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Child Labor In Cocoa-Growing Communities In Côte D'Ivoire: Ways To Implement International Standards In Local Communities

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CHILD LABOR IN COCOA-GROWING COMMUNITIES IN CÔTE
D’IVOIRE: WAYS TO IMPLEMENT INTERNATIONAL STANDARDS IN
LOCAL COMMUNITIES

*Alfred Babo**

ABSTRACT

Despite years of sensitization and implementation of international conventions and recommendations to address the issue of child labor in African cocoa-growing communities, few changes have actually been made in the daily lives of these communities. In Côte d’Ivoire, for instance, children continue to go to the cocoa farms with their parents and relatives as an everyday routine because child labor is intertwined with underlying basic social norms in African rural societies. It is, therefore, important to understand that these social norms are often inconsistent with international norms on childhood, labor, and social protection. While learning through labor is a central yardstick of child socialization in Ivoirian communities, international norms appear to undermine this tie. Although participation in plantation work and formal school attendance comprise an indivisible whole that allows children to help their families and ensure a future for themselves, international conventions aim to divide these into separate elements. As a result, international standards are not widely adopted because they are not shaped by on-the-ground community-level realities.

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I. INTRODUCTION

Child labor in cocoa farming has been presented and discussed for a long time as an important legal and political problem. At present, progress on this issue has been stymied by controversy between opposing views primarily voiced on one side by international organizations, including the International Labor Organization (ILO),¹ the United Nations Children’s Fund (UNICEF)² and a number of politicians, especially U.S. Senator Tom Harkin and U.S. Representative Eliot Engel,³ and on the other side by African governments, particularly those of Côte d’Ivoire and Ghana.⁴

Child labor protections, including rights to education, healthcare, and adequate livelihood, are often and primarily viewed by Western governments and organizations as a device for promoting economic development in Africa. International agencies, such as the United Nations (UN), the United Nations Development Program (UNDP), the United States Agency for International Development (USAID), and lately the World Bank, have consistently intertwined human rights and development.⁵ In 2006, Côte d’Ivoire was under the threat of a trade embargo by the United States if it did not engage in implementing the Harkin-Engel Protocol aimed at combating

¹ See ILO Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, Jun. 17, 1999, 2133 U.N.T.S. 161 [hereinafter Convention 182].

² UNICEF, THE STATE OF THE WORLD’S CHILDREN 2011, ADOLESCENCE: AN AGE OF OPPORTUNITY 33 (2011).

³ See CHOCOLATE MFRS. ASS’N, 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) [hereinafter HARKIN-ENGEL PROTOCOL].

⁴ *The Harkin-Engel Protocol*, RESPONSIBLECOCOA.COM, <http://responsiblecocoa.com/about-us/the-harkin-engel-protocol> (last visited Oct. 23, 2014). See, e.g., Michael Bourdillon, *Enfants et travail: examen des conceptions et débats actuels* [Children and Work: A Review of Concepts and Current Debates], 16 ALTERNATIVES SUD 37, 38, 42 (2009).

⁵ EMMA CREWE & RICHARD AXELBY, ANTHROPOLOGY AND DEVELOPMENT: CULTURE, MORALITY AND POLITICS IN A GLOBALISED WORLD 107-08 (Cambridge Univ. Press 2012).

the worst forms of child labor (WFCL) by 2008.⁶

As a result, progress has been accomplished on child labor in both Côte d'Ivoire and Ghana. At the national level, the Ivoirian and Ghanaian governments have made commitments to collaborate in fighting against child labor. First, these two governments have signed and ratified the ILO Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour ("Convention 182").⁷ Moreover, since 2000 both have either adopted specific laws or explored revision of previous acts⁸ to address child labor in the framework of the Harkin-Engel Protocol.⁹ Indeed, the goal of this agreement, signed in September 2001 by global chocolate- and cocoa-industry representatives and United States Senator Harkin and Representative Engel, is to reduce the WFCL as defined in ILO Convention 182, specifically the elimination of the WFCL in the growing of cocoa beans and their derivative products in West Africa.¹⁰ Côte d'Ivoire and Ghana have also authorized the International

⁶ See, e.g., *Système de suivi du travail des enfants [SSTE] & Cabinet du Premier Ministre, Rapport d'enquête initiale pilote relative au travail des enfants dans la cacao-culture* [Report on the Initial Pilot Survey on Child Labor in Cocoa Farming] (2007), http://www.cacao.gouv.ci/commun/documents/Resume_rapport_enquete_pilote_Cdl.pdf; SSTE, CHALLENGES OF THE COCOA ECONOMY IN COTE D'IVOIRE, <http://www.cacao.gouv.ci/index.php?rubrique=1.1.6&langue=en> (last visited Oct. 23, 2014).

⁷ See Convention 182, *supra* note 1, which was ratified by Ghana on June 13, 2000 and by Côte d'Ivoire on February 7, 2003.

⁸ See SOMOPAC Network, *Combating Child Labor in Ghana: Significant Progress and Critical Challenges in Law Enforcement*, MODERN GHANA, <http://www.modernghana.com/news/478329/1/combating-child-labour-in-ghana-significant-progre.html> (last visited Nov. 21, 2014) for a description of the need to revise Section 91(2) of the Ghanaian Children's Act (Act 560) (1998) to match with the "procedure prescribed by the Convention No. 182 and its associated Recommendation 190 which provides guidelines for the Worst Forms of Child Labour (WFCL)."

⁹ See, e.g., *Loi n° 2010-272 portant interdiction de la traite et des pires formes de travail des enfants* [Act. No. 2010-272 Prohibiting Trafficking and the Worst Forms of Child Labor] (2010) (Côte d'Ivoire); *Arrêté N° 2250 portant détermination de la liste des travaux dangereux interdits aux enfants de moins de dix-huit (18) ans* [Order No. 2250 Concerning Determination of the List of Hazardous Work Prohibited to Children Under Eighteen (18) Years] (2005) (Côte d'Ivoire); *Domestic Violence Act (Act 732)* (2007) (Ghana); *Human Trafficking Act (Act 694)* (2005) (Ghana).

