

1 Introduction

traf·fic (traf'fk) **n.**[Fr. *trafic* < It. *traffico* < *trafficare*, to trade] **1.** *org., a.)* transportation of goods for trading **2.** buying and selling; barter; trade, sometimes, *spec.* of a wrong or illegal kind

Webster's New World Dictionary

1.1 Puzzle and Research Question

"European Commission pushes EU's fight against trafficking in human beings" echoed major European newspapers in fall 2005, when the Commission presented an unusually comprehensive communication to extend and strengthen the EU's anti-trafficking policy.¹ And indeed, this announcement only marked a further culmination point in the successful advancement of the trafficking issue within the European Union. After long years of political lobbying, NGO engagement and public campaigns, the Commission's new attempt came to represent another step of the EU's commitment to fight trafficking in human beings at the supranational level. "It is evident that no single country, nor institution or agency alone will be able to diminish the problem of human trafficking", as Commissioner Frattini stressed in his opening speech at the high-level Brussels Conference on Human Trafficking in October 2005, which accompanied the launching of the new initiative.²

An estimated 75 percent of all victims of human trafficking are trafficked for sexual exploitation, most of them are women and girls (cf. Kan-gaspunta 2003; CRS Report 2005).³ Trafficking in women for sexual

1 EC05-339EN, European Commission, <http://www.europa-eu-un.org/home>, accessed 10/8/2006.

2 <http://www.europaworld.org/week242/speechfrattini211005.htm>, accessed 12/8/2006.

3 According to the 2005 Trafficking in Persons Report by the US Department of State Office to Monitor and Combat Trafficking in Persons, 80% of all trafficked persons are

exploitation is one of the most common forms of contemporary slavery.⁴ Victims of this sex trade are deprived of their most elementary fundamental human rights, including the right to bodily integrity. The United Nations and the International Organization for Migration estimate that at the dawn of the 21st century four million people are trafficked worldwide every year, with up to 500,000 victims of trafficking entering the European Union.⁵ Experts agree that the number of victims is steadily on the rise. The flows from Central and Eastern European countries have dramatically increased, in addition to the already existing flows from Africa, Latin America, the Caribbean and Asia. The trade in human beings is one of the fastest growing businesses worldwide, generating several billion dollars annually.⁶

Viewed in the context of this grim picture, the latest announcement placing the fight against trafficking in human beings high on the EU's political agenda appears not to be much more than a well-intended attempt. It nevertheless constitutes an important move of coordinated action to fight trafficking in women in the European Union. In fact, the

women and girls and up to 50% are minors. See <http://www.state.gov/g/tip/rls/tiprpt/2005/>, accessed 10/8/2006.

- 4 Other forms of contemporary slavery include debt bondage, forced labor, child labor and child soldiers (see Arlacchi 2000). Even though this work concentrates on trafficking in women, who are disproportionately affected by sexual exploitation, it is important to note that children - both girls and boys - and, increasingly even men, become victims of the sex trade.
- 5 See also <http://www.coatnet.org/en/1771111.asp>, accessed 10/8/2006. As there is hardly any official data due to the underground nature of the problem, these numbers are only rough estimates and vary greatly depending on the cited source. For a detailed account of the problem associated with statistical data on trafficking in human beings see IOM (2000: 29ff).
- 6 Contention exists among scholars concerning a precise definition of the term "trafficking in human beings" (see Meese et al. 1998; Kelly/Regan 1999; Morrison 2000; Goodey 2004). States, NGOs and international organizations also differ in their perceptions of what trafficking involves, which constitutes a serious obstacle to comprehending the complexity of the problem (IOM 2000: 18). In the context of this book, trafficking in human beings is understood according to the UN-protocol of 2000 as "the recruitment, transportation, transfer, harboring or receipt of persons involving elements of coercion, deception, violence, physical and psychological abuse for the purpose of exploitation."

high-level Conference, together with the Commission's initiative, only marks the latest step of a sequence of activities in the fight against trafficking in women that started in the European Union in the second half of the 1990s. Actions at the European level have included resolutions and reports, declarations, awareness-raising campaigns intended to draw attention to the slave trade, and a vast array of communications, but also comprehensive and costly policy programs such as *Stop, Daphne* and *AGIS*, which were targeted to combat human trafficking.

