
CHILD LABOUR ON COCOA FARMS IN CÔTE D'IVOIRE

The responsibility of chocolate companies in comparison to the government of Côte d'Ivoire in reducing (the worst forms of) child labour on cocoa farms.



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LIST OF ABBREVIATIONS

ACRWC	African Charter on the Rights and Welfare of the Child
CCC	Conseil Café Cacao
CIM	Committee for the Fight against Trafficking, Exploitation and Child Labour
CLMRS	Child Labour Monitoring and Remediation System
CNS	Côte d'Ivoire's National Surveillance System
CSDDD	Corporate Sustainability Due Diligence
CSR	Corporate social responsibility
CSRD	the Corporate Sustainability Reporting Directive
DEVCO	Directorate-General International Cooperation and Development
ICI	International Cocoa Initiative
ILO	International Labour Organisation
LID	Living Income Differential
MNE Declaration	the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy
NGO	Non-Governmental Organisation
PAN-PFTE	National Plan of Action to Combat the Worst Forms of Child Labour
PPP	Public Private Partnership
QDA	Qualitative Document Analysis
RBC	Responsible business conduct
SDG	Sustainable Development Goal
SOSTECI	Système d'Observation et de Suivi du Travail des Enfants en Côte d'Ivoire
UN	United Nations
WFCL	Worst Forms of Child Labour
WUR	Wageningen University and Research

ABSTRACT

Child labour is still widespread in the cocoa industry in Côte d'Ivoire. Despite cocoa beans being the number one export product for Côte d'Ivoire, most cocoa farmers do not earn a living income and still live in extreme poverty. It is estimated that in the cocoa industry in Côte d'Ivoire and Ghana together, approximately 1.56 million children are working on cocoa farms. There has been a shift in power from governments to companies, which raises questions about which party should take responsibility for which aspects regarding human rights. This study aims to investigate the scope of the responsibility of chocolate companies in comparison to the government of Côte d'Ivoire in the reduction of the worst forms of child labour on cocoa farms in Côte d'Ivoire. This qualitative research consists of a law and document analysis that provides the legal framework on child labour and the responsibilities of chocolate companies in comparison to the State of Côte d'Ivoire. Furthermore, semi-structured interviews have been conducted with different parties that are involved in the elimination of child labour in the cocoa industry. The UN Guiding Principles on Business and Human Rights state that the responsibility of the State is to 'respect, protect and fulfil human rights and fundamental freedoms', whereas the responsibility of companies is to 'comply with all applicable laws and respect human rights'. This MSc thesis has found that current interventions are insufficient and only cover a small percentage of the cocoa farmers. Law enforcement remains weak, while the industry is reluctant to pay a higher price for their cocoa beans.

Key words: Corporate responsibility, Human rights, Worst Forms of Child Labour, Business Code of Conduct, Côte d'Ivoire, Cocoa Industry, Chocolate Company, Sustainability.

CHAPTER 1. INTRODUCTION

This research examines the scope of the responsibility of chocolate companies in comparison to the government of Côte d'Ivoire for the advancement of child rights with regards to the worst forms of child labour (WFCL) on cocoa farms in Côte d'Ivoire. The legal definition of the WFCL described in chapter 4 of this research paper. Chocolate companies will be defined in this research paper as the final manufacturers of chocolate and chocolate products.

1.1 BACKGROUND

It was estimated by the International Labour Organisation (hereinafter referred to as ILO) in 2017 that 9.6% of children between 5-17 years old in the world are performing child labour.¹ In 2021, the same percentage was reported.² In Africa, this number is far higher for children in this age category, namely 21.6% in 2020 compared to 19.6% in 2017. About 85.1% of the child labour in Sub-Saharan Africa takes place in the agricultural sector.³ In 2022, it was estimated that 60% of the children working in agriculture as younger than 12 years old. Even though the levels of awareness and commitment have never been higher, child labour has increased since 2012.⁴ Certain supply chains, such as the cocoa supply chain, have had more intensive media coverage exposing child labour. Consequently, more research has been done in these supply chains.⁵

Around 70% of the world's cocoa beans are produced in West Africa.⁶ Côte d'Ivoire and Ghana are the largest producers, and are respectively responsible for about 40% and 20% of the world cocoa production.⁷ For Côte d'Ivoire, cocoa beans are their number one export product.⁸

¹ ILO, '*Regional brief for Africa: 2017 global estimates of modern slavery and child labour*', (2017), Geneva.

² ILO and UNICEF, '*Child Labour Global Estimates 2020, Trends and the Road Forward*', (2021), New York.

³ ILO, '*Regional brief for Africa: 2017 global estimates of modern slavery and child labour*', (2017), Geneva.

ILO and UNICEF, '*Child Labour Global Estimates 2020, Trends and the Road Forward*', (2021), New York.

⁴ ILO, '*5th Global Conference on the Elimination of Child Labour*', (2022), Durban.

⁵ ILO, '*Regional brief for Africa: 2017 global estimates of modern slavery and child labour*', (2017), Geneva.

⁶ Wessel, M., Quist-Wessel, F.P.M., '*Cocoa production in West Africa, a review and analysis of recent developments*', (2015), NJAS – Wageningen Journal of Life Sciences, Volumes 74-75, P. 2.

⁷ ICCO, '*The Cocoa Market Situation*', (2014), <https://www.icco.org/about-us/international-cocoa-agreements/doc_download/1383-cocoa-market-situation-24-july-2014.html> accessed on 12 April 2018.

Oluwole, V., '*Top 5 cocoa-producing countries in Africa*', (2022), Business Insider Africa.

⁸ WTO, '*Côte d'Ivoire: Trade Profile*' (2022), < [Trade Profiles 2013 \(wto.org\)](https://www.wto.org/trade_profiles/2013/2013_cote_divoire.htm)> as of 18 February 2023

Despite the importance of cocoa for the economy of Côte d'Ivoire, most cocoa farmers do not earn a living income and still live in extreme poverty.⁹ It is estimated that in the cocoa industry in Côte d'Ivoire and Ghana together, approximately 1.56 million children are working on the cocoa farms compared to 2.1 million children as reported in the Cocoa Barometer of 2018.¹⁰ Even so, the Cocoa Barometer of 2022 reports that the number of children involved in hazardous work is still growing due to a strong increase of the number of households involved in cocoa production.¹¹ Of the children working on cocoa farms, 95% are subjected to the WFCL. This amounts to 1.48 million children of which 790,000 are in Côte d'Ivoire.¹²

In the 2021 report on human right practices in Côte d'Ivoire, the U.S. Department of State stated that despite the fact that compulsory or forced labour, including labour performed by children, is prohibited by the national law of Côte d'Ivoire, it remains prevalent in the area. This is particularly true for the supply chains of cocoa and coffee in the country. The reasons provided in the report are weak standardised, periodic data collection and insufficient enforcement of the law.¹³

Regardless of concerns relating to the WFCL amongst international development organisations since at least 1995, no chocolate manufacturers had any measures in place to tackle the issue or had public discussions about it until public allegations commenced from the media in 1998. Only then, the international chocolate industry had to acknowledge its responsibility concerning human rights in its supply chain. Initially, the major chocolate brands denied responsibility for the working conditions on the cocoa fields. However, companies admitted that they could not guarantee that their products were produced free of child labour, since most companies bought at least part of their cocoa beans from Côte d'Ivoire.¹⁴

⁹ Fairtrade International, *'Cocoa farmer income: The household income of cocoa farmers in Côte d'Ivoire and strategies for improvement'*, (2018).

¹⁰ Fountain, A., Huetz-Adams, F., *'Cocoa Barometer 2018'*, (2018).

Sadhu, S., Kysia, k., Onyango, L., et al., *'Assessing Progress in Reducing Child Labor in Cocoa Production in Cocoa Growing Areas of Côte d'Ivoire and Ghana'*, (2020), Chicago: NORC.

¹¹ Fountain, A., Huetz-Adams, F., *'Cocoa Barometer 2022'*, (2022).

¹² Sadhu, S., Kysia, k., Onyango, L., et al., *'Assessing Progress in Reducing Child Labor in Cocoa Production in Cocoa Growing Areas of Côte d'Ivoire and Ghana'*, (2020), Chicago: NORC.

¹³ U.S. Department of State, Bureau of Democracy, Human Rights and Labour, *'Country Reports on Human Rights Practices for 2021: Côte d'Ivoire'*, (2022), Washington.

¹⁴ Schrage, E.J., Ewing, A.P., *'The cocoa industry and child labour'*, (2005), JCC 18.

The most concerning working conditions for children are the worst forms of child labour (WFCL), which are covered throughout this thesis. The WFCL are defined as follows in art. 3 of the Convention No. 182 of the International Labour Organisation (ILO):

“(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;
(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 full definition of the WFCL will be further discussed in chapter 4. This form of child labour on cocoa plantations in Côte d’Ivoire was first reported in September 1998 by a private Abidjan newspaper. The newspaper reported that boys from Mali were trafficked and forced to work on the field under abusive conditions.¹⁵ Moreover, in 2000, a British documentary also reported the trafficking of children from neighbouring countries Togo, Mali, and Burkina Faso to Côte d’Ivoire. This documentary also claimed that around 90% of cocoa farms in Côte d’Ivoire made use of slave labour. The government of Côte d’Ivoire responded by blaming the international cocoa industry for depriving Ivorian cocoa farmers of a secure livelihood by keeping the prices for cocoa beans low. The sudden extensive media coverage and the threat of new regulations incentivised the international cocoa industry to collaborate with other stakeholders. The international cocoa industry could no longer refuse to acknowledge the problems in their supply chain, and consequently, they publicly committed to eliminate the WFCL in the cocoa industry.¹⁶ Despite the existence of national and international legislation on child labour and human trafficking, the prevalence of the WFCL remains a major issue in the cocoa industry. Public allegations induced the global industry to evaluate their influence and responsibility regarding human rights and acknowledge the problems in their supply chain.¹⁷

Next, I will discuss the UN Global Compact in chapter 1.1.1, which triggered the shift in governance from governments to multinational corporations. In chapter 1.1.2, I describe the Harkin-Engel protocol, which was a voluntary public-private agreement that aimed to eliminate the WFCL in the cocoa industry. Lastly, I will discuss some of the corporate social responsibility measures from the consuming countries in chapter 1.1.3.

¹⁵ U.S. Department of State, Bureau of Democracy, Human Rights and Labor, ‘Country Reports on Human Rights Practices for 1999: Côte d’Ivoire’, (2000), Washington.

¹⁶ Schrage, E.J., Ewing, A.P., ‘The cocoa industry and child labour’, (2005), JCC 18.

¹⁷ Schrage, E.J., Ewing, A.P., ‘The cocoa industry and child labour’, (2005), JCC 18.

1.1.1 THE GLOBAL COMPACT

Fabiana di Lorenzo describes the shift in governance from governments to multinational corporations.¹⁸ A trigger for this shift has been the establishment of the United Nations (UN) Global Compact in 1999. The aim of the Global Compact is to encourage business to adopt social and sustainable responsible policies by joining forces with civil society and governments. The UN Global Compact calls on companies

*“to align strategies and operations with universal principles on human rights, labour, environment and anti-corruption, and take actions that advance societal goals”.*¹⁹

In 2015, the UN adopted the 17 Sustainable Development Goals (SDGs) for the period 2015-2030. With regards to child labour, goal 8.7 of the SDGs urges governments to:

*“Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms”.*²⁰

Several large NGOs have raised concerns regarding the Global Compact, because it encourages companies to create self-regulatory measures. This is considered an issue, since self-regulatory measures are not enforced by external bodies and in case of non-compliance, there are no legal implications for the industry. Moreover, NGOs have shifted from calling out the industry on their responsibility to taking on the role of service providers. Nevertheless, companies that are involved in the Global Compact believe that they can solve poverty and human rights issues.²¹ The Global Compact specifically calls on NGOs to support industries in tackling issues related to human rights violations.²² This caused a major rise in the establishment of Public Private Partnerships (hereinafter referred to as PPPs). Fabiana di Lorenzo defined PPPs as follows:

*“Partnerships are voluntary and collaborative relationships between public organisations (governments and international organisations), civil society organisations and businesses which voluntarily decide to collaborate to achieve a common goal”*²³

¹⁸ Di Lorenzo, F., ‘All is quiet on the partnerships front – scrutinising power dynamics in cocoa partnerships and their effects on child rights advancement in Ghana’, (2014), King’s College London.

¹⁹ United Nations Global Compact, ‘Who we are’, <<https://www.unglobalcompact.org/what-is-gc>> as of 20 February 2023.

²⁰ UN, ‘Sustainable Development Knowledge Platform’, <[Sustainable Development Goals \(unodc.org\)](https://sustainabledevelopment.un.org/)> as of 15 November 2023.

²¹ Di Lorenzo, F., ‘All is quiet on the partnerships front – scrutinising power dynamics in cocoa partnerships and their effects on child rights advancement in Ghana’, (2014), King’s College London.

²² UN Global Compact, ‘Connect with multiple stakeholders through the Global Compact’, <[Non-Business Participation | UN Global Compact](https://www.unglobalcompact.org/participation/Non-Business-Participation/UN-Global-Compact)> as of 20 February 2023.

²³ Di Lorenzo, F., ‘All is quiet on the partnerships front – scrutinising power dynamics in cocoa partnerships and their effects on child rights advancement in Ghana’, (2014), King’s College London.

The common goal discussed throughout this thesis is to reduce and eradicate the existence of the worst forms of child labour in the cocoa industry.

1.1.2 THE HARKIN-ENGEL PROTOCOL

Following the exposure in the media of child labour and trafficking in the cocoa industry, the cocoa industry negotiated a deal with U.S Senator Tom Harkin and U.S Representative Eliot Engel to eradicate the worst forms of child labour on a voluntary basis, without the interference of legislative measures.²⁴ The Harkin-Engel protocol, also known as the Cocoa Protocol, was signed in 2001 by the Ambassador of Côte d'Ivoire, several NGOs and industry alliance representatives, two US Senators and one US Congressman. This protocol was a voluntary public-private agreement, with the aim to eliminate the WFCL in the cocoa industry by 2006 and produce cocoa in a manner that was in compliance with ILO Convention 182.²⁵ The aim was to achieve this through collaboration in partnerships between the global chocolate and cocoa industry, governments, cocoa producers, NGOs, and consumers.²⁶ Since none of the companies managed to reach this goal, the deadline was pushed back, and in 2010, a Framework of Action to Support Implementation of the Harkin-Engel Protocol was agreed upon. The aim of this Framework was to reduce the WFCL in the cocoa sectors of Côte d'Ivoire and Ghana by 70% by 2020.²⁷ However, while the protocol and framework have brought together public and private stakeholders to collaborate on the common goal of combatting child labour in the cocoa supply chain, the goal has not been met at the given deadline and the Harkin-Engel protocol was concluded in 2020.²⁸

²⁴ International Cocoa Initiative. *Harkin Engel Protocol*. (2001).

²⁵ Slave Free Chocolate, 'The Harkin-Engel Protocol', <<http://www.slavefreechocolate.org/harkin-engel-protocol/>> as of 21 February 2023.

²⁶ CMA, '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 labor', (2001).

²⁷ U.S. Department of Labor, 'Framework of Action to Support Implementation of the Harkin-Engel Protocol', (2010).

²⁸ Sadhu, S., Kysia, k., Onyango, L., et al., 'Assessing Progress in Reducing Child Labor in Cocoa Production in Cocoa Growing Areas of Côte d'Ivoire and Ghana', (2020), Chicago: NORC. Green America, 'Global Civil Society Statement on Child Labour in Cocoa', 2021.

The Supreme Court of the United States, Nos. 19-416 & 19-453, 'Brief for the World Cocoa Foundation, the National Confectioners Association, the European Cocoa Association, the Cocoa Merchants' Association of America Inc., and the Association of Chocolate, Biscuits, and Confectionery Industries of Europe, as Amici Curiae Supporting Reversal', (September 8, 2020).

1.1.3 CORPORATE SOCIAL RESPONSIBILITY MEASURES FROM CONSUMING COUNTRIES

In 2011, the United Nations' Human Rights Council endorsed a set of 31 Guiding Principles on Business and Human rights. These principles are structured to cover the following three pillars:

- the States' responsibilities with regards to respecting, protecting, and fulfilling human rights, by means of policy, legislation, and adjudication,
- the corporate responsibility to respect human rights, including by complying with human rights law,
- the need for appropriate and effective judicial and non-judicial remedies for victims of corporate abuse.²⁹

These guiding principles set guidelines for States and the industry to prevent, address and remedy human rights issues that take place during business operations.³⁰ Many companies have based their corporate Business' Codes of Conduct on these guiding principles. Furthermore, some States have adopted measures to implement these principles. The Guiding Principles on Business and Human Rights are further discussed in chapter 5.

Four out of the six largest multinational chocolate manufacturers worldwide have their headquarters based in Europe, namely: Nestlé, Mondelez, Lindt & Sprüngli and Ferrero, whereas Hershey and Mars are based in the United States. 56% of the global imports of cocoa beans between 2017 and 2021 was to the EU.³¹ In recent years, the European Union has developed a series of voluntary and mandatory actions to promote corporate social responsibility (CSR), also known as responsible business conduct (RBC). Following the publication of the Guiding Principles on Business and Human rights in 2011, the European Commission first developed a strategy on CSR in the same year, and again in 2015 after the UN 2030 Agenda and its SDGs were adopted. To provide an overview of the progress that has been made since 2011, the European Commission followed up with a Commission staff working document covering CSR, RBC and Business and Human rights in 2019.³² In 2020, the

²⁹ United Nations, 'Guiding Principles on Business and Human Rights, Implementing the United Nations "protect, Respect and Remedy" Framework', (2011), New York and Geneva, HR/PUB/11/04.

³⁰ Business & Human Rights Resource Centre, 'UN Guiding Principles', < [Introduction to the UN Guiding Principles on Business & Human Rights \(business-humanrights.org\)](https://www.business-humanrights.org/en/un-guiding-principles) > as of 4 November 2023.

³¹ CBI ministry of Foreign Affairs, 'What is the demand for cocoa on the European market?', (14 December 2022).

³² European Commission, 'Corporate sustainability and responsibility'. <https://single-market-economy.ec.europa.eu/industry/sustainability/corporate-sustainability-and-responsibility_en> as of 1 November 2023.

European Commission, 'Corporate Social Responsibility, Responsible Business Conduct, and Business & Human Rights: Overview of Progress', (20 March 2019).

new EU Action Plan on Human Rights and Democracy 2020-2024 was published.³³ Furthermore, on 23 February 2022, the Commission adopted a proposal for a corporate sustainability due diligence directive (CSDDD). The purpose of this directive is to promote sustainability, corporate responsibility, human rights, and environmental considerations during companies' business operations both inside and outside the EU.³⁴ On 5 January 2023, the *Directive (EU) 2022/2464 regarding Corporate Sustainability Reporting Directive (CSRD)* entered into force. This directive requires large companies and listed companies to regularly publish reports on the social and environmental risks they face, and how their business activities impact people and the environment.³⁵ All these measures will be discussed in depth in chapter 5.

Many EU Member States have adopted legislation related to corporate reporting on human rights violations in recent years. One of the first countries to adopt legislation related to corporate reporting on human rights in the EU was France in 2017 when they passed the *Duty of Vigilance Law* (Devoir de vigilance des entreprises donneuses d'ordre). This law requires French companies with 5000 employees or 10,000 employees in France and abroad combined to assess and reduce human rights violations and environmental risks in their supply chains. This law requires companies to publish an annual plan on how they mitigate risks, which should include risk maps, a process for evaluating risks at other points in the supply chain, corrective measures, a reporting process with consultation of trade unions, and a system for monitoring and evaluating the implemented measures.³⁶

Similarly, the Netherlands has adopted the *Wet Zorgplicht Kinderarbeid* (Law Duty of Care on Child Labour) of 24 October 2019, which requires companies who deliver goods and services in the Netherlands to give an explanation on how they have taken the necessary actions to prevent child labour in their supply chain. If it appears that companies have not taken enough action, they may be fined or, after multiple fines, be criminally prosecuted. The law has however not yet entered into force. Another example is the German *Act on Corporate Due Diligence Obligations in Supply Chains* (Gesetz über die unternehmerischen Sorgfaltspflichten

³³ EEAS, 'EU Action Plan on Human Rights and Democracy 2020-2024', (19 November 2020).

³⁴ European Commission, 'Corporate sustainability due diligence, fostering sustainability in corporate governance and management systems'. < [Corporate sustainability due diligence \(europa.eu\)](https://european-council.europa.eu/media/en/press-summaries/Pages/2022/02/2222022.aspx) > as of 4 November 2023.

³⁵ European Commission, 'Corporate sustainability reporting'. < [Corporate sustainability reporting \(europa.eu\)](https://european-council.europa.eu/media/en/press-summaries/Pages/2022/02/2222022.aspx) > as of 4 November 2023.

³⁶ Foeken, Q., 'The French Duty of Vigilance Law as a trend', Chainpoint, (14 November 2018).

in Lieferketten), which took effect on 1 January 2023. This Act requires companies with at least 1,000 employees to fulfil the obligations laid out under this act with regards to the implementation of appropriate risk management systems human rights issues and environmental issues that negatively impact human rights as of 1 January 2024.³⁷ These are some examples of EU Member States adopting national legislation. In addition, the EU CSRD harmonises the approach between Member States and forces all Member States to adopt legislation on corporate sustainability reporting. It is expected that the future CSDDD will also harmonise Member States' laws on human rights due diligence.

Examples of transparency laws from outside the EU are the United Kingdoms' *Modern Slavery Act* of 2015, the *California Transparency in Supply Chains Act*, and the Australian *Modern Slavery Bill* of 2018. These laws require periodic reports from companies on modern slavery in their supply chain, and the measures taken to address those risks. Furthermore, the Norwegian Transparency Act (Forbrukertilsynet) entered into force on 1 July 2022. Under this Act, companies must carry out due diligence in identifying potential and actual negative effects on human rights and working conditions in their supply chain and publish a yearly report on this.³⁸

These laws primarily require companies to make information available on how they are tackling child labour and trafficking. This legislation does not lay down the specific measures that need to be taken by the industry to eliminate modern slavery and other human rights violations in their supply chain.

1.2 PROBLEM STATEMENT AND OBJECTIVES

In this thesis, I aim to analyse the scope of the responsibility of chocolate companies in the reduction of child labour in the cocoa supply chain in Côte d'Ivoire compared to the scope of the responsibility of the Ivorian government. I will do this through a combination of law and document analysis and semi-structured interviews. Through the law and document analysis I aim to provide an overview of the obligations both parties have under national and international law as well as voluntary codes and guidelines. Secondly, through semi-structured interviews

³⁷ Source Intelligence, 'What is the German Supply Chain Due Diligence Act?', (19 January 2023). Federal Ministry of Labour and Social Affairs, CSR, 'Supply Chain Act'. < [CSR - Supply Chain Act \(csr-in-deutschland.de\)](https://www.csr-in-deutschland.de) > as of 5 November 2023.

