Drug market developments in Uganda: The need for a new approach

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When two Ugandans were executed in China for drug trafficking in 2014, the harsh reality of Uganda’s role in the global drug market was brought into public awareness. A further 200 Ugandans are currently serving sentences for drug trafficking in China (Akumu, 27th July, 2014; Bagala, 20th May 2022). The growing problem of trafficking both in Uganda and involving Ugandans abroad has received little scholarly attention, but these developments are important to understand the key role Ugandans are playing in the international drug trade.

Since the executions, the number of Ugandans arrested in China has fallen dramatically; instead, Ugandans packed with drugs are now being arrested in large numbers in India (Bagala, 20th May 2022). This shift in trafficking routes has been cited as evidence of the deterrent effect of China’s unforgivingly harsh capital punishment laws (e.g., see Girlli, 2021), whereas India’s comparatively light sentencing means drug traffickers face a ten-year prison sentence.1 Uganda, too, has passed increasingly stringent laws in the hope of deterring its citizens through tougher sentences for those caught within the country (Bagala, 20th May 2022). In fact, China’s capital statutes have softened since the 2014 executions: at the time, another twenty-one Ugandans awaited a similar fate, but a shift in Chinese policy to introduce a two-year suspended death sentence2 meant that all twenty-one benefited from reprieves, seeing their death sentences commuted to fixed terms (Akumu, 27th July, 2014).

This continued focus on deterrence ignores the fact that the traffickers responsible for carrying drugs over borders operate within a larger network. As the most visible part of that network, they are also the most expendable as they are most likely to get caught. Transporting the drugs makes the trafficker inherently vulnerable to detection and arrest, but if they are caught, it is the loss of the commodity—not the trafficker—that impacts the network. The replaceability of traffickers means the sentence imposed on them is largely immaterial to the network’s continuation (Malm and Bilcher, 2011).

China’s sophisticated detection techniques and high success rates of intercepting large quantities of drugs prompted the change in route to focus on India. New trafficking routes have thus evolved as a result of the exogenous attempts to disrupt them (Everton, 2012). Criminal networks are generally shaped for flexibility, making them resilient to law enforcement targeting and intervention. The decentralised and fragmented structure of drug networks

1 The Narcotic Drugs and Psychotropic Substances Act, 1985
2 Article 43 of the Criminal Law of the People’s Republic of China
makes their disruption (and a full appraisal of the entire organisation) difficult; such concealment measures also allow for greater adaptivity when threatened (Morselli, 2010).

The shifts in the markets are often only revealed through arrests. Between January and May 2022, sixteen Ugandans were arrested at three Indian airports. Ugandans made up the largest percent of drug arrests at India’s Indira Gandhi International Airport in the preceding eight months (Bagala, 20th May 2022).

It isn’t just Ugandans caught up in the international drug trade—visa limitations often make that difficult—but the country Uganda too. As a landlocked country with only one international airport and limited flight schedules, Uganda does not seem synonymous with desirable transit locations. But porous land borders, a lack of investment in detection, and corruption mean that Uganda is becoming an epicentre for trafficking (Bagala, 20th May 2022).

Drug smugglers arrested at Entebbe International Airport are in double figures; relatively few are caught, and the absence of body scanners at the airport mean drugs can leave, often without detection. When traffickers are caught, it is predominately through visual identification from law enforcement officers. Body packing—where the drugs are transported internally—has become an increasingly favoured method of transportation, because, despite the significantly greater risk to the carrier, it is generally more effective at concealing the presence of narcotics. Traffickers arrested at both Entebbe and airports in India have mainly been carrying drugs internally. The behaviour of the traffickers, and the physical toll of not being able to eat or drink for the duration of flights, mean they are still coming to the attention of law enforcement. Uganda is not particular well served with flight routes, and most traffickers will have to take connections through Qatar or the UAE (both of which retain the death penalty for drug trafficking) before taking further flights on to the destination country. This means long periods without ingesting anything, or using the bathroom, for fear of dispensing the packages prematurely. For this reason, traffickers are more likely to be arrested at their destination, rather than departure, although it has been noted that most arrests at Entebbe airport are at the point of departure (Bagala, 20th May 2022).

