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Human trafficking and illicit financial flows in Africa

Richard O. Iroanya; Gabriella Nguluwe and Salomo Ndapulamo*

Abstract

This paper argues that human trafficking is an endemic crime with serious consequences for Namibia and other southern African countries. It considers the crime as a form of illicit financial flow and shows how it impacts on national and human security as well as democratic governance. Through content analysis of relevant documents it provides working definitions of human trafficking, illicit financial flow, democratic governance and security as well as highlighting the link between human trafficking and organized criminality. The two-dimensional flows of illicit finance from human trafficking are discussed and ways in which these flows aid and abate the corruption of law enforcing agencies, border agencies and the judiciary of a state are shown. The paper submits that corruption of public and private institutions produces damaging effects on national economies and invariably affects the well-being of citizens negatively. With regard to human security, the paper points out that the exercise of coercive and exploitative control over human trafficking victims deprives them of agency as members of the human family. Illicit financial flows emanating from human trafficking sustain and reinforce this control. Based on these, the paper recommends that adequate measures be put in place to curb human trafficking and the illicit financial flows that it generates.

Introduction

It ought to concern every person, because it is a debasement of our common humanity. It ought to concern every community, because it tears at our social fabric. It ought to concern every business, because it distorts markets. It ought to concern every nation, because it endangers public health and fuels violence and organized crime. I'm talking about the injustice, the outrage, of human trafficking, which must be called by its true name – modern slavery.

President Barack Obama, September 25, 2012

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The endemic nature of human trafficking especially in the Southern African region is widely recognized. In Namibia, its existence and threat are no longer contested, as evidenced by the adoption of the Combating of Trafficking in Persons Act 1 of 2018 which gives effect to the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children of 2000 (The Palermo Protocol). The adoption of a specific anti-trafficking legislation demonstrates official acceptance that existing legislation under which trafficking cases were investigated and prosecuted in the past such as the Prevention of Organized Crime Act (POCA) of 2009, though relevant, were not sufficient to combat human trafficking in the country.

Notwithstanding sparse quantitative data on trafficking victims, Namibia is generally considered a source and destination of this cross-national crime and consequently classified as a 'Tier 2 Country' in the annual Trafficking in Persons (TIP) report of the US State Department. A bi-national mission comprising Members of Parliament from Namibia and Angola found that women and children were trafficked across and within borders of both countries in 2009. The victims, who reportedly ended up serving as domestic workers and labourers on farms in border areas and distant localities in both countries, often lacked access to basic necessities such as education, health-care and citizenship due to lack of proper documentation.¹ This finding was confirmed by the baseline report of the Southern African Development Community (SADC) which also stressed that Namibian women and children are the most vulnerable groups to the crime of human trafficking.

While trafficking for sexual exploitation is the most common form of trafficking in other SADC countries, Namibia tends to present a unique pattern of trafficking for forced labour exploitation. Similarly, while trafficking tends to flow from rural or relatively poor areas to the urban or relatively rich areas in other SADC countries, trafficking in Namibia is largely and uniquely of a rural-rural pattern. Thus, cases of Namibian children as well as children from neighbouring countries such as Angola and Zambia being exploited as farm labourers or as cattle herders in rural areas of Namibia are well documented.²

The underscoring of child labour trafficking in Namibia does not diminish reported cases of sex trafficking and domestic servitude in cities such as Windhoek and Walvis Bay. Human trafficking for sexual exploitation is rising in Namibia. In 2016, for example, eight cases of sex trafficking and forced labour were investigated and in 2017 the Namibia state initiated criminal prosecution for four of the seven cases investigated that year.³ In November 2018, *The Namibian* also reported about a couple charged with "human

¹ Ministry of Gender Equality and Child Welfare (MGECW), *The Effectiveness of Child Welfare Grants in Namibia: Study Findings and Technical Notes*, Windhoek, Directorate of Child Welfare Services, 2009: 22.

² US Department of State, *Trafficking in Persons Report 2018*, <<https://www.state.gov/trafficking-in-persons-report-2018/>> [accessed May 24, 2019]; Southern Africa Development Community (SADC), *Trafficking in Persons in the SADC Region: A Baseline Report 2016*, <https://www.sadc.int/files/3514/7505/0085/SADC_Baseline_Report_Low_Resolution.pdf> [accessed 24 May 24, 2019]; MGECW, *Effectiveness*.

³ US Department of State, *Trafficking*.

trafficking, rape, drugging a female for unlawful intercourse and kidnapping.”⁴ The accused couple was refused bail as the state and human rights activists argued that human traffickers are enemies of all humankind and a threat to state security. This case resonates with SADC’s recognition of human trafficking as a crime with far-reaching consequences affecting individuals and communities in the region. Trafficking is shown as a crime that reduces the socio-economic status of SADC citizens to mere commodities as well as impacting negatively on the region’s peace and security agenda.⁵

Given this background, this paper focuses on less analysed dimension of the negative effects of the crime of human trafficking. It theorizes human trafficking as a source of illicit financial flows and shows how these flows impact on human and national security as well as democratic governance in countries where the crime is prevalent such as Namibia and other SADC countries.

Conceptual framework

Human trafficking is both a process and an essential part of a criminal network system. This perspective proposes that various criminal activities are interrelated and reinforce each other. Criminal elements interact and support themselves and each other in more complex and continuous ways when creating destabilising parallel systems to the state-system. Funds illegally generated from criminal activities such as human trafficking can have an extremely detrimental effect on the economy, social stability and security of a state as well as its capacity for sustainable democratic governance. In the analysis that follows, working definitions of human trafficking, illicit financial flows, security, and democratic governance are provided.

Conceptually, human trafficking is an endemic socio-economic, political and security phenomenon associated with the movement of people within and across national borders either legally or illegally and of which forced labour, sexual exploitation, human rights violations and insecurity are some of the consequences.⁶ Children and women as previously highlighted are considered the most vulnerable groups to human trafficking and various state governments consider human trafficking a form of modern-day slavery. The Namibian anti-human trafficking legislation, Combating of Trafficking in Persons Act 1, of 2018 defines human trafficking thus:

A person commits an offence of trafficking in persons if he or she intentionally recruits, transports, delivers, transfers, harbours, sells, exchanges, leases or receives a person by means of: (a) threat; (b) use of force or other forms of coercion; (c) abduction; (d) fraud; (e) deception; (f) kidnapping; (g) abuse of power or abuse of position of vulnerability; or (h) giving and receiving of

⁴ Tuyeimo Haidula, “Human trafficking accused get bail”, *The Namibian*, November 1, 2018, <<https://www.namibian.com.na/182791/archive-read/Human-trafficking-accused-get-bail>> [accessed May 24, 2019].

⁵ SADC, *Trafficking*.