¹⁰ See, e.g., *DECLARATION OF JOINT ACTION TO SUPPORT IMPLEMENTATION OF THE HARKIN-ENGEL PROTOCOL* (Sept. 13, 2010), *available at* <http://responsiblecocoa.com/wp-content/uploads/2010/09/Cocoa-Declaration-of-Joint-Action.pdf>; *FRAMEWORK OF ACTION TO SUPPORT IMPLEMENTATION OF THE HARKIN-ENGEL PROTOCOL* (Sept. 13, 2010), *available at* <http://www.cocoainitiative.org/en/documents-manager/english/55-framework-of-action-to-support-the-harkin-engel-protocol/file> [hereinafter *FRAMEWORK OF ACTION*]. The protocol was renewed in September 2010 when industry, the U.S. Department of Labor, U.S. Senator Tom Harkin, U.S. Representative Eliot Engel, the Government of the Republic of Côte d'Ivoire, and the Government of the Republic of Ghana signed a Joint Declaration and a Framework of Action. *Id.*

Cocoa Initiative Foundation (ICI), which was established under the Harkin-Engel Protocol to implement actions within Convention 182 at the national and community levels.¹¹

However, ten years after realization of this progress, child labor protections still remain controversial. Several surveys and reports have stated that cocoa farming is, after all, an important economic and social activity involving thousands of small farmers and their families in rural areas.¹² Furthermore, they have demonstrated that child work is, in some measure, part of the education in most African communities, noting that preventing children from working and gaining income will make them more vulnerable to exploitation than those who are protected.¹³

Despite years of sensitization and implementation of activities based on international conventions and recommendations to address the issue of child labor in African cocoa-growing communities, it is clear that international standards, for the most part, are not adopted at the grassroots level. In fact, after years of endeavors at the national and international levels, few changes have actually been made in the daily lives of people in cocoa-producing communities in either Ghana or Côte d'Ivoire. Children in Côte d'Ivoire, in particular, continue to go to cocoa farms with their parents and relatives as an everyday routine because child labor in African rural societies is an underlying basic social norm. Therefore, if these international standards cannot be revised to support decent child-appropriate work, they need to be contextualized before being implemented at the community level.

My extensive grassroots work, and the survey I completed in 2010 with a colleague for the ICI, brought to light a significant functional gap between the rules of daily life in the local community and endeavors made during the last ten years to address the WFCL¹⁴ in farming in accordance with Convention 182 and the ILO Convention Concerning the Abolition of Forced Labour ("Convention 105").¹⁵ Convention 105, signed in 1957, prohibits the use of any form of forced or compulsory labor as a means of

¹¹ See FRAMEWORK OF ACTION, *supra* note 10.

¹² See CLARISSE BUONO & ALFRED BABO, INTERNATIONAL COCOA INITIATIVE, VIE QUOTIDIENNE, NORMES SOCIALES ET TRAVAIL DES ENFANTS DANS LES COMMUNAUTES PRODUCTRICES DE CACAO, RECHERCHE SOCIO-ETHNOLOGIQUE REALISEE EN CÔTE D'IVOIRE [Daily Life, Social Norms and Child Labor in the Cocoa-Producing Communities, Socio-Ethnological Research Conducted in Côte d'Ivoire] 7, 22 (Nov. 15, 2010), available at <http://www.cocoainitiative.org/en/documents-manager/french/35-daily-life-social-norms-and-child-labour-in-cote-divoire/file>.

¹³ Michael Bourdillon, *Enfants et travail: examen des conceptions et débats actuels* [Children and Work: A Review of Concepts and Current Debates], 16 ALTERNATIVES SUD 37, 38, 62-65 (2009).

¹⁴ See BUONO & BABO, *supra* note 12, at 30.

¹⁵ See Convention 182, *supra* note 1; ILO Convention Concerning the Abolition of Forced Labor, Jun. 25, 1957, 320 U.N.T.S. 291 [hereinafter Convention 105].

political coercion or education, punishment for the expression of political or ideological views, workforce mobilization, labor discipline, punishment for participation in strikes, or discrimination.¹⁶ Together, these fundamental Conventions cover the areas of the abolition of forced labor, equality, and the elimination of forced child labor. On the one hand, there is obviously no misunderstanding of international conventions' standards by local community members due to the impressive sensitization work conducted for several years by NGOs and other stakeholders in these communities.¹⁷ In addition, during the survey, it became apparent that most members of these communities knew the core concepts of the WFCL, and some communities even established monitoring committees as evidence of their engagement.¹⁸ Nevertheless, these sensitized community members keep working their farms with their children.¹⁹ They still consider those who are between the ages of fourteen and seventeen years old to be *young people*—not *children*—because they already bear familial or community responsibilities in most rural communities.²⁰ In their view, childhood is restricted to its earliest years, and this belief is not changing.

International organizations, especially the ICI and ILO, are not going to change their hard-line standards and guidelines. They continue to define a child as an individual younger than eighteen years of age and ban labor to promote school as the most relevant alternative to child labor.²¹ Furthermore, for local communities, participation in farming activities and formal school attendance are considered an indivisible whole that enables children to support their families and ensure a future for themselves, including one in farming.

International conventions split these activities into separate elements. This division creates a significant obstacle to combatting child labor because it undermines the core sociocultural aspect of the issue. The challenge, therefore, is in determining how to adapt to and contextualize international standards within local routines to achieve the best implementation at the community level. In other words, can these laws transform community behavior by moving the action from the legal side to a social and cultural perspective?

