

*Original article*

Chinese Transnational Criminal Organisations and the illegal Wildlife Trade in Tanzania

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Abstract: The decimation of elephants through illegal (and legal) hunting of ivory across East Africa not only illustrates the precarious position of one of nature's most magnificent creatures but the role that transnational criminal organisations (TCOs) play in fomenting that process. The sharp rise in the illegal ivory trade in Tanzania, the country which hosts some of the world's largest elephant populations and concurrently experienced the most devastating decade of slaughter prior to 2014, offers an opportunity to conduct a focused study of Chinese TCOs and their role in the devastation. In particular, this research provides insights into the structure of these organisations, their modus operandi, their networks and associations along the 'global value chain' including the supply chain within Tanzania and onward to the retail consumers' market in China.

Keywords: Chinese transnational criminal organisations, illegal wildlife trade, Tanzania, ivory, corruption

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Introduction

The illegal wildlife trade represents the fourth most lucrative activity pursued by transnational criminal organisations (TCOs) today. According to INTERPOL, “a significant proportion of both wildlife and pollution crime is carried out by organized criminal networks” and it is estimated to be the fastest growing criminal sector, pulling in \$40 billion annually (Ayling 2013). These include the illegal wildlife trade in animals and animal products (ivory, rhino horn, etc.) and illegally procured forestry and marine products. According to the latest United Nations Office on Drugs and Crime report, illicit income from ivory alone was estimated at between \$310 and \$570 million from 2016 to 2018 alone (UNODC, 2020).

Behind this surge in the trade in illegal wildlife is Asia’s rapid economic rise and with that expanding global trade networks fuelled by significant consumer power, constituting a significant source of demand for ivory (UNODOC 2016; Vira, Ewing and Miller 2014). The role of Chinese TCOs in profiting from that demand, their collusion with African counterparts to supply illegally sourced ivory, and their onward linkages through corrupted customs officials and compromised transport networks lies at the heart of the booming trade.

The decimation of elephants through illegal hunting of ivory across East Africa not only illustrates the precarious position of one of nature’s most magnificent creatures but the role that TCOs play in fomenting that process. Having made a comeback in the 1990s, the African elephant population recovered to a peak of approximately 550,000 by

2006 (African Elephant Database 2016). Significantly, this comeback followed immediately after the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) agreed to list African elephants onto Appendix I (the highest form of protection from international trade) in 1989. CITES was established in 1973 to protect endangered species from 'over-harvesting' exploitation due to demand (for ivory, for example) exceeding available supply (from natural mortality). It employs a listing system by which endangered species are voted onto either Appendix I, II or III, which offer decreasing levels of protection from trade. African elephant numbers recovered rapidly after 1989 (Nowak, 2016; Convention on International Trade in Endangered Species of Wild Fauna and Flora; United Nations Environment Programme, 2017). A set of one-off sales in 1999 appeared to create a renewed market appetite for ivory; a demand inflamed by the subsequent larger set of one-off sales in 2008.

The four one-off sales of ivory stocks during October and November 2008 sent a market signal that the purchase of ivory was once again legitimate, which stimulated demand at the very time that Chinese real wages were rising. In collusion with the supplying nations, the Chinese government alone purchased 72 tonnes of ivory from various African countries, including Tanzania. The original purchase price was, on average, \$157/kg in 2008. The Chinese government then drip-fed the stockpile to the legal Chinese market, driving up prices on the black market to a height of \$2,100/kg by 2014. These dynamics set in motion the scramble for ivory (Sekar et al 2018: 276-277; Hsiang and Sekar, 2016).

Proponents of a legal trade argue that a constant supply would have kept prices down and therefore poaching to a minimum (Stiles *et al.*, 2015).¹ However, this ignores the data that global elephant populations recovered significantly through the 1990s and into the early 2000s under a global ivory trade ban. Moreover, a consensus has essentially now been reached that resumption of a legal trade would simply have created a parallel market (Sekar *et al.*, 2018). Laundering illegal supply into the legal market is the likely consequence of opening trade after an illegal trade has taken root (Bennett, 2014). Consequently, African elephant population numbers plummeted from a 2006 high to an estimated 440,000 by 2016 through systematic poaching (Chase et al 2016).

Beijing's active involvement in UNESCO's "Convention for the Safeguarding of Intangible Cultural Heritage" held in 2005, followed by a campaign led by China's officially supported ivory industry to promote ivory carvings as an "aesthetic and culturally desirable commodity to acquire", was the trigger for this sharp rise in poaching in Africa ('t Sas-Rolfe, Moyle and Stiles 2014: 66). Signs of potential recovery have started to emerge again, however, in the wake of the US and China imposing comprehensive domestic ivory trade bans in 2015 (Harvey, Alden and Wu, 2017). 'Recent changes in the ivory market show that efforts to impose strong regulations, such as bans, to control supply, while also tackling demand through demand reduction campaigns, can be effective' (UNODC, 2020, p. 26).

¹ See also Harvey (2016) for a caution against trade, and 't sas-Rolfes (2016) for a rebuttal of the anti-trade argument.

No other country exhibits the cost of the illegal trade more profoundly than Tanzania. Once a conservation bastion, hosting over 142,700 elephants in 2004 along with other wildlife species in its massive Selous Game Reserve (now Nyerere National Park), had a staggering 66 per cent of the elephants – along with a host of other animals such as pangolin and increasingly lion – it fell victim to poaching between 2007 and 2015 (Environmental Investigation Agency 2014: 5). Behind the slaughter of the country's elephant population was profiteering, corruption and callous decision-making, all of which colluded to decimate the elephant population. The onset of systematic and organised trafficking of ivory in East Africa as part of the illegal wildlife trade was a response to the rise in demand in Asia, particularly in China (Vira, Ewing and Miller, 2014; Caro and Davenport, 2015).

Moreover, the illegal trade in ivory represents one dimension of the broader trade in illegal wildlife products but one which in many respects is a keystone product due to its commercial value and the role of the Chinese government in serving as a catalyst for the trade as well as, more recently, its restriction (Xuehong Zhou 2018). Examining the place of Chinese TCOs in the illegal ivory trade process entails an examination of the supply chain within Tanzania, the trajectory of the trade and its linkages along the 'ivory trail' from Africa to Asia (Rupp 2019). This provides a lens through which to understand the possible trends of convergence, displacement and diversification of the trade over time.

