Elusive Accountability in Business & Human Rights:
Popular perceptions of governance gaps

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ABSTRACT: Since the early 2000s, evolving international norms have stipulated a right to "remedy" for people harmed in the course of global business activity, along with corresponding obligations of states and companies for jointly providing remedy. But government's role is comparably underexplored, as are grassroots perceptions of remedy. This paper draws on original interviews with residents of two textile manufacturing town in the Dominican Republic to reveal grassroots perceptions that host governments play multiple two-level games (Putnam 1988) with investors and local stakeholders. Potential "host" government seek to attract investment and guard against the threat of exit (Hirschman 1970) by adjusting the national regulatory context (i.e., one game). Local politicians act as gatekeepers to job access, using civil society organizations as intermediaries (i.e., another game). Perceptions vary depending on the strength of social capital among local NGOs (i.e., low social capital intensifies perceptions of the games) and depending on attitudes regarding corruption (i.e., the more corruption one perceives, the more likely she/he is to perceive the games at play). These findings shed new light on government's role as an agent of remedy in business and human rights.

Overview

"If the government would just bring factories here, we would be fine. But it won't, so we continue to suffer." Paraphrased, this sentiment emerged repeatedly among people I interviewed in two textile-manufacturing communities in the Dominican Republic in 2017 (Hertel 2019).[1] Respondents in those same communities often pointed to local neighborhood associations (*juntas de vecinos*) as key brokers vis a vis government and/or companies, though views on the purported effectiveness and fairness of the *juntas* varied.[2] The people central to this research were typically not employees of factories. They were "stakeholders" of a different kind, the average residents of two towns (Villa Altagracia, population 89,000 and Bonao, pop. 125,000) where global textile manufacturing takes place just over an hour from the nation's capital.[3]

In both towns, factories produce textiles integral to the collegiate apparel sector. Universities enter into licensing agreements with companies that sew fabric, design and assemble clothing (or sub-contract production) and ultimately market garments bearing collegiate logos at retail outlets on and off campus (Elkins and Hertel 2011). Collegiate apparel is a small but high-profile segment of the global textile sector, and the focus of considerable research on human rights challenges in supply chain management. An estimated 80% of global trade occurs through transnational corporations that are embedded in global value chains (UNCTAD 2013, cited in Jagers 2020, 155), concentrated in 40 countries that account for 85% of global GDP (ILO 2016 cited in Jagers 2020, 155). One in every seven formal sector jobs worldwide is embedded in these supply chains (ILO 2015, cited in Jagers 2020, 155). But in poor communities such as Villa Altagracia and Bonao formal employment is often scarce, thus intensifying competition for resources.

Villa Altagracia is home to the Alta Gracia Company which employs roughly 200 workers and pays triple the prevailing Dominican minimum wage. Opened in 2010 after years of organizing by local workers galvanized by US students, universities and the Washington, DC-based Workers' Rights Consortium (WRC), Alta Gracia markets its products as fair trade by including hangtags on garments that feature workers' photos and stories (Adler-Milstein and Klein 2017). The company has an on-site office of WRC and sells apparel principally to the collegiate market (Adler-Milstein and Klein 2017; Hertel 2019, Chapter 4). Bonao is a production site for the Hanes Corporation, which has operated multiple factories in the Dominican Republic for over three decades (Hertel 2019, Chapter 5. The company employs roughly 3,000 workers at its site in Bonao's Dos Rios export zone, paying standard Dominican minimum wage while subsidizing high school equivalency courses and other training for its workers through the Dominican Ministry of Labor (Hertel 2019, 105-110). Hanes also carries out health-focused corporate philanthropy in communities around the country, including Bonao).

Often, research and policy efforts on business and human rights focus on companies like Alta Gracia and Hanes as principal bearers of responsibility for human rights violations and remedy in the context of globalized production. But this paper explores local community members' perceptions of *government's* role in promoting business and human rights. Since the early 2000s, new international norms have crystallized around the idea that business and government are jointly responsible for providing remedy when problems occur in global business settings, according to the United Nations Guiding Principles on Business & Human Rights, or

"Ruggie Principles" (UN Human Rights Council 2011).[4] Though elegant in theory, the Ruggie Principles are far from fulfilled in practice (as LeBaron's paper on this panel demonstrates).

My research reveals interesting convergence and distinctions in local residents' observations about the role of government in the BHR arena. First, in both Villa Altagracia and Bonao, respondents argued that government plays a gatekeeper role vis a vis international capital, inviting (or restricting) business from "coming" to communities, implicitly based on political favoritism. Second, particularly in Bonao perceptions converged around the notion that local civil society organizations (such as the *juntas de vecinos*) play a brokering role vis a vis local politicians and businesses, meting out access to jobs along with social welfare benefits -- thus replicating the same patterns of unequal access. Local peoples' perceptions of government's responsibility for remedy varied depending on the strength of social capital among local NGOs (i.e., low social capital intensifies perceptions of the games) and depending on attitudes regarding corruption (i.e., the more corruption one perceives, the more likely she/he is to perceive the games at play).

These insights are significant because government's role in providing remedy is under-theorized in the wider BHR literature (Hertel 2019, 145-149; Leipziger 2018, 14-15) as are grassroots peoples' perceptions of remedy. This paper focuses, in particular, on community members' perceptions of two-level games (Putnam 1988) government plays: on one level, with global light industry and on another level, with proxies at the local level who mete out opportunities for work and/or social benefits. Variation in these local perceptions adds nuance to longstanding debates in political science over the role of the state in economic development (Evans et alia 1985) and related challenges of addressing clientelism (Hicken 2011) and corruption.

