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## **Flash Mission Report: Port of Mombasa, Kenya**

**An undercover survey of the Port of Mombasa by WildLeaks reveals important vulnerabilities and weaknesses in shipping security procedures, and confirms how corruption facilitates the role of the port as a major hub in ivory trafficking.**

*The Port of Mombasa, Kenya, one of the most important shipping facilities in Africa, has been a major elephant ivory trafficking hub for several years, with over 43 tons of the illicit commodity seized at or originating from the port since 2009.*

*Within a wider investigation in the city of Mombasa, acting in part on intelligence received via the wildlife crime whistleblower initiative 'WildLeaks', the Elephant Action League (EAL), in collaboration with a key partner, conducted an undercover survey in early 2015 that exposed port vulnerabilities that are routinely exploited by organized wildlife crime networks.*

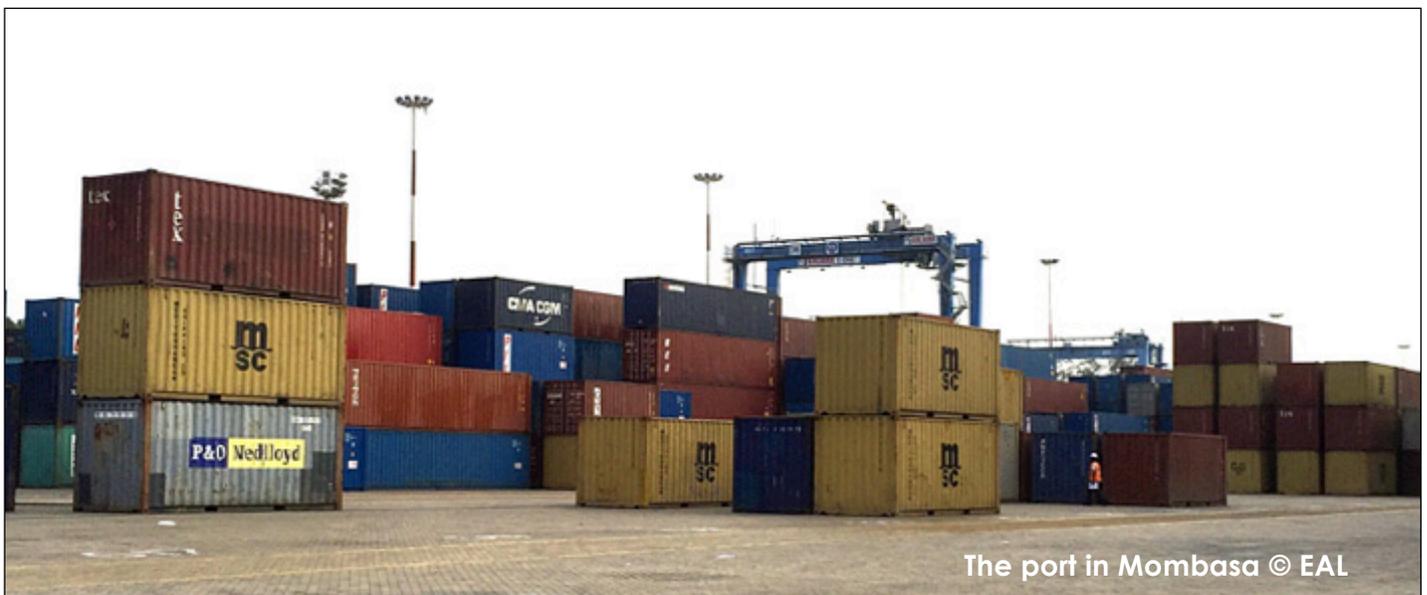
*The objectives of the undercover survey at the port were to understand how processes function from a customer's point of view and to assess possible vulnerabilities. This flash mission report discusses the results of this survey, explores possibilities for implementing new procedures and recommends measures to enhance port security and to proactively address and deter wildlife – and potentially other – crime at the Mombasa port.*

