

Pakistan's "Industrial 9/11": Transnational Rights-Based Activism in the Garment Industry and Creating Space for Future Global Struggles

Nasir Mansoor, Thomas Rudhof-Seibert, and Miriam Saage-Maaß

Abstract This chapter is based on an internal evaluation of the of the 2012–2019 cooperation between the Pakistani National Trade Union Federation (NTUF), the German humanitarian organisation medico international, and the Berlin-based European Center for Constitutional and Human Rights (ECCHR). Written from a first-person perspective by three members of these organisations, it offers invaluable insights into the internal coordination and strategic deliberations of the partners' evolving transnational efforts to hold the German retail company KiK and Italian social auditing firm RINA to account on behalf of the survivors and victims' families of the 2012 Ali Enterprises factory fire. The authors elaborate on the multi-dimensional effects and aftermath of the Ali Enterprises tragedy, and recount the lessons learned from their different perspectives as trade unionists, activists, and lawyers based in both Pakistan and Germany. On this basis, the chapter then maps additional possible avenues for supporting the transnational struggles of workers around the globe. All in all, it offers rich insights into the experiences and complex debates ongoing amongst the authors and their organisations on how to develop common positions and further enhance their mutual understanding in order to collectively imagine and work towards transformative political goals.

Keywords Transnational collaboration · Evaluation · Coalition-building · Advocacy · Lobbying · Movement-building · Trade unions · Pakistan · Ali Enterprises factory fire

N. Mansoor · T. Rudhof-Seibert (✉)
medico international e.V., Frankfurt am Main, Germany
e-mail: seibert@medico.de

M. Saage-Maaß
European Center for Constitutional and Human Rights, Berlin, Germany

1 Introduction

On 11 September 2012, at least 258 people burned to death in the Ali Enterprises garment factory in the Baldia area of Karachi, Pakistan, in what has come to be known locally as Pakistan's "Industrial 9/11." Not long after, two other garment industry catastrophes followed in Bangladesh. On 24 November 2012, a fire broke out at the Tazreen Fashion factory in the Ashulia district on the outskirts of Dhaka, killing over 100 people and injuring hundreds more. On 24 April 2013, structural failure led to the collapse of Rana Plaza in Dhaka's Savar area, an eight-story commercial complex that housed garment factories, a bank, apartments and several shops, killing 1134 people and injuring over 2500. This series of high-profile disasters brought the South Asian garment industry into the international spotlight, spurring new debate on workers' dismal living and working conditions, as well as the toxic role of Western consumerism in driving these conditions in globalised value chains.

Following the Ali Enterprises fire, the National Trade Union Federation in Pakistan immediately threw its weight behind the survivors and families of the deceased workers, supporting them in their efforts to self-organise and wage a strategic fight for justice. When it became clear that the main buyer of over 70% of the Ali Enterprises factory's output was the German retailer KiK, the Germany-based human rights organisation *medico international* (*medico*) positioned itself in support of NTUF, providing the federation with political backing and solidarity in the form of an extensive media and public outreach campaign highlighting the Ali Enterprises fire as a symbol of the exploitative character of global production and supply chains, and thus global capitalism on the whole. The European Center for Constitutional and Human Rights, another Germany-based legal human rights group, also joined the alliance to take on KiK's responsibility as a legal topic. While our three organisations worked closely together to support those affected in their demands for criminal investigations against and reparation from the factory owners in Pakistan, and their struggles for compensation from the Pakistani government, they also sought to strategically shift focus towards Europe by waging a rights-based struggle in Germany against retailer KiK.

This text, much of it drawn from an internal evaluation of the 2012–2019 cooperation between NTUF, *medico* and ECCHR, seeks to provide insight into the nature, internal coordination, and strategic deliberations of the collaborative transnational cooperation as trade unionists, activists and lawyers over the past years. The text recounts the German and Pakistani perspectives on the effects of the Ali Enterprises tragedy, and aims to map a joint way forward in continuing to support the broader transnational struggles of garment industry and other workers around the globe. In addition to offering others insight into our cooperation, we see this text as part of an ongoing political debate amongst ourselves, in which we aim to clarify our positions and further develop our mutual understandings, differences and political visions.

