

Non-Profit Making Organisations (NPOs) and the Dilemma of Combating Transnational Crimes in a Digitalized Era: Emerging Perspectives of NPO Actors from Selected African Countries¹

Eunice Akullo² and Yona Wanjala³

Abstract:

The paper is premised on the argument that States may find themselves in a dilemma, as they seek to counter transnational crimes, more so and subjects of this paper, illicit money transfers/money laundering and terrorism financing, and doing so with great caution not to restrict the Not-for-Profit Organisations (NPOs) operations. anecdotal evidence suggests that NPOs are caught up as the unintended 'victims' of FATF Recommendation-8-based-regulatory and policy frameworks- particularly of the Anti-Money Laundering and Counter-Terrorism Financing. The paper argues that the Sector's contribution to this important debate is essential for ensuring that they comply with the intended need to protect against terrorism and money laundering while also working in an environment that doesn't jeopardize their contribution to development. Drawing from some of the findings of a recent study undertaken by the Defenders Protection Initiative (DPI) focusing on 5 African countries, the paper revisits the discourse on NPOs and money laundering and terrorism financing presenting an overview of the state of civic space specifically, the operational environment of NPOs in East Africa as impacted upon by the AML/CTF regulatory frameworks. Tapping in the synthesized views of industrial experts (NPO Sector experts) on this matter consulted during the study, the paper unmask the evolving dilemma of balancing the enforcement of the regulatory framework curbing transnational crimes on one hand and restraining State securitization of the NPO sector since it's prone to exploitation. The paper makes recommendations as emerged from the study aimed purposely at balancing the friction between the regulation of NPOs as against the need to fight terrorism financing and money laundering.

Keywords:

African, anti money laundering, FATF, terrorism financing, transnational crimes

¹ DOI: <https://doi.org/10.59569/jceas.2023.3.3.202>

² Lecturer at the Department of Political Science and Public Administration of the Makerere University, Kampala; ORCID: <https://orcid.org/0000-0002-6916-4287>; eunice.akullo@mak.ac.ug

³ Executive Director of the Defenders Protection Initiative; ORCID: <https://orcid.org/0009-0002-7687-9720>; director@defendersprotection.org



Introduction

A report on Transnational Organized Crime and the Impact on the Private Sector: The Hidden Battalions (2017) indicates that findings from a survey indicate that private organizations get caught up in transnational crimes as either facilitators or targets; that the impact of those crimes on the private sector was increasing rather than reducing; and countries of the south were the most affected (Cartwright, 2017). While recognizing the charitable organisation's contribution to, they are also important actors, just like states in tackling terrorist abuse. In fact, NPOS are described as partners in ensuring integrity of financial systems. However, they encourage transparency and accountability so as to ensure that they are not used by terrorists for their activities.

Concern over, and the need to govern (regulate) transnational crimes has since the 1990s expanded beyond the focus on anti-money laundering (AML) at both state level and the international relations, to include the need to prevent and respond to terrorism and terrorism financing. Such governance has led to actions that do not only affect states, but non-state actors. In the process of achieving this normative goal, some literature suggests that non-state actors such as Not for Profit Organizations (NPOs) have been caught up as indirect victims. Given the limited discourse around the voice and agency of these non-state actors, the findings from a research conducted by Defenders Protection Initiative (DPI) were analyzed to provide insight into essential issues that are vital for the academic analysis of such regulation – from the perspective of NPOs.

FATF (2015) defines NPOS as ‘*A legal person or arrangement or organisation that primarily engages in raising or disbursing funds for purposes such as charitable, religious, cultural, educational, social or fraternal purposes, or for the carrying out of other types of “good works”*’ (Financial Action Task Force, 2015). It also clarifies that recommendation 8 applies to only those NPOs that pose the greatest risk of terrorist financing abuse. Recommendation 8 relates to the need to combat the abuse of NPOs in the fight against money laundering and terrorism financing. FATF Recommendation 8 requires that the laws and regulations that govern non-profit organisations be reviewed so that these organisations cannot be abused for the financing of terrorism. The FATF has established best practices, aimed at preventing misuse of NPOs for the financing of terrorism while, at the same time, respecting legitimate actions of NPOs. The FATF Recommendations are recognised as the global anti-money laundering (AML) and counter-terrorist financing (CFT) standard.

