UNITED NATIONS UNIVERSITY
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Developing Freedom

The Sustainable Development Case for Ending Modern Slavery, Forced Labour and Human Trafficking

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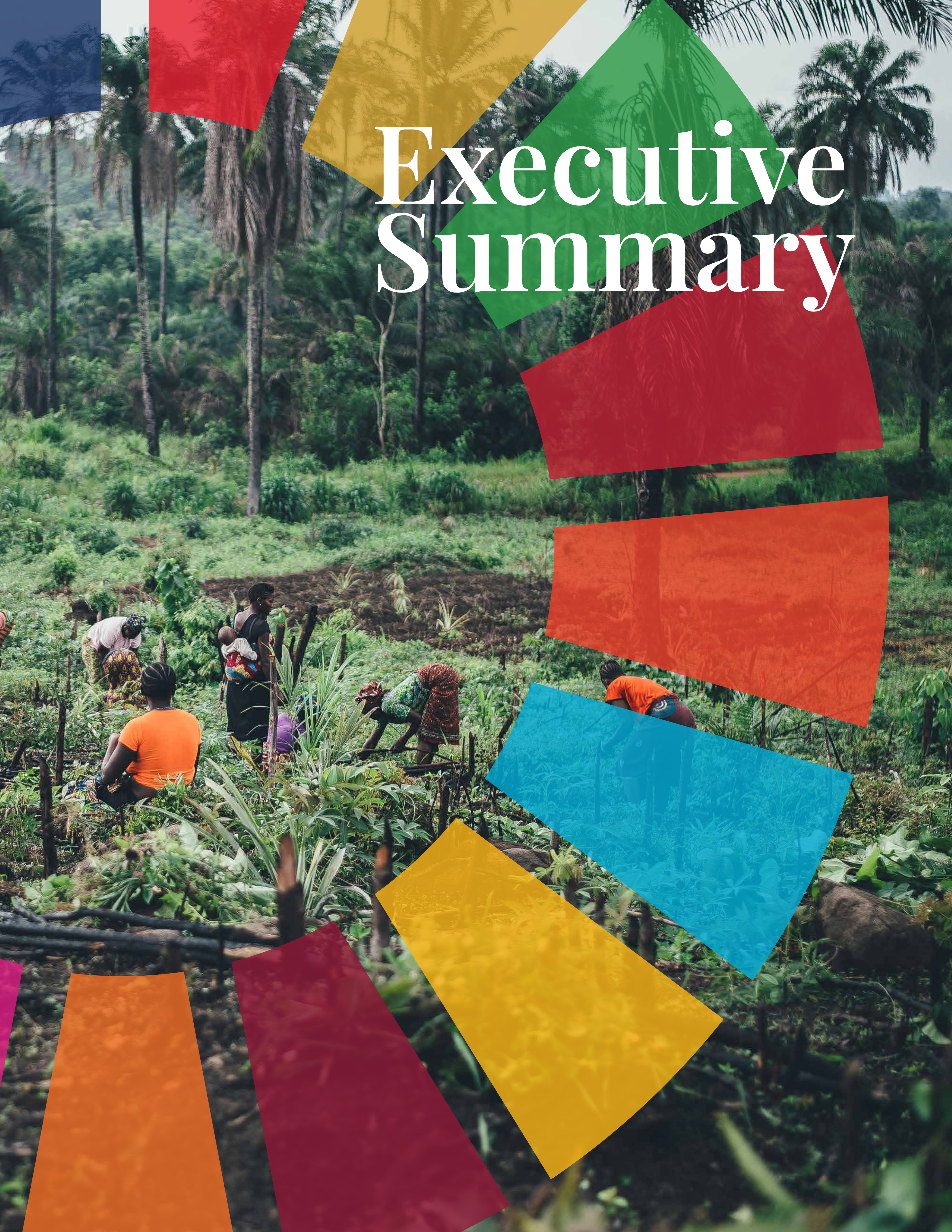
AAAA	Addis Ababa Action Agenda of the Third International Conference on Financing for Development (2015)
Accord	Accord on Fire and Building Safety in Bangladesh
ADB	Asian Development Bank
AIIB	Asian Infrastructure Investment Bank
Alliance	Alliance for Bangladesh Worker Safety
AML	Anti money laundering
APIMI	Association of Palm Oil Investors of Malaysia in Indonesia
BGMEA	Bangladesh Garment Manufacturers and Exporters Association
BNDES	Banco Nacional de Desenvolvimento Econômico e Social (Brazil)
BRICs	Brazil, Russia, India and China
BSC	Bangladesh Sustainability Compact
BWI	Builders' and Wood Workers' International
CAS	ILC Committee on the Application of Standards
CBP	US Customs and Border Protection
CCP	Chinese Communist Party
CDC	UK development finance institution, previously Commonwealth Development Corporation
CEACR	ILO Committee of Experts on the Application of Conventions and Recommendations
CGF	Consumer Goods Forum
COFI	FAO Committee on Fisheries
COFI:FT	COFI Subcommittee on Fish Trade
CONAETE	Comissão Nacional de Erradicação do Trabalho Escravo (Brazil)
COVID-19	Coronavirus disease caused by severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2)
CPT	Comissão Pastoral da Terra (Brazil)
DBE	Development Bank of Ethiopia
DFIs	Development finance institutions
EBRD	European Bank for Reconstruction and Development
EIB	European Investment Bank
EMDEs	Emerging markets and developing economies
EPRDF	Ethiopian People's Revolutionary Democratic Front
ESG	Environmental, social and governance
EU	European Union
EUR	Euros
FAO	Food and Agriculture Organization
FDI	Foreign direct investment
FELDA	Federal Land Development Authority (Malaysia)
FIFA	Fédération Internationale de Football Association
FLSA	US Fair Labor Standards Act
FoKSBI	Forum Kelapa Sawit Berkelanjutan Indonesia
FPIC	Free, prior, informed consent
G20	Group of 20
GAPKI	Gabungan Asosiasi Pengusaha Kelapa sawit Indonesia
GDP	Gross domestic product
GERTRAF	Grupo Executivo de Combate ao Trabalho Escravo (Brazil)
GFEMS	Global Fund to End Modern Slavery
GHG	Greenhouse gas
GNI	Gross national incomes
GSP	General System of Preferences
GVC	Global value chain
HRW	Human Rights Watch
IACHR	Inter-American Commission on Human Rights
IACtHR	Inter-American Court on Human Rights
ICAT	UN Inter-Agency Coordination Group on Trafficking in Persons
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Social, Economic and Cultural Rights
IDB	Inter-American Development Bank
IFC	International Finance Corporation
IFC PS	IFC Performance Standard(s)
ILC	International Labour Conference
ILO	International Labour Organization
ILO C29	ILO Forced Labour Convention, 1930

ILO C188	ILO Work in Fishing Convention, 2007
IMF	International Monetary Fund
IMO	International Maritime Organization
InPACTO	Instituto Pacto Nacional pela Erradicação do Trabalho Escravo (Brazil)
IOM	International Organization for Migration
IPOP	Indonesian Palm Oil Pledge
ISPO	Indonesian Sustainable Palm Oil framework
ITUC	International Trade Union Confederation
IUU	Illegal, unregulated and unreported (fishing)
LDCs	Least developed countries
LICs	Low-income countries
MDB	Multilateral development bank
MPOA	Malaysian Palm Oil Association
MPOB	Malaysian Palm Oil Board
MSPO	Malaysian Sustainable Palm Oil framework
NFAT	National Fisheries Association of Thailand
NTPA	National Tripartite Plan of Action on Fire Safety and Structural Integrity (Bangladesh)
OAS	Organization of American States
ODA	Official development assistance
OECD	Organisation for Economic Co-operation and Development
POIG	Palm Oil Innovation Group
PPE	Personal protective equipment
RBC	Responsible business conduct
RFMOs	Regional fisheries management organizations
RSPO	Roundtable on Sustainable Palm Oil
SDG	UN Sustainable Development Goal
SLORC	State Law and Order Restoration Council (Myanmar)
SME	Small and medium enterprise
SPDC	State Peace and Development Council (Myanmar)
UK	United Kingdom
UN	United Nations
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
UNOPS	United Nations Office for Project Services
UNU-CPR	United Nations University Centre for Policy Research
UNSDPs	UN Sustainable Development Partnerships (country-level development assistance frameworks)
US	United States of America
USD	United States dollar
VSI	Vertically specialized integration
VSS	Voluntary sustainability standard(s)
WDR 2020	World Development Report 2020
WPS	Wage protection system (Qatar)
WRO	US CBP Withhold Release Order
WTO	World Trade Organization
WWF	World Wildlife Fund
XPCC	Xinjiang Production and Construction Corps

Executive Summary



40.3 million people – around 1 in every 185 people alive – experienced modern slavery or forced labour in 2016. States have committed to take immediate and effective measures to end modern slavery, forced labour and human trafficking by 2030, and child labour by 2025 (Target 8.7 of the Sustainable Development Goals). Since 2017, 92 countries, including the UK, US, China and Saudi Arabia, have committed to a *Call to Action* calling for ending modern slavery to be "a priority" for multilateral development action. Yet development sector voices are often notable for their absence from global anti-slavery discussions.

This study is the result of eighteen months of work to answer a simple question: *How can fighting slavery contribute to sustainable development?* We used comprehensive literature reviews, quantitative analysis, surveys and mixed methods case studies to develop a thorough answer to that question. In summary, our answer is: *By maximizing people's economic agency* – their ability to make choices, for themselves, about how to develop and use their own capabilities and how to use factors of production such as land, labour and capital.

PART ONE: SUSTAINABLE DEVELOPMENT AND MODERN SLAVERY

Modern slavery denies people's economic agency

Modern slavery involves some people treating others as if they own them. As former IMF Director Peter Doyle has recently pointed out, slavery, forced labour and human trafficking (often referred to by the catch-all term 'modern slavery') all involve the intentional restriction or denial of the basic economic agency that is assumed by our economic models. In each case, someone is profiting by controlling or stealing another's economic agency, in part or in whole – even as survivors find creative ways to assert their agency in other domains. (Where that loss of agency is the central explanatory trait of the conduct in question, we refer to that conduct throughout this text simply as 'slavery', in part to highlight the continuity between chattel slavery, as was practiced in the era of trans-Atlantic slavery and contemporary 'modern slavery'.)

Existing approaches to development, including the human development approach inspired by Amartya Sen, focus on developing people's capabilities, but assume people have basic economic agency, for example the ability to leave a job they do not like, or to control their own consumption, savings and investment choices. Slavery disrupts that assumption. It requires a different response that seeks to protect and maximize agency.

10 ways slavery impedes development

The agency theft that slavery represents has significant negative externalities. They ripple through the economy, snowballing into large-scale, inter-generational effects that create major impediments to sustainable development, and leave everyone worse off. This occurs in 10 ways.

1. Slavery reduces productivity

Coercion in labour relations demotivates workers, encouraging them to leave if they can. If they cannot, productivity drops. The employer can use coercion to set wages below the value of marginal product of labour, pocketing whatever labour cost savings result. This leads to an inefficient allocation of labour at the economy-wide level, driving capital towards inefficient parts of the economy where exploiters capture these rents. The inefficient allocation of labour leads to a depressed equilibrium wage, so all workers – not just slaves – end up worse off. Slaves become, as Datta and Bales have put it, "unwilling agents of economic stagnation". As the history of trans-Atlantic slavery shows, slavery only connects to gains in productivity when those who capture the rents use them to drive forward and backward linkages in the value chain, moving the economy from a predatory, rentier pathway to a developmental one.

2. Slavery creates inter-generational poverty

Slavery negatively impacts the health of its victims, through multiple physical and psychological vectors. It also deprives victims of education and human capital formation opportunities, with impacts that last for the rest of their lives. Large-scale slavery can lead to demographic skewing, with implications for agricultural production and for reproduction rates, gender discrimination and violence, and sexually transmitted disease. Slavery has had inter-generational impacts in Africa, Latin America, North America and Eastern Europe, reducing income, health outcomes, and national income, and even regional economic performance.

3. Slavery institutionalizes inequality

Slavery privatizes the profits from one person controlling another's agency, while socializing the resulting costs. It is an extractive system that enriches exploiters and reduces prices for consumers, while allowing rent-takers to entrench political power. This rapidly entrenches inequality. Those who benefit lean on legal forms and political narratives such as race, caste, gender or simply 'free capital' to justify this unequal allocation of control of agency. Slavery is consequently more likely where political freedoms are more constrained, regardless of how integrated they are into global markets (as Landman and Silverman have recently shown), and where societies are vertically unequal (as Piketty has shown).

This inequality is enduring: once slavery is institutionalized, slavers tend to use their profits to entrench their power, perpetuating structural inequality. Efforts to end slave-based economies will require both political power and significant financial incentives. In the UK, the price of ending the slave trade in 1830 was a compensation package to the West Indies lobby worth 5 per cent of British GDP at the time (20 per cent of the government budget), which was still being paid off by the British public 180 years later. Haiti spent over two hundred years paying off the debt her former French slave masters demanded to accept Haitian independence. And Russia's former serfs paid the bill for their own emancipation for 49 years.

4. Slavery weakens multiplier effects

Slaves' control over their own consumption, savings and investment choices is restricted or denied. Employers may withhold wages altogether, or force wages that are paid to be spent in certain ways – such as at company stores, or on mandatory 'fees'. This prevents slaves improving their nutrition or healthcare, investing in education or household enterprise, or otherwise increasing their own welfare as they see fit. This reduces the contribution to economic multipliers these people would make if they controlled their own agency. Once that agency is restored, through emancipation, significant economic bumps usually follow.

5. Slavery discourages innovation in production

Slaves have no reason to innovate, since they know they will not enjoy the fruits of innovation. And employers also have disincentives to innovate, since it may actually reduce rent income, for example because exploitation becomes harder as skill-levels increase.

6. Slavery produces a capital market failure

Slavery may however foster (nefarious) financial innovation, since it invites collateralization of people. Even today, when it is not legally permitted to hold slaves as capital against which mortgages can be raised, the enslavement of workers continues to underpin the financial valuation of companies that rely, perhaps unwittingly, on slavery in their value chains. Through the introduction of coercion after people enter employment, debt or marriage contracts, those people can effectively be treated like low to zero cost factors for capital formation and accumulation. Whole value chains emerge out of this governance manoeuvre, with those at the top using their power to capture the value developed, through multiple levels of mark-ups, securitization and leveraging, out of the seed of the worker's collateralized freedom. Capital markets reward firms that operate on this model, since they seem to have low labour costs. Market regulation does not yet properly factor social costs into pricing, just as markets have historically failed to price in environmental costs. This is a classic market failure. Enterprises relying on unlawful forced labour have an unfair advantage on capital cost over those that do not. In effect capital markets are subsidizing illegality, leaving us all worse off.

7. Slavery hits the public purse

…on both the revenue and expenses side. It reduces income tax receipts because wages are unpaid and reduces consumption tax receipts because those unpaid wages are unspent. This may be significant: in 2009, the ILO calculated underpaid wages connected to forced labour at around USD 21 billion per annum, globally. Slavery also increases public expenditure, on enforcement, criminal justice, health services and victim services. UK Home Office researchers estimated direct and victim costs in the UK from modern slavery at around GBP 3.3 to 4.3 billion per year.

8. Slavery weakens governance

It increases social stratification and violence, and appears to impede State formation, increasing ethnic fractionalization. Its introduction can degrade the strength of existing governance, and reduce spending on public goods and institutions, with implications for all. Slavery appears to destroy social capital – trust – and create new norms of mistrust that are transmitted intergenerationally. To succeed, anti-slavery interventions may need to address governance questions (SDG 16) and not only decent work (SDG 8).

9. Slavery fuels corruption and illicit financial flows

Slavers pay bribes and corrupt officials to protect the space that allows them to conduct the illicit wealth transfer that slavery represents. (Andrew Crane calls this 'domain maintenance'.) Where value is captured in a country other than where the labour was stolen, this may represent an illicit transnational financial flow. So stolen asset recovery tools may be relevant, for example to deal with illicit transfers of wealth from migrant workers' countries of origin to the countries in which they are exploited.

10. Slavery harms the environment

It skews production to unsustainable labour-intensive methods, and frequently coincides with illegal deforestation, fishing and land use. This reduces space for carbon sequestration, increases carbon emissions, and often leads to loss of biodiversity and natural capital stock. All of this connects slavery to unsustainable production and consumption practices, suggesting a need to develop interventions that combine work on SDG 8 with SDG 12.

The developmental impacts of slavery are enduring

Transatlantic slavery may account today for 72 per cent of income disparity between African nations and the rest of the world – and 99 per cent of the disparity between these nations and other developing countries. This means, though, that ending slavery would unleash significant growth: IMF researchers recently suggested that eliminating child marriage – one element of modern slavery – would offer poor countries GDP per capita growth of around 1.05 per cent.

Work to end slavery will help achieve other SDGs

Since slavery reduces growth and has other negative development impacts, ending it will promote growth and have other positive development impacts. Efforts to reduce slavery, forced labour and human trafficking connect to 113 of the 179 Sustainable Development Goal Targets. Work in the areas of Goals 1 (Ending Poverty), 4 (Quality Education), 8 (Decent Work), 13 (Climate Action) and 16 (Peace, Justice and Strong Institutions) is likely to be especially aligned with anti-slavery efforts.

The development sector has a slavery blind-spot

What approach do development actors currently take to modern slavery, forced labour and human trafficking? To answer that question, we surveyed practitioners from 16 countries and reviewed the practice of bilateral development agencies (US, UK, Norway, Australia), multilateral development banks (the World Bank; ADB, AfDB, EBRD, EIB, IDB), export credit agencies, development finance institutions, new development lenders (AIIB, New Development Bank), and China.

Although Amartya Sen's *Development as Freedom* framework pointed the development sector to thinking about human capabilities as a foundation of development, most development entities continue to assume that all people – at least all adults – control their own basic economic choices. Most development actors fail to account meaningfully for the economic implications of the loss of agency experienced by 40.3 million people. 67 per cent of development practitioners surveyed said their organizations perceive slavery not as an economic, trade or industrial policy concern, but as a social or criminal justice policy concern. Perhaps unsurprisingly therefore, most development actors treat slavery risk reduction as a project safeguarding question – a risk management issue – not as a strategic objective of capital allocation decisions or policy advice. Only 21 per cent of practitioners surveyed said modern slavery risks are factors guiding investing or lending objectives.

Slavery is not treated as a predictable outcome of how risk is structured and distributed by prevailing economic arrangements and development strategies. The sector lacks a coherent policy approach that locates anti-slavery as part of a strategy to promote sustainable development.

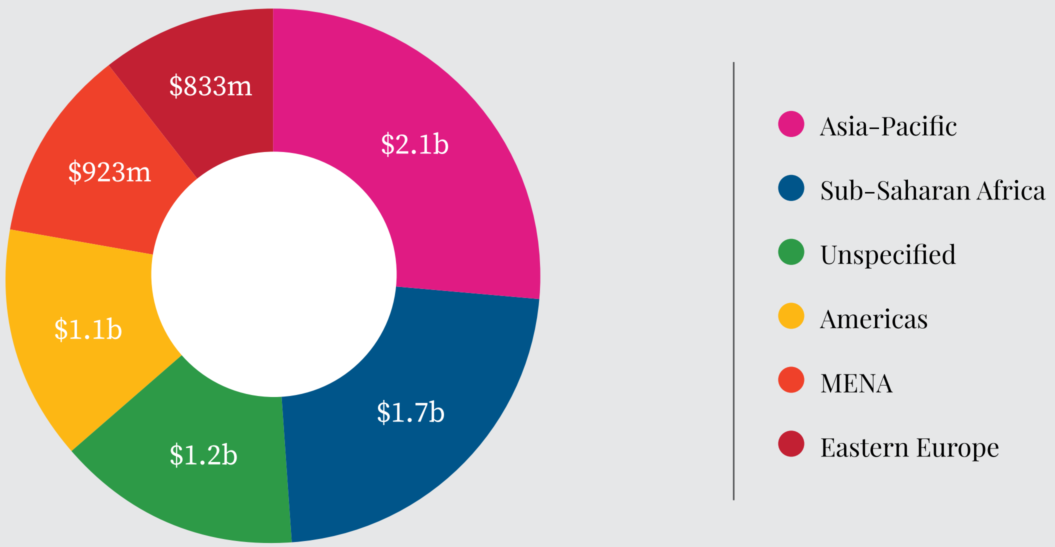
ODA spending on SDG 8.7 has been low and fragmented

We analysed more than 2 million official aid project records from 2000 to 2017. On average, less than USD 12 per victim was committed in aggregate ODA, globally, each year. Spending is highly fragmented into a large number of small projects, usually receiving around USD 109,000 for bilateral projects, and just USD 18,000 for multilateral projects. Only 1,327 projects in the more than 2 million project records we reviewed were worth USD 1 million or larger. There is also evidence suggesting that ODA spending was spread increasingly thinly over time.

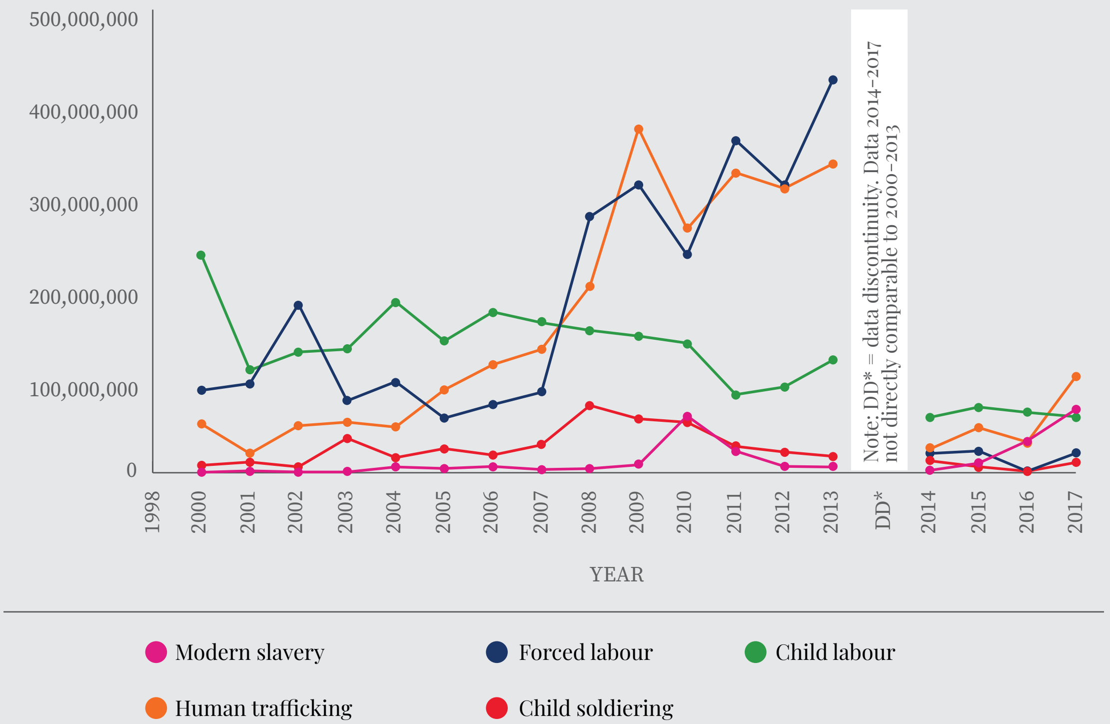
ODA spending on these issues is concentrated in a small number of donors, with the US contributing around 43 per cent in the period studied, four times the EU commitment, and 7 times the commitments of Norway, Germany, Canada, Australia, Spain, Sweden, UK and Switzerland. UNICEF has been the most consistent multilateral donor, while the World Bank has been the largest.

Tracking estimated prevalence, most spending is for programming in Asia-Pacific, then Sub-Saharan Africa. But spending does not appear to be based on need alone. Some countries that are thought to have very high prevalence have received little ODA to address this issue, while some major recipients are not thought to be amongst those countries hosting the largest victim populations. Spending on forced labour and human trafficking has been an order of magnitude higher than spending on forced marriage, modern slavery and child soldiering.

ALLOCATIONS OF ODA TO ADDRESS SDG 8.7 CONCERNS, BY REGION, 2000–2017



VALUE OF ODA COMMITMENTS 2000–2017 BY TYPE OF EXPLOITATION (USD, YEAR ON YEAR)



Development entities treat slavery as a safeguarding question, not a strategic question

Most development actors treat slavery risk reduction as a project safeguards question – a risk management issue – not as a strategic objective of capital allocation decisions or policy advice. Only 21 per cent of practitioners surveyed said modern slavery, forced labour or human trafficking are factors in investing and lending.

Project safeguards arrangements increasingly align around international expectations of responsible business conduct and business respect for human rights. These are reflected in the UN Guiding Principles and Business Human Rights, and relevant OECD Guidance. There is a growing cohort of development actors actively learning on their own, and from each other, what effective safeguards, due diligence and business engagement looks like.

Their operational practice varies significantly. Some conduct their own risk assessments, while others rely on borrowers, beneficiaries and clients to do so. Some hold their partners to international labour standards; others defer to national arrangements. That creates a real risk that where States do not already respect international standards, development efforts will not only do nothing to generate behavioural change, but could in fact amplify labour violations and reinforce institutional environments conducive to such violations. And most safeguards are limited to project lending. They do not extend to so-called 'policy lending', or advisory work.

DFIs and ECAs may need to consider not just how slavery risk may arise within their business relationships, but also how contextual risk can heighten project risk, and vice versa. In Ghana, for example, World Bank funding for a dam in the 1960s led to the disruption of traditional agricultural livelihoods, which then led to families trafficking their children into slavery on Lake Volta. And presently, in Eritrea, EU financed road construction, managed by the UN, may contribute to demand for forced labour supplied through a controversial government conscription scheme. Yet where safeguards fail, development actors often seem unwilling or unable to provide or enable effective remedy for resulting modern slavery harms, as required by the UN Guiding Principles on Business and Human Rights.

The UN approach at country level does not take an integrated approach

UN development frameworks at the country level do not treat anti-slavery as a strategic opportunity to promote integrated programming for sustainable development. We reviewed 396 UN country development strategy documents covering 2000 to the present, looking at whether they addressed modern slavery, forced labour, human trafficking or child labour in a country. 74 per cent of the time they did not. Most references were to human trafficking and child labour, with references to forced or child marriage, and forced labour well behind. Modern slavery and slavery were almost never mentioned.

Nearly all these references were contextual or described programming by one individual UN entity. Only 1.3 per cent of the time was there a reference to one of these forms of exploitation as a target of overall country strategy requiring integrated programming and action. Such 'strategic' programming has actually declined substantially since 2000-2005, even as the overall number of references has increased, suggesting that while these issues are more often referred to, integrated action is less likely than it was twenty years ago.

There is a tight connection in these documents between how exploitation is described, the UN operational agency involved, and the type of programming proposed. Where the framing was focused on child and forced labour, the interventions proposed tended to deal with access to education, rural finance, and protection mechanisms. Where the framing used was 'human trafficking', interventions focused on strengthening criminal justice and victim support. The absence of an operational agency developing programming on 'slavery' or 'modern slavery' explains the absence of references to these issues. Institutional path dependency also appears to explain geographic and temporal clustering in the kind of programming rolled out.

The lack of integrated thinking is reflected in the existence of two separate UN-wide coordination mechanisms focused on human trafficking (ICAT) and forced and child labour (Alliance 8.7). Neither has attracted significant commitment from the main economic development organizations in the UN system – such as UNDP and the World Bank. The Alliance 8.7 Pathfinder process offers an opportunity to strengthen integration in anti-slavery efforts – but also risks creating a separate silo of country-level development assistance, disconnected from the broader UN development strategy for the country and existing UN Country Team mechanisms. This risks missing out on opportunities for synergies between anti-slavery programming and broader sustainable development initiatives.

China's domestic practice and overseas lending is increasingly important to outcomes

China is the world's largest official creditor, with outstanding claims in 2017 surpassing the loan books of the IMF, World Bank and of all other 22 Paris Club governments combined. Chinese-held debt may represent 8 per cent of world GDP and involve 80 per cent of all countries. Many of these countries grapple with high modern slavery risks. And most of this debt is on commercial, not concessional terms, and is collateralized, so Chinese debts will be treated preferentially where repayment problems arise. For all these reasons, Chinese approaches to modern slavery, forced labour and human trafficking may have a significant bearing on how modern slavery risks are handled in the development context in years ahead.

The Chinese Export-Import Bank and China Development Bank account for more than 75 per cent of overseas lending. Both are State-owned, so Chinese Government positions on modern slavery risk reduction will be significant. There is a growing body of Chinese Government and industry-generated norms directing and encouraging this lending to address forced labour and child labour risks, including some industry-specific norms that explicitly align with the UN Guiding Principles on Business and Human Rights. Most, however, merely require conformance with local law, and uptake by Chinese firms operating overseas remains limited.

Difficult questions are also raised by China's domestic development policies and practices, especially the development and poverty-alleviation strategy for the Xinjiang Uyghur Autonomous Region known as 'Xinjiang Aid' (援疆). Credible reports suggest development instrumentalities, including financing from China's domestic development banks, may be underwriting imposition of systematic forced labour on the region's Uyghur and other ethnic minority populations, both in Xinjiang and in factories elsewhere in China. Chinese authorities frame these policies in terms of development, poverty alleviation and counter-terrorism, arguing that allegations of forced labour are a "political manoeuvre" by the US and like-minded countries. The allegations generate questions about the consistency of China's development policies with anti-slavery norms. Both Chinese and international development actors operating or financing projects in Xinjiang, or working with organizations involved in the execution of the Xinjiang Aid policy, may need to build and use leverage to address forced labour risks and enable effective remedy.

Global value chains can contribute to modern slavery risks

Incorporation into global value chains (GVCs) can be a powerful motor for poverty eradication, increase formal employment and create jobs for women. This developmental model, central to much contemporary development spending, programming and advice encourages countries to compete for access to global capital by lowering overall labour costs and increasing labour market 'flexibility'. But GVCs can also end up concentrating value-capture and market power at the ends (design and sales), while pushing risk to the middle (production). This can leave producers and workers with most of the risk, and force producers and countries to compete on labour costs, incentivizing coercion and labour exploitation.

GVC management practices can sometimes foster precarious work. These include short-term supplier relationships, downward price pressures, volatility in order volumes and specifications, late payment and lack of access to working capital, labour subcontracting and production quotas. The result can be that GVCs reproduce vulnerability in the workforces and communities they depend on, undermining their development. The managerial challenge differs from value chain to value chain, depending on how they intersect with local institutions (laws, policy regimes, social norms), vulnerabilities and business strategies. Factors that emerge as particularly salient are: industry structure (with oligopsony power increasing modern slavery risks); skills-intensiveness (higher skill work is less prone to exploitation); and conditions of production (isolation and precarity increases modern slavery risk). Different businesses at different points in the GVC have different levels and forms of leverage to address these risks.

GVCs work economically because they unbundle production into different tasks, each performed wherever is cheapest. This drives efficiency and increases overall welfare. The danger is that in the process GVCs may accidentally unbundle communities, detaching high-skill, high-wage workers who operate at the ends of the value chain (design, sales), from low-skill, low-wage workers who are pushed into the risky, precarious middle (production). This can put different communities within the same country on different development pathways, and contribute to structural inequality, political polarization and vulnerability to modern slavery.

The reorganization of production into GVCs is the result not only of technological changes such as reduced costs of transport and communication and improved IT that have made global dispersal of production of possible. It is also the result of States' policy choices, particularly on trade, FDI, intellectual property, tax, competition law, migration, labour regulation and land. GVCs are the outcome of collective policy choices, made in a decentralized way, about how to distribute wealth, risk and power in our global economy.

Tackling modern slavery requires taking this political dimension seriously. The narrative that forced labour and slavery promote development is a political narrative offered by those who benefit from such rentier arrangements. Where private interests capture the State, they can even dress up private profit-taking from a slave-rent system as national economic growth, but only by externalizing the true social and economic costs of slavery – literally keeping them off the books. This is how many colonial economies worked, by leaving forced labour literally unaccounted for, allowing for unaccounted transfers of wealth from colonies to colonizers.

Just as carbon-based 'development' is proving to be a chimera, an accounting sleight of hand, made possible only by excluding from our account the harms done to entities deemed to be outside our narrative frame – including our descendants – so slavery-based development may prove illusory if we do not account for the true social and economic costs of modern slavery. Tackling this requires going beyond safeguarding projects. It requires thinking about the developmental role of the State in maximizing people's economic agency.

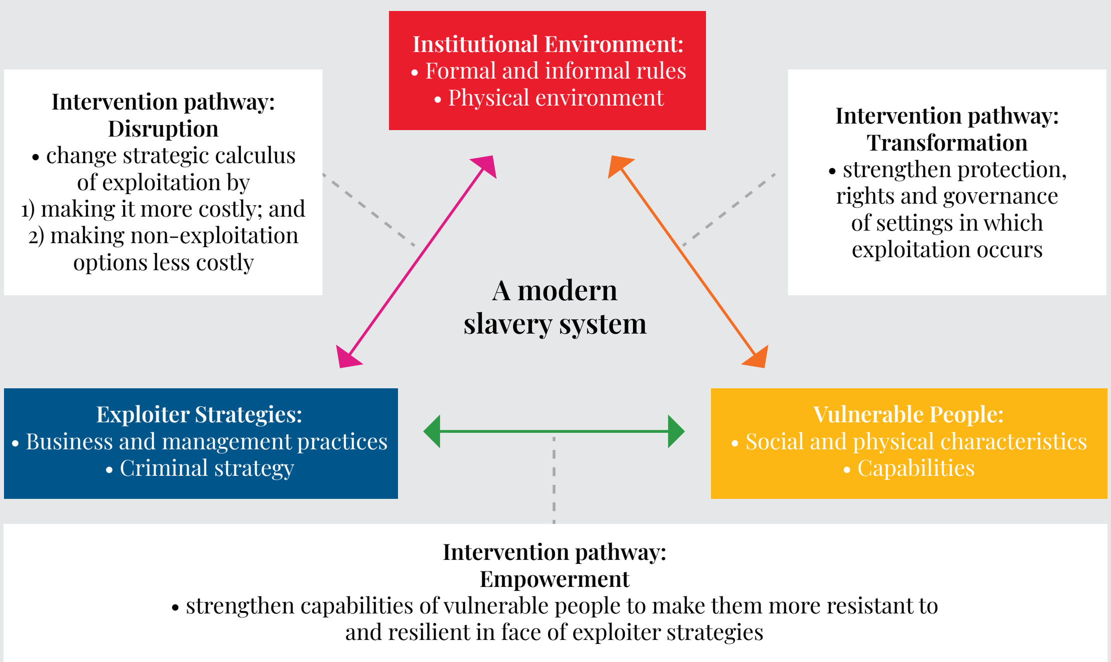
Addressing modern slavery requires a developmental model that reaps the pro-growth and job-creating benefits of GVCs, while also protecting people's economic agency. GVCs are the product of State choices, so State policies will all be involved in adjusting the GVC model to reduce modern slavery risks.

A systems approach to intervening to end modern slavery

Altering our development model to protect economic agency requires system-level change. It requires demonstrating that the medium to long-term benefits to all that result from change are worth the short-term costs to some, and assembling coalitions of actors with sufficient power to sustain those short-term costs. To understand how to design such interventions, we need a framework for analyzing modern slavery systems.

We call this the 'Developing Freedom' framework. It explains modern slavery as an extractive system that arises where 1) institutional environments intersect with 2) people's vulnerabilities in ways that allow 3) profitable exploiter strategies to emerge.

THE DEVELOPING FREEDOM ANALYTIC FRAMEWORK



Exploiters use the institutional resources in the environment – including laws, social norms and business practices – to turn people's vulnerability into stable control of their economic agency, allowing rent capture. These practices may further contribute to people's vulnerability (e.g. 'adverse incorporation'), creating a reinforcing feedback mechanism that helps sustain the system.

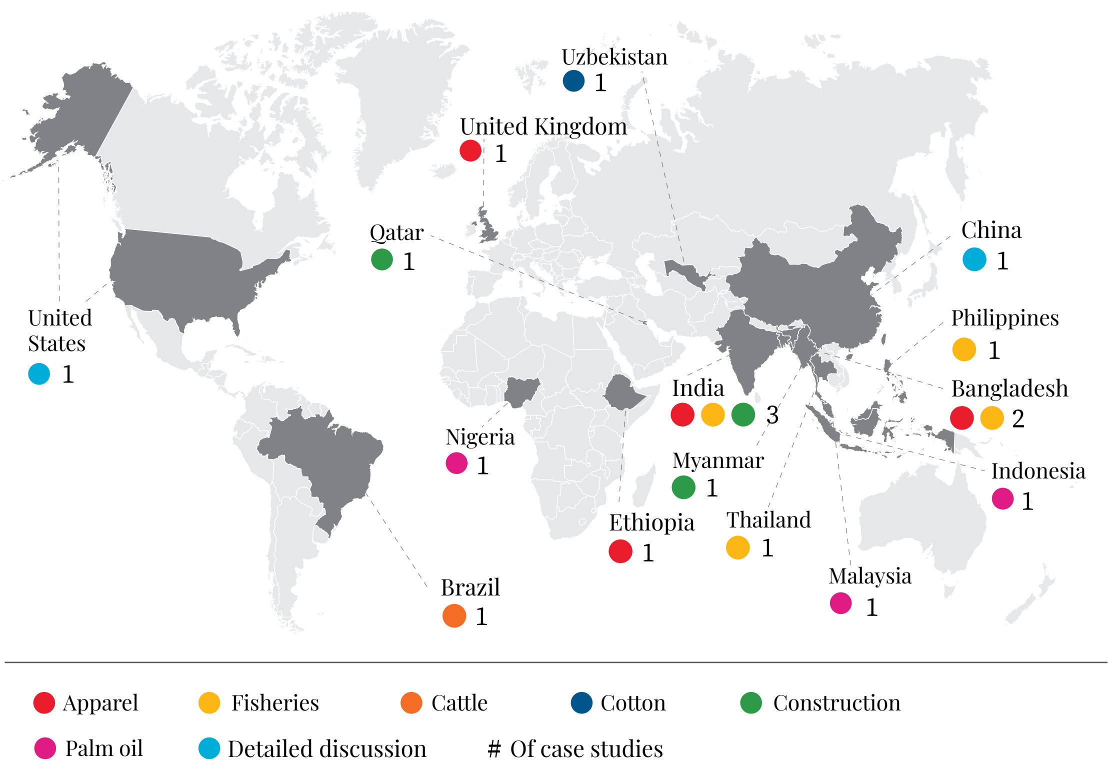
Rent-takers also maintain these systems by actively undertaking 'domain maintenance' (Andrew Crane's term) to protect their autonomy from anti-slavery norms. That often includes alliances with political power and corruption, but can also include alignment of interests with global buyers, consumers and investors.

Interventions can seek to 1) transform the institutional environment, 2) empower people to make them more resistant to exploitation, or 3) disrupt exploiter strategies by changing their strategic calculus. Transformation requires more than just legal reforms, since slavery often operates beyond the reach of the law, and is sustained more by social norms. Empowerment works to increase people's resistance to exploitation, including by enhancing their agency and capabilities, including their financial capabilities. Disruption aims to make slavery too costly, or alternative strategies more profitable.

Where development actors intervene, rent-takers can be expected to resist, pre-empting, counter-mobilizing or coopting interventions (Austin Choi-Fitzpatrick's typology). To be effective, development interventions must be strategic, anticipating such resistance. And since modern slavery systems are embedded in larger sectoral and political structures that stretch from the local to the global level, development interventions intended to address them may need to operate across multiple institutional levels.

PART TWO: SIX SECTORAL CASE STUDIES

The study presents six mixed-methods, sectoral case studies that explore different modern slavery systems operating in the global economy, and identifies the dynamics around efforts to intervene in those systems to promote sustainable development. These studies, and other detailed discussions in Chapters One and Nine, cover: Bangladesh, Brazil, China, Ethiopia, India, Indonesia, Malaysia, Myanmar, Nigeria, Philippines, Thailand, UK, US and Uzbekistan.



CASE STUDY: CATTLE (BRAZIL)

For the last 25 years, the Brazilian State has led arguably the most sustained, sophisticated domestic anti-slavery disruption effort of any country in recent times. This has been supported by civil society, the ILO, US, Norway and – to some extent – Brazilian business. It has rescued over 55,000 people from conditions of slavery. Around one third of those people worked on cattle ranches.

Slavery in Brazil's cattle industry is a product of several interacting factors:

- **Institutional environment:** a development model that encourages meat production in areas where the State's enforcement power is weak, including the Legal Amazon and Cerrado, combined with a supply chain that relies on outsourcing and competition on labour costs. Brazil has invested significant State and international development funds in cattle industry firms that have tolerated workplace illegalities.

- **People's vulnerabilities:** a pool of marginalized, poor rural labourers (*peões*) susceptible to discrimination and exploitation. It is not the poorest of the poor, but the working, landless poor, with limited access to education, capital and finance that appear most susceptible to enslavement.

- **Exploiter strategies:** use of coercion and fraud by recruiters (*gatos*), contractors and producers to compete on labour costs, while harnessing traditional norms of social dependency and obligation, and market norms of financial debt, to control workers' economic agency.

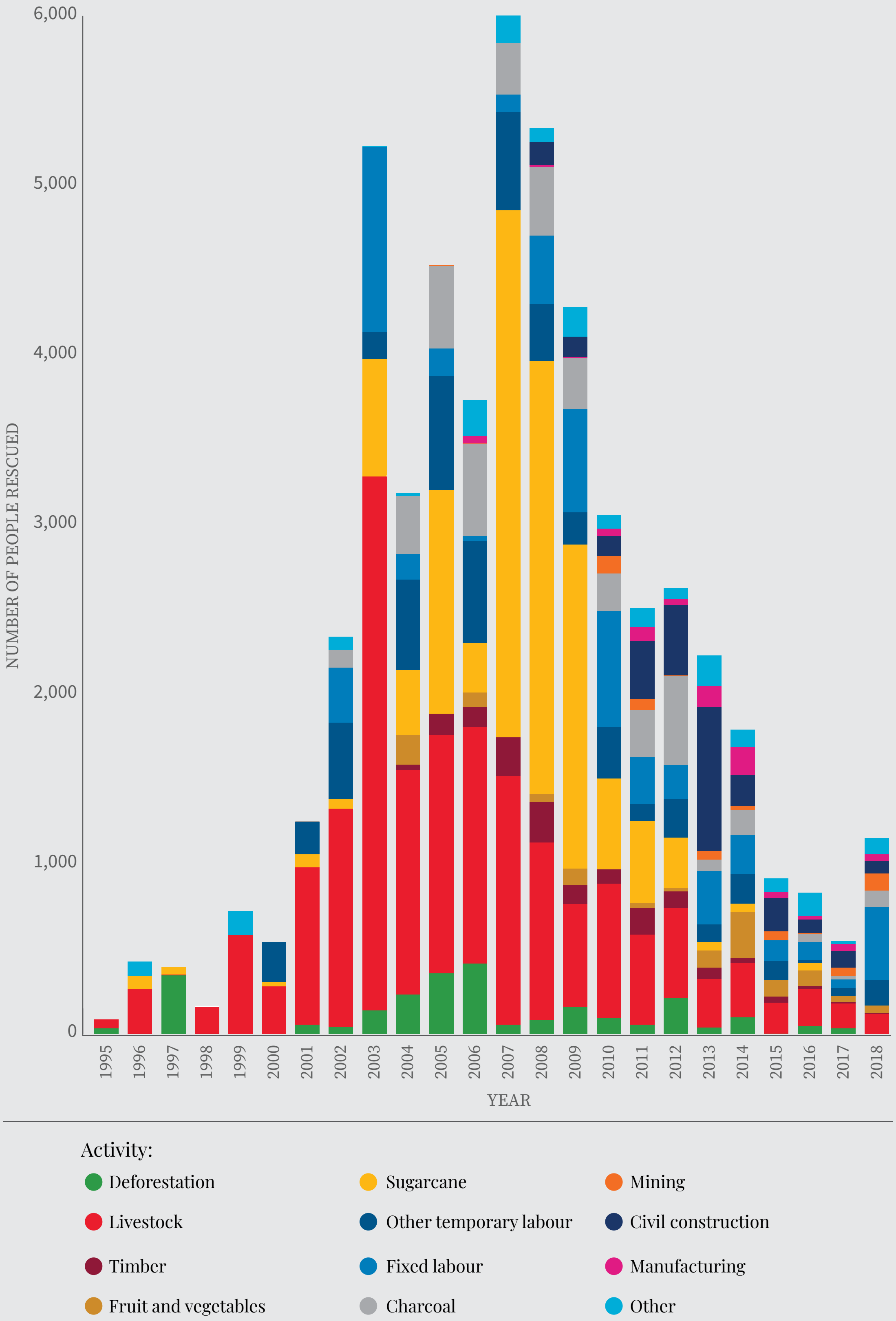
These factors interact to generate stiff competition amongst primary producers, who on-sell to other producers and to slaughter-houses. They compete by using coercion to drive down wage bills. Supply chain traceability is limited, and producers blame recruiters and foremen for poor labour practices. Many producers also enjoy effective impunity because of the isolation of their ranches, deliberate corruption of police and government officials, and intimidation of workers.

Brazil's disruption effort has evolved over time, through a series of collaborations between government, civil society and business, notably the Commission for the Eradication of Slave Labour (*Comissão Nacional de Erradicação do Trabalho Escravo* – CONATRAE) and a successor National Pact. The government has developed a series of powerful tools for disrupting exploiter strategies, including mobile labour inspections and courts, and the famous 'dirty list' (*lista suja)* of companies found to have engaged in slavery or employed workers in slavery-like conditions. The *lista suja* became an important reference for both buyers and public and private lenders to use in screening out businesses that rely on slavery.

Yet disruption efforts have lost momentum in recent years, as actors with interests in the cattle and other affected industries have counter-mobilized through judicial, political and extra-judicial channels. The National Champions Policy, 2008-2013, saw the *Banco Nacional de Desenvolvimento Econômico e Social* (BNDES), Brazil's national development bank and the second largest in the world, provide billions of dollars of concessional financing to and take equity positions in several Brazilian beef companies, allowing them tomove up the global value chain. IFC also provided financing. By 2013 one of these companies, JBS, had become the largest meat-processing firm in the world. But it has also been linked to bribery scandals, and in 2014 was Brazil's largest political donor. Politicians with close ties to the agribusiness sector have pushed back openly against the anti-slavery agenda in recent years.

As government steps back, there is a growing effort from civil society to encourage private sector leadership in efforts to transform the institutional environment, changing supply chain management practices. This is accompanied by a turn to big-data solutions, which appear promising. Brazil arguably has a global competitive advantage in developing data-driven supply chain risk analysis, given its uniquely long effort at government-led disruption, and the strong IT and computational capabilities of its workforce. This model may have significant export potential.

ACTIVITIES FROM WHICH ENSLAVED PEOPLE WERE RESCUED IN BRAZIL, 1995–2018



Source: Data from CPT, 2019.

CASE STUDY: PALM OIL (INDONESIA, MALAYSIA, NIGERIA)

Oil palm is an exceptionally profitable and adaptable crop, used in a wide array of consumer products and as a biofuel. Development actors have promoted its uptake across equatorial countries since the 1960s, leading to over 500 per cent production growth. Today, the livelihoods of 17 million people depend on the industry. Palm oil seems to promote growth and poverty reduction at the national level, but also to have variable impacts at the community level, depending on the prior institutional setting and the commercial structure of production.

In Indonesia and Malaysia most production occurs on private plantation estates, or on the land of smallholder 'outgrowers' who operate under a long-term commercial relationship with a buyer. Malaysia's industry has been shaped by close cooperation between the State and the industry, especially regulating access to land and labour, sometimes described as a 'palm oil industrial complex'. This developmental State approach has fostered significant growth. 70 per cent of agricultural land use is now for palm oil. Indonesia's industry has been shaped by efforts by Malaysian firms to replicate the close relationship with the State that those firms enjoy in Malaysia. This has again fostered significant growth, with palm oil now contributing around 12 per cent of export earnings. But it has also led to significant corruption at the local level, with district governors (*bupatis*) competing for access to foreign capital through facilitating access to low-cost land and labour. In Nigeria, we see more cooperative production and wild harvest from traditional, pre-industrial groves. Efforts to develop a plantation-based system have only begun to succeed in the last 10 years, with the arrival of firms from South East Asia.

Modern slavery risks vary across these contexts. Exploitation in the sector is always about competition on labour costs, and production quotas, wage penalties, isolation, debt and coercion are often used to force work. But vulnerability seems to vary on two main dimensions: political agency (i.e. reduced protection by the State) and control of land. In Indonesia, forced and child labour risks arise amongst the casual labour force on plantations and smallholdings, especially amongst indigenous people and internal migrants. In Malaysia, risks are connected in particular to the management of foreign migrant workers, who are often in debt bondage connected to recruitment fees. Women are at heightened risk, as are the 'Stateless' children born to foreign migrant workers in Malaysia. In Nigeria, risks relate to adverse incorporation of smallholders into export-oriented plantations.

Plantation systems are often relatively autonomous domains, separated from their larger social setting but exercising influence over their surroundings. That autonomy is maintained through active collaboration between security forces and plantation owners, and creates space for illegality – including illegal land-grabbing and environmental practices. There is a growing recognition of the environmental costs of conversion of land to oil palm, including carbon emissions, biodiversity loss, and harmful haze – which is thought to have caused 100,000 deaths in South East Asia during one episode in 2015.

Recognition of these growing costs led to efforts to transform supply chain management practices to strengthen sustainability. Efforts focused particularly on consumer-facing brands and on processing and refining companies, where 70-90% of global capacity is controlled by just 8 companies, all in Asia. The central push came through the Roundtable on Sustainable Palm Oil (RSPO), a multi-stakeholder supply chain governance initiative led by private actors, based on certification at the plantation and mill level. It currently covers around 19 per cent of global supply. After initial cooperation, both the Indonesian and Malaysian Governments ultimately resisted this initiative after prompting from national industry leaders. Both countries characterized the RSPO's prioritization of environmental concerns as a threat to their sovereign choices to prioritize other aspects of sustainable development, such as economic growth, poverty reduction and people's livelihoods. Both countries created national certification schemes, which they presented as lower-cost options better tailored to local realities and development priorities.

This served to fragment global value chain governance in the industry, leading to normative entrepreneurialism from a variety of public and private actors. The RSPO was essentially appealing to retailers and consumers in the global North; the others, to local audiences in the global South. What presented as a technical dispute was in fact a deeply political one. And it has become more so, as different States have allied with different economic actors in the global value chain – especially since the EU's decision to remove palm oil from its list of approved biofuels (on deforestation grounds), and the US' move to hold some palm oil products at its border (based on forced labour concerns). This represents the emergence of a State-backed disruption strategy alongside the privately-led transformation strategy represented by the RSPO. Yet some major consuming countries, notably India and China, have not pursued either a transformation or disruption strategy, though their positions are evolving.

Most of these sustainability efforts focused at first on environmental sustainability, but after disruptive pressures from human rights, labour activists and journalists, have begun in recent years to consider labour exploitation. Yet they nearly all continue to treat the issue as a "techno-managerial" question of workforce management, without addressing underlying questions of economic agency such as access to and control of land, migration governance, corruption and structural inequality. They focus on the physical production of palm oil without addressing its social production, and the ways in which State policies shape the interaction of land, labour and capital flows to generate rents from the control of vulnerable people's economic agency.

In recent years, there have however been attempts to foster convergence across the palm oil 'regime complex' around shared public policy goals, particularly through the RSPO certifying entire political and legal jurisdictions. This may offer opportunities for addressing these questions of sustainability governance in a more direct way, but also raises questions about voice and representation in these processes. The RSPO's establishment of a 'Shared Responsibility' Working Group may help, giving space to financiers, supply chain actors and civil society.

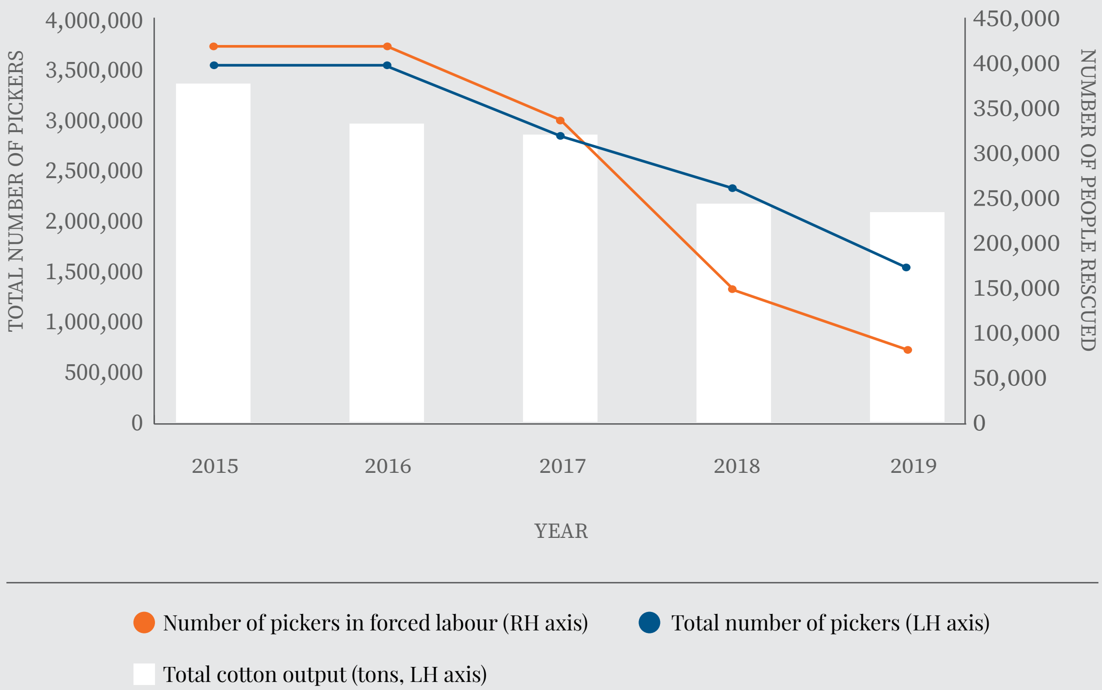
Further work is needed to identify the content of the public policy goals around which convergence should be fostered, particularly around how to maximize the economic agency of not only casual workers, but also smallholders, addressing people's underlying vulnerabilities. The World Bank, IFC, UNDP and UN Environment Programme are all doing work to promote palm oil smallholding as a path to sustainable development, and private capital markets and development finance entities may have a bigger role to play both in financing and in addressing barriers to smallholder financing (opaque land tenure, exposure to local political risk, lack of access to credit histories, lack of policy space allowing private actors to focus on sustainability issues). More work is also needed to address the State policies that reproduce a vulnerable labour force available for the industry's exploitation, including through promoting standardization of contracts, collective bargaining and other agency-enhancing measures.

CASE STUDY: COTTON (UZBEKISTAN)

According to the ILO, the number of people in forced labour in the annual cotton harvest in Uzbekistan has fallen from 448,000 in 2014 to 102,000 in 2019. While Brazil may have 'rescued' the most people from slavery-like conditions in recent years (see above), this effort to disrupt systematic forced labour in Uzbekistan is arguably the most effective large-scale prevention campaign in recent times.

Forced labour in the Uzbek cotton harvest is a product of a command economy left over from the Soviet era, enforced by the State through a range of administrative, law enforcement, security and social institutions. For several decades, farmers were forced to grow cotton and sell it to the State at suppressed prices, while one fifth of the adult population – around two to three million people – was mobilized each summer in a *corvée* to pick cotton for between two and eight weeks, unless they could buy or bribe their way out. Mobilization was organized through multiple institutions of society: local *mahalla* neighbourhood committees, universities and colleges, hospitals and clinics, public and private sector employers, and through mosques. Until 2012, children were not spared. A range of coercive techniques was used, from violence and intimidation, to prosecution, quotas, taxes and social pressure. That coercive pressure was, however, frequently dressed up through use of social norms such as patriotism, piousness and solidarity. The system appears to have siphoned off billions of USD in rents to ruling elites, some of it moved offshore. Forced labour in the cotton industry was made possible by, and helped reproduce, the system of authoritarian rule.

ILO ESTIMATES OF UZBEK COTTON PRODUCTION AND LABOUR FORCE (2015-2019)

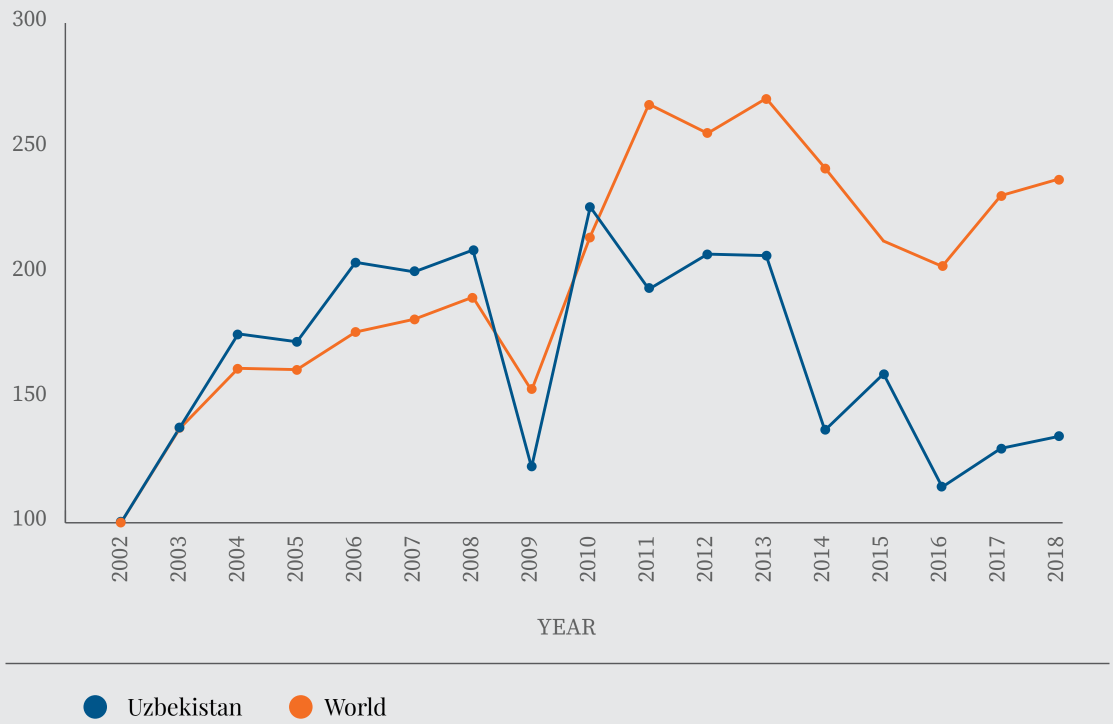


Data: ILO.

Since 2016, however, Uzbekistan's approach to the cotton sector has changed dramatically, leading to significant reductions in forced labour. This is the result of concerted leadership from the highest levels of Uzbek Government, notably President Mirziyoyev after he succeeded former President Karimov in late 2016. This study considers the factors that contributed to this policy shift. First, coordinated international pressure from labour rights activists, buyers and foreign States, including a boycott of Uzbek cotton, disrupted access to global markets. This steadily raised the costs of systematic forced labour for the Uzbek elite. Second, the pay-offs from the forced-labour based system dropped, as the command economy approach to the management of the industry generated declining output, yields, income – and rents. Cotton accounted for 90 per cent of Uzbekistan's exports in 1992. By 2016 it was just 3.4 per cent, and Uzbekistan had moved from the largest to tenth-largest producer in the world. One study calculated the indirect costs of the forced labour system at USD 211 to 291 million per year, but it also contributed to inflation, hurt human capital formation (by disrupting educational systems every year and discouraging upskilling of the workforce), retarded innovation, and led to environmentally harmful land management.

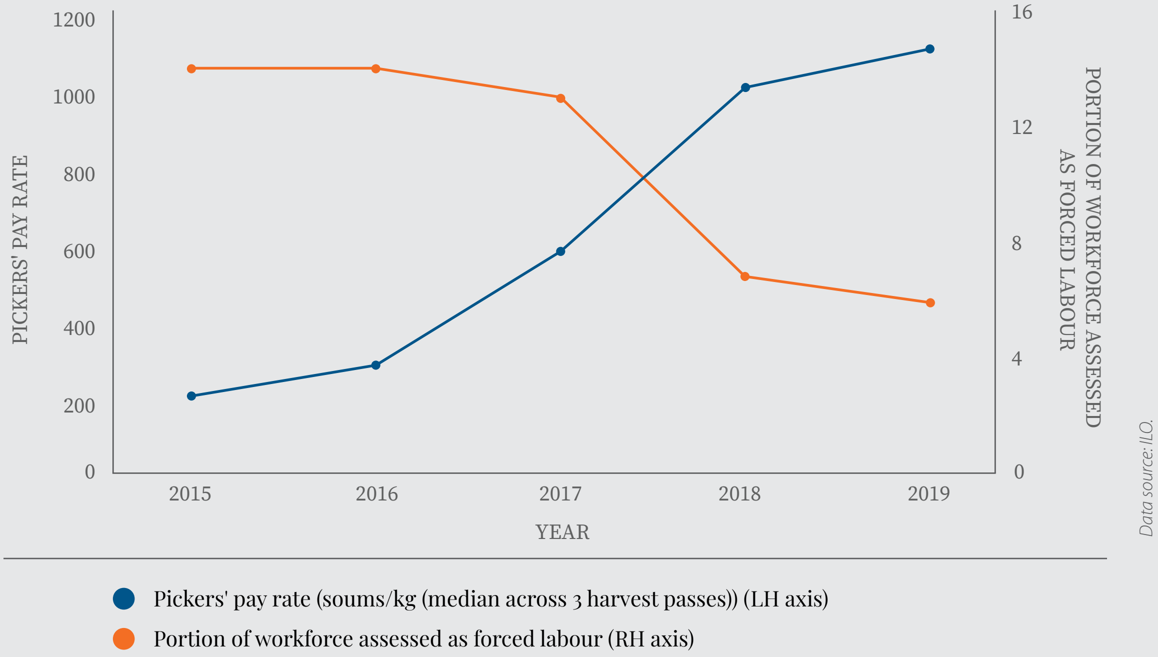
Third, when a political opening for reform arrived as President Mirziyoyev succeeded former President Karimov in late 2016, the World Bank and ILO were ready and in place to deploy programming that aimed not just at project safeguards but at broader systems change. This involved projects aimed at working with the government to dismantle the annual cotton-picking mobilization and, increasingly, to transform the cotton value chain in Uzbekistan, through changed purchasing and payment practices. This was the result of pressure arising from a complaint to the World Bank Inspection Panel about an existing World Bank grant, and a carefully coordinated response from the Bank, ILO and like-minded bilateral partners (including France, Germany, Japan, Switzerland, the UK and US; the EU, OSCE and other UN entities; and the EBRD).

INDEXED GROWTH IN COTTON EXPORTS
(UZBEKISTAN V. WORLD, 2002-2018)



Data source: UN COMTRADE.

ILO ESTIMATES OF UZBEK COTTON PRODUCTION AND LABOUR FORCE (2015-2019)



Fourth, brave civil society activists and human rights defenders kept pressure on the Uzbek Government, the World Bank and the ILO to ensure the transparency, reliability and legitimacy of these assistance efforts, especially ILO monitoring. This led to a growing emphasis in all these actors' efforts, including those of Government and the ILO, on empowerment of Uzbek people and workers to resist coercion. The result of these converging factors has been a steady and genuine process of reform by the Uzbek authorities, with the withdrawal of the State system's support for forced labour, increasingly rigorous punishment of those who engage in it, and changes in the management of the cotton value chain to disincentivize it – including increased pay for workers. In May 2020, the Government abolished the centralized production system for cotton altogether.

ILO monitoring provides unique insights into the dynamics of this successful reform process in Uzbekistan. One insight is the importance of effective strategic coordination between international actors with leverage, to achieve such rapid and large-scale reform. Consistent and coherent messaging from international actors to the Uzbek Government, over an extended period, constrained its strategic options – even as tactical differences between different members of the international coalition created leverage. A 'good cop bad cop' dynamic, with boycotters as the bad cop, and engagers as the good cop, ultimately proved effective.

A second is the fact that informal social institutions may continue to promote forced labour ('systemic forced labour') even after the formal institutions of the State abandon it ('systematic forced labour'). Forced labour exists on a spectrum of broader labour exploitation. The ILO definition requires that work be both involuntary and subject to penalty, to constitute forced labour. Involuntary work subject only to "social pressure" is not, in the ILO's eyes, forced labour; yet in a political context such as

Uzbekistan, where social institutions have long been controlled by an authoritarian State apparatus, people frequently do not separate social pressure from threat of real harm by the State. This suggests that the problem of labour exploitation may remain larger than the ILO's forced labour statistics may lead observers to believe. And it also suggests that the focus of intervention should not be the question of what penalties flow from following one's economic preference (i.e. not working if you do not want to), but rather whether people feel they have that choice in the first place. That may require development interventions that focus more explicitly on people's economic – and political – agency.

Third, the story in Uzbekistan is not yet complete. As the ILO's monitoring reports make clear, while vastly reduced, forced labour continues. And Uzbekistan is just at the beginning of a road to upgrade its cotton value chain to achieve sustainability, through localized production and manufacturing 'clusters'. Yet there is still a significant chapter of that story missing: on remedy. Development actors have not yet taken steps to address the need for remedy of past harms. There may be more they can do here, including by supporting stolen assets recovery, and thinking about the role of transitional justice in fostering accountability for past systematic human rights violations, without terminating much-needed reforms.

CASE STUDY: FISHERIES (BANGLADESH, INDIA, PHILIPPINES, THAILAND)

Global fish production has grown seven-fold since 1950, and will grow further in years ahead. Fishing and aquaculture is a very heterogeneous industry, with especially complex (and non-linear) supply chains. Different contexts give rise to a variety of modern slavery risks and systems.

In competitive marine capture fisheries, firms resort to labour coercion as they compete for profits from often dwindling fish-stocks. Over-fishing of coastal fisheries has led to increased distant-water fishing, making State regulation more difficult – both due to distance, and due to the involvement of multiple States (coastal, flag, port, migrant workers' countries of origin). Distant-water fishing often involves more technologically advanced, capitalized vessels, whose owners make use of off-shore legal structures, open international registers, secrecy jurisdictions and tax havens to protect profits.

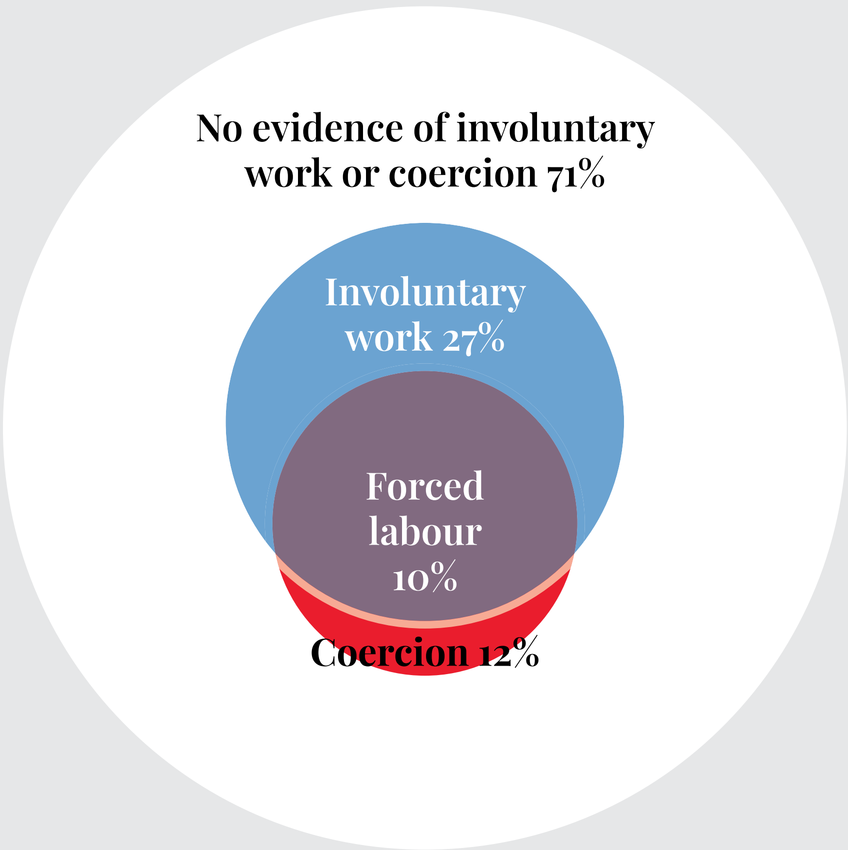
This pattern is visible in the Thai fisheries sector. Its fishing fleet grew from 99 vessels in 1961 to 57,000 in 2011. It is the largest exporter globally of canned tuna, and a major source of shrimp exports to Western supermarket chains. Depletion of coastal stocks in recent decades through over-fishing led some Thai investors to focus on inland aquaculture, while others moved further offshore. Economic growth drew the Thai workforce to other sectors, so fishing and aquaculture have relied heavily for several decades on recruitment of poor migrant workers – first from within Thailand, and then from poorer neighbouring countries (Laos, Cambodia and Rohingya displaced from Myanmar). Many are undocumented, heavily indebted, and deeply vulnerable to trafficking into slavery, including on illegal vessels far offshore, which are essentially beyond the reach of the State. A 2008 UN study found that 59 per cent of trafficking victim respondents had witnessed the murder of a fellow worker on a Thai fishing vessel. Some distant water vessels stay at sea for months at a time, trans-shipping cargo back to shore, and operating from informal bases in foreign countries. One, between Australia and Indonesia, was found to have 600 men in iron cages when it was raided in April 2015.

Forced labour is also present in seafood processing. Declining marine fish-stocks have led to significant investment in – and growth of – aquaculture over the last thirty years, with annual growth around 3 to 4 per cent. It now accounts for roughly half of all fish production. In industrial aquaculture and processing, modern slavery risks arise primarily for migrant labourers, especially women and children, and may be higher in export-oriented firms that are exposed to greater labour cost pressures. In each of these areas, debt is a crucial mechanism of control, and often amounts to debt bondage. Many migrant workers pay recruitment fees, and workers are frequently forced to buy food, accommodation, travel and other services from their trafficker. Physical isolation is also used as a means of control, with identity documents often withheld, and pay is frequently provided only at the end of a long contract period. A 2012 UN study found 33 per cent of workers in one main processing region in Thailand were trafficked. A 2011 ILO study found over 10,000 migrants in child labour.

Civil society, ILO, FAO and more recently UNODC have drawn growing attention to modern slavery and associated organized crime risks in fishing, especially in Thailand, since around 2007. These responses have informed a wide variety of private governance initiatives and certification schemes, as well as national-level actions such as extension of labour laws to off-shore vessels and decent work programmes. The EU has used a 'carding' system to warn countries their seafood products may be excluded from European markets if changes are not made to address concerns related to illegal, unregulated and unreported (IUU) fishing. It gave Thailand a 'yellow card' in 2015, leading to a 21 per cent drop in Thai fishing export revenues the next year. The US has also used State policy levers to try to incentivize reform. In 2014, it downgraded Thailand to Tier 3 in its annual Trafficking in Persons status report, disrupting its access to US Government engagement. In 2015 it threatened to revoke preferential trade status for Thai fish and seafood exports. And it has subsequently issued detention orders for seafood products thought to be made with forced labour. Private actors also took action, incorporating labour management issues into sustainability certification regimes, and, in some cases, divesting from Thai supply chains.

Prompted by this disruption, the Thai Government took numerous steps to address the situation, including extending a minimum wage to fishers, overhauling fisheries monitoring and management, and strengthening anti-trafficking capabilities. Many of these reforms were supported by the ILO's 2016-2020 *Ship to Shore* project, financed by the EU. These efforts led to the EU removing Thailand's yellow card and the US promoting Thailand in its Trafficking in Persons watch list. But human rights actors have continued to allege ongoing labour rights violations, and in October 2019 the US Trade Representative suspended USD 1.3 billion in trade preferences. A March 2020 ILO estimate found that 10 per cent of fisheries workers had experienced forced labour, with larger numbers experiencing 1 of its two components (coercion – 12 per cent; involuntary work – 27 per cent) but not both. The ILO estimates there are still tens of thousands of workers in Thai fishing and seafood processing facing similar risks.

ILO ESTIMATE OF FORCED LABOUR IN THAI FISHING (2020)



Source: ILO 2020b, p. 29.

The Thai case reveals a number of insights into the dynamics of anti-slavery reform efforts.

First, it reveals a familiar pattern of resistance to disruption. An ILO study from early 2020 concludes that coercion and involuntary work are still prevalent in Thai fishing because "[o]fficials either do not see or simply ignore these abuses… the industry and Government officials have apparently reached an accommodation … that causes some violations to go undetected or unreported." There is well-documented evidence of fishing companies corrupting executive, judicial and security officials at the local level to not only protect but participate in human trafficking. The relaxation of pressure by the EU and US may in turn have led to a relaxation of pressure by the Thai Government on such networks. There were just 304 prosecutions in 209, and only five compensation orders have been paid since 2014.

Second, the Thai case shows the importance of strategic coordination of external actors around a substantive reform agenda. In contrast to Uzbekistan, where the Cotton Campaign has marshalled international actors around a shared set of reform demands, there is no central entity coordinating advocacy on fisheries reform towards the Thai Government. Moreover, there has been an apparent willingness by external actors to accept narrow, techno-managerial solutions – such as screening apps, training, port monitoring, and supply chain audits – and avoid engaging on deeper questions of unionization, worker voice, and civil society freedom. This stands in contrast to the situation in Uzbekistan, where broader political liberalization has created an opportunity to address the political economy of cotton. In Thailand, perhaps due to the different political climate, there has been no serious effort by external actors to engage with the questions of the fishing industry's political economy, little effort to protect space for human rights defenders raising issues related to worker rights, and little effort by buyers to connect procurement to questions of worker voice and collective action. The ILO's *Ship to Shore* project concludes that while the underlying questions are "problems of power and the uses of power", they have instead been treated "as technical problems".

The chapter contrasts the Thai situation with modern slavery risks in three other countries. In the Philippines, risks arise in production and processing, but especially for Filipino migrant workers on foreign-flagged vessels. Some efforts to encourage small-scale Filipino fishers to participate in markets and incorporate into supply chains may have increased debt bondage and precarity. In India, debt bondage in aquaculture and processing is a concern, especially for lower-caste, domestic migrant workers, as well as risks for male migrant workers on foreign fleets. In Bangladesh, there are similar concerns around forced labour of women and children in fish processing facilities, and increased precarity for traditional fishing and aquaculture-based livelihood as efforts to industrialize the sector take hold.

These cases point to a need for development interventions to develop a more coherent approach to economic agency for producers, workers and stakeholders across these complex value chains. To the extent that governance efforts address modern slavery risks, they have tended to do so in narrow labour-management terms, without addressing related questions of smallholder vulnerability and agency, or the institutional drivers of underlying exploitation strategies. The FAO's new guiding principles on social sustainability in fish and seafood value chains, which includes a cross-cutting commitment to the elimination of all forms of forced or compulsory labour and child labour, may provide the basis for developing a more coherent, cross-cutting agenda for promoting economic agency across this sector. But it will need to be operationalized in different governance forums. At present the anti-slavery agenda is absent from key venues such as the regional fisheries management organizations (RFMOs). RFMOs could use their IUU registers to underpin exclusion from procurement, financing and insurance of vessels and supply chains connected to modern slavery, as well as addressing questions of worker voice in fisheries governance (as the Indonesian Government has recently advocated).

CASE STUDY: GARMENTS AND APPAREL (BANGLADESH, ETHIOPIA, INDIA, UK)

The garments and apparel sector accounts for roughly 2 per cent of global GDP. It employs approximately 60 to 70 million people, two thirds to three quarters of whom are women. Its economic geography is especially mobile: production is frequently relocated to capture marginal gains created by the intersection of changing trade, investment and labour migration regimes. In the process, textile and apparel production have come to be seen as an important catalyst for industrialization and movement out of agricultural production, especially in countries where backward linkages can be fostered into raw materials and textile production.

Production centres actively compete for investment by reducing labour costs and regulatory burdens. Global buyers, typically headquartered in the US, Europe or Japan, have the widest margins and the greatest power in the value chain. They determine who produces what, where and at what price. 97 per cent of profits for the whole fashion industry are earned by just twenty companies, most of them in the luxury segment. Beneath them, the value chain is highly fragmented and disarticulated. Producers operate on the narrowest margins and carry most of the risk. Supply chain outsourcing and fragmentation has promoted efficiency, but impedes traceability and accountability, inadvertently fostering exploitative purchasing practices. These include: contract terms that are vague on price and financial implications of delays; unilateral changes on order specifications, without extending deadlines, and without reliable forecasting or order planning; unrealistic order completion times and unpredictable placement of orders; pricing arrangements that treat labour cost as a residue, not a necessary input; and late payment. Lead firms' control over suppliers and supply chains thus mirrors the nature of contemporary slavery: it operates through both legal and extra-legal mechanisms of control, but does not necessarily imply formal 'ownership'.

Suppliers survive by managing capital and their workforce in ways that allow them to rapidly increase and reduce labour supply to respond to buyer demand, while maintaining low prices. That translates to a highly casualized and atomized workforce, often working from home, under informal or no contractual arrangements, with zero-hours contracts or piece rate payment systems. Workers are frequently recruited through brokers and intermediaries who demand fees from workers for placing them in work. Unionization and collective organization are often absent. Unauthorized subcontracting by suppliers is ubiquitous. So too is under-payment and wage theft. One estimate put underpayments in the Chinese apparel sector at around USD 275 to 300 million per month.

Jurisdictions compete for investment and export contracts by promising "low business costs" – often a cipher for lax enforcement of labour protections and standards. Governments refrain from enforcing protections, and outsource responsibility for enforcement to business and private supply chain governance initiatives. Yet in many places audits are easily gamed, and worker grievance and support mechanisms are poorly adapted to the reality of casualized, atomized workforces. Suppliers are left to choose between the norms promoted, weakly, by the State, and the institutional demands of their customers – especially their demands for low price and fast turnaround.

The move to 'fast fashion' has placed a further premium on supplier responsiveness, yet cost remains the over-riding factor shaping consumer and brand purchasing choices. In the last ten years, the rise of social media driven advertising strategies and online sales has seen a turn to 'ultra fast fashion', with brands increasingly looking to locate production as close as possible to major consumer markets ('on-shoring' or 'near-shoring'), to reduce delivery times even further. As a result, the global garments and apparel value chain now includes low-wage, low-skill workforces not only in traditional production centres such as Europe, but also in newcomers such as China, Bangladesh, Ethiopia, Myanmar, Viet Nam and Los Angeles, competing with each other for buyers' custom and for capital investment.

The chapter explores how these dynamics play out in four different contexts: Leicester in the UK – a traditional textile hub that has recently re-emerged as a leader, in the context of ultra-fast fashion; Bangladesh; India; and Ethiopia. In each place, the institutional dynamics of the value chain work to encourage labour exploitation. In some of these places, there is a 'captive' population – often refugees, migrants and those socially marginalized by language, gender or caste – with few outside options, vulnerable to exploitation. In each place, there are also signs that a lax approach to sustainability imposes costs not only on the worker population, but also on the broader community – including public health costs, lost tax revenue and environmental costs associated with unsustainable production practices.

Bangladesh is the world's second largest garment exporter after China. Garment production accounts for roughly 20 per cent of its GDP, and employs around 4.5 million people. It has been a powerful driver of development, especially for women, in recent decades. But it has also exposed millions of children to child labour in the production of leather and textiles. And as Bangladesh was exposed to competition from Ethiopia, India and other producers in recent years and suppliers were forced to reduce costs, working conditions deteriorated. This culminated with the Rana Plaza disaster in April 2013, in which 1,138 people were killed in the collapse of a building housing several garment factories supplying global brands. In response to the resulting global outcry, three different supply chain governance initiatives emerged: a government-ILO led National Tripartite Plan of Action on Fire Safety and Structural Integrity; the European company led Accord on Fire and Building Safety in Bangladesh (which was legally binding and included union representatives); and the US company led Alliance for Bangladesh Worker Safety (not binding, no unions). At the inter-governmental level, Bangladesh, the EU, US, Canada and ILO also agreed a Bangladesh Sustainability Compact together to commit to strengthening respect for labour rights, building and workplace safety, and responsible business conduct. This created a strategic coordination framework, backed up by the threat of loss of trade preferences.

The chapter considers the dynamics of interaction of these initiatives and their impacts. Overall, they appear to have significantly enhanced worker safety. But their scope was limited, both in terms of their reach into unauthorized factories, and into issues beyond worker safety – such as worker voice, sexual harassment, involuntary work and wage theft. Moreover, a World Bank study suggests that because buyers would not pay for the remediation and renovation of factories found to be unsafe, suppliers passed the costs of doing so on to workers – specifically, to female workers. That is significant, because it suggests that efforts that aim to address working conditions may generate trade-offs by suppliers on wages. A more holistic approach to workers' economic agency may be needed. Unlike the Alliance and Accord, this may need to grapple with broader labour rights questions, such as unionization. Garment suppliers in Bangladesh have counter-mobilized in recent years to resist broader reform pressures on such questions, working with allies in Government to protect the industry's domain from foreign interference, framing these efforts in openly political terms.

In India, a large part of production is through informal, home-based work, where child labour may be prevalent. Perhaps only 2 million of the roughly 45 million jobs in the sector are export-oriented, limiting the leverage of foreign buyers and investors. Export-oriented production is clustered around Delhi, Bangalore and Tirupur, and there is evidence of labour exploitation, rising to and including forced labour, in each region. In recent years there has been particular international mobilization around forced labour in the Tirupur area, the location of the majority of India's spinning units and knitted production. This has focused on the *sumangali* ('married woman') recruitment scheme – an indentured servitude scheme recruiting poor, unmarried, lower-caste, rural teenage girls, with the promise of earning enough money for a dowry – and thus the respectability of becoming a 'married woman'. In reality, workers often received less than promised, only at the end of a three-year term of service, while being subjected to coercion and involuntary work during that period. Local and foreign civil society groups mobilized in the late 2000s to organize public relations, judicial and divestment campaigns, and stood up a local multi-stakeholder initiative. Local suppliers now argue the scheme is defunct. There are however signs that some of the exploitative practices persist. A new approach, pioneered by the Freedom Fund, combining elements of disruption, transformation and empowerment, may be having more sustained success: in the 400 villages participating in its regional programme between 2015 and 2018, the prevalence of households experiencing bonded labour fell on average from 56 per cent to just 11 per cent. That represents more than 63,000 fewer individuals in bonded labour.

Since the 1990s, Ethiopia has sought to diversify its agriculture-focused economy, through a labour-intensive, export-led industrialization model, based on East Asian models. Textile and garment manufacturing is seen as key to this process, fostering backward integration to cotton production, while harnessing preferential trade access to the EU and US to deliver rents that can be used to invest in infrastructure, basic services and social programming. The Government's industrial policy has, since 2008, focused on attracting foreign investment in the industry, through favourable investment and tax regimes, low-cost electricity, and access to land and Government-funded industrial parks. Ethiopia also has the lowest textile industry wage in the world, no statutory minimum wage, and low union density. The strategy was significantly supported by development partners including DfID, GIZ and IFC, as well as domestic banks. The result has been 51 per cent growth in the industry between 2013 and 2018, and 45,000 new jobs. Yet wages are so low that they may push workers into debt, once living expenses are factored in. This, combined with poor management practices, seems to lead both to low total-factor productivity, and to high workforce turnover, as workers leave to start their own informal businesses. Workers may experience involuntary work, or coercion, but not both. This is not a 'captive' workforce. Workers seem to retain the ability to exercise outside options.

Ethiopia also differs from India, Bangladesh, and the UK, in another key respect: it is a developmental patrimonialist State. Patronage networks continue to retain strong control over the economy, even as liberalizing reforms move arrangements towards a market footing. This means that efforts to intervene in the garment sector, to reduce modern slavery risks, will not involve engagement with local private sector actors (or indeed unions) in the same way that they will in more market-oriented economies. Instead, the conversation will be essentially between foreign buyers and investors, the Ethiopian State, and development actors. This offers both opportunities and risks. Once the Ethiopian State is behind a certain reform, it means there is relatively reduced chance of local business acting as a spoiler. But this also means that extra care will be needed to take local stakeholders' interests into account – placing a premium on fostering worker voice. The ILO's new *Siraye* programme, which commenced in 2019, may provide a framework for such efforts.

These cases offer important insights for harnessing the growth potential of the garments and apparel industry, while reducing modern slavery risk – including after COVID-19. The pandemic has hit the global industry especially hard, with income drops for workers in Asia of around 30 to 50 per cent. Some two million female garment workers may have been laid off globally. Development actors and civil society have mobilized to pressure buyers to take action to support workers during the pandemic, but with rolling bankruptcies at the higher ends of the value chain, there is a limit to what these firms can do.

States have a key role but will need to take a more strategic approach. The garments value chain works the way it does because States have chosen to take a hands-off approach, favouring returns to capital over returns to labour. That is a choice; they could, equally, now choose to take a more interventionist path, guiding the global garment sector towards greater sustainability and resilience. Upgrading long-term resilience almost certainly means reducing short-term efficiencies – which may mean slower turn-arounds, less responsiveness to consumers, and possibly higher prices. But it may also lead to productivity gains, as more stable supplier relationships allow suppliers to save more, and to invest more in the well-being and training of their own workforce. The chapter canvases creative options for States to strengthen their role, drawing on examples from Australia (Fair Work Ombudsperson) and the US (Fair Labor Standards Act).

Development actors could mobilize stakeholders around a shared vision for system transformation. This might involve creating incentives for improved supply chain transparency and information-sharing; modelling how adjustments to trade and investment regimes could be harnessed to foster greater supply chain resilience; identifying and financing investments to promote resilience and sustainability upgrading; facilitating local market arrangements that foster longer-term planning and sustainability while protecting economic agency (such as worker and supplier cooperatives, framework agreements or accords between government and industry); and engaging global unions to develop and effectively implement global framework agreements. The chapter lays out what such arrangements might look like in the Leicester, Ethiopia and Tirupur contexts.

CASE STUDY: CONSTRUCTION AND INFRASTRUCTURE (INDIA, MYANMAR, QATAR)

Construction and infrastructure may account for 14.7 per cent of global GDP by 2030. The sector already employs around seven per cent of the global workforce. It is at the heart of global plans for achieving the 2030 Agenda, with the G20's Roadmap for Infrastructure as an Asset Class, the China-backed One Belt One Road Initiative, the Japan, US and Australia-backed Blue Dot Network, and other inter-State efforts. Yet there are perhaps 4.5 million people in forced labour in the construction industry worldwide, according to the ILO. That is 18 per cent of the global victim population, second only to domestic work. In a 2018 study, one third of construction workers in one UK survey indicated that they had worked for no pay. Modern slavery risks have been identified in the construction sector in countries from Angola to the United States.

Modern slavery in the construction sector shares many characteristics with exploitation in the other sectors addressed in the study, drawing on the same vulnerable populations, the same institutional logic of outsourcing risk through multiple supply chain tiers until it rests with workers. But construction and infrastructure also have one key difference: construction capital is sunk in a specific place. Several things flow from this.

First, production cannot move to the place where labour is cheapest, as is the case in the garment and apparel industry, for example. Instead, labour must come to the building site. Those journeys become a key site and source of vulnerability related to construction and infrastructure. Construction firms outsource recruitment and push the costs of recruitment onto workers themselves, through recruitment fees charged by brokers, which workers often finance by taking on high-cost debt. These fees have been systematically linked to debt bondage. But they also cause broader social economic harm. They are essentially a roughly USD 4 billion rent charged annually by market intermediaries for access to information and work, serving to redirect capital from more productive and multiplicative uses through remittance to migrant workers' families and home communities.That rent never shows up in the books of the industry. Poor migrant workers are, essentially, subsidizing construction in foreign, often high income, countries.

Yet because much construction work is relatively low-skill and barriers to entry are low, competition for these jobs is nevertheless intense. What is more, contractors are themselves usually competing primarily on labour costs (since material costs are essentially fixed). This structure puts vulnerable construction workers – especially migrant labourers – at significant risk of exploitation. We see this pattern at work in a case study of Qatar, where 40 per cent of people work in construction, and migrant workers are 87% of workers.

Second, because construction and infrastructure capital is sunk in a particular place, physical control of that place, building or infrastructure, and the populations on and around them, can become a prize for political, territorial and even military competition. We explore this aspect of the sector in a case study of Myanmar. Over several decades, forced labour has been an aspect of the military's strategy for controlling territory and population – in other words, of governance. Yet that strategy has evolved. From independence until the 1990s, the *Tatmadaw* used forced labour as a counter-insurgency tool of pacification, designed to establish the State's territorial control in Burma's post-colonial periphery, and to subjugate ethnic minorities. By the mid-1990s forced labour on infrastructure projects was worth perhaps 7 per cent of GDP, or 25 per cent of the public budget. From the 1990s on, as the military steadily shifted towards a more market-oriented governance strategy, extracting profit from Myanmar's natural resources through partnership with ethnic leaders and foreign capital, the logic of forced labour also evolved in a more commercial direction. In the last few years, however, the old logic of terror has resurfaced as the *Tatmadaw* has revived its counter-insurgency approach in Rakhine state, particularly targeting the Rohingya.

Third, the value-add from construction and built infrastructure is typically consumed domestically. Construction is not an export-oriented industry, and thus is not necessarily subject to sustainability pressures from foreign consumers or trade boycotts in the same way that some of the other sectors we studied here may be – though foreign investors may still play an important role. However, this equation alters when the infrastructure in question is built in order to generate revenue tied to foreign markets. In Myanmar, for example, we study the impact of civil society pressure on France's Total, the US oil company Unocal (now Chevron) and Thailand's PTT, foreign energy companies involved in the construction of a gas pipeline in the mid-1990s that allegedly involved forced labour. In Qatar, we study the impact of the 2010 award of the FIFA World Cup 2022, which invited the global spotlight, disrupted the 'climate of fear' in the industry (as described by a UN Special Rapporteur in early 2020), and created opportunities for concerted pressure from civil society, the ILO, labour unions, and FIFA itself – including through the FIFA's independent Human Rights Advisory Board.

Modern slavery risks are further exacerbated in the industry by a number of institutional factors not linked to 'place'. Small contractors typically operate on razor-thin margins, in part because of the normalization in the industry of late payment, 'pay when paid', and withholding a portion of contract value as a surety against timely and complete performance. These practices lead workers to be paid last, late, and often incompletely. And it disincentivizes efforts by employers to invest in workforce development. Another institution that contributes to modern slavery risks is the system of visa sponsorship, especially the *kafala* ('guarantee') system in the Gulf. The *kafala* system gives control of key aspects of a worker's economic agency – especially their ability to exercise outside options in the labour market – to their employer. And *kafala* arrangements also tend to operate alongside restrictions of worker voice, especially restriction of freedoms of association and collective bargaining.

In both the Myanmar and Qatar cases, we look in depth at the dynamics of 'constructive engagement' reform efforts, in which the ILO has played a central role.

In Qatar, the World Cup spotlight has intersected with both heightened attention to forced labour concerns by the ILO system, and the strategic opening created by the blockade of Qatar instituted by Gulf Coalition Council and other countries in June 2017. This created an opportunity for Qatar to accelerate liberalization of its labour market. It soon agreed to an ILO request to open an office in the country. Together, ILO and Qatar have worked since late 2017 to reform Qatari labour market regulation, adopting a series of liberalizing and protective reforms that have enlarged worker agency. New dispute resolution and worker voice systems were established, worker welfare standards were adopted, some recruitment fees started to be reimbursed, a workers' insurance fund was set up to move the risk from late payment from workers to the State. Finally in August 2020, Qatar abolished its system of 'No Objection Certificates' and, with it, the *kafala* system in the country, while also moving to institute a non-discriminatory minimum wage. Yet issues around worker voice remain unresolved.

In Myanmar, the ILO has been calling for an end to forced labour since 1964. Attention increased markedly in the late 1990s after a union complaint to the ILO Committee of Experts led to the creation of a Commission of Inquiry. After receiving extensive evidence and testimony, it concluded that there was widespread and systematic forced labour associated with infrastructure projects in Myanmar, especially targeted at the Rohingya and other ethnic minorities. ILO offers of technical assistance were rejected, leading the International Labour Conference to all but suspend Myanmar's participation in ILO activities. Matters trickled along for several more years, until around 2007 the ILO and Member States began to mobilize to send the matter to the ICJ, ICC and/or UN Security Council.

This, however, coincided with a turn by the *Tatmadaw* away from China, toward the West. In 2007 Myanmar agreed to cooperate with the ILO to address forced labour. In 2008, Myanmar adopted a new, more democratic constitution – though one in which the military retained key veto powers and, behind the scenes, its control of key economic assets and levers. Together, these reforms set the stage for the re-entry of Western capital into Myanmar's markets, giving the military new commercial partnership and patronage options. Increasingly, forced labour took on a commercial cast. In Rakhine state, however, the counter-insurgency logic of forced labour in construction has re-emerged since 2012, as inter-communal violence, militancy and armed conflict have drawn the Tatmadaw back onto its old counter-insurgency footing. Since 2018 UN investigators have found a consistent pattern of forced labour against both the Rohingya and ethnic Rakhines, as well as in Kachin and Shan states. At the time of writing, the World Bank is proposing USD 100 million in programming for Rakhine, intended as a form of constructive engagement promoting the reestablishment of inclusive, non-sectarian economic activity. This raises challenging questions about how to prevent development finance contributing to ongoing modern slavery through effective human rights due diligence, and about the effectiveness of constructive engagement more generally.

In the final section of the chapter, we consider several lessons: the need for strategic coordination; the disruptive opportunity provided by Mega Sports Events; and the challenges facing global sustainability frameworks for this sector, such as the Equator Principles (project financing) and Building Responsibly (a coalition of six major construction and engineering firms supported by Business for Social Responsibility).

We consider entry-points for development programming to address the impediment to development imposed by the industry's reliance on recruitment fees including: improving access to market information, providing a lower-cost public recruitment option, providing low-cost and safe financing, and promoting adoption of and action on the Employer Pays principle. Development actors could push the industry's value chain away from normalized late payment by financing worker insurance schemes, promoting use of Project Bank Accounts, and using social finance to link capital costs to ESG performance. We look at one such instrument being rolled out in the Indian construction sector, consider the role the Blue Dot Network may play as a transnational sustainability ratings agency for large-scale infrastructure projects, and the rise of infrastructure financing as a core focus of multilateral development banks. And finally, we consider the early turn by the regulators in many countries towards joint liability frameworks for worker welfare in the construction sector.

PART THREE: NEW PATHS TO DEVELOPING FREEDOM

COVID-19 and the Developing Freedom agenda

The pandemic's impacts on modern slavery risks can be understood through the three dimensions of the Developing Freedom framework.

First, the pandemic has a *vulnerability* dimension. It makes people more vulnerable to exploitation by putting their health at risk, making livelihoods more precarious and reducing income – all of which reduce their economic agency. The pandemic is regressive: those who are most marginalized and impoverished suffer the greatest increase in risk of exploitation. Risks will grow particularly where governments' ability to provide temporary protection is limited by fiscal bandwidth, technical and technological reach into informal workforces, or limited social support for extending protection to marginalized or migrant communities.

Women and girls are at heightened risk. Lockdowns increase risks of exploitation and violence during periods of isolation. Increased domestic work and childcare leads to reduced workforce participation and educational participation, engendering longer-term vulnerability. As the downturn reduces household income, this will lead to worse access to food and healthy nutrition for women and girls, making them more susceptible to health crises and vulnerable to risky labour market decisions. Children's vulnerability is also likely to increase. Parental ill-health and morbidity are a key driver of child labour, as is impoverishment. A 1 per cent rise in poverty leads to a 0.7 per cent increase in child labour rates, pointing to a high risk of reversal of the reductions of child labour achieved in recent decades. Remittances are expected to decline by roughly 20 per cent, likely removing household income that helps keep children in school. And reduced incomes can induce child labour migration and child marriage.

Stranded migrant workers are at heightened risk of exploitation as they seek to avoid deportation, compete for jobs, seek to avoid loss of securities or deposits and fight to keep visas and work permits valid. And repatriated migrant workers risk exclusion from social assistance programmes. Lost jobs will mean a rise in informal work, a key factor determining vulnerability to modern slavery, in part because informal firms are more labour-intensive and informal incomes are lower than equivalent work in the formal sector. And the pandemic is also threatening an insolvency crisis for global microfinance, removing a crucial cashflow-smoothing mechanism for poor households and SMEs. Reduced access to microcredit will mean worse economic, social and health outcomes for women and girls, reduced household investment in education, reduced education participation rates, and increased child labour.

Second, the pandemic has an *exploiter strategies* dimension: disrupting supply chains, markets and business models, leading to innovation and adaptation. In some sectors, the collapse in demand means firms are competing – often on labour costs – for shrinking business, incentivizing coercion. In other sectors, such as PPE, there is a boom in demand on short turnaround that is driving forced work. Sadly, there appears to be a global surge of online child sexual exploitation, representing a tragic inter-net based adaptation in exploiters' profit-making strategies.

Finally, the pandemic's impacts have an *institutional* dimension. Reduced resources disrupt some institutional anti-trafficking responses, such as inspections, and may have other institutional effects that impact vulnerability (such as school closures, or withdrawal of income support and social protection coverage). Some countries have responded to the economic downturn in ways that could further heighten risks, for example reducing worker protections with a view to securing foreign investment and demand.

In the area of development finance, the pandemic will reduce public revenues and most likely ODA commitments (the term used to describe both promised and actually disbursed ODA allocations). But it may also have accelerated a turn to environmental, social and governance (ESG) factors in investment and lending decisions. Capital markets are realizing that worker vulnerability can spell vulnerability for both firm performance and economic growth. This offers a significant opportunity for 'maximizing finance for development'. Multilateral actors already looking to use public spending to crowd-in private capital investment have an opportunity now to do this in a way that helps reduce modern slavery risks, develop freedom and achieve SDG targets such as those in 5.2, 8.7 and 16.2.

Ghosts of crisis past: financialized development, slavery and the Panic of 1837

The turn to private finance carries some risks. To understand them, we look to a key episode in Western economic development – the 1830s development of the Mississippi Valley and American south-west, which led to a financial Panic in 1837 with important similarities to the 2008 Global Financial Crisis.

Public actors worked to create a market for private investment in the development of the American southwest, leading to a boom in cotton – and in slavery. The unintended results were catastrophic – not only for the Native Americans displaced and the hundreds of thousands of African-Americans enslaved, but for America. In the short term, the boom led to a financial bubble, the Panic of 1837 and an economic depression not matched until the 1930s. In the longer term, the bursting of the cotton bubble led to a shift in financial power from New Orleans and Philadelphia to New York, an altered balance of power between Southern and Northern elites, and the destabilization of the American political settlement leading later to the American Civil War.

The key financing strategy used to develop the Mississippi Valley was very similar to a strategy at the heart of current multilateral approaches to Financing for Development – the creation of a tradeable asset class pooling risk from multiple underlying development projects. In the 1830s, public actors facilitated the creation of bonds, underpinned by mortgages of plantations and even of slaves themselves. These bonds were sold into European capital markets. Today, public actors again aim to maximize finance for development by creating tradeable assets from development projects.

We highlight two lessons from the earlier episode for today's development sector: first, the dangers of encouraging private risk-taking without mandating centralized monitoring and management of resulting systemic risk; second, the dangers of delegating risk assessment and management to private actors, whose incentives may not align with the public interest. But the episode also points to the possibility of creative solutions, such as the construction – by American abolitionists including a young Abraham Lincoln – of a market for reliable risk information. We show how this may point to an important role for development actors in regulating today's sustainable finance to help reduce modern slavery risks.

This points to a final lesson: the fact that development is shaped not just by single interventions or even national development strategies, but by global market regulation and conditions. If the development sector is serious about reducing vulnerability to modern slavery, it must think not only about how to safeguard against modern slavery at the individual project level, but also at the systemic level. That means thinking about how aid interacts with trade, investment, tax and competition law, about whether the growth models and development pathways promoted by the development sector are in some cases *conducive* to modern slavery, and about the limitations of a country-by-country approach.

An Agenda for Developing Freedom

The last section of the report sets out a Developing Freedom Agenda. (Please see the full report for the full discussion of these recommendations.) This Agenda aims to mobilize development actors to protect and sustain economic agency to prevent enslavement and unlock the potential of those who have been enslaved. We offer five broad recommendations to development actors, addressing implications both for pandemic recovery and longer-term efforts.

1. Commit to develop freedom: *make maximizing economic agency a development goal.*

We argue for treating developing freedom – maximizing economic agency – as an explicit goal of global development efforts, alongside economic growth, poverty alleviation or conflict prevention. This requires:

- *moving from safeguarding to a strategic approach*, treating developing freedom as an aim of intervention, something to be prioritized and proactively pursued through lending, spending and policy advice;
- recognizing that pandemic recovery requires *commitment to an economy that works for people* – an economy that promotes their economic agency and helps them develop their freedom;
- *connecting anti-slavery efforts to ongoing development work* on resilience, empowerment and governance.

2. Slavery-proof development pathways: *use the developmental role of the State to maximize economic agency.*

We argue for rethinking the developmental role of the State, to focus not just on economic growth and social development, but on maximizing people's economic agency. Pandemic recovery policies should not promote protectionist policies, but rather harness the increased State presence in economies brought about by COVID-19 to promote a more equal, entrepreneurial and educational growth model than is currently offered in models of incorporation into Global Value Chains. We suggest aligning this model on five lines:

- *emphasizing human capital formation*, including investment in education, life-long learning and skills development, and fostering migrant education, skills recognition and skills development;
- *promoting entrepreneurialism and wealth pre-distribution*, through improvements to labour market mobility, financial inclusion, and capital formation – for example through promoting retirement savings, democratizing ownership of new technologies such as green technologies and industrial robots, and fostering use of cooperative production systems;
- *providing safety nets*, to protect in crisis and encourage responsible risk-taking, through wage insurance schemes, protection floors, access to healthcare and childcare, and strengthened government-to-person (G2P) platforms;
- *promoting high-skilled growth*, for example through industrial policy promoting skills-intensive exports backed up by necessary education, training, wage policy and incentives for private investment; and

- *reducing inequality of economic agency*, through progressive taxation, effective competition policy and executive compensation rules.

3. Supply freedom: *turn GVC practices towards responsible business conduct.*

We argue for development actors to use their resources and leverage to encourage responsible business conduct in global value chains, prioritizing sectors and value chains where COVID-19 has most severely reduced economic agency. Development actors should encourage companies and suppliers to which they are connected to protect people as effective economic agents, for the long-term health of the whole economy. This includes:

- *protecting workers' health, incomes and livelihoods*, through workplace safety measures, maintaining supplier relationships, promoting wage subsidies, loan guarantees and flexible payment arrangements. Remedial measures may also be needed where supplier decisions have contributed to or caused increased modern slavery risks.

- *working together*, through joint approaches to high-risk supply chains, social dialogue, promoting worker voice, managing migrant labour repatriations, and mobilizing around share GVC transformation plans.

Realizing these goals may require working across multiple institutional levels and action in new forums (such as the UN Regional Economic Commissions and Regional Fisheries Management Organizations). Pandemic recovery offers a new start – a chance for governments and development actors to work with value chain stakeholders to reshape those value chains, collaborating, rather than competing. This could begin with development of a set of shared expectations of suppliers in high-risk value chains – such as PPE.

4. Finance freedom: *use development finance to reduce modern slavery risks.*

We argue for the development sector to take a more active role using its collective leverage to shape how capital markets address modern slavery risks. In the short term, during pandemic recovery, this should focus on keeping people afloat, by:

- *increasing liquidity at all levels*, to help governments and enterprises access needed resources, including by enlisting intermediary financial institutions;

- *a microfinance rescue plan*, to ensure that hundreds of millions of at-risk households and enterprises survive the global economic downturn;

- *increasing digital financial inclusion*, using the opportunity created by the crisis to invest in efforts to address the 1.7 billion people who remain unbanked, and to improve access to working capital for the SMEs and micro-contractors that may be most prone to use forced labour.

In the longer term, the focus should be on collective leverage to ensure capital markets accurately price modern slavery risks, including:

- *coordinated exclusion* of known modern slavery risks from public financing, lending and investment;

- *active participation in the construction of a harmonized ESG risk information infrastructure*;
- *systemic risk monitoring* to identify when privately-incurred ESG risks are reaching toxic levels; and
- *concerted action to tackle illicit financial flows* connected to systematic forced labour, including stolen asset recovery and disrupting the recruitment fee system.

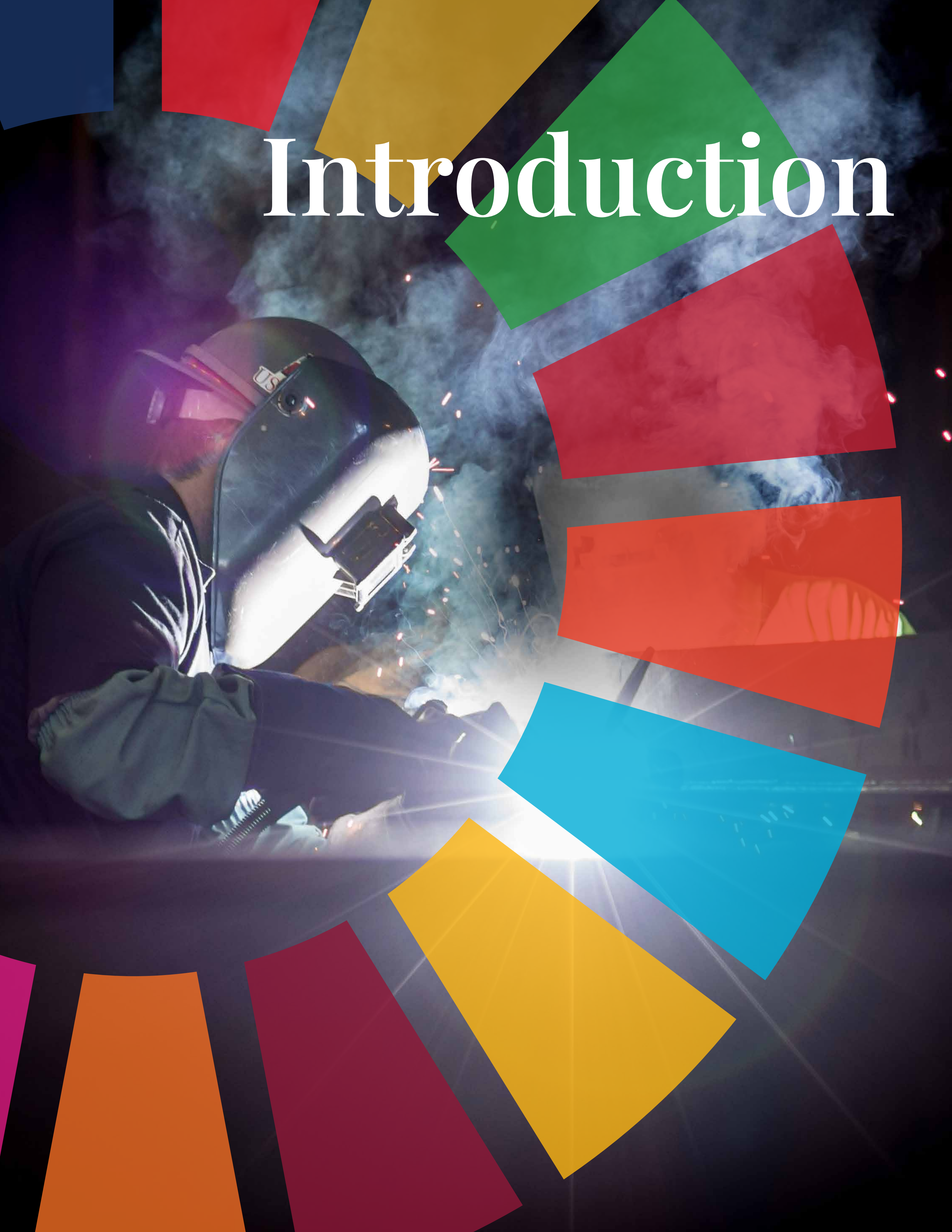
5. Organize communities for freedom: *empower stakeholders to maximize economic agency*.

The study identifies community organization and strategic coordination as central requirements for developing freedom. Slavery is not only an economic, but a political system, that redistributes wealth from labour to coercive capital. Disrupting slavery systems has always generated a political backlash and will do so in future. To develop freedom therefore requires effective community organization – from the local to the global level. We argue for:

- *Creating a Developing Freedom Forum*, where development actors can share information, learn lessons, and develop coordinated strategy to apply in a coordinated manner across different institutional settings and global value chains.
- *Developing new tools for tracking progress*, including new (DAC) programming codes, and common monitoring and evaluation variables,
- *Joint value chain mapping and transformation planning*, to develop shared understandings of how modern slavery risks can be addressed in specific sectors.

The cases in the study make clear that only where the international community organizes around a shared substantive agenda for reform, building and using leverage in a coherent and coordinated way, can we expect to see the scale of slavery reduction needed to end modern slavery by 2030.

Introduction



“[T]he work done by freemen comes cheaper in the end than that performed by slaves.”[1]
– Adam Smith, *Wealth of Nations* (1776).

“Slavery benefits no one but its immediate, individual owners, and them only in a pecuniary point of view. Does the slaveholder, while he is enjoying his slaves, reflect upon the deep injury and incalculable loss which the possession of that property inflicts upon the true interest of the country?”[2]
– H.R. Helper, *The impending crisis of the South: How to meet it* (1860).

“For centuries, millions of Africans and their New World descendants had their decision-making rights, their status as economic agents, removed for profit… there may be enormous private returns to compromising economic agency, [yet] doing so gives rise to the ultimate and most fundamental of all externalities… [Slavery is] a pathology of economics, corrupting variation and diversity… into means of extracting rent.”[3]
– Peter Doyle, former IMF Director, *On Economic Agency*, June 2020.

Around 40.3 million people – around 1 in every 185 people alive – are estimated to have experienced modern slavery or forced labour in 2016, the best global estimate we have available.[4] Slavery involves some people treating others as if they own them.[5] This restricts and even denies victims the opportunity to make decisions – centrally, economic decisions – for themselves.[6] Slavery is an intentional denial of the basic economic agency that is assumed by our economic models – their ability to make choices about how to use factors of production such as land, labour and capital, or how to develop their own capabilities.[7] And for that simple reason, enslavement imposes an unrecognized drag on development – not only at the individual level, but also, we increasingly understand, at the community and national level too.

Adam Smith recognized almost 250 years ago that slavery reduces productivity. In this report, we argue that the knock-on effects of denying people their full economic freedom do not stop there. We show how they ripple out through the economy, snowballing into large-scale, inter-generational effects that create major impediments to sustainable development, and leave *everyone* worse off.By denying people economic agency, slavery reduces the multiplier effects at work in the economy, discourages innovation and imposes costs on the public purse. Slavery also impacts the descendants of those forced into labour, by measurably increasing inter-generational, multidimensional poverty, by increasing inequality, and by reducing social capital. It distorts financial markets, by fostering mispricing not only of labour but also capital. It fosters corruption and illicit financial flows. Slavery increases ethnic fragmentation, impedes State formation, and reduces investment in public goods including infrastructure and education. It fosters gender discrimination, reduces health outcomes and even, we are now learning, harms the environment.

These results are not limited to cases of ‘chattel’ slavery, where ownership of humans is formally sanctioned. They appear to hold also for other forms of forced and coerced labour, including contemporary human trafficking, where people are treated as if others owned them, or owned parts of their agency, even if that is formally not so. In this study, we refer to all of these forms of exploitation that involve an intentional restriction or denial of the victim’s agency in a way that amounts to de facto 'ownership of agency' by the catch-all term 'modern slavery'. Where that loss of agency is total or totalizing, we refer to the conduct simply as 'slavery', in part to highlight the continuity between chattel slavery, as was practiced in the era of trans-Atlantic slavery, and contemporary 'modern slavery'. So serious are the long-term impacts of restricted agency on sustainable development that – on both sides of the Atlantic – the communities that were most involved in transatlantic slavery hundreds of years ago are now significantly worse off than those that were not. One influential analysis, from Harvard scholar Nathan Nunn, suggests that transatlantic slavery accounts today for 72 per cent of income disparity between African nations and the rest of the world – and 99 per cent of the disparity between these nations and other developing countries.[8] This also implies, however, that ending slavery would unleash significant growth: IMF researchers recently suggested that eliminating child marriage – one element of modern slavery – would offer poor countries GDP per capita growth of around 1.05 per cent.[9] And an unpublished estimate by economists in Australia suggests that ending contemporary slavery would deliver GDP growth of between 3 and 5 per cent.[10]

Yet the long-term impacts of turning a blind eye to slavery – as we continue to – are not just economic under-development, but also economic and institutional fragility. Slavery and lack of resilience are intimately connected. Communities that are heavily exposed to organized slavery are more likely to later suffer armed conflict. And the COVID-19 crisis is teaching us that our value chains and even our economic system rely too heavily on low-wage, insecure and dangerous work, without rewarding the workers that assume the risks associated with that work. The crisis has shown us that such an approach may not be resilient or sustainable in the face of an exogenous shock like a pandemic – even as we can expect more such shocks, including from climate change. At the same time, the Black Lives Matter movement, with its efforts to grapple with systemic discrimination descending from trans-Atlantic slavery, forces us to contemplate the long-term, systemic risks of failing to address the impacts of such slavery systems.

The global development sector has intellectual resources available to address slavery. Thirty years ago, Amartya Sen's *Development as Freedom* made the case for putting human agency and capabilities at the heart of development, giving rise to the 'human development' discourse. Yet the development sector has had a blind-spot when it comes to contemporary slavery, failing to appreciate both that it represents a foundational denial of economic agency, and that its costs ripple across the economic system and multiply to severe proportions. Even where they focus on 'human development', development actors – as we show in this report – by and large do not treat slavery reduction as an objective of their interventions. They spend relatively little on interventions targeting modern slavery, forced and child labour, and human trafficking – less than USD 450 million per year, on average, in Official Development Assistance (ODA) between 2000 and 2017 – or around USD 11 per victim per year.Development actors treat slavery and forced labour as marginal, technical issues, to be safeguarded against in project delivery. Slavery reduction has not been a focus of most development actors' investments, policy lending, or advice to governments. This is true across the UN Development System, the traditional multilateral lenders and their 'new' counterparts (such as the AIIB, the BRICS bank), bilateral development agencies and development finance institutions.

Perhaps it should not be surprising, then, that the growth model at the heart of many contemporary development efforts – incorporation of low-skill, low-wage workforces into Global Value Chains (GVCs) – may *increase* some workers' vulnerability to labour exploitation and modern slavery. This is even acknowledged in the 2020 edition of the World Bank's flagship *World Development Report*. To understand why the 'Smile Curve' economics associated with GVCs generates this result, we consider how GVCs map onto what we know about how contemporary slavery systems work. To do that, we introduce in this study a conceptual framework that analyses slavery systems as the product of interaction of three factors: 1) institutional environment; 2) people's vulnerabilities; and 3) exploiter strategies. We show how current 'Smile Curve' growth strategies, which encourage developing economies to start with low-wage, low-skill sectoral growth and then move up the value chain, create institutional conditions amplifying vulnerabilities and empowering exploiters. Drawing on six sectoral case studies – cattle, palm oil, cotton, fisheries and aquaculture, garments and apparel, and construction and infrastructure – we show how this model helps make sense of where modern slavery risks arise, and why they persist. Modern slavery systems operate as extractive systems that deliver not only wealth but also significant political power to the rentiers that control them, and their allies.

In the final part of the study, we lay out a 'Developing Freedom Agenda' – a set of recommendations for reducing modern slavery through concerted, strategic development sector action to intervene in modern slavery systems. This agenda focuses centrally on enlisting States to protect and maximize people's economic agency – a new articulation of an old developmental role for the State. We draw on lessons from the COVID-19 pandemic, as well as from the financialized development of the American southwest in the 1830s, to offer five recommendations to development actors for Developing Freedom, including during short-term efforts to recover from COVID-19.

