

Reluctant Regionalism: The Diffusion of Anti-Trafficking Norms and Cooperation in Northeast Asia——中村

論 說

## Reluctant Regionalism: The Diffusion of Anti-Trafficking Norms and Cooperation in Northeast Asia<sup>(1)</sup>

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***Abstract:** Established literature on Northeast Asian regionalism mainly focuses on either traditional security or economic dynamics as the main force behind regional cooperation. Filling the lacuna of non-traditional security issues in this scholarship, this article focuses on government and civil society responses to human trafficking of women and children for the purpose of sexual exploitation. This issue has become particularly important as economic and social cross-border activities have drastically altered the dynamics of regionalization and regionalism in Northeast Asia. Since the 1990s, governments have debated and implemented a number of policy measures against human trafficking. Cross-border cooperation between police agencies has been facilitated, while new national and transnational networks linking civil society actors and governments have emerged. Against this background, this article investigates how anti-trafficking cooperation was 'securitized' in Northeast Asia. How have regional states implemented anti-trafficking*

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*norms? How does the nature of state-society relations affect processes of securitization and norm diffusion? Looking at Japanese, Korean, and Chinese government responses, this article adds new insights into the mechanisms of regionalism and network building at the domestic and inter-state levels.*

**Keywords:** *human trafficking, national identity, national sovereignty, norm diffusion, regionalism, securitization, civil society, Northeast Asia*

## I . Introduction

The established literature on Northeast Asian regionalism has mainly focused on the complex mix of traditional security issues and nationalism which converge over historical animosities, territorial disputes and militarization, and dynamics of trade and investment as the main forces behind regional cooperation and integration (Rozman 2004; Aggarwal et al. 2008; Calder & Ye 2010). This trend is spurred by China's military rise, North Korea's nuclear and missile threat, and the current dispute between Japan and South Korea over the legacy of Japan's colonial rule. Yet, since the 1990s, regional governments have debated and implemented a number of policy measures addressing non-traditional security issues including environmental pollution and human trafficking. Prominent examples are the EANET Acid Deposition Monitoring Network in East Asia launched in 1998 addressing the issue of industrial pollution-caused acid rain across the region (Miyazaki 2011), or Japan's 2009 'Action Plan to Combat Trafficking in Persons'; envisioning stronger international cooperation on human trafficking in Northeast Asia. Cross-border cooperation between scientists and government agencies was facilitated, while new national and transnational networks between civil society

actors and governments emerged. This development become particularly important as economic and social cross-border activities have drastically altered the dynamics of regionalization and regionalism in Northeast Asia (Katzenstein 2005; Pempel ed. 2006; Katzenstein & Shiraishi eds. 2006, inter alia). Thus, filling the gap in scholarship on regionalism that address the impact on non-traditional security issues on international cooperation (cf. Nishikawa & Hirano eds. 2006; Mōri & Morikawa eds. 2006), this essay focuses on government and civil society responses to human trafficking of women and children for sexual exploitation in Northeast Asia.

Cultural and geographical definitions of regional boundaries are contested.<sup>(3)</sup> This analysis defines Northeast Asia as a sub-region composing in conjuncture with Southeast Asia the regional complex of East Asia (Buzan and Wæver 2003). Thus, the sub-region of Northeast Asia as analyzed in this essay is composed of Japan, the People's Republic of China (PRC, henceforth China), the Republic of China (ROC, henceforth Taiwan), the Republic of Korea (ROK, henceforth South Korea), and the Democratic People's Republic of Korea

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(3) The definition of Northeast Asia (NEA) varies within the IR literature. Calder & Ye (2010), for example, define NEA as based on the 'Shanghai circle' centering on the East China Sea including the Korean peninsula, mainland China, Taiwan, Macao, and Japan, while excluding Mongolia and Russia. Similarly, Buzan & Wæver (2003) restrict the boundaries of NEA on Japan, Korea, and China. In contrast, Rozman's (2004) study on nationalism and regionalism in NEA includes Russia, to account for the important geopolitical impact the Soviet Union/Russia had on NEA's Cold War and post-Cold War security order. However, in this essay the intensive economic and transnational dynamics and interdependencies (including travel mobility, trade and investments, cultural exchange) between Japan, China (mainland and Taiwan), and the Korean peninsula, and the nationalism that has sustained in reference to regional 'others' are considered the core of NEA.

(DPRK, henceforth North Korea).

