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s over two billion people from South Asia and the West (principally the Eu-**L**ropean Union and the United States) are inequitably connected in the global economy a system often characterized by Western brands exploiting marginalized workers of color—the conflicts inherent in global capitalism's explosive growth play out on a daily basis. Western consumers' and multinational corporations' attention waxes and wanes, but if there is a 'forgotten conflict' here, it is certainly not forgotten by the South Asian garment, seafood, crafts, agricultural, and other workers, who are at the forefront of fighting the inequities created by global supply chains. This article will examine how the antisweatshop movement momentarily captures the limelight, advances, and then recedes, and why the relationship between consumers and workers is more realistically framed as a conflict pitting Western brands, local/Asian third-country producers, and South Asian factory workers against each other. The globe-girdling economic strategy brands and multinationals have evolved as a profit-maximizing strategy that has the corollary impact of rendering the entire supply chain more opaque and less accountable from both consumers' and workers' perspectives. Consumers are part of this process and are sometimes the drivers of new angles of exploitation—for instance, the rise of fast fashion1-but their

buying power and media reach have dovetailed with the efforts of South Asian workers to stand up for their rights.

Recent history

It is easy to for consumers to lose track of how or where their goods are produced and difficult to grasp just how much is actually being produced and traded. The economic dimensions of the West's interaction with South Asian workers is sobering: bilateral trade between South Asia and the United States topped one trillion dollars in 2020 and \$1.08 trillion with the EU the same year.

In the early 1990s, various consumer and labor activists and organizations coalesced to launch the modern anti-sweatshop movement.² One of the first serious public salvos fired in the United States at Nike was an annotation of an Indonesian worker's paycheck in a Nikecontracted factory published in Harper's Magazine in August 1992.3 For years, Jeff Ballinger, based in Indonesia, and myself, working for the AFL-CIO's Asian American Free Labor Institute (AAFLI), closely observed Nike's and its contractors' conduct in Indonesia and published the annotation—timed to coincide with the debut of America's "Dream Team" at the 1992 Olympics. Among other highlights, readers learned that a worker in an Indonesian Nike factory would have to work 40,000 years to equal Michael Jordan's endorsement deal with the footwear giant. It was an important opening shot across not only Nike's bow, but also other Western brands and their claims that they were not responsible for labor conditions in their suppliers' factories. It was also the first time a high-profile athlete or celebrity was tied to the worker abuses inherent in the products they were being paid millions to endorse. Nike began to scramble to examine conditions in their factories.

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Early on, child labor was the most egregious violation identified in many Western-contracted factories. Child labor also is the "canary in the coal mine" for all other labor violations—if children are working in factories, it is guaranteed that many other rights violations are present.

The rise of awareness of the plight of child laborers coincided with the concerns of nascent anti-sweatshop activists. The vanguard of the anti-child labor movement emerged from India and grew into the Global March Against Child Labour (GMACL), comprised of dozens of organizations around the world. The GMACL accomplished the adoption in 1998 of the only universally ratified convention by the International Labor Organization (ILO) prohibiting child labor in hazardous industries.4 This lightning rod violation of child labor was many of the Western brands' biggest nightmare—and ostensibly the easiest to address. Brands and their contractors needed to score points to repair their damaged image by identifying child workers and removing them from the workplace. Of less concern were addressing gender discrimination, sexual harassment and abuse, violations of labor law, and lack of freedom of association. This approach was also the public relations path of least resistance since child labor in exportoriented factories was universally reviled and condemned. Focusing on this glaring abuse could have bought Western corporations time to address the other pervasive labor issues in their facilities, which they often did not. Instead, the brands produced a series of public relations initiatives that did nothing to address root causes of labor violations nor its repercussions. The upshot was the creation of a new multi-million dollar industry relying on external auditing firms to certify everything from local labor law enforcement to a safe and healthy workplace. The AFL-CIO's "Responsibility Outsourced" report is a devastating critique of not only how much money has been spent in these useless exercises, but what a failure the model is.5 The amount of money spent on auditing is an estimated yearly \$80 billion⁶ (including the audit by SA8000 done just weeks before the second biggest garment factory fire in history in Pakistan in 20127), and whether that money could

have instead improved working conditions for millions of workers. The Western brands and their contractors (in South and Southeast Asia, this includes a growing dominance by mainland Chinese, Korean, and Taiwanese corporations) have had decades to restructure their operations and negotiate with their workforces. The question is whether after all this effort by activists the future of textile and garment production in South Asia and relations with Western capital can be improved in a fundamental way.8

