

# **Organ Trade in Nigeria: A Governance Challenge amidst Socioeconomic Pressures**

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## **Abstract**

Organ transplantation is an advanced medical procedure which offers hope to patients with failing organs. However, the number of persons who require an organ far exceeds the number of organs available through voluntary donations. This imbalance has bred illegal organ trade, an unlawful activity of buying and selling of human organs. This study adopted structural functionalism as the theoretical perspective, which maintains that political structures have their functions, such as rule making, application and adjudication to ensure equilibrium in the system. Using an exploratory research design, interviews were conducted with four organisations

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and three medical professionals, and the data were analysed using narrative analysis. The research found that economic desperation, weak legislation and lack of political will contribute significantly to the thriving illegal markets in Nigeria. Therefore, the research recommended the implementation of economic programmes to reduce the susceptibility of vulnerable persons to exploitation by traffickers. Also, there is an urgent need to amend the National Health Act 2014 to include comprehensive provisions addressing organ donation and transplant processes in Nigeria.

**Keywords:** Economic disparities, Governance, Organ harvesting, Organ trade, Political will

### **Introduction**

Organ transplantation is one of the foremost significant medical breakthroughs of the 20th and 21st centuries, offering life-saving options to patients with terminal organ failure. During this procedure, an organ that is ill or failing is replaced with a healthy organ from a dead or living donor (Daniswara, 2023; Roy, 2021; Islam et al., 2020). Even though organ transplantation has been incredibly successful in extending and improving the quality of life for many persons, it presents a number of ethical, legal, and medical challenges (Morla-Gonzalez et al., 2021; Ilyas et al., 2021). Among these challenges are the availability of organs, permission, equitable access, and the potential for exploitation.

The study examines organ trafficking, organ harvesting and human trafficking for organ removal as activities which occur for trade. Organ trafficking refers to the illegal movement of human organs, usually for transplant purposes. Organ harvesting is commonly referred to as illegal organ removal, but also sometimes confused with organ trafficking. Organ harvesting involves surgically taking organs from people for transplantation, often without the persons' consent or with the use of threat or force (Abonyi & Ezema, 2022). Human trafficking for organ removal (HTOR) includes the trafficking of a person as the initial step, after which the organ is harvested in the destination country. The trade in human organs is a global problem.

Even though the selling and buying of human organs are prohibited in almost all nations, the activities are nevertheless prevalent, and, unfortunately, the world's most vulnerable individuals are mostly victims of organ trade (Ambagtsheer & Bugter, 2022; Timmins & Sque, 2019; Gawronska, 2019).

Countries such as Pakistan, India, Bangladesh, Pakistan, India, and Nepal have been identified as organ trafficking hotspots, where destitutes are forced or enticed to sell their organs for a pittance (Cohen, 2018; Budiani-Saberi & Columb, 2013). Also, there are over 80 cases of organ trafficking in Indonesia, and research indicates its prevalence in Turkey, Brazil, Nepal, Philippines, Iran, Kosovo, China and other former Soviet countries in Eastern Europe (Daniswara, 2023). However, Indonesia and the Philippines are well-known centres of the illegal trade, where both natives and migrants are taken advantage of (Scheper-Hughes & Wacquant, 2002).

In Nigeria, there has been an increase in the number of reports of abductions and killings for illegal organ harvesting. Also, a few cases of illegal organ harvesting have been documented which serves as proof that Nigeria is not exempted from this global menace, even though the crime continues to be under-reported as the National Agency for the Prohibition of Trafficking in Persons (NAPTIP) recorded only one case in 2019 and 2021 (NAPTIP, 2019; 2021). Most recently, the aftermath of the report of an investigative journalist on the illegal kidney trade in the Federal Capital Territory, Nigeria is an official acknowledgement of the existence of the activity by the government, while highlighting its interventions to combat the crime (Ileyemi, 2023).

Research indicates that traffickers and organ brokers have identified that organ shortage is a problem, but are, however, capitalising on the gaps in donation and transplantation regulations and the legal system to bridge the gap between supply and demand of organs (Islam, 2023; Gawronska, 2019). The global imbalance between the supply and demand of organs is the driving force behind organ trade. However, this study explored structural socio-economic problems exacerbated by weak governance as significant contributing factors to thriving illegal organ markets in Nigeria.