## Mombasa's port is one of the most important shipping hubs in Africa

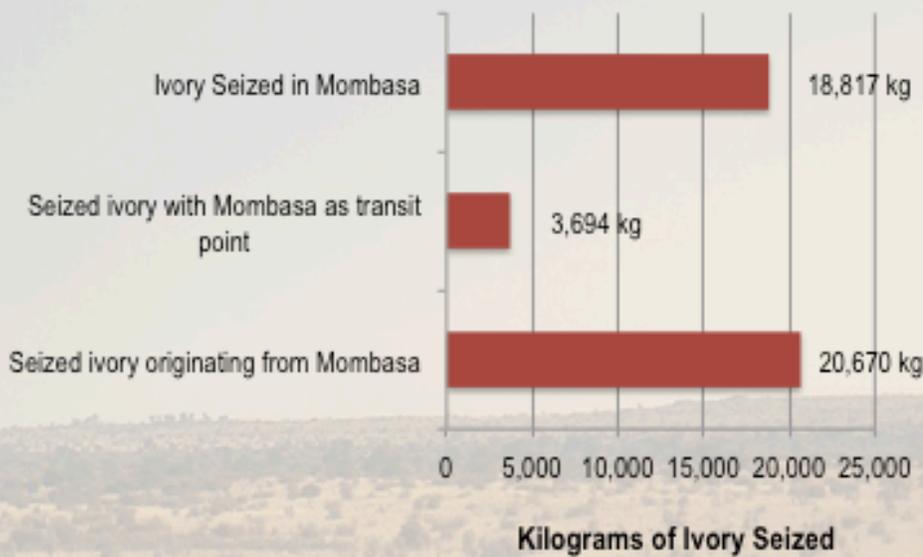
Mombasa's port is East Africa's largest and most modern seaport. In January 2015, the hub achieved a significant milestone: 1,000,000 containers officially passed out of or into this regional hub in 2014, an 11.5% increase on the previous year.<sup>1</sup> With this milestone the port became the second port in the sub-Saharan Africa to handle more than one million containers per year, second only to the port in Durban, South Africa.<sup>2</sup> Another important statistic highlighting the size and capacity of the port is that twenty two million tons of cargo passes through the port on an annual basis.<sup>3</sup> Additionally, plans to expand the size and capacity of the port, supported by foreign investments, are also well underway and highlighted as one of Kenya's flagship infrastructure development projects.<sup>4</sup>

The two governmental bodies primarily responsible for managing activities at the Mombasa port are the Kenya Port Authority and the Kenya Revenue Authority; Kenya's Customs Department falls under the broader umbrella of the Revenue Authority. Two additional government entities are also working closely with the Port Authority, namely, Kenya's National Police Service and the Kenya Wildlife Service (KWS).

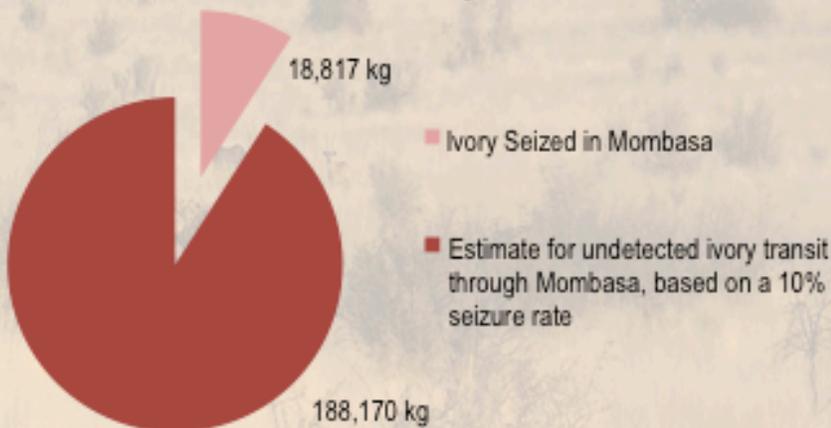
The port operates as a professional business serving the needs of a large, privately owned, multinational clientele, including shipping giant Maersk, which generates approximately 23% of the port's business transactions. Another very important client is an East African business conglomerate, Kampala City Traders Association (KACITA) based in Kampala, Uganda.



### Mombasa Linked Ivory Seizures: Estimated Volume 2009 – May 20, 2015

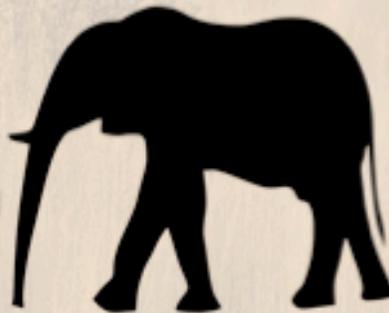


### Total Ivory Moving through Mombasa: Estimated Volume 2009 – May 20, 2015



Total estimated volume of **seized** Ivory worldwide, trafficked through Mombasa: **43,181 kg**

Total estimated volume of ivory trafficked through Port of Mombasa, including **un-seized** ivory: **188,170 kg**



These estimates may imply a **22.9% Global Seizure Rate** for all ivory moving through Port of Mombasa

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## A major hub for ivory trafficking

Mombasa's port is also known to be a key transit point for large ivory shipments trafficked from the African continent to consumer countries in Asia.

