

The Good, The Bad, and The Ugly: Assessing the Impact of the OAS and the UN on Human Trafficking in Haiti¹

Chapter word count: Text, citations and footnotes 7,772. Abstract 150.

Index terms: OAS, UN, IOs, peacekeepers, Haiti, human trafficking

Bio: Heather M. Smith is an assistant professor of International Affairs at Lewis & Clark College. She received her Ph.D. from the University of California San Diego. Her work examines the effects of the UN and non-governmental organizations on human rights and human trafficking. Her current research focuses on the causes and consequences of state ratification of human rights treaties.

¹ The author wishes to thank her research assistants Margaret Williams and Jacob Owens as well the International Affairs Department at Lewis & Clark College for providing partial funding to support this research.

Abstract

This chapter examines the relationship between international organizations (IOs) and human trafficking. The growing role of IOs in global politics has led scholars to examine their overwhelmingly positive contributions, reducing the likelihood of conflict between states (Pevehouse and Russett 2006) and promoting democracy (Pevehouse 2002). However the darker side of IO influence has been given little scholarly attention. This chapter focuses on the importance of analyzing *what kind* of global governance contributes best to a human rights approach. I contrast the effects of the UN with those of the OAS on human trafficking in Haiti. I find that the democratic density and opportunity of these IOs differed in meaningful ways with grave implications for their impact on human trafficking in Haiti between 2000 and 2007. These findings challenge our solutions to human trafficking—IOs cannot be relied upon to benevolently protect human rights, but the right kinds of organizations can contribute to a rights-based solution.

Introduction

How can global governance contribute to a human rights approach to human trafficking?

As the number of international organizations (IOs) has expanded in the post-World War II period, so too has their role in global governance. The World Health Organization plays a key role in arresting the spread of infectious disease around the globe. The International Monetary Fund rescues states with loans when they are in danger of economic collapse, and the United Nations deploys troops to conflict zones to maintain international peace and security. Yet, for all of their positive contributions, we lack an understanding of all the potential shades of IO influence, particularly on human rights conditions in the states they assist. Scholars have long known that IOs can be pathological, dysfunctional, and produce unintended outcomes (Barnett and Finnemore 1999). However, the darker side of IO influence has been given little scholarly attention.

This chapter focuses on how rethinking trafficking with a human rights approach also requires rethinking global governance. Brysk's chapter in this volume argues that a human rights approach to trafficking emphasizes both protection and empowerment of trafficking victims. Her analysis argues forcefully for a reconsideration of victimhood—suggesting that a human rights approach to trafficking means expanding our understanding of human rights as claims not only against the state but also against a host of actors “from guerillas to employers to families (3).” This chapter takes up this theme by highlighting IOs as both a source of rights violations and empowerment for trafficking victims. Rethinking trafficking with a human rights approach means expanding our universe of potentially significant actors beyond the state because IOs have had both considerably positive and devastatingly negative effects on human trafficking. As IOs

are tasked with ever-expanding responsibilities as part of the fabric of global governance it becomes of paramount importance to pause and consider their effects on human rights.

I explore the impact of the United Nations (UN) and the Organization of American States (OAS) on human trafficking. The institutional design of these IOs differs in ways that make their variation worthy of comparison. The UN is a global IO whose membership consists of nearly all the sovereign countries in the world. With such a large membership, the UN lacks the democratic density that recent scholarly work identifies as essential for IOs to produce positive outcomes (Pevehouse and Russett 2006; Hansen, Mitchell, and Nemeth 2008). The OAS, a regional IO composed of 35 Latin American states, has a smaller membership, with a higher democratic density. This variation in their democratic density has considerable implications for the impact these IOs have on human trafficking in Haiti. My study suggests that more democratic international organizations contribute to a more rights-based approach to global governance.

Haiti is an appropriate case for examining the influence of the UN and the OAS because both IOs have been engaged in Haiti's recent struggles. Notable as the "poorest country in the Western hemisphere," Haiti has endured a variety of challenges—an earthquake in 2010, hurricanes, and coups have exacerbated already crippling poverty. These calamities have weakened the central government and created an opportunity for other actors, particularly international actors, to fill the political vacuum. IOs have emerged as central players in Haitian politics—in some instances their influence has improved conditions in Haiti, in others IOs contribute to violations of human rights.

This chapter rethinks human trafficking by considering the unintended effects of IOs on the likelihood of trafficking. The role of IOs in preventing the spread of disease, limiting conflict, and stabilizing imperiled economies has blinded scholars to the darker effects of IOs on human rights. I argue that UN peacekeepers contributed to an increase in the rate of trafficking into Haiti following their arrival in 2004. UN troops created a demand for trafficking victims that did not exist prior to their arrival. Conversely, the OAS entered Haiti with a strong commitment to human rights and a mandate to curb human trafficking. The influence of the OAS was substantially more positive than the influence of the UN. We must therefore rethink our solutions to human trafficking—IOs cannot be relied upon to benevolently protect human rights. UN peacekeepers patronized those women that were trafficked into Haiti and thus created a market that did not otherwise exist--yet the OAS contributed to positive socialization and reconstructing the rule of law.² Rather than conceive of IOs as the solution to human trafficking, this chapter argues that we must examine the identity and opportunity that IOs possess to evaluate their impact on human trafficking.

How IOs Affect Global Politics

Scholarly work on the impact of IOs on global politics has been heavily influenced by the Kantian peace literature. More than two hundred years ago Kant argued that a perpetual peace among independent republican states could be created through networks of trade and “institutions of cosmopolitan law” above the states (Bohman and Bachmann 1997, 5). Pevehouse and Russett (2006) suggest that densely democratic IOs

² BBC News, “Fears Over Haiti Child Abuse” 30 November 2006.

socialize states to adopt norms of behavior. The European Community, for example socialized the Spanish to democratize (Powell 1996). Densely democratic IOs provide a number of benefits—reducing the likelihood of conflict between members (Pevehouse and Russett 2006), socializing nondemocratic states to adopt peaceful dispute settlement practices (Mitchell 2002), and helping their members settle conflicts peacefully (Hansen, Mitchell, and Nemeth 2008).

The expansive positive contributions of IOs have dominated the literature and developed our collective knowledge on how these actors affect global politics. Others have challenged the positive outcomes that IOs produce. The traditional critique of IOs, advanced by Mearsheimer (1994/1995) and Schweller (2002), contends that IOs are reflections of state power. As such, they are simply too weak to influence outcomes. There is some limited attention to the negative effects of IOs on global politics. Membership in preferential trade agreements can increase the impetus to sanction fellow PTA members (Hafner-Burton and Montgomery 2008). Environmental IOs lack strong monitoring and sanctioning mechanisms and may undermine environmental protection (Ringquist and Kostadinova 2005).

