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Building Worker Power in Global Supply Chains: Lessons from Apparel, Cocoa, and Seafood

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Caption: Garment workers and activists attend a procession to mark May Day or International Workers Day in Dhaka, Bangladesh. Activists around the world mark international workers' day with marches demanding better working conditions, more jobs, and higher wages.

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Abbreviations list

AFWA	Asia Floor Wage Alliance
BCWS	Bangladesh Center for Worker Solidarity
BFC	Better Factories Cambodia
CAL	Corporate Accountability Lab
CBP	Customs and Border Protection
CCC	Clean Clothes Campaign
CENTRAL	Center for Human Rights and Labor
CGT	Honduran General Union Confederation
CLCCG	Child Labor Cocoa Coordinating Group
CSO	civil society organization
DOL	US Department of Labor
EBA	enforceable and binding agreement
FFP	Fair Food Program
FOTL	Fruit of the Loom
GAWU	General Agricultural Workers Union (Ghana)
GBVH	gender-based violence and harassment
GLJ-ILRF	Global Labor Justice–International Labor Rights Forum
GSP	Generalized System of Preferences
GUF	global union federation
HEP	Harkin-Engel Protocol
HREDD	human rights and environmental due diligence
ICI	International Cocoa Initiative

ILO	International Labour Organization
IRAdvocates	International Rights Advocates
ISC	International Steering Committee
IUU	illegal, unreported, and unregulated
LID	living income differential
MNC	multinational corporation
MSI	multistakeholder initiative
MWRN	Migrant Worker Rights Network
NGO	nongovernmental organization
RSC	Ready Made Garments Sustainability Council (Bangladesh)
SDG	Sustainable Development Goal
SERC	State Enterprises Workers Relations Confederation (Thailand)
SWG	Seafood Working Group
TAN	transnational advocacy network
TIP	Trafficking in Persons
TSCAN	transnational supply chain advocacy network
UNGP	United Nations Guiding Principles (on Business and Human Rights)
WRC	Worker Rights Consortium
WRO	withhold release order
WSR	worker-driven social responsibility

Summary

This working paper is about the campaigners and worker organizers in the global South and North who have challenged the persistent lack of government and corporate accountability for workers' rights in the apparel, cocoa, and seafood industries. The transnational coalitions that have formed across these and other industries have driven significant innovations in global supply chain governance and reshaped international trade and development policies. This paper documents and draws lessons from the transnational organizing that has enabled these groups to sustain coalitions over many years, evolve their strategies and tactics for challenging power holders, and strengthen the influence of national global South organizers.¹

For decades, export-driven economic growth models have encouraged 'business-friendly' policies to create jobs and grow national economies. As countries competed to attract the business of multinational corporations (MNCs), 'business friendly' often became synonymous with policies that kept labor costs low and undermined workers' rights. MNCs, the most powerful actors in the supply chain, have price-setting influence over their suppliers but little to no legal liability for rights violations in the production of the goods they sell. This creates a gap in governance, or an accountability vacuum, that many now recognize cannot be filled through self-regulatory initiatives. Transnational campaigners and organizers work to change the rules of the game that have allowed this lack of accountability to persist.

Myriad government policies and private sector initiatives have sought to patch the governance gap through investments in responsible business initiatives; trade policies to press for national legal reforms and enforcement; and MNCs' self-regulation through social auditing programs. Campaigners and organizers have tracked all these initiatives and more, developing a wealth of knowledge about the industries they cover and the broader political, social, and economic policies affecting workers and their communities.

Since the 1980s international campaigners and national organizers have been building transnational supply chain advocacy campaigns to hold corporate leaders accountable. MNCs have made partial, often cosmetic reforms, thus requiring campaigners to build more durable network structures to support national organizers' demands. These long-term, industry-focused campaigns or networks are what this report calls transnational supply chain advocacy networks (TSCANs). In its case studies of the apparel, cocoa, and seafood sectors, the paper documents how their collective efforts have forged new forms of advocacy and advanced binding regulations for MNCs.

Unlike organizations that have created supply chain monitoring models and engaged businesses on their internal reform strategies, the TSCANs are social movement builders. Participants share experiences and strategies to strengthen national organizers and enable locally grounded solutions to emerge. This paper highlights how global South organizations are using these networks to challenge the power dynamics undermining workers' rights, gain a seat at the table, and negotiate more effective protections for workers—nationally and globally

What the TSCANs have built is not easily replicable. It has required years of trust building among organizations with a shared vision for change and unique networks among independent worker organizers. The ongoing success of these networks require policies and programs that address three challenges discussed in the industry case studies: the development compromise, which skews resources towards service providers over those seeking to challenge power inequities; political context, which threatens organizers to attract international buyers; and the lack of resources currently available for long term social movement building.

Policymakers, development practitioners, funders, and MNCs all have a role to play in eliminating these three challenges and enabling worker organizations' advocacy for more effective rights protections in global supply chains. The paper concludes by suggesting possible courses of action for each.

Policymakers and MNCs need to consider how the development compromise may perpetuate the power imbalances that undermine worker rights movements. A development compromise occurs when development aid conforms to the dictates of a repressive government, often skewing resources toward pro-government groups while sidelining reform advocates. It weakens democratic debate and deepens the global governance gap by minimizing challenges to the government elites who seek to downgrade social protections to attract MNC investments.

MNCs conducting human rights due diligence need to consider how to counterbalance closing civic space. The political context shapes supply chain compliance by weakening enforcement regimes and threatening organizers critical of the government. Corporations are well-positioned to raise concerns about such repression, but due diligence cannot stop with reporting if workers are to gain access to remedy. MNCs need to demonstrate their support for the organizers building social movements and prevent their suppliers from undue harassment of workers seeking remedy and their advocates.

Policymakers need to craft HREDD laws to require a new approach to securing workers' rights in global supply chains that goes beyond voluntary, top-down approaches. Recent proposals for HREDD laws emphasize the importance of stakeholder engagement, but social auditing programs have often favored one-off, scripted consultations over meaningful engagement with trade unions. If HREDD laws are to be more than social auditing 2.0, they need to provide victims with legal pathways to remedy that consider the political context facilitating abuse and preventing worker justice.

Public and private sector donors need to provide adequate resources for social movement building, particularly the kind that can be sustained over time once the media buzz has declined and initial changes are made. When egregious abuses are exposed in global supply chains, the solutions that address the root causes to the abuse take time to secure. The result can be devastating and regressive when resources focus on the "tip of the iceberg," such as stopping child labor or providing services to human trafficking victims. Important as those programs may be, they rarely challenge the legal or political context perpetuating abuse and often leave few resources to strengthen worker organizing and the capacity of civil society to monitor the implementation of reforms. This is particularly problematic for national organizers for whom the struggle continues long after funding trends shift.

Stakeholder engagement requires resources and a concerted effort to ensure affected populations are not only consulted but supported in their efforts to engage proactively. Stakeholder engagement is both a key component of robust HREDD processes and essential to making development programs more responsive to local communities. This report illustrates the important role independent stakeholders play, especially those most directly connected to worker communities and seeking to build countervailing power. The TSCANs have built knowledge networks connecting global South national organizers to international policy tools and leverage. Their advocacy for new rules and more effective legal pathways to remedy, combined with their social movement building, makes them key players to advancing a more equitable global economy.

1. Structure and Methodology

1.1 Introduction

Global South organizers, although often less visible in international media, are the core drivers of global supply chain campaigns for workers' rights. Their push for corporate accountability is rooted in their broader efforts to demand government accountability. Over the decades, these national organizers have evolved their strategies in ways that strengthen community action and engage a range of allies to advance workers' rights in three export sectors prioritized by their respective governments. These change-makers are the trade unions, community organizers, rights advocates, and other independent nongovernmental organizations (NGOs) working to secure greater protection for workers. Operating at the bottom of global supply chains in some of the world's poorest communities, they are advocating greater national labor law protections while also challenging supply chain power dynamics internationally. These organizations and their leaders often take risks and face harassment to hold together the fabric of democracy, even as national power holders are literally trading away their rights to attract international buyers.

This paper looks at how these nationally grounded organizations are using global supply chain campaigns in three industries—apparel, cocoa, and seafood—to challenge economic inequities and demand greater accountability from both MNCs and the political and business elites in their countries. Based on in-depth interviews with global South actors, it explores the long-term movement-building work of national organizers and how they have helped shape corporate accountability demands.

As MNCs develop human rights due diligence policies and seek to improve their risk analysis, national organizers hold critical information on the contextual challenges and the laws and policies needed to protect workers and their communities. The Clean Clothes Campaign (CCC), the Voice Network, and the Seafood Working Group (SWG) are three industry-focused coalitions that have enabled national organizers to connect with transnational supply chain advocacy; over time, they have developed the staying power of durable networks. Each of these groups has run some of the most effective corporate campaigns in its industry sector. Yet the term 'campaign'—implying something temporary or finite—is inadequate to describe their work. Each one has pioneered new points of leverage in human rights advocacy and transnational cooperation, thus establishing reliable networks of support.²

Globalized supply chains have fueled a governance gap, wherein countries competing for foreign business have openly downgraded labor and environmental regulations to attract the business of MNCs, while the international community has failed to adequately regulate those MNCs. In the 1980s and 1990s, national worker and community organizers began engaging international rights advocates and investigative journalists to expose egregious abuses in global supply chains. Faced with child and forced labor scandals, MNCs adopted supply chain codes of conduct and elaborate social auditing programs.

MNCs enlisted human rights organizations and some trade unions, intending to fill or at least partially patch the governance gap and avoid more exposés. This was meant to help build better business practices. Some analysts and NGOs argued the MNCs could help improve management systems and support rule of law in supplier countries (Spar 1998). Yet even as social auditing has grown to cover most export-oriented industries, labor rights advocates continue to unearth new exposés, including in facilities certified as compliant with international norms. Despite MNCs' continued reliance on, and expansion of, private sector solutions to the governance gap, the same problems persist and closing civic space has further weakened labor law protections. Not only has social auditing been found to be flawed, but its uptake also has been paralleled by government efforts to silence the critics, pushing them further away from social dialogue.

The UN Guiding Principles (UNGPs) on Business and Human Rights helped validate that both governments and companies are duty holders and thus obligated to uphold human rights and therefore to address the gaps in labor justice. The UNGPs instruct corporations to conduct human rights due diligence throughout their supply chain to assess “actual and potential human rights impacts” to which they may “cause or contribute” in each national or local context (OHCHR 2011, Art. 17). This broad language should be understood to include not only the conditions inside a supplier facility but also the enabling (or disabling) legal environment, which may perpetuate those conditions. These are often the same risk factors national organizers have long sought to change. Thus, a deeper understanding of national organizers’ perspectives, their strategies, and the challenges they encounter is critical to advancing uptake of the UNGPs and any effective due diligence on human rights risks in global supply chains.

Ironically, within two years of the UNGPs’ launch, the shortcomings of private sector social auditing were painfully revealed when a series of tragedies in South Asia’s apparel sector killed fifteen hundred workers in the span of seven months—all in facilities that had been visited by social auditors (Arengo 2019). Much has been written about corporate accountability initiatives (Bair, Anner, and Blasi 2020), the failures of social auditing (Bartley 2018; LeBaron 2020), the need to recenter the role of the state (Bartley 2018), and how promoting labor standards in a global economy requires both private and public accountability mechanisms (Locke 2013).

Locke argues government and private sector collaboration can strengthen efforts to protect worker welfare (Locke 2013, 179). This makes sense for improving technical or top-down compliance models, but it also risks further entrenching elite alliances between government, national, and international businesses, a growing risk in the context of closing civic space. The trade union and rights advocates interviewed for this study are fighting for the capacity and freedom to advocate for both government and corporate accountability.

A growing number of analysts have emphasized the importance of civil society organizations (CSOs) and civic space for businesses’ ability to ensure human rights and environmental safeguards wherever they do business (Freeman et al. 2018). Yet few studies have focused on the strategies and leadership of global South rights advocates. One excellent exception, edited by Martin, Bravo, and Van Ho (2020), covers a series of plaintiff cases against MNCs. In a similar spirit, this paper is focused on how trade unions, worker centers, and farmer coalitions are able to leverage transnational laws and policies to advance their agendas.

The national organizations featured here are all founded and run by individuals who have built a base of constituents in their homeland and used it to actively engage with international advocacy groups and industry-focused campaigns to call attention to local injustices in global supply chains. This paper examines how these organizations have joined TSCANs to strengthen their influence nationally and help drive reforms across target industries. In reviewing the strategies of the TSCANs, this paper considers how trade and development policies and the emerging human rights and environmental due diligence (HREDD) laws might improve workers’ access to remedy and move beyond MNCs’ voluntary supply chain monitoring programs.

HREDD policies and implementation methodologies have until now relied heavily on social auditing (Gearhart, ed. 2022; Vogt, Subasinghe, and Danquah 2022). If they are to drive improvements where voluntary and confidential social auditing has largely failed, their implementation needs to be evaluated for how it benefits national CSOs. This may come in the form of ensuring more effective access to remedy for workers, strengthening the influence of trade unions and worker advocates nationally, and other impacts that help address current, entrenched power imbalances. Few MNCs have yet to widen their lens beyond supply chain monitoring to support the reforms called for by national community and worker advocates, a step that will be essential to advancing the enabling legal environment to protect workers’ rights and welfare.

1.2 Research approach and structure

This study explores the strategies of national organizers and how their participation in transnational supply chain advocacy impacts their ability to advance legal and policy reforms and improve workers' access to remedy in their respective countries. The featured organizations provide important insights regarding human rights due diligence processes and considering in what ways due diligence and other supply chain compliance initiatives might support worker struggles.

The aims and approach of the study have been shaped by my experiences as a labor rights activist and participant in supply chain advocacy starting in Mexico in the early 1990s, and as an ally of the activists and movements featured in the study. The study aims to create space for activist learning and reflection, and to amplify voices on the front line of supply chain struggles in the global South.

The research was organized around the following questions: How did national worker organizations engage with transnational campaigns and in what ways did it strengthen their influence at home? Did their international campaigning place them at greater risk or help protect them? What more could transnational supply chain advocacy networks do to support national organizers' work to advance national reforms? And how could the accumulated experience from national and international advocacy organizations help make the latest wave in corporate accountability and human rights due diligence more effective in ensuring respect for workers' rights?

To answer these questions, multiple, semistructured, and extended interviews with eight national labor leaders provided a platform to discuss their vision for change and their experiences collaborating with the three TSCANs featured. In addition, thirty-five semistructured interviews with actors closely involved directly or indirectly with supply chain campaigns (see Annex 1) helped round out perspectives on international organizing and policy advocacy. These interviewees included a mix of campaigners, policy-makers, international trade unionists, and researchers in the field of supply chain governance and human rights due diligence.

Having been a participant, ally, and observer of transnational supply chain campaigns for three decades, the research questions and project aims were shaped by my long-term and ongoing conversations with labor rights activists and our shared knowledge and experience of different strategies. This also enabled interviewees to be more open and share their experiences with a high degree of trust. The approach is a form of action-research, in which the researcher collaborates closely with the research participants to identify the key issues and aims to use the findings to generate change.

Having laid out the goals and research approach, the next section introduces three types of organizations working on global supply chains: campaigners, organizers, and engagers. Section 3 summarizes the main strategies and tactics that have evolved to address the abusive trends in those supply chains. It describes how the TSCANs featured have used a mix of trade policy, development aid incentives, and corporate accountability, and continually advocated for new mechanisms and pathways for driving change and securing workers' rights. This is followed by a profile of each TSCAN in Section 4, with a focus on the priority strategies each has deployed and the perspectives of participating global South, national organizers. Section 5 summarizes some of the common findings and the broader impact of the TSCANs on corporate accountability and international development policy. Finally, the conclusion highlights some key recommendations for strengthening national worker organizers and worker rights protections in global supply chains.

2. Actors and Agendas

Civil society organizations and the coalitions they form are constantly evolving and shifting. This study considers three types of organizations: organizers, campaigners, and engagers. Many individuals and organizations fall into more than one of these categories, but it helps to distinguish them by their core mission. Notably, Mort Winston previously highlighted the distinction between engagers and confronters (mainly campaigners) in the global business and human rights space (Winston 2002). This study expands on that to focus more on the role of global South actors, particularly the organizers who are focused on supporting workers. There is some fluidity between categories, with engagers occasionally signing a protest letter or organizers providing training or other services to gain access to a factory. The categories below outline broad distinctions in the theories of change and strategies deployed.

- The organizers are mainly national CSOs—a term used here to include trade unions, NGOs, worker centers, and community organizations. These are the organizations closest to workers, best placed to document abuses to help them seek remedy, and usually engaged in advocating changes to national laws and policies and building social movements to demand government accountability.
- The campaigners are also advocating for legal and policy reform, primarily at the international level, by seeking to change trade and development policies and building consumer pressures on MNCs' business models.
- The engagers include both the multistakeholder initiatives (MSIs) engaged in social auditing and the many development NGOs helping companies provide services such as childcare, literacy training, and other forms of technical support.

The main distinction among the groups is that the engagers tend to focus on leveraging the current market dynamics to advance incremental change on a scale that matches corporate activities or works within the limits set by host governments (which may be semiautocratic or more directly repressive). The organizers and campaigners, on the other hand, aim to challenge and change the rules and power structures governing national employers and global business models. Many more studies have been written about the solutions and programs run by the engagers, from program evaluations to literature covering development policies and corporate social responsibility. This is because the engagers often seek to create model programs to be replicated across diverse contexts. Such approaches tend to be of interest among corporations in need of supply chain-wide solutions, but research shows they are weak in effectively engaging local worker communities (Hertel 2019).

Sarosh Kuruvilla has documented the challenge of adapting global policies (usually created in the North) to local contexts (usually in the South). Such approaches, which have dominated corporate supply chain compliance programs, encounter significant disconnects between application and adaptation where either the international policy is not applied uniformly, or the national context is not taken into account effectively (Kuruvilla 2021). The same conundrum can be found in the international development programs that promoted apparel exports as the ticket to prosperity, regardless of each country's differentiated advantage, and thus fueled the countries' need to downgrade regulations to outsell competitors. Current trends emphasizing the need for development aid to be more localized indicate that a growing number of analysts are drawing similar conclusions about the importance of national context and supporting national change agents. Organizers, even when engaged in transnational networks, remain focused on location-specific solutions and the unique demands of local workers.

2.1 The organizers: National NGOs, trade unions, and worker centers

National organizers are usually best placed to document worker rights abuses and understand worker perspectives. They are focused on organizing and supporting workers and communities on a range of issues, but often become known internationally for exposing universally offensive abuses such as child and forced labor. The national CSOs featured here started by providing a mix of legal aid and organizing support for workers. These organizations may help expose attention-grabbing abuses, but they all talked about an approach that considers a whole-of-worker or, in the case of farmer organizing, a whole-of-community approach, which means their strategies address workers' or communities' overall well-being. This includes not only preventing abuses, but also addressing needs such as access to health care, legal remedy, and political participation, and workers' ability to have a voice at work through organizing and collective bargaining rights.³

The national CSOs featured here share similar strategies and purpose, yet each has a unique history and particular lessons to share.⁴

- **The Bangladesh Center for Worker Solidarity (BCWS)** is an NGO founded by former apparel workers to support local organizing. It has been a key player in launching and monitoring the implementation of the legally binding Accord for Fire and Building Safety in Bangladesh—one of the most pathbreaking and globally influential initiatives in corporate accountability.
- **The Center for Human Rights and Labor (CENTRAL)** is a Cambodian NGO supporting worker organizing that was established to connect labor rights and the broader human rights agenda, with the conviction that those cross-issue linkages will help build and sustain a base of 'people power' that can better advance reforms.
- **The State Enterprises Workers Relations Confederation (SERC)** is a Thai trade union mostly made up of Thai public sector workers. Yet SERC's leadership has grown and expanded its influence by extending solidarity to other sectors, particularly to advocate for the rights of Thailand's estimated 4.5 million migrant workers, many of whom work in the seafood industry (ILO, Walk Free, and IOM 2022).
- **The Migrant Worker Rights Network (MWRN)** is an NGO that functions more like a trade union. Founded by migrant workers from Myanmar and supported by SERC, MWRN has engaged employers and seafood processors to organize worker committees to put forward collective demands and negotiate better terms and conditions. It focuses on strategies to build power and the agency of migrant workers, which is distinct from the many human trafficking NGOs that emphasize victim services.
- **The General Agricultural Workers Union in Ghana (GAWU)** is a national trade union working across agricultural sectors, and has been one of the few independent, national CSOs invited to work with the cocoa industry and government. GAWU has steadily argued for a holistic approach, beyond building schools and improving services, toward 'a whole community approach'—an agenda based on cocoa farmers' demands and needs.
- **INADES-Formation** is an NGO working with farmers in Ivory Coast, which is coordinating a national CSO advocacy coalition, the Ivorian Platform for Sustainable Cocoa, to strengthen farmers' access to services and ability to engage in advocacy to improve national and international policies affecting cocoa farmers.
- **SEND-Ghana** is a human rights NGO founded in Ghana with expertise in policy research and advocacy and the delivery of community services that promote livelihood security. Like INADES, SEND is coordinating a CSO advocacy coalition called the Ghana Civil Society Cocoa Platform, which seeks to coordinate reform advocacy vis-à-vis national and international bodies.

