

CHAPTER I

INTRODUCTION

A. Background

Slavery, the term that has been happening in Mauritania since long time ago, has been openly debated upon for more than 200 years. Somehow, the international and local legislation addressing this issue considered to have failed and led to the suffering of thousands of Mauritians. The local government of Mauritania has never recognized the existence of slavery in the country but there are clear and compelling evidences continuously show the existence of slavery in several parts of Mauritania. (Rützi, 2017)

Welch (2009) deplored slavery to keep on hurting the human rights attempts that have been fought over for hundreds of years for the sake of humanity. Slavery on its broadest level is defined into people trapped in “servile conditions” and has been affecting millions of people. Estimation made by International Labour Organization report (2017) provided that there are around 40.3 million people categorized as victims of modern slavery which made around 0,5% of the world’s total population. Slavery, as mentioned in Slavery Convention on 1926 by United Nations Human Rights Office of the High Commissioner (UNOHCHR), is also defined as “the status or condition of a person over whom any or all of the powers attaching ownership are exercised”. The practices can include the actions of capturing someone into slavery whether through selling or exchanging.

As the world grows alongside with the globalization, the term of slavery itself has also developed into ‘contemporary slavery’ or ‘modern slavery’ which also includes the action that grows along the current situation of the world. Siller (2016) argued that although the term of modern slavery itself has no legal definition under international law–still does not define that it is absent from all sources of law–, its use by the academics has been broadly

spotted anywhere. Modern slavery as the term that grows particularly in twenty-first century can be varied into situations like people in bonded debt labor, female and child prostitution or servile marriages, overworked and underpaid servants in industry, or even prostitutions as it can be found in every corner of the world. (Welch, 2009)

Such, Laurent and Salway (2017) has defined modern slavery as an act of recruitment or trafficking of people (women, men and children) with coercion or deception as part of abusing the vulnerability with purpose of exploitation. Similar to the general definition of slavery, it is also a human rights violation and can affect the wellbeing of survivors. As there is no globally agreed definition of modern slavery, it is believed that modern slavery is the term used to define a contemporary update of slavery and enslavement that can be varied into several key elements.

Amnesty International defined that modern slavery exists into varied definitions. First, when labour was found working under legal age and underpaid. This exists as the cause of employers hiring underage workers because they are less likely to protest the poor working condition provided by the company and wages that are low. Second, modern slavery can also mean a person who is working forcefully for repaying the loan or defined as 'debt bondage'. Third, people who are forced into marriage and receive physical violence. This type of slavery also affects the people who are considered to be 'born' into groups of society that are seemed to be used as slave labour. This vulnerable group can be based on their class, race or even ethnicity.

As modern slavery is seemed to be so global and a dynamic phenomenon, the definition of it and its variations are not limited as it follows the evolution of the world. In addition to variety of Slavery as listed by Amnesty International, The UN Slavery Fund (n.d) has differentiate the definitions of Modern Slavery into several practices. First,

traditional slavery in which some individuals are born into slavery which lasts for life and work as the property of their slave masters. The other one is serfdom, or people who are working bonded by law, custom or agreement that works in agreement. Their inability of changing their fate is what makes it a form of slavery.

Mauritania became the last country to ban slavery. The laws that work within the area just officially stated to abolish slavery in 1981 but did not make it a crime until 2007. Tens of thousands of people in Mauritania are still living in binding labour, servants or being involved in child marriage (brides). Data showed by Global Index Slavery (2018), out of every African country, Mauritania is rated 4 in its prevalence of modern slavery. Mauritania is the country with total population of 4,182,341 people as 2018. Out of all populations, it is estimated by Global Slavery Index that around 2% or 90,000 people are still living under modern slavery. The vulnerability level of modern slavery in Mauritania also rated 62% and the respond of government regarding this issue is relatively low. Mostly the people that found themselves being disadvantaged are the minority group called *Haratine* or the Afro-Mauritanian group. One out of two *Haratines* are forced to work in farms or homes with the impossibility of freedom, education or getting paid. The status of slavery were passed from generations to generations in Mauritania. The darker skinned people will be enslaved to their masters (the Arabic-speaking Moors) with lighter skins. It all has to do with the long history in Mauritania itself. (The Guardian, 2018)

