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## **The Global Politics of Forced Labour**

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## ABSTRACT

This article examines the politics of governing forced labour. It develops and applies an approach drawing on Marx's conception of the historical formation of 'free' labour in the process of 'primitive accumulation' and Gramsci's conception of the 'relations of force'. Viewed through this lens, rather than representing discrete ontological categories, the boundary between 'free' and 'forced' labour is repositioned as largely a contested and ambivalent artefact of governance. The concept of the 'political relations of force' highlights the ways in which such constructions are shaped by complex intersections between a diversity of different social forces. This approach is subsequently applied in an analysis of an ILO project on dealing with 'traditional slavery' in Niger.

Keywords: Forced Labour; International Labour Organization; Global Governance; Niger

## INTRODUCTION

Forced labour has been subject to renewed regulatory attention in the twenty-first century, particularly from the International Labour Organization (ILO). The ILO's conventions on forced labour are among of the 'core conventions' identified in the 1998 Declaration on Fundamental Principles and Rights at Work. The ILO established a Special Action Programme for the Prevention of Forced Labour (SAP-FL) and has issued a series of major reports on forced labour in the last fifteen years (ILO 2001; 2005; 2009; 2012; 2014). This coincides with renewed popular and academic attention to unfree labour in the global economy (e.g. Bales 1998; Brass 1999, 2010, 2014; LeBaron and Ayers 2013; Phillips 2013; LeBaron 2014). Recently, a number of these authors have also published strong critiques of existing 'global' regulatory frameworks (e.g. Lerche 2007; Rogaly 2008; Phillips and Mieres 2015). Lerche (2007), for instance, argues usefully that ILO interventions have tended to 'cocoon' the practice of forced labour from the broader global economy insofar as they frame unfree labour as an illicit practice carried out by unscrupulous employers rather than a product of broader structural forces (cf. Phillips and Mieres 2015). However, while the shortcomings of the ILO's approach to forced labour are well documented, the politics of governing forced labour in practice have not been examined in any great detail.

This article develops an approach to this problem. In the first section below, drawing on Marx's discussion of 'primitive accumulation', I argue that the boundary between 'free' and 'forced' labour largely a contested and ambivalent artefact of governance. This boundary plays a critical role in naturalizing certain forms of exploitation. Gramsci's concept of 'political relations of force' is deployed to highlight the ways in which the regulatory establishment of these boundaries is shaped by complex intersections between a diversity of different social forces. In brief, Marx helps us understand *why* the delineation of forced from free labour matters; Gramsci offers a useful framework for explaining *how* this takes place in practice. The remaining sections develop an analysis of the ILO's efforts to govern forced labour based on this framework. I first outline the ways in which the ILO's efforts to govern forced labour have often reinforced the differentiation of 'free' from 'unfree' labour. Finally, I examine recent ILO efforts to govern 'traditional slavery' in Niger in order to highlight the complexities involved in actually implementing these frameworks. The latter two sections draw on close readings of relevant

policy documents from the ILO and other organizations, complemented by confidential interviews with key officials working in SAP-FL at the ILO headquarters in Geneva and at the ILO's field office for Francophone West Africa in Dakar.

## FREEDOM, UNFREEDOM, AND GOVERNANCE

The first sub-section outlines a reading of Marx's discussion of 'so-called primitive accumulation' highlighting the deeply ambiguous and highly political nature of the distinction between 'free' and 'forced' labour. As a number of previous analysts have rightly pointed out, 'free' and 'unfree' labour should be read as points on a continuum rather than a rigid binary (LeBaron 2014). The differentiation of 'forced labour' from acceptable forms of coercion is thus ongoing, contingent, and contested, but also a vital step in the normalization of capitalist production. In the second sub-section, I draw on Gramsci's concept of the 'political relations of force' to highlight the *political* dynamics implicit in these struggles, which are vital for understanding *how* this process takes place in practice.

### *The antinomies of 'free' labour*

'Free' labour, for Marx, is defined not by the voluntary nature of work (as liberal perspectives would have it, see Banaji 2003), but by a historic shift in the forms of coercion deployed in the exploitation of labour. This is particularly clear in Marx's discussion of the origins of capitalism, or 'so-called primitive accumulation'. He notes that 'The starting point of the development that gave rise to both the wage-labourer and the capitalist was the *enslavement* of the worker. The advance made *consisted in a change in the form of this servitude*' (1990: 875, emphasis added). This process of 'freeing' labour is underpinned by (often violent) transformations in the legal and political framework of property relations: 'The expropriation of the agricultural producer... from the soil is the basis of the whole process' (1990: 876). 'Free' labour thus consists in a substitution of violent coercion for more indirect forms of compulsion -- workers are 'compelled to sell themselves voluntarily' (1990: 899). 'Free' labour, in short, is thus a peculiar form of coercive exploitation in which overt violence is increasingly displaced by more subtle forms of 'silent compulsion' (1990: 899).