For all that we have learned from this growing literature questions remain. What influences do IOs have on domestic human rights conditions? Do IOs improve human rights in the countries they enter? Under what conditions do IOs undermine human rights? This chapter focuses on the role of the UN and the OAS in Haiti and cannot make bold claims about these relationships. Instead, I aim to establish the plausibility of my central claim—democratically deficient IOs contribute to human trafficking.

Linking IOs and Human Trafficking Outcomes

Do IOs unintentionally promote the development of human trafficking rings? Do the agents of IOs intentionally patronize trafficking victims? Or, are the agents of IOs promoting policies on the ground that decrease the likelihood of human trafficking?

I rely on Graycar's (2002) distinction between smuggling and trafficking to provide analytical clarity. Smuggling, which is not addressed here involves undocumented, yet voluntary migration. In contrast, trafficking is a series of processes whereby victims are moved across borders and their labor is exploited in a destination country. Coercion is not a uniformly accepted feature distinguishing smuggling from trafficking (Haque 2006).³ To narrow the scope of the analysis, this chapter addresses trafficking for the purpose of sexual slavery in the destination country. Human trafficking is only recently beginning to receive scholarly attention (Samarasinghe 2007; Bales 2005). However, the human rights community, led mostly by non-governmental organizations (NGOs) like Amnesty International and Human Rights Watch, has been drawing attention to this issue for years.⁴

To understand the role that IOs play in affecting human trafficking, I begin with the observation that most IOs and the agents that work for them possess more resources than the individual states they assist. IOs necessarily have an advantage in dealing with impoverished states like Haiti. If the UN sends peacekeepers or the OAS sends observers, the Haitians are likely to grant the intrusion in the hopes that benefits will be

³ This approach to trafficking is also consistent with Article 3 of the UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons.

⁴ Amnesty International, "Children in South Asia: Securing Their Rights," 21 April 1998. AI Document #: ASA 04/001/1998. Amnesty International, "Women's Rights are Human Rights." 1 March 1995. AI Document #: ACT 77/01/95.1. Human Rights Watch, "Burma/Bangladesh: Burmese Refugees in Bangladesh: Still No Durable Solution." 1 May 2000. Human Rights Watch, "Cambodian Human Rights Workers Intimidates, Threatened and Arrested." 9 April 2000.

forthcoming. Moreover, individual United Nations peacekeepers have more resources than the local populations they work amongst. IO workers can and do exploit the income gap between themselves and local populations. In 2002, Save the Children and the United Nations High Commissioner for Human Rights reported that women and girls were being trafficked from Guinea and Liberia into Sierra Leone to work as prostitutes in service of UN peacekeepers. By their own admission, UN peacekeepers are among the highest paying customers for prostitution in Sierra Leone.⁵ In this instance, at the most nefarious end of the spectrum of possible IO effects on trafficking, agents of the IO are responsible for perpetuating the violation of rights and their presence creates a demand for prostitutes.

IOs need not necessarily play such a negative role. The mechanisms IOs have traditionally employed to pressure states to democratize may also be employed to limit human trafficking. IOs could socialize peacekeepers to refrain from sexually exploitative practices or they could pressure mission executives to punish peacekeepers that patronize prostitutes. IO observers could draw attention to the plight of trafficking victims or hold conferences to teach government officials about how to curb human trafficking. This leads to a range of potential IO effects on human trafficking: perpetuating the violation of rights by patronizing victims, identifying trafficking and publicizing it, pressuring mission heads to punish IO agents that patronize victims, and socializing government officials to arrest the practice.

The impact that an IO will have on trafficking is dependent upon two IO characteristics—identity and opportunity. The identity of the IO refers to the democratic

⁵ UN High Commissioner for Refugees, “Note for Implementing and Operational Partners by UNHCR and Save the Children-UK on Sexual Violence and Exploitation,” 26 Feb 2002.

density of the institution. How many members are established democracies? How many members are quasi-democracies or autocracies? Building on Pevehouse and Russett (2006) and Hansen, Mitchell, and Nemeth (2008), I argue that densely democratic IOs have a stronger interest in promoting human rights and liberal-democratic values. Their commitment to democratic ideals at home translates into less tolerance for human rights abuse abroad. Those IOs that are less densely democratic should exhibit lower commitment to these values and be more tolerant of rights violations abroad. The democratic density of the IO is critical because when IOs that are not deeply committed to human rights send peacekeepers into conflict zones there is a high potential for abuse. Peacekeepers from countries with legal institutions that enshrine human rights should be less likely to go abroad and act in ways that are inconsistent with the values they have learned at home. As the democratic density of an IO decreases the likelihood that it will either be responsible for or tolerant of human trafficking increases.

The second component that explains IO impact on human trafficking is opportunity. All IOs do not possess an equal opportunity to affect human trafficking. IOs like the UN that send thousands of peacekeepers can have considerable effects on human trafficking in mission countries. Peacekeepers can negatively affect trafficking by creating a demand for prostitutes by directly patronizing sex workers. Alternatively, peacekeepers can function as a domestic police force, working to suppress criminal activity in mission countries. Other IOs, the OAS for example, do not send troops into conflict zones and have a more limited opportunity to impact trafficking. Both the UN and the OAS can send observers and pressure government officials to institute anti-trafficking laws. The opportunity to affect human trafficking is greatest where IO agents

are on the ground, either promoting positive change or creating a demand for victims. IOs that cannot send troops have a diminished capacity to impact human trafficking.

Relying on the concepts of democratic density and opportunity produces testable hypotheses about the affects of the OAS and the UN on human trafficking in Haiti. The OAS is the more densely democratic IO, yet possesses a limited ability to impact human trafficking because the OAS cannot deploy troops.⁶ The OAS should therefore produce outcomes consistent with its democratic ideals, but the impact of these effects should be limited. The UN lacks the democratic density of the OAS and is therefore more likely to produce negative human rights outcomes, however these effects should be large because the UN possesses an unparalleled opportunity to deploy thousands of its agents abroad. In short, the OAS should have a weak, though positive impact on human trafficking, while the UN should have a negative though comparatively larger impact on human trafficking in Haiti.⁷

Politics in Haiti

Haitian politics have been characterized by violence and conflict at least as far back as 1957, when Francois “Papa Doc” Duvalier won the Haitian presidency and swiftly consolidated his power through a reign of terror. The 2000 Presidential and Senatorial

⁶ Parish and Peceny (2002) suggest that by 2002 the OAS system was composed almost exclusively of liberal states, determined to promote democracy.

