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Modern Slavery as a Product of Transnational Corporate Supply Chains: An Ecofeminist Evaluation of Systems to Address the Linkage Between Modern Slavery, Climate Change, and Gender Injustice

University Honors College

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Abstract: Neoliberal ideologies and economics are based on the concept of endless economic growth. This growth is sustained through the use of market domination and the exploitation of the vulnerable and their resources. As pressures of economic growth place priority on industry over human and environmental health, our world faces dire consequences for its corrupt relational values. This research demonstrates the link between modern slavery, the environment-climate crisis, and gender injustice in three separate case studies of modern enslavement in transnational corporate supply chains. Through the use of ecofeminist theory, modern systems of domination and their internalizations are used as a framework to assess the contradictions in policy implementation and legal application, and the normalization of predatorial ontologies. Degrowth ecological economics are given as a transitional answer to addressing these issues, as well-being must become prioritized over profit in order to solve the crises we collectively face.

Introduction

In today's world, enslavement is a pervasive force that enables much of the global economy to be "prosperous". Due to the growth-economy objective, which is included in the UN's Sustainable Development Goals¹ as goal number eight, corporations are in a race for profits rather than sustainable and humane solutions. Imperialists have used the extortion of labor and resources to create and sustain empires throughout centuries if not thousands of years². In the modern era, this is no different, as transnational corporations and a global economy are the driving force in modern depictions of slavery,

¹ To learn more about the UN's Sustainable Development Goals please reference: <https://sdgs.un.org/goals>.

² We can turn to 1856, as Chinese workers, known as "Coolies", were often forced or tricked into replacing African slave labor. We can go further back, to Ancient Egypt during the Hellenistic and Roman Period (332 BCE–395 CE), when houses of female slaves were forced to reproduce and give their babies into slavery (Dalby). These are just a few examples. For more, please reference Patrick Wolfe's piece, *History and Imperialism: A Century of Theory, from Marx to Postcolonialism*.

with US\$150 billion in illegal profits obtained annually (*Bankrupting the Business*) and with at least 24.9 million people enslaved by labor. (Walk). Modern slavery is best described as “unfree labor”, a new form of enslavement found in neoliberal market conditions. As poverty rises, vulnerability rises, and therefore conditions for unfree labor are exasperated. Place competition³ and value chains⁴ play a huge role in neoliberal domination⁵ as transnational corporations’ business creates competition economics (Mondliwa et al. 328-349). This competition places the most vulnerable in the hands of those seeking to profit from their exploitation. Unfree labor is seen as a “relationship of domination rather than as a social relationship of insecurity and exploitation” (LeBaron and Ayers 874). Much analysis of modern slavery focuses on the moral and cultural corruption of those who participate in enslavement rather than looking at the systems of domination that cause it. 71% of those who are enslaved globally are women⁶, as their gendered roles include an obligation to reproductive labor and often the dual responsibility of productive labor⁷ (Walk). Due to these conditions, women are more likely to be poor and within lower socioeconomic statuses, subjecting them to conditions of helplessness (Huyer et al. 572). These vulnerabilities increase the risk of being exploited in transnational supply chains, as women and girls have the most risk of being victims of unfair practices, violence, and slavery making up 59% of those enslaved by unfree labor (*Trafficking and Forced Labour*). Not only are women more vulnerable to conditions of modern enslavement, but they are also more likely to experience sexual violence in communities where massive resource extraction exists. Women are disproportionately affected by pollution and the warming of the planet⁸ and experience higher rates of domestic violence in times of economic hardship (Ruder and Sanniti 4). Men’s domination of

³ Countries seeking to develop further compete for business through tax incentives and relaxed labor and environmental laws. This deregulation is encouraged by IMF.

⁴ Value chains are complex supply chains that use competition between suppliers to keep costs down. This makes it so businesses are able to keep their costs as low as possible.

⁵ Reference *Neoliberalism* in Stanford Encyclopedia of Philosophy.

⁶ This paper uses the terms “woman” and “women” not to describe a biological or essentialist category, but a social role that upholds capitalist production and the bourgeois family model.

⁷ Productive labor is labor that goes through the market and is accounted for within capitalist economies. Reproductive labor includes the restorative labor that is necessary for productive work, often referred to as domestic labor and care work. For a further understanding of the relationship between these two types of labor reference *The Value of Reproductive Labor* written by David Griffith et al.

⁸ Reference Wanner and Wadham, Nagel and Lies, and the UN’s article “Explainer: How Gender Inequality and Climate Change Are Interconnected | UN Women – Headquarters”.

commerce, science, and politics plays a crucial role in humanity's current narrative around climate change and is the determining factor in how governments and industries approach the crisis⁹ (Nagel et al. 2).

The reliance on power-driven hierarchical relations, specifically in relation to gender and the natural world, creates corrupt relational values¹⁰ that result in modern slavery, the destruction of the environment-climate, and gender injustice, as each of these crises are inherently linked. Through the analysis of three cases of modern enslavement, this paper will evaluate this linkage from an ecofeminist perspective. These cases are from varying regions of the world and reflect the previously stated link. Our first case is that of garment factory workers in Cambodia, specifically focusing on labor and environmental data from the fast-fashion industry. This section will demonstrate how the proposed oversight, as well as domestic and international law, fails to protect these workers and the environment under the current neoliberal market conditions. Sub-Saharan Africa's cash crop, sugarcane, will be our second region of focus. Colonial roots deeply impact this international trade policy, allowing transnational corporations to dominate local markets, exacerbating the abuse of workers, gender injustice, and the environment-climate crisis. The third case study will be unique, as it will pull from my personal experiences and observations while working in an Alaskan cannery as well as the other two cases to demonstrate its validity. This case discusses the conditions of seafood slavery in Alaskan canneries and the abuse of migrant workers and its relationship to overfishing. This comparative analysis will show how corporations target women from vulnerable parts of the world and isolate them, using intimidation tactics and entrapment to secure a labor force. The final portion of the paper will explore how ecofeminist theory and policy approaches could transform systems of domination and replace them with ecological care economies based on a revolutionary framework that transcends normalized predatorial ontologies, contributing to the degrowth economics discourse.

