

Slavery, Human Trafficking and Forced Labour, International Law, and Islamic Law: Matter Arising in Post-Gadhafi Libya

By

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Abstract

To be slave is to be owned as property. It is an automatic way of stratifying human as chattel to be exploited and disposed of at will. The practice of slavery cuts across cultures, nationalities, and dogmas. It is of different dimensions – classical and modern, sociological, economic, and political. Major sources of slavery are wars and conflicts but, other sources are ignorance, poverty, and re-enactment of natural selection mechanism – Darwinian evolutionary theory? Local, national, and international legal regimes had declared slavery illegal. However, human trafficking and forced labour has continued overtly and covertly. This work takes a sojourn into the dark history of slavery. It also examines slavery from the perspectives of religion and particularly Islam. Also examined is the upsurge of slave trade and human trafficking in Libya that caught the entire world in awe and consternation. It was an aftermath of the demise of Muammar Gaddafi and outbreak of civil war in Libya. This unfortunate development is contextualized within the framework of a narrative for a proactive response to a barbaric development at this age of human civilization and radical and dynamic world information order.

Keywords: Slavery, History, Religion, Libya, African Youth, Stakeholders

Introduction

Slavery, human exploitation, and subjugation are illegal under international law. There are rules in international conventions, international custom, general principles of law, as well as court decisions at different judicial levels declaring these acts illegal and prohibited. Renowned jurists and legal commentators have also maintained similar position in variety of their texts and comments. The international statutory laws and regulations provide a plethora of binding and non-binding norms and, details of applicable rules in some multilateral treaties, specific state obligations regarding “slavery” and “slave-like” practices.² The aim was to make the prohibition of slavery and the slave trade a legal obligation *erga omnes* – a collective global issue that gives every state a legal interest in its protection.³ Thus, creating a comprehensive and long-range of understanding of what constitutes, in law, slavery and lesser types of human exploitation including: forced labour and servitudes such as debt bondage or servile marriage, as set out in the established definition of ‘trafficking in persons’.⁴ The early step in this direction was the enactment of the 1926 Slavery Convention otherwise known as Convention to Suppress the Slave Trade and Slavery which was authored by the League of Nations and which was first ratified in 1926. It was registered in *League of Nations Treaty Series* on 9

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² Rassam, A.Y., Contemporary Forms of Slavery and the Evolution of the Prohibition of Slavery and the Slave Trade Under Customary International Law, 39 *Virginia Journal of International Law*, No. 3030 (1998-1999), pp. 305-306.

³ *Barcelona Traction, Light & Power Co. Ltd. (Belgium v. Spain)*, 1970 I.C.J. 3, pp. 33-34.

⁴ See generally Allain, J., *Slavery in international law: Of Human Exploitation and Trafficking*, Martinus Nijhoff Publishers, (2012).

March 1927, the same day it went into effect.⁵ The Convention was aimed at confirming and advancing the suppression of slavery and the slave trade.⁶

At inception, Islam maintained a position on the subject of slavery out of the general practices of pre-Islamic Arabia⁷ like it did on other social issues that were prevalent in that society at the time, for example, alcoholism. However, Islam adopted radically different approaches to the Arab slave trade which was hitherto endemic based on social-political factors relevant to the situation on ground. It is argued that Islam reformed the existing system of slavery by introducing a number of measures and which on the whole was gradual and enduring. Under the *Shari'ah* for example, slaves are considered human beings and possessed some rights on the basis of their humanity. In addition, a Muslim slave is equal to a Muslim freeman in religious issues and superior to the free non-Muslim.⁸

This research and paper has been organised in four parts. Part I is on the History and Theory of Slavery. Part II deals with the Islamic perspective of the abolition of slavery. Part III examines Slavery, Human Trafficking in post-Gadhafi Libya, and Part IV covers our recommendations and conclusions.

Part I

Slavery: History and Theory

Slavery: Theoretical and Historical Perspectives

Slavery is literally bondage and captivity. Technically, it is a method of holding other fellow human beings as chattels and commercial objects for economic exploitation – buying and selling for purposes of forced labour.⁹ Slaves are generally held against their will from the moment they are captured (during wars or civil insurrections or conflicts), purchased (in labour or slave markets) or born by slaves under control of their masters. From that moment they are automatically deprived of basic rights of freedom, refusal to work, or demand to be compensated. Historically, slavery was institutionalized and accepted as normal in most societies. In the recent past, it has become outlawed in all countries. However, it has presently taken new dimensions cloaking it in form of debt bondage, indentured servitude, serfdom, domestic servants kept in captivity, certain adoptions in which children are forced to work as slaves, child soldiers, and forced marriage.¹⁰

Slavery entered human history with civilization. Every ancient civilization adopted slavery as it proved easy to subjugate others to slavery. War served as the main source of supply, and wars were frequent and brutal in those early civilizations. When a town falls to a hostile army, it is normal to take into slavery those inhabitants who will make useful workers and to kill the

⁵ *League of Nations Treaty Series*, vol. 60, pp. 254–270

⁶ *Ibid.*

⁷ See generally, Bernard, L., *Race and Slavery in the Middle East*, New York: Oxford University Press, (1990) particularly Chapter 1.

⁸ Vanessa, M., *The Qajar Pact*, I.B.Tauris (2005), pp. 150-151.

⁹ Brace, L., *The Politics of Property: Labour, Freedom and Belonging*, Edinburgh University Press. (2004), pp. 162

¹⁰ Modern Slavery Compared to Historical Slavery,

http://www.bbc.co.uk/ethics/slavery/modern/modern_1.shtml#section_2 (accessed 14th June 2014).

rest.¹¹ It must be noted from the onset that though slavery had existed for thousands of years, the social, economic, and legal status of the victims of slavery were enormously different in accordance with the methodology and approaches adopted within the times and spaces of its usage and procedure.¹²

Slavery dates back to ancient civilization such as the *Code of Hammurabi* (c. 1760 BC),¹³ which refers to it as an established institution. Land ownership tenure coupled with emergence of technology in 6800 BC of Mesopotamia civilization, came warfare in which enemies are captured and forced to work as slaves.¹⁴ David P. Forsythe argues that at the beginning of the nineteenth century an estimated three-quarter of all people alive were trapped in bondage against their will either in some form of slavery or serfdom.¹⁵ Slaves were also acquired through other methods and through other human agencies. These include, for example, pirates who offered their captives for sale; a criminal may be sentenced to slavery; an un-payable debt can subject a person to slavery; poverty-stricken individuals sell their own children; and circumstantially the children of slaves are themselves slaves - though with a cheap supply of labour available through war, not many owners will allow their slaves the diversion of raising a family.¹⁶ Slavery was recognized and accepted as norm in the old civilization of Sumer located in the southernmost part of Mesopotamia between the Tigris and the Euphrates rivers, in the area that later became Babylonia and is now southern Iraq from around Baghdad to the Persian Gulf.¹⁷ It was also known to almost every other ancient civilizations including Egypt, China, the Akkadian Empire, Assyria, India, Greece, the Roman Empire, the Islamic Caliphate, and the pre-Columbian civilizations of the Americas.¹⁸ It was combination of debt-slavery, punishment for crime, the enslavement of prisoners of war, child abandonment, and the birth of slave children to slaves.¹⁹

In the ancient Greece, slavery was an important factor of the economic growth even though this notion was recognized only after the establishment of cities.²⁰ It was common practice and an integral part of this society like others including the ancient Israel and early Christian

¹¹ An evil of civilization, *HistoryWorld*

<http://www.historyworld.net/wrldhis/plaintexthistories.asp?historyid=ac41> (accessed 16th June 2014).

¹² See generally Klein, H. S., and Vinson, B., *African Slavery in Latin America, and the Caribbean* (2nd ed. ed.). New York, Oxford University Press, (2007).

¹³ See generally, Bertman, S., *Handbook to Life in Ancient Mesopotamia*, Oxford University Press, 2003.

¹⁴ Slavery's Roots: War and Economic Domination, <https://www.freethe slaves.net/SlaveryinHistory> (accessed 16th June 2014).

¹⁵ Forsythe, D.P., "*Encyclopaedia*", Oxford University Press. (2009). p. 399.

¹⁶ An evil of civilization, *HistoryWorld*, supra note no. 3.

¹⁷ 'Sumer' *Ancient Region, Iraq*, <http://www.britannica.com/EBchecked/topic/573176/Sumer> (accessed 17th June 2014).

¹⁸ "Historical survey Slave-owning societies in the *Encyclopaedia Britannica*.

<https://www.britannica.com/blackhistory/article-24156> (accessed 17th June 2014).

¹⁹ See generally Harris, W. V., "Demography, Geography and the Sources of Roman Slaves," *The Journal of Roman Studies*, No. 89, (1999), <http://hsozkult.geschichte.hu-berlin.de/zeitschriften/ausgabe=838> (accessed 17th June 2014).

