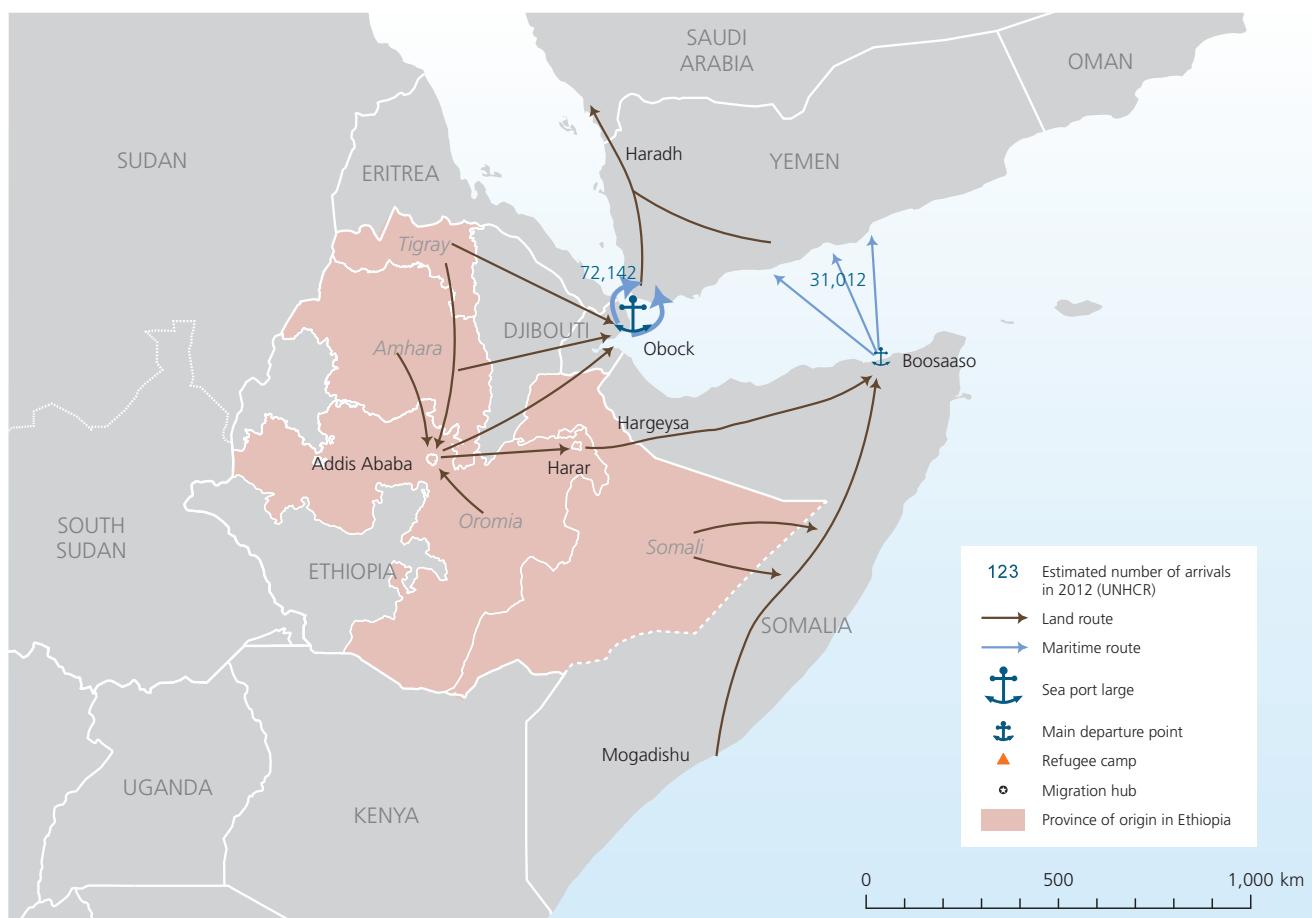
Source: Ethiopian Census 2007 and RMMS

Figure 10: Ethnicity of select Ethiopian provinces in 2007



Source: Ethiopian Census 2007

Map 1: Main migrant smuggling routes from Ethiopia and Somalia in 2012



Source: Based on information from the Regional Mixed Migration Secretariat

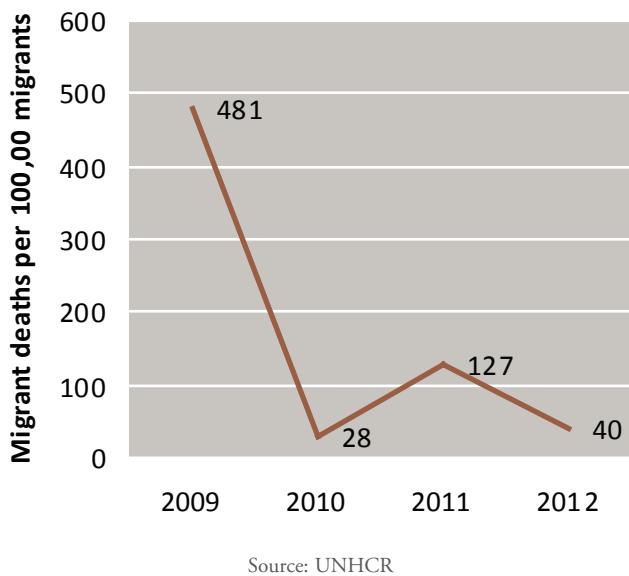
nautical miles including open sea, and may take one to three days. In contrast, the Obock route is only about 100 nautical miles in more sheltered water, and may be completed in just seven or eight hours. While Boosaaso was the

dominant route in the past, Obock was the point of departure for around 70% of the migrants in 2011. Aside from the shorter time at sea, there are several reasons for this shift:

- Obock is a more convenient port of departure for many of the Ethiopians who now make up much of the migration flow.
- During the monsoon season (around July), departures from Boosaaso across the Gulf of Aden become more dangerous.
- Abuses of migrants passing through Somalia and while crossing the Red Sea may have deterred many non-Somali migrants from using this route.
- The smugglers of Obock have a reputation for better quality boats and for treating the migrants better, although reports of rape on this route have been increasing.

The shift to Obock as a departure point may be partly responsible for the declining number of migrant deaths, many of which were drownings related to Somali smugglers expelling the migrants from their craft before they reach the shore.

Figure 11: Known migrant deaths or disappearances per 100,000 detected migrants along the maritime routes to Yemen



Departing from Boosaaso, Somalia

Boosaaso is the biggest city in northern Puntland and its largest port. The journey across the Gulf of Aden is much longer than the trip from Djibouti, but Boosaaso continues to draw migrants from across Ethiopia, as well as being the principal point of embarkation for Somali migrants. Its relative popularity has declined as the share of Somali migrants has declined.

To get to the points of embarkation, Ethiopian migrants must cross the relatively well-governed area of Somaliland, while many Somali migrants must hazard dangerous stretches of South-Central Somalia. Migrants may travel with or without the assistance of smugglers. They typically congregate at several well-known hubs, where onward facilitators can assist, especially at border crossings. The ease of the journey depends on the level of resources available to

the migrant. Those who attempt the journey on their own may encounter considerable resistance. There are many official and unofficial checkpoints where bribes can be extorted, and migrants are subject to many abuses, including robbery and rape.¹⁸ When they can afford it, migrants may fly from Mogadishu to the northern coast.¹⁹

Migrants from northern Ethiopia (Tigray and Amhara) destined for Boosaaso generally proceed on their own accord until they reach the hub of Harar in the region of Oromia. Here smugglers organize the crossing into Somalia. For migrants who must gather resources as they go, the trip to the coast can take some time. Once in Boosaaso, migrants are directed to one of several teashops, depending on their ethnicity. The proprietors of these teashops act as intermediaries, connecting migrants with the smugglers who will carry them to Yemen.²⁰

The situation is different for ethnic Somalis. Migrants from the Somali region of Ethiopia or from South Central Somalia have their own routes, and, if they stick to areas where they have clan ties, may make the journey without recourse to smugglers. Up to 300 checkpoints have been noted in South Central Somalia, though, and a growing number opt to fly from Mogadishu to Berbera and Hargeysa. On arrival in Boosaaso, they may stay in the camps for internally displaced persons (IDPs) or with relatives.

The departure of migrants from the Boosaaso area is strictly controlled by the smugglers. Once the boats are ready to depart, smugglers drive the migrants to the beaches. Migrants are not allowed to bring food or water aboard the boats, as there are no toilet facilities. There is a particular restaurant in Marrero that is known to be a place where migrants often eat before the crossing.²¹ The migrants are under the watch of armed gunmen when boarding, wading out in shallow water to reach the awaiting boats.

The number of boats working this route is not large – a dozen or two – but they may carry as many as 150 migrants in craft suited for perhaps 75.²² Migrants may be crowded into every available space, including the engine room and cargo holds, where suffocation is a risk. Because of the overcrowding, there is a risk of capsizing, and to attempt to control the migrants, the smugglers intimidate and abuse them, often beating them liberally with sticks and rubber whips. Migrants who resist may be bound or simply thrown overboard. Rape occurs, but is limited by the overcrowded conditions. Sexual harassment, however, is routine, and targeted women may be held on board after the other passengers leave.²³ To avoid detection by authorities, smugglers

18 Mixed Migration Task Force Somalia, *Mixed Migration through Somalia and across the Gulf of Aden*, April 2008.

19 Briefing from a mixed migration expert, Nairobi, April 2012.

20 Mixed Migration Task Force Somalia, *Mixed Migration through Somalia and across the Gulf of Aden*, April 2008.

21 Mixed Migration Task Force Somalia, *Mixed Migration through Somalia and across the Gulf of Aden*, April 2008.

22 Human Rights Watch, *Hostile Shores: Abuse and Refoulement of Asylum Seekers and Refugees in Yemen*, December 2009.

23 Human Rights Watch, *Hostile Shores: Abuse and Refoulement of Asylum Seekers and Refugees in Yemen*, December 2009 p20/21.

may force the migrants overboard several hundred meters from the Yemeni shore. Those unable to swim may drown.

Departing from Obock, Djibouti

The rise of Obock as the preferred departure point may partly be a result of the risks and abuses experienced on the journey to Boosaaso. In particular, in 2008, there were a series of bomb attacks in areas where Ethiopian migrants congregate in Boosaaso. The road from north and central Ethiopia to Djibouti is fairly direct, while migrants traveling from Somaliland can reach the country by road or by sea (from the port of Berbera).

Migrants travelling from South-Central Somalia are most likely to employ smugglers, due to the number of road-blocks. But those travelling from Ethiopia can purchase packages that include the land journey as well as the maritime transport. While the risks are less than when travelling in Somalia, there have been reports of migrants victimized in Djibouti, by smugglers or by others taking advantage of their vulnerable position.²⁴

Arrival in Yemen

In the past, most of the migrants landed in Shabwa province of Yemen, opposite Puntland, but now the landing areas are more diverse. Law enforcement presence in Shabwa is strong. Most Somalis seek out officials and are moved to refugee camps, while non-Somalis attempt to move on quickly upon landing. Those who cannot afford vehicular transport may be compelled to flee inland on foot. They may receive *ad hoc* assistance from locals for a fee. But many of the non-Somalis purchase packages from smugglers that ensure that they will be met on shore and quickly moved towards Saudi Arabia. Those who haven't made arrangements face strong pressure to buy a package, and may even be kidnapped or purchased from ship captains so that fees may be extorted later.

While smugglers treat the migrants badly at sea, the abuses on land are even worse. Recent research by the Danish Refugee Council and the Regional Mixed Migration Secretariat has documented widespread and systematic extortion by groups comprised of both Ethiopian and Yemeni smugglers. The majority of the migrants interviewed were taken hostage at some point in their journeys. Migrants are isolated, beaten, raped, and severely abused until they place cell phone calls to relatives begging for ransoms. Women in particular may be trafficked for sexual or domestic labour. The research indicates that the smugglers are well-organized and have been extorting money from migrants since at least 2006, but the scale of the abuses has increased as the number of Ethiopian migrants increased.²⁵

Who are the smugglers?

The smuggling system involves two main types of players: brokers and smugglers. There are brokers working at all points along the smuggling chain, from recruiters in the origin areas, to touts and referral agents at all major hubs, to facilitators in the destination sites. Between some hubs, smugglers provide transportation. In some areas, including much of Somalia, these facilitators are needed even when not crossing borders to protect the migrants from predators, including government officials. In effect, migrants pay smugglers a single fee to avoid the uncertainty of multiple demands for bribes.

As is the case in many parts of the world, brokers resident in the migrants' home areas are often the first link in the process. Usually successful migrants themselves, these brokers sell the services of a network of smugglers along the route to be travelled. For urban dwellers, the system may be more formalized: for example, "travel agents" in Mogadishu facilitate travel of Somalis to Boosaaso. Some smugglers have established "private employment agencies," but crackdowns on these agencies have driven many underground. Migrants can often buy a complete package of smuggling from their home location to their destination, including links to employment on arrival. Many migrants from the Horn of Africa lack the resources to buy such a package, however, and rely on a combination of self-reliance and *ad hoc* services bought *en route*.

There are legal channels for migrants to seek employment in the Arabian Peninsula, but smuggling groups spread disinformation about the risks and rewards of migrating illegally. An official scheme to provide thousands of domestic workers from Ethiopia to Saudi Arabia was recently instated between the authorized employment agency associations of the two countries. The Saudi scheme is limited to women over the age of 40, however, so some migrants in other classes may feel compelled to migrate illegally.

In fact, the growing number of Ethiopian domestic workers may be acting as a pull factor for irregular migration, as word spreads of the money to be made in Saudi Arabia and domestic workers seek to bring in their male relatives. Successful migrants resident in Saudi Arabia themselves comprise a class of brokers, selling their services in facilitating irregular migration and job placement even to their own relatives. This may be one factor in the sudden escalation in the number of Ethiopian migrants.

Brokers at hubs, such as the teashop owners of Boosaaso, are often of the same ethnic group as the migrants. One study in 2008 suggested that 34 such brokers are resident in Boosaaso, of whom about one-third are Ethiopian.²⁶ Somalis may be assisted by members of their own or related clans.

The transportation agents are more mono-ethnic. Somali smugglers are the only ones who can assure safe passage through Somalia to Boosaaso. Some Somalis, such as those

²⁴ Regional Mixed Migration Secretariat, "Key Migration Characteristics". Available at: <http://www.regionalmms.org/index.php?id=13>

²⁵ Roberts, R, *Desperate choices: Conditions, risks, and protection failures affecting Ethiopian migrants in Yemen* (Nairobi, Danish Refugee Council and the Regional Mixed Migration Secretariat, 2012).

²⁶ Mixed Migration Task Force Somalia, *Mixed Migration through Somalia and across the Gulf of Aden*, April 2008.

of the large Ogaden clan, can manage the trip on their own by sticking to their clan areas,²⁷ but others must pay or face constant harassment. At Boosaaso, most of the boatmen are Somali, as would be expected. At Obock, many of the boatmen are of the Afar ethnic group, which straddles the border between Ethiopia and Djibouti – some 35% of the Djibouti population is Afar.

The Somali and Afar boatmen have connections to the Yemeni smugglers who operate along the coasts. There have been reports that Afar boatmen, who charge US\$150 for passage, hand their migrants over to Yemeni smugglers on land, who charge an additional US\$100 for the crossing, in addition to onward smuggling fees. Migrants who refuse to pay are beaten and forced to call relatives for assistance.²⁸ Ethiopians may also be involved in these extortion schemes in Yemen, at least as translators. There have been reports of Yemeni boats being used to move migrants, but this appears to be exceptional.

The organized crime groups seeking to deceive and exploit migrants after their arrival in Yemen operate under the generic name of 'Abd al-Qawi'. This is allegedly the name of a former gang leader who may also have been a senior army officer.²⁹ As one recent report argued, however, "The number of references to Abd al-Qawi by different respondents who landed in different places on the Yemeni coast make it unlikely that Abd al-Qawi is one man, so it is either a term used for all hostage takers or is the name of a large hostage taking network."³⁰

How big is the flow?

According to the latest estimates from UNHCR, over 100,000 irregular migrants from Ethiopia and Somalia arrived in Yemen in 2012.³¹ Nearly all of them paid for the clandestine boat crossing from either Obock or Boosaaso, and the most frequently cited price for this passage is US\$150. For this leg of the journey alone, then, smugglers grossed US\$15,000,000.

This may not sound like a lot, but there are a limited number of boatmen providing this service. According to 2011 estimates, over 100,000 migrants were moved in just over 1,300 vessel crossings: 25 crossings per week, with each vessel carrying an average of 78 migrants.³² Thus, on average, each crossing would be worth around US\$12,000. In practice, though, it appears that the boats out of Boosaaso are larger (around 100 migrants) and those from Obock are smaller (around 40 migrants).

27 Mixed Migration Task Force Somalia, *Mixed Migration through Somalia and across the Gulf of Aden*, April 2008.

28 Yemen MMTF monthly update, April 2012.

29 *Desperate Choices*, p40.

30 *Desperate Choices*, p.40.

31 "A record 107,500 people reach Yemen in 2012 after risky sea crossing", UNHCR News Story, 15 January 2013, available at: <http://www.unhcr.org/50f5377e11.html>

32 Regional Mixed Migration Secretariat, "Regional Mixed Migration Trends Analysis 2011", 1 January 2012. Available at: http://www.regionalmms.org/index.php?id=50&tx_ttnews%5Btt_news%5D=6&cHash=998d792c334b00fb5d34f513dc8a554b

Eastern African migrant domestic workers in Arab states

Approximately 60,000 domestic workers depart for the Gulf countries each year, drawn by the promise of making up to US\$150 per month, ten times what they could earn at home.³³ While many of these migrants register with the Ethiopian Ministry of Labour and Social Affairs and use licensed employment agencies, many use illegal brokers. Some of these women wind up in exploitative situations, and could be deemed victims of trafficking.

Domestic workers generally require a local sponsor or employer, to whom their work visa is tied. These persons may pay fees to import the worker and may wield the right to deny the worker the right to leave the country. In the more conservative countries, the right to move freely is restricted for women. Many workers are confined to the residence of their employer and some suffer from a range of abuses, including sexual abuse.³⁴ They may be subject to debt bondage related to the fees required to secure employment in the first place.

Ethiopians were banned from travelling to the United Arab Emirates (UAE) in search of work in 2011, following numerous cases of human rights violations. In early 2013, Ethiopia began talks with the government of the UAE to lift this ban, as many – up to 100 a day – continued to use various illegal channels to reach the country.³⁵ In an effort to protect the rights of migrant workers, the Ethiopian authorities concluded bilateral labour agreements with agencies in Kuwait (2009) and Saudi Arabia (2011/2012), and an agreement with Yemen is being discussed.³⁶

It is not only Ethiopian domestic workers that are exploited in the Gulf. In June 2012, Kenya imposed restrictions on its citizens seeking domestic work in the Middle East, and more specifically in Saudi Arabia, based on the reports of violence and abuse. Some Asian states have banned their citizens from becoming domestic workers in the Gulf.³⁷

33 Fernandez, B. 'Cheap and disposable? The impact of the global economic crisis on the migration of Ethiopian women domestic workers to the Gulf.' *Gender & Development*. Vol 18, No 2, pp. 249 — 262, 2010.

34 Report of the Special Rapporteur on violence against women, its causes and consequences, Yakin Ertürk: Mission to Saudi Arabia. A/HRC/11/6/Add.3, 2009, pp. 16-18.

35 Kifle, Eskedar, "Ethiopia to lift ban on domestic workers traveling to UAE," 8 January 2013, available at: http://www.capitalethiopia.com/index.php?option=com_content&view=article&id=2260:ethiopia-to-lift-ban-on-domestic-workers-traveling-to-uae

36 International Labour Organization, *Trafficking in persons overseas for labour purposes: the case of Ethiopian domestic workers*, 2011. Available at: <http://www.ilo.org/public/english/region/afpro/addisababa/sro/pdf/ilotipethiopia.pdf>

37 Rehal, Satwinder S., "Kenya's Domestic Workers Bill: Implications," *The African Executive*, 10-17 October 2012. Available at: <http://www.africanexecutive.com/modules/magazine/articles.php?article=6869>

A relatively small number of boatmen could profitably accommodate this flow. Past estimates suggest between 10 and 30 boats operating in Boosaaso, but there is no information on how often each makes a crossing. In Obock, recent media coverage³⁸ suggests five to six boats travelling daily with about 40 passengers apiece, which is more than enough to move the migrants detected along this flow.

Estimates from the first quarter of 2012 suggest that the number of crossings per week more than doubled from the first quarter of 2011 (from 25 to 53), but that the capacity of each crossing was less (an average of 65 migrants),³⁹ which would mean netting less than US\$10,000 per crossing. If this quarterly trend is an accurate depiction of a real change in methods, and not just a seasonal variation, then the number of boatmen is likely increasing.

