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Understanding illegal ivory trade(rs): evidence from Uganda.

Kristof Titeca

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Abstract: In the last decade, there has been a major growth in illegal ivory trade. Although this trade has been analyzed from a variety of angles, one perspective is missing in the literature, namely the ivory trader himself. Based on access to a number of illegal ivory traders in Uganda (a major transit point of ivory), this paper aims to fill this gap. In doing so, and by linking their activities with the literature on the informal economy, the paper shows how various structural circumstances had a profound impact on the ways in which the illegal ivory trade was conducted: the increased market (both in supply and demand) led many traders to engage in this trade; while an increased crackdown made the conditions much more difficult. By analyzing how ivory traders navigate these structural circumstances, the paper highlights the power differentials at play, particularly in the personal linkages necessary to organize their trade. In doing so, the paper shows how various degrees of criminalisation had a profound impact on the trade: the more ivory became criminalised, the more criminal connections were needed to remain in the trade, with 'military-commercial' nexus at the heart of it.

1. Introduction

Illegal ivory trade constitutes a global problem: largely fueled by increasing demand and consumption in East and South East Asia, the illegal trade in raw ivory has been escalating rapidly from 2007 onwards.¹ Based on confiscated illegal ivory, it is shown how particularly since 2010, the illicit ivory trade has been at record high levels.² In the last few years, some positive signals can be seen: while poaching increased from 2006 onwards, it reached its peak in 2011 (UNEP et al. 2013: 11; 33), with reductions in the consequent years. Moreover, in 2016, the highest level of seizures took place since commercial trade was banned by CITES in 1989. That being said, illegal ivory trade transactions remain as high as before.³

Given this peak, illegal ivory trade has received a lot of attention, from a variety of perspectives. For example, policy reports and journalistic articles have been blaming this upsurge on the link between ivory trade and terrorism: a number of rebel and terrorist groups are fueling the poaching of elephants and ivory trade; an activity through which they are able to finance their

¹ T. Milliken, R. W. Burn, F.M. Underwood and L. Sangalakula, 'The Elephant Trade Information System (ETIS) and the Illicit Trade in Ivory: A report to the 17th meeting of the Conference of the Parties to CITES', 2016, pp. 11, 24; Fiona M. Underwood, Robert, W. Burn, and Tom Milliken, 'Dissecting the Illegal Ivory Trade: An Analysis of Ivory Seizures Data' *PLOS ONE*, 2013, 8/10, pp. 1-12.

² T. Milliken, F.M. Underwood, R. W. Burn and L. Sangalakula, 'Addendum to the Elephant Trade Information System (ETIS) and the Illicit Trade in Ivory', TRAFFIC, 2016.

³ CITES, 'African elephant poaching down, ivory seizures up and hit record high', 24 October 2017. https://cites.org/eng/news/pr/African_elephant_poaching_down_ivory_seizures_up_and_hit_record_high_24102017 Accessed 2 March 2018.

activities.⁴ Yet, this terrorism-ivory trade nexus has been largely criticized: a number of articles have been debunking this myth, illustrating how this link has been overemphasized, and is based on limited and dubious sources.⁵ Another set of literature focusses on ivory markets: on the one hand, looking at ivory on display in markets, hotels, workspaces and others.⁶ On the other hand, there is a significant literature analysing databases of seized ivory – and particularly on ETIS (the Elephant Trade Information System), a global database of reported seizures of illegal ivory.⁷

More generally, illegal ivory trade is studied from a variety of perspectives, largely missing from this literature is a central figure in the illegal ivory trade, i.e. the ivory trader him/herself. What role do ivory traders play within the illegal ivory trade, and how they do organize their trade? These questions largely remain unanswered; yet they are necessary in order to fully comprehend the illegal ivory trade. This knowledge gap is emphasized in a number of reports: UNODC⁸ for example argues how ‘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’.⁹ Milliken¹⁰ argues for more understanding of the structure of the ivory trade, while a range of other reports specifically argue to target traders.¹¹

This paper attempts to address this gap, and will be doing so by analyzing the activities of illegal ivory traders: as we will see below, Uganda is a major transit point for ivory, making it an excellent case-study to analyse the activities of illegal ivory traders, who are responsible for transporting, buying and selling the good. Concretely, the paper aims to analyse the ways in which illegal ivory traders navigate structural circumstances, which may facilitate, but also hinder their activities.

The paper does so in the following ways: first, it gives an overview of the methodology used for this research. Second, it gives an overview of the debates on the informal economy and criminalization : analyses on illegal ivory trade (and illegal wildlife trade in general) take place

⁴ Save the Rhino, ‘Is Elephant and Rhino Poaching Funding Terrorism?’

https://www.savetherhino.org/rhino_info/thorny_issues/is_elephant_and_rhino_poaching_funding_terrorism, accessed 17 August 2015; International Fund for Animal Welfare (IFAW), ‘Criminal Nature’, 17 August 2015, pp. 12–13; Carla Sterley, ‘Elephants and Rhinos Fund Terror Networks: Illegal Poaching in Sub-Saharan Africa Funds Islamic Fundamentalism’, Consultancy Africa Intelligence, 1 Sep. 2014.

⁵ Tom Maguire and Cathy Haenlein ‘An illusion of complicity. Terrorism and the illegal ivory trade in East Africa’, *Royal United Services Institute for Defense and Security Studies, Occasional Paper*, September 2015. Natasha White, ‘The “White Gold of Jihad”: violence, legitimisation and contestation in anti-poaching strategies’. *J. Polit. Ecol.* 21, 2014, pp. 452–474. Keith Somerville, ‘Ivory, power and poaching in Africa’, (Hurst Publishers, 2016),

⁶ Lucy Vigne and Esmond Martin, ‘Japanese demand for ivory declines’, *Oryx*, 44: 3, 2010, pp. 326–327; Esmond Martin and Lucy Vigne, ‘The importance of ivory in Philippine culture’ *Pachyderm*, 50, 2011, pp. 56–67.

⁷ Milliken et al., ‘The Elephant Trade Information System’; Milliken et al. ‘Addendum to the Elephant Trade Information System’; Underwood et al. ‘Dissecting the Illegal Ivory Trade’.

⁸ UNODC, ‘Transnational organized crime in Eastern Africa: a threat assessment’, *UNODC*, 2013, pp. 48.

⁹ See also Aucoin (2017) for a similar call.

¹⁰ Tom Milliken, ‘Illegal Trade in Ivory and Rhino Horn: an Assessment Report to Improve Law Enforcement Under the Wildlife TRAPS Project’, *USAID and TRAFFIC*, 2014, p. 13.

¹¹ Keith Somerville, ‘Target the traders in ivory war’, *Mail and Guardian*, 12 Dec. 2014.

<https://mg.co.za/article/2014-12-11-target-the-traders-in-ivory-war> Accessed 11 Sep. 2017.

from a variety of theoretical perspectives and disciplines, but have not engaged with the literature on the informal economy– which is related with the relative absence of ivory trade from these debates. Third and most importantly, the paper will look in detail at the life histories of a number of ivory traders in Uganda and how they organized their ivory trading activities. In doing so, the paper will particularly pay attention to the way in which the traders’ activities have been influenced by the structural circumstances in which they operate, and how the various traders navigate these.

2. Methodology

This paper is mainly based on in-depth research among illegal ivory traders in Uganda (and, to a lesser extent, in the Democratic Republic of Congo), with whom were semi-structured interviews conducted between 2012 and 2017.

Through their illegal nature, illegal trade activities are hard to detect. Yet, research on illegal activities have a long tradition¹². Specifically on illegal trade, MacGaffey and Ellis emphasise the importance of adopting a ‘bottom-up’ approach, in which the activities of a small number of illegal traders are followed, with a ‘view to extrapolating from their activities in order to draw conclusions of wider application’¹³. Crucial in conducting this research is establishing trust and rapport with the concerned actors, and engagement with them over time and space – in order to see their evolution in different geographical areas and time. Ethnographic research is particularly suited for this, for its lengthy immersion in local life, and its close contact with the research subjects¹⁴. This methodology has been followed for this research, which was based on long-term ethnographic research with illegal cross-border traders in the Uganda-DRC border region. Initially as part of my doctoral research, I have been engaging with these actors since 2004. Through engagement with them over this extended period of time, trust and rapport were established and developed: as I kept coming back over the years, and as the traders’ disclosure of information had no negative impact on their activities, my reputation as trustworthy and reliable actor was strengthened. Initial suspicions that I had a hidden agenda (such as working for national or international intelligence authorities) therefore disappeared. Moreover, the fact that a European outsider showed interest in their activities became a source of pride for a number of them. Through snowball-sampling – a technique which is particular useful for approaching hard to reach subgroups¹⁵ - I was introduced to various traders on different locations (along the Uganda-DRC border, and in Uganda’s capital Kampala). Also here, engaging with these traders both in space and time did not only increase the trust and rapport, it also allowed to further cross-check the interview data across extended periods of time, and in different places. The danger of snowball-sampling, particularly on sensitive and difficult to access subjects such as illegal trade, is the risk of being exposed to a particular and narrow

¹² Jeff Ferrell and Mark Hamm. *Ethnography at the edge: Crime, deviance, and field research*. (Boston: Northeastern University Press, 1998).

