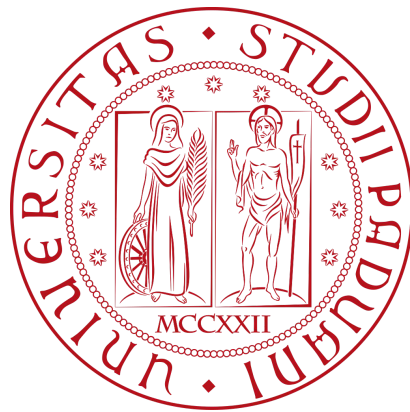


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Master's degree in Human Rights and Multi-level Governance



**Bitter Chocolate: The Use Of Forced Child Labour And
Child Slavery In The Cocoa Industry.**

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Introduction

To think of chocolate is to think of sweetness, to think of romance and Valentine's Day, to think of fond childhood memories of eating chocolate at Easter and eating chocolate cakes on birthdays, yet chocolate has a bitter and unsavoury secret many consumers are unaware about. Chocolate is produced using child labour and child slavery, children as young as 5 work in cocoa farms in West Africa¹, the world's largest producer of the crop, wielding machetes to cut cocoa from the tree and opening the pods to reveal cocoa beans, which will later in the supply chain become chocolate, and carry bags full of cocoa; so heavy they weigh more than the children themselves. Cocoa production is sustained and keeps growing thanks to labour exploitation, violation of children's rights and poverty².

Research Purpose

The aim of this research is to provide a comprehensive analysis of child labour in Ghana's cocoa industry. To do so this research will explore the role of slavery in cocoa production, cocoa's role in Africa, the role of journalists and the general consumer as catalysts of change in the industry, before zooming into the role of cocoa in Ghana, the existing legal framework, and lastly an analysis of the issue of child labour in Ghana. This research aim to provide a thorough and in depth understanding of the realities of child labour in Ghana currently, with the goal of adding to existing literature on sustainable development, children's rights, labour exploitation, and the cocoa industry, and creating knowledge that can be used by policy makers, public and private stakeholders, and consumers to help eradicate child labour.

This thesis chooses to focus on Ghana's cocoa industry specifically for several reasons. Firstly Ghana is the second largest producer of cocoa in the world, and its government has shown keenness to eradicate child labour from its cocoa supply. Yet, despite its importance as a producer country most literature regarding child labour in cocoa focuses on neighbouring Côte d'Ivoire, in West Africa or in the industry as a whole. Even key documentaries on the

¹ Peter Whoriskey, "Hershey, Nestle and Mars Broke Their Pledges to End Child Labor in Chocolate Production," *Washington Post*, June 5, 2019, <https://www.washingtonpost.com/graphics/2019/business/hershey-nestle-mars-chocolate-child-labor-west-africa/>.

² Inez Sutton, "Labour in Commercial Agriculture in Ghana in the Late Nineteenth and Early Twentieth Centuries," *Journal of African History* 24, no. 4 (October 1, 1983): 461–83, <https://doi.org/10.1017/s0021853700028000>.

issue of children working in the cocoa industry have chosen to focus on Côte d'Ivoire. This has led some to erroneously claim that child labour is not an issue in Ghana and shift the attention to its neighbour. However, this is simply not true. Children do work in Ghana's cocoa fields, the work the children perform falls under child labour, including the worst forms of child labour and most worryingly sometimes even child slavery, there are legal cases against big chocolate companies for their use of child labour in Ghana, and the number of children working in Ghana's cocoa sector and those working in Côte d'Ivoire's are not dissimilar. This thesis aims to fill that gap in the literature, as legislation and policy framework have also focused on Ghana whereas scholarly works tend to ignore it. Ghana is an interesting case study that showcases the complexities of child labour and of tackling and eradicating it. Ghana's role as a main producer of cocoa means that the use of child labour in its cocoa sector has far reaching global consequences for cocoa supply chains and ethical consumption. Ethical chocolate cannot be achieved until children are no longer forced to work or involved in child labour in Ghana's cocoa. Another reason to explore Ghana while researching child labour in the cocoa industry is the centrality of cocoa in Ghana, economically, politically, and socially. Cocoa is the lifeblood of Ghana's economy along with oil and gold. Cocoa is also an industry with unstable, fluctuating prices, where producer countries engage in a race to the bottom to secure international buyer's favour. To implement measures and create institutions to eradicate child labour would be costly and could make big chocolate companies purchase their cocoa beans from elsewhere and yet the Ghanaian government is investing in anti child labour laws, policies and institutions.

Literature Review

The literature on child labour shows that agriculture is the largest employer of children³. This work is detrimental to the child in several ways. It affects children's health⁴, it affects their development and prevents them from accessing education⁵, it traps them in poverty and hinders their social mobility⁶. There is also consensus among scholars that despite existing

³ United Nations International Children's Emergency Fund and International Labour Organization, "Child Labour: Global Estimates 2020, Trends and the Road Forward," UNICEF DATA, October 14, 2022, <https://data.unicef.org/resources/child-labour-2020-global-estimates-trends-and-the-road-forward/>.

⁴ Emma Seyram Hamenoo, Emmanuel Aprakru Dwomoh, and Mavis Dako-Gyeke, "Child Labour in Ghana: Implications for Children's Education and Health," *Children and Youth Services Review* 93 (2018): 248-254.

⁵ Ibid. Bernard Schlemmer, "Research Proposals on the Exploitation of Children at Work, Made to the Social Sciences, Which, in France, Are Still Unaware of the Question," in *Child Labour*, vol. 50, *Recherches Internationales* (1997), 67-88. Issah Adam, "The Perceived Causes and Effects of Child Labour on Children's Education: A Case Study of Shea Butter Industry in Sagnerigu District of Northern Ghana" (PhD diss., 2017).

⁶ Leslie Casely-Hayford, "Situational Analysis of Child Labour in the Cocoa Sector of Ghana." Report to the ICI, 2004.

legislation banning child labour this form of labour rights violations still persists globally due to its deep roots and entrenchment in cultural, social, political, and economic structures in many regions⁷. Discrepancies arise when trying to define what exactly child labour is. Some scholars argue that any work that prevents children from attending school, threatens their childhood or puts them at risk is child labour⁸. Others argue that working is part of a socio-cultural process that helps the child, therefore just because a child works does not mean they are being harmed nor their rights being violated⁹. This argument disregards that while working can be helpful for children in certain ways, by teaching them skills and values such as responsibility, their tasks have to be in line with their age and the child's well being must always be prioritised, it must also be noticed that it is not appropriate to place the pressure of being the main breadwinner for the family on a child. Certain socio-cultural practices are abusive and harm the child, seeing children as cheap labour instead of human beings is harmful and violates their rights and dignity. Harmonising definitions and understandings of child labour becomes increasingly difficult when accounting for the fact that child labour takes different forms in different areas of the world¹⁰. Cultural understandings of child's place in society and their duties, to themselves, their family, and community, and rights vary greatly, meaning it is once again hard to create a universal definition of child labour.

The literature does agree universally that child labour exists in Ghana's cocoa sector. Scholars have suggested that not all child labour is equal, and that there are different types of child labour in Ghana's cocoa supply chain¹¹. The literature also suggests, following what the literature on child labour in general states, that the amount and type of child labour varies based on location¹². Scholars suggest several variables to explain the prevalence of child

⁷ Assefa Admassie, *The Incidence of Child Labour in Africa with Empirical Evidence from Rural Ethiopia*, ZEF Discussion Papers on Development Policy (2000).

⁸ Ibid. Martina Odonkor, *Addressing Child Labour through Education: A Study of Alternative/Complementary Initiatives in Quality Education Delivery and Their Suitability for Cocoa-Farming Communities* (Geneva: International Cocoa Initiative, 2007).

⁹ Shashi Kolavalli and Marika Vigneri, "Cocoa in Ghana: Shaping the Success of an Economy," in *Yes, Africa Can: Success Stories from a Dynamic Continent*, ed. Punam Chuhan-Pole and Manka Angwafo (Washington, DC: World Bank, 2011), 201-217. Eric V. Edmonds, "Child Labor," in *Handbook of Development Economics*, ed. T. Paul Schultz and John A. Strauss, vol. 4 (Amsterdam: Elsevier, 2007), 3607-3709. Eric V. Edmonds and Caroline Theoharides, "Child Labor and Economic Development," in *Handbook of Labor, Human Resources and Population Economics*, ed. Klaus F. Zimmermann (Cham: Springer International Publishing, 2021), 1-29.

¹⁰ Assefa Admassie, *The Incidence of Child Labour in Africa with Empirical Evidence from Rural Ethiopia*, ZEF Discussion Papers on Development Policy (2000).

¹¹ Christian Grootaert and Ravi Kanbur, "Child Labor: A Review," available at SSRN 620526 (1995). Leslie Casely-Hayford, "Situational Analysis of Child Labour in the Cocoa Sector of Ghana." Report to the ICI, 2004. Victor Owusu and Addo Gema Kwartar, "An Empirical Analysis on the Determinants of Child Labor in Cocoa Production in Ghana," paper presented at PENet Conference, 2008.

¹² Diane Mull and Steven R. Kirkhorn, "Child Labor in Ghana Cocoa Production: Focus upon Agricultural Tasks, Ergonomic Exposures, and Associated Injuries and Illnesses," *Public Health Reports* 120, no. 6 (2005): 649-655. Leslie Casely-Hayford, "Situational Analysis of Child Labour in the Cocoa Sector of Ghana." Report to the ICI, 2004.

labour in cocoa, like household composition, parents that used to be child labourers themselves, poverty, access to education, infrastructure in rural Ghana, and opinions on education¹³.

Methodology

This thesis will explore the issue of the use of child labour in the cocoa industry by using data from primary sources: a series of 4 key informant interviews conducted by the author. The informants include a scholar on labour rights and child labour, the director of a watchdog organisation on child labour in the chocolate industry, a worker from the Swiss Platform For Sustainable Cocoa, and lastly a former child slave in Ghana's cocoa industry. The informants were selected on the basis of providing perspectives of different stakeholders in the fight against child labour in the cocoa industry, and using information from practitioners that were very familiar with the realities of Ghana and its cocoa industry.

I would have wished to interview more Ghanaians however this was not possible due to a variety of reasons. Firstly, I was not in Ghana while conducting the research which makes it harder to interview Ghanaians involved in the industry. Secondly, despite English being the official language of Ghana, many involved in cocoa production speak Twi, a language I do not speak, which makes communication at the level required for the interviews impossible. Lastly, I did contact people in Ghana's Child Labour Unit, Ministry of Food and Agriculture, Ministry of Children, Gender, and Social Protection, and Ministry of Employment and Labour Relations, as well as people in the ICI Ghana office and academics from Ghana, but received no response. It was incredibly hard to find Ghanaian civil society organisations that worked on the topic of child labour and cocoa with an online presence. I did find the contact details of some of the trade unions and trade union networks that deal with cocoa but sadly I got no response. It would have been very interesting to get the thoughts and expertise from trade unions as I could not find other academic works that talked about this aspect, trade unions were rarely mentioned by the literature and reports. I also contacted the main chocolate manufacturing companies but similarly received no answer. I also contacted Terry Collingsworth, the head of International Rights Advocates, as they are currently representing

¹³ Victor Owusu and Addo Gema Kwarter, "An Empirical Analysis on the Determinants of Child Labor in Cocoa Production in Ghana," paper presented at PENet Conference, 2008.

former child labourers and child slaves that worked in Ghana and Côte d'Ivoire's cocoa farms in some of the most high profile legal cases in the cocoa industry in decades, but I was not able to get a response.

To supplement the primary data obtained, I used the data from reports by the Ghanaian government, the Ghanaian statistical services, the ILO, UNICEF, and scholarly research. I analysed their data and findings to inform my evaluations, discuss trends, patterns and facts.

Definitions

Child labour

The first clarification that must be made is that despite seeming counterintuitive not all work carried out by children falls under the scope of child labour. The term child labour implies harm to the child. Therefore the work that falls under the definition of child labour is work, performed by children under the minimum legal working age, that complies with two criteria: it denies children of their potential, their dignity and their childhood, and secondly this work is harmful to physical and mental development of the child. Child labour includes any work that harms the child in any capacity: physical, mental, emotional or moral, and interferes with the child's schooling as this harms their potential, their sense of worth and stunts their development.

This definition is in line with what the ILO and the leading legislation and policies on the topic classify as child labour. Defining what this thesis understands as child labour is essential for chapter 6 which will explore forced child labour in the cocoa industry in Ghana. While most of the industry acknowledges that child labour is an issue in Côte d'Ivoire's cocoa industry, Ghana has not received the same treatment. Some argue that there is no child labour in Ghana's cocoa plantations, the children present in the cocoa fields according to them are simply helping the family farm. Children helping on their family's farm as long as they remain in school while doing this and did not carry out hazardous work such as using machetes or being exposed to pesticides would not be considered child labour.

Forced labour

“Forced labour is present in some form on all continents, in almost all countries, and in every kind of economy”¹⁴. Defining forced labour is of great importance to this thesis as the main focus of this thesis is not child labour in the cocoa industry in Ghana but on the use of *forced child labour* in the cocoa industry in Ghana, as mentioned in the previous section not all child labour is the same, therefore this distinction between child labour and forced child labour is essential.

The key element of determining whether something is classified as forced labour or not is consent. Article two of the ILO’s convention no 29: forced labour convention defines forced labour as “all work or service which is exacted from any person under the threat of a penalty and for which the person has not offered himself or herself voluntarily.”¹⁵ Forced labour includes several illegitimate labour practices that violate workers’ rights, human rights and international law such as slavery, debt bondage or indentured labour¹⁶. This definition of forced labour can be applied both to the work coerced out of unwilling participants by public and private entities and corporations. The threats used to coerce labour can be actual physical harm or the threat of it, withholding of personal documents such as passports, withholding of wages or severely reducing it, threats of reporting workers with irregular immigration status to the authorities. The withholding of wages or wage reduction is a very important feature of the definition of forced labour, just because the worker is receiving some money for their work does not mean that their work doesn’t fall under forced labour.

Consent is the key determinant of whether work is forced or not, so even if paid in some form if the worker does not agree to that work but still has to do it, that is forced labour. Consent that was acquired through deception, lies and false promises is not valid, hence even if the worker had agreed to work this would still count as forced labour as the reality of their employment in no way resembles or has very little similarities to what they were promised and agreed to. This is of great importance in the discussion of forced child labour in the cocoa industry in Ghana as many of the children from Mali and Burkina Faso come due to the

¹⁴ International Labour Organization (ILO), *Global Alliance Against Forced Labour; Report of the Director-General*, 93rd Session, Report I (B) (ILO, 2005), para. 24.

¹⁵ “Convention C029 - Forced Labour Convention, 1930 (No. 29),” n.d., https://normlex.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C029.

¹⁶ Ibid.

plantations due to promises of schooling opportunities, steady payment and the ability to return home. These promises are not real. This point will be further developed and discussed in chapter 6.

Chapter 1: The History of Cocoa Production in Africa

Introduction

West Africa dominates the modern production of cocoa. As of the 2022/2023 season Africa produced 73% of all the world's cocoa, with Côte d'Ivoire and Ghana accounting for 60% of all production¹⁷ and Nigeria and Cameroon being among the top 10 producing countries. Despite Africa's current dominance the history of cocoa production on a scale of any significance in Africa is relatively short, going back only to the mid to end of the 19th century¹⁸. Africa was actually the last continent cocoa was introduced to¹⁹. The history of cocoa in Africa is shaped by colonialism, forced labour, the rise of an industry that would reshape the economic, social and political situation of several African countries, the booms and bust associated with cash crops, and questions on the best way to manage this industry. This chapter will explore and discuss this history. Firstly the chapter will focus on the introduction of cocoa to the African continent and its early expansion, before explaining why cocoa became such an important cash crop in colonial Africa. The second section of the chapter will explore the role of cocoa in post-independence Africa, highlighting the economic, social and political influence and impact of the crop on the African countries that produce it. The chapter will conclude with a brief description of the current role of cocoa in West Africa.

Early Introduction and Expansion of Cocoa in West Africa

It was Portuguese traders that first introduced cocoa to Africa in the 19th century²⁰. Africa was deemed a suitable place to introduce cocoa to due to the abundance of two key factors: land and access to cheap labour²¹. The Portuguese first introduced the plant to São Tomé and Príncipe in 1822²², where it spread from to the Gulf of Guinea, at the time under Spanish and

¹⁷ International Cocoa Organisation, "Cocoa year 2022/23" in the Quarterly Bulletin of Cocoa Statistics, Vol. XLIX, No. 4, 2023.

¹⁸ Anti-Slavery International, *The Cocoa Industry in West Africa: A History of Exploitation* (Anti-Slavery International, 2004). https://www.antislavery.org/wp-content/uploads/2017/01/1_cocoa_report_2004.pdf

¹⁹ Eline Poelmans and Johan Swinnen, "A Brief Economic History of Cocoa," in *The Economics of Chocolate*, ed. Mara P. Squicciarini and Johan Swinnen (Oxford: Oxford University Press, 2019).

²⁰ F. N. Howes, "The Early Introduction of Cocoa to West Africa," *African Affairs* 45, no. 180 (1946): 152-153.

²¹ Divine Chocolate, "Cocoa and Ghana | Blog - Divine Chocolate," September 10, 2021, <https://www.divinechocolate.com/divine-world/cocoa-and-ghana-2/>.

²² F. N. Howes, "The Early Introduction of Cocoa to West Africa," *African Affairs* 45, no. 180 (1946): 152-153. Cocoa Runners, "Not so Sweet: The Dark History of Chocolate & Slavery," *Cocoa Runners* (blog), February 23, 2024, <https://cocoarunners.com/chocopedia/the-dark-history-of-chocolate-slavery/>.

Portuguese control, in the 1850s²³. The 1840s marked the beginning of the commercial production of cocoa. This was due to technological innovations in the cocoa producing field such as the invention of the cocoa press and the “dutching” process by Coenraad Johannes van Houten in the 1820s²⁴. The boom in cocoa production in Africa did not happen until the 1870s²⁵, when other more popular cash crops in the continent such as coffee, sugar, rubber and palm oil collapsed due to competition, boycott or simply became less profitable due to the labour intensity they required²⁶. Once African cocoa took off, other regions like Latin America could not compete²⁷.

By 1895 São Tomé and Príncipe produced one million kilograms of cocoa. By the end of the 19th and the start of the 20th century cocoa production was so integral to São Tomé and Príncipe that the islands were nicknamed “Chocolate islands”²⁸. There were over 280 cocoa plantations in the islands by the start of the 20th century, over tens of thousands of forced labourers worked in said plantations producing cocoa²⁹. It is important to note that the Portuguese abolished slavery in their colonies in the 1870s³⁰. This means that the use of forced labour in the cocoa production in São Tomé and Príncipe at the turn of the 19th century, when it was still a Portuguese colony (São Tomé and Príncipe would only gain independence in 1975 after the fall of the Salazar dictatorship)³¹, was illegal, illegitimate and violated several of Portugal’s international commitments and international law at the time. The issue of forced labour in São Toméan cocoa production will be further explored in chapter two (the history of forced labour and cocoa) and chapter three (major scandal regarding forced labour and cocoa) of this thesis.

²³ Cocoa Runners, “Not so Sweet: The Dark History of Chocolate & Slavery,” *Cocoa Runners* (blog), February 23, 2024, <https://cocoarunners.com/chocopedia/the-dark-history-of-chocolate-slavery/>.

²⁴ Eline Poelmans and Johan Swinnen, “A Brief Economic History of Cocoa,” in *The Economics of Chocolate*, ed. Mara P. Squicciarini and Johan Swinnen (Oxford: Oxford University Press, 2019).

²⁵ F. N. Howes, “The Early Introduction of Cocoa to West Africa,” *African Affairs* 45, no. 180 (1946): 152-153.

²⁶ W. T. D. Tudhope, “The Development of the Cocoa Industry in the Gold Coast and Ashanti,” *African Affairs* 9, no. 33 (October 1, 1909): 34-45, <https://doi.org/10.1093/oxfordjournals.afraf.a098900>. Henry Nevinson, “The slave-trade of to-day. Conclusion.—The islands of doom,” *Harper’s Monthly Magazine*, 1906. Anti-Slavery International, *The Cocoa Industry in West Africa: A History of Exploitation* (Anti-Slavery International, 2004). https://www.antislavery.org/wp-content/uploads/2017/01/1_cocoa_report_2004.pdf

²⁷ M. J. MacLeod, “Cacao,” in *Iberia and the Americas: Culture, Politics, and History: A Multidisciplinary Encyclopedia*, ed. J. Michael Francis (Santa Barbara, CA: ABC-CLIO, 2006), 166-167.

²⁸ Catherine Higgs, *Chocolate Islands: Cocoa, Slavery, and Colonial Africa* (Ohio University Press, 2012).

²⁹ Ibid. Lowell Satre, *Chocolate on trial slavery politics and ethics* (Ohio; Ohio University Press, 2005).

³⁰ Henry Nevinson, “The slave-trade of to-day. Conclusion.—The islands of doom,” *Harper’s Monthly Magazine*, 1906. Lowell Satre, *Chocolate on trial slavery politics and ethics* (Ohio; Ohio University Press, 2005). Anti-Slavery International, *The Cocoa Industry in West Africa: A History of Exploitation* (Anti-Slavery International, 2004). https://www.antislavery.org/wp-content/uploads/2017/01/1_cocoa_report_2004.pdf

³¹ U.S. Department of State, “São Tomé and Príncipe (06/08),” n.d., <https://2009-2017.state.gov/outofdate/bgn/saotomeandprincipe/106168.htm>.

The introduction of cocoa to West Africa was several decades after it had been introduced to São Tomé and Príncipe and the Guinean Gulf. Cocoa was introduced to the Gold Coast, current day Ghana, on two separate occasions: in 1868 from São Tomé and in 1879 from Fernando Poo, current day Bioko (an island off the coast of Equatorial Guinea)³². The story of the introduction of cocoa to Ghana has been heavily tied to Tetteh Quarshie, a Ghanaian merchant who smuggled the beans out of Bioko³³. However modern scholars have questioned the veracity of that story and how much of the narrative of Tetteh Quarshie is true and to what extent it is a myth used to create a national hero³⁴.

The crop spread to Nigeria in 1874 through christian missionaries³⁵. The church played a very important role in the development of the Nigerian cocoa industry. It was under the church's encouragement that cocoa production spread in Nigeria in the 1900s³⁶, by 1905 cocoa had become Nigeria's single most valuable export³⁷. The government of South Nigeria assumed control of plantations in the region in 1900³⁸; a precursor of the governmental intervention that would be present throughout the history of cocoa production in Africa and that can be seen to this day, specially in the Ghanaian cocoa industry.

The origins of cocoa in Sierra Leone are somewhat unknown, the most widely accepted theory is that it originated in a 1864 shipment from the Glasgow botanical gardens. Something to note is that the cocoa in West Africa is of dual origin. That of Ghana, Côte d'Ivoire and Nigeria is originally from the Pará region in northern Brazil, whereas that of Sierra Leone originates from the West Indies³⁹.

³² F. N. Howes, "The Early Introduction of Cocoa to West Africa," *African Affairs* 45, no. 180 (1946): 152-153.

