

MODERN
SLAVERY:THE
MAURITIAN
FASHION
INDUSTRY AND
THE AFRICAN
GROWTH AND
OPORTUNITY
ACT

International Relations Master's Thesis

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List of Abbreviations

| | |
|--------|--|
| AGOA | African Growth and Opportunity Act |
| EPZ | Export Processing Zone |
| GDP | Global Domestic Product |
| ICTFU | International Confederation of Free Trade Unions |
| ITUC | International Trade Union Confederation |
| ILO | International Labour Organisation |
| MFA | Multi Fibre Agreement |
| NGO | Non-government Organisation |
| UNICEF | United Nations Children's Fund |
| NWC | National Wages Council |
| TCFP | Third Country Fabric Provision |
| UNHCR | United Nations High Commission for Refugees |
| USA | United States of America |
| WTO | World Trade Organisation |

Introduction

Slavery is a system of exploitation which has been a part of economic exchange for a very long time. Traditional chattel slavery, where one person has legal control over another, is not the system of slavery which is currently present in the world. Modern slavery is a contemporary phenomenon and takes a variety of different forms. In 2017 Siddarth Kara (2017: 21) estimated that there were approximately 31,2 million modern slaves in the world, generating an estimated income of \$124,1 billion annually. He asserts that the modern slave industry pervades the entire modern global economy.

The forms of modern slavery include human trafficking, forced labour, debt bondage, and sweatshops. The literature brings forward several debates. The first is whether modern slavery is a type of forced labour or whether forced labour is a tenet of modern slavery. The former is the view of the International Labour Organisation but is not accepted by all scholars (International Labour Organisation, 2005 and Siller, 2016). Further is the debate surrounding the unclear distinction between 'free' and 'unfree' labour and where one would draw the line between that which is considered wage labour and that which is considered slavery (Lebaron and Ayers, 2012). Lastly, the debate surrounding human trafficking and smuggling and whether one can draw a clear distinction between the two. These elements of modern slavery often overlap, and some scholars find it problematic when human trafficking is delinked from smuggling (Triandafyllidou & Maroukis, 2012). Modern slavery is found to be dependent on four criteria: exploitation, coercion, violence or the threat thereof and degrading working conditions (Kara, 2017: 8&9).

The above thus states that modern slavery and capitalism are undoubtedly linked. Capitalism has experienced a phase of neoliberalism since the 1980s, with different regional and temporal interpretations as its spread was uneven (Humphreys and Cahill, 2017:670). In the 1980s neoliberal economic policies became the norm for developed countries such as the United States of America and the United Kingdom. This spread to the developing world since the mid-1970s (Harvey, 2005: 9 & 13). The debates surrounding neoliberalism which are relevant for this thesis are those that view neoliberalism as a violent system of exploitation, as this type foments modern slavery. These debates include the positive and negative effects of globalisation on labour (Moe-Lobeda &

Spencer, 2009). This involves a positive correlation between forced labour and human trafficking with economic openness (Peksen, Blanton and Blanton, 2017: 64). Further, the relevant literature includes the ways in which migrant workers are treated by the neoliberal phase of capitalism and whether neoliberalism can be interpreted as a class struggle (Chastain, 2006; Roberts, 2004 and Harvey, 2004).

The case which will be explored in this thesis is the contemporary fashion industry and the elements of modern slavery found in this industry. During the time in which capitalism entered its neoliberal phase, factories producing garments increasingly moved from developed to developing countries (Sluiter, 2009: 38). A key free trade agreement for the global fashion industry the African Growth and Opportunity Act (AGOA) as passed by the United States of America in 2000 (Trade and Development Act 106-200, 2000). The contemporary literature establishes links between free trade agreements and modern slavery, in that labour rights are a detriment to economic growth and human trafficking is positively correlated to free trade and globalisation (Peksen, Blanton and Blanton, 2017 and Chastain, 2006). This has not been fully explored with regards to AGOA. Instead, AGOA is praised for the creation of numerous jobs in developing countries, especially in Mauritius, which embraced globalisation and reaped the benefits of AGOA. (De Haan & Phillips, 2002:29). The thesis adds to the literature in that it investigates the social aspects of the deal. Economic growth and a positive economic response do not always portray the reality the way in which the people in the country experience this growth. Thus, a people-centric approach is yet to be taken on the impacts of AGOA.

The research question thus reads as such: To what extent do the trade policies of the United States of America, as articulated in the African Growth and Opportunity Act established in 2000, shape the fight against modern slavery in the fashion industry in Mauritius?

In order to answer this, the following sections will address different aspects of the question. The literature review will explore the different tenets of modern slavery and set out the parameters within which modern slavery can be said to take place and will position the occurrence of modern slavery in the current economic system, that of neoliberal capitalism. The thesis design and methodology will follow in order to introduce the scope of the thesis to that of a case study. Subsequently a brief background on the trade policy chosen for the thesis will follow which will thereafter be explored in the analysis. The aspirations of this section are twofold. This section of

the thesis will highlight the national and individual trends of workers in the Mauritian fashion industry and will seek potential links to AGOA. The thesis argues that modern slavery is found in the Mauritian garment industry through the use of unfree, forced labour and sweatshops; that the national trends in Mauritius with regard to migrant workers are conducive to the use of these practices against migrant workers; and that this can be linked to AGOA as Mauritius is dependent upon this flexible trade deal for its economic success. The thesis contributes to the literature by viewing exploitation through the lens of slavery, which elucidates the way in which exploitation is on a spectrum and can easily shift from work which is considered to be 'free' to work that is essentially unfree and slavery. This helps us to understand the effects of free trade deals, such as AGOA, on the worker when exploitation is taken as far as possible.

Literature Review

Slavery as a Modern Phenomenon

The literature surrounding modern slavery defines this concept in various ways. Traditionally, slavery is defined as chattel-slavery, when one person has ownership over another. However, the broader definition of modern slavery is more accurate in its conception of slavery and slavery-like practices taking place in modern times. This conception includes human trafficking, debt bondage, forced labour, forced and child marriage and serfdom (United Nations, 1956). The ones which are relevant for this thesis will be discussed. Furthermore, I will argue that sweatshops and the labour conditions thereof should be considered as a form of modern slavery it falls within the parameters of trafficking, forced labour and debt bondage (Kara, 2017: 7). The concept of neoliberal capitalism as a modern and current phase of capitalism will be explored in order to glean how the system creates the circumstances for modern slavery to take place. It will be argued that neoliberalism fosters modern slavery in that flexible labour practices results in lack of the freedom to choose non-exploitative work. This is entrenched by globalisation and free trade, as these favour the use of cheap migrant labour and is often found in relation to human trafficking. These practices render labourers vulnerable to slavery like practices.

Modern slavery

The international laws against slavery as set out by the United Nations ensure the right to liberty and security of a person as well as the right to be treated with dignity and the freedom from inhumane, degrading treatment (United Nations, 2002:8). The first law against slavery was established in 1815. This was the Declaration Relative to the Universal Abolition of the Slave Trade. This criminalised traditional chattel slavery.

The Slavery Convention of 1926 incorporated modern ideas surrounding slavery in its definition. This defines slavery as “the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised” (Slavery Convention, 1946:1). This can be the status of a person when someone is property, or a condition when a person is treated with no regard to their human rights. In 1957 an extra instrument was added to the Slavery Convention which included factors similar to slavery such as “debt bondage, serfdom, servile marriage, and child exploitation” (Siller, 2016:409).

The Definition of modern slavery

As mentioned above, modern slavery differs from ancient slavery, as laws such as the 1815 Declaration Relative to the Universal Abolition of the Slave Trade have abolished the notion of legal ownership over another human being (United Nations, 2002:3). The United Nations (2002:7) expands the scope the 1815 definition and the 1926 definition of slavery to incorporate situations not exclusive to chattel slavery – where people own other people - as this type is hardly ever found in the modern world. This includes the way and degree in which a person's freedom of movement, control of personal belongings, the uncertainty of the nature of a relationship and the absence of consent is established. This is usually violently imposed (Ibid). This definition is more valid in that the concept of *modern* slavery should include practices which are currently taking place. The concept of traditional slavery includes only chattel slavery, thus in order to establish a new concept which is different to traditional slavery, it should include other practices than what is found in traditional slavery. Thus, the definition is an umbrella-term with many situations in which a person's freedom is being exploited.

The definition of modern slavery can be taken further by examining the economic system which allows modern slavery to continue. Lebaron and Ayers (2012:887) problematises the definition of modern slavery in that it is mostly understood as an individual relationship between that of employer and employed, whereas their notion asserts that unfree labour is deeply rooted in capitalist traditions and is an extreme form of labour exploitation. This view asserts that there is no clear distinction between labour that is deemed 'slavery' and labour that is deemed 'not slavery.' I prefer this view, as it adds another layer to the literature on modern slavery as a global, deeply entrenched phenomenon. This further opens up the debate for where one draws the line which would establish when modern slavery takes place. This problem will be overcome below by drawing on Siddarth Kara's (2017) theoretical distinction between modern slavery and wage labour.

The context surrounding the type of work plays a role in whether work is regarded as slavery or not. The type of work, as well as the working conditions, can play a role in whether a practice is considered as modern slavery or not (Siller, 2016:411). Kara (2017: 7) agrees with this notion, thus, the interpretation of modern slavery is a catch-all phrase including all the practices and conditions mentioned above. In this way, slavery (in the context of labour) is a "system of

dishonouring and degrading people through the violent coercion of their labour activity in conditions that dehumanize them” (Kara, 2017: 8). Of course, it is not only labour practices which is considered slavery. Child and forced marriage are instances where labour practices is not concerned but is definitely dehumanising and encroaching on a person’s freedom.