Based on this definition, this essay investigates how the issue of human trafficking has been ‘securitized’ in Northeast Asia.<sup>(4)</sup> The primary focus rests on China, Japan, and South Korea as these states are the main actors in this sub-region (Buzan & Wæver 2003; Calder & Ye 2010). The guiding questions for this article are as follows: How is the problem of human trafficking narrated between and within regional governments? To what extent does this issue-problematization reflect on the degree of implementation of global anti-trafficking norms at national levels? How does the nature of state-society relations influence processes of securitization and norm diffusion in Northeast Asia? Looking at Japanese, Korean, and Chinese government responses to human trafficking, the objective of this essay is to provide new insights into the mechanisms of regionalism and network building at the domestic and inter-state levels. To achieve this objective, I will first outline the current state of human trafficking in Northeast Asia. This is followed by a review of theoretical approaches to securitization and norm diffusion as developed in the field of International Relations (IR). Guided by these questions, and empirical and theoretical insights, I will then examine regional responses to human trafficking. The conclusion asks how the internationalization of non-traditional security risks has affected national identities and the dynamics of regional cooperation in Northeast Asia.

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(4) The concept ‘securitization’ refers to the ‘discursive construction of particular issues as security threats’ (McDonald 2008: 563; see also Hansen 2006).

## II. Definition and Scale of Human Trafficking

Activists and policymakers understand human trafficking as a transnationally organized crime. The expansion of trans-border crimes has caused heightened global awareness which led to the adoption by the United Nations of the ‘Convention against Transnational Organized Crime concerning the involvement and collusion of organized crime syndicates, punishments for money laundering, the prevention of the detection of profit from crime, corruption and obstruction of judicial procedure’ (aka ‘The Convention against Transnational Organized Crime Treaty’)<sup>(5)</sup> in November 2000 (Gallagher 2012). This treaty features three optional protocols which address issues of human trafficking, illegal immigration, and the smuggling of arms. Of these protocols, the section explicitly addressing human trafficking is entitled ‘Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations Convention against Transnational Crime’ which went into force in 2003. This protocol defines human trafficking in the following terms: ‘Trafficking in persons shall mean the recruitment, transportation, transfer, harboring or receipt of persons, by means of threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power or position of vulnerability or having control over another person, for the purpose of exploitation.’ Exploitation here includes ‘the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of

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(5) The document is available at <[http://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg\\_no=XVIII-12&chapter=18&lang=en](http://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=XVIII-12&chapter=18&lang=en)> (accessed 10 January 2019).

organs.’<sup>(6)</sup> This protocol has since served as the yardstick for national, regional, and global anti-trafficking measures and shall therefore serve as the definition for the notion of a global anti-trafficking norm as applied in this article. In addition to other forms of human trafficking such as forced labor, prostitution as sexual exploitation represents one possible branch of human trafficking. Structural violence in form of coercion of women and children into sexual servitude is a major feature of this form of human trafficking (Nakamura 2008; Aoyama 2009; Kara 2017).

This protocol is the product of inter-governmental negotiations and as such focuses primarily on issues of state-border security, illegal immigration, and organized crime; hence, issues of trafficking victim protection are largely neglected or left to non-governmental organizations. As of October 2015, 117 of 166 parties which have joined this UN provision have served as signatories of the protocol. However, while South Korea signed the Protocol in 2000 and Japan in 2002 both these governments have yet to ratify the document. China partly ratified the protocol in 2010, though excluding itself from paragraph 2 of Article 15 which stipulates the conditions for referring dispute settlement to the International Court of Justice (Gallagher 2012).

The clandestine nature of human trafficking forestalls precise data on its scope and scale. However, in the 2000s the US Department of State, in its annually published Trafficking in Persons Report, has estimated the number of global trafficking victims to be between 600,000 and 800,000. This number accounts

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(6) The full text of the protocol is available at <[http://www.uncjin.org/Documents/Conventions/deatoc/final\\_documents\\_2/convention\\_%20traff\\_eng.pdf](http://www.uncjin.org/Documents/Conventions/deatoc/final_documents_2/convention_%20traff_eng.pdf)> (accessed 10 January 2019)

for illegal border crossings, while not considering domestic flows of trafficking. Shelley provides data according to which the number of illegal immigrants from Asia, Africa and the Middle East bound towards Europe reaches 400,000 people annually, while the number for the United States is estimated at 850,000 (Shelley 2010: 4). At the start of the Obama administration in 2009, the US government broadened its definition for human trafficking, which now involves 27 million people, thus considering the complex character of trafficking as it transgresses domestic and national boundaries.<sup>(7)</sup> The International Labor Organization (ILO) estimates that 9.8 million people are exploited by private agents while 2.5 million are subjected to forced labor by state or military groups (ILO 2005). The global hotspot for human trafficking is Asia. The ILO estimated 9.8 million trafficking victims in that region, of which the vast majority are women and children (Molland 2012).

General data provided by the United Nations in its Global Report on Trafficking in Persons published in 2014 reveals that among those identified as trafficking victims 49 per cent are women and 33 per cent children (12% boys, 21% girls) (UNODC 2014). This data illustrates that human trafficking is structured along gender and age dimensions. This relationship is reversed with regard to trafficking victims and perpetrators, as 72 per cent of those convicted for trafficking crimes are male (ibid: 10). In addition, a breakdown of the forms of human trafficking reveals that 53 per cent of identified victims are trafficked for the purpose of sexual exploitation (in comparison to 40% trafficked for forced labor) (ibid.: 9).