Anatomy of a Crisis: the poaching of African elephants, a burgeoning ivory trade and the Chinese connection

Shortly following the publication of ‘Elephants in the Dust’, the Environmental Investigation Agency (EIA) released ‘Vanishing Point’, a report which exposed the levels of Chinese involvement in elephant poaching and ivory trafficking on the African continent with a specific focus on Tanzania (Nellman et al 2013; Environmental Investigation Agency 2014). This is a story that starts in southern Selous Game Reserve around 2006, a vast 45,000 square kilometres terrain consisting of one licensed tourist site and nineteen hunting concessions, has long served as a small but steady source of ivory (Balduş 2017). It is important to note the convergence of ‘legal’ hunting, systematic poaching and government complicity in the Selous decimation. Proponents of legal hunting typically argue that its benefits – including ‘protein and revenues from animal products and hunting fees, which underpin the livelihoods of rural communities’ (‘t Sas-Rolfes, 2017, p. 1) – sustain a conversation, especially in areas that are unamenable to alternative land uses. This was the dominant argument pertaining to much of the Selous, though it has been recently disputed and most of the reserve has since been declared a national park – Nyerere National Park – with the size of the hunting concessions severely diminished. Nonetheless, the Selous lost 57,000 elephants between 2006 and 2013. “Within Mozambique and Tanzania, the Niassa and Selous ecosystems were especially frequent sources of poached ivory, and elephant populations have decreased by 75% in the past 10 years in these two ecosystems”

(Chase *et al.*, 2016, p. 17). Prosecutions for illegal elephant killings are rare.

Moreover, wildlife-based revenues (particularly from sport hunting and photographic tourism) “are neither efficiently generated nor equitably redistributed to local residents, who are the de facto managers of wildlife” (Picard, 2014, p. 144). Legally permitted hunting sends a message that killing non-human animals is legitimate for foreign elites but not for local people – locals are castigated as ‘poachers’ while foreign killers are cast as ‘hunters’; a narrative otherwise known as ‘black poacher, white hunter’. Policy-making that legitimises ‘legal hunting’ while prosecuting ‘poachers’ who are desperate for meat while glorifying well-off elites (hunters and government officials) ‘who are mercilessly killing thousands of elephants, not for survival but for greed’ (Kideghesho, 2016, p. 374) is clearly hypocritical and unjust. In the case of the Selous, there was a systematic merging of ‘poaching’ and ‘hunting’, along with apparent collaboration between local sellers and TOCs.

By 2008 poachers were already targeting the tourism concession on the Rufiji River, with tour operators and tourists alike complaining about the brazen poaching operations in broad daylight.² By 2009, Dr Rolf Badus, an expert on the region, wrote the following:

“At the core of the problem lies the administration of the wildlife revenue which comes primarily from hunting (90%) in the Selous. All central decisions (quotas, allocation of blocks, revenues) are taken by the Director of Wildlife. There is a severe case of bad governance and no tender or similar procedures are followed for the allocation of hunting blocks. All efforts to induce transparency and initiate some debate towards introducing reform within the industry have been blocked in

² Interview conducted with rangers and camp operators in the northern Selous, September 2019.

recent years. This action is supported by the major actors in the hunting industry, as they thrive within the present system. The chairman of the Tanzania Hunting Operators Association has leased approximately half of the Selous area for more than thirty years now without ever having been required to compete for these blocks in a public tender. Instead, hunting blocks with an estimated market value of US\$80,000 to US\$150,000 continue to be allocated at the discretion of the Director of Wildlife for an official annual fee of US\$7,500. The hunting industry as voiced out by its association and chairman is unanimously in opposition to grant the communities any decision-making powers or rights to the wildlife on their village lands. This opposition has been one of the main stumbling factors which have led to the slow progress and limited success in community involvement” (Baldus, 2009).

Baldus also cautioned that without reform the Selous could revert to the ecological disaster of the 1980s. Corruption clearly exacerbates the problem (Leader-Williams, Baldus and Smith, 2009) but improving governance has proved challenging because of how easy it has been to make side payments; for a long time, there was no deterrent for defectors. The lack of transparency and accountability in the system clearly served vested interests well.

Other areas of Tanzania were also targeted, including the Ruaha-Ringwa region in the northern tier of the country, which experienced a sharp decline in elephants from 31,625 in 2009 to 20,090 in 2013 (Caro and Davenport 2015). In neighbouring Kenya, another country hit hard by poaching, experienced a precipitous drop in its elephant population as did Chad, Gabon and Zambia (Environmental Investigation Agency 2014).

Contributing to the ease of poaching operations is the serial under-funding of rangers within national parks, the poor state of their equipment or even altogether absence of

adequate transportation or weaponry can even contrast unfavourably with that available to poachers (Duffy and Humphreys 2016). In Chad, heavily armed poachers ambushed and eliminated an entire squad of rangers in 2012 (Anderson and Jooste 2014). It is a situation exacerbated further in the case of game reserves such as those in Mozambique which are allotted even fewer resources for oversight and management.

Equally, the porous nature of African borders facilitates illegal trade and, in cases like Namibia, Mozambique and Chad, allowed poaching operations to be transferred relatively easily to new locations. This is also true with respect to the transit networks along the Swahili coast, a virtually unpatrolled area where dhows can pick up and offload cargoes at innumerable small moorings with near impunity. At the ports, corruptible customs officials often preside over the paperwork and inspection of cargo bound for export markets. On top of all of this, despite considerable revenue generated by wildlife tourism, local villages and communities adjacent or even within reserves tend to see very little in the form of direct economic benefits (Baldus 2009).

Concurrent with the massive spike in poaching was the onset of other forms of illegal exploitation of flora and fauna. For instance, there is clear evidence of Chinese logging companies in countries such as Mozambique and Cameroon work with networks of smugglers and local customs officials, operating in a complex web of linkages and transactions in and across sovereign borders that includes tax evasion and money laundering to procure, collect, transport and maximise profits from illegal timber (Mackenzie 2006). The deputy director of one such company, Wan Chuan Timber Sarl

(WCTS) operating in Guinea is clear as to why his company systematically breaks the law by over-cutting, saying: “One cannot survive by going by the rules” (Environmental Investigation Agency 2019).

