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The Governance of Forced Labour in the Global Economy

Nicola Phillips and Fabiola Mieres¹

Abstract: The problem of forced labour in the contemporary global economy is attracting increasing attention in global governance debates and policy circles. The effectiveness of governance initiatives depends on underlying understandings of the root causes of the problem. We explore how the root causes of forced labour in global production networks (GPNs) are framed in global governance debates. Focusing on the dominant frameworks mobilized by international institutions, with some attention to cognate national-level and corporate governance strategies, we identify the limitations of dominant interpretations, which derive from their ‘residual’ character and their associated neglect of the manner in which the roots of forced labour reach deeply into the organization of GPNs, the forms of exploitation which are integral to them, and the connections between exploitation and poverty. We set out an alternative, ‘relational’ perspective on the roots of forced labour in GPNs, based on the concept of ‘adverse incorporation’, and consider the implications of the insights generated by this perspective for contemporary governance frameworks.

Keywords: governance, forced labour, poverty, adverse incorporation, global production networks

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Introduction

The launching in 2005 of the International Labour Organization (ILO)'s Global Alliance Against Forced Labour was emblematic of the growth of global policy interest around the various forms of forced labour that occur and persist in the contemporary world. It went along with initiatives elsewhere in the United Nations (UN) system over the course of the 2000s: the so-called Palermo Protocol on human trafficking; the UN Global Initiative to Fight Human Trafficking (UN-GIFT); and the establishment by the UN Human Rights Council of a Special Rapporteur on Contemporary Forms of Slavery. Other international policy organizations picked up the theme, notably in the Council of Europe Convention on action against trafficking in human beings, which, after a slow and tortuous process of ratification, entered into force in 2009. Some national governments have put in place legislation adopting the human trafficking rubric, as in the US, UK and many other European countries. The Brazilian National Plan for the Eradication of Slave Labour, established in 2003, is a particularly significant initiative. The Transparency in Supply Chains Act enacted by the US state of California in 2011 was a notable innovation for its focus on firms and their production activities worldwide. Meanwhile, firms and employers, especially the big branded companies, have steadily expanded the range of their corporate social responsibility (CSR) activities to focus ostensibly on issues of forced labour in global supply chains. Some consumer-led initiatives, especially in Europe, also indicate a greater sensitivity to the issues associated with these extreme forms of labour exploitation in global and local economies.

Clearly, the effectiveness of governance initiatives such as these depends in important measure on the underlying understandings of the root causes of the problem. Different kinds of forced labour, furthermore, will spring from different kinds of root causes, and present distinct governance challenges: addressing hereditary and 'chattel' slavery, for instance, requires very different strategies from confronting the kinds of forced labour that occur in the global economy within global production networks (GPNs). The latter form our focus in this paper, having moved, as intimated above, from receiving very little attention to a position of some prominence in global, national and corporate governance frameworks (Phillips 2013a). Our aim is critically to explore the understandings of forced labour that underpin these frameworks, focusing our attention at the level of international organizations, and consider their implications for the likely effectiveness of contemporary governance strategies.

We argue that an understanding of how and why forced labour emerges and persists in the global economy requires robust foundations in two interrelated areas, and that their absence or under-

development in governance frameworks causes substantial insufficiencies and limitations to effectiveness. The first relates to the nature of the global economy itself – specifically, to how GPNs are organized and how they function. A GPN is defined here as ‘the nexus of interconnected functions and operations through which goods and services are produced, distributed and consumed’ (Henderson et al. 2002: 445). The second concerns the nexus between forced labour and the dynamics of poverty. We contend that, in both of these respects, dominant interpretations of the causes of forced labour remain under-developed and/or misplaced. In relation to questions about the global economy, the assumption persists that forced labour is an aberration from the normal functioning of the global economy and its causes are largely exogenous to processes of contemporary global economic restructuring. Even while it is not uncommon to find references to the ‘underside of globalization’ in important areas of policy debate (ILO 2005a: 63), nevertheless there remains little attention to how exactly those connections with globalization work. Moreover, in many of the dominant interpretations of these connections, an emphasis persists on forced labour as an outcome of ‘market failure’, capable of being rectified by increased regulation and monitoring to pick up ‘violations’ of various forms in supply chains.

There has been much more acknowledgement in governance debates to the issue of poverty, and it is universally accepted that poverty is critical to an understanding of the root causes of the problem (e.g. ILO 2005a, 2009; Plant 2007; Phillips 2013b). This consensus is based on a range of empirically persuasive observations: conditions of forced labour are endured primarily by poor workers and are most prevalent in poorer regions of the world; the threat of destitution can induce workers to submit to highly exploitative and degrading conditions of work; immediate economic need allows recruiters and employers to impose conditions of indebtedness, which are one of the hallmarks of contemporary forced labour. Nevertheless, rather little attention has been given, in scholarship or in policy debates, to how exactly poverty and forced labour are related to one another. Moreover, when it is considered, poverty is generally addressed as a matter of social exclusion, for which greater inclusion, in societies and in global economic activity, represents the remedy.

