

CORRUPTION AND HUMAN TRAFFICKING: THE NIGERIAN CASE

Osita Agbu

Introduction

“For those of you who think it cannot happen to you, I want to let you know that the dragnet of the traffickers is so wide that only God knows who is safe.”

Titi Atiku Abubakar, Wife of Nigeria’s Vice-President

The above statement indicates that the problem under focus is enormous, more so for those who live in highly corrupt societies. Whilst corruption is a common phenomenon in human practice, human trafficking as presently practiced is a recent addition to the dictionary of global woes. Though rampant globally, corruption varies from region to region and country to country in its intensity. Human trafficking, in contrast, tends to be systematic in its occurrence, especially that its span increases as the globalization process intensifies. Though previously in existence in forms such as prostitution, child labour and domestic servitude, today, contemporary human trafficking is an organized business just as the transatlantic slave trade was with various linkages spread around the globe. Today, not only children and women are trafficked; young boys seeking greener pastures abroad also fall prey to this evil. It can safely be argued that in this age of jet-planes, cellular phone, and the Internet, there are faster means of dealing in human commodities than before. There is little doubt that globalisation has created inequalities and inequities resulting in the migration of the poor to the rich regions of the world. Hand in hand with this came the commercialization of humanity, which is akin to modern day slavery. In times past, slavery and slave trade existed in various forms: people became slaves as war captives, criminals were punished with enslavement, and in some cases individuals in impoverished circumstances sold their relatives. However, in whatever form it took, it was quickly realized by most civilizations that the practice was the basest of crimes against humanity. One would have thought that, with the immense improvements in the understanding of human nature and the environment, any form of exploitation that looks like slavery would be abhorred automatically. Alas! This is not the case, as human beings are today, prized as commodities and exchanged for money like any other article in the market.

The business of trafficking in humans is today organized loosely by groups that are also involved in weapons and narcotics, colluding with government officials in dozens of countries. There is very little doubt, that it is a lucrative business and may be one of the most difficult to combat. Its corrupting effects on governments and institutions are barely perceptible because they are a less visible than those caused by gunrunning and drug trafficking. Exploiting the poverty and the low status of women in the developing world, middlemen are able to bring together the supply and demand for cheap labour and sex in ways that would have simply been unthinkable not long ago. Evidently, globalization has not only stimulated the movement of capital, goods, and technology but also the movement of all categories of peoples from one end of the world to the other. This global development brought in its wake the loosening up of protective barriers and political boundaries which organized criminal gangs have capitalized on to perpetrate many heinous acts including human trafficking.

Though the fact of human trafficking is not difficult to understand on its own, its dimensions and categorization continue to multiply by the day. Broadly conceptualized, human trafficking include forced and child prostitution, domestic servitude, illegal and bonded labour, servile marriage, false adoption, sex tourism and entertainment, pornography, organized begging, organ harvesting, and other criminal activities.¹ Organ harvesting, sometimes referred to as organ laundering, involves the trafficking of humans for the purpose of selling their organs for money. This shows the very barbaric dimension of this crime. A Protocol on Trafficking, attached to the UN Convention Against Organized Crime, signed by 80 countries and the European Union in December 2000, formally defined trafficking as a modern form of slavery and indentured servitude, linked to organized criminal activity, money laundering, corruption and the obstruction of justice. Using broad language, this protocol defined trafficking as the recruitment, transportation, transfer, harboring, or receipt of persons using force, coercion, abduction, fraud, deception, abuse of power, or vulnerability, or the giving and receiving of payments to achieve consent of a person or having control over another person.² However defined, what is generally accepted is that human trafficking, whether in women or as child labor, constitutes a fundamental violation of the human person.

However, the object of this article, is to look more closely at the linkage between corruption and human trafficking which appears to have been given very little attention until recently. The specific questions addressed in this article include: What really is corruption and how does it relate to human trafficking or the trafficking in persons? Is there some collusion between traffickers and government agents or officials? If so, what is the nature of this collusion? And finally, what possible policy interventions could be applied to reduce or check the opportunities for corruption, which fuels the trafficking in human beings?

Corruption and the Nigerian State

To say that corruption is rampant in Nigeria is to restate the obvious. Corruption in Nigeria, as it presently manifests, should more appropriately be termed endemic or systemic. However, this is not to say that the democratically elected government of President Olusegun Obasanjo did not recognize this fact, or has done nothing about it. But in a situation in which corruption has become institutionalized, it may take nothing less than a decade to make a dent on the solid wall of bribery and corruption existing in the Nigerian society at this moment in time.