Of course, the maritime route comprises just one small portion of the smuggling chain. Much less information is available about fees and volumes along other portions of the journey. It is unclear how many migrants become stranded or waylaid before they ever cross the water, or how much money is extorted out of migrants in Yemen. But it can be safely said that at least US\$15 million was paid to boatmen in 2012, in return for smuggling more than 100,000 migrants.

³⁸ Johnson, Glen, "Sailing to Yemen with human traffickers", Aljazeera, 18 July 2011. Available at: <http://www.aljazeera.com/indepth/features/2011/07/2011715102915967252.html#cb=f32ca13>

³⁹ Regional Mixed Migration Secretariat, "Regional Mixed Migration Trends Analysis 1st Quarter 2012". Available at: http://www.regionalmms.org/index.php?id=50&tx_ttnews%5D=115&cHash=6a3a5fb7e5eda332c86ec2666768b598



Heroin trafficking from South-West Asia to Eastern Africa

The flow of cocaine passing through West Africa to Europe has attracted considerable international attention. A less recognized drug flow affects Eastern Africa: heroin, produced from Afghan opium, and trafficked through Pakistan and Iran. This heroin has not threatened stability in the same way that cocaine has in West Africa, but, as a larger share appears to be consumed on the continent, it may pose a greater threat to public health in Africa.

This flow is not new. In the 1990s, commercial air couriers frequently used Eastern African airlines to carry drugs to Europe, passing through hubs in the region. Flight crews were implicated in some instances.⁴⁰ Air courting continues, although the volumes detected are relatively minor. More disturbing is the recent detection of sizable maritime heroin cargos destined for Eastern Africa.

Europe has long represented the highest-value market for heroin, and most of its supply proceeds on land, transiting Pakistan and Iran. From Iran, most of this has traditionally continued on land along the so-called “Balkan Route”, proceeding through Turkey and Southeast Europe. This well-established path continues to be the most direct way of moving the product to market.

But Pakistan and Iran also have historic maritime trade ties with Eastern Africa. Dhows have been transporting a wide range of merchandise up and down the coast for centuries. In the 1980s, when tourists to Eastern Africa brought demand for heroin⁴¹ the means for supplying this demand were obvious: dhows were rarely inspected as they moved

southward, often docking away from the main ports, and could easily be used to move this high-value cargo alongside the sundry loads they were routinely transporting.

This vector took on renewed importance in 1994, when apartheid ended in South Africa. Previously insulated from transnational heroin flows, South Africa's relative affluence drew immigrants from other parts of the continent, including Eastern Africa. Heroin use in South Africa began to rise, and, with their easy access to the drug, Eastern African dealers quickly took control of the retail trade in Cape Town and Pretoria.⁴²

The most recent development affecting the use of Eastern Africa as a heroin transit region began around 2005, when West Africa became more heavily involved in the international cocaine trade. Demand for all drugs in West Africa appears to have increased during this period, some for movement to other destinations, and some for local consumption. In Nigeria in particular, there are indications that heroin use has increased, and some of the supply for this market flows via Eastern Africa.

All these transit flows have created a serious local usage problem in parts of Eastern Africa, especially along the coast in Mombasa, Dar es Salaam, and Zanzibar, and also in Nairobi. Surveys are few and far between, but those that have been done have indicated a severe problem in some areas. Injecting drug use is of particular concern, given the prevalence of blood-borne disease in the region.

40 U.S. Department of State, Bureau for International Narcotics and Law Enforcement Affairs, *International Narcotics Control Strategy Report 1996*, March 1997.

41 Beckerleg S., Telfer M., Hundt G., ‘The rise of injecting drug use in Eastern Africa: a case study from Kenya’. *Harm Reduction Journal*, Vol 2, No 12, 2005. These allegedly included tourists with links to the Italian mafia.

42 Nigerian traffickers, who dominated the cocaine trade at this time, were also involved in heroin trafficking, but to a lesser extent. See Leggett, T. *Rainbow Vice: The drugs and sex industries in the new South Africa*. London: Zed Books, 2000.

Cocaine and methamphetamine

Heroin is clearly the most problematic illicit drug for Eastern Africa, but other drugs have been detected, including cocaine. Eastern Africa is not on an obvious route from South America to any major cocaine destination. But this is not necessarily a major issue if shipping containers are utilized, as it is no longer uncommon for cargos to pass through unusual transit areas on their way to their final markets. More significant to traffickers is the low likelihood of detection, either due to weak law enforcement capacity or corruption.

The single most prominent incident involved the seizure, in 2004, of almost a ton of cocaine in Kenya. Based on Belgian intelligence, 701 kg of cocaine were seized on an outbound cargo vessel off the coast of Malindi, concealed in two shipping containers with a cargo of bananas. In a related seizure in Nairobi, 253 kg of cocaine were seized from a refrigerated container in a warehouse. The cocaine appears to have originated in Colombia and to have been destined for Europe, having possibly transited Nigeria on its way to Kenya. The seizures resulted in only one successful prosecution, and it is generally agreed that the main perpetrators were never detected.

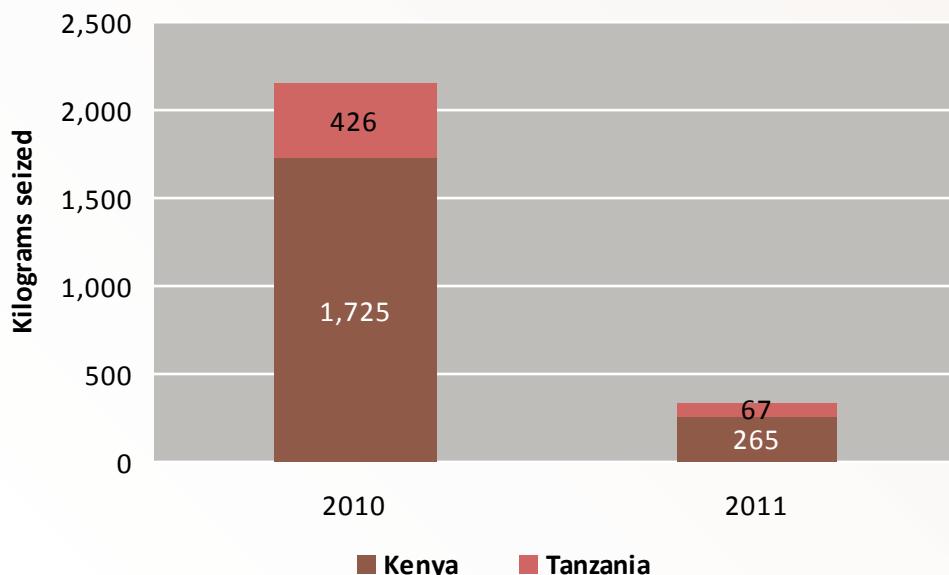
This highly unusual seizure might be written off as a complete anomaly, if it were not for two recent seizures. On 4 March 2011, police in Dar es Salaam were looking for heroin when they stumbled upon 81 kg of cocaine, which apparently arrived by sea. On 7 September 2011, 30 kg of cocaine were seized alongside 67 kg of heroin in Dar es Salaam. Local law enforcement reported that the drugs arrived on a maritime route, although they were seized from a vehicle. Five Tanzanians and one Iranian were arrested.

There has also been some minor detection of cocaine courier traffic, some destined for the Far East, often making use of the air hubs in Dubai and Addis Ababa. In 2010, there were several detections of couriers using false diplomatic credentials to move cocaine through the region.

There have also been some minor detections of methamphetamine in the region. In 2009, Ethiopia made its first seizure (1.2 kg) and, in 2011, two kilograms were seized. Unlike West Africa, however, no manufacturing has yet been discovered. As with cocaine, Addis Ababa appears to be an air hub for onward trafficking of methamphetamine to Asia, primarily Malaysia, often transiting Bangkok. Eastern African couriers have also been detected in East Asia, although the source of their drugs remains unclear. Some claim to have sourced the drugs in West Africa, and transit points in the Middle East (Doha and Dubai) are frequently noted.

The primary role the region plays appears to be as a source of methamphetamine precursor chemicals, particularly in the form of pharmaceuticals. Diversion of precursors began as early as 2009 in Kenya. More than two and a half tons of pseudoephedrine and ephedrine were stolen in Kenya and the United Republic of Tanzania in more than 20 incidents between 2009 and 2011. Many of these incidents occurred around the time of the FIFA World Cup in South Africa and involved Nigerian networks, suggesting that local supplies for the South African market had been disrupted due to enhanced security during the event.

Kilograms of ephedrine and pseudoephedrine stolen in Kenya and Tanzania

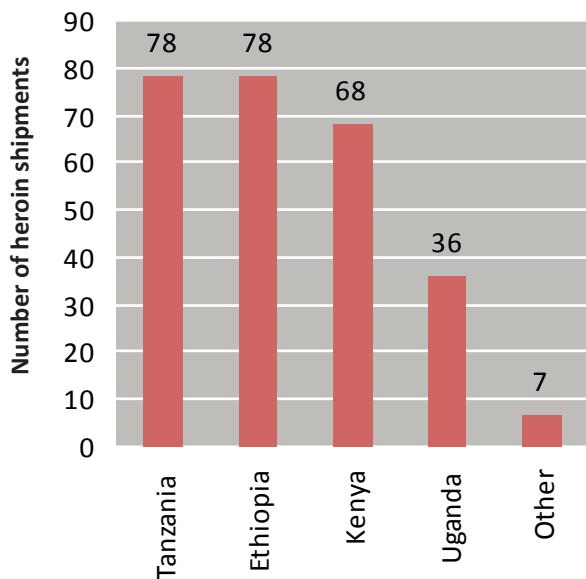


Source: Pharmacy and Poisons Board of Kenya and Tanzania Drug Control Commission

What is the nature of this market?

The evidence for heroin flow to and through Eastern Africa was, until recently, almost entirely derived from other regions. Pakistani officials, for example, have intercepted a number of heroin shipments destined for Eastern Africa over the years. The numbers are small (around 20 per year on average) but do indicate that some air couriering via Eastern Africa takes place.⁴³ South Africa has reported Eastern Africa as a key source of the heroin it receives.⁴⁴ Nigeria has specifically pointed to Ethiopia (among other countries) as a country from whence heroin shipments arrive.⁴⁵

Figure 12: Number of heroin shipments to Eastern African countries detected in Pakistan between 2000 and 2011



Source: UNODC Individual Drug Seizures Database

Despite this evidence of air traffic, very little heroin had been seized in Eastern Africa until recently. Between 1990 and 2009, 11 countries from the region reported detecting small amounts of heroin, seizing an average of 70 kg per year between them. This amounts to just over one ton of heroin seized over the course of 20 years, hardly enough to attract international attention.

In March 2010, however, the first of several remarkable seizures in the region was made. Unlike cocaine, which is frequently trafficked in multi-ton loads, any seizure of over 50 kg of heroin is considered large, particularly when encountered far from the major source regions. Between 2010 and 2012, six such seizures were made in the United Republic of Tanzania and Kenya. In addition, a large seizure was recently been made off the coast of Oman from a dhow in the Indian Ocean, apparently destined for Eastern

⁴³ The number of confirmed shipments to Eastern Africa actually show a declining trend between 2000 and 2011, but this may be due to a declining number of shares where the destination was clear. The share of foreigners among heroin arrestees declined from a peak of 78% in 2003 to 10% in 2011. When Pakistanis are arrested with heroin, their destination is more likely to be unclear.

⁴⁴ UNODC, Annual Reports Questionnaires (ARQ), 2009.

⁴⁵ UNODC, ARQ 2010.

Three very large recent seizures

Three seizures involving hundreds of kilograms of heroin were recently reported. Since the volumes involved are commonly revised downward at a later date, official confirmation is needed before these seizures can be factored into the analysis.

In March 2013, the multinational Combined Maritime Forces (CMF) seized 500 kg of heroin from a dhow on the high seas more than 300 nautical miles off Zanzibar Island, the United Republic of Tanzania.⁴⁶

Earlier that same month, the Mozambican police seized almost 600 kg of what was initially reported as heroin – which would have been the single largest heroin seizure ever made in Africa- in Namuto, located close to the border between Mozambique and the United Republic of Tanzania.⁴⁷ The seizure, however, was later found to be N-Acetylthranilic acid, a precursor used in the production of methaqualone (also known as “mandrax”), and contained no heroin.

Finally, in May, another 317 kg was seized by the CMF from another dhow, 118 miles off the coast of the United Republic of Tanzania,⁴⁸ and 194 kg more was recovered during the inspection of a vessel by the CMF in the Indian Ocean.⁴⁹

Africa. Three very large seizures, still subject to confirmation, were made in 2013 (see Box).

If this flow is old, why are these seizures occurring now? There are two possibilities. One is that enforcement efficiency recently increased, possibly due to international assistance, including the presence of the Combined Maritime Forces (CMF), a 29-nation partnership whose mandate allows for counterdrug work. In this version of events, the flow of heroin has not necessarily changed, but rather a larger share of it is being captured due to the international presence.

The alternative is that the flow has indeed increased, either

⁴⁶ Combined Maritime Forces, “CMF Ship in huge high-seas heroin haul”, 1 April 2013. See: <http://combinedmaritimeforces.com/2013/04/01/cmf-ship-in-huge-high-seas-heroin-haul/#more-2998>

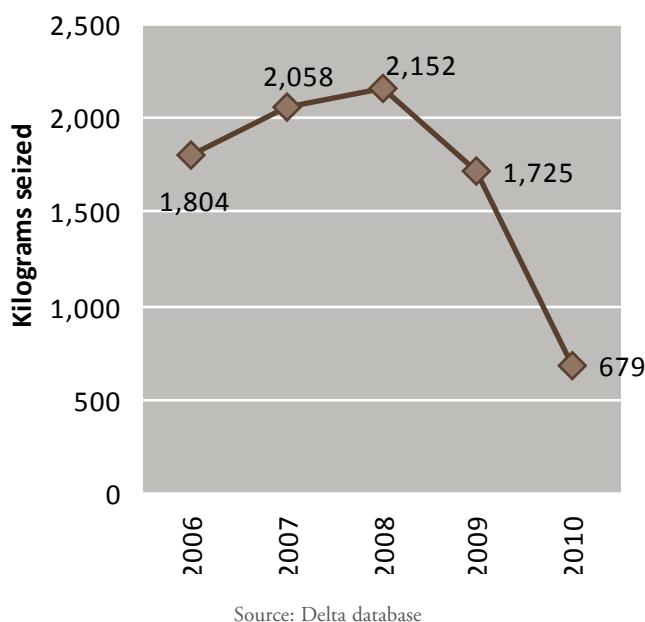
⁴⁷ Reuters, “Mozambique seizes 600 kg of heroin heading for S.Africa”, 7 March 2013; AllAfrica, “Mozambique: Police claim huge heroin seizure”, 6 March 2013.

⁴⁸ Combined Maritime Forces, “Combined Maritime Forces Warship Makes Second Drugs Bust in Six Weeks”, 9 May 2013. See: <http://combinedmaritimeforces.com/2013/05/09/combined-maritime-forces-warship-makes-second-drugs-bust-in-six-weeks/#more-3098>

⁴⁹ Combined Maritime Forces, “Combined Maritime Forces Warship Makes Third Drugs Bust in Six Weeks”, 16 May 2013. See: <http://combinedmaritimeforces.com/2013/05/16/combined-maritime-forces-warship-makes-third-drugs-bust-in-six-weeks/>

⁵⁰ For the purpose of this graph, the “Balkan route” includes the following

Figure 13: Heroin seizures along the Balkan route,⁵⁰ 2006-2010



due to growth in local demand or growth in the use of Eastern Africa as a transit area or both. One theory links these seizures to disruption in the traditional path taken by heroin on its way to Europe, the so-called “Balkan Route”. Seizures along the Balkan Route (which transits Pakistan/Iran and Turkey before crossing Southeast Europe) were down by 50% between 2009 and 2010. European demand for heroin is declining, but not at a rate of 50% per year. Some of this supply may be headed north, as a new customs union between Kazakhstan, the Russian Federation, and Belarus was promulgated in 2010. But it remains possible that traffickers are moving heroin through Eastern Africa to Europe, by means as yet unknown.

If Eastern Africa were to become the new “Balkan Route”, the impact could be enormous, similar to the impact of cocaine in West Africa. Until recently, though, there is little evidence that this is happening. The latest wave of seizures should attract international attention to the issue, but until the extent of transshipment can be ascertained, consumption within Eastern Africa remains the primary concern.

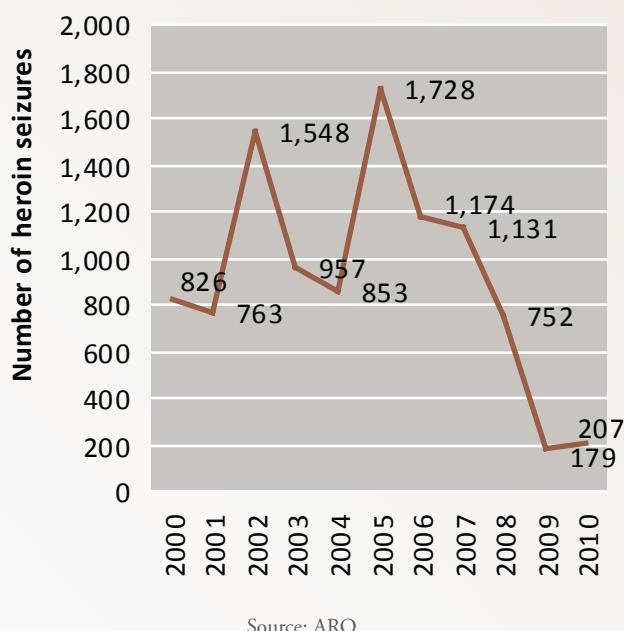
Mauritius and Seychelles

Heroin use in the Indian Ocean islands evolved independently of the problem in the rest of Eastern Africa. The drug was introduced to Mauritius in the 1980s. Use, including injection use, grew over time, giving the small island nation one of the highest heroin use rates in the region. Attention was drawn to the problem in 1985, when members of parliament were arrested at a Netherlands airport in possession of the drug. While the routes have changed over time, the most recent trafficking trend involves the use of female couriers carrying the drug from Madagascar.⁵¹

In the last decade, however, heroin use has been overtaken by the pharmaceutical synthetic opiate Subutex (buprenorphine), which is used in the treatment of heroin withdrawal. The tablets can be taken orally or dissolved and injected. Subutex is a prescription medicine in France, but prohibited in Mauritius. Most of the supplies appear to come from France, often couriered in by air by French and Mauritian nationals. The island of Réunion, 225 km to the West of Mauritius, is a part of France, so this could provide a local source.

The most recent data on heroin use in Mauritius show a dramatic reduction from 2006, the year of the previous survey. It is not clear whether this decline has been offset by the increase in Subutex use or is due to the introduction of methadone treatment by the Government.

Number of heroin seizures in Mauritius, 2000-2010



The Seychelles has experienced a dramatic rise in heroin usage since 2005, when the drug was introduced to the user market. Injecting Drug Use appears to be contributing to the spread of HIV/AIDS and Hepatitis C in Seychelles.⁵²

⁵¹ Southeast European countries: Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Kosovo (Serbia), the former Yugoslav Republic of Macedonia, Montenegro, Romania and Serbia.

⁵² Letter from the Ministry of Foreign Affairs, Republic of Mauritius, 6 August 2013.

⁵² *Seychelles Millennium Development Goals: Status Report 2010*, Ministry of Foreign Affairs, Seychelles, August 2010.

How is the trafficking conducted?

It appears that nearly all of the heroin entering Eastern Africa comes from Afghanistan. Afghan heroin is moved overland to the Makran Coast, a strip of desert coastline that crosses from Pakistan to Iran along the coast of the Arabian Sea and the Gulf of Oman.

It is likely small skiffs transport heroin out to dhows from the Makran Coast. The Pakistani section of coast is thought to be the most common launch point, likely because traffickers seek to avoid the harsh penalties they face if caught in Iran. The dhows intercepted with heroin have taken a direct route across the Indian Ocean, avoiding the coast of Somalia where traffickers would be at a greater risk of piracy.⁵³ Images of dhows caught with heroin aboard showed their cargo holds were empty, indicating the only purpose in making the journey south across the Indian Ocean was trafficking.

Another possibility is that heroin may be trafficked on cargo dhows plying the traditional cargo routes, making many stops at small ports as they move slowly up and down the coast. On arrival, smaller craft may be sent to meet the dhows and transfer cargo at sea.