Moreover, there is evidence that Chinese TCOs are employing strategies that utilise the same illicit networks and trade routes involved in the ivory trade for these criminal activities in Africa. Valuable timber products put in seaborne containers are increasingly found to include consignments of ivory and other animal products like pangolin scales (Mgaza 13 January 2020). Marine products, including sea cucumbers and abalone, are regularly exported to Asia with the latter item being done so under the guise of licensed exports that exploit legal limited catches in places like South Africa (Steinberg 2005). These are collected even at recognised coastal and island national parks, as has been the case in Mozambique’s marine reserve around the Bazaruto islands and the protected coastal areas of South Africa’s Eastern Cape. African fisheries, again in some instances by Chinese fishing fleets exploiting national-level agreements, have as a result seen their fish stocks decimated through unsustainable practices such as line trawling (Samari 2019). A willingness to innovate, as well as a measure of the syndicate’s value of the ivory trade, is visible in the more recent trends towards exporting East African elephant ivory via West Africa.

In this respect, there appears to be growing evidence of a displacement effect, where increased law enforcement efforts at Tanzanian ports resulted in ivory being shipped out of Pemba in Mozambique or Nigeria emerging as a ‘key source/transit

country for shipments of ivory, rosewood and pangolin scales' (UNODC, 2020, p. 27). A corollary to this is another form of displacement in which ivory traffickers are shifting to the pangolin scale trade in response to the declining ivory market (UNODC, 2020). A sharp rise in the illegal ivory trade in Tanzania up until 2016, the country which hosts some of the largest elephant populations and concurrently experienced amongst the most devastating decade of slaughter in recent history, therefore offers an opportunity to conduct a focused study of Chinese TCOs and their role in a specific sector.

II Chinese Transnational Criminal Organisations in Perspective

Scholarship on Chinese TCOs divides them between “traditional” criminal groups such as the triads which have long occupied a place in illicit activities in China, Hong Kong and Taiwan and, more recently, what are being called “black societies” or triad-like organisations which include Chinese businesses and small groups systematically engaged in corruption and related practices (Broadhurst 2010; Zhang 2001). While spawned under the rapidly changing domestic conditions in China post-1979, based on Zhang’s survey of “black societies” it is not clear the degree to which these organisations have relations with Hong Kong triads, or whether the existing “black society” organisations were themselves “branches” or associates set up in the course of the triads’ expansion into the Chinese market. By 2000 the dizzying scope of corruption reaching across society was so great that it took one million police mobilised to disrupt, arrest and prosecute the “black societies” (Zhang 2001: 53-54, 68). Three further campaigns have been pursued since

2000, with the latest one in 2018 – an extension of the anti-corruption campaign launched by China's current leader, Xi Jinping, in 2012 – aimed at breaking the links between TCOs and officials at the village and township levels of governance, ending up in arresting over 79,000 criminals, corrupt police and other officials (Rui 2018; Peng, Gong and Bing 2020).

Concurrently, a growing number of Chinese businessmen and women operating in Africa have been implicated in a variety of illegal practices such as bribery, fraud, illegal immigration and forms of corruption. While these activities may not be overtly tied to Chinese TCOs as such, nevertheless they represent an aspect of opportunistic criminality that displays some of the features of the Chinese TCOs without necessarily adhering to any formal relationship with these organisations. This latter development, commensurate with the expansion of Chinese TCOs worldwide since the late 1990s, inspired criminologists to reconsider hierarchical interpretations of criminal organisations with top-down command and control structures to suggest that – in response to the changing operational dynamics in a globalising world – TCOs were themselves changing. Specifically, they see organised crime in this context as "...constituted by bottom-up interactions that are characterized by loose organizational connections (that often exploit systematic violence and corruption) and therefore need to be understood in network terms" (McCarthy-Jones 2018: 344; Steinberg 2005; Paoli and van der Beken 2004).

A network approach to understanding the development of transnational criminal organisations provides insights into how it evolves over time, the catalysts for change and the accompanying search for stability (Bright and Delaney 2013). For Williams and

Godson, the personalised relationships of trust in Chinese TCOs are cemented through *guanxi* (personal connections and social networks) and are crucial to sustaining the extended affiliations across the transnational network (Williams and Godson 2002: 329-330). Ming Xia provides an elaboration on the differing composition of criminal networks within contemporary Chinese society, with the “production and distribution chain” (or *yitiaolong*) being the most relevant to transnational exchanges seen in the ivory trade (Ming 2008: 17, 19). Specifically, Ming Xia identifies how producers (drugs) or suppliers (human trafficking) link up along a transnational distribution chain of trusted individuals who act as “brokers” or middlemen, moving goods across particular obstacles (shipments, borders, customs clearances, paperwork) and bring the goods safely to consumer markets. Targeting brokers can disrupt social capital that is crucial to the functioning of criminal networks through this form of intervention (Leuprecht, Aulthouse and Walther 2016). More recently, criminologists investigating the global trade in illicit wildlife have sought to further refine the general depiction of TCOs operating in this sector, dividing these into organised crime, corporate crime and disorganised crime networks (Wyatt, van Ulm and Nurse 2020). They are distinguished partly in their employment of differing strategies to procure, transport and deliver illegal wildlife and wildlife products. The illicit ivory trade features elements of organised crime (transport and delivery) and so-called disorganised crime (poachers) Wyatt, van Ulm and Nurse 2020: 357).

Comparative scholarship into the illegal wildlife trade in other regions also offer useful insights into the dilemmas of assessing the nature of criminal activities. As Pires and Clarke observe in their study of the illegal parrot trade in Bolivia, the trade could be

understood not as much as being driven by organised crime but rather crime that is organised, with freelancers acting opportunistically. '(T)he trade is largely a product of local peasants, or campesinos, who poach birds from time-to-time and sell them to middlemen or market sellers' (Pires and Clarke 2011: 5). Alongside poachers, the other actors in the process include itinerant fencers or middlemen and market sellers. Very low start-up costs (taking fledgelings from nests) and easy access to middlemen are coupled to local perceptions of the marginal illegality of engagement in the trade reflected in light penalties and relatively high pay returns, all contributing to incentives for participation of local communities in the network. This fits into classic opportunity formations found in a given situational landscape (Pires and Gueretta 2014; Felson and Clarke 1998).