³³ I am Afrikan, "Cocoa in Africa History | How Africa Became Highest Producer of Cocoa Bean in the World #Ghana🇬🇦," May 5, 2021, https://www.youtube.com/watch?v=qFMqJ_zOGVo.

³⁴ Michael Ashley Havinden, "The History of Crop Cultivation in West Africa: A Bibliographical Guide," *The Economic History Review* 23 (1970): 532-555.

³⁵ F. N. Howes, "The Early Introduction of Cocoa to West Africa," *African Affairs* 45, no. 180 (1946): 152-153.

³⁶ Anti-Slavery International, *The Cocoa Industry in West Africa: A History of Exploitation* (Anti-Slavery International, 2004). https://www.antislavery.org/wp-content/uploads/2017/01/1_cocoa_report_2004.pdf

³⁷ Michael Ashley Havinden, "The History of Crop Cultivation in West Africa: A Bibliographical Guide," *The Economic History Review* 23 (1970): 532-555.

³⁸ F. N. Howes, "The Early Introduction of Cocoa to West Africa," *African Affairs* 45, no. 180 (1946): 152-153.

³⁹ Ibid

West African Cocoa Dominance: The Beginning

The production of cocoa rapidly and massively increased in West Africa after its introduction. The first export of cocoa from the Gold Coast was 80 pounds in 1891, by 1908 the Gold Coast was exporting 28,545,910 pounds of cocoa⁴⁰. This boom in production was possible due to the economic opportunities cocoa offered to local farmers and colonial powers. As mentioned previously cocoa was a more profitable alternative to other cash crops such as coffee, which Ghanaian farmers already had experience with. Between 1894 to 1908, cocoa production was ten times more lucrative for Ghanaian farmers than palm oil farming⁴¹. The shift in production from the Portuguese African colonies, mainly São Tomé and Príncipe, to West Africa was also due to the issue of the use of forced labour⁴². This issue swept Europe, put enormous pressure on one of the world's leading chocolate manufacturers, led to a boycott, jeopardised Anglo-Portuguese diplomatic relations, raised questions on what slavery and forced labour truly were, and fundamentally changed cocoa production in Africa. This will be further explored in chapters two and three.

A key feature of the development of the thriving cocoa industry in late 19th century Ghana was not due to colonial actions, although those did exist such as Sir William Griffith's encouragement as well as actions by the basel missionaries⁴³, but the efforts of local farmers, mainly those previously involved in coffee production⁴⁴. European plantations did exist but they were unsuccessful, by the 1940s they were all gone⁴⁵. Havinden reinforces that it was Ghanaian labour and initiative that developed the Ghanaian cocoa industry and states that cocoa production was mostly in the hands of migrants from southern eastern Ghana that would unite to buy large tracts of forest land and which would then be divided it into long strips and specialised in cocoa production.⁴⁶ The use of land is very important to the development of the cocoa industry in colonial Ghana as growth was not achieved by the

⁴⁰ Ibid.

⁴¹ Anti-Slavery International, *The Cocoa Industry in West Africa: A History of Exploitation* (Anti-Slavery International, 2004). https://www.antislavery.org/wp-content/uploads/2017/01/1_cocoa_report_2004.pdf

⁴² Henry Nevinson, The slave-trade of to-day. Conclusion.—The islands of doom, *Harper's Monthly Magazine*, 1906. Lowell Satre, *Chocolate on trial slavery politics and ethics* (Ohio; Ohio University Press, 2005).

⁴³ F. N. Howes, "The Early Introduction of Cocoa to West Africa," *African Affairs* 45, no. 180 (1946): 152-153.

⁴⁴ W. T. D. Tudhope, "The Development of the Cocoa Industry in the Gold Coast and Ashanti," *African Affairs* 9, no. 33 (October 1, 1909): 34-45, <https://doi.org/10.1093/oxfordjournals.afraf.a098900>.

⁴⁵ Anti-Slavery International, *The Cocoa Industry in West Africa: A History of Exploitation* (Anti-Slavery International, 2004). https://www.antislavery.org/wp-content/uploads/2017/01/1_cocoa_report_2004.pdf

⁴⁶ Michael Ashley Havinden, "The History of Crop Cultivation in West Africa: A Bibliographical Guide," *The Economic History Review* 23 (1970): 532-555.

improvement of yields but rather by expanding the land used for cocoa plantation from the eastern region of the country to Ashanti in southern Ghana.⁴⁷

The impetus behind the flourishing industry was from Ghanaian local farmers but they did not receive the support of the local government. By 1886 local authorities provided training and seeds to encourage cocoa production⁴⁸. The government supported local farmer's cocoa initiatives through the establishment of botanical and agricultural stations. The Aburi station, founded in 1890, was a clear indicator of the government's backing for the newly developed industry⁴⁹. However, despite this support, the cocoa industry in West Africa did face some challenges at the beginning of the 20th century such as the 1907 insect pest that threatened to collapse the industry and a tense relationship between the local farmers and the government, fears of government overreach persisted and local farmers worried the government would overtake their farms just like the Southern Nigerian government has done a decade prior. These challenges did not manage to destroy the cocoa industry in the Gold Coast. By 1909, the average farm size had exponentially increased to 2000 cocoa trees, highlighting the industry's resilience and growth⁵⁰.

By the 1920s Ghana was the world's largest producer of cocoa and Africa produced more of the crop than Latin America, where cocoa is originally from⁵¹. In the 1930s West Africa's domination of cocoa production could not be denied, it produced 68% of all of the world's cocoa beans, and the biggest producers were Ghana, Côte d'Ivoire, and Nigeria⁵². Despite threats from South East Asia, most notably Malaysia and Indonesia⁵³, Africa has remained the biggest producer of cocoa in the world for almost a century. Since its introduction in the continent by colonial actors in the 19th century cocoa has managed to thrive and dominate in

⁴⁷Anti-Slavery International, *The Cocoa Industry in West Africa: A History of Exploitation* (Anti-Slavery International, 2004). https://www.antislavery.org/wp-content/uploads/2017/01/1_cocoa_report_2004.pdf

⁴⁸ Ibid.

⁴⁹ W. T. D. Tudhope, "The Development of the Cocoa Industry in the Gold Coast and Ashanti," *African Affairs* 9, no. 33 (October 1, 1909): 34-45, <https://doi.org/10.1093/oxfordjournals.afraf.a098900>.

⁵⁰ Ibid.

⁵¹ M. J. MacLeod, "Cacao," in *Iberia and the Americas: Culture, Politics, and History: A Multidisciplinary Encyclopedia*, ed. J. Michael Francis (Santa Barbara, CA: ABC-CLIO, 2006), 166-167.

⁵² Eline Poelmans and Johan Swinnen, "A Brief Economic History of Cocoa," in *The Economics of Chocolate*, ed. Mara P. Squicciarini and Johan Swinnen (Oxford: Oxford University Press, 2019).

⁵³ M. J. MacLeod, "Cacao," in *Iberia and the Americas: Culture, Politics, and History: A Multidisciplinary Encyclopedia*, ed. J. Michael Francis (Santa Barbara, CA: ABC-CLIO, 2006), 166-167. Anti-Slavery International, *The Cocoa Industry in West Africa: A History of Exploitation* (Anti-Slavery International, 2004). https://www.antislavery.org/wp-content/uploads/2017/01/1_cocoa_report_2004.pdf

Africa. The following section of the chapter will discuss the role and impact of cocoa in post colonial Africa.

Cocoa In Post-Colonial Africa.

The history of post colonial Africa and cocoa are incredibly interlinked. Cocoa has had an enormous impact on post-colonial West Africa. Cocoa has been a major supply of cash for West African countries post independence⁵⁴. Its economic impact is due to the fact that cocoa generates substantial foreign exchange earnings for these countries and contributes massively to their GDP, accounting for 12.1% of Ghana's GDP from 1948-2000 and 20.6% of Côte d'Ivoire's GDP during the same time period⁵⁵.

Plans for Ghana's development post independence were based on the high price of cocoa in the 1950s⁵⁶. This is not surprising as cocoa has been the main driver of development for both⁵⁷. Nigeria, despite its earlier importance in cocoa production in West Africa did not place as much importance on cocoa in its post colonial development due to the oil boom it experienced in the 1970s⁵⁸. The Nigerian cocoa industry only started to recover from the rural urban migration caused by the prospects of a better future provided by the thriving oil industry in 1988⁵⁹.

In countries like Ghana and Côte d'Ivoire, cocoa shapes and determines the success and stability of the economy⁶⁰, which has important political and social ramifications. The impact of cocoa prices on economic success is most clear in Côte d'Ivoire, the world's leading cocoa producer since the 1970s. Cocoa accounts for about 40% of the country's export revenues. Ghana has attempted to diversify its economy in recent decades, encouraged by the IMF, the WB, NGOs and donors to prevent over-reliance on revenue from cocoa exports; it still relies

⁵⁴ Eline Poelmans and Johan Swinnen, "A Brief Economic History of Cocoa," in *The Economics of Chocolate*, ed. Mara P. Squicciarini and Johan Swinnen (Oxford: Oxford University Press, 2019).

⁵⁵ Remi Jedwab and Alexander Moradi, "Transportation Infrastructure and Development in Ghana," (2011), <https://halshs.archives-ouvertes.fr/halshs-00607207/document>.

⁵⁶ Anti-Slavery International, *The Cocoa Industry in West Africa: A History of Exploitation* (Anti-Slavery International, 2004). https://www.antislavery.org/wp-content/uploads/2017/01/1_cocoa_report_2004.pdf

⁵⁷ Francis J. Teal, "Export Growth and Trade Policy in Ghana in the Twentieth Century," *The World Economy* 25, no. 9 (2002): 1319-1337. Denis Cogneau and Sandrine Mesplé-Somps, "L'économie ivoirienne, la fin du mirage?" DIAL Working Papers DT/2002/18 (2002).

⁵⁸ Anti-Slavery International, *The Cocoa Industry in West Africa: A History of Exploitation* (Anti-Slavery International, 2004). https://www.antislavery.org/wp-content/uploads/2017/01/1_cocoa_report_2004.pdf

⁵⁹ Ibid.

⁶⁰ Shashi Kolavalli and Marika Vigneri, "Cocoa in Ghana: Shaping the Success of an Economy," in *Yes, Africa Can: Success Stories from a Dynamic Continent*, ed. Punam Chohan-Pole and Manka Angwafo (Washington, DC: World Bank, 2011), 201-217.

on cocoa as a major source of revenue and employment; over 700,000 farmers are employed by the cocoa industry in Ghana⁶¹. The issue with the reliance of cocoa export revenue in West African countries is that despite cocoa being a low volume high price commodity⁶², it is a cash crop that is prone to market fluctuations with cycles of booms and busts. The following section will focus on said booms and busts and what their historical importance has been in the West African cocoa industry.

The Magical 1970s

The cocoa industry in West Africa was strongly regulated by the state. Exports, production and marketing were all heavily regulated⁶³. The 1970s saw a major boom in the global cocoa industry, not because of the strict governmental control of the industry, this boom was fueled by rising demand, particularly from developed economies. With rising incomes in the Western world came rising demand for chocolate and other cocoa-based products. This increase in demand led to a sharp increase in cocoa prices on the global market. For the West African cocoa growing countries, this price boom was a boon to their economies. As one Ghanaian economist noted, "The 1970s were a golden era for Ghana's cocoa industry, with prices reaching unprecedented heights and government coffers overflowing with revenue"⁶⁴. Ghana and Côte d'Ivoire, in particular, experienced substantial economic growth and prosperity during this period, as the influx of cocoa revenue allowed for increased investment in infrastructure, social services, and economic diversification. Ivorian government officials even stated that: "we were able to build roads, schools, and hospitals across the country, thanks to the cocoa boom"⁶⁵.

The Not So Wonderful 1980s

As stated previously cocoa is a crop marked by booms and busts. The period of cocoa glory of the 1970s was not to last. By the early 1980s, the cocoa market had entered a severe

⁶¹ Ibid.

⁶² Yves Jégourel, "A Chequered African History of Commodity Markets. Part II: Cocoa," *Policy Brief* (2016), 5.

<https://www.policycenter.ma/index.php/publications/chequered-african-history-commodity-markets-part-ii-cocoa?page=20>

⁶³ Eline Poelmans and Johan Swinnen, "A Brief Economic History of Cocoa," in *The Economics of Chocolate*, ed. Mara P. Squicciarini and Johan Swinnen (Oxford: Oxford University Press, 2019).

⁶⁴ J. E. K. Amoah, *Marketing of Ghana Cocoa, 1885-1992*, 1998, <http://ci.nii.ac.jp/ncid/BA49485418>.

⁶⁵ Salifou. K. Coulibaly and Chen Erbao, "An Empirical Analysis of the Determinants of Cocoa Production in Côte d'Ivoire," *Economic Structures* 8, no. 5 (2019), <https://doi.org/10.1186/s40008-019-0135-5>.

downturn, with prices plummeting to shockingly low levels due overproduction, falling global demand, and the rise of synthetic cocoa substitutes ⁶⁶.

This bust was devastating for the economies of Ghana and Côte d'Ivoire, which had become heavily dependent on cocoa exports. By "Putting all of [their] economic eggs in the cocoa basket [they have been left] vulnerable to the whims of the global market."⁶⁷. This bust was felt by all levels of society in these countries from the government that saw their revenue and access to foreign exchange massively decrease to the local smallholder farmers. A Ghanaian farmer is quoted as stating: "overnight, the price we received for our cocoa crop was cut in half. It was a financial disaster for my family and my community"⁶⁸.

The government's loss of revenues had massive economic and social impacts. Public spending was cut, and farmers were most affected as they faced financial ruin due to the falling prices they received for their crops. "The cocoa bust of the 1980s wiped out decades of economic progress in our country, pushing millions back into poverty"⁶⁹.

Cocoa, which had been the crop many West African nations had based their post-independence development on, was now pushing these countries into poverty and disarray with its market volatility. The impact of this bust was felt across West Africa, not just Ghana and Côte d'Ivoire. The region's economies struggled to cope with the sudden loss of cocoa-derived income. Poverty and economic instability rose, Côte d'Ivoire even faced a coup d'état and a civil war and the effects lingered for years. The deep and widespread impact of these one bust in cocoa prices in the 1980s reveals how truly vulnerable these nations are to the changes of the global cocoa market⁷⁰.

Attempts at Stabilization and Government Protection Policies

The 1980s bust did not just economically harm West African nations and pushed many into poverty it pushed and reinforced governments and industry stakeholders efforts to stabilise the cocoa market in order to buffer and regulate the impact of future booms and busts. To mitigate the impact of market volatility, West African governments have historically

⁶⁶ Christopher. L. Gilbert, *Cocoa Market Liberalization* (London: Cocoa Association of London, 1997).

⁶⁷ Hugues Kouadio, "Sustainability in the Cocoa Production Chain in Côte d'Ivoire: Schooling, Women Empowerment and Household Living Condition," *Open Journal of Social Sciences* 8 (2020): 191-208, <https://doi.org/10.4236/jss.2020.88017>.

⁶⁸ Ernest Obuobisa-Darko, "Cocoa Research Innovations and Output in Ghana," *Journal of Economics* (2015).

⁶⁹ Denis Cogneau and Rémi Jedwab, "Commodity Price Shocks and Child Outcomes: The 1990 Cocoa Crisis in Côte D'Ivoire," *Economic Development and Cultural Change/Economic Development and Cultural Change (University of Chicago. Online)* 60, no. 3 (April 1, 2012): 507-34, <https://doi.org/10.1086/664017>.

⁷⁰ Neil Fold, "Lead Firms and Competition in 'Bi-Polar' Commodity Chains: Grinders and Branders in the Global Cocoa-Chocolate Industry," *Journal of Agrarian Change* 2 (2002): 228-247, <https://doi.org/10.1111/1471-0366.00032>.

implemented protection policies. These have mainly taken the form of regulatory bodies and marketing boards. The most famous of these regulatory bodies is Ghana's Cocoa Board (COCOBOD). The role of COCOBOD is to regulate prices, ensure quality control, and provide support services to farmers. Similar regulatory bodies can be found in other cocoa producing countries in Africa such as Côte d'Ivoire, Cameroon, and Nigeria. The function of these institutions was very similar to that of COCOBOD: stabilise prices, protect farmers, and maintain high standards for cocoa quality so premiums could be paid on them. The key difference is that when market liberation happened in the 1990s, most of these stabilisation agencies became insolvent and disbanded except for COCOBOD which to this day remains active and a key player in Ghana's cocoa industry.

The different government's attempts to stabilise the cocoa industry, how essential these efforts were to their economies and the challenges they faces are best illustrated by this quote from a Ghanaian policymaker: "we've tried everything, from production quotas to buffer stocks, but the cocoa market remains stubbornly unpredictable"⁷¹.

The results of governmental efforts to stabilise the industry and shield their economies from the negative effects of the booms and busts cycle inherent to cocoa production have been mixed. These policies have provided a safety net for farmers and ensured a steady supply of cocoa. However these institutions have been plagued by issues of inefficiency, corruption, mismanagement and have been exploited as a way to garner political influence, sometimes to the detriment of the farmers and their best interests. These protectionist policies of state monopoly of marketing and price controls have at times led to the stagnation of the industry by discouraging innovation and private investment. These governmental actions have also had limited success because volatility of the global cocoa market has proven time and time again difficult to tame. Many of the factors that to this day cause cocoa's price swings are outside governmental control. These factors are weather patterns, political instability, and the rise of new producing regions (mainly south east asia). These make economic planning and long-term investment a challenge for nations that depend on cocoa⁷².

⁷¹ The Economist, "Why The Global Cocoa Market Is Melting Down," *The Economist*, May 9, 2024, <https://www.economist.com/finance-and-economics/2024/05/09/why-the-global-cocoa-market-is-melting-down>.

⁷² M. Tyszler, R. Bymolt, and A. Laven, "Analysis of the Income Gap of Cocoa Producing Households in Ghana: Comparison of Actual Incomes with the Living Income Benchmark," prepared for the Living Income Community of Practice, KIT Royal Tropical Institute, 2018.

The 1990s: an era of change and Forced Market Liberalisation of Cocoa in West Africa

The 1990s brought significant changes to the cocoa industry in West Africa. These changes were due to forced market liberalisation policies imposed by international financial institutions such as the International Monetary Fund (IMF) and the World Bank⁷³. Investors had lost faith in the governmental protectionist policies that had defined post colonial West African cocoa and many donors made aid tied to the market liberalisation of cocoa. International economic institutions advocated for structural adjustment programs. These programs required countries to liberalise their economies, reduce state intervention, and promote free-market policies⁷⁴. In order to access loans from these agencies cocoa-producing countries had to comply with these demands.

Ghana was the country in West Africa that liberalised its cocoa industry the least. Its liberalisation process was only partial unlike the full liberalisation process that happened in 1986 in Nigeria, 1991-1994 in Cameroon, and 1998-2002 in Côte d'Ivoire⁷⁵. Ghana's liberalisation process led to the partial privatisation of the Ghana Cocoa Board and the deregulation of cocoa marketing⁷⁶. Côte d'Ivoire reforms were more significant and bigger in scope. Côte d'Ivoire reduced the role of its state marketing board, the Caisse de Stabilisation et de Soutien des Prix des Produits Agricoles, and disbanded it altogether in 1999, and allowed more private sector participation⁷⁷. The changes implemented by market liberalisation were meant to increase efficiency, attract foreign investment, and enhance competitiveness in the global market⁷⁸. West African countries were promised that liberalisation was the answer to bring greater prosperity to local cocoa farmers by bringing more competition, which in turn would bring higher prices and greater wealth.

⁷³ K. Ofosu-Asare, "Trade Liberalisation, Globalisation and the Cocoa Industry in Ghana: The Case of the Smallholder Cocoa Farmers" (PhD diss., University of Westminster School of Social Sciences, Humanities and Languages, 2011), <https://doi.org/10.34737/8zz99>.

⁷⁴ Panos Varangis and Gotz Schreiber, "Cocoa Market Reforms in West Africa," in Takamasa Akiyama, John Baffes, Donald Larson, and Panos Varangis (eds.), *Commodity Market Reforms: Lessons of Two Decades*, World Bank Regional and Sectoral Studies (2001).

⁷⁵ Eline Poelmans and Johan Swinnen, "A Brief Economic History of Cocoa," in *The Economics of Chocolate*, ed. Mara P. Squicciarini and Johan Swinnen (Oxford: Oxford University Press, 2019).

⁷⁶ Shashi Kolavalli and Marika Vigneri, "Cocoa in Ghana: Shaping the Success of an Economy," in *Yes, Africa Can: Success Stories from a Dynamic Continent*, ed. Punam Chuhan-Pole and Manka Angwafo (Washington, DC: World Bank, 2011), 201-217.

⁷⁷ Bruno Losch, "Global Restructuring and Liberalization: Côte d'Ivoire and the End of the International Cocoa Market?" *Journal of Agrarian Change* 2, no. 2 (2002): 206-227.

⁷⁸ Stefano Ponte, "Governing through Quality: Conventions and Supply Relations in the Value Chain for South African Wine," *Sociologia Ruralis* (2008).

Liberalisation did lead to improvements in efficiency and increased participation from private entities. However, liberalisation also increased farmers' exposure to greater market risks and volatility⁷⁹. Prior to the 1990s and the forced market liberalisation of the cocoa industry farmers had a guaranteed minimum price established by the government and their cocoa regulatory institutions. After the structural adjustment plans and liberalisation the farmers were put at the mercy of the global market.⁸⁰ The removal of price controls and subsidies left many smallholder farmers vulnerable to sharp declines in global cocoa prices, which due to the previously discussed booms and bust cycles of cocoa prices sharp price drops were a given. This exacerbated poverty and instability in rural areas⁸¹ as prices varied massively from season to season. Cocoa farmers' livelihoods became more precarious as they now had no safety net to buffer any price downturns and would struggle to make ends meet whenever prices declined⁸².

The increased instability for farmers was not the only effect forced liberalisation had on Africa's cocoa industry. The liberalisation process led to a decline in critical investments undermining the cocoa sector's long-term sustainability, failing liberalisation's main aim of revitalising the industry after the 1980s bust and the protectionist policies of West African governments. State marketing boards were dismantled because they were seen as inefficient. These boards had, prior to dissolution, played a key role in supporting research, extension services, and infrastructure development. Their disbandment of these institutions led to lower investment into these critical areas⁸³. With liberalisation and the scrapping of governmental regulatory bodies West African cocoa producing governments could no longer coordinate production, ensure quality standards, or provide support to farmers and the private sector was unable to fill this void, making the cocoa industry in West Africa suffer⁸⁴. The loss of these institutional safeguards, combined with the increased exposure to market volatility, has made it more difficult for West African cocoa producers to maintain their global competitiveness

⁷⁹ K. Ofosu-Asare, "Trade Liberalisation, Globalisation and the Cocoa Industry in Ghana: The Case of the Smallholder Cocoa Farmers" (PhD diss., University of Westminster School of Social Sciences, Humanities and Languages, 2011), <https://doi.org/10.34737/8zz99>.

⁸⁰ Hugues Kouadio, "Sustainability in the Cocoa Production Chain in Côte d'Ivoire: Schooling, Women Empowerment and Household Living Condition," *Open Journal of Social Sciences* 8 (2020): 191-208, <https://doi.org/10.4236/jss.2020.88017>.

