

Key Shift on Malaysia Before Trans-Pacific Partnership Deal

By Matthew Rosenberg and Joe Cochrane

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WASHINGTON — With the Obama administration pushing to conclude a vast Asian trade pact, the State Department on Monday upgraded its assessment of Malaysia's efforts to combat human trafficking, a move that could ease the country's inclusion in the trade deal.

Though the human trafficking report from the State Department is released annually, this year it carries added weight because of the administration's desire to make final the Trans-Pacific Partnership, a trade agreement spanning the Pacific Rim.

Congress recently granted President Obama fast-track powers to complete negotiations on the deal, but it included a caveat that prohibited him from doing so with countries listed in Tier 3 of the State Department report — that is, countries that are not making a significant effort to combat human trafficking.

Malaysia, whose relatively large economy makes its inclusion in the pact a priority for negotiators, was among the roughly two dozen countries in Tier 3 in last year's report. Its upgrade this year to what is known as the Tier 2 watch list, an intermediate step that indicates a country is trying to tackle human smuggling, immediately drew the anger of critics, who sought to link the improved standing of Malaysia to the trade deal.

"It appears to us that this is a political move to ensure a seamless trade relationship," said Matthew F. Smith, the executive director of Fortify Rights, an advocacy group that investigates criminal organizations and government officials



involved in human trafficking. “The message being sent is, ‘Trade trumps human rights.’ ”

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The department, for its part, said the two issues were not linked. “The aim of U.S. trade policy continues to be in the event of particular agreements to maintain a robust dialogue about rights protections,” Under Secretary of State Sarah Sewall told reporters on Monday. “So that becomes another venue in which these issues can be discussed.”

Apart from the controversy over Malaysia’s ranking, the latest iteration of the State Department trafficking report also came amid rising concern about the depredations endured by migrants who are fleeing war, persecution and poverty in the Middle East, Asia and Africa, and the plight of young men and women who seek work only to be forced into slave-like conditions, such as the so-called sea slaves of Southeast Asia. Many of these sea slaves work on fishing boats in the South China Sea catching fish, much of which goes to Western markets as seafood or food for pets and livestock.

At a ceremony on Monday marking the release of this year’s report, Secretary of State John Kerry directly referred to an article in The New York Times about the sea slaves, part of a series about lawlessness at sea called “The Outlaw Ocean.”

“We want to bring to the public’s attention the full nature and scope of a \$150 billion illicit trafficking industry, and it is an industry,” Mr. Kerry told reporters. “Pick up today’s New York Times, front page story about a young Cambodian boy promised a construction job in Thailand, goes across the border, finds himself held by armed men, and ultimately is pressed into service on the seas, three years at sea shackled by his neck to the boat.”

Migrants and refugees who pay smugglers to move them across borders face similar perils. The risks they endure were brought into sharp relief two months ago when thousands of Rohingya refugees from Myanmar and Bangladeshis who were seeking a better life were abandoned at sea by traffickers after being held for months in grim conditions aboard rickety wooden boats.

Their plight set off a regional crisis that ended only after Malaysia and Indonesia agreed to take them in. Survivors had since said that the trafficking rings by which they were held included people from Thailand, Malaysia, Myanmar and Bangladesh.

Though Asia has long struggled with human trafficking, only three countries from the region — Thailand, North Korea and the Marshall Islands — were placed in Tier 3 of the report. Most of the countries in Tier 3 enjoy limited ties to the United States, like Equatorial Guinea, or are hostile to American interests, like Syria and Russia.

But Thailand, with its relatively large economy, is a far different case, and its exclusion from the Trans-Pacific Partnership would leave a significant hole in the deal.

Including it in Tier 3 means that the administration would have to waive the penalties that come with being put in the bottom tier of the report in order to finish negotiations with Thailand, a move that would most likely draw fresh criticism from Mr. Obama's liberal supporters, whose opposition nearly scuttled the trade pact.

Matthew Rosenberg reported from Washington, and Joe Cochrane from Jakarta, Indonesia.

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