However, subsequent research into illegal wildlife markets has demonstrated that there are species-specific features of the parrot trade, with some highly valuable species attracting organised crime while lower value species remain at the margins of TCO interest. Moreover, while poaching may have its roots in opportunistic conduct in local communities and consumers, the overall multi-billion dollar illicit wildlife trade has been operating for some time under the auspices of transnational criminal organisations (Nellman et al 2016; Wong 2019; Wyatt, van Ulm, Nurse 2020). Cross-country studies in South America characterize markets in wildlife and wildlife products as more heterogenous than initially depicted – akin to Africa bushmeat markets – consisting of *local*, *regional* and *feeder* markets, enabled by networks of middlemen who moved illegal wildlife from rural to urban markets and beyond (Pires and Gueretta 2014: 47; Lindsey *et al.*, 2013). And, as distinct from parrots in South America and bushmeat in Africa, the

absence of significant domestic demand by African consumers for ivory situates demand itself as emanating almost exclusively from external markets (Stiles *et al.*, 2015; Zhou *et al.*, 2018; Hauenstein *et al.*, 2019).

Seen in this broader context, illegal ivory procurement, marketing and trade have a demonstrated and ascending organisational depth and complexity: the start-up costs may be relatively low for poachers (traps, AK-47s etc.) led by opportunism but scarcity and police prevention has increasingly induced a necessity for technical apparatus like drones; collection, transport and storage by middlemen to local, regional and feeder markets require costs (vehicles, bribery, storage facilities) and organisational capacity; and finally onward transport to foreign markets introduces further capabilities to operate within a complex international network to export illicit wildlife products, land them and bring these to market. Indeed, substantive research, including Wong's recent work on the ivory trade, confirms the breadth and depth of Chinese TCO involvement in the ivory trade (Wong 2019; Naylor 2004). Wong divides the illegal ivory trade into four stages:

- (1) poaching of the animal from its habitat; (2) smuggling the poached tusks out of the original country; (3) processing of the animals into commodities; and (4) the illegal distribution (sales) of the wildlife products on the internet (physical distribution) (Wong 2019: 43), including being stockpiled by speculators (Harvey, Alden and Wu, 2017).

Each of these stages involves different aspects of the transnational criminal organisation, including its disorganised (per Wyatt *et al.*) outsourcing of procurement to surprisingly sophisticated marketing strategies, and illustrate the symbiotic relational character of the network and its adaptability.

III Tanzania with a Focus on the Illegal Wildlife Trade

The starting point for an understanding of the relationship between Chinese TCOs' role in the illegal wildlife trade operating between Tanzania and markets in Asia is to examine the supply-side of the trade in two phases, the onset and peak of poaching between 2006-2015 under Kikwete and the ousting of corrupt lower level officials and imposing a series of stringent measures aimed at curbing the ivory trade after Magufuli came to power in 2015.

Tanzania's Illegal Wildlife Trade - Phase One

Given the diversity of elephant populations across the continent, it was important to determine if the ivory ending up in Chinese and other Asian markets was in fact from East Africa (Environmental Investigation Agency 2014). Seizures of containers with ivory in three Asian ports proved to be particularly useful in pinpointing the sources of the poaching and market destination for ivory. Utilising DNA 'fingerprints' on seized consignments of ivory in 2006, one study was able to determine definitively that these tusks originated from elephants in the Selous game reserve in Tanzania and the Niassa reserve in northern Mozambique (Wasser, Clark and Laurie 2009).

Local guides in the high-end tourism concession in the Selous Game Reserve reported that they had witnessed the initial wave of brazen poaching move from the hunting concessions in the south into the photographic concession in the north by 2008. Interviewed guides noted that local poachers would slaughter elephants and immediately sell them to Chinese middlemen. Many of the buyers were allegedly employed in nearby

construction work – normally road construction. Guides also reported that these construction workers would fly camera drones from their accommodation into the Selous to ascertain elephant positioning and provide that intelligence to poachers (Official Guides, Selous Game Reserve, 2 October 2019).

These sources described how Chinese workers, in collusion with the local police, would transport ivory from the Selous Game Reserve up to Dar es Salaam. Police officers conducting petty corruption at roadblocks would receive an advance signal and wave consignments carrying ivory through. Once they arrived at the port in Dar es Salaam, customs officials would similarly turn a blind eye to the consignments (Official Guides, Selous Game Reserve, 2 October 2019).

The role of the Tanzanian government under President Jakaya Kikwete was a critical one in facilitating the illegal ivory trade. The first and most obvious indicator of support for the trade was the decision to request a one-off sale of Tanzania's ivory stockpile to China and Japan in 2008. The one-off sale in 2008, however, was not the end of the story. At the height of the poaching crisis, Kikwete's government petitioned CITES for another "one-off" sale of its ivory stockpile in 2013, an unusual step which was turned down. As Kideghesho (2016) notes, Tanzania was singled out at the 2013 CITES Conference of the Parties (CoP) for fuelling the illegal ivory trade. CITES regulations are only as useful as the systems adopted and enforced by the relevant member countries. Under conditions of generally poor governance, widespread corruption and a lack of accountability, the judicial system failed. A number of institutions and individuals

suggested that senior government officials were involved in the systematic slaughter of elephants (Kideghesho, 2016, p. 374), a point elaborated and substantiated below. Tanzania, under Kikwete, was widely viewed as a sanctuary for criminals and was never going to be an exemplary case for how CITES regulations and resolutions should be locally implemented. Its inability to stem the tide of elephant poaching led to the US and some members of the European Union banning the import of elephant ivory trophies from Tanzania; another indictment implicitly recognising that legal hunting and systemic poaching often cannot be distinguished in reality.

