

STILL
CHILDREN^IN THE CHOCOLATE TRADE:

**THE BUYING, SELLING AND TOILING OF WEST AFRICAN CHILD
WORKERS IN THE MULTI-BILLION DOLLAR INDUSTRY**

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ACRONYMS

	
	
CEPRASS	Center of Prospective and Applied Research on Social Politics and Social Security Systems
CIDA	Canadian International Development Agency
CIDA-INC	Canadian International Development Agency's Industrial Cooperation
	
CRC	Convention on the Rights of the Child
CRS	Corporate Social Responsibility
DFAIT	Department of Foreign Affairs and International Trade
ECOWAS	Economic Community of West African States
FAO	Food and Agriculture Organization
FCFA	Franc de la Communauté Financière Africaine
FOB	Free On Board
GTZ	Deutsche Gesellschaft für Technische Zusammenarbeit (German Cooperation Organization)
ICCO	International Cocoa Organization
ICHRDD	International Center for Human Rights and Democratic Development
IITA	International Institute for Tropical Agriculture
ILO	International Labour Organization
ILRF	International Labour Rights Fund
IMF	International Monetary Fund
INGO	International Non-Government Organization
IOM	International Organization of Migration
IPEC	International Program for the Elimination of Child Labour
NEPAD	New Partnership Plan for Africa's Development
NGO	Non-Governmental Organization
OECD	Organization for Economic Co-operation and Development
SOCODEVI	Société de Coopération pour le Développement International
STCP	Sustainable Tree Crop Program
UN	United Nations
UNCRC	United Nations Convention on the Rights of the Child
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNTOC	United Nations Convention on Trans-national Organized Crime
USAID	United States Agency for International Development
USDOL	United States Department of Labour
WHO	World Health Organization
WTO	World Trade Organization

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FOREWORD

The World Bank predicates that by 2015 there will be 360 million Africans (40% of the total population) who will live on less than a dollar a day. A hundred million of them, the International Labour Organization (ILO) states, will be children who work.

Currently 80 million African children between the ages of 5 to 14 work in the agricultural, manufacturing, extractive and/or domestic sectors, producing goods and services for local and foreign consumption for less than a dollar a day. Since most African economies depend on the export sale of agricultural commodities, whose prices on the world market fluctuate widely and leave producers unable to afford decent waged labour, seventy to 95% of these 80 million children work in the agricultural sector and are regarded as the cheapest forms of labour. Although many of them work in small family farms, large numbers do full-time, heavy work on these farms, performing such tasks as spraying, cutting, picking and harvesting with inadequate equipment and poisonous chemicals and no education and training on how to use them.

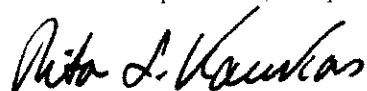
According to the ILO, workers in agriculture run at least twice the risk of dying from cutting tools and other machinery use, or from being poisoned by pesticides and other agro-chemicals on the job as workers in other sectors. For instance, the ILO indicates that in contrast to other dangerous occupations, such as mining and construction, where fatal accident rates have decreased in the last decade, agriculture mortality rates have remained consistently high. What this means in the African context is that African child workers will not only continue to receive less than a dollar a day, but will also face accidents, diseases and/or death at an ever increasing rate.

In recognition of the crucial role African children play in national, regional and global trade, Save the Children Canada's priority is to ensure a sustained commitment by international institutions, national governments and multinational corporations to permanently end children's exposure to exploitative and abusive work and to live up to their obligations to the children affected by these forms of labour.

To accomplish this end, Save the Children Canada is producing a three-part working paper series, called *Children in Global Trade*, based on our programmatic knowledge and field experience in working with child workers in the Côte d'Ivoire cocoa sector, the Canadian sex trade and the Indian sugar factories. This is the first paper in the series and is focused on West African child workers in the multi-billion dollar chocolate trade.

Save the Children Canada has been working for over 80 years to bring immediate and lasting improvements to children's lives worldwide. We are currently operational in Canada, Burkina Faso, Mali, Kenya, Ethiopia, Peru, Bolivia, Columbia, Nicaragua, Haiti and India. Save the Children Canada is a member of the International Save the Children Alliance, the world's largest independent movement for children, whose 30 members support child rights programming in more than a 120 countries.

The worst forms of child labour and child trafficking seriously harm children's development. Save the Children Canada calls on world leaders to take decisive, enforceable and grounded action in addressing these serious problems, and provides a possible way forward.



Rita S. Karakas
Chief Executive Officer
Save the Children Canada

EXECUTIVE SUMMARY

Over the last couple of years, from 2000 to 2002 the mainstream chocolate companies based in North America and Europe have found themselves in the spotlight of newspaper headlines, advocacy campaigns, government legislations and non-governmental organizations reports on the worst forms of child labour and child trafficking¹ being used on West African cocoa farms. For a time, the chocolate companies challenged the evidence on which these claims were being made and indicated that since the supply chain of cocoa is too long and involves a whole host of intermediaries, there was no reasonable way for them to track what occurs on West African cocoa farms. Further, they argued that because of the way cocoa is sold on the commodities exchanges in New York and London, it was impossible for them to identify cocoa beans deriving from source countries, let alone identify if exploitative child labour was involved in their production.

West Africa produces nearly 70 percent of the world's cocoa. Côte d'Ivoire is the world's largest producer followed by Ghana. Other key producers are Nigeria and Cameroon. Côte d'Ivoire produces 50% share of world production. Cocoa has been farmed there for over 120 years. Prior to the conflict breaking out in Côte d'Ivoire in September 2002, cocoa constituted approximately 40% of Ivorian exports, 14 % of Gross Domestic Product and more than 20% of government income. According to a 2001 World Bank study, however, Ivorian cocoa farmers receive the lowest returns among cocoa producers worldwide. These low returns have resulted in the use of the worst forms of child labour on cocoa farms. A study sponsored in part by the chocolate industry indicated that, 200,000 children were involved in hazardous work on Ivorian cocoa farms in 2002.

After a period of intense lobbying in the US and the European Union, in 2001, the global cocoa and chocolate industry, in partnership with organized labour unions and non-governmental organizations, developed a six-point action plan, popularly know as the Harkin-Engle Cocoa Protocol, for the voluntary certification of child slave free cocoa in chocolate by the year 2005. This Protocol has been signed by the Government of Côte d'Ivoire, elected representatives of the US Congress, [REDACTED], [REDACTED], [REDACTED] the International Cocoa Organization, [REDACTED], [REDACTED], [REDACTED] the [REDACTED], [REDACTED], [REDACTED] Free the Slaves, Child Labour Coalition, National Consumer League, and Global March Against Child Labour. The adviser to the Protocol is the ILO and projects undertaken under the Protocol have been funded by ILO, US Agency for International Development, US Department of Labour, the Canadian International Development Agency and some chocolate companies. While the [REDACTED], [REDACTED] is a signed party to the Protocol, the Canadian government, Canadian non-governmental organizations and/or Canadian labour unions are not parties to the Protocol.

¹ While some girls do work on cocoa farms, an overwhelming majority of children are boys. The references to "children" and "child workers" in this paper, point to boys.

Given the lack of global standards and inadequate co-ordination of international and national regulations, are voluntary certification initiatives enough? What role do governments and United Nations bodies play in defining norms, setting standards and providing incentives for social development goals of corporations both at home and in producing countries? What national and global policies are there to promote corporate accountability? Are these policies consistent with and connected to the governance of international trade flows, the rights of workers and the movement of adults and children within and across borders? What relevant United Nations' instruments and institutions are available to ensure that States live up to their obligations in protecting children in all matters to do with their health or physical, mental, spiritual, moral or social development?

Save the Children Canada explores these questions by selecting the case of cocoa production in Côte d'Ivoire. While cocoa is grown in many West African countries, our choice in focusing on Côte d'Ivoire is not to single it out. On the contrary, Save the Children Canada understands that issues to do with market development, foreign investment, pricing, terms of trade, socio-economic conditions, and the like are somewhat similar in the countries that make up West Africa. Our purpose in focusing on this country is based on factors to do with world production volume shares, directed agricultural government policies, the World Bank and International Monetary Fund liberalizing impacts, and the relative availability of children's testimonies to Save the Children Canada on issues to do with agricultural development and children's lives. Save the Children Canada West African programs do involve a number of children who have worked for a time on various agricultural farms in Côte d'Ivoire. Given that national policies of governments do indeed have international consequences just as international activities of corporations have national consequences, Côte d'Ivoire cocoa markets represents a good case for the study of global trade, development and children.

Save the Children Canada examines the Harkin-Engle Protocol as presently constituted and moves it forward from a world of unequal partners, where international financial institutions, consuming country governments and producing countries formal and informal labour force remain near virtual spectators, to a world of coordinated stakeholders, all of whom are regarded as participants in these multilateral and multinational negotiations. Because individuals and corporations are subject to national laws and countries are not (there is no world government), we call for a lead country to forge the way forward towards participatory global governance of trade and social development through international negotiations and mutual acceptance by governments. Based on Canada's contribution to children's welfare locally and internationally, Save the Children Canada calls upon Canada to lead the way in developing these global negotiations and deciphering the distinctions between existing rules and institutions and the missing ones and suggesting possible ways to resolve the interconnected problems of trade, development and child labour both in global and national contexts.

Canada has been in the forefront of putting children high on the global agenda. It was one of the first countries to ratify the United Nations Convention on the Rights of the Child (UNCRC) in 1991 and the first country to sign the Optional Protocol to the

Convention on the Rights of the Child on the Involvement of Children in Armed Conflict. Canada also played a leading role in designing the Ottawa Treaty to Ban Landmines. Canada has maintained its profile as a champion for the rights of children internationally and measures have been taken federally, provincially and in the territories to implement the UNCRC. Canada also played a leading role in the United Nations General Assembly Special Session on Children in 2002 highlighting among other things, the need and right of child participation in decisions affecting their well-being. At the G8 Africa meetings in Kananaskis, Alberta in 2002 Canada echoed its message of the role children need to play in the New Partnership Plan for Africa's Development (NEPAD). On April 4, 2003, Canada hosted an expert discussion on children's rights in Canadian foreign policy in Ottawa.

Specifically in relation to child labour issues, in a 1998 response to a report by the House of Commons Sub-Committee on Sustainable Human Development entitled "Ending Child Labour Exploitation: A Canadian Agenda for Action on Global Challenges," Canada outlined its on-going efforts to independently and with multilateral organizations eliminate the most abusive forms of child labour. Among the many initiatives stated, Canada identified the role it played in meetings of Organization of American States, Asia-Pacific Economic Corporation, the Commonwealth, Francophonie, G-8 and the Organization for Economic Corporation and Development in supporting and facilitating a speedy development and ratification of the relevant International Labour Organizations Conventions on exploitative child labour and the implementation of the United Nations Convention on the Rights of the Child, especially article 32. Canada also identified the particular leading role it played in helping the World Trade Organization members overcome their divergent views on trade and labour standards at the 1996 Singapore Ministerial Conference. As well, in recognizing the need for local market-based solutions to exploitative labour, in 1997, Canada announced the creation of the Child Labour Challenge Fund (Cdn\$200,000 annually for two years) to support Canadian private sector projects aimed at addressing exploitative child labour internationally and having small and medium sized companies who are unable to afford the costs of developing their own voluntary codes of conduct to do so. Canada also supported a number of projects locally and internationally that aimed to address and resolve the worst forms of child labour in trade. However, despite these major achievements and commitments, Canada still faces many challenges in ensuring the protection of working children and elimination of harm from children's work locally and internationally.

Save the Children Canada has identified four broad areas in which to target continuing work against exploitation of child labour and has identified five main recommendations, each with detailed key actions.

The four areas identified are as follows:

0. Good governance and a sound investment model that links economic wealth of Northern consuming nations and their corporations to the well-being of Southern supplier nations and their working populations.

The dilemmas faced by corporations stem fundamentally from double standards and regulatory gaps. While a corporations' child right records can be impeccable in the Northern home bases in which it is head quartered, its operations that span across national borders can be tainted by abuses because of lack of global enforceable standards and the severe competition between developing nations for corporate investments.

0. Child rights oriented trading systems

Children are major contributors to socio-economic development and major stakeholders in the future. To protect children is to protect the continued viability and credibility of global trade. Experience with the diamond trade in Sierra Leone, with the cocoa trade in Côte d'Ivoire, the carpet trade in India and the garment trade in Bangladesh has repeatedly shown that corporations can no longer survive a "duck-and-cover approach"² to ensuring the protection of children. Corporate Social Responsibility (CSR) must include auditing and managing child rights impacts, including child workers health and safety, their working conditions and/or investor engagement on the issue. Child rights oriented trading systems should involve, among other things, designing a system for the easy access to information on corporate performance on the involvement of children in the product supply line and the impacts of mainstreaming their protection in corporate operations on shareholder value and stock returns when it occurs.

0. Worldwide "conscious consumption" campaigns

To a large extent the internet and non-governmental organizations have made it impossible for companies to continue to employ the "out of sight, out of mind" approach to low-cost offshore production. In today's world, if a company is going to use the worst forms of child labour, everyone will learn about it. In fact, world consumers are not waiting for governments to act; we are not as easily buying into the public relations messages and/or media interpretations of a company's practice. There is a new social consciousness emerging where the consumer is skeptical of corporate power, has higher expectations for global industry and is demanding more of what is considered to be ethical products and services. The first global study, Millennium Poll on Corporate Social Responsibility, undertaken with 22,000 individuals and opinion leaders in 21 countries, conclusively showed that "almost six in 10 of the consumers surveyed said they form their impression of a company

² Natural Heritage Institute, Nautilus Institute for Security and Sustainable Development and Human Rights Advocate, "Beyond Good Deeds: Case Studies and a New Policy Agenda for Corporate Accountability." July, 2002

based upon labour practices, business ethics, responsibility to society at large, or environmental impacts.”³

0. Establishment of an independent monitoring and evaluation body to the Harkin-Engle Cocoa Protocol

The Harkin-Engle Cocoa Protocol calls for compliance with ILO 182 on the Worst Forms of Child Labour. However, the ILO only has limited authority to review compliance with standards unless the country in question has ratified the relevant conventions. Côte d’Ivoire has only recently, on February 7, 2003, ratified ILO 182.

There are a number of significant limitations in the Protocol to effectively and independently bring about concrete changes in child abusive practices on Ivorian cocoa farms. Notwithstanding the various stakeholders, the chocolate industry, NGOs and governments, that are signed witnesses to the protocol, multinational corporations cannot be left to regulate their conduct only through voluntary initiatives. There needs to be an external monitoring body to ensure that the Protocol is expanded upon and meets its current objectives of eliminating the worst forms of child labour. In fact, the need for this body can be evidenced in the current conflict in the Côte d’Ivoire where no Protocol witness has indicated the chocolate industry response to the civil unrest and its impact on the 616,500 child cocoa workers.

Save the Children Canada has identified five key actions for international institutions and government to take. They are:

- 0) Move beyond “voluntary” or “self-regulation” of corporate accountability to develop global enforceable laws for corporate accountability
- 0) Ensure greater profits for small agricultural producers in the global supply chain and protection from price volatility
- 0) Develop fairer trade products and worldwide conscious consumption campaigns
- 0) Establish an independent monitoring and evaluation body to the Harkin-Engle Cocoa Protocol
- 0) Protect child workers and child victims of trafficking

³ Millennium Study. 1999 [REDACTED] www.[REDACTED].com

A PROPOSAL FOR CHILD LABOUR MONITORING

Save the Children Canada calls upon the Canadian Government to urge the ILO to collaborate with the UN Committee on the Rights of the Child and the World Health Organization (WHO) in the Protocol process in setting standards on what constitutes unacceptable risks for children who work on cocoa farms and examining and monitoring the health of such workers. The UN Committee on the Rights of the Child should request that Côte d'Ivoire include in its next country reports a monitoring of child labour conditions in the agricultural sector. The WHO should request that Côte d'Ivoire undertake annual medicals of children in the agricultural sector and have these reports feed into the ILO reports on progress made in the Protocol process. While the monitoring of farms could continue to take place, child workers health reports could provide fairly accurate pictures of the conditions in which they work.

As globalization spreads, so has the dependence on child labour. Finding viable solutions that bring consumers, producers, workers, international institutions, governments and corporations together to protect the rights of children will not only ensure their survival and development, but will also ensure the viability and sustainability of international trade. The time has come to generate a new consensus on development – one that focuses on the rights of children.

1. INTRODUCTION

The increasing pace of globalization has been matched by the increasing dependence on child labour. There are now approximately 40,000 multinationals with 280,000 affiliates around the world. Most of them have their home base in the European Union and the United States.⁴ According to the International Labour Organization (ILO) there were almost 352 million economically active children aged 5-17 years in the world in the year 2000. About 60% of them were less than 14 years old and 70% of these children worked in hazardous conditions.⁵ The ILO has estimated that an additional 8.3 million children are subject to the worst forms of child labour, which include slavery or similar practices, forced or compulsory labour, trafficking of children, the use of children for the sex trade as well as children involved in armed conflict.⁶ Most of these children work in the agricultural sector. The World Health Organization (WHO) has drawn global attention to the harmful effects of the worst forms of child labour on children's health and longevity, and eventually on sustainable development. In fact, a recent study undertaken by the Organization for Economic Co-operations and Development (OECD) has indicated that the worst forms of child labour "reduces human capital development – negatively affecting future economic growth."⁷ There can be no doubt today that the use of the worst forms of child labour poses one of the biggest threats to the longevity of corporations.

It is thus not surprising that multinational corporations have recently generated a number of articles about their voluntary good conduct in improving their human and child rights performance. [REDACTED] and others have adopted policies to reduce forced child labour and sweatshops. Many of them have developed codes of conduct that have been publicized on their websites. While these efforts mark an important period in corporate development within the age of globalization, they point to the still voluntary nature of corporate social responsibility and accountability. Without global standards and national regulations to enforce them and with corporate self-regulations, voluntary initiatives for the protection of human and child rights remain broad based guidelines for a company to follow.

In following the multibillion dollar chocolate trade from Ivorian cocoa farms to European and American confectionary markets, and assessing its impacts on children, this paper makes a case for Canada to be a lead country in developing public policy to address the violation of children's rights in transnational trade. This paper begins by describing the construction of "present day Africa" in the Canadian trade imagination, which sets the ground for the underlying argument that increased globalization has translated into increased number of children being traded in African markets to work in the worst forms of labour for less than a Canadian dollar a day. The paper then moves back in time assessing the general impact of earlier market liberalization policies of the cocoa trade on the Ivorian economy and its specific impacts on Ivorian cocoa farmers' search for and use of the cheapest forms of child labour. It moves on to trace the impact of this search on the worst

⁴ [REDACTED]

⁵ ILO, "Every Child Counts: New Global Estimates on Child Labour," IPEC, 2002

⁶ Ibid

⁷ In Deelsa/Elsa OECD Report, "Child Labour and Economic Development." JT00134358, Directorate for Education, Employment, Labour and Social Affairs, OECD, p. 3, October 2002

forms of child labour and child trafficking in Ivorian cocoa farms and provides both numerical and situational evidence for why these farms attract some of the poorest children in the region. It then traces the responses of United Nations (UN) bodies, governments and chocolate industries in addressing the exploitation of child labour and identifies serious gaps in the voluntary regulatory cocoa protocol designed to counter it. The paper then moves on to suggest a policy framework, including specific changes to the cocoa protocol, calling upon the Canadian government, WHO and the United Nations Committee on the Rights of the Child to form part of the monitoring and evaluation body to the implementation of the cocoa protocol. It ends by calling for, among other things, mandatory annual medicals for children working in the cocoa sector with results fed into country specific reports emerging out of the WHO and ILO and used by the Harkin-Engel Cocoa Protocol process to monitor child labour abuses in the chocolate industry.

2. CANADA AND AFRICAN TRADE DEVELOPMENT

The Canadian Department of Foreign Affairs and International Trade (DFAIT) describes the continent of Africa as “the World’s Last Great Economic Frontier;”⁸ one that is “the highest profit-yielding destination for foreign investment.”⁹ It is doing all it can “to change the perception of the developed world of Africa” from one of being “uniformly plagued by political instability, conflict and corruption...[to one that has] led the world in economic growth over the past few years.”¹⁰ DFAIT tells us that

Canada has a distinct advantage in Africa...It does not carry the burden of colonialism, and it enjoys solid relations with many African countries through its membership in both La Francophonie and the Commonwealth...In many cases, these linguistic ties are complemented by cultural familiarity: many Africans have been educated in Canada or by Canadian teachers and are therefore familiar with Canadian culture and business practices.¹¹

This view is reflected by a growing number of African Canadians, like, [REDACTED] whose holding company facilitates food exports from African countries to the European Union; “Africa is the next Asia,” he notes. “Sooner, rather than later, we will be talking about the African economic miracle the same way we do about Asia’s.”¹²

In June 2002, Canada hosted the G8 – Africa summit in Kananaskis, Alberta wherein the world’s richest countries pledged development support for the New Partnership Plan for Africa’s Development (NEPAD): An African vision for a vibrant Africa owned and operated by Africans. At this G8 meeting, [REDACTED] committed Canada to a comprehensive collaboration in African development and launched a \$500

⁸ Department of Foreign Affairs and International Trade, “New Directions: A Brighter Future for the World’s Last Great Economic Frontier.” DFAIT, World View, Issue 16, Summer 2002. www.dfait-maeci.gc.ca/canada-magazine

⁹ Ibid

¹⁰ Ibid

¹¹ Ibid

¹² Ibid

million Canada Fund for Africa.¹³ Later in 2002, International Trade [redacted] and International Cooperation [redacted] announced from Lagos, Nigeria that Canada was taking the first steps in creating an African Investment Fund that would contribute to greater socio-economic development in the continent of Africa. [redacted] said that, "this Fund builds on more than 30 years of Canadian development work in Africa that is helping Africans improve their lives."¹⁴ [redacted] stated that, "foreign investment is a key element for Africa's social and economic development,"..."through this fund, Canadians are helping Africans attract investors and build momentum for increased trade and investment with Africa."¹⁵

"More than 80 percent of the value of Canada's trade with Africa (a region comprising 53 countries) is represented by trade with five countries. On the export side, the top five countries are Algeria, South Africa, Morocco, Nigeria and Ghana. With respect to imports, the five countries are Algeria, South Africa, Nigeria, Morocco and Côte d'Ivoire."¹⁶ Canadian exports to sub-Saharan Africa in 2001 were about 14% higher than in 2000.¹⁷

In 2001, Canada exported \$690 million in goods to sub-Saharan Africa and imported goods worth \$1.02 billion, while Canadian sales of services to the region were about \$1 billion and purchases of services totaled around \$300 million....

