An Analysis of the Continuation and Expansion of Transnational Organized Crime: The case of Human Trafficking in Mozambique

By

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Declaration

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Abstract

In 1992, warring factions in Mozambique put an end to 15 years of violence and instability. By signing the General Peace Accord in Rome, the civil war was officially over, and post-conflict reconstruction could begin. The post-conflict state has been struggling with high poverty, weak infrastructure and the burden of returning refugees as well as internally displaced people (IDP's) in the aftermath of the war. Moreover, in recent years, increasing domestic activity on the part of transnational criminal syndicates has become a major national and regional security dilemma.

In this study, Mozambique, as a post-conflict state has been examined to identify the most important factors that lead to the increase and continuation in transnational crime in terms of human trafficking. Using prevailing state theories and post-conflict theories within the field of Political Science and analyzing Mozambique from the conceptual theoretical lenses of Max Weber, Charles Tilly, Shmuel N. Eistenstadt, and several other scholars, it is argued that there are numerous elements present within the state that have led to an increase in crime. These are first and foremost the (neo) patrimonial features of the state, corrupt state-officials, the state's pluralist legal-system and a general lack of public trust in the legitimacy of the government. Incomplete post-conflict reconstruction efforts, resulting in lack of public goods, such as health-care, schooling and jobs along with a culture of exploitation and objectification of women and deep-rooted gender-inequality in Mozambique is argued to provide criminal syndicates with an opportunity to capitalize on organized crimes such as trafficking of humans.

In recent years, positive developments manifest themselves through the international recognition of human trafficking and domestic ratifications of international laws and protocols to combat human trafficking. While Mozambique has ratified "The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children" this study reveals state factors that make the elimination of the crime of human trafficking in Mozambique difficult. The findings of the study are symbolic of a globalized problem. Combating transnational crime does not depend solely on international, regional and domestic cooperation through laws and regulations; it also necessitates increased national efforts in dealing with the root-causes of trafficking and to increase the political and public awareness in the country towards this human rights violation.

Opsomming

In 1992 het strydende groepe in Mosambiek 'n einde gemaak aan 15 jaar van geweld en onstabiliteit. Met die ondertekening van die Algemene Vredesverdrag in Rome, is die burgeroorlog amptelik beëindig en post-konflik rekonstruksie kon begin. Die post-konflik staat het gesukkel met hoë armoede, swak infrastruktuur en die las van terugkerende vlugtelinge en interne verplaasde persone in die nadraai van die oorlog. Daarbenewens het toenemende plaaslike aktiwiteite van transnasionale kriminele sindikate in die afgelope jare 'n groot nasionale en streeks-sekuriteitsdilemma geword.

In hierdie studie is Mosambiek as 'n post-konflik staat geanaliseer om die mees belangrike faktore wat tot die toename in transnasionale misdaad (in terme van mensehandel) gelei het, te identifiseer. Deur gebruik te maak van bestaande staatsteorieë en post-konflik teorieë in die veld van Politieke Wetenskap en deur Mosambiek te analiseer uit die teoretiese blik van Max Weber, Charles Tilly, Shmuel N. Eistenstadt, en andere, word daar geargumenteer dat daar verskeie elemente binne die staat is wat tot dié toename in misdaad gelei het. Allereers is die neo(patrimoniale) kenmerke van die staat, korrupte staatsamptenare, die pluralistiese regstelsel en algemene gebrek aan publieke vertroue in die regering. Daar word geargumenteer dat onvolledige post-konflik rekonstruksie, wat 'n tekort aan publieke goedere soos gesondheidsorg, opvoeding en werk tot gevolg het, tesame met 'n kultuur van die seksualisering van vroue en diep-gewortelde geslagsongelykheid in die staat, vir kriminele sindikate geleenthede vir organiseerde misdaad soos mensehandel bied.

In die afgelope jare het positiewe ontwikkelinge gemanifisteer deur die internasionale erkenning van mensehandel en die plaaslike bekragtigings van internasionale wette en protokols om mensehandel te bestry. Alhoewel Mosambiek "The Protocol to Prevent, Supress and Punish Traffickin in Persons, especially Women and Children" bekragtig het, toon die studie dat sekere staatsfaktore die uitwissing van mensehandel in Mosambiek moeilik maak. Die bevindinge van die studie is simbolies van 'n globaliseerde probleem; die bestryding van transnasionale misdaad berus nie net op internasionale, streek en plaaslike samewerking deur wette en regulasies nie, maar dit noodsaak ook verhoogde nasionale inspanning om die grondoorsake van mensehandel te hanteer en om politieke en publieke bewustheid omtrent dié menseregteskending in die land te verhoog.

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List of Acronyms

ANC: African National Congress

DDR: Disarmament, Demobilization and Reintegration

DRC: The Democratic Republic of the Congo

EEP: Economic Rehabilitation Program

FRELIMO: The Front for the Liberation of Mozambique

GDP: Gross Domestic Product

GRM: The Government of the Republic of Mozambique

ICTOC: International Convention against Transnational Organized Crime

ICVS: International Crime Victims Survey

IDP: Internally Displaced People

ILO: International Labour Organization

IOM: International Organization for Migration

ISS: Institute for Security Studies

MOU: Memorandum of Understanding

NGO: Non-governmental organizations

OCG: Organized criminal groups

RENAMO: Resistencia National de Mozambique

SADC: Southern African Development Community

SARPCCO: Southern African Regional Police Chiefs Cooperation Organization

SANDF: South African Defense Force

TCG: Transnational criminal groups

TCN: Transnational criminal networks

TICI: Transparency International Corruption Index

TOC: Transnational Organized Crime

UN: United Nations

UNCTOC: United Nation Convention against Transnational Organized Crime

UNDP: United Nations Development Programme

UNPTIP: United Nations Protocols on Trafficking in Persons

UNESCO: United Nations Educational, Scientific and Cultural Organization

UNODC: United Nations Office on Drugs and Crime

USD: United States Dollars

ZANLA: Zimbabwe African National Liberation

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Chapter 1: Introduction

1.1 Historical background and situational description: Mozambique

Mozambique still carries the burden of the instability following the last century of colonization, anti-colonial conflicts, and the civil war that successfully came to an end through negotiations in the early 1990s (BBC monitoring, 2012; PERI, 2012). Criminal organizations have proliferated along with the transformation of the state, especially since the end of the civil war in 1992. The criminal syndicates operating in Mozambique are often found to be transnational and contribute to undermining the transformation efforts made by the state by spreading corruption and fostering a shadow economy which are hindering transparency and sound governance (Irish-Qhobosheane, 2007). However, it has been said that in the last two decades, the state has had a successful post-conflict reconstruction, which has made it a role model for other post-conflict states in the southern African region. Yet, the increasing crime rate contradicts this notion[1]. Perhaps the measured success is due to the fact that the economy has improved in the last two decades as a response to the Economic Rehabilitation Program (EEP), introduced in 1987 by the Mozambican government, entailing privatization of banks and other ventures as a result. This restructuring made Mozambique one of the most successful economies in the southern African region (Wannenburg 2006: 309-312). On the other hand, looking beyond Mozambique's economic improvements, it becomes clear that the actual socio-political conditions tell an entirely different story about the real conditions in the country (Phiri, 2012).

Already in the 1500s, Mozambique was politically under the control of Portuguese colonizers. Due to its geo-strategic position as the most southern point, linking Africa to the Middle East, the Portuguese settled in Mozambique and removed the Arab occupation that historically had used the state as a trading center of slaves and minerals. Because of lack of funds and skills, the Mozambican economy suffered under the interests of the Portuguese, who failed to develop its colonies (ISS, 2012**).** Railroads that were built by foreign investors, mostly by British owned companies in the late 1920s, made it possible to transport cheap labor from Mozambique across its borders.

Movement of people has been a predominant feature of Mozambican history, when people

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[1] The number of police reported crimes and documented crime by independent surveys are highly contradicting in the state. Information on crime has been limited, due to a lack of data, resulting on only reliance upon estimates rather than facts. The increasing crime rate in Mozambique and the issue of documentation will be further commented upon in chapter 3, in section 3.5.1.

were transported and often forced to work in mines or plantations in South Africa and nearby British colonies (IOM: Facts and figures of Mozambique, 2012). This transportation of people was often forced and contributed to undermining the political, economic and social conditions of the Mozambican state. As a result, by exporting most of its labor to neighboring countries, the development of Mozambique was neglected (History of Nations, 2004).

When the Second World War came to an end, the need for labor in the state intensified due to increased commodity prices. This resulted in increased Portuguese immigration, increased forced labor of Black people and expropriation of Black peoples land to the new White settlers in the state. Many White immigrants also competed with the native Blacks over jobs in major cities, and this contributed to further exacerbating the already tense relations between Blacks and Whites in Mozambique (ISS, 2012). The increased immigration and exploitation of Mozambican nationals in the Portuguese colonies along with increased social and economic tensions led to opposition through nationalist movements. The opposition against the Portuguese settlers soon became militarized, and its goal was to achieve national independence. In 1962, the three biggest opposition groups united into one single group called FRELIMO. This organized and militarized group waited two years before it started a well-organized armed guerilla war in 1964 with the intent to win back control of the state from Portuguese settlers.

The liberation War ended in 1974 when Marcello Caetano, then Portuguese President, was ousted and the new Portuguese government gave over its power to the President of FRELIMO, Samora Machel. The suppressive social and economic systems during colonization were rapidly transformed into a more socialistic political system when Samora Machel came to power as head of state in 1975, becoming the first political leader after independence (Gastrow & Mosse, 2002: 1-4). However, lasting peace had not been realized. Mozambique suffered a great economic collapse after the end of Portuguese colonial rule. The transformative, socialistic politics led by Samora Machel in the years after the end of colonization produced deep internal political divisions (Gastrow and Mosse, 2003: 45-47). The state struggled with instability due to the FRELIMO government's support of the African National Congress (ANC) in South Africa, and the Liberation movement in Rhodesia[2]. This political instability culminated in a civil war between the FRELIMO government and the opposing rebel group RENAMO. The civil war contributed further to weakening the state. The domestic opposition of the sitting government was supported both by the South African

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[2] Zimbabwe was then known as Rhodesia

and the Rhodesian government as a response to FRELIMO's support of the ANC in South Africa and the Liberation movement in Rhodesia (ISS, 2012). Guerilla attacks between FRELIMO and RENAMO caused massive destruction to infrastructure, land, schools, hospitals, and production fields. This led to a great humanitarian crisis for the state (Wannenburg, 2006: 311; Shabangu, 2011: 15-16). The conflict lasted until 1992, and made Mozambique, according to World Bank figures, the poorest country in the world in terms of GDP per person in the mid-1990s (Gastrow and Mosse, 2003: 45-47). The end of the Cold War, along with changes in the Mozambican Constitution and a number of other factors, made it possible to negotiate a peace agreement that ended the civil war. Mozambique has gone through three decades of political, social and economic turmoil, and the civil war that came about as a natural reaction to Samora Machel's one-party rule weakened the infrastructure, exacerbated the already existing political divisions, and led to the displacement of millions of its people.

Mozambique is a typical transit state[3], and is perhaps most importantly bordering South Africa in the south, which is one of the richest states in southern Africa, by many known as the regional powerhouse. Even so, South Africa is one of the major receiving states of trafficked humans. The route through Maputo, the capital of Mozambique, is recognized as one of the main routes used for trafficking people into South Africa. Mozambique is also connecting noncoastal African states to the Indian Ocean through its many transport passages (UNESCO Policy paper, 2006; Martens et.al. 2003). After the end of the civil war in 1992, according to IOM research and UN data, Mozambique has experienced an increase in transnational organized crime (TOC). This study will attempt to shed light on the various elements that have contributed to the expansion of human trafficking in the post-conflict state of Mozambique.

1.2. Literature review

Now that the country has had two decades of peace, peacekeeping is viewed as completed in Mozambique. The general focus among academics has shifted towards other typical post-conflict matters in the country, such as creating sound governance, strengthening the state and other more immediate issues typically found in a post-conflict setting such as dealing with insecurity in terms of high crime levels and general violence. The problem with trafficking has received increased attention in recent years, especially that of forced labor and trafficking

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[3] In this context the term "transit state" is used as a concept explaining the passage of people and goods from one state to another.

of women and children for the purpose of sexual exploitation. Within the field of Political Science, there are several works about crime in southern Africa and Mozambique. In this research several studies point out Mozambique's failure to address the effects of the violence exposed to its citizens during the civil war leading to violence becoming a part of the nation's culture. Several works study the growing problem with trafficking and organized crime, and how criminal organizations tend to gain momentum in post-conflict settings. On this point, it is very often argued that organized crime in Mozambique is a prevalent result of the violence and insecurity within the country (Anderson & Davidson, 2003; Joshi, 2002; Martin, 2001; Richmond, 2002). There are many definitions of organized crime, but the definitions have been subject to change over time as a result of changing criminal patterns and criminal syndicates that arguably came about as a natural consequence of the globalized economy. This became especially evident after the end of the Cold War where increased imbalance between rich and poor nations, allegedly an effect of the globalized (capitalistic) economy, has led to new and different migratory patterns and new criminal patterns. Some recent literature paints a picture of human trafficking this way.

In this study, the work of Andre Standing (2003a: 105-108) on the origin of the concept and the term *organized crime* and how it has been developed to fit the new types of TOC will be used. Standing (2003a) wrote about the change in crime formations after the end of the Cold War and "the dark side of globalization." He argues that the cause and effect of globalization is that conflict states developed into criminal epicenters and new organized crime hotspots. All of this called for new definitions and new international initiatives. As an example, he mentions the UN Convention against TOC, which is one of the strongest initiatives to combat organized crime (UNODC, 2004). Standing's main argument is that organized crime involves all types of participants, many of which are active in public positions, which makes it necessary to have a definition that includes all types of offenders and illegal activities (2003a: 105-108). In this research study, Standing's ideas are particularly relevant when writing about organized crime and corruption. State officials are often found to be involved in illegal human trafficking. Referring to a survey conducted on nine Southern African Development Community (SADC) police agencies in 2000, Gastrow (2003) contends that a mutually agreed upon definition of organized crime in the southern African region has not been found, and that the states often use diverse definitions as well as a their "gut feeling" when dealing with organized crime. Uncoordinated and inconsistent laws and regulations are often referred to as a major constraint when attempting to fight criminal syndicates involved in trafficking, which is evidenced by the fact that the UN Convention's definition on organized crime has

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not yet been universally adopted and still remains contested. There is extensive work on various international, regional and domestic laws concerning organized crime in general, but less about the laws about human trafficking in the SADC region and in Mozambique specifically.

As a theoretical foundation for this research study, the work of Max Weber's *Social and Economic Organization* (1964) will be used, especially when conceptualizing the state. Weber (1964, 1991) wrote about the *tripartite* classification of authority, which he deemed as the three "pure" strategies in political systems used to achieve legitimacy and acceptance of authority, namely: Legal authority, Traditional authority and Charismatic authority. Under Traditional authority he invented a new term called *patrimonialism,* which is used to describe the traditional authoritarian system of rule where the ruler had its own military and administration. Weber's theory of changing authority will be applied when analyzing the process of political change and transformation Mozambique, as a post-conflict state, has undergone in the last two decades. Weber further wrote about the state, which he defined as "*a compulsory association with a territorial basis*", arguing that physical force is not only limited to political groups, but can be freely used by other groups to enforce their own system of order (1964: 154-156). This is particularly relevant in the context of this study when it comes to the surge of criminal groups in Mozambique. Weber's term of patrimonialism was coined by Schmuel N. Eisenstadt (1973) into a new term called *neopatrimonialism*, which refers to the power of patrons over government decisions due to their powerful connections. Neopatrimonialism has often been linked to corruption, as it is argued to create a climate of impunity where corrupt government officials enable the continuation and expansion of crime. Many argue that neopatrimonialism undermines governmental institutions, while some reject this notion, rather claiming that patrimonial actors can help reach out to the periphery of a state more efficiently than the government would on its own, and thereby help to establish stability in a country. Nevertheless, the link between neopatrimonialism and corruption is particularly relevant when it comes to the study of cross-border trafficking.

Attempting to explain crime and the increase of crime in post-conflict states, terms such as *failed states*, *fragile states* or *weak states* are at times used (Zartman, 1995; Hanlon, 2011; Rothberg: 2003). This study will especially make use of Robert I. Rothberg's (2003) work on weak states as well as William Zartman's (1995) work on state collapse when analyzing the increased formation of criminal groups after the end of the Civil War in Mozambique. Rothberg argues that despite having strong, functional sides of the state, a weak state does not

function fully on all levels, and often performs poorly in providing security to all the groups of society; protecting minorities, and having full control over the peripheries of the state. Zartman (1995: 5-9) most importantly writes about the informal economy overshadowing the formal economy during periods of state collapse. Seth Kaplan (2008: 2-8) and Mark Shaw's (1998: 1-10) ideas about *power vacuums* created by weak local governments are also relevant for this study. Owing to corruption, poverty and weak institutions, Kaplan (2008) argues that *fragile states* can be vulnerable to criminal networks. Shaw (1998) on the other hand writes about *gaps* taking place in periods of transition and violence where weak institutions can facilitate the growth of organized criminal groups, especially when state resources are concentrated on other more urgent areas such as warfare, hunger and epidemics. Kaplan (2008) also described the difference between *failed states*, *fragile states or weak states,* and how these states pose international and regional security threats as well as threatening the stability within a state to various degrees. The work of Williams and Brooks (1999: 81-99) is also used in this study as it posits that organized crime and TOC can be linked to *vulnerable states,* which is very much in accordance with Zartmann's (1995) work.

Among other things, Williams and Brooks (1999) predicted that indigenous crime and TOC would grow in Africa due to prevailing corruption and insecurity exacerbated by globalization. Globalization is inextricably linked to failed states or states in transition since it arguably poses a challenge to the state from above, leading to growth of TOC (Williams 1997: 10-12). A new term brought forth by Williams and Brooks is *captured states* which are vulnerable states controlled or neutralized by criminal networks. Authorities in the *captured states* are often engaged in criminal activities themselves or protect criminal organizations directly or indirectly (1999: 81-99). These ideas are highly relevant when writing about corruption and existing criminal networks and their "power" over the government in Mozambique, and this is accordingly used in chapter two of this research paper.

Several kinds of organized criminal activities in Mozambique remain in the shadow and are greatly underreported. The International Organization for Migration (IOM) has conducted several studies that attempt to provide a better overview of the various types of organized crime taking place in Mozambique, and also on criminal activities involving human trafficking. In order to grasp the reality of the matter, other international organizations such as the World Bank, ILO, ISS, UNESCO, UNDP, and UNODC have also conducted independent research. These sources are considered relatively reliable, and therefore very often referred to throughout this study. Other literature, such as the work of Jennifer Irish-Qhobosheane (2007)

on the context of criminal networks in Mozambique, and its link to the socio-political economy in the SADC region, will be used to gain more information and knowledge about the conditions in the state as well as in the southern African region. Jennifer Irish-Qhobosheane, along with several other scholars (Reisman and Lala, 2012; Shabangu, 2011; Gastrow and Mosse, 2002), wrote about corruption of government officials along with the instability of conflicts, and how all this has fostered organized crime.

There is a great deal of work about the connection between vulnerable post-conflict states and organized crime. Most of the work revolves around conditions in the state that create an environment in which organized crime can thrive. Corruption, state legitimacy and weak governance are very much focused upon, while there are less substantial, in-depth studies on the causations of human trafficking and the relationship between post-conflict settings and human trafficking.

1.3 The aims and significance of this research study

The aim of this study is to assess the problem of human trafficking in the southern African region, with specific reference to Mozambique. The other aim of this study is to find an answer to why this criminal activity has increased since the end of the civil war in Mozambique. An analysis of the contemporary situation will be made by looking at the underlying political, social and economic conditions of the state and its connection to neighboring southern African states. Further, the aim of this research study is to use knowledge of "push factors" and "pull factors" to analyze whether the problem of human trafficking in Mozambique has been properly addressed by both the Mozambican government and by regional institutions. By using a descriptive approach in gaining a more holistic understanding of the situation at hand, combined with the utilization of post-conflict state theories, the final aim will be to provide a more thorough understanding of Mozambique's growing problem of human trafficking. This will be aided by recognizing the elements that have caused the expansion of TOC in terms of human trafficking in the post-conflict state.

1.4 Research Questions

As this study will deal with the post-conflict situation in Mozambique and the problem of transnational organized crime and human trafficking, the main research question will be the following:

What elements in the post conflict state of Mozambique contributed to the expansion of transnational organized crime with specific reference to human trafficking?

In order to answer this research question, two sub-research questions have emerged and they have been formulated as follows:

What are the regional dynamics of transnational criminal networks in the SADC?

Trafficking in Mozambique is not an isolated event taking place only within the borders of the state. The neighboring states are highly involved, and are a part of the demand side of the equation. The criminal networks involved in human trafficking from, or through Mozambique are in most cases transnational. In providing an accurate assessment, it is crucial to examine the regional dynamics of such criminal activity.

Since the end of the civil war, what are the main features of the post-conflict state of Mozambique?

.This study will analyze Mozambique from the post-conflict state theoretical perspective, which is the period after the end of the Civil War in 1992. An elementary part of the analysis thus involves looking at features of the state in the post-conflict period.

1.5 Variables

In research, variables are the elements that assist with the identification of what needs to be observed in order to test theory. The dependent variable is the effect or result variable, and the independent variable is the cause variable (Lewis-Beck, Bryman and Liao, 2004). Accordingly, the following variables were identified:

Dependent variable: The post-conflict state of Mozambique.
Independent variable: Organized crime with specific reference to human trafficking in Mozambique.

1.6 Conceptualization

In order to study something, one needs to know exactly what to study. Terms can be vague and uncertain, and how we understand them varies accordingly. To avoid fallacies, one

identifies and clarifies the theoretical meaning of a concept by conceptualizing (Lewis-Beck, Bryman and Liao, 2004).

Human Trafficking: The 2000 United Nations protocol on human trafficking defines it as: **"**The recruitment, transportation, transfer, harboring, or receipt of persons by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs (UNODC, 2000)."

