The Silent Cascade into Faulty Norm Adoption: Why States Enact Policies Misaligned with Domestic Challenges

Introduction

In the study of international norms, scholars often explain how states adopt norms in response to global pressures. The classic three-stage model of norm dynamics by Finnemore and Sikkink describes a lifecycle for norms: from their emergence to a cascade, and finally to internalization. While many of these adoptions reflect a genuine shift in state behavior (i.e., internalization of norms), there are instances where states adopt norms that do not fit their domestic realities. For example, Finnemore's study on science ministries reveals that countries sometimes adopt institutions like science ministries without the underlying scientific community needed to make them effective. This begs the broader theoretical question of what explains why countries adopt certain laws and policies? Conventional wisdom suggests a logic of norm evasion, where states selectively interpret international norms to meet compliance expectations while still advancing domestic priorities (Buzas, 2018; Duque, 2024). In balancing international approval with sovereignty, states exhibit strategic, selective forms of norm compliance that reveal how global norms both shape and are shaped by state behavior. However, a gap remains in the literature concerning cases where countries adopt norms that visibly clash with their own social, economic, or political realities—a phenomenon that could be termed "faulty adoption.", that can further bring social and economic costs, countering the expectations of norm evasion. This form of norm adoption occurs when states implement laws or policies that seem to align with international standards but fail to address pressing domestic needs. Instead, these policies reflect foreign standards that may be more relevant to other contexts.

In the literature on policy adoption, the boomerang model has been a central theoretical framework. According to this model, external pressures (from international organizations, foreign states, or global norms) converge with internal pressures (from domestic groups, social movements, or local conditions) to create an impetus for policy change. In the case of human trafficking, this model suggests that the convergence of international concerns over trafficking and domestic demands for stronger anti-trafficking laws might explain the widespread adoption of trafficking laws globally. However, while the boomerang model provides a useful framework for understanding the intersection of external and internal pressures, it fails to account for situations where domestic pressures are not aligned with the adopted laws, and where external

pressures are not merely complementary to domestic needs, but rather, actively shape policy decisions in ways that do not reflect the actual domestic challenges. In contrast to the boomerang model, which assumes that internal and external pressures are complementary, my argument highlights the role of strategic convenience in the faulty adoption of trafficking laws. Faced with the need to improve their TIP Report ranking, states adopt laws that demonstrate a commitment to combating trafficking—such as laws targeting sex trafficking—even if these laws do not reflect their primary trafficking challenges.

Using human trafficking policy as a substantive case, this paper explores why do states adopt anti-trafficking law packages that are not reflective of the trafficking challenges faced domestically? What remains underexplored is why states would adopt norms that fundamentally mismatch their roles in the issue area. For example, why would a source country adopt anti-trafficking laws structured around the needs of a destination country? Why would a country primarily dealing with incoming labor trafficking adopt laws designed to deal with victims of sex trafficking? While domestic pressures from interest groups or political agendas are often cited as drivers, these cannot fully account for the adoption of policies that diverge from a state's own trafficking challenges.

I argue that this misaligned norm adoption is influenced by the U.S. TIP Report, which incentivizes countries to adopt anti-trafficking standards better suited for the trafficking challenges faced by the US (destination state primarily facing sex trafficking followed by labor trafficking). Through its annual rankings, the U.S. Department of State implicitly sets a normative standard that pressures states to adopt a policy template designed for destination countries, creating a cascade that leads to adoption without true internalization. This goes beyond symbolic compliance; it reflects a process of faulty adoption, where norms are adopted under *assumed* external pressure to adopt a certain *policy framework* that prompts states to embrace templates inappropriate for their specific challenges.