Key concepts and debates

Governments have a clear duty to protect and promote human rights, but the ability of any government to fulfill economic rights hinges in part on how well the state is able or willing to regulate or otherwise create incentives that shape corporate action. A company, in turn, may have a strong self-interest in protecting its "social license to operate" (Giannini 2018, 215-216) by managing social or environmental factors that pose risk to the its reputation, or by engaging in corporate philanthropy. But a company's voluntary actions are ethically distinct from specific duties it has toward individual people or communities (for example, the duty to uphold local law in order to prevent direct harm).[5]

Some scholars have argued that "companies should exercise leverage to pressure governments to fulfill their obligations" when governments lack the will to do so, or should "assume back-up roles where state capacity is limited" (Buhmann, Jonsson and Fisker 2019, 392, citing Kolstad 2012). Others warn that when companies or other non-state actors assume responsibility for state functions, the state's capacity and legitimacy are undermined; moreover, companies have no "democratic legitimacy to provide" basic services (Buhmann et al 2019, 393). When states and companies negotiate their respective margins of responsibility for protecting human rights and providing remedy for harm, an employment relationship often sets the bright for determining the scope and content of remedy. Employees are first-level claimants on remedy. So, too, are people directly harmed by a company's actions (such as those affected

by a toxic spill or product failure). But *everyone else* who may be indirectly affected by corporate action is less clearly entitled to remedy. This paper explores how the people without a direct employment relationship view the role of government in the business and human rights arena.

Some residents of manufacturing communities like Villa Altagracia and Bonao make visible demands on government -- through collective action in the form of public protests, for example. In other cases, they are resigned to inaction. Popular attitudes vary about what (if anything) government owes anyone. Community members' relationships to the companies that affect their lives directly or indirectly often vary widely as well, as do their attitudes about what if anything companies owe them in terms of individual or collective wellbeing. The interview data central to this paper reveals that respondents perceive government, business and neighborhood associations as playing two-level games, and their perceptions of these games varies with levels of social capital (at the individual level and among NGOs in their community) and with attitudes regarding corruption. A person's own subjective socioeconomic status influences how materially or socially well-off they believe themselves to be (Hertel 2019, 54-55; see also Landefeld et alia 2014, 92): the less well-off, the more intense their perceptions of the games, and the more corruption they perceive, the more intense the games appear.[6] Exploring stakeholder perceptions beyond the factory floor, in the community at large, and in relation to government, are the contribution this paper makes to the rich literature on business and human rights.

Research on labor and economic rights in the context of global supply chains has explored the nature of state and corporate obligations for fulfilling rights on multiple levels. Some research has focused on negotiated interaction among companies, workers and consumers, particularly students (Elkins and Hertel 2011; Adler-Milstein and Kline 2017; Anner 2017) aimed at creating pressure for rights enforcement.[7] Other research has focused more broadly on firm-level and sector-specific factors affecting labor rights practices in light manufacturing such as textiles (Locke 2013; Soundararajan and Brown 2016). Still other research has focused on a range of monitoring and compliance systems and their varied influences on labor rights in consumer-facing industries more generally (Ahlquist and Mosley 2018; LeBaron et alia 2017). Significant research on labor rights in manufacturing also focuses on the influence that government trade and/or investment policies (in both sending and receiving countries) have on corporate practices at the firm and sector-level and corresponding rights outcomes (examples include Mosley 2011; Greenhill, Mosley and Prakash 2009; see also Cingranelli for foundational work).

Empirically, the case studies central to this paper contribute not only to work on BHR, but also to a rich literature on grassroots political dynamics in the Dominican Republic itself. Choup, for example, argues that lack of democratic consolidation of the formal political system in the Dominican Republic is reciprocally related to the nature of grassroots-level political dynamics. The "persistence of paternalism and clientelism" (2003, 25) marks political interactions at both levels and shapes the "demand-making strategies" of citizens vis a vis the state. I extend Choup's insights to explore the role that neighborhood associations (*juntas de vecinos*) play vis a vis companies and government particularly in Bonao, thus expanding the discussion of clientelism and social capital to a new arena.

Research design and context

Much of the literature on BHR assumes that if poor people were aware or involved in remedy-seeking vis a vis companies, they would benefit (Hertel 2019, 46-51). But that research typically does not directly explore poor people's attitudes about the content and scope of remedy. Nor does it analyze their perceptions of the challenges they face in seeking remedy from the government, in particular (which, according to the Ruggie Principles, is jointly responsible with firms for providing remedy). I designed a field interview instrument (i.e., a dozen questions used with adult respondents in Villa Altagracia and Bonao) focused on gauging popular knowledge about and attitudes on business and human rights in these communities – particularly among people beyond the workforce in a given community. These two towns were selected from the sites of 2,500 potential factories included in the supplier database of the University of Connecticut (my home institution). Through snowball sampling, I interviewed 43 adults in both communities as well as a prominent unionist in Santo Domingo, while also carring out participant observation during a field visit in early summer 2017.

Notably, Choup observed in the early 2000s that rhetorically (and in some cases, in practice) people sought to leapfrog over municipal authorities in order to take their requests for support directly to the executive branch, appealing to the country's president to solve their social welfare problems.[8] Over a decade later, as I carried out fieldwork in Villa Altagracia and Bonao, rhetorical leapfrogging occurred as citizens argued that the president of the Dominican Republic should "bring factories" (jobs) to their towns. Particularly in Bonao, respondents repeatedly referred to a common practice through which neighborhood associations (*juntas de vecinos*) carry out employment recruitment for manufacturing plants in their area. People interviewed sketched out a process through which the president of the *junta* vets job opportunities on behalf of companies, gathering lists of names, culling them and then forwarding on a select list to company representatives. In the process, the president of the *junta* reinforces her/his social capital vis a vis neighbors while at the same time replicating the common patterns of clientelism that Choup has identified through her research on grassroots organizations' interactions with local and national government entities in the Dominican Republic.

