

Man, the State, and Human Trafficking
Rethinking Human Trafficking from Constructivist and Policy Making Perspectives

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“As globalization continues to progress at an increasing pace and as human trafficking continues to be transnational by nature, counter-trafficking measures have become increasingly challenging and complex. Cooperation and coordination between states and relevant local and international actors are necessary more than ever to tackle this crime.”¹

Introduction

Most societies in history have been interested in trade with their neighbors or concerned by security threats in their regions. Recently the focus of International Relations is progressively shifting from a state-centric political and military approach to a more individual ontological epicenter² in a globalized world.

This paper proposes to build a bridge between state-centric traditional security approaches and new security perspectives, positing that the state can no longer be the exclusive actor of the security debate in international relations, but should not be neglected either. Human trafficking is a multi-dimensional problem and comprehensive policies should be adopted addressing each of its layers from a policy-making perspective.

Despite the adoption, in 2000, by the United Nations (UN) of the “Protocol to Prevent, Suppress and Punish Trafficking In Persons, Especially Women and Children”, very few criminals are convicted and victims are often neither identified nor assisted³.

¹https://www.unitar.org/dcp/sites/unitar.org.dcp/files/uploads/newcoverhuman_trafficking_final.compressed.compressed.pdf

² See for instance <http://www.un.org/press/en/2016/ga11764.doc.htm> regarding the debate about the Responsibility to Protect in international relations.

³ <https://www.unodc.org/unodc/en/human-trafficking/what-is-human-trafficking.html?ref=menuaside>

I argue that the implementation of this Protocol remains problematic due to two traditional assumptions: (i) the nation-state as the center of social processes and (ii) processes or conditions occurring within national institutions or territories must be national.⁴

From constructivist and international policy making perspectives, this paper contributes to understand the complex particularities and the multilayer dimensions of human trafficking that must be addressed simultaneously to mitigate it. The purpose of this paper is twofold: (i) to highlight the importance of the dialogue among theories in international relations regarding human trafficking and (ii) to analyze human trafficking under three entwined units of analysis - individuals, state, and the international system - following Waltz's perspective (1954) in order to develop a strategy addressing each level.

Human Trafficking Today

For the purpose of this paper and according to the Protocol, the matter “Trafficking in persons” will be defined as the illicit activity including three elements: action, means, and purpose. The actions should be the recruitment, transportation, transfer, harbouring or receipt of persons. The means should include threat, use of force or other forms of coercion, such as: abduction, fraud, deception, the abuse of power or of a position of vulnerability, or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person. The purpose should be of exploitation.⁵

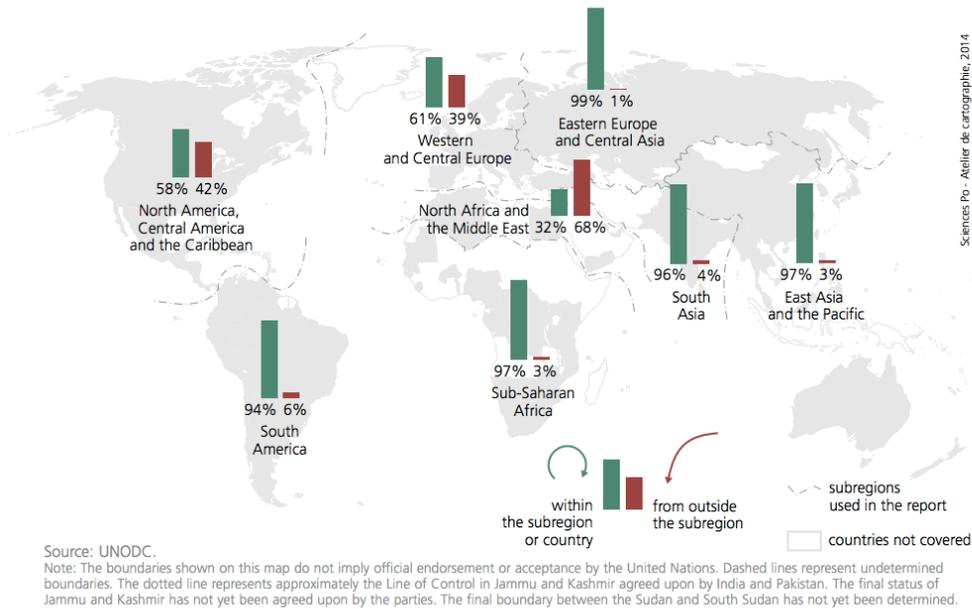
Human trafficking is a global problem: victims coming from 127 countries have been found in 137 countries around the world. There are at least 2.4 million victims of trafficking at any time and estimated profits are over \$30 billion every year in this illicit activity.⁶