The problems with these dominant interpretations are strikingly similar in both instances. Forced labour and poverty are both seen as ‘residual’ conditions. That is to say, inasmuch as forced labour is widely presented as an aberration from the normal functioning of the global economy, it is often seen as associated with those parts of markets which are not yet fully ‘developed’ and those parts of the economy which have not been sufficiently integrated into the mainstream of ‘globalization’ processes. Poverty, likewise, is considered in the dominant policy orthodoxy to result from various

forms of social and labour-market exclusion and insufficient integration into global economic activity. As poverty gives rise to vulnerability to exploitation and forced labour, it follows that the root causes of forced labour are thus assumed to be ‘residual’ in character, rooted in conditions of social and labour-market exclusion, and amenable to rectification through greater inclusion.

We advance a perspective which brings together these two arguments about the roots of forced labour: the connections between the global dynamics of labour exploitation in GPNs, on the one hand, and the global dynamics of poverty, on the other. To do so, we deploy the relational concept of ‘adverse incorporation’, which has gained currency in poverty research as a challenge to dominant, residual arguments that the key to eradicating poverty is the greater inclusion of the poor, through employment, in global economic activity. Succinctly summarized, the notion of adverse incorporation stands on the premise that it is not the fact of inclusion that matters in explaining the causes of poverty, but rather the terms on which people are included – terms which are often highly ‘adverse’ and exploitative, and act to reinforce rather than alleviate poverty. We develop the notion of adverse incorporation here as a means to understand the relational character and circular dynamic of forced labour. The forms of labour exploitation which are intrinsic to the functioning of GPNs act to produce and reproduce poverty; in turn poverty creates the structural conditions in which capital can create and harness a highly precarious, substantially unprotected and easily exploited global labour force, and in tandem increases individual workers’ vulnerability to labour exploitation (Phillips 2013b: 172).

We proceed by first outlining briefly the forms of forced labour which occur in the global productive economy. We then explore the ways in which forced labour is generally understood in governance and policy debates. We take the ILO’s approach to forced labour as the key focus, with glances at some other governance arenas and initiatives to add further substance. The ILO has paid the closest attention to understanding and documenting the roots of forced labour, and it is fair to say that its treatment of these dynamics is representative of those of many other policy organizations, national and international, that are concerned with forced labour and human trafficking. In the following section we set out an alternative, ‘relational’ perspective based on the concept of adverse incorporation, bringing together insights from scholarship on GPNs and research on poverty. We return in the fourth section to the implications of our arguments for governance and policy interventions. A conclusion draws the threads of the paper together.

Forced Labour in Global Production

It is empirically indisputable that the globalization of production and the development of complex GPNs have not eradicated the severe forms of economic exploitation which are encompassed under the term ‘forced labour’. Such practices persist – and may by some account be increasing – across a wide range of manufacturing, agricultural, extractive and other industries (e.g. Bales et al. 2009; Andrees and Belser 2009a; US Department of Labor 2012; Verité 2012; Allain et al. 2013; Barrientos et al. 2013). Forced labour takes different and varied forms in different sectors and GPNs, but there are four general characteristics of the kinds of labour relations in question which deserve to be highlighted (Phillips 2013b).

First, in the context of GPNs, forced labour relations have become largely ‘contractual’ in character and are often of a limited duration. The ‘contract’ is most often sealed by arrangements of indebtedness. Commonly, these arrangements take the form of an advance of wages to the worker from the recruiter or employer, expenditure to cover the costs of transportation or documentation associated with internal or international movement, or fees paid for recruitment services. The resulting debts function as a mechanism to ‘bond’ the worker and her labour to a particular employer or recruiter, and the terms of the ‘contract’ and the debt are abused to maximize the bondage or exploitation of the worker. The crucial point of historical distinction with traditional forms of slavery is that employers are interested in ensuring the easy ‘disposability’ of workers, often after a relatively short period of time, rather than incurring the costs of retaining them on a long-term of permanent basis. Jan Breman has conceptualized this form of labour unfreedom as ‘neo-bondage’ in the South Asian context (Breman 2010); others have termed it ‘contract slavery’ (Bales et al. 2009).

Second, as the contractual form of forced labour implies, the direct ‘unfreedom’ often does not occur directly at the point of entry, but rather is associated more often with the preclusion of exit. The most common mechanisms by which this preclusion is imposed are associated with indebtedness and/or the withholding of wages until the end of a contract, or with the confiscation of documents or possessions. These are often combined with such abuses as imprisonment and restrictions on physical movement, and/or threatened or actual violence (both psychological and physical, and both against a worker or against her family or co-workers). Other disciplining mechanisms, such as the provision of compulsory accommodation or the use of a single site as both workplace and living quarters are also important contributing factors. The ‘dormitory system’ in Chinese electronics or garment factories is an exemplar, where workers are substantially confined to the factory premises and their movements and social interactions closely controlled (Pun and Smith 2007). Likewise, in household units in the Delhi garments industry, small rooms function

simultaneously as working and living space for the migrant boy workers who constitute a large part of the workforce in that non-factory context, facilitating their continual supervision and mechanisms of control (Phillips et al., 2014). These conditions are not associated exclusively with situations of forced labour, but nevertheless are common mechanisms by which these forms of severe exploitation are enforced and maintained. More simply, exit is frequently precluded by the continual and overriding threat of destitution. It is nevertheless critical to recognize forms of unfreedom which occur at the point of entry, associated not with force inflicted by another person, but with coercion exercised by circumstances, notably of poverty and vulnerability, and a person's enmeshment in social and family structures of obligation and responsibility (O'Neill 2011).

