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The “Right” to be Trafficked

CHARLES PIOT*

ABSTRACT

The post–Cold War dispensation in Togo, West Africa, ushered in a new lexicon of politically salient terms, among them droits de l’homme. Initially deployed in the early 1990s by members of the political opposition to expose dictatorial abuse, this potent signifier then found its way into society at large and, spurred by NGO support, was taken up by women’s groups in struggles over gender inequality. This essay explores droits de l’homme’s itinerary in the villages of northern Togo where teenage children embraced the term in proclaiming their freedom from parental control. Ironically, the same children now leave their villages to labor in Nigeria, declaring their “right” to abandon family and to participate in a labor regime that the United Nations and the NGOs describe as “child trafficking” and a new form of enslavement—and thus as a violation of these children’s “rights.”

INTRODUCTION

This article explores the itinerary of a term, droits de l’homme (human rights), as it made its way into the lives and everyday lexicon of Togolese after the end of the Cold War. Initially appropriated by members of the political opposition in their struggle with a repressive regime, it migrated to nongovernmental organizations (NGOs) advocating for women’s rights. Then, in a strange twist, it was adopted by school children in rural areas wanting to assert their autonomy from parental control. I focus especially on this latter iteration and on an NGO initiative to stop the migration (“trafficking”) of these children to Nigeria to engage in a labor regime that these organizations describe as a new form of enslavement (and thus as a violation of their human rights)—which, however, youth willingly submit themselves to in the name of les droits de l’homme.

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In pursuing droits de l’homme’s quirky pathway through the Togolese socio–political landscape, I am interested in following its shifts in meaning as it enters diverse contexts. As an open signifier, it has not only given voice to silenced constituencies but also generated new alignments and synergies. Tracking the language of human rights in this context thus opens a window into a field of culture in motion, and indeed of culture creation. But first, some background on human rights issues in Togo.

I. STAGING HUMAN RIGHTS

Togo, and West Africa more broadly, underwent a sea change at the end of the Cold War, and this change was in many ways more far-reaching than that which occurred at the time of independence in 1960. The system of power relations that defined the colonial era (1884–1960)—an authoritarian state tethered to the metropole, on the one hand, and to chiefs in the villages (through the system of indirect rule), on the other—was largely reissued by the postcolonial era. Thus, while the Togolese ran the post–independence state, the form of the state remained the same, with strings to Europe, on one side, and village chiefs, on the other. It was this triangulated system of authority relations and its clear chain of command that unraveled in the 1990s.

No longer finding strategic interest in West Africa, the Western powers (in Togo’s case, France and the United States) withheld funding that had kept the state afloat during the Cold War. In a familiar 1990s (neoliberal) script, many state functions and common properties were privatized, and de-salaried state actors began seeking new sources of income, some entering the underground drug and weapons trade and others creating their own NGOs in an effort to attract foreign income and boost personal earnings.

In Togo’s villages, the state was forced to pull back from social and development fields, and the dictator was forced to curtail special favors to clients, including long-standing stipends to chiefs. Today, the

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2. The Togolese state’s development agency, Affaires Sociales, had been active in most towns and villages throughout the country during the 1970s and 1980s, but, deprived of resources in the 1990s, it largely disappeared from the development field and became a shadow of its former self. In the northern town of Farendé, for instance, the Affaires Sociales director was de-salaried in the mid-1990s. He continued to show up for work every day until his retirement in 2005 (so that he would receive his pension), but, without resources, he was unable to continue any development projects begun in the 1980s and early 1990s.
chiefship system is in shambles, with many chiefships lying vacant and few willing to step forward to take their place. Moreover, the Cold War dictator's pet project—supporting "tradition" in the villages—is in retreat, not only because chiefs, those patrons of tradition, are on the way out but also due to attacks by a burgeoning charismatic Christianity, which demonizes village deities and forbids converts from participating in local ceremonies.

While the dictatorship was losing external monetary and military support, popular protest was rattling the state from within. During the summer of 1991, after months of clashes on the streets of the capital between dissidents and the military, and the disappearance of key members of the political opposition, Togo's dictator of twenty-five years, Gnassingbé Eyadéma, capitulated to calls for a national conference to organize a transition to democratic elections. The conference unleashed a cascade of commentary condemning the years of dictatorial rule and surprised the citizenry with its directness. Critics—lawyers, academics, and politicians—stepped forward to voice their complaints, openly condemning disappearances, northern favoritism, patrimonialism gone wild, and the runaway military apparatus that had become the dictator's private army.