The first-level game (between government and factories) and the second-level game (between government, factories, *juntas*, and local residents) re-inscribed such hierarchical and clientelistic relationships. So, while Choup honed her focus on hierarchy and clientelism in the context of relationships between citizens and government related to the delivery of basic services (such as public safety, transportation, and garbage collection), this paper extends her insights to the business and human rights arena. In practical terms, the popular notion that government plays favorites at multiple levels undercuts residents of Villa Altagracia and Bonao's confidence in the role of government as a provider of remedy.

Among the people I interviewed in these two manufacturing towns, cynicism about the political system and about corporate interests renders unimaginable (or highly impractical) the notion that people other than employees have a right to remedy from companies, or the ability to make claims on companies or government. On a theoretical level, the two-level games central to my research in the Dominican Republic reveal the transmission belt by which poor people perceive their marginalization to occur. Actors in the central government weaken law and regulations in order to attract multinational companies. Government actors also forge bargains

with local politicians in order to play favorites by attracting companies to particular communities. Local political actors, in turn, afford preferential access to resources through hand-picked by intermediaries.

When the Alta Gracia Company hired its initial workforce in 2010, staff sought to insulate the hiring process from opaque and corrupt practices. Adler-Milstein and Kline's ethnographic research details the extensive steps taken jointly by actors central to the company startup, facilitated by WRC staff, to vet job candidates through a public interviewing process and to rebut overt efforts at interference by local politicians (2017, 55-62). In Bonao, my research reveals the role that local *juntas de vecinos* play in the recruitment process for Hanes; respondents in that community repeatedly asserted that jobs are ultimately allocated through the clientelistic arrangements. These differences led to the greater perception of the "second" (local level) game in Bonao than Villa Altagracia. But in both towns, popular attitudes regarding government corruption writ large meant shared perceptions of the first game (i.e., whereby government attracts business to the Dominican Republic by relaxing standards).

Throughout the period that I conducted fieldwork in summer 2017, a burgeoning anti-corruption social movement (colloquially referred to as the *Movimiento Marcha Verda*, or Green March Movement for the color unifying it) was gaining visibility across the Dominican Republic. Spurred by high profile revelations of bribe-taking by senior government officials embroiled in a multi-year contracting scandal with international infrastructure firms, the *Marcha Verde* movement was a touchstone in my interviews with at least four people, all of them among the better educated respondents. (For background on this social movement, see Rodriguez 2017; Rodriguez 2018).

More broadly, however, the theme of corruption recurred throughout the interview process and respondents viewed it as a principal obstacle to personal and community wellbeing. A bus driver in Villa Altagracia lamented that taxes "don't help anyone – because we just don't see the money"[9] while a former garment worker now working as a housemaid in the same town argued that even when companies make charitable donations to a community, these are deviated by politicians. "Companies always make donations," she pointed out "they do it through government officials, *diputados* [deputies]…but do you think it gets to the people, just a question? No – *because of bribes, it stays among government officials and their friends. People aren't receiving anything from companies*."[10] A small business owner from Bonao was more direct in describing how money led to corruption in politics, implying that job access often resulted from bribes, regardless of the sector in which the job was located: "…jobs here come 'through relations' … the president of the *junta de vecinos* has a meeting with [the company] and they talk, and the company asks the junta to find workers … The governor does the same thing; when they need workers for Falconbridge, or Barrick Gold, the 'relations' look for people, and they put out the word, or they send a list…and then they have meetings. And what happens in those meetings? In those meetings, if there are 20 people, at least 15 of them are people with [connections to those in] political offices…..[For information on jobs] to move mouth to mouth, you have to have it move pocket to pocket."[11] A security guard in Bonao noted that connection to politicians were instrumental to finding work: "If you want to work, you have to go through them, the politicians, because they control everything."[12]

Insights from case studies: Game One -- The state bargains with international business

Robert Putnam developed the theory of two-level games by observing international negotiations among representatives of G-7 countries in the 1980s, noting that government representatives bargained with their political counterparts in the halls at summits but were simultaneously choosing moves with a view toward placating their domestic constituencies. During an earlier time period (circa 1960s-70s), Albert O. Hirschman observed that consumers and companies were engaged in a balancing act within which consumers could "exit" unless their brand "loyalty" was sufficient to maintain their commitment to companies, and thereinafter extended this metaphor to explain the types of compromises states would make to attract and retain foreign direct investment.

Putnam's concept of multilevel games (1988) and Hirschman's theory of "exit, voice and loyalty" (1970) theoretically inform my interpretation of the interaction between companies and government within the Dominican Republic, along with popular perceptions of the game unfolding between elites. The perception (on the part of government actors in the global South) that Northern-based companies can "exit" at any point creates an investment climate in the South in which labor rights can be traded away. People at the local level within developing countries, I argue, are often as attuned to these dynamics as government or business elites are.

With varying degrees of sophistication, Dominicans interviewed in 2017 voiced the idea that their own government was trading away rights in order to create a business-friendly climate for global companies with interests not only in textiles but also in extractive and service industries (such as tourism). The most trenchant critique came from a senior labor union activist, a woman in her late 60s who had spent a career working within the national union movement in the Dominican Republic. She had engaged in union struggles in multiple arenas (national, regional, and international) throughout the time that both Putnam and Hirschman were developing their theories of two-level games and exit, voice and loyalty, respectively. While not aware of these academic arguments, her observations in interviews were nevertheless consistent with the explanation of multi-layered incentives that are integral to both theoretical frameworks. First, the unionist placed the development of the export-oriented garment sector in historical perspective, situating the evolution of labor rights in the Dominican Republic against the backdrop of the threat of exit:

"What happened here when this country embraced free trade zones? The textile industry arrived as the country signed the Multifiber Agreement etc. But *the idea that Balaguer's government had (he was the initiator) was that this would be based on a lot of concessions to these companies that set up shop in this country in the textile sector. They did so on the condition that there not be unions and that they not pay overtime – all that adds up to exploitation, and the government accepted it all…* When anyone questioned it, they said 'No, but if we don't do this, the free trade zones will leave! And we need them for employment.'"[13]

