In December 2012 Malaysia announced the discovery and confiscation of the largest illegal ivory shipment ever. Six tons of raw tusks hidden among teak planks in a shipping container from Togo (alternative news reports talked of 24 tons). In July this year another two ton shipment of tusks of baby and teenage elephants was intercepted in Hong Kong, also coming from Togo. In addition to this, there were recently a range of confiscations from Vietnamese air passengers traveling from Lome, the capital of Togo through Nairobi who were transporting ivory pieces disguised as wooden ornaments. We documented the same type of camouflaged pieces of ivory being sold by a dealer outside Hanoi, and I’m pretty convinced that these items were from the same production facility as the items confiscated in Nairobi.

Bryan Christy, the author of the National Geographic print feature on the ivory trade, in a subsequent blog entry on the subject pointed out that in the last 21 years not a single ‘king pin’ type of trafficker of ivory had ever been arrested and prosecuted - either at the production or consumer end of the supply chain. At about the same time as Bryan Christy’s reporting this fact, a producer for ABC’s Nightline was putting out his feelers to do a story about the wildlife trade in Africa, approaching various NGOs and stakeholders with some background experience in these issues, including ourselves. It was clear that the main interest for ABC was ivory and maybe as a fallback position, the rhino horn trade. It would appear that Ofir Drori of LAGA, a Cameroon based conservation NGO, then suggested the Togo ivory trail as a topic where relevant shooting sequences could be guaranteed and suggesting that the team, while en route, take in the arrest of a chimpanzee dealer with some chimpanzee orphans on offer which supposedly LAGA and its local counterpart in Guinea had lined up. This operation was delayed for several months after we reported - as part of another investigative documentary - the same dealer and the presence of two chimps to LAGA. By the time the operation was mounted to coincide with the arrival of the ABC team, the dealer and the two chimps had disappeared.

At the Togo end a local dealer had been pinpointed as a “king pin” ivory trafficker. A South African investigator visited him at his shop to ask about the availability of ivory and got him to mention that he had sent ivory to Pakistan, Hong Kong and China. This was, he now claims, part of a typical sales pitch
which was then used as an admission of guilt and evidence that he was a big shot international exporter. However the shop door still today has a posted letter from the French army commander of the local military contingent based in Togo and going back to the 1990 CITES ban on cross border trade, stating that exports of large amounts of ivory was now illegal and that any souvenir item exported should not exceed the value of 1000 French francs!!! So he says he knew and accepted these restrictions but they did not apply to domestic trade.

Mr. N’Bouke was arrested in early August 2013 with a great deal of media fanfare. Googling “N’Bouke Ivory dealer Togo” today results in 2180 listings. Various news items talked of his long history in ivory trading, having hired armies of poachers, being responsible for the death of thousands of elephants, and one of these king pin traffickers which Bryan Christy in his blog stated had never been nabbed.

Clockwise from top: M. N’Bouke after his arrest. The shuttered window of M.N’Bouke’s shop in the background. The letter from the French army commander.
One of these headlines read:

Ivory trafficker 'behind the slaughter of more than 10,000 elephants over the last 40 years' is arrested in Togo

- Emile N'bouke, 58, arrested by anti-trafficking officials in the capital Lome
- 1,500lbs of ivory from his shop including five whole elephant tusks
- Activists say his alleged work in the trade financed poaching
- Just 60 elephants live in protected parks in Togo

*The headline in ‘The Daily Mail’, a British newspaper*

There was however one news item by an AP stringer which was somewhat different from the other media and Facebook hype, where various parties - including ministers in Togo - were patting each other on the shoulders. The AP piece implied that the guy in prison had not really been given the right to respond and that he had something to say.

I contacted the correspondent in question and he sent me an audio file with a lengthy interview he conducted with the ‘defendant’ after he was arrested. It did indeed highlight his side of the story which it seems nobody wanted to hear. Certainly not the US broadcaster ‘having staked out his shop’, having given him the title ‘the boss’ and having then missed his arrest because he was supposedly tipped off during their visit to Lome. A subsequent arrest, like the one of the chimpanzee dealer in Guinea, was then again arranged and timed to tie in with the broadcast of this original item on ABC.

I flew out to Togo to investigate the discrepancy in the media stories and when I got there I arranged for the same AP correspondent to visit N'Bouke and hopefully conduct another lengthy interview with the 58 year old. The interview was conducted in prison with a lot of background noise which often made transcribing of the sound recording difficult. We then followed this up with a full day session with Mr. Nbouke's son who, on the instruction of his father, was told to back up his story by showing us specific evidence.