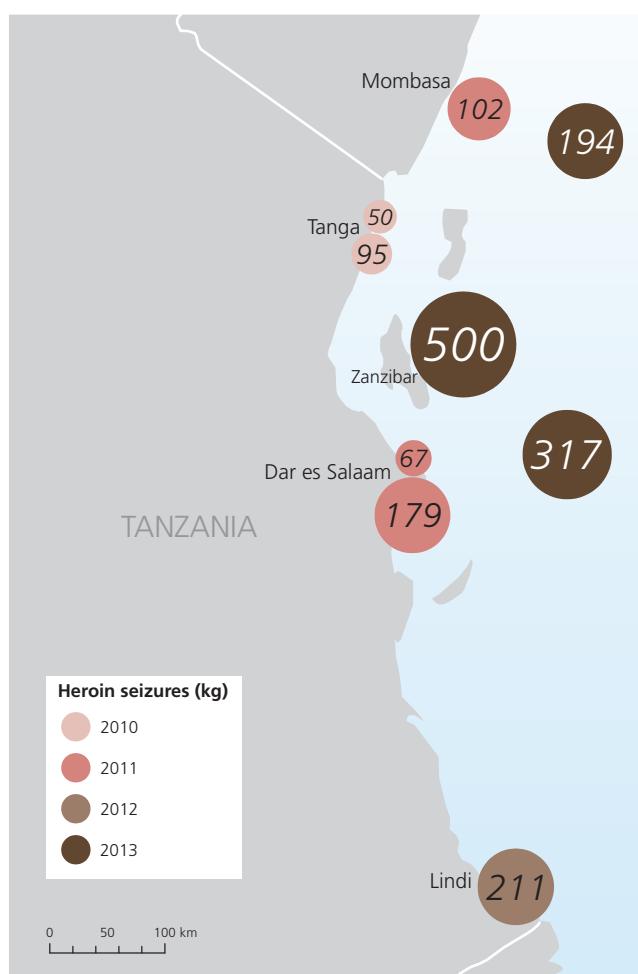
All of the large seizures made since 2010 appear to have involved maritime transport, although the type of vessel used was often unclear at the time the seizure was made. But their timing tracks the movement of the dhows, which travel south with the Kaskazi monsoon trade winds, blowing from December to mid-March. Four out of the five recent large seizures made in the region were made during this period.

According to local law enforcement agencies, the point of entry for the drugs has varied over time. Initially, the port of Tanga in northern Tanzania appears to have been favoured, but seizures in that area may have prompted some traffickers to move further south. The largest confirmed seizure (211 kg) was in Lindi, close to the border with Mozambique, in January 2012. The drugs are then transported by land to destination markets in the United Republic of Tanzania and Kenya, or South Africa. When the drugs enter at remote areas, they are quickly moved to the urban centers where the main local consumer markets and routing hubs are located, including Mombasa and Dar es Salaam.

It is also possible that some heroin enters the region by container, and that containers may be used to import yet undetected loads outside the monsoon season. Containers could also be used to move drugs inland, as at least one seizure in the past has indicated.⁵⁴

There is also undoubtedly some air courier and airfreight traffic between Pakistan and Eastern Africa. Couriers often proceed via the air hubs of Dubai or Doha, which host the the strongest service to both Southwest Asia and Africa. Local airlines, including Kenyan and Ethiopian, are also

Map 2: Locations of large heroin seizures, 2010-2013



Source: Law enforcement reports

used. Onward connections from Nairobi and Addis Ababa are plentiful.

The main onward destinations for heroin transiting the region to the south are Mauritius and South Africa, the latter often reached by land. From South Africa, some heroin proceeds further to European or other consumer markets via air courier. There have also been couriers arrested in West Africa coming from Eastern Africa. This flow may accommodate both the Nigerian market and possibly transit flows to Europe or the US.

If large volumes of heroin are transiting Eastern Africa on the way to Europe or the US, though, they have proceeded almost entirely undetected. According to one drug courier database, of 157 drug couriers detected on flights from Africa to European airports between 2009 and 2011, only three came from Eastern Africa (two from Kenya and one from the United Republic of Tanzania). Only four of the 157 were carrying heroin, including the one from the United Republic of Tanzania. So all told, in three years, only one heroin courier from Eastern Africa was detected.⁵⁵

⁵³ Briefing from Combined Maritime Force personnel, April 2013.

⁵⁴ In 2006, heroin was detected in a container moved from Kenya to Uganda.

⁵⁵ Based on IDEAS, a collaborative database of airport security officials in European countries, including airports in Belgium, Germany, France, and Switzerland. Significantly, the United Kingdom does not participate, though

There does appear to have been an uptick in 2012, with perhaps a dozen detections, mostly concealed in luggage. These incidents favour the theory that trafficking has recently increased, not just detection rates.

It is possible, of course, that heroin is being trafficked onward by sea or by land. The land route seems extremely unlikely. From Nairobi to Lagos is a trip of at least 7000 kilometres, either north through the Sudan and the Sahara or south through the Democratic Republic of the Congo. Either route involves poor roads passing through conflicted areas and crossing half a dozen borders – such a trip would likely take several weeks.

Containerized or other forms of maritime onward shipment remain a possibility. The logic of trafficking has changed with containerized shipment, and the route most attractive to traffickers is not necessarily the most direct one. Containerized shipments transiting Eastern African ports would have little impact on the region, however, aside from fomenting corruption.

Who is doing the trafficking?

The Makran Coast, whence Eastern Africa's heroin flows, is an area dominated by the Baloch people, an ethnic group found in Afghanistan, Iran, and Pakistan, and the 2012 seizure off the coast involved Iranian Balochs. The Baloch communities in Kenya and the United Republic of Tanzania are several centuries old, but no connection has yet been made between Baloch in Eastern African and the heroin trade. Rather, in all the large seizures made in the region since 2010, mixed groups of Iranians, Pakistanis, or both were arrested alongside citizens of Eastern African countries.

The Iranians and Pakistanis arrested in Eastern Africa do not appear to have been locally based, and may have been on hand simply to oversee the arrival of the shipments. The local traffickers seem to be mostly Tanzanian and Kenyan citizens who operate across the border of both countries. For example, "Mama Lela", a prominent Kenyan trafficker, was arrested in the United Republic of Tanzania.

The groups trafficking on commercial air flights appear to be based locally. The citizenship of the couriers the traffickers employ may be different from their own, and the passport carried by the couriers may be different from their true citizenship. A plurality of the couriers detected in Eastern Africa has South African citizenship, and some are undoubtedly South Africans recruited due to the reduced scrutiny their passport brings. But it is very common for West African traffickers to carry South African passports, acquired through corruption, fraud, or marriage. Eastern African heroin dealers who have spent time in South Africa may also have acquired a South African passport.

Based on arrests, Nigerian nationals are the second most prominent courier nationality. There is a well-established West African community in Karachi that has been associ-

ated with heroin trafficking to a number of regions. West Africans are also prominent in Nairobi and are responsible for much of the trafficking through Bole International Airport in Ethiopia.

But local law enforcement officials believe that Tanzanian traffickers are behind much of the heroin entering the region by air, whatever the nationality of the couriers they employ. Some of these Tanzanian nationals are based in Kenya and Uganda. Some of these traffickers have dealt heroin in South and Southeast Asia, and some have spent time in prison there. Tanzanians are also active in retail markets, both in the United Republic of Tanzania and in other countries.

How big is the flow?

Illicit flow estimates are generally derived by triangulating data on supply, trafficking, and demand. With regard to heroin in Eastern Africa, data are weak on all three sides. Although much is known about Afghan heroin production, Eastern Africa comprises such a small share of the global market that this information sheds little light on the local situation. The seizures, aside from the eight to ten recent incidents discussed above, have been tiny, and it is difficult to draw regional conclusions on the basis of eight data points. Demand data are also scant: only Kenya has conducted a recent national drug use survey, and estimates of any sort are available for only five countries.

Setting the cases of Mauritius and Seychelles aside, all qualitative evidence suggests the problem is concentrated in just two countries: Kenya and the United Republic of Tanzania. With Kenya, the users are concentrated in Coast Province (particularly Mombasa), and Nairobi. In the United Republic of Tanzania, the users are concentrated in Dar es Salaam and Zanzibar.

In its 2012 Rapid Situation Assessment, the Kenyan National Agency for the Campaign against Drug Abuse (NACADA) surveyed a national sample of 3,362 respondents and found an adult "current use" prevalence of 0.1% for heroin.⁵⁶ In other words, based on a limited sample, it is estimated that one-tenth of one percent of the Kenyans aged 15 to 64 used heroin in the 30 days prior to the survey. If accurate,⁵⁷ this suggests some 20,000 individuals are currently using heroin.⁵⁸ There are no recent national survey data for the United Republic of Tanzania, but if levels were

⁵⁶ National Authority for the Campaign against Alcohol and Drug Abuse (NACADA), *Rapid Situation Assessment of the Status of Drug and Substance Abuse in Kenya*, 2012. Nairobi: NACADA, 2012, p. 43.

⁵⁷ There has been great inconsistency in estimates of both heroin use and intravenous drug use (IDU) in Kenya in the past. A 2010 NACADA survey in Coast Province - based on a sample of 4,500 households - found a 'current' prevalence rate for heroin use of 1.9%, almost five-times the figure shown in the 2012 survey. Past estimates of IDU prevalence have varied from .16% to 1.3% - almost a factor of 10. See <http://www.idurefgroup.unsw.edu.au/contest-data-and-maps/Kenya/1>

The recent MARPS surveillance report suggested an IDU prevalence range of less than 0.1% to more than 0.5%. See Ministry of Health, *MARPS Surveillance Report 2012*, Nairobi 2012.

⁵⁸ This figure represents current use, and thus should capture most addicts, who consume the bulk of the drugs in any destination market. It differs from the annual prevalence, which the *2013 World Drug Report* puts at .22%.

similar, it might (with a slightly larger national population) house some 25,000 users.⁵⁹

Several sources suggest that these 45,000 users consume an average of two to three 100 milligram “wraps” of heroin per day.⁶⁰ In Kenya, each wrap costs between 200 and 300 Kenyan shillings (US\$2.40 to US\$3.60),⁶¹ suggesting daily expenditure per user of between US\$4.80 and US\$10.80. Similar figures (US\$2.50 for 100 mg) were found in field research in Zanzibar. If true, this suggests a national annual retail turnover of between US\$35 million and US\$79 million in Kenya. If prices and use levels are similar in the United Republic of Tanzania, the regional retail market could represent as much as US\$160 million per annum.

How much heroin is needed to supply this market? Purity data are sparse, but use levels suggest that purity is fairly high – much below 300 mg of pure heroin daily is unlikely to be adequate for a habituated heroin user.⁶² Wholesale purities for Kenya were reported to range from 40% to 70%,⁶³ not so different from the purity found in the original heroin manufacturing countries of South-West Asia. Assuming 50% purity would imply local heroin demand of around 2.5 tons in pure heroin equivalents.⁶⁴

These demand side estimates can be compared to what is known about trafficking to the region. International law enforcement authorities estimate that between 100 and 300 kg of heroin are trafficked in each dhow, and that three to six dhows are received each month. This suggests an inflow of 300 kg to 1800 kg per month or 3.6 to 21.6 metric tons per year. The upper end of this estimate leaves room for large-scale transhipment.

59 The Ministry of Health and Social Welfare similarly estimates that there are at least 25,000 heroin addicts in the United Republic of Tanzania. Similarly, the Center for Strategic & International Studies recently suggested that there are between 25,000 and 50,000 IDUs in the United Republic of Tanzania. See Philip Nieburg and Lisa Carty (Center for Strategic & International Studies), *HIV Prevention among Injection Drug Users in Kenya and Tanzania - A report of the CSIS Global Health Policy Center*, April 2011.

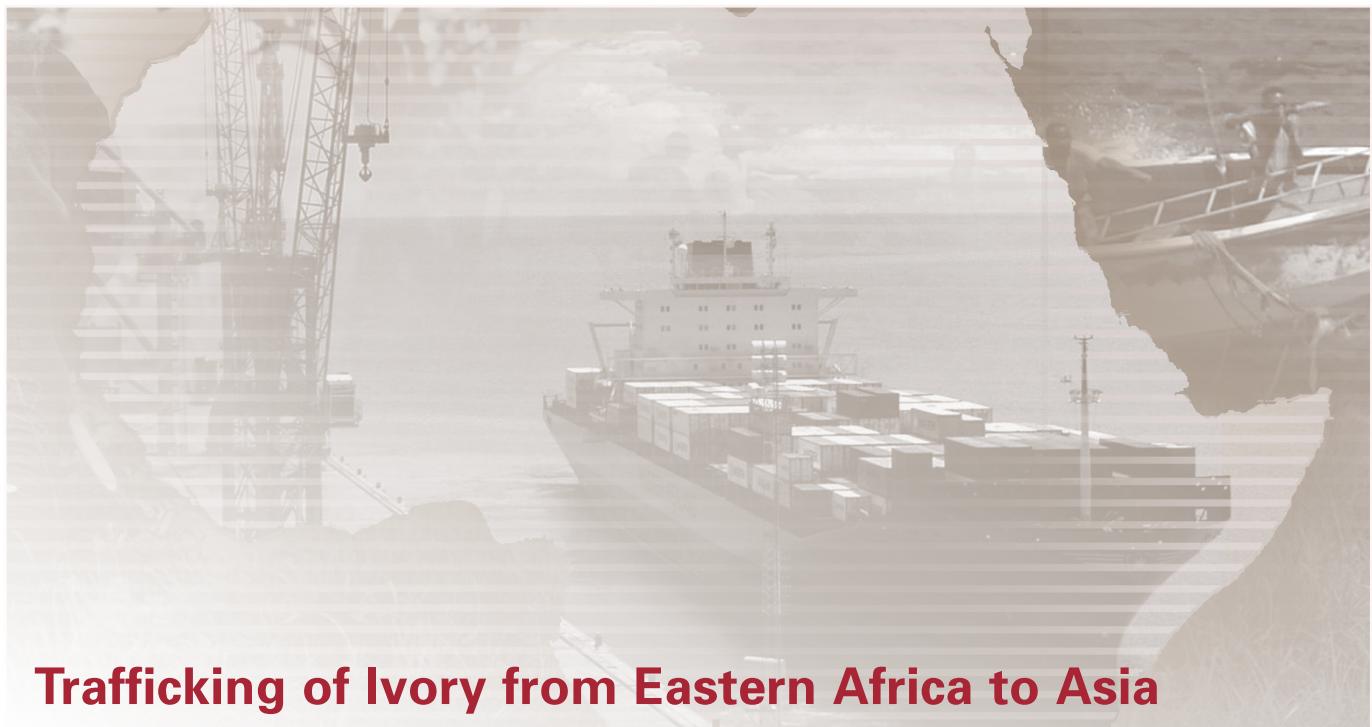
60 Field interviews in Kenya, 2012.

61 Briefing at the Government Chemist Department, Kenya, Nairobi, March 2012.

62 Data from Swiss National Cohort Study of injectable heroin-assisted treatment found mean daily dose of injected heroin to be just under half a gram of pure heroin.

63 UNODC, Annual Report Questionnaire 2007 data.

64 Expressed in 100% pure heroin equivalents and assuming 50% purity would imply heroin deliveries for the local markets of the two countries of some 2.7 to 4.1 tons (maximum ranges: 1.7 – 15.4 tons) in pure heroin equivalents.



Trafficking of Ivory from Eastern Africa to Asia

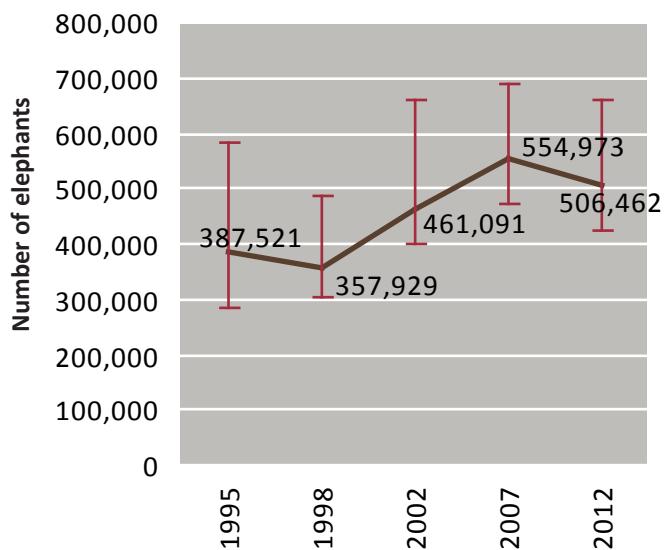
The rebound in the African elephant population is one of conservation's great success stories. Elephant numbers declined rapidly between 1970 and 1989, the year of the international ban on the ivory trade, but both national and international efforts to protect the species caused numbers to grow dramatically in Southern and Eastern Africa since that time. Prior to 1970, Eastern Africa was home to the largest elephant populations on the continent, but the region was hit hard by two decades of poaching, and only strict conservation efforts have allowed the population to partially recover.⁶⁵

While the estimates in the figure opposite were gathered using different methods, most experts agree that protection of the species allowed a strong recovery. Female elephants give birth to a single calf after a 22-month gestation period, but due to long reproductive lives (they can give birth into their 50s), populations can grow by as much as 7% per year.⁶⁶

Unfortunately, consumer demand in Asia has apparently spurred a new wave of poaching. In fact, wildlife authorities say that since 2007, the elephant has experienced its most serious conservation crisis since 1989.⁶⁷ As incomes rise, so does demand for ivory. Recently, authorities in Malaysia made what may be one of the largest ivory seizures ever – six tons in a single shipment, representing the ivory of perhaps 600 elephants,⁶⁸ equivalent to one-quarter of the known elephant population of Uganda. Available evidence suggests that current poaching rates in Eastern Africa have

exceeded natural population growth rates. Most countries in Eastern Africa can claim fewer than 1000 elephants, so this demand could quickly destroy some national populations.

Figure 14: Probable elephant populations in Africa



Source: International Union for the Conservation of Nature⁶⁹

Most elephants live in remote areas, many in forested areas, many in countries with limited capacity to count them, and some in areas where surveys are dangerous. Despite sophisticated estimation techniques, there remains substantial uncertainty about their numbers. Based on these estimates, there are at least 140,000 elephants in Eastern Africa today, or about one-third of the continental population.⁷⁰ An

⁶⁵ UNEP, CITES, IUCN, TRAFFIC, *Elephants in the Dust – The African Elephant Crisis: A Rapid Response Assessment*. United Nations Environment Programme, Nairobi, 2013.

⁶⁶ Foley, C. and L. Faust, 'Rapid population growth in an elephant *Loxodonta africana* population recovering from poaching in Tarangire National Park, Tanzania'. *Oryx*, Volume 44, No 2, April 2010, pp 205-212.

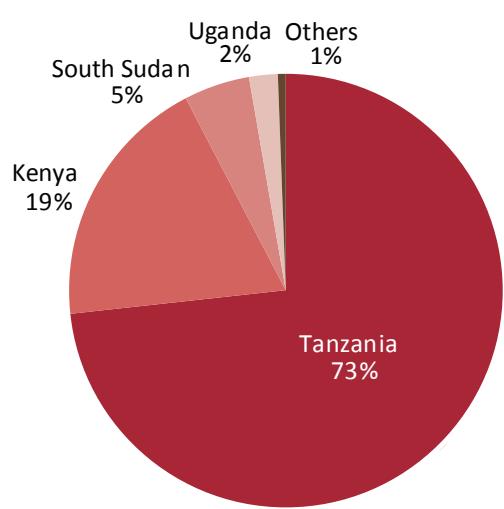
⁶⁷ *Elephants in the Dust*, op cit.

⁶⁸ At about 1.8 tusks per elephant and an average of 5.5 kg per tusk.

⁶⁹ The elephant database: <http://www.elephantdatabase.org/>.

⁷⁰ The elephant database.

Figure 15: Probable elephant populations in Eastern Africa in 2012



Source: International Union for the Conservation of Nature

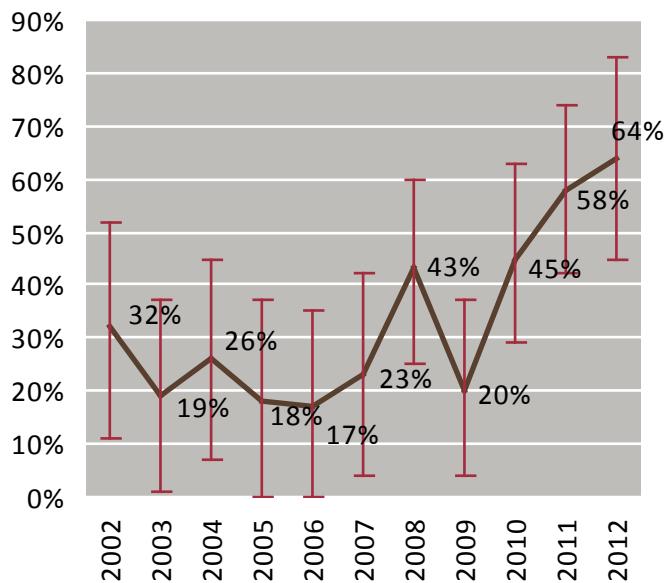
estimated 73% of these are located in the United Republic of Tanzania, and adding in populations in Kenya, South Sudan, and Uganda would cover 99%.⁷¹ These four countries are the source of most of the illicit ivory harvested in the region.

