Root causes of human trafficking

Lewis Njabulo Sibanda, Doctoral candidate
The Open University Law School,
E: lewis.sibanda@open.ac.uk T:@Lewysibs

Trafficking Facts

- Human Trafficking (HT) is the third most profitable crime after drugs and arms smuggling
- Traffickers earn approx. $150 billion USD annually in illegal profits through exploiting vulnerable individuals
- Commodification of human bodies & PROFIT accumulation is at the centre of trafficking
- HT affects almost EVERY country in the world as states of origin, transit & destination.
- Victims from at least 127 countries are being exploited in 137 states

Current Anti-trafficking Efforts

Criminalisation

- Reduces HT to a study of perpetrators, victims and modes of operation
- Views HT as an instance of individuals that act outside the bounds of a liberal society (a deviation from the norm)
- Upholds the capitalist political economy by placing the blame outside the economic structure of society

Human Rights Approach

- Emphasises the emancipatory effect of rights in protecting victims of HT and giving them a platform to assert their rights
- Accused of treating symptoms of HT (rights violations) rather than the illness itself in turn insulating the political economy from scrutiny

Research Questions

- What are the root causes of HT
- Does the structure of international law contribute to the reinforcement of modern-day exploitation

Conceptual Framework

- Critical legal approaches (Marxism & TWAIL) will lay a foundation upon which the research questions will be investigated
- A Marxist analysis will be useful in understanding the relations of domination (under capitalism) that fuel the commodification of human bodies for profit in HT
- TWAIL will be used to critically assess how the relationship between the State & international law is being reconstituted in the globalisation era to exploit the ‘third world’
- Adopting an external view of the law will allow the research to unpack the contradictions in the law, the power relations and interests that are being privileged in defining HT

Contributions to knowledge

- Critical perspectives such as Marxism and TWAIL have been used to facilitate human emancipation, a condition that is denied to HT victims
- The absence of a conceptual framework for examining root causes of HT has led to inadequate responses that only treat the symptoms while leaving intact structural inequalities/injustices that feed the problem
- Through utilising Marxist and TWAIL insights the research will provide an alternative perspective on the causes/structural issues at the heart of HT that are masked by the traditional (positivist) approach