Despite impediments, I see progress in this conflict through a loose analogy to Giambattista Vico's cyclical idea of history.9 Rather than a steady linear march of progress (or deterioration), the past thirty years have shown that conditions in factories, and brands' and contractors' changing behavior is a cyclical process, mediated by local conditions. Rather than a clear, bright line of measurable improvements, we return seemingly to the same point and issues, but in some cases improvements have taken hold, creating a new baseline. Changing labor law in Bangladesh's export processing zones (EPZs) and the explosive growth of garment unions in the wake of the Rana Plaza disaster are two such examples.

Unlike geopolitical, ethnic, or ideological competition, or war between or within nationstates, which are often simplified by international media coverage through explication of different sides of the conflict, the relationship between Western consumers and workers in South Asia is mediated directly by the impact of both Western brands and the mass media. Unlike territorial disputes, the power dynamic in the worker-versus-brand conflict is intrinsically unbalanced, weighted heavily toward brands and Asian producers. Essential to workers' prospects for change is the imperative of a media spotlight

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on current conditions, since the media not only publicizes the conflict, but also opens up the power dynamic to create political and economic space for workers to actually make some gains. In this way, the media "air war" is as an intrinsic, fundamental process to any improvements in the sector, as is the organizing "ground war." Both "wars" are necessary but insufficient in themselves.

The current picture

Sweatshops have existed since the beginning of the industrial revolution. Rare moments exist of international solidarity among workers (including the astonishing example of British textile workers striking during the American Civil War, at the risk of their own jobs, to support the blockade of Southern cotton fueling Manchester's mills¹⁰), but the forces of capital dominated and continue to dominate the structure of footwear and garment and textile supply chains.

As for South Asia, the relationship between sweatshops, century administration and law, a post-war exportplatform-driven economic policy, and continued consolidation by political elites provides a through-line of Western colonialism and imperialism that underpins the structure for continued exploitation today. Even if most of the local producers are now Asian,11 the colonial and capitalist relationships under which these export industries were originally created endure. Sven Berkets' Empire of Cotton is a key text to understand how cotton production and processing undergirded the industrial revolution, 12 and how similar economic and proprietary exploitation playing out in eighteenth century Dhaka is replicated between Western multinational corporations and their suppliers today.¹³

These forces have made it incredibly difficult for workers and their champions to improve conditions and standards not just internationally but within national borders. Two recent phenomena, however, have highlighted aspects of the global trading system that can be used to begin to address the power imbalance. The first was a building collapse in Bangladesh eight

years ago, and the second is a pandemic deeply impacting workforces worldwide.

In April 2013, the Rana Plaza building in Dhaka, Bangladesh collapsed, killing over 1,100 garment workers and injuring another 2,500. This was the single worst disaster in the history of the garment industry¹⁴. The two other deadliest disasters were Pakistan's Ali Enterprises factory fire, which killed over 250 and injured 55 just months before,15 and the Triangle Shirtwaist Fire in New York in 1911, which killed 146.16 The Rana Plaza disaster also resulted in opening space in a new salvo in the struggle for workers' rights in Bangladesh. A sudden and sustained focus by international media, Western governments, and business groups opened the door for Bangladeshi workers and their allies to organize and created the political space utterly necessary for progress on the ground and a continued critique of the garment supply chain.