From my analysis, I believe that it is time to move on by tackling the

¹⁶ Convention 105, *supra* note 15, art. 1.

¹⁷ See *Annual Report 2013*, INT'L COCOA INITIATIVE 1-5 (2013), <http://www.cocoainitiative.org/en/documents-manager/english/56-annual-report-2013/file>.

¹⁸ *Id.* at 2, 3, 8, 12.

¹⁹ BUONO & BABO, *supra* note 12, at 15.

²⁰ *Id.*

²¹ See Convention 182, *supra* note 1, arts. 2, 7; *About Us*, INT'L COCOA INITIATIVE (May 13, 2014), <http://www.cocoainitiative.org/en/about-us/what-we-do>.

social and cultural aspects of this matter in order to consistently implement international and national standards and laws in targeted communities. In the contemporary context, we need to acknowledge that all living cultural traditions are dynamic and open to change. Accordingly, I offer two approaches that are rooted in sociocultural indigenization perspectives. First, I argue that the best way for targeted communities to implement protective conventions and laws — and behave accordingly without feeling that they are being externally coerced — is to link school, traditional education, and child protection together. For some communities, I would support this mixing of school with traditional education by involving grandparents who are most often responsible for taking care of children in Ivoirian communities. Second, I believe that it is time to affirmatively make agriculture a part or complement of formal education in order to train children in school about risky farming activities and practices.

II. METHODS

This paper is based on my grassroots experience of studying, training, and surveying cocoa-producing communities in Côte d'Ivoire. From 2006 to 2012, I prepared and led over one hundred training sessions for NGO-partners and national stakeholders of the ICI Foundation on child labor, community-based mobilization, participatory rural appraisal (PRA) methods, and community action planning (CAP). In addition, I developed and supported NGO capacity building on project development and organization and led assessment missions as well. The outstanding outcomes of these assessments indicate that community members, including parents, teachers, and children themselves, know and understand the issue of child labor. Moreover, there was strong evidence of their engagement and actions to fight against this “backward” phenomenon.

Although narratives from community members frequently demonstrated that they were aware of the issues of child labor and protection, the same members were regularly going out to farm with their children. Seeing this duality was a revelation, and I understood that I needed to approach these issues differently. My doubts were reinforced when the ICI Foundation initiated the 2010 study that I co-led with a colleague.²² The ethnographic approach we used was very revealing because it triggered important reflexive insights. Like the sociologist Punch studying children, I realized that in rural Bolivia, as well as Côte d'Ivoire, “[i]n order to understand rural childhoods in a country of the Majority World biases concerning personal experience needed to be minimised, along with a preconceived vision of

²² See BUONO & BABO, *supra* note 12, at 5.

how childhood is or should be.²³

I then conducted in-depth fieldwork in two cocoa-producing communities in the regions of Soubré and Divo, in western Côte d'Ivoire. In order to engage in qualitative inquiry, I began with several visits to the community of Toagui 2. Toagui 2 is located in southwestern Soubré with the Bakoué as the autochthonous ethnic group, living along with migrant communities, such as the Malinké, Baule, Dioula, Senufo, Lobi, and Burkinabé. The village included approximately three thousand inhabitants and was sensitized about the child labor issue by the NGO Assistance Internationale a l'Enfance Cœur et Action (AIECA).²⁴ Then, I went to the second village of Ogoudou in the Divo region in southwestern Côte d'Ivoire. It is a village of autochthon Dida living along with other internal migrants, such as the Baule, Lobi, Guro, Wobè, Malinké, and Bété. There are also immigrants from nearby countries, including Burkina Faso, Mali, Benin, Niger, Togo, and Nigeria. It is a large community with roughly 7,375 inhabitants informed and trained by the NGO Horizons Lumière.²⁵

Ultimately, I completed more than twenty-five interviews. I met many people from different socio-professional and ethnic groups, including children, parents, agricultural workers or seasonal laborers, teachers, and officials of public administrations. Several questions were addressed, including those revealing what these local people thought about international conventions and standards and how they would implement them.

III. CONCEPTUAL FRAMEWORK

In Côte d'Ivoire, as in many African countries, the participation of the child in family activities is part of the process of socialization or social learning. Defining culture, Franz Boas,²⁶ as cited by Lavenda and Schultz, referred to social learning or socialization as the process of learning to live as a member of a group and by which people come to terms with the ways of thinking and feeling that are considered appropriate in the group.²⁷ Accordingly, this anthropological view roots the involvement of children in a strictly family atmosphere, which is the primary institution of socialization

²³ Samantha Punch, *Multiple Methods and Research Relations with Young People in Rural Bolivia*, in *QUALITATIVE METHODOLOGIES FOR GEOGRAPHERS* 165, 166 (Melanie Limb & Clair Dwyer eds., 2001).

²⁴ BUONO & BABO, *supra* note 12, at 9.

²⁵ See, e.g., *id.*; *Annual Report 2011*, INT'L COCOA INITIATIVE 19 (2011), <http://www.cocoainitiative.org/en/documents-manager/english/18-annual-report-2011/file>.

²⁶ See, e.g., FRANZ BOAS, *GENERAL ANTHROPOLOGY* 4-5 (1938); FRANZ BOAS, *RACE, LANGUAGE AND CULTURE* 280-343 (1940).

²⁷ ROBERT H. LAVENDA & EMILY A. SCHULTZ, *CORE CONCEPTS IN ANTHROPOLOGY* 17-18 (5th ed. 2013).

without primary concern about the economic value of the work.²⁸ This follows from the conception that a child is an individual who is not recognized as an adult by the social body.²⁹ In traditional African society—in contrast to Western-centered perspectives—this recognition is less about biological age than sociological age.