²⁰ Cuffel, V., "The Classical Greek Concept of Slavery," *Journal of the History of Ideas*, Vol. 27, No. 3 (Jul. – Sep. 1966), pp. 323–342.

societies.²¹ It is believed that in the ancient Athens for example, most citizens owned at least one slave and also slavery was not only a natural practice but also a necessity.²² It was also believed that in some ancient Greek city states about 30% of the population were slaves while at the same time paid and slave labour were considered equally important.²³

In the 1st century B.C., Rome consolidated control over the entire Mediterranean world, and Greece lay vanquished along with scores of other formerly independent lands - yet something special was seen in Greece and thus, the saying goes that: "Greece, the captive, made her savage victor captive."²⁴ The Romans borrowed the institution of slavery from the Greeks and the Phoenicians.²⁵ It is revealed that the Roman Republic's expansion led to the enslavement of the entire populations, thus ensuring an abundant availability of cheap labour to work in Rome's farms and households. The people subjected to Roman slavery came from all over Europe and the Mediterranean.²⁶

It is historically established that slaves were taken by the thousands in Roman military campaigns; some estimates put the population of Rome at more than half slave.²⁷ In England, the native Britons were enslaved after invasion by Anglo-Saxons. Slavery was normal practice in England's rural economy, as destitute agricultural workers place themselves and their families in a form of debt bondage to landowners.²⁸ In the aftermath of the Black Plague, Europe's slave trade revived in response to the labour shortage. The slaves came from all over Europe, the Middle East, and North Africa.²⁹ Portuguese traders brought the first large cargo of slaves from West Africa to Europe by sea, thus beginning the Atlantic slave trade.³⁰ Spanish explorers brought the first African slaves to a Spanish settlement in the Americas in what was to become the United States – these were the first African Americans. The same year, they mounted the first known slave revolt in the Americas.³¹ Renaissance art is peopled with slaves displayed as objects of conspicuous consumption. Massachusetts become the first British colony to legalize slavery.³²

Slavery and Slave-trade in Muslim History

A scholar of Islam may take an exception to Lewis Bernard's assertion, ascribing the endorsement of slavery by all world religions including Islam. Lewis says: "it existed in all the ancient civilizations of Asia, Africa, Europe, and pre-Colombian America. It had been accepted and even endorsed by Judaism, Christianity, and Islam, as well as other religions of

²¹ Byron, J., *Slavery Metaphors in Early Judaism and Pauline Christianity: A Traditio-historical and Exegetical Examination*, Mohr Siebeck, (2003), p.40; De Vaux, R., and McHugh, J., *Ancient Israel: Its Life and Institutions*, Wm. B. Eerdmans Publishing, (1997), p.80; Roberts, J.M., *The New Penguin History of the World*, Penguin; 5 Rev Upd edition (2007), pp.176–177, at 223.

²² Byron, J., and Roberts, J.M., *supra*.

²³ Martin, T.R., *Ancient Greece: From Prehistoric to Hellenistic Times*. Yale UP, (2000) pp. 66, 75–77.

²⁴ As written by the Roman poet Horace, see Garland, R., *Greece and Rome: An integrated History of the Ancient Mediterranean*,

http://www.thegreatcourses.co.uk/tgc/Courses/course_detail.aspx?cid=3300 (accessed 20th June 2014)

²⁵ Slavery," *The Encyclopaedia Americana*, (1981), p. 19

²⁶ *Ibid*.

²⁷ Slavery's Roots: War and Economic Domination, <https://www.freetheslaves.net/SlaveryinHistory>, *supra*.

²⁸ *Ibid*.

²⁹ *Ibid*

³⁰ *Ibid*.

³¹ *Ibid*.

³² *Ibid*.

the world.” It is argued that Islam from the onset maintained that freedom was the natural state of affairs for human beings and in line with this it limited the opportunities to enslave people, commended the freeing of slaves and regulated the way slaves were treated. In spite of the prevalence of slavery and slave trade in all parts of the world at that particular point in time, Islam treated slaves as human beings. Prophet Muhammad taught that slaves were to be regarded as human beings with dignity and rights and not just as property, and that freeing

slaves was a virtuous act. This unique position of Islam may have helped to create a culture in which slaves became much more assimilated into the community than they were in the West.³³ Why Islam could not introduce a radical approach to its eradication from onset is another issue to be examined in subsequent paragraphs of this work.

The pre-Islamic Arabia, like the ancient and early medieval civilizations accepted and acquiesced to the practices of slavery and slave-trade. There were slaves of foreign ancestry as well as aborigines. For example, Zayd ibn Harithah who later became adopted son of the Prophet Muhammad was originally a slave Arab.³⁴ A number of factors accounted for the slavery phenomenon in the pre-Islamic Arabs. These include wars of attrition, the custom of child abandonment by the kidnapping, or, occasionally, the sale of small children.³⁵ Generally, two classes of slave existed: a purchased slave, and a slave born in the master's home. The slave master had complete rights of ownership over the latter, while female slaves were at times forced into prostitution for the benefit of their masters, in accordance with Near Eastern customs.³⁶ A glimpse of pre-Islamic slave-trade in the early years of Islam reveals what will be the Islamic posture on the slavery. It has been reported that slaves of non-Muslim masters at that early period of Islam suffered brutal punishments. For example Sumayyah bint Khayyat was killed with a spear by Abu Jahl when she refused to denounce her faith in Islam. She was known to be the first famous martyr of Islam. In contrast to that Abu Bakr paid ransom to free Bilal from Umayya ibn Khalaf who was then his master that subjected him to punishment by placing a heavy rock on his chest in an attempt to force him to renounce his faith in Islam and convert to paganism.³⁷ Basically, it is forbidden for a Muslim to hold fellow Muslims, Christians, Jews, Sabians and Magians as slaves except during war. Conversion to Islam is considered a warrant for their master to set them free as of piety, otherwise, the master was under obligation to teach them the Islamic faith.³⁸ Clarence-Smith and Willian Gervase observe that contrary to the rules guiding the treatment of slaves as laid down in Islamic law, Muslims did not always treat slaves in accordance with those rules.³⁹

However, there are historical accounts showing that Muslims had engaged in slavery and slave-trade across history. For example, after the conquest of North Africa and most of the Iberian Peninsula between 632–750AD, Muslims were big-time importers of Saqaliba (Slavic) slaves

³³ *Slavery in Islam*, BBC Religion,

http://www.bbc.co.uk/religion/religions/islam/history/slavery_1.shtml (accessed 25th June 2014).

³⁴ Brunschvig, 'Abd, *The Encyclopaedia of Islam*, 2nd edition, Leiden: E. J. Brill, (1960–2005).

³⁵ Lewis, B., *Race and Slavery in the Middle East*. New York: Oxford University Press, (1990), p. 4.

³⁶ Isaac, M., *Slavery in the Ancient Near East*. New York: Oxford University Press, (1949), pp. 54-58.

³⁷ *Slaves and Slavery*, Encyclopaedia of the Qur'an online <http://www.brill.com/publications/online-resources/encyclopaedia-quran-online> (accessed 25th June 2014).

³⁸ Bulliet, R.W., *The Earth and Its Peoples: A Global History*, Cengage Learning, (2010) p. 226.

³⁹ Smith, G., and Gervase, W., *Islam and the Abolition of Slavery* Oxford University Press, (2006), pp. 2–5.

from central and eastern Europe.⁴⁰ It is also reported that the Muslim authority of Iberia engaged in slave raiding and bought slaves from European slave dealers.⁴¹ Olivia Remie Constable notes in this regard that "Muslim and Jewish merchants brought slaves into al-Andalus from Eastern Europe and Christian Spain, and then re-exported them to other regions of the Islamic world."⁴²

Slavery in Post-Industrial Revolution

A nation state which was conceived as a geographical entity that can be identified as deriving its political legitimacy from serving as a sovereign nation was a landmark in the annals of human history. It can be compared and contrasted with that of the multinational state, city state, empire, confederation, and other state formations with which it may overlap. The key distinction is the identification of a people with a polity in the "nation state."⁴³ When the concept took firm grip of Europe the ancient civilizations, kingdoms and empires began gradual and steady collapse. Some historical accounts reveal that this landmark began in the 16th century.⁴⁴ The pursuit of the ideals of a nation state led to the search for cheap raw materials and then the markets in which to translate such product to business transactions. This sole ulterior motive in a nation state with the industrial essential means was probably responsible for the conquest of nations such as India, The Far East, Africa, and the Caribbean.⁴⁵

The invention of engine powered by coal, and later oil and the production of steel marked a new beginning in the mass movement of humans and goods on land, air, and sea and across the globe. Consequently, a new chapter was opened in the human history and 'survival of fittest' culture as propounded by Charles Darwin was rekindled. Cole, P.D. puts it thus: 'the world only had space for the survival of the fittest. Unfit species were gobbled up by the fittest and science was the food to conquer all nature. Through science, a regime of super fit individuals and countries would inherit the earth, thus creating the dominance of secularism over the prevalent religiosity.'⁴⁶ In realization of this mentality a means had to be devised and a price had to be paid.⁴⁷ The means was cheap labour, and the price was slavery. As a result slave-trade was massively embraced, brutally and technically executed for the realization of the wealth of the modern nations through the production of sugar, cotton, tobacco, coffee, and maize and through a seeming endless supply of cheap labour.⁴⁸ This was how the social, political, and economic engines of France, UK, Germany, Belgium, the Netherlands and, of course, the United States of America were fraudulently lubricated. It was reported that about forty million innocent human beings were forced out of their African abodes in a century and

⁴⁰ Rodriguez, J.P., *The historical encyclopedia of world slavery*, Vol. 1, A – K. ABC-CLIO. (1997), p. 565

⁴¹ Constable, O.R., "Trade and Traders in Muslim Spain: The Commercial Realignment of the Iberian Peninsula, 900–1500", Cambridge University Press, (1996), pp. 203–204

⁴² Ibid.

⁴³ Radan, P., *The break-up of Yugoslavia and international law*, Psychology Press, (2002), p. 14; Boll, A.M., *Multiple nationality and international law*, Martinus Nijhoff Publishers, (2007), p. 67; Elazar, D.J., *Covenant and civil society: the constitutional matrix of modern democracy*, Transaction Publishers, (1998). p. 129.

⁴⁴ Cole, P.D., Cole: Western development, slave trade and slavery (1) (*The Guardian of Monday, 23 June, 2014*), <http://nrguardiannews.com/> (accessed 23rd June, 2014).

⁴⁵ Ibid.

⁴⁶ Ibid.

⁴⁷ Ibid.

⁴⁸ Ibid.

half for the new world bearing a dramatic effect on global demography.⁴⁹ Historians argue that the effects of this massive loss on the African continent alone had no parallel in human history.⁵⁰ This exercise was executed based on racial superiority of one group over another. It is true that there was slavery everywhere in the world but not that it was so clearly identified with racism – until the African slave trade. This was a new phenomenon and on an unprecedented scale.⁵¹

As slavery is a condition of complete and total submission of one person to another, often with the exertion of force or power of the owner over the submissive, the phrase freedom from oppression and tyranny accurately encompasses the right to freedom from slavery.