⁷ There is one methodological hurdle to overcome—measuring shifts in the rate of human trafficking. Governments often lack the capacity or the political will to report arrests for human trafficking. To overcome this data limitation, I rely on a dataset developed by Smith and Smith (forthcoming). This dataset measures annual rates of trafficking in specific countries using two indirect and one direct measure of the practice: 1) annual NGO reports, 2) US State Department reports, and 3) the number of trafficking victims assisted in the country by the International Organization for Migration.

elections that restored Jean-Bertrand Aristide and his Fanmi Lavalas party to power in Haiti were no exception. Despite Aristide's victory in 2000, his early departure from office in 2004 created the crisis that brought the UN and the OAS into Haiti.⁸

The senatorial elections in 2000 were, by most accounts "free, fair, and flawed" (Bohning 2000). Despite a high voter turnout, the method through which the votes were counted violated constitutional rules and privileged Aristide's party (OAS 2001; Fatton Jr. 2002; Dupuy 2007). The head of the Provisional Electoral Council, Leon Manus faced intense pressure and death threats from Aristide to forgo run-off elections for ten Senate seats and award them to Aristide's party. After succumbing to this pressure Manus fled the country (US Department of State 2001).⁹ OAS election monitors left Haiti and refused to oversee the upcoming presidential elections.

In contrast to the relatively fair Parliamentary elections, the 2000 Presidential election that restored Aristide to power was deeply flawed. Opposition parties, under the banner of the Democratic Convergence, boycotted the election, leaving Aristide to run against a group of unknown candidates. The Provisional Electoral Council announced that Aristide had won the presidency with 91.5% of the vote, with 60.5% turnout (US Department of State 2001). In addition to questioning the turnout reported by the Provisional Electoral Council, the OAS argued that the same faulty vote counting method used to tabulate Senate votes was used to count Presidential votes (OAS 2001).

Aristide's Return and Low Levels of Human Trafficking in Haiti 2000-2004

⁸ It is important to note that 2004 was not the first year that either the UN or the OAS had a presence in Haiti. For an excellent overview of the OAS in Haiti throughout the 1990's see Shamsie 2004.

⁹ Fatton Jr. (2002) argues that Fanmi Lavalas employed illegal vote counting methods despite their control of the Senate in order to obtain a super-majority (120).

Upon resuming the Presidency Aristide was immediately met with challenges to his authority. The Democratic Convergence voiced loud opposition to Aristide and Fanmis Lavalas' Senatorial victory. Aristide also had to find ways to appease the Bush government and conservative American Senators, long openly suspicious of him, to obtain foreign aid that had been withheld pending resolution of the political crisis (Fatton Jr. 2002, 141-146). Political instability, claims of electoral fraud, and aggressive opposition to Aristide's rule constituted considerable problems in Haiti in early 2001. However, prior to the arrival of the UN and the OAS there is limited evidence of a human sex trafficking problem between 2000 and 2004.

Neither Human Rights Watch nor Amnesty International issued a report or mentioned human trafficking in Haiti between 2000 and 2004. These NGOs called attention to other human rights violations taking place there during this time, but did not highlight problems surrounding the trafficking of individuals into Haiti for the purposes of sexual slavery.¹⁰ In contrast, the US State Department voiced concerns about human trafficking in Haiti during this same period. What explains the difference? Why did the US State Department label Haiti a Tier 2 country in its 2001 Trafficking in Persons Report, a label indicating that there was a human trafficking problem and that Haitian authorities were making efforts to punish the traffickers (US Department of State 2001)? The State Department was focused on the Haitian *restavek* system—a centuries old practice of placing young children from poor families to work as domestic servants for wealthier families. The UN estimates that hundreds of thousands of Haitian children are

¹⁰ Between 2000 and 2004 AI issued a series of reports that highlighted politically motivated killings in Haiti, a lack of press freedom, violation of human rights by prison guards, government interference in the judiciary, summary executions carried out by Haitian national police and violence perpetrated by illegal armed groups (AI 2000; AI 2001; AI 2003; AI 2004). Human Rights Watch echoed these concerns (HRW 2001 and HRW 2004).

victims of this practice (UN High Commissioner for Human Rights 2009). While their plight is tragic, *restaveks* are not trafficked into Haiti from foreign countries to work as sex slaves. The US State Departments' classification of Haiti as a Tier 2 country in both 2001 and 2002 is a direct result of the *restavek* system but does not constitute the type of sex trafficking that is the focus of this inquiry.

The US government has been involved in many aspects of Haitian politics for years, restoring Aristide through a unilateral military intervention in 1994, for example. When the State Department's classification of Haiti dropped to a Tier 3 ranking in 2003, again the result of the *restavek* system, the Haitian government responded immediately to US demands. The Tier 3 ranking indicates that Aristide's government was not complying with the minimum requirements of the Trafficking Victims Protection Act, nor attempting to comply. This classification put Aristide among dubious international company, as North Korea, Sudan, Myanmar and Cuba were also designated as Tier 3 countries in 2003 (US State Department 2003). So when the US government issued Aristide a "work plan" to combat trafficking, he responded by creating a 20-person anti-trafficking police unit. The Ministry of the Interior also enhanced scrutiny of immigration documents at the border. In response President Bush issued an executive order upgrading Haiti to a Tier 2 country in 2003 (Bush 2003).

Despite his somewhat limited success in appeasing the US by improving anti-trafficking initiatives, a weak mandate resulting from the flawed elections left Aristide vulnerable to domestic opposition. In early February of 2004, former members of the Haitian National Police and paramilitary groups coalesced to oppose the government. They attacked police stations and courthouses in the northern Haitian city of Gonaïves

forcing government officials to flee (OAS 2005). As the violence and opposition to the government spread to other cities, insurgents threatened to attack Port-au-Prince. On February 29th 2004, Aristide resigned as President and fled to the Central African Republic.¹¹

Boniface Alexandre, the President of the Supreme Court was selected as Aristide's replacement, by what Dupuy calls a "US approved 'Council of the Wise.'" (Dupuy 2007, 172) Alexandre called on the UN Security Council to deploy peacekeepers to Port-au-Prince to restore order. Dupuy (2007) contends that Alexandre was a figurehead, and real power rested with the Council's choice for Prime Minister, Gérard Latortue. Upon assuming office in 2004, Latortue appointed his cabinet and began finding ways to delay his departure from office (Dupuy 2007, 173)

Between 2000 and 2004 Haitian politics were marred with violence and instability. Aristide's illegal vote counting methods fomented the opposition of the Democratic Convergence and undermined his mandate to rule. By 2004 violent opposition to Aristide engulfed the country forcing him to step down as President. Yet for all of the conflict in Haiti between 2000 and 2004, there is scant evidence that Haiti was a destination country for sex slaves trafficked from overseas. While the US government was understandably concerned about the *restavek* system, there is little indication of human trafficking for the purposes of sexual slavery prior to the arrival of the UN in 2004.