As these global South CSOs broadened their advocacy strategies to leverage international policies and pressure, they took on more leadership within the TSCANs and influenced the advocacy goals of the networks. This has pushed the TSCAN agendas to move from a focus on immediate, ‘save-the-victim’ type demands to longer-term demands for enabling or power-building rights, such as the right to organize and bargain collectively. Gay Seidman highlights the difference between human rights advocacy on narrowly defined, egregious abuses compared to labor relations goals, with the latter more focused on contract terms, livelihoods, and building worker power (Seidman 2007). Examples of this have occurred in each of the industries analyzed, but national organizers never let up on the broader labor relations agenda.

The early cocoa campaigns, for example, started with a media focus on forced child labor, but as the cocoa campaigners deepened their engagement with national CSOs in West Africa, they broadened their scope to address farmer incomes, land and environmental issues, corruption, and civic engagement. Government and industry initially responded to the child labor exposés by building more schools to get children out of the cocoa fields, but as child labor continued unabated, rights advocates strengthened their argument that it is not enough to build schools if parents still earn too little or cannot afford to pay day laborers (Fountain and Huetz-Adams 2018). Likewise, the Thai trade unions have argued it is not enough to rescue human trafficking victims if economic drivers are not addressed and migrant fishers still cannot organize or access legal remedy without fear of reprisals (Gearhart 2021). Finally, the apparel sector has most often been exposed for sexual harassment and factory safety, but over the past thirty years the campaigns have broadened to push for workers’ rights to organize and bargain for better wages.

The national organizers interviewed for this study all emphasized the importance of a whole-of-worker approach and organizing strategies that consider community-wide needs and movement-building strategies. The more local leadership guides the TSCAN agendas, the more closely they align with broader labor relations goals. Notably, however, most national organizers have also benefited from the narrower rights agenda. For apparel workers, the narrow focus on gender-based violence has helped build pressure on the industry, and they argue that a threat to women workers is a threat to their safety and organizing rights. In the seafood sector, the trade unions have also leveraged anti-human trafficking attention and funding to fuel worker organizing programs. In a post-COVID era, organizers are again raising the need for a more holistic approach to worker compensation, one that includes severance guarantees and social protections such as those advocated by the Pay Your Worker campaign (Gearhart 2023).

2.2 The campaigners: Transnational supply chain advocacy networks

Each featured TSCAN was chosen because it has successfully engaged national worker rights advocates and because each of the industries provides a particular set of insights for rights advocacy in the global economy:

- Apparel is one of the highest profile consumer goods and an industry where a shockingly high number of workers have died in what should be low-risk jobs. It also has the longest history of transnational supply chain advocacy, with coalitions emerging in the late 1980s. One of the coordinating bodies in the sector, the **CCC Network**, has restructured and in the last several years seen global South leaders join its governing board.
- Supply chain advocacy in the cocoa industry started in 2001 with hard-nosed corporate campaigns seeking to hold MNCs legally liable. However, the Harkin-Engel Protocol (HEP) created an agreement between industry and government actors that came to dominate the development solutions promoted in West Africa. The effect was to drive a split between engager and campaigner NGOs, with the former groups carrying out programs that failed to define corporate accountability and barely moved the needle on the main goal of reducing child labor. The **Voice Network**, which formed nearly a decade later, has systematically consulted national CSOs and sought to forge a broad advocacy coalition.

- Seafood supply chains are a relatively new frontier for labor activists, which have joined forces with environmental groups to address the nexus between fishers' rights and the worldwide decimation of fish stocks. The **SWG** has built advocacy strategies focused on both corporate accountability and government reforms, starting with a country-by-country approach that aims to engage international CSO support for the priorities of national CSO participants.

These TSCANs are built on social movements and advocacy networks that began decades earlier. Beginning in the 1970s, transnational advocacy networks (TANs) formed and reformed, usually focusing on specific countries or issues such as human rights and environmental degradation (Keck and Sikkink 1998). The TANs built solidarity campaigns and leveraged United Nations Conventions and reporting mechanisms. They enabled global South CSOs to triangulate advocacy pressure by enlisting Northern CSOs to pressure Northern (donor) governments to press global South governments to make reforms. This indirect approach to gain advocacy momentum evokes Keck and Sikkink's well-known boomerang strategy, which the TAN became proficient in using to advance change.

Although the global trade union federations were key architects of the UN's human rights machinery, particularly in negotiating the International Labour Organization (ILO) norms, collaboration among international human rights NGOs and trade unions was episodic for years. However, the rise of global supply chain campaigns created new alliances (Eade and Leather 2005). As industry-focused campaigns emerged in the 1990s, trade unions and human rights organizations increased their collaboration and began to hone strategies and tactics that could leverage economic pressure. Some trade unions helped to form MSIs to negotiate supply chain standards with MNCs, but later resigned in protest over weak requirements on the MNCs.⁵ Although trade unions are designed to seek out a seat at the bargaining table with companies, they align with the campaigners and the organizers, both because they aim to build power and negotiate new rules of engagement. Also, independent trade unions are often among the most tenacious national organizers, able to mobilize people power and engage in policy advocacy.

Two antecedents highlight how TSCANs built on but are distinct from TANs, particularly in their approach to corporate campaigns. In their analysis of TANs that emerged prior to the 1990s, Keck and Sikkink feature the campaign to stop Nestlé from marketing infant formula over breast milk in Africa. Although this was a transnational corporate campaign, it was a narrowly focused consumer campaign to shame one company into changing one of its marketing strategies. The second antecedent came from the TAN organizing to end South Africa's apartheid regime. Although the advocacy was mainly about regime change, corporations under pressure to do something adopted the Sullivan Principles, a code of conduct under which MNCs voluntarily committed to protest the regime (Seidman 2007). The Sullivan Principles are often referred to as the first workplace code of conduct because it required companies to integrate workers and treat workers of different races equally in the facilities they owned and operated.⁶ The anti-apartheid TAN did not target a specific industry, and although workplace policies were at the center of the Sullivan Principles, these were ancillary to the core focus of the TAN, which sought regime change. Although the Sullivan Principles would later inspire workplace codes of conduct, several analysts have argued against considering them as a model to emulate, noting they were mostly corporate cover and only divestment helped trigger change (Compa 2006).

The TSCANs are distinct from these corporate-focused TANs because they focus on and develop critical expertise on a particular industry and utilize multiple points of leverage in corporate and public policy at both the national and international level. Participating campaigners seek to hold industry actors accountable, while participating organizers argue against divestment or boycotts, preferring instead to use corporate campaigns as a parallel point of leverage in addition to organizing social movements for national political reforms.

A confluence of factors created the need for longer running, industry-focused campaigns. First, development aid to support and encourage countries courting foreign direct investment coincided with falling transport costs, making globalized production increasingly cost-effective and even necessary to MNCs' ability to compete and continually report annual increases in revenue to the stock market. Development agencies, including the World Bank and US Agency for International Development, were big proponents of export-led growth and of trade policies designed to incentivize investments in export-oriented industries like apparel (Thanhauser 2022). Notably, export-led growth was a way to ensure developing countries could also earn the dollars needed to service their loans—a priority after countries defaulted on loans in the 1980s (Ocampo 2014). Many of the reforms to make a country more hospitable to international buyers further downgraded worker protections, an effect exacerbated as global retailers such as Walmart demanded year-on-year decreases in price or played suppliers off one another (Rosen 2005).

As Northern manufacturing jobs moved South, a broader range of organizations began to collaborate on how global corporations were impacting human rights and the environment. Policy advocacy sought to change trade and development policies and demand corporate reforms. Supply chain campaigns mostly started in urgent-action mode, seeking to secure workers' wages or expose specific cases of abuse. Campaigns began to identify similar problems across geographies, creating the need for multicountry approaches addressing multiple issues. Advocacy strategies needed to move beyond the country-by-country name and shame tactics of UN human rights reporting machinery. Women's rights advocates, for example, began connecting apparel workers through regional networks (Moghadam 2005; Sluiter 2009). As a result, the TSCANs developed long-range strategies with communications, membership, and governance structures. The three TSCANs featured here each began to form more than a decade ago, with the CCC Network now approaching thirty-five years of network building.

2.3 The engagers and supply chain compliance programs

The nonprofit organizations seeking to engage MNCs include both those working directly with MNCs on compliance initiatives and those working on service-oriented development projects. The first group includes the MSIs, which convene NGOs and MNCs, and sometimes trade unions, to develop programs that guide MNCs' supply chain monitoring initiatives. These voluntary compliance programs are essentially corporate self-regulation with outside advisers (the NGOs) engaged in developing a set of standards or a code of conduct to be implemented. Each initiative comes with an oversight structure, and an internal, nonbinding grievance mechanism. Social auditors conduct workplace inspections, but farm and factory-level audit reports are confidential.⁷ These initiatives, which receive funding from corporations, are focused on creating positive incentives to drive corporate accountability by signing up MNCs and either publicly listing or certifying suppliers' that have passed a social audit.

The engagement approach means the MSIs begin with the steps companies are willing to take, leading to a focus on incremental changes that can attract a broad number of corporations, rather than legal reforms. Confidentiality is seen as necessary to encourage corporations to willingly make changes, but the voluntary nature of these programs means MNCs can walk away if a supplier does not make changes. That 'walk-away' risk means suppliers have an incentive to restrict worker complaints to avoid losing business. Meanwhile, workers may be consulted during the audit, but they rarely see the auditors' findings, so they do not know if their issues were taken seriously or if workplace risks were identified. By contrast, the TSCANs seek to negotiate enforceable and binding agreements between MNCs and trade unions. They are demanding new legal regulations to hold MNCs accountable for rights violations in their supply chains.

The MSI approach is by nature top-down. Even when MSIs invest in capacity building and stakeholder engagement with worker organizations, the goal is mainly to enable workers to engage in the MSI's programs.⁸ Their mission is to make their model work and help buyers address human rights risks in their supply chain. Even though a lot of time and energy has been invested in stakeholder engagement, the main engagement question is less asking national CSOs, "What do *you* need?" and more, "What do you think about *us*?" Although some might argue this stakeholder engagement is better than nothing, it is quite different from the TSCANs, where campaigns are built on the demands of national worker advocates and often change radically to support partners under threat. Although some MSIs have acted in solidarity with national organizers under threat,⁹ the confidential and voluntary nature of their programs continues to limit their utility for worker organizing.

One group engaged in factory monitoring that defies this typology due to its unique structure and approach is the Worker Rights Consortium (WRC), which engages university licensees to address worker rights issues in their supplier factories. Although it does not campaign, the WRC's particular governance model and complaints response approach has made it unique from other social auditing groups or MSIs. The WRC has thus brought critical skills and knowledge to documenting workers' claims of rights violations, which has enabled it to provide strategic support to the negotiation and implementation of enforceable and binding agreements (EBAs) discussed below.

The other type of organizations that have played a significant 'engager' role in global supply chains are development project implementers. This includes organizations such as CARE and Save the Children, which have been active in the apparel and cocoa sectors. Beyond working on development programs such as school building and other community projects, both have engaged directly in corporate accountability projects. Save the Children is a longtime board member of the multistakeholder International Cocoa Initiative (ICI), which aims to improve industry practices in West Africa (ICI n.d.). And CARE has developed an extensive program on women's literacy training in collaboration with Gap, Inc. (Strickler 2012). In general, organizations working on development projects are more likely to engage rather than challenge MNCs or local employers, and many are financed by the corporation or through public-private partnership grants that leverage a combination of corporate and government funding. Some EU governments provide funding for advocacy organizations, such as for establishing advocacy platforms in Ivory Coast and Ghana, discussed below. Most of these funds are service-oriented, however, particularly when host governments closely monitor the goals and outcomes of these projects and use that process to 'manage' or sideline their critics.

It is important to acknowledge that trade unions in several Northern countries receive funds through development aid programs that are vetted by national governments, but their support of collective bargaining rights makes their relationship to corporations significantly different from that of the NGOs. Thus, organizations like the Solidarity Center in the US or Norwegian People's Aid (LO 2017, 28) provide vital funding and capacity building for social movements. Although these groups are often funded through the same bilateral development aid as other more service-focused development organizations, their mission is to support national social movements and union organizers, and they are governed by trade unions, which directly challenge industry power.

3. TSCANs: Evolving Strategies and Tactics

A key element that connects organizers and campaigners is their shared focus on challenging power dynamics, building power for workers and affected communities, and changing the rules governing workplaces and industry. Organizers engage in national policy advocacy while campaigners advocate for stronger global regulations. The goals articulated by each of the labor-focused TSCANs are to enable workers to exercise their rights, protect their own well-being, and seek a decent standard of living. Given how elusive worker rights protections have been, the TSCANs tend to use multipronged strategies to maintain pressure, often sequencing diverse headline-grabbing tactics like choreographed fireworks.

‘Strategies’ here refers to each axis of leverage, or what will be called ‘accountability pathways’ for driving change. Transnational organizing strategies operate along two axes at once, thus the boomerang image of triangulating leverage. For example, one accountability pathway is to push a global North government to press a global South government to make reforms. ‘Tactics’ are then various trade, aid, or diplomatic mechanisms that utilize the same points of leverage. For example, campaigners might file a Generalized System of Preferences (GSP) petition for trade benefits to be withdrawn due to systemic repression of union organizing. Parallel to that, global and national union federations can bring a grievance to the ILO, which may then trigger technical support or other development aid to support the government in establishing more effective enforcement mechanisms. Alternatively, a corporate campaign strategy demanding an MNC pressure its supplier to comply with international labor rights norms may use tactics such as media exposés, shareholder resolutions, or complaints to a certification organization.

This section presents a series of diagrams to illustrate the diversity of strategies and tactics used by TSCANs and how they have evolved over time. It discusses how the TSCANs have constantly developed, tested, and improved upon international policy levers—to multiply the tactics they can use to drive greater accountability among government and corporate actors.

The TSCANs reviewed here have frequently used multipronged strategies, pressuring Northern governments and MNCs alike, which means they also combine tactics such as storefront protests and trade complaints, while also seeking to influence development aid. Advocates agree that it takes a mix of strategies and tactics to drive change. For example, a trade-related complaint may expose a country’s weak labor law enforcement, but it may take years to reach resolution. So that complaint needs to be combined with more immediate corporate exposés so the two tracks can help sustain attention on abusive trends in one country or across a particular industry.

The TSCANs have used a mix of these strategies; each has played a leading role in developing one accountability pathway more than the others. One accountability pathway, however, has remained constant: the one that runs between global South organizers and their national governments. Ideally, this pathway should be strengthened through the work of the TSCANs on the other accountability pathways, given that all the triangulated strategies are ultimately intended to press for national governments to respect and protect human rights. Unfortunately, governments intent on export-led growth often alternate between trying to appease Northern pressure and repressing their critics. Undaunted, organizers have ploughed ahead with transnational campaigners to advocate for more tactics along each of the other accountability pathways.

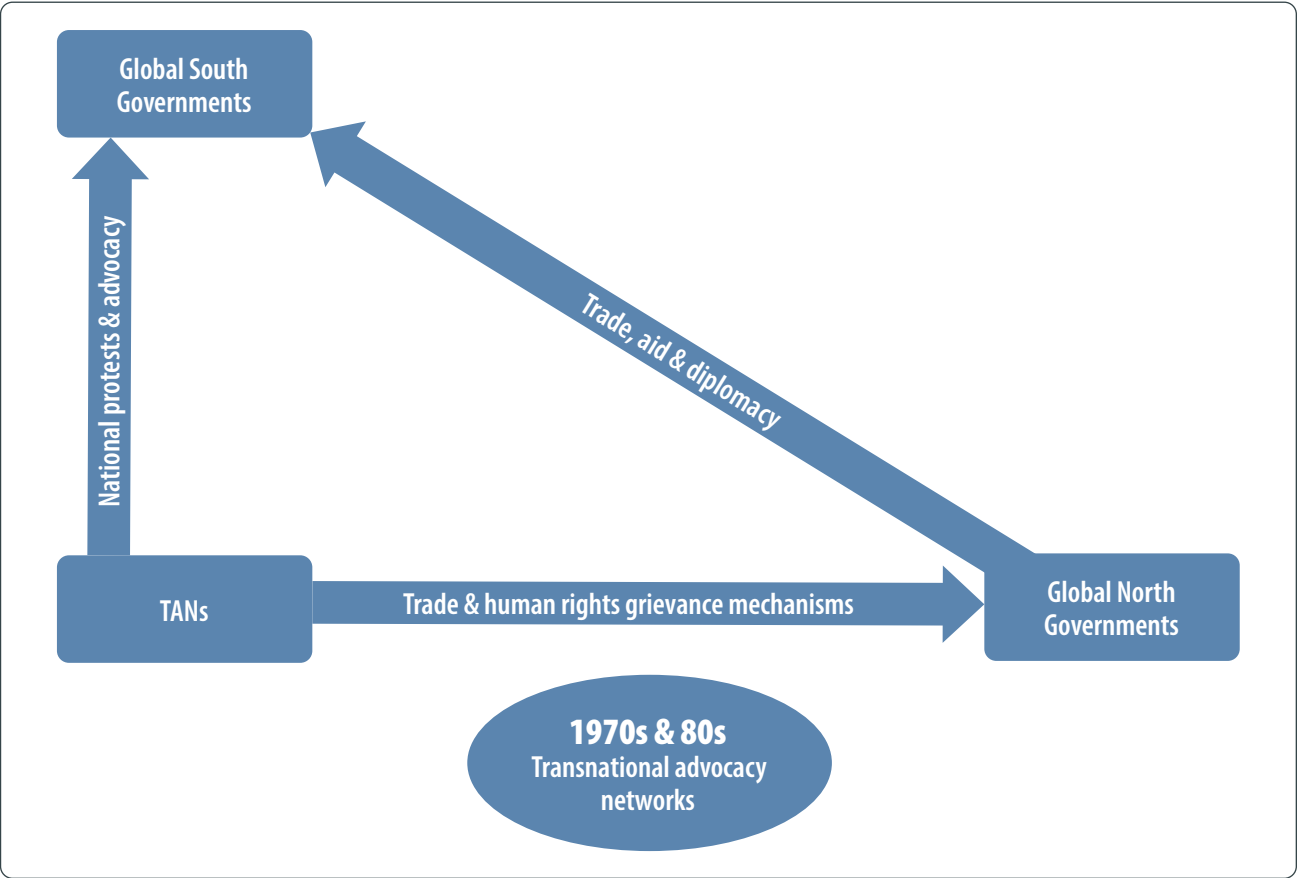
It is important to note that all the strategies shown in Figures 1–4 are currently still in play, and all have been under development in some form or another since the 1970s and 1980s. This is particularly true with regard to the current surge in mechanisms or tactics for Northern governments to regulate MNCs directly, highlighted in Figure 3. For example, in the US, advocates have sought to test and improve on a range of tools, including the Alien Tort Claims

Act, the Foreign Corrupt Practices Act, and the labor clauses in free trade agreements, which have named offending companies and governments side by side ever since the first complaints were heard under the North American Free Trade Agreement (Compa 1995). Thus, the time frame markers provided in the diagrams below are to signal the dominant strategies being developed or used in transnational campaigns at any given point in time.

3.1 Trade, aid, and diplomacy strategies

Figure 1 depicts the classic boomerang strategy. This illustrates the first set of advocacy strategies or ‘accountability pathways,’ which leverage government-to-government pressure. Starting in the 1970s, advocacy focused primarily on asking Northern governments to pressure Southern governments by utilizing what were then still new UN mechanisms, such as filing critiques of a country’s human rights reporting or trying to influence development aid. NGOs in the global North formed TANs with allies in the global South to document abuses and better inform this advocacy. These loose alliances formed around shared goals such as advancing women’s rights or protecting the environment, enabling advocates to triangulate pressure. In the 1980s, new trade policies emerged, starting in the US and later adapted into EU laws, that provided additional tactics, such as the ability to petition for a suspension of benefits under the GSP when labor rights were systemically repressed (Hafner-Burton, Mosley, and Galantucci 2019).¹⁰ The use of trade pressure quickly became a powerful tool for pressing export-dependent governments to make reforms rather than lose trade benefits (Athreya 2011). Bilateral and regional trade agreements, starting with NAFTA in 1992, began to include labor rights protections, which have been strengthened over the years (Polaski, Nolan García, and Rioux 2022).