⁶ Cf. Richard Obinna Iroanya, *Human Trafficking and Security in Southern Africa: The South African and Mozambican Experience*, Cham, Palgrave McMillan, 2018.

payments or benefits to obtain the consent of a person who has control over another person, for the purposes of exploitation. (2) The recruitment, transportation, transfer, harbouring, or receiving of a child for the purposes of exploitation is trafficking in persons even if this does not involve any of the means set out in paragraph (a); (b); (c); (d); (e); (f); (g) or (h) of subsection (1)...

This definition is comprehensive and closely aligns with provisions of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children of 2000 (Palermo Protocol). It further criminalises debt bondage; possession, destruction, confiscation, concealment or tampering with identification documents or travel documents and provides that persons convicted of human trafficking pay a fine of N\$ 1,000,000 or imprisonment for a period not exceeding 30 years (Section 6 [2]). Persons convicted of facilitating trafficking pay a fine of N\$2, 500, 000 or imprisonment of up to 50 years or both. Equally criminalized is intentional facilitation of the trafficking through leasing and sub-leasing of property, financing, publication, advertising, broadcasting, and distribution of information, by any means including electronic communication (Section 8 [2] b). Therefore, under the legislation, companies providing electronic communication services in Namibia commit the offence of human trafficking if they become aware or are aware that any electronic communications, stored on or transmitted over their electronic communications systems contain information in contravention of the provisions of the legislation. Similarly, the Namibian legislation provides for the liability of transporters (carriers) who knowingly transport or ought reasonably to have known that they are transporting a victim within Namibia or across the borders of Namibia (Section 9 [1] [2]).

The new Namibian legislation agrees with the Palermo Protocol that a child is any person under the age of 18 and human trafficking is committed whether a person is voluntarily or involuntarily trafficked. Other aspects of the Namibian legislation which are in agreement with the Palermo Protocol, include activities or phases of trafficking such as recruitment, transportation, harbouring and receiving of victims. There is also a common agreement that human trafficking is a criminal act, coercive and exploitative in nature. Generally, human trafficking is considered as modern slavery; part of transnational organised crime; part of migration problems; human rights violations; prostitution of others and negative aspect of globalisation.⁷ The Namibian definition of human trafficking places emphasis on methods as well as activities or phases of the trafficking process and criminalizes the use of force, deception, coercion or exploitation of position of vulnerability as instruments of recruitment. These distinguishing characteristics of human trafficking differentiate it from related crimes such as smuggling.

⁷ Richard Obinna Iroanya, "Human trafficking with specific reference to South African and Mozambican counter-trafficking legislation", *Acta Criminologica: Southern African Journal of Criminology*, 27 (2), 2014: 102-115; Maggy Lee *Trafficking and Global Crime Control*, Los Angeles, Sage, 2011: 20.

Scholars discuss trafficking in the context of 'push' and 'pull' factors.⁸ Push factors refer to internal or domestic challenges such as poverty and economic deprivation, unequal development, conflicts, natural disasters, dysfunctional families and social and gender discrimination which may cause or force people to leave their homes. Pull factors are mainly external factors such as global demand for cheap labour, improved communications systems, transport networks and expanding global tourism. While push factors intensify the vulnerability of victims or the supply side of trafficking; pull factors facilitate the demand for trafficked victims in destination countries.⁹ Poverty, is a key 'push' factor facilitating human trafficking in the Africa region. Basically poverty involves the absence of meaningful employment opportunities, poor living conditions, and a lack of employable skills worsened by the absence or ineffectiveness of social welfare systems, especially for the most vulnerable groups in the society.¹⁰ These conditions are exploited by human traffickers through promises of employment, higher incomes and better living conditions in foreign countries.¹¹

Poverty also explains why some families allow their children to live outside of their homes, especially with relatives in the cities where they believe the chances of finding good employment are greater. However, neglect by foster relatives coupled with harsh economic conditions in the cities make these children vulnerable to human trafficking. In extreme cases, poverty forces parents to give up their children to human traffickers in order to free themselves from debt bondage and places adults, especially women, in conditions where they may be forced to engage in sex for money, food, and shelter.¹² Poverty also correlates with lack of employable skills and lack of skills is a function of high rates of illiteracy in many African countries. The inability of many victims to read and write or fully comprehend developments in other parts of the world and the dangers of trafficking, amplifies their vulnerability. Although there are cases in which well educated people have been trafficked, illiteracy is a major contributor to human trafficking.

The family as a social unit is also implicated in human trafficking in other ways. It is a fact that families in which physical, emotional and sexual abuse prevail, are not conducive to raising children. Children often escape from such families in search of freedom and survival in the streets which exposes them to the risk of human trafficking.

⁸ SADC, *Trafficking*; MGEOW, *Effectiveness*; Anti-Slavery International. *Migration-Trafficking Nexus. Combatting Trafficking Through the Protection of Migrant's Human Rights*, United Kingdom, 2003, <http://www.antislavery.org/wp-content/uploads/2017/01/the_migration_trafficking_nexus_2003.pdf> [accessed June 12, 2019].

⁹ Iroanya, *Human Trafficking*.

¹⁰ Ibid.: 42-45.

¹¹ Alexis Aronowitz, *Human Trafficking, Human Misery: The Global Trade in Human Beings*, Westport, Connecticut, London, Praeger, 2009.

¹² Pamela Shifman and Ken Franzblau, "Trafficking: Legislative Responses", in: The United Nations Children's Fund (UNICEF), *Profiting from Abuse: An Investigation into the Sexual Exploitation of Our Children*, New York, UNICEF, 2001: 12-16, <https://www.unicef.org/publications/files/pub_profiting_en.pdf> [accessed June 12, 2019].

Relatedly, family breakdown as a result of divorce, remarriage, death, or sickness disrupts family relationships. Thus, family members may be forced to move out or send children away to work and support themselves. Even relatively stable families can become vulnerable as a result of family breakdown due, for example, to repossession of property by financial institutions. When parents become unable to properly care and protect their children, the children are at risk of becoming victims of human trafficking.¹³

Thanh Dam Truong strongly emphasizes gender discrimination as a socio-cultural problem that facilitates human trafficking.¹⁴ Culturally induced discrimination against women deprives them of their agency and a right to protection against violence. Discrimination further limits women's access to education, employment and property rights with the cumulative effect of low income earning capacity and forced early marriages. Such situations leave young women vulnerable to human trafficking. Truong is also of the view that the lack of empowerment of women due to culturally based gender discrimination has contributed to an increase in poverty in Sub-Saharan Africa, and explains why victims of human trafficking are mainly women and children.¹⁵

Socio-cultural facilitators of human trafficking have been strengthened by forces of globalization. Globalization fostered by the increased movement, interdependence and interconnectedness of people and countries through information, communications and technology, transport networks and changes in state and institutional policies, facilitate several international cross-border crimes. Thus, Mats Berdal and Mónica Serrano point out that the dark side of globalisation is the growth of transnational crime of which human trafficking is one example. The authors argue that

as transaction costs have fallen, there are ever greater opportunities for illicit traders to operate in an unrestricted fashion across borders [...] nowhere is this more true than in the coercive or deceitful movement of human beings across borders for purposes of exploiting them economically.¹⁶

While forces of globalization facilitate human trafficking, the phenomenon is also a product of the high demand for migrant workers in destination countries coupled with the existence of recruitment agencies and persons willing to facilitate jobs and travel. Globalization creates market demand for cheap and low skilled labour in sectors such as domestic service, home care, sex work, labour intensive manufacturing and agriculture. Human traffickers are motivated to recruit victims by the existence of exploitable opportunities in destination countries. These sectors are also difficult for state authorities to monitor. Desperation coupled with the expression of desire and willingness

¹³ Anti-Slavery International, *Migration-Trafficking* : Iroanya, *Human Trafficking* : 42-45.