⁴ Margulis, McKeon, and Borras, 2013.

⁵ https://www.unodc.org/documents/middleeastandnorthafrica/organised-crime/UNITED_NATIONS_CONVENTION_AGAINST_TRANSNATIONAL_ORGANIZED_CRIME_AND_THE_PROTOCOLS_THERE_TO.pdf

⁶ https://www.unodc.org/documents/human-trafficking/UNODC_Strategy_on_Human_Trafficking_and_Migrant_Smuggling.pdf

MAP 5: Shares of detected victims by subregional and transregional trafficking, 2010-2012



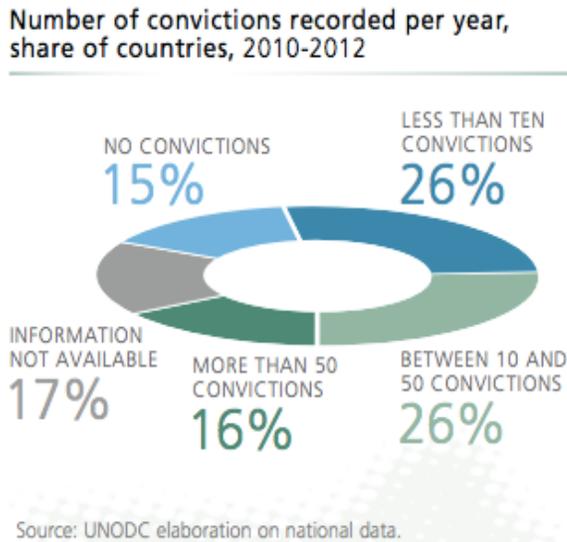
Since the 1990's, states have assumed a more active role in the prevention, protection, and prosecution of this transnational crime. In 2000 the General Assembly of the UN adopted the Convention against Transnational Organized Crime, enforced since 2003. This Convention was further developed by three Protocols targeting specific subtypes of organized crime: (i) the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; (ii) the Protocol against the Smuggling of Migrants by Land, Sea and Air; (iii) and the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition⁷.

Significant progress has been made since then. The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children to Prevent has 117 signatories and 169 parties. More than a decade later, over 90% of countries have legislation criminalizing human trafficking⁸.

⁷ Countries should become parties to the Convention itself before becoming parties to those Protocols.

⁸ https://www.unodc.org/documents/data-and-analysis/glotip/GLOTIP_2014_full_report.pdf

Nevertheless, despite those efforts, human trafficking has intensified in a globalized world. Domestic legislation does not always comply with the Protocol or excludes some forms of trafficking. Furthermore, convictions around the world remain low. Between 2010 and 2012 40% of countries reported less than ten convictions per year and 15% of the 128 countries under study did not record a single conviction.⁹



Below, I analyze the causes of human trafficking under Kenneth Waltz’s three units of analysis or three images of neo-realism, in order to understand why despite the progress achieved in the past decade, the implementation of the Protocol remains problematic around the world.