It was in this context that the term *droits de l'homme* first entered everyday parlance. Circulated by prominent lawyers in the political opposition, lawyers trained in France and the United States, and spurred by events in other African capitals during the 1990s, the term became a potent political signifier. It stood, in the first instance, for the struggle against dictatorial authority, and was adopted by a citizenry long denied the right to assemble, to organize, to speak politics in public, or to constitute themselves as an opposition. By association, the term also came to stand for the fight against other forms of authority. Women's rights groups challenged patriarchal inheritance laws,
domestic violence statutes, and female genital cutting all in the name of droits de femme. Children also took up the call, challenging parental authority in the name of droits de l'enfant.

Yet, as anthropologists and postcolonial studies scholars have long reminded us, traveling terms often have strange itineraries that rarely translate in straightforward ways. They enter complex and fraught cultural and political fields where they signify in ways that are novel and unexpected. Togo's case, one of ceaseless political contestation, is no exception.

For one, the identification of droits de l'homme with the Togolese political opposition had strong implications for many on the other side of the political divide, both elites and subalterns from Togo's north. The term became identified with, and stood as proxy for, all that the opposition was engaged in, including acts of violence against northerners that became commonplace during the 1990s on the streets of Lomé and in southern farming communities. "Is this what les droits de l'homme means, the right to commit violence against innocent people?" I heard repeatedly from northerners during this time. "And what does it mean," they would add in befuddlement, "that in the name of les droits de l'homme the jail doors are opened and prisoners are set free?" This was how droits de l'homme often played on the streets. It contributed to a general feeling that the moment of démocratie was and is a time of violence and disorder—a time when citizens have a "right" to commit violence, when prisoners have the "right" to walk free, and when children have the "right" to disobey their parents.

Here is another local twist to this travelling human rights story. A series of Amnesty International reports appeared during the late 1990s documenting the role of the Togolese state in the torturing and

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8. A North–South ethnic divide has subtended Togolese politics since the early independence period. A minority group from the North has been in power since 1967, when it wrested rule from a southern majority. Both groups have repeatedly played the ethnic card in furthering their political causes.

9. They thus assumed that most prisoners, and many of those who were set free, were in jail for serious—not merely political—offenses.
“disappearing” of members of the political opposition during elections. Each time Amnesty sent a delegation, however, the state would convene its own commission to investigate, and, needless to say, would present another version of the facts—its own “human rights” report—challenging the evidence and testimony on which the Amnesty reports were based. At the very least, the state proved itself adept at recognizing that there was a new game in town—of international monitors convening commissions and generating reports—a game which it also had to play, while at times exposing an overzealous Amnesty investigation. And here a side story of bizarre bedfellows and transnational complicity: the Togolese state was aided in its jockeying with the human rights organizations by a brilliant, well-known French jurist, Charles Debbasch. Hired by Eyadéma in the 1990s, Debbasch remains a resident in Lomé today and retains an office next to that of Faure Gnassingbé, Togo’s current President, the son of the deceased dictator. On the street in Lomé, Debbasch is widely thought to be the legal brains behind the Togolese state’s clever parrying with the new international legal order.

It is important to keep in mind the larger post–Cold War context within which droits de l’homme has become meaningful. This is a context in which state power is on the wane, in which sovereignty has become diffuse and dispersed, and the biopolitical (the reproduction of populations) has become the province of NGOs and churches. For today, it is the Pentecostal/charismatic churches and the NGOs, more than the state, who decide who lives and who dies. In these shifting sands, in a moment when an entire socio-political order is being unmade and remade, droits de l’homme has come to serve as a currency that translates across domains and registers, and gestures towards a new

11. For further discussion of how the Togolese state played this game, see John L. Comaroff & Jean Comaroff, Law and Disorder in the Postcolony: An Introduction, in LAW AND DISORDER IN THE POSTCOLONY 1, 23–24 (Jean Comaroff & John L. Comaroff eds., 2006).
postdictatorial notion of citizenship. Acting as a floating signifier, to be sure, it nevertheless provides a semi-stable, or at least now familiar, referent in an otherwise turbulent world of emergence. Though referencing a larger global stage, John and Jean Comaroff propose something similar in accounting for the spread of legalism and legalese—legal language, legal argumentation, human rights talk, constitutionalism—across the world today. Their argument, in part, is that the new legalism fills a gap opened by global realignment and the fraying of the neoliberal nation-state after the end of the Cold War.\textsuperscript{13} The invocation of \textit{droits de l'homme}, I am suggesting, plays a similar role in Togo today.