¹⁴ Thanh Dam Truong, *Poverty, Gender and Human Trafficking in Sub-Saharan Africa: Rethinking Best Practices in Migration Management*, Paris, UNESCO, 2006: 36, <<https://unesdoc.unesco.org/ark:/48223/pf0000143227>> [accessed June 12, 2019]

¹⁵ Truong, *Poverty*; Iroanya, *Human Trafficking* : 42-45.

¹⁶ Mats Berdal and Mónica Serrano, "Transnational organized crime and international security: The new topography", in: Mats Berdal and Mónica Serrano, (eds.), *Transnational Organized Crime and International Security: Business as Usual?*, Boulder, Lynne Rienner, 2002: 13-36.

to work abroad and in the aforementioned sectors renders people vulnerable to exploitation by human traffickers. Human trafficking is rising because the risks involved are low while profits from the activity are high. The costs that traffickers incur in securing travelling documents, transportation, food, clothing and shelter for victims, are recovered several times over through exorbitant fees and victims' indebtedness, forced labour and prostitution.¹⁷

Human trafficking operations are made easier by ineffective implementation of anti-human trafficking legislation or the non-existence of legislation. Where legislation is ineffective or non-existent perpetrators operate with relative impunity. Ineffective laws are, to a large extent, a function of corruption.¹⁸ Law enforcement officials in both source and destination countries accept bribes from human traffickers. Corruption is a key indicator of the failure of state institutions such as the judiciary. The failure of the judiciary to function effectively not only worsens the problem of human trafficking, but also provides stronger motivation for vulnerable groups in that society to migrate in search of better living conditions.¹⁹

For the purposes of this paper, it is important to note that in every phase of the human trafficking process – recruitment, transportation, harbouring and receiving or sale of victims, money changes hands and profits are made, especially in source countries. These financial exchanges based on commodification of victims are considered illicit financial flows. The use of 'involuntary servitude', 'debt bondage' and 'peonage' are other sources of illicit financial accumulation which come from trafficking victims' destinations. The proceeds from human trafficking activities fit neatly into the definition and characterization of illicit financial flows. Illicit financial flows are specifically, "money that is illegally earned, transferred or utilized".²⁰ These illicit flows come from three main sources. First, the theft of public funds and bribery of government officials to circumvent the law or what is commonly referred to as corruption. The second source of illicit financial flows is crime. These include proceeds from criminal activities, such as human trafficking, drug trafficking, racketeering, counterfeiting, contraband, and financing terrorism. The third source is commercial tax evasion. These include practices such as trade mispricing and laundered commercial transactions by multinational corporations.²¹ The latter source of illicit financial flows (commercial tax evasion) is the most widely discussed. From these classifications certain distinguishing characteristics of illicit

¹⁷ Iroanya, *Human Trafficking*; Kimberly McCabe, *The Trafficking of Persons: National and International Responses*, New York, Lang, 2008: 12.

¹⁸ Iroanya, *Human Trafficking*.

¹⁹ Human Science Research Council (HSRC), Pretoria, *Tsireledzani: Understanding the Dimensions of Human Trafficking in Southern Africa*, Research Report March 2010, Pretoria, Human Science Research Council and National Prosecuting Authority, <<http://www.hsrc.ac.za/en/research-data/view/4940>> [accessed June 12, 2019]; Aronowitz, *Human Trafficking*; Truong, *Poverty*.

²⁰ African Union Commission and Economic Commission for Africa (AU/ECA), *Illicit Financial Flows Report of the High Level Panel on Illicit Financial Flows from Africa*, Addis Ababa, AU/ECA, 2015: 15.

²¹ *Ibid.*: 9.

financial flows are identified. First, the funds are illegally earned. Second, they are illegally transferred as they do not go through appropriate channels for such purposes. Third, the funds have neither a traceable, identifiable origin nor an authentic owner and means by which they were accumulated (audit trails). In other words, the funds are mostly laundered.²²

Generally, money illegally earned, utilized or transferred from human trafficking activities has serious implications for the security of a state both in the classical state-centric understanding of the concept and in its contemporary and third world view. Security in its traditional or classic state-centric understanding is viewed objectively and subjectively. Objectively, security means the absence of threats to vital values, while subjectively, security implies the absence of fear that such values will be attacked.²³ Thus, in the traditional or classic sense of security, the referent object is the state and its survival in the context of internal or external aggression. Barry Buzan's attempts to provide a contemporary and broadened conceptualization of security. In this regards,

security is taken to be about the pursuit of freedom from threat and the ability of states and societies to maintain their independent identity and their functional integrity against forces of change, which they see as hostile. The bottom line of security is survival, but it also reasonably includes a substantial range of concerns about the conditions of existence.²⁴

The contemporary view of security recognizes the significance of states as rational actors and the necessity for their survival in an anarchic global system. However, the analysis of security as a 'derivative power' of state actors is de-emphasized. Therefore, there is the recognition of different referent objects or levels of security, namely, the state, the individual (human security), society, region and the international system.²⁵ In making a distinction between national, society, and human security, Scott Watson argues that:

While state and societal security discourses also concern human life, they serve to prioritize the state or society as the means of protecting human life and dignity, whereas the discourse of humanitarian security attempts to prioritize human life over the interests of states and or societies.²⁶

²² AU and UNECA, *Illicit Financial Flows*: 79; Peter Reuter, *Draining Development? Controlling Flows of Illicit Funds from Developing Countries*, Washington, World Bank, 2012; Dev Kar and Devon Cartwright-Smith, *Illicit Financial Flows from Africa: Hidden Resource for Development*, Washington, Global Financial Integrity, 2010.

²³ Mike Hough, "Crime in South Africa: is it a threat to national security", *Strategic Review for Southern Africa*, XXV (2), 2003: 188-203 (188); Arnold Wolf, *Discord and Collaboration*, Baltimore, Johns Hopkins University Press, 1962: 150.

²⁴ Barry Buzan, *People, States, and Fear. An Agenda for International Security Studies in the Post-Cold War Era*, New York, Harvester Wheatsheaf, 1991: 432-433.