In retrospect, the political bureau established in 1987 attributed the failure of politics and governance in Nigeria basically to corruption. Also, the British Department for International Development (DFID) maintains in its “Nigeria: Country Strategy paper for the year 2000,” that poverty persists in Nigeria because of the mismanagement of resources and corruption, found particularly but not exclusively in the public sector.³ Beyond the pilfering of public funds, the amassing of fortunes by illegal or corrupt means does not seem to necessarily disturb the average Nigerian as to make him loose sleep over it. The World Bank defines corruption as:

The abuse of public office for private gains. Public office is abused for private gain when an official accepts, solicits, or extorts a bribe. It is also abused when private agents actively offer bribes to circumvent public policies and processes for competitive advantage and profit. Public office can also be abused for personal benefit even if no bribery occurs, through patronage and nepotism, the theft of state assets or the diversion of state resources.⁴

The Asian Development Bank understood corruption as involving “the behavior on the part of officials in the public and private sectors, in which they improperly and unlawfully enrich themselves and/or those closely related to them, or induce others to do so, by misusing the position in which they are placed.”

However, corruption as a phenomenon, is a global problem, and exists in varying degrees in different countries. Whereas it may be endemic in some countries like Nigeria, it could also be moderate or low in others. For instance, corruption exists to varying degrees in the United States, Britain, France, Greece, Japan and Italy. So there could be different types of corruption ranging from petty corruption to political corruption.⁵ For our purpose here, it is necessary to pay closer attention to political/bureaucratic corruption and what has been termed systemic corruption.

Political corruption in particular should be considered a very dangerous strain as it transforms power into a means not of governing for the common good

but of enriching those in power and/or spreading all manner of rewards among loyal supporters at taxpayer's expense including, of course, working up dubious financial schemes. In Nigeria, we have seen the development of a vast system of institutionalized political corruption sometimes emanating from the very top and pervading all governmental institutions with perverse influence on the rest of society.⁶ Political/bureaucratic corruption also involves the violation of election laws, and campaign finance regulations. It may be intrinsic to the way power is exercised and may be impossible to reduce through lawmaking alone. An extreme instance of political and/or bureaucratic corruption occurs when state institutions are infiltrated by corrupt elements and turned into instruments of individual enrichment.

Systemic corruption, sometimes also referred to as entrenched corruption, occurs where bribery, on a large or small scale is routine. It is regularly experienced when a license or a service is sought from government officials. It takes place when wrongdoing has become the norm. It differs from petty corruption in that it is not as individualized. Systemic corruption is apparent whenever the administration itself transposes the expected purposes of the organizations; forcing participants to follow what otherwise would be termed unacceptable ways and punishing those who resist and try to live up to the formal norms.⁷ In this case, societal morality is almost non-existent as it had become gravely eroded as the years went by.

For Nigeria, various factors have been identified as instrumental in enthroneing corrupt practices. These include, briefly, the nature of Nigeria's political economy, the weak institutions of government, a dysfunctional legal system, a culture of affluent and ostentatious living that expects much from "big men," extended family pressures, village/ethnic loyalties, and competitive ethnicity.

However, it is in terms of the effects of corruption on a society that a clearer link is established between corruption and human trafficking. In developing countries like Nigeria, corruption has adversely affected governance and the larger social structure. Government's ability to provide vital social services such as water, sanitation, healthcare, education, etc. is usually severely constrained. This generally leads to a retardation of economic development and to the deterioration of whatever public infrastructure has been put in place. Critically, it can be observed that in Nigeria, unbridled corruption has led to bad governance, in spite of the various legislations put in place to check corruption whether under military or civil rule. The Obasanjo administration has put in place an embattled institution known as the Independent Corrupt Practices and Other Related Offences Commission (ICPC) mandated to monitor and indict corrupt public officials. This body is embattled to the extent that the upper house of the Nigerian legislature, the senate, is seeking to weaken its investigative powers.

Suffice it to say that bad governance led to very severe economic hardship on the masses. Then came the Structural Adjustment Programme (SAP) introduced in 1986 with its anti-poor conditionalities, leading to the generation of

economic migrants and the phenomenon of brain drain. Amongst these economic migrants are today's trafficked women and abused children who, for want of something to eat, ignorance or greed or a combination of these, fell victims of the international process of commodification of human beings, voracious sexual pervers, and organized criminal syndicates. In a sense therefore, human trafficking is a consequence of bribery and corruption, embezzlement, looting and siphoning of public funds abroad, and fascist military rule.⁸ The cumulative psychological trauma resulting from severely constrained existential conditions made some Nigerians to flee their country and fall into traps laid by unscrupulous traffickers. Efforts to address this problem should be holistic — embracing good governance, accountability and transparency. Though, a fairly common prescription, it is in the long run, the only sustainable approach to addressing this problem.