Causes of Human Trafficking

Neorealism separates the internal from the external factors in the international political system to allow a theorization of the subject (Waltz, 1990, p. 29). In his book *Man, the State, and War*, Waltz questions if there are ways of decreasing the incidence of war or increasing the chances of peace. Waltz’s approach consists of understanding the causes of war to explain how peace can be more readily achieved (Waltz, 1954, p. 1-2).

⁹ https://www.unodc.org/documents/data-and-analysis/glotip/GLOTIP_2014_full_report.pdf

By applying the same approach to human trafficking, I propose to understand the causes of human trafficking in different units of analysis - individual, the state, and the international system-¹⁰ to develop policies that can be successfully implemented at each level.

First Image: The Individual

As Waltz posits, traditional scholars in classical realism perceived human nature as the cause of war. Either men were perceived as “evil per se”¹¹ or as an outcome of their interaction in society¹², both having a pessimistic view of human nature.

Human trafficking can be analyzed at the individual level or first image as well. Human beings selling other human beings is a phenomenon that reveals the “worst side of the human condition – true evil” (Bales 2005, p. 27 in Holmes, 2010). Other scholars highlight the lucrative aspect of this illicit business as its underlying cause. In 2005, the business was estimated at about \$44 billion annually. Currently the profits are estimated at \$150 billion¹³. A few examples illustrate this aspect:

“... a local national exploiting his girlfriend on his own in Canada, the authorities estimated that this trafficker profited about US\$180,000 during the 8 months of the victim’s exploitation in the commercial sex market. (...) In Denmark, the national authorities reported that a victim from a country in the Balkans who was forced into sexual exploitation by two compatriots earned them at least \$50,000 over 18 months. The exploitation of the 11 South-East Asian victims who were trafficked to Australian brothels lasted for some two years and resulted in a net profit of between US\$55,000-65,000, at a minimum.”¹⁴

Human trafficking is a lucrative crime around the world with victims that are vulnerable (including children) and easily targeted. This unit of analysis is extremely important to address from a policy making perspective.

¹⁰ Buzan (1998) acknowledges the restrictions of working with three levels of analysis considering that this approach reinforces state-centric perspectives in international relations.

¹¹ St. Augustine, Luther, Malthus, Jonathan Swift, Dean Inge, and Niebuhr according to Waltz, 1954, p. 3.

¹² Rousseau according to Waltz, 1954, p. 5.

¹³ <http://time.com/105360/inside-the-scarily-lucrative-business-model-of-human-trafficking/>

¹⁴ https://www.unodc.org/documents/data-and-analysis/glotip/GLOTIP_2014_full_report.pdf

Regarding the number of victims, it is extremely difficult to calculate the actual number of trafficking people. Differences in “definition and methodology, together with a general lack of reliable data, result in an immense variation in global estimates of the number of trafficked victims”¹⁵.

The United States Government Accountability Office (GAO) reports that there is a discrepancy among the numbers of estimated victims of human trafficking across myriad agencies due to dissimilar methodology and data collection techniques¹⁶:

Table 3: Victim Profiles in US Government, ILO, UNODC and IOM databases

	US Government	ILO	UNODC	IOM
Main Focus	Global estimate of victims	Global estimate of victims	Country and regional patterns of international trafficking	Actual victims assisted by IOM in 26 countries
Number of Victims	Some 600,000-800,000 people trafficked across borders in 2003 (est.)	At least 2.45 million people trafficked internationally and internally during 1995 to 2004 (est.)	Not Available	7,711 victims assisted from 1999 to 2005
Type of Exploitation (%)				
1. Commercial sex	66%	43%	87%	81%
2. Economic or forced labor	34%	32%	28%	14%
3. Mixed and other	N/A	25%	N/A	5%
Gender and Age of Victims (%)	80% female 50% minors	80% female 40% minors	77% female 9% male 33% children	83% female 15% male 2% not identified 13% minors
Definition of Trafficking Used	Trafficking Victims Protection Act 2000	U.N. Protocol (Palermo Protocol)	U.N. Protocol (Palermo Protocol)	U.N. Protocol (Palermo Protocol)
Criteria for Data Collection	Transnational trafficking	Internal and transnational trafficking	Transnational trafficking	Internal and transnational trafficking