Thus, slavery is not exclusively forced labour, but include many other practices which can be regarded as modern slavery. Kara’s definition encapsulates the term of *modern* slavery well. It includes several elements which results in a situation where a labourer is no longer a voluntary worker, but a slave worker. Kara’s conceptualisation of modern slavery as exploitation; coercion; and violence or the threat of violence accompanying this work sets modern slavery apart from wage workers. Violence and the threat thereof do not only entail physical violence, but any type of threat against labourers or those they care about, verbal and psychological abuse as well as denying them security or nourishment. Coercion entails the lack of a free and fair choice, as well as dehumanising conditions (Kara, 2017:9). ¹This conceptualisation allows us to draw a theoretical line between labour that is essentially unfree and labour that can be regarded as free and voluntary.

Human Trafficking

Human Trafficking is considered to be a tenet of modern slavery. ‘Enslavement’ is defined under Article 7(2) (c) of the International Criminal Court as “the exercise of any or all of the powers attaching to the right of ownership over a person and includes the exercise of such power in the course of trafficked persons, in particular women and children” (Rome Statute of the International Criminal Court, 2011:4).

The Palermo Act defines human trafficking as “[t]he recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation” (Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, 2000). Exploitation includes sexual exploitation, forced labour or services, practices which are considered slavery and the harvesting

¹ See table of examples in Appendix I

of organs (International Labour Organisation, 2005:7). Trafficking is thus criminalised by states, as it affects the victim as well as the security of the state (Jansson, 2015:43 & 55).

In this way, trafficking consists of three elements: the action, the means and the purpose. The action refers to recruitment practices, the means to coercion or fraud and the purpose to be that of exploitation. Trafficking thus does not necessarily mean the movement of people (Trafficking in Person's Report, 2019:6). This view asserts that trafficking can be voluntary at first and then become exploitative (International Labour Organisation, 2009:7).

A way of viewing the distinction between human trafficking and smuggling is that human trafficking is always coerced, whereas smuggling is seen as being voluntary and done with consent. Smuggling always takes place over an international border and smuggled people consent to this and often pays money for this service (Human Smuggling and Trafficking Center, 2006:2). However, this view stresses that when anyone under the age of 18 is smuggled or trafficked, it is deemed that they cannot consent to this and are thus automatically being deceived, and thus trafficked (Human Smuggling and Trafficking Center, 2006:3). In this view, smuggling can be regarded as only the first phase of trafficking (O'Connell Davidson, 2013:3).

However, the above argument is too dichotomous, as it distinctly draws a line between smuggling and trafficking. This is problematic as this ignores the way in which smuggling and trafficking are linked and often overlap. Smuggling can often turn into trafficking (Triandafyllidou & Maroukis, 2012:117). The smuggled person might agree to travel but is sometimes unaware of or misled by the exploitative conditions which awaits them on the other side, which then becomes trafficking (Siller, 2016:418). Thus, a clear-cut distinction distorts the way in which smuggling can also be involuntary and is not always a voluntary practice. Thus, smuggling can be regarded as modern slavery when exploitation, coercion and violent threats are present.

The 'consent' found in the practice of smuggling cannot be regarded as true consent. The Report of Experts Group on Trafficking in Human Beings (2004:48) also problematises the distinction between trafficking and smuggling. The initial consent given to smugglers cannot be regarded as consent for everything that comes after the consent is given to be moved. In this view, true consent can only be given when the person is aware of every situation and all the factors are known, which is generally not the case in these situations (Report of Experts Group on Trafficking in Human Beings 2004:50).

The idea of consent becomes even murkier when it is taken into account that people who are in these desperate situations have no true freedom of choice. People are often desperate enough to ‘consent’ to smuggling regardless of dangerous circumstances, and thus do not really consent. They have little choice but to agree to smuggling, if only to escape their current circumstances. Thus, this choice is not actually free. O’Connell reasserts this approach in that this distinction creates an unjust hierarchy between those who are trafficked and those who are not, as the trafficked victims are deemed to be more deserving (O’Connell Davidson, 2012:245).

Forced Labour

As mentioned above, the literature differs over the issue of whether modern slavery is an instance of forced labour or vice versa. The former is the approach taken by the International Labour Organisation, which defines forced labour as “all work or service which is exacted from any person under the menace of any penalty for which the said person has not offered himself voluntarily” (International Labour Organisation, 2005:5). Forced labour includes any child labour. Child labour is not defined merely by a child being forced to work as an individual but also included in the forced labour derived from the family (International Labour Organisation, 2005:6).

This definition necessarily has two factors – the use of force or coercion and the lack of consent. Forced labour, in this way, is not merely poor working conditions or low wages. The question of legality or illegality does not determine whether work is forced or not – legal work can be forced, and illegal work can be done voluntarily. Forced labour can be imposed upon citizens by their own state (International Labour Organisation, 2005:6 & 8). However, this view does not take all aspects into account. As mentioned above, the context within which work takes place plays a role in establishing whether something can be regarded as modern slavery. Poor labour conditions and low wages are thus a part of forced labour and exploitation.

A more compelling argument is made by Piper, Segrave & Napier-Moore (2015:1 - 2) which criticises the above, as it can lead to the confusion between the different terms, modern slavery and forced labour. This can allow for these concepts to be used interchangeably, diluting the focus which should be applied to these problems individually. Forced labour should be taken as a concept in itself, which will elucidate the way in which labour exploitation results from structural inequalities such as gender, race, caste and ethnicity. In this way, forced labour is a tenet of modern slavery.

However, this definition of forced labour is still not satisfactory. A definition which is necessarily linked with the economic system is favoured in the thesis. Lebaron & Ayers (2012) adds to our understanding of forced labour by introducing the concept of unfree labour. ‘Unfree’ labour is defined as workers who have no choice but to “continually (re) enter the dynamics of wage labour, however exploitative and oppressive those terms” (Lebaron and Ayers, 2012: 888). The exploitative qualities of labour are found in both free and unfree labour to a certain extent, the latter experiencing it more deeply and widely (Lebaron and Ayers, 2012: 879). However, the authors fall short in that they do not draw the line between forced and unforced choices. This idea is beneficial, as it views labour as on a spectrum, ranging from free to slavery and takes the context into account. Viewing exploitation from the angle of modern slavery elucidates this spectrum to the scholar. Kara’s (2017:8&9) conceptualisation is worth mentioning here again. Labour crosses the line from free to unfree when exploitation, coercion, violence or threats and degrading working conditions are found in the workplace. This encroaches on labourer’s freedoms and renders them unfree. ²

Debt bondage

Debt bondage falls under the category of forced labour and is linked to smuggling. Debt bondage is defined by the 1956 United Nations Convention as “the status or condition arising from a pledge by a debtor of his personal services or of those of a person under his control as security for a debt, if the value of those services as reasonably assessed is not applied towards the liquidation of the debt or the length and nature of those services are not respectively limited and defined.” Debt bondage is thus when people are trapped by their debt in exploitative working conditions (Human Smuggling and Trafficking Center, 2006:2).

This is linked to smuggling in that the smuggler will ask for a large amount of money in order to move the person across a border, which is not always possible for the smuggled to pay up front (Triandafylidou & Maroukis, 2012:182). When the smuggling is complete, the smuggled will be heavily in debt as a result of this movement fee. The smuggler can also increase the amount payable on the way. Workers are then trapped in a cycle of debt which is essentially unpayable and are forced to keep working to pay off the debt. They are not willing to go home without any money for their families and thus prefer to stay in exploitative working situations (Triandafylidou &

² See table of examples in Appendix I

Maroukis, 2012:182, 193). This lack of freedom of choice and coercion, exploitation and entrapment are what renders debt bondage a form of modern slavery.

This is in accordance with the above. People take the risk of being smuggled on top of the risk of paying large sums of money to the smuggler in order to escape their circumstances. It can thus be argued that for a person to be so desperate as to take this double risk upon themselves they are being exploited by the system. When we view exploitation from the angle of modern slavery it becomes clear that this choice is not really a choice as the alternative is just as exploitative.

Sweatshops

In this way, sweatshops can be regarded as a form of forced labour and/ or debt bondage and is linked to trafficking and smuggling. Sweatshops are factories where workers are exploited through substandard wages, long working hours, child labour and other exploitative conditions (Shaw, Hogg, Wilson, Shiu & Hassan, 2006: 429) and workers are often threatened by factory closure or dismissal when they want to stand up for their rights and change their working conditions (Powell, 2014: 35). According to this, sweatshops thus entails exploitation, degrading work conditions and the threat of violence through the potential for the loss of jobs.

Despite this, it is argued that this type of work is not slavery, as people would be worse off if they did not choose to work in sweatshops where they know they will be exploited. Robinson (1962: 45) argues that it is better to be exploited by the capitalist system than to not be exploited by the capitalist system. However, this argument is not valid in the discussion surrounding modern slavery. This choice is not a fair one. Although workers choose to work in factories and are not explicitly forced to do so, despite the exploitative conditions, they only do so as any other alternative will also be exploitative. The alternatives to entering an exploitative labour force includes migration to different areas or countries, prostitution, scavenging or agricultural work (Powell, 2014:48). These practices are often just as exploitative, if not more so, as wages are lower than in sweatshops (Ibid).

Moreover, sweatshops are contradictory spaces in that it allows women to enter the workforce and to acquire certain resources which allow them to have more power in their households. Thus, it can be emancipatory in some ways, as has been found in Bangladesh (Siddiqi, 2009:157). However, Powell agrees that factories that use violence or threats of violence are in fact instances of slavery-like practices (Powell, 2014:48). Thus, the theoretical conceptualisation of slavery is

useful here, as it includes violence and the threat thereof, and thus excludes factories which do not employ violence. In this way, sweatshops are not merely factories that are exploitative but use modern slavery like practices.

Sweatshops are part and parcel of the contemporary global economy and is exacerbated by it. The economic system is dependent upon the type of work found in sweatshops and deliberately creates this type of work in order to be successful. Poverty is then “reconceptualized as an asset for global competition” (Mezzadri, 2016:23-24). Mezzadri (2016:18) asserts that neoliberal capitalism has made producers more conscious of comparative advantage. The comparative advantage of the fashion industry is found in its cheap labour. However, this is not a natural phenomenon. Cheap labour is socially reproduced in order to keep people vulnerable, poor, and without a choice. The globalised economic system renders it easy to exploit people in this way (Mezzadri 2016:18). This exploitation, together with a component of violence, renders this work a form of modern slavery.