²⁵ Ibid.; Barry Buzan, "New patterns of global security in the twenty-first century", *International Affairs*, 67 (3), 1991: 431-451; Barry Buzan, Ole Waever and Jaap De Wilde, *Security: A New Framework for Analysis*, London, Lynne Rienner, 1998.

²⁶ Scott Watson, "The 'human' as referent object? Humanitarianism as securitization", *Security Dialogue*, 42 (1), 2011: 3-20 (5).

In this regard, the United Nations Development Programme (UNDP) argues that human security has two basic aspects. Firstly, it means

safety from such chronic threats as hunger, disease and repression. And second, it means protection from sudden and hurtful disruptions in the patterns of daily life – whether in homes, in jobs or in communities.²⁷

In fundamental ways, human trafficking activities and the illicit financial flows from them disrupt safety from chronic threats such as hunger, disease and repression as well as patterns of daily life- in homes, jobs and societies.

These disruptions in turn impact on democracy in developing African states. Democracy in this context refers to a system of governance in which leaderships are accountable to the public who also indirectly participate in governance through competition and sometimes cooperation and collaboration of their elected representatives. Democracy is a governance system that engenders a deep sense of freedom, inclusiveness, and respect for fundamental human rights and dignity. A system whose institutions create conducive political, economic, social, and legal environment that discourages corruption and ensures efficient management of human, financial and natural resources in ways that promote sustainable economic growth, security and political stability. Disruption of democratic institutions through corruption occasioned by illicit financial flows from human trafficking impacts on the national and the human security of the state. The argument regarding the adverse impact of illicit financial flows from human trafficking on security and democracy in Africa is further reflected in Figure 1 (p. 56).

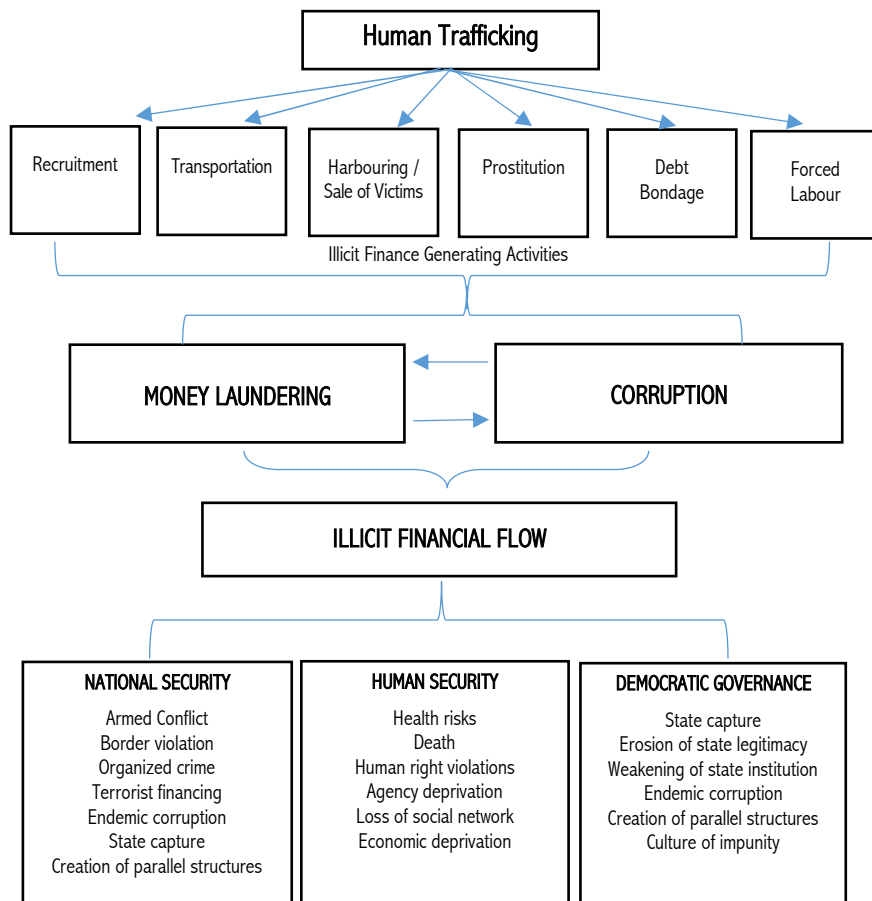
Sources of illicit financial flows in the context of human trafficking

As previously noted, human trafficking involves different activities and processes. From source countries recruiters recruit victims for human traffickers; transporters are used to move victims to different destinations within or across international borders (for example from Angola or Zambia to Namibia) or to safe houses from where they are eventually trafficked to destinations outside the African region. At every stage of the human trafficking process, monetary transactions occur. At destination points both within and outside national borders, human traffickers profit from prostitution, forced labour, involuntary servitude and debt bondage of victims. Illicit financial flows originating from human trafficking are generated both from within affected African states and from victims' destination countries. Thus, human trafficking results into two directional illicit flows – illicit financial outflow and illicit financial inflow. In order to hide accumulated funds from trafficking activities human traffickers often operate foreign bank accounts. Thus, consciously or unconsciously, human traffickers operating regionally contribute significantly to illicit financial flows out of affected countries such as Namibia in particular

²⁷ United Nations Development Programme (UNDP), *Human Development Report 1994*, New York, Oxford University Press, 1994: 24, <http://hdr.undp.org/sites/default/files/reports/255/hdr_1994_en_complete_nostats.pdf> [accessed June 12, 2019]

and Africa in general, if those banks are located outside the African region. Illicit financial inflows originate from human trafficking syndicates based in different European, North American, Asian, Pacific and South American countries. Since in most cases human traffickers have the same nationality as their victims, they often repatriate accumulated profits to their home countries. Thus, illicit finance flows into the country rather than outside the country. The profits are repatriated through various money laundering techniques aided by endemic corruption.

Figure 1: Effects of illicit financial flows on democracy and security



Source: Authors' conceptualisation

Laundering illicit finance from human trafficking

Money laundering is a strategy by which criminals, particularly human traffickers conceal proceeds from trafficking by various secret means.²⁸ These include e-money transfer, investment in legitimate businesses, direct bank deposits, and electronic money transfers or physical movement of cash using trusted individuals from one country to another. Money laundering produces serious consequences for security and democratic governance in affected African countries as demonstrated in figure 1.

That electronic means are being used increasingly by human traffickers and other criminal elements to launder illegal money is well known. Human traffickers as well as other criminal elements benefit from the ineffective policing by parties involved in e-money transactions. The use of encryptions, for example, prevents law enforcement agencies such as the Financial Action Task Force (FATF) from detecting suspicious transactions. Steven Philippsohn adds that the inadequacy of audit trails and poor reporting of suspicious transactions by technology providers further aids criminal elements.²⁹ Aluko Ayodeji and Bagheri Mahmood argue with reference to the Nigerian economy and in support of findings by McDowell and Norris that money launderers often use front companies to mix illicit finance with legitimate funds – what is usually referred to as ‘cleaning the money’ in informal circles.³⁰ In this way, the origin and owners of the funds are hidden to law enforcement authorities and illicit finance helps front or shell businesses gain a competitive advantage over legitimate businesses. With this advantage shell businesses subsidize or manipulate prices of goods and services at levels far below market prices or levels that make it impossible for legitimate businesses to compete. The consequence of this is the liquidation of genuine businesses, increase in unemployment and exposure of target economies to overcrowding by criminal syndicates. Successful laundering of illicit wealth by human traffickers is facilitated by endemic corruption in several African states.