Beyond these public indicators of support for the expansion of the ivory trade, under the Kikwete government there was increasing evidence of collusion with poaching and the export of ivory. For instance, in 2012 a member of parliament, Peter Msigwa, accused the secretary-general of the ruling party, Chama Cha Mapinduzi (CCM), of being directly involved in the illegal ivory trade (Wittig 2016: 87-88). Other accusations followed, with four MPs being identified by the minister of National Resources and Tourism as colluding with criminals to benefit from elephant poaching. A prominent local businessman and former member of the CCM national executive council, Mohsin M Abdallah Shein, was identified as a key figure in the poaching racket through his four tourism companies which owned or part owned sixteen hunting concessions in the Selous (in itself a violation of Tanzania statutes of limits of individual or firms involved in these concessions) (Environmental Investigation Agency 2014: 11). Moreover, business interests such as that of Abdulrahman Kinana, another senior figure in the CCM, owned a shipping company which was caught illegally exporting ivory in 2009 (Mail and

Guardian 8 August 2013). All of these accusations aimed at government and party figures seemed to verify the suspicions that the killing of elephants for ivory had connections right up to the upper reaches of the governing CCM.

Finally, Kikwete's close commercial interests to China are alleged to have contributed to his leniency towards the ivory trade. Mega-projects such as the proposed \$10 billion container port, industrial zone and housing project to be located in the president's home town of Bagamoyo promised to revolutionise the economy – even threatening to dislodge Dar es Salaam as the country's major port with Beijing's insistence for the port to have tax free status, concessional rates for water and other measures – in return for unprecedented infrastructure investment (Hursh 2019). Kikwete and associates were expected to profit considerably from such a large investment initiative.

Tanzania's Illegal Wildlife Trade - Phase Two

After the election of John Magufuli as president in October 2015, a number of measures were introduced under the new government which were directly aimed at disrupting elephant poaching and then shutting down the export of ivory abroad (Kidegesho 2016). An aggressive, and controversial, anti-poaching campaign was initially launched in 2015 which sought to staunch the killing of elephants and break the supply links with the syndicates trafficking ivory out of Tanzania. It was replaced by the Wildlife Crime Unit established within the Ministry of Natural Resources and Tourism and led by Robert

Mande, working in conjunction with the NGO PAMs, which used superior technology and strong legal enforcement to bring poaching down significantly (The Citizen 18 June 2019). Strengthening of customs management and scrutiny in Mombasa and Dar es Salaam, another measure introduced by Magufuli, produced tighter controls over exports and, with that, a spate of discoveries of illegal ivory and timber products (WCO/UNODOC 2014; UNODOC official 12 March 2020). Seizures of ivory hidden in containers at Dar es Salaam port rose consistently between 2015 and 2018 (Traffic 2019). The introduction of modern data tools in conjunction with the creation of ‘one-stop inspection stops’ along major transportation routes made it easier to confirm container contents and, consequently, reduce smuggling. In fact, according to Mande, by June 2019 the principal concern of syndicates was to get existing ivory stock out of the country as the conditions for poaching and transport in Tanzania had become too difficult (The Citizen 18 June 2019).

Starting in December 2015, the government launched a rash of high profile court cases prosecuting and putting ivory poachers – including Chinese nationals – behind bars (Al Jazeera 20 February 2019). The apprehension of Yang Fenglan, whom the media dubbed “the Ivory Queen”, and her conviction along with two Tanzania collaborators four years later sent a strong signal to the Chinese community, and one notably endorsed by the Chinese embassy (Zhang 2015). Beyond that case, of particular significance was the changing role of courts in enforcing laws on dealing in? ivory and other illegal wildlife products. The Tanzanian courts’ applied a new, broader interpretation of “economic crimes” which for the first time threatened those accused of perpetuating the illegal

wildlife trade with jail sentences, spurring the introduction of “plea-bargaining” strategies which offered law enforcement new avenues for catching additional criminals (Kaisi Kabenga, 8 January 2020). However, by late 2019, the fining of Liang Hu of only Sh50 million after pleading guilty to killing 511 elephants suggests that there is a softening of this strict application of the law to Chinese nationals (The Citizen 14 December 2019).

At the same time, while Magufuli made the correct public pronouncements to this end, there were other worrying signs as to the credibility of his government’s commitment to end the illegal ivory trade. The country has yet to put its ivory stockpile beyond commercial use, despite being a founding member of the Elephant Protection Initiative in 2014 (still under Kikwete) – and only a year after having lobbied for another one-off ivory sale. And while stricter penalties are technically in place for poachers, and transport from Tanzanian ports has become more difficult, poaching reduction is also arguably a function of massively decreased elephant density in southern Tanzania (the populations vulnerable to poaching) and the extremely low rate of recovery in elephant growth rates. Arguably, the reduction in large-tusked elephants situation impacted on the risk/reward calculus for poachers as well and underscored the role that opportunism played in their participation in the procurement of ivory.

Another by-product of the crackdown on transport routes was the shifting of poaching operations and exports away from southern Tanzania to northern Mozambique, as indicated earlier. While already involved in ivory poaching in Mozambique since 2008,

Mateso Albano Kasian moved his operations south to Niassa when the situation in Tanzania became too difficult. The Tanzanian “mastermind” controlled a number of poaching gangs and had access to high calibre weapons as well as helicopters to conduct what was characterised as killing “on an industrial scale” (Haysom, Batchelor and Shaw 2018). Mozambique’s deeply under-resourced park rangers were in no position to halt the decimation of eighty per cent of its 10,000 strong elephant population in Niassa National Park and neighbouring Quirimbas National Park (Haysom, Batchelor and Shaw 2018). Using connections with senior Mozambican politicians and, in combination with a collection of local officials in border control and customs, Kasian was able to move illegal consignments of ivory from southern Tanzania down out across the frontier and through Pemba in Mozambique.

Finally, the Tanzanian government’s review of the national game parks and game reserves produced important policy initiatives. To this end, the president announced the re-designation of the northern portion of Selous as Nyerere National Park, covering 30,893 square kilometres, in 2019 and promised additional resources for rangers and anti-poaching units (Harvey 2018).