⁸¹ M. Tyszler, R. Bymolt, and A. Laven, "Analysis of the Income Gap of Cocoa Producing Households in Ghana: Comparison of Actual Incomes with the Living Income Benchmark," prepared for the Living Income Community of Practice, KIT Royal Tropical Institute, 2018.

⁸² J. E. K. Amoah, *Marketing of Ghana Cocoa, 1885-1992*, 1998, <http://ci.nii.ac.ip/ncid/BA49485418>.

⁸³ Stefano Ponte, "Governing through Quality: Conventions and Supply Relations in the Value Chain for South African Wine," *Sociologia Ruralis* (2008).

⁸⁴ Salifou. K. Coulibaly and Chen Erbao, "An Empirical Analysis of the Determinants of Cocoa Production in Côte d'Ivoire," *Economic Structures* 8, no. 5 (2019), <https://doi.org/10.1186/s40008-019-0135-5>.

against countries such as Indonesia and to effectively respond to changing market conditions⁸⁵.

Conclusion

This chapter has delved into the history of cocoa in Africa from its introduction through colonial powers in the 19th century, to its expansion to West Africa through church members and in Ghana through the efforts of local farmers, to the rise of West Africa as the biggest exporter of cocoa in the world, to the role of cocoa in post independence West Africa, the booms and bust cycles of the crop, the governmental attempts to stabilise the market and the forced liberalisation of the 1990s. This chapter aims to highlight how cocoa is not just a crop in West Africa but something that has incredible economic, social and political effects on the region. Understanding the brief but intense history of cocoa in West Africa allows to better understand the current state of the industry, which will be discussed in chapter 6, and why forced child labour is one of the main issues that continues to plague the industry.

⁸⁵ Shashi Kolavalli and Marika Vigneri, "Cocoa in Ghana: Shaping the Success of an Economy," in *Yes, Africa Can: Success Stories from a Dynamic Continent*, ed. Punam Chuhan-Pole and Manka Angwafo (Washington, DC: World Bank, 2011), 201-217.

Chapter 2: History Of Slavery In Cocoa

Introduction

The history of cocoa, chocolate's main ingredient, is deeply intertwined with labour exploitation, namely slavery. The cultivation and processing of cocoa has been shaped by the use of forced and enslaved labour from pre-Columbian Mesoamerica to current day West Africa. This chapter will explore the evolution of labour exploitation, forced labour and slavery in the cocoa industry. This will provide the historical context to help better understand why child slavery and forced labour are still a persistent and widespread issue in modern cocoa supply chains, and highlight how deeply rooted slavery is in the industry. The chapter will start with a discussion of cocoa and slavery in Prehispanic Latin America, followed by an analysis of the intersection between cocoa and the transatlantic slave trade and how African slaves were involved in cocoa production centuries before cocoa was even introduced to the African continent. The chapter will then delve into the continued and expanding issue of slavery and forced labour in the 19th century, before ending with an exploration of slavery and labour exploitation in modern chocolate supply chains and the rise of the use of forced child labour, child trafficking, and child slavery.

Slavery and Cocoa in Prehispanic Latin America

The relationship and history of slavery in Prehispanic Latin America is extensive and multilayered. Cocoa's history can be traced to Pre Columbian Mesoamerica and is heavily associated with the Mayans, the Aztecs, and the Olmecs⁸⁶, but was important to the identity and development of several other prehispanic peoples such as the Itzas.⁸⁷ This is the only region and time period in which the link between slavery and cocoa goes beyond the use of slavery and forced labour to harvest and process cocoa. In pre colonial Mesoamerica cocoa

⁸⁶ "Cacao in Olmec Society | Gastronomy Blog," © 2024 Boston University, July 20, 2017, <https://sites.bu.edu/gastronomyblog/2017/07/20/cacao-in-olmec-society/>. Laura Caso, "A Culture of Cacao and Chocolate," *ReVista*, n.d., <https://revista.drclas.harvard.edu/a-culture-of-cacao-and-chocolate/>. Josie Garthwaite, "What We Know About the Earliest History of Chocolate," *Smithsonian Magazine*, February 12, 2015, <https://www.smithsonianmag.com/history/archaeology-chocolate-180954243/>.

⁸⁷ Laura Caso Barrera and Mario Aliphath, "The Itza Maya Control over Cacao: Politics, Commerce, and War in the Sixteenth and Seventeenth Centuries" in *Chocolate in Mesoamerica*, ed. Cameron L. Mcneil (Florida: University Press of Florida, 2009) 289-307.

and slavery were also tied by cocoa's role as a currency, a religious and political symbol and its role in gaining power.⁸⁸

Forced labour was used in cocoa production. However, this forced labour was not chattel slavery,⁸⁹ and differed in scale and brutality to the encomienda system set up under Spanish colonial use, the transatlantic slave trade used by colonial powers throughout the American continent and the Caribbean, and the widespread use of child slavery and forced labour seen today in West Africa and to a lesser extent Brazil. In this time period cocoa was harvested through a mix of communal work and the forced labour and tribute of conquered people. Aztec warfare was based on two main objectives, one of which was to subjugate rival city states to extend Aztec political power and impose tributes to the Aztec empire in the form of goods and labour.⁹⁰ The forced labour seen in the Aztec empire was a form of tax to rulers. Slaves were prisoners of war, debtors or criminals.⁹¹ This was also the case in the Mayan civilization.⁹² In both cultures slaves were used in the production of cocoa due to the labour intensive nature of tending cocoa and clearing land to plant cocoa. As mentioned previously free workers also participated in cocoa production under Aztec and Mayan rule. Slaves also had more rights under these civilizations than in the other time periods this chapter will discuss, slaves could own property, marry non slaves, and buy their freedom in both civilizations.⁹³

In many cultures of mesoamerica cocoa was not just a food, for the Aztecs they were a gift from the god of wisdom, Quetzalcoatl, and as such so valuable that cocoa was used as a currency to pay for both goods in the mortal world and to pay deities.⁹⁴ As such cocoa beans would be used to purchase slaves, slaves were worth around 100 cocoa beans in Greater Nicoya, an area that is now modern day Guatemala and Costa Rica.⁹⁵ To put into context how

⁸⁸ Admin, "The History of Chocolate: From the Olmecs to the Aztecs," Chocolate Museum and Cafe, February 18, 2022, <https://wocorlando.com/chocolate/the-history-of-chocolate/>. Maya Studies, "Chocolate in Mesoamerica," ed. Cameron L. Meneil (Florida: University Press of Florida, 2009)

⁸⁹ Sharer, Robert J., and Loa P. Traxler. *The Ancient Maya*. (Stanford: Stanford University Press, 2006.) Smith, Michael E. *The Aztecs*. (Oxford: Blackwell Publishing, 2003.) Sophie D. Coe and Michael D. Coe. *The True History of Chocolate*. (London: Thames & Hudson, 1996.)

⁹⁰ Eliot A. Cohen and Victor Davis Hanson, "Carnage and Culture: Landmark Battles in the Rise of Western Power," *Foreign Affairs* 81, no. 2 (January 1, 2002).

⁹¹ Ibid.

⁹² Sharer, Robert J., and Loa P. Traxler. *The Ancient Maya*. (Stanford: Stanford University Press, 2006.)

⁹³ Ibid. Smith, Michael E. *The Aztecs*. (Oxford: Blackwell Publishing, 2003.)

⁹⁴ "Money Grows on Trees," Legacy Chocolates, 2018,

<https://legacychocolates.com/about-us/blog/articleid/59/money-grows-on-trees>. Anne Chapman, *Los Hijos Del Copal Y La Candela: ritos agrarios y tradición oral de los lencas de Honduras* (UNAM, 1992).

⁹⁵ Gonzalo Fernández De Oviedo Y Valdés, *Historia General Y Natural De Las Indias, Islas Y Tierra-firme Del Mar Océano*, 1851.

valuable this was, a rabbit in Greater Nicoya was worth 10 beans, a turkey was 20 beans, and the services of a sex worker were between 8 to 10 beans.⁹⁶ The Chontals from Aclan-Tixche, current day Tabasco, Mayan descendents of the Olmecs would produce cocoa and trade it for slaves.⁹⁷ Cocoa was not just used to buy slaves, it was also used by slaves to buy their freedom.⁹⁸ The relationship between cocoa and slavery also worked inversely. People from the Yucatan would trade slaves for cocoa from Honduras.⁹⁹ Cocoa was such an integral of daily life for these cultures that its value went beyond its use as currency, it was used in religious rituals such as marriages, it would sometimes be mixed with blood in sacrifices to the gods¹⁰⁰. It was a symbol of wealth and political power and elites hoarded it, just like European elites hoarded gold.¹⁰¹ The 9th emperor of the Aztecs, Motecuhzoma Xocoyotzin (Montezuma II), one of the most powerful men in the world at the time was nicknamed the chocolate king, at his most powerful he had almost a billion cocoa beans in his stash.¹⁰²

Cocoa was also a source of power. Controlling cocoa producing regions, through warfare and violence, allowed the Itzas to force its neighbours into a compulsive trading relation. The wealth acquired from this trading system allowed the Itzas to finance wars and raids on enemy Manche Ch'ol and Lacandon towns. This gave Itza access to slaves, by taking those that already existed in those states and by enslaving the prisoners of war. To control cocoa producing town was of great importance to secure and expand political power and dominance and have slaves to further develop the Itzan economy and power¹⁰³.

In Prehispanic Mesoamerica cocoa created a demand for the use of slave and forced labour from conquered people due to how much labour the plant's care, harvest and processing required. Cocoa was also a tool to buy slaves as well as to buy one's way out of slavery, and conversely slaves were traded for cocoa due to its political and religious importance. Lastly

⁹⁶ Ibid.

⁹⁷ Laura Caso Barrera and Mario Aliphath , "The Itza Maya Control over Cacao: Politics, Commerce, and War in the Sixteenth and Seventeenth Centuries" in *Chocolate in Mesoamerica*, ed. Cameron L. Mcneil (Florida:University Press of Florida, 2009) 297-298.

⁹⁸ Sophie D. Coe and Michael D. Coe. *The True History of Chocolate*. (London: Thames & Hudson, 1996.) 98

⁹⁹ Fray Diego De Landa "Industria, Comercio Y Moneda. Agricultura Y Semillas. Justicia Y Hospitalidad. Relación De Las Cosas De Yucatán.", 1556., <https://pueblosoriginarios.com/textos/landa/23.html>.

¹⁰⁰ Larry Steinbrenner , "Cacao in Greater Nicoya: Ethnohistory and a Unique Tradition" in *Chocolate in Mesoamerica*, ed. Cameron L. Mcneil (Florida:University Press of Florida, 2009) 253-272.

¹⁰¹ Money Grows on Trees," Legacy Chocolates, 2018, <https://legacychocolates.com/about-us/blog/articleid/59/money-grows-on-trees>

¹⁰² Ibid.

¹⁰³ Laura Caso Barrera and Mario Aliphath , "The Itza Maya Control over Cacao: Politics, Commerce, and War in the Sixteenth and Seventeenth Centuries" in *Chocolate in Mesoamerica*, ed. Cameron L. Mcneil (Florida:University Press of Florida, 2009) 300-302.

the control of cocoa production was of great importance for the monetary viability of warfare and expansion, allowing the civilizations that controlled it to raid enemy states and enslave their people.

Cocoa in Colonial Latin America, Encomiendas, and the Transatlantic Slave Trade

The arrival of the Spanish and Portuguese to Latin America at the end of the 15th century marked a turning point for the history of slavery and cocoa production. Despite the Spaniard's early dislike for chocolate due to its bitter taste they quickly realised it was valuable both in the local economy and as an export in Europe. Plantations were established to meet the demand for the crop, but as said before cocoa production is labour intensive so the Spanish conquistadors had to secure cheap labour. They did so by using the encomienda system.

The encomienda system was created during the Spanish Reconquista on lands seized from the Moors and during the conquest of the Canary Islands, the first recorded use of this system in the American continent is in 1502 in the island of La Hispaniola where it spread Mexico and Central America before arriving to South America¹⁰⁴: The Encomienda system was also used by the Spanish in the cocoa production of the Philippines. Unlike its Latin American counterpart the cocoa industry in the Philippines almost exclusively used the forced labour of locals, with very little use of African slavery.¹⁰⁵ The Encomienda system was a forced labour system in which colonists (encomenderos) got rewarded with monopoly of the labour and output of conquered non christian people. In exchange those conquered got protection from the encomenderos, got exposed to catholicism, and got taught Spanish.¹⁰⁶ The encomienda system was meant to be more humane than slavery as those conquered did not belong to the encomendero, they could not be bought, sold, rented, or inherited and encomenderos only had rights to the labour not the land.¹⁰⁷ In practice the encomienda system as seen in Latin America was thinly veiled slavery. Local people were worked to the bone in cocoa plantations. The encomenderos had full control over the lives of the natives, the working

¹⁰⁴ Mark Cartwright "Encomienda," *World History Encyclopedia*, June 15, 2022, <https://www.worldhistory.org/Encomienda/>.

¹⁰⁵ Alfred W. McCoy, and Ed. C. De Jesus. *Philippine Social History: Global Trade and Local Transformations*. (Honolulu: University of Hawaii Press), 1982.

¹⁰⁶ Timothy J. Yeager, "Encomienda or Slavery? The Spanish Crown's Choice of Labor Organization in Sixteenth-Century Spanish America," *the Journal of Economic History* 55, no. 4 (December 1, 1995): 842–59.

¹⁰⁷ *Ibid*, 843.

conditions were brutal and gruelling, and due to the impossibility of owning or inheriting the natives under the encomienda system the encomenderos worked the natives to the bone to extract as much profit out of them as possible and had no incentive to safeguard the health of the natives under their rule.¹⁰⁸ The encomienda system was particularly popular in Soconusco, a region in modern day Chiapas in Mexico, that was in the 16th century the home of the world's premier cocoa.¹⁰⁹ The Spanish were interested in this area as it had provided much power and wealth to both the Mayans and Aztecs, and the reason for this being the abundant and high quality cocoa in the region. At this point the relationship between slavery and cocoa has shifted and exclusive works one way, slavery is used in cocoa production to ensure growing demand is met and provide the Spanish growing empire with more wealth and political hegemony. However, there was a large threat to the encomienda system. Native populations were being decimated by eurasian diseases brought over by the Spanish, it is estimated that 90% of native americans were killed by European diseases.¹¹⁰ To satisfy the growing European appetite for chocolate the Spanish would have to turn to slavery as the encomienda system could no longer provide sufficient amounts of forced labour to ensure cocoa demand was met.

African slaves were involved in cocoa production centuries before the crop was ever introduced to the African continent. During the transatlantic slave trade around 12 million Africans were brought over to the American continent.¹¹¹ While this phenomenon has often been associated with sugar, and cotton, cocoa production also used the labour of African slaves. The profitable cocoa industries of colonial Venezuela and Ecuador were built on the labour of African slaves.¹¹² This labour exploitation kept plantations profitable and increased the Spanish empire's wealth. African slaves had even less protections from mistreatment than Native Americans had, for context the pope had issued decrees and banned the mistreatment of Native americans and within the Spanish empire there was the sentiment that Native

¹⁰⁸Ibid

¹⁰⁹ Janine Gasco, "Soconusco Cacao Farmers Past and Present: Continuity and Change in an Ancient Way of Life" in *Chocolate in Mesoamerica*, ed. Cameron L. Mcneil (Florida:University Press of Florida, 2009) 322-340.

¹¹⁰ Garrett Hardin and Jared Diamond, "Guns, Germs, and Steel: The Fates of Human Societies.," *Population and Development Review* 23, no. 4 (December 1, 1997): 889-895.

¹¹¹ Royal Museums Greenwich "The History of the Transatlantic Slave Trade," , n.d., <https://www.rmg.co.uk/stories/topics/history-transatlantic-slave-trade#:~:text=Around%2012%20million%20Africans%20were,million%20Africans%20across%20the%20Atlantic>. David Eltis and David Richardson. *Atlas of the Transatlantic Slave Trade*. (New Haven: Yale University Press, 2010.)

¹¹² Rafael Piñeiro *Cacao en Venezuela: Pasado y Presente*. (Caracas: Editorial Arte, 1982.) Simon Romero, "In Venezuela, Plantations of Cacao Stir Bitterness," *The New York Times*, July 29, 2009, <https://www.nytimes.com/2009/07/29/world/americas/29cacao.html?searchResultPosition=7>.

Americans despite not being Christians deserved better treatment than Africans did¹¹³, and were subject to brutal working conditions, long hours and regular and inhumane punishments. Transatlantic slavery was not exclusive to the cocoa production of Spanish colonies. Slavery was essential to the economy of colonial Brazil¹¹⁴, a Portuguese colony. Brazil received 40% of all the enslaved Africans brought to the American continent by the transatlantic slave trade.¹¹⁵ The economic importance of slavery in Brazil was even more obvious in Bahia, in the northeastern region of the country. Sugar used to be the main crop in this area but by the 17th and 18th century Bahia had become a regional hub for cocoa production, making it one of the main producers of cocoa in the world.¹¹⁶ The development of Brazil's cocoa industry was similar to the sugar industry, it widely used slave labour from Africans trafficked to America. African slave labour was also integral to the development and expansion of a cocoa industry in the Caribbean, specifically the islands of Trinidad and Tobago, and Grenada. Slaves were used at every stage of production from land clearing to processing the beans. The profits from their work enriched European plantation owners, expanding the cocoa industry in the islands. In all three islands life was brutal for slaves, they suffered from malnutrition, they were exploited, lived in unsanitary and cramped spaces, and were threatened with and suffered physical violence on a regular basis.¹¹⁷ This shows that regardless of the colonial power in charge the cocoa industries of the American continent during colonial rule used extensively, were developed by and profited from slave labour and the transatlantic slave trade.

19th Century

The 19th century is another turning point in the history of slavery and cocoa. The 19th century was plagued by the extensive use of slavery in general and in the cocoa industry and yet it was also the century many countries abolished slavery, including some of the colonial countries mentioned in the previous section. The 19th century also saw a change in the

¹¹³ Timothy J. Yeager, "Encomienda or Slavery? The Spanish Crown's Choice of Labor Organization in Sixteenth-Century Spanish America," *the Journal of Economic History* 55, no. 4 (December 1, 1995): 842–59. "The Role of the Spanish Encomienda, the Pope, and Cacao in the Enslavement of Civilizations Across the Americas," *Chocolate Class*, March 25, 2020, <https://chocolateclass.wordpress.com/2020/03/24/encomienda-real-slavery/>.

¹¹⁴ Stuart B Schwartz. *Sugar Plantations in the Formation of Brazilian Society: Bahia, 1550-1835*. (Cambridge: Cambridge University Press, 1985.) Stuart B Schwartz. *Tropical Babels: Sugar and the Making of the Atlantic World, 1450-1680*. Chapel Hill: University of North Carolina Press, 2004.

¹¹⁵ Herbert S. Klein, *African Slavery in Latin America and the Caribbean*. (Oxford: Oxford University Press, 1986.)

¹¹⁶ *Ibid*

¹¹⁷ Barry W. Higman, *Slave Populations of the British Caribbean, 1807-1834*. (Baltimore: Johns Hopkins University Press, 1984.)

international community's feelings towards slavery and a shift in legal frameworks regarding slavery. This change in legal norms means that for the first time the use of slavery in cocoa was illegal and could potentially cause backlash from the public and other countries. The 19th century also marks the beginning of the African cocoa industry, specifically West Africa, which just like the ones in colonial Venezuela, Brazil, and Trinidad and Tobago relied on African slave labour to grow and expand.

The 19th century was the century of abolition. In 1800 the US passes the Slave Trade Act which bars Americans from investing in the transatlantic slave trade.¹¹⁸ In 1804 Haiti abolished slavery, becoming the first country in the American continent to do so.¹¹⁹ In 1807 slave trading was banned throughout the entire British Empire.¹²⁰ In 1815 France banned slave trade and the congress of Vienna declares opposition to the slave trade.¹²¹ The 1833 abolition of slavery act frees thousands throughout the British empire, except territories that belonged to the East India Company.¹²² The Portuguese banned slavery in all its territories in 1869.¹²³ In 1874 the Gold Coast, current Ghana, banned slavery.¹²⁴ In 1890 the Brussels Conference Act came out, this was a list of measures to end slave trade both by land and sea.¹²⁵ All these measures, acts and conventions highlight how the question of slavery was no longer a moral one but a legal one, and international law was against slavery. Slavery was now seen as a violation of rights and of duties of European countries. This shift did not lead to the disappearance of slavery, in the cocoa industry or in others, it just made countries find a new name for it, like indentured labour and created much debate on whether this was slavery or not.

There is ample evidence that despite legal advancements slavery still existed and actually grew in this century. As mentioned before West Africa's new cocoa industry used slave labour, there is evidence of the Portuguese trafficking slaves from the continent, mainly

¹¹⁸ Washington : U.S. Govt. Print. Off., 1789-, "The Avalon Project : Statutes of the United States Concerning Slavery," n.d., https://avalon.law.yale.edu/19th_century/sl002.asp.

¹¹⁹ Robert William Fogel and Stanley L. Engerman, *Time on the Cross: The Economics of American Negro Slavery* (University Press of Amer, 1984).

¹²⁰ "SLAVE TRADE ABOLITION BILL. (Hansard, 10 February 1807)," 1807, <https://api.parliament.uk/historic-hansard/commons/1807/feb/10/slave-trade-abolition-bill>.

¹²¹ Mark Jarrett, *The Congress of Vienna and Its Legacy: War and Great Power Diplomacy after Napoleon* (Bloomsbury Publishing, 2013).

¹²² "ABOLITION OF SLAVERY. (Hansard, 19 June 1835)," 1835., https://api.parliament.uk/historic-hansard/commons/1835/jun/19/abolition-of-slavery#S3V0028P0_18350619_HOC_49.

¹²³ Henry Nevinson, The slave-trade of to-day. Conclusion.—The islands of doom, *Harper's Monthly Magazine*, 1906.

¹²⁴ Suzanne Miers, *The End of Slavery in Africa* (Winnconsin: University of Wisconsin Press, 1988).

¹²⁵ Convention Relative to the Slave Trade and Importation into Africa of Firearms, Ammunition, and Spiritous Liquors, (1890).

Angola, to the islands of São Tomé e Príncipe to work in the cocoa plantations as late as 1909.¹²⁶ This led to one of the major scandals regarding slavery in cocoa, which will be further explored in chapter 3, showing how negative public opinion was of the use of slavery. The Portuguese argued that the system was not slavery, workers had five year contracts and then they could leave.¹²⁷ This was far from the truth, worker's contracts would get renewed without being asked, they would be harshly punished if they tried to escape, mortality rates were high, workers received little pay, children born while the mother worked at the cocoa plantations became property of the plantation owner despite the law banning this.¹²⁸ While the de jure rights of slaves or indentured workers had substantially improved, their de facto conditions were harsh, brutal and very much unchanged.

The biggest change regarding slavery and cocoa in this century was the way slavery was talked about. Slavery was now shameful. No one wanted to be accused of slavery but everyone wanted to profit from cocoa and cheap labour, so new names for slavery were created. Slaves were still central to the development and profitability of the cocoa industry, in Latin America, West Africa and Asia.