The study from which this paper was derived, used the comparative method to seek answers to (i) what are the Implications of addressing strategic deficiencies concerning the NPO sector? and (ii) what NPOs can do to support the process? Additionally, the study does precisely explore Financial Intelligence Unit sectoral outreach plans, NPO relations with Financial Intelligence Units, and Not for Profit Organization's willingness to comply and partner for solutions with other regulators. The specific areas of concern where; (a) To assess the level of NPO awareness about the

FATF, within jurisdictions under increased monitoring in Africa; (b) To assess the levels of NPO awareness about jurisdictions under increased monitoring and its implications on a given country; (c) Examine the legal and administrative implications of increased monitoring of the NPO sector; (d) To understand the level of engagement with the NPOs during the FATF agreed timeframe for addressing the strategic deficiencies within your jurisdiction; (e) To identify any opportunity of working in partnership without interrupting activities of legitimate NPOs; and (f) *To seek advice from the NPOs on how regulators can improve on the process of AML/CFT.*

Anti-Money Laundering and Terrorism Financing

Anti-money laundering (AML) is described as a vice whose intensity spread with at the expansion of globalization (Alldridge, 2008). Concern over the phenomenon preceded the existing global regulation (Durner and Cotter, 2019; Jojarth, 2013). The AML concern of the 1980s was the illegal money transfer from drugs through the prohibition (criminalization) and regulation (prevention/deterrence). Just like the phenomenon, the response to it – particularly legislations- has also witnessed at expansion over the years from the more developed countries, through to the developing ones. These crimes are also conceptualized as “serious crimes for economic gain” (Levi and Reuter, 2006) and include; remittance of cash outside a country, purchasing of businesses through which such cash can be remitted, and transfer pricing using underground banks. Furthermore, those involved in these activities (such as drug trafficker, tax evaders, corrupt officials and terrorist) aim at creating a false availability of funds from an illegal origin and dented purpose (Jojarth, 2013).

Terrorism financing refers to organizations that fund terrorism target operations expenditures and funding of organization structures and networks (Norton and Chadderton, 2016). According to him, the more the available funds (generated alongside criminally entrepreneurial methods, such as bank robbery, kidnapping for ransom, drugs and other smuggling ventures), the more the threat a terrorist group can pose to a possible target (Freeman and Ruehsen, 2013). Funds are often available through sponsorship, donations and the misuse of charities and NPOs. They argue that the countering of terrorism requires that concern be placed not only on the sources of terrorism financing, which often is the case, but on the methods used to obtain those funds. The sustainability of funding by such groups may be “secure financing network” (Baradaran et al., 2014). Moreover, he argues that the funding for terrorist activities is far more expensive compared to what is required to counter such funding. They also note that some of the sources of such funding are charities and trusts.

According to Duner and Cotter (2019), the TF and AML responses to these transnational vices is partly because information related to the two often emerges from actors in both the government (public) and non-government (private) sectors



(institutions). The importance of Financial Intelligence Units (FIUs) in detecting, deterring and tracking these vices possible situates the private sector, because of the link between them and the public institutions within this field of governing the two vices, at an unfortunate position (described as a burden) of not only understanding the criminals, but also their intentions – with their mandate in countering terrorism financing. According to Levi and Reuter (2006), part of the work of FIUs is to submit suspicious activity reports. Governance efforts to curb AML at the international level include; the 1988 passing of the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances and the subsequent establishment of FATF in 1989 (Alldridge, 2008, Levi and Reuter, 2006). The anti-money laundering legislation targeted profits that arise from drug trafficking in the 1970s and was later one expanded to the regulation of banks in the 1980s and 1990s (Alldridge, 2008).

The focusing event of 9/11 led to the expansion of the AML agenda to include concerns over terrorism financing. He cites the response of the USA (Executive Order 13224) “ordering the freezing of assets and blocking of transactions by individuals and entities associated with or supporting al-Qaida and its affiliates, including Osama bin Laden, and other listed terrorist group.” (Duner and Cotter, 2019, p. 2). He, however, explicitly notes that terrorism financing concerns in the USA predated the 9/11 attack. Thus, this focusing event was important for shaping the agenda on countering of terrorism not only in the USA, but internationally. He described the UNSCR 1373 (September 2001), which provided for the creation of a system that could immediately freeze assets of those who perpetrate or attempt to perpetrate terrorism, thereby reflecting “a near-universal expansion of the U.S. approach under Executive Order 13224 and marked a shift in international law as the United Nations mandated the adoption of domestic laws.” (Duner and Cotter, 2019, p. 3)