However, the continuing status of the southern portion of Selous as a game reserve did not bode well for the cohesion of the overall eco-system, especially in light of the maintenance of controversial hunting blocks and the Tanzanian government’s authorisation of construction of a hydroelectric project in the middle of an ecologically critical river system in this designated world heritage site. Moreover, Egyptian firms,

lacking any discernible contemporary experience in hydroelectric dams, have consequently subcontracted the construction of the Stieglers Gorge dam project to Sinohydro and affiliated firms (Zhang 2019). Moreover, the temporary road which cuts through the reserve not only allows construction vehicles and related transport in; it also provides an efficient means of trafficking products out. In this way, it provides easy access for unscrupulous individuals working alongside Chinese road contractors to the remaining elephant, giraffe, pangolin and other animals of commercial value in the reserve (Anonymous). The fact that the project is carefully managed by the Tanzanian government outside of the public eye – with the president having made it known he will not broach criticism of the project – only increases speculation of this kind (Gifford 2019; Harvey 2018).

IV Analysis of Chinese TCOs in Tanzania

Examining the cases of Yang Fenglan, the so-called “Ivory Queen”, and the “Shuidong connection” in conjunction with the other major seizures and policing operations provides considerable detail on the nature of Chinese transnational criminal organisations operating in the illegal wildlife sector. Concurrently, linking these with Tanzanian criminal gangs and corrupt officials fills out the picture further. Corroborating this information with other published sources on the illegal trade as well as interviews with experts in different sectors enables one to develop a picture of the various actors involved and their modalities of operation. Furthermore, going beyond the role of TCOs,

appraising the dispersive sources of the ivory trade within the Chinese community and its opportunistic character reveals the significant impact of the Chinese and Tanzanian governments as an enabling or inhibiting factor in this involvement. Together all of this data provides the following insights into key questions surrounding the Chinese TCOs in Tanzania and their part in the destruction of elephant populations.

Who are these Chinese TCOs?

The Chinese TCOs in Tanzania in many ways reflect the entrepreneurial character identified with the establishment and operations of organised crime in the territorial peripheries of China itself. As Ming Xia points out,

...the institutional environment for criminal organization has the following characteristics: the threshold of entry is low due to the shrinking state reach at the remote ends of the system and the absence of a dominant OCG (organised criminal group, ed.) to act as a gatekeeper for the criminal underworld. The chances of creating a national hierarchy through vertical integration under the watchful eyes of the Party-state hierarchy are slim. Border areas (both internal administrative and international) are porous for lateral linkages as both decentralization and marketization proceed. The subaltern structure (both geographic and demographic, which mean both the grassroots and underclass) has been expanding to provide more space. The newly created infrastructures for both a globalized market economy and a decompressed society could be easily utilized for evil purposes (Ming 2008: 11-12).

Yang Fenglan's criminal activities and the Shuidong syndicate emerged out of the post-1978 market reforms and the period of Chinese firms' overseas expansion known as the 'going out' (Shambaugh, 2013).

With respect to Tanzania, its economic ties with China and its nascent Chinese community at the periphery of the arm of the Chinese state apparatus put it as the equivalent of Ming Xia's "border areas" open to possibilities for criminal activity. Since the building of the Tazara railway - completed in 1975 - a small community of several thousand Chinese had grown to over thirty thousand by 2013 (Gamaha 2013; Shinn and Eisenman 2014). The infiltration of the community by criminal elements, including organised crime from abroad (Hong Kong, Macau, Taiwan and China), is one of the initial operating assumptions of investigators and validated by the detailed investigations into the Yang Fenglan group and the Shuidong syndicate. Both came out from China but, paradoxically, their trajectory into crime differs though they share the fact that they were able to grow their criminal businesses in the "enabling environment" they found in Tanzania. Furthermore, their position within the "production and distribution chain" of the ivory trade differs in line with their origins, with Yang Fenglan's focus on the supply side while the Shuidong syndicate emphasised the distribution side of the business.

In the case of Yang Fenglan, who came to Tanzania as a translator of Swahili for the Chinese working on the Tazara railway in the early 1970s, her entrepreneurial zeal led her to return shortly after reassignment back to China. She became a prominent member of the Chinese community, opened a popular restaurant (*The Beijing*) in Dar es Salaam in 1998 and occupied a recognised position as Secretary-General of the Tanzania-China Business Council. Over a period of fourteen years she and two Tanzanian associates, Salvius Matembo and Manase Philemon, operated a network which included links with suppliers of ivory through poaching, transport of ivory for export out of Dar

es Salaam and Zanzibar ports. Building and sustaining such an operation over an extended period of time requires formidable organisation skills, a good source of finance as well as both resilience and adaptability. Regarding finance, her restaurant business and property served as a site for laundering money acquired through the illegal ivory trade (Tremblay 2019). At the same time, it is hard to believe that members of the Chinese community as well as the Tanzanian business community did not have some knowledge of, if not direct participation in the trade.

In the case of the Shuidong syndicate, it is in many ways similar: it is a criminal organisation operating in Tanzania and Mozambique, as well as other African countries, engaged in supplying illegal ivory and other wildlife products to consumers in China (Environmental Investigation Agency 2017). In operation since the late 1990s when they displaced a rival Fujianese group, their business model involved a legal export company based in Zanzibar purchasing sea cucumber and other marine products which served as a cover for the illegal export of ivory to China. According to members of the syndicate, eighty percent of all the ivory illegally procured through its networks ends up in the key distribution centre of Shuidong, a minor city in Guangdong province. Shuidong's historical role as a site for distribution of marine products from coastal China and the nearby region provided the impetus, in the 1990s, for its companies to go further afield in search of sea cucumber for the Chinese market. Moreover, it served as the primary wholesale market for ivory and was close to carving factories in neighbouring Fujian province.

Close ties of affiliation between the Shuidong syndicate – including family ties from uncle to a nephew in one case and expressed in the group through their use of a local Shuidong dialect – served as the glue to bind a network that stretched from Zanzibar Island to Guangdong province and these internal ties were further enhanced by reciprocal links to trusted Tanzanian accomplices. Trust was at the core of the relationship with Tanzanian associates in the illegal trade and it reportedly took three years to build a local trustworthy network. Elaborate practices which protected the syndicate from direct exposure to the illegal goods at key junctions (transport, storage and shipping) required detailed knowledge of legal requirements. Furthermore, financial transfers needed to be arranged to ensure payment of employees and bribery of officials at every juncture (though details of this were not provided in the EIA report).

