Trafficking in Slavery’s Wake

Law and the Experience of Women and Children

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INTRODUCTION

Contextualizing Trafficking in Women and Children in Africa

BENJAMIN N. LAWRANCE AND RICHARD L. ROBERTS

The fall of the Berlin Wall, in 1989, and the subsequent unraveling of the Soviet Union catapulted the problem of trafficking in women onto the world stage as impoverished Eastern European women were duped by recruiters into the sex trade and trafficked to Western Europe and throughout the world. But trafficking in women and children has a much longer history, and Eastern Europe was only one part of a much bigger and messier worldwide process of the exploitation of women and children. Africa is a central part of this story but one that has not equally captured the world’s attention. Trafficking in women and children is linked to the history of Africa’s involvement in the global trade in slaves. But it persists because of demand for unfree women and children both in Africa and abroad. Women and children are trafficked for the sex trade but also for a host of other domestic, agricultural, and commercial purposes.

In September 2001 a group of sixty-eight children, between eighteen months and eighteen years old, were rescued from a foundering ship off the coast of Cameroon and returned to Togo. In April of the same year, a larger group of children from several West African countries were rescued from a vessel off the Nigerian coast and brought to the headquarters of the United Nations Children’s Fund (UNICEF) in Cotonou, Benin. Scholars and activists can point to numerous incidents involving the trafficking of children almost every year over the past two decades. While various reports by UNICEF and the International Labor Organization (ILO) have previously estimated that as many as two hundred thousand West African children may be bought and sold by professional dealers each year, there is very little reliable data. Trafficking in women and children affects all countries in Africa. Indeed trafficking in Africa has become such big business that vendors often operate hubs in Europe,
North America, and Southeast Asia and feed their human cargo into a much larger international network for trafficking women and children. A 2006 report by the UN Office on Drugs and Crime (UNODC) estimated that “the market for smuggling human beings from Africa to Europe in . . . transfer fees alone could be on the order of $300 million each year.” Gail Wannenberg of the South African Institute of International Affairs views human trafficking as the second most lucrative form of organized crime in sub-Saharan Africa, after narcotics. This collection of essays is designed to stimulate a conversation between historians, anthropologists, sociologists, legal scholars, practitioners, and activists, who too often work in relative isolation, and thus to enrich our understandings of this historical and contemporary social-justice issue.

Women and children have been bartered, pawned, bought, and sold within and beyond Africa for longer than records have existed. This collection examines the changing modalities of the traffic in women and children in the aftermath of the “end of slavery” in Africa, from the late nineteenth century to the present. The formal end of the slave trade and slavery did not end the demand for servile women and children. Slavery and the many forms of bondage, coercion, and subordination that have operated in Africa in the past are often juxtaposed with the nature of trafficking once slavery and the slave trade were made illegal. Contemporary traffic in women is increasingly conflated with prostitution; and descriptions of child trafficking often merge with critiques of child labor practices. Human trafficking is rapidly emerging as a core human rights issue for the twenty-first century. Scholars, human rights activists, and criminologists need to be mindful of the long history of trafficking in order to better assess and confront its contemporary forms.

In this collection we are interested in the connections between the legacies of colonial conquest, the legal systems that undergirded domination, and the development of international, regional, and domestic legal instruments to address the persistence of trafficking in women and children. Each of the chapters identifies modes of trafficking of subordinate women or children (both boys and girls) and explores how formal and informal legal regimes and weak states contribute to human trafficking in Africa. Collectively the chapters presented here examine governmental and nongovernmental efforts to end trafficking at the local, subregional, and global levels. Several chapters also examine the pressures exerted by international legal conventions on trafficking—dating from the interwar period of the League of Nations and the ILO but continuing in the present day with the United Nations, the US Department of State (USDOS), the US Agency for International Development (USAID), and UNICEF, among others.

The incidents of 2001 narrated above are frequently characterized as part of a broader “humanitarian crisis” gripping sub-Saharan Africa. But they are
also part of a set of deeper historical processes throughout Africa. Crafty entrepreneurs have not suddenly turned to trafficking in women and children, but rather, as Beverly Grier has argued, the trade itself is built on antecedents reaching deep into the precolonial and colonial periods that created a dependence on household labor, child labor, and coercion. Our interests reflect a desire to understand the historical context undergirding the structure and currents in the contemporary traffic of women and children in Africa.

Any historical analysis of trafficking in dependent laborers—women and children—into economic conditions not of their choosing must be situated within the wider literature on slavery, the transformations in and decline of slavery, the rise of pawnship and bonding of women and children, and the deeper economic transformations wrought by expanding colonialism and globalization. Indeed, economic transformations during the twentieth century, including the growth of industrial production, actually increased the demand for coerced labor. A number of types of trafficking have been identified in Africa, ranging from abduction, placement for sale, transfers of pawns, forced marriages, and bonded placement, to kidnapping of children to become soldiers and sex slaves for armed conflicts. Yet it is important to distinguish between the traffic in children and women and what has been referred to variously as “cultural placement” (the placement of subordinates with family members in better social and economic standing and marriages).