Figure 1. The Classic Boomerang



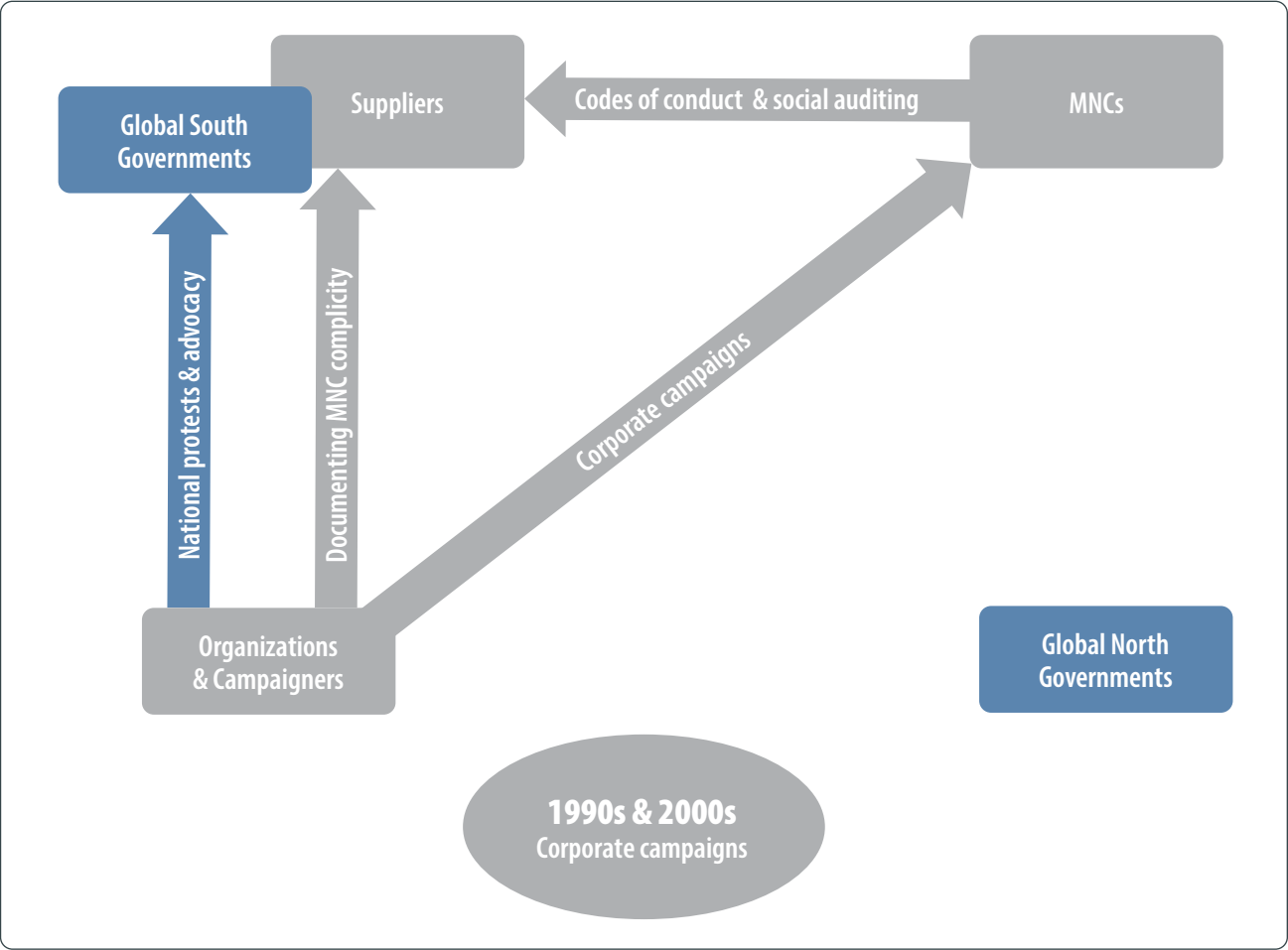
Source: Author

In the 1990s as transportation and communications costs fell, supply chains became increasingly fragmented and global. Following a series of child labor exposés, new organizations formed to address human rights abuses in global supply chains, some of them drawing lessons from the Sullivan Principles experience. NGOs and trade unions, many of which had already been working in solidarity with CSOs in the global South, began to forge new pathways, building corporate campaigns.

3.2 From corporate campaigns to social auditing

Figure 2 shows how campaigners and organizers shifted their use of boomerang strategies. Rather than target Northern governments, they began to target (mostly Northern) MNCs, exposing their complicity in worker rights abuses and demanding they use their buying power to press their suppliers to ensure safe and decent working conditions. With these strategies, the work of campaigners and organizers became more interdependent as organizers came to play a critical role in documenting rights violations in export industries and identifying the associated buyers complicit with the violations. It was at this stage that the TSCANs began to emerge and take on a more focused, longer-term approach than the TANs discussed in Section 2.2 above.

Figure 2. Supply Chain Boomerang



Source: Author

Although the campaigners and organizers succeeded on multiple occasions in pressuring MNCs to help secure back wages or other types of redress, their campaigns also triggered an unintended explosion in certifications and social auditing that can be seen as a mixture of progress and delay. A host of new NGOs and MSIs emerged; many of these were engagers seeking to provide supply chain compliance services. Some argue these groups helped reluctant MNCs engage in supply chain compliance initiatives at a time when few corporate executives knew what the ILO was and even fewer factory managers had heard of international human rights norms. Yet the voluntary and confidential nature of these workplace monitoring programs left workers and their trade unions on the margins of any solutions developed. This, coupled with MNCs' passive response to government crackdowns on independent union organizing, has contradicted MNCs' high praise for the importance of stakeholder engagement.

CCC Network members leveraged these initiatives to press for back wages while simultaneously publishing critiques of individual brands and supply chain monitoring programs. As campaigners documented the shortcomings of MNCs' compliance initiatives, they were better able to propose legally binding, worker-driven approaches. Following the collapse of Rana Plaza in 2013, academic research and critique of certifications and social auditing programs has surged, adding support to the call for new approaches (Locke 2013; Bartley 2018; Bair et al. 2020; LeBaron 2020) and the need for legally binding pathways to compliance.

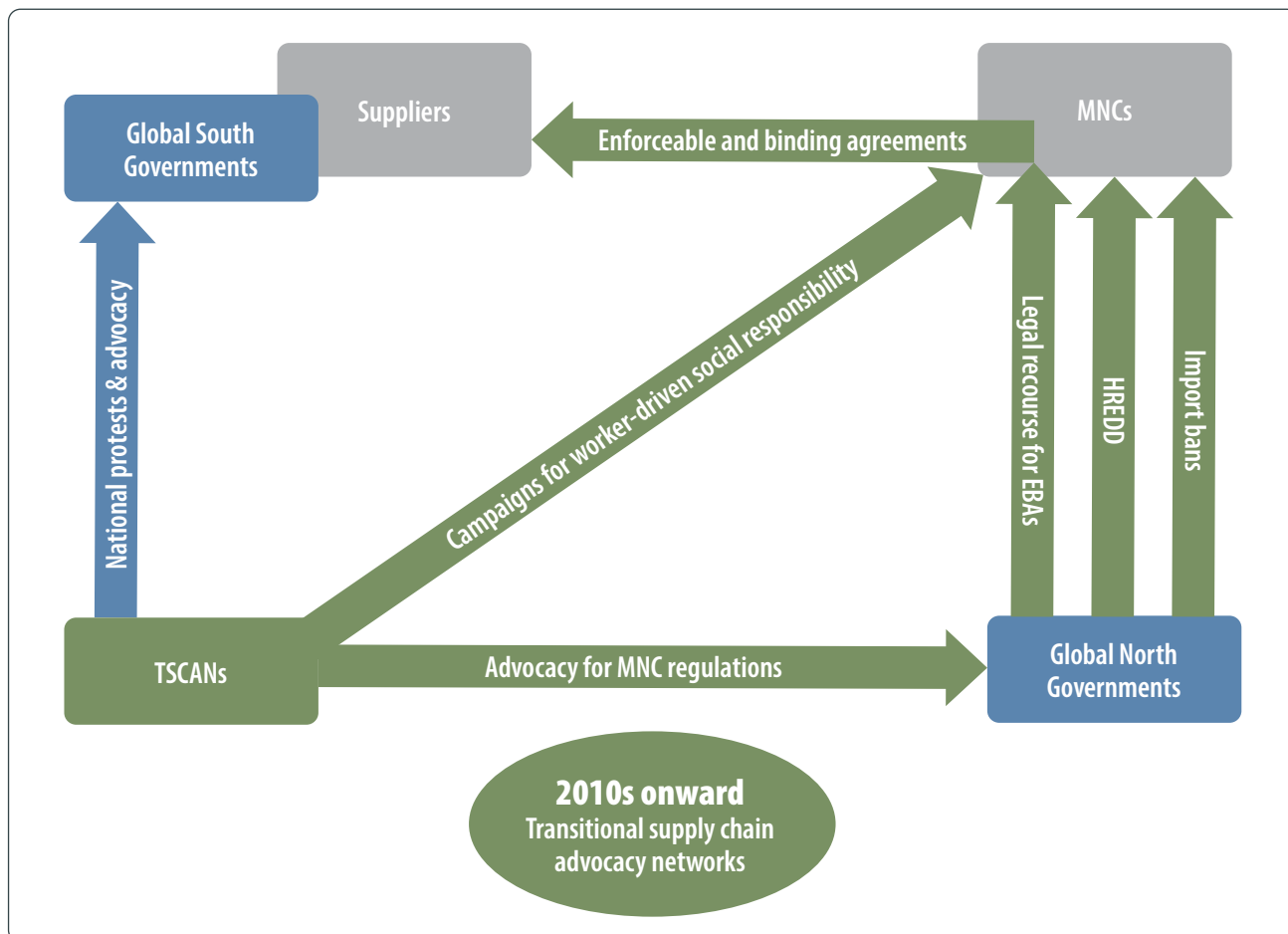
3.3 Getting Northern governments to regulate their MNCs

Figure 3 highlights three new tactics to regulate MNCs that were developed since the 2010s; these tactics significantly strengthen the Northern government to MNC accountability pathway. Although these are three tactics, technically along the same accountability pathway, they are broken into three separate arrows for emphasis. The first of the new pathways is the worker-driven social responsibility (WSR) approach, which is a form of multi-party collective bargaining designed to negotiate EBAs. Although these agreements are signed between worker organizations and MNCs, the strongest agreements rely on binding grievance mechanisms held up in the (usually Northern) MNCs' home country courts. The other two new accountability pathways are import bans and HREDD laws, both of which signal a significant shift in Northern governments' willingness and efforts to regulate the impact of MNCs headquartered in their country on communities around the world. These new accountability pathways significantly expand global North government regulations of global North MNCs. Each one is explained in detail below.

All these pathways emerge from global advocacy to have Northern governments (or the MNC's home country court) involved in directly regulating the impact of MNCs on their supply chains. Campaigners and organizers have also sought to advance two of these pathways since the early to mid-2000s (import bans and EBAs), but all three gained momentum following the adoption of the UNGPs. The UNGPs defined MNCs' duty to respect the rights of workers in their supply chains, effectively elevating campaigners' demands into international law. Although the UNGPs are soft law and nonbinding, they have paved the way for national laws that require corporations to conduct HREDD (Nolan 2013).

Equally instrumental to the UNGPs' support for regulating MNCs' impact was the collapse of Rana Plaza, as well as other apparel factory fires in certified and audited factories. These wholly preventable tragedies made horrifically clear what campaigners had already documented: the failure of social auditing and MNCs' voluntary commitments to uphold code of conduct requirements. Ironically, MNCs continue to engage in voluntary commitments without any nod to the oxymoronic nature of the concept.

Figure 3. Regulating MNCs



Source: Author

3.3.1 Enforceable and binding agreements

The first of the new pathways is often referred to as the WSR approach, pioneered by the Coalition of Immokalee Workers in Florida, or EBAs, which apparel campaigners began negotiating in the mid-2000s. The multiple terms for the concept are the result of advocates in diverse sectors arriving at similar conclusions about two core demands: for workers and their organizations to be at the table to negotiate and ensure implementation of solutions and for MNCs to be held legally accountable. Advocates for this approach have come together to form the WSR Network and to define a core set of principles important to legitimizing that process (WSR Network n.d.). Notably, having workers at the table to negotiate a binding contract is the fundamental basis of collective bargaining rights. Thus, some have called the agreements between MNCs and supply chain workers a new form of collective bargaining adapted to a globalized economy, or multiparty collective bargaining agreements, wherein multiple unions and multiple MNCs are engaged in negotiating and executing the agreement (Blasi and Bair 2019).

Members of the CCC Network, particularly with the International Labor Rights Forum (now the Global Labor Justice–International Labor Rights Forum; GLJ–ILRF), the WRC, and the Maquila Solidarity Network (MSN), have been honing the EBA concept since the early 2000s. Collectively, CCC Network members have supported national worker organizations in negotiating EBAs in seven countries, which are discussed in the case study below. Although international campaigners play a key role in forcing MNCs to the bargaining table, national worker organizations are

at the center of the bargaining process. To ensure implementation, these agreements use a form of social auditing, but one that is overseen by a steering committee or a cogoverning body that includes union signatories and MNCs, all of which have access to audit report details. For union signatories, this has provided unprecedented access to information and engagement with MNC decision makers.

The strongest EBAs are supported by Northern legal systems. Thus, Figure 3 shows the connection between the Northern governments, MNCs, and the WSR approach. In 2017 a case under the Bangladesh Accord took a grievance that the Accord's Steering Committee could not resolve to the Permanent Court of Arbitration in the Hague.¹¹ This pathway emerged in response to the failures of the voluntary and confidential social auditing or code of conduct monitoring programs. EBAs address the core flaws identified in the voluntary and confidential approach to social auditing, which effectively sideline workers and their unions. EBAs by contrast are legally binding, transparent, and negotiated between local trade unions representing the workers and the international buyers and retailers. In most cases a global union federation or other international allies are part of the agreement negotiation and governance structure as well. This enables organizers to leverage their international partners' ability to engage MNCs in multiple public spaces, adding layers of transparency and accountability.

3.3.2 HREDD Laws

Several European countries, the UK, and Australia have passed laws that require additional reporting by MNCs (Gearhart, ed. 2022). The intent of these laws is to regulate MNCs' impact abroad, but ensuring they are effective for workers will require significant campaigning and organizing efforts in the North and South. The first laws to emerge after the UNGPs were adopted in 2011 were focused on transparency. The UK Modern Slavery Act, for example, mainly called for companies to report what they were doing to mitigate modern slavery risks in their supply chains. The UK law proved problematic because it is narrowly defined and lacks repercussions; MNCs can simply report doing nothing and many do not report at all (Carrier 2021). France's Duty of Vigilance law has been the strongest to date, providing pathways for victims to seek remedy in the French courts. Once the European Union finalizes its Corporate Sustainability Due Diligence Directive, more European countries will adopt more rigorous laws and create administrative oversight structures for their implementation.

The UNGPs helped define MNCs' duty to identify and remediate the human rights risks in their operations. Although the UNGPs stopped short of clearly calling for the regulation of MNCs, the mandate to ensure remedy implies the need to provide legal recourse. HREDD laws have since emerged as a critical pathway for increasing the legal obligations on MNCs to know and seek to address the human rights violations in their operations or those of their suppliers. To date, however, victims seeking remedy under these laws have struggled as the French courts have debated jurisdictional issues and required additional analysis of MNCs' constantly changing HREDD initiatives (Gearhart, ed. 2023).

Potentially, once the administration and legal jurisdictional issues are ironed out, HREDD laws could advance transparency and access to remedy. Leveraging this new pathway will, however, require expanding the capacity and interconnectivity among NGOs and trade unions to monitor implementation, help workers file grievances, and pursue remedy. Additionally, many HREDD laws and guidance, such as the EU's forthcoming due diligence directive, emphasize the importance of stakeholder engagement as part of the due diligence process. This can potentially provide rights advocates with new pathways for influence, but it can also become a misleading or even biased exercise, especially if the national political context affecting CSOs' ability to engage or speak out is ignored.

Stakeholder consultations are often seen as a key element of participatory development planning and corporate social responsibility. Yet, too often, companies or their agents fail to ask workers and their representatives what they need, what challenges they face, and what they think needs to change. Consultants frequently arrive with a presentation about the project or monitoring initiative they have already planned in a fair amount of detail.

This is not to say stakeholder engagement is useless, but it often only produces a partial analysis for a mix of reasons, including:

- the stakeholders have not been fully informed or able to put together a full assessment;
- the consultants have not presented the full picture of the company behind the consultation, such as their market power or the number of favors they have pending with the government; or
- the consultants are only seeking a certain set of answers and are likely to ignore ancillary information.

For example, education consultants focused on child labor may ask about accessibility to schools but not farmer incomes and the feasibility of hiring workers to help with the harvest. Or, a social auditor may conclude the employer has not threatened workers' rights to organize but ignore the fact that the government has already taken care of violently repressing organizers for them. These laser-focused consultations, often conducted under time constraints, are like a physician who examines a damaged knee but ignores whether the patient's weight plays a role in the problem.

3.3.3 Forced labor import bans

Forced labor import bans are a tool the US has been using more actively since 2017. The US Tariff Act of 1930 set out the possibility for interested parties to petition Customs and Border Protection (CBP) to hold up goods at port that were suspected of being made in whole or in part with forced labor. The original text included a "consumptive demand" loophole, exempting goods that the US did not produce in sufficient quantity. This clause was only taken out in 2015 (López 2020). When ILRF filed a petition in 2002 to hold up Ivorian cocoa for the countrywide use of forced child labor, it was rejected due to the lack of cocoa produced in the US (ILRF n.d.b).

Since the consumptive demand loophole was closed, the number of withhold release orders (WROs) issued by CBP, holding up goods at port, has increased significantly. Additionally, forced labor import bans have been included in the US-Mexico-Canada Free Trade Agreement. Moreover, the Uyghur Forced Labor Prevention Act has included even stronger language, reversing the burden of proof so that companies must prove the goods they import from China were not made using forced labor. Although the US does not have an HREDD law, the import bans raise the stakes and incentivize companies to conduct more effective HREDD.

The case of Natchi Apparel in India illustrates how these new tools can work together. In 2022, CBP issued a WRO against Natchi Apparel, just after the company signed the Dindigul Agreement to End Gender-Based Violence and Harassment, an EBA negotiated with the Tamil Nadu Textile and Common Labour Union, the Asia Floor Wage Alliance (AFWA), and GLJ–ILRF (GLJ–ILRF 2022). After ascertaining that Natchi Apparel was implementing the Dindigul agreement in good faith, CBP lifted its WRO on Natchi Apparel. The case is significant as it demonstrates how these new tactics work together and the potential of EBAs to prevent or address the potentially costly situation of having goods impounded at port under a WRO.

Advocates in the UK and other countries are currently advocating for laws to mandate forced labor import bans because many believe it could drive better due diligence reporting and help to establish more robust legal cases against violators (ASI 2022). Although the import bans do not provide victims with access to remedy in the US courts, they are easier to trigger, requiring significantly less legal counsel or administrative infrastructure for receiving and reviewing corporate due diligence reports. Additionally, multiple cases against disposable glove manufacturers in Malaysia resulted in several manufacturers making more than US\$100 million in remedial payments to workers, although it was not directly required by CBP (Bengtson 2021).

The Top Glove case is illustrative. In July 2020, CBP issued a WRO against Top Glove, the world's largest disposable glove company, which was found to have workers held in debt bondage due to recruitment fees. In October of that year Top Glove announced plans to compensate workers US\$36 million for those fees, through higher monthly payments until June 2021 (Bengtson 2021). In September 2021, CBP lifted the WRO against Top Glove, noting all forced labor indicators had been addressed. Top Glove's share value rose 10 percent that day (Ananthalakshmi and Latiff 2021). Andy Hall, who helped document the debt bondage at the center of these cases, estimates the reimbursement of recruitment fees to have been even higher, particularly given the ripple effects. He explained: "The companies changed policies, which means the additional money to workers goes beyond reimbursements." But he also cautioned that "local CSOs play an important role and need to be able to follow up and continue monitoring in the sector."¹²

3.4 Ringfencing corporate accountability

Mandatory HREDD laws and forced labor import bans like the US Tariff Act represent a significant shift in the corporate accountability field. Earlier advocacy strategies leaned heavily on the Northern government to Southern government pressure or the MNC to supplier pressure. The recent surge in pushing for Northern governments to better regulate 'their' MNCs is significant; it is strengthening that fourth advocacy pathway on the right side of the diagram, helping create a more complete—or ringfenced—accountability ecosystem. Notably, rights advocates have worked to utilize legal tactics along this pathway for decades. The Alien Tort Statute discussed in the cocoa case study is a key example. This was a major goal of the UN Commission on Transnational Corporations, a platform formed in the 1970s where global South governments sought to demand regulations to address the impact of global North corporations abroad. Although the emerging regulatory approaches may be different now, it is worth noting that the demand for global North governments to regulate the impact of their MNCs abroad has been around long before export-led growth strategies decoupled improved working conditions from national economic growth.