Before analyzing these case studies, it is important to first examine the literature surrounding ecofeminist theory as well as give an ecofeminist evaluation of systems to demonstrate how it applies to modern enslavement in global commerce. The objective of this section is to provide those who are

⁹ Although I am focusing on women's experiences in this paper, it is important to acknowledge that men also experience vulnerability in work that is a direct result of the environment-climate crisis, such as firefighting, rescue, and reconstruction (Nagel et al. 3).

¹⁰ The term "relational values" refers to the foundational values that guide us in relationships and in relation to the natural world.

unfamiliar with ecofeminist theory with the tools to analyze the case studies through a carefully crafted axiology that steps outside the normalized and unconscious ontology of domination. The normalization of domination systems is not something that is often discussed in legal practice or policy implementation, nor in the discourse around the environment-climate crisis. Through the use of ecofeminist literature, the next section gives the philosophical framework that will be applied to the three case studies depicted in this paper. This framework flips the current paradigm on its head and asks us to look for solutions to the wicked problems¹¹ in this world through the careful excavation of relational values and their manifestations.

Literature Review:

Ecofeminism has many branches, with varying degrees of application and theory. All ecofeminist scholars argue there is an indisputable link between the “domination of nature and the domination of women’s bodies” (Ruder and Sanniti 4). Ecofeminists “aim to integrate the concerns of women, poor people, and nature into development” (Eller). For the purposes of this paper, we will be grounding ourselves in cultural ecofeminism¹². Cultural ecofeminism analyzes ways of knowing and relating regarding the social-ecological and how it impacts economics, politics, and the practice of law. Ecofeminism has powerful insight into the ways in which we approach relational values. Much current analysis, ecofeminism argues, is within a paradigm of thinking that lacks holistic frameworks, resulting in an absence of commonsense, solution-oriented approaches to society’s challenges. Ecofeminism argues that systems of domination can not solve issues caused by domination and that the oversimplification of wicked problems is a result of these systems.

Systems of domination, according to ecofeminist theory, rely on a concept referred to as Othering to be sustained. Othering in this paper is defined by Plumwood’s theory of dualism (Plumwood).

Plumwood’s theory uses dualism to explain the concept of Othering and how it can be applied to justify

¹¹ The term “wicked problems” was established by theorists Horst Rittel and Melvin Webber to address the simplification of planning and social policy problems and draw attention to the complexities and how each attempt to create a solution changes the understanding of the problem. Reference Rittel and Webber for their essay “Wicked Problems”.

¹² Cultural Ecofeminism embraces the association with women and nature, believing that men are just as is damaged by the separation. This school of thought believes that a reuniting with nature it crucial for solving social issues.

domination. The act of Othering is in effect, the act of dehumanization. If one perceives something to be Other, then relations are placed into two hierarchical and exclusive categories, negating the complexities and eroding mutuality. Put simply, if we relate to one another, as well as the natural elements of this world through dualism and hierarchies we are always relating through the lens of power differentials, which result in power struggles. These dualistic frameworks are not limited to but include: submissive/dominant, emotion/reason, nature/civilization, primitive/civilized, etc. In this theory, this separation is viewed as a tactic to dehumanize in the name of production, and historically, for imperial conquest, the demands of war, and the normalization of mass genocide. This purposeful suppression of connection, and therefore humanization, has resulted in relational violence that has a macro-micro reductionism, meaning that it not only exists in human systems but has been internalized into humanity's psychology. This lack of empathy and the internalization of Othering is not something that is inherent to humans, but rather something that is cultivated (Ruder and Sanniti 6). Ecofeminist scholar, Susan Griffin, uses Hinrich Himmler, a Nazi general, and his application of the gas chambers in WWII as an example of this tactic at work. Himmler instructed Nazi soldiers to commit genocide against the Jewish people but was far removed from the actual act (Pandley 91). Upon visiting with soldiers onsite, he witnessed the violence that he had only understood cognitively, but not emotionally. He was so affected by witnessing the murders, and their impact on his soldiers, that he implemented gas chambers to create a distance between the act of murder and the murderer. This separation made it easier to justify harm and remove oneself from inherent empathy and psychological damage (Pandey 92). Ecofeminist scholars Sarah-Louise Rudier and Sophia Rose Sanniti, whose work informs this paper, argue that culturally we are so accustomed to relational violence, often due to this tactful separation, that we believe it's how humans relate naturally and that it is justifiable. The distance from the harm caused makes us indifferent to its consequences, resulting in a normalization of dehumanization. Within this paper, this theory and philosophical discussion will be applied to transnational corporate supply chains and their effects on legal application and policy implementation. It will also be used as a lens to interpret our cases of abuses of power and the proffered solutions of corporations and governments.

Ecofeminist Evaluations of Systems:

Using our ecofeminist methodology, we can see Plumwood's theory of dualism at play within these cases. The hierarchical categories of submissive/dominant demonstrate themselves in each industry's relationship to gender and the environment, as transnational corporations use financial leverage through economics and industry to avoid legal accountability. This subset of dualistic relational values is also found within the workers themselves, as positions of privilege perpetuate abuses. Stakeholders, too, fall into this dynamic. By Othering they do not have to equate their personhood to those they are effectively enslaving to increase their profit margins. Creating distance through a complex value chain allows them to remove themselves from the harm that sustains their profits while ignorantly approving solutions that sustain their dominant market position.

The global North has created a dominant view of development that views systems of civilization as more valuable than systems in nature. Nature and civilization are seen as separate, with the natural world equating to a submissive entity rather than a mutual stakeholder in global economics. The "civilized" have effectively been granted permission to dominate nature for global markets in the name of development, even despite the existence or need for human rights protections and environmental policy. This demonstrates the hierarchical dualism in which development interacts with nature and how this definition is internalized to view certain approaches to community as civilized while others are considered lesser and primitive (Ruder and Sanniti). Place competition is a system of domination in itself, as conditions of the International Monetary Fund requires developing countries to participate in development as defined by the global North to be in compliance¹³ (Trubitt). The hierarchical dualism of emotion verse reason also comes into place as the feelings and lived experiences of those subjected to modern enslavement mean nothing to the neoliberal agenda and its economic reasoning.