In 2001, [the Canadian International Development Agency's Industrial Cooperation Program] CIDA-INC disbursed close to \$10 million to support Canadian companies doing business in sub-Saharan Africa, representing almost one-quarter of the program's total disbursement for that year.¹⁸

Canadian exports to sub-Saharan Africa "created or sustained over 7000 Canadian jobs in 2001."¹⁹ Canadian companies are greatly involved in telecommunications, water supply, power generation, oil and gas, mining, modernization of airports, and travel and resorts. DFAIT indicates that

Canada is the number one investor in the mining sector in sub-Saharan Africa, and 50 percent of all off-shore mining exploration in Africa is carried out by Canadian companies....

¹³ Government of Canada, "G8 Africa Action Plan." 2002. www.g8.gc.ca/kananaski/afraction

¹⁴ AllAfrica.com. Vanguard (Lagos), November 26, 2002

¹⁵ Ibid

¹⁶ Côte d'Ivoire [Côte d'Ivoire]. Industry Canada, "An Overview of Canada's Trade with Africa." 2002. <http://strategis.ic.gc.ca/epic/internet/inibi-iai.nsf>

¹⁷ Ibid

¹⁸ Department of Foreign Affairs and International Trade, "New Directions: A Brighter Future for the World's Last Great Economic Frontier." DFAIT, World View, Issue 16, Summer 2002. www.dfait-maeci.gc.ca/canada-magazine

¹⁹ Department of Foreign Affairs and International Trade, "Sub-Saharan Africa Trade and Investment Facts." www.dfait-maeci.gc.ca/africa/trade-investment_facts-en.

... [redacted] ... [redacted] ... [redacted] ...and [redacted]
[all operate in Africa]. The [redacted]
[redacted]...produces the paper currency for Ethiopia, supplies
national identity cards and driver's licences to Togo, and provides
passports to Mali and equipment for the production of passports to
Burkina Faso. The Royal Canadian Mint has been awarded three
contracts to mint coins for the Banque Centrale du Tunisie.²⁰

On the import side, [redacted] indicates that the dominant commodities imported into Canada from Africa "are crude petroleum, non-crude petroleum oils, uranium, and agricultural products such as mandarins, cocoa beans and oranges."²¹ In 2001, the top Canadian import from sub-Saharan Africa was crude petroleum at \$113.1 million and the second top import was cocoa beans at \$35.9 million. Most of the cocoa originated from Côte d'Ivoire in West Africa.²²

3. CÔTE D'IVOIRE: OVERVIEW OF ITS ECONOMY

A former French colony,²³ Côte d'Ivoire in Western Africa is bordered by the Atlantic Ocean, Burkina Faso, Ghana, Guinea, Liberia and Mali. Its land area totals 318,000 sq km. Roughly 16 million people²⁴ live in the Côte d'Ivoire and over 85% of the labour force (officially at 6 million) engages in agriculture, forestry and livestock rearing. Rural households make up 56% of the population, while urban households comprise 45%.²⁵ Slightly more than 48% of its population is below the age of 14 years.²⁶

Agriculture is the most important sector contributing 32% of GDP and 80% of exports.²⁷ "Foreign trade amounts to over 100% of Gross Domestic Product, compared to less than 60% in most African countries."²⁸ Cash crops include cocoa, coffee, timber, bananas, palm kernels and rubber. It is the world's largest producer of cocoa and the third largest producer of coffee. Food crops include corn, rice and sweet potatoes; it is not self sufficient in wheat, certain vegetables and dairy products.²⁹

²⁰ Department of Foreign Affairs and International Trade, "New Directions: A Brighter Future for the World's Last Great Economic Frontier." DFAIT, World View, Issue 16, Summer 2002. www.dfait-maeci.gc.ca/canada-magazine

²¹ Industry Canada, "An Overview of Canada's Trade with Africa." 2002.

<http://strategis.ic.gc.ca/epic/internet/inibi-iai.nsf>

²² Ibid

²³ Côte d'Ivoire got independence from France in 1960.

²⁴ This count does not include informal migrants who enter Cote d'Ivoire.

²⁵ McIntire, John & Panos Varangis, "Reforming Côte d'Ivoire Cocoa Marketing and Pricing System," Center for Economic Research on Africa, School of Business, Mont Clair St. University, study commissioned by the World Bank, 2001

²⁶ Emerging Markets, Research Country Reports, Africa, Côte d'Ivoire.

<http://www.emgmks.com/research/country/africa/ivory-c.htm>

²⁷ Ibid

²⁸ Prakash, Siddhartha, "Trade and Development Studies: Côte d'Ivoire." World Bank and WTO paper, 1999.

²⁹ McIntire, John & Panos Varangis, "Reforming Côte d'Ivoire Cocoa Marketing and Pricing System," Center for Economic Research on Africa, School of Business, Mont Clair St. University, study commissioned by the World Bank, 2001

Côte d'Ivoire's major trading partners are the European Union countries, particularly France, accounting for 50% of exports and imports: France supplies 35% of Ivorian imports and takes 18% of its exports. Côte d'Ivoire's trade within the continent of Africa accounts for 29% of imports and 35% of exports. Its major African trading partners are the Economic Community of West African States (ECOWAS) members: Nigeria, Cameroon and Senegal, and its regional export markets lie in Mali, Senegal, Ghana and Nigeria.³⁰ It has outperformed some ECOWAS countries, with an average annual growth rate of 5% over the past 10 years. However, in the last few years, economic performance has been steadily declining due to the on-going conflicts in Côte d'Ivoire.³¹

From the 1930s to 1940s and then again in 1970s and 1980s, Côte d'Ivoire has had a steady supply of African migrants some of whom were refugees and others were seasonal and/or permanent workers. Refugees came from Liberia during the civil war years of 1989 to 1996³² and from Ghana in the late 1960s, when migrants were expelled from that country.³³ Seasonal and/or permanent workers originate from relatively poorer countries, including Burkina Faso and Mali. Migrants make up roughly one third of Côte d'Ivoire's population. The French and Lebanese, who are involved with trade also make up part of its population and add to the wide ethnic diversity. More than 60% of the population is Muslim, 12 % Christian and the remaining are indigenous religions.³⁴

The status of migrants has shifted drastically since 1993. Tighter government regulations of residency papers have resulted in considerable tensions between various migrants and nationals. Some migrants have lost the right to vote despite being residents of Côte d'Ivoire for several generations. Excessive land development policies for agriculture under [REDACTED]³⁵ (1960-1993) that encouraged migration have also fueled tensions between indigenous groups and migrants. The 1998 land regulations which gave migrants the right to own land if they possessed a title deed, made it impossible for Burkinabe and Malians to lay claims to the lands they had worked on for generations as they had acquired these informally. The overthrow of the Government of [REDACTED] in December 1999 exacerbated these disputes and the creation of the concept of the "Ivorianité" in 2000 provoked further violence against "foreigners." These tensions have spilled into the Ivorian cocoa trade, as considerable portions of farm workers are migrants.³⁶ The next section will take a close look at the cocoa trade and will show how

³⁰ Prakash, Siddhartha, "Trade and Development Studies: Côte d'Ivoire." World Bank and WTO paper, 1999

³¹ UN Security Council, "Towards a comprehensive approach to durable and sustainable solutions to priority needs and challenges in West Africa: Report of the Inter-Agency Mission to West Africa." S/2001/434, p. 5, 2 May, 2001

³² 100,000 Liberian refugees entered Côte d'Ivoire at the end of 2001. US Committee for Refugees.

"Country Report: Liberia," 2002. www.refugee.org

³³ Prakash, Siddhartha, "Trade and Development Studies: Côte d'Ivoire." World Bank and WTO paper, 1999

³⁴ Emerging Markets, Research Country Reports, Africa, Côte d'Ivoire.

<http://www.emgmks.com/research/country/africa/ivory-c.htm>

³⁵ In fact, in 1944 [REDACTED], himself a farmer and a doctor, founded the very first trade union of African farmers.

³⁶ UN Security Council, "Towards a comprehensive approach to durable and sustainable solutions to priority needs and challenges in West Africa: Report of the Inter-Agency Mission to West Africa." S/2001/434, p. 5, 2 May, 2001

government liberalization efforts and international market influences set the stage for the current disputes between cocoa farms, child rights, fair prices and the production of chocolate.

4. IVORIAN COCOA TRADE

The French introduced the cultivation of cocoa to Côte d'Ivoire in 1880 and its trading organization in West Africa laid the foundation for a capitalist farming development, including research stations for the improvement of seed quality and plant disease treatment.³⁷ Until World War I, Europeans (mostly the French) owned the cocoa farms. Gnoan (1995) indicates that as cocoa prices increased on the world market after the war years,

Local farm owners not enrolled in the colonial farm working system started their own plantations. Ivorian farm owners organized themselves in unions, which controlled the gathering and conveyance from remote areas of the country to the harbour to sell their crop to the colonial authorities who had the privilege of the export to France.”³⁸

By independence in 1960, Côte d'Ivoire had developed a highly sophisticated infrastructure to export cocoa and had developed skills in operating huge land holdings dedicated to cocoa cultivation. The Ivorian Government controlled the marketing and pricing of cocoa. Prices were regulated, quantitative restrictions were imposed and private sector activity was controlled. This system also made it easy for the government to collect export tax in a simple and low cost manner. State intervention in this cash crop was viewed by the local population as egalitarian. Farmers were guaranteed outlets for their crops, offered a set price for cocoa regardless of where it was produced in the country and were given opportunities to participate in the newly forged cash based economy. Further, they were provided with farming supply inputs, such as fertilizers, pesticides and seeds, on an immediate no-charge basis. Funding costs for inputs were then recovered after the sale of production. With this highly protected environment, more and more Ivorian farmers entered the cocoa growing business. For a time at least, farmers preferred governments running the marketing and pricing of cocoa for they believed that if it was left to the private sector, it would be controlled by non-Africans.³⁹ In fact, in the 1970s, with the help of a government policy incentive to encourage cocoa growing, Côte d'Ivoire experienced a 344% increase in cocoa income with most of the farmers being Ivorian.⁴⁰

³⁷ Gnoan, Ange-Berthe, “Cocoa from the Côte d'Ivoire and Environment and Social Impacts.” Trade and Environment Database (TED), TED Case Studies, Case Number 202, Vol.4, No. 2, June 1995.

³⁸ Ibid, p.2

³⁹ Andrew Shepherd and Stefano Faroli, “Export Crop Liberalization in Africa: A Review.” FAO Agricultural Service Bulletin 135, FAO 1999.

⁴⁰ Gnoan, Ange-Berthe, “Cocoa from the Côte d'Ivoire and Environment and Social Impacts.” Trade and Environment Database (TED), TED Case Studies, Case Number 202, Vol.4, No. 2, June 1995.

Currently, Côte d'Ivoire has between 600,000 and one million small holding cocoa farms (between two and 10 hectare each)⁴¹ on which approximately 3.2 million farmers work. Some of these farmers live and work on privately owned land, while others rent land and supply mainly their own labour. Expansion of cocoa production has taken place mostly on new or secondary forest areas. The total number of cocoa trees is estimated to be 2,022,800.⁴² Both in terms of employment and export earning, Côte d'Ivoire is the largest cocoa producer "with a share of world production that grew from 23% in 1980 to 40% by 1990"⁴³ and to almost 50% in recent years. Cocoa contributes approximately 40% of exports, 14 % of GDP and more than 20% of government income. Although a highly unstable export crop, deliberate policymaking aimed at developing the cocoa industry made Ivorian cocoa the world's most demanded bean. In the 2001 season, Côte d'Ivoire exported more than 1.4 million tons of cocoa.⁴⁴

4.a) The Structure of the Ivorian Cocoa Market

There exist a host of intermediate steps from the growing of raw cocoa beans to the manufacturing of chocolate. Because of these steps, the Ivorian cocoa sector consists of a long and complex trading chain. The chain takes cocoa from smallholder farmers in the Côte d'Ivoire to chocolate manufacturers in Northern consuming markets in North America and Europe.⁴⁵ At each intermediate step are clearly identifiable players, which include farmers, workers, job brokers, middlemen, traders, processors, grinders, exporters, buyers, boards, associations and chocolate manufacturers. In addition to these players, there are a host of others who are involved with the commodity exchanges, the freight companies, warehouse operations, banks and other financial intermediaries.⁴⁶

Harvesting cocoa is mainly a manual operation in Côte d'Ivoire. Cocoa pods are cut down from trees. They are opened and the pulp-covered beans are scooped out. This pulp is then removed through a process of curing or fermentation, which takes a number of days in the sun and is highly labour intensive.⁴⁷ The cleaned beans are then shelled and passed through huskers to separate the shell, husk and germs from the broken pieces of kernels (nibs). These are then roasted and ground. The grinding process breaks the cell wall of the nibs, producing a liquor mass which when cooled solidifies into liquor blocks. These can

⁴¹ Although smallholder farms are the norm in the Ivorian cocoa sector, some large plantations have been developed over the years.

⁴² USDA Foreign Agricultural Service, Reports on Cocoa, 1998- 2000

⁴³ McIntire, John & Panos Varangis, "Reforming Cote d'Ivoire Cocoa Marketing and Pricing System," Center for Economic Research on Africa, School of Business, Mont Clair St. University, study commissioned by the World Bank, 2001.

⁴⁴ See www.labourrights.org

⁴⁵ Throughout this paper the term Northern consuming markets/countries refers to markets/countries in North America and Europe that consume most of agricultural products, including cocoa in the form of chocolate. Southern producing markets/countries refer to the markets/countries in the continent of Africa, Asia and Latin and South America that produce agricultural products like cocoa.

⁴⁶ All Bedford, Mick Blowfield, Duncan Burnett and Peter Greehalgh, "Value Chains: Lessons from Kenya tea and Indonesia cocoa sectors." in Focus, Report 3, National Resource Institute, Resource Center for the Social Dimension of Business Practice. 2002

⁴⁷ Kees Burger & Hidde Smit, "Understanding the changes in the cocoa and chocolate market." Economic and Social Institute, Free University of Amsterdam, p.4, 2000

then be split into cocoa cakes and cocoa butter. Pulverizing cocoa cakes produces cocoa powder. Both cocoa butter and cocoa liquor are used in the manufacturing of chocolate. The various stages of growing, grinding and manufacturing are interconnected with market and trade. Most grinding of cocoa beans occurs in the chocolate consuming countries in the North, although in Côte d'Ivoire cocoa grinding and the production of export quality cocoa butter, cake and powder have increased significantly. "The dominant net exporter of final cocoa products (butter and powder) is the Netherlands. Belgium, Ireland and Switzerland are also important net exporters. No other developed countries have significant net export positions."⁴⁸

Ivorian cocoa farmers play multiple roles as entrepreneurs, employers and occasional workers. Middlemen acquire the cocoa beans from farmers, who in turn sell them to traders and exporters. The major exporters are foreign owned. Prices for buying and selling cocoa beans from middlemen are generally fixed. However, as the next section will show, the pricing and marketing of the Ivorian cocoa beans have been and continue to be a subject of great controversy and involve the interventions of major international financial institutions. Cocoa is traded at major commodity exchanges in London and New York as a primary commodity, produced by many countries with a high degree of substitutability between them.⁴⁹ While cocoa production has increased in the past few decades, production has not matched the demand for the bean. Increasing global demand for cocoa has been attributed to higher consumption of chocolate in North America and Europe.⁵⁰

4.b) Privatizing the Ivorian Cocoa Market

By the end of the 1980s, the Ivorian cocoa based economy had become highly distorted as a consequence of government controls and frequent changes to the pricing and marketing systems. The dependence on the government as a single crop buyer, though having some advantages, created a host of practical problems. For instance, higher taxation on exports that the government set, failed to reward farmers sufficiently and provided few incentives for them to increase cocoa production. As well, farming supply input operations to farmers were run inefficiently and were unreliable. Land availability for new planting had been virtually exhausted and migrant labour from neighboring countries produced repeated conflicts between farmers.

A study undertaken by McIntire and Varangis, commissioned by the World Bank showed that much of the increases made in the 1990s in Côte d'Ivoire cocoa production could be mainly attributed to "high producer prices in the 1980s, land availability for new planting in the west country, elastic labour supply from poorer neighboring countries and government incentives."⁵¹ Despite these increases, however, the Ivorian cocoa markets suffered greatly in the mid 1980s and early 1990s. McIntire and Varangis argued that

⁴⁸ Ibid

⁴⁹ Ibid

⁵⁰ This higher consumption is caused by the increase in population and income.

⁵¹ McIntire, John & Panos Varangis, "Reforming Cote d'Ivoire Cocoa Marketing and Pricing System," Center for Economic Research on Africa, School of Business, Mont Clair St. University, study commissioned by the World Bank, 2001.

government price fixing and marketing negatively impacted cocoa farmers and consequently cocoa production. They offer an analysis of this situation and make a pitch for reduced government interference in the marketing and pricing of Ivorian cocoa and a reduced dependence of the small Ivorian cocoa farmer on, what they refer to as, “the powerful and well-organized private exporters.”⁵² They argued that, “cocoa price and marketing policy had reduced farmers’ mean income for many years and continue to do so.”⁵³ In their view, Ivorian cocoa farmers receive the lowest returns among cocoa producers worldwide.

An insistence on maintaining high producer prices against declining world prices in the late 1980s bankrupted the cocoa marketing system. In 1990, the governments were forced to halve producer price and it is still repaying debts to the private sector incurred in the late 1980s. Producer prices benefited little from the 100 percent devaluation of the CFA franc in 1994 and the real dollar price of cocoa in 1997/1998 crop season is less than the real dollar price of 1993/1994,⁵⁴ the last season before devaluation. Government policies fix marketing costs and restrict competition, increasing intermediation costs and leaving a low percentage of FOB⁵⁵ price to farmers. The government’s stabilization fund has accumulated large surpluses in years of relatively high world prices and these surpluses are not rebated to producers, thereby further reducing the producers’ share of income from the crop.⁵⁶

While McIntire and Varangis argue that there could be some benefits to be gained by nominally fixing prices within seasons and offering stabilization to farmers, they raise the question of cost benefits. They show that the impact of a forward sale price does not necessarily translate into benefits, particularly when one calculates the significant costs entailed with selling forward, such as storage cost, financing intermediaries (buyers, transporters and warehouse agents), maintaining favourable conditions for preserving the quality of the cocoa beans and the seasonal dependence on the availability of the actual physical cocoa for export.

McIntire and Varangis conclude their study by arguing for the benefits to be gained by having Ivorian cocoa prices determined by local producers selling their beans directly to the market exporters without the interventions of the Côte d’Ivoire government cocoa boards (responsible for marketing and pricing). The World Bank, the International Monetary Fund and the African Development Bank Structural Adjustment Directives endorsed the move towards privatization of the Ivorian cocoa sector as early as 1995 and

⁵² Ibid

⁵³ Ibid

⁵⁴ The value of major exports such as cocoa increased from \$861m to \$922m between 1993 and 1994. In Prakash, Siddhartha, “Trade and Development Studies: Côte d’Ivoire.” The World Bank and the WTO, 1999.

⁵⁵ Free on Board (FOB)

⁵⁶ McIntire, John & Panos Varangis, “Reforming Côte d’Ivoire Cocoa Marketing and Pricing System,” Center for Economic Research on Africa, School of Business, Mont Clair St. University, study commissioned by the World Bank, 2001.

used a similar argument as a condition of its loan and debt forgiveness to the Côte d'Ivoire in 1999. Following this commitment, Côte d'Ivoire government privatized its cocoa board (retaining 35% stake) and indicated that it no longer would be involved in price stabilization practices. Despite the 35% stake hold in the cocoa regulation, they promised to place cocoa trading solely in the hands of the private sector⁵⁷.

The repercussions of this shift on small cocoa farmers has been phenomenal because the previously enjoyed small privileges of having local commercial banks advance them money in soft loans has now been removed. Most cocoa farmers have no access to capital, heavy equipment or their own means of transporting the cocoa beans to the marketplace. Because liquidity is a critical factor, farmers need to rely on either selling their cocoa beans on a cash basis to middlemen who then sell the product to large buyers or they borrow money from commercial banks. Local middlemen were also affected by liberalization because the direct buying of cocoa beans from farmers left them vulnerable to reactive responses of farmers to cocoa prices.⁵⁸ In fact in 1999, Ivorian farmers received as little as \$0.36 – 0.40 per kilo of cocoa.⁵⁹ Since cocoa farmers understand that middlemen sell to buyers who then sell to exporters who finance them, they attempt to control prices by controlling output. In late 1999, media reports indicated Ivorian cocoa farmers repeatedly burnt thousands of tons of cocoa in reaction to low cocoa prices and persuaded cocoa truck drivers to turn back from the port in Abidjan, Côte d'Ivoire to stop cocoa exports from leaving the country.