The unionist then explained the evolution of low-wage, highly insecure labor in the Dominican Republic more generally as being tied to the implicit threat of exit as it radiated out from the export sector. She argued that the government's pattern of trading away rights increased the precariousness of informal sector work and led to labor rights abuse among workers in the service sector and those on "flexible" contracts even in the formal sector, as follows:

"And so, the rhythm of work that ensued here -- and in the tourism sector and in the small and medium-sized business sector -- is a rhythm in which if one offers employment, it has to be the of the worst kind. Because [it's rationalized that] what we need is to have people working!....I would say that there's an increase in access to employment but with little social protection – with *little linkage between work, public policy, and the social responsibility of companies*….Where I live, there's been a big increase in commerce. Free trade zones, especially, are increasing greatly there [near the Santo Domingo airport]. At the same time, informality is increasing incredibly. And informal work doesn't have any social protections….The *other informality is that between formal employers and their informalized employees – workers who they pay a salary but don't register with Social Security, don't cover with labor benefits.* They have intense work schedules, these men and women – and they don't have adequate labor protections, nor the protection of the state in terms of social benefits or pension or adequate attention from the government."[14]

For the most part, respondents argued, there was little that local people could or would do to stop the inexorable flow of capital away from the country when optimal investment conditions waned. Despite national labor laws on the books that guaranteed severance to Dominican workers upon the dissolution of a business, a young man in his mid-20s from Villa Altagracia noted: "This country is a bit lax – we let business leaders determine what to do for the most part. If a business takes their investment out, nobody's going to bother them, because it's theirs. And they'll take their businesses without any response from us."[15] A middle-aged, underemployed man from the same community similarly observed that when businesses had exhausted their prospects in the Dominican Republic, they would leave. He gave the example of a mining company active in the central state of Sánchez Ramírez: "Now, since there's not a lot of minerals left and they are winding down the operation, they *[the company's owners] really don't pay attention to anyone, because they are the owners of the country.*"[16]

Government has a responsibility to enforce the law, these respondents and others understood; but they argued that the state is captive to business interest. Mainstream television, radio and newspaper outlets were argued to be similarly captive because their ownership was intertwined with other business interests. These overlapping interests, in turn, have led to uneven enforcement of domestic law, respondents argued – which propels a further a race to the bottom in terms of labor standards and enforcement in relation to international business. As the female unionist observed:

"…the problem in this country is that the norms central to laws, no one pressures the government to ensure that the private sector complies with these laws… justice institutions condemn the poor but don't do anything to the rich, they don't touch them…There's an old phrase that's used by people in the countryside: '*Adóne tu fueres, haz lo que vieres* -- Where you go, you do what you see.' Here, a lot of investors have come from all over. In Europe, they respect rights. In the United State, they respect rights – but when they come here, they don't. Why not? Because here, it's a country in which the government allows it and in which Dominicans themselves don't respect rights. So the employer who comes ought to do it, because they come from another culture, and other type of social compromise – but when they get here, like our employers, they view [workers] as a threat…they think that if you're paying a good wage, if you're good to your

employees, then you're going to destroy your business. *It an institutionalized system of protection for abuses by the state itself*."[17]

Overall, respondents took a grim view of the interlocking interests of government and business actors – not only nationally-based businesses but also the international companies that subcontract production to Dominican-based plants within complex global supply chains. Yet the goal of many people I interviewed in Villa Altagracia and Bonao was to obtain a job in one of the companies integral to global supply chains, regardless of working conditions or level of pay. Clientelistic relationships also influenced one's ability to access social welfare benefits, the argument ran, along with a person's ability to overcome ongoing challenges related to shortfalls in basic infrastructure (such as poor access to electricity, water, or quality roads – all of which surfaced repeatedly in interviews). The role that local government officials as well as neighborhood associations (or *juntas de vecinos*) play as brokers of access to resources is central to the second "game" local people perceive their government as playing, discussed below.

Game Two: The state (and its proxies) control access to employment and benefits

If we consider a classically corporatist pyramid of power, at the top is the president, who controls access to political parties, whose leaders in turn influence appointments to non-elected offices at the national, state and local level. The president also allies himself (or herself) with elite business interests. In settings where labor unions are strong, there are corporatist bargains between parties, business, and labor leaders (Wiarda 1966). Civil society-based organizations, in turn, ally themselves with particular parties and mete out benefits through informal networks to people who are loyal to parties. Critically, those grassroots level voters are viewed by the party machine as eventual voters (Singer and Carlin 2013). Or grassroots-level actors may seek access to line staff in government offices based not on explicit party ties but on more indirect, social ties (Robinson, 2009).

In the context of the Dominican Republic, the popular perception of these types of relationships is sharpened by pervasive and growing inequality. While the Dominican Republic is considered a middle-income developing country, its population is an increasingly unequal one (this and following statistics are cited in Hertel 2019, 65-67). While the gross national income (GNI) per capita increased 143.8% between 1980 and 2014 (UNDP 2015, 2), the real poverty rate increased from 47% to 70% from 1984-1991 (Fine and Petrozziello 2017, 73) and the burden of chronic disease is increasingly concentrated among the poor (Landefeld et alia 2014, 95). The UN Human Development Index for the Dominican Republic was only slightly below the regional average in 2015, at 0.715. But when adjusted for inequality, the HDI was 24% lower, at 0.546 (UNDP 2015, 5).