Companies compete ferociously with one another on a global scale and are thus inclined to keep labour costs as low as possible in order to remain competitive. In this way modern slavery has evolved from that of old-world slavery as slaves are now found in factories all over the world (Kara, 2017:33). This way of viewing these types of exploitation from the view of modern slavery is academically beneficial as it elucidates the nature of labour in that labour falls on a spectrum and when labour is extensively exploitative, labour moves into the realm of being unfree and modern slavery.³ This allows for the scholar to avoid dichotomous thinking about labour and it elucidates how wage labour can be instances of modern slavery if a line of exploitation is crossed.

Neoliberal Capitalism and its relationship with modern slavery

The concept of Neoliberal Capitalism

The neoliberal phase of capitalism first came into practice in the Western world, notably the United States of America and the United Kingdom, in the 1980s (Kotz, 2015:8). This subsequently spread to other parts of the world, albeit unevenly (Humphreys and Cahill, 2017:670). Thus, there are different variations of neoliberal capitalism in the world. However, in essence, lower barriers to trade, the transnationalisation of production and a deepening and widening globalisation led to the stage of neoliberalism in the capitalist tradition (Kotz, 2015:34, Harvey, 2005; 35). There are a

³ See Appendix with table of examples below I

variety of ways in which neoliberal capitalism can be studied. Those which are relevant in the study of modern slavery will be discussed below, with a focus on the ways in which labour has been affected by the neoliberal phase.

Migration and human trafficking

A way in which the neoliberal phase has been analysed in relation to labour is through the lens of migration and migrant workers. Munck (2018: 160) assumes that mass migration is an integral part of the neoliberal economic way and is a structural necessity for this. In this way, when migrant labour is flexible and cheap it benefits the neoliberal capital system (Ibid:159). Migrant workers are vulnerable to dangerous working environments, demeaning work and live under the threat of dismissal and violence (Ibid: 177). Although migration is beneficial in that it allows people to move to better circumstances and seek work elsewhere when it is not available in home countries it also makes them vulnerable to modern slavery as they are often denied freedoms of association, inadequate working conditions, are subject to forced labour and work related injuries (International Labour Conference, 2016: 5 & 7).

A link between neoliberal capitalist policies and human trafficking has been made. Peksen, Blanton and Blanton, (2017: 64) has found that neoliberalism does not favour labour rights and the expansion thereof, as this hampers its economic goals of increasing productivity. Moreover, they find a significant and positive relation between economic openness and forced labour through human trafficking. This is substantiated by Chastain (2006:608) who agrees that several neoliberal factors contribute to forced labour and human trafficking, such as globalisation, the increased gap between developed and developing states and increasing poverty among the already poor. The benefits of viewing migration through the lens of human trafficking and forced labour is that it showcases the social benefits as well as detriments of neoliberalism. Although workers are often better off than in their home countries, the costs to these worker's freedoms manifested through encroachment on worker's rights, forced labour and trafficking should not be overlooked.

Globalisation and Free Trade

Proponents of globalisation argue that the globalising effect of the neoliberal phase of capitalism is beneficial for labourers. This argument states that free trade is the means to an end of democracy, freedom, and a reduction to poverty (Moe-Lobeda & Spencer, 2009:686). Since the neoliberal phase in the 1980s, the numbers of the global workforce have doubled (Munck, 2018: 62).

However, arguments against this, view neoliberal globalisation as a ‘race to the bottom’ as it depends upon cheap labour and thus fosters cheap labour, which results in labour constantly becoming cheaper and cheaper (Moe-Lobeda & Spencer, 2009:686). It is thus unclear whether globalisation has a net positive or net negative effect on labour as gleaned from the literature above.

Globalisation fosters free trade agreements which can often have positive and negative effects for developing countries. Agreements between developed and developing nations often end in some form of exploitation of the developing state. This results in job losses as the public sector tends to dissipate, traditional industries disappear, and competitiveness of local industries and agriculture is lost. This results in foreign firms establishing itself in these states and governments deregulate labour, which fosters low wages and degrading and dangerous work. National workers are often unwilling to take these degrading jobs and they are filled by migrant workers instead who are more easily exploited (Chastain, 2006: 590). This argument is preferred in the thesis as it elucidates the ways in which uneven free trade agreements has definite negative impacts on labourers in developing countries, especially for migrants, which renders them vulnerable to exploitative conditions, coercion and threat of violence.

The Flexible nature of Labour in the Neoliberal Phase

The nature of work in the neoliberal phase of production highlights the ways in which workers are easily exploited and can be more vulnerable to modern slavery. During the neoliberal phase of capitalism, labour became more flexible with regards to uncertain working hours, contracts and protections. The neoliberal method of production which seeks to be ‘lean’ in nature has dramatically increased the practice of outsourcing (Moody, 2018:7). Thus, different parts of a product are manufactured in different factories, sometimes all over the world. This emphasises the importance of the flexibility of labour and further created the need for precarious, uncertain forms of work. Uncertain work is described as work without a set duration, contract or any form of labour protection (Moody, 2018:7).

Moreover, the neoliberal policy of just-in-time production, although the goals are rarely met, places pressure upon workers to work harder and longer hours in order to meet their set goals (Moody, 2018:13). This is problematic for individual workers for several reasons. A stable income is difficult to ensure, labour is increasingly viewed as commodities and the neoliberal system allows for the exploitation of labour (Harvey, 2005:71 & 76). This argument is beneficial when

the neoliberal phase is being analysed with its relation to modern slavery. As is seen above, workers who are vulnerable in this way runs the risk of being coerced, systematically exploited and threatened with violence. This links with modern slavery in that this can lead to over-exploitation of labour.

This is otherwise described as the “casualization” of labour, which stimulates neoliberal capitalism as it makes it easier for employers to employ only as needed, increases productivity levels and is extremely cheap (Ahumada, 2007: 225). However, it means different things for workers and for employers. Employers are freer and more flexible to define the terms of employment, but workers have no choice but to accept these terms (Kotz, 2015: 29). The deregulation has positively created a bigger labour force and has allowed more women to enter into the labour force. The term ‘feminisation of labour’ has been coined with regards to this (Munck, 2018:69). This created more freedom for women to enter the workforce, however, this does not point to the wellbeing of workers or women workers, as women and casual workers are subject to exploitation and forced labour. Workers are uncertain and unprotected which opens up the possibility of threats, lower wages and longer working hours.

Trade Unions

The collective bargaining of wage workers became undermined in the neoliberal era due to the growing power of large companies relative to those of trade unions. According to the flawed neoliberal logic, Friedman and Friedman (1980: 246) argues that the best way of protecting the worker is simply through the market system and that unions will prevent workers from being competitive and from being employed regularly. Thus, in order to ensure that workers are employed, the employer should be empowered. Before this phase, wages were usually established while considering the worker’s voices through trade unions, but as corporations became more aggressive towards the role of trade unions, this decreased. Therefore, wages became largely determined based on market forces (Kotz, 2015: 28). This renders workers vulnerable to exploitation as the role of their representatives has become less established.

However, in opposition to this, there is the view that the nature of trade unions has become more open and social in the neoliberal phase due to globalisation. This breaks down the space between workers and community and becomes a community-based activity. In this way, other social movements and Non-government organisations (NGOs) are involved. This has also opened up the

opportunity for transnational trade unions (Munck, 2018: 72-73). However, this argument cannot conclude that worker representation is stronger in the neoliberal phase. The new nature of trade unions has not been proven to be more beneficial to labourers than their traditional counterparts. Thus, this development cannot make the claim that workers are better protected against modern slavery in the neoliberal phase of capitalism and the view that trade unions are weaker is a stronger argument, as market forces have become stronger.

Neoliberalism as a class struggle

For some, neoliberalism is perceived as a form of class struggle. Authors in this school of thought believe that social classes have undergone some restructuring. Pineault (2014) refers to this as a class struggle from above, referring to the use of the neoliberal ideology and doctrine by elites to create a hegemonic power structure. Thus, the 1970s saw the restructuring of a new global capitalist class, unbound to political territory and nation states. Harvey (2004:15) argues that the neoliberal state is in favour of the bourgeois, capitalist class and that it will always choose the wellbeing of the financial system over those of the citizens.

The idea of neoliberalism as a class struggle is a global phenomenon as well. This is referred to as a transnational capitalist class (Roberts, 2004: 34-34). In this view, capitalist expansion and globalisation does not occur of its own accord but is driven by this class in order to consolidate its power. In addition to the global capitalist class, the class 'at the top,' there has also been a change in class at the bottom. Low-skill, low-wage labourers who are subject to precarious work and exploitative working conditions have been labelled as a new class, the so-called 'precarariat class.' This type of work has increased in the developing and developed world (Cahill & Konings, 2017:4). This view does not tell us much about the nature of modern slavery and how it is manifested in the realm of worker's lives. A better way of investigating neoliberalism as a system conducive to modern slavery is by emphasising the individual workers and their lack of choice and vulnerability. This will be discussed in more detail below.

In opposition to the class struggle argument, a different view stresses that labour was a driving force behind the development of the neoliberalist phase of the economy and was not imposed upon labourers by a bourgeois class. This argument is made by looking at Australia in the 1980s. In 1983, the Australian Labour Party won office. They implemented neoliberal policies such as deregulation and a floating of the national currency (Humphreys and Cahill, 2017: 674). The

authors then trace this to the USA and the UK and finds that during the turn towards neoliberal capitalism, labour parties and trade union leaders in these countries did not fight against the implementation of neoliberal policies, but in some cases even supported it (Ibid:679). However, the above view is not beneficial in the investigation of modern slavery. This argument places its proof in the labour parties and leaders of big trade unions in the time leading up to neoliberalism. However, this assumes that the views of these were analogous to those of the individual workers who are vulnerable to modern slavery in its various forms. Again, this does not tell us much about whether workers are free or unfree.