The enslavement of children and women has deep historical roots in and beyond Africa. Trafficking and international law

The early-modern European term *traffick* meant to engage in commerce, to transact, to buy and sell, and to negotiate or bargain for something, whether it was a commodity or a relationship. The term had a derogatory sense insofar as one may participate in a transaction that was either not quite proper or conducted in secret. By the end of the seventeenth century, the derogatory sense of the term was more pronounced. With the establishment of greater controls over the movements of goods and people in the course of the nineteenth century, *traffic* increasingly connoted illegal transactions. In the context of legislative efforts to abolish the slave trade in the eighteenth and nineteenth century, continued trade in slaves became trafficking.

Legislative abolition of the slave trade did not stop the trafficking in people. Where demand for coerced people continues, trafficking persists within states and between them. The late-nineteenth-century Scramble for Africa was publicly conducted under the “international” agreements signed by the handful of European nations in Berlin in 1884–85 that pledged to prohibit the export of slaves from Africa. European imperial powers reiterated their commitments to end trafficking in slaves with the General Act of the Brussels Conference, in...
Yet few imperial states actively pursued this pledge. In the early twentieth century, antitrafficking efforts reappeared in international law. A twentieth-century innovation in international law was the increased use of the convention, which was an agreement for the regulation of an international affair of common interest that was not considered part of regular commercial transactions. In the realm of human trafficking, the first international convention was the 1904 White Slavery Convention, which sought to suppress the “criminal traffic” of women and girls “compulsively procured for ‘immoral purposes.’” While only thirteen European states signed this convention, it signaled the beginning of a concerted, though relatively toothless, international legal regime addressing human trafficking for sexual exploitation. Between 1904 and 1933, four different international conventions addressing trafficking in women and girls were signed. The 1910 convention drew a distinction between trafficking in children, who could not give their consent, and adults, for whom compulsion had to be proved. This distinction remains present in the most recent international conventions regarding trafficking and continues to confound efforts at implementation and enforcement of antitrafficking law. The 1910 convention initiated a twentieth-century revival of humanitarian sensibility regarding egregious labor abuses and trafficking in unfree labor.

With its founding, in 1919, the League of Nations became the crucible for the development of what was to become a dense web of international treaties regarding human trafficking. Rightly criticized for lacking enforcement, the League’s requests for periodic reports on state parties’ adherence to conventions provided it with the ability to humiliate state signatories, as Richard Roberts describes in chapter 3 of this volume. The League’s 1926 Convention to Suppress the Slave Trade and Slavery helped formulate an international legal definition of slavery as “the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised.” The convention also called on the signatories to bring about “progressively and as soon as possible, the complete abolition of slavery in all its forms.” Based on a detailed reading of the voluminous travaux préparatoires of the convention, Jean Allain (chapter 7) argues that the intention of those promoting the treaty was not a broad definition of slavery in all its forms, but rather a more limited purview over powers that stemmed from the right of ownership.

In contrast, the 1956 UN Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery purposefully expanded the definition to encompass a broader range of coerced labor conditions, including debt bondage, serfdom, servile forms of marriage, and exploitation of children. In the realm of international human rights law, the 1956 convention extended its mandate to include not just slaves (those
owned by others), but those in “slave-like” conditions defined in part by high degrees of direct coercion and compulsion. The 1956 convention was thus congruent with the UN’s 1948 Universal Declaration of Human Rights, which prohibited the slave trade and slavery and further prohibited the situation in which a person was held in servitude. To be held in servitude meant also to be held against one’s will by violence, threats of violence, or coercion.

The last three decades of the twentieth century witnessed the elaboration of the webs of international treaties that provide the scaffolding for international human rights. The UN played a critical role in this process, but so too did regional conventions and an increasing body of judicial decisions emanating from regional and international human rights courts. Especially important for the purposes of the international law on human trafficking were the Convention on the Elimination of All Forms of Discrimination against Women (1979), the African Charter on Human and Peoples’ Rights (1981), and the Convention on the Rights of the Child (1989). Additional protocols clarified protections afforded to children and explained the differences between smuggling and trafficking from the standpoint of organized criminal activity, which we elaborate below. Arguably the most significant changes in the international scene regarding human trafficking occurred in 2000 through a convergence of USDOS and UN activity. The enactment of the US Victims of Trafficking and Violence Protection Act of 2000 (VTVPA) required the department to issue annual TIP (Trafficking in Persons) reports, describing the nature and extent of trafficking in countries throughout the world that had “severe forms of trafficking in persons” and assess those countries’ efforts to combat trafficking. A newly aggressive UN promoted the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children (the Palermo Protocol), which required signatories to criminalize all acts of trafficking—including forced labor, slavery, and slavery-like practices. TIP reports serve to highlight the global problem of human trafficking and have the capacity to embarrass individual countries into more aggressive action. The 1990s and the first decade of the twenty-first century witnessed the proliferation of both international conventions against trafficking, the development of international case law regarding trafficking, and individual countries’ efforts to legislate and enforce antitrafficking laws, which are examined in chapters by Margaret Akullo (chapter 9), Allain, Liza Buchbinder (chapter 11), and Susan Kreston (chapter 10).