The UN in Haiti

¹¹ Aristide's 2004 departure is controversial—Aristide claimed that he was kidnapped in a coup sponsored by the US government (Dupuy 2007, 171-175).

In February of 2004 the Security Council adopted resolution 1529 authorizing the deployment of the Multinational Interim Force (MIF) to Haiti. When the Security Council passed Resolution 1542 in April of 2004, MIF became the United Nations Stabilization Mission in Haiti (MINUSTAH). Initially, MINUSTAH was composed of 6,700 UN peacekeepers, but by 2009 there were nearly 9,000 UN peacekeepers in Haiti.¹²

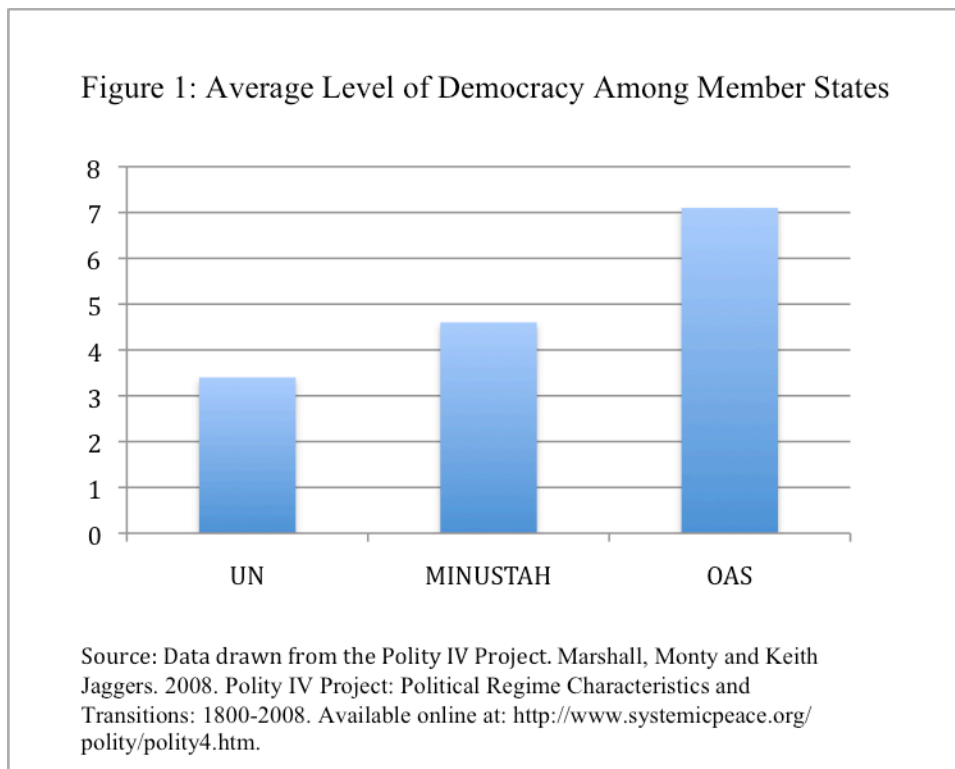
Examining the UN's democratic identity and the opportunities it possesses to affect human trafficking in Haiti sheds light on the various ways IOs can affect human trafficking. With respect to the UN there are two separate identities to consider—the UN and MINUSTAH. Recall that Pevehouse and Russett (2006) found that when states share membership in densely democratic IOs, there is a lower likelihood of militarized disputes between them and those that do engage in militarized disputes are less likely to escalate to war. Does a strong commitment to democracy among IO members also reduce the probability that agents of the IO will contribute to human rights violations?

The United Nations is the most diverse, representative IO in existence. There are currently 191 members of the UN with varying degrees of commitment to democracy. Figure 1 compares composite democratic indicators for the UN, MINUSTAH, and the OAS and demonstrates that the UN is the least democratically dense of the three.¹³ These scores are drawn from the Polity IV Project and range from a +10, suggesting that the state is very democratic, through -10, suggesting that the state is very autocratic. The average of all UN member states is only 3.4. This situates the UN in the anocracy category. Vreeland (2008) suggests that anocracies have “a mix of institutional

¹² MINUSTAH Mission Background, <http://www.un.org/Depts/dpko/missions/minustah/background.html>.

¹³ Polity scores are drawn from 2004, the year that the UN sent MINUSTAH and OAS bureaucrats arrived in Haiti.

characteristics, some democratic and others distinctively authoritarian (404).” Examples of anocracies include Pakistan, Yemen, and Nigeria. The UN simply cannot be considered a democratically dense IO that will consistently promote liberal, cosmopolitan values.



Though the UN may lack democratic density, this IO can and does act in ways that promote human rights. Did UN members overcome this limitation and take affirmative steps to stop human trafficking between 2000 and 2004, just prior to MINUSTAHs arrival in Haiti? The UN General Assembly passed an important protocol—the Protocol to Prevent, Suppress, and Punish Trafficking in Persons in 2000. The Protocol entered into force in 2003 and represents the first global initiative to define human trafficking and emphasize the human rights of trafficking victims. The General Assembly followed the Protocol with a series of other resolutions that called attention to

the causes and consequences of human trafficking.¹⁴ Though the democratic density of the UN is comparatively low, member states passed numerous resolutions suggesting that the institution was cognizant of the severe human rights violations resulting from human trafficking. Unfortunately, this awareness did not permeate MINUSTAH's mission directives.

MINUSTAH had a slightly higher democratic density than the UN General Assembly at 4.6, also situating MINUSTAH among anocracies. MINUSTAH was composed of troops from fifty-one different countries. The top four troop contributing countries were: Brazil, Uruguay, Nepal, and Sri Lanka. The vast representation of Sri Lanka in MINUSTAH became a serious problem because these troops had not been socialized to standards of behavior that observers might expect of troops hailing from democratic states. Not all troops hailing from democratic regimes will protect human rights while those hailing from non-democracies will necessarily violate human rights. However, the behavior of the Sri Lankan troop contingent in Haiti suggests that they lacked training that would have prevented them from engaging in abuse abroad.