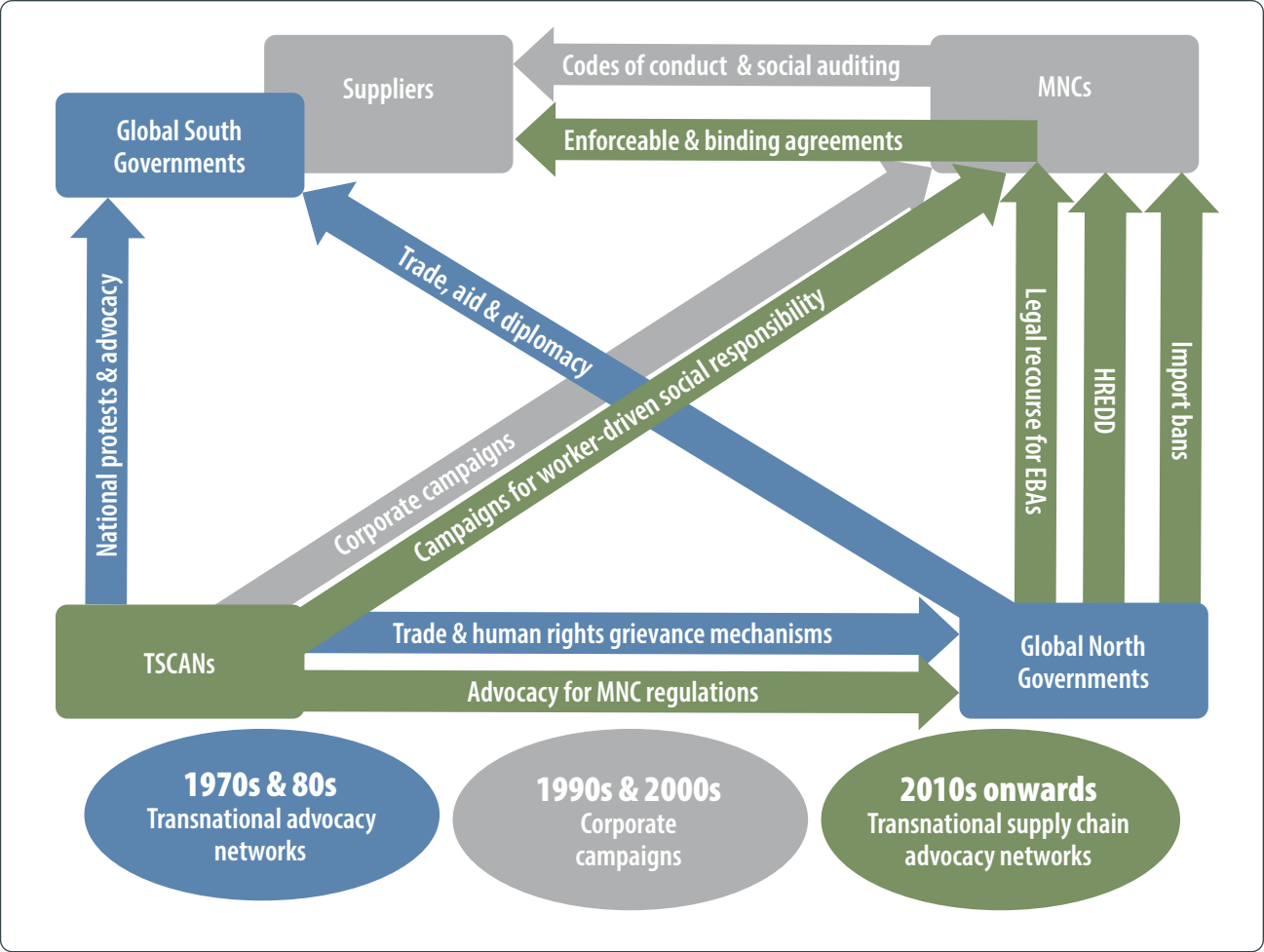
Figure 4 illustrates how all the change strategies and points of leverage work together. These change strategies are often deployed simultaneously or in carefully orchestrated sequences to fuel campaign momentum. Figure 4 makes clear how much effort is required to protect workers' rights in global supply chains given the downward pressure on labor law protections in global South producer countries. As noted, the time frames signal the emergence of trends, but the development and continued use of all these strategies has been constant. The combined impact of these regulations is the growing pressure on MNCs to not only engage their suppliers but also to understand the legal and political context that may be undermining the worker rights enforcement of the national government in the country where they are buying goods. Potentially, HREDD laws will push MNCs to assess the national political context and understand how that may contribute to the legal environment, which may be enabling or disabling respect for workers' rights. Given the uptake of these new tactics and the laws that support them, MNCs seeking to mitigate the downward pressure on human rights in their supply chain will do well to proactively seek to negotiate EBAs and to address the national political context undermining rights advocates.

Some advocates have argued for MNCs to actively address closing civic space and the political threats to rights advocates in their supply chains (Freeman et al. 2018). Yet questions remain as to how much MNCs should be encouraged to engage on questions of national policies and whether they can be relied upon to consistently adopt pro-worker policies (especially when many do not do so at home), and to do so transparently. Asking MNCs to engage supplier country governments to encourage human rights reforms could be helpful, much as corporate America has largely stood up for gay and trans rights in the US; but it is also a double-edged sword.

In 2018, members of the Thai SWG, coordinated by ILRF[LSF2], asked the corporate leaders of the Seafood Task Force (cochaired by Walmart and Costco) to publicly advocate for Thailand's ratification of ILO Convention 188 on Work in Fishing (Ganzler 2018). Also, in 2014, CCC Network members in the US and Europe directly urged H&M to support workers' demands for a living wage in Cambodia (CCC 2014). In both cases MNC support for pro-worker

public policy was helpful in the short term, but its impact has been episodic at best where more sustained, systemic engagement is needed. Even in the best of cases, MNC engagement requires additional transparency to ensure such engagement is not being simultaneously undermined by other discussions of ‘mutual interest’ between ruling elites and international business actors. The downsides of those kinds of government-industry relationships are evident in West Africa’s cocoa sector, where independent civil society has been only marginally consulted on government-industry programming. Whether (or not) increased engagement between MNCs and ruling elites will produce positive results for workers will be partially explored in the industry case studies that follow, but the issue deserves sustained monitoring to assess how it will play out over time.

Figure 4. Accountability Squared



Source: Author

4. TSCAN Case Studies: Apparel, Cocoa, and Seafood

Each of the three TSCANs profiled below have helped to advance these new accountability pathways, and frequently leverage multiple pathways simultaneously to achieve campaign goals and seek remedy for workers. To conserve length, however, these case studies will focus on the pathway where each TSCAN has shown the most leadership. The CCC Network pioneered transnational coalition building, enabling members to learn from each other and advance several EBAs negotiated between workers and apparel brands and retailers. In cocoa, the Voice Network has used the European Commission's consultations on HREDD legislation to strengthen the advocacy of national NGOs, trade unions, and farmer organizations. US cocoa campaigners, meanwhile, have sought to leverage more punitive laws, such as the US Tariff Act and other legal instruments. The SWG, the most recently formed of the TSCANs, has been building steadily in one country at a time, starting in Thailand, then Taiwan, and now Indonesia to advance worker demands and test a range of new and old accountability pathways, including trade sanctions, import bans, and other legal tactics to drive change.

These new pathways hold tremendous potential, but also require continuous advocacy and monitoring to be effective. It is worth noting three challenges each one faces. The EBAs still face steep resistance from MNCs, particularly in the US, and from some governments. The forced labor import bans do not have a good mechanism for protecting the victims or ensuring they secure compensation or other forms of remedy. Finally, the HREDD laws depend on the good will of politicians in the North to pass and enforce effective laws, which move MNCs beyond the voluntary, confidential supply chain programs they have favored to ensure victims' access to remedy (Wilde-Ramsing, Vanpeperstraete, and Hachfeld 2022). Despite the challenges with each new mechanism, the TSCANs are honing the ability to use them in tandem to create an accountability net for catching bad actors. The following case studies trace both the international campaigns and, more importantly, how global South trade unions and NGOs leverage these accountability pathways to strengthen worker movements and hold their employers and governments accountable.

4.1 Corporate pressure: Apparel campaigns advance industry regulations from below

The CCC started as an urgent action campaign group that has become a leading innovator in apparel industry governance models. In 1988, fifty women protested in front of the Dutch retailer, C&A, for using sweatshop labor in the Netherlands (Sluiter 2009). A year later the Dutch CCC activists joined UK trade unions in protesting the treatment of workers at a C&A supplier in the Philippines (Sluiter 2009).¹³ These were the very early days of sweatshop protests, which were beginning to take hold in the Americas as well and have since become much more commonplace (Brooks 2007). Ineke Zeldenrust, one of the early protesters who helped found the now global CCC Network, reflected on what inspired her activism in *Made by Women*. Ineke cited the influential arguments from "the Indian economist Devaki Jain, who called upon activists in the North to pressure 'their' multinationals for their role in what was going wrong at the macro-economic level" (Ascoly and Finney 2005, 52).¹⁴

CCC Network members have steadily worked toward this broad goal, individually and collectively. They have continuously studied the industry and advanced proposals to change the power dynamics. Two core goals resonate continually throughout the CCC's campaigns: the drive to regulate Northern MNCs, increasingly by negotiating EBAs; and the honing of a rapid response approach to support global South activists under threat.

4.1.1 Negotiating new forms of corporate accountability

Securing EBAs with MNCs has long been central to the CCC members' vision. Though it was not initially attainable, members dedicated years of studying the industry to crystallize how to structure EBAs and negotiate with MNCs. The common framework of each EBA is a negotiated and enforceable agreement between MNCs and a team of national and international trade unions and NGOs (see Table 1 below). There are now seven EBAs that have been negotiated by various constellations of trade unions and NGOs, most of which are longtime members of the CCC Network. This includes the International Accord, signed in 2021, which is structured to facilitate additional EBA negotiations at the national level, such as the Pakistan Accord signed in 2022. Table 1 provides a summary of the signatories, issues covered, and enforcement mechanisms for each agreement. The early agreements drew heavily on the technical knowledge the WRC gained from factory monitoring and campaign pressure from groups like GLJ–ILRF and the CCC's European members like Labour Behind the Label and others. This knowledge has been shared through international and regional network meetings, which has increased the leadership of national trade unions and NGOs such as the group that negotiated the Dindigul Agreement, following the relatively short and well-promoted Justice for Jeyarse Campaign (AFWA, TTCU, and GLJ–ILRF 2023).

In all cases, except for the International Safety Accord, these agreements were negotiated and signed by a combination of national and international trade unions, with national trade unions often laying the initial groundwork by identifying the problem and reaching out to international allies for support. For example, in Lesotho and Honduras, trade unions raised issues that the WRC helped to document and bring forward to the brands. In each case international campaigners helped build pressure on global brands and retailers to negotiate or later sign the agreement. For example, the Ali Enterprises fire in Pakistan and the Rana Plaza collapse in Bangladesh spurred global campaigns that all CCC Network members and many other organizations supported. In Honduras, the United Students Against Sweatshops campaigned against Russell Athletic until its owner, Fruit of the Loom, reopened the factory, reinstated union leaders, and negotiated an agreement with the unions. For the Indonesia Protocol, the Hong Kong NGOs campaigning ahead of the 2008 Beijing Olympics built the demand internationally. And GLJ–ILRF and AFWA supported the Tamil Nadu Common Labour Union's campaign Justice for Jeyarse, the Dalit woman union organizer who was killed in Tamil Nadu, spurring demand for the Dindigul Agreement.

Table 1. Summary of Enforceable Brand Agreements Supported by CCC Network Members

Agreement	Year and signatories	Key issues covered	Enforcement mechanism
Fruit of the Loom (FOTL) Agreement	Signed 2009: FOTL, the Honduran General Union Confederation (CGT), and the Sitrajerseesh union at Russell Athletic factory.	Freedom of association and collective bargaining in good faith; provide training for workers and managers on union rights.	Honduran labor law; and a bipartite governance body with members chosen by CGT and FOTL mediates disputes.
Indonesia Freedom of Association Protocol	Signed 2011 by five Indonesian trade unions and six athletic wear brands, with three other brands signing on in 2017. ¹⁵	Freedom of association and collective bargaining, defining specific organizing freedoms and protections for union leaders and members from retaliation.	Indonesian labor law; and a Tripartite National Committee of trade unions, manufacturers, and brand representatives to resolve conflicts not settled at factory level.
Bangladesh Accord on Fire and Building Safety 2013 and 2018	Signed 2013; renewed 2018: two global unions, eight Bangladeshi unions; (eventually) 220 MNCs; and four witness signatory NGOs that helped develop the initial agreement with Bangladeshi allies and provided technical support on the implementation. ¹⁶	Fire and building safety; detailed public reporting; timebound commitment to continue business with factories, ensure remediation; union rights added in 2018.	Accord Steering Committee of half union/half MNC-appointed representatives; unresolved cases referred to binding arbitration.
Lesotho Agreement	Signed 2019: two NGOs and three unions from Lesotho, ¹⁷ the WRC, and Solidarity Center signed two interlocking agreements with Nien Hsing Lesotho, Kontoor, Children's Place, and Levi Strauss.	Gender-based violence and harassment (GBVH) and establishment of the independent Workers' Rights Watch to investigate complaints; a toll-free info line; and awareness campaigns.	Cogoverned oversight committee and time-bound agreement by signatory brands to support the agreements and ensure Nien Hsing's factories' compliance.
Dindigul Agreement	Signed 2022: Tamil Nadu Textile and Common Labour Union and AFWA and GLJ–ILRF signed interlocking agreements with Eastman Exports, H&M, Gap, and PVH.	GBVH, discrimination, and rights to form and join unions; enable collective action against GBVH through the AFWA's Safe Circles.	Oversight committee: signatory unions and NGOs, Eastman Exports, and two signatory brands; unresolved disputes go to binding arbitration in Sweden.
International Safety Accord (IA)	Came into effect Sept. 2021: Global union federations (UNI and IndustriALL), 180 brands, four NGO witness signatories. ¹⁸	Health and safety; freedom of association and collective bargaining.	International Steering Committee (ISC) of half union side & half company. Dispute Resolution Process allows ISC to remand unsolved cases to arbitration. ¹⁹
Pakistan Safety Accord	Came into effect Jan. 2023: Global union federations (UNI and IndustriALL), 190 brands, four NGO witness signatories.	Health and safety; freedom of association and collective bargaining.	ISC until National Governing Body established with national unions, industry, and brands; ²⁰ dispute resolution same as International Accord.

Source: Author

The CCC Network has long organized international and regional gatherings (roughly every eighteen months) that enable organizations across apparel-producing countries to strategize together on their demands and inform global campaigners of the challenges they face. The CCC combines collective strategy building with solidarity actions in a way that builds trust among members. By the time the Indonesia Protocol was signed, for example, the Network had been building transnational collaboration for twenty years. Through Network communications, other national CSOs were able to learn from the Indonesian experience in real time.

These achievements have been built on decades of industry research and analysis; constant street-based and media campaigning to call out MNCs implicated in rights abuses; ongoing support for national organizers; and regular dialogue and mutual learning among national organizers. These achievements have been paralleled by some national legal reforms, although rights advocates have also faced closing civic space and government push back or reversals on reforms made (Gearhart 2023).

Experiences in Cambodia and Bangladesh show the leadership of global South CSOs and how CCC Network members have documented and learned from supply chain monitoring initiatives. Each country hosted important advances in corporate supply chain governance which have contributed to campaigners' collective analysis: Better Factories Cambodia (BFC) and the Accord for Fire and Building Safety in Bangladesh (the Bangladesh Accord). Each initiative set precedents and advanced more rigorous demands on MNCs, enabling advocates to apply lessons learned. BFC helped establish the prototype for the ILO's Better Work program, which is now in eight countries. The Bangladesh Accord, negotiated a decade after BFC, drew from what apparel campaigners and organizers had already documented on the importance of transparency. They were thus clear in negotiating the Accord that a stronger commitment from MNCs was needed than what BFC had secured.

- BFC is an apparel factory monitoring program run by the ILO, which was established in 2001 using trade quotas in the US–Cambodia trade agreement to incentivize supplier participation (Polaski 2006). BFC was established at a time when voluntary code of conduct auditing was taking off under the leadership of several MSIs and other business-led programs.²¹ Similar to the MSIs, BFC also engaged MNCs' purchasing power to incentivize compliance, but it distinguished itself in three ways that the CSO-led, private sector MSIs could not. First, it established unprecedented levels of transparency.²² Second, it grounded its governance in national social dialogue with government, unions, and employers as advisers. Third, the ILO engagement identified gaps in governance and encouraged national legal reforms, primarily in the establishment of the Arbitration Council of Cambodia, a government institution with tripartite oversight, which worker advocates have trusted to resolve workplace conflicts (Gearhart 2023). At the time, these precedents were significant, but the program stopped short of creating legal obligations on participating brands, which remained free to walk away at will if securing supplier compliance became too difficult. BFC was set up under an agreement between the ILO and the Cambodian government, which has both secured BFC's ability to operate while also limiting BFC's ability to challenge the Cambodian government's crackdown on independent trade unions and civic space.
- The Accord for Fire and Building Safety in Bangladesh (the Accord) established a direct agreement to address factory safety issues between national and international unions and global apparel buyers and brands. The agreement included a first of its kind, legally binding complaints mechanism that called for complaints the Accord Steering Committee could not resolve to be taken to the Permanent Court of Arbitration in the Hague. The Accord was signed by more than 200 apparel companies within months of the tragic collapse of Rana Plaza in Bangladesh, but at that point the agreement had already been several years in the making. Drawing on the precedents set in Indonesia and Honduras (Gearhart 2023), the CCC floated a first draft of what would later become the Accord at a meeting in Bangladesh convened in April 2011 by the apparel unions' international secretariat, then called the International Textile, Garment, and Leather Workers Federation.²³ The coalitions had initially wanted an agreement to cover a broader set of workplace rights, but the first priority was to secure a legally binding agreement to ensure workers were protected. Despite the Accord's achievements, which include the remediation

of over 140,000 safety violations between 2013 and 2021, the Bangladeshi government and employers forced a replacement initiative—the Ready-Made-Garments Sustainability Council (RSC)—which added employers to the governance structure. This diluted trade unions’ influence, reducing their votes on the steering committee from half to one-third, giving a third of the vote to employers and another third to buyers and brands.²⁴ Through continued campaigning and the global union federations (GUFs), IndustriAll and UNI Global Union, threatening to walk away from the RSC, the GUFs and CCC allies were able to negotiate the International Safety Accord, which includes a binding grievance mechanism. It also includes a commitment by signatory brands to expand International Accord coverage to a second country, beyond Bangladesh. The Pakistan Accord was launched in December 2022 but negotiations on its implementation have been prolonged as the signatory trade unions seek to secure half the votes on the steering committee to avoid the same dilution of worker voice the RSC has.

The development of each initiative brought international campaigners and national organizers into more frequent collaboration in their efforts to monitor the implementation of these initiatives. BCWS and CENTRAL have played a critical role in the monitoring and implementation of the Accord and BFC, respectively. They have also shared lessons learned with other global South members of the CCC Network.

The arguments to establish legally binding mechanisms to hold MNCs accountable for worker rights abuses in their supply chains are grounded in decades of corporate campaigns. Each campaign built on international and national CSOs’ research that revealed the fundamental flaws in supply chain monitoring and compliance initiatives and the unstable nature of MNCs’ support for worker rights protections. Brands face a well-documented conundrum: if they apply a global, standardized compliance program, they risk a disconnect with local context (Kuruvilla 2021). The CCC’s decentralized approach, however, has meant members are putting forward context-relevant solutions, able to build on comparable experiences in other countries but still negotiating solutions that address the specific context and concerns of workers.

In addition to sharing experiences across borders, the CCC Network has benefited from the in-factory expertise amassed by the WRC.²⁵ WRC’s responsiveness to worker complaints and engagement with workers and their organizations through offsite interviews has enabled it to build trust with workers and a context-specific approach while also conducting audits of factory conditions. The WRC factory-level insights have helped guide the Accord steering committee and supported allies’ documentation of wage theft and other abuse.

Currently, the CCC Network is the only TSCAN whose members succeeded in negotiating an EBA between MNCs and worker organizations that has brought a case to the permanent court of arbitration. The parties settled out of court and agreed the MNCs involved would pay US\$2.3 million to finance the factory reforms demanded by the Accord Secretariat and steering committee (UNI Global Union 2018). In the US the concept of EBAs is manifest in the WSR approach promoted by the Fair Food Program (FFP) to hold signatories—supermarkets and restaurant chains—accountable for their US-based suppliers. The Coalition of Immokalee Workers campaigned for over a decade to secure groundbreaking agreements and established transparency featured in the annual FFP report (FFSC 2021). The FFP has established one of the most effective and transparent grievance and remedy approaches, but to date, the cases have not had to cross national legal jurisdictions in the way the Accord case did.

What made these agreements feasible and how have apparel campaigners helped strengthen the capacity of local and national organizers to engage in international negotiations? Key components have included creative campaigns such as street theater and images of collapsed factories projected onto the sides of stores, urgent response mechanisms for members under threat, long-term movement building based on trust and continual information sharing, and a participatory governance structure that has evolved based on members’ needs and recommendations. Members highlighted two key characteristics in the CCC governance structure: the evolution of relationships through regular (every twelve to eighteen months) member meetings and the commitment to consensus-based decision making that prioritizes national partners’ goals (Gearhart 2023).



