

‘To be Sold, A Likely Young Negro Wench, this Country born, 23 Years of Age’

UNSDG Relevance

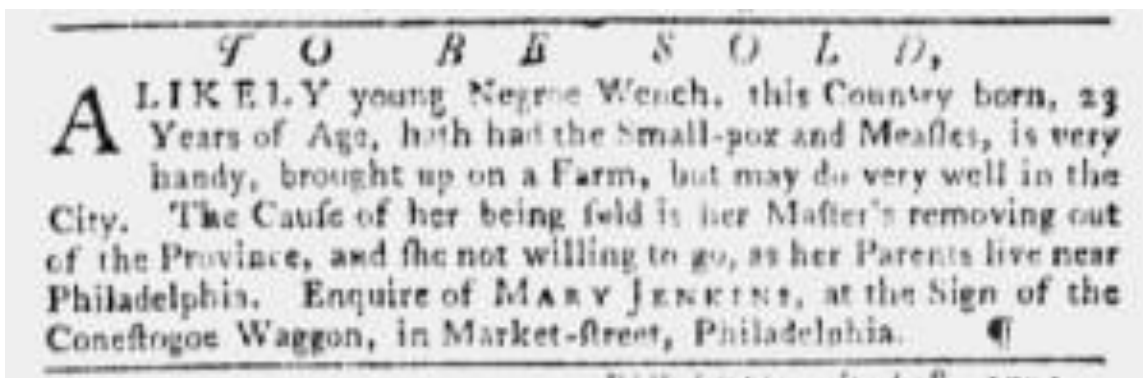


Keywords: Modern slavery, supply chains, regulation, EU single market

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The title of this case comes from the opening line of an advert in the Pennsylvania Gazette, published on the 20th of April, 1774. The text of the advert continues:

‘Hath had the small-pox and Measles, is very handy, brought up on a Farm, but may do very well in the city. The Cause of her being sold is her Master’s removing out of the Province, and she not willing to go, as her Parents live near Philadelphia. Enquire of MARY JENKINS, at the sign of the Conestogoe Waggon, in Market Street, Philadelphia.’



This newspaper was one of very many local publications across the [then] British Colonies which published adverts virtually every day in relation to the buying and selling of people. A group of historians has been collecting these adverts because of their significance in understanding the early history of what went on to soon after become the United States. The project is called Adverts250, and makes daily postings on social media platforms of adverts from exactly 250 years before the present. Here is their reasoning and motivation:

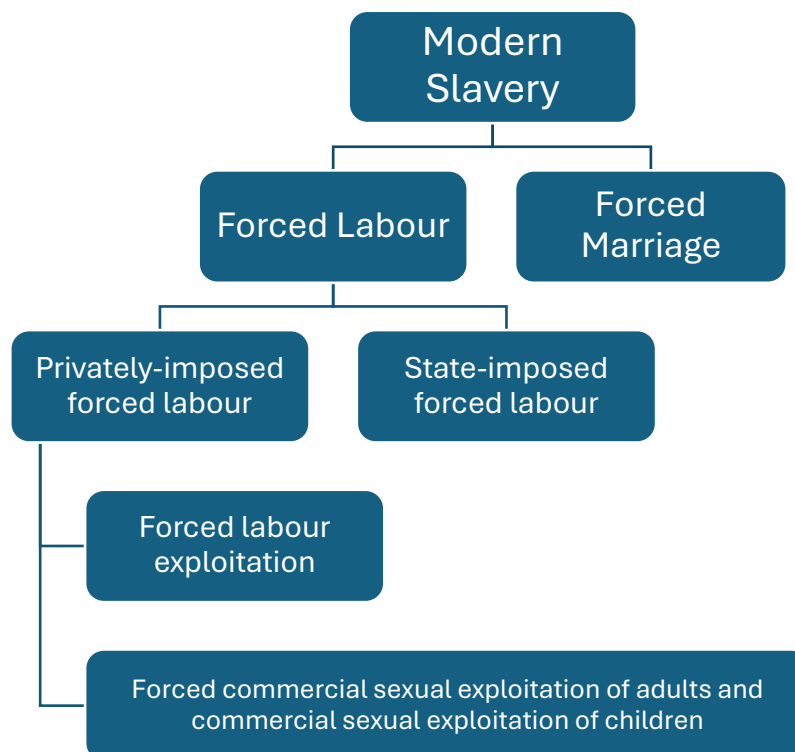
'The project aims to provide modern audiences with a sense of just how often colonizers encountered these advertisements in their daily lives. Enslaved men, women, and children appeared in print somewhere in the colonies almost every single day. Those advertisements served as a constant backdrop for social, cultural, economic, and political life in colonial and revolutionary America. Colonizers who did not purport to own enslaved people were still confronted with slavery as well as invited to maintain the system by purchasing enslaved men, women, and children or assisting in the capture of so-called "runaways" who sought to free themselves from bondage. The frequency of these newspaper advertisements suggests just how embedded slavery was in colonial and revolutionary American culture in everyday interactions beyond the printed page.'