Corruption as facilitator of illicit financial flows from human trafficking

In the discourse on illicit financial flows, corruption is treated as a source of such flows as well as a facilitator of the crime. In this context, corruption is mainly the facilitator of the crime. Corruption involves unlawful and unethical actions which may be taken by officials in public and private sectors in order to advance personal or group interests either financially, professionally or otherwise. In this regard corruption is seen as an

²⁸ Aluko Ayodeji and Bagheri Mahmood, “The impact of money laundering on economic and financial stability and on political development in developing countries: The case of Nigeria”, *Journal of Money Laundering Control*, 15 (4), 2012: 442-457; Nlerum Sunday Okogbule, “Combating money laundering in Nigeria: an appraisal of the Money Laundering Prohibition Act 2004”, *Statute Law Review*, 28 (2), 2007: 156-164; John McDowell and Gary Norris, *The Consequences of Money Laundering and Financial Crime*, Washington, Bureau of International Narcotics and Law Enforcement Affairs, US Department of State, 2001.

²⁹ Steven Philippsohn, “The dangers of new technology – laundering on the internet”, *Journal of Money Laundering Control*, 5 (1), 2001: 87-95.

³⁰ Ayodeji and Mahmood, “Impact”; McDowell and Norris, *Consequences*.

abuse of power with multiple side-effects. Technically, it is defined as the offering, giving, receiving, and soliciting, directly or indirectly, of anything of value to influence improperly the actions of another party.³¹ Among identified unlawful and unethical conducts constituting corruption are:

bribery of national public officials; bribery of foreign public officials and officials of international organisations; embezzlement, misappropriation or other diversion of property by public officials; trading influence; abuse of functions; illicit enrichment; bribery in the private sector; embezzlement of property in the private sector; laundering of proceeds of crime; concealment; obstruction of justice.³²

With reference to human trafficking and the illicit financial flows that it generates, it is said that the increase in trafficking in the African context occurs because most African land borders are largely porous and unpatrolled for reasons which include insufficient personnel and equipment. With specific reference to South Africa, the Human Sciences Research Council (HSRC) reported in 2010 that human traffickers and their victims cross South African land borders relatively undetected.³³ However, when detected, it is not uncommon for corrupt border officials to accept bribes and allow illegal migrants, human traffickers and their victims to cross into the country. Laundering of illicit funds from trafficking is also facilitated by corrupt officials in public and private sectors.

Furthermore, although many African states

have ratified international legal instruments criminalizing human trafficking and organized criminal activities as well as introducing appropriate domestic legislation, these laws have not been effectively implemented. Similarly, in various African states the criminalization of activities facilitating human trafficking such as prostitution, the running of brothels as well as earning income from the prostitution of others has not succeeded in stopping the crime because the laws are not effectively implemented.³⁴

Among the many reasons proffered for lack of effective implementation of existing laws is corruption among various enforcement agencies. The hiding of illicit proceeds from human trafficking, especially within the African context is also blamed on corruption among some banking officials, legitimate businesses in need of cash who willingly collude with criminal syndicates.

Effects on security and democracy

Illicit financial flows emanating from human trafficking activities have adverse effects on national and human security as well as democratic governance. Bribery and corruption of border control officials, the police and the judiciary result in collusion between criminal

³¹ Ayodeji and Mahmood, "Impact".

³² Ibid.: 447.

³³ HSRC, *Tsireledzani*.

³⁴ Julia O'Connell Davidson and Jacqueline Sanchez Taylor, *Child Prostitution and Sex Tourism South Africa*, Bangkok, ECPAT International, 1996: 2.

syndicates and state officials which undermines democratic structures, good governance and the rule of law. Corruption destroys the integrity of the police, armed forces and judicial institutions and leads to citizens losing confidence in democratic processes.

Effects on national security

As previously mentioned, human trafficking as well as the illicit financial flows that it generates undermine the national security of affected African countries by the: intensity or extent of their occurrence; nearness in time and space; high probability of occurrence; and reinforcement by historical facts.³⁵ Intensity of human trafficking and illicit financial flows refers to the seriousness of their occurrence. Thus, while Human Rights First (estimated that about 3.7 million Africans are victims of human trafficking, UNODC estimated that human traffickers operating from Africa to Europe make about USD 150 million annually.³⁶ The intensity of any given social phenomenon which constitutes a threat to national and individual security is determined by the specific nature of the threat or its referent object. In this context human trafficking and its illicit financial flows specifically target women and children, especially young girls. Historically, human trafficking has been happening in Africa for a very long time, though the intensity increased from the early 1990s following the end of the Cold War and consequent political crises and civil wars that many African countries experienced. With respect to nearness in space and time as a characteristic of phenomena constituting national security threats, it is evident that human traffickers in most cases have the same nationality as their victims, and in many cases are known to them. In the emerging fourth industrial revolution, electronic media has become an indispensable tool for both positive and negative innovation. For human traffickers it provides an avenue for the recruitment of victims. Thus, physical barriers to contact are eliminated and human traffickers and victims are brought closer electronically. Nearness in space and time through physical and electronic presence as well as the hidden nature of the phenomenon increase its frequency of occurrence and the resulting illicit financial flows. Frequency of occurrence has a direct impact on affected Africans societies as human trafficking results in depopulation, stigmatization, and xenophobic reactions.³⁷

According to descriptions by the UN Convention against Transnational Organized Crime of 2000 (Palermo Convention), human trafficking is both national and transnational organized crime. It is committed in one country, but significant parts of its preparation, planning, direction and control take place in another country. Although it is committed in one country it is carried out by an organised group that engages in activities in more

³⁵ Buzan, *People*.

³⁶ Human Rights First, *Fact Sheet September 2017: Human Trafficking by the Numbers*, <<http://www.humanrightsfirst.org/sites/default/files/TraffickingbytheNumbers.pdf>> [accessed June 12, 2019]; United Nations Office on Drugs and Crime (UNODC), *The Globalization of Crime- a Transnational Organized Crime Threat Assessment*, Vienna, UNODC, 2010, <www.unodc.org/documents/data-and-analysis/tocta/TOCTA_Report_2010_low_res.pdf>, accessed 22 July 2017 [accessed June 12, 2019].