The authors argue for the need to conceptually understand the twining of AML and TF, was one of the ways in which an analysis of how what influenced the expansion of actors being targeted by such legislation came about. Furthermore, they argue that those involved in money laundering are more aware of the nature of criminality of their activities, and yet with the case of terrorism financing, it may be possible that a person sending money to another (persons or institution), may not be aware of their involvement in terrorist activities. Moreover, the establishment of terrorism financing requires further investigation by those involved in counter-terrorism such as the military, intelligence and law enforcement agencies – who form part of the Financial Intelligence Unit (FIU). The FIUs deal with both criminal matters (money laundering) and intelligence (terrorism). Furthermore, CFT aims at prevention (of terrorists attacks and operations), detection (frontline compliance – such as “know your customer,” “customer due diligence,” “recording keeping requirements”) to provide information for investigation. The third aim is to freeze – as backed up by the UNSC Counter Terrorism Committee – to include actions like economic sanctions. These actions extend to organizations in addition to sanctions against states.

This paper focuses on money laundering and terrorism financing as a type of transnational crime, and argues that while NPOs have been identified as risk entities to being used to facilitate the commission of these crimes hence attracting state regulation to counter this risk, they also risk being un-necessarily regulated with an “iron hand”. We adopt the terrorism financing’s conceptualization provided by the International Convention for the Suppression of the Financing of Terrorism (1999) is adopted – see Article 2 of the International Convention for the Suppression of the Financing of Terrorism (1999). Non-Profit Organizations (NPOs), are herein considered ‘a legal entity or organization that primarily engages in raising or disbursing funds for purposes such as charitable, religious, cultural, educational, social or fraternal purposes, or for the carrying out of other types of “good works.”’ – See Financial Action Task Force (FATF) Glossary. These organisations or entities may be local or international.

Theorizing Transitional Crime

The 20th and 21st Centuries witnessed the ‘globalization of liberalization’ characterized by ‘new and intensified forms of economic competition.’ (-ibid-). It is this that the scholars have decried- as ‘abrupt marketization and economic liberalization’ which has come with unwanted opportunities for ‘the transnationalization of crime’ manifesting in numerous ways including illicit trade across international borders. Transnational crimes like money laundering and terrorism financing, have in turn created grave challenges for States at the domestic level at various fronts including more critically posing a challenge to the security of the State and of course threatening economic growth and development (Paulette et al., 2012). The international political economy being one of the sub-disciplines of International Relations covers political and economic interests of the state, market, and society as actors (Balaam et al., 2014).

Kleemans (2014) uses models and theoretical perspectives from an inter-disciplinary perspective, to explain transnational/organized crimes from economic; sociology and criminology; politics and identity; law; organization studies and business. While there occurs consensus about the unacceptability of these crimes, much of historical studies has considered the crimes from the perspective of physical movement of illicit goods. The study of transnational organized crime from the analytical perspective of globalization, is a more recent phenomenon. Stoica (2016) – adopts an international relations background, the impact of historical, economic, socio-political and technological perspectives on these crimes are recognized. For him, most theories agree on the nature, intention, means and outcomes of organized crimes. He, however, argues that it is important to focus on the impact of these crimes on the interests of national and international authorities. Realists consider these crimes as an attack on state sovereignty and in response, states take all necessary measures to ensure that they deter and penalize those involved in such crimes – using strong measures. Liberals on the other



hand, consider these criminals as deviants who can be assisted to change from their criminal character. Hence, penalties would include the need to sensitize criminals on the negative impacts of their activities – giving them a choice to either give up their activities or bear the consequences of their behavior. These are the two dominant theories of international relations.

Our study joins Stoica's kind of thinking and push his debate using the neo-liberal perspective. Neoliberalism argues for the need for institutional regulation of issues. Hence, when FATF was adopted by states, it represents consensus towards the need for ensuring institutional regulation of terrorism and illegal financial transfer. Contrary to neoliberal theory debates around regulation (the need for the limited government) – its necessity and extent- the discourse on the place of NPOs in practice (the regulation) of transnational crimes is not about whether or not regulation should take place. But rather, it is concerned with how the regulation is done– with many arguing against and of the possibility of its being used as a framework for shrinking civic space for these actors in society.