Indeed, the concept of childhood cannot be understood independently of the social and local context in which it occurred. Being *young* or a *child* in Africa is therefore not a matter of age in a biological or statistical sense, but is a socially and culturally constructed social position. This social position is determined by reference to other generations and access to attributes and resources that confer social competence, such as speaking in public and being in charge of family heritage. This notion of a *young person* with respect to *childhood* remains an empirical question because it is rooted in how different societies actually think, organize, and maintain their social life.³⁰

A. “Child Work” as Part of the Socialization Process

In many Ivoirian communities, an individual may be considered an adult once he or she has social and political responsibilities and expenses, such as those of a spouse, parent, head of a family or kinship, heir, or plantation owner.³¹ In this sense, as a child evolves into an adult through the process of socialization, work, in turn, represents a key element of this socialization. Work is also a “rite of passage for prepubescent boys” and a bargaining tool for redefinition and reconstruction of what it means to be a child.³² The role that work plays in socializing children is appropriate to their abilities. Parents monitor children’s activities, paying attention to their competencies and the duration and intensity of these activities. This work is arguably conducted in a healthy family environment because the children help at home or on a farm.³³

²⁸ See VINCENT GUERRY, *LA VIE QUOTIDIENNE DANS UN VILLAGE BAOULE* [Daily Life in a Baoulé Village] 10-42 (1970).

²⁹ CHAKIB GUESSOUS, *L’EXPLOITATION DE L’INNOCENCE : LE TRAVAIL DES ENFANTS AU MAROC* [The Exploitation of Innocence: Child Labor in Morocco] 59-66 (2002).

³⁰ Jean-Pierre Chauveau, *Introduction thématique: Les jeunes ruraux à la croisée des chemins* [Thematic Introduction: Rural Youth in the Crossroads], 214 *AFRIQUE CONTEMPORAINE* 15, 26-27 (2005).

³¹ ALFRED BABO, *LES JEUNES, LA TERRE ET LES CHANGEMENTS SOCIAUX EN PAYS BAOULE (CÔTE D’IVOIRE)* [Youth, Land and Social Change in Baule Country (Côte d’Ivoire)] 18 (2010).

³² Beverly Grier, *Child Labor and Africanist Scholarship: A Critical Overview*, 47 *AFR. STUD. REV.* 1, 17 (2004).

³³ ANNE KIELLAND & MAURIZIA TOVO, *CHILDREN AT WORK: CHILD LABOR PRACTICES IN AFRICA* 58-61 (2006).

This socializing work, referred to as “child work” is considered “acceptable” because it contributes to the building of a future life.³⁴ This definition largely meets African and Ivoirian realities in particular, as parents assign children a share of tasks to perform themselves. In such a context, it is neither exploitation nor slavery. The contributions of children to the family economy do not preclude school enrollment, but rather allow for the education and socialization of children as stated by scholars including Mellott,³⁵ Bonnet,³⁶ and Guillaume et al.³⁷ Their main argument is that in many developing countries where grandparents and parents often did not attend school, the primacy of learning by working enhances this work because it often allows adequate training. This process is unlike the formal educational system, which does not necessarily lead to a job. Thus, child work is not considered a scourge in most African countries. Guessous,³⁸ as well as Kielland and Tovo,³⁹ argue that child labor is seen by parents as on-the-job-training that acts a sure guarantee for their child’s economic and social future.

Unfortunately, child work in its current forms often takes on the appearance of child trafficking and exploitation for economic purposes.⁴⁰ Consequently, what is called “child labor” by all UN organizations, especially the ILO, refers to children under the age of eighteen, who work long hours in poor conditions and complete dangerous tasks. Bhukuth and Bennani point out that in Morocco, previous child work as a family helper evolves into commercial activity for survival reasons.⁴¹ Thus, rural poverty

³⁴ See MORTEN BØÅS & ANNE HATLØY, AFTER THE STORM, ECONOMIC ACTIVITIES AMONG CHILDREN AND YOUTHS IN RETURN AREAS IN POST-WAR LIBERIA: THE CASE OF VOINJAMA, FAFO REPORT NO. 523 45-47 (2006).

³⁵ See Noal Mellott, *L'enfance en milieu traditionnel en Afrique noire – bibliographie spécialisée* [Children in Traditional Areas in Black Africa – Specialized Bibliography], 51 J. DES AFRICANISTES, 293, 293-316 (1981).

³⁶ See Michel Bonnet, *Child Labour in Africa*, 132 INT’L LAB. REV. 371, 372, 377-79, 384-86 (1993).

³⁷ See Agnès Guillaume, Patrice Vimard, Raïmi Fassassi & Koffi N’guessan, *La circulation des enfants en Côte-d’Ivoire: solidarité familiale, scolarisation et redistribution de la main d’œuvre*, in LE MODELE IVOIRIEN EN QUESTIONS [The Movement of Children in Ivory Coast: Family Support, Education and Redistribution of Labor, in The Ivoirian Model in Question] 573, 573-90 (1997).

³⁸ CHAKIB GUESSOUS, *supra* note 29, at 59-66.

³⁹ KIELLAND & TOVO, *supra* note 33, at 58-61.

⁴⁰ TRAFFICKING IN SLAVERY’S WAKE: LAW AND THE EXPERIENCE OF WOMEN AND CHILDREN IN AFRICA 150 (Benjamin N. Lawrance & Richard L. Roberts eds., 2012).

⁴¹ AUGENDRA BHUKUTH & NAHID BENNANI, LE TRAVAIL DES ENFANTS AU MAROC: L’INTÉGRATION PAR L’ÉCONOMIE INFORMELLE [Child Labor in Morocco: The Integration through the Informal Economy] 2, 11 (2007). See generally Niels-Hugo Blunch & Dorte Verner, *Revisiting the Link Between Poverty and Child Labor* 4, 9 (Ctr. for Lab. Mkt. and Soc. Research, Working Paper No. 01-03, 2001).

encourages early entry of children, especially boys, into agricultural work.