One key policy tool that workers in South Asia and their Western supporters have at their disposal now that the ILGWU did not is trade law in both the United States and European Union. The Generalized System of Preferences (GSP in the United States), the EU's GSP-plus, and "everything but arms" trade and foreign assistance restrictions places conditions on goods entering the United States and EU, reducing tariff benefits on items produced that meet ILO core labor standards.¹⁷ This is part of the "air war" in that media exposure and consumer activism highlighted the conditions that form the basis of petitions to the U.S. Trade Representative and EU representatives to remove benefits. Indeed, the AFL-CIO has, since the early 1990s, filed several petitions¹⁸ to remove import tariff benefits on products coming from Bangladesh and from Pakistan, the latter for freedom of association and child labor violations, if they did not improve their labor law, standards, and enforcement.¹⁹ Until 2004, Bangladesh's export processing zones (EPZs) had no law in effect, a factor which they bragged about in international airlines publications.20 The AFL-CIO's updated petition in the mid-2000s resulted in Bangladesh's government being forced, for the first time, to introduce the rule of law in a singularly unlawful environment.

Subsequent to the Rana Plaza collapse, the U.S. government's patience with the Bangladesh government had run out. GSP benefits for Bangladesh were revoked.21 Though garment tariffs were not directly impacted by this measure and the garment industry did not suffer any economic impact per se, the move put brands and producers on notice and was an international diplomatic blow to Bangladesh.²² The biggest impact, however, was political space opened up for thousands of workers; they formed hundreds of unions and began to bargain to improve conditions. A second dramatic and unprecedented development was the creation of the Bangladesh Accord on Building and Safety,²³ which for the first time compelled over one thousand garment factories to submit to fire, building and safety inspections and remediation. These are examples of when the "air war" coincides with, helps create, and then supports the on-the-ground organizing by hundreds of young women activists, and the establishment of what was a unique health-and-safety initiative. Further pressure has come through the EU's GSP program, which does cover garments, and remains a pressure point with Bangladesh's government and local producers. The EU is also poised to strengthen the human rights and environmental conditions in their trade agreements and have demanded a "road map" from the Bangladesh's government to adhere to these standards.24

Where only a few dozen functioning unions operated in the industry before (42 applied for registration in the three years leading up to 2013, and only 19 were registered), since Rana Plaza in 2014 alone, 392 unions organized and applied for registration (182 were registered), and as of September 2021, 1,349 unions applied for registration since April 2013, and 863 have been registered, encompassing thousands of workers.²⁵ This was unprecedented in the country's history, and in the history of the antisweatshop movement in South Asia.

However, in keeping with the cyclical way in which corporations, producers, and local enmeshed elites initially gave ground in the face of widespread media, public and trade law pressures, within two years the predictable backlash was clear. Bangladesh's government

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dramatically stepped up efforts to illegally refuse to register unions, and local union activists faced growing violence, repression, and firings by mainly Bangladeshi factory owners. Despite public pronouncements about these actions, the factory owners faced only token measures by every major Western corporation operating in Bangladesh.²⁶

The next cycle has already come around, and in a wholly unexpected way. It is too early to parse out all the cause-and-effect implications that COVID-19 will ultimately have on industrial relations in various supply chains. However, the pandemic has starkly revealed how workers in South Asia are not only on the frontlines of dealing with the disease in their own countries, but also under pressure to keep production flowing, even as brands cancel orders. The disruption in supply chains should force a re-examination of employment policies and practices; the excessive waste, both materially and environmentally, that goes into fast fashion; and hopefully a disruption of that particular marketing juggernaut, as well. At the very least, the exaggerated impact of COVID-19 on what were already South Asian garment workers' key concerns—being paid on time, a safe workplace, job security, discrimination in the workplace, and the perennial issue, being paid enough just to survive—has the potential to form a new matrix of issues to organize around, and to re-examine how to use media to make changes.

Two of those longer-term underlying issues the epidemic also brings to the fore include gender equity more broadly but also, critically, climate change. "As the global movement for climate justice builds momentum, there is a growing recognition that social inequalities are intricately tied," says Sonia Mistry, Global Lead on Climate Change and Just Transition at the Solidarity Center. With many garmentproducing regions of Asia underwater by 2030, "the climate crisis and the fate of workers are clearly and inextricably connected, and there is tremendous opportunity to drive lasting workerresponsive local organizing and advocacy, as well as global accountability efforts."27

Policy options

The EU and U.S. GSP legislation are examples of mechanisms where workers and their advocates can impact directly on government policy decisions, which have knock-on effects for employers. The growing role of public advocacy in formulating national and UN standards and policies over the past two decades is a key driving force in the emergence of new initiatives. In addition to the U.S. and EU GSP trade law, this next turn in the cycle that brings us back to policy prescriptions reveals more options being considered than previous years.