Our analysis

In this study, we consider the relationship between slavery and development in depth, through comprehensive literature reviews, quantitative analysis, surveys and mixed methods case studies. The study builds on earlier analysis at the United Nations University Centre for Policy Research on the role of the multilateral system in the fight against modern slavery,[11] and quantitative analysis of official development assistance (ODA) aimed at SDG Target 8.7 objectives.[12] In this study, we extend that analysis by posing a larger question: *How can fighting slavery contribute to sustainable development?*

Part One considers the relationship between *Sustainable Development and Modern Slavery*.

In Chapter 1, *Development's blind-spot*, we look at how the relationship between slavery and development is currently handled in global development actors' discourse and practice. We use a mixture of practitioner surveys, quantitative analysis and desk research to explore practitioner perspectives, more than 2 million official aid project records, as well as development entity policies and practice. We review 400 country development strategy documents, the practice of multilateral development banks, export credit agencies, development finance institutions, and new development lenders, including China. Across this broad array of practice, we identify a clear 'blind-spot' in contemporary development analysis and discourse regarding the systemic nature of slavery and its economic impacts, and a resulting absence from development practice of systematic effort to address the impacts of modern slavery on sustainable development.

In Chapter 2, *How slavery impedes development*, we look at what research tells us about how slavery and development intersect, and consider the implications for development programming. Drawing on both a bibliographic and a systematic survey of relevant literatures, we identify ten ways in which slavery creates a drag on sustainable development. We consider what this tells us about how contemporary approaches to development – especially through incorporation into global value chains (GVCs) – may contribute to modern slavery risks, and what this means about the developmental role of the State. And we identify a gap in the relevant literature and practice: there is no overarching conceptual framework explaining how these causal vectors inter-relate, contributing to analytical fragmentation and policy incoherence.

To remedy this, we draw on Amartya Sen's seminal explanation of development as a process of maximizing human capabilities and freedoms – *Development as Freedom*. We identify a shared central objective for development actors and those fighting slavery, forced labour and human trafficking: protecting and maximizing people's economic agency in order to allow them to develop their capabilities.[13] Drawing on epidemiological and systems thinking, we present a framework for understanding how modern slavery impedes development. This framework characterizes modern slavery as an extractive system that emerges out of the interaction of institutional environments, people's vulnerability and exploiter strategies. Exploiters capture rents by monopolizing and stealing not just their victims' labour, but their very economic agency.This generates the significant economic, social and environmental externalities described earlier in the chapter. Understanding slavery systems in this way helps clarify how existing programming approaches inter-relate, and what may be missing – especially the recognition of the political power of rentiers within this system, the need for multi-level governance strategies, and the consequently complex role of the State as both a partner in and obstacle to sustainably developing freedom.

Part Two of the study consists of, *Six sectoral case studies*, in which we use the Developing Freedom framework established in Part One to discuss the possibilities for addressing slavery systems in six economic sectors: Brazilian cattle (Chapter 3); palm oil – with a focus on Indonesia, Malaysia and Nigeria (Chapter 4); Uzbek cotton (Chapter 5); fisheries and aquaculture – with a focus on Thailand, plus the Philippines, India and Bangladesh (Chapter 6); garments and apparel – focusing on the UK, Bangladesh, India and Ethiopia (Chapter 7); and construction and infrastructure – focusing on Qatar and Myanmar (Chapter 8). These sectors were selected in consultation with the project donor to provide diversity on a variety of dimensions, including geography and country income-levels, forms of exploitation, and market structure. In each case, we identify the aspects of the institutional environment, people's vulnerabilities and exploiter strategies that generate modern slavery. We show how these differ by context. We explore how past intervention efforts have combined technical know-how, financing and political capital in attempts to end these systems of modern slavery, and consider the results of those interventions. In line with the Developing Freedom model, we find that in many cases rentier exploiters – working in both legitimate and illegitimate business – have resisted interventions, highlighting the importance of a strategic approach. In each case, we use this analysis to point to potential *new* entry points for development actors.

Part Three is entitled *Building Back Better by Developing Freedom*. In Chapter 9, *Freedom in a time of crisis*, we consider how COVID-19 is exacerbating modern slavery risks. We consider how the COVID-19 crisis is accelerating consideration of social risk factors by donors and investors and the opportunity – and risks – this creates as the development sector turns increasingly to blended finance, public-private partnerships and efforts to crowd-in private capital to 'Maximize Finance for Development'. To understand those risks, and drawing inspiration from the Black Lives Matter movement, we look to the lessons from the use of blended finance and global capital markets to develop the Mississippi Valley in the 1830s. We identify several lessons for contemporary development practice about the challenges of effective financial and social risk assessment and management.

Finally, in Chapter 10, *An Agenda for Developing Freedom*, we draw on these lessons and earlier chapters to set out a Developing Freedom Agenda. We describe the measures that this will require of development actors, in both the short-term context of Building Back Better after the COVID-19 crisis, and for the longer term: 1) commit to develop freedom; 2) slavery-proof development pathways; 3) supply freedom; 4) finance freedom; and 5) organize communities for freedom. Taken together, these measures would involve an important shift in development thinking about anti-slavery, from treating it as a question of risk minimization to a question of agency maximization. This would entail an important change in how we understand the developmental role of the State, enlisting the State to prevent people with greater access to power and capital from stealing the agency of those more vulnerable. This will require shifting growth models from development pathways focused on low-wage, low-skill industrialization, to those focused more on enlarging protection systems, encouraging high-skilled industry through both investments in human capital and through wage policy, and fostering entrepreneurialism. Given the global nature of markets and institutions, that will require states to work together, and with other stakeholders, to ensure global market regulation and GVC governance protect people's economic agency.

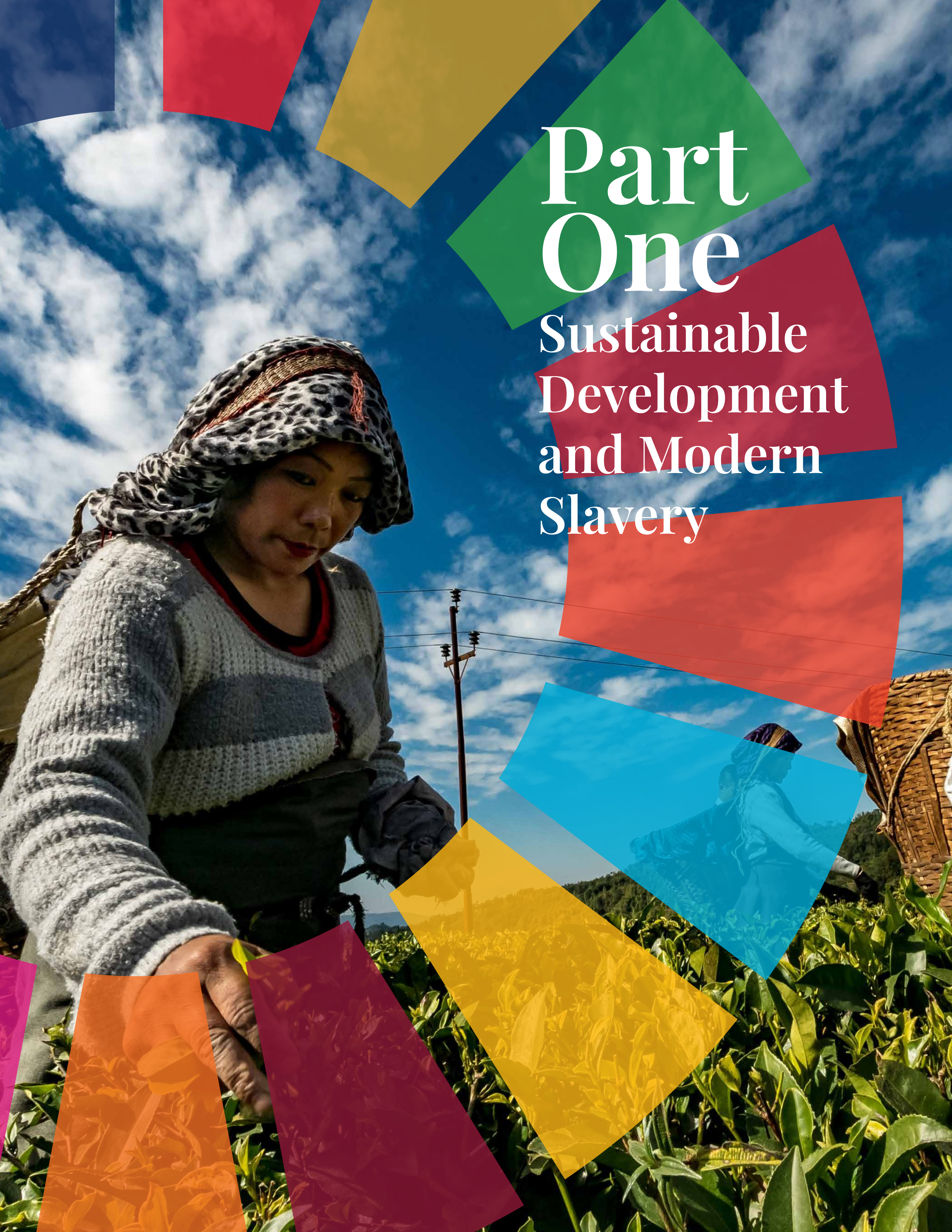
Our methodology

This study was led over eighteen months (2019-2020) by Professor James Cockayne, drawing on research undertaken by a team operating out of and managed by the United Nations University Centre for Policy Research (UNU-CPR). Chapter 1 draws on a literature review commissioned from the University of Nottingham's Rights Lab, led by Dr Katarina Schwarz, with support from Dr Deanna Davy, Dr Hannah Jeffery and Dr Daniel Ogunniyi. The analysis of ODA spending draws on an earlier study undertaken by Cockayne and Dr Kelly Gleason,as well new data covering 2013-2017 collected by Dr Kelly Gleason.[14] This Chapter also draws on survey and grey literature research into development actor sentiments and strategies undertaken by several researchers at UNU-CPR, notably Otilia Enica, Angharad Smith and Nesrien Hamid. Chapter 2 draws on a bibliographic survey commissioned from Professor CAF Dowlah. Chapters 3 to 8 reflect deep dive research by James Cockayne, supplemented by mixed-method studies commissioned from several research teams working to a shared set of research questions. Research for the *cattle, cotton* and *construction* chapters (3, 5 and 8) was contributed by UNU-CPR (Angharad Smith and Nesrien Hamid, respectively). Research for the *palm oil* chapter (Chapter 4) was contributed by The Purpose Business (Patricia Dwyer, Rebecca Walker Chan and Thomas Tang). Research on *fisheries and aquaculture* (Chapter 6) was contributed by the University of Nottingham Rights Lab (Dr Jessica Sparks, Dr Bethany Jackson). And research on *garments and apparel* (Chapter 7) was contributed by Partnership for International Development (Anna Bryher, Jim Cranshaw and Frances Hill). The analyses used by these teams used a variety of methods, including desk review and in-country engagement with representatives of different stakeholder groups (including those representing survivor and worker organizations). Out of an abundance of caution and in the interests of frank disclosure by interview subjects, the identities of interviewees will not be published, but are on file with UNU-CPR.

The report does not attempt to provide a systematic review of evidence on the factors that drive modern slavery.[15] Instead, it attempts to answer the deceptively simple question: *How can fighting slavery contribute to sustainable development?* It offers a new approach to answering that question, and seeks to provide a conceptual and programming approach that will, we hope, underpin more effective development sector engagement with the anti-slavery agenda.

Part One

Sustainable Development and Modern Slavery



CHAPTER 1: DEVELOPMENT'S BLIND-SPOT

In 2015, all 193 United Nations Member States committed to take immediate and effective measures to end modern slavery, forced labour and human trafficking by 2030, and child labour by 2025. This is Target 8.7 of the Sustainable Development Goals (SDGs), known as the 2030 Agenda for Sustainable Development. States also committed to eliminating trafficking and other types of exploitation of women (SDG 5.2), children (SDG 16.2), and forced marriage (SDG 5.3) – also by 2030. This is an agenda that *all* countries have committed to pursue, wherever modern slavery, forced labour, human trafficking and child labour are found – not just in countries traditionally described as 'developing' countries. It offers a clear statement by UN Member States that ending modern slavery should be an integral part of global development efforts, or even, as a subsequent Call to Action endorsed by 92 countries puts it, "a priority" for multilateral development action.[1]

There have been occasional calls over the years for the development sector to bring a more concerted strategic and operational focus to its work on slavery reduction. Anti-Slavery International has advocated for understanding anti-slavery efforts through an anti-poverty and development lens since at least 2007.[2] That is the same year in which Roger Plant, a pioneer of work on forced labour at the International Labour Organization, spoke at a conference convened by the UK Foreign Office and UK Department for International Development about the role of development actors in fighting slavery.[3] In May 2009 a World Bank Social Policy Discussion Paper called for the Bank to play a greater leadership role through measurement, knowledge capture and coordination,[4] and a Bank Social Development Note set out a number of programming areas in which the Bank could make a contribution.[5] The same year, the UN Development Programme published a research paper canvasing how the anti-trafficking and human development agendas could be better integrated, arguing that "the human development gains from greater mobility could be significantly enhanced if there was greater coherence between policies to combat trafficking and policies to promote development."[6] Also, that year, an independent quantitative study found that incidence of slavery was one of the best ways to explain regional variations in the Human Development Index.[7] A subsequent study developed and tested this hypothesis through multivariate regression analysis, finding that a 1 percent increase in the prevalence of slavery is associated with a 0.045 percent decrease in human development, and is also negatively associated with GDP and equality.[8] In 2015, a joint United Nations University/Freedom Fund study entitled *Unshackling Development* suggested a need to join-up multilateral responses to deal with exploitation through development interventions.[9] And a July 2016 briefing note by the UN's Inter-Agency Task Force on Financing for Development also provides a high-level overview of intersections between UN development and anti-trafficking practice.[10] Yet this has not led to slavery reduction being a major focus of development sector strategy or practice.

In fact, there have frequently been voices and data points suggesting just the opposite: that forced labour is an unfortunate but unavoidable by-product of economic development, or even that forced labour is a valid and rapid pathway *to* development. We know, for example, that economic growth can facilitate migration by the poorest, and that in some circumstances this increases vulnerability to human trafficking.[11] There has long been a narrative that slavery and forced labour were central to the national economic development of great powers such as the United Kingdom and United States,[12] and even to the emergence of industrial capitalism more broadly.[13] More recently, the People's Republic of China has faced allegations that its development strategy for Xinjiang province has created a market for the forced labour of Uyghurs and other minorities – a market in which numerous global brands, from Abercrombie & Fitch to Zara, and BMW to Uniqlo, are said to participate.[14] The *New York Times* recently reported that there has been a surge of exports to overseas markets of personal protective equipment (PPE) produced using forced labour in and from Xinjiang.[15] (We consider these allegations and the Chinese government's response at more length in Chapter 2.)

We know, too, that some major infrastructure projects supported by development actors have led to increased slavery and forced labour. In the 1960s, for example, the World Bank, United States and United Kingdom provided 25 per cent of the funding for the construction of the Akosombo Dam on the River Volta in Ghana. The dam delivered an additional 912MW of hydroelectric capacity, underpinning Ghana's subsequent economic development. But it also brought significant social and environmental costs.[16] The lake that it formed – Lake Volta, the largest man-made lake in the world – is now the site of endemic, multi-generational enslavement of children in the fishing industry.[17] More recently, as we explore further in Chapter 5, there have been allegations that World Bank funding has been used to support cotton production in central Asia relying on forced labour. The European Union and United Nations have confronted similar allegations in recent months. Under its Emergency Trust Fund for Africa, the European Union has provided road-building aid to Eritrea worth EUR 80 million, with the United Nations Office for Project Services (UNOPS) serving as the project manager.[18] The aim is curb irregular migration to Europe by supporting job creation. But it is alleged that these roads are built by workers conscripted through the controversial Eritrean National Service programme, which UN inquiries have previously linked to forced labour.[19] In May 2020, the Dutch-based Foundation for Human Rights in Eritrea lodged papers suing the European Commission.[20] The next day the European Parliament adopted a resolution calling on the Commission to avoid indirectly financing forced labour in Eritrea.[21]

The moral case for ending slavery, forced labour, human trafficking and child labour – that knot of crimes collected today under the rubric of 'modern slavery' – needs no rehearsing. Nor does the legal case: slavery is illegal under public international law at all times, in all places. Freedom from slavery, like freedom from torture, is considered *jus cogens* and is a non-derogable and universal human right.[22] Any person with standing in public international law can enforce that norm against any other such person.[23] Yet the best estimate we have of the number of people enslaved today, the 2016 *Global Estimates of Modern Slavery*, suggests some 40.3 million people were subjected to modern slavery that year, 24.9 million of them in forced labour – of which some 4.1 million are victims of State-imposed forced labour. 63 per cent of all victims are female. Victims are found in every region, with the highest real numbers in Asia and the Pacific, and the highest per capita rates in Africa. People are forced into slavery through withholding of wages, threats of violence, actual violence, and threats against family members, amongst other means.[24] And numbers may be going up, due both to the COVID-19 pandemic and the resulting economic downturn, and to other drivers such as State fragility, rising food insecurity, environmental change and automation.

While the norm against slavery is strong in theory, all of this evidence suggests it is weak in practice – or at least weakly enforced. In fact, the victimization rates involved – roughly 1 in every 200 people alive today – suggest that violation of the norm is not at all exceptional. It begs the question: is there some other, additional case for ending modern slavery that we are missing, that could help to close this gap between aspiration and achievement?

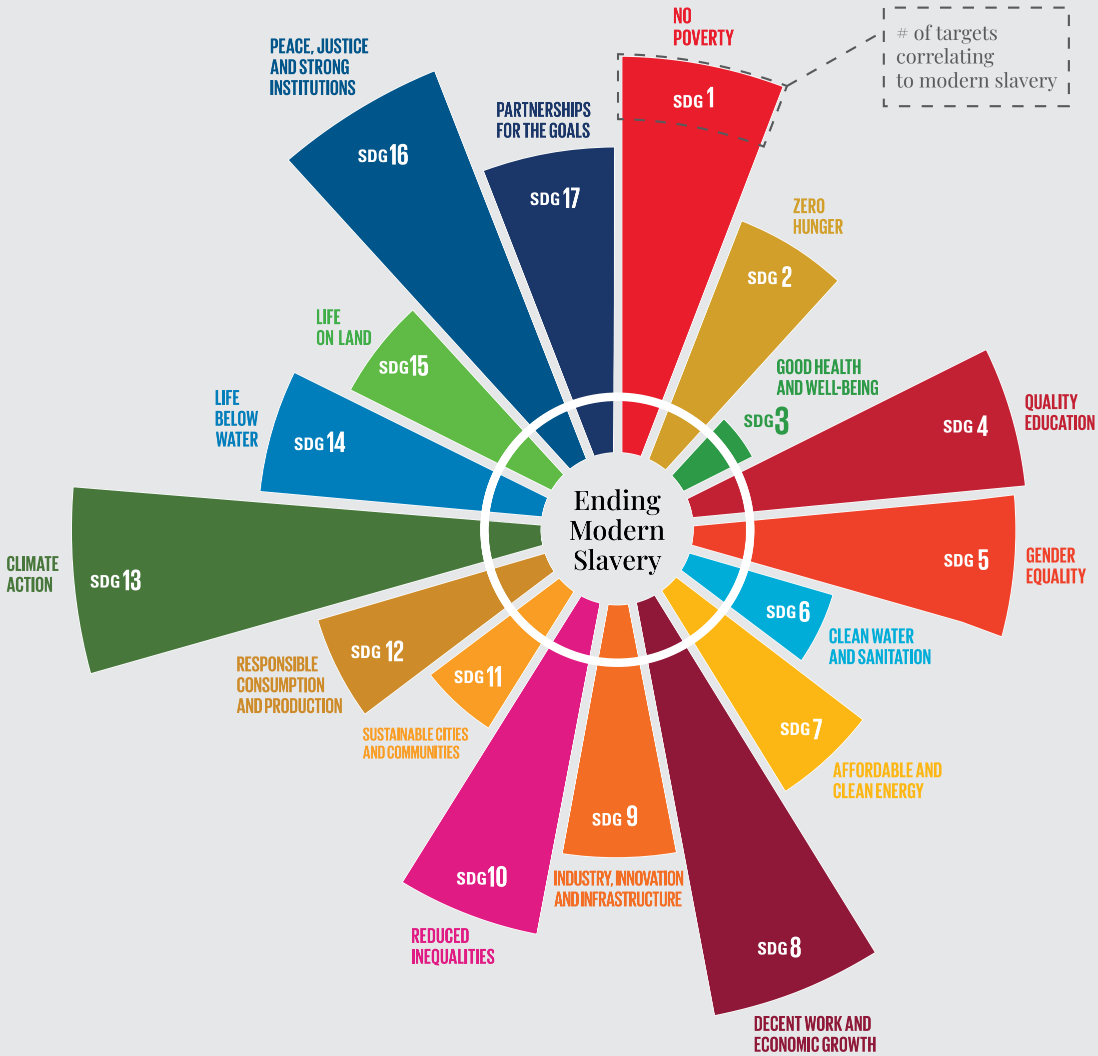
This study argues there is: the sustainable development case for ending modern slavery. In this first chapter, we begin our inquiry into that case by asking how the development sector currently understands modern slavery, forced and child labour, and human trafficking. We begin by situating SDG 8.7 within the broader 2030 Agenda, to understand where anti-slavery efforts fit in the broader project of sustainable development reflected there. Next, we share the results of a survey of development practitioners from 16 countries undertaken for this study, mapping the major contours of their understanding of where slavery reduction efforts fit into their work. Third, we present the results of a literature review examining how the ties between slavery and development are understood in relevant scientific and academic literature. Fourth, we look at aid commitments between 2000 and 2017 to see what they tell us. And fifth, we provide a broader review of the operational practice of, in turn: (1) bilateral development cooperation agencies, (2) development finance institutions (DFIs) and export credit agencies (ECAs), (3) multilateral development banks (both old and 'new'), (4) China, and (5) the UN development system.

Where does slavery reduction fit in the 2030 Agenda for Sustainable Development?

Slavery involves exploiters treating victims as if the exploiter owned the victim.[25] This amounts to the victim being treated not as an economic *agent*, but as an economic *object*. This can lead to a range of forms of exploitation, arising both in sexual, domestic and commercial contexts (those three not necessarily being exclusive). Modern slavery can arise in domestic servitude, construction, fisheries and aquaculture, agriculture, manufacturing, hospitality, sex work, and a wide range of other industries. It is perhaps unsurprising, therefore, that efforts to address modern slavery – that is, to achieve Targets 5.2, 5.3, 8.7 and 16.2 of the UN Sustainable Development Goals – and efforts to achieve other aspects of sustainable development – all the other UN Sustainable Development Goal Targets – frequently intersect.

To understand where slavery reduction efforts 'fit' in the 2030 Agenda, we explored the scientific literature to identify ways in which there may be causal connections between these Targets and other SDG Targets. We do not assume that development reduces (or indeed increases) slavery, since we recognize that the relationship is non-linear and context dependent.[26] We found evidence (of varying levels of scientific rigour) that efforts to achieve 113 of the 179 Targets in the UN Sustainable Development Goals (i.e. 63 per cent) could directly or indirectly help to reduce modern slavery. This is displayed in Figure 1 below. Each line running from an SDG Target on the outside of the wheel to the central node – 'Ending modern slavery' – represents one such scientifically-supported linkage. (The different colours represent whether development programming aimed at that SDG Target will contribute to anti-slavery efforts by reducing the conduciveness of the institutional environment to modern slavery, by addressing people's vulnerability, or by disrupting exploiter strategies – the three dimensions of the 'Developing Freedom' approach that we introduce later in the report.)

FIGURE 1: CONNECTIONS BETWEEN THE SDG TARGETS AND ENDING MODERN SLAVERY



Modern slavery as a system

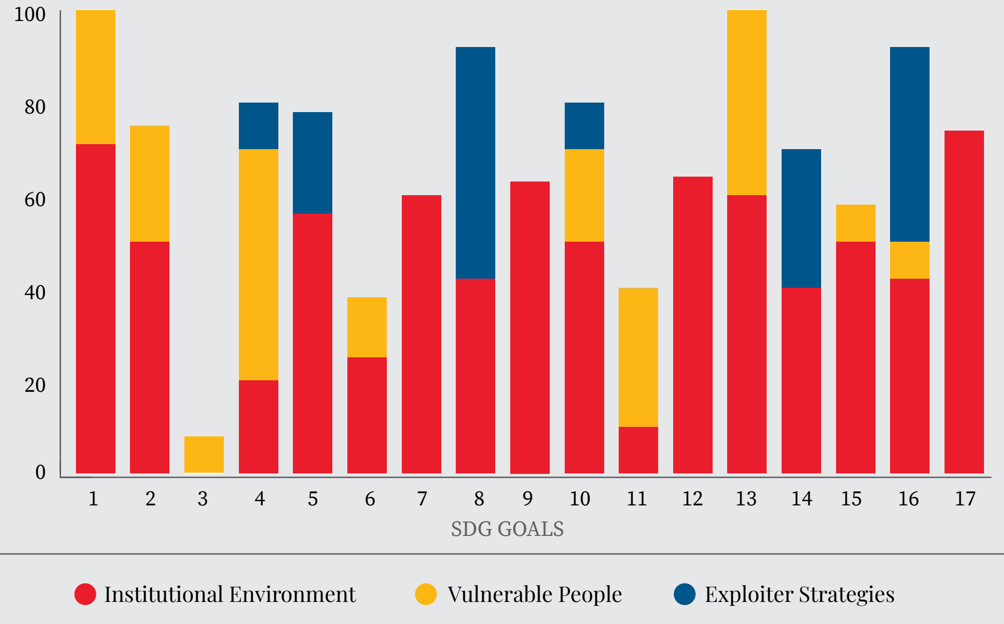
SUSTANABLE DEVELOPMENT GOALS	INSTITUTIONAL ENVIRONMENT: • FORMAL AND INFORMAL RULES • PHYSICAL ENVIRONMENT	VULNERABLE PEOPLE: • SOCIAL AND PHYSICAL CHARACTERISTICS • CAPABILITIES	EXPLOITER STRATEGIES: • BUSINESS AND MANAGEMENT PRACTICES • CRIMINAL STRATEGY
1	71	29	0
2	50	25	0
3	0	8	0
4	20	50	10
5	56	0	22
6	25	13	0
7	60	0	0
8	42	0	50
9	63	0	0
10	50	20	10
11	10	30	0
12	64	0	0
13	60	40	0
14	40	0	30
15	50	8	0
16	42	8	42
17	74	0	0

Note: These figures are used to visualize Figure 2

Figure 2 breaks this down further, showing the percentage of Targets within each Sustainable Development Goal that, if achieved, would also likely directly contribute to ending modern slavery. (Again, we disaggregate this by programming dimension of the Developing Freedom framework, for later reference.) This suggests that, of the 17 SDGs, work in the areas of Goals 1 (Ending Poverty), 4 (Quality Education), 8 (Decent Work), 13 (Climate Action) and 16 (Peace, Justice and Strong Institutions) is likely to be especially aligned with anti-slavery efforts. As we explore further in Chapter 2, the connection to Climate Action lies particularly in the fact that climate change exacerbates numerous factors that increase vulnerability to modern slavery – such as conflict onset, disaster risk and risk of forced migration, but also runs in the other causal direction: reducing slavery may itself help reduce various negative environmental impacts.

Yet alignment of objectives does not tell us anything particular about *how or how much* efforts to achieve different SDGs will impact each other. These visualizations do not tell us which SDG Target, if achieved, would make the greatest contribution to ending modern slavery. Nor do they tell us anything about the inverse relationship – which other SDG Target we are most likely to achieve if we first achieve Target 8.7. And while visualizations like this are useful heuristic devices, they are limited by the assumptions embedded within them. Figures 1 and 2 capture only those development objectives and interventions already encapsulated within the SDGs; there may be other approaches to development programming relevant to slavery reduction that are not captured in the specific Targets listed in the SDGs. What is more, because they do not tell us about the *strength* of these interactions, they offer little guidance on which intersections are most significant or should be prioritized for programming. For guidance on those questions, we turned to three other sources of evidence: practitioner perspectives, spending patterns, and development organization practice.

FIGURE 2: PROPORTION OF SDG TARGETS THAT, IF ACHIEVED, WOULD CONTRIBUTE TO ENDING MODERN SLAVERY



What do development practitioners think?

In the second half of 2019, we surveyed development practitioners from 16 countries on their views on the relationship between development interventions and anti-slavery efforts.[27] Respondents worked for foreign ministries, domestic development institutions, bilateral development cooperation ministries, multilateral entities and an export credit agency. Our sample was small and not scientific, with the group self-selecting into the sample. Indeed, 85 per cent indicated they had more than a passing familiarity with modern slavery issues. As a result, the survey results give us a useful basis for understanding how development practitioners who are already paying attention to this issue perceive the intersection between modern slavery and development efforts, but may not tell us much about how development actors who are *not* paying attention to these issues perceive the (ir)relevance of modern slavery to their work.

Perhaps unsurprisingly, 50 per cent of respondents agreed with the statement that "it is hard to see sustainable development being achieved unless we reduce modern slavery", while another 35 per cent agreed that "achieving sustainable development will depend in many places on reducing modern slavery".No respondent agreed with the statement that "achieving sustainable development does not require reducing modern slavery". 85 percent thought that anti-slavery programming should be given "important" or "top" priority in the development sector; only 15 percent thought it was "somewhat", "not very" or "not at all" important.

Notably, however, just 24 percent of respondents perceived the development sector's ability to eradicate modern slavery as currently "excellent" or "good", while 76 percent felt it was "fair" or "poor". (None, though, perceived its ability to do so as "nil".) When asked where they saw the greatest opportunity for the development sector to contribute, respondents described a range of objectives from improving data collection, to strengthening safeguards in development programming, to regulation of supply chains and labour markets. Interestingly, however, respondents indicated that they understood least about the economic impacts of anti-slavery efforts – such as their impact on costs of capital and public revenue – and most about the social policy impacts of anti-slavery efforts, for example in the areas of social protection and inequality (see Figure 3 below).

A similar pattern was evident when practitioners were asked questions about their organization's practice, as demonstrated in Figure 4 below. A majority of respondents nominated policy and programming areas focused on social outcomes – such as gender, social protection and migration – as being the area of their organization's work that was most aligned with anti-slavery efforts. Fewer respondents nominated areas of economic policy such as labour market regulation, investment policy, trade policy or industrial policy.

FIGURE 3: DEVELOPMENT PRACTITIONERS' SELF-REPORTED LEVEL OF UNDERSTANDING OF THE IMPACTS OF ANTI-SLAVERY EFFORTS ON DEVELOPMENT CONCERNS (NO. REPORTING)

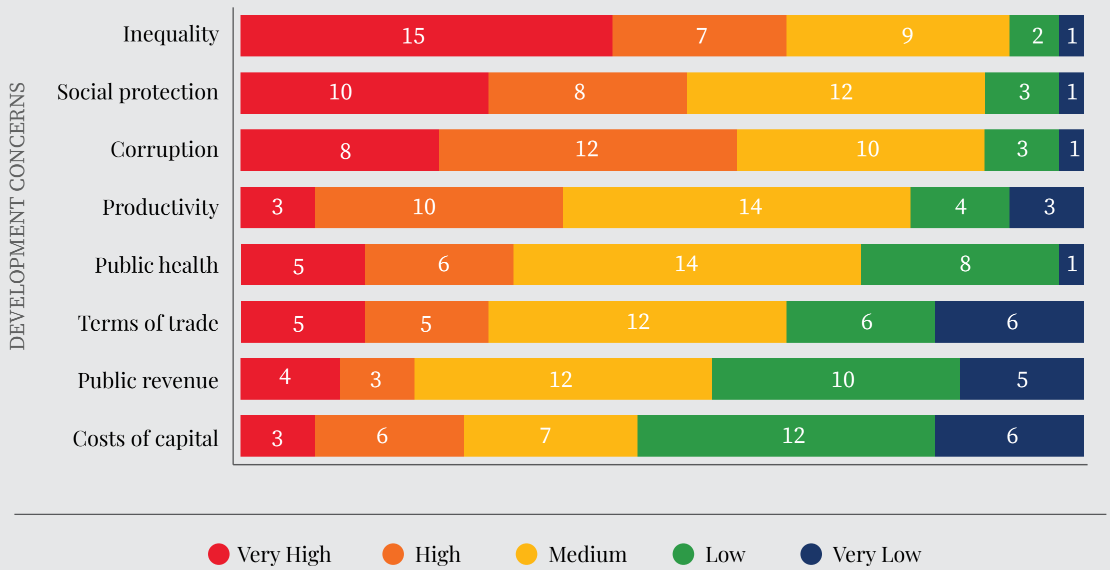
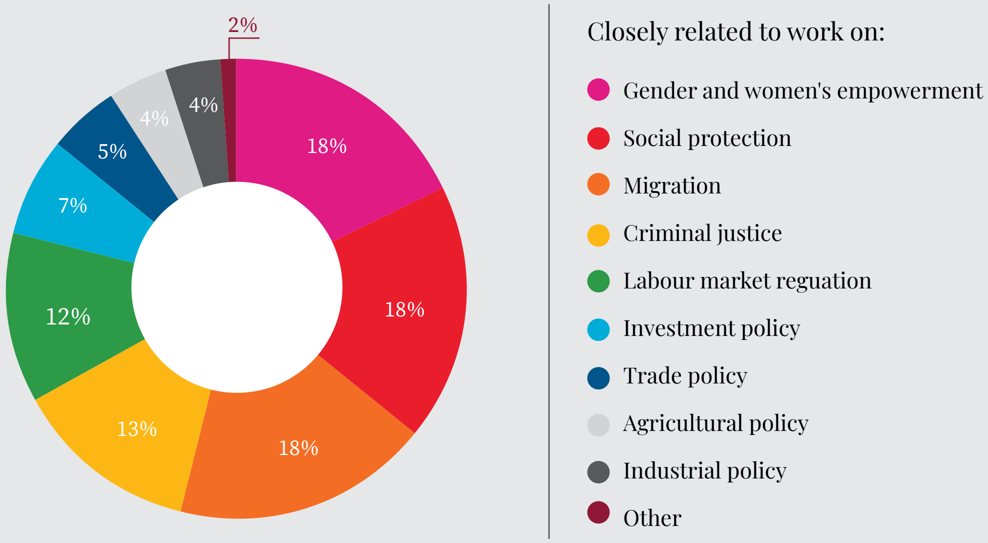


FIGURE 4: DEVELOPMENT ORGANIZATIONS' PERCEPTIONS OF THE AREA OF PRACTICE MOST CLOSELY RELATED TO MODERN SLAVERY CONCERNS



There was also a clear split in responses to questions about *how* modern slavery was factored into organizational practice. 62 per cent of respondents indicated that their organization perceived modern slavery as a contextual factor to be considered prior to intervention and 38 percent described it in operational risk management terms. Some 56 percent perceived it as an organizational programming or policy objective, yet 59 per cent of respondents said modern slavery was "never", "rarely" or "sometimes" factored into programming and policy choices, rather than "usually" or "always". Only 21 percent described it as a factor in investing or lending decisions.

Two clear messages emerge from this survey. Fist, that development practitioners perceive anti-slavery efforts not in terms of their impact on economic growth or broader economic performance, but primarily through the lens of social and criminal justice policy. And second, that they see slavery concerns as more likely to be addressed during project management, rather than in the context of strategic investment and lending prioritization, or programme design. To test that second conclusion, we turned to three further sources of data: analytic literature, spending data, and a review of development organizations' practice.

What does the literature tell us?

What does research and evidence tell us about how modern slavery and development are related? To begin to answer this question, we commissioned research by a team at the University of Nottingham's Rights Lab, led by Dr Katarina Schwarz, and including Dr Deanna Davy, Dr Daniel Ogunniyi and Dr Hannah Jeffery. They explored relevant grey and academic literature to map what we know about the impacts of slavery and anti-slavery programming on development outcomes, and the impact of development interventions (with stated anti-slavery objectives) on anti-slavery outcomes.

Methodology

The mapping involved a search for relevant academic and grey literature resources published in English between 1990 and 2019.[28] The team used an initial search to generate a list of search terms which was then used to undertake the full search. (That list is available in Appendix 1.) Next, they reviewed the title and abstract of every record retrieved, to determine which texts should be assessed further. 138 potentially relevant articles were investigated as full text. An adapted PRISMA (Preferred Reporting Items for Systematic Reviews and Meta-Analyses) flow-chart of study selection was produced summarizing studies retrieved, reviewed, included and excluded (see Appendix 2.) Records were not excluded on the basis of quality, but were excluded if they did not meet defined inclusion criteria or were simply popular media pieces or reportage. Records considered included reports evaluating antislavery interventions, and reports evaluating development interventions with an explicit antislavery objective included in the design.

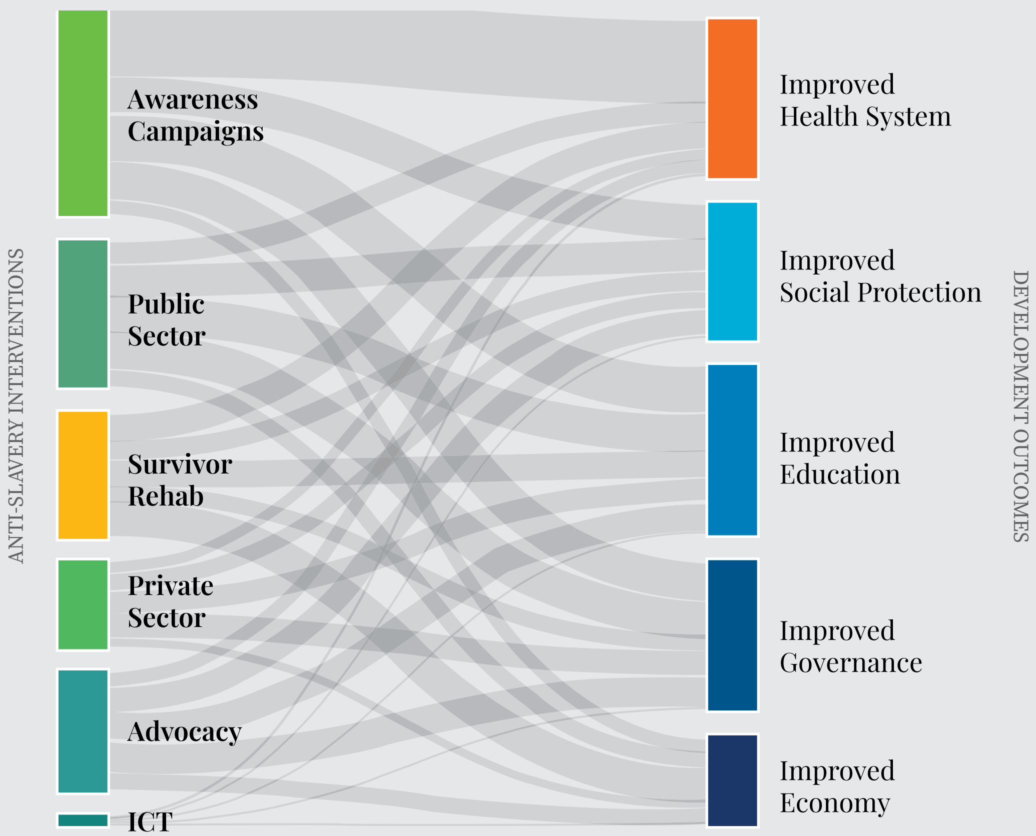
This process yielded 602 records, which were then further screened and a sample manually coded to reflect different types of development interventions and outcomes, and different types of anti-slavery interventions and outcomes, addressed in the records. (See Appendix 3.) This analysis revealed that much of the literature was unclear or ambiguous about both the interventions and especially the programming outcomes under consideration, and thus despite providing for a mixed deductive-inductive coding system could not be reliably coded. It also revealed, however, that evaluation studies *could* be usefully categorized. The review team coded the included records across four types of evidence used: systematic review or probabilistic collection of primary data; literature review; non-probabilistic collection of primary data or modelling; non-specific primary data; and discussion papers. It also synthesized codes within the earlier mixed deductive-inductive classification system (i.e. in Appendix 3) to generate a new, consolidated classification system (Appendix 4). The team then mapped the 138 records generated by the search against this classification system. The full results, including the citations of the relevant studies, are available online at the project website www.developingfreedom.org.

Results

The first thing that emerges from this analysis is the relative weakness of the evidence base. Of the sampled resources, only 4 per cent were systematic reviews or used probabilistic analysis. 2 per cent involved literature reviews. 46 per cent involved non-probabilistic analysis or modelling. 35 per cent were non-specific about primary data. And 13 per cent were discussion papers. This suggests that the evidence-base assessed is best understood as providing lines of inquiry, rather than detailed, scientifically-rigorous insights.

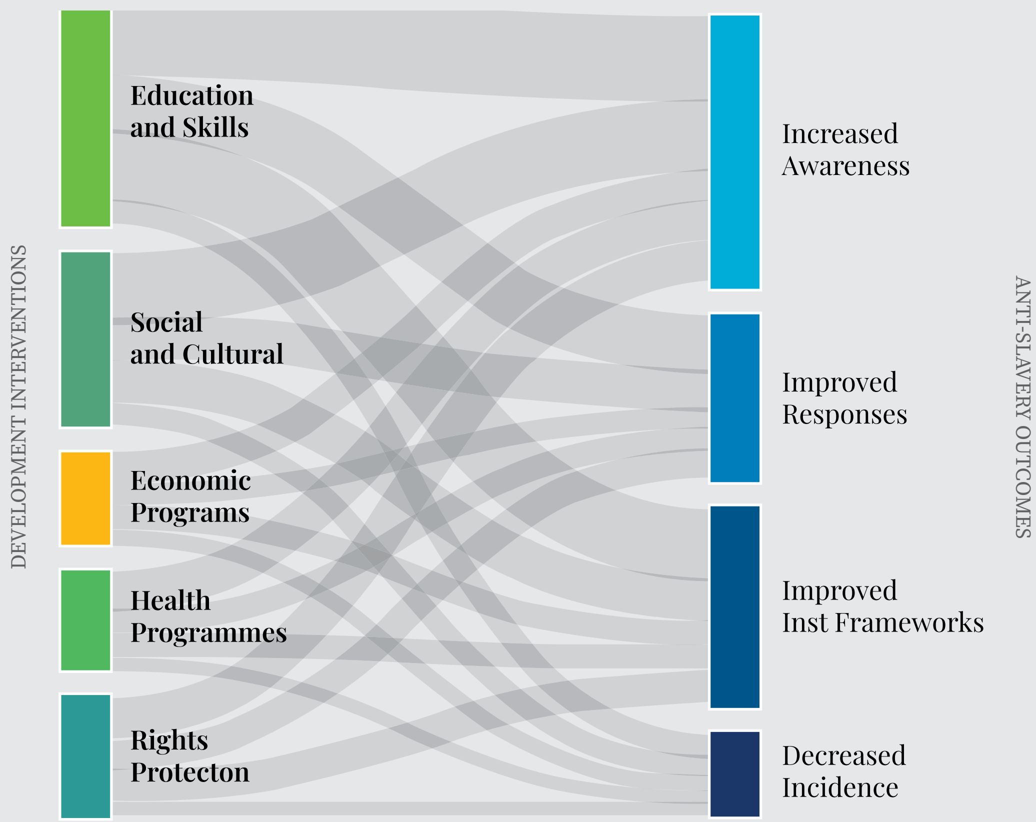
For that reason, we chose to map the sampled literature to understand in broad terms what the relevant relationships might be between different types of development interventions and outcomes, and different anti-slavery interventions and outcomes. Figure 5 below (which, like those that follow, is available in interactive form on www.developingfreedom.org) shows how the identified studies connect anti-slavery interventions to development outcomes (Figure 5.a); development interventions to anti-slavery outcomes (Figure 5.b); and development interventions (with a stated anti-slavery component) to development outcomes (Figure 5.c). In each case, the thickness of the line connecting the interventions (on the left) to the outcomes (on the right) represents the number of times these variables are connected in the identified records. (The thickness of each line is detailed in a scroll-over pop-out box in the online version.) Analysis of these diagrams reveals several things.

FIGURE 5.a: WHAT EVALUATIONS TELL US ABOUT THE RELATIONSHIP BETWEEN ANTI-SLAVERY INTERVENTIONS AND DEVELOPMENT OUTCOMES



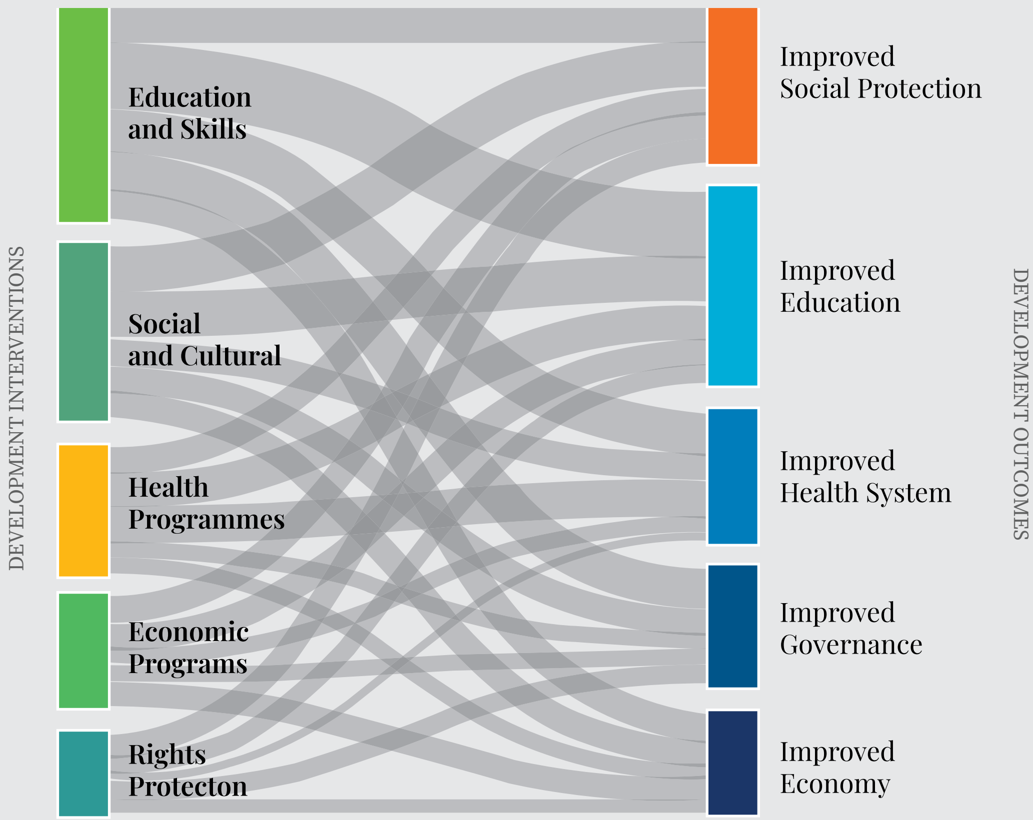
In Figure 5.a, it is noticeable that evaluated studies deal most often with awareness campaigns, rather than other types of anti-slavery interventions. Very few deal with information and communications technology-based interventions, and private sector-oriented interventions were also relatively infrequent. Even more notably, improved economic conditions were the least frequently cited development outcomes, reinforcing the sense from our survey of practitioners that relatively little attention is paid to the economic impacts of modern slavery. However, against that trend, it does seem notable that where the intervention focused on survivor rehabilitation, economic outcomes were the most mentioned, suggesting there is a greater focus on economic justifications for and impacts of survivor rehabilitation than in other programming areas.

FIGURE 5.b: WHAT EVALUATIONS TELL US ABOUT THE RELATIONSHIP BETWEEN DEVELOPMENT INTERVENTIONS AND ANTI-SLAVERY OUTCOMES



In Figure 5.b, we see that the type of development intervention most frequently linked to anti-slavery outcomes in the identified literature relates to education and skills. By contrast, economic programming is the least mentioned. Also notable is that the outcomes most often cited – Increased Awareness and Improved Institutional Frameworks – are both preventive.

FIGURE 5.c: WHAT EVALUATIONS TELL US ABOUT THE RELATIONSHIP BETWEEN DEVELOPMENT INTERVENTIONS AND DEVELOPMENT OUTCOMES



Finally, Figure 5.c deals with development interventions (with a stated anti-slavery objective) and looks at how they are linked to development outcomes. Here, interventions are seen as being connected fairly evenly to a broad range of outcomes, with no obvious clustering. Again, however, the focus is on education and social protection outcomes – with less focus on economic benefits.

This mapping gives us a sense of the broad contours of how connections between anti-slavery efforts and development efforts are understood in the analytic literature. They suggest that programmers and developers see ties between anti-slavery efforts and development efforts focused on education and social protection. However, whereas the SDGs frame efforts to address modern slavery squarely in terms of promoting decent work (SDG 8), there has been comparatively little focus in the research literature on the connections between anti-slavery efforts and the economic aspects of development interventions. And almost no focus – at least in the 'development' literature – on the relationship between anti-slavery efforts and environmental outcomes.

What does ODA spending tell us?

To deepen our understanding of how modern slavery, forced and child labour, and human trafficking are addressed in development assistance, we reviewed official data for 2000 to 2017 reported by donors to the Organisation for Economic Co-operation and Development (OECD). This analysis extends and improves on earlier research conducted by Dr Kelly A. Gleason and Prof. James Cockayne for UNU-CPR's Delta 8.7 project (www.delta87.org).[29] This new research includes an improved methodology for capturing programming officially justified through reference to modern slavery, forced and child labour and human trafficking, strengthened coverage of multilateral and regional programming between 2000 and 2013, and adding additional data from 2014 to 2017.

Our methods

Governments and other official donors report their commitments of Official Development Assistance (ODA) through the OECD DAC Creditor Reporting System (CRS). These data are compiled and coded by the AidData Institute at the University of William and Mary.[30] From this data source we compiled a set of 2,016,905 programming records, reported by donors between 2000 and 2017. We searched this data for programming addressing modern slavery, forced and child labour, and human trafficking.

Data in the CRS set are tagged with inter-governmentally agreed programming codes to help with analysis of ODA spending patterns and impacts. These codes pre-date the adoption of the SDGs, and do not always align well with them. Existing codes may not capture, for example, ODA interventions targeting forced labour, forced marriage, slavery or sexual exploitation. To solve this problem, in 2018 Dr Gleason developed a natural language processing algorithm to process and code original, reported project descriptions. Running this algorithm over CRS data allowed us to identify a set of root terms used in these descriptions that reference seven over-arching forms of exploitation that fall within SDG Target 8.7: forced labour, child labour, child soldiering, human trafficking, forced marriage, modern slavery, and sexual exploitation.[31] We used Dr Gleason's algorithm again in 2019 and 2020, having it trawl through an enlarged dataset of 2,016,905 aid project descriptions, to identify which projects targeted which forms of exploitation. From these, we identified 11,690 projects that addressed different forms of SDG 8.7 exploitation in the relevant period. We adjusted our analytic methodology from that used in our earlier 2018 publication to improve capture of multilateral – and especially regional – programming. The original datasets are available from the AidData Institute.

This counting and coding methodology comes with various limitations.

First, it is limited to declared DAC commitments. It does not cover domestic government spending, nor overseas spending that is not DAC-able, some of which may be sizeable. Nor does it include foreign spending by non-OECD countries—and it is clear that non-OECD countries spent significantly on addressing Target 8.7 exploitation during the period in question. Qatar, for example, which only joined the OECD DAC in April 2016, was a major contributor to global efforts to fight human trafficking such as the UN.GIFT programme during the years in question, yet that spending is not captured in this data set.[32] Private charitable giving also appears to have become an important source of anti-slavery programming funds in recent years, but it, too, is not captured in this analysis – and indeed there does not appear to be any reliable dataset that would permit such analysis.

Second, the methodology also relies on the official description furnished by the governments in question. If the reporting donor justified an entire programme spend with reference to SDG 8.7 forms of exploitation, our methodology counts the *entire* spend as linked to this form of exploitation, even if only part of the funding was in fact used on activities directed at that form of exploitation. Additionally, if the reporting donor described the project as working to reduce more than one form of SDG 8.7 exploitation, it is so coded. Equally, if the project in fact worked to achieve reductions in more than one form of SDG 8.7 exploitation, but was not so described, this fact is not captured in the data or our analysis. We count only what the official State records indicate. Still, it is hard to identify anyone better placed to articulate the programming objectives of each project than the DAC donor. We chose not to second-guess or disturb these assessments – some of them over 20 years old – and relied entirely on these descriptions.

Finally, due to changes in how data were reported and captured, there is a significant discontinuity in the dataset between 2013 and 2014, limiting comparability for data in the 2000-2013 period and those in the 2014-2017 period. The 2014-2017 data seem to include significantly fewer reported commitments from fewer bilateral donors than the 2000-2013 dataset, suggesting there may have been changes in donor reporting behaviour or significant lags in reporting for this period. Moreover, the 2014-2017 data we report does not include reporting by multilateral donors (due to a change in how Dr Gleason's algorithm processed such records). In contrast, the 2000-2013 dataset used here *does* include commitments by multilateral reporters (UN donor entities, the World Bank, regional development banks and other international entities such as the OPEC International Development Fund and Islamic Development Bank). We caution against direct comparison across this 2013/2014 discontinuity, and have tailored our analysis of results, below, accordingly. In particular, we caution that all figures below *are estimates only*.

Our results

OVERALL SPENDING AND PROJECT SIZE

Between 2000 and 2013, donors committed an estimated USD 6,430,111,533 in ODA to bilateral projects, and an estimated USD 796,071,765 in ODA to multilateral projects, addressing SDG 8.7 – or an estimated USD 7,226,183,298 overall. Between 2014 and 2017 donors committed at least a further USD 587,620,155 to bilateral projects, bringing the total identified ODA commitment from 2000 to 2017 to at least USD 7,813,803,453.

These contributions were split across 10,777 donor-recipient dyads reported between 2000 and 2013 and 913 dyads in the 2014-2017 reported dataset we use here. This means that the average commitment (i.e. contribution by a donor to a project) was USD 668,417.75. However, most commitments were far smaller than that. For bilateral projects, the median commitment was around 15 per cent of the average: USD 108,726 vs USD 727,639.64 for 2000-2013; USD 101,454 to USD 643,614.63 for 2014-2017. For multilateral projects (2000-2013), the median project commitment was just 4.5 per cent of the average project commitment – USD 18,228.50 versus USD 410,346.271.

What that tells us is that most ODA commitments addressing SDG 8.7 concerns in the 2000 to 2017 period were quite small; there were a few larger commitments that drove up overall averages. In fact, in the total sample of 2,016,905 ODA commitments we reviewed, we found only 1,327 projects valued at USD 1 million or more that tackled SDG 8.7 concerns. This means that 10,363 projects (or 89 per cent) of ODA-funded projects dealing with these issues were less than USD 1 million in size, even if they were multi-year projects. That raises real questions about both the scale of ambition and commitment of ODA donors, and programming efficiency.

WHO GAVE WHAT?

43 distinct donors committed ODA to projects addressing forms of exploitation covered by SDG 8.7 between 2000 and 2017 – 30 bilateral donors, and 13 multilateral donors. The number of donors committing ODA to projects justified with reference to SDG 8.7 concerns rose steadily each year between 2000 and 2013 – see Figure 6 below.Participation of bilateral donors appears to have declined somewhat since 2014, though due to a data discontinuity at 2013/2014, and the absence of multilateral donors from the later dataset, we caution against direct comparison.

As well as an increase in the number of donors participating each year, there was also considerable variation in the amount that donors gave, as Figure 7 below makes clear. Again, we caution against comparing patterns in the period 2000-2013 to the 2014-2017 period. Yet certain patterns do stand out clearly, and seem to hold across the two periods, notably the outsized role that the US has played as an ODA donor on these issues. It is the source of 42.8% of the declared bilateral commitments (by value), four times the contribution of the next largest ODA committer in this area (the European Union), and more than 7 times what the next largest donors such as Norway, Germany, Canada, Australia, Spain, Sweden, UK, Switzerland committed.

FIGURE 6: NUMBER OF DONORS COMMITTING ODA TOWARDS SDG 8.7 CONCERNS, 2000-2017

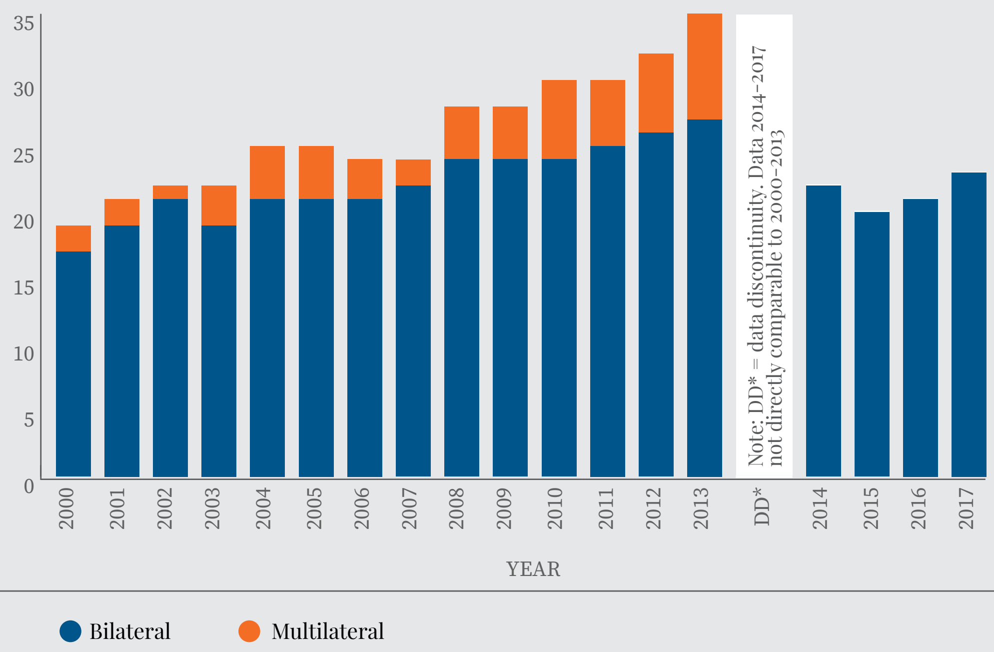


FIGURE 7: YEAR-ON-YEAR ODA COMMITMENTS ON SDG 8.7 CONCERNS, 2000–2017, USD, BILATERAL DONORS

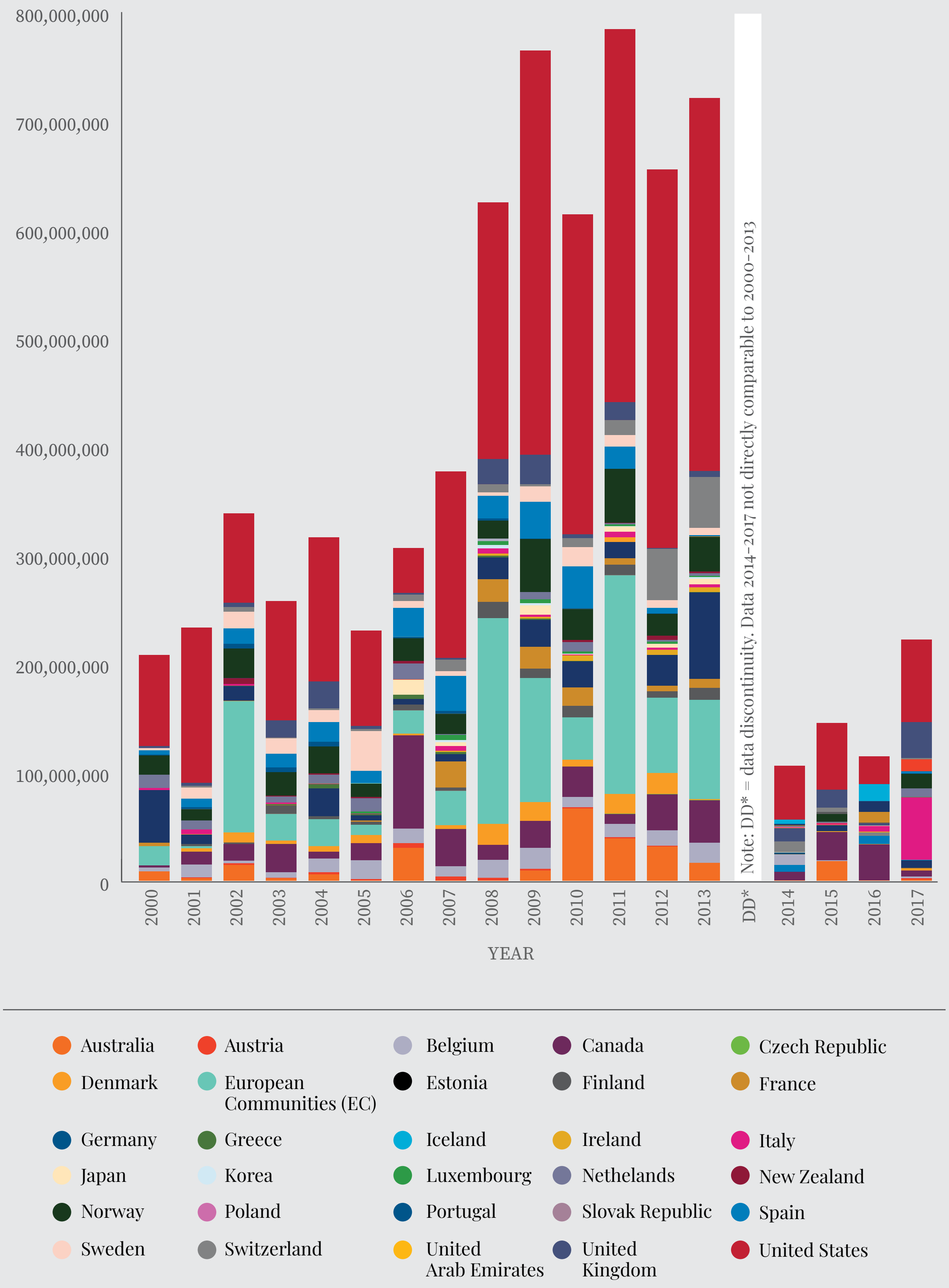
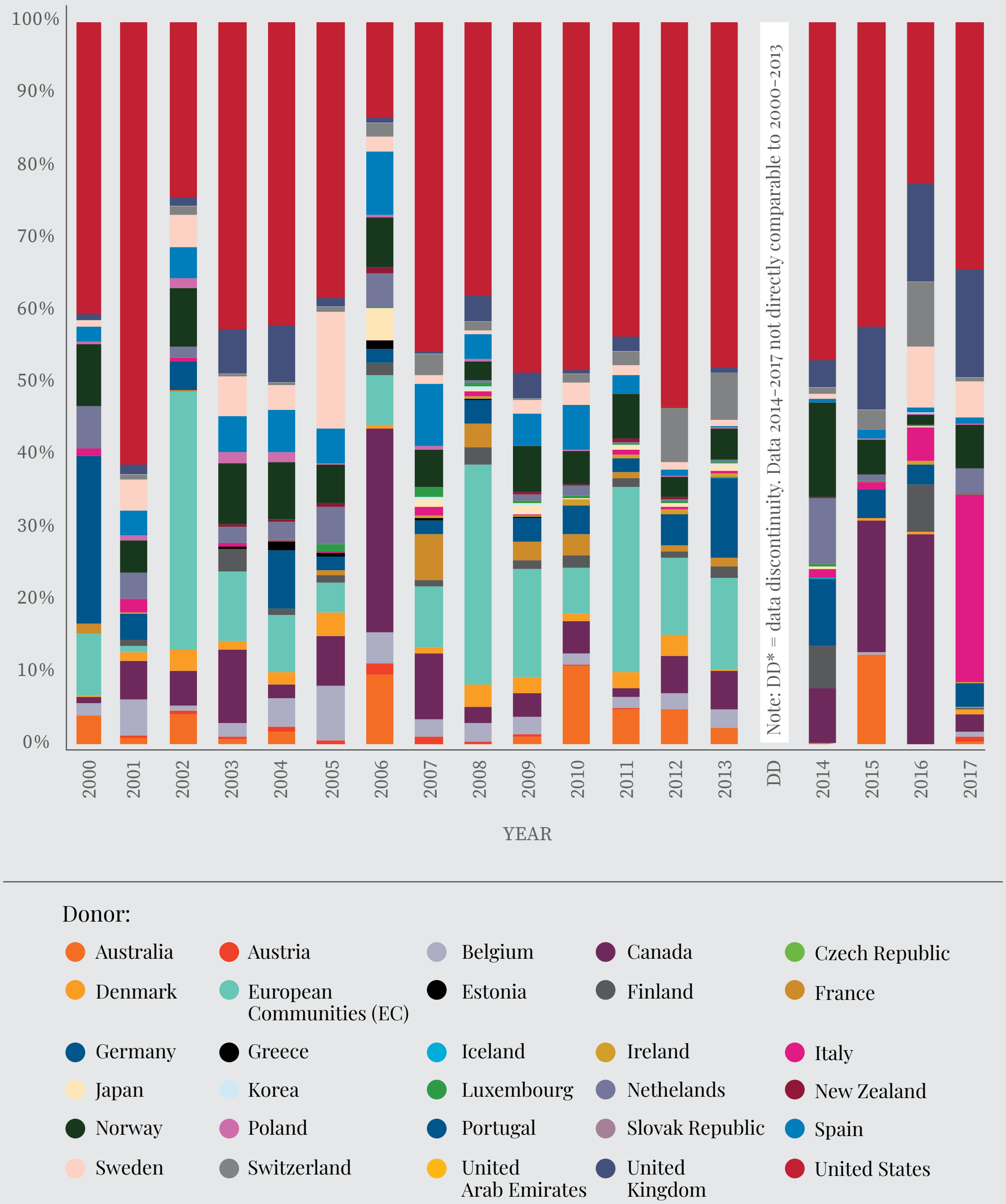
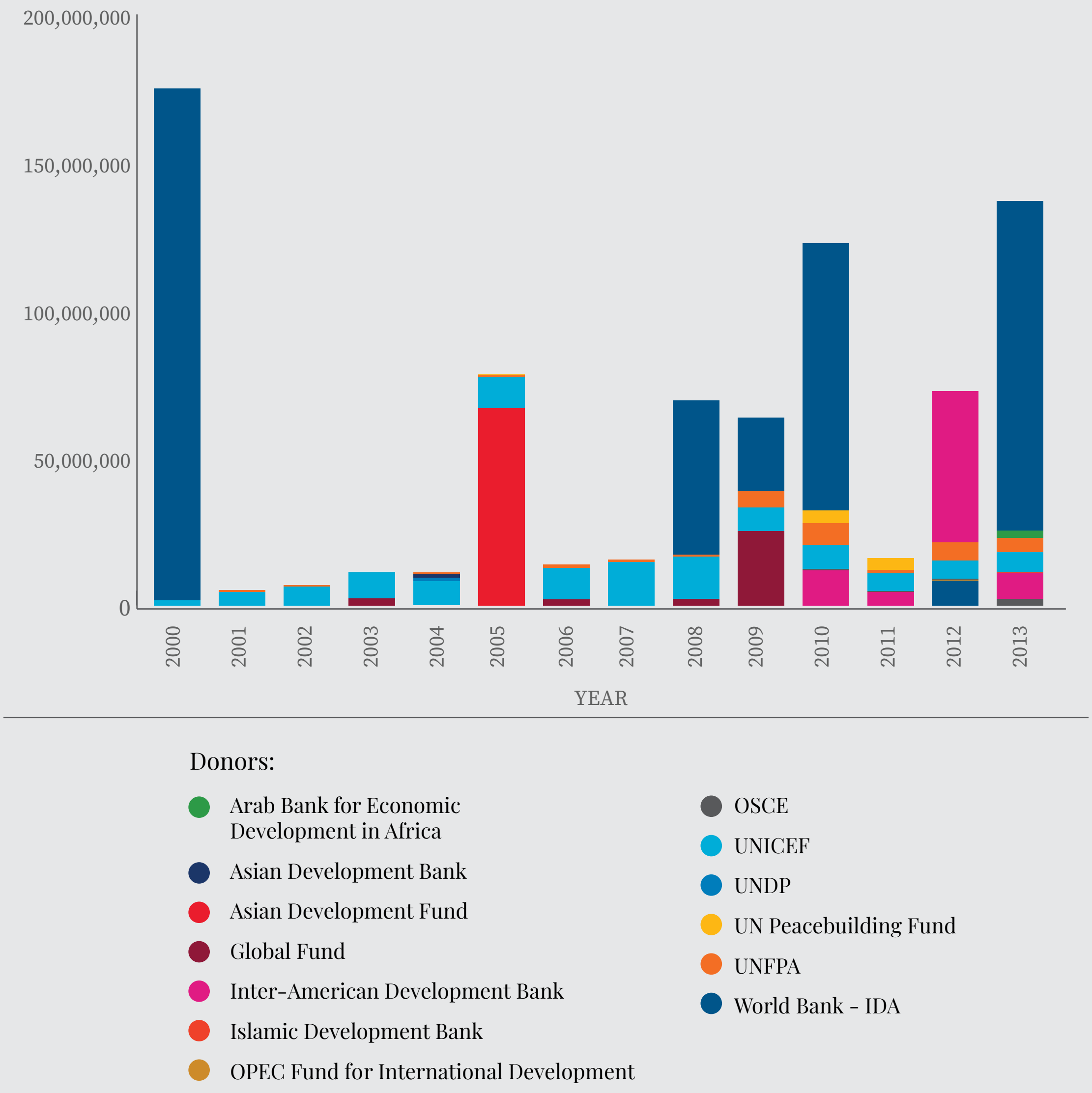


FIGURE 8: PORTION OF TOTAL ODA COMMITMENT ON SDG 8.7 CONCERNS, 2000–2017, BY COUNTRY



Multilateral donors declaring ODA commitments relevant to SDG 8.7 between 2000 and 2013 showed even more variation (see Figure 9 below). UNICEF emerges as the multilateral most consistently committing ODA in this area, while the World Bank committed the largest amount overall.

FIGURE 9: YEAR-ON-YEAR ODA COMMITMENTS ON SDG 8.7 CONCERNS, 2000-2013, USD, MULTILATERAL ACTORS

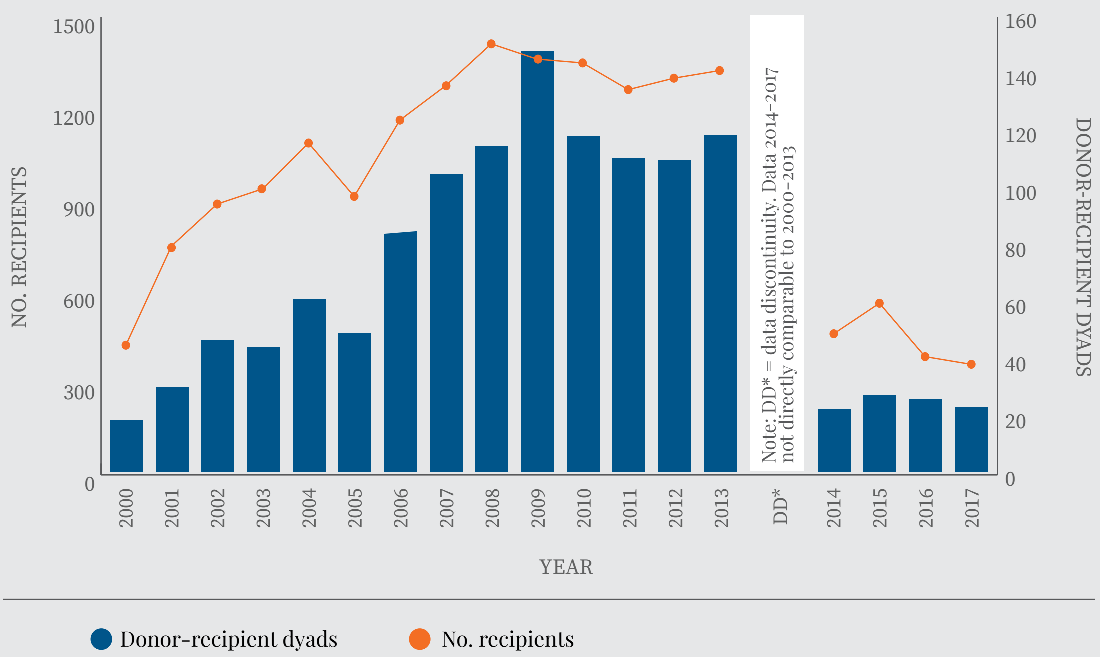


TO WHOM?

Between 2000 and 2013, ODA commitments were dispersed to a growing range of countries and regional programmes, rising from 64 recipients in 2000 to a high of 143 in 2008 (see Figure 10 below). The numbers of recipients recorded since 2014 are lower, but again these should not be directly compared to the 2000-2013 data, due to a discontinuity in data sets around 2014.

We can also learn more from interrogating the data to understand how many 'pairs' were connected in giving-receiving relationship. Between 2000 and 2009 the number of donor-recipient ODA dyads rose from 171 to 1378 – an 800 per cent rise. Yet as Figure 6 (above) shows, in the same period, the number of active donors rose only from 19 to 28 – less than a 50 per cent rise. This means that the rise in dyads is primarily attributable to a rise in recipients – in other words, donors were spreading their ODA commitments on SDG 8.7 concerns to more recipients, or, alternatively, were using SDG 8.7 concerns to justify a broader range of programming. Over the same period, however, *all* ODA commitments rose only from USD 84,135,117 to USD 372,059,700. At 442 per cent, that is a considerable rise – but much less than the >800 per cent rise in donor-recipient dyads. The implication is that although donor spending was increasing, the number of recipients was growing faster than the actual spending. In other words: while more recipients were benefiting from ODA funds to address SDG 8.7 concerns, the size of the average individual commitments was actually shrinking. ODA funds to fight modern slavery, forced and child labour, and human trafficking were being spread more thinly.

FIGURE 10: ODA RECEIPT PATTERNS, 2000-2017

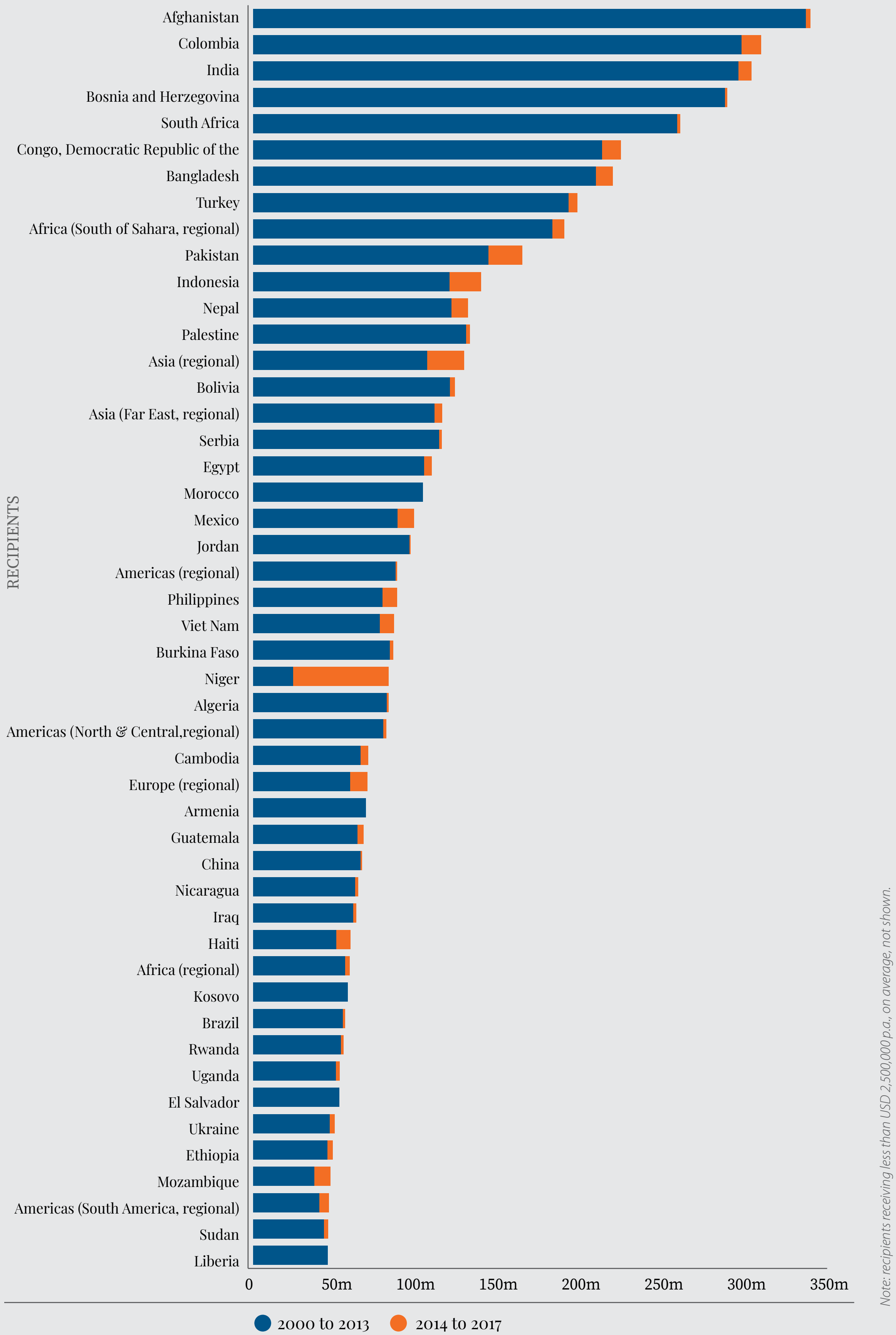


The data also allow us to see which countries received ODA commitments related to SDG 8.7, and when. Because there were so many recipients each year (see the right-hand axis of Figure 10, above), it is not useful to chart these receipts year on year. That data is available online. However, it *is* useful to consider aggregate receipts over the entire period (Figure 11 below). This shows that some countries with recognized high prevalence of bonded labour, such as Afghanistan, India, Nepal and Pakistan were amongst the largest recipients over this period. But some countries that are known to host populations working in slavery or slave-like conditions have received relatively low sums. Brazil has received around USD 55.6 million in ODA to address these issues, over 18 years – whereas over USD 307 million in ODA directed to Colombia was justified through reference to SDG 8.7 issues. Similarly, while over USD 256 million of South African aid has been reported in terms related to SDG 8.7 issues, Mauritania, recognized as one of the last countries in the world struggling with relatively entrenched 'traditional' forms of chattel-like slavery, has received only just over USD 4 million in ODA to tackle the problem.

Just over a quarter of commitments were to the Asia-Pacific region, and just under a quarter to Sub-Saharan Africa (see Figure 11, below). The Americas, MENA and Eastern Europe follow, in that order. Around 11 per cent of all ODA commitments were made to regionally designated recipients, across multiple donors (and consistent across 2000-2013 and 2014-2017), suggesting some level of coordination amongst donors to give to programming organized at a regional level.

Yet the data are also limited in what they can tell us on this score, not least because 15 per cent of all commitments were made to 'unspecified' recipients – possibly signalling the funding went to DAC-able entities' global operations, rather than country-level programming.

FIGURE 11: TOP RECIPIENTS OF ODA COMMITMENTS RELATING TO SDG 8.7, 2000-2017



FOR WHICH FORMS OF EXPLOITATION?

Finally, we explored the data to consider which forms of exploitation were referenced in ODA commitments between 2000 and 2017. These results, charted in Figures 13, 14 and 15, below, tell a clear story.

FIGURE 12: ALLOCATIONS OF ODA TO ADDRESS SDG 8.7 CONCERNS, BY REGION, 2000-2017

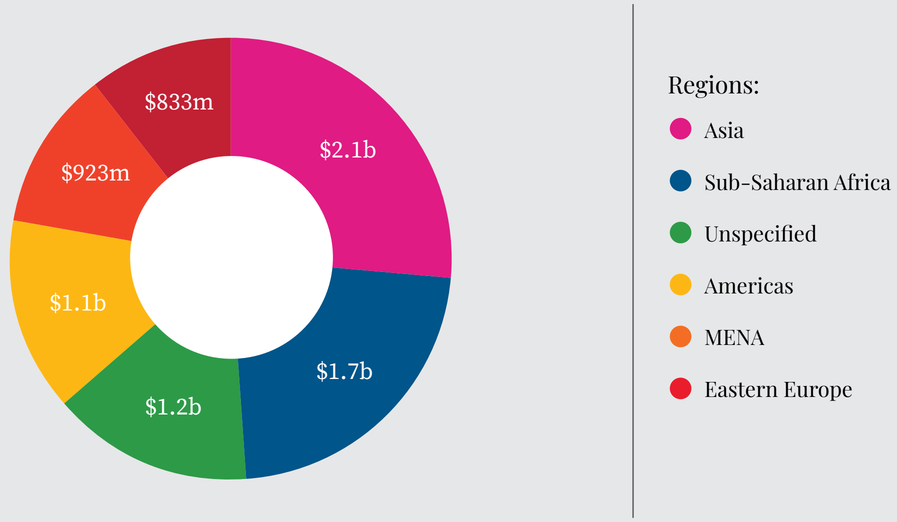


FIGURE 13: NUMBER AND VALUE OF ODA COMMITMENTS 2000-2017 BY TYPE OF EXPLOITATION – AGGREGATED

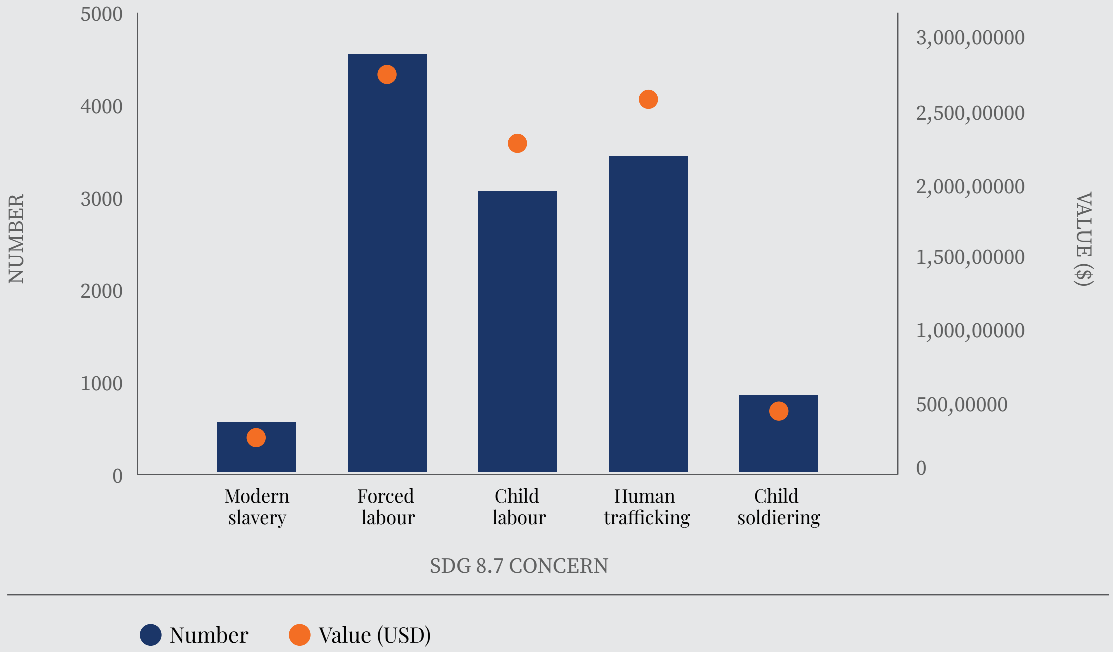


FIGURE 14: NUMBER OF ODA COMMITMENTS 2000–2017 BY TYPE OF EXPLOITATION (YEAR ON YEAR)

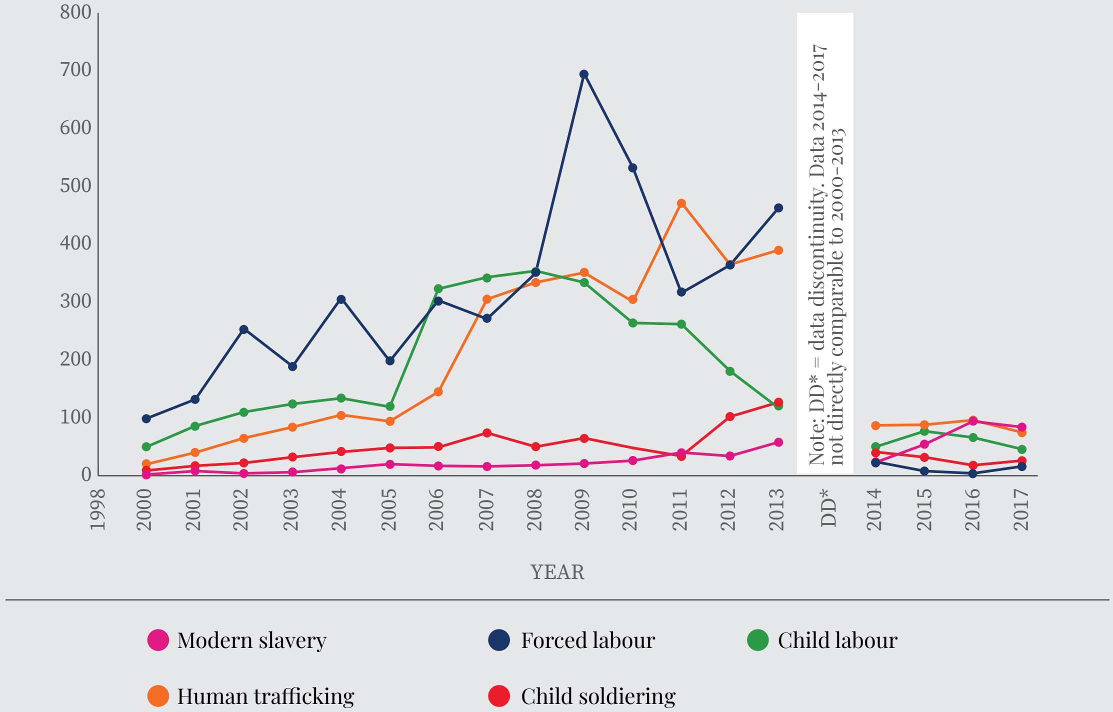
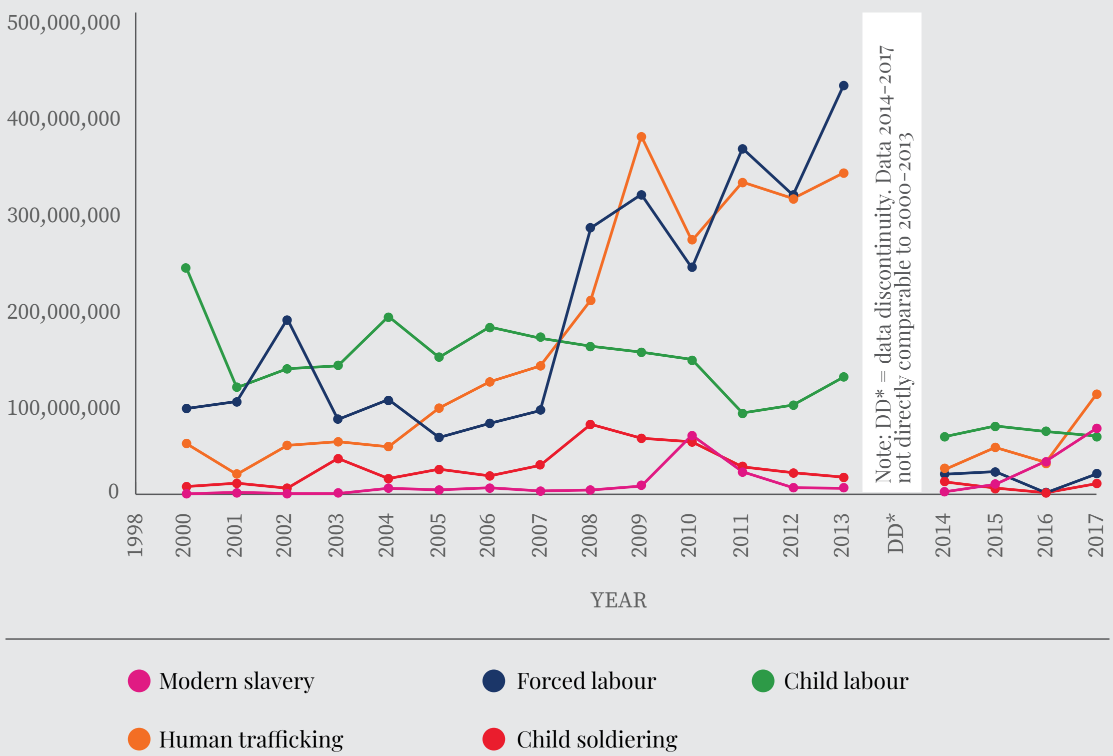


FIGURE 15: VALUE OF ODA COMMITMENTS 2000–2017 BY TYPE OF EXPLOITATION (USD, YEAR ON YEAR)



The story they tell is that between 2000 and 2017 both the number and value of ODA commitments addressing modern slavery (including forced marriage) and child soldiering were an order of magnitude below the number and value of those addressing forced labour and human trafficking. The number and value of ODA commitments to child labour was somewhere in between. While the number of ODA commitments on child labour surged for several years starting around 2005, the aggregate value of those commitments did not – suggesting the same resources may have been spread more thinly. In contrast, commitments addressing human trafficking increased massively from around 2004 to 2009 – increasing more than seven-fold in the wake of concerted outreach and communications efforts by UNODC and others. Perhaps somewhat surprisingly, spending on forced labour seems to have increased on a similar pattern – though this may also explain why commitments to child labour declined over the same period.

These results suggest that once the development community comes to understand how certain aspects of exploitation relate to its own objectives and work, there is scope for increased resource allocation. Yet they also make clear that, as of now, 'modern slavery' is not a significant part of most development actors' discourse (how they justify their commitments), or indeed their resource allocation choices. The results also point to the constraints that development actors are operating under – including a lack of complete, timely data about ODA spending on different forms of exploitation.

What do development organization practices tell us?

The final place we turned to assess development sector approaches to SDG 8.7 was the operational practice of development entities – multilateral development banks and programmes, multilateral and bilateral development finance institutions, export credit agencies, and bilateral development cooperation agencies.

That practice is of course far from uniform. The development landscape today is highly complex. Donors provide funds to developing economies through bilateral and multilateral concessional lending, export and trade finance, and through grants. Increasingly, donors also look to use public finance to 'crowd-in' private finance aligned with the SDGs – a topic we return to in Chapter 8 (exploring Infrastructure as an Asset Class) and Chapter 9 (on sustainable finance more generally). There is also a growing diversity of other modalities for delivering development assistance, such as South-South cooperation, triangular co-operation and multi-stakeholder partnerships. Accordingly, it is not possible to provide a comprehensive picture of how 'the development sector' considers modern slavery risks. In the sub-sections that follow, however, we provide an overview of practice by five different clusters of development actors: (1) bilateral development cooperation agencies, (2) development finance institutions (DFIs) and export credit agencies (ECAs), (3) multilateral development banks (the World Bank, regional banks, and new MDBs such as the BRICs bank and AIIB), (4) China, and (5) the UN development system.

Bilateral development cooperation agencies

As the ODA spending figures detailed in the previous section make clear, there are varying levels of attention to SDG 8.7 exploitation as a programming objective in ODA allocation. Here we provide an illustrative summary of the approaches taken by four of the countries with more active programming in this area: the US; UK; Norway; and Australia.

UNITED STATES OF AMERICA

As we saw in the previous section, the country that has committed the largest sum of ODA on these issues has been the US. Counter-trafficking work has been a focus for USAID for almost two decades, with programming in over 81 countries and regions since 2001. USAID describes trafficking as "a fundamental obstacle to our mission as a development agency [that] undermines the development objectives we seek to accomplish through our programming".[33] In 2012, USAID launched a Counter-Trafficking in Persons (C-TIP) Policy. The policy noted that "[w]ith few exceptions, to date, USAID investments in combating trafficking [had] been stand-alone projects. Integrated and leveraged investments have greater potential than stand-alone projects to advance prevention and protection." On that basis, the policy moved to integrate C-TIP objectives into its broader programming, especially in health, agriculture, economic growth, education, humanitarian assistance, and security sector reform projects.[34]

Anti-trafficking objectives have subsequently been pursued through and integrated into a range of programming across multiple sectors, including efforts that address the dimensions we characterize (in Chapter 2) as institutional environments, vulnerable people and, to a lesser extent, exploiter strategies.[35] This has involved developing and making tools and expertise available to field missions, greater codification and application of learning, increased investment, and greater internal accountabilities. This work is led by the USAID Counter Trafficking in Persons (C-TIP) office, housed within their Democracy, Human Rights, and Governance program. The C-TIP office published a Counter-Trafficking in Persons Field Guide, which serves three primary purposes: (1) providing guidance on monitoring and evaluation of C-TIP programs; (2) education on human trafficking; and (3) recommending ways to integrate C-TIP work into existing development programmes.[36]

USAID's role in advancing US Government counter-trafficking objectives is part of a larger inter-agency effort. C-TIP objectives are integrated into other government programming.[37] Under the *Trafficking Victims Protection Act*, the US State Department is given a central role in leading US Government international efforts on counter-trafficking including the drafting of the Trafficking in Persons Report (TIP Report), and chairing the Interagency Task Force to Monitor and Combat Trafficking. In preparing the TIP Report, the US State Department assesses countries' efforts to address trafficking in persons, and assigns countries a 'tier' ranking – which determines whether countries are eligible for non-humanitarian non-trade-related foreign assistance. Counter-trafficking objectives are also supported by both ODA-based and non-ODA based programming at the US Department of Labor, addressing forced and child labour. This includes periodic reporting on Findings on the Worst Forms of Child Labor; a List of Goods Produced by Child Labor or Forced Labor; and a List of Products Produced by Forced or Indentured Child Labor.

An important strategic development in the US approach took place in early 2019. On 9 January 2019, President Trump signed into law the *Trafficking Victims Protection Reauthorization Act* of 2017. The law requires the US Executive Directors of multilateral development banks such as the World Bank to work to develop anti-human trafficking provisions in their bank's project development, procurement, and evaluation policies, as well as integration of human trafficking risk analysis into country strategies and programming.[38] We return to the role of MDBs in a later section of this Chapter.

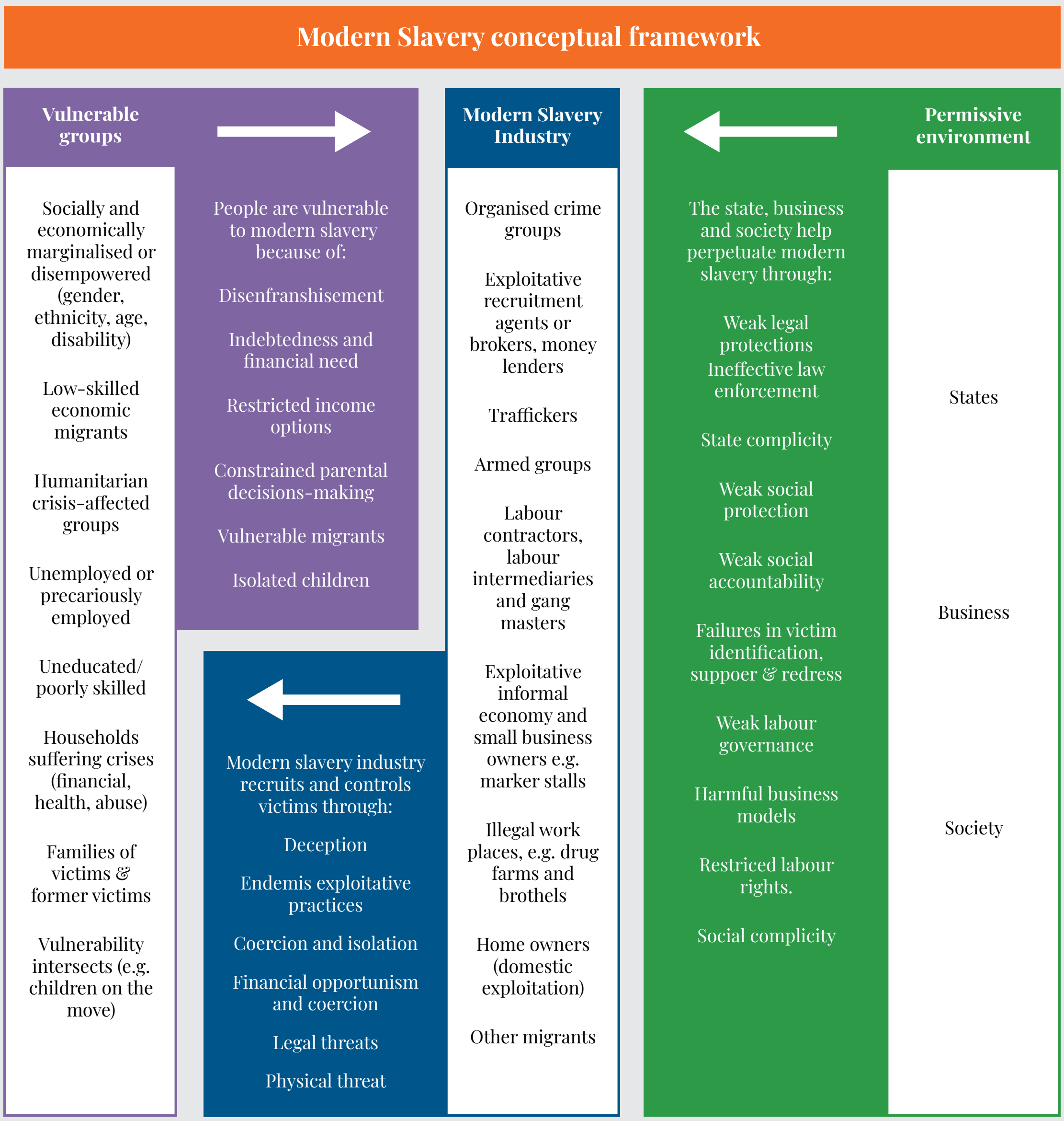
UNITED KINGDOM

Another country that has focused on modern slavery and anti-trafficking objectives in its development cooperation is the United Kingdom. A review of UK aid efforts by the Independent Commission on Aid Impact, published in October 2020 as this report was being finalized, found that they had "successfully raised awareness of modern slavery globally" but "lacks a systematic approach" based on evidence of "what works" to develop an effective set of programmes in the future. It found "only limited attempts to mainstream modern slavery interventions across the wider aid programme".[39]

Overall government spending on anti-slavery initiatives has been worth at least GBP 225 million since 2014, across roughly 86 projects.[40] The Home Office manages two funds dedicated to modern slavery: the Modern Slavery Fund and the Modern Slavery Innovation Fund. The Home Office also manages two modern slavery projects within the Commonwealth Security Programme of the Commonwealth 2018–2020 Fund. DfID funded some modern slavery work by NGOs through the UK Aid Direct mechanism. The Foreign & Commonwealth Office (FCO) supported modern slavery work within its International Programmes Fund. Average spends varied: around GBP 6.8 million per project for DfID, 660,000 for the Home Office projects, and GBP 70,000 for the FCO.[41]

The Department for International Development (DfID) has played a key role in the development aspects of the UK's response, including through commitment of over GBP 200 million to modern slavery projects since 2014.[42] Over 90 per cent of its projects are in South Asia, East Asia and sub-Saharan Africa.[43] DfID's commitment was shown in the existence of a Migration and Modern Slavery unit within the department. DfID was also the custodian for the *Call to Action on Forced Labour, Modern Slavery and Human Trafficking*, launched by UK Prime Minister Theresa May at the UN General Assembly on 19 September 2017, and subsequently endorsed by 92 countries.[44] This includes an explicit call for "enhanced international cooperation" including through efforts by "Donors and International Financial Institutions (IFIs) to enhance cooperation and address the resourcing gap, and build capacity for an effective response; including by leveraging resources from the Private Sector". This led, a year later, to the adoption of *Principles to Guide Government Action to Combat Human Trafficking in Global Supply Chains* by the US, Canada, New Zealand, Australia and the United Kingdom.

FIGURE 16: DfID'S 'MODERN SLAVERY CONCEPTUAL FRAMEWORK'



Source: Her Majesty's Government in GFEMS 2018.

DfID also made a singular analytical contribution. Its programming in this area had three focuses: "reducing vulnerability to exploitation, addressing the permissive environments that enable the criminality of modern slavery to thrive, and supporting business to employ innovative approaches to eradicate exploitation in their supply chains".[45] This strategy draws on the DfID conceptual framework, reproduced in Figure 16 above.[46] We return to this important framework in Chapter 2.

NORWAY

Norway's aid agency, NORAD, published a P*rogramme document for the Norwegian Government's development cooperation programme to combat modern slavery* in July 2020.[47] This was based on a 2019 mapping of existing work in the area.[48] The document characterizes the fight to end modern slavery as a "priority for Norwegian development cooperation", and points out that stepped-up efforts in this area were part of the political platform of the current Norwegian Government.[49] It also places these efforts in the larger context of Norway's efforts to promote business respect for human rights,[50] and domestic discussions on anti-trafficking regulation.

The document indicates that "The common denominator for all forms of modern slavery is vulnerability." These vulnerabilities are exploited for profit: "Modern slavery is a business model in which vulnerable people are grossly exploited."[51] Concluding that "international efforts to end modern slavery are clearly underfunded and do not match the scale or complexity of the problem", the Norad programme commits NOK 170 million, or around USD 20 million, with the aim to "bring about necessary changes in government and business so that the selected partner countries can put an end to modern slavery." The document acknowledges that this may require action going beyond the national level. And it also acknowledges that more effective country-level coordination will be required amongst donors. Initial indications are that this programme will seek to allocate funding to where there is both significant vulnerability to modern slavery, but also a willingness to consider new approaches, including in sub-Saharan African countries, and with a focus on the agricultural sector.[52]

AUSTRALIA

Australia has had an *International Strategy to Combat Human Trafficking and Slavery* since March 2016.[53] This recently expired, and a new strategy is now under development. The new strategy will inform Australia's aid spending strategy, with a focus on the Indo-Pacific region,[54] expanding the South-East Asia focus of the prior International Strategy.[55] Implementation of the earlier strategy took place through both bilateral and multilateral channels, especially ASEAN.[56] This has included a series of multi-year flagship investments, most recently the Australia-Asia Program to Combat Trafficking in Persons, worth AUD 50 million between 2013 and 2018, which focused on strengthening legal institutions, and national and regional cooperation;[57] followed by an AUD 80 million 10-year follow-up commitment.[58] These initiatives include a range of bilateral programmes in the region, with a particular focus on criminal justice capacity-building and cooperation.[59]

Since 2002, Australia and Indonesia have co-chaired the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime. This Process brings together 45 Member States and international organizations, including UN agencies (UNHCR, UNODC, IOM and ILO). In recent years it has also included a Government and Business Forum, which is now working to generate awareness and action by government and business actors throughout Asia-Pacific on a range of human trafficking issues. Australia also served for a time as the Chair of Alliance 8.7, the global partnership of governments, UN agencies, businesses and civil society to achieve SDG Target 8.7.

Development finance institutions and export credit agencies

Private-sector facing development entities include development finance institutions and export credit agencies. Development finance institutions (DFIs) are government-backed financial institutions that invest in private-sector projects in low- and middle-income economies. Export credit agencies (ECAs) finance domestic companies' international export operations and other activities. DFIs and ECAs are particularly important to the discussion of anti-slavery efforts since they tend to have high proportions of investments in low-income countries, since they are often mandated to encourage investment in countries where business otherwise may not venture.[60]

There is growing attention to modern slavery issues in these organizations' practice. They have tended to see slavery risk reduction as a question of project risk management. The response has been to institute various 'safeguards' intended to screen out such risks from investment and improve management where they do arise. Only more recently have DFIs and ECAs begun to turn their attention to how they can use investment portfolios, loan books and leverage over their partners to foster more responsible business conduct and respect for human rights, including modern slavery risk reduction.

This is part of a larger recognition, noted by the Organisation for Economic Cooperation and Development (OECD), that "sustainable and inclusive development cannot be achieved without responsible business conduct (RBC)."[61] In a recent survey, the OECD identified growing practice by DFIs and ECAs to reflect RBC objectives in their strategies, policies, operational guidelines, and procurement practices.[62] This practice suggests convergence around the expectations reflected in the UN Guiding Principles on Business and Human Rights, ILO core conventions and Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, as well as the OECD Guidelines for Multinational Enterprises (OECD Guidelines).[63] These expectations are increasingly reflected in conditionalities placed by DFIs and ECAs on funding recipients, in how they conduct their business.

DFIs engage directly with businesses through a wide range of instruments, notably equity investments, loans, loan guarantees, and risk insurance. Many DFIs also provide technical assistance to the institutions they invest in.[64] Many DFIs have safeguards in place for ensuring investments are not associated with negative impacts[65], such as the Association of European Development Finance Institutions' *Principles for Responsible Financing of Sustainable Development*.[66] These arrangements frequently align to the International Finance Corporation (IFC's) *Environmental and Social Performance Standards*,[67] which define clients' responsibilities for managing their environmental and social risks, and to a large extent align with the UN Guiding Principles on Business and Human Rights, reflecting the core expectation that businesses have a responsibility to respect human rights. IFC Performance Standard 2 (IFC PS2) deals with labour and working conditions, and aims at marrying economic growth with protection of the fundamental rights of workers, as defined in a specific set of ILO Conventions, notably including ILO Convention 29 on Forced Labour, ILO Convention 105 on the Abolition of Forced Labour, ILO Convention 182 on the Worst Forms of Child Labour, and others.[68] IFC PS2 specifically requires that clients not employ children in any manner that is in "any manner that is economically exploitative, or is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral, or social development", and "not employ forced labour… or trafficked persons". IFC PS2 and an accompanying Guidance Note[69] set out expectations regarding the steps expected to prevent identify risks of child labour or forced labour in certain business relationships, and to remedy cases. These expectations depend on the client's "level of management control or influence over its primary suppliers", and the Guidance Note explores how expectations may differ for direct, third-party contracted and supply chain workers.[70] Working with CDC (the UK DFI), and with DfiD and the European Bank for Reconstruction and Development, IFC has recently offered guidance to clients seeking to comply with IFC PS2 and manage risks associated with modern slavery, taking the form of a detailed Good Practice Note,[71] public power-point[72] and an introductory webinar[73]. And, as we explore further below, there are also questions about how the Performance Standards handle risks arising not from a project, but from the context in which a project is undertaken, and the interaction between that context and the project.

Export Credit Agencies are also increasingly moving in this direction – that is, to apply global labour standards to investment decisions and relationship management. The OECD plays a key role as a forum for governance of the export credit arrangements that are often used to facilitate projects in developing countries. Since 2003, OECD Members have agreed 'Common Approaches' for addressing the potential environmental and social impacts of projects receiving such support. These were last updated in 2016.[74] These mandate screening of projects and human rights due diligence for severe human rights impacts, including benchmarking against the IFC Performance Standards.

ECAs are quite effectively networked and have been actively sharing practice and learning – including relating to management of modern slavery risks.[75] The OECD is reportedly working on a due diligence guide concentrating on modern slavery. Export Development Canada has issued a stand-alone Human Rights Policy that aligns its practice to the UN Guiding Principles framework.[76] And GIEK, the Norwegian export credit agency, has used its leverage to address neg-ative human rights impacts not only arising from businesses it finances directly, but in the supply chains in which many of its beneficiaries operate. This includes forced labour in hull construction, an upstream risk for many of its shipbuilding clients. To do this, GIEK engages directly with the construction yards, with whom it has no direct commercial relationship. Its leverage arises not from any direct commercial link, but from its importance to the value chains that these construction yards feed into; its established and recognized expertise; the unity of messaging it offers between relationship managers and its ESG team; and its ability to translate social risk into the language of business opportunity.[77]

These efforts by some DFIs and ECAs to model and encourage responsible business conduct make an important contribution by the development sector to the fight against modern slavery. They may, in time, encourage business towards this good behaviour, not least by reducing the cost of capital for firms that adopt these practices, and increasing it for those that do not. Yet there are limitations to this approach. With some notable expectations such as GIEK's approach, described above, these strategies are focused primarily on removing the risk of modern slavery from the top tiers of suppliers of beneficiaries of DFI and ECA funding; as we discuss further later in this study, we know much modern slavery risk resides further upstream, often where formal businesses blur into the informal workforce. There are other limitations, too: the risk, for example, of businesses providing ceremonial compliance, and learning how to game audits; the risk that inadequate availability of social specialists in the DFIs and ECAs will undermine the implementation of the approach; and the limited impact of these conditionalities operating within bilateral funding relationships, rather than through public policy modalities.[78] One review suggests this approach has had an impact only in the most propitious of conditions, especially where labour unions are already present.[79] This is often not the case in the places where vulnerability to modern slavery is highest. Another risk is that business' risk mitigation efforts default to what is feasible, not what will have the biggest impact for those affected – especially where organizations have limited understanding of what effective anti-slavery efforts in business operations look like.[80] DFIs and ECAs may need to consider not just how slavery risk may arise within the project itself and its value chain, but also how the financed project could heighten other contextual risks that then lead to modern slavery – as the Lake Volta and Eritrea cases mentioned in the Introduction to this Chapter makes clear.[81]

This points to perhaps the most significant limitation of this approach. It focuses on minimizing risks to the organization and business concerned once programming has been chosen, rather than strategically allocating the resources of the organization to undertake projects that will set out to maximize slavery reductions. It is a safeguarding approach, not a strategic one. There is a need, as the OECD Secretariat has recognized, to move from RBC as a programming principle to promotion of RBC as a programming objective. Currently, the projects that promote RBC in that way are not a major focus of DFI and ECA spending, with their focus on private-sector recipients.[82] Increasingly, DFIs and ECAs also finance *other* financial intermediaries; yet it remains unclear to what extent and how these beneficiaries incorporate anti-slavery efforts into their own business. A more proactive approach may require greater engagement with financial system regulation, corporate disclosure, supply chain governance, and the rules of international trade and development. These are areas beyond the existing mandates of DFIs and ECAs. To the extent development actors have engaged with such issues, it has primarily been the MDBs and the UN development system that have done so. It is to each of these segments of the global development system that we now turn.

Multilateral development banks

With some exceptions, the approach taken by multilateral development banks (MDBs) to slavery reduction largely reflects that taken by DFIs and ECAs: focused more on safeguarding than strategic intervention. This is the conclusion we reached after reviewing the practice of three major clusters of lenders: the World Bank Group, regional MDBs, and 'new' MDBs (AIIB, BRICs bank, and China).

WORLD BANK GROUP

Research suggests that the World Bank "has substantially greater influence over the direction, design, and implementation of government policies than most of its bilateral and multilateral peers".[83] Notably, research establishes that the World Bank's influence flows not only through its lending, but also – and arguably *more* – through its analytical approach and advisory services.[84] It is consequently important to understand the approach to modern slavery risks taken by the World Bank, as this is likely to play an outsize role in shaping government policy and behaviour amongst borrowers.

In 2009, as awareness of human trafficking issues was rising in international policy circles, 30 of 66 World Bank country poverty reduction strategies at least referenced trafficking. But these mentions were usually marginal, and offered little clarity on whether or how programming impacts were measured.[85] The Bank has long argued that it can address these issues only if partner governments identify them as poverty reduction priorities.[86] Even today, after the adoption of the Sustainable Development Goals, slavery, forced labour and human trafficking risks do not appear to factor in any significant way into the Bank's processes for deciding where to allocate capital. We might, for example, expect it to be a factor in allocations to the poorest countries, where modern slavery risks are arguably highest, through the International Development Association (IDA). States committed USD 82 billion to replenish IDA in December 2019, yet neither the Systematic Country Diagnostic (SCD), the Country Partnership Framework (CPF), the Bank's Regions' engagement strategies, nor the Bank's plans for considering Fragility, Conflict and Violence in IDA spending,[87] make any mention of modern slavery, forced labour, human trafficking or child labour, despite their focus on human capital development.[88] The 2018 SCD for India, for example, makes no mention of debt bondage, bonded labour, modern slavery or human trafficking, despite a widespread recognition that India likely has more people in such situations of exploitation than any other country, and that debt bondage is a major obstacle to human capital development.[89] Similarly, the 2018 SCD for Mauritania mentions the legacies of slavery in that country and the steps that the government is taking to address them as contextual factors, but slavery is not mentioned amongst the Bank's own programming support objectives.[90]

What explains the Bank's reluctance to focus on these issues? Two explanations present themselves. The first is an institutional one. The World Bank has been reluctant to push governments to address what are often framed as 'human rights' issues, in part due to provisions in its Articles of Agreement that seem to limit the Bank's engagement with a State's political affairs.[91] In 2011 a Deputy General Counsel, Hassane Cissé, stated that the Political Prohibition Provisions in the Articles of Agreement, "allow the Bank to make decisions based only on economic considerations".[92] Yet the Articles of Agreement give it an explicit mandate to assist in "raising productivity, the standard of living and the conditions of labour", which strongly suggests that programming to address forced labour and slavery should be seen as within the bounds of permitted activity. There is little doubt that the Bank is entitled to use its lending power as an instrument for ensuring respect for human rights where pervasive violations have significant economic effects – a point made in the early 1990s by World Bank General Counsel, Ibrahim Shihata,[93] and developed at some length in the mid-2000s by then-General Counsel of the World Bank, Roberto Dañino.[94] Indeed, that logic – that the Bank is entitled to support State's efforts to address institutional and good governance factors with economic relevance – has underpinned the Bank's involvement in supporting State's criminal justice reform efforts for some time.[95]

The second possible explanation is analytical. The Bank may not have focused on these issues because it may, at root, not see modern slavery as a development issue – or at least not perceive a connection between its lending and programming choices and modern slavery outcomes. There are two reasons to think this explanation may get closer to the heart of the matter. First, as former IMF Director Peter Doyle has recently pointed out, dominant economic theories and models simply do not account for the intentional denial of economic agency that slavery represents.[96] They assume that people (or at least adults) are always economic actors. They may be more or less rational, more or less driven by behavioural impulses, more or less capable and endowed – but they are always actors. This is a simple but devastating theoretical blind-spot, that does not account for the lived reality of coercion in today's economy – coercion that seeks to turn some people from actors into objects, whose economic behaviour is controlled by others. And since these are the economic theories and discourse that underpins the work of the World Bank, it is perhaps not surprising that much of the World Bank – and the global development sector more broadly – suffers from this same blind-spot.

Second, this explanation chimes with a long-standing critique of the Bank: that it has failed to account for the social externalities of its pro-growth economic policies. More specifically, this critique postulates that the Bank has encouraged borrowers to deregulate labour markets and reduce worker protections in ways that have contributed to vulnerability to labour exploitation. This critique traces this tendency back to the Bank's initial engagement with structural adjustment programming under Tom Clausen, whom President Reagan nominated to lead the World Bank in 1981, after he had spent a decade in charge at the Bank of America. Structural adjustment programmes required economic liberalization on many fronts, paving the way for both the growth that came from resulting integration into global trade and economic circuits, and the vulnerability that came from integration into global financial circuits. Under the discipline of this 'Washington Consensus', countries liberalized labour markets and suppressed wages in a hunt for foreign investment. Yet the result was a drop in *both* average growth rates, and countries' social outcomes.[97] The model shifted power away from local governments and workers, to foreign capital, fostering the misconception that markets could externalize environmental, workforce and other systemic risks.

Those who advance this critique suggest that despite tweaks to and rebranding of the approach in the last two decades, the fundamental macroeconomic model embedded in the World Bank's approach has not shifted. Over the last decade, there has been a growing recognition in Bank policy circles of the need for a more 'balanced' approach to labour market regulation to ensure equity and efficiency.[98] But debates around worker protections, social dialogue, wage levels and social protection remain flashpoints.[99] And some argue that the analytical approach that underpins today's 'Development Policy Loans' continues to assume that the need is to remove obstacles to countries' incorporation into global trade and financial circuits, in particular by removing the State as a barrier. State policy is seen as facilitating, rather than shaping, private sector activity. The aim is to remove 'constraints' holding countries back from achieving growth and poverty reduction, with the assumption being that markets are the best way to achieve both. There is no expectation, despite the evidence of several decades that market-based growth will lead to significant environmental and labour exploitation vulnerabilities. This is arguably also the logic that underpins today's emphasis on blended finance to 'Maximize Financing for Development' – a topic to which we return in Chapter 9.