Koehane (2012) explains that liberals justify the need for institutions as avenues for ensuring checks against possible abuse of power and is indeed essential to the analysis of a topic such as this. On the other hand, Doyle (2012) focuses on the link between institutional regulation and freedoms and offers a more appropriate framework for understanding concerns espoused in reports from NPO practitioners. Indeed, Koehane succinctly argues that 'internationally, institutional liberals believe that power should be used in the interests of liberal values but with caution and restraint. Institutions serve a crucial social purpose because they are essential for sustained cooperation that enhances the interests of most, if not of all, people.' Hence, for Koehane, the 1950s-1980s agenda of liberal institutionalism sought cooperation in the security, trade, and monetary sectors, albeit with minimal legalization. There was a preference for adopting rules, principles, and norms – agreed upon by well-defined sets of actors. In the 1990s, strict legalism (the belief in the law as a promoter of moral and political progress) and moralism became a characteristic of institutional liberalism–enabling the adaptation of soft laws to protect various categories of persons. At the same time, moralism seeks to guide the actions of political actors by offering moral principles that actors ought to conform to.

Responses to Transitional Crimes and their Effect on NPOs

Globally both States and non-state actors have adopted various interventions to regulate the use of these advancements to address the abuse of ICT for the conduct of such transnational crimes, more specifically money laundering and terrorism financing. The most prominent innovation is the Special Recommendation VIII on the abuse of NPOs for Terrorism Financing purposes adopted in 2001, by the Financial Action Task Force

(on Money Laundering) (FATF), also known by its French name, Groupe d'action financière (GAFI). It is important to emphasise that The FATF is an intergovernmental organization founded in 1989, under the leadership of the G7 to develop policies to combat money laundering (ML), Financing of Terrorism (TF), and Proliferation Financing (PF) through collaborative actions by states and non-state actors. The FATF is an intergovernmental body formed in 1989 with the aim of combating AML (Durner and Cotter, 2018). Its recommendations combined together are supposed to work towards preventing, detecting, and policing these transnational crimes-terrorism financing and money laundering using NPOs. According to Durner and Cotter (2018), although FATF is not legally binding, normatively, compliance of states to recommendations that it makes is a very important antecedent to their access to the global financial system – and subsequently the attendant negative impact that being on the wrong side of the expectations from foreign countries, investors, and financial institutions from engaging with the listed jurisdiction, resulting in reduced investment and hindering economic development (-ibid-).

Hence, since the adoption of this recommendation, countries world over seek compliance to the requirements thereunder lest they are categorized as ineffective and blacklisted. This quest by States to align themselves with the FATF recommendation has in some instances led many to a clashing relation with the NPOs. Recommendation 8 of the Financial Action Task Force (FATF, R.8) focuses on protecting the integrity and reputation of non-profit organizations against the risk of terrorism financing risk. Through actions such as acting as conduits of terrorist activities in various ways, including being a pathway for financing of illicit activities. While the role of NPOs in development is uncontested they are also prone to abuse by those engaged in transnational criminal activities (Financial Action Task Force, 2015).

Indeed, the NPO sector has been exploited by terrorist organizations to provide financial and logistical support or otherwise support terrorist recruitments or terrorist operations. A counter discourse to the above, is a claim that although prone to abuse, some NPOs become vulnerable to extreme/unfair regulation by the state – during the localization of FATF in its domestic environment. Those involved in the sphere of governance generally-rule of law and human rights that critique and challenge abuse of State power are more vulnerable. This is so despite the FATF caution that overzealous regulation should not hinder the essential operations of NPOs (-ibid-). Hence the need for transparency and ensuring confidence of the sector in the state FATF localization process, as well as confidence on the part of donors that work with the NPO sector.

Anecdotal evidence in Uganda, for example, suggests that some NPOs have been closed and their leaders arrested and detained on the grounds of being suspected conduits for terrorism financing, illicit money transfer and possible engagement in money laundering further throwing the sector into panic. Whereas the importance of countering money laundering and terrorist financing related transitional crimes cannot



be over-emphasized, emerging research indicates that paradoxically, the argument given for regulating NGOs involved in the humanitarian, human rights, conflict prevention, and peacebuilding sectors is that while the sector can be penetrated for the two vices, majority of the NGOs involved on the contrary work towards curbing these very vices (Defenders Protection Initiative, 2021). This state of affairs raises one critical question; how can the balance to counter transnational crimes such as Money laundering and the need to maintain a safe and conducive operating environment for NPOs be achieved? An attempt at answering this question is made in the latter part of the article drawing from the study undertaken by DPI.