2 Looking Back: The Formation of a Transnational Coalition and the Case Against KiK

In the aftermath of the Ali Enterprises tragedy, NTUF supported the factory fire survivors and families of the deceased in organising themselves as the Ali Enterprises Factory Fire Affectees Association (AEFFAA), which, to this day, represents the majority of affected families. Other actors also supported the group with various forms of solidarity, including the Pakistan Institute of Labour Education and Research (PILER), various local labour organisations and international trade unions, as well as civil society organisations and the media. Notably, the global union IndustriALL and the Clean Clothes Campaign, a global grassroots alliance dedicated to improving working conditions and empowering workers in the global garment and sportswear industries, collaborated with NTUF and PILER to help the AEFFAA demand what eventually became successful compensation negotiations facilitated by the International Labour Organization with the German discount retailer KiK, the main buyer of garments produced at the Ali Enterprises factory.

In September 2016, the AEFFAA finally reached a long-term compensation agreement with KiK as a result of the negotiations between the German company and IndustriALL and CCC at the ILO. Having already paid US\$1 million in immediate emergency relief in 2012, KiK agreed to provide an additional US \$5.15 million in compensation for lost income, medical costs, as well as rehabilitation. The negotiations took a long and winding road not only due to the difficulty of the matter, but also due to temporary stalling tactics on the part of KiK. In this respect, ECCHR's preparatory activities for a lawsuit against KiK in Germany provided an accelerating effect on the ILO negotiations, serving as an implicit threat to the company. However, ECCHR, medico and NTUF had agreed with AEFFAA and the other groups involved that the lawsuit would only be filed when KiK could no longer use it as an excuse to prematurely break off negotiations at the ILO.

In conceptualising the legal case against KiK in Germany, NTUF, medico and ECCHR agreed to promote the factory fire affectees' demand for compensation as a right in itself. From the beginning, we sought to frame the court case against KiK in Germany as a political statement, not just a legal dispute. For all of us, the legal case was a supplement to the overarching "political case." We saw it as a way to increase transnational public awareness around the factory fire and deplorable conditions in the global garment industry, and as an opportunity to advance a broader justice claim. To ensure consensus between our three organisations and the AEFFAA, we held several consultations in 2013 and 2014, culminating in a two-day meeting in Karachi in September 2014. This meeting was attended by relatives of almost all of the families affected by the Ali Enterprises fire and included extensive discussion of the legal and political possibilities and implications of filing a case against KiK in a German civil court. In the wake of this meeting and after extensive discussion and exchange, AEFFAA selected four members to represent the group as plaintiffs in the court case in Germany. While the four plaintiffs were technically claiming their

individual rights through their participation in the case, their main goal was to represent AEFFAA's political demands more broadly.

NTUF, medico and ECCHR's confrontational position against KiK was carefully aligned with the strategies of the other actors in the broader solidarity network, such as PILER and CCC, both of whom sought to negotiate with KiK rather than confront them outright. For these civil society organisations coming from an advocacy and campaigning background, the aim of public action was to influence KiK's decision to pay initial emergency compensation and, then, to participate in the ILO-facilitated talks. As soon as talks at the ILO had started, however, they saw a continued confrontational approach as threatening to disrupt the negotiations, thereby risking their chance to gain additional financial compensation. The families of the AEFFAA, in contrast, made the decision to take legal action against KiK, even if it potentially comprised their prospects for additional financial compensation, which was, in itself, already a strong political stand.¹ These views were merged into a common strategy, in which the lawsuit played the role of exerting the continuous pressure needed for the compensation talks to progress.

