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PRABHA KOTISWARAN, *Revisiting the Law and Governance of Trafficking, Forced Labor and Modern Slavery*. Cambridge: Cambridge University Press, 2017, pp. 581. ISBN 9781107160545, £120.00 (Hbk)

In 2006, Prabha Kotiswaran, together with Janet Halley, Chantal Thomas, and Hila Shamir, published a seminal article on feminist legal responses to rape, prostitution/sex work and sex trafficking (Halley et al, 2006). This influential text has now, a decade later, finally been followed by two much-anticipated titles: *Governance Feminism: An Introduction* (Halley et al, 2018) and a collection of essays edited by Kotiswaran that includes chapters by Halley, Thomas and Shamir. Kotiswaran's edited collection, the subject of this review, provides critical and wide-ranging writings on governance and law concerning trafficking and forced labour.

Revisiting the Law and Governance of Trafficking, Forced Labor and Modern Slavery offers an in-depth look at anti-trafficking since the enactment of Trafficking Protocol in 2000. The 18 chapters in the book are written by an impressive cast of leading scholars from diverse disciplines, varying from anthropological and conceptual studies to more doctrinal legal and policy ones. The chapters in the book are diverse in their methodological approaches and geo-political focus, but what combine them are critical approaches to current anti-trafficking legislation and modes of governance. In the introduction, Kotiswaran says that,

‘despite its poor implementation, seventeen years after its adoption, the Trafficking Protocol leaves behind a trail of collateral damage. It has continued to have negative effects on sex workers, migrants, migrant brides and sexual minorities in countries as diverse as Romania, Bulgaria, Mexico, Sweden, Brazil, Singapore and Myanmar.’ (p. 36)

The book, therefore, is no celebration of the Trafficking Protocol, nor of the transnational law in the field. What emerges from all the chapters is, in the words of Kotiswaran, ‘chronic ineffectiveness of law’ (p. 6). Pointing out that the law is flawed is nothing new, as anti-trafficking legislation has in the past decade come under intense scrutiny from various authors, many of whom have contributed to this collection. The key contribution of the book is not in pointing out that anti-trafficking laws are flawed but in the careful detail that each of the chapter goes into to explain *how* the law and modes of governance are flawed in their specific case studies.

The book is divided into five parts: Part I revisits Article 3 of the Trafficking Protocol; Part II offers a legal realist critique of anti-trafficking; Part III focuses on anti-trafficking and governance; Part IV concerns the role and recent legislative direction of the International Labour Organization (ILO); and Part V discusses trafficking and migration policy. Instead of describing each of the parts, or each of the 18 rich chapters, this review will focus on three overarching themes that emerge from the chapters. It will focus, firstly, on the difficulty and significance of defining trafficking; secondly, on the relationship between anti-trafficking and border control; and finally, on the role of private businesses in facilitating both trafficking and anti-trafficking.

Beyond the chapters in Part I, which explicitly focus on definitional issues with trafficking, the vast majority of submissions highlight the problematic misuse and broadening of the term of trafficking. Anne T Gallagher's chapter explicitly evaluates how the lack of clarity in the definition of trafficking has simultaneously led to a broadening and narrowing of the concept of trafficking. Other chapters highlight the devastating consequences of that broadening,

particularly in terms of limiting health services to sex workers (by Aziza Ahmed) and controlling migration (by Chantal Thomas). Sally Engle Merry shows in her chapter, 'Counting the Uncountable: Constructing Trafficking Through Measurement', how each of the most widely cited sources addressing the prevalence of human trafficking, i.e. the US State Department, Global Slavery Index, ILO and International Organization for Migration (IOM), defines terms such as trafficking differently. Therefore, each source provides statistics for different phenomena despite all of them using the terms 'trafficking' or 'forced labour' in the titles of their reports. By showing the different terminology and definitions the organisations use and the widespread methodological issues with their measurements, Merry unpicks the reliability of these reports and any estimates as to the prevalence of trafficking.

One of the most important and interesting contributions on the issue of definitions, and perhaps of the entire book, comes from Kerry Rittich, who in the first part of her chapter argues that the time might have come to normalise trafficking and to stop viewing trafficking as an extraordinary phenomenon. Instead of exceptional circumstances, trafficking forms part of everyday exploitative labour market, according to Rittich. She says that,

'[due to] the presence of forced labor across a wide range of geographical locations and labor sectors, linkages to broader economic and political phenomena and similarities in global processes and intermediaries, as well as in the terms of work itself ... there may be little to distinguish trafficking and forced labor from ordinary forms of labour.' (p. 224)

Moving the conversation from individual criminality and placing it within the wider context of labour exploitation is crucial to truly respond to that exploitation, particularly as 90% of forced labour cases take place in the private sector, as highlighted by Zuzanna Muskat-Gorska's chapter (p. 443).