³⁷ Iroanya, "Human trafficking".

than one country. In other words the effects of human trafficking are felt in more than one country (source and destination countries). Characterization of human trafficking as transnational organized crime is further demonstrated by the definition of organised criminal group in the Palermo Convention:

[A] group of three or more persons that was not randomly formed; existing for a period of time; acting in concert with the aim of committing at least one crime punishable by at least four years' incarceration; in order to obtain, directly or indirectly, a financial or other material benefit.³⁸

In 2004 the UN Panel on Threats, Challenges and Change identified six clusters of threats which pose an imminent danger to the world. Transnational organised crime was identified together with inter-state and internal wars; nuclear, radiological, chemical, and biological weapons; as well as terrorism, as threats to national, regional and international security.

Human trafficking linked to organized crime and money laundering is clandestine in nature and involves illegal border crossings. Illegal border crossings in themselves constitute a national security threat. Thus, in countries such as South Africa, resentment towards undocumented migrants, among them human trafficking victims, is often violently expressed in xenophobic attacks as witnessed in 1998, 2015 and 2017. As the number of trafficking victims increases, illicit financial flows also increase, and society as a collective and national security in particular is increasingly negatively impacted. It is in this context that Anne Gallagher remarked, with respect to the adoption of the Palermo Protocol that,

while human rights concerns may have provided some impetus (or cover) for collective action, it is the sovereignty/security issues surrounding trafficking and migrant smuggling which are the true driving force behind such efforts.³⁹

As an integral part of transnational organized crime, human trafficking undermines state capabilities by also corrupting state security institutions such as the police, and the judiciary as well as senior government officials.⁴⁰ Human traffickers also take advantage of breakdowns in governance structures and economic hardship to infiltrate security and law enforcement agencies and entice them into human trafficking and other illegal activities. This has serious implications for national and human security because co-opted military, security, and intelligence officers may not only possess knowledge of instruments of violence, but also access to information on arms stocks, drugs trade, natural and financial resources, and senior government officials who can be targeted for elimination or co-opted into crime through bribery.

³⁸ United Nations Office on Drugs and Crime (UNODC), *United Nations Convention Against Transnational Organised Crime and the Protocols Thereto*, UN, New York, 2004: 5, available at: <<http://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf>> [accessed June 12, 2019].

³⁹ Gallagher, Anne, "Human rights and the new UN protocols on trafficking and migrant smuggling: a preliminary analysis", *Human Rights Quarterly*, 23 (4), 2001: 975-1004 (1004).

⁴⁰ Peter Gastrow, *Triad Societies and Chinese Organized Crime in South Africa*, Occasional Paper 48, Pretoria, ISS, 2001.

While other forms of illicit financial flows such as commercial tax evasion occur increasingly during periods of relative high economic growth in Africa, increasing illicit financial flows from human trafficking occur during periods of political turbulence, economic and social crisis and a general state of lawlessness. Human trafficking has also been implicated in civil wars in Africa in other ways. In the Liberian and Sierra Leonean civil wars kidnapped children were forced to fight as soldiers. Militant groups such as the Lord's Resistance Army which operates in northern Uganda, South Sudan and different parts of Central African Republic and the Democratic Republic of Congo deploy child soldiers. Such conflicts result in huge refugee crises and massive displacement of people which create vulnerable groups for human traffickers to exploit. In addition to trafficking human beings, reports suggest that human traffickers also take advantage of porous borders to engage in other criminal activities such as drug trafficking, and the smuggling of arms or counterfeit goods.⁴¹

Ayodeji and Mahmood (2012) have also shown that large inflows or outflows of funds artificially created by money laundering produce adverse effects on exchange rates as well as interest rates in target economies. As evidence the authors posit that:

the Nigerian economic policies in the 1980s and late 1990s endured serious economic distortions channeled predominantly by money laundering activities as well as other economic and financial crimes through diversion and redirection of capital from sound to low quality investments.⁴²

The net effect of money laundering especially with frequent transfer of deposited funds in the banks is on government's revenue collection and budgets. This has implications not only for national security as the building, maintenance and equipping of law enforcement agencies and the military depend on the revenue-generating and budget implementation capacity of the state. Similarly, illicit financial flows emanating from human trafficking and other cross border criminal activities and laundered into legitimate funds are used to expand and sustain existing criminal activities as well as fund new crimes.

Effects on human security

While other forms of illicit financial flows result in the loss of financial resources to a state, human trafficking results in the loss of both financial and human resources which in effect jeopardizes the future of the affected societies. The undermining of the national security of a state invariably implies the undermining of human security because both are intricately linked and mutually reinforcing. Human security relates to an individual's political, economic, health, personal, environmental, and communal well-being. Human trafficking in its transnational organized form and the illicit financial flows which it generates constitute a threat to human security. Proceeds from human trafficking are

⁴¹ HSRC, *Tsireledzani*.

⁴² Ayodeji and Mahmood, "Impact": 445.

used to sustain and expand crime as well as to corrupt law enforcement agencies and other important state structures that are meant to combat it.

Human trafficking and the illicit financial flows which emanate from it play a critical role in denying victims freedom to exercise their fundamental human rights as enshrined in international, regional and national legislation. Illicit funds are used to entice, induce and gain control over victims. With illicit funds victims are kept in secluded, unfamiliar places and may be sexually abused or forced to work in inhuman conditions. Victims kept in isolation are also denied natural rights such as freedom of movement, speech, association and communication. Reported cases of human trafficking show that trafficking victims throughout the world and specifically in Africa were deceived, coerced, secluded and often auctioned off as commodities, or forced into prostitution to repay outrageous debts to traffickers.⁴³ The act of seclusion deprives victims their freedom of movement. Auctioning off as commodities dehumanises victims, and forced prostitution deprives victims of their agency as capable or rational, choice-making beings which contravenes requirements of human security as articulated by the UNDP in 1994.

Conny Rijken as well as Cathy Zimmerman et al. points out that the use of force, seclusion, intimidation and abuse as well as the threat of blackmail and violence against victims' families by human traffickers have serious psychological effects on victims.⁴⁴ These coercive means are used to create fear and induce victims to obedience and submission. Similarly, Dina Francesca Haynes notes that the confiscation of travel documents, especially from victims who travelled legally to destination countries, exposes those victims to the risks of exploitation and denies them access to state protection.⁴⁵ Other human security issues associated with human trafficking and the illicit financial flows it generates include denial of the right to communication, especially with families. Limited or lack of interaction with the outside world minimizes the risk of exposure, arrest and prosecution for human traffickers but increases the vulnerability of victims. All forms of isolation, exclusion and control lead to loss of access to the social

⁴³ Lee, *Trafficking*; HSRC, *Tsireledzani*; Louise Shelley, "The rise and diversification of human smuggling and trafficking into the United States", in: Thachuk Kimberley, (ed.), *Transnational Threats: Smuggling and Trafficking in Arms, Drugs, and Human Life*, Westport, CT, Greenwood Publishing Group, 2007: 85-107; International Organisation for Migration (IOM), *Seduction, Sale and Slavery: Trafficking in Women & Children for Sexual Exploitation in Southern Africa*, Pretoria, IOM, 2003.