Gender inequality is pronounced, with women earning half the gross national income of men (i.e., the equivalent of $8,860 USD for women versus $14,903 for men) and the adolescent birthrate is significantly higher than the regional average: 99.6/1000 in the Dominican Republic versus 68.3/1000 for the region (UNDP 2105, 6). The rate of unionization is low compared to other countries in the region: only 6.3% of men and 2.9% of women are unionized (Brea et al 2016, 158; see also Schrank 2011), so the role of government broker is often taken on by local politicians vis a vis civil society organizations instead of unions. Moreover, challenges facing the country's textile industry have led to increased unemployment and under-employment

particularly in communities like the two I analyzed, which have had longstanding involvement in the collegiate apparel sector. Garment workers in the Dominican Republic experienced a 23.74% decline in wages from 2001-2011 (Workers' Rights Consortium 2013, 3) and the country moved from being the fifth largest supplier of apparel to the US market in 2001, to the 21st by 2011, thus losing 80% of its market share over that decade (WRC 2013, 10).

As grassroots interviews reveal, the overall nature of worsening inequality in the DR against the backdrop of the national textile industry's eroding global status has sharply increased local perceptions that government apportions access to employment in a discriminatory manner and that the stakes of this discrimination are high for those excluded. The fate of people employed in the garment sector (or seeking access to work in it) maps onto what local people perceive as longstanding localized patterns of unequal access to the benefits that state actors and their proxies control in the Dominican Republic. In Villa Altagracia, 15 out of 27 people interviewed replied that the state should be responsible for community wellbeing (Hertel 2019, 77) and in Bonao just under half did (i.e., 7 out of 16 – Hertel 2019, 113). But across both communities, there was widespread agreement that government was far from able or willing to fulfill its charge equitably or efficiently.

People in both towns occasionally attributed the lack of employment directly to the president, arguing that he alone controlled whether companies would come to a particular community. One woman who worked as a maid and laundress in Villa Altagracia noted "It's like the president is sleeping – you turn on the television and he's not paying attention to this or that…the president has to organize things everywhere and be attuned to what's happening in order to do what's necessary to accommodate people, to ensure that they cooperate."[18] A woman who had formerly worked for a large multinational textile company BJ&B (which employed 3,000-plus workers and folded in the early 2000s), also flagged the role of the president in response to my questions regarding how she obtained information about companies in her town:

"I don't have information – they said that they were going to re-open the free trade zone, but that the *president would have to come here, and bring investors*….they had everything ready and 4,000 people had brought their identity cards [to apply for work], but I don't know what happened. Information about this came [to us] through the church, there's a [government] representative there, and he was saying that the president had to come, and I don't know what, but nothing came of it. They haven't done anything. There's been nothing concrete…This was about six months ago."[19]

Similarly, a young man in his early 20s who had recently graduated from technical school directly linked the president to a chain of political actors who ultimately control job access and social wellbeing in Villa Altagracia: "The wellbeing of this municipality, of Villa, doesn't correspond to the owners of companies but instead to politicians – because the *president has people who report to him, who are responsible for each municipality*. So, it's not like I resolve just anything; they are the ones who provide support for things. So if the president is coming, and I have to do something – like build a street for such and so a place because the president is coming there -- I have to be sure that [his representatives are] working on it."[20]

Given the slim likelihood of influencing the president directly, however, most respondents emphasized political relationships at lower levels in the government hierarchy. Finding employment or accessing social welfare benefits or tackling persistent infrastructure problems all hinged on one's relationship to political actors. Respondents pointed to formally elected officials at the local level or employees of local government agencies as key to success in accessing jobs or government resources. Particularly in Bonao, success in doing so hinged on one's relationship with local brokers such as leaders of local *juntas de vecinos*. The following sections detail perceptions concerning access to employment, social welfare, and infrastructure, across both communities, with emphasis on the second "game" between government, its proxies and local residents.

Implications for Employment

The role of government as an engine of employment creation was a central theme across interviews in both towns. But respondents often argued that local politicians are either uninterested in creating jobs or unwilling to do so for residents who are not politically valuable to them. Politicians may rhetorically commit to doing so (particularly as the electoral cycle heats up) but as one small business owner in Villa Altagracia argued, these gestures are not sincere: *…there are lots of political people here – but I don't pay any attention to them, because they put little requirements in place that aren't going to influence you in any way*… politicos will come here and say ...'Get your resume together so that I can help you'… *Politicos ask for this type of thing so that they don't have to give you work, they don't have to do anything.* And if they give you a little job, it'll pay four or five thousand pesos, and that's not enough to get by on. And so, the best thing to do is keep your distance, and try to maintain yourself, do what you can for yourself in your own way."[21]

Similarly, a former garment factory worker in Villa Altagracia observed the explicit politicization of promises of work, noting that "*Politicians always say if they win they'll make sure that this or that factory stays open, and they never do anything,*"[22] while a small business owner in the same town observed that promises and patronage are cyclical: "…when a new government takes office, *they help those they favor but not others. This happens, for example, with the leaders; when someone takes a leadership position – for example, a candidate who wins, or a deputy or council member. There are those he favors, and others not*. So, the situation continues the same; for some people it goes well, for others it goes poorly. It isn't the efforts of one himself – it's the political situation that determines [wellbeing]."[23] A small business owner in Bonao, noting the lack of employment opportunities, pointed to the lack of "consciousness about this – principally on the part of the government, and the rich people, who don't give opportunities. *[In political times] there's everything. But outside of that time, things maintain themselves sort of stably;* things go up and down, but are relatively stable, you understand? But they don't get better overall."[24]

In both communities, *juntas de vecinos* were viewed by people I interviewed as integral to social welfare access – particularly in bringing the persistent lack. But there was variation in the degree to which *juntas* were perceived as effective in carrying out their various functions. Some respondents were only dimly aware of how the groups were organized or what they accomplished, while others were better informed, albeit also critical of what they viewed as the politicization of the *juntas'* gatekeeping vis a vis local government. In both communities, there

were few other civil society-based organizations. Original data I collected from the Ministry of Economic Planning and Development (MEPyD)[25] demonstrates that these two towns, located in two neighboring states alongside one of the main north-south highway that runs through the Dominican Republic, have few nongovernmental organizations (NGOs) that can serve as alternatives to the *juntas*.