³⁸ DNV, 'Norwegian Transparency Act'. < [Norwegian Transparency Act \(dnv.com\)](https://www.dnv.com) > as of 5 November 2022.

with different parties that are involved in the elimination of child labour in the cocoa industry in Côte d'Ivoire, I aim to provide an overview of the responsibilities and solutions that fall under the scope of chocolate companies and the Ivorian government respectively. Moreover, based on the results from the interviews I will map the root causes of the worst forms of child labour in the cocoa industry in Côte d'Ivoire.

1.3 RESEARCH QUESTION

The shift in power from governments to companies has many consequences and may raise questions on which party has to take responsibility for which aspects regarding human rights. Therefore, the main research question that will be answered in this Master thesis is:

What is the scope of the responsibility of chocolate companies in comparison to the government of Côte d'Ivoire in reducing the worst forms of child labour on cocoa farms in Côte d'Ivoire?

1.4 STRUCTURE OF THE RESEARCH PAPER

This research paper consists of five parts; first the methodology, a mix of law and document analysis and semi-structured interviews, will be discussed in chapter 2. Secondly, a background on the production of cocoa and the main challenges the sector faces, which is described in chapter 3. Chapter 4 covers the legal framework with regards to the definition of the Worst Forms of Child Labour. In chapter 5, 6 and 7, I present the results from the interviews and the law and document analysis. The leading causes of the WFCL in the cocoa industry in Côte d'Ivoire are described in chapter 5. Chapter 6 will cover the responsibility of chocolate companies in the reduction of the WFCL in the cocoa industry. This chapter covers the analysis of the business code of conducts by the four major chocolate companies, an overview of the measures currently taken by the industry, and an overview with the current responsibilities according to legislation on corporate responsibility. In chapter 7, I will discuss the measures that have taken by the national government of Côte d'Ivoire and reflect on the scope of the responsibility of the State. And lastly, a conclusion will be drawn where the research question will be answered.

CHAPTER 2. METHODOLOGY

The objective of this study is to analyse the scope of the responsibility of chocolate companies in comparison to the government of Côte d'Ivoire in the reduction of the WFCL on cocoa farms in Côte d'Ivoire. Therefore, a qualitative research has been conducted. To answer my research question, I used two research methods: a law and document analysis, which is described in chapter 2.1 and semi-structured interviews which are described in chapter 2.2.

During this research, it was important to reflect on the biases of the researcher before starting with the study, in particular when putting together the interview questions and when conducting the interviews.³⁹ When the issues related to human rights in a certain industry are discussed, the focus is often on the role of businesses. My bias was that companies would not be willing to take full responsibility for their role in the existence of child labour in their supply chain. However, the problem is complex, and my actors play a role in the elimination of the WFCL in the cocoa industry.

2.1 LAW AND DOCUMENT ANALYSIS

The legal framework regarding the WFCL in Côte d'Ivoire has been established through doctrinal research. The ILO (International Labour Organisation) standards that have been ratified by Côte d'Ivoire, as well as Ivorian national legislation have also been analysed in this research paper to provide a definition of the WFCL. Moreover, international guidances and European legislation have been analysed to provide the scope of the responsibility of chocolate companies compared to the national government of Côte d'Ivoire in the elimination of the WFCL in the cocoa industry in the country. Furthermore, I have chosen to perform a document analysis, where I have analysed the sustainability reports of Nestlé, Ferrero, Mars and Mondelēz and their reporting, since these are the four largest chocolate manufacturers in the world. I have analysed the sustainability reports pictured in table 1 on the measures taken by each company to combat the WFCL in the cocoa industry in Côte d'Ivoire. I have also analysed the information related to their measures that are reported on their corporate websites.

Table 1. Overview of the analysed sustainability reports

³⁹ Austin, Z, Sutton, J., '*Qualitative Research: Data Collection, Analysis, and Management*', (2015) CJHP May-Jun;68(3), P226-231.

Sandy Q. Qu, John Dumay, (2011) '*The qualitative research interview*', *Qualitative Research in Accounting & Management*, (2011) Vol. 8 Issue: 3, pp.238-264.

<u>Company</u>	<u>Title</u>	<u>Publishing Date</u>
Ferrero	<i>‘Ferrero Sustainability Report 2022’</i>	2022
	<i>‘Cocoa Charter’</i>	1 February 2022
Mondelēz International	<i>‘Snacking made Right, 2022 ESG Report’</i>	2022
Mars	<i>‘Cocoa for Generations, 2022 Progress Report’</i>	2023
Nestlé	<i>Cocoa Plan ‘Income Accelerator program, progress report’</i>	July 2023

Moreover, I have also used my notes from the workshop ‘Cocoa, an unsavoury sweet?’ and the international and national legislation on WFCL for the analysis.

For the analysis of the sustainability reports and business code of conducts, a Qualitative document analysis (QDA) has been conducted. With QDA, a variety of documents can systematically be analysed.⁴⁰ I have chosen to use a thematic analysis with all the documents mentioned above, to answer my research questions. Thematic analysis is described by Braun and Clarke as:

*“Thematic analysis is a method for identifying, analysing, and reporting patterns (themes) within data. It minimally organises and describes your data set in (rich) detail”.*⁴¹

2.2 RECRUITMENT OF STUDY PARTICIPANTS AND CONDUCTING INTERVIEWS

Originally, the plan for this research was to only conduct interviews with chocolate companies. For the purpose of coming into contact with these chocolate companies, I went to the Chocoa event in Amsterdam in February 2018. The Chocoa event is a festival that brings together different stakeholders from the cocoa and chocolate supply chain to increase the market for sustainable chocolate and other cocoa products. During this event, I managed to get contact details from different stakeholders. Besides the contacts from the Chocoa event, I also contacted several companies via email. Despite receiving contact details from several people, not one company was willing to give an interview or answer specific questions from my emails.

⁴⁰ Bowen, G.A., ‘Document Analysis as a Qualitative Research Method’, Qualitative Research Journal, (2009), vol. 9, no. 2, p. 27-40.

⁴¹ Braun, V. and Clarke, V. ‘Using thematic analysis in psychology’, Qualitative Research in Psychology, (2006), 3 (2). pp. 77-101.

In order to get more information on child labour, I went to the evening lecture ‘Bittersweet slavery’ at Wageningen University and Research (WUR) from a major player in the NGO sector. From this person, I received information regarding a workshop ‘Cocoa, an unsavoury sweet?’ which took place on 21 March 2018, from the European Commission in Brussels. I contacted the Directorate-General International Cooperation and Development (hereinafter referred to as DEVCO), which was in charge of this convention, for an invitation to this workshop. Luckily, I received the invitation and went to Brussels for the convention. There, I met several people involved in the reduction of WFCL in the cocoa industry. I have contacted several of them afterwards. As a snowball effect, I managed to get even more contacts through these contacts. Since there are many parties and people involved in the reduction of the WFCL, it was impossible to interview all the different players in the cocoa and chocolate industry. Often, the number of participants for interviews is established according to a saturation level, for when no longer new information is given to the researcher.⁴² Therefore, the number of participants is based on the number of interviews it was possible to conduct in the limited time available for this research. In the end I received the contact details of 13 parties who indicated they were willing to participate in the research. Six of these parties followed through with the interview and one party only wanted to share answers through email on the topic but was willing to talk with me during the workshop in Brussels. Moreover, as the interviews were conducted in 2018, this report will reflect on how the situation has changed since then.

I chose to conduct semi-structured interviews, because this type of interview has the flexibility to change questions according to the background of the participant and to ask further questions according to the answers that are given.⁴³ Beforehand, I put together an interview protocol with topics that should be discussed during the interviews (see appendix III).⁴⁴ Since the interviews have been conducted with different parties that work on the reduction of the WFCL in the cocoa industry in Côte d’Ivoire, the interview protocol was adjusted to the different parties. When the participants agreed to take part in the study, they were asked to sign a form of consent, to ensure them that their answers were dealt with according to the WUR Data Policy.⁴⁵

⁴² Saunders, B., Sim, J., Kingstone, T., et al., ‘*Saturation in qualitative research: exploring its conceptualization and operationalization*’, (2017), Qual Quant 52, 1893–1907 (2018). <https://doi.org/10.1007/s11135-017-0574-8>.

⁴³ Galletta, A., ‘*Mastering the Semi-Structured Interview and Beyond*’, (2013), New York University Press, New York and London.

⁴⁴ Cohen, D., Crabtree, B., ‘*Qualitative Research Guidelines Project*’, (2006).

⁴⁵ Wageningen University and Research, ‘*Data Policy at WUR*’, <<https://www.wur.nl/en/Expertise-Services/WDCC/Data-Management-WDCC/Data-policy.htm>> as of 28 April 2018.

With the consent form, the participants have also agreed on the recording of the interview. The reason I chose to record the interviews is to make sure that I would not miss any information throughout the interview. Moreover, I only had around an hour for each interview and with a recording, there was more time to listen and ask further questions than if I had just taken notes. Furthermore, recordings minimised errors during the interpretation of the answers.⁴⁶ A downside to recording the interviews was that the interviewee may have given more reserved answers.⁴⁷ Therefore, I discussed the possibility to answer questions without a recording with all participants. However, most interviews were conducted over Skype, which made it more difficult for participants to indicate they would rather answer without the recording, because they were not able to verify it. None of the participants objected with their interview being recorded, but one person indicated before the interview that they would only answer certain questions regarding corruption off the record. Besides this, none of the participants seemed particularly concerned about the anonymisation, as this research was for a Master thesis. One participant had to be chased to sign the consent form until after the interview had been conducted. Part of the interviews was conducted in Dutch and part was conducted in English, depending on the native language of the participant. However, this means that the translation of quotes into English had to be carefully considered, reviewed, and interpreted.⁴⁸ I translated the quotes myself to maintain the confidentiality and anonymisation. A transcript has been made of each interview for analysis, which is further described below.

The anonymisation has been done according to the method of ‘elite interviewing’. An ‘elite’ is described by Jennifer Hochschild as:

*“a person who is chosen by name or position for a particular reason, rather than randomly or anonymously”*⁴⁹

Elites are often vulnerable due to their position, which means the anonymisation process was very important. To ensure anonymisation, I have developed pseudonyms based on the activities of the parties. The chocolate companies shall be referred to as Comp1, Comp2. The organisations working in civil society such as NGOs and trade unions will be referred to as NGO1, NGO2, TradeU1. I interviewed one representative of a public private partnership, who

⁴⁶ Easton, K.L., McComish, J.F., Greenberg, R., ‘*Avoiding Common Pitfalls in Qualitative Data Collection and Transcription*’, (2000), *Qualitative Health Research*, Vol. 10, No. 5, P. 703-707.

⁴⁷ Blakely, R., ‘*Elite Interviews*’, (2012), Kent Academic Repository, p. 158-168.

⁴⁸ Temple, B., Young, A., ‘*Qualitative research and translation dilemmas*’, (2004), Sage Publications, vol. 4(2), p. 161-178.

⁴⁹ Hochschild, J.L., ‘*Conducting Intensive Interviews and Elite Interviews*’ (2009) Workshop on Interdisciplinary Standards for Systematic Qualitative Research, Harvard University.

will be referred to as PPP1. Lastly, I received notes from a representative from a public organisation from one of the cocoa producing countries in West-Africa, who I will refer to as PubOrg1.

Lastly, I have developed a coding system, in order to analyse which measures are currently being taken by chocolate companies and what was by different parties perceived as their responsibility. Microsoft Excel has been used for the analysis. The results from the interviews have been grouped into causes, solutions, and the responsibilities of chocolate companies, governments, and other stakeholders. Here it is important to mention that the focus will lay on the responsibilities of the governments and the industry, and I will not analyse in detail other stakeholders' interventions or responsibility. The current interventions of governments and chocolate companies will be discussed in chapter 4 and 5 respectively.

CHAPTER 3. BACKGROUND ON COCOA PRODUCTION IN CÔTE D'IVOIRE

This chapter will give some background information on the history, growing and harvesting of cocoa, to give an overview of the processes needed for the production of cocoa. Furthermore, the cocoa supply chain will be explained to provide and the parties that are directly and indirectly involved in the process from bean to bar will be discussed. Lastly, the challenges with regards to the farming of cocoa will be explained to give an insight into the complexity of the challenges in the cocoa supply chain.

3.1 HISTORY

Cacao is grown on the *Theobroma cacao* or cocoa tree. The Greek word *Theobroma* means “food of the gods”. Cocoa beans originate from Central America and were originally consumed in the form of a beverage with roasted cocoa beans and corn and used as a currency by the indigenous Americans.⁵⁰ During the 17th century, cocoa was brought back to Europe by Columbus and products made from the cocoa were mainly reserved for the upper class to be consumed as a treat. In 1780, the first chocolate factory opened in Barcelona. After that, other European countries such as Germany and Switzerland started producing chocolate as well. During the colonialization of Africa, Europeans started cocoa plantations on the African continent. During the industrial time, chocolate became available to a wider public.⁵¹

3.2 THE GROWING OF COCOA

Cocoa beans naturally grow on small trees in the lowest parts of the evergreen tropical rainforests along riverbanks in South America. Cocoa beans strictly grow in a tropical climate.⁵² Cocoa is primarily grown in Central and South America, Southeast Asia and West Africa. Around 70% of the world's cocoa beans is produced in West Africa, which accounts for six million ha of ground for the cocoa plantations.⁵³ Côte d'Ivoire and Ghana are the largest

⁵⁰ Purseglove, J.W., ‘*Tropical Crops Dicotyledons 2*’, London and Harlow, Green and Co LTD, p. 571-2, 1968.

⁵¹ World Cocoa Foundation, ‘*History of cocoa*’, <<http://www.worldcocoafoundation.org/about-cocoa/history-of-cocoa/>> accessed on 22 February 2023.

INAFORSTA, ‘*History of cocoa*’, <<http://www.worldagroforestry.org/treesandmarkets/inaforesta/history.htm>> accessed on 22 February 2023.

⁵² Purseglove, J.W., ‘*Tropical Crops Dicotyledons 2*’, London and Harlow, Green and Co LTD, p. 571-2, 1968.

⁵³ Fairtrade, ‘*Farmers and workers, cocoa farmers*’. <<https://www.fairtrade.org.uk/Farmers-and-Workers/Cocoa>> accessed on 22 February 2023.

producers, with Côte d'Ivoire responsible for around 40% of the total production. Other countries producing cocoa in West-Africa are Nigeria and Cameroon.⁵⁴ The cocoa bean is a delicate and vulnerable crop, which is very sensitive to pests, diseases, wind, and sun.⁵⁵ The cocoa beans grow well in an average temperature of between 18°C to 32°C and grow best in the shade of other plants. Cocoa trees grow best in environments with a large amount of rainfall and a humid climate.⁵⁶ A cocoa field has an economic life of around 25 to 30 years. And it is estimated that there are around 1.17 million cocoa smallholders in Côte d'Ivoire.⁵⁷ The average farms in Côte d'Ivoire are mentioned to be between 3 and 4 ha, though there is no reliable data available on these numbers, while the yield per ha is between 500-600 kg cocoa beans.⁵⁸ Around 90% of the cocoa in the world is grown on small family farms. Around 6 million farmers make their living by growing and selling this crop.⁵⁹ Even though Côte d'Ivoire is the number one exporter of cocoa, I have not been able to find a clear overview of the cocoa producing communities in the country. This clearly shows the lack of organisation of smallholder farmers, which in turn influences the transparency of the chain.⁶⁰

3.3 HARVESTING OF COCOA

Pods that contain cocoa beans grow on the trunk and branches of cocoa trees.⁶¹ It takes around five months for the pods from the cocoa trees to go from flowering to ripeness.⁶² Harvesting of cocoa beans involves the removing of ripe pods from the trees and opening them to remove the wet cocoa beans. Ripe pods are then harvested by the farmers with the use of long handled knives or machetes. To remove the pods higher in the trees, a pruning hook type of tool with a handle on the end of a long pole is used. Seven to ten days after harvesting, the pods are cut

⁵⁴ Wessel, M., Quist-Wessel, F.P.M., 'Cocoa production in West Africa, a review and analysis of recent developments', (2015), NJAS – Wageningen Journal of Life Sciences, Volumes 74-75, P. 2.

⁵⁵ Fairtrade, 'Farmers and workers, cocoa farmers'. <<https://www.fairtrade.org.uk/Farmers-and-Workers/Cocoa>> accessed on 22 February 2023.

⁵⁶ ICCO, 'Growing cocoa', <[Growing Cocoa - International Cocoa Organization \(icco.org\)](https://www.icco.org/growing-cocoa)> accessed on 22 February 2023.

⁵⁷ Federation of Cocoa Commerce, 'Cocoa production', <[Cocoa Production | Education | The Federation of Cocoa Commerce. \(cocoa-federation.com\)](https://www.cocoa-federation.com/)> accessed on 22 February 2023.

⁵⁸ Wessel, M., Quist-Wessel, F.P.M., 'Cocoa production in West Africa, a review and analysis of recent developments', (2015), NJAS – Wageningen Journal of Life Sciences, Volumes 74-75, P. 2.

⁵⁹ Fairtrade, 'Farmers and workers, cocoa farmers'. <<https://www.fairtrade.org.uk/Farmers-and-Workers/Cocoa>> accessed on 22 February 2023.

⁶⁰ Kroeger, A., Bakhtary, H., et al., 'Eliminating Deforestation from the Supply Chain', (2017), Washington. [World Bank Document](#)

⁶¹ ICCO, 'Harvesting & Post-harvest processing', <[Harvesting & Post-harvest - International Cocoa Organization \(icco.org\)](https://www.icco.org/harvesting-post-harvest-processing)> accessed on 22 February 2023.

⁶² Federation of Cocoa Commerce, 'Cocoa production', <[Cocoa Production | Education | The Federation of Cocoa Commerce. \(cocoa-federation.com\)](https://www.cocoa-federation.com/)> accessed on 22 February 2023.

open to remove the wet cocoa beans.⁶³ This is called pod storage and enhances the flavour. This practice is mainly done to allow all pods to be broken open on the same day.⁶⁴ At this moment in the process, more workers are needed on the farm. The harvested pods are collected and broken open with a wooden baton. To split the pods, a cutting tool, such as a machete, is used. A disadvantage of this method is that it may cause damage to the cocoa beans. Machinery is also a possible alternative to cut the pods, but smallholders mainly use manual labour because they cannot afford mechanisation.⁶⁵ The wet beans are thereafter removed by hand and undergo a drying and fermentation process. The last part of the process on the farms is the bagging of the beans for delivery.⁶⁶

3.4 THE COCOA SUPPLY CHAIN

To understand the role of chocolate companies in human rights issues, it is important to understand their position in the supply chain (figure 1). Furthermore, it is also essential to look at which other parties are involved in the production of cocoa, and which are therefore directly involved in the reduction and elimination of the WFCL. Lastly, I will discuss which other parties are not directly involved in the production of cocoa, but also play a role in human rights issues in the cocoa industry.

⁶³ ICCO, ‘*Harvesting & Post-harvest processing*’, < [Harvesting & Post-harvest - International Cocoa Organization \(icco.org\)](https://www.icco.org/) > accessed on 22 February 2023.

⁶⁴ Federation of Cocoa Commerce, ‘*Cocoa production*’, < [Cocoa Production | Education | The Federation of Cocoa Commerce. \(cocoa-federation.com\)](https://www.cocoa-federation.com/) > accessed on 22 February 2023.

⁶⁵ Interview with PPP1

⁶⁶ ICCO, ‘*Harvesting & Post-harvest processing*’, < [Harvesting & Post-harvest - International Cocoa Organization \(icco.org\)](https://www.icco.org/) > accessed on 22 February 2023.

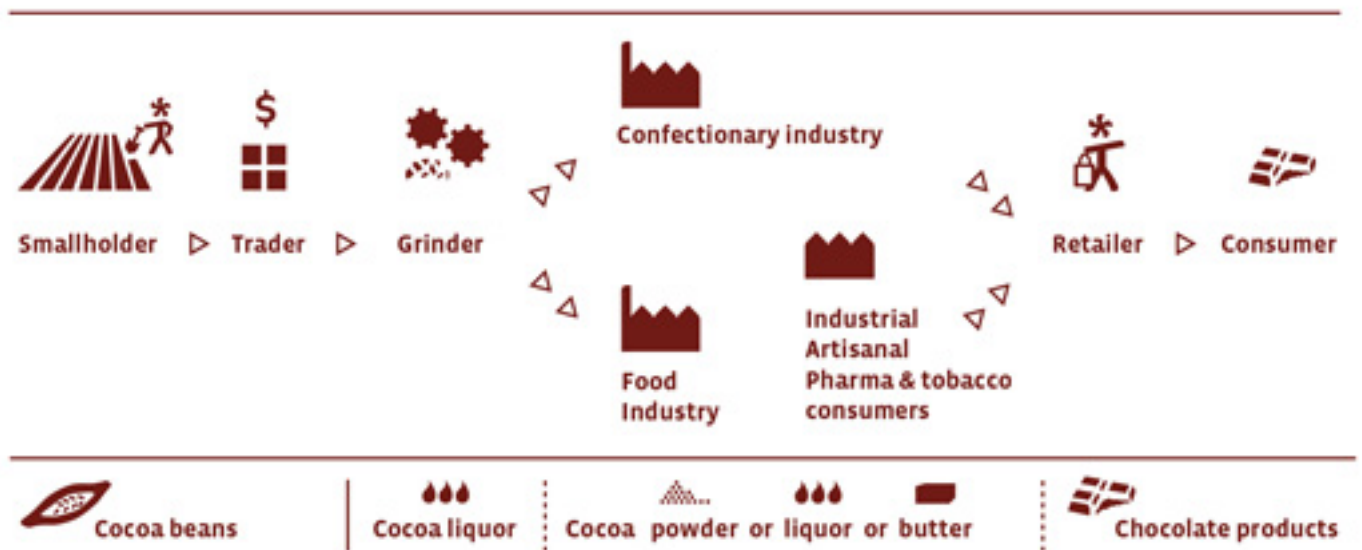


Figure 1. The cocoa supply chain (Source: *Cocoa Barometer 2012*)⁶⁷

The cocoa supply chain starts at the farms in the cocoa producing countries, where the cocoa beans are grown and harvested. Thereafter, the cocoa beans are sold to a local agent or buying station, sometimes through middlemen, who transport and sell the cocoa beans to an exporting company. Since this part of the supply chain remains very fragmented, it is hard to make this part of the supply chain transparent.⁶⁸ Furthermore, in the harder to reach regions mafia-style groups buy the cocoa from the small cocoa farmers, making them particularly vulnerable.⁶⁹ The exporting companies then take further steps to dry the beans, inspect the beans and store them until requested by the manufacturer. When the beans are requested, the exporting company ships the beans to the manufacturers and processors.⁷⁰ This is where the cocoa enters the global market. Processing consists of grinding, roasting, pressing and the production of chocolate and chocolate products. This processing mostly takes place in the consuming countries, but there is an increase in processing capabilities in cocoa producing countries. Particularly in Côte d'Ivoire, the only African country that also has enough processing capabilities to produce enough cocoa paste for export. However, it is hard for cocoa producing countries to compete with the efficient large-scale processing in consuming countries and

⁶⁷ Hütz-Adams, F. and Fountain, A.C., '*Cocoa Barometer 2012*', (2012).