With this understanding, NTUF was represented by IndustriALL and CCC in the ILO negotiations, while being equally engaged in the lawsuit. medico and ECCHR, in turn, acted as political and legal supporters rather than negotiators, and were not directly involved in the ILO negotiations. This somewhat external positionality with regards to the ILO negotiations enabled medico and ECCHR to exert pressure on the actors driving the negotiations, in particular KiK and the ILO, to ensure that the AEFFAA, as the primary representative body of the fire survivors and victims' families, continued to play a central role in the negotiations. This strategy played out exactly as intended: after the lawsuit in Germany had been filed against KiK in March 2015, the negotiations at the ILO gained speed. An agreement among the negotiating parties was finally reached a week after the German court allowed the case to proceed to the trial phase at the end of August 2016. In the end, the legal case was lost in court, but from our perspective it played a crucial role in bolstering the self-representation of the AEFFAA and eventually played an important role in the negotiations on compensation at the ILO. With the end of the court proceedings in Germany and the resolution of compensation negotiations at the ILO, the first phase of the struggle came to an end.²

¹KiK paid US\$1 million in December 2012 as immediate relief.

²See the chapter by Faisal Siddiqi in this volume for a description of the Pakistani court proceedings.

3 Mapping the Effects of Pakistan's "Industrial 9/11" in Germany and Pakistan

We now turn to reflect on what NTUF, medico, and ECCHR have achieved over the course of our transnational cooperation to date, and to discuss future areas of our collective engagement. In describing this process of reflection and decision-making for the future, we must consider each organisation's different positionality and perspectives.

3.1 *Changing the Discourse on Exploitation in Global Value Chains: medico and ECCHR's Perspectives from Germany*

Together with the two Bangladeshi factory disasters, Pakistan's "Industrial 9/11" marked a turning point in German media and public debate regarding working conditions and exploitation in global supply chains. The degree to which German media covered the Ali Enterprises factory fire and related issues was and continues to confound our expectations. For a short time, millions of Germans were deeply shocked by Pakistan's "Industrial 9/11." In 2020, public concern around the factory fire remains high and German media now routinely covers smaller stories about garment industry working conditions in Pakistan and Bangladesh. At medico, meanwhile, we are regularly invited to local meetings all over Germany to discuss the Ali Enterprises case, larger issues in the global garment industry, and global capitalist production practices more broadly.

Compared to the years before these watershed factory disasters in Pakistan and Bangladesh, medico international has seen an encouraging qualitative shift in the types of discussion taking place in Germany around global capitalism's production and supply chains, even as we recognise that those who really care about working conditions in the garment industry still compose only a small minority of German society. Most participants in the public meetings we attend across the country are deeply convinced that the tragedies and the "normalcy" of the exploitation behind the disasters are not accidental, but rather the result of what in German debates is called "imperial way of life"³ under contemporary capitalist globalisation. People's horror and anger are increasingly driven by the insight that we cannot seem to escape this vicious cycle: those of us in the Global North are more or less forced to buy and wear clothes made in South Asia, even if we try not to. Changing our individual behaviour as consumers can only hope to effect long-term change, but is otherwise an ineffective means of curbing workers' exploitation and oppression today.

³Cf. Ulrich Brand, Markus Wissen, *Imperiale Lebensweise. Zur Ausbeutung von Mensch und Natur im globalen Kapitalismus*, München (Munich) 2017.

While we see the increasing prevalence of these clear-eyed insights in Germany regarding capitalist production as a positive development, at the same time, they also spur a kind of helplessness. This sense of helplessness becomes even bigger when we consider the situation in South Asia itself, namely that for the vast majority of the South Asian workforce, a garment factory job in a place like Karachi is desirable, despite such poor working conditions. Most other options available are even worse. As capitalist exploitation will only be stopped by a global movement comprising a multitude of actors from various backgrounds across the world, it is more obvious than ever that this movement does not currently exist and must still be built.