Socialization at home is particularly important with regard to MINUSAH troops because the UN Peacekeeping Office did not issue instructions to UN peacekeepers regarding sexual exploitation of local populations prior to 2005.¹⁵ MINUSTAH's explicit purpose was to restore order to a country that was rapidly descending into chaos in 2004. The Security Council Resolution authorizing MINUSTAH's deployment identifies the

¹⁴ The General Assembly passed resolutions: A/RES/55/67, A/RES/57/176, A/RES/58/137, and A/RES/59/166 between 2000 and 2004.

¹⁵ In November of 2005 the UN Conduct and Discipline Team was established under the auspices of the UN Department of Peacekeeping Operations. Since 2005 upon arrival in mission countries all UN peacekeepers are required to undergo mandatory training to prevent sexual exploitation and abuse. For more information on this training see the UN Conduct and Discipline Unit's homepage: <http://edu.unlb.org/UNStrategy/Prevention.aspx>.

purpose of the mission as stabilizing the country to facilitate the provision of humanitarian assistance (UN Security Council 2004). The single mention of human rights in the resolution calls upon Haitians to respect one another's human rights, but suggests that preventing human rights violations was not high on the list of MINUSTAH priorities (UN Security Council 2004).

The ability to send a large, multinational peacekeeping force into conflict zones enhances the UN's ability to impact human rights in mission countries. MINUSTAH was initially composed of 6,700 troops, those numbers eventually swelled to 9,000. The UN has an unparalleled opportunity to impact human trafficking due to the number of agents it can deploy to crisis zones. This significant opportunity to impact human trafficking, coupled with a low democratic density and mixed commitment to prevent sexual exploitation (high commitment among the UN General Assembly, low commitment within MINUSTAH), created a dangerous combination and contributed to an increase in the rate of human trafficking into Haiti in 2004.

There is considerable evidence to suggest that: 1) incidences of rape and sexual exploitation of Haitian women and girls coincided with MINUSTAH's arrival in Haiti and 2) that MINUSTAH peacekeepers were, in many cases, directly responsible for patronizing human trafficking victims. Following the arrival of MINUSTAH, Human Rights Watch and Amnesty International began publicizing the widespread abductions of women and girls, including rape and violence.¹⁶ These reports do not contain explicit references to human trafficking of sex slaves, yet they help to establish that sexual

¹⁶ Amnesty International, "The Call for Tough Arms Control: Voices from Haiti," 1 January 2006, AI Doc No. 36/001/2006. Amnesty International, "Haiti: Open Letter to the President of the Republic of Haiti, René Garcia Préval Regarding Amnesty International's Recommendations for the Protection and Promotion of Human Rights," 2 October 2006, AI Doc No. 36/011/2006.

exploitation did not rise to a level that drew the attention of these NGOs until the years following MINUSTAHs arrival. In 2005 the US State Department classified Haiti as a Tier 2 country, placing it on the Watch List and noting for the first time that women and girls were being trafficked from the Dominican Republic into Haiti to work as prostitutes (US State Department 2005).

The International Organization for Migration surveyed victims, smugglers, intermediaries, and the heads of human trafficking rings in Haiti in 2005. In all, the IOM interviewed 1886 people in Haiti associated with human trafficking. Some victims were willing to work as prostitutes for a chance to come to the West, others were promised jobs as maids and were held captive and forced to work as prostitutes upon their arrival in Port-au-Prince (IOM 2006a). The US State Department and the IOM were so concerned about the growing trafficking problem in Haiti by 2006 that they sponsored a special conference in Port-au-Prince to raise awareness about the escalating human trafficking problem (IOM 2006b).

By 2007 the State Department directly implicated UN peacekeepers in the sexual exploitation of women and girls trafficked from the Dominican Republic into Haiti:

Dominican women and girls are trafficked into Haiti for commercial sexual exploitation. There are reports that Dominican women are trafficked into Haitian brothels serving UN peacekeepers. (US Department of State 2007)

MINUSTAH mission directors did not offer training to prevent sexual exploitation to the 9,000 peacekeepers they deployed to Haiti. By 2007, this oversight bore tragic consequences—more than 100 Sri Lankan peacekeepers were expelled from Haiti for paying for sex with women and children (UN News Centre 2007). The second-in-

command as well as two battalion commanders were among the Sri Lankan peacekeepers sent home from Haiti. The UN Office of Internal Oversight and the Sri Lankan government investigated the scandal but their findings remain confidential. Other UN agencies have spoken out against growing evidence of sexual exploitation by UN peacekeepers. In 2007, the UN Special Rapporteur on Torture, Manfred Nowak, argued that the UN needed stricter standards for selecting peacekeepers. He suggested that peacekeepers from nations with questionable human rights records might engage in the same crimes abroad that they would at home (BBC 2007).

Prior to MINUSTAH's arrival there is no evidence to suggest that women and girls were being trafficked into Haiti to work as sex slaves. Following MINUSTAH's deployment, reports of women and girls being trafficked into Haiti increased considerably. This increase is directly related to the arrival of MINUSTAH, a force composed of troops not subject to training on sexual exploitation and many hailing from countries with weak human rights records. Despite the UN's commitment to preventing human trafficking, MINUSTAH lacked a similar commitment and when given the opportunity, UN peacekeepers patronized trafficking victims thus contributing to the expansion of the practice in Haiti.

Democracy and the Anti-Trafficking Initiatives at the OAS between 2000 and 2004

In contrast to the UN, the OAS is a densely democratic IO with a strong commitment to promoting democracy and preventing human trafficking. Though more limited in their ability to directly affect human trafficking conditions than MINUSTAH, the OAS held anti-trafficking conferences, organized and funded innovative research on human

trafficking in the region, and sent bureaucrats to investigate human rights conditions in Haiti.