The structure of production in Africa is one of the main causes of children's inclusion in the workplace. Most African countries are still dominated by a rural economy based on familial agriculture where production is largely constructed on household performance.⁴² There is a notable correlation between a large number of people living in a household and the prevalence of child labor.⁴³ For instance, 53% of working children in Morocco come from households of three to five people.⁴⁴ They are no longer solely familial helpers but also are agricultural laborers.

B. The Unacknowledged Disconnect between Western-Centered International Standards and Traditional African Norms

In spite of this conceptual clarification, the child labor problem remains controversial mainly because of ongoing debates surrounding concepts such as "child," "labor," "work," and "protection," and the existence of a cultural gap between Western-centered international standards and the traditional rules of African communities. These social norms often conflict with international views on "childhood," "labor," and "social protection." While learning through labor is a central yardstick of child socialization in Ivoirian communities, international norms appear to undermine this tie.

The controversy is ultimately fueled by what some African government representatives and family producers of cocoa consider as the will of Western societies to impose their standards on African communities. Although local conditions are never isolated from global forces, what is clearly at play here is the insistence by one subgroup within a global society on its version of modernity as *the* correct version to the point that it seeks to force other subgroups to comply with what it considers to be *the* universal and most accurate vision.

Many anthropologists have recently "begun to question the validity of speaking as if a large and complex society could possess a single, uniform 'culture.'"⁴⁵ Still, there is no consistent acknowledgement among scholars and international partners that addressing child labor is actually a sociocultural change problem. In other words, many continue to believe that solving child labor is the process by which structural reorganization of a

⁴² Jens Chr. Andvig, Sudharshan Canagarajah & Anne Kielland, *Issues in Child Labor in Africa, Africa Region Human Development* 1, 6, 8, 11 (The World Bank, Working Paper No. 26701, 2001).

⁴³ See, e.g., L. BAGHAGHA, COMPRENDRE LE TRAVAIL DES ENFANTS AU MAROC: ASPECTS STATISTIQUES [Understanding Child Labor in Morocco: Statistic Aspects] 12 (2002); BHUKUTH & BENNANI, *supra* note 41, at 6.

⁴⁴ BAGHAGHA, *supra* note 43, at 15. See, e.g., BHUKUTH & BENNANI, *supra* note 41, at 6.

⁴⁵ LAVENDA & SCHULTZ, *supra* note 27, at 25.

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given society is affected through time and is qualitatively transformed from its ancestral form.⁴⁶ This approach attempts to change how people in targeted communities should behave with their children with respect to education, work, and familial activities. In fact, because rules that underlie this struggle are based on moral and ethical criteria rooted in Western ideals and fail to take into account the unique cultures and traditions of each community, mobilization and change in cocoa-producing African communities remain low.

III. RESULTS

The first criticism collected from Ivoirian community members is that the international laws, such as Conventions 182 and 105, and the Harkin-Engel Protocol, which directed the work of the NGOs on the ground to sensitize the community members, failed to reflect their thoughts. Although they welcome ICI activities implemented by NGOs, local community leaders disagree with the idea of acting according to what Western chocolate consumers are asking for. They are especially resistant to outside direction on how they should take care of their own children. In fact, when NGO staff visited producer communities, they were not there to discuss economic issues, such as cocoa price and infrastructure difficulties that the farmers were confronting; instead they were totally focused on sensitizing them about child labor. To the community, child labor appears as a problem only for external partners, namely Western society.

Indeed, in the farming communities made up of small local villages, bringing children to farms is not an issue at all, but rather exactly how a family behaves. For some community members, sensitization in the absence of discussion about their concerns means that everything has been decided for them, without their insights or inputs in the debate. Some older community leaders that I interviewed expressed frustration with the imposition of Western ideals on their villages. One leader, Chief of Ogoudou, Divo, stated, "It is difficult to understand, and even implement laws decided by Western countries pretending to show us how we should raise our children."⁴⁷

This discomfort allows community members to return to their daily routine without hesitation, in spite of what they stated in their narratives to NGO workers. This unease also explains the gap between their daily behavior and their acceptance of and commitment to work with NGOs and

⁴⁶ See MICHAEL BOURDILLON, DEBORAH LEVISON, WILLIAM MYERS & BEN WHITE, *RIGHTS AND WRONGS OF CHILDREN'S WORK* 26, 39-42 (Rutgers Univ. Press 2010).

⁴⁷ Interview with Sylvain Ngodé N'Guessan, Chief of Awatti, in Ogoudou, Divo, Côte d'Ivoire (July 3, 2010).

national and international partners to fix peripheral needs, such as schools, sanitation, and drinking water.⁴⁸ Another community leader aptly said, “What would make it easier to implement national laws and international standards related to child labor would be consistency with our customary rules.”⁴⁹

A. What Constitutes a “Child”

One crucial point of divergence remains the definition of child, which is a core concept of child labor. One social demographic pattern that is difficult to document with accuracy in rural Africa, from surveys or censuses, is the age of an individual. In the surveys that I conducted, some parents were unable to provide accurate information about the age of their children. This is primarily due to the cultural fact that more weight is given to the idea of generations than individual age.⁵⁰ Usually, people are classified by groups of those born in the same period. Consequently, individuals will be primarily designated as members of a generation related to an event or a traditional ceremony.⁵¹

Moreover, in most Ivoirian societies, childhood is defined by the ability or lack thereof of an individual to gain responsibility or to be in charge of familial responsibilities, such as getting married, having children, farming, building a house, and heading a household.⁵² As a result, in the communities of southwestern Côte d’Ivoire, people consider a “child” as one between the ages of zero and ten or twelve years old. They disagree with the international convention that asks them to consider their daughters and sons of fourteen, fifteen, sixteen, and seventeen years of age as children. So while the international standards depend on the biological criteria of age, local community members instead prefer to define a child by sociological notions of a generation and the ability to take on activities or responsibilities. This definition of “child” supports parental routines of farming with their twelve- to seventeen-year-old children.

