The state human trafficking and human rights issues in Africa

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Internal factors in Africa which include limited autonomy of African states, the states’ various degrees of lack of capacity, as well as inept and parasitic leadership make human trafficking and human rights abuses in Africa inevitable. Regardless of the connections suggested to exist between globalization and human trafficking, internal factors in Africa are more fundamental than globalization in explaining human trafficking and the associated human rights violations. Corruption and misrule brought about wars and crises, unemployment, poverty, and diseases, all of which acted as push factors in disposing victims to be trafficked. Internal factors were exacerbated by the structural adjustment programs of the 1980s and were only deepened by the impacts of globalization. Any meaningful resolve to combat human trafficking and fight human rights abuses in Africa necessarily has to address the nature of state and the character of the leadership in the region.

Keywords: human trafficking; human rights; the state and leadership in Africa; corruption, misrule, war, and crisis in Africa; structural adjustment program; globalization

Introduction

Human trafficking was one of the greatest social ills of the late twentieth century and continues to be a scourge of the early twenty-first century. Among the internal factors associated with it are: bad governance, corruption, wars and societal crises, and other forms of conflicts including poverty, diseases, and unemployment (known as ‘push’ factors). External factors (known as the ‘pull’ factors) are attributed to the fundamental changes in the international economy, in particular globalization and, in some cases, the attendant demand for cheap labor provided by trafficked persons.

A consequence of human trafficking which has constituted the greatest concern to humanity is the human rights violations associated with it. The human rights violations involved in the process of trafficking in persons are horrendous to most civilized societies. While globally there is an advocacy, especially by international organizations, for collaborative measures among regions to combat human trafficking, there is also a greater emphasis on the role of individual countries like those in Africa that supply the trafficked persons to take adequate measures to reduce the trade in humans. Those measures include the adoption of policies aimed at addressing the internal factors which precipitate human trafficking. According to studies, human trafficking like some other social ills is associated with levels of poverty in the exploited countries or regions. African countries are among the poorest countries and among those most

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prone to the evils of human trafficking. Other countries are found in some parts of Asia and some of the former East European Communist countries.

Human trafficking in Africa is more fundamentally the result of internal than external factors. The internal factors are the nature of the sociopolitical structures in Africa and the contradictions which they spawn. These include many years of misrule, wars, and conflicts of various magnitudes. Correspondingly, these have led to unemployment, severe poverty, and diseases. They have further weakened the states and exacerbated their lack of capacity to govern and to combat human trafficking.

**Human trafficking and human rights debate**

Scholars are agreed that human trafficking in the form it is known presently is a recent episode of slave trade or a dimension of it thus referred to as a new or modern slave trade (Bales, 1999). It is suggested to be strongly related to the fundamental transformations in the global economy which marked the close of the twentieth century and the beginning of the new millennium. This fundamental economic transformation, referred to as globalization, created imbalance in world production and distribution of economic resources, which resulted in the inability of Africa countries to compete in the new global economy. The configuration left most African countries poorer than they were before globalization (Aina, 1996; Rugumamu, 1999). The entire economic impact of globalization was said to have instigated unusual forms of migration particularly from very poor regions of the globe to the rich ones. Aspects of the migration translated to human trafficking (Anderson & Davidson, 2003; Bales & Robbins, 2001; Beare, 1999; De Dios, 1999; Kempadoo, 2000; Salt & Stein, 1997; Skrobanek & Sanghera, 1996; Williams, 1999). This international economy explanation is rejected, and though it is part of the problem of trafficking in persons in Africa, the paper considers it a second-order explanation.

A common definition of human trafficking may be difficult to determine because of the complexities of the activities involved, cultural differences, and the values and perceptions and perspectives of the different actors, including those of the victims and the traffickers themselves. But there is agreement on the central features such as coercion, violence, threat, deceit, and fraud which are involved singly or collectively in any act of trafficking. In respect of those common features, Wijers and Lap-Chew (1997) observe that human trafficking involves:

> all acts … in the recruitment and/or transportation of (persons) within and across national borders for work or service, by means of violence or threat of violence, abuse of authority or dominant position, debt bondage, deception or other forms of coercion. (p. 36)

In what may be considered official definition, the United Nations (2000) views trafficking in persons as:

> the recruitment, transportation, transfer, harboring or receipt of persons by means of threat or use of force or other form of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payment or benefit to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery, or practices similar to slavery, servitude or the removal of organs. (p. 2)
As well as defining trafficking, the UN has provided principles and guidelines for countering trafficking, particularly with regard to the enforcement of victims’ basic human rights and the punishment of traffickers (United Nations High Commission, 2002). This attention has enabled the UN to prepare statements on standard conduct known as ‘best practices,’ which outlined actions expected of nation-states in carrying out measures designed to eradicate human trafficking and enforce the human rights of victims and those vulnerable to trafficking. In addition, the United States organizes and provides funds for the preparation of annual reports on governments’ observance of best practices (US Trafficking in Persons Report, 2008). The reports categorize countries into three tiers (and a fourth one, a Special List) in which each tier outlines the degree of compliance each country has demonstrated in its efforts to combat human trafficking and fight associated human rights abuses.