Individual workers

A better way of viewing slavery as individuals is by investigating their freedom of choice. Marxist theory asserts that the means of production is taken away from the worker within the capitalist economic system which leaves them with no choice but to sell their labour. In this way, wage workers can be regarded as wage slaves (Bhandari, 2007: 397). Workers are trapped between a rock and a hard place. The way in which the system is set up makes the choice of exploitation obvious, however this is not a fair choice. The choice only includes two options: either remain unemployed and unable to pay for necessities, or enter the low-paid, precarious work force and be subject to exploitation and vulnerable to modern slavery. The worker is subject to the wages set by the market and the standards set by the corporation (Kotz, 2015: 28).

The neoliberal economic system intensifies this. Corporations are more powerful and global supply chains make it easier and more profitable to exploit labourers and thus encroaches on their freedom of choice (Verite, n.d). In this way, labourers are much more vulnerable to exploitation, coercion, violence and modern slavery. This vulnerability manifests itself in modern slavery in industries such as the global garment industry as workers are forced to work overtime, are denied payment for overtime work, are threatened by employers and managers and often face terrible working conditions (Alam, Klier and McRae, 2008).

The Marxist theory of evaluation claims that slavery is an integral part of our economic system, as it is an inherent defect of capitalism. In this way, slaves are disguised as wage workers in the economic system. Slaves' labour becomes commodities and have no power over their own labour and never had power over this in the first place. For some Marxists, all of the slave's social relations are based on force. Furthermore, slavery is not productive as slaves do not own their

labour and have no incentives to work harder (Miranda, 2017:147). This view of slavery is not conducive to the modern slavery as seen above. This approach is beneficial as it views slaves as individual people and not an extension of labour parties or trade unions, however it fails to take into account the coercion and threats of violence used against slaves in modern times. Moreover, it fails to identify that labour is on a spectrum of free and unfree labour. Not all wage labour can be regarded as slavery, the context should be taken into account in order to identify whether the line has been crossed into slavery like practices.

The Parameters of Modern Slavery

It can be gleaned from the above that modern slavery is not the ownership of one human over another but is instead the exploitation of people who have no other choice but to be exploited. It is an umbrella term which includes dehumanising practices for the gain of others. This is usually not the personal relationship between the employer and employed but is instead found within the foundations of the economic system and the global supply chain. The context of the work is important to ascertain whether a type of work can be regarded as modern slavery or not, and is based on whether there has been coercion, exploitation, degrading conditions and violence or the threat of violence. Consequently, sweatshops are regarded as a form of modern slavery in the global supply chain of neoliberal capitalism as workers are less well protected by trade unions and the nature of the work is more flexible and less well monitored. These low-wage labourers have no real freedom of choice, are subject to exploitative and degrading conditions and are threatened by the way in which they are easily replaceable. Thus, the line is crossed and can be regarded as modern slavery, not as exploitative wage work.

Research Design

Case Study: The Fashion Industry in Mauritius

The fashion industry was chosen as a case study due to the nature of this industry in the global economy. The fashion industry is based on producing fast fashion items at a very quick turnover time. Fast fashion is essentially low-cost fashion items, of which the style is based on high-cost luxury brands (Joy, Sherry, Venkatesh, Wang & Chan, 2012:275). According to the non-profit organization, Clean Clothes, fast fashion directly effects labour conditions for garment workers. The report states how the changing trends in the industry demands that new styles of garments are produced around every six weeks. This leads to increased overtime and informal labour (Hearson, & Morser 2006: 15).

Moreover, the industry has a reputation for the use of sweatshops. The Global Slavery Index found that garments are the second most at risk product for being produced by modern slavery (GSI, 2018: iv). Productivity in the fashion industry is dependent upon cheap labour. Retailers who source from factories can easily move their business to other factories and it is imperative for these factories to remain competitive. They do this by keeping their production costs as low as possible. Labour is the most expensive aspect of the production process and thus factories need to keep their labour costs low in order to remain in the market (Bryher, 2019:4). The way in which the prices of fast fashion products are lowered is by accepting lower standards of working conditions and wages (Hearson & Morser, 2006: 23). Workforce exploitation and substandard levels of the quality of work in the fashion industry is common. The global garment industry makes use of forced labour; women face discrimination and sexual harassment in factories and are rarely given maternity leave; child labour is common; workers work very long hours and are coerced to work overtime due to meet the demand of orders; factories are not safe; and the legal minimum wage and the wages paid are not enough to meet worker's needs (Stotz & Kane 2015).

Mauritius was chosen as a case study as it is seen as a so-called AGOA 'success story' with regards to its growth in trade and its adaptation to globalisation (De Haan & Phillips, 2002:29). Moreover, both the Mauritian and American governments have made meaningful attempts to eradicate modern slavery in the fashion industry and in AGOA affiliated countries (Wright, 2018 and Global Slavery Index, 2018:30). Thus, Mauritius was chosen in an attempt to be as neutral as possible towards the AGOA case by acknowledging the benefits of the trade deal. Thus, the case study

chosen is an atypical case study. This is when a case is illuminating in that it emphasises phenomena which other researchers deem unimportant, such as the social implications of AGOA, and highlights the defying expectations of cases (Mabry, 2008:5).

The limitations and challenges of this study are threefold. First, the normative aspect of this study is considered. The argument that sweatshops are considered modern slavery is a normative one, as the distinction between labour that is deemed completely free and labour that is deemed completely unfree is not clear. As is highlighted in the literature, labour falls on a spectrum which renders it difficult to pinpoint the exact circumstances that render labour unfree (Lebaron and Ayers, 2012:887). In order to overcome this, Siddarth Kara's conceptualisation of modern slavery will be used as a theoretical framework. In this way modern slavery entails coercion, exploitation, violence or the threat of violence and degrading and dehumanising conditions (Kara, 2017: 8&9). This includes forced labour, human trafficking, debt bondage and sweatshops, as gleaned from the literature.

Second, the biggest challenge of the study will be to successfully link the conditions of the Mauritian workforce to the trade deals of AGOA. The study will investigate whether AGOA contributes to these circumstances, thus whether there is a correlation between modern slavery in Mauritius and AGOA. It is important to highlight that even if a correlation were to be found, it cannot be claimed that AGOA is the sole cause of modern slavery, since many other factors could contribute to this as well. Lastly, as this is a within case analysis it would not be generalisable to all beneficiaries of AGOA. However, it would be meaningful in that it would open up the potential for subsequent questions and future research over the nature of AGOA and the way in which this shapes the fight against modern slavery in other AGOA beneficiaries.

Methodology

The method of the research will be a qualitative within-case analysis. Process tracing will be used to identify and analyse trends in Mauritius in the workplace as well as the national level with regards to modern slavery. The sources used will include primary and secondary sources. Primary sources will be used in order to glean the nature of AGOA and its relationship with Mauritius as set out in laws. Secondary sources, such as reports from as Non-government organisations (NGOs), trade unions and international labour organisations will be utilised in order to trace the data on the Mauritian worker's experience with regards to modern slavery as set out in the

parameters in the literature review. The limitations of the use of these sources are that they will be secondary accounts of Mauritian worker's experiences. Thus, intermediaries, such as NGOs or scholars will always be present in the research. The researcher is constrained of resources and cannot conduct the research on an ideal level, namely, a research design based on first-hand accounts and interviews of Mauritian garment factory workers in Mauritius.

Background

The African Growth and Opportunity Act (AGOA) is a unilateral attempt by the US government to give African economies the opportunity to open their export markets in order to grow. The Act assumes that the opening of sub-Saharan African economies is the best way to ensure their growth (Babarinde & Wright, 2017: 23). In this way, the Act can be viewed as in line with neoliberal capitalist traditions. The initial AGOA was signed by president Bill Clinton in 2000 and has been renewed four times, thus, prolonging it until 2025 (Babarinde & Wright, 2017:24). AGOA allows African economies to export certain duty-free products to the US. This includes fabrics, garments and apparel products (Babarinde & Wright, 2017: 24 and Olarreagea & Özden, 2005:63). This policy is oriented towards moving away from aid in Africa, towards trade with Africa (Bahadur, 2004:2).

Trade with Sub-Saharan African countries increased after the implementation of AGOA. One year after the implementation of AGOA, US exports to Africa increased by six percent while exports from Sub-Saharan Africa to the US increased by 67 percent, amounting to 23.5 billion US dollar. However, after 2001 this decreased as a result of a drop in oil process. The trade stemming from AGOA is dependent upon oil fluctuations. AGOA has been criticised for its claims that it has helped many sub-Saharan African economies to expand and diversify their exports, however, this is not true in practice. The increase of exports to the US are mainly as a result of oil and mineral exporting countries in Africa, namely South Africa, Nigeria, Angola and Gabon (De Haan & Phillips, 2002: 11).

The Act requires beneficiary African countries to abide by certain standards in quality of products but also in economic, social and political standards in the country. This includes aspiring towards having a market-based economy, removing barriers to trade and respecting human and worker's rights and international labour standards, among others (Babarinde & Wright, 2017: 24).

Mauritius joined the AGOA act in 2000 with the implementation of the Trade and Development Act (Trade and Development Act 106-200, 2000). As a result, Mauritius enjoyed a boost in its textile and apparel industry. The sector grew at a rate of 5 percent each year after the Act was instated. Apparel exports grew annually by 23 percent between 2001 and 2006 (USAID East Africa Trade Hub, 2013:2). Mauritius had a special status in AGOA, as it was part of the Third Country

Fabric Provision (TCFP). This allowed Mauritius to use fabrics sourced from other countries in its garment production. This status was lost in 2007 (David, 2004:41) and re-instated in 2008, which reversed this decision (H.R 5095, 2008). AGOA is therefore a flexible trade deal, as it is not permanent and certain decisions can be made and reversed by the United States government.