In March 2019, President of the Economic Policy Institute and former AFL-CIO trade expert Thea Lee testified before the House Ways and Means Subcommittee on trade regarding the U.S. government's creation and enforcement of better rules-both in international trade and domestic policy—to benefit workers.²⁸ Her recommendations were clear and straightforward: First, ensure that American manufacturers' ability to compete in global markets is not hamstrung by a chronically overvalued dollar, as it has been for decades. Second, ensure that the rules of international trade and investment do not privilege corporate interests and profits over those of workers and typical households. Third, consistently and aggressively enforce our own trade laws, and use existing international mechanisms to make sure other countries' policies do not lead to an unlevel playing field

"The problem is that trade policy has undermined our goals of rising living standards for working families, good jobs, strong communities, safe consumer products, and a healthy environment," Lee said. While these recommendations addressed issues for American workers, these policy prescriptions work for workers in

South Asia and elsewhere in the world. In recent years the EU has also formulated policy recommendations for human and labor rights in their companies' supply chains (see below). With Lee now the Department of Labor's Deputy Under-Secretary for International Affairs, perhaps the U.S. policy on worker rights will move to more closely align with Europe's stated goals.

The government of the Netherlands has taken the lead in Europe by forging agreements or "covenants" with Dutch companies and labor and human rights NGOs, the goal of which is to govern Dutch company behavior in other countries.²⁹ The covenants are non-binding but provide another potential spotlight that activists can use to measure progress and hold companies accountable. Another broader initiative underway in the EU is the attempt to develop a human rights due diligence law, which would presumably echo the Dutch measures, but is intended to go further.³⁰ How much teeth such legal remedies may have is still unknown. Unfortunately, if history is any guide, it will be difficult to couple these laws and agreements with binding sanctions.

A third initiative gaining ground, particularly because of the COVID-19 crisis, is a call at the United Nations and ILO for a Global Social Protection Fund. The International Trade Union Confederation (ITUC), representing 200 million workers worldwide, is promoting more defined social safety net investments by governments to help poorer countries to specifically protect marginalized workers. "The time has come to extend social protection to the half of the world's people who have none, and to the almost 20 percent who only have only partial coverage," says Sharan Burrow, ITUC General Secretary. "Many governments are finally having to recognize the urgency of social protectionincluding unemployment protection for people who have lost their livelihoods, paid sickness benefits, and access to healthcare."31

The new baseline reality of COVID's impact on supply chains and workers worldwide, alongside these new international policy prescriptions, should be a starting point to help build the next level of international solidarity. But the real question is how and whether bonds between South Asian workers producing all these goods—and not just bonds with Western workers or consumers—can strengthen and solidify enough so systemic changes can take root, and this "conflict" of inequality and exploitation is not forgotten. Rather, it becomes the platform for workers to right a fundamental power imbalance.

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- at the ILO, and having to answer for their inaction, nonetheless puts pressure on governments to potentially improve conditions across the board.
- 22. The extent to which this condemnation moves countries to take action, in an ILO environment with no legal or regulatory power, depends greatly on local circumstances including national political dynamics, geopolitical considerations by both the United States and EU, and the severity of the identified exploitation.
- 23. This remarkable and unique initiative was spearheaded by Scott Nova, Executive Director of the WRC, with broad support from other NGOs and activists, including the CCC, the ILRF, the AFL-CIO, the Solidarity Center, and required companies for the first time to sign onto a legally binding agreement to improve fire safety conditions in their sub-contracted factories. Over 220 companies signed on to the initial Accord and retailers agreed to extend the Accord for two more years after it was set to expire. Ruma Paul and Victoria Waldersee, "Retailers agree to extend Bangladeshi garment workers' safety pact," August 25, 2021, https:// www.reuters.com/business/retail-consumer/ exclusive-retailers-unions-extend-legally-binding-worker-safety-accord-2021-08-25/.
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