Current international law on human trafficking appears to agree that three aspects must be present for there to be an act constituting trafficking. The first involves some form of the recruitment, transport, transfer, or receipt of a person. The second involves the threat or use of force, often high levels of violence, or other forms of coercion to control the person. And finally, the
subject of these first two aspects must be transported, recruited, or transferred for the purposes of exploitation. Allain’s chapter explores the history and status of the concept of exploitation in international human rights law. These three aspects of trafficking are referred to as action, means, and purpose.

Three important issues emerge from this definition. First, a trafficked person need not be a slave, although those held in slavelike conditions were often subjected to trafficking. Second, “illegal,” or undocumented, economic migrants are excluded, even though they are transported and often subject to coercion and violence, because the migrant consents to his or her transport. Moreover, the smuggler is not necessarily involved in the migrant’s direct exploitation. The smuggler may extort migrants, but unless the smuggler is involved in the direct exploitation of the subject or her body, the purpose aspect of the definition does not apply. This distinction between trafficking and smuggling creates a gray area precisely because the degree of consent on the part of the subject person is often hard to assess, since certain groups are especially vulnerable to coercion. A girl or woman may, for example, consent to be smuggled by way of a variety of promises to find various kinds of work, only to find herself exploited in the sex trade. And third, the criminality of trafficking emerges as paramount by focusing attention on criminal prohibition and prosecution. This third issue points to the tensions between prosecution and protection as responses to trafficking violations. Trafficking is a human rights violation and states are required by international convention to provide protection for the trafficked person. Indeed the tensions between antitrafficking policies that focus on prosecuting criminals and those that protect victims is central to the larger debates about human trafficking and efforts to curtail
the practices. Buchbinder’s and Kreston’s chapters in this volume explore these tensions in their studies of Nigeria, Togo, and South Africa.

Modalities of Enslavement and Antitrafficking from the Atlantic Era to the Present

The relationship between coerced labor and trafficking is embedded in a complex historical nexus that emerged in the context of the transatlantic, trans-Saharan, and Indian Ocean slave trades, and the reshaping of slave systems in sub-Saharan Africa by those regional external trades. Over the course of approximately one hundred and fifty years, the various slave trades and slavery were progressively abolished by statute or decree in different regions of the globe. The many stages of abolition transformed what was previously a legally protected economic activity into an illegal practice. While there was illicit slave trading during the “legal” slave trade to evade taxes and duties, the extension of abolition created a qualitatively different conceptualization of illegality. Western Europe and the United States established naval patrols, freedom courts, and freedom colonies to put substance behind their legislative remedy.

Reconceptualization of the slave trade as slave traffic represented a key rhetorical intervention reflecting legislative and diplomatic initiatives that progressively outlawed the slave trade and slavery itself. Following its prohibition of the slave trade for its nationals, Britain pursued an aggressive international diplomacy designed to compel or “shame” other slave-trading nations into prohibiting the trade as well. From 1833 to 1838 the British Empire dismantled slavery in its colonies (but not in its protectorates or dependencies), followed by France in 1848. By the 1840s the United States and the United Kingdom joined forces in policing the Atlantic. During the 1850s the slave trade, and indeed slavery, were progressively abolished throughout much of Central and South America. Illegality, established via bilateral and multilateral treaties, continued to fan out across the Atlantic, North and South, over several decades continuing into the 1860s, as ever more regions came under pressure. The final abolition acts of the Western Hemisphere were passed in Cuba and Brazil in 1886 and 1888, respectively.

The transformations in the Atlantic were echoed in the Indian Ocean from the 1870s and 1880s onward. Subsequently, antislavery activities were extended into the African continent. Beginning with the Berlin Declaration of 1885 and the Brussels Act of 1890, European powers with African colonial interests or aspirations regularly and repeatedly agreed to ban the slave trade and end slavery in their colonial possessions. Whereas most colonial powers formally abolished slavery, they often did little to enforce their decrees. Slavery persisted, as did the slave trade, although the scale of enslavement and the trade diminished from its heights during the transatlantic and trans-Saharan trades. Paradoxically, efforts
to suppress the slave trade in the Atlantic stimulated the slave trade in the Indian Ocean. The greatest expansion of the slave trade in the Indian Ocean occurred in the nineteenth century. As Bernard Freamon demonstrates (chapter 6), not only were women and children central to the expansion of slavery during the nineteenth and twentieth centuries, but indigenous articulations of Islamic law shielded many communities in the Horn of Africa and the Swahili coast from the Eurocentric legislative paradigms of abolition.

In this context of the expanding illegality of slavery and the slave trade, the conceptual complexity of the identities of trafficked women and children in the modern era is particularly visible. As Freamon, Elisabeth McMahon (chapter 1), and Marie Rodet (chapter 4) suggest, the dependent status of the women and children was partly responsible for the continued trafficking of women and children in Africa.