This account of ‘primitive accumulation’ is particularly suggestive on the issue of ‘free’ and ‘forced’ labour because it highlights the contingent and political nature of ‘freedom’ and ‘unfreedom’. Viewed from this perspective, then, ‘free’ and ‘unfree’ labour are better viewed as points on a continuum rather than discrete ontological categories (LeBaron and Ayers 2013; LeBaron 2014). There is no *a priori* category that could be labelled ‘forced labour’; rather, the definition of ‘forced labour’ itself is both fundamentally political and contested. Indeed, even the nominal freedom in the labour market is elsewhere contrasted with the coercive discipline necessary in the process of production itself when Marx notes that: ‘In the factory code, the capitalist formulates his autocratic power over his workers like a private legislator, and purely as an emanation of his own will... The overseer’s book replaces the slave-driver’s lash’ (1990: 549-550). The implication here is that the definition itself of which forms of coercion are acceptable and which are not is a crucial function performed by the regulation of forced labour. In short, we can usefully extend Marx’s arguments to suggest that the category of ‘forced labour’ is to a considerable extent an artefact of governance.

The significance of this latter point is underlined when Marx notes that the culmination of the process of primitive accumulation comes as ‘the advance of capitalist production develops a working class which by education, tradition, and habit looks upon the requirements of that mode of production as the natural order of things’ (1990: 899). As De Angelis (2004: 70-71) argues, the implications of this claim are that (1) the ‘naturalization’ of private property and ‘free’ labour is the core requirement of the completion of the process of ‘primitive accumulation’, and (2) that by extension ‘primitive accumulation’ is necessarily a continual process insofar as this naturalization is almost by definition fragile and subject to contest. Some form of coercion is always implicit in capitalist labour relations, the question of exactly what forms of coercion are acceptable and which are not is a product of diverse regulatory struggles, not one that can be answered *a priori*. The differentiation of those forms of coercion that are part of the ‘natural order’ of capitalist accumulation from those that are not, we might extrapolate from Marx’s arguments, is both a highly contested process and a critical political condition for the reproduction of capitalism.

Thus, there is no clear-cut historical progression from ‘unfree’ to ‘free’ labour, and the process of ‘primitive accumulation’ has not always lead to the predominance of ‘free’ labour. Marx avers that the process of primitive accumulation ‘assumes different aspects in different countries, and runs through its various phases in different orders of succession, and at different historical epochs’ (1990: 876). He also hints that in territories where the preconditions for ‘free’ labour do not exist, capital ‘rebels against the “sacred” law of supply and demand, and tries to make up for its inadequacies by force’ (1990: 794). If we understand the process of ‘primitive accumulation’ as a continually incomplete logic, we can start to see a number of ways in which the reproduction of capitalist accumulation might rely on other forms of coercion in different times and places. Rosa Luxemburg, for instance, notes that

The enormous increase in the world consumption of rubber which at present (1912) necessitates a supply of latex to the value of £50,000,000 per annum. The economic basis for the production of raw materials is a primitive system of exploitation practised by European capital in the African colonies and in America, where the institutions of slavery and bondage are combined in various forms. (2003: 339)

In short, capitalist *accumulation* can depend on raw materials derived through decidedly non-capitalist forms of *production*. Luxemburg thus suggests that ‘capitalism in its full maturity also depends in all respects on non-capitalist strata’ (2003: 345).<sup>1</sup> Various forms of unfree labour are generated within ‘capitalist’ strata as well. Brass (1999; 2010; 2014), drawing primarily on studies of bonded labour in India, takes a step further, arguing that unfreedom has often served as a mechanism for ‘deproletarianization’, disciplining and cheapening ‘free’ labour. Whether or not we accept Brass’ argument in full, it remains true that bonded labourers in India have tended to be drawn from the same social formations as agrarian workers more generally -- a ‘huge reserve army of labour to be hired and fired according to the need of the moment, in agriculture but increasingly also in other economic sectors’ (Breman and Guérin 2009: 3) -- and that modified forms of bondage (which Breman [2010] usefully labels ‘neo-bondage’) have been incorporated into capitalist agriculture and manufacturing in the countryside. Diverse forms of