How can we explain this sudden and massive engagement of the European Union in the fight against trafficking in women since 1995? Why did trafficking in women only enter the political agenda of the EU in the mid-1990s even though the phenomenon of trafficking has existed at least since the 1970s? How can we account for the fact that, while an international anti-trafficking regime has been built up and institutionalized through various agreements since the turn of the century, trafficking in women only became a policy issue in the EU as of the mid-1990s? One of the major arguments of this book is that the latest EU activities against trafficking in women are the expression of, and can be explained by, the implementation of the anti-trafficking norm on the regional level.⁷ However, a norm-based explanation requires a careful and detailed look at one of the most cutting-edge research questions, namely: How, when and under what conditions do norms matter?

1.2 Aims and Arguments

With respect to its empirical contribution, this study will enter new terrain by providing an initial exploration of a policy issue that has so far

7 The term "regional" is consciously used as a means to stress the supranational character of the EU and to situate it in between the larger international level, on the one hand, and the lower national level, on the other hand. This use of the term "regional" needs to be distinguished, however, from another common meaning of the word referring to regions within the EU on the subnational level.

been largely ignored in the European Union - trafficking in women.⁸ The issue of trafficking in human beings in general suffers from a severe lack of systematic academic research.⁹ This case study offers a first comprehensive and detailed account of the development of EU policies regarding trafficking in women over time. In order to “reconstruct” the emergence of trafficking in women as a policy-innovation in the EU, an extensive collection of primary sources was reviewed. While it is possible to judge EU policy measures in the field of trafficking by their general design, aim, and focus, by the debates policy initiatives provoked and the criticism they received during the formulation process, it is beyond the scope of this study to assess their actual effects or to measure their concrete impact. This could only be done via domestic and comparative case studies. “Success” in the context of this study therefore means successful agenda-setting, policy-formulation and implementation in the sense of the creation of a new policy field and the launching of policy programs to combat trafficking.

As regards its theoretical contribution, this study brings together quite different strands of literature, such as social constructivism from the field of International Relations (IR), feminist theory, European integration studies, policy research, social movement literature, research on norms, and discourse analysis, in an attempt to combine aspects of these

8 Trafficking in women is a sub-concept of the broader definition of trafficking in human beings (Kelly/Regan 1999) sharing all characteristics of other migrant trafficking, but involving “more devastating human costs” (Ghosh 1998; see also Taran 1994; Hirsch 1996). The few studies that deal with trafficking in women in the European Union explore certain stages or particular measures (e.g. Leidholdt 1996; Hummel 1993), but do not provide an overview of the development of the policy issue. More comprehensive studies include those of Wijers (2000), Goodey (2003, 2004), and especially Uçarer (1999a, 1999b) who trace in more detail the activities of the European Union in the area of trafficking in women.

9 In fact, much of the writing on trafficking in human beings, and more specifically in women, has been media-driven, whereas the academic literature on the subject is rather small. A large part of the existing literature on trafficking, which mainly emerged after 1995, originates from official sources, intergovernmental organizations such as the *International Organization for Migration* and non-governmental organizations.

various research traditions. Several arguments and propositions have emerged out of this synthesis.

First, I will argue that traditional approaches to European integration, such as neo-functionalism and inter-governmentalism, are hardly able to capture the empirical puzzle at hand because their explanations either run counter to empirical evidence or are not specific enough with respect to the sequence, timing, scope and character of the anti-trafficking policy of the EU. Moreover, traditional integration theories lack the conceptual categories necessary to account for a policy innovation with respect to the issue of trafficking in women.