***Empirical Review- Causes of Organ trade***

***Poverty***

The severe lack of organs available for transplantation and the widening economic gaps between nations have made the illegal trade in human organs a pressing global issue. The desperation of both consumers and sellers fuels this illegal market, which frequently leads to serious human rights abuses and exploitation. The United Nations Office on Drugs and Crime (UNODC, 2021) records that over 51% of trafficking cases occur as a result of stark economic disparities, which make people more vulnerable to exploitation by traffickers. The research of Makhijani (2021) re-emphasised that global organ shortage has led to a transactional criminal activity. The paper examined the linkage between economic and cultural socialisation and human organ trafficking. There is a positive significant relationship between poverty and the crime of organ trafficking. Therefore, individuals who become victims and also engage in the crime as organ brokers and middlemen do so because of their low economic status, poverty and a lack of access to economic opportunities.

Madhavan (2021) explored the problem of organ trade in India. With the use of discourse analysis, he concluded that the continued existence of the organ trade is partly influenced by the economic divide between the Global North and South. For instance, Smith (2021) identified that major organ exporters to persons from developed countries, like the USA, the UK, Australia and Canada, are poor people in India, Pakistan and Peru. Rich people in need of organs are prepared to pay high prices, which creates a demand that is satisfied by taking advantage of the vulnerable populations in less developed nations.

Eke and Ekhosuehi (2021) further explored the relationship between migration and human trafficking. Using the state fragility theory and Leptons urban biased theory, they thoroughly analysed the trafficking situation in Nigeria. A large number of Nigerian girls have been trafficked to Italy and other parts of Europe for sexual exploitation. Their research established that hunger and poverty are the driving factors of this problem and migration in general. They concluded by re-emphasising the duty of the state to provide and protect its citizens.

Ilyas, et al. (2021) examined organ trade from the Pakistani perspective. The research adopted the theory of justice, ethics of care, right-based theory and the theory of deontology to evaluate the underlying ethical issues on the sale of organs. Their research highlighted real-life scenarios where bankrupt individuals were forcefully taken to the hospital by the loan sharks to donate an organ to repay the loans. This finding that bankrupt persons are forced into donating an organ underscores the urgent need to address the root causes of poverty as a driver of organ trade. This further aligns with several studies that indicate that poverty is a primary cause of organ trade. Additionally, the international dimension of organ trade highlights how global economic disparities perpetuate existing ‘red markets.’

The research of Onu (2022) recognised poverty as the most significant driving force behind human trafficking globally. It contributes to the vulnerability of individuals and allows traffickers to exploit the financially disadvantaged within the society. Onu explored the relationship between poverty and human trafficking in Nigeria and concluded that issues associated with poverty are further exacerbated by a lack of political will and effective governance.

Furthermore, Nwosu et al. (2022) studied the emigration of Nigerian youths. Many Nigerian youths now migrate to other parts of West Africa, Asia and Southern or Northern Africa. The major driving force for this is poverty because about 70% of Nigerians live below the poverty line. Many youths migrate with financial support from family members and with the hope that they can live better lives and, in turn, assist other family members to live comfortably. However, they highlighted risks such as death and jail terms which are associated with passing through different transit routes such as Libya, Senegal and Morocco.

Konneh (2023) studied female migrants in Turkey and concluded that the primary causes of migration are poverty and high levels of unemployment. The research highlighted the act of deceit in human trafficking using 8 cases of victims who were trafficked to Turkey. Using Van Hear’s theories on migration to analyse their responses, the study showed the extent of vulnerability of women from sub-Saharan Africa and how that makes them targets for domestic trafficking as well as trafficking across borders. It further clears the misconception that only people who live in rural areas

can be victims of human trafficking. As a result of high living costs, unemployment and economic hardship, individuals who live in the urban areas can also become victims.

