

Developing North-South Advocacy Alliances: the case of bonded labour in South India

■ Sarah McCan, Caoimhe de Barra, Lakshmi Raman and R. Mohanraj¹

This article explores the incidence and circumstances of bonded labour in South India, and the ways in which local development and human rights actors are trying to tackle its root causes. It outlines some national and international efforts to eradicate bonded labour using a variety of strategies including advocacy, awareness raising and integrated programmes of prevention.

Drawing on field level participatory research with Trócaire partners in South India the paper highlights a number of priority recommendations for working towards the eradication of bonded labour. In the conclusion the authors seek to draw out some broader lessons on how advocacy work can be carried out by Northern NGOs, whose positioning gives them leverage over powerful governments and institutions, and by organisations in the South, whose lived experience provides the evidence-based analysis and highlights the policy choices needed to eliminate bonded labour

Introduction

At the start of the 21st century it is surprising to many that slavery still exists, indeed thrives, in our world. At the recent UN World Conference against Racism in Durban much of the debate was dominated by the issue of the demand for reparations for slavery during the colonial era. Yet despite the wealth of information and high levels of public awareness of the gross violation of human rights which such slavery entailed, currently an even greater number of people - more than 27 million - live as modern-day slaves. Very little is documented about their plight with the result that there is a dearth of public knowledge on this issue.

Much of this information deficit has its origins in the way in which slavery is conceived. For many it is seen as applying in the traditional sense with those enslaved being akin to prisoners wearing chains and shackles. The slavery which exists today does not for the most part resemble this slavery of the past but is equally brutal and dehumanising. Modern-day slaves are not openly bought and sold or held in chains yet they are just as controlled as the slaves of colonial times. For instance in many parts of the world, notably West Africa, children are forcibly taken away from their families and trained to fight as child soldiers or made to work as domestic servants. In Brazil, poor and landless farmers are lured to distant plantations with the promise of work, only to find themselves trapped, indebted and subjected to violence or threats of violence, and forced to work for nothing.

Bonded labour: a contemporary form of slavery

One of the most widespread forms of modern slavery, on which this article focuses, is bonded labour, sometimes referred to as debt bondage. Bonded labour occurs when a person's labour is demanded as a means of repaying a loan. The value of his/her work is invariably greater than the original sum of money borrowed and in many cases the debt is passed down from generation to generation.

Bonded labour was first defined in Article (1) of the UN

Supplementary Convention on the Abolition of Slavery, the Slave Trade and Practices Similar to Slavery (1956) as follows: “the status or condition arising from a pledge by a debtor of his/her personal service or those of a person under his/her control as security for a debt, if the value of those services as reasonably assessed is not applied towards the liquidation of the debt or the length and nature of those services are not respectively limited and defined.”

The 1956 Supplementary Convention specifies that debt bondage is a practice similar to slavery and stipulates that governments should take measures to secure its complete abolition or abandonment as soon as possible. Bonded labour as a form of forced labour is defined under ILO Convention No. 29 as “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered him/herself voluntarily”. Bonded labour exists in many countries around the world but it is most prevalent in South Asia, notably in India, Pakistan and Nepal.

An overview of bonded labour in South India

In India, there are many variations and degrees of bondedness. Bonded labour is most prevalent in the agricultural estates, the artificial gem industry, stone quarries and brick kilns. Throughout these sectors the conditions and circumstances of bonded labour vary but all are characterised by a lack of freedom, both physical and psychological, frequent harassment and abuse of workers, totally inadequate, if any, pay and work coupled with living conditions lacking any vestiges of human dignity or respect.

In the tea, cardamon and coffee plantations of South India bonded labour is akin to the feudal system in its operations. Landless labourers work for the landlord and get food and housing or the use of a small plot of land in return for unpaid work. Most bonded labourers come from lower caste groups such as the Dalits or untouchables and scheduled or backward castes while landlords who control vast tracts of territory come from upper castes. In some cases labourers get into debt, borrow from their landlord or employer at exorbitant interest rates and as a result bond themselves into the service of the landlord. Many are never able to repay the debt and instead fall into increasing debt

throughout their lives. Frequently, these debts are then passed on through the generations of a family.