Source: GAO (2006)

¹⁵ http://siteresources.worldbank.org/EXTSOCIALDEVELOPMENT/Resources/244362-1239390842422/6012763-1239905793229/Human_Trafficking.pdf

¹⁶ http://siteresources.worldbank.org/EXTSOCIALDEVELOPMENT/Resources/244362-1239390842422/6012763-1239905793229/Human_Trafficking.pdf

Second Image: The State in Human Trafficking

In Waltz's analysis, the second image seeks to explain war in terms of states' internal conditions. Although domestic factors are not relevant from a neo-realist perspective (Waltz's approach), classical and neo-classical realism incorporate internal governance, leadership, judicial settlement, public opinion, among other internal factors as explanatory causes of war: "countries with comparable gross capabilities but different state structures are likely to act differently...".¹⁷

Similarly, armed conflict, poverty, and unemployment can create extremely "perilous conditions for young girls, including trafficking for sexual exploitation"¹⁸. Human trafficking can also be a consequence of war:

"... armed conflicts can have an impact on the level on trafficking in persons in affected communities. Conflicts increase the vulnerable populations, in connection for instance with the number of displaced people and refugees. Conflicts often cause decay of national institutions, generate gender imbalances in conflict zones, and create a demand for combatants."¹⁹

As in any illegal activity, states play a crucial role in prevention, protection, and prosecution of human trafficking. At the same time, domestic factors are also relevant in the analysis of causes of modern slavery.

Broadly speaking, these factors refer to what has been called "push and pull" factors. For instance, political instability, civil unrest, militarism, internal armed conflict, and natural disasters may result in an increase in trafficking²⁰. These factors exert pressures "pushing" people in vulnerable situations out of their home countries, while other factors tend to "pull" potential victims, increasing their desire to migrate to other countries and their vulnerability to traffickers.²¹

¹⁷ http://disciplinas.stoa.usp.br/pluginfile.php/326196/mod_resource/content/1/Rose_Neoclassical%20realism%20and%20theories%20of%20foreign%20policy.pdf

¹⁸ UNICEF 2009, p. 33 in McCabe and Manian, 2010, p. 1.

¹⁹ https://www.unodc.org/documents/data-and-analysis/glotip/GLOTIP_2014_full_report.pdf

²⁰ https://www.unodc.org/documents/human-trafficking/Toolkit-files/08-58296_tool_9-2.pdf

²¹ https://www.unodc.org/documents/human-trafficking/Toolkit-files/08-58296_tool_9-2.pdf

Third Image: The International System

As Waltz explains regarding wars, human trafficking occurs because there is nothing to prevent it in the international system. There is not a supranational authority able to prevent, prosecute, and protect countries from human trafficking in an anarchical world.

According to the UN, human trafficking affects not only countries less economically prosperous, but also affects solid democracies and countries with stable economies. No government can adequately address the issue of human trafficking alone.²²

Human trafficking is inextricably related to the tensions associated with globalization. Globalization suggests the formation of global markets and consists of a growing international economic, political, legal, and cultural interconnectedness, based on technological progress that facilitates transnational illicit activities as human trafficking. (Lee, 2011, p. 5-6)

Another reason for the rise in human trafficking is the impact of globalization. Borders are more permeable, thus it has become easier for people to cross them (Holmes, 2010 p. 8 and 9).

Bottom line, human trafficking is a lucrative crime that affects every country. This illicit activity continues to increase due to “push and pull” domestic factors and the intrinsic characteristics of a more globalized world facilitate this transnational crime.

