

The New Global Slave Trade

Ethan B. Kapstein

BACK WITH A VENGEANCE

WHEN MOST people think about slavery—if they think about it at all—they probably assume that it was eliminated during the nineteenth century. Unfortunately, this is far from the truth. Slavery and the global slave trade continue to thrive to this day; in fact, it is likely that more people are being trafficked across borders against their will now than at any point in the past.

This human stain is not just a minor blot on the rich tapestry of international commerce. It is a product of the same political, technological, and economic forces that have fueled globalization. Just as the brutal facts of the Atlantic slave trade ultimately led to a reexamination of U.S. history—U.S. historiography until the 1960s had been largely celebratory—so must growing awareness of the modern slave trade spark a recognition of the flaws in our contemporary economic and governmental arrangements. The current system offers too many incentives to criminals and outlaw states to market humans and promises too little in the way of sanctions.

Contemporary slavery typically involves women and children being forced into servitude through violence and deprivation. Disturbingly, the advanced industrial states have failed to take much action to address the issue. The problem is one of political will, not capability,

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for the rich countries of the world have at their disposal numerous instruments that, if their leaders had the courage to use them, could greatly curtail the global slave trade. Just as the British government (after much prodding by its subjects) once used the Royal Navy to stamp out the problem, today's great powers must bring their economic and military might to bear on this most crucial of undertakings.

After all, ending slavery is not simply a moral crusade, as compelling as the moral case may be. There are also important self-interested reasons why the West should lead a charge to eliminate this practice. The fact of the matter is that the same people who engage in human trafficking also contribute to the deepening criminalization of the world economy overall, often operating in close association with corrupt officials around the world. By allowing slavery to go unpunished, states unwittingly erode the foundations of the international economic system, which requires that governments be capable of enforcing bilateral and multilateral agreements and the rule of law.

Tragically, although the strongest states have the greatest capacity to suppress the slave trade, they have not done so, and key opportunities for action have been lost. The European Union (EU), for example, should have used accession talks with potential new members to pressure them into limiting the trafficking of their female citizens to the West. Meanwhile, President George W. Bush and Secretary of State Condoleezza Rice may have made some bold pronouncements about eliminating slavery, but the U.S. administration is so focused on the war on terror that Bush and Rice rarely press matters such as slavery at meetings with relevant governments.

Such a shortsighted approach is dangerous not just for the people who end up as slaves around the world but for anyone with a stake in the future of globalization. The costs of inaction are rising; already, they are too high to bear.

TRAFFIC

THE MODERN global slave trade generally involves the use of deception and coercion to induce victims to cross national borders in search of new jobs; once the target has arrived in a foreign country, he or she (and it is usually a she) is then forced into some form of labor



CORBIS

*A prostitute protesting illegal trafficking in sex workers,
New Delhi, India, October 25, 2004*

bondage. Although hard figures are difficult to come by, in June 2006, the U.S. government estimated that some 600,000–800,000 people were subjected to such treatment each year. This number does not include the many millions of people who are held as forced laborers within their home countries, such as in India and Myanmar. When those individuals are taken into account, the total number of people estimated to be living in some form of forced servitude around the world (according to the International Labor Organization) grows to 12 million. Whatever the exact number is, it seems almost certain that the modern global slave trade is larger in absolute terms than the Atlantic slave trade in the eighteenth and nineteenth centuries was.

Approximately 80 percent of today's slaves on the global market are female, and up to 50 percent are under the age of 18. According to the United Nations (UN), these victims span the globe, being trafficked "from 127 countries to be exploited in 137 countries." Most of the slaves come from countries such as Albania, Belarus, China, Romania, Russia, and Thailand, while the most frequent destinations for traffickers are

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in Asia, followed by the advanced industrial states of western Europe and North America and a number of states in the Middle East (including Israel). The slave trade is also a major problem in Africa—where children are often forced to serve as soldiers—but relatively little is known about the traffic in this region.