That the Bank does not perceive modern slavery, forced labour and human trafficking as risks *resulting* from the policies it promotes is also borne out by the steps it *has* taken to address such risks. These are in the manner of project-level 'safeguards' – steps to ensure that the *projects* it lends to do not generate unintended environmental and social risks, including forced labour and child labour. A Labour and Working Conditions Standard was adopted as part of the Bank's Environmental and Social Framework in August 2016, coming into force for projects coming online since late 2018, and addresses.[100] ESS2, as it is known, aims to prevent the use of forced labour and child labour "in connection with"[101] Bank-funded projects, by setting standards relevant to project screening, management and accountability.[102] It sets out requirements for labour management procedures for different categories of workers connected with Bank-funded projects, including the primary tier of contracted labourers. ESS2 was criticized by the ILO for watering down international labour standards around freedom of association, and for passing risk management responsibilities from lenders to suppliers.[103] As we explore in more detail in Chapter 5, there have been questions about whether this system has always prevented the Bank financing projects connected to forced labour.[104]

Yet the safeguards arrangements have helped ensure that forced labour and child labour risks are considered during project design and investment, through due diligence. They have moved into the world of private finance, through the World Bank's private-sector lending arm, the International Finance Corporation (IFC), and from there, to the Equator Principles, a set of voluntary standards for project finance institutions involved (discussed further in Chapter 8).[105] To some extent, safeguards arrangements have also helped strengthen accountability, with an independent Inspection Panel mandated to investigate complaints of harm by Bank-funded projects.[106] This accountability system has been emulated in various ways by other multilateral development finance institutions and some bilateral aid agencies.

While these safeguard arrangements apply to the Bank's project lending, they do not apply to the Bank's (growing) portfolio of 'policy lending'. This is the stock of loans and grants intended to help borrowers "address actual or anticipated development financing requirements that have domestic or external origins". These typically support a programme of policy and institutional development, for example to improve the investment climate, diversify the economy, create employment, and meet applicable international commitments.[107] The absence of anti-slavery (and other) safeguards in this area points to an assumption that slavery reduction neither represents a 'development financing requirement' of the relevant macroeconomic or policy kind, and an assumption that these reforms will not be responsible for generating modern slavery. In sum, for the World Bank slavery reduction is in operational terms a safeguarding issue, not a question of policy or strategy.

REGIONAL MDBs

The emphasis on safeguards over strategy is replicated in the regional MDBs.[108]

A decade ago the Asian Development Bank developed programming aimed at addressing human trafficking risks arising in the context of its post-2008 Financial Crisis investments in regional infrastructure development.[109] This focus has since waned, and the ADB's main engagement with modern slavery risks now comes via its safeguards machinery. Since 2001, the ADB has committed to respect for ILO core labour standards in its projects, including elimination of all forms of forced or compulsory labour and effective abolition of child labour, as part of its social protection strategy.[110] Since 2009, it has instituted a prohibited investment list that that notionally prevents financing "production or activities involving harmful or exploitative forms of forced labour or child labour".[111] There have, however, been questions about whether this has proven effective, with allegations, for example, that ADB loans to the Uzbek Government to support agricultural sector investments may have financed child labour (see further Chapter 5), and ADB involvement in project financing in Myanmar (see further Chapter 8).

The African Development Bank has an Operational Safeguard (No. 5) in place intended to prevent lending to projects "employing" forced or child labour or trafficked people.[112] It also seeks to address social issues through its Country Strategy Papers and Regional Integration Strategy Papers. Yet, as with the World Bank, even in countries with notable ongoing challenges relating to slavery and forced labour, while these issues may be mentioned as contextual factors, they are not with any frequency made the targets of development programming or projects.[113]

The pattern also repeats where regional MDBs and lenders have a more explicitly 'human rights'-oriented mandate or approach, as is the case in the Americas and Europe. The Inter-American Development Bank (IDB) has committed to respect internationally recognized human rights standards, as provided for in the International Bill of Human Rights and the ILO Declaration on Fundamental Principles and Rights at Work. In a December 2019 draft Environmental and Social Policy Framework, the Bank took steps to align this commitment with the UN Guiding Principles on Business and Human Rights. This takes the 'safeguards' route, by requiring Borrowers to have due respect for human rights, avoid infringement on the human rights of others, and address adverse human rights risks and impacts in IDB-supported projects.[114] The Framework also sets out in some detail the steps required of borrowers to cascade safeguards through sub-contracting arrangements, and to deal with incidences of forced and child labour that arise.[115] But modern slavery, forced labour and human trafficking have not been made central targets for targeted IDB programming or lending. Similarly, the European Investment Bank has specifically committed to a human rights-based approach to social safeguards. The EIB "restricts its financing to projects that respect human rights and comply with EIB social standards", which are aligned to the ILO core labour standards. This requires funding recipients to "develop and implement verifiable programmes and procedures to ensure that the core labour principles and standards are adhered to", even where that goes beyond national law. The relevant EIB guidance specifies that this includes "no workers under the age of 15" and "no forced labour, including prison or debt bondage labour; no lodging of deposits or identity papers by employers or outside recruiters".[116] Uniquely amongst these banks, the EIB also specifically rules out lending to projects related to the sex trade, infrastructure and related media.[117] Yet here, as elsewhere, modern slavery reduction does not appear to have been a specific objective of programming or lending choices.

Finally, the European Bank for Reconstruction and Development, founded in the wake of the fall of the Berlin Wall, differs from other regional banks in having an explicit political component to its mandate – and serves in some ways as the exception that proves the rule. Its mandate allows the EBRD to go beyond development narrowly conceived in terms of economic growth and even social development, and instead embraces institutional and governance objectives such as multi-party democracy, pluralism and market economics. The EBRD specifically considers human rights, especially civil and political rights, in that context.[118] Its 2014 Environmental and Social Policy recognized the responsibility of the bank's clients to respect human rights and declares that the EBRD will be guided by the International Bill of Human Rights, the UN Declaration of Human Rights and the eight core ILO conventions. The Policy was revised in 2019, strengthening various aspects of worker protections, including by cascading requirements to subcontractors.[119]

The EBRD is exceptional in how far it has gone in operationalizing these safeguards specifically in the context of modern slavery risks. The EBRD Performance Requirements (PRs) for clients must assess risks of forced and child labour in their supply chains, and its Environmental and Social Policy sets out what steps must be taken if a risk of forced or child labour is identified.[120] The EBRD has published official guidance on how to meet the relevant Performance Requirement,[121] and guidance for private sector actors on *Managing Risks Associated with Modern Slavery*, produced in collaboration with IFC, CDC and DfID.[122] An internal gap analysis conducted by the EBRD also highlights areas for potential strengthening of its own – and other MDBs' – practice, such as access to relevant tools like forced labour risk screens in due diligence and assessment processes; strengthening access to relevant assessment expertise, including through use of experts with relevant sectoral and supply chain expertise in the due diligence process; increasing emphasis on implementing formally-recognised social and labour management systems (such SA8000); and increased attention to the performance of grievance mechanisms.[123] All of this shows, however, how MDB practice on modern slavery continues to be conceived in terms of project risk management and safeguards, rather than seeing modern slavery reduction as a strategic objective around which programming and lending should be organized.

NEW MDBs

Finally, we canvased the operational practice of the so-called 'new multilateral development banks'. Several of these have emerged in recent years, in part in reaction to the unwillingness of traditional powers to give Brazil, Russia, India and China greater say in the governance of existing MDBs. While they have paid some lip service to safeguards against financing forced labour and child labour, these arrangements are generally seen as being weak enough to create market segmentation – they may attract clients that cannot meet the standards set by the traditional MDBs, or that prefer not to.[124]

The Asian Infrastructure Investment Bank (AIIB) is a multilateral investment bank initiated by China in 2013, headquartered in Beijing. Officially launched in January 2016, as of early 2019, the bank had 93 members and a total authorized capital of USD 100 billion. China holds the largest minority share in the bank. It mostly focuses on financing infrastructure projects in Asia, including energy and power transmission, transportation, urban development and sanitation. The AIIB has committed to "not knowingly finance projects involving... forced labor or harmful or exploitative forms of child labor", including work involuntarily performed by trafficked persons.[125] To operationalize this, AIIB Environmental and Social Standard 1 includes specific expectations on labour that must be assessed before a project is signed off. But it leaves it up to the borrower to assess these risks.[126] AIIB offers a 'Project-affected People's Mechanism' (PPM) to allow lodging of complaints of breaches of these standards in projects it funds. These arrangements have been criticized on a variety of grounds, including that the definition of child labour in the AIIB framework appears not to encompass the standards set out by the ILO's Worst Forms of Child Labour Convention,[127] and whether the safeguards actually work: AIIB has faced forced labour questions around a port infrastructure development project it financed in Oman.[128]

The New Development Bank, sometimes known as the BRICS multilateral development bank, arguably has even weaker safeguards in place. Initially authorized to hold USD 100 billion in capital, as of December 2019 it had only approved projects worth USD 15 billion. Like the AIIB, infrastructure investment is its primary focus.[129] Like the AIIB, its Environmental and Social Framework places the responsibility for assessing social risks on the borrower, rather than the Bank. And, rather than requiring borrowers to assess risk against international standards, it calibrates risk assessment to the standards in place at the national level: "Meet labor protection requirements of national laws and regulations and relevant International Labor Organization conventions as applicable to the country."[130] We return to the implications of this devolution of responsibility for social risk assessment in Chapter 9.

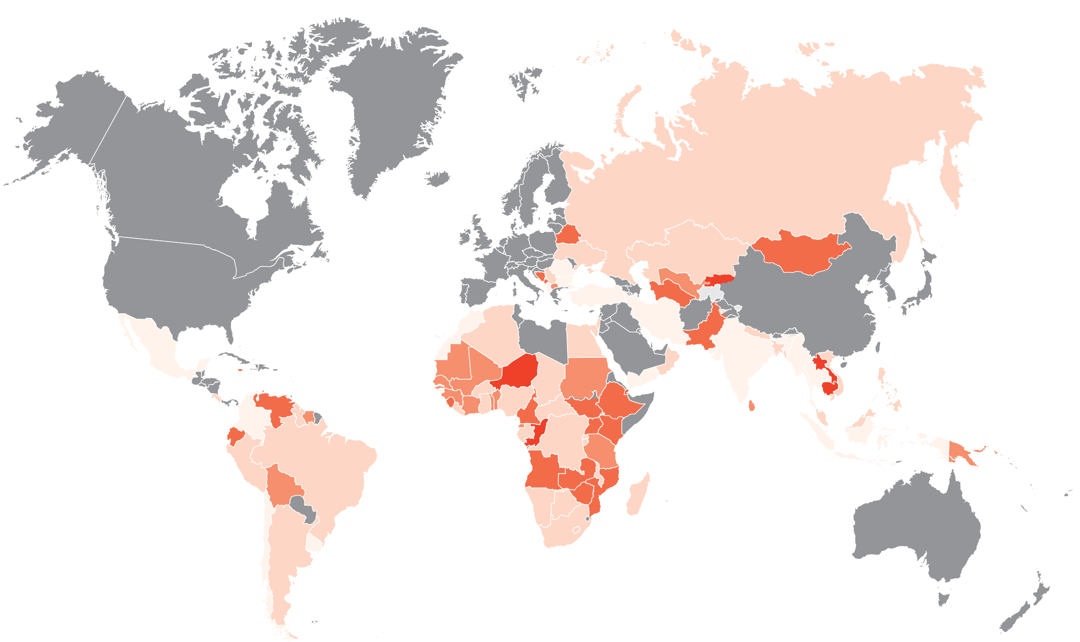
China

No discussion of contemporary development practice is complete without canvasing Chinese practice. China is the world's largest *official* creditor, with outstanding claims in 2017 larger than those of the IMF, the World Bank and indeed of all other 22 Paris Club governments put together.[131] In investment terms, China is the third largest source of investments after the US and Japan.[132] One estimate puts the stock of debt to China from sovereign debt, FDI, trade credit, direct loans and investments, and equity, at around 8 per cent of world GDP, involving more than 4 in 5 of all countries.[133] It is now the largest creditor of low-income countries, surpassing the IFIs.

Much of this lending is to countries thought to have significant modern slavery risks. Figure 17 below juxtaposes two world maps. The first shows the scale of Chinese lending to countries as a percentage of the recipient's GDP. The second shows the estimated country prevalence in the 2019 *Global Slavery Index*. This is not to suggest any causal connection. In fact, evidence suggests that Chinese lending to infrastructure projects, for example, can narrow economic inequalities within poor countries,[134] while Chinese aid, like other countries', contributes to growth.[135] Our point is simply that China is lending to countries where modern slavery may be high (just as other countries and development actors may be). Heightening this link still further, much of this debt is for investments in infrastructure, mining and energy[136] – all sectors with known modern slavery risks. How China approaches modern slavery risks may have a significant bearing on how modern slavery risks develop in future. China is also, notably, an endorser of the *Call to Action on Forced Labour, Modern Slavery and Human Trafficking*, which includes a commitment by donors to "enhance cooperation and address the resourcing gap, and build capacity for an effective response, including by leveraging resources from the Private Sector". So what can we learn from China's existing practice as a donor and development actor? We break this practice into two streams: overseas lending, and domestic development practice.

FIGURE 17: CHINESE OFFICIAL LENDING TO COUNTRIES WITH HIGH ESTIMATED MODERN SLAVERY PREVALENCE

Figure 17.a: Chinese lending in percent of recipient GDP

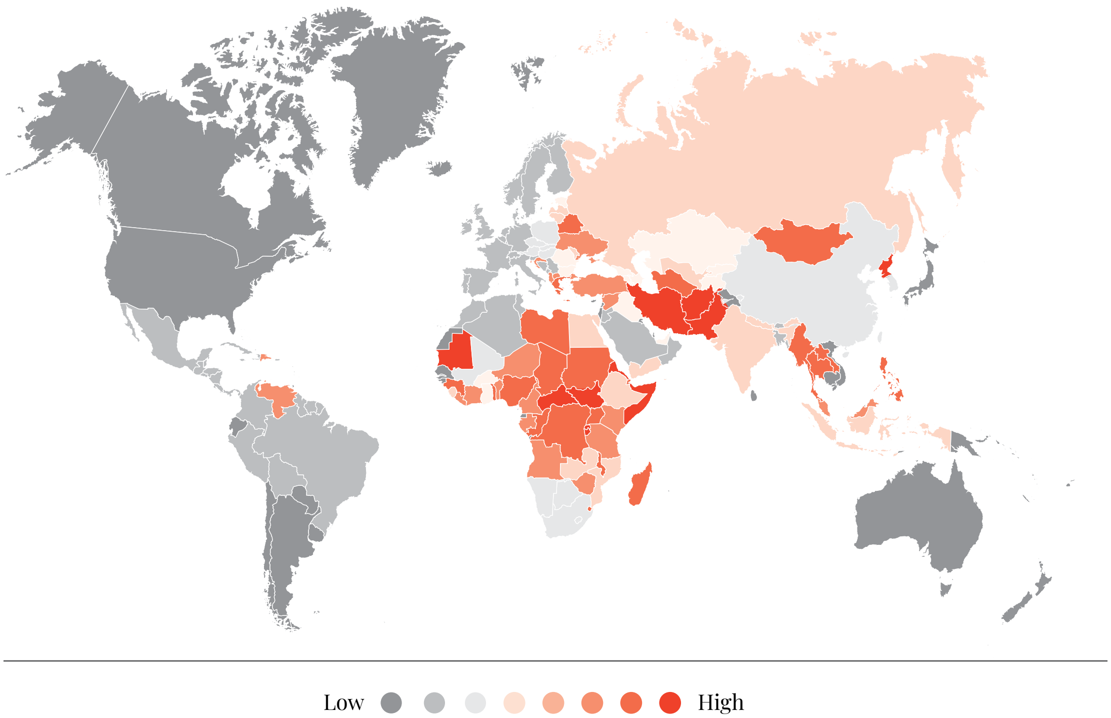


Source: Horn et al. 2019

In percent of recipient GDP

0 -1% | 1 - 5 % | 5 -10 % | 10 -25% | 25 - 100% | No Data

Figure 17.b: Estimated modern slavery prevalence per capita, 2018 Global Slavery Index



Source: Walk Free 2019.

CHINA'S OVERSEAS LENDING

After the Chinese Government adopted the 'Go Out Policy' (走出去战略) in 1999, Chinese entities began rapidly increasing foreign investment and lending. This further accelerated in 2013 after the adoption of the One Belt One Road framework (一带一路)(also known as the 'Belt and Road Initiative'). As a result, in recent years, China has emerged as a major player in development finance and official lending.

Yet only around a quarter of these flows meets ODA (or foreign aid) criteria. Unlike ODA and other development spending, most of this lending is on commercial (not concessional) terms and backed by collateral (secured against assets or future revenues).[137] This means Chinese debts are likely to be treated preferentially in the event of repayment problems, making Chinese practice on modern slavery issues *especially* important, even when compared to other lenders – especially as there are signs surfacing of some countries facing repayment difficulties in the context of the COVID-19 pandemic.[138] The largely non-concessional nature of Chinese lending also means that Chinese aid is more likely to be driven by economic interests, whereas access to Chinese concessional aid seems linked to alignment with Chinese foreign policy positions (more so than concessional lending from other global sources).[139] One government think-tanker in Beijing indicated that access to interest payment relief during the pandemic may be restricted to "countries that are friendly with us".[140]

Analysis of China's operational practice in relation to modern slavery, forced labour and human trafficking risks associated with its lending is hampered by the opacity of that lending. China does not participate in the OECD Creditor Reporting System or Export Credit Group, nor in commercial debt tracking infrastructures such as those provided by Bloomberg and Thomson Reuters. So it can be difficult even to size Chinese lending; one estimate of the stock of 'hidden lending' from China puts it at over USD 200 billion as of 2016.[141] One thing that is clear, however, is that the Chinese State plays a large role in shaping this practice. While there is a huge array of financial entities involved in foreign lending and investment from China,[142] privately-owned banks play a minor role. The stock of lending is dominated by two banks owned by the Chinese State Council; between them the Chinese Export-Import Bank and China Development Bank account for more than 75 per cent of overseas lending.[143]

An increasingly thick body of norms and regulations shape this lending – though uptake by Chinese firms operating overseas remains somewhat limited.[144] Chinese lenders have proven reluctant to directly target and address labour standards through their lending, in part because of a government prohibition on foreign aid interfering in recipient countries' internal affairs.[145] Yet a growing body of guidance and regulation encourages lenders to protect workers' rights. At the most general level, the *Nine Principles on Encouraging and Standardizing Outbound Investment*, issued by the State Council in 2006 mandate both "[c]omplying with local laws and regulations" and "fulfilling the necessary social responsibility to protect the legitimate rights and interests of local employees, … caring for and supporting the local community and people's livelihood".[146] In 2008, the Ministry of Commerce, the Ministry of Foreign Affairs, and the State-owned Assets Supervision and Administration Commission (the body responsible for regulating Chinese State-owned enterprises) issued the *Circular on Regulation of Overseas Investment and Cooperation of Chinese Companies* (MOFCOM [2008] #222). This contained a specific injunction relating to:

> "Labor related issues. Effectively apply the ideology of "people-oriented" into the business' management based on the requirements of the "Scientific Concept of Development" in China; provide employees with wages, benefits and working conditions that are in accordance with laws and contracts; broaden communication channels with employees, and actively respond to their legitimate demands in order to establish a more harmonious working environment."[147]

This approach has been reinforced by subsequent regulation. In 2013, the Ministry of Commerce issued the Provisions for Regulating Competition in Foreign Investment and Cooperation (MOFCOM [2013] #88) which require companies to "safeguard legitimate interests of local employees… and fulfil necessary social responsibility". (Art 7(2)) These provisions apply to all Chinese companies operating overseas or providing contracting services for foreign projects, and stipulate that the Ministry of Commerce and all other relevant ministries will maintain a "credit record" of any violation of this regulation. A negative rating can notionally disqualify companies from benefiting from investment-related State support in the future (Article 11).[148] Further official guidance in 2017 contains a (non-exclusive) list of prohibited overseas investments. This includes prohibition of investment in "industries such as gambling and sexual services" and anything "banned by international treaties concluded with or signed by China".[149] And China Banking Regulatory Commission guidance from that same year calls for strengthened ESG risk management, including through learning from international best practice, and maintaining the "rights and interests of local people".[150]

The most specific guidance has been issued by industrial associations. The China International Contractors Association (CHINCA) issued the Guidelines of Sustainable Infrastructure for Chinese International Contractors (2017).[151] The China Chamber of Commerce of Metals, Minerals and Chemicals

Importers and Exporters has issued *Guidelines for Social Responsibility in Outbound Mining Investments*.[152] Both of these call for preventive efforts related to forced labour. The latter specifically align with the UN Guiding Principles on Business and Human Rights. The CCMC has also released UNGPs-aligned Chinese Due Diligence Guidelines for Responsible Mineral Supply Chains.[153] China Chamber of Commerce of Foodstuffs and Native Produce has also worked towards guidance for investment and involvement in palm oil, including prohibitions on forced labour.[154] The extent to which firms conform with these laws remains unclear.

Still further strictures are in place for China's State-owned enterprises and lenders. The 2008 Circular on Regulation of Overseas Investment and Cooperation of Chinese Companies states that central State-owned enterprises should play an "exemplary role", and "enhance the sense of social responsibility" through "people-centred corporate behaviours that contribute to the building of a harmonious enterprise". This was further elaborated in 2008 Guidelines to State-owned Enterprises Directly Under the Central Government on Fulfilling Corporate Social Responsibilities (SASAC [2008] #1), which details the legal rights of employees that are to be respected.[155] In response, the two major State-owned lenders – China Development Bank and ExIm Bank – have both adopted environmental and social impact frameworks, including due diligence frameworks.[156] The ExIm Bank framework seeks to screen out financing for "Production or activities involving harmful or exploitative forms of forced labour/harmful child labour".[157] The CDB framework has not been published.

And this is indicative of the broader challenge of assessing the effectiveness of all this regulation. The lack of transparency around much of this lending makes that difficult. There are some signs that the system is weakly implemented and enforced.[158] The regulatory framework in place provides opportunities for Chinese leadership, but greater institutional transparency and accountability might foster more effective implementation.[159]

CHINA'S DOMESTIC DEVELOPMENT PRACTICE

More difficult questions are raised, however, by allegations of connections between China's domestic development policies and practices, and large-scale involuntary servitude, forced labour and human trafficking, especially in Xinjiang Uyghur Autonomous Region.

China is not alone in facing such allegations. As we saw earlier, concerns have recently been raised about EU financing of an infrastructure rehabilitation project in Eritrea that may rely on large-scaled forced labour. Other instances of possible connections between States and forced labour are canvased in Chapters 3 to 8, and involve countries ranging from Brazil to Thailand, Ethiopia to the UK. And as we discuss at more length in Chapters 2 and 9, the US, UK, France and Russia all have instances of large-scale forced labour in their past, closely linked to their own economic development. Those episodes may have imposed costs not only on the victims of forced labour, but on the countries whose policies underpinned those slavery systems; they might be better off now had they not opted to rely on systematic forced labour then. So from both a Chinese perspective, and from the perspective of multilateral norms and institutions, there may be benefits to considering and addressing the possible links between Chinese domestic development policy and large-scale contemporary forced labour, before similar costs are incurred in this instance.[160]

These alleged links have been identified in a series of investigative reports and analyses, including from a large group of UN Special Rapporteurs and special procedure mandate-holders, a bipartisan US Congressional Commission, published Chinese Community Party (CCP) records, and independent investigation and analysis.[161] These allegations are hard to verify given the tight control exercised by Government authorities over the visits, mobility and inspections traditionally used to review allegations of forced labour in supply chains and otherwise conduct due diligence.[162] The Chinese government strongly contests key aspects of these reports, especially relating to the involuntary nature of the labour involved, describing them as a "smear".[163] The Chinese Foreign Ministry's Spokesperson has described allegations of forced labour as a "political manoeuvre" by other countries.[164] The Chinese authorities point to statements by "nearly 70 countries" at the UN General Assembly in September 2020 "in support of China's position" and opposed to "interference in China's internal affairs", including a statement made by Cuba on behalf of 45 countries relating to Xinjiang.[165]

Multiple reports set out a consistent narrative of a domestic development and poverty-alleviation policy for Xinjiang province, one of China's poorest, known as 'Xinjiang Aid' (援疆). The Xinjiang Aid strategy is based on attracting low-skilled, labour-intensive industry,[166] and mandating participation of minority households as 'rural "surplus labour" (*fùyú láodònglì,* 富余劳动力),[167] or "destitute labour" (*pínkùn láodònglì*, 贫困劳动力). The result is a system that may compel as many as hundreds of thousands of Uyghurs and other minorities to work in textile, agriculture and electronic industries, as a livelihood creation exercise.[168] Indeed, in a White Paper issued in response to concerns raised about such practices, the Chinese Government State Council Information Office stated that the total number of people employed in Xinjiang rose by 17.2 per cent in just five year (2014 to 2019), including "average annual relocation of surplus rural labor [of] more than 2.76 million people" – or about 10 per cent of all residents of the region "relocated" each year.[169] The Chinese Government describes this as the State "guiding" or "helping" people "to find work" and "guid[ing] the orderly flow of labor" to industry.[170] Despite this scale, according to critics, these relocations and associated forced work rely on tracking and sanctioning participants on an individual basis. The *New York Times* cited one local government instruction under the programme as bluntly directing State agents to "[m]ake people who are hard to employ renounce their selfish ideas. Turn around their ingrained lazy, lax, slow, sloppy, freewheeling, individualistic ways so they obey company rules."[171] Workers are allegedly forced to accept lower-than-market wages.[172] Local governments and private brokers are allegedly paid a price per head by the Xinjiang provincial government to organize labour assignments,[173] drawing on workers who have been through involuntary 'vocational training'.

This 'vocational training' allegedly forms part of a larger mass detention, without trial, of Muslim residents of Xinjiang, for "concentrated educational transformation" (集中教育转化).[174] The Chinese Government acknowledges that it organized vocational training for an average of 1.29 million workers in Xinjiang each year from 2014 to 2019, but describes this training as the basis for the emergence of a "large knowledge-based, skilled and innovative workforce" in Xinjiang.[175] The training improves the "employability of workers" and promotes "stable employment".[176] Detainees made to work appear to be housed in internment camp workshops, large industrial parks and village-based satellite factories,[177] and may be forced to undergo mandatory political and military education of workers and internees, and family separation.[178] Some of them are explicitly styled "poverty alleviation workshops". Many of these worksites rely on government security forces and are allegedly run under "paramilitary management" (*bàn jūnshì huà guǎnl* ǐ , 半军事化管理).[179]

CCP sources frame this regime (and in some cases the broader Belt and Road Initiative)as a way to "get rid of poverty" (*tuōpín gōngjiān*, 脱贫攻坚) through "industrial poverty-alleviation" (*chǎnyè fúpín*,产业扶贫).[180] Global Times – a State-run media outlet – also describes poverty alleviation as the central basis for employment policy in the region,[181] and the afore-mentioned government White Paper puts development at the heart of its justification for labour policies in Xinjiang, arguing that government labour policies in Xinjiang have led to significant household income increases and welfare improvements.[182] It claims:

> From 2013 to the end of 2019, Xinjiang wiped out poverty in 25 poor counties and 3,107 poor villages, and the poverty incidence dropped from 19.4 percent to 1.24 percent. From 2014 to the end of 2019, a total of 2.92 million people from 737,600 households shook off poverty. By the end of 2020, poverty will be completely eliminated in Xinjiang.

The Chinese Government also frames the policy as part of its counter-terrorism and counter-radicalization efforts in Xinjiang, aimed at addressing conditions conducive to terrorism. The State Council Information Office's White Paper argues the programme is necessary for dealing with those in Xinjiang who "resist learning the standard spoken and written Chinese language, reject modern sciences, and refuse to improve their vocational skills, economic conditions, and the ability to better their own lives." This includes "chang[ing] people's outdated mindset", to inculcate a commitment to hard work.[183] Yet the same source argues that these programmes are provide for "voluntary actions made based on individuals' own choices", and that "China applies international labor and human rights standards to effectively safeguard workers' rights".[184] The programme, alleges the White Paper, "ensures that people can make their own choices about work".[185] An earlier article in *Global Times* indicated that research into more than 70 companies, including on-the-ground conversations, had found "[n]o evidence of forced labour".[186] The White Paper asserts that all incidents of forced labour lead to criminal prosecution, and that international labour standards and rights are respected.[187] China has, it argues, "taken a resolute stance against forced labor and eradicated it in any form".[188] Above all, it emphasizes, this strategy alleviates poverty and "protects human rights through development".[189]

In this narrative, forced labour is reframed as 'vocational training', re-skilling and re-education of Uyghurs and other minorities, transforming them into a low-wage, low-skill workforce.[190] That narrative must be evaluated, however, in the context of China's longstanding systems of 'Reform through Labour' (*láodòng gǎizào*, 劳动改造) aimed at criminal rehabilitation, and 'Re-education through Labour' (*láodòng jiàoyǎng*, 勞動教養) aimed at political re-education. The latter was a system of administrative, extra-judicial detention run by the police, and used from 1957 to 2013 to detain not only petty criminals but also political dissidents and Falun Gong. It was a formalization of a programme begun in 1955 by the Chinese Communist Party to deal with "counter-revolutionaries", which was used to coerce dissidents into ideological and political conformism. It was repeatedly singled out for expressions of concern and critique by UN human rights bodies, including the UN Working Group on Arbitrary Detention.[191] It was abolished by the Standing Committee of the National People's Congress on 28 December 2013.[192] The system of mass internment and 'vocational training' in Xinjiang allegedly shares many of the characteristics of the 'Re-education through Labour' system, except that it is allegedly being used to intern and 'vocationally train' entire minority ethnic groups.[193] By late 2018, cheap labour emerging from 're-education camps' associated with the Xinjiang Aid strategy had become an important driver of Xinjiang's economy, according to an official statement by the Xinjiang Development and Reform Commission.[194] This suggests that State development instrumentalities are being used in ways that have led to large numbers of rural workers being forced into industrial labour both inside Xinjiang and, increasingly, after transfer, in other Chinese provinces. Critics argue these transfers are involuntary. Chinese sources, such as *Global Times* and the White Paper, dispute this, and Chinese authorities argue these policies "protect the human rights of all ethnic groups in Xinjiang".[195]

The Government subsidies incentivize employers, especially in cities and towns in eastern China 'paired' with urban centres in Xinjiang under earlier development policies, to hire this 're-educated' labour force.[196] Importantly, these subsidies seem to draw on "poverty alleviation and development funds" (*fúpín fāzhǎn zījīn*, 扶贫发展资金) provided by the central Government – worth around 6.9 billion yuan in 2018 (around USD 1.1 billion at the time). Some companies involved in the scheme have received credit from China's Agriculture Development Bank.[197] Other funds come from local and provincial governmental authorities in the east, encouraging local firms to pair with Xinjiang entities to foster labour flows from Xinjiang.[198] Documents associated with some of these pairing schemes specifically refer to the need to find employment for Xinjiang residents undergoing re-education.[199]

Some of these factories appear to feed into the global supply chains of brand-name companies from Apple to BMW to Zara. The global cotton supply chain is particularly implicated. Around a sixth of world cotton supply comes from China, with around 85 per cent of that production in Xinjiang. In July 2020, the US Government sanctioned nine Chinese companies allegedly involved in the programme,[200] with additional sanctions against specific production sites and companies following in September 2020, including several involved in cotton production and processing.[201] One of the targets of US sanctions, the Xinjiang Production and Construction Corps (XPCC) or *Bingtuan* (兵团), a paramilitary organization closely involved in CCP administrative policy for Xinjiang since 1949, including repopulation policies, is heavily involved in this supply chain, running cotton farms and processing facilities.[202] It is reported to have over 800,000 holdings in other companies.[203] Cotton production and textile and apparel manufacture are central to the Chinese Government's development plans for the region, with the Xinjiang Textile and Apparel Industry Development Plan 2018-2023 aiming to create one million jobs, 650,000 of them in southern Xinjiang, where the XPCC controls perhaps 20 per cent of production.

If these allegations are based in fact, this would indicate that development instruments and discourse may be being used to underpin and organize systematic forced labour. This raises difficult questions for the global development community, including around potential exposure to measures taken by other countries in an attempt to address the situation. US Congress has adopted the *Uyghur Human Rights Policy Act* 2020 (S.3744), under which the U.S. Government will receive periodic reports on these alleged forced labour policies, and can freeze the assets of individuals and entities found responsible for human rights abuses in Xinjiang, as well as ban the identified individuals from entry to the United States. The US federal executive has warned entities with exposure to US markets and banking systems to beware handling goods produced through the scheme, or the proceeds of trade in such goods.[204] In September 2020 the US Government announced orders preventing goods from four XUAR companies and one factory from entering the US market.[205] In mid-October 2020, US Customs and Border Patrol detained a shipment of women's gloves as a California port after tracing it to a factory of the Yili Zhuowan Garment Manufacturing Company in Xinjiang, one of the companies on the WRO.[206] The Chinese Foreign Ministry has suggested that this approach "violates international trade rules and sabotages global industrial, supply and value chains" and "seriously infringe upon other countries' basic human rights".[207]

Development lenders may face complications. The World Bank has scaled back a project in the region after allegations, that the Bank could not substantiate, that its funding was being used in relation to internment camps.[208] Some lenders may need to revisit earlier project social risk assessments. For example a USD 200 million ADB project in the region, executed by the regional government and focused on urban development, identified involuntary resettlement as a risk. But a 2011 risk assessment suggested there was no risk of human trafficking and asserted that core labour standards would be protected,[209] though contemporaneous reporting suggested such development projects sometimes reflected a non-participatory approach to development planning.[210] Such risk assessments may require heightened scrutiny and due diligence in future, or development actors may face unexpected reputational or legal consequences from connections to organizations suspected of contribution to forced labour.

The UN development system

Despite the inclusion of modern slavery, forced labour and human trafficking in the 2030 Agenda for Sustainable Development, the UN development system – the development-oriented funds, programmes and agencies within the UN family – has not gone notably further in integrating slavery reduction into its own strategic thinking and operational practice than the other development actors discussed above.

Some UN development entities incorporate forced and child labour safeguards into their project work. For example the UNDP's project-level Social and Environmental Procedure, launched in 2012, implements a set of Standards that commits UNDP to meet ILO standards relating to the elimination of forced or compulsory labour and the worst forms of child labour.[211] Similarly, the UN Supplier Code of Conduct, which governs suppliers operating through the UN's common procurement system, commits suppliers to prohibit forced or compulsory labour in all its forms.[212]

Looking beyond safeguards to understand programming choices, we reviewed two decades' worth of country-level development strategies that the various UN Development System entities collectively agree with host governments – previously known as UN Development Assistance Frameworks (UNDAFs), now known as UN Sustainable Development Partnerships (UNSDPs). These covered 147 countries and regions, between 2000 and 2020 – in all almost 400 country strategy documents. Because these are multi-year plans, commencing in different years and of different durations, we broke them into four cohorts, each covering five years, assigning the plans to cohorts based on the year of their commencement (2000-2004, 2005-2009, 2010-2014, 2015-present).

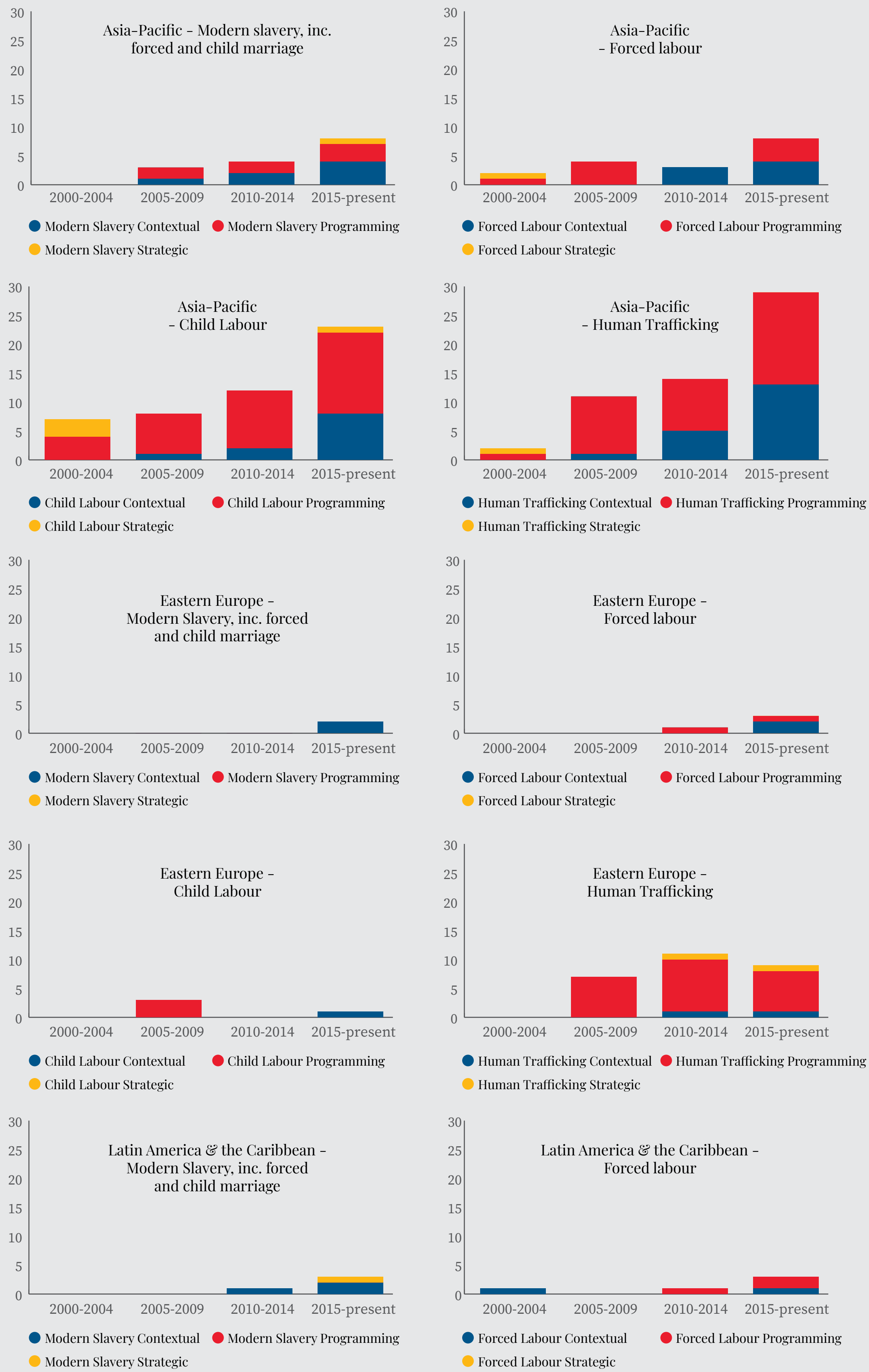
We examined whether and how these documents mentioned modern slavery, forced labour, child labour, and human trafficking. Our aim here was to identify where references were merely contextual ('Contextual'); where they went beyond that to identify specific programming or indicators associated with tackling these problems, usually undertaken by one agency or as part of a larger or different overall objective ('Programming'); and where they went even further, identifying one or more of these problems as a strategic focus, either representing a stand-alone outcome of the strategic plan or requiring programming by more than one UN system entity ('Strategic'). We treated these three categorizations as lying on a spectrum of strength: thus, if a document included both a contextual and a programming reference to child labour, it was coded as 'Programming' (and not as a contextual mention). If it included human trafficking as a 'Strategic' target, then we did not record programming or contextual references to human trafficking in that document (though both were there).We coded each document's references to modern slavery (including forced and child marriage), forced labour, child labour and human trafficking separately.

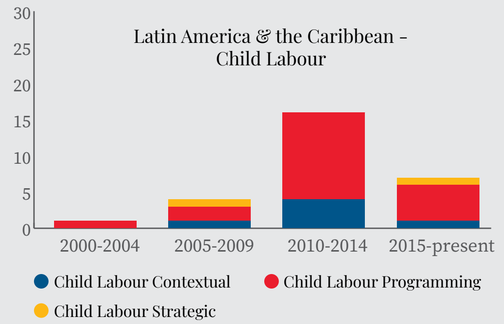
Our results are shown in Figure 18 below. They reveal some interesting trends.

The first thing to note is how few references there are, overall. We identified 396 UNSDP-style documents. We coded references to 4 different types of exploitation for each. There was thus a maximum of 1,584 possible codings. Yet we coded only 413 entries – meaning that 74 per cent of the time UNSDPs were essentially silent on these issues. The second point to note is how the remaining 26 per cent broke down. There were only 50 codings of any kind for references to modern slavery, slavery, forced or child marriage – and even fewer (just 30) on forced labour. UNSDPs essentially ignore questions of forced labour. There was a much greater focus on child labour (155) and human trafficking (178). Yet of the 413 positive codings, only 21 rose the strength of 'strategic' references – that is, making the form of exploitation in question a strategic focus of programming under the UNSDP. More than half of these were focused on child labour.

Next, we notice the temporal distribution. Just 114 of the coded entries are from UNSDPs developed before 2010. 299 (or 72 per cent) of the positively coded entries are from the last decade. And most of the increased focus has come in Asia-Pacific and Sub-Saharan Africa countries.

FIGURE 18: UN COUNTRY-LEVEL DEVELOPMENT FRAMEWORK MENTIONS OF MODERN SLAVERY AND RELATED PHENOMENA, 2000-2020




Latin America & the Caribbean – Child Labour
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2000-2004
2005-2009
2010-2014
2015-present
Child Labour Contextual
Child Labour Programming
Child Labour Strategic


Latin America & the Caribbean – Human Trafficking
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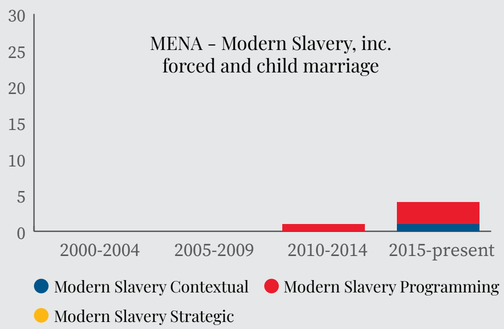
2005-2009
2010-2014
2015-present
Human Trafficking Contextual
Human Trafficking Programming
Human Trafficking Strategic


MENA – Modern Slavery, inc. forced and child marriage
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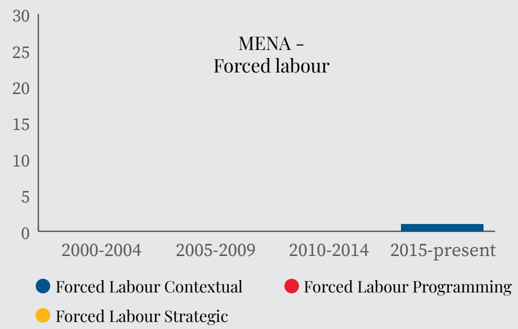
Modern Slavery Contextual
Modern Slavery Programming
Modern Slavery Strategic


MENA – Forced labour
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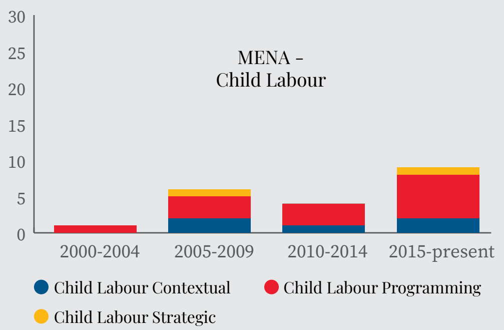
Forced Labour Contextual
Forced Labour Programming
Forced Labour Strategic


MENA – Child Labour
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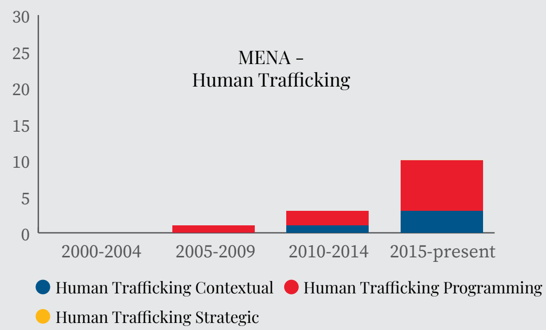
Child Labour Programming
Child Labour Strategic


MENA – Human Trafficking
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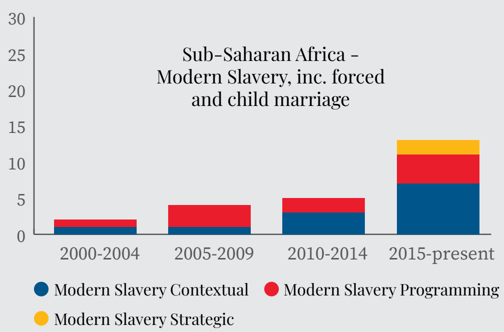
Human Trafficking Contextual
Human Trafficking Programming
Human Trafficking Strategic


Sub-Saharan Africa – Modern Slavery, inc. forced and child marriage
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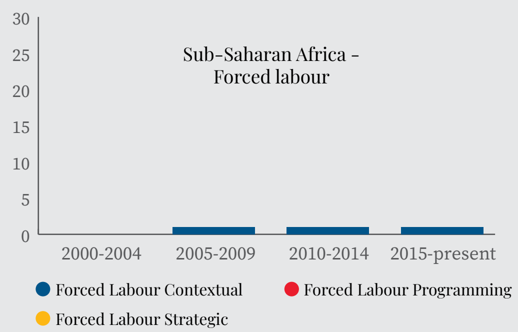
Modern Slavery Contextual
Modern Slavery Programming
Modern Slavery Strategic


Sub-Saharan Africa – Forced labour
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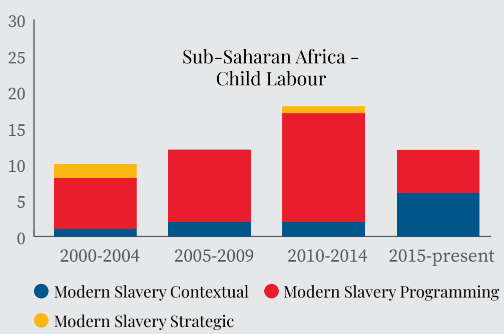
Forced Labour Contextual
Forced Labour Programming
Forced Labour Strategic


Sub-Saharan Africa – Child Labour
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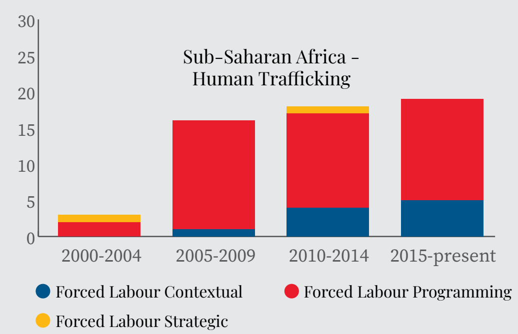
Modern Slavery Contextual
Modern Slavery Programming
Modern Slavery Strategic


Sub-Saharan Africa – Human Trafficking
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2000-2004
2005-2009
2010-2014
2015-present
Forced Labour Contextual
Forced Labour Programming
Forced Labour Strategic

Delving below what we can see in the coded data, into the strategies themselves, several other trends emerge. First, most of the entries that we have coded as entries for 'modern slavery' are in fact references to forced and early child marriage. There are only a few references to 'slavery' (e.g. in Mauritania, Niger, Bolivia and Nepal) – and no reference that we could find to 'modern slavery' specifically. Second, there were clear differences in the types of programming offered under UNSDPs based on the way the exploitation was framed. Where the framing was focused on child and forced labour, the interventions proposed tended to deal with access to education, rural finance, and protection mechanisms. Where the framing used was 'human trafficking', interventions focused on strengthening criminal justice and victim support. This result seemed to hold even for UNSDPs that, in their narrative portions, described the problem to be addressed in ambiguous terms – that is, as 'child trafficking' or 'trafficking for labour exploitation'.Once the UNSDP came to proposing solutions, the framing of the problem closely matched the types of interventions proposed.

This may be due to another trend that becomes visible through reading these 396 UNSDPs: different framings and types of programming are closely associated with different UN agencies. Forced and child labour interventions are closely associated with the ILO and, to a lesser extent, UNICEF. Human trafficking interventions are associated with the IOM and UNODC. And interventions to address forced and child marriage are associated with UNFPA, and, to a lesser extent UNICEF and UN Women. In many ways this is not surprising: different UN entities have specific mandates, and develop particular framings and repertoires that they deploy around the world.

Yet it is also revealing in several ways. For one, it offers one explanation for another trend visible in Figure 18: the significant regional variation in which issues are focused on, and when. This may be an artefact of investment by different UN agencies in rolling out programming in specific regions on this topic. This helps to explain why Latin America and Sub-Saharan Africa both experienced jumps in UNSDPs focusing on child labour in the 2010-2015 period – because this was when both ILO and UNICEF had a major push on these issues in these regions. In the last five years, in contrast, that focus has somewhat faded in UNSDPs in those regions – while the focus on human trafficking has grown, just as UNODC has expanded its offerings in the region.

Second, it helps to explain why there are so few mentions of modern slavery – at least until recently. 'Modern slavery' has no 'home' in the UN development machinery. There is no operational, development entity that promotes interventions using that frame or runs country programming to address slavery or modern slavery. The closest analogue is the Office of the High Commissioner for Human Rights (OHCHR), since it provides secretarial functions to the UN Human Rights Commission in Geneva, which is the source of the 'contemporary forms of slavery' discourse, and the Special Rapporteurship focused on that issue. But OHCHR is quite distinct from other UN Development System entities, since it has a normative mandate, rather than a programming-oriented one. Only with the greater focus in recent years on forced and child marriage from some of the more programming-oriented entities (UNFPA and UNICEF) has there been an uptick in UNSDP attention to these issues.

There is however no *a priori* reason why there *should* be a specific UN entity with a 'modern slavery' mandate. And, in fact, the data reflected in Figure 18 suggests that adding one might only lead to further fragmentation. Because the final, and in some ways most striking, result of our analysis of UNSDPs is just how siloed much of this programming is – and what, as a result, may be getting missed.[213] Our 'strategic' code was designed to capture UNSDP discussions that elevate modern slavery, forced or child labour, or human trafficking issues to the level of a shared concern that UNSDP goals and 'outcomes' typically represent – and which typically become the basis for shared programming. As we have noted above, we found very few such references. And in fact, they are far less likely now than they once were: in the 2000-2004 period, 27 per cent of all UNSDP treatments of these issues rose to the 'strategic' level, whereas in 2015-2020 only 4 per cent did. This suggests that UN development system efforts to tackle these issues have become *less* integrated over time, not *more* integrated.

The lack of integrated thinking is reflected not just at the field level (i.e. in country-level development frameworks), but in global coordination. The UN has not one but two rival coordination mechanisms in this domain: the Inter-Agency Coordination Group Against Trafficking in Persons (ICAT) focused on human trafficking, and Alliance 8.7, which has largely focused on forced labour and child labour.[214] Yet what is *especially* striking about them both is that neither has attracted significant commitment from the key *economic* development organizations in the UN family. While both UNDP and the World Bank are ICAT members, neither is a member of its Working Group, "ICAT's forum for substantive policy, expert exchange and coordination".[215] Perhaps unsurprisingly, there is scant evidence that ICAT has made an impact on development thinking or practice.[216] A July 2016 Issue Brief prepared for the UN Inter-Agency Task Force on Financing for Development as it sought to understand the financing implications of the SDGs, sets out a long laundry list of possible programming areas, with no clear conceptual framework for prioritizing amongst them.[217] Similarly, while some UN Development System entities including FAO, ILO, UN Women and others are listed amongst Alliance 8.7's claimed 226 partners on its website, neither UNDP nor the World Bank is.[218] There is notably no 'development' track in Alliance 8.7's work streams or Action Groups. The Alliance does, however, include a 'Pathfinders' programme intended as a framework to assist countries that volunteer to "go further and faster" to Achieve SDG 8.7. At the time of writing, twenty-two countries had joined this important Programme. They agree a "workplan that sets out priorities, key actions, responsibilities, timelines and budgets". This workplan is developed in a country workshop that "should identify what a country needs to do to meet Target 8.7".[219] This arguably sets up a coordination path essentially disconnected from the UN Sustainable Development system (focused on UN Country Teams), unhelpfully segregating the Target 8.7 discussion from the larger-scale projects and financing associated with that process.

What is more, the Alliance 8.7 Pathfinder process determination of "what a country needs to do to meet Target 8.7" is not based on a published country needs assessment, comprehensive baseline data about the forms of SDG 8.7 exploitation that the partner country faces, lessons learned about what works to accelerate progress at scale to address such exploitation in comparable countries, or, crucially, published economic (or political economy) analysis. Instead, the assessment of "what a country needs to do to meet Target 8.7" is a product of dialogue between host country ministries and programming agencies represented at the invite-only workshop. The result is that Alliance 8.7 Pathfinder national strategies risk deriving as much from what existing implementation partners can pitch successfully to donors as from a thorough assessment of how efforts to achieve SDG 8.7 relate to the country's larger sustainable development pathway and economic strategy.

What this all tends to suggest is that the practice of the UN development system, like the practice of the other development actors reviewed in this chapter, suffers from something of a blind-spot when it comes to tackling modern slavery: an unwillingness to consider these concerns in the context of the larger socio-economic project of sustainable development, and a related overlooking of the opportunities anti-slavery efforts may offer for promoting broader sustainable development.

Reflections: development's blind-spot revealed

Across the various different sources of evidence we have reviewed in this chapter – practitioner perspectives, the scientific literature, spending patterns, and organizational practice – several insights emerge.

First, there is a growing recognition amongst development practitioners of the need to safeguard development programming, lending and investment against modern slavery risks – that is, to take steps to prevent unintended promotion of modern slavery, forced labour, human trafficking and child labour. That 'safeguards' approach has potential, but also limitations.

There is movement – at different speeds in different quarters – to align project safeguards arrangements around international expectations of responsible business conduct and business respect for human rights. These are reflected in the UN Guiding Principles and Business Human Rights, and relevant OECD Guidance – both of which are seen as authoritative guides to expectations of development finance institutions. And behind this, there is a growing cohort of development actors actively learning on their own, and from each other, what effective safeguards, due diligence and business engagement looks like.

Their operational practice varies significantly. Some conduct their own risk assessments, while others rely on borrowers, beneficiaries and clients to do so. Some hold their partners to (various) international labour standards; others defer to national arrangements. That creates a real risk that where States do not already respect international standards,[220] development efforts will not only do nothing to generate behavioural change but could in fact amplify labour violations and reinforce institutions conducive to such violations. (We return to this point in Chapter 9.) And most safeguards are limited to project lending. They do not extend to so-called 'policy lending', or advisory work.

What is more, where safeguards fail, there has not been evidence of a deep commitment by development actors to provide or enable remedy. In fact, development actors seem reluctant to acknowledge that some of the activities they fund have been – and likely will continue to be – connected to actual cases of modern slavery, forced labour, human trafficking and child labour. Although the UN Guiding Principles on Business and Human Rights and the OECD Guidelines on Multinational Enterprises set clear expectations around actors' provision and enabling of remedy where human rights harms occur, development actors have been relatively hesitant to take steps to enable remedy. Undoubtedly, the recent US Supreme Court decision in *Jam et al. v. International Finance Corp*. has increased anxieties in the MDBs, by raising the spectre of legal liability arising from multilateral development actors' commercial lending.[221]

Second, the willingness to embrace modern slavery, forced labour, child labour and human trafficking in the safeguards context is not matched by a willingness to target modern slavery risks as a focus of development programming, capital allocation or strategic intervention. Development practitioners and development organizations continue to see modern slavery as a social problem or criminal behaviour to be addressed through strengthened law enforcement, with social programming mitigating its worst effects.[222] It is not treated as a predictable product of how risk is structured and distributed by prevailing economic institutions, raising questions about the orthodox approach to economic growth and development. Nor is much thought given to whether it creates a drag on economic growth.

These patterns are reflected across these different sources and types of evidence. As a working paper commissioned by the World Bank in 2009 noted, there has been a sense that while development actors could use labour market regulation levers to tackle "consensual exploitation" of workers, it was up to law enforcement entities to tackle illegal "non-consensual exploitation", even where it was economic vulnerabilities that "forced" people into these situations.[223] This characterization automatically places modern slavery as a marginal, rather than a core, concern for global development actors. Even where slavery reduction *is* seen as a development programming objective, it is frequently characterized as an anomalous criminal behaviour to be disrupted and repressed through more stringent enforcement of the existing rules, rather than an inevitable outcome of those rules that may require us to think about changing them if we truly wish to prevent this outcome.

A 2009 conclusion of the IOM Head of Research and a Senior Economist at the US General Accountability Office in 2009 still seems accurate:

> Global efforts to combat trafficking in persons have focused mainly on the criminalization of trafficking, along with measures to protect and assist victims. Relatively little attention has been given to the relationship between development policy and trafficking. Anti-trafficking policy has been dominated by the prevention, protection and prosecution paradigm, which tends to focus policy primarily on short-term interventions. What is lacking is a policy approach, which locates the fight against human trafficking as part of a strategy to promote sustainable and long-term development.[224]

What emerges clearly from this review of practice is thus an absence, or a blind-spot. It is an absence of a coherent narrative, across the global development sector, that explains in terms understood and recognized by development practitioners why slavery reduction is and should be a core concern for development actors. Fighting modern slavery may be a social good, but what will fighting slavery bring to the broader project of sustainable development? That question continues to go unanswered – and even, arguably, unasked.

The absence of an analytical framework connecting modern slavery to sustainable development fuels the development sector's ongoing disregard for these issues. And it prevents those development actors that are inclined to use the tools of global development to seek slavery reductions from identifying, assessing and explaining the development impacts of these efforts. That prevents slavery reduction outcomes from shaping lending and investment decisions in any serious way. Seen from the development sector's perspective, these efforts lack policy coherence; they instead seem to resemble a disjointed mosaic of unilateral interventions across different programming domains: criminal justice, labour markets, migration policy, financial inclusion, gender empowerment, skills development and more.

The central questions remain those posed by Roger Plant, the then-top anti-forced labour official at the ILO, at an FCO and DfID-hosted convening in 2007:

> For development actors such as the Banks and the bilateral donors, there is an immediate practical question. When and under what circumstances do problems like forced and bonded labour merit a specific strategy or operational intervention? Or are they best dealt with through a safeguards approach, which tries to ensure that other interventions do not cause or contribute to forced labour? Is forced labour best considered a sub-set of other mainstream approaches, such as migration policy, labour market governance, measures against discrimination, strengthening microcredit for vulnerable groups, and others? How should forced labour be dealt with in the main poverty reduction and development frameworks at the country level…?[225]

Thirteen years later, and despite hundreds of millions of dollars, pounds and euros being spent to Achieve SDG 8.7, there has been no coherent effort to answer these questions, no effort to address this blind-spot. Four years after the establishment of Alliance 8.7, the major development actors are largely absent from its deliberations, and the Alliance has no overall narrative explaining how fighting slavery contributes to the larger shared project of sustainable development. The story is similar in ICAT, and the UN General Assembly's *Plan of Action to Combat Trafficking in Persons*[226] that guides ICAT's work.

It is to that need – for a policy narrative that explains why and how fighting slavery will promote sustainable development – that we now turn.

CHAPTER 2: RETHINKING THE RELATIONSHIP BETWEEN SLAVERY AND DEVELOPMENT

Global development discourse and practice are rooted in economic thinking. Perhaps for that reason, attempts to encourage the global development system to address social phenomena frequently involve first, demonstrating the economic burden created by the phenomenon, and then showing how that burden can be reduced through effective interventions. This is reflected, for example, in analyses of the global burden of disease,[1] armed violence,[2] and violence against women.[3] Yet, strikingly, despite the development sector's perception (discussed in Chapter 2) of modern slavery as a 'social problem', there is no authoritative estimate of the economic or development burden imposed by modern slavery, nor of the cost of preventing it.

The International Labour Organization has published two seminal papers, *The costs of coercion* and *Profits and Poverty*[5] that estimate the underpaid wages connected to forced labour and the profits generated by forced labour, respectively. Neither assesses the overall economic burden imposed by slavery. Some authors have suggested there is a correlation between incidence of forms of exploitation addressed by SDG 8.7 and reduced GDP.[6] In a recent paper, IMF staff estimated the potential gains to GDP from the eradication of child marriage at around 1.05 per cent in emerging and developing countries.[7] And an unpublished paper by economic researchers in Australia suggests that a 50 percent reduction in forced labour could boost GDP by as much as 3.6 percent.[8] These studies have pointed to the potential size of the impact of modern slavery on economic growth, but also leave open questions about the causal vectors by which coercion at the worksite or household level aggregates into macroeconomic effects. A steadily growing base of evidence about the microeconomic foundations and drivers of modern slavery may help.[9] That evidence base addresses factors including: relative poverty[10] and multidimensional poverty;[11] unemployment and informality; access to education; access to safe credit;[12] physical, social and cultural isolation, and broader discrimination;[13] and migration.[14]

Despite this growing evidence base, there is no clear and accessible account explaining the connections between modern slavery and sustainable development. Indeed, some commentators argue that global anti-slavery efforts simply assume that development (in the sense of modernization) will 'solve' slavery.[15] That assumption appears empirically unsound, for reasons we elaborate later in this chapter, and as demonstrated in the case studies in Chapters 3 to 8. The closest we come to such an account of the development impacts of slavery is the political economy analysis of Robert E. Wright in his 2017 volume *The Poverty of Slavery: How Unfree Labor Pollutes the Economy*. Wright's sweeping analysis of the connections between slavery and development concludes that "[m]ore enslavement means less output or… less development."[16] In this chapter, we first build on Wright's analysis and, delving deep into the research literature, identify ten causal pathways through which slavery creates a drag on development. Understanding these vectors throws light on the opportunities for and obstacles to effective development interventions to reduce slavery. In the second section, we draw on these insights to reconsider how current approaches to development – especially the emphasis on incorporation into global value chains (GVCs) – connect to modern slavery risks, and what this means for conceptions of the developmental role of the State. Finally, drawing on these insights, we offer a new, systems-oriented framework for understanding the role that development can play in fighting modern slavery, forced and child labour, and human trafficking.

Ten ways slavery impedes sustainable development

1. Slavery reduces productivity

An abundant literature using economic, cliometric and econometric analytical methods makes clear that the use of coercion in labour markets creates an overall drag on productivity.[17] As both Adam Smith and Amartya Sen have argued, coercion demotivates workers.[18] This analysis has been borne out empirically, including by research showing that use of positive incentives *within* slavery can improve productivity.[19]

Workers will take outside employment options where they can to escape coercion so, unsurprisingly, coercion is more prevalent in labour markets where external options are constrained. That includes markets where there is an over-supply of labour, where there are constraints on labour mobility (such as legal arrangements tying visas to specific sponsors (like the *kafala* system discussed in Chapter 8), or physical isolation, or removal of identity documents), or where outside options require skills education, training or investment.[20] All of this points to the importance of labour market regulation in reducing the utility of coercion as an exploitation strategy.

A piece commissioned by the World Bank in 2009 explains how individual worker demotivation arising from coercion in the employment context snowballs up to the economy-wide level to depress overall productivity. It is a question of economic efficiency. Where employers can combine coercion with institutional conditions or worker vulnerabilities in a way that allows them to attain monopsony power – that is, to prevent workers selling their labour in a market – the result is that wages are set below the marginal value product of labour. This generates an inefficient allocation of labour at the whole-of-economy level.[21] Tolerating coercion leads to price distortions in the labour market, driving capital towards inefficient parts of the economy, where exploiters capture rents. This is particularly likely in sectors with commodity characteristics – that is, where markets set the price – because of the incentive for producers and sellers to pocket, as a rent, any labour cost savings they can generate.[22]

The key point here is that slavery reduces wages not only for slaves, but for free workers, too. Slavery depresses the equilibrium wage rate: free labourers have to drop their rates because they are being undercut by slave labour.[23] Indeed, it has been argued that it was the recognition of the impact of slavery on their own wage prospects that drove the British working class to support the abolition of both slavery and convict labour.[24] Popular support for abolition was driven by a recognition that slavery gave exploiters so much power that it would reduce not only slaves' economic agency, but also that of other workers.

Slaves become, as Monti Datta and Kevin Bales have memorably put it, the "unwilling agents of economic stagnation".[25] Nowhere has this been made more clear than in the United States, where slavery was intertwined with economic development in complex ways.[26] For a period in the 1970s, some economists argued that the economic development of the American South was due to the system of slavery being *more* productive than the use of free labour in the North.[27] That view has now been fairly systematically debunked. What gains there were in productivity in slavery-based enterprises appear to have come from other innovations, in management (specifically the introduction of Taylorian and Fordist divisions of labour), technology (seed crop innovation) and financialization.[28] Instead, it is now clear that slavery was in fact a major *impediment* to overall economic development across the South.[29]

Slavery clearly played a major and important role in capital transfer and formation in Western Europe, and thus in its industrialization – an idea first systematically explored in his doctoral dissertation by Eric Williams, subsequently Prime Minister of Trinidad and Tobago.[30] But that was not the whole story.[31]

Slavery *was* a major source of capital transfer to and capital formation in Western Europe, but the rents from that trade were frequently captured by small elites.[32] If the correlation between slavery and economic development during the colonial and imperial era were clear and simple, Portugal, which had the largest economic dependence (as a portion of its source of revenue) on the slave trade, would have been the biggest winner from the trans-Atlantic trade. Similarly, the Netherlands' spectacular growth *prior* to the institutionalization of the trade, and British growth *after* its abolition, cannot be explained by slavery.

Instead, Daron Acemoglu and others have argued, what determined whether a country captured the extraordinary productivity gains and overall economic growth that many Western European countries experienced between 1500 and 1900 was not participation in the slave trade *per se*, but rather how capital generated from abroad – from both trade and coercion, often intertwined was harnessed. Countries with stronger merchant classes tended to fare better, as they secured reforms to political institutions that fostered innovation and growth,[33] as well as urbanization and the growth of domestic wage labour markets.[34] Countries that connected metropolitan economies to settler markets – moving from a rentier or predatory strategy to a more developmental path – saw their economies expand.[35] To be sure, unfree labour was frequently a part of that expansion; but slavery itself was not necessarily the sole or even the key to industrialization and growth. Instead, what mattered was how the profits and rents derived from overseas trades (including slavery) connected through forward and backward linkages to other value chains (a topic to which we will return later) – and whether they were used to create a larger population of economic agents participating in the colonial economy. It was not just slavery, but the connections to finance, insurance, shipbuilding, infrastructure (ports) and agriculture that generated overall gains, including in productivity.[36]

Coercion may create efficiencies in the short term, especially in relatively unskilled labour markets, but these are usually geographically and temporally limited, and firm-level efficiencies do not translate to economy-wide productivity gains.[37] On the contrary, the evidence suggests that "slavery is objectively harmful for total economic output and social development".[38] As World Bank researcher Johannes Koettl argued, non-consensual exploitation has adverse effects on both equity and efficiency posing obstacles to development.[39] Slavery adds less to enslavers than it takes from the enslaved, and, indirectly, everybody else.[40] As a result, "wherever and whenever people enslave other people the entire economy suffers on net, and pretty much to the extent that enslavement occurs", summarizes Robert E. Wright. "More enslavement means less output or… less development."[41]

2. Slavery creates inter-generational poverty

There is a growing scientific literature on the health impacts of slavery and forced labour, including the impacts of the entailed physical, sexual and psychological abuse, occupational hazards, disease and injury, poor working conditions, malnutrition, increased mental illness and addiction and increased morbidity.[42] Slavery deprives its victims of education, training and other human capital formation possibilities, with impacts on economic outcomes that endure for the rest of their lives.[43] This has particular impact for girls and women.[44] And, alas, for children. Victims' children are frequently separated from their parents, and there is some evidence that children of forced labourers are at increased risk of becoming forced labourers. Where enslavement is large scale, this can lead to demographic skewing, with implications for agricultural production and reproduction rates,[45] polygyny, gender discrimination and violence, and incidence of sexually transmitted disease.[46]

This impact is so great, it turns out, that it echoes down through subsequent generations. Harvard scholar Nathan Nunn has calculated that transatlantic slavery accounts today for 72 per cent of income disparity between African nations and the rest of the world – and 99 per cent of the disparity between these nations and other developing countries.[47] Acemoglu and others have found that the historic presence of forced labour in Colombian districts increases *contemporary* poverty rates by 13.1 percent.[48] Another analysis, relating to Peru, finds that historical forced labour reduces contemporary household consumption by 25 percent and increases the incidence of child stunting by 6 percent.[49] And in Central and Eastern Europe, labour coercion under serfdom reduced labour productivity, human capital investment, innovation, and living standards so much that is a major explanator of the diverging economic performance of Western and European communities between 1350 and 1864.[50]

3. Slavery institutionalizes inequality

Slavery may be disadvantageous overall, but it is clearly preferred by some employers and exploiters.[51] Why? Because slavers privatize profits by reducing others' economic agency, while socializing the costs of doing so.[52] This deeply unequal system can quickly become institutionalized.

Slavery is the "systemized theft of human labor, and little is more lucrative than robbery, especially when the theft has the de facto sanction of legal authorities".[53] It is a sort of parasitism,[54] an extractive institution that enriches exploiters, their financiers and their corrupt patrons, at the expense of both victims and net social welfare.[55] As anti-slavery scholar Siddharth Kara has noted of bonded labour contracts in South Asia, these "labour agreements are highly inefficient for all parties involved, including society at large – except the exploiter".[56] Or as Robert E. Wright has summed up in his important overview, *The Poverty of Slavery*: "Enslaving others is about profiting the enslaver, be the enslaver an individual, a corporation, or a government."[57]

The institution is sustained in part by coercion; in part by the distribution of the benefits of coercive extraction to consumers (in the form of lower prices on consumer goods); and in part by rentiers' political power. As Daron Acemoglu and James Robinson have explained, "[e]xtractive institutions concentrate power in the hands of a few who exploit and deplete resources, with the unfortunate effect of generating large inequalities and preventing growth."[58] Where slavery is legal, exploiters use the law to enforce coercion and prevent workers from selling their labour to others.[59] Where slavery has been formally abolished, exploiters instead rely on informal institutions – an array of aspects of contract law, debt, immigration law and social norms that give them *de facto* immunity to effectively constrain workers' ability to access outside employment. Thus, where slavery is not formally legal, political and social power become even more important to the maintenance of the institution of slavery. As Daron Acemoglu and Alexander Wolitzky have argued,

> [u]ltimately, the economic logic of forced labour needs to be understood in the context of the politics of forced labour; forced labour is an extreme form of inequality, the result of severe power imbalances perpetuated through a specific extractive institution.[60]

It should be no surprise, then, that the incidence of slavery seems to correlate to the absence of political and economic freedoms. In an important recent cross-national comparative analysis of the relationship between modern slavery and different dimensions of globalization, Todd Landman and Sir Bernard Silverman suggest that it is not integration into the global economy *per se* that drives modern slavery, but the nature of that integration. Countries with freer markets and politics are less likely to be the sites of modern slavery.[61] Nor should it surprise us that, as Thomas Piketty has recently argued, societies whose economies rely significantly on slavery have historically been the most vertically unequal, in formal economic terms.[62] Thus, in the United States in 1860, two thirds of all those estates worth USD 100,000 or more were in the South; yet the South's *per capita* income paled in comparison to the North[63] As Stanley Engerman and Kenneth Sokoloff have shown, there can be a close connection between initial factor endowments, economies of scale from use of slave labour, entrenchment of extreme inequality in political institutions, and subsequent economic performance.[64] And as Travis Wiseman has shown, these institutional effects are enduring: African countries that were involved in the transatlantic slave trade today show less "economic freedom" – and have lower incomes.[65] In short: once slavery is institutionalized, slavers tend to use the profits it generates to entrench their power, perpetuating inequality and the reductions of some groups' economic and political agency.

This has important development policy implications. As Juliette Faure argued in a United Nations University Working Paper in 2015:

> the realization that forced labour is a manifestation of exclusion and inequality [has] significant implications for policymaking. It suggests that it is not sufficient to fight forced labour as an economic practice alone, but rather policy efforts need to address forced labour as an extractive political institution.

Ending slavery typically requires a transition away from a politico-economic system based on slave rents. As we shall see further in Chapters 3 to 8, this often encounters resistance, can generate conflict,[66] and may come with a hefty price-tag. Former rentiers must be defeated by some combination of political power and, if necessary, financial compensation. To end slavery in the British Empire in the 1830s, the British Government had to buy off the powerful slave-owning 'West Indies' lobby. It was just 3,000 or so in number, but its wealth and presence in the UK Parliament in Westminster gave it outsized influence. The price it demanded for the abolition of slavery was compensation worth 5 per cent of British GDP at the time, and around 20 per cent of the British Government's budget. This was financed by the largest syndicated loan in history, which was paid off by the British public for 180 years thereafter. Former slaves were also required to work as unpaid 'apprentices' for several years before gaining their full freedom.[67]

France took a different course: the price of French acknowledgment of the independent sovereignty of its former slave colony, Haiti, was the imposition of foreign debt on that country worth 300 per cent of its GDP. Where Britain had passed the costs of compensation onto current and future taxpayers as well as freed slaves, France's taxpayers were spared the bill. It was borne by its former colony alone. Haiti's interest payments on that debt lasted until World War Two, initially being paid out to former Haitian slaveowners.[68] There is little doubt that these payments are a central factor in Haiti's historical development challenges.[69] Russia took a somewhat similar approach: when it abolished serfdom in 1861, it required former serfs to pay a fee for access to communal lands for 49 years.[70] And in its Civil War, the US ostensibly took another path to solving the problem of manumission – use of force. However, the collapse of the post-War Reconstruction project arguably undid some of the resulting gains, forcing freed slaves and their descendants to pay a price for freedom that redounds to this day – and continues to depress the development of those States and communities most affected by slavery.[71] We return to the legacy of African-American slavery in Chapter 9.

4. Slavery weakens multiplier effects

The treatment of a victim as though they are owned is a central feature of slavery. To be treated as though owned by another is to be denied not simply physical freedom, but also agency – political, social, and economic. Amongst other freedoms they are denied, victims of human trafficking, forced labour and modern slavery are intentionally denied the freedom to make their own consumption, savings and investment choices. Some of those who are forced to labour do receive some wages, and may be permitted to consume and save, but these options are frequently constrained and controlled by their exploiter – for example through forcing individuals to buy goods and services at inflated prices from their employer or a 'company store', or by charging mandatory 'fees' or extortionate interest rates.[72] Those enslaved generally cannot use their (unpaid) wages to improve their nutrition or access healthcare, to invest in education or household enterprise, or to improve their own welfare as they see fit in other ways. The result is not only that slaves and their descendants are impoverished,[73] but also that they cannot contribute efficiently to economic multiplier effects, or to financial markets.[74]

It should follow that when slaves are freed, their increased ability to participate in the broader economy leads to economic growth.[75] Empirical analysis has shown that this is the case in historical studies covering situations from the Caribbean to Russia.[76] One such study, for example, suggests that the abolition of serfdom increased Russian GDP by 17.7% between 1861 and 1900. [77]

5. Slavery discourages innovation in production

Is it any surprise that people who are forced to work are not typically sources of industrial creativity and innovation? Both economic and anthropological accounts have demonstrated that those who are enslaved are demotivated to innovate.[78] Innovation and entrepreneurialism rise as slaves are given access to wages and the right to save and invest. But the impacts of slavery on economic innovation turn out to be even more pervasive and pernicious: slavery also reduces the incentive of *exploiters* to invest in innovation and entrepreneurship.[79] It is simply too easy to sit back and enjoy the rents.

The system of slavery in which exploiters participate provides a ready source of rents, captured from payments to what is, functionally, capital – slave labour. And the rents from slavery are easier to capture in low-skill production, so there is little incentive to invest in working methods requiring higher-skilled workforce. As the skill-level required of a production task rises, the agency and bargaining power of the worker increases. In both the American South and Imperial Russia, addiction to cheap, coerced labour held back innovation around labour productivity, capital investment and technological entrepreneurialism. The availability of artificially cheap labour, and the reduced returns from coercion in high-skill environments led to extensive rather than intensive agriculture, and to economies falling behind their peers.[80] As we shall see in Chapter 5, a similar pattern may be discernible in recent years in the Uzbek cotton industry.

6. Slavery produces a capital market failure

Only in the area of financialization does slave-holding seem to drive innovation. Here it depends on the ability of slaves to be formally or informally collateralized.[81] As we explore more in Chapter 9, securitization of mortgages which had slaves and slave labour as their underpinning collateral was a central component of the economic development of the American south-west during the 1830s – and produced disastrous results. As former IMF Director Peter Doyle has pointed out, slaves served a role during that process somewhat analogous to residential houses in the 20th Century, as stores of capital that served basic wealth-creating and financial multiplier effects.[82] That might seem to hold little relevance today since slaves can no longer serve as legal stores of capital or as collateral. While technically true – it is not legal to hold a slave as a capital asset in your accounts, or to mortgage them, for example – it is not *functionally* true. The enslavement of workers continues to underpin the financial valuation of companies that rely on that slavery in their value chains. To understand why and how, we have to understand the almost magical process by which enslavement creates capital, or access to income, for slavers.

Slavery continues today, despite its formal prohibition, because slavery, as a management practice, is a winning proposition: the costs of enslavement are less than the expected present value of slaves' future earnings less expenses.[83] Workers become low-to-zero cost factors for capital formation and accumulation, through externalization of risk onto the worker or through risk socialization. When the rent slavers extract is sufficiently lucrative, even dispersed actors – such as the various firms involved in financing and running global value chains (GVCs), to which we return later in this chapter – may overcome coordination problems to generate the practice, technologies and norms legitimizing enslavement.[84] The vehicle through which exploiters' extract that value has shifted from property law to contract law – employment contracts, debt contracts, and marriage contracts.[85] Sometimes, entry into those contracts is coerced. Often, however, the contract is undertaken voluntarily, even if only as a result of economic or structural pressures. Only after the contract has been sealed is force, fraud or coercion introduced. It may not be used to force entry, but it is frequently used to deny exit. This is why much contemporary slavery is described as "contract slavery", "neo-bondage" and debt bondage,[86] and why some scholars argue that the focus of research and policy intervention should not be the fact or manner of workers' incorporation into the global economy, but rather the *terms* of their participation once incorporated.[87]

The result is that while enslaved people are no longer able to be treated as an asset on the books, the revenues (and rents) generated by enslaved people can play a similar financial and functional role. This is nowhere clearer than in debt bondage, the most prevalent form of modern slavery. In that case, credit market imperfections prevent people accessing the financial system to smooth their incomes by saving for bad times, or borrowing when they have a temporary cashflow problem. This leads people to accept debt repaid through their labour, on terms that effectively prevent them regaining their liberty. In this situation, victims are not only mortgaging their bodies to generate an income – they are collateralizing their freedom.[88] As Austin Choi-Fitzpatrick's work on bonded labour in India makes clear, lacking outside employment opportunities, those in debt bondage trade something they value relatively lowly – freedom in poverty – for something they value more highly: "enslavement in sustenance".[89]

Even without the formal transformation of labour into capital that chattel slavery provides, we today see entire global value chains spun out of revenues generated by, and capital raised against, workers who have collateralized their freedom in this way. Financial valuations typically depend on the market's expectations of companies' future revenue streams. Those revenue streams in turn depend on modes of production that separate capital accumulation at the top of complex, often global, value chains and networks, from the risky, marginal labour at the bottom of those chains and the outside edge of those networks (as we explore in more depth below). Numerous studies have shown how the structure of particular global value chains and production networks incentivize use of coercion to reduce labour costs at the bottom, through outsize power for lead firms, high levels of subcontracting, and marginality of lowest-tier producers.[90]

As Andrew Crane has explained, modern slavery emerges as a liminal management practice whereby managers exploit effective impunity at the ends and edges of these chains, networks and systems.[91] Contemporary slavery is the product of the commercial logic of exploitation,[92] played out in the contemporary institutional environment of the global economy: "[M]icroorganization-level capabilities enable enterprises that deploy slavery to take advantage of the macro-institutional conditions that permit the practice to flourish in the face of widespread illegality and illegitimacy."[93] Despite the dominance of anti-slavery norms at the supranational level, firms at the margins of global production networks are able to use local economic, social, cultural and physical power differentials to organize slavery.[94] Deliberate underpayment, impoverishment and debt bondage emerge as recurring management practices by which labour brokers at the bottom of a variety of global supply chains extract marginal profit. This model is adaptable across a range of industrial and economic sectors, exploiting whatever vulnerabilities are to hand at the edge of the production network.[95] As Aidan McQuade has put it, "slavery occurs to those deliberately or unthinkingly excluded from social and economic development, justice and rule of law."[96] Slavery emerges not as a bug in the global economic system, but as a recurring feature at sites of production, the result of the interaction of local, household and even individual vulnerabilities with global institutions that shape the circulation of capital, labour and goods.[97]

What happens to the value that is extracted from these coerced workers' labour? It is not, typically, captured by their immediate managers, or indeed returned fully to consumers at the end of the value chain, though lower commodity prices – such as cheap t-shirts – are clearly one result. Instead, this seed of value tends to be rolled over, through multiple tiers of mark-ups, capitalization, financial leveraging and even securitization, to emerge as a rent captured higher up the value chain, often numerous multiples larger than the original germ: the collateralized labour of the exploited worker.[98]

Capital markets reward firms that operate on this model, since they seem to have low costs. Yet the truth is that the social costs of this model are high. Capital markets are simply failing to price this in, in the same way they have largely failed to price in the true costs of carbon emissions and other environmental impacts of business. This is a classic market failure, distorting our capital markets.[99] Enterprises relying on unlawful forced labour have an unfair advantage on cost over those that do not. Firms that take the steps required to accurately price the costs of the labour on which they rely, deep in value chains, are seen as having higher labour costs – and marked down by the market, with their costs of capital rising. Firms that instead do not seek to price in those true labour costs are rewarded by capital markets. In effect, capital markets are subsidizing illegality. They do not offer a level playing-field, but rather a tilted one, that not only tolerates but rewards those firms that rely, at many arms' length, on illegal labour practices to gain a competitive advantage. As a result, we are *all* worse off.

7. Slavery hits the public purse

Slavery hits both the revenue and expenses side of public accounts.

First, it reduces tax revenues, by preventing the State collecting income tax from the wages that enslaved workers should fairly have been paid, and consumption taxes from their foregone consumption.[100] In 2009 the ILO calculated underpaid wages connected to forced labour at around USD 21 billion p.a.[101] More detailed economic estimates have also begun to emerge at the national level. Several researchers have looked at the wages foregone by victims of economic impacts of sex trafficking, including in Canada[102] and the US[103]. All of these foregone wages represent foregone taxes.

Second, slavery forces expenditure by the State, whether to enforce slavery or the system that can underpin it – such as enforcement of tied visa schemes – or to respond to it.[104] In the UK, Home Office researchers recently estimated that in 2016-17, each victim of the estimated 10,000 to 13,000 modern slavery victims in the UK cost the public purse GBP 910 for health services, GBP 1,650 for victim services and GBP 7,730 in law enforcement costs.[105] Even excluding criminal justice system costs and indirect economic costs – such as foregone taxes – this would make modern slavery the second most expensive crime to the UK, on a unit cost basis, after homicide.[106] Once these unit costs are multiplied by the number of suspected cases in each category, the researchers concluded that the total costs were GBP 599.5 million for detected victims, and between GBP 3.3 billion and GBP 4.3 billion for all suspected victims (not only those detected).[107] As the UK research notes,

> The high unit cost also demonstrates the potential benefit from preventing this crime type and can be used to make the case for more 'upstream' preventative activity.... Interventions to prevent modern slavery occurring in the first place are likely to be particularly cost-beneficial.[108]

8. Slavery weakens governance

Slavery is an institution in which one private group – exploiters – use the power of the State, or its forbearance, to capture rents from labour coerced out of another private group. The victim group is not only deprived of its economic agency, but also, frequently, excluded from political power or even political participation. The impacts on governance are profound and long-lasting, with important implications for how we understand the relationship between efforts to address modern slavery under SDG 8.7 and efforts to achieve SDG 16, which deals with peace, justice and strong institutions.

Countries in Africa that participated in the transatlantic slave today trade suffer increased social stratification and violence, most likely because involvement in slavery impeded State formation and increased ethnic fractionalization.[109] Slavery degraded the strength of domestic legal institutions and political entities already in place in Africa.[110] And throughout the Americas, the institutionalization of slavery tended to reduce State investment in public goods and institutions, such as roads and schools.[111] One study, of Peru, suggests that communities that had been subjected in the past to forced labour had legacies of low education and high land ownership concentration, leading to low provision of public goods, poor integration into road networks and higher levels of subsistence agriculture.[112]

One reason that involvement in slavery may have such long-lasting effects on governance is that it appears to destroy social capital – trust. Trust is increasingly recognized as a prerequisite for economic development.[113] In Africa, one study found that individuals' trust in their relatives, neighbours, co-ethnics, and local government were all lower if their ancestors were heavily affected by the slave trade. This seems to be because slavery so corrodes other institutions and governance that it generates new social norms, beliefs and values based on mistrust, which are transmitted inter-generationally.[114] Perhaps unsurprisingly, past involvement in large-scale slave trade also seems to correlate to involvement in contemporary conflict.[115]

Seeing slavery through a governance lens has important implications for the anti-slavery agenda. Markevich and Zhuravskaya found that the economic outcomes of the abolition of serfdom in Russia depended significantly on the local institutional context.[116] Studies of the economic performance of Caribbean islands after the abolition of slavery in the mid-nineteenth century similarly point to differing policies on access to land and to labour market policies as key determinants of outcomes.[117] This suggests that to succeed, development interventions intended to reduce slavery should focus not only on reforming employment relationships – i.e. SDG 8, Decent Work – but also on strengthening the broader institutional context in which these reforms are occurring – i.e. SDG 16, Peace, Justice and Strong Institutions.

This also has significant implications for how we think about development interventions aiming to reduce slavery. Should the State be the delivery vehicle for such interventions, where State power and State officials are implicated in the system of slavery? In cases where slavery has become a feature of government policy – as we explore in several of the Chapters in Part Two – it may be necessary to look for other approaches, either to influence that policy, or to circumvent it.

9. Slavery fuels corruption and illicit financial flows

Slavery is a form of illicit wealth transfer, from the victim to the exploiter. Because it is illegal, it is often closely linked to corruption.[118] Corruption is both a means by which illegal movement and exploitation of people is organized,[119] and a part of what Andrew Crane calls slavers' "domain maintenance strategy"[120] – their method for ensuring their autonomy from the State or other anti-slavery forces. Corruption is, in that sense, a strategic tool, which works to enlarge the sphere of slavers' normative influence by making corrupted officials complicit in the system of slavery.[121] This is why bribery is a significant factor in trafficking organizations' overhead costs.[122]

Where there is systemic corruption, there are often illicit financial flows. As UNODC's Fabrizio Sarrica has pointed out, the proceeds of slavery may constitute illicit transnational financial flows wherever the value from exploitation is captured in a jurisdiction that is different from the source of the labour.[123] For example, where migrant workers have been illegally exploited, underpaid and kept in debt bondage, the profits accrued by their exploiters are, in effect, stolen remittances that would otherwise have been sent back to the host country to fuel economic development.[124]

The financial sector has recently begun to pay increased attention to these connections between modern slavery and proceeds of crime, especially as anti-money laundering regulators' awareness grows.[125] In the US, Western Union reached a USD 60 million settlement in 2018 arising out of allegations of money-laundering relating to human trafficking.[126] In Australia, attention has been heightened by the impending levelling of the largest-ever AML fine in Australian history – likely around USD 600-700 million – against one of the major banks, after it was discovered to have failed to prevent AML violations relating to child sexual exploitation in the Philippines.

Yet development actors have not yet focused in any meaningful way on how modern slavery connects to the burgeoning practice around illicit financial flows and stolen asset recovery. Migrant worker host countries that fail to prevent such exploitation and theft, or to remedy it, may be enabling illicit transfers of value from the sending country to their own economy. This points to an intersection of the modern slavery agenda with discussions on illicit financial flows that has not yet been adequately explored in empirical or policy terms. We return to this in Chapter 10.

10. Slavery harms the environment

The last way in which modern slavery impacts development is through environmental well-being. The relationship between environmental harm and modern slavery runs in both directions.[127]

First, environmental change can create conditions conducive to modern slavery. Climate change and its impacts on rural production increase labour exploitation,[128] as well as the risky migration practices often connected to human trafficking.[129] Water stress may increase the vulnerability to forced labour of some agrarian smallholders.[130] Climate shocks seem to raise the risks of child labour in some contexts.[131] And as we explore further in Chapter 6, declining fish stocks generate economic pressures on fishers, which may be encouraging cost reductions through use of forced labour.[132]

Second, slavery can in turn harm the environment.[133] In agriculture, slavery skews production towards extensive rather than intensive agriculture, and disincentivizes innovation in environmental management.[134] As we explore further in Chapter 3, illegal deforestation in Brazil is closely tied to slavery-like practices in the cattle, soy, sugarcane and charcoal industries. As well as reducing space for carbon sequestration, the charcoal camps and cattle ranches that make use of slave labour increase greenhouse gas and pollutant emissions.[135] The palm oil industry, which we look at in Chapter 5, is also connected to both deforestation and forced labour. One estimate suggests half of all illegal deforestation globally may be tied to slavery, forced labour or debt bondage.[136] In 2016, Kevin Bales estimated that this may generate 2.54 billion tons of CO2 each year – following only China and the US in terms of aggregate emissions.[137] In Chapter 4 we look at the turn away from systematic forced labour in the Uzbek cotton industry, arguing that this was partly a result of declining yields brought on by unsustainable agricultural practices in the industry, entwined with the forced labour system. In the fisheries and aquaculture sector, which we consider in Chapter 6, illegal fishing powered by forced labour increases fish stock decline and may be contributing to ecosystem decline in South East Asia, including illegal deforestation of the Bangladeshi Sundarbans Reserve Forest.[138] And in the area of construction, which we consider in Chapter 8, brick kilns, in which forced labour and debt bondage are often rife, contribute significantly to environmental degradation, primarily through localized air pollution, black carbon and greenhouse gas emissions, and deforestation.[139]

These emerging insights suggest a strong need to consider how development interventions can promote outcomes that both reduce modern slavery and reduce environmental harm. Agricultural development interventions, for example, could be assessed to determine the risks of promoting exploitative labour practices. And infrastructure development initiatives could be assessed to determine whether they are likely to drive, directly or indirectly, a rise in informal brick production.[140] More broadly, there is a need to recognize that environmental risks and modern slavery risks are both intertwined, and both connected to unsustainable production and consumption practices, addressed in SDG 12.[141] Both environmental harm and the harms arising from modern slavery are externalities that our current economic development models fail effectively to factor in.

Rethinking global value chains and the role of the State

The picture of slavery that emerges in the previous section reveals it as an extractive system with both political and economic contours. In a globalized world, those contours have both local and transnational dimensions. The informal and social norms that render people vulnerable to exploitation are often local and embedded in specific cultural practices, including those relating to caste, gender, race and class. But exploitation is also a result of the interaction of these vulnerabilities with transnational and global trade, and the global circulation of capital. It is certainly the case, as a recent study by the OECD, ILO and IOM suggests, that much slavery occurs within purely domestic industry, such as subsistence agriculture, domestic work and construction.[142] Yet the dynamics of these industries are often shaped by the shape and operation of foreign markets, the penetration of foreign capital and ideas (on consumption, gender roles, or business management practices), the willingness or forbearance of the state to enforce global norms – and the engagement, or otherwise, of the global development sector.

The previous section points to the key role that States play as gatekeepers between external forces, outside the State, and people inside State borders. In particular, States shape the institutional environment in which cross-border trade, labour and capital movements take place, and the rules by which employers interact with workers. They have a key role to play in ensuring these interactions respect international norms relating to modern slavery. In some cases, States and State officials choose to abdicate that responsibility, and instead use their position and power to participate in stealing people's economic agency and turning it into rents for private or factional gain.

All of this raises important questions about how we understand the role of development interventions in shaping these interactions – between people, the States that actually govern and notionally represent them, and global economic forces. One set of questions relates to *where* development interventions should occur: at the local level? At the level of the State, which may be wittingly or unwittingly complicit in creating conditions conducive to modern slavery? At the level of the regulation of global capital flows, market competition, trade regimes and labour migration? At some intermediary level? Or in some combination? And a second set of questions arise around *development pathways*. Do development interventions that encourage States to incorporate local workforces and industries into global economic circuits serve to reduce modern slavery? Or is there a risk that, in some circumstances, they may *facilitate* modern slavery? And if so, what are the implications for how we think about the relationship between contemporary slavery and contemporary development practice?

These are the questions we grapple with in this section. We first consider whether and how a development model predicated on encouraging low-skill, low-wage labour forces to incorporate into global value chains promotes modern slavery. Drawing on that analysis, second, we reflect on how we may need to reconsider the developmental role of the State.

Do global value chains promote modern slavery?

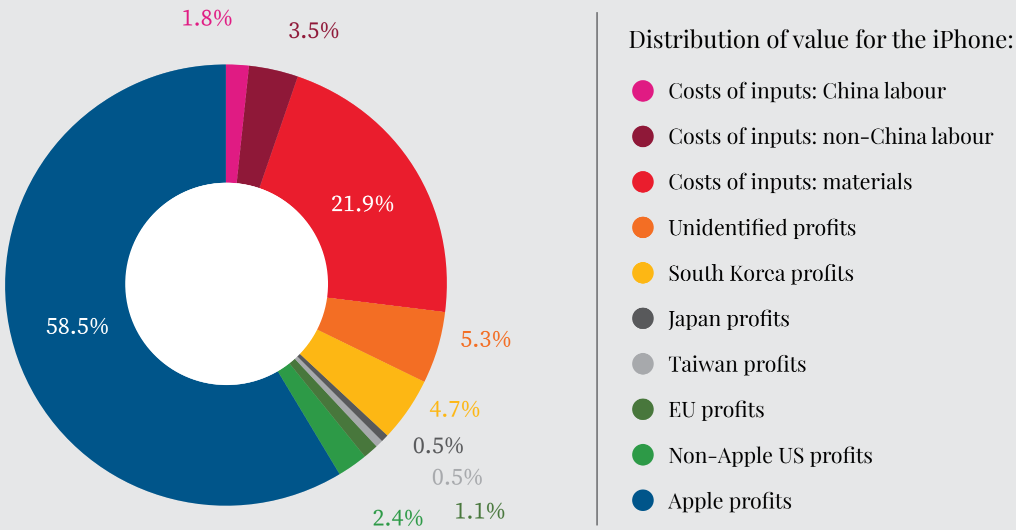
THE SUPPLY-LINES OF A GLOBAL ECONOMY

Value chains are the sequence of productive (i.e. value added) activities leading to and supporting end use.[143] Over the last several decades, significant reductions in transport and communications costs and barriers to FDI have led to the vertical fragmentation and geographic dispersal of these value chains, to the point that they have become globalized – and hence are referred to as 'global value chains' (GVCs).[144] By 2013, between 50 and 80 per cent of world trade and 20 per cent of global employment was directly tied to these GVCs.[145] Although described as linear 'chains', they often manifest more as networks, and so GVCs are closely related to what some academics call global production networks (GPNs).[146]

GVCs are, in a sense, the sinews of a truly globalized market – the supply-lines of a global economy. They represent a shift from goods (and increasingly services) being 'made in' one country, to being 'made in the world'.[147] Put another way, they represent a shift from trade in finished goods to trade in intermediate tasks.[148] They are the result of many developing countries' successful industrialization, accompanied by State policies promoting increased international capital mobility. The resulting business environment has enabled producers to reduce costs and streamline production through outsourcing and off-shoring labour-intensive, lower value-add operations. This has meant unbundling innovation, design and development, at one end of the value chain, from production tasks in the middle of the chain, and then again from distribution and marketing at the other end of the value chain. Neither the initial innovation, design and development, nor the terminal distribution and marketing tasks have been off-shored to the same extent as production. Neither the skills required for product design nor the local knowledge required for effective marketing lend themselves to off-shoring.[149] The unbundling of value-creation has led to a corresponding shift in industrial organization, from multinational enterprises (in which transnational value chains were kept in-house), to 'global network flagship' or 'lead' firms that integrate dispersed supply, knowledge and customer bases into global production networks, platforms and economic ecosystems – GVCs.[150]

One driver of this shift has been the rise of household income and consumption in emerging markets, especially in Asia. The largest export market for iPhones from their manufacturing point in China, for example, is South Korea. Indeed, there is significant regionalization within GVCs. But value-add in these GVCs is often captured elsewhere. For the iPhone value chain, for example, the largest share of the value add from the value chain is captured not in China or South Korea but by a US company, Apple.

FIGURE 19: DISTRIBUTION OF VALUE IN THE IPHONE VALUE CHAIN, 2010



Source: Kraemer et al. 2011.

Competitive dynamics and hyper-specialization have also played a part in the rise of GVCs, which are typically characterized by a small number of lead firms supplied by a large number of highly competitive suppliers. GVCs provide these flagship or lead firms access to specialized suppliers at low cost, excelling in quick and flexible response to flagship firms' requirements. Comparative advantage is now determined with reference to intermediate goods and services, and not only final products and services.[151] One result has been a concentration of market power at the point of distribution and marketing, with a small number of lead firms enjoying oligopsony power. Another result is that the geography of GVCs is highly responsive to labour costs, because specialized producers in the middle of the value chain compete on cost. Access to a large pool of low-wage labour is one of the best predictors of a country's place in GVCs – it puts them in the middle.[152]

It is important to recognize that incorporation into a GVC can be a powerful motor for poverty eradication in countries with large pools of low-skill labour. This has been demonstrated in many countries in recent years, for example in export-led booms in the garments and apparel industries in Bangladesh and Vietnam, after they were given preferential market access by the EU and US respectively. The World Bank's *World Development Report* 2020 ('WDR 2020') suggests that the net impact of GVCs is positive: incorporation into GVCs reduces poverty, increases formal employment and creates jobs for women.[153]

Yet as the collapse in demand for apparel production from those countries during the COVID-19 lockdown has made clear, along with that growth and development comes precarity. Suppliers at the lowest tiers of manufacturing and production compete on cost, speed and flexibility of delivery. They frequently serve as 'price breakers' and 'capacity buffers'. This is code. These producers – often informal, artisanal and home-based in nature – have very limited bargaining power. They have little security of income, are often unorganized, and are highly vulnerable to coercion and abuse. They are price-takers, including on the price of labour. Since there are many firms competing to supply to the few lead firms, competition is often undertaken on that terrain: labour costs. Lead firms squeeze their middlemen suppliers “by shifting every imaginable cost, risk, and penalty onto their books”.[154] Those suppliers and managers in turn respond by pushing costs down onto, and extracting value from, workers – including through forced labour. As an important study from the OECD, ILO, IOM and UNICEF recently acknowledged, “in the absence of strong law enforcement, the socio-economic vulnerability of individuals and workers, along with economic and commercial pressures facing suppliers within global supply chains, can in combination lead to abuses”.[155]

OECD, ILO, IOM and UNICEF indicate that a variety of economic and commercial pressures within GVCs can incentivize suppliers to use forced labour, including: short term supplier relationships and a rise in outsourcing; downward wage pressures; volatility in order volumes, timing and specifications; late payments and lack of access to supply chain financing; labour subcontracting; and production quotas.[156] Suppliers need access to a flexible workforce. In plain language, this means that risk is habitually displaced onto bottom-level producers and suppliers, who have to deal with rapid changes in order specifications and turn-around times. Risk is displaced, ultimately, onto workers, who are forced to deal with highly flexible working conditions, and to compete for low-wage jobs – even by paying to secure them. Poor and vulnerable workers, explains political economist Nicola Phillips, are in these circumstances “obliged to prioritize the short-term goals of survival, which renders them vulnerable to insecure and exploitative conditions of work, including forced labour”. This forces them to trade off their own long-term growth and human development in favour of short-term survival. And this creates a circular dynamic: “poverty generates a range of vulnerabilities among workers, which facilitate their exploitation, including in the form of forced labour; their exploitation in turn serves as the key mechanism of impoverishment.”[157] In some contexts it is thus a short hop from ‘flexibility’ to ‘disposability’[158] – that is to contractors treating people as if they are owned and can be thrown away. It is that condition that led Kevin Bales to famously characterize modern slavery as being treated like “disposable people”.[159]

As we explore further in Chapters 3 to 8, the propensity of specific GVCs to operate in this way – that is, to not just contribute to but sometimes also exacerbate modern slavery risks – seems to depend on a range of factors, including industry structure, skills-intensiveness and the conditions of production. The variation of supply chain arrangements – and the variability of vulnerabilities of the workers within them – means the managerial challenge to eradicate modern slavery from supply chains also varies strongly between them, and even at different locations within the same GVC.[160] Pressures on labour seem to be especially great in industries characterized by GVCs in which a few major upper-tier firms are fed by a highly competitive market of lower-tier suppliers in weakly regulated jurisdictions. These asymmetrical market conditions allow upper-tier firms—big global buyers like the major supermarket or garment retail chains—to displace production and market condition risks down the value chain, and capture profits (and rents) at the top.[161] The skills-intensiveness of production in the GVC also seems to be a factor in modern slavery risk. Higher-skilled workers generally have greater bargaining power, both due to their relative scarcity and due to their greater ability to impact productivity if dissatisfied.[162] Working conditions during production also seem relevant: conditions of physical, cultural and social isolation, for example, increase the opportunities for exploitation. Lead firms tend to focus on their primary tier of larger, strategic, suppliers, whereas much modern slavery risk arises much further upstream in the supply chain, often at the edge where informal labour markets and formal production interact. This is the case, for example, in artisanal extraction and manufacturing, at the interface between small-holder agriculture and more formal purchasing and distribution networks, and where informal labour brokers supply workers into construction sites or domestic service.[163] We return to these patterns in the case studies in Chapters 3 to 8.

WHAT IS THERE TO SMILE ABOUT?

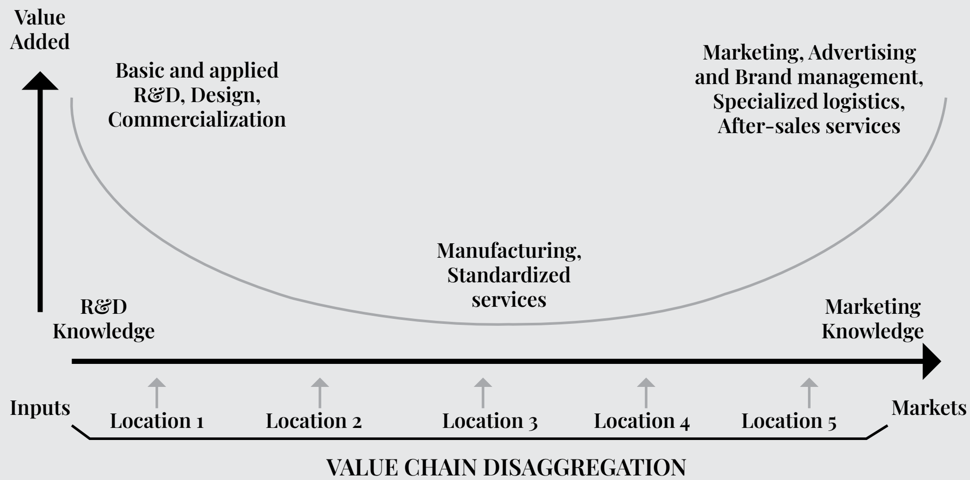
As the WDR 2020 explores in detail, incorporation into GVCs puts a country on a particular developmental trajectory. When a government adopts policies that incorporate the local workforce into GVCs it can offer a powerful boost to economic growth, increase formal employment, and create jobs for women.[164] But there is also growing concern that it can sometimes create a two-speed economy, entrench inequality, and even, in some cases, foster modern slavery.

Concerns are greatest for those groups whose incorporation into GVCs is most 'adverse', as political economists put it.[165] As Nicola Phillips explains, the conditions under which many low-wage workers participate in GVC-oriented production are "characterized by pronounced precarity, a lack of basic protections and high levels of exploitation and abuse, with few possibilities for accumulation or longer-term socio-economic security."[166] The competition for demand from GVCs pits workers – and even States and local authorities, as agents of local workforces intermediating their exposure to global markets – against each other. It encourages competition on labour cost, and may lead to production moving to wherever those costs are lowest and labour markets are most 'flexible' – as we see particularly in Chapter 7 on garments and apparel. The danger here is that 'flexibility' is also code for tolerance, or even promotion, of illegal labour practices.[167]

The result is that the economic unbundling logic of GVCs seems to be accompanied by a kind of unintended social unbundling, in both 'developing' and 'developed' economies. Even within a single country, higher-skill workers and communities are drawn into the higher value-add sections of the supply chain, while lower-skill, and less powerful, workers and communities find themselves under growing downward wage and labour cost pressures. Whatever the sector, those with education and skills attract growing wage premiums, while lower-skill workers risk getting left behind, especially as their jobs are offshored to lower-wage labour markets and, increasingly, robots. Women "are generally employed in lower-value-added segments" of the GVC, "and women owners and managers are largely missing". Concentrated in urban agglomerations and in border regions of countries neighbouring GVC partners, GVCs also unbundle countries' economic geography. They draw city-dwellers, living where capital is located and accumulated, closer to each other, and unbundle them from their rural co-nationals.[168] In fact, the unbundling effect seems to apply not just to global chains supplying goods, but also transnational "labour supply chains".[169] Even in high income countries, migrant workers are especially vulnerable to downward wage pressures and labour exploitation.[170] Recent reports of forced labour in Leicester in the apparel supply chain of British brand boohoo provide one high-profile example (which we explore in more depth in Chapter 7),[171] while the treatment of migrant workers in Gulf countries provide another (which we explore in Chapter 8).

The result is a distinct pattern of wealth creation and value-capture, sometimes called 'smile curve economics'.[172] (See Figure 20 below.) Value-capture is high at the beginning of the production process, where the good or service is innovated, designed and developed, and where product strategy is controlled. Value-capture dips in the middle, where the good or service is produced or manufactured. Then it rises again near the end, where sales, marketing and after-sales occur.[173] Typically, lead or flagship firms control the two ends of this process – and outsource everything in the middle.

FIGURE 20: THE SMILE CURVE



Source: Mudambi 2008.

This pattern represents a significant change in how risk and reward are organized in the global economy, and consequently of commercial organization. It represents a shift from intra-firm cross-border trade by multinational enterprises, during the period of export-led industrialization, to lead firm subcontracting during the GVC period. To use a notion introduced by Harvard political economist John Ruggie, it represents a system that has 'disembedded' commercial capital from the communities that participate in generating the value-add that commercial capital captures.[174] This system allows risk to be externalized, off lead firms' books and balance sheets, onto workers and communities that have been physically, legally and socially distanced from lead firms, investors and consumers. And because risk has been externalized, the costs of capital fall and returns rise. The shift to GVCs thus seems tied up with the financialization of the global economy that Thomas Piketty has convincingly tied to rising global inequality.[175]

GVCs are the structural manifestation of a significant shift in power that has emerged as a result of globalization.[176] It is not so much a shift in the balance of power *between* States, as a shift in power *within and across* States. And the resulting structures seem to mimic those in which slavery flourishes: a limited number of labour-purchasers using their concentrated buying power to steadily control the economic agency of those at the bottom. Technology has been one driver of this, but not the sole one; States' policy choices have also been central. Yet GVCs represent a significant and important change in the relationship between domestic economies and global markets. If states are now coming to terms with the unintended consequences of this approach – including the ways in which it may sometimes serve to reproduce the risks of modern slavery, with all the negative impacts on development identified in the previous section – then it is to States, and their role in shaping development, that we should turn for solutions.

BRINGING THE STATE BACK IN[177]

GVCs are not natural, but created by humans. They arise from market dynamics, certainly, and changes in underlying cost and incentive structures deriving from the introduction of new technologies (especially around digital communications, shipping and infrastructure). But markets are designed and maintained by states. GVCs are, in that sense, the products of states' choices – about tariffs and trade, about taxation of value-capture, about competition policy, about investment – and about development policy.[178]

As Frederick Mayer and Nicola Phillips have argued:

> [T]he essential characteristic of a GVC is a fragmented production process in which, typically, some or all of the stages of production are outsourced by lead firms to geographically dispersed suppliers and sub-suppliers. GVCs, therefore, require low barriers to trade, secure property rights, including investment and intellectual property protections, and tolerance for concentrations of market power. This is precisely the environment that states have created.[179]

States are, in that sense, the "architects of the GVC world.[180] Phillips further argues that this system reproduces inequality,[181] and is premised on corporate strategies that "harness significant global asymmetries of market power in the interests of generating and capturing profit".[182] That power is itself a product of the unequal, oligopsonistic structures that States have fostered: "Inequality is not a 'bug' in the system of the GVC world, but rather an intrinsic feature of it", she claims, because

> these market asymmetries require a structure in which lead firms occupy oligopolistic positions – that is, positions of market dominance occupied by a small number of very large firms. In the lower tiers of production, it rests on creating densely populated and intensely competitive markets … Such market structures enable lead firms to transmit intense commercial pressures on conditions of price and supply along the length of their supply chains. They maximise the process of value capture by varying these conditions to their commercial advantage.[183]

GVCs are thus not just the sinews of a globalized market, as we suggested earlier. They trace the contours of power in a globalized economy. They are the result of collective political choices, by States and by other development actors such as the MDBs and IFIs, about how we should organize our economies and societies, about how value should be created and wealth distributed. Mayer and Phillips argue that the current approach shrinks social protection, scales back worker protections in the name of competitiveness and reduces corporate tax in the name of an improved "business climate".[184] Even if one disagrees with that conclusion, their argument is important because it exposes the extent to which our willingness not only to embrace the positive impacts of GVCs – especially economic growth, increased incomes and female job growth – but also to tolerate these negative characteristics of GVCs – the low-skill, labour-intensive nature of the jobs created, their restructuring of socio-economic geography, as well as their tendency to subject workers to precarity and create conditions facilitating labour exploitation – is a political choice.

In Part Three of the study, we consider whether a different regulatory and policy mix might be compatible with GVC-based development while putting it on a more sustainable footing. For now, however, it suffices to point out three implications of this analysis for the global development sector.

The first is that slavery is not simply an extractive *economic* system, but, as we saw in the earlier part of this chapter, a *political* system. To address it, we must think politically. Understanding slavery in these terms helps makes sense of the powerful, long-standing narrative that slavery can be a *driver* of development, rather than a drag on it. That is a narrative offered by those with political and economic power. It takes hold when those who benefit from slavery control the narrative, shape our account of how the economy works and, literally, control national accounts. It is an account that externalizes the costs of slavery onto future generations and out-groups. That narrative takes hold where those that benefit from exploitation – especially the rentier exploiter class – manage to elide their interests with those of the nation, and write the costs on the enslaved and the broader economy out of the account.

As we see in several of the case studies in Chapters 3 to 8, where slavery is State policy – or the policy of a rentier elite that has captured the State – the privatization of slavery rents may even be dressed up as national development. Slavery's costs are sloughed onto others – other States, colonies, or othered groups within the State's territory (such as excluded castes or 'extremist' minorities). This is why colonial powers relied for so long on coerced labour – slavery, indentured servitude, and the *corvée*. Forced labour was a central – and often literally unaccounted – form of income for colonial states.[185] These countries' 'national' growth was powered in part by capital formed out of coerced labour, representing a parasitic transfer of wealth from the colonies to the colonial states. And this is why, as the Irish economist John Elliott Cairnes recognized as early as 1862, "[t]he [apparent] economic success of slavery" in boosting the fortunes of communities that rely on it "is perfectly consistent with the supposition that it is [in fact] prejudicial to the material well-being of the country where it is established".[186]

What this makes clear is that an excessive focus on national growth and national accounts can just as easily mistake slavery-primed GDP growth for 'development' as it can mistake carbon-primed GDP growth for 'development'. In both cases, that growth is something of a chimera, an accounting sleight of hand, made possible only by excluding from our account the harms done to entities ruled to be outside our narrative frame – whether slaves or the environment.Only when a more global and long-term framing is adopted do the true social costs of such a parasitic or extractive economy come into focus.[187] If our aim is not simply economic growth, but *sustainable* development, we must factor those broader and longer-term costs in. We must account for the social costs of modern slavery.

Second, the alternative account offered here of how States have, in promoting GVCs, created a system that may in some cases *foster* modern slavery points us to the nature of the transformation in development thinking that is needed. It is a question of building a sufficiently broad and powerful coalition to generate *system change*. We must, first, frame the medium to long-term benefits of transformation for all as being worth the short-term costs to some. And we must, second, assemble a coalition of actors with sufficient power to sustain those costs and generate systems change. In the case of child labour, the global community has quantified exactly how long it takes for a government's up-front investments in transformation (including in education, cash transfers and other policy interventions) to bear fruit: around 16 to 18 years.[188] Notably, no such analysis or framing is available in relation to forced labour, modern slavery and human trafficking. So we cannot say just what are the costs to be incurred.

What we *can* recognize, however, is that for systemic change to take hold, it must occur at multiple levels. Development interventions seeking to reduce modern slavery may need to take aim not just at vulnerabilities occurring at the household or community level, or indeed the national conditions – such as weak enforcement capacity – that are conducive to exploitation, but also operate at the level of the global governance of the GVC itself. No individual State can alone escape the commercial logic of GVCs that we have embedded in the global trade, investment, property and tax regimes we have built. Development interventions may need to address the regulatory structures – the rules on FDI, labour migration, trade, and corporate tax law – that are "endogenous to the formation and governance of some GVCs".[189] Interventions may need to promote responsible business conduct not just by responsibilizing the firms involved, but by addressing the incentive structures and international market rules to which their strategies respond.

Third, and finally, this analysis highlights just how central will be the role of the State in re-shaping this institutional context. States may not be able to remake GVCs alone, but their involvement is a necessary precondition to addressing the characteristics of the GVC system that seem to promote inequality and even, in some cases, foster modern slavery. Fighting modern slavery through development interventions requires going beyond safeguarding against forced labour and trafficking risks during the delivery of development interventions. It requires thinking about how States' development and economic policy choices increase or reduce their people's exposure to modern slavery risks. It requires thinking about the developmental role of the State in protecting and maximizing people's economic agency.

Is it the state's role to beggar not only its neighbours, but its citizens' children and grandchildren, by wishing away the social costs of slavery (or carbon emissions, for that matter)? Stealing someone's economic agency by enslaving them may create windfall profits for exploiters in the here and now. And that may engender a strong and enduring allegiance between the in-group, an in-group that may be defined and aligned with a national State – as is clear from the continued appeal of the Confederacy, in the America. But such a growth strategy comes at the expense of the out-group – the enslaved, other nations, even our own descendants. And, as the analysis earlier in the chapter indicates, it arguably leaves us all worse off in the long-run. So a development discourse that pretends that slavery can fuel economic growth is not only *not* a 'sustainable' development discourse, but also a narrowly nationalist and parochial one, that fails to offer a convincing account of the role of States in a globalized world.[190]

GVCs can be a powerful force for economic development, knowledge transfer and local capability development. But they can also leave people behind. Avoiding the 'two-speed economy' outcome depends on states adopting the right policy mix, and creating the right institutional environment, to ensure the empowerment and human development of all people.[191] How can we assess whether a country's development pathway is likely to produce such a slavery-reducing outcome or whether, instead, it is likely to increase modern slavery risks? Such an assessment will require an analytical framework that allows us to understand the relationship between development interventions operating at multiple levels – individual, household, community, national and supply chain – and through a variety of causal vectors – impacting the regulatory and governance environment, addressing the characteristics and capabilities of victims, and seeking to disrupt slavers and exploitative suppliers. It is to the provision of such a framework that we now turn.