⁴⁴ Conny Rijken, *Trafficking in Persons: Prosecution from a European Perspective*, The Hague, TMC Asser Press, 2003; Cathy Zimmerman, Mazedra Hossain, Kate Yun, Brenda Roche, Linda Morison, and Charlotte Watts, *Stolen Smiles: A Summary Report on the Physical and Psychological Health Consequences of Women and Adolescents Trafficked in Europe*, London, Report for the London School of Hygiene & Tropical Medicine, 2006, <<https://www.icmec.org/wp-content/uploads/2015/10/Stolen-Smiles-Physical-and-Psych-Consequences-of-Traffic-Victims-in-Europe-Zimmerman.pdf>> [accessed June 12, 2019].

⁴⁵ Dina Francesca Haynes, "Used, abused, arrested and deported: Extending immigration benefits to protect the victims of trafficking and to secure the prosecution of traffickers", *Human Rights Quarterly*, 26, 2004: 221-272.

support system, increased vulnerability and consequent reduction in the quality of life of individuals.⁴⁶

Furthermore, Eleanor Turner-Moss et al. have also observed that the exercise of control over victims, ensured through forced labour and debt bondage, negatively impacts on trafficking victims' economic well-being.⁴⁷ The exorbitant burden of debt on the victims and the extortionate demands for repayment through working conditions similar to slavery, leave those victims in a state of impoverishment. In contrast, human security requires individuals to have basic economic security in the form of a steady income from productive and remunerative employment or, failing that, a state funded social support system. In essence therefore, human trafficking often denies victims access to gainful employment and a state funded safety net where such exists. Hard labour and poor, hazardous working conditions, as opposed to the safe living and working environments required for human security, also characterise the situations of trafficking victims.⁴⁸

Another requirement of human security is that individuals be protected from diseases and unhealthy lifestyles through access to basic medical services. However, several reported cases of human trafficking show that victims are constantly exposed to the risks of contracting deadly diseases and of unhealthy lifestyles. Thus, death is common among victims who travel long distances to their destination. In South Africa dead bodies of trafficked Thai nationals have been found on rail tracks.⁴⁹ Several Ethiopian trafficking victims have died on their way to South Africa as a result of exhaustion, dehydration, poor ventilation and lack of food and access to medical facilities.⁵⁰ Studies have also shown that trafficking victims suffer from insomnia, depression, and post-traumatic stress disorder as a result of poor working conditions and positions of vulnerability.⁵¹ It is also evident that drug use is forced on victims to form addiction and perpetual dependence on traffickers for support.⁵² Drug use puts victims' lives in danger and reduces their life expectancy. Trafficking for sexual exploitation exposes victims to the risk of contracting sexually transmitted diseases such as HIV/AIDS as well as other related communicable diseases such as tuberculosis and scabies. Human organ

⁴⁶ UNODC, *Legislative Guides*; Iroanya, *Human Trafficking*: 30.

⁴⁷ Eleanor Turner-Moss, Cathy Zimmerman, Louise M. Howard and Oram Siân, (2013). "Labour exploitation and health: A case series of men and women seeking post-trafficking services", *Journal of Immigrant Minority Health*, 16 (3), 2014: 473-480.

⁴⁸ Iroanya, "Human Trafficking".

⁴⁹ Mandisa Thozama Lutya, "Human trafficking of young women and girls for sexual exploitation in South Africa", in: Alexander Muela, (ed.), *Child Abuse and Neglect: A Multidimensional Approach*, Rijeka, InTech, 2013: 87-116.

⁵⁰ Minilik Salsawi, "Ethiopia to South Africa: Human Smugglers Profit as Tragedies Multiply", 2013, <<http://ethiopianewsforum.com/viewtopic.php?t=62568>> [accessed July 20, 2017].

⁵¹ Zimmerman et al, *Stolen Smiles*.

⁵² Iroanya, *Human Trafficking*.

trafficking can result in the death or incapacitation of victims, as evidence from Mozambique and South Africa shows.⁵³

In addition, medical and psychosocial symptoms such as depression and post-traumatic stress that victims experience, negatively impact on them and their communities, as victims tend to exhibit withdrawal symptoms when they return home. In combination with stigmatization, symptoms such as these prevent victims from making meaningful contributions to their communities.⁵⁴ Evidence further shows that some victims do not return to their communities again. Thus, human trafficking exposes individuals to the loss of socio-cultural relationships and values which is also contrary to the requirements of human security by which individuals should be protected from such loss and from sectarian and ethnic violence.⁵⁵

Effects on democratic governance

The combination of human trafficking, organized crime, money laundering and corruption poses a serious threat to political stability, safety and security in several ways. Beside the threat posed to safety and security, illicit financial flows emanating from human trafficking in its organized criminal form undermines political stability, democracy and good governance in affected African states. The undermining of state structures by criminal elements often results in violent socio-political conflict. In this regard, Marie underscores evidence of the complex interaction and mutually reinforcing linkage between organized crime, money laundering and the struggle for political power in weak developing states. The fact that human trafficking in its organized criminal form requires infiltration into legitimate state structures for support and expansion only makes this argument stronger. One noticeable strategy of criminal infiltration into legitimate structures is through political corruption and eventual state capture.⁵⁶

There are a number of cases in various African countries where criminal elements, including human traffickers, have become critical political actors. Victor Adetula argues that by making huge financial contributions to political parties and to the election of individual politicians, criminal elements gain access to state resources and structures and exercise undue influence over elected public officials.⁵⁷ This often leads to the creation of parallel structures within a state. As a consequence important state decisions are made outside the legitimate structures of the state. Other consequences include the

⁵³ Gilbert Geis, "The transnational traffic in human body parts", *Journal of Contemporary Criminal Justice*, 24 (3), 2008: 212-224; Simon Fellows, *Trafficking Body Parts in Mozambique and South Africa*, Maputo, Human Rights League, 2008.

⁵⁴ Anna Jonsson, "Human Security and Human Trafficking", in: idem, (ed.), *Human Trafficking and Human Security*, New York, Routledge, 2009: 10-24.

⁵⁵ Iroanya, *Human Trafficking*.

⁵⁶ Marie Chene, *Organised Crime and Corruption, Anti-Corruption*, Bergen, Resource Centre Publication, 2008.

⁵⁷ Victor Adetula, *Money and Politics in Nigeria*, Abuja, IFES, 2008.

promotion of a culture of impunity as evidenced in the dropping of criminal charges and investigations against suspects who have supported elected officials financially. Incidences of state contracts awarded to companies which are fronts for criminal elements with links to state officials are among commonly reported cases in Africa. The use of political power to prevent law enforcement officials from carrying out their duties such as searching the properties of individuals suspected of being parties to criminal activities; and engaging in smuggling of cash out of the state is common on the continent. Instances of cutting of political deals to frustrate prosecution of crimes relating to illicit financial flows also exist in Africa.⁵⁸ The high rate of occurrence of incidences such as these not only leads to loss of vital revenues to the state and its inability to provide basic services to its population but also the loss of confidence in democratic institutions and the state as a target of demands by its citizens.