The Trans-Atlantic slave-trade was a key impetus to the industrial revolution in Britain and on account of which it had attained a huge industrial development from 1750 onwards and which made it one of the wealthiest countries in the world.⁵² It is noted that economic fortunes and rapid development attained by the British Empire was contemporaneous with the slave trade especially when it was at its peak and its involvement was historically monumental too; it played the biggest role in the trade out of any other European country.⁵³

By the turn of the 17th century, the British had transported a colossal number of slaves estimated to about twice as many slaves as the Dutch, which was its closest competitor in the trans-Atlantic slave-trade.⁵⁴ Natalie, R., notes that in the 18th century the British provided over one thousand ships to prosecute the slave-trade enterprises and about 3 million people were transported in this regard. It was on account of this that it was able to jack up its industrial development.⁵⁵ It was also on account of this that the British engaged in triangular trade which played an important role in the rise of British economy at that period.⁵⁶

Abolition of Slavery and Slave-trade – Factors and Controversy

Over a period of 350 years (1500-1850 circa), approximately 14 to 21 million Africans were captured and sold in the Atlantic slave trade.⁵⁷ It was estimated that between 1700 and 1810 British merchants alone transported almost three million Africans across the Atlantic. The massive and huge economic and power fortunes derived from slavery and slave-trade by the British is indisputable. What is considered paradox in this regard is that it was also the same British who led the struggle to bring this system to an end.⁵⁸ Precisely in July 1833, the British House of Commons passed a Bill to abolish slave-trade throughout its colonies. The House of Lords followed suit and did the same thing precisely on 1st August of that year.⁵⁹ The factors

⁴⁹ Ibid.

⁵⁰ Ibid.

⁵¹ Ibid.

⁵² Natalie, R., *Slave Trade & the Industrial Revolution* (posted July 2007)

<http://www.studymode.com/essays/Slave-Trade-The-Industrial-Revolution-118336.html> (accessed 18th June 2014).

⁵³ Ibid.

⁵⁴ Ibid.

⁵⁵ Ibid.

⁵⁶ Ibid.

⁵⁷ See French, H.W., *On Both Sides, Reason for Remorse*, N.Y. Times, (April 15, 1998), No. 4 at p. 4.

⁵⁸ *Oldfield, J.*, *British Anti-slavery*,

http://www.bbc.co.uk/history/british/empire_seapower/antislavery_01.shtml (accessed 26th June 2014)

⁵⁹ *The Abolition Project*, http://abolition.e2bn.org/slavery_111.html (accessed 26th June 2014).

that led to this dramatic move had been subjects of controversy among writers, academia, and historians. However some of those factors include change in economic interests, resistance from the victims of slavery and slave-trade, parliamentary reform and of course, ferocious campaigns by various religious and human rights groups.⁶⁰

The shift in economic interest began shortly after 1776 when America got independent from Britain. The British sugar trades in its colonies including Jamaica and Barbados dramatically fell as the Americas were now capable of trading directly with the French and Dutch in the West Indies.⁶¹ Also, as an aftermath of the industrial revolution that emerged in the 18th century, Britain no longer needed slave-based goods. On account of its economic achievements, it was more able to prosper from new systems which required high efficiency, through free trade and free labour. Thus, it shifted its economic target from sugar to cotton which later became its major economic crops in some of its cities including Manchester and Salford. Consequently, these cities became industrial centres of world importance of that period.⁶²

Another factor was the resistance launched by the enslaved people themselves. This resistance began in various parts of the country of their masters. It was argued that though the resistance had started right from the inception of the trade, but the inspiration to stiffly resist the system began later within the territories of the slave merchants. For example, the French Revolution brought ideas of liberty and equality, which inspired those seeking an end to slavery. Toussaint L'Ouverture was said to have led a successful slave revolt in Haiti.⁶³ Similarly, there were major slave revolts in Barbados in 1816, Demerara in 1822 and Jamaica between 1831-1832.⁶⁴ It was noted that these revolts took the British government by surprise. They now realized that the costs and dangers of keeping slavery in the West Indies were not only too high but also dangerous and intimidating. 'In places like Jamaica, many terrified plantation owners were finally ready to accept abolition rather than risk a widespread war.'⁶⁵

It is also noted that Parliamentary reform that took place in Britain at that time was an important factor. The British parliament had undergone major reform in 1832. Two-thirds of those who supported slavery were swept from power. These were the once powerful West India Lobby that now had lost its political strength and thus, the Bill for the abolition of slavery and slave-trade scaled through.⁶⁶ It is noted that despite the passing of the act the enslaved people were not automatically and immediately free; they were to become "apprentices" for 6 years. Compensation of 20 million was to be paid to the planters. Again, there was stiff resistance and strong protests against this which finally forced the government to abolish the apprenticeship system on 1st August 1838.⁶⁷

Campaign by Christian religious groups formed another important factor. It is noted that the Christian positions on slavery are confusing both regionally and historically. It is argued that variety of slavery had been part of the social environment for much of history of Christianity

⁶⁰ Ibid.

⁶¹ *The Abolition Project*, http://abolition.e2bn.org/slavery_111.html (accessed 26th June 2014).

⁶² Ibid.

⁶³ Ibid.

⁶⁴ Ibid.

⁶⁵ Ibid.

⁶⁶ Ibid.

⁶⁷ Ibid.

cross well over eighteen centuries.⁶⁸ It is on record that the early years of Christianity, slavery was a normal feature of the economy and society in the Roman Empire which persisted in different forms and with regional differences well into the Middle Ages.⁶⁹ The argument of pro-slavery Christian supporters was to the effect that the slave-trade was tolerated and approved of by God in the days of Abraham. In a book by an unknown author - *The Negro and the Free Born Briton compared; or a vindication of the African slave trade 1790 - the author argued that slavery was lawful from a religious, political and commercial view.*⁷⁰ It is also observed that most Christian figures in that early period, such as Saint Augustine, accepted slavery as an inevitable phenomenon while some other key figure such as Saint Patrick were opposed to it.⁷¹ Theologically, it is argued that both the Old and New Testaments treat slavery as a given, to the extent of laying down regulations for its "just" practice. Historically this has presented a challenge for Christians advocating against slavery.⁷² It is also observed that eighteen centuries after the advent of Christianity, the abolition movement took shape across the globe, and Christian groups that accepted slavery's abolition struggled to use Christian teachings in support of their arguments. Instead they turned from the specific references to the practice in the tradition to a more general appeal to concepts such as 'the spirit of Christ', and textual argumentation.⁷³ When the campaign for freedom for enslaved people had assumed a universal dimension, it was now driven forward, not only by the formal abolition campaign but by a coalition of non-conformist churches as well as Evangelicals in the Church of England.⁷⁴

From international law perspective, Jenny S. Martinez, argues changes in the world economy in the nineteenth century certainly created the conditions that made the abolition of slavery more feasible. He however notes that the best historical evidence suggests that slavery did not die an accidental death of abandonment in the face of competition from industrial capitalism. According to him, slavery was eradicated, intentionally, by people who had come to believe it was morally wrong. It was eradicated in part by military force, but also by coordinated international legal action—including, surprisingly, international courts.⁷⁵

International Law and The Abolition of Slavery and Slave-trade

Like any other issues that is of international dimension, abolition of slavery is governed by a number of treaties, conventions, and declarations. The Universal Declaration on Human Rights is the pre-eminent omnibus international law code that specifically provides for an express abolition of slavery. Article 4 of this law provides that: "no one should be held in slavery or servitude, slavery in all of its forms should be eliminated."⁷⁶

⁶⁸ *Africa and Slavery*, <http://www.africanholocaust.net/> (accessed 26th June 2014)

⁶⁹ *Ibid.*

⁷⁰ *Ibid.*

⁷¹ *Ibid.*

⁷² *History of Abolitionism (Slavery and Tobacco) in the United States*, <http://medicolegal.tripod.com/> (accessed 26th June 2014)

⁷³ *Ibid.*

⁷⁴ *Ibid.*

⁷⁵ Martinez, J.S., *The Slave Trade and The Origins of International Human Rights Law*, Stanford Lawyer's Point of View (October 28, 2011), an excerpt from Martinez, J.S., *The Slave Trade and the Origins of International Human Rights Law* (Oxford University Press, (2011). <http://stanfordlawyer.law.stanford.edu/2011/10/the-slave-trade-and-the-origins-of-international-human-rights-law-2/> (accessed 1st July 2014).

⁷⁶ United Nations. "Universal Declaration on Human Rights." General Assembly of the United Nations. 1948.

It is noted that the foundation of international law (or the law of nations) as it is understood today lies firmly in the development of Western culture and political organization.⁷⁷ Thus, modern international law can better be described as 'Eurocentric'. Likewise the concept of abolition of slavery is rooted, first, in the 1807 Abolition of Slavery Act of Great Britain. Historically, European nations used international law to authorize and justify the indulgence in slavery and slave-trade and ownership of human beings. In the first decade of the nineteenth century, an estimated 609,000 slaves arrived in the New World.⁷⁸ This was a period when Britain controlled the majority to the world through its colonial expansionism project, and consequently, in passing this law to abolish slavery, the British Parliament abolished slavery in the vast majority of its colonies.

Slavery connotes force tendencies such as oppression, tyranny, subjugation, curtailment, and exertion perpetrated by individual or groups against others. The natural responses to these tendencies arose from the call for freedoms from slavery which historically emerged prior to the 19th century under the phrase freedom from oppression and tyranny and which were expressed through a number of declarations. For example, the United States Declaration of Independence,⁷⁹ the French Declaration of the Rights of Man and of the Citizen,⁸⁰ the African Charter of Human Rights.⁸¹ The totality of these legal declarations could be summed up as call for freedom from all those tendencies. However, they served as practical signal to deal with the issue of slavery globally.