The diversity of nationalities arrested suggest a network that extends far beyond Uganda. In the past five years, nationals from thirty-eight different countries spanning four continents have been apprehended at Entebbe airport (Uganda Police, 2021). The porous land borders mean that drugs can flow in and out of the country over ground, having arrived at the East African coast from Pakistan and Iran via dhow. Once in Kenya or Tanzania, they are trafficked inland to be re-packaged and re-shipped (Eligh, 2019). The lack of funding for law enforcement efforts, combined with corruption, means there is little in the way of an organised response to prevent or control the overland drug trade (Bagala, 20th May 2022).

The drugs are predominately destined for Europe, and what little information exists suggests the presence of West African trafficking networks in Uganda (Eligh, 2019). However, the heavy foreign presence in arrest at Entebbe airport suggest that there is a much larger network, as foreigners are unlikely to have been recruited in Uganda. Less than half (49) of the arrests between 2017 and 2020 were of Ugandans, compared to 67 foreigners (Uganda Police, 2021).

As supply chains developed, so have new markets; as Uganda developed as a transit point, domestic drug use and abuse has risen (Eligh, 2019). Uganda’s response to the influx of drugs has been to pass punitive legislation that proscribes fines of three times the market value of
the drugs, as well as life imprisonment for drug traffickers. The Narcotic Drugs and Psychotropic Substances (Control) Act of 2015 also criminalised drug use and possession, with terms ranging from ten to twenty-five years, which is problematic in treating drug dependency. The Act was passed in response to the belief that Uganda had become a transit route as a result of its weak sentences for trafficking – the previous legislation had set the punishment for drug possession and trafficking at a fine of between one or two million shillings (£240–£480) or a prison term of six months. In 2014, almost 160kg of drugs were destroyed, but none of the defendants in the 52 cases where these drugs had been seized were in prison. Having paid a combined total of 35 million shillings in fines (about £8,400), they were all free (Bagala, 9th April 2017). The next year, the new Act was passed, and has seen traffickers sentenced to long terms of incarceration in a country where there are 70,119 inmates in prisons that have a capacity for 19,986, meaning prison overcrowding is currently at 350.8% (World Prison Brief, 2022).

Yet seven years after its passage, the Narcotic Drugs and Psychotropic Substances (Control) Act has not had the deterrent effect the legislatures had hoped for. In 2020, there were still more arrests at Entebbe than the year before, despite the fact the airport was closed from late March to October 2020 due to the COVID-19 pandemic (Uganda Police, 2021). Harsh sentencing does little to disrupt trafficking networks, largely because they do not target the key players. The people who get apprehended in the network do so because they are the most visible, but that does not mean they are indispensable. The impact of successful law enforcement interventions is also greatly hindered if they are not targeting the key players – who are not the people transporting the drugs (Morselli, 2010). The financial incentives to traffic mean there is always a steady flow of those willing to fill their spot in the network (Bagala, 20th May 2022). The reason that China has had some success in stemming the flow of Ugandan traffickers is not because they execute those that they catch; it’s because their sophisticated surveillance and detection system means that the commodity—the narcotics themselves—are seized. The drug market is structured around the commodity, and when that is being intercepted and removed, the market cannot function. Therefore, it is forced to adapt, and the market shifts from China to countries with less sophisticated detection methods. This does not destroy the network nor the market it operates in, but it does disrupt where it operates. If Uganda wishes to reduce the use of Entebbe airport as a transit point, it should focus its efforts on detecting the drugs, investing in surveillance and training so that fewer shipments make it through the airport, rather than harsher sentences for the few who do get caught.

References