OAS member states had a higher democratic density than the UN General Assembly or MINUSTAH in 2004. At 7.1, OAS members are classified as democratic, making the OAS the only IO considered here capable of breaking the democratic threshold. The OAS has also aggressively defended democracy in the Western hemisphere since adopting the Santiago Commitment in 1991 (OAS 1991). Under the terms of the Santiago Commitment, OAS members may to intervene in sovereign member states to defend democracy when it is imperiled. This support for democracy is not rhetorical—immediately following their adoption of the Santiago Commitment OAS members intervened in Haiti in 1991, in Peru in 1992, and in Guatemala in 1993. While the OAS’s democratic identity suggests that its member possess a strong commitment to democracy and human rights, the impact of this IO is curtailed by their inability to deploy troops. Whereas the UN deployed MINUSTAH to Haiti, the OAS sent a bureaucratic mission, the OAS Special Mission to Strengthen Democracy in Haiti. At its peak in 2004, the OAS Special Mission was composed of 23 bureaucrats (Stockholm International Peace Research Institute 2010).

The OAS commitment to democracy permeates the institutions’ approach to human rights and human trafficking. Following the 2000 adoption of the UN Protocol, the OAS convened “The Plan of the Third Summit of the Americas.” OAS members moved swiftly at the Summit to express their concern about human trafficking and their commitment to exchange information to prevent the rights violations associated with the practice (CIM Assembly of Delegates 2002).

The Inter-American Commission on Women (CIM), a specialized organization of the OAS, emerged as a key player in shaping the OAS' approach to human trafficking. Though the CIM did not have a physical presence in Haiti, their advocacy drew attention to human trafficking in the region. Following the Third Summit of the OAS, the CIM, the Inter-American Children's Institute, and the International Human Rights Law Institute embarked upon the most comprehensive study of human trafficking in Latin America, titled *Modern Bondage*.¹⁷ The report is pioneering in its scope—relying on field investigations in nine Latin American countries to identify risk factors contributing to trafficking, actors involved in the practice, and evaluations of country response mechanisms.

Langberg (2005) argues that this study sparked debates throughout the OAS and ultimately contributed to concrete changes in the OAS' approach to human trafficking. The report led the OAS to re-conceptualize human trafficking as a crime and a violation of human rights (Langberg 2005, 136; CIM 2002). Following the publication of the report in 2002, the OAS General Assembly passed two resolutions that instructed various OAS bureaucracies to collect information about trafficking, put on conferences to combat the practice, and establish the “OAS Coordinator on the Issue of Trafficking in Persons, Especially Women, Adolescents, and Children” (OAS 2003; OAS 2004). The OAS also created the Anti-Trafficking in Persons Section to support the efforts of the coordinator.¹⁸ Prior to the OAS' arrival in Haiti in 2004, the institution made a strong commitment both to human rights and to combating human trafficking, this commitment informed the

¹⁷ Both the CIM and the Inter-American Children's Institute are part of the OAS system. The findings of the study were published in International Human Rights Law Institute 2002.

¹⁸ The Anti-Trafficking in Persons Section of the OAS was created under the authorization of OAS Resolutions 1948 and 2019.

OAS' efforts as they entered a country that was rapidly descending into paralyzing violence.

Human Trafficking and the OAS in Haiti: 2005-2007

By 2005 political stability in Haiti was deteriorating rapidly. Latorture's government aimed to pacify the country and disarm the opposition (Dupuy 2007, 179). Disarming Aristide's supporters was a strategy to suppress political opposition. Latorture enjoyed the full economic and political backing of the US government, which he used to partner with the former soldiers responsible for ousting Aristide. Dupuy (2007) argues that Latorture used the same violent tactics that Aristide had used throughout Haiti, but Latortre was more effective in his violence because he had more resources. Civilians, members of the police, MINUSTAH troops, and journalists were among the approximately 15,000 people killed in Haiti between March of 2004 and early 2006 (Dupuy 2007, 189). While Latorture's government was pre-occupied with armed conflict to suppress Aristide supporters and retain power, the OAS worked to limit rapidly accelerating human rights violations and human trafficking into Haiti.

Beginning in 2005, various OAS entities organized conferences to educate the Haitian government about human trafficking. These activities suggest that OAS bureaucrats were actively socializing Haitian authorities about anti-trafficking procedures. The OAS sponsored the Anti-Trafficking in Persons Capacity Building Project in Haiti in October of 2005. This conference engaged the Haitian Anti-Trafficking police unit, training officers about human trafficking and enhancing the capacity of the force. The OAS worked with the International Organization for Migration

and the US Government in 2006 to run “Together in the Fight Against Human Trafficking in Haiti.” In attendance were members of the Haitian police force and representatives from four Haitian government Ministries—Women’s Affairs, Justice and Public Security, Social Affairs, and Labor and the Ministry of the Interior. Haitian government representatives and members of civil society worked with IO representatives to consider solutions for eliminating human trafficking. In March of 2005, the OAS brought representatives from Caribbean governments together to discuss counter-trafficking strategies; Haitian representatives traveled to Washington D.C to participate. This was the first time that representatives from Caribbean states met to discuss human trafficking in the region.¹⁹

It would be incorrect to characterize the OAS mission and the UN mission in Haiti as entirely distinct. These actors worked together to stabilize Haiti and to promote free and fair elections (OAS 2004). Despite the OAS’ efforts and their collaboration with the UN, levels of human trafficking into Haiti increased after 2004. There is however, no evidence that OAS bureaucrats patronized sex workers or contributed to their sexual exploitation in Haiti. While UN peacekeepers were being expelled for patronizing prostitutes and sex slaves, the OAS was running conferences, conducting field research, and working to highlight alarming patterns of abuse. The Inter-American Commission on Human Rights (IACHR) stopped short of directly implicating MINUSTAH in the human rights violations in Haiti following their 2007 visit. However, IACHR Commissioner Gutierrez Trejo wrote an addendum noting the oversights in the IACHR’s official report:

¹⁹ For more on all of these conferences see the OAS’ Anti-Trafficking in Persons Section website: http://www.oas.org/dsp/atip_Detail.asp.

The news received and the files lying dormant in the Commission record barbaric acts committed by MINUSTAH and the involvement of this occupying force in cases of systematic violence. It was categorically asserted that the occupying forces lent support to those perpetrating persecutions, kidnappings, cruel and degrading treatment, illegitimate deprivation of liberty, and disregard for the physical, mental and moral integrity of persons in a context bereft of guarantees for the exercise of any rights. In other circumstances, the Commission was also told that the occupation force failed to act to prevent such acts from being perpetrated.²⁰

Between 2005 and 2007 incidences of human trafficking into Haiti for the purposes of sexual exploitation rose steadily. In 2005, the US State Department classified Haiti as a special case on the Tier 2 Watch List and noted that women and girls were being trafficked from the Dominican Republic into Haiti to work as sex slaves. By 2007, the US State Department sounded the alarm—human trafficking for the purposes of sexual slavery into Haiti was increasing and UN peacekeepers were driving the demand for sex slaves (US State Department 2007).