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<sup>1</sup> Harvey (2003) extends Luxemburg’s arguments into a broader claim that ‘accumulation by force, predation, and fraud’ -- or ‘accumulation by dispossession’ -- remains integral to the reproduction of capitalism. However, Harvey has little to say about the place of unfree labour in capitalist accumulation (*cf.* Brass 2010: 28).

coercion, in short, have been deployed in the process of capitalist production and accumulation across a variety of different historical contexts. This observation is highly relevant in the present, where a considerable number of studies have documented various forms of forced labour in global production networks for agrarian production (Manzo 2005) and electronics (Pun and Smith 2007). The broader point is that, while there is no single form of unfreedom that is integral to capitalist production, nor any single pathway by which unfree labour is bound up in capitalist accumulation, the substitution of the 'silent compulsion' of the market for more explicit forms of coercion is scarcely ever total (*cf.* de Angelis 2004).

The question becomes one of what forms of coercion are acceptable in any given time and place. The governance of forced labour is really about the ongoing and often fraught naturalization of particular forms of coercive exploitation (the 'silent compulsion' of the market) and particular forms of property relations, in contradistinction from those that are prohibited by rules about 'forced labour'. The definition of 'forced' labour and its differentiation from other forms of coercion and exploitation is a crucial part of this process. In Jens Lerche's (2007) useful phrase, the ILO's governance of forced labour at the global level has often contributed to the discursive 'cocooning' forced labour from the broader political economy of global capitalism. These broader dynamics underpinning the governance of forced labour also offer an explanation for why there has often been a considerable gap between the discourse and practice of prohibitions on forced labour. As Brass (2010: 32-33) notes, while prohibitions on forced labour are widespread, national governments have often treated the illegality of forced labour as sufficient grounds to deny its existence. The diverse forms of coercive recruitment that fall under the rubric of 'forced labour' are difficult to eliminate in practice as long as prevailing modes of accumulation tend to encourage their persistence, but the political legitimization of capitalist accumulation depends on the naturalization of 'free' labour and its 'cocooning' from other forms of coercion. The result, as in the Nigerien case discussed below, is often considerable divergence between the paper contents of regulations on forced labour and their actual application.

However, while he offers important insights into their significance, Marx offers limited tools with respect to understanding *how* these processes of governance take place or *why* they vary across time and space in the ways that they do. Arguably, this is attributable to a broader



methodological shortcoming of Marx's approach. As Hall (2013) notes, the concept of primitive accumulation would seem to imply both violent processes of dispossession and enclosure on one hand and the political processes of institutionalization and naturalization of capitalist property and labour relations on the other (as in Marx's observations on the 'naturalization' of 'free' labour). However, most applications of the concept (including arguably Marx's own) have tended to concentrate on the former at the expense of the latter. As I argue in the next subsection, Antonio Gramsci's conception of 'relations of force' is thus a helpful supplement to this discussion.

### *Governance and relations of force*

Gramsci's conception of the 'political relations of force' deepens our understanding of these processes insofar as he highlights *how* different conceptions of the 'natural order of things', in Marx's words, are enacted through broader patterns of political contestation. As the case study of Niger below demonstrates particularly clearly, these patterns of contestation have significant implications in their own right in terms of the specific shape and colouration of the global governance of forced labour in particular contexts. For Gramsci, the relations of force present at any given conjuncture can be examined at three overlapping levels: the 'objective' economic sphere or 'structure'; 'military' relations, or prevailing balances of coercive force; and the 'political' sphere of organization and consciousness. It is the category of 'political' relations of force -- in Gramsci's words, 'the degree of homogeneity, self-awareness, and organisation attained by the various social classes' (1971: 181) -- that is particularly salient for present purposes. In brief, we can usefully understand the differentiation of 'free' from 'forced' labour in the practice of governance, and the concomitant naturalization of certain forms of exploitation, as particular iterations of the political relations of force.

Importantly, these relations of force are established through ongoing patterns of mobilization and contestation arranged simultaneously within and across 'national' territories (1971: 176). The state and the process of governance are thus fundamentally open-ended and contested processes, in which the articulation of different forms of group consciousness (of which, the naturalization of 'free' labour highlighted by Marx would be an important example) is a crucial struggle. As Gramsci notes, 'the life of the state is conceived as a continuous process of

formation and superseding of unstable equilibria... between the interests of the fundamental group and those of the subordinate groups' (1971: 182). 'Hegemony', then, rather than being a sort of 'master concept' in Gramsci's analysis, refers to a particular conjunctural situation in which productive, political and coercive forces solidify the dominance of one particular social group by securing the consent of subaltern populations. Far more common are situations of 'organic crisis', in which no such balance can be achieved (see 1971: 276). The concept of the political relations of force, then, highlights the dispersed political struggles through which different forms of consciousness and subjective identifications of solidarity are articulated. Importantly, Gramsci's approach thus highlights the extent to which the 'naturalization' of any particular 'objective' configuration of property relations and modes of labour control is deeply coloured by complex, multi-scalar patterns of political mobilization and contestation. Struggles over the delineation of 'forced labour' thus hinge on struggles to articulate (often conflicting) understandings of the relations between different forms of exploitation and between different social forces. In practice, this means that the regulation of forced labour is often bound up in broader struggles over the shape of the state and political order.