Tier 1 is made up of countries whose governments fully comply with the Trafficking Victims Protection Acts (TVPA) minimum standards. Minimum standards require governments to dedicate more resources for assistance to victims and maintain significant law enforcement actions against trafficking offenders. Tier 2 includes countries whose governments do not fully comply with TVPA minimum standards but are making significant efforts to bring themselves into compliance. In countries on the Tier 2 Watch List, it is apparent that: (1) the absolute number of victims of severe forms of trafficking is very significant or is significantly increasing; or (2) there is a failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year; or (3) the determination that a country is making significant efforts to bring itself into compliance with minimum standards is based on explicit commitments by the country to take additional future steps over the following year. Tier 3, on the other hand, represents countries whose governments do not fully comply with the minimum standards and are not making significant efforts to do so. Also, a Special List is compiled each year of countries without adequate information about the human trafficking situation, even when there are reasonable suspicions that trafficking is occurring (US Trafficking in Persons Report, 2008). Specifically, the performance of Sub-Saharan African countries in eradicating human trafficking and enforcing human rights is examined in relation to the UN classificatory system.

There is a large body of literature on all aspects of trafficking in human persons (Anderson & Davidson, 2003; Beare, 1999; Bertone, 2000; Bruckert & Parent, 2002; De Dios, 1999; Kempadoo, 2000; Salt & Stein, 1997; Williams, 1999). Most of these works generally discuss what may be considered common elements associated with human trafficking but have not offered a framework for analysis of the phenomenon. The frameworks that exist as explanatory models are rudimentary in nature. In various cases, attempts have been made to examine diverse elements of human trafficking in the form of descriptions of actual trafficking organizations. Details in such treatments include information on the complex network of the organizations, their activities and general functioning, recruitment, transportation, routes taken or destinations, modalities of activities, the traffickers themselves (especially their criminality, involvement in trafficking, and possible consequences), human rights violations, and the interrelationship of migration, smuggling, and trafficking. Other details discussed in the literature cover the types of work, such as sex trade or domestic labor, supply and demand factors (‘push and pull’ variables), possible numbers of victims of trafficking to date, and the preponderance of women and children as victims. Also examined are the immense profits made by traffickers and the contributions of NGOs in combating trafficking in contrast to the culpable indifference of many governments, particularly
governments of the poor countries, for example, those in Africa. Also discussed are the wars, corruption, poverty, diseases, and other social problems which collectively encourage human trafficking. Furthermore, the discussions include the difficulties encountered in and best practices required to combat trafficking in persons (Bales, 1999; Beare, 1999; Bertone, 2000; De Dios, 1999; Salt & Stein, 1997; Skrobanek & Sanghera, 1996; Wijers & Lap-Chew, 1997; Williams, 1999).

According to Bruckert and Parent (2002), most research into human trafficking has not situated their analyses within the broader context of globalization and its impact on human population. However, some (Beare, 1999; Bertone, 2000; De Dios, 1999; Williams, 1999), including Kempadoo (2000), have offered a more thorough and analytic framework which critically examined the global capitalist production system and such issues as the restructuring and population movements linked to labor competitiveness. Kempadoo is of the view that global restructuring has weakened the powers of nation-states in favor of transnational organizations and that the new international order has had detrimental consequences for national economies, particularly for those of less developed countries in regions such as Africa. The negative impacts include the displacement of large populations (particularly rural dwellers), job losses, low wages, poverty, and diseases, especially HIV/AIDS (Kempadoo, 2000, cited in Bruckert & Parent, 2002). Kempadoo’s arguments appear to have ignored the devastating effect of the structural adjustment programs of the 1980s in Africa prior to globalization and the over three decades of bad and ignoble governance found in much of Africa. Thus, the weakening of the states in Africa and their losses of capacity to govern, which provoked human trafficking, have existed since the 1980s.

Loss of capacity was only aggravated by the impact of globalization. Therefore, it is certain that the negative consequences of globalization, added to the existing contradictions of years of dictatorship and prolonged military rule, wars and conflicts, corruption, poverty, and diseases in Africa, made migration and human trafficking in that region not only inevitable, but also most unlikely to exhibit concern for human rights. Significantly, however, the global concern any time human trafficking is discussed is the link suggested to exist between human trafficking and human rights violations on the one hand and their intensification by globalization on the other. Because of bad governance and social decay in Africa identified above, human rights obligations may not be a preoccupation for most governments in the region (African Commission on Human and Peoples’ Rights, 2008; Committee for the Defense of Human Rights, 2000; Eze, 1989; Kalu & Osinbajo, 1992; Shivji, 1989).