According to the CITES Secretariat, between 2009 and 2011 the majority of the recent large seizures of illicit ivory reported globally were exported from either Kenya or Tanzania, and primarily through the big container ports in Mombasa and Dar-es-Salaam, Tanzania.<sup>5</sup> The United Nations Office on Drugs and Crime (UNODC) has noted that, "since ivory comes from many places and is distributed to buyers across Asia, these ports represent a vital chokepoint in the flow."<sup>6</sup>

Since 2009, an approximate *minimum* total of 43,181kg of ivory has passed through Mombasa's port.<sup>7</sup> This figure is derived from seizures at the port facility as well as from seizures elsewhere which have been traced back to origination in Mombasa. The two most recent large-scale ivory shipment seizures - 19 May 2015 in Singapore and 25 April 2015 in Thailand, destined for Laos and Vietnam respectively - confirmed that over 6.8 tons of ivory (in addition to rhino horns and teeth thought to be from

big cats) hidden in tea leaves originated at the port in Mombasa.

Elephant ivory isn't the only wildlife commodity trafficked through the port in Mombasa. Rosewood from Madagascar has been confiscated in astronomical amounts in Mombasa, or traced back to Mombasa, particularly over the last few years while Madagascar suffered from the effects of destabilization after the presidential coup in 2009.<sup>8</sup>

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## The undercover survey: pinpointing vulnerabilities and inefficiencies

As part of the information gathering field activities of WildLeaks in East Africa, the Elephant Action League (EAL), in collaboration with a key partner, conducted an undercover survey inside the port in Mombasa in early 2015.

**The team's members, introducing themselves as executives from a mining company, were able to enter the port, tour the entire facility with an official port representative and acquired a good understanding of the scanning procedures and how the relevant port authorities interact with clients.** We were able to identify crucial vulnerabilities and inefficiencies that need to be addressed in the short term, not only to better confront trafficking in wildlife and other illicit commodities, but also because these weak points pose serious national and international security threats.

### Checking and scanning containers

It is standard operating procedure at all major seaports the world over to have in place x-ray scanning machines to verify the contents of a shipment. Mombasa's port is no exception and currently two modern scanners – one mounted on a vehicle for mobility purposes – are used to enforce this necessary security measure.



Cargo scanning unit, port of Mombasa © EAL



While the Port Authority technically owns the two scanners, it is the Revenue Authority that determines where the scanners are placed and which containers are to be scanned. Neither of the two scanners is currently situated in a location that would simplify the scanning procedures and reduce the inherent delays. This creates an unnecessary snarl in the efficiency of moving containers from the entrance gate to the vessel charged with shipping them overseas.

During the tour of the port it was confirmed to us by the port representative that the various authorities and stakeholders have conflicting agendas when it comes to checking the containers: the clients lobby for fewer checks and less-strict security measures, the Port Authority is primarily interested in efficiently moving containers, and the Revenue Authority is primarily interested in uncovering undeclared - or under-declared - goods. Additionally, the Police and KWS are attempting to intercept illegally trafficked commodities; it is known that the Revenue Authority and the KWS have been at odds in the past over procedural protocol.

Port representatives showed our team how only a tiny fraction of the containers are checked, which is usually the case at the vast majority of large seaports around the world. The general tendency is to scan the minimum

number of containers, because to do more would cause lengthy delays and increase costs, neither of which are desirable for clients or port authorities.

Our team was told about the port intelligence service, which is responsible for acting on information leading to the discovery of illicit goods hidden away in shipments. This entity can ask for a container to be scanned – or not. Port representatives confirmed to us that certain clients receive preferential treatment due to the volume of business that they provide to the port.

Furthermore, certain goods such as tea are often exempted from the scanning process at the port, ostensibly due to the volume at which it is exported. In fact, the Kenya Revenue Authority and the East African Tea Traders Association (EATTA) entered into an agreement 5 years ago that exempted tea cargo from the scanning process.<sup>9</sup> Approximately fifty containers of tea pass through the port every day, and every week approximately 8 million kilograms of tea is exported.<sup>10</sup> This situation presents a loophole for traffickers, as shown by the recent ivory seizure in Thailand on 25 April 2015: the shipment was smuggled in a container of tealeaves originating from the port of Mombasa.<sup>11</sup> In response to this discovery Mombasa port officials were instructed to

scan every container of tea leaving the port. When one of the scanners malfunctioned, Revenue Authority personnel subsequently reverted to manual inspection of every container of tea destined for export.<sup>12</sup>

Other commodities used to hide ivory from inspectors and scanners are generally 'low-value bulk dry cargo exports', such as garlic, peanuts, 'waste-paper products', seashells and flour.<sup>13</sup>

Another loophole traffickers exploit is the fact that sealed containers arriving at the port from other countries in the region, such as Uganda or Tanzania, are not re-opened, checked manually, or scanned, as they are transiting through Kenya to their final destination.