Third, while traditional understandings of forced labour generally rest on an idea of people being forced to work against their will and without recompense, its contemporary forms can involve an exchange of labour for money (see also Brass 1999). This is an important explanation for why workers enter – and indeed sometimes return to – severely exploitative employment arrangements. Conducting research on Brazilian agriculture, Phillips and Sakamoto saw that workers can earn substantially more than the minimum wage for a season's work, including when the conditions in which they worked were, in the Brazilian legal jargon, 'analogous to slavery'. Labour inspectors reported salient patterns of 'repeat enslavement', where a worker had before earned money that he deemed sufficient to justify his return (Phillips and Sakamoto 2012: 306). Of course, when wages are paid in these conditions, they are in no sense equivalent to the value of the labour extracted. Just as often, wages are not paid at all and debts are manipulated so as to become unpayable.

Finally, forced labour is associated with extremely harsh, degrading and dangerous conditions of work, violations of workers' labour (and often human) rights, and forms of coercion and manipulation designed to make workers work harder, for longer and for less money. Exhausting hours of work and compulsory overtime are common, as are physical injuries and deterioration: injuries or death from work with dangerous machinery for agricultural workers, incapacities from the loss of eyesight or severe postural and back problems for workers in the electronics or garments industries, or lung disease for workers in charcoal production for the steel industry, to name just a small handful of examples. An NGO working in the sugar cane sector in the state of São Paulo documented more than twenty deaths from exhaustion alone between 2004 and 2009.² 'Bad jobs' and poor working conditions may not per se be forms of forced labour, but they are intrinsically and

² http://www.pastoraldomigrante.org.br/index.php?option=com_content&view=article&id=44%3Ahistorico-dos-cortadores-de-cana-mortos-no-setor-canavieiro-&catid=47%3Amemoria&Itemid=38 (cited in Phillips and Sakamoto 2012).

necessarily present in those conditions. In their contribution to the dehumanization and degradation of the worker, they are also important mechanisms by which coercion and control are imposed and maintained.

The Contours of Governance Debates on Forced Labour

How then are the roots of forced labour understood in global policy frameworks? Let us take first those which are shaped by key international organizations and national governments. It is striking that the question of poverty is identified as a causal factor in all of the ILO's key reports on forced labour over the 2000s (ILO 2001, 2005a, 2009). In its landmark 2005 report heralding the Global Alliance Against Forced Labour, attention is rightly drawn to the ways in which poverty both makes people vulnerable to coercive labour arrangements and, in turn, can be a consequence of forced labour practices, 'lock[ing] [people] in a cycle of poverty from which they cannot extricate themselves' (ILO 2005a: 30). Yet there is an equivocal tone to the ILO's analysis, starting as it does with the statement that 'it is sometimes argued that poverty is one of the basic causes of coercive labour arrangements, and that only by eradicating overall poverty can forced labour be overcome', but leaving unclear the ILO's own position on this matter. The report goes on, in line with subsequent reports (ILO 2009), to identify the importance of historical patterns of exclusion, discrimination and disadvantage, including against caste and other minorities in Asia, indigenous peoples in Latin America, and descendants of slaves in Africa. Emphasis is placed on the persistence of 'rural serfdom' and the newer forms of bonded labour, in which indebtedness traps people into situations of forced labour in both rural and urban contexts.

The explanatory weight is consistently given to patterns of exclusion, which is understood in two senses. The first is associated with the extremely influential notion of 'social exclusion', which became established as the explanation for persistent poverty and deprivation from the 1970s onwards (de Haan 1999), coinciding with the acceleration of globalization and the development of increasingly complex global networks of production and trade. The ILO itself played a major role in promoting this social exclusion approach during the 1990s (Hickey and du Toit 2007); consequently its continued reliance on it is probably not surprising. It remains strongly in evidence in the ILO's core concern in its treatment of forced labour with the patterns of social discrimination and disadvantage that prevail for particular social groups. The second relates to exclusion from labour markets, as seen in the emphasis on the persistence of rural serfdom.

This casting of poverty as a problem fundamentally of exclusion reveals the residual character of assumptions about the roots of poverty and, by extension, the roots of forced labour in the global economy. It follows from the residual position that the key to eradicating forced labour lies in greater inclusion in labour markets, consistent with the core principles underpinning both the ILO's decent work agenda and the poverty reduction agendas of other global development institutions (ILO 2005b; World Bank 1990, 2002a, 2002b). This orthodoxy depicts development problems generally, and poverty specifically, as arising from conditions of exclusion: the poor are deemed to be those who have failed to engage with globalization, and it is assumed that a deepening of globalization will lift nearly (and eventually) all of the world's poor out of destitution (see Milanovic 2003; Kaplinsky 2005). The aspiration is therefore to achieve the greater inclusion of poor producers and workers in global production and trade. The Millennium Development Goals stipulate the achievement of 'full and productive employment and decent work for all, including women and young people' as the means to eradicating extreme poverty. Similarly, for the ILO, the eradication of forced labour rests predominantly on 'breaking down the ties of serfdom which prevent people from earning wages for their work and otherwise participating in the modern market economy' (ILO 2005a: 30).