Conclusion

The problem of human trafficking has become endemic in Southern African countries such as Namibia. Thus, the problem of illicit financial flows from human trafficking activities is widespread and its implications for human and national security as well as democracy in Africa are serious. The problems are likely to continue for a long time as the conditions that drive them still persist. This paper described human trafficking as a global socio-economic, political and security phenomenon associated with the movement of people within and across national borders, either legally or illegally. Human trafficking is linked to organized crime and among its major consequences are forced labour, sexual exploitation, human rights violations, and insecurity.

Human trafficking as well as the illicit financial flows that it generates undermine national security of affected African countries by their intensity or extent of occurrence, nearness in time and space, high probability of occurrence, and reinforcement by historical facts. Illicit funds generated from these various trafficking activities are huge. These flows come from two main sources: money laundering and corruption. Although corruption does not necessarily constitute a clear source of illicit inflow or outflow with respect to human trafficking, it is presented as a facilitator of human trafficking and money laundering. Although there is lack of accurate figures of the number of trafficking victims as well as means of verifying existing estimates of illicit financial flows emanating from human trafficking, human trafficking remains a major source and form of illicit financial flows into and out of Africa.

While other forms of illicit financial flows such as commercial tax evasion result in outflows of financial resources from Africa, human trafficking results in both outflow and inflow of illicit money. Illicit financial outflow occurs when, for example, human traffickers open and operate illegal foreign bank accounts in order to conceal illicit proceeds from law enforcement agencies in their home countries. On the other hand, illicit financial inflows originate from human traffickers based in countries outside of the African region

⁵⁸ AU and ECA, *Illicit Financial Flows*: 32.

who, in an attempt to hide accumulated wealth from the law enforcement agencies of foreign countries where they operate, repatriate accumulated profits back home through various money laundering strategies. The money laundering means used include investment in legitimate businesses, direct bank deposits, and electronic money transfers or having trusted individuals physically move cash from one country to another. Against the background of the deleterious effects of money laundering, it is argued that illicit financial flows constitute a major obstacle to Africa's holistic development. As an integral aspect of transnational organized crime, human trafficking undermines state capabilities by corrupting state security institutions such as the police, and the judiciary as well as senior government officials. Human traffickers take advantage of breakdowns in governance structures and economic hardship to infiltrate security and law enforcement agencies and entice them into human trafficking and other illegal activities. The impact of human trafficking on human security is huge. The act of seclusion, for example, deprives victims their freedom of movement. The treatment of victims, whether the dehumanizing of them by auctioning them off as commodities dehumanizes victims, or depriving them of their through forced prostitution their agency as capable or rational choice-making beings is contrary to the requirements of human security.

In order to curtail or eliminate human trafficking and the illicit financial flows that it generates, it is important that certain measures are put in place both within individual states transnationally across the region. First, African states need to muster the political will to implement existing international, continental and national legislation for combating the problem. Poor implementation of legislation covering the sex industry is partly responsible for the thriving of human trafficking. Prostitution rings, for example, provide high demand for trafficking victims.

In recent times, the internet has become an effective means for human traffickers to source victims. Thus, regulation of internet sources and contents relating to human trafficking and other illicit acts is urgently required. It is evident that poverty has contributed greatly to the increase in human trafficking. Thus, African states should also introduce poverty alleviation measures tailored toward addressing the needs of those groups most vulnerable to human trafficking. Where these measures are already in place, it is necessary to improve, sustain and effectively implement them. The current law enforcement approach to combating human trafficking is cannot effectively address the problem. Therefore, improving the living conditions of groups vulnerable to trafficking, as a complementary measure, is the most likely approach to bring long-term success in the battle against the global phenomenon.

African land borders are porous and largely unprotected. In countries experiencing internal political violence such Burundi, South Sudan and the Democratic Republic of Congo, as well as countries experiencing relative peace and stability such as South Africa, security around border areas is largely ineffective. This enables human traffickers to move easily across borders with their victims. Improvement in border protection is necessary. This is not to suggest that the borders should be closed as this contradicts

the spirit of regional integration, but rather to stress that adequate policing should be put in place to promote free movement of people while precluding criminal elements from exploiting open borders and freedom of movement.

Similarly, considering the regional and global dimensions of human trafficking, it is also necessary that international counter-trafficking co-operation within Africa and with international partners be established, maintained and constantly strengthened, as recommended in the Palermo Protocol. International co-operation would lead to the enhancement of the anti-trafficking capabilities of African countries. The effective implementation of the regional efforts such as Southern African Development Community (SADC) Plan of Action should also be a priority, as should the expansion of other regional initiatives such as the Southern African Regional Police Chiefs Co-operation Organisation's (SARPCCO) commitment to increase the international exchange of intelligence on human trafficking.

With respect to illicit financial flows emanating from human trafficking, greater collaboration and cooperation is essential, both between African states and with international partners, on information on and technical support for investigative techniques specific to these flows. Recommendations made by the High Level Panel on illicit financial flows are also important. They include, among others,

country-by-country reporting, project-by-project reporting, and disclosure of beneficial ownership, public information about commercial contracts that African governments enter or implementation of the recommendations of the Financial Action Task Force.⁵⁹

It goes without saying that African law enforcement agents must be trained in the modern techniques and technologies necessary for tracking and preventing illicit financial flows. There has been a huge increase in illicit financial flows from commercial tax evasion, criminal activities such as human trafficking and corruption, which negatively impact on African economies. Thus, concerted efforts are needed to curb these activities. Such efforts would include regular lifestyle audit of public officials as well as coordination and cooperation with international partners.

It has also been suggested that African states need to apply and revise domestically certain provisions of international and continental legislation for combating corruption such as the United Nations Convention against Corruption (UNCAC) and the African Union Convention on Preventing and Combating Corruption (AUCPCC). This recommendation underscores the necessity of adequately capacitating anti-corruption agencies in various African states by making them fully independent and granting them powers to prosecute corruption cases. In this regard, the role of African civil society organizations in organizing, advocating, reporting, monitoring and evaluating the effectiveness of African governments in implementing anti-trafficking and money laundering legislation becomes important. An AU court similar to the International Criminal Court (ICC) in Hague to hear cases of corruption involving African politicians is also an option.

⁵⁹ AU and ECA, *Illicit Financial Flows*: 65.

Finally, the measures outlined may not completely eliminate human trafficking and other criminal activities and the illicit financial flows that they generate. As technologies evolve, criminals will find new ways to exploit them. This therefore underscores the need for African states to keep abreast of the possibilities for money laundering offered by new technologies. However, sufficient political will and effective implementation of existing measures could reduce considerably the occurrences and impact of illicit financial flows emanating from human trafficking on security and democratic governance in the African region.

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