Indebtedness commonly arises from key life events such as meeting the medical expenses of family illnesses or paying the cost of religious ceremonies such as coming of age, marriage or death rituals. As a result of these debts, practically all the worker's labour time or income is absorbed by the need to pay off the interest on debts which can be as high as 25% per month. With such exorbitant interest payments they are unable to repay the loan principal which can be as low as €65. As debt levels increase whole families can be tied into bondage. This means that many children work from the age of six or seven years. Bonded workers are unable to sell their services or products freely outside their place of work, which might be a quarry or an agricultural estate, and their movement is restricted. Those who on occasion are allowed to leave must commit family members as security for their return. Beatings are commonplace and women and children, especially girl children, frequently face abuse and sexual harassment from landlords and employers. Moreover, while a woman can marry into bondage she may not be released from bondage even when her husband gains a lawful release. Hence, women are even more vulnerable than men to bondage because of their low social status and the multiple layers of discrimination which they face.

The origins of bonded labour

Slavery was abolished throughout the British Empire in 1838. The Slavery Abolition Act of 1843 made slavery illegal in India and many former slaves were freed. However, the immediate result was that the workforce was swelled by large numbers of ex-slaves who, without alternative employment possibilities, pledged themselves to their former masters through written agreements for a cash loan or food. Under such agreements their mobility was restricted to ensure a captive supply of labour. This was the beginning of bonded labour. Over the intervening century and a half, bonded labour has continued, primarily due to poverty, lack of choice and a lack of awareness by such labourers of their legal and human rights.

For many years the Government of India denied the existence of bonded labour and when pushed to do so only acknowledged

a fraction of what was believed to exist. In 1985, however, a national human rights movement – the PUCL (People’s Union for Civil Liberties) - filed a public interest litigation suit with the Supreme Court of India which highlighted the incidence of bonded labour in several states. After a decade of follow up and amid denials by the state government of anything more than sporadic cases, in 1995 the Supreme Court appointed a commission to investigate the extent of bonded labour in the southern state of Tamil Nadu. This investigation drew international attention from Human Rights Watch and Anti-Slavery International. As part of its review the Commission interviewed 1,477 labourers of whom more than 50% had been in bonded labour for over 10 years and another 23% had been bonded for between 6 and 10 years. It was clear from this research that the use of bonded labour was not a fringe activity, that the bonded labour system prevailed in almost all rural non-agricultural sectors and that it appeared to be an integral part of the existing socioeconomic structure of caste relations.

Indeed the fact that bonded labour is so entrenched in India is due in no small way to the caste system which permeates Indian society. Bondedness is a system which has its roots in a matrix of discrimination connecting caste, class and gender. The factors that perpetuate the system are economic, social, cultural and political. Employers use the force of caste privilege or loans to employ workers. The worker is bound irrevocably to their job through having taken a loan from their employer. Religious beliefs such as karma² and rebirth serve to reinforce the condition of bondedness. Caste bonds between landlords, local political leaders, party politicians and the police are other repressive factors that lie in the way of the bonded labourer taking legal recourse to be liberated. Thus caste bonds distort the various institutional and representative structures of governance which should protect such workers and instead work to deny them their rights.

National and local level measures to combat bonded labour

While the government of Tamil Nadu was reluctant to admit the existence to any significant degree of bonded labour, at a national level, efforts to eradicate bonded labour have a long history in

India. It is the effectiveness of these efforts that is open to question. In 1976 in recognition of the practice of bonded labour, the Government of India introduced the Bonded Labour Abolition Act. This act (in theory) abolishes the bonded labour system. Under its provisions any agreement between a bonded labourer and an employer is rendered void, the liability to repay debts is extinguished and there is provision for a rehabilitation grant of approximately €250 for bonded labourers on their release.

As India operates under a federal system the main implementing authorities for the act are at state and district level. The problem with operationalising the provisions of this act lies with the fact that despite the declared policy and legislative intention at national level to eradicate bonded labour, much depends on the will and integrity of the local officials to implement the law, to push through cases where the law is violated and to prosecute offenders. The huge deficit between stated policy and practice in this regard is evident when one examines the record of prosecutions under the Act. The Act provides for imprisonment of up to 3 years and a fine of 2,000 Indian Rupees (approximately €50) for anyone who employs bonded labour. However to date no landlord or employer in Tamil Nadu state has ever been prosecuted under this act. In practice, while these provisions to end bonded labour are safeguarded and enshrined in the law, there is a lack of political will to implement this legislation and a high degree of impunity among those who fail to do so. This is a critical reality which highlights the challenges facing civil society actors, North and South, in addressing human rights abuses whilst also taking the reality of poor governance into account.