These exemptions – standard operating procedure in large seaports all around the

The various authorities and stakeholders at the port have conflicting agendas when it comes to checking the containers

world – present a fairly easily exploitable loophole and can be considered a huge "asset" for criminal organizations attempting to traffic illicit commodities such as ivory.



Stacked containers at the Mombasa port © EAL

## Corruption & erosion of good governance

Limited scanning capabilities and conflicting agendas among authorities are not the only issues that need to be addressed in an assertive way at Mombasa's port. **Corruption** in and around the port and the complicity of just a few port employees linked to powerful individuals – public and private – exacerbate the port's intrinsic vulnerabilities. Transparency International ranked Kenya number 145 out of 175 on their Corruption Perceptions Index for 2014.<sup>14</sup> In April 2015, Kenya's top anti-corruption officials were suspended after they released a report accusing 175 politicians – including 5 cabinet ministers and 13 governors – and high-ranking officials of accepting kickbacks.<sup>15</sup>

According to two reliable confidential sources, WildLeaks understands that before a seizure is made official and shared publicly, the owner of the cargo in question is sometimes presented with an opportunity to pay a bribe, often in the region of tens of thousands of dollars (depending on the value of the cargo in the shipment) as a way to avoid the seizure and associated consequences.

According to these same sources, an example of this form of corruption occurred in May 2014, when the possibility to pay a bribe was offered to the owner of a seized shipment of illegally sourced rosewood from Madagascar, when Kenyan authorities at the Mombasa port seized thirty-four containers – 640 tons – of rosewood logs. At the time, the confiscated wood would have been worth approximately \$12.8 million in China, where the shipment was being exported.

Private handling and shipping companies in Mombasa, often referred to as container freight stations, are used to organize shipments and load the containers onto the ships in order to ease the burden on the port and streamline the exportation process. Privately owned clearing and forwarding agents also facilitate import and export processes. With an already under-resourced security system at the port, the opportunities for corruption at these privately held freight stations is obvious.<sup>16</sup>

WildLeaks' sources have also shared with us information on possible links between high-ranking individuals in a local law enforcement agency in Mombasa, and a private shipping company allegedly involved in ivory trafficking. The information collected via WildLeaks highlighting this link is readily available to both national and international law enforcement bodies.

Powerful political figures might be involved in the trafficking of ivory through the port as well. Two independent sources - one anonymous - shared the name of a prominent political figure allegedly involved in smuggling ivory from Uganda to Mombasa, and the possible use of government facilities in Mombasa to store

Transparency  
International ranks  
Kenya at 145 out of  
175 countries rated  
on their Corruption  
Perceptions Index

ivory, on occasion. WildLeaks has also obtained information from multiple sources tying this same individual to narcotics trafficking.

### **National and international security implications**

The port is also a liability in terms of ensuring both Kenya's national security and international security. The vulnerabilities and inefficiencies mentioned in this report can be easily exploited by transnational criminal organizations, drug cartels, and even militias and terrorist organizations in the same way wildlife criminals exploit the system. John Githongo, a former advisor to the Kenyan government, describes the link between corruption and terrorism: "Corruption - systemic graft - is at the heart of the state's inability to respond to insecurity in general".<sup>17</sup>

Narcotics, for example, are also regularly trafficked through the Mombasa port. According to a 2015 report produced by the US Department of State's Bureau of International Narcotics and Law Enforcement Affairs, "Kenya is a transit point for international drug traffickers".<sup>18</sup>

It is to be expected that the vulnerabilities of the Mombasa port to criminal activity will be duplicated or possibly shifted to Kenya's future mega-port in Lamu in northern Kenya, which is currently under construction.<sup>19</sup> Furthermore, Lamu's proximity to Somalia will make it particularly susceptible to exploitation for illicit activities by al-Shabaab and its associates.

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- John Githongo

# Recommendations & Conclusions

Given the vulnerabilities and weaknesses of the port of Mombasa outlined in this report - to include technical and operational shortcomings, and corruption - a series of urgent measures are needed to address the opportunistic and easily exploitable loopholes these shortcomings have created.

## **A dedicated Port Wildlife Task Force to strengthen intelligence**

With the undisputed facilitation of the trafficking of ivory and other illicit wildlife commodities through the port in Mombasa, it now seems like an ideal time to develop a partnership of substance among the important stakeholders at the port.