**Traffic in Dependents: Types of Demand and Forms of Slavelike Conditions**

After several decades of scholarship on the modalities of enslavement, we now know that men, women, and children were enslaved in strikingly different contexts. The end of the Atlantic slave trade influenced enslavement in Africa, but its impact was uneven over time and place on the continent. One of the great paradoxes of the abolitionist movement was to encourage the expansion of slavery within Africa as Africans sought to expand domestic production of commodities increasingly in demand for an industrializing world. With the onset of colonialism, preexisting forms of slavery morphed into vehicles for the extension of dependent labor. As described by McMahon and Roberts, small-scale raiding and kidnapping persisted and became central to the supply of unfree labor in the late nineteenth and twentieth centuries.

A crucial component of the history of trafficking of women and children is the persistence of demand, regardless of whether it is for domestic workers, child soldiers, or forced prostitution. Sex trafficking may be among the more visible elements of the worldwide trade in women and children, but it constitutes only one small part of historical and contemporary demands for coerced labor. Unfree women are valued for the full range of domestic services they provide, including sexual services, reproductive capacity, and labor power. Unfree women and girls work in households to augment family labor, as Rodet describes in this volume, but they also perform hard agricultural labor, carry water, and collect firewood over long distances. Various incarnations of patriarchy also feed demand for unfree women, and patriarchs seek to accumulate as many women and children as they can. Demand for trafficked children persists also because of the range of services they, too, provide. Carina Ray (chapter 5) describes the flow of trafficked girls for the sex trade...
in the Gold Coast, and Kreston examines the demand and supply of girls for the South African organized sex trade. Girls also contribute to domestic labor of all sorts. Boys are in demand for sexual services, but also for domestic work and for agricultural labor.

Pawning was one form of the circulation of coerced labor. Pawning of expendable lineage dependents functioned in a variety of capacities in the early premodern era, but with the arrival of Europeans along Africa’s coastal zones, it shifted into a credit mechanism. An unknown number of those sold into the transatlantic trade were pawns. Pawning of women and children seems to have increased with the expansion of legitimate trade and colonialism as demand for credit and the potentialities for debt increased. Pawning and bonding continues into the contemporary period, albeit in markedly different and discrete contexts, as the personal testimonies of children explored by Benjamin Lawrance (chapter 8) underscore.

Girls and women were bonded or pawned in the context of famine, rural distress, and economic depression. Parents or guardians (or both) pawned two of the girls aboard La Amistad possibly in response to environmental and economic deprivations. As Audra Diptee has noted, “Not only would these parents be putting newly enslaved children into a circumstance that guaranteed them food and shelter, but the money obtained from the sale of their children also enabled the purchase of provisions for the rest of the family.” In addition, women and children could easily be disguised as family and thus evade the relatively feeble colonial suppression efforts. Indeed, as Roberts argues in this volume, on the rare occasion that colonial authorities had the capacity to enforce their decrees prohibiting the slave trade and slavery, they often did not understand how Africans disguised enslavement and the slave trade in African “practices.” The kidnapping of women and children, transfers disguised as adoption or marriage, and other forms of peonage proliferated as colonial rule expanded. Women and children constituted a significant share of the disguised slave trade from west-central Africa analyzed by Jelmer Vos (chapter 2).

Perhaps the greatest irony of the decline of adult slavery in Africa during the colonial period is that slavery-dependent communities and economies were forced to expand their use of child labor. In some instances, the expansion of child labor resulted from the acute labor shortage associated with the massive exploitative systems of extractive concession colonialism that demanded immediate results, including wild-rubber collection in the Belgian Congo and French Guinea, palm oil in Togo, and cotton plantation systems in Tanganyika, Chad, and the French Soudan. The excesses of colonial governments attracted the attention of human rights campaigners. Abuses in concession companies ushered in new regulatory roles for international and nongovernmental agencies, as discussed in Lawrance’s chapter. As slavery
declined, child bondage expanded. Gwyn Campbell, Suzanne Miers, and Joseph Miller argue that “child victims have been central” to the modern development of slavery and coerced labor. Richard L. Roberts and Suzanne Miers argue that children were “more easily kidnapped, controlled, and acculturated.” Indeed, the trafficking of girls in northern Nigeria, western Ethiopia, Algeria, and Mauritania surprised and confounded European powers. As Ray describes in this volume, the presence of significant numbers of girls from the Cross River region of Nigeria in the Gold Coast during the 1940s became a major trafficking scandal within the British Empire. Many were trafficked to service the sex trade linked to the large presence of Allied troops in the Gold Coast. As colonialism drew parts of highland Angola closer to the metropole, Ovimbundu turned to child labor to produce the cash crops they sent along the train lines. These are only two examples of the numerous consequences of colonial labor exploitation throughout sub-Saharan Africa.