⁶⁸ Interview with NGO2

⁶⁹ Interview with TradeU1

Terry, C., '*Cross-border smuggling/ Organised crime is infecting African and global supply chains*', (2023), ENACT.

⁷⁰ World Cocoa Foundation, '*Cocoa Market update*', (2014).

grinders are often owned by Western multinationals.⁷¹ The Cocoa Barometer of 2015 argued processing and grinding are more profitable than the farming of cocoa beans. Most money is earned downstream within the cocoa supply chain, where the level of market concentration is also the highest.⁷² The cocoa supply chain is highly concentrated in the middle, with only eight traders and grinders having 60-80% of the global market share, and six manufacturers having 40% of the global market share.⁷³ The leading processing and grinding companies purchasing cocoa from Côte d'Ivoire are Cargill, SAF Cocoa, ADM Cocoa, Barry Callebaut, Outspan Ivoire-Olam, CIPEXI-Continaf, Tropival-ED&F Man and Cocaf Ivoire-Noble.⁷⁴ An example of further concentration in this part of the supply chain is the acquisition of ADM Cocoa by Cargill in 2015.⁷⁵ The six leading chocolate manufacturers worldwide are Mars, Mondelez International, Nestlé, Ferrero, THE HERSHEY COMPANY and Chocoladefabriken Lindt & Sprüngli.⁷⁶ Mars, Mondelez International, Nestlé and Ferrero will be further analysed in chapter 6. After the final product is produced, the products go to retailers, small businesses, and restaurants where they are sold to the consumer. The majority of the chocolate is consumed in Europe and North America and there is a growing demand in Asian countries.⁷⁷

Other parties that are not directly involved in the production of cocoa and cocoa products that play a role in the supply chain are governments, branch organisations and platforms, NGOs and certifiers.⁷⁸ Their roles in the reduction of WFCL will be discussed in the next chapters. Moreover, these parties voluntarily collaborate in PPPs to address and advance challenges occurring in the cocoa supply chain.⁷⁹

⁷¹ Andrzejuk, A., 'The analysis of production and trade patterns in cocoa market worldwide and in Poland', (2014), Scientific Journal Warsaw University of Life Sciences, Problems of World Agriculture volume 14 number 4, p.5-14.

CBD Ministry of Foreign Affairs, 'What is the demand for cocoa on the European market?', (2022).

⁷² Hütz-Adams, F. and Fountain, A.C., 'Cocoa Barometer 2015', (2015).

⁷³ Kroeger, A., Bakhtary, H., et al., 'Eliminating Deforestation from the Supply Chain', (2017), Washington. Engage the Chain, 'An Investor Brief on Impacts That Drive Business Risks Cocoa', (2020).

⁷⁴ Squicciarini, M.P., Swinen, J., 'The Economy of Chocolate', (2016), 1st edition, Oxford University Press, Oxford, P.345.

Aboa, A., 'UPDATE 2-Ivory Coast authorises 102 companies to export cocoa and coffee in 2022/23', (2022), Reuters.

⁷⁵ Cargill Cocoa and Chocolate, 'Beans & More – May 2015', (2015).

⁷⁶ Businesswire, 'Top 6 Vendors in the Global Chocolate Market from 2017 to 2021: Technavio', < <https://www.businesswire.com/news/home/20170628005998/en/Top-6-Vendors-Global-Chocolate-Market-2017> > accessed on 22 February 2023.

⁷⁷ CBD Ministry of Foreign Affairs, 'What is the demand for cocoa on the European market?', (2022).

⁷⁸ Interviews with NGO1, NGO2, PPP1, TradeU1, Comp1, Comp2, PubOrg1.

⁷⁹ Di Lorenzo, F., 'All is quiet on the partnerships front – scrutinising power dynamics in cocoa partnerships and their effects on child rights advancement in Ghana', (2014), King's College London.

3.5 CHALLENGES IN THE COCOA INDUSTRY

The cocoa supply chain faces many challenges. To explain the complexity of the challenges faced by the cocoa industry, I will briefly present some of those that do not directly influence the existence of the WFCL, but that do have to be dealt with by the cocoa industry and national governments. The IDH (Sustainable Trade Initiative) is a public-private partnership facility, which uses *the True Price Methodology* to address threats to environmental and social sustainability.⁸⁰ The environmental challenges that takes place in the cocoa supply chain are: deforestation, pollution and scarcity of resources. Social issues consist of: poverty, child labour, health and safety issues, and other human rights violations. These issues are directly related to the existence of the WFCL and will be further discussed in chapter 5.

Due to climate change, the temperature in West Africa will increase. This will lead to the reduction of the size of the area in which cocoa is currently able to grow within Côte d'Ivoire. Areas such as Lagunes and Sud-Comoe in Côte d'Ivoire will become unsuitable for the production of cocoa.⁸¹ Moreover, the West African population is expected to double in the next 35 years. Hence, the demand for food will increase, which will result in higher food prices. Farmers may switch from cocoa to another food crop that gives a higher profit if cocoa prices continue to remain low.⁸² Deforestation is also one of the major challenges currently facing the cocoa sector. There are several causes that have led to deforestation in Côte d'Ivoire, such as in-migration, infrastructure and public policies that send the wrong signals to smallholders. Public policies have encouraged migrants to secure landownership by forest clearing to increase the production of cocoa.⁸³ Roads and bridges built by governments have eased this process.⁸⁴ This period of unrestricted migration and immigration which resulted in a significant increase of the cocoa production is called the 'cocoa boom'. Government policies encouraged forest clearing and migration by stating that land is owned by whomever cultivates it.⁸⁵ Trees

⁸⁰ Boselie, D., 'The True Price of Cocoa from Ivory Coast, Joint report by IDH and True Price', (2022), IDH, True Price.

⁸¹ Läderach, P., Martinez-Valle, A., Schroth, G., et al., (2013), 'Predicting the future climate suitability for cocoa farming of the world's leading producer countries, Ghana and Côte d'Ivoire', *Climate Change*, Volume 119, Issue 3-4, P. 841-854.

⁸² Wessel, M., Quist-Wessel, F.P.M., 'Cocoa production in West Africa, a review and analysis of recent developments', (2015), *NJAS – Wageningen Journal of Life Sciences*, Volumes 74-75, P. 2.

⁸³ Crook, R.C., 'Cocoa Booms, the Legislation of Land Relations and Politics in Cote D'Ivoire and Ghana, Explaining Farmers' Responses', (2009).

Woods, D., 'The tragedy of the cocoa pod: rent-seeking, land and ethnic conflict in Ivory Coast', (2003), *The Journal of Modern African Studies* Volume 41 Issue 4 p.641-55.

⁸⁴ Ruf, F., Varlet, F., '3.3 The myth of zero deforestation cocoa in Côte d'Ivoire', (2017), *ETFRN News* 58, P. 86-91.

⁸⁵ Crook, R.C., 'Cocoa Booms, the Legislation of Land Relations and Politics in Cote D'Ivoire and Ghana, Explaining Farmers' Responses', (2009).

from natural forests are owned by the state and can therefore be logged by farmers. However, this also leads to the risk of trees on farms being logged, which may lead to damage to the crops. Fear of loggers have therefore led to a monoculture.⁸⁶ Companies, NGOs and governments advertise as being “forest-friendly”, where in reality the deforestation in Côte d’Ivoire still continues. Ruf and Varlet even claim that:

“Zero deforestation cocoa only exists where all the forest has already disappeared, and with few exceptions, protected areas and classified forests are not actually protected in any way.”⁸⁷

Deforestation continues to exist, because every migrant who clears forest to start growing cocoa contributes more to government revenues and the cocoa industry without any investment from public or private parties.⁸⁸ Deforestation and monoculture also have major impacts in the production processes of cocoa itself. The main pollinators of cocoa are the ceratopogonid midges (*Forcipomyia* spp.). As a result of landscape degradation, populations of these midges have drastically decreased, complicating the growing cocoa.⁸⁹ In 2020, 47,000 hectares of forest was destroyed in Côte d’Ivoire. To address the alarming rate of deforestation in the country, Côte d’Ivoire has committed to restoring 20% of the forest in their country by 2023. In order to achieve this goal, the Ivorian government has adopted *Loi n°2019-675 Code forestier* (the 2019 Forest Act). Policies such as the National Policy on Forest Preservation Rehabilitation and Expansion (PPREF) and the REDD+ strategy were adopted. Furthermore, Côte d’Ivoire has made official commitments, amongst others, to *the European Union Timber Regulation* and the *New York Declaration on Forests*. A lack of law enforcement and corruption have led to illegal logging, and at the current rate it is expected that there will be no forest left in the country by 2034.⁹⁰ Moreover, a lack of agricultural and rural policy has been mentioned in some of my interviews as one of the main challenges for the national government with regards to the cocoa supply chain.⁹¹

⁸⁶ Ruf, F., Varlet, F., ‘3.3 The myth of zero deforestation cocoa in Côte d’Ivoire’, (2017), ETFRN News 58, P. 86-91.

⁸⁷ Ruf, F., Varlet, F., ‘3.3 The myth of zero deforestation cocoa in Côte d’Ivoire’, (2017), ETFRN News 58, P. 86-91.

⁸⁸ Ruf, F., Varlet, F., ‘3.3 The myth of zero deforestation cocoa in Côte d’Ivoire’, (2017), ETFRN News 58, P. 86-91.

⁸⁹ Claus, G., Vanhove, W., Van Damme, P., Smagghe, G., (2018), ‘Pollination in plants’, Chapter 4 ‘Challenges in Cocoa Pollination: The Case of Côte d’Ivoire’, P. 39-51.

⁹⁰ Ngari, A., Gumba, D.E.O., ‘Shady cocoa farming at the root of Côte d’Ivoire’s deforestation’, Institute for Security Studies, (2022).

Kra, R., Donterville, A., ‘Report: Legal framework for agroforestry in Côte d’Ivoire’s rural domain’, EUREDD Facility, (2021).

⁹¹ Interviews with NGO1, NGO2, Comp2.

Lastly, ethnic conflicts and civil wars in the region, and in Côte d'Ivoire itself have led to many issues in the cocoa industry. Immigrants have contributed to deforestation by forest clearing to secure landownership, which led to a decline of available land and an increase in labour costs.⁹² This, in turn, has led to further social conflicts between different ethnicities. The increase of labour costs, social conflicts, landownership, environmental factors and climate change, Covid-19 and lack of law enforcement all directly and indirectly influence the existence of child labour. These and other factors influencing the existence of WFCL will be further discussed in chapter 5.

3.6 CONCLUSION

To understand the scope of the responsibility of chocolate companies in the reduction and elimination of the WFCL, it is essential to look at their position in the supply chain and the other players involved. Addressing human rights issues require a holistic approach where all parties involved work together. Child labour is not an issue that stands on its own, but merely one factor in a series of the complex issues facing the cocoa industry. The next chapter will describe the definition of the WFCL and explain in depth the direct causes of its existence in the cocoa supply chain.

⁹² Chocolate Class, *'Cocoa production and trade in Ivory Coast: Comparative advantage, Colonialism and Post-colonial ethnic conflicts'*, (2019).

CHAPTER 4. THE WORST FORMS OF CHILD LABOUR IN THE COCOA INDUSTRY IN CÔTE D'IVOIRE

This chapter will explain what child labour is and how it is defined in international and national legislation. It will define WFCL and the legal framework on child labour. In order to explain the responsibilities of chocolate companies in the cocoa industry in Côte d'Ivoire in comparison to the national government, it is important to look into the definition and legal framework regarding the problem. Only the law directly related to the WFCL in the cocoa industry, will be covered in this chapter. Law concerning the sexual exploitation and military recruitment of children is outside the scope of this research.

4.1 THE INTERNATIONAL LEGAL FRAMEWORK ON CHILD LABOUR

This subchapter will provide an overview of the relevant international law regarding the WFCL, and of the international standards that have been ratified by Côte d'Ivoire.

The most important international organisation concerned in the issue of child labour is the International Labour Organisation (ILO), which is a United Nations (UN) Agency. The ILO has established international labour standards which set out the basic principles and rights at work. There are two types of standards:

- 1) Conventions or Protocols, which are legally binding once they are ratified by Member States. However, it is not mandatory for Member States to ratify each convention.
- 2) Recommendations, which are voluntary guidelines and therefore not legally binding.

ILO standards are drawn up by government representatives, employers and workers in a tripartite structure. These standards are legal instruments that can help achieve the targets of the sustainable development goals.⁹³ The downside of this system is that Member States can cherry-pick which standards they would like to ratify. It is possible for States to choose whether they ratify each convention or protocol, but once ratified, it is legally binding and normally comes into force one year after ratification. Moreover, the ILO standards call on the creation of institutions and mechanisms at national level in order to facilitate compliance. Once a convention or protocol is ratified, countries must submit periodic reports at least every three years to the ILO on the implementation and application of the instrument. The ILO Committee of Experts can provide technical assistance to the Member States with addressing gaps in national legislation and with the practical implementation of the ratified Convention. Furthermore, the Committee of Experts publishes an annual report with its observations on

⁹³ ILO., 'Rules of the Game: An introduction to the standards-related work of the International Labour Organisation', (2019), Geneva.

compliance. These reports are publicly available. Besides this, the Committee of Experts can also make direct requests to governments on technical issues in the application. These requests are not published and give a government time to respond. Moreover, after a country has ratified a Convention, complaint procedures can be initiated against them in case of violation under art. 26 to 34 of the ILO Constitution. Such a procedure can be initiated by other Member States who have ratified the same Convention, a delegate of the Governing Body or International Labour Conference.⁹⁴ This could for example be initiated when a government does not provide a statement to a request from the Committee of Experts. Art. 33 of the ILO constitution states that *“In the event of any Member failing to carry out within the time specified the recommendations, if any, contained in the report of the Commission of Inquiry, or in the decision of the International Court of Justice, as the case may be, the Governing Body may recommend to the Conference such action as it may deem wise and expedient to secure compliance therewith”*. Thus far, the Governing Body has only used article 33 once, when forced labour took place in Myanmar. The sanction included the withdrawal of any technical support to the government of Myanmar and the government did not receive any invitation to symposia, meetings and seminars from the ILO, with the exception of meetings with the purpose of securing compliance with the recommendations.⁹⁵

4.1.1 STANDARDS RATIFIED BY CÔTE D’IVOIRE RELATED TO LABOUR CONDITIONS

Since 2008, Côte d’Ivoire has ratified several international agreements.⁹⁶ The international conventions related to labour conditions that are ratified by the government of Côte d’Ivoire are listed in table 2, and the main articles related to the WFCL are summarised. These are all the key conventions with regards to child labour.⁹⁷

⁹⁴ ILO., ‘Rules of the Game: An introduction to the standards-related work of the International Labour Organisation’, (2019), Geneva.

⁹⁵ ILO., ‘Special procedures – Article 26 – The Governing Body may recommend action to the International Labour Conference – Practice on the use of article 33 of the ILP Constitution’, <[Practice on the use of article 33 of the ILO Constitution – NORMES](#)> accessed on 12 March 2023.

⁹⁶ International Law and Policy Institute (ILPI), ‘Child Labour in the West African Cocoa Sector’, (2015), Oslo.

⁹⁷ U.S. Department of Labor, Bureau of International Labor Affairs., ‘International Child Labor & Forced Labor Reports – Findings on the Worst Forms of Child Labor - Côte d’Ivoire’, (2021), Washington.

Table 2. International conventions related to labour conditions ratified by Côte d'Ivoire

RATIFIED	CONVENTIONS	KEY RELEVANT ARTICLES
2008	ILO Convention 138 concerning the Minimum Age for Admission to Employment, 1973	<ul style="list-style-type: none"> • Art. 2.3 sets the minimum age to work at 15 years old, and the age of completion of compulsory schooling shall not be less than 15 years old. • Art. 3 sets the minimum age for hazardous work at 18 years old. • Art. 7 states that persons between 13-15 years old may perform light work that does not interfere with their school attendance.
2008	ILO Convention 182 concerning the Worst Forms of Child Labour, 1999	<ul style="list-style-type: none"> • Art. 2 defines “child” as anyone under 18 years old. • Art. 3 provides a definition of WFCL (See chapter 4.2) • Art. 7 compels Member States to take measures to eliminate WFCL and designate a competent authority.
2011	UN Convention on the Rights of the Child (hereinafter referred to as CRC)	<ul style="list-style-type: none"> • Art. 7 states that children should be registered immediately after birth. • Art. 28 compels States Parties to recognise the right of the child to education: primary school should be compulsory and available for free, secondary education should be encouraged and available and accessible to all children. • Art. 32 states that States Parties should recognise the right of the child to be protected from economic exploitation and from performing work that is likely to be hazardous or interfere with the child’s education, etc. States Parties shall implement legislative, administrative, social, and educational measures to insure the enforcement of this right. • Art. 35 compels States Parties to take measures to prevent abduction, sale, or traffic of children. • Art. 43 establishes a Committee on the Rights of the to examine progress made by States Parties, which can make suggestions and general recommendations.
2011	UN CRC Optional Protocol on the Sale of Children, Child	<ul style="list-style-type: none"> • Art. 3.1(a)(i) “The sale of children” includes the offering, delivering, or accepting, by whatever means, a child for the purpose of (c). Engagement of the child in forced labour.

	Prostitution and Child Pornography	<ul style="list-style-type: none"> • Art. 8.2 ensures that State Parties shall ensure that uncertainty regarding the age of the child shall not prevent initiation of criminal investigations and investigations to establish the age of the victim.
2000-2002	Palermo Protocol on Trafficking in Persons	<ul style="list-style-type: none"> • Commits State Parties to prevent and combat trafficking in persons, especially of women and children, to punish the traffickers and protect the victims of trafficking.

When the allegations of WFCL were first made, Côte d'Ivoire was not part of the ILO Convention 138 and the minimum age laws did not conform with international standards.⁹⁸ Only later, in 2003, the ILO conventions C138 and C182 were both signed by Côte d'Ivoire.⁹⁹ Government initiatives to implement these conventions in Côte d'Ivoire and their effectiveness will be further discussed in chapter 7.

4.2 THE DEFINITION OF THE WORST FORMS OF CHILD LABOUR

This subchapter will first provide the most important definitions related to the WFCL. I will explain the different types of child work and the difference between the conditional and unconditional forms of WFCL using national and international law.

The definition of child used in this research is the one provided by Art.2 of arrete no. 2017-017 adopted on June 2, 2017 “*Déterminant la liste des travaux dangereux interdits aux enfants*” (“determining the list of hazardous work prohibited to children”), which defines “child” as

“any natural person of either sex, under the age of eighteen (18), regardless of race, nationality, religion, residing or staying on the territory of the Republic of Côte d'Ivoire”.

This definition is in line with the definition set in *ILO No.138 Minimum Age Convention* and *ILO No.182 Worst Forms of Child Labour Convention*. While this is the legal definition, social norms in Côte d'Ivoire concerning the definition of a child are different. People often marry young, and therefore boys must provide an income early on.¹⁰⁰ A study from Save the Children in 2017 showed that child marriage rates are 48% for girls in rural areas. Moreover, the study showed that Côte d'Ivoire was not on track to meet the SDG target to end child marriage by

⁹⁸ Schrage, E.J., Ewing, A.P., ‘*The cocoa industry and child labour*’, (2005), JCC 18.

⁹⁹ ILO, ‘*Ratifications for Côte d'Ivoire*’, <[Ratifications of ILO conventions: Ratifications for Côte d'Ivoire](#)> as of 12 March 2023.

¹⁰⁰ Interview with PPP1

2030.¹⁰¹ Communities often follow traditional customs over national law and parents often hide the age of their children when it comes to both child marriage and child labour. Moreover, law enforcement remains weak with regards to both aspects.¹⁰²

All forms of forced or compulsory labour, including by children, are prohibited according to *Portant Constitution de la République de Côte d'Ivoire* (hereinafter referred to as the Constitution). Art. 16 of the Ivorian Constitution states that “*Child labour is prohibited and punishable by law. It is forbidden to employ a child in an activity that endangers him or that affects his health, growth and physical and mental balance.*”

It is essential to distinguish here between “child work”, “child labour”, and “the worst forms of child labour”. The definitions are underlined in *ILO No.138 Minimum Age Convention* and *No.182 Worst Forms of Child Labour Convention*. The definition of “child work” mentioned in Art.7 of ILO Conv. 138 is used in this study. This Article describes that children between the age of 13-15 years, may do light work that is not harmful to their health or development and does not interfere with their school attendance, participation in vocational orientation or training programmes. Children who are 15 years or older may do work that complies with the same requirements. “Child labour” is a subsection of child work. According to the ILO, child labour includes:

*“all children in the age cohort 5-11 years who are working; all children between the ages of 12-14, who are performing work not considered as light work and working more than 14 hours a week; and all those in the 15-17 years group whose work may be deemed hazardous”.*¹⁰³

The WFCL can be categorised in conditional and unconditional forms, which will be further explained in chapter 4.2.1 and 4.2.2.¹⁰⁴ Meanwhile, Art.4(1) of *ILO Convention No. 182* and Art. 3(2) of *ILO Convention No. 138* determine that the description of work that is hazardous to children’s health and development is established by law at national level in consultation with the relevant employer organisations and workers.

¹⁰¹ Save the Children, ‘*Child Marriage in Côte d’Ivoire*’, (2017).

¹⁰² Save the Children, ‘*Child Marriage in Côte d’Ivoire*’, (2017).

¹⁰³ ILO, ‘*Regional brief for Africa: 2017 global estimates of modern slavery and child labour*’, (2017), Geneva.

¹⁰⁴ ILO, ‘*Investigating the Worst forms of Child Labour: A synthesis report of selected rapid assessment and national reports*’, (2005), Geneva.

4.2.1 THE UNCONDITIONAL WORST FORMS OF CHILD LABOUR

The unconditional WFCL are related to criminal acts and are unconditionally prohibited by law. Art.3 of the ILO Convention No.182 defines the unconditional WFCL as:

- (a) *“all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and selfdom and forced to 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 or drugs as defined in relevant international treaties”.*

The unconditional WFCL that are common in the cocoa industry are forced labour, slavery, torture, physical abuse and trafficking of children.¹⁰⁵ The prohibition of these forms of the unconditional WFCL have been included in the Ivorian Constitution in Art. 5, which states:

*“The enslavement, human trafficking, forced labour, physical or mental torture, inhuman, cruel, degrading and humiliating treatment, physical abuse, female genital mutilation and all other forms of degradation of humans are forbidden.”*¹⁰⁶

Furthermore, the different aspects of the unconditional WFCL are integrated at national level by Cote d’Ivoire in *la loi n°2010-272 du 30 septembre 2010 “portant interdiction de la traite et des pires formes de travail des enfants”* (determining the prohibition of trafficking and the worst forms of child labour). This law provides definitions of the above-mentioned aspects of the unconditional WFCL and lays out the penalties in case of a breach. The unconditional WFCL can be divided into two categories, namely forced labour and child trafficking. Below, I will give an overview of the relevant definitions for the unconditional WFCL common in the cocoa industry.