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(7) The current version of the TIP report as well as back numbers are available at <<http://www.state.gov/j/tip/rls/tiprpt/>> (accessed 10 January 2019).

In East Asia with its sub-regional complexes of Southeast and Northeast Asia human trafficking is conducted as a large-profit generating business operated by transnational crime syndicates such as the Japanese yakuza, the Chinese triads or Thai and Cambodian crime groups. Thus, according to data from the UN Office on Drugs and Crime, human trafficking is the second most profitable crime after the drug trade and before arms sales. The ILO estimates that in 1997 US\$ 7 billion in profit was made through human trafficking. Recent data shows that commercial sexual exploitation has reached a scale worth US\$ 33.9 billion, generated from 1.4 million people forced into prostitution (Shelley 2010: 7). In East Asia, most of the profit was generated in Japan and Thailand which both host large commercial sex industries. It is here that this paper sets out to examine the regional responses of governments in Northeast Asia. In addition, UN data has shown that the vast majority (97%) of human trafficking victims are from within the region of East Asia (UNODC 2014: 79). In addition, the vast majority of victims are women and children, while the gender ratio among perpetrators is more balanced (46% female, 54% male) (ibid.: 77). In addition, the major form of trafficking in East Asia is forced labor accounting for 41 per cent versus 38 per cent for sexual exploitation (ibid.: 78). However, it remains difficult to disentangle intraregional trafficking flows in order to extract more precise data for the sub-regional complex of Northeast Asia. Based on the TIP report data, the pattern that emerges for this region is the following: China serves as a source, destination, and transit country; South Korea as source, transit, and destination country; North Korea as source country; and Japan as destination, source, and transit country (US State Department 2015). Data with regard to trafficking victims, as presented in the country specific analysis below, is for most parts circumstantial as they appear in news reports. A need for systematic data analysis remains and represents a part of efficient policy



making targeting trafficking at the transnational level.

### III. Norm Diffusion, Securitization and Regional Cooperation

The mechanism of norm diffusion, along with the role of non-state actors in global politics has received growing scholarly attention in the field of International Relations (Klotz 1995; Keck and Sikkink 1998; Risse, Ropp, Sikkink eds. 2013). This is due in large part to the proliferation of transnational human rights advocacy networks which mobilize support for national policy change in compliance with globally shared standards of behavior. Much of the research comes from authors of the social constructivist persuasion, and has therefore emphasized the impact of causal beliefs on state behavior and presented the prospectus of policy change as the result of shifting national identities. In contrast to structural realist and neo-institutionalist analyses of international politics, which focus on the causal impact of external factors in form of the distribution of power among states, constructivist approaches to international relations emphasize the causal role of identity norms on state behavior. State identities reflected in specific policy choices are essentially intersubjective and thus prone to change (Wendt 1999).

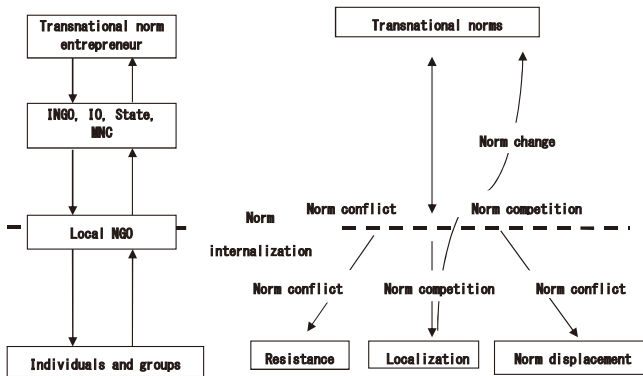
A commonly adopted definition in IR understands norms as ‘a standard of appropriate behavior for actors with a given identity’ (Finnemore and Sikkink 1998: 891). Yet, as is also commonly pointed out, this definition entails numerous problems. What is the critical mass for a norm to become globally accepted? How do national governments comply with international norms? How can we avoid deviation from norm compliance? And, how do we explain

regional differences in norm commitment and compliance? As Finnemore and Sikkink (1998) have pointed out, norms evolve in form of a 'life cycle' entailing three different stages of norm formation and promotion, cascading and diffusion, and internalization into national policies. In this model, state and non-state actors with shared beliefs and interests participate in advocacy networks that promote policy change transnationally. This model of norm diffusion has been further refined in form of the 'boomerang' and 'spiral' models which account for the dynamics by which governments violating global norms shift towards compliance as a result of internal and external pressures applied by advocacy coalitions (Keck & Sikkink 1998; Risse, Ropp, Sikkink 2013).