Balancing Transnational Crime Regulatory Frameworks and Their Effect on NPOs: Emerging Reflections from the Field

In 2021, DPI surveyed five countries (Botswana, Ghana, Mauritius, Uganda, and Zimbabwe) included in the then FATF list of jurisdictions with strategic deficiencies in their frameworks to combat money laundering and the financing of terrorism and proliferation, also externally known as “grey list.” Countries on the FATF grey list also referred to as Jurisdictions under increased monitoring are expected to “willfully” work with the respective FATF Regional Style Body (FSRB), in addressing the strategic deficiencies in their AML/CFT regimes. This also means that the country has made a political commitment to resolve swiftly the identified strategic deficiencies within agreed timeframes and is subject to increased monitoring by respective FSRB. This may take a strategic discourse of “introducing specific criminal laws, law enforcement powers, surveillance and data retention systems, financial services industry regulations and international police co-operation arrangements in line with FATF guidance” (Hayes, 2012).

The study sought the views of some selected industrial experts well informed about matters related to AML/TF, on among other aspects, the emerging challenges prevalent in the regulatory framework for combating transitional crimes of money laundering and terrorism financing as against NPOs. Researching sensitive topics or closed communities can be a big challenge. It is often easier for a researcher who has access to these communities or is part of them. Being part of the community provided the authors with access to the respondents consulted in the study.

Using a guided set of questions, information was sought from experts, including those working with country Financial Intelligence Units and some NGOs involved in working groups around the subject. Relevant questions were put together into a fact-finding investigation – distributed to FIUs in each of the five countries on the grey list. Of these, only three countries were responsive to the research. A separate set of questions were sent to selected NGOs in each of the five countries. Additionally, the methodology involved reading some of the existing literature to conceptualize the

challenge that the authors had observed as a part of the NPO sector. The information gathered was analyzed thematically, and helpful narratives were obtained for reporting, part of it presented below.

Non-Participatory Approaches to the Localization of the International Norms Regulating Transnational Crimes

The localization process of FATF has adopted a top-down approach, often overlooking the contributions of the essential stakeholders in the process for purposes of legitimacy and mutual ownership of the end product-legislation. NPOs experience from Uganda, for example, revealed that the legislative processes for enacting the current anti-money laundering and anti-terrorism laws, were “blind” to the involvement and participation of the NPOs. Rather, what is desired is a mechanism that seeks to ensure that agency of those at the bottom (targets of the norms) are incorporated at different stages of localization. This provides a forum for the exercise of their agency and the inclusion of their interests in the norms aimed at protecting the interests of all.

Hence there is need for governments and NPOs to partner in the localization of the FATF – for purposes of agency and also better collaboration in addressing the crimes in need to prevention/deterrence. The Ghanaian experience is indicative of this. The government’s localization process involved the constitution of a committee by the Ministry of gender and other non-governmental actors. In consortium, they drafted an NPO Policy and Bill. By the time of the research in July 2020, the country was conducting a nationwide consultation on the bill before it could be passed. The parties concerned were convinced that “*passage of the NPO Bill will further strengthen the legal and institutional framework for the NPO sector.*” The committee was actively involved in the sensitization of NPOs on the need to adopt norms for society’s benefit. This led to better working partnership between the Financial Intelligence Center-FIC of Ghana and NPOs, towards having a safer civic space. One respondent emphasized this finding noting that ‘*as a result of series of sensitizations, engagements, and interactions, the contributor to shrinking of the sector*’ ideology has largely and significantly changed to ‘*a partner to a safer civil space.*’ However, it was noted, that there is a need for regulation to guide this relationship for the benefit of all.

Respondents further noted that a country with an increased number of NPOs without a well-coordinated policy and regulatory framework will allow unprofessional practices and abuse of the sector by terrorist organisations: (i) posing as legitimate entities; (ii) exploiting legitimate entities as conduits for terrorist financing, including for the purpose of escaping asset freezing measures; or (iii) concealing or obscuring the clandestine diversion of funds intended for legitimate purposes, but diverted for terrorist purposes. Government and NPO players need to see each other as partners and collaborate in addressing the socio-economic challenges facing their countries. The same



view on partnership was shared by Uganda's respondent from the Financial Intelligence Authority (FIA), who emphasized the need for a policy to guide the partnership to realize the goals sought by the norms. If what happens in practice is as the case in Ghana indicates, a participatory approach would ensure that the legislation adopted is in the interest of all who draft them, other than being used by the state to the disadvantage of the NPOs.