Also, Jatau and Yahaya (2018) explored inter-agencies relationships as well as the challenges associated with combating human trafficking in Nigeria. The most significant contributor to the prevalence of human trafficking is poverty, as victims are often sourced from regions where poverty is widespread. In Nigeria, individuals are vulnerable to traffickers because of their substandard living conditions. The authors identified collaborative gaps among agencies saddled with the responsibility of fighting human trafficking and concluded by emphasising on the necessity to address the root causes of trafficking, particularly those related to poverty and socioeconomic inequality. Ede, et al. (2019) examined the role of Christian women organisations in the fight against human trafficking in Nigeria. While the performances of these organisations have been outstanding, the authors emphasised the need to address poverty as the root cause of human trafficking and its various forms. The authors acknowledged that despite Nigeria's abundant resources, poverty remains a principal driving force behind the crime and a significant cause of vulnerability for women and children. Reports analysed showed that victims of trafficking come from poor backgrounds, and their desire for better opportunities, especially through migration, makes them susceptible to exploitation by traffickers.

### ***Weak Legal Frameworks***

Human trafficking and the organ trade are far more common when there are weak legal frameworks and extensive corruption. The legal systems of many nations are either inefficient or badly implemented. This allows traffickers to operate with impunity. Organ trade is especially common in countries with lax laws regulating organ donation and transplantation. In the Philippines, for example, a commercial organ trafficking network preys on vulnerable communities. This activity has flourished due to a combination of unethical behaviours and lax regulatory frameworks on organ transplants. It is documented that government tourism initiatives include public campaigns for medical tourism. Marketed treatments to international patients include kidney transplant packages, as patients travel to the Philippines in large numbers to receive kidneys purchased from poor individuals (Turner, 2009).

Ulasi et al., (2020) examined organ donation and transplantation in sub-Saharan Africa. The high prevalence of end-organ diseases among the population of this region has made donation and transplantation necessary. However, one of the several challenges of successful transplant programmes in sub-Saharan Africa is weak regulatory frameworks. The existing frameworks are insufficient to ensure that ethical standards are upheld, and organs are not procured through illegal means.

Also, Gawronska (2021) analysed the effectiveness of the Nepali legal frameworks on transplantation and human trafficking. Six prosecuted cases between 2013 and 2019 were analysed, and findings revealed that there are inconsistencies in the application of existing legal frameworks. Additionally, Nkem (2021) argued that human trafficking and its various forms continue to thrive due to weak legal frameworks, which primarily focus on trafficking for sexual exploitation. The inadequacies within the legal framework in Nigeria contribute significantly to the challenges faced in combating human trafficking. The research also highlighted that law enforcement agencies are ill-equipped and lack technical expertise, especially in the areas of gender sensitivity and trauma-informed practices, which further exacerbates the situation.

Bello and Olutola (2022) examined the effectiveness of existing laws in combating human trafficking in South Africa. The country has been recognised as a source, transit and destination country for victims of different forms of exploitation. While South Africa has enacted the Prevention and Combating of Trafficking in Persons Act of 2013, aimed at addressing human trafficking comprehensively, the existing legal framework remains fragmented. The laws do not adequately consider the underlying conditions that facilitate the persistence of trafficking, and the implementation of the existing policies has been weak and ineffective.

Furthermore, Obidimma and Onuigbo (2023) assessed and compared the legal framework regulating organ donation and transplantation in England and Nigeria. With the use of Senator Ekweremadu's case, the authors showed that the provisions of the National Health Act (2014) concerning consent of organ donors reveal significant shortcomings, particularly when compared to its English counterpart. The legal framework for organ donation as outlined in the Act primarily addresses consent in the context of living

organ donations while neglecting other critical scenarios that arise, such as donations involving minors, incapacitated individuals or deceased persons. This raises important questions about how Nigerian transplant surgeons can navigate these gaps in the law in the absence of clear guidelines. The comprehensive approach by the UK's Human Tissue Act (2004) provides a more robust framework to regulate organ donation and transplantation. The absence of a well-defined legal framework regarding donation and transplantation in Nigeria facilitates the exploitation of persons.

### **Corruption**

The existing body of literature has shown that there is a huge disparity between the global demand and supply of human organs, which forces patients to search for alternatives on the black market. This demand plays a crucial role in the continuance of organ trade since it provides lucrative opportunities for corrupt medical professionals, law enforcement personnel and traffickers. In many cases, transplant recipients from countries with tight regulations go to countries with weak laws, often unaware of or indifferent to the source of the organs. Bales (2007) used multiple regression of 76 variables to provide insight into what drives the various forms of human trafficking. He noted in his research that corruption is a main cause of human trafficking and concluded that to reduce the push factors of the activity, measures to reduce governmental corruption in both origin and destination countries must be effective.