There is a fundamental difference between trafficking and smuggling. Smuggling of people can be voluntarily as a part of an arrangement where the smuggler helps the smuggled across borders illegally. Trafficking on the other hand, is when people being smuggled are deceived by promises of job offers in other countries, or kidnapped and forced to cross borders, for the purpose of various types of exploitation, often for the sex industry or labor industry (Hubschle, 2011: 75).

Organized transnational criminal groups: The 2004 UN convention on TOC, also called the *Palermo convention,* defines organized criminal groups as: "a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with this (Palermo) convention, in order to obtain, directly or indirectly, a financial or other material benefit"[4] However, it is argued that there is big difference between organized criminal groups (OCG) and transnational criminal groups (TCG), as OCG's tend to be more of a homogenous grouping. Many view this as a type of *mafia,* while TCG's is generally argued to be more sophisticated since the members can come from various countries rather than just one. The Palermo Convention definition of TCG is criticized for being incomplete, as it rather defines homogeneous OCG's and the participation in this (Hubschle, 2011: 7).

The State: According to the Concise Oxford English Dictionary (1995), a state is an

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[4] UN Convention against TOC (UNTOC) is also known as the Palermo Convention or the Palermo Protocols.

organized community living under a unified political system called the government. Max Weber's definition of the state is: "a human community that (successfully) claims the monopoly of the legitimate use of physical force within a given territory (1964:156)." The definition of a state is used to validate political actions, very often based on theories of state functions. How a state should be defined is a highly contested debate amongst academics within the field of Political Science, and it is regarded as mostly an ideological debate. (Barrow, 1993: 9-11.)

Post-conflict state: It is necessary to define a post-conflict state in order to write about post-conflict state theory. The concept of post-conflict refers to the period of time after a given conflict. It is difficult to accurately define what constitutes a post-conflict period, as conflicts may officially have ceased, even though smaller ones are still ongoing. Internal conflicts between rebel groups do not always include the government either, but are still viewed as a state conflict. Post-conflict in this study, is the aftermath of a conflict, where it can be both war and internal rebellion (UNODC, 2011: 2.)

1.7 Research design

The research design is a disposition on how the research will be conducted in order to answer the research question sufficiently and to reach a conclusion accordingly. A research design should describe and include which data to study and how the data will be collected. The disposition should also discuss which questions are relevant for the study, and how the findings are going to be analyzed to reach an adequate conclusion. A qualitative research design was selected for this case study as it is assumed that taking a descriptive, and to a certain extent exploratory approach, would provide a more detailed and holistic understanding of the topic. This study will not attempt to make any policy recommendations, but rather take a critical look at the already existing ones in a wider context. This research focuses on the case of Mozambique, and criminal networks involved in human trafficking. It also takes a look at the transnational syndicates of these criminal groups in the southern African region. In approaching the chosen research question, the explanatory aspect of this study makes the qualitative method most applicable. This method is best when one seeks to go more "in depth" to answer the research question and when the complexity of the political and societal situation makes it difficult to measure results and narrow it down to numbers (Bogdan & Biklen, 2003).

The research available, in terms of numbers on the subject of human trafficking, is

oftentimes estimations, and are not necessarily accurate nor reflect the real situation at hand, since most of the criminal activities are underground and, consequently, undocumented. This study will follow a single case study as a research design, as the aim is to analyze a highly complex situation, which other approaches would, in this scenario, most likely fail to do holistically. Michael Barzelay (1993: 305-307) argues that single case studies can be extremely valuable within the field of Social Sciences when *"...anyone seeks to improve collective problem solving through such activities as politics, management, production and professional inquiry."* The level of analysis will be the state of Mozambique on a Macro level, while the unit of analysis will be the transnational criminal networks (TCN) in Mozambique.

Mozambique was chosen, because it is a state in the southern African region that has gone through civil war and instability since its liberation from colonial rule in 1975. This makes it a viable example of a post-conflict state in the region. Mozambique was also chosen, as it is known for being a transit state for trafficking of humans and illicit goods into neighboring states with stronger economies and a better market for these "commodities." Moreover, organized crime engaged in human trafficking has been found to be especially prominent in Mozambique, and for having increased in the last decades, which makes it a relevant state to study in the context of a post-conflict state in the region. This research paper chose the time frame of 1992-2012, as these are the years after the Rome general peace accords was signed in October 1992, which put an end to the civil war between the party in power FRELIMO and RENAMO, the opposition party.

1.8 Reliability and Validity

It is important to assess the reliability and validity of the research and to make sure that one actually assesses what was to be studied and measure it correctly. When research is reliable other observers when conducting the same study/analysis, should reach the same conclusion. In the Social Sciences, getting the same results on a study can be problematic as the given situation might be highly intricate and subject to constant changes. However, this does not necessarily indicate that the result of the study is wrong. Yet, it is accordingly challenging to draw conclusions and generalize when conducting single study qualitative research (Howell et. al. 1994-2012).

The findings of this study can to a certain degree be ambiguous as the subject of study changes in various settings and relations, as well as over time. Nevertheless, this study

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analyzes crime in terms of human trafficking in a broader context, and can therefore contribute to highlight factors more holistically; elements that might be less recognized if one were to use quantitative research.

When measuring validity, external and internal validity should be taken into consideration. External validity is when results are generalizable and/or transferrable, depending on whether it is a qualitative or quantitative study. Internal validity is more about whether the study considers other explanations than what is assumed in a given scenario. In qualitative studies, internal validity functions as an evaluation of the quality of the sources used, the chosen research question and the theoretical framework used to reach a conclusion. Pertaining to quantitative studies, it also refers to the choice of what one measures, and whether it is measured correctly (Howell et. al. 1994-2012). As this study is a qualitative study, its validity is based upon the reliance of the secondary sources used and whether the study is in accordance with the stated research questions.

1.9 Limitations/delimitations

This case cannot be viewed in isolation. The study is first and foremost an attempt to explain what elements in the post-conflict state of Mozambique have contributed to the expansion of TOC, with specific reference to the organized crime of human trafficking. However, the research will have to take other states in the southern African region into consideration, as they are highly involved in the TCNs', and are thus relevant to the research. As the study is limited in its number of pages, the focus will be towards one post-conflict state in the southern African region, namely Mozambique. It will further focus on the time frame from 1992 to 2012, which are the years after the state's civil war ended. This is mainly due to the page limitations of the study, which would make an analysis further back in time more or less effortless, as it is impossible to cover everything in approximately 90 pages.

Due to the lack of data and information on the issue at hand, research on human trafficking, especially in the southern African region, is very limited. The lack of data is explained by the fact that human trafficking has historically not been focused upon in comparison to other crimes, such as weapon and drug smuggling. People involved in human trafficking often do not talk about it because they fear for their own or family's life and this is a constraint to documentation. The criminal networks are often highly intricate, and state corruption is another important element. Due to these various factors it is difficult to know all the facts or even to be certain of having correct data for this study. However, research conducted by

organizations such as the IOM, ILO, World Bank, ISS and UN by contacting grass-root organizations, gathering data from hospitals, police stations and so forth can paint a relatively accurate picture of the setting, even though complete knowledge will most likely never be achieved. Secondary data from reliable sources such as the above-mentioned organizations are helpful when conducting this research study.

1.10 Thesis structure

Chapter two provides a general explanation of the prevailing post-conflict state theories, and seeks to conceptualize the state by using these theories. It will focus on Mozambique as a post- conflict state, which is the dependent variable of this study. In this chapter, the regional states in southern Africa, namely the SADC states, will also be considered in the analysis, but to a lesser extent because Mozambique is the state chosen as the case in this research study.

Having provided a theoretical foundation in chapter two, chapter three will continue with a contextualization of the global and regional trends of TOC, with specific focus on the problem of human trafficking. Chapter three will assess the historical and contemporary international, regional and domestic laws existing to deal with human trafficking. Furthermore, a contextualization will be provided of the political, social and economic conditions in the last two decades after the end of the civil war in Mozambique while also viewing it in a regional context. Particular focus will be put on the relationship between the historical conditions in the state and the criminal syndicates engaged in the industry of human trafficking, as well as on the domestic networks stretching across the border of the state into the southern African region. Mozambique's historical burden of colonization leading up to the civil war in 1977 will briefly be presented, as it is important to have some knowledge of the most relevant historical happenings to comprehend the current conditions in the state. The last two decades since the peace agreement was signed in 1992 will be assessed in more depth, as this is the post-conflict period of the state relevant to the theoretical perspective of this study, abbreviated upon in chapter two. The purpose of this chapter is to facilitate a broader understanding of the current situation in Mozambique as a post-conflict state in the southern African region, as well as to create an understanding of the conditions in the state that has led to an increase in criminal networks, with particular reference to the industry of human trafficking.

Having conceptualized and contextualized the state of Mozambique and the national, global and regional trends of TOC engaged in human trafficking in chapter two and three, chapter

four will follow up with a holistic analysis of human trafficking in Mozambique and its stretch into the southern African region. The purpose of chapter four is to identify the economic, political and societal weaknesses of the state, which have contributed to the surge of criminal synergies involved in human trafficking. Chapter four will also apply the information and theory previously provided in the study in order to explain what elements facilitate the continuation of human trafficking in a post-conflict state. In addition, chapter four will analyze the involvement of international, regional and domestic organizations that aim to put an end to and prevent a continuation of human trafficking in Mozambique and in other regions.

Chapter five will provide an overview of the study and present a conclusion with a summary of the findings connected to the abovementioned research questions. This chapter will evaluate whether or not the study has answered these questions adequately, or if there are some limitations to the study, that could be improved upon through further study. It will reflect upon what should be done to prevent human trafficking in Mozambique by analyzing and concluding the previous chapters. The research study will be completed by assessing if new questions arose during the study, which call for further research on human trafficking in the post- conflict state of Mozambique.

1.11 Conclusion

This research study is divided into five chapters. Chapter one includes a historical description of Mozambique and its relation to the regional states as background for the study. The history of Mozambique is an important part of its current socio-political situation. It is therefore difficult to explain the current situation in the state without bearing its history in mind. As mentioned earlier, the timespan of the historical context is one of the limitations of the study. However, it would be futile to provide historical context even further back than what is provided in this study since it is limited to approximately 90 pages. The historical context will consequently focus on the period from the end of the civil war in 1992 until recent date. This year span is mainly chosen due to the theoretical framework applied in the study, which is contemporary post-conflict state theory. Chapter one also includes the research design and research methodology of the study.

The aim of this research study is to contribute to a broader understanding of the illicit industry of human trafficking in the southern African region, with special attention to the state of Mozambique which is a good example of a post-conflict state in the southern African

region struggling with criminal networks engaged in human trafficking and cross-border trafficking of humans. After having provided a conceptualization and a contextualization in chapter two and three, and an analysis of this in chapter four, the findings of the study will be summarized and assessed according to the stated research questions in the final chapter. It will also establish whether or not there are aspects that prove to be difficult to answer, or if the study has raised new questions that could be used for further studies.

Chapter 2: Theoretical Conceptualization of the State and Post-conflict Reconstruction of States

2.1 Introduction

This chapter provides an explanation of the concept of the state by using Max Weber's, and others, conceptual theoretical framework of social and economic organization. In addition, the definition of statehood and the process of state formation, which is widely used within the field of Political Sciences, will be assessed. It is essential to define what a state is in order to write about theories of post-conflict states. How a state is defined can be used to validate various political actions which are based on preferred theories of state functions, such as the relative strength or weakness of the state or the legitimacy of its statecraft (Barrow, 1993: 9-11).[5] After having defined the state, Weber's theory of changing authority will be elaborated upon, which is the process of changing authority from its most primitive form, called "charismatic authority", to the most advanced form of statehood as we know it today, namely the "legal authority". This state theory, along with Eisenstadt's concept of neopatrimonialism, will provide a foundation for the prevailing theories of post-conflict states, which will be presented in the following sections in this chapter. A conceptualization of the widely used terms that are synonymous with the conditions of post-conflict states such as *fragile, weak, collapsed and failed states* will be defined and empirically distinguished, based upon their social, political and economic differences. This will serve as reasoning for why the term weak state will be used in this study when writing about southern African post-conflict states with specific reference to Mozambique. Then, the prevailing theory of post-conflict state reconstruction, which is mostly focused on state governance, will be conceptualized, and the pivotal functions in such terms as state legitimacy, re-establishment of security, and rebuilding of effectiveness will be analyzed.

The last sections of this chapter will discuss the many challenges within post-conflict state theory and the "push" and "pull" factors that are found to increase corruption, organized crime and TOC within a post-conflict state that undermine the legitimacy of a state's government. The final section will attempt to provide an understanding as to why so many previous (external) efforts in post-conflict state reconstruction have in most cases been

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[5] How to best define a state is contentious among academics of different ideological persuasions within the realist, liberal and the constructivist schools of political thought.

unsuccessful. This will be explored by looking into whether the most commonly used theories of state reconstruction are able to grasp the complexities of post-conflict states in the developing world. It is important to bear this in mind when analyzing political, social and economic conditions in post-conflict African states as the most commonly used state theories within the field of Political Science are based upon western ideas of the state.

2.2 The State

The idea of the modern state, as we know it today, derives from the Treaty of Westphalia in 1648, where a new system of political order was established between European states based on mutual recognition by law of state sovereignty. This is known as the forerunner of current international law. This treaty helped ending both long lasting violent wars in the Holy Roman Empire, and between Spain and the Dutch Republic, although peace was not reached in Europe only as a result of this Treaty (Brown, 2010). The violent wars and changes Europe experienced in the 1800s is claimed to have created various elements of the state such as judiciary, military and taxation systems. Before the western state-formations of the 1800s, people were organized in patrimonial states, and it is of common belief that the violent wars at that time contributed to transforming the western patrimonial state system into today's modern state and statehood. Charles Tilly (1992) was the first to propose the theory of Western state-formation using historical examples from Western Europe as empirical evidence, such as the unification of Germany into one nation state with the Emperor Wilhelm of Prussia as the new leader of the unified German Empire. Tilly wrote in his book: *Coercion, Capital, and European States, AD990-1992* (1992) about: "*How War Made States and Vice-Versa."*

The idea of the state and western state formation also has its roots in Max Weber's thinking about the state and the process of state-formation through war. Weber's theory is similar to Tilly's line of argument. Indeed, the creation of the state took place in Western Europe through conflict and violence. He proposed that the state gained monopoly over the use of force and that monopoly was considered legitimate both by the ruler and by the ruled (Jung, 2008: 37-40). However, this monopoly could not be achieved and sustained only by state coercion. Weber contended that the modern "successful" state based itself on formal rules and regulations enacted through rational authority (Weber 1968a: 215). Weber's definition of the state is: *"a human community that (successfully) claims the monopoly of the legitimate use of physical force within a given territory"* (1964:156). Charles Tilly (1992) also wrote about the concept of monopoly of power and the success of state institutions. He argued that wars were

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extremely expensive, so when people got together and paid taxes to a legitimate leader, the leader obtained the financial power to run the war and provide the people with security in return. He, therefore, argued that taxation, a vital part of the state, was invented to fund the monopoly of power within a territory. He continued arguing that the parallel between war making and state making is becoming more and more correlated to organized crime, and that before the modern state system was formed, the power of the rulers and their use of violence for coercion were not entirely legitimate in nature, so the line between legitimate and illegitimate rule has historically always been relatively blurry (Tilly, 1985:186), which is an interesting though that is highly relevant in terms of Mozambique's problems with corruption, patrimonialism and increasing organized crime.

Weber outlined a tripartite classification of authority and political leadership in a state. The three existing ideal types of political leadership, according to Weber, are the "charismatic", the "traditional" and the "legal" authority, where the first two types can be linked to state instability, while the latter can be linked to authority in the advanced liberal democratic state we know in Europe today. Leaders attempt to rationalize the right to rule in a state through these three approaches, so they are often found to exist empirically in combination rather than in a pure form. Weber claimed that the modern state is based on the system of legal authority, which had gone through a process of changing authority from the patrimonial and feudal struggle for power with charismatic and traditional authorities, to the legal and rational authority of the modern state we see today, very much in accordance with Charles Tilly's analysis of the state (Weber, 1964).

Weber recognized the most advanced and legitimate type of authority as the *legal authority* of a state. Legal authority is established by shared rational values and pragmatism within a specific territory. A body of law and mutually agreed upon norms are important aspects of this advanced authority system. The body of law consists of a system of well-established rules. The legal authority system comprises a bureaucratic staff, and has one person in "command". The person in authority is often the elected President or Head of State. The members of the system obey the laws of the impersonal system, and not the leading personal authority. The members of the bureaucratic system (the staff) do not have ownership in the means of production or in the administration of the state. The separation of membership and ownership in the body strengthens the legitimacy of the system (Weber, 1964: 329-340). It can be argued that most modern states are legal authorities, according to Weber's definition of legal authorities and his tripartite classification of authority in a state. Most states in Europe

can be viewed as modern states according to this definition, although the level of corruption in a number of these states contradicts this perception to a certain degree.[6]

Traditional authority is the authority system where legitimacy is claimed through ancient tradition, as it has "always existed". The traditional leader is a personal chief, and has conventionally inherited the role as a leader. The traditional leaders' administrative staff consists of personal retainers chosen on the basis of trust, loyalty and inheritance rather than being officials in a bureaucracy as it is in the system of legal authority (Weber, 1964: 341-358; Bendix, 1977: 295). Moreover, there are no formal principles to follow in traditional authority. Consequently, all forms of opposition are personally against the chief, rather than against the system itself. The chief's role is to observe "the traditional limits of his authority". Criticism is therefore based on whether the chief has failed or succeeded in following the tradition (Weber, 1964: 342). The authority in traditional authority is frequently decentralized into more independent administrative divisions in order to reach out to the peripheries of the state. When power was decentralized, the leader and his officials were highly dependent upon having a military to protect their territories. The ruler financially supported the military, and the military contributed to empowering the officials, making them more independent of the ruler, and would eventually weaken his power.

Weber further argues that historically, traditional authority had features that became pillars of the western form of capitalism, as exemplified by the rational economic administration in organized communities that existed in Europe centuries ago. However, the decentralized governing powers often restricted the development of economic activities in their region, most likely due to corruption, and efforts to maintain the existing patrimonialism as well as to continue the "fattening of their own pockets" (Weber, 1964: 342-358).

Charismatic authority is the third authority system, where a leader is chosen based upon his/her extraordinary individual virtues. This is reasoned to be the most "primitive" type of leadership where rulers can be prophets, healers, war heroes and so forth. The legitimacy of a leader in this system is based upon recognition of exemplary abilities, and the peoples' trust and reverence of the leader for merits and experience. Charismatic leadership is not based on written rules or laws, but rather on decisions made by the individual authority's ethics and

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[6] Greece scores as low as 36 on the Corruption Perceptions Index 2012, while Italy has a score of 42. In contrast Mozambique scores 31 on the same index. A score of 0 is considered "highly corrupt", while 100 is considered "very clean" (Transparency International, 2012). See map 3 in chapter 3, section 3.5.

personal sense of justice: *"it is the duty of those who have been called to a charismatic mission to recognize its quality and to act accordingly"* (Weber, 1964: 359). The role of a charismatic leader can only be upheld through the approval and recognition of his/her followers. The leaders' role has to be defended continually by providing positive evidence of the qualities that make him/her extraordinary. The members of the staff of the charismatic leader are not officials chosen out of privilege or dependency but rather for their specific charismatic abilities as it is with perhaps, disciples of a prophet. The charismatic authority's staff can make their own decisions without asking the leader as there is no hierarchy that limits them. The staff and the ruler are paid only by voluntary gifts from followers. Weber recognizes the charismatic authority system as a purely transitory, non-lasting authority system that will become more stable by becoming a traditional or even a legal system.

In addition, Weber argues that in the long run, very few officials will dedicate their lives simply idealistically to the charismatic authority system, as they cannot make a living out of it. The officials will, therefore, either seek to materialize it or the system will slowly disintegrate (Weber, 1964: 360-367). As a consequence, the charismatic authority system will often be integrated into society through what Weber called "routinization", which is the process of change of authority. This is exemplified historically, when religions established their own set of rules which over time were incorporated into traditional and legal structures of society (Beckert and Zafirovski, 2006:53). Charismatic authorities can also challenge the existing legal authority, which can be a strong revolutionary tool, if they are not incorporated into the system they are challenging (Weber, 1964; Kunin, 2003: 40).

When Weber wrote about traditional authority, he used a new term called *patrimonialism* to describe its features. In the patrimonial system, the leader has his own military and administrative staff, paid out of his own pocket. The term *Neopatrimonialism* was derived from Weber's term *Patrimonialism* by the Israeli sociologist Shmuel N. Eisenstadt (1973) to describe a system that has both patrimonial and legal (bureaucratic) elements (Erdmann and Engel, 2006). As Weber (1964) so often emphasized, the three systems never existed in one "pure form." Eisenstadt's concept of neopatrimonialism has been widely used when attempting to describe a particular style of governance in African states. The concept of neopatrimonialism is used to depict the vertical distribution of a state's resources, where the regime or the powerful elite get the most. According to Boas (2001: 700), patronage is a centralization of power and an "exchange relationship between unequals." It is debated that the powerful regimes in neopatrimonial states have only replaced the role played by the

former colonial institutions in Africa, and that they can be viewed as illegitimate and even corrupt by outsiders. Patrimonialism is furthermore argued by Brinkerhoff and Goldsmith (2002) to undermine the rule of law, encourage corruption, deter investments, and undermine economic progress in a state. Weber however, did not view patrimonialism in a negative light, but rather saw it as a process of change, that would eventually lead to higher state legitimacy, and that this distinct form of patrimonialism was an intrinsic part of the African governance style, and "*not a synonym for corruption, "bad governance," violence, or evidence of a weak state*" (Weber, 1947 quoted in Pitcher, Moran and Johnston, 2009: 126). The concept of neopatrimonialsim is often used to describe a less favorable type of statecraft, where both the bureaucratic institution and powerful regimes exist in symbiosis. The regimes have a strong say in policymaking and decision-making, and are often linked to exploitation of public aid and state resources. Neopatrimonialism is found to affect virtually all of the Sub-Saharan African states; however, most people living in these states do not view this as corrupt behavior, as they depend upon this system to survive (Bratton and Mattens, 2009: 2). Neopatrimonialism can be linked to state weakness, as it can undermine the legitimacy of the government. According to Weber's theory of systems of authority, neopatrimonialism is perhaps a system in between traditional authority and legal authority. It can thus be assumed that African post-conflict states are in a process of state-transformation, which, through conflict and restructuring, eventually will reduce, or at best eliminate, patrimonial powers in the state; although this might be an utopian dream that will never exist.