Current issues

Slavery is still present in the modern cocoa industry, despite some arguing otherwise. However, there have been some changes since the 19th century. Now the most common forms of slavery and forced labour in cocoa are child slavery and child forced labour. The current chocolate industry is also plagued with the issue of children being trafficked to work as slaves in cocoa farms.¹²⁹ To talk about modern day child slavery in cocoa is to talk about West Africa, and to a lesser extent Brazil and Indonesia. West Africa has dominated discussions and legal action, such as the Harkin Engel protocol, on the issue of child slavery and forced child labour in the 21st century. This makes sense: there are an estimated 1.5 to

¹²⁶ "The First Looks Into Slavery on Cocoa Plantations in West Africa," Global Stimulants, n.d., <https://exhibits.lafayette.edu/s/mate/page/child-labor-in-coffee-plantations>. Henry Nevinson, *A Modern Slavery*, 1906. Lowell Satre, *Chocolate on trial slavery politics and ethics* (Ohio; Ohio University Press, 2005). Órla Ryan, *Chocolate Nations: Living and Dying for Cocoa in West Africa* (Bloomsbury Publishing, 2012). Catherine Higgs, *Chocolate Islands: Cocoa, Slavery, and Colonial Africa* (Ohio University Press, 2012).

¹²⁷ William Adlington Cadbury, *Labour in Portuguese West Africa*, 1910.

¹²⁸ Henry Nevinson, *A Modern Slavery*, 1906.

¹²⁹ Humphrey Hawksley "Mali's Children in Chocolate Slavery," *BBC News*, April 12 2001., <http://news.bbc.co.uk/2/hi/africa/1272522.stm>. "JS Online: Traffickers Target Boys in Cocoa Trade," Copyright 2003, Journal Sentinel Inc., June 24, 2001, <https://web.archive.org/web/20080412040143/http://www2.jsonline.com/news/intl/jun01/slave25062401.asp>.

2.1 million child slaves in West Africa's cocoa industry¹³⁰; Cotê d'Ivoire and Ghana, the two largest producers of cocoa in the world have extensively documented issues of child slavery and of children being trafficked there from Mali and Burkina Faso and forced to work in farms that supply cocoa beans to some of the world's biggest cocoa companies¹³¹. Despite the extensive work of journalists and documentary makers, discussed in chapter 3, the increased legal frameworks, discussed in chapter 5, the work of NGOs, chocolate companies, and local governments, explored in chapter 6, child slavery and child forced labour in cocoa in West Africa actually increased in the past few years. The discussions on slavery in cocoa have also moved beyond whether it happens to what are the root causes for this issue and what is the best way to tackle them. These issues are still at the heart of the cocoa industry and tackling them is central to achieving sustainable chocolate and fair and resilient supply chains.

Conclusion

The history of cocoa and slavery is long and multifaceted. Slavery built the cocoa industries of several countries in different regions and time periods. Slavery in cocoa allowed different empires to accrue wealth and political dominance. From Mesoamerica to 21st century Ghana slavery and cocoa are linked. Slavery in cocoa is not a thing of the past, the chocolate consumed today is tainted by slavery at some point of the supply chain. This chapter helps visualise how entrenched the institution of slavery is in the production of cocoa. This historical context serves to spotlight how difficult effectively eradicating slavery from cocoa is, suggesting that to de facto eradicate slavery from the cocoa industry a multi level governance effort that involves all stakeholders is required.

¹³⁰ Food Empowerment Project, "Child Labor and Slavery in the Chocolate Industry - Food Empowerment Project," May 1, 2024, <https://foodispower.org/human-labor-slavery/slavery-chocolate/>.

¹³¹ "Burkina Faso - United States Department of State," United States Department of State, December 7, 2023, <https://www.state.gov/reports/2023-trafficking-in-persons-report/burkina-faso/>. "Mali - United States Department of State," United States Department of State, December 7, 2023, <https://www.state.gov/reports/2023-trafficking-in-persons-report/mali/>. RuniTravel, "Chocolate the Bitter Truth 1 of 5 Child Trafficking BBC Panorama Investigation," February 2, 2011, <https://www.youtube.com/watch?v=LD85fPzLUjo>. "The Lost Childhoods Behind Our Chocolate - Côte D'Ivoire," ReliefWeb, August 25, 2015, <https://reliefweb.int/report/c-te-divoire/lost-childhoods-behind-our-chocolate>.

Chapter 3: Major Slavery Scandals in the Chocolate Industry

Introduction

The cocoa industry as discussed in chapter 2 has long been tainted by the stain of slavery and forced labour. The issues central to this thesis of forced child labour, child slavery, and beyond this thesis, the issue of forced labour have been an issue in the cocoa production for the entirety of its history. As stated in chapter 1, one of the main reasons for bringing cocoa to Africa was the availability and the ease of access to free labour. To discuss scandals in the context of an academic research into child slavery and forced child labour may seem like an odd choice. However, these scandals have had a deep impact in the industry, completely reshaping it in several occasions and are therefore a key part of the fight against forced child labour in cocoa.

Chocolate, unlike other crops, is not an essential but a luxury. Chocolate is associated with gifts or little treats used to celebrate achievements. This makes chocolate very susceptible to the court of public opinion. Consumers react negatively to the idea that the chocolate they give their children or loved ones was produced by child slaves. Child slavery leaves a bitter taste in the mouth of many. This makes chocolate more likely to suffer boycotts and the industry has to act accordingly to prevent the loss of profit. This chapter explores three major scandals regarding slavery in the cocoa industry.

All three scandals focus on the cocoa industry in Africa. There are two reasons for this. Firstly this thesis focuses on the cocoa industry in Ghana, therefore scandals focusing on the African industry are the most meaningful to this research. Secondly, scandals regarding the use of child slavery in Brazil's and the Dominican Republic's cocoa industry do exist¹³²; they have not gathered the widespread international attention those in Africa have.

The first scandal discussed will be that of São Toméan cocoa from 1901-1909, then this chapter will focus on the series of documentaries and exposes released between 2000 and

¹³² Marcelo Texeira and Ana Mano, "Brazil court fines Cargill in case involving child labor on cocoa farms", Reuters, September 27, 2023. Eve Hayes de Kalaf and Leona Vaughn, "Chocolate, Children, and the Curriculum: Child Exploitation and the Dominican Cocoa Industry.", in *Equitable Education for Marginalized Youth in Latin America and the Caribbean.*, ed. Stacey Blackman (New York: Routledge, 2022) p. 186-203.

2001, the chapter will then follow with an exploration of the latest news articles exposing the use of forced child labour in cocoa before finishing with a discussion of the legacy and impact of these scandals.

Cadbury's Pious Frauds And The Sticky And Scandalous Situation Of São Toméan Cocoa

This scandal raised questions of morality, of what businesses ought to do when they discovered violations in their supply chain, caused tensions in the diplomatic relations between England and Portugal, led to a widely followed libel case and most importantly it shifted the trajectory of cocoa production in Africa at the turn of the 20th century.

Two concepts need to be explained to better understand why this scandal was and still is so impactful and important: the view on slavery at the turn of the 20th century and quaker beliefs. This scandal happened at a time where there was a liberal anti slavery moral consensus¹³³. By the time chocolate companies in Britain and the british public at large discovered the use of slavery in São Tomé's cocoa slavery had been banned in Britain and its colonies for decades.¹³⁴ The ban of slavery was becoming widespread both in national and international law as shown by the 1890s Brussels Conference Act¹³⁵. This act was a set of anti slavery measures that applied to among other areas the basin of the Congo, a region that includes São Tomé.¹³⁶ Despite the agreement that slavery was bad and should be abolished, this was still a time of empires, colonialism and notions that Africans and Asians were inferior to Europeans and therefore their labour could be freely exploited. Slavery was now morally wrong but the need for cheap or free labour to develop the empire was still very much there. This need for cheap labour informed much of the decisions the British government took regarding this scandal as they were reliant on the Portuguese to provide them with Mozambican workers to work in the Transvaal region of South Africa.¹³⁷

¹³³ "Cadbury Chocolate Debate: Resolving Moral and Economic Contradictions," Chocolate Class, March 23, 2019, <https://chocolateclass.wordpress.com/2019/03/22/cadbury-chocolate-debate-resolving-moral-and-economic-contradictions/>.

¹³⁴ An Act for the Abolition of Slavery throughout the *British* Colonies; for promoting the Industry of the manumitted Slaves; and for compensating the Persons hitherto entitled to the Services of such Slaves, 3^o & 4^o Gulielmi IV, cap. LXXIII (1833).

¹³⁵ Convention Relative to the Slave Trade and Importation into Africa of Firearms, Ammunition, and Spiritous Liquors, (1890).

¹³⁶ Ibid

¹³⁷ Lowell Satre, *Chocolate on trial slavery politics and ethics* (Ohio; Ohio University Press, 2005), 53-73.

Quakers are members of the protestant denomination of the religious society of friends. This denomination is a breakaway faction of the church of England, as a result they suffered religious based discrimination that prevented them from being active in many areas of society and politics¹³⁸. However, due to the support Quakers provided one another they were able to set up successful businesses such as Fry, Rowntree, and Cadbury, the big three british chocolate companies and the main buyers of cocoa from São Tomé and Príncipe.¹³⁹ Core tenets of the Quaker faith are opposition to war, social justice, teetotalism, modesty, the aim for christian perfection (a union of pure love between god and the believer), and opposition to slavery.¹⁴⁰ Quakers had been very active in the 18th century abolitionist movement and at the time of the scandals many of London's anti slavery associations had prominent quaker members.¹⁴¹ Quakers prided themselves in conducting business to be in line with the morals and teaching of their faith. Therefore when this scandal regarding slavery in cocoa an industry dominated by Quakers in the United Kingdom it rose the question of whether businesses valued money more than morals, a rejection by the general public of the perceived use of religious faith and morals to hide unsavoury business practices; at the height of the scandal people would call cadbury's pious frauds¹⁴², and showed how public perception could impact and change the practices of the chocolate industry.

In 1901 William Cadbury heard in Trinidad that Angolan slaves were being used in the cocoa plantations of São Tomé and Príncipe.¹⁴³ This was dismissed as a baseless rumour, Portugal had abolished slavery in its colonies in 1869.¹⁴⁴ These allegations would not be seen as mere gossip for long. In April of 1901 Cadbury's received an offer for the sale of a plantation in São Tomé, amongst the assets listed were 200 black labourers worth 3555 pounds.¹⁴⁵ Board meeting minutes of 1901 show that the Cadbury firm took this listing as confirmation of the claims of slavery existing in São Tomé and Príncipe¹⁴⁶. This presented an issue, both moral and economic, to the firm. William Cabdury was firmly against slavery, yet he did not see the possible slavery in the cocoa plantations of São Tomé and Príncipe as bad as the slavery in

¹³⁸ Ibid, 14.

¹³⁹ Ibid, 13.

¹⁴⁰ Richard T. Vann, "Society of Friends | Definition, History, Beliefs, & Facts," Encyclopedia Britannica, May 1, 2024, <https://www.britannica.com/topic/Society-of-Friends>.

¹⁴¹ Lowell Satre, *Chocolate on trial slavery politics and ethics* (Ohio; Ohio University Press, 2005), 16.

¹⁴² "Cadbury Chocolate Debate: Resolving Moral and Economic Contradictions," Chocolate Class, March 23, 2019, <https://chocolateclass.wordpress.com/2019/03/22/cadbury-chocolate-debate-resolving-moral-and-economic-contradictions/>.

¹⁴³ Ibid.

¹⁴⁴ Henry Nevinson, The slave-trade of to-day. Conclusion.—The islands of doom, *Harper's Monthly Magazine*, 1906.

¹⁴⁵ Lowell Satre, *Chocolate on trial slavery politics and ethics* (Ohio; Ohio University Press, 2005), 18.

¹⁴⁶ Ibid.

Africa's gold and diamond mining or the situation in Congo¹⁴⁷. Economically, taking a stance against slave harvested cocoa in São Tomé would hurt Cadbury, at one point they were buying 40% of all the island's cocoa production¹⁴⁸, it was where they sourced the majority of the cocoa needed for their chocolate and cocoa.

To ignore the fact that the cocoa Cadbury's used was made with slave labour was not really an option as more and more evidence was reaching England that this was the case. Travers Buxton, an English anti slavery activist, provided Cadbury evidence of slave trade between West Africa and the island's cocoa plantation spanning at least 20 years.¹⁴⁹ Protestant missionaries to Africa wrote to the Anti Slavery Society detailing the trade of slaves happening in Angola. In 1883 the Lord of Mayo detailed in his book "De Rebus Africanis", seeing 82 Africans being taken to São Tomé under slavery¹⁵⁰. In 1900 an article by Le Signal, a French magazine, was translated into English by the Anti Slavery reporter¹⁵¹. In this article a commercial traveller describes the slave trade in Angola and how it happened under the protection of the Portuguese government. William Cadbury himself went on a trip to Lisbon to discuss the issue of the use of slavery in São Toméan cocoa production. Here he received confirmation that slavery and harsh labour conditions were present in the cocoa plantations of São Tomé and Príncipe¹⁵². This was further confirmed by the testimony of Matthew Stober, a Scottish missionary to Angola, that most working in the cocoa farms in São Tomé and Príncipe died within the first 3 and a half years due to the brutality of the system.¹⁵³ The most damning piece of evidence was a series of exposes published by Henry Nevinson in Harper's Magazine.

Nevinson's reports challenged the Portuguese government's claims that those working in the cocoa industry in São Tomé were free workers that entered 5 year contracts out of their own free will. Nevinson provided evidence that the only difference between the contract labour system the Portuguese insisted existed in the islands and slavery was just the name.¹⁵⁴

¹⁴⁷ Ibid.

¹⁴⁸ Nicholas Burton and Richard Turnbull, *Quakers, Business and Corporate Responsibility: Lessons and Cases for Responsible Management* (Springer, 2019).

¹⁴⁹ Lowell Satre, *Chocolate on trial slavery politics and ethics* (Ohio; Ohio University Press, 2005), 18.

¹⁵⁰ Dermot Robert Wyndham Bourke Earl Of Mayo, *De Rebus Africanis: The Claims of Portugal to the Congo and Adjacent Littoral, with Remarks on the French Annexation*, 1883.

¹⁵¹ James Heartfield, 'The Anti-Slavery Society into the Twentieth Century', *The British and Foreign Anti-Slavery Society, 1838–1956: A History* (New York; Oxford Academic, 2017) 351-366.

¹⁵² Lowell Satre, *Chocolate on trial slavery politics and ethics* (Ohio; Ohio University Press, 2005), 19.

¹⁵³ William Adlington Cadbury, *Labour in Portuguese West Africa*, 1910.

¹⁵⁴ Henry Nevinson, *A Modern Slavery*, 1906.

Nevinson travelled to Africa in 1904 and went from Angola to São Tomé and Príncipe. Once on the islands he extensively toured the cocoa plantations. Nevinson noted that even the model plantation he first visited had 400 hundred slaves working in it, child slaves were also present but not included in the slave count.¹⁵⁵ Despite what the Portuguese government assured the British government and public children born to slaves in the plantations were considered slaves too.¹⁵⁶ There are many things in Nevinson's account that support his claims that what was happening in the cocoa farms in São Tomé was slavery and not free labour. Portuguese agents did actively encouraged Angolan natives to do things such as raiding, kidnapping, and accuse one another of witchcraft, that would get them sent to the islands. According to the Portuguese government Angolans voluntarily entered a 5 year contract after which they could return home if they so wanted.¹⁵⁷ Yet in the time period the "contract labour" system existed no workers ever returned home. De jure rule was that after 5 years workers could opt to renew their contract if they wished to, the reality Nevinson saw was that many times the few slaves that managed to survive the first five years were simply told that their contract had been renewed, never having been asked if this is what they wanted.¹⁵⁸ The articles describe how slaves were constantly trying to escape the cocoa farms, how they would risk even death to do so and the brutality they were treated with if they were caught.

Nevinson's articles for Harper's Magazine were extensively discussed in Britain and Europe at large. Several newspapers of the time, such as Tribune, The Clarion, and The Manchester Guardian reported on them.¹⁵⁹ Nevinson's work was used by humanitarian societies to pressure the UK government to uphold their anti slavery commitments under the Brussels Convention, the Berlin Conference and remind them they had the obligation to halt slavery in West Africa under the Ashburton Treaty of 1842.¹⁶⁰ The reports put a lot of pressure on the UK's foreign office, they were asked about this several times in parliament by MPs.¹⁶¹ The foreign office was unwilling to act and uphold its international commitments as it needed Mozambican workers in South Africa and to upset Portugal over slavery in cocoa would have been a costly foreign policy decision. The Portuguese government was greatly displeased by Nevinson's articles, they denied all his claims, and considered the British were meddling in

¹⁵⁵ Ibid.

¹⁵⁶ Henry Nevinson, The slave-trade of to-day. Conclusion.—The islands of doom, *Harper's Monthly Magazine*, 1906.

¹⁵⁷ Ibid

¹⁵⁸ Nevinson, *A Modern Slavery*, 1906.

¹⁵⁹ Lowell Satre, *Chocolate on trial slavery politics and ethics* (Ohio; Ohio University Press, 2005), 53-73.

¹⁶⁰ Ibid.

¹⁶¹ Ibid, 56.

their affairs and that the British were being greatly hypocritical as the British were using indentured Chinese labour in Africa. Diplomatic relations between the two countries grew tense.¹⁶²

Cadbury's responded to all this evidence by launching an investigation of their own. In 1906 Joseph Burt, sent by Cadbury, Rowntree and Fry's, went to Angola and São Tomé, spending six months in each. Against what William Cadbury hoped Burt's report confirmed everything Nevinson had said in his articles and in some cases said that the situation was worse than what Nevinson described.¹⁶³ After 8 years since first hearing about the possibility of the cocoa they bought in São Tomé being made using slave labour, the big British chocolate companies called for a boycott of São Toméan cocoa.¹⁶⁴ William Cadbury justified this delay by seeing he wanted to conduct a thorough investigation before making any decisions, he also had faith that the measures the Portuguese government promised it would introduce in 1903 would put an end to the issue of slavery. Modern scholars and Nevinson suggest that the reason Cadbury's took so long to take action is that they wanted to secure another source of cocoa, which they found in Ghana.¹⁶⁵ The British public at the time seems to have also held this view. Cadbury's sued *The Standard* newspaper in 1908 for libel, after the newspaper published an article questioning their quaker morals and integrity while using slave labour and how they could claim to care so much of the workers in Bournville, Cadbury's model village for its factory workers in Birmingham, and yet so little for those that collected their cocoa. Cadbury's won the 1909 legal case, yet they won the smallest monetary sum possible, a farthing (a quarter of a penny), showing that while the jury did think that libel had happened the public had no sympathy for the company and agreed with *The Standard's* claims that they had prioritised monetary gain over morals.¹⁶⁶

The scandal ended with Cadbury's never purchasing São Toméan cocoa again, shifting cocoa production in Africa from the islands to Ghana, launching Ghana's dominance as a cocoa producer in the region and world at large.¹⁶⁷ This scandal highlights how much impact investigative journalism, consumers and public opinion have on the industry and how progress can be stumped by political and economic considerations.

¹⁶² Suzanne Miers, *Slavery in the Twentieth Century: The Evolution of a Global Problem* (Rowman Altamira, 2003) 48-51.

¹⁶³ Lowell Satre, *Chocolate on trial slavery politics and ethics* (Ohio; Ohio University Press, 2005), 53-73.

¹⁶⁴ *Ibid*, 127.

¹⁶⁵ *Ibid*, 140.

¹⁶⁶ *Ibid*, 174.

¹⁶⁷ *Ibid*, 210.

The scandalous years of 2000 and 2001

On the 1st of September 2000 the BBC released a documentary called: “Slavery: A Global Investigation”, that explored slavery in three industries, including cocoa. Slavery in Côte d’Ivoire’s cotton industry had already been well established and documented but this documentary was the first of its kind, showing that slavery, specifically child slavery existed in the country’s cocoa production. Children would be trafficked from neighbouring Mali to work in the cocoa fields. The investigative journalists found that workers worked up to eighteen hours a day. These young men and children were unpaid and if they tried to escape would be beaten. Many of these children were trapped in the cocoa farms as they were penniless, did not speak the local language and in many cases did not even know where they were exactly. One of the children interviewed in the documentary described what would happen to them if they tried to leave: “They would tie your hands behind your back. Then one person would beat your front and someone else your back”.¹⁶⁸ The documentary highlighted that a key difference between slavery in the past and modern day slavery is the cost of slaves. Slaves used to be expensive, but now they are cheaper than ever and therefore the most disposable they have ever been. At the time the documentary was released the price of cocoa was at a 10 year low, farmers had stopped paying workers and turned to the use of slave labour. The boys had been working in the plantations for five years and had never been paid.

This documentary had a massive impact at the time. Consumers in the European and American markets were horrified to find out the chocolate they gave to their children was tainted by child slavery and forced child labour. This documentary led to increased media attention on the issue, in 2001 several articles about child labour on cocoa were released. These will be further discussed in the next paragraph. The issue of child slavery and child labour in cocoa production and the backlash from consumers lead to legislation to be passed to try and eradicate this practice. The result was the Harkin Engel protocol, which will be discussed in further detail in chapter 5. This is still to this day the landmark piece of legislation regarding child labour in cocoa production in West Africa.

¹⁶⁸ Real Stories, “Slavery: A Global Investigation | Real Stories Full-Length Modern Slavery Documentary,” November 15, 2017, <https://www.youtube.com/watch?v=WfdibtC4RYg>.

Raghavan's and Chatterjee's 2001 article¹⁶⁹ clearly stated that slave labour was an essential ingredient in chocolate. The workers in West African cocoa as detailed by the article are between the ages of 12 to 16 with some as young as 9. The article conveys a harrowing image of what working conditions on the farms were like for children. If they were lucky they would be fed some bananas and corn, if unlucky they would suffer brutal whippings. This piece also reinforced the findings from the BBC's documentary, children were being trafficked to work in cocoa and treated like slaves. One child slave they had spoken to was trafficked from Mali at the age of 12 years old with the promise of 150 dollars to support their family and a new bicycle. This boy would be flogged almost daily with either cocoa branches or a bicycle chain by the owner of the cocoa farm. The article highlighted how despite the love of American and European consumers for chocolate few knew about the use of child labour in its production. The boy details how they were sold for the equivalent of 35 dollars and how the farmer explicitly told him and the other boys that they had to work hard to reimburse him for that purchase. Most of the workers in the farm were children trafficked from Mali, Mali officials became aware of the situation when one of the boys managed to escape and tell the elders of the local Malian community in Côté d'Ivoire what was happening in the farm. The issue was such that the consul of Mali to Côté d'Ivoire had to rescue Malian boys from the cocoa farms in the country.¹⁷⁰ Malian officials believed that around 15,000 Malian children worked in Côté D'Ivoire's cocoa production as of 2001.¹⁷¹ The industry that up to this point had been unwilling to admit slavery of any kind still existed in cocoa production was forced to admit that slavery might still be happening and agreed to pay for a survey into child slavery in Côté d'Ivoire's cocoa industry.¹⁷²

Raghavan's and Chatterjee's wrote another article together on this subject in 2001¹⁷³ and Raghavan's followed this up with another article also in 2001.¹⁷⁴ The articles expose the role of locateurs and how they lure vulnerable children to work in cocoa farms with the promise of good jobs and salaries. Sometimes all it takes is for these men to buy the child some food. The next day the child will leave with them on a bus to Côte d'Ivoire. It is important to note

¹⁶⁹ Sudarsan Raghavan; Sumana Chatterjee, "A Taste of Slavery," *Tampa Bay Times*, December 17, 2019, <https://www.tampabay.com/archive/2001/06/24/a-taste-of-slavery/>.