Developing Freedom: a systems-based approach to fighting modern slavery

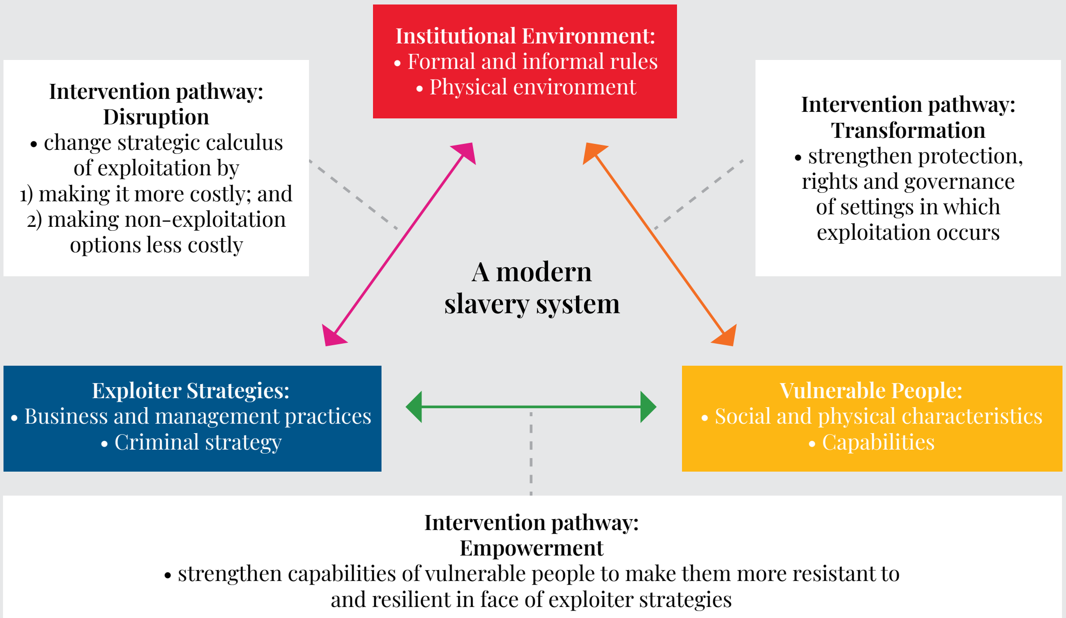
As we saw earlier in this chapter, the research literature makes clear that slavery is an extractive institution. Institutions are, as Samuel Huntington famously described "stable, valued, recurring patterns of behavior".[192] As Geoffrey M. Hodgson has clarified, however, the behaviour in question is not unilateral, but rather social; and the valuing of stable patterns in that social behaviour is also of a particular kind – it is normative. Institutions thus emerge as "integrated systems of rules that structure social interactions".[193] If we recognize that modern slavery emerges out of the interaction of many such institutions, then we are recognizing that modern slavery itself is as a system, or a set of systems that emerge in different times and places in different ways. What these systems share is that they all involve one exploiter using rules, norms or institutions to treat another person as if they owned them or aspects of their agency, and, in so doing coercively extract value from the control and intentional denial of that person's agency. It is not 'ownership' as a matter of property law that matters; it is the control of agency.[194]

Understanding modern slavery from this 'systems thinking' perspective opens up a new analytical framework for understanding how a range of governmental interventions – including development interventions – might address it. This approach highlights that there are no singular 'root causes' of modern slavery, but rather that it arises as an equilibrium pattern in the dynamic interaction of three components – the environment, the victim, and the exploiter.[195] In this section, we first present an analytical framework for understanding modern slavery in these terms, then go on to show how this can help us think about the different strategies involved in different anti-slavery interventions. This analysis is schematically represented in Figure 21 below.

After Sen: the 'Developing Freedom' framework

Drawing on epidemiological models and systems thinking, we can understand modern slavery as systems that emerge out of the interaction of three components: the institutional environment; vulnerable people; and exploiter strategies. We call this system-oriented framework for analyzing modern slavery 'Developing Freedom' because it has, as its objective, the identification of the factors that work to restrict enslaved people's freedom – and thus the identification of the types of interventions that will allow that freedom to be developed. It is a framework intended to help development actors understand what interventions will help to protect, restore and maximize the economic agency of those who have been deprived of it.[196] And in freeing these people from slavery, the aim is also to free countries from the ten ways that slavery creates a drag on development.

FIGURE 21: THE DEVELOPING FREEDOM FRAMEWORK – MODERN SLAVERY AS A SYSTEM



Our approach is grounded in the theory of human development pioneered in Amartya Sen's seminal *Development as Freedom*. Sen's concept of human development argues that the objective of development should be the enlargement of people's 'capabilities' – what they are able to do and be. For Sen, poverty is not just about deprivation of income or wealth, but more broadly about capability deprivation. Development is thus not just about increasing wealth and income, but about increasing peoples' capabilities, their freedom to live the lives they value and have reason to value.[197] This deliberately contrasts with an approach focused on happiness or desire-fulfilment, on income, or on consumption or needs.[198] As the UN Development Programme explained in the 2000 *Human Development Report*,

> Human Development is a development paradigm that is about much more than the rise or fall of national incomes. It is about creating an environment in which people can develop their full potential and lead productive, creative lives in accord with their needs and interests. People are the real wealth of nations. Development is thus about expanding the choices people have to lead lives that they value.[199]

By enlarging peoples' capabilities, we give them greater choice how to live and how to be. We are enlarging their freedom.[200] Sustainable development thus emerges not just as a question of meeting the "needs" of the present without compromising the ability of future generations to meet their own needs – as it was famously framed by the 1987 Brundtland Report,[201] but, as Sen himself has explicitly stated, "development that prompts the *capabilities* of present people without compromising *capabilities* of future generations" (emphases added).[202] It is a question of aiming at the achievement of the greatest possible level of freedom without restricting the access of future generations to these same freedoms,[203] or, indeed, one might point out, the freedoms of others already alive today.

Yet, as the former IMF Director Peter Doyle has recently pointed out, the human development approach tends to assume that even if people's capabilities are limited, they are at least endowed with the most fundamental attribute assumed by economic theory: economic agency. Yet slavery denies people that agency.[204] They cannot make decisions for themselves and this, as we saw earlier in this chapter, creates ripple effects throughout the economy: reduced productivity, inefficiency, inequality, institutional weakness, even environmental harms. So a 'human development' perspective on modern slavery cannot simply aim at enlarging freedom through developing capabilities. It must go beyond that and protect the basis of such capability-development: economic agency.[205]

The fact that the anti-slavery community has not previously connected with or tapped into the rich vein of scholarship and practice on human development in any significant way is indicative of just how far apart the anti-slavery and development epistemic communities are. Tapping into that scholarship makes clear that the objectives of anti-slavery efforts – to achieve the sustained freedom of those enslaved and prevent the loss of freedom of those vulnerable to slavery – are very clearly and squarely central objectives of the global development community. Conversely, it begs the question: how can development actors be serious about human development and enlarging freedom if they continue to ignore the more than 40 million people the ILO estimates to be enslaved around the world? The 'Developing Freedom' model seeks to address this significant lacuna, by encouraging interventions transforming the environmental factors that may be conducive to exploitation; disrupting exploiters' strategies for exploitation; and directly empowering people.

First, the environment provides the exogenous rules that structure social interaction between the victim and the exploiter. As we have seen, some social, physical and regulatory environments are more conducive to certain forms of exploitation than others. Changes in the physical environment, such as climate change, natural disaster or the onset of an epidemic or pandemic can, by altering the institutional setting, precipitate new opportunities for exploitation. Different environments are formally and informally governed by a diverse array of rules, ranging from formal anti-slavery norms to debt, employment and marriage contracts, for example, or the market rules that structure supplier-producer relations, as well as rules around mobility. Informal rules – such as cultural norms defining caste behaviour or gender-differentiated treatment – are also often crucially important in defining expectations of labour (im)mobility, economic opportunity, dependency and social obligation.[206] As Ethan Nadelmann has pointed out, "slavery can only persist where nonlegal social norms supporting slavery are strong, where the State is sufficiently disinterested in eradicating slavery that it ignores the efforts of slave owners to retain their slaves, or where slaves acquiesce, in one way or another, to their enslavement".[207] These norms and institutions serve as the organizing principle that means some have economic agency, while others do not; some make the decisions, while others have decisions made for them.[208]

This brings us to the second, 'victim' component. Even where an environment is conducive to exploitation, different potential victims exhibit different levels of vulnerability to exploitation, depending on their characteristics, capabilities and indeed their choices. In this framework, the question is how those traits affect a person's economic agency – their freedom to make economic decisions for themselves.[209]

Third, exploiters adopt different strategies to harness the resources available to them in the institutional environment, and with which they themselves are endowed, to exploit victims' vulnerability. In the business context, these are what Andrew Crane calls the 'management practices' that firms use to exploit workers.[210] But we also see exploiters in non-business settings developing such strategies, using resources found in the institutional setting in which they operate – for example the way that ISIS has used ideological resources to justify and organize sexual slavery.[211] In some settings – from traditional slavery in West Africa, to caste-based debt bondage in South Asia, to apartheid South Africa, to the American South during the period of segregation – a broad swathe of society participate in the reproduction of discriminatory social norms that achieve, legitimize and stabilize the intentional restriction or denial of one group's economic agency.[212]

The system emerges out of the *dynamic* interaction of these three components, some of which is purposive. Not only exploiters but also victims can use rules and institutions. Victims can use rightsto resist exploitation, but their doing so often depends on their capabilities (a term to which we return further below). Exploiters, victims – and third parties, such as States or development actors – can seek to change the rules, to restructure the institutional environment in which these exploitative interactions occur.

Figure 21 above provides a schematic for understanding how the different components of the modern slavery system interact. Understanding modern slavery in this way helps us to recognize that modern slavery and forced labour are not always and necessarily, as as the ILO characterized them in 2018, a "non-systemic aberration", but rather may be emergent features of the way different global market, migration, investment and trade rules intersect with local vulnerabilities.[213] As the Global Fund to End Modern Slavery (GFEMS) recently put it:

> A coherent global strategy … needs to effectively identify and take account of the structural drivers that create a permissive environment for the modern slavery industry to operate with impunity, and of the individual and community level vulnerabilities that create a supply of susceptible individuals for traffickers to exploit with minimal cost and risk.[214]

Figure 21 provides a conceptual framework for understanding those interactions, and how they give rise to different intervention pathways. It draws on the ‘Modern Slavery conceptual framework’ recently set out by DfID and reproduced in Figure 16 above. It differs, however, in several small but significant ways. First, the DfID framework describes the environment as ‘permissive’. This suggests the environment may allow modern slavery to occur, but does not consider that it may actually contribute to its occurrence. Given the analysis earlier in this chapter, which suggests that certain institutional environments – including GVCs – may be ‘conducive’ rather than ‘permissive’, while others may be ‘preventive’, we adopt a neutral framing of the environmental component.

Second, where the DfID framework speaks of a ‘Modern Slavery Industry’, our focus is more broadly on Exploiter Strategies – some of which, such as exploiters of domestic servants – may not be industrial, and others of which – such as armed groups – may not be commercial in the traditional sense. In Chapter 8, for example, we look at how the logic of forced labour in Myanmar has shifted between commercial and political logics over time, as Myanmar’s system of government and exposure to global markets has changed. The Developing Freedom framework focuses specifically on exploiters’ strategies, since it is the strategy that turns the resources available in the environment into the means of exploitation to achieve the intended goal: the exploitation of vulnerable people.

Third, where the DfiD framework in Figure 16 represents the permissive environment acting only on the ‘Modern Slavery Industry’, the Developing Freedom framework represented in Figure 21 postulates that the institutional environment interacts with both exploiters *and* vulnerable people. In certain cases, as we saw in the discussion of GVCs in the previous section, certain environments may actually heighten people’s vulnerability to exploitation, even by changing their material – and indeed, in time, physical – circumstances, for example through impoverishment. A conceptual framework that omits this feedback between the environment and people’s vulnerability risks missing a key aspect of how the contemporary system of slavery works – and a key potential pathway for intervention.

The other key feature of Figure 21 is precisely that: the identification of three distinct intervention pathways through which third parties can seek to disrupt the interplay of institutional environment, vulnerable people, and exploiter strategies. We set each of these out in turn now.

Three intervention pathways

TRANSFORMATION

The first pathway through which interveners can seek to impact systemic outcomes is transformation of the institutional environment to make it less conducive to exploitation of vulnerable groups.

The ‘environment’ component of the modern slavery system is a product of both rules and physical characteristics. Typically, intervention strategies targeting the regulatory environment have focused on encouraging States to sign up to international anti-slavery norms and adopt formal action plans and targets, creating a complex bureaucratic machinery to oversee the enlargement of the reach of the State. Yet forthcoming analysis by Katarina Schwarz and Jean Allain suggests treaty ratification has little if any impact on slavery prevalence.[215] The orthodox assumption that “[t]he prospects for effective action … are best, where there is some policy framework and implementation mechanism in place”[216] may or may not be correct; but it does not necessarily require treaty ratification. Ratification may be a first step towards strengthened state regulatory capacity. But slavery may persist in those industries where exploitation simply occurs beyond the reach of the State. This may be due to limited State resources. But it may also be due to the fact that some domains are not effectively governed by formal (i.e. State-backed) norms and institutions, but rather by informal norms and institutions. These may permit and reproduce exploitation even after formal treaty ratification and policy reform.

This seems to be especially the case in those industries that Andrew Crane describes as "low legitimacy" – whether because they involve trades that are formally illegal, or because they are associated with stigmatized groups. These informal and 'renegade' activities are governed not by formal norms but "by the institutional norms of their fellow renegades".[217] This helps us understand why modern slavery often clusters in 'hotspots' or along specific routes. As Crane has explained, precisely because slavery is formally illegal and thus broadly illegitimate, the success of slavery as a management innovation is more likely to spread through personal relationships where trust and influence can overcome institutional barriers to adoption.[218] This is why many forms of labour exploitation in illegal industries, such as commercial sexual exploitation, often involve kinship and community networks, or spread through pre-existing organized crime networks. Yet this also points to an important insight for development interventions: these hotspots and networks may be key sites and vectors for 'transformation' interventions, as recent programming evaluations of community-transformation work led by Freedom Fund seems to attest.[219]

'Transformation', in the sense in which we mean it in this systems-thinking approach is thus less about formal written rules, and more about how formal *and informal* rules interact and operate to shape the extractive, rentier systems we know as modern slavery. Transformative development interventions will need to consider and address multiple and intersectional forms of exclusion – on gender, race, caste, sexuality and other dimensions. They will aim to strengthen the protections and rights of vulnerable groups. Where the originating factors contributing to a conducive environment are physical or climatic, this might also include efforts to transform those factors. Examples of such programming include strengthening social protection mechanisms,[220] labour law and worker rights, GVC governance (for example through adoption of global framework agreements or multi-stakeholder initiatives), or responsible recruitment efforts. We consider several such interventions in Chapters 3 to 8.

Understanding these interventions not as efforts to address 'structural drivers' or 'root causes', *per se*, but rather to alter how structural and environmental factors *interact with people's vulnerability* also allows us to get past some of the binary thinking that complicates programming in this field, especially when it comes to the question of whether structural factors or individual choices 'cause' exploitation. This is particularly important when it comes to questions of coercion. Many victims of modern slavery choose to voluntarily enter the relationships in which exploitation occurs – whether that is a credit/debt, an employment contract or a marriage. The fraud, force and coercion characteristic of modern slavery may not take place at the point of entry, but rather at the point of exit – or rather, in *denying* the victim exit.[221] Exploitation is a result of the abuser's harnessing of the institutional setting – the debt, employment or marriage contract – to misuse the victim's vulnerability.

Another benefit of this approach is that it draws our attention to the multi-level nature of the 'rules' and institutions that contribute to modern slavery systems. Exploiter strategies respond to the governance arrangements arising in GVCs – the "authority and power relationships that determine how financial, material and human resources are allocated and flow within a chain".[222] Effective interventions may need to address the interplay of global market forces (such as the role of lead or flagship firms in GVCs), national-level forces (such as the role of the State and government officials in shaping both the formal and informal rules of the environment, including corruption) and local level forces (such as local cultural norms). The incentives and opportunities for exploitation arise out of the interaction of people's vulnerability with these multi-level rules, so effective governance (to remove those incentives and that exploitation) must also operate at multiple levels.[223]

Top-down, brand-based auditing has a role, but may not be effective if it does not factor in local norms and environmental factors that allow exploiters to work around audits – a point we explore at some length in Chapters 4 (palm oil), 5 (cotton), 6 (fisheries) and 7 (garments and apparel). It may need to be combined with bottom up approaches that empower workers,[224] such as 'worker-led social responsibility'.[225] Alice Evans has identified at least four different strategies that have emerged in recent years for strengthening the governance of GVCs: 1) private regulation; 2) civil society capacity building; 3) international economic incentives (export market access and from lead buyers); and 4) international socialization.[226] As we will see in Chapters 3 to 8, different strategies for transforming GVC governance may be more or less effective in different contexts.

In the modern slavery field, the greatest focus, to date, has been on private governance of GVCs, through industry-led initiatives such as the Roundtable on Sustainable Palm Oil (see Chapter 4), the Clean Clothes Campaign (Chapter 5) or the Accord on Fire and Building Safety in Bangladesh (Chapter 7).[227] Recent research suggests a need to focus not just on intra-chain governance dynamics – that is, the different ways in which firms organize their cross-border production arrangements – but also the role that external institutional forces play in structuring chain dynamics.[228] Both domestic and international institutional environments structure firms' investment and employment decisions and shape their commercial strategies. GVCs are inherently both economic and political phenomena, involving contestation over the construction of economic relationships, governance structures, institutional rules and norms, and discursive frames.[229]

As we shall see further in Part Two, to be effective, private governance frequently rely on State or public support or enforcement. It is hard to overstate the role that States play in shaping the outcomes of private and partnership-based efforts.[230] To date much of the focus on States' role in contemporary slavery has focused either on States that impose forced labour, or on States' role in enforcing anti-slavery norms. There has been much less attention to the role that States play in "shaping the global conditions that facilitate the emergence and persistence of unfree labour",[231] including through structuring, supporting and purchasing from GVCs. Yet, as the COVID-19 crisis has reminded us, States are uniquely powerful actors in global governance, including as it relates to modern slavery. They have unique powers not only to set and enforce the terms of cross-border passage of capital and labour,[232] but also to adopt domestic and industrial and market regulatory policies that encourage or discourage off-shoring.[233]

It is up to States to figure out what industrial policies will allow them to both upgrade firm and worker capabilities (allowing the country to move up the value chain), *and* ensure worker protection and no one being left behind – that is, to figure out how to avoid the benefits of global trade generating massive inequality not only between but also within States. In the post-COVID19 era, states will have a freer hand to insist on firm responsibility for not only workers but also other stakeholders, providing a unique opportunity to transform value chains to achieve sustainable development. We are already seeing some States, for example, move to use public procurement to encourage firms to re-shore key portions of GVCs. Given the commitments some States – including the US, UK, Australia, Canada and New Zealand, and some in the OSCE – have already made to remove modern slavery risks from public procurement, there may be synergies here in aligning anti-slavery efforts with domestic industrial policy. And there may also be utility in looking beyond public procurement to public *investment*. The OECD Policy Framework for Investment recognizes the important role of the government as an economic actor (e.g. as an employer, procurer and through state-owned enterprises) and sets out that governments expected to behave responsibly when performing a commercial role. There may be scope here to consider how public investors – such as State-controlled sovereign wealth and pension funds, development banks, export credit agencies, and commercial banks – use their leverage during the post-COVID19 period to alter the management practices of their borrowers and beneficiaries, to reduce modern slavery risk. We return to these options in Chapter 10, where we consider options for 'Building Back Better' at more length.

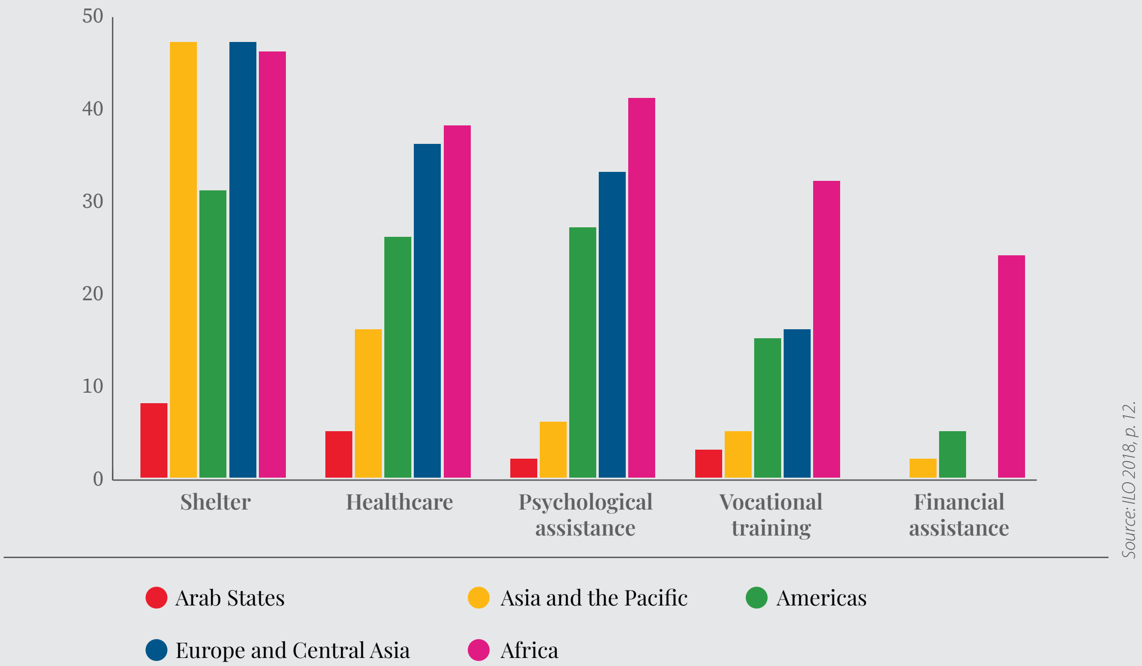
EMPOWERMENT

A second intervention pathway revealed by the Developing Freedom framework is empowerment. This involves working to increase the ability of vulnerable people, when confronted by potential exploitation, to use the resources with which they are endowed and that are available in the environment, to resist that exploitation – and indeed to flourish. This approach treats empowerment not just as a question of structural factors and drivers, but as a question of people's own agency: how they react to and even harness their environment. It works against the restriction of their agency by seeking to maximize their agency. It works against their denial of power by empowering them.

This reflects the lived experience of those in slavery that express their desire for freedom in terms not just of a desire for reduced poverty, or improved health or education but, quite specifically, a desire for agency, choice and autonomy.[234] Developing freedom is not simply a question of removing drivers that push people towards slavery, or disrupting the pull strategies deployed by exploiters. It is also a question of actively empowering vulnerable people by maximizing their agency: through education, skills-training, financial inclusion, gender empowerment initiatives, anti-discrimination training, and mobilization.[235] And investments in these people's capabilities and, specifically, their agency will not only benefit them, but also helps lift the whole economy, moving it away from economic contexts in which modern slavery is more prevalent.

Another aspect of this intervention pathway that deserves specific mention is the need to think about 'empowerment' not only in terms of prevention (of vulnerability being exploited), or indeed of empowering victims, but also in terms of empowering *survivors*. While there is a strong and growing literature in the anti-slavery movement that emphasizes the need for 'sustained freedom' or – as Frederick Douglass described it, 'full freedom'[236] – and for effective rehabilitation and after-care to ensure that survivors are not drawn back into enslavement,[237] there is also a clear economic development rationale to take this approach. As we saw in an earlier section, where emancipation or manumission occur, development gains are only locked in through ongoing efforts to effectively and sustainably integrate those who have been liberated into the larger economic system. Freedom is not a one-time event. The rescue and liberation of those enslaved, or the broader implementation of free labour contracts through institutional change, is just the beginning of developing freedom, not the end of it, as the continuing struggles with human development in manumitted populations show. Where political will wanes too quickly and integration stalls, the 'freedom dividend'[239] is not fully harvested. Nowhere is this clearer than in the American South, where the collapse of Reconstruction and the rise of the Jim Crow system represented 'botched emancipation' which has depressed human and economic development in southern States ever since.[240] Thus programming that deals with the rehabilitation of survivors should not be seen as charity, but rather as a sound public investment in the community's capabilities and longer-term sustainable development.

FIGURE 22: SURVIVOR CARE PROGRAMMING – NUMBER OF COUNTRIES PER TYPE



Currently, however, there are only limited development efforts focused on this aspect of empowerment. According to a recent ILO study, for example, while many States provide basic immediate assistance to people released from modern slavery covering shelter (179 countries) and healthcare (121), far fewer provide vocational training (71) or financial assistance (31). (These figures and regional breakdown are represented in Figure 22 above).[241] Restoring and sustaining the economic agency of survivors is simply not seen as a priority. And reliable evidence on the impacts of specific interventions in this area is scarce. One exception is a ten-year research project launched by Chab Dai in 2010 to better understand reintegration for survivors of sex trafficking in Cambodia.[242]

DISRUPTION

The third intervention pathway for reducing modern slavery is through disruption of business practice and exploiter strategies. Slavery persists because it costs less to exploiters than the expected present value of the resulting future earnings generated by the exploitation, less the expenses for carrying out that exploitation on an ongoing basis. Only by changing that calculus will we remove the incentive to exploit. That depends on making slavery "economically unprofitable", as the GFEMS mission statement puts it.[243]

As the 'Developing Freedom' framework makes clear, such a strategy – focused on exploiter incentives – may work most effectively if it is deployed alongside transformation strategies (altering the rules of the game) and empowerment strategies (addressing people's vulnerabilities). Together, they may have the effect not only of making slavery unattractive to exploiters, but also of making people and communities resilient to those practices even when exploiters continue to find them attractive.

The 'disruption' approach aims to change the strategic calculus of exploitation, either by making it too costly (for example by enforcing criminal penalties, or penalizing firms that tolerate modern slavery risks in their supply chains by raising their costs of capital), or by making other practices, that do not require modern slavery, cheaper. As Juliette Faure has explained, seen from an economic perspective, the objective here is to "apply economic pressure on coercive institutions by increasing the inefficiencies of exploitative labour practices."[244] This is not just a question, therefore, of individual investigations and enforcements, but of changing the systematic interaction of firms and criminal organizations with their strategic environment.

There are two different ways to achieve this. The first is, in economic terms, an income effect strategy, which seeks to reduce income from forced labour, relying on strengthened inspection, enforcement and broader labour market formalization initiatives. The second, much less remarked upon to date, is a substitution effect strategy, which does not necessarily aim to make forced labour more costly, but rather to make free labour cheaper. This approach entails programming focused on strengthening the supply and reducing the cost of free labour, especially through skills development, improved labour market mobility and reduction of recruitment fees. A related strategy is the provision of credit and working capital – not only to workers, but also, for example to small enterprise employers, and to labour brokers to improve their carrying capacity.[245] Development actors may have opportunities here for example through subsidizing the cost of working capital, making access to cheaper capital conditional on changes in labour brokers' management practices. We return to this strategy in the discussion of the construction sector in Chapter 8.

The characterization of this pathway in terms of 'disruption' also helps bring into focus that it will be just that: disruptive. Such interventions will be deeply political – and will almost certainly meet with active resistance.[246] Exploiters are not passive. They can shape their own environments, including the legal and political environment, to create and maintain space for their preferred management practices and organized criminal activity.[247] Indeed, Austin Choi-Fitzpatrick's research on slaveholder responses to pressures to desist makes clear the range of different ways in which they can respond – pre-empting interventions, counter-mobilization against them or co-option of them, repression of them, resignation in the face of them, and persistence despite them.[248] We see how some of these strategies have played out in the case studies in Part Two. Choi-Fitzpatrick argues that what determines exploiters' response is primarily the resources and opportunities to which they have access – in other words, aspects of the institutional environment. Emancipation is frequently not a complete break from the past, but rather creates a new game with new rules for both the exploiter and the victim.[249] All too often, exploiters succeed in adapting the underlying power relationship to the forms and structures of the new environment.[250]

This points to a key difference between development interventions that aim at slavery reduction and some other development work focused more on structural phenomena. Like efforts to disrupt child labour, gender violence or conflict, development interventions addressing modern slavery require not just passive programming but actively outwitting human opponents that will seek to resist and disrupt the intervention itself. This is an inherently competitive – and thus strategic – endeavour, a process of action and reaction, of cat and mouse.

That begins with the fact that the victims of modern slavery – and even the fact of modern slavery – are deliberately hidden from view. Discussions of the difficulty of measuring incidence of modern slavery often treat that difficulty as though it were a purely technical challenge, like hunting for some elusive subatomic particle, or dark matter. In fact, the primary difficulty in finding and counting victims of modern slavery arises from the fact that the slavery occurs within a social relationship – between the exploiter and victim – and it is in the nature of that relationship that the exploiter aims to keep the true nature of the relationship secret or hidden. Modern slavery, after all, by definition involves force, fraud and coercion – it is not a structural inevitability but depends on an individual or organization actively enslaving victims. In that sense, finding and measuring slavery is more like finding and measuring mafia membership than it is like finding and measuring shy fish (the basis of the most sophisticated current approach to statistical estimation of victim populations).[251] Development actors may need to learn from existing work on organized crime and spoiler theory about how to overcome such potential resistance. One key factor will clearly be leverage: both within business relations, and in mobilizing, sustaining and deploying the political will needed to sustain disruption, achieve transformation and enable empowerment. In Part Two, we look at numerous examples of efforts to assemble and sustain the leverage required to achieve disruption.

Finally, thinking about reducing slavery in terms of disrupting exploiter strategies also highlights that in some cases States themselves may be sources of resistance to systemic change, where they have been captured by slavery rentiers.[252] This was obviously the case historically, in the American South, where the political and economic elite openly advocated slavery's continuation and western expansion. But it also remains the case today. In Pakistan in 2011, for example, an ILO-backed union effort to organize informal workers in the brick kiln industry was actively resisted by a campaign of intimidation initiated by corrupt government officials and employers.[253] Again, in Part Two we explore a number of campaigns of resistance to slavery disruption efforts that point to similar patterns of collaboration between government actors and slavery interests.

The Developing Freedom framework aims to offer a simple, flexible heuristic device for explaining how the interplay of environmental, victim and exploiter characteristics and choices, across multiple levels, generates and sustains systems of modern slavery. It can be used to understand the intended impact pathways of programming across a range of contexts, levels and modalities, improving comparability and programming design.

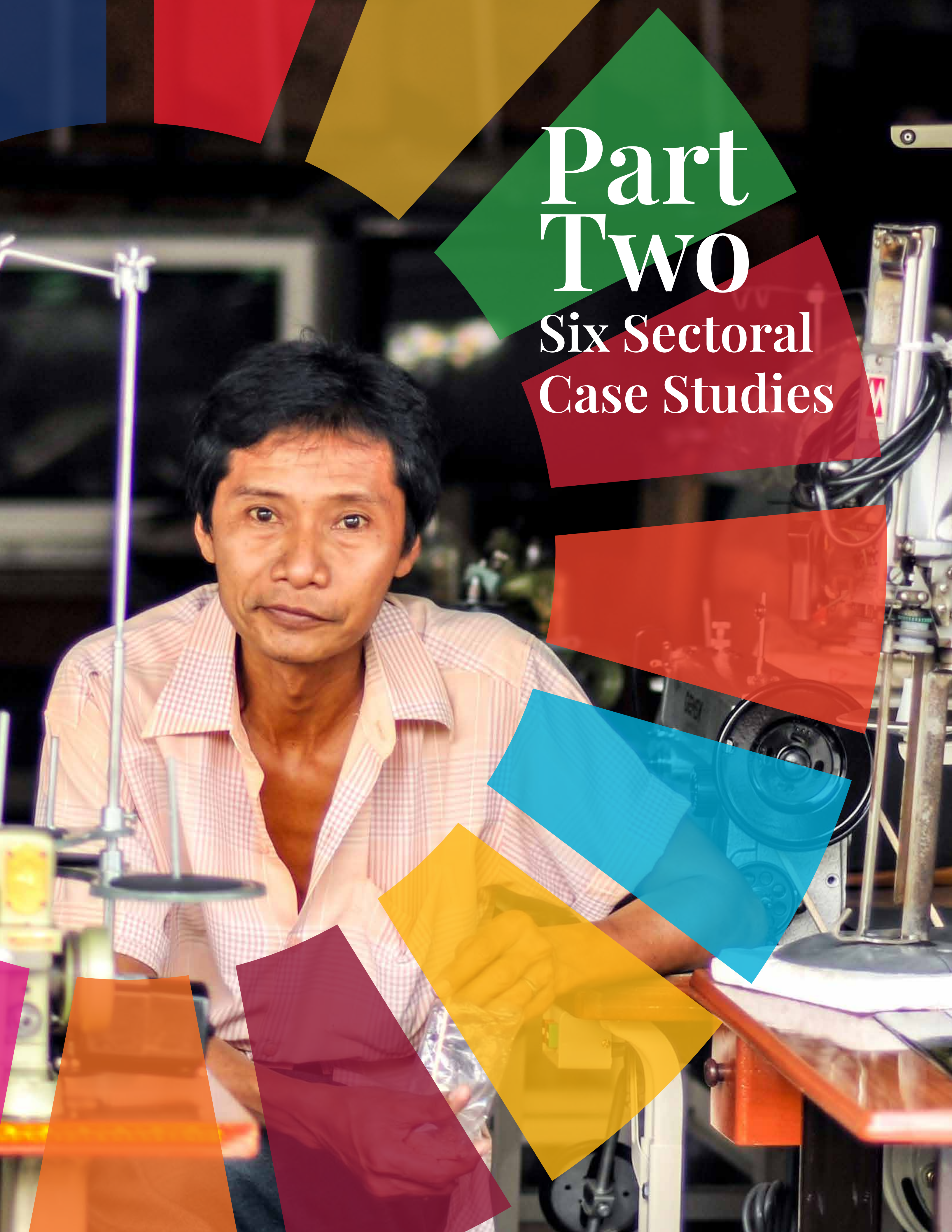
To understand how it can assist with programming design, consider the two conflict-affected cases of slavery in Libya and Syria. There is quite detailed guidance available from international organizations such as the ILO on 'what works' to end modern slavery.[254] Yet such guidance can tend at times towards the general and one-size-fits-all. Current approaches to anti-slavery interventions do not offer a clear way of understanding how interventions in contexts as similar and dissimilar as Libya and Syria should be tailored. The Developing Freedom framework arguably offers a way in. Conflict analysis suggests that the slavery in Syria was the result of strategies developed and deployed by a specific exploiter – the Islamic State.[255] There are few reported instances of anything similar from other armed groups involved in Syria's conflict. In Libya, the story is quite different: there are multiple organizations involved in the human trafficking marketplace – some operating like armed groups, others more like mafias, and others still as State auxiliaries.[256] In Syria, where Islamic State's influence has waned, slavery has disappeared, suggesting a disruption strategy is effective to reduce slavery in that context. In Libya, in contrast, disruption of one group's strategy and business seems unlikely to generate major reductions, as its place can quickly be taken by one of the many other groups operating in the human trafficking market. This suggests a transformational strategy will be needed, altering the institutional environment that makes such strategies profitable for a wide range of actors.

This is just one example of how the distinction between the institutional, victim and exploiter components of slavery systems offered by the Developing Freedom framework may help development actors tailor interventions to context. Despite SDG 8.7 committing States to take "effective measures" to end modern slavery, knowledge of what is 'effective' in anti-slavery interventions is surprisingly underdeveloped. This may be in part because donors, programmers, researchers and evaluators have lacked a shared analytical framework to organize their investigation of programming impacts across different forms of exploitation and programming contexts – a point to which we return in Chapter 10. The Developing Freedom framework may provide a basis for beginning to address that gap, and allow us to better understand how the different elements of programming that can potentially contribute to slavery reduction, can be compared and assembled.

It also provides a framework for understanding how past efforts to intervene in modern slavery systems have played out, and what those histories can teach us about where there may be other opportunities for effective intervention in those systems. It is to that analysis that we turn in Part Two.

Part Two

Six Sectoral Case Studies



Introduction

In Part Two of the study, we use the Developing Freedom framework from Part One to discuss development interventions to address slavery in six economic sectors: three agricultural sectors – cattle, palm oil, cotton; fisheries and aquaculture; garments and apparel; and construction and infrastructure.

These sectors were selected in consultation with the project donor to provide diversity on various dimensions: geography, country income levels, forms of exploitation, market structure, and different development interventions. UNU-CPR commissioned deep dive mixed-method sectoral case studies from several different external research teams. Research for the *palm oil* section was undertaken by The Purpose Business (Patricia Dwyer, Rebecca Walker Chan and Thomas Tang). Research on *fisheries and aquaculture* was undertaken by the University of Nottingham Rights Lab (Dr Jessica Sparks, Dr Bethany Jackson). Research on *apparel* was undertaken by Partnership for International Development (Anna Bryher, Jim Cranshaw and Frances Hill). Research in these areas was extended and supplemented by James Cockayne, and research on *cotton, cattle* and *construction* was also added, with input from Angharad Smith and Nesrien Hamid.

Researchers used a variety of methods, including desk review and in-country engagement with representatives of different stakeholder groups (including those representing survivor and worker organizations),[1] to address a set of common research questions. In each case, we identify the aspects of institutional environments (both local and transnational), people's vulnerabilities and exploiter strategies that interact to generate modern slavery systems. We show how these differ by context, and how they are similar. We explore how past intervention efforts have attempted to change or end these systems of modern slavery, and consider the results of those interventions – including, frequently, resistance by those enriched and empowered by modern slavery. In each case, we also point to insights and possible new entry points for development interventions.

Explaining the focus on agriculture

Three of our six case studies focus on agricultural sectors: Brazilian cattle production; palm oil (with a particular focus on Indonesia, Malaysia and Nigeria); and Uzbek cotton. A fourth, fisheries and aquaculture, encompasses both wild capture and aquaculture, which shares many similarities with agriculture. (That chapter focuses on States in the Bay of Bengal and South East Asia: India, Bangladesh, Thailand and the Philippines.) Agriculture is a central site of modern slavery, world-wide, and will thus be a central domain for development interventions aiming to address modern slavery.

In the last two decades, the estimated share of total global employment taken by agriculture has fallen from 40 to 27 per cent.[2] Yet 65 per cent of poor working adults make a living through agriculture.[3] Around 60 per cent of adults in low-income countries are employed in agriculture, which still accounts for two-thirds of GDP in many of those countries. The agrifood sector employs the majority of those in self- and wage employment in developing countries.[4] Agriculture is a particularly significant source of employment in Africa (49 per cent of employment) and Asia (31 per cent).[5] For all these reasons, agriculture is a central focus of much development activity. And that can be very effective: growth in the agriculture sector is two to four times more effective in raising incomes among the poorest compared to other sectors.[6]

Agricultural sectors are replete with conditions conducive to modern slavery. Perhaps unsurprisingly, agricultural workers experience the highest incidence of working poverty, with a quarter in extreme poverty.[7] 11 per cent of all forced labour worldwide is in agriculture,[8] and 71 per cent of all child labourers (aged 5 to 17) work in agriculture, fishing, forestry and livestock.[9] Prevalence is highly gendered: amongst adults, women appear to be especially vulnerable, whether amongst migrant worker populations in the

EU,[10] or in global cocoa supply chains.[11] In contrast, amongst children, it is boys who are more likely to be forced to work in agriculture, no doubt due to the physically demanding nature of the work, and gender norms.[12] And as we shall see, some sub-sectors – such as cattle raising – may skew male for forced labour.

Agricultural sectors are also frequently characterized by weak labour market institutions (law enforcement, inspection and compliance), weak enterprise development arrangements (including limited access to capital, human development and education systems, limited social protection and healthcare), low productivity, vulnerability to climate change, prevalent informality and poor infrastructure. This is not limited to developing countries. In the United Kingdom, for example, most intelligence on forced labour relates to abuses in the agriculture sector.[13] There is likewise significant evidence of trafficking for exploitation in the agricultural sectors of US,[14] Australia,[15] and European States.[16] There are particular risks in the agrifood sector where wholesalers and suppliers rely on labour recruiting agents to contract seasonal workers, especially for short-term, time-sensitive harvesting activities.[17] As Crane, LeBaron, Allain and Beyahani have pointed out, for many of these workers, vulnerability is not intrinsic, but the product of the institutional environment – such as restrictions on labour mobility which amplify employers' power, or loss of control over assets and income.[18]

What this suggests is that the causal vector linking agriculture to modern slavery is not poverty *per se*, nor 'lack of development'. As we shall see in some of the case studies that follow, it is often not the poorest of the poor that are most susceptible to modern slavery, but rather the working poor. Their options are shaped by policy choices and institutional environments that funnel them into risky migration, labour market and debt decisions that render them vulnerable to exploitation. As Phillips and Mieres have pointed out, this means that is not enough to simply see poverty and forced labour as failures of markets to reach and incorporate certain populations. In some cases, forced labour seems in fact precisely to be the *product* of workers' incorporation into agricultural production and markets, because of the adverse manner in which that incorporation occurs.[19] This has important development policy implications. It means that we cannot simply expect modern slavery to disappear from agriculture by incorporating workers into global agribusiness. It means the *quality* of development matters.

It also suggests that we need to understand how modern slavery arises out of the interaction of global flows of capital and labour and local conditions, moderated by States' policy choices and regulatory arrangements. This may differ by context. Different modern slavery patterns may emerge even within the same sector, depending on local institutional conditions, the vulnerabilities of different populations, and simply the exploiter strategies that emerge in response to incentives at different points in value chains. Child labour is relatively prevalent in subsistence agriculture, operating inside household enterprise. In contrast, adult forced labour in agriculture is often linked to internal and cross-border migration, and to incorporation of informal small-holder cash crop producers into export-oriented production.[20]

One recurring aspect of modern slavery in contemporary agricultural sectors relates to the changing global institutional context – and especially the rise of global agribusiness. Most agricultural producers in the developing world remain small-holders: as of 2008, up to 85 per cent of farms were smaller than 2 ha.[21] Yet there has been a growing concentration of purchasing and distribution power in global agriculture in recent decades, as the result of the global liberalization of both trade and investment regimes.[22] There has been a shift over the last forty years from parastatal export monopolies and cooperatives selling into global spot markets, to global value chains characterized by vertical inter-firm coordination, outsourcing, contracting, and quality control. Supermarkets and other distributors have emerged as lead firms imposing quality standards and delivery requirements and creating global platforms into which producers sell. In many parts of agricultural markets, a small group of lead firms exert oligopsonistic power.The top 10 food and beverage firms command nearly 40 per cent of market share of the top 100.[23] The commodity trading sector is also highly concentrated, with the four 'ABCD' firms (Archer Daniels Midland, Bunge, Cargill and Louis Dreyfus) holding around 70 to 90 per cent of market share.[24] And concentration has further increased in the last decade, through blockbuster mergers such as those involving Kraft–Heinz, Dow–Dupont, Anheuser Busch InBev–SAB Miller, Bayer–Monsanto and Syngenta–ChemChina. Horizontal concentration is as a general rule greater at the ends of value chains (i.e. in branding and design, processing and distribution, and retail) than in production (i.e. the middle of the value chain).[25] Yet the entities at the more concentrated ends of the value chain increasingly exercise control over producers through contract, not equity ownership.

These transformations have generated significant growth in many parts of the world, especially in Asia. Incorporation of agricultural producers into global markets can drive up national income and lead to important technology and knowledge transfers to the Global South. The larger a portion of a country's agriculture is incorporated into global agribusiness, the higher its national income is.[26] Yet this concentration of buying power has also been accompanied by growing concerns about the structural imbalances between unorganized small-scale farmers at the bottom end of the supply chain (the middle of the smile curve) and large powerful agribusiness buyers. Structurally, these conditions look very similar to the oligopsony and monopsony arrangements in labour markets that – as we saw in Chapter 2 – can give rise to modern slavery. In 2009, the UN Special Rapporteur on the Right to Food warned that concentration of power in both production and distribution was "giving buyers considerable bargaining strength over their suppliers, with potentially severe implications for the welfare both of producers and consumers".[27] Oligopsonistic buyers and lead firms rely on multiple suppliers competing on costs – which often means competing on labour costs and conditions, and pushing risks down to workers. Social and economic marginalization – poverty, gender norms, caste norms, illiteracy, migration status – leave workers in those contexts vulnerable to exploitation.

Informality is also a key marker of modern slavery risk in these markets. A 2013 review of 49 studies related to the commodities and horticulture value chains concluded that "informality is the norm rather than the exception: informal workers make up the majority of the workforce, even in formal enterprises."[28] Workers in highly informalized agricultural sectors are often poor, socially vulnerable, and financially or economically dependent. Small, informal agricultural enterprises are less capitalized and thus operate on less capital-intensive lines, and lower levels of technology, than their larger peers. They are frequently therefore less productive and rely more on labour-intensive methods. They tend to compete with their larger competitors by reducing labour costs – making these enterprises a major site for labour coercion. In some value chains, where land ownership is even more concentrated, workers become so dependent on owners that they effectively have no 'outside' option in the labour market. This is particularly the case in industries where land ownership bears the hallmarks of colonial plantation legacies – such as tea, coffee, cocoa[29] and, as we shall see, palm oil. These sectors are now structured as buyer-driven supply chains[30] and continue to suffer from high exposure to forced and child labour.[31]

Pressures on agricultural workers have deepened in recent years. Markets have experienced low prices associated with global over-supply of key agricultural commodities. At the same time, there has been a growing financialization of commodity markets, with speculation creating increased price volatility.[32] Financialization has also contributed to market concentration, as managers use mergers during period of low growth as a means to reduce costs and shore up profits, in a hunt for value to return to shareholders. And COVID-19 has also placed pressures on agricultural workers, as we return to in Chapter 4.

In the next three chapters, we look at three different agricultural sub-sectors stretching from Latin America to Africa to Central, South and South-East Asia. We look at cases involving subsistence agriculture and global agribusiness, State-managed production and private-sector led markets, and a variety of forms of exploitation. And we consider how different development strategies and interventions have impacted modern slavery risks. Our cases cover: Brazil's cattle sector; the palm oil sector, with particular attention to Indonesia, Malaysia and Nigeria; and finally, the transformation of Uzbek cotton production.

CHAPTER 3: BRAZIL'S CATTLE SLAVERY: "I GOT A NEW SOUL"

In September 1989 two rural workers who had been enslaved with 60 others on the Espírito Santo estate in the state of Pará, Brazil, escaped. As they fled, they were ambushed by armed employees of the landowner, seeking to prevent them escaping and exercising their right to pursue outside work. One worker, Paraná, was killed. The second, José (Zé) Pereira, just 17 years old, was wounded in the hand and face and played dead. Both 'corpses' were dumped 20 kilometres from the crime scene. Zé Pereira not only survived but, bravely, denounced the estate to the Federal Police. They raided the farm and freed the workers. Pereira, not satisfied, worked with the Pastoral Land Commission (*Comissão Pastoral da Terra* – CPT), the Centre for Justice and International Law (CEJIL) and Human Rights Watch to lodge a petition with the Inter-American Commission on Human Rights (IACHR) of the Organization of American States (OAS).[1]

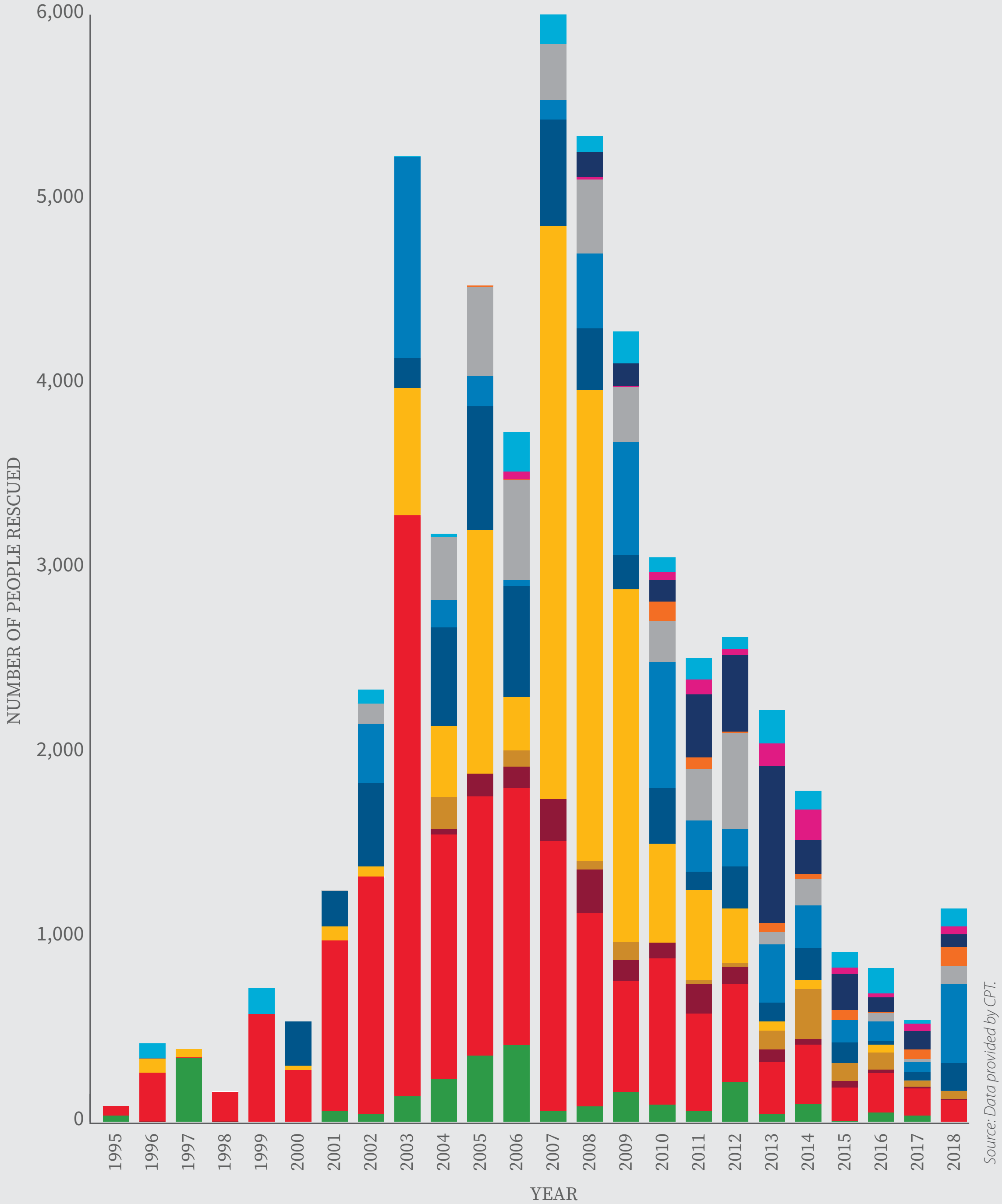
By 2003 and the election of President Luiz Inácio Lula da Silva, the Zé Pereira case had produced a sea-change in the Brazilian State's efforts to address modern slavery. The State settled the case and Brazil's National Congress awarded Pereira R$ 52,000 in compensation. The Brazilian Government put in place labour inspection, inter-ministerial coordination and regulatory initiatives that have turned Brazil into a world leader in the fight against modern slavery. These efforts have received important support from external development partners, including the ILO, US and Norway. And they have borne important fruit: as Figure 23 (below) shows, between 1995 and 2018, Brazil rescued 53,896 people from slavery and slavery-like conditions. As of July 2020, that number has risen to over 55,000.[2]

Figure 23 also shows a decline in rescues over the last ten years. There is little reason to think this is a result of an overall decline in enslavement. It is more likely indicative of continuing challenges for and resistance to anti-slavery efforts in Brazil. Those have been highlighted by another case brought by CPT and CEJIL in the Inter-American system. In its 2016 judgment in the *Brasil Verde* case, the Inter-American Court of Human Rights found that, despite conducting inspections of the Brasil Verde cattle ranch (*fazenda*) since 1989, the Brazilian Government had failed to prevent use of slave labour there. It ordered payment of USD 5 million in compensation to 128 workers enslaved on the farm and rescued between 1997 and 2000.[3]

The *Brasil Verde* case points not only to ongoing challenges for the Brazilian State in effectively enforcing its anti-slavery laws, but also to one of the major sources of modern slavery in Brazil: the cattle industry.[4] As Figures 24 and 25 show, 32 per cent of those rescued from slavery in Brazil between 1995 and 2018 were found in the cattle industry.[5] Slavery is found in other agricultural sectors too, notably coffee and sugarcane.[6] Yet cattle ranches account for around 60 per cent of worksites on which modern slavery was found.[7] In this section, we explore the modern slavery 'system' that has emerged in Brazil's cattle industry, the interventions that have attempted to disrupt that system, and the resistance those interventions have met.

Unsplash/Filipe Coimbra

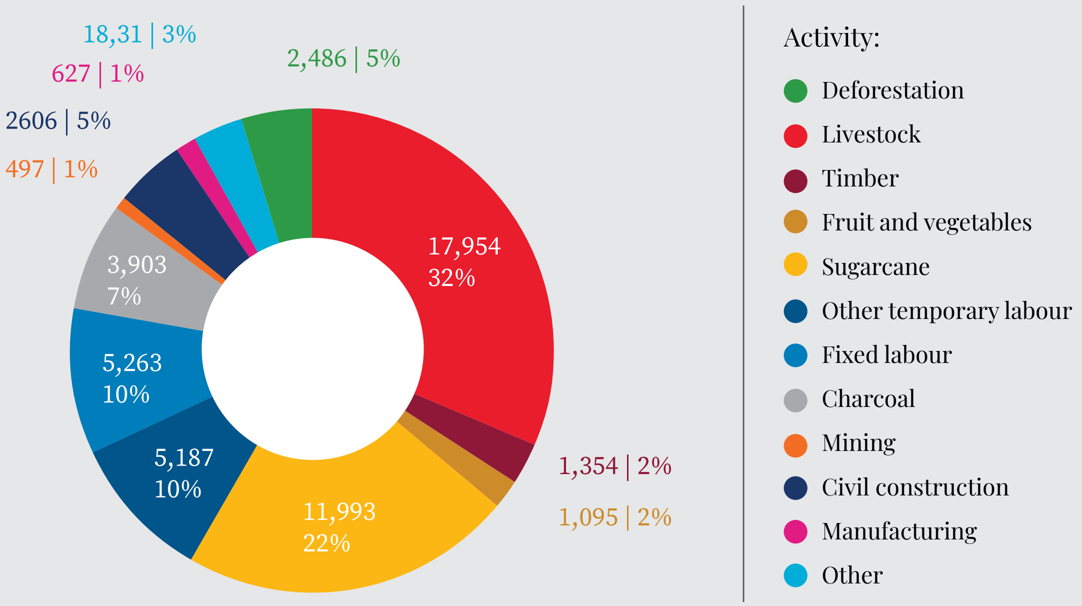
FIGURE 23: ACTIVITIES FROM WHICH ENSLAVED PEOPLE WERE RESCUED IN BRAZIL, 1995-2018



Activity:

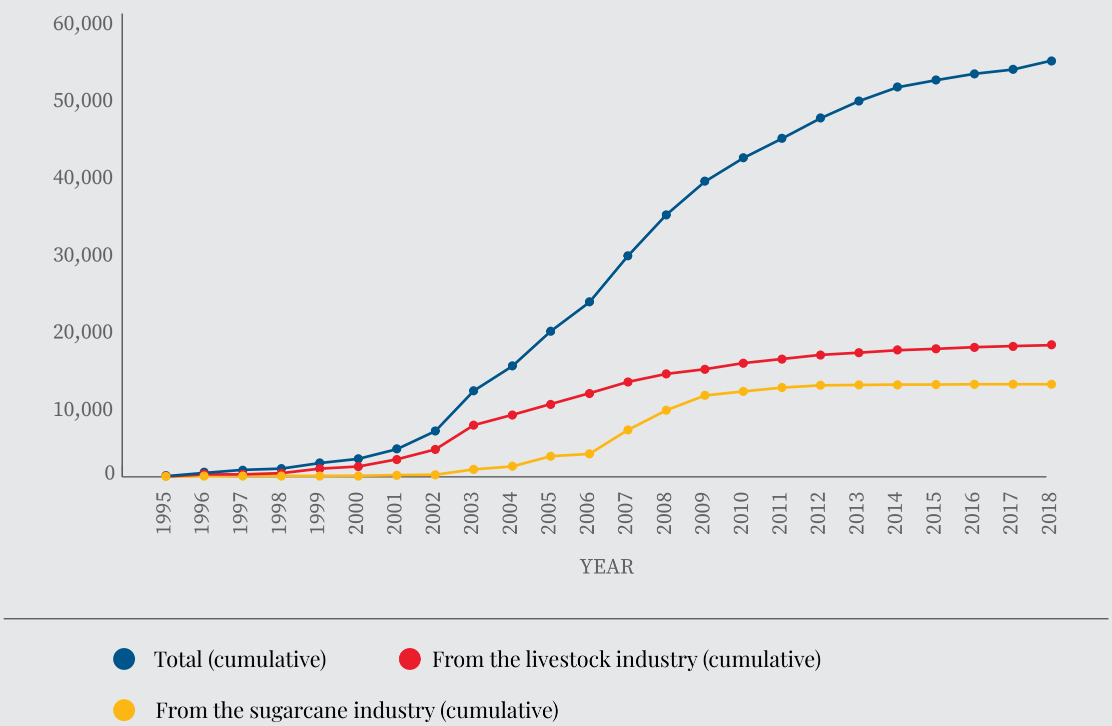
- Deforestation
- Livestock
- Timber
- Fruit and vegetables
- Sugarcane
- Other temporary labour
- Fixed labour
- Charcoal
- Mining
- Civil construction
- Manufacturing
- Other

FIGURE 24: SECTORAL BREAKDOWN OF THOSE RESCUED FROM SLAVERY IN BRAZIL 1995-2018 (TOTAL)



Source: Data provided by CPT.

FIGURE 25: RESCUES FROM SELECTED INDUSTRIES, CUMULATIVE, 1995-2018 (BRAZIL)



Source: Data provided by CPT.

The slavery system in the Brazilian cattle industry

Slavery in Brazil's cattle industry is a product of several interacting factors:

- **Institutional environment:** a development model that encourages meat production in areas where the State's enforcement power is weak, and that has invested State (and international) development funds in firms that have tolerated workplace illegalities;
- **People's vulnerabilities:** a pool of marginalized, poor rural labourers susceptible to discrimination and exploitation;
- **Exploiter strategies:** use of coercion and fraud by recruiters, contractors and producers to compete on labour costs, while harnessing traditional norms of social obligation and market norms of financial debt to control workers.

Institutional environment

The Brazilian cattle market is a significant slice of the entire global market, which continues to grow. Global demand for meat (including pork, poultry and seafood) has quadrupled since the 1960s.[8] Demand for beef, in particular, has risen, as household incomes rise, particularly in Asia, and beef displaces pork and poultry in diets.[9] Beef production and consumption are concentrated: together, Brazil, India, Australia, the US and New Zealand account for over 73 percent of beef sold on the world market. Brazil is the second largest producer of meat worldwide (after the US, and before China).[10] It is also consistently the largest or second largest exporter of beef, with around USD 6 to 7 billion worth of exports.[11] Around 38 per cent of that goes to China and Hong Kong, and around 10 per cent to Egypt, Chile, UAE, Russia, Iran and Saudi Arabia.[12] Brazil was the source of 44 per cent of beef imported into China in 2019, making up 20 per cent of all Chinese beef consumption.[13] This bilateral trade has grown 62 per cent in the last 5 years.[14] However, imports to the EU are also rising, and seem likely to rise further after the conclusion of an EU-Mercosur free trade agreement in June 2019 which includes a commitment to increase beef imports by more than one third. Yet most Brazilian beef is consumed domestically – some 80 per cent.[15] The Brazilian cattle herd is the largest in the world: there are roughly the same number of cattle as people in Brazil.[16] Beef production rose from around 3 million tonnes in 1990 to 7.5 million tonnes in 2012.[17]

That surge has been the result of deliberate efforts by the Brazilian Government to exploit Brazil's natural resource endowments, which give it comparative advantages in extensive agriculture and extractive industry. By 2010, the country was the world's foremost producer of sugar, coffee, orange juice and poultry, the second largest producer of soybeans, the third largest producer of corn and the fourth largest producer of pork. The meat industry, in particular has benefited from policies and endowments that help keep the costs of land, feed – and labour – low.[18] Brazilian cattle production is relatively low-cost, extensive and non-capital intensive when compared to other countries. Only around 2 per cent of the total Brazilian cattle herd are in feedlots; the rest are pastured.[19] And Brazil has a very large number of small producers. In the 2006 Agricultural Census, 2.7 million farms – or roughly two thirds of all farms – owned at least one head of cattle.[20]

Brazil's beef production complex is highly heterogeneous. It mixes large, highly-capitalized facilities with small-scale, informal producers. Producers often sell calves to other farms that specialize in fattening before slaughter. They then sell onto spot markets, from which slaughterhouses and processing facilities purchase. Again, there is heterogeneity: some processing facilities are large-scale, highly capitalized and deeply integrated into export-oriented production networks; others are small-scale, local-facing and often informal or illegal, with very limited capitalization.[21] They sell to a variety of buyers: local retailers, national retailers, wholesalers, and global agrifood businesses. But there is little vertical integration from the production level up to export or domestic consumption: producers feed into spot markets and supply chains oriented towards both domestic and export markets.[22] Roughly 90 per cent of sales are made on the spot market – only 10 per cent through futures contracts.[23] Buyers consequently have limited visibility into the labour practices of their 'indirect suppliers' – that is, beyond the first tier of supply. This is notably different to the chicken and pork sectors, where there is less reliance on extensive agricultural methods and greater reliance on smallholder production, with less use of contracted (and enslaved) workers.

The heterogeneity of beef production is partly a result of the relative ease of acquiring land – especially in the Amazon. This is a product of government policies over many generations which have extended the agro-industrial frontier into the Amazon, often with serious environmental externalities, including deforestation of the Amazon and Cerrado regions for cattle pasture.[24] That development model has deep roots in Brazil's imperial past, including its use of enslaved indigenous and African labour to extract wealth from the Brazilian interior. Brazil received more slaves during the transatlantic period than any other country, and also saw mass enslavement of indigenous people. Slavery was formally abolished in 1888, but the liberation of a large, unskilled impoverished workforce was not accompanied by land reform or other efforts to increase former slaves' economic agency. In fact, the democratization of labour was offset by a commoditization of land in the mid-nineteenth century, which restricted former slaves' access to land and turned them into a large pool of working poor. Brazil's development pathway since then has drawn on this foundation of deep wealth inequality, racial hierarchy and rent extraction through control of land and other capital assets. It is no accident that the highest rates of modern slavery in Brazil are in those States with the most unequal agricultural landholdings, and the highest rates of violence.[25]

Enslavement often occurs on illegally occupied Amazon and Cerrado land (so called *grilagens* (land grabs), frequently located many hours by private road from highways, with no facilities in between. There is a tight connection down to the worksite level between deforestation, use of exploitative and unregulated labour practices including slave labour, and dangerous levels of carbon emissions (including through use of slave labour to burn cleared timber as charcoal).[26] The correlation is endogenous: all of these dangerous and illegal practices flourish because of the same interaction of underlying factors such as institutional weakness, worker vulnerabilities, and commercial practices. Illegal possession is relatively easily converted into title through forged titles, corruption, and the absence of effective centralized land registers[27] But it is also supported by state policies: encouraging leasing and possession of indigenous land; investment in roads, infrastructure and integration of Amazonian territories into the Brazilian economy and global commodity markets, but limited investment in social infrastructure (including schools, hospitalsand law enforcement). Land acquisition rules have also created a large pool of landless rural poor with few livelihood options and limited access to education, credit and infrastructure. These policies also hit smallholder ranchers, whose own access to credit is also limited by absence of recognition of title to land.[28] This pushes them away from capital-intensive production towards labour-intensive development pathways.

The beef value chain has been significantly reshaped, however, by a major shift in Brazilian economic development policy around 2008, which led to a significant concentration of the slaughtering, processing and export stages of the value chain. This 'National Champions Policy', which lasted until 2013, saw the State invest significant resources in various leading Brazilian firms in an effort to help them grow internationally. The Brazilian National Economic and Development Bank (*Banco Nacional de Desenvolvimento Econômico e Social* – BNDES) – the second largest domestic development bank after the China Development Bank – provided concessional investments to and took minority equity positions in several national champions, seeking to make them successful multinational corporations. This included significant investments in the Brazilian meat industry, including the leading meat-processing firm JBS, which received around USD 2.5 billion. As a result of these State investments, the three largest Brazilian meat processing firms – JBS, Marfrig and Minerva – consolidated their position within Brazil, acquiring numerous smaller players. Together, the top three went from a combined 14.3 per cent share of Brazilian slaughtered cattle in 2006 to a 48.3 per cent share in 2013.[29] BNDES ended up owing around a third of Marfrig, and at one point was JBS' single largest shareholder, with the Brazilian public bank *Caixa Econômica Federal* owning another 10 percent.[30] (As of March 2020, BNDES was reported to be looking to divest part of its stake.[31])

This growth was not limited to Brazil, however. By 2013, through overseas acquisitions, JBS – still a family-run private firm – had become the largest meat-processing firm *in the world*. JBS slaughters 77,000 cows every day, has annual revenues of USD 50 to 65 billion and employs over 900,000 people globally, with customers in over 150 countries.[32] What is more, JBS and Marfrig are two of the top four meatpacking companies in the US, which, between them, supply 74 per cent of all US beef. This move up the value chain onto the international stage gives these firms flexibilities they would not otherwise have. For example, when the EU restricted imports of Brazilian meat on phytosanitary grounds in 2008, JBS was able to switch exports from its Brazilian arm to its Australian subsidiary. JBS has similarly coped with US market access restrictions by relying on US production.[33]

Some of this has been helped along by multilateral development actors. MDBs invested in several of these firms within Brazil. And in 2013, the IFC acquired a 3 percent share of Minerva for USD 19.65 million and approved financing for an additional USD 60 million. Yet IFC has had difficulty ensuring compliance with its environmental and social safeguards by clients in Brazilian agribusiness – so much so that clients in the meat sector repaid loans early.[34]

That early repayment in fact points to a larger pattern of difficulty ensuring compliance with workplace labour, safety and sanitary standards that has emerged around these meat giants. The National Champions Policy appears to have facilitated important structural changes in the Brazilian economy that might not otherwise have occurred,[35] and helped prevent the transfer of profits outside Brazil that would have occurred if foreign firms had acquired the market position that these firms did. But some commentators also argue that the policy generated inefficiencies, inequality and complications in Brazil's political economy, including the significant political corruption that is often associated with rentier economies.[36] JBS senior executives have been linked to allegations of systematic bribery of more than 1,800 Brazilian politicians,[37] as well as bribing officials to circumvent and bend food sanitation rules. In 2017, JBS reached a USD 3.2 billion settlement of these claims, selling assets across South America to pay up.[38] Yet JBS has also been at the centre of concerns around protection of workers from COVID-19. Meat processing plants have been tied to the spread of COVID-19 in Australia, Canada, Germany, Ireland, Spain, US, UK – and Brazil.[39] At one JBS plant in Brazil tested in June 2020, around a quarter of workers had COVID-19.[40] Such concerns recently led to the suspension of exports to China, a key profit centre for the firm. [41] And JBS workers have tested positive for COVID-19 in its offshore processing plants, too, including in Australia.[42] Critics suggest that all of this is indicative of an organizational culture that tolerates a lax approach to worker protections in the meat giants' own workplaces and supply chains.

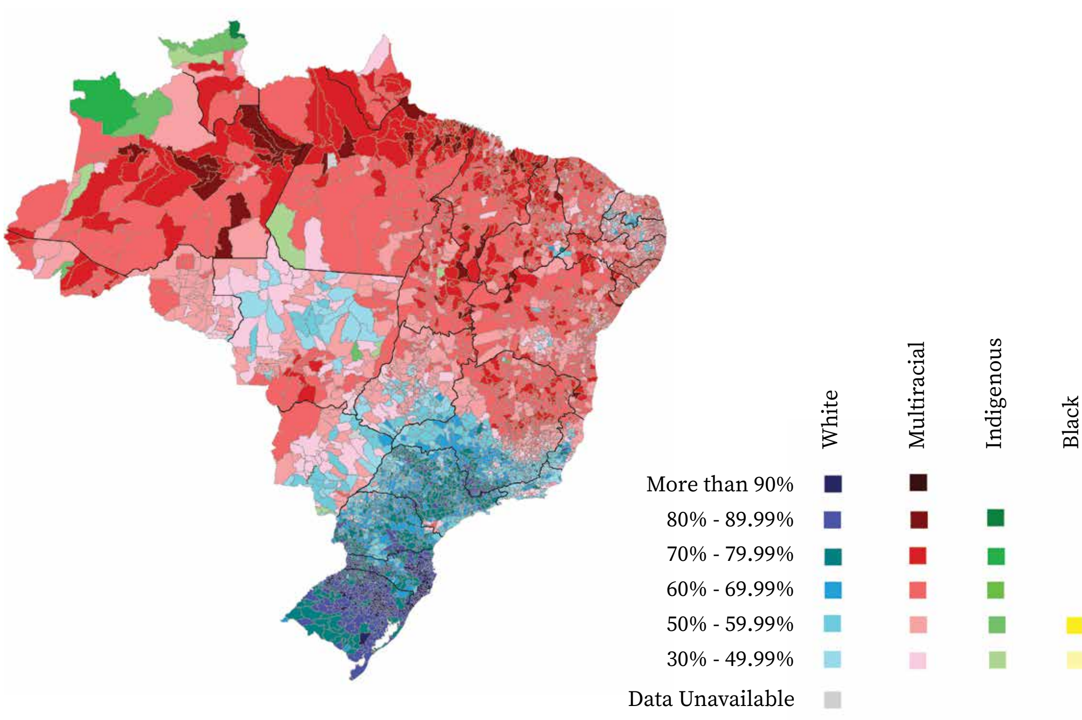
People's vulnerabilities

It is true that most victims of modern slavery in Brazil come from its poorest States.[43] Yet it is not accurate to say that income poverty is the key determinant of vulnerability to modern slavery in Brazil. In fact, several studies have concluded that those enslaved are not the poorest of the poor, who may be seen by employers, contractors and recruiters as not up to the physical demands of the work, and who may also be eligible for various forms of State income protection. Instead, it is the working poor one step up who lack such access and rely on earned income to survive, but lack alternative livelihood options, who are often drawn into a web of debt bondage.[44] As we saw in Chapter 2, as Austin Choi-Fitzpatrick has explained, victims of enslavement may prefer "enslavement in sustenance" to symbolic freedom in abject poverty.[45] Phillips and Sakamoto describe this as a pronounced loss of control:

> a person is either deprived entirely of control over the conditions in which s/he sells his or her labour in the marketplace (in those cases where extreme coercion is present), or else is obliged to sell it in conditions characterized by the worst forms of exploitation.[46]

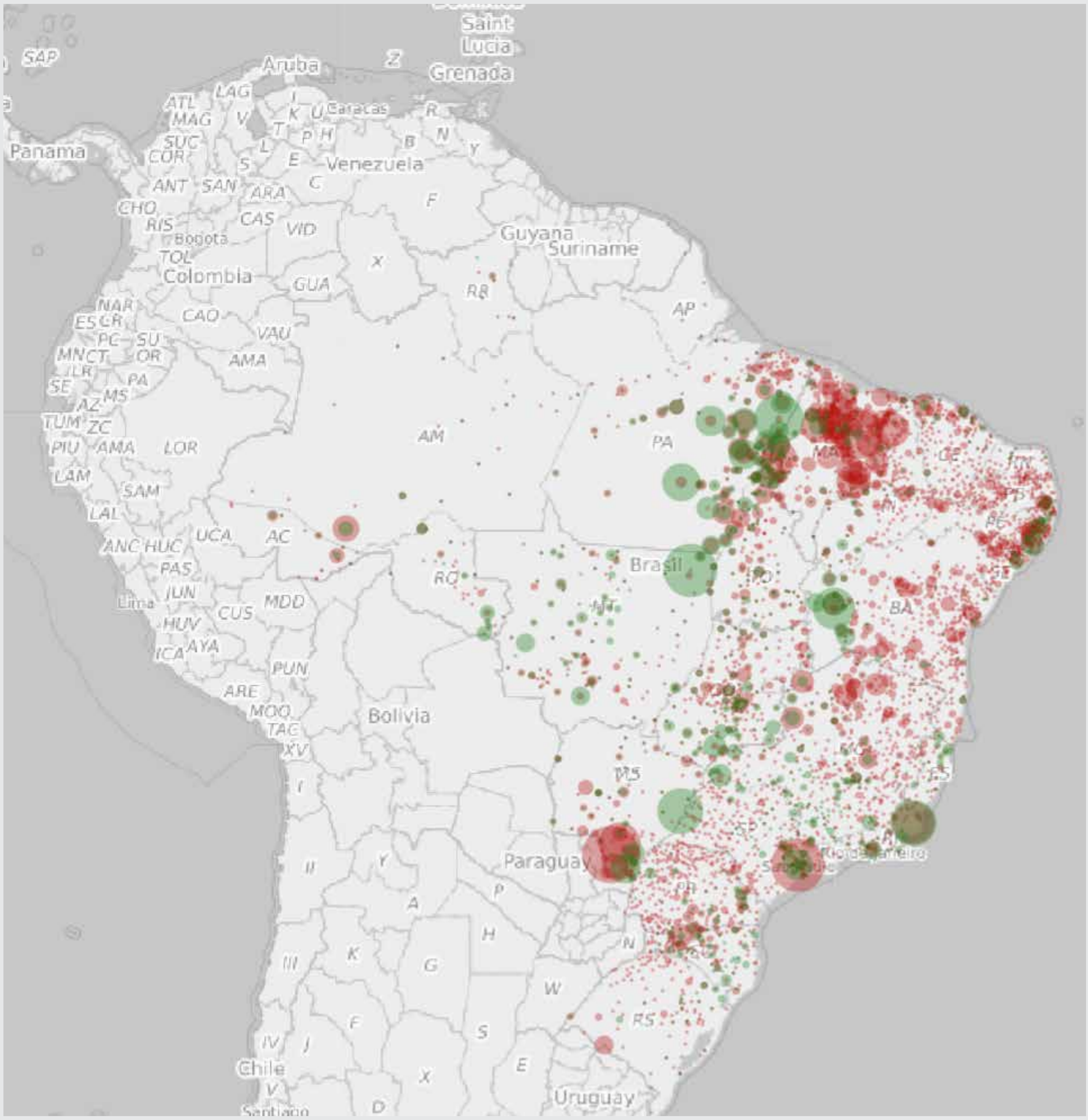
It is not only income poverty, but other dimensions of poverty – notably access to education, credit, capital and outside employment options – that also emerge as key components of this vulnerability.[47] As we explore further in the next sub-section, race and discrimination are also key elements of exploiter's psychological coercion strategies.[48] Yet in Brazil race is closely intertwined with economic exclusion and poverty, with a marked geographic distribution. Nearly all of those recruited into slavery in the cattle industry are from the poor, north-eastern regions with high Afro-Brazilian populations, as shown in Figures 26 and 27 below.

FIGURE 26: RACIAL DISTRIBUTION IN BRAZIL BY MUNICIPALITY



Source: Magno Brasil, Municipios do Brasil - Grupos étnico-raciais pre-dominantes.png, WikiCommons, used under the CC A-SA-I 4.0 license.

FIGURE 27: LOCATION, SIZE OF RESCUES, BIRTHPLACES OF ENSLAVED WORKERS (BRAZIL, 2003-2018)



Note: red dots represent birthplaces; green dots represent locations of rescue. Dot size represents the number of people.
Source: MPT, ILO, CNMP, SmartLab, Observatório da Erradicação do Trabalho Escravo e do Tráfico de pessoas, accessed 7 August 2020, used under the CC BY-NC-SA 4.0 license.

Most of those enslaved in the cattle industry are poor, landless workers from Brazil's north-eastern States. They are known as *peões* (literally 'peons') – unskilled, rural manual labourers working on short-term contracts.[49] Around 90 per cent seem to be male. They are recruited by labour contractors – *gatos* – who are hired to pull together a set number of *peões* to work on an estate for a defined period, often to clear a defined area of land in that time.[50] The *gatos* rely on social ties and oral contracts, and lure vulnerable, economically desperate men (and some women) with inaccurate and fraudulent promises of income. This can involve a period of extended grooming.[51] Once the *peão* is hired, they are moved hundreds of kilometres to the west and southwest to work on haciendas (*fazendas*) on *grilagens* in the 'Legal Amazon' States.[52] The physical isolation of the estates makes them even more vulnerable to exploitation, making escape difficult or impossible and granting *gatos* and site foremen effective impunity.[53] Most landowners are absentee.

During the process of recruitment, transportation, and then during work, workers are slowly drowned in debt. They may be given 'credit' to pay for their own transport, accommodation, equipment, and to buy food from the company or estate store (*barracão*) at hugely inflated prices. Once they arrive at the worksite, they are employed in dangerous work including land-clearing, charcoal burning, fencing, cattle husbandry, applying pesticides and, where women are recruited, domestic duties around worker camps. Accommodation and sanitation are frequently abominable, and safety equipment and medical support rudimentary.[54] Their personal documents are removed 'for safekeeping'. Often they are guarded by armed guards or private militias, who frequently work with corrupt local police to identify and return escaped workers. Since many of these estates are on land of questionable legal title, disputes are frequent, often quite violent, and contribute to local corruption. Homicide rates are high, and prosecution rates low.[55]

The work is often for a limited period, after which workers may be released – often with significant under-payment, due to the 'debts' they incur while working. If the 'debt' is not repaid, they may be detained and forced to labour until it is.[56] Once released, they may return to the north-eastern States – often only to be recruited back to Amazon and southwest, in a 'pendular' pattern. Others – the so-called *peões de trecho*, literally 'stretch peons' – do not return home, but continue on, circulating continuously in search of such contract work. They become highly dependent on *gatos* to broker their access to work and income, and sometimes have their 'debts' sold on from one *gato* to another.[57]

Exploiter strategies

Who are the exploiters of these vulnerable cattle ranch workers? And how and why do they exploit them?

Although large estates and wealthy farmers have been connected to many slavery cases, a considerable portion of those rescued come from mid-sized ranches, often owned by wealthy individuals and independent entrepreneurs who may be invested in several estates. This is the point at which competition on labour costs is fiercest. There are a large number of these small, under-capitalized producers, competing on price for sales to slaughterhouses and processing facilities, which, having become significantly fewer through the process of consolidation since 2008, are now price-makers. Here is small 'Landowner A', interviewed by Nicola Phillips and Leonardo Sakamoto:

> In fact, what happens is monopoly [by meat-packing companies]. They don't really give our product the value it has. They pay little [...] they end up making a lot of money on the backs of producers. ... There are always companies that shut down and leave debts to producers. Then we don't know if they are not paying on purpose or if they really paid a high price for the producer's meat and now they can't sell it for a price

> that is enough to remain in business….The best meat-packing company is the one that steals less from you … All producers, all colleagues tell the same story. "Well, the guy exploited me. I sent it to such and such a buyer and they exploited me".

Since they rely on labour-intensive methods, labour cost is the main site of competition for these smaller and mid-size producers.[58] Some resort to coercion to reduce these costs, blaming it on their own 'exploitation' by the larger meat-packing companies. They capture the resulting savings as profits. As Phillips and Sakamoto explain: "The money that would have been made in wages and other benefits to workers under non-exploitative labour relations flows instead to rural producers and/or into … the value chain to which the ranch is connected."[59] The competitive dynamics are similar to those in the Brazilian coffee sector:

> Small farms rely primarily on family labor for harvest and other key farming activities. Many large estates, by contrast, have the capability to mechanize many of the key coffee farming functions, reducing their labor demand significantly. Furthermore, large estates participate in international markets more than smaller ones and are increasingly seizing opportunities created by voluntary sustainability standards and other third-party certifications that create incentives for compliance with national labor laws. Mid-sized farms are caught in the middle: they are big enough to generate significant demand for unskilled labor beyond what the family can provide, especially during harvest, but may not be big enough to justify the capital investment necessary for the kinds of mechanized operations that reduce labor demand.[60]

Purchasers – slaughterhouses, meat-packing plants and retailers – can safely turn a blind eye to coercive labour practices in their supply chains for several reasons. First, their numerous, highly dispersed processing facilities are often far from inspectors' eyes. (This is partly a product of poor infrastructure, which prevents centralization of processing facilities due to high freight costs and long transport times.[61]) Brazil is a world leader in labour inspections – though the resulting fines, despite being relatively low, often go unpaid. Even where they are paid, their small size means they can effectively be treated as a cost of doing business by large processing firms.[62] Second, purchasers can claim, reasonably, not to have visibility beyond the first tier of their suppliers – and often these are ranchers that specialize in fattening steers for slaughter, having bought the cattle from primary producers operating on or closer to the agricultural frontier. It is on those estates, lower in the supply chain, that the clearing and pastoral work that employs much of the slave labour in the industry occurs. And third, it is not the owners of those estates, but the *gatos* and foremen to whom they outsource workforce recruitment and management that execute this strategy.[63] Confronted with evidence of slavery on their estates, landowners frequently point the finger of blame at *gatos*, disavowing knowledge of their methods.

Estate owners do not leave their ability to rely on labour coercion to chance, however. They work hard on what Andrew Crane describes (see Chapter 2 above) as 'domain maintenance',[65] protecting their own autonomy by corrupting local police. There are numerous reports of rural police forces returning fugitive slaves to estates.[66] Slavers also intimidate local communities into silence, a technique common in organized crime. As a labour inspector described:

> In one particular municipality we could only reach estates by boat, but the owners of the boats refused to transport us, out of fear of retaliation… Even the fact that the Federal Police were present did not make it certain that we would not have problems. At times it became difficult even to get accommodation, because the hotel owners

> were also frightened of reprisals. There… even the judge himself was involved with an air taxi enterprise that was used to transport forced labourers to estates… [67]

Gatos and employers also keep workers subjugated by drawing on traditional social norms around honour and obligation to create moral dependency. Rescued slaves describe a paternalistic hierarchy of labour relations that an important ILO study in 2009 described as "simultaneously affectionate and hierarchical. The ambiguity that exists here can also be attributed to a cultural model of exploitation originating in the colonial period."[68] This is a system of non-State governmentality that endows employers with paternalistic authority and treats workers as quasi-family members. As Patricia Trindade explains:

> Friendship and intimacy were possible between both parties but this did not prevent mistreatment from occurring, nor did it result in more participation by slaves in the social order that they had created and helped to maintain. The expression 'they were like family", used by masters in the region to describe relations with slaves in the past, was typical of this. Captivity was in fact twofold, with slaves being kept in their place by a sense of gratitude at their apparent inclusion in the family circle, as well as by the physical domination exercised over them. This double captivity, which originally served to subordinate enslaved Africans, continued to exist after the abolition of slavery and remains a characteristic of today's labour relations, in terms of both domestic service and the instances of modern-day slave labour that have occurred in the region in the recent past.[69]

One aspect of this tradition is the concept of the *criado* – literally, 'created', in the archaic sense of one person being another's 'creature'. The *criado* is not a *cativo* ('captive', the term used for chattel slaves), but rather an individual informally adopted in childhood by a rich family to perform tasks linked to childcare and domestic work, without pay:

> The criado looks after the household and its children, and feels looked after by the employer's family. The affection inherent in this situation is transformed into a feeling of debt and gratitude that morally imprisons the worker in the relationship, time after time preventing him or her from asking for wages or better working conditions.[70]

Today's slavers often describe their role in similar paternalistic and protective terms, and slaves as dependents – not agents in their own right. This domestic, highly exploitative governmentality serves to construct a psychological and moral cage that helps keep workers trapped. As Trindade explains: "Running away is to refuse to recognize the 'moral debt' owed to the employer, who took in and helped (or promised to help) the worker at a time of need."[71]

This sense of inter-personal obligation may be weaker in work situations where there is no intimate relationship between the worker and the employer/landowner, but still seems to linger in the accounts of rescued Brazilian slaves as a strong ethical sense of duty to repay debts to the *gato* and the *fazenda*.[72] Indeed, *peões* appear to undergo a process of acculturation and normalization to these arrangements over time, leading to the 'pendular' pattern of labour migration and exploitation amongst older workers.[73] Younger workers may be less psychologically dependent and more likely to defect and escape. Zé Pereira himself has pointed out that it was the fact that he was unaccustomed to the coercion he experienced at Espírito Santo that made it thinkable for him to attempt to escape. The central lesson, however, is that the system renders workers so psychologically dependent that they lose all sense of agency, they undergo a sort of social death, in Orlando Patterson's term.[74] When they are liberated, they speak in terms of new life, new agency. As one enslaved man on the Brasil Verde farm said: "When the police arrived, I got courage. I got a new soul."[75]

Disruption and resistance

The *Pereira* case unleashed a series of efforts in Brazil to disrupt slavery. These were led by its government, but also involved civil society actors, the private sector, and key development partners, notably the ILO, US and Norway.[76] The efforts ranged from strengthening law enforcement, to restricting access of firms connected to slavery to government finance, to awareness raising, data analysis and technical assistance. This effort, over 25 years, is arguably the most sustained, sophisticated domestic anti-slavery effort by any country in recent times. Between 1995 and 2000, it has rescued over 55,000 people from conditions of slavery.

It is important to understand why this effort has been so successful. Yet it is also important to understand the limits of that success. First, it is important to recognize that those rescued are just a small fraction of all those who have likely been enslaved in Brazil during that period. The Global Slavery Index estimates there are around 369,000 people enslaved in Brazil in any given year.[77] So even if there has been minimal turnover in that population in the last 25 years, those rescued represent only around 15 in every 100 people enslaved. And since some of these rescues have been the same person being rescued more than once, while there are also reasons to believe that the population of those affected changes over time, it is likely that these 55,000 rescues represent significantly less than one third of the affected population.

Second, it is important to recognize that these disruption efforts have lost some momentum in recent years. Figure 23, above, shows a clear growth of rescues from 1995 to around 2007, followed by a decline. Our research interviews suggest this is not a result of a decline in the affected population, but rather a function of steadily declining support (financial and political) for mobile labour inspections. As the disruption strategy successfully raised the costs of association with slave labour, it engendered resistance. This took the form of a counter-mobilization (using Choi-Fitzpatrick's typology of resistance) by those who benefited from the political economy of slavery, through judicial, political and extra-judicial channels. Changing political dynamics have affected the State's appetite for continued disruption. As a result, there appears to be growing emphasis in Brazil on the need for business actors, including off-shore lead firms and investors, to drive transformation of the governance of value chains in which modern slavery arises – rather than for the State to drive disruption.

In this sub-section we explain how these dynamics of intervention and resistance have played out, and what insights they offer for development actors going forward.

Mobilizing to disrupt slavery

The Catholic Church has played a long, complex but important role in challenging exploitative political economies in Latin America. In the 1970s and 1980s, Brazilian civil society, the Catholic Church and the CPT, led by Brother Xavier Plassat, a Dominican friar, were at the forefront of anti-slavery advocacy both within Brazil and internationally. In the early 1990s, these efforts, also involving Anti-Slavery International, led to the first National Programme to Eradicate Forced Labour (*Programa Nacional de Erradicação do Trabalho Forçado*).

It was the lodging of the *Pereira* complaint in the OAS system in 1994, however, that arguably jolted the executive into meaningful action. In 1995, the Brazilian Government acknowledged before the UN Human Rights Committee that there was forced labour in Brazil,[78] and moved to establish an Executive Group to Combat Slave Labour (*Grupo Executivo de Combate ao Trabalho Escravo, GERTRAF*). This brought together the Ministries of Justice, Environment, Water Resources and the Legal Amazon, Agriculture and Supply, Industry, Commerce and Tourism, Agrarian Policy, and Welfare and Social Assistance, under the coordination of the Ministry of Labour and Employment (MTE). GERTRAF strengthened labour inspections, particularly through the creation of the Special Inspection Mobile Group (*Grupo Especial de Fiscalização Móvel*), based in the Ministry of Labour, comprising labour inspectors, federal police officers, labour prosecutors and, occasionally, federal highway police officers.[79] These teams carry out surprise inspections, usually on the basis of information provided by workers, unions or labour rights organizations, reporters and civil society bodies. When inspectors determine there are workers suffering conditions of slavery, they 'rescue' them (see Figure 23, above), discharging them from service and often requiring employers to provide back-pay. In some cases rescued workers are also eligible for training or other services to support reintegration into the legal economy.[80]

Lessons learned from several years of mobile inspections led to the creation of mobile courts in 2002. This transformed how inspections played out. Orders could be issued on the spot, with landowners' assets frozen or even confiscated and used to pay enslaved workers stolen wages on the spot.[81] A labour prosecutor describes what happened in one rescue of enslaved workers:

> I filed the petition, requested blocking of funds and, on the spot, the judge granted the request, connected to the Internet and blocked R$ 110,000 in the landowner's account. The same day, around 6 p.m., a small plane arrived at the estate bringing R$ 110,000 in cash, duly converted, and payment of the 92 workers began. Starting at around 7 p.m. and carrying on all through the night, until about 5 a.m., when the final payments were made.[82]

This represents a powerful disruption of the slavers' 'domain', bringing the State's protection and governmentality directly to workers.

In 2003 a new approach emerged, which sought to go further. President Lula settled the Pereira case, with the Brazilian State accepting responsibility, and coordinated the Congressional pay-out described at the beginning of this section. The settlement agreement also committed the States to a variety of preventive measures, including programmes to monitor and repress forced labour in Brazil, and to raise awareness. Following that settlement, with the support of the ILO and development partners including the U.S. and Norway, the government rolled out a series of measures aimed at institutionalizing cooperation between civil society, Government ministries and business to promote awareness of slavery and anti-slavery efforts, and to raise the reputational costs of association with slavery.[83]

Two initiatives proved particularly significant. The first was the institutionalization of multi-stakeholder dialogue and action to promote responsible business conduct. In September 2002 the Brazilian Government had established a multi-sectoral Commission for the Eradication of Slave Labour (*Comissão Nacional de Erradicação do Trabalho Escravo* – CONATRAE).[84] In 2003, with technical support from the ILO, CONATRAE developed and published a National Plan to Eradicate Slave Labour (*Plano Nacional de Erradicação do Trabalho Escravo*). This committed both government and civil society actors to 76 different actions, ranging from strengthening mobile inspections to training, awareness-raising, and legal reforms. In 2005 this was formalized as a National Pact, signed by a range of 100 government, civil society and, crucially, business entities, who committed to modernize labour relations in production chains, avoid doing business with firms found to have used slave labour, monitor and report on progress, and work to prevent and address modern slavery.[85] That number later swelled to more than 400 entities, representing a third of Brazil's GDP.[86] Signatories included large firms exposed to Brazilian value chains, including Cargill, Carrefour, Dow, McDonald's and Walmart. Supporters argued that the Pact led to numerous divestment actions where signatories found commercial partners represented an excessive modern slavery risk.[87]

The second key piece of this approach grew out of this plan. It was a register of employers found through inspections to have used slave labour, established by Decree No. 1.234 on 17 November 2003.[88] This blacklist came to be known as the *lista suja*, or 'dirty list'. The inspectors' findings trigger a review process during which employers have a right of response. The list is updated every six months. Names stay on the list for two years, during which time the firm is expected to undertake certain remedial actions identified by the labour inspectors (relating to labour management practices), after which they are removed from the list.

The consequences of inclusion in this list were initially limited to reputational damage. Inclusion does not constitute a legal 'conviction'. But over subsequent years, the list has been used in increasingly creative ways to restrict the participation of listed entities in capital markets and commerce. Many slaughterhouses refused to purchase from producers included on the list. And from as early as 2003, the federal authorities required that disbursement of certain development finances within Brazil be restricted for those on the list.[89] Private lenders were not obliged to refrain from financing those on the list, but increasingly began to do so, to avoid reputational damage and complications in their own commercial relationships with government financing entities.[90] The Banco do Brasil, Banco da Amazônia, Banco do Nordeste and BNDES all took this approach. Given the significant role that these entities played at the time in the Brazilian financial sector, this began to have significant implications for entities connected to the dirty list.[91] Some observers believe that these measures began to translate into measurable impacts on company stock prices, with inclusion on the *lista suja* corresponding to drops in stock price.[92]

This disruption has slowly taken on added legal force. The Federal Labor Prosecution service has sued several private banks that appear to have violated a stipulation not to extend government-subsidized credit to clients on the dirty list. And in 2013 the Brazilian state of São Paulo adopted a law (the '*Lei Bezerra*') that suspends for 10 years the sales tax collection authority of any business convicted on grounds of using forced labour.[93] Since that is a necessary factor for doing business in the state, this has the effect of barring these enterprises from doing business in Brazil's most populous state and financial centre. And it also effectively makes it illegal for financial institutions to support those operations' activities in that marketplace during that period. In 2018, a major Brazilian fashion brand, M. Officer, was found guilty of using slave-like labour and faced potential expulsion from the state for 10 years.[94]

The organizations involved in the Pact also used the *lista suja* as a basis for more detailed risk analysis and campaigning, with a particular focus on the cattle industry. In 2004, with the support of the National Secretariat of Human Rights, the ILO and Repórter Brasil, a leading anti-slavery NGO, carried out a study to identify the specific production chains exposed to the entities on the dirty list. Another study was carried out in 2007, with a particular focus on the cattle production chain. In the same year, the Brazilian Roundtable on Sustainable livestock (*Grupo de Trabalho da Pecuaria Sustentavel*) was established as a voluntary multi-stakeholder initiative to bring together financial institutions, restaurants, retailers, NGOs and universities, industry producers and service providers.[95] Greenpeace also drew attention to the environmental impacts and labour rights violations in the cattle industry in its 2009 report A *Farra do Boi na Amazônia* ('Slaughtering the Amazon').[96] These initiatives brought increased international attention to these issues and started to attract the attention of major investors. In June 2009, the IFC withdrew a USD 90 million loan to Bertin, one of the top Brazilian meatpacking businesses.[97] In October 2009, Brazil's four largest meatpacking companies, JBS, Marfrig, Minerva and Bertin signed a zero deforestation agreement with Greenpeace that also included a commitment to divest from suppliers on the *lista suja*, or 'dirty list'.[98] In 2010, the Federal Public Prosecutor's office (MPF) led a 'Legal Beef' (*Carne Legal*) awareness-raising campaign directed at consumers, in an effort to raise the reputational cost of exposure to the dirty list.

Counter-mobilizing resistance

Brazil's mobilization against slavery was resisted from early on through counter-mobilization. This has taken two forms: both uncoordinated subversion by business actors seeking to avoid inspection and executive disruption of their coercive business models; and, increasingly through more concerted counter-mobilization in judicial, legislative and executive channels.

Subversion can take more or less coercive forms. It has proven relatively easy for ranchers to work around the dirty list through front companies.[99] One rancher found to have used slave labour bypassed the list by selling the ranch in question and buying a new one in his daughter's name.[100] In the early days, inspection plans were frequently leaked by corrupted officials, though that has abated over time.[101] The ILO has documented various instances of cover-ups and subversion to avoid enforcement of anti-slavery norms.[102] And there have been repeated intimidation and even attacks on officials and civil society actors involved in anti-slavery efforts, including assassinations.[103] Some of this may have ties to the cattle industry: in 2015, false advertisements maligning the founder of Repórter Brasil, Leonardo Sakamoto, were placed online – and later reported to be linked to JBS, though JBS denied it.[104]

This pattern of subversion has not only undermined accountability for slave labour in Brazil, but also normalized organized contestation of enforcement efforts through judicial channels. In 2002, the Labour Court issued the first conviction for slave labour.[105] In 2004, another court set a crucial precedent by requesting the seizure of an estate on which slave labour had been used. But relatively few slave labour cases lead to convictions. And Brazil lacks a unified database to track allegations. Only one in three violations identified by the Special Mobile Inspection Group seems to lead to prosecution.[106] Even in the celebrated *Pereira* case, the landowner who owned the estate and whose employees murdered Paraná was never punished – instead transferring blame to the *gatos* that had recruited the workers.[107] Once the dirty list was enacted, the National Farming Confederation filed suit at the Supreme Court to contest its constitutionality. While this suit was unsuccessful, the tactic was repeated with more success in 2014 by the Civil Construction Association. That case succeeded in obtaining the suspension of the official publication of the list on due process grounds. As a result, the Labour Ministry stopped updating the list until 2016 when another Supreme Court decision authorised the list to be published again. (In the meantime, a multi-stakeholder group that had emerged from the National Pact, including Repórter Brasil, bravely used freedom of information laws to obtain the results of labour inspections and publish these itself as an unofficial 'Transparency List'.) The Civil Construction took the list back to court in 2019, but in September 2020 the Supreme Court once again – and unanimously – affirmed the constitutionality of the *lista suja*.

The period from 2008 also saw the growth of the "political attacks and public criticism" of anti-slavery efforts noted by the UN Special Rapporteur on Contemporary Forms of Slavery, Gulnara Shahinian, back in 2011.[108] The Special Rapporteur noted the significant political power of agrarian interests at multiple levels of government in Brazil. Local government officials, she wrote, were reported to be "one of the biggest obstacles to combating forced labour", finding that "some senior government officials were themselves sometimes involved in the practice of slave labour".[109] A 2009 ILO study likewise found that:

> The roots of the situation regarding impunity for the use of slave labour, deforestation and other crimes lie in the links between landowners and the federal, State and municipal authorities. Many landowners exercise power and influence within various

> national bodies, either directly, by holding political office in prefectures, municipal legislative chambers, State governments and the National Congress, or indirectly, through close links with individuals in public office who represent their interests.[110]

Political counter-mobilization has manifested in particular through opposition to an effort at constitutional reform. In 1995, anti-slavery actors proposed a constitutional amendment in federal Congress (PEC 438/01) to allow the expropriation of estates, without compensation, where slave labour is used. The land was to be redistributed, with former slaves receiving priority access to the land. Rural interests mobilized in the Federal Senate to delay the bill, and it was not until 2014, after significant popular mobilization and advocacy, plus negotiation and compromise on the text, that the amendment was adopted.[111] Yet as of the time of writing, no implementing regulations have been approved, and debate over those regulations has become the site of contestation between pro-business and pro-worker forces.[112]

The cattle industry has become deeply entwined in Brazilian federal politics over the last two decades. JBS was reportedly the largest political donor in the 2014 elections – to parties on different sides of politics. Some elements of the administration of President Lula fought to strengthen anti-slavery efforts, while others sought to protect agribusiness from those efforts.[113] Starting under President Rousseff, successive administrations have reduced the budgets for labour inspections and prosecution related to slave labour.[114] President Temer made a member of the beef lobby his minister of justice, and both Presidents Temer and Bolsonaro drew political support from hundreds of Congressional deputies with ties to agribusiness and agrarian interests.[115] Even the downfall of President Temer served to underline the power of the cattle industry in Brazilian politics: he fell as a result of the release of a secret recording, made by a senior JBS executive, in which President Temer could be heard agreeing to JBS bribing another, earlier Brazilian President. His successor, President Bolsonaro, took direct aim at PEC 438/01 in his election manifesto,[116] and has criticized the amendment, suggesting that it was part of a larger effort to turn Brazil into a 'communist' state and arguing that labour standards should, if anything, be made more flexible to ensure Brazil's commercial competitiveness.[117] The Bolsonaro Government has also supported counter-legislation seeking to redefine the conduct considered to amount to 'slave labour' under Brazilian law, specifically questioning the reliability of definitions in relevant ILO Conventions.[118]

From disruption to transformation

The organized opposition to anti-slavery efforts that has emerged in Brazil over the last decade has in turn induced a subtle but important shift from anti-slavery actors. The focus of efforts between 1995 and 2010 was on increasing the reputational, legal and financial costs of the use of slave labour – what we term, in Chapter 2, a 'disruption' strategy. Since around 2014, efforts have arguably shifted to put more emphasis on what we term, in Chapter 2, 'transformation': strengthening governance of settings in which exploitation occurs – in this case, in the context of supply chains.

This approach places more emphasis on business leadership, and less on State intervention. In 2014, the National Pact to Eradicate Slave Labour was institutionalized by the creation of the Institute for the National Pact to Eradicate Slave Labour, or InPACTO. This is a trade-oriented partnership focused on collaborative efforts amongst its dues-paying members committed to the terms and objectives of the National Pact. Where the National Pact was governed by a steering committee that included the ILO, InPACTO is governed by a Board of Directors from different parts of the Brazilian economy. InPACTO creates sector-specific working groups to foster pre-competitive collaboration to improve sustainability, undertakes data collection and analysis, and provides performance measurement and benchmarking. It has worked with JBS to develop a social vulnerability risk-monitoring tool which has been rolled out in JBS' value chain to identify hot spots where there is heightened risk of modern slavery.[119] This combines JBS' own risk data with socio-economic, demographic and case data from InPACTO and public sources. The system generates publicly available municipal-level data and, for JBS, higher definition data that allows it to place its processing facilities and supplier farms in different risk categories, to guide its own internal social audits and supply chain management.[120] Yet there are also risks that such approaches have a limited preventive effect.[121]

Lessons and opportunities

Brazil's efforts to address modern slavery over the last 25 years are world-leading. The successes, limitations and dynamics of those efforts, reviewed above, point to several important lessons, and to opportunities for development actors in the years ahead.

First, the Brazilian Governments' efforts to tackle modern slavery in the last quarter-century are marked by a clear *strategic tension*: between a commitment to reduce modern slavery and promotion of a development model that has created conditions in some ways conducive to modern slavery. This is particularly the result of promotion of extensive, often informal, agriculture at the Amazonian frontier. But it is also arguably the result of investment of such large volumes of development funds in meatpacking sector 'national champions' that they have not only become oligopsonistic but, at times, seemed to operate with effective impunity. The Brazilian State has thus both sought to curtail the worst impulses of the market while also promoting a development pathway that reproduces the risks associated with the market.[122]

The lesson here is that this is not necessarily something that should surprise us. States are not monolithic, and democratically governed States' development pathways may well run in more of a zigzag than a straight line. Actors that have grown rich and powerful from systems based in part on modern slavery will use those riches and that power to resist efforts by the State, and by its foreign partners, to intervene in the system. Development actors must expect interventions to address modern slavery to become politicized and, at times, to be dangerous for those involved.

Second, however, this also points us to *opportunities for economic upgrading* to a more intensive agriculture-based development pathway. Slavery risks in the Brazilian cattle industry are often connected to the extensive agriculture model. Investments in upgrading production to more intensive methods, rationalizing the use of raw materials and productivity of land could go hand in hand with both environmental gains and improved workforce management and human capital development. It would likely also bring production closer to small and medium size urban centres, reducing the isolation of workers, facilitating inspection and thereby reducing modern slavery risks.[123]

Third, the Brazilian experience points to the importance of the involvement of *international norms* and *actors* to reframe domestic debates. The *Pereira* and *Brasil Verde* cases in the IACtHR have both provided important jolts to the framing of debates on modern slavery within Brazil, reminding local actors that what is at stake is not only a question of domestic labour market regulation, but also the country's good standing as a responsible member of international society.[124] UN actors – including the Human Rights Committee, UN Special Rapporteur on Contemporary Forms of Slavery, and especially the ILO – have played key roles as sources of insight, technical know-how and support to the Brazilian Government and other actors throughout this period, especially through support to the National Pact.

Fourth, the experience points to the central role that *multi-stakeholder dialogue and action* plays to build support for and sustain momentum around the kinds of interventions involved in addressing modern slavery. Yet the Brazilian experience also arguably suffers a particular limitation here: that dialogue has been distinctly national. It has not sought to engage foreign actors or to work along global value chains in any significant way. This may have worked against Brazilian actors' interests, since it puts them at the mercy of foreign buyers and investors, as China's recent decision to exclude JBS and the decision of Europe' largest financial services group, Nordea Asset Management, to divest from JBS both show.[125] In several of the case studies in the Chapters that follow – notably on palm oil, cotton and apparel – we explore what more transnational approaches to transformation of supply chain governance look like – and the challenges they encounter.

Fifth, those experiences may offer ideas for a different approach to responsible business conduct that development actors could promote in Brazil, including in the cattle industry,with a particular focus on *data-driven supply chain risk analysis*. Brazil arguably has an unrecognized first-mover advantage in this area: its unique combination of 25 years of detailed data from rescues and State service provision to rescued populations, combined with its strong computational and data analysis capabilities. It is uniquely placed to develop effective big data solutions to effective social risk management in complex supply chains.

The groundwork for such an approach has arguably already been laid, first through Repórter Brasil's detailed work on supply chains, then through the ILO's support to the Ministry of Labour (MPT) for the development of the SmartLab (smartlabbr.org) and other related initiatives. The SmartLab has developed an Observatory (smartlabbr.org/trabalhoescravo) that draws together much of this public data to generate powerful data insights. Other actors are also developing initiatives in this space: United Nations University, the University of Nottingham and Stanford University are all using Brazilian data for data-oriented research on modern slavery. Brazilian civil society organizations have called for greater use of supply chain sanitation documents (*GTAs – Guia de Trânsito Animal*) to track bovine meat supply. Trase, a research partnership between the Stockholm Environment Institute and Global Canopy analyses public data to trace modern slavery risk in the cattle industry down to the municipal level, allowing it to identify which purchasers (Brazilian buyers, Hong Kong and Russia) have the highest risk exposure in their value chains.[126]

Sixth, there may be an opportunity here for Brazil to show *leadership in sustainable finance*, as a developer of insights into effective social risk identification and management, particularly in fragmented supply chains where lead firms rely on complex indirect supply. Stoked by efforts such as the Liechtenstein Initiative for Finance Against Slavery and Trafficking, ESG investors have a growing appetite to understand the indicators (whether leading or lagging) of modern slavery risk exposure, and to understand what works to manage those risks in their portfolios, loan books and deal making. The Dirty List and the ecosystem of financial exclusion practices that have grown up around it, in both public and private financial entities, provide unique opportunities for understanding these dynamics, and for moving beyond consumer-oriented advocacy – which tends to work best for brand-exposed firms such as retailers, and less well for middlemen such as meatpacking firms.[127]

Seventh and finally, it is also noticeable what is largely absent from the Brazilian anti-slavery approach over the last 25 years: *empowerment*. The central thrust of anti-slavery interventions has arguably been a strategy of disruption: raising the costs of use of forced and slave labour. More recently there has been greater emphasis on transformation of supply chain governance. All of this takes place in the context of larger initiatives, especially from the ILO and other development agencies, to promote decent work, empower and protect workers and empower the rural poor. Notable gains have been made, for example, through the Government's *Bolsa Familia* income support strategy. But these empowerment-oriented initiatives have *complemented* anti-slavery efforts, rather than being central to them or shaping targeting of interventions at the municipal or even household level.

This may be a missed opportunity. It is notable, for example, that the single factor that seems to be the strongest predictor of being rescued from slavery in Brazil is access to education and literacy. As Phillips notes, a full 68.13 per cent of workers released between 2003 and 2009 were either illiterate or had no more than four years of schooling, and overall adult illiteracy levels in key source towns were substantially above national average.[128] Reduced economic agency has many facets. It may be worth investigating the dimensions of multidimensional poverty that render people vulnerable to enslavement to Brazil – such as exclusion from education, land and credit, and outside livelihood options – and targeting interventions narrowly to address those deficiencies in niche populations, rather than to address broad structural deficiencies such as general income poverty. This may offer a more efficient approach to use of development resources.

CHAPTER 4: PALM OIL: "SO FREE IT IS VICIOUS"

There are notable similarities between the modern slavery system embedded in the Brazilian cattle supply chain and the forced labour, human trafficking and child labour that has been identified in recent years in the global palm oil value chain. Both sectors have seen spectacular growth in recent decades with positive impacts on economic growth for producing countries. Both sectors are connected to harmful deforestation, as well as labour exploitation. Both value chains have seen a growing concentration of buying power generating incentives for producers to compete on costs, and since both agricultural commodities – beef and oil palm – involve labour-intensive production, labour management is a central site of cost competition. Both sectors rely on vulnerable populations to provide that labour. And both sectors have, as we shall see in this Chapter, witnessed first a mobilization of a multi-stakeholder coalition to promote sustainability goals, followed by the counter-mobilization of producers and their political allies to protect the rents they extract from the existing system.

Yet risks in the palm oil value chain differ significantly across production contexts. In this chapter we look at three: Indonesia, the largest producer of palm oil in the world, where risks relate primarily to forced and child labour amongst the casual labour force on plantations and smallholdings, especially amongst indigenous people and internal migrants; Malaysia, where risks are connected in particular to foreign migrant workers and 'Stateless' children; and Nigeria, where risks relate to adverse incorporation of smallholders into export-oriented plantation systems. There are also differences between the beef and oil palm sectors in the dynamics of intervention and resistance. Whereas those dynamics in Brazil have played out largely in a domestic context, the struggle over governance of palm oil value chains has been a much more transnational process. This has brought State actors more squarely into the 'domain maintenance' process, with the debate over the sustainability of palm oil becoming an inter-State struggle over the sustainability narrative, sovereignty and regulatory authority.

This sub-section presents the results of mixed-methods research including both in-depth desk research and interviews with 54 stakeholders from the development sector, civil society, academia, and the private sector. In the interest of safeguarding, the identity of interview subjects is not disclosed. We explore how the modern slavery system embedded in the global palm oil sector manifests in different ways depending on different institutional contexts, the differences in people's vulnerabilities, and different exploiter strategies. We then look at how efforts to address these risks and related sustainable development concerns have played out in the last two decades, how they have been resisted and how they are now evolving. We close with a discussion of the insights from this case for the broader discussion of the sustainable development case for fighting modern slavery. This calls for a coordinated public policy approach to managing modern slavery risks across governance forums and finance, aiming not only to promote labour market freedom, but to *develop* that freedom through empowerment of vulnerable people.

Fuel for growth or unsustainable scourge?

The African oil palm, *Elaeis guineensis*, is adaptable to a range of soils, growing methods and uses, and is relatively aseasonal.[1] Oil palm has numerous commercial advantages when compared to other vegetal oils (soy, rapeseed, sunflower, cotton, groundnuts, olives). It produces a relatively high volume of oil and both the fruit flesh and the kernel can be processed and marketed. Oil palms can produce year-round, with mature trees yielding three or four harvests annually. It is a relatively low-maintenance crop which bears fruit from around the third year of growth, for 20 years. All of this makes palm oil relatively low cost when compared to other oils. And palm oil products have a high smoke point and are semi-solid at room temperature, making them useful in a range of products. So long as it can be quickly milled after harvest, oil palm is an exceptionally profitable crop.

For these reasons, palm oil was identified over 50 years ago as a potentially powerful source of economic growth, especially for tropical developing countries where wages are low and labour is abundant. Oil palm production employs large numbers of rural workers, supports livelihoods for those who own the oil palms (including smallholders), and can contribute important tax and foreign exchange revenue for producing countries.[2] Since the 1960s, global development actors including the World Bank have worked to promote palm oil production in suitable equatorial conditions worldwide, especially South East Asia, West and Central Africa and, more recently, Latin America.[3] In 1965, the World Bank injected nearly USD 2 billion into over 45 projects in Southeast Asia, Africa, and parts of Latin America to support the growth of the palm oil industry. Indonesia received USD 618.8 million, Nigeria received USD 451.5 million followed by Malaysia with USD 383.5 million.[4] Development actors have also subsequently invested further down the value chain, including IFC support for trade finance[5] and refining.[6]

The results of public and private sector investment have been significant. Palm oil production has grown more than 500 per cent in the last thirty years.[7] Today, oil palm plantations cover over 27 million hectares worldwide, an area approximately the size of New Zealand. The industry is estimated to be worth USD 60 billion and employs six million people, with an additional 11 million people indirectly dependent on it, particularly in rural areas where jobs can be scarce.[8] Palm oil has permeated our food, cosmetics, and household products – and is now found in perhaps 50 per cent of consumer products.[9] Demand grew significantly after food manufacturers began substituting palm oil for other vegetal oils over health concerns related to high trans-fat content. It grew again after the EU adopted a biofuel policy in 2009 that promoted substitution of vegetal oils for fossil fuels, leaping 500 per cent in Europe between 2011 and 2014.[10] And production is expected to double again by 2050,[11] as low- and middle-income countries increasingly move from eating fresh, minimally processed foods to ultra-processed products.[12]

Along the way, palm oil has proven to be, as the World Bank put it in 2011, a "major driver of development".[13] One recent study found that growth in the palm oil sector has lifted up to 2.6 million rural Indonesians from poverty this century.[14] Another study found that, again in Indonesia, for every 10 per cent increase in land devoted to plantation-based oil palm agriculture, there is a 10 per cent reduction in the poverty rate, and a narrowing of the poverty gap.[15] Oil palm expansion has also been found to boost the value of surrounding land, agricultural output, manufacturing output and district GDP, suggesting positive spill-over effects through local production or consumption linkages.[16]

Yet a closer look reveals that the benefits of oil palm development are highly variable. Community benefits from the development of industrial-scale oil palm appear less pronounced,[17] with communities that are already well embedded in the market economy benefitting, but previously forest-dependent communities becoming worse off than they would have otherwise.[18] Since oil palm is produced for the most part in large plantations or by wealthy smallholders using migrant labour, oil palm agriculture may lead to increased income disparities and inequality within a region.[19]

This variability is closely related to the economic geography of oil palm production.[20] Maintaining the plantation requires a large manual workforce to tend trees, harvest fruit, cultivate and plant new seedlings, and replant. It is here, amongst the plantation workforce, that modern slavery, forced and child labour tends to occur (as we explore further below). These jobs are dirty, difficult, and dangerous (so-called '3D work'). Trees are up to twenty metres tall. Each fresh fruit bunch contains 1,000 to 3,000 fruit – each the size of a small plum – with a bunch weighing 10 to 25 kgs. Workers use long steel poles with a sickle (*egrek*) or with a chisel (*dodos*) attached, weighing around 12 kg, to cut down the fruit bunches, then haul them to collection points.[21]

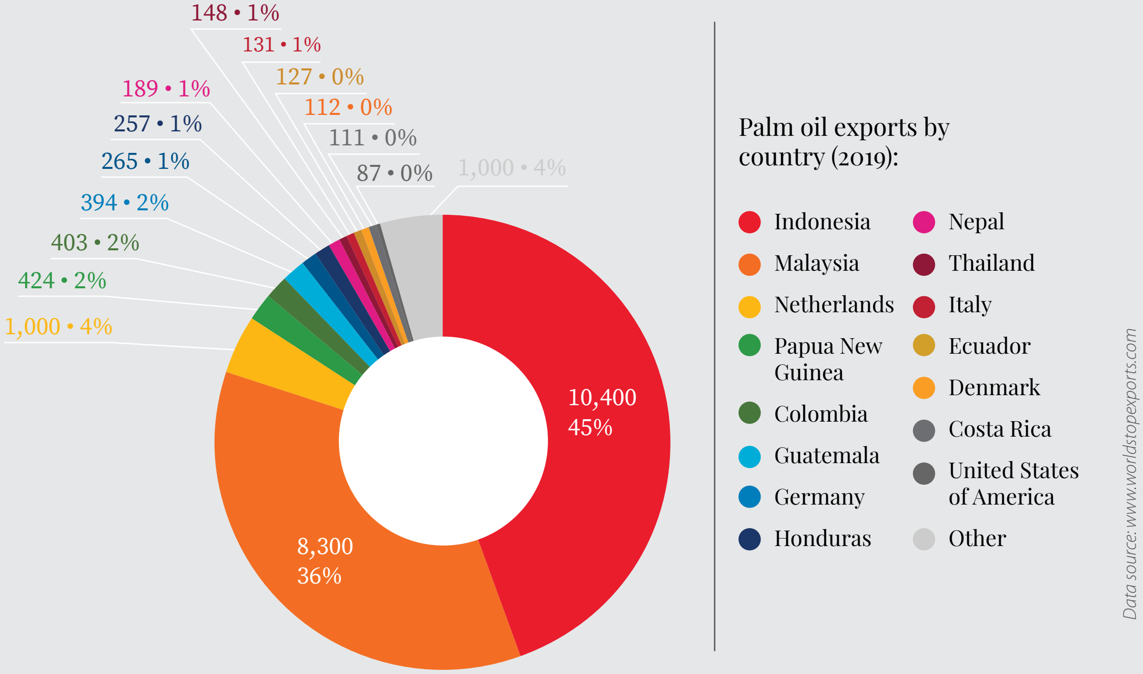
Plantations come in various forms, with different risk profiles. Private estates are typically large – between 10,000 and 25,000 hectare – owned and operated by one commercial owner. They are usually highly industrialized, and generate high yields and profitability. But this approach requires access to and control of large amounts of land. So some plantations incorporate *outgrowers*, smallholders who own or lease to buy their own plots, adjacent to a plantation and operating under a long-term commercial relationship. This often involves the plantation providing investment, operating capital and management guidance to the smallholder in return for single-purchaser arrangements for product, not tied to market prices. In a third approach, plantations or mills may simply purchase product in the market from *independent smallholders*. These smallholdings, often family owned and operated, are usually less capitalized and generate lower, more seasonal, yields. They are also more exposed to price fluctuations and the down-stream influence of processors and mills. In West Africa, there is also a fourth tradition, of cooperative production and wild harvest from traditional, pre-industrial groves.