Human Trafficking Policy and the Influence of U.S. Normative Pressure

Human trafficking provides a compelling case study to illustrate the dynamics of faulty norm adoption. Human trafficking has garnered increasing international recognition as a social policy area that governments need to address individually and collaboratively. The UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, which

provides an international definition and standards for trafficking, came into force in 2003 ("International Legal Framework – United Nations," n.d.). Soon after, we saw a significant increase in the number of states adopting specific legislation on trafficking. 'As of August 2020, 93 percent of countries had specific legislation' compared to 'December 2003, when only 18 percent of countries offered such legislation' (Statista, 2024). This seems to be a rational response to the increase in domestic and international awareness of this transnational crime which is reflected in law adoption.

Yet, despite these positive statistics showing state level efforts to curb trafficking, according to the Global Report on TIP by UNODC, other than a small dip in 2020 due to the COVID pandemic, trafficking in persons has been on the rise with there being a global slowdown in the number of convictions since 2017 (UNODC, 2022, pg.7). Of course, there are explanations such as the dearth of data, inconsistent collection and categorization of trafficking that could potentially explain this discrepancy, however these inverse trends raise concerns on why the adoption of anti-trafficking laws does not lead to a reduction in trafficking?

States vary in how they experience trafficking as a problem. The kinds of laws that make rational sense for one kind of state are fundamentally different from the kinds of laws appropriate for other states. While we might expect countries to adopt legislation that reflects their roles in trafficking (as source, transit, or destination countries) or the domestic trafficking flows identified (sex trafficking vs. Labor trafficking broadly), evidence shows that many states instead adopt policies tailored to destination countries facing sex trafficking, such as expansive criminalization measures aimed at reducing inflows of trafficking victims, and rehabilitation and repatriation programs. This is in place of stringent labor laws, monitoring of license provision to tourism and foreign job placement organizations, etc. Investigation into this phenomenon shows countries, such as Thailand, adopting anti-trafficking laws that we would expect a country facing inflow of sex trafficking to have while being mainly a destination country for labor trafficking (UNODC, 2022).

A domestic pressure argument would suggest that lobbying from political elites or from specific interest groups blocking laws that would address the domestic challenges due to a variety of political, economic, and ideological factors. For example, in the case of Canada, anti-trafficking policies have historically been shaped by dominant cultural narratives that prioritize a

western, settler-colonial framework, viewing trafficking through a lens that primarily protects white women while overlooking or even criminalizing Indigenous victims despite evidence that Indigenous women are disproportionately affected by trafficking (Simunic, 2021, p.87). Even when these realities are recognized, initiatives to address them have frequently been sidelined or framed in ways that reinforce rather than challenge existing power structures, using trafficking laws to legitimize existing narratives. Similarly, large labor-intensive firms lobby governments to keep labor laws lax which inadvertently exacerbate labor trafficking and exploitation. However, these explanations are better suited to explain micro-level adoption of specific laws such as anti-trafficking laws that are intended to criminalize prostitution or narrowly defining trafficking to exclude labor trafficking. It does not explain the large-scale adoption of law / policy packages more aligned with the needs of a destination state in a country that is a source or transit country.

Argument and Mechanisms of Faulty Adoption: Strategic Convenience and Reputation Management

I argue that this outcome is driven by U.S. influence through the TIP Report, which ranks countries based on their anti-trafficking efforts using standards that implicitly reflect U.S. policies as a destination country. The TIP Report ranks countries on a four-tier scale, and a low ranking can result in economic and reputational consequences, including sanctions. To avoid downranking and remaining in the lower 2 tiers (Tier 2 watchlist and Tier 3), countries feel pressure to demonstrate compliance with U.S.-influenced anti-trafficking standards, even if these standards do not address their own trafficking profiles. Rather than customizing their responses, states find it "strategically convenient" to adopt policies that align with U.S. standards, effectively leading to the diffusion of a destination-oriented anti-trafficking model worldwide. Note, my argument is **not** that the US is intentionally diffusing a certain policy framework, rather through the use of the TIP report it is diffusing the anti-trafficking norm / expectation to address trafficking domestically. However, because of the ranking associated with it, there is an implicit normative push that recipient states take in to adopt similar policies to the US to avoid sanctions and scrutiny. Since the ranking is done annually with interim assessments, there is

pressure to adopt policies in the short term, and the most strategically convenient way is to emulate the policies from the party doing the ranking and shaming.

