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BENEATH THE HORROR OF HUMAN TRAFFICKING IN LAOS: UNRAVELING ASEAN'S EFFORTS AND FAILURES THROUGH THE LENS OF NEOLIBERAL INSTITUTIONALISM

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Abstract

This study aims to examine the role of ASEAN, with a specific focus on the Indonesian Chairmanship in 2023 and the future Lao chairmanship in 2024, in addressing the persistent issue of non-traditional security concerns, specifically human trafficking and sex trafficking, which have been prevalent in Laos for an extended period of time. In addition, this analysis will explore the involvement of Lao governments and residents in order to gain a comprehensive understanding of the underlying factors contributing to the enduring prevalence of human trafficking in Laos or arenas such as GTSEZs which has exploited Laotian workers. This study will employ a qualitative research methodology, employing the theoretical framework of neoliberal institutionalism to examine the extent to which ASEAN has achieved success or failure in fostering cooperation as an institution. In addition, this study will thoroughly examine the intricacies of domestic politics in Lao. This study reveals that ASEAN has undertaken many initiatives, including ACTIP, NRM, and collaboration between Indonesia and Laos. However, upon further analysis of the government of Lao's endeavors in resolving this subject, it becomes evident that their attempts have been inadequate in terms of institutional capacity, domestic political considerations, and cultural comprehension. Hence, in order to enhance the efficacy of ASEAN's endeavors, it is imperative for the Lao government to demonstrate unwavering dedication in addressing the horror of human trafficking.

Keywords : *ASEAN, Chaimanship, Human Trafficking, Laos, Collaboration, Institution.*

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Introduction

In recent years, human trafficking has only become a bigger problem due to the increase in internet users post-pandemic, as the misuse of technology has only made the crime easier to commit. Due to its clandestine nature and inadequacies in institutional responses, trafficking is a big concern in the Asia Pacific, particularly inside ASEAN countries. It has come to light that Lao has unfortunately become a source country for the grave issue of human trafficking in the last five years. Annually, an estimated range of 200,000 to 450,000 individuals in Laos are subjected to the perils of human trafficking (SENGSAVANG, n.d.).

Lao in particular has been especially vulnerable to human trafficking due to weak spots in the Special Economic Zones (SEZs) that border other countries. One of the most notable spots is the “Golden Triangle Special Economic Zone (GTSEZ)” of the Bokeo province, which has accumulated thousands of reported human trafficking cases from Lao and the bordering countries of Myanmar, Thailand, and Vietnam. The concept of SEZs itself was a collaboration between the Lao and Chinese governments, intending to shift the country's economy toward market-based

systems and urbanization through foreign investment (Laungaramsri, 2017). Many of these SEZs are also backed by Belt-and-Road initiative investments, which overall contribute to rapid economic development in Lao PDR (Pakhem, 2019). These initiatives, however, present a clear weak spot for Lao in terms of human trafficking risks. Victims are often lured to the GTSEZ and other SEZs with the promise of stable income, yet end up trafficked instead due to incomplete regulations. Furthermore, the greater connectivity from infrastructure eases the trafficking routes of cross-border trafficking, which already happened frequently between the GTSEZ area even before it was invested in (Strangio, 2022; Comolli & Rose, 2021). Both of those factors are then exacerbated by the policies not being able to keep up with the rapid development of the area.

It is then urgent that we discuss the issue of human trafficking in Lao PDR and its possible solutions nearing its ASEAN Chairmanship to ensure the issue is spotlighted properly. Although ASEAN has made some efforts in the past to eradicate the issue, such as implementing the ASEAN Convention Against Trafficking in Persons (ACTIP), rising cases and slow prosecutions show that the execution of these efforts from ASEAN must be urgently assessed primarily in the next chairmanship. This paper will evaluate numerous questions utilizing the selected theory, namely, what steps has Indonesia taken as ASEAN chairman in 2023 to address human trafficking, particularly the exploitation of Lao workers and migrants in Thailand and arena associated with Special Economic Zones (SEZs), to what extent does the prevalence of human trafficking in Lao, along with its occurrence in other ASEAN nations like Thailand where exploitation of Lao citizens occurs, suggest that ASEAN countries such as Thailand bear responsibility for this situation, or are there other contributing factors that exacerbate the issue, and what is the outlook and future for Lao during its 2024 ASEAN chairmanship, given that it is the country overcoming the issue?