II. A Traveling Term

In Togo's northern villages, where I have worked since the mid-1980s, \textit{les droits de l'homme} took an unexpected turn. There, youth appropriated the term in challenging parental authority, for example, by demanding money before working their fathers' fields—500 CFA ($1) per child-cultivator for three hours of labor—and invoking \textit{les droits de l'homme} when upbraided by their parents. One extreme albeit emblematic example: a recalcitrant sixteen-year-old (the daughter of my long-standing research assistant) who stayed out nights and slept until noon, while her parents and siblings worked the fields and completed household chores. She responded to her exasperated father's suggestion that she move out and fend for herself with the riposte that the homestead belonged to the children and it was rather her father and mother who ought to move. As her disconsolate father put it, "this is what \textit{les droits de l'homme} has taught our children." In a cascade of collapsing authority relations, the family patriarch has gone the way of the chief and the dictator. Indeed, confirming the internal connection between authority systems, a friend recently commented in discussing an altercation with his father: "The head of the family is a little dictator. I assure you, if my father had been Togo's President, he would have been worse than Eyadéma!"

I have asked northerners how the term \textit{droits de l'homme} gained such currency among children at this time, and the response is always the same. As it made its way onto the airwaves during the national conference, the youth appropriated it and circulated it in the schoolyard. Indeed, many villagers today list \textit{droits de l'homme} and the mid-1990s arrival of tradition-bashing Pentecostals as the reason for the villages' contemporary malaise, rather than the country's political crisis, the

\textsuperscript{13} Comaroff, supra note 9.
I turn now to the most recent phase in the struggles between youth and their parents in the northern villages, the “trafficking” of children from these villages to Nigeria.

As a friend and I descended the mountain from a Kabre village in northern Togo into the plain one morning two years ago, a teenage boy on a shiny motorcycle rode past us and disappeared into a cornfield. “Nigeria,” my companion said. “He’s just back from Nigeria, where he worked for a year and received this motorcycle as his prize.”

Among young and old alike, this fifteen-year-old was the talk of the town, as was another boy in a southern community I visited a few weeks later who had also gone to Nigeria and returned with a sleek chrome machine that he drove endlessly around the mud pathways of his village. All—elders and children alike—were envious of these motorcycle children while nevertheless also critical of a practice that pulled able bodies away from the village. They also worried about the conditions under which their children labored in Nigeria and about what would happen were they to get sick—with, as they said, “no family to care for them.”

As the sound of the motorcycle receded, I realized these were precisely the children whom dozens of international NGOs were targeting in a massive child trafficking campaign in West Africa—a campaign that streamed across U.S. and European newspapers in 2006 with articles on “The New Slavery.” Sparked by the discovery in 2004 of a Gulf of Guinea boat bound for Gabon filled with Togolese children packed like sardines—evoking nothing so much as Middle Passage slave ships—Amnesty International and Human Rights Watch had taken up the cause and successfully brought West African “child trafficking” to the attention of NGOs working on human rights issues. By 2006, a score of international agencies in Togo were devoting money to the cause and the Peace Corps had assigned a dozen volunteers to work on it in Togo’s rural north, an area where the ongoing economic crisis had made a prime recruiting ground for middlemen trying to lure children to Nigeria, Ghana, Côte d’Ivoire, and Gabon. Even Oprah joined the cause. After reading an October 2006 article in the New York Times on child labor in Ghana, she devoted an entire episode and a page of her website to child trafficking in West Africa.