Gramsci is thus a useful complement to Marx for two reasons. First, he highlights the crucial intersections between struggles over the naturalization of particular forms of labour and shifting patterns of political authority. The 'cocooning' of forced labour suggests the articulation of a particular 'moment' in which the 'corporate interests' of working classes (in both 'free' and 'forced' forms of work) are identified with the expansion of capitalist accumulation. Where the Marxian perspective outlined above suggests a certain functionalism in which the governance of forced labour is defined in terms of its role in securing the reproduction of capitalism, Gramsci's approach problematizes the practice of governance. Second, in his attention to the role of 'civil society' and organizational forms arrayed across 'national' and 'international' terrains, Gramsci highlights the diversity of different agencies implicated in these processes. If Marx's discussion of primitive accumulation hints at the political nature of the differentiation of 'free' from 'forced' labour, Gramsci gives us a better sense of where to look for the processes by which this takes place. Moreover, in so doing, Gramsci's thinking highlights the complexities and indeterminacies implicit in the practice of governance. The remainder of this paper applied this framework to an examination of the ILO's efforts to govern forced labour.

## THE ILO AND THE FREE/FORCED BINARY

A number of previous authors have highlighted the role of the ILO in the maintenance of 'hegemony' in global politics (e.g. Cox 1977; Murphy 1994). As the broader Gramscian conception of the political relations of force adopted here indicates, this function is always fraught and contested, but it nonetheless describes the historical role of the ILO in managing forced labour on a global scale quite accurately. With respect to forced labour, this has often hinged on efforts to delineate 'forced labour' from other forms of coercion. The ILO's definition of forced labour, in Convention 29 of 1930 (C29), relies heavily on liberal conceptions of consent when it defines forced labour as 'all work or service that is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily'. A recent General Survey on the application of the ILO's forced labour conventions included the explicit qualification that 'the employer and the state are not accountable for all external constraints or indirect coercion existing in practice: for example, the need to work to earn one's living could become relevant only in conjunction with other factors for which they are answerable' (ILO 2007a: 20-21). Here the demarcation of 'forced' labour from the forms of coercion implicit in 'free' labour, discussed above, is made quite explicit.

Until very recently, the ILO's standards on forced labour were targeted primarily at legal requirements to work backed by state force. Certainly in colonial territories these standards still played a significant role in 'cocooning' forced labour from the broader structural tendencies underpinning them. The ILO's second convention on forced labour, passed in 1956 was primarily targeted at the soviet bloc. It implicitly differentiated the 'silent compulsion' of free labour from the forms of exploitation prevalent in communist territories. The contemporary revival of regulatory concern with forced labour, however, has targeted a much broader range of (illicit) activities by 'private actors'. Of the 20.9 million cases of forced labour in its most recent estimate, the ILO finds that 2.2 million are instances of state-imposed forms of forced labour, while 4.5 million are 'victims of forced sexual exploitation' and another 14.2 million are found 'in economic activities such as agriculture, construction, domestic work, and manufacturing', the largest grouping of whom are in various forms of bonded labour in South Asia (ILO 2012a: 13). A 2001 report similarly made note of the limited availability of information about forced labour,

suggesting that the major reason was that ‘forced labour is increasingly exacted in the illicit, underground economy’ (ILO 2001: 4), areas that escape national statistics and are often hard to trace.

The ILO’s recent revival of forced labour governance has thus focused much more heavily on the illegality of forced labour. Forced labour is framed as a criminal problem, the primary solution to which is the better enforcement of laws. The ILO’s 2001 report suggests that ‘Attaining better enforcement of laws that ban forced labour forms a natural part of repairing failures in governance that characterize many manifestations for forced labour’ (ILO 2001: 3). This has been a significant focus of interventions in practice. SAP-FL technical cooperation interventions have often involved training for judges and security officials on ILO standards on forced labour and the enforcement of laws prohibiting forced labour. Of course, most forms of labour recruitment that would fall under the ILO’s definition of forced labour *are* in fact illegal, and those laws *are* often weakly enforced (see Brass 2010). But the growing emphasis on the criminality of forced labour, rather than, say, the myriad ways in which it is bound up in global production networks (Phillips and Mieres 2015), or broader patterns of agrarian transformation (Breman 2010), contributes to deepening the cocooning of forced labour.