Trends and patterns of human trafficking in Sub-Saharan Africa

Human trafficking became visible to policy-makers in Africa in the 1990s. It grew from what was originally cross-border migration, an element historically embedded in economic livelihood systems of the region. In addition to the numerous factors which might have led to human trafficking, there is also the problem of social deprivation including the erosion of social protection which individuals enjoyed in traditional African society (Truong, 2006, pp. 60–69). Trafficking occurs more often within and between the sub-regions of Africa. In Western and Central Africa, there are trafficking activities in Senegal, Gambia, Ghana, Cote d’Ivoire, Benin, Togo, Nigeria, Cameroon, Central African Republic, and Gabon. Other countries involved are Mali, Mauritania, Niger, and Chad. Their activities center on slave labor/labor exploitation in the cocoa
belt of the sub-region. Trafficked persons are also engaged as domestic servants; commercial sex workers; in armed conflicts; in service industries like bars and restaurants; in hazardous forms of work in factories, mines, construction; in agriculture, fishing, begging/pan-handling, and street vending; others are as slaves to debt bondage. Those in urban factories, domestic services, or restaurants may subsequently be forced into prostitution. Those in prostitution may be subjected to resale more than once (Anarfi, 2000, pp. 104–113; Anti-Slavery International, 1999, 2001, 2003a, 2003b; ILO-IPEC, 2001; Petzer & Isaacs, 2000, pp. 192–196; Tandia, 2000, pp. 240–245; Tengey & Oguuah, 2002; Truong, 2006, pp. 24, 60–69). Trafficking in the sub-region involves intermediaries, or third parties, especially scams and criminal groups. The number of trafficked persons might not be readily ascertainable, but governments in the region are concerned about the ever increasing rate of human trafficking.

In Southern and Eastern Africa, both internal and cross-border forms of trafficking are prevalent (Truong, 2006, p. 67). Commercial sex exploitation is a common feature in South Africa (Molo Songololo, 2000; Petzer & Isaacs, 2000, pp. 192–196). Children are predominantly trafficked within their countries of origin and trackers are predominantly locals, but where cross-border movements occur, the traffickers are foreign persons or crime organization. Also, boys go into voluntary migration and engage in homosexual prostitution as a means of survival.

The UNICEF Innocenti Research Centre Report (2003, pp. 9–10) provides examples of recruitment of girls into the sex industry through newspaper advertisements where young women are then surreptitiously coerced through a form of debt bondage into doing strip-tease work, providing ‘sex’ for patrons of certain establishments or performing in pornographic films. IOM (2003) documented trafficking of refugees from Angola and the Great Lakes region to South Africa. Also reported are cases of child trafficking from Lesotho, Mozambique, and Malawi to South Africa. There are also reports of intercontinental trafficking of young women to South Africa from Russia, Eastern Europe, Thailand, China, and Taiwan, involving crime syndicates based in Mozambique, Eastern Europe, and Thailand. South Africa emerged from the report as a source and transit country as well as a major destination of global sex industry (Petzer & Isaacs, 2000, pp. 192–196; Truong, 2006, pp. 60–69; UNICEF Innocenti Research Centre, 2003).

Truong (2006, p. 62) referring to the work of Veil (1999, cited in Adepoju, 2005, p. 77), identified six different processes that can result to trafficking:

1. poor parents sell their children for money – having also received promises that they will be treated well;
2. ‘placement’ for a special period in return for a token sum or gift items;
3. ‘bonded placement’ of children is the reimbursement for a debt the parents accrued;
4. enrollment with an agent for domestic work with the parents paying the agent a fee;
5. fees to paid agents who purport to enroll the children in some course of schooling or training in a trade but who put them out to domestic work (in addition to the trade they are supposed to learn); and
6. straightforward abduction.

Other forms of trafficking in Sub-Saharan Africa include the trafficking of adult women to Western Europe. This involves the payment of some fees by European
traffickers to West African agents who procure the trafficked victims. The West
African agents in turn traffic the victims to Western Europe (Truong, 2006, p. 63).
This was often explained as an outcome of pressures to provide additional income to
support families and fund their children’s education. A cross-continental trafficking
flow of minors of both sexes to Western Europe from other sub-regions of Sub-
Saharan Africa also exists.

Presently in Africa, there seems to be no clear policy direction toward fighting
human trafficking. At best, what exist are poorly formulated and implemented poli-
cies, most of which are not yet in harmony (Truong, 2006, pp. 60–69). Efforts are
directed in three areas: prevention and deterrence; law enforcement and prosecution
of traffickers; and protection of trafficked persons, rehabilitation, and assistance in
social reintegration. Also, in collaboration with non-governmental agencies, govern-
ments have responded by: (1) raising awareness among families, communities, local
chiefs, government ministries, and law enforcers; attempting legislative changes to
protect trafficked persons and prosecute traffickers; (2) providing training for border
patrol police and social workers and providing direct support to trafficked persons and
their families; (3) directly supporting interception, rescue, and socioeconomic reinte-
gration often using micro-credit as the means of providing an alternative livelihood
with economic self-sufficiency. But yet, these are not effective, particularly in the area
of reintegration and protection of human rights. This is perhaps because of weaknesses
of the states, already pressured by problems of growth and distribution, civil conflicts,
lack of resources, and institutional capacities.