Once harvested, fresh fruit bunches are transported from plantations to mills where they are pressed to produce both crude palm oil and crude palm kernel oil. The oil quickly builds up problematic fatty acids if not milled soon after harvesting. The result is that plantations are located as close as possible to mills, leading to concentration of feedstock, producing a landscape of palm oil mills surrounded by large-scale monoculture plantations. [22] This has numerous positive economic spill-overs for the surrounding region. It speeds up infrastructure development, including road construction and provision of health and educational facilities. It leads to a rise in urbanization, employment, local consumption, and may lead to economic diversification.[23] It also comes, as we explore further below, with real downsides.

Some mills are owned by plantations, but other mills operate independently and buy from small-holders or on spot markets – introducing some of the same supply chain management challenges for processes that we saw in the Brazil cattle industry case study. Mills sell crude palm oil and crude palm kernel oil to refineries – large, capital-intensive industrial plants usually located near shipping facilities. Refiners typically trade to consumer goods manufacturers who then incorporate palm oil and palm kernel oil into a range of products: soaps, cosmetics, foodstuffs and biofuels. Sales and consumption are highly fragmented. For example, Unilever, often said to be one of the largest purchasers in the world, buys only around 2 per cent of global market supply.[24] There are also distinct regional patterns: the bulk of imports into Europe were, until recently, for use in biofuels, whereas India and China (the largest single-country importers) use palm oil primarily in food products.[25]

Processing and refining capabilities are capital-intensive, and like the beef value chain, the palm oil value chain is particularly concentrated at this point.[26] Between 70 and 90 percent of global refining capacity, and trade in refined products, is controlled by just eight companies based in Asia[27] The largest of these is Wilmar, a Malaysian-origin firm now based in Singapore, which is the world's largest processor and merchandiser of palm and palm kernel oils. It controlled over 43 per cent of the global palm oil trade as of 2016.[28] Global sales from palm oil exports totalled an estimated USD 23.2 billion in 2019. As Figure 28 below shows, Asian countries generated the largest palm oil exports during 2019 with shipments valued at USD 19.3 billion (83 per cent of the global total). The industry is for this reason seen as an example of successful economic upgrading by developing countries.[29] It is this development pathway that governments in Brazil, Colombia, Liberia, Nigeria and Mexico are now seeking to copy through investments in palm oil production.

FIGURE 28: TOP 15 PALM OIL EXPORTING COUNTRIES (2019, USD BILLIONS)



This is a convincing narrative associating palm oil economic growth and development. Yet there has been a growing recognition over the last two decades that oil palm production also generates significant environmental and social costs. Compared to fossil fuels, palm oil offers a radical reduction in greenhouse gas (GHG) emissions and has for that reason been a key component of global efforts to promote biofuels. But there has been a growing recognition of the massive carbon emissions resulting from deforestation of land as it is converted to oil palm, and of associated biodiversity loss.[30] And clearing land for plantations by slash-and-burn practices has led to recurring episodes of harmful haze in South-East Asia.[31] In addition to the dangers GHG emissions from burning, this comes with significant public health costs. South East Asian haze in 2015 led to an estimated 100,000 premature deaths in the region from pollutants and documented increases in respiratory, eye and skin diseases.[32] The expansion of oil palm cultivation can also be associated with land-grabs and adverse incorporation,[33] especially of indigenous groups and traditional landholders whose land is often appropriated without free, prior and informed consent (FPIC).[34] Finally, as we shall see, there has been a growing recognition in the last decade of the modern slavery risks in palm oil value chains – forced labour of plantation workers, child labour on plantations and smallholdings, and debt bondage associated with partnerships between smallholders and larger plantations.

As a result, a polarized debate has emerged around palm oil's contribution to sustainable development, with competing narratives alternatively characterizing it as "a gift from god or a crime against humanity".[35] Palm oil raises difficult questions about how to achieve the SDGs without sacrificing environmental sustainability or human rights in the hunt for economic growth. In the next sub-sections we focus on how modern slavery risks emerge in this value chain, before later turning to consideration of how efforts to address those risks have contributed to, and been affected, by this larger narrative struggle over palm oil's contribution to sustainable development.

Modern slavery risks in the palm oil industry

The global palm oil industry manifests different modern slavery risks in different places, the result of different combinations of institutional environments, people's vulnerabilities and exploiter strategies.[36] In this section we look at each of these factors in three different countries – the three main targets for World Bank investment in palm oil fifty years ago: Malaysia, Indonesia and Nigeria.

Institutional environment

The institutional environment in which palm oil production has played out over the last fifty years has varied significantly in Malaysia, Indonesia and Nigeria. In each country, both national and sub-national authorities have recognized the development potential of the commodity, and worked with private sector and development partners to invest in growth. But the results have varied significantly. Where, in the 1960s, Nigeria was the largest producer in the world, with Indonesia and Malaysia trailing far behind, now the situation is reversed. Indonesia is now the largest producer, with over 50 per cent of world supply. Malaysia produces around one third of world supply. And Nigeria is far behind, with less than 2 per cent of world supply. One key reason for these different outcomes is the different approach that governments have taken, with varying approaches to production incentives, land use, taxation and tariffs, and labour market regulation.[37]

MALAYSIA

Malaysia is seen as a pioneer of palm oil development. Palm oil is today Malaysia's most valuable agricultural crop and a major contributor to the country's economy. It accounts for a staggering 70 per cent of agricultural land use.[38] As Oliver Pye explains, "the relative affluence of Malaysian smallholders and the financial success of its modern, agribusiness corporations are envied by many other countries from the South."[39] This success is the result of deliberate efforts by government over several decades, with close cooperation between the State and private plantation owners to expand plantation production and forge a cooperative relationship between plantations and smallholders.[40]

Many of the largest holdings in Malaysia, such as those that now belong to Sime Darby, were established under British rule and 'Malaysianized' in the 1970s, following independence. Plantation workers had agitated unsuccessfully for access to land in the 1950s and 1960s.[41] Instead, in the 1960s and 1970s the Government nationalized the holdings then sold them to local owners,with the Government retaining a formal ownership stake in or strong informal ties to the resulting corporations.[42] During this 'developmental state' phase, the Government used the Federal Land Development Authority (FELDA) and other initiatives to resettle the poor and landless on smallholdings tied to the major producers and diversify agricultural sectoral activities to palm oil and away from rubber, which was declining in demand worldwide.[43] Under FELDA, smallholders operate estates under a mortgage-like arrangement involving scheduled payments before taking full possession. In the meantime, they may be partnered with a larger plantation to create economies of scale, giving plantation owners greater market power. Similar schemes have been developed both at the federal and state levels. Today, around 60 per cent of Malaysia's estates are private, 18 per cent are on federal land, 6 per cent on state land and 14 per cent are independent smallholders.[44]

One legacy of this strategy has been close cooperation between the government and the sector to regulate the major inputs to the industry, notably land and labour.[45] By the 1990s, this pattern of cross-sectoral post-Fordist development partnership had been branded the 'Malaysia Incorporated' policy'.[46] A close collaboration between the Ministry of Plantations and Commodities, the Malaysian Palm Oil Board (a governmental regulatory body), the Malaysian Palm Oil Association (an alliance of industrialists) and the Malaysian Palm Oil Council (a public relations body) formed what some described as a "palm oil industrial complex".[47] Ostensibly regulated through light-touch, market-based neoliberal institutions, the close informal and patronage ties between the State and large commercial capital interests allowed coordination of public and private interests to support capital investment, manage risk, reduce yield gaps between plantations and smallholders, and move plantation owners upstream into processing, refining and trade.[48] Palm companies with strong ties to government have assisted its development initiatives undertaking economically risky but strategically attractive projects.[49] For example when the Sarawak Land Development Board, the government agency in charge of plantation development in Sarawak was making substantial losses in 1987, Sime Darby stepped in to assist the State government by buying out the management of SLDB and all its plantation assets, including over 24,000 hectares of oil palm in 13 estates.[50]

INDONESIA

This close relationship between the Malaysian Government and palm oil capital has also shaped the Indonesian palm oil sector. At the formal level, the Malaysian Government concluded a bilateral investment treaty with Indonesia in 1997, in which the Indonesian Government pledged to specially allocate 1.5 million hectares of land to Malaysian developers for oil palm development.[51] Through single investments and joint ventures with local companies, Malaysian and Singaporean groups would control more than two-thirds of the total production of Indonesia's palm oil.[52] Malaysian investors have sought to replicate in Indonesia the patronage ties they enjoy in Malaysia, hiring local strongmen, their relatives, retired three-or four-star Generals, police chiefs or relevant ministry staff as managers, special 'community relations officers' or 'government relations officers'.[53] The Malaysian Government has also facilitated the expansion of private Malaysian interests into Indonesia: it helped establish a Jakarta-based lobby group, the Association of Palm Oil Plantation Investors of Malaysia in Indonesia (APIMI), which is one of the few private sector bodies permitted to attend yearly bilateral economic talks between Malaysia and Indonesia.[54] Today, Malaysian firms such as Sime Darby, and Malaysian-origin firms such as Wilmar (now relocated to Singapore) have expanded their interests not only to Indonesia, but also around the world, with holdings in Papua New Guinea and the Solomon Islands, Liberia and West Africa, as well as Brazil, Colombia and Peru.

Indonesia's palm oil development pathway, while similar to Malaysia's, has on the whole seen less active and directive involvement of State authorities.[55] Yet palm oil is now a significant strategic asset for the country,[56] providing 17 million jobs upstream and downstream, contributing around 12 per cent to the country's total export earnings.[57] Palm oil exports were valued at USD 23 billion in 2017 and USD 21 billion in 2018.[58] Domestically, the price of palm oil for cooking has been a dominant factor in determining the inflation rate of Indonesia's economy.[59] And the Indonesian Government derives around USD 2 billion in annual tax revenue from the industry.[60]

This is the result of deliberate efforts by the government, with encouragement from external development partners, including the World Bank.[61] The institutional environment in which palm oil production occurs in Indonesia has, however, shifted over time, with fluctuating prioritization of economic growth, social equity and environmental sustainability goals as different political forces have waxed and waned.[62] Plantation workers started unionizing in the 1930s, but began losing influence from 1957, when Sukarno brought the military into plantation management. Plantation workers were amongst those targeted in the widespread anti-communist massacres of 1965.[63] The New Order (1966–1998) favoured large-scale plantation agriculture with a focus on national ownership. Under *Reformasi* in the late 1990s the State began to facilitate selective foreign investment in local plantations. The move to decentralized governance in the 2000s transformed investment dynamics, since it gave power over land use to local regency governors (*bupatis*). This created strong incentives for local governments to compete for foreign investment, which helped reduce barriers to access to land and probably accelerated deforestation. Each year, an area the size of Bali is converted from forest to palm plantations. This has, however, had complex impacts, potentially fostering corruption (as we explore further below), and giving rise to recurring land disputes, since local authorities have tended to favour larger borrowers over smallholders and traditional owners. The Plantations Law No 18 of 2004 gives the plantation owner – not the regency government – the responsibility of obtaining consent from existing landowners for surrender of land, and permits plantations to use the local security apparatus to maintain security on the estates. A 2007 Agriculture Ministerial Regulation further extended estates' power by altering the split of landowning between estates and surrounding communities from 70/30 to 80/20, and allowing them to manage those smallholder estates themselves (simply paying a rent to smallholders).[64]

Today, around 53 per cent of Indonesian production takes place on large commercial plantations. Another 7 per cent occurs on large State plantations. Most Indonesian oil palm plantations (around 66 per cent in 2010) are largely concentrated on the island of Sumatra, 30 per cent are located in Kalimantan, 3 per cent in Sulawesi and the rest spread across other parts of Indonesia including Java and Papua.[65] Of the commercial plantation area, about 2.6 million hectares (44 per cent) is owned by the top 20, publicly-listed companies.[66]

NIGERIA

Nigeria presents a marked contrast to both Indonesia and Malaysia. African oil palm is endemic. Wild palms grow in village groves and secondary regrowth forest in the south of the country, and were probably first cultivated around 700 years ago. Cultivation expanded in the mid-nineteenth century following the abolition of the slave trade, earning export revenue from soap and candles, tin plating, margarine and chocolate, and in explosives. Oil palm expansion was central to colonial economic policy at the beginning of the twentieth century, but was based not on plantations but promotion of small-scale production and export.[67] Both social norms around land tenure and government policy resisted the plantation model.[68] It was only in the 1930s that two foreign oil palm plantations were developed, and then on a leasehold arrangement, by a precursor company to Unilever. In 1952 the Eastern region reversed this anti-plantation policy, also investing in a shift from traditional milling to higher-yield plantation milling. By the early 1960s, Nigeria was the leading exporter of both palm oil and palm kernels, with around 45 per cent of the trade.[69] From 1975 to 2009, Nigeria remained the second largest recipient of funding from the World Bank for palm oil investments with six projects.[70] However, only one project survived. The rest went bankrupt.[71] The European Union also made several significant investments.[72] Yet today, Nigeria has a tiny fraction of the global trade. Why?

The World Bank has put Nigeria's divergence from Indonesia and Malaysia partly down to geological and hydrological conditions, but there is little question that it is also due to the divergent institutional contexts in the three countries in the intervening half century.[73] After independence Nigeria used a marketing board for export, but the low prices it demanded discouraged foreign investment in processing. The few estates that remained were run by United Africa Company (UAC, now Unilever) and the Commonwealth Development Corporation (now CDC, the UK's development finance institution).[74] Governments promoted some village level palm-oriented settlements, but the strategic environment was radically transformed first by the discovery of petroleum in the southeast, which sucked away many economic resources, and then by the Nigerian Civil War. Private plantations, except those of UAC, were abandoned.

Mismanagement over the subsequent decades saw the collapse of Nigerian production and exports.[75] During military rule (1970-1999), there were periodic attempts to revive the oil palm plantations, following different patterns of private, public or partnership-based ownership as preferences of the day dictated. The Palm Oil Marketing Board was abolished in 1986 and import bans were placed on many agricultural commodities, stimulating some smallholder production. Structural adjustment policies devalued the Naira but promoted food prices and crop production, leading to hybrid production and intercropping of palm with food crops, for domestic consumption.[76] After the return to civilian rule in 1999, the State has targeted the private sector as a strategic partner in driving poverty alleviation through revival of the agricultural sector.[77] This included a public-private partnership focused on vegetal oil production, including significant investments in rehabilitation of abandoned plantations and large mills. To support this, the Government banned importation of certain oils and fats, subsidized inputs such as fertilizer and provided a 10-year tax holiday on investments. Infrastructural obstacles including fluctuating electricity supply and poor road networks hampered these efforts.[78] Meanwhile plantations were steadily privatized, though attempts to turn some plantations over to smallholders were undermined by corruption which siphoned off landholdings to local politicians' patronage networks.[79]

By 2010 the result was a mixture of traditional wild and semi-cultivated groves, smallholders, and larger farms. In contrast to both Indonesia and Malaysia, smallholdings accounted for over 80 per cent of local production, while established plantations accounted for less than 20 per cent of the total market.[80] Over the last decade, however, as Nigeria has become a net importer of palm oil, government attention has turned once again to the question of the low productivity of the existing estate sector and traditional groves. It has adopted a series of policy reforms which have fostered foreign investment, but also promoted consolidation of landholdings. Wilmar arrived in Cross River State in 2011 and has since bought up a number of defunct estates, ramping up production. In 2015, the Central Bank of Nigeria made palm oil products ineligible for access to foreign exchange through the Nigerian interbank market, and the Government imposed a 35 per cent duty on crude palm oil while also extending reduced-interest loans to farmers through banking intermediaries. These were all measures designed to promote local production. In 2018 Wilmar entered a joint venture with PZ Cussons International UK to invest over USD 650 million in palm oil plantations and processing facilities in Nigeria, part of a larger shift by local food producers towards backwards integration. In 2019, the Nigerian federal Government announced plans to invest USD 500 million to grow production eight-fold in eight years.

This move towards larger-scale, industrialized production in Nigeria has begun to give rise to some of the same concerns around dispossession, adverse incorporation, labour force management and smallholder economic dependency that have emerged around large monoculture plantations in South East Asia.[81] To understand those concerns, we turn now to the question of how palm oil production intersects with people's vulnerabilities and exploiter strategies in each of the three countries under study.

People's vulnerability and exploiter strategies

There is a growing literature describing the exploitation of workers in the palm oil supply chain, much of which focuses on technical and operational level indicia of vulnerability, such as physical isolation, removal of identity documents, and lack of access to written contracts. These are important markets of vulnerability in the workplace, yet our research suggests they describe *symptoms* of vulnerability within exploitation, rather than explaining the *sources* of that vulnerability. Our research suggests the vulnerability to exploitation of workers involved in the palm oil value chain varies on two main dimensions: first, what we might call political agency; and second, perhaps surprisingly given the focus on *labour* exploitation to date, control of land.

There are several populations exposed to the global palm oil industry that lack access to the State, to the protections it affords or to the means to influence its policies. These are populations that suffer reduced political agency or power and, as a result, are vulnerable to economic fraud and coercion. They include indigenous populations dispossessed of their lands through plantation expansion conducted without obtaining free, prior and informed consent. They include populations living in palm oil production zones controlled by non-State armed groups – for example in Colombia.[82] And they include migrant worker populations. These vulnerabilities play out differently in different institutional contexts.

Low-cost labour is central to the profitability of palm oil.[83] Producers compete on price by reducing labour costs, and do this by exploiting vulnerable people.[84] Plantations rely on a mix of 'permanent' and temporary workers, and it is amongst the temporary workforce, often hired through labour recruitment intermediaries, that reduced political agency particularly manifests as vulnerability to exploitation.[85] In the colonial period, a steady supply of low-cost labour was assured to many plantations through importation of 'coolie' labour from China, India and other neighbouring countries.[86] Today, in both Malaysia and Indonesia, labour regulation has ensured a steady supply of cheap labour: in Indonesia through internal relocation and transmigration of poor rural populations; in Malaysia through labour immigration, often facilitated by labour migration companies with close ties to political elites.[87] Both approaches have, however, led to workers being vulnerable to forced labour. A 2018 study by the Fair Labor Association (FLA), commissioned by the Consumer Goods Forum, found indicators of forced labour in both Indonesia and Malaysia's palm oil production, including

> coercive practices including threats, violence and lack of clarity of employment terms and conditions, dependency on the employer (vulnerability), lack of protection by State/police, debt bondage, high recruitment fees, and involuntary overtime at the palm oil estates and in the supply chain were widely cited in both countries.[88]

Yet perceptions of how this exploitation plays out differ significantly across these two institutional contexts, pointing to different vulnerabilities, different exploiter strategies – and different solutions. Figure 29 below represents the number of mentions of different forced labour risks by stakeholders surveyed by FLA in relation to the palm oil sector in both Indonesia and Malaysia. In Malaysia, the nominated risks relate significantly to the migrant worker experience. Around 70 to 80 per cent of this workforce is made up of migrant workers from neighbouring countries, many of whom have arrived through irregular means.[89] There are at least 450,000 migrant workers, largely from Indonesia, Bangladesh and the Philippines, in the palm oil industry in Malaysia.[90] These workers often fear engagement with State authorities, concerned that they will be criminalized or deported and lose the ability to remit income home. This fear exposes them to potential exploitation, both while they are being recruited, and once they arrive on isolated plantations.[91] Labour recruiters have historically been weakly regulated, and some have allegedly enjoyed ties to organized crime[92] and/or to political actors. Recruiters groom and recruit workers through social networks in source countries, with community leaders often heavily involved.[93] There may be several layers of subcontracted recruiting along the migration pathway,[94] and some migrant workers reports being bought and sold "like cattle".[95] Here is one worker's description of his journey to a Malaysian palm plantation:

> Armed men operating the boat rationed food and water so the packed-in migrants would make fewer trips to the toilet, and beat them when they asked for more. The heat and stench were overpowering, he said, and he saw dozens die. At one point, he said, he watched as the traffickers threw migrants' bodies into the sea, after slitting open their abdomens so they would sink... the traffickers, demanding money... would put them on the phone to their parents and beat them so the parents could hear their screams and pay up.[96]

Another group of migrant workers described the experience thus:

> a transnational network of labour subcontractors based out of Bulukumba, an area in Southern Sulawesi, lured workers from that area to work in the palm-sector. Once in Sabah, the workers were then told that they had a debt that they had to pay off, and were given no wages for the first months of work. Meanwhile, the credit that they are given at the local store in order to buy food was added to their debt, creating an ever-increasing amount. The subcontractors used violence and physical control to prevent workers from escaping.[97]

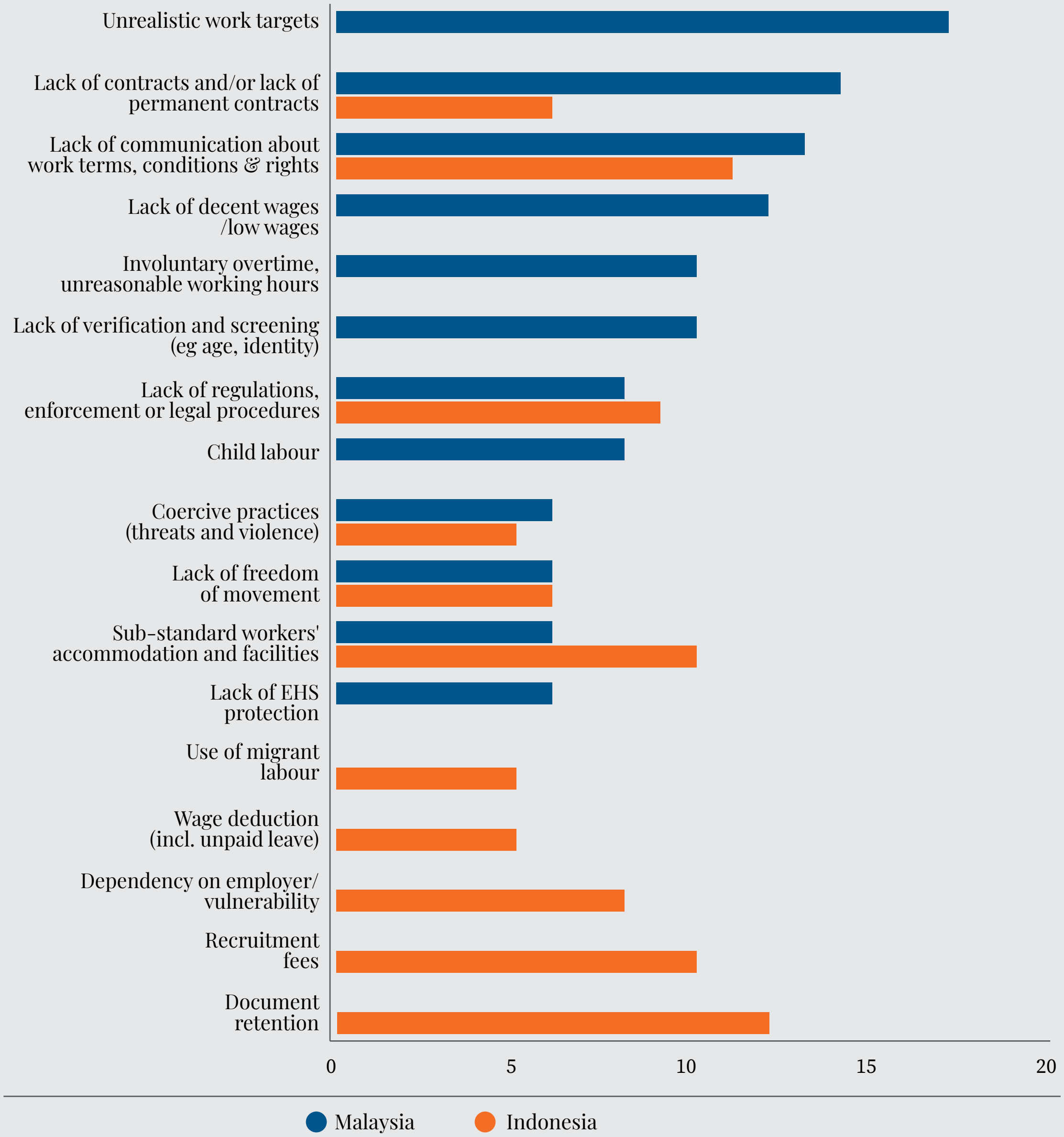
Recruiters frequently overcharge migrant workers for travel costs, charge them recruitment fees and place them in debt before they even arrive at their Malaysian workplace.[98] This debt is then repaid through wage deductions over several months or longer, with debts sometimes escalating to the point that migrant workers find themselves in debt bondage.[99] (We return in more depth to the topic of recruitment fees in Chapter 8, in the context of construction in Qatar.)

Once arrived at plantations, migrant workers are often forced to submit work permits, visas and passports to employers. This ties them to the plantation, preventing them exercising outside work options. If they do leave the premises, they are vulnerable to extortion – including by police, who may simply return the worker to the plantation unless bribed. As Accenture concluded in a 2013 study:

> Those migrants that successfully escape a plantation are unable to find legal employment in Malaysia. If they do find employment elsewhere, it is often at small, independent plantations that draw few visits from industry and government regulatory groups, making these migrants susceptible to further exploitative labor practices.[100]

As Gottwald concludes, "[t]hese forms of coercion can be used to prevent migrant workers from leaving abusive working situations, including wages below the statutory minimum and poor housing conditions."[101] Women face particular hazards. Women are usually relegated to lower paying positions such as palm maintenance (rather than harvesting), which can expose them to harmful pesticides. Malaysian law prevents migrant workers from marrying and provides for deportation of pregnant migrant workers. This makes female migrant workers especially vulnerable to harassment and intimidation.[102] And child migrants are also very vulnerable. There are a reported 72,000 'Stateless' children in Malaysia – those born to irregular migrants. The Stateless children are especially vulnerable to child labour, since they are largely excluded from State protection and services.[103]

FIGURE 29: PALM OIL LABOUR MANAGEMENT CONCERNS OF STAKEHOLDERS – INDONESIA & MALAYSIA



Data source: FLA 2018, pp. 13-14.

Returning to Figure 29, we see quite a different pattern of risks identified by surveyed stakeholders in relation to labour management concerns in the Indonesian palm oil sector. In Indonesia, the plantation workforce is primarily Indonesian, but often recruited from far-off provinces and lacks local social ties. Others are descendants of groups who were relocated under colonial and in some cases early post-colonial rule, who have suffered long-term poverty, and had their own smallholdings converted into plantation holdings.[104] These workers are hired by the plantations as casual, day workers without any guaranteed working schedule and lack access to the benefits provided to permanent workers such as health care and pensions. This is highly precarious work.[105] This practice also occurs in Nigeria, and appears to be growing more common in that country as the plantation model eats into the currently dominant smallholding model.[106]

What often tips this otherwise legal casual work into an area of questionable legality, however, is the particular pattern of management practices used to manage this workforce, especially the use of 'piece rates' – where workers are paid based on tasks completed rather than hours worked – and the use of a complex system of financial and other penalties where piece rate quotas are not met.[107] This system often seems to meet the definition of forced labour in the ILO Forced Labour Convention: "all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily". Harvesters (usually men) are typically set weight quotas for fresh fruit bunch collection, based on the age and expected productivity of trees. Plant maintenance units (usually women) are given quotas relating to the amount of fertilizer spread, chemicals sprayed, rows of plants weeded, and so on. Failure to hit the target results in a financial penalty, while fruit in excess of the quota may generate a bonus payment. Casual labourers that fail to meet quotas may be 'scorched' (suspended from work for one or more days).[108] Labour management practices, including production quotas, frequently also do not take into account ceilings on working hours or provide for mandatory time off or time off to deal with injuries and illness, despite considerable workplace risks. Female maintenance workers are often exposed to dangerous chemicals such as the fertilizer paraquat dichloride, and workers are given limited training, health and safety guidance, or protective equipment. And to meet production quotas, some workers enlist family members, including children, as unpaid ancillary workers (in Indonesia this is known as *kernet* labour).[109] Some children work after school, but others drop out of school to work alongside family members on plantations.[110]

On smallholdings, whether those of plantation outholders or independent smallholders, the dynamics of vulnerability have an added dimension.[111] Here, the central question is the extent to which smallholders exercise economic control over their own land. Some smallholders are simply shareholders (rent-takers) while the plantation manages and works their land; other smallholders work their own land, with management inputs from the plantation; and other smallholders are effectively part of the plantation's own workforce. Under these outholder arrangements, however, smallholders are usually price-takers with plantations and mills controlling the price of palm fruit, free to set monopsony prices. In addition, some smallholders are constrained by debts to the plantation, or to government agencies, for initial capital outlays – for example to establish the palm. In some cases these debts can so far outstrip the resulting salary, sales or leasehold income that the result amounts to a form of bonded labour or even modern serfdom. [112]

The key factor seems not to be smallholder's formal *ownership of land*, but rather their *de facto* control *of their own labour on that land*.[113] Partnership arrangements can go so far as to exclude owners from their own land, impose armed guards that control access to the land, and tie all labour extracting value from the land to the plantation. Smallholders in different countries use remarkably similar language to describe the resulting loss of agency. One group of South East Asian smallholders described themselves as "ghosts on our own land",[114] while a group of Nigerian smallholders independently described themselves "slaves on our own land".[115] In some cases, smallholder relationships with plantations can be empowering; in other cases, the result is adverse incorporation.[116]

The danger is that State support for the plantation sector may risk enlarging plantation profits through the immiseration of workers and villagers.[117] As an IFC published study found in 2013, industrialization of palm can lead to socio-economic stratification and a "growing socioeconomic gap among oil palm smallholders".[118] Not only that: it may also lead to ongoing human rights harms arising from forced labour, with direct financial implications for development actors. It is just such claims that are now at the heart of a complaint being considered by a joint complaints mechanism for the German, Dutch and French development banks. This relates to a large plantation in Democratic Republic of Congo, the site of forced labour over the last 100 years. Development entities in Belgium, France, Germany, the Netherlands, Spain, the UK and the US have all been involved in providing over USD 180 million to a Canadian firm that now controls the plantation.[119]

Domain maintenance: corruption and plantation autonomy

In an in-depth multi-year study of a private plantation in West Kalimantan, scholar Tanya Li describes "a thoroughly entrenched, somewhat hidden, overwhelmingly predatory system for channelling and capturing plantation wealth", built on "pervasive rent-seeking" underpinned by "coercion, manipulation and threat". The result was a system that served to "entrench violence into the underlying material, social and political framework, the 'infra' structure, of plantation life."[120] Li describes this as a 'mafia system',

> an extended, densely networked, predatory system in which everyone in a plantation zone must participate in order to get somewhere, or simply to survive. Predation means plunder; it also means consuming weaker animals. Hence anyone who does not become mafia – become both defensive and predatory – is simply prey. In this vein, plantation managers and supervisors plunder the wages due to their subordinates; workers, government officials, and many others also attempt to plunder plantation wealth.[121]

What Li is describing is a form of corrupt governmentality characteristic of mafia systems. As I have described in a previous book, *Hidden Power*, mafias operate separate, subversive normative systems in which all participants seek to extract illicit rents, bound by a shared understanding of the transgressive nature of their conduct – and the need to keep it hidden and secret from the larger world. This normative system is hidden inside official structures and regimes, but leaves those official structures in place, while system leaders carefully protect their own autonomy to operate within them.[122] The maintenance of this hidden governmental system and the autonomy it affords takes time and resources. It is a specific strategic practice, akin to what Andrew Crane describes as the 'domain maintenance' undertaken by slavers and traffickers (see Chapter 2 above).

Palm plantations seem to exhibit many of the practices associated with such domain maintenance. These practices are aimed at maintaining the plantation as an autonomous zone in which conduct that would otherwise be transgressive or illegal – such as labour exploitation – is normalized. Domain maintenance is integral to sustaining what Liberty Asia describes as an "environment of criminality surrounding the palm oil industry".[123] The first aspect of domain maintenance is literal: physical protection of palm oil plantations as sites separate from the communities around them, but with governance power over them. Plantation isolation facilitates this. Plantations are typically located in remote, rural communities far away from labour inspectors and labour markets. As Li notes, these

> rural communities often lack the basic infrastructure that is required to support worker communities, such as housing, markets, schools, hospitals, commercial businesses, utilities, and security. It therefore often falls to plantations to create worker communities, providing the entire infrastructure. [124]

This means that the entire social infrastructure – barracks, shops, schools, health clinics – are embedded in plantation governmentality, even if they are not formally located within a plantation's legal boundaries. And this extends to policing and judicial infrastructure – to the State itself. As Li explains, "[i]n these zones, it is not just crucial livelihood resources that are monopolized by plantations, law and government are also colonized by, and folded into, the plantation system." She explicitly draws colonial and slave-era parallels:

> [T]he point is not new. In colonial Sumatra where plantations expanded between 1870 and 1942 to cover a million hectares of almost-continuous space, colonial land, labour and criminal law, policing, and government were officially subordinated to, and/or effectively subverted by, plantation logics. Similarly, slave plantations in the Americas were buttressed by modes of racial rule that pervaded all social and political institutions. As Edgar Thompson observed, a plantation does not standalone; it "survives only by generating and controlling a system of institutions around itself".[125] [footnote omitted]

Domain maintenance is particularly important for palm oil producers, because of the sunk cost in palm oil stock. Cattle can, if necessary, be moved. So, too, can piecework apparel sweatshops, and even large-scale apparel factories, if necessary (see Chapter 7). Oil palms cannot; they are literally rooted to the spot. Once they are, the future profits to be derived must be protected by reducing labour costs as far as possible. Domain maintenance makes that possible, and makes it possible to reduce costs even below the legal minimum. To achieve that, "corporations buy protection".[126] 'Protection' here means enlisting the State in the system of plantation governmentality, removing any 'outside' economic, political or judicial option for people in that domain.[127] In a 2018 study of palm plantations, the Fair Labor Association found

> a lack of penalties for violations of laws or ethical standards [which] leave[s] employers and recruiters without impetus to take corrective actions… Workers are rarely represented by unions or similar organizations and therefore cannot benefit from collective bargaining. The systems that exist to protect workers' interests, such as judicial and non-judicial grievance mechanisms, are weak or non-existent, and oversight mechanisms, such as company audits and certification visits, do not function in a way that identifies issues or addresses the underlying causes.[128]

This frequently involves collusion between plantation owners and State actors. In Indonesia, for example, the process of decentralization in the early 2000s gave local regency governors, bupatis, decision-making power over use of land. This quickly led to plantation owners emerging as major election financiers,[129] funding the give-aways and retail bribery that are typical in local elections in the country.[130] The plantation-politician axis also spells trouble for traditional smallholders, since planters, government actors, army and police can work together to criminalize villager resistance to plantation expansion, or worker mobilization inside the plantation, while protecting them from prosecution for land misuse, forest fires, waterway pollution, or labour infractions.[131] In 2019 the Indonesian State Auditor found that perhaps 19 per cent of the country's palm plantations – over 3 million hectares – were located in non-compliance with national conservation laws, customary land tenure rights and industry standards.[132]

Transformation, resistance – and convergence?

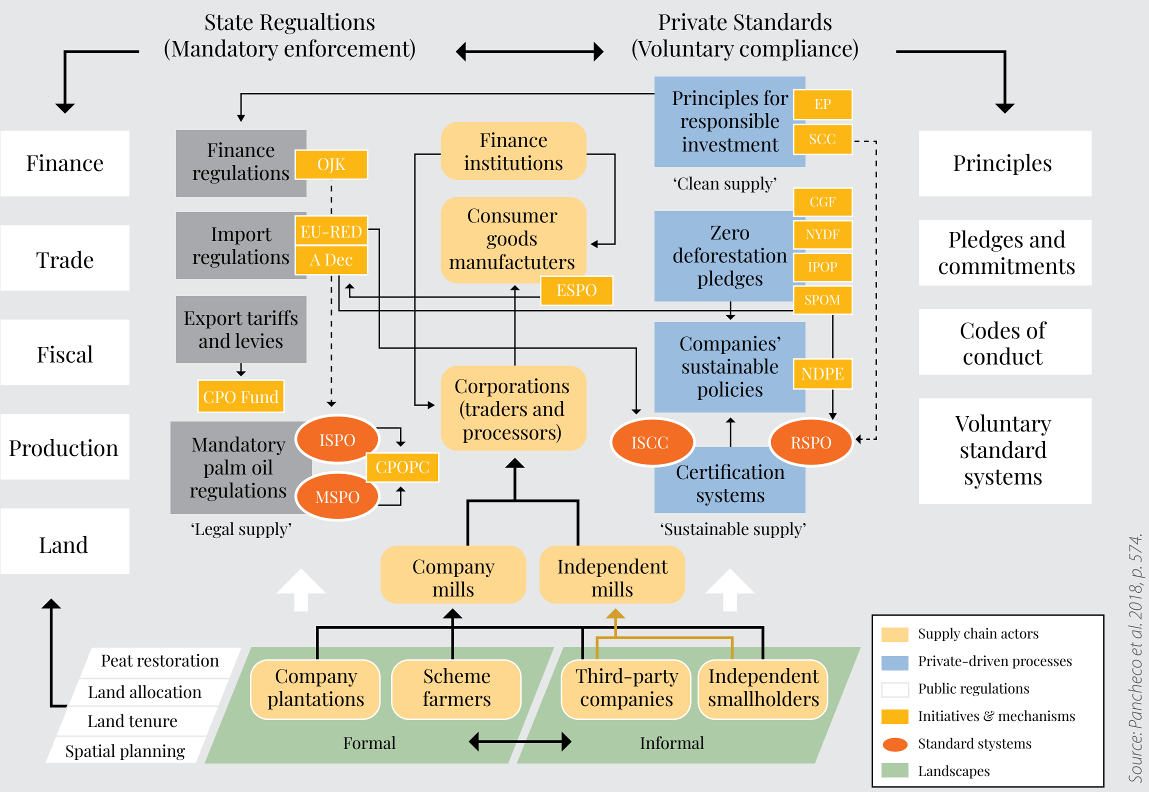
In this section we consider a variety of efforts over the last two decades to assure the sustainability of palm oil-based development. These efforts focused initially on environmental sustainability, but have increasingly also considered labour exploitation and human trafficking. At the centre of these efforts is the Roundtable on Sustainable Palm Oil (RSPO), a multi-stakeholder supply chain governance initiative, and the reactions of the Indonesian and Malaysian Governments to the RSPO. The RSPO is just one of an array of State regulations, voluntary sustainability standards (VSS), and public-private value chain governance initiatives that shape the space in which palm oil-led development occurs. Some of these are represented in Figure 30 below.

Attempt at the social regulation of the palm oil value chain over the last two decades have unfolded in three stages.[133] First, from around 2004, private value chain governance initiatives, notably the RSPO, sought to transform the space in which palm oil is produced, from above and outside the spaces of production, to reduce its negative environmental impact.[134] At first, key producing countries played along with, and even learned from, this process. Second, however, around 2009, as public authorities and private producers in Indonesia and Malaysia began to perceive these initiatives as intruding on what was properly their regulatory domain, they defected, establishing rival national initiatives. This contributed to fragmentation of governance in the palm oil value chain, which in turn prompted further normative entrepreneurialism from a range of public and private actors. It was in this period that labour conditions rose to greater prominence in regulatory debates. In a third period, starting around 2014, we see attempts to draw different regulatory approaches back together, through collaborations between public and private actors across this regime complex. Yet questions of normative hierarchy remain unresolved. Increasingly, palm oil governance is a focus for both narrative and regulatory competition on the international stage, reflecting different understandings of the role of States and private actors in governing global value chains for sustainable development.

Transforming palm oil governance: the RSPO

In 2002, the Swiss arm of the World Wildlife Fund (WWF) gathered a group of European consumer goods retailers, food manufacturers, palm oil processors, traders and financiers for a discussion in London about how to reduce the environmental impact and improve the sustainability of palm oil. The result was the Roundtable on Sustainable Palm Oil (RSPO), a voluntary multi-stakeholder initiative bringing together business and civil society, but not, initially, governments. The Malaysian Palm Oil Association (MPOA) joined in early 2003, and in turn convinced *Gabungan Asosiasi Pengusaha Kelapa sawit Indonesia* (GAPKI), the Indonesian Palm Oil Association, to join in 2004. By 2005, the RSPO had developed a standard for sustainable palm oil production, a verification and certification process for growers, and mechanisms for tracing supply chain products. The first certified sustainable palm oil became available in November 2008. Today, the RSPO counts 4,000 firms from along the value chain as members, with 3.16 million hectares and around 19 per cent of global palm oil production RSPO certified.[135]

FIGURE 30: STATE AND PRIVATE REGULATORY INITIATIVES IN THE PALM OIL SECTOR



The palm oil sector transnational regime complex. A Dec, Amsterdam Declaration; CGF, Consumer Goods Forum; CPO, Crude Palm Oil; CPOPC, Council of Palm Oil Producing Countries; EP, Equator Principles; ESPO, European Sustainable Palm Oil; EU-RED, European Union Renewable Energy Directive; IPOP, Indonesian Palm Oil Pledge; ISCC, International Sustainability and Carbon Certification; ISPO, Indonesian Sustainable Palm Oil; MSPO, Malaysian Sustainable Palm Oil; NDPE, No Deforestation, No Peat, No Exploitation policy; NYDF, New York Declaration on Forests; OJK, Indonesian Financial Services Authority; RSPO, Roundtable on Sustainable Palm Oil; SCC, Soft Commodities Compact; SPOM, Sustainable Palm Oil Manifesto.

To become RSPO certified, palm oil growers must undergo an initial certification audit, followed by annual audits to demonstrate continued compliance with the organization's standards. Among the Principles & Criteria to which palm oil growers must submit to become certified is respect for fundamental labour rights – including freedom of association, collective bargaining, and a prohibition on the use of child and forced labour.[136] Yet RSPO has been criticized, at times, for the lack of organized labour voice within its own governance structures.[137] Analyses have also found limited evidence that certification correlates to reduced deforestation,[138] and there have been repeated claims of involvement of RSPO-certified companies with deforestation and (as we shall see) labour and human rights violations. Nonetheless, the RSPO has emerged as a key forum for discussions on the sustainability of palm oil, with IFC and various Equator Principles banks including RSPO certification in their lending and investing policies, partnerships with a variety of UN entities, and major retailers such as Unilever, Mars, Nestlé, Carrefour and Ferrero all using RSPO certification as a benchmark for palm oil sustainability.

Resistance: contestation and convergence

By 2008 there were growing concerns in some quarters regarding the efficacy of the RSPO. More than 250 NGOs released an 'International Declaration Against the Greenwashing of Palm Oil by the RSPO', concerned that it was normalizing palm oil expansion without fundamentally reducing its negative impact on forests and biodiversity.[139] In 2009 the World Bank and IFC suspended palm oil financing following the release of an audit by the Compliance Advisor Ombudsperson (CAO) which found Wilmar, an RSPO-certified member at the time, in violation of Indonesian law and IFC environmental and social standards. These conclusions from IFC's own accountability mechanism prompted a financing moratorium during which it reviewed its lending practices to "ensure that the problems identified in the CAO audit are not repeated," and develop a strategy to guide IFC's future palm oil investments.[140]

All of this suggested that there might be growing reputational and possibly even capital costs for producers that did not meet the market's evolving sustainability expectations, and there were growing signs that markets would treat RSPO certification not as a voluntary process by which growers could differentiate their products, but as a *de facto* expectation. This caused growing concern amongst producer Governments which, until that point, had treated certification and VSS as a business-to-business matter. The Indonesian and Malaysian governments, for example, which maintained strong ties with their own national palm oil associations (MPOA and GAPKI), were happy to leave participation in RSPO to them.[141]

By 2009 some growers were arguing that buyers' shifting sustainability expectations were imposing increasingly unfair, unpredictable and unrealistic burdens on producers in the global South, while allowing manufacturers and retailers in the global North to capture price premia from sustainability certification.[142] The RSPO and other private supply chain schemes were increasingly characterized in producer countries as "external pressures for change" from private regulators seeking to "fulfill functions that are commonly thought to be the domain of the State".[143] In 2011, GAPKI withdrew from the RSPO and announced that it would support a new, national Indonesian Sustainable Palm Oil (ISPO) standard being developed by the Indonesian Government.[144] In 2015, Malaysia followed suit, establishing the Malaysian Sustainable Palm Oil (MSPO) standard.[145] In 2015, Indonesia and Malaysia set up the Council of Palm Oil Producing Countries to coordinate their approach. Brazil has also introduced its own national scheme, the Sustainable Palm Oil Production Program (SPOPP).[146]

These national standards mimic RSPO in many ways, including third-party auditing of certified growers. But they also differ in important respects.[147] A UNDP study found the ISPO's differences included rules around deforestation and use of peatland, as well as rules around social issues, notably including the free, prior, informed consent of local communities before a land-use change.[148] The MSPO standard also differs on sustainability criteria.[149] The offering of national standards was however not justified purely on substantive or technical grounds, but also in political terms: through appeals to national authority, legitimacy and solidarity. As one ISPO representative explained to two researchers: "We do not listen to pressure from the European market. This is our palm oil and this is what we do. We are sovereign."[150] Another stated bluntly: "It is mainly downstream actors [i.e. retailers and consumers] that are involved in RSPO. Downstream actors are dictating up-stream actors and undermine the legitimate development of producing countries."[151] Expressing similar concerns in 2015, Indonesia's Environment and Forestry Minister, argued that with the RSPO the Government's "authority is being taken over by the private sector".[152]

Critics of RSPO often pointed to the difficulties that smallholders faced in obtaining certification.[153] In Indonesia, around 40 per cent of palm is held by smallholders on plantations smaller than 25 hectares.[154] With initial audit costs of around USD 25 per hectare, RSPO certification was often out of reach for many smallholders. In each case, the national standard was presented as a lower-cost option, better tailored to local conditions and national development priorities. As a Malaysian government official explained to one interviewer:

> The RSPO is more focused on environmental issues than anything else. There is a lack of balance between the three aspects of sustainable development: people, planet, profit. People and profit need to be included. Poor people also have to benefit. They have to be able to improve their living.[155]

These national schemes have, however, struggled to reach scale. As of April 2016 the ISPO commission had certified 266 palm oil business actors covering 1.67 million hectares of plantation land or around 13 per cent of the total palm plantation area and less than 25 per cent of crude palm oil by volume in the country.[156] At the time, only two smallholder schemes were covered. A2017 study found numerous barriers for smallholders to achieving ISPO certification.[157] As of November 2019, an estimated 58.5 per cent of total oil palm area in Malaysia had been certified under the MSPO.[158] The ISPO standard is now mandatory for Indonesian plantation companies and will become mandatory for Indonesian smallholders in 2022, with the Government moving to provide financial assistance to smallholders to facilitate ISPO certification.[159] The MSPO has also transitioned from a voluntary to a mandatory scheme. Yet MSPO and ISPO certifications are recognized by only a small share of global demand, in part due to lingering concerns around respect for FPIC standards and the absence of independent monitoring arrangements.[160]

As Schouten and Blitzer point out, the RSPO and national standards are essentially appealing to different audiences and different sources of legitimacy. While the RSPO enjoys widespread acceptance among retailers and consumers in the global North, the national standards are focused on national audiences, particularly local producers.[161] Yet the palm oil value chain has stakeholders in both these audiences. Effective sustainability governance will require the emergence of norms and regimes with legitimacy among both audiences. Instead, palm oil sector governance is characterized by regime complexity,[162] with multiple normative regimes and domains overlapping, interpenetrating and actively competing.[163] (A "regime complex" is a set of "partially overlapping and non-hierarchical institutions governing a particular issue-area".[164]) Figure 30, above, is illustrative of that complexity.

The ISPO and MSPO defections from RSPO in fact led to a deepening of that complexity, by opening the door to further normative entrepreneurialism, initiating a period of contestation between different private and public players promoting different governance frameworks. In 2013, a group of civil society activists began promoting the 'No Deforestation, No Peat, No Exploitation' standard, targeting major oil palm traders such as Wilmar, GAR, Musim Mas, Cargill, Asian Agri and Astra Agro. This spawned the December 2014 New York Declaration on Forests, bringing together civil society, business actors and Indonesian Governmental actors, committing them to halve the rate of deforestation by the end of 2020. Around the same time, Malaysian producers led a regional initiative called the Sustainable Palm Oil Manifesto, while Indonesian producers formed the Indonesian Palm Oil Pledge (IPOP). The Indonesian Government pushed back strongly against IPOP, branding it a cartel, and opening a competition law investigation. IPOP disbanded in June 2016.[165]

Yet in recent years there have also been signs of possible normative convergence across some of these initiatives. The RSPO has moved to create space for participation by public authorities, first by allowing for a series of 'national interpretations' of its Principles & Criteria. Not only Indonesia and Malaysia, but also India, Ghana, Côte d'Ivoire, Mexico and Papua New Guinea and Solomon Islands have lodged such interpretations. Second, in March 2018 the RSPO created a Jurisdictional Working Group, aimed at scaling up certification by making public authorities partners in the certification of whole legal jurisdictions (i.e. districts, States, provinces, even countries), rather than relying on plantation-by-plantation certification. The approach requires government leadership, support, and collaboration to set up overall governance, regulations and frameworks to apply RSPO standards progressively across an entire jurisdiction.[166] This approach is now being rolled out in the state of Sabah, Malaysia; the District of Seruyan, Central Kalimantan, Indonesia; and for the entire country of Ecuador.

This approach may begin to address the challenge of seeking to achieve governance through plantation-level interventions. Tanya Li explains:

> proponents of good governance, certification, standards, and corporate social responsibility imagine plantations as distinct and bounded spaces that can, in fact, stand alone. According to this vision, plantations are integrated in the surrounding economic system, but politically and legally they are distinct. Hence model plantations can be law-abiding, rule bound, and immune from incursion by the predatory political environment that surrounds them. Conversely, in this imagined world, law and governance stand firmly outside plantations to manage and monitor them, and correct them should they err. Together, righteous corporations, governments and other stakeholders can replace "bad" palm oil with "good." I cannot generalize for all plantation contexts but in relation to Indonesia, these imaginings are based on a flawed understanding of how plantations work.[167]

Oliver Pye makes a similar point about the level at which governance interventions are likely to be effective:

> the big questions of sustainability, the continuing conversion of rainforests, the raging forest fires and the immense human cost of haze, the regulation of the labour regime, the impact on climate change, land rights and land reform etc. are not decided at the mill-estate scale, and as such (as the RSPO repeatedly reminds us), are not within its mandate.[168]

RSPO's move to a jurisdictional certification approach is an attempt to address this weakness of plantation-level governance interventions, by enlisting public authorities in a partnership to solve these big questions of sustainability. Yet, as we shall see, if public authorities cannot agree on the answers, the governance system still risks breaking down.

The emergence of labour exploitation as a sustainability concern

It was during the last decade of contestation of sustainability governance that some civil society actors began pressing the case for greater attention to labour conditions in palm oil production.[169] This had been an issue for RSPO since 2005, when one of its own Executive Board Member companies, Musim Mas, became embroiled in a bitter dispute with striking Sumatran palm plantation workers attempting to unionize. Musim Mas fired more than 700 union members, laid off 300 more casual workers, and evicted all of them and their families from estate accommodation and schools. Local police were brought in to break the strike and worker leaders were sentenced to prison for terms ranging from fourteen to 24 months. In response, the International Union of Food Workers (IUF) and Building and Wood Workers International (BWI) filed a formal complaint with the RSPO – which declined to take a position or order an independent investigation.[170]

By 2013 RSPO's unwillingness to take serious action on labour conditions in its members' operations had become a reputational problem. An exposé by Ben Skinner for Bloomberg revealed the depth of labour rights abuses in the Indonesian palm oil sector.[171] Further studies followed over the next five years, identifying similar abuses at IOI group,[172] Indofood,[173] Wilmar,[174] Nestlé[175] and across the industry.[176] Motivated in part by these concerns, in 2013 a group of producers, processors and traders that wanted to move faster than the rest of the RSPO membership set up their own complementary Palm Oil Innovation Group (POIG).[177] This group continues to argue that even after a review of the RSPO Principles & Criteria in 2018, the RSPO system shows weaknesses on labour protections, including "the lack of strict standards on working hours and overtime, a cap on precarious labour, and a clear methodology to define a decent living wage."[178] POIG members commit to require that "palm oil producers shall respect worker's rights including the ILO requirements for 'decent work' and core conventions on child labour, forced or compulsory labour, freedom of association, and elimination of discrimination." It further spells out indicators on the terms and contracts of employment, remuneration, work hours, leave, and clear policies on child labour, against which members' performance is to be assessed.

Meanwhile, in 2015 the anti-slavery group Humanity United convened experts from civil society, workers' organizations, representatives of unions, investors and philanthropic organizations from the United States, Europe, Malaysia, and Indonesia to develop "Principles and Implementation Guidance for Free and Fair Labor in Palm Oil Production." These were intended to serve as a "resource to provide concrete and practical guidance on implementing responsible palm oil production".[179] The principles aimed, amongst other things, to address operational guidance gaps in the RSPO framework around passport retention, precarious work and recruitment fees. While not enforceable, they have proven influential in the POIG and, later, in the RSPO, whose Principles & Criteria were revised in 2018 to include strengthened human and labour rights and grievance components (Criteria 4 and 6).[180] In addition, the Principles may have influenced the January 2016 Consumer Goods Forum (CGF) adoption of three Priority Industry Principles on Forced Labor, covering freedom of movement, non-coercion and non-indebtedness, and not charging recruitment fees. CGF has selected palm oil production as a focus area for implementing these Priority Industry Principles and is now mobilizing its members to advocate collectively with governments for more effective regulation.

These developments seem to have encouraged the RSPO to take a stronger stance on respect for labour rights among its members. In 2018 an RSPO complaints panel found that FGV Holdings (one of Malaysia's biggest palm oil producers) was linked to exploitative labour practices, following a 2015 investigation by The Wall Street Journal, and suspended some of its certifications.[181] In a parallel complaint, the RSPO found PepsiCo's joint venture partner in Indonesia, Indofood, to have violated RSPO standards relating to labour rights.[182] This led to Indofood's ouster from the RSPO, and the cancellation of hundreds of millions of dollars of financing by Citi and Rabobank.[183]

Lessons and opportunities

Competing efforts over the last two decades to govern the relationship between the palm oil value chain and sustainable development provide important lessons for our broader study. These relate to the impacts of different approaches to sustainability on the economic agency of those vulnerable to labour exploitation; and the global political and financial dynamics of promoting labour rights in global commodity markets.

From transformation to disruption – the global politics of palm oil sustainability

In the previous case study we saw how efforts to promote labour rights in Brazil's cattle industry have moved from a focus on disruption – changing the strategic calculus of exploitation – to transformation – strengthening the governance of the value chains in which the exploitation takes place. In this case the direction of travel seems to have been in the opposite direction.

The RSPO aims at the multi-stakeholder transformation of supply chain governance through certification of production against environmental and labour standards. This strategy ran into resistance from producers in Indonesia and Malaysia who used their strong established relationships with national governments to contest the legitimacy of such an approach to social regulation. Until recently, the RSPO strategy has had little effect on producers' labour management practices. Plantations, on whom the RSPO strategy focuses, enjoy significant autonomy in how they manage their workforces, protected by alliances with local political and security actors. And the profits that political and capital elites in producing countries make arguably depend on access to a cheap, even precarious, labour force. So they have strong incentives to resist interventions that may disrupt that system and the rents they can extract from it. While there have been moves to address labour recruitment and migration practices in some relevant jurisdictions in recent years (notably Malaysia), it has only been through journalistic exposés and civil society advocacy that these issues have found their way into larger discussions of palm oil sustainability. And to date they have been limited to 'techno-managerial' discussions of labour management practices, without addressing larger regional development questions of access to land, workforce management, corruption and structural inequality.

Discussions of labour management in the palm oil industry have not yet acknowledged that it is not just the *physical* production of palm oil but also the *social* production of palm oil that needs to be made more sustainable. Sustainability is not, as Oliver Pye puts it, a commodity that can be bought, but a social and political question. That question cannot be addressed at the plantation level – a premise baked into all of the certification-based regimes (RSPO, ISPO, MSPO, SPOPP). It can only be addressed at the level of ecosystems and entire value chains, since it is a question about how States manage the interaction of both localized inputs (land and labour) with transnational flows (capital and labour). It is also a question about how States manage transnational externalities, such as remittances, smoke haze and climate change.[184]

This is why debates around the RSPO and other VSS are increasingly framed in terms of 'sovereignty' – because they are debates not only over regulatory authority but also over political power. Sovereignty is an adaptable, instrumental concept that States wield to pursue different policy goals through engagement with foreign entities and processes. In a longitudinal study of how States engage the RSPO, Greetje Schouten and Otto Hospes found that

> States strategically use different and changing notions of sovereignty to control the policy and debate regarding sustainable palm oil. When interactions between public and private governance are coordinative in nature, notions of interdependent sovereignty are used. However, when interactions are competitive, domestic and Westphalian notions of sovereignty are used.[185]

As different States form economic alliances with different actors in global value chains, this economic competition is increasingly morphing into inter-State political and normative competition. And this in turn leads to an organic shift in the approach underpinning palm oil sustainability interventions, moving from privately led transformation of value chain governance to State-led disruption of the logic of exploitation by changing costs and incentives, especially through market exclusion. In recent years, access to both capital and export markets has begun to become conditional on eschewing forced labour. As we discuss further below, several financial institutions have taken steps to divest from palm oil holdings credibly linked to labour rights abuses. And United States Customs and Border Protection (CBP) is currently considering petitions to place withhold release orders that bar access to the US market on palm oil allegedly made with forced labour by FGV and Sime Darby.[186]

Several challenges arise from the emergence of these disruption strategies. For one thing, they are not systematic or coordinated. Producers and their government allies favour value chain governance and public policies that promote palm oil expansion and competition on cost. Some consumer and importing companies and countries, notably in the US and EU, place greater emphasis on environmental sustainability and respect for labour standards. But other consumer and importing countries – notably India and China, the two largest importers – do not.[187] This poses important commercial *and political* questions for the palm oil sector, about which voices will shape the palm oil regime complex in future. Where, for example, do rising powers such as India and China fit in these regime complexes?[188]

RSPO has made limited headway in both countries. Both Indian and Chinese consumers and retailers demonstrate little willingness to pay a higher premium to fund supply chain segregation and sustainability practices when there is a ready supply of cheaper, unsustainable oil on the market. There are some signs of divergence here, with Chinese firms, possibly responding to signals from the Chinese Government, increasingly engaging.[189] In July 2019 RSPO launched a China Sustainable Palm Oil Alliance together with WWF China and various brands (including AAK, Cargill China, HSBC, L'Oréal China, Mars and MingFai Group). Yet this group's initial goal – ensuring that 10 per cent of all palm oil imports into China are sustainably sourced – demonstrates how marginal sustainability concerns remain in Chinese purchasing. And in India, consumer markets are less brand driven, distribution is more fragmented, and cost is the over-riding driver of purchasing decisions, making it difficult for the RSPO to get traction.[190] Indian Government engagement has to date focused less on promoting a sustainability agenda and more on promoting growth in domestic palm oil production.

This all suggests a danger of the governance of palm oil sustainability becoming a geopolitical and geoeconomic football. The latter point is clear from the Indonesian and Malaysian Governments' reactions to the recent decision by the EU to phase out permission for use of palm oil as an approved biofuel, on the grounds that it promotes deforestation.[191] The move poses a major threat to Indonesian exports to Europe. With President Joko Widodo characterizing the move as an "act of trade war",[192] Indonesia filed a complaint at the WTO, arguing that the policy is an illegal non-tariff barrier designed to exclude palm oil and promote use of EU-grown rapeseed. Malaysia adopted a similar line.

Towards an approach focused on maximizing economic agency

Yet there are also signs that we may see a more coordinated and systemic approach emerging, across the regime complex. This is an approach that abandons the wishful post-political conception of palm oil governance embodied by plantation-level certification,[193] and acknowledges the need to address political questions such land ownership and use, access to finance and labour market management. It is arguably an approach that is more congruent with the UN's 2030 Agenda for Sustainable Development.

This approach works towards a coordinated public policy approach across different segments of the regime complex, with consistent frameworks and effective incentives and enforcement.[194] At the heart of this approach is arguably an implicit recognition of the need to maximize economic agency, including the agency of indigenous peoples and smallholders, as well as wage and casual labourers. In that sense it is an approach that combines all three components of a Developing Freedom agenda: transformation (here, through multi-stakeholder governance), disruption (here, through alignment of incentives and enforcement), and *empowerment* – strengthening the capabilities of people who are vulnerable to exploitation in the palm oil production context.

Elements of this approach were arguably already embedded in the 2011 World Bank Group Framework and IFC Strategy,[195] which set out a whole-of-sector framework for engagement, after the financing moratorium initiated in 2009. This specifically recognized the development challenge as one of coordinating sectoral governance:

> Problems arise when strong economic incentives for [palm oil] expansion are superimposed on a governance framework that has weak capacity for guiding the development of new oil palm plantations onto areas where the environmental and social impacts are minimized.[196]

The World Bank Framework recognizes that the sector works through a network of business, working within a complex patchwork of governmental policies, laws, and regulatory systems. It characterizes the RSPO as a forum in which certain actors can establish principles and criteria to underpin collaboration and partnership. And this agenda has steadily become more influential in RSPO circles over the last decade. The efforts by the RSPO to find space for governmental actors through national interpretations of the Principles & Criteria, and through the jurisdictional certification arrangements, work towards this sector-wide governance approach. The RSPO's establishment, in May 2020, of a 'Shared Responsibility' Working Group arguably takes this even further. It gives banks and investors, supply chain actors and civil society a stronger role in delivering RSPO outcomes.

The World Bank Framework is also notably for championing, relatively early, "initiatives that support smallholders and foster benefit sharing with rural communities."[197] One lesson from this case study is that modern slavery risks in the palm oil sector are not limited to wage labourers, whether permanent or casual, as some narratives may suggest. Many smallholders exhibit signs of economic dependency on and indebtedness to monopsonistic plantation owners – signs that are potentially indicative of debt bondage and involuntary servitude. That demands increased attention to how the terms of smallholder partnerships limit – or could be made to promote – their economic agency.

To date the need for capital investment and the economic geography of palm production have tilted the playing-field towards large scale monoculture plantations. This is partly because larger-scale tropical agriculture concentrates power, fosters corruption and promotes rent-seeking. As Edward Barbier explains:

> Corruption appears to be an important factor in effecting tropical land conversion, both directly and through interaction with the terms of trade. An increase in agricultural land expansion in the long run is also associated with a lower level of per capita income across developing economies. Those economies who have expanded agricultural land area have not achieved greater economy-wide gains compared to economies with little agricultural land expansion. Rent-seeking and corruption, reinforced by policies, contribute both to excessive land conversion and the concentration of the poor in low-productive, marginal lands. The result is the tendency for the gains from converting highly valuable land resources to benefit mainly wealthy elites, thus exacerbating problems of inequality and rural poverty while at the same time impeding economy-wide development.[198]

But there are arguments that small-scale palm production makes more sense from a broader economic perspective, with some studies finding it provides income for many more people per hectare and is thus a more sound basis for development interventions that seek to promote palm oil-based livelihoods.[199] Smallholders also tend to favour intercropping. This may deliver lower yields than monoculture, but it also reduces risk for the smallholder, including food security risk.

It might be thought that this requires folding small-scale producers into more consolidated value chains, since they tend to exercise more market power and are associated with improved technologies and innovation. But that is not necessarily the case. The literature suggests that size of land asset or scale of production, by itself, is not determinative of involvement in consolidated value chains. What matters is the policy environment, since there are institutional arrangements, including contract growing, cooperatives and farmer associations, that can empower producers effectively while reducing dependency.[200] These are policies designed to maximize the economic agency of even small-scale producers, empowering them through coordination and cooperation.

Elements of a smallholder-oriented approach are increasingly central to UN development programming on palm oil. One important example is UNDP's Sustainable Commodities Program, which works across governance platforms and, *inter alia*, fosters the representation of typically marginalized stakeholders such as smallholder farmers. Working with the Indonesian Government, in 2014 the program created the *Forum Kelapa Sawit Berkelanjutan Indonesia* (FoKSBI), operating at district, provincial and national levels to coordinate sustainability efforts, including smallholder capacity building. This provides training, access to seeds, finances and other service, and support for ISPO certification of smallholders. A similar approach has been explored in Peru. FoKSBI is also supported by the Good Growth Partnership, which brings together UNDP, UN Environment, the IFC, WWF and other partners, working across production, financing and demand, to promote sustainable development in beef, palm and soy in Indonesia, Liberia, Brazil and Paraguay.[201]

We also arguably see a turn towards an economic agency agenda in the sector's understanding of the challenges faced by casual workers. The central question here is not simply what managerial practices are needed at the plantation level to protect workers from exploitation, but rather what role the sector's stakeholders – including employers, purchasers and investors – will take in the social reproduction of the sector's workforce. The growth and profitability of the sector in the last fifty years owes a great deal to the public policies that have allowed plantations to access a steady supply of cheap, relatively disposable labour. These policies have suppressed worker organization and unionization, so remedies obviously lie in part in policies that now foster the underdeveloped organizational capabilities of the workforce.[202] This requires an acknowledgement of the interdependence of capital and labour in the sustainable generation of profit from palm oil, and a re-evaluation of what it means for labour to be 'free'. As Tanya Li explains, the labour regime on Indonesia's oil palm plantations is

> …so free it is vicious. People who sell their labor power "freely" to the point of exhaustion pay a high price in damaged bodies, fractured families, and a desperate struggle to meet quotas, find work, or simply to survive.[203]

'Developing Freedom' in the global palm oil sector is thus about more than just access to labour markets and their formal regulation. It is also about their *informal* regulation, and how their operation is shaped by power. Developing Freedom requires not just creating free labour markets and enforcing formal labour laws, but also strengthening the capabilities of vulnerable people to make them more resilient in the face of exploiter strategies. It requires not just transformation of supply chain governance and disruption of the calculus of exploitation, but empowerment of vulnerable people.

Again, there are hints of a recognition of this in some current initiatives. The Decent Rural Living Initiative, for example, convened by international sustainability non-profit Forum for the Future, brings together palm oil companies Cargill, Musim Mas, Sime Darby, Wilmar and Golden Agri-Resources. Wilmar and Sime Darby are focused on developing contracts that minimise the uncertainty of casual and flexible work, through a pilot project focused on part-time workers. The aim is "not making these casual positions permanent but making sure the overall quality of life, for both permanent and temporary workers is better," including through standardization of contracts and collective bargaining.[204]

The central role of finance

The final lesson from this case study concerns the central role of finance in shaping sustainable development outcomes.

Friends of the Earth calculates that every 10,000 acres of new palm oil plantations require roughly USD 100 million in capital investments, and that in the 5 years after 2008, more than USD 20 billion in financing was extended to the industry, including more than USD 14 billion in loans.[205] Underwriting of palm oil sector bond and share issuances is dominated by Malaysian investment banks (CIMB, Malayan Banking, and RHB) and American investment banks (Citi, JPMorgan Chase, Morgan Stanley, and the American subsidiaries of Credit Suisse and Deutsche).[206] This gives the financial sector, including ECAs, DFIs and MDBs, huge power to change the way the sector does business. There are several aspects to this.

First, financiers that invest in or lend to companies that rely on forced labour are in effect subsidizing illegality and may face unrealized liabilities or reputational costs.[207] The scale of the resulting financial risks is beginning to come into focus as some financial institutions face criticism for supporting companies found to be linked to forced labour.[208] Some financial institutions have begun to review and divest from these relationships, including HSBC[209] and BNP Paribas.[210] It is worth noting, too the cancellation of hundreds of millions of dollars of financing for Indofood by Citi and Rabobank, following adverse findings by RSPO on Indofood's labour and environmental practices.[211] Yet there is clearly more work to be done here, including relating to the role of development finance institutions. One 2018 study found that only 1 in 7 of the top 105 financiers of the industry explicitly prohibits clients' use of forced and child labour, and that the three top financiers have no policies relating to ILO standards on maximum working hours or living wage.[212]

Second, we see growing efforts by financial actors to work together to identify these risks, for example through collective value chain mapping.[213] We also see growing efforts by financial actors to mobilize their collective leverage to promote reforms in palm oil labour management and value chain governance.[214] Such efforts by upstream actors can work. In 2016, the world's largest palm oil buyers, including Unilever, Kellogg, Mars, Hershey's, Colgate-Palmolive, Johnson & Johnson, Procter & Gamble, SC Johnson, Yum Brands and Nestlé all suspended purchases from the Malaysian palm oil company IOI after the company was suspended by the RSPO. Its share price dropped almost 15 per cent in the month following the suspension, representing a USD 4 billion decline in value. IOI responded by pushing the government toward action on a number of critical labour standards in the Malaysian palm oil industry, including changes to wage arrangements to provide a statutory monthly minimum with productivity incentives (but no penalties), and commitments relating to recruitment fees and union access to estates.[215]

Third, financiers have choices about which kinds of palm oil production to invest in. To date, private finance has tended to favour large-scale monoculture plantation-based production. Development actors have a longer, though patchy, history of supporting smallholder based palm production, which is less attractive to private capital markets.[216] We now see a renewed push in governance initiatives to promote joint investment in smallholder capacity building and certification.[217] As yet, though, we do not see the emergence of boutique 'fair-trade' production of palm oil as we have in some other agricultural commodities (such as coffee and cocoa), in part because of the continued emphasis on high volume and low cost from producers and consumers alike. Access to (non-land) capital – both financial and human – seems to be central here. Capital investment is crucial to allow smallholders to compete with larger plantations on plantation planning, development and maintenance and to access processing capacity and export markets. Yet smallholders are not attractive investments in part because banks struggle to accurately price lending risks,[218] not least because of limited information about smallholdings, unreliable land tenure registries, and exposure to local political risk (and corruption). Financing schemes tend to demand high interest rates and impose tough commercial conditions. Development actors have a role to play here not just in assuming risk and offering concessional financing, but in investing to address obstacles to accurate risk assessment (such as inaccurate land registries) and fostering workarounds, such as uptake of behavioural modelling and fintech to establish smallholder creditworthiness.[219]

Fourth, development finance actors can play a key role in addressing the political environment and government policy preferences that constrain lending behaviours, especially in South East Asia, location of an estimated 90 per cent of total palm oil market capitalization. As one bank officer explained, in the region

> banks have to follow implicit national government policy. Palm oil revenues continue to be a cornerstone of economic development policy in Malaysia and Indonesia. [B]anks based in these countries have no other incentive to restrict capital from palm oil companies or challenge the sustainability of their operations.[220]

Development actors have an important role to play in working with governments to develop a shared understanding of how sustainable development can support smallholders and workers as well as large commercial interests. This could include co-financing initiatives.

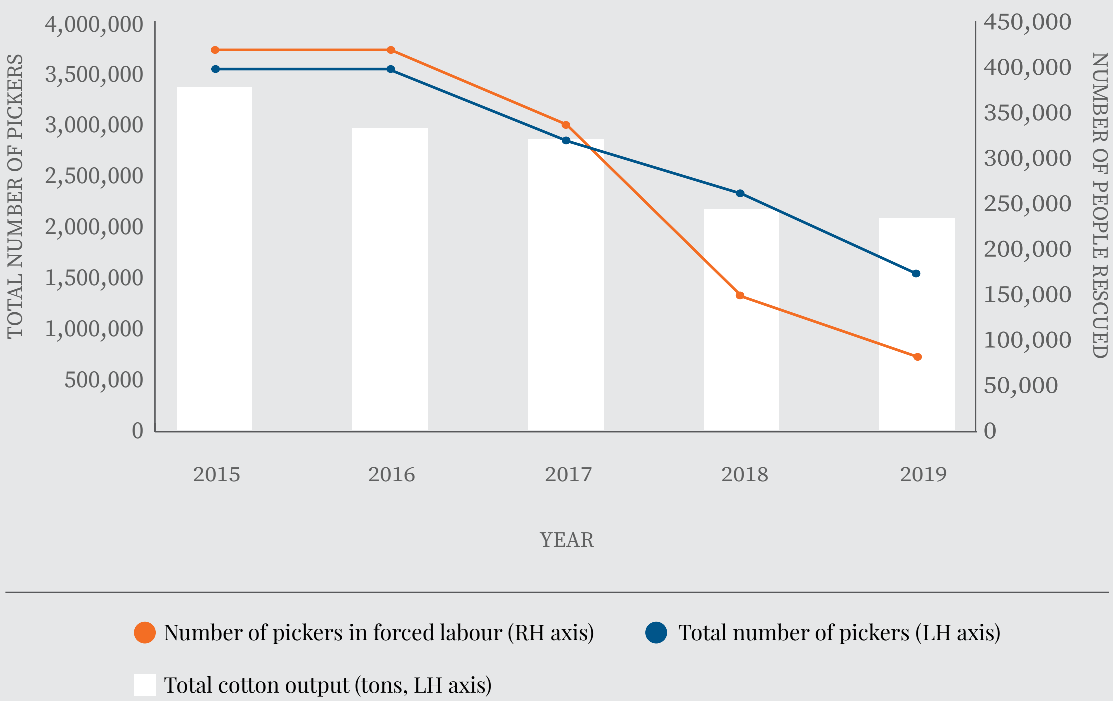
Ultimately, as one scholar concludes, in many countries "oil palm is a rich man's crop".[221] If that conclusion is not challenged through development interventions aimed at empowering smallholders and poor rural workers, palm oil may continue to contribute not only to economic growth, but also to structural inequality and modern slavery. Without targeted development interventions, palm oil risks restricting the freedom of many, rather than developing it.

CHAPTER 5: UZBEK COTTON: "IT IS IMPOSSIBLE TO REFUSE" TO "WORK LIKE A SLAVE"

In Chapter 3 we explored how Brazil's Government has rescued over 55,000 people from modern slavery in the last 25 years, calling it "arguably the most sustained, sophisticated domestic anti-slavery effort by any country in recent times". Yet in terms of the overall reduction in the number of people victimized, Brazil's quarter century of rescues arguably pales in comparison to another recent anti-slavery effort – that of Uzbekistan. According to the ILO, in the last five years, the number of people in forced labour in the annual Uzbek cotton harvest has fallen from an estimated 448,000 to 102,000, as Figure 31 below shows.

As recently as 2015, this transformation was not foreseen. At the time, the now-President of Uzbekistan, H.E. Shavkat Mirziyoyev – who has, as we shall see, been central to the transformation of Uzbekistan and is now compared by some analysts to China's reformist leader, Deng Xiaoping – was Prime Minister of Uzbekistan. In that role, over the previous decade he had overseen the annual mass mobilization of one fifth of the country's adult population to undertake the cotton harvest in the late summer. Two to three million people, annually, were forced into labour as involuntary pickers. Farmers, too, were forced to work, losing any real agency over the management of their land as they were forced to grow cotton under a centralized production system left over from the Soviet era. Prime Minister Mirziyoyev (as he then was) was known as a strong enforcer of this system.[1] Yet in September 2017, President Mirziyoyev stood before the UN General Assembly and committed to end forced labour in his country. After a series of reforms, in March 2020, he decreed the end to centralized planning, State control of farm-gate cotton prices, and production quotas – all central to the enforced cotton production system prior to that point.[2] Today, international actors from the ILO to the Fair Labor Association and the global Cotton Campaign all acknowledge genuine and sustained commitment from the Uzbek Government and tangible progress to end forced labour.[3]

FIGURE 31: ILO ESTIMATES OF UZBEK COTTON PRODUCTION AND LABOUR FORCE (2015-2019)



Data source: ILO 2020a, p. 5.

How has this U-turn in Uzbek Government policy come about? This is the question we explore in this sub-section. As we shall see, the answer lies in a changed perception of the benefits and sustainability of a cotton production system built on forced labour. By May 2020, the Uzbek Government was openly proclaiming that "the use of any form of forced labour during the cotton campaign has a very negative impact on the development of our cotton and textile industries and undermines the reputation of our country."[4] Cotton production powered by forced labour is, in other words, now seen as more trouble than it is worth.

As we shall see, there are two central reasons for this.

First, while the system fuelled rampant corruption and rent-taking by Uzbek elites, it also proved disastrous for the Uzbek cotton industry, leading to significant reductions in output, yields and income. Figure 32 below shows indexed growth of Uzbek and world cotton production between 2002 and 2018, showing how Uzbek cotton production growth has fallen behind the rest of the world over the last decade. In 1992 cotton accounted for 90 per cent of Uzbekistan's total exports; in 2016 just 3.4 per cent. Cotton revenue dropped from 10 per cent to 1.8 per cent of Uzbekistan's GDP in that time.[5] Once the third or fourth largest producer of cotton in the world, Uzbekistan is now the tenth.

FIGURE 32: INDEXED GROWTH IN COTTON EXPORTS (UZBEKISTAN V. WORLD, 2002-2018)

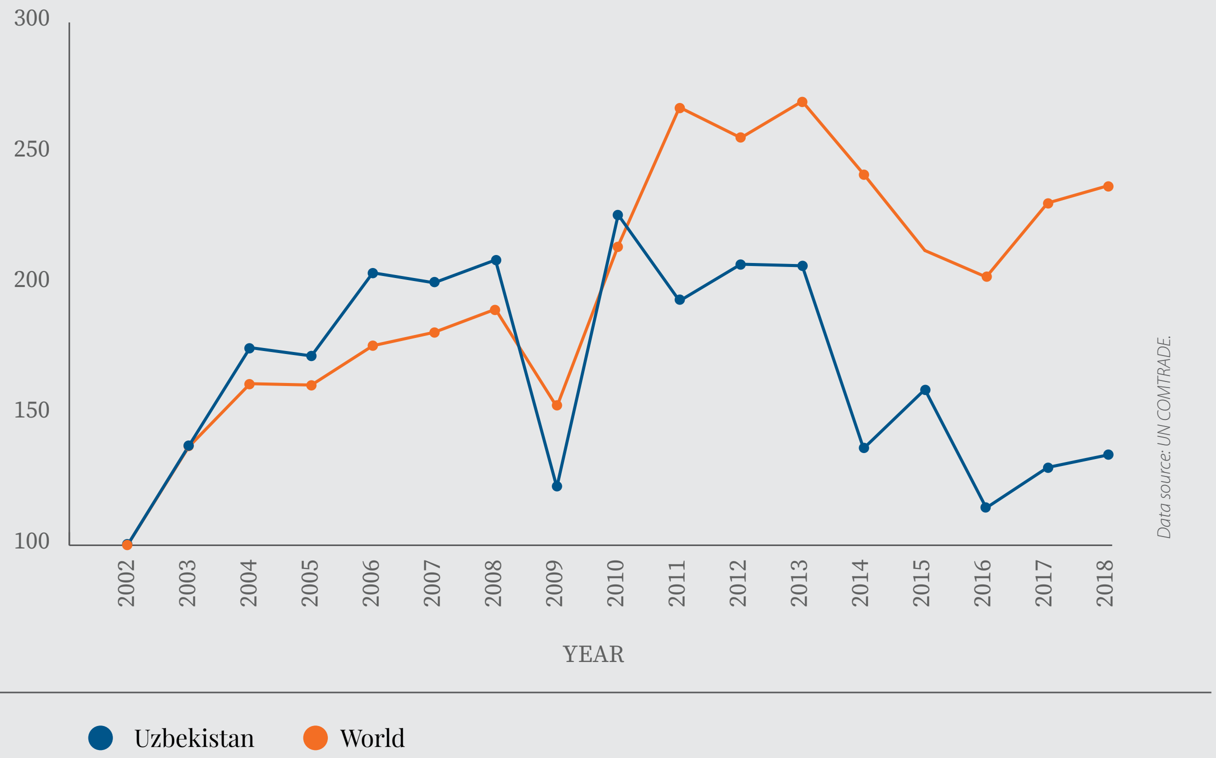
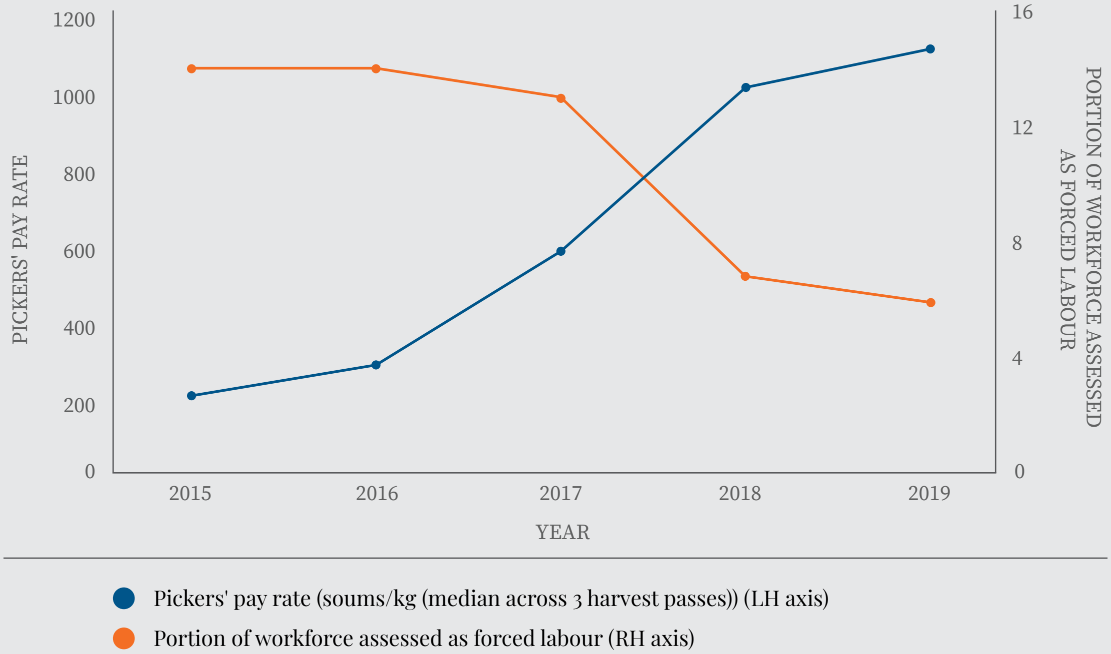


FIGURE 33: ILO ESTIMATES OF UZBEK COTTON INDUSTRY FORCED LABOUR VS. PAY RATE (2015-2019)



Data source: ILO 2020a, p. 6.

Second, even as the Uzbek cotton industry was becoming more inefficient, the costs involved in for the Uzbek leadership in maintaining the system based on forced labour were becoming higher and higher, as access to capital, export markets and good international standing closed off. That reduced access was the result of sustained advocacy and boycott efforts by Uzbek human rights activists, international campaigners, international brands and, to some extent, governments.

The confluence of these two factors created an opportunity for change. Yet that opportunity had to be grasped. In this sub-section, drawing on extensive desk research and limited interviews with key informants, we explore what was involved to make that happen. We begin by considering how the cotton slavery system worked in Uzbekistan until around 2017: the institutional environment, people's vulnerabilities and exploiter strategies. Then we explore the process by which this system has begun to be dismantled. Development actors – notably the World Bank, IFC, bilateral donors and ILO – have played an important role in supporting Uzbek Government efforts to realize and sustain that shift, especially since 2013. And since 2015, the ILO has conducted third party monitoring (TPM) for World Bank projects in Uzbekistan, giving us a unique account of the dynamics of such a systematic anti-slavery initiative. In the final section we consider some of the insights from this process for the development sector, including the political challenges involved in dismantling a slavery-based rentier economy, and the need to begin a more serious discussion on enabling remedy for the widespread and systematic human rights violations in the cotton industry over the last thirty years.

Forced and child labour in the Uzbek cotton industry, 1992-2017

For twenty-five years after the end of the Soviet era, forced labour in the cotton industry was central to Uzbekistan's political economy. The ruling elite used political repression to mobilize millions of workers at less than market cost, with the proceeds from this work siphoned off to the State or ruling elites.[6] In this section, we explain how this system worked, combining a Soviet legacy of centralized planning, corruption of the State's enforcement and administrative apparatus, and State ideological control, to force over two million people to work for little or no reward in the cotton harvest.

Institutional environment

Cotton has been central to Uzbekistan's political economy since the Soviet era.[7] The USSR's central planners focused Uzbek production on raw cotton, subsidizing it heavily through input discounts and concessional lending. By the 1970s, Uzbekistan was producing two thirds of Soviet cotton. Around a third of the country's agricultural land was devoted to cotton production, which also consumed most of its water (and contributed to the disappearance of the Aral Sea). This system lent itself to corruption and rent-taking. An official investigation in the 1980s found roughly 20 per cent of cotton production revenue leaked through corruption.[8]

During the post-Soviet transition, the Uzbek Government settled on a notably slower and more gradual process of transformation than some of its peers, emphasizing import-substitution and self-reliance for energy. This gradualist approach was notionally modelled on the Chinese agricultural transition at the end of the 1970s and early 1980s, but arguably did less to empower farmers than the Chinese reform programme had, retaining more central control. While land title was notionally privatized, the State maintained a monopoly on agricultural inputs and a monopsony on purchasing cotton. The result was that even as the Uzbek Government became dependent on cotton revenues from unreformed cotton farms, those cotton farms were in turn dependent on the State for access to key inputs, notably irrigation.[9] As the sector stagnated and foreign machinery became too costly to purchase and maintain, it underwent a rare de-mechanization, with mechanized harvesting being abandoned in favour of hand picking, dramatically increasing the demand for forced labour between 1992 and 2017.[10]

The State's monopoly and monopsony powers were underpinned by a legacy apparatus of repression left from the Soviet era, repurposed to empower and enrich Uzbek elites.[11] The President appointed local district governors – *hokims* – who habitually operated their district as a fiefdom, using State administration and enforcement apparatus to enrich themselves. Centralized cotton production was central to this system; as the Environmental Justice Foundation put it in 2005, so "long as the farmers" in a region delivered adequate cotton to the State, "Tashkent ignore[d] the myriad of corrupt schemes that centre on each regional administration."[12] Annually, the central government set cotton production quotas, delegating power to the *hokims* to meet those quotas.[13] The *hokimiyat* in turn used all the administrative, enforcement and social authority at their disposal to enlist actors in their district to meet this quota. The State then served as the sole purchaser of raw cotton, selling it into international markets, with many of these transactions kept out of public accounts and reportedly used to siphon off funds – perhaps as much as USD 641 million in 2012.[14]

The profitability of this system for the State and ruling elites rested on buying cotton at a low price from domestic producers and selling it at a higher price to world markets. And that in turn required keeping labour costs as low as possible. This was achieved through forced production and forced labour. While agricultural land was privatized in 2002, the result was a leasehold system that conditioned access to land on farmers' agreement to buy agricultural inputs from the State (at inflated prices), grow cotton when so directed by the State, and sell it to the State (at artificially low prices, estimated to be around one third of market value).[15] These arrangements were enforced not only through confiscation of land, but also criminal charges and physical violence, up to and including killings.[16] *De jure*, farmers were entrepreneurs enjoying meaningful economic agency. *De facto*, they were indentured servants.[17] As one cotton farmer put it to Reuters in 2005:

> Being a cotton farmer here is like hanging between life and death. The government controls our lives very tightly. If we don't obey, we'll end up in trouble. All we want is freedom. And the State is punishing us for wanting freedom.[18]

People's vulnerabilities and exploiter strategies

The annual harvest was organized as a kind of *corvée* labour – a limited-duration labour tax. Each year, at least three million people[19] were mobilized to pick cotton for between two and eight weeks, each given a daily harvest quotas.[20] This was the world's "largest recruitment event" outside the internet, as the ILO recently put it.[21] Around one fifth to one eighth of the adult population was mobilized.[22] Mobilization was organized through all institutions of society: local *mahalla* neighbourhood committees, universities and colleges, hospitals and clinics, public and private sector employers, and through mosques. As Uzbekistan urbanized, city workers were increasingly bussed to the countryside for the harvest, with the State demanding in-kind contributions from transportation companies.[23] And until at least 2012, this included not only forced work by adults, but also systematic use of child labour. Schools were shut down, children transported to makeshift camps by the fields, and set to picking from the age of seven.[24]

Most adult pickers were paid. Yet wages were habitually set so low – USD 0.03 to 0.07 per kilogram picked, or around USD 1.50 to 3.50 on a daily quota of 50 kilograms – that they did not cover workers' transportation, accommodation and food input costs.[25] Farmers, operating in constant debt to State-run creditors and frequently at the brink of bankruptcy,[26] had incentives to withhold even the low wages mandated by the State.[27] The work was hard: long hours in the fields, usually without protective equipment of any kind, and miserable accommodation. Deaths were not uncommon. Unsurprisingly, one student interviewed by Uzbek human rights activists in 2016 described it as working "like a slave".[28] Equally unsurprisingly, there were never enough volunteer pickers to bring in the harvest and meet State production quotas.

Coercion made up the gap.[29] As a whistle-blowing former State official explained in 2014, the State used all levers of power to force selected people to work: intimidation, extraordinary taxes, threats of prosecution, social pressure, and even physical abuse.[30] This was often dressed up in legal form. Article 95 of the Labour Code established the right of authorities to transfer employees work without their consent, and labour contracts also habitually provided for such non-consensual secondments.[31] Yet the face of coercion was only thinly veiled. Human rights activists documented extensive use of threats and intimidation, including threats of loss of employment, suspension or expulsion from educational institutions, loss of State welfare payments, fines, social ostracization, verbal abuse and public humiliation, loss of livelihood, and physical violence.[32] The State security apparatus and police relocated in large numbers to cotton production districts during the harvest.[33] As Uzbek human rights activists pointed out, "[t]o a population with a deep and well-founded fear of law enforcement, law enforcement presence reinforces the message that cotton picking is mandatory.'[34] Throughout the harvest daily "cotton meetings" were conducted by *hokims* and community leaders, flanked by security personnel, often late into the night, to harangue subordinates to meet production quotas.[35]

The State and its representatives portrayed the duty to pick cotton as a collective one – and threatened collective punishment where people refused. Human Rights Watch quoted a *hokim* in September 2015:

> Cotton! You have to go and pick cotton and fulfill the norm. Is it clear!?.... This policy applies to everyone! If even one person does not go out, it will be bad for you! I'll shut down your organizations! … What's this? You delivered only 1,286 kilograms? Why is that? I'll tear your head off![36]

Workers perceived themselves as powerless to resist. A school director reported the situation in 2017 in these terms:

> We receive orders at meetings, sometimes from the governor, sometimes from the head of the education department. Based on these orders we send teachers to the fields. Orders are issued verbally. Once the big bosses have given us the order, we cannot say anything against it.[37]

Like the system of governmentality on palm oil plantations discussed in the previous sub-section, the system worked to recruit all power-holders into its own social reproduction. It became governmental, in Foucaultian terms: the system by which they conducted their own conduct. Since everyone is confronted with meeting quotas, everyone must delegate part of that quota to those within their power – and use whatever leverage they can, whatever threat of penalty they can muster, to exact performance. It is, as Tanya Li described the 'mafia system' on palm oil plantations in Chapter 4, a question of survival. Here a nurse, forced to pick cotton, interviewed in 2015, explains her understanding and acceptance of how coercion becomes normalized in this way:

> People who work in public institutions are those who are prepared to tolerate [forced work]. Of course no one wants to lose his job. The chief doctor tells us 'I don't send you to the fields of my own accord. I am also only carrying out orders.' You need to understand him. He says he is required to fire any employee who refuses to work. There are a lot of unemployed people. Especially those who have completed medical training, with diplomas in hand, looking for jobs. He warned us, if any of us don't like to pick cotton, he'll hire one of them.[38]

Human Rights Watch reports schoolteachers threatening to fail students if they would not work, and an October 2016 text message from a college administration to students:

> Respected masters students! You must resolve your participation in the cotton harvest within one hour. Today we are compiling information and you are at risk of expulsion. Immediately resolve this issue.[39]

The system made teachers complicit in the social production of forced labour. As the Uzbek Forum for Human Rights (UGF) explained:

> … the teachers are taken hostage by the cotton campaign. They take on the main responsibility of organizing the children to go work in the fields. Teachers have to take care of the students during working hours. They also have to go to their students' homes and convince parents to let their children go to the fields in cases where parents resist sending their children to pick cotton. Teachers are personally held responsible for the health and the lives of the schoolchildren by the parents. At the same time, they are held responsible by the administration, for meeting the quotas set for the cotton harvest. As a result, teachers during the time of the cotton season turn into taskmasters over the schoolchildren, and become complicit in their exploitation.[40]

As Patricia Jurewicz explains, the "layered quota system makes it so that it is in each individual's best interest to extract the most out of those who are one step closer to the field than themselves."[41] Each person, as they are recruited into the governmental system, reproduces it and expands its reach to the next layer down; it becomes the system by which they conduct their own conduct. And in this way, the system becomes an axis of power. One school director explicitly recognized this:

> Cotton – this is not a plant, it is politics, and if I persecute a teacher because of cotton, the State is on my side. Who can the poor teacher complain to?![42]

There was no way out of this governing logic. As one farmer put it: "If you don't lie – you won't survive."[43] And as a college teacher explained: "No one asks us. They only order us. And it is impossible to refuse."[44] Yet the coercive nature of this system was hidden by cloaking it in legitimizing justifications through reference to norms other than survival. Civil society and independent research accounts are full of victim statements explaining how social norms, backed by implicit social and legal penalties, were used to recruit them to perform work they did not want to do.

Patriotism was one key norm often instrumentalized to legitimize forced labour. One ten-year-old cotton picker was quoted in 2005 as saying: "We serve the State when we pick cotton."[45] According to a high school teacher twelve years later, "If you refuse to work in the cotton fields, it is almost as if you are a traitor".[46] And here is an official communication from a *mahalla* neighbourhood committee to its residents in message to its residents in 2011:

> We hope for your understanding of the situation and sense of responsibility before the Motherland. You know it very well, for every citizen of Uzbekistan cotton – is everything: it is the bread and it is the salt on your table, it is the clothes you wear. And for these reasons, we urge you to take an active part in gathering the cotton harvest.[47]

Yet, as recently as 2016, the line between social pressure and official expectation was so blurred as to be indecipherable for most people. This is captured in this exchange reported by Radio Ozodolik between a member of an official cotton mobilization team ('Member of cotton HQ') and an entrepreneur the official was attempting to force to work:

> *Member of cotton HQ: When will you be picking cotton?*
>
> *Entrepreneur: Oh… I cannot participate in the cotton picking. Who would work in the shop then?*
>
> *Member of cotton HQ: Oh… Shops will be suspended starting from tomorrow.*
>
> *Entrepreneur: But I pay my taxes. Entrepreneurs don't have anything to do with cotton, do they?*
>
> *Member of cotton HQ: Why would you think that you have nothing to do with it?*
>
> *Entrepreneur: For instance, who would pay my taxes when I am away, picking cotton?*
>
> *Member of cotton HQ: You will be exempted from paying taxes during this time, too.*
>
> *Entrepreneur: But entrepreneurs have absolutely nothing to do with the cotton production. Entrepreneurs and their businesses should not be interrupted, should they?*
>
> *Member of cotton HQ: Pardon me, but cotton is a part of the State policy. What are you talking about? You opened your business just yesterday, while the cotton production has been here for 25 years. It is a part of our State policy since the independence. Cotton plays a strategic role.*
>
> *Entrepreneur: But, there is a Labor Code.*
>
> *Member of cotton HQ: How much tax money have you paid to the country for running your business? Cotton is feeding the whole State.*
>
> *Entrepreneur: But it is my own decision whether I want to work or not, isn't it? I am free to choose. So, I am not obligated to do this job.*
>
> *Member of cotton HQ: You are obligated.*
>
> *Entrepreneur: But we do not live in the Soviet Union anymore?!*
>
> *Member of cotton HQ: Pardon me… You are obligated. And you will be mobilized on a compulsory basis. You live in this Makhalla, you breath the air here. So, you will go and pick cotton!*
>
> *Entrepreneur: I am not obligated.*
>
> *Member of cotton HQ: You are obligated and you will go to pick cotton. You live in this State, don't you? You wear clothes made of cotton. These clothes that you wear are cotton-based. And they are made out of the cotton which is being picked at the moment.*
>
> *Entrepreneur: Is this determined in the Uzbek Constitution?*
>
> *Member of cotton HQ: This order was given by the acting president. You have to obey it. You have no right to refuse it. So, you will go to pick cotton. Tell me that you won't…*
>
> *Entrepreneur: I won't… That is just an oral order which is not based on any law.*
>
> *Member of cotton HQ: Oral orders are still orders. What are you talking about?!*
>
> *Entrepreneur: It has to be stated in a written form. It has to be legitimate.*
>
> *Member of cotton HQ: Pardon… Then you will also sign a letter stating that you refuse to go to the cotton harvest. Understood?*

Entrepreneur: Yes, indeed, I will sign it.

Member of cotton HQ: Agreed. I will bring the letter and you will sign it. Let's see. Your provocation is not acceptable. You are obligated to pick cotton.

Entrepreneur: I am not. I live in a free State and I am free to choose.

Member of cotton HQ: Stop your agitation! Instead join Uzbekistan! Tell the people to rather pick cotton. You can do this kind of agitation! But, if you don't pick cotton, stop telling people to do the same! Just shut the … off. I am following the orders of the government!

Entrepreneur: Can I see your ID?

Member of cotton HQ: What are you saying? I have badges on my shoulders and my ID! It is written here: Laziz Fayziqulov. You can write it down, too. We will also pick cotton! If needed, I will be picking it too! Even 70-year-old women are picking. You are still young…[48]

The entrepreneur has no outside option, no possibility to avoid work. Even raising that possibility is framed by the official as "agitation". To refuse to pick cotton was to be seen as anti-government: a very dangerous proposition in what was, at the time, a highly repressive and authoritarian country.[49] As that exchange also shows us, picking cotton was framed not just as question of citizenship, but also as a question of solidarity. It was often linked to the Uzbek tradition of *khashar*[50] – mutual, unpaid labour by community members, similar to the Australia/New Zealand tradition of a "working bee". And religious norms and authorities were also enlisted to promote and normalize forced cotton picking.[51] The State leaned on social actors, whatever the source of their legitimacy, to use that legitimacy as leverage to encourage forced work.

A drag on Uzbek development

Over time, it became increasingly clear that the centralized cotton production system based on forced labour was acting as a brake on Uzbekistan's development. This brake operated through many of the mechanisms identified in Chapter 2, including impacts on productivity, multiplier effects, innovation, revenues, corruption and environmental harm.

Because the formal system rested on the normalization of conduct recognized broadly, if implicitly, as coerced, it created incentives for hiding that conduct and paying people not to require it. It gave rise to a shadow system of informal norms – a system of corruption. Farmers, pickers, businesses and public entities all became enmeshed in tangled webs of bribery and extortion as they sought to buy their way out of mandatory work and production.[52] Power-holders used their discretion over forced work to extract rents, ranging from outright bribes to 'donations' to favoured causes and events.[53] A secondary market of substitute workers – *mardikors* – also emerged. Workers would pay substitutes to go to the fields and pick on their behalf. To induce *mardikors* to work, mandated pickers had to pay them at rates higher than the government was offering. Citizens were, in other words, subsidizing the State production system through either their own labour or through side payments to other labourers.[54] These subsidies came to represent a significant drag on the economy, since they deprived the economy of consumption and investment, and the state of resulting revenue. One study calculated the indirect damage to the population and private business in the form of lost services or profits because of forced labour at USD 211 million to 291 million each year[55]

The system also created other serious drags on development. For one thing, it undermined trust, which, as we have seen in Chapter 2, creates long-term negative economic impacts.[56] It may also have contributed to inflation, by forcing farmers to inflate prices for other goods to make up for underpayment for cotton. And it also directly disrupted human capital development. In 2000, UNICEF estimated that 22.6 per cent of children aged 5 to 14 worked part-time, primarily in cotton harvesting.[57] It was routine for kindergartens, schools and clinics to close, simply posting a sign on the door: "Everyone went to the cotton harvest."[58] The annual disruption to education imposed a serious drag on educational attainment and human capital development, with knock-on consequences for the entire economy.[59]

Yet it was not just the country's human capital, but also its physical capital, that was depleted. To make up for losses from enforced cotton production, farmers would grow other crops on the same land immediately following cotton harvest, reducing its fertility.[60] Yields trended down over time, leading to Uzbekistan having some of the lowest-yield cotton production in the world.[61] Uzbekistan's cotton exports have gone backwards over the last twenty years when measured both against the rest of the cotton market, and against other Uzbek exports.[62] So have its cotton farmers, who have become steadily poorer in real terms, and increasingly were trapped in a chronic credit-debt cycle.[63] All of this contributed to a lack of investment in innovation and value-added manufacturing. Production, processing and marketing were costly compared to other countries.[64] Uzbekistan was increasingly slipping down the smile curve, into the role of raw material supplier, as other countries passed it by to become textile manufacturers.

All of this pointed to an urgent need for reform of Uzbekistan's cotton sector – a case that the World Bank and other development actors put repeatedly to the government from the early 1990s onwards.[65] Yet the government resisted, pointing to experiences with over-rapid liberalization in other Soviet States, and arguing that moving liberalization too fast would create opportunities for corruption and criminality.[66] This was a convenient argument for an elite whose power was tied up with cotton rents padded by forced labour. A 2014 analysis, drawing on information from insider stakeholders, suggested significant cotton revenues may be being siphoned off from public budgets to private rent-takers,[67] consistent with patterns of grand corruption alleged by others and today at the root of efforts in the US and elsewhere to recover as much as USD 850 million in assets allegedly stolen by senior officials during that period.[68]

The World Bank was blunt about these risks, stating as early as 1998 that

> Government's decision to retain a number of controls, including direct coordination of output decisions… have created rent-seeking opportunities for certain vested interest groups and raise concerns about the overall environment for private sector development, public sector accountability and governance structure. There is also a sharp disconnect between Government statements and the actual functioning of policies… which undermines confidence.[69]

The Bank continued to press the case for reform in subsequent years, even as it continued to provide Uzbekistan both country-level policy assistance[70] and project financing – including funding directed towards the cotton sector.[71] As the Bank's own 1998 analysis reflects, there was little sign at the time that this was leading to real behavioural or policy change. On the contrary, there was clearly a risk that the Bank was financing projects connected to forced and child labour. So what changed? Why, in 2020, is the Uzbek Government in the process of dismantling its forced labour system and giving its cotton farmers the economic agency it has deprived them of for 25 years?

Dismantling Uzbekistan's forced and child labour system

Success has many parents. It is not possible to point to a unique cause for the changes in Uzbekistan's cotton production system since 2015 (detailed further below). Instead, we can identify several converging structural factors, harnessed through courageous action by Uzbek leaders in government and civil society, and their external partners.

The drag on development created by the rentier-based cotton production system described above created growing liabilities for Uzbekistan's ruling elite. Yet while the World Bank and other partners continued to partner with the Government in the late 1990s and early 2000s (likely driven in part by geostrategic and counter-terrorism concerns[72]), those were paper liabilities, not realized costs. It took an exogenous intervention by human rights activists and, later, cotton buyers and financiers, to turn these into real costs – reduced access to demand, increased capital costs and growing reputational costs. This was essentially a disruption strategy, aimed at changing the strategic calculus of forced and child labour in Uzbekistan. And it arguably worked. As those costs mounted and the value of Uzbek cotton declined, Uzbekistan's elite increasingly looked for a way out.

At that point, the continued engagement by the World Bank emerged as an asset for both Uzbekistan and its international partners, providing the basis for creative action by a range of actors to begin to transform Uzbekistan's forced labour system. This has involved a mixture of transformation-oriented interventions addressing the formal and informal institutions in Uzbekistan that are conducive to forced labour, and empowerment-oriented interventions, increasing Uzbek people's resilience to exploitation, especially through awareness-raising, civil society capacity building, and support for independent media. ILO engagement has been key on both fronts.

There are good reasons to perceive these interventions, especially over the last five years, as spectacularly successful. After five years of in-country monitoring, the ILO has concluded that systematic forced labour and child labour are a thing of the past. And independent human rights and civil society actors also acknowledge sustained progress. Yet the process has not been without controversy and setbacks. In the process, it has delivered multiple lessons for the broader development sector about how to deliver the Developing Freedom agenda.

Disrupting demand for Uzbek cotton

International critics of Uzbekistan's approach to cotton production, from the World Bank to International Crisis Group, recognized from the mid-1990s that forced labour would only end in the context of a broader liberalization of the sector and, most likely, of Uzbek governance more broadly. As Crisis Group argued in 2005

> The exploitative nature of cotton economics makes the repressive political [system] almost inevitable. Since the State and cotton elites are unwilling to pay farmers a fair price, the system can only continue through the use of coercion. States that depend on the present structure of the cotton monoculture must retain an authoritarian political system, in which the rights of individuals are suppressed, theoretically in favour of the collective good, but in practice in favour of narrow ruling elites.[73]

What could be done, however, while there was no political will for liberalization? The answer offered by International Crisis Group and others was simple: increase the costs for the elite through demand disruption. As the Uzbek-German Forum for Human Rights (UGF) – one of the main advocates of change – put it in 2012, the disruption strategy was driven by a belief that

> the authorities will only genuinely approach structural reforms in the cotton sector and the agricultural sector at large, when they themselves feel the danger of losing income from the export of cotton to world markets.[74]

Civil society efforts to raise international awareness of labour abuses was key. Starting in 2004, ahead of international mobilization, Uzbek journalists including Umida Niyazova and Galima Burkharbaeva, the Institute for War and Peace Reporting, Ferghana.ru and others, began gathering and disseminating evidence of those abuses. In 2005, International Crisis Group published a major report, *The Curse of Cotton*, incorporating this evidence and calling for international action by governments, development actors (including the World Bank), and cotton markets.[75] The Environmental Justice Foundation added its voice soon after with *White Gold*, which connected these abuses to serious environmental harms caused by the region's cotton industry, including the disappearance of the Aral Sea.[76] The ILO Committee of Experts commented on forced and child labour in Uzbekistan's cotton sector in a 2005 report. A 2007 story on the BBC also increased concern and attention.[77] In 2007 Uzbek activist Mutabar Tajibayeva released a petition against forced child labour, calling for a boycott of Uzbek cotton.[78] She was joined in the following years by a growing number of Uzbek activists, including UGF. Campaigners soon after organized the Cotton Pledge, which commits a company to not knowingly source Uzbek cotton "until the Government of Uzbekistan ends the practice of forced labor in its cotton sector." Today, the Cotton Pledge has over 300 companies signed up.[79]

In May 2008, an international coalition of human rights, labour, responsible investor and business organizations formed the Cotton Campaign, to coordinate their actions. From early on, it adopted a strategy seeking to influence policymakers in Uzbekistan through diplomatic and inter-governmental channels. In 2007, the International Labor Rights Forum (ILRF) had formally requested a review of the Generalized System of Preferences Program (GSP) for Uzbekistan with the Office of the U.S. Trade Representative.[80] In 2008, the US Department of Labor investigated forced child labour in cotton production in Uzbekistan and added cotton from Uzbekistan to the list of goods made by forced child labour in 2009. In 2010, the European Centre for Constitutional and Human Rights (ECCHR) brought complaints against seven cotton traders through the Organisation for Economic Co-operation and Development (OECD) national contact point system.[81] In 2011, the European Parliament voted to defer a textile protocol with Uzbekistan over labour concerns.[82] In October 2012, the French OECD National Contact Point issued guidance to multinational enterprises not to trade Uzbek cotton. In 2013, the UN Committee Against Torture (CAT) made mention of forced and child labour as one of the "principle subjects of concern" in Uzbekistan.[83] Also in 2013 the National Human Rights Commission of Korea undertook an investigative mission to observe the human rights impacts of South Korean companies in Uzbekistan,[84] after campaigners successfully pressured Nike, H&M, Ikea, C&A and others to exclude a Korean firm, Daewoo International, from their supply chain, because Daewoo bought cotton from Uzbekistan. And after submissions from the Cotton Campaign the U.S. State Department moved Uzbekistan in its 2013 Trafficking in Persons Report to a "Tier 3" ranking, the lowest category a country can be placed in, and directly impacting its access to US bilateral assistance. Around the same time, the US Government detained shipments of cotton from Uzbekistan at points of entry into the US market, on the ground that they were produced with forced and child labour, under section 307 of the US *Tariff Act* of 1930 (19 U.S.C. § 1307).

According to one key player in this campaign, it was the combination of pressure from governments, labour rights actors and capital (buyers and investors) that led to a breakthrough around 2013. In 2012, the International Organization of Employers (IOE) and International Trade Union Confederation (ITUC) submitted coordinated comments to the ILO regarding Uzbekistan's position on ILO ConventionC182 – the Worst Forms of Child Labour – which led to the ILO Tripartite Conference Committee on the Application of Standards recommending tripartite monitoring of forced child labour in Uzbekistan's 2013 cotton harvest.[85] Confronted by a united front, the Uzbek Government agreed.

Monitoring took place in September and October 2013. It found and addressed a number of instances of child labour, but suggested there had been no systematic use of child labour.[86] Civil society actors remained sceptical, arguing that the involvement of government actors in the monitoring teams raised questions about the reliability of responses, and undermined the usefulness of its findings.[87] Yet the episode proved important, both for demonstrating the feasibility of ILO involvement with monitoring, and setting the stage for further cooperation between the Uzbek Government and the ILO to address child labour, crystallized in April 2014 as a country assistance programme,[88] which has to date been funded largely by US Department of Labor.[89]

World Bank and ILO engagement

What appeared to be a victory soon, however, took on a more ambiguous slant, as it became apparent that there might be some co-option of international efforts under way. Reductions in use of child labour in the Uzbek cotton harvest had apparently been offset by increased forced labour of adults. In 2012 and 2013 the Uzbek Government placed increased focus on mobilization of adult workers, through both public and private institutions, even private companies such as General Motors (GM) Uzbekistan.[90] So even as international efforts to reduce child labour continued, forced (adult) labour increasingly became the central focus of disruption efforts.

A 2013 complaint by the Association for Human Rights in Central Asia, Ezgulik, and UGF to the World Bank Inspection Panel proved pivotal.[91] The World Bank had been financing Uzbek agricultural development and education since 1995.[92] The complaint focused on the Bank's Rural Enterprise Support Program Phase II and its additional financing (RESP-II), about which Ezgulik had been raising concerns since 2010. The complainants argued that the Bank had not fully recognized and analysed the problem of forced and child labour in designing its project and had not put in place adequate measures to prevent Bank funding from being used on agricultural lands on which forced and child labour were practiced.

The response from Bank Management to the complaint contains a number of passages presaging the course of Bank engagement in the years since. After recognizing the seriousness of the issue and the importance of project-level safeguards, Management wrote that "project-level measures alone cannot completely prevent coercion." Instead, it argued, the solution was for the country to move away from State-controlled cotton. The basis for that should be both the Bank's multi-year engagement strategy, and coordinated action by multiple international development partners including the Bank, ILO and UNICEF.[93] To assure progress, Management proposed to implement third-party monitoring (TPM) of child and forced labour across the bank's projects in the country.

In deferring a decision on the need for investigation, the Inspection Panel leaned into this commitment from Bank Management, and the signs of political will for reform in Uzbekistan. While acknowledging that "a plausible link does exist between the project and the alleged harms" of forced and child labour,

> the Panel recognizes and appreciates that significant positive trends have emerged with respect to the critical issue of child labor. These include important actions

> already taken and further commitments and intentions on the part of Government and its partners, as indicated in the Management Response to the Request, and in discussions during the Panel's eligibility visit with a wide range of stakeholders, to take additional actions, including the implementation of effective third-party monitoring on both child and forced labor, and to continue the constructive dialogue with the ILO and other development partners on these key issues and concerns. … In light of the foregoing, and the important potential for further positive developments, the Panel has determined that it should defer its recommendation on whether to investigate the matters raised by the Request in order to provide a sufficient opportunity for these developments and actions to evolve. The Panel notes that Management's efforts are focused both at project level, but also at the higher level of providing adequate support to the Government in addressing many of the concerns related to the system of cotton production, more generally. The Panel notes the importance of these efforts by Management in addressing the concerns raised in the Request.[94]

This was a key moment not only in the international development community's engagement with the Uzbek Government, but also, arguably, in its broader approach to addressing forced labour. It represented a fundamental shift from a project-level safeguards approach to an approach focused more explicitly on system-level change – a central premise of the Developing Freedom approach articulated in Chapter 2.

In October 2014 the World Bank and the ILO signed a Memorandum of Understanding regarding cooperation on efforts to address forced and child labour in Uzbek cotton production, which included the ILO playing the role of TPM. The World Bank set up a multi-donor trust fund specifically for the TPM work, which has since received contributions from the EU, US, Swiss development agency SIDA, German development agency GIZ, and the EBRD.

In late 2014 the matter returned to the Inspection Panel, after its one-year deferral of an investigation decision. Bank Management noted the ILO TPM process had commenced and noted "very intense" dialogue with the Government that "is sowing results", with the "tenor of this dialogue [having] shifted significantly, from initial rejection, to acceptance of TPM and covenants in legal agreement, to encouraging trilateral cooperation between the Government of Uzbekistan, ILO and the Bank, and proactive dissemination of workers' rights and employers' responsibilities." Labour issues had "become an integral part of the Bank's dialogue with the Government on agriculture sector reforms that aim to help the country diversify out of cotton production in the long term".[95]

Management was explicit in recognizing the need for a systemic approach:

> Management recognizes that the concerns … are deeply entrenched in the cotton production system of the country. The course of action by the Bank is supporting introduction of measures aimed at bringing systemic changes to the sector.[96]

Its strategy was laid out even more clearly in a second progress report, in July 2016:

> The World Bank Group is pursuing a three-pronged strategic response to [child and forced labour]. This consists of (a) risk mitigation in partnership with the ILO in at-risk operations through TPM, [the Feedback Mechanism] and awareness raising …; (b) support to the [Government of Uzbekistan's]agricultural modernization agenda;

> and (c) promotion of private sector demand for sustainably produced cotton. In doing so, the World Bank Group aims to alter the underlying incentives for the forced mobilization of labor.[97]

Based on inputs from Bank Management, and in "meetings with UNICEF, ILO and potential donors to the [TPM multi-donor trust fund] (i.e., USA, UK, Switzerland, and the European Union)", in late 2014 the Panel concluded that there was a

> clear trajectory and specific medium-term efforts which the Bank and other development partners have established to support the diversification and modernization of the cotton sector so that child and forced labor can be firmly eradicated.[98]

Unsplash/Wolfgang Hasselmann

With these TPM arrangements in place, the Bank approved over USD 500 million in financing to Uzbekistan in 2014, relating to education and agricultural development. All of the loan contracts included covenants stipulating that funding was subject to cancellation and repayment if the Bank "received evidence, that it considers credible, of the use of child or forced labor in connection with the Project activities or within the Project Area."[99]

Around the same time, the Asian Development Bank (ADB) agreed a USD 146 million loan to the Uzbek Government, with additional financing from the Japan International Cooperation Agency (JICA), to support cotton irrigation. Despite commitments to work towards the elimination of all forms of forced or compulsory labour in designing and implementing all its projects, the ADB's project design considered labour standards only in the context of water sector employees, not in the cotton industry the irrigation project was intended to boost.[100] The loan did, however, include a condition requiring respect for labour standards, and envisaged the ILO's involvement in monitoring. But the ADB approach stands in contrast to the approach taken by the Bank, with its clear, if quiet, indications of a growing commitment to system-level analysis and change.

Still, the ADB was not the only multilateral lender apparently still hewing to a more traditional, project safeguards approach. In late 2015 the Bank's private sector lending arm, the IFC, invested USD 40 million in a leading cotton yarn producer in Uzbekistan, Indorama Kokand Textile, to expand its textile plant, which has also subsequently attracted investment from EBRD.[101] The social impact assessment connected to the project found that there was a moderate risk of child labour and forced labour, but that the project "will be able to address the issue" in the project area through mitigation measures.[102] With the IFC, Indorama has developed a system for rating the risk level of cotton-producing districts based on data from ILO monitoring, publicly available reports, and data on the labour supply in the area. Indorama has committed not to source from districts it classifies as "red" or high-risk based on this index.

This IFC investment would, however, ultimately prove important as part of a larger effort to induce the Uzbek Government to undertake structural reform of the cotton industry to allow economic upgrading (discussed further below). In the meantime, the lack of a systemic approach created risks for the IFC. On 30 June 2016, an alleged victim of forced labour and Uzbek human rights defenders who had faced reprisals for monitoring and reporting on forced labour filed a complaint with the Compliance Advisor Ombudsman (CAO), the IFC's accountability mechanism, raising their concerns that the IFC had not undertaken adequate due diligence in these investments and was in violation of the IFC Performance Standards. At time of writing complaint appears still to be under assessment.[103]

ILO third party monitoring

Perhaps the most significant result of the Inspection Panel's involvement in 2013 was the agreement by the World Bank to hire a third-party monitor (TPM) for its projects in Uzbekistan. The ILO has, as a result, monitored every cotton harvest since 2015, as well as some spring weeding seasons, issuing an annual report.[104] While its TPM methodology has developed over time, it has involved a mix of visits to cotton fields, medical facilities, educational institutions, businesses, local administrations, *mahalla* committees, undertaking interviews and surveys, reviewing records, and conducting telephone surveys. Each year, typically, hundreds (or more) such visits are undertaken. The monitoring results have proven both contentious and irreplaceable as a basis for evidence-based policy dialogue and coordination amongst diverse stakeholders, both inside Uzbekistan and beyond. And they laid the groundwork for an acceleration of transformation efforts when a crucial political window opened in late 2017.