Despite its history, Mauritania is actually the member state of several international instruments that prohibit every form of slavery to exist. Mauritania is party to 1926 Slavery Convention and Protocol amending the Slavery Convention, the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956. On the other hands, they also are party to African Charter on Human and Peoples' Rights, which

certainly criminalizes slavery on its Article 5. Mauritania also had put efforts in bypassing laws that criminalizes slavery. First, it was in 1905 where it was stated that French colonies to implement the French Law adopted in 1848 abolishing slavery. This law later was adopted by Mauritanian Constitution in 1961 and incorporated with Universal Declaration of Human Rights and its preamble. In 1980, the Mauritanian President at that time, Mohamed Khouna Ould Haidalla announced the statement of abolishing slavery which became Order No. 081-234. In 2007, Mauritania adopted Slavery Act which was considered to be a turning point for Mauritania in criminalizing slavery and slave-like practices. In 2015, Mauritanian National Assembly elevated slavery as the crime against humanity by strengthening the existing anti-slavery legislation adding 10 new practices and doubled the sentences. (Rütti, 2017)

The efforts might be put upon Mauritanian Law, however, the number of people that should be sentenced for committing such act of slavery are large. Still, there are rarely found the sanctions against these violators even though there are potential condition where the victims will seek for help from the authorities first. Despite their law that have been amended, Mauritania has only worked upon two cases of slavery. In 2011, due to the number of international pressures, Mauritania finally acted in sentencing Ahmed Ould El Hassine for two years jail and to pay the amount of £2,700 for keeping two brothers, Said and Yarg Ould Salem in slavery since birth (Kelly & Hodal, 2018). Furthermore in November 2014, Mauritanian government repression on protests demanding the abolishment of slavery have shown its inconsistency in regulating the slavery itself. This is proved by arresting three anti-slavery activists and charged them into two years imprisonment from January 2015 under the charge of act of terrorism. People who came into protesting the release of these activists were “tear-gassed” and “arrested” by the police. (Marlin & Mathewson, 2015)

Minority Rights Group International (MRG) and Anti-Slavery International have warmly welcomed the African Committee of Experts on the Rights and Welfare of the Child (ACERWC). ACEWRC, the African Union body that ensures the protection of children in the region, criticized the government of Mauritania saying that the government is giving leniency towards the sentence and creating the culture of impunity towards the suspects making the slavery in Mauritania to continue linger across the region. The Mauritanian law only sentence the suspects of slavery for five years minimum. In the case of two brothers mentioned, the slave master is yet to be imprisoned and the members of the family are also yet facing the prosecution. Even though Mauritania has validated the law of children rights protection from discrimination. Child labour and harmful cultural practices under the African Children's Charter, the government still seem to be violating those regulations as found by the ACERWC. (Kelly & Hodal, 2018)

A lot of efforts have been done in order to prosecute the suspects of slavery, including efforts done by the abolitionists, like Biram Dah Abeid, the leader of Initiative for the Resurgence of the Abolitionist Movement (IRA) did. This movement has risked themselves in order to stay pressuring the slave masters and government, increasing the awareness abroad, and advocating to free the enslaved Mauritians. However, on August 19, 2016, it was reported that there were 13 members of IRA being sentenced for prison from 3 to 15 years as they were accused for actions of rebellion and to organize protests. These people were also reported to be tortured while they were in custody. Another case was a Mauritanian blogger who were put in death row for conviction for blasphemy where the blogger wrote posts criticizing the Mauritania's caste systems. (Falish, 2016)