14. LaFraniere, infra note 19.
Those Kabre children who are “trafficked” are in their mid-teens, and are mostly boys who exchange their labor on Nigerian farms for room and board and the year-end prize of a motorcycle, a mill, or tin for a roof. Some girls go too—to work as domestic laborers or in the sex trade. These migrant children are recruited by locals who have already made the trip to Nigeria, and having returned with a motorcycle or mill, continue to work for Nigerian middlemen who have promised additional riches in return for new recruits. Coming from villages where they would otherwise be farming for their parents, these laboring teens are easily seduced by the lure of wealth abroad—despite the fact that they will be laboring in conditions unknown and creating wealth for others (rather than for their parents at home).17

When I was in Togo in the summers of 2009 and 2010, it was hard to read the success of the international initiative against trafficking. On the one hand, the information campaign spearheaded by the NGOs had spread into local schools and villages where teachers and parents had been quickly won over by arguments that their children were being lured into conditions of exploitation beyond their control—and by those (Nigerians) who many Togolese believe can never be trusted. Teachers discussed the issue in school-wide meetings and fathers brought it up when drinking with their workgroups after village farming sessions. Moreover, teachers were instructed to inform parents about unauthorized absences of children in their classes in an attempt to quickly identify those who might be thinking of leaving.

One the other hand, when I asked whether any children had been discouraged from leaving, the question was met with skepticism. In Kuwdé and its satellite villages alone, ten children had gone to Nigeria and returned with motorcycles, and even those parents who openly criticized the practice seemed beguiled. They were also disarmed by the response of the child-migrants themselves: they do not mind working hard for a few years while they are young, and that no matter how hard they work in Kuwdé they could never purchase a motorcycle. “Who can really blame them?” one parent said. “It’s our poverty—the fact that we can’t offer them anything better—that is at the root of all this.” For me, the violation is not only that a child’s labor is exploited by middle men and Nigerian landowners who enrich themselves on the backs of

15. Sold into Slavery, Feb. 9, 2007 (Harpo Productions, Inc.).
17. In Nigeria, these Togolese children live together in isolated compounds, often far from towns and cities, and work from sunup to sundown cultivating root crops and cereals. Conditions are harsh—the threat of corporal punishment is ever present, with work breaks and sick time nonexistent—and are reminiscent of American plantations during the time of the Atlantic slave trade.
Togolese children's sixteen-hour days, or that some children disappear altogether, but that Kabre households also lose the labor and heft of their most able workers. Those in their mid to late teens—the demographic drawn away to work in the fields and sex hostels of Nigeria—are precisely those who typically provide the lion’s share of labor in a family’s fields and kitchens. The departure of children to Nigeria thus further impoverishes an area long struggling to cope with the crisis of the last fifteen years.

But even more worrisome are the reports that boy returnees are sapped of life force and unable to cultivate, and that girls are bringing back AIDS. The Nigerian patrons give the boys stimulants, not only strong coffee and cigarettes but also “drugs” (perhaps amphetamines?)—placed in their food, without their knowledge—that enable them to work double-time while destroying their bodies and leaving them enervated upon their return to Togo. Strapping teens who were at the front of their class of cultivators before leaving return barely able to lift a hoe and complaining incessantly of fatigue and lack of energy.

On the other side of the gender divide, two teenage girls fell ill just after returning from Nigeria in early 2010 and tested positive for HIV. After seeking treatment in a nearby town, one returned to her village and began sleeping around, often with much younger boys. When challenged by elders, she announced that she “didn’t want to die alone.” Imagine the consequences for these villages if she continues this practice and if she is joined by others. When I left the area in August 2010, neither the chief, nor elders or family members knew how to intervene. Are these villages facing a potential epidemiological holocaust in the years to come?

A new wrinkle in the anti-trafficking campaign appeared in 2007 with potentially dramatic consequences for local labor and parenting practices. Some of the NGOs working on child trafficking began suggesting that long-standing Togolese child labor-exchange arrangements—which send children from the North to work for family or friends in the South during the holidays (and sometimes longer)—fall under the umbrella of the new laws against child trafficking, in violation of children’s rights. In Kabre, children leave the North to spend up to three months with family in the cities and on the farms of southern Togo to help with work in the kitchens and fields, in return for pocket change to buy school uniforms and pay school fees. These are intra- and interfamilial fostering practices that have been at the heart
of local cultures and their diasporas since at least the early colonial period, addressing needs on both sides of the North–South divide.

To be sure, these long-distance relations can be exploitative, with northern children sometimes treated like stepchildren and made to work long hours for southern kin who are enriched by the children’s labor. But these relationships are often no more exploitative than those at home, and in fact, these relationships can be, and often are, warm and affectionate. They also provide children with benefits—schooling, the opportunity to travel, and, most alluring to the children themselves, the opportunity to participate in southern youth culture—of which they would otherwise be denied.