¹³ Stephen Ellis and Janet MacGaffey, ‘Research on Sub-Saharan Africa’s Unrecorded International Trade: Some Methodological and Conceptual Problems’, *African Studies Review*, 39: 2, 1996 pp. 20-21.

¹⁴ Ellis and MacGaffey, ‘Research’.

¹⁵ Robins Sadler, Georgia; Hau-Chen Lee; Seung-Hwam Lin, Rod; Fullerton Judith. ‘Recruitment of hard-to-reach population subgroups via adaptations of the snowball sampling strategy’, *Nursing & Health Sciences*, 12: 3, 2010: 369-374.

network, which share more or less the same socio-economic characteristics and vision¹⁶. Again, the longevity of my research engagement with the subject and region helped to address this: for example, while at certain moments of time, my ‘pool’ of informants remained rather limited¹⁷, the return of old informants or chance encounters and introductions with new informants helped to broaden my exposure to different networks and visions. Particularly research in the capital Kampala, away from my core research area on the border, helped to address this.

Importantly, my research among these actors always had an inductive nature, in which research topics were strongly influenced by my informants’ activities, rather than predetermined research agendas on my side. Concretely, my interest in ivory trade largely came from my informants’ engagement in ivory trade: my research initially paid no attention to illegal ivory trade, until this started becoming more and more present in my informant’s trading activities. As will be shown in the text, ivory became an increasingly important commodity in the Uganda-DRC borderlands, and in the traders’ activities. Upon realizing this, I started focusing more specifically on this commodity, and started to actively look for other ivory traders. Whereas snowball sampling again helped to access different traders, the main difficulty was in accessing the best-connected traders. As will be described below, connections with politico-military elites play a central role in this trade, and the best-connected traders proved the hardest to approach.

Concretely, between 2012 and 2017, specific interviews with 11 different illegal ivory traders were conducted on two specific locations, which are key-nodes in this trade: the Ugandan-DRC borderlands (more specifically the border towns Arua in Uganda and Aru in DRC), and the Ugandan capital Kampala. With these 11 ivory traders, 49 interviews were conducted. In this paper, their identities have been anonymized: I do not use their real names, but pseudonyms.

Apart of conducting specific interviews with traders, interviews were conducted with law-enforcement officials, journalists, NGOs, and analysts who are working on this issue. My introduction to them was also related to my research history: as an area-specialist, I have been studying Ugandan politics for an equally extended period, through which I have developed long-term relations with a number of analysts, journalists and other actors, who in turn introduced me to other relevant actors. Also here, I made sure to be exposed to actors of sufficiently diverse backgrounds. Concretely, 27 interviews were conducted with 24 different actors.

Based on the above interviews, this paper takes as a central unit of analysis the career paths of the illegal ivory traders: how did they become involved in the ivory trade, how do they structure their trade, and which difficulties did they encounter? Following them up for several years allowed to follow up their activities in real time, but also through repeated interviews get a better insight in how their careers evolved. At the time of writing (2017-2018), this is the first study primarily based on empirical research with illegal ivory traders.

¹⁶ Sadler et al, ‘Recruitment’.

¹⁷ For example, right after the Comprehensive Peace Agreement was signed in Sudan, many of my original informants moved to Sudan— because of which I could no longer follow them. Most of them came back after a few years.

3. The informal economy and gradations of criminalization

This paper argues the necessity to embed debates on illegal ivory trade within the academic debates on the informal economy. As will be shown, this literature allows to better analyse power-dynamics within the illegal ivory trade, by looking more closely at the central actors in this economy, i.e. the traders themselves. This perspective has been missing in the existing literature on ivory trade (and illegal wildlife trade in general), and allows for a more nuanced thinking on the traders' position within this illegal trade. More concretely, a central concern of this paper is understanding the ability of actors to navigate structural circumstances within a criminalized informal economy – issues which will be explored in this section.

3.1 The informal economy

First, a lot has been written on actors who evade the state regulatory framework, i.e. who operate within the informal economy.¹⁸ An important premise of this literature – and useful for this paper – is that the informal economy is not a homogenous entity: informal economies are not monopolized by one specific group (whether they are working poor or criminalized elites). Instead, they are highly differentiated, containing a variety of actors commanding different resources, contacts and skills.¹⁹ There is a great diversity of 'actors, positions, agendas and identities' and a 'highly differentiated nature of informal economies'²⁰. Key is that actors have different positions, and 'actors with advantageous positions in the informal economy may organize to maintain and further those positions'²¹. Informal economies are 'traversed by multiple axes of power, along lines of income, gender, age, race, ethnicity, religion, etc which interact with each other to produce particular patterns of advantage and disadvantage'²². In other words, attention to power relations within the informal economy is key.

Positions of power, and hierarchies within the informal economy are not permanent or fixed: they 'must be actively maintained, but may also be contested and put to the test by wider societal processes'²³. As a result, positions of power are often contested and redrawn: it has been highlighted how informal activities do not develop in a vacuum, but are shaped by a variety of forces. This can happen in various ways: Scheld²⁴ describes how the arrival of Chinese entrepreneurs in Dakar led to a competition with local traders, stirring a number of conflicts and divides, leading to a reconfiguring of power alliances. Elsewhere, it has been shown how

globalisation?: structural adjustment, globalisation & transborder trade in west Africa' *Review of African Political Economy*, 30:95, 2003, pp. 57-75;

¹⁹ A. Bayat, 'Globalization and the politics of the informals in the global South', in A. Roy and N. Alsayyad (eds), *Urban Informality* (Lanham: MD/Boulder, 2004). K.T. Hansen and M. Vaa (eds) *Reconsidering Informality: Perspectives from Urban Africa* (Uppsala: Nordic Africa Institute, 2004); Ilda Lindell, I. 'The multiple sites of urban governance', *Urban Studies*, 45:10, 2008, pp. 1879–1901. Ilda Lindell, 'Introduction,' in Ilda Lindell (ed.), *Africa's informal workers* (London: Zed books, 2010), p.10.

²⁰ Ilda Lindell, 'Informality and Collective Organising' *Third World Quarterly*, 31:2, 2010, p.207.

²¹ Lindell, 'Introduction', p.11.

²² Lindell, 'Informality and collective organising', p.211.

²³ Lindell, 'Introduction', p.13.

²⁴ Suzanne Scheld, 'The "China challenge"', in Ilda Lindell (ed.), *Africa's informal workers* (London: Zed books, 2010), pp.153-168.

popular security arrangements in Nigeria's informal economy were hijacked by opportunistic powerful politicians, transform popular informal security initiatives into violent pawns of a brutal political struggle²⁵. In other words: informal economies are not stable, but in flux, and they involve actors with a variety of positions of power. As the latter example shows, informal economies can also be criminalized – which brings us to the next point.

3.2 The criminalization of the informal economy.

The informal economy can also be a site of criminal activities: illegal goods such as drugs, weapons or illegal wildlife equally bypass governmental regulations. How do the above dynamics play out for criminal economies? Concretely, how do various power dynamics within criminal economies manifest themselves, and how are they changed? In doing so, particular attention will be paid to how actors within the criminal economy are able to navigate the structural circumstances in which they operate.

First, the state plays a central and ambiguous role in the criminalization of the economy, and has a profound impact on the power of the actors to navigate this economy.