This study will use Weber's theory of state formation and patrimonialism along with Eisenstadt's theory of neopatrimonialism when attempting to analyze the conditions in the post-conflict state of Mozambique that have caused an increase in TOC engaged in human trafficking in the southern African region.

The following sections will conceptualize the various theories of post-conflict state building. Governance, and the most important pillars of this, will be elaborated upon. Thereafter, the prevailing theories that deal with post-conflict states, based on the Weberian conception of the state, and the process of changing authority within the state, will be explored. Eisenstadt's neopatrimonialism is also highly relevant, especially when focusing on African post-conflict states.

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2.3 Theories of post-conflict state building: The construction of sound governance

"Conflict interventions need 'a rehabilitative dimension oriented to the past, a resolutive dimension oriented to the present, and a preventive dimension oriented to both the present and future" (Leatherman, 1999:8.)

The focus on state weakness, failure and the risk of collapse in post-conflict states has highlighted the importance of governance when attempting to establish peace in the transitional period. Governance is best described as *"the exercise of economic, political and administrative authority to manage a country's affairs at all levels* (UNDP, 1997).*"* This includes how the state relates its operations to its citizens, civil society and to the private sector (DFID, 2001: 11). These all-encompassing definitions include both the economic aspects of governance, and the sociopolitical dimensions, and can be used to analyze the conditions that differentiate a strong state from a weak state. Governance is a highly complex and multi-facetted concept. Derick W. Brinkerhoff (2005) has made an attempt to recognize the most important pillars of Governance in post-conflict states, namely the reconstitution of legitimacy, re-establishment of security, and the rebuilding of infrastructure effectiveness. Accordingly, these three dynamics will be discussed in the following sections.

2.3.1 Legitimacy

Establishing state *legitimacy* is perhaps one of the most important elements on the path to sound governance in a post-conflict setting. Gilley (2006: 500) defines state legitimacy accordingly: *"a state is more legitimate the more that it is treated by its citizens as rightfully holding and exercising political power."* The state-society complex is, according to this definition, an important part of state legitimacy, which is indeed in line with the Weberian view of the state as an authoritative institution that has evolved through a process of historical change, due to its interaction with society. With regard to reconstituting state legitimacy in post-conflict states, this comprises the removal of corruption, establishment of trust in the government and the creation of government accountability. Studies prove that control of corruption and rule of law is identified as salient attributes of a functioning state (Anderson and Tverdova, 2003), which is in coherence with the Weberian hypothesis of the state. When the states' legitimacy is limited and its role as the sole provider of public goods and security is being challenged such a "lawless" environment may be exploited by sub-state actors. These sub-state actors can carry out illegal activities with impunity. State legitimacy is therefore crucial to sound governance and the prevention of crime (Hanlon, 2011). Transparency and

inclusiveness are also important elements of state legitimacy. It is for this reason that most countries view democracy as the most legitimate system of governance (Brinkerhoff, 2005: 5, UNDP, 2002). However, in many cases, external interventions to create democracy in post-conflict states has proven to be disastrous and often contributing to the emergence of private authority, or have resulted in establishment of alternate state-formations such as the militant group Al-Shabaab in Somalia (Brinkerhoff, 2005; Bermeo, 2003). Later, it has been argued that democracy, as a western construct, only functions in western states due to its distinct history of state formation, while the different historical backgrounds and traditions in non-western societies causes a misfit to the externally imposed and standardized western democracy model (Call and Cook, 2003).

Wimmer (1997:634-636) argues that there is a strong link between state-building and ethnic conflicts because the modern democratic state model leads to inclusion/exclusion sentiments. The concept of a state raises questions about who belongs to the nation, and who does not. This notion is strengthened by the legitimacy of the state, which is based on the idea of national sovereignty. The idea of equals governed by equals in the modern statehood can lead to ethnic tensions between political groups challenging the legitimacy of the state and how it unequally exercises its power. The idea of *one* national identity can therefore enhance the notion of ethnic differences, especially when the collective goods of state resources are unequally distributed between different ethnic groups within a state. This unequal distribution can occur when the government is ethnicized, where people belonging to one ethnic group are representing the state, contributing to further undermining of the legitimacy of the state, which can create ethnic tensions. Many southern African states are transforming according to the modern state model before having established a strong civil society, something which is found to lead to ethnic instability (Wimmer, 2004). Also, the number of ethnic groups living within each state in the southern African region is greatly exceeding what is seen in most western European states, which further strengthens the notion that the modern state model is better suited for western states with less ethnic diversity.

2.3.2 Re-establishment of security

In terms of governance within a state providing security involves dealing with the military, police and paramilitary groups through processes of stabilizing, dissolving and reforming, which are important aspects of re-establishing legitimacy in the state. Disarmament, Demobilization and Reintegration (DDR) processes, when dealing with ex-combatants, are important in transitional states, especially when dealing with paramilitary groups to ensure

that former militants will be less likely to reengage in crime. Transitional justice, civil rights and repatriations are also important factors when establishing security in post-conflict states. It is necessary to make certain that the existing legal system, civil rights and the general operation of the courts are non-corrupt so the state can provide its citizens with needed security. These are important factors that reflect upon state legitimacy, and they help to prevent re-emergence of old conflicts that have not been adequately dealt with (Koppell and Sharma, 2003, Brinkerhoff, 2005:6).

2.3.3 Rebuilding effectiveness

As a consequence of war, most post-conflict states have damaged infrastructure, leading to poverty, instability, people having to flee and turn to crime or other desperate means in order to provide basic needs for themselves and their families. Providing for fundamental public goods, such as transportation, schools, health care, welfare systems and supporting economic activities are all measures that need to be taken into account and dealt with in the governance reconstruction phase. By rebuilding public effectiveness, the more urgent needs of society are met, and a foundation for more long-term improvements is made. Effective policymaking that favors the public sector and supports economic governance is necessary. However, in weak states this is not always the case. Policies are often corrupted and favor the powerful elite, rather than those that are in need. Patronage arrangements are also often times the case in post-conflict states (Brinkerhoff, 2005).

2.3.4 State building vs. nation building

The concept of state building is at times confused with the concept of nation building. When writing about the state and post-conflict state theory, it is necessary to distinguish between these two concepts in order to avoid any misconceptions. Nation building refers to the building of a national identity for a population living within a territory (a nation). Nation building is an important task, because having a shared national identity can contribute positively to uniting people of different ethnicities and cultures within a state. An example of this is Mandela's nation building efforts in South Africa, "the rainbow nation".[7]

The use of military intervention and military power to enforce democracy in post-conflict states has historically been synonymous with the post-Cold War American idea of nation-building, exemplified by the country's nation-building efforts in Iraq, Afghanistan, the

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[7] The term "rainbow nation" was first coined by Archbishop Desmond Tutu, and later used by Nelson Mandela to describe the national unity of the multi-cultural society of South Africa, Post-Apartheid.

Democratic Republic of the Congo (DRC), and many other states. The failure of these efforts has changed the concept of nation building from external, international actors, as many hard lessons have been learned (Dobbins, 2003). Yet, this is a discussion beyond the scope of this study. State-building on the other hand, refers to the governance in a state, its institutions and its infrastructure. There are several definitions of state building, and what it involves.

According to Fukuyama (2004), state building involves the creation of sound, democratic governance and economic progression, through self-sustaining financial and political institutions. The role external actors should play in state-building is widely discussed, perhaps particularly since the western idea of the state and of sound governance can differ from the idea of such in the state they are trying to help. This challenge can lead to structural problems in the state-building process (D'Costa and Ford, 2008). The general consensus lies in that it is a process that cannot be enforced by external actors, as it would have undertones of a new type of western imperialism or colonialism (Hauss, 2003). The interventionist efforts made by western powers in conflict-states have proven that negative outcomes are more likely in these types of nation building attempts (Dobbins, 2003).

2.4 Prevailing post-conflict state theories

A frequently used political model when evaluating the state and its political institutions is the assessment of the strength or level of weakness of a state, based on factors such as its level of democracy, institutionalization and implementation of the rule of law (Godson, 1999 and 2000). This attempt to portray a state's political, economic and social conditions, have resulted in a categorization of many post-conflict states *as fragile, collapsed, weak, vulnerable* or *failed* (Zartman, 1995; Kaplan, 2008; Shaw, 1998; Williams and Brooks, 1999; Rotberg, 2003). By using these labels, one can measure a state's capabilities and strengths relative to other states. The use of labeling is evident by categorization indices such as the "failed states index" (Sheldon, 2012) and the "weak states index" (Rice and Stewart, 2008). Strong states score higher on these indices as well as on indicators such as "GDP per capita, the UNDP Human Development Index, Transparency International's Corruption Perception Index, and Freedom House's Freedom of the World Report" (Rotberg, 2003: 4). The prevailing post-conflict theories are to a large extent concerned about how to prevent state-failure and how to strengthen already weakened states. It is important to differentiate between the various terms used to describe a state's condition, to avoid any ambiguities in this study. As such, a conceptionalization of the most popular terms used to describe the conditions of post-conflict states will follow.

2.4.1 Weak states

States can be categorized as "weak" states without being in immediate danger of tipping over to failure. The government of a weak state can exercise great power and authority in most parts of the state and be viewed as legitimate by the majority of its citizens despite the state struggling with insecurities and conflicting situations between ethnic groups, opposing religions, separatist wars and so forth. What distinguishes weak states from failed states is that the insecurities taking place in the weak state are often between conflicting groups within the state, and do not necessarily hinder the states delivery of political goods such as welfare, schooling, and economic opportunities. Despite the existence of relatively strong functional aspects of the state, a weak state does not function fully on all levels, and often performs poorly in providing security to all social groups. It also does not have full control of the peripheries of the state.

Kenya is an example of a weak state, as it has been on the verge of tipping over into state failure for the last few years. Although it has a variety of resources, its economy has been subject to exploitation, corruption and mismanagement (Rotberg, 2003: 15-19), as well as struggling with ethnic conflicts, instability, limited delivery of political goods and marginalization of minority groups. The last general election of 2007 was criticized by international observers for not meeting international standards. The alleged vote fixing caused massive protests and ethnically based violence where over 1000 people were killed and more than 600 000 people were displaced (Thomson and Willis, 2008). The last general election took place in March 2013 and, leading up to it, the country experienced several violent clashes, allegedly due to political and ethnic tensions existing before the election. The 2013 General elections in Kenya was more or less peacefully conducted, although the sales of machetes increased significantly before the elections and "a few" violent incidents took place (Akwir and Ochiel, 2013; Kimenyi, 2013). Deep-rooted social, political and ethnic divisions have been revealed in the country that could, potentially, lead to a crisis, bringing Kenya once again to the brink to state failure (Al-Jazeera, 2012).

It is argued that for weak states to turn into failed states, it takes will and neglect. Weak states are therefore not in all cases destined to fail (Rothberg, 2003). The term *fragile state* can be conceptualized more or less the same as *weak state*. *Fragile state* is used to describe the conditions in a state where the government is still able to operate, but the delivery of political goods (safety, jobs, health care, education etc.) is performed poorly and many of its

institutions are dysfunctional. Fragile and weak states often struggle with corruption and weakened capacity, thus they have been recognized to be a danger to international security as such conditions in the state can provide safe havens for illegal industries and terrorists. In addition, the social conditions in the state can cause humanitarian crises, which could potentially lead to the spread of refugees and instability across state borders (Kaplan, 2008).

2.4.2 Failed state

Many states in the developing world do not fit the Westphalian model of the state, and have not reached the highest level of the Weberian authority system, namely the legal authority, that is, the modern state system. Pressure from powerful actors within the state can come from below, and challenge the legitimacy and authority of the official state through violence, corruption and criminal syndicates (Williams, 2002: 161-182.) Paul D. Williams (2008) builds on Weber's (1964) theory of changing authority in a state arguing that failed states often consist of many different players who control or influence governance structures in various zones in a state. These authorities could be spiritual leaders, non-governmental organizations (NGOs), clans or guerilla groups. It can therefore be argued that failed states are experiencing "neopatrimonialism without the state" (Williams, 2008: 21), where various other types of authority structures can be linked to the official state institution. States lacking legitimacy can very well end up in civil war when being challenged by other non-state authorities. However, civil war is not the only outcome. Chaos and disorder in a state takes place when a state lacks the ability to deliver public goods, such as safety and control. This is when the state is labeled as a so-called failed state. Increasing crime, and the failure of the state to avert criminal activities, indicates the state's weakness, as it no longer has a monopoly on the use of force, nor the ability to provide security for its citizens. Other characteristics of a failed state, other than the loss of monopoly of the use of force and failure in providing security; is the breakdown of law and order; the use of state institutions to oppress and terrorize citizens; loss of ability to provide citizens with public services such as healthcare and education; the lack of the ability to support normal economic activities; and loss of legitimacy in the international arena (Thurer, 1999; Milliken and Krause, 2002; Rotberg, 2002).

The state is also viewed as failed when it becomes illegitimate in the eyes of its citizens (Rotberg, 2003:2-4). Failed states are found to not only pose a domestic but also an international threat as well. The spread of terror and the 9/11 attacks on the World Trade Center is a contemporary example of this, where the terror group known as Al Qaida based in Afghanistan and Pakistan were to blame (Rothberg, 2003). The concept of failed states and

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how to define statehood in general is highly contested. The concept of failed states is criticized by scholars, arguing that the definition of "proper" statehood is based upon western ideas that would lead to most African states being considered failed states in the eyes of the western world (Williams, 2008). Fragile states are not only dealing with internal pressure from powerful authorities within the state, but are also coping with external pressures from international actors. Institutions such as the North Atlantic Treaty Organizations (NATO), United Nations (UN), European Union (EU), International Monetary Fund (IMF) and World Bank are only a list of a few of many international actors that have the power to influence and pressure fragile states into "improving" and "changing" their statecraft. According to Weber's system of authorities, the criteria for a state to be a member of any of these organizations, is for it to be functioning in the "Westphalian sense" as a sovereign state, and to be recognized as a legal authority state (ASC et.al. 2012). Whether a state function in the "Westphalian sense" or not also influences the perceptions of risk involved in investing in various sectors within the state.

2.4.3 Collapsed states

According to Zartman (1995), the term *collapsed state* refers to conditions in a state that are worse than with state failure, as the collapsed state not only struggles with riots, threats of human insecurity, challenges to authority and increasing crime, but also *"where the structure, authority (legitimate power), law and political order have fallen apart, and must be reconstituted in some form, old or new, and where local groups and new regimes have to reconstitute power in the vacuum taking place after a nationalist generation is removed from power (1995: 1-2)"*. The state as the sole legitimate power is no longer present, as other groups are taking power, in attempts to fill the role of the absent state. Zartman (1995) argues that one of the main causes of collapse is that the state cannot protect itself from other strong sub-state actors such as guerillas, warlords and strong ethnic groups. When sub-state actors take over the authority in a state, new "quasi states" can take form, such as the case with Somaliland in Somalia.

State collapse is evident when the government no longer controls the peripheries of the state, when its central powers are so weakened that its people would rather seek support from ethnic groups, the military and so forth. The government may avoid making decisions and state agents may begin to operate on their own, thus breaking the governments' laws for personal gain. A state can move from failed to collapsed, as seen with Somalia in the late 1980s. It can also move from collapsed to failed, and from failed to weak, evidenced by

Lebanon, Nigeria, Afghanistan and many other countries. The conditions in a state are, therefore, seldom static, indeed this is in line with Zartmann's (1995) argument that many African states have been undergoing transitions as collapsed states (Rotberg, 2003:10-12). Zartman (1995:10) argues that when a state has collapsed it is best to let it go through the process of change and let it "run its own course" until a new legitimate authority has been constructed. This idea is shared by other scholars who believe that political order can only be reached through changing forms of statehood, and historical progress (Herbst, 2004). One of the major challenges in post-conflict states is to re-establish the already existing weak, failed, or collapsed state as swiftly as possible. A great debate among academics also persists as to whether one should, or should not, judge post-conflict states as weak, fragile and even failed according to the widely used standards of state and state formation, or if one should apply different standards concerning contemporary formed states (Jung, 2008).

This study will make use of the term "*weak state*" when discussing southern African post-conflict states. However, this study does recognize that a *weak state* is a contested term. Nevertheless, the term will be used to simplify this study.

Corruption and increased crime are recognized as typical conditions of a weak state. These are conditions that are intrinsically linked to illegalities, such as trafficking of humans. The terms *failed* and *collapsed states* reflect conditions that are more severe than most of the current conditions in the southern African states focused on in this study. Even though the political, economic and social conditions are all but sound in these states, the authority of the government is still stronger than any opposing powers and law and political power have not completely disintegrated, rather it is the need for improvements that lead to the move from weak to strong state.

2.5 The many challenges: post-conflict state and post-conflict state-building

The following section will deal with the concepts of post-conflict states and post-conflict state building as both these concept can be used to explain the current situation in Mozambique and help to elaborate on elements that can be identified in Mozambique today.

2.5.1 The definition of the post-conflict state

How do we determine the different challenges of a state in a post-conflict period? A state can continue to have several ongoing insecurities such as riots, violence and terror, despite being classified as "post-conflict". A state is most commonly perceived as being in a post-

conflict phase when a larger conflict within its borders has officially ended, such as when a comprehensive peace agreement has been signed between the opposing parties in a conflict (Nkurunziza, 2008).

A post-conflict state is one that finds itself in a transitional period with its main task being to rebuild the state. This rebuilding often includes the reconstruction of legitimacy of the government, and the authority of the state, which may have completely disintegrated as a consequence of the newly ended war. Post-conflict states in transition are often at risk of entering into new wars, and the precarious transition process is often characterized by chaos and insecurity (Debiel and Terlinden, 2005). Building peace in a state through the promotion of democracy as the path to sound governance is a widely accepted western method of state building. However, a debate persists around which institutions are most important in the process of promoting democracy and building peace during a highly insecure and volatile transitional period (Nkurunziza, 2008).

2.5.2 Power vacuums, gaps, capacity gaps, and functional holes

When a state has limited capacity to perform the functions expected of it, an increase in the rate of organized crime might be one of many negative symptoms. Ungoverned areas, due to lack of capacity by the state, have been referred to by Williams (2002) as "capacity gaps", "functional holes" or "power vacuums" (Shaw, 1998). Looking at it in terms of the Weberian theoretical perspective of state formation, the gaps often occur in periods where states are going through transformations such as a change in authority systems. The power vacuum that is created allows for privatization of the use of violence, which leads to a formation of criminal networks; often with transnational connections. Transnational criminal organizations seek to remove any obstacles to their shadow activities and to optimize on their own opportunities. One of the strongest tools in doing this is through corruption. Efforts made to develop a state's economy in a period of transition is undermined and even halted when it is challenged by corruption. (Williams, 2002; Stewart, Fitzgerald, et.al. 2001).

Williams (2002: 170-174) points out that weak states suffer from capacity gaps that lead to the failure to deliver public goods, precipitating "functional holes". In the absence of law and order, criminal groups grab the opportunity to exploit these gaps. One effect of these capacity gaps is that the illegal activities of criminal organizations can become intertwined with legitimate business, thus creating a seamless web of corruption such as advanced liaisons between people in official positions, criminals and businessmen. This is evident in many

African states, such as in the DRC, Sierra Leone and Angola where capacity gaps allowed for criminal looting of state resources exemplified by many war lords that controlled valuable resources from the mining industry (Norman, 2012). This corruption is viciously circuitous, hindering further economic growth by depriving the government of its resources, and contributing to further expansion of the capacity gap (Williams, 2002: 173). Zartman (1995) states that when a regime falls, it brings down with it the power it once possessed, which creates a vacuum that is filled by other actors in the state. For example the military or opposing groups to the former government. The term power-vacuum is used to describe the transition process in a collapsed state that is undergoing regime-change.

2.5.3 Corruption and criminal networks

The increase of organized crime in southern Africa, and its growing linkage with official institutions and individual state officials has been recognized by many international actors as undermining efforts for democratic advancement and increased state legitimacy. Observations of increased crime in the southern African region are difficult to support by official crime-statistics due to the lack of access to reliable and consistent quantifiable data. Organized crime is believed to be both underreported, and if reported, not always recorded by the police. It is therefore assumed that the recorded incidents of crime are only the "tip of the iceberg", not in reality reflecting the factual crime levels in the state. However, African states have high levels of police-documented crime in comparison with other countries, despite its very low reporting rates. Observations of the high number of violence connected to organized crime in recent years in the SADC region further support this assumption (UNODC, 2005; Hubschle, 2010).

The politics of southern Africans states is argued to have become more privatized in nature and private power-holders to have become increasingly violent and criminalized in their behavior (Bayart et.al. 1999:1-32). Nevertheless, the political and economic systems in the SADC region is said to be no more corrupt than other countries in the rest of the world, such as Italy, France, Turkey, Japan, India for instance. However, the historical trajectory of the southern African politics, the connection to war making, powerful authorities, economic activities and illegal activities differentiate the African states from the rest of the world (Bayart et.al. 1999:1-32).

Dominant social groups in southern Africa are allegedly dominating the rents received from aid and trade with the international economic community. This aid has constructed a

dependency relationship benefitting both the dominant social groups and the foreign actors, a strong incentive for both parties to maintain this relationship. The neo-mercantilist policy regime in southern Africa from the 1930s to the 1970s benefitted dominant actors and permitted the growth of their exploitative wealth stemming from activity rent from primary sources. This allowed for the establishment of a national elite, which today has allegedly developed into new forms of exploitation with insertion in the international system (Bayart et.al. 1999:1-32.)

It is claimed that the informal economy is intertwined with the formal economy in most African economies. Bayart *et al.* has made an attempt to define this type of corruption and criminalization of the state: "*The criminalization of politics and of the state may be regarded as the routinization, at the very heart of political and governmental institutions and circuits, of practices whose criminal nature is patent, whether as defined by the law of the country in question, or as defined by the norms of international law and international organizations or as so viewed by the international community, and most particularly that constituted aid donors*" (1999: 16.).

