

A Pervasive Transnational Organized Crime: Human Trafficking along Zambia's Katima Mulilo Border.

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Abstract:- There has been escalation of transnational organized crime (TOC) globally in view of the manifestation of globalization which has ripped off traditional. Besides, the scourge has also been exacerbated by the end of cold war that has spurred TOC like human trafficking which is one of the major trans-border crimes that have perpetuated Sub-Sahara Africa including Zambia through various borders among them Katima-mulilo border. This article analyses the causes and effects of transnational organized crimes in relation to human trafficking to the security of Zambia as well as the possible solution to curb the vice. Katima-Mulilo Border with Namibia was chosen as a case study area due to rampant reports of human trafficking transiting through. The article drawn from a qualitative case study methodology in which data was collected using secondary sources and units, categories and condensation was formed to analyze the data. This secondary sources data was collected from text books, journals, newspapers, seminar papers, internet materials and documentary sources and reports. The secondary data was triangulated with primary data collected from victims through walking interview.

Human Trafficking or trafficking in persons is TOC in the sense that it involves more than one person. Therefore, this article applies Rational Choice Theory, the theory appropriate for study of such criminology in international frontier. Rational choice theory helps to articulate how people behave individually in relation to frontier crime like human trafficking. The study established a number of factors attributed to the scourge inter -alia; poverty, porous borders, corruption and high number of orphans owing to the deaths of their parents through HIV/AIDs that consequently puts pressure on the security of Zambia as most victims were vulnerable children and women. The article recommends for effective and efficient implantation of Zambia 7th National Development Plan (7th NDP) together with Act 11 of 2008 on the Anti-Human Trafficking and other Anti Trans-border Crime related.

Keywords:- Transnational Organized Crime, Human Trafficking, Border, Katima-Mulilo and Zambia.

I. INTRODUCTION

The Continent of Africa where Zambia falls has a whole and the world at large was faced with an escalation of transnational organized crimes (TOCs) which included human trafficking, illegal immigrants, drug or arms trafficking, illegal logging, cybercrime, disappearance, mutilation of Albinos, fraud, kidnapping for ransom among others (Blum, 2016). The emergency of globalization coupled with the end of the cold war have been the major factors that have contributed to the exacerbation of the magnitude and thrust of TOCs such as human trafficking, smuggling (Mobolaji & Alabi, 2017). In Zambia the phenomenon of TOC in respect of human trafficking is not circumvented, therefore, the article explores the human trafficking in Zambia with the specific area of Katima-mulilo border in Sesheke district which borders with Wenele Border of Zambezi Region in Namibia. The cases of human trafficking transiting through Katima-mulilo in the recent past have attained the chorus of TOCs to the extent that the IOM, the United National (UN) Migration Agent together with the Government of the Republic of Zambia has constructed a protective shelter in Sesheke to offer a place of safety to vulnerable especially children and women victims of related migrant issues (Migration NewsDesk, 2018).

II. STATUS OF SOUTHERN AFRICA DEVELOPMENT COMMUNITY (SADC) ON HUMAN TRAFFICKING.

The Southern Africa Development Community (SADC) region has recognized the fact that the member states were embroiled in human trafficking as one of threats of TOCs. In that connection, in 2009 in Democratic Republic of Congo SADC Member States accepted that women and children are chiefly vulnerable to trafficking in persons due to the inequalities that are prevalent in social systems, and consequently, (SADC Secretariat, 2017) they adopted the 'Strategic Plan of Action on Combating Trafficking in Persons, especially Women and Children (2009-2019).

The TOC of human trafficking has subsequently become one of the priority issues that SADC Member States have committed to eradicating. Many local and national media in the region report various transnational illicit activities which include not only human trafficking but also kidnappings for ransom, disappearance and mutilations of albino citizens and the trafficking of their organs and limbs for medicinal purposes. As Blum (2016)

contended, each of these crimes has the potential to engender very different impact on process of democratization, development and the human security. In effect, human trafficking affects socio-economic status of the region's citizens thereby, crashing negatively the peace and security agenda if SADC member states. The impact of human trafficking on the region cannot be understated hence the effects need to be contained not only within one country, but as a region since it is transnational in nature.