Before AGOA, Mauritius had a relatively successful fashion industry, AGOA merely boosted its success. In the 1970s Mauritius set up an Export Processing Zone (EPZ), the first African country to do so. This zone developed and became successful in the 1980s, largely due to the textile industry. This zone is the main source of employment for workers. 90 000 people are currently working in the zone, where 75 000 of them are doing so in the fashion industry (David, 2004: 41). The International Labour Organization (2014) defines EPZs as “industrial zones with special incentives set up to attract foreign direct investment, in which imported materials undergo some degree of processing before being exported again.

The trends surrounding the Mauritian fashion industry with regards to its workforce can be found on an individual level. On the national level, certain trends are found which creates the circumstances which are conducive for modern slavery to take place. On the national level, labour interests include the status of trade unions through which workers are represented as well as the implementation and nature of laws surrounding trade unions. The individual level includes the status of people who are working in the garment and textile factories and the conditions of the work within the factories. The trends surrounding this will be discussed below, followed by the way in which these trends could potentially be linked to AGOA.

The Individual Level

Modern Slavery and migrant workers

Forced Labour for migrants

Natacha David finds that the Mauritian worker experiences less exploitation than he/she would in any other country (2004:42). Mauritius is thus seen as a low risk country for the occurrence of worker exploitation (Hearson, 2007:4). This is positive in the fight against modern slavery. However, this does not paint the full picture.

Poverty, a lack of work and the rising living costs in their countries of origin forces migrant workers to seek jobs in Mauritius (Ackabarally, 2016). These factories work on a “piece rate” system – thus they get paid according to how many garments they produce. This traps workers in the cycle of working around the clock in order to ensure that their wages are enough to live by (De Haan & Phillips, 2002: 31-32). These workers have little other choice than to accept substandard working conditions and long working hours in Mauritius, as this is better than living and working in their origin countries. Many of the workers have families back home and would thus prefer exploitation to unemployment (Suntoo & Chitto, 2011). Hence, these people do not have a free choice as the better choice is to be exploited, as opposed to being unemployed.

Under Mauritian law, migrant workers should be treated the same as local workers (IndustriAll, 2015). Foreign workers should receive the same wages as local workers; however, this does not happen in practice (Ackbarally, 2004). Workers are paid differently based on nationality (Maher, 2009:43). Chinese workers in the garment industry earn very low wages and are often keen to do overtime work in an attempt to make enough money to survive as well as to try and send some

home (Suntoo & Chittoo, 2011). It is usually the case that migrant workers are more willing to work overtime than Mauritian workers (Solidarity for African Garment Workers, 2005:22). Thus, workers work very long hours but because they are paid too little to make a living, they feel the need to work even more and choose to be exploited even more as their original work and exploitation is not enough.

This is of course subjective. Some workers interviewed said that they were happy to work in Mauritius as they can earn more money in Mauritius than in their home countries, especially if they work overtime (Akbarally, 2004). However, trade unionists hold fast that these workers are being exploited and are prevented from joining trade unions (Ackbarally, 2004). Thus, migrant workers are treated differently and are being exploited (albeit less than in their countries of origin). Thus, although some migrant workers claim to be relatively happy does not negate the fact that exploitation occurs. In order to clarify, further investigation into the use of forced labour can be found in the next section, as a result of the use of sweatshops in the EPZ.

Sweatshops

A report in 2002 by a leading NGO exposed the plight of the worker in Mauritian garment factories. Most factories do not provide paid maternity leave, demand overtime and pay low wages which are almost impossible to live off. Workers were not paid sick leave, factories had little to no ventilation and medical certificates are deemed worthless. In some factories, workers are not even allowed to leave the factory premises during breaks, of which lunch breaks last for only 15 minutes (De Haan & Phillips, 2002: 31-32).

Mauritius is known for its migrant workers from India, China, Sri Lanka and Bangladesh. An investigation and subsequent article by the Sunday Times in 2007 elucidated the appalling working conditions for these migrant workers in garment factories. Workers worked 70 plus hours a week, living conditions for workers were small, confined and water were rationed, amounting to half a litre per person per day (Maher, 2009: 43). One worker told Labour Behind the Label and War on Want that there was no space to move around in their dormitories, toilet facilities were limited and unhygienic and 40-50 workers work in a room the of approximately 20-30 feet big (Hearson, 2007:4). The degrading conditions of the workplace and low wages elucidates the exploitation in these factories. These workers are not free, despite the fact that these workers are technically free

to leave. The context of their work is dehumanising and crosses the line from wage labour to unfree labour is thus considered to be modern slavery.

Once in the factories, these workers are easily and often threatened by factories to keep them from resisting inadequate working conditions and are often punished for their behaviour by subtracting from their wages (Maher, 2009:43). According to the Director of the Mauritius Export Association, migrant workers should not complain about these conditions as they know what their contracts entail before they arrive in Mauritius, as it is written in a language that they understand (Suntoo & Chittoo, 2011). This relates back to the question of consent as set out in the literature review. It is unexpected that these contracts are easily understandable to low skill workers and would not include every situation of exploitation for the work and the living situations that await these workers when they arrive in Mauritius. This clarifies the use of forced labour in sweatshops and thus the way in which modern slavery is taking place. Although they are technically free to leave the work, they are still unfree. Workers are coerced as they have no other choice than to work in dehumanising conditions, exploited and threatened with the loss of their livelihoods.

Human Trafficking

The definition of human trafficking as set out in the literature review entails of three factors: the action, thus recruitment, the means, thus fraud or coercion and the purpose, which is exploitation. It does not necessarily entail the movement of people. Recruitment agencies of migrant workers often allow for exploitative working conditions through fraudulent contracts and the promises of protection for workers found in these contracts are broken more often than they are kept (Ackbarally, 2004). Migrant workers are paid less than the local minimum wage and are often not paid what they were promised they would receive by recruitment agencies (De Haan & Phillips, 2002:34). The action of recruitment through agencies who use fraudulent contracts and promises that are not kept in an attempt to exploit workers is thus found in the Mauritian fashion industry with regards to migrant workers. Thus, the practices of these agencies can be regarded as human trafficking. This is linked to smuggling and debt bondage.

Debt Bondage

Migrant workers from China, Sri Lanka, India, Bangladesh and Madagascar work in the fashion industry in Mauritius. They choose the way in which they relocate to Mauritius. This usually includes taking out a loan to pay a recruiter and places them in debt upon arrival (De Haan &

Phillips, 2002:33-34). Moreover, workers are often forced to give up their travel documents as soon as they arrive (Maher, 2009:43) An inspection of 11 Mauritian factories were held in 2018 with regards to labour rights and found conclusive evidence of human rights violations such as debt bondage and the recruitment of migrant workers (Wright, 2018).

Migrants are thus trapped in their exploitative conditions of work when they arrive in Mauritius as they have no other means to pay off their loans to these recruiters. They cannot leave because they owe money, but they barely make enough money to sustain themselves. These practices of debt bondage and leaving workers with no way out is considered a practice of modern slavery. Moreover, without travel documents they would be unable to leave the country, even if they were able to afford it.

Protests and Deportations

Another trend found within the bigger trend of an increase in migrant workers, as will be seen below, is the amount of protests and subsequent deportations which have taken place in the 2000s by migrant workers who feel exploited and dehumanised. Migrant workers are often told that they will be sent back to their origin countries if they cause any trouble (Ackabarally, 2016). This happened when fifteen Indian workers were retrenched from a garment factory after protesting for better pay and labour conditions and were subsequently expelled from Mauritius (Ackabarally, 2004).

Another example of migrant workers protesting for their rights is in 2002 when Chinese employees of Novel Garments held a sit-in strike following the death of two of their colleagues (Solidarity for African Garment Workers, 2005:21). Moreover, in 2006 Chinese and Indian workers protested the inability from joining trade unions and the way in which they are discouraged and even threatened not to do so. These workers were deported (Suntoo & Chittoo, 2011).

More evidence of this was found in 2007, when workers of Floreal Knitwear Ltd was sent back to Bangladesh after a strike and workers from Compagnie Mauricienne de Textile, mostly women, were sent back to Sri Lanka. As a result, despite the substandard wages and working conditions that these workers are subject to, they tend to not stand up for themselves in fear of being deported (ITUC for UNHCR, 2008). It is clear that not only is there a trend in that the Mauritian fashion industry uses more migrant workers than local workers, but of the use of slavery-like practices being performed towards these migrant workers. This is done through the use of sweatshops and

thus forced labour, human trafficking and debt bondage, all of which entails violence or the threat thereof, exploitation and coercion or fraud.

The National Level

The above instances of dehumanisation and modern slavery is made conducive through trends at the national level. This will be explored below in order to glean why these instances occur and later, how this relates to AGOA.

Trade Unions: the law

The laws surrounding trade unions in Mauritius has tended to leave some aspects ambiguous in order for capital to be more highly represented in the national sphere. The state-labour-capital relations in Mauritius can be gleaned by the way in which trade unions are esteemed in the country. According to Lincoln (2006:70) capital is more highly regarded and represented in the negotiations with the Mauritian state. Apart from the ability to negotiate around the setting of wages, there are no institutional processes of bargaining and negotiation between the state, labour and capital. When it comes to negotiations around wages and working conditions, the Mauritian government tends to favour the interests of the capital class and not those of the trade unions.

Evidence of this can be found in the way in which Mauritius has ratified the International Labour Organization's right of workers to associate and freedom to organise in February 2005 as set out in point 87, (ILO, Mauritius Ratifications) (ITUC for UNHCR, 2008) but that this is not implemented in practice. During a restructuring of the government policies, trade unions were asked but refused to hand over fifteen names which would act as representatives to the unions and the workers in the National Wages Council (NWC) as they feared this would not represent workers fully. The government refused to reopen negotiations with the unions and instead picked five smaller unions which would act as own representatives. These representatives only represent about two percent of the unionised workforce (ITUC for UNHCR, 2008).