Plumwood's theory (Plumwood) is a crucial framework while assessing the dynamics that unfold in the linkage between modern slavery, the environment-climate crisis, and gender injustice in these cases. Othering allows those in positions of power to demand submission, whether through financial leverage, entrapment, physical or sexual assault, or psychological manipulation. Destroying natural resources and continuing to contribute and excuse a lack of response to the environment-climate crisis

¹³ For a further explanation of the harmful effects of the conditionality imposed by IMF refer to *International Monetary Fund Conditionality and Oprions for Aggrieved Fund Members* in Vanderbilt Journal of Transnational Law written by Brian Trubitt.

demonstrates normalized corrupt relational values that are resulting in dire consequences. The mindset of domination and control exposes itself through the failure to respect local law, environment, and people, as well as by using covert forms of manipulation to trick the public into believing they are addressing the wicked problems that they themselves created. To commit such acts is a dominator's way of devaluing and enforcing hierarchical structures and assuring continued domination. Neoliberal ideology and policy create the framework for these violations, as development for profits and an imagined economy¹⁴ are more important than human and environmental health. Specifically, women's vulnerabilities play a role, without the domination of women there would be less access to unskilled labor and those in positions of helplessness who resort to self-deprivation as a means of survival. All of the cases in this work show that when those in dominant market positions come to extort local resources it is accompanied by human exploitation and that women are more likely to be in a position of helplessness, therefore to experience enslavement and these abuses of power.

Plumwood's theory, however, is not two-dimensional, as governments, those who enforce the law, stakeholders, as well as those in leadership positions within transnational corporations themselves are also in power differentials that influence and normalize their behavior. To truly understand Plumwood's theory, we have to step outside of dualistic thinking ourselves and into the complexities of relations. We must also strive to humanize and emphasize with every being in the process, understanding that systems are the culprit and that relational violence has been naturalized¹⁵ (Hunnicutt 184). As governments are dominated by the pressures of global economics they pursue the domination of their natural resources and their people to meet its demands. On a micro level, citizens are dominated by the vulnerabilities these conditions create and they pass on that relational domination to those who they perceive to be below them in the chain. The global North has a narrative regarding what being developed means, and this narrative, that domination and consumption equate to power, prosperity, and dignity, has become a global trope (Mort 12).

¹⁴ Refer to *The Imagined Economies of Globalization* by Angus Cameron and Ronen Palan for elaboration.

¹⁵ To learn more about the naturalization of violence refer to Chapter 1 in *Gender Violence in Ecofeminist Perspective: Intersections of Animal Oppression, Patriarchy and Domination of the Earth*.

Cambodia: Fast-Fashion Garment Supply Chain

Consumers in the global North are engulfed in a “Now Culture”¹⁶ which creates a high demand for cheap and easily consumable products. These products are seemingly cost-effective until their supply chain is traced to human and environmental costs that which common consumers are far removed. H&M is a well-known transnational corporation within the fast-fashion garment industry and the continued enslavement of its workforce and poor treatment of the environment tells us a great deal about domination systems and the use of media rhetoric and greenwashing to avoid accountability and negate action. H&M works well as a case study for enslavement and harmful practices, but these practices do not exist in a vacuum. The fast-fashion garment industry as a whole demonstrates how corporations cannot be solely responsible for freeing those they enslave, as neoliberal ideologies create instability and the circumstances for reoffending.

H&M's reputation regarding their treatment of workers and the environment of the countries that hold their supplier factories has caused them to tactfully shift the narrative to stay relevant in the market. This inaccurate narrative of a one-size fits all policy approach to address labor abuses, gender injustices, and environmental degradation has been used to market its products further, continuing its abuse rather than actually addressing its wicked problems. In H&M factories women hold between 65-80% of textile positions depending on where the factory is located. In Cambodia's garment industry, 90% of all garment workers are women (Makin 3). As of 2022, H&M's supply chain has women holding just 27% of managerial roles and 63% of their workforce (H&M Group). In 11 out of 12 H&M supplier factories, women have been terminated just for being pregnant (Kale). Female garment workers in H&M factories have been working in conditions that constitute “unfree labor” as they are subjected to relations based on domination. Extreme pressures for production are the driving force of these conditions as female Asian garment workers in the countries of Cambodia, India, Indonesia, and Sri Lanka have faced working conditions that lack basic human dignity. A report done by labor and human rights organizations¹⁷ that exist in the region demonstrates the serious and extreme gender violence in H&M's supplier factories. According to this report, violence that is gendered includes violence against a woman for being a woman

¹⁶ “Now Culture” refers to modern-day consumers demanding immediacy and instant gratification.

¹⁷ These organizations include: Asia Floor Wage Alliance (AFWA), The Center for Alliance of Labor & Human Rights (CENTRAL), Global Labor Justice (GLJ), Sedane Labour Resource Centre/Lembaga Informasi Perburuhan Sedane (LIPS), Society for Labour and Development (SLD).

and violence that affects women disproportionately due to a high concentration of women workers in certain industries or departments. The forms of gender-based violence within the report are placed into five categories: “acts that inflict physical harm; acts that inflict mental harm; acts that inflict sexual harm or suffering; coercion, threats, and retaliation; and deprivations of liberty”(Asia Floor Wage Alliance *et al.*). This report also includes gendered barriers to seeking relief.

These acts include by are not limited to:

Assault, including pushing to the floor, beating and kicking, throwing heavy bundles of papers and clothes; overwork with low wages, resulting in fainting due to calorie deficit, high heat, and poor air circulation; verbal abuse linked to gender and sexuality; sexual advances from management and mechanics and retaliation for reporting; unwanted physical touch, including inappropriate touching, pulling hair, and bodily contact by managers and male co-workers; rape outside the factory at the accommodation; threats of retaliation for refusing sexual advances; blacklisting workers who report workplace violence, harassment, and other rights violations; forced to work during legally mandated lunch hours; prevented from taking bathroom breaks; forced overtime; and prevented from using legally mandated leave entitlements. (Asia Floor Wage Alliance *et al.*)

This report makes it clear that female garment workers in H&M’s transnational supply chain have been enslaved through gender violence.