Jatau and Yahaya (2018) emphasised that corruption manifests at various stages of the trafficking process, which undermines the rule of law as well as access to justice. It can occur at border controls, police stations and immigration offices where officials may issue fake documents or overlook illegal activities in exchange for financial incentives. Corruption within governments in developing countries significantly facilitates human trafficking, creating an environment conducive to the exploitation of vulnerable populations. An interplay of systemic corruption and a lack of political will among leaders has hindered efforts to effectively prosecute traffickers. Furthermore, the qualitative research of Ambagtsheer, et al. (2019) found that transplant professionals would treat their patients even if they suspected they had purchased organs. Although not all professionals

regard this as a serious crime, the study concluded that ignoring or failing to report this contributes to building walls of silence in the organ trade.

Sah, et al. (2020) studied the perceptions of healthcare professionals towards organ trafficking in Eastern Nepal. Using purposive sampling and a close-ended questionnaire, which was administered to 221 respondents, they found that more than half of the respondents would advise their patients to get in touch with organ brokers to get a transplant done. This raises profound ethical concerns about the role of medical professionals in facilitating organ trade.

The study of Igwe, et al. (2021) adopted the doctrinal research and critical analysis methods to explore NAPTIP, its composition and functions. The authors emphasised that the rate of prosecution is very low and contended that corruption plays a key role in this. One of the shortcomings of the organisation is the lack of autonomy, as there are strict supervisory roles over it from the office of the Attorney General and Minister of Justice. Hence, the agency is not free from political influence and interference in the discharge of its duties.

Similarly, Onyekachi and Azubike (2021) appraised the efforts of NAPTIP in curbing human trafficking in Nigeria. They emphasised that the main contributing factors to the crime are corruption and a lack of accountability by government officials. In addition to economic factors, the complicity of corrupt government officials also complicates efforts to combat trafficking. The paper emphasised that tackling human trafficking requires a comprehensive approach that targets both economic instability as well as corruption.

Taye, et al. (2023) explored organ trafficking in Africa through a pragmatic approach. The conflict in the Middle East and North Africa has created a fertile ground for organ trafficking, with more than 5 million refugees becoming potential victims of the illegal trade. Over 700 incidents of organ trafficking were reported in these regions in 2021, and the authors contended that the figure is likely an underrepresentation of the true extent of the problem, as many cases remain unreported. The paper further highlighted that the crime involves highly organised criminal networks, often made up of medical professionals and other corrupt government officials.

### **Theoretical Framework**

Structural functionalism is a sociological theory that emerged from the works of early theorists such as Émile Durkheim and Talcott Parsons. Its goal is to explain how society functions as a system of interconnected pieces. Every organisation or element of society is thought to have an important role in maintaining social stability and order. This point of view compares society to a living organism in which several institutions work together to maintain society's cohesiveness and functionality, such as the family, the legal system, and educational and religious institutions. The specific goal of these institutions is to uphold social order, and any imbalance or malfunction in one section of the system can impact the system as a whole. For instance, the healthcare system is in charge of making sure that organ transplants are performed morally and in accordance with both national and international laws. These laws are upheld by the legal system, which holds guilty parties and groups responsible for engaging in unlawful organ trafficking. Failure of these systems, for example, due to a lack of enforcement of the law or corruption in the healthcare system, results in dysfunction and can be a fertile ground for illegal organ trafficking (Gallagher, 2015). Structural functionalists contend that this disintegration threatens social cohesiveness and upsets social peace.

However, the propensity of the theory to ignore power disparities and social inequities is one of its main flaws. Critics contend that the theory ignores the ways in which societal systems can support inequality and exploitation and is unduly fixated on stability, justifying the status quo. For example, structural functionalism may not sufficiently address the fact that vulnerable populations are disproportionately abused for their organs in the context of organ trafficking (Scheper-Hughes, 2017). The theory focuses on how institutions work to maintain order, rather than addressing the fundamental imbalances that give rise to such exploitation.