**ACTION AND MEANS: FORMS OF TRAFFICKING**

Throughout the colonial period and into the postcolonial period, traffickers of women and children sought to conceal their slaves in more slippery terms such as **pawn** or **bonded person**, or simply as their wives and children, thus disguising trafficking as cultural placement. In the precolonial period, pawns helped individuals and groups raise credit. In the colonial period, it was not uncommon for women and children to be pawned to others to raise money for taxes. A pawn could be held for the length of a loan; the labor of the pawn paid the interest on a loan. Pawns could be redeemed outright, or, as was often the case with girls, they were married to their creditor and the bridewealth paid off the debt. Perpetual servitude could often stem from pawning, such as the contemporary practice of **trokosi** among Ewe in Togo and Ghana.

Because pawnship and related statuses lay “in the vague middle ground” between formal slavery and fluid “African institutions,” this was the site of considerable expansion of unfree labor during the colonial period, and it provides the key to understanding the growth in the sub-Saharan African labor trafficking in the colonial and postcolonial periods. Toyin Falola and Paul Lovejoy identify several factors crucial to the operation of pawnship. The first is an ideology among many African communities that viewed pawnship as a form of “constructed kinship” that “functioned as a mechanism for real-locating individuals as a means of acquiring capital or providing security for debt.” Pawnship was tied closely to marriage, especially forced marriage.

While pawnship appears to be a prevailing paradigm whereby children and women entered trafficking networks, the chapters in this volume also point to the persistence of a second avenue of recruitment and one that has proliferated in the context of present-day regional and civil wars.
Introduction

particularly in contexts of conflict, included capture in wars and targeted kidnapping. Small-scale and opportunistic kidnapping was also a source of trafficked women and children during the colonial and postcolonial periods. Chapters by Freamon, Kreston, McMahon, Roberts, and Vos in this volume all describe cases of violent kidnapping and abduction. McMahon contributes to this debate when she argues in this volume for the concept of social vulnerability; women and children were especially vulnerable to kidnapping when they were alone or in small groups. Recently freed slaves who lived apart from their former masters were also especially vulnerable to opportunistic kidnapping and reenslavement precisely because they were not enmeshed in dense kinship networks that reduced social vulnerabilities. Freamon describes the long history and wide geographical reach of trafficking in women and children in the Islamic parts of the Indian Ocean world. Abductions in the context of violence funneled women and children into trafficking networks throughout the late twentieth and early twenty-first centuries in sites of conflict such as Sierra Leone and Liberia, and more recently the conscripted child armies of Uganda, Sudan, Central African Republic, Democratic Republic of the Congo, Côte d’Ivoire, and Guinea-Bissau.

EXPLOITATION: THE WORK OF TRAFFICKED WOMEN AND CHILDREN

There are and have been many ways of recruiting dependent women and children. Marriage, adoption, indenture, bonding, slavery, and the free
market, among other means, have been used to recruit and coerce dependent labor. From the standpoint of antitrafficking laws, it is the intention of the recruiter or user to exploit his or her dependent’s labor under conditions of coercion and use or threats of violence that determines whether an act of trafficking has taken place. There is therefore a vagueness in this definition as exploitation and coercion may exist in the free-labor market and in marriages. Anne Gallagher argues that the Palermo Protocol (the aforementioned 2000 UN trafficking protocol) does not define exploitation, but rather provides a list of contexts in which exploitation of trafficked people occurs: “the exploitation of the prostitution of others, or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude, or the removal of organs.” Explaining the legal status of the concept of exploitation as linked to the issues of trafficking is central to Allain’s chapter in this volume. Allain traces the convergence of the legal regimes dealing with trafficking and exploitation and explores how these practices were elaborated over the course of the major twentieth-century international conventions.

At the core of the problem of trafficking lies the issue of demand. Those at the end of the chain of acquisition of dependent and exploitable labor are interested in acquiring labor for a whole host of reasons including enhancing patriarchy, power, and financial reward. Chapters in this volume provide case studies of the connections between trafficking and exploitation. Rodet describes how the demand for coercible dependent female and juvenile female labor coincided with the end of slavery in French West Africa. McMahon explores how demand for coercible women and children resulted in kidnapping and trafficking. Roberts explores how the demand for coercible children for both agricultural tasks and for begging within the context of Senegalese traditions of Islamic education resulted in cases of trafficking. Freamon similarly explores how demand for coercible and exploitable women and children in the Islamic Indian Ocean led to a continued supply, even in the face of both Islamic legal restrictions and international legal efforts to prohibit such trade. Vos examines the recruitment and trade in trafficked women and children from west-central Africa. Issues of sexual exploitation of trafficked children are central to Akullo’s discussion of Operation Paladin in the UK and lie at the core of Kreston’s discussion of trafficking in girls and women in South Africa.

The status of the legal definition of exploitation is central to the late-twentieth- and early-twenty-first-century efforts to prevent and prosecute traffickers and users of trafficked person. It is also central to the debates among human rights advocates about the responsibilities of states toward trafficked people.