H&M is one of the fashion industry’s largest polluters. The company is responsible for at least 60.7 million metric tons of carbon dioxide equivalent per year, increasing by about 18% in 2021 (Statista). As a whole, garment supplier factories in Cambodia rely on illegal forest wood to generate electricity to run their facilities. These businesses were found to use at least 3,504 acres of forest each year (Belmaker). H&M has been a major contributor to the deforestation of Cambodia and the destruction of forest resources is directly linked to climate change (Lawrence et al.). The textile industry is also the highest generator of toxic chemicals in the land and air and toxic metals in the land, air, and water in Cambodia. Women garment workers who are exposed to these chemicals experience higher rates of respiratory and pulmonary diseases as well as an increased rate of cancers (Turnberg 14-15). H&M has also been reported to have suppliers who dump toxic waste with cancer-causing agents into local waterways (Chapman).

Legal Analysis: Why doesn't the law work?

For the legal analysis of this case, this paper will specifically focus on H&M's factories in Phnom Pehn, Cambodia. This gives us a narrower focus on how laws and regulations fail in a globalized world and how neoliberal ideologies perpetuate corrupted relational values impacting how and when laws are enforced. The existing policy that focuses on the vulnerable has little lasting effect on a structure that relies on domination. Although this work only focuses on Cambodia's laws and legal practices, these practices and approaches are common themes found in many of the countries H&M sources its fast-fashion from, as all of these developing countries fall into place competition in the race to develop their economies (Masters).

Most of Cambodia's misuse of legal instruments happens on the local level. The Kingdom of Cambodia has the National Assembly and Senate which are put into effect by the King or the acting Head of State. Laws (*Chbab*) are adopted via a vote of these legislative bodies, including international treaties. Article 31 of the Kingdom of Cambodia's Constitution states that domestic law must follow international human rights law. The constitution does not, however, clarify the hierarchical structure of the application of the law. This infers that international law is below the Constitution (Duch and Tillet). One would think that because the National Assembly is the group that votes on treaty agreements, international law would be above or at least equal to domestic law. Yet, in the application, it is observed that this is not the case.

All citizens in Cambodia, regardless of sex are provided equal rights and freedom of discrimination under Articles 31 and 42 in the Constitution, respectively. Cambodia's Criminal Code addresses forms of violence that disproportionately affect women: Article 239, rape; Article 250, sexual harassment; and Article 285, sex trafficking (*Cambodia 1993*). Although these laws are in place, their use and application do little to battle the systems of domination that women face in their communities and workplaces. There is a code of conduct for women and girls that require them to embody submissiveness and if women step outside of this accepted norm they experience forms of violence resulting in a lack of reporting and a misuse of legal authority (Sophanny).

As a member of the UN, Cambodia has ratified the Convention on the Elimination of All Forms of Discrimination against Women and the International Covenant on Economic, Social, and Cultural Rights as well as many other human rights treaties (OHCHR). These agreements have done little to protect or

advocate for garment workers' wages and conditions. In Marches for higher wages, which took place in 2013, strikers were prevented from crossing a bridge to the center of the city, resulting in police violence that left some dead. In January of the next year, garment workers struck again, resulting in military violence that took at least 5 more lives (Calamur). The freedom of peaceful assembly within Cambodia's Constitution was not honored or enforced and was instead violated through the use of institutional violence. Cambodia's government not only does not protect garment workers in accordance with the law, they protected and enshrined the conditions in which they are enslaved.

Cambodia's constitution appears to be contradictory in its legal application in regards to development. Article 59 places the protection of the environment in the hands of the State along with The Law on Forestry, which was passed into law in August of 2002 (Forest Administration). This law designates protected areas and prohibits them from being logged, yet states this resource's use is under the government's discretion. This has proven to not be as successful as hoped, as the government commonly makes concessions for economic reasons. The Shadow State¹⁸ in Cambodia has provided a loophole for industry by allowing access to decimate the very forests they claimed the responsibility of protecting. Government officials pocket payments for access making it impossible for the law to work effectively (Work et al. 1-32).

The Kingdom of Cambodia's Constitution includes development in its 2008 revisions as Article 61 states:

The State shall promote economic development in all sectors and particularly in remote areas, especially in agriculture, handicrafts and industry, with attention to policies on water, electricity, roads and means of transportation, modern technology, and credit systems.

These objectives have come to be juxtaposed, as the neoliberal model of development and industry can not exist with policies that protect environmental and human health. Cambodia has made development a priority and is less effective at advocating for its environment and its people because of it.

Neoliberal Solutions:

H&M has been using Global Framework Agreements (GFAs) to re-establish power relations between stakeholders in Cambodia's garment industry (Norpoth). These agreements are supposed to

¹⁸ The shadow state in this context is the corruption of state contracts by corrupt government officials. (Work et al. 1-32).

create oversight within the supply chain in regard to human rights and sustainability. Even with these efforts, it's hard to ignore the cognitive dissonance these solutions present, as conditions of buyer-driven supply chains¹⁹ create the circumstances for inconsistency in what is referred to as “industrial democracy” (Nortpoth et al. 175). Industrial democracy is when workers are a part of making decisions that impact them, allowing them to share responsibility and hold leadership in their workplace. Through the use of GFAs, H&M has had some impact on human rights and the use of unions within Cambodia's garment factories. Yet, these mechanisms and systems have their limitations and have already been proven to be ineffective due to the lack of use of Unions by Cambodians. Unions in Cambodia, are also polarized and lack structural power²⁰. These workers are considered low-skilled workers and face place competition in global value chains. A majority of these workers are women, making it so they are more likely to be in positions of hopelessness with less bargaining power. There are also high tensions in Cambodia between business and unionizing, another condition that makes them less effective, as workers are held in power differentials that impact the use of legal instruments and GFAs.