In all, there are 7,000 NGOs nationwide, of which 1,500 are accredited to receive government funds. The majority of registered NGOs are based in the capital city of Santo Domingo. The full list of all registered NGOs in the state of Monsenor Nouel (where Bonao is located) includes 165 groups, 66 of which are based in Bonao, while only 2 are located in neighborhood of Las Delicias – the site of my field study -- which is on the "wrong" (poorer) side of the main freeway from the heart of the city. All the rest of the registered NGOs – from sports clubs to nursing homes to women's shelters – are located in the more prosperous areas of Bonao (Hertel 2019, 117). In like manner, Villa Altagracia has a low density of local NGOs registered with MEPyD: only 20 registered organizations are located in Villa Altagracia from among some 293 registered in the state of San Cristóbal, where Villa Altagracia is located (Hertel 117, 186).

As a result of the relative lack of alternative organizations, *juntas* are in a unique position to work with local government and business leaders, serving as the eyes and ears of elites at the local level. The process by which employment recruitment for Hanes occurs in Bonao offers a good example. As a childcare worker in Las Delicias – Bonao explained, her brother obtained work in the Dos Rios export factory zone, where Hanes has a plant: "He was also influenced by the *junta de vecinos*….They asked for resumes, and the president of the junta passed it along to the folks at Dos Rios, and he's one of the ones who benefitted…He has a high school diploma; he had two semester in college [studying accounting)… before leaving to work at Dos Rios… There are people here who they [the companies] talk to – but no more than those directly," so jobs are based on person to person contact; if you're not plugged in to the right people, you don't find things out. "Supposedly the president of the *junta de vecinos* from here – this was the information that she gave to us, and then she took 30 resumes that she could pass on to Dos Rios. This was about a month ago. We're still waiting to hear….they will look them through and decide which are the most appropriate. They'll take 5 from here, 5 from the other side [of the highway] and that's how it goes, and those are the opportunities."[26]

A woman farmer in the same community also outlined a list-driven resume-collecting process mediated by the *junta de vecinos*: "[Y]ou send them a resume that they fill in and send…The zona Dos Rios for the most part runs things through a list…since I've lived here, they've done about three lists where they've sent 25 or 30 young peoples' resumes – but the majority of them haven't been called back…now we're waiting to see if they will call and interview [my son], we hope to God yes."[27] For those not selected, the resentment was palpable.

A retirement-age homemaker in Las Delicias – Bonao lamented that her daughter had not been able to secure a job at Hanes, despite having finished high school. The mother had sought to intervene with the woman she perceived as the "owner" (*duena*) of the *junta*, to no avail: "The *junta de vecinos* receives a lot of young people – they take applications and review them. Look, this daughter of mine who works in a lottery stall asked the *duena de la junta de vecinos* for help

in getting a job in the zone but they told her they couldn't. I don't know why."[28] A laundress from the same community, whose sons had both worked for Hanes at various points, was more sanguine: "[W]hen the company solicits young people, they come to the *junta* (which has been told 'We need this many young people; see what you can do') and she [the president of the junta] gets the young men of that age together…and some have success in entering, at least they do because of this lack of qualified workers. Perhaps it's not the group that everyone would pick because not everyone feels good about everything, but that's how [it happens]."[29] These observations about the politicization of job access were mirrored and amplified in relation to social welfare access, more generally.

Implications for access to social welfare benefits

Lack of access to government resources – particularly infrastructure, but also food and medical care – emerged as pressing concerns in both communities, with the role of government and its intermediaries (particularly *juntas de vecinos*) as a persistent theme. Widespread power outages scheduled on a daily basis in both communities coupled with intermittent flooding and lack of access to potable water when pipes washed out meant that managing a household or business was difficult. *Juntas de vecinos* were thus viewed as key brokers with government – not only in the process of securing employment (particularly in Bonao, as discussed above) but also in the process of relaying concerns about infrastructure or requests for individual and collective economic support to sympathetic politicians or to government agencies responsible for infrastructure or social welfare.

There were varying levels of awareness of the role of *juntas*, with one retired woman in Villa Altagracia acknowledging "*there's a neighborhood association here,,,but I really don't know what it does*… I went and participated, I voted, but I am not sure what they accomplished."[30] Some people were aware that the *juntas* "get together when transformers are damaged" to demand a restoration of power, as a housemaid noted,[31] while another young woman in Villa Altagracia remarked: "There's not a *neighborhood association* in the neighborhood where I live, but there was one where I used to live. They did things like get together to deal with the problem of lack of water….My mother didn't take part because she was at work when they had their meetings."[32]

In addition to employment access in manufacturing, the benefits the *junta* could provide as a conduit to ranged from excursion experiences sponsored by Hanes for a select few children,[33] to jobs in a local childcare center created by the government. A secretary who worked with one of the few local NGOs in the neighborhood of Las Delicias in Bonao noted that *juntas* were also the vehicle for informing community members about training opportunities: "The *junta* doesn't have anything to do with [the National Institute for Technical Professional Training/Instituto Nacional de Formación Técnico Profesional, or INFOTEP] but rather Hanes does… they brought various short-courses through INFOTEP, one on self-esteem, one on leadership, one on conflict-management, organized for staff and girls over 13 years old,"[34] which we hosted by the NGO on site.