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Indian Ocean world

East African coast
PROSECUTION, PREVENTION, AND PROTECTION: THE DIMENSIONS OF POSTCOLONIAL AND CONTEMPORARY TRAFFICKING AND ANTITRAFFICKING

Collectively the final five chapters in this volume explore the intersection of humanitarianism, international law and domestic law, and interstate regional policies. Whereas the six historical chapters are anchored around close readings of archival evidence, the contemporary chapters approach trafficking and antitrafficking from diverse disciplinary perspectives but remain deeply empirical. The scale of coerced labor in Africa is difficult to gauge, and the scale of trafficking even more so, because they both are constitutive of a “hidden population.” Indeed, new and highly clandestine activities, including the trafficking of children in Africa and abroad for body parts and even ritual sacrifice, are further concealing the dimensions of mobility and criminal networks.

Empirical data on trafficking may be domestic, regional, or Africa-wide. Africa-wide estimates often emanate from international bodies concerned with exploitative labor, such as the ILO, which claimed 80 million African children between ages five and fourteen (or 40 percent of that cohort) were “exploited” through work in 1998. A number of regional bodies have also attempted to compile data to support regional “plans of action” to respond to the emergence of regional and subregional trafficking networks. The Economic Community of West African States (ECOWAS) collects and shares national data “on the means and methods used, on the situation, magnitude, nature, and economics of trafficking in persons, particularly of women and children.” Trafficking is particularly big business in West Africa, and vendors operate hubs throughout the globe for which human cargo constitutes only one element of international networks for movement of other illicit goods, including narcotics, diamonds, counterfeit pharmaceuticals, small arms, and toxic waste. The Southern African Development Community, for its part, established the SADC Strategic Plan of Action to Combat Trafficking in Persons, Especially Women and Children, effective August 2009. As domestic and regional trafficking operations in Africa now constitute parts of larger global networks, African trafficking statistics are also embedded in international data sets. As some data sources are “classified,” reports may have no references, such as the US Department of Justice’s claim that 800,000 to 900,000 victims are trafficked globally each year and 17,500 to 18,500 are trafficked into the United States.

National data on child labor is more accessible than trafficking data partly because of the institutional support the ILO provides in domestic data collection. National data on trafficking, while still uncommon in Africa, are becoming increasingly important for analyzing the contours of trafficking of children for the purposes of labor, but women as victims remain undercounted.

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National labor surveys have been commissioned from all sub-Saharan African domestic statistics agencies. Few have been completed. At this time, data on child labor (but not dependent or subordinate women), much of it related to trafficking, is available only from about one-quarter of sub-Saharan Africa. At best, these are educated guesses.

Reports investigating child labor tied to trafficking networks are often very detailed, but numbers are complicated by the variety of categorizations, which cannot be mapped neatly from one study onto another. Nigeria, for example, in a 2000 report, identified over 15 million “as working children,” of whom 52 percent were male. Among other things it described so-called “new types of child labor,” including “young bus conductors, child begging and scavengers and child prostitution.” In 2003 the Ghana Child Labour Survey estimated between 1.0 and 1.4 million child laborers, but set this against the specific constraints on child work as proscribed by the 1998 Children’s Act. The ILO estimated between ten and fifteen thousand West African children work on cocoa plantations in Côte d’Ivoire, sold by middlemen to farm owners for up to $340 each. In the Tanzanian coffee sector, 60 percent of laboring children were girls and 40 percent boys, while in the country’s tobacco sector the percentages were reversed. Among six hundred working children interviewed in Gabon between 1998 and 1999, only seventeen were Gabonese. A Ugandan survey of 16,345 households in 2004 noted that 20 percent had children “working for pay, 34 percent had children working without pay, while 21 percent had children working as a result of armed conflict.” Burkina Faso is experiencing an increase in child migration from rural communities to urban areas or abroad. A 2002 study showed that approximately 333,000 rural Burkinabe children between ages six and seventeen (9.5 percent) lived beyond close proximity of their parents. And in South Africa, approximately ten thousand children perform “paid domestic work” wherein they “face conditions that are likely to be detrimental to their health or development.” Aderanti Adepoju divides trafficking in Africa into three broad categories: trafficking in children primarily for farm labor and domestic work within and across countries; trafficking in women and young persons for sexual exploitation outside the region (exportation); and trafficking in women from outside the region for the sex industry (importation).

Trafficking of women and children continues to affect all countries in sub-Saharan Africa, and national and regional networks are also part of larger Africa-wide and transcontinental networks, as Akullo’s chapter demonstrates. Beginning with an assessment of child trafficking through Heathrow Airport, Akullo brings a criminologist’s perspective to the European Union’s efforts to curtail trafficking from Africa on Europe’s borders and through bilateral agreements with African nations to enhance their capacities to police trafficking.
Kreston’s chapter focuses on South Africa, which has emerged as a major regional site of recruitment and destination for human trafficking. Kreston critically evaluates the South African government’s response to what is clearly a crisis in human trafficking in the region and far beyond with the perspective of a former child crimes prosecutor.