ILO TPM kicked off in 2015. The ILO's assessment was mixed. It found that after two years of efforts to reduce child labour, "use of children" in cotton picking "has become rare, sporadic and socially unacceptable".[105] As for adults, while it noted that "certain indicators of forced labour have been observed", it also concluded that "[l]arge numbers of citizens seem to be willing recruits". "[T]he risks of forced labour linked to organized recruitment are real," the ILO monitors wrote.[106] Nevertheless, "Monitoring has not provided conclusive information that beneficiaries of World Bank projects used child or forced labour during the cotton harvest."[107]

The report also raised subtle questions about the monitoring methods used, and the utility of a Feedback Mechanism that had been set up as part of the Bank's mitigation measures package. "[T]he confidence of the public" in the Feedback Mechanism is low, wrote the ILO. "Worrying reports were received … of harassment and threats to people conducting their own monitoring. The impression thus given is that those in authority do not want to prevent labour abuses." What is more, "[c]oncerns arise with respect to the candidness of interviewees, to the real degree of voluntarism [of students] and to the veracity of staff attendance registers". The report noted that

> getting beyond what monitors were supposed to hear was sometimes difficult. Interviewees were circumspect talking to an official-looking group of monitors. Some retracted their words when justifications were unconvincing.[108]

The next year, the ILO TPM report on the 2016 harvest suggested further progress, but also continuing challenges. "No incidences of child and forced labour were identified with regards to World Bank-supported agriculture, water and education projects", wrote the ILO monitors, though "[p]roject sites operate in a similar context and share similar risks of child or forced labour to that of others".[109] The risks of child labour had reduced, the monitors argued: "Uzbekistan has phased-out organized child labour", wrote the monitors, concluding that it "has become socially unacceptable". Yet "forced labour remains a risk for some categories of people", they noted. However, "these groups … are a minority of all pickers".

There were continuing challenges for monitors during the 2016 harvest, the report noted. As in 2015, the 2016 TPM report noted that "concerns arose over the candidness of interviewees, the accuracy of staff attendance registers and the real degree of voluntarism of pickers from World Bank-supported institutions or working on World Bank supported project sites". The monitors explained that "getting beyond what ILO experts were given to hear was at times difficult. Many interviewees appeared to have been briefed in advance." The monitors indicated that they were unable to verify information and had to record "what they observe and are told", including "some contradictions or anomalies".[110] The monitors also noted that some interview subjects might not be truly voluntary:

> Declarations made by vulnerable people of their willingness to pick may be unreliable if their recruitment is effectively carried out by those on whom they depend for their primary income or education.[111]

Those concerns again raised questions about the confidence that should be placed in the ILO's findings. Unsurprisingly, civil society responded to the 2015 and 2016 reports with considerable scepticism. One major concern was the fact that, despite the World Bank's commitment to the Inspection Panel to undertake *independent* TPM, three factors linked the ILO to the Uzbek Government. First, in ILO governance: Uzbekistan is a member of the ILO and thus a partial governor of it.[112] Second, the ILO's ongoing programming in Uzbekistan, the welfare of its personnel in Uzbekistan, and continued external funding for its work in Uzbekistan all depended on the Government's cooperation.[113] And third, while the monitoring teams deployed were led by an ILO official, they also included representatives of the Uzbek Government and Uzbek non-State entities that were controlled by the Government, notably the local trade union body.[114] (Indeed, in 2017, even as it was participating in this monitoring, the trade union involved was allegedly sponsoring local newspaper ads calling on people to participate in the cotton harvest.[115])

The last factor, in particular, generated considerable critique, since it raised questions about whether victims of forced labour were being interviewed not only in the presence of, but actually by, representatives of the institutions that were coercing them to work in the first place. This raised serious ethical, methodological and human rights questions, which became the focus of an extended public exchange between the ILO, human rights groups and researchers.[116] UGF argued that the Government had "doubled down on coercion", forcing more than a million people to pick cotton under threat of penalty, and that a climate of fear undermined the ILO's monitoring efforts.[117] Following detailed field investigations, Human Rights Watch and UGF both alleged government actors had instructed people to lie to the ILO monitoring teams, and that other steps were taken to present a false image to the monitors.[118] Both raised concerns about the Feedback Mechanism created to receive forced labour complaints, specifically around its inability to protect complainants from reprisals. One schoolteacher explained:

> I know that you cannot force people to work. But I won't call the complaint line number we were given. There is no use. These posters are put up for the benefit of the ILO. All these calls [to the hotlines] will result in simple teachers and medical workers losing their jobs.[110]

Based on such testimony, UGF and HRW suggested Uzbeks viewed the Feedback Mechanism as 'for show', amounting to "fairy tales", and would not use it out of fear of reprisal.[120] UGF suggested that the Uzbek Government had gamed the TPM system so extensively through intimidation of interview subjects and harassment of independent civil society researchers that the result was a "cover-up".[121] In 2015, one human rights monitor, Dmitry Tikhonov, had to flee the country and another, Uktam Pardaev, was imprisoned for two months and released on a suspended sentence. In 2016, only one UGF monitor, Elena Urlaeva, continued to work openly, and she was subjected to surveillance, harassment, arbitrary detention, assault, and involuntary stays in a psychiatric hospital. And where the ILO described some workers as seeing cotton picking jobs as an 'opportunity', the UGF monitors suggested that, like mafia offers, these opportunities were "impossible to refuse".[122]

The criticism led to methodological changes in TPM in subsequent years. In 2017 the ILO introduced changes to questionnaires and "additional safeguards … to ensure that the interviews were conducted by the ILO experts in an unaccompanied and confidential manner", including recusal of the trade union representative from the interview process after initially helping the monitoring team gain site access.[123] For both 2018 and 2019, the monitoring methodology was submitted to an independent review board for ethics approval, and moved to an "independent, unaccompanied, unannounced" field inspection strategy, exclusion of government officials and documentation of interview subjects' informed consent.[124]

Neither the questions raised about the TPM methodology, nor the ILO's findings of ongoing signs of forced labour led the World Bank to suspend it loans, however, since the ILO had not reported any link between its loans and actual cases of forced or child labour. In private, Bank officials told human rights activists that suspending a project would be the last resort, arguing that the Bank was having a positive influence on the sector and making progress in its reform dialogue with the Government.[125] At the time, many in civil society dismissed this as rhetorical posturing. Yet events were quickly to suggest otherwise.

Perestroika?

On 2 September 2016, President Islam Karimov, the only President Uzbekistan had known since independence, died. By December 2016, Shavkat Mirziyoyev, who as Prime Minister had overseen the centralized system of cotton production, had been elected President. President Mirziyoyev immediately set Uzbekistan on a path towards political and economic liberalization. Western commentators began to suggest this was, belatedly, Uzbekistan's own *perestroika*, and speculated whether President Mirziyoyev would be the country's equivalent of China's reformist leader, Deng Xiaoping.[126]

In his first appearance before the UN General Assembly in New York in September 2017, President Mirziyoyev laid out a raft of measures his Government was undertaking to liberalize governance and protect rights, leading off with his commitment to "cooperation with the International Labour Organization [for] effective measures to eradicate child labour and forced labour."[127] Three days later high-risk groups, including students, were recalled by government order from the cotton fields, where they were participating in the annual harvest.[128] Cabinet-level decisions and Presidential Decrees during the course of 2018 initiated additional measures to discourage use of forced labour, including increasing liability for use of forced labour, strengthening of labour inspections, awareness-raising projects in the media and with civil society, and dialogue with civil society both inside and outside Uzbekistan. President Mirziyoyev welcomed the UN High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, to Uzbekistan in 2017, and Human Rights Watch and the Cotton Campaign also visited that year.

These measures quickly began to show positive results in both ILO TPM and in the assessment of civil society actors. The ILO TPM report for the 2017 harvest found that there was "no systematic use of child labour in the cotton harvest in Uzbekistan and significant measures to end forced labour are being implemented",[129] with a "clear political commitment at central level to completely end the use of forced labour."[130] The 2017 report likewise documented a seven-fold increase since 2015 in the number of submissions to the Feedback Mechanism created to receive complaints about forced labour in the cotton harvest.[131] The UGF also reported reduced involvement of public sector entities in forced picking, and an environment more conducive to independent civil society reporting on forced labour.[132] Significantly, the ILO also found that voluntary pickers were more productive than involuntary pickers, supporting the central premise that a reduction in forced labour would unleash economic gains for the whole Uzbek economy.[133]

More positive results were reported in 2018 and 2019. In 2018 the ILO TPM suggested a 48 per cent drop in forced labour year on year, and an 85 per cent increase in pickers' wages.[134] The report also documented improvements in public awareness-raising, labour inspection, civil society reporting, government investigation and sanctioning of violations – documenting over 200 instances of punishment of officials for forced labour. And the report is also notable for making explicit the case that people forced to pick cotton could be more productively used elsewhere, and that centralized control of cotton productive had "led to reduced productivity and resource efficiency".[135]

Uzbek human rights activists told VOA that they "felt free" to conduct their monitoring during the 2018 harvest season.[136] Meanwhile, the UGF, while finding documentary evidence of continued forced picking in State-owned enterprises including banks, utility companies, the youth union, tax authority, tourism department and a labour union, also acknowledged signs of positive change in government policy, and signals from the highest levels that public entities should not be involved in cotton picking. It also concluded that the increased cotton price offered by government increasingly empowered farmers to pay a decent wage, attracting voluntary labour.[137]

Going further, the ILO TPM report for the 2019 harvest concluded that "systematic forced labour did not occur" and "systemic child labour is no longer used during the cotton harvest in Uzbekistan." For the first time, the TPM was carried out by independent Uzbek civil society activists trained by the ILO. The

TPM report estimated another 40 per cent drop, year on year, in the number of people in forced labour, including military conscripts and others mobilized through public institutions and private companies.[138] The ILO also reported strengthening of penalties, increased media reporting on forced labour, and improved trust for the feedback mechanism.[139] The number of labour inspectors doubled from 200 to 400, and 1,282 forced labour cases were investigated. 259 government officials, heads of organizations and managers were punished for forced labour violations during the 2019 harvest, mostly with fines, which also rose 10-fold compared to 2018.[140] Uzbekistan also ratified several key ILO Conventions in late 2019, including the 2014 Protocol to the 1930 Forced Labour Convention.

Once again, civil society actors reported they were free to monitor the 2019 harvest without interference; they were also invited to join a new National Commission on Forced Labour and Human Trafficking.[141] Despite noting forced picking of government employees that year, such as firefighters, police and some mid-level civil servants,[142] the UGF acknowledged Uzbekistan's "significant, rapid progress toward the elimination of adult forced labor in the cotton harvest, following the elimination of child labor", with President Shavkat Mirziyoyev making "dismantling forced labor in the cotton sector the centerpiece of his effort to modernize and reform Uzbekistan".[143] All of these reforms, the ILO concluded, were set not only to reduce forced labour but also to increase employment and growth, unlocking potential gains in education, health, infrastructure and other area.[144] Reducing forced labour, it seemed, was a key to unlocking broader sustainable development gains across the Uzbek political economy.

Creating an outside option for Uzbek elites

Nevertheless, forced labour did not disappear overnight. The ILO has continued to identify forced labour in Uzbekistan, estimating the involuntary workforce in the cotton harvest at 364,000 in 2017, 170,000 in 2018 and 102,000 in 2019. In 2018, at least 6.8 per cent of pickers were "made to participate" in the harvest, though 15 percent of those asked to participate declined.[145]

The ILO suggests that while there is central Government commitment to dismantling forced labour, "the degree of implementation varies in the country between provinces and districts."[146] While, by 2018, the ILO had concluded that the Uzbek Government had turned away from "systematic" forced labour, it argued that there were still systems in place, notably the centralized quota system, that created "an environment conducive to forced labour".[147] As the ILO said in 2018, "legacy systems conducive to the exaction of forced labour in agriculture have not yet been fully dismantled".[148]

The centralized system of production, operationalized through production quotas, was at the heart of this legacy.[149] In a watershed moment, on 6 March 2020, President Mirziyoyev announced the abolition of the State monopsony on cotton purchasing, and the quota system altogether. Yet this is not the only "legacy system" that contributes to the "environment conducive to forced labour". As the UGF noted in 2019, other structural challenges include "structural labor shortages in some regions and at some harvest stages and a lack of effective and ethical mechanisms for voluntary recruitment that do not involve government actors or government pressure", as well as the absence of "a culture of prevention, accountability for perpetrators, and protection for victims."[150]

The analysis of the ILO TPM mechanism, on which the World Bank relies, is that while the Uzbek *State* has turned fairly definitively away from a policy of *systematic* forced labour, there are still legal and *social systems* in place that allow actors other than the central Government to impose forced labour. This distinction, which the ILO has drawn explicitly in its last couple of reports on the Uzbek cotton harvest, builds on an earlier, controversial distinction it had made between 'forced' workers and 'reluctant' workers – who are not included in its forced labour counts in its TPM reporting since 2015. Reluctant workers, it argued, worked not because of coercion, but because of "social pressure".[151] Social pressure, the 2018 ILO TPM report explains, involves "the dynamics of a community, [in which] despite [an individual's personal preference], people may agree to pick cotton although they are not subject to tangible reprisals or an actual penalty if they refuse to do so." The 2018 and 2019 ILO TPM reports provide examples of 'social pressure': worrying what neighbours will think, not wanting to 'let the team down', not wanting to disobey family authorities, and patriotic duty. Social pressure "refers to situations where people want to maintain positive relationships with their families or communities, based on past experience that communities or certain categories of people are being mobilized to pick cotton".[152] The ILO characterizes succumbing to this pressure not as coercion, but as "[n]ormative conformity".[153] As a result, picking based on social pressure has been *excluded* from the ILO's count of forced labour since 2015.[154]

The problem here is not simply categorical but empirical. In an authoritarian State such as Uzbekistan was until at least 2017, social pressure cannot be neatly decoupled from the State or from threat of penalty. As we saw earlier, State authorities went out of their way to recruit, enlist and even corrupt sources of social authority – imams, teachers, doctors, nurses, local neighbourhood committees – and align their conduct with the State's labour preferences. Neighbourly disapproval was *implicitly backed* by the threat of penalty by the State. "Past experience" would *precisely* tell the average Uzbek that to refuse the "patriotic duty" of picking was not simply to risk social disapproval, but to risk one's livelihood and physical safety. Indeed, as the 2016 ILO TPM report noted "picking [was] variously justified as a national duty, a community obligation, a temporary transfer of work tasks, or frequently an opportunity to earn additional income".[155] In other words, the distinction between State coercion and social pressure breaks down in the field.

This has important implications for how we understand the situation in Uzbekistan today. On the one hand, this may mean that the number of people picking cotton in Uzbekistan involuntarily is actually *higher* than the ILO TPM reports announce. It is notable that the ILO does not publish the number of people it identifies as "reluctant workers" or those succumbing to "social pressure". Including those estimates might give a more accurate picture of just how many workers in Uzbekistan are working against their own economic preference. On the other hand, however, as the ILO points out, coercion is *not* a simple binary, but rather works more like a spectrum. By distinguishing between "systematic" forced labour imposed deliberately by the State and "systemic" forced labour arising not through deliberate State policy but out of social pressure and "legacy systems", the ILO has created strategic space for the Uzbek State to be recruited as an ally in the anti-slavery effort, and rewarded for progress, even before forced labour is entirely eradicated.

Rewards have indeed been steadily forthcoming. In 2015, the US State Department moved Uzbekistan from Tier 3 to Tier 2 on its Trafficking in Persons Report watchlist, referencing the Government's cooperation with the ILO and World Bank. In 2017, the EU moved forward with the textile trade protocol it had refused in 2011, over the objections of several human rights organizations.[156] In 2018 Uzbekistan hosted the ILO Director-General for the first time. And in March 2019, following an inter-agency review, the US Department of Labor removed Uzbek cotton from a list of products that might have been produced with forced labour.[157] Other like-minded diplomatic partners – including France, Germany, Japan, Switzerland and the UK; the EU, OSCE and other UN entities; and the EBRD – all sent reinforcing signals.[158] All of this suggests a deliberate and carefully coordinated effort to reward the Uzbek Government's engagements and reforms, a hypothesis confirmed by several people interviewed for this study.[159]

Lessons and opportunities

The process of disruption, reform and transformation in Uzbekistan holds numerous lessons for the implementation of the Developing Freedom agenda. These may be particularly relevant, also, to discussions of how to address cotton production in other countries that relies on apparently State-sponsored forced labour, such as in Xinjiang, which produces around 20 per cent of the world's cotton. (Chinese Government development policies towards Xinjiang are discussed in Chapter 1.)

From boycott to certification?

In April 2020, with COVID-19 hitting apparel and cotton sales worldwide, the Uzbek Government called for an end to the Cotton Pledge boycott.[160] The Cotton Campaign, which has emerged as the main coordination forum for international activists, buyers and investors, responded by welcoming the progress made in the fight against forced labour in Uzbekistan, but highlighting that, according to the ILO, forced labour is in fact still occurring.[161] The Cotton Pledge commits companies not to buy Uzbek cotton "until the Government of Uzbekistan ends the practice of forced labor in its cotton sector." What is more, section 307 of the US *Tariff Act* of 1930 (19 U.S.C. § 1307) prohibits the importation into the US of merchandise produced wholly *or in part*, by forced or indentured labour. Such merchandise is subject to exclusion and/or seizure, and may lead to criminal investigation of the importer. Accordingly, some argue, US buyers will not be ready to return to Uzbek cotton until they have additional assurances and evidence that the cotton they are purchasing was not, in fact, manufactured by forced labour.[162]

Achieving this essentially requires certification. Since 2016, IFC has been working with the Uzbek Government and other partners on sustainable cotton supply chain development in Uzbekistan. One key partner is the UGF, which IFC hired to serve as a monitor of its projects.[163] Another key partner is the Better Cotton Initiative (BCI), a global initiative somewhat analogous to RSPO in the palm oil sector, founded in 2009 to address both the environmental and the social impact of cotton, through supply chain certification, segregation and traceability.[164] In 2018-2019 certified Better Cotton accounted for 22 per cent of global production. IFC's project in Uzbekistan aims to improve collaboration with the private sector by building the foundation for credible and scalable system for Better Cotton that meets the requirement of the BCI principles and criteria.[165]

Whether it is through boycott or certification, one lesson here is the power of decisions by trade and investment partners in global value chains to alter the incentive structures that shape local production.[166] Development interventions that aim to reduce modern slavery risks should more often be conceived on a more transnational basis – a point to which we return in Chapter 10.

Upgrading the Uzbek cotton industry

Stakeholders increasingly acknowledge that certification of Uzbek cotton as forced labour-free cannot be achieved through farm-level interventions, but also requires transformation of country-wide institutions and empowerment of stakeholders, especially workers and civil society, to ensure there is accountability for deviations from norms against forced labour.[167] This strategy – combining all three Developing Freedom approaches, of disruption, transformation and empowerment – is set out clearly in the *Roadmap of Reforms* proposed by the Cotton Campaign in June 2019.[168] The Roadmap articulates three mutually reinforcing core objectives:

- "end systemic forced labour", through *disruption* of the incentives for compelled labour. The Roadmap explains this will involve reducing compelled picking, stronger accountability, improved protections against reprisals, better access to effective remedies, and strengthening a fair, transparent agricultural work recruitment scheme as an alternative to forced labour.

- “enact structural reforms”, a *transformation* agenda. This is an agenda for altering the institutional environment, by removing coercive practices against farmers, increasing farmer autonomy as the quota system is eliminated, and improving transparency around cotton sector reforms and revenues.

- “empower civil society”, clearly an *empowerment* agenda. This part aims at promoting transparency, accountability and rights protection for monitors, farmers and workers.

The Uzbek Government has responded broadly positively to this Roadmap. Increasingly, it frames efforts to end forced labour not as a stand-alone agenda, but in terms of larger efforts to liberalize the Uzbek economy and promote economic upgrading from raw cotton production to higher value-add in the textile value chain. The vehicle for this approach is its ‘cluster’ policy. This describes an approach whereby the Government allocates land to a private investor who in return commits to growing cotton (either by direct farming or by contracts with existing farmers) and to establishing processing and/or manufacturing facilities in the local area. The main objectives are to reduce the role of the Government in cotton production, create jobs and position Uzbekistan as an exporter of textiles and garments rather than raw cotton.[169] Essentially, this policy aims at seeding economic upgrading in both agriculture[170] and industrial manufacturing[171].

International partners have backed the approach. The ILO has argued that the cluster system will potentially help to increase productivity and remove the drivers of forced labour, if transparently governed with responsible investors and supportive tenure arrangements for farmers.[172] As the ILO’s position hints at – and as we might recognize from the earlier Brazil cattle industry case study – such an approach is not without corruption risks.[173] There have been some challenges for the implementation of the policy arising from the continued involvement of the *hokimayat*.[174] Yet overall initial signs appear to be promising. There is evidence that cluster actors enjoy improved access to credit, higher cotton price and profits, lower ginning expenses, increased productivity and greater capital investment.[175] By 2019, 75 clusters were operational, and accounted for 73 per cent of the cotton harvest. But there is still work to do: farmers growing for cluster companies still seem to have limited ability to exercise outside options, and until early 2020 were still subject to production quotas. At the same time, farmers now feel sufficiently trusting of government to complain about their treatment at the hands of clusters.[176] Perhaps most significantly, by 2019 ILO monitors had concluded that “[t]he risk of forced labour is significantly lower in clusters, due to the higher wages and better working conditions provided by the clusters.”[177]

What has worked?

Three major insights emerge for the Developing Freedom agenda from the transformation of the Uzbek cotton industry over the last 15 years: first, about the importance of consistent strategic communication; second, about the interlocking nature of disruption, transformation and empowerment; and third, about the political nature of anti-slavery efforts.

In 2015 Devex interviewed the Chairman of the World Bank Inspection Panel, Gonzalo Castro de la Mata. Devex asked him whether the Inspection Panel’s decision not to investigate Uzbek cotton was the right one. The Chairman’s response is telling: “Thanks to the case, and the dialogue of the bank, we saw important policy changes,” he said. “Whereas the trajectory before was to continue using children to pick up the cotton, now they’re moving into a new direction, to modernize the cotton industry, to mechanize and to diversify.”[178]

The key word here is ‘dialogue’. The Bank argues it was dialogue between the international community and the Government of Uzbekistan that led to a new approach. What mattered here was arguably the consistency of the message from international actors – that Uzbekistan must end the use of child and forced labour in cotton production. This was a dialogue, not a trialogue or a conversation between the Uzbek Government and multiple potential partners that it could play off against each other. As the coalition pushing for an end to forced labour grew, the Uzbek Government faced a decreasing number of options. There were certainly still willing buyers of Uzbek cotton throughout this period, but the rapid spread of the anti-forced labour message from analysts and activists, to governments, to purchasers and investors, made clear the growing obstacles for Uzbek cotton to reach the global market. International actors differed at times on tactics, with human rights actors pushing for a total withdrawal of engagement, while international multilateral actors pursued a path of principled engagement.[179] But the consistent messaging on the overall goal was telling. Deliberate coordination of messaging through the Cotton Campaign was an important factor in this result.

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The second insight, however, was that the anti-forced labour movement arguably *benefited* from tactical variation within the effort, even as there were gains from strategic unanimity. The Cotton Pledge and diplomatic and multilateral pressure all served to disrupt the modern slavery system embedded in Uzbek cotton production, changing the strategic calculus of Uzbek elite. But the elite still needed to find an acceptable way out. That might not have been possible if they were walking alone, if they had been dealing only with 'bad cops', ready to punish them for violating modern slavery norms, but unready to help them change. But they were not: in the World Bank and ILO, and the governments that supported and financed their efforts, the Uzbek Government found good cops willing to assist them, when it was ready to change its approach. (We return to this notion in Chapter 8, on construction.)

The World Bank's engagement opened the door, and the ILO's programming in Uzbekistan off the back of that engagement then proved critical, adding transformation and empowerment components to the mix. ILO engagement extended well beyond TPM, to awareness-raising on labour rights for thousands of cotton pickers; facilitating ongoing engagement between the Government and human rights actors; training enforcement actors on investigation and prosecution; strengthening feedback mechanisms, leading to thousands of cases being investigated and resolved; capacity-building for journalists; international best practice exchange; and extensive public communication to sustain momentum and public support for the effort.[180] Without access to the know-how the ILO provided, and the financial support and engagement from the Bank and other donors, the Uzbek Government's rapid turn away from forced labour over the last five years might well not have occurred.

Public support was also critical. The transformation of the Uzbek cotton industry is inevitably a process with deep political ramifications, even if it is presented as a technical exercise of labour market and agricultural reform. The use of forced labour to grow and pick cotton was the result of a corrupt, repressive rentier system that allowed elites to steal massive profits by underpaying workers and farmers. Dismantling that system will create millions of winners, but also many powerful losers. And as the harassment and intimidation of Uzbek civil society actors reporting on forced and child labour in the cotton industry also shows, those who advocate for change are also often likely to be at great risk. It is difficult to say just what steps development actors undertook to protect activists in Uzbekistan – and just how persistent international development actors were in pushing their Uzbek Government counterparts on these issues. Whatever the answer, future development interventions that push for changes in slavery-based economies must take these risks of backlash and reprisal seriously.

Finally, public support is also crucial for another reason. As the ILO's recent narrative makes clear, even as the Government turns away from systematic forced labour – i.e. a policy of organized mass coercion – Uzbekistan continues to struggle with the "legacy systems" that make forced labour possible. The thirty-year normalization of forced labour is perhaps the most powerful of those legacy systems. Forced labour has become so normalized that it is no longer understood as involuntary work, but rather, in the ILO's terms, simply "reluctant" work. "Reluctant workers" are not, the ILO says, coerced, but rather engaging in "normative conformity". Penalization for refusing to pick cotton is so socialized and diffuse that workers do not even perceive it as a penalty, but simply "social pressure" to perform one's social duties and obligations. Forced labour will not cease in Uzbekistan until the social production of this slavery-based governmentality ceases. That will require not only engagement with the Government, but continued work with the Uzbek public and social authorities to restore and maximize people's sense of economic – and political – agency.

What about remedy?

Abandoning forced labour only became a worthwhile option for Uzbek elites once it became apparent that they stood to lose more from the status quo – from tarnished international reputations, from the costs of a cotton industry that was falling ever more rapidly behind its competitors, and from the opportunity costs of not investing in economic reform and upgrading – than from swallowing the pains of reform. The international boycott and diplomatic disruption efforts were central to that strategic calculus, raising the costs of business as usual. So it is in some ways all the more remarkable that remedy and accountability have not factored significantly into discussions of how to raise the costs for Uzbek elites from using forced labour.

Development actors have, to date, largely avoided discussion of remedy for the hundreds of thousands, if not millions, of cases of forced and child labour that have occurred in Uzbekistan over the last thirty years, preferring to focus on structural reforms and prevention. Both the World bank Inspection Panel and the IFC CAO have taken narrow views of those institutions' remedial obligations, arguing that it has not been established that Bank and IFC financing have been used for forced or child labour. Yet today, established international expectations on remedy – as enshrined in the UN Guiding Principles on Business and Human Rights and the OECD Guidelines on Multinational Enterprises – make clear that financial institutions, and indeed other actors, such as purchasing firms – linked even indirectly to human rights harms should seek not just to provide remedy for harms they have caused or contributed to, but also to *enable* remedy for harms to which they are connected, for example through intermediaries.[181] The Feedback Mechanism established by the World Bank in connection with its projects since 2014 plays an important role here, but also begs the question what other steps have been undertaken by the development sector – and indeed by firms purchasing Uzbek cotton over the last thirty years – to meet victims' right to an effective remedy?

Two factors may intervene. The first is that many in today's Uzbek elite played important roles in overseeing widespread and systematic forced labour over the last thirty years, President Mirziyoyev apparently included. If remedy discussions give rise to questions of individual accountability, that may chill those people's willingness to continue down the reform path. This may make it inadvisable to pursue these discussions. The second is the scale of the violations involved. How can millions of instances of forced and child labour be addressed? And how can they be effectively remedied? If remedy is understood in terms of monetary compensation, who would bear this significant burden?

Countries transitioning from authoritarianism have faced just these questions many times in facing up to large-scale human rights abuses over the last three decades. The field of transitional justice offers numerous insights, from the role powerful role of truth-telling and symbolic reparation to the key role that remedial processes supported by former authoritarian leaders can play in entrenching respect for rule of law. It may be time for Uzbekistan to consider what lessons it can learn from those processes, and what a process of transitional justice addressing the history of forced and child labour in its cotton industry would look like. International development partners have a key role to play here, not only in helping the Uzbek Government conceive what such a process might involve, and access the relevant expertise to undertake it, but also in financing it, for example through continuation of efforts by the World Bank-UNODC Stolen Assets Recovery Initiative to assist the Uzbek Government.[182]

CHAPTER 6: FISHERIES AND AQUACULTURE: "A MOUNTAIN OF BONES UNDER THE SEA"

In 2013, Thai authorities arrested Ko Myo, suspected of having trafficked perhaps 700 Myanmar migrants into slavery on Thai fishing boats over the previous decade, murdering 40 of them.[1] These migrant workers and their debts had been sold through trafficking networks, often held in jungle prison camps along the way, and ended up on boats used to fish in waters far from Thai shores – throughout South East Asia and in the Bay of Bengal. On those boats, they were often enslaved through debt bondage, forcible confinement, torture and physical abuse. The fish they caught was used in raising shrimp sold into global markets, often ending up in the supermarket trolleys of Western consumers.

These were not isolated crimes. In a research report published in March 2020, the ILO concluded that "tens of thousands of workers in Thai fishing and seafood processing are working in forced labour conditions".[2] A 2012 study on the working conditions in Thailand's fishing sector found that over 10 per cent of the 600 fishers interviewed had been severely beaten while at sea.[3] Ko Myo's crimes were made possible not only by a corrupt network of Thai and Myanmar officials, but also by an industry that was as hungry for cheap and disposable labour as global consumers were hungry for cheap fish.[4] Fish production has grown seven-fold since 1950,[5] and demand is likely to grow further in future. Indeed, given the high carbon footprint of livestock, population forecasts and the prominent role that fish plays as a source of protein in many diets, sustainable global nutrition may depend on increased fish protein consumption, since fish and seafood are considered by some as more carbon efficient than terrestrial animal production.[6]

The Thai industry is by no means unique. There have been detailed reports of forced labour and labour exploitation of fishers on vessels flying the flags of, and in the waters of, various countries in recent years: Costa Rica,[7] Fiji,[8] Ireland,[9] New Zealand,[10] South Korea,[11] the UK,[12] UAE and the US,[13] Vietnam[14] and off West Africa.[15] Cross-border trafficking of migrant workers is not uncommon, and often involves actors from several countries. For example, in 2016, Norwegian authorities identified a foreign network involving a South Korean operator, a Seychelles recruitment agency, and Norwegian port agents involved in moving 49 Indonesian fishers, a Spanish national and several Ukrainians to crab fisheries in the Barents Sea, where they were exploited. The same year, Indonesian authorities learned of 14 Indonesian victims of forced labour on a Chinese fishing vessel in Iran, recruited through an agency controlled from Taiwan.[16]

In the first three cases we have considered in Part Two, efforts to develop and exploit an agricultural resource – cattle, palm oil and cotton – led both to the exploitation and trafficking of people, and simultaneously to environmental degradation. In the next case, fisheries and aquaculture, development, environmental degradation, and modern slavery are once again connected. In this sector, however, the relationship between the three varies. It is those variations that we explore here. In some cases, such as competitive marine capture fisheries, firms have resorted to labour coercion as they compete for diminishing profits from a dwindling resource. Here, environmental degradation and declining fish-stocks contribute directly to modern slavery risks. In artisanal and small-scale fishing, modern slavery risk arises from fishers' dispossession of their rights and access to fisheries, as they are pushed into precarious wage-based labour. And in industrial aquaculture and processing, modern slavery risks arise primarily for migrant labourers, especially women and children.

In this Chapter, we explore how one broad industry – fisheries and aquaculture – generates such a variety of modern slavery risks. After an initial introduction to the fisheries and aquaculture value chain and consideration of the development approaches embedded in fisheries governance, we focus in on four countries, to make the analysis manageable and meaningful. Since 84 per cent of the roughly 58 million people employed in fishing and seafood production are in Asia,[17] we draw these countries from those around the Bay of Bengal and in South East Asia: Thailand, Philippines, India and Bangladesh. We combined detailed, desk-based literature review with anonymous stakeholder interviews of 23 key informants.

Our analysis identified by-now familiar patterns of international mobilization for disruption of modern slavery, followed by domestic counter-mobilization as rentiers seek to protect the status quo. We look in particular at experiences in Thailand, which bear some interesting similarities to the previous case studied (Uzbek cotton), but also some important differences relating to the stalling and limits of reforms. We briefly explore how modern slavery risks arise in Filipino, Indian and Bangladeshi fisheries and aquaculture. Finally, we return to the question of fisheries governance, drawing conclusions from our analysis about the multiple levels of fisheries governance across which the Developing Freedom agenda may need to be pursued, in order to be effective.

Modern slavery in global fishing and aquaculture

Understanding the value chain

Global fish production is today estimated at around 179 million tonnes (2018), worth USD 401 billion. This includes marine and inland capture fishing, aquaculture and post-harvest processing. Of this total, less than half (82 million tonnes) comes from aquaculture production – but it is worth more than half the total value of production (USD 250 billion). 156 million tonnes were used for human consumption, and 22 million tonnes for other uses – mainly fishmeal and fish oil.[18]

Fish and seafood value chains are complex. The most common stages of the global value chain include primary production, processing, packaging, transport, retailing, and consumption, and there may be additional storage nodes. The mid-chain, necessary for the preservation of a highly perishable product, is the most convoluted, potentially involving numerous actors such as aggregators, primary processors, traders, auction houses, wholesalers, dealers, secondary processors, distributors, and transporters in the transforming, packaging, and movement of the product. Most nodes operate on narrow margins, with the lowest margins at the production stage.[19] As Figure 34 below suggests, supply chains typically become more complex with commercialization and capitalization as production moves away from subsistence and artisanal fishing to larger-scale, industrialized and more export-oriented production.[20] Yet it can be difficult to separate subsistence from commercial production, or farm-based from wild capture supply chains. Products from different sources are often aggregated mid-chain. And wild caught fish, such as low value marine-capture 'trash fish', are often used as feed in aquaculture systems.[21] The disassembly, re-assembly and recombination of products in these supply chains poses particular challenges for certification.

Over the last half-century, fishing and aquaculture have been globalized. Improvements in refrigeration, aviation and logistics have allowed some developing countries to emerge as major exporters. As of 2017, 38 per cent of all fish production entered an international value chain. In 2016, four of the top six fish and fish product exporting countries were developing countries: China, Vietnam, Thailand, and India.[22] For developing countries, exports from the fisheries sector can total more than that of rice, tea, cocoa and coffee combined. Yet export-oriented production is not necessarily undertaken by developing-country based firms. Firms from high-income, developed countries control an estimated 78 per cent of industrial fishing in low-income countries' waters.[23] In 2016, the top ten importing countries were the United States, Japan, China, Spain, France, Germany, Italy, Sweden, Republic of Korea, and the United Kingdom, with 71 per cent of all imports entering the markets of developed countries.[24]

FIGURE 34: THE SEAFOOD SUPPLY CHAIN

Source: FishWise 2017.

Fishing fleets, previously dominated by higher-income country owners and workforces, have steadily diversified, with workers increasingly drawn from populations that will accept lower wages. Lack of training, inadequate language skills, isolation from social networks, lack of proper documentation, and lack of enforcement of safety and labour standards make these fishers particularly vulnerable to intimidation, coercion, forced labour and human trafficking.[25] Fishing and related occupations are among the most dangerous of all professions, with more than 32,000 people killed every year worldwide.[26] Working hours are long, and as fish-stocks decline, more hours are needed for the same catch. In 2019, industrial fishing was rated second most deadly profession worldwide.[27]

Like other agricultural markets, the sector has also seen significant centralization in recent years, with 13 transnational corporations controlling up to 18 per cent of the global seafood production by value, 16 per cent of marine catch, and 40 per cent of the most valuable fish stocks.[28] However, all market players face significant pressures on profitability. Marine capture fisheries, in particular, face declining yield, growing competition, and, in some cases, rising fuel prices.[29] This has put particular pressure on wages and working conditions, since direct labour costs often count for around 50 to 60 per cent of operating costs.[30] Rising fuel prices have also led to greater use of trans-shipment, with fishers staying at sea for extended periods while their catches are transferred to shore by courier boats – making isolated workers even more vulnerable.[31]

Over-fishing of coastal fisheries has also forced greater reliance on distant water fishing operations, challenging enforcement – both due to distance, and because multiple States (coastal, flag, port, workers' countries of origin) are all potentially involved in governance – and exposing vulnerable workers to coercion and exploitation.[32] Distant-water fisheries are often exploited by more technologically advanced, more heavily capitalized vessels, whose owners have made use of off-shore legal structures, open international registers, secrecy jurisdictions and tax havens to protect profits.[33] The decline of coastal stocks also tends to transform local small-scale, artisanal fishers into wage labouring crews for off-shore fleets, reducing their economic agency and rendering them vulnerable to forced labour and other forms of labour exploitation.[34]

Declining marine fish-stocks have also, however, led to significant investment in – and growth of – aquaculture over the last thirty years, with annual growth around 3 to 4 per cent. It now accounts for roughly half of all fish production.[35] This is partly the result of development strategies and interventions.[36] In 2017, top aquaculture producers (in value) were China (controlling more than half the market), Indonesia, India, Chile, Vietnam, Norway, Japan, Korea, Thailand, and the Philippines. Aquaculture is growing most rapidly in Asia (at over 6 per cent p.a. between 2001 and 2015[37]), but is also growing rapidly in Africa, with Egypt already the second-largest producer of farmed tilapia globally (after China).[38] Yet to date, most aquaculture development has focused on growing production, rather than upward integration of value chains, leaving other countries to capture value. Asian aquaculture value chains are relatively fragmented compared to those oriented to Western distributors, and perhaps as a result, Asia has only 11 per cent of sustainability certified production.[39]

Project research interviews suggested there were some risks of forced labour, debt bondage and labour exploitation in aquaculture, especially as it becomes commercialized and export-oriented, exposing firms to foreign competition and putting increased downward pressure on labour costs.[40] This pressure gets transferred onto workers, many of whom are drawn from local populations, some of which may have previously been small-scale fishers pushed into aquaculture through stock depletion or reduced access to traditional fisheries. As with fishers on offshore vessels, workers in processing and aquaculture seem to be sometimes exposed to coercion and exploitation. This takes the form of low and with-held wages, unsafe working conditions, extreme working hours, physical and psychological violence, accommodation in unsanitary housing conditions, confiscation of papers, and an inability to seek work elsewhere.[41]

In capture fisheries, aquaculture and processing, debt seems to be a central mechanism of bondage. Migrant workers are often recruited in their own villages or ports, and then forced to pay a recruitment fee to each agent as they pass through a network of agents to a job. Migrants are often 'sold' by one trafficker or exploiter to another, along with their debts. They thus arrive at their jobs with significant debts, which helps to keep them quiescent. Working conditions, which are frequently abusive, are often obscured or misrepresented prior to arrival – or even until the vessel reaches international waters.[42] Once arrived, they are often charged fees for 'services' such as food and board or travel costs, and inflated prices for goods they are forced to purchase from their traffickers and exploiters. Wages are often withheld or paid late – or only at the end of the contract period, effectively tying them to a workplace employer, not matter how exploitative. Identification documents are often withheld, to further reduce mobility and prevent workers exercising their economic agency by seeking work elsewhere.[43]

These risks are significantly gendered. Women make up a larger share of workforces onshore and especially in processing.Child labour risks are greater in processing facilities and, in some contexts such as Lake Volta (mentioned in the Introduction), in inland capture fisheries. Males face greater risks off-shore, where they predominate.

Responses: policy action to protect fishing workers' rights

Attention to forced and child labour in the fisheries and aquaculture sector has been growing for the last decade and a half,[45] with a particular uptick around the time the ILO adopted the Work in Fishing Convention (C188) in 2007. Reporting by the United Nations Inter-Agency Project on Human Trafficking (UNIAP) drew particular attention to risks in South East Asia, starting around 2007, documenting cases of trafficking of migrant labourers from Cambodia onto Thai fishing vessels. This was followed by a number of civil society reports focused on the Thai industry.[46] In 2013, Humanity United partnered with the International Labor Rights Forum to create the Thai Seafood Working Group, a network of nearly 60 human rights, labour, and environmental organizations from more than a dozen countries that aims to develop solutions to the related problems of illegal, unregulated and unreported (IUU) fishing and labour exploitation in the international seafood trade.

Civil society mobilization led to increased engagement with these issues in international forums over the last decade, including in the ILO and the UN Food and Agriculture Organization (FAO) Committee on Fisheries (COFI). These have largely framed issues in terms of protecting the rights of fishers as workers, and protecting them from organized crime. In 2015, the ILO organized a conference on labour exploitation in the fishing sector. COFI's Sub-Committee on Fish Trade (COFI:FT) has drawn particular attention to social and labour conditions in the industry since 2016.[47] The ILO and UN Office on Drugs and Crime (UNODC) have repeatedly called for action on forced labour, trafficking and transnational crime in fisheries. In 2016, the Organisation for Economic Cooperation and Development (OECD), FAO and UNODC convened a conference on improving cooperation in combatting tax crime and other crimes in the fisheries sector, which also covered human rights violations and labour abuses in fisheries. And in October 2019, the FAO and IMO expanded their Ad Hoc Working Group on IUU Fishing and Related Matters to include the ILO.

This approach in global intergovernmental forums has been echoed in both State and regional level policy responses. At the State level, governments have taken a range of approaches to protecting fishing workers' rights. Indonesia focused on certification of business' respect for human rights. Senegal focused on promoting decent work conditions covering safety, health, recruitment, working hours, and training. New Zealand requested foreign fishing vessels operating in New Zealand waters to re-flag to New Zealand to ensure compliance with national labour regulations. Argentina focused on social protection of workers in processing plants, national collective agreements with fisheries trade unions, and a national certification scheme – *Mar Argentino* – that includes decent work criteria. France, likewise, is pursuing certification, through the *Pêche Durable* label. The UK's national authority, Seafish, has established a third-party certification for fishing vessels and skippers, with social standards on crew welfare, health and safety. And action has also occurred at the regional level, with the EU, ASEAN, and African Heads of State and Government all adopting regional policy frameworks aimed in part at improving labour conditions in fishing.[48]

Some countries have moved beyond policy response to active exclusion of fish and seafood products made with forced labour. The EU's 'carding' system, introduced under its IUU Regulation in 2010, is a warning system that allows countries to take action to rectify shortcomings in respect for international standards and laws, prior to their products being excluded from EU markets. The US system provides for rankings of countries on a global 'Trafficking in Persons Watch List', and separately for goods made with forced or child labour to be excluded from use by the federal Government, or held by US Customs and Border Patrol at the point of entry into the US market. Such 'Withhold Release Orders' have been issued 3 times against (Taiwanese) fishing vessels and the fish they harvest.[49]

There is likewise a dizzying array of responses in the private sector. These include several business and multi-stakeholder coalitions working to strengthen sustainability and work protections, such as the Marine Stewardship Council, the International Seafood Sustainability Foundation, Seafood Businesses for Ocean Stewardship, the Seafood Task Force, the Global Sustainable Seafood Initiative, the Sustainable Fisheries Partnership, and the Issara Fishery Labour Improvement Plan. A number of these involve certification schemes, which build on the "dolphin-safe tuna" schemes of the 1980s and subsequent private environmental standards in the industry.[50] These have had mixed success. In 2015, only around 14 per cent of global fish production was certified, and of this around 80 per cent was from wild-capture fisheries. Developing country producers have faced barriers to participation, including the full value chain assessments often required by these schemes. Yet these barriers are lower for aquaculture, and so certification of aquaculture is growing around twice as fast as certification of wild caught fish production.[51] Yet the proliferation of standards has also created confusion for both producers and consumers.

Increasingly, the United Nations has sought to convene across these different initiatives and develop a unified approach. In 2014, FAO started a consultative multi-stakeholder process, the Vigo Dialogue on Decent Work in Fisheries and Aquaculture that includes fisheries and aquaculture representatives from government administrations, private sector industries, civil society organizations (including small-scale fishers, workers' unions), auditing/certification schemes and international organizations. Emerging partly from these consultations, the FAO COFI:FT has recently developed a guidance document compiling and integrating relevant existing international instruments covering the stages of the fish and seafood value chains where social sustainability play a key role.[52] This includes both cross-cutting (horizontal) principles and 'vertical' appendices addressing child labour, gender equity and equality, fair integration of migrant workers in six main activities of the fisheries and aquaculture value chains: small-scale fishing; industrial fishing; aquaculture production; processing; distribution; and retailing. It includes a cross-cutting commitment to labour rights including "elimination of all forms of forced or compulsory labour; effective abolition of child labour".[53] The document is not binding, but addressed as voluntary principles to all actors in the value chain to help in "creating a positive environment and promoting socially responsible value chains". Appendices provide specific measures and tools that could be used to facilitate implementation.

What kind of fisheries development do we seek?

The policy responses that have emerged over the last decade to address forced and child labour risks in global fishing and aquaculture mix different intervention approaches from the Developing Freedom framework. Some aim at disruption – changing the strategic calculus of exploitation (e.g. EU 'yellow cards' and US exclusion, and certification schemes). Some aim at transformation – changing the institutional environment in which exploitation occurs (e.g. through new international norms aimed at clarifying fisheries workers' rights, prohibiting certain IUU activities, or discouraging migrant worker recruitment fees. Some aim at empowerment – strengthening workers in the value chain to resist exploitation (e.g. some ILO and FAO initiatives aimed at on the ground capacity-building).

Yet they all arguably take the *global* institutional environment in which this exploitation occurs – the organization of global fisheries and aquaculture value chains – as a given. Nearly all of them seek to protect the rights of workers and fishers *within* the existing production system. Few of them aim at promoting the agency of workers or fishers by enlarging their economic agency through, for example, defending access to traditional fisheries, creating cooperative property rights in fisheries, fishing vessels or processing facilities, or other approaches to economic upgrading.

This begs a real question: what kind of development do these interventions seek? And is the promotion of respect for labour rights in fisheries and aquaculture governance seen as part of a larger, integrated approach to achieving sustainable development, or as a niche question? Where does the right to be free from slavery sit within the larger question of how best to exploit fisheries resources to promote economic growth, reduce poverty and ensure food security, while ensuring environmental sustainability?

Answering this question requires an appreciation of the historical context of shifting approaches to fisheries exploitation and governance in global development. Two researchers at the University of Nottingham's Rights Lab, Dr Jessica Sparks and Dr Bethany Jackson, conducted a literature review to help us understand these dynamics. They found a gradual shift in development discourse and practice on fisheries from a focus on sustainable livelihoods in the late 1990s and early 2000s, rooted in ecosystem management and governance, to a 'Blue Economy' paradigm over the last decade. In the late 1990s, the focus was on promoting the livelihoods of smallholders, including through more holistic ecosystem management, as a counter-balance to industrial marine capture fuelled by foreign investment, which was perceived as placing stressed fish-stocks at risk.[54] This was not necessarily seen as a trade-off of growth against other strategic objectives, but rather as a reframing of both time-horizons and the socioeconomic utility of rents from effectively managed fisheries resources – rents that could be reinvested for other purposes such as poverty reduction.[55]

This approach focused largely on stock management and macro-economic impacts, with less attention to micro-economic implications, such as labour market regulation or household debt. As a result, the focus of development actors involved in fisheries management through the 1990s and early 2000s was not on those places where modern slavery risks crystallized in the subsequent years: labour recruitment chains, migration routes, personal and household debt, workplace management. Indeed, there is some evidence to suggest that earlier efforts by development actors to promote fishing expansion may have increased modern slavery risks in parts of Africa and Asia, as small-scale fishers were pushed off their own boats and into the wage labour force and labour purchasing power consolidated in the hands of better-capitalized elites.[56]

The counter-balance to this approach was a focus on fisheries tenure, livelihood security and human rights that began emerging in the late 2000s, often framed in terms of stewardship and the rights of small-scale fishers.[57] This was around the same time as labour rights advocates began advocating for better protection of fishing vessel crews, but the two approaches ran along somewhat distinct tracks. The stewardship approach was a bottom-up agenda championed by organizations such as the World Forum of Fisher People and the International Collective in Support of Fishworkers, by development NGOs and civil society, but has taken time to be absorbed by the intergovernmental system and major donors.[58] The labour rights approach has been championed by anti-slavery actors and labour rights organizations and, to some extent, global human rights organizations. In this way, advocacy for the rights and economic agency of small-scale fishers became institutionally separated from advocacy for the rights of fisheries and agriculture workers, despite the intertwining of small-scale and industrial fisheries and value chains. Thus while the FAO is currently in the process of completing the guidance that emerged out of the Vigo Dialogues on Decent Work in Fisheries and Aquaculture, there are separate FAO Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication from 2014.

The different strands have notionally been woven together over the last decade under the rubric of 'Blue Growth' or the 'Blue Economy',[59] following the Rio+20 Earth Summit in 2012 and the adoption of the SDGs, especially SDG 14. Yet precisely because the Blue Economy paradigm is a 'big-tent' approach, there remain competing interpretations and threads within it, some emphasizing economic growth through development of marine resources, others emphasizing social sustainability, decent work and human rights.[60] The challenge now is to promote efforts to reduce modern slavery risk not simply in terms of one narrow, single strand of this agenda, focused on labour rights, and requiring action at the local or national level, but in terms of the impact of Blue Economy approaches on people's freedom and economic agency more broadly.

The cross-cutting Decent Work agenda moves significantly in this direction, encompassing not only labour rights in the workplace, but also certain elements of the livelihoods agenda for small-scale fishers. But it takes the underlying development of fisheries and aquaculture resources as a given, seeking to protect decent work within that model. It does not, as a general rule, ask whether or when the pro-growth exploitation of those resources becomes incompatible with decent work and the maximization of economic agency. Yet recent experiences in South East Asia and the Bay of Bengal – to which we now turn – suggest that is a question that needs asking.

Modern slavery risks in South and South East Asian fisheries

Thailand

In 1961, Thailand's commercial fishing fleet numbered just 99 powered trawlers. In 2011, the figure stood at 57,000.[61] Thailand is now around the fourth-largest exporter of seafood globally, the largest exporter of canned tuna (with roughly one quarter of global supply), and seventh among global shrimp exporters.[62] The industry was worth over USD 6.9 billion in 2018. Thailand is home to some of the largest seafood conglomerates including Thai Union, Charoen Phokphand (CP) and Sea Value.

This growth has been powered by several factors: investments in industrial trawlers starting in the 1960s; the move of powerful business interests from Bangkok into the industry; and policy support from government, including subsidies and tax breaks.[63] Marine capture production rose from 63,711 tonnes in 1960 to 2 million tonnes in the late 1980s, but has steadily declined since, as Thai stocks suffered over-fishing. Catch per unit of effort (CPUE) – measured by kilograms of fish caught in one hour of fishing – has been in steady decline for the last fifty years, plummeting 92 per cent between 1961 and 2015 in the Gulf of Thailand and 75 per cent in the Andaman Sea in the same period.[64]

The depletion of stocks in Thai coastal waters has led fisheries development in two different, though complementary, directions. First, it has led investors inland, to invest in processing capabilities and aquaculture. This upgrading approach has succeeded in some respects, allowing Thailand to emerge as a leader in aquaculture certification and re-exporting of imported raw fish.[65] Second, depletion of near-water resources has led fishers further off-shore. Approximately 40 to 50 per cent of Thai fishing vessels' catch now comes from outside the Thai Exclusive Economic Zone (EEZ).[66]

At the same time, however, there has been declining participation by Thai citizens in the fisheries and aquaculture workforce, as economic growth, ageing, rising incomes and education allowed them to seek better paying, less dangerous and difficult work in other industries. Since at least the early 1980s, this led Thai fishing vessel owners (and, later, processing facility owners and managers) to source cheap labour through informal recruitment networks targeting poor workers – first in north-east Thailand and, later, in neighbouring countries.[67] This was a direct response to competitive cost pressures.[68] The rapid expansion of Thai fishing in the last fifty years has not always been matched by effective governance, so there has been significant IUU fishing, creating incentives for fishers to turn to informal, unregistered migrant workers. Today, the Thai Government acknowledges around 150,000 people working in the Thai fishing industry, of which some 80 per cent may be migrant workers, but external analysts believe the number may be closer to 250,000 or more.[69]

Migrant workers are especially vulnerable to being trafficked into slavery.[70] A rigorous 2017 survey of migrant workers in the sector by the Issara Institute and International Justice Mission (IJM) found that 76 per cent of those interviewed had been in debt bondage.[71] This occurs through a system of fraud and coercion, literally illustrated by Cambodian sculptor and survivor of Thai fisheries slavery Vannak Anan Prum in his graphic novel memoir, *The Dead Eye and the Deep Blue Sea*.[72] The Thai fishing industry is today home to tens of thousands of poor and vulnerable Cambodian, Laotian, Thai and Myanmar (especially Rohingya) migrant workers.[73] Labour recruiters use a "travel now, pay later" system to lure poor workers groomed in foreign villages and ports, who consequently arrive at their jobs with significant debts. This typically means they must work from one to eight months before receiving *any* payment. Labour recruiters, brokers and captains often sell migrants and their attached debts between themselves, detain workers and withhold their identification documents.[74] Both ashore and aboard vessels, workers are forced to buy goods and suppliers from their traffickers at vast mark-ups, used to keep them indebted and tied to the workplace.[75] Contracts are usually oral, and where they are written, they often include fraudulent information, including Thai identity details designed to cover for irregular migration.

At sea, fishing vessels are like floating plantations, autonomous domains, largely beyond the reach of the State.[76] Captains are essentially laws unto themselves. They deploy violence and intimidation, sexual and psychological violence, detain workers aboard and incommunicado while they, monopolizing communication links to shore, threaten workers' families, and control workers through punishing work and debt bondage.[77] A 2008 report by the United Nations Inter-Agency Project on Human Trafficking (UNIAP) found that 59 per cent of interviewed trafficked migrants aboard Thai fishing vessels reported witnessing the murder of a fellow worker.[78] The 2017 Issara Institute and IJM study noted above reported 18.1 per cent of fishermen interviewed reporting experiencing physical violence while working on the fishing vessels, rising to 100 per cent on vessels with trans-shipped crews.[79]

Distant-water vessels can stay at sea for months or years at a time, relying on a network of supply ships and refrigerated cargo vessels to restock them with fresh food, water and fuel while transporting catches back to port. In some cases, fishing organizations set up remote, informal bases in foreign countries, where workers may be enslaved. One of these, on the Indonesian island of Benjina in the Arafura Sea, south of Papua and north of Australia, was raided in April 2015, with over 600 men from Myanmar, Cambodia, Laos and Thailand freed from iron cages in the process. They told of being beaten with the toxic tails of stingrays, shocked by Taser if they fell asleep, and of workers thrown overboard to drown when they became unproductive. One of those enslaved, Tun Lin Maung, later told the AP that some of the enslaved who died on Benjina were buried in the jungle. "I always thought if there was an entrance there had to be an exit", he said. "Now I know that's not true."[80] These enslaved fishers had literally been denied the basis of their economic agency – their ability to leave and seek an outside option. The only route out was death. Another of those enslaved, Hlaing Min, was quoted as saying: "There must be a mountain of bones under the sea. The bones of the people could be an island."[81] Five Thai captains and three Indonesians were later sentenced by an Indonesian court to three years in jail for human trafficking,[82] and the case led the Indonesian Government to take action to strengthen protections for foreign workers in its fisheries. The UN migration agency, IOM, subsequently found hundreds of other workers enslaved in the fishing industry in other ports around the Arafura Sea.[83]

Workers are also recruited into informal processing jobs, which also sometimes involves child labour.[84] A UN study in 2012 found that 33 percent of seafood workers in Thailand's principal processing region had been trafficked and 57 percent had experienced one or more conditions of forced labour.[85] In 2015 reports surfaced of hundreds of shrimp peeling sheds in one Thai province where migrant workers were handcuffed in small rooms and threatened with being shot if they ceased working.[86] A 2011 ILO study estimated that 10,000 migrant children aged 13–15 years were working in pre-processing facilities in Samut Sakhorn, which hosts Thailand's biggest shrimp processing district.[87] Another study in 2015 found between 20 and 40 per cent of children in processing facilities were involved in illegal work.[88] Child labour was officially banned from the industry in 2015.[89] Moreover, these facilities often process aquacultured shrimp fed with trash fish caught by slaves off-shore. Those shrimp are then sold through global value chains to leading supermarkets around the world, including the top four global retailers: Walmart, Carrefour, Costco, and Tesco.[90]

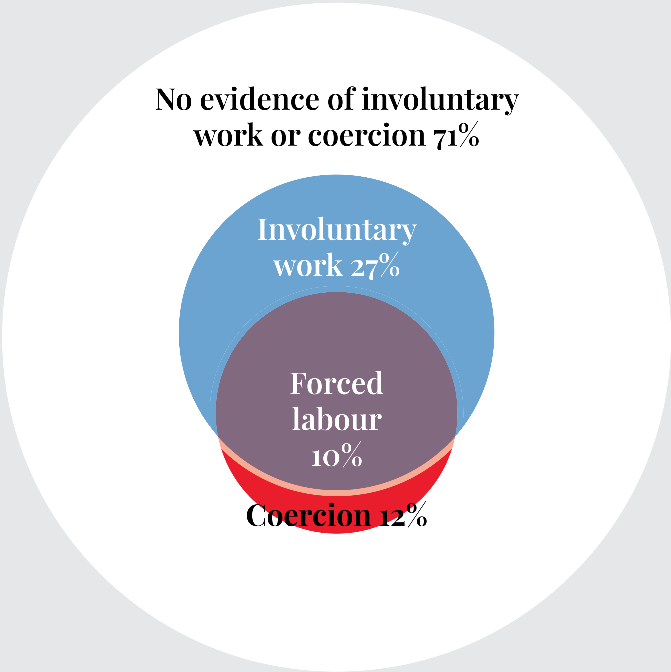
These reports led to a number of efforts by international buyers and governments aimed at disincentivizing the use of forced labour. In 2014, the US Department of State downgraded Thailand to Tier 3 in its annual Trafficking in Persons Report, the lowest possible status, alongside countries such as North Korea.[91] In 2015, the European Commission issued a 'yellow card' to Thailand, identifying it as a possible non-cooperating country in fighting IUU fishing — with the threat of trade sanctions if key reforms were not made.[92] This led to a 21 per cent drop in Thai fishing industry export revenues in the following year.[93] Union federations and campaigners filed complaints in international forums, and with the US Trade Representative over access to preferential trade status under the US Generalized System of Preferences (GSP). In 2015, the U.S warned Thailand of its failure to meet the eligibility criteria with respect to freedom of association, collective bargaining, acceptable conditions of work, and forced labour.[94] This threatened further disruption of Thai exports. At the same time, warning by the Governments of Myanmar and Cambodia aimed at discouraging their citizens from working in the Thai fishing sector threatened to disrupt labour supply. Both Governments refused for several years to sign agreements with the Thai Government to facilitate labour migration of their nationals to work in the fishing sector in Thailand until the end of 2018. Some buyers also took steps to remove Thai products from their supply chains.

In response, the Thai Government extended a minimum wage to fishers, undertook an extensive overhaul of its fishing sector monitoring and management regimes, and took steps to strengthen migration management and investigation and prosecution of human trafficking and child labour. This included ratification of key international agreements such as ILO C188, modernization of domestic fisheries laws, introduction of transparency initiatives, banning of trans-shipment, imposition of maximum voyage lengths, and an overhaul of portside and at-sea inspections of fishing vessels, including through the introduction of Vessel Monitoring Systems (VMS) and strengthening of port-in port-out (PIPO) labour inspections.[95] There have also been some wins for victims and survivors, notably a significant compensation settlement in 2016 between Golden Prize Tuna Canning factory and victims of labour abuses.[96] Many of these reforms were supported by the ILO's 2016-2020 *Ship to Shore Rights* project, financed by the EU.[97] Some Thai companies also undertook reforms. For example, starting in 2016, Thai Union, the largest producer of canned tuna in the world, collaborated with anti-slavery NGOs the Freedom Fund and Humanity United to reform their migrant recruitment policy for workers in their processing facilities.[98]

These reform efforts bore fruit, with the EU removing Thailand's 'yellow-card' status in 2019,[99] and the US moving Thailand up to Tier 2 in its Trafficking in Persons Watch List in 2018. The Tier 2 ranking demonstrates that Thailand does not meet the minimum standards to address human trafficking but is making efforts to do so.[100] Yet there are reasons to question the impact on the ground. Some commentators have suggested that Thailand's efforts to suppress IUU fishing and related labour violations have simply displaced problems to the waters and fleets of neighbouring countries, the so-called 'balloon effect'.[101] Others, including Human Rights Watch, have suggested that, despite the Thai Government's efforts, forced labour has persisted, as traffickers have adapted to the inspection and monitoring regimes introduced by the Government.[102] In a mid-2019 study of the tuna supply chain, the Business and Human Rights Resource Centre found that despite years of efforts on Thailand, the major Thai companies professed not to have found a single person in forced labour in their supply chain.[103] There are notable discrepancies between the data published by the Thai Government relating to the labour situation in the fisheries sector and civil society assessments.[104] And in October 2019 the US Trade Representative announced that it would suspend USD 1.3 billion USD in trade preferences for Thailand under the GSP program based on Thailand's "failure to adequately provide internationally-recognized worker rights (...) such as protections for freedom of association and collective bargaining." This covers more than 500 products from Thailand, including all seafood products currently covered under the program – which does *not* include tuna – "due to longstanding worker rights issues in the seafood and shipping industries."[105]

This move by the US Trade Representative reflects a growing recognition that progress on forced labour and broader worker protections issues has been mixed. One study estimated that, as of 2012, 17 per cent of migrant fishers had experienced forced labour, and 62 per cent had experienced coercion or involuntary work (but not necessarily both).[106] Yet a March 2020 estimate from the ILO found that 10 per cent of fisheries sector workers surveyed had experienced forced labour, and even larger numbers had experienced either coercion (12 per cent) or involuntary work (27 per cent) rather than both (which constitutes forced labour). (See Figure 35 below.) 14 per cent of surveyed fishers had experienced forced labour, and 7 per cent of surveyed workers in processing.[107] (The Issara Institute and IJM study from 2017 mentioned earlier reported 37.9 per cent of interviewed fishermen as "clearly trafficked", with an *additional* 49.2 per cent "possibly trafficked".[108])

FIGURE 35: ILO ESTIMATE OF FORCED LABOUR IN THAI FISHING (2020)



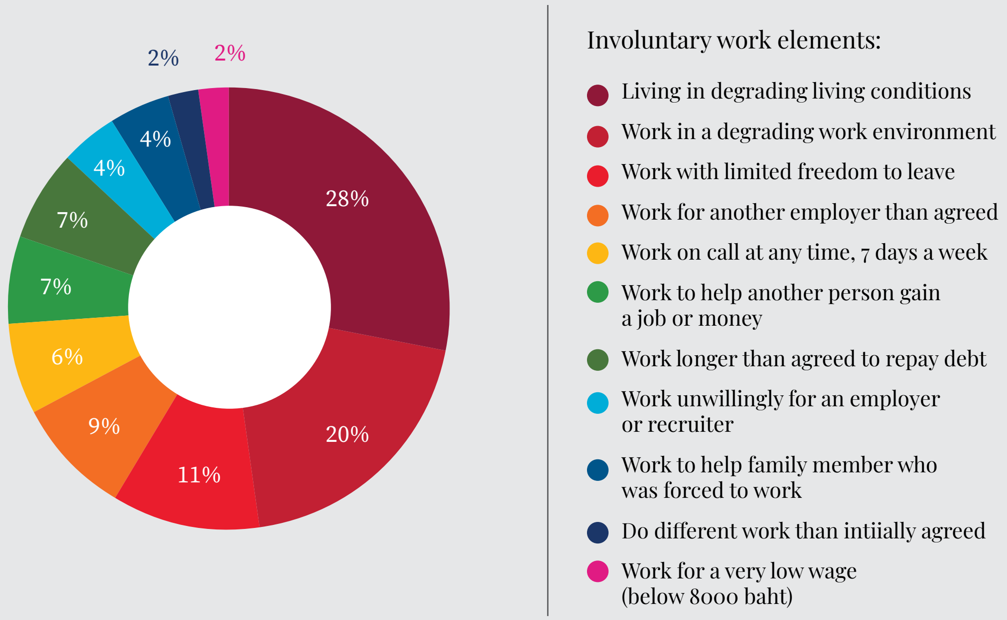
Source: ILO 2020b, p. 29.

While there had been gains in some areas over the several years that the ILO was studying the industry, for example in salaries and employment structure, there were still continuing challenges. Two out of three fishers lack full control over their ATM cards and hence, pay. Nearly half (44 per cent) of all workers surveyed could not recall signing a work contract, and illegal wage deductions for food and accommodation stood at 16 per cent among fishers surveyed and 18 per cent for seafood processing workers. Almost half of Cambodian workers (49 per cent) reported being subjected to involuntary work. Figures 36 and 37 below show the ILO's findings on involuntary work and coercion in the Thai fisheries sector.

Why have there been such limited gains? How does the effort to address forced labour in Thai fisheries contrast to the apparently more sustained gains in Uzbek cotton, discussed in the previous chapter?

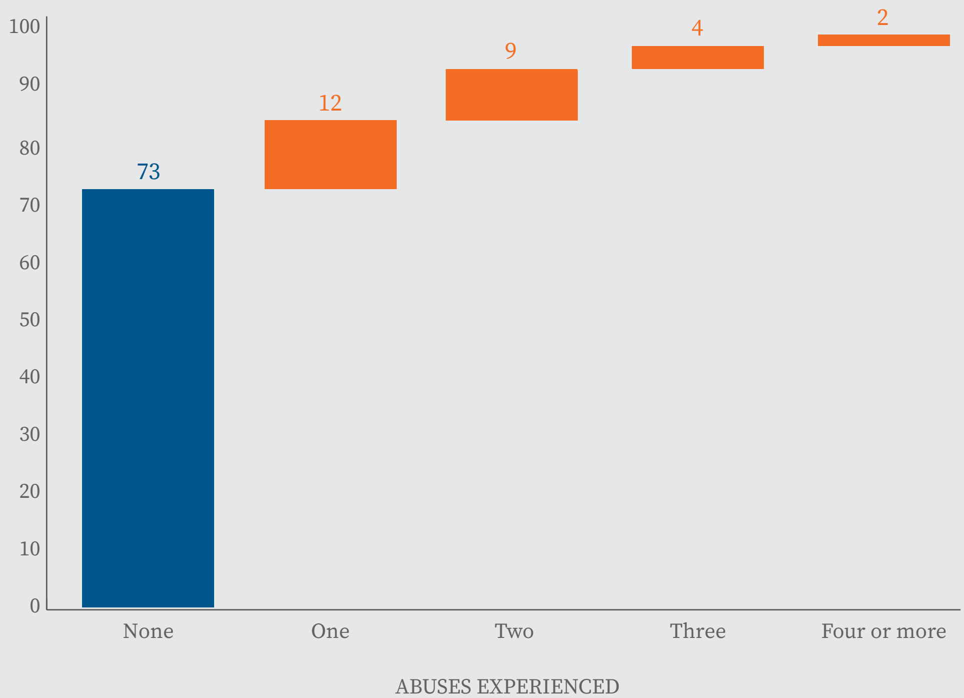
The first distinction is that forced labour is not 'systematic' in Thailand, in the sense that it is not the deliberate product of official government policy in the way it has been in Uzbek cotton production. This does not, however, mean that it is not 'systemic' (to use the distinction between systematic and systemic forced labour introduced by the ILO and discussed in the previous section on Uzbek cotton). Thailand has laws and policies against forced labour, designed to discourage its existence; but they are not effective to disrupt the system of modern slavery. Fishing companies routinely treat the sanctions and penalties involved as a mere cost of doing business.[109] And some aspects of the Thai institutional environment arguably contribute to the modern slavery risks migrants face, notably the barriers to migrant worker unionization.[110]

FIGURE 36: THAI FISHING – INVOLUNTARY WORK



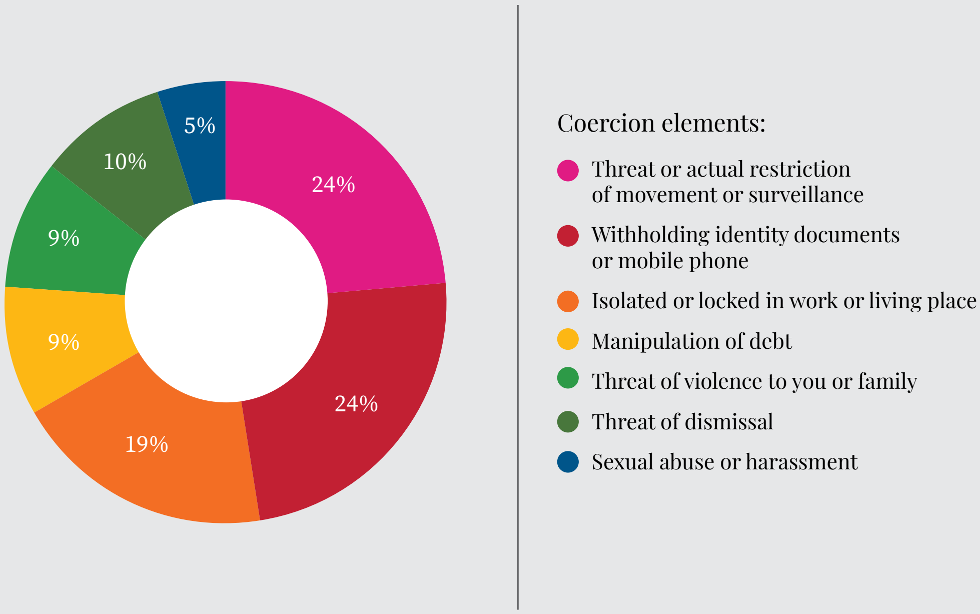
Data source: ILO 2020b, p. 27.

FIGURE 37: NUMBER OF DIFFERENT TYPES OF ABUSES EXPERIENCED IN THAI FISHING – INVOLUNTARY WORK



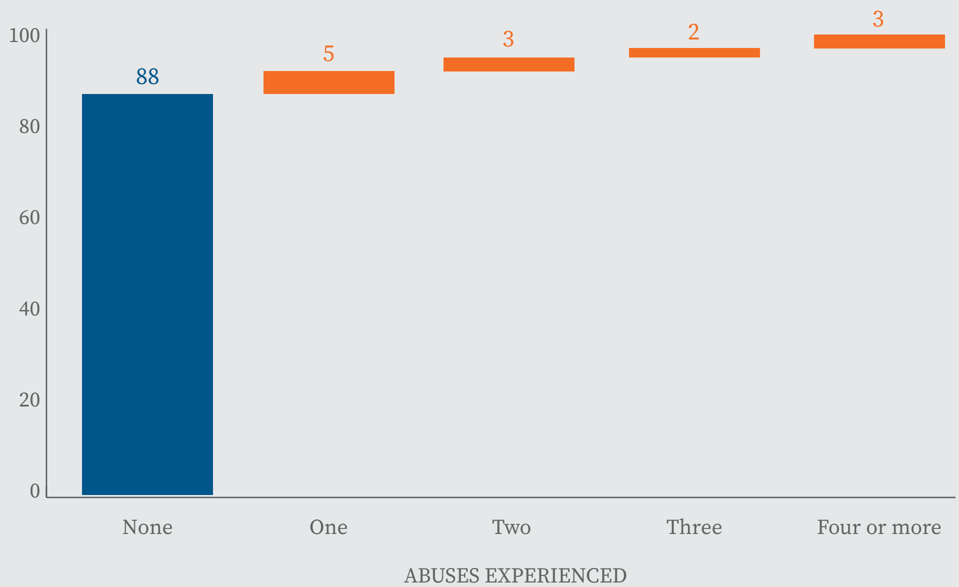
Data source: ILO 2020b, p. 27.

FIGURE 38: THAI FISHING – COERCION



Data source: ILO 2020b, p. 28.

FIGURE 39: NUMBER OF DIFFERENT TYPES OF ABUSES EXPERIENCED IN THAI FISHING – COERCION



Data source: ILO 2020b, p. 28.

Nor does the absence of a government policy in favour of forced labour mean that government actors are absent from the modern slavery system in Thai fisheries. On the contrary, just as we have seen with the other modern slavery systems studied in this section to date, the alignment between government and business interests turns out to be crucial. In its 2020 research study, the ILO concludes that coercion and involuntary work are still prevalent in Thai fishing because "[o]fficials either do not see or simply ignore these abuses."[111] Other organizations have documented practices that call the rigour of port inspections into doubt.[112] The ILO concludes that "the industry and government officials have apparently reached an accommodation – most visible in fishing at the provincial level – that causes some violations to go undetected or unreported."[113]

This 'accommodation' is similar in some ways to the pattern of resistance to efforts to disrupt slavery systems that we have seen in the case studies earlier in this Chapter. Just as commercial interests in Brazilian cotton and Indonesian and Malaysian palm oil have sought to encourage their governments to resist international reform pressures, so have Thai fisheries business interests. The National Fisheries Association of Thailand (NFAT) has been a resistant force throughout the reform process, mobilizing against and slowing some efforts, with some of its members' vessels suspending work to protest reforms at certain points.[114] NFAT members have been vocal in opposition to ratification of core ILO conventions,[115] adoption of electronic payment methods for fishers[116] and the EU yellow card, even calling for retaliation against EU interests in other areas, such as petroleum exploration in Thai waters.[117] Once it became clear the government would go ahead with ratification of ILO C188, NFAT worked to dilute its impacts by encouraging the government to restrict its application to a vessel class comprising just 5 per cent of Thai commercial vessels.[118] NFAT also campaigned for a more lenient approach to employment of minors on fishing vessels, while also calling for reductions in social security protection requirements for migrant worker fishers.[119]

In some cases, particularly at what the ILO obliquely alludes to as "the provincial level", the alignment of government and business interests devolves into outright corruption.[120] This reflects the broader pattern of "domain maintenance" by traffickers identified in earlier cases. Traffickers, local politicians, law enforcement officials and in some cases judicial actors are joined by shared business and even family ties. Perhaps the most detailed study of such networks was provided by the Environmental Justice Foundation in its study over several years of the Kantang district in Trang province at the head of the Malacca Strait.[121] These networks serve not only to protect traffickers from the enforcement of anti-slavery norms, but also support the operation of the traffickers' business, for example by returning escaped fishers[122] – just as local law enforcement in Brazil returns workers who escape enslavement on cattle ranches, and local law enforcement in Malaysia returns trafficked migrant workers who escape oil palm plantations. In 2014, there were reports of Thai Navy officials' involvement in selling Rohingya and Bangladeshi men into enslavement.[123] Thai ministers have previously acknowledged the involvement of government officials in trafficking into Thai fishing.[124]

There seems to be limited will to use the tools of law enforcement to disrupt trafficking organizations. Thanaporn Sriyakul, an official in the prime minister's taskforce who oversees the fishing industry, was reported to have acknowledged that, once the EU removed the yellow card, efforts to enforce labour laws had decreased "at an astonishing rate".[125] While the ILO estimates that there are tens of thousands of people experiencing forced labour in the Thai fisheries industry, in 2018 there were just 316 trafficking convictions in Thailand, and in 2019 just 304.[126] There have been 1,335 compensation orders handed down since 2014; reportedly, only five have been paid.[127] And the US State Department has noted that what training has occurred has been highly reliant on foreign donor support.[128] This effective impunity is perhaps not surprising, given the history of amnesty efforts for illegal fishing practices in Thailand stretching back to at least 1989.[129]

The second difference in the Thai situation, compared to that in Uzbekistan, relates to the willingness of international actors to 'stay the course' on a disruption strategy. In the case of Uzbek cotton, the Cotton Campaign has taken a cautious approach to calls from the Uzbek Government for an end to the cotton boycott, and has presented a coherent and comprehensive agenda for reform of Uzbek cotton production. Governments have been largely supportive of that cautious approach, and that reform agenda. In the Thai fishing context – which, perhaps not coincidentally, lacks a centralized coordinating 'campaign' body – there has been no analogous roadmap for overall reform. Governments have been much quicker to 'accept' the success of Thai reforms, and relax disruptive pressures. Again, the ILO is forthright about how this has played out:

> …the bar for progress was set very low. Work in fishing was largely unregulated in 2014 and 2015 and the global reporting focused on the industry's worst abuses. As a result, the early pronouncements and actions of the Government and buyers – very modest if viewed against decent work standards – looked relatively big. Five years later, the sense of progress is exaggerated. This is visible in the generally reduced effort and the shift in authority from the Royal Thai Navy to the Department of Fisheries to oversee labour enforcement.
>
> … there is a tendency to mistake tools for solutions, and activity for results. Phone-based apps, for example, have been touted as shortcuts for inspection and due diligence, prevention, grievance mechanism and even worker representation. Some accept the Thai Government's inspection activity as the measure of progress – that is, more routinized inspections equals higher compliance – but findings and prosecution rates continue to lag far behind the independent estimates of violations.[130]

Third, whereas in Uzbekistan international actors, including both buyers and development actors, have been willing to connect questions of worker voice and economic agency to larger questions of political power, there has been no such willingness in Thailand. A Thai civil society coalition argues that international buyers have been unwilling to engage to

> promote migrant workers' structural and collective power, advocate for stronger labor rights protections, [or] make sure no workers and rights defenders [are] facing retaliation and reprisal from local companies while voicing their labor concerns and exercising the freedom of association.[131]

The ILO's *Ship to Shore* end line study reached a similar conclusion about how the absence of a political agenda is limiting progress. It concludes that while the issues at stake in the "complex reform efforts" under way in Thailand, dealing with "abuses of workers by employers, and the Thai Government and buyers' abilities to protect those workers" are "problems of power and the uses of power", they are instead presented "as technical problems". The ILO report concludes that what will determine progress on these issues is not "improved training, risk identification and reporting tools for fishing inspections", but rather "the determination of those in the highest levels of Government and industry to identify violations and punish them in ways that effective deter employers from abusive practices".[132]

Yet the responsibility for this does not lie *only* with Thai actors. On the contrary, a 2019 study of the efforts of actors along the global value chain to address labour issues in Thai fisheries concludes that the "business model" of Thai producers "remains unchanged" because *buyers* are not pricing in compliance costs.[133] What is needed is a different approach to developing and sustaining value in the value chain, based not solely on competition on price, but also on social and environmental sustainability considerations, including questions of supply chain resilience and worker protection that have come to the fore following the COVID-19 pandemic. (We explore these themes more broadly in Chapter 9.) The pandemic has disrupted labour migration patterns across South East Asia, and placed workers at heightened medical and social risk.[134] Workers face heightened risks of viral exposure in cramped processing facilities and accommodation, difficulties accessing social protection and services, and job losses. And the pandemic has also disrupted small-scale and artisanal fisheries.[135] The pandemic has also prevented some fishermen disembarking due to government restrictions and led to some workers at sea operating beyond their contract terms. Fostering resilient value chains in Thai fisheries may require buyers to take steps to sustain the workforce, and commit to longer-term supplier contracts, treating associated price rises not as increased costs but as investment in resilient supply chains. It may also require buyers to go beyond questions of traceability and audit, to deeper questions of value chain governance, including worker voice and unionization. [136]

Contrasting cases: The Philippines, India and Bangladesh

Any move to link fisheries development approaches to value chain governance must, however, also be careful not to assume that one size will fit all. Different communities engage with global fisheries and aquaculture value chains in different ways, and modern slavery risks crystallize in those communities in quite different ways. To illustrate this, we considered the situation in three countries near Thailand: the Philippines, India and Bangladesh.

THE PHILIPPINES

Like Thailand, the Philippines is a major exporter of tuna, which is dominated by large-scale commercial operations.[137] It is also a major exporter of seaweed products.[138] Domestic production focuses on lower value small pelagic fisheries, often worked by low-income, fish-dependent communities.[139] Researchers have found indicators of involuntary work and coercion across various segments of the Filipino industry, including induced indebtedness, underpayment for work, non-consensual variation of contracts, and forced criminal exploitation.[140] There is increasing anecdotal evidence that female workers face heightened risks in tuna-sector jobs in export processing zones.[141] Yet Filipinos face an additional risk, as migrant workers aboard foreign, especially Taiwanese flagged, vessels. As of June 2019, there were over 7,000 Filipinos working on Taiwanese distant water fishing vessels, according to the Taiwanese authorities. Forced labour has been documented on these vessels in a number of cases.[142]

Most development interventions focused on Philippines fisheries have not addressed these risks, to date. Instead, there appears to have been more of a focus on small-scale fisheries and livelihood development in an ecosystem-oriented approach.[143] A central strategy has been to encourage small-scale fishers to participate more in markets. This has had mixed results, in some cases pushing small-scale fishers into greater precarity and debt bondage.[144]

INDIA

To Thailand's west, India is a major player in global aquaculture, the second largest producer in the world by volume after China, and the third largest fish producer overall. The sector provides employment to approximately 14 million workers, with 4 million of these workers being fishers.80 Yet despite such significant production, India's exports have been held back by infrastructure limitations and inability to meet importer standards.[145] Production has trended steadily from marine capture towards inland aquaculture, which is often small-scale with limited vertical integration into international markets. Cluster farming is, however, on the rise, in part due to modernization and development efforts that have been supported by numerous foreign partners, including USAID and the World Bank.[146] Critics argue that while this has led to growth in production, fish stocks have not always been well managed, and there have been mixed impacts on equality.[147]

Modern slavery risks arise both in domestic production – especially around debt bondage in aquaculture – and for Indian migrant workers trafficked into foreign fishing fleets.[148] The rapid growth of commercial aquaculture has attracted significant domestic migration, often from vulnerable castes. Field research suggests that employed fishers have a limited understanding of their rights as workers, and may be vulnerable to wage exploitation.[149] And there are also indications of debt bondage and involuntary work in seafood processing, with risks falling in particular on women.[150]

India's approach to fisheries and aquaculture development is today framed squarely within the Blue Economy paradigm, billed as a "Blue Revolution". This aims at increasing income and the socioeconomic status of fishers and fish farmers.[151] India has also endorsed a Bay of Bengal Partnership for Blue Economy initiated by Bangladesh, with Prime Minister Modi situating the partnership in the context of larger efforts to promote regional security and growth. This includes efforts to work with partners to upgrade trade links, especially in the Indo-Pacific region.[152]

BANGLADESH

In Bangladesh, the livelihoods of around ten percent of its population are fisheries and aquaculture based – but that rises to almost three quarters in rural settings. Over half of the animal protein in the country's diet comes from fish and derivative products.[153] Most of this involves inland pond culture, often with small-scale suppliers, many of them operating on the margins of formality and often involving child labour. A highly fragmented supply chain, with numerous small suppliers and multiple, often informal, intermediaries, limits traceability. This, together with poor transport networks, insufficient public cold-storage, and unreliable utilities have limited processing and exports.[154] In recent years, however, there has been a deliberate effort to foster aquaculture, with development initiatives funded by the United States Agency for International Development (USAID), the Dutch Government, the World Bank, the EU, NORAD, ILO, UKAid, Winrock, the Canadian International Development Agency, the German Agency for Technical Cooperation and the private sector.

A significant portion of the workforce is female, and so it is on women – and children – that much of the associated modern slavery risk has traditionally fallen.[155] Both forced labour of women and child labour has been identified in processing.[156] Some women are pushed from forced labour in processing facilities into domestic servitude for farm owners.[157] Children often work alongside mothers, and may be drawn into familial debt bondage. A 2010 survey of fish drying camps found that around 14 per cent of workers were children, around a quarter in forced child labour.[158] Child labourers are reportedly underpaid, subjected to physical and sexual abuse, and provided inadequate medical care.[159] There has been particular concern around the involvement of child workers in illegal fish camps in Bangladesh's Sundarban forest.[160] Concerns about child labour in the shrimp and seafood supply chain have impacted Bangladesh's access to both the EU and the US markets.

In recent years, following the resolution of maritime boundary disputes with Myanmar and India in its favour, Bangladesh has also begun to push more systematically into seafood production, including tuna fishing, in line with its new Blue Growth strategy.[161] This will require investment in seafood processing infrastructure, fisheries management – and maritime enforcement capabilities, as the risks of coercion and forced labour on off-shore vessels arise.[162] Demand for cheap labour in marine capture fishing may also pose risks for some of the same communities targeted by aquaculture development initiatives. In the past rapid aquaculture expansion has pushed poor populations out of access to traditional resources and into more precarious livelihoods based on seasonal and wage labour, often after internal migration [163].

What these cases show is that modern slavery risks vary significantly across the fisheries and aquaculture sector, depending on a variety of factors to do with the value chain in question and the vulnerability of different people working in the value chain. This suggests that efforts to address modern slavery risk in fisheries and aquaculture need to account for local contexts. Yet they also point to risks if these efforts become overly fragmented, whether by product (shrimp, fry, tuna), or even, arguably, by country. The transnational nature of some shared fisheries resources – and, increasingly, of fisheries and aquaculture labour forces – points to the need for a more cooperative approach to risk management. It is to that objective that we now turn.

Lessons and opportunities

In the earlier discussion of palm oil, we encountered the notion of the 'regime complex', with multiple normative regimes and domains overlapping, interpenetrating and actively competing. The fisheries and aquaculture regime is similarly governed by a regime complex, this one encompassing specific fisheries management norms and institutions, environmental regimes, maritime and law of the sea regimes, property regimes, migration regimes, labour rights regimes and human rights regimes.[164] What the cases considered in this section suggest is that effective management of modern slavery risks arising in the context of efforts to achieve sustainable development of fisheries and agriculture requires action *across* this regime complex, and not simply within one or two strands (such as labour rights institutions or human rights law).

This means thinking across the various governance forums that intersect with the value chain, from the local context of production to the global context of distribution, consumption – and finance (to which we return below).[165] Value chain oriented development can foster economic agency at different nodes of value creation by facilitating private sector engagement, linking multiple stages of the chain to new markets and facilitating market linkages between producers and processors.[166] The new FAO COFI:FT guidance on social sustainability, introduced earlier, provides an important step in this direction by providing a common normative framework. Yet it is a voluntary framework, and is not currently embedded in institutional mechanisms that would give it force. In contrast to the Uzbek cotton case considered earlier, there is a notable absence of strategic coordination around a shared approach to modern slavery risk in the fisheries and aquaculture context, even for a single country sub-context, such as Thailand. This may be, in part, because fisheries governance is necessarily fragmented. But it is also notable that the anti-slavery agenda has not yet shown up in some of the fisheries governance institutions where such strategies would be translated into international enforcement, notably regional fisheries management organizations (RFMOs). These are international organizations formed by countries with fishing interests in an area. Some focus on geographic areas, while others focus on migratory species. Only in mid-2020, prompted by calls from the Indonesian Government and others (notably Spain), are RFMOs beginning to turn their attention to forced labour issues.

In June 2020, after deaths of Indonesian crewmembers on a Chinese tuna long-liner, the Indonesian Government wrote to the Western and Central Pacific Fisheries Commission and International Commission for the Conservation of Atlantic Tunas, calling for an independent investigation into the existence of forced labour on fishing vessels operating in those RFMO's jurisdictions, and demanding urgent action to deal with labour abuse through the enforcement of international laws and policies.

Indonesia also, notably, pressed the political agency aspect of this issue, arguing for greater representation of crew-members in RFMO deliberations, and for the RFMOs to work to raise awareness of these issues publicly.[167] There are also potentially other things that RFMOs could do to address forced labour under their jurisdiction, for example working with their members to create registers of vessels and companies found to be connected to forced labour – along the lines of the Brazilian *lista suja* (dirty list), and building on existing IUU registers in the RFMOs, or existing procurement exclusion lists coordinated amongst multilateral development banks.

Still, a coherent approach across the regime complex must not only be directed at IUU fishing and industrialized value chains. To be effective, it will need to enhance the agency of producers of all sizes. This means, for example, not allowing certification to drive small-scale producers off their fisheries and into precarious wage labour, but rather protecting and sustaining their livelihoods. This could mean thinking about how development actors can help small-scale producers overcome barriers to participation in sustainability certification schemes, for example through cooperative mechanisms. This will help drive impact to scale; in India, for example, there are more than 230 million people in agricultural cooperatives. And in Thailand, small-scale fishers make up 67 per cent of the total fleet.[168]

Financing will be key. Investors have played an important role in encouraging companies to exclude Thai produce from supply chains, over forced labour concerns. International frameworks for responsible investment in the sector exist, such as the Committee on Food Security's *Principles for Responsible Investment in Agriculture and Food Systems*, supported by FAO, WFP and IFAD.[169] Yet foreign investment in the fisheries sector is limited, in part because it is perceived as driving over-production. Many national fishing industries rely on local financial providers, including banks, for financing.

Yet there appears to have been little discussion by the global banking sector of what responsible and sustainable lending, investment and banking of fisheries enterprises looks like. Fish caught through forced labour are the proceeds of crime. Their sale represents conversion, and those handling the proceeds of such sale are arguably involved in money-laundering. Despite the growing attention to fisheries crime by UNODC, Interpol and other global anti-crime institutions, there has been a notable silence in the anti-money laundering (AML) community around the application of financial crime compliance norms to forced labour in the fishing industry, and there does not seem to be significant effort to identify, freeze or confiscate the proceeds of such crime. Likewise, another leverage point in the financial sector – maritime insurance – has also been largely overlooked. Vessels and companies linked to forced labour could be excluded from marine insurance coverage. Insurers could adopt template language excluding forced labour from insurance coverage, as they recently have begun to for marine cargo.[170] This could be tied into existing work on managing IUU risks. [171]

Insurers may have an important role to play in supporting compensation payouts to workers whose rights have been violated.[172] As in the Uzbek cotton case, most investigation and prosecution to date has dealt with the relatively 'small fry', such as Ko Myo. There has been no real effort, yet, to hold to account the 'big fish' – the company owners and well-connected businessmen – behind the modern slavery system in Thai fisheries, or elsewhere. Until there it is, it is hard to believe the system will truly be disrupted.[173]

CHAPTER 7: GARMENTS AND APPAREL: A "CAPTIVE AND VULNERABLE LABOUR FORCE"

Prologue: Modern slavery risks in Leicester?

In early July 2020, *The Sunday Times* published an undercover investigation claiming that workers in a factory in Leicester making garments for the British online apparel giant, boohoo, were working without proper COVID-19 protection, in dangerous conditions, and were being paid GBP 3.50 per hour – or less than half the minimum wage.[1] boohoo expressed its shock, arguing that it was the contracted and sub-contracted suppliers that controlled production in these factories; it does not employ these workers. It committed to spend GBP 10 million on internal investigation and supply chain remediation efforts, including an independent investigation by Alison Levitt QC, which reported in late September 2020 as the text of this report was being finalized.[2] That review found that many of the allegations of underpayment and unacceptable working conditions were "substantially true", but also concluded that the evidence did not make out a *prima facie* case of modern slavery.[3]

Yet the mid-2020 allegations led the UK Home Secretary to request an investigation of 'modern slavery', and to the establishment of a multi-agency taskforce led by the Gangmasters and Labour Abuse Authority (GLAA).[4] Amazon, Next, ASOS and Zalando dropped boohoo from their online sales platforms,[5] and its value plunged more than GBP 1.5 billion or around one third in two days. When reports emerged of government inspectors not initially finding 'modern slavery',[6] much of that lost stock-price ground was recovered. After boohoo published and accepted the findings of the independent review by Alison Levitt QC, its shares rose 16 per cent.[7] Government-led investigations remain ongoing, however, at the time of writing. And information about the conditions in these factories has continued to trickle out.[8]

boohoo has been one of the UK's fastest-growing apparel retailers in recent years, with 2019 sales of over USD 1 billion. By January 3030 its market value was GBP 3.89 billion.[9] It is an example of the move in the apparel industry to 'ultra-fast-fashion': using online sales to respond very rapidly to consumer trends driven by social media and celebrity endorsements. Fast fashion involved a move from one or two fashion 'seasons' per year to around twelve.[10] Ultra-fast-fashion takes this to extremes: boohoo, for example, reportedly adds around 3,000 new styles each week.[11] This trend is a result of the turn both to online retailing and to just-in-time systems in global manufacturing. Speed of delivery is central to the business model, as consumers aim to wear today what social media influencers and celebrities wore yesterday. But so is price: the strategy aims not just at offering clothes that are on-trend, and fast, but also cheap. boohoo describes its consumers as powered by "aspirational thrift". [12]

That strategy calls for clothes to be produced close to consumers. Having spent several decades becoming more complex and global, garment and apparel supply chains are now shortening, moving to near-shore production. For example, European consumers increasingly purchase apparel made in Eastern Europe, the Middle East and North Africa – or domestically. Suppliers in those locations can offer retailers quality production, and repeat business under short lead times at competitive prices.[13] boohoo produces over half its stock in the UK, much of it in and around Leicester. Leicester has around 1,000 to 1,500 small-scale factory units, involving perhaps 10,000 workers.[14] 85 per cent have fewer than 20 employees,[15] many of whom work informally. Similar economic clusters have emerged elsewhere in the UK, notably Greater Manchester.[16] In the US, brands like Fashion Nova, based in Los Angeles, use a similar model. And like boohoo, Fashion Nova stands accused of links to migrant and minority worker exploitation.[17]

The reason for this link is clear: purchasing practices put enormous pressure on suppliers to provide super-fast, flexible turnaround, often at prices that cannot be met while meeting statutory wage requirements. The *Financial Times* described how boohoo places orders from suppliers, describing a scene in which the product teams play suppliers off against each other, forcing them to compete by offering the lowest price for orders, treating the reverse auction "like a cattle market".[18] The Levitt Review found that boohoo founder Mahmud Kamani explicitly pushed his buying team to "trade faster harder and quicker" and quoted senior managers arguing that it was up to suppliers to set limits on what they were willing to do to cut costs.[19] Yet in such situations, suppliers often have incentives to reduce costs by forcing those working for them to accept lower labour prices, through wage theft, coercion, forced overtime and forced labour.[20] The *Financial Times* described the Leicester garment industry in 2018 as "a bizarre microeconomy where larger factories using machines are outcompeted by smaller rivals using underpaid humans."[21]

This exploiter strategy is possible only where two other factors are present: first, the right institutional environment – a lack of effective enforcement of State and international norms; and second, vulnerable people who can be effectively coerced, defrauded or manipulated into this exploitation, and then prevented from exiting it. Modern slavery in the garment and apparel value chain is thus a product of the three factors hypothesized in the Developing Freedom framework, set out in Chapter 3. Understanding the problem from this perspective allows us to consider solutions from a sustainable development orientation: how can we promote economic growth in such an industry, while maximizing people's economic agency?

While the costs of this situation fall most obviously on the victims of labour exploitation themselves, there may also be significant externalities imposing a drag on development for the broader community. One estimate puts the lost tax revenue to the government at around GBP 1,000 per worker per year.[22] Workplace injuries may create a public health burden. And the industry has a serious environmental footprint: in the UK alone, 300,000 tonnes of clothing are thrown out every year, with 80 per cent incinerated.[23] Since much fast fashion relies on petroleum-based synthetic fibres, this represents a significant contribution to carbon emissions – perhaps 10 per cent of global emissions.[24] The industry also contributes to microfibre and microplastics pollution, which may place soil health, food chains and public health at risk.

Yet it is not only in places like Leicester that these factors converge in the context of the garments and apparel value chain. The same patterns are apparent in the artisanal production by both Italian homeworkers[25] and migrant, especially Chinese[26], workers into the luxury goods chain in Italy. The same pattern is present in the US.[27] In Brazil,[28] in Pakistan,[29] and in Eastern Europe and Turkey.[30] As we saw in Chapter 1, there are also unique risks in those parts of the Chinese garment and apparel chain connected to Xinjiang Uyghur Autonomous Region. In this chapter, in addition to the UK, we consider three other places where modern slavery risks have arisen in the garment and apparel value chain: Bangladesh, India and Ethiopia. We first look at how the global value chain works, looking at the convergence of institutional environment, people's vulnerabilities, and exploiter strategy. Second, we look at the modern slavery risks that have arisen in Bangladesh, India and Ethiopia, and consider why these risks have crystallized more in some of those places than others. We also consider the responses that have emerged in each place, focused primarily on disruption and transformation; and the ways in which those responses have succeeded, or been met with counter-mobilization and co-optation. This reveals important insights about the conditions under which garment and apparel industry growth may generate modern slavery risks and how different developmental strategies for managing that risk may play out. In the final section, we reflect on lessons from these cases for the broader Developing Freedom agenda – and for sustainable development efforts in garment industry clusters in the global North, such as Leicester.

The garment and apparel value chain as a modern slavery 'system'

The garment sector accounts for roughly 2 per cent of global GDP.[31] It most probably employs 60 to 70 million workers, two thirds or three quarters of whom are women.[32] The economic geography of the industry has been very dynamic over the last century, with production regularly relocating to capture marginal gains created by the intersection of changing trade, investment and labour migration regimes. In the process, textile and apparel production have come to be seen as an important catalyst for developing countries' industrialization and movement out of agricultural production.[33] So why is the industry also now seen as a source of serious modern slavery risk?

Institutional environment

For a long time, production was concentrated in the EU, but in the 10 years to 2015 production increased in Asia, with China, Bangladesh, Viet Nam and India emerging as the largest sources. The Asian regional value chain combines raw materials, ample and price competitive labour, and increasingly design and development capabilities.[34] Since 2015, there has been a rise in production in Africa and Latin America. Favourable rules of origin have allowed certain countries to become competitive exports. The Central America Free Trade Agreement fostered the growth of the industry in Central American countries such as Nicaragua, based on access to the US market. The EU's Generalized System of Preferences and subsequent Everything But Arms trade system has had a similar effect. The US' African Growth and Opportunity Act (AGOA) has played a similar for African countries such as Lesotho.

Production centres actively compete for investment by trying to offer investors and producers favourable production conditions – including low labour costs and a low regulatory burden.[35] For example, Myanmar's minimum wage, established in 2015, is assessed with reference to that of Bangladesh, in part because of the anticipated effects on garment and apparel industry investment.[36] The result is that exporting firms at the low end of GVCs tend to oppose strong labour regulation, fearing that it will reduce competitiveness.[37] In this way, the rules of the global trade system are an important part of the institutional environment that shapes the global value chain, and the risks of labour exploitation within it.

This begins at raw material production. As we saw in earlier chapters, workers are sometimes at risk of forced labour in the production of cotton and leather (cattle). But they have also been found to be at risk producing other materials for garment and apparel production – such as harvesting rubber and in farming silk cocoons – and in spinning and garment assembly.[38] Materials pass through several stages on their way to the consumer: manufacture of component textile products (yarn, thread, synthetic fibres, fabrics); production of garments and apparel – assembly of garments, cutting, sewing, knitting, often by contractors handling materials owned by others; export, frequently through trade intermediaries – wholesalers, agents, logistics firms, global apparel companies; and marketing and distribution, including retailers.[39]

It is global buyers – global apparel companies and retailers, typically headquartered in the US, Europe or Japan – sitting at the ends of the smile curve, who have the widest margins and the greatest power in the value chain.[40] They determine who produces what, where and at what price. 97 per cent of profits for the whole fashion industry are earned by just twenty companies, most of them in the luxury segment. Most of these firms have been in that position for over decade.[41] The owner of Inditex, the largest garment and apparel company in the world, is the sixth richest person in the world, worth around USD 70 billion. Beneath these global buyers, the value chain is highly fragmented and disarticulated. Producers, in the middle of the smile curve, operate on the narrowest margins and carry most of the risk.

Supply chain fragmentation has promoted efficiency, but impedes traceability and accountability, inadvertently fostering exploitative purchasing practices. These include: contract terms that are vague on price and financial implications of delays; unilateral changes on order specifications, without extending deadlines, and without reliable forecasting or order planning; unrealistic order completion times and unpredictable placement of orders; pricing arrangements that treat labour cost as a residue, not a necessary input; and late payment.[42] Lead firms' control over suppliers and supply chains thus mirrors the nature of contemporary slavery: it operates through both legal and extra-legal mechanisms of control, but never amounts to ownership.[43] That serves to maximize lead buyers' up-side, while minimizing costs – and liability.

In response to these power relations, suppliers survive by developing systems for employing and managing capital and their workforce that allow them to rapidly increase and reduce labour supply to respond to buyer demand, while maintaining low prices.[44] That translates to a highly casualized and atomized workforce, often working from home, under informal or no contractual arrangements, with zero-hours contracts or piece rate payment systems. Casualization helps keep the costs of benefits and workforce skills development down, a necessity given that buyers' habitual late payment dries up working capital for suppliers.[45]

Workers are frequently recruited through brokers and intermediaries who demand fees from workers for placing them in work. Unionization and collective organization are often absent. Unauthorized subcontracting by suppliers is ubiquitous.[46] So too is under-payment and wage theft. In Leicester, numerous investigations have found suppliers under-reporting the number of hours worked by workers.[47] The Levitt Review includes detailed submissions from sources suggesting under-payment of wages is endemic in Leicester garment factories.[48] In Myanmar, factories "steal minutes" from workers by recalibrating their "hourly" production targets to be targets for 45 or 50 minute increments.[49] One estimate put underpayments in the Chinese apparel sector at around USD 275 to 300 million per month.[50]

This system of labour exploitation is possible, however, not only because of the institutions and practices of global value chains, but also because of the role that States play in shaping the institutional environment, by refraining from action and giving GVCs domain autonomy. As we have seen, countries compete for investment and export contracts by promising "low business costs" – often a cipher for lax enforcement of labour protections and standards. The same is true at the subnational level. One factory owner in Leicester described the textile industry in and around that city "a country within a country", where "GBP 5 an hour is considered the top wage". The legal minimum at the time was GBP 7.83.[51]

Yet this is no mystery. Channel 4 news had conducted exposés in 2010 and 2017, and the *Financial Times* published a long article on the Leicester garments cluster in 2018, describing the ubiquitous flouting of labour, safety and health rules as "an open secret. Central Government knows; local government knows; retailers know." Similarly, a global study of purchasing practices in the industry by Human Rights Watch in 2019 found that involuntary work including forced overtime "are an open industry secret."[52]

This is not for a lack of audits and inspections. Across the garment and apparel value chain, it has become apparent that audits – whether undertaken as part of a public or private regulation scheme – can be co-opted.[53] A study of conditions in Leicester found that while there were multiple agencies involved in inspections,

> managers are able to take special measures during or prior to such visits, concealing the gravest violations. Thus, while a large number of external actors are present in the workplace, and given the extent and depth of the problems encountered, they seem to be either: the wrong actors, use inappropriate methods, are in the wrong place, or a combination of the above.[54]

One reason for this is that regulatory models tend to assume employers 'own' the employment relationship with their workers, and develop grievance and support mechanisms based on that assumption of permanency. That is simply not how the global garment value chain now works. Instead, producers (and even more so buyers) use their power to *control* workers, but pass *ownership* of the employment relationship off to contractors, sub-contractors, labour brokers, or workers themselves, as independent contractors. Audits tend to presume workers are able to drive complaints. Yet, as the study of conditions in Leicester concludes "[v]ulnerable workers… are unlikely to engage with complaints mechanisms."[55] Workers in this sector in the UK – and other OECD countries – may in that respect have quite a bit in common with workers in developing countries. They are, in effect, left unprotected by the institutions offered by the State. The result is, as a government appointed director of labour market enforcement concluded in 2018, a “perceived culture of impunity” in Leicester’s garment sector.[56] This led to a one-year pilot scheme to test joint enforcement efforts involving multiple government bodies, including its Modern Slavery Action Group.[57] The Levitt Review commissioned by boohoo, mentioned earlier, found that “[i]naction by authorities has contributed significantly to” the “unacceptable working conditions and underpayment of workers” she found in boohoo’s Leicester supply chain, sending “a clear message that the violations are not important and the people affected do not matter”.[58]

Suppliers are effectively given a choice of norms and demands to obey – a choice of which institutions to allow to govern their behaviour: the norms imposed by buyers and the global value chain, or those imposed by States. As a University of Leicester study in 2015 explains, since they are dependent on buyers for business, this in effect means “their options are to comply [with the law] and struggle, or to create some space by violating corporate and employment regulations.”[59] They often choose the latter, often because they do not trust the State to protect their business from the inexorable commercial logic of the value chain, for example by penalizing buyers who set prices below what is feasible while respecting the minimum wage. “[Leicester’s] got its own rules, its own laws, its own ways of doing things”, said one supplier in an interview with the *Financial Times*. “We’ve lost faith in the government stepping in”.[60] A *Guardian* article in August 2020 reported that the UK tax authority, HMRC had issued penalties to fewer than ten textile firms that failed to pay the minimum wage since 2017 and claimed just over GBP 100,000

in arrears relating to 143 workers.[61] The local MP, Conservative Andrew Bridgen, spoke to the issue in Parliament in January 2020, describing the situation as "the wild west... If you withdraw regulatory oversight and the police from everything, organised crime is going to move in," he said. He described the situation as a "national shame" that risked hundreds of deaths if fire were to break out in a factory.[62]

Disrupting this system thus requires re-establishing the allegiance of suppliers to the norms and institutions of the State, over and above those promoted by GVCs. This means bringing the State back into the supply chain, through stronger inspection, higher penalties on suppliers – and buyers – for defecting from State law, or through improved commercial pay-offs for firms that do comply, such as access to concessional lending. As we shall see later in the chapter, this is indeed the strategy that some governmental actors – and actors within GVCs – have sought to adopt to improve respect for labour rights and conditions in garment and apparel manufacturing in developing countries. And it points to a need to think about the role of the State in shaping GVC outcomes through industrial policy – a point to which we return in the conclusion.

People's vulnerabilities

For exploitation strategies to succeed in this environment, they still require one more ingredient: vulnerable people. As we shall see in the discussion of Ethiopia later in this chapter, if workers can leave, if they have sufficient economic agency to exercise their outside options in the labour market, exploiters may not be able to exert sufficient control for any exploitation to rise to the level of forced labour or modern slavery. What matters is whether there is a 'captive' workforce.

It is no surprise, then, that it is the segments of society rendered vulnerable by larger power-structures and institutions that seem especially susceptible to forced labour in the sector, especially migrants, women and children, those facing language barriers or lacking skills that can be deployed in other jobs. It is no accident that the textile cluster in Leicester and the East Midlands emerged in its current form after the lay-offs and austerity triggered by the Global Financial Crisis, and reportedly relies heavily on immigrants to the UK, many with poor English language skills. The region's share of UK apparel manufacturing has risen from 17 to 28 per cent.[63] As a 2015 University of Leicester study explained, the "supply of a captive and vulnerable labour force" in the region was integral to

> the way competitive advantage is currently set up... The competitive position of apparel manufacturing in the East Midlands is shaped by relatively small firm sizes, relatively low wages and a large vulnerable workforce. These aspects constitute key parameters in the use of unauthorised subcontracting as well as wages and working conditions below statutory minimum standards.[64]

The Levitt Review of boohoo also explores questions of worker choice at some length, describing significant financial and practical limits on Leicester factory workers' ability to opt out of exploitative working conditions.[65]

Minority groups, internal and international migrants are often central to these workforces. In Bangladesh, garment production is centred around Dhaka and Chittagong, attracting rural migrants, dislocated from their family and social networks. The pattern is similar in India, with significant migration from poorer regions in search of work in textile production. Up to 80 per cent of children found in child labour in Jaipur, including in the garment sector, are from Bihar. And while India's formal garment industry workforce is thought to be around 60 per cent male, the home-based production segment is overwhelmingly made up of young women and girls from 'outcastes'.[66]

Refugees may also be vulnerable to such exploitation, since they often face restrictions on their mobility, language and literacy barriers. There appears to be a growing pattern of production investment in locations that are near or may attract such populations.[67] 650,000 Syrian refugees work in the Turkish garment industry in the lower tiers of supply chains, almost all undocumented.[68] Reports have found wages below the legal minimum, child labour, sexual harassment and other abuse.[69] One supplier interviewed in 2019 by the Business and Human Rights Resource Centre said simply that "the Syrian workforce is what keeps the Turkish textile sector alive today".[70] Syrian refugees (and other migrants, including many from Bangladesh and India) are also involved in garment production in Jordan, though this is through more formalized arrangements in the context of Jordan's free trade access to the US market.[71] After initial reports of labour violations in its textile manufacturing zone around 2006,[72] Jordan authorities have worked with ILO and IFC to improve labour standards through a Better Work Jordan scheme. Yet allegations of forced labour sexual misconduct, physical and verbal harassment, wage theft and hazardous work environments persist.[73] The ILO/IFC project itself has acknowledged forced labour and other abuses are commonplace in these factories.[74]

Displaced workers lack social capital, support and safety nets, and may struggle to access government provided social assistance, especially if they are undocumented. In some places, these difficulties are further compounded by employers housing workers in specialized accommodation, keeping them segregated from the larger community. In other cases, work is home-based, impeding worker organization and unionization.[75] Sometimes their access to their identity documents and ability to communicate with the outside world are restricted. Wages may be withheld and, in some cases, workers have access only to a single, company run source of goods and provisions, which can be used to discipline workforces through debt.

Exploiter strategies

Garment and apparel producers use several strategies to exploit the opportunities offered by the confluence of these two factors: a vulnerable population and a favourable institutional environment.

One is casualization of the workforce and recruitment through agents, brokers and intermediaries, separating control of workers in the workplace from legal 'ownership' of the employment relationship. The Levitt Review found that boohoo management was aware of risks of exploitation in its Leicester supply chain, but did too little, too late, to address it, because "Boohoo did not see it as their responsibility and … commercial concerns were allowed to prevail".[76]

Another, closely related, is use of debt to bond workers to the workplace. Workers often arrive in their jobs with significant debts – recruitment fees paid to multiple brokers along the labour-supply chain.[77] In other cases, such as the *Sumangali* scheme in southern India, discussed further below, recruiters offer work as a way for workers to earn income for dowry (while reducing their family's household costs), but bind workers to the workplace by paying out the fee only at the end of the contract – if at all.[78] In other places, workers and production units are tied into exclusive sales agreements, restricting their ability to trade with other buyers.[79]

Intimidation, use of physical, sexual and psychological violence, are all also relatively common. A 2019 study by the Fair Wear Foundation (FWF) and Care International interviewed 763 women in factories in Vietnam with 43 per cent reporting they had suffered at least one form of violence and/or harassment in the past year.[80] Sexual harassment seems to be a recurring male management practice used to intimidate and discipline workers.[81]

Finally, as with exploiters in other sectors discussed in previous chapters, those in the garment and textile industry also seem to deploy deliberate "domain maintenance" strategies – engaging government officials in ways intended to protect their space to govern their workplaces free of anti-slavery norms. Yet, as we shall see in the case studies that follow in this chapter, the different relationships between the State and garment and apparel manufacturers have proven pivotal in shaping efforts to disrupt exploitation and prevent forced labour in this sector.

Tackling risks for workers in the garment and apparel value chain

In this section we look at how risks for workers related to – but not necessarily rising to the level of – modern slavery has arisen in three specific contexts in recent years: Bangladesh, southern India, and Ethiopia. In each case, we consider how those risks are entwined with the growth of garment and apparel manufacturing. And in each case, we consider how workers, governments, and businesses involved in the value chain have responded to those risks.

Bangladesh: the Rana Plaza disaster and its aftermath

Garment production makes up around 80 per cent of Bangladesh's merchandise exports and around 20 per cent of its GDP.[82] This makes Bangladesh the second largest garment exporter after China; it supplies around 6 per cent of the global garments trade.[83] This creates employment for around 4.5 million people, and has been a major driver of development, income growth and poverty reduction in Bangladesh for three decades, culminating in Bangladesh's graduation to lower middle income status in 2014.[84] And the industry has, without doubt, contributed to the development of Bangladeshi women's economic agency, providing employment opportunities, and giving them greater control over marriage, education, and childbearing.[85]

The industry was an early beneficiary of the global export-quota system in place after Bangladesh gained its independence in the 1970s. When South Korean and Taiwanese companies filled their quotas under the Multi-Fibre Agreement, they began opening factories elsewhere, including in Bangladesh, investing in training local managers and financing local start-ups. In the 1980s the Government sought to capitalize on this potential through a policy regime intended to promote the industry's growth, including assistance for imports of inputs, low duties, and investment in export processing zones outside Dhaka and Chittagong.[86] The Government worked closely with the Bangladesh Garment Manufacturers and Exporters Association (BGMEA), an industry coalition formed to represent suppliers. Production grew quickly from this point, with factories numbering only 50 or so in the early 1980s to over 3000 factories employing 1.8 million workers by 2000.[87]

The global quota system protected Bangladesh compared to competitor nations, but also guided the growth of the industry into low value products, supressing the incentive for the industry to diversify.[88] As the successor to the Multi-Fibre Agreement, the Agreement on Textiles and Clothing (ATC) ended in the 2000s, Bangladesh was exposed to competition from other developing countries with lower labour costs (including India and Ethiopia, discussed below). Wages were already relatively low: for example ILO research in 2015 found minimum wage workers in China had 2.6 times the purchasing power of those in Bangladesh.[89] So suppliers were forced to compete on other workforce and production-related costs – which increasingly meant input costs and working conditions. The easiest place to control input costs was in those produced domestically, such as leather. There have been repeated reports of child labour in these subsidiary tiers of the garment and apparel value chain in Bangladesh.[90] A UNICEF survey published in 2015 found in one domestic garment hub of 185,000 workers, that 59 per cent of workers were below the age of 18. Many did not attend school, and in some cases were found to be working up to 17 hours per day during peak production.[91]

FROM DISASTER TO DISRUPTION

Another place to reduce costs was on the production plant – and specifically, building safety. Between 2005 and 2012, more than 500 workers died in fires and building collapses.[92] The tipping point for global action to address these risks came in 2013.

On 24 April 2013, an eight-story building in Dhaka, the Rana Plaza, which housed five garment factories supplying global brands, collapsed. 1,138 people were killed, and more than 2,000 others injured. The building had been inspected and ordered evacuated the previous day, after cracks appeared in its walls, but the owner, Mohammad Sohel Rana, insisted that workers return to work or lose their jobs. Workers had been coerced to work in unsafe conditions against their own better judgment, under threat of penalty – meeting the ILO definition of forced labour.[93]

The calamity caused both a local and a global outcry. The Government of Bangladesh undertook safety checks that led to numerous factory closures – and the loss of exports and jobs. In 2016 it charged 38 people with murder. (As of April 2020 those trials had not, however, commenced, with some of the proceedings subject to stay orders from the High Court.[94]) Internationally, more than one million people signed online petitions in the 3 weeks after the disaster. The top EU trade official also threatened to review Bangladesh's access to EU markets if safety reforms were not undertaken.[95] This was a powerful disruption of business as usual.

The Government's response was organized through National Tripartite Plan of Action on Fire Safety and Structural Integrity (NTPA), a national level strategy for improving health and safety in the industry, developed and endorsed by the Bangladesh Ministry of Labour and Employment, with support from the ILO, and signed by employers' associations and national union representatives.[96] There was, however, no role in the plan for international brands and buyers – whose buying practices were seen by many international actors as the driver of local suppliers' cost reduction efforts, including skimping on building safety. With Germany being the primary export market for the country, the German development organization (GIZ) stepped in, bringing together Bangladeshi unions, a precursor to the global union federation IndustriALL, and international NGOs such as the Clean Clothes Campaign, as well as two international buyers, PVH and Tchibo.[97] The ILO agreed to serve as an independent chair in these discussions, which sought to agree a plan to address the safety issues in garment factories.[98] Yet European and US buyers were not able to agree a common approach, splitting over questions of whether any remediation plan would be legally enforceable.[99]

As a result, not one but two different initiatives involving buyers and their suppliers went forward. Hennes & Mauritz (H&M), Primark, and around 220 other primarily European companies joined with trade union partners to create the legally binding Accord on Fire and Building Safety in Bangladesh. This included two European-based international unions—UNI Global Union and IndustriALL Global Union—as well as two Bangladeshi labour federations. Walmart, Gap, and other North American companies set up the rival, non-binding Alliance for Bangladesh Worker Safety. This had 29 members, and did not include union representation in its board of directors. Yet despite this different approach to legal enforceability, in many other ways the Alliance and Accord were functionally similar. Both undertook factory inspections and promised to finance remediation efforts by local suppliers to improve physical arrangements and safety, including training for workers on the right to refuse unsafe work.[100] Both involved a commitment by buyers not to work with factories that did not comply with demands under the respective initiative. Neither focused on forced labour questions.