Recognising this reality, Trócaire, in its submission to the Ireland Aid Review Group³ which focused on issues of governance and the role of civil society therein, pointed out that:

While governments can be assisted to put in place the requisite legal and constitutional requirements to promote civil society the reality on the ground can be quite different. India, a priority aid country when Ireland's bilateral aid programme was being established, is an interesting example of this. This year's Trócaire campaign on slavery has shown that despite the fact that India is a functioning democracy and has constitutional, legal and administrative procedures to eliminate slavery, the reality is that none of this is effective. The battle against slavery in India is being conducted by civil

society organisations, which are constantly frustrated by or intimidated by local government structures and the police, in their efforts to work on behalf of bonded labourers seeking to exercise their legal rights to freedom. The Indian case illustrates the balance required between governmental and non-governmental actors in order to make good governance a reality.⁴

Several Trócaire partners in South India have spent years working for the release and rehabilitation of bonded labourers. There is a high degree of risk involved, both on the part of the individuals and the NGOs assisting them, as there are many vested interests at stake and real pressure not to change the *status quo*. This work also necessitates educating people as to their rights in order for them to work towards exercising those rights. Following this lengthy process and the eventual release of bonded labourers there is the issue of rehabilitation for those released. While the Indian Act stipulates a rehabilitation grant on release this has, on average, taken up to 2 years to be disbursed during which time the person released has nothing to fall back on. Due to such bureaucratic delays there is a high incidence of relapse back into bonded labour as without assistance those released have no choice but to take out a new loan to survive. Thus the cycle of bondedness continues. Hence there is a clear need for an integrated approach towards release and rehabilitation efforts. This in turn needs to be accompanied by vocational and skills training and education.

The need for multifaceted initiatives

In India, as in other countries, it is primarily the non-enforcement of the law which allows slavery to continue at the start of the 21st century. The issue of impunity for those culpable of the crime of using bonded labour is critical as the failure to punish perpetrators in effect sanctions the use of forced labour within society. The lack of an integrated approach towards rehabilitation means that those who are released from bonded labour are vulnerable to the same forces of poverty and discrimination which led them into bondage in the first place. In order to work towards resolving these problems, a multifaceted

approach is needed, not just at the *local* level but also at *national* and *international* levels.

At a *local* level, human rights organisations have been playing a vital role in working with and for those in bonded labour. Many of these organisations are involved in delivering multifaceted programmes including education on human rights and legal entitlements as well as skills training to provide alternative livelihoods for those released from slavery. While these initiatives are worthwhile they are not enough. These local organisations need adequate resources to carry out the vital work they are doing as well as international support and solidarity in light of the security risks associated with their work. Northern NGOs can provide financial support to such organisations but equally importantly they can also act in solidarity with them, through highlighting their issues, calling for their protection from harassment and helping to create the space for them to do their work. Northern agencies can also use their leverage at international level to bring the experiences of organisations on the ground to the fora where international standards on human rights are negotiated, set and monitored. One key specialised agency of the UN is the International Labour Organisation (ILO).

At a *national level* there are a number of strategies which, if implemented properly, could go a long way towards eradicating contemporary slavery. In India, even though there are ample laws in place, the challenge is to ensure that there is full implementation of these laws and to ensure that officials charged with this task are adequately trained and resourced. Through field level participatory research with Trócaire partners⁵ the following recommendations were identified as being critical to the eradication of bonded labour.