The globalizing economy has led to the creation of a new environment where corruption and organized transnational crime is now a major problem child. Markets are deregulated, trade is globalized and the market for smuggled commodities is growing. Sophisticated operators with access to large amounts of capital are often linked to international trading networks and illegal cross-border activities. Powerful South African actors have been recognized to operate in neighboring states such as Mozambique, whose battered infrastructure from the civil war and unrest opens up for free trade and smuggling, making it an important trading post and transit-state. Mozambique government officials, intelligence officers and politicians are found to be highly influenced by South African actors - to the brink of corruption in terms of cross-border trade of illegal commodities such as drugs and offshore transactions (Bayart et.al. 1999:60-65).

The implementation of democracy as an antidote to corruption has failed in many of the southern African states. The process of democratic transition and the promise of this during liberalization from one-party rules have led to great disappointment. This is evident in the general election in Kenya in 2007, where the democratic election was fixed and undermined by the authoritative party in rule. The democratization process has also led to weak regimes taking control with few promises of future stability, such as in the states of Mali or Benin. In

other states such as Nigeria and Niger, strong military groups have discolored democracy, or new and weak competing regimes have been created in the democratization process in countries such as Zambia or Chad.

2.5.4 The dark side of globalization

Globalization has been recognized as one of the pull-factors of organized, transnational crime in weak states. There have been many attempts to understand and explain the impact of globalization, however, it is unquestionable that globalization can be linked to the interconnectedness between states and the increased flow of goods, capital, data and services across state borders (Heine and Thakur, 2011). The dark side to the globalizing world is the rise of TCN, or so-called sub-national networks. Warlords, terrorist groups, and corrupt leaders can, due to globalization, connect easier to the increasing informal world economy. By doing this, they no longer have to go through the lengthy process of promoting development in their own country first to advance their personal interests (Herbst, 2004: 306).

Weak states, as they are described in this study, are limited in their capacity to withstand transnational crime due to weak rule of law, corruption, and pressure from various actors. The globalized market offers many opportunities for organized criminals, where the illegal market is less controlled. The TCOs are mostly engaged in activities such as resource exploitation, drug trafficking, human trafficking, arms trade, terrorism and money laundering, all of which have become increasingly preponderant in the globalizing world especially in weak states on the African continent (Heine and Thakur, 2011: 8).

2.5.5 Theoretical challenges

Many attempts in administrative and institutional reorganization have been made on the African continent, but with limited success. The reasons for this limited success are that the attempts made have been based on incorrect theoretical foundations. One leading idea within state-theory is that discretionary interventions by the government must be suppressed by implementing rules and laws that will increase the consistency and uniformity of the government. This is believed to reduce corrupt behavior in a state. However, this has proved to be ineffective, as corruption is also found to open up the door for discretionary government interventions, and not only the other way around, which makes the theory flawed when it comes to dealing with criminalization and corruption in a state.

The second leading notion is the assumed importance of high conditionality linked to aid,

which is argued to combat corruption, exploitation of aid and lead to a proper administration of funds. However, this idea has been refuted by examining cases where conditionality has limited and sometimes left the receiving governments with no other choice than to act illegally in order to meet set requirements (Bayart et.al. 1999:90-95). The pressures on aid donors and NGOs are high, and donors are often forced to make compromises in order to meet the pressure from within their organization to yield a positive return on their donations and at the same time avoid worsening the political, social and economic conditions in the area they are aiding in. The pressure from both sides has resulted in donors supporting illicit actors in African states, rather than contributing to encouraging criminal activities and thus undermining the efforts made by existing institutions.

The notion that liberalization and non-interference in the market economy by the government will reduce illegal activities has been contested by research showing that the informal market is a complex interconnected feature of the formal and informal economy in many of the African states. It has been theorized that the key to improving governance in African post-conflict states is through the implementation of new laws and regulations. Yet, research proves that official laws are systematically ignored, regardless of whether such laws are new or old. In addition it has been postulated that aid donors should support the effective parts of the government in a post-conflict state, while it is going through post-conflict transformation. This strategy has also been criticized, as it is argued that partial support within a government could further lead to demobilization of other governmental fractions, which could lead to isolation of the parties that receive the support and even contribute to undermining the legitimacy of the government officials. The worst outcome however, as argued by Bayart et.al. (1999), is that unequal support could create a shadow economy and illegitimate political structures.

2.6 Concluding remarks

This chapter has provided a conceptualization of the prevailing contemporary theories concerning post-conflict states and state reconstruction. Weber's idea of state formation and changing authority within the state provides the theoretical foundation used to decide whether a state will be labeled as weak, failed, strong or collapsed, which is the dominant state theory in present-day. According to Weber, a state is strong if it has reached the state of a legal-rational authority system. Most of the democratic western states are recognized as legal-rational authority systems. In contrast, most post-conflict states in Africa have been labeled weak, failed or collapsed due to a weak legal authority system within the state, which is, often

times, a combination of legal, traditional and at times even charismatic authority rule.

The term neopatrimonial states have also been used to describe African post-conflict states. Neopatrimonial states refer to when the state has strong internal actors, other than the government, that has high authority and power to influence decision-making for their own benefit. In many weak states, functional gaps or power-vacuums create space where non-governmental actors can flourish and challenge, or even take over the existing authority. Functional gaps, power vacuums and so forth have been strongly linked to the rise of organized criminal groups in African post-conflict states. Pull-factors such as globalization have enabled organized crime to become transnational and more advanced. Other external factors such as wrongful involvement by international actors have resulted in donor aid ending up in the wrong hands within the state. This has further contributed to worsening the conditions in the state and to undermine the process of post-conflict reconstruction. Also push-factors such as aid-dependency and corruption are challenges often experienced in a post-conflict setting within a weak state. It is clear that the challenges of post-conflict state building are many. It is widely discussed that the prevailing state building theories within the field of Political Science are applicable only in the west where they were derived in the first place.

Another challenge is the so-called aid-dependency, which can be seen in many African post-conflict states, where high inflow of aid and its poor distribution leads to non-functioning institutions and non-sustainable solutions. Donors supporting illicit actors in African states have also been accused of encouraging criminal activities and undermining the lawful efforts of existing institutions in the state.

The discussed concepts in this chapter have provided a theoretical foundation that will be used in the forthcoming chapters of this research study. These concepts and theoretical foundations presented will attempt to analyze what elements in the post-conflict state of Mozambique have contributed to the expansion of TOC in the state with specific reference to human trafficking.

Chapter 3: Contextualization of Transnational Organized Crime and Mozambique

3.1 Introduction

The following chapter will begin with a contextualization of the global and regional trends of transnational crime with specific reference to trafficking of humans and the current international and regional laws that are relevant. Then, a brief historical background will be provided of Mozambique with particular focus on the political, social and economic conditions in the last two decades after the end of the state's civil war. Mozambique as a post-conflict state will be contextualized with particular attention to the criminal syndicates engaged in the human trafficking industry and cross-border networks in the southern African region.

The southern African region reaches from the DRC in the north to South Africa in the south, and from Angola in the west to Mauritius in the east. The Southern African Development Community (SADC) indicates which states that are considered to belong to the southern region on the African continent (Goredema, 2011: 176). According to the official SADC web page, SADC currently has 15 member states (SADC, 2012). These states are; Angola, Botswana, DRC, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Swaziland, United Republic of Tanzania, Zambia and Zimbabwe. [8]

The challenges of decolonization, the end of apartheid in South Africa and the restructuring of national politics needed in order to meet the ever-changing globalized economy are all important historical elements, which will be explored in the following chapter. This will be done to provide an understanding of the increased crime-levels in the last two decades in Mozambique. It is necessary to assess the regional dynamics and global trends in TOC in order to paint a more holistic picture and provide a more thorough analysis, as Mozambique, in most cases, is recognized as a transit state for the criminal syndicates involved in trafficking across borders in the southern African region as mentioned in preceding chapters.

3.2 Global trends in TOC

In the last two decades, a global increase in transnational criminal activities has been observed. Criminal networks are increasingly challenging states and their monopoly over the
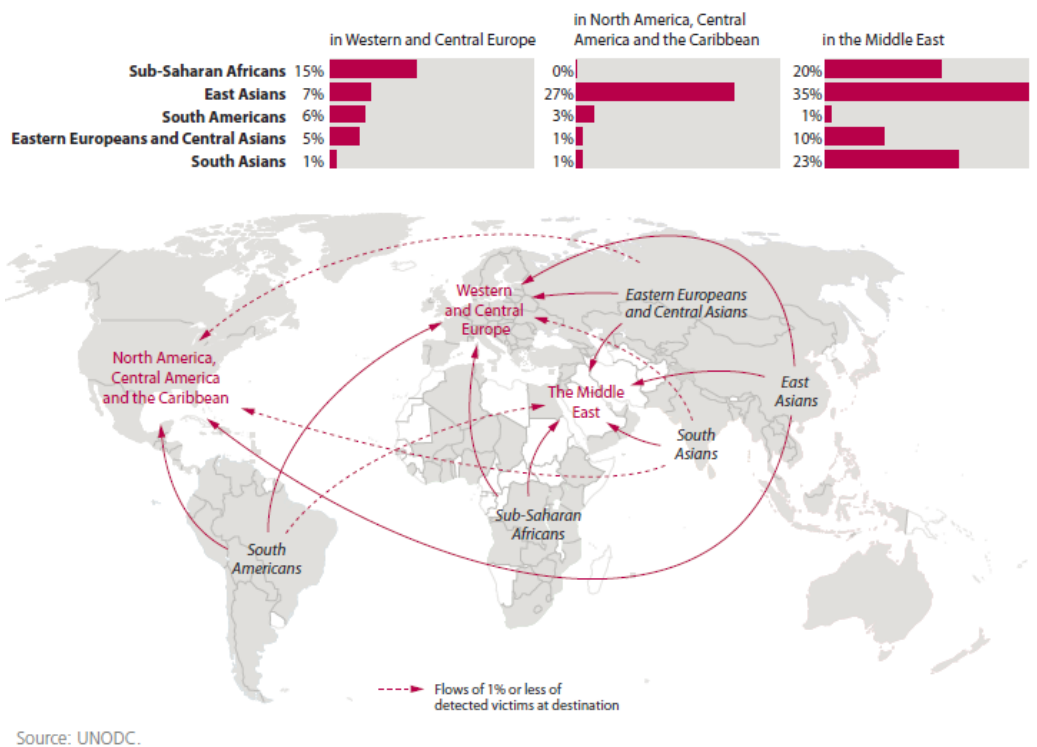
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[8] See Appendix 1,page 85

use of violence. This is a global phenomenon according to Phil Williams (2008:4). He claims that the increase in challengers to the state in recent years has gone unnoticed because the challengers diverge in so many ways ranging from warlords in some states to more complex organizations and even small youth groups in some other states. Certain criminal groups challenge the state directly while others corrupt the state or work together with corrupt state officials. In some states criminal groups are making efforts to subjugate the government, while in other states they have no interest in challenging the government at all. Irrespective of the many types of challengers there are to the state, these challengers are all argued to pose a national and international security threat through their criminal activities.

How to best combat TOC is, therefore, an important task in global politics. The most important criminal activities can be war crimes and/or crimes against humanity, but also transnational drug trade, weapon trade, commercial crime, corruption, terrorism, and the smuggling and trafficking of goods and human beings. In 2012, the American President, Barack Obama, announced the month of January as the "National Human Trafficking Awareness month (Jesionka, 2012)", a declaration that marked the significance of this global illegal industry and the importance of increasing public awareness so as to combat trafficking.

Trafficking of humans is one of many criminal activities that is affecting both sending, transit and receiving states negatively. Human Trafficking is found to spread insecurity, threaten local economies and lead to problems in terms of state sovereignty, which could potentially deteriorate relationships between states.

Trafficking of humans is without doubt a global issue, implied by its name. Thus far, 137 states have reported having victims of trafficking although it is believed that the actual number could be higher, as human trafficking is underreported and not considered illegal in many countries in the world. This, along with the many different definitions of trafficking, further complicates the matter. States tend to fail to address the issue of trafficking of humans with proper laws. Problems with how to define trafficking, as previously noted, and how to clearly distinguish human trafficking from human smuggling, is also a challenge. A large number of victims are also trafficked over longer distances often with the intention of ending up in Europe, although most of the trafficking of human cases is found to take place within a state or a region by and of people of the same nationality. Victims from Asia tend to end up all over the world, while North and South America is both a sending and receiving continent (See Map 1) (UNODC, 2010:39-43).

MAP 9:   Transnational flows: Nationalities of victims detected in some major destination
regions, shares of the total number of victims detected there, 2007-20100

	in Western and Central Europe	in North America, Central America and the Caribbean	in the Middle East
Sub-Saharan Africans	15%	0%	20%
East Asians	7%	27%	35%
South Americans	6%	3%	1%
Eastern Europeans and Central Asians	5%	1%	10%
South Asians	1%	1%	23%

Western and Central Europe

Eastern Europeans and Central Asians

North America, Central America and the Caribbean

The Middle East

East Asians

South Asians

South Americans

Sub-Saharan Africans

- - - ► Flows of 1% or less of detected victims at destination

Atelier de cartographie de Sciences Po, 2012

Source: UNODC.

Map 1: Transnational flows of human trafficking (UNODC, 2012)

According to International Labor Organization (ILO), approximately 2 450 000 victims of trafficking were being exploited globally in 2008. The profit generated by victims through forced or exploitative work was estimated to mount to strikingly 32 billion dollars in 2009, which is 1,5 % of the global GDP (ILO, 2008). This "business" of trafficking women for sexual, commercial exploitation can be traced back to the early 1900s when Jewish women were trafficked to Buenos Aires for prostitution and Russian women to China as a result of poor economic conditions in post-revolutionary Russia (Jeffreys, 2002). The trafficking of women is still prevalent today, but the factors found to have aggravated the industry before, such as poverty and gender inequalities, are now influenced by globalization and today's new technology such as the Internet (Huges, 2002). The victims that are trafficked for the purpose of sexual exploitation are in most cases deceived by the offenders with false promises of a better life through job opportunities in another state. These victims can, for instance, apply for "entertainment visas" in order to enter into countries, such as Australia or Japan, to work as dancers or artists. In most cases, the victims are unaware of what is expected of them, and of what they will be forced to do when they enter the new country.

The demand for commercial sex has increased in recent years. The sex industry is becoming increasingly globalized along with this, through virtual networks, increased tourism, international companies and so on. Countries with weak economies, particularly in the aftermath of war, have been recognized as especially prone to become centers for human trafficking for the sex industry, evidenced by the increase in the trafficking of women from eastern European states (ILO, 2005: 49-52). The considerable economic divide between countries further determines whether they become sending or receiving states.

The purpose of trafficking when the victims reach an end-destination can highly depend upon the political and social situations in a country. In China, for instance, the long lasting one-child policy has resulted in a shortage of women, which leads to a demand for (illegally imported) women for the purpose of marriage. Women from Myanmar and Cambodia are often trafficked to Thailand, recognized as the hub of the tourist sex industry, for the purpose of forced sex labor. In Japan, powerful criminal networks control the sex-industry, which is illegal by Japanese national law. Victims are recruited and trafficked from all around the world to serve as prostitutes for local and international businessmen. In order to eliminate the illegal sex industry in Japan the government implemented a number of new rules restricting accessibility of entertainment visas in order to make it more difficult to deceive foreign victims with false job proposals. The Japanese government also cooperates with sending countries and provides victims with economic support to help them return to their home countries (ILO, 2005: 52). Such efforts have not yet been implemented in Mozambique or in other countries in the southern African region.

Nevertheless, the general increase in globalized crime has led to a need to change old policies as well as to implement new, more coherent policies of international law. So far, international laws and state laws have in many ways contributed to restrict involvement by non-state and state actors in averting transnational criminal activities.

Changing the laws has been an important step in the quest for tackling the increasing problem of illegal transnational activities (Lloyd et.al. 1999). Globalization and the last two decades of liberalization of politics along with a freer market have called for the implementation of new laws and regulations so that the growing transnational crime industries can be better managed. The following section will discuss the historical development of international laws against slavery and trafficking up to the current laws that are in place.

3.2.1 International Laws against trafficking of humans

A debated subject amongst academics is how to best address and meet the increasing challenges from the globalized crime of human trafficking. This especially concerns which laws should be used to best address the issue. Trafficking of humans is first and foremost a breach of human rights, but it is also an issue of migration, immigration and state sovereignty. Furthermore, trafficking of humans is recognized by many as a negative effect of the increasing divide between rich and poor, which is generated by the transformation into a globalized, liberal economy (Lloyd et.al. 1999). It is argued that by linking criminal activities of trafficking of humans into existing laws concerning transnational crimes, nation states can prevent potential conflicts over sovereignty and jurisdiction. By linking trafficking of humans only to laws concerning human rights and to assisting victims, these issues would become significantly complicated. The linkage between the trafficking of humans and transnational crime is not without reason. Many of the criminal syndicates involved in this trafficking are also engaged in other illegal activities, using the same smuggling networks as they do when they traffic humans across borders. As a consequence, the trafficking of humans is very often a supplementary income for criminal organizations smuggling weapons, drugs and other illegal commodities across borders.

Transnational smuggling activities have been further recognized as the main income for larger terrorist organizations (Lloyd et.al. 1999: 14-20). In spite of this, what is of outmost importance is to understand and distinguish between the various differences between trafficking of humans, migration in the sex trade, human smuggling and illegal immigration, especially with regard to the policing created to combat human trafficking and avoiding errors and wrongful convictions (Vandenberg, 2007).

As previously noted, the trafficking of humans is not a new phenomenon. However, laws only pertaining to human trafficking are rather new. The definitions and the laws concerning trafficking have evolved in the last 70-80 years. Today, trafficking of humans is often referred to as "modern day slavery" or "new slavery" (US Department of State, 2008). The importance of separating the trafficking of humans from slavery by creating specific laws relating only to trafficking has been in focus in recent years even though slavery and trafficking of humans often are inextricably linked. This is mainly due to the fact that the term slavery can comprise various other types of human rights breaches, so separating trafficking from the vague description of slavery can contribute to removing some of its complexity and thereby make new prospective laws more specific.

The first international law against trafficking was the 1904 "White Slave Traffic Agreement." This law was constructed by the League of Nations to prevent trafficking and sale of European White women for the purpose of sexual exploitation. In 1926, the Slavery Convention was drafted, making slavery illegal. The definition of slavery in this convention also applied to the trafficking of humans. A supplementary convention to this treaty followed in 1956, which expanded the international definition of slavery so that child labor, debt-bondage, forced marriage and serfdom also became included (Cerone, 2010, The Office of the United Nations High Commissioner for Human Rights (OHCHR)).

As indicated by the abovementioned laws, the issue of trafficking of humans was historically incorporated in international laws against slavery. However, more specific laws also existed alongside these laws. The 1921 "International Convention for the Suppression of Traffic in Women and Children", followed by the 1933 "Convention for the Suppression of Traffic in Women of full age" were laws drafted to specifically protect vulnerable groups such as women and children against sexual exploitation. Nevertheless, the limitations of these two laws only comprised laws against recruitment and trafficking of people and not the illegalities concerning the purpose of such activity, which was left to the individual laws of the receiving states to deal with (OHCHR, 1996). In an attempt to consolidate the prevailing conventions to prevent trafficking of humans and exploitation of people for the purpose of prostitution, the 1949 "Convention for the Suppression of Traffic in Persons and of The Exploitation of Prostitution of others" was drafted. This convention applied only to the illegalities of cross-border trafficking, and not to the trafficking within a state, in an attempt to make prostitution itself illegal. Very few states ratified this convention due to its limitations in holistically encompassing the complexities of trafficking (UN General Assembly, 2 December, 1949; Solla, 2009). The complex nature of trafficking has made it difficult to bring forth an internationally agreed upon definition. Finding a shared definition of trafficking is the first step in creating an international law, which makes the law more likely to be ratified by all countries that agree with the definition (Dempsey et.al.2012).

The United Nations Convention against Transnational Organized Crime (UNCTOC), also known as the Palermo Convention came into force in 2003. This convention is currently the most important international law against TOC. The convention consists of three protocols aimed at the specific fractions within organized crime: the Protocol against the Smuggling of Migrants by Land, Sea and Air; the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition; and the Protocol to

Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. The UNCTOC is the first instrument that recognizes the importance of international cooperation between states with regard to combating organized crime. The countries that ratify the convention have to adopt new legal frameworks in order to stop TOC domestically (UNODC, 2004). In the last few years, the UN Protocol on Trafficking in Persons (UNPTIP) has been increasingly ratified by states. However, many states, especially in Africa, lack the legal instruments or political will to combat trafficking of humans. The UNPTIP is the first legally binding apparatus posing a clear international definition of trafficking of humans, also including a law against "voluntarily" exploitation, as an effect of the bad circumstances that leave the victim with no other choice than being exploited. Noteworthy is the issue of prostitution, and whether or not it should be criminalized, not defined in the UNCTOC (King, 2008: 88-90; UNODC, 2004).

3.3 Regional trends in TOC

The SADC region was freed from colonial rule state by state from the Belgian Congo in 1960 to Namibia in 1990. The liberation from colonial rule had great economic and political impact on the freed states, often followed by instability and conflict. The uneven colonial liberation (taking place over a period of 30 years) contributed to fostering TCN in the region. When a state became liberated, European settlers often chose to leave and establish businesses in neighboring states that were not yet liberated. Many Europeans started smuggling and trading illegal commodities and TCN were created along with the establishment of cross-border smuggling routes. The focus of the governments in the newly liberated states was first and foremost directed towards institutional transformation which resulted in less rigid border controls and weaker monitoring of cross-border criminal behavior, as state structures were weakened. Early post-colonial cross-border smuggling is said to have laid the foundation for contemporary and more advanced, cross-border crime (Gastrow, 2003(2): 8).

