

Slavery and the Environment: the need for Impact Assessment

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1. Introduction

Slavery is often considered a product of the past, well eradicated from our societies. On the contrary, it is still present in our world and many of the goods and commodities we enjoy are produced by slaves.¹ “In the rich countries of the world, slaves suffer as servants, agricultural workers and prostitutes. In the developing world, slaves cultivate and harvest food, and work in small factories, the fishing industry and thousands of other jobs.” Through all this, slavery goes hand in hand with environmental destruction and we can observe that areas with a higher prevalence of modern slavery coincide with areas at greater environmental risk.

According to the most recent estimation, there are 45.8 million slaves in the world² and numerous are the efforts to combat slavery by a wide range of organisations worldwide. With such an estimation and a global commitment to end modern slavery by 2030, it is of paramount importance to understand what works in the field of anti-slavery and what could unintendedly facilitate and increase slavery in the business sector. To this extent, it is key to develop a strong impact assessment methodology for slavery for all the actors involved. This would significantly support tackling the phenomenon in a comprehensive way, helping reducing the prevalence of slavery and, ultimately, produce benefits for the environment. This paper, after showing the link between slavery and the environment, discusses the importance of using impact assessment for eradicating slavery and will explore the methodological challenges.

2. Slavery and the Environment in the 21st century

Although different operational definitions of modern slavery have been adopted within the field, the Bellagio-Harvard Guidelines on the Legal Parameters of Slavery offer a comprehensive and clear framework for understanding and addressing the phenomenon. Modern slavery is herein defined as the situation where one individual exercises the powers attaching to the right of ownership over another person as to significantly deprive that person of his or her individual liberty, with the intent of exploitation through the use, management, profit, transfer or disposal of that person.³ Slavery is manifested in different forms, such as human and sex trafficking, forced labour, debt bondage, forced marriage, use of child soldiers among other practices that deny agency to individuals.

This phenomenon, which is often hidden from direct observation, underlies many industries and sectors and recent studies have highlighted how it is closely linked to environmental destruction. As shown by Kevin Bales, environmental change is part of the engine of slavery, and environmental destruction and slavery spring from the same root.⁴ Our consumer economy is driven by a

¹ Kevin Bales, Zoe Trodd, Alex Kent Williamson, *Modern Slavery: A Beginner's Guide*, (Oneworld, 2009)

² Walk Free Foundation, *Global Slavery Index 2016* (2017), available at <https://www.globalslaveryindex.org>, accessed 6th March 2018.

³ Jean Allain '2012 Bellagio-Harvard Guidelines on the Legal Parameters of Slavery' appearing in *Slavery in International Law: Of Human Exploitation and Trafficking*, (Marinus Nijhoff, 2012),371-378. Text available at <http://www.law.qub.ac.uk/schools/SchoolofLaw/FileStore/Fileupload,651854,en.pdf>, accessed 6th March 2018, Guideline 2.

⁴ Kevin Bales, *Blood and earth: modern slavery, ecocide, and the secret to saving the world*, (Spiegel & Grau, 2016).

continuous attempt to pull as much as possible from our planet at the lowest possible price. In order to meet this increasing demand for cheap products, slaves and the environment are often jointly exploited by criminal networks and organisations. For instance, this inter-relationship in part accounts for the appearance of slaves and children working in arid granite caves in India where once a luxuriant forest once dominated the landscape.⁵ Similarly, the fish camps carved from the forests of the Sundarbans UNESCO World Heritage Site in Bangladesh, which have already destroyed a vast area of protected mangrove forest and feed CO₂ into the atmosphere, host activities that are overwhelmingly driven by slavery.⁶

The inter-relatedness between modern slavery and environmental destruction require holistic approaches that are attentive to both phenomena, where any intervention to tackle one problem will necessarily have an impact on the other.

3. Impact Assessment for modern slavery

3.1. Why do we need Impact Assessment in the anti-slavery sector?

Conducting an impact assessment (IA) is a key element in the fight against slavery. Considering how complicated and widespread the phenomenon is, it is of utmost importance to be able to identify both what works to reduce the prevalence of slavery and in what ways any intervention may have perverse, or unintended consequences. The two key stakeholders that benefit from impact assessments focused on modern slavery are non-governmental organisations and private commercial enterprises.