Among the most well-known critics of structural functionalism are conflict theorists and Karl Marx (Schneewind, 2015). They contend that the theory fails to take into account the inherent conflicts of interest that exist between various social groupings and classes. According to conflict theorists, social systems frequently serve the interests of the powerful while marginalising others (Campbell, 2021). When it comes to organ trafficking,

the need for organs from affluent donors frequently results in the exploitation of those in poverty who are pressured or forced into selling their organs. While structural functionalism would largely focus on how legal and clinical institutions are designed to promote the practice of organ transplantation, this dynamic mirrors the inequality that conflict theory attempts to emphasise.

Deterministic nature is another flaw in structural functionalism. Without properly taking change and dynamism into account, it tends to see societal systems as being in an equilibrium. Critics, such as conflict theorists, contend that change is essential to resolving societal inequities and problems, but the structural functionalist perspective frequently views social change as disruptive. Regarding organ trade, structural functionalism could highlight the ways in which current laws and regulations aim to stop the trade, but it might not fully address the need for structural changes to address the underlying causes of the problem, which include poverty, lack of access to healthcare, and differences in organ availability around the world (Ambagtsheer et al., 2013).

Proponents of the social structure that functions to stop illicit trade and safeguard vulnerable people may contend that national laws and international legal frameworks like the UN Palermo Protocol 2000 are essential in the context of organ trafficking. By upholding the moral and legal bounds surrounding organ transplantation, these laws and regulations fulfil a useful purpose. When these systems work well, they benefit society as a whole by shielding it from the negative effects of organ trafficking (Gallagher, 2015). Nonetheless, its emphasis on structure and function can occasionally mask the ways in which power and control are used within these systems, as critics like Michel Foucault have noted. According to Foucault's critique of institutional power, even organisations meant to provide protection, such as the legal and medical systems, may be involved in exploitation by normalising some acts while marginalising others (Foucault, 1977). For example, in nations with high levels of corruption, the very organisations meant to stop the trafficking of organs may be complicit in the trade by ignoring or even taking part in illicit activities. In summary, structural functionalism offers a useful paradigm for comprehending how institutions uphold social order and deal with situations like organ trafficking. Its emphasis on the interconnection of societal institutions and their functional duties is

one of its strongest points. The theory's shortcomings are apparent in the way it ignores disparities in power, inequality, and the requirement for systemic reform.

Although structural functionalism sheds light on how institutions and regulations work to stop the trafficking of organs, it may ignore the exploitation and inequality that serve as the foundation for the trade and the need for reforms to address these more fundamental problems. Therefore, in order to provide a more thorough study of complex social issues like organ trafficking, structural functionalism must be supplemented by other theoretical viewpoints, such as conflict theory, even though it helps us understand societal systems.

### **Methodology**

The research adopted an exploratory research design and qualitative research approach that are useful for investigating a phenomenon that has been sparingly explored in order to gather more insights on the particular subject. Gathering and analysing the data from participants further exposed the relationship between governance challenges and the key causes of the illegal trade in human organs. Data were analysed using narrative analysis.

The population of the study included international organisations, government agencies, non-governmental organisations (NGOs) and medical professionals. International organisations play an important role in coordinating state actors to propose and establish international protocols and guidelines to address global issues such as organ trade. Also, NGOs actively advocate for change and support affected persons. They constantly push for stricter laws and more robust enforcement measures to combat the illegal trade in human organs. Medical professionals are considered key participants in the study because they possess specialised knowledge on the medical, ethical and logistical aspects of organ transplantation. Their expertise helped to identify the gaps in current practices and to inform better policies in order to ensure that ethical standards are upheld in the organ donation and transplantation processes.

Therefore, purposive and snowball sampling techniques were used to select participants from the study population. Interviews were conducted through an unstructured interview guide with representatives from the United Nations Office on Drug and Crime (UNODC), Nigeria Immigration Service

(NIS), the Nigeria Police Force (NPF), Devatop Centre for Africa Development (DCAD); and three medical professionals from different areas of specialisation involved in organ transplantation.