I want to emphasize that the ranking is not coming from a 'neutral third party' but from another country that is also actively making and implementing policies to address trafficking. So even though they are trying to help (ignoring other geopolitical factors) countries through this diplomatic tool, what is happening is that these recipient states are seeing the downrank (especially moving into 2wl or 3) and are concerned about how they are perceived by the US and the funding restrictions associated with these downranks. Thus, in the short term (because the next ranking comes out next year with an interim assessment happening at some point within the year) countries are pressured to show some effort to improve their ranking and avoid sanctions, etc. Because the ranking is coming from a country that is also must engage in such policies (but has a distinct manifestation of trafficking (predominantly sex trafficking)) countries looking to improve their standing, will find it strategically convenient to copy what the US is doing to show efforts even though it may be socially, economically and politically costly or will not bring about significant shift in their reality (trafficking numbers do not drop). I make no claims about the uptick in ranking (it could be that they see no effects and remain in the tier).

The direction their policy goes to, I say is the effect of the US normative pressure (implicit), in the sense that these countries want to appease the US, and improve their ranking, thus find the easiest path to do so which is to emulate (not learning where the US is the teacher) the laws US has adopted to show increased anti-trafficking efforts.

In examining why states adopt norms and policies that do not align with their domestic realities, it is essential to distinguish between emulation and learning. In the case of faulty norm adoption, the process is more accurately described as emulation rather than genuine learning. Emulation involves superficial replication of another state's policies or behaviors, often driven by the perceived external pressure to conform, rather than a deep understanding or internalization of the reasons behind those policies. States facing pressure from external sources, such as the U.S. TIP Report, may adopt policies that reflect what they believe will satisfy the ranking criteria, without truly understanding or addressing their own unique trafficking challenges. This form of emulation is motivated by the strategic desire to improve standing in the TIP Report, rather than a thoughtful or informed adoption of policies that would effectively address domestic needs. Unlike learning, which involves a deeper process of adaptation and understanding in

response to external knowledge or expertise (as well as intention on the end of the 'teacher'), emulation here is more about quick compliance with externally imposed expectations, regardless of the fit with local conditions. This is not a case of states actively engaging with and adapting knowledge from other nations but rather of adopting a policy template that promises immediate, albeit short-term, benefits without fundamentally addressing the core issues at hand.

Unlike the boilerplate adoption seen in preferential trade agreements where capacity constraints drive states to use U.S. templates (Allee & Elsig, 2019), faulty adoption in the case of anti-trafficking norms is not about a lack of capacity or intent from the U.S. to export a specific framework. Rather, it stems from the recipient states' *perception* of the TIP rankings as a signal to realign with U.S. standards to avoid downranking. The perceived strategic convenience of copying U.S. laws reflects states' need to demonstrate compliance in the short term. This type of adoption allows states to temporarily avoid economic sanctions and preserve reputational standing, but it ultimately does little to impact their actual trafficking challenges.

Reframing the Norm Cascade: From Norm Emergence to Faulty Adoption

This paper contributes to norm theory by suggesting a revised understanding of the norm cascade process in cases where norm adoption does not equate to internalization. In the norm emergence phase, the U.S. plays the role of a norm entrepreneur, establishing its own anti-trafficking standards as the benchmark. Through its TIP Report, it initiates a cascade by ranking, naming, and shaming countries. However, instead of moving towards internalization, the process culminates in faulty adoption. This occurs as recipient states adopt laws that outwardly comply with the norm but fail to address domestic trafficking realities, resulting in mismatched laws that contribute little to resolving the underlying issues.