These models explain how norms diffuse at the international and regional levels. In its form of 'Europeanization' norm diffusion as compliance to best governance practice has generated high standards of human rights. Embedded in the context of European Union (EU) governance, these common standards are considered expressions of transnational identities (Risse 2010). In the context of anti-trafficking, the EU has successfully launched a process of bottom-up capacity building, channeling resources to non-state actors in an attempt to force governments to strengthen national efforts in preventing trafficking and protecting victims. In form of the 'Daphne Programme' launched in 1997 and supported by 'femocrats' within the EU's bureaucratic apparatus, the EU offers an important example of how regional organizations function as a mediator in the global process of norm diffusion from the global to the national level (Locher 2007). Montaya (2008) has described the EU's role in facilitating transnational networks and national capacities of tackling human trafficking in form of an 'umbrella' effect.

However, as Acharya (2004; 2018) has pointed out, social constructivist research has too often focused on successful cases of norm diffusion, thus failing to demonstrate how global norms interact with local cultural practices (see also Zimmermann 2017). An integrated model of norm diffusion that integrates the local level, i.e. sub-national politics, is presented in Figure 1.

Figure 1 Local perspectives on norm diffusion



Source: Author.

In her study of human trafficking in Europe, Aradau has demonstrated how different forms of ‘problematization’ of the issue, have resulted in different policy choices. For example, throughout Europe discourses on human trafficking have framed the issue as an immigration problem, a prostitution problem, a problem of organized crime, or one of human rights abuse (Aradau 2008). Thus, government responses to human trafficking often depend on which ‘story’ takes hold in the national public sphere, and how victims and perpetrators are presented to the public. Essentially, the process of

'problematization' of human trafficking, that is, the construction of human trafficking as a genuine security risk and the discourses which constitute associated security practices, is what we shall term 'securitization' in the context of this paper. Buzan and Hansen define securitization as 'the process of presenting an issue in security terms'; in other words, securitization refers to a process by which a given problem is politicized as a public issue in order to require governmental action (Buzan and Hansen 2009: 214). By integrating these insights in our discussion of human trafficking securitization in China, South Korea and Japan, we may follow Aradau (2008), who distinguishes four types of securitization, each of which produce different policy responses. States may recognize human trafficking as ( 1 ) an immigration crime which results in domestic and international discourses on stricter border control measures, as ( 2 ) a prostitution problem which produces domestic discourses on regulation and victim protection, as ( 3 ) an organized crime problem which generates domestic and international discourses on prosecution and law enforcement, and as ( 4 ) a human rights abuse which results in discourses on global norm implementation.

As the example of the European Union illustrates, responses to human trafficking have played an important role in propelling processes of regionalism (understood as inter-governmental, i.e. coordinated, top-down policies which target policy issues at the transnational level) and which have facilitated transnational public spheres and identities. It is for this reason that the next section will examine how human trafficking has been narrated as a security concern requiring national and regional responses in the Northeast Asian context.

## IV. Human Trafficking in Northeast Asia: National and Regional Responses

In the sub-region of Southeast Asia international and regional governance actors joined forces in the Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT), initiated in 2004, which links Cambodia, Laos, Myanmar, Vietnam and Thailand into a transnational network under the aegis of the UN Inter-Agency Project on Human Trafficking in the Greater Mekong Sub-region (UNIAP).<sup>(8)</sup> In 2014, UNIAP was transformed into the United Nations Action for Cooperation Against Trafficking in Persons (UN-ACT) in order to 'ensur[e] a coordinated approach to more strategically and effectively combat trafficking in persons in the Greater Mekong Sub-region (GMS) and beyond'.<sup>(9)</sup> In stark contrast to these regional multilateral efforts, human trafficking in the Northeast Asian sub-region has failed to generate similar schemes of regional cooperation. Here, the absence of sustainable cooperation and the lack of reliable data documenting the scale and scope of human trafficking is in large part due to national governments' (i.e. China, Japan, South Korea, North Korea and Taiwan) reluctance to share statistics. Transparency, sustained commitment to inter-governmental cooperation and credible regional institutions that focus on human rights and transnational crime issues are insufficient or non-existent.

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(8) For detailed accounts on human trafficking in the Southeast Asian sub-region see Aoyama (2009), Molland (2012), Nakamura (2013), Ford et al. (2014), and Jacobsen (2018).

(9) See the official project homepage of UN-ACT at <http://un-act.org> (accessed 13 January 2019).

The annually published ‘Trafficking in Persons Report’, for example, illustrates how the economically advanced Northeastern part of Asia has become a major recipient for trafficking victims. These victims are either exploited in that area or trafficked elsewhere. As such, Northeast Asia complements the Southeast Asian sub-region as an Asian transit hub for the global human trafficking industry. Notorious examples of trafficking include slave laborers in China (including the much publicized ‘brick factory’ and child labor cases). As Shelley (2010) argues, these cases document that in Northeast Asia domestic forms of human trafficking (i.e. trafficking where no international border is crossed) represents a very commonly instantiated form of human trafficking. In general, the examples provided here illustrate that major manifestations of the problem of human trafficking in Northeast Asia are trafficking into international marriages, forced labor, and the commercial sex industry. Human trafficking in Northeast Asia occurs, then, at the intersection of economic transition and the growing demand for labor in industrializing societies such as China, and urbanization and demographic changes in advanced and post-industrial societies such as South Korea and Japan that has generated demand for international marriages to compensate for the shrinking female population in rural areas.