### **Findings**

In Nigeria, organ trade is a clandestine crime which manifests through deception and through voluntary sales of organs. The participants acknowledged the hidden nature of organ trade and emphasised the key factors driving the crime in Nigeria. The participants from UNODC, NIS and NPF noted that organ trade has a fundamental element of power relations because organs are mostly obtained cheaply from the poor by the rich for organ transplantation. These individuals are from poor backgrounds and are lured into selling their organs for money or items. The participant from NIS emphasised that because “people are living below the poverty line, then they are ready to take advantage of any opportunity to make themselves rich.”

The participant from DCAD also re-emphasised that poor people mostly fall into the category of persons exploited for this purpose. This also alludes to the lack of awareness of organ donation and the risks that might be involved. He mentioned that vulnerable persons who are also not well informed are targeted by organ brokers and traffickers. He described that “imagine you go to someone who does not take up to 3 square meals in a day and you offer the person \$5,000 or 2 million naira just to donate, so the person might think it is like going to donate blood. They feel like if I can give out one organ, I can survive with one organ. I can get 2 million naira to start a business with selling one organ...” Additionally, a nephrologist who participated in this study also noted that some persons decide to sell their organs for commercial gain. He emphasised that the current economic situation is the main reason why people decide to sell their organs. Some persons want to start businesses so that they can have a source of income.

Another key factor driving organ trade is the weak legislation in the Nigerian context. The participant from UNODC stated that “at the level of government operation, they have a couple of laws. But culprits are not apprehended, and there is no particular procedure for managing donation and transplantation processes.” From the perspective of the participant, the lack of rules and regulations is a major factor contributing to why people

are exploited in this regard. The participant from DCAD also further commented that “the Nigerian law, when it comes to organ donation, is not very clear.” With reference to the Trafficking in Persons Prohibition and Enforcement Act whose provisions were drawn from the Palermo Protocol 2000, he highlighted that the penalty given to offenders is too minimal compared to the gravity of the crime. This was seen as a major gap in the Nigerian legislation that ought to be addressed by the Nigerian government.

The participant from NIS focused on implementation challenges when it comes to existing legislation prohibiting exploiting people for their organs. He noted that individuals in government agencies have the mandate to implement these laws. It is therefore important that the government empowers these persons so that they can effectively discharge their duties. However, he stated that the punitive measures in existing legislation are grossly inadequate. These measures need to be stricter, with extended jail terms in order to deter perpetrators.

From the healthcare sector, a consultant haematologist who gave further insight on the donation and transplantation process in Nigeria expressed concerns about the lack of facilities to properly carry out the transplantation of organs. These are only available in a few selected government-managed hospitals, with private individuals now running transplant centres. She emphasised that the best international practices support that human organs should not be traded, however, that may not be applicable in the Nigerian context. She stated: “we know that ethically, if you look at international best practices, you don’t sell your organ. But people that also make those laws, are they in economies like Nigeria, where there is a lot of poverty, where there is economic downturn?”

She further identified that there are gaps in the existing National Health Act 2014 and noted that the Lagos State Ministry of Health and some other key stakeholders have done some work to amend the transplant laws in the state since 2022. She, however, expressed concerns on the bureaucratic process as the proposed amendments are still at the House of Assembly and no significant progress has been made.

Another participant from the Eye Bank of Nigeria, who is also an ophthalmologist, emphasised on the gaps in the legislation as she recommended the opt-out system for donation in Nigeria. In this case, every citizen is considered a potential donor and as such, individuals who do not

wish to donate organs will express otherwise on the national register. This opt-out system will enable the use of organs of unclaimed bodies for transplantation processes. She also noted that although some key stakeholders have modified and rewritten some parts of the organ donation laws, the government has been very slow in taking it to the next level.

Further exploration on the role of the government revealed that governmental agencies such as the NIS and NPF had challenges relating to logistics, which hindered swift and effective response to incidents. The participant from NIS identified the need for increased budgetary allocation to combat crimes as this. He emphasised that:

there is need for increased budgetary allocation to empower the agencies that have the mandate to do so much more. And of course when there's enough budgetary allocation, it will also take care of capacity development because trafficking in persons is a trade that evolves. The perpetrators keep upscaling their skills and if you have a mandate to combat it, it means that you have to be one step ahead of the perpetrators.