Moreover, while the ILO has made some gestures towards linking the incidence of forced labour (as defined by the ILO) to vulnerabilities engendered by poverty, the ILO has often leaned, as Phillips and Mieres (2015) note, on residualist understandings of poverty. A 2014 report, for instance, finds that:

Income shocks that push households further into poverty, and often below the food poverty line... increase the likelihood of exposure to forced labour. These households are more likely to need emergency funds, eventually relying on third parties to support their families. This heavy dependence on other individuals can lead to manipulation, coercion, exploitation and deception, especially if a creditor is a recruiter or trafficker. (ILO 2014a: 45-46).

While the linkage drawn here between poverty and vulnerability to exploitation could potentially serve to link the incidence of forced labour to broader structures of accumulation, in practice the ILO often falls back on conceptions of ‘poverty’ that tend to reinforce rather than weaken the

‘cocooning’ of forced labour. In particular, poverty is conceived of in terms of the ‘exclusion’ of poor people from access to training, credit, and markets. This is particularly visible in the ways in which poverty reduction has been incorporated into ILO programming on forced labour. It has been common practice in programmes in West Africa, for instance, to promote so-called ‘Income Generating Activities’ in communities vulnerable to forced labour or child labour, especially child trafficking. Very frequently these programmes involved training from ILO ‘experts’ or outside consultants in some kind of handicraft production. These programmes, indeed, have often been hampered in practice by the limited conception of poverty implied. A 2007 review of a major sub-regional programme on child trafficking, for instance found that one of the biggest problems was simply that there were frequent instances where people were trained in how to make products for which there was simply no local market and no possibility of selling elsewhere (ILO 2007b: 14-15). Similar efforts at promoting microcredit as a solution have also been pursued by the ILO since the mid-1990s -- this is framed explicitly as ‘microfinance initiatives to improve the access to bonded labourers to financial markets’ (ILO 2001: 80). A number of projects assessing the role of microfinance in this respect have been carried out, especially in South Asia (e.g. Premchander *et al.* 2014). In either case, the lack of access to credit or training -- rather than the broader context of property rights and labour regimes -- is ultimately identified as the root cause of forced labour. The binary between ‘free’ and ‘forced’ labour is thus re-asserted insofar as ‘forced’ labour continues to be identified with residual spaces left ‘outside’ of global capitalism.

The ILO’s revived concern with forced labour has continued to reinforce the binary between ‘free’ and ‘forced’ labour. This is true both in the sense that contemporary policy has tended towards an emphasis on improving law enforcement and in that efforts to link vulnerability to forced labour to poverty have relied on a relatively limited and residual conception of poverty in terms of ‘exclusion’ from markets. Marx’s thinking helps us to capture the significance of this tendency. The criminalization of forced labour and the reliance of the ILO on residual understandings of poverty contribute to ‘naturalizing’ the ‘silent compulsion’ of the labour market. The ILO’s approach to forced labour frames the elimination of forced labour as a product of the extension of the legal and economic systems underpinning ‘normal’ free labour relations, and indeed the ILO’s technical interventions on law enforcement, IGAs, and

microfinance contribute (albeit in relatively minor ways) to the extension of those systems in practice. However, as the Gramscian conception of the political relations of force introduced above suggests, the translation of these broad frameworks into practice is seldom straightforward, it is deeply coloured by broader patterns of political mobilization and contestation, and hence highly variegated across time and space. The following section, accordingly, highlights the importance of these dynamics by turning to a closer examination of the ILO's interventions on forced labour in one country: Niger.