One of the first steps taken on global level to address a human rights issue was the promulgation of the 1890 General Act of the Brussels Conference. The state signatories to this Act declared their willingness to establish international mechanisms to secure the complete suppression of the Atlantic slave trade and slavery in all its forms.⁸² Similar responsibilities were made by state parties to the Convention to Suppress the Slave Trade and Slavery under the authority of the League of Nations.⁸³ It was in 1926 that further and practical step was taken again at global level towards eradication of slavery and slave trade by the proclamation of the Slavery Convention. The Convention was signed in Geneva on 25 September 1926 and entered into force on 9 March 1927. This was later followed by the Supplementary Convention which entered into force in 1957. The 1926 Convention attempts to define what constitutes slavery and slave-trade under its Article 1 (1) and (2) respectively. It provides that:

“Slavery is the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised; and that the slave trade includes all acts involved in the capture, acquisition or disposal of a person with intent to reduce him to slavery; all acts involved in the acquisition of a slave with a view to selling or exchanging him; all acts of disposal by sale or exchange of a slave

⁷⁷ Shaw, M.N., *International Law* (5th Edition) Cambridge University Press, (2003), p. 13

⁷⁸ Martinez, J.S., *supra*.

⁷⁹ "Declaration of Independence." United States of America, July 4, 1776

⁸⁰ Declaration of the Rights of Man and of the Citizen." National Assembly of France, August 26, 1789

⁸¹ "African Charter on Human and Peoples' Rights." African Union, June 27, 1981

⁸² Rassam, A.Y., 'Contemporary Forms of Slavery and the Evolution of the Prohibition of Slavery and the Slave Trade Under Customary International Law', 39 *Virginia Journal of International Law*, 303, (1998-1999), p. 330.

⁸³ Convention to Suppress the Slave Trade and Slavery, Sept. 25, 1926, Article 1, 46 Stat. 2191.

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acquired with a view to being sold or exchanged, and, in general, every act of trade or transport in slaves."⁸⁴

Article 5 of the Convention draws a distinction between “forced labour” and “slavery”, stipulating that signatories to the Convention must “take all necessary measures to prevent compulsory or forced labour from developing *into conditions analogous to slavery*.”

Experts argue that the definition under this Article was not only restrictive but also descriptive. It restrictively describes the ‘chattel slavery’ commonly understood as the plantation slavery in the United States as was the case in the 18th and 19th centuries. They argue that though chattel slavery was significantly more widespread but was not limited to one country alone.

Shortly after the Protocol amending the 1926 Slavery Convention of 1955 came into force, the International Labour Organization (ILO) along with expert bodies of the United Nations (UN) undertook further studies and found that despite the adoption of the Protocol, slavery continued to thrive. Thus, UN was called upon to intensify efforts at all levels to abolishing slavery; expand its definition of “slavery” to include “not only literal slavery but also certain institutions and practices having the same effects as slavery, such as debt bondage, serfdom, and the exploitation of the labour of women and children.”⁸⁵ In adopting these recommendations, the Economic and Social Council endorsed the 1957 Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery (“Supplementary Convention”) ⁸⁶ with a view to “intensify national as well as international efforts to abolish evils.”⁸⁷

It was in view of this deficiency that the 1956 Supplementary Convention on Slavery was promulgated. The definition provided here covers debt bondage, serfdom, or any practice where a woman is promised or given into marriage on payment of money and is without the right to refuse the marriage, the husband of a woman has the right to transfer her to another person, a woman is liable to be inherited by another upon the death of her husband, or any practice where a child under 18 years of ages is exploited for his or her labour.⁸⁸ This piece of legislation was adopted by a Conference of Plenipotentiaries convened by Economic and Social Council resolution 608(XXI) of 30 April 1956 and done at Geneva on 7 September 1956 Entry into force: 30 April 1957, in accordance with Article 13.⁸⁹

Experts also argued that these Conventions like any other international legislations lack effective enforcement mechanism. It is noted that there are no consequences outlined in either documents that provide incentive for signatories to abide by their provisions even though it

⁸⁴ "Slavery Convention." Geneva: Office of the United Nations High Commissioner for Human Rights, September 25, 1926;

<http://www.ohchr.org/EN/ProfessionalInterest/Pages/SlaveryConvention.aspx> (accessed 30th June, 2014).

⁸⁵ See generally Lawson, E., *Encyclopaedia of Human Rights 1349 (Edward Lawson edition) (1988)*.

⁸⁶ Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery, April 30, 1957, 266 U.N.T.S. 40.

⁸⁷ Lawson, E., *supra* note 67 at 1355.

⁸⁸ Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices." Office of the United Nations High Commissioner for Human Rights, September 7, 1956.

⁸⁹

<http://www.ohchr.org/EN/ProfessionalInterest/Pages/SupplementaryConventionAbolitionOfSlavery.aspx> (accessed 30th June 2014)

was expected that signatories to them would modify their national laws for their domestication with the assistance of the United Nations where necessary.

The role played by the human rights movements as well as human rights justice system in this regard was historical. Jenny S. Martinez notes that ‘more than a century before Nuremberg, international courts in Sierra Leone, Cuba, Brazil, and other places around the Atlantic heard cases related to the slave trade, the original “crime against humanity.” He observes that these slave trade courts were the first international human rights courts which were known at that time as “Mixed Commissions” because they consisted of judges from different countries, the slave trade tribunals sat on a permanent, continuing basis, and they applied international law. According to him, the courts explicitly aimed to promote humanitarian objectives. Though the courts were extremely active for only a few years, over the treaties’ life span the courts heard more than six hundred cases and freed almost 80,000 slaves found aboard illegal slave trading vessels. During their peak years of operation, the courts heard cases that may have involved as many as one out of every five or six ships involved in the transatlantic slave trade.’⁹⁰

It is pertinent to bring into focus the Human Rights Committee and the International Covenant on Civil and Political Rights (ICCPR). ICCPR is the legal instrument that governs the Human Right committee. It entered into force on March 23, 1976. Article 8 (1) of this Covenant provides that: “No one shall be held in slavery; slavery and the slave trade in all their forms shall be prohibited.” Article 8 (2) provides that ‘No one shall be held in servitude.’, while Article 8 (3) states that: (a) No one shall be required to perform forced or compulsory labour; (b) Paragraph 3(a) shall not be held to preclude, in countries where imprisonment with hard labour in pursuance of sentence to such punishment by a competent court; No one shall be required to perform force or compulsory labour.”⁹¹

Part II

Slavery Abolition: Islamic Perspective

Islamic Perspective of Slavery

Islam’s approach to the abolition of slavery is gradual on account of a number of historical and factual reasons. The repeated and consistent commandments, first, to treat slaves humanely and, second, to free them indicate that the institution of slavery was abhorrent and one that the Islamic tradition sought to abolish. It should be noted that Islam from the onset introduced measures that imposed welfare of the slaves on those who were responsible for their captivity or enslavement. For example, it made the responsibility of the Islamic government to provide food and clothing, on a reasonable basis, to captives regardless of their religion. Similarly, where captives or prisoners were under the control of a person, then the responsibility of their welfare was on that individual.⁹²

⁹⁰ Martinez, J.S., supra.

⁹¹ General Assembly. "International Covenant on Civil and Political Rights." 2200A (XXI). Office of the United Nations High Commissioner for Human Rights, 1966; <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx> (accessed 1st July 2014).

⁹² Maududi, *Introduction of Ad-Dahr, "Period of revelation"*, Lahore, Pakistan: Islamic Press, (1967), p. 159

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A writer and author of classical text on slavery argues that Islam was from the onset a faith which formally disallowed its adherents from enslaving co-religionists.⁹³ He noted that Islamic law went further by prohibiting the enslavement of Christians and Jews so long as they were living peaceably under Islamic system of government and paying a special tribute.⁹⁴ He quoted Bernard Lewis with approval where the latter asserts that: "The Qur'an, like the Old and New Testaments, assumes the existence of slavery. It regulates the practice of the institution and thus implicitly accept it... But Quranic legislation subsequently confirmed and elaborated in the Holy Law, brought two major changes to ancient slavery which were to have far-reaching effects. One of these was the presumption of freedom; the other, the ban on the enslavement of free person except in strictly defined circumstances."⁹⁵ Lewis further maintains that the Arabian slave "was now no longer merely a chattel but was also a human being with a certain religious and hence asocial status and with certain quasi-legal rights."⁹⁶

Two historical situations call for a review in this regard. First, slavery was common in pre-Islamic societies and the prevailing view is that Islam did not abolish slavery at the outset: Like the Hebrew Bible and the New Testament, the previously revealed texts of the Abrahamic faiths, the Qur'an accepted the institution of slavery as an established part of the lives of believers. At the outset, it thus sought to humanize and regulate the practice of slavery rather than seek its outright and immediate abolition.⁹⁷

Second, the prevalent culture of warfare in pre-Islamic societies served as impetus for slave-trade as war captives were exchanged for monetary and economic values. Third, due to factor of vulnerability during that turbulent war period, many even preferred to be slave under safe environment rather than be exposed to danger of violent killings and torture. Islam came and faced with this critical and challenging situation. In the spirit of reformation, it is argued, the Qur'an and Sunnah greatly encouraged and recommended the manumission and human treatment of slaves.⁹⁸

Some are of the view that Islam institutionalized and authorized slavery, citing verses of the Qur'an in support.⁹⁹ For example, Forough Jahanbaksh argues that slavery was common in pre-Islamic times and accepted by many ancient legal systems and it continued under Islam. He says that although Islam is much credited for moderating the age-old institution of slavery, which was also accepted and endorsed by the other monotheistic religions, Christianity and Judaism, and was a well-established custom of the pre-Islamic world, it has never preached the abolition of slavery as a doctrine.¹⁰⁰ Malise Ruthven shares this view, reiterating that the condition of slaves, like that of women, may well have improved with the coming of Islam, but

⁹³ Blackburn, R., *The Making of New World Slavery, From the Baroque to the Modern 1492-1800*, Verso, London, New York (1998), p. 42

⁹⁴ Ibid.