TOC is believed to have emerged relatively late in the southern African region compared to many other parts of the world. It was as recent as the early 1990s that TOC in the southern African region became recognized as a security threat that needed to be averted by new national and regional initiatives (Gastrow, 1999 and 2003). During the 1970s and 1980s, most countries in the region had to deal with civil and political insecurity, structural political changes, and post-independence transformations. During this time, the absence of control and legislation gave room for the establishment of criminal networks and for transnational networks to flourish in the region. According to Mark Shaw (2001), most researchers have
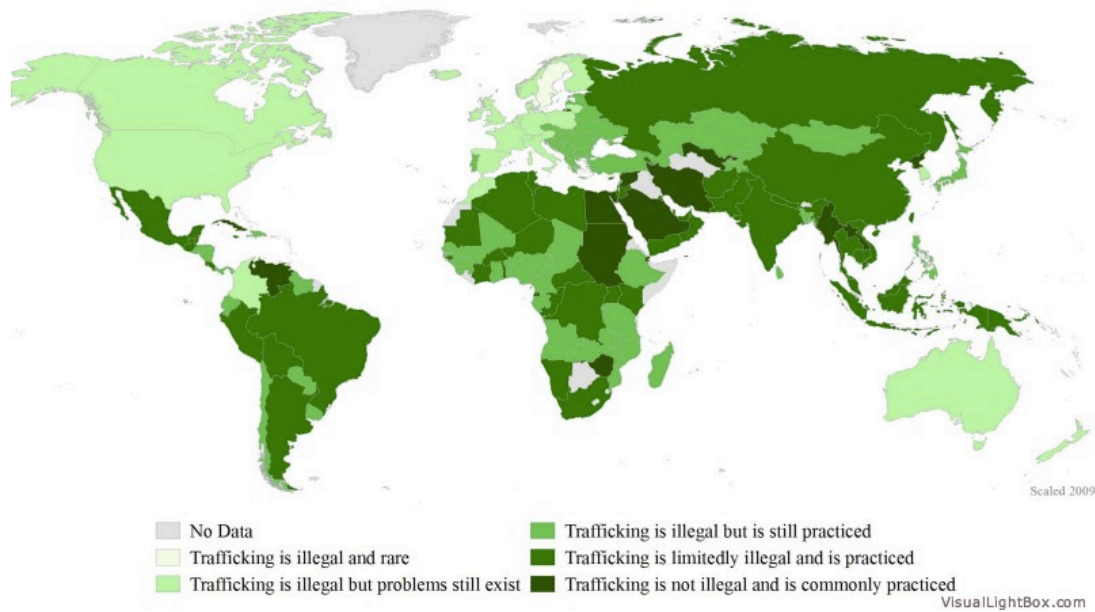
recognized the growth of crime but a thorough understanding of the span of crime and its causes is still sparse.

In an attempt to curb the increasing crime-levels in the southern African region, the Southern African Regional Police Chiefs Cooperation Organization (SARPCCO) was formed by the SADC member states in 1995. The main purpose of the SARPCCO was to increase regional cooperation and prevent cross-border crime such as trafficking and smuggling. Today, 18 years later, the citizens in the region still complain about increasing crime and insecurity. Police working in the SARPCCO have further been accused of human rights breaches while on duty. According to the Tanzanian Inspector General of Police, Mr Said Ally Mwema, human trafficking and illegal immigration are amongst the leading crimes committed in the region. Dr Mohamed Gharib, the 9th Vice-President of Tanzania, urged in a SARPCCO conference held in September 2012 to strengthen the regional initiative through cooperation. He argued that human trafficking and illegal immigration have increasingly become a regional concern (ISSA, 2012).

The extent of organized crime in the southern African region is immense. The profits of trafficking in the region are estimated to be between 7 -12 billion USD a year. Illegal trade of weapons and drugs are the only other crimes that exceed this number in yearly estimated profits (IRIN Africa, 2013).

Bearing this in mind, it is important to note that there are very few laws present to combat human trafficking, especially in comparison to laws about the illegal drug and weapon industries. Despite trafficking being a multi-billion dollar industry, estimated to involve global trafficking of 4 million women and children annually (Martens et.al. 2003: 6-9; Marquis, 2003: A3). The global spread and practice of trafficking of women and the presence (or rather lack) of domestic laws against this, especially on the African and South American continent, is illustrated in map 2 below. The map clearly indicates the correlation between practice of trafficking and the existence of laws in a state to combat the practice.

Trafficking of Females

Map21: Global Trafficking of Females (Kim, 2010)

As mentioned in the preceding chapter of this study, trafficking of persons from the supply-side has been intrinsically linked to various vulnerabilities in societies, which are often associated with so-called weak states. Socio-economic differences between weak states and strong states, however lead to a greater demand and a wider market for exploitative industries such as the sex-industry, in so-called strong states. Many of the southern African states battle with poverty, insecurity, gender -inequalities and corrupt governments. These factors are recognized as push factors when describing root-causes that lead to the trafficking of humans.

The globalizing world, improved communication technology, increased tourism and improved modes of transportation are recognized as so-called pull factors found to further aggravate the vulnerability of weak groups in society that are often subjected to exploitation with regard to trafficking (James and Atler, 2003: 74).

Most of the southern African states are built on patriarchal societal structures. The gender dynamics and the marginalization of women and children in such societies have been recognized as strong push-factor that lead to an increase in the trafficking of women. In rural communities, women are oftentimes forced to stay home with children, while boys and men go to school and/or work. In addition, the HIV and AIDS epidemic in the SADC region is also a strong root-cause negatively affecting the society. In sub-Saharan Africa, it is estimated that 22,5 million people are living with HIV (2009, see Figure 1), which makes the SADC

FIGURE 2, 3 PAGESregion the highest HIV affected region in the world (UNAIDS, 2010: 28). Many children become orphans due to the death of their parents, making them highly vulnerable to exploitation in terms of trafficking. In addition, the HIV/AIDS epidemic is strongly undermining development efforts in weak states due to the health costs the epidemic imposes on society. As children often lose their parents, it makes them highly vulnerable for exploitation. Prostitution is also in most cases connected to sexually transmitted diseases such as HIV/AIDS. Preventing prostitution should therefore be seen as vital in state building effort as the HIV/AIDS epidemic has social and economic impacts on the state (Bermudez, 2008).

AIDS statistics for sub-Saharan Africa, 2001 and 2009

Source: UNAIDS.

		People living with HIV	People newly infected with HIV	Children living with HIV	AIDS-related deaths
SUB-SAHARAN AFRICA	2009	22.5 million [20.9–24.2 million]	1.8 million [1.6–2.0 million]	2.3 million [1.4–3.1 million]	1.3 million [1.1–1.5 million]
	2001	20.3 million [18.9–21.7 million]	2.2 million [1.9–2.4 million]	1.8 million [1.1–2.5 million]	1.4 million [1.2–1.6 million]

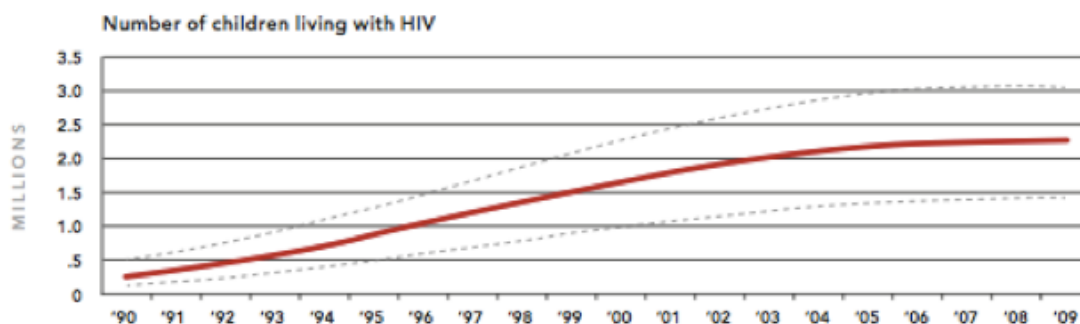*Figure 1: Aids statistics for sub-Saharan Africa* (UNAIDS, 2010: 27)

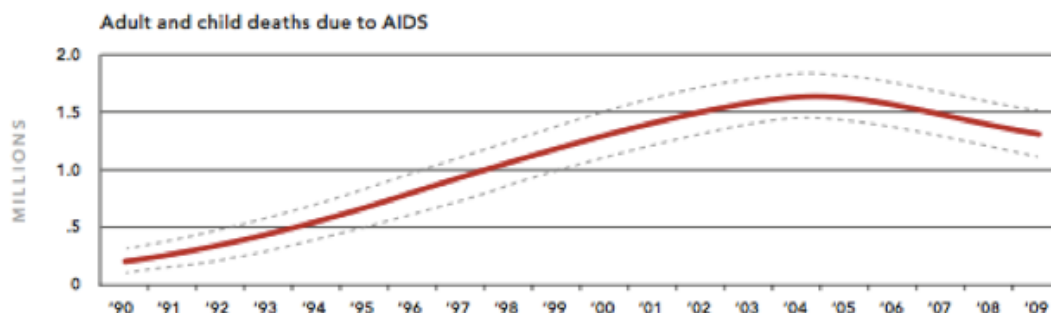*Figure 2: Number of children living with HIV* (UNAIDS, 2010: 27)

Figure 3: Adult and Children deaths due to Aids (UNAIDS, 2010: 27)

3.3.2 The trafficking routes

Southern Africa is an end destination for many TCN that originate not only from states in West Africa such as Nigeria, but also from countries such as Pakistan and India on other continents. The countries their activities are more or less solely aimed at have been recognized as South Africa, justified by its comparative wealth in the region. South Africa is one of the richest states in southern Africa, also known as the regional powerhouse. It is therefore not surprisingly that it is one of the major receiving states of trafficked humans. This further makes it the most favorable end-destination for the criminal syndicates. The neighboring states function as transit states for smuggling of illicit goods and human trafficking into South Africa (Shaw, 2001; US Department of state, 2012).

Mozambique is a typical transit state, bordering South Africa on the south. The route through Maputo, the capital of Mozambique, is recognized as one of the main routes when trafficking people into South Africa. Another feature of Mozambique, which makes it prone to transit smuggling, is its vast sea-coast that connects noncoastal African states with the Indian Ocean via many transport passages (UNESCO Policy paper, 2006; Martens et.al. 2003).

3.3.3 Regional laws against trafficking of humans

"The core element of trafficking is the fact that the victim is deprived of her/his will and is forced into slavery-like conditions or involuntary servitude. It is thus imperative to improve the identification of victims of trafficking, to treat them as victims of a crime rather than criminals, and to afford them protection and assistance including, inter alia, privacy; information on proceedings; physical and psychological recovery; provisions for safety; measures to avoid immediate deportation; and safe repatriation" (AU Commission on Combating Human Trafficking, 2008).

Thus far, 11 out of the 15 SADC member states have ratified the UNPTIP put forward to combat human trafficking. Angola and Tanzania have not signed or ratified the convention, while Swaziland has signed, but has not yet ratified. Many of the states having ratified the UNPTIP, did this as late as in 2005 (UNODC, 2013).

In the southern African region, sex work is only made illegal by 8 out of the 15 SADC member states. The remaining 6 states, namely: Lesotho, Angola, DRC, Malawi, Madagascar (Banned from SADC in 2009) and Mozambique have chosen not to take a legal stand by deeming sex work neither legal nor illegal (Gardner, 2001).

Currently, there are very few coherent regional and national laws protecting the rights of trafficking victims in the southern African region, although the various protocols of the UNCTOC have been signed by most of the countries in southern Africa (Humantrafficking.org; Thompson, 2007).

Also, many of the domestic definitions on trafficking do not correspond with the international definition put forward by the UNCTOC and the protocols thereof. Various states in the region tend to lack clear constitutional laws, making human trafficking a crime. Southern African states further lack domestic laws protecting trafficked victims and in addressing the problem of trafficking in general (Thompson, 2007). As a response to the lack of domestic laws, the Department of Social Affairs (DSA), and the African Union Commission (AUC) presented the 2009-2012 strategic plan and the 2008 Programme of Activities. The strategic plan was made to suggest new implementations to the already existing policies on migration and development put forward by the AU, which concerns the rights of trafficked victims. The plan is perhaps most importantly an effort to consolidate the uncoordinated international, regional, and domestic initiatives that already exist. The AUC Initiative against Trafficking (AU.COMMIT, 2009-2012) includes a specific policy called the Quagadougou Action Plan, an action plan specifically aimed at the crime of trafficking of women and children. The Quagadougou Action Plan reiterates the current existing global initiatives to better fit the African context, and accordingly presents a number of measures and suggestions on how to best deal with the issue of human trafficking in Africa (AU Commission, 2008).

The current lack of international, regional and domestic coordination of laws and various other initiatives to combat trafficking of humans is reflected by research showing high numbers of both victims and criminals involved in the illegal industry while, at the same time, the documented numbers on criminals convicted of this offence is strikingly low. This is arguably first of all an effect of a lack of coordination as mentioned above, but it can also be a result of lack of resources, training and capacity in the countries, complimented by corruption and the absence of a clear definition of what trafficking of humans actually entails. Furthermore, jurisdictional problems often take place, due to the cross-border activity of the crime. Cross-border cooperation and a more all-encompassing and regionally consistent law on trafficking, in line with the UNCTOC Protocols on Trafficking of humans is key to creating a more coordinated, holistic approach (Thompson, 2007).

Having looked into the international and regional challenges concerning human trafficking laws, the next section will follow up with a more in-depth contextualization of the post-conflict state of Mozambique, which is found to be a highly vulnerable state in terms of human trafficking south of the Sahara.

3.4 Mozambique: background

Mozambique has a long history of occupation, first by Arabs using the state as a trading post for slaves and minerals prior to the Portuguese settlement in the 1500s, then by Portuguese colonization lasting almost 500 years until the liberation of the state in 1975. The nationalist resistance and armed struggle for colonial liberation started already in 1964 (Sidaway and Simon, 1993). Many national movements were present in the 10 years of struggle for liberation but the strongest and eventually winning party was FRELIMO.

The newly liberated country soon engaged in international politics as an independent socialist country, and made diplomatic alignments to strengthen its relationship to other socialist states, such as the USSR and other third world states. Its rapid ideological reorientation, as with so many other post-colonial states, was along Marxist-Leninist lines towards a one-party political system (Sidaway and Simon, 1993: 15.)

The political reorientation and transformation towards more socialistic politics during the presidential rule of Samora Machel (the former president and political leader of FRELIMO from 1975-1986) had caused great political instability and political divisions within the state (Margo, 1998). FRELIMO's use of violence to rule, support and maintain the Marxist-Leninist policies in the state was also used to punish the people involved in the former colonial regime. This was an attempt to create a shared revolutionary consciousness which was to a certain degree accepted by the Mozambican citizens. However, the use of violence soon became less purposeful and began to contradict the formerly stated purposes and justice in general, which resulted in FRELIMO losing its legitimacy as the ruling political party (Igreja, 2010).

Internal tensions were increased by regional involvement in Mozambique by both South Africa and Rhodesia[9] (Sidaway and Simon, 1993; Gastrow and Mosse, 2003). FRELIMO'S support of the ANC in South Africa and of the liberation movements in Rhodesia as well as

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[9] Rhodesia is now known as Zimbabwe

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allowing the "Zimbabwe African National Liberation" (ZANLA) to have bases in Mozambique, led to the founding of RENAMO by the Rhodesian secret service in order to fight ZANLA'S presence in Mozambique, and to destabilize FRELIMO (Seibert, 2003).

The civil war between FRELIMO and RENAMO (1976-1992) caused massive destruction, and enormous human suffering. Involvement by external actors has reached the highest causative momentum when scholars attempt to explain the civil war. However, the violent postcolonial politics led by FRELIMO and their actions during the civil war indicates that internal conditions also contributed strongly to the conflict (Igreja, 2008:542-544). Both sides in the war used advanced warfare techniques along with traditional ones. Traditional warfare involved the spreading of violence by terrorizing civilians and forcing them to choose sides in the conflict, and leave their families to fight. It has been estimated that around one million people died during the civil war, and that approximately 200 000 children became orphans and 250 000 were separated from their families. The use of child-soldiers in warfare; the kidnapping of women for the purpose of becoming sex-slaves for soldiers, and the forcing of civilians to produce food and other resources to the armies were widespread strategies used by both FRELIMO and RENAMO in the conflict. Approximately 1,7 million Mozambicans had to flee into neighboring countries, while around 4,3 million Mozambicans became internally displaced (Seibert, 2003: 254).

Guerilla attacks between FRELIMO and RENAMO caused massive destruction to the Mozambican infrastructure. During the conflict, schools, hospitals, production fields and modes of transportation were deliberately destroyed, leading to a massive humanitarian crisis evidenced by the high numbers of victims of the war (Wannenburg, 2006: 311; Shabangu, 2011: 15-16). The civil war lasted until a peace agreement was negotiated between the two opposing parties in 1992. However, the destruction of the state during the conflict had made Mozambique extremely weak. According to World Bank figures, the country had the lowest measured GDP per person in the world in the mid-1990s (Gastrow and Mosse, 2003: 45-47).

A few years before the peace accord was signed FRELIMO was more or less forced to change its Marxist-Leninist political approach due to an evident failure of a socialist development project in the state. The pressure for change was further strengthened by regional and international donors as well as from RENAMO. A new multi-party democratic constitution came into force in 1990 to comply with these demands. The first democratic election was held four years later in 1994. During the election Joaquim Chissano, the former

president and member of FRELIMO, was elected president with the approval from RENAMO (Reisman & Lala, 2012; Mawson, 2011).

3.4.1 The years after the peace accord was signed in 1992

The 1994 elections in Mozambique marked the transition from civil war and one-party rule, to a democratic multi-party political state. The election was an important and essential part of the peace process in the post-conflict state, as the political situation was highly volatile with a significant risk of new conflicts if the election process proved unsuccessful. The election was carried out without noteworthy violence, especially due to the steps taken by the Mozambican election committee who monitored the entire election process to ensure its validity. Along with the transition into a multi-party democracy, the country's economy became more market-based (World Bank, 2009).

Mozambique has had a successful economic growth since the end of the civil war, according to World Bank figures. Starting as the poorest country in the world, its GDP per capita increased from 150 US$ in 1990/92 to an impressive 370 US$ in 2008. Mozambique has had an annual growth rate of approximately 8 percent since the end of the civil war mostly due to its exports, but also as a result of agricultural improvements and positive achievements within the transport and construction sector. In the period between 1997 and 2003, 3,5 million people were brought out of extreme poverty. Other important improvements in the post-conflict years have been within the educational sector, where as many as 98% of children in grade year 1-7 were documented to be enrolled in primary schools in 2008, an increase from 45% in 1998. In the health sector both infant and child mortality has decreased significantly. Access to safe water has improved from 31% to 51% in the years between 1990 and 2008, and sanitation services have improved from 16% to 45% in the same period (World Bank, 2009).

Mozambique has received high amounts of financial aid from external donors in its post-conflict years. This, in combination with new policy reforms and implementations to help improve the conditions of the poor has proved to bear fruit. The new government implemented a poverty reduction strategy to rebuild the destructions after the civil war and to improve poor conditions in the state. An important element of this strategy was foreign donor support. The 19 prime donors were put in a group, and its main tasks were to, in a more coherent matter, support the most important priorities recognized by the Mozambican government. This was done to ensure that donor programs were consistent in their support of

the reconstruction process.

Although improvements have been made in the health sector and roads and schools have been reconstructed, many people still remain vulnerable. The high amount of refugees and Internally Displaced People (IDP) returning to their communities have caused instability due to quarrels over land ownership, where minority groups such as women and children are especially exposed. The commercial pressure on land ownership is also a challenge civilians are facing, as a result of the new market oriented economy. Natural disasters such as drought and flooding exacerbated by the difficulties in obtaining seeds, tools and agricultural needs makes the situation for returnees even more volatile. This is particularly the case for women and children (Baden, 1997). It has been estimated that between 5 to 5,5 million refugees and IDPs returned to their communities in the two-years period right after the peace accord was signed in 1992. At that time, the government had not prepared a program for returnees and for the resettling of refugees. Nevertheless, most of the civilians managed to resettle on their own. In 1994, various programs were introduced to disarm, demobilize, and reintegrate ex-combatants from the civil war. The process was considered completed in 1996.