By contrast with the sustained attention to poverty, there is a conspicuous failure to engage with the big questions of capitalism and globalization, which receive only passing attention in the ILO's major statements on forced labour (Lerche 2007; Rogaly 2008). The issues of relevance to our later discussion are mentioned in the 2005 Global Alliance report, and indeed in subsequent statements, but the tone is tentative:

There is still far from full consensus as to the structural causes of forced labour. In developing countries there are ongoing debates as to whether the failure of credit or financial markets, or agrarian systems and unequal power relationships, explain the persistence of forced and bonded labour in rural societies. And in all countries, a particularly difficult question is whether current patterns of globalization are actually creating, or contributing to, new forms of forced labour (ILO 2005a: 18).

Later on the problem of forced labour is also clearly situated in the broader structural context, and moreover presented as intrinsically defined by it, in the statement that forced labour represents the 'underside of globalization' (ILO 2005a: 63; also ILO 2001). In a short passage, allusion is made to 'increased global competition, migration and labour market deregulation' (ILO 2005a: 63), how value chains work, and a generalized situation of 'desperation' among employers in the emerging

private sector ‘to capitalize on world market opportunities by exacting as much labour as possible from a cheap and often unprotected workforce’ (ILO 2005a: 63). Yet the resulting exploitation is described as the result of ‘market failure’ (ILO 2005a: 63; Plant 2007; Andrees and Belser 2009b), and the question of whether globalization – or particular forms of globalization – cause the problem of forced labour is raising only in passing and left unanswered. The reasons for this discomfort lie in part in institutional dynamics, wherein the ILO’s design as a tripartite structure between states, trade unions and the private sector imposes significant political constraints on its agenda. What Jens Lerche calls the ‘cocooning’ of forced labour (Lerche 2007: 431) – as a separate phenomenon from labour exploitation, growing precarity and ‘undecent’ work – enables a political sanitization of the issue, such that ILO programmes can be made more palatable to governments and the private sector and can attract greater cooperation.

The logical implication for governance strategies of the market failure argument is that forced labour arises from ‘distortions’ which need to be addressed through ‘market-correcting’ regulation. Hence, the predominant policy weight is afforded to law enforcement (labour law, criminal law, the elimination of corruption), the development of labour inspection systems and training of labour inspectors, and the greater regulation of private recruitment agencies as the key practical strategies for tackling forced labour (ILO 2005a, 2006a, 2008a, 2009). It is rightly recognized that an approach to forced labour based on criminalization is inadequate, and that its shortcomings compel the integration of a parallel focus on labour market governance (Andrees and Belser 2009b: 109). Public regulation of these sorts at both national and international levels is of major importance, and regulatory strategies are critical to addressing the issue in both national economies and GPNs. Nevertheless the emphasis on regulation risks invoking an idea that compliance is the norm and non-compliance the exception, and the governance challenge consequently one of rooting out delinquent firms and instances of violations of standards or laws (Esbenshade 2012: 553). This not only runs counter to empirical evidence that the generalized direction of change ‘on the ground’ has not been towards greater compliance (Newell 2005; Lund-Thomsen 2008; Esbenshade 2012), but also tends to obscure from view the structural and systemic roots of labour exploitation and forced labour.

Emerging corporate strategies for dealing with forced labour – as well as the advice issued to firms from organizations like the ILO (e.g. ILO 2006b, 2008b) and government initiatives like the California Transparency in Supply Chains Act – are premised on the same commitment to enforcement and inspection, where the onus falls on techniques of inspection and monitoring to identify incidences of violations in supply chains and eradicate them. The strategy is thus again

oriented to the symptoms of forced labour, premised on an idea that the underlying problems are non-compliance or violations of codes of conduct by employers, suppliers or recruiters; therefore they are amenable to resolution through increased regulation. Thus, while considerable efforts are expended to enhance the role of the private sector in addressing the issue of forced labour, there are marked limits to the extent and effectiveness of CSR strategies which emphasize the monitoring of supply chains and involve remedial action where problems are identified, rather than addressing underlying causes associated with business models, the functioning of supply chains, the shift towards a norm of highly flexible and precarious work, and the forms of poverty which underpin them (Phillips 2013a).

A Relational Perspective on Forced Labour in GPNs

Our task now is to set out the grounds on which we claim that the roots of forced labour need to be understood as relational, rather than residual, in character. For this purpose we deploy and develop the notion of ‘adverse incorporation’ (see Wood 2000, 2003; Murray 2001; Bracking 2003; Hickey and du Toit 2007; Ponte 2008; Phillips 2011a, 2013b). Originally developed in research on the causes of chronic poverty, this concept stresses the importance not of the fact of inclusion but of the terms of inclusion. These terms can be 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. It is this set of dynamics that the concept of ‘adverse incorporation’ was developed to understand.