III. NATURE OF HUMAN TRAFFICKING AS CRIME

Human trafficking crime is a complex, multifaceted phenomenon involving multiple stakeholders at the institutional and commercial level. It is a demand-driven global business with a market of cheap labor and commercial sex that is necessitated by either insufficient or unimplemented policy framework, poverty, poor education and lack of employment that subjects vulnerable people mostly women into the hands of traffickers(UNESCO, 2007).

According to the Article 3 (UNODC, 2014) of the trafficking in Persons Protocol, trafficking in person is defined by the following three constitutive elements:

- a) There must be an act of recruitment of victim person, transported, transferred, harbored or being received of a person;
- b) The means used to carry out this act should either by the threat, use of force, of abduction, of fraud, of deception, of abuse of power or of a position of vulnerability; and
- c) The purpose of perpetrating the act should be exploitation of the person, sexual exploitation, exploitation through forced bagging, exploitation through the removal of organs.

As observed earlier, the above elements compound the difficult of understanding the scope of the nature of human trafficking. Notwithstanding, the United Nations Palermo Protocol (2000) has defined Trafficking in Persons as the recruitment, transportation, transfer, harboring or receipt of persons by means of the threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power or a position vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. This can be defined through:

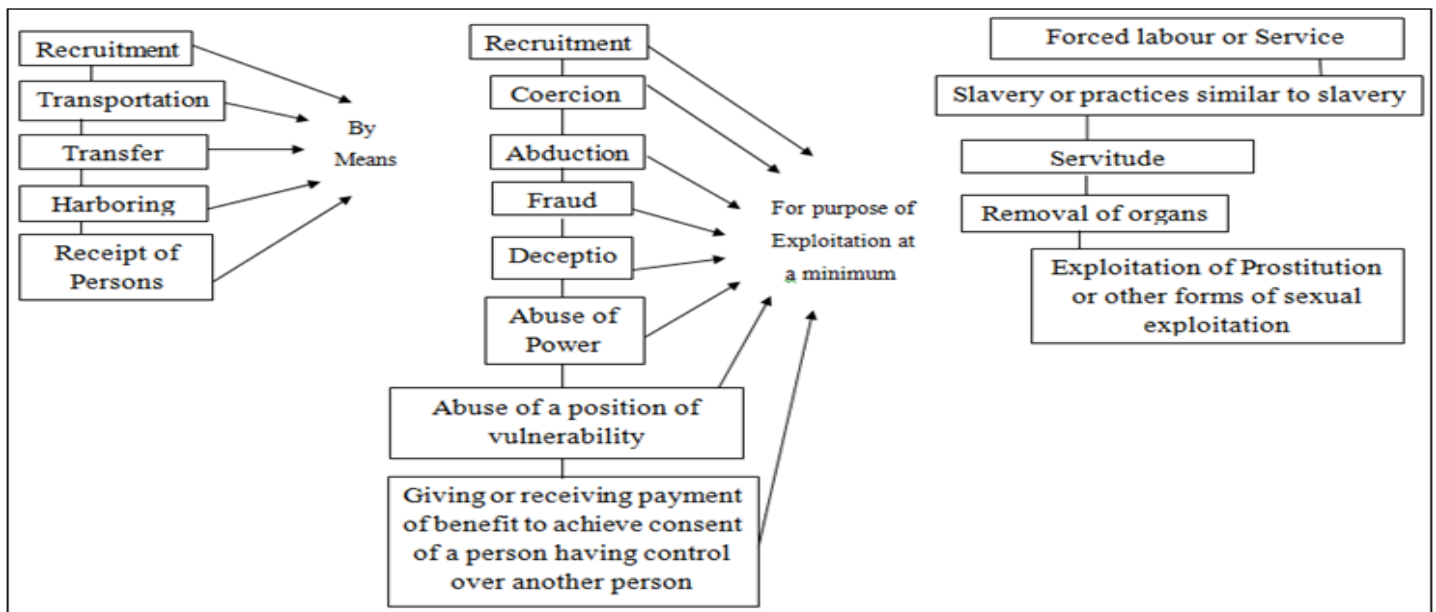


Fig 1:- Elements of the Palermo Protocol's of Trafficking
Source: UN Protocols (2000)

IV. THEORETICAL FRAMEWORK

In this study *Rationale choice theory* was use. In contributing to the theory, Mc Cathy and Chaudhery (2014) stress that Rational Choice Theory, refers to a set of ideas about the relationship between people's preferences and the choices they make, therefore, the formation of the idea that the motivations for action, criminal or otherwise are universally grounded in individual self-interest and the desire to maximize pleasure and minimize pain.