In 2000, the Ivorian government reneged on its commitment on price fixing. The now privately owned cocoa board was liquidated based on the allegation that the government did not allow local producers to vote on their 33% stake, but instead voted for them. The farmers were paid US\$452,000 for their stake which was used to set up a new regulatory body based on the old system using forward sales system and which aimed to stabilize market prices.⁶⁰ After several back and forth moves from government regulation to privatization, for a time a new privately run cocoa price stabilization system was put in place to run along side the new government formulated commodity regulators. A year later, this system was revised again as farmers objected to government price controls.

In 2001, yet another independent and privately run cocoa board was set up to guarantee that farmers receive fair prices for their beans and ally exporters' fears of a state control of the cocoa sector. This commitment was re-stated to the IMF and the World Bank who insisted that Côte d'Ivoire hold firm on its efforts to liberalize the cocoa sector, encourage fair competition and set no cocoa allocations to shippers.⁶¹ In fact, the Côte d'Ivoire government pushed liberalization of the cocoa trade a step further by stating to the World Bank, the IMF and the African Development Bank that Ghana and Côte d'Ivoire would look into opening a cocoa exchange in the region. Despite this insistence of liberalizing the cocoa trade for the benefit of farmers, the word from Côte d'Ivoire's biggest cocoa buyers,

⁵⁷ www. [redacted] com., Cocoa New Archive, 2000.

⁵⁸ Ibid

⁵⁹ Ibid

⁶⁰ Ibid

⁶¹ Ibid

the [REDACTED], which exports 80% of its purchases to Europe and the US, was that, "the farmers have no influence on the global system which dictates the cocoa price."⁶² This view was expanded upon by Ivorian Prime Minister, Pascal Affi N'Guessan who noted, "Low cocoa prices exist because multinational chocolate manufacturers have encouraged more and more developing nations to grow cocoa, forcing down prices and driving cocoa farmers to take desperate measures just to save their land."⁶³

More over, many Ivorian cocoa farmers were confused by privatization. They were ill-equipped to directly bargain with commodity buyers and were not organized. Little or no education was offered to farmers to assist them with the new system of free market mechanics. Previously the government used to set cocoa prices for the season, the farmers now had to rely on the state radio and/or newspapers to know the price determined in the London Cocoa Stock Exchange to calculate the 50%-60% they could charge. Recent assessments of prices that farmers were charging per kilo of cocoa under the new system were found to be far less than the 50%-60% they could charge of the prices set through the London Cocoa Stock Exchange.⁶⁴ As one government official predicted, "'friction between farmers and buyers over farmgate prices' (price that farmers get) was bound to occur, particularly when farmers do not know at what price they should be selling."⁶⁵ As the upcoming sections will show reduced prices going to cocoa farmers under privatization of the cocoa market translated into a reduced price paid for labour, which in turn, translated into an increased search for the cheapest forms of labour.

4.c) International Cocoa Organization and its Regulations

While the McIntire and Varangis study provides substantial evidence for further extending and maintaining a liberalized and privatized system of pricing of cocoa beans in Côte d'Ivoire, current free market trends in the international cocoa market indicate that Ivorian farmers are still not receiving a fair return on the cocoa they produce. Liberalization of cocoa markets in Côte d'Ivoire faced a number of drawbacks, including the absence of adequate development of a private sector, market disruptions, lack of infrastructure and financial systems to cope with the expectations of consuming countries.⁶⁶

Market liberalization also encouraged illegal trading in the region. Since Ghana still maintained state control on farmgate prices, informal transporting and selling of cocoa between Ghana and Côte d'Ivoire frequently took place in both directions depending on the prices. Furthermore, since Ivorian beans were regarded for a time as inferior to the Ghanaian ones, some Ivorian farmers have moved them across the border and mixed them

⁶² "Passing the blame along the chocolate chain." Philly News, June 25, 2001

⁶³ Op-Ed, "Slavery Free Chocolate." AlterNet, Feb. 7, 2002

⁶⁴ ICCO, "Information on the effects of the liberalization on Côte d'Ivoire Cocoa Markets." www.iccor.org

⁶⁵ The US State Department. "Cote d'Ivoire: Country Reports on Human Rights Practices." 2001

⁶⁶ [REDACTED] "Speech to the Federation of Cocoa Commerce." Economist at the World Bank, May 1999. www.calcocoa.com/events/speech/1999

in with the elite beans before selling them to the Ghana's [REDACTED] or private cocoa buyers.⁶⁷

The purchasing price of cocoa from local farmers is related to international price fixing. Ivorian cocoa beans are available to buyers either directly from their origin or via the spot markets in the US and Europe. They can also be accessed via futures markets whose main purpose is to provide hedging against risk as opposed to being a genuine supply source. The price for cocoa is available through International Cocoa Organization (ICCO) and is calculated using the average of the quotations for cocoa beans of the nearest three active future trading months on the London Cocoa Exchange and on the New York Cocoa Exchange at the time of the close of the London market. While Côte d'Ivoire does export cocoa grindings, paste and other cocoa products, its share in world trade for final cocoa products amounts to virtually nothing. The major reasons for this are that markets for final cocoa products are dominated by very few large multinationals and the cost of transporting and storing cocoa final products in Côte d'Ivoire is high.⁶⁸

The major exporters of Ivorian cocoa beans are large multinationals with offices in Abidjan and San Pedro. There are currently 47 exporters operating in Côte d'Ivoire; the top ten of these exporters dominate 80% of cocoa exports. Among these top ten, [REDACTED], [REDACTED] and [REDACTED] are the biggest. The three major cocoa processors in Côte d'Ivoire transform 50% of that country's beans and 5 integrated traders handle a further 30%.⁶⁹ In Europe, Switzerland is the major importing country; other major buyers are France, UK, Belgium and Austria. Lately the Czech Republic, Hungary, Russia and China have been importing cocoa beans from Côte d'Ivoire. Both USA and Canada have also increased their quotas from the country. Côte d'Ivoire is not considered to be a stable market because world production has not caught up with world consumption and world market saturation has not been reached.

The ICCO, an intergovernmental institution was created in 1973 under the auspices of the UN to administer the first International Cocoa Agreement of 1972 and its successor Agreements of 1975, 1980, 1986 and 1993. A new agreement to replace the 1993 Agreement was negotiated at the UN Cocoa Conference in 2001. This new 2001 Agreement is now open for joining and is due to come into force in 2003.⁷⁰ On the whole, the aim of the ICCO agreements is to monitor the international cocoa market for the benefits of the cocoa and chocolate industry (exporters and importers) and to foster co-operation between producers, consumers, traders and the industry in all sectors.

One of the principal aims of the first International Cocoa Agreement in 1972 was to stabilize a volatile cocoa market on the basis of an agreed price range with a minimum and a maximum price per pound. The instruments for achieving this were an export quota scheme and a Buffer Stock, designed to absorb production in excess of quotas. Once a

⁶⁷ ICCO, "Information on the effects of the liberalization on Côte d'Ivoire Cocoa Markets." www.iccor.org

⁶⁸ Ibid

⁶⁹ Ibid

⁷⁰ International Cocoa Organization Website. www.iccor.org

target price was set, export quotas were allocated to each producer. When the indicator price calculated by the ICCO rose over the set price, quotas were relaxed; when it fell below the set price, quotas were tightened. While this system worked for most part, it produced a lot of squabbling over quotas, an increase in trading with non-member countries that were not subject to ICCO agreements and a fragmentation in the markets. The quota system was abandoned in the 1980 Agreement and price regulation was based directly on the Buffer Stock.

The 1986 Agreement continued to use the Buffer Stock for price defense but also included an additional price defense method, namely a Withholding Scheme. Exporting countries could withhold a stated amount of stock. However this system of price stabilization was also not working effectively and in 1993, the interventionist approach was abandoned. The 2001 International Cocoa Agreement took a “different approach to previous agreements to regulate the cocoa market.”⁷¹ This new Agreement created a new body, which was made up of key stakeholders including the private sector, to monitor developments to achieve a better balance between supply and demand. It also addressed environmental concerns caused by depletion of land due to excessive cocoa growing and child labour practices in cocoa production caused by low prices paid to farmers.

As of December 2001, the ICCO comprised a total of 42 member countries. ICCO members represent over 80% of world cocoa production and around 70% of world cocoa consumption. Exporting member countries include Benin, Brazil, Cameroon, Côte d’Ivoire, Dominican Republic, Ecuador, Gabon, Ghana, Grenada, Jamaica, Malaysia, Nigeria, Papua New Guinea, Peru, São Tomé and Príncipe, Sierra Leone, Togo, Trinidad Tobago and Venezuela. Importing members include Austria, Belgium, Luxembourg, the Czech Republic, Denmark, Egypt, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Netherlands, Norway, Portugal, the Russian Federation, the Slovak Republic, Spain, Sweden, Switzerland, and United Kingdom. The European Union is also a member.⁷² Canada, though being a member in 1972 and 1975, has not been an ICCO member since 1975.

The Government of Canada’s explanation for terminating its membership with ICCO seems to indicate that in early 1990s Canada withdrew from all international organizations created to build stockpiles to stabilize world prices. When Brazil was the main supplier of cocoa beans to Canada in the 1990s it made sense for it to be a member of the ICCO and be a party to its agreements. However, when the widow’s broom disease affected the crop and caused cocoa farmers in Brazil to switch to producing coffee, which had an extreme negative impact on the cocoa industry, Canada decided to pull out. Further, other commodity trade agreements had also negatively impacted Canada when it refused to dump its buffer stock in the market to stabilize price and had to pay a high penalty. Canada wanted more cost-effective ways of helping the needs of developing countries.⁷³

⁷¹ ICCO Cocoa Newsletter. “Report from the President,” No. 18, August, 2001. www.icco.org

⁷² International Cocoa Organization Website.

⁷³ [REDACTED] Save the Children Canada’s communication with DFAIT, Sub-Saharan African Trade desk, 2001

Canada argued that its signatory status to the OECD Guidelines for Multinationals Enterprises and membership in the WTO made it party to agreements that addressed the concerns of the ICCO.⁷⁴ The OECD and WTO do address the concerns of trading and pricing. The OECD has enlisted labour issues under voluntary “codes of conduct” which multinationals are required to set up. The WTO, however, though recently regarding child labour as a health risk, does not concretely address issues of labour or low returns on sale of products to producers. The WTO has left child labour issues to be “set and dealt with” by the ILO, “but not necessarily enforced” by it.⁷⁵ However, despite Canada’s argument for not being a member of the ICCO, other major contributing WTO members and OECD signatories continue to be members of ICCO.⁷⁶

Since the ICCO was formed, increased bulk shipments and increased vertical market integration has resulted in excessive market concentrations in the cocoa sector. Not only do few businesses own large shares in the cocoa markets, dominance of Northern consuming country-based operators over farmers and local traders, have had the net effect of retaining the higher proportion of income generated in the cocoa chain in the consuming countries. The process of liberalization of domestic cocoa marketing in producer countries made it more difficult for them to control the flow of exports and thus the rise of world prices. Amidst this global corporatisation of cocoa, the ICCO’s 2001 Agreement placed a new emphasis on the role of the private sector in supporting the sustainable cocoa economy and in encouraging cocoa consumption. It still remains to be seen if small independent cocoa farmers can benefit from this Agreement, as it is directed at building large farmer co-operatives aimed at increasing their income by bringing them into the marketing chain.⁷⁷ While most producer governments have praised this new Agreement for its moral commitment to increasing farmer’s net income, they are waiting to see how this Agreement can be translated into action and bring gains to smallholder farmers.

What is learned so far in the cocoa developments both in the Ivorian and in the international market contexts is that cocoa prices received by farmers depend not only on the forces of supply and demand and on world stock regulated positions, but also on other developments in the cocoa markets which have nothing to do with economics. As Lim Keng Yaik, the Minister of Primary Industries in Malaysia noted to the Ministers of Cocoa Producers Alliance,

Recent evidence has shown that that the effect of liberalization of the cocoa marketing channels in major West African countries on the one hand, and the consolidation of market power among those involved in the industry such as bean processors and chocolate manufacturers in

⁷⁴ Ibid

⁷⁵ Mathew Mitro, “Outlawing the Trade in Child Labour Products: Why the GATT Article XX Health Exception Authorizes Unilateral Sanctions.” *American University Law Review*, Vol.51:1223, p. 2002, 2002.

⁷⁶ International Cocoa Organization Website.

⁷⁷ According to the ILO, in Côte d’Ivoire, for example, “about 500,000 independent smallholder producers grow about 99 per cent of the country’s cocoa production, only 1 per cent are ‘industrial plantations with more than 100 hectares.’ West Africa Cocoa/Commercial Agriculture Programme to Combat Hazardous and Exploitative Child Labour.” ILO-IPEC, 26 September, 2002, p.p. 4-5

the consuming countries who hold oligopolistic power on the other, contributed to the present depressed cocoa prices received by farmers in the international markets...The net effect of liberalization which was supposed to create welfare gains to both producing and consuming countries did not materialize. In other words, the effect of liberalization is likely to work against the interest of cocoa producing countries in terms of lower cocoa prices and worsening terms of trade. It is clear that the more developed cocoa consuming countries, whose level of technology sophistication is much higher than cocoa producing countries, are the ones that will reap the major share in welfare gains from liberalization process.”⁷⁸

If this trend continues, Ivorian cocoa farmers will continue to receive low returns from their crop and in an effort to keep their costs down will be forced to seek the cheapest forms of labour. In fact, the low returns that Ivorian farmers have received from their crop and the impact of these on child labour demands has already been voiced by a number of other key players in the cocoa trade, among them, various local and international NGOs, fair trade organizations, the ILO, the World Bank and some Western governments. This issue has also gained wide local and international media coverage and continues to do so until the present time of writing this paper. What has received particular local and international attention is the associative links between farmers’ low returns on their cocoa beans, the incidence of the worst forms of child labour and child trafficking in cocoa production and the relative high profits of the chocolate industries which are not equitably shared through the supply chain. The next sections will expand on these associative links and explore what the various key players in the cocoa world have done to first define the problem and then address it.

5. CHILD LABOUR IN IVORIAN COCOA PRODUCTION

According to the ILO, “more than 80 million children between the ages of 5 and 14 are currently economically active in the continent of Africa. Since national economies are predominantly agricultural, 70 to 95% of them are found in the agricultural sector.”⁷⁹

The on-going current debate at the WTO over how to liberalize trade while preventing child labour abuses, has forced an urgency of how to define “child labour” and what approaches are to be taken to effectively address it. In 1994, the World Health Organization estimated that “occupational accidents injure 100 million workers worldwide, and kill 200,000 each year.”⁸⁰ Further, it estimated that, “each year 68-157 million new cases of occupational disease are attributed to hazardous exposures and workloads globally.”⁸¹ The ILO surveys of countries that employ child labour, indicated, that of the

⁷⁸ Opening Address by Dato Seri Dr. Lim Keng Yaik, The Honorable Minister of Primary Industries, Malaysia at the meeting of the council of ministers of cocoa producers alliance on 5th October, 2000, in Kota Kinabalu, Sabah, Malaysia. www.kpu.gov.my/speech/cocoa

⁷⁹ West Africa Cocoa/Commercial Agriculture Programme to Combat Hazardous and Exploitative Child Labour.” ILO-IPEC, 26 September, 2002, p.p. 4-5

⁸⁰ WHO, “Declaration on Occupational Health For All.” October 14, 1994. www.who.int

⁸¹ Ibid

246 million child workers⁸² in the world, “two-thirds of child labourers in some countries are exposed to workplace hazards.”⁸³ Eight million children are subject to the “worst forms of child labour.”⁸⁴ A large proportion of them are in “free trade” or “export processing” zones of the world, which are frequently excluded by law from regulation of wages, hours, or working conditions. These numbers linking labour and health risk were presented to WTO members at the 1996 Ministerial Conference in Singapore. At this meeting WTO members acknowledged the important role of trade in promoting core labour standards and encouraged collaboration between itself and the ILO. Both the WTO and the ILO regard child labour as a health risk. However, as of April 2003 the WTO and the ILO have yet to define their working relationship more clearly and to agree on the integration of labour standards into the WTO.

The ILO has been concerned with the work of children in commercial agriculture for a long time and has developed a number of conventions to set standards on employment of children. Its most recent Convention on the Safety and Health in Agriculture 184 (2001)⁸⁵ makes specific reference to young workers and hazardous work, which is consistent with their other two child labour conventions: Convention 138 on Minimum Age and Convention 182 on the Worst forms of Child Labour. Its Committee on Work on Plantations has addressed the issue of child labour on a number of occasions. In fact, in its first session in 1950, the Committee adopted a resolution stipulating that the “hours of work for children under fourteen years of age should be regulated with a view of protecting their health and in any case should not be more than six (hours) per day. The employment of children under twelve years of age should be prohibited.”⁸⁶ This Committee has also adopted several resolutions on education, “inviting Governments to ensure the establishment and maintenance of adequate school facilities for children of workers on plantations, with the active collaboration of plantation owners and employers.”⁸⁷

Save the Children Canada’s conceptualization of child labour is derived from the International Save the Children Alliance position⁸⁸ which covers all work activities, both within and outside the home, and both paid and unpaid. We distinguish between two different forms of child labour: work that is detrimental to a child’s well-being, which requires a response from us, and work that is not detrimental to a child’s well-being, which does not require any interventions on our part. This distinction is based on Article 32 of the United Nations Convention on the Rights of the Child (UNCRC), which states that:

⁸² Below the age of 14 years

⁸³ In Mathew Mitro, “Outlawing the Trade in Child Labour Products: Why the GATT Article XX Health Exception Authorizes Unilateral Sanctions.” *American University Law Review*, Vol.51:1223, p. 2002, 2002.

⁸⁴ In Deelsa/Elsa OECD Report, “Child Labour and Economic Development.” JT00134358, Directorate for Education, Employment, Labour and Social Affairs, OECD, p. 3, October 2002

⁸⁵ Three countries have ratified this Convention: Republic of Moldova, Slovakia and South Africa. It has not yet come into force.

⁸⁶ In “West Africa Cocoa/Commercial Agriculture Programme to Combat Hazardous and Exploitative Child Labour.” ILO-IPEC, 26 September 2002, p. 7.

⁸⁷ *Ibid*

⁸⁸ Save the Children’s Alliance Group on Child Labour, “Save the Children Position on Children and Work” Save the Children, 2002

“States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.”

Implicit in this article is the belief that only work which is exploitative, hazardous or harms children's education or development need be addressed.

Within the broad category of harmful child work, we distinguish between work, which is not intrinsically harmful to the child, and work, which is intrinsically harmful. In occupations that are not intrinsically harmful to the child, it is possible to remove the harm from work without removing the child from work. This may involve reducing working hours, giving the child access to education, or improving health and safety in the work place. Work that is intrinsically harmful to the child includes the categories outlined in the ILO's Convention on the Worst Forms of Child Labour. In defining worst forms of child labour in agriculture it is important to consider working hours and conditions, exposure to harmful agricultural inputs (pesticides, fertilizers etc.) and separation from families. In some cases, it may not be possible to define an entire occupation as a “worst form of child labour” across all contexts and with all children.⁸⁹

During 1985 to 1988, Côte d'Ivoire labour market underwent severe changes, which can be directly attributed to the collapse of world prices for cocoa. The record drop in the price of cocoa resulted in economic recession. Grootaert's study of “Child labour in Cote d'Ivoire” during the period of economic recession, states that

Between 1987 and 1988, GDP per capital fell by 5% in real terms, private consumption fell by 17% and the poverty rate rose from 35% to 46%...employment in formal sector shrunk by 14%. Many workers who were laid off as well as a vast majority of labour market entrants, had to find jobs in the informal sector. Between 1980 and 1990, employment in the informal sector doubled, and unemployment nearly tripled. The incidence of poverty among the informal sector workers was hence high and rose rapidly during the 1980s.⁹⁰

Grootaert analyzed how households reacted to the recession and found that they implemented several risk-reducing strategies by diversifying income sources across jobs and household members. She notes with reference to children and adolescents that

Among non-poor households, 14% of children and 36% of adolescents worked, but for very poor households the corresponding percentages are 31% and 73%...By 1988, under conditions of severe

⁸⁹ Excerpt taken from the International Save the Children Alliance Child Labour Position Paper, the working group on child labour, 2002.

⁹⁰ Grootaert, C. “Child labour in Cote d'Ivoire: Incidence and Determinants.” Social Development Department, Environmentally and Socially Sustainable Development Network, The World Bank, 1988, p.7.

economic recession, job participation rates of children in very poor households had risen from 31% to 44%.⁹¹

Breaking this down into number of hours worked per household, Grootaert notes that “in 1985, children who participated in the labour force worked an average of 1,001 hours per year and adolescents worked 1,464 hours.”⁹² To put this into perspective, Grootaert offers data on hours worked per adult male and female. She states, “the average economically active male adult...worked 1,876 hours and the average economically active female adult worked 1,424 hours in 1985.”⁹³ Adolescents worked 40 hours more than adult women. “In 1988, the labour supply of children had increased by more than 50%, to 1,598 hours.”⁹⁴

Grootaert’s study indicates that in the mid 1980s, households in Côte d’Ivoire had to rely on the work of children to compensate for falling incomes. She found that since the 1980s there has been a gradual increase of child labour in Côte d’Ivoire. In 2001, 18% of Ivorians lived below the poverty line and in Abidjan, the financial center of Côte d’Ivoire, the population living below this line had increased from 1% to 20% in the last 10 years.⁹⁵ Given the current conflict that erupted in the region on September 18, 2002, these percentages are expected to be much higher in April 2003.