#### FORCED LABOUR GOVERNANCE IN PRACTICE: GOVERNING 'TRADITIONAL' SLAVERY IN NIGER

Two interesting current projects in development in West Africa under SAP-FL are measures to prevent 'traditional slavery' in Niger and Mauritania. The present discussion focuses on the former. There is a good deal of debate even within the ILO about the extent of 'forced labour' and 'slavery' in Niger, and even about whether or not the forms of slavery that do exist actually constitute forced labour. Activist estimates (e.g. Abdelkader 2004) suggest that tens of thousands of people are still held as slaves in Niger. The Nigerien government has consistently disputed these numbers, and the ILO's research has often hedged on whether 'slavery' itself is at issue rather than discrimination against people of slave descent (e.g. Sékou and Abdoukarimou 2009; ILO 2009: 15). The reliance of these interventions, however, on the concept of 'traditional slavery' has tended to obscure the linkages between transformations in existing forms of unfree labour and the process of structural adjustment and neoliberalization. But at the same time, the politics of governing forced labour has been rather more complex than this critique implies, with ongoing struggles over the shape of the postcolonial state playing a critical role in shaping and delimiting the practice of ILO interventions. These political dynamics highlight the usefulness of the Gramscian concept of political relations of force to understanding the governance of forced labour in practice. While the delineation of forced labour from 'normal' forms of exploitation is important for the reproduction of capitalist relations of production, this delineation can take highly variable forms that are deeply coloured by the ways in which struggles over forced labour feed into broader struggles to articulate various forms of group consciousness.

The concept of ‘traditional’ slavery is common in popular assessments of forced labour in the Sahel (e.g. Bales 1998 on Mauritania). It is also repeated in most ILO assessments of forced labour (ILO 2001; 2005; 2012a). The concept of ‘traditional slavery’ is problematic because it suggests an understanding of forced labour as a historically static cultural practice (LeBaron and Ayers 2013; Manzo 2005). Of course, the ‘traditional’ character of Nigerien slavery is questionable. Slavery in Niger, as elsewhere, is a dynamic institution (see Rossi 2015). Nonetheless, this framing *is* very much in keeping with the ways in which the ILO has understood ‘forced labour’, as discussed in the previous section, particularly the tendency to frame forced labour as a feature of ‘residual’ spaces left out of global markets. In practice, though, processes of neoliberalization have impacted a good deal on the character and extent of unfreedom.

Slavery in Niger, while highly variable in terms of cultural form and between agrarian and pastoralist social formations, is historically very closely linked to questions of property and land use rights, which have been contentious political issues for Niger’s entire postcolonial history (see Lund 1997). The country’s legal system retains overlapping ‘modern’ and ‘traditional’ frameworks for ownership with national and local authorities often struggling over jurisdiction. The military regime sought to resolve these issues by decreeing in 1974 that all land should be the private property of the current user. This provoked a considerable degree of conflict over property claims, which the regime promptly sought to close off in 1977 by decreeing that local authorities had no authority to decide land claims. The resulting situation has been described as one of ‘precarious stability’ (Lund 1997: 101) in which land users often paid informal tithes to land owners, while continuing to maintain use rights. Land tenure reform became a major cause for regime opponents, which the regime tried to head off in 1986 with a new Rural Code. Land reform remained a major issue in the process of political opening in the early 1990s, with the main opposition party campaigning in the first multiparty elections in 1993 on a platform that centered on challenging officials’ abuse of power -- which, in local iterations of the campaign in rural areas, often meant informal promises to overhaul the existing system of land tenure to return expropriated land or land that had been lost due to rigged trials by traditional chiefs (Lund 1997: 103). In the Gramscian terms introduced above, property rights

became a crucial issue around which particular understandings of ‘corporate interests’ were articulated in the process of democratization in Niger.

These forms of opposition to the military regime coincided with pressure from major donors -- the US, France, and the World Bank in particular -- to harmonize and privatize land tenure. The United States Agency for International Development (USAID) approved a major agricultural development programme in 1990, which was premised on ‘enhanc[ing] the ability of individual rural inhabitants to gain control over resources they habitually use, and to manage and profit from them in a sustainable manner’ (USAID 1990: 2) -- or, in short, on the privatization and formalization of individual land tenure rights. The programme also included conditionalities related to the implementation of the Rural Code (1990: 142-153). The security of property rights in land has continued to be a focus of interventions from the World Bank (2009) and the country’s most recent PRSP (IMF 2013).

These processes were accompanied in urban centres by the erosion of labour market institutions and the growing informalization and casualization of work. The military regime had relied heavily on earnings from uranium exports to finance urban industrialization in the 1970s, and faced a growing budget crisis as uranium prices fell in the early 1980s. In the process of structural adjustment led by the Bretton Woods institutions, this system was largely dismantled through the privatization of state-owned enterprises (Gervais 1995: 31). The resulting instability of employment has been compounded by a number of food crises (de Sardan 2008), which have spurred significant protest mobilizations around the cost of living (Maccatory *et al.* 2010). Trade unions have participated in a number of major protest actions and strikes directed at the rising cost of living, public sector retrenchments, and against the military regime (Adji 2002).