Theoretical Framework in this study of Rational Choice Theory was used as the topic under study is criminology in nature. Becker (1968) stress that it is utilitarian conviction that a man must reason as an actor to weigh means and ends, cost and benefits and make a rational choice. Therefore, before someone engages in the recruitment, transportation by means of either coercion or abduction for perhaps the purpose of exploitation for prostitution of the victims, rationale choice theory argue that the actor must have weighed the means, ends, cost and benefits before undertaking such a crime. Guzman (2008)

states that Rationale Choice Theory elucidate that the engagement in criminal activity, are based on decisive conclusion that make rational choices about whether to commit crimes or not. the threat of punishment or the promise of a reward may motivate people just as much as the punishment or reward itself according to Rational Choice theorist (Mobolaji and Alabi, 2017)

The Rational Choice Theory best suits the study as the rewards that potential offenders seek from their crime of Human trafficking requires a level of rationality if they are to influence people's perceptions of the pleasures and pains associated with particular choices. The Rational Choice Theory implies that criminals of human trafficking act in a logical, premeditated way. Zambezi River coupled with dubious dealings (corruption) which was a rational choice of the traffickers to commit a crime without due care of the consequences in term the punishment to be levied against them. As long as the Border remains vulnerable and dubious dealings, it remains a challenge to curb the vice of human trafficking.

V. HUMAN TRAFFICKING ON KATIMA-MULILO BORDER IN ZAMBIA

This phenomenon of transnational crime has not spared Sub-Sahara Africa which includes Zambia. UNESCO (2007) report on Human Trafficking indicates that the scourge is among the prominent Trans-border crimes that have perpetuated Zambia. According to the UNESCO report on Human Trafficking women and children were prone to human trafficking in the Southern Africa, citing Lesotho, Mozambique and South Africa. The report recommended that to fight the scourge, it required more effective and culturally appropriate responses based on community participation.

Zambia has ten Provinces with control borders neighboring with some SADC members' states. Katima-mulilo is in Western Province of Zambia in Sesheke district bordering on the northern and southern bank of Zambezi with Namibia. The Republic of Zambia is both a source and a transit of human trafficking victims who are recruited within the country whereas others merely pass through en-route to their destined countries like Namibia, South Africa and some Europe or other parts of the World (www.ilo.org/sapfl/Profect).

KatimaMulilo Border Control in Zambia with Namibia has been recording rampant reports of human trafficking. In 2016 (Lela, 2016) Ms. Doreen Sioka, the then Minister of Gender Equality and Child Welfare in Namibia, stressed that KatimaMulilo was identified as a source and point for women and children subject to Human trafficking. Hon. Sioka emphasized that the victims were mostly Zambians or Angolans who were being recruited and illegal transported across the Zambezi River from Zambia because of the porous Border or under dubious dealings by security Agents at the two (2) countries Border Posts and subjected to either sexual exploitation or force

cheap labor of domestic servitude and cattle herding in the rural parts of Namibia.

Some cases of human trafficking have either involved victims being transited through or originating from Zambia, in which most culprits are women and children, through Katima Mulilo border to Namibia. In certain instances, cases of this nature have been prosecuted in Mongu, Senanga and Sesheke Courts (Lusaka Times, 2018. In august, 2018 (Q FM Africa's Modern, 2018) Dr Auxila Punga Zambia's permanent secretary for Gender commended Senanga district Administration for rescuing 7 girls and boys who were being trafficked to Namibia through katima-mulilo border to work as prostitute and house workers.

In November, 2018 a joint operation of Namibia and Zambia security personnel unearthed a scam in which three (3) Zambian girls of Sesheke and trafficked to Zambezi region of Namibia working as maids were retrieved and relocated to Zambia. Meanwhile fourteen (14) children mainly girls of Shangombo district were trafficked to Namibia and were retrieved in batches though the scourge has continued. Similarly, in May, 2019 five (5) girls Zambian of Sioma and Senanga districts and two boys of Sesheke district trafficked and employed in Namibia as maid and cattle herders were also retrieved and relocated back to Zambia.