The participant from NPF further described logistical challenges as crucial to the work that the police force does in investigation processes, as well as victim assistance. He said:

It is not easy for the agencies waiting for governments to provide, because of the bottlenecks, even if the government releases fund, before it goes down to the office that really needs it, it is always a difficult experience. In a situation whereby you want to go for arrest now, you will be looking for vehicle to move. Or maybe there is no fuel in the vehicle, you will be forced to look for alternative ways to get that money to do it.

The interviews reveal that organ trade is an emerging form of exploitation and its dynamics have not been fully understood by key organisations responsible for combating it. However, the illegal markets for organs are driven by economic conditions, weak legislation and the lack of political

will. These problems indicate that there are fundamental governance challenges in the Nigerian context.

### **Discussion of Findings**

The research aligns with extant literature on the factors driving organ trade which emphasises the role of power imbalances and economic disparities. In Nigeria, people become victim-donors of organ trade due to extreme poverty and economic hardship (Olayiwola, 2022; Abonyi, 2022; Abubakar et al., 2022; Ilyas et al., 2021). A consistent theme across the interviews is that the supply of organs, which drives the illegal market, is fuelled by the economic desperation of the poor.

At the international level, the UN Palermo Protocol 2000 provides a framework to address human trafficking, including organ removal as a form of exploitation. However, this Convention does not adequately address the complexities of organ trafficking, organ harvesting and human trafficking for the purpose of organ removal. This means that national governments are required to set up complementary legal measures to address these trends as they arise in their jurisdiction. Although Nigeria has signed and ratified this Convention, the findings of the study reveals that there are weaknesses in the national laws as well as ineffective enforcement mechanisms which hinder the prosecution of offenders. The challenge of weak laws and regulatory frameworks is a recurring theme in the research of Ulasi et al. (2020). The authors found that transplant programmes have been unsuccessful in sub-Saharan Africa due to inadequate frameworks to ensure that ethical standards are upheld. Findings relating to insufficient punitive measures were also re-echoed by Dyitkuka and Musa-Agboneni (2023); and Ashiru (2021).

The existing penalties, such as jail terms and fines, are not strict enough when the gravity of the crime is considered. In fact, as regards the illegal removal of organs, Ashiru (2021) proposed that stricter penalties, including life imprisonment, should be considered by the Nigerian government. Furthermore, the research found a disconnect between policy formulation and implementation at the national level. While participants noted that existing laws are inadequate, it was noted that even the existing ones are poorly implemented. The implementation gap is a recurring theme in the research

of Bello and Olutola (2022) as they noted that factors contributing to ineffective implementation are weak institutional capacity, corruption and lack of coordination among government agencies.

Participants from the healthcare sector identified significant gaps and vagueness in existing transplantation laws. As noted, amendments to the laws are experiencing slow progress at both the national and state levels. This aligns with the findings of Onu (2022) that the lack of political will is a major challenge to combating human trafficking in Nigeria. The international legal instruments have provided a foundation for the prevention and prosecution of offenders. However, at the national level in Nigeria, the current national legislation does not reflect the current trends of human trafficking, which include the buying and selling of human organs.

### **Conclusion**

The imbalance between organ supply and demand has fostered illegal markets that exploit the most vulnerable populations. The study highlights governance challenges associated with organ trade in Nigeria, emphasising the vital role of weak political structures, ineffective legal frameworks and poor economic conditions. Despite Nigeria's adoption of international instruments such as the Palermo Protocol 2000, gaps in national legislation, particularly within the National Health Act 2014 have left room for exploitation. These key drivers of organ trade require governance-centered solutions that will prioritise socioeconomic development, legal reforms and institutional capacity building. Thus, the study recommended an urgent need to amend the National Health Act 2014 to include comprehensive provisions addressing organ donation and transplantation processes in Nigeria. Also, to address socio-economic problems, poverty alleviation programmes that focus on improving access to education, healthcare services and employment opportunities should be developed. This will reduce the susceptibility of vulnerable persons to exploitation by traffickers. The study also recommended increased resource allocation to national agencies saddled with the responsibility of combating human trafficking and its various forms. This will facilitate rapid and effective responses to reported cases.

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