Rethinking Global Governance

There are some important similarities between the UN and the OAS missions to Haiti. In both instances, members of these IOs deployed their agents in the hopes of stabilizing Haiti. The resolutions approving the deployment of MINUSTAH and the OAS Special

²⁰ Gutierrez Trejos statement is included at the end of the IACHR's Report following their visit to Haiti in 2007. See IACHR (2008).

Mission to Strengthen Democracy in Haiti highlight the good intentions that these IOs possessed prior to their arrival. Upon arriving in Haiti, the UN and the OAS collaborated on a number of projects such as monitoring elections and promoting stability.

Regardless, these cases reveal that an IO's democratic identity and commitment to combating human trafficking prior their deployment can influence IO effects on human trafficking. The UN's low democratic density and MINUSTAH's weak commitment to human rights undermined their ability to produce positive human rights outcomes. MINUSTAH peacekeepers were implicated in egregious human rights violations, including patronizing sex slaves. The OAS, however, arrived in Port-au-Prince with a stronger commitment to democracy and an already sustained commitment to curbing human trafficking in Latin America. The OAS made concerted efforts to socialize Haitian authorities about human trafficking and though the impact of these efforts was minimal, the OAS, at the very least, did not contribute to the further deterioration of human rights in Haiti. The divergent effects of these IOs on human trafficking in Haiti are therefore related to their democratic identity.

Democratic identity alone is still insufficient to explain the differences in the effects of the UN and the OAS on human trafficking. I have suggested that the impact of these IOs is also dependent upon their opportunity. The OAS sent a bureaucratic mission to Haiti, held human trafficking conferences, and sponsored conferences that were attended by Haitian authorities. The activities of the OAS are consistent with standard IO activities that analysts might have predicted. A few bureaucrats on the ground in Haiti can slowly change accepted practices and teach the government about effective legal mechanisms for reducing trafficking, but they are unlikely to have demonstrably large

effects. Without a doubt, OAS efforts were eclipsed by those of MINUSTAH. The 9,000 UN peacekeepers that comprised MINUSTAH had the opportunity to make a large imprint on Haitian politics, for the better or for the worse. Unfortunately, all the evidence examined above suggests that MINUSTAH exacerbated already tragic human rights conditions on the ground in Haiti and diminished the efforts of the OAS to combat trafficking.

One might argue that MINUSTAH was a particularly problematic UN mission whose composition was not representative of UN missions more generally. Though MINUSTAH experienced a series of challenges in Haiti, the composition of MINUSTAH is actually quite consistent with the composition of and problems faced by other UN missions. The UN peacekeeping budget derives primarily from the assessments of wealthy states—in 2010 the US, Japan, the UK, Germany, and France were the top five contributors (UN Department of Peacekeeping Operations 2010). However, the five countries contributing the highest number of uniformed personnel to UN Peacekeeping missions in 2010 were: Bangladesh, Pakistan, India, Nigeria, and Egypt (UN Department of Peacekeeping Operations 2010). Neither MINUSTAH's composition nor the allegations of sexual abuse against its peacekeepers are unique. Similar claims of abuse at the hands of peacekeepers have emerged from the UN Mission in the Congo (MONUC), the UN Mission in Sierra Leone (UNAMSIL), and the UN Mission in Kosovo (UNMIK).²¹ Though the UN cannot easily alter its democratic density, member states can nonetheless take greater care to train peacekeepers about sexual exploitation in mission

²¹ On Kosovo and Sierra Leone see Smith and Smith forthcoming. On the Congo visit the UN's Conduct and Discipline Unit's homepage: <http://cdu.unlb.org/AboutCDU.aspx>.

countries, promote awareness through the UN about trafficking more generally, and deploy peacekeeping forces composed of troops from various types of states.

This chapter highlights a tragic tradeoff that continues in Haiti—the international community deploys peacekeepers to suppress violence, yet sacrifices the safety and well being of the victims that are sexually exploited by those peacekeepers. As the international community heaps more responsibility onto institutions of global governance like the UN and the OAS we must critically assess the effects these actors have on human rights. Whereas the UN arrival in Haiti had devastating effects on human rights, agents from the OAS entered Port-au-Prince with a mandate to eradicate trafficking and to promote human rights. The OAS’ influence in Haiti demonstrates that a rights based approach to global governance is possible but requires careful attention to the power dynamics between IO agents and domestic populations. This chapter demands that we rethink our solutions to human trafficking because IOs cannot be relied upon to intervene on behalf of human trafficking victims.

References

- Amnesty International. 2000. Haiti: Amnesty International Urges UN Not to Abandon Haiti. 4 December. AMR/36/009/2000.
- Amnesty International. 2001. Haiti: Human Rights Challenges Facing the New Government. 18 April. AMR/36/002/2001.
- Amnesty International. 2003. Haiti: Abuse of Human Rights: Political Violence as the 200th Anniversary of Independence Approaches. 8 October. AMR/36/007/2003.
- Amnesty International. 2004. Haiti: Amnesty International Calls on the Transitional Government to Set Up An Inquiry Into Summary Executions Attributed to Members of the Haitian National Police. 3 June. AMR/36/060/2004.
- Bales, Kevin. 2005. *Understanding Global Slavery*. Berkeley: University of California Press.
- Barnett, Michael, and Martha Finnemore. 1999. The Politics, Power, and Pathologies of International Organizations. *International Organization* 53(4): 699-732.
- Bennett, D. Scott, and Allan C. Stam. 2004. *The Behavioral Origins of War*. Ann Arbor: University Michigan Press.
- Bohman, James and Matthais Lutz-Bachmann. 1997. "Introduction." In *Perpetual Peace: Essays on Kant's Cosmopolitan Ideal*, eds. James Bohman and Matthais Lutz-Bachman, 1-22. Cambridge: MIT Press.
- Bohning, Don. 2000. Vote Turnout High in Haiti Despite Risk. *Miami Herald* 22 May.
- British Broadcasting Company. 2007. UN Requires 'Better' Peacekeepers. 28 July. BBC News Online: <http://news.bbc.co.uk/2/hi/europe/6920867.stm>.
- Brysk, Alison. "Rethinking Trafficking: Human Rights and Private Wrongs." In *Human Trafficking and Human Rights: Rethinking Contemporary Slavery*, eds. Alison Brysk and Austin Choi-Fitzpatrick. Philadelphia: the University of Pennsylvania Press.
- Bush, George W. 2003. Presidential Determination with Respect to Foreign Governments Efforts Regarding Trafficking in Persons. 9 September. Presidential Determination No. 2003-35.
- CIM Assembly of Delegates. 2002. Fighting the Crime of Trafficking in Persons, Especially Women, Adolescents and Children. 31 October. (CIM/RES.225 (XXXI-O/02)).