On the one hand, though rigid state-sanctions and -regulations, particular activities and commodities are criminalized, and the conditions for illegality are created. Bayart et al. define criminal activity as ‘those political, social and economic practices which are the object of a “primary criminalization” either by the laws and other text of the states (...) in international law, or according to international organizations or acknowledged guardians of international morality’²⁶. As examples they give trades in humans, drugs, piracy and banditry, but also trade in ivory and endangered species of wild animals. In the words of Andreas²⁷: ‘through its monopoly on the power to criminalize certain economic sectors, the state defines the boundaries of illegal market activities’. In doing, so the state is able to criminalize a market by building up ‘barriers against ‘undesirable’ cross-border economic exchange’²⁸.

On the other hand, and related with this, the creation of barriers also effectively gives state actors the power to sideline the rules it has created: the work on the ‘criminalisation of the state’²⁹ and the ‘instrumentalisation of disorder’³⁰ shows how state-elites play a central role in criminal activities. Instead of the formal regulatory framework governing (and interdicting) the economy, informal networks, governed by ‘big men’ profit from participating in this economy.³¹ Janet Roitman refers to ‘an amalgam of personalities associated with the state bureaucracy, the merchant elite, the military, and nonstate militia groups’ which form the

²⁵ Kate Meagher ‘Hijacking civil society: the inside story of the Bakassi Boys vigilante group of south-eastern Nigeria’, *Journal of Modern African Studies*, 45: 1, 2007, pp. 89–115.

²⁶ Jean-François Bayart, Stephen Ellis and Béatrice Hibou, *The criminalization of the state in Africa* (Oxford: James Currey, 1999), p. 15.

²⁷ Peter Andreas, ‘Illicit international political economy: the clandestine side of globalization’ *Review of International Political Economy*, 11:3, 2004, p. 642.

²⁸ Andreas, ‘Illicit international political economy’, p. 642.

²⁹ Bayart et al, *The criminalization of the state*.

³⁰ Patrick Chabal and Jean-Pierre Daloz, *Africa Works: Disorder as a political instrument*. (London: James Currey, 1999).

³¹ Bayart et al, ‘The criminalization of the state’. Chabal and Daloz, *Africa Works*.

‘military-commercial nexus’ which ‘control access to possibilities for accumulation’³². The state is not a unitary actor in this process: whereas one section of the state might have an interest in declaring a particular commodity or sector illegal, other actors may want to profit from this.

It is not only at the national level that the interdiction of particular activities creates opportunities; the same holds at an international level. It has been shown how international economic sanctions and arm embargoes, are able to contribute to the criminalization of the state and economy, by creating economic opportunity structures for criminal actors at various levels.³³ For example, Milosevic’s hold to power in Yugoslavia, and the criminalization of the country’s (war) economy were fueled, rather than stopped by sanctions: ‘monopolistic control of trade in oil and other strategic goods subject to sanctions, the selective granting by the regime of lucrative licenses for exports/imports and foreign exchange dealings, and dramatic growth in corruption and the criminalization of the state’³⁴. In some cases, the distinction between state and organized crime evaporates – an example being Montenegro, where officials at the highest level (including the prime minister and chiefs of police) were involved in cigarettes smuggling.³⁵ In other words, the criminalization of particular commodities equally allows criminal actors to profit from this.

Second, the state, and its various enforcement measures, are not the only structural factor influencing the level of criminalization. This is also the case for the presence of wars, which have a particularly strong impact on the criminalization of economies, something which was strongly emphasized in the literature on war economies in the 90s. Particularly the greed-grievance debate, which dominated the debate on the economic causes of war³⁶ was influential in highlighting this. In David Keen’s words, war had become ‘the pursuit of economics by other means’³⁷, and therefore became a strongly criminalized enterprise. While criticized for overemphasizing the ‘greed’ aspect of war³⁸, and for overemphasizing the violent nature of cross-border trade³⁹, the economic aspects of war still should be considered important: a whole range of literature has shown how the presence of war, violence and military actors have led to the criminalization of the economy. For example, it has been shown how the war in the Western Balkan led to the criminalization of existing trade routes and political connections during the

³² Janet Roitman, *Fiscal Disobedience* (Princeton: Princeton University Press, 2005), p.18.

³³ R.T. Naylor, *Patriots and Profiteers: On Economic Warfare, Embargo Busting, and State Sponsored Crime* (Toronto: McLelland and Stewart, 1999). Cited in Peter Andreas ‘The clandestine political economy of war and peace in Bosnia’, *International Studies Quarterly*, 48, 2004, p. 30.

³⁴ Mats Berdal, ‘How “New” are “New Wars”?’ *Global Economic Change and the Study of Civil War*, *Global Governance*, 9, 2003, p.487.

³⁵ Peter Andreas, ‘Criminalized Legacies of War : The Clandestine Political Economy of the Western Balkans’, *Problems of Post-Communism*, 51:3, 2004, p.7.

³⁶ Paul Collier and Anke Hoeffler, *Greed and Grievance in Civil War. Policy Research Working Paper no. 2355*, Washington, DC: The World Bank, 2001. Mats Berdal and David M. Malone (eds.), *Greed and Grievance: Economic Agendas in Civil Wars* (Boulder: Lynne Rienner Publishers, 2000).

³⁷ David Keen, ‘The economic functions of civil wars’, *Adelphi Papers* 303 (1996).

³⁸ Christopher Cramer, ‘Homo Economicus Goes to War: Methodological Individualism, Rational Choice and the Political Economy of War’ *World Development*, 30:11, 2002, pp. 1845–1864. David Keen, ‘Greed and grievance in civil war’ *International Affairs*, 88:4, 2012, pp.757-777.

³⁹ Roland Marchal and Christine Messiant ‘Les guerres civiles à l’ère de la globalisation’, *Critique internationale*, 1 : 18, 2003, p.100. Meagher, ‘smuggling ideologies’.

armed conflicts⁴⁰; leading to a ‘nouveau riche criminalized elite’⁴¹. It equally has been shown how in the Eastern DRC the artisanal mining of tantalum ore underwent a ‘radical mutation of livelihood strategies’⁴². Whereas mineral exploitation used to be seen as a survival economy, it became seen as a criminal activity, largely fueled by the war in eastern Congo and in particular the involvement of Rwandans⁴³. In other words, also here a shift of power materializes, this time created by wars, which involve ‘violent modes of accumulation’⁴⁴ and place actors with military connections much more central.

Third, globalization played an important role in this in fueling criminalization⁴⁵. As Marchal and Messiant have argued, it particularly are ‘processes of informalisation and privatization of the international economy’⁴⁶ – or globalization in its neoliberal form which have fueled the criminalization of economies⁴⁷. De Zeeuw and Frerks (2000: 10, cited in Berdal 448) summarize this in the following manner: ‘

‘Globalization has opened up new opportunities for individual nonstate actors within weak states to link to global trading networks and potential partners without state interference. Improved communication technology, fast capital movements and increased deregulation in Western economies have created the necessary preconditions for coalitions between local warlords, private business, intermediary agents and emerging private security companies to capitalise upon the lack of states control on resource extraction’⁴⁸

In this context, actors which are able to tap into global networks have a competitive advantage over more local actor. At one end there are ‘international criminal networks engaged in the smuggling of valuable resources, trafficking of arms and drugs, and money laundering’⁴⁹; or in Duffield’s words ‘political actors [which] have been able to control local economies and realize their worth through the ability to forge new and flexible relations with liberalized global markets’⁵⁰. Other actors are not able to tap into these networks, operate on a more local scale, and are often pushed out of the illegal trade by these more criminal actors.

In sum, the above shows how criminalization is not a typological characteristic -- goods are criminal or they are not – but how there are different gradations of criminality.⁵¹ Criminalization of economy happens in degrees: the state can reassert control over the economy in response to

⁴⁰ Andreas, ‘Criminalized Legacies of War’. Andreas, ‘Illicit international political economy’.

⁴¹ Andreas, ‘Criminalized Legacies of War’, p.4.

⁴² Stephen Jackson, ‘Making a killing: criminality & coping in the Kivu War economy,’ *Review of African Political Economy*, 29:93-94, 2002, p. 517.

⁴³ Jackson, ‘Making a killing’.

⁴⁴ Roitman, *Fiscal Disobedience*.

⁴⁵ Mats Berdal ‘How “New” are “New Wars?”’ *Global Governance* 9, 2003, pp.479-483.

⁴⁶ Marchal and Christine Messiant ‘Les guerres civiles’, p.100.