A specific recommendation for Uganda related to the need to complete the NPO risk assessment for terrorism financing. The evaluation would guide the outreach process to those NPOs that are highly at risk. The FIA conducts outreach activities with NPOs when necessary and is perceived differently among the various members of the NPO sector. While some find the relationship beneficial, others consider the FIA/FIU an agent for suppressing their activities.

Awareness of FATF Norms in the NPO Sector

Findings further reveal that information gaps partly shape the variations in NPO perceptions concerning the FATF requirements and even the awareness that the country was on a grey list. This was the case in Uganda, where a strong view exists that the mandate of FATF and rationale of R8 are tools used to control/monitor countries on the African continent. The intrusion into the premises of Action Aid Uganda (2019) was cited by some respondents. Such targeting may be disguised as ensuring that such NGOs are not receiving funding for TF and ML. Hence, this may explain why some are resentful of anything linked to the AML/TF norms and subsequently affect the nature of norm diffusion for the practical realization of the goals sought.

Using the argument on policy diffusion, (Sharman, 2008) argues that while by 1986 money laundering was not a crime in the world, as of 2008, about one hundred and seventy states had recognized its criminality. Hence, the author seeks to answer the question as to why despite differences in states, this policy issues had attracted support and attract it so fast? He used the frames or learning (drawing lessons from elsewhere), mimicry, coercion options – as reasons leading to the diffusion. The use of blacklists is analyzed as a coercive measure which ought to create a particular response by states within their broader transnational networks:

The first mechanism, coercion as blacklisting, was a deliberate and calculated use of power by the Financial Action Task Force (FATF) to impose AML policies that enlisted instrumental compliance by states. The second mechanism, mimicry, saw governments adopt AML policy in line with changings social expectations among transnational networks of regulators that defined these laws as something all progressive, modern states should have (Sharma, 2008, p. 636).

However, in Zimbabwe, the respondents in the NPO sector seemed more aware of the nature and mandate of FATF. This is partly attributed to the efforts by the state

agencies to disseminate this information among members of the NPO sector. One of the responses argued that being on the gray list shall help Zimbabwe improve transparency and accountability. The members of the NPO sector are expected to share more information about their activities and be transparent about their sources of funding. However, in practice, the financial industry is suspected of conducting corrupt activities while monitoring the NPOs.

Despite the more significant level of awareness compared to Uganda, there are still concerns by some NPOs that the State could use the FAFT mandate to shrink the civic space, especially the human rights NGOs. Furthermore, the respondents expressed concern that whereas these concerns may exist, it is essential to have a broad understanding that the FATF regulations do not only monitor the activities of NPOs but also sectors such as banking and finance. Hence, considering the intention of the norms and legislations beyond their possible shortcomings (albeit of utmost concern to those affected) is paramount to enabling all actors to fight these transnational crimes.

Conclusion and Recommendations

There is need to address concerns regarding the shrinking of civic space often link to the use of State instruments to enforce the need to counter money laundering and terrorism financing. While the NPOs do not dispute the high risk involved in the AML/TF networks and operations, and neither do most of them dispute the necessity of having legal and normative frameworks to curb these vices, what emerges from the study reveals the need to prevent the use of these norms to the disadvantage of the NPO sector. Both governments and NPOs need to be involved in processes that ensure compliance with the relevant legislations against transnational crimes of this nature.

A broad approach to enforcement, which involves collaboration between financial intelligence agencies and the NPO sector, seems to be an appropriate strategy for dealing with the tension between the two industries. If this is done at various stages of norm localization—including; advocacy, consulting for policy development, and involvement in policy implementation, this may offer a better pathway to addressing these transnational criminal activities. Otherwise, as all those participating in the study revealed, these crimes do exist and need to be managed/prevented.

Conflict of Interest

The author hereby declares that no competing financial interest exists for this manuscript.



Notes on Contributor

Eunice Akullo (PhD) is a lecturer in the department of political science and public administration (Makerere University – Uganda). Her teaching experience in various universities has expanded her interest and knowledge into other fields of international relations such as: conflict, peace & security, gender, social justice, trans-nationalism, regionalism, diplomacy, and political theory. She has researched and published on conflict-related issues affected especially women and children. Her PhD Thesis was on the integration of children born in captivity to Lord's Resistance Army Formerly abducted females. She obtained her doctorate from the university of Southampton (United Kingdom).