International Policy Making Approach

From a constructivist approach, Wendt concludes that international cooperation depends on how expectations produced by states’ behavior affect identities and interests: “The

²²https://www.unitar.org/dcp/sites/unitar.org.dcp/files/uploads/newcoverhuman_trafficking_final.compressed.compressed.pdf

process of creating institutions is one of internalizing new understandings of self and other, of acquiring new role identities....”²³

Hence, the constructivist approach highlights the importance of the role of each state in building together a system of cooperation to address the underlying causes of human trafficking.

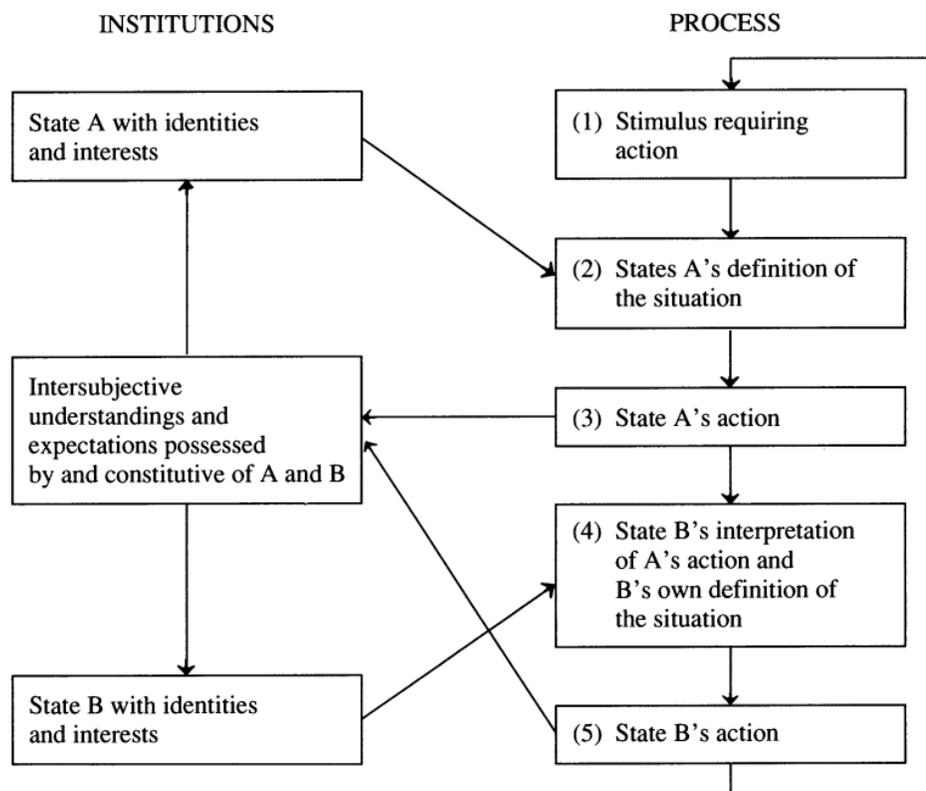


FIGURE 1. *The codetermination of institutions and process*

Source: Alexander Wendt, p. 408²⁴.

²³ <https://ic.ucsc.edu/~rlipsch/Pol272/Wendt.Anarch.pdf>

²⁴ https://www.unitar.org/dcp/sites/unitar.org.dcp/files/uploads/newcoverhuman_trafficking_final.compressed.compressed.pdf

Every state's action has a repercussion in an anarchical world. Several obstacles must be surpassed to build a consolidated cooperative international system regarding human trafficking, such as:²⁵

- Difference between domestic legal systems.
- Complications to detect trafficker groups in a globalized world.
- Difficulties in cooperation across national borders.²⁶

Furthermore, political deficit in human trafficking has been defined as the lack of political will in enactment and enforcement of adequate and effective laws and/or ambivalent policies to deal with it at the local level (Mishra, 2013, p. 105). This aspect is crucial in building a cooperative system, in Wendt's terms, to mitigate human trafficking.