We advocate the creation of an **inter-agency Port of Mombasa Wildlife Task Force**, composed of selected individuals from the Kenya Port Authority, the Kenya Revenue Authority, the National Police Service, the National Intelligence Service (NIS), and the Kenya Wildlife Service, assisted by Interpol and UNODC. The Task Force should have the mandate to specifically address wildlife trafficking through the port and create constant pressure on the trafficking networks leading to high-level arrests and prosecutions.

The various members of this Task Force will have to agree to implement a joint anti-trafficking strategy, conduct risk-based inspections of containers and joint investigations of alleged illicit activity, and share intelligence, which represents the most important weapon against traffickers and corrupt government officials.

Scanning containers has its limits and is a shortcoming in all major seaports. The sheer volume of turnover in the ports allows for only a small percentage of containers to be scanned, either selectively or at random.

**Investing more resources into the collection and management of intelligence** and targeted, intelligence-based operations is of paramount importance.

The private sector – specifically the port's major clients – has an important role to play as well and must be held accountable, since the transport industry is exploited by traffickers. The private sector needs to be asked for specific input on how they currently conduct business and where they may identify areas for improvement.

For this approach to fully work, the authorities must agree on a leading figure to manage and command the task force and take full responsibility for the allocation of resources, both human and material.

Coordinating action between the various government authorities and the private sector is, at best, a difficult balancing act. Jurisdictional authority and prioritization of sets of agendas creates a confusing mandate for those entrusted with providing a law-abiding, secure, and efficient process at Mombasa's port. Past rivalries and attrition must be cast aside – notably that between the Kenya Revenue Authority and the Kenya Wildlife Service – and every effort should be made to improve inter-departmental communication and cooperation.

## Relocation of the scanners

In an attempt to address the container congestion at the port facility, we support a measure already advocated by the Port Authority: by utilizing space earmarked for the scanners closer to the shipping berths. This would achieve several key objectives, namely, 1) time spent waiting in line for container scanning would significantly decrease; 2) the total number of containers scanned would increase; 3) port clients will save money because container handling times will decrease, and 4) the odds of tackling illegal commodity movement through Mombasa's port will increase.

## Bottom line: the port in Mombasa is a liability for Africa

The port in Mombasa is a **liability** for the people and wildlife of African countries and is both a national and international security threat due to the porous nature of its security systems and ease with which traffickers operate. Despite the heightened profile and significantly increased awareness of the unsustainable levels of elephant poaching and ivory trafficking, massive amounts of ivory continue to pass through the port unhindered, if not facilitated on its way, either due to corruption, an insufficient security system, or a combination of the two.

The capacity of the port in Mombasa continues to grow and is a reflection of blossoming regional economies.<sup>20</sup> However, this surge in development is moving at a faster rate than the much-needed improvements to the security systems that handle containers at the port, causing a widening gap between the growing capacity of the port and the ability to disrupt illegal activity.

**Intelligence and political will – coupled with definitive, decisive action** – are the most powerful weapons at the disposal of authorities to address the elephant ivory trafficking crisis ruining the port and Kenya's respective reputations.

No single activity, whether it be scanning every container at the port in Mombasa or training another unit of anti-poaching rangers will completely stop the illegal trade in elephant ivory. However, well-informed strategies that target weaknesses in the system, inter-agency collaboration, intelligence and real concrete efforts addressing corruption will go a long way towards preventing the extinction of the African elephant.

**Note:** *Certain details of this report have been withheld in order to protect assets on the ground and ongoing activities. Video and audio recordings of the port survey will be released at the beginning of 2016 as part of another ongoing and currently confidential project.*

## Acknowledgements

We would like to thank C4ADS for their contribution to this report. Please visit <http://www.c4adswildlife.org/> for a better understanding of their newly created Environmental Crimes Fusion Cell.

*The **Elephant Action League (EAL)** was founded in 2013 with a mission focused on fighting wildlife crime through concrete, innovative and collaborative projects. It's a registered nonprofit, tax-exempt charity under section 501(c)(3) of the U.S. Internal Revenue Code. Donations are tax deductible to the extent allowed by U.S. law.*

Web: [www.elephantleague.org](http://www.elephantleague.org)

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***WildLeaks** was launched in February 2014 by the Elephant Action League and is the world's first wildlife crime whistleblower initiative designed to collect confidential information and transform it into actionable items.*

Web: [www.wildleaks.org](http://www.wildleaks.org)

Email: [info@wildleaks.org](mailto:info@wildleaks.org)

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