Women and children continue to be drawn into contemporary trafficking networks in ways that resemble the historical antecedents explored by Rodet and McMahon. Pawnship and kidnapping and various other forms of subterfuge provide a continuous supply of new coerced laboring subjects. Whereas the sources for Roberts and Rodet are colonial court records and administrative memoranda, personal narratives from trafficking victims and perpetrators today appear more often in the reports of a nongovernmental sector eager to attract attention to their respective causes. As Lawrance demonstrates in his chapter, the public relations advocacy adopted by “neo-abolitionist” humanitarian organizations in pursuit of their antitrafficking objectives produces important framing devices, in both the language of the reports and the use of imagery. NGOs may deploy resources on a regional basis. Some, such as Plan International and Save the Children, operate hierarchically and remotely. Some, such as Anti-Slavery International, propose regionwide projects with multinational NGO cooperation led by one local partner. Terre des Hommes deploys regional and subregional directors to oversee the projects of domestic NGOs. Others coordinate networks of domestic researchers and finance the teamwork of local activists through jointly funded grants. Irrespective of their internal operational structure, NGOs deploy the personal testimony of trafficking victims and perpetrators to accentuate the urgency of the humanitarian crisis and consolidate public opinion behind the need for a firm legislative response. In some countries, like Ghana, NGOs played a very direct role in the promulgation of new legislative instruments. As Lawrance argues, the current proliferation of NGO activity on trafficking resonates with a rich vein of historical production originating with the activities of early abolitionists and missionaries.

The 2009 UN Global Report on Trafficking in Persons contains data on thirty-seven sub-Saharan nations. Each individual country summary contains important data. When interpreted collectively they demonstrate significant trends in sub-Saharan African trafficking. Some countries focus exclusively on children as victims and adults as perpetrators. Countries also provide data on traffickers and on prosecutions in which female traffickers account for a significant number of traffickers, ranging from 8 percent in Benin to 62 percent in Nigeria.

While child victimization and child labor are preponderant categories in sub-Saharan Africa, several nations also collected data on sexual exploitation
and on adults both as perpetrators and victims. As Buchbinder’s chapter demonstrates, Nigeria’s national antitrafficking strategy is expansive and well financed. Buchbinder provides insight into two very different child antitrafficking approaches employed by Nigeria and Togo. Whereas Nigeria focuses primarily on suppressing criminal trafficking, Togo is more concerned with child “welfare” in their home regions as a means to reduce the incentives for trafficking.

The annual USDOS TIP report has richer comparative data on trafficking but focuses on the criminalization of trafficking and antitrafficking legislative developments. Increasing attention to criminalization and the abandonment of earlier attempts to lessen the demand for dependent labor, characteristic of the 1980s and early 1990s, reminds us of an observation of Jean and John Comaroff to the effect that legal responses only “appear” to offer remedy. Unlike the UN-authored documents, the US report uniquely “ranks” states by their “compliance” with antitrafficking goals articulated in the 2000 US VTVPA and its subsequent reauthorizations. The US ranking of states demanded by the VTVPA has had profound implications for domestic strategies combating trafficking, as Buchbinder indicates.

Under US and international pressure, African nations are increasingly turning to criminalization as a strategy to safeguard the flow of development and aid monies. Ruby Andrew and Benjamin Lawrance’s examination of domestic legislative programs suggests the emergence of several paradigms of criminalization and additional tensions as a response to US pressure. As Akullo shows, European regional concerns, specifically with respect to immigration and unaccompanied minors, are also transforming how European nations understand trafficking, in particular when the subjects or victims are African.

This book explores the continuities and discontinuities over the long history of the trafficking of African women and children for labor and sexual exploitation. The chapters in this volume provide insights for students of human rights and of trafficking in women and children to understand the complex interplay of history, ideology, globalization, labor demand, poverty, and social vulnerabilities in yielding persistent but changing forms of the demand and supply of coerced women and children in Africa and throughout the world. The conversations in this volume among historians, legal scholars, criminologists, anthropologists, and activists demonstrate that fuller understandings of historical trajectories of change are needed to deal effectively with contemporary global problems.

We believe that there is significant value in putting pressing contemporary issues into historical perspective. A deep, historical view enables us to critique patterns of antitrafficking legislation over time and offers important
insights into contemporary debates. Collectively, the chapters analyze why some laws have never been effective and have had unfortunate consequences and why other laws have worked reasonably well. And equally important, the historical and contemporary chapters give a personal voice to the experience of women and children, from Mauwa on the Swahili coast in 1896 to Elsie in postapartheid South Africa.

Given the prominence of human trafficking in the early-twenty-first-century international agenda of human rights, a number of important issues remain unanswered. Core concepts such as slavelike conditions and exploitation remain vague. Common vocabulary as a way toward creating mutually intelligible reports and policies are needed. Greater clarity on the meanings of such core concepts will no doubt emerge in the course of regional and international court decisions regarding trafficking cases. Translating such agreement into concepts available to scholars and practitioners will be needed in order to advance informed policy.