⁴⁷ Mark Duffield, ‘Globalization, transborder trade, and war economies’, in Mats Berdal and David Malone (eds), *Greed and Grievance: Economic agendas in civil wars* (Lynne Rienner, Boulder, CO, 2000), pp. 69–89.

⁴⁸ Jeroen de Zeeuw and Georg Frerks, Proceedings, Seminar on the Political Economy of Internal Conflict, 22 November 2000, Netherlands Institute of International Relations (Clingendael), December 2000, p. 5. Cited in: Berdal, ‘How “New” are “New Wars?”’, p.488

⁴⁹ Karen Ballentine and Heiko Nitzschke, ‘Beyond greed and grievance: policy lessons from studies in the political economy of armed conflict’, *IPA Policy Report*, October 2003, p.16.

⁵⁰ Duffield, ‘Globalization’, p.72.

⁵¹ I thank an anonymous reviewer for suggesting this point.

illicit market forces ‘in the form of intensive, expansive, and technologically innovative international policing and surveillance efforts’⁵². For example, a state can declare a good illegal; but it is only when it starts enforcing these measures that the good becomes de facto criminalized – a processes which can involve various degrees of enforcement. Other structural factors include the presence of war and global networks, which allow for various degrees of violence, and various degrees of connections into global networks. Importantly, all these structural circumstances (whether it is the criminalization of particular goods, or the outbreak of war) involve a shift of power towards those who are able to better respond to these changing structural circumstances, and the way in which they are connected in the world of clandestine transactions. Concretely, this means a shift towards better connections with state officials, military officials or actors tapped into global networks. This can range from a few rogue security officials involved the smuggling of goods in a towards the full criminalization of the state, as illustrated above.

In the next sections, I will apply these debates to the illegal ivory trade in Uganda. How have various structural circumstances impacted on the activities of illegal ivory traders, which power shifts have taken place, and what does this tell us about degrees of criminalization?

4. Uganda’s illegal ivory traders

The Convention on International Trade in Endangered Species of Wild Fauna and Flora⁵³ calls Uganda a country of ‘primary concern’ in the illicit ivory trade: it is listed as one of the ten countries worldwide ‘linked to the greatest illegal ivory trade flows since 2012’.⁵⁴ How did Uganda come to be this major transit point, and more particularly, how is illegal ivory transported through the country?

4.1 An expanding market for illegal ivory

According to CITES, Uganda serves as ‘an important entrepôt/export centre in East Africa with clear links to Central African ivory trade flows’.⁵⁵ In 2016, CITES called Uganda a ‘country of primary concern’, which is ‘highly implicated in illicit ivory trade movements’⁵⁶. Why is this the case? Uganda is neighbor to a range of countries with an important elephant population, and alarming poaching levels – in particular Central Africa. F, Research shows how Central Africa consistently has the highest levels of poaching in Africa⁵⁷ and a dramatic decline in the elephant population.⁵⁸ Not much ivory however leaves Africa from Central Africa; this largely happens

⁵² Andreas, ‘Illicit international political economy’, p. 642.

⁵³ CITES, ‘Report on the Elephant Trade Information System’, Seventeenth meeting of the Conference of the Parties Johannesburg (South Africa), 24 September – 5 October 2016.

⁵⁴ CITES, ‘Report on the Elephant Trade Information System’, p. 25.

⁵⁵ CITES, ‘Report on the Elephant Trade Information System’, p. 25; Blanc, J.J., Barnes, R.; G.C. Craig, H.T. Dublin, C.R. Thouless, I. Douglas-Hamilton and J.A. Hart, ‘African Elephant Status Report 2007: An update from the African Elephant Database’, *Occasional Paper of the IUCN Species Survival Commission*, No. 33, 2007, p. 106.

⁵⁶ CITES, ‘Report on the Elephant Trade Information System’, pp. 16-17.

⁵⁷ CITES, ‘Status of elephant populations, levels of illegal killing and the trade in ivory’, Geneva: CITES standing Committee, SC65 Doc 42.1, 2014, p. 18.

⁵⁸ Fiona Maisels, Samantha Strindberg, Stephen Blake, George Wittemyer, John Hart, ‘Devastating Decline of Forest Elephants in Central Africa’, *PLOS ONE*, 8: 3, 2013. Wasser, S.K, Brown, L., Mailand, C., Mondol, S.,

through Eastern Africa. Uganda is playing an important transit role in this trade. Concretely, it is located near the major exit points for illegal ivory trade: Kenya and Tanzania, with their Indian Ocean seaports., which are direct connections to the Asian markets. While ivory leaving from these ports partly comes from Kenya and Tanzania⁵⁹, a substantial part comes from Central Africa, in which case it passes through Uganda. Reports estimate that between 2009 and 2014, an estimated 20 metric ton of ivory was trafficked through Uganda, mainly to Asia.⁶⁰

Not only the ivory supply has been growing in the last decade, also the demand for ivory. All interviewed Ugandan ivory traders mention the second half of the 2000s, and particularly the period around 2007-2008 as a crucial period for the ivory trade: this is the moment when many Ugandan traders started engaging themselves in the ivory trade. The expanding interest in ivory played an important role in this: around this period, there was an increased presence of West African and Chinese actors, with a clear interest in ivory.

First, interviewed traders mentioned an increased interest and presence from Chinese traders from around 2005. For example, one trader argued how ‘in 2006, the Chinese started coming in. It was because China had their policy of opening up to the outside world. They came in as agents for factories. I knew some of these Chinese businessmen, they always had a cover to be here for something else. There was this one I was working with (...). His cover was that he was dealing in fish. (...) He was exporting it [ivory, KT] in cargo’.⁶¹ Other traders mentioned similar stories. Overall, these are in line with the increased presence of Chinese actors in Uganda (and Africa in general) between 2000 and 2005, after China initiated its ‘Go Out’ policy in 1999: both private- and state-owned companies were present in the country, active in a variety of sectors, such as wholesale, construction and manufacturing.⁶²

Second, traders mentioned the increased involvement of West African traders (particularly from Nigeria and Cote D’Ivoire) in the ivory business. West African traders historically have been active in the illegal trade in Uganda.⁶³ Generally, traders point at the activities of West African traders in the drug trade, and how since 2006-7, they started integrating ivory in their portfolio.

Also other nationalities were mentioned as ivory buyers (such as Korean, Vietnamese, Turkish or Russian buyers), but far less dominant than the two groups above. They however also started showing up in Uganda in the mid-2000s. All of this however points at a rapidly growing ivory

Clark, W., Laurie, C. and B.S. Weir, ‘Genetic Assignment of Large Seizures of Elephant Ivory Reveals Africa’s Major Poaching’, *Science*, 349: 6243, 2015, pp.84-85.

⁵⁹ UNEP et al, ‘Elephants in the dust’, p. 43.

⁶⁰ The Independent, ‘Uganda gets kits to combat wildlife crime’, *The Independent (Uganda)*, 22 January 2017.

Kiwawula, Chris ‘US trains Ugandans in combating wildlife trafficking’, *The New Vision*, 17 January 2017.

⁶¹ Interview ivory trader, Kampala, 3 Dec. 2017.

⁶² Ward Warmerdam and Meine Pieter van Dijk, ‘China-Uganda and the question of mutual benefits’ *South African Journal of International Affairs*, 20: 2, 2013, pp. 271-295; Keith Somerville, ‘Ivory, power and poaching in Africa’, (Hurst Publishers, 2016), pp. 217-219.

⁶³ Kate Meagher, ‘The hidden economy: informal and parallel trade in North western Uganda’, *Review of African Political Economy*, 17: 47, 1990, pp. 64-83.

market in Uganda, as the result of a growing interest in ivory from Asia: from around this period, there has been an increasing demand and consumption in East and South East Asia, and particularly in China and Thailand, fueling the illegal trade in raw ivory.⁶⁴ In other words, the growing demand in Asia translated itself locally (in Uganda), in an increasing market, particularly through the increased presence of interested buyers.