5.a) Child Labour Demands

Labour demands in Ivorian cocoa production are very high during the harvest period. Generally, harvesting occurs during October to January for main crops and May-June for the mid crop. A cocoa bearing farm requires roughly 30 labour days per hectare per year.⁹⁶ However, new cocoa farms and/or re-generation of old farms require a steady input of labour for clearing, planting and cultivation throughout the year. While the demand for labour in cocoa farms is high, the farmgate price of cocoa is low making it virtually impossible to hire farm workers at decent wages. There are roughly three types of cocoa farmers: those that own their own land and farm it; the sharecropper who cultivates another’s land and takes a share of the crop and the farm manager who cultivates another’s land and is paid a wage to do so. Sharecroppers are the largest group of cocoa farmers in Côte d’Ivoire. All three groups of farmers receive low prices for cocoa compared to the cost of hired labour.

According to a number of studies undertaken by Natural Resources Institute on the cocoa sector in West Africa,⁹⁷ since the 1980s, there has been a steady increase in the growth of young cocoa farmers in Côte d’Ivoire. Often these young farmers are those whose parents

⁹¹ Ibid, p. 11

⁹² Ibid, p.13

⁹³ Ibid, p.13

⁹⁴ Ibid, p.13

⁹⁵ UN Security Council, “Towards a comprehensive approach to durable and sustainable solutions to priority needs and challenges in West Africa: Report of the Inter-Agency Mission to West Africa.”

S/2001/434, p. 5, 2 May, 2001

⁹⁶ Impact Reports/Case Studies/ Cocoa sector/West Africa/2001. Natural Resources Institute Publications. www.nri.org

⁹⁷ Ibid

own farms which they helped cultivate and harvest and who have now independent ownership of a small piece of the family holding. There is also growing evidence that these farms are being rented out to sharecroppers, as the young become absentee farm owners who prefer more urban type jobs. As the cocoa land owning population grows older and their young become themselves small landowners who rent out to sharecroppers, and as sharecroppers themselves become farmers, the need for labour, cheap labour in particular, has greatly increased. A 1995 World Bank study estimates that four out five rural children work full or part time on family farms so that child labour remains a very significant part of the agricultural workforce in Côte d'Ivoire. On average in rural areas, the report concludes that children work 35 or more hours a week, have received only a year of schooling, and have experienced high incidence of illness and injury without medical attention.⁹⁸ The International Institute for Tropical Agriculture recently indicated that roughly 616,500 children work on Ivorian cocoa farms; 200,000 are doing so under hazardous conditions. They are involved in using machetes for clearing grounds for new planting, weeding, maintaining cocoa trees, applying pesticides, spreading fertilizers, harvesting, piling/gathering up crops, pod breaking, fermenting, transporting, drying and other activities.⁹⁹

5.b) Child Labour Conditions

Save the Children Canada reports¹⁰⁰ on child labour conditions on cocoa farms indicate that in some cases children under the age of 14 have worked three to five years for 10 to 12 hours a day and had not been paid a wage. In other cases, children also reported being beaten and denied food because their work output did not meet the farmer's expectations. Other children indicated that they had to carry heavy loads on their backs, which often caused open wounds, which are still visible today. Some children also told stories of how they were beaten if they tried to escape from cocoa farms and some even faced death and were left by the side of the field where others worked as a warning to them.¹⁰¹

On the very first day, he [farmer] took our luggage and locked it away. He ordered us to move heavy sacks of cocoa. They were so heavy I could barely lift it. [One boy] could not lift his sacks. The owner took a branch off a tree and started whipping him. He beat him until all his body was covered in cuts and blood. At that moment, I know he would beat us, too... [redacted] 15 year old boy)¹⁰²

We have never tasted chocolate... our bosses [farmers] never tasted chocolate...we work hard to pick the [cocoa] beans in the hot suns for 12 hours...no breaks...if we sit...we are dead...carry 40 kg bags on our

⁹⁸ Grootaert, Christiaan, "Child Labour in Cote d'Ivoire: Incidence and Determinants." World Bank, Working Paper no. 16, 1998

⁹⁹ IITA (Research to Nourish Africa), "Summary of findings from child labour surveys in the cocoa sector of West Africa: Cameroon, Cote d'Ivoire, Ghana and Nigeria." July 2002

¹⁰⁰ Reports are based on child workers who have gone through Save the Children Canada's Transit Center (information on this center provided in Section 6.a.)

¹⁰¹ [redacted], West African Country Program Field Visit Notes, Save the Children Canada, 2002

¹⁰² Corinna Schuler, "Child Slaves Caught in Glittering Traps." National Post, April 17, 2002

shoulders...look at the scar here...this is because I carried bags and bags on my shoulder...no time to stop it [bleeding]...we had to carry it...otherwise bosses [farmers]...will beat us... If we run away and they always catch you...they cut our feet with razors. (██████████ 14 year old boy)

One day I was really sick...I could not stand up and I could not open my eyes...the boss came in and I told him that I am sick...he shouted at me...took a stick and cracked it behind my leg and said do you feel better now...all day he put his eyes on me to see if I will sit down...(██████████ 13 year old boy)

I was thinking I would go to Côte d'Ivoire...work on cocoa farms...and one day...I could own my farm...I left here [Mali] because there was nothing to do...no money... on the first day of work...I knew my dream will not happen...I had to pay the man who brought me here...the boss [farmer] told me he can't pay me for one year...what I earned he had to pay the man who brought me here by truck...I cried all night...I tried to escape but they caught me beat me...I was bleeding... I had nothing to cover my wounds...(██████████, 14 year old boy)¹⁰³

While most of these children come from extreme poverty and have large families, Save the Children Canada has also heard from children of middle class families who have worked on Ivorian cocoa farms. One such case includes the son of a Malian Government official. He was one of six children in the family. He had completed primary school and was working as an apprentice learning how to repair motorcycles in Bamako. At the age of 17, he decided he wanted to go to Nigeria. He planned on going first to see his uncle in Abidjan and then to Nigeria. He paid his way to get on a bus from Bamako to Sikasso and then was duped by a man who said he would help him get to Côte d'Ivoire. Once he got to Kajolo, Côte d'Ivoire, he was locked up with other children on the bus. The next day, these children were taken to Ourouta in the department of Daloa in Côte d'Ivoire where they were put to work on a cocoa farm.

When the Government official's son was taken to the cocoa fields, being raised in a city he did not know what was expected of him and kept making mistakes. He was severely and repeatedly beaten, had been cut all over his body and his back was extremely weak. The farm owner had decided to kill him, but he managed to escape. When he arrived at Save the Children Canada's transit center¹⁰⁴ for child victims of trafficking in Mali in July 2001 he was extremely ill with malaria and was extremely weak. When he was returned home to his family accompanied by Save the Children Canada staff, his parents were horrified to hear of his experience. The father mobilized a radio journalist to launch awareness messages about

¹⁰³ Sudarsan Raghavan, and Sumana Chatterjee, "A Taste of Slavery: How Your Chocolate May be Tainted." Knight Ridder Series, June 24, 2001

¹⁰⁴ Information on the Transit Center provided in section 6.a.

the dangers of child labour into cocoa farms so that other Malian children would not go through the same experience as his son had endured.¹⁰⁵

What makes child labour on Ivorian cocoa farms such a crucial problem is that it involves many young children who work for long hours, and in hazardous conditions, which are not conducive to their health or physical, mental, spiritual, moral or social development. Many of them are unaccompanied children from neighboring countries and as such they are vulnerable to exploitative and harmful work with little or no protective measures.

5.c) Factors Impacting on Child Labour Demands

A 2002 recent global study undertaken by the OECD on child labour indicates that there exists a complex dynamic between child labour and economic development.¹⁰⁶ The study suggests that the demand-side determinants for child labour, include, “the specific characteristics of child workers (the ‘nibble fingers’ theory.),” “unskilled labour-intensive technology,” “economic activity” and “globalization.” The Nibble Fingers’ Theory argument is that since children generally have “small statures or hands [these] make them particularly effective at performing certain tasks. Furthermore, child workers are also “more compliant and easily disciplined, making them more ‘attractive’ to certain employers in the functioning of the work place.”¹⁰⁷ While the OECD study indicates that the Nibble Fingers’ Theory on child work is based on anecdotal evidence and as such needs to be substantiated by solid research, it concludes, “some of the worst forms of child labour, in fact, involve special features of children.”¹⁰⁸

Save the Children Canada has learned from speaking to child workers who were returned to Mali from the Côte d’Ivoire that the worst forms of child labour on cocoa farms can occur where there is a combination of some of the following factors:

- Low cocoa prices
- Low remuneration given to hired adult labour
- Lack of adequate schooling facilities
- Work is perceived as a way to learn a skill
- Reduced labour pool in local populations due to migration and absentee landowners
- Cheap migrant child labour
- History of migratory child labour in the region
- Low number of young farm owners not wanting to work as labourers
- Large number of small holder farms
- Constantly expanding cocoa areas, coupled with large number of land owners
- High year round use of non-family labour on cocoa farms, which also grow a mix of other crops

¹⁰⁵ ██████████ West African Country Program Field Visit Notes, Save the Children Canada, 2002

¹⁰⁶ In Deelsa/Elsa OECD Report, “Child Labour and Economic Development.” JT00134358, Directorate for Education, Employment, Labour and Social Affairs, OECD, p. 13, October 2002

¹⁰⁷ Ibid

¹⁰⁸ Ibid, P. 14

- Discrimination and stereotypes towards neighboring countries, particularly Burkinabe and Malian children as hard workers

The worst forms of child labour are more likely to be used where there is a high demand for labour during the harvesting seasons. When agricultural farms are being established or when cocoa farms are undergoing replanting of other crops, the demand for cheap labour is also high. Furthermore, when the farmer is a recent migrant worker who has come to the Côte d'Ivoire without his family to seek employment it is not possible for him¹⁰⁹ to use his own children. In these cases, cheap child labour is sought.

5.d) Child Labour Supply

Child migrant workers have been extremely important in the establishment and expansion of cocoa production in the Côte d'Ivoire. As indicated, most such migrants originate from Burkina Faso and Mali. A 2002 World Bank and International Federation Terre des Hommes' study undertaken in Burkina Faso indicates that 66,000 Burkinabe children (mostly boys) between the ages of nine and 17 years were found to live in Côte d'Ivoire, outside the proximity of their parents and/or relatives.¹¹⁰ According to "Understanding Children's Work," a study undertaken by ILO, UNICEF and the World Bank, of all the children engaged in agriculture in Côte d'Ivoire there are 38.2% Ghanaian, 24.5% Burkinabe, 25.7% Malian and 17.3% other African children.¹¹¹ While the actual numbers of migrant child workers in Côte d'Ivoire has been debated over the last couple of years, there is an acknowledgment between governments, non-governmental organizations and international agencies working in the area, that thousands of children from surrounding poorer countries have been identified to be working on cocoa farms in the Côte d'Ivoire.

What is less clear, however, is how many of these migrant children have found their way into Côte d'Ivoire and under what conditions have they been recruited, transported and placed on cocoa farms. The next section will examine this issue by first defining "child trafficking" and then forging links between child trafficking, child labour and Ivorian cocoa farms.

6. CHILD TRAFFICKING IN IVORIAN COCOA FARMS

The International Organization of Migration (IOM) estimates that annually 700,000 to two million women and children are trafficked globally for the purposes of exploitation. The United States estimates that trafficking in persons generates roughly "US\$6 billion a

¹⁰⁹ While women also do farm cocoa, most migrant farmers are men.

¹¹⁰ Anne Fieland & Ibrahim Sanogo, "Burkina Faso Child Labour Migration from Rural Areas: The Magnitude and the Determinants." The World Bank & International Federation Terre Des Hommes, July 2002

¹¹¹ Francesca Francavilla and Scott Lyon, "Child Work in Cote d'Ivoire: An Overview. Understanding Children's Work Project. March 2002 in ILRF, "The World Bank and IMF Policies in Cote d'Ivoire: Impact on Child Labour in the Cocoa Industry." 2002. Study available through www.labourrights.org

year,”¹¹² which it regards as the “third largest source of profit for organized crime groups next to guns and narcotics.”¹¹³ Given the huge sums of money generated by human trafficking, in the last few years there have developed an international focus on eliminating the trafficking in persons, especially women and children. Trafficking issues have received legal implementation under different sectors of international law, including international human rights law and international labour law.

The UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, which was adopted in 2000, supplementing the UN Convention against Trans-national Organized Crime (2000)¹¹⁴ contains the most comprehensive legal definition of human trafficking.

This Protocol defines “trafficking in persons” as:

- (a) “Trafficking in persons” shall mean the recruitment, transportation, transfer, harboring or receipt of persons by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, as a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery.
- (a) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant when any of the means set forth in subparagraph (a) has been used.
- (a) The recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation shall be considered ‘trafficking in persons’ even if this does not involve any of the means set forth in Paragraph (a) of this article ...¹¹⁵

Noteworthy in this definition of trafficking is that one need not have to go through the entire process in order to be considered a victim of trafficking. Recruitment alone, which meets the above-mentioned criteria, is sufficient grounds to qualify one as a victim of human trafficking.

¹¹² Ronald Skeldon, “Trafficking: A Perspective from Asia” in Reginald Appleyard and John Salt, “Perspectives on Trafficking of Migrants.” *International Migration* Vol.38, No.3, Special Issue 1, p.13, IOM, UN 2000

¹¹³ Ibid

¹¹⁴ The Convention and its Protocols has not yet entered into force.

¹¹⁵ UN Convention against Trans-national Organized Crime (Palermo meeting), Article 3. United Nations Office on Drugs and Crime. www.undcp.org/odccp/crime

While UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children provides the most comprehensive definition of trafficking, it excludes cases of internal trafficking, such as the trafficking from rural areas to urban areas, which occurs in many countries around the world.

Despite this limitation, all States Parties that have ratified this Protocol are obligated to work together to protect and assist the victims of trafficking, especially women and children. This UN Protocol has been signed by 117 countries and has been ratified by only 21. The US signed the Protocol in December 2000, but has not yet ratified it. Canada signed and ratified it in 2002. Mali and Burkina Faso also signed and ratified the Protocol in 2002; Côte d'Ivoire has not yet signed it.

Child trafficking also violates several articles of the UNCRC. Article 35 of this convention states that "State Parties shall take all appropriate, national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form." The Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography adopted in 2000, defines the sale of children as "... any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration." In addition, Article 3 of this Optional Protocol provides that States Parties shall ensure, the definition of the following acts as a crime, irrespective of whether they are committed domestically or transnationally, on an individual or organized basis:

1. Offering, delivering or accepting, by whatever means, a child for the purpose of sexual exploitation of the child; transfer of organs of the child for profit; engagement of the child in forced labour.

1. Improperly inducing consent, as an intermediary, for the adoption of a child in violation of applicable international legal instruments on adoption."

Furthermore, subjecting a child to exploitative work is a violation of Article 32 UNCRC. Throughout the years, within the context of the UN, several conventions addressing "slavery" and "slavery-like practices" have been adopted. Amongst them, the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (1956) and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949)

UNICEF has argued that trafficking in children "is more than one of the worst forms of child labour; it is firstly one of the most unacceptable violations of human rights."¹¹⁶ While ILO 182 does not directly relate to trafficking because it deals with the nature of work, "the

¹¹⁶ UNICEF, "Developing Strategies to End Child Trafficking for Labour purposes in Sub Saharan Africa." Regional Office for West and Central Africa, UNICEF Innocenti Research Center 2001

final product of trafficking, which is the exploitation of the child, is forbidden.”¹¹⁷ Article 3 states,

The term worst forms of child labour comprises (a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict; (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances; (c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties; (d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

The 1990 Convention on the Protection of the Rights of All Migrant Workers and the Members of their Families does not specifically deal with trafficking. However, the protection of the rights of all migrant workers and members of their families could have a bearing on the incidence of trafficking and the conditions faced in being trafficked and transported. The current status of this convention is that there are only 16 signatories and 19 State Parties to the Convention. The IOM states that, “trafficking occurs when: a migrant is illicitly engaged (recruited, kidnapped, sold, etc.) and/or moved, either within national or across international borders; and intermediaries (traffickers) during any part of the process obtain economic or other profit by means of deception, coercion and/or other forms of exploitation under conditions that violate the fundamental human rights of migrants.”¹¹⁸

6.a) Trans-border Trafficking in Children: Mali to Côte d’Ivoire

The same year that Côte d’Ivoire ratified UNCRC in 1991, the Government of Mali first became aware of Malian children being trafficked and enslaved on Ivorian agricultural farms¹¹⁹ through its Embassy in Côte d’Ivoire. Working with UNICEF, Anti-Slavery International and Save the Children Canada in 1995, the Government of Mali issued a public statement against Malian children being used for child labour purposes in the Côte d’Ivoire and officially informed the Government of Côte d’Ivoire of the problem. In 1996, a workshop on child trafficking was held in Sikasso, Mali and a regional response to address the problem was designed. In 1998, Mali established a Consultative National Commission on Child Trafficking. It also created the Ministry for the Promotion of Women, Children and the Family, whose tasks, among other things, is the repatriation of children who return from agricultural farms in Côte d’Ivoire.

¹¹⁷ Coral Somerset. “What the Professionals Know: The Trafficking of Children into and Through the UK for Sexual Purposes” p. 4, ECPAT, November 2001.

¹¹⁸ For information on IOM work on trafficking in persons see: www.iom.int

¹¹⁹ Nothing Sweet: Child Labour in Côte d’Ivoire Cocoa Fields.” Timeline of Events. Stopchildlabour.org

‘This is slavery of modern times,’ said Youssouf Sangare, the General-Secretary of Mali’s Ministry for the Promotion of Women Children and Families....

‘What else can we call it when our children are being deceived and moved across borders like goods for export?’... [said Sangare].¹²⁰

Two years later, in September 2000, after the signature of the Bilateral Agreement between the governments of Mali and Côte d’Ivoire against child trafficking, both countries agreed to a National Action Plan Against Child Trafficking (known as the Bouake Accord) and to design an emergency plan to help child victims of trafficking. Save the Children Canada with funds provided by the Canadian International Development Agency (CIDA) and Save the Children New Zealand has helped in the development and implementation of the 2000 National Action Plan Against Child Trafficking. An essential aspect of this implementation plan was the establishment of a transit house in Mali for repatriated and/or intercepted trafficked children. Save the Children Canada opened Horon So (Freedom House) in Sikasso, Mali on October 10, 2001. The First Lady of Mali, the German Ambassador representative to Mali, the Canadian Ambassador, the Minister for Promotion of Women, Children and the Family, the Head of the Malian Consulate in Bouake, Côte d’Ivoire, and the Mayor of Sikasso were present at the official opening ceremonies that were held in November 2002. All who were present at the opening heard the testimonies of children who had been trafficked.

6.b) Recruitment of Child Workers

Since the opening of Horon So, 238 children¹²¹ have gone through Save the Children Canada’s transit house: 69 children have been repatriated (14 girls and 45 boys) from Côte d’Ivoire to Mali and 169 children have been intercepted and prevented from before being trafficked from Mali into Côte d’Ivoire.¹²² The Government of Mali currently has records of 521 children who have been repatriated from Côte d’Ivoire. A study undertaken in 2000 by the Ministry for Promotion of Women, Children and Family and UNICEF¹²³ to explore the issue of trafficking of children conclusively shows that Mali’s trans-boundary trade with Côte d’Ivoire is part of a broader trade in children. The study refers to the invisible networks selling children as cheap labour to transporters, who then pass them on to the police, border patrols and eventually the farm owners, who upon receipt of the children pay for them. Save the Children Canada’s analysis of the testimonies of repatriated and/or intercepted children also indicate a prevalence of wide networks of intermediaries with complicated and well hidden trafficking routes for the transportation of cheap child labour from Mali to Côte d’Ivoire. They also indicate that traffickers have become increasingly sophisticated in mobilizing transportation, communication technology and document reproduction in moving large numbers of children across the borders into Côte d’Ivoire.

¹²⁰ Corinna Schuler, “Child Slaves Caught in Glittering Traps.” National Post, April 17, 2002

¹²¹ Data provided for the period November 2001 – February 2003

¹²² [REDACTED] West African Reports from Mali, Save the children Canada, 2002

¹²³ Gouvernement du Mali. ‘Le trafic transfrontalier d’enfants entre le Mali et la Cote d’Ivoire : enquete prospective.’ P. 84, March 2000

From the children that have passed through Horon So, Save the Children Canada has learnt¹²⁴ that two main forms of recruitment of child workers take place. They are:

0. Deception by promises of legitimate and well remunerated employment, and
0. Deception by half-truths, such as promises that they will be employed in the agricultural sector, but under different circumstances and/or conditions.

Traffickers focus their recruitment of children in some of the poorest areas of Mali. Children from the Dogon area are reputed to be extremely hard-working and often are the most “sought after” by traffickers. A trafficker may spend two months in an area to recruit children. The typical scenario of recruiting involves the trafficker explaining to a child that if they migrate with him to Côte d’Ivoire they will make a large sum of money in a short time, without much effort, and then return home proud. Payment to travel into Côte d’Ivoire and secure employment is usually paid by the trafficker who then extracts it from the child workers via the farmers.¹²⁵

However, more recently, there is evidence that traffickers are involving some of the parents of these children more directly. In these cases, the traffickers approach the parents telling them that there is a fortune to be made in Côte d’Ivoire for light child work and convince them to pay for the transportation and transit costs up front. Once the children are convinced that there is more money to be made south of the border, the traffickers ask them to tell their friends to see if they need work as well and that traveling with a group of friends is far better than traveling alone. Once a group of children are secured, they are taken to a common point in Mali where they wait for the transportation to be arranged to move them across the border to the Côte d’Ivoire.¹²⁶ The main routes followed are by road from Sikasso to Korhogo and Ferkessedougou (Mali to Côte d’Ivoire). Since the tightening of these border controls in 1999, however, children have been sent from the Mali - Burkina Faso border into Côte d’Ivoire. Once there, they are often confined until they can be passed on to individual farmers, who pay on average 35,000 FCFA for each child worker.¹²⁷

Typically the traffickers are from the area where the children are recruited. This is an important marker, as it requires the traffickers to speak the local language. Speaking the local language allows the traffickers to build up a high level of trust with the children. Save the Children Canada unveiled a trafficking incident in September 2002 involving 50 to 60 children and three traffickers, one of whom was Ivorian.¹²⁸ This was the first time in which an Ivorian was officially identified trafficking in children.