It is not that corruption has not been recognized as the “enemy within,” it is, however, that the political will to begin to tackle this problem in Nigeria has been non-existent, except for the Muhammadu Buhari/Tunde Idiagbon regime (1984-85) and the present civilian government of Olusegun Obasanjo. Past futile interventions against corruption include, the Corrupt Practices Decree of 1975; the public officer (Investigation of Assets) Decree no. 5 of 1976, supplemented by the Code of Conduct Bureau and Code of Conduct Tribunals as provided for in the 1979 Constitution; Shehu Shagari's Ethical Revolution (1979-83), with a minister of cabinet rank in charge of “national guidance”; the “war against indiscipline” campaign under the Buhari Idiagbon junta, which was to some extent the only serious intervention; and the National Committee on Corruption and other Economic Crimes under Ibrahim Babangida (1985-93). The Babangida regime also came up with the Corrupt Practices and Economic Crime Decree (Draft) of 1990. This Decree expanded the definition of corruption to encompass the private sector. It also avoided unnecessary technicalities and provided stiffer penalties. However, that government did not really take the issue of corruption seriously. It could actually be argued that corruption in Nigeria became institutionalized during this period. Even, the Sani Abacha regime (1994-99) came up with its own anti-corruption decree: the “Indiscipline, Corrupt practices and Economic Crime (Prohibition) Decree 1994” which was largely a replica of Babangida's 1990 draft decree on “corrupt practices and economic crime.”

That the country is still preoccupied with the issue of corruption today speaks to the fact that all these interventions failed. The situation also implies that law making alone cannot solve this problem. Other policy options must be explored.

Nigeria and the Global Problem of Human Trafficking

Nigeria is not the only country perpetrating human trafficking; nor is it the only country suffering from its effects. It is estimated that one to two million people are trafficked around the world every year — mostly women and children, but increasingly men and boys as well — generally for forced prostitution, agricultural bondage, or other forms of indentured servitude.⁹ One estimate indicates that approximately 50,000 of those trafficked around the world are taken to the United States.¹⁰ A conservative count of people trafficked to all parts of the globe, especially to western Europe, the Middle East, Japan, North America and Australia, in the year 2000 included 250,000 persons from southeast Asia; 150,000 from south Asia, 100,000 each from the former Soviet Union and Latin America; 75,000 from eastern Europe, and another 50,000 from Africa. An estimated 35 per cent of all trafficked persons globally constitute children under the age of consent.

Perhaps realizing that the United States is both a transit and destination country for trafficked persons, the U.S. government has been in the forefront of those seeking remedies to this crime. Their framework for attacking the problem includes: *prevention* through education, increasing public awareness about economic alternatives, *protection* for victims of trafficking, and *prosecution* of traffickers. In the year 2000, for example, the U.S. Congress enacted the Victims of Trafficking and Violence Protection Act, requiring the secretary of state to report to Congress each year on severe forms of trafficking around the world, and to render assistance to governments combating human trafficking on their own soil. The Act also linked trafficking with domestic violence and spelled out sanctions against those who engage in slavery and laid down procedures for victim restitution. Programs already in place aim to foster close cooperation between government and the NGOs to enhance public education and awareness programs targeted at the vulnerable groups.

Although statistics on the number of Nigerians involved, mostly as victims, vary widely, it was reported by the Nigerian Police Force and the Women Trafficking and Child Labour Eradication Foundation (WOTCLEF) that between March 1999 and April 2000 about 1126 women trafficked out of the country were deported from various countries. This figure excludes the dead, the maimed, and those that sneaked back into the country. It also does not include hundreds stranded in the streets of Europe and Asia.¹¹ Further statistics released by WOTCLEF, put the figure of trafficked Nigerian women deported as at December 2001 at about 5000.