The presence of these foreign traders is also related with a Uganda-specific factor: the country has very weak punishments for ivory smugglers. Its 2000 Wildlife Act has a maximum sentence of seven years for ivory trade, and a fine of ten million UGX.⁶⁵ More importantly, these sentences are never given. According to one security officials working on illegal wildlife:

‘The sentences are absolutely minimal: you only get 1-2 years’ imprisonment or you pay 2 million UGX fine, and you are not jailed. So this is absolutely peanuts! You bring in so many tons of ivory, and then you only have to pay this very small fine! You only have to pay something 3 million UGX. Peanuts! So there is very little deterring effect in these circumstances’.⁶⁶

Moreover, prosecution of ivory possession and trade remains problematic. There have been various cases of officers which were not prosecuted (particularly high-level cases), cases stalled in court and reported harassment of judges over wildlife cases.⁶⁷ Many traders voice similar feelings. They claim how it’s ‘very easy to bribe yourself out here (...) the punishment is very low: 1 million or a bit of time in prison, and it’s very easy to get out’.⁶⁸

This is different from its neighboring countries, where prosecution has proven to be more effective. For example, Tanzania has given prison sentences of 12⁶⁹, 20⁷⁰ and 35⁷¹ years for wildlife smuggling. In the latter case, two Chinese men, having been found with 706 elephant tusks, received this prison sentence after failing to pay a fine of \$25 million. In Kenya, equally severe sentences were given for the possession of ivory.⁷² For example, in January 2014, a Chinese ivory smuggler was convicted to paying 233,000 USD or seven years of prison for

⁶⁴ Fiona Underwood et al, ‘Dissecting the Illegal Ivory Trade’, p.6; Vira et al, ‘Out of Africa’

⁶⁵ Section 76 of the 2000 Wildlife Act.

⁶⁶ Interview with police officer, Kampala, 12 Jan. 2016.

⁶⁷ Cakaj, L. and Lezhnev, S. ‘Deadly Profit. Illegal Wildlife Trafficking through Uganda and South Sudan’, *The Enough Project*, 2017, pp. 3, 10.

⁶⁸ Interview with ivory trader, Kampala, 14 Jan. 2016.

⁶⁹ Agence France Presse, ‘Notorious Tanzanian ivory trafficker jailed for 12 years’, 3 March 2017.

<https://www.capitalfm.co.ke/news/2017/03/notorious-tanzanian-ivory-trafficker-jailed-12-years/> Accessed on 03 March 2018.

⁷⁰ Reuters, Tanzania court jails four Chinese men for rhino horn smuggling, 18 December 2015.

<https://www.reuters.com/article/us-tanzania-poaching/tanzania-court-jails-four-chinese-men-for-rhino-horn-smuggling-idUSKBN0U11NG20151218> Accessed on 03 March 2018.

⁷¹ Ng’wanakilala, Fumbuka ‘Tanzania court jails two Chinese men for ivory smuggling: media’. Reuters, 19 March 2016. <https://www.reuters.com/article/us-tanzania-poaching/tanzania-court-jails-two-chinese-men-for-ivory-smuggling-media-idUSKCN0WL0NK> Accessed 03 March 2018.

⁷² Doshi, Vidhi, ‘Nairobi gets tough on ivory smugglers’. The Independent, 29 January 2014

<http://www.independent.co.uk/voices/comment/nairobi-gets-tough-on-ivory-smugglers-9092464.html> Accessed 03 March 2018.

possessing a tusk of 3,4 kg⁷³. In another case, an ivory smuggler was sentenced to 20 years of prison⁷⁴. This situation did also have an effect on Uganda, where these kind of sentences have never occurred. Consequently, Uganda came to be seen as a safe haven for traders in illegal wildlife. According to a Ugandan wildlife officer: “Many of the smugglers have shifted from Kenya to Uganda. For example, Guineans had shifted from Nairobi to here. When Kenya became strict in their laws: very many did settle here!”⁷⁵

In other words, a structural context of an expanding market, and weak punishments offers (at least in theory) an ideal context for smuggling ivory. How does this smuggling work in practice? This is discussed in the next section.

4.2 Smuggling ivory: the ‘Infrastructure rather than the commodity’

Although punishments are weak, the ivory trade remains illegal, meaning that traders try to avoid confiscation as much as possible. In practice, ivory still has to pass through a variety of settings where law enforcement actors are present: custom- and security-officials at entry- and exit-points of the country, security officials manning roadblocks, various state officials when packaging and repackaging the ivory in various points such as busses, containers, and so on. In order to successfully smuggle ivory, a trader therefore needs a variety of contacts with law enforcement officials, custom agents, transporters, and so on. Uganda’s context can be considered favourable for this purpose: the country has a long history of corruption.⁷⁶ Bureaucratic forms of corruption are widespread, with ‘practices of bribery, nepotism, and misuse of official positions and resources’.⁷⁷ This also has an impact on cross-border trade, and the possibilities for smuggling: there are significant illegal trade flows, i.e. they do not pay tax, but instead rely on hiding or bribing the customs officials. Existing figures show the strong importance of illegal trade: for example, in 2008, illegal exports out of Uganda were worth U.S.\$1.35 billion, while formal exports were worth U.S.\$1.7 billion.⁷⁸ Moreover, these figures underestimate illegal trade, as they do not include trade that bypasses formal border crossings altogether.

This context is favorable for illegal ivory trade. Research with ivory traders shows how for all of them, personal relationships with various government officials are at the heart of the trade: it is these relations which allow ivory to be imported and exported, which provides protection on internal transport, and so on. Most ivory traders smuggle a variety of commodities: some

⁷³ WWF ‘Kenya finally gets a new wildlife law’, 17 February 2014.

http://wwf.panda.org/wwf_news/?216350/Kenya-finally-gets-a-new-wildlife-law accessed 3 March 2018

⁷⁴ Akwiri, Joseph ‘Kenyan court jails ivory smuggler for 20 years’, Reuters, 22 July 2016.

<https://www.reuters.com/article/us-kenya-crime-poaching/kenyan-court-jails-ivory-smuggler-for-20-years-idUSKCN1021YT>. Accessed 03 March 2018.

⁷⁵ Interview wildlife officer, 24 January 2017.

⁷⁶ Godfrey Asimwe, ‘Of Extensive and Elusive Corruption in Uganda: Neo-Patronage, Power, and Narrow Interests.’ *African Studies Review*, 56: 2, 2013, pp. 129–44.

⁷⁷ Anti-Corruption Resource Centre, ‘Uganda: overview of corruption and anti-corruption’, U4 Expert Answer, 2013, p.2 <http://www.u4.no/publications/overview-of-corruption-in-uganda/> (accessed 9 Sep. 2017).

⁷⁸ Uganda Bureau of Statistics (UBOS), ‘The Informal Cross Border Trade Survey Report 2008.’ UBOS and Bank of Uganda, 2009.

also trade in highly illegal commodities such as drugs or minerals (gold); others deal in commodities such as cigarettes or fuel. The reason for this is straightforward: it is the (social) infrastructure, rather than the commodity as such which guides the ivory trade. In other words: the traders have the contacts allowing them to operate in this illegal market, i.e. they both have the contacts to smuggle goods, as well as exposing them to a variety of commodities, including ivory. The following example, of the ivory trader Steven, illustrates this dynamic.

Case-study 1: Steven, the 'Arua boy', operating in the Uganda-DRC border region.

Steven is a trader based in a border town of Arua in the West Nile region of Uganda, bordering the Democratic Republic of Congo and South Sudan. The area has a long history of illegal cross-border trade – a result of not only different taxation policies, but also of a history of refugee flows and similar ethnic groups along the different borders. From a young age, Steven was engaged in the smuggling of goods: he initially started smuggling small quantities of fuel from the DRC into Uganda – a popular commodity for smuggling in the area, and a common good for smugglers with little capital. He soon expanded into other commodities, such as cigarettes, sugar or batteries – commodities popular among most traders in West Nile. Throughout this trade, he established good relations with border officials and security officials, who would help him to have his good crossed. Over the years, he also established close contacts across the border in DRC and South Sudan, with government officials and traders alike. In doing so, Steven was not an exception: there were many traders like him, who were nicknamed the 'Arua boys' (named after the border town Arua). Throughout the 1990s and 2000s, ivory appeared from time to time; but overall its appearance was rather rare. From around 2007-2008 onwards, a large supply of ivory was being offered to the region, mainly from DRC, and Steven – and other Arua boys – started trading ivory. Ivory would be delivered in a variety of ways: one option was the delivery to the Congolese border town of Ariwara, where Steven would make sure bicycles or motorcycles transport the ivory into Uganda, to Arua. Another option would be transport through border points. In Steven's words: 'I know all the border people. All the Congolese and also the Ugandans, they're my friends. If it's necessary, I give them 50 or 100 Dollar'.⁷⁹ A lot of the ivory was sold to traders coming to this border region: part of these buyers were Steven's usual contacts, but there were a lot of new buyers for the ivory (according to Steven "Chinese, Korean, Turkish, Cote d'Ivoirenans, and many others'.⁸⁰) These traders in turn sell ivory in Kampala, or export the ivory out of the country.