Although H&M has made attempts to address its climate-environment impacts, human rights violations, and gender violence, its tactics come off as nothing more than manipulative rhetoric. H&M has generated a lot of PR in regard to addressing these issues, but in practice, not much change has occurred as 96% of their sustainability claims are considered “unsustainable or misleading” (Opine). Despite their claims of addressing gender violence, in 2021, a 20-year-old garment worker, Jeyasre Kathiravel, was abducted, raped, and murdered by her male supervisor, even though she reported his harassment via H&M's sanctioned mechanisms. Furthermore, gender violence is still widespread in their overseas factories (Kelly), demonstrating how the oversight mechanisms do little to address the domination culture perpetuated by global neoliberal market pressures.

Sub-Saharan Africa: Sugarcane Value Chain

¹⁹ Buyer-driven supply chains in this context refers to global garment brands and retailers who, through purchasing power, have control of the global production of their products.

²⁰ Structural Power is the arrangement of power within a society and its influences on culture, institutions, and relationships.

Sub-Saharan African sugarcane production is just one example of how sugar's agricultural industry affects climate-environment and gender injustice. Sugarcane supply chains are incredibly complex, as buyers tend to purchase their supply from many different locations and sources. In the last decade, corporate agribusiness capital has expanded "value chain agriculture"²¹, pushing the neoliberal free-market ideology. Most transnational companies that purchase sugarcane lack supply chain transparency and much of the data collected on vulnerable populations in the region by the UN has indications that the data is unknown and incompatible (Martiniello and Azambuja 209-212). Global development institutions, corporate agricultural business, and governments view sugarcane as an opportunity to integrate local agriculture with commercial agriculture circuits and reduce rural poverty. Yet, contract farming hasn't proven to be successful as smallholders in these supply chains are at a great disadvantage. Again, place competition and the race to the bottom results in Othering, ecological degradation, and conflict (Martiniello and Azambuja 209). This case tells us a great deal about the linkage between modern enslavement, gender injustice, and the climate-environmental crisis and how it is linked to colonial pasts and the continued use of systems of domination. It also demonstrates how new "win-win" approaches to sub-Saharan sugarcane agriculture are rooted in colonial legacy, rather than partnership and mutual benefit.

Globally, women make up half of the agricultural workforce; in sub-Saharan Africa, they make up 70% of this workforce (European Bank 1). Agricultural labor is declining as a whole, but proportionally women workers are growing. This is a global trend in agricultural supply chains. Sub-Saharan Africa is one of the leading global suppliers of sugarcane (Hess). There are key trafficking risks in sugar production in this region that includes child labor, migrant labor, and casual labor²² (Verité). To demonstrate the gender violence in this transnational supply chain, a report released by Social Development Direct will be referenced. This report found that abuse is exacerbated by production demands, as seasonal deadlines create "intense pressure" increasing the risk of those in leadership positions abusing their power (European Bank 3). There are consequences to incentive structures, "such as performance-related pay, bonus schemes, and piece-rate systems to assess workers' productivity".

²¹ Refer to *Value-chain Agriculture and Debt Relations: Contradictory Outcomes* written by Philip McMichael.

²² Defined as temporary work.

Sexual harassment and exploitation are a direct result, especially when an individual manager holds the majority of the decision-making power. There is also a substantial risk for workers' children who accompany their mothers to experience violence from male workers. Verbal and physical abuse are deployed by supervisors to increase productivity. Women are disproportionately vulnerable to this violence as they endure the economic and cultural power dynamics associated with gender. These positions isolate women in rural areas, making it so men are more likely to commit sexual assault and harassment. Migrant workers are particularly subjected to gender violence, as the housing that is often supplied to these workers places them in danger and has limited mechanisms for protection against violence. Women in these areas do not have many options for income, therefore survival, as there is a lack of alternative employment options. To keep employment and/or prevent the loss of wages, women in these workforces are forced to endure harassment and gender violence, and rarely report it or have ways to escape it. These conditions can be understood as modern slavery defined as unfree labor, as they demonstrate an abuse of power through the domination of local resources and industry. This domination places women in this region in positions of helplessness, making them more vulnerable to unfair labor practices.

Sugarcane, as it is considered a “high-impact” crop, also has negative impacts on the environment-climate crisis (Hess et al.). Sugarcane production pollutes waterways with the use of pesticides and fertilizers, as well as the release of waste matter from sugar plants. This makes local waterways fouled and unusable by the public. This affects women disproportionately as women and girls usually have the task of collecting water. This task can be dangerous and demanding, as it often requires long journeys by foot leaving them vulnerable to attack while taking them away from school and work. Another dimension is that due to menstruation, women and girls rely more heavily on access to clean water for sanitation (Un-Water). Sugarcane burning also has negative environmental and health effects, causing pollution through acid rain and releasing cancer-causing pollutants, like formaldehyde. The soil is also linked to high interill erosion and loss of soil carbon and nutrient (Da Silva et al. 964). Sugarcane also releases nitrous oxide into the earth's atmosphere, a greenhouse gas that is 300 times higher than carbon dioxide (Hess et al). Sub-Saharan Africa contains some of the most impoverished countries in the

world, making it so they are the most vulnerable to modern slavery and the outcomes of climate change, with women in these regions, in particular, being disproportionately at risk (Cameron et al.).

Legal Analysis: Why doesn't the law work?

This section will focus on sugarcane agriculture in Uganda specifically, to give a narrower scope for the legal research and analysis. Uganda is ranked 166 out of 191 on the Human Development Index²³, placing it in the low development category ("Uganda Launch"). Countries that are in this category are more vulnerable to being exploited by global neoliberal practices, as governments are desperate to grow their economies. This desperation impacts their responses to human rights violations and the degradation of their local environment. Countries in this ranking tend to suffer from elite and government corruption, as resources from foreign aid are often stolen by government officials and/or funneled to elites. This corruption is directly linked to the misuse of legal instruments and a skewed application of law and policy. It is also a direct result of a history of colonial powers and systems of domination²⁴.