Human trafficking and rights violations
The issue of rights violations becomes more critical when it is noted that over 27 million
persons worldwide are victims of one form of trafficking or another (Bales, 1999). In
order to address the rights issues, the UN Protocol to Prevent, Suppress and Punish
Trafficking in Persons (2000), in Article 6 of the Protocol, specifies the rights being
violated and/or to be enforced. It stipulates that nation-states must protect the privacy
of victims by making the legal proceedings of their trial confidential, provide victims
with adequate information on relevant court and administrative procedures, and offer
victims physical and psychological protection, appropriate housing, medical treatment,
education, and counseling. Also, in 2002, Anti-Slavery International prepared a docu-
ment entitled Human Trafficking, Human Rights: Redefining Victims’ Protection,
which was aimed at strengthening the human rights protection of those vulnerable to
trafficking as well as trafficking victims (Pearson, 2002). The United Nations, the
International Organization for Migration (IOM), the United Nations Children’s Fund
(UNICEF), and other related international bodies have all shown interest in the issue
of human rights as they relate to human trafficking, especially of women and children
and the poor. So it is evident that by these policy measures, these organizations and
agencies have demonstrated their commitment toward ensuring that trafficking is
eliminated. Therefore, the expectation is not misplaced if these international bodies
require nation-states, including those in Africa, to collaborate in the fight against
trafficking and the enforcement of human rights. But the dispositions of African states
to confront human rights challenges and meet related obligations are suspect.

There is an extensive debate over (justice) and human rights in general (Barrow,
1983; Pettit, 1980; Raphael, 1979; Rawls, 1972). For instance, there is debate about
what rights should be enjoyed, especially if they are not inalienable rights or are
otherwise known as welfare rights (Sen, 2004). Incidentally, most of what constitutes reasons for the ‘push’ in human trafficking are within the domain of welfare rights, the basic human needs – health, shelter, nutrition, clothing, security, employment, education, etc. According to Sen (2004), there is still debate as to whether these are rights or what kinds of rights they are. Indications are that African governments are not well disposed toward granting these rights. Accordingly, it is difficult to convince most African leaders that these are their obligations, and, therefore, they should commit resources to enforce or protect such rights (African Commission on Human and Peoples’ Rights, 2008; Eze, 1989; Shivji, 1989). It is also not significant to most of them that their inability to provide these rights is linked to the ‘push’ factors which promote migration and human trafficking. According to Sen (2004), the excuse made for disregarding these rights is that they cannot feasibly be enforced; it is argued that there are no institutions with the capacity to realize such rights and no funds to implement them. However, Sen argues that human rights do not depend on affordability to be rights. Human rights do not require promulgation or legislation. Rather, human rights, including economic and social rights (or ‘welfare rights’), are fundamental rights.

The pursuit of human rights is, as it were, a movement toward an end that may not be stopped. Human rights are an end in themselves. Thus, welfare rights can be reasonably included as human rights because they are basic. According to Sen, some of these rights are provided through ‘imperfect obligation’ but are obligations nonetheless and must be provided for. He goes on to say that human rights, even welfare rights, are ethical demands and, if not legislated upon, could still be realized. Most rights, suggests Sen, came to be enjoyed for the first time through such ‘imperfect obligation’ that arose through public recognition, agitation, and monitoring of violations; they were generated through public acknowledgment, public discussions, appraisal, and advocacy. All these are indicative of obligation, even if ‘imperfect’ (2004, pp. 338–342). Quoting Rawls (1972), Sen notes that rights become rights and are viable because of their link to ‘public reasoning’ and their role in ‘ethical objectivity’ (2004, p. 349). In relation to Africa, it is correct to infer that if states cannot afford these rights now but there is evidence to show that plans are being made through structures and institutions to extend such rights, then those plans will demonstrate the governments’ willingness to enforce such rights. But in most cases in Africa, there is little evidence to show this commitment to introduce measures to protect these rights or address their violations (African Commission on Human and Peoples’ Rights, 2008; Eze, 1989; Shivji, 1989).

In relation to this issue, we may even ask whether African leaders view their constituents as individuals meriting the rights of citizens. The question becomes pertinent because of the way African leaders have historically treated their constituents which raises the question as to whether citizenship has been won at all in Africa. African leaders do not manifestly respond to the philosophy or principles of citizenship. And African peoples themselves have not vigorously asserted their citizenship or seem to have sufficiently fought for it (Dorman, Hammett, & Nugent, 2007; Herbst, 1999, 2000; Seely, 2007). Thus, it appears difficult for both sides to appreciate that there are human rights obligations incumbent on the leaders to enforce and which the citizens themselves must demand. These disconnections between leadership and the responsibility of providing rights to citizens partially explain why African leaders may not see the interconnection between providing for welfare rights and discouraging migration and human trafficking.
State capacity and political leadership in Africa

The central argument introduced was that the form of the state in Africa and the leadership it produced rendered the state incapable of either confronting trafficking in persons or protecting the rights of victims and those vulnerable to trafficking. A related argument herein is that in spite of democratization and policy reforms, and the predominance of neoliberal thought in recent times, the form of the state in Africa has remained largely the same over the past three decades. Therefore, using the analysis of the state in Africa for explanation still possesses the rigor and predictive power as it had three decades ago in enabling us to understand contemporary African states’ lack of resolve to address human trafficking. Our analysis of the state draws largely from the follow-up debates of the 1970s and 1980s to the present (Ake, 1981, 1985, 1994; Deng, 1998; Lumumba-Kasongo, 2002; Ottaway, 1999). This also incorporates characteristics of the African leadership, which are extensively studied by scholars as exploitative, corrupt and inept, lacking capacity, mission spirit, vision, and political will (Bayart, 1993; Bayart, Ellis, & Hibou, 1999; Fatton, 1992; Jackson & Rosberg, 1982; Ottaway, 1999).