1. Developing and enforcing laws which prohibit all forms of bonded labour, which are put in place to implement a fair minimum wage and minimum age for employment, and which allow for the prosecution of those who benefit from forced and bonded labour;
2. Undertaking independent and comprehensive surveys to establish the number and location of people held in bonded labour;
3. Formulating regional action plans, including putting in place multi-disciplinary labour inspection teams, to identify, release and rehabilitate those in debt bondage and to prosecute offenders;

4. Establishing a mechanism to ensure that those charged with implementing the action plan, at federal, state and local level, are adequately trained and resourced and are immune from political pressure;
5. Developing monitoring systems to record and make publicly available information regarding the release date and compensation paid to former bonded labourers, along with the number of prosecutions brought, successful convictions and sentences passed against those using bonded labour;
6. Establishing schemes for appropriate and timely rehabilitation grants, training and education. These should include support for the families of child labourers and pay particular attention to the gender dimension of bondedness;
7. Implementing measures to reduce the number of people becoming bonded, such as running public information campaigns regarding the law; providing rural credit facilities; developing small-scale rural industries and improving access to land, education and basic health care;
8. Strengthening the capacity of workers and employers to organise collectively, to achieve their rights and fulfil their obligations under ILO standards and to promote the eradication of bonded labour.

While recognising that the above recommendations are a vital part of a national strategy to eliminate bondedness it is unrealistic to assume that the responsibility for their implementation will be taken on by government without some form of internal and external pressure and without adequate resourcing, both technical and financial.

At an *international level*, the eradication of bonded labour is part of the mandate of the United Nations. The Universal Declaration of Human Rights (UDHR) adopted over 50 years ago states that “no one shall be held in slavery or servitude: slavery and the slave trade shall be prohibited in all their forms”.⁶ The United Nations has special responsibility for addressing the issues of forced labour, notably through the Working Group on Contemporary Forms of Slavery. This group meets yearly to discuss bonded labour and other forms of contemporary slavery. However, it has little power to bring to account those governments who continue to turn a blind eye to these abuses. The establishment of a post of Special Rapporteur on Slavery, providing it is adequately resourced, would be a more effective method of highlighting this issue and achieving concrete remedies.

As noted earlier the specialised agency within the UN system with responsibility for labour rights is the International Labour Organisation (ILO). The ILO, which is the only UN agency managed in a tripartite manner by governments, trade unions and employers' organisations, is charged with drawing up and implementing international labour rights standards. In 1998 it agreed a Declaration on Fundamental Principles and Rights at Work which recognises that all ILO member states are obliged to implement the following four fundamental labour rights:

- Freedom of association and the effective recognition of the right to collective bargaining;
- *The elimination of all forms of forced or compulsory labour;*
- The effective abolition of child labour;
- The elimination of discrimination in respect of employment and occupation.

The ILO has both a supervisory and a promotional mechanism to advance the application of its labour standards or conventions. Under its supervisory mechanism states are obliged to account for any failures to implement ILO Conventions which they have ratified or rights under the Declaration, whether they have ratified the related conventions or not. This process allows development and human rights organisations to input material to the ILO on labour rights abuses and shortcomings in labour law, provided the material is submitted via a government, an internationally recognised trade union or an employers' organisation. The ILO's observations on the material they receive are then sent directly to the government involved, along with recommendations for remedial action. These are also detailed in a report which is made public. In addition, some countries will be selected to go before the annual Conference Committee on Application of Standards in June to defend their record. Any or all of these combine to put pressure on governments to observe labour rights. However, there is little the ILO can do to ensure full compliance with its recommendations, and to date there has been little use of the sanctions which are allowable under ILO mechanisms. Burma alone has been suspended from the ILO and member states have been asked not to trade with that state due to its massive use of forced labour.

In addition to this supervisory mechanism, a promotional mechanism also exists at the ILO to encourage those states which

have not or cannot apply the core conventions under the 1998 Declaration to do so. The ILO offers assistance to countries through its programme of technical co-operation to help them to achieve compliance with international labour standards. The technical expertise available to states through the ILO can take the form of legislative reviews in order to ensure that national laws are compatible with international labour standards. It can involve the development of labour inspectorates under a comprehensive programme for an industry or state. It can involve interventions aimed at documenting the nature and extent of exploitative labour practices. It can be preventive, such as provision of micro-finance facilities to vulnerable communities, or remedial, such as education programmes for child labourers.