The wealth generated by slavery permeates British society and culture. In Glasgow – the Second City of the Empire – slavers used their wealth to sponsor buildings and have streets named after them. Local universities who benefitted from some of this wealth through have commissioned reports into what happened, uncovering some dark history. Other cities in the UK, such as Liverpool and Bristol are also confronting this dark history.

Shocking as it may be to read these adverts though, it is tempting to take comfort in the fact that this was 250 years ago, and things are very different now. Or are they?

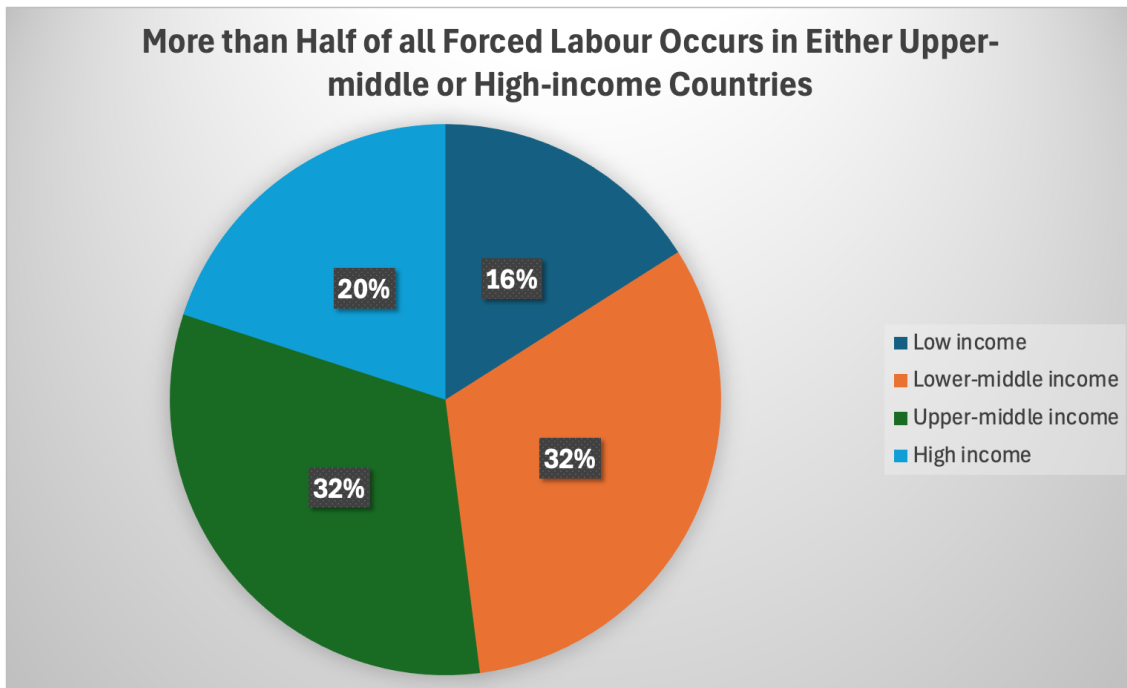
The International Labour Organisation, in conjunction with the UN based International Organisation for Migration estimated in 2022 that there were about 50 million people worldwide in slavery, about one in 150 people of the global population.

The Types of Modern Slavery



From: The ILO/UN report 'Global Estimates of Modern Slavery'

The biggest single category of modern slaves are the approximately 28 million said to be in a situation of forced labour – with three million of them being children. About half of the total are in Asia, but with substantial numbers in Africa, North and South America and Europe. They are clustered predominantly in agriculture, construction and manufacturing. Most of these people are under the control of private firms, but roughly 14% are elements of a national population compelled by fear of violence in places like North Korea and China. Shein sources cotton from Xinjiang, and many governments – including the US - have banned entry of goods made with cotton from this region because of the abuses heaped upon the Uyghur ethnic minority. Use of slave labour in cotton making is something that goes right back to the 1700's.