The pressure on aid donors to shift from relief to developmental activities is significant, but efforts in doing so have proved fairly unsuccessful. This is mainly due to the lack of preparation for a shift in the communities, but also because of the overall weak institutional capacity of the state. It has been put forth that many Mozambican communities have developed a comfortable dependency relationship with donors, where the communities do not make efforts to improve their conditions, but instead wait for support from donors. This mentality is believed to have caused donors to at times withdraw their donations in order to pressure the communities to be self-sufficient (Baden, 1997:12-15). However, recent reports by 4th High Level Forum on Aid Effectiveness (2013) show that Mozambique has effectively reduced its aid dependency from 56 percent in 2008 to 40 percent in 2012, a 16 percent decrease in only 4 years. Whether this is a result of successful change from direct relief, of developmental activities (and aid) by donors, or a result of good governmental practices remains unknown. The capacity of the Mozambican government is argued to be weak as many government officials are unskilled and untrained for their official positions. This is mainly due to low wages, which results in people with better skills rather seeking jobs in non-governmental organizations (NGO's). As a consequence of this, the donor community struggles to halt this "brain drain" from the government and to correct the institutional incompetence they in many ways have caused (Baden, 1997:14). It is estimated that more

than 55 percent of a population of 22 million in Mozambique live on less than 1 USD per day. The health conditions are very poor, with limited access to running water (the access to water has slightly improved in recent years), electricity and skilled health personnel. The government's focus on improving these conditions has been criticized. According to a budget report presented in 2011 by the Government of the Republic of Mozambique (GRM), only 8 percent of the Mozambican national budget is spent on the health sector. What is striking is that 70 percent of the state budget addressed to health improvements is derived from donations (The US Global Health Initiative, 2011; Reisman & Lala, 2012).
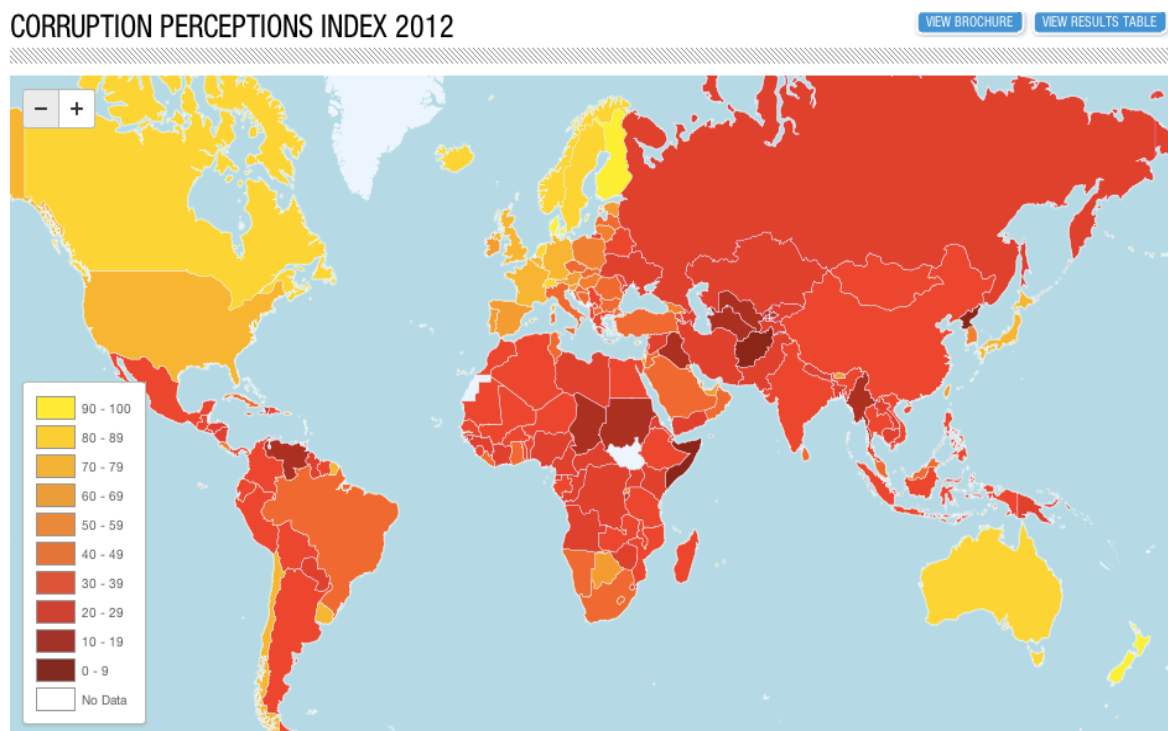
3.5 Trafficking in Mozambique

According to a 2012 Trafficking in Persons Report on Mozambique presented by the UNHCR, Mozambique is both a sending and transit-state for trafficking of humans for the purpose of forced labor and forced prostitution (UNHCR, 2012). Men and boys are found to be trafficked across borders to work in the mining industry or on farms while women and girls, in a majority of cases, are promised jobs or schooling. This often occurs in rural areas where such victims are trafficked into the capital, Maputo, or to regional states where they are forced into prostitution by violence and/or debt-bondage. According to Brent Swails (2012), girls are sold within the Mozambican border for prices as low as 2 USD, while women trafficked across the borders into South Africa could be sold for as much as 1000 USD. Many of the criminal networks in Mozambique are informal networks where the criminals have been recognized as Mozambican nationals. In most of the cases, the victims even know the perpetrator from earlier. Yet, more intricate international criminal syndicates are also taking place in the country. Nigerian, Pakistani and Asian networks involved in cross-border smuggling and trafficking of humans both originating from Mozambique and other more remote countries such as India have been documented. Pakistani networks have been found to work closely with corrupt Mozambican government officials, assisting criminals with immigration and visas for their victims (Hubschle, 2010; UNHCR, 2012).

Mozambique is a highly corrupt country, ranked as number 123 out of 178 countries in 2012, according to the Transparency International Corruption Index (TICI).[10] This Index refers to corruption in the public sector, which is reflected by administrative and political corruption in the state (Transparency International, 2012). Interestingly, the research made by the TICI shows that countries listed as highly corrupt tend to either have a high inflow of aid or be in possession of valuable resources such as oil and minerals. The nexus between aid and

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[10] In map 3, Mozambique has a score of 31 out of 100, where 0 is highly corrupt and 100 "very clean".

corruption is perhaps pertinent in the state of Mozambique where research on Aid and Transparency in Mozambique by the Informal Governance Group and Alliance 2015 (2010), proves that approximately 44 percent of the state budget was financed by external aid in 2010, but a reduction from 56 percent in 2008. The corruption in the country creates an environment where organized criminals can proceed with their actions without much risk of being caught, as the rise in organized criminal groups in recent years somewhat demonstrates. As previously noted, there is a high nexus between organized criminal organizations and violent crime in Mozambique. The most violent organizations in the state are found to be the transnational organized syndicates (Shabangu, 2011; Reisman & Lala, 2012).

Map 3: Corruption Perception Index 2012 (Transparency International, 2012.)

3.5.1 National laws concerning the trafficking of humans

For a long time Mozambique lacked laws that offer protection and justice to victims of trafficking as well as laws that prosecute criminals engaged in such crime. Mozambique has been aware of the existence and increase in the trafficking crime for a number of years. Nevertheless, it is only in the last few years that proper measures have been put forward to meet these challenges.

Although Mozambique signed the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children, supplementing the UNCTOC in 2000, and ratifying it in 2006 (unodoc.org), did the state first two years later enact a domestic comprehensive

anti-trafficking law. This law made Mozambique the first country in the region to pass a law specifically aimed at the crime of human trafficking. Mozambique is the only state in the southern African region to address the problem of trafficking with a specific law, according to UN research (UNGIFT, 2013). In many other states, domestic laws fail to address the specific elements of trafficking as listed in the UNCTOC. The 2008 Mozambican Anti-Human Trafficking Act stipulates a specifically strict punishment for the crime of "recruiting or facilitating the exploitation of a person for purposes of prostitution, forced labor, slavery, or involuntary debt servitude". According to the 2008 law, criminals guilty of such crime can be punished by 16-20 years in prison (Trafficking in Persons Report, 2010, UNGIFT, 2013; USDOS, 2012). The Mozambican government budgeted 360, 000 USD to support the 2008 law along with forming partnerships with various NGOs already active in the fight against human trafficking. Even though there is a lack of evidence, it is a common belief that human trafficking is dependent on the involvement of corrupt government officials. However, according to the Trafficking in Persons Report made by the US Department of State in June 2010, no Mozambican officials have been subject to investigation or prosecution in the years after 2008 (US Department of State, 2010). Even though this could indicate that efforts made by the Mozambican police in combating trafficking is weak, the states' effort in enforcing its anti-trafficking law has resulted in an increase in prosecutions and convictions of several criminals engaged in trafficking. This was particularly the case in 2011, after the state augmented its enforcements of anti-trafficking significantly. It is of importance to note that the state has still not implemented adequate apparatuses to prevent trafficking and for the protection of victims of trafficking, as successfully implemented by Japan exemplified earlier in this chapter (US Department of State, 2012).

3.5.2. The lack of commitment and resources

The lack of allocated resources to combat trafficking along with a weak political commitment from the government has been the foremost handicap in the battle against human trafficking in Mozambique. The lack of quantitative data reflecting actual conditions or comparisons of improvements or worsening in trafficking conditions has perhaps been a supporting argument when it comes to allocating resources in the state budget, as there is no official and accurate information on whether there has been an increase or decrease in criminal activity or not.

The insecurity concerning this complex problem has possibly made the government allocate its resources to other important social initiatives instead, such as improving health care and education. On the other hand, the perceived corrupt involvement of state officials in the

trafficking industry can provide a separate explanation as to why contemporary efforts in fighting human trafficking are so meager, despite increased international, regional and national awareness of the growing problem (IOM, 2007; US Department of State, 2012).

3.6 Concluding remarks

The global increase in recent years of TOC has called for new international laws to combat this development. TOC have been linked to both war crimes and/or crimes against humanity, but also to transnational drug trade, weapon trade, commercial crime, corruption, terrorism, and smuggling and trafficking of goods, human beings and human organs. Human trafficking is an increasingly important, global issue negatively affecting sending-, transfer- and receiving-states. So far, there has been little coherence in the international, regional and domestic laws against this occurrence. This is mainly due to differing definitions of what trafficking entails, and how it differs from other crimes that could be perceived as the same for example slavery, migration, and prostitution. However, the strikingly high estimations of the number of victims of trafficking, and of the profits earned by criminals engaged in the industry, have resulted in increased attention and efforts to halt the industry. The UNCTOC and its UNPTIP protocols is the first international law that has clearly defined trafficking of humans, and a high number of states have signed and ratified, even in the southern African region. As already mentioned, Mozambique is a transit- and sending-state for trafficking especially to South Africa, but also to other regional sates. It is increasingly becoming a hub for TOC engaged in trafficking of humans. The Mozambican government has begun to acknowledge the problem, evidenced by the implementation of the Anti-Trafficking law in 2008. Nevertheless, the government has been criticized for not being devoted enough and for not spending enough of its resources on the problem.

Inadequate national and international legal frameworks to prevent trafficking, punish criminals and protect victims are the foremost constraints when trying to combat trafficking of humans. Regionally, lack of cooperation and the inconsistency of laws and regulations hinder a coordinated response. Domestically, lack of resources, will and commitment seems to be the most critical problem. Internationally, the UNTOC, supplemented by the UNPTIP has been a major step in the right direction. Yet, an international law is not successful if it does not lead to domestic changes of laws and policies.

Chapter 4: Analysis of Transnational Organized Crime in Mozambique

4.1 Introduction

The continuation and expansion of TOC engagement in human trafficking in Mozambique over the last two decades, and in the southern African region in general is a growing concern for both international and regional institutions. The human trafficking industry is also of rising concern for national governments and citizens who are increasingly becoming inflicted by the insecurity.

TOC in Mozambique not only creates insecurity and instability internally, but it continuously undermines the legitimacy and public trust in the capability of the ruling government. The Mozambican post-conflict reconstruction efforts in terms of the reduction of poverty, improvement in healthcare and the general economy along with creating sound governance and reducing corruption is increasingly being challenged by criminal organizations that are continuously adapting and finding new ways of circumventing rules and regulations.

As stated in preceding chapters, Mozambique is recognized as a producing and a transit state for trafficking of humans in the southern African region. The trafficking of humans from and through Mozambique is found to particularly impact the state of South Africa negatively, which due to its comparative wealth regionally is seen as the regional magnet south of the Sahara. Mozambique's geo-strategic positioning in terms of its borders with Tanzania, Malawi, Zambia, Zimbabwe and Swaziland as well as its extensive sea-border in the east, connecting it to the rest of the world through the Indian Ocean partly provides an explanation as to why the state is one of the major transit states of illegal commodities and of trafficking of humans. However, there are other root-causes that lead to TOC in Mozambique and a number of factors present that further catalyze it.

This chapter will attempt to highlight from a theoretical, historical and factual perspective. This factor will also focus on the main political, economic and social factors in Mozambique and its regional dynamics in order to develop an understanding as to why the state is exposed to TOC involved in human trafficking. The factors identified in this descriptive study were derived from academic literature and available research on the subject of trafficking in the Mozambican state. The factors were chosen because they emerged as being the most influential factors on the topic of human trafficking and for having the greatest impact on the

expansion and continuation of this specific type of crime in Mozambique. The main findings will be presented and abbreviated upon in the following sections.

4.2 The contemporary political and economic situation in Mozambique

The political scene in Mozambique is highly complex, a complexity which bears its roots back to the many years of colonization. In the last two decades, the state has been recognized by academics as weak due to its post-conflict governance and varying results in post-conflict state reconstruction (Sumich and Honwana, 2007; Cahen, 2005; Iwaldron, 2013). FRELIMO, the leading political party, has been criticized for having created a dominant elite in Mozambique. The change from Leninist-Marxist ideology to neo-liberalism amidst a protracted unification process in the early stages of the post-conflict years led to the creation of dominant organizations, and a further strengthening of the social elite that has developed during the many years of colonization. FRELIMO is considered by most Mozambicans as the nation-party, and it has dominated the political arena since the liberation from colonial rule in 1975. In the beginning, the party's focus was placed upon building a shared national identity moving away from ethnic and social differences present in the state after the colonial liberation. At that time, shared anti-colonialism became synonymous with building nationalism. However, the strong focus on nationalism covered several important factors. The first factor is that the emerging elite in the south, more or less, had a shared ethnicity. During colonization people were marginalized along ethnic lines. This continued after the state's independence when the emerging elite's majority to a certain degree consisted of one ethnic group. Secondly, the allegedly democratic, neoliberal, pluralist state was monopolized by one political party (FRELIMO), also consisting of one homogeneous ethnicity.

Mozambique is identified as still having authoritarian, paternialistic tendencies, controlled by the (former) communist, post-colonial elite (Kyed, 2009; Sumich and Honwana, 2007; Iwaldron, 2013; Cahen, 2005: 213-233). The distinction between public and private in politics, as identified by Weber (1964), can as an effect be questioned.

The historical trajectory of deep-rooted ethnic divisions and colonial asymmetries still present in the politics of the state today conveys the message that ruling party is unrepresentative of the allegedly democratic country. The hidden patrimonial features of the statecraft, marred by the historical genesis, could be a source of future ethnically exacerbated tensions (Iwaldron, 2013; Cahen, 2005: 213-233). Democracy promoting mechanisms such as the parliament, media and civil society do not have sufficient power to ensure accountability

from the government. As mentioned in chapter three, according to the "Corruption Perceptions Index", Mozambique is ranked as 123 out of the 176 countries measured on the level of corruption. It also has a score as low as 31 out of 100, where 0 is highly corrupt and 100 "very clean". This, along with the very low score on control of corruption, measured by the level of exploitation of public power for the purpose of private gain, reflects the contemporary high level of corruption (Transparency International, 2012; Reisman and Lala, 2012: 7). Increased power has been ceded to the legislative body in the state, by means of the General Assembly. Nevertheless, the public use of and trust in the legal system suggests that Mozambique has not yet succeeded in its post-conflict efforts, if the aim is to move towards a more Weberian state system, also referred to as the legal-rational system (Iwaldron, 2013).

In the immediate years after the end of the Mozambican civil war, a great focus was placed by the FRELIMO government on transitional justice processes to deal with the many atrocities committed during the conflict. However, these processes were more of a "traditional" nature, although they supposedly reduced the demand for justice through what is known as the modern justice system. This was positive in the sense that the capacity of the state in providing justice through trial processes was limited and the atrocities being too many in comparison, that it provided a feasible option for people seeking justice. Yet, the use of transitional justice processes also contributed to undermining the state's move towards a legal-rational system as people had a tendency to choose alternative options when seeking justice (Cahen, 2005: 229-230).

The one-party rule of FRELIMO; its patrimonial tendencies; the favoring of an ethnicized elite; the marginalization of other ethnicities in the state; and the blurry line between public and private in the political arena are all factors undermining the quest for sound governance and development in the post-conflict state. Indeed, this is in line with Weber's tripartite model. These factors presumably lead also to less transparency, plus an environment in which corruption and crime can thrive. The legitimacy of the Mozambican state in the eyes of its citizens can thus be questioned. As conceptualized in chapter two, legitimacy is: "the *recognition that a state has, or is believed to have, a moral or legal right to rule. It is founded on a shared consensus about the political and moral values that define the state and its society.*" (Hanlon, 2011: 3). When the state fails to deliver its core functions, such as providing security, through policing, maintaining a functioning legal system and control over its territory, it may lose its legitimacy and power as an authority. This is a political situation where sub-state actors can operate more freely and challenge the authority of the state. In the

absence of control, a weak state can provide undisturbed safe-havens for criminals. Sub-state actors other than the post-colonial patrimonial elite such as criminal organizations may become a major concern for the state (Hanlon, 2011). This is evident in the critical problem of increasing TOC involved in trafficking in Mozambique and in the southern African region the last two decades (Reisman and Lala, 2012; ISSA, 2012). This will be discussed in the following section.

4.3 TOC in Mozambique

As illustrated in section 2.3.1 of chapter two, when the state's legitimacy is limited and its role as the sole provider of public goods and security is being challenged, the "lawless" environment may be exploited by sub-state actors who can perform illegal activities with impunity (Hanlon, 2011). Organized crime is a major concern in Mozambique, where the most threatening criminal groups are found to be those involved in transnational activities (Gastrow and Mosse, 2002). It is a common postulation that criminals engaged in transnational activities such as trafficking, bribe state officials to attain impunity from both investigations made by the police, to avoid being prosecuted by the states' judiciary system. To get proper papers, criminals can easily bribe lower level officials such as customs officials and police officers to overlook crimes committed. The low salaries of state officials combined with a lack of respect for government authority are arguably factors contributing to corrupt behavior. Criminals are also assumed to have close links with high-ranking politicians both in the government and within FRELIMO. Criminals engaged in trafficking and smuggling are dependent on corrupt state officials to obtain passports for the people involved or to simply provide assistance with free passage across borders (Hübschle, 2010: 75).

Corruption can be transnational when criminal syndicates from other nations bribe local officials to assist with the transfer process of people crossing its borders, or a domestic issue such as locals bribing the police or other state officials.

Corruption is extremely difficult to measure from "official" reports, as official statistics tend to be highly underreported and underestimated (often due to corruption). Thus, citizen's actual experience with corruption in African states is often not properly reflected in official reports. Accordingly, corruption is best measured through independent observations and surveys. An International crime victims survey, presented in the 2005 analysis by the United Nations Office on Drugs and Crime (UNODC) on crime and development in Africa reported that 16, 7 percent of the respondents living in sub-Saharan Africa experienced corruption by

having to pay a public official in the previous year. The percentage was as high as 31 percent in Maputo, Mozambique (2005:42-44).

Recent observations points out the increasingly strong nexus between high-ranking politicians, criminals engaged in illegal trade, national institutions, and the business elite in the country (Rønning, 2011). Strong ties between various holders of power in the country create an explanation as to why in recent years, national (and regional) contemporary crime and continuing growth have not been the primary agenda by both politicians and other national institutions.

Corruption and greed are major catalysts for illegal activities such as human trafficking in and out of the state. This being said, many other factors correspondingly facilitate its continuation and expansion. Many elements, such as Mozambique's geo-strategic positioning, weak legal system, deep poverty, returnees from the civil war and other social problems are some of the facilitators that will be discussed and analyzed in the following sections as an attempt to answer both the main research question of this study and its two supportive questions.

4.4 Laws: National-Regional-International

As previously established, Mozambique obtained its first democratic constitution in 1990 along with a new multi-party political system, free elections, and a change into a more market-based economy. The 1990 Constitution included new policies regarding respect for fundamental human rights. The 1990 Constitution went through several reforms that led to the 2004 Constitution, which is still in operation today.

The 2004 Constitution included improvements in the justice system, fundamental human rights and democracy (Reisman and Lala, 2012: 11-17). As quoted by Reisman and Lala (2012: 11), the 2004 Constitution holds that: *"...within the Republic of Mozambique, all are entitled to safety and determines that the State's fundamental objectives include the construction of social justice, material, spiritual and quality well-being for citizens; promotion of a balanced economy; social development; defense and promotion of human rights and equality for all citizens; reinforcement of democracy, freedom, social stability and social and individual harmony; promotion of a pluralist, tolerant and peaceful society; affirmation of Mozambican identity, national traditions and social-cultural values; defense of independence and sovereignty..."*

In 2008, the Mozambican government approved the anti-trafficking law designed to prevent and combat the trafficking of people in terms of "recruiting, facilitating and exploiting persons for the purpose of prostitution, forced labor, slavery or involuntary debt servitude" (USDOS, 2012). Nevertheless, five years later, the anti-trafficking law still lacks adequate regulations needed to carry out its purpose. This means that the law is not yet officially implemented. The Mozambican government is currently in the process of elaborating upon these regulations, attributing blame for the delay on the complexity of the law. Consequentially, appropriate measures have thus far not been made, in terms of protecting victims of trafficking, investigation of crimes of trafficking, prosecutions of criminals, allocation of resources, and most importantly, in completing the national action plan of coordinating the government's efforts against trafficking of persons, which are all crucial components necessary to combat negative developments. Despite lacking regulations the Mozambican government increased its efforts in the fight against trafficking by prosecuting and convicting an increased number of human trafficking criminals in 2011. Yet, efforts in protecting victims of trafficking in the state, and raising public awareness of this issue still have not been very successful (Xinhua, 2011; USDOS, 2012).

By approving the anti-trafficking law in 2008, Mozambique became the first country in the SADC region with an anti-human trafficking law. None of the other states in the region have implemented similar laws or comprehensive legislation that addresses the issues of human trafficking as identified by the UNPTIP (UNODC, 2004) to the same extent as Mozambique. Most of the countries in the southern African region have laws connected to the crime of human trafficking but with varying approaches, of which some focus on the abuse and exploitation of children, others on the issue of forced labor, organized crime and/or sexual offences. Even so, very few define the unlawful act of trafficking, or succeed in criminalizing all activities related to the crime of trafficking of humans (UN.GIFT, 2013; SANews, 2009). African states and a few small island states are, according to the 2012 UNODC report on trafficking in persons, the remaining regions that tend to lack domestic laws against trafficking in persons. Nevertheless, there are some continuous improvements, and the number of African sub-Saharan states with domestic laws either covering parts of the Trafficking in Person Protocol, or all of it have increased from 12 in 2008 to 23 in 2012 (UNODC, 2012: 82-95). The lack of a coordinated response to trafficking both nationally between the various fractions in Mozambique, regionally and internationally is the primary limitation in terms of eliminating and preventing trafficking of humans. However, generally, there has been a gradual increase in awareness of these issue as well as steady improvements

in implementing laws against the crime.

The 2010 UN Global Plan of Action to Combat Trafficking in Persons has been a great step in following up the UNPTIP, and is a useful manual to be utilized by states that ratify the UNPTIP, so as to be more coordinated in responses against trafficking and also to coordinate their national laws aimed at criminalizing such offences (UNODC, 2012: 82-95).

The current high levels of crime and violence in Mozambique are increasingly causing insecurity domestically, despite recent year's implementation of laws that combat the expansion of TOC. The high levels of crime and insecurity contributes to undermine the post-conflict reconstruction efforts made by the government and other non-governmental actors. The following sections explore the many challenges in Mozambique found to be pivotal drivers of crime.