In other words, the case of Steven shows how ivory was fed into historically established illegal trade networks in the Ugandan-Congolese border region. Steven was not the only trader doing so: many of his fellow 'Arua boys' followed a similar trajectory. Among the interviewed traders, this group definitely was the majority: seven of the traders followed for this research project were part of this group. Being part of historically embedded trading networks, ivory is

⁷⁹ Interview ivory trader, Arua, 15 Nov. 2015.

⁸⁰ Interview ivory trader, Arua, 12 Nov. 2015.

but one of the commodities which they are dealing with and which is smuggled through their network of contacts: contacts with other traders, but also with customs officials, security officials, and so on. These contacts have mostly been established over a longer period of time. These findings are in line with Runhovde (2017), who shows that ivory is smuggled along existing trading networks.

4.3 The military and ivory trade

One set of actors which kept coming back in the interviews with ivory traders were individual soldiers: as a source of ivory, and/or as a source of protection, facilitating the import and export of ivory. The presence of these soldiers in neighbouring countries played an important role in this: in these areas, soldiers and the transportation companies working for them, had easy access to ivory.

Before we discuss the traders' perspectives, let us have a closer look at the Ugandan army. In the past, the Ugandan army has used its presence in neighbouring countries to illegally exploit natural resources. From 1998 to 2002, the Ugandan army occupied parts of the DRC. A central feature of their presence was the illegal exploitation of Congolese natural resources (such as minerals or timber), which continued, through proxy groups, even after the Ugandan withdrawal.⁸¹ In late 2008, the army re-entered the DRC to track down the Lord's Resistance Army rebel movement, and later went to the Central African Republic. While there was not a structural involvement of the army in exploiting natural resources, reports suggest that individual Ugandan soldiers still had an interest in natural resources, and in particular in ivory. For example, in March 2012, 22 elephants were shot from a helicopter in Garamba National Park – the area where the Ugandan army is tracking the LRA. Reports suspect and accuse that the Ugandan army was involved in this.⁸² Moreover, a recent report argues how army trucks are smuggling in a variety of goods, including timber and ivory; and how government officials are not allowed to check their trucks.⁸³ In sum, the presence of the Ugandan army in neighboring countries offered the opportunity and access to ivory. How did this impact the ivory traders? Let us look at another case-study, of the trader Andrew.

Case-study 2: the 'hustler' Andrew, who started his career through military contacts

Andrew is a self-declared 'hustler' – a middleman engaged in a variety of trades. From early on, he has been on the lookout for various kind of deals which allow him to make money – largely in the illegal economy. Andrew comes from Western Uganda, and some of his relatives were part of the liberation struggle which brought current President Museveni to power. Andrew was particularly close to a high-ranking army commander,

⁸¹ Kristof Titeca, 'Access to Resources and Predictability in Armed Rebellion', *Afrika Spectrum*, 2 (2011), pp. 43-70

⁸² Jeffrey Gettleman, 'Elephants dying in epic frenzy as ivory fuels wars and profit', *The New York Times*, 3 September 2012; Varun Vira and Thomas Ewing (2014) 'Ivory's curse. The militarization and professionalization of poaching in Africa', *C4ADS*, April 2014, pp. 44-45.

⁸³ Cakaj and Lezhnev, *Deadly Profit*.

who has been a family friend since young age. This proved to be crucial in his introduction to the illegal business, which he started engaging with around the time he went to University:

‘We used to chill at his place [*the commander’s place, KT*] when I was at university. We have a drink, and in this way, I knew him; and he introduced me in the business. He was a shrude guy: he only knew the language of money. And he had the cover to make things moving. Also the white people, whom we call ‘investors’, they all knew the big guys. The mainly go to the big guys, they particularly go to the big guys, and they tell the commander what they are looking for. At the same time, many Congolese came here, and in this way business was created’.

Hanging out with the commander exposed him to a range of contacts and business opportunities, in the illegal sphere. This was in the late nineties, at the time of the Congolese wars, when there was a flourishing trade in minerals.

‘He [*the commander, KT*] told me where business was. He said: business is here; do x, y z. (...) So how he helped me: He would know of smuggling going on. He would be quick in knowing what is going on; he would know that there is mineral, gold, diamond being traded. Minerals were a lucrative business those days’⁸⁴

The commander (and his colleagues) were particularly important for smuggling goods across the borders: crucial in this kind of trade is protection, allowing illegal goods to enter the country. Working with these higher-level actors did not only give him protection, but also exposure to a wide range of contacts, which in turn again offered business opportunities. In doing so, he became involved in a variety of goods, such as minerals, drugs, and (from time to time) ivory. The commander passed away in the early 2000s, but by then, Alex had established a wide network of contacts, both among traders and military (and government) officials. He increasingly started dealing in ivory, which became a major activity for him from 2006 onwards. He received his ivory from a variety of sources: the Tanzanian wildlife authorities; the Ugandan wildlife authorities; Burundian middlemen (who in turn received ivory from Congolese rebel groups) and Sudanese traders. Importantly, there was a big demand for ivory from foreign traders in Kampala. In his words: ‘I started working with Chinese around 2006, even a bit earlier. There was this dude from Hong Kong I met in 2004. The Chinese are largely interested in ivory; and also the West Africans.’⁸⁵ A number of foreign traders, particularly West Africans, who were dealing in drugs, also started trading in ivory: ‘ivory and heroin, it’s a small world. You meet in one place, and you meet in another area: a number of the Nigerians shifted to ivory, and many more of them arrived’.⁸⁶

⁸⁴ Interview ivory trader, Kampala, 01 March 2017.

⁸⁵ Interview ivory trader, Kampala, 14 Jan. 2016.

⁸⁶ Interview ivory trader, Kampala, 1 March 2017.

In sum, Andrew's story illustrates in detail how he slowly grew into the ivory business. Similar to Steven and the 'Arua boys' above, he is trading in a variety of goods, of which ivory gradually became a dominant one. The introduction of by a high-level military commander into the illegal trade proved to be crucial, in the introduction to the trade, and the smuggling of goods. One other ivory trader (apart from Andrew) with similar characteristics was followed for this research project. As argued above, this limited sample was largely related with the nature of their connections: given their close connections to military elites, this category of actors were much more wary of speaking with a researcher.⁸⁷ Both of these traders are however illustrative of a group of traders, largely based in Kampala, which is operating on a regional scale.

The cases of Andrew and Steve are also illustrative of the power difference between different groups of traders: The scale of Andrew's operations is also decidedly larger than those of Steven and the Arua boys: the latter mainly operate in the DRC-Uganda border region (Arua), where they buy and sell ivory and other goods. Andrew is operating on a regional scale, as witnessed by the wide range of regional contacts in providing ivory: he buys, transports and sells ivory and other goods on a far larger territory, i.e. the wider region, as ivory is being sourced from Burundi, Tanzania, South Sudan, and so on. This is largely linked with the nature of protection : the high-level military contacts (started by the commander, continued by other actors) allow him to source ivory from a wide range of sources, as these contacts allow him to smuggle goods on a range of border points. In other words: Andrew has a variety of linkages – with military officials and other traders - facilitating his illegal trade activities. Depending on the structural circumstances at stake, he is able to use these to trade in one commodity or the other: at the time of the Congolese wars, this was in minerals; and with the increased demand for ivory, this was in ivory. Andrew is therefore a firm illustration of a criminalised economy: his activities are a direct result of a 'military-commercial' nexus⁸⁸, allowing illegal trade practices to happen, and are illustrative of the illegal trade activities of Ugandan military officials.⁸⁹ The activities of Steven and his colleagues are illustrative of a survival economy which transformed into more criminal activities: whereas these trading networks in effect started as a reaction to state neglect – largely by refugee-flows and –camps across the different borders – they increasingly became more criminal, with goods such as minerals and ivory being fed into them, but with a more limited geographical scope, and less powerful linkages to rely on.

The military involvement in the ivory trade became particularly intensive during the Uganda's mission in the neighbouring countries to track the LRA. An example of this is provided in the next case-study.

Case-study 3: Ronny, dealing ivory provided by his uncle, the army commander.