Moreover, in contrast to the above-mentioned ILO Convention, The International Trade Union Confederation finds that the limitations placed on the law in the Employment Relations Act of 2008, which allows it to cancel any trade union's registration if this is found to have any threats to public order, is too loosely defined. Thus, trade unions and their rights of representing workers in

the national sphere is pressured and prevented from effectively acting as a voice to the workers in the national sphere (ITUC for UNHCR, 2008).

Furthermore, the Act implements restrictions on the right of workers to strike. The procedure of organising and establishing permission for a strike is complex and takes a long time and even when this process is completed, the Act allows for the minister to request the Supreme Court to prevent the strike from taking place if it is found that it poses certain risks (ITUC for UNHCR, 2008). The Act prohibits legal strikes concerning solidarity, discontent with economic policies, and the bargaining of wages higher than that established by supply and demand (ITUC for UNHCR, 2008). It only legalises strikes based on an acute health and safety crises as well as when more than half of the workers have not received their wages within the time they were promised (Employment Relations Act, 2008:566). These conditions are conducive to modern slavery as it does not allow for workers to strike against manifestations of modern slavery as mentioned in the above section. Modern slavery and the way in which this takes place in practice includes more than a health and safety crisis and late wages. Modern slavery entails a lack of choice to be exploited, debt bondage, poor and dehumanising labour conditions, forced labour, sweatshops, and wages which are lower than those needed to fulfil one's basic needs. These are not included in the right to strike.

Trade unions (or the lack thereof) in the Export Processing Zones

In addition to the flaws in the laws mentioned above, a second trend in Mauritius is that the implementation of these laws is not effective. Legislation is often not enforced, and inspectors are often biased. Moreover, managers and factory owners add to the lack of trade union representation. Workers fear joining unions, as they fear being dismissed as a result and are often blackmailed into not joining a union (David, 2004:44)

This is especially true in the Export Processing Zone (EPZ). It was found within the Port Louis EPZ, that trade unions are barely existent or non-existent, which encroach on worker's freedom of association and right to bargaining. This is as a result of employers constantly violating the labour laws as well as a lack of legislative protection for workers (International Labour Court, 2016). The joining of trade unions is discouraged by managers and factory owners who often threatens workers with dismissal or factory closures in an attempt to prohibit them from joining trade unions. In the rare case that factory workers in the EPZs join trade unions, factories tend to delay the

recognition of these trade unions and thus prolongs the under representation of workers for as long as possible (De Haan & Phillips, 2002: 31).

Most of the country's garment factories are situated within the EPZs. Thus, the workers within the fashion industry are under-represented and prevented from having a voice on the national level. Trade unions are denied access to workers in these zones as union representatives are often prohibited from entering the area. As a result, less than five percent of workers in the zone belong to a union (IndustriAll, 2015). This allows for the occurrence of modern slavery to go unnoticed. Dangerous situations in factories are not addressed immediately and poses a danger to the lives and safety of workers (ITUC Report for the WTO, 2008:4). Modern slavery can easily take foot in a situation like this, where workers are not represented as equally as other workers and are intimidated by employers. Employers can easily threaten and/or coerce workers to work very long hours under inhumane working conditions, which often occurs as mentioned above

As a result of all the above-mentioned factors, modern slavery takes place in the Mauritian fashion industry in the Export Processing Zone. This zone extends across most of the island of Mauritius; thus, it is a large and important part of the country (De Haan & Phillips, 2002:30). Workers are under-represented due to the absence and ambiguity of trade unions and laws. The law allows for the legality of longer working hours in the EPZs than in other areas of the country. This adds up to 45 hours a week plus 10 hours compulsory overtime (UNHCR, 2008). This law is portrayed as the minimum working hours allowed in the EPZs, thus, longer working hours are often implemented. The way in which the law is worded in that overtime is already deemed as 'compulsory' could allow for employers to add more overtime to these hours and call it 'voluntary.' Hence, when workers work overtime, they will work overtime on top of overtime. The ambiguity of these laws in the EPZ situates workers in a precarious position. Workers have no legal ground to stand on which could protect them from exploitation and even modern slavery in the EPZ. These workers are further exploited in their status in the country, as they are mostly migrant workers.

The increase of migrant workers in the Mauritian fashion industry

In the years 1970 to 2002 Mauritius was the 9th fastest growing economy in the world based on global domestic product (GDP) growth. Due to the trends of increased economic growth in Mauritius, its reliance on migrant workers from abroad intensified. Migrant workers are often

employed in the global supply chain in sectors with a labour-intensive nature. In the global economy, labour-intensive points are mostly in the Global South. These points often showcase intense competition over production costs and labourers are rendered less secure in the bigger scheme of things. This is true in the global clothing supply chain. This is a highly volatile sector and clothing producers in the Global South are always under intense pressure to either lower wages or increase the productivity of labour (Lincoln, 2012:3-6). Mauritius has stayed on top of the fast fashion industry and global supply chains by investing in technology, establishing fashion and design schools as well as keeping the cost of labour low by using cheap migrant labour (IndustriAll, 2015).

Hence, the current trend in Mauritius is that more migrant workers are in the workforce in the fashion industry than Mauritian workers who are, as mentioned above, discriminated against in the workplace by being paid less and represented less than Mauritian workers. In addition to economic growth, several events took place in the 1990s and onwards which led to this trend. Global competition increased, the Asian financial crisis effected the garment industry and the Multi Fibre Agreement (MFA) which protected small Mauritian garment industries came to an end. This led to Mauritian workers seeking work elsewhere, outside of Mauritius, as they were afraid that the industry would collapse (Lincoln, 2006: 68).

Furthermore, Mauritian workers continue to seek work in other sectors and countries as they are unwilling to accept the degrading working conditions and low wages found in the Mauritian fashion industry (Ackbarally, 2016 and Suntoo & Chitto, 2011). As a result of the above, migrant workers are the backbone of the fashion industry, with 20,000 migrant workers filling these positions (Ackbarally, 2004). Of these migrant workers, most of them working in the fashion industry are women and are subject to harassment and discrimination (Hearson, 2006).

In 2018 the Mauritius government were found to have no defined programme to manage their labour migration. The government hires foreign workers on an ad hoc basis as needed (UN Migration Governance, 2018). Workers can obtain short term, four-month contracts which local workers are unwilling to accept and thus are mainly filled by migrant workers (Verite:8). These short-term contracts and the lack of an institutional capacity to manage migration adds to the problematic nature of work for migrants in Mauritius. Migrant workers can be treated differently to local workers due to their short-term contracts among other things and their lack of

representation in the form of trade unions in the EPZ. These circumstances render workers in the EPZ and especially migrant workers vulnerable to modern slavery.

How is this relevant to AGOA?

In other words, in what ways do the trade policies of the United States of America, as articulated in the African Growth and Opportunity Act in 2000, shape the fight against modern slavery in the fashion industry in Mauritius? Neoliberalism had found a home in Mauritius in the 1980s due to the establishment of the EPZ. AGOA was a deepening of the liberation of Mauritius's economy, especially with regard to the fashion industry and could have been a contributing factor to the above-mentioned trends. Support for this is described below.

The Ineffective Implementation of the Social Standards of AGOA

The first factor which should be addressed in this section, as mentioned above, is the requirements that the US expects from African countries in order to be eligible as an AGOA beneficiary. However, in the case of Mauritius in the EPZ, where most garment factories are situated, this is not upheld. The trade deal has had obvious economic benefits, but the attempts made by the Act to address modern slavery is not effective. Thus, AGOA loses the fight against modern slavery in this regard.

Bahadur (2004:3) sheds light on this tension between AGOA's concern for workers' rights and whether these labour standards are effectively implemented. This section of the AGOA Act is set out in Section 104 point F) as: "protection of internationally recognized worker rights, including the right of association, the right to organize and bargain collectively, a prohibition on the use of any form of forced or compulsory labor, a minimum age for the employment of children, and acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health (Trade and Development Act, 2000).

This section is not transparent and lacks effective implementation as it is often taken as "paper obligations" by the US and the African state. In this way, this section is important to include in the law, but its effective implementation in practice is less important (Bahadur 2004:3). It is clear from the above section, that Mauritius does not uphold these standards in its garment producing factories with regards to migrant workers. Most of the conditions mentioned in the Act which should be implemented is not. Apart from the use of child labour, it is clear that all other factors are present

in Mauritius, such as a lack of representation, lower than necessary wages, very long working hours, coercion and substandard health and safety situations.

The US does attempt to uphold these standards; however, this is done with the idea of a ‘paper obligation’ as described above. A concrete example of this is the way in which US companies who import from Mauritius do hold inspections in factories from which they source. Nevertheless, these inspections are merely done to showcase that steps are being taken to assess the worker’s situation, not to improve this situation. Many workers in these factories have reported that the inspectors rarely talk to the workers themselves and their inspections are extremely brief. Moreover, even when worker’s voices are being heard regarding the problems in the factories, nothing changes afterwards (De Haan & Phillips, 2002:35).

In order to consider all aspects, an example of where the implementation of these conditionalities could be regarded as a success is found in that of Swaziland. In 2000 Swaziland sought out to change its labour laws which would have encroached on the freedoms of the trade unions in the country. The US put pressure on Swaziland by denying its eligibility for AGOA if this change in the law were to take effect. Swaziland relented by amending the proposed law which is now in accordance with the ILO convention as well as the US standards (De Haan and Phillips, 2002:10). However, this should be viewed in a critical light.

Despite the ability of the US to threaten African states if they do not accept and ratify certain laws, the fundamental question here is whether these types of problems should be dealt with by a global trade act. The changes in these laws in Swaziland and the effects of laws on trade union freedom is much more complex. Therefore, law provisions are not effective as tools to make a real difference for the individual worker’s situation (De Haan and Phillips, 2002:10). It is clear from the above that the experience of the migrant worker in Mauritius provides evidence for this claim. Mauritius has ratified 51 ILO Convention’s (ILO, Mauritius Ratifications) and AGOA’s social conditions are set out in the Trade and Development Act (2000) and accepted by both the US and Mauritius, however it is not effectively implemented as violations against migrant workers are common.