Therefore, medico sees its role mainly in sustaining publicity for what has happened and further bolstering the mature, critical insights gained by certain sections of German society. We understand this as a preparatory exercise—to keep publicity and critique itself alive and oriented towards a particular, if still distant, horizon. One of our main goals is to create the sense of a new type of solidarity linked to a common global struggle: a struggle to be shared equally and not primarily driven by self-interest, and a struggle that can only be waged worldwide. We hope to also translate this sense of solidarity into concrete networks with other actors, including media professionals, trade unionists, fair trade shops, movement activists, formal and informal educators, researchers, as well as other campaigning groups and institutions who also question global capitalism its “imperial way of life”.

ECCHR, on the other hand, considers itself to have a specific role in designing and carrying out legal interventions in a way that productively engages with and advances political debate and legal frameworks with regard to concrete demands for workers’ rights. Our legal casework specifically aims to connect general demands for justice and a better future with concrete emblematic cases. For instance, by addressing how (legal) responsibility in global value chains might be constructed in the context of the Ali Enterprises case, we were able to contribute a small piece in the much larger puzzle of how to imagine and bring about a just alternative to the current global capitalist reality.

3.2 Accessing Transnational Partnerships: NTUF’s Perspective from Pakistan

The struggle around the Ali Enterprises fire marks the first time in recent Pakistani labour history that survivors and workers have run a successful campaign themselves. In fact, the response to Pakistan’s “Industrial 9/11” was the country’s first worker-led labour success in 40 years. One of the crucial factors for this success was that those directly affected both organised and spoke for themselves—something that did not happen in the response to Rana Plaza in Bangladesh. It is exceedingly unfortunate that this success had to be built on the ashes of 258 humans. Before the Ali Enterprises fire, public perception prevalent in Pakistan was that factories producing for international brands were more worker-friendly than local ones. In

its work both before and since the fire, NTUF has consciously endeavoured to highlight the fallacy of this assumption. Multinationals and local companies must be equally compelled to respect local, national and international labour standards, as well as other global framework agreements. Organising workers in unions, we believe, is critical to achieving this.

NTUF initially sought to form a transnational coalition with medico and ECCHR as a way to contribute international support to the Pakistani labour and democracy movement. The movement's present weakness traces its roots to suppression under several sequential military dictatorships in Pakistan, socialism's twentieth-century defeat worldwide, and prevailing global power relations today. At NTUF, our expertise lies in organising people, which, in this case, meant fire survivors and family members of those killed. While we brought our local experience and, above all, our close connection with those affected into the transnational alliance with medico and ECCHR, they offered us not only professional expertise, but also facilitated crucial access to international debates and the international public.

Our cooperation was and is based on shared views, not only in relation to the specific Ali Enterprises case, but also in terms of common political visions. Our relationship is a comradely partnership, in which we respect our differences with regard to political background, working styles and opinions, but ultimately agree that our differences are less relevant than our common aims. We all understand that we benefit more when we work together. For us at NTUF, "going global" has been a major outcome of this cooperation. Moving forward, we seek to further expand on this achievement, while ensuring that our work at the global level continues to advance our work on the national and local levels as well.

4 The Path Forward: From Fighting for Corrective Justice in the Tragedy to Challenging the "Normalcy" of Global Exploitation

Many may think that because KiK acknowledged the tragedy and paid compensation, survivors and those affected should now move on with their lives. Just because the legal cases related to the Ali Enterprises factory fire have ended, however, our collective work is far from over. KiK never accepted legal responsibility for its role in the 2012 disaster, and unsafe working conditions continue to exist across the garment industry. Today, jeans and t-shirts worn in the Global North remain soaked in the blood of those who made them. Daily exploitation and unsafe working conditions persist in globalised capitalist value chains in the garment industry and beyond. Hence, highlighting these realities is as urgent as ever. We must continue to work to expose local companies that exploit cheap labour under unbearable conditions, as well as the international companies and brands that profit from them.