WOTCLEF, which was founded by Amina Titi Abubakar, wife of Nigeria's vice-president, Atiku Abubakar, estimates that "an average of 4 Nigerian girls are deported every month."¹² The effect of human trafficking especially on the

victims is better told than experienced. An interview with one of such victims revealed that in Italy Nigerian women forced into prostitution are compelled to have sex with anything from four to twelve men in a day. Put crudely these women, unlike drugs that are used once only, can be used repeatedly before they are ultimately discarded. For traffickers, the profits are too high, and the penalties too low, to resist the trade. Many of the women arrested and repatriated were trafficked mainly to Italy, Belgium, Holland and France. Others were known to have moved to the Arab World and the Far East in search of greener pastures but were eventually lured into prostitution. At a March 2002 seminar organized in Lagos by the International Federation of Women Lawyers (FIDA), WOTCLEF reported that there are about 20,000 Nigerian women involved in the sex industry in Italy. The *Daily Champion* of 12 July 2002 reported that 80% of foreign prostitutes in Italy were Nigerian women. (One question many Nigerians ask is how come trafficked women manage to find their way to Italy when, under normal circumstances, it is very difficult for the average Nigerian to obtain a visa to travel Italy.) Information available revealed that most of the trafficked girls were from Edo, Delta, and Lagos states with an average age range of between 15 and 35 years. It should be noted that this is normally a highly productive — in terms of economic and social labor (like mothering) — age range in all societies.

In one revealing instance, 12 prominent businessmen suspected of trafficking 13 Nigerian women for prostitution abroad were intercepted at Nigeria's Seme border with Benin. Further investigations revealed that 500 of such women were practicing prostitution in Bamako, Mali, while more than 500 others were hawking their bodies in Burkina Faso. Those behind this trade trick the young women into traveling outside the country with promises of lucrative jobs in Europe. Once they leave, their leaders compel them to go into prostitution, ostensibly to fund their journey to Europe. Many of these women never get to the promised destination but are usually abandoned midway. A report of the International Organization for Migration noted that in many cases traffickers seize their victims' travel documents and sell the women to brothel owners. The victims are then told that to recover their document they would have to repay the cost of their transportation and subsistence. Failed escape attempts usually end in severe confinement and physical assault, and families of those who succeed in running away can be threatened with violence. Because these women are isolated and cannot speak the local languages, they are usually vulnerable to abuse.¹³

Unfortunately, law enforcement agents in whom women should place their trust do not make things any easier. Sometimes, law enforcement officers become part of the syndicate. In Bosnia, Human Rights Watch found evidence of visa and immigration officials visiting brothels for free sexual services in exchange for ignoring the doctored documents produced by traffickers to facilitate transport through the country. In 2001, a former police officer and 50 other Nigerians were arrested in Conakry by Guinean authorities. According to the Nigerian

ambassador to Guinea, Abdulkadir Sani, of the 51 detainees, 33 were young women between the ages of 18 and 20, while 17 others were men suspected of being behind the trafficking of the girls.¹⁴ The report disclosed that 95 per cent of those being held were from Benin, Edo State and that the former police officer among them used to work for the Benin police command. Fake Guinean passport booklets, fake flight tickets, and American dollars were recovered from the 17 suspected traffickers. The human trafficking unit of the Nigerian Immigration Services identified some countries as what may be termed consumers of human trafficking. These include Italy, Saudi Arabia, Gabon, Macedonia and India. Whilst the link between procurers of victims within Nigeria and their external collaborators has not been properly established, it has been revealed that the Nigerian Police, instead of counseling and enhancing the rehabilitation of the victims, further aggravate the predicament of these women by subjecting them to persecution and extortion while they are in holding cells. This development can only be counter-productive to the efforts at curbing this crime against humanity. These point to the fact that some collusion exists between the traffickers and certain government agencies; how else could the women have successfully traversed the various borders without being detected. The volume of human trafficking correlates, I would suggest, with the level of corruption in the agencies that directly deal with immigration and organized crime.

The relationship between corruption and trafficking in humans could be measured with instruments such as Transparency International's Corruption Perceptions Index (CPI) and the United States Trafficking in Persons List (TIP). The CPI, together with TIP, permits one to determine the extent to which a country tolerates trafficking in or through its territory and the extent to which it is seen to be corrupt. The expected standards under TIP include (a) national laws prohibiting and punishing acts of trafficking; (b) laws prescribing commensurate punishment for "grave crimes" (such as trafficking involving rape, kidnapping or murder); (c) actions sufficiently deterrent to prevent trafficking; and (d) serious and sustained efforts to eliminate trafficking.

Nigeria was categorized in tier 2 of the Trafficking in Persons Country List for 2001 compiled by the United States government and the Transparency International. This tier lists states that do not meet minimum standards of combating human trafficking but are recognized to be making efforts to do so. Other African countries in this category include Cote d'Ivoire, Cameroun and Uganda.¹⁵ TIP and CPI studies conducted by the U.S. government suggest strongly that corruption and trafficking are strongly related. Indeed, the US Anti-Trafficking Act flatly states: "trafficking in persons is often aided by official corruption in countries of origin, transit and destination, thereby threatening the rule of law." Basically, trafficking can be linked to state corruption through the activities or non-action of agencies of law enforcement, customs, immigration, and banking.