The concept can instructively be developed to understand the intersection of poverty and exploitation which underpins the emergence and persistence of forced labour in GPNs. Rather than being the residual result of exclusion, poverty is seen in this perspective as a relational phenomenon that is generated by the particular sets of power relations which underpin contemporary development (see Bernstein 1990; Tilly 1998; Kaplinsky 2005; Hickey and du Toit 2007; Mosse 2010). Likewise, labour exploitation arises from and within the ‘normal processes of power within production’ (Harrod 1987: 4; also Davies and Ryner 2006). Under conditions of adverse incorporation, poor workers are obliged to prioritize the short-term goals of survival, which renders them vulnerable to insecure and exploitative conditions of work, including forced labour, in a manner which puts ‘at permanent risk ... the strategic prospect of supporting needs and maintaining rights in the longer term’ (Wood 2000: 19). As noted earlier, the dynamics of adverse incorporation are thus circular in nature: 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.

The task then is to understand more concretely the processes of accumulation that give rise to patterns of adverse incorporation, specifically those associated with forced labour. The key dynamic in GPNs relates to the ability of lead firms to create and mobilize significant asymmetries of market and political power in the interests of generating profit (Gereffi et al. 2005; Kaplinsky 2005; Milberg and Winkler 2013). These market asymmetries rest on securing oligopolistic positions for lead firms at the top and competitive markets among lower-tier suppliers, as a foundational element of firms' cost-cutting strategies to help maintain cost mark-ups. In other words, these market asymmetries are 'endogenous to the formation and governance of some GVCs' (Milberg and Winkler 2013: 123-4). They establish the mechanisms through which lead firms can transmit commercial pressures on conditions of price and supply along the length of value chains, maximize the process of value capture by varying these conditions at any point in time, and offload risk onto less powerful chain actors, including workers (Nathan and Kalpana 2007; Barrientos 2013). As a result of these pressures, many suppliers and producers are squeezed out of participation in value chains, or else severely challenged in their ability to remain competitive (Kaplinsky 2005; Ponte 2008). Hence intense competition is generated between the various 'factions of capital' along the value chain, to enhance accumulation and increase profit for the dominant factions, and for the weaker factions to compete and survive.

Producers and suppliers frequently seek to manage these pressures in the arena of labour costs, responding to the dramatic cost-cutting pressures transmitted by lead firms. In many contexts, suppliers' strategies are shaped by a perceived imperative to reduce the share represented by labour in input costs and enhance their ability to manipulate those costs to accommodate highly variable commercial conditions. The imperative within GPNs thus rests on the construction of a particular kind of labour force, and a particular mode of its utilization, which generates maximum flexibility for firms and employers, limits the ability of workers to negotiate the production process, and maximizes the returns to capital (Deyo 2001; Taylor 2008). A direct consequence of this imperative is the global expansion of precarious, insecure and exploitative work, performed by a highly vulnerable and disenfranchised workforce, of which informal, migrant and contract workers have come to be the primary constituents (Portes et al. 1989; Bauder 2006; Barrientos 2008; Phillips 2011b). In fewer but nevertheless an appreciable number of cases, the continuum of precarious and exploitative work extends to include forms of forced labour. It is important to emphasize that in these conditions a reduction in labour costs does not come about through higher productivity

(Harrod 1987: 212); rather, it is achieved through the ruthless pursuit of flexibility, relentless downward pressure on wages and conditions, and the active construction of a disarticulated and highly vulnerable workforce. In the parts of the labour market characterized by these conditions, productivity per worker tends to be low, and indeed this low productivity is a key source of their weakness, vulnerability and ‘disposability’ (Harrod 1987: 212).

Commercial pressures and the competition between factions of capital vary in form across sectors, value chains, geographical locations and social contexts, as do the strategies that are employed to manage them. Research has nevertheless indicated a number of mechanisms which appear to be salient across contexts which correlate strongly with the possibilities for forced labour and severe labour exploitation. The first relates to outsourcing, which has become the hallmark of contemporary global production as a means by which lead firms lower costs and increase the share of income taking the form of profit (Milberg and Winkler 2013). For supplier firms too, outsourcing represents the key means of cutting costs and achieving flexibility in response to variable market conditions and the commercial pressures imposed by lead firms. Outsourcing is most frequent where activities are primarily unspecialized, unskilled and/or manual in nature, with low levels of productivity per worker. Across a wide variety of sectors, firms outsource either discrete parts of the production process or additional work in times of peak demand, and thereby shed the costly necessity of retaining a permanent and stable workforce. They are also enabled to disclaim responsibility to and for those workers with whom they have no direct employment relationship and, critically, to escape the pressures of social compliance and the reach of regulation and monitoring (Posthuma 2010). As Louise Amoore puts it aptly, ‘in a very real sense production has exploded into a galaxy of stratified, loosely connected workspaces that are nonetheless closely controlled through webs of corporate power’ (Amoore 2006: 25).