Case Study: Thailand

Thailand serves as an exemplary case study for understanding the dynamics of faulty norm adoption in the context of anti-trafficking laws. The country has faced significant international pressure, particularly from the U.S through its TIP Report, to improve its anti-trafficking efforts. As a key country for labor trafficking, especially in the fishing, agriculture, and construction sectors, Thailand's domestic trafficking challenges primarily involve labor exploitation rather than sex trafficking. However, despite these realities, Thailand's anti-

trafficking laws and policies have increasingly mirrored those of destination countries like the U.S., which tend to focus more on combating sex trafficking. Thailand's legal and policy reforms post-2014, particularly following its Tier 3 ranking, demonstrate a pattern where the country has reformed its laws to appear compliant with TIP expectations, while these changes fail to address the specific nature of trafficking in Thailand. For instance, Thailand's focus on criminalizing prostitution and adopting sex-trafficking-related victim protections, despite labor trafficking being the predominant form of trafficking within its borders, highlights a "strategic convenience" approach rather than one grounded in addressing its own trafficking realities.

Research Design

Table of Observable Implications

Expectations	Observable Implication	Evidence
Domestic Pressure from Interest Groups	Public discourse will reflect cultural narratives prioritizing certain groups	Media analysis to identify narratives and stakeholder statements
Economic interests of interest groups and elites informing policy	Correlation between lobbying by labor-intensive industries and lack of labor protection	Documentation of lobbying activities and specific legislative proposals.
Timing of law adoption	Correlation of law / policy adoption with domestic pressures vs. With downranking in TIP report	Was Thailand downranked (in tier 2wl or 3)? Does the adoption of laws and policies correlate with increased discussions / narratives / media coverage of certain framings?
US TIP report Pressure	Changing ranks in TIP report is noticed by political elites	Was there explicit reference to the TIP report or other pressures?
	Shifting narratives	Official statements from government officials in recipient countries will reflect awareness and acknowledgment of the TIP rankings as a determinant for adoption.
	Types of Policies adopted	What kind of trafficking happens within the country – is it a source, transit, or destination country? Labor vs. Sex trafficking What policies / laws has the country adopted? Newly adopted anti-trafficking laws will show that recipient states frequently incorporate

		provisions found in US laws, especially those addressing victim protection and enforcement.

Plan

1. **TIP Report and Influence -** timing of legal reforms in relation to Thailand's TIP ranking history. Identify periods when Thailand's ranking shifted and correlate these with the introduction of specific anti-trafficking laws. This will help to establish whether the laws were adopted primarily to improve the country's TIP ranking rather than addressing its specific trafficking issues.

    a. How U.S. diplomatic pressure, public shaming, or sanctions (e.g., trade sanctions or aid reductions) were associated with changes in Thailand's anti-trafficking laws. Interviews with policymakers, or analysis of diplomatic cables (if accessible), could shed light on how Thailand responded to U.S. pressure and whether the adoption of laws was driven more by the need to satisfy U.S. expectations than by domestic necessity.

2. **Comparative Legal and Policy Analysis** - Analyze Thailand's legal reforms over time, especially in relation to TIP Report rankings. Compare Thailand's legal frameworks—such as the 2008 Anti-Trafficking in Persons Act, amendments in 2015, and the Royal Ordinance on Fisheries—with U.S. anti-trafficking laws, especially those focusing on sex trafficking. This comparison will reveal the extent to which Thailand's laws align with the priorities set out by the U.S. TIP Report rather than reflecting its own trafficking dynamics.

    a. Labor vs. Sex Trafficking focus - Assess how Thailand's laws have focused on sex trafficking-related measures (e.g., criminalization of prostitution, victim support for sex trafficking) while its actual trafficking challenges are more related to labor exploitation. This gap between policy and practice will highlight the disconnect between the adopted norms and domestic needs.

    b. Evaluating trafficking data - Use trafficking data from UNODC, Thailand's Ministry of Social Development and Human Security, and NGOs to measure the types and scales of trafficking occurring in Thailand over time. Compare the data with the types of laws that have been adopted to see if there is any evidence that the legal reforms are addressing the most prevalent forms of trafficking (labor trafficking vs. sex trafficking).