Intrafamilial fostering arrangements give rise to other similar arrangements that also now fall under the new anti-trafficking statute. In the summer of 2007, a school teacher who lived in a nearby town asked a friend of mine whether one of his daughters would come work for the teacher and his childless wife for the summer holidays to help with cooking and chores around the house. In return, they would put the girl up and introduce her to life in the city. The risk for this ten-year-old was that the couple would work her from sunup to sundown, but the potential gain, according to her father, was that living with the teacher and spending time in town would expand his daughter’s horizons and convince her to take school more seriously. It would also, he added, subtract one mouth from his already stretched family budget.

This is not an easy decision to make, and my point is not so much to decide the pros and cons of intervening in arrangements like these. In fact, such interventions will be enormously disruptive to long-standing social practice while denying poor northerners an opportunity for advancement. Rather, I wish to draw attention to the way local practice is now swept up in, marked, commented on, and policed by, the new international order and its jurisdictions, calling into question and potentially refiguring vernacular meanings of childhood, family, work, and exploitation.

Note, moreover, the irony that the most recent development in the trafficking initiative—the focus on local rather than cross-border circulation of children—is not the practice for which the new laws were intended. Rather, witness the genealogy, the sinuous pathways and the “frictions,” as Anna Tsing calls them, by which global-local articulations are operating in this case. Beginning as a story in the New

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York Times about cross-border trafficking (with evocative Middle Passage imagery), the narrative of human trafficking played on the sensibilities of a recently reinvigorated global human rights community and of NGOs in search of a new cause, before making its way into the assemblies of national legislators who were won over by the mere mention of the always-suspect Nigeria. It then morphed into a blanket indictment of often unrelated child labor practices (in which most of the ratifying legislators also engaged) that was ferried along these conduits by the functionaries of the new international order: journalists, human rights workers, and an African bourgeoisie.

CONCLUSION

In concluding, I want to suggest some theoretical implications of droit de l'homme's Togolese itinerary. First, it is important to keep in mind the larger political context. West Africa today is in many ways a world beyond the state, one in which the strong sovereignty of the dictatorship era has splintered and fractured and become dispersed among a series of non- or parastatal entities, especially NGOs and charismatic churches. In this context, droits de l'homme has become a proxy of sorts, standing in for the absent state and providing a stand-alone platform or language from which to make rights claims. As alluded to above, this is a point not unlike that made by the Comaroffs in a recent essay in which they theorize the contemporary proliferation of legal terminology and dispute—what they felicitously refer to as "lawfare"—by suggesting that law's global spread might be accounted for by the horizontalization and outsourcing of sovereignty today, away from states to NGOs and a global civil society apparatus.

But even more so, as state proxy and as performative—something whose utterance brings itself into being—droits de l'homme creates its own effects and appears auto-validating. There is no enforcement agency or entity standing outside the utterance. The children who demand pay for field labor, those who leave for Nigeria, women who invoke human rights in seeking gender parity, a political opposition that invokes the term—all do so performatively, without depending on state or international support, and without fear of retaliation. In so doing, by invoking the term droits de l'homme, they are engaging in acts of culture creation and laying claim to their own sovereignty.

21. Id. at 25–26, 33.
Finally, the take-home message here is not the familiar one found in much of the anthropological work on human rights, namely the view that imagines an encounter between two discrete cultural orders, one outside/universalist/individualist/bourgeois, the other local/nonindividualist, with the anthropologist defending local culture in the face of an imposed Western universal. Nor does this material transparently lend itself to the opposite position—the standard view of those in the human rights community, who see rights discourse as liberating individuals from coercive cultures.22

Here, *droits de l'homme* operates as a type of floating or open signifier, one that travels in and out of local struggles, meaning one thing here, another there. As a cipher of things local, albeit crucially indexed to the outside, the term itself has a generative quality, a vitality or force that is remaking local worlds, but not along predictable lines. Whatever we feel about the rightness or wrongness of the various positions taken by Togolese actors invoking *droits de l'homme*—and, clearly, some appear liberating, while others entrapping—the language of human rights is animating local cultural worlds in new and unforeseen ways.

22. See Sally Engle Merry, *Human Rights Law and the Demonization of Culture (And Anthropology Along the Way)*, 26 POL. & LEGAL ANTHROPOLOGY REV. 55, 58–64 (May 2003) (critiquing the ways in which international human rights treaties and policy statements purport to liberate individuals from coercive cultures).