These developments also need to be understood, however, in the context of coordinated inter-State political pressure. The Compact for Continuous Improvements in Labour Rights and Factory Safety in the Ready-Made Garment and Knitwear Industry in Bangladesh – known as the Bangladesh Sustainability Compact (BSC) – was signed in July 2013, bringing together the EU and the governments of Bangladesh and the US, plus the ILO, with the goal of improving working conditions and respect for labour rights in Bangladesh's garment industry. It includes both short and long-term commitments in three areas:1) respect for labour rights; 2) structural integrity of buildings and occupational safety and health; and 3) responsible business conduct.[101] Annual Technical Status reports, produced by the Government of Bangladesh with the assistance of the ILO are accompanied by annual high-level meetings between signatories on progress, providing a soft accountability mechanism.[102] When Canada joined in 2016, the BSC included countries representing 85 per cent of Bangladesh's garment exports.

The BSC nested the ideas in the NTPA in the context of a larger intergovernmental framework, creating an important transparency framework fostering strategic coordination. It was implicitly connected to the possibility of withdrawal of trade preferences. In June 2013, just prior to the signing of the BSC, the US Government suspended Bangladesh's access to GSP, based on its failure to meet statutory eligibility requirements related to worker rights. The EU did not follow suit at the time, but in January 2016 it announced that Bangladesh had been put on "enhanced engagement" over its GSP status "due to the gravity of alleged shortcomings in respecting core human rights and labour rights standards".[103] In 2017, the EU sent a series of letters to the Government of Bangladesh pressing for action towards BSC goals, and indicating that inadequate progress "could eventually lead to the launching of a formal investigation, which could result in temporary withdrawal of preferences."[104] (When this did not eventuate, several non-government groups, including the ITUC and the Clean Clothes Campaign lodged a joint complaint with the European Ombudsman.[105]) In March 2018, the US declined to restore Bangladesh's GSP status, indicating that insufficient progress had been made.[106]

The BSC thus served as a transparency mechanism for a group of actors to communicate to Bangladesh shared expectations about desired transformations in the garment industry. This also created a framework that other influential actors could organize around, with governments, funders and international bodies using it as a donor coordination and programming design reference.[107]

DID MODERN SLAVERY RISKS REDUCE OR INCREASE?

Both the Alliance and the Accord found extensive problems in the factories inspected. For example, the Accord found that 97 per cent of factories it inspected offered workers no safe means of escape in case of fire. 70 per cent of the buildings had structural deficiencies.[108] Where these deficiencies were identified, remediation plans were then put in place. As of April 2019, the Accord reported 35,000 initial and follow-up inspections across more than 2,000 factories, where engineers identified over 140,000 fire, electrical, or structural hazards. 1,068 factories met 90 per cent of the required remediation.[109] The statistics are similar for the Alliance. Their final annual report from November 2018 (when the Alliance phased out) shows 93 per cent of all remediation completed in their 714 factories.[110] These efforts appear to have had a positive transformational impact, with significant reductions in fatalities, and improvement in workers' ability to resist coercion to work in unsafe conditions. One independent study in 2018 found that 90 per cent of workers interviewed felt they could refuse to go into the factory if the building was perceived to be unsafe.[111]

Yet the schemes' impacts have at least three limitations.

First, the schemes were of very limited scope. The schemes dealt only with safety, not with workplace management practices such as sexual harassment, coercion, involuntary work or wage theft, or indeed with collective organization and unionization. Their empowerment of workers to resist forced labour risks was, in that sense, limited. What is more, perhaps 3,000 companies, who served as (often unauthorized) subcontractors to the 'mother factories' with which buyers had formal relationships, were excluded from the regimes.[112] Many of these, as a US Senate Foreign Relations Committee report in 2013 put it, "operate in the shadows" and were "often the most dangerous" factories in which to work.[113]

The Accord and Alliance arguably contributed to the creation of a "deeply bifurcated garment sector", with one segment servicing Western buyers, and another, not benefiting from safety upgrades, servicing other buyers.[114] The NTPA was the sole oversight mechanism for these factories, and five years in had performed remediation for only 20 per cent of its target group.[115] A New York University study estimated that there were safety gaps in factories not covered by the Accord or the Alliance which would cost USD 1.2 billion to address.[116]

Second, although it has not been much discussed, there is important evidence that suppliers passed losses – from the increased costs of remediating unsafe buildings, and from reduced prices offered by buyers, after the disaster[117] - onto workers, especially female workers. A rigorous World Bank study found that while the introduction of the Accord and Alliance improved access to sick leave and safety at work, it reduced the use of written contracts (which would make it easier to engage in wage theft, forced overtime and other fraudulent and coercive practices) – and it led to a reduction in average hourly wages for female workers. Before the Rana Plaza disaster, the garment industry offered women a wage premium compared to jobs in other sectors in Bangladesh; after the disaster and the subsequent interventions, that premium disappeared. But only for women. Notably, the World Bank explains this as partly due to the greater inelasticity of female labour supply. Translated: women had fewer alternative employment options, both inside and outside the industry, than men, so they were easier for suppliers to exploit.[118] This finding is consonant with studies elsewhere that point to the fact that external pressure on working conditions can lead employers to a trade-off on wages.[119] This has significant implications for how we understand efforts to protect workers from coercive management practices and other factors contributing to modern slavery risks. Such interventions should not be mounted in isolation, but instead need to be evaluated in terms of their holistic impact on workers' economic agency.

And third, it is arguable that while the Accord, the Alliance, the NTPA and the BSC together disrupted business as usual around safety standards, they have had a less enduring or measurable transformational impact on the institutionalization of labour rights in Bangladesh, and on the empowerment of vulnerable workers.

Both the Alliance and Accord encountered the same kind of nationalist counter-mobilization that we saw in Chapter 4 (palm oil). As in that case, this was often framed in terms of increased compliance costs for producers, since, despite promises by the Accord and Alliance, the costs of remediation fell heavily on suppliers. Bank facilities were created – some with IFC assistance[120] – to assist suppliers to access capital for building renovations, but banks were frequently disinclined to finance the riskiest projects.[121] Suppliers were also unenthusiastic about taking on significant debt given the volatility of demand from buyers and their unwillingness to sign long-term supply contracts.[122] In 2017 and 2018, unions won an arbitral award from the Permanent Court of Arbitration in The Hague requiring international brands contribute towards the remediation of factories, in one case to the tune ofUSD 2.3 million.[123] But buyers' and brands' resistance to financing remediation generated growing resentment from Bangladeshi suppliers.[124]

Push-back by the BGMEA and others against the Accord and Alliance was framed in increasingly political terms – as a question of independence and sovereignty.[125] Rubana Huq, managing director of a major supplier, spouse of a local mayor, and later the first female President of BGMEA, told journalists in April 2018 that

> The time for self-monitoring has arrived… It's high time for the Accord and Alliance to leave. If we really want to address this collective and national tragedy, we have to be responsible for our own safety. We have to be proactive about our own corrections and our own tomorrow.[126]

Suppliers mobilized resources within government to help resist pressures on their management practices. This was an effort squarely to maintain their domain. One dispute ended up in court, with both the executive and the High Court siding with a factory owner who had been removed from the Accord's approved supplier list over failure to remediate safety risks. This led to an extended period of uncertainty about the operation of the Accord in 2018, during which the government pushed to take over the inspection role of the Accord, and the Accord resisted, citing evidence from ILO that the government inspection mechanisms were not yet fit for purpose.[127] Ultimately the dispute was resolved through a compromise, with a sunset date in 2020 set for the Accord's departure, and greater involvement of the local manufacturing body in inspections in the meantime.[128]

Yet the departure of the Accord and the Alliance, together with the unwillingness of the EU to suspend Bangladesh's GSP trade preferences, may have signalled to opponents of reform that they had ridden out the storm, and they could dial back on reforms. The development economic scholar Alice Evans argues that

> Bangladeshi politicians and exporters have ceased to regard pro-labour reforms as conducive to export growth. They have revised their norm perceptions and perceived interests in response to macro-trends: soaring exports, price competition, price-squeeze, no required labour reforms, nor financial support for buildings upgrading.[129]

This is perhaps clearest in the area of worker voice. There were important reforms in 2013-2014 that made it easier for unions to register, with 96 new unions registering in the year after this was put in place, compared to 2 in the year prior.[130] Yet several years later, union density remains low.[131] Evans finds a shrinking of the space for unionization and collective worker voice since the announcement of the winding up of the Alliance and Accord.[132] Wage protests in December 2018 and January 2019 saw 11,600 workers lose their jobs and criminal charges brought against more than 60 workers.[133] Through publication of inspection reports, corrective action plans, progress reports, complaints and minutes of governance meetings, both the Accord and Alliance temporarily provided transparency over supply chain governance decisions for workers – and an opportunity to influence governance processes (though in different ways in the two schemes).[134] That opportunity for collective mobilization and worker voice – for exercising economic agency over their own work situations – has now ceased.

The Rana Plaza disaster led to a period of sustained and coordinated pressure by international buyers, foreign governments and international development partners, which succeeded in strengthening physical safety standards in the Bangladeshi garment industry. But that window for coordinated strategic engagement may now have passed. Mobilization to disrupt a system generating significant modern slavery risks was met by effective counter-mobilization. What are the costs for sustainable development? A decade ago, Bangladesh's garment industry was expected to move up the value chain from low-value manufactures into woven apparel and higher-quality product.[135] This has not happened. There may be several reasons for this, including inefficiencies in logistics and the high cost of access to raw materials. Yet it also seems clear that low worker productivity – itself related to the constrained agency workers enjoy in their workplaces – is a central part of the story.[136]

India: from multi-stakeholder disruption to community-based Developing Freedom

Textile manufacturing is woven into India's history. It was a world leader for the best part of two millennia, serving as a source of luxury imports to the Mediterranean and Europe since at least the Roman era. British protection of its own wool-based textile industry in the Eighteenth and Nineteenth centuries disrupted business models and pushed the Indian industry into lower-value market segments. Indeed, the Raj's disruption of Indian textile manufacturing was so central to the political economy of the Raj that the revival of the textile industry became a rallying point for Indian freedom fighters, a symbol of self-sufficiency, self-rule and *swaraj*. The traditional Indian spinning wheel, the *charkha*, was emblazoned on India's pre-independence Swaraj flag (since replaced by the Ashoka Chakra).

Following independence, the Indian Government maintained a strong orientation in favour of small-scale production and domestic self-sufficiency.[137] Starting in the 1980s, federal Government policy moved to encourage the industry towards greater export orientation, but there were still supports in place for small-scale production. These only began to be truly wound back around 2001, and the legacy remains.[138] Over the last ten years, the Indian Government has looked to upgrade manufacturing capabilities and increase exports.

In 2016/2017, Indian textiles and apparel industry accounted for 14 per cent of export earnings, making up around 4 per cent of the global market – less than Bangladesh.[139] The industry may however account for as perhaps 45 million jobs, the vast majority of which are in informal, home-based work, largely feeding into the domestic market. Perhaps only 2 million are in export-oriented garment factories.[140] One key implication is that India's garment and apparel industry may be less susceptible to foreign buyer and government pressure than its more export-oriented peers and competitors, such as Bangladesh. Investors might have some influence, but foreign investment in the industry has also been relatively low to date. Moreover, Indian garments and apparel benefit from some preferential access to a number of countries and blocs, including GSP access to the US and the EU, but not the tariff-free access accorded to competitor countries that count as 'Least Developed'.[141] This means that Indian exporters are competing with goods operating under more favourable tariff schemes, putting downwards pressure on the prices they are able to charge, which in turn puts a downwards pressure on wages and working conditions.[142]

What export-oriented garment production there is in India is clustered in three places: around Delhi (around 850,000 workers); Tirupur, Tamil Nadu (c. 500,000); and Bangalore, Karnataka (c. 500,000). There have been some indications of labour exploitation in each of these places.[144] Exploitation in the industry involves restrictions on freedom of movement, health and safety violations, low pay, lack of contracts, gender discrimination, verbal abuse, and limited opportunities for collective bargaining and association. There is some, but more limited, evidence of forced, bonded and child labour.[145] Beyond these contexts, there are also thought to be particularly high rate of child labour in home-based work, with large numbers being paid nothing at all.[146]

In recent years international actors have sought to replicate some of the 'outside-in' features of international mobilization against forced and child labour seen in previous chapters, to address forced labour in the Tirupur cluster. This is the location of the majority of India's spinning units and producer of most of its knitted products, destined for EU and US brands and retailers such as Adidas, C&A, H&M, Nike, Primark and Walmart.[147] The cluster is seen as an engine of local growth and development, with exports having grown around ten-fold in the last thirty years.[148] Andrew Crane and his co-authors report that "A common motto among many business leaders [in the area] is some version of 'the worker of yesterday is the factory owner of today'", and that there "is some truth to this…social and economic mobility has been an important aspect of Tirupur's success".[149]

The Tirupur cluster now faces stiff competition from other producers on labour costs – with wages in Ethiopia around a quarter of those earned in Tirupur; efficiency; and tariffs and market access.[150] Over time, labour shortages have grown, especially as young people have found more gainful employment elsewhere, or chosen to stay in school longer and embark on a higher skill level employment pathway.[151] Labour shortages are particularly acute for exporters, who face quality and time constraints imposed by buyers, and may have to organize surge capacity to deal with resulting production pressures. Exporters and buyers may prefer longer-term relationships with workers, while workers trade off job security against the advantages of flexibility and labour market mobility.[152]

One workforce management solution that emerged around 1989 has become a particular object of international attention in the last ten years. It involved recruiting girls to become a captive labour force. This is the so-called *sumangali* (sometimes translated as 'married woman') scheme.[153] It is essentially an indentured servitude or bonded labour scheme organized by factories in Tirupur. Their agents would recruit poor, unmarried, generally lower caste, rural teenage girls, from poorer States – usually in India's north – to work for a three-year period. During that period they were paid only a stipend, around one third of the legal minimum wage; at the end, they were promised a lump-sum payment, which could then serve as dowry, allowing them to become the respectable married woman of the marketing title of the scheme. Frequently, recruiters sold the scheme through fraudulent promises about working and living conditions. And research suggests that most workers received only a reduced pay-out – justified through charging of 'fees' during the period of service – or none at all.[154] Some factories were reported to workers or make them resign shortly before they finished their contractual term, to avoid the pay-out.[155] True working conditions were quite different. Girls were usually housed in company-controlled and surveilled compounds or camps, rarely permitted to leave, and afforded little contact with their families. Fees were deducted for lodging, meals and other 'services'. 72-hour working weeks were common, as was being summoned to work in the middle of the night, to meet short turn-around orders from foreign buyers.

In the late 2000s, a series of studies and investigations into the scheme, particularly involving local civil society actors, drew attention. Confronted by reputational risks, brands began to cease doing business with factories participating in the scheme around 2010.[156] Local civil society activists worked effectively with foreign NGOs to campaign on the issue in both the court of public opinion, and through governmental adjudication, bringing actions in the High Court of Madras and with the National Human Rights Commission and the Tamil Nadu Women's Commission.[157] At the international level, Anti-Slavery International brought a complaint to the Ethical Trading Initiative (ETI), an alliance of retailer, brands and suppliers, targeting ASDA, Walmart and Sainsbury. It also pushed for a multi-stakeholder approach. These efforts led to roundtables pulling together industry actors, capacity building project, and focused auditing to identify and mitigate risks of *sumangali* and other forced labour schemes. As in Bangladesh, this multi-stakeholder approach may have run into divergent views about how far brands should go in supporting local trade unions and workers groups, and different levels of willingness from suppliers and buyers to commit to remedial plans.[158]

Local suppliers now argue the scheme no longer exists.[159] Other stakeholders suggest that there are still indicators of forced labour and deceptive recruitment arising, and that even if the scheme has ended per se, the same strategies are being deployed more covertly and on a smaller scale in the region around Tirupur.[160] Despite indications of reductions in the prevalence of the worst forms of labour exploitation, child labour and examples of forced and bonded labour persist in the region with these practices higher in more rural areas.[161] And there are also signs that one reason for the demise of the scheme was simply that better-paying jobs opened up for poor young women in other industries and locations.[162]

The multi-stakeholder response to the *sumangali* scheme echoes, in some ways, the approach taken in Bangladesh, in particular the focus on multi-stakeholder engagement. Yet it lacked certain key elements, such as the involvement of the ILO or foreign States, an overarching transparency framework, and the accountability achieved by the Accord and the BSC, in particular. Its diffuseness and lack of centralization make its impact difficult to assess.

It does, however, serve as a useful counterpoint to a quite different approach supported recently in the region by the Freedom Fund, an anti-trafficking organization based in the UK. Its strategy seems to combine mutually reinforcing elements of disruption, transformation and empowerment – an approach covering the full Developing Freedom spectrum – but rooted in work at the community level. As with the earlier approach, disruption is sought through engagement with local businesses, seeking to identify and interrupt the calculus of abusive practices that exist in some parts of the sector. That is supplemented by efforts aimed at institutional transformation, through efforts working with government and civil society; and through empowerment interventions targeting vulnerable groups (on gender, caste, awareness, and poverty dimensions).[163] Stunningly, in the 400 villages participating in this programme between 2015 and 2018, the prevalence of households experiencing bonded labour fell on average from 56 per cent to just 11 per cent. That represents more than 63,000 fewer individuals in bonded labour.[164] Evolving from an initial focus on addressing vulnerability at the community level, the program now also works with a broad civil society network, the Tamil Nadu Alliance, to support implementation of policies to protect textile workers, especially migrants, and to strengthen visibility and accountability within the textile supply chain.

Ethiopia: when workers vote with their feet

In the final case in this chapter, we consider the stunning growth of Ethiopia's garment and apparel manufacturing industry over the last 15 years, the labour-exploitation risks it has generated, and the responses to them that have arisen. While there have been some indicators of coercion and involuntary work in Ethiopia's young garment industry, these do not seem to have combined into full-blown forced labour. We consider why this is the case, given that Ethiopian garment workers' wages are the lowest of all the cases considered here (and possibly in the world), low levels of unionization, and limited engagement by foreign buyers and governments on these issues. The answer turns out to have everything to do with the ability of Ethiopian workers to exercise their basic economic agency, by voting with their feet – quitting workplaces they disapprove of, and moving instead into insecure, informal, but self-governed entrepreneurial work. Work in Ethiopia's garment industry may be difficult and low-paid, but this is not a 'captive' workforce. The implication is that Developing Freedom requires thinking not just about whether people's entry into work is voluntary, but also their exit options – and a holistic understanding of how people seek to govern their own economic choices and develop in freedom.

ETHIOPIA'S DEVELOPMENTAL STATE AND THE GARMENT INDUSTRY

From 2006 to 2016, Ethiopian GDP grew on average by more than 10 per cent each year – one of the highest growth rates in the world. This has rendered significant reductions in poverty – from 44 per cent in 2000 to 30 per cent in 2011 – as well as improvements in education and health outcomes.[165] This was planned growth. Ethiopia has learned from other countries, notably China, and gives a strong role to the State in shaping the country's development pathway.[166] The aim is to reach lower middle-income country status by 2025. The textile and garment industry is seen as key to that growth.[167]

Under the leadership of the Ethiopian People's Revolutionary Democratic Front (EPRDF), since the 1990s the country has sought to diversify its agriculture-focused economy, through a labour-intensive, export-led industrialization model, based on East Asian models. Textile and garment manufacturing is seen as key to this process, fostering backward integration to cotton production,[168] while harnessing preferential trade access to the EU (under the Everything but Arms scheme) and the US (under the African Growth and Opportunities Act) to deliver rents that can be used to invest in infrastructure, basic services and social programming. With a young population, low-skilled job creation is also a central imperative.

For several years in the early 2000s, the State pump-primed the industry's growth through subsidized land leases and preferential credit from the Development Bank of Ethiopia (DBE). From around 2008, there was a shift towards attracting FDI, in part to address a growing reliance on textile imports (for use in garment manufacturing), as backward linkages did not develop at the anticipated pace.[169] Starting around

2015, Ethiopia began setting up specialized industrial parks, designed and built specifically to attract FDI in the textile and garment industry, with an accompanying policy regime designed to foster knowledge, capital and technology transfer to local partners.[170] The Government's strategy prioritizes higher value-add, export-oriented investment,[171] offering incentives such as lifting of investment restrictions for the sector, customs duty and income tax exemptions, allowances for carrying forward losses and favourable lease terms in industrial zones. And the significance of the effort to the Government is underlined by the fact that the Ethiopian Investment Board is chaired by the Prime Minister, with involvement of several other senior ministers. Ethiopia has been one of the top FDI recipients in Africa this decade.

These schemes, and associated job creation schemes, have received several hundred million dollars in lending from the IFC. Other donors, including DfID and GIZ, have also been active.[172] Domestic financial instruments are also used to stimulate investment in the industry. 30 per cent of long-term financing from the Development Bank of Ethiopia goes to the sector, which offers special deals such as covering 60 per cent of garment factory expansion costs,[173] and a revolving fund to provide working capital to finance imports needed for pre-shipment packaging.[174] The Commercial bank of Ethiopia is also increasingly involved.

The result has been strong growth for the sector: 51 per cent from 2013 to 2018 alone. The Government has overseen the construction of 8 industrial parks nationwide, with more than 45,000 associated jobs. The largest of these is the Hawassa industrial park, south of Addis Ababa, which hosts around 25,000 textile and garment workers. The first investor was PVH. It was looking for new, low-cost countries in which to expand production, motivated in part by concerns about producing in Bangladesh caused by the Rana Plaza disaster. It canvassed several potential partners, including Kenya, before settling on investment in Ethiopia.[175] Total textile and garment exports now represent 17 per cent of the country's total manufacturing value, and 0.6 per cent of GDP, employing around 62,000 workers nationwide – around 17 per cent of the manufacturing labour force. A strong majority of workers in manufacturing are women. Germany, the US and Turkey are the primary export destinations.

ESCAPING THE LOW-WAGE TRAP

Despite this strong growth, Ethiopia's garment manufacturing sector faces continuing challenges – especially escaping the low-cost model that has underpinned this growth to date.

Ethiopia is competitive against other countries because it provides low-cost inputs including land, electricity, export costs and, in particular, labour. In recent years, the monthly wage of garment workers in Ethiopia has been around a quarter to a half that in Bangladesh, and a quarter to a seventh of that in China.[176] This has been possible because Ethiopia has not had a statutory minimum wage. Low wages contribute not only to price competitiveness, but possibly also to the Ethiopian garment sector's relatively low total factor productivity when compared to its peers.[177] Workers may not experience forced labour – requiring both coercion *and* involuntary work, under the ILO definition – but they do appear to be demotivated by management practices that suggest elements of coercion or involuntary work are present at different times.[178] These include wages that are so low they push workers into debt to pay for basic living expenses, forced overtime, physical and verbal abuse, wage deductions (penalties) for minor time management and disciplinary infractions, and, possibly sexual harassment. And in the search for low-cost inputs, such as textiles, suppliers may be pushing labour exploitation risks further upstream, contributing to the country's already high risks of child labour and child labour in the hand-made textile segment.[179]

Workers have limited options for expressing their unhappiness with how they are managed at the industrial parks. One way is through reduced performance, and indeed, garment factories typically operate at low efficiency levels compared to their overseas peers. Suppliers indicate that the cost of labour is, seen from the firm level and factoring in productivity, lower than advertised.[180] Another way to express their grievances would be through unions: but union density is very low in the parks. However, there have been reports of significant unreported and informal strike activity for several years.[181] In Hawassa, in particular, this is also increasingly bound up with political protest and dissent, as different political groups seek to develop control over the rents arising from the park.[182] This is a dangerous trend, with an authoritarian government offering limited space for civil society to mobilize around issues such as working conditions and wage levels, and limitations on foreign human and labour rights organizations' access to the country for monitoring and advocacy work.[183]

The third option that workers have to express their dissatisfaction with their working conditions in the factories is a simple but profound one: to leave. And they do – in significant numbers.[184] By some accounts turnover in Hawassa was 100 per cent in the first year.[185] Yet turnover is reportedly high across *all* industrial sectors in Ethiopia, perhaps indicative of the high value that Ethiopian workers, accustomed to greater control over their own time in agricultural production, place on this aspect of their economic agency.[186] (The same challenge has been documented elsewhere, with agricultural workers resisting the time-discipline imposed by factories and the process of proletarianization.[187]) Many leave to become 'entrepreneurs', in the informal economy, sacrificing job and income security for mastery of their own time and destiny. This suggests continuing challenges for suppliers in meeting young workers aspirations, which may lead to ongoing turnover and productivity challenges – and an inability for the sector to upgrade to higher value-add segments of the garment value chain. But it also, fundamentally, points to a key reason why modern slavery risks in Ethiopia's garment factories have not crystallized as forced labour or modern slavery: because workers can leave. They are not 'captive', but instead retain the fundamental economic agency to vote with their feet.

MISSING LINKS IN THE VALUE CHAIN

Addressing the risks arising from coercion and involuntary work in garment factories is thus important not only for managing risks of forced labour but also for Ethiopia's continued economic growth and development. This begs the question what lessons can be learned from the experiences of other countries regarding how these risks can be effectively managed.

Here, it is crucial to appreciate that in one crucial respect Ethiopia's garment industry is more like China's than Bangladesh's or India's: the absence of a strong domestic private sector, both commercial and civil society. Ethiopia remains, in quite profound ways, a developmental patrimonialist system in which ruling networks, particularly those with ties to the Tigrayan elite, manage rents centrally. Prime Minister Abiy Ahmed's reforms can, in one sense, be seen as an effort to move Ethiopian governance towards a more market-based system, with more technocratic governance arrangements.[188] This may or may not succeed in stimulating the emergence of a true 'private' sector, and in opening up space for worker voice and civil society. Until this space emerges, any effort to transform Ethiopia's garment sector will be fundamentally different from Bangladesh's, or even efforts in India, because international partners will not have local business partners and union partners with which to work. The conversation will be, essentially, with the State, and with foreign buyers.

This offers unique opportunities – and unique risks. As we have seen in the previous chapters, resistance to efforts to disrupt the exploiter strategies that generate modern slavery outcomes tends to emerge out of close cooperation between the State and strong domestic private business interests. That is absent here; if the developmental State decides to undertake reforms, there is scope to move further and faster, without the same risks of counter-mobilization. But that also brings a risk of fragility and thin social legitimacy. If the State's reforms and development choices are not matched by consultation with and voice for those affected – notably workers – then the enterprise may not take root domestically. Workers may find other ways to express dissent, as discussed above.

These cautions are worth bearing in mind when considering the ILO's *Siraye* programme, which commenced in July 2019. It adopts a "shared responsibility" approach to improve respect for

> workers' rights leading to greater incomes and compensation, enhanced safety, equality, voice, and representation. The programme also aims to lift industrial productivity and competitiveness to enable a global competitive textile and garment sector; and encourage accountable and transparent government institutions.[189]

This involves several different strands of work at multiple levels: multi-stakeholder dialogue at the national level to develop a common vision and strategies to make Ethiopia an African hub of socially responsible production of garment for both global and domestic market; consultations to fix a minimum wage and strengthen government labour dispute resolution institutions; empowering employer and worker organizations to engage in effective dialogue and negotiation; strengthening labour inspections and occupational health and safety protections, including compensation; and strengthening factory management (including by promoting female managers) to strengthen factory productivity. The project receives support from IFC, the G7's Vision Zero Fund, and other sources.

Lessons and opportunities

What lessons can be drawn from these cases about how the garment and apparel industry can help promote the Developing Freedom agenda in the future? In this section we look at what COVID-19 has revealed about the common sustainable development challenges faced by garment and apparel workers worldwide. And finally we reflect on lessons for how States and development actors can harness the garment and apparel value chain for sustainable development, by using the tools of the State to promote greater transparency, inclusion, and a more systematic approach.

What COVID-19 has revealed

The media had been reporting on possible wage theft and exploitative working conditions in Leicester's garment factories for some years before the boohoo scandal blew up in July 2020. It was the additional risks to both workers' and public health posed by the operation of those factories, during the COVID-19 pandemic, without adequate safety precautions and protective equipment, that gave the story extra legs.

Just as meat processing factories have been associated with viral spread (as discussed in Chapter 3), so garment factories, operating at the outer edges of the reach of the administrative State, may risk spreading the virus. The lean, flexible production methods that dominate the industry, which work to remove costs and risks from buyers and suppliers balance-sheets, and push them down on to workers, have the same effect on this dimension of risk as on others. Just-in-time manufacturing has deprived nodes all along the supply chain of resilience: they carry less inventory and lower cash reserves than earlier generation firms did. Factories must operate, if firms are to survive.

Many firms have not. COVID-19 immediately led to a collapse in garment and apparel sales, as people stayed at home and discretionary spending fell precipitously. In early August 2020 top brand executives estimated US sales for 2020 could be down 50 per cent, year on year.[190] Notable brand-name retailers, such as Debenham's, J. Crew, and JC Penney, have gone bankrupt. Across the board, retailers and brands cancelled orders from suppliers' factories, and paid even later than usual. An October 2020 study found that suppliers lost at least USD 16.2 billion in sales and payments due between April and June 2020. [191] Another study found that 30 per cent of factories were reporting 100 per cent of accounts receivable past due.[192] Factories in China and Bangladesh were hit especially hard.[193] The power of buyers was on full display, as they forced suppliers to absorb downside risks and dictated revised pricing even for fulfilled orders. Debenham's reportedly requested 90 per cent retroactive discounts on some orders.[194]

Suppliers, in turn, pushed these costs on to those they could: subcontractors and workers. Detailed surveys suggested income drops for workers across South and Southeast Asia of over 30 per cent, and more than 50 per cent in some places such as India. Clean Clothes Campaign estimated that the overall wage gap in seven major exporting countries between March and May was USD 1.82 billion covering around 13 million workers.[195] In Bangladesh, 72 per cent of furloughed and 80 per cent of dismissed workers were sent home unpaid.[196] Globally, more than two million female garment workers were thought to have been laid off, including in Ethiopia's industrial parks.[197] In some places, it was claimed, unionized workers were targeted first.[198] Dismissed workers faced not only impoverishment but, in some cases, being trapped in their host country without income or access to social protection. Others faced safety risks as they tried to return home.[199] Some turned to protest.

International civil society quickly mobilized to draw attention to these problems. The social media #PayUp campaign harnessed consumer sentiment, criticizing the cancellation of orders in the apparel sector with the goal of getting brands to pay for the orders. It also garnered hundreds of thousands of signatures on a petition, and may have led to as much as USD 15 billion in order fulfilment.[200] This confirmed the susceptibility of export-oriented suppliers to such external pressures, but also revealed that such pressures may be less useful for more domestic-oriented industry.

Some suppliers rebounded, shifting production in particular into personal protective equipment (PPE).[201] This was a segment of the garment and apparel sector already nosed to pose particular modern slavery risks,[202] especially in the manufacture of rubber gloves.[203] One Malaysian manufacturer, WRP Asia Pacific, had been subject to a US CBP WRO since late 2019, rescinded in March 2020 after the company took rapid remedial action. In the UK, a June 2020 Channel 4 investigation pointed to low wages, excessive overtime, illegal pay deductions, and debt-inducing recruitment fees at the Malaysian factories of the world's largest manufacturer of medical gloves – Top Glove.[204] In July 2020 the US CBP imposed a WRO on Top Glove subsidiaries.[205] In early August 2020, Top Glove agreed to refund foreign workers who had paid recruitment fees to agents, to the tune of around USD 12.65 million, and to upgrade worker accommodation.[206]

These rapid developments have served to highlight the common challenges that vulnerable workers in the garment supply chain face around the world – from low-income country settings like the Hawassa industrial park in Ethiopia, to high income country settings like Leicester in the UK. It is the way that this value chain works, with institutional arrangements – including State forbearance and absence – that allows companies to exploit vulnerable workers, posing sustainable development challenges for countries around the world. Civil society, unions and researchers have offered numerous suggestions for how States and buyers can now work together to mitigate these acute impacts from COVID-19, protecting worker health and income, including through facilitating access to credit, concessional lending, tax abatement, fiscal stimulus and unemployment benefits; addressing working conditions to mitigate risks of exposure; maintaining and paying for existing orders, even if demand is down; providing working capital to suppliers and linking it to them supporting workers; promoting dialogue with suppliers before they exit contracts and buying relationships, with the aim of protecting workers from sudden collapse in demand.[207] We explore these ideas further in Chapter 9.

Harnessing the garment value chain for sustainable development

The impact of the COVID-19 pandemic – and of responses to it – in the garment and apparel industry have made very clear that States are, as we discussed in Chapter 2, the architects and enablers of GVCs. Company strategies respond to the incentives institutionalized in State trade policies, labour regulation and financial policy. And workers' vulnerabilities are also shaped by State policies and practice, even if social norms (relating to caste, gender, race, or other dimensions of group identity) have a life beyond the State (as we saw in the discussion of 'systematic' v. 'systemic' forced labour in Uzbekistan, in Chapter 5). GVCs emerge as stable systems out of the dynamic interaction of these three factors: vulnerable people, exploiter strategies, and the institutional environment. Or, as Hardy and Hauge put it in their study of Ethiopian textile and leather industry, "work practices and the distribution of gains between labour and capital are the outcome of the inter-dependent actions of workers, investors, and the State."[208]

This points to a significant opportunity for States, especially in the context of the disruptions to business as usual created by the pandemic. States have chosen to take a hands-off approach to global garment and apparel value chains, favouring returns to capital over returns to labour. That is a choice; they could, equally, now choose to take a more interventionist path, guiding the global garment sector towards greater sustainability and resilience. Upgrading long-term resilience almost certainly means reducing short-term efficiencies – which may mean slower turn-arounds, less responsiveness to consumers, and possibly higher prices. But it may also lead to productivity gains, as more stable supplier relationships allow suppliers to save more, and to invest more in the well-being and training of their own workforce.

Development actors, including global development actors such as the MDBs, have an enormous role to play here in mobilizing stakeholders around a shared vision for system transformation. This may involve creating incentives for improved supply chain transparency and information-sharing;[209] modelling how adjustments to trade and investment regimes could be harnessed to foster greater supply chain resilience; and identifying and financing investments to promote resilience and sustainability upgrading. This is less about global development actors playing handmaidens to global capital in the hunt for de-risked returns (a theme to which we return in Chapter 9), and more about them working with States to chart a shared vision of how to transition the garment and apparel GVC to a more sustainable configuration.

A simple first step may be working to develop a shared mapping of garment and apparel value chains. As the Accord and Alliance initiatives in Bangladesh have shown, greater transparency empowers all market actors, including buyers and workers, and also regulators. The Levitt Review off the boohoo supply chain likewise concludes that

> Boohoo has not felt any real sense of responsibility for the factory workers in Leicester and the reason is a very human one: it is because they are largely invisible to them. It is hard to empathise with the plight of those of whom they know little.[210]

There are some useful initiatives already afoot, for example C&A Foundation's Open Apparel Registry[211], and the Dutch Agreement on Sustainable Garments and Textiles, on which development actors could build. This could also extend to improving the transparency of labour-pricing, to help identify where buying practices are inconsistent with statutory requirements and living wage levels.[212] Fair Wear Foundation has worked with knitwear suppliers in Bangladesh to develop a labour costing tool,[213] and the same approach is now being rolled out in 10 other countries. For example HomeWorkers Worldwide recently carried out a study to trace the Tamil Nadu supply chain for Pentland Brands, a major footwear company, and to conduct a time and motion study to establish fair labour pricing.[214]

States will be key to developing a vision for sustainability upgrading of the garment and apparel value chain. Upgrading the sustainability of this GVC will require States to develop industrial policies, to help clusters move away from low-cost, low-productivity models, to a higher-investment, higher-return model. We explore such strategies further in Chapter 10. Here, it suffices to consider what this might look like in the context in which we started this Chapter: the precarious garment factories of Leicester and the East Midlands.

An industrial policy for Leicester and East Midlands would create incentives for both public and private actors to upgrade that cluster, both through refurbishment of plant (which could learn from the Bangladesh Accord) and through investment in the skillset of the workforce and suppliers in the cluster. This would require careful mapping of bottlenecks and brakes on productivity to identify investment opportunities. For example, there may be a shortage of machine skills holding small suppliers back from developing higher value-add offerings to buyers. There could be opportunities for government to finance training in return for buyers committing to longer-term supply relationships (to ensure there is demand for these skills, after government invests in them).[215] Equally, there may be gains from innovation in business forms. Small-scale workers have long accessed economies of scale and pooled risk, without sacrificing their own agency, through cooperative production and marketing arrangements. There could be a case for encouraging Leicester's small-scale garment workers to develop greater bargaining power vis-à-vis buyers, differentiating a positive brand, and facilitating production planning, through cooperative arrangements. Government may have a role to promote this through suitable financial or tax incentives, through access to concessional or development finance, or through ensuring security for participants with respect to application of corporate or competition law. Just as the ILO's *Siraye* programme in Ethiopia seeks to make it a centre for sustainable garment manufacturing, so does a development strategy for Tirupur proposed by Andrew Crane, Genevieve LeBaron and others.[216] Investments in longer-term supply relationships and workforce skills upgrading are recurring features of these plans – for a reason: these investments serve to maximize economic agency of actors all along the value chain, not just lead firms.

All of this requires 'bringing the State back' into the effectively autonomous domains of sweatshops and home manufactories – not only through policy and institutions, but also through inspections and enforcement. Here, too, States may need to get more creative, and move away from models developed during the era of larger factories, organized labour, and union protection. The boohoo scandal has led to an All-Party Parliamentary Group pushing for introduction of a statutory licensing scheme for garment factories in the UK – and boohoo itself has offered some support for the idea.But there may be other models worth contemplating, that may have greater flexibility for reaching the fragmented workforce of zero-hours contracts and casualized labour. For example, Australia has successfully extended labour protections usually limited to employees to textile, clothing and footwear industry outworkers (contractors) very the last decade,[218] by imposing mandatory due diligence requirements on retailers, mandatory information-sharing requirements about outworks on suppliers,[219] and creating an Ombudsperson empowered to engage pro-actively with outworkers. And the US Department of Labor has powers to object to the shipment of goods produced in violation of the Fair Labor Standards Act's (FLSA) minimum wage and overtime regulations.[220] This legislation emerged in the 1930s from the long fight against sweatshops in the garment and apparel industry in the US that followed the Triangle Shirtwaist Company fire. Release of those goods is dependent on the lead firm and the manufacturer agreeing plans with the Department of Labor to ensure compliance. Evidence suggests that that the frequency of violations as well as the level of wage underpayments declines in the wake of such agreements.[221] This has proven a powerful tool for restitution of unpaid wages, with settlements in the hundreds of millions of US dollars: Walmart (USD 1.4 billion); FedEx (USD 502 million); Bank of America (USD 381 million); Wells Fargo (USD 205 million); JP Morgan Chase (USD 160 million).[222] FLSA is already used as a framework for calculating damages in forced labour and involuntary servitude cases brought under 18 U.S.C. § 1595.[223] There may be scope to apply this system to global garment GVCs – as is, or through creation of a transnational analogue through a multi-stakeholder initiative. These kinds of models could be adapted and applied on a regional or even a global-sectoral basis.

The State's role here is a strategic one: not simply to react to the profit-maximizing preferences of buyers and investors in the global market, but to bend GVCs to the utility-maximizing needs of people, starting by protecting their most fundamental economic asset, their agency. A part of that role is simply to develop a more positive strategic framing of the situation. The boohoo story narrative is currently a very negative one. That not only misses opportunities, it deters government engagement. Yet there is an alternative framing, representing the situation in Leicester as an opportunity for innovative public-private collaboration, and for unleashing economic and social gains from investing in sustainable development. If the analysis in Chapter 2 – that modern slavery imposes numerous different drags on development – is accepted, then it follows that addressing modern slavery – developing freedom – will deliver sustainable development gains. That is as true in Leicester as it is in Dhaka, Tirupur or Hawassa.

Need for more systemic engagement

The inquiry in this chapter reveals an approach to modern slavery and forced labour risks in the garment and apparels sector that is much more fragmented and reactive than some of the more systemic approaches to sustainability in other sectors, such as the RSPO discussed in Chapter 4. The danger is what one person interviewed for this research described as "pilot-itis" – a pattern of donor investment in pilot initiatives and model factories, without resulting lessons or practices being absorbed by the development system or scaled up to the systemic level in garment value chains.

Yet evidence from this sector point precisely to the need for a more systemic approach. An evaluation of one multi-donor initiative addressing the *sumangali* scheme found that while it did prevent participation in the scheme, and rehabilitated some who passed through it, it did not address systemic issues such as social norms, economic deprivation, recruiting practices or lack of alternative employment opportunities. It concluded that what was needed was a

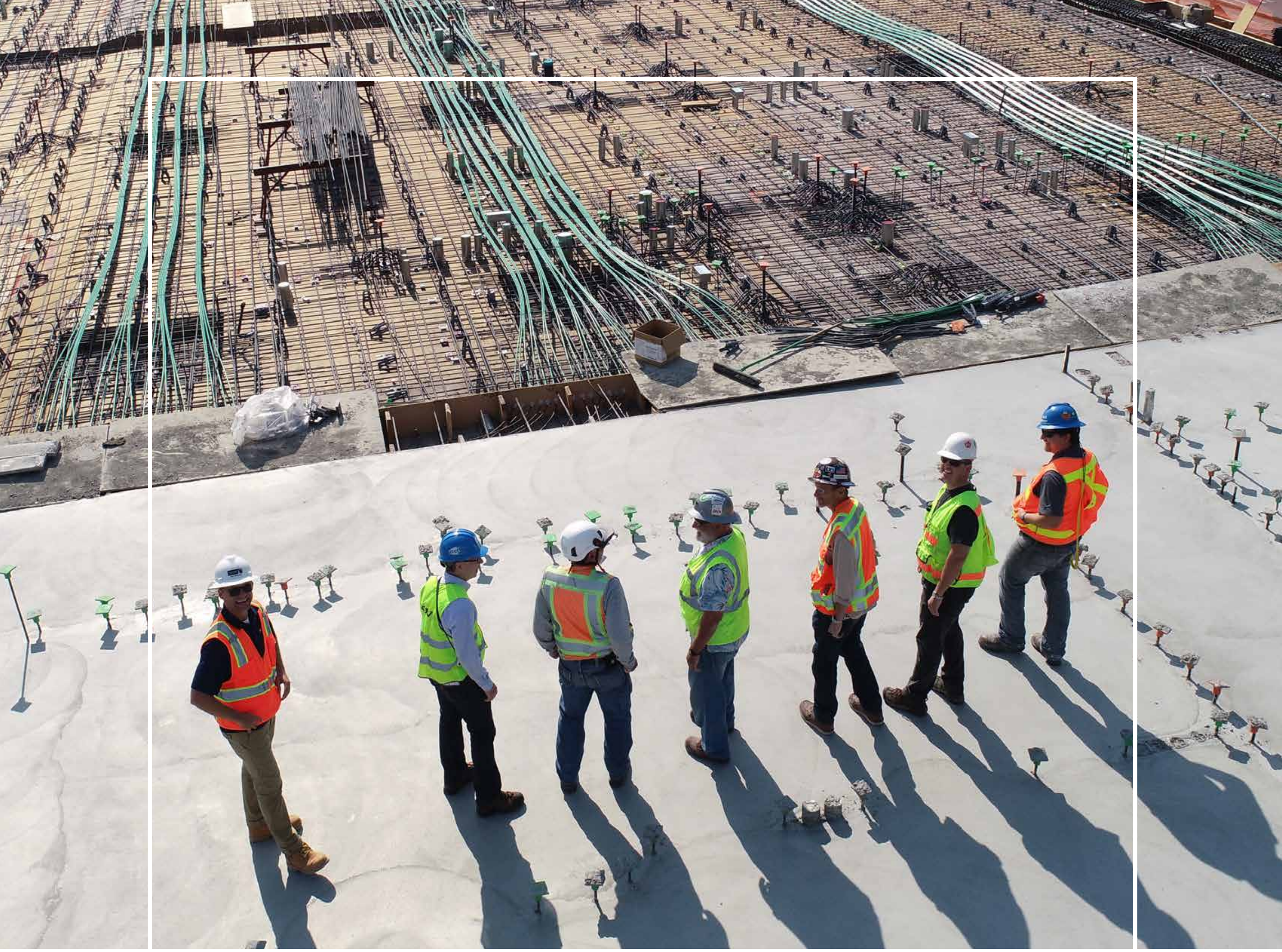
> longer-term systematic [and] holistic approach… A forced labour prevention strategy must focus on addressing systemic issues at the individual, family, societal and workplace levels to eradicate exploitative conditions in the textile industry.[224]

Yet a 2018 DfID assessment found an absence of "research on the outcomes of structural interventions for [modern slavery] (such as criminal justice responses, implementation of legislative and policy changes), despite these interventions' potential for having large impacts."[225] This is one reason why the rigorously-evaluated results from the Freedom Fund's approach (discussed above), which takes just such a systemic approach to tackling related forms of forced labour in Tamil Nadu, though operating at the community and State level, are so promising. There is clearly a need to consider how this approach can be adapted and replicated in other contexts.

An inclusive approach in designing interventions and systems transformations is essential. An assessment of the impact of a multi-stakeholder initiative to tackle the *sumangali* scheme found it suffered from lack of involvement of affected stakeholders in project design, responding more to the interests of corporate participants than workers and the local NGOs that had driven response to the scheme on the ground.[226] More inclusive approaches seem more likely to succeed, in part because the very act of participation in programme design and implementation serves to empower participants, helping them exercise agency over their work and lives.[227]

A question for development actors is how to apply such insights at the transnational level. International trade unions may be an important part of the answer, helping give greater voice and agency to workers in sustainability efforts along GVCs.[228] Some international unions have developed global framework agreements – non-binding agreements between trade unions and multinational companies on labour management and rights issues – with garment and apparel companies (e.g. Asos, DBApparel, Inditex, Mizuno, Recticel and Triumph).[229] Global framework agreements can provide a global framework for dialogue and coordination, while leaving space within local contexts for worker organization and empowerment.[230] While some GFAs do not apply to suppliers, others commit the multinational enterprise to support a learning process to help suppliers meet the GFA standards. This should be understood as part of a firm's exercise of its responsibility to respect human rights by building and using leverage in these relationships.[231] Yet some of these arrangements have struggled with implementation.[232] There may be a role for development actors to support such efforts and help them deliver results at scale.

Finally, one approach would be to use these Agreements to create a system of mutual accountability between global apparel brands and retailers, suppliers, unions, and government. This could be modelled on the arrangement pioneered in the US after the Triangle Shirtwaist Company factory fire in Greenwich Village, New York, in 1911, an American forerunner to the Rana Plaza tragedy. Unions were empowered to negotiate working conditions (including wages) with lead firms (rather than suppliers), while lead firms were required to disclose suppliers to unions (allowing them to ensure effective compliance).[233] This created a mutually reinforcing system of accountability which could be adapted to the garment and apparel GVC today. IndustriaALL's ACT programme, which involves brands, retailers and trade unions working together to develop industry-level collective bargaining linked to purchasing practices, in multiple garment producing countries moves in this direction.[234] And it is also a model that may be applicable in specific local contexts, such as Leicester, where greater supply chain transparency would empower not only workers and unions, but also customers and investors, to insist on responsible production practices.[235]



CHAPTER 8: CONSTRUCTION AND INFRASTRUCTURE: WHEN DOES “CONSTRUCTIVE ENGAGEMENT” WORK?

There are perhaps 4.5 million people in forced labour in the construction industry worldwide, according to the ILO. That is 18 per cent of the global victim population, second only to domestic work.[1] Modern slavery in the construction sector shares some characteristics with exploitation in the sectors studied in Chapters 3 to 7, including drawing on the same vulnerable populations. But the specific economic characteristics of construction and infrastructure investments also lead to some key differences. The central factor is that construction is not an export industry. The value generated by a new construction is captured, and usually consumed, in place. Capital is (quite literally) sunk in a specific place. The owner of a construction or of built infrastructure captures a rent from the fees paid for ownership or use of that asset – almost the textbook definition of ‘rent’. Because ownership and control of places is deeply political, forcing people to build things in and on those places is also deeply political. This gives modern slavery connected to construction and infrastructure development a more obvious political aspect than the manifestations of modern slavery studied in previous chapters.

While the value added generated by new construction is consumed in place, some infrastructure development is designed to generates products that – like agricultural commodities, fish, or apparel – can be sold elsewhere, including into foreign markets: electricity from dams and wind-power installations, natural resources from mines and rigs and pipelines, or even broadcast rights for the events held in stadia and arenas. Yet both construction and infrastructure are, in key ways, rooted to a particular spot. And that over-riding characteristic helps shape the contribution that construction and infrastructure make to both development and modern slavery risks, and the opportunities for Developing Freedom in and through this sector, in several important ways.

First, many constructed assets and infrastructure have limited rivalry – which is to say, one person's use does not necessarily prevent another person's subsequent use. They are not exactly infinite goods: there may be maintenance and operating costs. But once the capital has been sunk, they are often gifts that keep on giving. And for that reason, constructions – from residential homes to large public works – are frequently seen as major drivers of economy-wide, or even region-wide, development. They empower their users, enlarging their economic agency – by providing them shelter and health, increased connectivity and the benefits of networking and scaling, and access to power. Indeed, as we explore later in the chapter, infrastructure development is now a centrepiece of G20 sustainable development thinking. It is also the focus of Sustainable Development Goal 9.

Second, while they are not rivalrous, construction and infrastructure *are* often excludable: there may be a limited number of users at a given time. The ability to control access is often the key source of the rents attached. This is why much infrastructure is developed on the Build Own Operate paradigm: investors are induced to sink the up-front capital needed to create the asset, in return for control of the rents that follow. Yet that ability to include or exclude people from accessing a construction or an infrastructure asset and the benefits it brings is an intensely political power. Over time, it can have significant impacts on development outcomes, and differential access to infrastructure can contribute to inequality, conflict and vulnerability to exploitation. As we saw in Chapter 2, reduced access to infrastructure seems closely tied to legacies of slavery and forced labour. For that reason, we can hypothesize that investing in inclusive infrastructure can help address the structural conditions that engender broad vulnerability to modern slavery, because upgrading infrastructure is critical to creating equitable access to productivity.[2]

Third, since the constructed capital asset is fixed to one spot, whoever controls that spot can capture the rents associated with the asset. This ties construction and infrastructure development into strategies for physical territorial control in a way that fundamentally differs from the apparel industry – which can and does relocate production to a new place when that environment will provide better returns – and, in some respects, from agriculture, to the extent that production can be moved. (So, more so for fishing; less so for palm oil which, as we saw in Chapter 4, also involves sinking capital and is thus also tied in to questions of territorial control.) For many contemporary industries, modern slavery risk arises out of the interaction of people's vulnerability with largely non-tangible institutions and policies established and supported from far-off centres of power. For construction and infrastructure, exploiters or their agents need to be literally on the ground in question. So territorial control is essential. Where territorial control is contested – for example in conflict zones – this makes construction and infrastructure development intensely political enterprises. As we shall see in the discussion of Myanmar later in this chapter, exacting forced labour can become a part of a larger governmental strategy for asserting that control.

Fourth, since the capital asset is fixed to one spot, labour must be brought to that spot to develop it. That can be costly. So strategies have emerged in the industry to keep those costs down – ranging from forcing local workers to work, to forcing far-off workers to pay for the cost of moving to the worksite and the privilege of work – then using the result indebtedness to control them.

Finally, because construction is not an export industry, or indeed a brand-based industry, the parameters for interventions to address sustainability risks turn out to be somewhat different than they are for the sectors studied in Chapters 3 to 7. Foreign consumers and trade boycotts have a more limited role. Instead, leverage seems to reside with investors, companies in the value chain, and, to some extent, foreign governmental and non-governmental partners of host governments needed to extract value – even if that is in domestic consumption.

In this chapter, we explore these dynamics in some detail, focusing in particular on the question of how efforts at 'constructive engagement' to address forced labour risks in construction and infrastructure development have played out. Our two case studies for this chapter, Qatar and Myanmar, both involve efforts by the international community to work together, and through the ILO, to dismantle construction and infrastructure-related, government-supported modern slavery systems. But those efforts have played out quite differently; we consider why. We also consider a number of transnational value chain initiatives that aim to change labour recruitment, management and procurement practices, to disrupt the transnational institutional environment in which forced labour in construction currently occurs, including the turn to infrastructure financing. We consider some challenges related to these approaches, and in the final section reflect on broader lessons learned about when 'constructive engagement' works.

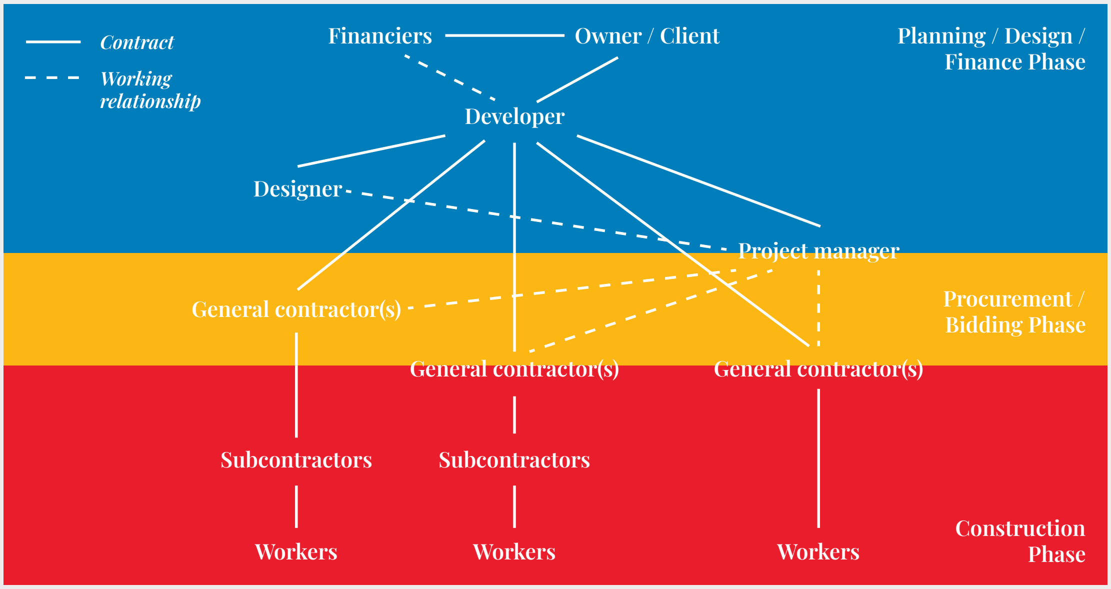
Global construction and the infrastructure of debt bondage

Construction and infrastructure are likely to be at the centre of global economic development in years ahead, making up perhaps 14.7 per cent of global GDP by 2030.[3] Construction markets are expected to grow rapidly in countries at all income levels, especially in China, India and the US.[4] The OECD has estimated global infrastructure needs at USD 6.3 trillion per year to 2030.[5]

There is an enormous variety of suppliers in construction markets, especially at the lower end, where few skills are needed to secure work and there are few barriers to entry. Higher up the value chain, where more advanced engineering, architectural, design, logistics and project management skills are needed, there is greater concentration of supply. Most of the top global design and project management firms are based in Western Europe or the United States; they include a mix of privately-owned and publicly-traded companies. Contracting firms that handle the physical construction are more geographically diverse, although most of the leading 'prime contractor' firms are based in Western Europe, the US, South Korea, or China.[6] There has been some movement towards oligopolistic organization in recent years, as the largest builders have used buying power to organize value chains;[7] but on the whole, because construction has to take place in place, we see less global market concentration here than in the sectors studied in earlier chapters.

Figure 40 provides a schematic of a typical project value chain in a Design-Bid-Build construction or infrastructure project. In most markets, the bottom tier – of workers and micro- and small contractors – is highly fragmented. In the UK, for example 2013 figures suggest 99.9 per cent of the construction industry consisted of small and medium enterprises.[8] This leads to intense competition and very low profit margins, with 2 per cent often representing a high end.[9] Working capital can be scarce, and enterprises show a high degree of informality.[10] Larger construction markets attract more competition,

FIGURE 40: THE CONSTRUCTION AND INFRASTRUCTURE VALUE CHAIN



Source: Adapted from Segall and Labowitz 2017, p. 35.

and with large projects generally awarded on a least-cost basis, prices are under intense pressure. New entrants often run bids at cost or below, in order to break into big markets. This puts significant downward pressure on costs across the board.[11] Since the prices of construction materials are relatively fixed by the market, much competition for market share revolves around labour cost.

Outsourcing risk

The sector employs around seven per cent of the global workforce,[12] and around five to ten per cent of the formal sector workforce in most countries.[13] The Gulf construction sector alone employs around 10 million people.[14] In higher income countries, including those in the Gulf, there is a growing reliance on migrant labour, due to ageing populations and rising domestic salary expectations. With low barriers to entry, construction is a key source of 'survival' work, especially for poor rural workers, in times of stress. They are recruited to travel to cities and infrastructure projects in their own country, or beyond. The governance of those migration pathways is often weak and fragmented. So, too, can be the governance of the worksites to which labourers journey. Construction work is highly seasonal, prone to boom and busts, and projects are usually time-sensitive, requiring contractors to rapidly scale up their workforce, then scale back down again at the end of the project.[15] All these factors create incentives for contractors and developers not to invest in workforce entitlements, skills development or professionalization. Instead, they frequently turn over workforce management to 'manpower' companies and third-party agencies. And these companies often rely on informal labour brokers and agents at the local end nodes of their networks, who can tap into existing social networks and migration pathways to source labour when needed.

Once workers arrive on the project site, they often encounter a complex array of contractors and sub-contractors, labour brokers, project managers, and material suppliers, all involved in the project and value co-creation.[16] Ambiguity on-site around who bears responsibility for different aspects of working conditions can help contractors and developers avoid accountability. The fragmentation of workforce management and the temporary nature of work also create barriers to effective worker organization and voice, with people working side-by-side having profoundly different wages, protections, benefits, and conditions of employment.[17]

The combination of vulnerable workers, complex and weakly governed supply chains, and downward pressure on labour costs leads quite frequently to labour exploitation. In 2015 an EU study identified construction as the industry second most prone to labour exploitation.[18] In another study, one third of construction workers in the UK indicated that they had at some point worked for no pay.[19] There have been numerous cases of UK construction operators holding workers in modern slavery.[20] Modern slavery risks have been identified in the construction sector in Australia[21] and New Zealand.[22] One of the largest labour trafficking cases in US history concerned the forced labour of 500 skilled migrant workers from India by a marine construction company, Signal International.[23] They were awarded USD 20 million after being found to be victims of deceptive recruitment, being paid below the statutory minimum and working in sub-standard conditions. The company went bankrupt as a result.[24] And Latin America's largest construction company, Odebrecht, was convicted of employing Brazilian workers in slave-like conditions on a construction project in Angola.[25] There are also accounts of similar exploitation in construction industries throughout Asia and Africa.

Recurrent exploitation is clearly a product of business practices – exploiter strategies, in the terminology of the Developing Freedom framework introduced in Chapter 2 – intersecting with a conducive institutional environment and people vulnerable to exploitation. This generates a modern slavery 'system' embedded within the transnational management practices and business models of the global construction sector. As Chris Blythe, CEO of the Chartered Institute of Building, put it, the construction sector's

> business models are normalising hardship, both for individuals and companies. And, whilst these models do not always lead directly to modern slavery, they are creating an environment in which it is easier for exploitation to thrive and criminality to infiltrate supply chains undetected. [26]

That business model is

> predicated on passing risk down the supply chain… the global trend towards outsourcing and cut price contracting makes it easy for main contractors to duck out of their responsibilities. The plight of the most vulnerable gets lost among the long and complex supply chains. It's too convenient to blame the subcontractor or poor local legislation.[27]

One aspect of the industry's practices that creates risks for workers is the custom of contractors not paying their own suppliers and workers, until they themselves are first paid. Each level in the supply chain outsources risk by waiting until they are paid to pay those at the next level down. Firms at each level also customarily retain a portion of contract value until the project is completed, as a safeguard against non-performance or defects. This withholding of payment cumulates through the supply chain, constraining cashflow and reducing each level's access to working capital.[28] In the UK, a Building Engineering Services Association study found that around 60 per cent of the businesses surveyed had significant portions of turnover held in retention.[29] This forces each level to minimize payroll and labour costs,[30] and the downward pressures on wages and conditions are further exacerbated by the custom of late payment. Workers are paid last, putting them at most risk.[31]

Recruitment fees as a drag on development

As with several of the sectors studied in previous chapters, one of the sources of vulnerability that commonly factors into exploitation is the construction sector's growing reliance on migrant workers to perform its dangerous, difficult and dirty work. According to the global union federation Building and Wood Workers' International (BWI), the use of migrant workers has increased considerably in the last several decades and is expected to continue.[32] And there is also a growing presence of refugees in some construction markets, notably Syrian refugees in Jordan and Lebanon.[33]

Workers migrate in large numbers to construction jobs because they believe those jobs will make them better off. They believe construction work will increase their economic agency, by increasing their incomes and allowing them to remit money home – which they do, at high volume. But they are also motivated by a desire to maximize the social aspects of their economic agency: the desire to resist, escape and contest social hierarchy,[34] and thereby to improve social mobility and marriage prospects.[35] In some cases, they migrate into jobs in the industry as a response to debt stress.[36]

Debt plays a key role in transforming migrant workers' vulnerability into bondage. Many workers have to take on debt to finance their migration – both to pay for services such as visa applications, health checks, and travel costs, and, in many markets, to pay recruiters and brokers for a job. In countries of origin, these recruiters and manpower agencies are numerous and poorly regulated. In Nepal, for example, over 1,000 manpower agencies, all based in Kathmandu, were licensed to recruit in 2005. At the time, these agencies relied on some 25,000 to 30,000 informal brokers operating across the country.[37] Recruiters charge fees that are frequently several multiples of a month's income. In the Gulf, workers from South Asia frequently pay recruitment fees of around 5 or 6 months' wages.[38] According to the World Bank, Pakistanis temporarily migrating to Saudi Arabia for work pay twelve months' earnings.[39] These fees are highly regressive: the less skilled (and lower paying) a job is, the more likely it is to require payment of recruitment fees, and the more likely it is to be accompanied by adverse working conditions.[40] Developers and contractors will happily bear the costs of recruiting higher-skilled workers; but they use their bargaining power in the highly competitive low-skill jobs market to push those costs off onto recruits themselves. And in addition to being regressive, these costs are often non-transparent: many workers do not know upfront how much they will have to pay for foreign jobs, so they can be induced to pay more than they expected once they are abroad.[41]

These debts have been "sequentially and systematically" linked to subsequent labour exploitation.[42] Debt works in tandem with other forms of precarity to limit migrant workers' choice and force them to tolerate conditions they otherwise would not.[43] Loans usually come through informal channels – family and friends, or high-interest, informal moneylenders, in some cases from microfinance institutions. In some cases, recruitment agencies direct would-be migrants to specific microfinance institutions.[44] Informal lenders often charge high rates – 2 or 3 per cent *per month*. The high interest rates on these debts can lead to migrants' and their families getting locked into cycles of indebtedness that propel chain migration, inter-generational indebtedness and poverty.[45]

In some cases debts are repaid by the worker through wage deductions. These may seem reasonable, at the point they are incurred, the point of recruitment in a small village or urban centre in a country of origin. Only when the workers get to their job-site in the destination may the true burden of repayment become apparent, as they learn that work – and income – may not be steady, that there are physical and regulatory barriers to seeking work elsewhere, that they are often dependent on their employer for shelter, transport and food provided to them at inflated prices, with their debt steadily rising, and that conditions of work do not resemble those promised. Only when they get to the job-site does the deceptive nature of their recruitment and the truth of their predicament become apparent.

The scale of these fees is usually far beyond the 'true' cost of recruitment.[46] Workers are paying to play; the job broker or recruitment agent is charging a rent deriving from the information asymmetry in the global construction industry job market. This is an additional and unnecessary cost in the industry, creating a drag on development, by redirecting these funds from more productive economic pursuits into debt repayment. But the system persists because the power of the rentiers and their allies outstrips the power of those harmed by these inefficiencies. The rents have both a direct value and an indirect value. The direct value is reflected in the emergence of secondary markets: in the Gulf countries, for example, there is an illegal market for work visas.[47] The indirect value is the value construction contractors, developers and clients derive from funds that they would otherwise have to use to pay for recruitment, which can instead be deployed elsewhere on the project, or invested. The costs to workers, and to society at large, of this system simply do not show up in the books of developers and their clients. They are, in other words, an externality, imposed by the industry on society at large.

Put another way, these recruitment fees are a massive subsidy that poor construction workers and their communities make to the construction projects they work on. Workers from across South Asia are in that sense currently helping to pay for the erection of stadia in Qatar for the 2022 World Cup – a case we study further below. Why? In short, workers across these fragmented labour supply chains are simply too disorganized and powerless to address this deeply unequal system. It is not only recruiters themselves, and contractors and clients, who benefit from this scheme and would thus resist changes in the status of quo. It is also actors in countries of origin. The countries themselves would benefit from the workers' wages being more productively deployed, rather than used to pay off debt. But there are frequently actors within countries of origin who benefit from the rentier system: the owners of recruitment agencies, and those they fund through corrupt kickbacks and financial contributions.[48] Workers and other stakeholders who would gain from the prohibition of recruitment fees face cross-border organizational challenges to achieve that result. This points to a potential role for the development community in helping them overcome those challenges, to unlock resulting efficiencies and development benefits. We return to that opportunity at the end of the chapter.

Kafala: what does it guarantee?

As we have seen in previous chapters, migrant workers are vulnerable to exploitation in part because they are removed from support networks and social capital. That isolation and vulnerability is further heightened by rules, practices and institutions that restrict their mobility in the country of destination, including physical isolation in special worker accommodation, confiscation of passports and identification documents, and employer control of workers' labour mobility. One institution that serves to further constrain migrant workers' economy agency is the 'tied' or 'sponsored' visa.

The most notorious form of this institution is the '*kafala*' system. This is a collection of laws, administrative regulations, norms and customary practices governing labour migration across the Middle East, in which

> a migrant worker's immigration and legal residency status is tied to an individual sponsor (kafeel) throughout the contract's period, in such a way that a migrant worker cannot typically enter the country, resign from a job, transfer employment, nor – in some cases – leave the country without first obtaining explicit permission from the employer.[49]

Kafeel is Arabic for 'guarantor' – and carries a similar dual aspect as the concept does in English:[50] someone who both provides a safety net for a person in a time of hardship, but also guarantees that the migrant will not disrupt broader society. *Kafala* is an inherently hierarchical and paternalistic framework, not unrelated analytically to the condition of the *criado* encountered in Brazil, discussed in Chapter 3. It represents a fundamental restraint on economic agency, giving "local employers significant power over their workers, making it difficult for migrants to change jobs, lodge complaints, or even to return home without permission from their employers."[51] (Often, in Middle Eastern countries, 'employer' means the recruiter, who moves workers between different work-sites in response to shifting demand from different construction contractors.) With the backing of the State, the employer becomes a rent-taker from control of the worker's economic agency, specifically their exercise of outside options in the labour market.

This arrangement also tends to curtail workers' political agency. Construction workers may struggle to understand and exercise their labour rights because of language barriers, limited literacy, limits on time and space for organizing, or simply the sheer legal complexity of construction sites.[52] Indebtedness, whether to a recruiter or an employer, curtails workers' willingness to advocate for improved conditions, which makes worker organizations and unionization all the more important as a source of advocacy and representation for workers. In most countries that continue to operate *kafala* systems, however, workers' – and especially migrant workers' – unionization rights are greatly constrained. Yet in some countries that have operated their migrant labour markets as *kafala* systems, there are some signs of liberalization and enlargement of worker agency. Perhaps the most notable of these is Qatar.

Qatar: Constructing a free labour market in a "21st Century slave State"?

Two in every five people of working age in Qatar work in construction.[53] Most of them are migrant workers. As of December 2019, Qatar hosted migrant workers from India (737,050), Bangladesh (430,739), Nepal (352,911), the Philippines (240,721), Egypt (212,223), Pakistan (156,285), Sudan (68,547), Jordan (56,114) and the Syrian Arab Republic (54,630), amongst other countries of origin. In fact, migrant workers outnumbered Qatari citizens by roughly 6:1. Over 90 per cent of migrant workers are male.[54]

Qatar has been built using revenues from oil and especially natural gas. Public procurement has driven construction and infrastructure development, but there is a growing turn to public-private partnerships.[55] For the last decade, preparations for the 2022 FIFA World Cup have been central to infrastructure development. This has involved construction not only of stadia but also hotels, roads, an airport, metro and railway system and a port. The World Cup has been billed by organizers as a driver of sustainable development.[56] In 2014, Hassan al Thawadi, Secretary-General of the Supreme Committee for Delivery and Legacy, the local organizing body, called the event a "catalyst to accelerate positive initiatives" that will result in "meaningful progress" for worker welfare.[57]

Such claims have been met with some scepticism. Historically, numerous workers have been harmed during the construction of stadia and other infrastructure for mega sports events such as the Olympics and the World Cup, with human rights and civil society researchers alleging everything from late payment of workers in Russia[58] to labour rights violations in South Africa, Brazil and Beijing.[59] Additionally, Qatar's labour market has traditionally operated through a *kafala* system, with migrant workers tied to 'sponsors', prohibited from unionizing, and having extremely limited economic agency.[60] Groups such as Amnesty International, Human Rights Watch and the International Trade Union Confederation have documented labour exploitation, up to and including forced labour, arising across this system – including on World Cup construction sites – since at least 2013.[61] An independent UN human rights report in 2014 found that "exploitation is frequent and migrants often work without pay and live in substandard conditions".[62] The work was dangerous: Nepali Government figures suggest over 1,400 Nepalis died in Qatar between 2009 and 2019.[63] Several migrants would seek refuge in the embassy of their country of origin each day.[64] This may have been in part because migrant workers were not afforded the same protections as Qatari citizens. Another UN Special Rapporteur, writing in April 2020, described the interaction of public policy and private practice in Qatar as generating "a quasi-caste system based on national origin".[65] In 2014, Sharan Burrow, General Secretary of the International Trade Union Confederation told one journalist that "Qatar is a 21st-century slave State".[66]

Yet on 30 August 2020, the Government abolished the 'No Objection Certificates' that migrant workers had been required to receive in order to change job, and established a non-discriminatory minimum wage, applicable across the entire economy. This was not the first major labour market reform, but rather the culmination of a series of steps over several years. Former critics heralded the move as the end of the *kafala* system, and the dawn of a free labour market. Sharan Burrow said:

> Qatar has regularised its industrial relations system and dismantled the systematic power imbalance between workers and employers. These changes are a break with the past and offer a future for migrant workers in Qatar underpinned by laws which respect workers, along with grievance and remedy systems.[67]

What generated such dramatic reform in Qatar, in under a decade?

Disrupting the domain

Like other modern slavery systems, the unfree labour market for migrants in Qatar endured in part because those who benefited from it engaged in domain maintenance (a concept introduced in Chapter 2). A key part of that work, to protect the autonomy of the system from international anti-slavery norms, involved keeping migrant workers voiceless and suppressing stories of abuse.

In the construction industry, this was facilitated by a "culture of silence" embedded in the industry's institutions and practice, with clients writing confidentiality agreements into both construction contractors' and employees' contracts.[68] It was also aided by the *kafala*-based Sponsorship Law, which placed a positive duty on employers to report "absconding" – migrants leaving their jobs without their sponsors' permission. As a UN Special Rapporteur writing in early 2020 explained, this chilled worker voice by instilling a fear that claims of abuse would be met by employer retaliation: contract termination of false accusations of "absconding" – an offence punishable by imprisonment. The result was a "climate of fear".[69]

When FIFA awarded the World Cup to Qatar in December 2010, the strategic calculus faced by Qatar's rulers changed. They were now literally inviting the world to come into their domain, and in the process opening the country to being judged against international norms and standards. The opportunity to disrupt business as usual in the Qatari construction industry was clear. And the downsides to continuing to try to suppress worker voices soon became apparent.

Journalists, human rights researchers and civil society actors mobilized to tell the stories of workers in Qatar's construction industry. In September 2013, a report in *The Guardian* alleged abuses against Nepalis working on World Cup-linked construction sites.[70] Subsequent reports in the same newspaper provided further details of allegedly abusive conditions.[71] Building on such stories, and following a series of approaches to the Qatari Government, in 2013 the ITUC and the Building and Woodworkers International (BWI) made a representation against Qatar to the ILO under Article 24 of the ILO Constitution, alleging a failure to adhere to the requirements of the *Forced Labour Convention*, 1930 (No. 29) (ILO C29), which Qatar ratified in 1998. It focused on the sponsorship laws and migrant workers' lack of access to remedy.[72]

The disruption caused by the World Cup spotlight had, however, created space for dialogue and iterative adaptation. In 2013, the Supreme Committee for Delivery and Legacy published a Workers' Charter which outlined principles related to the protection of workers' health, well-being, safety and security. In 2014, the Supreme Committee launched Workers' Welfare Standards, more stringent than Qatari law, and required for contractors working on Supreme Committee projects, cascading down to subcontractors. They covered issues including ethical recruitment, timely payment of salaries, and a complete prohibition of forced labour. World Cup workers were also moved to new and improved accommodations, while the Supreme Committee also launched a programme to make payments to thousands of workers who had paid recruitment fees.[73]

Over time, the Supreme Committee has also developed a multi-layered audit system, comprising internal audits, Ministry of Labour audits, expert audits by IMPACTT (a specialist labour management organization) and a joint-assessment process undertaken in conjunction with BWI. Continuation of contracts with the Supreme Committee depends on contractors' satisfactory performance in this audit process against the Standards. Audits have identified non-compliance. In August 2018, for example, contractors working on one of the World Cup stadiums were found to have breached a summer working hours ban that prohibits outdoor work at times when dangerously high summer temperatures pose a very serious risk to workers' health.[74] In February 2018, an audit of 19 contractors working on World Cup sites showed that abuses such as contract substitution and excessive working hours remained present in a significant majority of the companies analysed.[75] The Standards were updated in 2016, when the Supreme Committee announced the system of joint labour and accommodation inspections with BWI, which included a focus on strengthening worker voice. Yet while it strengthened protections, this Welfare Standards based system applied to only around four per cent of the country's construction workers.[76]

Unsurprisingly, despite these positive initiatives within the World Cup construction context, external pressure for broader reform of Qatar's labour market continued to build. French NGO Sherpa filed suit against Vinci, a construction firm involved in Qatari construction, in 2015. The company counter-sued for defamation, but this led to closer judicial scrutiny, culminating in a criminal investigation being opened in November 2019.[77] Still in 2015, BWI filed a complaint with the Swiss OECD National Contact Point, a dispute mechanism relating to misconduct by multinational enterprises, over alleged abuses of worker rights in construction of Qatar's World Cup stadia. In 2016, FIFA was a named defendant in a suit brought (unsuccessfully) in Zürich by Dutch trade union FNV on behalf of Bangladeshi workers.[78] The same year, Amnesty International issued a new report suggesting World Cup contractors were tied to labour abuse,[79] with one worker at the Khalifa Stadium likening life in Qatar to a "prison".[80] This recalled a reported comment of the Nepali ambassador to Qatar in 2013, that compared Qatar to an "open jail". (She was quickly recalled to Kathmandu, and her replacement stated that Nepali migrant workers were "safe and fully respected" in Qatar.[81]) And until 2019, there were ongoing reports[82] relating to worker safety,[83] recruitment fees and deceptive recruitment practices,[84] restricted mobility,[85] and late and non-payment of wages.[86]

Workers' organizations also continued to press for reform through the ILO supervisory system. In June 2014, workers' delegates to the International Labour Conference raised a complaint against Qatar for alleged failure to take the necessary action to remedy various labour violations, including under ILO C29. The delegates also called for the establishment of a Commission of Inquiry, a rarely used quasi-judicial investigation procedure in the ILO's supervisory toolkit.[87] The ILO Governing Body requested that Qatar receive a high-level tripartite (government, workers, employers) visit to examine progress on labour reforms. During the visit, which took place in March 2016, the ILO delegation met with the Qatari Prime Minister, the Minister of Administrative Development and Labour and Social Affairs, visited construction sites, including the Khalifa Stadium, and visited worker accommodations. The resulting report of the high-level tripartite visit welcomed the reforms made to date, but noted ongoing challenges for enforcement, especially "for workers in small companies operating at the subcontractual level, as well as for workers whose primary employers are manpower companies who represent a very vulnerable category of workers." The ILO Governing Body urged the Qatari Government to follow-up on the visit's report and assessment, and deferred its decision to establish a Commission of Inquiry, leaving a sword hanging over Qatar's head.[88] It returned to the issue several times through the course of 2016 and 2017, but ultimately closed the complaint against Qatar in late 2017, upon the agreement of a three-year, in-country technical cooperation program.[89]

Changing the calculus: FIFA and the Gulf blockade

At this point, Qatar's situation in some ways resembled, and in some ways differed from, that of the Uzbek Government, discussed in Chapter 5. Like the Uzbek Government, the Government of Qatar had agreed to a programme of in-country technical assistance from the ILO, after a period of extended pressure. Yet there were also fundamental differences. The Uzbek course correction came after the death of a President, at a moment of broader political liberalization likened to a *perestroika*. There was no such shift in the regime in Qatar, at least not ostensibly. So what did change to alter the strategic calculus of Qatar's rulers sufficiently for them to put their labour market model in play? Arguably, two things: 1) the growing risks to prestige and revenues if the World Cup was to be negatively affected, for example through boycotts; 2) a subsequent, major shift in Qatar's geostrategic environment, which opened a path to realignment of domestic governance.

The awarding of the 2022 World Cup in 2010 not to the USA, but to Qatar – with less than half a million citizens and, in 2010, limited visibility in the global game – came as something of a surprise. By 2020, US prosecutors had alleged that the vote was tainted with bribery,[90] allegations Qatar denies. Already by 2015, however, related allegations had led to a senior FIFA official raising the possibility that the award could be cancelled, and Qatar could lose the World Cup.[91] While Qatar pushed back against the idea, ongoing allegations of labour abuse around World Cup construction did not assist its case or make it easier to enlist support.

FIFA itself also faced growing reputational costs associated with both the bribery scandal and the labour abuse allegations, as well as other questions around its impact on human rights. In response, in 2015 the organization commissioned Harvard political scientist, John Ruggie, the architect of the UN Guiding Principles on Business and Human Rights, to make detailed recommendations on how it could strengthen its respect for human rights.[92] Subsequently, in 2016 FIFA established a monitoring system for working conditions at World Cup stadium construction sites that was first implemented in 2016 for the Russia 2018 World Cup.[93] In 2017 FIFA adopted a human rights policy aligned with the UNGPs,[94] and created an independent, unpaid Human Rights Advisory Board to help it act in accordance with the policy. This included representatives from trade unions, including the UN Office of the High Commissioner for Human Rights, BWI, as well as major brand sponsors (with leverage to back up the positions of the Advisory Board). (Disclosure: the author's spouse has chaired this board since its inception.) The Advisory Board has engaged in sustained dialogue with FIFA for several years on progress on workers' rights in Qatar, including visiting Qatar, engaging with senior officials from the Supreme Committee, and making detailed recommendations on ways to strengthen protections of labour and other human rights.[95]

In April 2016 Ruggie and FIFA President Gianni Infantino spoke in Doha, with Infantino linking the establishment of the Human Rights Advisory Board to the need for better protections for workers in Qatar, and Ruggie warning that "when the tournament comes around, the whole world will be watching 'not only the games on the pitches but what it took to get there'."[96] His remarks point to the significant departure FIFA's presence in Qatar created. The revenues Qatar stood to make from the World Cup turned on the ability to broadcast images from Qatar to the world. This fundamentally disrupted the calculus around keeping abused workers away from international gaze, making it both harder to achieve that outcome, and the costs of failure higher. FIFA's turn to human rights amplified both factors. This meant that even if labour market reforms would be costly, they might be *less* costly for Qatar than *not* reforming. And FIFA's involvement, and increasing activity on human rights issues, worked to provide political cover for a reform effort, should Qatar choose to move in that direction.

Yet it still had one strong incentive not to: resistance from its peers in the Gulf, especially other countries in the Gulf Cooperation Council that have traditionally relied on the *kafala* system. Those States, many of them emirates and monarchies with highly stratified social structures, have been reluctant to see one of their numbers break ranks and institute wholesale labour market reforms, lest this increase pressure for them to follow suit.[97] That logic changed almost overnight in June 2017, when Saudi Arabia, the UAE, Bahrain and Egypt cut diplomatic and trade ties with Doha, and imposed a sea, land and air blockade. The claimed basis was Qatari support for terrorism and the influence of Iran. Qatar rejected the claims, and took the UAE to the International Court of Justice.[98] The dispute remains essentially unresolved, and has spilled in unexpected directions, including to questions of access to postal services, football broadcast rights and ownership of leading football teams in European professional leagues.[99]

Another result has however been that Qatar now has fewer incentives to restrain its own impulses towards reform. It has subsequently emerged as a leading voice on a number of international themes, from counter-terrorism to international accountability to implementation of the Sustainable Development Goals. It ratified the ICCPR and ICESCR.[100] And the blockade arguably gave it the space it needed to agree to an ILO presence. It does not seem purely coincidental that after several years of effort by the ILO to place an office in the country, agreement was forthcoming in the last quarter of 2017, just a few months after the blockade was announced. Suddenly, Qatar was free to adopt the labour market reform agenda as its own.[101]

Towards a free labour market

An ILO office was quickly established to work with the authorities on reforms in five main areas: the sponsorship or *kafala* system; access to justice; worker voice, health and safety; and pay and recruitment.[102]

In 2015, the Ministry of Administrative Development, Labour and Social Affairs had launched a Wage Protection System to electronically monitor payments and ensure workers across the economy receive their wages in full and on time.[103] The Wage Protection System (WPS) provides for "blacklisting" companies who fail to pay workers, which means that companies cannot recruit new employees or carry out certain other bureaucratic procedures. For the WPS, the new ILO Qatar office recommended improvements such as closer coordination between public entities to ensure penalties are enforced on non-compliant companies; expansion of WPS coverage to include smaller enterprises; and implementation of a more robust data collection system.[104] (It bears noting that Human Rights Watch remains critical of the WPS, describing it as a "misnomer for a software that, in reality, does little to protect wages, and can be better described as a wage monitoring system with significant gaps in its oversight capacity."[105])

The Government has also taken steps to strengthen worker voice. In August 2017, Qatar passed a law that established the Labour Dispute Resolution Committees, a judge-led "fast track" labour dispute mechanism aiming at improving access to justice by settling labour disputes within three weeks of a worker filing a complaint. The mechanism became operational in March 2018 and has somewhat improved the speed with which workers' labour complaints are considered, but is allegedly still slower than legally required, with some workers giving up and returning home unpaid. To help address this, in November 2018 the Qatari authorities announced the establishment of the Workers' Support and Insurance Fund, which will pay workers immediately after a decision by the Labour Dispute Committee, leaving the Government to recoup the money from the company instead.[106] This system is similar to the international surety scheme used to provide income protection to abandoned seafarers,[107] and builds on a 2006 wage regulation in China. It points to a key role for the State in helping to disrupt the negative socio-economic impact of the late payment practices in the construction sector – a point to which we return at the end of this chapter. Unfortunately, however, the system is not yet fully operational, some two years after its establishment. However, a third, less well-known step by the Government of Qatar has proved important: agreement to allow global trade unions – ITUC, BWI and ITF – to embed community liaison officers in the ILO office in Qatar.[108] This has had a positive impact on worker voice and worker agency, giving workers access to the expertise and guidance of global trade unions, with positive results.

Perhaps the critical step in constructing a free labour market, which external actors have been calling for almost a decade, was the need to dismantle restrictions on migrant workers' labour market mobility. That step, as we saw at the beginning of this section, took place with the termination of the 'No Objection Certificate' system and the adoption of a non-discriminatory wage, on 30 August 2020.[109] The end of the NOC system, coupled with the removal of exit permit requirements earlier in the year, effectively dismantles the *kafala* sponsorship system in Qatar. The new minimum wage will apply to all workers, of all nationalities and in all sectors, including domestic workers. In addition to the basic minimum wage, employers must now also ensure that workers have decent accommodation and food. The legislation also stipulates that employers pay allowances of at least QAR 300 and QAR 500 to cover costs of food and housing respectively, if they do not provide workers with these directly – a move that will help ensure decent living standards for workers.

Yet there is still unfinished business in building a truly free labour market in Qatar – and as in Uzbekistan, this is in particular around workers' political agency, their rights to associate and organized and advocate for themselves and others. As we have seen, migrant workers remain excluded from unions and prohibited from unionization. When the Government ratified the ICCPR and ICESCR in June 2018, it entered important reservations that made clear it did not intend to change this situation, but rather would interpret Article 8 ICESCR references to "trade unions" as being in line with its own law.[110] The Government instead committed, as part of its agreement with the ILO, to work on the formation of worker committees and representative joint committees to provide migrant workers with a greater voice. Such committees have in fact been established in the context of World Cup construction, with support from BWI, and the experience has proven positive. Yet the FIFA Human Rights Advisory Board has noted a need to transfer learning from that context to the broader Qatari labour market.[111]

Myanmar: forced labour, military power and market governance

In March 2018, the Government of Myanmar organized the Myanmar Infrastructure Summit to showcase its infrastructural needs to investors.[112] Infrastructure development is a key component of Myanmar's Vision 2030, the country's plan for sustainable development.[113] Indeed, one independent assessment by The Economist identified it as "the most important requirement for a positive economic trajectory":

> Modern infrastructure—whether power, water or transport—remains scarce across Myanmar, and will be a bottleneck to faster economic growth in the coming years. Without massive investment from the government, development finance institutions (DFIs) and the private sector, the growing infrastructure gap will put the brakes on Myanmar's economy.[114]

Myanmar thus seems poised to offer the global development community a singular opportunity to harness construction and infrastructure for sustainable development. But the High Commissioner for Human Rights at the time of the Myanmar Infrastructure Summit, Zeid Ra'ad Al Hussein, sounded a warning:

> Well-conceived infrastructure projects are vital for development, connecting producers to markets and people to sources of education, healthcare and jobs. Only 20% of Myanmar's roads are paved, and only 35% of the population is connected to the electricity grid: the need is clear. But the shocking violations of human rights which have driven hundreds of thousands of people to flee the country should heighten the vigilance of any investor. [115]

The High Commissioner's warning came in the wake of growing evidence of massive violations of the human rights of the Rohingya of Myanmar's Rakhine state, by the Myanmar military, the *Tatmadaw*. The Rohingya, like other minority ethnic groups living in Myanmar's periphery, have long suffered systematic forced labour imposed by the Tatmadaw, often in connection with military construction and infrastructure development. To understand how this historic pattern of military-imposed forced labour could pose risks for today's foreign investors, and what that means for the development community, we first have to understand how the role of the Tatmadaw in Myanmar's governance has shifted over time, how that has generated changes in the function and operation of forced labour in Myanmar – and the international community's attempts to address forced labour.

Forced labour, military rule and State-building

Forced labour for infrastructure development has long been tied up in the Burmese State-building project, including the use of force and coercion to impose Burman ethnic dominance over other ethnic groups in Myanmar. Imposed on civilian populations accused of lending support to armed insurgencies, forced labour has been a tool in the military's campaigns of pacification, designed to establish territorial control in Burma's post-colonial periphery, and to subjugate ethnic minorities.It was, from the outset, employed not only for commercial purposes (labour cost reduction), but also for political ones (domination). It both asserted the control of those imposing it and literally helped them make in-roads into areas where the State's writ was contested. In Myanmar, forced labour is not simply a business strategy, but also a governmental one.

The 1947 Panglong Agreement between the interim Government (preparing for British colonial exit), led by General Aung San, and the Shan, Kachin and Chin peoples, had promised autonomous rule for ethnic groups, within the Union of Burma. But armed conflicts broke out soon after independence in 1948 – and in some cases are still running today, making Myanmar the site of the longest-running civil war in the world. One of these early conflicts, to which we shall return, started as a rebellion by a Muslim minority in Rakhine state – a minority that had generally cooperated with the British during World War Two, while the Buddhist majority in the province had tended to side with the Japanese. In this part of Myanmar, at least, military intervention, which brought with it forced labour, was thus part of a race- and religion-inflected State-building project.

The civil war enlarged the military's access to resources and ambitions. In 1962 General Ne Win took power in a coup, establishing Burma as a one-party dictatorship soon after, with an increasingly introverted governing philosophy. In 1968 the military launched the *Pya Ley Pya* or '*Four Cuts*' strategy, adapted from British counter-insurgency doctrine developed during the Malaya insurgency, 1948-1960, and thus a doctrinal cousin of the 'strategic hamlets' doctrine the US deployed in Viet Nam. It was designed to cut insurgents off from four resources: funding, food, intelligence and recruits. The strategy divided the country into black (insurgent controlled), white (government controlled) and brown (shared or contested control) zones. Black zones were essentially free fire zones, in which government military forces terrorized civilian populations. British counter-insurgency doctrine had emphasized building local consent; in the Four Cuts version, coercion, not consent, was the dominant mode of engagement with civilian populations.[117] Forced relocations, sexual violence, and forced labour, including conscription, forced construction and porterage, were ubiquitous.[118]

Two colonial era laws – the *Towns Act* 1907 and the *Villages Act* 1908 – facilitated this. They empowered the Government to call up civilians for mandatory, unpaid porterage duties under the supervision of the military and police. From early on, however, the Four Cuts strategy, and these two acts, were used for infrastructure development. For example, in the late 1960s the Government used forced labour to clear the site for the construction of the Lawpita dam.[119] This was intended for domestic use, and to extend the State-run political economy into ethnic armed groups' territory. With Burma largely inward-looking under Ne Win, it was not until the 1990s that infrastructure development became oriented towards export and internationalized value chains.

Demonstrations against Ne Win grew through the 1970s and 1980s, peaking in 1988. Ne Win resigned in July, but the military suppressed the protests and seized power in a coup in September 1988, instituting martial law and installing the State Law and Order Restoration Council (SLORC) as a *junta*. In 1990 SLORC allowed multiparty elections to proceed, but when the opposition won overwhelmingly, the military nullified the results and resumed repressive rule. Western governments and aid institutions cut off formal ties, but some private actors continued to trade with the country.[120]

SLORC – reorganized in 1997 as the State Peace and Development Council (SPDC) – adopted a strategy of self-reliance, initiating a domestic infrastructure-development programme both to create jobs and to continue the project of extending State – now meaning *Tatmadaw* – control over the country's territory. This included the development of roads, dams, irrigation canals and railroads, and often relied on the forced labour of hundreds of thousands of people.[121] It was a form of *corvée* labour, with each household expected to contribute a (usually male) family member to 'volunteer' their labour. They often had to travel to and remain for months in areas far from their homes. Labourers also provided their own subsistence and constructions tools. By the mid 1990s, one ILO expert on the country estimates, "forced labour on infrastructure projects had a market value of perhaps 7 per cent of GDP, or about one-quarter of the Government's total annual expenditure."[122]

Just as the Uzbek Government worked through local authority figures to undertake forced labour mobilization to pick cotton (see Chapter 5), so Myanmar's *Tatmadaw* relied on village heads and policemen for labour recruitment. Prisoners were also forced to work on construction projects, in conditions that were often worse than those endured by 'free' labourers. In some cases, 'volunteers' were recruited to act as human minesweepers to clear the way for safe passage of military convoys. Again similar to the Uzbek system, the Tatmadaw imposed quotas and timetables on those at the top of the command chain, who then delegated quotas down, with those at the bottom suffering coercion and abuse to meet these demands.[123] However, demands were imposed in an uncoordinated way, with the result that the same village could be subjected to numerous forced labour demands from both village headmen and directly by the military. Formal legal authority under the *Towns Act* and the *Village Act* was supplemented by extra-judicial use of force, intimidation, torture, and sexual violence. As in Uzbekistan, impunity led to extortion with people who wanted to escape forced labour demands paying a 'porter' fee or a "self-reliance development" fee to get out of it.[124]

The normalization of forced labour by the military created a heavy drag on development. It took farmers from their land and children from their lessons. It was regressive and helped to entrench inequality, since the poorer, landless labourers were least likely to be able to buy their way out of the burden. The burden was often so heavy that it led to flight from the country, especially for those non-Burmese minorities that were most targeted, including the Rohingya, Karen and others in areas of ongoing armed conflict.[125] The system also had a negative impact on the country's human capital, since it frequently led to sickness, injury and death, with appalling living and working conditions.Yet it served to reinforce the power of the military, and keep restive minority populations subjugated. To the exploiters, despite the reputational risks involved, it must have seemed like a worthwhile strategy.

Forced labour rents as a peace dividend: bringing international capital in

With the demise of Ne Win in 1988, China withdrew long-standing military and financial support to the Communist Party of Burma and the 20,000 strong separatist Wa Army. This set off a series of events leading to a weakening of several of the armed insurgencies with which the *Tatmadaw* was still wrestling. Operating from a position of relative strength, SLORC soon shifted from a counter-insurgency strategy to a negotiating strategy. This rested on a simple proposition: reduced violence would generate a peace dividend, as the Tatmadaw worked with their former foes to connect to international trade and capital circuits, and extract rents from the resources ethnic groups controlled. The resulting ceasefire agreements created "ceasefire zones" in which national military and State officials both share power and compete with non-State authorities, such as ceasefire political organizations, insurgent groups and paramilitaries. Deals soon emerged allowing for the economic development in these zones of resources both licit – timber, jade – and illicit – opium poppy and, more recently, methamphetamine. Both ethnic leaders and the Tatmadaw benefited handsomely – but there was little effort to invest the rents captured back into infrastructure development, social services, or public sector capacity-building. Significant sums instead moved off-shore.

Moving Myanmar's political economy from isolation onto a more outward-facing development trajectory involved working with foreign partners to develop and capture value from the country's resources.[126] In many cases, this involved informal cooperation with Chinese entities. In other cases, for example in the development of Myanmar's timber resources, South East Asian actors played a key role. In some areas, such as road development, there was limited support from international aid organizations.[127] And in the area of oil and gas, Myanmar turned to the West.

The most notorious such project was the Yadana gas pipeline, a joint venture between the Government of Myanmar, France's Total, the United States' Unocal (now Chevron), and the Thai State-owned energy company, PTT.[128] This aimed to develop a large natural gas field that had been discovered in the Andaman Sea, delivering gas to Thailand, offering revenue of around USD 400 million each year to Myanmar. The pipeline was designed to run through a conflict zone, so the project partners agreed that the Tatmadaw would "provide security protection". Human rights organizations soon documented that this included use of forced labour to fell and clear trees, and to build barracks and helipads, roads, buildings, and other pipeline infrastructure. Confronted with the allegations, Unocal hired a consultant, who confirmed them. Yet Unocal and Total argued that the project was a basis for constructive engagement by the West with SLORC, creating livelihoods and growth, and "offering a compelling example, every day" to the people of Myanmar "of respect for individuals and their rights".[129] Yet as armed resistance to the infrastructure development increased, Total looked to the Government to "pacify" the area,[130] and told *Infrastructure Magazine* that it could not be expected to guarantee that the military was not using forced labour.[131] Both Western companies excused the use of forced labour. Total's spokesman argued that it was a necessity: "if there is forced labor in Burma, it is not out of spite or malice that the leaders are obliged to call upon it".[132] Unocal's President put the blame at the feet of insurgents, who had brought forced labour upon themselves: "If you threaten the pipeline, there's gonna be more military. If forced labor goes hand in glove with the military, yes, there will be more forced labor. For every threat to the pipeline there will be a reaction."[133] (After almost a decade of litigation, in 2004 and 2005, Karen plaintiffs who had alleged that they or their family members had been subjected to relocation, forced labour, torture, murder, and rape on the Yadana pipeline project reached multi-million dollar settlements with both Unocal and Total.[134])

The strategy of partnership with foreign capital that the Tatmadaw embarked on in the 1990s allowed the Myanmar military and State to extend their influence deep into contested political spaces, using transnational capital flows to help convert *de jure* sovereignty into *de facto* control.[135] As the scholar

Kevin Woods has explained, in this approach, the "Burmese regime allocate[d] land concessions in ceasefire zones as an explicit post war military strategy to govern land and populations to produce regulated, legible, militarized territory."[136] Woods describes this as "military territorialization": regional military commanders and relevant State agencies working in tandem to allocate resource concessions to [investors]. Burmese State and military officials directed capital flows into resource-rich, formally-ethnically controlled territory, "as an act of creating effective national State and military authority, sovereignty and territory in practice."[137]

Just as forced labour in Uzbekistan shifted from a command economy modality to a more market-based modality after land reforms in that country, so in Myanmar, the turn to foreign markets increasingly inscribed forced labour in a market economy context. As with construction and infrastructure development in more liberal markets, there was now a commercial imperative in Myanmar to keep labour costs in infrastructure projects as low as possible, so as to maximize rents and profit. Forced labour was a useful tool for that purpose, and was now embedded in this larger market logic.[138] But it *simultaneously* continued to serve a political purpose: subjugation of both land and people, through primitive accumulation and military territorialization. As we see further below, that aspect of the use of forced labour became important in contexts where territorial control once again became contested, such as the crisis in Rakhine state that started around 2012. By that point, however, Myanmar had undergone significant internal political shifts, and come under significant pressure from the international community to address its forced labour problem. It is to that pressure that we now turn.

ILO supervision and engagement

ILO supervisory bodies have been demanding Myanmar address forced labour since 1964.[139] As reports of forced labour grew in the mid-1990s, the International Confederation of Free Trade Unions (ICFTU) submitted a report to the ILO's Committee of Experts alleging the widespread use of forced labour in military porterage. This was followed by a 1996 complaint by 25 worker delegates to the International Labour Conference, calling for a Commission of Inquiry.[140] The complaint led to a detailed report outlining the Myanmar military's extensive use of forced labour for porterage, infrastructure development and construction, including to develop the country's oil and natural gas reserves and tourist infrastructure.[141] By 1997 the ILC had appointed a Commission of Inquiry, a quasi-judicial, *ad hoc* investigative body, made up in this case of a former Chief Justice of India and Member of the UN Human Rights Committee, a former Chief Justice of Barbados and Member of the Privy Council, and a former Judge of the Industrial Court in South Australia.

The Commission of Inquiry received over 10,000 pages of written evidence and heard the oral testimony of around 250 people, including children, while visiting the region.[142] The Government of Myanmar largely sat out the hearings and refused to cooperate with a proposed visit by the Commission to the country. The Commission found "a saga of untold misery and suffering, oppression and exploitation of large sections of the population inhabiting Myanmar by the Government, military and other public officers." There were large numbers of people victimized: approximately 800,000 people forced to work on the construction of the Aung Ban Loikaw Railway connecting Shan and Kayah states; 922,000 people built a railway from Pakokku to Monywa; and over 44,000 people contributed labour on a single day on the Ye to Tavoy railway, known as "Death Railway".[143] Forced labour was also exacted for construction and maintenance work on military infrastructure, including building camps on land confiscated from local villagers without compensation.[144] In other cases, workers were forced to cultivate crops, fire bricks or undertake logging, with the produce being used by the military themselves, or sold to raise funds to pay others for forced labour.[145] The Commission concluded that there was widespread and systematic use of forced labour across all divisions and states of Myanmar, but particularly pervasive in outlying states where there was a strong military presence, including in construction and infrastructure development.[146] In particular, non-Burman ethnic groups such as the Muslim population in Rakhine state and other parts of the country bore the brunt of the practice. It held that this was a violation of a peremptory norm against forced labour in international law and could give rise to individual criminal responsibility for a crime against humanity.[147]

The report also provided a series of recommendations for the Government to begin enacting needed reforms. The ILO offered its technical support to assist with implementation.[148] Unlike in Uzbekistan or Qatar, however, the Government of Myanmar was unwilling to cooperate, at least at first. Indeed, speaking at the annual meeting of ASEAN Labour Ministers in May 1999, Lieutenant General Khin Nyunt asserted the autonomy, sovereignty and unique, Buddhist-influenced culture and normative context of Myanmar as a justification for the situation. He explained that the perception of forced labour was

> largely due to misconception and misunderstanding of the situation and the mentality of our people. Since a sound infrastructure is essential for economic development, our Government has placed special emphasis on this sector. Hence, a sustained effort to improve the infrastructure of our economy by building roads, bridges, rail network, dams and reservoirs has been undertaken. Realising the benefits to the communities from these projects, people have voluntarily contributed labour so that they can be completed sooner. Moreover, in Myanmar thinking, the contribution of labour not only brings immediate material benefit in the present life, but also merit for future cycles. Without understanding these factors, some people have made all sorts of allegations… the allegations of forced labour are groundless.[149]

With reports of forced labour continuing, the report of the Commission on Inquiry in 1998 led to two firsts in the ILO's supervisory, tripartite (governments, workers, employers) process. First, lacking any constitutional mechanism to expel or suspend Myanmar, in 1999 the ILC adopted an emergency resolution calling on the SPDC to end the practice of forced labour, "nothing but a contemporary form of slavery", and limiting Myanmar's role in the ILO to technical cooperation to implement ILO C29 until forced labour was ended.[150] The Government responded by playing the sovereignty card, describing the resolution as an "unfair and biased" interference in Myanmar's internal affairs backed by "western nations".[151]

The second unprecedented action came a year later, with the first ever application of Article 33 of the ILO Constitution, authorizing special measures to ensure that the recommendations of the Commission of Inquiry were carried out, including an annual special sitting of the ILC on Myanmar on Convention No. 29, and giving a green light to Member States to take their own steps to encourage compliance.[152] This resolution was not adopted lightly, as former ILO official Richard Horsey explains: Article 33 was vague, and since it had never been invoked before, the effectiveness of any penalty imposed was both uncertain – and would inevitably shape how other regimes responded to pressure from the ILO's supervisory system in future.[153] States ultimately proved unwilling to move the issue from the ILO onto the broader political track of the UN Economic and Social Council in New York, as the Resolution contemplated,[154] and the restriction of participation in the ILO system did not carry any financial or trade consequences for the SPDC. But for more than a decade, different ILO supervisory bodies held regular discussions.[155] Slowly, this attention and pressure began to generate engagement from Yangon. In 2002 the SPDC agreed to ILO placing a Liaison Officer in Myanmar to assist with the elimination of forced labour.[156]

Yet by 2006, there seemed to be only negligible progress, with the Government even threatening publicly to prosecute anyone who reported forced labour to the ILO.[157] ILO personnel received anonymous death threats. Pressure built for a more forceful response. After a request from delegates, the ILO advised on the possibility of referring Myanmar to the International Court of Justice, and the potential for individual criminal responsibility for those behind the system of forced labour.[158] The ILO Governing Body set a date in March 2007 for discussing such steps.[159] At the same time, some States initiated discussion in the UN General Assembly,[160] sending a signal to the SPDC that the issue was no longer seen in narrowly technical terms, but was instead beginning to have broader political implications. Finally, Myanmar reacted, agreeing in February 2007 to the creation of an independent domestic forced labour Complaints Mechanism to be established in cooperation with the support of the ILO.[161]

From command economy towards a market economy

As Western powers moved to isolate Myanmar in the 1990s, the Tatmadaw turned increasingly towards Beijing. Beijing sold arms to Yangon at "friendship" prices, trained military officers, and protected Myanmar in the United Nations Security Council.[162] Chinese State-owned enterprises received concessions in mining, timber and energy, and by 2010 held around 40 per cent of Myanmar's foreign debt.[163] China was Myanmar's second-largest source of FDI between 1989 and 2011, and accounted for one fifth of all Myanmar trade in the same period.[164] China also became a key partner in infrastructure development, including for construction of a deep-sea port at Kyaukpyu in Rakhine state, with planned oil and gas pipelines running to China's Yunnan Province. This was an important strategic project for China: once constructed, these pipelines would allow China to import energy from the Middle East while bypassing the Malacca Strait chokepoint.

Yet Beijing-Yangon relations were not without their complications. The people of Myanmar voiced increasing dissent about the environmental and social costs of various resource extraction and infrastructure development projects undertaken with Chinese involvement, and questioned who ultimately benefited from the projects.[165] In 2011, Myanmar's President Thein Sein halted plans to build the China-funded Myitsone dam in Kachin after popular protests.[166] The Government also renegotiated the Kyaukpyu deep sea port project, which critics feared was going to burden Myanmar with extraordinary debt, further deepening its dependency on China.[167] The project was scaled back from roughly USD 7 billion to 1.3 billion, the port was downsized from 10 berths to 2, and the project was divided into sequenced phases.[168] China's links to the ethnic armed groups on Myanmar's periphery also frequently complicated the bilateral relationship, with Yangon nervous that China could use these armed groups to safeguard their own interests in Myanmar.[169] Yet while it remained under Western sanctions (which had escalated in the late 1990s), Yangon had few outside options.[170]

The search for outside options may have led the Tatmadaw to the conclusion that it would have to adopt governance reforms in order to woo back the West. In 2003 it announced a seven-step *Roadmap to Democracy*, which envisioned the military stepping back from day-to-day executive control of the country, into a guardianship role. This was a roadmap for entrenching the military's influence and control and protecting its leadership from accountability, while creating the changes needed to allow greater engagement with global markets.[171] In 2008 the SPDC promulgated a new constitution, guaranteeing the Tatmadaw one quarter of the seats in both houses of the National Assembly, giving it veto power over key decisions. The Constitution also retained military autonomy, with forces reporting to a commander-in-chief, not the civilian president, and immunizing officials for actions undertaken in connection with official duties.[172]

In 2010, Myanmar held elections heralded by the international community as a turning-point. The elections ushered in not only electoral but also economic reforms.[173] The Myanmar Government has subsequently instituted many reforms increasing workers' economic agency, including allowing freedom of association, establishing a minimum wage and improving health and safety measures. But the military continued to dominate the commanding heights of both Myanmar's electoral system and its economy.

Myanmar's embrace of the ILO in 2007 must be understood against this larger strategic backdrop. As Chow and Easley explain, "Myanmar's strategic decision to pursue reform and opening depended heavily on the prospect of improved relations with alternative diplomatic partners through increased compliance with international norms."[174]

In 2011, the new Government signed a memorandum of understanding for ILO technical cooperation to assist the Government to eliminate all forms of forced labour by 2015,[175] and the ILO's tripartite governing bodies lifted restrictions on Myanmar's participation. The ILO's activities spanned a variety of projects, including drafting an action plan for combatting forced labour; providing rights-based training and community support as part of the Myanmar Peace Initiative; and organizing a series of awareness-raising seminars and trainings for government officials, community-based organizations and the wider public. More recently, the ILO established its first Decent Work Country Programme in Myanmar, which provides guidance and tools to achieve "employment, social protection, social dialogue, and fundamental principles and rights at work."[176]

The ILO's supervisory bodies have continued to monitor the situation.[177] And the Complaints Mechanism ran throughout this period. From March 2007 to June 2018, it received 754 cases, of which 739 were related to underage recruitment, 13 to forced labour and 2 to other issues. 377 military personnel, including 64 officers, were punished by military disciplinary action for underage recruitment and forced labour. Only one person was punished under section 374 of the Penal Code.[178] One trend that has become apparent is a shift in complaints from those arising from a command economy to those arising in a more liberalized labour market, such as unlawful detention of housekeepers or trafficking of children. The ILO representative in the country, Steve Marshall, put this down to a growing understanding in the country that "these principles apply right throughout [society]" – i.e. not only to those forced to work by public entities, such as the military, but also in the private sector.[179]

Even as Myanmar's economy has become more market-oriented, however, the *Tatmadaw* have retained influence within it, and their control over key State decisions.[180] It continues to rely on forced labour as a way to keep labour costs down and subjugate ethnic minority populations to advance infrastructure projects, such as hydroelectric dams.[181] As a United Nations Human Rights Council-manded Fact-Finding Mission reported in 2019, over the last decade the Tatmadaw has extended its influence beyond the construction and natural resources sectors, into manufacturing, tourism, banking and insurance, agriculture, and logistics.[182] It has embedded itself at the centre of what the US Embassy in Yangon described as an "elaborate system of patronage", through which it retains power.[183] Military-run conglomerates, the Union of Myanmar Economic Holdings Limited (UMEHL) and Myanmar Economic Corporation (MEC), provide off-budget financing to the Tatmadaw and are involved in natural resource extraction. Since 2011, both companies have received significant international investment through joint ventures. Military officials are also embedded across the governance bodies of the country's major natural resource extraction State-owned economic enterprises. The Tatmadaw's ability to supplement its budget with alternative sources of revenue, outside the official military budget, is a clear vehicle for bypassing civilian oversight.[184]

The political utility of forced labour in Myanmar has thus shifted over the last twenty years, as its governance and political economy have evolved. Where forced labour was once part of a project of State-building and military territorialization within Myanmar, it must now be understood as part of a rentier system embedded within the context of larger, transnational value chains, organized through liberal market structures. This is an important shift, since in theory it introduces foreign actors into the value chains on which exploiters rely in order to capture value. Yet that begs the question: has that theoretical shift translated into any practical change in outcomes? Or does forced labour continue?

The continuing plight of the Rohingya and other minorities

Political liberalization in 2011 allowed ethnic groups to more freely celebrate their cultures and identities. But it also led to the open organization of politics on increasingly strident ethnic and ethno-nationalist grounds. In Rakhine state, the home of the largely Buddhist Rakhine people, the largely Muslim Rohingya population, and other ethnic minorities, that soon proved a combustible mix.

Rakhine was wracked by inter-communal violence in 2012 and 2013, with Rakhine Buddhists particularly targeting the Rohingya and other Muslim communities.[185] In the aftermath, a militant group – Harakah al-Yaqin, later renamed the Arakan Rohinyga Salvation Army – launched attacks on border guards and military bases. The military responded with overwhelming retaliatory force, followed by extensive "clearance options", returning to its earlier Four Cuts counter-insurgency policy.[186] In the months that followed, more than 700,000 minority Rohingya fled or were expelled to neighbouring Bangladesh, leading to allegations of genocide, an ongoing criminal investigation at the International Criminal Court and an inter-State lawsuit at the International Court of Justice[187]. The armed conflict has continued, escalating further after another group, the Arakan Army, attacked police posts in northern Rakhine state in January 2019, with the Government designating the Arakan Army a terrorist organization in March 2019.

Over the last three years, UN investigators have also found a consistent pattern of Tatmadaw use of both Rohingya and ethnic Rakhine men, women and children for forced labour.[188] Since the Arakan Army's attacks began in early 2019, forced labour against ethnic Rakhines has however decreased, perhaps over security concerns, but forced labour of Rohingya has apparently increased.[189] The pattern of compulsion resembles the traditional *corvée* under the *Towns and Villages* Acts, with Tatmadaw tasking the village head with furnishing specific numbers of villagers to work unpaid for a certain period of time, without any prior notice or consultation. Labour generally lasts weeks, during which workers are maltreated, extorted, intimidated and sometimes killed. Victims have been forced to work on construction of both Tatmadaw camps and camps for displaced people, amongst other purposes.[190] A 2018 UN mission found similar patterns in Kachin and Shan States.[191]

Forced labour risks have contributed to refugee flows.[192] (Sadly, refugees also face significant modern slavery risks once they arrive in refugee camps, some, for example, being trafficked into slavery in the Thai fishing fleet, as we discussed in Chapter 6.[193]) The UN's fact-finding group has concluded that forced labour also contributes to the conditions that make it impossible for Rohingya to return to Myanmar.[194] That may, in fact, be part of the point: in line with the Four Cuts doctrine, the use of forced labour has helped to establish State control, through terror, in Rakhine state, driving away competitors to the State and its governmental power. It appears to be a return to form for the Tatmadaw, with forced labour serving a directly political purpose, and not only a commercial one.

All of that points to deep and persisting problems with the normalization of forced labour in and by the Tatmadaw, and by the State of Myanmar more broadly. While welcoming progress made through the technical cooperation programme between the ILO and the Government, the ILO's supervisory bodies, confronted by this evidence, have shown growing concern about the effect of this policy of constructive engagement. Responding to the facts found by the Human Rights Council's mission in 2018, in 2019 the CEACR requested the Government of Myanmar to explain how it was applying ILO C29, at the 2019 ILC conference. This returned the issue to the political level for the first time in almost a decade.[195] The ILC CAS did not take further action, but did express concern "over the persistent use of forced labour".[196] The issue remains on the ILO's agenda, and is likely to be a focus at meetings in 2021.

Meanwhile, the World Bank has proposed a USD 100 million project for Rakhine state, aimed at fostering an inclusive economy through the creation of livelihood opportunities and rebuilding of inter-communal trust to ensure sustainability.[197] Programming would include livelihoods training and asset transfer, ongoing grants, financial assistance and business development support services. The laudable aim is to help the Rakhine economy begin to recover on an inclusive footing. Yet the questions the Bank must consider include whether such programming can be delivered on a non-discriminatory basis and without addressing underlying human rights concerns,[198] and whether such an approach risks subsidizing organizations now accused, elsewhere in the UN system, of serious human rights violations, including forced labour. Careful human rights due diligence will be required to ensure that Bank funds are not coopted by organizations controlled the Tatmadaw, which would have the effect of the Bank potentially subsidizing the strategy discussed earlier – military territorialization. That will be operationally challenging, and demand significant resourcing for safeguards. For example, the Bank has indicated that it intends to pro-rate participation in funded projects based on population shares in the target area. But it is unclear what baseline it will use to assess those shares: pre- or post-displacement? The danger here is that programming that bases participation on post-displacement population shares risks rewarding ethnic cleansing, while programming that bases participation on pre-displacement population ratios may meet with resistance from local partners. Either way, what presents as a narrowly technical issue will, in reality, be a deeply political one.

The Rakhine Recovery and Development Support Project should also be read against the backdrop of the May 2020 Country Partnership Framework for Myanmar for the period FY20-23, agreed by the Bank and the Government.[199] It is notable that despite the scale of forced labour in Myanmar, and the long-standing and ongoing drag it has placed on development, the issue is not mentioned in that framework. Child labour is. And the strategy has a strong focus on financial inclusion of poor and vulnerable households, with promoting inclusion, including in conflict-areas, being the central theme. A strategy that seeks to promote inclusion will help to maximize the economic agency of the people of Myanmar. Yet the absence of such a significant impediment to Myanmar's sustainable development as forced labour has proven to be for more than half a century strongly suggests that, in Myanmar, the development sector continues to suffer from what, in Chapter 1, we described as a major 'blind-spot'.

The desire for constructive engagement is understandable. But the devil lies in the details. Will the engagement envisaged create sufficient incentives for change? Or will it simply entrench existing power structures? On this, the last word is perhaps left to a group of Karen survivors of forced labour in Myanmar:

> As Burmese citizens, we certainly want to see Burma becoming a developed country. But we must say that material development alone, which lacks the ingredients of human, moral, and environmental factors, is far from being desirable. The so-called "constructive engagement" may be constructive for those countries who are desperate to devour our natural wealth. It may also be constructive for the SLORC because it gives them the sense of being recognized as well as a huge financial wealth. But how can we consider such engagement constructive when it results in blood and lives being shed on it, when families are scattered and hopes are shattered, when so many widows and orphans are left behind to fend for themselves. May we be allowed, at this point, to remind you that your activities are in direct connection with these miseries.[200]

Lessons and opportunities

Several lessons emerge from these case studies about the conditions that may foster successful interventions to address forced labour in construction and infrastructure-driven development. In this section, we consider these lessons, and the opportunities the sector now enjoys to accelerate sustainable development. First, we consider the importance of effective international strategic coordination to seize windows for change. Second, we consider the unique opportunity that Mega Sporting Events (MSEs) provide in that regard. Third, we consider the opportunity for development actors to drive multi-stakeholder efforts to change global construction and infrastructure business practices, especially through promotion of the Employer Pays principle in sectoral recruitment, the use of project bank accounts, and related wage protection schemes. Fourth, we consider the role of sustainable finance in shaping the social impact of the sector. We consider the risks associated with financialization of the industry, including the G20's Infrastructure as an Asset Class push, and point to potential new approaches, including social finance, briefly considering an innovative model being rolled out in the Indian construction sector. Finally, we consider what a whole-of-value chain based approach to these questions might look like, and the increasing turn towards shared responsibility and joint liability-based solutions.