⁹⁵ Ibid and Lewis, B., *Race and Slavery in the Middle East*. New York: Oxford University Press, (1990) especially in his Chapter 1.

⁹⁶ Lewis, B., *ibid*.

⁹⁷ Freeman, B.K., "Slavery, freedom, and the doctrine of consensus in Islamic jurisprudence", *Harvard Human Rights Journal*, vol. 11, (1998), p. 1.

⁹⁸ Baderin, M.A., *International Human Rights and Islamic Law*, Oxford University Press, (2003), p. 86 quoting Qur'an 2:177; 4:92, 9:60; 24:33; 58:3 and 90:13.

⁹⁹ Qur'an 4:3; 4:24; 16:71; 16:75; 23:1-5; 23:5-6; and 33:50.

¹⁰⁰ See Generally, Jahanbaksh, F., *Democracy and Religious Modernism in Iran*, Brill Academic Publishers; 1st ed. (2001), 201 pages.

the institution was not abolished, any more than it was under Christianity at this period.¹⁰¹ This spirit was demonstrated and translated into practical act by the Prophet and his Companions by liberating slaves who had come under their control through several ways.¹⁰²

It should be asserted that though there is no direct injunction abolishing slavery. Islamic Law also contains no direct provisions authorizing or supporting the practice of taking or possessing slaves.¹⁰³ Thus, there is unanimity among Muslim jurists and scholars that freeing slaves is a recommended act, and in practical term, it is the first of the options prescribed in the Qur'an as expiation for certain sins.¹⁰⁴ This Islamic approach has become a point of contention among scholars and jurists. Some of them maintain that this approach serves as an indication towards the abolition of slavery, and thus should be considered as abolished under Islamic law.¹⁰⁵ Some others hold a contrary view arguing that the steps adopted and introduced by Islam towards slaves may be commendable, Islam recognizes the taking of slaves. Tabadeh for example, argues that 'should the legal condition for the enslavement of anyone be proven ... Islam would be bound to recognise such slavery as legal, even though recommending the freeing of the person...'¹⁰⁶ An-Na'im challenges this position. However, he expresses reservation on the continual existence of rules on slavery in the traditional authorities of Islamic jurisprudence and argues that this is a fundamental human rights issue in waiting for Muslims to be specific on abolition of slavery in Islamic law.¹⁰⁷ Baderin observes in this regard that the problem of slavery could not have been solved radically in isolation of the prevailing social circumstances of that period. He further notes that while Islam had, on one hand, endured the practice due to social factors of that period, it simultaneously promoted its gradual abolition on the other hand.¹⁰⁸ He further argues that as most Muslim countries have presently ratified international instruments on the abolition of slavery or slavery-like practices, it means that there is general consensus in Muslim States against slavery. This development, he argues, amounts to *Ijma'* which is an important first second source of law in Islamic jurisprudence.¹⁰⁹ It follows that by *Ijma'* Muslims have unanimously abolished slavery. It stands to reason that if Islam had sanctioned slavery, the Muslim could not have capacity to declare it prohibited expressly or by implication. They could do this simply because Qur'an and Sunnah which are the primary sources of law had given enough indication toward the abolition of slavery practice.

In another perspective, Maulana Saeed Ahmad argues that the Qur'anic statement that: "*what their right hands own*" was a "*temporary*" institution that existed at the time and was allowed in the early Islamic society. He argues further that Islam called for the freeing of sex slaves, having sex permitted only inside the institution of marriage. More generally, freeing a slave

¹⁰¹ See generally Ruthven, M., *Islam in the World*, Penguin Books Ltd., 2nd Revised edition (2000), 496 pages

¹⁰² Maududi, A.A., *Human Rights in Islam*, Markfield: The Islamic Foundation, (1993), p. 20.

¹⁰³ Baderin, M.A., supra note no. 92.

¹⁰⁴ Qur'an 4:92 and 58:3.

¹⁰⁵ Baderin, A.A., supra at pp. 86-87 quoting with approval Malekan, F. *The Concept of Islamic International Criminal Law: A Comparative Study*, Springer (1994), pp. 83-89.

¹⁰⁶ Tabandeh, S., *Muslim Commentary on the Universal Declaration of Human Rights*, F.J. Goulding (1970), p. 27.

¹⁰⁷ Baderin, A.A. supra quoting An-Na'im, A.A., *Towards an Islamic Reformation: Civil Liberties, Human Rights and International Law*, Syracuse, N.Y.: Syracuse University Press, (1990), pp. 172-175.

¹⁰⁸ Baderin, A.A., supra at p. 87.

¹⁰⁹ Ibid.

was encouraged as a way of expiating wrongdoings and shortcomings.¹¹⁰ He is emphatic that nowhere in the Qur'an is a Muslim permitted to make a new slave, and the Qur'an makes freeing a slave a good deed that makes up for a wrongdoing.¹¹¹

Although the attitude of Islamic law may appear to simply be praising the slave-owner who releases a slave, rather than condemning the one who keeps him or her, in all, it technically leans toward its eventual total eradication. An analysis of some Prophetic traditions and Qur'anic verses confirms this contention. For example, the Prophet was quoted to have said: *"Allah says I will quarrel with these people on the Day of Resurrection, and he with whom I quarrel, I overcome him ... the second is he who sells a free man (or woman) and devours the proceeds."*¹¹² Another tradition states *"there are three people whose prayers Allah will not accept. One of them is he who enslaves a freeman."* An excerpt from the Qur'an has been interpreted to support the same sentiment. For example, it says: *"[if your slaves] seek a writing (of emancipation), give them such writing, if you find that there is good and honesty in them. And give them something (yourselves) out of the wealth of Allah which He has bestowed upon you."*¹¹³ The Prophet was also quoted to have said that: *"Whoever frees a Muslim slave, Allah will save all the parts of his body from the (Hell) Fire as he has freed the body-parts of the slave."*¹¹⁴ And on his death-bed, the Prophet stated that *"on the Day of Judgement, I will be the advocate of non-Muslim subjects who were oppressed"*.¹¹⁵

Slave-owners were also encouraged to allow slaves to earn their freedom: *"those your right hands own who seek emancipation, contract with them accordingly, if you know some good in them, and give them of the wealth of God that He had given you."* This is further confirmed in the Qur'an: *"and (have We not) shown him the two highways? But he has made no effort on the path that is steep (Aqaba). And what will explain the Aqaba? It is freeing the bondsman/slave."*¹¹⁶ Abu Huraira reported that *"I heard Abu'l-Qasim (peace and blessings of Allah be upon him) say: 'Whoever accuses his slave when he is innocent of what he says will be flogged on the Day of Resurrection, unless he is as he said.'"*¹¹⁷

Commenting on the act of a slave owner freeing his or her slaves otherwise known as manumission, Ibn 'Umar was quoted to have remarked: *"There is no more reward in it than the equivalent of this, but I heard the Messenger of Allah (peace and blessings of Allah be upon him) say: 'Whoever slaps his slave or beats him, his expiation is to manumit him.'"*¹¹⁸ It was also related that 'Umar ibn al-Khattaab was once passing by and saw some slaves standing and not eating with their master. He got angry and said to their master: *'What is wrong with people who are selfish towards their servants?' Then he called the servants, and they ate with them."*

As could be seen from the above the repeated and consistent divine directives in both the Qur'an and Sunnah, first, to treat slaves humanely and, second, to free them indicate that the institution of slavery was one that Islam considers abhorrent and sought to abolish by gradual approach.

¹¹⁰ Qur'an 58:3; 5:89.

¹¹¹ Ahmad, M.S., *Slavery in Islam*; William Grease Clarence-Smith, Karachi, Darul-Ishaat, (2000); *Islam and the Abolition of Slavery*, New York, Oxford University Press, (2006).

¹¹² Reported by Al-Bukhari and Ibn Maja.

¹¹³ Qur'an 24:33.

¹¹⁴ Reported by Abu Huraira

¹¹⁵ Al-Mawardi

¹¹⁶ Qur'an 90.

¹¹⁷ Al-Bukhari (6858).

¹¹⁸ Muslim (1657).

Prohibition of Forced Labour: Islamic Perspective

Ijtihad is the liberal process of interpreting the basic sources of law, namely, the *Qur'an* and *Sunnah*.¹¹⁹ By sustaining the process of *Ijtihad*, Islamic law evolved over the centuries since its inception from the 7th Century. Labour law, in its regulated, complex, and diverse methods as it is known today, was not in vogue in the early period of Islam. However, there are abundant references in both the *Qur'an* and *Sunnah* attesting to the fact that Islam prohibits forced labour. It was through the *Ijtihad* mechanism that what is now known as Islamic labour law was formulated.

Islamic labour law prohibits forced labour as well as exploitation of labour.¹²⁰ The *Qur'an* clearly states that: “*So fulfil the measure and weight and do not deprive people of their due and cause not corruption upon the earth after its reformation. That is better for you, if you should be believers.*”¹²¹ To show that this principle is applicable to both men and women, it says: “*... to men is allotted what they earn, and to women what they earn.*”¹²² In this regard, the Prophet was quoted to have said that: “*Give the hired man his wages before his sweat dries*”¹²³

Against the tendency of forced labour, Islamic labour law requires the observation of four principles namely that, it is imperative on an employer of labour to fulfil his contractual obligation. Thus, it is stated in the *Qur'an* that: “*be faithful to your pledge to God when you enter into a pact.*”¹²⁴ Second, the Islamic tradition advocates that wages must be paid upon a worker's completion of the agreed terms of the contract.¹²⁵ Third, when there is an agreement to work, compensation must be clearly stated prior to entering into a contract and commencement of the work. Fourth, in another tradition, Prophet Muhammad was quoted to have said that: “*if you are employing a worker, you have to tell him how much he will be compensated for his labour.*” Forced labour and exploitation of labourers and workers usually involve the violation of at least one, but more frequently of several of these principles.