The autonomy of the state in Africa is limited. The state is subordinated and privatized by a coalition of dominant power interests, and has remained as previously studied, whether during the period of indigenization policy of the 1970s and early 1980s, the structural adjustment programs of the 1980s, or the deregulation, liberalization, and privatization programs of globalization of the 1990s (Aina, 1996; Gibbon, Bangura & Ofstad, 1992; Beckman, 1992; Jinadu, 2000; Nabudere, 2000; Onuoha, 1988; Rugumamu, 1999). According to Ake (1985, pp. 9–32), the unique feature of the state in (Africa) is that it has limited autonomy; the state is institutionally constituted in such a way that it enjoys little independence from social classes, and so it is immersed in the struggle of the classes. The implication is that political differences and struggles are not easily mediated by the state; the state is not impartial or even perceived as impartial. The rules which govern political competition or other aspects of social life do not have adequate institutional guarantee of their impartiality.

Limited autonomy of the state in Africa is an offshoot of colonialism which essentially was an instrument of force in the hands of colonial governments for the creation of order and control in the colonial territories. At independence, the Africans who took over political power inherited the ‘force state.’ And because it served their interest in maintaining political power, they were not interested in transforming the character of the colonial state. Thus, they took total control of the state and all its instruments: the police, army, the judiciary, the media, etc., as the means of retaining political power. The political leadership also used the instrumentalities of the state to gain economic power through the expropriation of the national wealth of their countries for the private enrichment of the leadership. With economic power, they further re-enforced their control of political power (Ake, 1981). With the instrumentalities of the state under their firm control, the pioneer political leaders frustrated all democratic processes and made democratic change of government almost impossible. Under these characterizations, the state lost its mediatory and impartial role in the resolution of conflicts in the society.

Accordingly, the state has been used by the ruling coalitions for the sectional resolution of their conflicting core interests. The coalitions also re-cycle themselves over time. During their apogee from the 1960s to the 1990s, the coalitions were made up of political, economic, military, and bureaucratic agents. The coalitions employed the
instrumentalities of the state for their own interests, especially to access, control, and manage political power (Bayart, 1993). The leadership in Africa reproduced itself in several forms between the 1990s and now. At present, there is still little sense of accountability because governance is yet based on personal rule or at best a coalition, in spite of the ongoing democratization processes. While state constitutions may be adorned with the principal tenets of constitutionalism, these are ignored at will; the rulers choose which court judgments to obey and which to ignore. Therefore, the state in Africa may not play its mediatory role among competing groups owing to its subordination to these particular interests. This subordination subverts the rule of law and makes it exceedingly difficult for the state to rule, in spite of claims of transition to democracy (Ake, 1994, 1996, 2000).

The subordination of the state to coalition interests is further reflected in the manner the democratization processes are evolving. For instance, the rigging of elections, all manner of electoral corruption, violence, and crime unfold in ways that allow dictators to remain in power. Except in one or two cases in the recent past, for example, Botswana and Ghana, given their series of successful elections, the former for 40 years and the latter for 16 years, a genuine transition to democracy in Africa has not occurred in a manner that would allow the state to play a mediatory role among competing interests in the society. In other words, the majority of states in Sub-Saharan Africa still demonstrate the characterizations of their state of the past three decades (Ake, 1994, 1996, 2000; Ottaway, 1999). The struggle for change led by opposition forces is ongoing. Nevertheless, the existence of the opposition, even if symbolic, perhaps is one of the few differences between now and then. But it has not been significant because the victory of the opposition, wherever it has occurred, has not brought about any significant change. Indeed, African states are not changing, even now. The neoliberal thesis of the state – with debate now shifting to ‘state-building,’ as comprising the public and private sectors and civil society, or state–society relations, in other words implying mediation – is not evident in Africa, at least not in any significant proportion (Chandler, 2006; Fukuyama, 2004a, 2004b; Hehir & Robinson, 2007).