If it is difficult to determine the number of elephants, it is even more difficult to determine the number of elephants poached. Based on reported killings in countries with the capacity to detect them, the trend is distinctly upward.⁷² More telling, though, is the indicator elephant experts use: the share of known elephant deaths that can be attributed to poaching.

Elephants die of many causes, and many die in places where their carcasses will never be discovered. So the absolute number of poached elephants detected is less telling than the share of dead elephants detected who were illegally killed. In the past few years, that share has passed the critical 50% mark in Eastern Africa, and today is close to 60%. On the basis of these figures, it is estimated that in 2011 alone, between 4% and 11% of the elephant population of Eastern Africa was killed.⁷³

Eastern Africa is important as a source of illicit ivory, but it may be even more important as a transit area. In fact, the majority of the recent large seizures of illicit ivory made anywhere in the world were exported from either Kenya or the United Republic of Tanzania, largely through the big

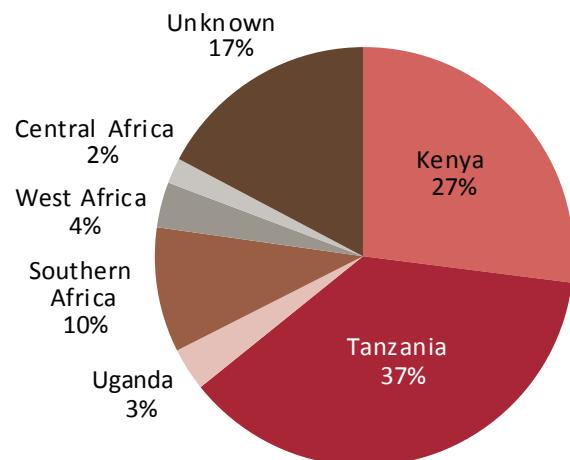
Figure 16: Proportion of Illegally Killed Elephants (PIKE) in Eastern Africa



Source: Monitoring the Illegal Killing of Elephants (MIKE) database

container ports in Mombasa and Dar es Salaam.⁷⁴ Recent seizures suggest the container port at Zanzibar is also used. The share of large seizures that were trafficked through these two countries appears to be growing (see Figure below). Since ivory comes from many places and is distributed to buyers across Asia, these ports represent a vital chokepoint in the flow.

Figure 17: Global breakdown of ivory seized in very large seizures (800 kg⁷⁵) by country or region of export, 2009-2011



Source: Elephant Trade Information System (ETIS)⁷⁶

⁷¹ Ibid.

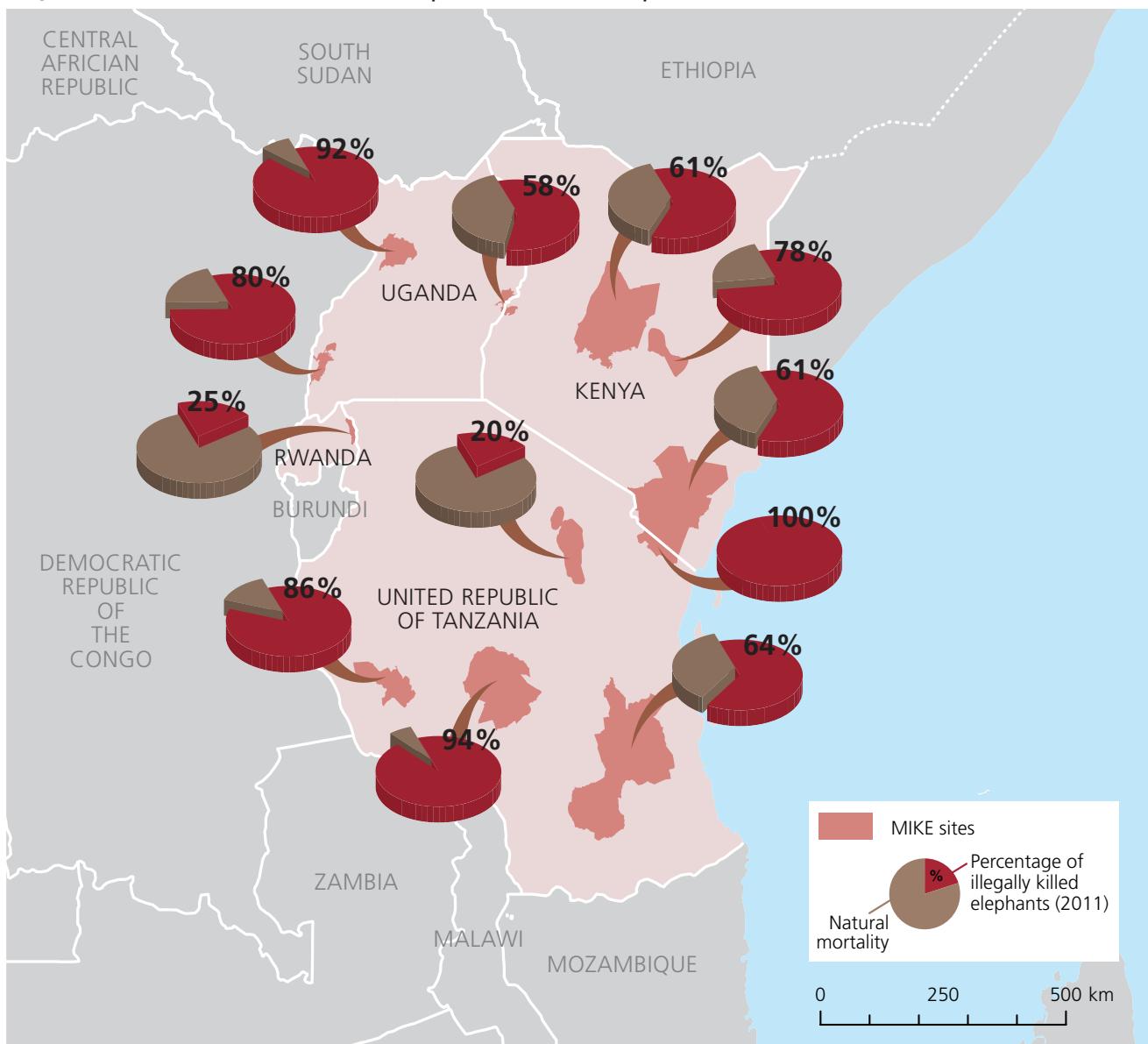
⁷² See, for example, the statement of the Office of the Prime Minister of Kenya, 'Threat of Poaching to Kenya's Tourism and National Economy', issued 9 January 2013.

⁷³ Convention on International Trade in Endangered Species (CITES),⁶² meeting of the Standing Committee, Geneva, Switzerland, 23-27 July 2012, SC62 DOC 46.1(Rev. 1.) CITES MIKE indicates an estimate of 7% in 2011 (see p.33, *Elephants in the Dust*).

⁷⁴ CITES, SC62 DOC 46.1 (Rev. 1)

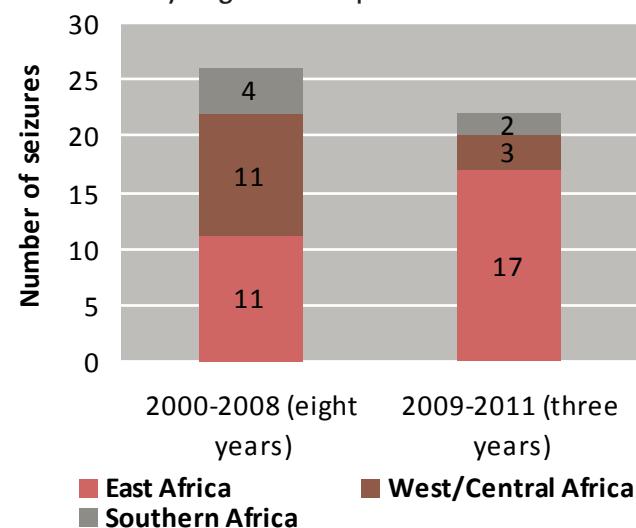
⁷⁵ TRAFFIC identifies consignments in excess of 800kg of ivory as a point where organized crime is involved, as shipments above this threshold involve the coordination of hundreds of tusks being placed in a single consignment.

⁷⁶ Ibid.

Map 3: Share of detected dead elephants that were poached in 2011

Source: MIKE database - Elephant Trade Information System (ETIS)

The African elephant is not currently deemed “endangered” as a species,⁷⁷ but its decimation in Eastern Africa could be devastating. In addition to the reduction in genetic diversity, its loss could seriously undermine local tourist revenues, a key source of foreign exchange for many of the countries of the region. The trade is also associated with violence. There have been cases where armed groups have crossed borders to raid elephant herds, and ivory has been associated with the arms trade. Across Africa, the struggle against poachers costs the lives of around 100 wildlife rangers per year.⁷⁸

Figure 18: Number of large (800 kg+) seizures by region of export

⁷⁷ International trade in ivory poached from African elephants became illegal in 1989 when African elephants were listed in CITES Appendix I (reserved for species threatened with extinction and potentially affected by trade). Most populations of elephants in Eastern Africa remain in CITES Appendix I. The United Republic of Tanzania applied to CITES in 2007 to have its elephant population moved to Appendix II. African elephants are currently classed as “vulnerable” by the International Union for the Conservation of Nature. Available at: <http://www.iucnredlist.org/details/12392/0>

⁷⁸ Testimony of William Clark to the U.S. House of Representatives Committee on Natural Resources, March 5, 2008.

⁷⁹ Ibid. Includes only data where source was known. There were six seizures where the region of export was unknown in both periods.

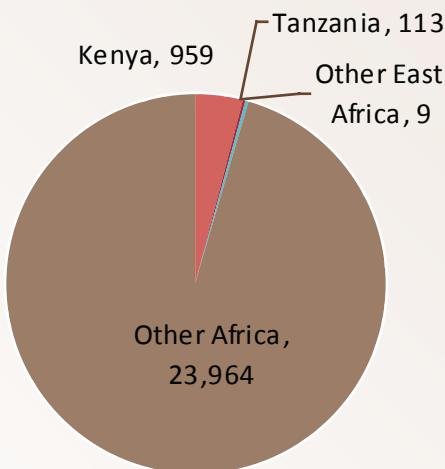
Trafficking of rhino horn

In contrast to South Africa, where rhinos number around 20,000, Eastern Africa has very few – just over 1,000 based on the latest count – due to a history of aggressive poaching. As a result, poaching is less frequent today (an estimated 25 incidents in 2011),⁸⁰ but its impact could be even greater. Most rhino poaching is conducted by organized gangs looking to fill an order, and so occurs in waves. Stronger protection measures in the south could prompt poaching gangs to focus on Eastern Africa, with potentially devastating effects. In April 2012 alone, four rhinos were poached in Kenya, all in national parks or ranches.⁸¹ Also in 2012, a Kenyan Wildlife Service ranger was involved in poaching a rhino from Tsavo East National Park.⁸²

Rhino horn is made of keratin, a substance with no demonstrable medical benefits.⁸³ Nonetheless, there has been a recent boom in demand for rhino horn due to its alleged medicinal properties. This has led to a wave of poaching (primarily in South Africa) and smuggling (primarily to Vietnam). Prices in Vietnam have reportedly risen as high as US\$65,000 per kilo in 2011 – higher than the price of gold.⁸⁴

Due to its value intensity, most rhino horn is trafficked by air directly from Southern Africa, with Eastern Afri-

Rhinoceros populations in Africa (December 2010)



Source: CITES⁸⁵

can airlines and hubs occasionally being used. In May 2012, seven rhino horns were recovered from the baggage of a Vietnamese national at Maputo International Airport, Mozambique, as he attempted to board a Kenya Airways flight.⁸⁶ There have been attempts to use maritime routes in the past. Between 2000 and 2006, 27 rhino horns were seized in the port of Mombasa.⁸⁷

What is the nature of this market?

Ivory is valued all over the world and has been used for all sorts of utilitarian and decorative purposes across the centuries. As alternate materials have emerged, the use of ivory has become increasingly confined to items with an artistic, ceremonial or religious value. Current demand for ivory is strongest in Asia. This continent also has elephants, but these are valued as beasts of burden, they are much fewer in number, and only the males have tusks. As a result, almost all of Asian demand for ivory is satisfied by African elephants.

The Asian ivory market is comprised of diverse national markets, where demand can wax and wane depending on local fashion trends. In Japan, ivory is a preferred material

for the traditional signature stamp (*hanko*). Japanese demand for ivory stamps has declined in recent years, and this, among other things, appears to have led to declining national demand. In contrast, growing affluence in China, where possession of elephant ivory remains a status symbol, appears to have rendered China the world's leading destination for illicit ivory.⁸⁸

Unlike many threatened species parts, it is possible to own ivory legally. Ivory has a long shelf life. It was not subject to international controls until 1976 (when African Elephants were listed in CITES⁸⁹ Appendix II) and was not placed under strict control until 1989 (when they were moved to Appendix I). Large amounts of ivory were on the market before regulations were put in place. There have also been two major authorized sales of ivory under the current control regime: in 1999, Japan bought 59 tons,⁹⁰ and in 2008,

⁸⁰ CITES, CoP16 Doc. 54.2 (Rev. 1).

⁸¹ Hawa, Raabia, "Kenya: Alarming cases of rhino poaching in Lewa, Nakuru," The Star, Nairobi, 12 April 2012. Available at: <http://allafrica.com/stories/201204140049.html>

⁸² Koross, Kibiwott, 'We Will Contain Poaching - KWS director Julius Kipng'etich', *The Star*, 23 April 2012. Available at: <http://www.the-star.co.ke/news/article-21389/we-will-contain-poaching-kws-director-julius-kipngetich>

⁸³ CITES, SC62 Doc. 47.2 Annex (rev. 2). See: <http://www.cites.org/eng/com/sc/62/E62-47-02-A.pdf>

⁸⁴ Sas-Rolfes, Michael T., "The Rhino Poaching Crisis: A Market Analysis," Save the Rhino Trust, February 2012. Available at: <http://savetherhinotrust.org/component/content/article/7-rhino-news/84-the-rhino-poaching-crisis-a-market-analysis>

⁸⁵ CITES, CoP15 Doc. 45.1 (Rev. 1) Annex, African and Asian Rhinoceroses – Status, Conservation and Trade, p.2. Available at: <http://www.cites.org/eng/cop/15/doc/E15-45-01A.pdf>

⁸⁶ 'Mozambique: Rhino Horns and Abalone Seized At Maputo Airport'. AllAfrica.com, 31 May 2012. Available at: <http://allafrica.com/stories/201206010183.html>

⁸⁷ Vigne L., Martin E., Okita-Ouma B., "Increased demand for rhino horn in Yemen threatens eastern Africa's rhinos", *Pachyderm*, No. 43 July–December 2007, p.75. Available at: http://www.rhinoresourcecenter.com/pdf_files/120/1206089430.pdf

⁸⁸ CITES, CoP16 Doc. 53.2.2 (Rev. 1). Available at: <http://www.cites.org/eng/cop/16/doc/E-CoP16-53-02-02.pdf>

⁸⁹ CITES refers to the United Nations Convention on International Trade in Endangered Species of Wild Flora and Fauna of 1975.

⁹⁰ CITES, Amendments to Appendices I and II of the Convention adopted at the Conference of the Parties at its 10th meeting in Harare, Zimbabwe, from 9 to 20 June 1997, p. 151. Available at: <http://www.cites.org/eng/cop/10/E10-amendments.pdf>

Japan and China bought 108 tons.⁹¹ The United Republic of Tanzania recently petitioned CITES to allow the international sale of 100 tons of its official stockpile, but subsequently withdrew the application.⁹² In short, there is a lot of legal ivory in circulation, and more legal ivory may enter the market in the future.

The legality of any particular piece of ivory comes down to paperwork, and weaknesses in the paper trail can allow illicit ivory to be sold as licit. If authorities fail to enforce paperwork requirements, ivory from poached elephants can be openly sold. Recent research in Guangzhou, China, one of the largest open ivory markets in the world, found that more than 60% of the items offered for sale were being sold without the required ID cards certifying their licit origin.⁹³ Unless paperwork is strictly monitored, it is vulnerable to forgery or purchase from corrupt officials. Whole tusks in transit can be seized, but once the ivory has entered its destination market, it does not appear that much interdiction takes place.

This shifts the burden of enforcement to the supply side. Since the law enforcement capacity of Eastern African countries is limited and corruption is an issue, most ivory is seized during shipment, often on arrival in Asian ports. The largest seizures have been made from shipping containers and, as in the recent Malaysian seizure, the volumes can be staggering. This suggests well-resourced players and a high degree of organization to the market. As in most illicit markets, however, there exists a parallel stream of smaller shipments. Unless these small scale couriers are being coordinated, this is indicative of a relatively open market in which players at all levels can participate.

How is the trafficking conducted?

For trafficking to occur, the ivory must first be sourced, and for ivory to be sourced, an elephant must die. There are two principal types of poaching: opportunistic and commissioned. There is considerable debate as to which is most prominent. This is an important question for policy, because the answer will determine whether supply-side or demand-side measures are most likely to be effective. If most are killed opportunistically, then the slaughter is likely to continue even when demand is low.

Opportunistic killings occur when local hunters bring down an elephant because it poses a threat to local agriculture, or for bush-meat, or solely for its ivory. Whatever the case, once the elephant is dead, few hunters would leave behind a commodity that has had high value for centuries. Since many of these hunters are very poor, they would continue to harvest ivory when given the opportunity, even if low demand resulted in sharp price declines. Unless there

are reasons for passing up this cash income, most will decide to shoot if the benefits outweigh the costs, and the costs (bullets, labour, and transport) are likely to remain low. All that is needed is a few well-known intermediaries or sales points, and market forces will ensure a steady supply. But if demand rises sharply, these opportunistic killings may not be able to provide sufficient volumes.

In the past, the market has been viewed as largely opportunistic, but recent evidence suggests this pattern may be changing. There have been several well-documented cases of mass elephant slaughter, where organized crime groups poached large amounts of ivory all at once. For example, a professional Sudanese poaching gang killed more than 200 elephants in northern Cameroon in early 2012.⁹⁴ The size of the large shipments detected suggests well-resourced and organized groups on the receiving end, who may be proactive in sourcing the ivory when demand is high, as it presently appears to be.

If most poaching was opportunistic, then the rate of killing would be expected to be fairly consistent, barring any new human incursions into elephant ranges. On the other hand, if high prices produce more killing, then proactive poaching expeditions are likely the cause. It is possible that populations are moving into areas where they are encountering more elephants opportunistically, but it is unlikely that this movement is sufficiently large to explain the recent surge in poaching.

The demand-driven perspective has been given additional support by the findings of DNA analysis. Studies have found a high degree of relatedness when tusks from large seizures have been compared, suggesting that the animals were killed *en masse* and to order.⁹⁵ The presence of small tusks in large loads suggests whole families were killed at once. Of course, both local people and brokers may consolidate loads from a single area over time before transporting them to distant markets. Even if poached opportunistically over time, the ivory in a single shipment may come from a single area where elephants share a common gene pool, so the data remain inconclusive.

It is highly likely that both opportunistic poaching and commissioned poaching occur. While opportunistic poaching may not be sufficient in scale to pose a long-term threat, commissioned poaching almost certainly does. While every link in the supply chain needs work, the largest payoff is likely to be received by focusing on the demand side of the market, to reduce the number of commissioned hunts.