## 1. China

China’s economic growth has generated massive domestic flows of migration as the need for cheap labor intensified. Reports estimated the number of domestic migrants at 286 million (US State Department 2015). Many of them are believed to be subjected to forced labor. Reports estimate that in recent years at least 320 facilitates across China have used forced labor. Nevertheless, human trafficking of children and women for sexual exploitation constitutes a severe problem in China. Conducted by well-organized crime syndicates such

as the ‘snakehead’ network, women and girls are trafficked from rural areas and forced into prostitution in urban areas such as Beijing and Shanghai (Chu 2010). Though circumstantial, the reports below illustrate the scope and pattern of trafficking in China.

For example, in 2012, a case of mass human trafficking in China attracted broad attention. The Chinese police arrested 802 suspects of human trafficking and freed 181 children (BBC 2012). The kidnapping of children in China is often for purposes of adoption, labor and work as household servants. Huge underground markets for the buying and selling of those children are reported to provide supply for these demands. Arguably, this situation continues to exist against a cultural background which attributes a higher status to males (being heirs to family names and responsibilities of care) than to females, and the current ‘one child policy’. In addition, lax adoption laws facilitate trafficking in children in China. Representative among recent headline-making cases of the trafficking and sale of children in China is that of the June 2012 raid in which Chinese police broke up child- trafficking rings in 15 provinces and arrested more than 800 individuals involved in this crime (*Bloomberg News* 2012). The trafficking rings conducted auctions at which babies were sold for up to 50,000 Yuan (\$7,800). The police operation, in which 10,000 officers were involved, resulted in 181 children being freed. Thus, we may observe with regard to this incident the breadth and the level of internal organization of the trafficking ring. Especially at the procurement end of the business, it included many who were not ‘career criminals’ in the usual sense, such as the doctor at a clinic in Hebei province who organized a trade in which pregnant women sold their children for a price determined by the baby’s health and the parents’ looks.

Furthermore, the moral nature of this sale is clearly different to a less nuanced crime such as the sale of a daughter into sexual slavery through purely financial motivations. The one-child policy means that a woman facing a choice between abortion and fines and other censures should she choose to give birth to a second child may be presented with selling the child as a third option. A significant financial incentive for taking that third option- which may be seen as letting the child be cared for -- by what might very well be a reasonably loving and relatively affluent family with no male heir -- is then offered to her by a respected medical professional. The one-child policy and the preference for male children are certainly contributing factors to China's domestic child-trafficking problems and account for the cultural and domestic circumstance identified in Figure 1 above. The Chinese government initiated a campaign to address that problem in 2009. It successfully freed 18,000 children and 34,000 women, but the problems remain deep-seated and difficult (Zheng 2010). As the result, China tends to recognize human trafficking as an organized crime, which generates domestic (but not international) discourses on prosecution and law enforcement exemplifying the third type of issue problematization alluded to above.

In response to these problems, the Chinese government ratified the UN Trafficking in Persons Protocol in February 2010. Beijing has, nonetheless, opted not to make itself a party to Article 15, Paragraph 2 of the protocol, which allows state parties to submit conflicts to the International Court of Justice or arbitration. In this vein, China has seen the implementation of regulations and laws prohibiting forms of trafficking.<sup>(10)</sup> However, weak law enforcement by officials has prevented a successful implementation of these new legal measures. In addition, alleged police complicity with smugglers and



other crime groups has left women vulnerable to trafficking and forced marriage (Chu 2011).

## 2. South Korea and North Korea

Cases of human trafficking in South Korea and North Korea illustrate how economic development has not resulted in a decrease in the number of South Korean women trafficked out of the country. Economic stagnation in North Korea, has produced a constant outflow of trafficking victims into China, illustrating one aspect of the transnational character of trafficking in Northeast Asia.