However, the ILO cannot provide technical assistance if a government is unwilling to accept it. This is critical in situations where exploitative labour practices are closely related to the power held by a political or entrepreneurial élite. The crucial issue of impunity for those who use forced labour, for example, may go virtually unchallenged if ILO programmes designed to address legal remedies are simply not accepted by state or federal governments. Thus the ILO can only be effective if it is supported by member states, trade unions, employers and civil society groups. International campaigning is necessary to highlight the unacceptability of certain labour practices and to pressure states where such practices occur to take remedial action. Moreover, as providing remedies requires resources, international campaigns also need to put pressure on potential donors to finance initiatives at local, national and international levels. Such funding can be directed at local NGOs, international NGOs or labour rights organisations and the ILO or other UN agencies such as the UNDP and UNICEF.

Building North-South advocacy alliances: the experience of the Trócaire Slavery Campaign

From September 2000 to June 2001, Trócaire worked intensively on the first phase of an advocacy campaign on bonded labour. The experience and analyses of organisations in India, Pakistan and Brazil were brought to the attention of the Irish Government, the

Irish Congress of Trade Unions (ICTU) and the Irish Business Employers' Confederation (IBEC), with a view to their taking action on this issue at the ILO annual conference held in June 2001. Each of these stakeholders is represented at the ILO in its own right, as part of a grouping of countries or under the umbrella of the workers' or employers' groups. Trócaire also drew on the work of Anti-Slavery International (ASI), a specialised UK-based NGO which has long experience of advocacy at the ILO and UN bodies on this issue. Working in partnership with ASI in developing advocacy positions and carrying out joint lobbying initiatives strengthened the impact of both organisations' advocacy work.

The advocacy campaign on slavery brought a new dimension to Trócaire's partnership with Indian organisations working on bonded labour. In particular partners' experiences and recommendations were conveyed to key players at the ILO. As a result, the Irish Government and delegates from the Workers' Group in particular, prioritised this issue at the annual conference of the ILO in June 2001, emphasising it as a heinous abuse of labour rights. National delegates at the ILO lobbied by Trócaire and ASI not only made strong interventions on their own countries' behalf but influenced other ILO stakeholders to endorse their proposals. The Irish Government's contribution was supported by nine European states and singled out by ILO Director-General Juan Somavia as a concrete proposal for action on bonded labour.⁷

Opening the Annual Human Rights Forum of the Department of Foreign Affairs in July 2001, Minister for Labour, Trade and Consumer Affairs, Tom Kitt TD reflected on the slavery campaign, noting that the action of concerned citizens in Ireland was critical: "The 40,000 signatures I was presented with strengthened my hand considerably at the ILO Conference in Geneva on 15 June ... As I said, the government can only act most effectively when there is a concerned and informed public opinion behind it."

A key challenge following on from this is how to further develop this North-South advocacy partnership in order to increase the leverage of Southern-based organisations over policymakers at a national and international level. In essence this is part of a wider challenge facing many NGOs in seeking to be effective pro-poor advocacy institutions.

Trócaire views the above approach as entailing the following core elements:⁸

- A commitment to the empowerment of social groups to define

obstacles or problems, design and implement programmes to address those problems and ultimately to participate in determining outcomes;

- strengthening the capacity to listen to these groups' views and adapt to their priorities and realities;
- working simultaneously on the same issue at multiple legal and institutional levels (local, national, regional, and global) and utilising various solidarity networks to advance this;
- monitoring and evaluating advocacy work;
- communicating widely, networking;
- being an innovative and learning organisation capable of adapting strategies based on the experiences and lessons gained.

In the second phase of its Bonded Labour Campaign, Trócaire aims to build on its work with local partners to co-determine advocacy objectives at local, national and international levels. Trócaire envisages that a jointly designed advocacy partnership with local partners will contribute to more effective, locally determined advocacy with outcomes which are relevant to and focus on the priorities for those affected by bonded labour. Trócaire anticipates that part of its contribution as a Northern NGO can be to facilitate increased direct access by Southern partners to international fora charged with monitoring the application of labour standards and human rights conventions. One such forum is the ILO's Committee of Experts and Committee on Application of Standards which is an integral part of the ILO's supervisory mechanisms outlined above.

In phase two, Trócaire will continue to work with specialised NGOs such as Anti-Slavery International to carry out joint advocacy work and it will also endeavour to work with, and influence, the Irish Government, IBEC, ICTU, the International Confederation of Free trade Unions (ICFTU) and the ILO secretariat to pursue the aims identified jointly with local partners.