Islamic jurisprudence considers work not only as a legitimate act for earning livelihood but also an act of worship. Thus, rights of both the employers and employees are recognized and regulated so as to protect the interests of all. Similarly, the concept of a contract in Islam does not exist merely as a legal institution necessary to cater only for legitimate private needs. The very foundation of a contract is a covenant, a pact between God and man. That explains why terms of an agreement must be clear and transparently observed and executed before work begins so as to ensure that the worker's rights and interests are protected and also to motivate the worker to work honestly and diligently. Contract in Islam is not a mere mundane affair between the contracting parties, but a sacred act and covenant with God. Thus, the *Qur'an* states: “*O you who believe! Fulfil the obligations*”¹²⁶

¹¹⁹ Aslan, R, “*No god but God*” - *The Origins Evolution and Future of Islam*, Arrow Books, London, 2006, p. 165.

¹²⁰ Zulfiqar, A.A., “Religious sanctification of labour law: Islamic labour principles and model provisions”, *University of Pennsylvania Journal of Labour and Employment Law*, vol. 9, No. 2 (2007), pp. 421 ff.

¹²¹ *Qur'an* 7:85.

¹²² *Qur'an* 4:32.

¹²³ *Ibn Makah*, 2:817.

¹²⁴ *Qur'an* 5:1.

¹²⁵ Al-Mutaqqi al-Hindi, “The treasure of workers in normative words and deeds”, Hadith 9125.

Translation from Arabic — Mohamed Y. Mattar (<http://www.al-eman.com/islallin/viewchp.asp?BID-137&CID=138> (accessed June 10, 2008)).

¹²⁶ *Qur'an* 5:1 supra.

Similarly, the work to be done *ab initio* has to be lawful for both the employer and employee. This further implies that if the work is lawful, the procedures for carrying it out must also be lawful. The employee must not betray his/her employer by performing below standard stipulated in the contract. The employer must not also underpay or delay payment of the employee.

In another consideration, force labour is considered harmful because, it impugns the rights and integrity of its victims. Islam condemns the infliction of harm. Inflicting hardship and harm, whether intentional or not, is thus prohibited. Accordingly, subjecting any person to hard labour is likewise prohibited. The Qur'an condemns infliction of harm when it states that: "*He (God) has chosen you and has not laid upon you in religion any hardship*".¹²⁷ The same sentiment is re-enacted in another verse of the Qur'an where it says: "*Allah (God) desires for you ease. He desires not hardship for you.*"¹²⁸ In whatever way it is imposed forced labour is often requires excruciating and harmful, Islam thus prohibits these types of practices.

In 2002, the Grand Mufti of Saudi Arabia who is the highest Islamic authority in that country, had issued a *fatwa* against the abuse of foreign labour by Saudi employers, stating that "blackmailing and threatening [foreign] labourers with deportation if they refuse the employers' terms, which breach the contract, is not allowed."¹²⁹ It was in the light of this a recent decree by the Saudi Council of Ministers explicitly provides that an alien employee is entitled to keep his travel documents and the travel documents of his family. The employee also has the right to travel anywhere in Saudi Arabia without showing documentation, which was previously required.¹³⁰

Islam Abolition of Slavery and Forced Labour – A Rundown

Slavery existed for many centuries before Islam. It was a reality on ground to be dealt with. Islam thus addressed the challenge of slavery in the following ways:

- 1) Fair treatment of slaves was made mandatory and a general rule to be observed. This, to a greater extent elevated the status of slaves from the hitherto downgraded level. Thus, slaves, like any other members of the society became entitled to marry, divorce,

¹²⁷ Qur'an 22:78:

¹²⁸ Qur'an 2:185; also see United Nations Children's Fund and Al-Azhar University, International Islamic Centre for Population Studies and Research, *Children in Islam: Their Care, Development and Protection—Summary* (2005), p. 8; available from www.unicef.org/Egypt/media_2369.html.

¹²⁹ Saudi Arabia Dar Al-Iota' Fatwa dated 3 September 2002.

¹³⁰ Mattar, M.Y., "Trafficking in persons, especially women and children, in countries of the Middle East: the scope of the problem and the appropriate legislative responses", *Fordham International Law Journal*, vol. 26, No. 3 (2003), pp. 729 ff. Saudi Arabia, Council of Ministers Decision No. 166 of 12/7/1421 AH regulating relations between migrant workers and their employers further stipulates as follows: "Employers shall not retain the passports of migrant workers or the passports of members of their families. Migrant workers shall be entitled to freedom of movement within the Kingdom of Saudi Arabia provided that they hold a valid residence permit. Migrant workers may apply to governmental and other bodies to avail themselves of the services needed to ensure a decent life for themselves and their families, such as the issuance of driving licenses, the purchase of motor vehicles, telephone connections etc., without being obliged to obtain the consent of their employers. The term "sponsor" shall be invalid wherever it appears and shall be replaced by the term "employer". The Decision also makes provision for the establishment of a special committee to resolve any problems arising from its application (see "National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1: Saudi Arabia" (A/HRC/WG.6/4/SAU/1)).

acquire education and stand as witnesses in the law court regardless of the parties involved.¹³¹

- 2) Mandatory rules were introduced toward freeing slaves. Owners of slaves were compelled to set them free by regulatory method. The Qur'an stipulate by designating securing freedom for slaves as one of the eight heads of expenditure on which the *Zakah* revenue may be expended.¹³²
- 3) In situation where slaves were able to redeem themselves from slavery by carrying out stipulated labour services payment of money or assets granting them freedom became mandatory.¹³³
- 4) When slave women or girls gave birth to the child of their masters, the child automatically became a free person.¹³⁴
- 5) When a person is owned as a slave by two masters one of who resolves to free the slave to the extent of the fraction, he owns in that slavery value, it becomes the responsibility of the state to pay the balance of this value to secure his total freedom.¹³⁵
- 6) Right from early period of Islam, freeing of slaves had been made a meritorious act of charity and under the Shari'ah, provisions are made for freeing the slaves in the context of expiations (kaffarat) and atonements for certain sinful acts including false oath in jest, deliberate breaking of fast in Ramadan without valid reason as well as unintended commission of manslaughter and bodily injury.¹³⁶
- 7) Exploitation of labour and is illegal under Islamic law. Proof of prohibition of exploitation is contained in the Qur'an where it is stated that: "So fulfil the measure and weight and do not deprive people of their due and cause not corruption upon the earth after its reformation. That is better for you, if you should be believers."¹³⁷ This applies equally to men and women as sated again in the Qur'an thus: "...to men is allotted what they earn, and to women what they earn."¹³⁸ Prophet Muhammad is quoted to have stated that: "Give the hired man his wages before his sweat dries."¹³⁹
- 8) Forced labour and exploitation are illegal and thus, employers of labour must, as a rule, fulfil their contractual obligation as stipulated in the Qur'an that: "[b]e faithful to your pledge to God when you enter into pact." Secondly, under the Sunnah, which is the second basic source of law, wages must be paid upon a worker's completion of the agreed upon contract.¹⁴⁰ Thirdly, prior to entering into a contract of labour, compensation must be specifically and clearly stated in such an agreement. Fourthly, a rule contained in a Hadith of Prophet on labour must be duly observed, namely that, "if you are employing a worker, you have to tell him how much he will be compensated for his labour."¹⁴¹

Part III

¹³¹ Kamali, M. H., *Shariah Law Questions and Answers*, Oneworld, (2017), p. 174.

¹³² See Qur'an 9:60; *ibid*.

¹³³ Kamali, M. H., *supra*.

¹³⁴ *Ibid*.

¹³⁵ *Ibid*.

¹³⁶ *Ibid*.

¹³⁷ Qur'an 7:85.

¹³⁸ Qur'an 4:32.

¹³⁹ Ibn Maajah 2/817.

¹⁴⁰ Al-Mutaqi al-Hindi, "The Treasure of Workers in Normative Words and Deed," *Hadith* 9125. Translation from Arabic – Dr. Muhammed Mattar,

¹⁴¹ 'Combating Trafficking in Person in Accordance with the Principles of Islamic Law', *United Nations Office on Drug and Crime*, United Nations, New York, (2010), p. 27

Slavery, Human Trafficking: Libya of Post-Gadhafi Era

Aftermath of Regime Change

Observers argue that Libya, under Muammar Ghaddafi despite the prevalent political absolute power was a prosperous nation where peace and security were guaranteed. Sooner after the overthrow of his government and the aftermath of civil war that broke out in 2011, Libya has been in turmoil heading towards a failed state.¹⁴² The government is devoid of cohesion and centralized administration. For example, the UN-backed Government of National Accord,

headquartered in Tripoli, operates in the western part of the country. The eastern part of the country is governed by its Parliament, with headquarters in the city of Tobruk, which is supported by the Libyan National Army. Thousands of people flee from Libya every year trying to escape war and poverty.¹⁴³ It all began when North Atlantic Treaty Organization (NATO) launched a war in this country purposely to topple the government of long-time leader Muammar Gadhafi. The US and its allies launched hundreds of cruise missiles, destroying the government's ability to counter rebel attacks. Since then, Libya has been plunged in turmoil, chaos, bloodshed, and political uncertainty.¹⁴⁴

Consequently, there had been marked change in the social and political order of Libya with proliferation of weapons, sectarian insurgencies and violence, lawlessness, with spill-overs affecting not only neighbouring countries such as Mali but also other parts of African generally and West Africa region in particular. The spill-over take different forms, including human trafficking and slavery and forced labour.