Another movement called Anti-Slavery International, that will become the subject of this research, is also putting their best efforts in order to help abolishing the case of slavery

in Mauritania even though they are also are risking their safety for the sake of protecting the rights of enslaved people in Mauritania. Anti-Slavery International is an organization working in abolishing slavery also known as the world's leading anti-slavery organization. The organization itself works in tackling all contemporary forms of slavery like forced labour, human trafficking, bonded labour, child labour, forced marriage and descent-based slavery. (UN Committee on the Rights of the Child, 2018)

It is being reported that the Anti-Slavery International activists in Mauritania are being arrested as the protest within the country is banned since the Mauritanian government is tightening restrictions on human rights groups, activists, and organizations. Boubacar Messaoud as the president of SOS-Esclaves, the movement partner of Anti-Slavery International, stated that the repression towards the activists are getting worse and the number of captures also have increased. Amnesty International have reported since 2014 that there were 168 arrests of human rights defenders being documented and 20 groups have been dissolved by force. (Peyton, 2018)

B. Research Question

In accordance to the background of the research, the writer would like to discuss as followed:

“How does Anti-Slavery International (ASI) eradicate modern slavery in Mauritania through cooperation with SOS-Esclaves and Minority Rights Group?”

C. Theoretical Framework

a) Theory of Change

United Nation Development Assistance Framework (UNDAF) has defined theory of change as a “method that will explain set of interventions will be causing, or leading, into

specific development change and drawing a causal analysis based on the evidences available at the moment”. Theory of change helps identifying a problem and addressing its solutions which will result into decisions of which approach will be taken in dealing with the problem. Besides, it also helps identifying the vital assumptions and risks and later should be understood in order to ensure the approach used will be contributing in the aimed change.

Carol H. Weiss defined theory of change, in its early conceptualisation in 1995, as theory consisting ways of how an initiative works and its reasons. It is the term that covers the “connection between activities and outcomes” as well as “how and why the social program will work”. Andrea A. Anderson also described it as the way in elaborating set of assumptions discussing the mini-steps taken for a long term goal and its connections to the outcome of the program. (Stein & Valters, 2012)

Since the program and intervention proposed for a development are considered to be complex, there must be factors causing a society’s way of functioning. In this, UNDAF explained that theory of change could explain the underlying root causes in addressing the development program. Theory of change could also provide platform of learning for both the provider and target of the program cycle. The theory of change is used to make assumptions and propose strategies that later will be tested against the evidence, whether it has worked or not, in order to ensure whether it is possible to achieve the target of change of a program.

Theory of change simply represents the way an organization (in this term, NGOs) has to focus on the long-term change as the output and outcome of their program. As it seems to be beneficial and effective in a way of it being implemented, the bandwagon of jumping into theory of change have affected organizations. Instead of believed as a

quick fix for a problem, it is a long-term process that requires time, commitment, and resources. (INTRAC, 2012)

UNDAF also explained that the theory of change also provides the possibility of developing partnership and how it is managed. The application of theory of change may lead to establishment of different views and assumptions in between the program planners. It leads to the establishment of parties between program planners and showing the possible long-term contribution. In developing a theory of change, UNDAF stated there are four key steps that will be needed. The necessity of ensuring or validating the evidences and perspectives of other stakeholder is a must. This is to ensure whether the assumptions are plausible. The next step is to focus on the high-level change a stakeholder intends to contribute, followed by identifying on what is needed in order for the development to happen. This will later lead to the establishment of explicit key assumptions on how change happens and risks that will be coming along with it. The last thing is to identify the actors and partners that most likely will achieve the result considering its assumptions and risks.

b) Theory of Transnational Civil Society

Ann Florini defined transnational civil society as the non-governmental and non-profit seeking groups that are being transnational and having link across national border either in the shape of NGOs or a more informal cross border coalition (Yanacopulos, 2005). It is argued that a transnational civil society might support whether progressive, regressive or criminal political agendas. However, in contrast, majority of their donor define it as those who associately volunteer in fostering and promoting democracy consolidation. (Scholte, 2001)