Clockwise from top left: Sumi Abedeen, who survived the Tazreen Fashions factory fire, briefs US members of Congress days after the collapse of Rana Plaza; garment worker in Cambodian factory; an organizing meeting with Cambodian garment workers in their shared room; garment production in a Bangladeshi factory.

Credits: ILRF; ILO Asia-Pacific; ILRF; ILRF.

4.1.2 Rapid response: Enabling global South CSOs' national and transnational leadership

Neither BCWS nor CENTRAL had initially prioritized international advocacy. Each organization was founded with the goal of organizing workers and advancing worker demands with employers at the national level. However, their engagement on these cutting-edge programs and the threats they have faced for organizing have significantly increased their international engagement. Both first engaged the CCC Network around wage and worker compensation demands. Tola Moeun, the founding director of CENTRAL, sought CCC support to help workers secure unpaid severance in 2003. Kalpona Akter, the founding director of BCWS, first engaged the CCC Network around advocacy to secure worker compensation after the Spectrum Factory collapse in 2005. These urgent action campaigns led to other collaborations. BCWS worked on several reports with ILRF documenting factory safety. And Moeun worked with the CCC on the in-depth analysis of Better Factories Cambodia, a report that helped drive the program's return to greater transparency (Merk 2012).

Both Moeun and Akter increased their involvement with the CCC Network after being targeted with criminal charges by their governments. When asked if the transnational organizing has taken precedence or distracted from national policy advocacy, Akter was quick to emphasize that independent trade unions in Bangladesh and worker rights NGOs like BCWS are still calling for reforms to the labor law and improvements to government enforcement. Yet, she was also clear about the need to find additional points of pressure to drive national reforms and on the need to have the MNCs also make reforms and submit to legally binding agreements. She noted that it is difficult to pass pro-worker legal reforms nationally because “our Senators are also factory owners or their investors.”²⁶ In Cambodia, the government is increasingly less responsive to Western pressures, but CENTRAL and other rights advocates continue organizing and demanding democratic space. For them, the export sector has been a space where they have been able to organize. They have established alliances with the CCC and other international rights coalitions to help them advocate for democratic reforms and expand worker organizing in other industry sectors.

The CCC’s rapid response infrastructure enables members to quickly rally global support for members whenever they face legal threats for their organizing. The rapid response mechanism draws on legal and political leverage from across the globe. In the US, for example, ILRF solicited letters from a broad range of organizations when Akter and her colleagues Babul Akhter and Aminul Islam were jailed and later faced criminal charges. The US unions helped provide legal aid and later connected Akter to the US State Department. After Aminul Islam was killed in April 2012, then Secretary of State Hillary Clinton raised the case with Prime Minister Sheikh Hasina (Yardley). When Moeun was threatened with jail time in 2017–18, ILRF, WRC, Solidarity Center, and others advised on and helped secure letters from apparel brands and the Fair Labor Association to support his case. ILRF also worked with Freedom House’s Human Rights Defenders to tap their legal aid fund to defray Moeun’s expenses.

As global South members have become more active and taken on leadership roles within the CCC, they have both strengthened South-South collaboration and pushed the Network to engage on broader human rights issues at the national level. When Moeun joined the CCC’s governing board in 2020, he made a point to encourage the group to look at the broader political context and how repeatedly stolen elections and closing civic space are encroaching further on workers’ rights. CCC has utilized traditional human rights advocacy tools, such as its submission of comments on Cambodia under the UN’s Universal Periodic Review, which addressed the broader enabling environment and the need to systemically address labor rights violations.²⁷

What transpired during COVID-19, particularly in Bangladesh, demonstrates the extent to which the CCC allies still prioritize their ability to respond to workers’ needs, even as they continue to fight for more systemic reforms to the industry. Multiple members—WRC, CCC’s Secretariat, AFWA, GLJ–ILRF, and others—quickly documented and began protesting the massive wage theft ensuing from brands and retailers having cancelled orders in supplier countries (Gearhart 2023). This real-time response in the middle of a pandemic demonstrated the collective capacity of these organizations to engage workers and trace problems in brands’ supply chains much more quickly than any MSI or social auditing firm did. They have since launched the Pay Your Workers and Fight the Heist campaigns to pursue remedy and demand brands commit to institutionalize severance guarantees in their supplier contracts. CENTRAL, BCWS, and many other organizers contributed to the collective reporting, documenting wage theft resulting from the loss in orders. Still more than two years later, not all brands have honored contracts broken during the pandemic and many workers and their families have faced financial ruin as a result of wage theft and severance not being paid. Akter described the situation in Bangladesh during a Labor Link podcast interview (Gearhart 2022a), emphasizing that apparel workers have no savings or backup support. Even a short-term cut-off from funds can trigger a poverty spiral. Akter is now on the board of the Pay Your Workers campaign.

This is perhaps the most illustrative example of how CCC members combine shared industry knowledge with a commitment to rapid response that is supported by a multilayered web of bilateral and multicountry collaborations that function both independently and in concert with the CCC secretariat. The speed with which groups were able to pivot and document the situation demonstrates a substantial potential that should inform HREDD processes.

4.1.3 How HREDD laws and import bans can advance EBAs

Another shift in North-South relationships has recently become more obvious in the call for HREDD laws. In a twist on the long-running efforts of Northern CSOs to support advocacy for pro-worker legal reforms in global South countries, several global South CSOs have engaged in advocacy for global North countries to make reforms to their laws and how they regulate MNCs' abroad. HREDD laws are proving to be a new focal point for advocates, but this does not replace advocacy for EBAs directly signed between worker organizations and MNCs. Worker rights advocates continue to push for binding agreements, and several have raised pointed concerns that HREDD laws may accept voluntary compliance and certification schemes as an adequate due diligence approach (Vogt et al. 2022; Wilde-Ramsing et al. 2022).

Currently, HREDD laws do not provide an easy path to remedy for victims. Even if some of the cases brought forward under France's 2017 Duty of Vigilance law succeed, they are each labor-intensive, requiring plaintiffs to warn about flaws in the MNC's due diligence. Already, a first case brought against TotalEnergies in Uganda was rejected because plaintiffs did not update their complaint to reflect company reforms, which were substantial after the company was able to delay the case for more than three years while jurisdictional issues were debated (Gearhart, ed. 2023). If more companies could face regulatory action for being negligent in their due diligence, however, it could incentivize them to take more meaningful preventive action.

Organizers hope HREDD laws will push the MNCs to see the benefit of entering an EBA, which provides a fundamentally different approach to the voluntary, confidential certifications and social audits in several ways (Wilde-Ramsing et al. 2022). First, EBAs are negotiated with worker representatives, ensuring the most effective and ongoing kind of stakeholder engagement. Second, the EBAs profiled above establish an enforcement mechanism that combines a bipartite oversight body and the law, which can only function if there is a meaningful level of transparency and workers are empowered to raise concerns as they occur. Finally, all the EBAs above now include specific provisions to protect workers' rights to organize and bargain collectively, a basic human right that companies have long embraced publicly but were rarely able to ensure. In the US, where no HREDD law has been proposed, the Tariff Act, which bans the import of goods made by forced labor, has already shown the value of an EBA. As discussed above in Section 3.3.3., the signing and implementation of the binding Dindigul Agreement enabled Natchi Apparel to free up goods being held at port under a WRO.

4.2 Cocoa conundrum: Development solutions or human rights duties defined?

The campaigns to stop child labor in cocoa started with media exposés about egregious abuses in the supply chains of major chocolate companies, but early government engagement shifted the focus to public-private partnerships in development and divided civil society initiatives. The engagers created certification programs and built schools while the campaigners pursued litigation and sought to better define the human rights duties of corporate and government actors. National worker and community organizers, however, only recently gained a seat at the table and the ability to push farmer income demands and other community issues.

Starting in 2000, the BBC revealed the extensive use of forced child labor in Ivory Coast's cocoa sector (Blunt 2000). Forced labor in cocoa had been a sore spot that British chocolatiers thought they had resolved in the early 1900s (Off 2010). Subsequent reporting by numerous journalists, academics, and human rights advocates documented how children were being sold into debt bondage and trafficked from Mali and Burkina Faso to Ghana and Ivory Coast which produce 60 percent of the world's cocoa (Raghavan and Chatterjee 2001). Campaigners in the US, led by ILRF, pursued a legislative strategy to create legally binding requirements on chocolate manufacturers and cocoa buyers to address the problem.²⁸ Extensive lobbying by the industry resulted in the bill finally approved—the HEP—being

stripped of any mandatory requirements. The companies and governments that signed the HEP agreed that by July 1, 2005, “cocoa beans and their derivative products would be certified to have been grown and/or processed without any of the worst forms of child labor” (CMA 2001, 3). These goals were never met. Twenty years after the HEP was signed, the reduction of child labor in cocoa had been minimal (NORC 2020). Advocates are now working on new tactics to secure legally binding avenues to remedy for victims through proposals for human rights due diligence laws that advocates hope will “carry legal consequences” (Voice Network 2019, 4). Notably, the HEP language did not address forced labor directly, which would have had potentially more significant repercussions for cocoa traders.



Clockwise from top left: Soubre, Ivory Coast: the road to market – in good weather; meeting with village chiefs; women participating in a Mars Inc.–sponsored program for cultivating vegetable gardens as a means for supplemental income; village children in front of their school; elementary school classroom.

Credit: Judy Gearhart

A split early on among CSOs made it difficult to challenge the industry and define clear lines of accountability. The ILRF refused to support the HEP because it was voluntary in nature and failed to define the duties and legal avenues to hold corporations accountable. Other CSOs signed the HEP as witness signatories, to which only governments and companies were principal signatories.²⁹ Another challenge the early campaigners faced was the struggle to find strong national organizers as counterparts.³⁰ Although ILRF was able to find intrepid journalists who helped locate child victims of trafficking willing to go on record, many national CSOs were afraid to openly challenge flawed government policies and programs. Those who did faced threats.

The Voice Network, which started in 2007 as a project of the Tropical Commodities Coalition and became independent in 2010, sought to build a broad coalition including campaigners, organizers, and engagers. The group started early working to establish ongoing dialogue with national organizers in Ghana and Ivory Coast. Rather than focus on legal strategies, the Voice Network has sought to build expertise among CSOs and engage industry and government directly in the solutions (Voice 2019). Voice Network members have occasionally targeted companies, but their approach is very different from the rapid response network created by the CCC, which has addressed specific cases of wage theft or the defense of organizers under threat. Voice has instead sought to build a body of technical analysis on farmer incomes, supply chain dynamics, and environmental issues to inform an industry reform agenda. National coalitions of cocoa farmers laud the Voice Network for focusing more attention on farmer incomes but note that there has been no tangible impact yet from those campaigns.³¹

4.2.1 First generation: The divergence between collaboration and litigation

Once the HEP was signed, the US government took an early lead on trying to address child labor in cocoa among donor governments. The development-focused NGOs in the US worked primarily on the programs to implement the HEP. Because forced labor was not part of the HEP mandate, they did not focus on the issue. They mainly engaged on programs to build schools, improve education programs, or support chocolate company initiatives. These groups generally did not face the political threats experienced by government critics, including many human rights and environmental justice organizations.³² As part of the HEP, the ICI was established in 2002 with a board of industry members and CSOs, but company support for ICI programs was for many years voluntary and sporadic and has only recently become more consistent. The HEP deadlines were revised in 2005 and 2008, and in 2010 a Joint Framework of Action was adopted that committed the principal signatories to reduce by 2020 “the worst forms of child labor as defined by ILO Convention 182 in the cocoa sectors of Côte d’Ivoire and Ghana will be reduced by 70 percent.” The Framework of Action also established the Child Labor Cocoa Coordinating Group (CLCCG) as the governing body, but its core members only included the principal signatories from government and industry; no NGOs or farmer organizations were included.

The campaigners and rights advocates continued to seek avenues to hold the MNCs accountable through a combination of corporate campaigns and strategic litigation intent on defining corporations’ legal accountability. Even among these groups, however, there is not always alignment. The consumer campaigns have broadened from the initial focus on forced child labor to add farmer incomes and environmental demands as coalitions have grown. Green America, Mighty Earth, and other NGOs publish an annual chocolate scorecard that evaluates corporations’ (voluntary) commitments (Be Slavery Free 2023). Litigation strategies, led by International Rights Advocates (IRAdvocates) and Corporate Accountability Lab (CAL), have established strong partnerships with independent, national human rights groups. This has enabled them to document violations and file numerous petitions that document the continued use of forced and child labor in the sector.

In 2006, frustrated when the HEP target dates were renegotiated, advocates in the US sought to address the core flaws of the agreement, mainly the lack of clearly defined corporate duties. ILRF, under the leadership of Terry Collingsworth (who now leads IRAdvocates), sued Nestlé and Cargill on behalf of six boys who had been trafficked from Mali and

held on cocoa farms in Ivory Coast until they could escape.³³ The legal strategy sought to leverage the US Alien Tort Statute (ATS) from 1789. The US Supreme Court's decision shutting down this case reveals some risks that may come with embedding MNCs too deeply in government development programming, at least in the US context.

After 16 years of ups and downs, the Supreme Court issued an opinion authored by Justice Clarence Thomas in 2021 that decided the ATS only extends extraterritorially if the “focus” of the claim was within the territory of the United States (US Supreme Court 2021). As Terry Collingsworth described it, “This ruling was a further extension of the Supreme Court’s restrictions on the ATS to protect corporations from human rights accountability. It is a stark example of the conservative Supreme Court’s violating their own rules of textual interpretation and imposing an invented standard of extraterritorial jurisdiction on the original text of the ATS.” Justice Thomas also argued for limiting the ATS to his view of the statute’s original cause of action, which is defined in the statute as “violation of safe conducts, infringement of the rights of ambassadors, and piracy” (US Supreme Court 2021, 9).

Although no other justice was prepared to be as restrictive, the majority opinion cites the HEP as part of the argument against extending the ATS cause of action, citing foreign policy concerns presumably beyond its jurisdiction. It notes:

This suit illustrates the point, for the allegations here implicate a partnership (the Harkin-Engel Protocol and subsequent agreements) between the Department of Labor, petitioners, and the Government of Ivory Coast. Under that partnership, petitioners provide material resources and training to cocoa farmers in Ivory Coast—the same kinds of activity that respondents contend make petitioners liable for violations of international law. Companies or individuals may be less likely to engage in intergovernmental efforts if they fear those activities will subject them to private suits (US Supreme Court 2021, 9).

The Supreme Court’s deference to US development programming creates a double bind for corporate accountability advocates. It implies that when government-led development programming is engaged in solving labor rights abuses together with corporations, it will be more difficult to hold the corporations liable for continued violations. This is a potentially dangerous conclusion if it were to be applied beyond an analysis of the ATS. If corporate engagement in charity projects can be used as a shield against accountability, it undermines incentives for corporations’ taking up more effective prevention policies and waters down the definition of corporate duties vis-à-vis rights holders impacted by their operations.

The HEP established the ICI to coordinate interventions in the sector, but because company commitments were voluntary, the industry tended to pick and choose which initiatives to support or replicate on their own. For many years corporations ran their own programs and reported what they thought looked good. Under the CLCCG, companies and governments were required to publicly report on their work to prevent child labor in cocoa supply chains. However, a review of what companies reported to the CLCCG highlights how inefficient and ineffective company efforts in delivering social programs and mitigating human rights risks can be.

The company programs reported to the CLCCG are lessons on what to avoid with future due diligence laws that may require corporate reporting. Without binding pathways to remedy for victims, however, the reporting could become little more than a self-congratulatory exercise. An anything goes approach should be avoided. In 2012, for example, Hershey representatives were very excited to report on their Cocoa Link initiative: US\$600,000 to set up a program to message farmers on their cell phones. Separately, they announced a video link program where they put a flat screen TV in a rural African school so that children in the Milton Hershey School³⁴ could connect directly with school children in Ghana (Hershey Trading n.d.). That same year, Barry Callebaut’s report was on a three-year, US\$300,000 project to build two primary schools and assist in curriculum development in rural Ivory Coast with classroom space for 300 students (CLCCG 2013, 82). The annual half-day public session of the CLCCG generally left too little time to question the high cost of building a rural school (usually simple, cinder block structures) or the value of the company’s

contribution to the national curriculum. If the government questioned the company intervention, it only occurred during closed-door meetings. The Ivorian government, under the leadership of First Lady Madame Ouattara, later demanded all company projects be approved by them so that they could coordinate the disparate initiatives.

The CLCCG encouraged companies and national governments to engage CSOs more actively, but effective stakeholder engagement is incredibly difficult, especially in extremely poor communities where independent CSOs face death threats for challenging industry and government power holders. Finding strong civil society partners who were representative of cocoa farmers made it difficult in the early years for US campaign NGOs to challenge industry reports from the field. This was especially true as government representatives counted service providers, such as the local groups subcontracted to help build schools and provide training, as robust stakeholder engagement.

Although the US Department of Labor (DOL) has reported the use of forced labor in cocoa production in Ivory Coast, the issue has not been discussed during the public sessions of the CLCCG due to limits in the HEP mandate.³⁵ Meanwhile, advocates continue to identify migrant children and document evidence of forced labor and human trafficking in the sector. CAL and IRAdvocates filed a petition under the US Tariff Act to the CBP to ban imports of cocoa from Ivory Coast unless credible evidence could show it had not been produced in whole or in part with forced child labor (López 2020). The complaint has languished for three years with no updates on CBP's investigation, even though the plaintiffs have presented new evidence of forced child labor in the sector in 2019, 2021, and 2022. It is unclear what has delayed CBP's taking action on the complaint, but some advocates begin to suspect political pressure, particularly given Ivory Coast's high level of dependence on its cocoa export income, and the fact that the majority of their cocoa goes to the US. A countrywide WRO against Ivorian cocoa could be economically devastating, but the complaint suggests a time-bound warning be issued requiring companies to address the forced labor risks in their supply chain to avoid having their goods held at port.

The result of the HEP framework, initially heralded as a significant agreement, created an industry-government collaboration with a narrowly defined mandate. The effect limited meaningful participation of independent CSOs (other than service providers) and sidelined conversations about broader causal factors such as farmer poverty or company complicity in criminal activity such as human trafficking and forced labor. And with regard to the priority issue of ending child labor, the voluntary nature of the HEP took an incremental approach to problem solving, resulting in a lack of accountability. In 2020, when the DOL released the third report it had funded to assess progress on reducing child labor in the cocoa sector (NORC 2020), former senator Tom Harkin joined a virtual briefing to the House Committee on Foreign Affairs on the impact of the HEP, noting, "Protocols must have enforceable parts with economic and trade penalties and any shortcomings should be rectified and attended to by the cocoa chain" (US House Foreign Affairs Committee 2020).

4.2.2 Second generation: Coalition building

In 2010 the Dutch Tropical Commodities Coalition convened a meeting with other European NGOs working on cocoa farmer issues. This was the start of the Voice Network, which now has 26 members in eight countries, including Japan, Australia, the US, Europe, Ghana, and Ivory Coast. Much smaller than the CCC Network described above, Voice is focused primarily on two cocoa-producing countries that significantly dominate the industry. As noted, members include a range of campaigners, organizers, and engagers. Voice acts as a communications and strategy hub but does not coordinate all of its members' activities.

The Voice Network engaged development practitioners directly, questioning the technical programming of certifiers and companies alike, tapping the expertise of member NGOs like the Germany-based Südwind Institut.³⁶ Antonie Fountain, who had been representing Stop the Traffick in the coalition, became the full-time coordinator and

began building a coalition, starting with industry-critical NGOs in the global North and convening consultations with NGOs in Ivory Coast and Ghana. Voice started with only European members and then added other consumer country NGO members from the US, Japan, and Australia. They initially did not include national CSOs, due to concerns that campaigning could put national CSOs at risk. In 2020 Voice members voted to allow national, producer-country organizations to join as full voting members. Since then, five have joined, two of which are national chapters of international NGOs in Ghana and three nationally founded Ghanaian or Ivorian NGOs.³⁷ Among the Ghanaian, Ivorian, and European NGOs interviewed, all credit Voice with deepening the conversation and facilitating more connections with CSOs in West Africa.

The Voice Network's main coordinating vehicle started with the Cocoa Barometer, which Voice members research extensively, vet widely with allies, and release roughly every two years. Through consultations with national CSOs and collaborative research, the Cocoa Barometer has kept pace with the field-level development analysis and steadily challenged the industry moving beyond child labor to raise causal factors such as farmer incomes, corruption, and deforestation. They were especially impactful in raising the issue of farmer incomes on both a moral and technical level, which they have done in multiple issues of the Cocoa Barometer.

