

BOOK REVIEW

Combatting ASEAN Human Trafficking: A Regional Process and Challenge

Kranrattanasuit, N. (2014). *ASEAN and human trafficking: Case studies of Cambodia, Thailand and Vietnam*. Boston: Brill Nijhoff. 282 pages, ISBN: 9789004265172

Nopraenue Sajjarax Dhirathiti
Mahidol University, Thailand
nopraenue.dhi@mahidol.edu

The book provides a generous background on the issue of human trafficking in ASEAN by highlighting three main case studies in Cambodia, Thailand, and Vietnam. The cases were selected based on key commonalities of these countries, committing in the legal binding regional process called the COMMIT Process and their exposure to fight against human trafficking. The book divides the analysis of ASEAN human trafficking into chapters focusing on the background of ASEAN, its community building process, and norms in relation to human rights and human trafficking. The chapter on the overview of ASEAN and its influence on community-building between internal and external regions seems to be the weakest one, which provides mainly a narrative background of ASEAN reiterating the origin and evolution of the association and its pathway to the ASEAN integration and ASEAN community. On its own, this chapter seems to be less relevant to the

discussion of the book title except for the final sub-topics on debates on ASEAN human rights and ASEAN mobilization on human trafficking. Due to a limited length of discussion of the two sub-topics, this chapter does not provide much as an introduction to the issue of human trafficking in ASEAN. Although the chapter is spent on giving the historical account of ASEAN as an organization and a community, the rest of the chapters do provide decent analyses on the region's struggle to combat human trafficking, the challenges and responses of the three national governments, and recommendations for regional reform. The review of this book, therefore, will focus mainly on the three key chapters providing strong analyses on the issue of human trafficking.

The key arguments in this book revolve around the discussions about challenges pertaining to both regional and national framework for combating human trafficking in ASEAN. It clearly highlights

three main drawbacks within the region in battling the issue. The first shortcoming in terms of the system is the inadequacy of counter-human trafficking law of ASEAN, which suggests the lack of conformity and norms—in other words, a soft law within ASEAN countries in properly addressing human trafficking. Secondly, the book elaborates on the dysfunction of human trafficking structure within the region by emphasizing the separation between the issue of human trafficking and labor migration. Despite their intertwining nature of people’s movements across the border, according to the author, the two issues have been dealt with as separate matters across ASEAN member states. Finally, the book discusses, again, the disconnection of human trafficking in the agenda of human rights bodies within the region. The dichotomy between human rights and human trafficking in terms of the structure has been pronounced more when investigating into the existing monitoring, evaluation and data collection at the level of policy process whereas the lack of complaint and appeal process is also evident at the individual level.

Apart from the discussion on challenges faced by ASEAN member states on the issue of human trafficking, the book also underscores responses of national governments by using Cambodia, Thailand, and Vietnam as case studies. Although the author methodically states the reason behind the case selection as mentioned above, the fact that these states can represent the overall challenges and responses of all member state remains unclear. However, the key findings in this chapter, which are the highlights of the book, are somewhat noteworthy. This chapter elaborates on the background and updates the current situation of human trafficking in these countries by reiterating the common characteristics of the issue across the board. These traits include the inability of national governments in addressing the issue and shrinking the growth of human trafficking. Another common shortcoming is the weakness in legal-binding measures and laws relating to human trafficking in all three countries, despite their commitment and adherence to the international mechanisms such as the Protocol to Prevent or the Palermo Protocol. The major strength of this book lies in its elaboration on the details of the phenomenon of human trafficking in each

case study, including the origin and their commitment to international legal mechanisms. Another high point is the elaboration on the details of the law and policies relating to human trafficking in each country and the comparative viewpoints on the definition, policy implementation, and legal issues, including legal protection measures and counter-human trafficking practices at the national level. The finding does show that the strongest point shared by all three cases is the law that prohibits all forms of human trafficking and these governments have promoted various training programs for personnel involved, including judges, prosecutors, and law enforcers. However, upon the projection of the policies towards human trafficking, the book summarizes the key challenges and responses in terms of the need to focus on forced labor, inadequate protection of trafficking men, management of recruitment agencies, and ineffectiveness of communication channels and corruption, which all finally come down to the inefficient approaches in prevention, protection, and prosecution.

As a result of the discussion on challenges of human trafficking in the region and national government’s responses in countries like Cambodia, Thailand, and Vietnam, the final part of the book then ventures on proposing ASEAN regional reform and recommendations for common measures combating human trafficking. The book proposes two main recommendations with the aim to strengthen counter-human trafficking methods and strategies within the region. The first recommendation is the establishment of the *ASEAN Declaration on the Promotion and Protection on the Rights of Trafficking Victims* (ADTV) as it is perceived as a mechanism to address the insufficiency and inefficiency of the existing laws in ASEAN. The proposed ADTV described in the book as a framework for the anti-human trafficking mphasized victim-centered approach. Especially in those three case studies where national governments have made it a priority to provide protection for victims in certain groups such as women and children, these governments and the law to combat human-trafficking still overlook the need for prevention and protection of male victims as described above. In addition, the book also focuses on providing detailed selective measures of ADTV. To reduce the number of human trafficking

in ASEAN, the key measure for national governments is to promulgate a specific law that enhances the prevention of human trafficking, protection of victims, and prosecution of offenders. Not only these specific laws are deemed important, the book clearly advocates for a two-tier cooperation. While the success of awareness raising among the public can be guaranteed only through a close collaboration between private and government sectors, the cooperation among ASEAN member countries in the areas of intelligence and information sharing is no less significant. The second recommendation is the proposal to form the so-called *ASEAN Commission on the Promotion and Protection of Trafficking Victims* for the fact that the region has not yet established an anti-human trafficking body specializing in the three main measures of preventing the act, protecting the victims, and prosecuting the offenders. Due to the limited number of anti-human trafficking resource persons, the detailed preproposal is to create a regional human rights monitoring body with the authoritative power to undertake the missions revolving around the issues of prevention, protection, and prosecution. The recommendation addresses the concern on the previously-discussed challenge on the negative dichotomy of human trafficking and human rights issues within the region.