For example, a *Newsweek* article entitled ‘North Korea: Human Traffickers and the Chinese Market for Brides’ describes the widespread incidence of trafficked persons from North Korea and how they are brokered as marriage partners in China (Kirkpatrick 2012). The article tells the story of a man named Kim who was arrested for aiding illegal migrants in China under Article 318 of the Chinese criminal code. He was sentenced to four years in prison (Kirkpatrick 2012). This article exemplifies one aspect of human trafficking in Northeast Asia; China’s role as a major escape route for North Korean citizens. Around 80 per cent of those reported to cross the Chinese border from North Korea illegally are women and girls who have left North Korea to become the wives of Chinese men in brokered marriages. These brides are sold to men

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(10) For detailed information on these regulations see ‘Laws and Regulations: Supreme People’ s Court, Supreme People’ s Procreate, Ministry of Public Security and Ministry of Justice: Notice to print and distribute *Opinions on Severely Punishing Trafficking in Women and Children according to Law*’, available at <[http://www.no-trafficking.org/reports\\_docs/china/china\\_guidelines\\_2010\\_en.pdf](http://www.no-trafficking.org/reports_docs/china/china_guidelines_2010_en.pdf)> (accessed 17 June 2015).

throughout China, but the key marketplaces are the Chinese provinces closest to North Korea: Liaoning, Jilin, and Heilongjiang. Many of the purchasers are men who have been unable to find a Chinese bride due to their status as rural farmers or health issues. The difficulty these men experience in finding brides is exacerbated by the unnaturally high male-to-female ratio that has been an unwelcome side effect of the Chinese one-child policy. Moreover, many of the women are not loved or cared for, and continue to be treated as commodities by the families that purchased them even after marriage. As a result, many are forced to flee from abuse inflicted on them in the homes that received them after they were trafficked. Facing danger and abuse whether they return to their country of origin or stay in their destination country, these women are surely among the most unfortunate victims of human trafficking in the region (UNHCR 2012). In addition to this case, forced labor represents another common form of trafficking in the DPRK. Conservative figures put the number of prisoners in labor camps in North Korea at 80,000-120,000 (US State Department 2015: 207). The number of laborers dispatched abroad, for example to Russia and China, is estimated at 50,000 (*ibid.*: 208), while their wages are believed to be controlled by the central government. Severe poverty and the absence of an adequate criminal justice system in the DPRK have rendered significant parts of the population vulnerable to trafficking. No legal measures are known to have been implemented by the DPRK to address these issues.

As for South Korea, the presence of US military facilities has resulted in significant numbers of South Korean women who, alongside trafficked women from abroad (particularly Filipino women), are involved in prostitution in areas surrounding US military bases (Shelley 2010: 153; Yea 2018). In 2014, the ROK reported 457 cases of human trafficking including 14 cases of sex

trafficking (US State Department 2015). In 2011, the South Korean government pledged a tougher stance in addressing this issue. In part, this policy shift is due to the fact that Ban Ki Moon, a former South Korean Foreign Minister, became UN Secretary General; urging Seoul to enhance its international profile (Lee 2012). In response to these issues, the South Korean government has signed the UN Trafficking in Persons Protocol in December 2000; yet Seoul has not yet ratified the protocol. In 2001, South Korea was ranked tier 3 in the US TIP report.

This low ranking has created pressure on the Korean government to implement changes. In 2001, the government established the Ministry of Gender Equality and Family (MOGEF) which deals with issues of sexual abuse, domestic violence, discrimination and protection of victims of human trafficking. As of 2014, the MOGEF supports 91 facilities that provide services to sex trafficking victims. As a result of these changes, the relationship between state actors and civil society groups working for the protection of women has improved. Further, in 2004 the South Korean government has passed the so-called Act on the Punishment of Acts of Arranging Sexual Traffic, the Labor Standards Act, and the Child and Youth Protection Act which, inter alia, prohibits prostitution (Kwak 2012). The legal framework has resulted in an increase of legal investigations and convictions involving trafficking cases. Hence, for the South Korean government, trafficking is narrated in terms of crime. This narrative has spill-over into gender orientated and human rights discourses, thus illustrating the second mode of issue problematization as identified by Aradau.

### 3. Japan

As the region's most advanced economy, Japan is a major destination for

trafficking victims. Civil society organization's tackling human trafficking such as the Japan Network Against Trafficking in Persons (JNATIP, established 2003) play an increasingly important role in advocating human rights norms and in requesting stricter laws for the regulation of Japan's gigantic sex industry. According to an analysis by the non-governmental organization Polaris Project, Japan's sex industry has reached the staggering proportions of 1–3 per cent of the country's gross domestic product, which amounts to an annual income of 83 billion US dollars (Polaris Project Japan 2007). It is a well-known fact that Japan is one of the largest recipient countries of trafficked persons (Parrenas 2011). Japan's commercial sex industry is widely known to abet human trafficking for sexual exploitation in theme-based brothels, hostess clubs, and strip clubs. For example, according to statistics published by Japan's National Police Agency (NPA), the number of human trafficking cases involving victims from East Asian countries as well as Eastern Europe reported in 2009 was 28, eight less than in the previous year (NPA 2010: 21). Accordingly, the most common origins of trafficking victims in Japan were Thailand and the Philippines (NPA 2011: 21). In the US sponsored 'Trafficking in Persons Report' Japan has been criticized for its reluctant stance in addressing human trafficking.

