

Daniel Berliner, Anne Regan Greenleaf, Milli Lake, Margaret Levi and Jennifer Noveck, *Labour Standards in International Supply Chains: Aligning Rights and Incentives* (Cheltenham: Edward Elgar, 2015) pp xi + 205.

The volume proposed by co-authors Daniel Berliner, Anne Regan Greenleaf, Milli Lake, Margaret Levi and Jennifer Noveck sets out to offer a comprehensive picture of the current status of labour rights in supply chains in a variety of socio-economic contexts and to construct a tool of practical reflection and action. For this purpose, Berliner and colleagues have chosen to work with four case studies that highlight different ‘national’ challenges: the United States, Honduras, Bangladesh and China. In each of these socio-economic and regulatory contexts the authors identify four working-clusters of actors: the supply chain workers and their allies, governments, businesses and consumers. Building on these elements, the authors aim to highlight *alignments* of factors that may contribute to the promotion of labour rights or may impede it. The volume is therefore advanced as both an analytical and a strategy tool. On the one hand, it aims to enhance the understanding of the dynamics of interests in the supply chains and, on the other hand, it seeks to instrumentalize such an understanding of these interests with a view to gathering a propitious alignment of such interests in support of labour rights. In order to work towards this agenda, the volume draws on complementary mixed methods, building the analysis upon primary and secondary quantitative and qualitative data that supports a normative regulatory account of international labour rights as well as an account of domestic labour rights enforcement.

The volume thus presents a three-pronged analytical framework for assessing the contextual capacity of ‘capitalizing on opportunities for leverage’ in pursuit of the realization of labour rights along the capillaries of a supply chain.¹ In a context premised on myriads of actors with divergent interests and complicated, dynamic relationships, the opportunities for addressing a labour rights agenda would increase, according to Berliner and colleagues, depending on three variables: when there is a higher degree of alignment of interests within an actor’s cluster; when there are conflicts of interests within the cluster that is the target of opposition or change; and when there are greater cross-cluster alignments and coalitions. Acknowledging throughout the volume that both doing business and upholding labour rights are ‘fundamentally political processes’,² the framework proposed here appears to be simple, yet sturdy enough to schematize supply chain relationships from across very different socio-political and economic contexts, such as the four chosen by the authors as their respective case studies.

Without being overtly presented as such, the volume appears to consist of two rather distinct parts: the first part (Chapters 1–5) prepares the ground for the understanding of the world of supply chains through the lens of the proposed analytical framework. The second part (Chapters 6–9) applies the proposed perspective and understanding to the four chosen

¹ Daniel Berliner et al, *Labour Standards in International Supply Chains: Aligning Rights and Incentives* (Cheltenham: Edward Elgar Publishing Ltd, 2015), 2.

² *Ibid*, 170.

supply chain contexts: USA, Honduras, Bangladesh and China. After a brief introduction (Chapter 1), Chapter 2 addresses the complex link between brands and the creation of supply chains in the context of globalizing production chains. This chapter proposes a brief overview of the various typologies of supply chains, indicating changes in these typologies and capturing the shift in the power relationships that exist between brands and suppliers.³ The supply chains of Levi Strauss, Nike Inc., Apple and Knights Apparel are treated briefly here as examples of the differences in the approach to acknowledging and implementing the international labour standards. In the context in which brands have indeed come to change the dynamics of the global market, this chapter, while relatively brief given the complexity of the topic, appears as essential for grasping the complex dynamics of power and interests depicted by the authors. Chapter 3 describes in detail the proposed analytical framework used by the authors, explaining and justifying the make-up of the four categories of clusters, the typology of interests and incentives that may be conducive to normative alignments that support labour rights, or the impediments that may prevent this from happening. Chapter 4 outlines the international framework for labour standards, addressing both the more formal structures of monitoring and enforcement, such as the ILO and the mechanisms based on the ICESCR, ICCPR as well as the ECHR and the IACtHR, as well as the more informal, less institutionalized, avenues presented under the umbrella of diffusion and internalization of new norms. In line with the proposed mixed methodology, Chapter 5 reviews the approaches taken by various scholars to quantitative measuring of labour rights and to the analysis of labour standards in previous studies, and then proceeds to outline the new categories proposed by the authors, based predominantly on existing data gathered through the World Justice Project. For the devotees of ‘methodology spelt-out’, this will be a highly satisfying chapter to read, overshadowed—as discussed below—only by the regret that the rest of the complex methodology proposed in the volume may not present the reader with the same level of clarity and detail.

The following four chapters analyze the four chosen domestic supply chain contexts. Chapter 6 illustrates vividly how achievements should never be taken for granted or be seen as solidly embedded, even in strong regulatory contexts such as the USA, highlighting how the economic and political context can lead to an erosion of domestic labour rights and implicitly, of the rights of workers in the supply chains. ‘Changing laws’, ‘eviscerating enforcement’, ‘defaming unions’⁴ is what appears to have characterized the degradation of previously acquired labour standards in the US supply chains.

The subtleties of US politics and their impact on the realization of labour rights could only be complemented by a case study illustrating the dangers of a rather different approach: Honduras, ‘the third most impoverished nation’⁵ with ‘one of the world’s most repressive labor regimes... [where] labour activists are routinely intimidated, threatened, and assassinated...’⁶ and the workers are ‘uninformed’, ‘uneducated’ and ‘unorganised’, creating predominantly ‘a stable and docile workforce’.⁷ The chapter

³ Ibid, 22.

⁴ Ibid, 98.

⁵ Ibid, 115.