In its work on the Ali Enterprises factory fire, NTUF gained the trust of a sizeable number of workers from different industrial sectors in Pakistan. Many workers have

since asked us for assistance in forming unions and filing cases in Pakistani labour courts. Since 2012, NTUF has positioned itself at the forefront of a growing number of struggles and campaigns for workers' rights, as well a range of issues related to politics and human rights more generally. NTUF's closest ally, the Home Based Women Workers Federation (HBWWF), has become stronger in all domains and significantly increased its impact. Many of the women involved in the AEFFAA, who lost their husbands, brothers, sisters, daughters and sons in the Ali Enterprises fire, have since joined HBWWF in a political statement of solidarity with all women workers.

Today, NTUF and HBWWF are among a small number of trade unions in Pakistan with comprehensive visions for challenging capitalist globalisation and related political issues affecting the country. Both workers' groups, along with other stakeholders, have engaged in a variety of legal reform processes in Pakistan over the last years, and have made history in achieving legal status for workers in agriculture, fisheries and home-based work in the last decade. Laws are now in place to protect workers in these industries, but further work is still required to ensure their effective implementation. NTUF and its supporters are currently considering possibilities for extending our range of action by entering into different tiers of legislative bodies. In a first phase, we are preparing to support candidates in elections for local legislative offices in several select constituencies, in close cooperation with like-minded groups and parties in the Pakistani province of Sindh.

4.1 Continuing to Push for Better Working Conditions and Challenging the “Imperial Way of Life”

In the future, we must widen our focus and discourse to cover the whole garment industry value chain, from cotton fields and factories in the Global South, to warehouses and retail stores in the Global North. This will lead to concerns beyond garment workers' living and working conditions to a whole range of additional questions and issues: feudalism, rural exodus, urban migration, climate crisis and ecological catastrophe, cultural crises, dialectics of modernity and modernisation, as well as capitalist globalisation and ongoing imperialism. It will also lead to new, urgent questions regarding political, social, and economic rights and their implementation in global value chains.

In the face of the current COVID-19 crisis and its major economic impacts, the dramatic power imbalances in global production dynamics, particularly the co-dependence between companies in the Global North and producing factories in the Global South, have become even more apparent. As consumer demand in the Global North dropped drastically due to COVID-19 lockdowns in the EU and North America, many international brands simply cancelled their contracts with textile factories in the Global South, often without paying for the garments already produced. Within weeks, millions of workers in India, Bangladesh, and Pakistan lost

their jobs, many without any access to social safety net protections to fall back on. Once again, the sheer normalcy of how exploitative, precarious work in the Global South enables consumerism in the Global North was on display for all to see. Hence, we not only need dramatic occupational health and safety improvements in the Global South garment industry, but more fundamental change in how global supply chains are run and how rights to social protection, health, workplace safety, and a living wage are protected. We believe the following tactics will help us achieve these goals in our struggle to overturn multinational corporations' relationships with and practices in the Global South.

4.2 Discursive Intervention: Influencing the Terms of Debate

As German organisations, medico and ECCHR must continue to influence discourses in Germany and Europe related to the textile industry, multinational corporations, and exploitation in global value chains more broadly. This can take diverse forms and occur in a variety of fora, such as writing and publishing articles, strengthening our presence in social networks, and participating in local townhall meetings and conferences. Aside from political debates, ECCHR particularly sees it as its role to influence legal discourse among scholars and practitioners with regards to questions of legal responsibility in global value chains. We see the legal community—from lawyers and justice system professionals to political and corporate legal advisors—as actors that can make key contributions to the realisation of workers' rights in today's globalised economy. Both organisations must also continue to organise opportunities for Pakistani workers, union leaders, and activists to travel to Germany for speaking events and workshops, as well as for German journalists, lawyers, judges, and trade unionists to travel to Pakistan to become witnesses, mediators and multipliers. Moreover, we must intervene in educational discourse, for example, by organising seminars with universities, research institutes, schools, lawyers' associations, and trade union institutes.