In addition, there is a widespread practice within Ivoirian rural communities of parents not automatically declaring their newborn to the administration.⁵³ As a result, many students in elementary school do not provide birth certificate for registration.⁵⁴ Sometimes, after being warned by

⁴⁸ See *Annual Report 2011*, *supra* note 25, at 19.

⁴⁹ Interview with Matthias Bado, Member of local committee against child labor and leader of Burkinabe community, in Ougoudou, Divo, Côte d’Ivoire (July 4, 2010).

⁵⁰ See Chauveau, *supra* note 30, at 26-27.

⁵¹ See BABO, *supra* note 31, at 18.

⁵² *Id.*

⁵³ See BUONO & BABO, *supra* note 12, at 15.

⁵⁴ See *id.*

teachers, parents would only make efforts to provide a birth certificate for those of their children who are expected to take an exam to get in middle school at twelve, thirteen, or even fourteen years of age.⁵⁵ These undocumented children are mostly members of non-Ivoirian cocoa-producing communities, such as the Malian, Burkinabé, and Beninois.⁵⁶ All of these practices related to the issue of age are especially prominent in rural communities in the deep forest that do not have a school.

B. What Constitutes “Work” and “Labor”

Two other disputed concepts at the local level are those of “work” and “labor.” For the ILO and other involved stakeholders addressing the WFCL, the distinction is clear between “child labor” and “child work.”⁵⁷ For rural and uneducated people, this is not so easy. While the definition from international institutions is economically and legally centered, the one given by rural Africans is socially and culturally rooted. For instance, in respect to Conventions 182, 184, and 138, the related Ivoirian law 2010–272 of September 30, 2010, and Order 0009 of January 19, 2012 defining and listing hazardous and forbidden works in agriculture, all children younger than eighteen years old who are involved in or perform hazardous and forbidden activities and tasks are victims of “child labor.”⁵⁸ In contrast, because local community members do not consider individuals between the ages of fourteen and seventeen years old to be children subject to ILO’s standards, they consider the performance or involvement of a fourteen- to seventeen-year-old boy in those same “hazardous” and “forbidden” activities and tasks to be nothing more than the “child work” they learned from their parents.

In most Ivoirian societies, children working with or for parents on a farm or at home is valued and praised and constitutes part of traditional

⁵⁵ See Clarisse Buono & Alfred Babo, *Travail des enfants dans les exploitations de cacao en Côte d’Ivoire. Pour une réconciliation entre normes locales et normes internationales autour du “bic”, du balai et de la machette* [Child Labor in Cocoa Farms in Côte d’Ivoire. For a Reconciliation between Local Standards and International Standards around the “Bic”, Brush and Machete], *MONDES EN DÉVELOPPEMENT* 69, 74–75 (2013).

⁵⁶ See BUONO & BABO, *supra* note 12, at 9.

⁵⁷ See ILO, *What is Child Labour*, <http://www.ilo.org/ipecc/facts/lang--en/index.htm> (last visited Sept. 20, 2014) (“Not all work done by children should be classified as child labour that is to be targeted for elimination.”).

⁵⁸ Order No. 0009 MEMEASS/CAB of Jan. 19, 2012, revising Decree No. 2250 of March 14, 2005; Prohibition of Trafficking and the Worst Forms of Child Labor Act, No. 2010-272 (2010) (Côte d’Ivoire); Convention 182, *supra* note 1, arts. 2, 3; ILO Convention Concerning Safety and Health in Agriculture, Jun. 21, 2001, 2227 U.N.T.S. 241, art. 16 [hereinafter Convention 184]; ILO Convention Concerning Minimum Age for Admission to Employment, Jun. 26, 1973, 1015 U.N.T.S. 297, arts. 3, 5 [hereinafter Convention 138].

education. Working is first of all a social duty in terms of helping or contributing to the family or household's well-being. The sociocultural aspect is complemented by an ethical one when young men or women need to take care of aging or disabled parents who are unable to continue their strenuous farm work and who live in a rural society where there is no system of social security. For parents, it is clear that their children need to be educated and prepared to take care of them and the family once they become adults. This pattern is the basis of social reproduction. In this sense, there is no minimum-age limit for a child to learn by working with and under the supervision of his or her parents.

What is privileged here is the cognitive and physical ability evaluated by the parents to charge their children work tasks. In these societies, children learn principally by imitation; parents show and teach their children by working along with them, then by testing them, and ultimately by giving them autonomy over an activity. For the people I met, there is no place in this process for forcing a child to do work that he or she does not know. Therefore, the basis of this education is the capacity building of knowledge. Older community members whom I interviewed stated that they had been educated in the same way that they educated their own children.⁵⁹

This hands-on training did not profoundly change with the advent of Western education. In fact, most contemporary Africans, including those working in modern administrative jobs, went to school while they were also responsible for household chores and farming tasks. This is, in fact, very similar to life in pre-Industrial American and European rural communities where children were responsible for many laborious farming tasks.⁶⁰

C. Farming and School

Now, we address the third point of inconsistency. According to community members who are farmers and parents of fifteen-, sixteen-, and seventeen-year-olds, presenting school as the only reliable alternative to child labor in cocoa farming is not effective. This approach tends to undermine any alternative approach that would combine farming and school, and some even argue that it aims to undermine agriculture as a valuable profession.⁶¹ In fact, actions of NGOs and international agencies like UNICEF have advanced school as *the* valid way to withdraw children from farms.⁶² The educational and socio-professional insertion of child victims or

⁵⁹ See, e.g., interview with Paul Gnepa Gnanbé, Oldest Member, in Toagui 2, Soubré, Côte d'Ivoire (June 20, 2010).