Yona Wanjala is the current Executive Director of the Defenders Protection Initiative. He has more than 15 years of working experience in regard to Risk and Policy - Assessment, Compliance, and Regulation. Additionally, Yona has practical experience and technical expertise in regard to designing, managing, and reviewing security, safety, and protection programs, projects, and funds for day-to-day and emergency levels in Africa, and Southeast Asia particularly in Cambodia, where he led various emergency response interventions. He has been involved in research efforts on the security, safety, and protection of human rights defenders. He has facilitated the establishment of human rights defenders' coalitions in Uganda, Tanzania, and South Sudan. To date, he has directly supported more than 150 organisations in mainstream security, safety, and protection in their work. Yona Wanjala, is a Certified Anti-Money Laundering Specialist of ACAMS. Yona holds a Master's in Security Studies from the University of Leicester, United Kingdom.

Bibliography

Allidridge, P. (2008) 'Money Laundering and Globalization', *Journal of Law and Society*, 35(4), pp. 437-463. DOI: <https://doi.org/10.1111/j.1467-6478.2008.00446.x>, ISSN 0263-323X

Balaam, D. N., and Dillman, B. (2019) *Introduction to International Political Economy*. New York: Routledge. ISBN 978-1-138-20699-1

Baradaran, S., Findley, M., Nielson, D. and Sharman, J. (2014) 'Funding Terror', *University of Pennsylvania Law Review*, 162(3), pp. 477-536. ISSN 1942-8537

Cartwright, R. (2017) 'Transnational Organized Crime and the Impact on the Private Sector: The Hidden Battalions', *Global Initiative*, 7 December. Available at: <https://globalinitiative.net/analysis/transnational-organized-crime-and-the-impact-on-the-private-sector-the-hidden-battalions/> (Accessed: 9 March 2024)

Defenders' Protection Initiative (DPI) (2021) *A Report on Anti-Money Laundering and Counter-Terrorism Financing (AML/CTF) Laws: An Examination of Their Impact on*

Civic Space in Uganda. Naguru, Kampala: Defenders Protection Initiative (DPI). Available at: <https://www.defendersprotection.org/wp-content/uploads/2023/08/AMLCTF-Regulations-Full-report.-1.pdf> (Accessed: 9 March 2024)

Durner, T. and Cotter, D. (2018) *Combating Money Laundering and Terrorism Financing: Good Practices for AML/CFT Capacity Development Programs*. Washington DC: Global Center on Cooperative Security. Available at: https://www.globalcenter.org/wp-content/uploads/GC_2018-Sept_Combating-Money-1.pdf (Accessed: 9 March 2024)

Durner, T. and Cotter, D. (2019) *Untangling a Marriage of Convenience Anti-Money Laundering and Countering the Financing of Terrorism*. Global Center on Cooperative Security. Washington DC: Global Center on Cooperative Security. Available at: <https://www.globalcenter.org/wp-content/uploads/GCCS-PB-Untangling-Marriage-Convenience-AML-CFT-2018-1.pdf> (Accessed: 9 March 2024)

Biryabarema, E. (2021) 'Uganda Suspends Work of 54 NGOs, Increasing Pressure on Charities,' *Reuters*, 20 August. Accessible at <https://www.reuters.com/world/africa/uganda-suspends-work-54-ngos-increasing-pressure-charities-2021-08-20/> (Accessed: 9 March 2024)

Finanacial Action Task Force (FATF) (2015) *Best Practices Paper on Combating the Abuse of Non-profit Organisations (Recommendation 8)*. Paris: FATF/OECD. Accessed from <https://www.fatf-gafi.org/content/dam/fatf-gafi/guidance/BPP-combating-abuse-non-profit-organisations.pdf> (Accessed: 9 March 2024)

Nassaka, F. (2017) 'UGANDA: Fear of NGO Big Money', *The Independent*, 30 October. Available at <https://www.independent.co.ug/uganda-fear-ngo-big-money/> (Accessed: 9 March 2024)

Draku, F. (2020) 'Govt Freezes Accounts of 4 NGOs Doing Poll Work,' Wednesday', *The Daily Monitor*, 2 December. Available at <https://www.monitor.co.ug/uganda/special-reports/elections/govt-freezes-accounts-of-4-ngos-doing-poll-work-3216360>