In all of our discursive interventions in Germany and Europe, we must continue to partner with NTUF to ensure that we amplify and communicate the background information, stories and pictures from Pakistan that they share with us in a way that further advances their cause and our common aims. This will include perspectives from the cotton fields, spinners, power looms, tanneries, and textile and garment factories about the living conditions of the workers and their families, their individual everyday experiences, collective dreams and imaginaries, as well as resistance struggles. At the same time, we also understand discourse in terms of the ongoing dialogue between NTUF, medico and ECCHR as organisations and political actors. We must continue to reflect on our different positions, roles, and ways of developing common strategies in a manner that respects our differences, understands and engages with the North-South dynamics between us, but ultimately aims at defining and working towards common goals.

4.3 Advocacy and Lobbying: Moving from Corporate Social Responsibility to Binding Law

NTUF, medico and ECCHR share the firm conviction that the era of corporate social responsibility grounded in voluntary corporate commitments must end. We must fight for the legal codification of binding rights and obligations for all actors involved in global production and supply chains.

At the national level, France's 2017 Corporate Duty of Vigilance Law marks a positive development in this regard, as do current German and Swiss NGO initiatives to develop new human rights due diligence laws in their respective national jurisdictions. While NTUF engaged with HBWWF and other organisations on several law reform initiatives in the Pakistani province of Sindh and achieved remarkable legislative improvements, for us, organising, lobbying and advocacy in Pakistan are not ends in themselves, but means through which to politicise workers' and other groups' struggles. Practically, this requires that NTUF builds closer connections with political movements and organisations (including political parties), as well as human and labour rights organisations.

On the international level, NTUF, medico and ECCHR will closely monitor the activities of the open-ended intergovernmental working group (IGWG) established by a 2014 UN Human Rights Council resolution to elaborate an international legally binding treaty on business and human rights, and which currently includes more than 100 UN member states. The KiK case is an important emblematic reference point in all of these legislative reform debates, as it crystallises key contradictions between global capitalist production practices and prevailing human rights standards. In taking the transnational company KiK to court, Pakistani working-class women revealed many pressing problems, legal gaps, and the limitations of current avenues for redress.

We are aware of the dilemmas of entering into the actual political process of negotiating a UN treaty or a national human rights due diligence law, as compromises will have to be made to win over the majority. Therefore, we believe it necessary to keep a certain distance from these negotiations so we can maintain our strong calls for justice for workers. In doing so, we hope to open up and hold space for the even stronger social and political forces that will be needed to transcend the "bad compromise" in which the negotiations are expected to end. While we are not pure "believers" in the salvation that a UN treaty or any other law may bring, we see valuable potential in talking about how the rights of the least privileged in the current capitalist system might be realised in national and international law. To inscribe workers' demands into the language of a "human rights revolution" does not mean to reduce political demands to juridical demands. Instead, we see it as the other way around: transforming a class struggle into a struggle for human rights represents the transformation of a particular social struggle into a universal political struggle, calling for the political support of everyone. Besides this, it also inscribes a contemporary local struggle reaching out for global acknowledgment into the continuing trajectory of the broader "human rights revolution" initiated by the American,

French and Haitian revolutions, which must be sustained and continually renewed until the rights we declare become fully realised for all across the globe.

4.4 Strengthening Global and Local Trade Unions

One, if not *the* main reason for the weakness of our discourse and actions to date has been the weakness of the German, Pakistani and global trade union movements. As the economy becomes increasingly informal, with precarious work the hallmark of contemporary globalised capitalism, trade unions must respond with “outside-of-the-box” solutions. For example, workers’ federations like NTUF should no longer organise workers only at their formal workplaces, but must also serve those working in informal settings, as HBWWF has done for home-based and agricultural workers in Pakistan. If workers’ organisations are prohibited from organising in factories, then they must go to workers’ localities. If we cannot create lawful unions, then we must establish workers’ committees, general workers’ unions, or other alternative formations.