4.2.1.1 FORCED LABOUR PROHIBITED TO CHILDREN

Art. 7 of *loi n°2010-272 du 30 septembre 2010*, defines “forced or compulsory labour prohibited to children” as any work or service outside educational family tasks and schoolwork, which a child cannot or does not want to do, but is forced to do under threat, bullying, assault, or deprivation of any kind, for the benefit of individuals, organisations, or companies. This

¹⁰⁵ UNICEF, ‘Children’s Rights in the Cocoa-Growing Communities of Côte d’Ivoire – Synthesis Report’, P.19, (2018).

¹⁰⁶ Original: “L’esclavage, la traite des êtres humains, le travail forcé, la torture physique ou morale, les traitements inhumains, cruels, dégradants et humiliants, les violences physiques, les mutilations génitales féminines ainsi que toutes les autres formes d’avilissement de l’être humain sont interdits.”

includes any form of work or service relating to the production or collection of goods for trade, such as cocoa beans. One of the aspects raised during the interviews was that cultural norms in Côte d'Ivoire concerning what is good and harmful for children are different from the views in the West. As mentioned before, people marry young, and boys are expected to provide an income early on. Moreover, children are expected to work in order to learn how to become a farmer. Since there is a lack of other opportunities for work in rural Côte d'Ivoire parents consider working on the farm as part of their children's education.¹⁰⁷

“Exploitation” is further defined in art. 8 of *loi n°2010-272 du 30 septembre 2010* as all activities to which the child is subjected and which present for them no economic, moral, mental or psychological interest, but provide the perpetrator or any other person with direct or indirect economic, moral or psychological advantages. The term “exploitation” relevant to the cocoa industry is: forced labour or services, illicit adoption, or all forms of abuse for economic purposes prejudicial to the health, physical, mental, spiritual, moral and social development of the child. Anyone who subjects a child to forced labour shall be punished by ten to twenty years of imprisonment and a fine of 5 to 20 million CFA Francs according to art. 23. An unknown number of children migrates from neighbouring countries, such as Burkina Faso and Mali, to Côte d'Ivoire and end up working on cocoa farms. These children are at a high risk of exploitation and may even be victims of child trafficking.¹⁰⁸ Cocoa farming is labour intensive, and farmers often cannot afford to pay for adult labourers. Moreover, lack of mechanisation has led to the need for more labourers on the farms.¹⁰⁹

Two more forms of forced labour are servitude and slavery. Servitude is described in art. 13 of the same law as the condition of any child who is required to live and work for another person, with or without remuneration, without being able to change their condition. Slavery is defined in art. 14 as the condition of a child over whom the attributes of the right of ownership are exercised. Kidnapping or abducting of a child to hold them as a slave shall be punished by ten to twenty years of imprisonment and a fine of 5 to 20 million CFA Francs according to art. 20. Slavery and servitude are often linked to child trafficking, which will be discussed below.

¹⁰⁷ Interviews with PPP1 and Comp2

¹⁰⁸ UNICEF Côte d'Ivoire., *'Promoting the Rights of children in the Cocoa Producing Areas in Cote d'Ivoire'*, (2019), Abidjan.

¹⁰⁹ Interview with PPP1

4.2.1.2 CHILD TRAFFICKING

Child trafficking is a still occurring issue in the cocoa industry in Côte d'Ivoire, mostly with children from Burkina Faso and Mali, since there is no cocoa production in these countries.¹¹⁰ It is difficult to quantify the issue and hard to identify.¹¹¹ The meaning of child trafficking is given in art. 11 of *loi n°2010-272 du 30 septembre 2010*. 'Child trafficking' means any act of recruitment, transportation, transfer, harbouring, or receipt of children from inside or outside the country, for the purpose of exploitation. According to art. 22, a prison term of 10 to twenty years is given to anyone who engages in child trafficking under one of the following conditions:

- If the victim is under the age of 14.
- If the act was committed through violence or fraud, by using false qualifications, titles, documents, or authorisations.
- If narcotics were used to alter the will of the victim.
- If the perpetrator was carrying a weapon.
- If the victim was kidnapped or exposed in a public or private place.
- If the acts of trafficking have caused the child physical, moral or mental incapacity or any other medically observed damages.
- If the trafficking is the work of an organised group.
- If the child has been subjected to the WFCL.

One of the main reasons that child trafficking occurs is that boys around the age of 13 to 14 years old in neighbouring countries often want to support their parents with an income when their family is poor. Côte d'Ivoire has a reputation in its neighbouring countries, still stemming from the cocoa boom from the 1950s to 1980s, as a good place to gain work experience. These young people often have no means of providing for their own transportation to Côte d'Ivoire, and recruiters come to find them and reinforce the positive image of the country. Recruiters organise and pay for the transportation. The experience of these boys does not match up with their expectations and upon returning to their home country they are often ashamed to speak about what they have endured on the cocoa farms.¹¹²

¹¹⁰ Interview with TradeU1

Robson, P., '*Ending Child Trafficking in West Africa - Lessons from the Ivorian cocoa sector*', (2010), Anti-Slavery International, London.

¹¹¹ Interview with TradeU1

¹¹² Robson, P., '*Ending Child Trafficking in West Africa - Lessons from the Ivorian cocoa sector*', (2010), Anti-Slavery International, London.

Art. 17 of *loi n°2010-272 du 30 septembre 2010* states that when a child is traveling without the company of their parent(s) or guardian, a special authorisation should be presented. The carrier is obliged to check the required legal documents and authorisation and the trip should be cancelled or suspended otherwise. In this case the child should be brought back to their parents or guardians by the competent authorities. The transport company or similar organisation that has facilitated the transportation of the victim is required to cover the costs for repatriation of the victim under art. 37. According to art. 40, the State and local authorities are responsible to provide the care required by the intercepted and found children by providing them with food, accommodation, health care, psychological support, rehabilitation, and repatriation. When the age of the victim is uncertain, and there are reasons to believe they are a child, it should always be assumed that they are. Moreover, art. 18 of the same law states that parents and guardians should prove their relationship to the child with legal documentation. In case the adult travelling with the child is not the parent or guardian, express authorisation from the legal parent, guardian or legal authority should be presented.

During the interview with TradeU1, they mentioned that one of the measures they have taken to combat to this form of WFCL included the training of border security personnel at “black points” and weak spots where trafficked children regularly cross the border to Côte d’Ivoire. They work together with the police to map the issue and intercept the victims. It is often not possible to send the children back to their parents or guardians, as they have often been sold to recruiters, and they would be sold again within a few months. One of the issues they encountered, was that when the black points were well protected, the routes changed to Ghana.¹¹³ This form of WFCL is hard to quantify and identify, as it is commonly known to be illegal and therefore it remains well hidden.¹¹⁴

4.2.2 THE CONDITIONAL WORST FORMS OF CHILD LABOUR

The conditional WFCL are related to the working conditions. PAN-PFTE 2015-17 reported that the number of children subjected to hazardous types of work in the agricultural sector in Côte d’Ivoire was 189,427. This made up 35.5% of the total child labour.¹¹⁵ PAN-PFTE 2019-21 does not report the specific number of children that are victim to this form of child labour.

¹¹³ Interview with TradeU1

¹¹⁴ Interview with NGO1

¹¹⁵ Republique de Côte d’Ivoire., ‘*Plan d’Action National 2015-2017 De Lutte Contre les Pires Formes de Travail des Enfants (PAN-PFTE 2015-2017)*’, (2015), Abidjan.

ILO Conv. 182 Art.3(d) defines the conditional WFCL as follows:

“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”.

Hazardous work is defined at national level. The minimum age, on the other hand, is internationally established at 18 years old for carrying out hazardous work is established at international level in Art. 3(1) of ILO Convention No. 138. For Côte d’Ivoire, hazardous work is defined in *arrêté n° 009 MEMEASS/CAB adopted on January 19, 2012 determining the list of hazardous work for children under 18 years old*. Art. 3 describes hazardous work for children as work that by nature or the conditions in which it is performed, is susceptible to:

- Put their lives in danger;
- Harm their health, safety or morals;
- Impair their physical and mental development;
- Deprive them of their childhood, potential and dignity;
- Deprive them of their schooling or the opportunity to go to school;
- To prevent them from attending school or the ability to benefit from the instructions received.

Furthermore, Art. 5 of *arrêté n° 009 MEMEASS/CAB* also states that it is prohibited to employ children on premises where the above listed activities are carried out. Art. 19 of *la loi n°2010-272 du 30 septembre 2010 determining the prohibition of trafficking and the worst forms of child labour* states that the parents/guardians who are responsible for the child’s education, intellectual or professional training face one to five years of imprisonment and/or a fine of 500,000 to 1,000,000 CFA francs (€750 - €1,500) when they knowingly let or make the child do dangerous work. As previously mentioned, there is a lack of knowledge on what constitutes hazardous work for children. Moreover, cultural norms play a role in the existence of this form of WFCL. This makes it hard to address the issue.¹¹⁶ Furthermore, since hazardous work is defined at national level, there may be discrepancies between countries. For example, the use of machetes and sharp tools have been categorised in Ghana as hazardous work since 2008, whereas this only became the case in Côte d’Ivoire in 2017.¹¹⁷ From one day to the next children working with sharp tools were suddenly legally considered to be victims of the WFCL.

¹¹⁶ Interviews with NGO1, PPP1, Comp1 and Comp 2

¹¹⁷ School of Public Health and Tropical Medicine, ‘2013/14 Survey Research on Child Labor in West African Cocoa Growing Areas’, (2015), Tulane University.

The criteria for hazardous activities in the different sectors are described at national level. In Cote d'Ivoire, the relevant law is *arrete no. 2017-017 adopted on June 2, 2017 determining the list of hazardous work prohibited to children*. The list of hazardous activities as stated in Art. 7 of this legislation is given in table 3. Only the activities that are relevant for the production of cocoa are listed in this table.

Table 3. List of hazardous activities relevant to cocoa production

Sector	Hazardous activities
Agriculture and Forestry	<ul style="list-style-type: none"> • Field clearing; • Tree felling; • Burning of fields; • Hunting with a weapon; • Logging; • The production of charcoal; • Stump removal; • Digging holes; • Pod breaking with a sharp tool/ object: <ul style="list-style-type: none"> - Harvesting with a machete or sickle; - Handling agrochemicals; - Driving motorised engines.

According to art. 16 of *loi n°2010-272 du 30 septembre 2010*, the State and the local authorities are in charge of taking all the appropriate measures to ensure all children are protected against dangerous work, trafficking and any form of exploitation. Furthermore, according to art. 34 of the same law, anyone who could have prevented or limited the offenses described above without any repercussions to themselves, but voluntarily decided not to take action, can be punished by one to three months of imprisonment and/or a fine of 50,000 to 100,000 CFA francs. The government of Côte d'Ivoire has established a number of measures to combat the unconditional WFCL, which will be discussed in Chapter 7.

4.3 CONCLUSION

WFCL is defined in ILO standards, which have been adopted into the national legislation of Côte d'Ivoire. WFCL can be divided into the conditional and unconditional WFCL. The unconditional forms of WFCL are criminal acts that include trafficking and forced labour. The conditional forms of WFCL include hazardous work, which is regulated at national level. The government of Côte d'Ivoire is responsible for law enforcement, which remains weak.

CHAPTER 5. THE ROOT CAUSES OF CHILD LABOUR IN THE COCOA INDUSTRY IN CÔTE D'IVOIRE

This chapter will provide an overview of the root causes of child labour in the cocoa industry in Côte d'Ivoire based on the interview results. In the first chapter we have seen that the cocoa supply chain faces many challenges, but child labour is the most commonly addressed issue.¹¹⁸ Child labour in Côte d'Ivoire should be reviewed in a broader perspective, as it is a symptom of a much larger problem. In order to explain the responsibilities of chocolate companies in comparison to the government regarding combating the WFCL in the cocoa industry in Côte d'Ivoire, it is important to look at the causes and the possible solutions of the problem.

The results of the interviews with regards to the causes and solutions have been grouped in the following categories: poverty, lack of basic amenities and social services, current farming practices, cultural norms, political issues, current interventions, and industry-related issues. These causes are not stand-alone issues and are interconnected. Based on the results from the interviews, I have mapped the causes as shown in figure 2. These categories of causes will be further discussed in the next subchapters.

¹¹⁸ Engage the Chain, *'An Investor Brief on Impacts that Drive Business Risks'*, P. 8, (2020).

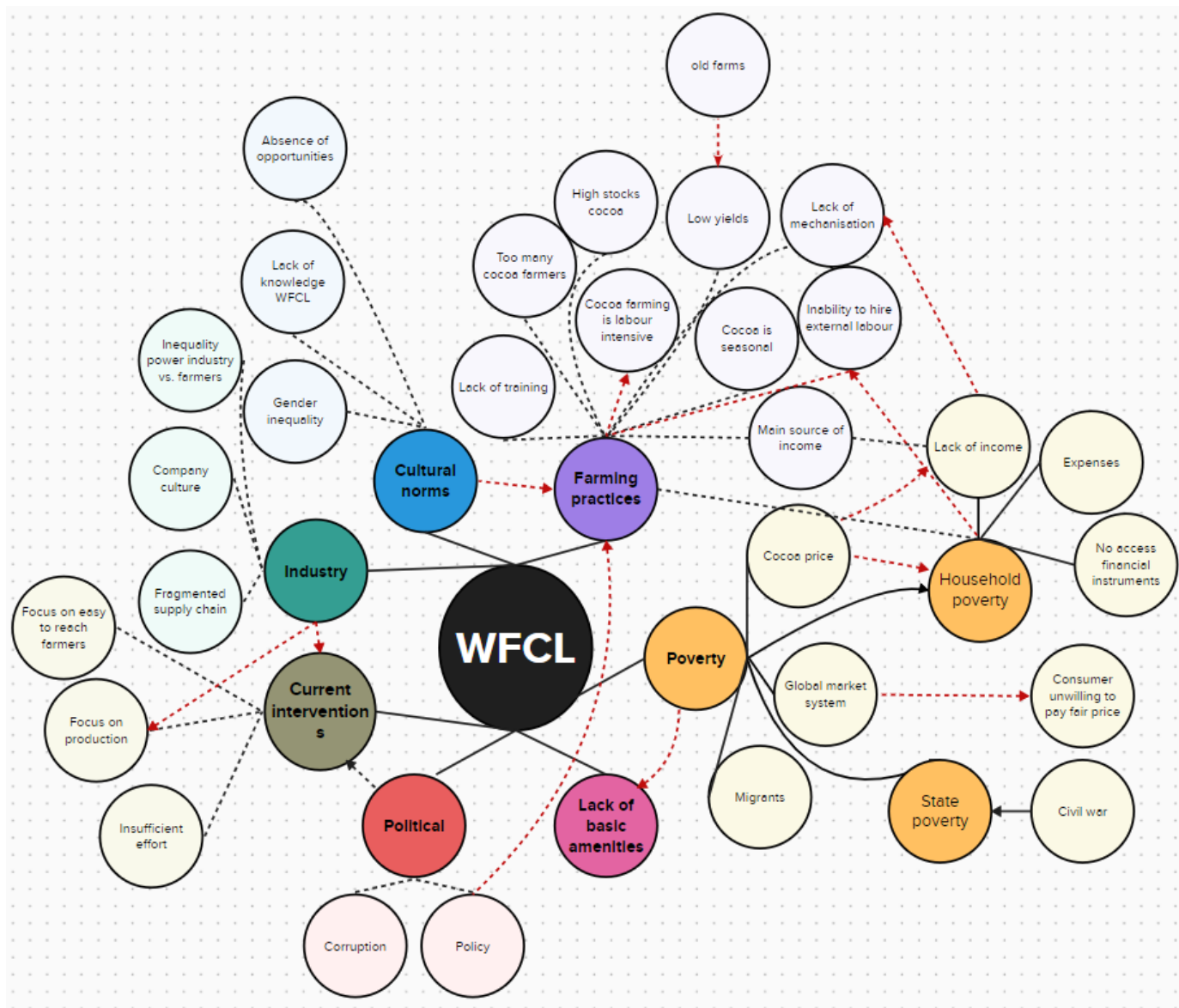


Figure 2. The root causes of the WFCL in the cocoa industry in Côte d'Ivoire

5.1 POVERTY

The UN has set 17 Sustainable Development Goals (SDGs) that were adopted in 2015 and set the global development agenda up until 2030. The first of these SDGs is to “*end poverty in all its forms everywhere*”. The International Cocoa Initiative (ICI) stated in their 2021-2026 strategy that “*Threats such as climate change, political instability, and public health risks, such as the 2020 COVID-19 global pandemic, have a disproportionately greater impact on people in developing countries, and on the poorest among them*”.¹¹⁹ The daily wage of cocoa farmers

¹¹⁹ ICI, ‘*The International Cocoa Initiative Strategy 2021-2026*’, p.16, Geneva.

in Côte d'Ivoire is USD \$1.23 a day.¹²⁰ This is far below the poverty line as defined by the World Bank in 2022 at USD \$2.15 per day.¹²¹ In comparison, in 2018, the daily wage of Ivorian Cocoa farmers was USD \$0.54 a day, whereas the poverty line was defined at USD \$1.90 per day.¹²² There is progress, but not enough to close the gap by 2030.¹²³

Poverty was given as a cause of WFCL in the cocoa industry in Côte d'Ivoire by all the parties that were interviewed for this research in 2018. However, the reasons they gave to explain the existence of poverty amongst farmers varied. Poverty can be divided into 'household poverty', which relates to the poverty of cocoa farmers, and 'state poverty', which relates to the poverty of the State of Côte d'Ivoire. One of the causes for state poverty are the civil wars, which has led to the destruction of social infrastructures and investments in weaponry instead of solutions that would support the elimination of the WFCL.¹²⁴ Furthermore, corruption is also one of the lead factors causing state poverty. State poverty leads to lack of investment in the cocoa growing communities, which is further discussed in chapter 5.3.

One of the causes of household poverty that was given during the interviews was the cocoa price.¹²⁵ A low productivity of cocoa is given as a reason by Comp2. The argumentation is that if cocoa farmers produce more cocoa, they will have a higher income. Instead, cocoa prices have fallen in 2017 due to a global oversupply.¹²⁶ In Côte d'Ivoire, the Conseil du Café-Cocoa (CCC) regulates the farm-gate price. The labour market is extremely informal, and farmers have limited negotiation power.¹²⁷ According to Comp2, cocoa farmers have almost zero control over the price that they get for their cocoa. Only 7% of the consumer price of chocolate reaches the cocoa farmer.¹²⁸

Another problem occurs when the price of cocoa is lower in Côte d'Ivoire compared to the price of cocoa in Ghana. The price gap encourages the smuggling of cocoa, which in turn also

¹²⁰ Waarts, Y., Kiewisch, M., 'Balancing the Living Income Challenge – Towards a multi-actor approach to achieving a living income for cocoa farmers', Wageningen University and Research, (2021).

¹²¹ The World Bank, 'Fact Sheet: An Adjustment To Global Poverty Lines', (2022).

¹²² Fern, 'Agricultural commodity consumption in the EU – Policy Brief', (2018).

The World Bank, A. Frykholm, 'Ending extreme poverty', (2016).

¹²³ ICI, 'The International Cocoa Initiative Strategy 2021-2026', Geneva.

¹²⁴ Interview with PPP1.

¹²⁵ Interviews with NGO1, TradeU1 and Comp1.

¹²⁶ O. Monnier, 'Ivory Coast cuts cocoa farmers pay by third for main harvest', (2017), Bloomberg.

¹²⁷ UNICEF, 'Children's Rights in the Cocoa-Growing Communities of Côte d'Ivoire – Synthesis Report', P.9, (2018).

¹²⁸ Van Vliet, J.A., Slingerland, M.A., Waarts, Y.R., et al., 'A Living Income for Cocoa Producers in Côte d'Ivoire and Ghana?', (6 October 2021), Front. Sustain. Food Syst., Sec. Land, Livelihoods and Food Security Volume 5.

affects the Ghanaian cocoa market.¹²⁹ The CCC has therefore suspended programmes that boost cocoa production for the season of 2018-19.¹³⁰ Reasons that were given for low yields are a lack of education for farmers, lack of access to technology and funding, old farms, pests and diseases, weather conditions, outdated farming methods and young people seeking other opportunities outside cocoa farming.¹³¹ What's more, many cocoa farmers depend heavily on cocoa as their main source of income. A report from Fairtrade International shows that on average, 74% of the income is generated from cocoa in a cocoa farmer household in Côte d'Ivoire.¹³² Poverty in cocoa farmer households means that healthcare, nutritious food, education for the children and long-term investments in the farm are often unaffordable.¹³³

In an effort to tackle farmer poverty, the governments of Côte d'Ivoire and Ghana introduced the living income differential (LID), which is further described in Chapter 7.4.1.¹³⁴ The VOICE Network raised concerns in 2019 that this was not enough for cocoa farmers to earn a living income and that it was unclear how much of the extra revenue would go to cocoa farmers or would be invested back into cocoa growing communities.¹³⁵

5.2 FARMING PRACTICES

When farmers live in poverty, they must choose between giving their children a future with education or letting them work on their farms to provide for the family. The production of cocoa is labour intensive, and farmers are often not well trained in how to produce cocoa. Since farmers often cannot afford to hire adult labour or invest in mechanisation, they rely on children to work on their farms. Here they often perform hazardous tasks, such as carrying heavy loads and handling dangerous tools like machetes.¹³⁶ Moreover, children from neighbouring

¹²⁹ D. Gandhi, 'African leaders focus on economy and security as they address the United Nations General Assembly', (2017), Brookings.

¹³⁰ Reuters, 'UPDATE 1 – Ivory Coast to reduce cocoa output over next two years', (2018).

¹³¹ OXFAM America, Green America, ILRF, et al., 'Cocoa barometer 2015', (2015).

Sucden Financial, K. Kamal, G. Wilkes, 'Bittersweet outlook for cocoa', (2017).

¹³² Fairtrade International, 'Cocoa Farmer Income – The household income of cocoa farmers in Côte d'Ivoire and strategies for improvement', (2018).

¹³³ UNICEF, 'Children's Rights in the Cocoa-Growing Communities of Côte d'Ivoire – Synthesis Report', P.11, (2018).

¹³⁴ Boysen, O., Ferrari, E., Nechifor, V., et al., 'Earn a living? What the Côte d'Ivoire-Ghana cocoa living income differential might deliver on its promise', Elsevier, (2023), European Commission JRC, School of Agriculture & Food Science University College Dublin.

¹³⁵ VOICE Network., 'VOICE Network welcomes historic move to raise cocoa prices, questions remain on implementation', (2019).