Mauritius’s will to remain protected under AGOA

The Mauritian fashion industry contributed to the national economy since before AGOA. However, the effect of AGOA on this industry is immense. As mentioned above, since the

implementation of AGOA, the industry has grown at an unprecedented rate. AGOA expanded the already established fashion industry and established new methods of production and new manufacturers (USAID East Africa Trade Hub, 2013:2 & 7). Mauritius is essentially dependent upon its fashion industry for its economic success and development, and is as a result, dependent upon the global garment chain. Migrant workers have made the fashion industry competitive and productive and have helped establish enterprises in this sector (Lincoln, 2012: 12 & 14). As a result of this, Mauritius is seen as the economic success of the free and open economic capitalist system.

Consequently, the Mauritian fashion industry have grown to be dependent on AGOA for its success. The protectionist policies set out in AGOA has stripped the industry of its independence and would face extreme repercussions if the Act were to be repealed (Lincoln, 2012). The Mauritian government is not enthusiastic about bringing these protectionist measures to an end, as they have been benefitting from it for so long and would not wish to lose these benefits (Subramanian, 2009:13).

This dependence creates a problem for Mauritius, as it intends to do whatever it takes to maintain their trading relationship with the US. The policies of the US (with emphasis on that of AGOA) to develop third world countries have been criticised as being problematic as it exclusively focusses on 'low road' kind of development. This includes low investment, cheap labour and low skilled workers (Gibbon 2012: 320). Thus, the US's 'trade not aid' policies benefits from keeping wages low for workers in countries from which they source from. These countries would comply with this as they are dependent upon these policies. Thus, the Mauritian fashion industry depends on cheap migrant workers, and keep their wages as low as possible to remain competitive. This results in substandard wages and working conditions.

Furthermore, competitive advantage in the garment industry is very important, and as Mauritius is dependent upon AGOA it should be constantly striving to achieve this. Retailers in the United States value quick turnover times of the manufacturing of garments. The fashion industry in the US is such that not only seasonal but also sub-seasonal trends demand the creation of new garments on a regular basis. Speed and market innovation are thus important factors for buyers when they choose who to source from. Fashion brands are constantly pressuring factories to complete orders quicker. This leads to the implementation and encouragement of shorter contracts and seasonal

workers (Verite:3). Mauritius has a competitive advantage in this way, and this has added to its success in producing for the US market (USAID East Africa Trade Hub, 2013:4).

The speed of production comes at a social cost though. This entails that workers have no choice but to work extended hours in order to fill orders on time. As mentioned, factories work on a “piece rate” system – thus they get paid according to how many garments they produce. This traps workers in the cycle of working around the clock in order to ensure that their wages are enough to live by. Thus, workers have no choice but to constantly be exploited by this type of economic ‘just-in-time’ production. Moreover, the context within which this work takes place is dangerous and dehumanising (De Haan & Phillips, 2002: 31-32). It is clear that the fashion industry in Mauritius hinges on AGOA in order to be as successful as it has been thus far. To an extent, this galvanises the way in which workers are bound to the preferences of the US retailer and their demands for constantly changing trends.

The Flexible Nature of AGOA and a Flexible Fashion Industry

The flexible nature of the AGOA agreement has negative consequences in the fight against modern slavery. As mentioned above, competitive advantage is very important, but very unstable. AGOA is not set in stone and the US government is able to change the Act, reverse decisions and decide not to extend the Act after the current extension to 2025. Since its implementation in 2000, the Act has been extended and amended four times, in 2004, 2006, 2012 and 2015 (AGOA website). These tensions create uncertainty in the Mauritian industry, especially as these decisions are usually being made in the US, without the recommendations of beneficiary states (Lincoln, 2012). This, together with the dependence of Mauritius on AGOA, is problematic for the fight against modern slavery as the country strives to remain competitive.

US retailers in the fashion industry are not loyal to the factories they source from. The flexible nature of the fashion industry allows these retailers move to countries and factories who offers the bests incentives and market access for them at a specific time (Bryher, 2019:13). Their primary concern is to increase their profit margins and the nature of the industry is such that they can easily transfer their business elsewhere (Bahadur, 2004:6). In order to stay competitive in this flexible industry, manufacturers should keep their costs as low as possible. The best way to do this is by keeping the cost of labour as low as possible (Biggs, Miller, Otto and Tyler, 1994:39). This system often leads to the exploitation of migrant workers (Verite: 3). The AGOA trade deal facilitates this

type of flexible business. In this way, Mauritian factories need to keep its production costs as low as possible for retailers to remain interested, which inevitably leads to wages being kept at an absolute minimum.

The flexible nature of AGOA has made Mauritius vulnerable in the global market for garments and its quest to remain competitive has been manifesting in structural and social tensions within the domestic labour market. Mauritius is sometimes deemed as a kind of developmental state; however, it is not authoritarian as most other developmental states tend to be. Mauritius regards human rights highly and views labour as a legitimate political force (Lincoln, 2006:70). Thus, Mauritius faces a problem: it seeks to keep its standards for workers and human rights as is, but it needs a working force which can keep the fashion industry competitive in a flexible trade deal.

As a result, Mauritian labour is structured as a two-tiered system. The workers inside the EPZs, as mentioned above, are not regarded as highly as those outside the EPZs (Lincoln, 2006:69-70). As mentioned, workers in the EPZs, mostly migrant workers, face harsher working hours as set out in the law and are subject to harsher work-place circumstances as well as a less rigorous representation by trade unions. This system and exploitation of labour is a necessary requirement for the Mauritian industry to remain attractive trading partners for US retailers. This allows for slavery like practices to occur in the EPZ, as they are regarded as the second-tier workers in the Mauritian labour sector and are not protected against violence and coercion.

Migration and AGOA

In light of the above-mentioned dependence of the Mauritian fashion industry on AGOA, it is clear that Mauritius has a lot at stake and would seek to take concrete steps in order to ensure that the industry remains competitive. The increase and encouragement of migrant workers in Mauritius has been taking place since the establishment of the EPZ in the 1980s (De Haan & Phillips, 2002:33 and Lincoln, 2016:7-10). However, some statistics could be used in order to correlate a growth in migrant workers in Mauritius since the implementation of AGOA in 2000.

According to statistics from MacroTrends, immigration to Mauritius increased by 107,43 % in the years between 1995 and 2000 and has increased ever since ⁴(Migration Immigration Statistics.). In contrast, during the period between 1960 and 1985, migration to Mauritius did not increase by

⁴ See Appendix II below

such a significant amount, as it remained relatively stable. This great surge in migration in the 1990s to the 2000s is correlated to the time leading up to AGOA's implementation and its subsequent implementation. This connects the increase in migrants in Mauritius to AGOA, however this cannot be claimed to be the sole cause of the increase. Taking the limitations of this study into account, causation will not be possible to prove.

Furthermore, in 2013 three of the five most common countries of origin for migrants was China, India and Madagascar (UNICEF, 2013). The above section explaining the slavery like practices of migrant workers state that Chinese, Indian workers and Madagascan workers are common in the EPZs in Mauritius and especially in the fashion industry (De Haan & Phillips, 2002:33-34).). Thus, it can be inferred that these workers migrated to Mauritius and could be working in the EPZ, with a high possibility of them working in the fashion industry.

Retailers from the US who source in Mauritius prefer factories which employs migrant workers above those that employ local Mauritian workers (Lincoln, 2012:10). In the current global garment industry, competitive advantage is extremely important. The influx of migrant workers has allowed Mauritius to keep their competitive advantage and increase its productivity (Lincoln, 2012: 12). Therefore, although encouragement of migration to Mauritius have been taking place since before the implementation of AGOA, the continuance of this can be partially linked to the implementation of AGOA. This results in the above-mentioned problems surrounding modern slavery and migrants in Mauritius. They are treated differently, paid less, are expected to work more and are threatened by employers if they show any signs of protest. Moreover, the recruitment practices as mentioned in the above section results in debt bondage and is a clear indication of modern slavery.

Example: Novel Garments

In a final attempt to concretely link the ways in which AGOA has shaped the fight against modern slavery in Mauritius and the ineffective ways in which the social conditions of the Act are implemented an example will be used. As mentioned above, Novel Garments has been flagged as a factory in the fashion industry which are accused of slavery like practices. This is a Hong Kong owned fashion company which sources from Mauritian factories and exports to the US (ITUC Report for the WTO, 2008:5).

Novel Garments can expressly be linked with AGOA. An annual report by the company in 2003 to the United States Securities and Exchange Commission as set out in the Securities Exchange

Act of 1934 confirms this (Novel Garments, 2003). The Report mentions AGOA as implemented in 2000 by the US and the fact that Mauritius is included as a beneficiary country. It continues: “the new legislation allows the Company to sell its garments into the United States on a duty-free and quota-free basis, subject to certain conditions, the most significant of which requires the Company to use fabric manufactured in either Africa or the United States.” Any change in the Act would lead to changes in the company’s operations (Novel Garments, 2003).

In 2002 the Chinese migrant workers of Novel Garments protested after the death of two of their colleagues. These deaths were believed to be a result of the exploitative working conditions and living areas in which these workers spent most of their time. One woman died of cerebral congestion and the other of pneumonia. After the protest, working conditions for the workers improved slightly, however unfair retrenchments, inadequate ventilation, a lack of protective gear, no health and safety committee and harassment from supervisors were still being reported in 2003 (Solidarity for African Garment Workers, 2005). In 2005 the company still refused to recognise the worker’s representative by claiming that he did not represent the minimum percentage of workers required. However, there is no minimum percentage required for worker’s to be represented (ITUC Report for the WTO, 2008:5).