Indeed, during the democratization processes of the early 1990s, Ake (1994) expressed concern over the stress still placed on politics by African leaders. He also emphasized the unchanging form of the state in Africa. In Ake’s opinion, state power in most parts of Africa is constituted in such a way as to render democracy impossible. Therefore, more than determining the controllers of state power competitively, what is needed by way of democratization, is the transformation of the state, for in the absence of such transformation, election can only be a choice between oppressors; (but) in Africa – the political class shows no interest, even now, in transforming the autocratic post-colonial state – The experience of democracy so far shows that even the democratic opposition did not make an issue of the nature of state, including its highly authoritarian constitutions – It is a form of state which cannot bend to the services of democracy. (pp. 8–9)

Evidently, post-election crises, the very many cases at electoral tribunals and the conflicts and struggles to form governments in places such as DR Congo, Nigeria, Cote d’Ivoire, Kenya, and Zimbabwe (i.e., countries claiming to have democratized) confirm Ake’s doubts. While conducting elections, going to the electoral tribunals or courts, and forming governments may be democratic attributes, and so may be considered improvements on the authoritarian regimes of the past, the outcome of the
elections have not involved any significant differences in style of leadership and governance or brought any appreciable improvement in the lives of the people. Thus, in Africa, nearly 15 years after the assessment of Ake (1994), the nature of state has not significantly changed, regardless of the claims of transition to democracy. The forms may have morphed, like the introduction of multi-party politics, but the fundamental weaknesses like lack of capacity to govern remain much the same.

An equally critical feature of the state in Africa identified almost immediately after Ake wrote was the suggested high rate of ‘failure’ among African states (Herbst, 1996/1997; Zartman, 1995). According to the ‘failed state’ thesis, some African states at one time or another after political independence became very weak; they were characterized by civil war, absence of law and order, with cases of cross-border conflicts, decayed infrastructure, and paralysis of government. They could not command effective central authority and collapsed for a significant period. Somalia, DR Congo, Sudan, Liberia, Sierra Leone, Cote d’Ivoire, Ethiopia/Eritrea, Chad, Uganda, Zimbabwe, Burundi, Rwanda, and even Algeria and Nigeria were at one time or another perceived as ‘failed states’ (Bates, 2001; Chomsky, 2007; Ghani & Lockhart, 2008; Herbst, 1996/1997; Lyons & Samatar, 2003; Rotberg, 2000; Zartman, 1995).

In spite of the debates and rejections of the objectivity of the indices used in reaching perception and classification of state failure (Bates, 2001; Chomsky, 2007; Ghani & Lockhart, 2008; Lyons & Samatar, 2003), now compiled by the Fund for Peace (2008), manifestations of state failure in Africa should not come as a surprise. Between the period of political independence in the 1960s and the early 1990s, most states in Africa were under prolonged periods of military rule, embroiled in or on the verge of civil war, or engaged in cross-border conflicts. Others were under one party rule, civilian dictatorships, or political strong men (Ng’ethe, 1995). Thus, the character of the state in Africa is connected with over three decades of undemocratic practices, large-scale corruption in government, lack of accountability, and all manner of aberration in government (Zartman, 1995).

The socioeconomic and political consequences of such phenomenal disorder in Africa were inevitable as well as they were debilitating, involving wide and unprecedented population movements and displacements, poverty, hunger, disease, fear, insecurity, disregard for human life, refugees, child soldiers, and street children, and above all, the perpetration of some of the worst cases of human rights abuses known in the world (Flint & De Waal, 2008; Mamdani, 2002; Prunier, 2005; Turner, 2008). These manifestations of socioeconomic crises were sharpened by the structural adjustment programs of the 1980s – in particular by the heavy debt burden on every country of Sub-Saharan Africa; yet, such problems were evident before globalization, even if not at the same levels of intensity (Gibbon, Bangura, & Ofstad, 1992; Olukoshi, 1991). An obvious and far-reaching consequence of the crises and failures was the states’ total loss of capacity to govern.

**State capacity human trafficking and human rights**

One critical implication of the present discourse is that under the social conditions analyzed immediately above, most governments in Africa lost the capacity to govern, including their obligations to fight trafficking and protect the human rights of their citizens. The capacity of government in this instance refers to the attributes a government has in its powers and functions to defend its sovereignty through the legitimate use of physical force to ensure law and order and deter external aggression; the same
authority and abilities must be in place to formulate and implement policies, especially welfare policies, build and strengthen governmental institutions, and be able to extract and develop its physical, natural, social, cultural, and human resource endowments for the benefit of the people (Jinadu, n.d., p. 3).

The argument posited here is that because these attributes of state capacity were missing, the state in Africa has been unable to control an upsurge of migration, human trafficking, and human rights abuses. Put differently, because of the nature of the state in Africa which embodies inefficiency and ineffectiveness, governments have been unable to formulate and implement meaningful policies to combat human trafficking and human rights violations; thus making both the fight against trafficking in persons and defense of human rights in Africa illusory and unachievable. Characteristically, African political leaders offer political interpretations for most social issues concerning their societies, particularly how such issues may or may not advance the course of access, control, and management of political power (Ake, 1981). Thus, to many African leaders human trafficking is not a political concern as it has little political costs associated with it and may not add to or subtract from elites’ political capital or political currency in their attempt to hold on to power (Fatton, 1992). Fighting human trafficking will not procure the leaders any advantage in their struggle for power, including winning or losing elections. For instance, few, if any, governments assign official responsibility for combating human trafficking to any officer above the rank of director. In most cases, trafficking is handled under the mostly benign category of illegal entry/illegal aliens under the jurisdiction of the Immigration Department. Also, African governments take little interest in the activities of NGOs founded to assist in the fight against human trafficking, the enforcement of human rights, and the prevention of the human rights abuses of persons vulnerable to trafficking (Truong, 2006). This insufficient attention is also evident in the very little attention given to enactment and enforcement of legislation on human trafficking (Adepoju, 2005; Pearson, 2002; Truong, 2006).