Florini also argues that a transnational civil society refers to the self-organized advocacy groups where voluntary act across borders in pursuing their value to the wider society. Transnational civil society also is distinguished from other

transnational actors like private sectors or government authorities. Besides, the term civil society also distinguished from the term that has globally exploded due to the terrorist attack in September 11, 2001 (Price, 2003). It consists of border-crossing people that aim for broader goals in what they think will do good for the public. Departing from that, they are bound together by values more than their self-interest. The value ranges from believing the rights of animals to the ethnic groups. (Florini, 1999)

Transnational civil society seek to change the actors' interests and the environment they operate, like their structure of power. The activists of transnational civil society seek to promote ideals and international norms in order to change the policies and practices of government, intergovernmental organizations, corporations and civil society when such disadvantages occur due to the operation of these actors. The success of transnational civil society actors has been growing fast globally proving further that they still manage to obtain important changes although they possess no such power like military, government or corporations.

Transnational civil society is working based on the attempts of shaping the evolution of international norms on how the governments, corporations and other groups ought to behave. These norms are in the form of treaties or widely shared standards of behaviour. The civil society's attempts on shaping the international norms work in two ways. First, in the direct way, through persuading policy makers also business leaders to compromise in doing what is the right thing to do. Secondly, through indirect way, shaping the public's perception on what a government or businesses should actually be doing. If there is public pressure, government has to act to "please their constituents and businessmen have to keep their investor and consumers happy. (Florini, 1999)

D. Research Argument

By using the theory of change and transnational civil society, this research will argue on how Anti-Slavery International (ASI) eradicates modern slavery in Mauritania through cooperation with SOS-Esclaves and Minority Rights Group (MRG). As stated, Anti-Slavery has been working hundreds of years fighting the slavery itself to exist in the world, even in contemporary era.

In using the Theory of Change (ToC), this research will try to elaborate the intervention initiated by Anti-Slavery International in facing the slavery issue in Mauritania. As the oldest anti-slavery organization, Anti-Slavery International has been doing good works in dealing with issues of slavery, especially modern slavery. Through conducting research on the enslaved community, Anti-Slavery International will be taking interventions to be done where the organization draws the causal analysis that will lead into the development change as initiated. Through the conducted research, there will be identification of the problem, including assumptions and risks, to ensure that the contribution will make a great change as aimed.

On the other hand, the theory of transnational civil society will furthermore explain how will Anti-Slavery International expand the awareness of the issue globally through advocacy. The organization will advocate an ideal international norms to change the policy and practices of Mauritanian government for being ineffective in handling the issue of modern slavery. Anti-Slavery International will work together with the local anti-slavery organization called SOS-Esclaves and other human rights organization called Minority Rights Group, to support giving a better life to the enslaved people of Mauritania.

E. Research Methodology

The outcome of this research is expected to broaden the audience's knowledge by explaining how Anti-Slavery International work with local non-governmental organization (SOS-Esclaves) in advocating the human-rights issue of modern-slavery in Mauritania. The data collected in this research are from secondary data, meaning the information is compiled through relevant published materials such as reports and publication from Anti-Slavery International official website. The writer also collect data from relevant studies coming from another researcher in discussing the related issue.

F. Writing System

In providing the thesis that fulfils the obligation of writing in accordance to scientific writing. This thesis contains several chapters that discusses about different discussion and interrelated with each other. The writer provides four chapters in total as follows:

Chapter I This chapter provides the information of background, research question, theoretical framework, research argument, research methodology and writing system.

Chapter II This chapter discusses about Mauritania and modern slavery

Chapter III This chapter discusses about the efforts of Anti-Slavery International in eradicating modern slavery in Mauritania;

- a) Anti-Slavery International as a Movement
- b) Anti-Slavery International and Modern Slavery in Mauritania: cooperation with SOS-Esclaves and Minority Rights Group

Chapter IV This chapter concludes the whole discussion of the paper, along with the conclusion by the writer in answering the research question.