NTUF addresses the challenge of the labour movement’s general structural weakness by choosing to be strategically open in our hybrid form of activism. As a trade union, we are both more and less than an ordinary union in contemporary Pakistan. We function as less than an ordinary union because we are only based in a few locations and our interventions, therefore, are always exemplary in character. We cannot claim to be capable of mobilising Pakistan’s working-class masses. We can only realise improved working conditions in singular instances. At the same time, NTUF is more than an ordinary union because we know that we must also act as a political party of sorts, by using strategic, political interventions to pave the way for the labour movement(s) still yet to come and still yet to gain force. In this sense, we see ourselves as prying open and holding space for other actors and future movements.

At medico, meanwhile, because we cannot significantly change the German trade union movement given the current capacities and resources, we are keen to participate in the evolving experiment of developing a new “type” of organisation through the NTUF-medico partnership. The shape and direction this new kind of organisation will take will continue to unfold and develop as we move towards working on whole production and supply chains in the textile and garment industries—both in our fight for the political, social, economic and human rights of the people working within these global structures, and in our efforts to achieve national and international legal regulation of corporate actors’ behaviour across these supply chains. To do this, we will need ECCHR’s technical legal expertise in order to engage in efforts seeking concrete legal reforms. NTUF, medico and ECCHR must not only struggle to improve the working and living conditions of exploited workers in the Global South, but we must also address the range of other problems mentioned above in relation to what we term the dialectics of modernity and modernisation. Engaging these dialectics opens up vast possibilities for practising everyday forms of

resistance and articulating alternative imaginaries within the broader realm of globalising democracy in the longstanding process of a “human rights revolution.”

To bring all this back to practical terms, the Pakistani labour movement has spent years discussing the question of how to overcome the traditional factory-based forms of labour organising in order to build an industrial federation covering entire value chains. This cannot be done by NTUF alone, but requires a broad alliance, for example, to lobby national and provincial governments, and advocate with open-minded political parties and other institutions. NTUF will continue to intensify our commitment to basic organising procedures: organising all workers who request assistance and organising workers in all areas of production. The next fundamental step forward will be attempting to organise textile and garment workers in Karachi into one general workers’ union, whether the law allows it or not.

The struggle to create, enforce and implement rights on the local, national and international levels forms the umbrella for all of our activities. As the legal action against KiK has shown, emblematic cases are important in advancing workers’ struggles for justice and better regulation. The option must always be open, therefore, to take up specific legal cases when it suits the needs of those affected and the general cause. Hence, ECCHR, in particular, must continue to track evolving legal discourse and debates around workers’ exploitation in global value chains in order to develop new ideas for potential legal interventions. These ideas would then have to be discussed among our three organisations and our wider network to determine how and in which regard a legal intervention might contribute to our broader goals.

5 Conclusions: The Task of Holding Space for Those Yet to Come

Looking back over the last years, the most disturbing phenomenon we have noticed in the wake of the Ali Enterprises factory fire is not that most local and transnational companies were and remain willing to literally walk over dead bodies to boost their bottom line. Capitalism, after all, has always been all about profit. It is the fundamental lack of solidarity with exploited workers, rather, that alarms us most. Pakistan’s “Industrial 9/11” was widely reported in Pakistan and abroad, and shocked many. In the days following the tragedy, however, Karachi saw no spontaneous mass demonstrations to demand justice. In Germany, meanwhile, solidarity came only from the fringes of society, not from those at the heart of capitalist production and consumerism, those responsible for keeping it running.