¹³⁶ S.T. Beckett, M.S. Fowler, G.R. Ziegler., 'Beckett's Industrial Chocolate Manufacture and Use', Wiley Blackwell., 5th edition, (2017).

countries are trafficked into Côte d'Ivoire to provide cheap labour on the farms, where they are treated like slaves.¹³⁷ The most common form of trafficking in this region is where parents voluntarily arrange the placement of their child with a third party in exchange for payment. Children are most commonly trafficked from Mali and Burkina Faso.¹³⁸ Moreover, cocoa is a seasonal product, which means cocoa farmers have to take out loans and pay a high interest during the months they do not have an income from cocoa.¹³⁹

Farming practices were considered one of the root causes of child labour by NGO2, PPP1, Comp1 and Comp 2, though different reasons were provided by the different participants. Comp1 and Comp2 argued that the issue lies with cocoa being the only source of income for cocoa farmers. Comp2 mentioned that cocoa farms are often old and cocoa yields are low. Comp2 stated the following about the policy of the agricultural policy of the Ivorian government during the interview in 2018: *"Their recent statements about stop teaching farmers how to increase productivity, I think is a perfect example of how a government lacks any kind of policy to help farmers. So, you're basically saying "don't help farmers increase productivity, keep them poor until prices start to go up, and then we'll give them a little bit more" ... Poor productivity and very poor policy."* Moreover, according to Comp2 there are too many cocoa farmers. Both Comp1 and Comp2 suggested diversification as a solution. Increasing diversification in cocoa growing communities is a major strategy adopted by chocolate companies to increase the income of cocoa farmers without increasing the price for cocoa.¹⁴⁰ NGO2 mentioned during the interview that transitions from cocoa to other crops should be managed responsibly at national level as to protect the social impact such a transition might carry, as the same risks with regards to the WFCL also apply to other crops. Cocoa farmers cannot increase their production of cocoa or any other crop without hiring additional labour, and without a living income it is not possible for cocoa farmers to invest in their farms.¹⁴¹ Another factor is the vulnerability of the crop, and climate factors and diseases can ruin the harvest. In 2023, Côte d'Ivoire has suffered heavy rainfall, which led to flooding and crop

¹³⁷ S. Lee, J.M. Fagan, *'Bitter Truth Behind Sweet Chocolate – Potential Solutions to Eliminating Child Labor in the Cocoa Industry'*, P.6, (2015), Rutgers University.

¹³⁸ Schrage, E.J., Ewing, A.P., *'The cocoa industry and child labour'*, (2005), JCC 18.

¹³⁹ Interview with Comp1.

¹⁴⁰ Fountain, A., Huetz-Adams, F., *'Cocoa Barometer 2022'*, (2022).

¹⁴¹ Fountain, A., Huetz-Adams, F., *'Cocoa Barometer 2022'*, (2022).

diseases, such as the black pod disease. The extreme weather and diseases could lead to a lower crop quality and production.¹⁴²

5.3 LACK OF BASIC AMENITIES AND SOCIAL SERVICES

A lack of social services is also one of the root causes for the existence of WFCL in Côte d'Ivoire. There is a lack of education, infrastructure, healthcare and funding.¹⁴³ During the establishment of the partnership between the CNS and the ICI in 2016, Dominique Ouattara stated:

*“I remain convinced that education is the alternative and the most effective long-term response in the fight against child labour”*¹⁴⁴

Education is compulsory for children in Côte d'Ivoire. Art. 10 of the Constitution states that school is compulsory for children of both sexes. The state and local authorities are responsible to provide education and create the conditions for this education. However, both the availability and the quality of primary schools, but also secondary schools are insufficient in cocoa growing areas. And even if a school is available, many parents still cannot afford exclusive school attendance for their children. According to research by *Asenso-Okyere, et al.* several factors determine whether parents choose to let their child exclusively attend school or let them work on the farm during school hours. Some of these factors are the sex and age of the child, the distance to school, the size of the cocoa farm and the source of drinking water.¹⁴⁵ Girls are more often taken out of school than boys, which is further discussed in chapter 5.4.

If basic services, such as boreholes for drinking water, are available in cocoa-growing communities, children are more likely to be enrolled and attend school, instead of helping the family with housework and labour on the farms.¹⁴⁶ PPP1 mentioned during the interview in 2018 that the civil war is a main cause for lack of basic amenities: *“It’s also in Cote d’Ivoire specifically the fact that the country had to recover from a civil war. Where Ghana for example*

¹⁴² Myers, A., ‘Cote d’Ivoire’s main season cocoa crop strengthened by above-average rain’, (8 August 2023), Confectionery News. <[Cote d'Ivoire's main season cocoa crop strengthened by above-average rain \(confectionerynews.com\)](https://www.confectionerynews.com)>

¹⁴³ UNICEF, “Children’s Rights in the Cocoa-Growing Communities of Côte d’Ivoire – Synthesis Report”, P.7, (2018).

¹⁴⁴ International Cocoa Initiative., ‘The First Lady of Côte d’Ivoire and the International Cocoa Initiative – Partners in the fight against child labour’, (26 April 2016). [The First Lady of Côte d’Ivoire and the International Cocoa Initiative – Partners in the fight against child labour | ICI Cocoa Initiative](https://www.ici-cocoa.org/en/first-lady-of-cote-d-ivoire-and-the-international-cocoa-initiative-partners-in-the-fight-against-child-labour)

¹⁴⁵ Asenso-Okyere, K., Sarpong, D.B., Okyere, C.Y., et al., ‘Modeling the Determinants of Farmers’ Decision on Exclusive Schooling and Child Labour in the Cocoa Sector of Ghana’, (2013), Global Journal of Human Social Science Economics, Vol. 13, No. 3.

¹⁴⁶ Asenso-Okyere, K., Sarpong, D.B., Okyere, C.Y., et al., ‘Modeling the Determinants of Farmers’ Decision on Exclusive Schooling and Child Labour in the Cocoa Sector of Ghana’, (2013), Global Journal of Human Social Science Economics, Vol. 13, No. 3.

*has clearly much better social infrastructures, because many have not been destroyed or investments have been made in those over the period when Cote d'Ivoire invested a lot in weaponry to protect or to equip its military.”*¹⁴⁷

Furthermore, the lack of birth certificates is also a major factor that prevents children from attending school, as they are required for school enrolment.¹⁴⁸ Registration offices are often far away and needs to be paid for. Moreover, workers on cocoa farms are often aware of the policies regarding child labour, and children often state that their age is between 19 and 21.¹⁴⁹ Another major factor is poor infrastructure, which makes it difficult for children to attend school as well as making it more costly to trade in these areas. This again results in lower cocoa prices for farmers.¹⁵⁰

5.4 CULTURAL NORMS

There are certain cultural norms in West-Africa that play a role in the existence of child labour. For instance, gender gaps play a role in school attendance. As mentioned before, education is considered more important for boys than for girls. Furthermore, girls often drop out of school to take care of siblings, or because they are pregnant.¹⁵¹ When working, boys tend to do more income-generating activities, whereas girls tend to help more often with the household tasks.¹⁵² Several interview participants also explained that this gender gap is also visible between men and women.¹⁵³ Women have limited influence over the household decisions and how the money is spent. Research shows that when women have more decision-making power on how income is spent, children are more likely to attend school and receive nutritional meals. However, when the man is the main financial decision maker, criminality is higher, and income is less likely to be spend on their children.¹⁵⁴ Lastly, during the workshop *Cocoa, and unsavoury sweet?* at the European Commission, a representative from a cocoa producing

¹⁴⁷ Interview with PPP1.

¹⁴⁸ Interview with NGO2.

¹⁴⁹ Fair Labour Association, ‘Sustainable Management of Nestlé’s Cocoa Supply Chain in the Ivory Coast – Focus on Labour Standards’, P. 42-4, (2012).

¹⁵⁰ Interviews with NGO2 and TradeU1.

¹⁵¹ UNICEF, ‘Children’s Rights in the Cocoa-Growing Communities of Côte d’Ivoire – Synthesis Report’, P.19, (2018).

¹⁵² Asenso-Okyere, K., Sarpong, D.B., Okyere, C.Y., et al., ‘Modeling the Determinants of Farmers’ Decision on Exclusive Schooling and Child Labour in the Cocoa Sector of Ghana’, (2013), Global Journal of Human Social Science Economics, Vol. 13, No. 3.

UNICEF, ‘Children’s Rights in the Cocoa-Growing Communities of Côte d’Ivoire – Synthesis Report’, P.19, (2018).

¹⁵³ Interviews with NGO1, NGO2 and TradeU1.

¹⁵⁴ UNICEF, ‘Children’s Rights in the Cocoa-Growing Communities of Côte d’Ivoire – Synthesis Report’, P.19, (2018).

country in West Africa explained to me that in their culture it is normal for children to help out on the farm. When I asked them what they would define as child labour, they said that “*it is child labour when the work interferes with education and that this is when it becomes problematic*”.¹⁵⁵ When children work on the farm it is often seen as a traineeship, where the children are taught how to produce cocoa, as there are few other opportunities in the cocoa growing areas. Farmers are often told they cannot let their children work on the farms, but they often simply cannot afford any alternatives.¹⁵⁶ Solutions that were raised with regards to cultural norms were education in cocoa growing communities on what the definition of a child is and changing the mentality of farmers in Sub-Saharan Africa on what is good for their children.¹⁵⁷ Moreover, increasing income-generating activities and landownership for women is important to increase school attendance for children.¹⁵⁸

5.5 POLITICAL ISSUES

Law enforcement is insufficient to tackle the existence of the WFCL in Côte d’Ivoire. Even though Côte d’Ivoire has ratified several international agreements and conventions and has legislation prohibiting the WFCL in place, law enforcement remains weak. NGO1 explained during the interview that one of the reasons the law is not properly enforced is because the First Lady Dominique Ouattara took this task on her. She announced that all child labour was forbidden, and as a result it was almost impossible to track child labour. On the one hand she ensured that the topic could openly be discussed at the highest level, on the other hand it was hard to challenge her beliefs on what the WFCL entails and change her policies, as she is not a politician.¹⁵⁹ The political issues and policies are further discussed in chapter 7 of this report.

Moreover, corruption and tax inefficiency also play a major role in the existence of WFCL. According to di Lorenzo, PPPs do not address local governments questions about these topics, even though corruption and tax inefficiency have a major influence on the availability of financial recourses to provide basic social services in cocoa farming areas.¹⁶⁰ Companies can keep quiet in fear of repercussions. This is further discussed in chapter 7.4.3.

¹⁵⁵ Personal conversation with a representative from a cocoa producing country in West-Africa.

¹⁵⁶ Fair Labour Association, ‘*Sustainable Management of Nestlé’s Cocoa Supply Chain in the Ivory Coast – Focus on Labour Standards*’, P. 42-4, (2012).

¹⁵⁷ Interview with PPP1.

¹⁵⁸ Interview with Comp1.

¹⁵⁹ Interview with NGO1.

¹⁶⁰ Di Lorenzo, F., ‘*All is quiet on the partnerships front – scrutinising power dynamics in cocoa partnerships and their effects on child rights advancement in Ghana*’, (2014), King’s College London.

5.6 INDUSTRY

The cocoa sector in Côte d'Ivoire has an extremely informal labour market. Projects are often focussed on farmers that are already organised and who are easier to reach.¹⁶¹ NGO1 explained that it is neither in the interest of the government or the chocolate manufacturer to have farmers organised in farmer associations. If farmers are well organised, they might start influencing elections. Whereas for the chocolate manufacturers “*when you tell them to jump, you want them to ask, ‘how high’ and not ‘why’*”. The power relations between chocolate companies and cocoa farmers are very unequal.¹⁶² Moreover, the multinational chocolate companies are very large and complex, and it takes a long time to achieve a culture change. NGO1 and NGO2 mentioned during their interviews in 2018 that the people in these companies that work on the matter are often not the decision makers and there is a gap between the people working on sustainability and the board of these companies.¹⁶³ However, according to the UN Guiding Principles on Business and Human Rights, human rights’ laws and policies should have due regard to the role of existing governance structures, including corporate boards.¹⁶⁴ The responsibility of chocolate companies in the elimination of the WFCL in the cocoa industry in Côte d'Ivoire is further discussed in chapter 6.

5.7 CURRENT INTERVENTIONS

The scale of current interventions was given as a reason for why the WFCL still exist in the cocoa industry in Côte d'Ivoire by NGO1, NGO2 and TradeU1. The ICI reported in their 2021-2026 Strategy the estimate that effective, industry-backed child protection systems only cover 10 to 20% of the cocoa supply chain in 2020. They stated that a scale-up is required that covers all children at risk of child labour. This should be done in a public-private collaboration by putting a coordinated systems approach in place. This coordinated systems approach should be nationally led and owned by the Ivorian State.¹⁶⁵ NGO1 and NGO2 mentioned that there has been a reluctance to accept the full complexity of the issue, and parties often do not want to admit that a certain strategy has not worked. Moreover, interventions have often only focussed on easy to reach farmers and do not consider organised farmers or farmers in informal settlements.¹⁶⁶ Inadequate budget and procrastination tactics have led to interventions that do

¹⁶¹ Fountain, A., Huetz-Adams, F., ‘*Cocoa Barometer 2015*’, (2015).

¹⁶² Interview with NGO1.

¹⁶³ Interviews with NGO1 and NGO2.

¹⁶⁴ United Nations, ‘*Guiding Principles on Business and Human Rights, Implementing the United Nations “protect, Respect and Remedy” Framework*’, p.5, (2011), New York and Geneva, HR/PUB/11/04.

¹⁶⁵ International Cocoa Initiative., ‘*ICI Strategy 2021-2026*’, p.12.

¹⁶⁶ Interviews with NGO2 and TradeU1.

not cover the scale of the problem.¹⁶⁷ A holistic approach is required to battle all the root causes of the WFCL in the cocoa industry in Côte d'Ivoire. Current interventions from the industry and the government of Côte d'Ivoire are further discussed in chapter 6 and 7.

5.8 CONCLUSION

Numerous factors play a role in the existence of WFCL in the cocoa industry in Côte d'Ivoire. Poverty, lack of basic amenities and social services, current farming practices, cultural norms, political issues, current interventions, and industry-related issues are all considered root causes of the WFCL. These root causes are all interrelated, and therefore, a holistic approach is required. Poverty is often given as the main cause of child labour, but other factors play an equally important role. Moreover, the scale of current interventions is not sufficient to solve the issue. Scale-up, increased budget and increase urgency are required to eliminate the WFCL in the cocoa industry.

¹⁶⁷ Interviews with NGO1, NGO2 and TradeU1.

CHAPTER 6 THE SCOPE OF THE RESPONSIBILITY OF CHOCOLATE MANUFACTURERS

This chapter will reflect on corporate responsibility regarding to the elimination of the WFCL in the cocoa industry in Côte d'Ivoire. This chapter will cover international agreements and guidelines as well as obligations laid out under the EU Corporate Sustainability Reporting Directive. Moreover, this chapter will discuss the role of public private partnerships (PPPs) with regards to corporate responsibility. Furthermore, the results from the interviews with regards to the scope of the responsibility of chocolate manufacturers will be discussed. Lastly, the Codes of Conduct and sustainability reports of Nestlé, Ferrero, Mars and Mondelez have been analysed in order to understand which measures that have been taken by these chocolate manufacturers and to what extent they fit into the scope of the responsibility with regards to the elimination of the WFCL in the cocoa industry in Côte d'Ivoire.

6.1 PUBLIC PRIVATE PARTNERSHIPS

After the exposure of child labour and trafficking in the cocoa industry by the media, the cocoa industry negotiated a deal with U.S Senator Tom Harkin and U.S Representative Eliot Engel to eradicate the worst forms of child labour on a voluntary basis, as an alternative to legislative measures, such as 'child labour/slave free certification'.¹⁶⁸ Subsequently, the Harkin-Engel protocol was implemented in 2001. The deadline to eliminate the WFCL by 1 July 2005 was not met and the deadline was postponed multiple times while the objective was reduced to the reduction of the WFCL with 70% by 2020. This deadline was also not met, and the Harkin-Engel protocol was concluded in 2020. The protocol, however, brought together public and private stakeholders to collaborate on the common goal of combatting child labour in the cocoa supply chain.¹⁶⁹

¹⁶⁸ International Cocoa Initiative. 'Harkin Engel Protocol', (2001).

Di Lorenzo, F., 'All is quiet on the partnerships front – scrutinising power dynamics in cocoa partnerships and their effects on child rights advancement in Ghana', (2014), King's College London.

¹⁶⁹ Sadhu, S., Kysia, k., Onyango, L., et al., 'Assessing Progress in Reducing Child Labor in Cocoa Production in Cocoa Growing Areas of Côte d'Ivoire and Ghana', (2020), Chicago: NORC.

Green America, 'Global Civil Society Statement on Child Labour in Cocoa', 2021.

The Supreme Court of the United States, Nos. 19-416 & 19-453, 'Brief for the World Cocoa Foundation, the National Confectioners Association, the European Cocoa Association, the Cocoa Merchants' Association of America Inc., and the Association of Chocolate, Biscuits, and Confectionery Industries of Europe, as Amici Curiae Supporting Reversal', (September 8, 2020). <[20200908141624795_19-416 19-453 tsac World Cocoa Foundation et al - FINAL.pdf \(supremecourt.gov\)](#)>

Through public private partnerships (PPPs), there has been a shift in governance from governments to multinational corporations.¹⁷⁰ Besides compliance with the legislation from consumer countries and producing countries, partnerships play a key role in the legal compliance and insurance of human rights. Public private partnerships (PPP) are defined as:

*“Collaborative arrangements in which actors from two or more spheres of society (state, market and civil society) are involved in a non-hierarchical process through which these actors strive for a sustainability goal”.*¹⁷¹

The establishment of PPPs started with the Global Compact, which is a platform for the industry to join civil society in the protection of human rights, labour, environment and anti-corruption.¹⁷² The objective of the Global Compact is to encourage businesses to adopt social and sustainable responsible policies by joining forces with civil society and governments. The UN Global Compact calls on companies:

*“to align strategies and operations with ten universal principles related to human rights, labour, environment and anti-corruption, and take actions that advance societal goals and the implementation of the Sustainable Development Goals”.*¹⁷³

According to the UN Global Compact, corporate sustainability is defined as:

*“Operating in ways that, at a minimum, meet fundamental responsibilities in the areas of human rights, labour, environment and anti-corruption.”*¹⁷⁴

Ten principles of the Global Compact in relation to human rights, labour, environment, and anti-corruption have been developed to help companies develop strategies and policies to uphold their responsibilities with regards to human rights and the environment. In 2015, the UN adopted the 17 Sustainable Development Goals (SDGs) covering the period 2015-2030. With regards to child labour, goal 8.7 of the SDGs urges actors to:

“Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of

¹⁷⁰ Di Lorenzo, F., ‘All is quiet on the partnerships front – scrutinising power dynamics in cocoa partnerships and their effects on child rights advancement in Ghana’, (2014), King’s College London.

¹⁷¹ Glasbergen, P., Biermann, F., Mol, A.P.J., ‘Partnerships, Governance and Sustainable Development: Reflections of Theory and Practice’, (2007), P.1-28.

¹⁷² United Nations Global Compact., ‘The world’s largest corporate sustainability initiative’. < <https://www.unglobalcompact.org/what-is-gc> > as of 7 November 2023.

¹⁷³ Kingo, L., ‘the UN Global Compact: Finding Solutions to Global Challenges’, UN Chronicle.

¹⁷⁴ United Nations Global Compact., ‘The Ten Principles of the UN Global Compact’. < [The Ten Principles | UN Global Compact](#) > as of 7 November 2023.

child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms”.¹⁷⁵

The Global Compact specifically calls on NGOs to support industries in tackling issues related to sustainability objectives.¹⁷⁶ This caused a major rise in the establishment of Public Private Partnerships (PPPs).¹⁷⁷ The role of NGOs was described in the interview with Comp1 as *“NGOs play an important role in the reduction of the WFCL, and not just as a watch dog, but also to have a good vision on what is happening in the supply chain, what is necessary to address challenges and problems. I think it is important that instead of competing with each other, that we try to work together on this”*. The role of NGOs was described by several participants as that of service providers. They perform activities such as problem analyses and research, providing training and solutions at local level in Côte d’Ivoire.¹⁷⁸ Comp2 even mentioned that *“NGOs would not be there if it was not for us”*. Through PPPs, companies often provide the funding that is then used by NGOs to provide solutions that cannot be reached by the industry alone. NGO2 described its role as that of a convening role, where they drive conversations and leverage different actors’ assets. They try to have public private funds from collaborators to target some of the key issues that have been identified. The two major PPPs are the International Cocoa Initiative (ICI) and the World Cocoa Foundation. The World Cocoa Foundation, whose members represent 80% of the global cocoa market, is a foundation through which chocolate manufacturers implement their corporate social responsibility policies, whereas the ICI emerged from the Harkin-Engel protocol.¹⁷⁹ Nestlé, Ferrero, Mars and Mondelēz are all members of these two PPPs. Besides this, all four companies are working together in smaller PPPs and have set up several collaborations with different stakeholders.

Several large NGOs have raised concerns with regards to the Global Compact, because it encourages companies to create self-regulatory measures. Self-regulatory measures are not

¹⁷⁵ UN, ‘Sustainable Development Knowledge Platform’, <[Sustainable Development Goals \(unodc.org\)](https://unodc.org/)> as of 15 November 2023.

¹⁷⁶ UN Global Compact, ‘Connect with multiple stakeholders through the Global Compact’, <[Non-Business Participation | UN Global Compact](#)> as of 20 February 2023.

¹⁷⁷ Di Lorenzo, F., ‘All is quiet on the partnerships front – scrutinising power dynamics in cocoa partnerships and their effects on child rights advancement in Ghana’, (2014), King’s College London.

¹⁷⁸ Interviews with NGO1, PPP1, Comp1, and Comp2.

¹⁷⁹ World Cocoa Foundation., ‘About WCF, History’. <[History | World Cocoa Foundation](#)> as of 8 November 2023.

International Cocoa Initiative., ‘Our organisation, our history’. <[Our Organisation | ICI Cocoa Initiative](#)> as of 8 November 2023

enforced by external bodies and in case of non-compliance, there are no legal implications. PPPs have taken over the regulatory role through the establishment of guidelines and soft law. Companies have been encouraged to establish Business Code of Conducts, which have no legal implications in case of non-compliance.¹⁸⁰ A Business Code of Conduct is a management tool, that is created by a company itself that provides a guideline outlining the ethical obligations, responsibilities, and values of the company. Chocolate manufacturers address the issues such as child right violations in their supply chain in their code of conducts and sustainability reports. Codes of conduct are self-regulatory instruments, which have several limitations. Firstly, code of conducts have no legal implications in case of non-compliance.¹⁸¹ Secondly, companies' codes of conduct only focus on issues occurring on their own supply chain. This means that initiatives to advance and enforce human rights are scattered across supply chains, and companies whose supply chain has been given more attention will take more action to tackle those issues. Moreover, company policies must be economically profitable, which means companies will prefer measures that contribute to this objective.¹⁸²

Due to the limited scope of this research, I will not discuss in depth the dynamics of PPPs and the roles of the different players. Instead, I will analyse which actions have been focussed on in the sustainability reports of Nestlé, Ferrero, Mars and Mondelez.

6.2 INTERNATIONAL GUIDELINES REGARDING CORPORATE RESPONSIBILITY

The UN has set 17 Sustainable Development Goals (SDGs) that were adopted in 2015 and set the global development agenda up until 2030. They are also known as “the Global Goals”.¹⁸³ These SDGs are universally recognised as the blueprint for sustainability objectives to be met by all the relevant actors. As previously mentioned, goal 8.7 of the SDGs urges actors to:

“Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of

¹⁸⁰ Di Lorenzo, F., ‘*All is quiet on the partnerships front – scrutinising power dynamics in cocoa partnerships and their effects on child rights advancement in Ghana*’, (2014), King’s College London.