Because trafficking is secretive, it requires that law enforcement agents receive special training to combat it. Government agents, in turn, need to acquire expertise as well as patience and dedication to be able to identify and apprehend traffickers. In this respect, African governments lack the organization and sophistication required to contain the network of cabals that characterize the underworld of human traffickers. Even if such training and agents were available, government officials are regularly compromised in their duties through bribes the human traffickers are known to offer (Salt & Stein, 1997). Most governments are unable to prevent their law enforcement agents from becoming corrupt. A government that is unable to prevent its law enforcement agents from taking bribes is not likely to have the political will to combat human trafficking. In other words, these governments will not be able to resolve the contending contradictions in their societies in such a way as to fight human trafficking and protect citizens’ rights which are likewise violated in the process of human trafficking.

African governments have been under the spotlight of Transparency International since its inception in 1993 and by the 2008 Transparency International Corruption Perceived Index. This organization indicated that the level of corruption associated with African governments and their leaders was high. Therefore, fighting human trafficking under such circumstances of high-level corruption may not be successful. Put in another way, corruption by political leaders represents one of the major factors encouraging migration and human trafficking. The degree of corruption diverts the resources meant for development into private pockets. Thus, corruption, it can be
argued, is largely responsible for unemployment, mass poverty, and diseases and leads
the vulnerable to accept being trafficked. On the other hand, the same unemployment,
poverty, and diseases, created by corrupt political leaders in government, are what
governments are expected to address in order to mitigate the ‘push’ factors which
cause the vulnerable to be trafficked. If unemployment, poverty, and diseases are
some of the major causes of trafficking, or are closely related to trafficking, it may
mean that trafficking is not likely to end soon, because most states do not have the
capacity to address the unemployment, poverty, and diseases which they created, in
large part, through their corrupt practices.

Indeed, when one examines the literature on human trafficking in Sub-Saharan
Africa, one observes that what is needed in order to combat trafficking are the things
governments have not been able to achieve in nearly 50 years of political indepen-
dence. These include the eradication of poverty, diseases, and ignorance as well as the
 provision of social services in the form of education, employment, shelter, and health-
care. The implication is that trafficking in persons will persist because most of these
governments do not have the capacity to provide the social services needed by its
citizens in order to discourage them from being lured into trafficking.

For instance, in the cases of unemployment and reduction of poverty, micro-credit
schemes have been suggested as partial solutions to trafficking. It is hoped that the
schemes will create jobs which will gainfully employ the jobless and reduce their urge
to migrate for the purposes of finding employment in other countries. In this regard,
2002 UNICEF Report indicates that only Cameroon and Togo had micro-credit finan-
cial assistance schemes in place to reduce poverty. However, a more recent study in
2008 shows that 11 more countries have introduced micro-credit facilities. But for
most of the 13 countries, problems such as corruption, diseases (HIV/AIDS), and
political meddling are reported to be defeating the entire purpose of the poverty alle-
viation facilities (Schubert & Slater, 2006; UNICEF Innocenti Research Centre and
UNICEF Regional Office for West and Central Africa, 2002; Wali, 2009). Instead of
micro-credit schemes, it is NGOs in Africa with the assistance and networking with
governments and NGOs outside Africa that are meaningfully involved in the fight to
reduce poverty and diseases with the aim of stemming the conditions which encourage

According to the US Trafficking in Persons Report (2008), 38 African countries
were listed on Tier 2 category which indicated some commitment toward eradicating
trafficking. No African country was featured among Tier 1, that is, those nations totally
committed to eradicating trafficking. Nevertheless, even within those 38 countries in
Tier 2, South Africa is said to be the only one that is coordinated in its fight against
trafficking. In other words, virtually none of the countries in Tier 2 are making any
effort to combat human trafficking. But suffice it to say, that in most cases the laws
are not matched with the level of enforcement. The coordination and implementation
of laws on trafficking, where they exist, are dramatically weak.

A few other related issues can be raised to suggest that governments in Africa are
unable to seriously fight human trafficking and human rights violations. African states
are generally known to rank very low in demonstrating respect for human rights.
Though some human rights issues find space in their constitutions, most states have
little regard for human rights as a necessary obligation for government. Many govern-
ments have ruled with impunity and have not needed to respect the rule of law
designed to sustain human rights. Most governments impose states of emergency on
their peoples, carry out detentions without trial, incarcerate their citizens at will, and
violate the rights of state prisoners (Dissel, 2001; Kampala Declaration on Prison Conditions in Africa, 1996; UN Economic Council, 1997/36).