Once slaves arrive at their destinations, they typically are forced to serve one of several functions. Approximately 43 percent of those in the global market are used for sex, while another 32 percent are forced into other forms of unpaid labor, working as domestic servants, construction workers, or, occasionally (in the case of very young boys), as camel jockeys in the Persian Gulf states. The rest are pressed into both sexual and economic services. Governments and international agencies differ about these

In order to thrive, the slave trade requires the involvement of national governments.

precise figures, since it is somewhat easier to calculate the numbers of persons forced into sexual servitude than it is to figure out how many are forced into bonded labor. Indeed, the number of men who are trapped as indentured laborers is likely underreported.

What all slaves have in common is that they are forced to work. Slavers typically recruit poor people in poor countries by promising them good jobs in distant places. A recruiter will then offer a victim a generous loan—at an exorbitant interest rate—to help with travel arrangements, papers, and locating a job in the new community. On arrival, the promised job never materializes, and thus the large debt—up to several thousand dollars—can never be repaid. The victim is then stripped of all travel documents, given a false identity, and forced into a job. He or she—and his or her family—are threatened with disfigurement or death should the slave try to alert the authorities or escape. If they are paid at all, slaves get the bare minimum required for survival.

As the persistence of the slave trade suggests, it is a profitable activity. The UN estimates that human traffickers earn around \$10 billion per year and that the average sale price for a slave is around \$12,500. Since operating costs (for transportation and false documents) are estimated to be approximately \$3,000 for each slave, slavers can earn nearly \$10,000 per victim. It is worth noting

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that the cost of a slave today is far less than what African slaves once fetched in the antebellum United States—a difference owing in part to cheap modern transportation.

As a result of the low entry costs of the modern slave trade, the business is dominated by numerous criminal gangs instead of one large mafia. These gangs are mainly from Asia, eastern Europe, and Latin America; the authorities do not know whether they are part of larger syndicates or are specialists in human trafficking. Besides easy profits, the slave trade offers another advantage to criminals: the risks of arrest are low and the penalties are relatively light. In the United States, for example, drug traffickers generally face much stiffer sentences than do those who traffic in humans.

In order to thrive, the slave trade requires the direct or indirect involvement of national governments, at both the source and the destination. Since profits are high, slavers have plenty of money to pay off government officials and local police. In certain countries, these criminal links go to the very top. For example, in a September 2005 memorandum to Secretary of State Rice, titled “Presidential Determination With Respect to Foreign Governments’ Efforts Regarding Trafficking in Persons,” President Bush stated that the Cambodian government had “failed to address the trafficking complicity of senior law enforcement officials” in that country and that the Myanmar military was “directly involved in forced labor.” Bush also singled out a number of other governments—including those of Ecuador, Kuwait, Saudi Arabia, and Venezuela—for failing to “show a serious commitment” or to devote “sufficient attention” to stopping human trafficking in their countries. If ordinary criminals are rarely punished for dealing in slaves, high-level officials in such places enjoy even more impunity.

A CONVENTIONAL APPROACH

EVER SINCE the abolition of the Atlantic slave trade, slavery has been recognized as the most abhorrent violation of a person’s liberty. The practice runs counter to the entire modern history of human rights. Indeed, one of the UN’s first acts after its establishment was to pass the Convention for the Suppression of the Traffic in Persons and of

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the Exploitation of the Prostitution of Others, which the General Assembly approved in 1949. That convention updated international agreements from 1904 and 1910 on the “suppression of the white slave traffic.” Although it dealt largely with prostitution, the 1949 treaty was far more ambitious in certain respects than anything that has been proposed in more recent times. In fact, the convention’s blanket condemnation of all forms of prostitution and brothels looks almost quaint by today’s standards, given the number of governments (such as, most famously, that of the Netherlands) that have since legalized the sex trade.

The most authoritative modern international agreement aimed at the slave trade is the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, which was approved by the UN General Assembly in 2000 after the G-8 (the group of leading industrial countries) declared its support for such an undertaking earlier that year. This agreement, which supplemented the UN’s Convention Against Transnational Organized Crime, reflected a growing awareness among world leaders of the role of organized crime in global commerce. Unlike earlier slavery treaties, the protocol does not mention prostitution; instead, it aims to serve as the “universal instrument that addresses all aspects of trafficking in persons.”