Second, due to the failure of traditional integration theories, this work advances a constructivist ontology for the study of European integration. While social constructivism by now appears as a broadly accepted school of thought in International Relations, it has not yet entered research on the European Union.¹⁰ I argue in this study that constructivism entails the potential not only to bring new questions and issues emerging out of the European integration process to attention, but also to provide new tools for explaining the European integration process. These tools emerge out of constructivism's endogenous account of the formation of interests, preferences, and identities. Constructivism also considers possible factors that have the potential to induce changes in interests, preferences, and identities - most importantly norms and ideas. An inclusion of these additional theoretical concepts opens up the possibility to account for changes in actors' behavior and ultimately in policy outcomes.

Third, I will argue that an analysis of the issue of trafficking in women requires a gender-sensitive approach, i.e. a theoretical account of gender as a category of analysis that directs attention to the construction, malleability and functionality of gender in social, political and international life and to the norms, ideas, discourses, and practices that sustain

10 It was in a special issue of the *Journal of European Public Policy* in 1999 entitled "The Social Construction of Europe" that Thomas Christiansen, Antje Wiener and Knud Eric Jørgensen made the first attempt to point to the potential of a constructivist perspective on issues of European integration.

and perpetuate it. I will further propose that social constructivism offers a unique possibility of such a gender-sensitive perspective due to epistemological and ontological premises that it shares with feminism.¹¹ Most feminists agree that gender, their central analytical category, is a social construct. In this sense feminism belongs in the metatheoretical realm of constructivism. Underlying the writings of many feminists is an ontology of becoming and a commitment to the “social construction” of reality that they share with constructivists. While constructivism offers an ontology from which theoretical propositions can be derived, feminism adds a perspective to it. Feminism does not entail a distinct theory on politics, but infuses a standpoint into the theoretical exploration of political phenomena. It is these complementary tasks that make a “dialogue” or “bridge-building” effort between feminism and constructivism particularly promising.¹² Consequently, I will argue that a gender-sensitive constructivism is not just possible, but also empirically fruitful so that an “added value” emerges out of this combination. Concerning the empirical issue at stake, it is due to a gender-sensitive constructivism that, for example, the gendered character of discourses around trafficking and the ambivalent construction of victims of trafficking become visible.

Fourth, I will argue that the policy innovation in the area of trafficking in women can be explained by the implementation of the anti-trafficking norm on the European level. This argument leads right to the center of current research on norms. In fact, it puts a finger directly on a sore spot of cutting-edge research – namely on the severely underspecified theoretical gap between norm adoption and norm implementation.¹³

11 A feminist constructivism has first been proposed and spelled out in some detail in Locher/Prügl (2001a, 2001b).

12 Whether “bridge-building” should be regarded as desirable goal is, of course, heatedly debated among mainstream scholars and particularly among feminists. On opposing standpoints see e.g. Keohane (1998) and Zalewski (1998).

13 I am using the concept of *norm implementation* and not just *norm recognition* in order to shift the focus to concrete policy action. As it is not states or the EU that engages in norm violations in the case of trafficking, but non-state actors such as criminal gangs and organized crime syndicates, a quantitative assessment of norm violations would neither be helpful nor possible.

Due to the institutionalization of the anti-trafficking norm as an international regime set up in the early decades of the 20th century, the norm had reached its “tipping point” back then, was widely adopted, and no longer contested. Yet, in the decades leading up to the 1990s, the anti-trafficking norm faded into the background and assumed a “dormant” status – while it was widely accepted, it was not actively employed. It was only in the second half of the 1990s that the anti-trafficking norm was “revitalized”, i.e. that an incremental process of norm implementation took place. The issue of trafficking in women thus offers a unique possibility to study the transition from norm adoption to norm implementation. The empirical case is also unusual insofar as the focus is not on states, as it is in most studies on norms in international politics, but on a particular community of states shifting the attention from the domestic to the regional level. The main focus of this study is on the developments of the 1990s, particularly 1995 to 2000 – the time when norm revitalization took place and when the EU-15’s anti-trafficking policies were started, extended and consolidated.