In Bonao, respondents often viewed the *juntas* principally as vehicles for patronage. A retirement-age homemaker in Bonao argued that "*it's the president of the junta de vecinos who decides*….she decides who to choose, and whether there's anyone more…And *she gets things for*

her people and even if we live here close by, it doesn't go to us… These government types are useless – the only useful one is [a lady] in the neighborhood association. There really is no one taking responsibility for what happens here…. It's just people doing favors for one another. *It's all about who's doing favors for whom; you can't get anything if you don't know someone*."[35] A woman farmer in the same community emphasized the division between *juntas* in town, with the formalized, registered organization operated on the "other" (more well-off) side of the highway receiving the lion's share of benefits from the government and controlling access to information at the expense of the poorer, unregistered neighborhood association. As this woman explained, access to technical skill-building programs created by the government and paid for by Hanes for its employees and for other community members was in fact restricted by the *junta* to a select few: "INFOTEP comes and gives their courses but I didn't realize it. Because sometimes, they come by way of the other *junta de vecinos*. And the other *junta de vecinos*, as I explained to you, has a division: when they get things up there, for the most part they do what they will and they don't tell anyone down here. I realized one time how the situation was, because someone called me from the city [of Bonao] and the said 'Look, there's this or that activity for this or that person,' and they [the *junta de vecinos* uptown] hadn't informed me."[36]

This woman and other respondents made clear their opinion that government had the responsibility to provide basic services; in theory, NGOs could act as a check on inaction and a pressure point to ratchet up government will to do so. As the woman farmer from Las Delicias-Bonao argued: *Public works in the community and other things – it's the government that has to deal with this, with governance, public works, public health, local government – and people have to demand [these things] because it's our right, as human beings and as communities, to have our necessities and those of the community fulfilled*…. it's like I tell you – when *the junta de vecinos* gets legalized, when it's a NGO that you can find on this list, because it's legally registered, then this junta will have the skills and right to make demands."[37] A bus driver from Villa Altagracia echoed the belief that government had a responsibility to provide basic services – but went further to argue that it also has a responsibility to regulate companies to ensure basic protection against harm that may arise in the course of doing business:

"*The government is obligated to give rural clinics, daycare centers. The company itself isn't obligated – whatever they give is voluntary*…When a company damages something like a river, then it has a responsibility, and the government too; the government has to make sure that the company doesn't do this – because the company can't damage natural resources…[If a company is going to close it has a responsibility to tell the public]….it has to explain that before it leaves…If they are going to leave, they have to give each worker severance pay, because that's a law….*Government has to do with all of this, because it has people in charge for all of these things – institutions to deal with all of this. The people have to continue making demands on the government."*[38]

For some respondents who observed that government workers "aren't in a hurry to help people," the reason could be more than lack of political will, they surmised. There may also be a lack of accurate information on community needs, as a retired woman from Villa Altagracia explained: "I don't know if it's that they don't want to, or that they don't know what's going on. They haven't done anything."[39] The antidote to passively waiting for government to act, a young mother who clerked in a small used clothing shop suggested, was to collectively develop a

"ranking of things we need so that we can go about achieving them step by step."[40] Such a ranking process would need to be tied to mustering political pressure, a small business owner from Bonao explained: "If we are united and if there's a force and will – if we have meetings, to figure out whether we lack this or that – we're going to do things this or that way, in an effort to solve the problems of the community – [the ones who have to] take responsibility for this have to be the people who are leaders in the community."[41] The challenge, as this man and others pointed out, was avoiding the corruption of people at the top – whether in civil society, government or elsewhere.

Closing reflections

One afternoon, a retirement-age man in the poor neighborhood where I carried out fieldwork in Bonao offered to drive me across the six-lane highway that separated the neighborhood from wealthier areas of town. We quickly went from the barrio of Las Delicias (a poor area) to a neighborhood colloquially referred to as the "Barrio de los Gringos" (i.e., the foreigners' neighborhood, with "gringo" often equated to be a person from the United States). The man pointed out the houses with neat yards and the expensive private school, noting that business executives employed by the main textile companies in Bonao live here, across the highway from the poorer neighborhood where I conducted my interviews and where many factory workers live.

Just as Choup attributes geographic detachment to high-level government decision makers, foreign factory executives who live in the Barrio de los Gringos would appear equally detached. Even more so would be executives based at headquarters of transnational corporations that subcontract production to these firms, or those of us wearing collegiate apparel on our campuses in the United States and elsewhere. Choup observes that the "solutions to local problems thus lie in the hands of officials geographically and personally detached from these problems: officials effectively do not have to live with their decisions, as their actions or inactions affect neighbourhoods in which they do not reside" (2003, 30). Neither do we, as consumers.

At the local level, residents of both Villa Altagracia and Bonao perceive that governance gaps deepen through the two-level games observed in their everyday lives. Their longstanding cynicism borne of frustration with corruption at multiple levels (Choup 2003) further entrenches perceptions of the games. As a result, community members do not identify the Ruggie Principles or other BHR norms as a framework for holding government accountable for economic rights fulfillment. By listening to residents of Villa Altagracia and Bonao and bringing their words to bear on analysis of BHR, this article has aimed to re-focus our collective attention on people beyond the factory floor – in communities at the end of global supply chains – and to explore their perceptions of the challenges and potential of business and human rights.

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[1] The larger book in which this data is featured (Hertel 2019) includes global mapping of "stakeholder consultation" practices based on analysis of publicly available data from the Business & Human Rights Resource Centre (BHRRC) which tracks over 8,000 companies globally. Working with an original 11,150-unit dataset, I find that companies involved in light industry (such as garment production) are significantly less involved in stakeholder dialogue practices than those involved in extractive industries. See Hertel 2019 (Chapter 3) for explanation of the quantitative methodology and for justification of the qualitative comparative case study design.

[2] This fieldwork was carried out in conformance with University of Connecticut Institutional Review Board Protocol #H16-294, which required signed consent on the part of people interviewed and guaranteed respondents anonymity in the context of any future published work. The aim of the interview process was not to create a randomized sample from which to generalize about trends within the national population. Rather, my goal was to explore variation in local peoples' subjective socioeconomic status and in their perceptions of responsibility for remedy in situations in which economic rights violations occur in the context of international business activity (see Hertel 2019, 56; for a similar methodological approach, see Godoy 2018).