The issue of farmer incomes got a boost in 2017, when the President of the African Development Bank, Akinwumi Adesina, stated the obvious irony in referring to West African cocoa production: "I've never seen a situation anywhere in the world where anyone who produces 75 percent of a commodity is just a price taker. This must change and it's about how smart you interface the global market" (Kpodo 2017). Soon after, the governments of Ivory Coast and Ghana signed an agreement of cooperation and later developed a plan to require cocoa buyers to pay a living income differential (LID), a premium intended to address price volatility and farmer poverty. Voice members advocated for companies to commit to the LID in 2019 and 2020, parallel to securing the same corporations' public support for an EU due diligence law (Voice Network 2019). Despite these commitments, however, companies were later found in 2020 to have been skirting the price by purchasing cocoa on the futures market (Aboa 2020). In fall 2022, researchers from CAL interviewed cocoa farmers in Ivory Coast and Ghana, and only a few farmers in Ghana had heard about the LID, but none were aware of having received the added payment.³⁸ A recent Oxfam survey of four hundred cocoa farmers found similar results (Oxfam 2023).

4.2.3 Getting a seat at the table for national organizers

Speaking with Andrews Addoquaye "Andy" Tagoe, the Deputy General Secretary of the General Agricultural Workers' Union (GAWU) of Ghana's Trades Union Congress, he expressed some regret that the LID had not been fully implemented. However, he was hopeful because they were finally getting a seat at the table in the cocoa debates. Andy has represented GAWU at the CLCCG meetings and joined the board of the ICI. GAWU has been able to demonstrate that their approach to building community support through the promotion of integrated area-based approaches toward child labor free zones is effective. They have received funding from the ILO, the Global March, Hivos, and both European and global union federations to expand this work. He notes that what has been missing in previous projects has been an emphasis on process. From the community perspective, it is not about getting child labor to an absolute zero, but about strengthening community systems to respond by identifying and helping those children to integrate into school and the community. He notes it can take one to three years to do that and there may still be children working, but there needs to be an ongoing engagement at the community level to stop child labor while also improving prevention mechanisms and bridging the representational gap by organizing farmers into unions.

Andy notes that the numbers can be misleading and too much time is spent on trying to pin them down. Noting that one study says one in five children labor in the cocoa sector and another says one in two, he observes, "When you come and it is numbers that you want to get and then you put a system in place to count the numbers, the

numbers are there, you easily get them but ask whether it relates to the solution of the problem.”³⁹ Andy is more interested in getting to work at the community level. GAWU is working within the villages with the chiefs, traditional and religious authorities and other power structures, and including the voice of children themselves, trying to take a holistic approach. He acknowledges that poverty is not the only cause of child labor, but he argues, “One, children work to subsidize family incomes so that they themselves can live well. Two, because of the poverty, the parent is not able to pay for adult labor.”⁴⁰

Andy’s main critique of all the work on the cocoa sector centers on participation and the need to bridge the representational gap. He observed, “There’s a big representational gap. . . . The average producer is becoming a negotiation tool like a commodity that he himself needs to be discussed. Meanwhile, these are key players within the value chain,”⁴¹ He emphasized that for GAWU, it is not only about the cocoa farmers. Their goal is that “every sector of agriculture will be covered from crops, to animals, to community-based producers, to peasant farmers, that everybody will see GAWU as a family of agriculture workers.”⁴² This is in keeping with what he calls their area-based approach. Rather than present project reports to stakeholders for questions, they build up programs from the community needs, seeking to work with existing leadership structures such as Ghana’s powerful village chiefs, whose buy-in is important (Boamah 2014). This also lines up with the way GAWU is thinking about their union brothers and sisters in Ivory Coast, with whom they have developed proposals to collaborate on farmer organizing. For GAWU, he emphasizes, it is important to work with the farmers and their community and on all the fundamental rights of the ILO—for farmers to organize and represent themselves.

When asked about GAWU’s collaboration with international partners, Andy said he values the work of the international trade unions; the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers’ Associations; and the Voice Network. He notes the international allies help them to look at the bigger picture and avoid what he calls the ostrich effect, which is when work in the field consumes them completely. Ultimately, Andy looks forward to building a West African cocoa farmer union against child and forced labor.

Andy acknowledges the Voice Network’s efforts, as well as those of the Global March, to engage national CSOs more actively in developing the network’s advocacy strategies was an important turning point for social justice campaigns in the cocoa sector. These consultations came just as industry actors in Europe were beginning to organize sustainable cocoa initiatives such as the German and Dutch Initiatives for Sustainable Cocoa. As the industry coalitions formed, Voice Network members were concerned that national CSOs were not being adequately engaged for three reasons: “1) a lack of access to information; 2) a lack of networks and exchange between national NGOs and producer organizations in both countries and therefore no coordinated advocacy or clear representation of farmers; and 3) a lack of consciousness among stakeholders from government and industry on the need to include civil society and producer representatives in their discussions.”⁴³

In response to more active consultations by EU NGOs, the Ivorian and Ghanaian NGOs formed advocacy platforms, bringing together environmental and social justice NGOs as well as producer organizations and one trade union, GAWU. The Ghana Civil Society Cocoa Platform and the Ivorian Platform for Sustainable Cocoa have enabled a greater exchange of advocacy strategies that bridge environmental and human rights issues and are more responsive to cocoa farmers. The regular exchanges with EU NGOs have helped open doors and improve national CSOs’ understanding of the cocoa industry dynamics affecting their efforts, helping them avoid what Andy Tagoe calls the ostrich effect.

Voice Network member organizations, FERN and INKOTA,⁴⁴ organize monthly calls with national CSOs in Ghana and Ivory Coast to exchange information about EU advocacy and learn about national CSOs’ work. The national advocacy platforms have helped connect more organizations to the EU’s consultation process on a proposed HREDD law and the recently passed ban on deforestation-linked goods (Neslen 2023). Two NGOs—SEND in Ghana and INADES in Ivory Coast—currently facilitate the CSO platform members’ development of advocacy strategies. The INKOTA team

was clear that the consultations needed to ensure that CSOs had the support needed to participate in the consultation in a meaningful way and that they helped open doors and connect the initiatives to funding sources to support the process. The international coalition members have helped the national CSOs connect to international perspectives and debates, and even a year after the EU issued its report on the consultations, the groups continue to convene monthly coordination calls.

Notably, neither SEND nor INADES has been focused on child labor in cocoa, but more so on farmer participation, capacity-building programs, and improving farmer incomes and well-being.

- SEND-Ghana is part of SEND West Africa, which also covers Liberia and Sierra Leone. It is a human rights organization with deep experience coordinating advocacy work on policies such as those designed to advance the Sustainable Development Goals (SDGs). Sandra Sarkwa, who was the SEND-Ghana representative coordinating the NGO consultation platform in 2021, emphasized the group's work on economic and social rights, noting that SEND works in collaboration with the government of Ghana to make sure that no one is being left behind as they try to achieve the UN's SDGs. At first SEND was not focused on cocoa, but it had experience working in advocacy and coalition building on the SDGs, which helped it to coordinate CSOs on cocoa where there had previously been very little collective advocacy.
- INADES-Formation—the African Institute for Economic and Social Development—has played a similar convening role in Ivory Coast. Like SEND, it is part of a broader network; INADES has national offices in ten African countries. INADES is working with 35 professional agricultural organizations and representing Ivory Coast's more than forty thousand small cocoa producers. Through its coordination of the NGO platform and consultations with the European Union, both SEND and INADES have worked more closely with environmental organizations. A recent statement by the Ivorian NGOs, signed by INADES on behalf of the platform and the working group on transparency in the cocoa sector that is led by IDEF (the Initiative for Community Development and Forest Conservation), calls for the Ivorian government to implement a series of sustainability measures in the cocoa sector, citing several of the processes and recommendations put in place through the EU consultations (Zei and Traore 2022).

It is significant that neither GAWU, SEND, nor INADES has a narrow focus on child labor or even on cocoa specifically. They bring expertise from their community-level work that they are now beginning to integrate into cocoa advocacy. They emphasize the importance of increasing farmers' incomes and ability to participate.

4.2.4 Assessing new pathways to change: HREDD laws and forced labor import bans

Currently, two of the new change pathways are being tested in the cocoa sector of Ivory Coast and Ghana: the HREDD laws and forced labor import bans. The Voice Network continues to support national organizers' coalition building and advocacy, extending the process initiated during the EU consultations on HREDD laws. If the HREDD process can foster a power shift that enables critical voices to be heard in Ivory Coast and Ghana, that could be positive. The Voice Network is working to secure MNC support for HREDD laws and advocating for the HREDD laws to take a holistic approach to addressing farmer vulnerabilities, including that they "include provisions for farmers' living income and requirements that companies review their purchasing practices."⁴⁵ Yet HREDD laws need to include a legally binding pathway to holding corporations accountable and securing remedy for victims if they are to succeed in ways that the HEP and CLCCG did not.

CAL and IRAdvocates are meanwhile still waiting to hear from CBP about the Tariff Act petition initiated in 2019 for a countrywide WRO, referenced above, which would require all importers of Ivorian cocoa to prove it was not produced with forced labor. US government analysts argue the Tariff Act can be a strong incentive for buyers to conduct effective due diligence and for importers to ensure their goods are not made with forced labor, but the inactivity contradicts that theory. It is unclear to what extent the Supreme Court deference to the relationships built under the HEP is also a factor in CBP's seemingly stalled investigatory process.

In several ways the European consultation process has been able to expand beyond the US-led CLCCG process. The CLCCG focused on public-private partnerships where the principal signatories invited CSOs in to learn about company and government initiatives. The CSOs with the most resources to engage in these partnerships were more focused on securing and implementing large service-oriented grant agreements than challenging the company and government actors involved. The EU consultations took a more open-ended approach, modeling some of the ways an HREDD process could engender more participatory programming. The EU consultations conducted broader stakeholder consultations on a wider range of topics beyond child labor, allowing them to follow the more holistic approach Andy Tagoe advocates. These consultations also benefited from several years of work by Voice Network members and national CSOs, which had begun to form advocacy platforms several years prior. SEND-Ghana and INADES-Formation in Ivory Coast have facilitated the CSO discussions and consultations, which have continued even after the EU released its report on June 28, 2022. The question remains, however, as to how these consultations will connect directly with MNCs' risk mitigation efforts, especially if the resulting EU's forthcoming due diligence directive accepts (as they likely will) voluntary social auditing as a stand in for HREDD (Vogt et al. 2022).

Although the HEP mandate limited the extent to which the CLCCG engaged actively with stakeholders, the EU process took up a broader scope. The German government and later the EU provided funding and technical support for national coalition-building and advocacy platforms and the fact that the EU-supported campaigners and organizers lent credibility to the importance of seeking out CSO demands. Yet even if the US expands its stakeholder engagement approach, the issue of forced labor continues to be marginalized due to its exclusion from the HEP.

If forced labor is found, US chocolate companies could see their shipments held at port, carrying with it a heavy impact on the country's priority export income stream. Although proposals are under review, the EU does not yet have a forced labor import ban to parallel the US Tariff Act. The idea that such a threat exists should be a powerful incentive for companies to conduct more effective HREDD and—in the attempt to address the human rights risks—invest in more effective social programs and better prices for cocoa farmers. Yet the Ivorian government has made clear in meetings with congressional representatives that a countrywide WRO would be devastating to them. In effect, the Ivorian government's lobbying is buying time for the chocolate traders even as they undercut the government's efforts to establish the price floor.

The hope is that human rights due diligence done well enables greater CSO participation and influence and thus more effective community-driven solutions. If the HREDD laws do not hold companies to a binding grievance process for victims, however, the past twenty years indicate that company investments in those solutions are likely to remain partial, sporadic, and largely ineffective.

4.3 The Seafood Working Group: Trade leverage and cross-issue organizing

Corporate campaigns are woven throughout the SWG's work, helped along by publications such as ILRF's exposé of child labor in a shrimp processing facility supplying Walmart (ILRF and WWU 2013) and a *Guardian* article naming several well-known retailers (Hodal, Kelly, and Lawrence 2014), but its advocacy strategies have more often leveraged trade policy. Two factors explain why. The first has to do with the nature of the industry, which includes a largely migrant workforce, constantly moving workplaces that make traceability difficult, the extractive nature of the industry (which threatens national fishery resources), and the critical role governments play in flagging (registering the flags of) vessels and policing them when they arrive at port. Thus change requires more government action, often involving multiple governments, than is involved in regulating factories or farms. Second, the coalition was launched with Thailand-based worker organizers that were advocating for legal reforms to protect the rights of migrant workers (and Thai workers) to organize and bargain collectively and access basic rights such as health care and other legal protections. It made sense to demand that global North importing countries pressure exporting-country governments like Thailand's to make reforms. The experience described below, however, shows traditional trade policy mechanisms have been unable to prevent backsliding on national reforms, requiring advocates to use new advocacy strategies, particularly forced-labor import bans to target specific vessels and associated buyers. Parallel to legal strategies, the SWG also continues to advance new organizing opportunities for migrant fishers through ongoing outreach to fisher groups and strategies to enable fisher connectivity. Potentially, as trade policy pressures rise, buyers will be incentivized to negotiate EBAs and migrant fisher organizations will be better connected and able to engage in or lead EBA negotiations.

4.3.1 Building a North-South alliance

The SWG was originally formed by ILRF in 2013 during a meeting convened after two worker organizations from Thailand, the Burmese-led MWRN and SERC, received the annual Labor Rights Defenders Award. Work on fisher issues in Thailand was becoming an increasingly crowded space, with a growing number of environmental organizations and anti-human trafficking groups setting up or expanding programs. The Thai fleet was among the world's largest producers and most of the fishers were migrants, often at risk of abuse (EJF 2013). During the meeting, participants discussed the need for a solidarity network to support worker organizing in the fishing sector and in other low-wage industries in Thailand where the majority migrant workforce has no right to form their own unions (Rogovin 2020). Adding to the need for transnational leverage was, and still is, the extensive use of libel lawsuits, or strategic lawsuits against public participation, being filed by Thai employers such as Thammakaset Company Limited and Natural Fruit against migrant rights advocates, such as MWRN's adviser Andy Hall, and Thai journalists (Finnwatch 2018). The Thai SWG launched with the goal of building a transnational coalition to support national advocacy to legally enable migrant fishers' rights to organize and secure access to remedy.

Coalitions in the seafood sector have been ongoing for decades, primarily organized by environmental NGOs like Greenpeace, Conservation International, and Oceana, many of which have national offices around the world. Their campaigns to stop illegal, unreported, and unregulated (IUU) fishing are backed by science connecting overfishing to species extinction, climate change, and the health of the world's oceans—important missions given that oceans absorb more than half of Earth's carbon dioxide. The SWG built on that work and connected it to national organizing among seafood industry workers in Thailand. The coalition grew quickly as environmental organizations found common cause in the strong correlation between IUU and forced labor. As vessel owners had to go further out to sea due to overfishing practices, they sought to cut labor costs.

In June 2014 a story in the *Guardian* drew international attention to the issue of forced labor at sea, implicating the top four global supermarkets: Walmart, Costco, Carrefour, and Tesco (Hodal et al. 2014). What helped sustain media attention to the issue were two in-depth series of articles (Mendoza 2015; Mendoza et al. 2016; Urbina 2015) and trade pressures on Thailand brought forward by the US and EU, often at the urging of SWG members. Prior to the *Guardian* story, the UN and NGOs working with partners in Thailand had published multiple reports on forced labor, murder, and other egregious abuses of migrant workers in Thailand and its seafood sector (UNIAP 2009; HRW 2010; EJP 2013; ILRF and WWU 2013). The *Guardian* had run a couple articles in 2013 (EJP 2013) and calls for an import ban (Grant 2013), but the 2014 article's focus on the complicity of MNCs combined with some MNCs' attempts to downplay the gravity of the situation fueled outrage (Hodal et al. 2014). Furthermore, the year-long series in the Associated Press, which won a Pulitzer Prize, and the series in the *New York Times*, which helped launch the Outlaw Ocean Project, further sustained attention so that subsequent policy actions were also picked up in the media.

The story often left untold was the national-level organizing that preceded the mainstream news articles—this was the real driver behind the formation of the SWG and made the policy advocacy possible. There were several initiatives to support migrant workers in various Thai industries, much of it funded by the Solidarity Center and the global trade union movement, including MWRN's organizing in shrimp peeling facilities. The national trade unions led by Sawit Kaewwan, then the General Secretary of SERC, sponsored the formation of MWRN in 2005. MWRN's early leaders, Aung Kyaw and Sein Htay, both had organizing experience before migrating from Myanmar. Aung Kyaw, for example, had started organizing fellow Burmese workers in a shrimp peeling facility prior to joining MWRN as a full-time organizer (Gearhart 2022b). SERC had also filed a case at the ILO in 2009 against the Royal Thai Government for failing to uphold migrant workers' rights—not about forced labor, but about migrant workers' rights to access health care (AHRC 2009). This was fundamental base-building work, not as headline grabbing as the forced labor issues that have since come to dominate seafood campaigns.

The SWG has sought to maintain the balance between direct support for local advocacy and advancing system change at the global level. It has done this by organizing and promoting both Northern-facing and Southern-led collective actions. These actions have ranged from Northern-facing advocacy for trade pressure on Thailand's human trafficking prevention policies to rallying support for Southern-initiated campaigns, such as the Taiwan-based fishers' demands for WiFi at sea. To support these efforts, GLJ-ILRF has published reports focused on national legal reforms such as the need to protect migrant workers' rights to organize in Thailand (Rogovin 2020) and on local challenges and advocacy goals in Taiwan (Chiang and Chen 2023). Like the CCC Network, the SWG does not talk about capacity building among global South members. Instead, it builds advocacy to support national organizers' goals, drawing on organizers' insights to develop annual country submissions to the US *Trafficking in Persons* report, which ranks countries' efforts in combating human trafficking each year. The Thai case discussed below provides a good view into the bridging of national advocacy with global policy advocacy and the challenge of leveraging trade policy pressure.

4.3.2 SERC, MWRN, and the struggle for fishers' rights to organize and access remedy

Although the SWG was launched during a meeting with MWRN and SERC and has sought to build its work from national organizers' priorities, the most publicly active members of the SWG have tended to be international CSOs. This is partially due to their ability to cover multiple countries and to leverage transnational advocacy strategies. Yet the vision of building solidarity and worker power originally inspired by MWRN and SERC remains central to the SWG. The influence of global South groups was again evidenced by the 2023 launch of their Wi-Fi Now for Fishers' Rights at Sea campaign, developed with leadership from Indonesian migrant fishers and Taiwanese CSOs (Chiang and Chen 2023).



Clockwise from top left: Thai and migrant workers rally in front of the Thai Ministry of Labor to demand labor law reform and respect for ILO Convention 87 on Freedom of Association and Protection of the Right to Organize; workers rally to protest charges against Sawit Kaewwan and 12 other Thai trade union leaders from the State Railway Workers Union of Thailand; organizers meet at the Migrant Worker Rights Network center in Thailand with MWRN leaders Sein Htay (back left) and Aung Kyaw (back right); fishers unload the catch at port; migrant fishers are interviewed at the Port In, Port Out station upon return to port in Songkhla, Thailand.

Credit: ILRF

Under Sawit Kaewwan's leadership as the general secretary of SERC, the union built solidarity with migrant workers. Overtime the country's largest union confederation—the majority of them Thai nationals, mostly public sector workers who were at first reticent—came to support migrant workers. It is difficult enough for Thai nationals to organize a union; less than 1 percent of the workforce is unionized. For migrant workers, however, it is not even legal to directly organize and lead a union. Technically, migrant workers can join a union, but in many of Thailand's low-wage sectors the managers are Thai and the vast majority of the workforce is made up of migrant workers, thus making such opportunities exceedingly rare. Prior to and especially following the case SERC brought to the ILO on behalf of a migrant worker in 2009, Kaewwan began to advocate for a new approach to protecting migrant workers (Gearhart 2022). He began collaborating with Andy Hall, a UK national living and working with MWRN in Thailand. They discussed

how to prevent forced labor and other abuses. Kaewwan noted during a podcast interview that “there will be no way for us to solve every single problem of migrant workers here in Thailand. The only way we can do it, we need to help them to speak up about the problem. We need to have them form their own organization, representing themselves.”

Beginning in 2005, Kaewwan and SERC leaders began to provide administrative and political support to help form several organizations dedicated to helping migrant workers organize and seek justice. Today, SERC’s nine regional offices around the country have mobilized to support migrant workers locally, and SERC’s lobbying for labor law reforms includes advocacy for migrant workers’ rights to organize and lead trade unions. SERC has offered to coordinate with the Thai government’s enforcement efforts to improve information flows so they can mobilize their networks to better support fishers at risk. Unfortunately, tensions have remained high between SERC and the Thai government. Several analysts have noted that SERC’s various challenges to the government, including their international advocacy for migrant workers, contributed to a ten-year-long legal case against union leaders associated with SERC (Gearhart 2021).⁴⁶

The MWRN was founded to support migrant workers seeking to organize. Fortunately, it found Aung Kyaw and Sein Htay, who were already organizing fellow migrants from Myanmar. Aung Kyaw came to Thailand after fleeing the 1988 coup in what was then Burma. He had been an organizer there and brought his skills with him to Thailand. Aung Kyaw recalls going every day to the offices of one of the leading anti-trafficking groups so he could read the newspaper and learn about his rights. He was working in a shrimp processing facility when he first started organizing workers to protest their wages. Soon after he joined MWRN to continue organizing. Although migrant workers cannot form or lead their own unions, MWRN encouraged migrant workers to join unions wherever they could, and in other cases to negotiate better terms directly with management. In 2014, when Thai Union sought to develop more robust strategies to prevent forced labor in its supply chain, it partnered with MWRN to educate workers and establish model contracts.⁴⁷

Migrant workers in Thailand are not in a position to directly advocate for rule change, given the legal status of many of their members. The lack of legal protections for migrant workers makes negotiating nonbinding agreements with companies like the ones MWRN has with Thai Union their next best option. These agreements do not provide optimal legal cover for organizers facing reprisals, and the precarious workforce makes it difficult to sustain the organization independently through union dues.⁴⁸ Ultimately, however, these agreements are a way of working around the current rules while better-placed actors like SERC and international members of the SWG advocate for more structural reforms.