The most difficult issue faced by the diplomats who negotiated the treaty was how to define “human trafficking” in the first place. The confusion stemmed from the fact that it is often difficult to distinguish workers—even sex workers—who voluntarily take large loans at high interest rates in order to work abroad from those who are coerced into doing so and end up in bonded servitude. Separating the two groups requires establishing a clear definition of “deception” and “coercion”—no mean feat.

Reflecting the work of a committee, Article 3 of the protocol defines “human trafficking” awkwardly 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.”

It is not hard to see why governments that have signed the protocol have found it hard to incorporate this definition into their criminal codes.

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In 2000, the United States took the lead by passing the Trafficking Victims Protection Act (TVPA), which was signed into law by President Bill Clinton and reauthorized and strengthened by Bush in 2003. The TVPA, which is widely regarded as a model for other countries, establishes a more precise definition of what constitutes human trafficking, imposes stronger penalties than had previously existed, and allocates funds for compensation to the victims of human trafficking and for cooperation efforts with foreign countries.

The TVPA also requires the State Department to issue an annual *Trafficking in Persons Report* that, among other things, classifies countries according to their efforts to halt the slave trade. There are now 32 countries on the State Department's "Tier 2 watch list," a list of those governments that are making efforts to comply with antislavery treaties but in whose countries compliance is still weak,¹ and another 12 on the "Tier 3" list, a list of those governments that are making little effort to halt the slave trade.²

Since the passage of the TVPA, the United States has charged 189 individuals with sex trafficking, up from only 34 during the five years before the law went into effect. Federal prosecutors have won 109 convictions in these cases, up from 20 in the preceding period. Sentences have ranged from 16 months to 23 years. The U.S. government has also charged 59 defendants with labor trafficking (two major cases involved 24 of these individuals). These cases led to, among other things, the first-ever extradition of Mexican citizens to the United States to face labor-trafficking charges.

As a result of the TVPA, the United States has been much more successful in cracking down on slave traders than have most other countries. For example, according to the UN, in 2003 Lithuania prosecuted 24 traffickers but convicted only 8 of them, and Ukraine prosecuted 59 but convicted only 11. Among those countries that provide

¹ The list comprises Algeria, Argentina, Armenia, Bahrain, Bolivia, Brazil, Cambodia, the Central African Republic, China, Cyprus, Djibouti, Egypt, Equatorial Guinea, India, Indonesia, Israel, Jamaica, Kenya, Kuwait, Libya, Macau, Malaysia, Mauritania, Mexico, Oman, Peru, Qatar, Russia, South Africa, Taiwan, Togo, and the United Arab Emirates.

² The list comprises Belize, Burma, Cuba, Iran, Laos, North Korea, Saudi Arabia, Sudan, Syria, Uzbekistan, Venezuela, and Zimbabwe.

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figures, only the Netherlands has a better record than the United States of prosecuting those involved with the slave trade.

Despite these accomplishments, the TVPA is far from perfect. For one thing, law enforcement officers have complained that it is difficult to implement. One California police officer who was interviewed about the legislation reported that in one of his cases “half the 30 men arrested ... were deported instead of prosecuted” for their crimes. Another major problem that prosecutors face is how to get victims of human trafficking, who fear the repercussions for themselves and their families, to testify against their oppressors.

The TVPA has also failed to help the U.S. government make much of a dent in the global slave trade, for several reasons. To begin with, the available data suggest that only a relatively few slaves enter the United States each year. The Justice Department reported in 2006 that about 17,500 persons are trafficked into the country annually; in the late 1990s, the CIA put the figure at about 50,000. Even if one accepts the higher figure, this still means that the vast majority of slaves are traded outside the United States.