An additional source of illicit ivory is leakage from official stockpiles. African governments collect and store ivory seized from traffickers, from elephants found dead by rangers, and from official population control efforts. In some countries, this is sold through regulated local markets. In others, it is held for an eventual bulk sale. But as a high-value commodity in poor countries with corruption prob-

91 CITES, SC 57 Doc. 53.2, "Control of Trade in Elephant Ivory", 57th meeting of the Standing Committee, Geneva, Switzerland, 14-18 July 2008. Available at: <http://www.cites.org/eng/com/sc/57/E57-33-2.pdf>

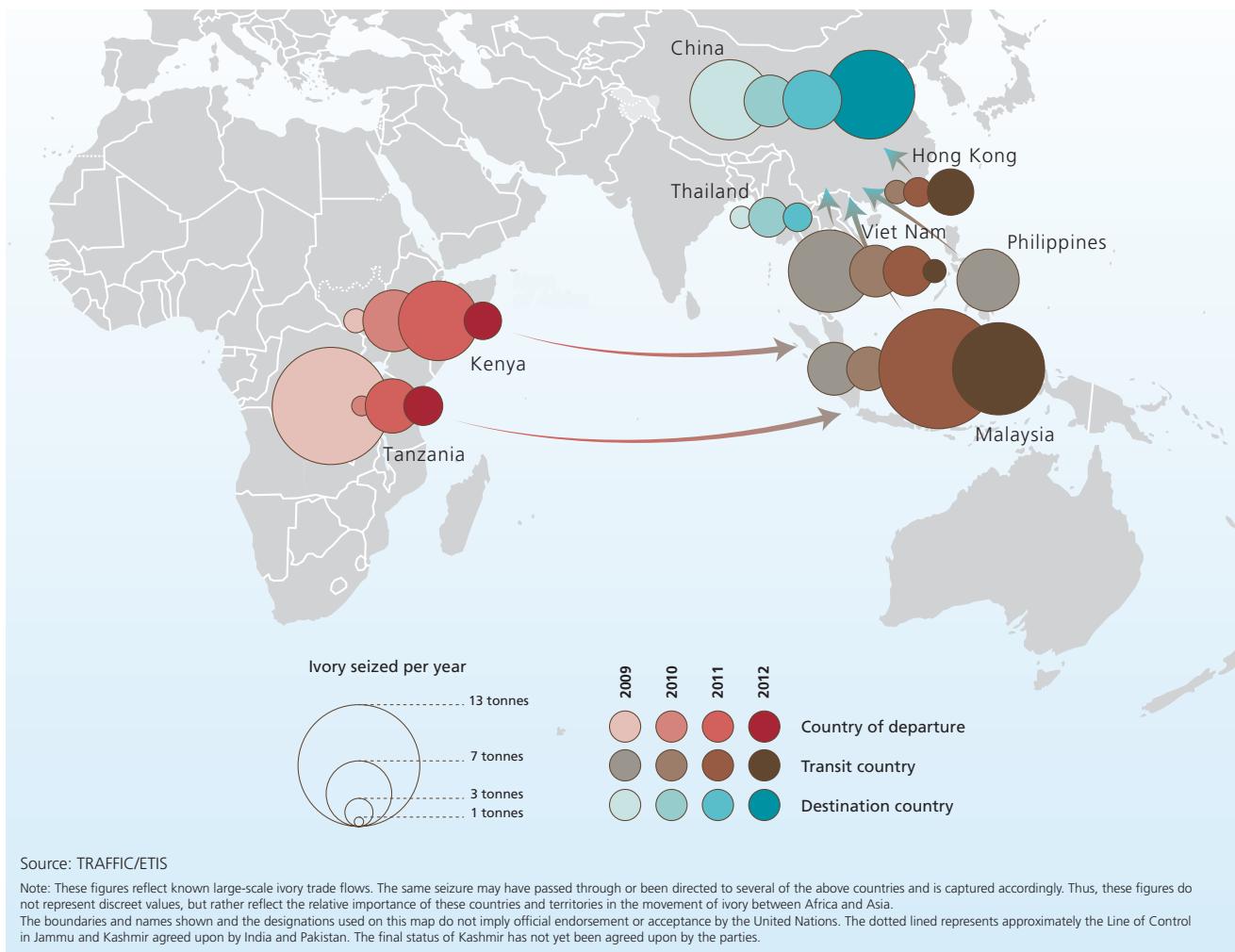
92 CITES Secretariat, "Tanzania withdraws its proposal to downlist African elephant". See: http://www.cites.org/eng/news/sundry/2012/20121226_TZ_withdrawal.php

93 Martin, Esmond and Vigne, Lucy, *The Ivory Dynasty: A Report on the Soaring Demand for Elephant and Mammoth Ivory in Southern China*, 2011.

94 *Elephants in the Dust*, op. cit., p. 35.

95 Wasser, S. K., Clark B., Laurie C., "The Ivory Trail", *Scientific American*, 301 (1), 2009, pp. 68-76.

Map 4: Large ivory seizures in Eastern Africa and Asia, 2009-2012



lems, some of this eventually finds its way onto the illicit market. And this is why some countries have staged highly public burnings of ivory stocks, symbolically rejecting the legal ivory market.

Eastern African elephant populations form an important source of illicit ivory. The recent large seizure in Malaysia was of savannah elephant ivory, suggesting either an Eastern African or Southern African origin. But the area most intensively targeted is Central Africa, and most of this ivory is shipped through Eastern Africa. In Central Africa, nine out of 10 elephants found dead in recent years were poached.⁹⁶

Many Central African countries have unregulated domestic ivory markets, including the Democratic Republic of the Congo, Republic of the Congo, Central African Republic, Chad, and Cameroon. Ivory bought at these markets may be trafficked through road and air links to Uganda and onward from there for processing and export. Timber is a popular cover load for transnational smuggling within Africa.⁹⁷

Once sourced, the ivory may be carved in Africa, often into products tailored specifically for the Asian market, or trans-

ported whole for carving in Asia. Traditional carving centres exist in Ethiopia and Egypt. Recent Interpol operations found a large number of items for sale in Ethiopia that had clearly been carved for export to the East Asian market. Recent studies have found a growing number of carved objects in Lagos, with vendors speaking Chinese to their clients.⁹⁸

While Eastern Africa has become the primary gateway for African ivory being trafficked to Asia, ivory may be trafficked from Eastern Africa to West Africa, for local retail sales or onward transport. West Africa has very few remaining elephants, but retail sales in the region have long been detected, as well as some bulk shipments.⁹⁹ In 2011, Nigerian customs officers found 51 Kenyan ivory tusks in boxes belonging to a passenger from Mali, at Lagos International Airport.¹⁰⁰ But these seizures are exceptional today – most involve shipments from Kenya and the United Republic of Tanzania to Asia.

⁹⁶ SC62 Doc. 46.1 (Rev. 1).

⁹⁷ Briefing from John Sellar, Chief, Enforcement Assistance, CITES Secretariat, July 2011.

⁹⁸ Gatehouse G., "African elephant poaching threatens wildlife future", *BBC News*, 15 January 2013, available at: <http://www.bbc.co.uk/news/world-africa-21018429>; Martin E and Vigne L, Lagos, "Nigeria: One of the largest retail centres for illegal ivory surveyed to date", TRAFFIC Bulletin, Vol 25 No 1 pp 35-40.

⁹⁹ Courouble, M., Hurst, F. & Milliken, T., 2003. *More ivory than elephants: domestic ivory markets in three West African countries*, Cambridge: TRAFFIC International.

¹⁰⁰ WCO Operation GAPIN, 2011.

There are two main ways ivory is trafficked to Asia: in large consolidated shipments and in small amounts repeatedly over time. Maritime containers appear to be the preferred means of long-distance mass transport. Airfreight, while it does occur,¹⁰¹ is much less common, perhaps due to the greater expense, the obvious bulk of whole tusks, and better monitoring at airports as compared to seaports.

In addition to large maritime shipments, ivory is also “ant trafficked”. China’s recent wave of investment in Africa has brought thousands of Chinese executives and workers to the continent, including countries where ivory is openly sold, often carved into items for the Asian market. It may be transported in luggage or by post in small quantities, for personal use or re-sale at great profit in Asian markets. The quantities involved are generally small (although tusks cut into suitcase-sized chunks have been detected), but, due to their frequency, could constitute a major source of supply.¹⁰²

Who is doing the trafficking?

The participants in the trafficking can be divided into poachers, middlemen, and buyers.

Opportunistic poachers are local people who happen to live in or near elephant ranges. The director of Kenyan Wildlife Service (KWS) described poachers as being “a common man or a villager who very well knows the wildlife in a certain area.”¹⁰³ And the KWS know the poachers well, arresting 100 or more of them every year.¹⁰⁴

Since most of the poachers are locally based, the groups are kept small to ensure secrecy. Most local poachers own their own firearms, so there is little need for financiers, except perhaps for ammunition. But, because gunshots attract attention, poachers have diversified their killing techniques to include the use of poisons, snares, and arrows. Ivory can be buried until stocks are sufficient to merit transportation and sale. Successful poachers can move up to become middlemen, as they get to know the trade and accumulate sufficient funds to buy the stocks of other hunters. Many of the middlemen are former poachers, specializing in buying small consignments and transporting them to bulk buyers near the point of export.

But it is not all about the locals. Poachers have frequently been detected crossing borders to attack elephant herds, including members of non-state armed groups. In Eastern Africa, Somali poachers are most prominent, with some heavily armed groups crossing deep into Kenya to hunt in ranges such as the Tsavo East National Park, which is located between Nairobi and Mombasa, and Amboseli, a park close to the border with Tanzania.

¹⁰¹ For example, 300kg of ivory was seized in Hong Kong, in transit from Burundi to Singapore, in April 2013.

¹⁰² Bill Clark, personal communication, October 2009. According to a recent article in the New York Times “about 900 seizures are made annually within China, some 90 percent of them involving Chinese travelers concealing ivory in their suitcases.” See: Levin D., “From elephants’ mouths, and illicit trail to China”, *The New York Times*, 1 March 2013, available at: http://www.nytimes.com/2013/03/02/world/asia/an-illicit-trail-of-african-ivory-to-china.html?pagewanted=all&_r=0

¹⁰³ Koross, Kibiwott, “We Will Contain Poaching - KWS director Julius Kipng’etich,” *The Star*, 23 April 2012.

¹⁰⁴ Kenya Wildlife Service, *Annual Report 2011*.

Somali poachers have been crossing into Kenya since the 1980s. Some of these early poachers may have joined the Somali diaspora in Kenya and may be directing the current poaching by Somali groups.¹⁰⁵ The weaponry and discipline shown by some groups suggest connections to Somali warlords, including groups driven out of Somalia.¹⁰⁶ But poachers often cross borders in pursuit of their prey, so the Somali poachers are not unique in that respect.

There have been Somali trading points along the border with Kenya since the 1990s, and there are also some in the Tsavo area. Somali traders in Kenya purchase both ivory and rhino horn, and typically operate small shops (*dukas*). Most deal in animal parts as a side line while operating other businesses. One of the most notorious is said to operate a company dealing in spare car parts and tires.¹⁰⁷

Somali traders aside, the single most important group of middlemen involved in the procurement, processing, and transport of ivory are Asians living in Africa. Appearing after the 1990 ban, “the involvement of Chinese nationals in Africa with the procurement and shipment of ivory to Asia remains a serious and seemingly expanding issue of concern.”¹⁰⁸ This is indicated by the growth of mixed seizures, in which both whole ivory and products carved for the Asian market are detected.

How big is the flow?

If, as argued above, between 4% and 11% of the elephant population of Eastern Africa was killed in 2011,¹⁰⁹ this would amount to between 5,600 and 15,400 elephants, or between 56 and 154 metric tons of ivory originating in Eastern Africa. Based on 2009 data, UNODC had previously estimated the flow of ivory out of Africa at 120 tons. Allowing for some growth of this market, and assuming that Eastern Africa provides a share of this flow commensurate with its share of the African elephant population, it makes sense to place the value at the lower end of this spectrum, or 56 tons.

Based on the known destination of ivory seized, about two-thirds of the global ivory market is located in Asia. Two-thirds of 56 tons is 37 tons. At US\$850 per kilogram at destination,¹¹⁰ this flow would be worth US\$31.5 million in 2011.

¹⁰⁵ Meeting with Julian Blanc and Tom De Meulenaer, CITES MIKE - Monitoring the Illegal Killing of Elephants, UNEP, Nairobi, July 2011.

¹⁰⁶ Clark W., “Testimony of William Clark to The U.S. House Of Representatives Committee On Natural Resources”, Committee on Natural Resources, 5 March 2008.

¹⁰⁷ Briefing from Dr Esmond Bradley Martin, Nairobi, August 2011.

¹⁰⁸ CITES, CoP14 Doc. 53.2. Available at : <http://www.cites.org/eng/cop/14/doc/E14-53-2.pdf>

¹⁰⁹ CITES COP16 Doc 53.1

¹¹⁰ Martin, Esmond and Vigne, Lucy, *The Ivory Dynasty: A Report on the Soaring Demand for Elephant and Mammoth Ivory in Southern China*, 2011, p.4: “In January 2011 we surveyed ivory factories and retail outlets in Guangzhou, the largest city in southern China and an important ivory centre, and in Fuzhou, a city famous for carving. According to a factory owner in Fuzhou, in 2010 he paid on average USD 455/kg for government-owned 1-5kg tusks with a range of USD 303- 530/kg. Similarly, privately-owned raw ivory in 2010 was USD 750/ kg, according to various sources. Siberian mammoth high quality tusks were around USD 400/kg in 2010 wholesale in China.” According to most sources, demand for ivory has increased between 2010 and 2011.



Piracy off the coast of Somalia

Somalia has been in a state of perpetual conflict since the ouster of dictator Siad Barre in 1991. In addition to twenty-two years of conflict, Somalia has experienced five major droughts since 2000,¹¹¹ catastrophes for a country where the majority of the population is reliant on livestock herding and agriculture. Combined, conflict and drought gave Somalia the lowest GDP per capita in the world in 2011.¹¹²

In contrast, it is estimated that pirates brought in some US\$150 million in 2011,¹¹³ which would be equivalent to almost 15% of Somalia's GDP.¹¹⁴ Aside from aid and remittances,¹¹⁵ piracy has become the largest source of foreign exchange in the country.

Due to its strategic position along the Gulf of Aden, piracy has a long history in Somalia, but the current wave of successful hijackings began only in 2005. Today, some 42,500 vessels transit the high-risk area each year.¹¹⁶ While it may seem inevitable that some in this heavily armed and fragmented country would take advantage of its location along

one of the most heavily trafficked waterways in the world, the local discourse on piracy frames it as an essentially defensive measure.

According to the local narrative, the practice started after a tsunami washed toxic waste containers onto local beaches in 2005, confirming rumours that other countries had been using Somalia's un-policed waters as a dumping ground.¹¹⁷ In addition, Somali fishermen had been encountering unauthorized trawlers in their traditional seas since the mid-1990s.¹¹⁸ Since the fragmented central state had little capacity to guard Somalia's 3300 kilometres of coast, the fishermen decided to take matters into their own hands, seizing foreign ships and demanding compensation ("fines") for their return. In some instances, local authorities endorsed or supported these actions, forging links between the pirates and local government.¹¹⁹ It appears that some militiamen were trained by local authorities and private security companies to act as "coast guards", a term still associated with some pirate groups.¹²⁰

Whatever the truth of this narrative, it is deeply etched in the Somali consciousness, and has allowed piracy to be portrayed as a kind of redistributive activity. The pirates cannot operate without considerable public support,

111 EM-DAT: The OFDA/CRED International Disaster Database, www.emdat.be - Université catholique de Louvain - Brussels – Belgium.

112 Nominal GDP, as per United Nations Statistics Division, National Accounts Main Aggregates Database. See: <http://unstats.un.org/unsd/snaama/selbasic-Fast.asp>

113 UNODC-WB database.

114 At current prices, Somalia's GDP in 2011 was just over US\$1 billion. (Source: United Nations Statistics Division).

115 Somalia received just under US\$500 million in international assistance in 2010. See: <http://www.globalhumanitarianassistance.org/countryprofile/somalia>

116 UNDP has estimated remittances to Somalia at US\$2.3 billion. See: <http://www.undp.org/content/dam/undp/library/corporate/HDR/Arab%20States/HDR-Somalia-2012-E.pdf>

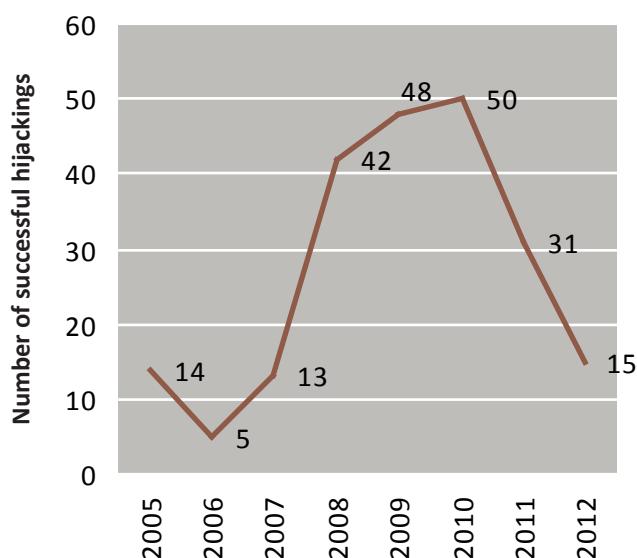
117 UN Security Council, *Report of the Special Adviser to the Secretary-General on Legal Issues Related to Piracy off the Coast of Somalia*, 25 January 2011, S/2011/30. The question of whether this dumping took place or affected piracy was later questioned in S/2011/661. Nonetheless, the connection remains robust in local discourse.

118 A university study estimated that half the 2002 catch off Somalia was taken by foreign-flagged vessels. The UN Food and Agriculture Organization said in 2005 that around 700 trawlers with foreign flags were involved. See: UN Security Council, *Report of the Secretary-General on the protection of Somali natural resources and waters*, 25 October 2011, S/2011/661, available at: http://www.un.org/ga/search/view_doc.asp?symbol=S/2011/661.

119 UN Security Council, *Report of the Monitoring Group on Somalia pursuant to Security Council Resolution 1630 (2005)*, 4 May 2006, S/2006/229, para. 80.

120 UNODC, *Causes of piracy and links to organized crime*, 2013.

Figure 19: Number of successful hijackings attributed to Somali pirates

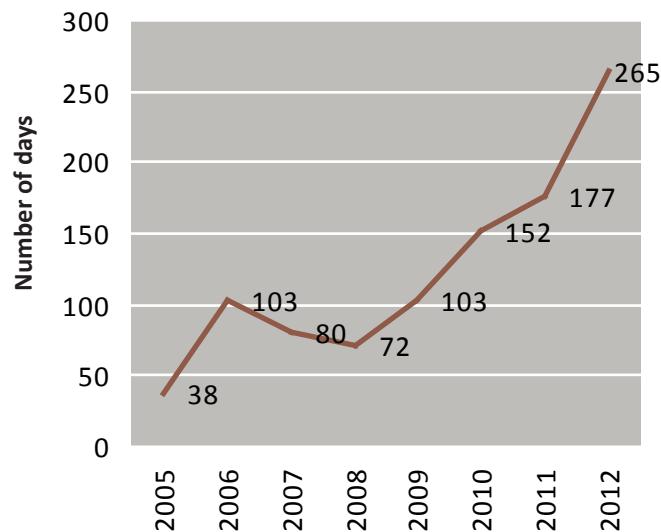


Source: UNODC-WB database

because they are reliant on supplies from the mainland during the long ransom negotiation process. But the justification wears thin when ships are attacked thousands of miles from the Somali coast, or when the victims are pensioners sailing pleasure craft near the Seychelles. Only a small fraction of the vessels held for ransom today are fishing vessels, and there is evidence that pirate groups are “licensing” foreign vessels to transit or fish in Somali waters.¹²¹ Declining public support may be one reason why piracy attacks have fallen dramatically since April 2011.

Another factor leading to the decline is increased risk for pirates. The promulgation of “Best Management Practices” for responding to piracy has surely played a role in vessels escaping pirate attacks.¹²² The high value ships have moved away from the coast, forcing pirates to travel much further before finding their targets.¹²³ In 2005, the average successful pirate attack was 109 km from the Somali coast; in 2012, it was 746 km.¹²⁴ Combined with the increased defensive capacities of vessels and the rise of private armed security onboard,¹²⁵ the extended range has meant that a growing number of pirates are lost at sea.¹²⁶ Interviews with

Figure 20: Average number of days between successful Somali hijackings and payment of a ransom, by year of release



Source: UNODC-WB database

former pirates have indicated that this risk provides a strong deterrent.¹²⁷

Ransom negotiations have also become more protracted, requiring investors to support the pirates and their hostages for many months before seeing a return, if indeed they see any at all. For example, the *MV Iceberg* was hijacked on 29 March 2010 and liberated by the Puntland authorities on 23 December 2012 – in this case, it seems that pirates invested nearly two years in a vessel that never paid off. In 2005, hostages were held for 38 days on average, but by 2010, it increased to 152 days.¹²⁸ This growing cost was formerly offset by the continual growth in ransom payments, but in 2012, the average ransom actually declined by 20%.¹²⁹ As the proceeds of piracy have driven up the cost of everything in the communities where the pirates reside, extended negotiations have seriously undercut the return on investment.¹³⁰ Since investors get paid first, and

S/2011/30). If the total pool is 1500-3000 pirates, this represents a 10% to 20% attrition rate, which would most likely provide a significant deterrent.