¹⁷⁰ Liz Blunt "The Bitter Taste of Slavery" *BBC News*, September, 28, 2000, <http://news.bbc.co.uk/2/hi/africa/946952.stm>.

¹⁷¹ Humphrey Hawksley "Mali's Children in Chocolate Slavery," *BBC News*, April 12 2001., <http://news.bbc.co.uk/2/hi/africa/1272522.stm>.

¹⁷² Sudarsan Raghavan; Sumana Chatterjee, "A Taste of Slavery," *Tampa Bay Times*, December 17, 2019,

¹⁷³ "JS Online: Two Boys Tell of Descent Into Slavery," Copyright 2001, Journal Sentinel Inc., June 25, 2001, <https://web.archive.org/web/20050215094139/http://www.jsonline.com/bym/news/jun01/slave26062501.asp>.

¹⁷⁴ "JS Online: Traffickers Target Boys in Cocoa Trade," Copyright 2003, Journal Sentinel Inc., June 24, 2001, <https://web.archive.org/web/20080412040143/http://www2.jsonline.com/news/intl/jun01/slave25062401.asp>.

two things to understand why Malian children were so likely to end as slaves in cocoa farms in Côte d'Ivoire and Ghana. Firstly, Mali was an extremely poor country at the time with 84.5% of its population living in extreme poverty, in comparison only 25% of Côte d'Ivoire's and 55% of Ghana's population lived in extreme poverty at the same time.¹⁷⁵ Secondly, children in this region are expected to work to help their parents and family survive, therefore going to work a good job in a richer neighbouring country seems like a good idea. Due to a socially widespread and accepted system of apprenticeship in Mali where poor children would go to better off families to learn skills such as farming and be well treated, compensated fairly and returned home Malians trusted that this locateurs and the farmers in Côte d'Ivoire would look after their children and they would be safe.¹⁷⁶ The articles show the deceit and trickery involved and how the work the children agree to is vastly different from the work they have to do. Most of the boys that end in the cocoa farms are illiterate yet they are made to sign contracts in French, a language they mostly do not speak and most certainly do not read, saying they will receive a 180 dollars for a year's worth of work. The article written by Raghavan's and Chatterjee once again showed how little worth slaves had, the two boys the piece talks about were bought for 28 dollars in total or 14 each.¹⁷⁷ This piece also reinforces the brutality with which these children are treated. The children describe several and severe beatings they received and even being threatened with a small gun, being told that they would be killed and dumped in a well. The articles also show the system used to coerce the children to stay in the farms working, from lying to them to garner sympathy to withholding wages to ensure they stay as they need the money and to leave before they get paid would be a failure. These articles helped expose the clandestine yet widespread world of child trafficking and child slavery in West African cocoa.

Raghavan and Chatterjee were not the only authors talking about this problem in 2001. Fred Foldvary, an economist and academic that had written about slavery in chocolate, wrote for the progress report a piece that unlike the others discussed in this section did not focus on revealing the harsh conditions of child slavery and child labour used in cocoa but instead

¹⁷⁵ Joe Hasell et al., "Poverty," Our World in Data, December 28, 2023, <https://ourworldindata.org/poverty#explore-data-on-poverty>.

¹⁷⁶ "JS Online: Traffickers Target Boys in Cocoa Trade," Copyright 2003, Journal Sentinel Inc., June 24, 2001, <https://web.archive.org/web/20080412040143/http://www2.jsonline.com/news/intl/jun01/slave25062401.asp>.

¹⁷⁷ "JS Online: Two Boys Tell of Descent Into Slavery," Copyright 2001, Journal Sentinel Inc., June 25, 2001, <https://web.archive.org/web/20050215094139/http://www.jsonline.com/bym/news/jun01/slave26062501.asp>.

detailed concrete action that needed to be taken to tackle this issue.¹⁷⁸ He called for global pressure to be applied as Cotê d'Ivoire was not enforcing its anti slavery and anti trafficking laws, something that was also remarked by the BBC documentary, and Raghavan and Chatterjee's work. He detailed how a boycott would be ineffective, and how a labelling system should be created. He also called for public protests to happen and argued that while a fairtrade movement existed for coffee this was not really the case for chocolate. The fairtrade cocoa movement at the time was mostly limited to Europe and was small. The movement had to grow and expand outside of Europe if it was to have an impact on farmers and truly help them. The article ends with a call for people to write letters to their local politicians to put pressure on them, and with the sentence "we can end the chocolate worker slavery". At the time there was a general belief that consumers could end child slavery in cocoa.

Recent Scandals And Piling Evidence Of Continued Child Slavery And Forced Child Labour In The Cocoa Industry

Despite all the media attention, the public backlash, the changes to the industry, and the genuine hope and belief that child slavery and forced child labour could be ended that was seen in the early 2000s child slavery is still rampant to this day in cocoa production in West Africa. The Harkin Engel protocol did not achieve its goals. Somewhere between 2001 and now consumers forgot about this issue, or worse, were led to believe this was a problem of the past. However, in the past few years we have seen increased media attention due to a series of exposes published by the Washington Post, Fortune and the Guardian and a few key high profile legal cases reaching US courts.

The articles published in the last few years prove that child slavery still exists in the chocolate industry. Representatives for Hershey's, Mars, and Nestle could not guarantee that their products were free of child labour.¹⁷⁹ To this day multinational chocolate companies cannot identify what farms all their cocoa came from nor whether child slavery was being used at said farms. Despite the industry's commitments in 2001 to the Harkin Engel protocol and ending child slavery in West Africa, they, an industry worth 103 billion dollars, have only spent 150 million dollars in 18 years to tackle the issue and the regulations they have

¹⁷⁸ "Foldvary Against Chocolate Worker Slavery," n.d., <https://web.archive.org/web/20051017044317/http://www.progress.org/archive/fold201.htm>.

¹⁷⁹ Peter Whoriskey, "Hershey, Nestle and Mars Broke Their Pledges to End Child Labor in Chocolate Production," *Washington Post*, June 5, 2019, <https://www.washingtonpost.com/graphics/2019/business/hershey-nestle-mars-chocolate-child-labor-west-africa/>.

implemented are not strictly enforced.¹⁸⁰ Third party inspectors only have to visit less than 10% of all cocoa farms. The biggest change seen regarding child slavery in the cocoa industry since the 2000s is that now children are most likely trafficked from Burkina Faso rather than Mali. These investigative journalism pieces also highlighted that slavery is not the only form of labour exploitation currently happening in the chocolate industry, forced child labour is also rampant. This is also the first time where poverty is explicitly mentioned and discussed as a reason for why forced child labour and child slavery still remain a big issue in West Africa's cocoa industry.

In 2022 a Channel 4 documentary and an article by the Guardian showed evidence that forced child labour was being used in Ghana's cocoa farms, farms that are part of Cadbury's supply chain.¹⁸¹ This is incredibly important because while the articles and studies of the 2000s shed much needed light on the issue of child slavery in cocoa they either focused on the whole region of West Africa or more likely on the case study of Côte d'Ivoire. Côte d'Ivoire was the world's largest producer of cocoa at this point, having surpassed Ghana in the 1990s,¹⁸² the use of forced child labour and child slavery in other industries in the country was already well established and the evidence on child trafficking was more extensive, making it a more compelling case. However, this created the erroneous idea, which is still defended by some to this day, that forced child labour and child slavery did not exist in Ghana's cocoa industry, that children working in Ghana's cocoa farms were just helping in the family farm while still going to school. This documentary and article showed that this was not true, children were being deprived of their right to education and working in unsafe conditions, carrying out tasks that are not suited for their age and that endanger them. Researchers found children as young as 10 working in these farms, with no protective gear, as will be further discussed in chapter 5 these conditions go against several international conventions and Ghanaian law. Poverty is once again highlighted as the root cause of the issue, most farmers live below the extreme poverty line.

¹⁸⁰ Ibid.

¹⁸¹ "Cadbury Exposed: Dispatches," n.d., <https://www.channel4.com/programmes/cadbury-exposed-dispatches>. Jon Ungeod-Thomas, "Cadbury Faces Fresh Accusations of Child Labour on Cocoa Farms in Ghana," *The Guardian*, May 16, 2023, <https://www.theguardian.com/law/2022/apr/03/cadbury-faces-fresh-accusations-of-child-labour-on-cocoa-farms-in-ghana>.

¹⁸² Murdo J. MacLeod, "Cacao," in *Cambridge University Press eBooks*, 2000, 635–41, <https://doi.org/10.1017/cho9780521402149.073>.

Media attention on the issue of child slavery and chocolate during the past 5 years as a result of a few cases filed by International Rights Advocates in American courts on behalf of children that had worked in cocoa farms in West Africa and were victims of trafficking, forced child labour, and child slavery.¹⁸³ The horrifying details included in the case such as one of the plaintiffs, who was a slave from 1998 to 2004, having his feet slashed with machetes and the wounds rubbed with pepper when he tried to escape, shocked and disgusted consumers.¹⁸⁴ The supreme court's decision to dismiss one of the cases against several chocolate conglomerates not because they didn't believe child slavery had happened but due to jurisdiction concerns greatly upset consumers and created great amounts of discourse and press attention.¹⁸⁵

Legacy Of The Scandals And Implications For The Industry

All three scandals discussed in this chapter prove that slavery and forced labour is a long standing issue in the chocolate industry. They also show how impactful public opinion is when it comes to chocolate. Chocolate is seen as a luxury and as such consumers have certain expectations from it and can boycott it if they feel the industry is doing things that go against their values. However, while public opinion is a great catalyst of change, the Harkin Engel protocol was born out of public backlash to learning the chocolate they eat was harvested through child slavery, public opinion is fickle. People forget about issues quickly, especially in this current age where everyone has access to so much information that it can feel overwhelming. It is hard to keep track of what is happening in a foreign far away country. Public opinion can also be swayed through deception, consumers can believe child slavery is no longer an issue due to the extensive commitments the industry has made and the fact that

¹⁸³ “Issouf Coubaly Et. Al V. Nestlé, Cargill, Barry Callebaut, Mars, Olam, Mondelēz, and Hershey. — IRAadvocates,” IRAadvocates, n.d., <https://www.internationalrightsadvocates.org/cases/cocoa>. “John Doe 1 Et. Al V. Nestlé and Cargill — IRAadvocates,” IRAadvocates, n.d., <https://www.internationalrightsadvocates.org/cases/doevsnestlecargill>. “Kassim, Et Al. V. Cargill, Mars, and Mondelēz — IRAadvocates,” IRAadvocates, n.d., <https://www.internationalrightsadvocates.org/cases/ghana>.

¹⁸⁴ Nexus, “100% of Chocolate Can Be Traced Back to Child labour...and Worse,” July 29, 2021, <https://www.youtube.com/watch?v=IBAa-dW-K-o>.

¹⁸⁵ Irit Tamir, “Supreme Court Declines to Hold Chocolate Giants Accountable for Child and Slave Labor,” Oxfam, August 6, 2021, <https://politicsofpoverty.oxfamamerica.org/chocolate-slave-labor-and-corporate-greed/>. BBC News, “US Supreme Court Blocks Child Slavery Lawsuit Against Chocolate Firms,” June 18, 2021, <https://www.bbc.com/news/world-us-canada-57522186>. Robert Barnes and Peter Whoriskey, “Supreme Court Says Chocolate Companies Cannot Be Sued Over Child Slavery on African Cocoa Farms,” *Washington Post*, June 18, 2021, https://www.washingtonpost.com/politics/courts_law/supreme-court-cocoa-farms-africa-child-slavery/2021/06/17/295ab51e-beed-11eb-83e3-0ca705a96ba4_story.html. Vivienne Walt, “Big Chocolate Wins Its Child-labor Case in Supreme Court,” *Fortune*, June 17, 2021, <https://fortune.com/2021/06/17/child-labor-case-supreme-court-big-chocolate-nestle-cargill-scotus/>. “Supreme Court Backs Nestle, Cargill in Child Slave Labor Suit,” *POLITICO*, June 17, 2021, <https://www.politico.com/news/2021/06/17/supreme-court-ruling-child-slave-labor-495022>.

almost all companies have some program tackling child slavery and forced child labour, their websites proudly proclaiming that child slavery is unacceptable.

The industry will have to adapt and change to gain consumer's trust back and keep their business. The industry has acted in ways that suggest it is not willing to do so, from claiming reporting requirements will result in higher end prices for consumers, and lobbying against stricter regulations to tackle forced child labour and child slavery.

Conclusion

Scandals and the public outrage and media scrutiny they have caused have been essential for change to happen in corporate behaviour. This chapter argues and highlights through the discussion of these three scandals how chocolate is more than just a sweet treat, it is a large industry that has an impact on questions regarding corporate social responsibility, human rights violation, the role of economic factors, the power of public opinion, and the work of journalists. This chapter spotlights how tackling human rights issues is not just a legal concern, it has political and economic implications too; historical and political factors greatly influence how seriously and effectively these issues are dealt with, making the dissonance between the almost universal moral disapproval of child slavery and forced child labour and its widespread use and existence in Ghana's cocoa industry despite the existence of several legal frameworks on all governance levels and corporate promises to eradicate it easier to understand.

Chapter 4: Ghana and Cocoa

Introduction

To think of cocoa is to think of Ghana, to think of Ghana is to think of cocoa. Ghana is the world's second largest producer of cocoa in the world, after Côte d'Ivoire, producing between 20 to 30% of the global output¹⁸⁶, and was the world's largest producer for several decades in the 20th century¹⁸⁷. Ever since its introduction to the country at the end of the 19th century, as explained in chapter 1, the cocoa plant has rapidly grown in importance, coming to define the state of Ghana. Cocoa has been central to the state of Ghana and this industry has been central to the country politically, socially and economically. Cocoa is the country's third largest export after oil and gold¹⁸⁸, the biggest agricultural export, and Ghana's main cash crop. Cocoa production and trade injects around 2 billion dollars per year into the Ghanaian economy.¹⁸⁹ Cocoa's importance in Ghana goes beyond this being one of its main revenues of foreign exchange, a collateral in international loans, and one of the main sources of employment in a fundamentally agrarian economy, providing employment to 42% of the active population¹⁹⁰.

Understanding the importance of the cocoa industry in Ghana is essential to better understand the issue of child labour in the cocoa industry in Ghana and why it is such a widespread violation of children's rights and why it is so difficult to eradicate. This chapter will present and discuss the role of the cocoa industry in Ghana by first discussing its golden age, then explaining what COCOBOD is and its role, the role of cocoa revenue in Ghana's development, the political impact of the crop, its use by Ghana in diplomacy and international relations, the important socio cultural dimension of cocoa in Ghana and the buying and marketing structures of the industry in the country.

¹⁸⁶ "'Ghana Is Cocoa, Cocoa Is Ghana' - OPEC Fund for International Development," <https://opecfund.org>, n.d., <https://opecfund.org/news/ghana-is-cocoa-cocoa-is-ghana>.

¹⁸⁷ M. J. MacLeod, "Cacao," in *Iberia and the Americas: Culture, Politics, and History: A Multidisciplinary Encyclopedia*, ed. J. Michael Francis (Santa Barbara, CA: ABC-CLIO, 2006), 166-167.

¹⁸⁸ "Ghana (GHA) Exports, Imports, and Trade Partners | the Observatory of Economic Complexity," The Observatory of Economic Complexity, n.d., <https://oec.world/en/profile/country/gha>.

¹⁸⁹ Arise News, "GHANA'S COCOA INDUSTRY," August 15, 2023, <https://www.youtube.com/watch?v=DqWjmJUuZD8>.

¹⁹⁰ Lesley White, "Working Paper 53: The Political Economy of the Cocoa Value Chain in Ghana," Future Agricultures, October 28, 2021, <https://www.future-agricultures.org/publications/working-paper-53-the-political-economy-of-the-cocoa-value-chain-in-ghana/>.

Ghana's Cocoa Golden Age

The golden age of cocoa production in Ghana was a period of growth and prosperity in the country. This period began at the turn of the 20th century¹⁹¹, partly due to the issue of the use of slavery in cocoa production in the main producer in Africa at the time, São Tomé, that was discussed in chapters 2 and 3. After the scandal of cocoa from São Tomé being harvested and processed by slaves reached the British, and European, general public, the main British and European chocolate companies could no longer source their cocoa from the islands¹⁹² and needed a new country to buy their cocoa from; Ghana was the country Cadbury's and the other companies chose to buy their cocoa beans from.¹⁹³ This period lasted until the 1970s¹⁹⁴.

The cocoa industry grew rapidly in Ghana. By the decade of the 1920s, 3 decades after the start of the cocoa industry in the country, cocoa was Ghana's leading commodity export earning the country significant revenue.¹⁹⁵ In the 1930s Ghana surpassed Brazil and became the world's biggest producer of cocoa¹⁹⁶; in the 1930s 40% of all the world's cocoa was produced in Ghana¹⁹⁷. Ghana would remain the world's largest producer of cocoa until the 1990s when it was surpassed by Côte d'Ivoire¹⁹⁸. This incredible growth in the cocoa industry was due to Ghana's fertile soil and favourable climate with two wet seasons, which allowed cocoa to thrive and produced a cocoa of high quality¹⁹⁹, and the efforts of Ghanaian farmers themselves, with some support of the colonial administration.²⁰⁰

The golden age of Ghana's cocoa ushered a period of economic growth based on cocoa exports. This time period had a great impact on Ghana's economy, development and laid the groundwork for independence and development post independence.

¹⁹¹ Robert A. Boahen, *Ghana: Evolution and Change in the Nineteenth and Twentieth Centuries* (London: Longman, 1975).

¹⁹² Lowell Satre, *Chocolate on trial slavery politics and ethics* (Ohio: Ohio University Press, 2005), 53-73.

¹⁹³ Ibid.

¹⁹⁴ Shashi Kolavalli and Marika Vigneri, "Cocoa in Ghana: Shaping the Success of an Economy," in *Yes, Africa Can: Success Stories from a Dynamic Continent*, ed. Punam Chuhan-Pole and Manka Angwafo (Washington, DC: World Bank, 2011), 201-217.

¹⁹⁵ Ibid

¹⁹⁶ Eline Poelmans and Johan Swinnen, "A Brief Economic History of Cocoa," in *The Economics of Chocolate*, ed. Mara P. Squicciarini and Johan Swinnen (Oxford: Oxford University Press, 2019).

¹⁹⁷ Headred, "Cocoa and Ghana | Blog - Divine Chocolate," Divine Chocolate, September 10, 2021, <https://www.divinechocolate.com/divine-world/cocoa-and-ghana-2/>.

¹⁹⁸ M. J. MacLeod, "Cacao," in *Iberia and the Americas: Culture, Politics, and History: A Multidisciplinary Encyclopedia*, ed. J. Michael Francis (Santa Barbara, CA: ABC-CLIO, 2006), 166-167.

¹⁹⁹ Gareth Austin, *Labour, Land, and Capital in Ghana: From Slavery to Free Labour in Asante, 1807–1956* (Rochester, NY: University of Rochester Press, 2005).

²⁰⁰ W. T. D. Tudhope, "The Development of the Cocoa Industry in the Gold Coast and Ashanti," *African Affairs* 9, no. 33 (October 1, 1909): 34-45, <https://doi.org/10.1093/oxfordjournals.afraf.a098900>.

Ghana's Cocoa Growing Regions.

Cocoa farming in Ghana is dominated by small-scale producers²⁰¹, the average farm size is 5 hectares²⁰² with many being only 2 hectares²⁰³, and an average yield of 600 to 800 kgs per year²⁰⁴. Ghana's cocoa is mostly grown in Ghana's cocoa belt, in the southern and central part of the country. This cocoa belt is made up of 6 regions: Ashanti, Brong Ahafo, Central, Western, Eastern and Volta²⁰⁵. These regions have come to dominate cocoa production in the country due to their climate and soil. Cocoa is a main source of employment, it is the livelihood of around 800,000 Ghanaian families in Ghana's 6 cocoa growing regions²⁰⁶. With the average household size in Ghana being 5 people, this translates to 4 million people directly depending on cocoa to earn an income.²⁰⁷ Most of Ghana's cocoa farmers do not earn a living income, 90% do not earn a living income and 58% live below the poverty line. Most of the cocoa farmed in Ghana is farmed using traditional methods that are very labour intensive²⁰⁸. This need for labour and the poverty of the farmers is one of the main reasons as to why child labour is so present in Ghana's cocoa industry. Even farmers that want to pay their workers or not have their children working in their farms and would rather have them go to school they simply cannot afford it.²⁰⁹

The Ashanti region is Ghana's most populated region, one in five Ghanaians live here, and Ghana's third largest area, accounting for 10% of Ghana's landmass²¹⁰. The region is famed for its cocoa and gold. Ashanti was the second largest producer of cocoa in the country, producing 165,830 metric tons of cocoa, or 22% of all of Ghana's production²¹¹. Cocoa is essential to the region's economy, accounting for around 30% of its GDP²¹². The importance

²⁰¹ "Cocoa Eco-Project | SNV," n.d., <https://www.snv.org/project/cocoa-eco-project>.

²⁰² Ibid

²⁰³ "Cocoa Growing," n.d., <https://www.cocoalife.org/in-the-cocoa-origins/>.

²⁰⁴ Ibid.

²⁰⁵ La Verle Berry, ed., *Ghana: A Country Study* (Washington, DC: GPO for the Library of Congress, 1994).

²⁰⁶ Arise News, "GHANA'S COCOA INDUSTRY," August 15, 2023, <https://www.youtube.com/watch?v=DqWjmJUuZD8>.

²⁰⁷ Ibid

²⁰⁸ "Empowering Cocoa Farming Families With Cash Transfers," World Economic Forum, January 17, 2024, <https://www.weforum.org/agenda/2024/01/cocoa-farming-families-collaboration-lasting-impact/>.

²⁰⁹ Andreas Becker, "Cocoa Farming, Cheap Chocolate and Child Labor," *Dw.Com*, February 27, 2024, <https://www.dw.com/en/cocoa-farming-cheap-chocolate-and-child-labor/a-55726542>.

²¹⁰ "Ghana: Regions, Major Cities & Urban Localities - Population Statistics, Maps, Charts, Weather and Web Information," n.d., <https://www.citypopulation.de/en/ghana/cities/>.

²¹¹ GCB Strategy & Research Department, "Sector Industry Analysis - Cocoa Sector Report 2022".

²¹² A. Asante-Poku and F. Angelucci, "Analysis of Incentives and Disincentives for Cocoa in Ghana," Food and Agriculture Organization, 2013.

of cocoa in Ashanti is particularly noticeable when looking at the Ahafo-Ano and Atwima districts. In these districts up to 70% of the population is involved in cocoa, through either farming, trading or processing²¹³. The Ahafo-Ano district produces cocoa that is widely praised for its quality, earning Ghana extra revenues through quality premiums. Farmer's in this district use traditional fermenting and drying techniques, which give the cocoa beans that superior taste. Cocoa's influence in Ashanti is not limited to the economy, the crop wields significant political influence here. Farmers' groups and cooperatives play an important role in regional policy making²¹⁴.