¹⁸¹ Kolk, A., van Tulder, R., ‘*The effectiveness of self-regulation : Corporate Codes of Conduct and Child Labour*’, (2002), European Management Journal, Vol. 20, No. 3, p. 260-271.

¹⁸² Popescu, A.I., ‘*In Brief: Pros and Cons of Corporate Codes of Conduct*’, (2016), 9/2016, Journal of Public Administration, Finance and Law.

¹⁸³ UNDP, ‘*The SDGS in Action*’. < [Sustainable Development Goals | United Nations Development Programme \(undp.org\)](https://www.undp.org/sustainable-development-goals) > as of 7 November 2023.

child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms”.¹⁸⁴

Various international guidelines have been developed to support companies in reaching this objective. These guidelines are then used as tools by the industry to write their Business Code of Conducts. The various international guidelines are analysed in this subchapter.

6.2.1 THE GUIDING PRINCIPLES ON BUSINESS AND HUMAN RIGHTS

In June 2011, the United Nations’ Human Rights Council endorsed a set of 31 Guiding Principles on Business and Human rights.¹⁸⁵ These guiding principles set guidelines for States and the industry to prevent, address and remedy human rights issues that take place during business operations. Principle 11 of these guiding principles describes the responsibility of the industry as:

*“Business enterprises should respect human rights. This means that they should avoid infringing on the human rights of others and should address adverse human rights impact with which they are involved”*¹⁸⁶

The compliance with internationally recognised human rights, such as the ILO standards and the International Bill of Human Rights, goes above the national legislation of the State. Furthermore, it is independent from government action and should not undermine State’s abilities to meet their own human rights obligations.¹⁸⁷ Principle 17(a) states that with regards to human rights due diligence, business enterprises: *“should cover adverse human rights impacts that the business enterprise may cause or contribute to through its own activities, or which may be directly linked to its operations, products or services by its business relationships”*. This means that chocolate companies should also take responsibility for human rights infringements that take place in other parts of their supply chain, even if they have not directly contributed to those infringements.¹⁸⁸ This means that chocolate manufacturers may be considered as connected with in the acts of other parties

¹⁸⁴ UN, ‘Sustainable Development Knowledge Platform’, <[Sustainable Development Goals \(unodc.org\)](https://sustainabledevelopment.un.org/)> as of 20 February 2023.

¹⁸⁵ Business & Human Rights Resource Centre, ‘UN Guiding Principles’, <[Introduction to the UN Guiding Principles on Business & Human Rights \(business-humanrights.org\)](https://www.business-humanrights.org/en/un-guiding-principles-on-business-and-human-rights)> as of 4 November 2023.

¹⁸⁶ United Nations, ‘Guiding Principles on Business and Human Rights, Implementing the United Nations “protect, Respect and Remedy” Framework’, p.14, (2011), New York and Geneva, HR/PUB/11/04.

¹⁸⁷ United Nations, ‘Guiding Principles on Business and Human Rights, Implementing the United Nations “protect, Respect and Remedy” Framework’, p. 14, (2011), New York and Geneva, HR/PUB/11/04.

¹⁸⁸ United Nations, ‘Guiding Principles on Business and Human Rights, Implementing the United Nations “protect, Respect and Remedy” Framework’, p. 17, (2011), New York and Geneva, HR/PUB/11/04.

that have negative human rights impacts, when the chocolate manufacturer benefits from the abuse committed by that party. Principle 18 suggests that companies should involve meaningful consultation with other relevant stakeholders and draw on internal and/or independent external human rights expertise, such as civil society, thus promoting the concept of PPPs.¹⁸⁹ Principle 21 of these guiding principles also calls for corporations to put in place policies regarding human rights business code of conduct. Consequently, many companies have integrated these guiding principles in their codes of conduct.¹⁹⁰ Principle 23(C) states that business enterprises should: “*treat the risk of causing or contributing to gross human rights abuses as a legal compliance issue wherever they operate*”.¹⁹¹ And lastly, all stakeholder groups are called on to ensure effective non-judicial grievance mechanisms, where adequate assistance is given to those who would face barriers.¹⁹²

6.2.2 THE ROLE OF THE ILO IN CORPORATE SOCIAL RESPONSIBILITY

As explained in chapter 2, whilst the primary objective of ILO standards is to provide a legal framework that can be incorporated into national legislation, they can also be used as tools for the industry in drafting their codes of conduct with regards to labour conditions. The ILO defines corporate social responsibility (CSR) as:

*“a way in which enterprises give consideration to the impact of their operations on society and affirm their principles and values, both in their own internal methods and processes and in their interaction with other actors. CSR is a voluntary, enterprise-driven initiative and refers to activities that are considered to exceed compliance with the law”.*¹⁹³

The integration of ILO standards into corporate sustainability programs is voluntary and there are no legal implications in case of non-compliance. The ILO states that CSR does not substitute the role of the government in the implementation of legal policies.¹⁹⁴ The Tripartite

¹⁸⁹ United Nations, ‘Guiding Principles on Business and Human Rights, Implementing the United Nations “protect, Respect and Remedy” Framework’, p.19-20, (2011), New York and Geneva, HR/PUB/11/04.

¹⁹⁰ United Nations, ‘Guiding Principles on Business and Human Rights, Implementing the United Nations “protect, Respect and Remedy” Framework’, p.23, (2011), New York and Geneva, HR/PUB/11/04.

¹⁹¹ United Nations, ‘Guiding Principles on Business and Human Rights, Implementing the United Nations “protect, Respect and Remedy” Framework’, p.25, (2011), New York and Geneva, HR/PUB/11/04.

¹⁹² United Nations, ‘Guiding Principles on Business and Human Rights, Implementing the United Nations “protect, Respect and Remedy” Framework’, p.33, (2011), New York and Geneva, HR/PUB/11/04.

¹⁹³ International Labour Organisation., ‘The ILO and Corporate Social Responsibility (CSR)’, (2010), Geneva.

¹⁹⁴ International Labour Organisation., ‘The ILO and Corporate Social Responsibility (CSR)’, (2010), Geneva.

Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration) is the only ILO instrument that provides direct guidance to companies in developing CSR practices. Its recommendations can be implemented by companies on a voluntary basis.¹⁹⁵ The ILO also recommends using these guidelines to develop PPPs for challenges that cannot be addressed by the industry or governments alone.¹⁹⁶ This guidance provides the following responsibilities for companies that are relevant for the scope of this research:

- Companies should comply with the national laws and regulations, and respect international standards and local practices.
- Companies should avoid contributing to adverse human rights impacts and address, mitigate and prevent them when they occur when they are directly linked to their operations. This means companies should also act when there are adverse impacts in other parts of their supply chain, even when they did not directly contribute.
- Companies should carry out due diligence to identify, prevent, mitigate, and account for how they address human rights issues in which they are directly involved, or through business relations.
- Companies should take immediate and effective actions within their own competence to secure the prohibition and elimination of forced and compulsory labour in their operations.
- Companies should respect the minimum age for employment and take immediate and effective measures within their own competence to effectively eliminate the WFCL in their operations.
- Companies should leverage with their business partners to provide effective means to enable remediation for human rights abuses.¹⁹⁷

This guidance also provides guidelines for employment. However, since chocolate companies do not directly employ cocoa farmers in Côte d'Ivoire, this part is not included in this research paper. As is explained in chapter 1, the cocoa supply chain is long, complex, and fractured and chocolate companies do not always have clear visibility on working conditions further up in the supply chain due to lack of transparency. Other relevant ILO standards with regards to the

¹⁹⁵ International Labour Organisation., '*Tripartite declaration of principles concerning multinational enterprises and social policy (MNE Declaration)*', (2023).

¹⁹⁶ International Labour Organisation., '*Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy*', p.5, (2022), Geneva.

¹⁹⁷ International Labour Organisation., '*The ILO and Corporate Social Responsibility (CSR)*', (2010), Geneva.

elimination of the WFCL in the cocoa industry in Côte d'Ivoire have been discussed in chapter 2 of this research paper.

6.2.3 THE CHILDREN'S RIGHTS AND BUSINESS PRINCIPLES

The Children's Rights and Business Principles were developed by UNICEF, the Global Compact and Save the Children in 2012, and provide principles for companies on the full range of actions they can take in the workplace, marketplace, and community to support child rights.¹⁹⁸ According to these principles, corporations should avoid any infringement of human rights, including child rights. They need to identify and address any negative human rights impacts from their own business activities and those of their business relationships that are linked to their operations, products, or services.¹⁹⁹ Furthermore, according to these principles, companies should:

*“Support voluntary actions that seek to advance human rights including children's rights, through core business activities, strategic social investments and philanthropy, advocacy and public policy engagement, and working in partnership and other collective action.”*²⁰⁰

These principles consider that all businesses should respect children's rights and recognise its core principles.²⁰¹ The Children's Rights and Business Principles have largely based their recommendations on the UN Guiding Principles on Business and Human Rights. This includes that companies should put in place policies and processes and carry out human rights due diligence. Companies should continuously assess their impacts and those of their business relationships and take appropriate actions and use their leverage to advance child rights. Furthermore, companies should communicate their efforts externally. According to these principles, companies play a key role in the promotion of child rights. They should work in partnership together with governments, social partners, and other stakeholders to promote education and sustainable solutions to the root causes of child labour.²⁰² Moreover, companies should not undermine government efforts to eliminate the WFCL. They should

¹⁹⁸ Unicef., 'Children's Rights and Business Principles, About'. < [Children's Rights and Business Principles | UNICEF](#) > as of 8 November 2023.

¹⁹⁹ Unicef, the Global Compact, Save the Children., 'Children's Rights and Business Principles', (2012).

²⁰⁰ Unicef, the Global Compact, Save the Children., 'Children's Rights and Business Principles', p.3, (2012).

²⁰¹ Unicef, the Global Compact, Save the Children., 'Children's Rights and Business Principles', p.13, (2012).

²⁰² Unicef, the Global Compact, Save the Children., 'Children's Rights and Business Principles', p.14-7, (2012).

recognise that the payment of taxes to generate revenues which governments use to fulfil child rights are essential. These principles also suggest that companies should consider undertaking strategic social investment programmes and contribute to existing programmes with governments and civil societies to invest in health, education, recreation, awareness raising, and child protection.²⁰³

Another guidance is the ISO 26000:2010 Guidance on social responsibility. This guidance is not a certification scheme and has no legal implications, but instead can be used by the industry to take actions with regards to their social responsibility. Unfortunately, the guidance is not publicly available, and therefore will not be considered in this research paper.²⁰⁴

6.3 CORPORATE DUE DILIGENCE IN THE EU WITH REGARDS TO THE WFCL

The European Union is the largest importer of cocoa beans in the world.²⁰⁵ Nestlé, Mondelēz, Ferrero, and Mars all have production plants based in the EU. As mentioned in the introduction of this report, several voluntary and mandatory actions have been taken by the EU to promote corporate social responsibility (CSR). After the publication of the Guiding Principles on Business and Human rights in 2011, the European Commission (EC) first developed a strategy on CSR, and again in 2015 after the adoption of the UN 2030 Agenda and its SDGs. The EC followed up with a Commission staff working document covering CSR, RBC and Business and Human rights in 2019, to provide an overview of the progress that has been made since 2011.²⁰⁶ No specific actions with regards to child labour in the cocoa industry or in Côte d'Ivoire have been reported in this working document.

As part of the European Green Deal, the *Directive (EU) 2022/2464 regarding Corporate Sustainability Reporting Directive* (CSRD), amending Regulation (EU) No 537/2014,

²⁰³ Unicef, the Global Compact, Save the Children., 'Children's Rights and Business Principles', p.34, (2012).

²⁰⁴ ISO., 'ISO 26000 Social responsibility'. < [ISO - ISO 26000 — Social responsibility](#) > as of 8 November 2023.

²⁰⁵ CBI ministry of Foreign Affairs, 'What is the demand for cocoa on the European market?', (14 December 2022).

²⁰⁶ European Commission, 'Corporate sustainability and responsibility'. <https://single-market-economy.ec.europa.eu/industry/sustainability/corporate-sustainability-and-responsibility_en> as of 1 November 2023.

European Commission, 'Corporate Social Responsibility, Responsible Business Conduct, and Business & Human Rights: Overview of Progress', (20 March 2019).

Directive 2004/109/EC, Directive 2006/43/EC and Directive 2013/34/EU, entered into force on 5 January 2023. The purpose of this directive is to promote sustainability, corporate responsibility, human rights, and environmental considerations during companies' business operations both inside and outside the EU.²⁰⁷ This directive incorporates 'environmental, social and human rights, and governance factors' into the definition of 'sustainability factors'. Under this directive, companies are required to report on the actions taken to advance sustainable goals as well as on how their business activities impact sustainability factors. Following the UN Guiding Principles on Business and Human rights, the OECD Guidelines for Multinational Enterprises and the OECD Due Diligence Guidance for Responsible Business Conduct, due diligence is considered "*the process that companies carry out to identify, monitor, prevent, mitigate, remediate or bring an end to the principal actual and potential adverse impacts connected with their activities and identifies how undertakings address those adverse impacts*".²⁰⁸ This includes impacts that are taking place elsewhere in the supply chain, as laid out under art. 19a of this directive. Moreover, according to art. 29b(4), companies should report on the difficulties they encounter in gathering information for other stakeholders in their supply chain, especially those that do not have to report under this directive, such as stakeholders based outside of the EU. Moreover, the European Commission's proposal for the Corporate Sustainability Due Diligence (CSDDD) is currently being negotiated. This directive would require companies to establish procedures to address the adverse impacts of their business practices along their value chains worldwide on the environment and human rights. The aim of this directive is to increase corporate responsibility.²⁰⁹

6.4 THE SCOPE OF THE RESPONSIBILITY OF CHOCOLATE MANUFACTURERS AND THE CURRENT ACTIONS TAKEN

In this sub-chapter, I will discuss the scope of the responsibility of chocolate companies in the elimination of the WFCL in the cocoa industry in Côte d'Ivoire, based on international guidelines, European legislation and the results from the interviews. This is then compared to the business code of conducts and sustainability reports from Nestlé, Ferrero, Mars and

²⁰⁷ European Commission, 'Corporate sustainability due diligence, fostering sustainability in corporate governance and management systems'. < [Corporate sustainability due diligence \(europa.eu\)](https://european-council.europa.eu/media/en/press-communications/infographic/Pages/infographic-2023-11-04.aspx) > as of 4 November 2023.

²⁰⁸ Directive (EU) 2022/2464 of the European Parliament and of the Council of 14 December 2022 amending Regulation (EU) No 537/2014, Directive 2004/109/EC, Directive 2006/43/EC and Directive 2013/34/EC, as regards corporate sustainability reporting, paragraph 31.

²⁰⁹ EBU, 'Sustainability Rulebook: The Corporate Sustainability Due Diligence Directive', (15 June 2023). < [Sustainability Rulebook: The Corporate Sustainability Due Diligence Directive \(CSDDD\) | EBU](#) >

Mondelēz. Reports from business relationships, partnerships and NGOs are not included in this analysis.

The obligations for chocolate companies under the international guidelines and principles are general and do not provide specific solutions with regards to the elimination of child labour in their supply chain. Moreover, under the EU legislation, victims of child labour in Côte d'Ivoire would not be able to take legal actions against chocolate companies based in Europe. Firstly, because chocolate companies do not directly hire the cocoa farmers but buy the cocoa beans through traders and suppliers. However, chocolate companies are obliged to use their leverage with business partners to eliminate child labour in their supply chain. It is however not specified which actions should be taken, nor how much action should be taken by chocolate companies to achieve this. I will discuss the following responsibilities of chocolate companies with regards to the elimination of the WFCL in the cocoa industry in Côte d'Ivoire that came out of international guidelines, European legislation and the interview results: legal compliance, transparency and traceability, financial, collaboration and advocacy, and support of cocoa farmers.

6.4.1 LEGAL COMPLIANCE

As explained in chapter 2 of this research paper, the WFCL is prohibited under international and Ivorian legislation. I have not been able to find any legislation from Côte d'Ivoire with regards to corporate responsibility. Respecting the law in this case means that chocolate companies should do anything in their power to eliminate child labour in their supply chain and provide adequate remediation. According to the above-mentioned international guidelines and the EU CSRD, chocolate companies have the responsibility to address human rights to the extent that they have leverage over the issue. They should provide interventions that are sufficient to deal with the problem and have a due diligence process in place to protect human rights in their supply chain. They should identify actual and potential adverse impacts and prevent them where possible; and mitigate and find solutions or minimise actual impacts. Companies should have in place complaints procedures and monitor the effectiveness of their due diligence policies and measures. Chocolate companies should report on their due diligence

efforts in their sustainability reports.²¹⁰ Nestlé²¹¹, Ferrero²¹², Mars²¹³ and Mondelēz²¹⁴ all acknowledge the importance of human rights, and specifically the relevant ILO conventions and UN Guiding Principles on Business and Human rights in their reports. They also report on the WFCL in their cocoa supply chains and on the measures, they have taken to combat it. The EU CSRD, however, does not lay down exactly which measures should be taken by chocolate companies to combat the issue, nor does it define when measures are “sufficient”.

6.4.2 TRANSPARENCY AND TRACEABILITY

Transparency and traceability were mentioned by the majority of the interview participants as falling under the scope of the responsibility of chocolate companies.²¹⁵ According to the UN Guiding Principles on Business and Human Rights and the EU CSRD, chocolate companies must identify actual and potential risks in the cocoa supply chain have a due diligence process in place. In order to achieve traceability, chocolate companies should implement a monitoring system. All four chocolate companies have in place a Child Labour Monitoring and Remediation System (CLMRS). Mondelēz has 74% of their cocoa growing communities in West Africa covered through their CLMRS, compared to 27% in 2019. Their objective is to reach 100% by 2025.²¹⁶ Ferrero reported in their 2022 Sustainability report to have achieved 96% traceability of their cocoa.²¹⁷ Mars reported that 51% of their cocoa is traceable at farm level and 68% is traceable to farmer group.²¹⁸ Nestlé reported that 68% of their cocoa is sourced through their Nestlé Cocoa Plan in 2022.²¹⁹ These companies also buy some of their cocoa through certification schemes, such as UTZ, Fairtrade and Rainforest Alliance. Their cocoa should comply with their ethical standards, which prohibits the use of child labour.²²⁰ However, gradually the industry realised that certification alone is not sufficient to combat the problems

²¹⁰ Fountain, A., Huetz-Adams, F., ‘Cocoa Barometer 2022’, (2022).

²¹¹ Nestlé., *Nestlé to pilot new reporting framework on UN human rights principles*, (24 February 2015). Nestlé., ‘Sustainable cocoa’. < <https://www.nestle.com/sustainability/sustainable-sourcing/cocoa> > as of 11 November 2023.

²¹² Ferrero., ‘Ferrero Sustainability Report 2022’, (2022).

²¹³ Mars., ‘Our Human Rights Policy’. < [Human Rights Policy | Mars, Incorporated](#) > as of 11 November 2023.

²¹⁴ Mondelēz International., ‘Snacking made Right, 2022 ESG Report’, (2022).

²¹⁵ Interview with NGO1, NGO2, PPP1, Comp1 and Comp2

²¹⁶ Mondelēz International., ‘Snacking made Right, 2022 ESG Report’, p.24 (2022).

²¹⁷ Ferrero., ‘Ferrero Sustainability Report 2022’, p.42, (2022).

²¹⁸ Mars., ‘Cocoa for Generations, 2022 Progress Report’, p.6.

²¹⁹ Nestlé., ‘Sustainable cocoa’. < [Sustainable cocoa | Nestlé Global \(nestle.com\)](#) > as of 12 November 2023.

²²⁰ Whoriskey, P., Siegel, R., ‘Cocoa’s child laborers’, (5 June 2019), The Washington Post.

in the supply chain, which created a lot of discussion on the added value of these schemes.²²¹ Comp2 mentioned that *“a lot of consumers feel like they’re helping when they purchase Fairtrade or certified cocoa. Frankly that’s not helping very much”*. Inspections for these certification schemes are usually announced in advance and are annually required for less than 1 in 10 farms.²²² In conclusion, chocolate companies cannot rely on certification alone to guarantee that their cocoa beans are produced without child labour.

6.4.3 COLLABORATION AND ADVOCACY

According to the UN Guiding Principles on Business and Human Rights and the EU CSRD, chocolate companies must use their leverage with business partners in other parts of the cocoa supply chain to combat the WFCL in the cocoa industry in Côte d’Ivoire. Nestlé, Ferrero, Mars and Mondelez are all members of The World Cocoa Foundation and ICI. Some examples include collaboration with the Ivorian government through the Cocoa-Coffee Board’s Technical Working Group. Another example is Verité (the International Cocoa Verification Board) where Nestlé and Mars have partnered with the US Department of State and the ILO amongst others²²³. Furthermore, the Child Learning and Education Facility (CLEF) is a partnership which includes the Government of Côte d’Ivoire and major chocolate companies and suppliers²²⁴.

Collaboration and advocacy include creating awareness along their supply chain.²²⁵ Chocolate companies should identify problems they encounter in their supply chain and set up an action plan and interventions with other stakeholders.²²⁶ Furthermore, chocolate companies should coordinate with national action plans of the Ivorian government and other companies in the industry.²²⁷ Comp1 also mentioned the essence of collaborating with other supply chains, as the problem could move from one chain to another where less attention to human rights is

²²¹ Interview with Comp1

²²² Whoriskey, P., Siegel, R., ‘Cocoa’s child laborers’, (5 June 2019), The Washington Post.

²²³ Verité., ‘Partners & Clients’. < [Verité works with a wide variety of corporations, governments, & NGOs. \(verite.org\)](https://verite.org) > as of 13 November 2023.

²²⁴ CLEF., ‘Our Partners’. < [Child Learning and Education Facility - CLEF \(clefpartnership.com\)](https://clefpartnership.com) > as of 13 November 2023.

²²⁵ Interview with PPP1

²²⁶ Interviews with NGO1 and Comp1

²²⁷ United Nations, ‘Guiding Principles on Business and Human Rights, Implementing the United Nations “protect, Respect and Remedy” Framework’, (2011), New York and Geneva, HR/PUB/11/04.

given.²²⁸ Discussion with farmers and cooperatives on their spendings was also given as a responsibility of chocolate companies by Comp1. The implications of this are further discussed in the next subchapter.