This problem with distinguishing terms such as 'trafficking' vs. 'bad work' and 'exploitation' vs. 'coercion' is at the core of Rittich's chapter, but it is also evident in the overwhelming majority of the chapters. Various chapters in the book show how the ineffectiveness of the law is, at least partially, rooted in the lack of clarity in key terms, leaving the terms such as 'trafficking' open to reinterpretation. While highlighting the issues with lack of definitional clarity is vital, some chapters end up inadvertently creating new interpretations and re-interpretations. Therefore, the chapters themselves add to the broadening pool of interpretations that the book is critical of. Perhaps this cannot be avoided, and as Kotiswaran notes at the start, the book will inevitably, if reluctantly, contribute to the 'myth making' in the field (p. 46).

The second theme that dominates the book is the relationship between anti-trafficking and border control. The link between anti-trafficking and restricting women's migration is nowhere clearer than in the work of Parreñas and Silver who provide a case study on migrant domestic workers in Dubai. In 2014, Human Rights Watch issued a report, *I Already Bought You*, (HRW 2014) on abuse of migrant domestic workers in the United Arab Emirates. The report quickly led to Indonesia issuing a ban on women travelling to twenty-one countries to work in domestic servitude. Using the Human Rights Watch report and the Indonesian response as a starting point, Parreñas and Silver challenge the prevailing image of migrant workers as 'enslaved and trafficked' (p. 507), and argue that in Dubai, like elsewhere, there are a multitude of experiences among domestic workers. While calling for more nuance in the representation of migrant domestic workers, their chapter highlights the inevitable link between trafficking, migration, and the power of border control. This link is also highlighted

by a number of the other chapters. Janet Halley argues that the transnational law on trafficking reconstructs the ‘criminal-law border-control apparatus on a global scale’ (p. 184). Hila Shamir focuses in her chapter on how the Temporary Migrant Workers Programme, a guest work programme in the USA, creates and ‘institutionalise[s] documented migrant workers’ insecurity, vulnerability, and precarity’ (p. 492). Chantal Thomas warns against drawing direct historical parallels but argues that anti-trafficking laws resemble pro-slavery laws in that they deprive people of the right to movement. Fudge and Straus show how the UK’s Overseas Domestic Worker visa regime ties domestic workers to their employers and places a number of restrictions on their movement and everyday life while in the UK. These chapters highlight, implicitly and explicitly, the violence and oppression that is inherent in controlling borders. All these chapters also highlight a vulnerability at the intersection of class, gender and citizenship, and how migration and anti-trafficking policies can heighten that vulnerability.

The final overarching theme that arises from the book is the role of private business. This is perhaps the most forward-looking of the key themes. The chapters that focus on corporate liability and impact move the conversation away from the trite notions of ‘international criminal gangs’ as the cause of trafficking, and turn the focus on private actors and businesses. Various chapters focus on global supply chains and private business and their direct impact on governance. Elizabeth Bernstein in particular shows in her thought-provoking chapter, ‘Brokered Subjects and Sexual Instability’, how companies such as Manpower and Google are investing in anti-trafficking initiatives in what she calls a display in redemptive capitalism. The focus on global economy, supply chains, private business and their direct impact on governance and ability to yield legal power is a very welcome direction for the future.

Revisiting the Law and Governance of Trafficking, Forced Labor and Modern Slavery is a carefully edited volume that brings something new to the table with each chapter. The book as a whole makes a great contribution to the field by highlighting the flaws in legal definitions, their implementation and governance. While much of the book focuses on unpacking existing definitions, the exception to this is Beate Andrees and Amanda Aikman’s ‘Raising the Bar: The Adoption of New ILO Standards against Forced Labour’. The chapter provides a close reading and detailed analysis of the ILO negotiations and consultations that led to the new 2014 Protocol to the Forced Labour Convention, 1930. Andrees and Aikman’s chapter is a fascinating account of the process of law and policymaking. The chapter ultimately highlights the importance of asking who sits around the table when decisions are made, who decides which consultations are heard, and whose views are included and excluded. Overall, this book is essential reading for anyone interested in the regulation of trafficking and forced labour, and for those who have a seat at the decision-making table.

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