

legal rules in favor of an internally generated yardstick for measuring the performance of all States” (p. 486). That said, Gallagher admits that the U.S. Department of State’s annual yardstick approach occasionally works, but she relates her continuing concerns:

In her work with Member States of the Association of Southeast Asian Nations between 2003 and 2010, for example, the author directly observed multiple instances in which the open threat of a negative grade in the U.S. TIP Report provided the impetus for major reform initiatives, including the criminalization of trafficking . . . As explored at various points throughout this book, some of these responses have been highly problematic in human rights terms, a side effect that is not explored or even acknowledged by the U.S. Department of State’s reports themselves. (P. 485)

The book indicates that the sanctions created by the U.S. Victims of Trafficking and Violence Protection Act of 2000²³ do not qualify as legitimate countermeasures under international law. Rather, they appear to be retorsions or “unfriendly conduct . . . not inconsistent with any international obligation of the State” (p. 269 n.277). The U.S. Department of State’s reporting and sanctioning system has “fundamentally altered the rules of the compliance game” (p. 497). The TIP Report—the elephant in the room—could “undermine the [international] regime’s legitimacy” (pp. 497–98). Gallagher points to the determinative factor: congruence between international law and the external enforcement mechanism. A side-by-side comparison of the TIP Report’s Minimum Standards for the Elimination of Trafficking in Persons, quoted in full in table 9.1 (pp. 482–84), and current international law would be another welcome addition to the human trafficking scholarship.

Ultimately, Gallagher has created an indispensable, splendid, and important book. Fluidly and beautifully written, it is a dense volume tackling complex legal issues and debates. She has penned the comprehensive treatise and reference textbook on the international law of human trafficking. Given the pace of legal developments over the past

decade, we can only hope that Gallagher has already started drafting the second edition.

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²³ 22 U.S.C. §§7102–7112.

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