Policymakers need to be mindful of the mutability of slavelike conditions over time and place. As several of our contributors discuss, traffickers during the colonial and postcolonial periods have been adept at disguising trafficked persons as wives and children, thus evading efforts at the international level to make more legible the acts of trafficking. Academic scholars can play important roles in providing policymakers with historical contexts and insights into local practices.

Most efforts to combat human trafficking have occurred at the level of supply, thus criminalizing the traffickers. The long-term success in combating trafficking can only occur if serious efforts to change the demand side of the equation are addressed. Such efforts will have to confront deep-seated cultural practices that exploit women and children. Thus, students of trafficking can contribute to informed policy by making clear the historical foundations and changes to the demand for coerced and coercible dependent labor.

Policymakers and scholars depend on good and accessible data. Despite efforts by the USDOS TIP reports and the requirements to provide information through the Palermo Protocol, good data on the scale of human trafficking is still not available. Part of the problem has been the focus on trafficking for the sex trade, which is a core component of human trafficking, but only the tip of a much more complicated phenomenon. Good data, common vocabulary, and a sensitivity to the mutability of human trafficking will contribute significantly to the efforts by historians, anthropologists, legal scholars, and human rights practitioners to better understand the problem of human trafficking and address its many incarnations. Human trafficking may be a central part of the twenty-first century human rights agenda, but it has long and deep historical roots.

Benjamin N. Lawrance and Richard L. Roberts
NOTES


4. The estimate of two hundred thousand has been widely circulated in news media and is partly based on D. Verbeet, “Combating the Trafficking in Children for Labour Exploitation in West and Central Africa,” synthesis report, ILO/IPEC, Abidjan, July 2000.


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15. Claire Robertson and Martin Klein, eds., Women and Slavery in Africa (Madison: University of Wisconsin Press, 1983); Campbell, Miers, and Miller, Women and Slavery; Campbell, Miers, and Miller, Children in Slavery.


18. The conventions were signed in 1904, 1910, 1921, and 1933. By 1933, the twenty-six state parties exhibited a much more international character. See Gallagher, Human Trafficking, 571n6.


20. Articles 1 and 2, respectively, of the Convention to Suppress the Slave Trade and Slavery, 1926.


22. Gallagher argues that had the signatories of the 1926 convention intended a broader mandate over practices similar to slavery, there would have been no need for the 1956 convention to articulate the more expansive definition. Gallagher, Human Trafficking, 181.


27. Ibid., 29–42.


32. Campbell notes that it is estimated that over two million slaves were exported from East Africa between 1830 and 1873, when slave shipments from Zanzibar were banned. See Gwyn Campbell, “Introduction: Slavery and Other Forms of Unfree Labour in the Indian Ocean World,” in The Structure of Slavery in Indian Ocean Africa and Asia, ed. Campbell (London: Frank Cass, 2004), ix; Edward A. Alpers, “The African Diaspora in the Northwestern Indian Ocean: Reconsideration of an Old Problem, New Directions for Research,” Comparative Studies of Asia, Africa and the Middle East 17, no. 2 (1997): 62–82.


40. Miers and Roberts, End of Slavery, 40–41.


45. Miers and Roberts, End of Slavery, 46.


of ‘Forced Marriages’ during Sierra Leone’s Civil War: The Possible Impact of International Criminal Law on Customary Marriage and Women’s Rights in Post-conflict Sierra Leone,” Columbia Journal of Gender and Law 15, no. 3 (2006); Jeannie Annan, Chris Blattman, Kristopher Carlson, and Dyan Mazurana, The State of Female Youth in Northern Uganda (Medford, MA: Feinstein International Center, Tufts University, 2008);


56. See UN Office on Drugs and Crime, Transnational Trafficking and the Rule of Law in West Africa: A Threat Assessment (Vienna: UN Publications, 2009); Monekosso, “Africa’s Trade.”


60. Ghana Statistical Services states, “According to the 1998 Children’s Act, children under 15 years are not supposed to be employed. However, by all indications, 22.2 percent of children worked for pay, profit or family gain in the last 7 days preceding the interview. Thus according to the Act, 1,407,770 children under 15 years were estimated to be working in Ghana. Under the same law, however, children can be allowed to do light work if they are 13 years and above. This suggests that all children below 13 years who are in any form of economic activity are in child labour. On the basis of age alone, then, 1,031,220 children in Ghana
could be said to be in child labour.” GSS, “Ghana Child Labor Survey” (March 2003), 137.


68. In South Africa seventy-nine Nigerian nationals were arrested in 2005 in connection with running a child prostitution ring. See UN Office on Drugs and Crime, *Organized Crime and Irregular Migration from Africa to Europe* (New York: UNODC, 2006), 31n64.


72. For example, Les Associations d’Enfants et Jeunes Travailleurs is coordinated by Enda TM Jeunesse Action and financed by grants from Caritas, Enda Tiers Monde, Save the Children Suède, SKN Hollande, Terre des Hommes Deutschland, Genève, and L’Union Européenne.


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