These transformations have shifted the scope and forms of unfreedom visible in Niger. Hereditary slave status in many agrarian communities was often closely entwined with patterns of land use. ‘Slavery’ was historically often as much a cultural status as a form of economic servitude; many ‘slaves’ kept secure access to land by paying tithes to owners. The privatization of land, however, has often meant that conflicts over use rights and rents have been sharpened in ways that have led to the deepening expropriation of ‘slaves’ in agriculture (see Kelley 2008;



Abdelkader 2004: 9-10; Sékou and Abdoukarimou 2009: 81). The effort to regularize and privatize land tenure, along with climactic shifts and increasingly prevalent droughts, have heightened strains on pastoral livelihoods, which have historically been dependent on regular migration and ongoing access to pasture and water which have increasingly been turned over to agriculture (Thébaud and Batterbury 2001). This seems to have led to the increased incidence of violent conflict (Thébaud and Batterbury 2001), and has coincided with reports of intensifying slavery for agricultural and domestic work in pastoral-nomadic communities (Abdelkader 2004; Sékou and Abdoukarimou 2009).

The broader dislocations associated with privatization and structural adjustment have also increased vulnerability to certain forms of extreme exploitation -- as LeBaron and Ayers (2013) argue, this is common elsewhere in sub-Saharan Africa as well. The expansion of the 'informal' economy has played a role here. There are some reports of slaves working in informal markets in some smaller urban centres (although rarely in the capital city Niamey) and turning over earnings to masters (Sékou and Abdoukarimou 2009: 80). More broadly, the rapid expansion of unemployment, coupled with the discovery of gold in the 1970s, has contributed to a boom in artisanal gold mining in the Liptako-Gourma region encompassing parts of Western Niger along with Mali and Burkina Faso. The use of child labour in these mines has been widely reported (ILO 2007d; ROTAB 2014). These developments to some extent parallel the dynamics Luxemburg notes in the late nineteenth and early twentieth centuries -- where capitalist accumulation relies on raw materials produced through non-capitalist forms of production.

These linkages between shifting forms of primitive accumulation on one hand and transformations in unfreedom on the other are largely obscured by the emphasis on 'traditional' slavery. However, the particular shape of governance targeting 'forced labour' in Niger has been deeply shaped by transformations in the political relations of force. In particular, the symbolic role of anti-slavery politics in organizing resistance to the military regime plays an important role in explaining the trajectory of ILO interventions. The anti-government mobilization that took place around the end of the military regime, and which has been strengthened by the backlash against structural adjustment (see Gervais 1995: 37-38) and growing cost of living (Maccatory *et al.* 2010; Mueller 2011), is a crucial dynamic in this respect. Mobilizing against slavery has been

an important avenue through which challenges to existing political structures have been articulated. The most prominent organization involved here is Timidria. This organization was originally established in the early 1990s context of democratization as a community development organization in Azawagh, and transitioned into campaigning against slavery in the 1990s (see Jeanne 2008). What might be called, in Gramscian terms, the organic crisis of the postcolonial regime in Niger, and the concomitant emergence of various forms of political mobilization by subaltern social forces, has played a critical role in the politicization of slavery.

These developments in Niger coincided with renewed international efforts to govern unfree labour. The ILO commissioned a study on the prospects for the 1998 Declaration in Niger, which identified slavery as a problem (Oumarou 2001: 23-26). Anti-slavery advocates within and outside Niger sought to enrol the ILO to pressure the Nigerien government. ASI financed a study of slavery in Niger, conducted in 2002 and 2003. Timidria did the bulk of the actual research. The study identified roughly 11 000 people as belonging to a hereditary 'slave caste', generally working for a master as shepherds, agricultural workers, or domestic workers. In some cases they performed wage work for others and were compelled to turn over their earnings to masters (Abdelkader 2004). ASI and the ICFTU began lodging protests with the ILO about slavery in Niger in 2003. Alongside the ILO, Timidria has also pursued a number of international legal avenues to press claims about slavery. Most notably, in 2008, the organization won a case at the Community Court of Justice for the Economic Community of West African States alleging that the state of Niger had failed to uphold its international obligations to protect its citizens from slavery (see Duffy 2009).