While it has become uncontested knowledge that norms matter, it is still up for debate how, when and under what conditions norms matter. This study – by focusing on the transition from norm adoption to norm implementation – makes a specific proposal in order to answer this question. In the center of this work are particular sets of intervening variables – namely *actors*, *frames*, and *political opportunity structures*. These variables serve to explain the move from norm adoption to norm implementation. The particular proposal examined in the context of this study bears the potential not just to contribute to closing a research gap, but also provides a possible answer to the question about the influence of norms.

Fifth, with respect to the three sets of intervening variables, this study combines social movement theory, discourse analysis and feminist theory in an attempt to set out new empirically applicable propositions. Inspired by feminist theorizing, the first intervening variable introduces the “velvet triangle” concept¹⁴ as means to describe the particular actor

14 The “velvet triangle” concept was introduced by Alison Woodward (2000, 2001) in an attempt to describe the particular character of women’s policy networks.

constellation of femocrats/feminist politicians,¹⁵ NGOs and experts/academics. These three actors types have been identified as relevant in the area of gender policies. In the context of this study, this concept has been taken up and adjusted to fit the particular institutional setting of the European Union. I argue that the “velvet triangle” is able to capture features of the “winning coalition” of “norm-entrepreneurs” and “frame-sponsors” necessary to move the anti-trafficking norm ahead towards implementation. By focusing on the “velvet triangle” additional insights into the recently emerging EU-NGO interface can be gained. Moreover, because the “velvet triangle” includes actors that move easily between the different levels, particular the international and the regional, it allows the describe the potential of a new policy space emerging from situating the EU within a global environment. The second variable is derived from discourse analysis and focuses on the notion of “frames.” I argue that new frames, such as conceiving of trafficking as a “violation of women’s human rights” or “violence against women,” were of major importance in gaining support for the issue and making it comprehensible to both politicians and a broader audience. These frames are linked to newly emerging norms – in this case women’s human rights and the anti-violence norm – which were promoted at the World Conference on Human Rights in Vienna in 1993 and the Fourth World Conference on Women in Beijing in 1995, and then rapidly translated further down to the regional and national level. I argue that the adopted, but “dormant” anti-trafficking norm was “revitalized” and implemented with the help of new norms. These norms provided the basis for framing trafficking in women in unprecedented ways. Obviously, I am using an argument that has been spelled out for the process of norm diffusion, namely that new norms will be more easily adopted when they “fit” and can be linked to older, already existing norms, yet I am applying it to the process of norm implementation. I suggest that old and adopted norms can be “revitalized” with the help of new norms and related normative frames. The

15 The adjective “feminist” is rather loosely used in this context as a means to describe politicians’ commitment to promoting the advancement of gender equality and women-friendly policies.

third and last intervening variable, political opportunity structures, is taken from social movement theory. It includes specific features and changes in the institutional structure of the EU on the one hand, and exogenous political events that emerge from the larger international system, such as the fall of the Berlin Wall, on the other hand. I will argue that it is possible to bridge the theoretical gap between norm adoption and norm implementation for the empirical issue at stake with the help of these three sets of intervening variables.

Sixth, from a more general perspective, the particular contribution of this work consists of explaining policy innovations with the help of norms. This differs significantly from traditional approaches as they have been developed in policy research. Beyond that, trafficking in women also constitutes an unusual policy issue. It not only transcends the narrow realm of equal pay and equal treatment in the world of work, the main focus of EU social and gender policies, but also ruptures the public/private separation when addressing issues involving human physicality and sexuality. With these characteristics, trafficking in women appears as a new type of policy issue that goes well beyond traditional community tasks and indeed beyond the realm of the public as the primary terrain of the political. The particular proposal made in this study to explain policy development might serve as a theoretical model for other issues that belong to this new type of feminist-inspired policies that put the spotlight on “body politics.”¹⁶

1.3 Outline and Approach

The theoretical part of this work proceeds from the abstract to the more concrete – or, more precisely, from the metatheoretical (*Chapter 2*), to the

16 In contrast to R. Amy Elman (1996), who uses “sexual politics” as a label to describe the new quality in gender politics expressed through the inclusion of new policy issues such as sexual harassment, abortion, woman battery, pornography and trafficking in women, I prefer the term “body politics” as a more inclusive term.

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