The Western region is Ghana's largest cocoa producer. It produces almost half of all of Ghana's cocoa, 332,647 metric tons or 43% of the national production.²¹⁵ This region's economy is built on cocoa. The crop is responsible for over 50% of the region's GDP.²¹⁶ Cocoa is the largest source of employment in the Sefwi Wiawso and Juabeso districts, employing around 60% of the population.²¹⁷ Cocoa has a large political influence in this region. Several parliament members and many in the local government have ties to the cocoa industry. An example would be Joseph Cudjoe, a member of the New Patriotic Party (one of Ghana's two dominant parties), an MP for Effia, a town 10 km away from the region's capital, who is an investment manager in COCOBOD.²¹⁸

Both the Eastern and the Brong Ahafo regions produce 12% of Ghana's cocoa each or around 89,000 metric tonnes²¹⁹. In the Eastern region most of the cocoa is centred in the Atiwa and Kwahu South districts, producing 40% of the region's cocoa²²⁰. As seen in other regions cocoa is the main source of income in the area, half of the population depends on cocoa to earn a livelihood.²²¹ Cocoa's political influence in the Eastern region is seen in the farmer's strong and effective lobbying skills of local policies. The main cocoa producing areas in

²¹³ Kwame S. Amanor, "Global Food Chains, Small-scale Farmers and Socio-economic Transformation in Ghana," *Journal of Agrarian Change* 10, no. 1 (2010): 42-59.

²¹⁴ Shashi Kolavalli and Marika Vigneri, "Cocoa in Ghana: Shaping the Success of an Economy," in *Yes, Africa Can: Success Stories from a Dynamic Continent*, ed. Punam Chuhan-Pole and Manka Angwafo (Washington, DC: World Bank, 2011), 201-217.

²¹⁵ GCB Strategy & Research Department, "Sector Industry Analysis - Cocoa Sector Report 2022".

²¹⁶ Ghana Statistical Service, "Gross Domestic Product 2021," 2022.

²¹⁷ Stephanie Barrientos and Kwadwo Asenso-Okyere. "Mapping Sustainable Production in Ghanaian Cocoa," (2008).

²¹⁸ Ict Dept. Office of Parliament Ghana, "HON. JOSEPH CUDJOE," n.d., <https://www.parliament.gh/mps?mp=6>.

²¹⁹ Ghana Cocoa Board, "Cocoa Production Data by Region," 2020.

²²⁰ James Gockowski and Denis Sonwa, "Cocoa Intensification Scenarios and Their Predicted Impact on CO2 Emissions, Biodiversity Conservation, and Rural Livelihoods in the Guinea Rain Forest of West Africa," *Environmental Management* 48, no. 2 (2011): 307-321.

²²¹ Kwame S. Amanor, "Global Food Chains, Small-scale Farmers and Socio-economic Transformation in Ghana," *Journal of Agrarian Change* 10, no. 1 (2010): 42-59.

Brong Ahafo are Asunafo North and Asutifi. Just like in the case of the Eastern region cocoa farming is the main employer, providing income for just under half of the population.²²² This is the first region in which cocoa does not to be as politically significant.

In the Central region, despite being the second smallest cocoa producing region, it still produces 11% of the country's cocoa.²²³ The areas of Twifo Atti-Morkwa and Assin North are the regions main cocoa growing areas. The economic impact of cocoa in the Central region is harder to discern as this region is not as widely discussed when talking about cocoa production in Ghana, however around 40% of Twifo Atti-Morkwa's population works in the industry, directly or indirectly.²²⁴ The most important economic impact cocoa has in this region is the creation of income for smallholder farmers and export revenues for the region.²²⁵

The Volta region is the smallest cocoa growing region. Its cocoa production only accounts for 1% of the country's output²²⁶, however there are two prominent cocoa producing areas in the region: Hohoe and Ho West. This is the region out of the 6 cocoa growing regions where the least amount of people depend on cocoa for their livelihood at 35% of the population.²²⁷ This can be explained by the dominance of fishing in the region's economy.²²⁸ It must be noted that Volta's fishing industry is also plagued by child slavery and forced child labour.²²⁹ Cocoa has the least political influence in this cocoa growing region.

²²² Stephanie Barrientos et al., "Mapping Sustainable Production in Ghanaian Cocoa," (2008).

²²³ Ghana Cocoa Board, "Cocoa Production Data by Region," 2020.

²²⁴ A. Asante-Poku and F. Angelucci, "Analysis of Incentives and Disincentives for Cocoa in Ghana," *Food and Agriculture Organization*, 2013.

²²⁵ Shashi Kolavalli and Marika Vigneri, "Cocoa in Ghana: Shaping the Success of an Economy," in *Yes, Africa Can: Success Stories from a Dynamic Continent*, ed. Punam Chuhan-Pole and Manka Angwafo (Washington, DC: World Bank, 2011), 201-217.

²²⁶ GCB Strategy & Research Department, "Sector Industry Analysis - Cocoa Sector Report 2022"

²²⁷ Stephanie Barrientos and Kwadwo Asenso-Okyere. "Mapping Sustainable Production in Ghanaian Cocoa," (2008).

²²⁸ "Profile- Volta Region – Ghana Health Service," n.d., <https://ghs.gov.gh/volta-profile-volta-region/>.

²²⁹ "Analytical Study on Child Labour in Lake Volta Fishing in Ghana," DOL, n.d., <https://www.dol.gov/agencies/ilab/analytical-study-child-labour-lake-volta-fishing-ghana>.



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Building a country with cocoa dollars

Cocoa's economic impact in Ghana goes beyond being one of the country's top exports and employing almost half of the population. The economic revenue earned through cocoa exports has funded much of Ghana's development. Profits from cocoa sales were used by the Ghanaian government to fund various development projects²³¹. An example of this phenomenon is the Accra-Tema motorway. This motorway is of great importance in Ghana, being the only motorway in the country and connecting the capital to the country's largest seaport. The construction of this motorway was financed using cocoa revenues²³².

The profits from the cocoa industry have also helped develop Ghana's education infrastructure. Cocoa dollars have been used to build schools and set up education programs. These efforts have increased literacy rates and education enrolment. Cocoa revenues were also used by the Ghanaian government to improve the quality and standard of life in the country by investing them into healthcare. Ghana's national malaria control program was

²³⁰ Priscilla Wainaina, Peter Minang, and Lalisa Duguma, "Application of the TEEB for Agriculture and Food (TEEBAgriFood) Framework; Case of Cocoa and Coffee Agroforestry Value Chains in Ghana and Ethiopia," 2020.

²³¹ Emmanuel Akyeampong and Hippolyte Fofack, "The Contribution of African Women to Economic Growth and Development in Post-Colonial Africa: Historical Perspectives and Policy Implications," *World Bank Policy Research Working Paper No. 6051* (Washington, D.C.: World Bank, 2012).

²³² Robert A. Boahen, *Ghana: Evolution and Change in the Nineteenth and Twentieth Centuries* (London: Longman, 1975).

paid for in part by cocoa revenues. This program has had a significant impact reducing the prevalence of malaria in Ghana²³³. The results of the program have been an improvement in public health and a reduction of Malaria's economic burden on Ghana. The citizens of Ghana reaped the benefits of these government investments of cocoa funds but these also benefited the state as they now had a healthier and more educated and skilled workforce.

Cocoa dollars have been key in the further industrialization of Ghana. Cocoa created a demand for an improvement to the transportation system, mostly in the form of an improvement of the roads and an expansion of the railway network²³⁴. The railway expansion was essential to the industry, Ghana's network had been designed with the gold industry in mind and did not service the cocoa industry²³⁵, increasing production costs and reducing farmer profits. Not only did the industry create the demand, it was cocoa revenue that funded these projects. The Kumasi-Takoradi Railway is a clear example of this. This line connects Kumasi, Ashanti's capital and a key producer of cocoa, to Takoradi, a major port in Ghana. This project was funded through cocoa revenues and this railway line also benefits the cocoa industry as it allows cocoa from the interior regions of Ashanti to the coast to be exported, reducing transportation costs incurred by having to use lorries²³⁶. Cocoa profits were also used by the government to develop other economic sectors such as manufacturing to avoid the economic over reliance on cocoa, a crop known to suffer rapid shifts in prices.

Cocoa revenue's impact on Ghana's development was strongest in the decades of 1950 and 1960, especially post independence. During this time frame cocoa profits made up a significant portion of the government's budget. The boom in public infrastructure and investment seen during this time was created by the cocoa boom and funded with cocoa funds. It is important to remember that this was happening during Ghana's cocoa golden age, at this point it was still the world's largest producer and reaping the benefits of increased consumer demand for chocolate post the second world war. Cocoa production and Ghana's

²³³ "National Malaria Elimination Program (NMEP) – Ghana Health Service," n.d., <https://ghs.gov.gh/national-malaria-elimination-program-nmep/>.

²³⁴ Lesley White, "Working Paper 53: The Political Economy of the Cocoa Value Chain in Ghana," Future Agricultures, October 28, 2021. <https://www.future-agricultures.org/publications/working-paper-53-the-political-economy-of-the-cocoa-value-chain-in-ghana/>.

²³⁵ Ibid

²³⁶ Benjamin Alomatu, "Railway Project - GIPC," GIPC, June 19, 2023, <https://www.gipc.gov.gh/railway-project/>.

development are interlinked and cocoa funds have been a very important tool in funding public investment²³⁷.

Political Impact

Cocoa is a force to be reckoned with within Ghanaian politics. This is true at all levels of government with cocoa farmers being influential in local politics, and effective lobbyists, parliament members being actively involved or having ties to the industry and politicians openly courting the vote of those involved in cocoa. Politicians at all levels in the country understand that cocoa can make or break political success and due to its status as a political commodity, to cut cocoa prices is to lose votes.²³⁸

Cocoa political influence is not a recent phenomenon. It was the anger and resistance of cocoa farmers to the heavy taxes imposed on them by the British colonial administration that laid the basis for the rise of nationalist movements and later on the fight for independence. The 1930s and 1940s were marked by boycotts and protests organised by cocoa farmers. The most significant of these protests happened from 1937-1938; farmer's withheld their cocoa from their market to show anger against price reductions²³⁹. Leaders of the independence movement used the grievances and complaints of cocoa farmers to gain and mobilise support. Cocoa also aided the nationalist and independence movements economically. Political campaigns, rallies and newspapers were all paid for using revenue from the cocoa industry. It was cocoa dollars that allowed Kwame Nkrumah's Convention People's Party to build a political movement that could challenge Britain's colonial rule of Ghana and gain independence²⁴⁰. Nkrumah was incredibly popular in the cocoa-growing regions, this political support strongly influenced Ghana's path to independence.

Cocoa's political impact did not end after independence, on the contrary one could argue that cocoa's political clout only increased in post colonial Ghana. One of the central issues in newly independent Ghana was the management of cocoa revenues²⁴¹. Political control of

²³⁷ Ryan Saylor, *Nationalist Politicians Squander State Building Opportunities while Fleecing Cocoa Exporters in Ghana, 1945–1966*, in *State Building in Boom Times: Commodities and Coalitions in Latin America and Africa* (Oxford: Oxford University Press).

²³⁸ Arise News, "GHANA'S COCOA INDUSTRY," August 15, 2023, <https://www.youtube.com/watch?v=DqWjmJUuZD8>.

²³⁹ William H. Becker, "The Colonial Economy of Ghana: Cocoa and Social Change," *Journal of Economic History* 32, no. 2 (1972): 355-377.

²⁴⁰ Ibid

²⁴¹ Tony Killick, *Development Economics in Action: A Study of Economic Policies in Ghana* (London: Routledge, 2010).

cocoa regions and profits translated into political power, this is similar to the role of cocoa in the Itzan society, discussed in chapter 2. Nkrumah, funded his development plans for a modern and industrialised Ghana with cocoa revenue²⁴². These projects were mostly focused on industrialization and infrastructure development, with the aim of transforming Ghana into an industrialised nation that was less dependent on raw material exports. Cocoa thus bankrolled Nkrumah political project to build a modern, and most importantly self-sufficient Ghana. Successive governments sought to control and benefit from cocoa earnings. However, this state control of cocoa rents did lead to corruption and mismanagement.

Ghana's COCOBOD has been stained by constant corruption scandals. In 2017 COCOBOD's former CEO was charged with 27 corruption charges, which lead to a high profile criminal case in 2024²⁴³. COCOBOD has also been accused of nepotism, money laundering, embezzlement, and other forms of corruption²⁴⁴. The corruption seen in Ghana's cocoa industry is not just economic corruption, political corruption is also present as politicians appoint loyalists to key positions in COCOBOD and there are several accusations that COCOBOD contracts were awarded not on the basis of merit but rather on those of political connections²⁴⁵. This corruption did dampen the effects of cocoa revenues on development and created distrust of the political system.

Cocoa's political influence can also be observed in cocoa farmer's lobby groups and associations. These lobbying and advocacy groups wield significant political power on the local and national level. The work of the Ghana Cocoa, Coffee and Sheanut Farmers Association has been crucial in lobbying the government for better prices, inputs, and services for cocoa producers²⁴⁶. These lobbying organisations allow farmers to influence policy decisions as well as give them a voice in national political debates in Accra, a city that

²⁴² Ibid

²⁴³ "Former COCOBOD Boss Charged With 27 Counts of Causing Financial Loss » Ghana Integrity Initiative," n.d., <https://www.tighana.org/media/news/trending-corruption-news/former-cocobod-boss-charged-with-27-counts-of-causing-financial-loss/>. "COCOBOD Trial: Opuni Declines to Testify, Relies on His 11 Witnesses' Testimony," *GhanaWeb*, February 13, 2024, <https://www.ghanaweb.com/GhanaHomePage/NewsArchive/COCOBOD-trial-Opuni-declines-to-testify-relies-on-his-11-witnesses-testimony-1916480>.

²⁴⁴ Cocobod, Re: Allegations Of Nepotism, Corruption And Money Laundering At Ghana Cocoa Board, N.D., <https://Cocobod.Gh/News/Re-Allegations-Of-Nepotism-Corruption-And-Money-Laundering-At-Ghana-Cocoa-Board>.

²⁴⁵ Reuters, "Corruption, Mismanagement Hurt Ghana Cocoa Industry - World Bank," *Reuters*, June 5, 2017, <https://www.reuters.com/article/idUSL8N1IX71K/>.

²⁴⁶ GNA, "Cocoa Coffee Sheanut Farmers Association Demands Solar Torch From COCOBOD for Farmers," Ghana News Agency, November 28, 2023, <https://gna.org.gh/2023/11/cocoa-coffee-sheanut-farmers-association-demands-solar-torch-from-cocobod-for-farmers/>.

is much more disconnected from the realities of the mostly rural populations that depend on cocoa.

Cocoa farmer's political influence extends beyond lobbying and advocacy, to this day cocoa farming regions have significant electoral importance in Ghana. This prompts political parties to target these areas. As mentioned before cocoa in Ghana is a political commodity and governmental decisions regarding cocoa can make or break their election. Political parties seek to attract votes from cocoa farmers with the use of clientelism²⁴⁷. Clientelism is a form of political patronage in which the politician gets votes and in exchange they provide the clients with certain benefits. The benefits in the case of the cocoa growing regions in Ghana are the promises of better prices, improved infrastructure, and greater support for farmers. There is a reason why politicians focus so much on gaining the votes of cocoa farmers, they can be decisive in elections, and can help maintain stability. A clear example of the attention and importance politicians give to cocoa farmer's votes is the 2008 general election²⁴⁸. The lead up to this election was marked by promises to the cocoa sector, from general promises for improvement to pledges to increase the producer price, and provide more support for farmers.

The cocoa sector has deep political ramification in Ghana. It has remained a focal point of political commentary and debate since the industry's boom in the 20th century, it has influenced policy decisions and governance practices. Political leaders often use cocoa revenues to gain favour with the electorate in a clientelistic form of political patronage, promising investments in cocoa-growing regions in exchange for votes. The sector's importance in the national economy ensures that it remains a significant topic in political campaigns and policy-making. Cocoa in Ghana both possess political power and bestows political power upon those that gain the approval of cocoa farmers.

²⁴⁷ Lindsay Whitfield et al., "Ghana: Competitive Clientelism and Weak Capitalists," in *Cambridge University Press eBooks*, 2015, 233–62, <https://doi.org/10.1017/cbo9781316225509.009>.

²⁴⁸ Jesse Salah Ovidia, "Stepping Back From the Brink: A Review of the 2008 Ghanaian Election From the Capital of the Northern Region," *Canadian Journal of African Studies / Revue Canadienne Des Études Africaines* 45, no. 2 (2011): 310–40, <https://www.jstor.org/stable/23236957>.

Cocoa Diplomacy And International Relations

The political influence of cocoa in Ghana goes beyond its national politics and has become a cornerstone of Ghana's diplomacy and international relations, through its position as a main cocoa producing country, its active involvement in international organisations and efforts regarding the cocoa industry and its use of cocoa in gastro diplomacy.

Ghana has used its role as a leading cocoa producer as leverage in international trade negotiations. Ghana along with Côte d'Ivoire has been at the forefront of efforts to secure better cocoa prices on the global market, creating the so-called African cocoa cartel²⁴⁹. The Côte d'Ivoire – Ghana Cocoa Initiative is a cocoa cartel created by the presidents of both countries modelled after oil's OPEC²⁵⁰. In 2019 the cartel demanded buyers pay a premium of 400 dollars per tonne of cocoa, a 16% mark up on market prices at the time²⁵¹. This premium is called the Living Income Differential. The differential is an attempt to address cocoa farmer poverty, which as mentioned previously is high, by raising the farmgate price and the farmers' share from the value of the global chocolate market. The aim of this initiative is to bring farmer earnings closer to a decent standard of living income. This project is complemented by price stabilising funds to account for fluctuating farm gate prices. Farmers under this system are guaranteed a price of 1820 dollars per tonne of cocoa beans, if prices fall below 2600 dollars per tonne the stabilising funds are used and if prices go above 2900 dollars the excess profit is added to the funds²⁵². There have been some concerns and criticisms of the Living income Differential program²⁵³, but due to how new it is and the effects of COVID-19 it is currently too soon to say if these concerns are fair and the model should be tweaked. Major chocolate manufacturers and consumer countries such as the EU, the USA and Japan were involved in the negotiations of this scheme. Ghana's ability to implement this premium highlights its trading power and the important role cocoa plays in its foreign policy.

²⁴⁹ Cocobod, "Nigeria, Cameroon Express Further Interest In Joining Côte D'ivoire – Ghana Cocoa Initiative" October 12 2022,

<https://cocobod.gh/news/nigeria-cameroon-express-further-interest-in-joining-c%C3%B4te-divoire-ghana-cocoa-initiative>.

²⁵⁰ Emiko Terazono, "Choc Tactics: Ghana and Ivory Coast Plot 'Opec for Cocoa,'" *Financial Times*, July 19, 2019, <https://www.ft.com/content/0b45b450-a961-11e9-984c-fac8325aaa04>.

²⁵¹ Alexandra Wexler and Thierry Gouegnon/Reuters, "Cocoa Cartel Stirs up Global Chocolate Market," *WSJ*, January 5, 2020, <https://www.wsj.com/articles/new-cocoa-cartel-could-overhaul-global-chocolate-industry-11578261601>

²⁵² Ole Boysen et al., "Impacts of the Cocoa Living Income Differential Policy in Ghana and Côte D'Ivoire," *JRC Publications Repository*, n.d., <https://doi.org/10.2760/984346>.

²⁵³ "Why The African Cocoa Cartel Is a Bad Idea," *The Economist*, November 24, 2022, <https://www.economist.com/middle-east-and-africa/2022/11/21/why-the-african-cocoa-cartel-is-a-bad-idea>.

Ghana's international efforts regarding the cocoa industry have not been limited to economic gains and farmer poverty. Ghana has also been active in promoting sustainable cocoa aided by its international partners. Ghana's efforts regarding sustainability have improved its global reputation as a responsible producer, addressing concerns about deforestation and climate change and reinforcing Ghana's diplomatic relations with countries and organisations concerned by and committed to sustainable development²⁵⁴. Examples of sustainability initiatives undertaken by the Ghanaian government with the collaboration of international actors are its programs with the World Cocoa Foundation and the Rainforest Alliance²⁵⁵ that are focused on increased productivity, environmental sustainability, and bettering social conditions for cocoa farmers, as well as the Mondelēz International Cocoa Life program developed and enacted in conjunction with Ghanaian authorities.²⁵⁶ This program aims just like the ones by the World Cocoa Foundation and the Rainforest Alliance to encourage and support sustainable cocoa farming and improve the livelihoods of cocoa farming communities.

The Ghanaian government is an active participant in several multilateral forums regarding cocoa where it advocates for the interests of cocoa-producing countries. Ghana is a member of the World Cocoa Foundation²⁵⁷, through its membership in the organisation Ghana interacts and collaborates with other actors involved in the chocolate industry such as other producer countries, chocolate manufacturers, and NGOs. All these actors collaborate to tackle issues in the cocoa sector, such as child labour, deforestation, and farmer poverty, and promote fair trade practices. Ghana's diplomatic and advocacy effort has also led them to work with international organisations such as the United Nations, the International Labour Organisation, and the World Trade Organization²⁵⁸ to address issues specific to cocoa-producing regions.

The Ghanaian government has used cocoa in its cultural diplomacy through the use of gastrodiplomacy. Gastrodiplomacy is the use of food and cuisine to create cross-cultural

²⁵⁴ World Cocoa Foundation, "Cocoa Sustainability" <https://www.worldcocoafoundation.org/about-cocoa/cocoa-sustainability/>.

²⁵⁵ Ibid

²⁵⁶ "In Ghana," n.d., <https://www.cocoalife.org/in-the-cocoa-origins/cocoa-life-in-ghana/>.

²⁵⁷ "Mawuli Coffie – Team – World Cocoa Foundation," World Cocoa Foundation, n.d., <https://worldcocoafoundation.org/experts/mawuli-coffie>.

²⁵⁸ "Working Together to Tackle Child Labour in Ghana – New Collaborative Projects Launched," ICI Cocoa Initiative, n.d., <https://www.cocoainitiative.org/news/working-together-tackle-child-labour-ghana-new-collaborative-projects-launched>.

understanding to foster and improve interactions and cooperation²⁵⁹. Ghana uses cocoa to expand its soft power and promote its culture and heritage on the global arena. Ghana showcases and promotes its cocoa and its importance in the country's culture, history and identity with events like National Chocolate Day²⁶⁰. Events like this help to strengthen Ghana's cultural ties with states, enhancing its soft power. Ghana regularly participates in international trade fairs and exhibitions where it promotes its unique cocoa varieties and the cultural practices associated with cocoa farming²⁶¹. This helps build brand recognition for Ghanaian cocoa, distinguish it from competing producing countries, adds value to Ghanaian cocoa and reinforces the country's broader foreign policy efforts .

Socio-Cultural Impact

Cocoa production has had a significant and multifaceted socio-cultural impact on Ghana. Cocoa has had an impact on a diverse set of socio-cultural issues from economic empowerment, to community development, to shaping cultural practices, to addressing social issues. As mentioned throughout this chapter cocoa has played a crucial role in the lives of Ghanaians and on the state of Ghana.

Cocoa has played a large role in social cohesion. Farmers work in a collaboration to produce cocoa and cooperate by pooling resources and sharing knowledge, techniques and technology²⁶². This sharing of knowledge and labour has created a strong sense of community among cocoa farmers. Cocoa has also served as an intergenerational link as cocoa customs and traditional practices are passed down from one generation to another²⁶³. This has made cocoa become a key part of Ghana's cultural heritage.