⁶⁰ See BOURDILLON, LEVISON, MYERS & WHITE, *supra* note 46, at 40-42.

⁶¹ See, e.g., Interview with Jean-Marie Ekra Koffi, Chief of Baya, in Ogoudou, Divo, Côte d'Ivoire (July 6, 2010); Interview with N'Guessan, *supra* note 47.

⁶² See, e.g., UNICEF, *supra* note 2, at 33, 77.

at-risk children and the specific action plan of the education sector promoting this principle of school have been recognized to boost the campaign against the WFCL.⁶³ In Côte d'Ivoire one powerful slogan proclaimed that the "place of a child is at school."⁶⁴

This rhetoric does not meet poor peasants' insights and realities for several reasons. First, in some of the more remote Ivoirian rural areas, there may not be any schools. In addition, the Ivoirian government cannot build these schools in all small rural communities because this endeavor is actually a general development issue that requires road building, hiring an adequate number of teachers, construction of teachers' housing, and providing drinking water, electricity, and basic social services. In 2013, roughly 48% of the Ivoirian population lived in rural areas with lower access to education and other basic social services.⁶⁵ In 2008, 21.8% of total government expenditure was directed to education expenditure, including government spending on educational institutions (both public and private), education administration, and subsidies for private entities.⁶⁶ In addition, in 2012 32% of the rural population lacked access to improved water sources, including piped water on premises, public taps or standpipes, tube wells or boreholes, protected dug wells, protected springs, and rainwater collection.⁶⁷ Furthermore, in 2007, only 7.9% of total roads were paved.⁶⁸ The

⁶³ See *Plan d'action national 2012-2014 de lutte contre la traite, l'exploitation et le travail des enfants* [National Action Plan 2012-2014 Fighting Trafficking, Exploitation and Child Labor], NATIONAL MONITORING COMMITTEE FOR THE FIGHT AGAINST TRAFFICKING, EXPLOITATION AND CHILD LABOR 19, 25 (2012) (Côte d'Ivoire), <http://www.cocoainitiative.org/en/documents-manager/french/41-plan-daction-national-cote-divoire-2012-2014-1/file>; see also *ICI-Nestle UK Project in Côte d'Ivoire*, INT'L COCOA INITIATIVE (July 31, 2013), <http://www.cocoainitiative.org/en/projects/140-ici-nestle-uk-project-in-cote-d-ivoire>.

⁶⁴ See, e.g., Official page of the Ministry of Education of the Republic of Côte d'Ivoire, FACEBOOK, <http://www.facebook.com/MENETCOMMUNICATION?fref=photo> (last visited Oct. 26, 2014); *id.* at https://www.facebook.com/video.php?v=696769933736769&video_source=pages_finch_thumbnail_video (last visited Oct. 26, 2014); UNICEF Côte d'Ivoire, *Les enfants de Côte d'Ivoire célèbrent la Journée de l'Enfant Africain* [Children of Côte d'Ivoire Celebrate the Day of the African Child] (June 16, 2011), http://www.unicef.org/cotedivoire/french/mediacentre_6387.html.

⁶⁵ See *Profil de pays de la Côte-d'Ivoire* [Country Profile of Côte d'Ivoire], JEUNE AFRIQUE, http://www.jeunefrique.com/Chiffres-pays_62_C%C3%B4te%20d'Ivoire (last visited Oct. 24, 2014).

⁶⁶ World Bank, *Public spending on education, total (% of government expenditure)*, Côte d'Ivoire, DATA.WORLDBANK.ORG, <http://data.worldbank.org/indicator/SE.XPD.TOTL.GB.ZS/countries/CI?display=graph> (last visited Oct. 24, 2014).

⁶⁷ World Bank, *Improved water source, rural (% of rural population access)*, Côte d'Ivoire, DATA.WORLDBANK.ORG, <http://data.worldbank.org/indicator/SH.H2O.SAFE.RU.ZS/countries/CI?display=graph> (last visited Oct. 24, 2014).

⁶⁸ World Bank, *Paved Roads in Côte d'Ivoire (% of total road)*, DATA.WORLDBANK.ORG

underfunding of road maintenance and poor sanitation are additional challenges. In the mid-2000s, Côte d'Ivoire's annual infrastructure spending totaled \$750 million.⁶⁹

The question I frequently faced was how children can go to school if there is no school in or near the community. Even in an ideal scenario of community schools, studies have shown that the presence of facilities does not lead *de facto* to registration of children — especially girls who, in some societies, remain at home.

Next are the additional questions concerning fourteen- to seventeen-year-olds that fail school. Some parents asked what these children should do when they have only ever attended school, but are forced to leave due to a lack of success. For these farmers, the only work that can sustain children in rural areas is agriculture. In communities where there is a school, education and agricultural work are performed as complementary activities out of necessity. One does not prevent the other. Agricultural work should not be undermined by or treated as inherently incompatible with school. Instead, farming should be used with these young peasants as an efficient way to prevent the WFCL and to build a future of cocoa farming that is free from child labor. The question then becomes, how would this work?

IV. WAY FORWARD: INDIGENIZATION

My proposition for addressing the WFCL is twofold and grounded in the concept of cultural indigenization and the idea of cultural evolution. It has been suggested that every human group or society can invent and modify its own particular set of learned cultural traditions in order to reproduce itself by solving problems of food, shelter, clothing, education, social relationships, and reproduction.⁷⁰ There is no indication that existing cultural systems, including African ones, will not change over time either through internally generated developments or exposure to new external phenomena. In fact, cultural indigenization appears to be one of the more efficient ways for this change because it is the way in which individuals pick and choose from global culture the customs that they want to follow in accordance to their beliefs and behavior. Consequently, I am suggesting that the indigenization of international standards and the evolution of cocoa

<http://data.worldbank.org/indicator/IS.ROD.PAVE.ZS/countries/CI?display=graph> (last visited Oct. 24, 2014).