In this chaotic civil war situation, brigades of armed volunteers emerged in various locations reporting to local military councils, which became *de facto* local authorities. Some of the largest, and most well-equipped brigades were associated with religious sectarian groups transforming themselves to political parties.¹⁴⁵ There had been reported cases of sporadic clashes between rival militias, and vigilante revenge killings.¹⁴⁶ Civilians were robbed, and their houses were looted by armed men.¹⁴⁷ A January 2013 report from the country's Ministry of Interior revealed that the number of murders has risen from 87 in 2010 to 525 in 2012 - a 503% increase - while thefts over the same period have risen from 143 to 783 - a 448% increase.¹⁴⁸

¹⁴² A lot of water has passed under the bridge since Libyan leader Muammar Gaddafi was overthrown in 2011, <https://sputniknews.com/infographics/201710231058475797-libya-before-after-gaddafi/> (accessed 10 December 2017).

¹⁴³ Ibid.

¹⁴⁴ Worsnip, P., UN council wants to free more Libyan assets-envoy, (2011), <https://af.reuters.com/article/commoditiesNews/idAFN1E7AT16U20111130> (accessed 10 Dec., 2017).

¹⁴⁵ Kirkpatrick, D.D., In Libya, Fighting May Outlast the Revolution, *The New York Times*, (2011), <http://www.nytimes.com/2011/11/02/world/africa/in-libya-the-fighting-may-outlast-the-revolution.html> (accessed 10 Dec. 2017).

¹⁴⁶ Meo, N., Libya: revolutionaries turn on each other as fears grow for law and order, *The Telegraphy*, (2011), <http://www.telegraph.co.uk/news/worldnews/africaandindianocean/libya/8860684/Libya-revolutionaries-turn-on-each-other-as-fears-grow-for-law-and-order.html> (accessed 10 Dec., 2017)

¹⁴⁷ Ibid.

¹⁴⁸ See Libya Herald of 9 January 2013.

At the outbreak of civil war, a number of measures were taken against the country by the superpowers and particularly international organizations. For example, about \$150 billion in foreign Libyan assets were frozen by the UN Security Council.¹⁴⁹ As a result of this economic strangulation, demands for wages, medication and reconstruction were putting a strain on Libya's limited supply of cash, causing prices to rise.¹⁵⁰

Libya: Slavery, Human Trafficking

NATO supported a variety of muster rebel groups fighting on the ground. These groups were controlled by 'religious extremists'. They were those whose stronghold is based in Misrata that harboured violently racist views. They were reported to have referred to themselves as "the brigade for purging slaves, black skin".¹⁵¹ Rival groups are fighting for control of power thus, there is no known functioning central authority. Many lives were lost, while many others have fled to neighbouring countries.¹⁵²

Presently, UN-backed Government of National Accord, is based in Tripoli operating from the western part of the country. The legislative arm, the Parliament which is supported by the Libyan National Army is based in the city of Tobruk controlling the eastern part. Consequently, the social and political order of Libya had been in total confusion ushering in the culture of banditry with proliferation of weapons, sectarian insurgencies, and violence, lawlessness. From this confused state of things arose brigades of armed volunteers in various locations under the control of the local military councils, which became *de facto* local authorities. It is noted that some of the largest, and most well-equipped brigades were affiliated with religious sectarian groups transforming themselves to political set-ups.¹⁵³ Rival militias, and vigilante revenge groups began to engage killings sprees in sporadic clashes.¹⁵⁴ Innocent civilians were robbed of their properties, and their houses were looted.¹⁵⁵ The situation had brought adverse effects not only to the neighbouring countries but also other parts of African generally and West Africa region in particular. The adverse effects take different dimensions, including human trafficking, slavery and forced labour.¹⁵⁶

A US leading human rights organization has observed that Libya militia were "terrorizing the displaced residents of the nearby town of Tawergha," which is the majority-black community

¹⁴⁹ Worsnip, P., *supra*.

¹⁵⁰ Donati, J., Shuaib, A., Libya c. bank looks to IMF amid cash crisis, Reuter, (2011), <https://af.reuters.com/article/investingNews/idAFJOE7A20I120111103> (accessed 10 Dec. 2017).

¹⁵¹ See 'Media Erase NATO Role in Bringing Slave Markets to Libya', <https://amityunderground.com/western-media-finally-wake-up-to-libyan-slave-trade-but-completely-whitewash-all-western-responsibility-for-its-emergence-libya-gaddafi-nato-us-uk-intervention-slave-trade-failed-state/> (accessed 25 May, 2018).

¹⁵² *Ibid*.

¹⁵³ Kirkpatrick, D.D., In Libya, Fighting May Outlast the Revolution, *The New York Times*, (2011), <http://www.nytimes.com/2011/11/02/world/africa/in-libya-the-fighting-may-outlast-the-revolution.html> (accessed 10 Dec. 2017).

¹⁵⁴ Meo, N., Libya: revolutionaries turn on each other as fears grow for law and order, *The Telegraphy*, (2011),

<http://www.telegraph.co.uk/news/worldnews/africaandindianocean/libya/8860684/Libya-revolutionaries-turn-on-each-other-as-fears-grow-for-law-and-order.html> (accessed 10 Dec. 2017)

¹⁵⁵ *Ibid*.

¹⁵⁶ A lot of water has passed under the bridge since Libyan leader Muammar Gaddafi was overthrown in 2011, <https://sputniknews.com/infographics/201710231058475797-libya-before-after-gaddafi/> (accessed 10 Dec. 2017).

and bastion of support for Qadhafi and his regime. In similar vein, Human Rights Watch has reported that “The entire town of 30,000 people is abandoned - some of it ransacked and burned - and Misrata brigade commanders say the residents of Tawergha should never return.”¹⁵⁷ Incidence of ethnic cleansing of the black community of Tawergha have been reported as well. The combined effects of these atrocities, it is noted were attributed to the enslavement of African refugees and migrants.¹⁵⁸

Economic Factor for Migration

For young men and women from sub-Sahara Africa looking for greener pasture in Europe, Libya was a destination. Libya was known as a boat launch to Europe even before the demise of the regime of Muammar Qaddafi. These African migrants coming particularly from Niger, Nigeria, Sudan, and Chad, with hope for a better life are finding themselves being captured and sold into labour or sex slavery in Libya.¹⁵⁹

It has been reported that since 2015, hundreds of thousands of refugees and migrants have travelled through the borders of Libya crossing the Mediterranean and heading towards Europe and perhaps to the Middle East. Libya is thus named as ‘Gateway to Europe’. From this trans-border mass-movements, business of human trafficking boosted, and the illegal traffickers are cashing on the unfortunate breakdown of law and order in Libya as well the desperation of the migrating victims. These refugees and migrants became chattels as traffickers are selling them as cattle to the highest bidder.

An immigrant victim disclosed that “*They took people and put them in the street, under a sign that said ‘for sale’.*”¹⁶⁰ It was reported that men and women are sold for between \$200 and \$500 each in the Libya slavery market.¹⁶¹ Another migrant victim disclosed that: “*People were tied up like goats, beaten with broom handles and pipes every blessed day, to get the money,*”¹⁶² As soon as they were bought by the slavery merchants, they are held for ransom in mass prisons and detention centres. In some other instances, they are used for forced labour or sexual exploitation. Sometimes, higher prices are put on them and thus resold and their slave masters demand more and more in ransom.¹⁶³ It was reported that CNN journalists ‘went undercover to a slave auction and exposed the grim world of slave traders, who operate in Libya’s capital, Tripoli, selling people for as little as \$400’.¹⁶⁴

¹⁵⁷Norton, B., Media Erase NATO Role in Bringing Slave Markets to Libya; <https://amityunderground.com/western-media-finally-wake-up-to-libyan-slave-trade-but-completely-whitewash-all-western-responsibility-for-its-emergence-libya-gaddafi-nato-us-uk-intervention-slave-trade-failed-state/> (accessed 2 June, 2018).

¹⁵⁸ Ibid.

¹⁵⁹ Bailey, J., Senator, 36th District, The Senate State of New York, Slave Trade in Libya, https://www.nysenate.gov/sites/default/files/article/attachment/libya_statement.pdf (2 June 2018).

¹⁶⁰ Ratcliffe, R., ‘The Guardian’ posted by Onas, M., ‘African Migrants flee poverty, only to get sucked into violent crime (2017),’ <http://africa-online.com/2017/05/26/african-migrants-flee-poverty-only-to-get-sucked-into-violent-crime/> (accessed 2 Dec 2018).

¹⁶¹ Ratcliffe, R., *supra*.

¹⁶² Ibid.

¹⁶³ Ibid.

¹⁶⁴ Khalifa, M. B., ‘Slave Trade in Libya: Who Controls the Human Trafficking Market in Tripoli?’ (2017), <https://sputniknews.com/africa/201711231059364386-who-controls-human-trafficking-in-libya/>

Another example was the case of Yusuf, a 24-year-old Nigerian, reported to be one of thousands of people who embarked on risky journey to Libya hoping to secure a job to enable them to proceed to Europe for a greener pasture. Unfortunately, however, it was too late for Yusuf and his likes to discover that they were deceived to submit themselves to a ‘violent world of slave markets, private prisons, and brutal forced brothels’.¹⁶⁵ Yusuf was eventually sold to traffickers, tortured and tragically forced to watch a friend die.¹⁶⁶

Women for Sexual Slavery

Sexual slavery has become a lucrative business in Libya. Female migrants who fall victims are considered more valuable commodity in the slave trade business than their male counterparts. It has been reported that in Sabha, the clearing house and brothel used for trafficking migrant women was well-known.¹⁶⁷ An informant revealed that:

“There is a three-storey building, where the business takes place,” he said. “Immediately, the women enter the building, that is it – they can’t leave. Some are forced to work there; some are sold elsewhere. It looks just like a normal house, but the local citizens know what is happening there. The person who buys them can sell them on for two or even four times as much.”¹⁶⁸ “Prices for women start at 3,000 Libyan dinars, around €2,000 – more than twice as much as traffickers pay for men”.¹⁶⁹

Slavery and Slave Trade in Libya: Any Solution?

