

## **Human Trafficking and Migrant Smuggling: New Perspectives on an Old Problem**

To cope with the pernicious problem of human trafficking and smuggling, Washington and its global allies need fundamentally to rethink their assumptions about the nature and size and the scope of the problem, and also how to combat it. The anti-trafficking effort should focus on local *and* global responses rather than on national ones. We should spend less time trying to isolate the size of the human trafficking problem and more time rigorously evaluating existing initiatives. Imperative is better information sharing among countries, agencies, and among those battling the trade in illicit goods, not just trade in humans.

Only by embracing such recommendations can we possibly hope to replicate and build on the successes—and avoid repeating the failures—of past anti-trafficking efforts. These were the conclusions reached by experts in smuggling, trafficking, and illicit economies that met at Harvard’s Kennedy School of Government to examine the issue of human trafficking within the context of international criminal networks. The group—which comprised both academics and practitioners, included experts on issues as diverse as organ trafficking in Brazil, sex workers in Southeast Asia, engineered migration in the Balkans, and the small arms trade in Africa.

The problem of smuggling and trafficking is hardly a new one; illicit trade has always existed. What is new, however, is the ease and speed in which this trade can occur, and thus, its heightened profitability. (Although the data are imperfect, some argue that human trafficking has become the third largest criminal enterprise in the world.) Coupled with this shift in the alacrity and facility of illicit trade has been the development of a policy paradox: while globalization is driving deregulation and the opening of borders, concerns about illicit trade are simultaneously leading states to tighten their borders and increasingly to use criminalization and the “securitizing” of issues not traditionally thought of as security-related. The only effective way to reconcile this obvious and somewhat ironic policy inconsistency is through multilateral, international-level approaches to the problem of trafficking and smuggling.

This is especially true because state-level corruption—as well as local-level corruption—is an inextricable component of the problem of smuggling and trafficking. In particular, if governments and/or their law enforcement officials are benefiting (directly or indirectly) from illicit trade, these officials become colluders, not combaters and, as such, obviously will be faced with compelling incentives *not* to tackle these problems. Moreover, a great deal of attention is paid to the passing of legislation designed to combat trafficking and smuggling. Much less attention is paid to the question of the efficacy of such legislation. Thus, only credible threats of international financial sanction, opprobrium, and other

potentially painful disincentives can hope to influence the behavior of these colluders, and such threats can only be levied through international—and most productively, multilateral—cooperation.

At the same time, global solutions to specific trafficking problems tend not to work. A great deal of time and energy has been spent trying to re-apply what has reportedly worked in one milieu to other milieus. Most experts agree that the most effective solution to any particular human trafficking problem will be local. This is true because what drives people into the arms of smugglers and traffickers differs across the globe. In Thailand and Burma, it may be the inability of hill people to obtain citizenship in their country of birth. However, the same incentives are not in play in the cases of, say, the young boys who fled Sierra Leone to avoid being gang-pressed into service, the camel jockeys sold into servitude in the United Arab Emirates, or the young Mexican women who paid to have themselves smuggled into the US, where they thought they were to be given jobs as household help. In other words, solutions need to be tailored to address the exigencies of particular local situations. Thus, we can arguably do more good by directing funding to education and jobs rather than prevention and border control. Unless specific root causes are addressed, solutions will be ephemeral.

Just as there are different kinds of terrorist organizations—with distinct organizational structures—there are different kinds of traffickers. One variant tends to be hierarchically structured, heavily involved in transnational crime—be it the trade in arms, drugs, people, or some combination thereof—and has a strong social and ethnic identity (e.g., the Italian and Albanian mafias). The other variant, however, is quite different; such groups tend to be comprised of small, largely unconnected, groups that lack social or ethnic ties and are primarily profit-oriented. Methods that are effective in undermining one kind of group will likely prove wholly ineffectual against the other variant. Generalized solutions that are not tailored to specific locales and conditions will fail.

Moreover, regardless of whether one is talking about generalized or localized solutions, there has been a pronounced lack of analytical rigor in examining best practices in this policy arena. Yet, absent better evaluation of policy successes and failures, it is impossible to know whether money is being well spent. And, arguably still more important than identifying best practices, we should be identifying *worst* practices. Traditionally, the “best practices approach” tends to devolve to “doing ten percent good and forgetting about the rest.” However, just as is the case with rewarding the passage of legislation, but not monitoring its implementation, absent an institutionalized and credible monitoring mechanism, we will be hard-pressed either to know what’s working or to measure progress or regression. Implementation of the aforementioned information sharing process could go some way to addressing this problem, but if we are truly committed to limiting the trade in humans—and the trade in illicit goods, more generally—a more global, holistic, and hard-hitting approach will be needed.

The experts who met at Harvard agreed that trafficking had unwisely been politicized and mischaracterized. As a result, well-meaning, but ultimately counterproductive, policies have been adopted, implemented, and widely replicated by national governments and international agencies without regard to their actual efficacy. As a result, those engaged in studying and combating human smuggling and trafficking should now readjust their focus

*away from* trying to isolate and identify the size of the problem and from disseminating the numbers they have thus far produced. We do not know and, arguably, cannot know what the real numbers are. This not because these numbers are inherently unknowable, but rather, first, because there is no agreed upon definition of what constitutes trafficking and, second, because the numbers are highly politicized.

Across the spectrum of illicit goods, governments in countries of origin have powerful incentives to undercount, while potential recipient countries have reasons to inflate the numbers; this is especially true if recipient states can inflate the efficacy of their law enforcement apparatuses. The same set of perverse incentives confronts NGOs and other actors in the business of fighting trafficking or helping its victims. Given the near-ubiquity of this politicization problem, the energies and resources of those devoted to combating trafficking would therefore be better spent on the questions of *where* the numbers being utilized are coming from, *who* is benefiting from their promulgation, and *what can be done* to correct and/or compensate for its effects.

We need fundamentally to adjust our understanding of what trafficking actually represents. For the vast majority of people who end up as part of the trade in humans, being trafficked represents only a small portion of their entire journey. It is not unlikely that he/she will have started out as a willing customer of a smuggler, or simply as a tourist who overstayed his or her visa. Thus, we should stop thinking about the problem of trafficking as purely one of criminals and victims, which is fiction. Instead, what is much more common is “smafficking,” whereby people choose to be smuggled and, somewhere along the way, become trafficked, or vice versa. If we think about the trade in humans as a process, therefore, we will be in a much better position to contemplate how—and when, in the context of this complicated process—most profitably and effectively to address it.

In the same vein, we need to take steps to alleviate what has been described as an unnecessary, yet chronic, and “frustrating disconnect” between those in the field and those thinking at the meta- and strategic-levels about the problem of trafficking. What is needed is some kind of institutionalized method of information sharing whereby NGOs and other actors in the field --without fear of generating legal or financial repercussions for themselves or their “clients”—can communicate what they know to those in government agencies, academia, and even law enforcement. There is far too little communication between those who work on the illicit trade in humans and the trade in other goods like arms, drugs, organs, cigarettes, endangered species, etc. While there is something unique about the trade in humans—i.e., unlike other goods, humans can be both complicit in, and “inoculated” from, their trade—the paucity of dialogue between those focused on different issue areas is negatively affecting efforts at combating illicit trade, more generally. This is because many of the same people who traffic in people trade other illicit goods as well. As smugglers clearly learn over time and from one another what works and what does not, those who seek to combat these problems ought to be proactively and unfailingly doing the same thing.