In response, the Japanese government has recognized human trafficking as a serious crime and, in 2004, installed an Inter-Ministerial Liaison Committee within the Cabinet Secretariat. The establishment of this task force may be seen as a response to this international criticism. With the inclusion of a broad and influential group of government bodies, including representatives of the Japan Coast Guard, the Inter-Ministerial Liaison Committee is a serious attempt at bringing together an effective, broadly inclusive and cohesive

policy approach and implementation structure to address human trafficking. The Inter-Ministerial Liaison Committee finalized 'Japan's Action Plan of Measures to Combat Trafficking in Persons' in 2004, and 'Japan's 2009 Action Plan to Combat Trafficking in Persons' in 2009. The 2004 action plan saw a number of new measures put forward. This included the promotion of monitoring and countermeasures at borders (including the introduction of IC passports), reviewing the criteria for landing permission for the 'entertainer' status of residence and stricter visa examinations, criminalizing the act of 'Buying or Selling of Human Beings'; implementing this criminalization through crackdowns, and the revision of the Immigration Control and Refugee Recognition Act to allow the flexible operation of special permissions to stay which are in place to protect victims of trafficking in persons. As a result, the number of reported cases of trafficking in persons has decreased and attempts to protect victims have made progress. This being the case, 81 cases involving human trafficking were reported in 2005, while in 2012 this number dropped to 44, involving 27 victims. In 80 per cent of all reported crimes the suspects were Japanese while 41 per cent of the reported victims were trafficked from the Philippines. This represents an important change from previous years in which most victims came from Thailand. In the majority of cases, the resident status of the trafficked victim was that of a spouse of a Japanese national (NPA 2013). This is an important change suggesting that international marriage as a form of human trafficking to Japan including women from Southeast Asia represents a serious challenge.

'Japan's 2009 Action Plan to Combat Trafficking in Persons' included measures for combatting illegal employment practices, for the protection of victims of trafficking in persons, the strengthening of crime prevention, the provision

of information on legal aid to victims and the furtherance of systematic legal measures against Trafficking in Persons. The National Police Agency works in cooperation with the Cabinet Office on the issue of human trafficking. An area which particularly stands out with regard to this cooperation is the adoption by the National Police Agency of the Anonymous Hotline. This is a system for providing anonymous information relating to crimes including human trafficking. Under this system, a private company has received the approval to run a phone-in service and website from the National Police Agency. It serves as a go-between for the police and members of the public, passing on the anonymous information as appropriate. The system has thus far received 4065 reports, of which 24 have led to arrests. Furthermore, Japan hosts the annual Seminar on Commercial Sexual Exploitation of Children in Southeast Asia designed to facilitate the exchange of information on human trafficking; inviting representatives of the national police authorities of Southeast Asian nations such as Cambodia, the Philippines and Thailand, representatives of the IOM, the International Criminal Police Organization (ICPO) and also those of local NGOs active in Southeast Asia. In 2010, Japan's NPA called for the establishment of a cooperative framework for the purpose of strengthening international cooperation in East Asia through high level meetings involving ASEAN and ASEANAPOL member states and the cooperation of China and Korea. The Consular Section of the Japanese Embassy in Bangkok has a Trafficking in Persons borders policy in place via its Japan Visa Application Centre.<sup>(11)</sup> This center manages the process of applying for a visa to travel to Japan. The application forms which applicants must complete as part of this process include questions which are designed to establish whether or not that

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(11) Interview Japanese Embassy official, Bangkok, March 2012.

applicant is a victim of human trafficking. In the case of those individuals who may be a victim or potential victim of human trafficking, follow-up interviews and other appropriate measures are taken. Where there is reason to suspect that an individual is likely to become a victim of human trafficking, the visa application will be rejected. The Application Centre raises awareness of human trafficking issues and the relevant Japanese laws and policies through posters on display in the center.

As a result of these measures, the number of arrests made for human trafficking peaked, as did the number of reported victims, in 2005 (NPA 2011). The numbers of reported victims decreased from that point on. On the other hand, however, the number of women of Philippine nationality who became victims of human trafficking in Japan increased in 2010. Of those Filipinas who became victims of human trafficking in that year, the number receiving permission to reside in Japan as the result of a fraudulent marriage with a Japanese male increased in comparison to previous years. These figures demonstrate an improvement in the effectiveness of techniques employed by criminals to perpetrate trafficking in persons in Japan, and a deepening of the established and inherent potential for the crime to continue to take place in Japan. It was thus in response to calls for wider and more thoroughgoing measures that 'Japan's Action Plan to Combat Trafficking in Persons' was produced in 2009.