When do regimes abandon systematic forced labour?

Former ILO representative in Myanmar Richard Horsey has explained the ILO's approach to forced labour in Myanmar as a "good-cop/bad-cop approach", with the Member States playing the bad cop role, and the Director-General of the ILO and the ILO team in Geneva (and later on the ground) playing the good cop role.[201] This characterization suggests that change is most likely to occur if one actor shows the target a stick, while another offers them a carrot. And indeed, we see a similar pattern in both Qatar – with the ILC again playing bad cop, and the ILO playing good cop – and even Uzbekistan (see Chapter 4 above), where the World Bank's Inspection Panel played the bad cop, and the ILO again played the role of good cop.

This is a neat story. Perhaps too neat. It leaves out many of the actors involved in generating behavioural change. In each case, the position taken by foreign trading and investment partners – both public and private – seems to have factored more significantly into the target regime's calculus than this story allows. And it also does not explain the *timing* of the decisions by these regimes to abandon systematic forced labour. In each case, in fact, that decision appears to have been driven by a significant shift in the regime's strategic environment that altered the pay-offs from reform – a shift outside the control of the ILO or any other single actor.

In Qatar, this came from a combination of the award of the World Cup 2022, and the imposition of a blockade by Gulf States, encouraging and liberating Qatar to build a free labour market. In Uzbekistan, the inflection point came with the death of former President Karimov, against the backdrop of declining productivity, yields and profitability in the cotton sector. And in Myanmar, the trigger was not a single event, but the steady shift by the Tatmadaw from a command economy and *junta*-based rule, to a guardianship strategy involving partnership with foreign capital to develop and capture rents from natural resources, while retaining a veto over political processes. The shallowness of the military's shift on forced labour is now, arguably, being revealed by events in Rakhine. The *lack* of a major shift in the regime's strategic environment may help explain the fundamental continuity of the Tatmadaw's approach to forced labour.

What is clear, however, is that while these events may serve to trigger major policy shifts on systematic forced labour, they simply create a window of opportunity. If, at that moment, demands from the international community are not clear and consistent, that window can close, as those resisting change effectively counter-mobilize. This is what powerful forces in Brazil attempted (see Chapter 3), and may have achieved in Thailand (Chapter 6) and Bangladesh (Chapter 7).

Clear and consistent messaging on required behavioural changes is very hard to achieve. As Horsey points out in relation to Myanmar, the international community is more prone to conflict, confusion and contradiction, than to coherent strategic messaging.[202] He highlights one solution to this challenge offered by the Myanmar case: have actors (in that case, States, workers and employers) agree what conduct is required, but leave it up to them to decide individually which carrots and sticks they will use to encourage that shift. This was the effect of the ILC's resolutions in 1999 and 2000, which made clear that Myanmar must cease forced labour – "nothing but a contemporary form of slavery" – but left States to decide how to encourage that. As he points out, this approach avoided negotiation to the lowest common denominator to ensure the measure's passage through the Conference.[203]

Development actors clearly have an important role to play in helping the international community organize around a shared set of expectations and demands to address modern slavery. To date, the ILO has played the key role, both as a forum for discussion and development of those ideas, and as mechanism for assisting States once they decide they are ready to undertake reforms. Alliance 8.7, essentially a multi-stakeholder forum controlled by the ILO, now offers a supplementary arena for such discussions, and its Pathfinder system may offer a way to organize assistance on a broader footing than purely through ILO programming. Yet development actors have, as we saw in Chapter 1, largely been absent from these discussions. If we understand anti-slavery interventions as a way to remove impediments to development – which is the implication of Chapter 2 – then the implication is that development actors offer reform-minded regimes significant carrots: improved economic and social development results. Those carrots have significant potential, if combined with effective pressure.

Developing Freedom through Mega Sports Events

Mega Sports Events may provide a unique sustainable development opportunity – and, arguably, a unique opportunity for Developing Freedom. As the case of Qatar studied in this chapter shows, the involvement of powerful foreign actors in the construction and infrastructure development sector in a host country or region can create a unique constellation of forces, creating a rare opportunity to initiate a conversation about issues such as labour market mobility, recruitment fees, payment practices, and worker voice – so long as foreign actors are willing to use their leverage to this end.

Preparations for, and hosting of, Mega Sports Events can reshape a country's political economy and shift its development trajectory. In some cases, this has been for the worse, with investment skewed towards funding for white elephant infrastructure, communities evicted, workers harmed, and societies saddled with long-term debt to pay for a few weeks of the international spotlight and partying foreign tourists. Yet, as the Qatar case shows, Mega Sports Events also provide a unique opportunity for structural and policy reform, including to labour markets. Given the potential development pay-offs from such reforms, there is a case for development actors to get more involved with these processes, working with global and regional sports organizations to turn Mega Sports Events into platforms for developing freedom.[204] This is consonant with calls from a growing number of States for greater integration of SDG Targets and respect for human rights into global sports governance.[205] Given the risks of child trafficking in some sports, there is a case for putting anti-trafficking and anti-slavery efforts at the centre of such a conversation.

Infrastructure development for Mega Sports Events could be used to introduce new practices into the sector in the country or region in question, as they have been in Qatar. This would require embedding anti-slavery and broader human rights standards in global and regional sports organizations' bidding and hosting arrangements – as FIFA and the International Olympic Committee, for example, now do.[206] And it might also point to the possibility for a greater role of development actors in designing, financing and evaluating the social impact of Mega Sports Events. A closer alignment between the work of development actors and global and regional sports organizations would align with growing efforts by those organizations to adopt the Sustainable Development Agenda, and to benefit from the SDGs brand. It would also align with the idea that development actors should move from a negative, operational agenda on modern slavery – seeking to reduce modern slavery risks arising from project delivery – to a more positive, strategic agenda: designing programme to proactively reduce broader modern slavery risks in the economy and society. We return to this broader theme in the final Part of the study.

Changing sectoral business practices

One insight from this chapter is that the institutional environment that is conducive to exploitation is a product not only of national law, but also transnational industry practices. Development actors have considerable leverage to change these practices – as financiers of large-scale projects, as thought leaders and knowledge creators, and as policy advisers to governments. Two areas of industry practice stand out as ripe for action: recruitment fees, and payment protocols.

THE DEVELOPMENT CASE FOR ENDING RECRUITMENT FEES

As we have seen, recruitment fees represent a major externality imposed by the industry on society at large. They create a drag on the development of recruits themselves, on their families and friends, and on the countries from which they come. As the World Bank has pointed out, if average recruitment costs are around USD 4,000 and there are 1 million workers subject to such costs, removing those costs would put USD 4 billion back in workers' hands, with significant positive knock-on economic effects in their communities and countries of origin.[207]

This system endures because workers face obstacles to organizing to challenge them, while corrupt government officials favour personal gain over good public policy. Construction companies and financiers largely stay silent, since they benefit from reduced project costs. There are exceptions; recently a group of 38 investors with over USD 3 trillion in managed assets called for action by companies in the Gulf on recruitment fees.[208] But this is the exception that proves the rule. On the whole, those affected face a significant collective action problem that would need addressing if there was to be systemic change.

Development actors have a role to play here. SDG 10.7 commits States to "facilitate orderly, safe, and responsible migration and mobility of people, including through implementation of planned and well-managed migration policies." Indicator 10.7.1, the official statistic used to track progress towards SDG 10.7, is "recruitment cost borne by employee as a proportion of monthly income earned in country of destination". The World Bank and ILO serve as joint 'guardians' for this Indicator, working with governments to develop capacity to collect relevant data.[209] And there are numerous other opportunities for additional programming to institutionalize those practices.

First, such programming could address the information asymmetries in global recruitment markets and along specific migration corridors. The construction industry would be a good place to start. Development actors could work with construction industry partners to give recruits access to information about potential recruiters and brokers – adapting the *Glassdoor* model used to share information about workplaces, for example. This would empower workers and make them more resistant to exploitation, but would need to grapple with questions of workforce fragmentation, limited literacy and trust.

Second, such programming could aim to *disrupt* recruiters' business model, for example by undercutting it through a public option. This is the approach being taken in some South East Asian countries. It has proven difficult for these organizations to achieve competitiveness with informal recruiters, because more formalized models may have higher operating costs and not draw on social capital in the same way.[210] Development actors may have a role to play in helping to subsidize such models, for example by issuing social bonds to finance public recruitment agencies, with donors buying down interest based on the performance of the agency against certain slavery-prevention benchmarks.

Third, development actors could instead leave the sector's recruitment arrangements in place, but improve workers' access to low-interest migration financing, both to fund emigration and to assist after return to country of origin.[211] BRAC, one of the world's largest NGOs and microcredit providers, has been offering such loans to prospective Bangladeshi migrants for several years and also has lending programmes targeting remittance-receiving households. Indonesia, Nepal, Sri Lanka and Viet Nam have all implemented or piloted similar programmes.[212] There is, however, a danger that this approach helps to sustain a culture of indebtedness in the industry – a particularly problematic ideas in the COVID-19 era, given reductions in income and rises in household debt in some communities.[213] One review concluded that "[w]hile low-interest migration loans might be beneficially coupled with other changes (such as oversight of recruitment agencies, the reduction of migration costs), on their own they do little to mediate the way that debt shapes migrant vulnerability."[214] Supplemental programming to beneficiaries to enhance the financial literacy and thereby help them maximize their economic agency might be a useful part of any such package. But here, again, evidence on impacts is mixed.[215]

Fourth, development actors could embed the Employer Pays principle across their work, making respect for that principle a condition of procurement, lending and investment decisions. There are several relevant standards that might be useful to such an approach, and multi-stakeholder initiatives from which development actors can learn. These include Verité's *Ethical Framework for International Labor Recruitment*,[216] the Institute for Human Rights and Business's Leadership Group for Responsible Recruitment (which includes construction multinational Vinci),[217] IOM's Corporate Responsibility in Eliminating Slavery and Trafficking (CREST) in Asia Programme and the IOM/IOE International Recruitment Integrity System (IRIS) – a voluntary multi-stakeholder certification system. The Building Research Establishment has also launched an Ethical Labour Standard BES 6002 in February 2017.

DISRUPTING LATE PAYMENT PRACTICES

As we saw in an earlier section, late payment of subcontractors and workers is normalized in many parts of the construction and infrastructure sector, though it heightens vulnerability to exploitation in several different ways. The practice is closely connected to the thin margins on which most levels of the supply chain operate, and their limited access to working capital. Various solutions to this problem are now emerging, which may deserve attention from and scaling by development actors.

In Qatar, the Government-run Workers' Support and Insurance Fund pays workers in certain circumstances, leaving the Fund to carry the risk and chase their employers for outstanding debts. Private sector companies, such as Greensill, with a similar strategy have emerged that purchase small contractors' invoices at a discount, giving them access to working capital, leaving the contractor to secure full payment from the debtor. Another solution is the Project Bank Account, a ring-fenced account held in trust or escrow for the supply chain, administered independently to assure on-time payment and prevent late payment being used to abuse market power. In the UK, Project Bank Accounts are mandatory for certain types of large-scale projects.[218] Development actors could help promote this practice in their own project management, and in others' work. Finally, there may also be scope to innovate in financial instruments to encourage on-time payment, for example through linking capital cost reductions to anti-slavery benchmarks. In fact, financial innovation offers a range of opportunities for strengthening sustainability outcomes in the infrastructure sector. We turn now to these opportunities – and associated risks.

Infrastructure as an asset class

The world's construction and infrastructure financing needs until 2030 are enormous, and look set to grow further, as infrastructure development becomes an important forum for international cooperation. Estimates are that additional investments of USD 15 trillion in infrastructure investment will be needed to meet the Sustainable Development Goals. There are a range of inter-governmental initiatives now under way to promote infrastructure spending. The One Belt, One Road initiative, discussed in Chapter 1, is perhaps the best known example. In 2016, Japan launched the Expanded Partnership for Quality Infrastructure, at the Group of Seven summit it hosted that year. The same year, at the 11th East Asia Summit in 2016, ASEAN, Australia, China, India, New Zealand, Russia, South Korea, the US and Japan adopted the Vientiane Declaration, committing amongst other things to work together on infrastructure development.

In November 2019, the 'Blue Dot Network' was launched by the US International Development Finance Corporation (previously Overseas Private Investment Corporation), in co-operation with the Japan Bank for International Cooperation and Australia's Department of Foreign Affairs and Trade. This is a multi-stakeholder initiative to bring together governments, the private sector and civil society to promote high-quality, trusted standards for global infrastructure development, to rate international infrastructure projects.[219] Where One Belt, One Road and the AIIB are funding platforms, the Blue Dot Network is more like a transnational ratings agency.[220]

It purports to build on and operationalize the earlier G20 *Principles for Quality Infrastructure Investment*, themselves connected to the G7 *Charlevoix Commitment on Innovative Financing for Development* and the *Equator Principles*, the project finance risk management framework used by many financial institutions around the world. Principle 5.3 of the G20 Principles proclaims:

> 5.3. All workers should have equal opportunity to access jobs created by infrastructure investments, develop skills, be able to work in safe and healthy conditions, be compensated and treated fairly, with dignity and without discrimination. Particular consideration should be given to how infrastructure facilitates women's economic empowerment through equal access to jobs, including well-paying jobs, and opportunities created by infrastructure investments. Women's rights should be respected in labor market participation and workplace requirements, including skills training and occupational safety and health policies.

This seems to offer an important opportunity for embedding social sustainability goals, such as slavery reduction, in infrastructure project assessment and deal-making. Yet details remain scarce, though there are signs the concept continues to be developed, with discussion during President Trump's visit to India in February 2020, and during the US-Australia Ministerial Consultations in late July 2020.[221]

All of these frameworks are increasingly coming into play as it becomes apparent that even in a time of historically low borrowing costs, infrastructure investment needs outstrip available public financing. Public institutions are turning increasingly to private partners to finance large-scale construction and infrastructure development, often through Public Private Partnerships (PPPs) and so-called 'blended finance'. In the process, construction and infrastructure are increasingly approached not just as physical, productive assets, but as financial assets: sources of a future income stream, which can be leveraged, optioned, securitized, and harnessed in a variety of different ways by financial markets.

The creation of an infrastructure 'asset class' has been a focus of G20 for several years now. During the German G20 Presidency in 2017, a set of principles was formulated aimed at the creation of a tradeable asset class backed by infrastructure projects.[222] Building on these 'Hamburg Principles', a roadmap to 'Infrastructure as an asset class' was released during the Argentine Presidency of 2018. The roadmap recognized the particularly risky nature of infrastructure projects, a significant barrier to bringing these projects to market that has made "de-risking" the centre of much subsequent discussion. Further work in the subsequent two years has clarified commitments to *Principles for Quality Infrastructure Investment* (issued under the Japanese Presidency in 2019), which include a commitment to respect for human rights throughout the infrastructure project life cycle (para 5.2),[223] and the creation of an MDB Infrastructure Cooperation Platform.[224] Attention to infrastructure financing continued into the Saudi Presidency, with a growing focus on the benefits of infrastructure development for regional connectivity. Numerous development actors have consequently moved to implement this strategy, from the World Bank's Infrastructure Finance business line, to the Asian Infrastructure Investment Bank's (AIIB) recent *Infrastructure Private Capital Mobilization Platform*, and the creation of the Australian Infrastructure Financing Facility for the Pacific (AIFFP).[224]

The creation of an asset class involves bundling together instruments with similar legal and contractual characteristics into one pool of assets. Then securities, backed by the expected revenues from the underlying assets, are sold to investors. The challenge here, is that if the price or the profitability of the asset (an airport, a dam, or a road network, for example) is based on a labour model that relies on forced labour in the supply chain, we are all but creating an asset class that securitizes slavery. This is not *de jure* mortgaging of slaves. The world has seen what happens when that is practiced at scale, through the development of the Mississippi Valley in the 1830s which, as we explore further in Chapter 9, was based on a similar securitization strategy. But the structure of the system, and the underlying *de facto* exploitation that lies at the root of its profitability, has some disturbing similarities.

This raises important questions about the need for strong social risk management frameworks in any such public-private partnerships.[226] Indeed, infrastructure projects are already the source of around half of all complaints to MDB accountability mechanisms.[227] How can we scale up investment in infrastructure and other development projects to promote growth and reduce poverty, while protecting against inadvertent increases in social risks, such as modern slavery? A central part of that answer, it turns out (as we explore more in Chapter 9), relates to *who* monitors and manages social risk. Where development finance institutions delegate social risk assessment to entities who have strong incentives to under State modern slavery risks, there is a risk of the system malfunctioning. For infrastructure, the Blue Dot Network may be part of the answer, ensuring that accountable public actors are at the heart of that process, strengthening market transparency in the process.

Social finance in the Indian construction sector

Another part of the answer may lie in innovating in the financial instruments that are used to fund infrastructure projects. Instruments that tie capital costs to performance against social sustainability benchmarks may work to disrupt the strategic logic of the management practices that lead to exploitation in the first place. This could allow development finance actors to promote the kinds of practical changes canvased above, such as rejecting recruitment fees, promoting on time-payment. And such initiatives are already under way.

One powerful example comes from Kois and the Global Fund to End Modern Slavery, in India. India's construction market is worth around USD 150 billion per annum. It is India's second-largest employer at roughly 60 million jobs.[228] Before the pandemic, the sector was growing strongly, creating strong demand for a low-skill, temporary workforce, which attracted large numbers of migrants from rural areas to cities – perhaps 30 million people overall. These workers, recruited through networks stretching from their rural villages to urban centres, were highly vulnerable to debt bondage and trafficking into exploitation by micro-contractors.[229] Although there are several government schemes in place to provide this workforce income protection and social security, many still fall through gaps. Micro-contractors typically recruit and manage crews of around 35 people. They often operate informally, with limited access to workforce management skills and technologies. They struggle to grow because of limited access to finance and the delayed payment practices of the construction value chain. Payment from developers and contractors often takes one to two months. And in order to win contracts, micro-contractors need to be able to raise working capital within one to two weeks. Formalized financing often cannot reach that benchmark given the informality of these firms, so micro-contractors turn instead to informal financing – family, friends, money lenders. This often leads to high interest rates and profit-share schemes, which puts significant pressure on payroll costs. This suggests there is a gap for a socially responsible financing solution, if it can compete on capital cost.

The Kois/GFEMS solution is a social bond that ties capital costs to adoption of practices that reduce modern slavery risks. Social investors lend the initial capital for a revolving fund, which makes working capital loans to micro-contractors. Meanwhile, donors buy down interest from these loans at rates dependent on the performance of the investment financed by the fund, against certain risk indicators – such as timely payment to workers. At the same time, donors finance grants for technical assistance to upskill micro-contractors, to strengthen their performance and reduce micro-contractors' interest burden.[230] Kois and GFEMS aim to reach 100,000 at-risk labourers through an initial USD 3.8 million of outcome funding. The aim is to create a cadre of better-performing micro-contractors, who are then white-listed for hiring by larger buyers. This points to both a potentially highly efficient way of financing prevention of modern slavery, and significant scalability. And it also points to a very different approach to de-risking than simply moving risk off the lender's balance sheet, as some blended finance solutions aim at. Instead, de-risking is achieved not only through donors providing guarantees of the initial capitalization, but also by financing the technical assistance on the ground that upgrades microcontractors' skills, and intervention in the labour-buying practices of the value chain. If this proves to work, it offers a powerful new opportunity for development financiers to intervene in modern slavery systems.

Sharing responsibility across the value chain

Finally, we might ask, what prospect is there in the global construction sector of a multi-stakeholder approach to sustainability along the value chain, along the lines of, for example, the RSPO discussed in Chapter 4? Or is there some other way in which joint action and responsibility sharing might emerge?

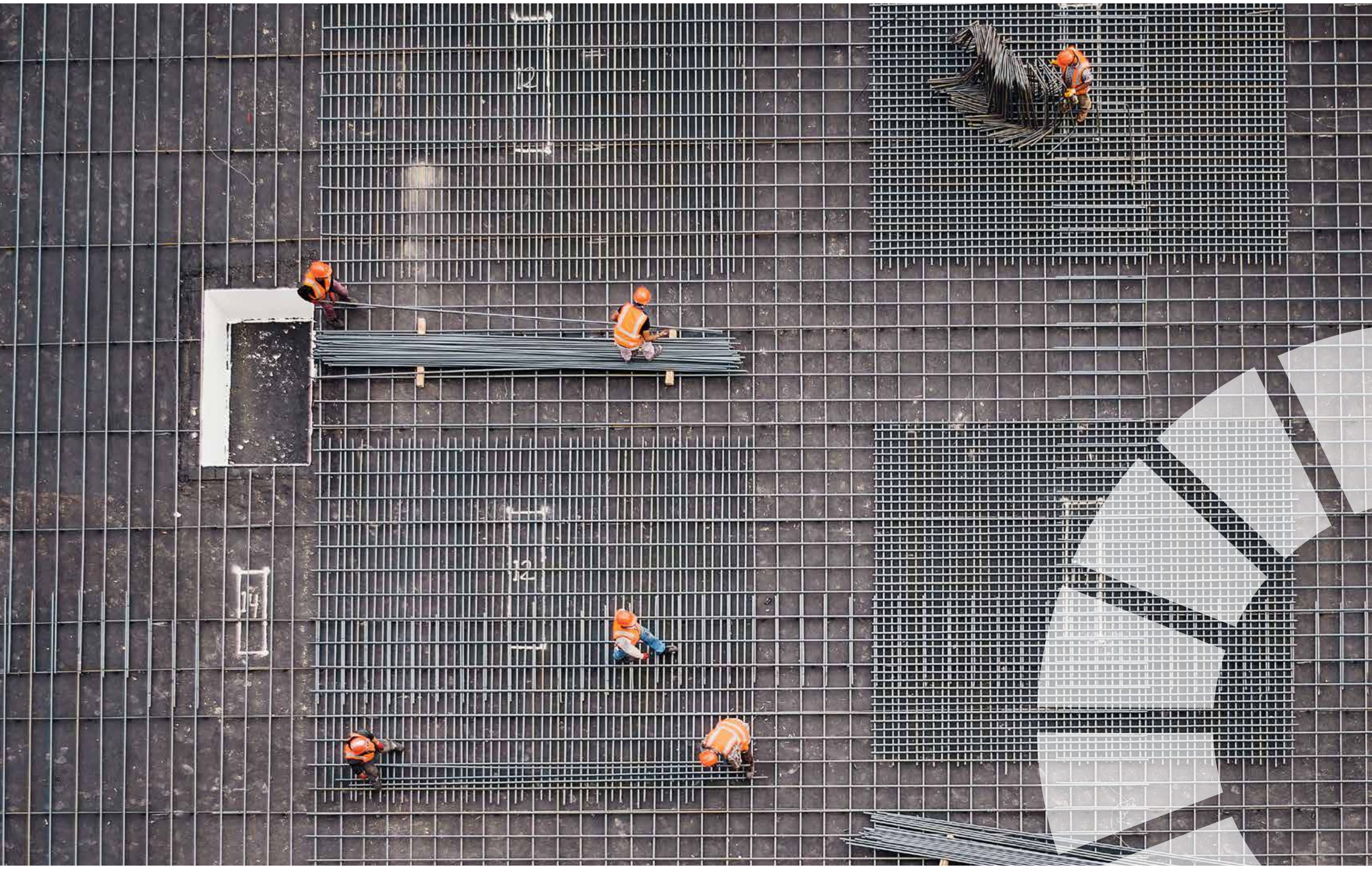
The relatively decentralized nature of the lower ends of the construction value chain, with most contractors being local operators, rather than national or global businesses, might work against such an approach. But mobilization at the national or regional level may be feasible. In the UK, British-based built environment institutions have formed a Construction Coalition to raise awareness of and eradicate modern slavery from the sector's supply chains. The coalition is supported by CIOB, Build UK, Constructing Excellence, Royal Institution of Chartered Surveyors, Royal Institute of British Architects, Chartered Institute of Procurement & Supply and the Supply Chain Sustainability School, as well as a number of business and civil society organizations including the Ethical Trading Initiative, the Business & Human Rights Resource Centre and the Institute for Human Rights and Business. Some Coalition members have also worked with Stronger Together, another multi-stakeholder initiative, to develop construction-specific training and advice on tackling modern slavery.

At the global level, the concentration is largely at the project finance stage, or amongst large design, engineering and major construction firms. The Equator Principles already addresses project finance, and align standards expectations with the IFC Performance Standards and prohibitions on forced labour, slavery and human trafficking. In February 2017, six major construction and engineering firms – Bechtel, Fluor, Jacobs (formerly CH2M), Multiplex Middle East, Vinci, and Wood (formerly Amec Foster Wheeler) – launched *Building Responsibly*, a business-led coalition supported by Business for Social Responsibility that aims to promote the rights and welfare of workers through pre-competitive collaboration to strengthen standards, policies and practices. In 2018 it launched ten principles on worker welfare and vulnerability, that include a commitment to freedom from forced labour, trafficking and child labour.[231]

Perhaps the key question, though, is what approach to value chain management such a collaboration would seek to promote. We have seen some elements of this in previous sections: encouraging employers to pay for recruitment; disincentivizing late payments; providing workers protection and safety nets. But these elements arguably do not get at the underlying business forces that lead the construction value chain to "normalise hardship", as Chris Blythe put it (see earlier in this Chapter). To disrupt those business dynamics, we must ask hard questions about who is responsible for addressing the externalities created by outsourcing and short-term profit-taking, including the shareholder-value driven treatment of construction and infrastructure as financial assets, rather than productive assets. The UN Guiding

Principles on Business and Human Rights and relevant OECD Guidance get at those questions, by reminding businesses of their responsibility to respect human rights (independent of States' duty to protect human rights). Mechanisms such as international framework agreements (discussed in Chapter 7), provide one method for multinational corporations to discharge their responsibilities to workers, regardless of the legal structures of specific project value chains that link them to the company.

Increasingly, there is also a recognition that giving that philosophy of 'shared responsibility' force may require embedding these notions in law. And in the construction sector, even pre-dating the UN Guiding Principles, that impulse has translated into joint liability frameworks, holding developers and other users of labour liable for payment of the wages of their contractors' workers, or for protecting them in other ways.[232] There has been movement in this direction, specifically for the construction sector, in a variety of jurisdictions in recent years: in Argentina, Brazil, Chile, China, EU, Finland, France, Germany, Italy, The Netherlands, and Spain.[233] There may be a role for development actors to play in encouraging learning from these countries' experiences, and promoting a consistent approach to joint liability and human rights due diligence in the construction sector, especially through project bidding and contracting arrangements.



Part Three

New Paths to Developing Freedom

CHAPTER 9: FROM CRISIS TO OPPORTUNITY

Introduction

As the OECD recently put it, “Building back better [after COVID-19] means integrating long-term risk management into policies and financing strategies while leaving no one behind.”[1] The World Bank’s June 2020 *Global Economic Prospects* notes that the recession triggered by COVID-19 will “leave lasting scars through lower investment, an erosion of human capital through lost work and schooling, and fragmentation of global trade and supply linkages.”[2] The Bank highlights the need for urgent action to protect vulnerable populations and set the stage for a lasting recovery. In this final Part of the study, we draw on the insights from the previous two Parts to consider where the Developing Freedom agenda fits into the process of recovery. We argue that introducing the Developing Freedom agenda into recovery efforts will help prevent people not simply being left *behind*, but being left out *altogether*. For that is what enslavement represents: the total exclusion from economic agency that comes from being treated as though you were owned by someone else. This is why the great American-Jamaican sociologist Orlando Patterson described slavery as ‘social death’.[3]

We begin with a focus on COVID-19, asking how the Developing Freedom framework helps us understand the pandemic’s implications for modern slavery risks. The pandemic puts people’s health at risk, makes livelihoods more precarious and reduces income. These effects all reduce economic agency and increase people’s vulnerability to modern slavery. At the same time, the pandemic is also disrupting supply chains, markets and business models, leading exploiters to adapt their strategies. And finally, it is generating policy and institutional responses that may be conducive to modern slavery, such as reductions of worker protections with a view to securing foreign investment and demand. The interaction of these three elements – people’s vulnerability, exploiters’ strategies, and institutional environments – is amplifying existing modern slavery risks, and also laying the groundwork for new slavery systems.

Next, we zoom in on the pandemic’s impact in one particular area of policy response: development finance. The pandemic is reducing public revenue and may reduce ODA spending. But there are also signs that it is has accelerated investors’ turn to environmental, social and governance (ESG) investing. Capital markets are realizing that worker vulnerability can spell vulnerability for both firm performance and economic growth. This offers a significant opportunity for ‘maximizing finance for development’. Multilateral actors already looking to use public spending to crowd-in private capital investment have an opportunity now to do this in a way that helps reduce modern slavery risks, develop freedom and achieve SDG targets such as those in 5.2, 8.7 and 16.2.

Yet this turn to the private sector to finance recovery and broader sustainable development also carries risks. To understand them, we look to a crisis of the past: the 1830s development of the Mississippi Valley and American south-west.We show how public actors worked to create a market for private investment in the development of the American southwest, leading to a boom in cotton – and in slavery. The unintended results were catastrophic – not only for the Native Americans displaced and the hundreds of thousands of African-Americans enslaved, but for America. In the short term, the boom led to a financial bubble, the Panic of 1837 and an economic depression not matched until the 1930s. In the longer term, the bursting of the cotton bubble led to a shift in financial power from New Orleans and Philadelphia to New York, an altered balance of power between Southern and Northern elites, and the destabilization of the American polity that led two decades later to the American Civil War.

This episode almost two centuries in the past holds unexpected lessons for today's development sector. The key financing strategy used to develop the Mississippi Valley was remarkably similar to an approach being resurrected by the G20 and development finance institutions today – the creation of a tradeable asset class pooling risk from multiple underlying development projects. In the 1830s, public actors facilitated the creation of bonds, underpinned by mortgages of plantations and even of slaves themselves. These bonds were sold into European capital markets. Today, public actors aim to facilitate the creation of a class of tradeable assets securitizing infrastructure projects, again to facilitate crowding-in private capital. Given the known ties between large-scale infrastructure projects, labour migration and modern slavery, discussed in Chapter 8, the echoes of the past here are clear, even as there are significant differences.

The echoes suggest a need for the development sector to learn lessons from the earlier episode. We highlight two. First, the dangers of encouraging private risk-taking without mandating centralized monitoring and management of resulting systemic risk. Second, the dangers of delegating risk assessment and management to private actors, whose incentives may not align with the public interest. But the episode also points to the possibility of creative solutions, such as the construction – by American abolitionists including a young Abraham Lincoln – of a market for reliable risk information. We show how this may point to an important role for development actors in regulating today's sustainable finance to help reduce modern slavery risks.

This points to the final lesson for recovery from the current crisis from this earlier one: the fact that development is shaped not just by single interventions or even national development strategies, but by global market regulation and conditions. If the development sector is serious about reducing vulnerability to modern slavery, it must think not only about how to safeguard against modern slavery at the individual project level, but also at the systemic level. That means thinking about how aid interacts with trade, investment, tax and competition law, about whether the growth models and development pathways promoted by the development sector are in some cases *conducive* to modern slavery, and about the limitations of a country-by-country approach.

COVID-19's impact on modern slavery

The COVID-19 crisis impacts all three dimensions of modern slavery systems: people's vulnerability; exploiter strategies; and the institutional environment. Absent a concerted effort to address them, the pandemic will generate a significant increase in modern slavery.[4]

More people are more vulnerable

The COVID-19 pandemic puts people's health at risk. It makes livelihoods more precarious. And it reduces income. Each of these factors reduces people's economic agency and increases their vulnerability to modern slavery.

COVID-19 is a grave public health risk. Health crises – including major disease outbreaks – are a major trigger for the migration, debt and labour market decisions that place people at heightened risk of enslavement and labour coercion.[5] Workers that have greater prior risk of exposure to modern slavery are in fact at greater risk of exposure to COVID-19 – because they lack power to resist being so exposed.[6] As official COVID-19 guidance from the Australian Government explains, "[f]actory shutdowns, order cancellations, workforce reductions and sudden changes to supply chain structures can disproportionately affect some workers and increase their exposure to modern slavery and other forms of exploitation."[7] The effects of the pandemic are thus regressive: those who are most marginalized, discriminated against, and impoverished suffer the greatest increase in risk of exploitation. They are vulnerable to exclusion from adequate healthcare, to having their already-constrained movement restricted further by border closures and travel disruptions, and risk stigmatization and discrimination by nativist rhetoric and politics. There is accordingly a danger of exponential growth in risk: those vulnerable to slavery are more vulnerable to COVID-19, which increases their vulnerability to slavery, and so on. Indeed, in the US, calls to the national anti-trafficking hotline almost doubled in the month after COVID-19 broke out.[8]

The pandemic is also making people who may not in the past have been vulnerable to modern slavery more vulnerable to it. The World Bank recently estimated that this year will see the worst economic performance in developing countries in 60 years, and the highest fraction of countries witnessing per capita income contractions in 150 years.[9] 40 to 60 million people could be pushed into extreme poverty,[10] or even more.[11] In the face of such a sudden reduction in incomes, people everywhere will be much more vulnerable to labour coercion. Evidence from prior downturns suggests that workers will work longer hours and accept more dangerous working conditions, and will also turn increasingly to informal, household and child labour.[12] Risks will grow particularly where governments' ability to provide temporary protection is limited by fiscal bandwidth, technical and technological reach into informal workforces, or limited social support for extending protection to marginalized or migrant communities.

Women and girls are at heightened risk.[13] Women's greater involvement in care work and domestic workplaces them at greater risk of infection. Lockdowns increase risks of exploitation and violence during periods of isolation. Increased domestic work and childcare leads to reduced workforce participation and educational participation, engendering longer-term vulnerability. As the downturn reduces household income, this will lead to worse access to food and healthy nutrition for women and girls, making them more susceptible to health crises and vulnerable to risky labour market decisions. Government support for childcare can help ensure continued female participation in non-care work. Careful reflection is also required on including sex workers in protection systems: the Japanese Government chose to include sex workers in a fiscal relief package after a national debate about the benefits of an inclusive approach to protection.[14]

Children's vulnerability to trafficking and labour coercion is also likely to increase.[15] Parental ill-health and morbidity is a key driver of child labour.[16] It has risen due to the pandemic, so child labour will also rise. Impoverishment is also a key driver of child labour and will also increase. Estimates suggest a 1 per cent rise in poverty leads to a 0.7 per cent increase in child labour rates, or more.[17] Most estimates suggest multi-digit rises in global poverty as a result of COVID-19,[18] pointing to a high risk of reversal of the reductions of child labour achieved in recent decades.[19] Remittances are expected to decline by roughly 20 per cent,[20] likely removing household income that helps keep children in school.[21] And reduced incomes can induce child labour migration, both voluntary and involuntary – that is, selling children into exploitation.[22]

Migrant workforces are especially vulnerable to labour coercion as a result of the pandemic downturn. Stranded migrant workers are at heightened risk of exploitation as they seek to avoid deportation, compete for jobs, seek to avoid loss of securities or deposits and fight to keep visas and work permits valid.[23] And repatriated migrant workers risk exclusion from social assistance programmes.

Informality will be a key factor in determining vulnerability. Informality increases vulnerability to modern slavery, forced labour and child labour, in part because informal firms are more labour-intensive.[24] Lost jobs will mean a rise in informal work, as people seek any income. Even before the pandemic struck, 80 per cent of all enterprises in the world were informal.[25] The pandemic will grow the ranks of the informal economy, as people lose jobs and SMEs – with less access to working capital than larger enterprises – fold.[26] Informal workers have incomes around 19 percent lower than formal workers, as well as more limited savings.[27] They also have limited access to government provided income protection, financing mechanisms, healthcare and social protection systems. In one third of emerging market and developing economies with pervasive informality, 40 per cent of the population is just one health crisis away from poverty – and typically unemployment payments in these countries are accessible to around 1 person in 40.[28] Informality thus spells both greater vulnerability and more difficulty in delivering effective response.[29]

Access to credit will be another key vector for vulnerability. Access to credit is a crucial cashflow-smoothing mechanism for poor households and SMEs, and thus a key bulwark against debt bondage.[30] It is a crucial mechanism to increase economic agency and prevent slavery.[31] Yet the pandemic threatens a debt and credit crisis, especially in emerging markets and developing economies (EMDEs),[32] with grave implications for global microfinance. Early signs suggest around 90 per cent non-repayment rates in global microcredit markets, threatening the solvency of microcredit institutions worldwide, unless bailed out.[33] In the country with the largest per capita indebtedness to microfinance institutions, Cambodia, Human Rights Watch has pointed to growing impoverishment as debtors struggle to pay back loans.[34] Reduced access to microcredit will mean worse economic, social and health outcomes for women and girls, reduced household investment in education, reduced education participation rates, and increased child labour.[35] There is already growing anecdotal evidence of just such results.[36]

Exploiter strategies are adapting

At the same time, the pandemic is also disrupting supply chains, markets and business models – leading to adaptations in exploiter strategies.

In some sectors, the collapse in global demand means firms are competing for shrinking demand. Some firms resort to illegal labour practices to compete on cost. The International Trade Union Confederation reports labour rights violations are at a seven-year high.[37] In some other sectors, there has been a sudden boom in demand. This might be expected to increase workers' bargaining power, but where workers lack voice and rights, and State enforcement of labour standards is weak, it has instead simply increased employers' incentives to turn to coercion. In the personal protective equipment (PPE) and medical supply industry, for example, there are recurring accounts of worker rights violations as firms chase windfall profits from a sudden spike in demand,[38] possibly including used of forced Uighur labour.[39] Similar patterns have been alleged in some agricultural supply chains, where labour supply has been suddenly constrained and migrant workers are particularly vulnerable to coercion.[40]

In other cases, exploiters are developing new profit-making strategies and new slavery systems are emerging. More households are turning to child labour as a coping strategy,[41] and there is growing evidence of a rise in child marriage,[42] likely as a coping strategy. Sadly, there are also significant reports of a major rise in online sexual abuse of children – often by family members.[43] Reported abuse has more than doubled in several jurisdictions since the start of the pandemic.[44]

Institutional responses to the pandemic may increase vulnerability

People's vulnerability to modern slavery is shaped by the institutional context in which they are embedded. And exploiters respond strategically to the incentives generated by this context. So how institutions respond to the pandemic will play an important role in determining the shape and dynamics of modern slavery. Past evidence has demonstrated that reduced protection in the wake of disaster can make people more vulnerable to trafficking.[45] But it also shows that policy choices matter: social assistance programming can, for example, lead to improved child labour outcomes, even during economic downturns.[46]

Vulnerability is significantly increased by exclusion of marginalized workers from healthcare and social protection. Migrant workers, in particular, have proven to be at risk of contracting the disease.[47] They are placed at greater risk due to their – often State-mandated – living arrangements, frequently in crowded and confined communal spaces.[48] And disease spread patterns around the world have revealed that low-income and immigrant communities are at greater risk of contracting the disease, often because they have no choice but to continue to work, even as wealthier households shelter in place.[49] Some countries have responded by temporarily *enlarging* protection coverage, extending healthcare coverage to migrant workers (Canada, France, Qatar, Saudi Arabia, Spain, Thailand, Tunisia), or extending income and benefits protection (Australia, Brazil, Ireland, Italy, Japan, Myanmar, Trinidad and Tobago).[50]

Yet in many countries, the demands of pandemic response have diverted State resources away from protection, and simply disrupted the organization of traditional protection and risk management strategies. Lockdown disrupts traditional mechanisms for risk monitoring and prevention, such as education systems (for child labour), and inspection and reporting systems. In Brazil, for example, the lockdown disrupted labour inspections.[51] The UK also saw significant reductions in reporting of modern slavery.[52] And in many countries, governments may choose to divert funds away from anti-trafficking measures, to other needs. Even where anti-trafficking remains a priority, the economic downturn will mean reduced tax and other public revenues, likely impacting response.

The danger is that some countries will respond to the downturn by relaxing labour protections, hoping to support efforts by business to compete on labour costs for a shrinking market. This may increase modern slavery risks. In India, for example, State governments have seemingly competed to relax worker protection in a 'race to the bottom'.[53] And similar concerns have arisen in Brazil, China, Saudi Arabia, Viet Nam and some States in Latin America.[54]

The turn to sustainable finance: opportunities and risks

All of this raises the question what approach development actors should take. How can economic growth be rekindled, without vulnerability to modern slavery increasing further? And what role will development finance play in reshaping State policies and institutional response? To answer these questions, we must first understand the impact the pandemic is having on development finance itself.

In the wake of the pandemic, UN Member States have committed to use development finance to stimulate the economy, both through promoting labour demand and through improving access to finance.[55] ODA is a key counter-cyclical flow in crisis. It is likely to be particularly important in promoting fiscal resilience and health and social protection systems in developing economies.[56] OECD DAC members have declared their ambition to "strive to protect ODA budgets" during the COVID-19 crisis.[57]

Yet there are a number of reasons to think that ODA will decline. If DAC members keep the same ODA to GNI ratios as in 2019, ODA will decline in real terms by USD 11 to 14 billion.[58] If, under political pressure to spend more at home, they reduce ODI spending as a share of GNI, the declines will be even larger. And the pandemic is also impacting private capital flows. The OECD foresees private finance for low- and middle-income countries eligible for ODA declining by up to USD 700 billion year on year.[59]

Two factors could offset these declines. First, multilateral institutions are mobilizing to address the resulting gap. The IMF has announced over USD 100 billion in emergency lending. The World Bank Group will lend around USD 150 billion until mid-2021. The G20 has announced a freeze on debt payments by the 76 IDA-eligible countries, worth around USD 16.5 billion. Second, COVID-19 may be accelerating the turn to sustainable finance – the growing attention to environmental, social and governance (ESG) factors in investing. ESG investments have roughly doubled in the last decade.[60] While this growth has largely been driven by attention to the 'E' in ESG, especially climate risk, the pandemic has magnified the importance of the 'S' – social risks. There is growing evidence that firms that identify and address worker vulnerability are more resilient. During the pandemic, this has buoyed the stock prices of those with a reputation for addressing such vulnerability and punished those with reputations for not conducting themselves this way.[61] This indicates the emergence of a feedback loop that will likely further accelerate the turn to sustainable finance.

That turn could appear well-timed for the global development sector. Since the adoption of the SDGs and the subsequent Addis Ababa Agenda for Action (AAAA) the official doctrine of the UN, World Bank and major development actors has been to use multilateral and public development finance to crowd-in private capital, including through bespoke public-private partnerships. Increasingly, investors look to the SDGs as a framework for analysing and assessing ESG impacts.[62] The World Bank and other MDBs officially adopted this catalytic approach to financing development in 2015 with an initiative under the slogan 'From Billions to Trillions'.[63] That ambition has proven hard to meet. The Overseas Development Institute has found that on average one dollar of public investment from MDBs and bilateral DFIs mobilises 75 cents of private investment in low- and middle-income countries, or 37 cents in low-income countries (LICs).[64] The OECD has sized 'blended finance' at just over USD 200 billion between 2012 and 2018.[65] In contrast, the 'SDG gap' has been estimated at USD 2.5 trillion (until 2030).[66] One commentary consequently calculates that mobilization of private finance would have to increase "by a factor of 16 over the next decade" to fill this gap.[67] The financing strategy has accordingly been repackaged in more recent World Bank and UN documents in terms of 'Maximizing Finance for Development'. UN Member States have aligned themselves with this approach through work in the UN Economic and Social Council. The aim, Member States have declared, is to orient development interventions to generate an "enabling environment" for foreign direct investment, "aiming at effectively mobilizing and aligning a wide range of financing sources and instruments with the 2030 Agenda" and using this to crowd in private finance to support "nationally-owned sustainable development strategies".[68]

One way that development actors are implementing this approach is by increasing investment in and lending to intermediary financial institutions. The aim here is to create a flywheel effect, investing in a range of financial intermediaries with their own investor and client pools, tapping into their networks of private investors and enlarging the pool of investments to accelerate progress towards the SDGs. Yet there is a growing recognition that this approach creates real challenges for managing social risks, including modern slavery risk. Intermediary financial institutions may or may not be subject to relevant ESG standards in different circumstances,[69] limiting the ability of original investors to ensure respect for ESG standards in the projects ultimately financed by intermediaries. The IFC's own Compliance Advisor/Ombudsman has queried the extent to which the IFC can accurately assess the social impact of projects undertaken by the financial institutions in which it invests.[70]

Beyond that specific limitation, there is a broader concern emerging about the robustness of ESG risk assessment and management in private capital markets. The limited transparency in how investors assess social risks has led to cautions about the growing dangers of 'social washing' or even – after the SDG's rainbow logo – 'rainbow-washing'. This is when "issuers claim that proceeds will go towards worthy causes but the money ends up elsewhere", or the net social impact of the project is not as claimed or assessed.[71] There are also growing indications of principal-agency problems in private capital more generally, with emerging evidence that returns to asset managers significantly outstrip returns to owners, and some signs that companies that are financed by private capital may suffer *reduced* resilience.[72] Going further, some commentators suggest that the development sector's turn to private capital markets risks repeating the deregulatory mistakes of the Washington Consensus, replacing it with a 'Wall Street Consensus' in which ownership of transportation, education, healthcare and other public services is moved up and out into globalized capital markets.[73] The danger is that, as Daniela Gabor puts it, development is "recast as an exercise in the privatization or commercialization of public services to generate returns for global finance, with State bureaucracies focused on how to sell development finance to the market rather than" how to deliver outcomes for local publics.[74]

This should give the development sector pause. Will the convergence of ESG investing and the development sector's attempts to maximize finance for development work to protect people and maximize their economic agency, or will it leave them more vulnerable? What kind of strategies will promote the first outcome? To answer those questions, we must look to lessons from past episodes of financialized development. Serendipitously, there are important lessons to learn from one such earlier episode that was deeply connected to forced labour and slavery: the 1830s expansion of the United States economy into the Mississippi Valley and American south-west. It is to that episode and those lessons that we now turn.

Ghosts of crisis past: financialized development, slavery and the Panic of 1837

Any reflection on the economic impacts of slavery must reckon with the legacies of transatlantic slavery. While we considered some of these legacies in Chapter 2, in this section we consider one particular episode that may help illuminate the risks of the current turn to the private sector to finance development: the financial Panic of 1837 in the United States, which was closely connected to the growth of slavery in the US after the formal abolition of the transatlantic slave trade.[75] There are important similarities between the strategy of securitization that underpinned the development of the American southwest, through slave labour, in the 1830s, and current development sector 'blended finance' initiatives such as the G20's 'Infrastructure as an Asset Class' project (discussed in Chapter 8). Given how disastrous the unintended consequences of that 1830s episode proved to be, it may be useful to think about how today's efforts to maximize financing for development can learn from it, to avoid similar mistakes.

Slavery as an asset class

Globalized cotton value chains were at the heart of the transatlantic economy and both American and British development in the 1830s. The forced displacement of tens of thousands of Native Americans by the US Government under President Andrew Jackson opened up the fertile Mississippi valley for American settler expansion. This access to new, highly fertile land provided a powerful capital injection for American and British economic development, but the value of that capital was developed through forced labour.[76] The cotton was produced by more than 250,000 slaves traded and marched into the Valley from the eastern States, their families typically broken up in the process.[77] Booming demand for cotton in British factories (themselves major sites of child labour) led prices to rise rapidly. Profits for were enormous, because capital costs were kept low by the US Government subsidizing land grants to promote white settlement, with labour costs reduced through slavery.

Financial innovation and speculation were the result. Because slavery remained legal in the US (even as the international slave trade had been prohibited), slaves served not only as labour but also as capital assets. As Peter Doyle has noted, slaves served a similar role as stores of value to that played in more recent times by houses – and were worth about the same.[78] They represented collateral for further borrowing and hedging, and became the basis for the creation of complex securities, similar to the securitized housing mortgages that, almost two centuries later, were at the heart of the Global Financial Crisis. Slavers and plantation-owners worked with the State legislatures they controlled to charter banks that financed those involved in the cotton economy. The liquidity for this financing was generated by the banks issuing bonds, backed by a State (public) guarantee and by the mortgages on plantations – and on slaves themselves. Those bonds were sold by financial intermediaries such as Baring Brothers into European capital markets. More than USD 50 million in bonds were sold this way by the second half of the 1830s – around USD 1.5 billion in today's terms.[79]

It was slaves' stolen labour and stolen economic agency that created the profits that European capital markets were buying into. In this way, securitized slavery underwrote the development of the southwestern frontier of the US and the expansion of its cotton empire.[80] As Edward Baptist has commented, "[f]or the investor who bought it from the House of Baring Brothers or some other seller, a bond was really the purchase of a completely commodified slave: not a particular individual, but a tiny percentage of each of thousands of slaves."[81]

The results of this approach were disastrous on two levels. The first was the social disaster of slavery in the Mississippi Valley, a disaster both for those enslaved, and for all subsequent Americans, especially their descendants. Over 250,000 people were marched from the eastern States to forced labour in Mississippi Valley. Huge numbers died. Enslaved families in the eastern seaboard States were scattered to the winds. At the end of that march awaited a life of forced labour, rape, coercion and limited, if not entirely denied, economic agency. As we saw in Chapter 2, the economic and social costs have redounded through generations, leading us to the Black Lives Matter movement today – and the growing debate on reparations.

Unsplash/Michael Daniels

The second disaster befell the American economy itself. It came in the form of financial panic and depression. Like the securitized sub-prime mortgages that fuelled the Global Financial Crisis, the securitized slavery of the 1830s created a precarious pyramid of risk, susceptible to collapse once debts started being called in and credit dried up. When the bubble burst in 1837, it quickly morphed into a seven-year depression – not surpassed in depth until the Great Depression of the 1830s.

The trigger for the bursting of the bubble was the convergence of three factors in 1836. First, British lending had tightened. This was in part the result of the 1833 *Slavery Abolition Act* (UK), and the manumission of 46,000 West Indian slaves. N.M. Rothschild and Moses Montefiore put together what was then the largest syndicated loan in history, worth around 40 per cent of British annual central government expenditure, to pay GBP 20 million in compensation to slave owners – many of them powerful Members of Parliament. The final payment on this loan was only made by Her Majesty's Government in 2015. The size of the loan meant that credit tightened significantly for several years afterwards.[82] Second, the expansion of cotton supply from the Mississippi Valley had been so rapid that by 1836 supply was out-stripping demand, leading naturally to a price decline. And third, with growing concern in the US about a proliferation of currency-issuing banks and risks of financial fraud, President Andrew Jackson moved to require all payments for land grants to be made in specie (gold or silver) rather than in private bank notes, suddenly devaluing much private debt.[83]

By the end of 1836 three massive Liverpool and London cotton firms were unable to meet their debts and collapsed. By late March 1837 all top ten cotton-buying firms in New Orleans had collapsed. This sent shockwaves through the cotton value chains at the heart of the south-western economy. Banks that relied on cotton revenues were unable to meet coupon payments to European creditors. In the face of that insolvency, State legislatures began repudiating their guarantees of bank bonds. Business and consumer confidence collapsed, and a seven-year depression set in, during which unemployment hit 25 per cent in some parts and prices dropped by up to 33 per cent. By the early 1840s Wall Street had emerged as the main financier of the Southern economy, replacing New Orleans, Philadelphia and the State banks (and through them the European capital markets). This fundamentally altered the political economy of the United States, creating new tensions between northern and southern elites, with slavery at its centre, which led, two decades later, to Civil War.[84]

Who monitors and manages social risk?

In the 1830s, mispricing of risks associated with slavery-fuelled development led to significant costs for both slaves and the American economy. This holds two important lessons for today's development sector, including those pushing for blended finance solutions, such as the Infrastructure as an Asset Class initiative discussed in Chapter 8.

AT THE SYSTEMIC LEVEL

First, securitization of development projects encourages private investors and their public partners actors to 'de-risk' assets by separating them from the risks they generate – including risks to people. Governance and ownership of those development projects are repackaged to fit the preferred risk/return profiles of investors. The result is that private incentives may become disconnected from public interests. If no one is mandated to monitor and manage systemic risk levels, there is a danger that they silently build up to toxic levels.

In the 1830s, this outcome was the result of President Jackson's veto of a bill for the charter of the second Bank of the United States in 1832, which essentially abolished the era's equivalent of a central bank.[85] The effect was to delegate economic risk assessment and management to private banks, creating a vacuum at the centre in managing systemic risk levels – and fostering the boom in speculative banks and financial institutions.[86] When exogenous shocks arrived that changed market conditions (reduced lending, reduced cotton prices), the system was unable to operate while carrying such risk, and collapsed. A similar pattern played out in the Global Financial Crisis: weak regulation of investment banks led to a rapid growth in securitization of sub-prime mortgages, generating unrecognized and ultimately toxic levels of risk at the system level.

Both episodes point to the importance of centralized risk monitoring and regulation to align private financial behaviour and risk-taking with public interests. Otherwise, there is a danger that de-risking serves as a cipher not for risk reduction, but for risk reallocation – away from capital to labour, away from owners to workers, and ultimately to societies and States. Profits are privatized, and risks are socialized. Yet ultimately when those risks *are* socialized, it is the least powerful and most marginalized that pay the steepest price. In the 1830s, enslaved African-Americans of the southwest were sold through multiple hands to settle debts and insolvencies during the 1840s depression. And in 2008 and the years that followed, it was people of colour and disadvantaged communities that paid the heaviest price following the Global Financial Crisis.[87]

Global regulators made significant efforts, after the 2008 crisis, to strengthen the global financial system's risk monitoring, management and coordination systems. Since then, there have been significant reforms to mandate management of climate risks in the global financial system, following a similar logic. The COVID-19 pandemic suggests that something similar might be required to understand systemic risk levels around supply chain and worker vulnerability. Yet to date, there is no coordinated mechanism for understanding and managing systemic levels of social risk across the global financial system. Development actors, relying increasingly on private financing to drive positive social outcomes, have a large stake in ensuring effective systemic risk management. If development actors want to rely on private capital to help strengthen social outcomes, they may need to do more to build the policy infrastructure needed to manage these systemic risks. Without that infrastructure, we cannot be sure that the animal spirits of capital markets have been effectively tamed, and that the financialization of development is working effectively for people and planet.

AT THE PROJECT LEVEL

Second, the 1830s episode also holds lessons relating to project-level risk management. The excessively cosy relationship between legislatures, State banks and borrowers in the 1830s undermined effective risk assessment in lending to develop the Mississippi Valley. The danger today is that the development sector's eagerness to woo private capital may have a similarly dangerous impact on risk assessment, leading to the 'social washing' or 'rainbow washing' of risky investment. Daniela Gabor, for example, argues that the shift in bargaining power towards private investors entailed by the Maximizing Finance for Development agenda risks allowing investors to "demand their own ESG criteria on MDB loans that would be securitized, or cherry-pick loans that are consistent with their ESG framework." This risks giving private investors excessive influence over MDB safeguards and social risk management policies, incentivising MDBs to dilute their ESG standards.[88] It is also leading to fragmentation, since private ESG criteria are not coordinated or consistent – and may actually be a point of commercial differentiation for investors. Moreover, once assets are removed from an MDB's balance sheet, it becomes unclear who has responsibility for enforcing social standards.[89] If an issuer defaults on obligations under an infrastructure bond, and ownership of the underlying asset passes into private hands, who will ensure the owner respects environmental and social safeguards and protects workers against modern slavery? As Gabor explains:

> The MDBs' turn to securitization may further dilute accountability, by increasing intermediation chains and reducing the (already weak) incentives for continuously enforcing [ESG] compliance. Private ESG criteria are likely to become the norm in sustainability-oriented securitization. The "ESG evangelism" at the core of the global policy agenda downplays the fickleness of this indicator, and the potential for SDG-washing inherent in the private and thus far unregulated ESG provision.

This does not necessarily mean that securitization is inherently problematic; instead, it points to the importance of improving ESG risk assessment. A reliable, well-regulated market for ESG information will be crucial to prevent 'social-washing', ensure capital costs align with true social outcomes. Development actors have a large and growing stake in this outcome.

Another insight that emerges from a review of the development experience of the American southwest in the 1830s is that innovation in the provision of market information is not only feasible, but also aligns with anti-slavery objectives. When credit dried up during the Panic of 1837, American merchants did not know which of their clients and debtors to trust. Commerce and confidence quickly shrank, leading the US economy into a depression. One group of merchants, who knew and trusted each other from their shared fight to abolish slavery, found an innovative solution: they pooled commercial intelligence to create a subscription-based credit ratings service. They were led by Lewis Tappan, founder of the American Anti-Slavery Society, who organized legal representation before the US Supreme Court for the slaves aboard the *Amistad*. And amongst the ranks of those providing intelligence into this new credit ratings service were two young lawyers: from Illinois, one Abraham Lincoln; and from Ohio, one Salmon P. Chase – later Governor of and US Senator for Ohio, Secretary of the US Treasury, and Chief Justice of the United States. The firm that Tappan founded, the Mercantile Agency, evolved to become Dun & Bradstreet, even today a leading business information purveyor.[90] And credit ratings are now central to the global financial system.

Just as abolitionism was at the heart of the drive for market transparency after the Panic of 1837, so anti-slavery efforts may need to be at the vanguard today of ensuring that global capital markets accurately price ESG risks. Given their growing reliance on those markets, development actors have a growing incentive to ensure the effectiveness and coherence of ESG risk assessment methods and benchmarks. Yet when it comes to social risk – as opposed to environmental risk – the MDBs and other major development organizations have largely been silent on these issues.

The final lesson for pandemic recovery from the development of America's south-west is thatdevelopment outcomes – and modern slavery outcomes – are shaped not only by local and national-level development interventions, but by global market regulation. Developing Freedom requires action not just at the individual intervention or project level, but at the level of the market – reshaping the global institutions in which vulnerability is situated, and to which exploiters strategically respond. If the development sector is serious about reducing vulnerability to modern slavery, it must think not only about how to safeguard against modern slavery at the individual project level, but also at the systemic level. That means thinking about how aid interacts with trade, investment, tax and competition law, about whether the growth models and development pathways promoted by existing development interventions are in some cases *conducive* to modern slavery, and about the limitations of a country-by-country approach. In the final chapter, we consider what such an approach might entail.

CHAPTER 10: AN AGENDA FOR DEVELOPING FREEDOM

In this final Chapter, we draw on the insights from all preceding chapter in the study to spell out a 'Developing Freedom Agenda'. At the heart of this agenda is the recognition that modern slavery is all about the intentional denial of individual economic agency, and the stunted human, economic and social development that results. Developing Freedom, as an agenda for development sector thinking and action, is thus centrally concerned with protecting and sustaining all individuals' economic agency to prevent enslavement and to unlock the potential of those who have been enslaved.

We offer five recommendations for implementing this Developing Freedom agenda: 1) commit to develop freedom; 2) slavery-proof development pathways; 3) supply freedom; 4) finance freedom; and 5) organize communities for freedom. In each area, we offer both a longer-term agenda and specific short-term measures needed to recover from the COVID-19 pandemic.

Recommendation 1: Commit to Developing Freedom

In Chapter 1 we explored how the global development system approaches modern slavery. One conclusion was that the reduction of modern slavery, forced and child labour, and human trafficking is not currently a significant objective of the global development system. Yet, as we saw in Chapter 2, evidence suggests there would be development gains – both economic and social – from ending slavery. Also in that chapter, we considered the case for putting developing freedom – the maximization of people's economic agency – at the heart of development practice.

There is a utilitarian case for doing this. Unlocking the potential of those formerly enslaved will lead to significant economic and social pay-offs, cascading over generations. But there is also a normative case, based not only in notions of 'leaving no one behind' but also in human rights. The Universal Declaration of Human Rights includes a right to be free from slavery (Article 4). Development is not sustainable if it comes at the cost of creating a permanent under-class, intentionally denied their basic human rights to make decisions for themselves.

Taking the sustainable development case for ending modern slavery seriously means reviewing and recasting development strategies, policies, lending and programming through a Developing Freedom lens. It requires consideration of the impact of development strategies on people's economic agency, and, centrally, preventing the intentional denial of that agency which modern slavery represents. In subsequent recommendations we spell out some of the operational measures required to achieve this. Before these are undertaken, the first and most fundamental step will, however, be to commit to developing freedom – to create formal institutional mandates for such an operational approach.

This means elevating developing freedom to the level of a strategic goal of the development system, alongside goals such as economic growth and poverty alleviation. For bilateral development agencies, it means going well beyond treating modern slavery as an anomaly to be addressed through niche technical programming. Instead they will need to make protection and maximization of people's economic agency a more central focus of research, capital allocation and strategy. For the World Bank, other MDBs and DFIs, it means going beyond treating forced and child labour as a safeguards issue in project lending and bringing analysis of economic agency more centrally into policy lending and advice. And for the

UN Development System, it means bringing efforts to reduce modern slavery, forced labour, human trafficking and child labour to the centre of discussions with host countries about growth trajectories and development pathways. At present they are treated as a niche issue, siloed into voluntary initiatives such as the Alliance 8.7 Pathfinders programme.

Creating the requisite institutional mandates will require reflection, discussion and mobilization (to which we return in Recommendation 5, below). Yet this study also offers insights for the short term, as the global development system considers how to foster economic recovery from the COVID-19 pandemic. These are also spelled out in the four other recommendations that follow. For now, we limit ourselves to three insights into what it means to 'commit to develop freedom' in building back better.

Resilience

The first insight is that *committing to develop freedom will promote resilience*. Modern slavery is, as we saw in Chapter 2, both a product of and a spur to lack of resilience. Those who lack resilience – because they do not have access to savings or credit, for example, during periods of financial shock, or because their physical environment makes them more susceptible to natural disaster – are more likely to end up in modern slavery. And ending up in modern slavery makes you less resilient, makes your community less resilient, and makes your descendants less resilient. There is a reinforcing feedback loop between lack of resilience and vulnerability to modern slavery. So developing freedom will promote resilience, and ensure that our economy works for people, not against them. Any effort to promote a Developing Freedom agenda should therefore note the links between this agenda and the resilience agenda in the SDGs, especially Goals 2 (Zero Hunger), 3 (Good Health and Well-being), 6 (Clean Water and Sanitation), 11 (Sustainable Cities and Communities) and 13 (Climate Action), but also 12 (Responsible Consumption and Production), 14 (Life below Water) and 15 (Life on Land).

In the immediate short term, Building Back Better thus means focusing efforts to promoting economic agency on those whose resilience is being most tested. It means starting with those 'furthest behind'. Social assistance programmes already account for around 60 per cent of the measures undertaken in response to COVID.[1] But there is a need to ensure these protect most vulnerable, especially those in informal sector, and those that are structurally at a risk of exclusion, such as migrant workers.[2] There is a particular need to provide fiscal space to least developed countries (LDCs) and low-income countries (LICs), to allow them to scale up and extend social protection and social assistance programmes including food aid, cash or in-kind transfers, or rent and utility bill waivers.[3]

Empowerment

The second insight is that *committing to develop freedom means addressing questions of power*. Vulnerability to slavery and lack of resilience are both connected to a lack of power. And enslavement is the ultimate denial of economic power, because it involves being recast not as an economic agent but as an economic object. Committing to developing freedom requires addressing questions of power, rights and ensuring 'no one left behind', notions central to the UN Agenda for Sustainable Development. Any short-term commitment to address modern slavery should explicitly identify the connections between the Developing Freedom agenda and the SDG's empowerment goals, especially Goals 1 (No Poverty), 4 (Good Education) and 5 (Gender Equality), but also Goals 7 (Affordable and Clean Energy), 8 (Decent Work and Economic Growth), 9 (Industry, innovation and infrastructure), and 10 (Reduced Inequality).

Institutions

A third crucial insight from this study is that slavery systems operate through the interaction of three factors: people's vulnerability; exploiters' strategies; and the institutional environment. So *committing* *to develop freedom requires addressing institutions*. Any commitment to the Developing Freedom Agenda is thus intimately linked to SDG 16 (Peace, justice and strong institutions).

This requires thinking not just about formal institutions, but also informal ones. A lesson common to both the COVID-19 crisis and other contemporary crises of institutional legitimacy (as reflected in the Black Lives Matter movement, and the Me Too movement) is that formal freedoms can be quickly hollowed out when they are embedded in larger institutional settings – whether formal or informal – that normalize exploitation. So committing to develop freedom means continuing to address social institutions such as gender norms, caste, and race; continuing to develop the institutional agenda in global development practice; but also considering how global institutional arrangements – on trade, competition and tax, amongst others – engender vulnerability. We spell out the implications of this insight in later Recommendations.

Recommendation 2: Slavery-proof development pathways

Realizing a commitment to developing freedom requires promoting development pathways that maximize people's economic agency. This means looking at development pathways through a Developing Freedom lens: testing whether they are unintentionally creating slavery-conducive conditions – and, where they are, correcting that tendency, for example by addressing vulnerabilities or shifting growth to sectors that are less prone to generate modern slavery. This is an exercise is slavery-proofing development pathways.

Labour coercion responds to sector-specific demand.We know that some sectors – especially those involving skill-intensive exports – promote human capital formation, while unskilled labour-intensive exports discourage it, and may sometimes promote use of child labour.[5] And we know that foreign direct investment in sectors prone to labour coercion can amplify it.[6] It follows that a development policy that is committed to fighting slavery must encourage investment in industries that are not coercion-prone – such as skill-intensive exports – and discourage investment in those that are more coercion-prone; or, at the very least, adopt strategies designed to mitigate coercion-inducing effects.

A frank reflection will thus be needed on the role that Global Value Chains (GVCs) – as currently structured and governed – may play in generating contemporary forms of slavery. As we saw in Chapter 2, the *World Development Report 2020* acknowledges the possibility of what is sometimes called the 'adverse' incorporation of communities into GVCs, and the fact that GVCs sometimes reduce labour protections.[7] As the case studies in Part Two illustrate, incorporation into GVCs can promote overall economic growth and employment, while also reproducing precarity and increasing vulnerability to labour exploitation and, in some cases, modern slavery. And this generates vulnerability not only for workers, but also for supply chains, as the COVID-19 crisis has revealed.

Development strategies predicated on enlarging the addressable global market by extending the reach of GVCs may sometimes *increase* modern slavery overall, unless those tendencies are somehow mitigated. A commitment to Developing Freedom thus requires careful reflection on the relationship between aid and trade, and global investment, tax and competition rules. Both the EU and US have shown in recent years that linking trade market access to respect for labour standards can prove effective in raising standards – with US Customs and Border Protection now detaining goods suspected of being made by forced labour, and the EU suspending market access for goods from jurisdictions with recurring labour rights concerns.[8] Trade preferences and boycotts were a recurring feature of anti-slavery interventions studied throughout Part Two. Yet almost no thought has been given, to date, to what a Developing Freedom agenda would look like at the WTO.

A trade-oriented dimension to the Developing Freedom agenda must go beyond merely attempting to accelerating the pace at which countries 'upgrade' in GVCs through vertically specialized industrialization (VSI): that simply accelerates the churn of communities in and out of the at-risk zone, and fails to address the risk-generating properties of the value chain system itself, as currently organized.[9] We risk treating labour exploitation as a necessary 'growing pain' on the path to development. That proposition is dubious not only morally, but also empirically. It assumes that countries 'graduate' out of labour exploitation, whereas there is growing evidence that under contemporary conditions modern slavery is present in 'labour chains' in countries at all income levels – and responds more to a sectoral logic than a national one. VSI risks socially unbundling communities within countries, into high-skilled, capitalized winners in cities, and low-skilled wage workers in rural areas. The risk is that some parts of society move up the curve, capturing more value and greater shares of returns on capital, while other segments of society slide down the curve in the opposite direction. The danger is that VSI leaves low-wage and low-skilled workers behind, and splits national economies into two, operating on two different speeds.

What would an alternative approach look like? The answer lies in the commitment to developing freedom – and translating this into a re-conception of the developmental role of State. The case studies in Part Two makes clear that in a globalized world, the State's involvement – or abstention – is central to modern slavery systems. Given States have committed to end modern slavery, the continued existence of modern slavery is clearly a product of State forbearance, collusion, or weakness. As Daron Acemoglu has explained lucidly, labour coercion emerges in "the conditions under which producers can use the State or other enforcement mechanisms to exercise coercion and pass laws reducing the outside option of their employees."[10] And as Andrew Crane has explained those 'other enforcement mechanisms' are carefully cultivated and maintained social norms and institutions. They operate in non-State domains whose separation from the State is a result of strategic action by exploiters, corrupt forbearance by State officials, or the limited reach of the State – sometimes quite voluntary.[11]

The obvious policy conclusion is that ending slavery requires the active involvement of the State to reduce the size and profitability of those domains. As the former IMF Director Peter Doyle has recently suggested, it involves rethinking the developmental role of the State to go beyond economic growth, poverty alleviation and social development, broadly understood, and to specifically include the protection and maximization of people's economic agency.[12] The aim is to ensure that no one gets removed from the economic game altogether by being treated not as an economic decision-maker, but as an economic object.

This might sound like a recipe for protectionism. It is not. Protectionism will lead to retrenchment and segmentation of existing GVCs, reductions in trade and purchasing power, increase informal and precarious work, reduce incomes, and increase vulnerability to modern slavery.[13] Protectionism thus reduces people's economic agency. Instead, we argue that realizing the Developing Freedom Agenda – both in the longer term and in the immediate context of efforts to recover from the COVID-19 pandemic – means promoting development pathways that provide safety nets, promote human development, and promote entrepreneurialism and capital formation. These pathways have five main characteristics, to which we now turn.

Development pathways that reduce modern slavery…

The exact shape of slavery-proof development pathways will vary from country to country, depending on numerous context-specific factors, including the factor endowments of the country in question,[14] and how changes in peer and competitor countries impact competitive advantage.

In some countries, the focus may need to be on reforming governance and institutions; in others, it may be more on labour market regulation. Juliette Faure has pointed out, for example, that trade liberalization was successful in reducing labour exploitation in Vietnam in part because consumers – whose rice prices went up – were also rice producers. There, institutional reforms that fostered integration into global markets enhanced people's economic agency. In contrast, in Brazil, trade liberalization has not had the same effects, in part because land-ownership is highly concentrated. As we saw in Chapter 3, landless workers have not benefited from the returns to capital brought on by trade liberalization, and have instead been exposed to the down-side risks from adverse incorporation into GVCs.[15] In such cases, developing freedom may require a greater focus on reforming markets (as the ILO has in Uzbekistan, as we saw in Chapter 5, and Qatar, as we saw in Chapter 8), to make the inefficiencies of forced labour more visible, and hence disrupt exploiter strategies.

Thus, there is no one-size fits all solution to slavery-proofing development pathways, but rather a set of common characteristics that derive from a central focus on maximizing economic agency. The reforms needed to realize those characteristics will depend on the context. Whether the chosen pathway focuses on an institutional, market or some other transformational vector, what emerges is that slavery-proofing policy mixes involve States taking a much more direct and active role in protecting economic agency. This is a vision of States steering their people towards skills-based entrepreneurialism, even – or perhaps especially – in countries with large informal workforces. This is a vision of a developmental State that absorbs and manages risk, empowering its people to develop not just as wage laborers but as capital formers and as creators.[16] Broadly, these pathways are likely to do five things:

...develop human capital

As we saw in Chapter 2, economic empowerment is central to addressing vulnerability. Capital formation – including human capital development – is central to empowerment. This is why education emerges in recent IMF analysis as the key driver of economic benefits from terminating child marriage,[17] and has long been recognized as a key intervention to address child labour. Slavery-proofing development pathways will require greater investment in human capital development not only through school education, but also through more attention to tertiary education, professional skills development, and life-long learning. In the immediate context of Building Back Better, it suggests a need to ensure all children have access to education despite public health measures such as lockdowns. And it requires prioritizing those furthest behind, especially migrant communities, for example through language training and recognition of existing skills and qualifications, to unlock their potential as resources for building back better.

... promote entrepreneurialism and pre-distribution of wealth

Maximizing economic agency and reducing vulnerability to coercive labour means giving people the ability to be their own boss. This has several elements. First, increasing labour mobility, both within national labour markets and across borders. States should work together to promote safe, regular and legal migration and facilitate remittance flows. As we saw in Chapter 8, development actors have important roles to play here in addressing the risks and inefficiencies associated with recruitment fees.Second, financial inclusion, especially access to credit, working capital and insurance. And third, fostering saving and capital formation, for example through policies promoting pensions and retirement saving, even amongst informal workforces. One idea that is receiving growing attention is 'pre-distribution' of wealth through mutualization of new technologies.[18] For example, countries that rely heavily on industries especially susceptible to automation or the green transition could cushion those transitions by promoting mass ownership of replacement technologies (green technologies, industrial robots) – both to offset looming job losses, and to serve as a driver of growth in a manner akin to mass home ownership during the twentieth century.[19] And another idea that emerges from Part Two as worthy of close scrutiny is the use of cooperative forms of production and organization to allow small-scale producers to achieve scale without sacrificing autonomy through vertical integration and control.

… provide safety nets

Safety nets promote economic agency, not only by protecting people's capabilities in crisis, but also by fostering responsible entrepreneurialism and risk-taking. Relevant policies include: establishing national social protection floors; access to universal healthcare; access to childcare; and strengthened access to unemployment, sickness or disability benefits. In the short term, there is a particular need to think about how to extend safety nets to informal and marginalized workers. Conventional measures relying on formal payroll structures – such as wage subsidies and tax relief – will struggle to achieve impact in those contexts. So innovative mechanisms may be needed, such as harnessing digital government-to-person (G2P) platforms used for healthcare, utilities or disaster recovery to reach informal workers. Multilateral lenders and donors may also need to increase funding to support developing countries to extend income and food support.

… promote high-skilled growth

In Chapter 2, we saw that, as Andrew Crane has argued, one way to reduce modern slavery is to make it less profitable than other management practices. The development sector should encourage countries to adopt industrial and labour market policies that promote skilled jobs and reduce incentives for use of low-productivity, low-wage labour. This may involve industrial policy to promote skills-intensive exports, backed up by education investments and training incentives. Wage policy is also relevant: by mandating high wages at the bottom of the distribution, governments encourage employers to automate and encourage workers to move into higher-skilled, higher-paying roles. This depends, however, on workers having access to safety nets and educational opportunities, to allow them to move safely to other roles, without in the meantime becoming vulnerable. In order to justify sinking investments in upskilling, governments may need to enter into arrangements with employers to assure continued demand from employers for this skilled labour.

… reduce inequality of economic agency

Finally, this study suggests that modern slavery is closely connected to inequality – not simply of wealth or income, but of economic power. Modern slavery involves some actors profiting from controlling the economic agency of others. Policies that work to reduce inequalities of economic agency – such as progressive taxation policies, competition policies that reduce market concentration and the oligopsony power of lead firms, and corporate regulation that serves to flatten wage distribution – will all help to reduce modern slavery.

To achieve this vision of States using their power to develop economic agency, States will themselves need access to finance and investment – a key role for the development sector, discussed further below. But States will also need to be willing to exercise that power. They will need to be prepared to discharge their role as intermediaries between global markets and people – and to resist efforts by global capital to play States against each other to maximize returns by watering down labour protections.

The COVID-19 crisis arguably facilitates a move in this direction, because it has enlarged the role of the State as an owner, investor and manager in many value chains. It gives States a greater ability to govern the interaction of international capital flows with local labour, and to manage international labour movements. That power is particularly significant where States are willing to work together. How States work together in coming years to govern value chains – supply chains, labour migration, and capital flows – thus emerges as a key question for the Developing Freedom Agenda. We turn next to those questions.

Recommendation 3: Supply freedom

Development actors have enormous leverage over their clients' and partners' business practices – and, under the UN Guiding Principles on Business and Human Rights, a responsibility to use that leverage to encourage efforts to prevent and remedy modern slavery, forced labour and human trafficking. That leverage has grown significantly as a result of the COVID-19 pandemic: many government budgets have expanded through unprecedented bail-outs of private industry, in return acquiring large equity positions and debt books. To foster recovery from the pandemic, development actors should encourage clients, companies and suppliers to which they are connected to prioritize protecting people as effective economic agents.

Development actors should use their resources and leverage to encourage responsible business conduct in supply chains, including human rights due diligence and steps to transform supply chains that are particularly likely to generate modern slavery risks. As the OECD has noted, promotion and implementation of responsible business conduct "is an opportunity for long-term market-oriented development solutions that can have an economy-wide impact."[20] Immediate steps are needed to safeguard workers, suppliers and other business partners from the modern slavery risks associated with COVID-19 and the resulting economic downturn. In the short term, they should prioritize sectors and value chains where COVID-19 has most severely reduced economic agency and heightened modern slavery risks. The central goal should be to keep as many people involved in the economy as active agents as possible. This means taking immediate steps to mitigate worker vulnerability, and longer-term measures to foster resilience, through formal conditionalities and accountabilities in new lending or variation of existing loan and grant terms, through relevant environmental and social assessments, and through new strategic initiatives.[21] Examples of steps that development actors can take to address modern slavery risks in their own, clients' and partners' supply chains, include:

Protect workers' health, incomes and livelihoods

Lenders and investors should provide information to governance bodies and to business partners about how to address modern slavery risk in COVID-19 response. Some multilateral organizations and governments are already doing this.[22]

Development actors should ensure partners foster compliance with relevant occupational health and safety standards, including on personal protective equipment (PPE). Where possible, borrowers and clients should be encouraged to maintain supplier relationships and even relax delivery terms, while extending orders, accelerating payments and front-loading supplier financing. They should, as far as possible, retain workers on payroll, and continue their access to health-care, sick-leave, family leave and childcare. Development actors can encourage governments to offer affected businesses wage subsidies, loan guarantees, and flexible payment schedules for tax and social security contributions.

This also requires reviewing pandemic-period business decisions, including contract terminations and withholding of payments, for modern slavery risk. Development actors may need to consider whether after-the-fact remedial measures are needed where clients' and borrowers' decisions have contributed to or caused increased modern slavery risk.

Work together

Governments, business and international organizations face common challenges managing high-risk supply chains. They all stand to gain from a collective approach, particularly in mapping modern-slavery risks and in shaping response plans.

Development actors at all levels should encourage ongoing social dialogue among governments, employers and workers' organizations, to design effective strategies to protect workers and their families. This should encourage worker engagement and assure non-discrimination, including on the basis of union affiliation, or on the basis of contract type when providing severance pay or remediation measures. One area that requires particular attention is high-risk labour migration corridors – i.e. those where labour trafficking, corruption in recruitment practices, and debt bondage are especially prevalent. Both businesses and governments stand to benefit from a collective approach to managing repatriation, and to re-opening and managing those corridors, as do workers.

Yet 'supplying freedom' also means thinking in more transformative terms: moving from treating respect for human rights as a supply chain safeguards issue in projects aimed at other development objectives, to organizing projects aimed squarely at transforming supply chains to reduce modern slavery risks. This requires thinking about how governments can reshape markets and value chains so that they are not so prone to generate modern slavery as they are now. The case studies in Part Two make clear that even notionally 'private governance' of supply chains takes place in the shadow of the State.[23] The GVC model is a product of ongoing action by States to maintain and adapt the global market conditions, structures and systems within which GVCs operate.[24] As we saw in Chapters 4 (palm oil), 6 (fisheries), and 7 (garments and apparel), some countries have begun to assert themselves in and over private governance of supply chains as they recognize that "firm-driven governance of GVCs affects their sovereignty over territory, rulemaking, producers and economic organization."[25] The conditions that render public-private partnerships to govern GVCs most effective remain contested.[26] Yet it is clear that cooperation between business, governments and international actors *can* work – that is, it can create both economic growth and improved social outcomes. In Vietnam, for example, the ILO-IFC Better Work Programme combined with complementary government action to disclose the names of firms failing to meet key labour standards, even as the relevant sectors experienced significant growth.[27] The UK-funded *Work in Freedom* project, involving governments, suppliers and international organizations in Bangladesh, India, Nepal, Jordan, Lebanon and some Gulf countries, has also provided rich insights.[28]

What is missing in many cases, however, is a truly whole-of-value chain approach to GVC governance and transformation. Supply chains are transnational; development programming continues to be conceived and delivered largely at the national level. This suggests a need for closer cooperation amongst major development actors and firms along specific value chains, to identify modern slavery risks and develop agreed strategies for collective action to address them. It also suggests an important role for the UN Development System, using its Regional Economic Commissions and coordinated action by UN country teams along specific corridors or value chains, to foster that collaboration. This goes well beyond the current approach in the UN's Alliance 8.7, which has to date limited its efforts to country-by-country engagement. Yet, governments may be receptive to such an approach: they have a common interest in effective modern slavery risk management, to develop a more equitable arrangement for sharing the social costs of modern slavery amongst themselves and with business, rather than the poorest and most marginalized bearing them alone.

In the short term, pandemic recovery offers a new start – a chance for governments to work with value chain stakeholders to reshape those value chains, collaborating, rather than competing. This could begin, for example, with development of a set of shared expectations of suppliers in specific high-risk value chains – such as PPE, or specific agricultural value chains with rising rates of child labour (such as the cocoa industry) or forced labour (fisheries and aquaculture or cattle).

Recommendation 4: Finance freedom

The role of development finance in realizing the Developing Freedom Agenda can be understood on two time-scales: the immediate needs of crisis response, and the longer-term opportunities for use of development finance as leverage for systemic change.

Responding to the crisis: keeping people afloat

In the context of the pandemic and resulting economic downturn, maintaining economic agency is centrally a question of keeping people and businesses afloat. Development actors have immediate and clear roles to play here.

INCREASE LIQUIDITY AND FINANCIAL ACCESS AT ALL LEVELS

With income and cashflow down at every level – individual, household, business, economy – development actors have a crucial role to play to forestall a spiralling debt crisis. There are a variety of ways they can do this. They can relax sovereign debt repayment terms, and increase access to liquidity, for example through emergency loans and access to Special Drawing Rights. They can increase liquidity for business finance through expanded guarantees, trade finance, collateralization of existing property, and simply making additional funds available. The Dutch development bank, FMO, for example, is at the time of writing standing up a special financing facility to support clients' efforts to provide income protection and other assistance to workers. And where development actors have investments in or lending to intermediary financial institutions, they can encourage those clients to adopt a similar approach by relaxing repayment timelines, covenants on factors such as repayment rates, net asset values, and capital adequacy ratios.[29]

Particular attention should be paid to extending access to savings mechanisms and insurance to informal sectors, for example through social insurance such as the Micro Pension Plan in Nigeria, Ejo Heza LTSS in Rwanda and Mbao in Kenya.[30] Financing for such projects could help enlarge their reach and provide a mechanism for drawing informal workers into social registries that may have other benefits for tracking and addressing worker vulnerability. This is the approach underpinning World Bank support for the West Africa Unique Identification for Regional Integration and Inclusion.[31]

PROTECT MICROFINANCE

At the time of writing there was a looming liquidity crisis in the global microfinance industry. Microfinance providers whose lending is critical for poor and underprivileged populations were excluded from most of the COVID-19 financial relief packages.[32] Yet the microfinance industry currently supplies around 140 million low-income people worldwide credit worth around $124 billion. 80 per cent of these people are women, and 65 per cent live in rural settings.[33] These are all people disproportionately vulnerable to trafficking. Microfinance providers typically rely on high repayment rates – they do not have large reserves. Yet around 90 per cent of all borrowers were at risk of default (at the time of writing), suggesting a need for consideration of a global rescue plan.[34] Given their significant exposure to the industry, this is a serious concern for DFIs, yet some commentators described them as "missing in action".[35] We have seen some coordination amongst European microfinance investors on potential responses,[36] but there is a need to go further.

EXPAND DIGITAL FINANCIAL INCLUSION

Pandemic lockdowns are fuelling a rapid acceleration of digitalization of payments and finance.[37] Some governments are moving towards issuing centrally-backed e-currencies,[38] while others are encouraging firms to use digital payments to keep services running during the crisis.[39] This has positive implications for slavery reduction, because digital finance offers new and more inclusive ways to assess the creditworthiness of low-income households and small business.[40] It also has empowerment impacts: for example, moving firms onto digital wage payments, as it likely reduces women's vulnerability.[41] Enlarging financial inclusion even has macroeconomic benefits including economic growth and reduced income inequality,[42] and building out government to person (G2P) platforms can assist with a variety of forms of service-provision and protection by the State.[43] But the crisis has also highlighted unequal access to digital infrastructure, pointing to important openings for development actors over the longer term.

Using development finance as leverage for systemic change

In that longer term, development finance has a key role to play in mobilizing finance against slavery and trafficking. Finance is a lever that can move the economy.[44] Development finance, as a key link between global capital markets and national economic strategies, has a crucial role to play in determining the direction in which that leverage is applied.

In Chapter 9 we saw how current approaches to development finance aim to use public instruments to crowd-in private financing to promote achievement of the 2030 Agenda for Sustainable Development. We also saw that there are some concerns around social risk management in blended finance. The obvious conclusion is that if development actors are serious about tackling modern slavery, they should work to strengthen modern slavery risk management in blended finance and development finance more broadly. There are several aspects to this.

EXCLUDE KNOWN MODERN SLAVERY RISKS FROM MULTILATERAL FINANCING

As we saw in Chapter 1, many bilateral and development actors have safeguards frameworks in place to prevent financing of forced and child labour. In some cases – such as the 15 European DFIs in the European Development Finance Institution association (EDFI), and the IFC – this extends to formal 'exclusion lists'.[45] Some major (non-concessional) institutional investors, such as the Norwegian Government Pension Fund Global, have similar exclusion arrangements in place.[46] In Brazil, the national development bank (BNDES) – the second largest domestic development bank in the world – also excludes financing entities on the Government-published *lista suja* (or 'dirty list'). Yet to date there seems to have been little effort by development actors to pool this information or create mutual enforcement schemes.

This lack of coordination to exclude modern slavery risks from development finance contrasts to progress in two related areas. First, multilateral development banks *do* have arrangements in place to mutually enforce each other's decisions to bar entities from competing for contracts, based on past association with fraud or corruption.[47] The African Development Bank Group, Asian Development Bank, European Bank for Reconstruction and Development, Inter-American Development Bank and the World Bank Group mutually enforce each other's debarment actions, with respect to four "harmonized sanctionable practices", i.e. corruption, fraud, coercion, and collusion. Coordination includes the creation of a pooled, public database of debarment decisions and barred entities.[48] Yet this does not include forced labour or child labour: using them in a project financed by one MDB will not get you barred from financing by the others. Second, there is growing attention to modern slavery risks in public procurement. For example, Australia, Canada, New Zealand, the US and UK have committed to exclude known modern slavery risks from public procurement.[49] And OSCE countries have also taken action in this area.[50] Yet to date this does not extend to public finance – lending and investment.

All of this points to low-hanging fruit: a coordinated effort on exclusion from financing of modern slavery risks by the MDBs, other major development finance entities and perhaps also non-concessional institutional investors. At a minimum, this could include sharing information about entities barred from financing, facilitating each entity's own due diligence and screening efforts. Ideally it would include some sort of mutual enforcement arrangements as well.

STRENGTHEN ESG RISK INFORMATION MANAGEMENT

Next, development actors should use their advocacy for and participation in blended finance to help develop a more robust, transparent and reliable social risk information regime, especially in relation to modern slavery and human trafficking risks. This means developing a common taxonomy of social risks, standardized risk measurement methods, and incentives for their use. Instead of relying on borrowers and financial intermediaries to set and implement their own ESG standards and assessment methods, MDBs, DFIs and major donors will need to agree and set global standards and work to harmonize these with commercial offerings. Capital markets are keen to see ESG standardization; development actors have an important role to play in that process.

MONITOR SYSTEMIC LEVELS OF MODERN SLAVERY RISK

Third, as we saw from earlier sections in this Chapter, where financial risk management is decentralized and privatized – as it is in the ESG context, currently – there is a particular need for monitoring systemic risk levels. At present, neither development actors nor global financial regulators consider management of systemic risks related to modern slavery or labour exploitation as being within their remit. Yet the system-wide impacts of the build-up of these risks suggests that central banks, the Financial Stability Board and the IMF, should all be mandated to consider these risks.

TACKLE ILLICIT FINANCIAL FLOWS FROM MODERN SLAVERY AND HUMAN TRAFFICKING

Fourth, modern slavery, forced labour and human trafficking concerns should be brought into the development sector's discussions on illicit financial flows and stolen assets recovery.

States are increasingly turning to sanctions instruments to exclude actors involved in forced labour and modern slavery from the financial system. The United Nations Security Council sanctioned six Libyan human traffickers in 2018.[51] The United States has sanctioned both individuals and organizations suspected of involvement forced labour in human trafficking,[52] and the UK Government recently imposed sanctions on two North Korean entities involved in forced labour.[53]

The relevant regimes require financial institutions to cease doing business with designated persons, and sometimes to freeze or even seize assets. To date, however, asset freezing, seizure and recovery associated with forced labour and human trafficking is almost non-existent. This reflects a broader pattern of failure to recover assets in anti-trafficking cases. In Europe in 2015-2016, 72 orders freezing assets associated with trafficking cases were reported, freezing property worth EUR 6,099,984.[54] A further 38 asset confiscation (seizure, not merely freezing) orders recovered property worth EUR 2,008,416. This is a very small fraction of the total asset freezes and seizures for that period across all offences – around EUR 2.4 billion and EUR 1.2 billion respectively.[55] Limited seizures means limited restitution to victims. In the United States between 2012 and 2016, the average restitution award in trafficking cases was USD 59,244.25.[56]

Development actors could work with relevant law enforcement entities to strengthen recovery of assets corruptly acquired through organized forced labour. This is particularly relevant where State organs are involved, as may be the case in Eritrea, Democratic People's Republic of Korea, Myanmar, some central Asian countries, China, and Libya. Recovery of such assets would help finance freedom, especially if development actors worked together to earmark recovered assets associated with forced labour for remediation of resulting harms, and further prevention efforts.

Recommendation 5: Organize communities for freedom

Finally, one of the central insights of this study is that slavery is not only an economic, but a political system that illegally redistributes wealth from labour to coercive capital. Disruption of slavery systems has always generated resistance and backlash and will continue to do so in future. In Part Two we saw how those with interests in slavery systems meet anti-slavery mobilizations with their own counter-mobilizations, harassing, intimidating and even killing activists; mounting court challenges and outflanking legislative manoeuvres; enlisting allies in law enforcement and the executive; or simply waiting until the anti-slavery mobilization runs out of puff. To develop freedom therefore requires sustained political engagement and, as we also saw in the case studies in Part Two, deliberate and effective community mobilization and strategic coordination – from the local level to the global level.

Community mobilization is essential to changing the institutional environment that sustains slavery systems. As we saw especially in Chapter 7's discussion of the Freedom Fund strategy in Tirupur, development interventions that have focused on community empowerment show particular promise in the fight to end slavery.[57] But the need for community mobilization does not end at the local level. It applies equally to the development sector itself, and is central to recent initiatives such as Alliance 8.7 and the NGO-led Freedom Forum. However, simply put, there is currently *no* common strategy at the global level for ending slavery – and certainly not one that involves major development actors, who are largely absent from those forums. There has been no articulation to or by development actors of what it would cost to end slavery, what the pay-offs would be, or how to allocate resources strategically to achieve this result – whether globally or for a specific industrial sector. And five years into the 2030 Agenda, there is not even a formal indicator approved by the UN Statistical Commission to address modern slavery under SDG 8.7, nor any *informal* set of metrics. It has fallen to civil society actors such as the Minderoo Foundation's Walk Free initiative to pioneer work in this area.[58]

What would effective community organization by the development sector look like?

A Developing Freedom Forum

First, recognizing that developing freedom and disrupting slavery is a political project, there needs to be mobilization and organization by development actors. Like-minded actors could begin by forming a Developing Freedom Forum to share information, learn lessons, and develop coordinated strategy, building on past efforts.An agenda for discussion in this Forum could include:

- *mapping modern slavery risks* relating to specific geographies, value chains and development pathways;
- *impact measurement frameworks:*
    - developing programming codes on modern slavery to supplement OECD DAC codes;
    - agreeing relevant M&E variables for programme evaluations;
    - sharing information on spending, evaluations and impact;

- *coordinating financing exclusions* on modern slavery grounds;
- *common risk management guidance* for clients and partners, especially financial intermediaries and those with supply chains characterized by salient modern slavery risks;
- *coordination on the handling of modern slavery in ESG risk information* disclosure regimes, governance and markets;
- *joint analysis of the price of freedom and the freedom dividend*, i.e. the costs and pay-offs of the transformations required to end modern slavery in specific countries, value chains, and/or at the global level (discussed below); and
- *slavery reduction strategies* for specific countries or value chains (also discussed below).

Identify the price of freedom

Second, there is a need for a discussion about the price of freedom – and what Kevin Bales has called the 'freedom dividend'. Governments, business and other stakeholders will be reluctant to disrupt specific slavery systems until they understand both what up-front and opportunity costs are involved – the price of freedom – and who will gain what pay-offs – the 'freedom dividend'. This approach need not, initially, be 'global'. Given the limited state of knowledge about what works to disrupt modern slavery, it may prove too difficult to put a single, reliable price-tag on achieving SDG 8.7 globally, for example. But it almost certainly is possible to begin to develop such assessments for specific communities, countries and value chains. And until development sector actors do that, any advocacy for ending modern slavery is unlikely to get the attention of public policy actors.

Expect resistance – and strategize accordingly

Finally, development actors will need to be strategic. We must be honest – and serious – about the fact that developing freedom means there will be losers: the rentiers who currently benefit from the extractive institutions of slavery. They are often both wealthy and powerful. This is why disrupting slavery has often been costly: rentiers must either be shown that the new dispensation will make the better off, they must be repressed, or they must be bought off. Achieving these results requires strategy – and coordination.

As we saw in Part Two, to be successful, development interventions aimed at reducing slavery will need to combine not only financial resources and technical know-how, but also political influence. As those case studies show, this is possible. But it requires sustained effort and – crucially – alignment of strategy amongst diverse actors, often including major donors, multilateral partners, business, and civil society organizations, around concrete reform demands. The need for multi-stakeholder coordination only increases as interventions move from the local to the national to the value chain to global regime level, as the regime complex shaping the value chain becomes more complicated. Yet without such coordination arrangements, the case studies in Part Two suggest, efforts to intervene in modern slavery systems are unlikely to succeed. Those systems, stealing some people's agency to enrich others, will remain in place – and with them a significant drag on sustainable development.

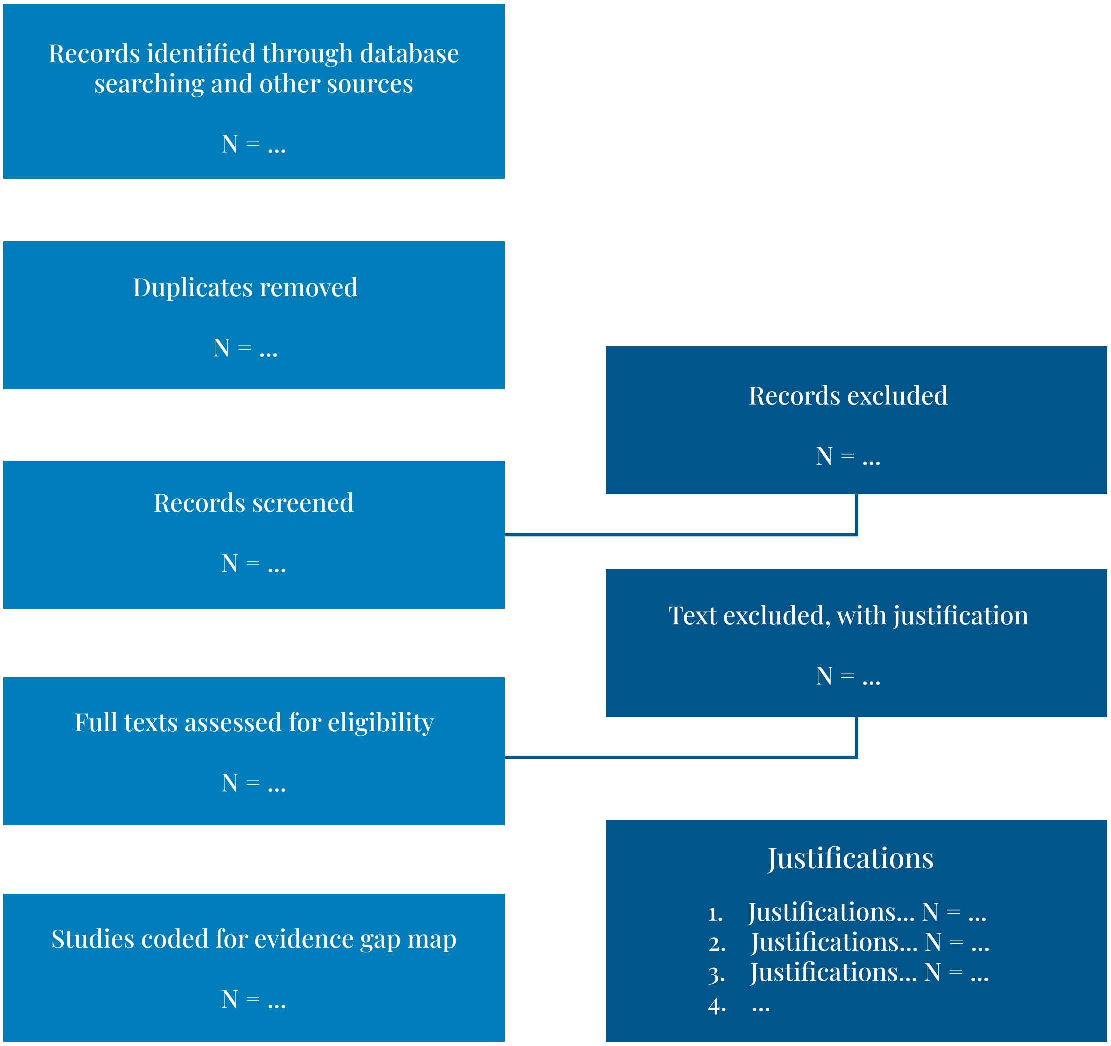
Appendices

Appendix 1 – List of search terms used in literature mapping

Core term	Related search terms
Antislavery	Slavery; antislavery (anti-slavery); modern slavery; contemporary slavery; contemporary forms of slavery; Forced labour; compulsory labour; forced work; coerced labour; institutions and practices similar to slavery; slavery-like practices; serfdom; debt bondage; bonded labour; unfree labour; peon-age; exploitative adoption; human trafficking; trafficking in persons; traf-ficking in human beings; trafficking in people; sex trafficking; labour traf-ficking; worst forms of child labour; child exploitation; forced marriage; servile marriage; prevalence of slavery; prevalence of modern slavery; slav-ery prevalence (and analogous terms for other words above); ef-fect/effects/impacts of terms above
Sustainable development	Sustainable development; development; development goals; international development
SDG1: End poverty	Poverty reduction; poverty alleviation; social welfare; social protection; equality; equal rights
SDG2: Zero hunger	Sustainable food production; nutrition, malnutrition; food security; food insecurity; agricultural productivity; food production systems
SDG3: Good health and wellbeing	Maternal mortality; child mortality; mortality rates; morbidity rates; mater-nal health; child health; disease reduction; drug treatment; alcohol treat-ment; traffic accident reduction; sexual and reproductive health services; access to family planning; universal health coverage; health services; vac-cination; birth rates; children per household
SDG4: Quality education	Free primary school education; free secondary school education; primary school education; secondary school education; quality primary education; early childhood development care; quality secondary education; primary school participation; secondary school participation; quality tertiary educa-tion; skills development; literacy; numeracy
SDG5: Gender equality	Gender equality; elimination of discrimination; elimination of gender-based violence; social protection; equal pay;sexual and reproductive health services
SDG6: Clean water and sanitation	Safe drinking water; sanitation; pollution reduction; water resources man-agement; environmental protection

Core term	Related search terms
SDG7: Affordable and clean energy	University access to modern energy; renewable energy; energy efficiency; clean energy; energy infrastructure; energy technology development
SDG8: Decent work and economic growth	Economic growth; economic productivity; Increase in GDP; access to financial services; employment opportunities; productive employment; labour rights; decent work; fair work; national income per capita; product per capita; marginal product of labour
SDG9: Industry, innovation and agriculture	Quality infrastructure; reliable infrastructure; resilient infrastructure;inclu-sive industrialization; sustainable industrialization
SDG10: Reduced inequalities	Reduced inequality; income growth; sustained income growth; duty free treatment; fiscal protection policies; wage protection policies; social protec-tion policies; official development assistance; human development index; terms of trade
SDG11: Sustainable cities and communities	Adequate housing; safe housing; affordable housing; access to transport sys-tems; sustainable urbanization; regional development planning;sustainable production; waste management
SDG12: Responsible consumption and production	Sustainable consumption; sustainable production
SDG13: Climate action	Climate change measures; climate change action; climate change plans; climate change mitigation; early warning systems
SDG14: Life below water	Marine pollution management; marine system management; marine man-agement; marine protection; coastal management; IUU management plan-ning; IUU regulation; sustainable management of fisheries; sustainable aq-uaculture
SDG15: Life on land	Forest conservation; conservation of ecosystems; biodiversity plans; biodi-versity protection; genetic resource management
SDG16: Peace, justice and strong institutions	Rule of law; corruption; anti-corruption; bribery; anti-bribery; transparent institutions; representative decision-making; democratic systems; legal iden-tity; birth registration
SDG17: Partnerships	Domestic resource mobilization; official development assistance; debt sus-tainability; debt reduction; multi-lateral trading system; duty free market access; quota free market access; macroeconomic stability

Appendix 2 – PRISMA flow chart for sources in the literature mapping



Adapted from Moher, D., Liberati, A., Tetzlaff, J., Altman, D. G., & The PRISMA Grpup, 'Preferred Reporting Items for Systematic Reviews and Meta-Analyses: The PRISMA statement' (2009) 6(7) *PLoS Med*

Appendix 3 – Literature mapping – initial coding terms

INTERVENTION CATEGORIES

Intervention scope		
Y1	Explicit antislavery intervention (objectives)	Identifies whether antislavery is specifically addressed in intervention objectives.
Y2	Explicit development intervention (objectives)	Identifies whether development is specifically addressed in intervention objectives.
Individual level		
A1	Economic, income generation	Includes impact and other types of evaluations, and systematic reviews of economic interventions and their effects on development outcomes. Examples include vocational or skills training, cash transfer programs, microfinance.
A2	Social, skills building, awareness raising, education	Includes evaluations and systematic reviews of non-economic interventions, such as programs targeting awareness raising, skills building, education, and access to services.
A3	Health	Includes evaluations focusing on psycho-social assistance of slavery survivors, victim care programs
Household level		
B1	Family interventions	Interventions targeting households that are at risk of e.g. pushing children to leave school and migrate, or into forced marriage.
B2	School based activities	Interventions targeting school aged children that teach children about e.g. the risks of trafficking with a slavery prevention aim.
B3	Economic programs	e.g. microfinance, cash transfers
Community level		
C1	Communication and advocacy campaigns	Awareness campaigns that aim to raise awareness or increase knowledge about slavery as an issue. Interventions include television, radio, newspaper, magazine or other print publication advocacy, social media campaigns, and so on. The campaigns use marketing to attempt to change perceptions, attitudes, and behaviours, and encourage positive behaviour.

C2	Private sector interventions	Campaigns and targeted training in workplaces; workplace regulations; supply chain mapping etc.
Institution level		
D1	Awareness and advocacy focused on authorities	Interventions aimed at increasing awareness and capacity, or mobilising resources, at the institutional level e.g. political actors, government agencies, law enforcement personnel, the judiciary.
D2	Promotion of standards, legislation	Initiatives to establish, or to promote e.g. the ratification of key instruments, establish minimum age of marriage, minimum age of work etc.
Society level		
E1	Creation, adoption of standards designed to protect individuals from slavery	Initiatives to develop e.g. Codes of Conduct, Standards, regional or international laws to protect workers from exploitation.
E2	Building welfare systems	Initiatives to build and/or strengthen welfare systems so that children and vulnerable persons are protected and supported prior to exploitation occurring.
E3	Unionization	Initiatives to allow workers to advocate for their legal rights.
E4	Durable solutions	Initiatives to e.g. grant slavery survivors long-term visas, refugee status.
Emerging trends in slavery prevention		
F1	ICT based interventions	Includes mobile phones, apps, Internet, hotlines.
F2	Multi-component interventions	Included here are studies evaluating interventions that operate across various levels, either evaluating a program as a whole, or evaluating multiple interventions at more than one level. For example, an intervention aiming to empower women and girls by teaching them skills, while also providing psycho-social counselling, would be coded under this category.

OUTCOME CATEGORIES

Outcome scope		
X1	Explicit antislavery outcome(s)	Identifies whether antislavery outcomes (positive or negative) are specifically identified in relation to the intervention.
X2	Explicit development outcome(s)	Identifies whether development outcomes (positive or negative) are specifically identified in relation to the intervention.
Individual level		
G1	Increased awareness of slavery	
G2	Improved life skills	
G3	Improved access to, and use of services	
G4	Improved socio-economic factors (reduction in poverty, employment)	
G5	Improved education factors (enrolment in/continuation of education)	
G6	Improved health (psycho-social benefits, sexual health	
G7	Decreased incidence/exposure to slavery	
Household level		
H1	Increased awareness of slavery	
H2	Improved life skills	
H3	Decreased incidence/exposure to slavery	
H4	Improved decision making (e.g. regarding child marriage, child labour)	
Community level		
I1	Decreased incidence, prevalence and exposure to slavery (e.g. reports on the percentage of people in situations of slavery in a particular community will be included here).	
I2	Improved community response to slavery	
I3	Improved gender equality	

Institution level	
J1	Improved knowledge of slavery and related issues at the institutional level; improved ability to prevent and respond to slavery
J2	Improved relationships and cooperation between institutional actors (e.g. government agencies, and government-NGO partnerships); examples are establishment of National Referral Mechanisms
J3	Increased funding or mobilization of resources to issues related to modern slavery or development
Society level	
K1	Adoption of new or existing human rights laws
K2	Decrease in incidence of slavery (e.g. reports on the percentage of adults and children in situations of slavery, at national/regional level, will be included).
K3	Reduced corruption
K4	Improved public health
K5	Improved education systems/structures
K6	Improved socio-economic conditions (reduction in poverty, unemployment, inequality etc)
K7	Improved health systems/structures
K8	Increased labour productivity
K9	Improved social welfare/protection systems
K10	Improvements to terms of trade
K11	Economic improvements (GDP, GNP, PPP, public revenues, costs of capital etc)

CROSS-CUTTING THEMES AND ADDITIONAL CODING

Intervention scope		
L1	Cost-effectiveness	
L2	Long-term impact	Measures impact 24 months or more after baseline or intervention implementation
L3	Focus on women and girls	
L4	Vulnerable populations (beyond women and girls)	
L5	Focus on men and boys	
L6	Focus on forced marriage	
L7	Negative effects of intervention/s	
L8	Type of evaluation	Impact / process
L10	Evaluation methodology	Quantitative / qualitative / mixed-methods
L9	Evaluation design	Experimental / quasi-experimental / Randomised controlled trial (RCT) / Propensity score matching (PSM)
L11	Intervention status	Completed / ongoing
L12	Geographic scope	Country / region
L13	Publication year	

Appendix 4 – Literature mapping – consolidated coding terms

Antislavery intervention types		Initial classification system	
A1	Modern slavery survivor rehabilitation and health services	Includes interventions focused on rehabilitation, health, and other psycho-social assistance for survivors of modern slavery	A3
A2	Public communications, awareness and advocacy campaigns	Awareness campaigns aiming to raise awareness or increase knowledge about modern slavery. Interventions include television, radio, newspaper, magazine or other print publication advocacy, social media campaigns, and so on. The campaigns use marketing to attempt to change perceptions, attitudes, and behaviours, and encourage positive behaviour.	C1
A3	Private sector antislavery interventions	Interventions focused on private sector actors, including campaigns and targeted training in workplaces, workplace regulations, supply chain mapping etc.	C2
A4	Institutional antislavery awareness, advocacy and access programmes	Interventions aimed at increasing awareness and capacity, or mobilising re-sources, at the institutional level e.g. political actors, government agencies, law enforcement personnel, the judiciary. This includes training of officials and police on existing standards and frameworks, and initiatives to grant survivors long-term visas, refugee status, etc.	D1 D2 D4 E4
A5	Legislative, regulatory, and standards-based programmes	Creation, promotion and adoption of standards designed to protect individuals from modern slavery. This includes initiatives to develop e.g. Codes of Conduct, Standards, regional or international laws to protect people from exploitation and efforts to establish, or promote e.g. the ratification of key instruments, establish minimum age of marriage, minimum age of work etc.	D3 E1
A6	ICT-based interventions	Internet communications and technology-based interventions, including mobile phones, apps, internet solutions and access, hotlines.	F1

Antislavery outcomes			
A7	Increased awareness and knowledge about modern slavery	Increased awareness and knowledge of modern slavery and related issues, and associated improvements in ability to respond.	G1 H1 J1
A8	Decrease in incidence of modern slavery	Decrease in incidence, risk, or exposure to modern slavery, including reports noting changes in the numbers and percentage of adults and children in modern slavery at various levels.	G7 H3 H4 I1 K2
A9	Improved responses to slavery	Improved responses to modern slavery across various levels, local, regional, national, and transnational, including adoption of new laws, regulations, policies, and standards, and/or their implementation.	I2 K1
A10	Improved institutional frameworks for ad-dressing modern slavery	Improved relationships and cooperation between institutional actors (e.g. government agencies, and government-NGO partnerships), and increased funding or mobilization of institutional resources to issues related to modern slavery or development.	J2 J3

Development intervention types			
D1	Economic pro-grammes	Includes impact and other types of evaluations, and systematic reviews of economic interventions and their effects on development outcomes. Examples include vocational or skills training, cash transfer programs, microfinance.	A1 B3
D2	Education pro-grammes	Includes education initiatives, skills building, and life skills programmes, covering interventions targeted at improving access, increasing enrolments, improving and diversifying curricula, etc.	A2 B2
D3	Social welfare and health pro-grammes	Initiatives to build and/or strengthen social protection and health systems and improve access to services.	E2

D4	Unionization	Initiatives to allow workers to advocate for their legal rights through unionization, including changing of laws and regulations restricting and/or protecting rights to collective organization and action, as well as improving access, administration, and effectiveness.	E3
Development outcomes			
D5	Improved social protection and health systems and conditions	Improved social welfare/protection and health systems and structures, increased access to services, improved health outcomes for individuals and public health.	G3 G6 K4 K7 K9
D6	Improved socio-economic factors and conditions	Improved socio-economic factors and conditions, including e.g. reductions in poverty, unemployment, and inequality.	G4 K6
D7	Improved education systems and factors	Improved education systems, conditions, and factors, including improved access, creation of new structures, increases in enrolments, and improved quality of education. This includes life skills and training as well as formal education systems.	G2 G5 H2 K5
D8	Improved gender equality	Improvements in gender equality, including decreases in gender-based violence and discrimination, improved access to services for previously excluded genders etc.	I3
D9	Reduced corruption	Decreases in corruption of public officials, including bribery, participation and complicity in abuses and violations.	K3
D10	Improved macro-economic conditions	Improved macro-economic conditions and factors, including labour productivity, terms of trade, public revenues, costs of capital, GDP, GNP, PPP etc.	K8 K10 K11

Classification/Type/Typology of evidence	
A	Systematic reviews and probabilistic approaches to primary data collection
B	Literature reviews and other non-systematic reviews (drawing on a comprehensive range of sources covering analyses of both secondary and primary data)
C	Primary data collection (through non-systematic or non-probabilistic approaches to data collection, including discrete case studies)
D	Hypothetical modelling or analysis based on non-specific primary data (no primary data collection specific to the questions under consideration)
E	Discussion papers and conceptual pieces (drawing on a limited or selective body of evidence, often predominated by secondary sources)

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Endnotes

Introduction

1. Smith 1776.
2. Helper 1860.
3. Doyle 2020, pp. 7, 11.
4. Based on a global population of 7.8 billion and an estimated population of modern slaves of 40.3 million, from ILO and Walk Free Foundation 2017.
5. See *Bellagio-Harvard Guidelines on the Legal Parameters of Slavery*, 3 March 2012. Available at https://www.monash.edu/__data/assets/pdf_file/0004/2263693/Bellagio-Harvard-Guidelines-English.pdf. And see R *v. Tang* [2008] HCA 39 (High Court of Australia).
6. Doyle, 2020.
7. Ibid.
8. Nunn 2008a, 2008b, 2010.
9. Mitra, Pondi Endengle, Plant and Almeida 2020.
10. Unpublished economic model, on file with the author.
11. Cockayne 2015.
12. Gleason and Cockayne 2018.
13. Sen 1999.
14. Gleason and Cockayne 2018.
15. A good introduction to that literature is provided by ILO, OECD, IOM, UNICEF (2019), pp. 17-25.

Chapter One: Development's Blind-spot

1. See paragraph 2(i) of "A Call to Action to End Forced Labour, Modern Slavery and Human Trafficking", endorsed by 30 countries on 19 September 2017, and subsequently endorsed by 50 more: see https://delta87.org/call-to-action/.
2. See e.g. McQuade 2015.
3. Plant 2008, p. 10.
4. See eg Koettl 2009 calling for the World Bank to play a greater leadership role through measurement, knowledge capture and coordination.
5. Makisaka 2009.
6. Laczko and Danailova-Trainor 2009.
7. Notably Smith 2009.
8. Datta and Bales 2013.
9. Cockayne 2015.
10. UNODC 2016).
11. Compare Laczko and Danailova-Trainor 2009, p. 22; and Danailova-Trainor and Laczko 2010, p. 38.
12. See Fogel and Engerman 1974; Eltis and Engerman 2000; Klein 2010; Baptist 2014.
13. See Beckert and Rockman 2016.
14. Xu 2020; and see Li 2018.
15. Xao and others 2020.
16. Gyau-Boakye 2001.
17. International Justice Mission 2016; Seyram Hamenoo and Akorfa Sottie 2015.
18. UK Parliament 2019; Stevis-Gridneff 2020; European Union n.d. (1) and European Union n.d. (2).
19. See UN, Human Rights Council 2016, 2020; UN, Human Rights Committee 2019.
20. Nielsen 2020; Van der Laan 2019.
21. European Parliament 2020, paras 70-71.
22. Universal Declaration of Human Rights, Article 4.
23. See International Court of Justice 1970; and see further Supreme Court of Canada 2020.
24. ILO and Walk Free Foundation 2017.
25. See note 5 to Chapter 1 above.
26. Danailova-Trainor and Laczko 2010, p. 38; Kotiswaran 2019, pp. 388-390.
27. 34 responses were received from Andorra, Austalia, Austria, Canada, Denmark, Greece, New Zealand, Portugal, Qatar, Romania, Slovakia, Sweden, Switzerland, Thailand, UK and US.
28. Databases searched included the Nottingham University libraries database, IDEAS database, OpenAIRE, OpenGrey, OpenDOAR, SSRN, WorldCat database, and Walk Free Promising Practices Database. This was supplemented with manual searches of Development economics academic institutions, centres, and think tanks; global and regional development bank publications; antislavery NGO publications and websites; governmental department research and outputs; and bilateral development entity websites.
29. Gleason and Cockayne 2018. The data used for the 2000 to 2013 analysis was cleaned and re-analysed for this study.
30. See https://stats.oecd.org/DownloadFiles.aspx?DatasetCode=CRS1

31. For a more complete description see Gleason and Cockayne 2018, Appendix 1.

32. UNODC 2015.

33. USAID (n.d.)

34. USAID 2012, p. 8.

35. USAID 2020.

36. USAID 2013.

37. U.S. Department of State 2017; and see Bouché 2014.

38. Trafficking Victims Protection Reauthorization Act of 2017. 22 USC 7101, Public Law 115-427, sec. 8.

39. Independent Commission for Aid Impact (ICAI) 2020b.

40. See Independent Commission for Aid Impact (ICAI) 2020a, pp. 2-3; and ICAI 2020b, pp. 16-17.

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Chapter Two: Rethinking the relationship between slavery and development

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Part Two: Six Sectoral Case Studies

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Chapter 3: Brazil's cattle slavery: "I got a new soul"

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Chapter 4: Palm oil: "so free it is vicious"

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Chapter 5: Uzbek cotton: "It is impossible to refuse" to "work like a slave"

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Chapter 6: Fisheries and aquaculture: "A mountain of bones under the sea"

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Chapter 7: Garments and apparel: a "captive and vulnerable labour force"

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Chapter 8: Construction and Infrastructure: When does "constructive engagement" work?

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Chapter 10: An Agenda for Developing Freedom

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