Some of the documents shown to us by M. N'Bouke demonstrating his legal right to import and carve ivory, mostly going back to the 1990s except for meeting minutes with other Togolese ivory carvers and shop owners trying to set up a cooperative.
He also showed us a wide range of documents which we were allowed to photograph including a trophy trading license, import documents for raw ivory, receipt for payments of fees and minutes of meetings with a range of other ivory carvers and souvenir shop owners meant to further regulate their business. A visit to the more than modest home of ‘the boss’ made it clear that this was not a man who potentially invested in buying ivory stock of U$ 2.4 million (at a local price of U$ 400 per kg and taking the lower quantity of the 6 tons of ivory supposedly confiscated in Malaysia at the end of 2012) and then losing this amount of money when the shipment was confiscated at the other end. Comparing the story and facts presented in N’Bouke’s first interview with the facts in the second one; and then comparing all that with the tales of the son allowed us to cross-check various aspects of the story.

Mr. N’Bouke is an old fashioned ivory carver - ivory having been a valuable and treasured commodity for decades in Africa, Asia and indeed in the West. Being a prominent carver also brought status if not exactly wealth.

In his time he met with a range of heads of state and in return he carved state gifts for them with one even being presented by the Togo president to Pope John Paul II during his visit to Togo. As such he was a respected member of the Lome community, meeting regularly with government ministers and setting up cooperatives for artisans and helping with museum exhibits. He always had stocks of ivory going right back to before the CITES convention came into being in the 70s (Togo joined the Convention in 1979). He kept some raw tusks (five of which he said were given to him by the former head of state of Ghana and to be also carved into state presents). He also helped members of the family of a former head of state of Chad flee the country and they brought some ivory out with them – all prior to the 1990 ban. He kept some stock from the 1980s as a kind of old age pension. He pointed out that ministry officials came regularly and did inventories of all his ivory stock and in one case took some pieces which he considered theft. He says if these stock records were made available they would bear out his above testimony concerning the items confiscated at the time of his arrest. He kept carving pieces and sold them locally to a range of customers as jewelry and other ‘objets d’art’, a craft and tradition he was proud of.

With the ivory business declining he set up another business copying CDs and selling recordings in various forms and trying to export these productions but this part of the business did not take off.

At various times ministry officials would show up to check and take an inventory of his ivory stock. It was always understood that he traded domestically but he also gave us a copy of a CITES permit with which some carved ivory lobsters were exported to France with the corresponding export permit in place.

Imports of ivory for that period were also officially declared with shipping, albeit not CITES documents, and as coming from Gabon, Nigeria and other parts of Central Africa. These were air cargo shipments and used to carve the items he displayed in his shop. He swears that he never exported any kind of raw tusks and indeed the enforcement unit still investigating him has not been able to present any kind of evidence to that effect.
He also states that he has never met any poachers as alleged in some of the foreign media pieces and certainly never had any on his payroll as was claimed in many international media tales.

The domestic ivory handicraft markets in places like Kinshasa, Lagos, Cairo and Khartoum where there are lot of ivory items on open display and in some cases even raw tusks (Kinshasa), are still active despite them all being illegal under national laws and with nobody seemingly worried about any potential enforcement action.

Like every tourist to Lome (the ABC team as well), we visited the fetish market outside of town with thousands of wildlife products on sale which included gorilla hands and feet, chimp skulls (with chimps no longer indigenous to Togo) plus elephant skulls and bones and dozens of elephant tails which would not have fallen off the pachyderms but of course do not get the attention the ‘white gold’ does.
N’Bouke then went on, stating that a few years ago he started noticing, with some concern, that Guinean dealers were setting up ‘ateliers’ in Lome and not only selling carved items but also importing and exporting ivory in large quantities. This ties in with a study recently published by Esmond Bradley Martin covering the ivory trade in Nigeria which had increased drastically and is also dominated by Guinean dealers. N’Bouke realized that their activities and then the announcement of the largest ever ivory shipment coming from Togo would not help with his domestic trade.

He started confronting government and enforcement officials with these facts and offered to help them with investigating the key Guinean dealers. He suggested that he would spend time at the airport and advise them when ivory shipments arrived by air, asking government and customs officials to be on standby for confiscations and arrests. He told them he could find out when and where containers were being loaded for export but nobody took him up on this offer.

His son, based on his instructions, guided us through Lome showing us the former workshops (now no longer pretending to be souvenir outlets) of several of the key Guinea ivory dealers although we were still offered a range of worked ivory pieces when we asked street vendors.
He showed us the locations where ivory arrived hidden in charcoal bags outside a charcoal dealership also owned by one of the key dealers. Where containers were loaded in the middle of the night, where the gang of (mostly related) Guinean dealers meet every Sunday evening.