¹²⁴ ██████████ West African Country Program Field Visit Notes, Save the Children Canada, 2002

¹²⁵ Ibid

¹²⁶ Ibid

¹²⁷ Nothing Sweet: Child Labour in Côte d’Ivoire Cocoa Fields.” Timeline of Events. Stopchildlabour.org

¹²⁸ ██████████ West African Program, Save the Children Canada, 2002

6.c) Conditions of Child Trafficking

Testimonies¹²⁹ from repatriated and trafficked children are extremely disturbing. Save the Children Canada has collected some of these testimonies. One child informed us how he left his village at 4 am in a vehicle with a driver and a trafficker who promised to take him and about 10 other children to Côte d'Ivoire to make money. The journey involved four children and took two days to reach the border. Upon arrival, flashlights were shown at the vehicle and the trafficker informed the driver not to stop. While the vehicle kept moving and refused to stop at the border, the police shot at it three times. A bullet hit one of the children in it. The trafficker then asked the driver to abandon the car and told the children to jump out and run away. The police chased after them shooting several bullets into the air. While the trafficker, driver and three children escaped, the wounded child was apprehended.¹³⁰

Another child, who is from Wakoro village in southern Mali, told us that when he was 16 he left his village to find work in the region's main city, Sikasso. He was working on the street doing petty trade and was recruited by intermediaries who told him he could make a fortune in Côte d'Ivoire. He was taken to Daloa in Côte d'Ivoire and was put to work on a cocoa farm. There were several other Malian children working on that farm with him. After six months none of them had been paid. When they asked the owner for payment, he refused. In response, the Malian children decided to escape all together one night. Upon leaving the farm, the owner noticed a noise and ran out to see the boys escaping. He chased after them with a gun and started shooting. This child saw one of his friends die right behind him. They kept running and after several days made it to Bouaké where the Consul for Mali helped them to return to their home country.

We have several testimonies from children indicating the overall lack of awareness of the issue in their countries and the horrible conditions in which they are forced to work. A 2000 study undertaken by the Ministry for Promotion of Women, Children and Family Affairs also reports on the suffering experienced by trafficked Malian children working on cocoa farms. To put into the words of one child,

I found myself sold without knowing it. It was as though I had become an object that you can shape, and then throw away. We were 380 young slaves aged eight to 15 years, lost in the hell that was the farms of Chakabougou. Each day we had to keep going despite the inhuman work or die finished off with a blow of the whip.¹³¹

¹²⁹ ██████████ West African Country Program Field Visit Notes, Save the Children Canada, 2002

¹³⁰ The Malian Government's understanding of trafficking emerges from the UNCRC, articles 11, 19, 32 and 33 and from the African Charter on the Rights and Well Being of Children, article 15 and 29. See Gouvernement du Mali. 'Le trafic transfrontalier d'enfants entre le Mali et la Cote d'Ivoire : enquete prospective.' P. 84, March 2000

¹³¹ Gouvernement du Mali. 'Le trafic transfrontalier d'enfants entre le Mali et la Cote d'Ivoire : enquete prospective.' P. 84, March 2000

While the testimonies of these Malian children uncover the abusive recruitment practices, living and working conditions on cocoa farms, they also provide a wealth of information as to why they believe that they were easily lured into being trafficked into the Côte d'Ivoire. According to them, the following are the reasons they provide as to why they were lured:

- The relative wealth of Côte d'Ivoire
- The desire for economic independence to buy available and desired goods.
- A belief in the existence of relatively more opportunities for youth
- The need for adventure and travel
- The low perceived returns on schooling
- A flight from poverty
- A flight from parental neglect in some cases

Despite the evidence of child trafficking between Mali and Côte d'Ivoire and the reasons for its recent increase, between 1991 and 2000, the issue of child trafficking and the worst forms of labour on Ivorian cocoa farms is complicated by a process of claims and counter claims of its existence, and involve a wide number of players in the international economic community and in West Africa. The next section will look at responses to child labour and child trafficking on cocoa farms, and will look specifically at the chocolate industry's proposal to address the issue.

7. Responses to the Evidence of Exploitative Child Labour and Child Trafficking on Ivorian Cocoa Farms

As reported by Free the Slaves US, in 1901, [REDACTED] (of [REDACTED]), who came from a long Quaker tradition which denounced slavery, sent a representative of the Anti-Slavery society in England to the Portuguese owned African Islands of São Tomé and Príncipe to investigate news articles of the adverse labour situation on cocoa farms. The articles focused on European merchants who were forcing Africans to perform unpaid labour on cocoa farms. The Anti-Slavery report from the investigation confirmed that slaves of all ages were used to pick cocoa beans. [REDACTED] whose company was inadvertently buying this cocoa in the open markets persuaded two other Quaker-owned cocoa and chocolate firms, [REDACTED] and [REDACTED] to boycott Portuguese cocoa in 1909.¹³² This move initiated and organized by [REDACTED] had a rippling effect not only in the British chocolate markets, but also the American ones, who, after a while, agreed to stop using cocoa harvested by slave labour and the US government.¹³³

In 1910, after the representative from the Anti-Slavery society testified at a special hearing before the US Congressional Committee on Ways and Means that he found 35,000 to 40,000 Angolan slaves on various cocoa plantations, the Senate and House of Representatives forbid by proclamation the entry of slave picked cocoa into the US.

¹³² [REDACTED] were jointly partly funding the Union of Democratic Control, an anti-war organizations in Britain, which by 1915 had 300,000 members. In Spartacus Educational. "Union of Democratic Control." www.spartacus.schoolnet.co.uk

¹³³ Free the Slaves, "Getting Slavery Out of Our Products: a Timeline." www.freetheslaves.net/cocoa

Subsequently, the American firm [REDACTED] one of the largest chocolate companies in the world, declared its refusal to buy cocoa harvested by slaves. In 1930, the Smoot-Hawley Tariff Act passed by Congress and signed into law by President Hoover also set barriers to goods produced or manufactured by forced and/or indentured labour. In 1997, a clarification made to this Tariff Act expanded the definitions of goods made by forced and indentured labour to include forced or indentured *child* labour. In 1999, President Clinton signed an Executive Order No. 13126 prohibiting federal agencies from buying products made by enslaved children.¹³⁴ There was a “consumptive demand” exception made to the Tariff Act, however, which allowed these good to enter the United States, if these goods were not found in the United States to meet its consumer demand.¹³⁵

In 2000, one year after President Clinton signed this Executive Order, the US State Department’s Human Rights Report concluded that approximately 15,000 children between the ages of nine and 12 have been sold into forced labour on various farms, including cocoa farms in northern Côte d’Ivoire. This report confirmed an earlier 1998 report by UNICEF, which stated that some Côte d’Ivoire farmers use enslaved children. Ironically, despite these reports, chocolate and cocoa products were not on the US *Federal Register* list of banned products as of July 31, 2001.¹³⁶ Had the list included cocoa, the Department of Defense would have been prevented from including chocolate in US soldier’s ready-to-eat meals.¹³⁷

Incidentally, Canada did not issue similar proclamations and currently has not issued a customs act preventing the entry of goods produced and/or manufactured by forced and/or indentured child labour. Consequently, it has no provision for preventing cocoa produced through any type of slave labour from entering its territories.¹³⁸ This being so, however, Canada has ratified the UNCRC and one of its two Optional Protocols, which explicitly takes a stand against, among other things, the exploitation of children for economic gain. As stated earlier Canada has also ratified the UNTOC’s Protocol Against Trafficking in Persons and ILO 182 against the worst forms of child labour. This ILO category of labour as stated in Article 3 includes “all forms of slavery or practices similar to slavery” and requires,

Governments to employ every instrument in their power to end the worst forms of child labour, with the collaboration of workers, employers’ groups, and NGOs as mandated by Article 6.

¹³⁴ Ibid

¹³⁵ The consumptive demand exception is stipulated in Section 307 of the Tariff Act which states, “...but in case shall such provisions be applicable to goods...not mined, produced or manufactured in such quantities in the US as to meet consumptive demand of the US.” In Mathew Mitro, “Outlawing the Trade in Child Labour Products: Why the GATT Article XX Health Exception Authorizes Unilateral Sanctions.” *American University Law Review*, Vol.51:1272, p. 2002, 2002.

¹³⁶ Timeline of Events, International Child Labour, www.stopchildlabour.org

¹³⁷ Department of Defense spends roughly US\$1.6 million per year for the M&Ms it includes in soldier’s meal packages. US Congress Website. Côte d’Ivoire, West Africa, Child Labour on Cocoa Farms.

¹³⁸ [REDACTED] Save the Children Canada’s communication with DFAIT, National Contact Office of the OECD Guidelines for Multinationals. 2002

The Convention actually spells out a set of programs that the government should follow, including identifying the violations, educating society about the harmfulness of the worst forms of child labour, and effectively punishing the violators. The Convention also informs governments as to how to go about taking those actions using data collection, regional coordination, and cooperation with civil society.”¹³⁹

While the Declarations of the Rights of the Child 1924 and 1959,¹⁴⁰ which protected children from exploitation was not legally binding, some children’s rights conventions have emerged that do carry the weight of international law. Two of the most prominent are the UNCRC and ILO 182.

Côte d’Ivoire has ratified the UNCRC, but it has not signed the UNCRC’s two optional protocols. In early 2002, it expressed its intention to ratify ILO 182 and 138. Upon expressing its interest in the ratification of ILO 182 and 138, President Bush Administration in May 2002 granted Côte d’Ivoire eligibility status under the African Growth and Opportunity Act.¹⁴¹ The same year, the US signed a trade agreement with eight West African nations, which included Côte d’Ivoire and called for reducing trade and investment barriers in an effort to enhance investment and economic reforms in the region. The agreement established a council on trade and investment. The US mainly exports machinery, vehicles, fertilizers and plastics to the region while importing cocoa, forest products, chemicals and seafood.¹⁴²

Current national labour law in Côte d’Ivoire sets the minimum age at 18 for “hazardous work,” 16 for “light underground work,” and 12 for “light agricultural work.” While the Ivorian Ministry of Labour has successfully implemented and monitored these age limits in the formal employment sector, they have not been as effective in the informal sectors or in hidden areas, which happens to be where the cocoa farms are located. Education laws in Côte d’Ivoire have not been enforced effectively. Legally, children must attend school until they are 16 years of age. However, there are many children between the ages of nine to 14 who currently work full-time in the agriculture sector without much intervention from local authorities.¹⁴³ There are no national laws that directly prohibit child trafficking. The Government has recently prosecuted traffickers under existing legislation against the kidnapping of children.

¹³⁹ Chanthavong, Samlanchith, “chocolate and Slavery: Child Labour in Cote d’Ivoire.” TED Case Studies, Number 662, 2002, pp 8-9.

¹⁴⁰ Declarations on the rights of the child were adopted by the League of Nations in 1924 and the United Nations by 1959. However, there was a strong demand for a comprehensive statement on children’s rights, which would be binding under the international law. This resulted in the current Convention on the Rights of the Child, which was adopted by the UN General Assembly in 1989.

¹⁴¹ <http://www.calcocoa.com/issues/stcp/Rep>. This Act which covers an 8 year period (2000 to 2008) significantly liberalizes trade between the U.S. and 38 designated Sub-Saharan African countries. Two-way trade between the US and the eight African countries is estimated to total approximately \$US760 million. <http://www.agoa.info/>

¹⁴² “U.S., West African nations sign trade agreement,” Reuters, 24 April 2002.

¹⁴³ Ibid

The exploitation of child workers on Ivorian cocoa farms received wide international media coverage when ██████████ aired a documentary made by ██████████ in September 2000. The documentary revealed that children are being trafficked into Côte d'Ivoire from Mali and enslaved on cocoa farms in Côte d'Ivoire. The documentary had a powerful effect on audiences worldwide as it told the story of the worst forms of child labour on Ivorian cocoa farms and the loom industry in India and exposed the employment and treatment of domestic child workers by some employees of the World Bank who were working and living in Washington DC. Six months later, major international media carried a story of a missing and then found ship, ██████████, suspected of carrying 43 child workers destined for slavery in West Africa; 13 of these children were from Benin, eight from Togo, 17 from Mali, one from Senegal and one from Guinea. While only a few unaccompanied children were found on board, the incident nonetheless highlighted world attention on child trafficking linked to the worst forms of child labour in Western Africa. A popular market in the ██████████ Abidjan, Côte d'Ivoire had been identified as having a long history of providing child workers for sale.¹⁴⁴ Scores of conferences, including medical ones, were held on the topic of institutionalized child slavery in the West African Region.

In 2000, after the airing of the documentary, ██████████¹⁴⁵ reported that just 10% of its cocoa supplies come from Côte d'Ivoire¹⁴⁶ and said that they would launch an inquiry into its supply chain.¹⁴⁷ ██████████ which has a subsidiary in Côte d'Ivoire, noted that they were deeply concerned about the issue and that they "have been instrumental in getting clauses on working conditions incorporated in the most recent International Cocoa Agreement."¹⁴⁸ ██████████ whose controlling owner is the ██████████ ██████████ a non-profit residential school for orphaned and disadvantaged children, publicly disclosed its shock that the worst forms of labour and child trafficking reports might taint its chocolate. After the British documentary aired, ██████████ asked the World Bank officials what they knew about child slaves in West Africa.¹⁴⁹ ██████████ announced that it was funding a study to investigate the problems. The ██████████ ██████████ said in a statement that, "[they did] not believe that the farms visited by the (BBC) programme are in the least representative of cocoa farming in the Ivory Coast [sic], although these claims cannot be ignored."¹⁵⁰ "It added that its representatives made regular trips to the Ivory Coast [sic]. 'If any evidence of these abhorrent practices is revealed we will inform the appropriate authorities and insist they take the necessary preventative action.'"¹⁵¹ In fact, the ██████████ later commissioned a desk

¹⁴⁴ Monekosso, T. "Trafficking and selling of children in West Africa." *Womennet*, August 20, 1999

¹⁴⁵ In 1969, the two companies - ██████████ - merged to become ██████████

¹⁴⁶ Most of ██████████ cocoa is grown on carefully managed estates in Ghana

¹⁴⁷ "Extra Responsibility at Cadbury Schweppes." *Daily Mail*, September 30, 2000

¹⁴⁸ "Slavery: the Chocolate Companies have their say." *The Guardian*, April 19, 2001

¹⁴⁹ ██████████ "Slavery a Shock." *Philly News*, June 24, 2001

¹⁵⁰ "Chocolate and Child Slavery: A bitter brew." *Sunday Herald*, Glasgow, April 15, 2001

¹⁵¹ *Ibid*

study which concluded that conditions in Côte d'Ivoire were such that there could be elements of unacceptable working practices in the growing of cocoa.¹⁵²

Fair Trade organizations also reacted to the news, by insisting that low prices paid to farmers, especially small rural farmers who do not benefit from the upward swing in cocoa prices because of the particular marketing structure, are the root cause of the problem. Since the chocolate industry buys cocoa beans via the international cocoa exchange or directly from middlemen, it is not possible to ensure that slave or other forms of illegal exploitation have not been used in its production. NGOs and INGOs working in the region insisted that the chocolate industry could in fact deny responsibility for exploited children in cocoa farms because of the vast distance between the picking of cocoa beans and the manufacturing of chocolate. They encouraged the chocolate manufacturers in the Europe and North America to visit cocoa farms in Côte d'Ivoire and see for them how children are used and abused on cocoa farms.

Government officials from various European countries and the European Union issued statements condemning all acts of child trafficking and the worst forms of child labour, and urged all countries to ratify and apply as quickly as possible ILO 182 and the UNCRC's two Optional Protocols. They joined the debate and raised the possibility of a consumer boycott if chocolate companies did not move to eliminate abuses in the industry. A group in the EU Parliament stressed in particular that fair world prices for African products constitutes an essential element in the fight against poverty and child labour.¹⁵³ [REDACTED] the UK Foreign Office Minister, went to the West African region in 2001 and set up a task force that brought together governments of Britain, Ghana and Côte d'Ivoire, the cocoa industry and non-governmental organizations working for the elimination of forced child labour to examine the issue. He noted that Britain wanted West Africa to sign a treaty establishing a legal framework for combating slavery, trafficking and forced labour. In reaction to [REDACTED] call to action, Pascal Affi N'Guessan, Côte d'Ivoire Prime Minister, noted that, "multinational chocolate companies were at the heart of the problem of child trafficking because they keep prices so low driving farmers into poverty and use of forced labour. He then called for a tenfold increase in the price of cocoa."¹⁵⁴ Similarly, Alphonse Douaty, Côte d'Ivoire Minister of Agriculture and Animal Resource, reacting to the charge that Côte d'Ivoire was making money on the backs of children, noted, "in the UK there are people who sell drugs. This, too, is an illegal and clandestine activity. But nobody would ever dream of calling the UK a country whose wealth is based on this kind of activity."¹⁵⁵

The links between child exploitation and cocoa were also re-drawn when the European Union called for a 3-5% vegetable fat ruling to replace cocoa butter in the production of European chocolate. As per the EU directive, vegetable fat must come from a list of six specific tropical plants including mango, palm oil and shea nuts. With Belgium¹⁵⁶ taking

¹⁵² [REDACTED] website

¹⁵³ Group of European Peoples Party (EPP-ED Group) in the EU Parliament, 17 May 2001

¹⁵⁴ UK Joins Fight Against 'Chocolate Slavery.' BBC News, May 4, 2001

¹⁵⁵ "International; Economy: Action pledge on child labour." Financial Times, May 9, 2000

¹⁵⁶ In fact Belgian chocolate manufacturers introduced a new initiative to promote the continued use of cocoa butter. The initiative required an Ambao trade mark which would guarantee that chocolate products bearing the sign will not contain fat from any other source other than cocoa butter and will be free of GM ingredients

the lead, governments entered the cocoa debate and suggested that the 3-5% vegetable fat ruling would further negatively impact on cocoa production and producer prices which would result in a further increase in the exploitation of child workers on cocoa farms. While Mali¹⁵⁷ and Burkina Faso stand to benefit with this ruling because both countries are large exporters of shea butter and both countries now can make direct inroads into the lucrative chocolate markets, the Ivorian Government objected to the move and accused the European leaders of contradictory statements on the elimination of exploitation of children of cocoa farms.

A 2001 UN Security Council Report of the Inter-Agency Mission to West Africa clearly indicated that, “trafficking of children for economic purposes is widely practiced in several West African countries (including Côte d’Ivoire).”¹⁵⁸ The recommendations made to the UN Security Council by this mission, included among other things, “vigorous advocacy campaigns...aimed at high-level decision-makers, and support provided for studies to strengthen knowledge about child trafficking.”¹⁵⁹ Further, the report indicated that, “strong partnerships should be forged among the key players...at the local and international levels”¹⁶⁰ and these should be “expanded to the cocoa and chocolate industry through a compact and a code of ethics for child labour free products.”¹⁶¹ Finally, it recommended that, “in order to prevent traffickers from perpetrating their trade with impunity, the countries of West Africa should adopt legislation with appropriate sanctions to serve as deterrents to traffickers and their collaborators. Key partners in the effort to achieve harmonization of legal provisions could be ECOWAS and IOM.”¹⁶² Both ECOWAS and the IOM reflected the concerns of the Security Council and recognized that the promotion of open borders for free trade could inadvertently spark, and encourage, cross-border movement of children. Both organizations have hosted various regional meetings on the issue and have, in partnership with NGOs, developed important measures for the removal of child trafficking and worst forms of child labour in this region.

On the US front, ██████████ House Representative was also calling in 2001 for clear and identifiable ways for the removal of child slaves on cocoa farms. He noted, “most consumers in America and around the world don’t want to buy chocolate made from cocoa beans harvested by child slaves.”¹⁶³ His call was directed to the US chocolate industry; American consumers spend US\$13 billion a year on chocolate. He drafted a rider to an agricultural appropriations bill that US\$250,000 be set aside to institute a system of labeling chocolate and cocoa, which would indicate “No child slave labour.”¹⁶⁴ The bill

or additives. All manufacturers will have to pay royalties to use the label and it would be a state-backed initiative.

¹⁵⁷ Following this ruling, Mali, the world’s largest shea producer announced plans to re-open a processing plant in Bamako and open several other facilities.