127 UNODC, *Causes of piracy and links to organized crime*, 2013.

128 UNODC-WB database. Pirates have claimed that the cost of maintaining hostage crews runs into the tens of thousands of dollars per day (See: Do, Quy-Toan, Jean-Baptiste Blanc, Aurélien Kruse, Trung Dang Le, Andrei A. Levchenko, Lin Ma, Farley Mesko, Michaela McRee, Claudia Ruiz Ortega, and Anja Shortland, *The Pirates of Somalia: Ending the Threat, Rebuilding a Nation*, World Bank, Washington, DC., 2013). Two hundred hostages (199 men and one woman) from pirated vessels were being held in Somalia in December 2011. From December 2008 to December 2011, 2317 “merchant seamen” have been held hostage. See: EUNAVFOR, “Merchant ship crews held hostage in Somalia”, 20 December 2011, available at: <http://eunavfor.eu/merchant-ship-crews-held-hostage-in-somalia/>

The majority of hostages are from countries in Asia, and persons from 47 countries were held hostage in 2011. See: International Maritime Bureau and Oceans Beyond Piracy, *The Human Cost of Somali Piracy* in, 22 June 2012, p. 7.

129 UNODC-WB database.

130 Stuart Yikona, Clément Gorrisen, George Kisaka, Kevin Stephenson, David Lamair and Francisca Fernando, *Pirate Trails: Tracking the Illicit Financial Flows from Pirate Activities off the Horn of Africa*, UNODC, WB, and INTERPOL, 2013.

121 UN Security Council, *Report of the Monitoring Group on Somalia and Eritrea submitted in accordance with Security Council resolution 1916 (2010)*, 18 July 2011, S/2011/433, para.118.

122 Best Management Practices for Protection against Somalia based Piracy, version 4, August 2011, available at: http://www.mschoa.org/docs/public-documents/bmp4-low-res_sept_5_2011.pdf

123 In February 2009, a corridor between Somalia and Yemen within international waters -the Internationally Recommended Transit Corridor (IRTC)- was established to ensure the safety of vessels transiting the Gulf of Aden.

124 Calculations based on UNODC-WB database.

125 This increase in the use of private onboard security forces can be traced back to 2011, when a series of guidance and recommendations were provided by different organizations (e.g. the International Maritime Organization, several shipping industry associations and insurance companies, the US Department of State) on the use of Private Armed Security Personnel (PCASP).

126 Although estimating the number of pirates lost is a highly speculative venture, various sources have placed the number at around 300 in 2010 (see

pirate expenses during negotiation are deducted from their share, some pirates may wind up barely breaking even.¹³¹

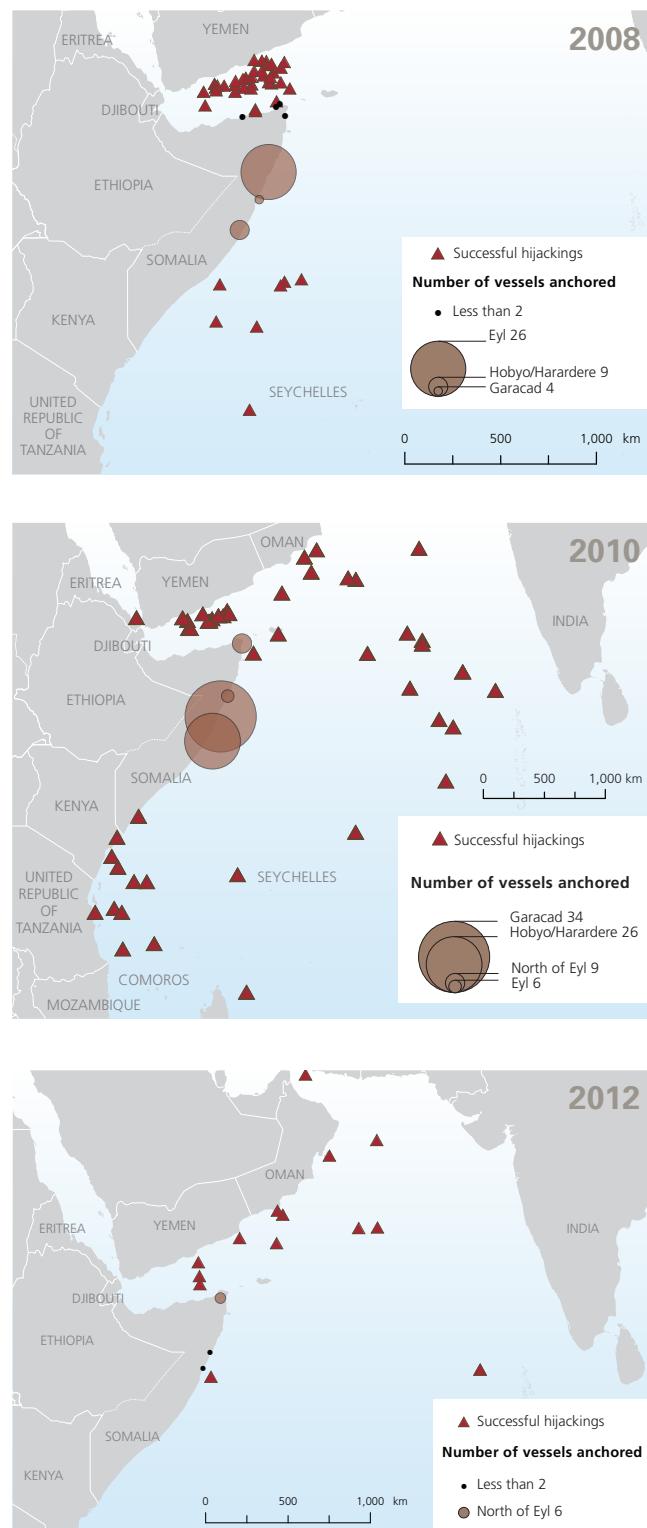
A final factor in the recent decline of piracy is the increased aggressiveness of international enforcement. In the past, the international community was dependent on the national and local authorities to take action against the pirates. Despite all the capacity challenges they face, the local authorities appear to have been remarkably effective in deterring piracy in large swathes of the country. Since most of the recent attacks have been concentrated around the southern end of the Arabian Peninsula, one might assume that the pirates would encamp in Somaliland or northern Puntland. In fact, most of the hijacked ships have been anchored some 1000 km away, in remote coastal areas of southern Puntland and Galguduud. While the reasons remain obscure, it appears that Somali pirates would rather travel an additional 2000 km round-trip than face the authorities in the north of the country.

Even if fully dedicated to the task, the local authorities lack resources: according to the African Development Bank, annual revenues of the Puntland region for all purposes in 2009 were estimated at US\$16 million, a fraction of the estimated US\$57.16 million to US\$84.42 million garnered in ransom payments that year.¹³² Recent operations by international forces, such as the European Union Naval Force (EUNAVFOR), on Somali soil may be having an impact, although the decline of piracy appears to have begun about one year before the first of these operations.

In March 2012, the mandate of the European Union Naval Force operation ("Atalanta") was extended "to include Somali coastal territory and internal waters".¹³³ An air attack against pirate suppliers in a coastal area was carried out by the European forces (EUNAVFOR) almost immediately afterwards.¹³⁴ However, it can be difficult to distinguish pirates from fishermen from the air, and there are concerns that misdirected attacks could increase the sense of international persecution that lies at the root of piracy. But combined with other factors, the threat of direct retributive action by international forces may be providing an additional deterrent.

Thus, for a variety of reasons, piracy has lost much of its attraction. A rising number of would-be pirates never make a profit or never return.¹³⁵ As international attention has intensified, it has become more difficult for the pirates to operate openly. Unless the character of piracy changes (by, for example, taking on a political dimension) or international attention wanes, this trend is likely to continue. While maritime hijackings for ransom are on the rise in other parts of the world, there is hope they will fade in Eastern Africa.

Map 5: Location of pirate attacks attributed to Somali pirates and anchorage points in 2008, 2010 and 2012



Source: UNODC-WB database

131 UNODC, *Causes of piracy and links to organized crime*, 2013.

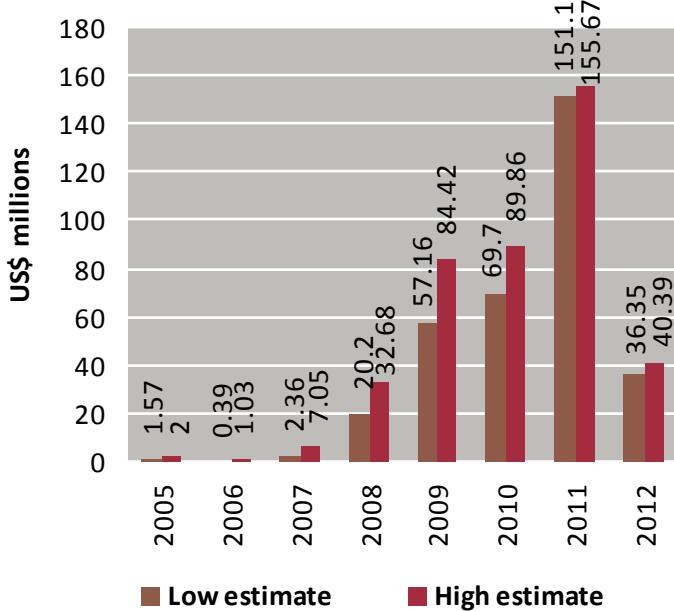
132 UNODC-WB database.

133 Statement from EUNAVFOR on Friday 23 March 2012, following a decision by the Council of the European Union (Council Decision 2012/174/CFSP of 23 March 2012).

134 EUNAVFOR, "EU naval force delivers blow against Somali pirates on shoreline", 15 May 2012, available at: <http://eunavfor.eu/eu-naval-force-delivers-blow-against-somali-pirates-on-shoreline/>

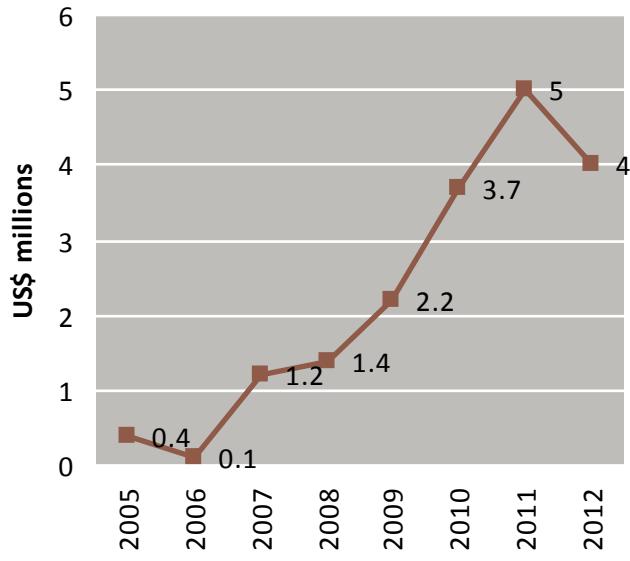
135 UNODC, *Causes of piracy and links to organized crime*, 2013.

Figure 21: Total annual ransoms paid to Somali pirates¹³⁶



Source: UNODC-WB database

Figure 22: Annual per vessel average of ransom payments made to Somali pirates



Source: UNODC-WB database

What is the nature of this market?

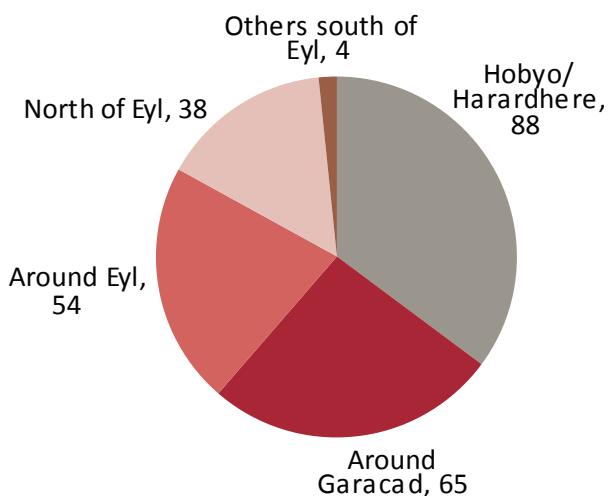
Despite its remarkable linguistic and ethnic homogeneity, Somalia is divided along clan lines, and the country has fragmented into areas where local government is more powerful than the national one. Three distinct sub-regions have emerged:

- Somaliland
- Puntland
- South-Central Somalia, including the recently recognized state of Galmudug.

The former two areas have developed their own governance structures, although the seat of the national government lies in the latter. The area with the best access to the Gulf of Aden is Somaliland, but piracy attacks launched from this area are relatively rare. The best-known piracy centres are in southern Puntland (Eyl, Hobyo and Harardheere) and South Central Somalia (Galguduud), both situated on the east coast of Somalia. Freelance attacks also occur from the coast of northern Puntland, which abuts the Gulf of Aden.¹³⁷ Between 2008 and 2011, only 7% of the hijacked ships were anchored north of Eyl.¹³⁸

The area subject to pirate predation has expanded considerably over time. Greater geographic reach was necessary as ships were warned to avoid the Somali coast, and international maritime patrols made attacks in the Gulf of Aden

Figure 23: Anchorage sites for vessels hijacked by Somali pirates, 2005-2012



Source: UNODC-WB database

harder to carry out. Greater geographic reach was possible due to the adoption of "mother ships": larger craft, such as fishing boats and dhows, rented or hijacked in advance, from which the pirates can launch their attack skiffs.¹³⁹

In 2005 and 2006, most of the successful attacks were concentrated near the coast of Puntland and Galguduud. Attempts were made in the Gulf of Aden, but most were unsuccessful. In 2007, successful attacks were evenly split between the Puntland coast and the Gulf of Aden, with attempts ranging further from Somali shores. In 2008, the Gulf of Aden was the site of most of the successful attacks, and 2009 continued this focus, adding wide-ranging attacks

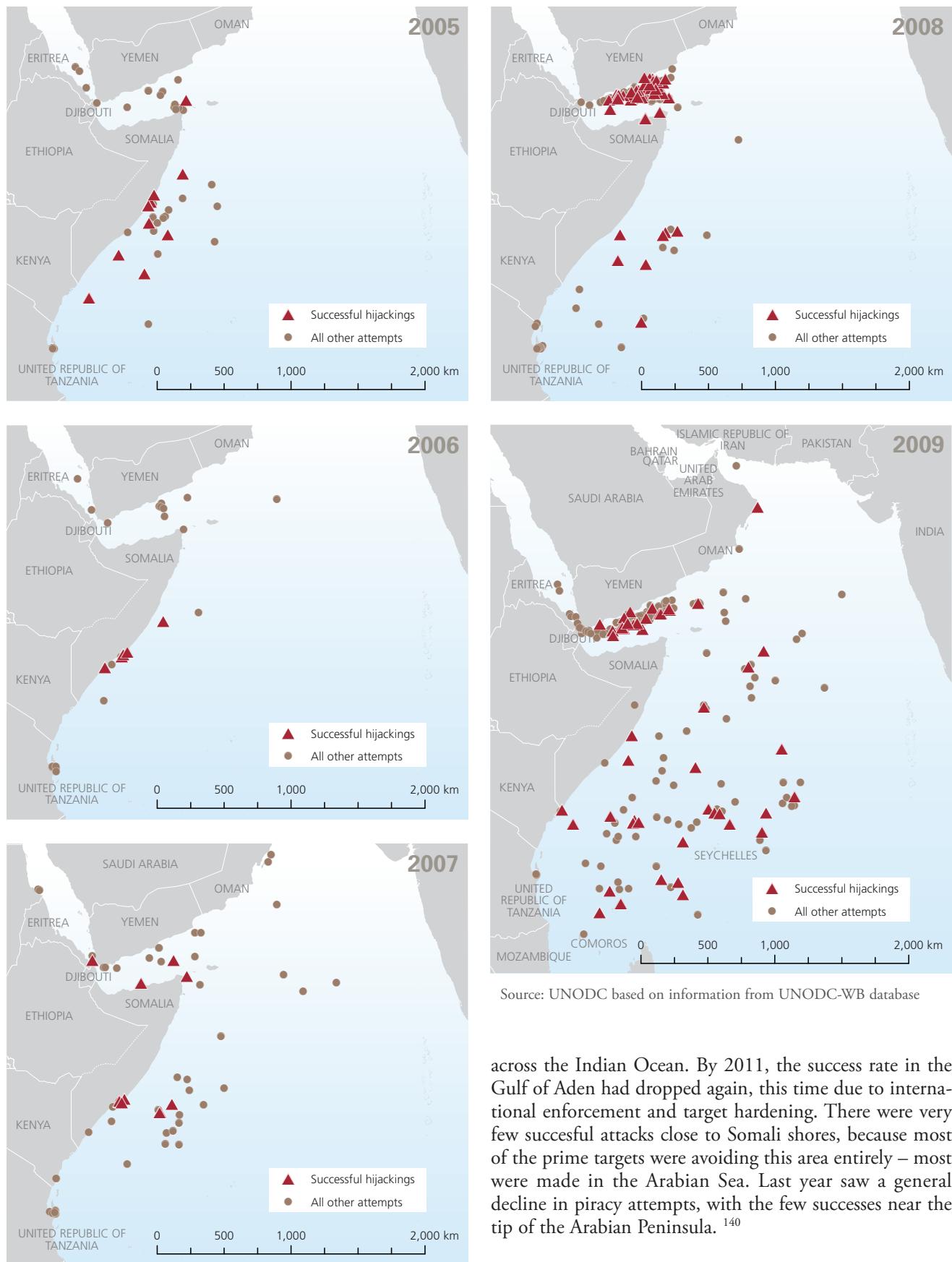
¹³⁶ The "low estimate" represents just those cases where the ransom is known; the "high estimate" included cases where a ransom is known to have been paid, but the exact amount is unclear. These values were estimated based on a range of factors, from the type and tonnage of the ship to the identity of the ransom negotiator.

¹³⁷ UNODC-WB database.

¹³⁸ UNODC-WB database.

¹³⁹ UN Security Council, *Report of the Monitoring group on Somalia and Eritrea*, 18 July 2011, S/2011/433, para. 89.

Map 6: Piracy incidents attributed to Somali pirates, 2005-2009



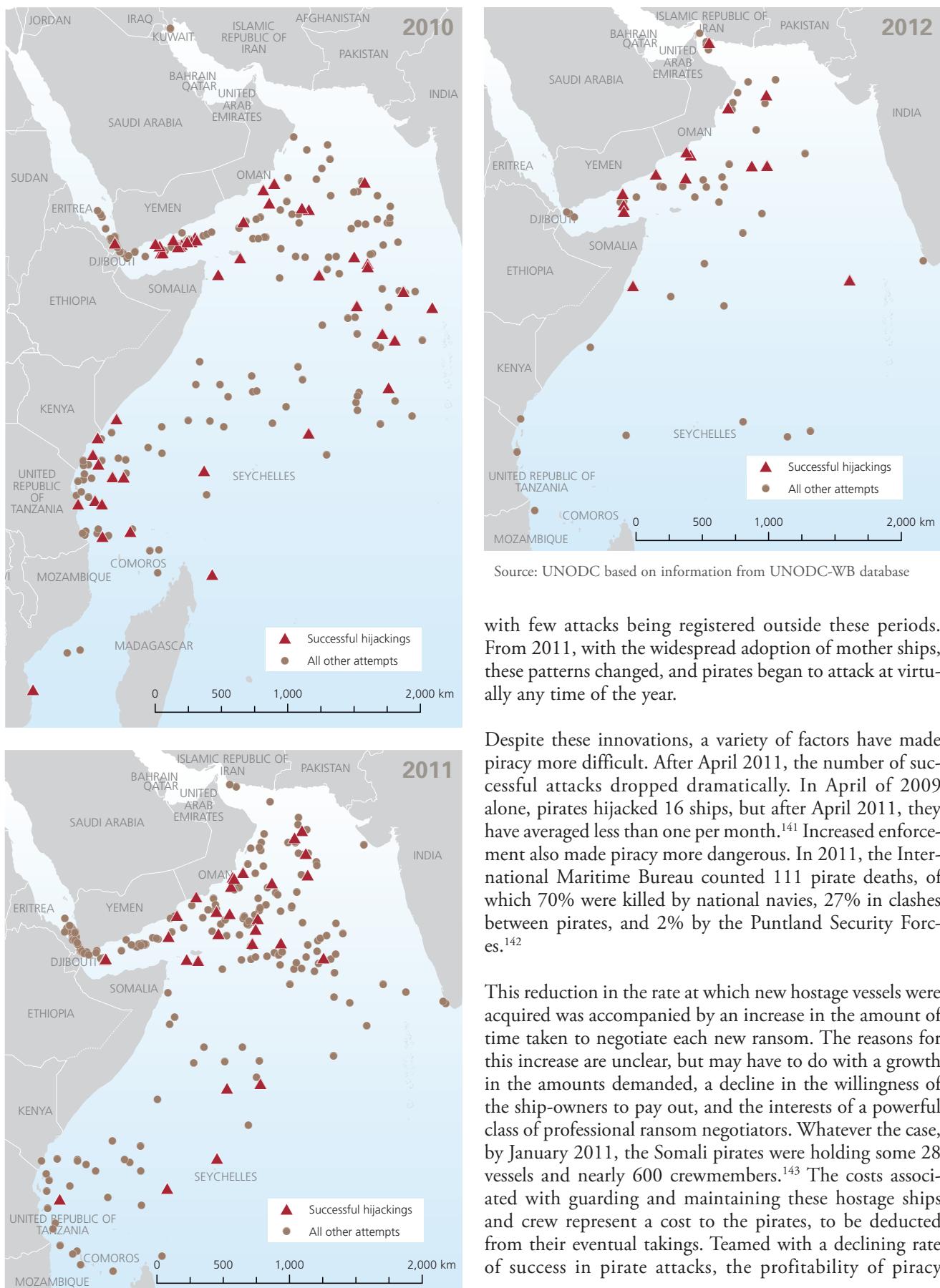
Source: UNODC based on information from UNODC-WB database

across the Indian Ocean. By 2011, the success rate in the Gulf of Aden had dropped again, this time due to international enforcement and target hardening. There were very few successful attacks close to Somali shores, because most of the prime targets were avoiding this area entirely – most were made in the Arabian Sea. Last year saw a general decline in piracy attempts, with the few successes near the tip of the Arabian Peninsula.¹⁴⁰

The use of mother ships also extended the temporal reach of the pirates. With skiffs alone, the piracy season was constrained to seasons when sea conditions were favourable,

¹⁴⁰ The information presented in this paragraph is based on the 2012 UNODC-WB joint dataset.