Yet most other governments have not made combating the slave trade as high a priority as Washington has. This includes many western European governments, which (with a few notable exceptions, such as in Sweden and the Netherlands) have done little to stop the flow of slaves from the East. As a result, ever-increasing numbers of young women and girls are being forced to work the streets of France, Germany, and Italy. This is despite the fact that Europe has numerous nongovernmental organizations and media outlets concerned with the issue. Outside Europe, where such forces play a much smaller role, the situation is even worse. In Thailand, for example, traders who bring in Myanmar women for prostitution are rarely prosecuted. In Russia, government officials show little concern over the plight of young women trafficked into or out of their country. And in the Persian Gulf, the use of slaves for prostitution, domestic service, and camel jockeying remains widespread even though it has been illegal since the 1960s.

Although the United States has sought to cooperate with foreign governments in combating the slave trade, it has rarely punished a country for failing to act against human trafficking. It is probably no

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coincidence that the lists of noncompliant states include important oil producers (such as Kuwait and Saudi Arabia), key allies in Washington's war on terror (such as Uzbekistan), and great powers (such as China, India, and Russia). Under U.S. law, the president has the authority to impose economic sanctions on states that fail to combat the slave trade by blocking foreign aid and military assistance. Unfortunately, this is rarely a useful tool, since most of the countries in question either do not receive U.S. aid or are of such compelling importance to national security that the president is unwilling to crack down on them. The Bush administration, like its European counterparts, seems to feel that a few slaves should not be allowed to get in the way of high politics.

Instead, Washington and its allies in the industrial world have taken the position that rather than target governments, they should focus their efforts on the demand and supply sides of the slavery problem. But Western countries disagree about what those steps should be. And even if they could reach some sort of consensus, such measures would be insufficient. The slave trade will only come to an end when a few key states muster the will to use force to liberate the victims.

AT THE SOURCE

SUCH A CLAIM may sound needlessly provocative. It certainly flies in the face of statements made by many European officials who argue that it would suffice to tackle the demand side of slavery by legalizing prostitution in the industrial world, which would supposedly reduce human trafficking by curbing the demand for slaves, or who argue that the supply side should be addressed by promoting economic development and growth in poor countries. It also runs counter to statements by UN officials, who generally focus on the need to strengthen the 2000 protocol—for example, by educating police officers and prosecutors about its content.

The problem is that none of these measures will work. The demand-side approach has already been tried—most famously by the Netherlands, which legalized prostitution in October 2000. The Dutch government has explicitly stated that its legalization of sex work was meant to facilitate “action against sexual violence and abuse and human trafficking.” The idea was that once brothels were

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permitted and regulated, the police would be better able “to pick up signs of human trafficking” and prevent it.

But the Dutch strategy has not achieved much. Sex slaves have continued to enter the black market, providing their services at lower prices than those charged by prostitutes in the officially sanctioned red-light district. The slaves work in areas such as railroad stations and on those streets that are off-limits to legal prostitutes, and they attract clients who are too poor to pay official prices. The police, meanwhile, have proved no more able than in the past to stop such practices.

Interestingly, Sweden—a country usually known for its relaxed attitudes toward sexuality—has taken the opposite tack, criminalizing the buying of sex. Since 1999, when this new law was introduced, some 750 men in Sweden have been charged with seeking to purchase the services of a prostitute, a crime punishable by up to six months in jail. The Swedish government claims that this policy has greatly reduced the number of prostitutes working the country’s streets—although it is possible that the law has merely driven Sweden’s prostitutes and their clients deeper underground.

Other countries have followed Sweden’s lead to varying degrees, especially penalizing those who prey on underage sex workers. Some states have even extended their laws to acts committed by their citizens while abroad. France, for example, has played a leading role in prosecuting “sex tourists,” who seek pleasure in countries such as Thailand. The effects of such policies have yet to be measured sufficiently, but even if laws criminalizing the buying of sex could make a dent in the trafficking of humans into the industrial world—changing the demand side of the equation—they would remain half measures given the number of people traded into slavery each year. For example, all the prosecutions in the United States to date have only led to the release of a few hundred victims of slavery. More action is therefore also needed on the supply side.