The Republic of Uganda's Constitution prohibits gender discrimination under Article 21, stating that regardless of "sex, race, color, ethnicity, tribe, religion, political belief, or social or economic standing" all people have equality before the law. Article 43, under Chapter 4, states that "no person shall prejudice the fundamental or other human rights and freedoms of others or the public interest" (Child). Uganda's constitution is unique as it has development and the rights of development listed under the section, *Protection and Promotion of Fundamental and other Human Rights and Freedoms*. Section XI, *The Role of the State in Development* states "the State shall give the highest priority to the enactment of legislation establishing measures that protect and enhance the right of the people to equal opportunities in development" and that "in furtherance of social justice, the State may regulate the acquisition, ownership, use, and disposition of land and other property"(Child). Section XIII, states that "the State shall protect important natural resources, including land, water, wetlands, minerals, oil, fauna and flora on behalf of the people of Uganda" and section XIV, under *Social and Economic Development*, states that "the State shall

²³ Refer to the United Nations' Human Development Index.

²⁴ For more context reference *The Rise of a 'New Slavery'? Understanding African Unfree Labour Through Neoliberalism* written by Genevieve LeBaron and Alison J. Ayers.

endeavor to fulfill the fundamental rights of all Ugandans to social justice and economic development”(Child).

Uganda, as a member of the UN, has ratified international human rights treaties such as the Convention on the Elimination of All Forms of Discrimination Against Women and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (OHCHR). Yet, Uganda’s constitution only speaks to international agreements very briefly, stating that foreign policy must have “respect for international law and treaty obligations”. When it comes to how domestic law and international coincide, there is constitutional silence. This has resulted in a fluid interpretation and application of international law, as the legislature and judiciary are inconsistent. The courts tend to neglect their treaty obligations particularly when it applies to the protection and enforcement of human rights (Onoria 594).

Although section XXVII under *The Environment* in Uganda’s constitution states that “the State shall promote sustainable development and public awareness of the need to manage land, air, water resources in a balanced and sustainable manner for the present and future generations,” Uganda’s legal application does nothing to enforce this. Environmental defenders in Uganda were arrested for peacefully demonstrating the destruction of the Bugoma forest for sugarcane agriculture, even though in Article 29 the right “to freedom of speech and expression” is guaranteed (“Uganda: Environmental Defenders”). There have been threats to human rights groups and environmental advocates by corporations and Uganda’s government.

Neoliberal Solutions:

High global food prices pushed commercial agriculture to look for cheap land and prospects to increase profitability, both of which they saw in developing countries in Africa. Poorer African countries were previously reliant on structural adjustment programs, which is a set of economic reforms that a country must adhere to to receive loans for development from the International Monetary Fund. With foreign investors in commercial agriculture now interested in investing in sub-Saharan Africa, the methods of domination changed, yet still have the same relational framework (Martiniello and Azambuja 209-212). European markets historically have imposed the cultivation of tropical cash crops at the expense of the

African people, and these new methods are no different. Even though sub-Saharan African countries have long since gained their independence, the commercialization of produce and the extraction of resources and labor continues.

In today's neoliberal market ideology, there is an assumption that poverty results from being excluded from global capitalism and that giving those an opportunity to participate would grant them economic advantages. Birthing the narrative of 'inclusive development', corporations in search of value chain participants promised farmers access to a larger market. However, there were significant blind spots in these claims as they ignore obvious power differentials within the global market as well as historical and political implications. Just as SAPs created economic independence, contract farming too has led to increased dependence, impoverishment, and rural underdevelopment (Little 216-47). The use of value chains in agriculture subjects farmers, their workers, and their land to extreme vulnerability. Competing against other farmers for access to buyers creates the circumstances for desperation as debt enslavement is rampant among sub-Saharan African farmers. These attempts to be more desirable in a market that is seeking access to cheap products cause farmers to participate in labor and environmental abuses to combat their own financial enslavement. These dynamics create and sustain situations of helplessness that result in modern slavery, climate-environmental degradation, and gender injustice.

Dillingham, Alaska: Seafood Industry

Seafood slavery is well-documented in areas of the world such as Thailand, China, Vietnam, Indonesia, Canada, and Ecuador ("Seafood Slavery"). The consequences of overfishing coupled with an increasing global demand for cheap seafood have encouraged seafood suppliers to participate in unfree labor and environmental abuses. Overfishing depletes the global fish supply and degrades our ocean's ecosystems. Without biodiversity, the ocean is unable to store carbon, a process that is needed for climate mitigation. There is a culture in the seafood industry in the United States that defines the degradation of one's body and the acceptance of inhumane working conditions as a form of dignity. This culture spans from those who fish tirelessly, being pushed to catch "enough fish" in an ocean that has been unable to replenish itself, to those who migrate across oceans to work in fish processing plants (Duong). Although it requires greater attention and research within the discourse, the next case

demonstrates how enslavement can happen in any part of the world and within any legal system and how injustices can be silenced by the normalization of predatorial relations and the entitlement that sustains them.

Much of the research on modern slavery in the seafood industry places the United States in the role of a watchdog (“Seafood Slavery”). This research, however, will be one of the first to document seafood slavery within the United States’ borders. Many fishery canneries are located in remote areas of Alaska. The cannery spoken of in this section is in Dillingham, Alaska, a small town on the south end of the Bering Sea, located on Bristol Bay. This cannery is only accessible by plane or boat and is owned and operated by Peter Pan Seafoods LLC. The claims of this research come from me, the author’s personal experiences and observations while being accidentally placed in a “non-American” department in an Alaskan cannery. It’s important to note that I am a white American who observed these injustices and that the reality of my citizenship, as well as other cultural factors, placed me in a position of privilege that eventually removed me from this department. My observations and recollections in this section are upheld through my legal research as well as a comparative analysis of the other two case studies previously mentioned. Although much of my data will come from my personal experiences at this specific processing plant in the summer of 2011, the legal research in this section includes Alaskan canneries as a whole over a longer period of time.

Peter Pan Seafoods LCC describes itself as a “vertically integrated seafood company” and is owned and operated via an ownership group²⁵. Ownership groups are a collection of persons or corporations and their affiliates, all of who are parties to a Stockholders’ Agreement which legally binds them as a single owner. The nature of such ownership groups creates a large degree of separation between those who catch, process, and distribute the product and those who profit from it. In rural Alaska, policies that privatize fisheries have had a severely negative effect on the safety of Native and rural women resulting in an increase in colonial violence²⁶. Alaska leads the nation in violent crime and is

²⁵ PeterPan Seafoods ownership group includes: Rodger May of Northwest Fish, the Na'-Nuk Investment Fund, LP, managed by McKinley Alaska Private Investment, LLC and McKinley Capital Management, LLC, and the RRG Global Partners Fund, managed by RRG Capital Management, LLC (Peter Pan Seafood).