Map 7: Piracy incidents attributed to Somali pirates, 2010-2012



Source: UNODC based on information from UNODC-WB database

with few attacks being registered outside these periods. From 2011, with the widespread adoption of mother ships, these patterns changed, and pirates began to attack at virtually any time of the year.

Despite these innovations, a variety of factors have made piracy more difficult. After April 2011, the number of successful attacks dropped dramatically. In April of 2009 alone, pirates hijacked 16 ships, but after April 2011, they have averaged less than one per month.¹⁴¹ Increased enforcement also made piracy more dangerous. In 2011, the International Maritime Bureau counted 111 pirate deaths, of which 70% were killed by national navies, 27% in clashes between pirates, and 2% by the Puntland Security Forces.¹⁴²

This reduction in the rate at which new hostage vessels were acquired was accompanied by an increase in the amount of time taken to negotiate each new ransom. The reasons for this increase are unclear, but may have to do with a growth in the amounts demanded, a decline in the willingness of the ship-owners to pay out, and the interests of a powerful class of professional ransom negotiators. Whatever the case, by January 2011, the Somali pirates were holding some 28 vessels and nearly 600 crewmembers.¹⁴³ The costs associated with guarding and maintaining these hostage ships and crew represent a cost to the pirates, to be deducted from their eventual takings. Teamed with a declining rate of success in pirate attacks, the profitability of piracy

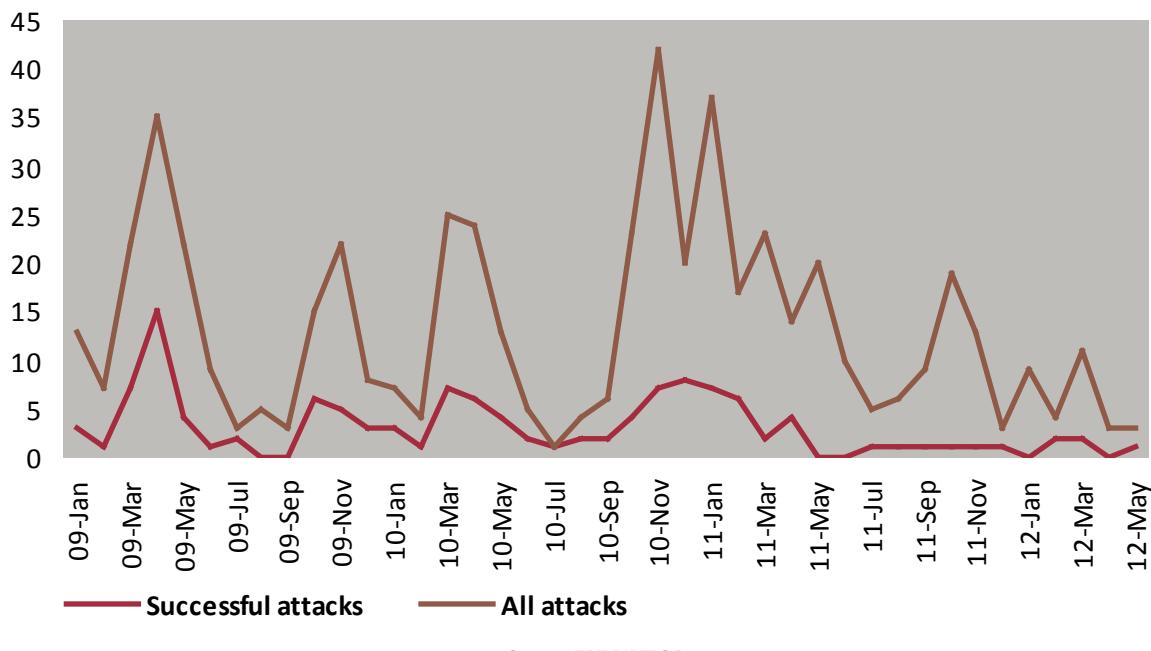
Source: UNODC based on information from UNODC-WB database

141 UNODC-WB database.

142 IMB and Oceans Beyond Piracy, *The Human Cost of Somali Piracy in 2011*, 22 June 2012, p.13.

143 EUNAVFOR.

Figure 24: Recorded Somali pirate attacks and successful hijackings by month, January 2009-May 2012



Source: EUNAVFOR

declined after 2010. Perhaps most significantly, investors could no longer bank on sure returns.

How is the piracy conducted?

There is no central piracy command authority in Somalia. The decision to launch an attack may emerge from the collusion of a range of actors, including professional pirate groups, their community sponsors, and their sources of finance, some of which may be based overseas. An agreement is drawn up between these parties, specifying the allocation of risks and rewards. It appears that although some pirate crews have a degree of continuity, many planned hijackings are handled on a project basis. Once the project is complete, the ransom is distributed and the structures dissolve, to be resurrected at a later date if circumstances merit.

In addition to the pre-financed attacks, there also appear to be some freelance pirate crews, who attack on their own behalf without elaborate backing. The barriers to launching an attack are low - in theory, anyone able to commandeer a few skiffs and hijack a mother ship can participate. But the process of retaining hostages and negotiating a ransom is complicated, especially in a country where conditions are as unpredictable as Somalia. Freelance pirates with a successful catch must then market their hostages to financiers and community structures willing to sponsor them during the negotiation process.

It remains unclear to what extent particular vessels are targeted. Hostages have described pirates who board very familiar with the particulars of the ship, suggesting the vessel was chosen in advance. But naval observers have also described pirate vessels “fishing” for targets in the major shipping lanes. Pirates have even tried to attack naval patrol

ships, clearly indicating a lack of advance planning.¹⁴⁴ It seems likely that both types of attack – planned and opportunistic – take place, although the share of each is unknown.

The most notorious pirate communities are located in the isolated fishing villages of southern Puntland and the province immediately to its south: Galguduud. The UN Monitoring Group on Somalia and Eritrea refers to the group operating in the northern part of this strip as the Puntland Piracy Network, home to such notorious pirates as Isse Yulux and Abdullahi Farah. To the south, there is a group known as the Hoboyo-Xarardheere network, which has included Mohamed Garfanje and Mohamed Abdi Hassan, also known as “Afweyne” (Big Mouth). The groups and their leaders are subject to change. For example, Afweyne, who was responsible for some of the most spectacular pirate attacks (including the Saudi supertanker *Sirius Star* and the weapons bearing *MV Faina*), has recently announced his retirement from piracy.

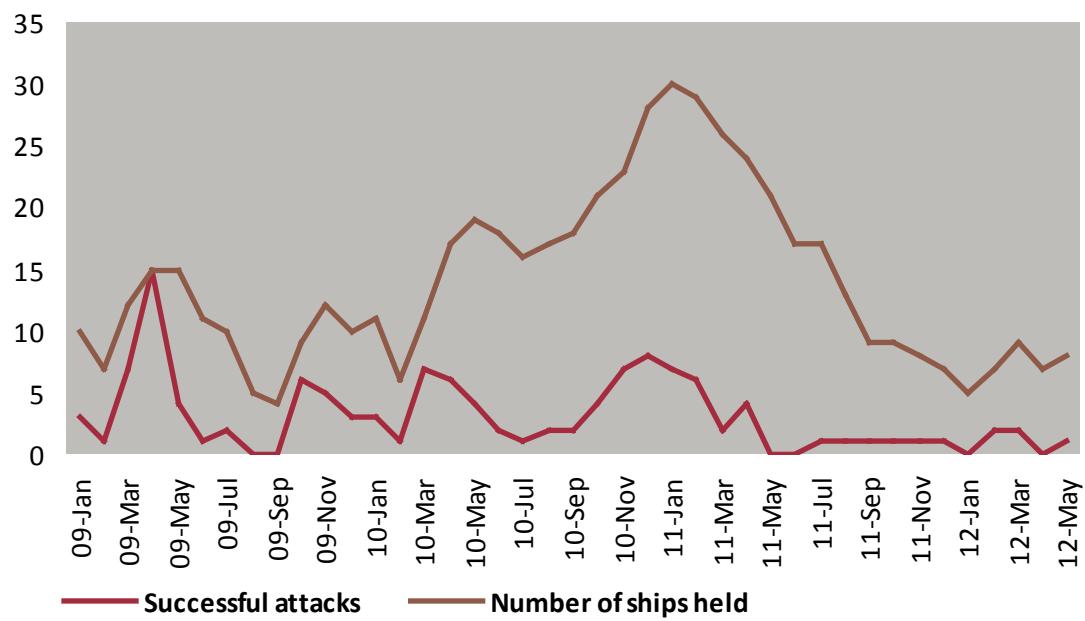
The mechanics of taking a ship are relatively simple. Pirates use the same sorts of vessels as those used by local fishermen: small skiffs that serve as attack craft, and larger vessels, such as dhows, to cover distance. To acquire mother ships, pirates can recruit local fishermen, rent their craft, or hijack them.

The skiffs are rough open craft of around seven to 10 meters in length. Today, they are typically equipped with new Yamaha outboard motors from Yemen.¹⁴⁵ Unlike fishing boats, they carry narrow homemade ladders and grap-

¹⁴⁴ Five attacks against naval vessels were recorded in 2010. See: S/2011/433, para. 90.

¹⁴⁵ UN Security Council, *Report of the Monitoring Group on Somalia pursuant to Security Council resolution 1853 (2008)*, 10 March 2010, S/2010/91, Annex II.

Figure 25: Successful Somali pirate attacks and the number of ships held by pirates by month, January 2009-May 2012



Source: EUNAVFOR

pling hooks for engaging and boarding target vessels.¹⁴⁶ Some include extra fuel tanks, but there have been anecdotes of pirates carrying only enough fuel for the outward leg of their journey, relying on a successful hijacking to return home alive.¹⁴⁷

Although fishermen are also sometimes armed (especially in areas plagued by pirates), certain weapons are strong indicators of criminal intent. Pirates typically carry AK-pattern assault rifles, or PKM light machine guns, many left over from armouries looted after the fall of the Barre regime.¹⁴⁸ Some also bear rocket propelled grenade launchers, a weapon unlikely to be used by fishermen. Naval versions of the Somali “technical” (vehicles mounted with 12.7mm heavy machine guns) have been detected.¹⁴⁹

These skiffs are loaded on, or towed behind, mother ships, which can be any larger ship the pirates have acquired, including previously hijacked merchant vessels. These mother ships allow the pirates to travel farther and in more difficult conditions than would be possible with skiffs alone. Since the crew of a hijacked mother ship may be retained under duress, the use of mother ships makes international intervention difficult, because it can be difficult to distinguish the pirates from their captives. Mother ships may even be traded between pirate groups.¹⁵⁰

¹⁴⁶ UN Security Council, *Report of the Monitoring Group on Somalia and Eritrea*, 18 July 2011, S/2011/433, para. 94.

¹⁴⁷ S/2011/30, para. 17.

¹⁴⁸ Weapons seized from pirates arrested in connection with the attempted hijacking of the *Moscow University*, for example, were heavily rusted and showing their age. Leftover Soviet imports are still used throughout the country. See Small Arms Survey, ‘Chapter 10: Surveying the Battlefield: Illicit Arms in Afghanistan, Iraq, and Somalia’. *SAS Yearbook 2012*, Geneva: SAS.

¹⁴⁹ UNODC correspondence with experts in the field.

¹⁵⁰ A fee of around \$100,000 was agreed for the use of an Iranian flagged fishing vessel, the *Jahan*, which had been taken by pirates who then left to take

An attack group will typically involve two or three skiffs with four to seven crewmembers each. The use of multiple skiffs allows the pirates to attack from different directions and corral the target if it attempts to flee. The pirates will initially attempt to board unnoticed, but will threaten with weapons if detected. The amount of violence used by Somali pirates is generally moderate compared to pirate attacks in the Far East or in West Africa, but it is reported to have increased in recent years, in particular against hostages.¹⁵¹ As one observer notes, in the early years, pirates would use only one or two rocket-propelled grenade rounds. By 2011, this had increased to six to 10 or even more.¹⁵²

It appears that few pirates have the skills to operate a modern vessel, so they are reliant on the captive crew to navigate to Somali waters. Crews have defeated pirate attacks by simply retreating to the ship’s citadel and waiting for the pirates to leave.¹⁵³ Once in Somali waters, the hostages may be kept on board their ship, consolidated with other hostages on a different vessel, or taken ashore for holding as negotiations are conducted.¹⁵⁴ Reports of abuse of hostages appear to be on the increase.

another vessel. The agreement appeared to have taken place in 2010, and the second pirate group would make the payment only if they received a ransom from hijacking a vessel (Source: UNODC interview with a NATO officer, April 2011).

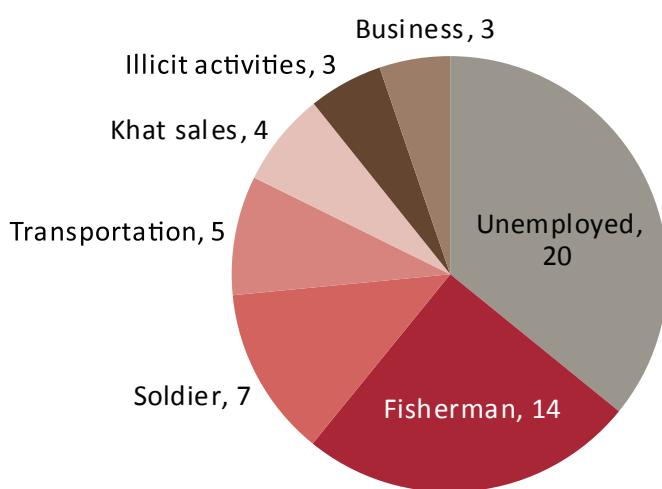
¹⁵¹ While the number of hostages held by Somali pirates decreased in 2011, there was an increase in the number of hostage deaths, with 35 killed. The majority of these deaths occurred during rescue or escape attempts, with a smaller number killed by pirates or dying from disease or malnutrition while in captivity. See: IMB and Oceans Beyond Piracy, *The Human Cost of Somali Piracy in 2011*, p. 8. In addition, there have been reports of torture of crewmembers, such as the case of the *MV Marida Marguerite* in 2010. See: S/2011/433 para. 95.

¹⁵² UNODC background document, *The Illicit Financial Flows linked to Piracy off the Coast of Somalia*, May 2011.

¹⁵³ UNODC-WB database.

¹⁵⁴ U.S. Congressional Research Service, *Piracy off the Horn of Africa*, 27 April 2011, p.11

Figure 26: Prior professions of 56 Somali pirates surveyed in 2012



Source: UNODC survey¹⁵⁵

Ransoms are typically paid in cash (US 100-dollar bills) usually strapped to palettes and dropped at designated areas. The airdrop is carried out by “vessel owners or operators, or their insurance companies, many of whom have contracts with negotiators and crisis management consultancies”.¹⁵⁶ This cash can be used to purchase khat from Somali dealers resident in Kenya. The planes bringing khat may return with cash derived from ransom payments.¹⁵⁷ A similar procedure may be used to purchase other commodities for local distribution, allowing financiers based in Somalia to enjoy their profits locally.

While this exchange can be viewed as “money laundering”, it provides a vehicle for pirates to transition to legitimate business. Some pirates came from the khat trade¹⁵⁸ and it provides one of the few industries where comparable incomes can be derived.

Who is conducting the piracy?

Piracy requires the collusion of a range of actors, of which the pirate foot soldiers are just one component. These include:

- Financiers
- Seamen
- Chandlers and other suppliers
- Shore-based security structures
- Negotiators

A successful pirate hijacking, including the negotiation process, can involve considerable investment. In addition to

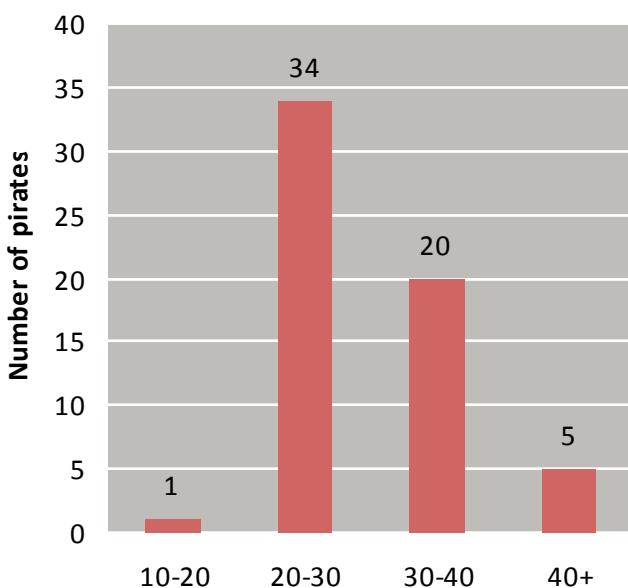
¹⁵⁵ UNODC, *Causes of piracy and links to organized crime*, 2013.

¹⁵⁶ UK Parliament, Foreign Affairs Committee - Tenth Report, *Piracy off the coast of Somalia*, December 2011, available at: <http://www.publications.parliament.uk/pa/cm201012/cmselect/cmfaff/1318/131802.htm>

¹⁵⁷ UNODC, WB, and INTERPOL joint report (2013), op. cit.

¹⁵⁸ UNODC, *Causes of piracy and links to organized crime*, 2013.

Figure 27: Age of entry into piracy of 60 Somali pirates surveyed in 2012



Source: UNODC survey

the outlay in hardware (properly equipped skiffs, mother ship, fuel, weapons, ammunition), provision must be made for the upkeep of both the hostages and the crew during the negotiations.¹⁵⁹ Hostages must be fed and guarded by a proportionate number of pirates for periods that may exceed a year.¹⁶⁰ Failure to invest in sufficient guards could lead to the hostages being freed by foreign forces or being stolen by rival organizations. Pirates must also maintain sufficient land-based security presence to ensure they are taken seriously by local power structures, or they must have these structures represented among their investors.¹⁶² Without protection, it would be difficult to retain cash ransoms of millions of dollars.

For planned hijackings, some investors buy shares, which are typically sold in US\$10,000 blocks.¹⁶³ The average initial outlay for a hijacking is said to be around US\$50,000,¹⁶⁴ and investors expect a 20-fold return on their shares,¹⁶⁵ so a minimum payoff required to satisfy shareholders is one million US dollars, or one-third of a three million dollar ransom. Investors are often former pirates, other Somalis with sufficient resources to risk US\$10,000, or members of the diaspora. Relatives or other small groups can pool resources to launch an ad-hoc attack, but then will need to market their catch to more sophisticated groups for the negotiation process. Investors need some coercive power over the pirates, because they will claim at least 30% of the final take.¹⁶⁶

¹⁵⁹ World Bank (2013), op. cit.

¹⁶⁰ World Bank (2013). op.c it.

¹⁶¹ UNODC, *Causes of piracy and links to organized crime*, 2013.

¹⁶² World Bank (2013). op. cit.

¹⁶³ S/2011/433

¹⁶⁴ World Bank (2013), op.c it.

¹⁶⁵ S/2011/433

¹⁶⁶ UNODC, WB, and INTERPOL joint report (2013), op. cit.

The pirates themselves are generally paid a share of the ransom, and the take for an ordinary pirate is typically in the low tens of thousands of dollars (US\$30,000 to US\$60,000).¹⁶⁷ The leader of the group is usually paid a double share. Additional shares may be paid for special contributions, such as bringing a personal firearm or ladder, or boarding the target vessel first.¹⁶⁸ During the negotiations, which may last a year or more, these men live on credit, with their consumption subtracted from their final share of the profits. As a result, when the ransom is finally paid, some pirates are scarcely better off than they had been before the venture.