Another way of measuring the understanding, seriousness, and commitment of African governments toward reducing migration and human trafficking and preventing human rights abuses is to note that teaching and research are rarely carried out, unlike the research interests in migration and human trafficking in developed countries. In all of Africa, the University of Witwatersrand in South Africa is the only institution known to offer a degree program in migration studies, housed under a Forced Migration Studies Program which began in 1998 (http://www.migration.org.za). The University of Ghana in Legon has a Center of Migration Studies and Research, which coordinates activities and conducts research on migration. It does not, however, offer a degree in migration (http://cmsgh.org/management.htm). This apparent lack of interest or foresight or both among governments has limited the number of studies on migration and trafficking coming from Africa and hence resulted in impeding the acquisition of knowledge concerning the subject matter. This is in spite of the fact that Africa is home to the most impoverished victims of trafficking. Consequently, very few, if any, of the most authoritative works on migration and trafficking emanate from the source. While college degrees and academic research on migration may not be sufficient in themselves to solve the ills associated with human trafficking and human rights abuses, they demonstrate the seriousness of governments in terms of developing public policies based on these research findings and a body of knowledge that may assist in providing solutions to the problem.

Finally, the impact of structural adjustment programs in the 1980s and globalization since the 1990s need to be addressed if a solution is to be found to trafficking in persons and associated human rights issues. A globally concerted effort is needed to resolve the gap that has emerged since the onset of structural adjustment programs and globalization. The payoff, which is expected to accrue to a victim of trafficking out of the few dollars or euros s/he hopes to receive, serves as an inducement to assume the risk of being trafficked. Some victims sell their scant belongings back home in addition to borrowing funds to pay for their own trafficking. All the risks are taken because victims believe that the foreign currency they earn will pay back their entire local debt in a short while. Of course, the victims admit no thought of failure. Also, traffickers are encouraged to continue their crimes because they are aware that with the limited earnings in Europe or America, victims will be unable to pay back their investments.

It is argued that no one factor is absolutely responsible for trafficking in persons, instead a cluster of factors, it is not misleading to suggest that all issues, both remote and proximate to trafficking need to be addressed in order to discourage trafficking and prevent further human rights abuses. However, a key factor is a combination of the nature of the state and the character of the political leadership. A real global concern to combat this new version of the slave trade in Africa necessarily has to address state reform. Such reform will ensure a constitutional provision which insists on the decentralization and devolution of power, strengthens the character of the state, and makes it unattractive for individuals to capture or privatize the state. The constitution and rule of law must be supreme, while the people remain the base of power. An independent judiciary and a free and fearless media also remain vital elements of the state. These characters of the state allow it to become relatively an impartial arbiter in resolving conflicts of interest in the society. Reform will hold the leadership in Africa accountable, transparent and thus discourage corruption while encouraging good governance. Reform will incorporate a socialization process which recreates the
civil society to continue to be virile and to understand that it is the ultimate sovereign and thus defend the autonomy of the state.

Conclusion
While globalization has debilitated many African economies and created conditions that have facilitated human trafficking, the primary factor which laid the foundation for human trafficking is the character of the state in Africa. A related factor is the type of leadership reproduced by the state itself. The state, across Africa, has been ill-prepared and ill-equipped because it lacked the capacity to effectively protect the human rights of actual and potential victims of human trafficking. Therefore, any meaningful solution to human trafficking and the prevention of violations of human rights has to address the character of the state in Africa and the type of political leadership common in the region. If positive changes are to be effected, then the devastating impact of years of authoritarian rule and its attendant pillage of the states’ national wealth by their leaders must be resolved. Indeed, no efforts made so far by democratic have been able to redress the damages suffered during the years of exploitation.

African leaders have not demonstrated sufficient manifest spirit of nationalism or sense of mission. There is serious lack of political will to bring Africa into the twenty-first century development initiatives or an endeavor to cultivate appropriate social values and forms of development which include respect and enforcement of all forms of human rights. As history has amply demonstrated from the experiences of more developed societies, it takes no less than half a century to recover from the type of devastation which Africa suffered from the 1960s to the 1990s. By implication, the road to recovery in Africa, and thus the acquisition of the enabling capacity to counter concerns such as human trafficking and fight for related human right abuses in Africa, is still a hope for the future.

Post-election crises and the endless wars and uneasy peace in many parts of the region create doubt whether the leadership has the political will to seriously embark on a course ofremedying years of dictatorship, war, and corruption, and the poverty left in their wake. The social experiences and consequences of war to which Africa was subjected have destroyed the societal and cultural values which are necessary to sustain development. Until remedies are introduced so that the character of the state is reformed in such a way that it is not subordinated to a particular dominant interest, human trafficking and associated human rights violations may remain a feature of African society. Only if the state becomes committed to reform as discussed above, will the rule of law be effective and all rights respected, including the rights of victims of human trafficking and those vulnerable to trafficking. The responsibility for the reconstitution of power associated with reform of the state lies with the African political leadership, who must act as the primary movers of change before the expectation of any global intervention.

References