The unfortunate incident of auctioning migrants as slave and even chattels for paltry sum of money in Libya has been described as incredible, egregious, and tragic.¹⁷⁰ It has reached a level that it can no longer be ignored or treated with flippancy. It calls for concerted efforts to put an immediate end to the practice. It is pertinent therefore to examine some points and some steps that can be taken to check the phenomenon.

- 1) ***Poverty and Ignorance as Root-cause.*** For an effective fight against the upsurge of slavery in the world generally, and Libya in particular, concerted efforts must be made to address the issues of poverty and ignorance. Most if not all of the immigrant victims of this phenomenon are citizens of developing countries of West African sub-region. These countries are in dire poverty and their citizens lack access to balance education that can make them self-independent. Observers argue that to check trafficking and slavery in Libya, there is need to support development organizations that work on countrywide aid and development, either in Libya or in the countries from which migrants are fleeing.¹⁷¹ International organizations for development such as World Food program, Save the Children, Oxfam, and Medecins Sans Frontieres should focus

¹⁶⁵ Onas, M., ‘African Migrants flee poverty, only to get sucked into violent crime’ (2017), <http://africa-online.com/2017/05/26/african-migrants-flee-poverty-only-to-get-sucked-into-violent-crime/> (accessed 31 December, 2018).

¹⁶⁶ Ibid.

¹⁶⁷ Ibid.

¹⁶⁸ Ibid, quoting Fasan Olaside, a 27-year-old Nigerian builder who was himself kidnapped and held for ransom twice inside Libya.

¹⁶⁹ Ibid.

¹⁷⁰ Friedmann, S., “How To Help Stop Libya's Slave Trade & Fight Slavery Around The World” (2017), <https://www.bustle.com/p/how-to-help-stop-libyas-slave-trade-fight-slavery-around-the-world-5554300> (accessed 31 Dec., 2018)

¹⁷¹ Ibid.

their development aid activities to those countries with a view to encourage the youths to contribute to development of their countries of origin rather than looking for greener pastures in other parts of the world particularly Europe.

- 2) ***UN and The Clarion Call.*** The United Nations (UN) as an umbrella international body stand better chance to initiate necessary steps towards checking slavery and slave-trade going on in Libya. UN should specifically set up a commission to investigate the underlined factors behind slavery and human trafficking in Libya as well as individuals or organizations culpable in this heinous act. As a global body the UN, should initiate practical steps to repatriate the migrants from Libya and set up a task force to dismantle the trafficking network.¹⁷² UN has a duty to be more proactive by sanctioning any government or institutions that failed to perform their official duties in ensuring that the incident is completely checked. The international community should, as a matter of necessity, develop a comprehensive blue-print as response to addressing the issue of human trafficking, slavery and slave-trade that had taken a new dimension in the present century in Libya and elsewhere.
- 3) ***IOM and Challenge of Human Rights.*** What is going on in Libya is a matter that goes to the root of human rights and thus, international human rights organizations and stakeholders in migration matters are expected to rise to the occasion. For example, the International Organization for Migration (IOM) as a leading intern-governmental organization in the sphere of migration should work closely with governmental, intergovernmental bodies as well as other corporate stakeholders to address the issues of human rights abuse as relates to human trafficking, slavery, and slave trade in Libya. IOM should continue ‘pushing Libyan authorities to develop alternatives to migrant detention centres (where migrants are often exploited and abused) and demanding that authorities hold those who abuse or enslave migrants accountable for their actions’.¹⁷³ It has been reported that so far, IOM has succeeded in closing seven detention centres in the country and is pushing for the creation of open detention centres that respect migrants' rights. It is expected to do more.
- 4) ***AU and Libya Slave Trade.*** Following the CNN broadcast, the Chairperson of the African Union Commission, Moussa Faki Mahamat made statement condemning the slave trade phenomenon in Libya. According to him, it is dismayed to learn the auctioning of African migrants in Libya as slaves. Following the communiqué of the Chairperson of the Union, Professor Alpha Conde came out with strong condemnation, describing the acts as despicable which are at odds with the ideals of the Founding Fathers of African Union and relevant African and international instruments, including the African Charter on Human and Peoples' Rights.¹⁷⁴ In spite of its official statements and declarations, AU has been criticized. It is noted that the slave-trade going on in Libya should have been properly addressed as the matter is rights inside the AU's jurisdiction. The Pan-African body has been criticized for not doing enough. ‘They

¹⁷² Sobik, J., ‘Libya Slave Trade Sends Shock’ waves Across the Globe https://www.antislavery.org/libya-slave-trade/?gclid=EA1aIQobChMIuaj-9czt3wIVQ7HtCh2UQgObEAAAYASAAEgLI9_D_BwE (accessed 10 Jan., 2019)

¹⁷³ Friedmann, S., supra.

¹⁷⁴ Statement of the Chairperson of the African Union Commission on the Plight of African Migrants in Libya <https://au.int/en/pressreleases/20171118/statement-chairperson-african-union-commission-plaint-african-migrants-libya> (2017); (accessed 10 Jan. 2019)

have been incredibly sluggish. The AU will point to the fact that they called for authorities to investigate within a day of CNN broadcasting their slave market footage. But this really doesn't mean they are on the ball.¹⁷⁵ Although in an official statement, Guinean President Alpha Conde, who is also Chairperson of the AU, demanded an enquiry and prosecutions of those who are culpable in the Libya slave trade, experts argued that AU should come out with a blue-print of action that will put a total stop to this uncivilized development in the contemporary Africa.

- 5) ***Ignorance and Lack of Awareness.*** It has been observed that the enlightenment and awareness campaign agenda on the Libya slavery phenomenon is next to nothing. Average African populace and particularly the youths are ignorant of the potential dangers in the illegal trans-Sahara-Europe migration adventure. Thus, African youths were easily misled by human traffickers and racketeers to pin their hope for a greener pasture in Europe through this dangerous and unprofitable venture. The concerned African governments and stakeholders have not addressed the need for an intensified enlightenment effort.

Part IV

Recommendations and Conclusions

Recommendations

For the phenomena of human trafficking, forced labour and modern slavery to be nipped in the bud or at least to be reduced to the barest minimum, the following steps and humbly recommended:

- (a) The UN and other stakeholders should commission judicial tribunal to address and resolve once and for all, the issue of historic genocide cases, abuse of human rights and Trans-Atlantic slave trade. It is obvious that the modern slavery and human trafficking have their roots in this historic antecedent. Moreover, those cases have remained a recurring decimal and reference points to indicting certain powerful countries conscious of the roles these countries are presently playing in the international affairs. To ignore this fact seems to mean a refusal to address the issue of modern slavery and human trafficking from the root.¹⁷⁶
- (b) The International Police Organization (INTERPOL) should be empowered to establish sustainable law enforcement capacity to arrests, investigate and prosecute members of international mafia engaging in human trafficking and migrant smuggling ring in vulnerable communities and countries particularly in West Africa sub-region.
- (c) The international community should put in place legal mechanism to stop the illegal movements of money or capital from one country to another. This will check African leaders syphoning their countries' resources and patrimonies to other parts of the world for their personal interests. Thus, they would be forced to apply those resources for development agenda and create educational and employment opportunities for the youths. African youths are deprived. This has led them to search for greener pastures

¹⁷⁵ Head, T., 'Involved in Zimbabwe, mute on Libya: What are the African Union doing about slavery?'

(2017); <https://www.thesouthafrican.com/involved-in-zimbabwe-mute-on-libya-what-are-the-african-union-doing-about-slavery/> (accessed 10 Jan. 2019)

¹⁷⁶ Kersten, M., What ICC Can do to Improve its Relation with African States; (2016); <https://justiceinconflict.org/2016/11/01/what-the-icc-can-do-to-improve-its-relationship-with-african-states/> (accessed 13 Feb., 2017).

in other parts of the world. In the process, they fall victims of human trafficking and force labour in the hands of international mafia.

- (d) The beneficiaries of these phenomena should be forced to pay for their dirty ventures. Products and services derived from human trafficking, forced labour and slavery should be sanctioned and boycotted. Ferocious campaigns should be launched to achieve this.
- (e) There should be deliberate efforts to embark on mass awareness campaigns. Government agencies, non-governmental, religious organizations as well as mass media and youths should be mobilized to create awareness among the potential victims of this slavery menace. Awareness campaigns should be intensified among families,
- (f) and social groups by means of social media as a way of encouraging others to contribute to the fight to end slavery in Libya and beyond.¹⁷⁷ It has also been suggested that some of the awareness initiatives should include sharing educational videos and books on the subject, following, and sharing the organization's social media posts.¹⁷⁸

Conclusion

We conclude from the analysis of this study that human trafficking, forced labour and slavery are anti-human and unacceptable. The practices cut across cultures, nationalities and dogmas taking different dimensions. Wars and conflicts are historic major sources of these menaces. Educational, economic, and social deprivations prevalent in many developing countries of Africa and particularly the West Africa sub-region had provided veritable grounds for trafficking in human for forced labour and slavery in the present time. Local, national, and international laws had declared them illegal. However, due to weak enforcement mechanism associated with internationalism, human trafficking and forced labour had continued unabated around the world. The unfortunate political turmoil that followed the demise of Muammar Gaddafi triggered civil war in Libya. This aggravated the menaces of human trafficking and forced labour situation in the continent of Africa. Thus, trans-national mafia in the dirty businesses are in full swing, while desperate African youths are easy preys. All hands must be on deck to stop these menaces; otherwise the world will retrogress and degenerate to the dark ages of barbarism and backwardness of the past.

¹⁷⁷ Friedmann, S., *supra*.

¹⁷⁸ *Ibid*.