4.5 Legal Pluralism

There exists a general distrust in public institutions in Mozambique. The national criminal justice system has been discredited as a result of corruption and close ties between criminals and state officials. The poor conditions of access to health facilities; work opportunities and security; as well as the very low income of state officials and the general weakness of the state (and its institutional incompetence) breeds corruption. Corruption further amplifies these causes, creating a vicious circle (Gastrow and Mosse, 2002:9; Irish-Qhosbosheane, 2007).

The discredited justice system has made people, especially the poor to seek other means of justice when attempting to resolve disputes or harm done to them. This could be through customary community-based institutions, local healers, religious leaders, or even by taking the matter into their own hands. State officials tend to support the informal non-state mechanisms in Mozambique, which were officially recognized in the 2004 constitution. The informal justice-mechanisms in the pluralist state are either supported by, or compete with the formal justice system (Kyed et al. 2012). Analyzing Mozambique from a Weberian perspective, one could see charismatic, traditional and legal authorities congruently functioning in the state. It seems as though the different authorities rule in some kind of symbiosis with one another, which is strengthened by bribery and tradition.

The political and social impact of having a pluralistic justice system is beyond the scope of this study. Nevertheless, the system is undoubtedly contributing to demoralize public

confidence in the competency of the authorities and their (modern) criminal justice system, which possibly make the state more corrupt and creates an opportunity for sub-state actors such as criminal organizations to gain momentum (Irish-Qhosbosheane, 2007).

These pluralistic features do not explicitly provide an explanation to the expansion and continuation of TOC in Mozambique and the SADC region in recent years, yet the pluralism in the state is an important feature that cannot be left out of the equation, as it leads to the empowerment of non-state actors as they become the only viable option when state authorities fail to fulfill their duties. There are many factors that lead to insecurity in Mozambique; most of them are repercussions of the civil war. The most important risk catalysts will be presented and assessed in the following sections.

4.6 The state's failure to provide social goods

There are no factors that can provide reasoning to the insecurity in Mozambique in isolation. It is therefore necessary to analyze the underlying conditions to provide a holistic understanding of the problem. The following sections will present the most important factors that are found to be major drivers of corruption and crime in the country.

4.6.1 Health care

The major constraint concerning improvement in the health sector is the lack of human resources and capacity. As many as 30 percent living in Mozambique lack access to public health care, and the general level of the existing health care is below acceptable standards. The majority of the illnesses that people suffer from can be prevented, treated or cured (with the exception of curing HIV/AIDS) if proper measures are made. The most common illnesses are malaria, tuberculosis, diarrhea, respiratory infections. HIV/AIDS infections are estimated at 1,6 million in Mozambique (ADB Group, 2008).

The prevalence of HIV and AIDS in Mozambique is extremely high. In 2004, due to the worrying epidemic, the government of Mozambique declared a national emergency. A majority of those infected with the virus are women and children. The mortality rate from AIDS related illnesses among adults is as high as 25 percent, which has a major social impact as many children are left without parents. The children are often forced to drop out of school to work and fend for themselves and possibly other younger siblings. In addition, the HIV/AIDS endemic indirectly impacts children as educated elders, such as doctors, teachers, and social workers die from the virus. This can place children in an exceedingly volatile

position in society, and increase the risk of them being exploited by opportunists. The epidemic has spiraled out of control and the government is not able to protect its citizens through preventive measures and general health care (UNICEF, 2013). According to Weber (1964), one of the most important roles of the state authority is to provide security for its citizens. When the government lacks the capacity, or will, to improve general health through proper initiatives, as shown by the massive problem of HIV/AIDS and other epidemics in the country, citizens become extremely vulnerable, and thereby more at risk of being exploited by TOC.

4.6.2 Education

The enrollment of children in primary school has improved considerably in the last decade in Mozambique. More than 70 percent of children enrolled in primary and secondary education in 2003 have now increased to 100 percent, according to UNICEF figures. However, the quality of the education system is marred by the state's lack of capacity. Very few teachers are qualified for their positions, and often have to teach as many as seventy students in one classroom. This has led to very low completion rates. The schools further lack teaching materials, desks, sanitation facilities and access to water. Female students are at a higher risk of dropping out, as they often have to take care of siblings when their parents die, or are unable to take care of their children. Girls are often excluded from school when their families are poor, as they are forced into prioritizing taking care of their family as opposed to placing a priority on their education. Females are expected to help in the family household and to reproduce, while educated males are expected to contribute financially to the household, and this leads to a high dropout rate for female students (UNESCO, 2006). In Mozambican government universities, men outnumber women with a ratio of 3 to 1. This discrepancy indicates and further enhances the lower social status of women in the state compared to that of men (Mario et al., 2003; Lemoyne, 2013.) The issue of gender marginalization through unequal access to education is an underlying factor making women more vulnerable in the Mozambican society. Women are often not aware of their rights and are not protected through sufficient government implementations. By being highly dependent on men, while at the same time less able to represent their own rights, the subcultural view of women as "commodities for sale" can be maintained. Consequentially, marginalized groups such as women and children are easily victimized than their male counterparts in the TOC industry of trafficking for the purpose of sexual exploitation. The next section seeks to examine in depth the role gender inequalities play in the quest for understanding the continuation and expansion of TOC engaged in trafficking of humans in Mozambique.

4.7 Gender and age subjugation

According to 2012 US State Department figures 80 percent of trafficked humans in the world are women and 50 percent are minors. Gender discrimination is still widespread in the Mozambican state although laws concerning women's rights have improved in recent years. This is perhaps not startling, bearing in mind that most official (modern) laws are generally ignored by a majority of the population independent of social class. Women's rights have been neglected in Mozambique, due to the fact that men dominate the formal law system, and the customary and traditional systems and politics in general. Women and girls are often considered inferior to men. This is an attitude that contributes to objectify them in society. The fact that women when compared to men have limited access to education strengthens this notion as women become overly dependent upon men, rather than increasing their own earnings by acquiring employment that requires an education. The general view of women as objects rather than equals to men makes women more vulnerable to violence and degrading behavior from men. This partly provides an explanation as to why women and girls are the main targets of trafficking for the purpose of commercial sexual exploitation in Mozambique and in the southern African region (UNESCO, 2006; CIA Factbook, 2013).

The mismanagement of the state in the post-conflict period has marginalized vulnerable groups in the Mozambican society. This is put forth in this chapter. The lack of recognition of the contemporary marginalization of women both in the private, and public sectors, combined with the absence of attitude changing initiatives by the government, has led to a greater risk of women becoming victims of TOC engaged in trafficking for the purpose of profiting from sexual exploitation (UNESCO, 2006.)

4.7.1 Poverty

Poverty is a widespread problem in Mozambique. Mozambique has experienced impressive economic growth in recent years, making the state seemingly a "success story" in the southern African region. Nevertheless, a preponderant part of the population in rural areas is still living in absolute poverty and also lacks access to the most essential basic services, such as clean drinking water, food, health care and schools. More than 80 percent of poor households live in rural areas, and in 2008, as many as 54 percent remained below the poverty line (IFAD, 2013; Fox et al. 2005; CIA Fact book, 2013). According to the Trafficking in Persons Report made by the US Department of State in 2010, most victims are trafficked from rural areas to city centers and across the Mozambican borders. People living in rural areas are extremely poor, which along with lacking education and access to basic public goods, makes people desperate

and further increasingly vulnerable to exploitation (Fox et al. 2005).

One of the major challenges of the last two decades of post-conflict reconstruction has been, and still is, the reduction of poverty. The majority of people in Mozambique have exceptionally low living standards. The generally poor condition of health and nutrition is further made worse by the considerable destruction resulting from floods, droughts, cyclones, crop diseases and price shocks that impact households and the general infrastructure of the state both economically and physically.

The risks associated with the HIV/AIDS epidemic makes households extremely vulnerable, as a large numbers of children are orphaned and many are unable to provide for their own basic needs which increases poverty levels even higher. Owing to this, Mozambique is found near the very bottom of most measures that rank countries according to their respective poverty and development levels. Mozambique is surpassed only by Congo and Zimbabwe in the southern African region. Poverty conditions only improved by roughly 1 percent in the years between 2003 and 2009, despite the fact that sustained annual economic growth yielded successful results as high as 8 percent in the same period (IFAD, 2013).

Recent national poverty assessments prove that Mozambique still suffers from widespread poverty. This illustrates the weaknesses in the contemporary Mozambican development model that was installed by the Frelimo government. The low improvements in reducing poverty, in contrast to the strong economic growth may indicate a dual economy that benefits only large-scale government subsidized industrial projects at the expense of growth in the small-scale, farming economy.

This situation further raises a question about the distribution of the considerable amount of foreign aid that flows into the state yearly which is intended for reducing the high level of poverty (Van den Boom, 2011; UNDP, 2009). In 2009, Benvinda Levy, the Mozambican Justice Minister, argued that poverty combined with the breakup of families is the major cause of the increase in crime committed by minors. Under these conditions, children are particularly exposed to abuse and exploitation, which can lead to an increase in children becoming victims or committing crime themselves (AllAfrica, 2009). Poverty in terms of extremely low living standards, lack of access to food and other necessities, can be seen as a major cause of criminal activity as marginalized vulnerable groups become easier to exploit and become more likely to turn to crime.

4.7.2 Aid Dependency

"The declared successes have not yet produced tangible results for the majority of the population. Rising unemployment and extremely high levels of absolute poverty are producing, among other aspects, adverse social effects and rising crime"
(Prakash Ratilal, former governor, Bank of Mozambique (Hanlon, 2004: 748).

Mozambique has been seen as a success story by other states in the African region and by international donors due to its rapid economic growth and lasting peace after the end of the civil war (ADB Group, 2008; Renzio and Hanlon, 2007; Lundin, 2000).

Despite having avoided a new war by political reconciliation and by having experienced an economic recovery and even growth in the post-conflict years, referring to Mozambique as a complete "success story" can be considerably challenged at a closer glance. As discussed earlier, there remain many social problems that could very well cause further tension and instability if they are not dealt with appropriately. One important problem is the increasing gap between rich and poor and the uneven distribution of wealth throughout the country further marginalizing the 54 percent of the population (2008) still living below the poverty line. This is impaired by the all other than inclusive politics of the state. Another problem is the state's continuing dependency upon foreign aid, which provides approximately half the government's budget (Lundin, 2000; Philips, 2010; Campbell, 2005; CIA Fact book, 2013). It is estimated that 20 percent of aid received is loans, while the remaining 80 percent is donations. The same amount of funds from foreign aid donors cannot be raised domestically. The state thus continues to be very dependent upon a continuing stream of foreign donations. It is predicted that if foreign contributions were discontinued, infrastructures such as schools, hospitals, road building and so on would be the first to suffer.

Fragmentation of aid would cause additional problems as civil society and parliament are seldom in a position to influence decisions that are made concerning distribution of aid. Most policy decisions are made between government executives and donors either at the local, provincial or sectoral levels, which combined with an influx of other donors leads to uncoordinated development strategies (Renzio and Hanlon, 2007:4). The high level of donor dependency makes the donors powerful in decision-making that concerns the government's expenditure budget, which is more or less controlled and directed by state executives and donors. The demands for accountability from donors, in contrast to limited pressure for accountability from civil society, lead to further marginalization of Mozambican citizens.

This is done to please powerful donors, and so that the most powerful in the state can continue to benefit. The corruption of state officials and executives in Mozambique and their exploitation of foreign aid are believed to undermine national development efforts, such as reducing aid dependency, which would perhaps lead only to fewer donations in the future. The analysis of this aid dependency clearly points out the weakness of the Mozambican government.

As Williams (1997) and Williams and Brooks (1991) predicted, TOC and crime will increase in vulnerable states due to corruption and insecurity as a result of globalization. International involvement in terms of aid poses a challenge to the state. Governmental corruption, the increased economic gap between 80 percent of civil society and the remaining powerful elite and the continuous marginalization of people creates tension and insecurity, all of which contribute to an environment where organized crime can thrive (Williams, 1997; Nayyar 2002). The weakness of the government creates an environment, or a functional hole, for crime to gain momentum. This environment, combined with the high inflow of foreign aid being continuously mismanaged by the corrupt power elite, further undermines the legitimacy of the state in the eyes of the public.

4.7.3 Refugees and mass migration

Migration due to insecurity and conflicts has created a large refugee population in Mozambique. During the civil war, one third of the population was forced to flee both within Mozambique and into neighboring states. Natural disasters in the wake of the civil war further increased these numbers. Proper support by the FRELIMO government was not provided to the wave of returnees after peace was reached in 1992. The massive return of refugees caused instability and increased competition over access to fertile land and resources. Powerful politicians and business elite moreover exploited the weak state bureaucracy in order to gain access and control over the most desirable land (Hanlon, 1995; Dolan, 1997). As most people living in rural areas are dependent on access to land for food and livelihood, this shortage of land lead to further poverty, hunger, desperation and instability, all eroding factors that further illustrated the weakness of the state.

As noted in chapter two, a state is weak if it fails to deliver political goods for its citizens and performs poorly in general, as GDP indicators reflect. By not having the capacity or will to provide citizens with a small patch of land for food production the GDP will be further decreased, evident by 54 percent of the Mozambican population living under the poverty line

in 2008 (CIA Factbook, 2013). Furthermore, women and children's low social status forces them to depend upon men to provide access to land.

During the civil war, men and young boys were recruited by both sides of the conflict, which left women in rural areas with the responsibility of managing the households. Refugees are often marginalized in terms of discrimination, forced labor, violence, sexual violence and trafficking, the latter two especially concern women. A large number of men died during the war while others never returned. This, along with the already low social status of women, made women even more fragile in the wake of the civil war and more likely to become victims of sexual exploitation (Gengenbach, 2007; Sørensen, 1998; Hanlon, 1995; Dolan, 1997).

4.8 The geo-strategic positioning

Mozambique borders the Indian Ocean on its east side, and the states of Swaziland, South Africa, Zimbabwe, Zambia, Malawi and Tanzania on the north, south and west sides, with a total of 7041 border-kilometers. The existing Mozambican border posts are found to be extremely porous and extensive bribery and corruption allows for illegal crossings. These extensive borders are patrolled daily by officials from both sides, as to hinder illegal crossings through new holes or crawling through existing ones in the fences along Mozambique's borders (Katerere, 2010; Hennop, 2000). The lack of proper personnel is a major handicap in policing the state's some 4600km border on land. In the approximately 80 km border between South Africa and Mozambique, there were as many as 70 uncontrolled border posts in the year 2000. Due to rough terrain and climate, these border posts are difficult to control by officials. Consequently, these uncontrolled border posts are where most of the cross-border smuggling takes place.

The 220 km border between Mozambique, Swaziland and South Africa, stretching from the Ponta Do Oro border post by the Indian Ocean, through to crossings in Temba and Ndumo down to the KwaZulu-Natal provincial border with Swaziland and further up to Mpumalanga [11] are popular zones for illegal border-crossings of both the smuggling of illegal commodities and immigrants (Hennop, 2000). It is not only on land that cross-border crime is a potential threat that can create internal insecurity. The state's 2500 km seacoast provides unguarded entry-zones for smuggling and trafficking of both illegal commodities and people. Prevention of cross-border crime along its coastline and the fight against piracy are problems the

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[11] See appendix 1, map 4 showing Mozambique's regional borders.

government has become acutely aware of recently, which has led to increased focus on regional and international cross-border initiatives, as the state alone lacks the resources, capabilities and skills to solve these problems (Otto, 2012).

At sea, the most recent initiative has been the Memorandum of Understanding (MOU), which is a tripartite approach between Tanzania, South Africa and Mozambique to collectively stand stronger in protecting sea borders, especially against piracy. This trilateral arrangement has been backed internationally by American and Norwegian contributions (Otto, 2012). Almost 80 percent of Southern Africa's import and export are transported by sea, which makes piracy a lucrative business and consequently a major concern for the southern African states.

In the quest for fighting piracy in the Mozambique Channel, South Africa has in recent years provided Mozambique with military troops, warships and warplanes (ISS Africa, 2011). The Border Safeguarding Operation Corona, a South African operation implemented in 2011 to fight border-crime along South African borders, has prioritized the borders with Mozambique as these borders are found to be the most porous entry-zones and are especially exposed to illegal cross-border smuggling activities into South Africa. Also, the South African Defense Force (SANDF) has deployed troops along Mozambican borders and supplied engineers to maintain the fences along the borders. This operation has proven successful, as in 2012/2013, when 13 316 undocumented people were apprehended by SANDF forces, along with the confiscation of R13 million worth of illegally imported goods as well as capturing several Rhino Poachers and their syndicates along the border to the Kruger National Park (Martin, 2012; DefenceWeb, 2012).

Mozambique is the perfect transit state due to its many kilometers of borders, and especially because it borders South Africa in the south, which is known as the magnet in the southern African region. South Africa is, consequently, the preferred end-destination for both commodities and humans coming from countries entering from the Indian Ocean through Mozambique, and from other African states in the north or east of Mozambique.

The extensive borders of Mozambique are challenging to control, which makes TOC activities less risky as well as more profitable for the criminals involved. The geo-strategic positioning of the country and its vast eastern borderline invites and extends the transnational criminal syndicates to involve criminals from countries such as Brazil, Portugal, Pakistan,

India, and United Arab Emirates that engage in crimes, such as human trafficking, human organs, drugs, automobiles, and weapons. Corrupting custom officers to freely allow border crossings with trafficked goods and humans is an essential part of these various criminal activities. The level of domestic corruption not only facilitates and exacerbates cross-border smuggling and trafficking, but it is also aggravated by the industry itself. Corruption of local police officials is relied upon which explains further why official statistics on TOC and related activities is so low and assumingly highly underreported (Shabangu, 2011).

4.9 Globalization

"Globalization" generally refers to the growing inter- connectedness of the nations of the world following the global liberalization of trade at the end of the Cold War"
(UNODOC, 2010: 29).

The now globalized world creates new opportunities for TOC. Through globalization, countries' economies have become increasingly interwoven which provides new, transnational infiltration channels where crime can thrive. This is easily coordinated via Internet, cell phones, global tourism and cheap airfare, all of which better connect the countries of the world (The Millennium Project, 2011; UN Policy Paper, 2006). Market forces determine the routes of criminal activity, and the preferred end point for trafficked people, weapons and drugs depends highly on changing global demand in terms of the global economy.

TOC syndicates are accordingly dynamic in order to adjust to the changing demands of the markets in the global economy. The complexity of TOC continuously adapting to the fast pace of globalization, created some ungoverned areas where TOC syndicates operate freely without being restricted by global governance mechanisms (UNODOC, 2010).

The liberalization of the Mozambican economy created new relationships between the domestic, regional and global market. This has led to greater inequality within the country, making the state highly volatile to transnational criminal activities. A major push-factor of crime in Mozambique is the internal growing inequalities, implicated by its many political, economic and social problems. The major pull-factor is the increasing economic inequality of nations, where wealthy nations create a demand that impoverished nations can earn money from, by delivering goods to (Luz, 2008; UNODOC, 2010). It has been claimed that globalization has led to the creation of transnational "negative forces" in the last two decades of the 20th century, which has proven to be a challenge to control by the state due to lack of

laws and regulations that respond to the ever changing complex dynamics of transnational crime. The globalizing world, in terms of improved technology that leads to easier and faster communication and interaction between countries, is often argued as being the main reason why globalization has unleashed "ungoverned spaces" or "negative forces", involved in TOC such as human trafficking, terrorism, weapons and drugs. Globalization has also led to easier access to international markets through the Internet and improved modes of transportation, which have caused a new, more internationalized market relationship between rich and poor states. The cause and effect of globalization is that conflict states have been made into criminal epicenters and new organized crime hotspots (Heine and Thakur, 2011). The new ungoverned spaces imply the weakness of state authority, which is in line with Hanlon's (2011) view, that when the authority of a state is limited, sub-state actors can exploit the "lawless" environment. Accordingly, the effect of globalization on market demand could provide an explanation of the increase of TOC as in Mozambique, being an impoverished post-conflict state. Nevertheless, globalization cannot be seen as an isolated event causing the continuation and expansion of TOC in the country. However, it does play an important role as it creates ungoverned spaces where TOC syndicates can thrive, and it also facilitates the transnational relationships between criminal groups, and creates greater inequalities between nations leading to higher demand from rich nations (UN Policy paper, 2006).

4.10 Main Findings

The main findings of the analysis of the data are summarized in table 1 below. The main contributing factors are categorized in social, political and economic. Each of these categories further has a number of sub-categories. As mentioned, these factors are believed to be the main contributing factors to the continuation and increase of human trafficking in Mozambique.

Social:	Political:	Economic:
Gender dynamics -Women, children and specific ethnic groups are often marginalized -Women are often viewed as "commodities" -Women are expected to drop out of school to stay home	**One-party rule** -FRELIMO is dominating the political arena -FRELIMO is allegedly ethnicized	**Aid dependency** -A significant part of the state budget stems from foreign aid
Poverty -High poverty levels -Malnutrition	**Patrimonialism** -Dominant political elite in the country	**Increasing gap between rich and poor** -A dominant, ethnicized social elite in the country -Patrimonial tendencies of the economy
Lack of social goods: -The state is not providing its people with necessary public goods such as: -education - health care - jobs -security -general infrastructure	**Pluralistic legal system** -Informal non-state justice systems are often used -Low trust in the official legal system	**Poverty** -High poverty levels contrasting the rapid economic growth in the country recent years
Refugees/returnees -High level of returnees and refugees after the end of the civil war	**Corruption** -High corruption levels, especially amongst state-officials -Blurry line between public and private in politics	
Epidemics -HIV/AIDS -Neumonia -Malaria -Diarrhea	**Lack of social goods** -The state is not providing its people with necessary public goods such as: education, health care and jobs	
	International -Globalization -Geo-strategic position	

Table 1: Main contributing factors to the continuation of human trafficking in Mozambique

4.11 Concluding remarks

Mozambique is scarred by its history of colonization followed by political turmoil that led to a civil war that caused massive social scars. This trajectory combined with corruption, inequality, poverty, the HIV/AIDS pandemic, weak statecraft, and lack of coordinated legislation, further catalyzed by its geo-strategic position and porous borders have made Mozambique particularly exposed to crime and TOC. The abovementioned elements have impacted the weakest groups in the country the hardest, explicitly women and children. The gender dynamics in the state, as in its masculinized society and the low social status of women and children has, together with a lack of coordinated, preventive and protective national and regional laws, made women and children especially vulnerable to discrimination and exploitation, and often victims of organized crime engaged in trafficking for the purpose of sexual exploitation.