There are numerous NGOs fighting modern slavery worldwide. The Global Modern Slavery Directory, the largest database of NGOs involved in anti-slavery work, comprises 2746 organisations worldwide.⁷ The prevalence of slavery, currently estimated to vary across 166 countries suggests that the sector needs to assess the overall effectiveness of this work. Some slavery NGOs lack proper monitoring and evaluation (M&E) frameworks and oftentimes do not assess the impact of their interventions. Any absence of such frameworks and assessments can be due to a lack of the necessary capacity, budget, time or expertise. There is a distinct need for *ex-post* and *ex-ante* impact assessments in order to improve the effectiveness of their work. *Ex-ante* impact assessments are carried out on the anticipated impact of a planned set of activities and can help avoid wasting resources. *Ex-post* impact assessment are carried out to assess the impact of a planned intervention that has taken place, and helps provide an understanding of what works and what does not work, the insights from which can inform future planning. Both an *ex-ante* and an *ex-post* impact assessment allow NGOs to identify possible unintended consequences that anti-slavery interventions may have or had on the enjoyment of human rights or other social variables. Indeed, it has been reported how anti-slavery interventions have had negative side effects on human rights and why a focused impact assessment could provide information on how to avoid or, at least, mitigate them.⁸

In addition to NGOs, there is a growing need for businesses to conduct impact assessments to identify any unintended impact of their activity on slavery prevalence and vulnerability. The UN

⁵ Ibid, 4-7.

⁶ Ibid, 71-97.

⁷ *Global Modern Slavery Directory*, available at: <http://www.globalmodernslavery.org/>, accessed 27th February 2018.

⁸ See, for instance, Global Alliance Against Trafficking in Women (GAATW), *Collateral Damage. The Impact of Anti-Trafficking Measures on Human Rights around the World*, (GATTW, 2007).

Guiding Principles on Business and Human Rights require companies to act with due diligence to avoid infringing people’s rights, including those rights whose violation constitute a form of modern slavery, and encourage them to conduct a Human Rights Impact Assessment. Countries such as the United Kingdom require certain companies to submit annual modern slavery statements about how their activities impact on slavery and what they do to keep slavery out of their supply chain. Similarly, EU law now requires large companies to publish non-financial reports annually on their policies relating to environmental protection, respect for human rights and social responsibility.⁹ *Ex-ante* impact assessments would be a step forward for avoiding and mitigating any possible adverse effects of their operations or supply chains. Considering the high prevalence of slavery in supply chains, especially forced labour, child labour and debt bondage, it is absolutely necessary that private companies actively engage in ensuring that all their operations are slavery free.¹⁰ In addition to being part of the Corporate Social Responsibility (CSR) agenda, there is an ethical duty and an economic advantage for companies to actively engage in fighting against slavery. From the ethical standpoint, enterprises are in a position where they have the power to reduce slavery and a corresponding duty to ensure that holdings in their control are slavery free. Financially, taking responsibility for the social and environmental impact of business benefits industry in risk management, cost savings, customer relationships and sustainability.

The following table sums up the different IAs that can be carried out in the slavery field.

		Type of impact	
		<i>Unintentional</i>	<i>Intentional</i>
Timing	<i>Ex ante</i>	<p>I Pre-emptive evaluation of a programme, project, or policy not ostensibly related to slavery</p>	<p>II Pre-emptive evaluation of a programme, project, or policy directly related to slavery</p>
	<i>Post hoc</i>	<p>III Evaluation of a programme, project, or policy not ostensibly related to slavery after it has been carried out</p>	<p>IV Evaluation of a programme, project, or policy directly related to slavery after it has been carried out</p>

Figure 1: The Timing and Types of Antislavery Impact Assessments (AMEs)
Source: Adapted from Landman (2006: 127-129)

3.2. Methodological challenges for IA in the slavery field

The existing models of impact assessment already provide a good starting point for assessing both intended and unintended impact on slavery but none of them has been specifically developed with this purpose. The history of impact assessment shows that a new typology of impact assessment has always been developed to answer specific needs and, naturally, one would think that the increasing

⁹ Directive 2014/95/EU of the European Parliament and of the Council of 22 October 2014. For more information see: https://ec.europa.eu/info/business-economy-euro/company-reporting-and-auditing/company-reporting/non-financial-reporting_en

¹⁰ Stefan Gold, Alex Trautrim and Zoe Trodd, ‘Modern slavery challenges to supply chain management, (2015) *Supply Chain Management: An International Journal*, 20(5), 485-494.