Freeman, M. and Ruehsen, M. (2013) 'Terrorism Financing Methods: An Overview', *Perspectives on Terrorism*, 7(4), pp. 5-26. Availabe at <https://www.universiteitleiden.nl/binaries/content/assets/customsites/perspectives-on-terrorism/2013/issue-4/terrorism-financing-methods-an-overview--michael-freeman-and-moyara-ruehsen.pdf> (Accessed: 9 March 2024) ISSN 2334-3745

Hayes, B. (2012) 'Counter-Terrorism, "Policy Laundering" and the FATF: Legalising Surveillance Regulating Civil Society', *The International Journal of Not-For-Profit law*, 14(1-2). ISSN 1556-5157



- Fisayo-Bambi, J. (2021) 'Uganda: Government Suspends Activities of 54 NGOs', *AfricaNews*, 20 August. Accessible at <https://www.africanews.com/2021/08/20/uganda-government-suspends-activities-of-54-ngos/> (Accessed: 9 March 2024)
- Jojarth, C. (2013). Money Laundering: Motives, Methods, Impact, and Countermeasures', In Heinrich-Böll-Stiftung and R. Schönenberg (eds.), *Transnational Organized Crime: Analyses of a Global Challenge to Democracy*. Bielefeld: Transcript Verlag. pp. 17–34. Analyses of a Global Challenge of Democracy, Volume 17. DOI: <https://doi.org/10.14361/transcript.9783839424957.17>, ISBN 978-3-8376-2495-3
- Keohane, O. R. (2012) 'Twenty Years of Institutional Liberalism', *International Relations*, 26(2), 125–138. DOI: <https://doi.org/10.1177/004711781243845>, ISSN 0047-1178
- Kleemans, R. E. (2014) 'Theoretical Perspectives on Organized Crime' in Paoli, L. (ed.) *The Oxford Handbook of Organized Crime*. Oxford, New York: Oxford University Press, pp. 32-52. DOI: <https://doi.org/10.1093/oxfordhb/9780199730445.013.005>, ISBN 9780199730445
- Levi, M. and Reuter, P. (2006) 'Money Laundering', *Crime and Justice*, 34(1), pp. 289-375. DOI: <https://doi.org/10.1086/501508>, ISSN 0192-3234
- Doyle, M. W. (2012) *Liberal Peace: Selected Essays*. London: Routledge. ISBN 9780415781756
- Norton, S. and Chadderton, P. (2016) 'Detect, Disrupt and Deny: Optimising Australia's Counterterrorism Financing System', *Australian Strategic Policy Institute*, 23 December. Available at <https://www.aspi.org.au/report/detect-disrupt-and-deny-optimising-australias-counterterrorism-financing-system> (Accessed: 9 March 2024)
- Lloyd, P., Simmons, B. and Stewart, B. (2012) 'Combating Transnational Crime: The Role of Learning and Norm Diffusion in the Current Rule of Law Wave' in Nolkaemper, A. Zurn, M. and Randy Peerenboom, R. (eds.) *The Dynamics of the Rule of Law: In an Era of International and Transnational Governance*. Cambridge: Cambridge University Press, pp. 153-180. DOI: <https://doi.org/10.1017/CBO9781139175937>, ISBN 9781139175937
- Sharman, J. C. (2008) 'Power and Discourse in Policy Diffusion: Anti-Money Laundering in Developing States', *International Studies Quarterly*, 52(3), pp. 635-656. <https://doi.org/10.1111/j.1468-2478.2008.00518.x>, ISSN 0020-8833
- Stoica I, 'Transnational Organised Crime: An (Inter)national Security Perspective', *Journal of Defense Resources Management*, 7(2), pp. 13-30. ISSN 2068-9403

Stritzel, H. (2014) *Security in Translation: Securitization Theory and the Localization of Threat New Security Challenges Series*. London: Palgrave Macmillan.
https://doi.org/10.1057/9781137307576_2, ISBN 978-1-137-30756-9

The Daily Monitor (2017) 'Bank of Uganda Freezes ActionAid Accounts', *Monitor*, 14 October. Available at <https://www.monitor.co.ug/uganda/news/national/bank-of-uganda-freezes-actionaid-accounts-1722098> (Accessed: 9 March 2024)