¹⁵⁸ UN Security Council, “Towards a comprehensive approach to durable and sustainable solutions to priority needs and challenges in West Africa: Report of the Inter-Agency Mission to West Africa.” S/2001/434, p. 30, 2 May, 2001

¹⁵⁹ Ibid

¹⁶⁰ Ibid

¹⁶¹ Ibid

¹⁶² Ibid

¹⁶³ ██████████ News Release, Oct.1, 2001

¹⁶⁴ This was to operate like the “Dolphin Safe” labels on tuna.

passed the House of Representatives 291-115 in June 2001 and was aimed at looking into the labeling possibility.¹⁶⁵ A month later, the US State Department released a report on human trafficking that charged that 700,000 people are trafficked annually worldwide. According to the report, Côte d'Ivoire does not comply with minimum standards to combat human trafficking. Following the release of this report in July 2001, an amendment was brought forward by Congressman, ██████████ to prohibit the importation of goods on which US Customs Service had issued a detention order based on the Tariff Act. Prior to the Sanders amendment, the US Customs could only issue a detention order, which could still allow the goods to enter the US. With this bill they could issue a finding and ban the import.¹⁶⁶

Meanwhile, while these discussions were taking place, a US based NGO, the International Labour Rights Fund (ILRF) released results from an independent study¹⁶⁷ undertaken in the south western region of Côte d'Ivoire where 46% of the country's cocoa is produced, indicating that cocoa farmers relied heavily on child workers who were provided to them by job brokers on a seasonal basis for a fee. The study further stated that farm owners who pay money for child workers are not aware of the nature of the relationship between the children and the job brokers who provide them. As well, it indicated that a child for whom a farm owner had paid money is not allowed to leave the farm until after the cocoa season.¹⁶⁸ ██████████ Executive Director of ILRF noted,

The investigator confirmed that cocoa planters themselves readily acknowledged all the findings of the study. The existence of child trafficking for the purpose of providing forced child labour is not in dispute. The Government of Côte d'Ivoire has publicly acknowledged the problem of trafficked children in the cocoa industry.¹⁶⁹

Following the release of the study results, the ILRF called for strict and immediate enforcement of the existing US legislation of the cocoa industry in the US. On May 30, 2002 ILRF issued a letter of petition asking the US Customs Service to investigate the offending farms where ample evidence of violations of child workers was available to bar Ivorian cocoa from entering the US.¹⁷⁰ The US Customs Service met with ILRF, who

¹⁶⁵ "Slavery free Chocolate." Altnet, February 7, 2002

¹⁶⁶ Free the Slaves, "Getting Slavery Out of Our Products: a Timeline." www.freetheslaves.org

¹⁶⁷ The study was released in July 2002. The independent, French speaking researcher traveled to the Côte d'Ivoire and held extensive meetings with Government representatives at the federal level, local government representatives in the countryside, industry regulators, agricultural technicians from the Ministry of Agriculture, the commercial director of the Autonomous Port Authority of Abidjan, Managers of the Autonomous Port Authority of San Pedro, representatives of cocoa cooperatives and cocoa producing associations, individual cocoa planters, Director of the biggest shipping company in Côte d'Ivoire and human right lawyers/activists. The investigator visited dozen of farms in Sasandra-Soubre-Gagnoa region. www.labourrights.org

¹⁶⁸ International Labour Rights Fund, www.labourrights.org

¹⁶⁹ ILRF Petition to US Customs Service, May 30, 2002. www.labourrights.org

¹⁷⁰ ILRF was already well known in the corporate world for its case against ██████████ the world's largest oil company. ILRF accused "the company of being complicit in genocide, murder and torture because of it uses the Indonesian military forces to secure its operations in Aceh, a region of Indonesia

presented to them their findings. In September 2002, the US Customs Fraud Investigation Unit held a workshop on the issue and invited Free the Slaves and Save the Children Canada to make presentations to its customs agents and help facilitate working collaboration with NGOs working in West Africa. The ILO also issued a report indicating that trafficking in children is wide spread in West Africa and that 378,000 children are working in Côte d'Ivoire in diverse sectors of the economy.¹⁷¹ Following the release of the report, Côte d'Ivoire Government announcement that it had uncovered child trafficking originating in neighboring countries and launched a nation wide campaign against it. Media reports emerged citing that the Ivorian authorities prosecuted 22 traffickers and aided in the repatriation of 3,000 children to their home countries.¹⁷²

Here in Canada, ██████████ the Minister then responsible for Canadian International Development Agency, in responding to media questions on the Canadian effort regarding the situation of child slaves on cocoa farms, stated in April 2001 that she would raise the issue with Trade Minister, ██████████ and then Foreign Affairs Minister, ██████████.¹⁷³ In August of 2001, Save the Children Canada followed up on the media quote and was informed that Canada was indeed responding by supporting Save the Children Canada's projects and Société de Coopération pour le Développement International (SOCODEVI), a Canadian NGO, which participates in a Sustainable Tree Crop Program (STCP), designed by the Nigerian based International Institute for Tropical Agriculture (IITA) and backed by the US Government and the chocolate industry to set up Quality Information Centers in West Africa. The goal of STCP is to improve economic and social well-being of smallholder cocoa farmers and their communities, as well as the environmental sustainability of tree crop systems. SOCODEVI's particular role is to build sustainable and autonomous co-operatives in Côte d'Ivoire that operate according to democratic principles. SOCODEVI also works to raise awareness among farmers on the issue of child labour abuses.

Further, Canada stated that it was commissioning a one-week study in August 2002 in the Côte d'Ivoire to specifically look at the situation of child trafficking on cocoa farms and provide policy directions on the issue.¹⁷⁴ As well, it noted that its embassies in West Africa are well aware of Canada's commitment to ILO 182 and would play a role in monitoring, reporting and advocating on its implementation. It also indicated that in 2000, when it ratified ILO 182 it committed CDN \$15 million over five years to ILO's International Program for the Elimination of Child Labour (IPEC).¹⁷⁵

threatening to separate. ██████████ denied any responsibility but has temporarily shut down its operations, forfeiting up to 1.66 billion cubic feet a day of natural gas production." D. Tapscott, "Corporate Leadership in a Volatile Network World," in ACM: Ubiquity, p.1, 2002

¹⁷¹ In "Statement on Industry Protocol Regarding the Use of Child Labour in West African Cocoa Farms." International Labour Rights Fund, May 1, 2002, www.labourrights.org

¹⁷² Timeline of Events, International Child Labour, 2002 www.stopchildlabour.org

¹⁷³ "Chocolate bitter legacy: Profit on backs of children." Ottawa Citizen, April 18, 2001

¹⁷⁴ This study was to follow the chocolate industry survey on the questions of child labour and child trafficking on cocoa farms in West Africa.

¹⁷⁵ Incidentally, in 1996 the International Center for Human Rights and Democratic Development (ICHRDD) undertook a survey of the 98 largest Canadian businesses operating internationally and found that "only 32% had codes containing some of the core labour rights, while only 14% had codes containing all the core labour rights." In Warren Allmand, "The Need for Human Rights Sensitivity at

Finally, Canada reported that it was in conversation with the [REDACTED], which was planning strategic efforts to end child trafficking and the worst forms of child labour on cocoa farms with the [REDACTED] and the [REDACTED] the two major American chocolate associations. This effort morphed into the Harkin-Engle Cocoa Protocol.¹⁷⁶

As of July 2001, the Canadian Government had issued statements that it was funding Save the Children Canada's Transit House in Mali. However, it did not provide details regarding its follow-up discussion on action to be taken against child trafficking and the worst forms of child labour on Ivorian cocoa farms. There was no Canadian media news follow-up with the Canadian government and/or [REDACTED] on the issue as well. The US Department of Labour (USDOL) issued several statements in the media that it was funding a study to be conducted under the supervision of the ILO's IPEC to look at the labour conditions of certain selected parts of Côte d'Ivoire cocoa industry, concentrating on areas suspected for trafficking and forced child labour. The international cocoa industry, provoked by the threat to its reputation, also announced that it would meet industry stakeholders to discuss ways to end slavery on farms that supply cocoa beans. Also, in July 2001, the ICCO indicated that its members were expected to ratify a resolution in its agreement to investigate "criminal activity," particularly child slavery, and develop a plan to eradicate the problem.

Save the Children Canada and Save the Children Italy joined together to design and host an international chocolate campaign called, POSITIVE CHOCOLATE in collaboration with TransFair, an independent certification organization for fair trade coffee, tea, cocoa and sugar. The aim of the campaign is to increase understanding and commitment among government officials, chocolate manufacturers, consumers and the general public on the promotion of child rights in the production and manufacturing of chocolate and the benefits to be gained in promoting "conscious consumption"¹⁷⁷ driven by fairer trade practices. In October 2001, we launched the campaign at the International Eurochocolate Fair in Perugia, the chocolate capital of Italy. In March the following year, the campaign was launched in Ottawa, Bromont, Quebec and in June in Calgary at the Group of Six Billion, the peoples' summit organized to run in tandem with the June 2002 G8 and Africa summit in Kananaskis, Alberta. The Ivorian Ambassador to Canada and key Canadian Government representatives (CIDA and DFAIT) were present at the Ottawa launch. At the launch, some CIDA officials informed us that while continuing to work with mainstream chocolate companies on improving child labour conditions, Canada was also supporting fair trade chocolate alternatives in the market. Our campaign has received wide media coverage and has elicited petitions from thousands of people calling for the immediate

the World Trade Organization," a Brief to the Canadian Standing Committee on Foreign Affairs and International Trade, March 24, 1999

¹⁷⁶ [REDACTED] Free the Slaves US. The Harkin_Engle Cocoa Protocol will be expanded upon in the next section.

¹⁷⁷ The terms "conscious consumption" are borrowed from Stefano Ponte, "The Latte Revolution? Winners and Losers in the Restructuring of the Global Coffee Chain." Working Paper 01.3 sub-series on Globalization and Economic Restructuring in Africa, no.xii, Center for Development, Copenhagen, p. 27, June 2001

removal of child trafficking and worst forms of child labour on Ivorian cocoa farms. The chocolate industry has also shown keen interest in our campaign. Prior to our campaign launch, CMAC had two informed meetings with Save the Children Canada. Chocolate companies in Europe, have invited a number of Save the Children members to meetings and have informed us that the Harkin-Engle Cocoa Protocol will ensure that the industry does its part in protecting children from exploitation and abuse.

8. THE HARKIN-ENGLE COCOA PROTOCOL¹⁷⁸

This Protocol is unique in that it has no comparators. As [REDACTED], Free the Slaves, has noted, "the Protocol...is a very good thing. It is the first time that an industry has taken social, moral and economic responsibility for their entire product chain. The Anti-Slavery movement has been seeking such an agreement for 160 years."¹⁷⁹ While there are examples of addressing and removing child labour in other industries and large agricultural plantations, the cocoa farms of Côte d'Ivoire present a brand new challenge. For one thing, there are one million smallholder farms where the grower is first and foremost a subsistence farmer. The smallholding farms are dispersed throughout the countryside making access difficult and impeding the establishment of working conditions and reporting on them.

Backed by US and Ivorian Governments, the ILO, ICCO, US human rights and labour experts and non-governmental organizations, the Harkin-Engle Cocoa Protocol is the resultant effect of the global chocolate industry association's plan to eliminate on a voluntary basis the worst forms of child labour on cocoa farms. The Protocol is a six-point action plan for the voluntary public certification of child slave free cocoa in chocolate by the year 2005. The Protocol is not a legally binding commitment. It has been witnessed by the Government of Côte d'Ivoire, elected representatives of the US congress, [REDACTED] of the European Union, [REDACTED] the International Cocoa Organization, [REDACTED] America, [REDACTED] of Canada, [REDACTED], Free the Slaves, Child Labour Coalition, National Consumer League, and Global March Against Child Labour. The adviser to the Protocol is the ILO and projects undertaken under the Protocol have been funded by ILO, US Agency for International Development, US Department of Labour, the Canadian International Development Agency and some chocolate companies. No Canadian non-governmental organization and/or Canadian organized labour unions are a party to the Protocol.¹⁸⁰ The various groups that have signed the Protocol are not referred

¹⁷⁸ The exact name of the Protocol is the Protocol for the Growing and Processing of Cocoa Beans and their Derivative Products in a manner that Complies with ILO Convention 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

¹⁷⁹ <http://www.calcocoa.com/issues/stcp/Rep>.

¹⁸⁰ Save the Children Canada is not party to the protocol. However, we have had two informal consultations with CMAC on the Protocol. We have also had several conversations with CIDA on the Protocol. When CIDA accepted an invitation to co-chair the STCP meetings held in Eschborn, Germany in 2002, it consulted

to as signatories, but rather as witnesses. The choice of words presumably points to different sets of commitments invoked by the references.

The Protocol sets a pathway with time-defined commitments for removing the worst forms of child labour on cocoa farms by 2005. The first action step in the Protocol is a call for public statement on the need for and terms on which to design an action plan. The next step is the Formation of a Multi-Sectoral Advisory Group¹⁸¹ and Investigative Survey in the region of West Africa to accurately identify offending cocoa farms and the prevalence of children in exploitative and abusive conditions, including trafficking. The third step is the signing of a Joint Statement indicating a shared concern and collaborative approach to the elimination of the problem. This was to be followed by a Memorandum of Cooperation among major stakeholders outlining the ways and means by which the multi-sectoral group will operate to eliminate the problem. The fifth step in the Protocol is the Establishment of a Joint Foundation funded by the chocolate industry to oversee and sustain efforts for the removal of the worst forms of child labour, including funding field projects, building a clearinghouse on best practices. Finally by July 1, 2005, the Protocol calls for the establishment of a system for mutually acceptable, voluntary, industry-wide standards for Public Certification that cocoa used in the production of chocolate is not grown with abusive child labour.

As of November 2002, the first five steps of the Harkin-Engle Cocoa Protocol had been completed. The global chocolate industry has achieved these results within the set agreed timelines, with the exception of the investigative surveys. The initial due date for the surveys were the end of 2001, but it was only in August of 2002 that part of the survey results were completed and released to the wider public. As of April 2003, details on the base-line survey have not yet been publicly released. The IITA conducted the survey under the framework of the Sustainable Tree Crops Program.¹⁸² A technical Advisory Committee was created which included the ILO, UNICEF, Food and Agriculture Organization of the United Nations (FAO), trade unions and NGOs. The objectives of the survey were to collect and analyze information related to children working on cocoa farms, to determine the estimated magnitude of child workers on cocoa farms, to identify the conditions of work, to establish demographic details and economic characteristics of work of children, their families and the communities and to document the migration and work histories of children working on cocoa farms in West Africa.

with Save the Children Canada on issues pertaining to the rights of working children and conditions of child workers.

¹⁸¹ The Multi-Sector Advisory Group was formed to provide technical input and supervision of the survey process, review study results and provide follow-up action. The group is made up of experts from the ILO, UNICEF, and the World Bank, Free the Slaves, USAID, Governments of Côte d'Ivoire, Ghana, Nigeria and Cameroon. The industry is not represented here; presumably to recognize the importance of independence in the survey results.

¹⁸² In mid 2001, STCP had already developed a child trafficking and labour action plan. In it, a baseline survey was modified to include information on labour practices in the West African cocoa sectors.

8.a) Results of the Harkin-Engle Cocoa Protocol Study: Côte d'Ivoire

The surveys were divided into three inter-related parts and have been carried out in Côte d'Ivoire with technical and financial support from ILO/IPEC:

- 0. A producer/worker survey
 - 0. A community survey and
 - 0. A baseline producer survey
- (0) Within the producer/worker survey, 1,500 of 491,000 farms/producers/households were randomly selected from 250 villages throughout the country. The producers and workers of those households as well as local officials were interviewed, and nearly 12,000 individuals living in the 1,500 cocoa-producing households observed.
- (0) The communities were selected from the sample villages covered under the producer/worker studies. The community surveys involved discussions with local authorities and knowledgeable individuals and organizations familiar with the details of child labour in the area. Interviews and discussions were conducted with working children and other key informants (employers, parents, teachers, etc.) to establish what children do, how they were recruited, under which conditions they work, and to elicit suggestions for solutions. In total, the community survey was planned to involve 108 interviews with key informants, 22 focus group discussions and 25 visits to cocoa plantations to observe the working children and adults. One hundred and fourteen interviews were conducted in 15 villages from a total of 250 villages.
- (0) Finally, the baseline producer survey examined the wider issue concerning parameters of the cocoa and coffee systems in Côte d'Ivoire, Ghana, Nigeria and Cameroon. It aimed to be an integrated and holistic approach to link developments in research, extension, labour supply and utilization, market systems, information systems, grower and business support services and policy change across the tree crops commodities. The baseline survey in Côte d'Ivoire was based on a different sampling than the producer/worker survey, but also included some questions on child labour.¹⁸³ Roughly between 1,000 and 1,350 producers were interviewed per country.

A local, private research firm, called [REDACTED] undertook the Ivorian aspect of the study. At the beginning of 2002, eight research teams visited 250 villages in the cocoa zones of Côte d'Ivoire. A total of 1,620 people were surveyed. Only 17 children were interviewed for the Producer/Worker Survey and 27 for the Community Survey.

¹⁸³ ILO Briefing Notes, presented to Save the Children Canada, June, 2002

The results of the survey,¹⁸⁴ released to the public in August of 2002, were a mixed blessing for the chocolate industry. The survey estimated that family labour is the most used labour on cocoa farms. In Côte d'Ivoire, 604,500 children who work on cocoa farms have some family ties to the farmers, while only 12,000 children were estimated to have none. Fifty nine percent of 491,000 farmers were Ivorians and the rest were mostly Burkinabes; 29% of the 5120 children who are permanent, salaried workers reported that they are not free to leave the farms should they wish to, and 18% said they would require permission from their parents and/or intermediaries. However, none of the 44 children interviewed indicated being recruited by force and 6% of them said that they were not satisfied with their working conditions. All migrant children working in Côte d'Ivoire originated from outside the cocoa producing regions; 59% came from Burkina Faso, 29% were from the Yamassoukro-Bouake area and a few were from the Northern Ivorian groups. No young Malian workers were found in this category. The average annual wage of the salaried children is \$130 Cdn and the work week consists of 36 hours. Roughly one-third of school age children between six to 17 years who live on cocoa smallholdings have never attended school. The survey also identified large amounts of child work that involved the use of machetes, the application of pesticides and lifting of heavy loads as being particularly hazardous to children. The survey found 200,000 children use machetes to clear fields in cocoa farms and used pesticides for spraying crops.¹⁸⁵

The study recommended that the chocolate industry work with governments and independent and expert organizations, notably the ILO, to come up with solutions to counter child exploitation in the growing of cocoa in West Africa. The six major areas of work were identified as follows:

- “3 Rs” (rescue, removal and rehabilitation) Programs for children at risk
- Awareness raising to educate farmers on the law and appropriate working practices
- Reinforcing legal institutions and structures to protect child victims
- Building capacity in inspection, enforcement and intervention; and
- Improving conditions within local communities

After the release of the ITTA study, in September 2002, the ILO-IPEC released detail plans on its US\$6 million Program to Combat Hazardous and Exploitative Child Labour in Cocoa/Commercial Agriculture in West Africa (Côte d'Ivoire, Cameroon, Ghana, Guinea and Nigeria). The program, which will be implemented in several phases, has received funds for the first phase from the US Department of Labour (USDOL) and the Cocoa Global Issues Group. While recognizing the complexity of eradicating child labour in cocoa/agricultural sector in West Africa, a second immediate phase is already expected. However, there is at present no donor commitment for a second phase.

¹⁸⁴ While the survey looked at Cameroon, Ghana, Côte d'Ivoire and Nigeria, this paper will only provide findings for the Côte d'Ivoire.

¹⁸⁵ IITA, “Child Labour in the Cocoa Sector of West Africa: A Synthesis of findings in Cameroon, Ghana, Côte d'Ivoire, Nigeria and Cameroon.” USAID/USDOL/ILO, August, 2002 (see www.iita.org)

The project is divided into the following five components:

- Capacity Building
- Social Protection
- Child Labour Monitoring System
- Awareness Raising/Social Mobilization
- Knowledge and Information¹⁸⁶

The main aim of this project is to “prevent children from being recruited to work in cocoa and other sub-sectors of commercial agriculture under hazardous conditions and improving the work conditions and work environments of those of legal working age who are already involved.”¹⁸⁷ Overall direct and indirect beneficiaries are expected to be 79,700 West African children below the age of 18 years. Some 6000 children in Côte d’Ivoire aged below 13 years are direct beneficiaries.¹⁸⁸ They will be removed from child labour and other at risk children will be prevented from becoming involved in child labour through access to educational alternatives in 17 communities in Côte d’Ivoire. A total of 500 families in this West African project “will receive benefits of the direct action program (e.g., training, income generation, credit-loans) under the project or through linkages made by the project.”¹⁸⁹ A breakdown for Côte d’Ivoire is not provided. Some 40,000 children in Côte d’Ivoire aged 13 to 18 are indirect beneficiaries who “will be protected and/or prevented from entry into the labour sector through occupational safety and health outreach interventions (including literacy).”¹⁹⁰

8.b) The Results from the Canadian Government Study: Côte d’Ivoire

Following the results of the IITA, CIDA commissioned two consultants to go to the Côte d’Ivoire for a one week period to interview key stakeholders and report back on the policy directions for international development programming that could be taken to address the issue of child trafficking. Canada imported 35.9 million dollars of cocoa from the Côte d’Ivoire in 2001. Its confectionary business was worth roughly Cdn\$2 billion in 2001 with an annual 35% profit margin to the retailer and a 2-5% annual growth rate.¹⁹¹

The report indicated that cross-border child trafficking for work on cocoa farms was considerably decreasing and that the number of children considered to be working in hazardous conditions was low. Most of the data reported on was derived from the IITA study. The consultants noted that a more comprehensive study is required to assess the living and working conditions of children, a classification of the risks that the children face,

¹⁸⁶ West Africa Cocoa/Commercial Agriculture Programme to Combat Hazardous and Exploitative Child Labour.” ILO-IPEC, 26 September, 2002, p.12

¹⁸⁷ Ibid, p. 14

¹⁸⁸ Ibid p, 29

¹⁸⁹ Ibid

¹⁹⁰ Incidentally, WHO recently ranked Côte d’Ivoire’s health system as 137th out of 190 such systems in the world.

¹⁹¹ Major Canadian cocoa importers are [REDACTED]

and an analysis of the work recruitment processes of the children and the reasons they offer for remaining in Côte d'Ivoire.