Data from: The ILO/UN report 'Global Estimates of Modern Slavery'

Understandably, there is a great deal of concern about this, and many leading companies publish long and detailed statements in respect of how they try to make sure forced labour isn't used in manufacturing of their often highly priced branded goods. Here's a snippet from the opening preamble of the Apple report from 2022:

'Apple's policies strictly prohibit human trafficking and the use of involuntary labor in our business and supply chain. Apple's Anti-Modern Slavery Policy explicitly defines human trafficking and modern slavery, describes how employees and third-parties may report violations related to the policy, and makes clear that Apple complies with the applicable U.S. Federal Acquisition Regulations. Apple's Business Conduct Policy applies to all full- and part-time employees, and makes clear that human trafficking and the use of involuntary labour are strictly prohibited — this includes Apple's own business operations, as well as our supply chain. The Business Conduct Policy also outlines the principles of honesty, respect, confidentiality, and compliance that guide Apple's business practices, and apply to Apple suppliers, contractors, consultants, and other business partners when providing goods and services to Apple or acting on our behalf.'

Why do companies who manufacture and market globally do this? The Apple report makes clear at least one primary motivation:

'The California Transparency in Supply Chains Act of 2010 requires certain companies to disclose their "efforts to eradicate slavery and human trafficking from their supply chains" for tangible goods offered for sale. The UK Modern Slavery Act 2015 requires certain commercial organizations to prepare and publish a slavery and human trafficking statement for the financial year describing the steps, if any, the organization has taken "to ensure that slavery and human trafficking is not taking place" in its supply chain or in any part of its own business.'

The EU plays a leading role in the regulation of commercial activity at a global level. Any business that wants to trade with a company inside the EU internal market [known popularly as the Single Market] needs to accept the rules and regulations that the EU can impose. Apple itself has fallen victim to this in a minor way, with the EU requiring it to standardise its charging cables.

Very recently, and against the wishes of many businesses inside and outside the EU, the Council of the European Union and the European Parliament [which voted in favour 374 to 235] enacted the Corporate Sustainability Due Diligence Directive. One anti-slavery charity assesses some of the main new requirements for businesses:

- Large companies will have to conduct due diligence on most of their value chain, which extends from raw materials to the distribution of goods once they're ready for sale.
- This due diligence goes beyond just relying on social audits and includes consideration of a company's purchasing practices as a contributor to harm.
- Companies under scope will be required to meaningfully engage with stakeholders (including workers and their representatives) in their due diligence processes.
- A core component of the due diligence process outlined in the law is that companies may have to provide remedy when harm is found.

This directive complements the Forced Labour Regulations, which stipulates that products being sold in EU markets that are found to have been made using forced labour will be withdrawn from sale and quite likely destroyed. Companies involved may also face large fines. This requirement holds, even if the problem was with the supplier of your supplier's supplier.

The next time you see an item at a strangely low price, with you consider whether or not its manufacture involved modern slavery

Case Questions

1. If you thought a product had been at least partially produced using forced labour, would it bother you? How would you feel about others knowing that about items you'd bought – perhaps an article of clothing?
2. If companies were not compelled by law to make annual statements on modern slavery, do you think they would keep doing it?
3. A number of large businesses lobbied against the recent EU regulation and legislation outlined in the case. Can you think of any reasons this might have been justified.
4. If you had to pick three things you own that you'd guess were products of forced labour, what would they be?
5. Can you think of places in the city you live where forced labour might be occurring?

References and Sources

You can visit the online materials for the Adverts 250 Project here:

<https://adverts250project.org/2024/04/20/slavery-advertisements-published-april-20-1774/>

The International Labour Organisation/UN IOM report can be found here:

https://cdn.walkfree.org/content/uploads/2022/09/12142341/GEMS-2022_Report_EN_V8.pdf

The Financial Times reports on the topic of Shien and its' cotton sourcing and the problems with is causing with the US government here:

<https://www.ft.com/content/25105b73-f073-4b9d-bf0f-59099d0ee1eb>

A press release on the EU Forced Labour Regulations and the Corporate Sustainability Due Diligence Directive can be found here:

<https://www.europarl.europa.eu/news/en/press-room/20240419IPR20551/products-made-with-forced-labour-to-be-banned-from-eu-single-market>

The interpretation and analysis of these pieces of legislation by the charity – Anti-Slavery is available here: <https://www.antislavery.org/latest/european-parliament-signs-off-broad-law-to-prevent-the-trade-of-goods-made-with-forced-labour/>

Apple's Modern Slavery statement for 222 is here: <https://www.apple.com/legal/more-resources/Apple-Combat-Human-Trafficking-and-Slavery-in-Supply-Chain-2022.pdf> - similar documents are available from Marks and Spencers:

https://corporate.marksandspencer.com/sites/marksandspencer/files/marks-spencer/results-reports-webcasts-and-presentation/154PA_Modern%20Slavery%20Statement_2021-22_FINAL_updated%20Jan%202023.pdf and Nike: <https://about.nike.com/en/impact-resources/statement-on-forced-labor>