Conclusion – some lessons for the future

Following on phase one of Trócaire's bonded labour campaign four key lessons are evident.

Firstly, it must be recognised that advocacy and campaigning on an issue as entrenched as bonded labour is a long-term process necessitating a multifaceted approach. The ever-present risk in development and advocacy work is that issues once at the fore can be sidelined as policymakers and activists alike move on to new or emerging areas. In order for advocacy to be effective it needs a long-term commitment and a long-term investment of resources.

Secondly, the approach taken must work at a variety of levels, local, regional, national and international and work in such a way as to strengthen the links between these different levels of intervention. Good structures of local and national governance and an active civil society network on bonded labour issues demanding compliance from duty bearers for adherence to, and the promotion of, human rights are necessary. So too are effective structures of global governance including effective international supervisory and other mechanisms under the ILO as well as international (North-South) campaigns working for change. Moreover, rather than being mutually exclusive, strengthening interventions in one area can serve to improve interventions in others.

Thirdly, many campaigns involve Northern agencies advocating on behalf of Southern partners. The challenge today is to conduct advocacy in a manner which aims not only to achieve policy objectives jointly defined by South-North NGO alliances but which is a tool for the empowerment of local groups and communities. Careful monitoring and evaluation will be critical as NGOs North and South attempt to create effective advocacy partnerships.

A fourth lesson is the importance of building strategic alliances between development organisations and specialist agencies such as Anti-Slavery International. Development organisations can draw on the experiences of their partners and bring this to international fora, while partnership with a specialist organisation brings knowledge, skills and access to decision-makers which have been gained over years of high-quality research, network-building and advocacy.

Finally, while a campaign such as the bonded labour campaign of itself cannot bring an immediate end to this practice, it does play a crucial role in creating public awareness as to its existence without which no long-term solution is possible. Turning this awareness into action both among the communities affected as well as among an international community of stakeholders including activists in Ireland, donor governments and UN agencies, is a challenge to all.

References

- Anti-Slavery International, *Debt Bondage*, Anti-Slavery International, London, 2000
- Bales, Kevin, *Disposable People – New Slavery in the Global Economy*, University of California Press, 1999
- International Labour Office, “Stopping forced labour – global report under the follow-up to the ILO declaration on fundamental principles and rights at work”, ILO, Geneva, 2001
- Raj, Mohan & Raman, Lakshmi, “The situation of bonded labour in Tamil Nadu”, unpublished report, January 2001
- Raj, Mohan & Raman, Lakshmi, “Note on the current situation of bonded labour release and rehabilitation in South India”, unpublished report, October 2001

Footnotes

- 1 This paper was primarily authored by Sarah McCauley with assistance from Caoimhe de Barra and draws on field research carried out by Trócaire partners and by Lakshmi Raman and R. Mohanraj; Report on follow up with Trócaire partners around advocacy on bonded labour; Briefing Paper on “Current Situation of Bonded Labour, Release and Rehabilitation in South India”
- 2 Karma is a belief that the sum of a person’s actions in previous states of existence decides their fate in future existences.
- 3 “Submission to Ireland Aid Review Group”, April 2001, Trócaire, Point 2.3
- 4 Deepa Narayan with Raj Parel, Kai Schafft, Anne Rademacher and Sarah Koch-Schulze, *Voices of the Poor*, vol. 1, *Can Anyone Hear Us?*, Oxford University Press for the World Bank, 1999; vol. 2, *Crying out for Change*, Deepa Narayan, Robert Chambers, Meera K. Shah and Patti Peresch, Oxford University Press for the World Bank 2000. These studies highlight the severe obstacles to tackling poverty entailed by unaccountable, corrupt or weak institutions of governance.
- 5 Correspondence between Trócaire and its partners in advance of the ILO conference and field work undertaken by Lakshmi Raman and R. Mohanraj.
- 6 Article 4, Universal Declaration of Human Rights, 10 December 1948
- 7 Provisional Record 20, 89th Session, Geneva, 2001: Reply by the Director-General to the discussion of his report, p.10 (ILC89-PR20-326-En.doc)
- 8 This section draws on the work of a study on rights and livelihoods by ODI/CAPE cited in an internal Trócaire policy document entitled *The Right to Participate as a Key to Poverty Reduction*, October 2001.