Further, the report offered a map of the various key players in Côte d'Ivoire working on the issue and listed the activities they are undertaking to eliminate child trafficking and the worst forms of child labour on cocoa farms. Among the players listed are the USAID, USDOL, UNICEF, ILO, IOM, Save the Children Sweden and the Government of Côte d'Ivoire all of whom are involved in one way or another in protecting child rights in the country. The report also listed new initiatives undertaken by USAID and CIDA to support pilot assistance programs to small cocoa farmers and by Deutsche Gesellschaft für Technische Zusammenarbeit, the German Cooperation Organization (GTZ) to address child trafficking.

A series of policy recommendations was suggested, which included, involvement in international efforts that focus attention on child trafficking, prevention in terms of awareness and capacity building, support of alternative educational systems, emphasis on the worst forms of child labour, interventions encouraging the Ivorian Government to uphold and implement the UNCRC and the establishment of operational national interdepartmental committees to fight against child trafficking and advocate for the best interest of the child.¹⁹²

8.c) Response to the Harkin-Engle Cocoa Protocol Study Results: The Chocolate Industry

Media reports that followed the IITA survey largely indicated that the industry did not find that child trafficking was a huge problem in Côte d'Ivoire. Further, they reported that while child workers were found on cocoa farms, the numbers are not as large as it was first reported. This, despite the fact that most cocoa importers had already publicly admitted to the problem. A Dow Jones Newswire report, issued following the results of the survey, indicated that, "the global chocolate and cocoa industries...are completely exonerated."¹⁹³

The chocolate industry welcomed the results of the IITA study. [REDACTED] a spokesperson of the [REDACTED] noted, "It's the first ever done and it confirms the direction that we've been taking, such as promoting safe and responsible cocoa growing and trying to improve the well being of cocoa families."¹⁹⁴

[REDACTED] an American agricultural economist based in Cameroon who led the study for the IITA, said, "by and large, the cocoa industry didn't deserve the rap it got...Anyone that has lived in Africa knows kids help out on the farms...Everyone was pretty surprised when all the wild figures – 15,000 trafficked children – were being thrown around."¹⁹⁵

[REDACTED] President of [REDACTED] indicated that, "this

¹⁹² This report to CIDA was shared with the West African Program of Save the Children Canada. Save the Children Canada's Notes, September 2002.

¹⁹³ Enza Tedesco, "Slavery Survey Rebutts Rush To Judgment." Dow Jones Newswires, 7 August, 2002

¹⁹⁴ Ibid

¹⁹⁵ Norimitus Onishi, "African Numbers, Problem and Number Problems." New York Times, August 18, 2002

unprecedented study is an endorsement of many of the actions taken so far by the industry and its partners.”¹⁹⁶ [REDACTED] President of [REDACTED] [REDACTED] indicated that, “the association and all of its members condemn absolutely and completely any abuse of child labour practices in the growing of cocoa and the harvesting of cocoa.”¹⁹⁷ [REDACTED], the spokesperson for the [REDACTED] [REDACTED], noted that “While the amount of information contained in the survey is considerable, there can only be one conclusion: we must – and will – do everything we can to ensure that children are not harmed in the growing of cocoa. The cocoa industry shares with its partners an unwavering commitment to eradicate unacceptable practices from the cocoa fields.”¹⁹⁸ “Underlying the problem is a need for greater training for farmers and greater awareness of acceptable and unacceptable labour practices,” said [REDACTED] Executive Secretary [REDACTED].¹⁹⁹

The world’s top chocolate companies did not offer independent public comment on the immediate release of the IITA study results. All reactions to the results were left up to their confectionary associations. However, an unnamed cocoa dealer in US pointed out that, “It was reassuring to see that the incidence of slavery or any form of enforced labour is not prevalent. It is no surprise that children are working on farms; one laments the fact that they’re doing so in hazardous conditions, but (it’s) very much part of a cultural norm in Africa for children to use machetes to cut pods through the bush.”²⁰⁰ Another unnamed dealer noted, “Outside nations and outside companies cannot monitor everything within the borders of Côte d’Ivoire, being its own sovereign nation.”²⁰¹ A cocoa expert in the US put it another way,

The criticism over child labour in those countries is more a misinterpretation, a lack of understanding of the whole West African society, a lack of understanding of their values in addition to the fact that from the economic point of view there’s really not much else they can do.²⁰²

The overall response from the chocolate industry reflected the mood of the IITA itself, namely that child labour abuses on cocoa farms is totally unacceptable and that everything will be done to ensure that even those few offending farms will stop the exploitation of children.

¹⁹⁶ International Confectionary Press Release, “Moving Forward to Ensure Children are not Harmed in Growing Cocoa.” 15 January, 2003, www.international-confectionary.com

¹⁹⁷ CTV News, “Cocoa Made from the sweat of child labour: study.” August 1, 2002

¹⁹⁸ BCCCA, “Position Paper on Survey.” 29 July 2002. www.bccca.org.uk

¹⁹⁹ Kwasi Kpodo, “Child Labour: Cocoa Industry Plans To Educate West African Farmers.” Associated Press, Nov. 18, 2002

²⁰⁰ Enza Tedesco, “Slavery Survey Rebutts Rush To Judgment.” Dow Jones Newswires, 7 August, 2002

²⁰¹ Ibid

²⁰² Ibid

8.d) Questioning the Validity of the Protocol Study Results: Save the Children Canada

The IITA study does not conclusively prove that the worst forms of child labour and child trafficking are not endemic to the chocolate trade. It does not adopt a child centered approach and as such does not shed sufficient light on conditions in which children are submitted to work on cocoa farms in Côte d'Ivoire. The following is a list of problems that Save the Children Canada has identified with the IITA study results:²⁰³

1. The Producer/Workers Survey, which could have generated valuable information on child labour and child trafficking, was administered to only 17 child workers. The Community Survey only included the views of 27 children.
2. The survey estimated that a number of children were identified without close family ties to the farmers. Information from these children was not gathered. Instead farmers themselves provided data on these children. This is a real problem because farmers themselves are being held accountable for exploitative child labour conditions and are themselves the buyers of cheap child labour. While it is true that not all farmers engage in this practice, the study did not have a way of separating out the various groups of farmers. In having farmers be the key informants on child workers, the study compromised the accuracy and reliability of the data results in this regard. In fact, this point was confirmed by one of the study researchers to Save the Children Canada.²⁰⁴
3. The study only looks at children's pesticide and machete use. What are absent are psychological and physical abuses and exploitative living conditions under which children have to toil. If the study factored these aspects of children's work and considered them as indicators of abuse, the number of children found in hazardous conditions would be significantly higher.
4. Even though the study acknowledges the issue of migrant labour involved in cocoa producing, it offers no comprehensive look at child trafficking practices. Interviews were conducted in the village centres and not in the remote rural settings where farms are located and where children are often employed to work. Had the study included the phenomenon of child trafficking and the complicated network of middlemen used in transacting children for sale, the study might have wanted to interview children working in these remote settings. Further, the study would have also been expanded to include considerations of the child labour supplier countries, such as Mali and Burkina Faso and the children that have been repatriated from Côte d'Ivoire to Mali or Burkina Faso and/or intercepted and prevented from going into Côte d'Ivoire from Mali and Burkina Faso. These children are not only well known to Save the Children Canada, but also known to local governments (Mali, Côte d'Ivoire, Burkina Faso), UNICEF and the

²⁰³ [REDACTED] "Save the Children Canada's Response to the IITA 2002 survey result," Advocacy, Policy & Research, Save the Children Canada, August 2002

²⁰⁴ [REDACTED] Save the Children Canada, September, 2002

IOM. The Malian Government, for instance, has records of trafficked children names, the farms they had worked in and in some cases the traffickers' identifications. Had the study consulted these records, an accurate map of the transactional nature and scope of the problem of children in exploitative work conditions might have been obtained. Simply put, it did not understand the link between cross-border child trafficking and exploitative child labour.

0. The timing of the survey in Côte d'Ivoire was conducted outside of the peak season for harvesting cocoa. The study period in Côte d'Ivoire took place when children are generally transferred to other types of crops reaching their peaks from February to April. In fact, a month after the IITA study results were released to the public, on August 28, 2002, two bus loads carrying 50 to 60 children were transported from Mali into the Côte d'Ivoire. The traffickers had organized for dozens of motorcycles to meet the buses in an off road about 50 km inside of the Malian border. Upon arrival they intended to get the children off the buses and onto the motorcycles, which then would cross the border into Côte d'Ivoire through bush trails. Save the Children Canada Mali office was tipped off that the buses were crossing carrying unaccompanied children and reported the information to the Malian police. Three traffickers were arrested, one of whom was Ivorian; the other two were Malian. This incident would seem to indicate had the study been extended right into the harvest period in October, several more cases of trafficked children could have been identified.

Save the Children Canada believes that the IITA study results do not accurately reflect the incidences and practices of child labour and child trafficking on Ivorian cocoa farms. Although the researchers make a strong case for showing that child exploitation is not as pervasive as was thought to be, there are too many limitations in the design, development and implementing of the surveys to firmly justify this claim. In fact, Save the Children Canada's communication with the one of the researcher on the IITA study indicates that some of the researchers expressed unease in interviewing farmers about children's work. The British Broadcasting Corporation's Humphrey Hawksley's news report titled, "Meeting the Chocolate Slaves," released on June 13, 2002, a month before the IITA study results, clearly showed several child workers on cocoa farms within a 30 minute drive to Yamoussoukro. It also referenced the Malian Government's registry of hundreds of documented names of children who had been repatriated from Côte d'Ivoire to Mali. As well, the ILRF independent study undertaken in Côte d'Ivoire by a French-speaking researcher and released to the US Customs Service also showed that child trafficking and child labour are extensively used on cocoa farms.

The conditions under which Ivorian cocoa is grown, harvested, transported, exported, bought and sold are still very much conducive to the cheapest forms of labour. For instance, world cocoa prices are only profitable if farmers share in the value of the increase. Since this is not occurring, some farmers find they have little choice but to resort to the cheapest forms of labour. As land is becoming more costly for expansion of cocoa farms, a significant option to the farmers is saving on the cost of labour, either by exploiting family labour further or cutting the price of labour. Migrants are still very prominent part of the cocoa production, especially young migrants who are the cheapest forms. The well-

documented case of a labour trafficking system connecting Côte d'Ivoire to Mali and Burkina Faso means that any cocoa farmer interested in employing the cheapest forms of labour is likely to have the opportunity to do so.

As well, given the current terms of trade that Côte d'Ivoire is experiencing and the predictions that these will worsen due to current conflicts in the region, the use of cheap child labour does not appear to be a thing of the past. On the contrary, it promises to persist way into the future.

8.e) Limitations of the Harkin-Engle Cocoa Protocol: Structure and Design

Overall, the Harkin-Engle Cocoa Protocol's voluntary self-regulation of the chocolate industry addresses consumer countries' role in financing and facilitating cocoa suppliers in the rescue, removal and rehabilitation of child workers on cocoa farms, awareness building with growers on relevant legislation and structures protecting child workers, capacity building in terms of monitoring of cocoa production and development of local farming communities. It does not address the demand-side governance of the chocolate industry in the Northern countries, where chocolate is mostly consumed.

There are a number of significant limitations in the Protocol to effectively bring about concrete changes in child abusive practices on Ivorian cocoa farms in 2005. The chocolate industry-led Protocol appears to be a reactive response to campaigns, media reports, public concerns and calls for legislation. As such, it is inadequate alone to effectively address the complex problems of the worst forms of child labour and child trafficking on cocoa farms. Notwithstanding the various stakeholders that are signed witnesses to the protocol, multinational corporations cannot be left to privately regulate their conduct through voluntary initiatives. A multi-pronged, comprehensive and integrated approach is needed, where the cocoa protocol as presently constituted makes up one, albeit, important aspect.

The Protocol also suffers from a design problem in that it is based entirely on ILO 182, which addresses the worst forms of child labour, but does not address other relevant ILO Conventions and child trafficking. As stated earlier, ILO182 does not directly relate to trafficking because it deals with the nature of work, even though the final product of trafficking, which is the exploitation of the child, is addressed. Further, the ILO Conventions were never intended to apply to smallholder farms like Ivorian cocoa farms in which family labour, casual seasonal hired migrant labour and contract managers and sharecroppers are the norm. As well, the system of paying workers does not follow a wage scheme based on hours worked. Rather cocoa workers are often paid by the weight or the quality of the product collected. According to the USDOL study, "sometimes, a minimum amount [of product] is required before a worker is compensated."²⁰⁵ If the worker is a child, "they are not paid at all."²⁰⁶

²⁰⁵ US Department of Labour, "By the Sweat and Toil of Children Volume 11: The use of child labour in US agricultural imports and forced and bonded labour." 1995.

²⁰⁶ Ibid

The Protocol does not as yet specify that if the worst forms of child labour are discovered in the supply chain, what the penalties will be, to whom will they be leveled, who will enforce it, and what will happen to the children and to the farmers found using this form of labour. Questions of the displacement of child workers into other agricultural sectors are not addressed by the Protocol and no specific labour procedures essential in effectively addressing this issue are offered.

Experience has shown Save the Children Canada that children who receive psychological care, food, shelter and health care at Horon So still want and need to make money. When asked what they would need to better their lives, some children requested small businesses start-up support and a means to make a living that is safe and which can take them out of poverty. School (with flexible school hours) is one option for these repatriated and/or intercepted children. However, it is by no means the only option. The Protocol needs to factor room for these findings as well.

While the Protocol does not as yet offer details on certification, traceability and verification, [REDACTED] and [REDACTED] researchers from the Natural Research Institute, note that all current codes involved in labour practices and auditable standards,

Are based on Western auditing techniques – they typically involve long paper chains and require buyers to be able to identify from where and under what conditions the product was produced. Consequently, for reasons of cost, time and security, buyers adhering to these standards prefer to deal with a small number of large growers. Where they continue to source from smallholders, farmers' literacy levels often mean buyers have to do the administration themselves.²⁰⁷

Large Ivorian cocoa farms, however, are not the standard. Smallholder farms make up a vast majority of Ivorian cocoa farms and account for the bulk of cocoa production in that region. Even if the Protocol implementation results in building of large commercial co-operative cocoa farms, smallholder farmers will still persist given their sheer numbers and will make up an essential part of the Ivorian cocoa supply chain. Fair trade, which is aimed at smallholder farmers, has been left out of the Protocol.

The Protocol, though pointing to the necessity of monitoring farms for child labour abuses, does not indicate how the standards will be set, who will monitor them, what the breakdown of the penalties will be for each violation of a pre-set standard, or who in the supply chain, will bare the costs of monitoring the Protocol. Further, there are no provisions for preventing these costs from being passed on to the farmers. In fact, the Protocol does not insist that farmers need to be paid a higher price for the cocoa beans,

²⁰⁷ "Safeguarding the African Smallholders." Paper for Farmers' World Network, Natural Research Institute, Natural Resource and Ethical Trade Publications, University of Greenwich, 1999.

despite the fact that lower prices have been identified by a number of stakeholders as contributing to worst forms of child labour.

Voluntary public certification of the cocoa beans appears to be set up to address two main concerns, namely, the child workers' quality of life and consumers distaste for buying goods made by abusive child practices. Certification would require a significant change in the cocoa supply infrastructure and a huge financial investment in changing the relationship between growers, buyers, exporters, manufacturers and consumers to monitor for and inform about child responsible practices. A number of certification programs in the past have shown that they are not very effective in changing the quality of life of working children because of divergent standards and poor monitoring. In fact, studies undertaken by the ILO on certification of imported products show that it may not even change the labour participation of children.²⁰⁸ Regarding the concern of consumers, the Protocol does not call for nation wide consumer awareness on this issue and no process is built in to monitor whether or not consumers buying patterns will reflect the goals of the Protocol.

As well, the Protocol offers no flexibility in responding to current violations of child's rights abuses. It does not call for the chocolate industry to develop within its business model a need to find out how cocoa is picked, who it is picked by and under what conditions and how much is paid for it. While the Protocol does address the need to remove child labour abuses in the cocoa chain, it does not call for chocolate companies to uncover abuses themselves and publicize them.

Finally, the Protocol lacks a monitoring and evaluation body to oversee its implementation. A monitoring and evaluation body is required because there are no provisions within the Protocol to ensure that it would not lead to cancellation of cocoa bean orders due to a threat of boycotts. As well, it does not build a clause to ensure that the industry does not relocate to other countries if improving child labour conditions leads to costs increases locally. Further, there is no way of overseeing that the voluntary process is not used to undermine human and child rights regulation of the cocoa sector. Questions regarding the role of Northern industrialized governments in this Protocol are left unanswered.

9. CURRENT SITUATION IN CÔTE D'IVOIRE: CONFLICT AND COCOA²⁰⁹

One month after the publication of the IITA study, on September 18, 2002 a conflict broke out in Côte d'Ivoire between rebel groups and troops loyal to President Laurent Gbagbo claiming hundreds of lives and sending a number of migrant workers, many of

²⁰⁸ A case in point is the social labeling on child labour in the Indian carpet industry. See Alakh N. Sharma et al., "The Impact of Social Labeling on Child Labour in India's Carpet Industry." ILO/IPEC Working Paper, 78, 2000. www.ilo.org

²⁰⁹ Since the completion of this paper in April 2003, the situation in Côte d'Ivoire has gone through rapid changes from conflict to cease fire to peace agreements to the resumption of the conflict. This section captures the early reports on the conflict and does not provide a timeline of events to date on the conflict.

them cocoa workers, fleeing into neighboring countries. A UNHCR report issued on October 15, 2002 indicated that, “more than 2,000 Burkina Faso migrant workers were forced out of cocoa farms in Duekoue, located in western region of Côte d’Ivoire. At least 10 had died and the rest have taken refuge in a local Roman Catholic mission. Another 4,500 Burkinabe nationals who are seeking refuge in Doukoue are in fear and have asked to return to their home country.”²¹⁰ This conflict has not only disrupted the lives of cocoa farmers, a substantial amount of them migrant workers from Burkina Faso, but has also affected the supply of cocoa beans by creating severe shortages and sending prices soaring to their highest levels in 17 years. In November 2002 cocoa traded at about US\$2,377 a ton, which is up by 50% from the same time last year.²¹¹

Some chocolate manufacturers and commodity traders are beneficiaries of these price increases. American candy makers [REDACTED] have already announced a 10% price hike. One British trader who heads a London company called [REDACTED] [REDACTED] made US\$90 million on 200,000 tons of cocoa bought when prices were low just prior to the conflict breaking out. According to the British trader “soaring cocoa prices was more a result of market fundamentals.”²¹² This view is reflected by a cocoa analyst with [REDACTED] in London, “child labour is not the bottom-line issue confronting the industry. For two years consumption of cocoa has outpaced production, and the forecasts for the coming year are for a third deficit...But the industry, the users, didn’t really believe that the cocoa market was going up and waited a long time. They did not take cover.”²¹³

Among the people most negatively impacted by price hikes, are the cocoa grinders, the farmers and children. Cocoa grinders who buy the raw beans and grind them into cocoa powder and/or butter have to pay buyers the high price. However, they cannot expect to be paid an equivalent high price for the processed product because the chocolate makers they supply may not pay more for the product. They are caught between the exporters of cocoa beans and the chocolate makers.

Since the conflict is taking place in most of the cocoa growing regions of Côte d’Ivoire, farmers are unable to get to their farms to harvest their crops and share in the higher prices. As one farmer put it, “I’ve heard that prices of commodities are going up. We haven’t had good news like that for a while. But now, when we could take advantage of it, we are blocked by a war that is none of our business.”²¹⁴ Adding to this, the ICCO noted that the war compounds the inability of the farmers who are “mostly illiterate and ill-equipped to negotiate with hard bargaining commodity buyers.”²¹⁵ In fact, the impacts on farmers were most felt when cocoa exporters turned to other cocoa growers

²¹⁰ Labour News, “Urgent Actions for Cocoa Workers in Cote d’Ivoire.” December, 2, 2002.

www.labourrights.org

²¹¹ “Côte d’Ivoire war hurts cocoa growers and adds to fortunes.” International Herald Tribune, November 1, 2002.

²¹² Ibid

²¹³ Ibid

²¹⁴ Ibid

²¹⁵ Ibid

in the regions of Ghana and Cameroon, to buy their cocoa. The withdrawal of a number of international NGOs from Côte d'Ivoire also impacted on small subsistence farmers who lobbied to get them there to develop their communities, improve local schools and prevent diseases. The fighting has also caused the relocation to Ghana of an US\$6 million ILO project set up under the cocoa protocol to chart and begin to eradicate abuses of child labour in the region. As well, since the conflict, the African Development Bank decided to relocate its operations temporarily to Tunis.

No mention is made in media accounts on the plight of children working on cocoa farms. Given that farmers are unable to get to their crops and are caught in the middle of the conflict, children lives are also affected. Save the Children report on the current conflict indicates that the fighting has separated children from their families. Many of these children have no access to food and basic health services. Education has been disrupted. Some of them have been recruited into the fighting.²¹⁶

While prices for cocoa still remain relatively high and the feuding groups have once again signed a peace treaty, cocoa farmers, local populations and the international community have not heard much about the plans to support farmers and child workers through the aftermath of this halt to the conflict, provisional as it currently seems. Some chocolate companies have recently realized that without farmers being paid higher prices for their product, the supply of cocoa may never meet world demand. As one European cocoa industry executive put it, "it is somewhat ironic that while European and American agriculture is protected, we should argue to developing countries that they should be fully exposed to the vagaries of the market."²¹⁷ This being said, no chocolate companies offered assistance to farmers and child workers.