Layna Mosley’s research has shown that what matters in shaping outcomes for working conditions is the manner in which multinational firms organize their production activities, identifying outsourcing as the critical factor (Mosley 2011). Likewise, our own research has demonstrated a clear correlation between the extent of outsourcing and the location and incidence of forced labour, suggesting that structures and practices of outsourcing are key to generating the possibilities for these severe forms of exploitation, particularly as they push large parts of the production process beyond the scope of regulation and further into the shadows of the global economy (Phillips 2013b). Equally, it is routine for firms which encounter problems of forced labour in their supply chains to refer explicitly to the problems of ensuring compliance given the high levels of outsourcing and subcontracting, licit and illicit, which characterize their production networks beyond the first tier of

direct suppliers. Across the board, these parts of supply chains are either unregulated or regulated with great difficulty, situated in remote or inaccessible locations, and often excluded from national legislation and public and private labour inspection systems. In an emblematic statement to comply with the California Transparency in Supply Chains legislation, the car manufacturer Ford identifies the problems of forced labour in its supply chains as located in the production of charcoal, an arena which it states is ‘far outside Ford’s direct control’, and, like other firms, directs its primary efforts to working with its first-tier suppliers.³

The second mechanism of note is also related to outsourcing, this time in the arena of labour supply. The increasing reliance on the outsourcing of recruitment to private labour contractors represents ‘a logical extension of the commercial dynamic through which global outsourcing is implemented by global buyers’ (Barrientos 2013: 1065), and a prevalent pattern across different types of production networks (also Martin 2005; Kuptsch 2006). Labour contractors range from being legitimate and registered, to informal, unregulated and essentially invisible, through to illicit and criminal with strong overlaps into trafficking networks. The consequences in terms of exploitation, and specifically the most extreme forms of exploitation we are discussing here, are various. Workers recruited by contractors are usually tied to a particular employer and, depending on the sector, brought for a specific job. For migrant workers particularly, their possibilities of opting out of the circulation loop, by changing employers or settling in the destination, are thereby severely constrained (Bremner 2010: 4). Workers are sometimes employed directly by the labour contractor rather than the firm for which they work, such that firms are able to evade not only obligations to the workers, but also the requirements of social compliance imposed by transnational lead firms or first- and second-tier suppliers. Perhaps most significantly, recruitment of this kind usually involves the payment of advance wages which are then owed as debts by the worker. Around half of the estimated 30 million migrant workers in India are thought to be recruited through labour contractors, for instance, and many, if not probably the majority, work subsequently (and consequently) in some form of debt bondage (Lerche 2010: 73). For all of these reasons, the prevalence of labour contractors is a strong contributing factor to the conditions in which forced labour is enabled to flourish (Andrees 2006; Barrientos 2013).

The third salient mechanism is the harnessing of a nexus between informality and labour mobility. This nexus between informality and mobility functions precisely ‘to organize economic activity with high returns to capital and an excessively low return to labour’ (Bremner 2010: 24), and across

³ <http://corporate.ford.com/microsites/sustainability-report-2011-12/supply-raw-materials-trafficking>

the world is both the result of socioeconomic and demographic conditions driving high levels of migration, usually in this context into the informal economy, and direct strategies to construct that nexus as the foundation of labour markets across a wide range of sectors. While not all of the world's severely exploited workers are migrants, the particular vulnerabilities of migrant workers are such that their utilization as an ultra-flexible, disposable labour force has become foundational to accumulation across different kinds of GPNs. In countries like Brazil, India or China, the vast bulk of labour movement is internal in nature; in other arenas, the movement is cross-border. In both contexts, the role of recruiters is both critical in ensuring the continuous circulation of labour and enhancing the vulnerability of the workers.

What then can we say about the dynamics of adverse incorporation in this context? The key question in this respect concerns the ways in which the 'normal functioning' of GPNs relies on diverse forms and processes of labour exploitation, including those associated with forced labour, which act to produce and reproduce patterns of poverty and vulnerability among workers. Two points deserve emphasis. The first is that the premium on flexibility for firms and employers results for poor workers in a chronic insecurity of both work and income. These conditions then feed into a necessary prioritization of short-term practical needs, which we recall is central to the dynamics of adverse incorporation (Wood 2000, 2002). This prioritization is in turn strongly related to unfreedom and abuse within the employment relationship, as the possibilities for severe exploitation are significantly enhanced by the overriding need to secure work and income regardless of the conditions under which they are offered. Equally, we have seen that GPNs contain in-built mechanisms to ensure 'disposability' as the core attribute of the labour force (Wright 2006), generating the twin effect of increasing the precarious nature of work and unpredictability of income flows, on the one hand, and putting in place disciplining mechanisms to ensure the malleability of the labour force and acquiescence of individual workers, on the other. This notion of 'disposability' is strongly related to mechanisms conducive to forced labour, such as withholding payment of wages or imposing conditions of indebtedness, and also to the perpetuation of poverty and vulnerability to poverty.