Lusaka Time (2019) quoting Mr Charles Lungu, Commissioner of Police for Western, reported that Mr Joseph Kazadi of Mbunjumai in the Democratic Republic of Congo age 46 years was arrested for trafficking in nine (9) Congolese nationals to Namibia. In another related event, a named male and female Zambians were nabbed at Katima-mulilo in May by immigration officers for attempting to traffic two (2) Congolese nationals to Namibia (Daily Mail June, 2019). In June a named Zambia was arrested by Zambia police and is currently appearing before Mongu Magistrate Court for attempting to traffic an Albino allegedly kidnapped from Sefula Secondary School in Mongu district.

VI. CAUSES OF HUMAN TRAFFICKING IN ZAMBIA

Okumu (2012) stress that African countries are increasingly facing daunting tasks of managing their borders in ways that secures their territorial sovereignty/integrity, ensures that they are bridges rather than barriers for cross-border cooperation and regional integration, prevents illegal entries and exiting of people and goods while allowing easy movement of goods and people, allows relatives to visit their kin while keeping away criminals (such as drug and human traffickers, terrorists, etc), and facilitates tourists to easily cross while keeping out terrorists. The challenges facing Africa states with inclusion of Zambia to manage their borders are compounded by globalization that is tearing down traditional borders through advancement in technology and transformation of international relations.

Increases in volumes of cross-border trading and movements of people from their countries of origin in search of greener pastures elsewhere have put enormous pressure on border control systems. et.al These realities give urgency to African countries to put in place effective border management systems that minimizes border tensions, increases joint enforcement and surveillance efforts, decreases organized crime activities by syndicates and traffickers in borderlands, generates common understanding of border insecurities and approaches to addressing them, secures flow of goods and people in the spirit of regional and continental integration, integrates and develops marginalized border areas through provision of essential infrastructure and promotion of a sense of security and well being among the border population, enhances communication and information exchange between neighboring countries, maintains borders in ways that do not obstruct cross border trading and legal movements of people, harmonizes, and enables borders to be sources of mutual trust and harmony between neighbors.

According to United Nations 2011 research in Zambia (Lusaka Times, 2018) the cause of Human trafficking included poverty, unemployment, alcohol abuse among parents and orphan hood and HIV/AIDS. Families that face poverty related such as lack of food, clothing, and proper shelter were prone to exploitative labor. A number of Zambians were being trafficked to Namibia through Katima-mulilo Border Control to search for employment as cattle herd or house servants so that they can meet the required food, shelter and clothing.

Some women and children have been vulnerable to the vice as victims because of the alcohol abuse by either the husbands or parents who eventually fail to provide the basic necessities. Orphanage especially with the scourge of HIV/AIDS was also pushing factor that subject a number of families not only in Zambia but globally to become vulnerable to the vice. The potential benefits outweigh the risk.

The victims were mostly lured by false promises of lucrative jobs, good standards of living, which they realize only once they arrived to their destination. In most cases, these promises come from close environment of the victim, who does not suspect that the aim is to turn him/or her into an object of exploitation (UNODC, 2014). Some victims talked to in a walking interview after being retrieved especially those from Sioma, Shangombo and Senanga districts asserted they were compelled to succumb to human trafficking because hunger while others indicated that they were orphans who had no one to look after them.

VII. SECURITY EFFECT OF HUMAN TRAFFICKING

During SARPCCO security training of police officers on human trafficking comprising 15 member countries, Mr Mc Mulenga Police Deputy Inspector General (Police News issue 001, 2015) reminded officers that human trafficking was a transnational crime that requires concerted effort of all countries in the Southern Region saying no single country could fight the scourge in isolation. He pointed out that the devastating effects of human trafficking usually manifested in various forms due to the fact that victims ended up being used in terrorism, suicide bombing, in perpetration of forged travelling documents among other vices. The dehumanizing effect of human trafficking had compelled the SADC region to work together to find a lasting solution by organizing a training.