6.4.4 SUPPORT OF COCOA FARMERS

During the interviews, both Comp1 and Comp2 mentioned that the responsibility of chocolate companies also encompasses the support of farmers. Examples provided here were the support on improving farming practices through increased productivity and diversification, to support farmer professionalisation and support the exchange of knowledge between communities. They help farmers to become more resilient by training them in financial skills and support with non-farming income generating activities. Moreover, attention is given to women empowerment. While these are important factors in the elimination of child labour in the cocoa supply chain, none of the other participants considered this to fall under the scope of the responsibility of chocolate companies. Comp2 mentioned during the interview that *“the regulatory environment in Côte d’Ivoire when it comes to cocoa is very weak. We can encourage families not to ask their children to participate in hazardous work, but we cannot change the school system”*.²²⁹ Many companies, including Mars²³⁰, Nestlé²³¹ and Ferrero²³² have therefore taken it upon themselves to build schools in cocoa growing communities. NGO1 mentioned that *“making sure there are functioning schools, good roads, good healthcare, and working infrastructure etc. should in principle be government tasks. To achieve this, companies should pay sufficient taxes so that governments have sufficient funds to invest in this. But then governments should also be responsible enough to not handle these funds in a corrupt way and actually invest back into the local communities and this is not happening at the moment. That is why you see that many companies are building schools, so they can show they are doing something, even though it is not their core responsibility”*.²³³ Table 4 describes where Nestlé, Ferrero, Mars and Mondelēz have reported their involvement with regards to improvements of basic amenities in the cocoa growing communities in Côte d’Ivoire in their sustainability reports.

²²⁸ Interview with Comp1

²²⁹ Interview with Comp2

²³⁰ Mars., ‘Cocoa for Generations, 2022 Progress Report’, p.13.

²³¹ Nestlé., Cocoa Plan., ‘Income Accelerator program, progress report’, p.3, (July 2023).

²³² Ferrero., ‘Cocoa Charter’, p.4, (1 February 2022).

Ferrero., ‘Ferrero Sustainability Report 2022’, p.42, (2022).

²³³ Interview with NGO1

Table 4. Overview of activities related to basic amenities in cocoa growing communities in Côte d'Ivoire

	Nestlé ²³⁴	Ferrero ²³⁵	Mars ²³⁶	Mondelēz ²³⁷
Construction of schools	x	x	x	
School enrollment	x		x	
Provide school kits	x	x		
Training teachers		x	x	
Constructions canteens/ nutrition	x	x	x	
Promoting and providing healthcare		x	x	
Birth certificates		x		
Vocational training	x	x	x	x
Provide loans	x	x	x	x
Constructing water pumps		x		
Women empowerment	x	x	x	x
Building infrastructure				

It is possible that these companies are indirectly involved through partners in more activities with regard to basic amenities in cocoa growing communities than reported in this table, but these are the activities they have been involved in according to their sustainability reports.

Moreover, all four companies support cocoa farmers in Côte d'Ivoire in improving cocoa farming practices through increased production, improved quality of crops and diversification of crops. It should be noted here that these multinationals need to be profitable in the first place. NGO1 mentioned that “*our whole global market system is focused to produce as much as possible as cheaply as possible, to have the lowest possible prices for consumers*”.²³⁸ The main argument from chocolate companies to support cocoa farmers with their farming practices is

²³⁴ Nestlé. Cocoa Plan., ‘Income Accelerator program, progress report’, (July 2023).

²³⁵ Ferrero., ‘Ferrero Sustainability Report 2022’, p.42, (2022).

²³⁶ Mars., ‘Cocoa for Generations, 2022 Progress Report’.

²³⁷ Mondelēz International., ‘Snacking made Right, 2022 ESG Report’, (2022).

²³⁸ Interview with NGO1.

to increase their income and make them less reliable on cocoa farming to provide for a living. However, around 2015 there was a concern that cocoa producing countries would not be able to provide enough cocoa to meet the increasing global demand.²³⁹ However, due to increased cocoa productivity through company interventions, there was an oversupply of cocoa, which led to a steep market price fall for cocoa between 2016 and 2017.²⁴⁰ Despite this, Comp2 mentioned in the interview that *“In fact, I would say the government really does not have a strategy on how to improve income for farmers. Their recent statements about stop teaching farmers how to increase productivity, I think is a perfect example of how a government lacks any kind of policy to help farmers.”*²⁴¹ All four companies still extensively focussed on improving farming practices in their 2022 sustainability reports.

6.4.5 FINANCIAL

According to a research from 2021, amongst cocoa producers in Côte d’Ivoire and Ghana, 30-58% earned a gross income below the World Bank extreme poverty line and 73-90% did not earn a Living Income.²⁴² Poverty amongst cocoa farmers was reported by all four chocolate companies as the main reason for the existence of the WFCL in the cocoa industry in Côte d’Ivoire, and was given as a cause by all interview participants.²⁴³ Paying a fair price for cocoa was considered to fall under the scope of the responsibility of chocolate companies by NGO1, NGO2 and TradeU1, whereas Comp1 suggested that the financial support should come from contributing to basic amenities and paying premiums to farmers and cooperatives. Moreover, the EU CSRD does not provide any requirements with regards to paying farmers a living income.²⁴⁴ During the interview in 2018, Comp2 said: *“I don’t think our company can recreate the policies for cocoa pricing and cocoa productivity, but I think we can advocate. We can advocate the government, but we can’t create the policies. We can follow the regulations that exist. But actually, I think the regulatory environment in Côte d’Ivoire when it comes to cocoa is very weak.”*²⁴⁵

²³⁹ Ruf, F., ‘Diversification of Cocoa Farms in Côte d’Ivoire: Complementarity of and Competition from Rubber Rent’, Economics and Ecology of Diversification, p.41-86, (1 January 2015).

²⁴⁰ Fountain, A., Huetz-Adams, F., ‘Cocoa Barometer 2018’, (2018).

²⁴¹ Interview with Comp2

²⁴² Van Vlieg, J.A., Slingerland, M., Waarts, YR., et al., ‘A living Income for Cocoa Producers in Côte d’Ivoire and Ghana?’, (2021), Wageningen University and Research.

²⁴³ Interviews with NGO1, NGO2, PPP1, TradeU1, Comp1 and Comp2.

²⁴⁴ Fountain, A., Huetz-Adams, F., ‘Cocoa Barometer 2022’, (2022).

²⁴⁵ Interview with Comp2

Nestlé has developed an income accelerator program, where cocoa producing families receive monetary incentives when their children are enrolled in school, when they perform good agricultural practices, when they improve farm resilience and when they have a diversified income. For the first two years receive up to €500 per year in direct bonus if they comply with all criteria and €250 each year after. The aim is that families spend this money on school enrolment first and after on healthcare.²⁴⁶ Mondelēz reports to pay loyalty premiums to farmer organisations, but the specific amount is not mentioned in their report.²⁴⁷ Ferrero also reports to pay a sustainability premium for cocoa that meets their standards with regards to agricultural, social, and environmental practices. It was not reported how high these premiums were.²⁴⁸ Mars reported that they work together with suppliers to convert certified cocoa to meet their own Responsible Cocoa Specifications, and through this system pay premiums to farmers.²⁴⁹ It is evident that the farm gate price is too low for cocoa farmers to make a living income. Some chocolate companies have put in place incentive schemes where they put in place requirements for cocoa farmers to comply with before receiving additional payment. These requirements have not always benefited cocoa farmers, as was proven with the fall of the market price in 2016 due to an oversupply. However, since there is no legislation that requires chocolate companies to pay a fair price for their cocoa, they have the power to set up incentive schemes that serve their own corporate objectives.

6.5 CONCLUSION

Several international instruments describe the scope of the responsibility of corporations with regards to human rights and call on the industry to work together in PPPs with other stakeholders. Furthermore, the *Directive (EU) 2022/2464 regarding Corporate Sustainability Reporting Directive (CSRD)* entered into force in 2023. Under this directive, companies must report on their actions taken to advance sustainable goals and on how their business activities impact sustainability factors. Moreover, the European Commission's proposal for the *Corporate Sustainability Due Diligence Directive (CSDDD)* is currently being negotiated. Once this directive comes into force, chocolate companies should provide sufficient interventions, have a due diligence process in place, identify adverse impact, prevent, or mitigate where possible, and have in place a complaint procedure that should be monitored.

²⁴⁶ Nestlé., Cocoa Plan., 'Income Accelerator program, progress report', (July 2023).

²⁴⁷ Mondelēz International., 'Snacking made Right, 2022 ESG Report', (2022).

²⁴⁸ Ferrero., 'Ferrero Sustainability Report 2022', p.42, (2022).

²⁴⁹ Mars., 'Cocoa – Protecting Children Action Plan (PCAP)'. < [Protecting Children Action Plan - Final.pdf \(mars.com\)](https://mars.com/protecting-children-action-plan-final.pdf) > as of November 2023.

Chocolate companies report on this in their sustainability reports. The following aspects fall under the responsibility of chocolate companies: legal compliance, transparency and traceability, financial, collaboration and advocacy, and support of cocoa farmers. Measures taken by Nestlé, Ferrero, Mars and Mondelēz include collaboration in PPPs, implementing a CLMRS, supporting cocoa producers at farm level through improved farming practices and providing basic amenities. There is no legislation that demands that chocolate companies pay cocoa farmers a Living Income. Instead, chocolate companies have put in place incentive programs to provides several requirements for cocoa farmers to comply with in order to receive additional payment.

This chapter will reflect on the responsibility of the government of Côte d'Ivoire regarding the elimination of the WFCL in the cocoa industry in the country based on the results from the interviews. Moreover, this chapter will cover international agreements and guidelines as well as the regulatory obligations under the ILO conventions ratified by the Ivorian government. This chapter will discuss the role of the Ivorian government in public private partnerships (PPPs). Lastly, the policies and coordination efforts have been analysed to understand which measures have been taken by the government of Côte d'Ivoire and to what extent they fit into the scope of their responsibility with regards to the elimination of the WFCL in the cocoa industry in Côte d'Ivoire compared to chocolate companies.

The UN Sustainable Development Goals (SDGs) were adopted in September 2015 at the UN Sustainable Development Summit as part of the 2030 Agenda for Sustainable Development.²⁵⁰ 17 SDGs were set as objectives for UN member states to integrate into their agendas and policies. Goal 8.7 of the UN SDGs urges governments to:

In 2011, the UN Human Rights Council endorsed the UN Guiding Principles on Business and Human Rights. While the role of companies is to respect the law, the State has the responsibility to protect everyone within their territory by putting in place effective laws and regulations and to ensure access to effective remedy for victims of human rights abuses.²⁵²

²⁵² ‘The UN Working Group on Business and Human Rights., ‘*The UN Guiding Principles on Business and Human Rights And Introduction*’. < [Intro_Guiding_PrinciplesBusinessHR.pdf \(ohchr.org\)](https://www.ohchr.org/documents/e/hqhr/docs/ungp_business_hr.pdf) > as of 15 November 2023.

The Guiding Principles on Business and Human Rights defines the role of the state as:

*“States must protect against human rights abuse within their territory and/or jurisdiction by third parties, including business enterprises. This requires taking appropriate steps to prevent, investigate, punish and redress such abuse through effective policies, legislation, regulation and adjudication”.*²⁵³

This means that States may not be directly responsible for human rights abuses by private actors, but they are responsible when they fail to take appropriate steps to prevent, investigate, punish, and redress this abuse. It is the States’ responsibility to enforce and periodically assess laws, to provide guidance to businesses on how to respect human rights during their operations and, if necessary, require companies to report on their human rights impacts.²⁵⁴ According to principle 5, States should ensure that they keep an adequate oversight on their human rights obligations and ensure that businesses operate in a manner that is consistent with the States’ legislation.²⁵⁵ Furthermore, according to principle 10, when States act as members of multilateral institutions that deal with business-related issues, they should ensure that businesses do not restrain the States’ ability to protect human rights. The State should encourage businesses to help meet the States’ responsibility of protecting human rights.²⁵⁶

As explained in chapter 2 of this research paper, the government of Côte d’Ivoire has ratified several ILO conventions related to the elimination of the WFCL. This means that these conventions need to be transposed at national level. Once these conventions are ratified, countries must submit periodic reports to the ILO on the implementation and application of these conventions. The Committee of Experts then publishes its observations on the compliance in an annual report and requests the government for further information.²⁵⁷ Table 2 in chapter 4 provides an overview of the ratified standards by the government of Côte d’Ivoire. The specific efforts related to the scope of the responsibility of the Ivorian

²⁵³ United Nations, ‘Guiding Principles on Business and Human Rights, Implementing the United Nations “protect, Respect and Remedy” Framework’, p.3, (2011), New York and Geneva, HR/PUB/11/04.

²⁵⁴ United Nations, ‘Guiding Principles on Business and Human Rights, Implementing the United Nations “protect, Respect and Remedy” Framework’, p.3-5, (2011), New York and Geneva, HR/PUB/11/04.

²⁵⁵ United Nations, ‘Guiding Principles on Business and Human Rights, Implementing the United Nations “protect, Respect and Remedy” Framework’, p.8, (2011), New York and Geneva, HR/PUB/11/04.

²⁵⁶ United Nations, ‘Guiding Principles on Business and Human Rights, Implementing the United Nations “protect, Respect and Remedy” Framework’, p.12, (2011), New York and Geneva, HR/PUB/11/04.

²⁵⁷ ILO., ‘Rules of the Game: An introduction to the standards-related work of the International Labour Organisation’, (2019), Geneva.

government to eliminate the WFCL in the cocoa industry in Côte d'Ivoire are further analysed in chapter 5.3.

7.2 PUBLIC PRIVATE PARTNERSHIPS

After the exposure of the WFCL in the cocoa industry by the media, the cocoa industry negotiated a deal with U.S Senator Tom Harkin and U.S Representative Eliot Engel to eradicate the worst forms of child labour on a voluntary basis, through the Harkin-Engel protocol.²⁵⁸ Not only did the industry strongly favour a voluntary solution, governments from cocoa producing countries were also opposed to mandatory certification.²⁵⁹ While the protocol ended in 2020, public private partnerships (PPPs) were formed between the industry, government organisation and civil society.²⁶⁰ Côte d'Ivoire takes part in several PPPs that combat the WFCL in the cocoa industry. PPPs are defined as:

*“Collaborative arrangements in which actors from two or more spheres of society (state, market and civil society) are involved in a non-hierarchical process through which these actors strive for a sustainability goal”.*²⁶¹

The International Cocoa Initiative (ICI) was founded in 2002 as a PPP emerging from the Harkin-Engel protocol.²⁶² The ICI supports governments of cocoa producing countries through encouraging improved collaboration between systems.²⁶³ In 2016, Côte d'Ivoire's National Surveillance System (CNS) signed a partnership agreement with the ICI. Under this agreement, both parties support the reinforcement of the National Child Labour Monitoring System (Système d'Observation et de Suivi du Travail des Enfants en Côte d'Ivoire) (SOSTECI).²⁶⁴ SOSTECI is the national system for monitoring, intervening and decision-making with regards to the WFCL in Côte d'Ivoire, and was launched in 2013 by the First Lady of Côte d'Ivoire, Dominique Ouattara. Mrs. Ouattara, who is the President of the CNS as well as the *Inter-Ministerial Committee for the Fight against Trafficking, Exploitation and Child Labour* (Comité Interministériel de lutte contre la traite, l'exploitation et le travail des enfants)

²⁵⁸ International Cocoa Initiative. *Harkin Engel Protocol*. (2001).

²⁵⁹ Di Lorenzo, F., “*All is quiet on the partnerships front – scrutinising power dynamics in cocoa partnerships and their effects on child rights advancement in Ghana*”, (2014), King's College London.

²⁶⁰ Sadhu, S., Kysia, k., Onyango, L., et al., ‘*Assessing Progress in Reducing Child Labor in Cocoa Production in Cocoa Growing Areas of Côte d'Ivoire and Ghana*’, (2020), Chicago: NORC.

²⁶¹ Glasbergen, P., Biermann, F., Mol, A.P.J., ‘*Partnerships, Governance and Sustainable Development: Reflections of Theory and Practice*’, (2007), P.1-28.

²⁶² International Cocoa Initiative., ‘*Our organisation, our history*’. < [Our Organisation | ICI Cocoa Initiative](#) > as of 8 November 2023.

²⁶³ International Cocoa Initiative., ‘*Annual Report 2022*’, (2023).

²⁶⁴ International Cocoa Initiative., ‘*About us, National surveillance system - Côte d'Ivoire*’. < [National Surveillance System - Côte d'Ivoire | ICI Cocoa Initiative](#) > as of 16 November 2023.

(CIM).²⁶⁵ The ILO also supported SOSTECI from 2018 to 2022 through the Accel Africa Project, which was funded by the Dutch Government.²⁶⁶

7.3 THE AFRICAN CHARTER ON THE RIGHTS AND WELFARE OF THE CHILD

Côte d'Ivoire is a member of the African Charter on the Rights and Welfare of the Child (ACRWC), which is an African Union Organ mandated to monitor the implementation of the African Charter and to promote and protect the rights of Children in Africa. Côte d'Ivoire ratified this Charter in 2000.²⁶⁷ Under art 1. Of this Charter, the State of Côte d'Ivoire shall adopt legislative and other measures to give effect to the provisions of the Charter. Moreover, any tradition, custom, religious, or cultural practice that prevents the protection of child rights should be discouraged. Under art. 6, the State of Côte d'Ivoire is responsible to provide birth certificates for every child from birth. Art. 14 compels the State to provide basic amenities and healthcare for all children within their territory. Furthermore, under art. 15, children should be protected by the State from all forms of economic exploitation. The Ivorian State should provide legislation with regards to the minimum age, conditions of employment, and appropriate sanctions in case of abuse.²⁶⁸

7.4 THE SCOPE OF THE RESPONSIBILITY OF THE GOVERNMENT OF CÔTE D'IVOIRE AND THE CURRENT ACTIONS TAKEN

In this sub-chapter, I will discuss the scope of the responsibility of the government of Côte d'Ivoire in the elimination of the WFCL in the cocoa industry in the country, based on international guidelines and legislation and the results from the interviews. I will discuss the effectiveness of the measures taken by the Ivorian government based on their National Action Plan, the ILO observations and requests, and the interview results. I will discuss the following responsibilities of the Ivorian government with regards to the elimination of the WFCL in the cocoa industry in Côte d'Ivoire that came out of international law and guidelines and the

²⁶⁵ International Labour Organisation., *'Cote d'Ivoire: the ILO supports the Ministry of Employment and Social Protection in the fight against child labour in Cocoa and Gold supply chains'*, (8 December 2020).

²⁶⁶ International Labour Organisation., *'Project Accel Africa, Accelerate action for the elimination of child labour in Africa'*, < [wcms_779516.pdf \(ilo.org\)](https://www.ilo.org/wcms/779516.pdf) > as of 19 November 2023.

²⁶⁷ ACERWC., *'Overview of the African Charter on the Rights and Welfare of the Child'*, < [Overview Of The African Charter On The Rights And Welfare Of The Child | ACERWC - African Committee of Experts on the Rights and Welfare of the Child](#) > as of 19 November 2023.

²⁶⁸ African Union., ACERWC., *'African Charter on the Rights & Welfare of the Child'*, OAU Doc. CAB/LEG/24.9/49 (1990), entered into force on Nov. 29, 1999.

interview results: coordination and policy, law enforcement, combatting corruption, basic amenities, and monitoring and remediation.

7.4.1 COORDINATION AND POLICY

One of the main responsibilities of the Ivorian state is to have in place legal instruments to protect child rights and take appropriate steps to prevent and mitigate the WFCL. Policies should be put in place that create an environment in the cocoa production where child labour has no place. This includes putting in place environmental, agricultural and rural policy.²⁶⁹ The government should create an enabling environment to optimise the production policies as national level. Such a policy should prevent the oversupply of cocoa, which would prevent a drop of the cocoa price as it happened in 2016. In Côte d'Ivoire, the cocoa board, Conseil du Café-Cacao (CCC), is responsible for regulations that set minimum farmgate prices, price stabilisation and for the allocation of export licenses.²⁷⁰ As poverty is one of the root causes of the WFCL, Côte d'Ivoire and Ghana initially proposed a floor price of USD 2,600/ton of cocoa beans in 2019, but this plan was dropped after a pushback from the industry.²⁷¹ The two countries then introduced the cocoa Living Income Differential (LID) policy, which is a mandatory USD 400/ton premium which started from harvesting season 2020/2021. Moreover, the LID introduced a new price stabilisation fund, which aims to improve the farmgate price stability across harvest seasons and to guarantee a farmgate price for farmers of at least USD 1829/ton.²⁷² However, it is not clear how much of the USD 400 premium will go to farmers. Moreover, USD 1829/ton is not sufficient to provide a living income for farmers. The VOICE Network estimated in 2019 that the farmgate price in Côte d'Ivoire should be above USD 2668/ton.²⁷³ However, increasing the cocoa price alone is not sufficient to eliminate the WFCL in the cocoa supply chain.

Other related environmental and rural policies that were mentioned during the interviews with regards to the growing of cocoa were policies to protect against deforestation and land tenure

²⁶⁹ Interviews with NGO1, NGO2, and Comp1

²⁷⁰ Boysen, O., Ferrari, E., Nechifor, V., et al., '*Earn a living? What the Côte d'Ivoire-Ghana cocoa living income differential might deliver on its promise*', Elsevier, (2023), European Commission JRC, School of Agriculture & Food Science University College Dublin.

²⁷¹ Cocoa Post., '*New Cocoa Floor Price: A Step Towards More Equal Trade?*', (3 July 2019). Netflix documentary 'Rotten', episode 'bitter chocolate'.

²⁷² FCC, '*Implementation of Living Income Differential by Côte d'Ivoire and Ghana*', Federation of Cocoa Commerce, (2019), London, UK.

²⁷³ VOICE Network., '*VOICE Network welcomes historic move to raise cocoa prices, questions remain on implementation*', (2019).

policies. These are out of the scope of this research. Furthermore, the government of Côte d'Ivoire is responsible for putting in place working conditions services to follow up with inspections at farm level.²⁷⁴ And lastly, the State is responsible for putting remediation measures in place to assist children that have been victims of the WFCL.

All the interview participants agreed that the government of Côte d'Ivoire is also responsible for coordination and dialogue. This means that the State should address the issues in the country and enable solutions. The government should have in place a child labour monitoring system at national level, which also monitors other sectors than the cocoa supply chain. Efforts need to be harmonised between governments and private actors.²⁷⁵

7.4.2 LAW ENFORCEMENT

The State of Côte d'Ivoire is responsible for putting in place legislation to combat the WFCL in the cocoa industry and to enforce the law.²⁷⁶ PPP1 said during the interview that chocolate companies are not able to take any criminal measures and they are not able to arrest anyone who breaks the law. It is the responsibility of the government to put in place an enforcement mechanism.²⁷⁷ CNS published three National Plans of Action to Combat the Worst Forms of Child Labour (PAN-PFTE) for 2012 to 2014, for 2015 to 2017, and the latest plan for 2019 to 2021.²⁷⁸ To government provided in their report concerning the PAN-PFTE 2015-2017 that several grass-roots campaigns to raise awareness and campaigns to inform about the prohibition and abolition by law of the WFCL had reached 2 million people in rural areas. Moreover, 1,574 inspections were conducted by the General Labour Directorate (DGT) to monitor the compliance with labour regulations. SOSTECI was launched by the Ministry of Employment and Social Protection to monitor child labour.²⁷⁹ Moreover, under PAN-PFTE 2015-2017, the Ivorian government carried out programmes that supported cocoa sustainability

²⁷⁴ Interview with NGO1

²⁷⁵ Interviews with NGO2 and Comp2

²⁷⁶ Interviews with NGO1, NGO2, PPP1.

²⁷⁷ Interview with PPP1.