The second, related point concerns specific practices of forced labour, which themselves contribute directly to the reproduction of poverty and vulnerability. In conditions of forced labour, practices like the non-payment of wages, the withholding of wages until the end of a job or a season, or the payment of wages well below minimum wage levels serve to perpetuate the overarching insecurity of the worker, deprive her of the means of accumulation and the achievement of longer-term security, and increase her vulnerability to further exploitation because of her consequent need to

prioritize short-term practical needs. The forms of work associated with forced labour tend to entail a wide range of physical and health dangers, resulting in a much greater likelihood of injury, disability and death. Physical incapacity in turn reinforces poverty as workers lose the physical attributes necessary for viability in the labour market and consequently their means of subsistence. Forced labour therefore represents not only a particular, extreme form of adverse incorporation in GPNs, but also a key mechanism of its perpetuation.

Reconsidering the Governance Challenges around Forced Labour

Much more research is needed on the nature of forced labour in different sectors and geographical settings, but a number of key points emerge from our analysis about how we understand the roots of the problem and the challenges for effective governance that it poses. The first is that the global dynamics of poverty and the dynamics of labour exploitation in GPNs are linked, and mutually reinforcing, within the structural, circular dynamics of adverse incorporation. These circular dynamics form the foundations and root causes of forced labour in the global economy. The concept of adverse incorporation reveals clearly that it is the terms of inclusion that matter, not the fact of inclusion or exclusion. Inclusion can be the problem: it is often based on labour relations and conditions in GPNs which are highly adverse and prejudicial to workers' prospects for the achievement of accumulation and security; rather than serving as a means of poverty alleviation, it pushes instead towards its production and reproduction through exploitation. We have drawn attention here to the problems with viewing labour exploitation and forced labour as the consequences of 'market failure', and instead emphasized the ways in which their emergence is directly a function of how production networks are organized and the social and labour-market foundations on which these networks rest. Conventional forms of regulation – which emerge from conceptualizations around 'market failures' - are in this light necessary, but not sufficient, for addressing forced labour and its structural roots in the global economy.

This suggests, second, that there is clearly a need for a greater integration of poverty into governance strategies to address forced labour, and for more research into the connections. Yet, as noted earlier, it remains the case that attention to forced labour has not been substantially incorporated into national or international poverty reduction agendas, despite the ILO's (2009) insistence on the need to do so. Unsurprisingly, poverty has not featured noticeably in corporate strategies relating to forced labour. There are some exceptions to this generalization at the national level, such as in Pakistan, where the ILO has cooperated with the government to incorporate action

against bonded labour in development and poverty reduction programmes (Plant 2007: 11-12), or in Brazil, where there is recognition of the need for integrated attention to the problems of poverty and forced labour. However, perhaps the greater problem is the ‘residual’ manner in which the connections between poverty and forced labour are understood in governance frameworks.

The lens of adverse incorporation also compels a refocusing of poverty debates away from the focus on extreme poverty associated with exclusion, towards those forms of poverty which are associated with inclusion. In 2012, the World Bank celebrated the first across-the-board decline in levels of extreme poverty in the developing world since it started monitoring in 1981, but was obliged at the same time to highlight that the numbers living between the \$1.25 per day extreme poverty line and the \$2 per day poverty line almost doubled between 1981 and 2008, to reach 1.18 billion people (World Bank 2012). This is the population of the global working poor – a category that orthodox economic and development policy thinking has long struggled to accommodate, but which now represents the most pressing challenge for poverty reduction. It is also the arena of poverty that is shaped by the processes of adverse incorporation we have identified here, within which the problems of forced labour in GPNs emerge and persist.

The need for a refocusing of poverty debates is also reflected in the profile of forced labour. Some forms of forced labour are unquestionably associated with extreme poverty and social exclusion. Yet the picture is often rather different in the context of forced labour in GPNs. Specifically, in various contexts, income poverty is often not be the key form of deprivation generating vulnerability to forced labour. Thus, for instance, in Brazilian agriculture the workers who are most vulnerable to forced labour tend not to be the poorest of the poor, for the simple reason that recruiters and employers seek workers with a physical condition suitable for intense manual labour. Often the wages received are also sufficient to push them out of the category of ‘extreme poverty’. Ironically, it thus appears that these groups of workers are in fact more vulnerable than some groups who would classify as extremely poor in terms of income poverty, inasmuch as they are more likely to slip through the nets of government social protection policies which are targeted at the lowest income groups. Their vulnerability to adverse incorporation is thus heightened by their dependence on unstable sources of income from precarious patterns of work, especially where work is primarily seasonal and workers are likely to find employment only for a part of the year (Phillips and Sakamoto 2012).

A focus on income poverty, of the sort which remains predominant in policy debates on poverty, thus offers a poor guide to who is most vulnerable to forced labour and why. A focus on the ‘multi-

dimensionality' of poverty (Green and Hulme 2005) is much more revealing of these connections. Educational deprivation is particularly important. While not all illiterate or poorly educated people work in conditions of forced labour, and not all people in conditions of forced labour are illiterate or poorly educated, nevertheless in many contexts the correlation is very strong (see Phillips 2013b). To take again the illustration of Brazilian agriculture, the data we analyzed on more than 21,000 workers released from conditions defined as 'slave labor' between 2003 and 2010 reveal that fully 68.13 percent of workers were either illiterate (the highest proportion) or had no more than four years of schooling (Phillips and Sakamoto 2012). This connection also functions as a clear mechanism for the intergenerational transmission of poverty, largely through the role of child labour as a conduit to forced labour among adult workers. Others have also suggested that relative poverty (that is, inequality, again measured primarily by income) should be considered of greater importance than absolute poverty (see Plant 2007). We remain in sore need of further substantiating research in all of these respects.