Research Method

The authors have made endeavors to convey the findings by collecting secondary data from a range of sources, including official documents and reputable literature such as academic publications, news articles, and reviews. In order to address the three concerns at hand, the authors will employ a neoliberal approach as a guiding framework. The liberalist perspective proposes the concept of state interdependence to promote peace and cooperation, as well as the notion of democracy as a binding coagulant that states enforce upon each other to avoid conflicts based on ideological differences. This concept in of itself heavily depends on homogeneity and order that cannot be the actual case for many real world examples, i.e. the Southeast Asian region, hence the question of how effective and efficient the cooperation in such a complex socio, political and economical landscape is put up is not an odd occurrence, with scholars questioning ASEAN's capability to enforce stability within their region, especially within the recent decade. To understand further this question and its implications on how one might view ASEAN's method of cooperation, first, it is imperative to identify which liberal perspective is the most relevant towards the issue of effective cooperation. For the sake of understanding the most effective method of cooperative measures, the approach of neoliberalism will be used. Neoliberalism is a theoretical framework that upholds the use of institutions as a means of achieving true cooperation such as was proposed by Keohane. This theory is used in particular to examine how effective ASEAN has been acting as an international organization in its task to govern common affairs of human society (Baylis, 2014). Through an examination of how the organization has been able to effectively govern the laws that they enact, ensuring the fulfillment of commitments, as well as how effective the power the organization has on eliminating issues that the organization has agreed to eliminate in a set period of time.

Results and Discussion

A. Indonesia's Effort to Address the Issue of Human Trafficking as an ASEAN Chairman in 2023

In response to the issue of human trafficking in Laos, ASEAN has implemented a number of initiniatives consistent with the neoliberalism theory, which emphasizes institution-based collaborative cooperation. These include the signing of the ACTIP during the 27th ASEAN Summit. Additionally, ASEAN has implemented the ASEAN Plan of Action Against Trafficking in Persons and established National Referral Mechanisms (NRM). These efforts reflect ASEAN's recognition that trafficking in persons violates human rights and is a transgression against human dignity (ASEAN 2015). The endeavors undertaken to address human trafficking issues in Laos have yielded mixed results, with both successes and failures. It has partially failed due to the highly unfavorable domestic political climate in Laos regarding this issue. However, it has succeeded to some extent because it has continuity and discussion, as evidenced by the cooperation between Indonesia and Lao during the 42nd ASEAN Summit in Labuan Bajo on May 9, 2023 (Antaranews, 2023).

As per the statement made by Wawan Retno Marsudi, the Prime Minister of Indonesia, during the summit, the matter of combating human trafficking has emerged as a significant focal point for Indonesia's ASEAN chairmanship in 2023. Both the President of Indonesia and the President of Laos expressed their perspectives on the eradication of human trafficking. President Jokowidodo placed significant emphasis on the discourse around human trafficking, with a particular focus on the realm of online scams. President Joko Widodo demonstrated significant concern with the matter of human trafficking, namely within SEZ, which predominantly affects individuals who are citizens of ASEAN. Consequently, the leaders of the ASEAN will endorse the "Declaration on the Eradication of Human Trafficking Due to the Misuse of Technology" throughout the region one day after the summit (Antaranews, 2023).

B. Contributing Factors That Exacerbate the Issue of Human Trafficking in Lao

The significant number of deaths among Lao citizens, both domestically and abroad, notably in Thailand, would evoke emotional distress even from the angel of death. According to SENGSAVANG (n.d.), Laos serves as a primary source country for human trafficking, with a smaller involvement as a transit and destination nation. The issue of human trafficking in Laos necessitates an examination not only of external factors, such as the role of ASEAN or neighboring countries like Thailand but also an exploration of the internal dynamics inside the Lao government. The phenomenon of human trafficking and sex trafficking is often trivialized and disregarded due to a lack of awareness, apathetic attitudes, and insufficient actions. From a neoliberal perspective, the issue of human trafficking in Lao can be analyzed in terms of three distinct shortcomings: institutional failure, domestic policy failure, and individual failures within Lao. These interconnected failures highlight the lack of effective cooperation, weak enforcement, and insufficient commitment to governing laws in Lao.

According to Aakansha (2017), institutions are established with the purpose of providing a prescribed framework of rules and regulations to uphold social interaction and govern human behavior. The Lao DPR institution demonstrated evident shortcomings in addressing the matter of human trafficking within its governance. Human Rights Watch (2017) reports that the Lao constitution and government continue to be plagued by the absence of impartial trials for criminal suspects, pervasive judicial corruption, and entrenched impunity for human rights violations. According to United Nations Action for Cooperation against Trafficking in Persons (UN-ACT), the number of women who were victims of human trafficking and were returned from Thailand increased from 65 in 2001 to 2,330 in 2017 (Nouansyvong, 2017). The increasing number of cases highlighted the institution's inability to uphold social interaction and enforce behavioral regulations among individuals, compromising Lao residents' safety within and outside the country.

The abuse that continued in Laos, particularly in the Golden Triangle of SEZ, has also contributed to the infectivity of domestic policy that worsened the Lao constitution. The government's initiative to register workers in the SEZ to protect them from human trafficking and other abuses had limited effect in 2022, as workers feared losing their jobs and were unwilling to pay registration fees (FIDH, 2023). If the policy that was developed gave one hundred percent of its consideration to the welfare of the people, then this problem could be solved as human rights are not a commodity that can be bought and sold.