Since 2012, professional media staff not otherwise known for taking a critical approach to neoliberal capitalism have continued to report on working conditions in global supply chains. Despite this consistent news coverage, the serious lack of effective solidarity has been surprising, as such solidarity could potentially hold the power to change things both in terms of discourse and on the ground. The German justice system was obviously not equipped to grasp the magnitude of the legal case

against KiK, opting instead to escape a ruling on the merits of the case by detouring into procedural questions. While the debate around companies' legal responsibility for their supply chains has significantly developed among academics and legislators in Germany over the last few years, it remains to be seen whether it will effectively alter the status quo of corporate social responsibility.

The reasons for the lack of fundamental and powerful opposition against the current global production system are manifold, and we must face and address them as such. The first reason, of course, is the still lasting hegemony not only of neoliberal ideology, but also of its impact on the imaginations of both individuals and the masses. This is not only the case for those already participating in everyday "imperial way of life", but also for those aspiring to become part of this way of life, especially those who must survive in places like Karachi or Dhaka. The second reason goes along with and, indeed, paved the way for today's neoliberal hegemony: the twentieth century failure of socialist transformation that dashed the hopes of millions who had committed their lives and dreams to it over the course of the last centuries. Finally, the third reason is one immediately connected to the present age: both the lack of solidarity and its enduring necessity are as varied and manifold as the struggles by which this solidarity is lived. The most urgent need, therefore, is determining the form under which these manifold struggles, solidarities, and dreams can coalesce around and collectively head towards a common horizon.

As far as this horizon can be considered the horizon of justice, the most important lesson NTUF, medico and ECCHR learned from this experience is that we continue to lead our struggle as a struggle directed towards rights, as a struggle already based on rights. We understand rights, both those rights already achieved and those still in the process of being achieved, as having the power to provide and hold space for struggles still yet to come—no more, but also no less. And by rights, we are not only talking about labour rights or a binding treaty to regulate the behaviour of transnational corporations and other business enterprises. We are talking about all human rights. We are talking about Article 28 of the Universal Declaration of Human Rights in its entirety: "Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized." Fully, not partially. This is the goal for which we will continue to hold space, by all means necessary.

Nasir Mansoor is secretary general of the National Trade Union Federation of Pakistan, and has been an anti-capitalist political activist for the past several decades. He is member of the governing body of Sindh Social Security Institute (SESSI) and the Sindh Tripartite Committee for Implementation of Labor Laws, a tripartite body of workers, employers and government representatives. Mansoor is a marine engineer and holds a Master in International Relations from the University of Sindh, Pakistan.

Thomas Rudhof-Seibert is a human rights advisor and responsible for South Asia in the public relations department of the German-based civil society organisation medico international. Philosopher, author and political activist Rudhof-Seibert is also the spokesman of the board of the Institut für Solidarische Moderne.

Miriam Saage-Maaß is a lawyer and vice legal director at ECCHR, where she coordinates the Business and Human Rights programme. She has worked on various cases against corporations, including proceedings against German retailer Lidl relating to the exploitation of workers in Bangladesh and Pakistan, and against companies trading cotton picked with forced child labour in Uzbekistan. She regularly publishes articles on the legal liability of corporations for human rights violations in global supply chains and is internationally consulted as an expert in the area of corporate responsibility and human rights. She is a temporary lecturer at the Free University of Berlin, and has been a member of the Stiftung Forum Recht's advisory board since 2020.

Open Access This chapter is licensed under the terms of the Creative Commons Attribution 4.0 International License (<http://creativecommons.org/licenses/by/4.0/>), which permits use, sharing, adaptation, distribution and reproduction in any medium or format, as long as you give appropriate credit to the original author(s) and the source, provide a link to the Creative Commons license and indicate if changes were made.

The images or other third party material in this chapter are included in the chapter's Creative Commons license, unless indicated otherwise in a credit line to the material. If material is not included in the chapter's Creative Commons license and your intended use is not permitted by statutory regulation or exceeds the permitted use, you will need to obtain permission directly from the copyright holder.