⁶⁹ Vivien Foster & Nataliya Pushak, *Côte d'Ivoire's Infrastructure: A Continental Perspective*, at 32 (World Bank Sustainable Development Department, Africa Region, Policy Research Working Paper 5594, 2011), available at <http://elibrary.worldbank.org/doi/book/10.1596/1813-9450-5594>.

⁷⁰ BRONISLAW MALINOWSKI, *A SCIENTIFIC THEORY OF CULTURE AND OTHERS ESSAYS* 36-37 (1944).

producers' behavior about child labor and protection could occur through linking school, traditional education, and agriculture.

A. Link School, Traditional Education and Child Protection

It is important to explore ways in which school can serve as the frame for these communities to learn and fight against the WFCL and, at the same time, for their children to learn the local value of family work and farming. Social activities that support familial and community development and maintain family ties should be valued and, if necessary, upgraded for children and parents by combining an international framework with local rules or traditions.

To do so, international partners' results that are praised as *good practices* could be adapted to the community routine and culture. For example, in many rural communities, grandparents continue to play a prominent role in the education of their grandchildren. Therefore, grandparents could be involved in the community kindergarten class as they are in Boigny Kro in southwestern Côte d'Ivoire, which is considered a successful outcome of a local initiative within the ICI program.⁷¹ To allow for the preservation of their way of traditional education while adding more formal modern education, subjects could be explored through tales or stories by a grandma or grandpa during one period of the day in local languages while the fathers and mothers are working on their farms. Simultaneously, these older adults could talk to children about education, labor, hazardous work, cocoa growing, childhood, child protection, health, the virtue of family, and community development.

B. Make Agriculture a Part or Complement of Formal Education

In Ivorian rural communities, attending school does not prevent children from performing their farming activities and household chores. Children, including those who attend school, are surrounded by agricultural activities in their daily lives at home and at school. They even see relatives who work in the cities maintaining their farms back in the village by working on them during vacations, weekends, and retirement. Students are accustomed to accompanying their parents to farms on non-school days, such as Wednesdays, Saturdays, and Sundays, and during vacations. Furthermore, for rural children, especially those between twelve and

⁷¹ See Letter from Nick Weatherill, Executive Director, Int'l Cocoa Initiative, to Mistrati (Oct. 11, 2012), *available at* http://www.shady-chocolate.com/sites/all/themes/shady/map/content/pdf/ICI_-_Letter_to_Miki.pdf; *see also* Int'l Cocoa Initiative, *Boigny Kro novembre*, YOUTUBE (Dec. 9, 2012), <https://www.youtube.com/watch?v=AbyNoesPy7Q&list=UUmdfaz2GTQ55W5J6OsluGCg&index=3>.

seventeen years old, the primary method of reorientation when there is failure at school is agriculture. Farming, therefore, must be valued — even at school.

Some schools develop what is referred to as “school agricultural cooperatives” by creating gardens. These cooperatives have the support of parents and the community because children learn and apply agricultural knowledge, along with ideas of solidarity, as they work, sell, and eat their products together. In some cases, the harvest produces food for school lunchrooms. This activity, which is grounded in the parents’ own main activity, is also monitored by teachers.

If the ultimate goal is to raise a new generation of cocoa producers that are free of child labor, we must explore projects that join community activities and international will for promoting *both* school and agriculture. These types of projects respect local rules and ways of daily life. This approach complements the agrarian culture of these cocoa-producing communities because it closely corresponds to the routines that children perform during vacations and weekends and what they will most likely do in the event of failure at school.

Ultimately, such academic-based agricultural activities could serve as the foundation for children to learn about the WFCL in all agricultural sectors. School cooperatives could be used to teach children about the hazards of farming and have the potential to advance the safer apprenticeship of children on their farms, with the possibility of reducing the occurrence of children participating in hazardous tasks. As this school activity opens to non-schooling children, all children in the community would learn early on what tasks could be safely completed and what constitutes a hazardous activity without thinking that international rules are pushing them to drop rural activities. Furthermore, through this approach, children fourteen to seventeen years of age could be the ones transferring accurate information to their parents about hazardous work in agriculture as well as the need for the protection of children, rather than an NGO staff member.

V. CONCLUSION

For some time now, national and international stakeholders, as well as scholars against the WFCL, have moved beyond the debate about the culture clash on the issue of child labor. They should acknowledge that — in spite of endeavors on the ground — targeted people or communities are functioning *exactly* as usual. Little change has actually been made in the behaviors of individuals or communities. An underlying reason for this, I believe, is that many international standards on child labor do not complement or fit local routines that support children in familial ties.

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For most of the Ivoirian rural societies that I visited, one effective way for maintaining these ties is for parents to involve their children in primary activities, notably farming, which contribute to social and familial reproduction. In this sense, child work is both factor and result of social construction. In their daily lives, parents want their children to know and learn what they are doing in order to inherit and value this work. This is a core idea of Ivoirian traditional education as the basis of familial and social reproduction.

Ultimately, the idea of indigenization, which intertwines modern school, traditional education, and agriculture as outlined in this paper, would stimulate reflection and shape effective projects that do not impose Western-centered international norms upon others but instead respect the cultures and traditions of rural agrarian communities. If school is the sole alternative to the WFCL in the eyes of the international community, then the transition from agriculture to formal education in a school setting must be promoted and implemented with an appreciation for the fact that agriculture remains an integral and valuable part of life in rural communities.