Cooper, Andrew, and Thomas Legler. 2001. The OAS Democratic Solidarity Paradigm: Questions of Collective and National Leadership. *Latin American Politics and Society* 43(1): 103-126.

Dupuy, Alex. 2007. *The Prophet and Power: Jean-Bertrand Aristide, the International Community and Haiti*. Lanham: Rowman and Littlefield Publishers.

Fatton Jr., Robert. 2002. *Haiti's Predatory Republic: The Unending Transition to Democracy*. Boulder: Lynne Rienner Publishers.

Haque, Md. Shahidul. 2006. "Ambiguities and Confusions in Migration—Trafficking Nexus: A Development Challenge" in *Trafficking and the Global Sex Industry*, eds.

Karen Beeks and Delila Amir. 3-19. New York: Lexington Books.

Hansen, Holley E., Sara McLaughlin Mitchell, and Stephen Nemeth. 2008. IO Mediation of Interstate Conflicts: Moving Beyond the Global versus Regional Dichotomy. *Journal of Conflict Resolution* 52(2): 295-325.

Human Rights Watch. 2001. Haiti: Political Violence Condemned. December 17.

Human Rights Watch. 2004. Haiti: Security Vacuum in the North; Numerous Journalists and Government Officials in Hiding. 21 March.

Inter-American Commission on Human Rights. 2008. Observations of the Inter-American Commission on Human Rights Upon Conclusion of Its April 2007 Visit to Haiti. 2 March. (OEA/Ser.L/VII. 131 doc. 36).

International Human Rights Law Institute. 2002. In Modern Bondage: Sex Trafficking in the Americas, Central America and the Caribbean. October.

www.oas.org/atip/reports/in%20modern%20bondage.pdf

International Organization for Migration. 2006a. Report of the Mission for Research on the Status of Trafficking and Trafficking in Persons in Haiti. September. Original in French.

International Organization for Migration. 2006b. Counter Trafficking Seminar. Press Briefing. 30 August. <http://www.iom.int/jahia/Jahia/media/press-briefing-notes/pbnAM/cache/offonce/lang/en?entryId=6647>.

OAS. 2004. Memorandum of Understanding Between the United Nations and the General Secretariat of the Organization of American States Concerning Electoral Assistance to Haiti. 18 November. (OEA/Ser.G/CP/INF. 5104/04)

OAS Inter American Commission on Human Rights. 2005. Haiti: Failed Justice or the Rule of Law? Challenges Ahead for the International Community. 26 October. (OAS/Ser/L/V/II. 123 Doc.6 Rev.1).

- OAS General Assembly. 1991. The Santiago Commitment to Democracy and the Renewal of the Inter-American System.
- OAS General Assembly. 2004. Fighting the Crime of Trafficking Persons, Especially Women, Adolescents and Children. 8 June. (AG/RES. 2019 (XXXIV-O/04).
- OAS General Assembly. 2003. Fighting the Crime of Trafficking in Persons, Especially Women, Adolescents and Children. 10 June. (AG/RES.1948 (XXXIII-O/03).
- OAS General Assembly 2001. Report of the Secretary General on the OAS Mission and of the Joint OAS/CARICOM Mission to Haiti. 3 June. (AG/INF.264/01).
- Parish, Randall, and Mark Peceny. 2002. *Kantian Liberalism and the Defense of Democracy in Latin America*. Journal of Peace Research 39(2): 229-250.
- Pevehouse, Jon, and Bruce Russett. 2006. Democratic International Governmental Organizations Promote Peace. *International Organization* 60 (4): 969-1000.
- Powell, Charles. "International Aspects of Democratization: The Case of Spain." In *The International Dimensions of Democratization: Europe and the Americas*, ed. Laurence Whitehead, 285-314. Oxford: Oxford University Press.
- Ringquist, Evan, and Tatiana Kostadinova. 2005. Assessing the Effectiveness of International Environmental Agreements: The Case of the 1985 Helsinki Protocol. *American Journal of Political Science* 49 (1): 86-102.
- Samarasinghe, Vidyamali. 2007. *Female Sex Trafficking in Asia: The Resilience of Patriarchy in a Changing World*. New York: Routledge.
- Shamsie, Yasmine. 2004. Building 'Low-Intensity' Democracy in Haiti: The OAS Contribution. *Third World Quarterly* 25 (6): 1097-1115.
- Smith, Charles Anthony and Heather M. Smith. Forthcoming. The Unintended Effects of UN Intervention. *International Political Science Review*.
- Stockholm International Peace Research Institute. 2010. Multilateral Peace Operations Database. <http://www.sipri.org/databases/pko/>.
- United Nations Department of Peacekeeping Operations. 2010. Fact Sheet: United Nations Peacekeeping. March. DPI/2429/Rev.7.
- UN High Commissioner for Human Rights. 2009. UN Expert on Slavery Expresses Concern About 'Restavek' System in Haiti. Press Release. 10 June.

UN News Centre. Haiti: Over 100 Sri Lankan Blue Helmets Repatriated on Disciplinary Grounds—UN. 2 November.

<http://www.un.org/apps/news/story.asp?NewsID=24514&Cr=sri&Cr1=haiti>.

UN Security Council. 2004. Resolution 1549. 29 February. (S/RES/1549/2004).

United States, Department of State. 2007. Victims of Trafficking and Violence Protection Act of 2000. Trafficking in Persons Report. 2007 Report.

United States, Department of State. 2005. Victims of Trafficking and Violence Protection Act of 2000. Trafficking in Persons Report. 2005 Report.

United States, Department of State. 2003. Victims of Trafficking and Violence Protection Act of 2000. Trafficking in Persons Report. 2003 Report.

United States, Department of State. 2001. Haiti: Country Reports on Human Rights Practices. 23 February.

United States, Department of State. 2001. Victims of Trafficking and Violence Protection Act of 2000: Trafficking in Persons Report. 2001 Report.

Vreeland, James. 2008. The Effect of Political Regime on Civil War: Unpacking Anocracy. *Journal of Conflict Resolution* 52 (3): 401-425.