⁸⁷ Both Andrew and the other traders agreed to speak with me, given their close connection with one of my key-informants, with whom I have been working with since 2004.

⁸⁸ Roitman, Fiscal Disobedience.

⁸⁹ Koen Vlassenroot, Sandrine Perrot and Jeroen Cuvelier, 'Doing Business Out of War. An Analysis of the UPDF's Presences in the DRC, *Journal of Eastern African Studies*, 6: 1, 2012, pp. 2-22.

Ronny is a trader renting out trucks and construction material, who largely operates out of Kampala. He entered the ivory trade later than most other actors, from around 2013 onwards. He received the ivory from his uncle, who was stationed in the Central African Republic as part of the Ugandan troops chasing the LRA. Soon, his uncle started calling him to come and pick up ivory in CAR – his uncle had also arranged whom to sell it to. In Ronny's words:

'At first I started engaging myself in the ivory trade through my uncle. He had a muzungu [white, KT] lady friend, who was buying the ivory. My uncle had told her that I was the one making sure that ivory was going to be supplied to her (...)' Ronny was asked to travel to the army base in CAR, where ivory was put in an army vehicle: 'They did put guards in the pickup, and that's where they put the ivory. The vehicle brought me back to Arua, and to Kampala. That kind of army vehicles: they don't check it. This was 280 kgs of ivory, which I gave to the Muzungu lady. (...) My uncle said: with these things, you can make a lot of money, you have to engage yourself more in this. Since then I have been working with my uncle'.⁹⁰

After this, Ronny started doing this more regularly. The advantage of dealing with his uncle was the 'security' he was able to provide, and more particularly the transport in army trucks, which allowed him to transport the ivory easily to Kampala.

'My uncle organises these things in CAR. He is the one calling me and telling me how many kilograms are available, and what they want instead: sometimes it is not only money. For example, one time I arrived with tealeaves. (...) To transport it from CAR, I use an army truck. It's because of my uncle that I can transport many kilos. I make an arrangement with him, and I make sure there's fuel in the truck. The advantage of an army truck is that they don't check what's in there'.⁹¹

Another advantage was the availability, and cheap price of the ivory.

'The commander took me to a person selling ivory, who's a local. We drove around 8 to 10 km out of town for this. It was very cheap: 5 USD per kg. He told me he had 700-800 kg! I saw all of it. I think the man was poaching for it himself'.⁹²

Different from the above traders, Ronny is dealing in a single commodity, based on a privileged link with one particular actor – in this case the military, given him easy access to ivory. Another trader, followed for this research project, had a similar experience: he was working as a driver, supplying the military with goods (such as foodstuffs) in the DRC and CAR. In doing so, he was transporting ivory back, which he bought from the military. The fact that he was working for the military allowed him to easily smuggle ivory into Uganda. As he explained: 'We were civilian trucks hired by the military. What we did: we hid the ivory in the trucks. We were not

⁹⁰ Interview ivory trader, Kampala, 14 Nov. 2015.

⁹¹ Interview ivory trader, Kampala, 14 Nov. 2015.

⁹² Interview ivory trader, Kampala, 11 Jan. 2016.

being controlled, because we were working for the military. (...) The number of kilograms varied: sometimes 100 kilograms, sometimes less. We didn't always find ivory. Sometimes we did find, sometimes we did not'.⁹³

More generally, the presence of the Ugandan troops in these countries led to an increased influx of ivory in the country. It was an important factor as to why the 'Arua boys', such as Steven above, suddenly had a steady supply of ivory: for Steven and his colleagues, the increased influx of ivory in their border region was helped by the presence of the army in neighbouring DRC.

The above data do not claim an institutionalized engagement of the Ugandan army in the exploitation and export of natural resources, as happened during the second Congo war. It rather shows a situation of particular individual Ugandan army officers make use of the opportunities they are confronted with: based in the DRC or CAR, they had easy access to the supply of ivory, and easy ways of transporting it back. The same goes for individual truck drivers, who are hired to supply the army, and make use of that possibility to bring back ivory. Importantly, this does not mean they have easy access to a market: many are struggling to sell the ivory.

In the words of the other trader who was also supplied by army officials:

'The army officers: they don't know the market! If the officer is in an operation, and he gets some ivory; he'll try to sell it as soon as possible. Even for the high-level army officers, it's not their business. They want money, and they want it as soon as possible. For the army, if there's a side business coming up: you want your money there and then. So the big guys: if you're in an operation; and you ivory, you want quick money'.

In other words, army officers do not necessarily have the best infrastructure in place to sell ivory: they might have easy access to the commodity, but do not always know what to do with the commodity. This was also the case for Ronny, the trader mentioned above.

Case 3 (bis): Ronny, and his problems selling ivory.

Although Ronny had easy access to ivory, he was pretty much on his own: he did not know the market, and after the 'white lady' left, he had to find ways to sell the ivory himself. And this didn't work out very well: he sold part of his ivory to a trader from his home region, but he never paid for this ivory.

'There was this tribe-mate of mine whom I had sold ivory to. I was introduced to him by Julius [known middlemen of the West Nile region, KT]. Now he [the tribe-mate, KT] claims that the police has confiscated the ivory and that he cannot pay for it. The guy came through Julius, so I trusted him, but he cheated on me.'⁹⁴

⁹³ Interview ivory trader, Arua, 12 Nov.2015.

⁹⁴ Interview ivory trader, 15 November 2015.

‘He had only given me 1000 USD and he still owed me 15000 USD! I don’t remember how many kilograms I have sold him, but I remember I sold him at 70 USD per kilogram.’⁹⁵

As a result, when meeting Ronny over the years, he lost his initial enthusiasm for the commodity: he has been struggling to sell his ivory. Moreover, his uncle has also eventually left the Central African Republic, as he received a new posting back in Uganda. Before leaving, his uncle did introduce him to the new commander who could help him to acquire ivory, but also this did not prove to be easy – contacts were not as easy as with his uncle.

The case of Ronny illustrates a number of issues: first, it shows the strong military engagement in the ivory trade, and the overall criminal nature of this trade – also for Steven and the Arua boys, the military were an important source of ivory. Second, Ronny’s case further illustrates the power differences within the illegal ivory trade: also for actors with strong military connections, it can be difficult to sell ivory. Central to the trade is not only the ability to source and transport goods, but also access to the necessary buyers. The difference between Andrew and Ronny is striking: from the beginning, Andrew was tapped into both markets and supplies of a variety of illegal commodities, while being offered the necessary protection. His high-level military connections had access to broader markets of a variety of illegal commodities. This was different for Ronny, who had privileged access to a steady supply of ivory, but was unfamiliar with the market: his only connection was the steady supply of ivory, rather than access to illegal markets. What most actors (including military commanders) do, is make use of existing (illegal) trade networks in place, and sell it to these networks. It is sold to existing illegal trade infrastructure in place, such as the ones in place in West Nile – the Arua boys. Ronny, different from other commanders, failed to find access to these markets.

4.4 Increased confiscations and a more narrow ivory market

Important is that, from 2010 onwards, a range of measures were taken to address the ivory trade by the Ugandan government, making the trader’s activities more difficult.

First, there was an increasing awareness among the relevant law enforcement officers about the importance of illegal wildlife trade, and ivory in particular. Many of the interviewed law enforcements claim how it is only recently that they became aware of the importance of ivory and how to trace it. As a customs officials summarized:

‘Before, we used to see it a bit, but nobody cared. The poaching of elephants and the trafficking of ivory, it did not hit Uganda directly. It comes from neighbouring countries: DRC, CAR, Tanzania. As we did not have a vested interest, we thought it was safe. It is only at the start of 2015 that for the first time in the history of Uganda Revenue Authorities, wildlife crime has

⁹⁵ Interview ivory trader, Kampala, 11 January 2016.

become one of the key result areas for the organisation. (...) Before the only interest of URA was to collect revenue.’⁹⁶

Similar feelings were mirrored in other interviews, highlighting the lack of awareness on wildlife products – particularly by customs officials, who not only were lacking knowledge on how to identify illegal wildlife and ivory, but who also indicated that the main (and even only) interest was the collection of tax, rather than combating illegal wildlife trade. Most law enforcement officials argued that it was only between 2010 and 2015 that they started being trained, and becoming aware, of the importance of illegal wildlife trade, such as ivory trade.