Human trafficking has proven to be a security risk to Zambia and other affected states especially for the in transit victims. There is certain time that the victim would fall sick whilst in the country of transit, the situation that compels the government official to trace the origin of the victim and secure resource to provide medical attention and later repatriate such a victim. In certain instances, the victim dies or incarcerated together with the traffickers. It also becomes a security risk to the host country to provide logistical requirements and monitor security movements of such personnel whilst in custody.

VIII. INTERNATIONAL AND REGIONAL POLICING LEGISLATIVES HUMAN TRAFFICKING

To combat Human trafficking, a number of global initiative have been formulated by the United Nations Convention, African Union (AU), European Union (EU), SADC and legislatives by responsible individual SADC member states (SADC Report, 2016). Zambia is member of state to global legislative frameworks on trafficking in person which include United Nations Convention against Transitional organized crime accession in 2005 and protocol to prevent, suppress and punish trafficking in persons, especially women and children accession also in 2005.

The country is also part of the SADC key legal instruments and strategic frameworks that include the ten years SADC Strategic Plan of Action on combating trafficking in persons, especially women and children (2009-2019). SADC (2016, p5) Zambia also enacted its comprehensive legislation Act number 11 of 2008 the Anti-Trafficking in Persons aimed at combating Trafficking in persons.

➤ *Zambia's Legislative Framework*

In 2008 the Zambian Government enacted a Legislative Act 11 of 2008 which is Anti-Human Trafficking Act and developed a National Police to combat Human Trafficking. An Inter-Ministerial National Steering committee was set up and adopted a Comprehensive Multiannual Action Plan (The Africa-EU Partnership Report, 2010).

However, the USDS Report (2018) Trafficking in Persons Report in Zambia indicates that the Government of Zambia does not fully meet the minimum standards of elimination of trafficking, despite making significant efforts to do so. The report appreciated the Zambian Government for integrating modules on Human trafficking into training curricula for law enforcement, identifying more victims and refurbishment of a shelter for women and girls as well as increased budgetary allocation towards the fight against the vice etc.

The study also established that despite the efforts to curb human trafficking, the SADC region with the inclusion of Zambia still faced challenges. The legal frameworks of most countries only criminalize certain form of trafficking and are not compliant with international instruments, law enforcement officers lack required capacity to prevent and combat trafficking in persons. Sometimes, the allocated resources are not inadequate and that the victims had no knowledge.

IX. CONCLUSION

In summary, the Trans-border crime of Human trafficking is one of the trans-border issue that may lead to turbulence in Zambia and a cross international community if it not curbed. The increased activities of human trafficking in Zambia and transiting through KatimaMulilo pose a challenge to the security of Zambia. The issue of the porous border and corruption among security agents, poverty, and unemployment, lack of knowledge by the general public couple with incompetence and ineffective in implementing the legislative framework are a source of worry.

RECOMMENDATIONS

The study highlighted the general Human trafficking activities taking place across KatimaMulilo Border, its causes, effects on Zambia's security. The study draws the recommendations that will help improve various security challenges across the Katima-Mulilo Border area.

a. sanitization and orientation of border security personnel. The Government and other Agencies should come up with a deliberate programme to train and orient Border Security Agencies on the danger and effect of human trafficking including other Trans-border crime. They should also be taught elements of human trafficking so that they would be able to differentiate with illegal immigration.

- b. improve welfare for security agents so that issues of corruption can be avoided. This can be supplemented by regular transfers of security personnel across border stations to avoid compromise. Furthermore, the competence and capacity of civil society organization and actors of protection and detection of human trafficking should be strengthened;
- c. enhance Act 11 of 2008 with other legislatives. The implementations of these instruments require effective and efficiency implementation. In order to reduce the demand for various forms of trafficking in persons (Including sexual exploitation, domestic work, exploitation of force begging and removal of organs), it is necessary to raise public awareness of these phenomena and practice by government and other stakeholders, through continuous conducting of KAP Surveyor (Knowledge, Attitude and Practice) on trafficking in persons; and
- d. ensure effective implementation of Social Economic development plan enshrined in the 7th National Development Plan (7NDP 2017-2021) so that the country once developed to middle income level, then there will be economic diversification and job creation, poverty and vulnerability reduction, reduce development inequalities and enhance human development which have been the push factors for human trafficking.

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