Efforts at Combating Human Trafficking

Besides global interventions, both Nigerian NGOs and the government are involved in efforts to combat human trafficking. Worthy of mention amongst others are the National Council of Women Societies (NCWS), FIDA, and WOT-CLEF. The activities of the NGOs, especially WOTCLEF, go a long way in exposing the dimensions of this trade in Nigeria and bringing succor to many of the victims. Also worthy of note is the government's interest in fighting corruption on all fronts. However, it seems Nigeria's laws cannot effectively control corruption for the simple reason that they were not designed for the kind of society existing now. There are problems with the adversarial criminal justice system not the least of which are its technicalities and inadequate enforcement agencies.

For the government, tackling human trafficking means engaging corruption directly. Drawing inspiration from the Corrupt Practices and Economic Crime Draft Decree of 1990, the Obasanjo Government has put in place the legal framework encapsulated in the Corrupt Practices and other Related Offences Act, 2000, signed into law on June 13, 2000. This bill seeks to prohibit and prescribe punishment for the hydra-headed problem of corrupt practices and related offences. To this end, the Act establishes an Independent Corrupt Practices and other Related Offences Commission (ICPC).¹⁶ The efforts of the Obasanjo government in tackling corruption, though not very satisfactory, should be recognized. Already stolen funds totaling about N84 billion as at 2001, had so far been recovered from the family of the late Head of State, Sani Abacha, and returned to the Central Bank of Nigeria. This was part of the monies stolen and stashed away in foreign bank accounts by Abacha and his family members. According to the Obasanjo administration, the recovered monies will be channeled towards the funding of development projects.

It is widely believed that the present anti-corruption law, being a federal legislation, has positioned government in a better position to confront corruption generally. Keen observation also shows that most common forms of corruption are now criminal offences. Problems associated with undue technicalities and unnecessary delays during regular trials of corruption crimes are now largely eliminated because the new law stipulates that trials must be concluded within 90 working days. The new law provides for the seizure of movable and immovable property suspected to have been acquired through corrupt means and forfeiture of same following conviction. The legal framework for preventing corruption is quite adequate in its objectives, whether it will achieve its aim will, however, depend on other variables.¹⁷ Since a realistic way to combat corruption is to reduce or eliminate opportunities for corrupt practices, one could take the risk at this juncture to say that the political will is there on the part of the government. The only way the government can convince the people of its seriousness about fighting corruption is to enforce the law in instances where corruption has been clearly established. Unfortunately, it cannot be said that

the government has done this.

From the civil society, WOTCLEF initiated an “anti-trafficking bill drafting committee” in June 2000. The committee has drafted a bill that, if passed into law, will help harmonize the existing laws, prevent trafficking, prosecute traffickers, and protect the trafficked. The bill is still before the National Assembly. The foundation has also been in the forefront of advocacy aimed at educating the Nigerian public, especially vulnerable groups, about the extent of this problem and the need to check its continued rise. It has so far visited eleven states in the country and established vanguards/clubs in many secondary schools and institutions of higher education.

Concluding Remarks

By and large, we have seen that any effort at addressing the problem of human trafficking would just have to revisit the issue of corruption in high and low places especially in government bureaucracy and other relevant agencies. Personnel of these agencies have to be made to understand the implications of their actions and inactions on issues pertaining to trafficking in women and children. Quite often, we forget that corruption in the public sector is in fact induced by private sector corruption. There is a need to address corruption in both the private and public sectors.

Set below are some useful ways of tackling corruption and human trafficking:

- Incorporating human rights and development perspectives into anti-corruption work.
- Enacting a comprehensive law that will cover most aspects of human trafficking, specify severe punishment for traffickers, rehabilitate victims, and give law enforcement officers adequate investigate tools.
- Increasing security at border posts, and adequately equipping law enforcement agencies to check the schemes of the traffickers.
- Capacity building at all levels for the eradication of human trafficking.
- Public enlightenment through regular workshops, seminars, conferences, and through print and electronic media. Schools, religious bodies, traditional institutions, and the family should be sensitized on the evils of this abominable trade.
- Education and some form of employment for the teeming youths.
- Discouraging excessive materialism and the culture of ‘get rich quick’.¹⁸

- Ensuring proper coordination of efforts between the police and other state security services.

In short, combating human trafficking should be located within the larger context of underlying social and economic problems. Efforts aimed at remedying the low status of women — particularly the economic disadvantages they face — must be woven into a larger anti-poverty, anti-corruption framework at national and global levels.

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