While ASEAN may have assisted Laos in addressing human rights concerns, the efficacy of these initiatives ultimately hinges on the Laotian population's steadfast support and active participation. Without the commitment and involvement of the people of Laos, the impact of these endeavors may be called into question. Iit is the equivalent of forcing the blind to see what they have never seen before. The protracted resolution of the issue can be attributed to a significant factor wherein individuals within the country exhibited reluctance to collaborate, primarily due to apprehensions of incarceration. This apprehension stems from the observed implementation of a policy by the government of Laos which seeks to curtail its populace's civil and political liberties. Notably, this policy encompasses restrictions on freedom of expression, both within the country and beyond its borders.

C. The Outlook and Future for Laos during its 2024 ASEAN Chairmanship in Tackling Human Trafficking Issues

Laos has already established a legal framework to combat human trafficking. In 2016, the President of the Lao People's Democratic Republic promulgated the Law on Anti-Trafficking in person. The law outlines principles for anti-trafficking activities, including ensuring compliance with the constitution, laws, and regulations of Lao, prosecuting trafficking cases accurately and justly, respecting the rights of victims without discrimination, and protecting the confidentiality of victims and informants. Moreover, the law territorial integrity, and sovereignty. In addition to that, Lao will be the ASEAN Chairmanship in 2024, with the theme "Enhancing Connectivity and Resilience". Lao' ASEAN Chairmanship time will focus on the ASEAN community while offering possibilities to face geopolitical and geoeconomic challenges and changes. Therefore, Lao is going to create a regional architecture for ASEAN stability, peace, and development (Hutt, D. 2023). Lao is likely to carry on Indonesia's successful Chairmanship in 2024 through a range of collaborative efforts.

Additionally, Lao' attempts to combat human trafficking in the country may have a factor in the country's ASEAN Chairmanship in 2024. The country has previously built a legislative framework to prevent human trafficking and has taken initiatives to raise awareness throughout education and training. Nevertheless, Lao is classified as a Tier 2 nation in the US Department of State's 2023 Trafficking in Persons Report, indicating that the government falls short of the minimal benchmarks for eliminating trafficking.

Human trafficking is a critical issue in Lao, and the country must take efforts to eradicate it during its ASEAN chairmanship in 2024. As a result, Lao should endeavor to increase its law enforcement operations to identify and prosecute traffickers, as well as to give support and protection to trafficking victims. Lao should continue to promote awareness through education and training to prevent human trafficking. This could include providing training to law enforcement officials, social workers, and other relevant stakeholders, as well as raising public awareness through campaigns and outreach programs. Aside from that, Lao should collaborate closely with other ASEAN member states to strengthen regional cooperation in combating human trafficking, which could include sharing information and best practices, coordinating law enforcement efforts, and developing joint initiatives to address the root causes of trafficking. Lao, on the other hand, should work with foreign agencies like the UNODC and USAID.

Conclusion

In recent times, the transnational issue of human trafficking has escalated into a more severe international challenge due to the rising number of internet users post-pandemic, thus

allowing technological misuse to be a recurring means for which to commit crime more easily. Furthermore, due to its clandestine nature and inadequacies in institutional responses, trafficking has become a major obstacle in the Asia Pacific, particularly within ASEAN countries. Specifically, it has come to light that Lao has been traced as a primary source for the conduct of human trafficking in the last five years. Given the predisposed context, it is thus necessary to select the most effective framework that can allow better comprehension of the cooperative measures implemented by ASEAN member states to deal with the threat of human trafficking. It is for that reason t hat tThe concept of neoliberalism is opted to be the ideal theory to use in this case study. In essence, neoliberalism is a theoretical framework that upholds the use of institutions as a means of achieving true cooperation. As such, this theory can be utilized in particular to analyze the effectiveness of ASEAN role and conduct as an international organization in its task to govern common affairs of human society in its particular region.

In response to the issue of human trafficking in Laos, ASEAN has undertaken various initiatives. These include the signing of the ACTIP during the 27th ASEAN Summit. Additionally, ASEAN has implemented the ASEAN Plan of Action Against Trafficking in Persons and established National Referral Mechanisms (NRM). Consequently, the leaders of the ASEAN will endorse the "Declaration on the Eradication of Human Trafficking Due to the Misuse of Technology" throughout the region. Be that as it may, for Lao itself, the country has already established a legal framework to combat human trafficking in 2016. The Law on Anti-Trafficking outlines principles for anti-trafficking activities, which includes ensuring compliance with the constitution, laws, and regulations of Lao, prosecuting trafficking cases accurately and justly, respecting the rights of victims without discrimination, and protecting the confidentiality of victims and informants. The Law on Anti-Trafficking outlines principles for anti-trafficking activities, which includes ensuring compliance with the constitution, laws, and regulations of Lao, prosecuting trafficking cases accurately and justly, etc. Nonetheless, human trafficking is still a critical issue in Lao as of late, and the country should strive to redouble its efforts to eradicate the matter during its upcoming ASEAN chairmanship in 2024. Not to mention, Lao should further endeavor to strengthen its law enforcement operations to identify and prosecute traffickers, as well as to give adequate support and protection to trafficking victims. Adding to that, Laos should also continue to promote awareness through education and training to prevent human trafficking.

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