The core pirates were estimated to number between 1,500 and 3,000 at the beginning of 2012.¹⁶⁹ They come from a range of backgrounds, but, for reasons discussed above, the single most prominent appears to be fishing, particularly in northern Puntland. Soldiers, who often go unpaid for extended periods in Somalia, are also prominently represented. Most pirates come from the coastal areas of Puntland, but some pirates appear to have migrated from the interior of the country for the purpose of engaging in piracy, often due to a connection to someone living near the pirate camps.¹⁷⁰ Inland nomads are more prominent in the southern parts of the piracy coastal strip.

There appears to be a strong bias towards adult males in the recruitment process. Younger males are recruited for supporting roles, but are not common among the pirate attack crews. This may be due to the fact that a limited number of men can participate, and experience is valued. Females have also been recruited, mainly as cooks, sex workers, or to care for the hostages. In one survey of 60 pirates, 90% were men who entered piracy between the ages of 20 and 39.¹⁷¹ Only 14% of the Somali population falls into this demographic category.¹⁷² It would therefore be wrong to interpret piracy as a matter of delinquency. It appears to be a livelihood choice for adult males faced with less attractive alternatives.

The pirates involved in the attack often provide the core security for the hostages once they are brought ashore, but the use of dedicated guards has also been noted. These are generally employees, paid a fixed wage rather than a share of the ransom.

The professional negotiators are typically well-educated, often resident in the diaspora, and receive their fee off the top, which may be as much as 5% of the total ransom.¹⁷³ The best of these are seen in multiple negotiations. Some may have formerly been pirates themselves.

¹⁶⁷ Ibid.

¹⁶⁸ World Bank (2013), op. cit.

¹⁶⁹ UK Parliament, Foreign Affairs Committee - Tenth Report, *Piracy off the coast of Somalia*, December 2011.

¹⁷⁰ UNODC, *Causes of piracy and links to organized crime*, 2013.

¹⁷¹ UNODC, *Causes of piracy and links to organized crime*, 2013.

¹⁷² According to the 2010 revision of the UN Population database, there were 1.273 million men aged 20-40 in 2010, out of a population of 9.331 million. Population Division of the Department of Economic and Social Affairs of the United Nations Secretariat, *World Population Prospects: The 2010 Revision*.

¹⁷³ UNODC background document, *The Illicit Financial Flows linked to Piracy off the Coast of Somalia*, May 2011.

Those providing goods and services to the pirates at inflated rates greatly benefit from the trade with relatively little risk. The prices pirates are able to pay have inflated the costs of virtually every scarce commodity in the coastal areas where they operate.¹⁷⁴ This buying power has ensured that goods are moved from all over the region for the pirates to consume. Service providers have also capitalized on the temporary largess of the crew awaiting ransom. Sex workers have migrated or been trafficked from other countries in the region to provide services to pirate crews.¹⁷⁵

How big is piracy?

The UN International Maritime Organization (IMO) maintains meticulous records of all confirmed pirate attacks. As with all recorded crime statistics, there may be some degree of under-capture, particularly regarding the hijacking of smaller craft used for mother ships, and concerning vessels operating out of countries that do not report to the international authorities. With regard to registered vessels, it is unlikely that many major cases escape the attention of the IMO.

These statistics clearly show the growth of Somali piracy between 2005 and 2011, and its decline since. In 2012, there were just 15 successful attacks, close to 2005 levels (14). There were no successful hijackings for ransom in the Somali area of operations in the first half of 2013.

UNODC and the World Bank recently developed a joint dataset on ransom payments using sources from the International Maritime Bureau, the International Maritime Organization and EUNAVFOR. Information was gathered on 149 ransom payments over a total of 198 cases between 2005 and 2011. For the 49 cases where a ransom was known to have been paid but the amount was unknown, UNODC and the World Bank used a number of factors to create an estimate, including variables such as the identity of the negotiator and the value of the vessel seized.

Based on these figures, a low estimate (based only on cases where the ransom is known) and a high estimate (including the imputed values) were generated. The amount of money paid out in any given year does not correspond to the number of ships hijacked in that year, however, because many negotiations span at least one calendar year. In other words, although there were only 15 successful hijackings in 2012, pirates were still receiving ransoms from ships hijacked in previous years. Based purely on attacks where the ransom payment was known, pirates earned at least US\$36 million in 2012. If ransoms were inferred in cases where they were not known, the figure would be as high as US\$40 million.

¹⁷⁴ UNODC, WB, and INTERPOL joint report (2013), op. cit.

¹⁷⁵ UNODC, WB, and INTERPOL joint report (2013), op. cit.



Implications for interventions

To complement the research findings presented in the preceding chapters, the UNODC Regional Office for Eastern Africa offers a number of recommendations for interventions in the following pages. Some interventions are cross-cutting and could build capacity to counter multiple types of illicit flows and organized crime groups. To enable authorities in the region to counter numerous trans-national organized crime threats, there is a need to build on existing work, to facilitate cooperation between states. Initiatives such as the Container Control Programme (CCP) could be effectively deployed against numerous illicit flows, both entering and exiting the major ports. The following recommendations draw from the considerable experience gained by UNODC in the implementation of technical assistance programmes in the region and continuous consultations with a broad range of officials and experts.

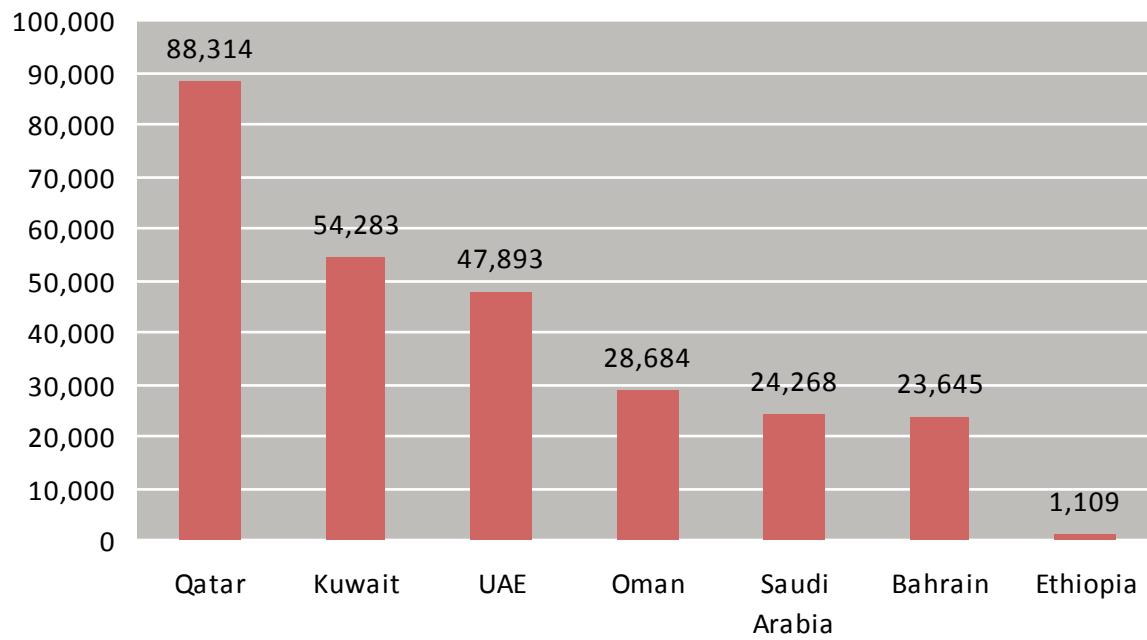
Smuggling of migrants from Ethiopia and Somalia to Yemen and Saudi Arabia

Despite the hazards, the abuses and the exploitation, a growing number of people are smuggled from Somalia and Ethiopia to and through Yemen. There are powerful factors pushing them from their homes, including poverty and conflict. There are powerful factors drawing them to Yemen and the broader Middle East, including the promise of asylum for Somalis who are offered *prima facie* refugee status, and the hope of paid employment. The juxtaposition of two regions with such vast disparities in wealth creates tremendous migration pressures. Until stability returns and economic opportunities at home grow, migrants and refugees are likely to continue to leave in large numbers on the route to Yemen and beyond, despite the threats.

While the long term objective must be to improve conditions in the countries of origin, much more can be done now to address the abuses carried out by organized crime gangs involved in migrant smuggling.

- Public awareness of the criminal nature of these activities and the risks to migrants must be heightened. Migrant smugglers are spreading disinformation about legal channels for migration and potential migrants are not receiving adequate warning of the dangers involved. This needs to be countered with material tailored for the communities most at risk, particularly those in rural areas.
- If there is a demand for labour in destination countries, formal channels should be created to allow regular migration. Migrant smugglers profit from exactly this sort of legal gap. These agreements need to be monitored in both their structure and their application, to ensure protection of the rights of the workers. When formal placement mechanisms are established, they need to be transparent and monitored for corruption, as interested parties may seek to exploit this highly vulnerable group of people. The process needs to be widely publicized, particularly in communities that are targeted by organized crime groups seeking to carry out smuggling or trafficking.
- The activity of migrant smuggling must be explicitly criminalized. To achieve this objective, international assistance will be required in the formulation of appropriate legislation and the training of police and prosecutors in its application. Sentencing should be proportionate to the crime, including additional penalties for those tied to organized groups with a history of abuses.
- Some states may lack the capacity to investigate the criminal networks involved in migrant smuggling, and may require assistance in developing this capacity. The work of these investigators will hinge on international cooperation and information sharing, and the international community can assist in creating vehicles for this to happen. As with all smuggling activities, migrant

Figure 28: GDP per capita (PPP) in US\$ in selected Arab countries and Ethiopia in 2011



Source: World Bank

smugglers rely on weak border controls. As the discussion above has shown, the routes by which migrants are smuggled to the Arabian Peninsula are predictable, particularly the maritime crossing. Modest improvements in vigilance could make migrant smuggling significantly more difficult, although care must be taken to ensure that this does not increase risks for the migrants.

- Improvements in law enforcement must be accompanied by efforts to assist and protect the smuggled migrants. Constant monitoring of the migrants and challenges they face is essential, so that interventions can be tailored to their needs. Victim services should be offered along the migration route, including those tailored for trafficking victims. Service providers should be trained to respond to the requirements of female victims.

Heroin trafficking from Afghanistan via Pakistan and Iran to Eastern Africa

The seizure of large consignments of heroin, with many more likely reaching the region, indicates a threat that Eastern Africa serves as a transit zone to other regions, including South Africa and possibly Europe. Within the region, law enforcement focus on the higher levels of drug trafficking networks is needed to arrest and prosecute brokers facilitating this flow, as there is a threat that this affluence could eventually become destabilizing, fostering high-level corruption and even violence. For now, however, the primary threat to Eastern Africa appears to be the heroin that remains in the region, fostering addiction and contributing to the spread of blood-borne disease.

- Whether in transit or destined for Eastern Africa, measures must be taken to address this flow. The largest heroin seizures were made in international waters as traffickers' vessels approached the region, after more than a year

when no large seizures were made onshore, highlighting the challenges faced by law enforcement in Eastern Africa. To reduce the traffic to and through Eastern Africa, at least two kinds of assistance are needed: international cooperation to reduce the amount of heroin entering the region, and capacity building to cope with whatever makes it through this international shield.

- The best chance to seize heroin is before it reaches the porous borders, isolated coastal areas and busy ports of Eastern Africa. The Combined Maritime Forces (CMF) have made some remarkable seizures in a very short period of time. These actions should be viewed as key, and worth maintaining in the medium to long term as a measure to protect the countries of the region. Given that many police agencies in Eastern Africa lack a maritime force, one of the best ways the international community can contribute is by providing this missing naval capacity, and the investigative expertise to guide it.
- When trafficking dhows were intercepted offshore in 2012 and 2013 by international Naval Forces, the drugs were seized but the crews released with their boats. While the removal of large consignments of heroin represents a considerable disruption, a judicial framework that enables the prosecution of traffickers caught in international waters would create a far more robust deterrent.
- To increase the deterrent value, cooperation agreements and secure information channels between international forces and the states of Eastern Africa should be forged. Successful sharing of information will be dependent on a reduction of corruption among local security forces, to ensure operational details are not leaked. Traffickers will be compelled to enter national territory at some stage in their journey, and once jurisdiction is established, the wheels of the criminal justice system can be set in

motion.

- Air- and seaports are of great importance in the trafficking of heroin and every other form of smuggling. These strategic points are areas where intensive international assistance can provide significant benefits. Local law enforcement can be assisted to increase their capacity for investigative and profiling techniques to detect suspicious shipments, including airfreight, air courier, and containerized shipments.
- Countries in Eastern Africa face numerous criminal justice challenges. Police are under-resourced, lacking in both equipment and skill to tackle international traffickers. Donated equipment is often rendered useless by shortages of petrol, power, and parts. Poor case management and prosecution reduce conviction rates. Corruption is also an issue, as donor resources can be used to advance criminal or personal objectives. In the worst cases, they can be used to violate human rights.
- The challenge, then, lies in doing more with less, focusing especially on building cooperation between nations and on instilling key capabilities. In particular, combatting organized crime requires a set of investigative skills that many lack. Investigations must be both proactive and retrospective, following through on arrests and seizures to impact the higher levels of the organized crime groups trafficking drugs.
- The international community can also support regional information sharing, through the sponsorship of events such as the regional heads of police meetings, and through the development of common information technology platforms. It can also help devise, broker, and monitor international assistance agreements. More can be done to develop the basic statistical information needed to monitor the situation, including police statistics (arrests and seizures) and specialized surveys. Requirements for reporting of this data would both highlight developing threats and reduce the risk of corruption. For example, the diversion of seized drugs would be harder if original seizures were immediately verified and made a matter of public record.
- Aside from dealing with the trafficking, more should be done to prevent and treat heroin use in the region. Heroin use in Eastern Africa lacks the cultural context seen in other parts of the world – some users may have little idea what they are consuming, or what the long-term consequence may be. Education and advocacy programmes should be advanced to decrease the number of new users entering the market. The international community also has a wealth of expertise to share on the treatment of drug dependence, including the setting up of harm reduction programmes close to where users congregate. Outreach interventions for drug users and sex workers are vital.
- There is a particular need to determine the extent of heroin use through the use of specialized research tools, as household surveys rarely capture the most marginalized users. The use of the Respondent Driven Sampling methodology combined with drug-using population size estimation can provide a more realistic and valid

picture of the extent of the problem. The establishment of National Drug Observatories can also provide regular and timely information on the extent and patterns of drug use, by combining both health and law enforcement data. UNODC can help with the provision of quick test kits to establish the presence of illicit drugs, and the development of regional forensic laboratories.

Smuggling of Ivory from Eastern Africa to Asia

Wildlife rangers are typically dedicated and skilled, sometimes dying or being injured in the line of duty. In some cases corruption is an issue, and rangers have been identified as being involved in poaching. Rangers are often outgunned by the organized crime gangs involved in poaching. There are a multitude of threats accompanying heavily armed poachers. These include the risk that insecurity will increase through the illicit use of weapons in communities near poaching sites. Additionally, opportunist poaching of other species can further the impact on the eco-system and the involvement of poaching gangs from Somalia could in some cases mean the proceeds of ivory are being used as a funding source for militant groups. This range of threats highlights the need to identify violent, dangerous organised crime groups involved in poaching. In the event that witnesses are identified limited protection measures are available to protect them against the organized crime groups and armed poachers. Crime scenes are destroyed by untrained officials and valuable evidence is not identified or collected. Thus, there is great potential for law enforcement in Eastern Africa to play a strong role in wildlife preservation. This potential needs support, however, in the form of training, international coordination, and basic resources.

- Before any law enforcement action can take place, however, ivory trafficking must be regarded as a serious offence, both in the law and among those charged with enforcing it. Ivory trafficking must be criminalized, perhaps by specialized legislation, and the penalties commensurate with the gravity of the offence. Awareness campaigns in Eastern Africa can stir popular demand for action and encourage public support for enforcement action, including witness participation. It may also influence prosecutorial discretion and judicial sentencing.
- International information sharing is pivotal, including sharing between authorities in Africa and Asia. As CITES notes, major ivory seizures “present excellent opportunities for those behind the smuggling to be identified and brought to justice. Too often, such opportunities are being wasted. It can sometimes take weeks, or months, for information, for example copies of air waybills or cargo manifests, to be shared with a country of origin. By then, it is too late, for instance, to conduct searches at the addresses of those who organized shipments”¹⁷⁶.

¹⁷⁶ CITES, Sixty-First Meeting of the Standing Committee Geneva (Switzerland), 15-19 August 2011, Control of Trade in Elephant Specimens, SC61 Doc. 44.1, p.5.

- A major research gap is the groups, routes and methodology used to move ivory within Africa, between the poaching sites and the ports of exit. Court cases brought about through international information sharing could provide some of this information. DNA testing of seized ivory could link it to regions where concentrated poaching is being carried out, though a recent study noted that independent verification of this methodology was needed.¹⁷⁷
- Being bulky, most illicit ivory is shipped in containers from one of two ports: Dar es Salaam and Mombasa. Few trafficking chains face similar bottlenecks, and this represents a vital point of vulnerability. The UNODC – WCO Container Control Programme can be expanded in both Eastern African and Asian ports, catching ivory on both sides of the Indian Ocean.
- Air flights are similarly limited. As the CITES Secretariat said in 2011, “It appears that considerable scope exists for the tightening of export controls of both cargo and passengers at the major air and sea ports of Africa. Africa has relatively few major international airline ‘hubs’ and any increase in controls on export and transit at such ports are bound to pay dividends.”¹⁷⁸ The smuggling of small amounts of ivory by tourists and expatriate workers can be deterred by regular inspections on the most vulnerable air routes, and harsh penalties for those found to have violated explicit laws. Since they are not professional traffickers, smugglers or traffickers carrying small amounts of ivory are less likely to undertake the cost of flying home through diversionary transit countries, so inspections can focus on a limited number of flights. Warning signs should be posted in the languages of the major destination countries and those found in violation should face custodial sentences, with convictions well publicized (where possible in the main destination countries as well as source areas).
- While increasing public awareness in Africa is important, increasing it in Asia is essential. If, as CITES has asserted, “China remains the single most important contemporary player in the illicit trade in ivory,”¹⁷⁹ then addressing demand in that country is key. Recent research has indicated that many items offered for sale in licit retail operations did not have the required origin certification, opening the door to illicit sources of supply.¹⁸⁰ To maintain a licit domestic market for ivory, the barriers to illicit ivory entering this market must be insurmountable.

Piracy off the coast of Somalia

Somali piracy is at its lowest level since 2008. As of May 2013 there were only seven vessels and fewer than 100 hostages held on the Somali coast, and recent reports suggest these numbers have declined further still. Industry, the Somali Government and the international naval forces believe that the decline is the result of the use of private security companies and international naval forces (backed by a viable prosecution option). There is, however, already clear evidence that the industry’s commitment to the former and member states’ commitment to the latter are in decline.

Somalia needs a sea-going law enforcement capability to enable the recently agreed Somali Maritime Security and Resource Strategy. This would involve further development of the Somali Coast Guard. This should enable the Somali authorities at all levels of government to monitor, police and control the coastal waters around Somalia. Such support would include provision of equipment and training, but also improved capacities for communication between the various authorities in Somalia (regional and federal).

- There is a need to develop the capacity of other regional sea-going law enforcement authorities., as this would have impact on all of the illicit flows discussed in this report.
- Public information campaigns should emphasize that piracy is dangerous and unacceptable to the broader Somali community, with prominent piracy failures highlighted.
- Alternative development for coastal communities should be advanced, including programmes designed to ensure cash incomes from fishing activities. The international community can also help protect Somali waters from the incursions of unlicensed fishing vessels.
- One unfortunate side effect of the influx of piracy ransoms has been the development of the capacity to launder money in the region, despite (or perhaps, because of) the weaknesses in the licit financial sector. Since the local economies are largely cash-based, formal financial controls must be complemented with efforts to counter movements of illicit cash and monitor remittance agencies. Developers of telecom-based money transfer services must be made aware of the risks and subjected to regulation to address the threat of money laundering. Preventing money laundering and associated corruption, will require better collection, analysis, and sharing of data by national authorities, including central banks, land registries, and revenue collection agencies. Finally, national law enforcement agencies must be trained to detect money laundering and instructed in the means available for addressing it.

¹⁷⁷ *Elephants in the Dust*, p.70.

¹⁷⁸ SC61 Doc. 44.1, p2.

¹⁷⁹ CoP16 Doc. 53.2.2 (Rev. 1).

¹⁸⁰ Martin and Vigne, *op. cit.*