The political reformation in the post-conflict period, changing the state from being socialistically oriented and now being linked to the global market through a capitalist approach has also had its repercussions. By analyzing the state through Weber's tripartite classification of authority, it becomes clear that Mozambique has not yet succeeded in becoming a modern state institution, also known as the rational-legal authority according to the prevailing state theory of Max Weber (1964). This classification is often used to justify why the state is classified as a "weak state". This weakness bears it roots in the patrimonial features of its statecraft, as well as its high level of corruption. A major consequence of this is the loss of state legitimacy in the eyes of its citizens. This has also been the case in terms of Mozambique's legal system, which is believed to have legal outcomes based on a person's willingness and ability to pay. The weakness of the state creates "ungoverned spaces" where other than state-actors can gain a momentum. In some cases state actors collaborate with criminals, in other scenarios they work alongside them or against them. These non-state actors tend to take part in illegal activities such as weapon smuggling, drugs, cars, cigarettes, as well as the sale of organs and human trafficking for the purpose of forced labor or sexual exploitation.

In Mozambique, the criminal industry of human trafficking is a significant problem, especially that of children and women for sales in the sex industry. Its geo-strategic positioning partly explains why it functions as a transit state in the region, as it links a number of other countries to South Africa, the regional magnet. Also, other factors are also making the country particularly exposed to TOC engaged in this trafficking.

The high poverty level, which is not in line with the country's economic growth, makes people increasingly more vulnerable and marginalized. This, along with massive health problems such as the HIV/AIDS epidemic, hunger and other diseases often leads to children losing their parents at an early age and the breakdown of social fabrics. Orphans are particularly vulnerable to exploitation, as they can be more easily lured by false promises of schooling or work by criminals. The sociocultural gender-inequality, where women are deemed as worth less than men, and are often expected to stay home to do domestic work rather than obtaining an education, all of which lead to women becoming more vulnerable to exploitation, as they are unaware of their rights nor protected by sufficient government implementation.

The vulnerable population in Mozambique is on the supply side, while richer countries are on the demand-side. This is allegedly exacerbated by globalization, as the connection between rich and poor countries is constantly growing. The high level of corruption in Mozambique along with its vast ungoverned and porous borders makes the trafficking-industry very profitable. There has been an increased international focus on how to prevent, avert and punish such trafficking since the Palermo Convention was presented in 2000, together with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children. Mozambique ratified this in 2006, and followed by endorsing the 2008 anti-trafficking law. This law has not yet been successfully implemented, and this further implicates the overall weakness of the country's judiciary system. Untrained policy frameworks and lack of funding to sufficiently implement changes in a coordinated manner are all current challenges that need to be overcome. It is important to deal with the root-causes to stop the negative increase of TOC in Mozambique. However, positive international and regional responses are also the key to tackling the problem.

Chapter 5: Conclusion

5.1 Introduction

The drivers of crime in the southern African region are manifold. This study has analyzed and identified the most apparent political, economic and social conditions within Mozambique specifically, in an effort to apply greater analysis and reasoning as to why the state in recent years has experienced a continuation and expansion of criminal activity, especially in the form of human trafficking.

Some of the factors recognized and put forth in the study stem directly from repercussions of the civil war. These include the great number of returning refugees, IDPs, damaged infrastructure, aid dependency, as well as the political system itself, which has clearly illustrated a widely held postulation of how post-conflict environments can affect human societies negatively. Other reasons, which are not necessarily straightforward, are: high levels of corruption, patrimonial features of the state, a contemporary pluralist legal system, and gender discrimination marginalizing women and children. These reasons cannot be explained as post-conflict repercussions solely, although the conditions were most likely aggravated during and after the war. What has become grimly revealing and enlightening when assessing the findings in previous chapters, was the increased role globalization, and the ease at which trafficking continues, due to the country's geo-strategic location.

The other purpose of this study was to look at various "push" and "pull" factors and assess if the government of Mozambique and various regional institutions have properly addressed the issue of human trafficking. The aim has been to provide a more holistic understanding of the current situation using post-conflict state theories and taking a more descriptive approach when recognizing the most relevant contributors to increased trafficking. The following chapter will examine the progress and critically evaluate the research study and, finally, make recommendations for future research.

5.2 Progress of the research study

Chapter one provided the historical background of Mozambique and a situational description from the end of its civil war in the early 1990s up until the present date. An emphasis was placed upon the root causes of the war, in an attempt to explain how, over the last two decades, the Mozambican post-conflict society has developed. Additionally, the chapter revealed the various structural elements that have been causal to the expansion of

human trafficking in Mozambique.

The historical and situational description was followed by a literature review, which sought to present the various theories used in the study, including; Max Weber's tripartite classification of authority, Charles Tilly's idea of state formation, Samuel N Eisenstad's idea of neopatrimonial states, as well as theories of failed, weak, or strong states and the theory that capacity gaps create an environment where crime thrives, and where non-state actors can gain power.

The literature review justifies why these specific theories were chosen over other theories in this research study. The literature section also presents the most well-known research work on relevant subjects, such as, corruption, criminal networks, crime, globalization and patrimonialism.

Chapter one also addressed the research question: "*What elements in the post conflict state of Mozambique contributed to the expansion of transnational organized crime with specific reference to human trafficking?*" It started by defining the various key terms, and presented the research methodology, and an overview of how the research study will be conducted in order to answer the research question and reach a conclusion.

In chapter two, the prevailing theories of the state and post-conflict reconstruction of states within the field of political science were explored. It was necessary to present widely held theories and explain them thoroughly, to establish which of these theoretical perspectives best conceptualize Mozambique.

Chapter two presented the leading theories of the state from the western state formation viewpoint where Charles Tilly argued that wars made states and vice-versa, and Weber's idea of monopoly of power and the tripartite classification of authority and political leadership in a state. Eisenstadt's concept of neopatrimonialism was also included in this analysis.

Chapter two further presented the prevailing theories of post-conflict states. Governance, legitimacy, security and rebuilding the effectiveness of the state were central topics. Frequently used terms in these contexts such as weak, fragile, collapsed and failed states were conceptualized in order to categorize Mozambique accordingly.

As Mozambique is known as a post-conflict state, this chapter sought to define exactly what a post-conflict state is, and identify the most recognizable features which are synonymous with a post-conflict state, such as crime, corruption, capacity gaps, and the increased relevance of globalization. The chapter ended with a presentation of the many theoretical challenges of state theories and post-conflict state theories, which are often overemphasized when explaining why many post-conflict reconstruction efforts have been unsuccessful.

Chapter two further analyzed to some extent the regional states in southern Africa, namely the SADC member-states, as it becomes necessary to take these states into consideration to study TOC in Mozambique. However, as Mozambique is the focus of the study, the regional states were focused upon to a lesser extent.

In chapter three, the global and regional context of TOC with particular focus on the crime of trafficking of persons was contextualized. The international and regional laws governing transnational crime were presented, and especially how these laws have changed and have been enhanced to adjust to and meet the increasingly more complex criminal dynamics. The chapter also took a deeper dive further into the history of Mozambique by briefly looking into the burden of colonization, and the historical context in terms of the state's political, social and economic challenges since the end of the civil war in 1992. Chapter three further presented the previous, and the contemporary national laws against TOC and human trafficking, as well as the pressing issues the state has to deal with that contribute to limiting the implementation and success of the measures already made to end the problem of human trafficking.

The purpose of this chapter was to facilitate a broader understanding of the current situation in Mozambique as a post-conflict state in the southern African region, and to highlight the conditions in the country that have led to an increase in criminal networks, with particular reference to the industry of trafficking of humans.

After the theoretical and contextual foundation was laid in chapter two and three, chapter four presented an analysis of human trafficking in Mozambique and in the SADC region. In this chapter, the contemporary political and economic situation in Mozambique was assessed, starting off with the current political landscape dominated by the ruling political party, FRELIMO. It is evident that the ruling party consists of dominant ethnic and social elite,

something which has precipitated debate around the legitimacy of the government. Furthermore, the allegedly patrimonial features of the statecraft and its limited transparency mechanisms (suppression of the media, parliament and civil society) further support this notion. The lack of any division between public and private in politics is also a point that should not be excluded when analyzing the legitimacy of the state.

…By looking at these various factors through Weber's, Eisenstad's and Tilly's theoretical perspective, the weakness of the Mozambican statecraft becomes apparent. Even so, there are many other factors present, which are found to lead to the continuation and expansion of TOC.

Moreover, chapter four stresses the lack of coordination between international, regional, and domestic laws and initiatives that concern trafficking laws, as well as the problem of legal pluralism in the state. Other problems found to additionally cause insecurity, which is typical issues that post-conflict states are confronted with, are those regarding social services such as access to health care, education, reduction of poverty, national security in the light of the great number of refugees, IDP's, and returning refugees.

Chapter four moreover looks at the geo-strategic location of the country, which makes it particularly exposed to trafficking crime. Mozambique functions not only as a sending state, but also as a transit state in the region. In an attempt to explain why women and children are particularly vulnerable to exploitation, chapter four analyzes the issues of gender roles and gender and age subjugation. All the factors presented in this chapter contribute towards providing reasoning as of why the trafficking of women and children in the state of Mozambique is so preponderant. The chapter also creates an understanding as to why a surge of criminal synergies involved in this industry have been identified in recent years.

Grounded on the theoretical and contextual foundations, chapter four analyzed the factors that could provide an understanding of what facilitates the continuation of human trafficking in the post-conflict state of Mozambique. By highlighting the main drivers of the crime of trafficking humans, and by analyzing the root-causes stemming from the repercussions of the protracted civil war two decades ago, chapter four discussed the main elements in the post-conflict state of Mozambique which have contributed to the expansion of transnational organized crime with specific reference to human trafficking.

5.3 Evaluation of the research study

This research study has taken a holistic approach in an attempt to provide reasoning to the pressing issue of the expanding TOC in the southern African region, with specific reference to the organized crime of human trafficking in Mozambique. The information used for this study is mostly from secondary sources due to safety considerations and time-limitation. The political, social and economic conditions in the state have been analyzed in order to highlight the elements that have contributed to the expansion of TOC engagement in human trafficking. As transnational crime naturally involves cross-border activities and, thus, other states, the regional states have been considered. The research study consequently includes some data on political, social and economic conditions in neighboring states that are relevant for the case study. This data mostly includes both international and regional laws and regulations, as well as information on other relevant conditions in the receiving states. The data gathered for this research study is predominantly from accredited journals and organizations, but also from various books, online newspapers, and other sources. The validity of this study is therefore unquestionably dependent upon the reliability of these sources. Most of the independent sources used have proven that human trafficking is a critical problem in the state of Mozambique, which has increased in recent years. Whether this increase is merely a cause and effect of increased awareness of the problem along with better data collection could be a potential limitation in this study. However, the aim of this study was to analyze the various factors and causes that lead to human trafficking, and not whether there has been an increase in it or not, as human trafficking is clearly taking place in Mozambique and in the southern African region.

That being said, the research is focusing only on the post-conflict years, with the timeframe of 1992-2012. In addition, there might be several other underlying historical conditions before 1992 could have, to varying degrees, contributed to the current situation in the country. These includes the many years of colonization, various underlying ethnic issues as well as other cultural aspects, which have due to the limitations of this study not been taken into consideration.

This research study has been conducted from the theoretical perspective of contemporary prevailing state and post-conflict state theories. These perspectives are based upon western ideas, made by western theorists, who often use western examples to justify their argumentation. By using these theories, when analyzing non-western states, as is done in this study, several fallacies may occur. When comparing western ideas and ideals of modern

statehood with those of southern African statehood, it is inevitable for countries such as Mozambique to be deemed "weak states" as the point of reference is clearly different on many levels. Nevertheless, using the chosen theoretical perspectives is helpful when trying to highlight the elements that lead to state insecurity, which are frequently the same elements that make it "weak" in the eyes of western scholars.

By using post-conflict theories along with state theories, this research takes a more holistic approach. Therefore this research study might be better able to recognize other elements that are relevant to properly addressing the research question. The limitations of this study, as presented in chapter one, are, first and foremost, related to having access to accurate data and information that paints a realistic and accurate picture of the current situation regarding human trafficking in Mozambique. In an effort to meet the limitations of this study, a wide range of second-hand information from reliable sources such as UN, ILO, ISS and IOM studies were utilized. Other sources such as online newspapers as well as data from Transparency International, World Bank and US trafficking reports were also used to paint a more holistic picture of the state of affairs in Mozambique as far as human trafficking is concerned. More detailed and updated information from grass-root organizations could have strengthened the findings, as well as information that are witness-based rather than using secondary information. However, the data used are deemed adequate when the time-frame of the study and guidelines (such as length) is taken into consideration.

5.4 Recommendations for future research

This study presented and discussed the most important elements assumed to lead to increased criminal activity with specific reference to human trafficking. Although factors such as poverty, access to land, corruption, (neo) patrimonialism etc. are factors that lead to undermining government legitimacy and increased crime, gender inequality in the state could be seen as the pivotal factor that makes women especially targeted in trafficking and exploitation in the sex industry.

It could be fruitful to conduct a study on the culture of viewing women as commodities; a view that's believed to be very much linked to human trafficking and sale of women. Although this element is, to some extent, discussed in this study, it warrants further research. However, in doing this, it could be more useful to take a gender-based theoretical approach rather than using state-theories, which was the foundation of this study.

In recent years, there has been a globally increased awareness of the crime of human trafficking, which has resulted in new policies and new efforts to curb this illegal underground industry. This increased awareness has led to a demand for more accurate data by engaging grass-root organizations and creating official initiatives to gather this data. Future study could, therefore, be valid in terms of having access to more accurate numbers and a broader knowledge of what is taking place.

As briefly mentioned earlier in this study, many of the transnational criminal networks engaged in trafficking of humans are also believed to be engaged in other criminal activities such as weapon smuggling, drug trade and selling other illegal commodities. In order to understand how these criminal networks operate, it could be valid for future studies to look into other illegalities they are involved in, and the regional dynamics involved.

This study did not look into policy formulations, although it identified the various domestic and international policies that are present to meet the challenges of human trafficking. For future research, it could be useful to start with policy formulations when addressing the problem of human trafficking in order to in the end make policy recommendations.

5.5 Reflection

This study set out to identify and highlight the main factors in the post-conflict state of Mozambique that have contributed to an increase and a continuation of human trafficking.

Human trafficking is a threat to both human security and peace, as it violates human rights, and undermines the most important political, economic and social aspects within a state. The Mozambican government needs to realize that human trafficking is a crime that should be devoted just as much attention as crimes such as smuggling of weapons and drugs. Women and children are increasingly becoming victimized due to this escalating trend, and it is therefore crucial that human trafficking for the purpose of sexual exploitation is put higher up on the political agenda and that individuals become more aware and sensitized of the industry. Women and children are important pillars of the society, and play an important role in terms of the post-conflict reconstruction of a state. Human trafficking should therefore be given equally attention as other crimes committed in a state.

In order to avert the occurrence of human trafficking, it is important to have more knowledge about the root-causes of the problem and be knowledgeable about the industry

itself. There needs to be an understanding of who the victims and perpetrators are, and of the many parties involved in the crime. Presently, this information has been limited, due to a lack of data, resulting in reliance on estimations rather than accurate data sets. It is thus assumed that the recognized problem might be only the tip of the iceberg. Vulnerable groups are clearly exposed, particularly to trafficking for the purpose of sexual exploitation, particularly women and children. With the lack of information, it becomes more difficult to identify the victims, or be aware of the severity of the situation.

Any efforts from international, regional and domestic actors to stop the trafficking of humans industry in a country are doomed to fail if the domestic political, social and economic conditions are not conducive for positive change, and if vested interests in the southern African countries continue to be non-committal to dealing with the problem. Indeed, outside policy implementations such as the UNCTOC and the UNPTIP have so far had a marginal impact, at best, on whether a country chooses to follow up with new domestic laws and policies that deal directly with the illegalities. Yet, in achieving these goals the world is closer now than before, as human trafficking is becoming increasingly recognized as a problem which first needs to be managed domestically. However, dealing with human trafficking clearly requires coordinated responses. This is due to the complexity of the crime and its transnational aspects.

Weber's State theory holds that a state will go through modes of change and eventually reach the highest level of statehood recognized as the legal authority system of modern law. Despite its many years of lasting peace, being a democracy and rapid economic growth, this has not yet materialized in Mozambique, evident by the rampant poverty and high unemployment. The neopatrimonial features of the state, and its problems with corruption and increased crime illustrate its weak governance. The legitimacy of the FRELIMO government is continuously undermined as many view it as highly ethnicized and unrepresentative of the vastly dispersed population. The population is scattered over large distances and often in rugged terrain, which precludes the political control of the country's peripheries. The absence of control has without a doubt facilitated the growth of organized criminal groups, especially when state resources are concentrated on other more urgent areas such as DDR processes, and fighting hunger and epidemics.

Insecurity, in terms of crime, will continue to weigh heavily upon Mozambique as it is crippled by issues such as foreign aid dependency, neopatrimonial bonds, corruption and a

highly disparate development of its economy, that benefits only a few, in contrast to the slow reduction of poverty. While discussions of human trafficking for the purpose of sexual exploitation have become more prominent in the last decade or so, laws and policies remain embryonic. However, Mozambique should be more receptive to international and regional pressure now that its economy is gradually becoming more reliant on foreign direct investments and, in general, is more connected to the international market. By becoming increasingly more globalized, the country is to a certain degree pressured to follow international laws, such as The UNCTOC, and others. This, in combination with increased global awareness of human trafficking in recent years, gives reason and hope to believe that Mozambique is moving in the right direction in dealing with human trafficking.

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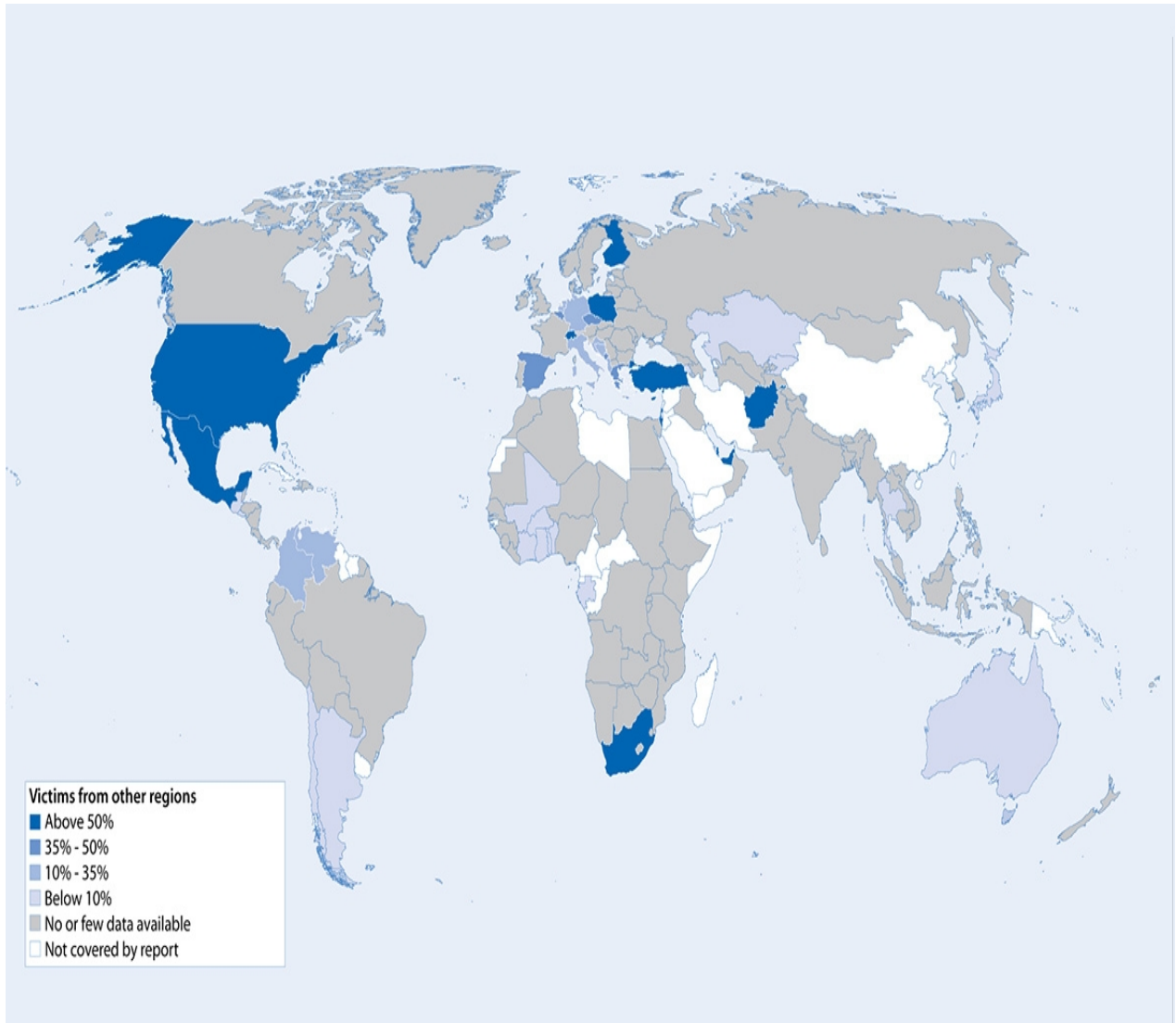
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Appendix 1:

Map 4: Map of the SADC memberstates. Madagascar is a member of the SADC again, after being suspended in 2009 (World Investment News, 2004).

Appendix 2:

Legend: Victims from other regions
- Above 50%
- 35% - 50%
- 10% - 35%
- Below 10%
- No or few data available
- Not covered by report

Map 5: Map 5 shows the percentage of victims trafficked between regions. The analysis clearly suggests that South Africa is a major receiving state. The analysis had no data available from Mozambique (UNODC, 2009, 60).

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Appendix 3:

Map 6: Mozambique (Worldtravels, 2013).

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