In this respect, the configuration of the Shuidong syndicate’s criminal network fits Ming Xia’s “production and distribution chain” network model, and is captured by the words of one of the Shuidong members as told to an EIA investigator:

Over here (in Tanzania), we will be responsible for collecting the goods. Our friends in Guangdong, our brothers, will be in charge of receiving the goods and selling them. When the time comes, the profit will be transferred to you (Environmental Investigation Agency 2017: 5).

The sourcing of tusks from mainland Tanzania and Tanzanian suppliers, their transfer to Zanzibar on small dhows, their storage until placement in containers for shipment to Asian destinations are all done by Tanzanian associates, but under the supervision of the

Shuidong syndicate. This included risks associated with the transfer of funds (payment for services, bribery, upfront legal business costs etc.). Specialisation on the part of Shuidong syndicate members were observed throughout the process, with some managing links with Tanzanian accomplices while others focusing on transit and overseeing costs of collection and shipping. The onward shipment of the ivory consignments to Asian ports in Vietnam, Malaysia, Singapore, South Korea – deemed necessary to reduce the possibility of inspection in China – where these cleared customs through trusted local customs officials, was again covered by the investor with funds being transferred in US dollars and Chinese RMB. The importing of the ivory, disguised within a consignment of plastic pellets, underscored how an established import business was used to serve as a front for illegal trade. Finally, the shipment was transported overland from Hong Kong to the Shuidong syndicate warehouses and readied for market distribution in China.

It is worth mentioning that the role of women in a leadership role within the organised illegal wildlife trade in the Yang Fenglan case, while not without precedent in other Chinese TCOs, may be the clearest indicative of the entrepreneurial (and possibly non-triad) associations of the organisation. Yang Fenlan certainly fulfilled the role of the network broker. As Secretary-General of the Tanzania-China Business Council, Yang utilised her superior knowledge of local officials and conditions to pull together a network which linked up suppliers of tusks with corrupt freight forwarding agents and customs officials. These in turn facilitated the export of illegal goods to destinations where contacts within her network off-loaded ivory to Asian markets. According to reports, the

prosecutor declared at her sentencing in February 2019 that she “intentionally did organise, manage and finance a criminal racket by collecting, transporting or exporting and selling government trophies (ivory, ed.)” (Al Jazeera 2019).

Alternatively, it could be that in line with other scholarly analysis on women and TCOs that, in a similar way to human smuggling, there is a gendered response to this sector of the illegal trade which opens up possibilities for women to take up more positions than in other sectors (Zhang, Chin and Miller 2007). Furthermore, it could be argued that Yang Fenlan is essentially important but replaceable (and as such a “fall guy” for an operation under pressure) – a broker in the supply chain but one whose networks and knowledge are significant but not unique amongst the local Chinese community. Notably, women seem to occupy an unusually high profile in the apprehension and prosecution of Chinese TCOs in Africa, for instance the arrest in 2018 of Aisha Huang, said to be the leader of the illegal migration and mining operation in Ghana (Osafu 2019). There is also a parallel process on the poaching side, with local African women given to misleading anti-poaching units searching after poachers as well as playing a role in the marketing of bushmeat.

What are the links between Chinese TCOs and local criminal networks and/or contracted arrangements with corrupt officials?

First, the Yang Fenglan group operated for fourteen years in the ivory trade with seeming impunity. Regarding the Shuidong syndicate, similarly, it had been in business

since the late 1990s based in Zanzibar and, according to the EIA report, had a local network of Tanzanian officials in the customs and transport sectors. Although it is not clear who were the individuals within the police, customs and behind them the politicians who facilitated this situation as mentioned above, there were public “outings” of four MPs in 2012 as connected to the poaching and ivory trade as well as allegations of links made against Tanzanian businessmen like Mohsin M Abdallah Shein. Abdulrahman Kinana, a senior figure in CCM and owner of Sharaf Shipping Company was also accused of involvement after a 6.2 tonne consignment of ivory was found in one of the company ships beneath plastic waste in Vietnam in 2009 (Mail and Guardian 2013). An officer in the Tanzanian Defence Force, Selemani Isanzu Chasama, was caught and tried in a Tanzania court for attempting to smuggle 781 elephant tusks worth \$2.6 million to Malawi (The Citizen 2013). Lazaro Nyalandu, deputy minister for Natural Resources, speaking of the corrupt network of Tanzanian officials declared in 2013, “It is a hard fight because the network collaborates as a team, sharing information, money and positions.” (Mail and Guardian 2013)

Here it is interesting to review the work of the so-called “mastermind” of poaching operations, Mateso Albano Kasian, and try to fit his gang into the process. Characterised by law enforcement and conservation investigators as the top local poacher in Tanzania and Mozambique, his organisation of gangs of three or four poachers had access to both drone technology, transportation and arms. He himself had at least two passports, Tanzanian and Mozambican, and was able to recruit four Mozambicans poachers who were apprehended along with him. According to investigators following his movements

when he was in Mozambique, his modus operandi was to move constantly between different “safe houses” within northern Mozambique (some of them based in tourism sites or part of local business hospitality industry) to monitor operations (Nelson 9 November 2019). There was a communication network and arrangements with Chinese and Vietnamese TCOs which enabled Kasian to move the ivory offshore to dhows in northern Mozambique. There were also clear links to organised crime and local political networks in Mozambique, with the latter considered by law enforcement agents and investigators likely to facilitate his breakout from jail before extradition (Nelson 9 November 2019). This required working directly with the minister in Maputo to prevent his unauthorised release, achieved through elaborate ruses which eventually got him on a plane to Dar es Salaam. Verifying the necessity of the decision to extradite Kasian to Tanzania, where he is in jail, was the quiet release of his associates by Mozambican authorities a few months after they were jailed (Valoi 2017). Unfortunately, it is not possible to establish whether the links asserted by investigators were with the recognised Chinese TCOs, namely, the Yang Fenglan group or Shuidong syndicate or other TCOs.