Despite the fact that the number of trafficking victims is declining, and despite also the enactment of the Child Prostitution and Pornography Prohibition Law in 1999 that outlaws child prostitution, trafficking, and prostitution, NGOs in Japan argue that law enforcement targeting trafficking networks remains weak. Cooperation among NGOs and between NGOs and the government is

insufficient, and thus those engaged with the issues are unable to cover much of Japan's sex industry. Raising awareness with regard to international marriage as a potential form of human trafficking constitutes another important task across national borders, especially as demographic change in rural areas in Japan and South Korea is likely to increase demand. The framing of human trafficking in Japan tends to present the problem in the form of illegal immigration and organized crime. In this vein, trafficking victims are often left out. Thus, the Japanese government narrates human trafficking mainly in terms of an illegal immigration issue with strong focus on border control, corresponding to Aradau's first mode, that of the 'problematization' of human trafficking.

Finally, has human trafficking generated schemes of regional cooperation? Despite Japan's engagement in calling for trans-border cooperation with China, South Korea, and ASEAN member states, the introduction and implementation of more efficient efforts in law enforcement remain at the stage of debate. Here, norms of human rights protection yield to the importance of national sovereignty. This in fact constitutes a core problem in the debate between constructivist and realist IR scholarship. Thus as realists argue, rationally behaving states prioritize national sovereignty and will only adopt international norms if this will increase their power and status in international relations (Legro & Moravcsik 1999; Copeland 2000). Here, the delegation of sovereignty to international organizations able to intervene in domestic affairs is seen as a constrain of national power. Yet, the historical example of human rights regimes in Europe offers ample evidence that this dilemma can be overcome (e.g. Moravcsik 2000). Moreover, as recent research has shown, the case of human rights cooperation within the ASEAN framework suggests that even in regions in which national sovereignty and norms of non-interference have traditionally



been salient as nation states are comparatively young, regional cooperation on human rights has evolved while civil society networks proliferated within and across national borders (Igarashi 2018, esp. Chapter 3). For example, track-two diplomacy within ASEAN has been considered critical in setting up Working Group for an ASEAN Human Rights Mechanism (WG-AHRM) in 1995 and ASEAN Intergovernmental Commission on Human Rights (AICOHR) in 2007 (Igarashi 2018: 144, also Tan 2011).

Yet, as for Northeast Asia, efficient governance on human security issues is further obstructed by the host of unresolved bilateral disputes over territory and historical memory among governments and societies. More importantly, as this study has shown, the existence of different modi of issue problematization across China, South Korea, and Japan suggest the existence of a lack of common problem perception, which lacks an emphasis on regional cooperation. Only recently, dialogue at the functional level of police agencies has evolved and new feasible sub-regional frameworks such as the Trilateral Summit Meeting (TSM) process which began in 2008 as a new multilateral framework to coordinate cooperation between Japan, China and South Korea may serve as a potential platform for transnational policy coordination on human trafficking issues.

## V. Conclusion

Building on a review of current research on the mechanisms of norm diffusion, this article has examined the national and regional responses to human trafficking in Northeast Asia. The analysis of national and regional responses has shown that human trafficking has, in contrast to Europe or the sub-region

of Southeast Asia, received an inadequate response in terms of transnational schemes of cooperation. The cases of China, South Korea, and Japan have illustrated the fact that human trafficking is framed as an illegal immigration and organized crime issue with little attention being paid to victim protection. Furthermore, governments at the national level dominate the implementation of counter-measures, while non-state actors have only limited influence. Weak civil society influence on national anti-trafficking responses is in large part the result of exclusive policy-making systems rooted in the tradition of developmental states in Northeast Asia (Cumings 1984). Strong states have forestalled the emergence of domestic and transnational civil society networks (Migdal 1988; Risse ed. 2011).

In addition to the domestic dimension of state-society relations, the article has shown that the absence of a regional framework addressing human trafficking is also the result of multilateralism that itself is the result of contesting patterns of problematization which lack an emphasis on regionalism in Northeast Asia (e.g. Rozman 2004). The persistent impact of bilateral issues converging over sovereignty disputes (in the East Asia) over the Senkaku/Diaoyutai islets between Japan and China, and the Dokdo/Takeshima island between South Korea and Japan have, in conjunction with conflicting views on each party's experience of victimhood and aggression, have foreclosed dialogue and the emergence of resilient multilateralism in Northeast Asia. Potential schemes for multilateralism have emerged since 2008 in form of the Trilateral Summit Meeting that could serve as a platform for policy coordination between China, South Korea and Japan, and thus resolve the pattern of reluctant regionalism. Regionalism unfolds as the result of government policies (Pempel ed. 2005).

The reluctance with which governments in Northeast Asia have responded to regional challenges has been a persistent feature of the region and has been illustrated in this article; governments in China, South Korea and Japan have been orientated inwardly in their responses to human trafficking. If we locate the findings of this study in the broader field of comparative regionalism (Börzel and Risse 2016), it becomes obvious that the development of regional public spheres and transnational identities propelled by transnational advocacy networks remains an important political task in promoting regional cooperation and combating human trafficking in Northeast Asia (cf. Risse 2011; 2014).

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