The tension between unions and governments can make it challenging to build coalitions around migrant workers’ rights, especially when bridging work with environmental and human trafficking organizations. Although these distinct movements can come together to collaborate, there are important differences in their approaches to addressing forced labor. The Thai government, employers, and international buyers have invested mainly in port inspections and rescue programs for victims of human trafficking. Sawit Kaewwan argues those efforts are worth little if migrant workers’ rights to organize and bargain collectively continue to be repressed, leaving them dependent on charity but unable to speak out for themselves or access legal remedy without risking deportation (Gearhart 2021).

It is clear the anti-trafficking community plays an important role, and their services are important. Unions sometimes collaborate with them, and MWRN leaders got their start by accessing those services. Yet many human trafficking organizations and environmental groups have engaged with MNCs and employers without challenging the repression of organizing rights. Many environmental organizations took up social issues following the forced labor exposés and because they found a strong correlation between forced labor and their priority issue, IUU fishing. The SWG has brought together environmental and human trafficking groups and kept the focus on national organizers’ demands, helping center SWG advocacy on the power dynamics fishers face.

4.3.3 The challenge of trade policy leverage; from forced labor to organizing rights

Legal reforms in Thailand have met multiple roadblocks. In addition to the active persecution of migrant workers' strategic allies in the trade union movement, the Thai government has oscillated on the extent to which it will respond to policy reform pressure. Notably, after a 2014 coup d'état, it took the ruling Junta five years to organize a general election in 2019, which was then widely criticized when the ruling junta maintained the presidency and a majority in the parliament. The Royal Thai Government has nevertheless engaged the international community on forced labor and IUU, but the powerful fishing industry has increasingly pushed back. Despite the progressive Move Forward Party winning the most seats in Parliament in 2023, coalitions are forming that may undermine their agenda in favor of industry demands to relax rather than improve regulations and safeguards for fishers. This indicates that a stronger or more unified message is needed from buyers seeking to uphold human rights norms to their suppliers.

Tracing how different trade policy pressures have worked in Thailand provides insight into how narrowly defined mechanisms can create policy dissonance, requiring advocates to work along multiple advocacy pathways at once. Thailand has been impacted by multiple US and EU trade policies over the past decade, though these have not always been in sync with each other or echoed by buyers.

In May 2014 the SWG organized a joint letter to US Secretary of State John Kerry signed by 18 NGOs and trade unions (including SERC) pressing for Thailand to be downgraded to Tier 3, the lowest ranking in the US government's annual *Trafficking in Persons* (TIP) report. The TIP office agreed and downgraded Thailand to Tier 3, a decision published just months after an April 2015 decision by the European Commission to issue a yellow card to Thailand for problems relating to IUU fishing (Coonan 2015). Although the yellow card was issued ostensibly for IUU, reporting and advocacy by the Environmental Justice Foundation helped pressure the EU to evaluate Thailand's efforts to address the related social harms. In February 2016 the SWG, now with 27 organizations signing, sent a letter to the EU Commission pressing for the continued scrutiny required under the EU yellow card (AHRC 2016).

Although the TIP report cannot directly trigger import bans, it does serve as a warning to buyers that they could be targeted for a Tariff Act petition, which can trigger a WRO and holding goods at port or even result in a fine. The EU red card for IUU, once issued, would have stopped Thailand from importing seafood to the EU. Parallel to the pressure to increase its efforts to combat human trafficking and IUU, the Thai government also faced renewed pressure when the US Trade Representative (USTR) launched a review of workers' rights in Thailand based on a petition submitted by the AFL-CIO under the US GSP program. The petition alleged that "Thailand is not meeting the GSP program's country eligibility criteria on worker rights with respect to freedom of association, collective bargaining, acceptable conditions of work, and forced labor, including with respect to migrant workers" (AFL-CIO 2013).

As a result of the pressure, Thailand took several steps, including the establishment of port-in, port-out stations to monitor fishing crews and identify potential trafficking cases. Thailand also became the first country in Asia to ratify ILO Convention 188 on Work in Fishing (C188). The government likely hoped these changes would help to improve its ranking in the US TIP report, lift the EU's yellow card, and prevent the USTR from withdrawing trade benefits. It succeeded in the first two, but not the third.

In June 2018, the US TIP report upgraded Thailand to Tier 2 from its previous Tier 2 watch list ranking. And in January of 2019, the European Commission agreed to lift its yellow card, citing significant improvements in Thailand's efforts to address IUU and commending the country's ratification of C188:

The Commission praises the efforts demonstrated by Thailand to tackle human trafficking and to improve labour conditions in the fishing sector. While not part of the bilateral dialogue on illegal, unreported and unregulated fishing, the Commission and the European External Action Service have addressed with Thai authorities the serious human rights abuses and forced labour in the fishing industry. Thailand has recently announced the ratification of the International Labour Organisation's Convention No. 188 on Work in Fishing (C188), the first country in Asia to do so.

In October 2019, however, the US revoked one-third of Thailand's GSP trade benefits, with a particular message for the seafood sector, stating, "Additionally, due to longstanding worker rights issues in the seafood and shipping industries, GSP eligibility will be revoked for all seafood products from Thailand" (USTR 2019). The GSP suspension did not, however, secure the labor law reforms needed to protect organizing rights. Thailand also backtracked on efforts to prevent human trafficking. In 2021, it was downgraded to Tier 2 watch list in the US TIP report due to decreased fines and a complete lack of enforcement. It is not clear how impactful the ranking system is when there are no more trade benefits in the balance since key GSP benefits remain suspended today, but aid and diplomacy may play a role as well. The US continued to engage Thailand and has provided significant development aid during COVID-19, as well as support for their work with migrants fleeing the crisis in Myanmar (US Department of State 2021). Notably, the country was again upgraded in the TIP report, back to Tier 2, for having improved its enforcement actions and regulations (US Department of State 2022).

In tracking the interplay of US government decisions reflected in the TIP rankings and suspension of trade benefits under GSP, it can appear there is some policy dissonance or at least a contradiction in how these mechanisms work. Thailand was upgraded in the TIP report in 2018 and maintained its Tier 2 ranking in 2019 for continuing to improve efforts on combating human trafficking. Thailand lost its GSP benefits in 2019, however, for a failure to address workers' organizing rights. Although the deliberations at TIP and GSP are distinct processes, there is interagency collaboration. This is another example of how anti-human trafficking work can conflict with worker organizing goals; this is similar to the above-described contradiction in the way NGOs work differently in these two related but distinct sectors. The extent to which the SWG can build consensus across union organizers and anti-human trafficking groups is also important to orienting the participation of environmental organizations, as they adapt to add human rights to their agenda.

By 2019, the SWG allies recognized the need to take a regional approach to advocating for fishers' rights. Thailand had weathered the brunt of international scrutiny and trade pressure while Vietnam and India overtook Thailand, displacing it from its third-ranked position by value (after China and Norway) among the top seafood exporters (de Jong 2019). There were other reasons for the SWG to avoid singling out Thailand. Migrant fishers were facing abuse on vessels flying a Taiwanese or a Chinese flag, and Indonesia was struggling to protect the welfare of both domestic fishers and outgoing migrant fishers at sea (Mongabay, Tansa, and Environmental Reporting Collective 2021).

Conveniently, the 2015 reforms to the US Tariff Act created a new advocacy pathway for activists to target specific companies and vessels directly (as discussed in Section 3.3.3). CBP can issue a WRO to hold goods at port until the importing company can prove they were not made using forced labor, or if CBP definitively concludes the goods were made with forced labor, it can confiscate the goods and fine the company. CBP is not able to ensure remedy, but in at least one case the agency levied a steep fine against Pure Circle, an importer of the sugar substitute stevia (CBP 2022). And many credit CBP's WRO with helping get Malaysian glove manufacturers to reimburse workers for recruitment fees, as discussed above. Additionally, this advocacy pathway is gaining traction. Trade laws since the shift at CBP have expanded this approach to include mechanisms to target corporations more directly in the US–Mexico–Canada Agreement and the Uyghur Forced Labor Prevention Act. US activists are pressing for expansion of the Seafood Import Monitoring Program to include language on banning forced labor–made goods in addition to its ban on endangered fish species.

CBP's targeting of corporations is a powerful tool, which many hope will incentivize companies to conduct better supply chain due diligence and seek more effective approaches to protecting the rights of workers in their supply chain. GLJ–ILRF succeeded in demonstrating the value of EBAs in the apparel sector when Eastman Exports faced a WRO and was able to get their goods released based on their having signed the Dindigul EBA (Abdulla 2022). More recently, reporting on the abuse of Indonesian fishers on UK vessels in UK waters (McVeigh 2022) has spurred a new coalition seeking to develop an enforceable agreement based on the principles of WSR with the International Transport Workers Federation and the Fair Food Program (Holland 2022). Although no import ban was used in this case, the heightened focus on forced labor is beginning to enable fisher organizing.

The Fair Food Program has one of the most well-reported and effective grievance and remedy systems, with a proven track record through its work with the Coalition for Immokalee Workers in Florida. To the extent more fishers can communicate with trade unions through WiFi at sea and companies see the benefits to more effective fisher protections, there will be potential for more EBAs to be signed between trade unions, buyers, and vessel owners.

In sum, the SWG has sought to support organizers like MWRN, recognizing their work and engaging them in new initiatives to provide fishers' connectivity at sea (Shen and McGill 2018; Chiang and Chen 2022) while also advocating for legal reforms (Rogovin 2020). In 2022, GLJ–ILRF filed a false advertising lawsuit in the US challenging Bumble Bee Tuna's traceability claims. It has since used that process to engage the company on stronger worker protections such as fishers' demands for WiFi at sea. Corporate litigation strategies are important tools, especially as trade policy pressures often achieve only partial changes. Notably, the SWG's first campaign push leveraged trade pressure to get Thailand to ratify ILO C188, but three years later labor organizers still noted there was no clear plan for implementing the convention.⁴⁹

Although trade policy pressures have been an effective driver for sustaining attention and driving some reforms in fishing, they can also have diminishing returns when the policies do not work in sync. This is where advocacy to end forced labor risks can run counter to workers' efforts to build power. Yet the SWG, by coordinating advocacy among a range of organization types and prioritizing national organizers' demands, is lifting up worker demands for key enabling rights, such as organizing rights and connectivity. Both are essential to fishers' access to grievance and remedy.

The Thai experience shows how corporate supply chain monitoring and due diligence need to consider the full range of labor rights restrictions. Due diligence requirements too narrowly defined around forced labor may fail to address the structural roadblocks preventing workers from exercising their rights. Without adequate prevention, there is an unending effort to rescue the victims rather than a growing movement of empowered workers able to negotiate collective bargaining agreements, drive national reforms, and hold their employers and governments accountable. Corporate accountability initiatives that promote the importance of worker voice are meaningless and potentially misleading if they do not address restrictions on workers' ability to organize and connect to support networks while at sea.

5. TSCAN: Knowledge Networks, Trust, Pathways to Legal Recourse

Viewed across industries, the multilevel strategies of the TSCANs and the growing leadership of global South members within them demonstrate the importance of movement-building. Their approach relies on locally grounded solutions. Their loose network structures facilitate both South-South exchanges among organizers and pathways for national organizers to influence international policy. Their advocacy has advanced new trade policies, challenged development programming, and revealed MNCs' 'voluntary commitments' for the oxymoron that they are.

Viewed individually, each of the TSCANs profiled has advanced a particular set of lessons relevant for corporate compliance programs, future campaigners, and what constitutes effective HREDD. A brief recap of the most salient takeaways from each of the networks highlights the importance of enforceable agreements, the work required to deepen meaningful stakeholder engagement, and the need for trade policies to advance workers' rights and access to remedy.

The CCC established the need and feasibility of EBAs—an important contribution to the cross-industry drive to better regulate the human rights and environmental impacts of MNCs. Over three decades, the CCC both confronted and studied the globe-trotting apparel brands. By connecting national organizers with campaigners in each brand's home country, they produced a rich patchwork of case studies and analytic research on social auditing and factory monitoring programs in dozens of countries. Exposés of crises ranging from sexual harassment, child and forced labor, wage theft, and union repression in apparel brands' supply chains often implicated factories that had been audited or certified. This research fed directly into CCC arguments and eventual negotiations of EBAs, culminating in the binding Bangladesh Accord which demonstrated the robust impact of binding agreements with transparent reporting and a union-employer governance structure. EBAs are now multiplying as other international campaigners and national organizers are better able to negotiate agreements in other countries. The CCC experience also highlights the importance of strengthening and engaging independent trade unions. Through decades of collaboration, especially South-South exchanges, global South groups were well-prepared to sit at the bargaining table with brands and employers. The EBAs are essentially multiparty collective bargaining agreements, which lift up the important role of representative trade unions.

The Voice Network experience highlights the challenge of addressing human rights violations through development programming and the importance of effective stakeholder engagement that draws in national organizers from the start. When the HEP launched without legally binding requirements for the MNCs, it left corporate duties undefined and drove a split between the human rights campaigners and development-focused engagers. The ensuing developmental approach, with its moveable deadlines to ending child labor and lack of attention to forced labor, allowed chocolate traders and manufacturers to engage voluntarily and experiment with their own social programs for years. The Voice Network sought to bridge campaigners and engagers by deepening collaboration with national organizers and social justice advocates in Ivory Coast and Ghana, something that was not originally feasible during the early years of the cocoa campaigns. National advocacy platforms are now becoming more vocal about solutions in the sector, but the lack of funding for advocacy groups and farmer organizers remains challenging, and the results of this advocacy have yet to translate into change for farmers.

The SWG started by mobilizing international advocacy around national organizers' fight to secure remedy for workers through national policy reform. The SWG's national focus stems from it being the first TSCAN to launch with national worker organizers at the table. Drawing on lessons from the much older cocoa and apparel campaigns, which added national organizers to the membership and governance after growing their network, the SWG has started from the priorities of national organizers. This means that building the international presence of the coalition will take time. Also, calls for reforms in the seafood industry have been more diffuse, for two reasons. First, building on decades of environmental advocacy has required some cross-issue learning and consensus-building on industry demands. Second, the nature of the seafood industry with a range of powerful corporate actors (retailers, producers, vessel owners) constantly moving through different legal jurisdictions makes it critically important to address fisher protections in national laws and policy as well as internationally. The diffuse nature of the industry makes it challenging to build focused campaigns, which tend to succeed better when they home in on clearly defined duties of a limited number of actors.

Zooming out to look at the work of the CCC, the Voice Network, and the SWG altogether, there are three areas of impact common to each TSCAN: amassing industry knowledge, building networks of trust, and forging new pathways for advocacy.

- Knowledge networks: Each TSCAN has effectively amassed significant industry knowledge across various national and political contexts by combining national organizers' knowledge of worker experiences with global industry analysis of trade and market data. Pairing global and local knowledge of a specific industry over years has enabled the networks to challenge voluntary corporate social responsibility initiatives. And their analysis has proved true over time.
- Trust: The commitment to solidarity and urgent action responses along with prioritizing global South organizers' leadership has established deep levels of trust, which enable campaigns to pivot quickly to address new challenges or changing industry dynamics.
- New pathways to legal recourse: All three have balanced corporate campaigns with legal and policy advocacy to advance demands for both government and corporate accountability. Their collective advocacy was critical to opening new pathways to regulate MNCs and hold them legally accountable.

5.1 Knowledge networks to challenge corporate *and* government accountability

Each TSCAN featured has tested, critiqued, and helped reform policies and laws to protect workers' rights, establishing new pathways for corporate and government accountability. The TSCAN successfully reshaped expectations and common practices in the field of corporate accountability and created solidarity structures to provide ongoing support to national rights advocates and organizers. Years before the raft of academic studies on the flaws in voluntary codes of conduct and social auditing (Locke, Anner, Bartley, LeBaron), the CCC and Voice Network had been highlighting what needed to change. As seafood industry certification initiatives have sought to add social criteria to environmental agendas, the SWG has organized similar feedback loops and sign-on letters highlighting the flaws in top-down, voluntary approaches to enabling workers to exercise their rights (ILRF 2019).

The organizers and campaigners who make up the core membership of each of the TSCANs profiled never set out to build replicable compliance models the way certification or corporate rating initiatives have. They have never been about creating databases, but through their networks of national members and long-game strategies, they have amassed some of the most important "institutional memory" about the industry sectors they work on. They know better than most what has and has not worked in efforts to protect workers' rights. Although they have helped secure millions in wage arrears and national members provide training and legal aid in their communities, the

TSCAN organizers and campaigners are not the kind of service providers able to secure millions in development aid programming. Movement-building does not fit neatly into a project management flow chart. Yet the collective knowledge sharing and mutual respect powering the TSCANs goes well beyond even the best attempts at stakeholder engagement or participatory development planning.

The CCC Network members have played a significant role in changing apparel industry compliance models, and South-South exchanges have helped members learn from and build on each EBA negotiation. Collectively, they have secured seven binding agreements with brands, demonstrating how much more effective enforceable, multiparty agreements are with national worker organizations at the table. These agreements have more potential to demonstrate brands' commitment to workers' rights than dozens of auditors touring the factory each year, particularly because they require greater transparency and ensure grievance redress. Moreover, the EBAs, or campaigns for WSR, are helping worker organizers in other industries define more robust demands in their engagement with MNCs. For example, there are now a growing number of webinars and articles on the need for EBAs or WSR agreements in the seafood industry (Shen and McGill 2018; Sparks et al. 2022). More recently, the International Transport Federation began working with the Coalition for Immokalee Workers and FFP, who have negotiated multiparty or WSR agreements in the food sector, to explore how to organize and negotiate similar agreements in the UK seafood industry.

The Voice Network started in 2010 with early critiques of certification initiatives in cocoa, but later found it needed to build a bigger coalition to break into the corporate-government alliances in the sector. It expanded to include national organizers because it recognized the need to build its farm-level expertise and broaden alliances around the need to address farmer poverty. Voice Network has also expanded its industry demands to call out environmental concerns and government corruption. Both international and national participants in the Voice Network report learning from the diverse Network members. Pauline Zei from INADES-Formation in Ivory Coast, for example, has worked for decades with small farmers on environmental health issues, but has only recently through their work with Voice Network members come to work with other national CSOs focused on forest preservation. As a result of its expanded agenda and membership, the Voice Network now has opportunities to work with the government and industry to advance two of its main, high-level demands: for national CSOs to have a seat at the table and for government policies that address farmer incomes.

5.2 Building trust: strengthening national organizers

A common element of each of the TSCANs profiled is the way they build trust and establish the credibility of the transnational campaigns with national worker organizers. Each one has sought to ground their strategies in the goal of building local organizations' power and changing the rules of the game to make that possible. This focus on challenging power and movement building is distinct from the goals of supply chain monitoring and compliance initiatives, which are designed to address and prevent the rights violations in global supply chains rather than address the power dynamics driving those violations.

The national organizers interviewed all value the support and engagement of the transnational supply chain campaigns. They all voiced a commitment to and appreciation for international solidarity. Andy Tagoe in Ghana noted how working with the Voice Network and their international trade union allies helps them to bridge the gap between field work and policy advocacy and to analyze broader industry dynamics. Akter also noted that when it comes to immediate demands such as worker compensation, they have had more traction influencing global corporations than their own government. The international engagement does not, however, diminish their national advocacy for legal and policy reforms, despite the limited space for advancing reforms and the risks associated with openly challenging the government. Three of the interviewees have faced criminal charges, which were clearly political in nature, based on unsubstantiated charges and used as a tactic to restrict their freedoms and intimidate other worker organizers. They all have taken risks to do their advocacy work nationally, and the international solidarity support to organizers under threat has deepened their trust over time.

The international campaigners have in turn come to trust the national organizations, particularly because they are building a base and organizing workers, to play a critical role in monitoring the implementation of both government and corporate policy reforms. International advocacy, whether through trade pressure, corporate campaigns, or traditional human rights advocacy, can only initiate reforms. Implementation needs to be secured locally. Neither government nor industry reforms can be fully implemented unless there are organizations on the ground monitoring, leveraging, and enabling workers to benefit from those reforms.