10. PROTECTING CHILDRENS' RIGHTS IN THE CHOCOLATE TRADE

The worst forms of child labour and child trafficking are perhaps the most controversial issues threatening an industry's reputation. The chocolate industry has already experienced the mass mobilizations of NGOs, the media, key government players, various UN bodies and international financial institutions in pushing them to address and resolve child abusive practices in the production of cocoa and the manufacturing of chocolate. In taking up these issues and developing the Protocol, the chocolate industry has acknowledged that a violation of child rights will not be tolerated by any segment of the population, least of all chocolate consumers.

Consumers across the globe have already indicated their purchase preferences are dependent on a company's business ethics. For example, the first global survey of its kind, titled the Millennium Poll on Corporate Social Responsibility,²¹⁸ found that out of

²¹⁶ Save the Children UK, "Conflict and displacement in the Côte d'Ivoire." Briefing notes, Emergency Section, 2003

²¹⁷ "Côte d'Ivoire Civil War Boosts Cocoa Prices." Pioneer Press, October 31, 2002

²¹⁸ This global study was co-sponsored by [REDACTED] and conducted by [REDACTED] in collaboration with the [REDACTED] [REDACTED] London, and [REDACTED] New York. The survey was directed to a representative

22,000 consumers interviewed in 21 countries, 40% responded negatively to actions by a company perceived as not socially responsible; half of this number (one in five worldwide) reported avoiding the company's product or speaking out to others against it. Almost 6 in 10 of the consumers surveyed said they form their impression of a company based upon labour practices, business ethics, responsibility to society at large, or environmental impacts. These results are consistent with a US survey sponsored by [REDACTED] and the [REDACTED]²¹⁹ which found that a surprising number of consumers said they act on their feelings about companies at the cash register. These numbers are also reflected in a recent [REDACTED] study undertaken in Canada. The Canadian study found that 44% of those polled said that they have boycotted a corporation, product or service because of concerns about their ethics. Only 14% said that, "a lot of the products I buy are made by corporations I don't respect;" 65% disagreed that they "have never given a second thought as to whether the corporation I buy good and services from are good corporate citizens."²²⁰ [REDACTED] of [REDACTED], in commenting on the global consumer survey, notes,

One of the most intriguing results of the survey...is that while companies are paying increasing attention to their reputations and the field of social responsibility, the average consumer is skeptical that corporations are a source of leadership for solving human rights, environmental and corruption problems.²²¹

Consumers in the Millennium poll rated governments, and non-governmental organizations four times more likely than businesses as problem solvers.²²²

Save the Children Canada has come up with a number of recommendations targeted to International Financial Institutions, World Trade Organization and Governments to protect children's rights in the chocolate industry. These recommendations need to be considered and a plan of action developed to overcome the century long tendency of employing the cheapest forms of labour in chocolate production. The need for this plan stems from enforcement absence in the protocol, limits to voluntary certification and lack of credible information about corporate performance on child rights. Canada, like the rest of the Northern countries, needs to re-group on the public policy question of strengthening its role in mandating corporate accountability and managing information about corporate performance in relation to these issues. In 1998, the Standing Senate Committee on Foreign Affairs and International Trade recommended that the Canadian Government go further than simply facilitating human right code development:

Laws should be promulgated (a) conditioning government procurement on adherence by firms to...core labour rights in their

sample of at least 22,000 individuals and opinion leaders in 21 countries on all continents. September 1999. [REDACTED]

²¹⁹ Millennium Study. 1999 [REDACTED]

²²⁰ In "Promoting Corporate Citizenship in the Global Village." Volume 1, issue 8, topic 4, April 2002

²²¹ Millennium Study. 1999 [REDACTED]

²²² Ibid

overseas operations; (b) conditioning financial and investment support contributions by government agencies, including the [REDACTED] and CIDA...on adherence by firms to...core labour rights in their overseas operations; and (c) requiring that adherence to these (standards) be assessed with reference to independently audited reports.²²³

Canada can follow-up on this recommendation and take the lead by calling a round table with all key stakeholders and designing a multi-lateral co-operative action plan to be widely distributed nationally and internationally.

11. A PROPOSAL FOR CHILD LABOUR MONITORING ON IVORIAN COCOA FARMS

Given that the WTO has acknowledged that some forms of child labour are occupational hazards and should be regarded as a health risk, and the IITA study has indicated that currently 200,000 children work in hazardous conditions on Ivorian cocoa farms, Save the Children Canada calls for

- e) The ILO to collaborate with the UN Committee on the Rights of the Child and the WHO²²⁴ to assist in the Protocol process and set standards on what constitutes unacceptable risks for children who work on cocoa farms, and,
- e) The ILO, WHO and UN Committee on the Rights of the Child to examine and monitor the health of child workers.

The UN Committee on the Rights of the Child could request that Côte d'Ivoire include in its next country reports a monitoring of child labour conditions in the agricultural sector. The WHO could request that Côte d'Ivoire undertake annual medicals of children in the agricultural sector and have these reports feed into the ILO reports on progress made in the Protocol process in eliminating the worst forms of child labour on cocoa farms. While the monitoring of farms could continue to take place, child workers health reports could provide fairly accurate pictures of the conditions in which they work.

12. GOVERNANCE OF THE GLOBAL COCOA CHAIN: Key Recommendations

As mentioned in the beginning of this paper, Côte d'Ivoire is by no means the only cocoa producing country facing challenges of child rights abuses in its agricultural sector. We have focused on Côte d'Ivoire to illustrate the complex relations of global trade, development and children's well-being in the cocoa and chocolate industry.

²²³ In Warren Allmand, "The Need for Human Rights Sensitivity at the World Trade Organization," a Brief to the Canadian Standing Committee on Foreign Affairs and International Trade, March 24, 1999

²²⁴ In particular the WHO Department of Child and Adolescent Health and Development which is for interventions concerning health, growth, and development for the age group of 0-19 years.

Only governments have the ability to convene all stakeholders in efforts to define human development goals and design policies to promote social good. They also have the ability to strengthen and manage information flow required to effectively accomplish these ends. While non-governmental organizations and corporations play key roles in generating this information, neither of them can ensure agreements are carried through and dialogue and information exchanges are credible and have the widest scope. Since governments are “conveners, trainers, consumers and investors,”²²⁵ in the context of the chocolate trade, they can use this leverage to bring about real change in the lives of children through the participation of children in determining what that real change would be. Voluntary initiatives toward building sustainable futures that are driven either by social pressure or market logic make limited sense if government policy directives do not drive them.

Save the Children Canada’s vision for the chocolate industry that operates in the best interest of all children calls for action in four main areas. Key actions to be taken by International Financial Institutions and Governments are listed after the four areas have been identified.

1. Good governance and sound investment model that links economic wealth of Northern consuming nations and their corporations to well-being of Southern supplier nations and their working populations

Market liberalization of the Ivorian cocoa sector did not bring about the much-needed changes to socio-economic well-being of the Ivorian people. Instead, as the paper has argued, it created serious vulnerabilities in the supplier country on demand and supply trends of global markets and competing confectionary expansions which had a serious negative impact on local farmers and workers, and ultimately, on an economy. ECOWAS and IOM have indicated that the free circulation of goods and people that market liberalization encouraged has resulted in the illegal trade in the cheapest forms of bonded and forced labour in the region. Some chocolate companies have also recently voiced concerns about market liberalization’s impact on Ivorian cocoa production volatility and the further impact on prices paid to cocoa farmers.²²⁶

2. Child rights oriented trading system

To protect children is to protect the continued viability and credibility of international trade. As this paper has illustrated in following the cocoa production in the Côte d’Ivoire through its conversion into chocolate in Europe and North America for global sale, the line that separate the Northern developed nations from the Southern developing ones are completely artificial. A violation of child rights in the production

²²⁵ Natural Heritage Institute, Nautilus Institute for Security and Sustainable Development and Human Rights Advocate, “Beyond Good Deeds: Case Studies and a New Policy Agenda for Corporate Accountability.” P.173, July, 2002

²²⁶ [REDACTED] for example has spoken out against low prices paid to farmers; indicating that they are not only “bad for farmers, but also bad for [REDACTED] business.” [REDACTED] website/procurement policy section

of goods in the Southern Countries has a direct impact on building sustainable world trade. The worst forms of child labour, including child labour in the informal sectors, cannot be eliminated only through financial aid, voluntary systems or codes of compliance and unregulated market transactions, but requires the legislative involvement of governments, the active buy-in of the corporate sector and an international system of enforceable regulation. It makes little sense to accuse Côte d'Ivoire of abusing the worst forms of child labour in cocoa farms if violations occur in Ivorian based companies in the global supply chain such as [REDACTED] and/or [REDACTED]

3. Worldwide “conscious consumption” campaigns

The flipside of the argument for corporate led globalization is the argument for worldwide conscious consumption where consumers are increasingly using our purchase buying power to determine which companies are ethical global citizens and those that are not. Equipped with understanding that boycotts are not the answer to rights violations as they further hurt the very people whose rights are being violated, consumers are demanding more transparency from corporations. To a large extent the Internet and NGOs have made it impossible for companies to continue to employ the “out of sight, out of mind” approach to low-cost offshore production. In today’s world, if a company is going to use the worst forms of child labour, everyone will learn about it. In fact, world consumers are not waiting for governments to act and are not as easily buy into public relations messages and/or media interpretations of a company’s practice. There is a new social consciousness emerging where the consumer is skeptical of corporate power, has higher expectations for global industry and is demanding more of what is considered to be ethical products and services. As noted in the paper, the first global study, Millennium Poll on Corporate Social Responsibility, conclusively showed that ‘almost six in 10 of the consumers surveyed said they form their impression of a company based upon labour practices, business ethics, responsibility to society at large, or environmental impacts.’

4. Establishment of an independent monitoring and evaluation body to the Harkin-Engle Cocoa Protocol

The Harkin-Engle Cocoa Protocol calls for compliance with ILO 182. However, the ILO only has limited authority to review compliance with standards unless the country in question has ratified the relevant conventions. As this paper has indicated, Côte d'Ivoire has only very recently ratified ILO 182. Côte d'Ivoire has ratified the UN Convention of the Rights of the Child and article 32 of this convention clearly states that children need to be protected from economic exploitation. The Protocol presents problems of compliance based on its voluntary status.

As stated by the Government of Canada in March 1998 on the general discussions on voluntary industry code development,

While codes are voluntary – firms are not legislatively required to develop or adhere to them – the term “voluntary” is something of a misnomer. Voluntary codes are usually a response to the real perceived threat of a new law, regulation or trade sanctions, competitive pressures or opportunities, or consumer and other market or public pressures...Once the code is in place, the initial pressure that led to its creation may dissipate, which could cause adherents to taper off.²²⁷

This paper has indicated that there are a number of significant other limitations in the Protocol to effectively bring about concrete changes in child abusive practices on Ivorian cocoa farms by 2005. Notwithstanding the various stakeholders, the chocolate industry, NGOs and governments, that are signed witnesses to the Protocol, multinational corporations cannot be left to regulate their conduct through voluntary initiatives. There needs to be an external monitoring body to ensure that the Protocol is expanded upon and meets its current objectives of eliminating the worst forms of child labour. In fact, the need for this body can be evidenced in the aftermath of the IITA study release where no Protocol witness publicly criticized the limitations of the study and the serious problems with its methodology. As well, the need can also be seen in the current conflict in Côte d’Ivoire where no Protocol witness has indicated the chocolate industry response to the civil unrest and its impact on child workers.

12.a) Key Actions To Be Taken

- 1) Go beyond “voluntary” or “self-regulation” of corporate accountability to develop global enforceable laws for corporate accountability.**

Recommendations

- a. WTO, World Bank and IMF to set up an enforceable child rights regulatory standards body made up of the ILO, WHO and the UN Committee on the Rights of the Child.
 - i. Make all voluntary codes of compliance on child protection issues mandatory
 - ii. Call for changes in national laws that accord corporations their legal status to reflect child protection. Ensure regular third party reporting and monitoring on standards
 - iii. Design a global product location classification system on child labour and provide easy access to this information using the current coded bar system to trace price of product and serial classification.

²²⁷ Government of Canada, “Voluntary Codes: A Guide for their Development and Use,” March 1998, pp.8-9

- b. Governments to develop globally consistent national laws and public policy on corporate accountability and governance and with corporations, non-governmental organizations, experts and researchers and to hold inter-regional governmental meetings to assess impacts on children's well-being and sustainable developments goals. The impact assessments would go beyond a single industry to an assessment of industries in geographic region.
- i. Provide training on conducting multi-stakeholder dialogues and setting cost-effective corporate social responsibility objectives with good auditing, management and reporting systems
 - ii. Work with corporations to clearly identify corporate activities that violate child rights
 - iii. Insist that corporations create a formal Supply Management System to review suppliers child rights impacts and mainstream this information in the company to enable judgment of strategic partners
 - iv. Have corporations disclose all relevant information required by an investor in making a sound investment decision on a company, including countries of operations, plant level status of operations, corporate political contributions and lobbying activities, data on unionized status of workers, data on compliance of labour rights, health and safety, anti-bribery, anti-discrimination laws, pension fund investments and so forth
 - v. Have corporations agree to a third party verification system of a company's performance
 - vi. Encourage corporations to provide information on the correlations between improving child rights performance of a company and higher shareholder value and stock returns of that company when it occurs
 - vii. Provide incentives to corporations that have taken a active role in ensuring the protection of children in their supply chain
 - viii. Introduce fines for corporations violating child rights and offer a short window (no more than 365 days) to self-correct. Use the proceeds from fines to assist governments in the offending country to protect children and address enforcement problems.
 - ix. Protect consumers from false advertising of a company's corporate social responsibility performance, including child rights performance
 - x. Make verifiable information on a company's corporate social responsibility performance public and easily accessible

2) Greater profits for small agricultural producers in the global supply chain and protection from price volatility

Recommendations

- a.** WTO, World Bank and IMF to determine a decent income range for agricultural farmers, including small holder farmers, above the cost of production
 - i. Improve the economic conditions of developing nations to reduce the comparative advantage of these countries in providing inexpensive labour.
 - ii. Establish a global fund for farmers particularly vulnerable to commodity price fluctuations
 - iii. Ensure that financing criteria for rural and agricultural development projects will include fair prices to farmers and fair working conditions to workers
 - iv. Reduce the debt burden of developing countries, particularly those countries that suffer reduced export revenues due to wide commodity price fluctuations and who have long contributed and continue to contribute raw materials for manufacturing products for sale in developed countries.

- b.** Northern governments to collaborate with regional southern governments producing similar agricultural commodities to ensure that corporations will not play producer countries against each other in seeking to lower costs and will not pull out of countries with higher profit sharing standards to those with less stringent ones.
 - iv. Southern governments to implement national anti-competitive trading practices
 - v. Encourage corporations to equip smallholder farmers with technology and training for receiving daily price forecast in a timely manner
 - vi. Lobby for processing of raw agricultural products to occur in the regions they are produced
 - vii. Help develop local markets for manufactured products and remove all unfair tariffs on imports
 - viii. Support farmers that experience negative impacts on sale of products due to price fluctuations in the commodity markets
 - ix. With NGOs, build co-operative farming outfits and ensure codes of conduct that facilitate sustainable development goals

3) Develop fairer trade products and worldwide conscious consumption campaigns

Recommendations

- a. WTO, World Bank and the IMF to encourage democratic alternatives to top-down economic globalization and to operate in line with ethical trading rules.
 - i. Oppose the power of multinationals to control economies and undermine democratic governments
 - ii. Change the conventional business wisdom that indicates that there are only two ways to achieve comparative advantage: a) offering product or services at low cost and/or b) offering product or service that is superior or distinctive from the competition.
 - iii. Launch world wide conscious consumption campaigns which protect social sustainability development goals
 - iv. Call upon governments to support fairer trade products and to facilitate their easy entry into countries
- b. Governments to insist on democratic procedures for world trade and make all trade fair
 - iv. Strengthen laws calling for the monitoring of child labour practices in the product supply chain
 - v. Encourage businesses to adopt fairer trade and ethical investment as models of sound business practices and sustainable development goals
 - vi. Assist NGOs in increasing the volume of fairer trade
 - vii. Raise consumer awareness about fairer trade and ethical investment
 - viii. Support advocacy efforts that call for conscious consumption

4) Establish an independent monitoring and evaluation body to the Harkin-Engle Protocol

Recommendations

- a. WTO, World Bank and the IMF to call for an independent monitoring and evaluation body to this protocol and to do so in line with their obligation to ensure and promote trade that “protects public morals, human life and health.”²²⁸
 - i. Encourage a monitoring body to be formed comprised of governments that are not party to the Protocol and who have a good record of

²²⁸ GATT Article XX of the WTO

maintaining human and child rights, the WHO, the UN Committee on the Rights of the Child, fair trade organizations, and NGOs working with child labour issues

- ii. Facilitate the close working of the ILO and WHO on the Protocol
 - iii. Insist that children working on cocoa farms be given annual mandatory medicals, have this data fed into the monitoring body and factor it when considering child labour conditions on cocoa farms
- b. Governments to work with the chocolate industry to recognize that an independent monitoring and evaluation body to the Protocol is in the long-term interest of the industry
- iii. Commit to long-term funding for the elimination of the worst forms of child labour and trafficking on cocoa farms
 - iv. Indicate to the chocolate industry and the ILO that children's health status on cocoa farms can be monitored by administering annual medicals to child cocoa workers
 - v. Have the chocolate industry commit to income generation programs for children and their families in the cocoa sector; recognizing migrant/local children's interest in making an income
 - vi. Call for and support the immediate implementation of advocacy campaigns for the removal of the worst forms of child labour on cocoa farms
 - vii. Encourage direct communications between chocolate companies and their consumers on the question of child labour on cocoa farms
 - viii. Re-evaluate the timelines of the Harkin-Engle Cocoa Protocol in light of the current conflict in Côte d'Ivoire and findings of the IITA study

5) Protect child workers and child victims of trafficking

Recommendations

- a. WTO, World Bank and the IMF to call for universal ratification, implementation and monitoring of ILO 182 and 184, the UN Convention on Migratory Workers and their Families, the UNTOC and the IOM Convention Against Trafficking. Call for the full implementation and monitoring of the UNCRC
 - i. Offer children the maximum protection in all matters to do with trade, development and migration and help developing countries to design socio-economic plans for the sustainable future of their children

- ii. Ensure that developed countries and multinational corporations contribute to building flexible schools for working children with relevant curriculum to their lives
 - . Create a global fund for child victims of hazardous work and trafficking
- c. Governments to take measures to counteract the worst forms of child labour and child trafficking and to ensure the rights of working children
 - . Ratify ILO 182 and 184, the UNTOCs and the UN Convention on Migratory Workers and their Families
 - . Introduce independent anti-child trafficking legislation, including victim protection, sharing information on trafficking with other governments and ensuring that immigration officers are fully aware of the problem.
 - . Crime control and immigration officers to be fully trained on child rights and protection issues
 - . Grant child victims of trafficking immediate legal and social protection including visas, and access to child welfare services, education and health services
 - . Support safe houses and transit centers for the rehabilitation of child victims of trafficking
 - . Ensure that child victims of trafficking not be returned to their country of origin without assessment of the family context, and the risk they face in being re-trafficked
 - . Fully implement ILO 182 and monitor both formal and informal sectors where children work
 - . Call for the rights of working children, including equal pay for equal value of work, fair working conditions and a right to education received in flexible schools.
 - . Remove the hazard from children's work
 - . Ensure the full implementation of UNCRC
 - . Call for the reduction of debt burden of developing countries

13. Conclusion

In this paper, Save the Children Canada has outlined the evidence of the worst forms of child labour and child trafficking in the Ivorian cocoa trade, followed the progression of events leading to the Harkin-Engle Cocoa Protocol and evaluated the interventions made by governments and companies to protect children in the production and manufacturing of chocolate. If building an international trading system is meant to improve the lives of children, then the world needs to recognize the primacy of child rights law over trade regimes.

Canada has been in the forefront of putting children high on the global agenda and was one of the first countries to ratify the UNCRC in 1991. It has maintained its profile as a

champion for the rights of children internationally and has taken measures federally, provincially and in the territories to implement the UNCRC. It played a leading role in designing the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction (also known as the Ottawa Treaty to Ban Landmines) and getting 122 countries to ratify it. Canada was also the first State to sign the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict. It played a leading role in the UN General Assembly Special Session on Children in 2002 highlighting among other things, the need and right of child participation in decisions affecting their well-being. At the G8 Africa meetings, Canada echoed its message of the role children need to play in the New Partnership Plan for Africa's Development. On April 4, 2003, it hosted an expert discussion on children's rights in Canadian foreign policy. In spite of major achievements and commitment to child rights, Canada still faces the challenge of addressing the rights of working children and designing public policy on the question of the worst forms of child labour in the agricultural sector.

Save the Children Canada calls upon that the Canadian government to convene a roundtable in Ottawa with government officials, NGOs and the chocolate industry to discuss a Canadian response to the growing problem of the worst forms of child labour and child trafficking in Ivorian cocoa farms. We recommend that the Canadian Government take the lead in calling for the establishment of an independent monitoring and evaluation body for the implementation of the Harkin-Engle Cocoa Protocol, with key roles given to the WHO and UN Committee on Rights of the Child.

“The fact is that in today's connected world, there is no hiding place for poor corporate citizens - and no excuse for poor corporate citizenship. Whether it is labour practices, environmental habits or human rights, companies today must be concerned about their global reputations because their actions can quickly become globally known. The Internet is both the great advertiser and the great tattler - it can open doors faster than you would believe. But it can also close them faster than you'd imagine.”

Pierre Pettigrew

International Trade Minister, Canada

February 2001

To look into some aspects of the future, we do not need projections by supercomputers. Much of the next millennium can be seen in how we care for our children today. Tomorrow's world may be influenced by science and technology, but more than anything, it is already taking shape in the bodies and minds of our children.”

Kofi Annan,

Secretary-General of the United Nations

February 2003

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