We even drove out of town to the country home of one of them. When we arrived the house staff informed us that the owner had left that morning to do business in Cotonou (the capital of neighboring Benin). We got the phone number of the wife who had gone to town and then provided the mobile number of her husband in Benin. We called him asking for a meeting to discuss his ivory trading activities. He laughed, did not deny it and was ready to meet upon his return, giving the clear impression that he was not the slightest bit worried about any journalists alleging that he was dealing in ivory. The outcome of the meeting, if it takes place, will be interesting.
We also met with the officer in charge of investigating M. N'Bouke and while he stated that he thought the culprit had been charged, he also admitted that they had no evidence of any kind linking him to contraventions of any CITES regulations regarding ivory exports - and as far as his domestic activities were concerned they had remained the same for the last 40 years. Even the national laws concerning ivory had not changed.

M. N'Bouke's family and the information we got based on our investigating led us to the conclusion that he was most likely set up as the fall guy, which suited everybody:

- The US film team had been asking the Minister about corruption and 'bad apples' in her ministry – so arresting a 'key dealer' was the answer.
- Other ministers going on record stating that Togo had clamped down on the ivory trade and it was no longer an issue.
- NGOs could claim having initiated the 'clamp down' and present the limited facts to the international media which tends to prefer tales of success over more bad news coming out of Africa
- The intercepted shipments, including the one seized in Hong Kong in July would require no further investigation with the key dealer now in jail
- Taking Mr. N'Bouke out also eliminated his agitating and asking the authorities to go up against the 'Guinean Ivory Mafia'.

This made him the ideal sacrificial lamb. He now sits in jail convinced that the trade in ivory will continue as before and that the same players with the same financial backers from China will keep holding their Sunday evening meetings discussing their next loading and shipping of a container, while he has become an outcast paying the price for a crime he feels he has not committed.

M. N'Bouke in jail protesting his innocence
He is still offering prosecutors and judges assistance to catch the real kingpins in return for some leniency but such a deal does not seem to be in the interest of the officials. They consider the case closed and are suggesting that he might have to serve a long sentence despite it not being clear if he has been charged yet and if he has, for what? (There is a Guinean dealer also in jail but he seems to be a minor player who was the employee of a freight forwarder which supposedly was involved in the shipment of the container with the 6 tons of ivory. Again he has not been charged and is waiting to be released for lack of evidence).

The media have declared N'Bouke as the man behind the slaughter of tens of thousands of elephants and celebrated the fact that he is now finally behind bars. The NGOs involved have taken their bows and received their congratulations together with the government officials. The donors to LAGA all got news alerts which they passed on to their donors who told their friends about the fantastic results achieved with their monthly checks to WWF/Born Free etc. which then pass on some of these donations to LAGA. A wide range of concerned individuals would have had a few good nights’ sleep knowing that the elephants would now also sleep well.

Happy endings all round: Another one of these win-win scenarios that will never be put in context with some of the harsher realities on the ground, including the fact that Togo is (along with many of the other Central and West African countries) in the bottom third of the Transparency International listing of the world’s most corrupt nations. That with that kind of poor governance quality the really bad guys always come out on top. Maybe ivory was not on their radar 20 years ago when N'Bouke imported consignments of tusks. At US$ 10-20 a kg it was just another semi-precious commodity traded in and out of Africa. Once the price rocketed to US$ 1500 per kilo in China, and a local price of US$ 400 per kilo, the trade moved on from the N'Bouke's of this world to the guys with Chinese partners - army generals and ministers who are willing to facilitate illegal exports of container loads of the commodity...at the right price.

There is no hope trying to effect change at the supply end with the prices increasing the way they are. The trade will increasingly move to players who cannot be ‘staked out and arrested’ as N'Bouke was and on to organized criminal gangs whose only worry is not capture and prosecution but the potential detection and loss of a shipment at the consumer end. However at this stage that still seems to be something they build into their profit and loss margins when doing business - overall this business still appears very profitable along the whole of the supply chain.

As long as the tons of ivory which successfully arrive at their destination still find buyers willing to pay the ever increasing prices and with no arrests or confiscations to speak of taking place at the consumer end, there will always be gangs of suppliers lining up. They will not flinch at setting up the N'Bouke's of this world and then having a good laugh over a few beers (although the Guineans in question all seem to be of Muslim faith) toasting the world of CITES, NGO enforcers and media players for how easy it is to run circles around all of them.

The transcripts of some of the key interviews are available at: Karl Ammann

Karl Ammann with Erick Kaglan, Lome Togo

P.S. As of mid-December 2013 Mr. N'Bouke was still in jail. All indications are that he has not been charged with any specific offenses and his lawyer says the prosecutor has not been able to show her any evidence.
He appears to be one of the close to 50% of prisoners in Togo jails which are held without being charged in contravention of the country’s constitution. More than ironic, considering that the NGO which arranged his arrest did so under the heading of: “assisting with law enforcement on the wildlife front”.