Third, if the relational perspective we have proposed is accepted, there are clear political barriers to its mobilization as the foundation of governance strategies. At global and national levels, action designed to address the root causes of forced labour in the global economy is significantly constrained by a widespread political orthodoxy rooted in an unshaken 'market fundamentalism' and a reluctance significantly to challenge the private sector and powerful corporations. Thus the emphasis remains on better regulation, anti-poverty programmes aimed at reducing social exclusion of various descriptions, and the achievement of better labour standards and decent work overall. These are laudable objectives and indispensable in the fight against forced labour (and indeed poverty), but the issues of how firms organize their global production processes, the forms of asymmetry and exploitation which are integral to the generation of profit, and the social foundations on which those processes rest, remain firmly to one side. The effectiveness of governance and policy strategies to address forced labour is necessarily limited as a consequence.

From a different perspective, it could nevertheless be argued that addressing problems of forced labour in the global economy is easier politically than addressing a more amorphous idea of 'labour exploitation'. Indeed, we have seen there has been a growing level of ostensible commitment on the part of transnational business to addressing issues of forced, trafficked and child labour in global supply chains. This commitment may fairly be seen as primarily rhetorical, designed to protect the integrity of brands, and often thin on substance. It is also clear that, in the parts of global value chains where forced labour is concentrated, the incentives to firms to embrace social compliance are low to non-existent, and in fact point in the opposite direction (see Fransen and Burgoon 2011;

Knorringa 2014). Nevertheless it is much easier to generate consensus around a category of ‘forced labour’ and the need to eradicate it, than around poor labour standards in general or politically much more sensitive issues like migration or immigration policies. Thus Roger Plant makes the interesting point that action on forced labour might usefully serve as a practical way of getting things done on issues like migration policy or wider forms of labour market governance, bypassing some of the political landmines that otherwise accompany political and public debate in these arenas (Plant 2007: 16). He is surely correct, but there is nevertheless a danger that by presenting forced labour as a separate category from other kinds of labour exploitation, and as a residual phenomenon that can be eradicated through better regulation, the debate is moved further from the underlying causes of the problem, making effective policy action more remote.

Finally, the big question to which we turn in closing concerns the difficulties of using a national frame of reference in thinking about the governance challenges around forced labour. The primary policy initiatives we have discussed are ‘global’ in the sense that the problems are thus conceptualized and the range of actors incorporated into these agendas is global in nature. Yet, in terms of policy design, the frame of reference is explicitly and resolutely national. The ILO’s activities centre on country programmes designed in cooperation with national governments. This reflects the core principle on which the ILO was founded, namely that, in the context of a national economy, governments could regulate labour markets, with cooperation from employers and unions. The structure and strategies of the ILO still reflect this assumption, notwithstanding the emergence of a global economy and the construction of complex GPNs within it.⁴ Indeed, it is precisely in this problem that we find one of the reasons for the generalized shortcomings of strategies to address forced labour, inasmuch as the assumption of the possibility of national government regulation of labour markets does not travel to the context of a global economy, where large parts of national economic activity are now integrated into GPNs and significant swathes of the world’s labour force participate in ‘global’ labour markets.

The extent to which this situation means that GPNs are beyond the feasible reach of political control and regulation remains an open question and beyond the scope of discussion in the present paper (see Locke 2013). We do not subscribe to an exaggerated version of this hypothesis, but it is nevertheless clear that there is an important disjuncture between a resiliently national frame of reference for policy design on forced labour and the salience of domestic labour law, and the global nature of the processes by which it is enabled. Likewise, national-level poverty reduction strategies

⁴ We are grateful to Stephanie Barrientos for prompting us to underline this point.

can be only partially effective, able possibly to address those forms which are more associated with forms of social exclusion and discrimination, but unable effectively to reach those causes of poverty which lie in global economic processes and the functioning of global labour markets. It has also to be acknowledged that these processes are facilitated by national states, inasmuch as the imperatives of economic competitiveness have led to numerous arenas in which regulatory gaps are purposely left unfilled, as well as situations of corruption and collusion between the state and the private sector, contributing to the conditions in which labour exploitation and forced labour are enabled to flourish. At the same time, however, the state remains the only institution able to enact legislation aimed at protecting people, or workers, from the worst excesses of markets (Harriss-White 2005). Thus we are presented with a new, and as yet unmet, set of governance challenges relating to the governance of GPNs, and how to understand and address the problems of forced labour that arise within them. Doing so will require different kinds of thinking, not only about the mechanisms of governance that will be needed, but also about how, politically, attention to these problems could be articulated.

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