



Statement on Industry Protocol Regarding the Use of Child Labor in West African Cocoa Farms

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Recent news reports have unveiled stories about boys tricked or sold into slavery, some as young as nine years old, to work on cocoa plantations in Cote d'Ivoire. The International Labor Organization (ILO) and the US State Department have independently confirmed the child labor problem in that region with documented reports and statistics. The ILO estimates there are 378,000 children working in Cote d'Ivoire in diverse sectors of the economy. On cocoa, coffee and cotton farms alone, the State Department estimates there are 15,000 child laborers. Cote d'Ivoire is the largest exporter of the world's cocoa beans, providing 43% of the world's supply. The US imports the majority of these cocoa beans, for use in chocolate candy, marketed by such top brands as M&M/Mars and Hershey. It is estimated that the US spends \$13 billion a year on chocolate.

The chocolate industry has acknowledged that child slaves are harvesting cocoa in Cote d'Ivoire. In response, the industry proposed what is now commonly referred to as the Harkin-Engle Protocol. The Protocol calls for the development of industry-wide labor standards, and ultimately a voluntary-based system of corporate reporting, monitoring, and certification. It also provides for the creation of an industry-funded foundation that will oversee specific programs directed at alleviating child labor in the cocoa industry.

As a member of the Child Labor Coalition (CLC), the International Labor Rights Fund (ILRF) supports the CLC's efforts to end the exploitative use of children in cocoa harvesting by working with the industry initiative. However, ILRF believes that the initiative, as currently defined pursuant to the industry's Protocol, Joint Statement, and Memorandum of Cooperation, is inadequate alone to effectively address the complex problem of child labor in the cocoa sector. A comprehensive and integrated approach is needed to address the problem of child labor. Multinational corporations cannot be left to privately regulate their conduct through voluntary initiatives.

In addition to the inherent problems plagued by any industry-led initiative, the Protocol suffers from some flaws in design. While the industry specifically addresses the worst forms of child labor under ILO Convention 182 and forced labor under ILO Convention 29, it has not specified ILO Convention 138 on minimum age. Nor has it specifically identified other core labor rights that are essential to ending the use of child labor. The industry initiative also does not call for concrete steps to ensure that farmers get a fair price for their product, which significantly impacts the use of child labor, as farmers are forced to reduce production costs and rely on the "cheap" labor of children.

There must be a multi-pronged approach to solve the problem of child labor globally. In the context of the cocoa industry, ILRF calls for strict and immediate enforcement of the existing US legislation on child labor. Currently, there is a US law which prohibits the importation of products made with "forced or indentured child labor" under Section 307 of the Tariff Act of 1930, 19 U.S.C. § 1307 (1997). The US government should apply this law. In addition, a system of mandatory reporting, monitoring and certification through a national and international framework of laws is necessary to end the exploitation of children. Cote d'Ivoire is bound by its commitments to ILO core conventions and should take steps to implement those commitments. Finally, policies imposed by international financial institutions have weakened the price structure in this industry and contributed to the problem; therefore the World Bank/IMF are obligated to contribute to a solution.

While the participation of the industry is necessary in the process of eradicating child labor, the industry-led initiative has resulted in a privatized mechanism without binding and enforceable labor rights. Privatized self-regulation may serve well in various contexts, but when it comes to child labor, we must demand more.