Policy Making from Waltz's Three Units of Analysis

Grouping the causes of human trafficking into three units of levels allows us to confirm that policies to mitigate human trafficking must focus on each level as well. As the United Nations Inter-Agency Project on Human Trafficking recognizes there is a need for national, bilateral, and regional anti-trafficking plans, policies and guidelines²⁷, but also there is a need to address underlying causes of human trafficking.

First Image: The Individual from a Policy Making Perspective

In order to address the illicit business of human trafficking, it is important to continue implementing measures against transnational organized crime and money laundering connected with this illegal activity. The United Nations Convention against Transnational Organized Crime has established, in 2000, several measures against transnational

²⁵https://www.unitar.org/dcp/sites/unitar.org.dcp/files/uploads/newcoverhuman_trafficking_final.compressed.pdf

²⁶https://www.unitar.org/dcp/sites/unitar.org.dcp/files/uploads/newcoverhuman_trafficking_final.compressed.pdf

²⁷https://www.unitar.org/dcp/sites/unitar.org.dcp/files/uploads/newcoverhuman_trafficking_final.compressed.pdf

organized crime, including the criminalization of participation in an organized criminal group, criminalization of the laundering of proceeds of crime, measures to combat money-laundering, criminalization of corruption, measures against corruption, prosecution, adjudication and sanctions. Coherent domestic legislation and bilateral or regional agreements are needed to confront this financial aspect as well.

Second Image: The State from a Policy Making Perspective

Despite the progress made in the past decade, on the second level of analysis, the poor economic condition in countries of origin and the high demand for trafficked people constitute important factors to address (Obokata, 2006, p. 43). The role of non-states actors and international organization is determinant in this level. It is unlikely that states going through internal conflicts, civil wars, or other difficult conditions (permanent or not) will be in position to implement the necessary measures to prevent, prosecute, and protect their citizens from human trafficking. In this arena, the private sector, the international community, and international organizations are called to be leaders in addressing the situation.

Third Image: The International System from a Policy Making Perspective

Finally, on the third level of analysis - the international system- efforts made since the 1990s are significant. Human trafficking has been integrated as an urgent matter in the international community. Despite living in a state of anarchy, a system of cooperation in Wendt's terms would contribute to mitigate human trafficking.

Efforts could be coordinated to avoid inefficiencies and duplication of efforts²⁸. As example of great initiatives, UNODC has developed a database of human trafficking case law to provide access to officially documented instances of human trafficking, containing details on the nationalities of victims and perpetrators, trafficking routes, verdicts and

²⁸ https://www.unodc.org/documents/human-trafficking/UNODC_Strategy_on_Human_Trafficking_and_Migrant_Smuggling.pdf

other information related to prosecuted cases from around the world. The database assists judges, prosecutors, policy makers, media researchers, and other interested parties by “making available details of real cases with examples of how the respective national laws in place can be used to prosecute human trafficking”²⁹.

Conclusions

This paper contributes to understand the causes of global human trafficking under Kenneth Waltz’s three units of analysis from constructivist and policy-making perspectives. As mentioned before, human trafficking is a multidimensional problem and continues to increase, despite significant efforts in the international realm, taking into account the trichotomy of its underlying causes.

From a constructivist perspective, trafficking in persons represents a lucrative crime around the world affecting vulnerable populations. Hence, international, regional, bilateral, and domestic measures controlling the financial aspects of the crime are crucial to address at the first level of analysis, the individual.

From the second image perspective, states play a crucial role in the problem and in the solution of modern slavery. Developing cooperative networks among states and at local level is vital, along with the participation of the private sector and international organizations, to implement coherent strategies around the world.

The international system – the third unit of analysis- also plays a fundamental role in human trafficking, as the flow of people across borders has increased significantly in a globalized world. No government can adequately address the issue of human trafficking alone.

²⁹ <http://www.unodc.org/unodc/en/frontpage/2011/October/unodc-launches-first-global-database-of-human-trafficking-cases.html>

From an international policy-making perspective, this paper demonstrates a comprehensive strategy that acknowledges those multiple layers are required to mitigate the problem of human trafficking.