[3] Stakeholders are people affected by business practices, whether they work for a firm, hold stock in it (if publicly traded), consume its products, or live in communities directly or indirectly impacted by the production or distribution of its goods or services. Stakeholder dialogue is a "highly scripted practice of naming wrongs and claiming rights that draws civil society and business actors directly into contact" (Hertel 2019, 5-6). Population data accessed through the República Dominicana Sistema Interactiva de Conulsta Censo (SICEN, 2010: http://sicen.one.gob.do/ (accessed 2/3/20).

[4] John G. Ruggie served as the UN Secretary General's Special Representative on Business and human rights from 2004-2011. In this capacity, he oversaw a multi-year consultative process involving states, business and civil society-based actors globally, which culminated in a non-binding set of Principles endorsed by the UN Human Rights Council as the "protect, respect, remedy" framework; See Hertel (2019, 29-30; see also Backer 2012).

[5] Buhmann et alia (2019, 396) distinguish between a company's hard obligation to prevent risk to society ("These must be acted upon by the company") versus its option of identifying "opportunities for the company to contribute value to society" which "can be acted upon…but do not have to" be.

[6] Social capital is poorly defined and operationalized in many studies (Wall, Ferrazzi and Schryer 1998). My use of the concept is linked to subjective socioeconomic status. Relative levels of social capital affect individuals both positively and negatively. As Wall et alia explain, drawing on Bourdieu (1986) and Portes and Sensenbrenner (1993), social capital can both constrain and enhance "individuals' actions and choices" (Wall et al 1998, 305).

[7] See also Hertel et alia (2009) and Scruggs et alia (2011) for related analysis of American public opinion on ethical consumption, based on original nationally-based surveys conducted in 2006, 2008 and 2009.

[8] Choup notes that 81 percent of Dominicans "believe that a good president should be like a father to whom one can go to resolve problems" and in turn, this "paternalism cultivates loyalty to the president as a person, and reinforces the belief that central government (as opposed to local government) is most relevant to citizens' lives" (Choup 2003, 36, citing Duarte et alia 1998, 11; also 37).

[9] Bus driver/VAG003053117, interviewed 5/31/17 in Villa Altagracia.

[10] Former BJB worker now housemaid/VAG017060117, interviewed on 6/1/17 in Villa Altagracia.

[11] Loan business owner/BON012060717, interviewed 6/7/17 in Las Delicias – Bonao.

[12] (Security guard for extractive company/BON001060517, interviewed 6/5/17 in Las Delicias – Bonao

[13] Female union leader/SD001, interviewed 5/23/17 in Santo Domingo.

[14] Female union leader/SD001, interviewed 5/23/17 in Santo Domingo.

[15] Young 24-year old man/VAG002053117, interviewed 5/31/17 in Villa Altagracia.

[16] Former floriculture worker and husband of Alta Gracia garment worker/VAG13060117, interviewed 6/1/17, in Villa Altagracia.

[17] Female union leader/SD001, interviewed 5/23/17 in Santo Domingo.

[18] Maid and laundress/ VAG014060117, interviewed on 6/1/17 in Villa Altagracia.

[19] Former BJ&B worker, now microentrepreneur food vendor/ VAG010053117 interviewed on 5/31/17 in Villa Altagracia.

[20] Recent tech school graduate/VAG026060117, on 6/1/17 in Villa Altagracia.

[21] Auto mechanic/VAG004053117, interviewed 5/31/17 in Villa Altagracia.

[22] Former BJB worker and microenterprise owner/VAG022060117, interviewed 6/1/17 in Villa Altagracia.

[23] Small business owner/VAG020060117, interviewed 6/1/17 in Villa Altagracia.

[24] Loan business owner/BON012060717, interviewed 6/7/17 in Las Delicias – Bonao.

[25] Data on NGO density in both towns is based on lists shared with the author by a representative of MEPyD on May 26, 2017 (Hertel 2019, 186).

[26] Childcare worker/BON005060617, interviewed 6/6/17 in Las Delicias – Bonao.

[27] Woman farmer/BON006060617, interviewed 6/6/17, in Las Delicias – Bonao.

[28] Homemaker/BON009060717, interviewed on 6/7/17 in Las Delicias – Bonao.

[29] Laundress/BON013060717, interviewed 6/7/17 in Las Delicias – Bonao.

[30] Retired garment sector worker/VAG025060117, on 6/1/17 in Villa Altagracia.

[31] Housemaid/VAG012060117, interviewed 6/1/17 in Villa Altagracia.

[32] Young woman preparing for college/VAG006053117, interviewed 5/31/17 in Villa Altagracia.

[33] Public school teacher, mother of child operated on by Hanes-sponsored clinical team/BON015060717, interviewed 6/7/17 in Las Delicias – Bonao.

[34] (Secretary/BON008060617, interviewed 6/6/17 in Las Delicias – Bonao).

[35] Homemaker/BON002060517, interviewed 6/5/17 in Las Delicias – Bonao.

[36] Woman farmer/BON006060617, interviewed 6/6/17, in Las Delicias – Bonao.

[37] Woman farmer/BON006060617, interviewed 6/6/17, in Las Delicias – Bonao.

[38] Bus driver/VAG003053117, interviewed 5/31/17 in Villa Altagracia.

[39] Retirement-age woman/VAG015060117, interviewed 6/1/17 in Villa Altagracia.

[40] Clothing store attendant/VAG009053117, interviewed 4/31/17 in Villa Altagracia.

[41] Loan business owner/BON012060717, interviewed 6/7/17 in Las Delicias – Bonao.