The social impact of the cocoa industry is not exclusive to cocoa farmers, or cocoa producing regions, it extends to the entire country. Cocoa revenues and the wealth that cocoa exports

²⁵⁹Sam Chapple-Sokol, "Culinary Diplomacy: Breaking Bread to Win Hearts and Minds", *The Hague Journal of Diplomacy* 8, 2 (2013): 161-183, doi: <https://doi.org/10.1163/1871191X-12341244>

²⁶⁰ Mark Acheampong, "Chocolate Day: Ghana's Antidote to Sexual Immorality," Vice Versa Global, February 12, 2024, <https://www.viceversaglobal.com/chocolate-day-ghanas-antidote-to-sexual-immorality/>.

²⁶¹ "Moroccans 'scramble' for Ghana Chocolate at Agric Fair," n.d.,

<https://www.goldentreeghana.com/blog-news/news/45-moroccans-scramble-for-ghana-chocolate-at-agric-fair>.

²⁶² Samuel Anuga, "Peasant Organisations in Ghana: Major Players of Sustainable Development," *Grain de Sel Inter-Réseaux Développement Rural Magazine*, vol. 78, July-December 2019, 2020.

²⁶³ Ibid

have created for Ghana has allowed a prosperous middle class to rise²⁶⁴. This middle class has been a main force in the country's post independence social and political transformation. The presence of a growing middle class has been associated with democratic consolidation in Ghana. They have also advocated for greater transparency, accountability, and fairer distribution of resources in the country²⁶⁵.

Cocoa's economic benefits, discussed previously in the chapter, have had a great impact on rural areas. Cocoa revenue has allowed for investments in key areas such as education and healthcare resulting in improvements in said areas which in turn has allowed greater social mobility²⁶⁶. Cocoa profits have also allowed greater investment in infrastructure in rural areas. These investments have led to better roads and improved access to clean water among other things. This has raised the quality of life in rural areas as well as contributing to Ghana's overall development.

Cocoa is a key feature and identifier of Ghana's culture, traditions, celebrations, and national identity. An essential part of Ghana's national identity are the annual Cocoa Day celebrations organised by COCOBOD. Festivals like this one and other events that celebrate cocoa harvest are common, highlighting once more how central the crop is to local communities. These festivities include parades, cultural performances, and community gatherings, reinforcing social ties, a sense of community and the importance of cocoa in Ghanaian society. These celebrations do not just celebrate and reinforce the importance of cocoa in the country, they are also a space to celebrate, preserve and promote Ghanaian heritage, through traditional music, dance, and cuisine.

The last socio-cultural impact will be the cocoa industry's ability to create national pride and self-reliance in Ghanaian cocoa farming communities. Rural cocoa areas feel empowered by their ability to produce a highly desired commodity. Ghanaian's pride themselves in their resilience and resourcefulness, the cocoa industry is seen as a clear example of these values

²⁶⁴ Clemens Breisinger, Xinshen Diao, Shashi Kolavalli, and James Thurlow. 2008. "The Role of Cocoa in Ghana's Future Development." *Ghana Strategy Support Program (GSSP) Background Paper* no. 11.

²⁶⁵ Robert Luckham, Emmanuel Gyimah-Boadi, Wisdom Ahadzie, and Nana Boateng. 2005. "The Middle Classes and Their Role in National Development." *CDD/ODI Policy Brief*, no. 3.

²⁶⁶ G. E. Hurd and T. J. Johnson, "Education and Social Mobility in Ghana," *Sociology of Education* (1967): 55-79.

having survived disease, challenges posed by climate change, competition from other producer countries, and unstable prices²⁶⁷.

COCOBOD

Unlike in other West African cocoa producing countries the cocoa industry in Ghana is not liberalised. The industry has been regulated by COCOBOD, Ghana's cocoa board, since 1947, a full decade before the country's independence²⁶⁸. COCOBOD is a governmental institution that works under the country's Ministry of Food and Agriculture²⁶⁹, with a government appointed board of directors, reflecting the strong influence of cocoa in politics and politics in the Ghanaian cocoa industry, the board employs 10,000 people.²⁷⁰ The mandate of this institution is to encourage production, control disease and pests, and to regulate the purchase, marketing, and exports of all Ghanaian cocoa and cocoa products. Beyond this mandates COCOBOD determines and fixes an annual producer price, it sets up and regulates purchasing organisations, and provides farmers with access to seedlings and credit. COCOBOD is in charge of the entire cocoa value chain in Ghana, from harvesting to exporting²⁷¹. The main aim of the board is to protect farmers from the price volatility²⁷² that shapes the cocoa market mentioned in chapter 1. Surprisingly despite Ghana's commitment to sustainable cocoa production mentioned before, there is no mention of COCOBOD having to ensure Ghana's cocoa is produced sustainably²⁷³. The board also manages the Cocoa stabilisation funds discussed in previous sections of the chapter²⁷⁴.

COCOBOD is divided into 4 subsidiaries²⁷⁵. This allows each subsidiary to specialise and focus on a specific aspect of the cocoa industry in Ghana. The Cocoa Research Institute of Ghana is tasked with conducting research on cocoa agronomy, pest and disease management,

²⁶⁷ Juliet Etefe, "Chocolate Week Fosters Sense of National Pride, Unity – COCOBOD," The Business & Financial Times, January 11, 2024, <https://thebftonline.com/2024/01/11/chocolate-week-fosters-sense-of-national-pride-unity-cocobod/>.

²⁶⁸ Client Earth, *Cocoa Research Briefing 1: Legal & Institutional Framework for Cocoa Production & Trade in Ghana*, July 2022.

²⁶⁹ MoFA, "About us" mofa.gov.gh/site/about-us/about-the-ministry

²⁷⁰ Arise News, "GHANA'S COCOA INDUSTRY," August 15, 2023, <https://www.youtube.com/watch?v=DqWjmJUuZD8>.

²⁷¹ Client Earth, *Cocoa Research Briefing 1: Legal & Institutional Framework for Cocoa Production & Trade in Ghana*, July 2022.

²⁷² "Cocobod - Objectives and Functions of the Board," n.d., <https://cocobod.gh/objectives-of-board>.

²⁷³ Client Earth, *Cocoa Research Briefing 1: Legal & Institutional Framework for Cocoa Production & Trade in Ghana*, July 2022.

²⁷⁴ Ibid.

²⁷⁵ "Cocobod - Subsidiaries and Divisions," n.d., <https://cocobod.gh/subsidiaries-and-divisions>.

and the development of improved cocoa varieties²⁷⁶. This helps protect Ghanaian cocoa from the threat of pests and diseases such as mealybug or swollen shoot virus disease²⁷⁷. The second subsidiary is the Quality Control Company, whose role is to ensure that cocoa beans produced in Ghana meet international quality standards; they do so through rigorous inspection and certification processes²⁷⁸. Maintaining high quality standards is of great importance as manufacturers pay premiums for higher quality beans and for Ghanaian cocoa beans to be associated with high quality provides them a prestige that can then be used by the Ghanaian government in its cocoa diplomacy. The role of the Cocoa Marketing Company is to manage the marketing and export of all cocoa beans and cocoa products to the global chocolate market. They negotiate buying contracts with major producers and importer countries; their aim is to obtain beneficial conditions and prices for Ghanaian cocoa. Their second function is to organise the logistics of transporting cocoa from the farms to the buyers. This includes arranging transport, storage and warehousing, and finally shipping, ensuring the beans are in optimal condition and do not rot during the process²⁷⁹. The final subsidiary is the Cocoa Health and Extension Division. This division provides farmers with training and education on best farming practices, how to manage and control diseases that affect their cocoa plants, and the correct usage of fertilisers and pesticides, including safety procedures²⁸⁰. They are also in charge of schemes that aim to improve farmer's living standards such as a pension scheme for cocoa farmers and a rehabilitation program that helps farmers rejuvenate old and unproductive cocoa plants²⁸¹.

COCOBOD's legacy is mixed. It has achieved successes in Ghana's cocoa industry. COCOBOD programs such as the pension scheme for cocoa farmers have improved the lives of rural cocoa communities, and under COCOBOD's management cocoa funds have been invested back into cocoa communities in the form of social services, new schools, healthcare and infrastructure like roads. However, COCOBOD is plagued by accusations of corruption,

²⁷⁶ "Cocobod - Cocoa Research Institute of Ghana," n.d.,

<https://cocobod.gh/subsidiaries-and-divisions/cocoa-research-institute-of-ghana>.

²⁷⁷ A.W. Francis et al., "The Passionvine Mealybug, *Planococcus minor* (Maskell) (Hemiptera: Pseudococcidae), and Its Natural Enemies in Cacao Agroecosystem in Trinidad," 2012,

https://www.worldcocoaoundation.org/wp-content/uploads/files_mf/francis2012.pdf. M. Gilmour, J. Croyzer, and C. Kouame, "Cocoa Swollen Shoot Virus Disease,"

n.d., <https://www.worldagroforestry.org/sites/default/files/BrochureCocoa-Swollen-Shoot-Virus-Disease.pdf>.

²⁷⁸ "Cocobod - Quality Control Company," n.d., <https://cocobod.gh/subsidiaries-and-divisions/quality-control-company>.

²⁷⁹ "Cocobod - Cocoa Marketing Company," n.d., <https://cocobod.gh/subsidiaries-and-divisions/cocoa-marketing-company>.

²⁸⁰ "Cocobod - Cocoa Health and Extension Division," n.d.,

<https://cocobod.gh/subsidiaries-and-divisions/cocoa-health-and-extension-division>.

²⁸¹ Cocoa Health and Extension division, "Cocoa Health and Extension Division," n.d., https://www.ched.com.gh/website/farmers_pension.html.

mismanagement, clientelism and nepotism, mismanagement and embezzlement. The board is seen as intransparent, a highly politicised institution that is not held accountable for its failings. Some scholars have suggested that COCOBOD harms Ghana's cocoa industry and that Ghana ought to follow the example of its neighbours and liberalise the industry²⁸².

Buying and marketing structure

Buying and marketing cocoa in Ghana is a highly complex and organised system. Cocoa cannot be directly purchased from the farmer. COCOBOD has a monopoly on cocoa purchases in Ghana. This means that the only ones allowed to purchase cocoa in Ghana is COCOBOD²⁸³. Beyond this, no one is permitted to market or export any cocoa that is not property of COCOBOD, with the exception of cocoa which has been graded and sealed, and its export has the written authorisation of COCOBOD's certifying authority²⁸⁴. These current rules mean local chocolatiers and manufacturers cannot buy from producers directly but must buy from export companies and pay high duties making production in Ghana more costly.²⁸⁵ This is one of the main reasons why despite the prominence of cocoa production in Ghana, chocolate making in the country is still a very small and underdeveloped industry²⁸⁶.

The first step in the buying process are the Licensed Buying Companies. These are private companies that obtain licences from COCOBOD to purchase beans directly from farmers, producer cooperatives, or buying centres. These companies are a middlemen between the producers and COCOBOD.²⁸⁷ They are in charge of transporting the beans to one of COCOBOD's depots or warehouses, where the processing and exporting process will continue. They are also tasked with the role of inspecting and grading the quality of beans, as well as weighing them. Farmers get paid in accordance to weight and quality. There have been allegations of the scales used being manipulated and underweighting the beans by as much as 9 kilos, conning the farmers and underpaying them.²⁸⁸ Once these companies are

²⁸² Marika Vigneri and Paulo Santos, "Ghana and the Cocoa Marketing Dilemma: What Has Liberalisation without Price Competition Achieved," *ODI Project Briefing*, no. 3 (2007).

²⁸³ Client Earth, *Cocoa Research Briefing 1: Legal & Institutional Framework for Cocoa Production & Trade in Ghana*, July 2022.

²⁸⁴ Ibid

²⁸⁵ Arise News, "GHANA'S COCOA INDUSTRY," August 15, 2023, <https://www.youtube.com/watch?v=DqWjmJUuZD8>.

²⁸⁶ African Hidden Champions Initiative, "From Wall Street to Making Chocolate in Ghana," *How We Made It in Africa*, November 28, 2022, <https://www.howwemadeitinafrica.com/from-wall-street-to-making-chocolate-in-ghana/149107/>.

²⁸⁷ David Boansi, "Competitiveness and Determinants of Cocoa Exports from Ghana," *International Journal of Agricultural Policy and Research* 1 (2013): 236-254.

²⁸⁸ Ibid

done with the beans, the cocoa is transported by private haulers to collection points in Tema and Takoradi.

The prices the Licensed Buying Companies pay farmers for cocoa in Ghana are fixed for a year. This annual producer price is announced by COCOBOD just before the cocoa season²⁸⁹. This price fixing has both a positive and negative impact on Ghanaian cocoa. Farmers are provided with greater stability due to the price fixing, which is of great importance to cocoa due to its propensity to booms and busts. Farmers are further protected from the market because regardless of how much cocoa farmers produce COCOBOD is always willing to buy it, therefore shielding cocoa from the demand and supply price booms and busts that affect other agricultural products in the country such as tomatoes or corn.²⁹⁰ The negative effect of COCOBOD's price fixing is that since prices are fixed from October to September, unlike in the neighbouring countries of Côte d'Ivoire and Togo, Ghanaian farmers do not benefit from mid-season cocoa price increases as producers from other countries do. As a result of this when the dollar appreciates and prices at the international market rise Ghanaian beans get smuggled to these countries to be sold there for a higher price than they would sell for in Ghana.²⁹¹

At this point of the process the Cocoa Marketing Company is in charge of the cocoa. The beans are stored in climate controlled warehouses to ensure that their quality is preserved and the beans do not spoil and rot. The Cocoa Marketing Company works with shipping companies to ensure the smooth and timely transportation of the cocoa beans to comply with the contracts it has negotiated with international and national buyers.²⁹² Once the beans leave these warehouses they will be shipped to their final destination to be turned into chocolate products.

Throughout the entire process the Quality Control Division is conducting quality checks to ensure that the beans they export are in line with international and market standards. It is also important to remember that COCOBOD supervises this entire process and the government

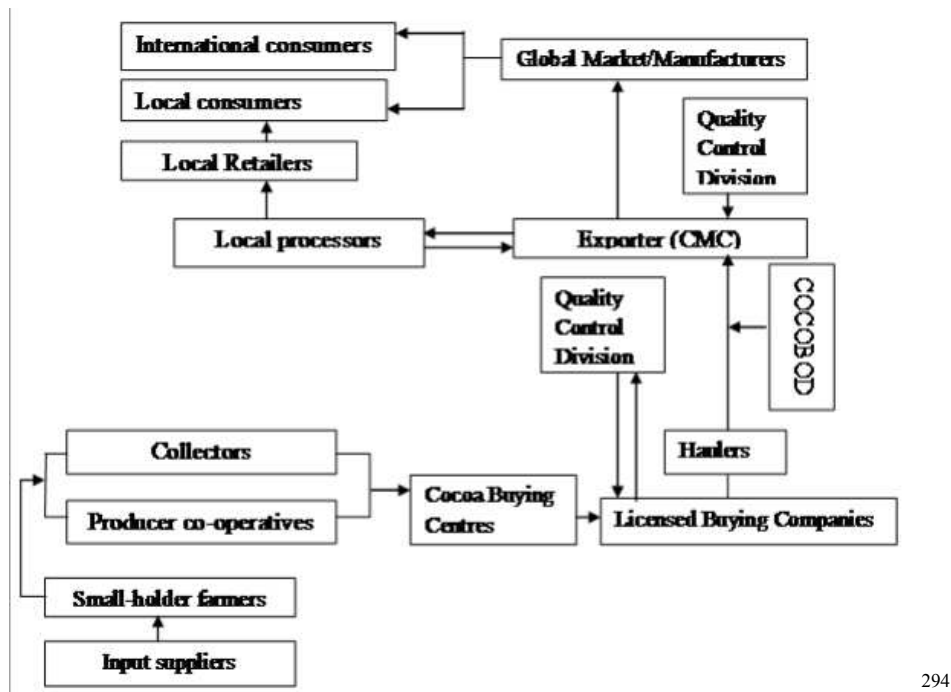
²⁸⁹ Ibid

²⁹⁰ Arise News, "GHANA'S COCOA INDUSTRY," August 15, 2023, <https://www.youtube.com/watch?v=DqWjmJUuZD8>.

²⁹¹ Ibid.

²⁹² David Boansi, "Competitiveness and Determinants of Cocoa Exports from Ghana," *International Journal of Agricultural Policy and Research* 1 (2013): 236-254.

plays a very big role in Ghana’s cocoa production, even in the stages where private companies are involved such as the buying phase²⁹³.



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Child labour and Ghanaian Chocolate

Child labour in Ghana’s cocoa industry will be explored and discussed at length in chapter 6. However it must be acknowledged that the use of child labour along with deforestation and sustainability is one of the biggest issues and concerns in Ghana’s cocoa industry²⁹⁵. Despite several efforts from different levels of governance from the international community to the local Ghanaian government to address this problem, children are still involved in cocoa production in Ghana, sometimes even having to carry out hazardous work on cocoa farms²⁹⁶. Poverty, limited access to education, and inadequate labour regulations are the main factors behind the prevalence of this issue.

²⁹³ Ibid

²⁹⁴ Ibid

²⁹⁵ Lesley White, “Working Paper 53: The Political Economy of the Cocoa Value Chain in Ghana,” Future Agricultures, October 28, 2021.

²⁹⁶ “Child Labour in Cocoa,” ICI Cocoa Initiative, n.d., <https://www.cocoainitiative.org/issues/child-labour-cocoa>.

Conclusion

Cocoa is of great importance in Ghana, with a saying even claiming “Ghana is cocoa, cocoa is Ghana”. The crop is one of the main pillars of Ghana’s economy. Cocoa generates rents and foreign currency reserves for the country and has funded much of its public investment. Cocoa is a source of political power and a key voter base during elections but the cocoa industry is highly politicised, COCOBOD the main regulatory body of Ghana’s cocoa industry is politically appointed. Cocoa plays a role in Ghana’s international relations and diplomatic strategy. Cocoa is intertwined with the country’s national identity and is one of its main symbols. This chapter has aimed to put into perspective how deep and vast cocoa’s influence is in Ghana and to truly highlight its importance for the Ghanaian economy, politics and culture.

Chapter 5: Existing legislation

Child labour is a widespread issue that affects 160 million children worldwide²⁹⁷. Agriculture is the sector most affected by this issue, as 70% of all child labourers work in agriculture²⁹⁸. This amounts to 112 million children. Out of those 112 million children between 1.5-2.1 million children work in the cocoa plantations of West Africa²⁹⁹. As a response to the far reaching issue of child labour legislation has been created on all levels of government.

This chapter will explore the main legal frameworks that define, regulate and tackle child labour and forced labour. The chapter will begin with a discussion of the different legal frameworks that currently exist. First legislation on the international organisations level will be discussed, mainly ILO and UN conventions. The next section of the chapter will focus on legislation by regional organisations: the African Union, the Economic Community of West African States and the European Union. This discussion will be followed by an analysis of legislation regarding child labour on the national level, examining the current laws in Ghana. This chapter will follow by zooming in on the issue of child labour and forced labour in cocoa with a discussion of legislation that directly targets and regulates the use of child labour and attempts to eradicate forced labour in the cocoa industry. This section on legislation will end with the discussion of five key legal cases regarding forced child labour in the cocoa industry in West Africa.

²⁹⁷ United Nations International Children's Emergency Fund and International Labour Organization, "Child Labour: Global Estimates 2020, Trends and the Road Forward," UNICEF DATA, October 14, 2022, <https://data.unicef.org/resources/child-labour-2020-global-estimates-trends-and-the-road-forward/>.

²⁹⁸ Ibid.

²⁹⁹ Food Empowerment Project, "Child Labor and Slavery in the Chocolate Industry - Food Empowerment Project," May 1, 2024, <https://foodispower.org/human-labor-slavery/slavery-chocolate/>. Antonie Fountain and Friedel Huetz-Adams "Cocoa Barometer 2020 Index." n.d. <https://voicenetwork.cc/wp-content/uploads/2020/12/2020-Cocoa-Barometer.pdf>.

ILO

Minimum Age Convention (No. 138)³⁰⁰

Influenced by the United Nations Human Rights Declaration from 1948, and the human rights movement in general the ILO's convention from 1973 was created to expand and unify child labour international standards, up to that point conventions had only focused on specific sectors such as agriculture, fishing or mining. This convention regulates the minimum acceptable age to enter employment. Several of the articles of this convention are relevant to the issue of child labour and create a legal framework surrounding this problem. The following paragraphs will highlight and discuss the most relevant articles and what they mean for the legal framework against child labour.

Article 1 explicitly spells out the responsibility of states to design and implement policy that effectively abolishes child labour and allows the proper development of the child before they enter the work force. This highlights how the legal framework regarding child labour is multi level ranging from the international to the national and local level of governance and how international commitments bear national responsibilities.

Article 2.3 states that the minimum age for work cannot be lower than that of compulsory education. This reinforces the importance of education for children, both for their development, mental and social, and for their economic well being. This provision reinforces that schooling is essential for children and work cannot replace the children's right to an education.

Article 3.1 establishes that the minimum age for work that could harm children's health, safety or morals is eighteen years old. This shows that not all types of work performed by children are equal, that not all tasks are suitable for children to do and that any form of hazardous work carried out by children, which is an issue in the cocoa industry that will be

³⁰⁰ International Labour Organization, "Convention C138 - Minimum Age Convention, 1973 (No. 138)," n.d., https://normlex.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C138.

discussed in chapter 6, is inadmissible and contrary to the convention and the rights of the child.

Article 7 does allow light work to be carried out by children between the ages of 13 and 15. This light work as specified by this article does not fall under child labour. For work to be considered light work it must not harm the child nor interfere with its education. Therefore children working in cocoa farms in Ghana under the age of 15 do not fall for the most part under this article.

This convention has been in force as per article 12.1 in Ghana since 2011, where the specified minimum working age is 15 years old. This means all labour laws in the country should be in line with this international commitment and all children in Ghana under the age of fifteen should be in school and not working. Under this convention Ghana has the obligation to tackle child labour.

The Worst Forms of Child Labour Convention (No. 182)³⁰¹

By the 1990s there were increasing concerns about children's rights and the issue of child labour, with a unanimous acceptance that child labour ought to be banned. The ILO capitalised on the momentum and interest generated throughout the decade by events such as the World Summit for Children in 1990 and the International Conference on Child Labour Convention in 1997, to introduce in 1999 this convention. The convention is meant to complement the ILO's convention no. 138. Convention no 182 is ratified by all 187 countries party to the ILO. The text explicitly bans the use of the worst forms of child labour and defines them. The widespread acceptance of this convention shows how unacceptable the worst forms of child labour are to the international community and could be indicative of a move within international law to uphold the prohibition of the worst forms of child labour as one of its fundamental principles. The prohibition on slavery, which is one of the categories of worst forms of child labour, is *ius cogen*. However more developments in the field would be required before this argument could be made soundly. The universal ratification of this convention does show that the issue when it comes to legislation resides on the different

³⁰¹ International Labour Organization "Convention C182 - Worst Forms of Child Labour Convention, 1999 (No. 182)," n.d., https://normlex.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312327:NO.

cultural norms regarding child labour and how those inform what we consider as child labour and what is simply children working.