In 2002 changes were made to AGOA which concerned Mauritius. The changes in the Act led to the establishment of AGOA II. This held some major changes for Mauritius. One of these was the inclusion of more products in the duty-free and quota-free deal. This included knit-to-shape products, which are a key product for Mauritian exports to the US (AGOA website). The changes in the Act in 2002 could have been a contributing factor to the protests of 2002. The inclusion of more products could have led to an increase in the production capacity of the factory, which would have led to longer working hours in order to produce more products on time.

This case elucidates three things. The first is the climate in Mauritius against trade unions and migrant workers. Three years after the incident of 2002, the company was still able to get away with the non-recognition of the worker’s representative. The second is the way in which migrant workers were treated inside the factory. The way in which many workers thought that the death of their colleagues was as a result of their working conditions means that these conditions were not good. If their working conditions were good and up to standard, they would not have linked the deaths to these conditions. Lastly, the overlap in the changes made to AGOA and the protests

taking place in the same year can be correlated to one another. This highlights the way in which the dependency and flexibility of AGOA and the changes made to the Act could have a direct impact on workers and their situations.

Example: Floréal Knitwear Ltd and Compagnie Mauricienne de Textile

Another example of modern slavery can be found in the factories of companies such as Floréal Knitwear Limited and Compagnie Mauricienne de Textile. Floréal Knitwear Limited is a Mauritius based company and a subsidiary of Ciel Textiles of which some of its knitted items benefit from AGOA (Ciel Textile Limited, 2018:96). Floréal Knitwear Ltd produces knit-to-shape products, and it can thus be assumed that the changes to AGOA in 2002 as mentioned above, opened up the US export economy to the company (AGOA website). The company was one of the most vocal actors to lobby for AGOA beneficiary status for Mauritius in the US Congress before it was instilled (Lallah, 2003). In July of 2007, 16 migrant workers from Bangladesh working in the factory were deported back to their country of origin following a strike. This highlights that this company was benefitting directly from AGOA, while at the same time threatening its workers with retrenchment and deportation and following through on those threats.

In February 200 women workers in the Compagnie Mauricienne de Textile from Sri Lanka were deported back home, following a strike related to poor working and living conditions. According to one worker they were taken to the airport and detained and threatened by armed gunmen for three days before some of them received their flight tickets and were able to leave (ITUC for UNHCR, 2008). This elucidates the ways in which migrant workers are not only threatened with deportation, but these threats are acted upon when workers stand up for their rights and demand to be treated fairly.

In the same vein as the above example, the end of 2006 and the beginning of 2007 saw several changes to the AGOA deal. In December 2006 the special dispensation relating to apparel, which was initially instated in 2004 to 2007, was extended further to 2012. Moreover, in 2007 the “abundant supply” conditions were implemented (AGOA website). The 2006 changes led to the establishment of AGOA IV with the implementation of the Africa Investment Incentive Act. This allows countries who are eligible to use third country fabrics to do so until 2012 and allows lesser developed Sub-Saharan African countries to export specific textiles to the US through the AGOA framework (International Trade Administration). As seen above, Mauritius lost this special status

in 2007 (David, 2004:41). As a result, it can be assumed that the Mauritian companies were facing more competition from its African counterparts to maintain their competitive advantage in the US market for garments. Thus, pressures were high and the slavery-like practices carried out against workers could be correlated to the changes in AGOA.

Conclusion

It can be seen from the thesis that viewing exploitation through the lens of modern slavery allows the researcher to view labour on a spectrum. Thus, the context within which work takes place is an important factor which distinguished modern slavery from wage labour, even if this is not a black and white issue. In conclusion, the trends in Mauritius contains and fosters practices of modern slavery against migrant workers in the fashion industry. The ways and extent to which these workers are exploited renders their labour unfree and a form of slavery. The transformations resulting from AGOA have influenced these manifestations of modern slavery. Mauritian dependence on the trade deal have positioned industry in a 'race to the bottom.' Competition is so fierce, in order to stay competitive attractive to US firms, factories choose to exploit labour as much as possible to remain inexpensive. AGOA's flexibility further exacerbates this by creating a two-tiered system of labour where migrant workers are used as modern slaves. Further, AGOA increased the flow of migrants to Mauritius who are the main victims of modern slavery and AGOA's attempts at rectifying this is ineffective, as this should not be addressed through a neoliberal trade deal which seeks to benefit the US economy. The trade deal not people centric. The trends have resulted in forced labour, dehumanising working conditions, violence and threats of violence against migrant workers, coercion, the use of sweatshops and human trafficking. Thus, AGOA in Mauritius presses the working conditions of migrant workers in the fashion industry into the realm of what is understood as unfree and thus modern slavery. It is thus clear the nature of AGOA is such as to foster modern slavery in the Mauritian fashion industry. Therefore, AGOA loses the fight against modern slavery.

Word Count: 15430

Appendix I

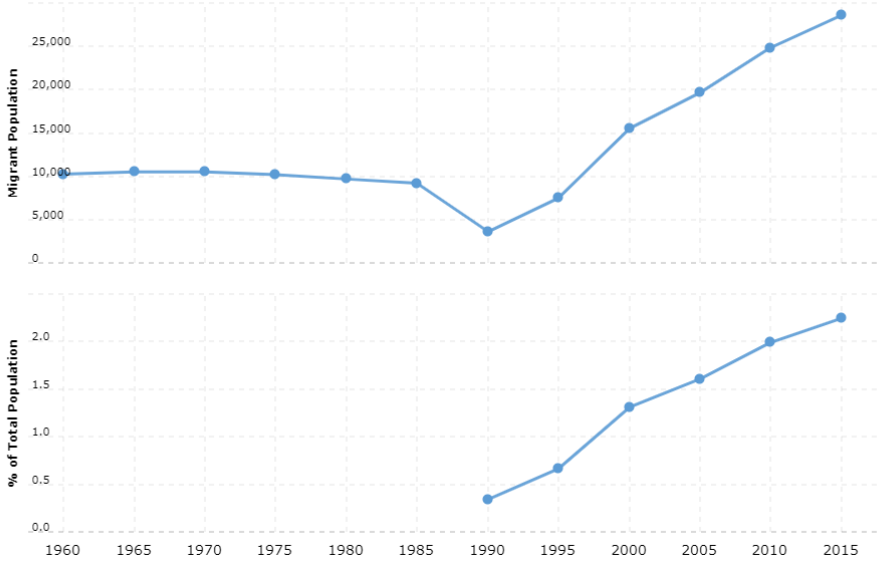
| Free and Unfree Labour on a Spectrum: Traditional Slavery, Wage Labour Exploitation and Modern Slavery - examples | | |
|---|---|--|
| Traditional Slavery | Wage Labour (albeit exploitative) | Modern Slavery |
| No Wage | Living Wage – not based on market forces but instead a myriad of aspects such as number of wage earner per family, food cost and family size are included in the methodology; or minimum wage; or paid on time or late. | Minimum wage or less, such as so-called poverty wages. These wages are extremely low and keep workers in poverty. This is often not enough to feed worker's families or is not adjusted to inflation, thus making it very difficult to survive. Not paid for the overtime they put in. Salary and wages often decline with time. |
| Legal and entrenched in culture and religion | Binding legislation against traditional slavery. Governments are worried about slavery and labour standards but effective tools to rid the working force of this do not exist. | Illegal, but still occurs as laws are not effectively enforced. Factories do not take responsibility for the conditions their workers face. |
| | Standard or longer than usual working hours and voluntary overtime. | Example: Garment workers in Bangladesh - no benefits, very long hours, forced overtime, working through the night. |

| | | |
|--|---|--|
| <p>Powerless – no representation.</p> | <p>Trade Unions protect worker rights and have an active voice when it comes to bargaining.</p> <p>Or workers are not threatened for wanting to join trade unions and demotivated to do so or kept away from trade union representatives.</p> | <p>Powerless against employers and demanding better conditions. Trade unions are repressed by employers and/ or governments.</p> <p>Coercion and lack of the freedom to choose – Example: in Bangladeshi factories speaking out about abuse can lead to job losses.</p> |
| <p>Physically demanding working conditions and dehumanising work.</p> <p>Example: Atlantic Slave Trade.</p> <p>Usually acquired through military conquests for example in Greek, Roman and Mughal history.</p> | <p>Safe working conditions, even though work can be physically demanding, health standards are complied to.</p> <p>Or Codes of Conduct in factories / Trade deals are not always complied to.</p> <p>Inspections take place occasionally.</p> | <p>Dehumanising - Colleagues have been killed or experienced damage to their health.</p> <p>Example: In Botswanan factories there are no adequate ventilation or protective gear and emergency exits are locked.</p> <p>Inspections of factories can take place, but workers are not spoken to or nothing changes.</p> |
| <p>Dehumanising – turns people into objects.</p> <p>Ontologically ‘inferior’ people owned by ontologically ‘superior’.</p> | <p>Workers are protected from violence and threats.</p> | <p>Workers are beaten or verbally abused. Threats in any form such as deportation or being fired as this results in loss of livelihoods.</p> <p>Example – workers in a Bangladesh factory were fired as a result of a conflict with management after a manager</p> |

| | | |
|---|--|--|
| | | physically assaulted workers as a punishment. |
| Freedom had to be formally granted by owners, and if not, they were owned until death | Freedom of movement during breaks and after hours. | Unfree example: in Madagascar - Some factories won't let the workers go outside of the gates during the lunch hour; or workers are locked inside through the night. |
| Dehumanising - Ownership over the person | | Dehumanising living conditions. Cramped, unhygienic and unsafe living quarters and low-quality food. Example: Water and food is rationed and kept very low and toilet facilities are shared between 50 people. |

(Multi-Stakeholder Group, 2012; Alam, Killer, and McRae, 2008; Kara, 2017; Martins, 2016; Hearson, 2006; Bryher, 2019; Solidarity for African Garment Workers Report, 2005 and De Haan & Phillips, 2002)

Appendix II



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