²⁶ Colonial violence refers to the systems put in place by Europeans through settler colonialism that enforces gender divides, support sexual exploitation, and use patriarchy as a means to control marginalized populations for a means of production, paying them little or no wage. These systems are upheld through the use of coercion and force.

considered the deadliest state for women. Leading the nation in the number of rape and aggravated assault convictions per capita more men murder women in Alaska than in any other state in the union (Beacon). Research findings show that neoliberal policies are likely to blame as they have had dire effects on the environment and socio-cultural dynamics, leading to an increase in violence against women and substance abuse in Alaskan villages and townships (Braithwaite). During my time in Dillingham, I observed that female migrant workers were no different, as they also experienced these dynamics and undertones inside the fish processing facilities themselves, within the temporary lodging provided, and in the town where we were located.

Canneries in these remote fishery towns are often referred to as “fish camps”. The camp in which I was mistaken for being Ukrainian due to my Slavic descent, had high fences lined with barbed wire, gendered positions, racial discrimination, and men who broke into women’s bunkers if they didn’t show up to work who called themselves “watchmen”. The normalization of these tactics was created through overt and covert power relations. Departments were visibly gendered and racialized, with noticeable differences between the majority of American workers’ and non-American workers’ experiences. Many Americans came there with the knowledge that they would be placed into an “American job” and felt entitled to receive this privilege. Workers were granted different rates of pay and lengths of breaks depending on their department. Nonconicidentally, if you were placed in a racialized or gendered department the chances of receiving the minimum wage increased. Americans were seemingly intentionally placed into leadership roles, clerical work, and higher-paying positions such as machinists and quality assurance.

The role of the “patcher”, during the summer of 2011, was filled by only women. The majority of these women traveled across oceans from southeastern Asia, Russia, Ukraine, and Turkey and were enticed by a trip to America. Migrant workers are able to visit the lower 48 states if there was any time remaining on their work visas after the season. This appeared to be the deciding factor as to why these young women found themselves at this facility. I was told that they were approached by recruiters on college campuses for these positions, although I was not able to verify these specific claims within my research.

Being a patcher was physically and mentally grueling. It required 18 hour days of standing in a cold factory on cement floors looking face down maneuvering small scissors while wearing a hair net, full

body suit, rubber boots, gloves, face mask, and ear plugs, and being engulfed in the scent of raw salmon. The time it took to remove and replace these items was considered part of your break. Sleep-deprived and in a faraway place, our minds had nothing to do but think for 18 hours a day inside of the vacuum of our own psyches, making each minute feel like ten. These conditions broke people emotionally. At one point I had asked leadership about a young Turkish woman with a noticeable and extreme hand injury who didn't speak English. She appeared to be terrified. After the conversation, she did receive medical care but continued on in the patcher department. This is just one example I observed of a cultivated fear and dominance driving workers' experiences and actions. It is important to note that it was commonplace for workers to endure pneumonia, untreated injuries to hands and fingers, and skin infections, but that doesn't make it acceptable. The normalization of these conditions and relational values is how this industry is able to get away with the poor treatment of workers for the sake of production and profit.

Fishery towns are in economic power differentials with these corporations. These communities have become reliant on commercialized fisheries as they often do not just own the processing plant, one of the few places to find employment, but they also tend to own the majority of other local businesses that the locals have come to rely on. Because of this economic leverage, legal recourse is easily obstructed and dismissed. I experienced this firsthand while repeatedly attempting to report the labor abuses I had observed. Peter Pan Seafoods LCC is also transparent about the conditions workers face, making it hard for those who normalize predatorial conditions to see that this company relies on the conditions of entrapment and the exploitation of the vulnerable to ensure a labor force. For migrant workers who were oceans away from where they called home, not working was not an option, as companies in these remote locations pay for workers' flights to the remote plant, but only offer a return flight upon completion of the season.

Upon arriving in Seattle before departing to Dillingham, I was required to pay a \$115 union fee for Inlandboatmen's Union/International Longshore & Warehouse Union, Region 37. I tried to reach out to this union during my time at Peter Pan Seafoods and discovered the number I was given to contact them didn't allow me to reach them. This union filed a charge against Peter Pan Seafoods LCC in April of 2021 with claims including but not limited to:

unlawfully withdrawing recognition of the Union”, and “imposing unilateral changes including (a) imposing a new probationary period, (b) discrimination against Union affiliated employees by assigning them more work than unaffiliated employees, (c) changing termination, hiring and discipline rules and past practice, (d) eliminating seniority and rehire rights previously guaranteed by contract, (e) eliminating health benefits previously guaranteed by contract, and (f) changing employee wage rates.

This case was later withdrawn.

Peter Pan Seafoods is not the only seafood processing company to be accused of labor violations. In *Atonio v. Wards Core Packing Co.*, the defendant accused the processing plant of labor violation and discrimination in 1983, 1985, 1987, and 1993. In this case, the term “fish camps” is used to describe the facilities. In *Domingon v. New England Fish Co.* the court found that company records often labeled departments and crews by race. Non-white workers were recruited from agencies for low-paying cannery positions, while higher-paying desirable positions, such as machinists, were filled by white-American workers via word of mouth. Domingon alleged that the best housing was assigned first and that whites were generally brought to the facilities first. Non-whites were the last to arrive and were subsequently given the worst quality housing.

The US Department of Labor’s Occupational Safety and Health Administration has responded to a number of complaints in regard to Peter Pan Seafoods LLC and other fish processing plant’s labor violations. Upon inspecting these claims this department marked the majority of the complaints to be considered “serious”. The US Department of Labor has given multiple financial penalties for these violations, while other serious violations had no penalty. Their records also indicate that all of these violations were resolved via informal settlements and the actual citations have been removed from public record. This was a common theme I found while researching legal actions and government oversight in regard to seafood processing facilities in the state of Alaska.