Compelling evidence is also in place for the operational coordination between local poachers and Chinese criminals. As mentioned above, Tanzanian guides said that Chinese construction workers used technology such as camera drones from their accommodation into the Selous to identify the specific whereabouts of elephants and provided that intelligence to poachers. Moreover, the guides asserted that Chinese workers would transport tusks from the Selous region to Dar es Salaam, and that police collusion enabled them to do so without inspection along the roads. This highlights the role of individual

Chinese labourers on projects in and around the Selous Game Reserve, though it is unclear as to when their recruitment to criminal employment took place: whether they were always tied to TCOs or – more likely – were enticed to do so after arriving in Tanzania.

Is there a trend amongst Chinese TCOs towards diversification into other sectors of illegal trade?

The sectors which Chinese TCOs operate in Africa fall into two categories. The *first* area involves so-called traditional criminal activities such as extortion, human trafficking, prostitution and gambling, with most of this aimed at the Chinese community itself as a source of supply. The *second* area involves environmental crimes, including illegal wildlife trade in animals and animal products (ivory, rhino horn, etc.) and illegally procured forestry and marine products.

In the case of Tanzania, the opportunistic character of Chinese participants in aspects of the illegal trade is apparent in the conduct of the Shuidong syndicate. While the Shuidong syndicate stuck to legal marine products such as sea cucumber and shark fin, using these as a cover for illegal export of ivory, its interest in commercial opportunities presented by other wildlife products was evident. Over time the TCO has expanded to other areas beyond ivory such as pangolin scales (Environmental Investigation Agency 2017). Presumably, at least partially, this diversification can be explained by the ease of access of supply coupled to the ease of transport by existing means contributed to this decision. This, however, would also need analysis on the market

distribution side of the network because there is no immediate link between ivory carving and pangolin scales (used for medicinal purposes in Chinese traditional medicine). Other investigations have occasionally uncovered the inclusion of ivory and pangolin scales as well as other items in consignments of illegal timber, but these are seen by analysts to be opportunistic as opposed to systematic incorporation or expansion of new products by Chinese TCOs (Mgaza 2020).

As law enforcement and judicial regimes tightened up in Tanzania, how did Chinese TCOs adapt (or otherwise)?

Certainly, Magufuli's crackdown on poaching and corruption at port facilities, as well as the deployment of a battery of legal instruments, demonstrates the facility of Tanzanian suppliers and Chinese TOCs to adapt to the changing enforcement environment. The displacement effect meant that smugglers simply switched port options but continued to poach and use slightly more onerous routes to ports with extremely low detection probabilities. In conditions of border fluidity, these TOCs have a demonstrable advantage over law enforcement officials as they are obviously not bound by legal restrictions on their jurisdiction of operation.

Intriguingly, the decision by the Shuidong syndicate to shift operations in early 2017 away from East Africa to West Africa reveals a combination of factors driving changes to TCO operations (Environmental Investigation Agency 2017: 16). In this case, tightening regulatory regimes and increased police scrutiny in transport hubs were not

the only force driving mobility but rather these considerations were intertwined with diminishing supplies. Prices fixed by suppliers in Tanzania, possibly a by-product of the heightened costs of poaching in a region now characterised by elephant scarcity, coupled to the higher premium paid for forest elephants' 'yellow' tusks by Chinese consumers (Maisels *et al.*, 2013) were behind this shift, according to syndicate members. Moreover, the apparent ease of managing the customs process as well as the access to secure storage facilities at Lagos port, made Nigeria a particularly appealing site of operations for the Shuidong syndicate (Environmental Investigation Agency 2017: 16-17) (UNODC, 2020).

These examples accord with the “push and pull factors” identified by scholars such as Morselli et al in explaining the mobility of TCOs (Morcelli, Turcotte and Tenti 2011; Varese 2011). Their flexibility and adaptability to changing law enforcement conditions and legal environments is an essential feature of their success. In this respect, Chinese TCOs resemble global businesses whose operational success relies on an ability to recognise changing trends in the supply and demand sides of the market and factor these into their evolving business model.

Concluding remarks

The above focus on the ivory trade in East Africa, specifically Tanzania, sheds new light on the role of Chinese transnational organised crime, especially in the lucrative illegal wildlife trade. TOC groups are horizontally networked, colluding strategically with well-placed government officials to facilitate the illegal wildlife trade. They exhibit differing

degrees of an organisation along illegal ivory's 'global value chain', from outsourcing to poachers for procurement of tusks to close collusion with high government officials and lower-level customs officers to facilitate transportation and export of ivory. The inclusion of other illicit products in the contraband supply chain appears to be more opportunistic than structured and intentional diversification. During the Kikwete years at least, it is clear that Chinese TOC groups utilised the Chinese presence in Tanzania through other economic activities to secure ivory sources and distribution routes. Their business operations in Tanzania conform with analysis of the emergence of Chinese TCOs at the territorial boundaries of the authoritative reach of the Chinese state, that is displaying entrepreneurship and exploiting opportunities for profit from illegal activities.

We also note that there are visible displacement effects in at least two specific respects. First, low elephant densities as a result of state-TOC-poacher networks led poaching activities to move away from the hardest-hit areas of Tanzania such as the Selous ecosystem. Second, a combination of US and Chinese domestic bans in 2015 and 2017 respectively, followed by the UK's ivory ban and strengthened law enforcement in Tanzania, led to different transit and exit points being exploited. Moreover, because of lower elephant densities and higher risks associated with poaching and trafficking ivory, TOCs have opportunistically exploited other high-value, low-bulk products such as pangolin scales to supplement ivory. These observations are confirmed by the latest UNODC report on the illegal wildlife trade (2020).

What we are seeing in the conduct of Chinese firms in the ivory trade is unfortunately visible in other wildlife sectors. In Ghana, for instance, the fig leaf of legality overlays the Chinese de facto ownership and running of ninety-five per cent of the licensed fishing vessels (Samari 2019). According to Dybia Belhabib, what transpires in West Africa is “typical of criminal networks with shell companies, entangled networks, and opaque management layers” (Samari 2019). Unsustainable practices such as “pair-trawling”, which is celebrated by Chinese analysts for allowing Chinese firms to extract the maximum profit at the minimum cost, demonstrate no consideration at all of the sustainability of West African marine resources (Mallory 2013). The exploitation of African wildlife by TCOs, their building of networks and associations along the ‘global value chain’ including the supply chain within parts of Africa and links onward to the retail consumers’ market in China constitute a truly global commercial operation.

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