One of the most significant impacts of the TSCAN is in the way the networks have reshaped North-South solidarity and mutual support. Originally, Northern groups sought to improve the international policies in trade, aid, and corporate accountability so they would have more tools to pressure Northern governments to press for change in the South. As a collaboration between international campaigners and national organizers deepened, however, the more they worked directly on national legal reforms and enforcement, responding to the priorities of national worker organizers. For example, CCC and Voice members have pressured apparel brands and chocolate manufacturers, respectively, to publicly support national laws that would increase workers' or farmers' incomes. Meanwhile, national organizers have begun advocating for global North countries to pass stronger HREDD regulations to mitigate the negative impact of MNCs in their country and ensure victims have access to effective legal remedy.

The concept of solidarity has deep roots in global social movements, particularly among labor organizers. When national organizers Sawit Kaewwan, Tola Moeun, and Kalpona Akter faced criminal charges, they valued every expression of solidarity and the direct actions taken by allies to defend them. These cases required their allies to shift priorities and switch into crisis mode; this is the kind of solidarity that builds trust because their allies are both responsive and actively embrace their priorities. These relationships are significantly different from what is called stakeholder engagement, something a growing number of companies and CSR initiatives seek to incorporate in their policies. In contrast to stakeholder consultations, TSCAN relationships are built around the national priorities of global South organizers and have demonstrated a commitment to shift quickly when a crisis hits. Which international points of leverage to utilize or test in any given campaign are determined through ongoing consultations about national organizers' priorities and a shared understanding of the power imbalances that need to be addressed.

The work that goes into building trust among members is a prime example of how little can be achieved, comparatively, through one-off or even annual stakeholder consultations conducted by other initiatives. This is an important lesson for companies working with consultants to conduct HREDD. Often consultants are hired because companies seek a group that will find a "more neutral" truth than what the TSCANs have often already highlighted in their advocacy. Yet these stakeholder consultations often result in the facilitators "hearing what they want to hear" (Taylor and Shih 2019).

The TSCANs featured here have prioritized building long-term relationships and strategies based on the needs of global South organizers in a way that establishes trust among the members and encourages both bilateral and network-wide collaboration among members. This approach, grounded in consensus-based strategies, can at times delay longer-term strategies, such as when the CCC members postponed a major campaign on apparel workers' wages when COVID-19 resulted in massive order cancellations and wage theft. Network members had to pivot to document wage arrears and mount a different campaign to call out brands for leaving without ensuring workers were paid (WRC 2021). This responsiveness is central to the networks' trust-building.

5.3 New advocacy pathways to regulate MNCs

Over the past ten years, three new tactics have emerged to push global North governments to better regulate their MNCs, further strengthening a previously underperforming advocacy pathway. Each of the new tactics uses legal measures to advance corporate accountability; namely, forced labor import bans, mandatory HREDD laws, and EBAs. The first two—forced labor import bans and HREDD laws—are direct regulations on MNCs. The EBAs, by contrast, are a more tailored approach; negotiated, contractual agreements backed by legal recourse in courts with jurisdiction over the signatory MNCs. These tactics are fundamentally different than points of leverage around trade, aid, and diplomacy or corporate social responsibility. This is mainly because they include legal recourse to hold MNCs liable in international courts or their home country courts, much the way litigation tactics do.

The implementation of all three mechanisms is made possible through combined action by Northern and Southern CSOs. Thus, the knowledge networks and trust-based relationships of the TSCANs will be important to enable national organizers to use these new tools. For example, Northern HREDD laws like the French *loi de vigilance* enable workers to file a grievance against French companies in French courts, but to be effective, global South CSOs will be more successful when supported by French lawyers and CSOs able to document corporate policies and actions. US import bans such as the Tariff Act create a significant amount of pressure on MNCs' suppliers, and the petition process is more streamlined than the French law or other HREDD laws, which require corporate reporting and an ability to file legal claims. The Tariff Act, however, does not offer pathways for victims to secure remedy and its effect on regulating end buyers is still indirect; it mainly impacts the exporting and importing companies whose goods can be held up at port.

Over time, as supply chain transparency advances, advocates may be able to see which brands and retailers are implicated with forced labor in their supply chains. This could drive those retailers to support victim compensation funds. However, this would require greater supply chain transparency than currently exists in sectors like cocoa and seafood. There is also a risk that consumer-facing MNCs will invest heavily in confidential audit processes to identify the risks and further distance themselves from suppliers and importers. The best way to counteract that will be through the third of the new advocacy pathways: multiparty collective bargaining where MNCs, suppliers, and trade unions negotiate EBAs to protect workers' rights through ongoing dialogue. This is why there is growing support for WSR approaches and advocacy for EBAs with buyers. Enabling national worker organizations to engage buyers and retailers and gain a seat at the bargaining table will take time, however, and a transnational network of support.

6. Conclusion

This report has explored how global South CSOs have participated in and leveraged transnational supply chain advocacy to strengthen worker rights protections and access to remedy. Each industry-focused TSCAN has built a robust knowledge network based on members' trust in each other and the shared goal of building worker power. Together they have secured stronger regulations on MNCs, helping to close the governance gap that has for too long left key duty bearers unaccountable for workers' rights violations in global supply chains.

All the national CSOs interviewed noted the TSCANs provide additional points of leverage for their national campaigns. This is because the MNCs are influential in strategic export sectors and the TSCANs strengthen national advocates' ability to influence the MNCs, often better than they can their own government. Government policy making—especially reforms—can take years, even in a well-functioning democracy, and the results are often skewed by those with the most financial influence. In the case of advocacy with the MNCs, however, corporate policies can be easier to influence and change, especially if the company has invested in its brand image. This can create wins in the short term, such as pressuring a supplier factory to drop charges or reinstate workers.

Yet MNC policies are as fickle as they are flexible, and the past two decades have shown how corporate public support for workers' rights often only serves to further squeeze their suppliers, who in turn—once the spotlight is no longer on them—will squeeze their workers. This is why the TSCANs have developed multipronged campaigns and continually advocated for laws that regulate MNCs and the impact of their global supply chain policies.

As the TSCANs matured, national CSOs and trade unions played a more influential role in setting the campaign agenda. Today, global South CSOs increasingly support global North CSOs' advocacy for Northern governments to adopt stronger HREDD laws. In effect, the growing leadership of global South CSOs within the TSCANs has sent the boomerang flying in reverse, with Northern advocates seeking the support—in the form of documentation and testimony—from their Southern allies.

The CCC now has global South CSO leaders on its governing board. Voice Network members are working to include more African CSOs in the Network and actively supporting national advocacy coalitions. The SWG started with an approach that builds from national advocacy priorities of trade unions and worker centers, an approach that requires time to allow national organizers to build country-specific strategies and identify how TSCAN allies can support them. For national CSOs to expand their geographic focus and join the governing boards of the TSCANs, it can take years of collaboration. In the case of the CCC it became possible after two decades of work and a decision to prioritize restructuring the networks' governance. Also, groups like BCWS and CENTRAL were pushed to deepen their international advocacy after facing threats at home, which built their capacity to strategize on international solutions while continuing to organize nationally.

In 2023, the CCC Network will have existed for 35 years, the Voice Network for 14, and the SWG for ten. The staying power alone makes them important change agents and a steady resource for national organizers seeking to address the global market dynamics affecting their ability to organize and defend workers' rights. The real power of the TSCANs, however, comes from the understanding that changing the rules of the game requires collective effort from individual organizations in the North and the South working bilaterally and collectively to strengthen national organizers.

A recurring theme throughout the interviews is that changes secured through international pressure are only effective when local and national CSOs can hold government and employers accountable. Even as national organizers became well-versed in trade policy or supply chain leverage, and even as they became adept at South to North transnational advocacy for stronger HREDD laws, they continued to prioritize governmental reforms in those countries. Pathways to legal remedy—whether through improved national protections, enforceable agreements negotiated with MNCs, or the ability to hold MNCs accountable in the MNC’s home country court through HREDD laws—all require victims to have the support they need to pursue remedy. National NGOs and trade unions play a critical role by both connecting workers to remedy and strengthening worker organizing and power. Initiatives that aim to ensure workers’ rights should thus be evaluated on the extent to which they strengthen the power and influence of representative worker organizations.

The TSCANs have done this by building knowledge networks that enable national organizations to engage and negotiate with MNCs and by defending organizers under threat. These networks build trust by being responsive and through a shared vision of the need to address the imbalance of power. This approach goes significantly beyond stakeholder engagement or victim services to an approach that is centered on the priorities of national trade unions and NGOs that advocate for workers. The ongoing success of these initiatives requires policies and programs that address three challenges:

- The development compromise favoring services over challenges to power inequities
- The political context and threats to organizers
- Resource constraints on social movement building

Policy-makers, development practitioners, funders, and MNCs all have a role to play in enabling and eliminating challenges to worker organizations’ advocacy for more effective rights protections in global supply chains.

Policy-makers and MNCs need to consider how the development compromise may perpetuate the power imbalances that undermine worker rights movements. A development compromise occurs when development aid conforms to the dictates of a repressive government. Bilateral and multilateral aid programs need to find a balance between supporting social programs that a host government approves and ensuring more critical CSOs are not sidelined or undermined. Failing to do so can skew resources toward pro-government groups and weaken democratic debate. This also deepens the global governance gap created by minimizing challenges to the government elites who seek to downgrade social protections to attract MNC investments.

The development compromise is manifest in each industry reviewed. In apparel, the MSIs sought to address weak labor governance, but because they lacked campaign power or social movement support for their recommendations, they were limited to promoting established legal norms and what companies would agree to do. This resulted in elaborate codes of conduct, guidance on stakeholder engagement, and social auditing programs that have failed to address the factors undermining workers’ organizing rights and collective bargaining power. In seafood, a heavy focus on trafficking victims has skewed the field toward rescue efforts more than advocacy to enable worker power. In cocoa, the HEP created a development compromise when it shifted the discussion away from the urgency of corporate complicity in forced and child labor to a longer-term development challenge focused on building schools rather than empowering farmers. In each case, critical views were underrepresented (and underfunded) because bilateral aid agreements require the host country government’s approval. This meant those in power were able to set the agenda, enabling both MNCs and government elites to shift the focus away from their duties to end egregious human rights abuses toward service-oriented programs.

MNCs conducting human rights due diligence should consider how to counterbalance closing civic space.

The political context shapes supply chain compliance by weakening enforcement regimes and threatening organizers who seek to advance reforms. Corporations are well-positioned to raise concerns about such repression in HREDD reports. They need to go beyond reporting, however, to demonstrate their support for the organizers building social movements and preventing their suppliers from undue harassment of worker advocates.

Policy-makers need to craft HREDD laws that require a new approach to securing workers' rights in global supply chains, one that goes beyond voluntary, top-down approaches.

Certifications and social auditing programs have largely sidelined independent CSOs, engaging them as stakeholders through one-off, scripted consultations. These programs have also been created with a finite purpose to look at the working conditions inside MNCs' suppliers' facilities, but not the political context restricting workers' rights to organize and bargain collectively. If HREDD laws are to be more than social auditing 2.0, they need to provide victims with legal pathways to remedy that consider the political context facilitating abuse and preventing worker justice.

Public and private sector donors need to provide adequate resources for social movement-building, particularly the kind that can be sustained over time once the media buzz has declined and initial changes are made.

When egregious abuses are exposed in global supply chains, the solutions that address the root causes to the abuse take time to secure. The result can be devastating and regressive when resources focus on the "tip of the iceberg," such as stopping child labor or providing services to human trafficking victims. As important as those programs may be, they rarely challenge the legal or political context perpetuating abuse and often leave few resources to strengthen worker organizing and the capacity of civil society to monitor the implementation of reforms. This is particularly problematic for national organizers. International NGOs are somewhat better able to balance accounts by covering multiple hot spots. Meanwhile, for national CSOs, the struggle continues—and often flares up again after a few years.

Stakeholder engagement requires resources and a concerted effort to ensure affected populations are not only consulted but supported in their efforts to engage proactively.

Stakeholder engagement is increasingly referenced as a key component of robust HREDD processes and seen as essential to making development programs more responsive to local communities. This report has shown how important it is to engage those stakeholders that are most directly connected to worker communities and who seek to build a countervailing balance of power. Their advocacy for new rules and more effective legal pathways for workers to access remedy is important and, combined with their social movement-building, makes them ideally placed to utilize those pathways and monitor the effective implementation of those new rules.

Global supply chains have fueled a global governance gap wherein export-dependent governments actively suppress workers' rights and their advocates. Transnational organizers and campaigners have leveraged those same supply chain structures to create new points of leverage for defending workers' rights. Ironically, even when national organizers see their influence dwindle at home due to closing civic space or direct personal threats, they are often becoming more influential globally. Yet most would still prefer the more direct route to social change through functioning democracies and national rule of law—pathways that would benefit workers across industries, not only the high profile export sectors.

Notes

- 1 The terms global North and global South are used here to refer to a division between richer, high-consumption countries which are mostly in the Northern hemisphere, and the mostly poorer countries in the Southern hemisphere upon which global supply chains rely for low-cost production.
- 2 Some may consider these to be transnational advocacy networks, a concept written about extensively by several authors in the 1990s (Keck and Sikkink 1998; Fox 2010), but the differences are explained further in Section 3.
- 3 The concept of ‘having a voice at work’ is often overused by businesses and some engagers to refer to employer surveys and a mix of other management-improvement tools. For this paper, the concept of voice at work is about workers’ ability to organize and bargain collectively or to negotiate other forms of binding agreements with employers and buyers further up the supply chain.
- 4 To hear leaders from these national NGOs and trade unions present their analysis directly, visit the [Labor Link](#) podcast series hosted by Empathy Media Lab.
- 5 Several US trade unions helped form the Fair Labor Association, but later resigned over weak standards. The International Textile, Garment, and Leather Workers Federation (ITGLWF) helped to form SAI but later resigned due to concerns with quality controls. The International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers’ Associations (IUF) joined several initiatives, including the International Cocoa Initiative, but later resigned.
- 6 The Sullivan Principles, named after Reverend Sullivan, were in use by companies for twenty years; they defined a set of core principles that companies had to implement in their South African operations (Boston University Trustees n.d.). For an analysis of the Sullivan Principles and their influence on later corporate codes of conduct, see Gay W. Seidman’s *Beyond the Boycott* (2007).
- 7 Some initiatives, such as the Fair Labor Association, provide detailed audit reports about a given brand’s supply chain compliance program, but workplace-specific reports are only posted when a complaint is filed and accepted for investigation.
- 8 Notably, some MSIs have been designed with the international unions on the advisory board, but this is distinct from worker-driven initiatives where trade unions negotiate the compliance standards or the terms of compliance and have a role in the governance of the system.
- 9 In 2016 and 2017, the Fair Labor Association organized a series of conversations with member brands and the Cambodian government, writing letters and stating their disagreement with the unsubstantiated criminal charges being levied against CENTRAL’s director, Tola Moeun.
- 10 The International Labor Rights Forum (ILRF)—now the Global Labor Justice–International Labor Rights Forum (GLJ-ILRF)—was founded by a group of labor and social justice advocates who helped draft and secure passage of the bill that put human rights conditionality on the US GSP system.
- 11 Following some deliberations, the Permanent Court of Arbitration accepted the case and scheduled hearings for March 2018. The case was settled, however, in December 2017 (Croucher et al. 2019).
- 12 Andy Hall, email message to author, July 7, 2023.
- 13 One thousand workers had been fired for protesting when the employer refused to pay them the legally mandated minimum wage.
- 14 DAWN is the acronym for Development Alternatives with Women for a New Era, a network of Southern feminists and activists who work for economic and gender justice and political transformation.
- 15 Adidas, Puma, ASICS, Nike, Peatland, and New Balance signed in 2011 and Suit Supply, Jus, and Haglöfs joined in 2017.
- 16 Two global unions: IndustriAll Global Union, UNI Global Union; Eight Bangladeshi unions: Bangladesh Garment & Industrial Workers Federation, Bangladesh Independent Garments Workers Union Federation, National Garment Workers Federation, Bangladesh Revolutionary Garments Workers Federation, United Federation of Garments Workers, Bangladesh Garments, Textile & Leather Workers Federation, Bangladesh Textile and Garments Workers League, and IndustriALL Bangladesh Council; Four witness signatories: CCC, WRC, ILRF, and Maquila Solidarity Network (MSN).

17 Five national NGOs and trade unions: Federation of Women Lawyers in Lesotho, Women and Law in Southern Africa Research and Education Trust – Lesotho, the Independent Democratic Union of Lesotho, the National Clothing Textile and Allied Workers Union, and United Textile Employees; three U.S.-based NGOs and trade unions: Solidarity Center, Worker Rights Consortium, and Workers United.

18 Same four NGO witness signatories for the Bangladesh Accord: WRC, (now) GLJ-ILRF, CCC, MSN.

19 Per article 50 of the International Accord: “Upon request of either party, the decision of the SC may be appealed to a final and binding arbitration process. Any arbitration award shall be enforceable in a court of law of the domicile of the signatory against whom enforcement is sought and shall be subject to the Convention on the Recognition and Enforcement of Foreign Arbitral Awards (the “New York Convention”), where applicable.”

20 Some delays in implementation were caused due to employer demands that they have one-third of the seats on the steering committee, which were countered by unions’ demand that the composition be half union/half corporation (MNC and national).

21 MSIs starting in the late 1990s included the Ethical Trading Initiative, the Fair Labor Association, and Social Accountability International. US apparel companies also started a certification program, now called the Worldwide Responsible Accredited Production.

22 Later the employers and government pushed the program to reduce the quality of its reporting, but the ILO later reinstated it following a critical report by the CCC and Cambodian partners.

23 The ITGLWF merged into what is now IndustriAll Global Union, the actual signatory and final lead negotiator of the final Accord.

24 Kalpona Akter, interview by author, June 21, 2022.

25 The WRC was established in 2001 by US student movements to monitor their universities’ suppliers, the WRC is unique in global supply chain monitoring because of its governance structure and its complaints-based approach to monitoring.

26 Kalpona Akter, interview by author, August 3, 2021.

27 In 2021, the EU partially withdrew Cambodia’s trade benefits under the Everything but Arms initiative due to human rights concerns.

28 Congressman Eliot Engel, in collaboration with then Congressman (now Senator) Bernie Sanders, secured approval in the House for a bill with binding requirements for companies; however, to get it passed in the Senate given the extensive lobbying from industry, Senator Harkin and Congressman Engel took out the binding language in the final version of what became the HEP.

29 CSO signatories included the IUF, Free the Slaves, the National Consumers League, and the Child Labor Coalition.

30 Internal wars in northern Ghana (1994) and civil wars in Ivory Coast (2002–07 and 2010–11) has meant at different points in time that civil society has been fragmented and reticent to openly challenge the government.

31 Farmer organization officials, interview by Dr. Landry Niava, 2022, Ivory Coast.

32 Researchers receiving death threats and facing other forms of intimidation for asking questions about cocoa purchasing or farmer support programs have been ongoing, with specific incidences relayed to this researcher reported in 2010, 2013, and 2019.

33 Senator Harkin resigned from the board in disagreement with the legal strategy.

34 MHS is a private boarding school for children from low-income families, which is funded through Mr. Hershey’s philanthropies.

35 Under the US Trafficking Victims Protection and Reauthorization Act, the DOL must publish a list annually of the goods it knows to be produced with the use of child and/or forced labor.

36 Voice Network members include groups that tend more toward the engager typology, including the Dutch NGO Solidaridad, which founded the Utz certification organization, and ACE Japan, which works on child labor and remediation programs.

37 Oxfam-Ghana, EcoCare-Ghana, Tropenbos-Ghana, and two Ivorian NGOs, the Initiatives for Community Development and Forest Conservation (IDEF for its acronym in French), and the Network of Civil Society Organizations for the Development of Tonpki (ROSCIDET for its acronym in French).

38 Allie Brudney, interview by author, November 17, 2022.

39 Andy Tagoe, interview by author, February 9, 2021.

40 Tagoe, interview.

41 Tagoe, interview.

42 Tagoe, interview.

43 Juliane Bing of INKOTA, email to author, July 6, 2023.

44 Based on each organization's website: INKOTA is a German social justice NGO dedicated to "making globalization work for everyone" (notably, INKOTA is also a longtime member of the CCC Network); FERN is a Belgian NGO dedicated to "making the EU work for people and forests."

45 Antonie Fountain, comments to author via email, July 11, 2023.

46 From 2009 to 2019, the Thai government was pressing criminal charges against Sawit and twelve other SERC leaders for having organized a rail safety campaign following a train derailment. In 2019, after the case had been settled in 2018 and just before the statute of limitations would have ended, the government filed new charges against them which were finally dropped in 2022.

47 Aung Kyaw, interview by author, September 10, 2021.

48 Unions, worker centers, and NGOs in Thailand are nearly all accessing outside funding, which increased manifold since the media exposés in 2014, but organizers see union dues as critical to ensuring worker organizations remain independent and accountable to worker members.

49 Sawit Kaewwan, interview by author, August 23, 2021.

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Annex 1. List of Respondents

Special thanks to the individuals who were interviewed for this study. Those with an asterisk (*) are leaders from global South NGOs and trade unions who participated in extended interviews and were exceptionally generous with their time.

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