attention to modern slavery would require an ad hoc impact assessment. IAs were first developed in environmental policy areas, the methods and principles from which were then applied to Social Impact Assessments (SIAs), and then Human Rights Impact Assessments (HRIAs).¹¹ However, the existing typologies of IA could already be applied to the slavery field and produce interesting results. Human Rights Impact Assessment (HRIA) techniques are most suitable for applying to work on slavery, and in particular, the potential impact of business activities on slavery. There is a strong normative foundation for HRIAs since they are based on human rights standards and principles. HRIA frameworks include core human rights obligations, including those related to slavery such as prohibition of servitude, slavery, deprivation of liberty, and prohibition of forced labour. These elements complement other legal and non-legal definitions of slavery, found, for example in the 1926 Slavery Convention and the Bellagio-Harvard Guidelines on the Legal Parameters of Slavery. However, the legal and normative approach of the HRIA has also some limitations in the sense that it fails to adequately take into consideration the non-legal indicators of the occurrence or vulnerability to modern slavery. In particular, these elements are often those included in a Social Impact Assessment that looks at the wider picture to assess the impact of an intervention or of an activity on the people's way of life, their health and wellbeing, their communities, the political systems and so on. Applied to slavery, this could help to identify some elements such as high unemployment, low level of education, specific cultural beliefs and government corruption that can significantly increase the likelihood of modern slavery without triggering any violation of human rights. Nevertheless, a Social Impact Assessment alone would leave out the strong human rights legal framework that makes modern slavery in all its forms a key challenge of our times.

In addition, both a HRIA and a SIA for slavery would run the risk of not sufficiently tackling the environmental disruptions that slavery can cause or that can increase vulnerability to slavery. Some elements from the Environmental Impact Assessment (EIA) can, thus, be very helpful in identifying the adverse environmental consequences slavery may affect or the adverse consequences that an intervention may have on the environment. Similarly, an EIA could actually benefit from including some indicators on slavery. Considering the strong link between slavery and environmental disruption explained in the first section of this paper, assessing the possible impact an activity may have on modern slavery would mean as well understanding which impact slavery may subsequently have on the environment.

Unfortunately, at the moment IAs in the slavery field are limited for many reasons, including lack of resources and expertise, difficulties in collecting reliable data, challenges in identifying the long-term sustainable changes and political backlash. However, there are some good examples of intended impact assessment that highlight the main challenges and potential of IA in the anti-slavery field. They show that the participatory model, engaging with survivors and many stakeholders, is incredibly effective for overcoming obstacles such as data availability and cultural barriers and should be adopted through all the IA's life-cycle.¹² Similarly, RCTs seem to be the most reliable way to assess the impact of the interventions but attentions should be also paid to the ethical issues that

¹¹ Todd Landman, *Studying Human Rights*, (Routledge, 2006), 126ff.

¹² See the Impact Assessment initiated by the Centre for Development Impact of the Institute of Development Studies on a Freedom Fund's programme in Bihar and Uttar Pradesh, available at <http://freedomfund.org/programs/monitoring-evaluation/institute-of-development-studies-university-of-sussex-2/>, accessed 12th March 2018.

these trigger and mitigating activities should be put in place.¹³ In light of this, an effective IA in the slavery field would need an integrated approach that builds upon HRIA by adding selected elements from SIA and EIA and lessons learned from successful IAs on anti-slavery interventions.

4. Conclusion

Slavery is a large-scale and complex phenomenon and there is an urgent need to tackle it effectively and comprehensively. One important piece in this puzzle is to adopt a strong impact assessment approach both to targeted anti-slavery interventions and to business activities that may inadvertently have consequences on the prevalence of slavery. Moreover, due to the close link between slavery and environmental destruction, a reduction in slavery's prevalence will also have benefit on the environment. The existing IAs methods are a good starting point but, in order to comprehensively tackle this variegated phenomenon, there is the need for an integrated approach (a HRIA+) that will bring together HRIA, SIA and EIA with some elements from successful slavery IA such as the participatory model. This will contribute to informed future planning, focused investments and tailored effective policies.

¹³ See the Impact Assessment conducted in 2016 by the Harvard FXB Centre for Health and Human Rights on a Freedom Fund's project in Northern India aiming at eradicating forms of modern slavery and in particular forced labour. Available at <http://freedomfund.org/programs/monitoring-evaluation/fxb-center-for-health-and-human-rights-harvard-university/>, accessed 12th March 2018.