Reflecting this trend, there has been an increasing number of confiscations from around 2013 onwards: for example, in October 2013, three ton of ivory were arrested in Kampala.⁹⁷ In the same month, two ton of ivory originating from Uganda were confiscated in Mombasa.⁹⁸ Overall, CITES notes that some progress has been made since 2013, in arresting criminal suspects and interdicting large-scale movements of ivory prior to export.⁹⁹ Also formal-institutional measures have been taken, such as a review of the Wildlife Act, with stronger sentences for ivory poaching and trafficking. Moreover, in October 2016, a court specifically dedicated to wildlife crimes has been set up, which began prosecutions in early 2017.¹⁰⁰ These measures did have an effect on the traders’ activities. For example, much of the ivory which was being sold in the West Nile border region – home to the ‘Arua boys’ and Steven – remained there: traders considered the transport of ivory to Kampala too risky, as there had been a range of large-scale confiscations along the road to Kampala. Very little traders were willing to risk the transport to Kampala.

Similar feelings were voiced by other ivory traders. Amongst other things, traders were referring to spies as a continuous danger. In the words of one trader ‘It has also become much more risky here: someone says he’s selling, but he’s a mole. Someone claims he’s buying, but he’s also a mole.’¹⁰¹ Another trader argued how: ‘you know, for ivory, the risk has become too big. It’s almost better to deal in “brown sugar”, or “white powder”. The risk is there because there’s too many informants’.¹⁰²

Second, as shown above, most of the traders have a wider portfolio of commodities, of which ivory is only one: all traders are continuously looking for new commodities and opportunities. This also means that, once a market becomes unattractive, the commodity is abandoned, temporarily or definitely. In the words of one trader: ‘When business is slow in one side, I shift to another side.’ Similarly, when the market becomes too risky, traders equally moves on. And

⁹⁶ Interview with a URA official, 14 Jan. 2016. Other actors did put the starting point a few years earlier.

⁹⁷ Uganda Wildlife Authority. ‘UWA intensifies crackdown on illegal ivory trade’, October 2013; BBC ‘Uganda seizes huge ivory shipment worth millions’, BBC, 18 October 2013.

⁹⁸ Charles Mghenyi, ‘Kenya: two tonnes of ivory seized at Mombasa’, *The Star*, 07 October 2013. This trend continued later on: around three tons were arrested in 2015, and around one ton in February 2017 alone. Cakaj and Lezhnev, *Deadly profit*.

⁹⁹ CITES, ‘Report on the Elephant Trade Information System’, p. 18.

¹⁰⁰ Betty Ndagire, ‘Uganda: Soldiers Fined Shs4 Million for Stealing Ivory’, *Daily Monitor*, 28 Feb. 2017

¹⁰¹ Interview with an ivory trader, Kampala, 3 Dec. 2012.

¹⁰² Interview with an ivory trader, Kampala, 29 Jan.2014.

gradually, ivory became too risky: many traders moved on to another commodity. With the increased crackdown on ivory, traders considered the risks too significant.

Concretely, most of the ivory traders followed for this research project abandoned the ivory trade: out of the 11 traders, only 2 remain active in the ivory trade – the well-connected Andrew and his colleague. Indeed, it were the level of their connections which allowed them to continue. The other traders indicated how they no longer had the necessary protection to continue, and how the market became dominated by high-level players. In other words: the ivory trade became dominated by actors who were able to secure protection from high-level politico-military elites, at a level which the interviewed traders were not able to secure. Recent confiscations of ivory implicating high-level security officers, such as for example ivory at the farm of the army's land forces' commander¹⁰³, other illegal wildlife with a Presidential advisor¹⁰⁴, or a series of ivory confiscations at the luggage handling company of Uganda's biggest airport, controlled by politico-military elites¹⁰⁵ are indications of this trend. Moreover, similar concerns were voiced throughout interviews with wildlife enforcement agents, who consider their tasks frustrated by what they call the involvement of high-level political actors. In the words of a custom official:

'So a challenge is that the military are involved, and also that very influential politicians are involved. On this side, you are trying to do a good job; while on the other hand, the guy who gives you the job is making it very difficult for you to actually do your job. Sometimes you wonder how safe you are if you're doing your job here'.¹⁰⁶

5. Conclusions

The illegal ivory trader is a much neglected actor in the literature on illegal wildlife trade. Based on access to a number of illegal ivory traders in Uganda, this paper set out to analyse the activities of these traders. The career paths of these ivory traders are strongly reminiscent of debates in the literature on the informal economy: ivory trades are not a homogenous group; instead, there are strong power differences between the actors. This process is in itself dynamic and influenced by structural circumstances. As highlighted in the theoretical part, this is also the case for criminalized economies: particular structural factors help to explain the level of criminalization, and closely related with this, the power differences. The more criminal a particular economy or commodity, the more powerful criminal connections are needed, and the

¹⁰³ NTV (2017) 150 kilograms of Ivory found on Gen Otema Awany's farm, 27 Nov. 2017. http://ntv.co.ug/news/local/27/nov/2017/150-kilograms-ivory-found-gen-otema-awany's-farm-20643?utm_medium=social&utm_source=twitter_ntvuganda#sthash.ftlwEXlt.W5xjfpHG.dpbs (Accessed 4 Dec. 2017)

¹⁰⁴ Betty, Ndagire, Museveni's advisor on political affairs released on bail, *The Daily Monitor*, 13 December 2017.

¹⁰⁵ Patrick Jaramogi, 'Tensions as ENHAS is cited in USD3M Smuggled Ivory', *The Investigator*, 27 Feb. 2017. <http://theinvestigatornews.com/2017/02/crime-investigations-tension-enhas-cited-usd3m-smuggled-ivory-suspected-manager-fired/> Accessed 12 Sep. 2017; Gerald Tenywa, 'Police arrest five over illegal ivory', *New Vision*, 27 March 2016.

¹⁰⁶ Interview with a customs official 14 Jan. 2016.

more actors are pushed out of this activity. Concretely, three factors are important: the role of the state, war (and the military), and globalization. All of them created major opportunities for illegal ivory traders, but eventually led to a concentration of power: the more criminal ivory became, the more criminal connections were needed to trade the commodity, eventually pushing out most of the traders.

First, a number of structural issues, related with the above factors, created major opportunities for illegal ivory traders: from the mid to late 2000s, there was an increased ivory supply and – demand. War and globalization were key factors in this: there were Ugandan soldiers operating abroad, with easy access to ivory (-supply and –transport). For the fight against the LRA rebel group, they were operating in Congo’s Garamba National Park and the Central African Republic, where ivory was plenty. There also was an increased presence of foreign buyers (Chinese and West African traders). Also the state was an enabling factor: it provided a general institutional context of bureaucratic corruption. Although ivory was formally criminalized, sentences were low, and prosecution measures weak, i.e. the level of criminalization was low. In this context, many illegal traders started trading in ivory. Particularly traders who already were relying on more historical illegal trade networks did engage in this trade.

However, these structural circumstances did not have a uniform effect. The way in which ivory traders navigate these structural circumstances highlights the power differentials at play, particularly in the personal linkages necessary to organize their trade. It has been shown how linkages with governmental actors are crucial in the trade: for protection, transport, supply, and so on. Particularly the importance of individual soldiers has been highlighted. Because of these divergent linkages, the various ivory traders still operate on a different scale and with various degrees of success: actors such as Steven and the Arua boys operated on a rather local scale, in ‘their’ borderlands. Better-connected traders such as Andrew operate on larger geographical scale, sourcing ivory in the wider region.

Second, the same structural factors which created opportunities, eventually constituted constraints for the traders. This was particularly the case for the state: its increased criminalization of ivory did have a strong effect on the trade. Concretely, awareness among state agencies, and increased prosecution led many traders to abandon the trade. The more the ivory became criminalized, the more criminal connections were needed to survive in the illegal ivory trade. Low-level military connections were no longer sufficient: the case of Ronny showed how these alone were not sufficient for the ivory trade.

Overall, this paper shows how the illegal ivory trade can firmly be seen as a criminalized trade, with the military-commercial nexus at the heart of it. This criminalization is not static, and has different gradations. The overall trade dynamics show a gradual criminalization of the trade: the trade became increasingly risky for the traders, pushing out most lower-level actors, with only elite actors left. In other words: the more ivory became criminalized, the more criminal linkages were needed to remain active in the trade, and the more pronounced power differences became.