Many policymakers have suggested that promoting economic growth in developing countries should be the next step, since this would supposedly eliminate slavery by providing potential victims with an alternative. But economic growth alone will not stop this plague, at least not anytime soon. It will take a huge amount of

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progress before citizens of the developing world stop being tempted by the prospect of a good job in a rich country. And it is far from clear how such progress should be achieved; it would certainly be unrealistic to expect the industrial world to provide enough aid to make up the difference itself.

It is also important to remember that slavery today seems to thrive in some parts of the world because of economic growth, not despite it. In the Middle East, for example, the demand for young camel jockeys has increased as more people have gained the means to bet on races and as the stakes have increased. In fact, the history of slavery provides little evidence to suggest that economic growth could help end it anywhere.

Rather than seek complicated and distant solutions, governments should focus on a few concrete actions that could have a real impact on human trafficking in the short run. An excellent way to start would be with the naming and shaming of traders and the governments that support them. The United States has already gone further than any other country in this direction with its annual *Trafficking in Persons Report*. But few people seem aware of the document, and the Bush administration—and the mass media—should do much more to publicize its findings. Reputation matters in today's global economy, and a reputation for harboring criminals is something no state wants.

Economic growth will not stop slavery, at least not anytime soon.

Naming and shaming can also work in other parts of the globe. For example, the Association of Southeast Asian Nations has recently started putting pressure on Myanmar both through quiet diplomacy and through drawing greater public attention to the Myanmar government's dismal human rights record. This policy seems to be working; even military juntas want respect, and Myanmar's leaders seem to recognize that since they rely heavily on tourism for their supply of foreign currency, bad press in foreign papers could inflict real material damage on their country.

Next, wealthy states need to do a better job of confronting countries on the State Department's Tier 2 and Tier 3 lists, imposing economic sanctions on them if they do not act to ban human trafficking. The

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EU should put pressure on accession candidates, such as Bulgaria and Romania, and on member states, such as Latvia and Portugal, that allow slavery to continue or take inadequate measures to stop it. After all, the EU sometimes exacts penalties on member states that fail to meet their commitments in many other areas, such as industrial policy; surely, there is an even stronger case to be made where slavery is involved. For its part, the United States must not allow its focus on the war on terrorism to distract it from acting on this issue. Washington has allowed too many states—especially oil producers, such as Kuwait and Saudi Arabia—to get away with too much for too long. Under the TVPA, the United States already has the authority to impose economic sanctions on states that fail to act against the slave trade. The Bush administration should also remember that governments that allow this scourge to thrive are unlikely to be reliable allies when it comes to other problems that concern the United States.

To complement sanctions, Western states should also empower their police, intelligence, and military forces to act much more aggressively against those who traffic in humans. Just as force was ultimately needed to halt the slave trade in the nineteenth century, so will force be necessary in some cases today. Current international treaties on slavery do not authorize the use of force against slavers, but bilateral agreements should be strengthened to allow such measures. The TVPA already provides funds to support international cooperation against slavery. When it is next reauthorized by Congress, in 2007, lawmakers should add provisions explicitly stating that such cooperation should extend to military and intelligence forces.

It is worth remembering that in the nineteenth century many people argued that slavery would end “naturally” once the practice was no longer economically profitable. But historians now agree that since slavery remained extremely profitable until the day it was abolished, such an end was unlikely ever to come. If this was true in the past, it is even more true today, since the costs associated with the slave trade have shrunk so dramatically. As long as slavers continue to face only mild penalties from a handful of countries—and none from the rest—they can be expected to continue their work, undermining in the process the legal and ethical foundations of the

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global economy. If the United States and some of its European partners wish to halt modern slavery, they will have to use their power to do so, just as the Royal Navy halted the Atlantic slave trade on the high seas in the nineteenth century. There is no “natural” end to slavery in sight, and any productive policy must start by recognizing that fact.

The time has come to tackle the slave trade once and for all, in the interest of not only the people most directly affected but the broader public as well. As usual when it comes to politics, Abraham Lincoln said it best: “In giving freedom to the slave, we assure freedom to the free.” Halt the global slave trade today, and all citizens of the world will benefit. Allow the practice to continue, and all will ultimately suffer. 🌍