⁶ Ibid, 114.

⁷ Ibid, 116.

shows, via a close look at two campaigns, how, despite the harsh socio-political context, workers and their allies managed to align the interests of the consumers with their own, thus furthering the labour rights agenda.⁸ While this is not advertised as such in the volume, the curious reader will appreciate here the rich texture that the text acquires given the building of the Honduras case study on primary data available online.

Chapter 8 addresses the inescapable Bangladesh case, with the Rana Plaza disaster as the cutting point of at least some change in a system that is otherwise recognized as characterized by wide-spread violations of the international labour standards and by a poor regulatory framework and, very importantly, by the marginalization of labour from the current political landscape. This chapter is maybe the one that illustrates most vividly the *mis*-alignment of interests that influences the continuing undermining of labour rights.

Chapter 9 focuses on the last case study, China, highlighting the internal and international political dynamics, the crucial importance of local government, and the roll-on-roll-off tendencies of the labour rights acquisitions. ‘Resistance is episodic, and progress is sporadic, as well as incident, location, and issues specific’.⁹ The interests of the Chinese local authorities and the supply factories are intimately connected towards the detriment of workers’ rights¹⁰ even in the case of more socially minded brands.¹¹ The brief Chapter 10 concludes the volume, bringing the spot-light on to the paramount importance of the availability of information regarding labour standards in the supply chains, the variable configurations of the alignments illustrated throughout the case studies, and the need to attend to the sustainability of improvements in labour rights.

A couple of elements could have enhanced an otherwise very rewarding analysis. First of all, a need is felt for the presence of a clearly defined theoretical framework, which would complement the analytical one described above. ‘Aligning rights and incentives’ may appear to some readers as a rather self-evident perspective, that could be seen to contribute to the debate predominantly through its descriptive effort rather than through anything else. It is suggested that the presence of a clear theoretical framework would have enhanced the perspective and could have possibly expanded the scope of the analysis. A number of options—none of them necessarily prescriptive—could have offered such grounding. The authors do mention briefly the phenomena of ‘normative diffusion’ as being relevant, but this is not really developed in the volume, nor is it applied systematically throughout the case studies. Equally interesting, yet quite surprisingly ignored, would have been drawing upon the taxonomy and the existing conceptual perspective of the notion of ‘alignment’, such as proposed in the international relations literature. Of course, in this particular case, one would be dealing with the alignment of interests between institutions and clusters of stakeholders rather than states, yet drawing upon the IR taxonomy in order to extrapolate and draw distinctions could provide a conceptually rewarding exercise.

⁸ Ibid, 128.

⁹ Ibid, 147.

¹⁰ Ibid, 161.

¹¹ Ibid, 162.

Secondly, the international normative framework presented in Chapter 4 appears somewhat as an incomplete sketch.¹² While the works of the ILO, UNHRC, ECOSOC and other regional structures may have already been analyzed in other works and are offered a fair summary in the volume, from among all the soft-law instruments addressing issues of corporate social responsibility with labour rights relevance, the authors dwell almost exclusively on the UN Global Compact, leaving out many others, most notably the UN Guiding Principles on Business and Human Rights¹³ and the OECD NCP¹⁴ avenues, overlooking in this way potentially important channels of the normative diffusion of labour standards.

Thirdly, the complex methodology constitutes one of the strong points of the volume. This strength, however, could have been further exploited by integrating more systematically in the discussion the two major elements—the quantitative data and the case studies. In relation to the methodology, there is also a certain imbalance in the attention given to outlining and explaining the quantitative path taken, with far less attention paid to the qualitative one. While the quantitative analysis part of the methodology is excellently explained, described and justified at length in Chapter 5, there is much less detail on the qualitative data collection throughout the case studies, the latter being left to be put together by the reader from bits of information spread throughout the chapters or from drawing on the authors' involvement with research projects and campaigns that is revealed in the 'Acknowledgements' pages.

The complexity of the interactions in the supply chains, the rarity of the opportunities for alignment, the numerous barriers to benign alignments, and their 'limited and short-lived' character—all aspects acknowledged in the volume¹⁵—may well cap the authors' aspiration to deploy the proposed analytical framework as a tool for both understanding *and action*. This being said, the proposed framework for 'aligning rights and incentives' has the chance to be taken forward as at least a useful analytical tool, thus painting a systematic picture of any 'thick description' of labour rights in a supply chain. In this sense, it can be argued that the 'rights and chains' picture painted by Berliner and colleagues in this volume scores high in terms of pertinence and does justice, to a great extent, to both complexity and clarity.

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¹² Ibid, 45.

¹³ Radu Mares, ed., *The UN Guiding Principles on Business and Human Rights: Foundations and Implementation* (Leiden/Boston: Martinus Nijhoff Publishers / Brill Academic, 2012); SHIFT: Putting Principles into Practice, 'Respecting Human Rights Through Global Supply Chains', <http://shiftproject.org/sites/default/files/%20Respecting%20Human%20Rights%20Through%20Global%20Supply%20Chains%20Report.pdf> (accessed 18 December 2015).

¹⁴ OECD, 'OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas', <http://www.oecd.org/corporate/mne/GuidanceEdition2.pdf> (accessed 12 December 2015); Roel Nieuwenkamp, 'Responsible Supply Chains in the Construction Sector', 2015, http://www.eic-federation.eu/media/uploads/ga_rotterdam_2015/2_oecd_nieuwenkamp_eic.pdf (accessed 12 December 2015).

¹⁵ Berliner et al, *Labor Standards in International Supply Chains*, 40, 57.