In my research, I was unable to find any relevant legal actions taken by female employees towards Alaskan seafood corporations for experiencing gender violence or discrimination.

Comparative Case Analysis-

There are many similarities between our first two cases and that of Alaskan canneries besides them being part of transnational corporate supply chains. Detailing these similarities is useful as it shows

us how to recognize enslavement in today's world. One key indicator is that of a transnational corporation having a negative environmental impact in areas where they source their materials. The degradation of local resources, whether it be the illegal logging that garment factories derive their electricity from, how sugarcane processing plants foul waterways, or the effects of overfishing all of these examples of environmental crises are linked to human rights abuses through labor exploitation. Not only are they linked to human rights abuses, but they are also linked to climate change and gender injustice²⁷.

All of these cases are exasperated through the "Now Culture" of the global North, as high demand for a product or lack of a product in demand exasperates enslavement. These corporations prey on local economies that are not thriving in the current market and take advantage of those who are trying to survive in a submissive market position. This creates a power differential in which economies and people who are low in the chain can do little to change their circumstances. The women in all of these circumstances find themselves in low-paying positions with a lack of access to leadership and legal recourse. In the cases of sugarcane and seafood, migrant workers travel from afar to find income and opportunity. This distance from their country of origin makes them particularly vulnerable as well as their temporary housing. Needing financial resources is why these people have traveled to find work, creating the circumstance of entrapment via helplessness.

Legally these transnational corporations are able to get out of meaningful accountability due to market domination and local dependencies. The economies in these cases are reliant on these industries as they tend to be at least one of the driving economic forces in the area. Human and environmental rights are at odds with accessible livelihood making self-deprivation a likely option for the vulnerable. The dynamics of global commerce and neoliberal policy have created a trend of deregulation and along with it, the normalization of the domination of the natural world and women's bodies across the globe. These companies rely on cheap exploitative labor to be able to compete in the current market conditions and without access to this labor they would not be able to have the competitive edge they need to stay relevant in the market.

²⁷ We know that in areas where environmental degradation takes place, women are more at risk to experience violence (Ruder and Sanniti 4) and that climate change disproportionately impacts the lives of women (Explainer: How Gender Inequality).

Neoliberal Solutions:

Although academia has offered some solutions to the human rights and environmental abuses of seafood supply chains, my research did not find that any of these solutions were currently or effectively being deployed in regard to gender justice or modern slavery. The Magnuson-Stevens Fishery Conservation and Management Act was put into law in 1976. This act established annual catch limits and accountability measures to prevent overfishing in federal fisheries. Since things like “overfishing” were not clearly defined, United States fisheries continued to fish unsustainably. In 2018, the act was amended, yet overfishing continues. If the seafood industry at large does not stop overfishing, researchers predict that we will run out of seafood by the year 2048 (Duong). Because the United States does not recognize these practices as enslavement, it has done little to address the working conditions migrant workers and Natives face in the Alaskan seafood industry.

Degrowth Ecological Economics as a Solution to Relational Violence in Growth-Based Economies

To address these crises, we must focus on building communities. These communities must be based on care that is inclusive, stepping out of the hierarchical dualism not just found in our economic infrastructure and institutions but within humanity’s collective psychology. Identity politics, for example, are often labeled as “progressive” yet they mirror the current paradigm by creating containers for hierarchical Othering. These approaches to relations have also historically eroded our social movements and progress and must be eradicated to successfully create communities of care (Ruder and Sanniti 6). The outcome of feminist exclusionary politics is backlash from our male counterparts. Men are also important members of our communities and experience harm from systems of domination and cultural definitions of masculinity (Wanner). As we envision and transition into a climate-resilient, enslavement-free future, we must approach policy and legal application based on this kind of inclusive and nuanced care. All human beings must be free to actualize their personal abilities and advocate for their well-being outside of the limitations of prejudices and stereotypes that currently define femininity

and masculinity. No group should hold domination over another, as systems of domination always lead to oppression and injustice. We can reach these goals through degrowth economics.

Degrowth economics is rooted in developing communities of care that create the foundation for radical social-ecological change, as there are too many contradictions between growth-based economics and the pursuit of human dignity and ecological restoration. By scaling down certain industries, such as advertising, the military-industrial complex, obsolete products, and the fossil fuel industry, while encouraging economies and policies such as shorter work weeks, a care income, renewable energies, ecological restoration, and public education and health, degrowth economics strives to create more just and equitable societies (Barca, S. *et al.*). By focusing on nuanced policy that makes well-being a priority, instead of profit, we can collectively address mental health issues that are derived from systems of domination and return to relational health with one another and the natural world. This transition is something that should be done with utmost care and consideration, as it is recognized that descaling production can have adverse effects on other local economies across the globe. Degrowth economics must include the interrogation of power relations in its assessments as wicked problems cannot be simplified. Asking questions regarding who is and isn't recognized in degrowth communities only strengthens its potential as these are the questions that growth-based policies neglect, resulting in oppression and exploitation.

The movement towards degrowth, however, should not be depicted as such, as movements in our era become commodified by the market, provoking manipulative rhetoric and Othering instead of appropriate action. There are challenges to degrowth ecological economics and no clear path, just the exercise of stepping out of dualism and into complexity and care. The growth-economy is no longer an option if we are to truly address modern slavery, gender injustice, and the environment-climate crisis. Domination and its corruption of relational values is the link between these three crises and these relational values are currently upheld through the use and acceptance of neoliberal economics. The UN states that "We must protect labor rights and once and for all put a stop to modern slavery and child labor" through "sustainable economic growth" ("Goal 8"), but this just doesn't add up. The global North

would be better served with degrowth economics and the global South²⁸ should be free to reevaluate and reconstruct their environments and societies. Decent work cannot be reliant on economic growth, as economic growth is also reliant on the exploitation of the vulnerable as any chain of investment in the modern world is more likely than not to be linked to enslavement.

²⁸ This statement is made with the acknowledgment that the global North must be accountable and free the global South from the conditions they have placed on them, allowing them to define development and progress for themselves.

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