²⁷⁸ Comité National de Surveillance des Actions de Lutte contre la Traite, l'Exploitation et le travail des Enfants., 'Legal Documents', < [CNS | Comité National de Surveillance des Actions de Lutte contre la Traite, l'Exploitation et le travail des Enfants](#) > as of 21 November 2023.

²⁷⁹ ILO., 'Observation (CEACR) – adopted 2021, published 110th ILC session (2022), 'Minimum Age Convention, 1972 (No. 138) - Côte d'Ivoire (ratification:2003)', (2022), Geneva.

Comité National de Surveillance des Actions de Lutte contre la Traite, l'Exploitation et le travail des Enfants., 'Plan d'Action National 2015-2017 de Lutte Contre les Pires Formes de Travail des Enfants'.

and productivity, certification, child labour monitoring and remediation systems, improved living conditions for cocoa growing communities, and improved access to education for children. With the PAN-PFTE 2019-2021, the Ivorian government committed to intensify its efforts to combat the root causes of the WFCL, including reducing poverty amongst cocoa farmers and increasing traceability. The PAN-PFTE 2019-2021 sets the goal to eliminate child labour by 2025.²⁸⁰ The ILO in their 2022 observation requested the government of Côte d'Ivoire to intensify its efforts to combat child labour, and particularly hazardous work performed by children.²⁸¹ ILO in its 2022 observation has requested more data from the Ivorian government on the measures that have been adopted, the data that has been collected, and the results that have been obtained under PAN-PFTE 2019-2021 as it is unclear how effective the implemented measures are.²⁸²

Moreover, the Ivorian government has reported its progress on combatting child trafficking in the PAN-PFTE 2015-17. During this period, 187 traffickers have been convicted through the activities of the sub-directorate of the criminal police department in Côte d'Ivoire responsible for combating child trafficking and juvenile delinquency. Moreover, the police operation “Akoma”, which was supported by INTERPOL and the International Organisation for Migration (IOM) resulted in the arrest and conviction of 22 people and the rescue of 103 children.²⁸³ In a direct request from the ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR), the ILO encourages the government of Côte d'Ivoire to increase its efforts to strengthen the capacity of law enforcement bodies to ensure that everyone that commits child trafficking is investigated and prosecuted and that effective penalties are imposed. Furthermore, the committee has requested statistics on the implementation of *loi n°2010-272 du 30 septembre 2010 prohibiting trafficking and the WFCL* by the Ivorian government, as they had not yet been provided.²⁸⁴

²⁸⁰ Comité National de Surveillance des Actions de Lutte contre la Traite, l'Exploitation et le travail des Enfants., ‘*Plan d'Action National 2019-2021 de Lutte Contre les Pires Formes de Travail des Enfants*’.

²⁸¹ ILO., ‘*Observation (CEACR) – adopted 2021, published 110th ILC session (2022), ‘Worst Forms of Child Labour Convention, 1999 (No. 182) - Côte d'Ivoire (ratification:2003)’*, (2022), Geneva.

²⁸² ILO., ‘*Observation (CEACR) – adopted 2021, published 110th ILC session (2022), ‘Minimum Age Convention, 1972 (No. 138) - Côte d'Ivoire (ratification:2003)’*, (2022), Geneva.

ILO., ‘*Observation (CEACR) – adopted 2021, published 110th ILC session (2022), ‘Worst Forms of Child Labour Convention, 1999 (No. 182) - Côte d'Ivoire (ratification:2003)’*, (2022), Geneva.

²⁸³ INTERPOL., ‘*Traffickers arrested in Côte d'Ivoire operation targeting child trafficking and forced labour*’, (2015).

²⁸⁴ ILO., ‘*Direct Request (CEACR) – adopted 2021, published 110th ILC session (2022), Worst forms of Child Labour Convention, 1999 (No.182) - Côte d'Ivoire (ratification:2003)’*, (2022), Geneva.

7.4.3 COMBAT CORRUPTION

Corruption is one of the root causes of the WFCL in the cocoa industry in Côte d'Ivoire.²⁸⁵ As explained in chapter 5, the farmgate price of cocoa is set by the Conseil café cacao (CCC). Companies usually do not pay taxes in Côte d'Ivoire, but the majority of the difference between the world market price and the farmgate price goes to the Ivorian government. There is no transparency on how this money is spent and there are many stories of corruption in Côte d'Ivoire and Ghana.²⁸⁶ One major aspect of combatting child labour in the cocoa supply chain are traceability and transparency on where the cocoa is coming from. During the 2018 interview with NGO1, they mentioned: *"there is an inhibitory factor from the governments. A very transparent production chain with a very open financing etc. makes it more difficult for government officials to make a profit from it"*.²⁸⁷ Moreover, a part of the investments and efforts made towards tackling the WFCL in the cocoa industry is drained away through mismanagement of funds.²⁸⁸ This then leads to a lack of investment in the cocoa growing communities and results in a lack of basic amenities. This issue is further discussed in chapter 7.4.4.

A specific example took place in 2015, when Sucres et Denrees SA (Sucden), a major French cocoa trader, was dropped by Côte d'Ivoire as an approved exporter of cocoa. This occurred after Sucden had taken legal action against the CCC and the Ivorian exporter Africa Sourcing. The latter was founded by Loic Folloroux, who is the son of First Lady Dominique Ouattara.²⁸⁹ This case shows that it can be almost impossible for companies to challenge local governments in fear of repercussions. Neither of the chocolate companies that were interviewed mentioned that corruption was an issue in tackling the WFCL in the cocoa industry in Côte d'Ivoire.

7.4.4 BASIC AMENITIES

All the interview participants agreed that providing basic amenities falls under the responsibility of the government of Côte d'Ivoire. As explained in chapter 5, a lack of basic amenities is one of the root causes of the WFCL in the cocoa industry in Côte d'Ivoire. As

²⁸⁵ Interviews with NGO1, PPP1 and TradeU1.

²⁸⁶ Interview with NGO1.

²⁸⁷ Interview with NGO1.

²⁸⁸ Interview with NGO1 and PPP1.

²⁸⁹ Fick, M., Terazono, E., 'Ivory Coast move alarms commodity traders', Financial Times, (9 September 2015).

mentioned in chapter 6, chocolate companies sometimes invest in basic amenities for cocoa growing communities in order to show action, but maintaining schools as well as training and paying teachers should fall under the responsibility of the government in order to ensure the quality of education required by the State.²⁹⁰ Furthermore, NGO1 said during the interview that *“it is mandatory for children to attend school in Côte d’Ivoire, but there are not enough schools. In other words, they (the government) are neglecting their duty”*.²⁹¹ Another major root cause for child labour is the lack of infrastructure. All interview participants considered building roads and clean drinking water to fall within the scope of responsibility of the Ivorian government. Moreover, the State should provide birth certificates and social security for all children within their territory to ensure school attendance.²⁹² The Ivorian government should work on community development and provide access to social structures that ensure child protection in cocoa growing communities.²⁹³ And lastly, several interview participants mentioned that the Ivorian government should provide access to financing instruments or microcredits in order to ensure cocoa farmers can earn a living income.²⁹⁴

7.5 CONCLUSION

This chapter has presented the scope of the responsibility of the government of Côte d’Ivoire based on the interview results, ratified ILO conventions and the African Charter, and international guidelines. The Ivorian government is obligated to put in place legislation that eliminates and prevents the WFCL and put an effective enforcement mechanism in place. Moreover, the State should provide remediation for victims of child labour. Besides this, the government should coordinate and harmonise public and private interventions that are in place at national level. The government should also provide agricultural policy, particularly related to production, land tenure, working conditions and diversification in the cocoa sector. There was a consensus amongst interview participants that the government of Côte d’Ivoire should provide basic amenities. Corruption and mismanagement of funds are a restricting factor in the elimination of the WFCL in Côte d’Ivoire, as this prevents investments in the cocoa growing communities. It is almost impossible for the industry to address these issues, as they are at risk of seeing their license to export cocoa from the country not being renewed.

²⁹⁰ Interviews with NGO1, NGO2, PPP1, TradeU1m, Comp1, and Comp2.

²⁹¹ Interview with NGO1.

²⁹² Interviews with PPP1 and TradeU1.

²⁹³ Interviews with NGO2, PPP1, and TradeU1.

²⁹⁴ Interviews with TradeU1 and Comp2.

CONCLUSION

The objective of this study was to investigate the scope of the responsibility of chocolate companies in comparison to the national government of Côte d'Ivoire in reducing the worst forms of child labour on cocoa farms in Côte d'Ivoire. The issues facing the cocoa supply chain are complex and require a holistic approach. Child labour is not an issue that stands on its own, but merely one factor in a series of the complex issues facing the cocoa industry. Amongst the root causes of the WFCL are poverty, lack of basic amenities and social services, current farming practices, cultural norms, political issues, current interventions, and industry-related issues. Poverty is often given as the main cause of child labour, but other factors play an equally important role. The scale of current interventions is not sufficient to solve the issue. Scale-up, increased budget and increase urgency are required to eliminate the WFCL in the cocoa industry.

Several international instruments describe the scope of the responsibility of corporations with regards to human rights and call on the industry to work together in public private partnerships with other stakeholders. The *Directive (EU) 2022/2464 regarding Corporate Sustainability Reporting Directive (CSRD)* entered into force in 2023. It requires chocolate companies to provide sufficient interventions, have a due diligence process in place, identify adverse impact, prevent, or mitigate where possible, and have in place a complaint procedure that should be monitored. Measures taken by Nestlé, Ferrero, Mars and Mondelez include collaboration in PPPs, implementing a CLMRS, supporting cocoa producers at farm level through improved farming practices and providing basic amenities. There is no legislation that demands that chocolate companies pay cocoa farmers a Living Income. Instead, chocolate companies have put in place incentive programs to provides several requirements for cocoa farmers to comply with in order to receive additional payment. The Ivorian government on the other hand is obligated to put in place legislation that eliminates and prevents the WFCL and put an effective enforcement mechanism in place. Lack of agricultural policy, lack of basic amenities, corruption and mismanagement of funds are a restricting factor in the elimination of child labour in the country, and it is almost impossible for the industry to address these issues, as they might face repercussions.

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ANNEX I INTERVIEW CONSENT FORM



Research project:

The responsibility of chocolate companies in comparison to the government of Côte d'Ivoire in reducing (the worst forms of) child labour on cocoa farms.

Research investigator: Irma Langendam

Name **participating** **Company/NGO:**

I would like to thank you for your participation in the interview aspect of my master thesis. The interview will take approximately one hour, during which I will ask you questions about the role of the company in the reduction of child labour in the cocoa industry, and ideas that you may have yourself about the topic.

Wageningen University & Research requires that interviewees explicitly agree to being interviewed and how the information contained in their interview will be used. Please read this form carefully and feel free to ask questions if anything is unclear.

All or parts of the content of your interview may be;

- Used in academic papers
- Stored during research according to the WUR's research data policy
- Archived after research according to the WUR's research data policy

The WUR's research data policy guarantees the safety of data from loss and corruption. For more information on the WUR's research data policy, you can go to the website: <https://www.wur.nl/en/Expertise-Services/WDCC/Data-Management-WDCC/Data-policy.htm>

By signing this form, I agree that;

1. I am voluntarily taking part in this research project.
2. I have the right not to answer questions and if I feel uncomfortable in any way during the interview session, I have the right to withdraw from the interview.
3. The interview will be recorded and a transcript will be produced. The transcript will be accessible to you. The transcript of the interview will be analysed by Irma Langendam, and the recording of the interview will be destroyed.
4. Any summary or direct quotations from the interview, that are made available through academic publication or other academic outlets will be anonymised so that you cannot be identified.
5. I have been given sufficient information about this interview and my role in the research project. The purpose of my participation as an interviewee in this project and the future management of my data has been explained to me and is clear.

6. I have been able to ask any questions I might have, and I understand that I am free to contact the researcher with any questions I may have in the future.
7. I have read and understood the points and statements in this form. I have had all my questions answered to my satisfaction, and I voluntarily agree to participate in this study.
8. I have been given a copy of this consent form co-signed by the interviewer.

Participant's Signature

Date

Researcher's Signature

Date

For further information, please contact:

Irma Langendam

E-mail address: Irma.langendam@wur.nl

Telephone number: +31 6 19 44 19 66

ANNEX II QUESTIONNAIRE CONSENT FORM



Research project:

The responsibility of chocolate companies in comparison to the government of Côte d'Ivoire in reducing (the worst forms of) child labour on cocoa farms.

Research investigator: Irma Langendam

Name participating Organisation: _____

I would like to thank you for your participation in the questionnaire aspect of my master thesis. It will take approximately 30 minutes to fill out this questionnaire. The question will be about the role of the organisation in the reduction of child labour in the cocoa industry, and ideas that you may have yourself about the topic.

Wageningen University & Research requires that interviewees explicitly agree to take part in research and how the information contained in the questionnaire will be used. Please read this form carefully and feel free to contact the research investigator if you have questions or if anything is unclear.

All or parts of the content of your interview may be;

- Used in academic papers
- Stored during research according to the WUR's research data policy
- Archived after research according to the WUR's research data policy

The WUR's research data policy guarantees the safety of data from loss and corruption. For more information on the WUR's research data policy, you can go to the website: <https://www.wur.nl/en/Expertise-Services/WDCC/Data-Management-WDCC/Data-policy.htm>

By signing this form, I agree that;

9. I am voluntarily taking part in this research project.
10. I have the right not to answer questions and I have the right to withdraw from partaking in this research at any given time.
11. The answers to the questionnaire will be analysed by Irma Langendam.
12. Any summary or direct quotations from the answers to the questionnaire, that are made available through academic publication or other academic outlets will be anonymised so that you cannot be identified.
13. I have been given sufficient information about this questionnaire and my role in the research project. The purpose of my participation in this project and the future management of my data has been explained to me and is clear.
14. I have been able to ask any questions I might have, and I understand that I am free to contact the researcher with any questions I may have in the future.

15. I have read and understood the points and statements in this form. I have had all my questions answered to my satisfaction, and I voluntarily agree to participate in this study.
16. I have been given a copy of this consent form co-signed by the interviewer.

Participant's Signature

Date

Researcher's Signature

Date

For further information, please contact:

Irma Langendam

E-mail address: Irma.langendam@wur.nl

Telephone number: +31 6 19 44 19 66

ANNEX III INTERVIEW PROTOCOL

For my research, I will conduct a qualitative interview with open questions with four chocolate companies. It will remain confidential which companies give answers that are used in the final report.

1. MESSAGE SENT TO CHOCOLATE COMPANIES

ENGLISH

Dear [Name],

For my master thesis at the Wageningen University and Research I am conducting a study on the scope of the responsibility of chocolate companies on the advancements of child rights regarding the worst forms of child labour on cocoa farms in Côte d'Ivoire. The aim of my study is to analyse which role chocolate companies currently play in the reduction of child labour in the cocoa industry. Furthermore, I will consider the effectiveness of those measures. As part of my study, I would like to conduct interviews with chocolate companies on their role and policies regarding this topic. I would like to ask you if [name company] is willing to take part in my study. A few open questions will be asked on the view of the company on child labour on cocoa farms in Côte d'Ivoire, and on the role the company plays in the reduction thereof. The interview would take around an hour. It will remain confidential which companies have given which answers.

Could I ask anyone at the company to take part in my study?

If you have any questions or if you would like to have more information, you can send me an email at: irma.langendam@wur.nl or call me at +31 6 19 44 19 66.

Yours sincerely,

Irma Langendam

DUTCH

Geachte [Naam],

Voor mijn afstudeeronderzoek binnen de master Food Law and Regulatory Affairs aan de Wageningen University & Research onderzoek ik de reikwijdte van de verantwoordelijkheid van chocoladebedrijven in het terugdringen van de ergste vormen van kinderarbeid op cacaoplantages in Ivoorkust. Het doel van het onderzoek is om de huidige rol van chocoladebedrijven in het terugdringen van kinderarbeid in de cacao industrie te analyseren. Daarbij zal ik ook gaan kijken naar de effectiviteit van de maatregelen die door de bedrijven zijn genomen. Als onderdeel van mijn onderzoek wil ik interviews doen met chocoladebedrijven over hun beleid met betrekking tot dit onderwerp. Ik zou u willen vragen of [naam bedrijf] deel wil nemen aan het onderzoek. Ik zou graag een interview met open vragen willen afnemen over de visie van het bedrijf op kinderarbeid op cacaoplantages in Ivoorkust en op de rol die het bedrijf speelt in de vermindering daarvan. Het interview zal ongeveer een uur duren. Het blijft vertrouwelijk welke bedrijven welke antwoorden hebben gegeven.

Met wie zou ik contact mogen opnemen voor deelname aan mijn onderzoek?

Als u vragen heeft of meer informatie wilt over mijn onderzoek kunt u mij gerust een e-mail sturen via: irma.langendam@wur.nl of bellen naar: +31 6 19 44 19 66.

Met vriendelijke groet,

Irma Langendam

2. SCRIPT PRIOR TO INTERVIEW

I would like to thank you for your participation in the interview aspect of my master thesis. As mentioned in the e-mail, I am researching the scope of the responsibility of chocolate companies on the advancements of child rights regarding the worst forms of child labour in cocoa farms in Côte d'Ivoire. The aim of my study is to analyse which role chocolate companies currently play in the reduction of child labour in the cocoa industry. Furthermore, I will consider the effectiveness of those measures. The interview will take approximately one hour, during which I will ask you questions about the role of the company in the reduction of child labour in the cocoa industry, and ideas that you may have yourself about the topic.

[Fill out Interview Consent Form]

Would you permit me to audio record our interview today?

If yes: Thank you. Please let me know if at any moment, you would like me to turn off the recorder.

If no: Thank you for letting me know. I will only take notes of our interview.

Do you have any questions for me before we start with the interview? If you have any questions during the interview, feel free to ask them at any time.

3. THE INTERVIEW QUESTIONS FOR CHOCOLATE COMPANIES

1. What do you think are the main reasons child labour still exists in the cocoa industry in Côte d'Ivoire?
2. What do you think your responsibilities as a chocolate company are regarding the advancement of child rights in the cocoa industry in Côte d'Ivoire?
3. Where do you think your responsibility stops with regards to the advancement of child rights in the cocoa industry in Côte d'Ivoire as a chocolate company?
4. How is the company currently working to reduce child labour in the cocoa industry in Côte d'Ivoire?
5. How did the company choose its methods to tackle child labour in the cocoa industry in Côte d'Ivoire?
6. In which regions in Côte d'Ivoire does the company work to reduce the worst forms of child labour?
7. Why did the company choose to work in these regions?
8. Were there any areas where the company was told not to go?
9. Which parties in your opinion have a responsibility in the reduction of the worst forms of child labour in the cocoa industry in Côte d'Ivoire? And what are currently their responsibilities?

10. In what way does the company work together with those parties?
11. What would be the most ideal way in your opinion to eliminate child labour in the cocoa industry?

4. THE INTERVIEW QUESTIONS FOR NGOS

1. What do you think are the main reasons child labour still exists in the cocoa industry in Côte d'Ivoire?
 2. What do you think the responsibilities of chocolate companies are regarding the advancement of child rights in the cocoa industry in Côte d'Ivoire?
 3. Where do you think the responsibility of chocolate companies stops with regards to the advancement of child rights in the cocoa industry in Côte d'Ivoire?
 4. Is your company currently working together with any chocolate companies? And if so, which ones?
 5. A. If yes, why have you chosen to work together with chocolate companies? And why specifically this company/these companies?
B. If no, why are you not working together with any chocolate companies?
 6. What are your methods to tackle the worst forms of child labour in the cocoa industry in Côte d'Ivoire?
 7. How did you choose your methods to tackle the worst forms of child labour in the cocoa industry in Côte d'Ivoire?
 8. In which regions in Côte d'Ivoire are you working to reduce the worst forms of child labour?
 9. Why did you choose to work in these regions?
 10. Were there any areas where you have chosen not to work?
 11. Which parties in your opinion have a responsibility in the reduction of the worst forms of child labour in the cocoa industry in Côte d'Ivoire? And what are currently their responsibilities?
 12. In what way are you working together with these parties?
 13. What would be the most ideal way in your opinion to eliminate child labour in the cocoa industry?
-
1. Wat zijn volgens u de belangrijkste redenen dat kinderarbeid nog steeds bestaat in de cacao industrie in Côte d'Ivoire?
 2. Wat zijn volgens u de verantwoordelijkheden van chocoladebedrijven met betrekking tot het realiseren van de rechten van het kind in de cacao industrie in Côte d'Ivoire?
 3. Waar stopt volgens u de verantwoordelijkheid van chocoladebedrijven, met betrekking tot het realiseren van de rechten van het kind in de cacao industrie in Côte d'Ivoire?
 4. Werkt the VOICE Network op dit moment samen met chocoladebedrijven? Zo ja, welke en op wat voor manier?
 5. A. Zo ja, waarom is ervoor gekozen om samen te werken met chocoladebedrijven? En waarom specifiek dit bedrijf/deze bedrijven?
B. Zo nee, waarom is ervoor gekozen om niet samen te werken met chocoladebedrijven?
 6. Wat zijn uw methoden om de ergste vormen van kinderarbeid terug te dringen?
 7. Hoe zijn de methoden gekozen?
 8. In welke regio's in Côte d'Ivoire werken jullie om de ergste vormen van kinderarbeid terug te dringen?
 9. Waarom is er gekozen om in deze regio's te werken?
 10. Zijn er gebieden waar jullie hebben gekozen om niet te werken?
 11. Welke partijen zijn er volgens u betrokken bij het terugdringen van de ergste vormen van kinderarbeid in de cacao industrie in Côte d'Ivoire? En wat zijn op dit moment hun verantwoordelijkheden?
 12. Op welke manier werkt u samen met deze partijen?
 13. Wat is naar uw mening de meest ideale manier om kinderarbeid te stoppen in de cacao industrie?

5. THE INTERVIEW QUESTIONS FOR THE EMBASSY OF A COCOA PRODUCING COUNTRY IN WEST-AFRICA

1. What do you think are the main reasons the worst forms of child labour still exist in the cocoa industry in West Africa?
2. What do you think the responsibilities of chocolate companies are regarding the advancement of child rights in the cocoa industry in West Africa?
3. Where do you think the responsibility of chocolate companies stops with regards to the advancement of child rights in the cocoa industry in West Africa?
4. In what way is the government of Ghana currently working together with chocolate companies in the reduction of the worst forms of child labour in West Africa?
5. What are your methods to tackle the worst forms of child labour in the cocoa industry in West Africa?
6. A. If yes, why have you chosen to work together with chocolate companies? And why specifically this company/these companies?
B. If no, why are you not working together with any chocolate companies?
7. How did you choose your methods to tackle the worst forms of child labour in the cocoa industry in West Africa?
8. Which parties in your opinion have a responsibility in the reduction of the worst forms of child labour in the cocoa industry in West Africa? And what are currently their responsibilities?
9. In what way are you working together with these parties?
10. What would be the most ideal way in your opinion to eliminate child labour in the cocoa industry?

After the interview

Thank you very much for taking part in my study. As mentioned before, it will remain confidential which companies have given which answers in the interview. Do you have any questions at this moment? If not, feel free to contact me if any questions come up later [*give contact details again*].