The initial response on the part of the Nigerien government was on one hand to argue that Timidria exaggerated the true extent of slavery in the country. Indeed, the head of Timidria was arrested and charged with fraud shortly after the ASI report was published, with the government alleging that a ceremony at which 7000 slaves were supposed to have been freed was based on false information intended to solicit money from foreign donors (he was released not long afterwards) (BBC 2005). The government in Niger did make some superficial moves toward reducing the extent of slavery, most notably by criminalizing the ownership of slaves in 2002. The Ministry of Labour eventually created a national commission against forced labour and

discrimination in 2006. The commission, however, only existed on paper. The ILO, through SAP-FL, has subsequently sought to provide financial and technical support to the commission. The ILO has often commissioned research on slavery and forced labour in Niger, but has tended to hedge a good deal on the degree to which slavery actually persists in the country (e.g. Sékou and Abdoukarimou 2009). A joint study by the ILO and the Nigerien *Institut Nationale de Statistique* (INS) was also conducted in 2009 and 2011, but focused primarily on child labour and avoided dealing with forced labour (ILO-INS 2011).

In 2010, the government fell to a military coup spurred by civil unrest resulting from opposition to an effort to amend the constitution. The military turned power over to a new civilian government in 2011, which has been more willing to participate in the ILO project on forced labour.<sup>2</sup> The new government also created a second national committee, on human trafficking, in 2012; it was also the first country to ratify the ILO's 2014 protocol on forced labour, as part of the ILO's '50 for Freedom' campaign. The SAP-FL project currently taking shape, then, involves support for coordination between the two commissions, coupled with some public education activities. Niger now has two 'paper committees' dealing with forced labour, whose function will largely depend on the input of the ILO and other IOs. Anti-slavery advocates in Niger have been able to bring a considerable degree of pressure to bear on the government by drawing on the resources connected to the ILO's governance of forced labour, but the government may be able to draw on the same organization to diffuse those pressures. The SAP-FL project has thus been delayed, subverted, and diluted by a number of actions taken by the state -- the government's strategic imperatives in doing so are understandable in terms of the role that anti-slavery politics have sometimes played in mobilizing against the regime.

In short, the general tendency of the ILO's interventions in Niger has been to re-enforce the binary between 'slavery', 'human trafficking', and 'free' forms of labour. In this sense it has contributed to depoliticizing the linkages between processes of neoliberalization and the transformation of existing forms of exploitation, or indeed the extension of new ones. The Marxian perspective on the ambivalences of 'free' labour is useful in this respect. But Gramsci's

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<sup>2</sup> The following draws on author interviews with ILO officials in Geneva (June 2014) and Dakar (November 2014).

conception of the political relations of force is equally useful here insofar as it highlights the fact that the process has hardly been smooth, uncontested, or unproblematic. The contours of the SAP-FL project have been shaped in practice by the tension between the mobilization of ‘slavery’ as a means of fostering solidarity among subordinate populations in rural areas by organizations like Timidria, drawing in part on links to transnational organizations, especially ASI, and efforts of the state to contain the potential threat to its legitimacy implicit in the mobilization of groups like Timidria. The ‘cocooning’ of forced labour, in short, has been enacted through a series of controversies over the form and extent of unfreedom prevalent in the country. These struggles have often been proxies for the broader legitimacy of the state and the tenuous hegemony of existing ruling classes. The ILO’s interventions on ‘traditional slavery’ have thus been closely bound up with these broader struggles over the political relations of force and the authority of the state.

## CONCLUSION

Despite renewed attention to the sources and consequences of forced labour in the global political economy, and widely criticized efforts by the ILO and others to regulate the use of forced labour, very little theoretical attention has been turned to the practice of governing forced labour itself. This article has suggested a way forward with this task by drawing on Marx’s arguments about primitive accumulation and Gramsci’s conception of the political relations of force. This approach suggests an understanding of the differentiation of forced labour from other forms of exploitation as an artefact of governance. This process is not automatic, but instead takes place through continual and multi-layered political struggles highlighted very effectively by Gramsci’s conception of the political relations of force.

This approach was applied in a brief examination of the ILO’s efforts to define ‘forced labour’, which have tended to reify the binary between the ‘silent compulsions’ implicit in free labour and other forms of coercion, and in an analysis of efforts to develop interventions to combat ‘traditional slavery’ in Niger in practice. This latter case in particular highlights how complex the politics of forced labour can be in practice. While changing patterns of slavery have been deeply bound up with structural adjustment, and more broadly with neoliberal reforms to property rights, political pressure to regulate slavery has come from a variety of civil society

actors mobilizing in the context of political opening and broader challenges to the legitimacy of post-military regimes. While the politics of forced labour in Niger have ultimately ended up often obscuring the links between forced labour and broader processes of neoliberalization, they have done so through a diverse range of political struggles. The broader point is that analyses of the governance of forced labour need to be attentive not only to the critique of policy on forced labour, as developed by the ILO and other organizations, but also the broader political significance of those interventions and the complexities involved in putting them into practice. As this article has argued, Gramsci and Marx offer a number of useful tools for doing so.

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