Article 1 is incredibly important and interesting. This article does not only ban the use of the worst forms of child labour, it also places an obligation on ratifying states to implement policies and actions that are effective and prompt in the elimination of these types of child labour. The article stresses that this elimination is an urgent matter. This highlights the need for de facto actions not just de jure and such clear language reveals the international community's rejection of these forms of labour.

Article 2 states that for the purpose of the text a child is anyone under the age of 18. This means that despite convention no. 138 allowing children to carry out some forms of work, in Ghana's case those over the age of 15, the type of work discussed in this convention cannot be performed by anyone under 18. In chapter 6 it will be shown how children are made to lie about their age to comply with this requirement.

Article 3 defines and classifies the worst forms of child labour as:

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

This thesis will solely focus on article 3(a) and 3(d) when discussing the worst forms of child labour in the cocoa industry in Ghana and there are no credible sources or studies that show or even suggest that the children in the cocoa farms in Ghana are being used for prostitution or illicit activities such as drug trafficking.

Article 4.1 shows the multilevel nature of the legal framework on child labour. Under this article it is up to national law to determine what types of work fall under article 3(d). This once again creates obligations for parties to the convention to engage with child labour and define it.

Articles 6.1 and 7.2 create further obligations on state parties to tackle the worst forms of child labour. Article 6.1 gives a clear course of action that states must take by telling states that they must create and implement programs of action to eliminate the worst forms of child labour. This article builds on article 1 in two ways. Firstly it reinforces that by being part of this convention parties must provide de facto solutions. Secondly it once again stresses the importance of the eradication of the worst forms of child labour by calling it a priority. Article 7.2 goes further in providing actions states must take to eradicate and prevent the worst forms of child labour. This article is important as it highlights the relationship between child labour and education. Not only does child labour harm children because it deprives them of the ability to get an education but education is one of the proposed solutions to stop child labour and prevent children from being victims of it.

The last article that will be discussed is article 8. Article 8 shows once more that the fight against child labour involves all levels of governance and is a concern for the entire international community. Article 8, unlike the previously discussed articles, places obligations on the international community not just the individual nation to assist in programmes to eradicate the worst forms of child labour. This is notable as by placing an obligation on countries to not only not partake in the worst forms of child labour but to also help eradicate it elsewhere it strongly suggest that this ban on the worst forms of child labour is as mentioned previously a new international law norm. This article is also of interest as it mentions poverty reduction as a way to fight child labour. This is the first time the convention discusses poverty. Chapter 6 will further explore the relationship between poverty and child labour.

Forced Labour Convention (No. 29) and its protocol³⁰²

One of the ILO's main goals when it was established in the Treaty of Versailles was to better labour conditions, 1930's convention no 29 was one of the earliest actions the ILO took against severe labour rights violations and labour exploitation. This convention serves to define what forced labour is and is the main basis for the definition provided earlier in this chapter for the term, to ban the practice and classify it as a punishable offence. The protocol from 2014 expands on the convention by addressing gaps in its implementation and that of convention no. 105, reinforcing the urgency of abolishing forced labour just like convention no. 182 does in regards to the worst forms of child labour, and ensuring that the punishments for the penal offence of forced labour as defined by the convention are appropriate and proportional. The protocol was introduced as a way to update the convention to the modern world and the current challenges in the fight against child labour. For the sake of clarity this section will first discuss the main articles of the convention and will then discuss the protocol.

Article 1 of the convention states that the use of forced labour must be stopped in the briefest amount of time possible. The use of the milder and more flexible "shortest amount of time" instead of urgently like in article 1 of convention 182 does not imply that tackling forced labour is a less important issue than the ban on the worst forms of child labour, it is accommodating for the fact that a specific deadline would not be realistic for all countries while still maintaining the urgency required.

Article 2 provides the definition of forced labour. This definition just like the one in this thesis is based on the idea of consent, work in order to be valid must be voluntary, work and services obtained through means violate that free and willing consent is not legal and is forced labour.

Article 25 makes the exaction of forced labour a penal offence. Under this article it is not enough for member states to pass laws to punish the use of forced labour, these laws must

³⁰² International Labour Organization "Convention C029 - Forced Labour Convention, 1930 (No. 29)," n.d., https://normlex.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312174:NO. International Labour Organization "Protocol P029 - Protocol of 2014 to the Forced Labour Convention, 1930," n.d., https://normlex.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:3174672:NO.

follow two criterias, they must be adequate and most importantly they must be strictly enforced. Chapter 6 will discuss whether this is a reality in Ghana.

As mentioned in the first paragraph of this section the protocol expands on the convention, providing very clear instructions on how to address the issue of forced labour and correct underperforming implementations. However, Ghana, while a party to the convention, has not ratified the protocol. This means the protocol is not binding on Ghana. This creates a legal vacuum regarding the issue of forced labour in the cocoa industry in Ghana. There are several articles in the protocol that would help the children working in the farms in Ghana, such as articles 1 and 4 that discuss the need for effective remedies regardless of the person's presence or legal status in the country or article 3 that discusses the rehabilitation of victims, but these cannot be used as this protocol does not apply to Ghana. This makes the legal protection of forced child labours in Ghana's cocoa industry weaker. The lack of ratification for the protocol could suggest a change in attitude in Ghana's government towards stricter controls of forced labour. There are many industries in the country, not just cocoa, plagued by accusations of forced child labour such as fishing in lake volta and gold mining.

Abolition of Forced Labour Convention (No. 105)³⁰³

Convention no. 29 from 1957 defines forced labour, this convention moves beyond defining forced labour and delves into the actions, and measures states must take to eradicate forced labour. This convention can be seen as a continuation and expansion of convention no. 29. An expansion of the principles found in convention 29 as almost three decades had passed since it came into force and forced labour was still present, with new forms emerging. At the time of drafting the cold war was in full swing, which impacted certain provisions, specially the mentions of forced labour being used to politically coerce people or to punish dissidents. This is also due to the short length of this convention, it is only 10 articles long and articles 3 to 10 discuss the technicalities and logistics of becoming a state party to the convention. This convention has also had a much wider acceptance at 178 countries ratifying it than the protocol on the forced labour convention.

³⁰³ International Labour Organization "Convention C105 - Abolition of Forced Labour Convention, 1957 (No. 105)," n.d., https://normlex.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312250:NO.

Article 1 just like article 1 of convention no. 29 states that forced labour has to be stopped. However this convention goes further by clearly stating that members cannot use forced labour in any way. The use of any way raises an interesting question as while it is clear that through this convention Ghana cannot use forced child labour in its cocoa industry does also mean that the US and European chocolate industry cannot use cocoa produced by forced labour? The scope of this article is more far reaching than that of article 1 of convention no.29.

Article 2 once again compels states to take action and effective measures. This is very similar to obligations placed on member states by convention no. 29 and its protocol.

Notably Ghana is a state party to this convention, unlike the protocol, therefore its articles and the obligations they create are applicable to the country.

UN

Convention on the Rights of the Child³⁰⁴

1989's Convention on the Rights of the Child is one of the most comprehensive treaties regarding children's rights. This convention is reflective of the changing opinion of the importance of children's rights in the 20th century and growing understanding that children have unique needs that differ from those adults have. The drafting process was a decade long, some articles proved incredibly controversial among nations, such as what was the definition of a child, leading to lengthy negotiations, edits, and stalling of the drafting process. This convention is the UN's most widely ratified convention, just shy of universal ratification due to the USA never having ratified it. This widespread consensus from countries with very different views on culture, politics and human rights strongly suggest that children are a specially vulnerable group that must be protected. It also heavily implies that violations of children's rights are seen as unacceptable. This mirrors the reaction from the international community towards the ILO's convention no. 182.

³⁰⁴ United Nations, "Convention on the Rights of the Child," n.d., <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>.

Articles 28 and 29 deal with education and children's rights. Article 28 recognises education as a right children are inherently entitled to. Child labour violates this right, as stated before for work to be child labour it must interfere with a child's ability to go to school. Child labour cannot exist if article 28 and the right to education is to be respected. In the legal cases discussed later in the chapter and the situations discussed in chapter 6 it will become apparent that children working in the cocoa farms in Ghana are being denied their right to education and are victims of child labour, they are not children that help in their family's farms after school. Article 29.1(a) discusses how education must allow children to reach their developmental potential in a variety of areas. Child labour by denying children access to education denies them this development.

Article 31 discusses children's right to rest and leisure. This might seem like a strange right to include but play is integral to the healthy development of a child. Children in the cocoa farms in Ghana are not always allowed rest, leisure or play, harming their development and therefore harming the child.

Article 32 bans the economic exploitation of children. This article also deal with other aspects of child labour by banning hazardous work, work that affects the child's education and any work that harms the child. Article 32.2 forces states to implement measures whether political, administrative, social or educational to ensure that children are protected from child labour and exploitation. The article also discusses penalties and sanctions to those that violate children's right to not be economically exploited.

Article 35 bans the trafficking and sale of children. This article also imposes on countries the obligation to implement measures to prevent and punish the abduction and sale of children. This is very relevant to the issue of forced child labour in the West African cocoa industry as it is well documented that children from poorer neighbouring countries such as Mali and Burkina Faso are trafficked into Côte D'Ivoire and Ghana to work in the cocoa plantations.

Guiding Principles on Business and Human Rights³⁰⁵

Every piece of legislation discussed thus far has been aimed at States. This is to be expected as states are the main actors in world politics and are the main subjects of international law. However, in the case of the use of forced child labour in Ghana's cocoa industry chocolate companies are heavily involved and profit from these rights violations, therefore it is important to also review legislation aimed at corporations.

The late 20th century and early 21st century were filled with high profile scandals of corporations violating human rights, both in the chocolate industry as seen in chapter 3 or in several other industries. This paired with increased civil society and advocacy efforts regarding corporations and their crimes in different parts of the world, such as funding death squads in Colombia's banana industry, made it essential for the UN to define what were business' responsibilities regarding human rights. The aim of these principles is to do just that.

Article 11 states that corporations should respect human rights and address human rights violations they are involved in. As will be proven by the legal cases presented later in the chapter and by chapter 6, chocolate companies are currently failing to meet this criteria. Article 12 clarifies that the rights mentioned in article 11 must be those that are internationally recognised as human rights. The discussion thus far on child labour and forced labour prove that they fall under this category, they are both included within the ILO's fundamental principles. This means chocolate companies should respect them and should be effectively addressing the multiple well documented rights violations that happen in the farms they source cocoa from in Ghana.

³⁰⁵ United Nations, "Guiding Principles on Business and Human Rights Implementing the United Nations 'Protect, Respect and Remedy' Framework." 2011
https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinesshr_en.pdf.

UNICEF

Child's rights and business principles³⁰⁶

These principles developed by UNICEF in conjunction with UN Global Compact and Save the Children are their first of their kind. They are the first set of principles aimed at businesses regarding children's rights and what businesses ought to do to respect children's rights. These principles are a rather recent development in international law as they were only introduced in 2012. These principles reinforce the idea that states are not the only actors that have an effect on children and children's rights in our current world and that businesses owe children and their rights respect.

Principle 2 deals with child labour. This principle is interesting because it goes beyond the banning of the use of child labour, it specifies that businesses must eradicate child labour from all their activities and relationships. This means that it doesn't matter if the chocolate company is not the one in charge of the cocoa farm in Ghana that uses child labour, they still have a responsibility to end business ties with those farms and not source from them. Under this principle businesses have to take a much more active role in the fight against child labour as they have to prevent, identify and reduce harm to children and immediately remove children performing hazardous work.

Legislation On The Regional Organisations Level

African Union

The African Charter on the Rights and Welfare of the Child³⁰⁷

This charter, just like the UN's convention on the rights of the child, is an important legal instrument that defines the rights of children and the international law principles, and norms that surround them. Despite the wide acceptance of the convention on the rights of the child and its ratification by all African nations this charter was necessary. This charter fills in gaps

³⁰⁶ UNICEF, "Children's Rights and Business Principles," n.d., <https://www.unicef.org/documents/childrens-rights-and-business-principles>.

³⁰⁷ African Union, "AFRICAN CHARTER on the RIGHTS and WELFARE of the CHILD." https://au.int/sites/default/files/treaties/36804-treaty-african_charter_on_rights_welfare_of_the_child.pdf.

from the convention on the rights of the child by tailoring it to the social, cultural and economic realities of Africa. Africa is also a continent where several children's rights violations such as genital mutilation, child marriage and child labour are present and widespread.

Article 5.2 talks about the state members responsibility to ensure the development of the child. As mentioned elsewhere in the chapter, education is an integral part of a child's development. To be able to access education children must not be forced to work or partake in child labour. Therefore the fight against child labour falls under the states responsibility's to guarantee the child's development.

Article 11 clearly states that all children have the right to education. This is fundamental in the fight against child labour in the cocoa industry in Ghana. This article does not only say education is a right but also provides clear actions countries must take to ensure this right is respected such as providing free basic education and progressively making secondary education free and accessible. This article places the burden on the state to ensure children's right to education is respected.

Article 15 explicitly and clearly bans child labour. One key aspect of this article is that it clearly states that child labour is banned in both formal and informal sectors, something that had not been mentioned in the previously discusses conventions and legal instruments on the issue of child labour. This means that regardless of whether the cocoa farms where child labour is happening in Ghana belong to the formal or informal sector the government has a duty to eradicate the use of forced labour in them.

Article 29 bans the trafficking of children. This article states that this is prohibited even if the people selling or trafficking the children are the parents or their guardians. This is relevant to the issue of forced child labour and child slavery in the cocoa industry in West Africa because even though sometimes the children are trafficked by professional traffickers some other times its their own family that trafficks them.

European Union

The Forced Labour Regulation³⁰⁸

The choice to discuss legislation regarding forced labour by the European Union to which Ghana is not a party may seem confusing. However, while Ghana is not in the EU and will not have to follow this new regulation which got approved in 2024 its cocoa will be affected by it. Europe is the largest consumer of chocolate and has the highest demand for cocoa beans, the European cocoa market was valued at 42 billion euros as of 2022. This brand new policy could have a massive effect on the cocoa industry when it comes into force.

The regulation bans the sale, import or export of products made with forced labour or child labour in the EU single market. Products suspected of using forced labour anywhere in their supply chain will be investigated and if forced labour is discovered they will be removed. This regulation includes tangible measures against non complying businesses in the form of fines. Companies that want their products back in the EU single market will have to prove their supply chain is free of forced labour. These regulations do not impose new or further due diligence obligations on corporations, just to respect the well established ban of child and forced labour.

This regulation is so new that accurately discussing its application, enforcement, and the impact it will have on the issue of child labour and forced labour in Ghana's chocolate industry would be incredibly hard. This might serve as a wake up call for the industry, making child labour less profitable or the industry might adapt by selling Ghana's cocoa to other market's with laxer and looser regulations. The EU countries have three years to start applying this new regulation.

Legislation on the National Level: Ghana

It is important to discuss Ghana's legal framework regarding child and forced labour. All previously discussed legislation is international law, which while valuable, is soft law and

³⁰⁸ "Products Made With Forced Labour to Be Banned From EU Single Market | News | European Parliament," n.d., <https://www.europarl.europa.eu/news/en/press-room/20240419IPR20551/products-made-with-forced-labour-to-be-banned-from-eu-single-market>.

toothless as it cannot be truly enforced unless the national government wants to enforce it. National law should be easier to enforce than international law.

Constitution of 1992³⁰⁹

The first legal instrument that ought to be discussed when exploring Ghana's legal framework regarding child labour and forced labour is the constitution as according to article 1.2 it is the supreme law in Ghana and other laws must be in accordance to it, if not they will be stricken by the country's supreme court. Ghana's current constitution, from 1992, established democracy in the country ending a cycle of military coups and authoritarian leadership, and created the Fourth Republic of Ghana. This constitution is the result of a national referendum.

Article 16 encompasses both slavery and forced labour. 16.1 bans slavery and claims no one shall be held in servitude and 16.2 says no person shall be required to perform forced labour. The phrasing of 16.2 makes it unclear whether it is banning all forms of forced labour or simple state controlled forced labour, however the use of the word required in the section could also be a way to ban bonded and debt labour.

Article 24 deals with economic rights as states that every person has the right to work under satisfactory, safe and healthy conditions. These conditions are not met by the forced child labour in the country's cocoa production.

Article 25 is concerned with educational rights. The article, unlike previous examples regarding education, does not say that education is a right, rather equal educational opportunities are the right. Does this mean that as long as children working in cocoa farms have educational opportunities, even if they do not use them, this right is fulfilled?

Article 28 discusses children's rights. The main sections of this article for the issue of child labour in cocoa are 28.1 (d) and 28.2. 28.1 (d) creates an obligation on the state to create and implement laws that protect children from harm, physical, mental, moral. 28.2 states it is a child's right to be safeguarded from work that threatens their development, health or education.

³⁰⁹ "Ghana 1992 (Rev. 1996) Constitution - Constitute," n.d., https://www.constituteproject.org/constitution/Ghana_1996.

Children's Act of 1998³¹⁰

After Ghana's adoption of both the UN's convention on the rights of the child and the African Union's African Charter on the Rights and Welfare of the Child, the country needed to align its national laws to its international commitments. 1998's Children's act, a comprehensive piece of legislation regarding children's rights in Ghana, was introduced to strengthen national protection of children's rights and align Ghana's legislation with the standards from the international community.

Part 1 of this act deals with the rights of the child, within subpart 1 on children's rights and parental duty section 12 bans anyone, including family, from subjecting children to exploitative labour. Exploitative labour is defined later in the act, in section 87. The fact that the act bans everyone from partaking in child labour and forced child labour means that children working in their family's farms could be victims of child labour forced labour and labour exploitation.

Part 5 focuses on the employment of children and subpart 1 deals solely with child labour. There are several sections in this part of the act that are of great interest and applicable to the issue of child labour in the cocoa industry in the country. Section 87 provides the definition of exploitative labour. Labour is exploitative if it deprives the child of its health, education and development. This definition raises the question of whether children are allowed to perform dangerous work, because the phrase "deprives the child of its health" could be interpreted as a ban on children and dangerous work but it could also be seen as children being able to do dangerous work as long as they don't get injured. Sections 89, 90, and 91 set the minimum working age in the country at 15 years old, 13 for light work and 18 for hazardous work. These ages are within the parameters established by other legislation on the topic and the ILO's conventions number 138 and 182. There are questions on how the government ensures the ages the workers tell them are real and not a lie to comply with these parts of the act. Just like article 15 of the african charter on the rights and welfare of the child section 92 of this act says the regulations on child labour are applicable to both the formal and informal sectors.

³¹⁰ "The Children's Act, 1998 (Act 560). | FAOLEX," n.d., <https://www.fao.org/faolex/results/details/en/c/LEX-FAOC204508>.

Labour Act of 2003³¹¹

This act governs worker's rights, working conditions and employment relations in Ghana. Its aim is to modernise, unify, and consolidate Ghana's existing legislation, which was scattered and focused on certain sectors, and align said legislation with ILO standards.

Article 58 bans the use of children from hazardous work. This is understood as work that jeopardises the child's moral and physical health. This article in 58.4 lists a punishment for those that disobey: a fine. This is the first instance in all of the legislation discussed so far, both at the international and national level (with the exception of the EU forced labour regulation but that has yet to come into force), of a concrete punishment being stated.

Articles 116 and 117 relate to forced labour. Article 116.1 bans forced labour stating that no one is required to perform forced labour and 116.2 states the employer's responsibility. Employer's would be committing an offence not only if they exacted forced labour from one of their workers but also if they caused it or allowed it. 116.3 just like 58.4 punishes this offence with a fine. Article 117 defines what is forced labour and what is not classified as forced labour. The definitions provided in the article mirror very closely those found in the ILO's convention no. 29.

The Criminal and Other Offences Act of 1960³¹²

This act is Ghana's most extensive source regarding criminal law and a key part of the country's legal framework. Introduced after Ghana's independence from Britain in 1957, this act was drafted to strengthen laws and modernise them, even though remains of colonial era laws can still be seen in the act's text.

Section 314 of the act states that anyone who sells, trades, barter or places a person in slavery or induces someone to come to Ghana to be placed in slavery will be guilty of a second degree felony. Section 314a bans customary slavery and punishes those involved in the placement of someone in customary slavery to at least 3 years of prison. This is the most

³¹¹ "Labour Act, 2003 | FAOLEX," n.d., <https://www.fao.org/faolex/results/details/en/c/LEX-FAOC203350>.

³¹² Ghana, *Criminal Offences Act*, Act No. 29 of 1960, January 12, 1960
<https://www.refworld.org/legal/legislation/natlegbod/1960/en/17193>.

direct, clear and strict piece of legislation regarding slavery and forced labour of those examined.

Legislation On The Use Of Child Labour In The Cocoa Industry

Harkin-Engel Protocol³¹³

To talk about legislation regarding child labour, child slavery and forced child labour in the cocoa industry, even if the Harkin-Engel protocol solely focuses on West Africa, is to talk about the *Protocol for the Growing and Processing of Cocoa Beans and Their Derivative Products in a Manner that Complies with ILO Convention 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor* or as it is more commonly known the Harkin-Engel Protocol. This is the landmark piece of legislation on this topic, it is the most well known, it received massive support from politicians, the public and the companies, it is the legislation the companies have made the most pledges to and yet not a single one of its deadlines have been met. To better understand why this is the case it is crucial to know more about the history of the Harkin-Engel protocol.

The years 2000 and 2001 were filled as discussed in chapter 3 with scandals regarding the use of forced child labour in the cocoa industry, starting with BBC's documentary on enslaved children growing cocoa at the end of 2000 to news articles in 2001 in different newspapers about child slavery and trafficking in West Africa's cocoa industry. The industry responded by first claiming that the claims were false and if not untrue certainly exaggerated and excessive. As more exposés came out the industry admitted that the working conditions on the cocoa farms in West Africa were not always in alignment with children and worker's rights and that those said rights were sometimes violated. In response to this US representative Engel introduced an amendment that would allow the FDA to develop a label guaranteeing that the harvesting and growing of the cocoa was child slavery free. Think of this as chocolate's equivalent to tuna's "dolphin safe" label. The amendment was passed by the house representatives with ease and moved on to the senate where it was expected to receive the same support. Frightened by what the introduction of this bill would mean for the industry such as consumer boycotts (this would not be the first time chocolate companies face

³¹³ ICI Cocoa Initiative "Harkin Engel Protocol," n.d., <https://www.cocoainitiative.org/knowledge-hub/resources/harkin-engel-protocol>.

boycotts over the issue of slave labour, a key example is the Cadbury's and São Toméan scandal of 1909 discussed in chapter 3), and stricter legislation chocolate companies hired two ex senators to lobby against the bill. Encouraged by these senators they hired the chocolate industry decided to make a deal before the bill could be voted on by the senate and agreed to tackle and eradicate the issue of forced child labour and child slavery in West Africa without the need of legislation. The Harkin Engel Protocol was born out of the negotiations between representatives Engel, and Harkin, and the chocolate industry. This explains why the protocol is a lot milder than representative Engel's original amendment, as concessions had to be made.

The protocol is a voluntary agreement to eliminate the worst forms of child labour as defined by the ILO's convention 182 from the cocoa industry of Ghana and Côte d'Ivoire. It must be highlighted how the protocol does not aim to eliminate all forms of child labour, just the worst forms. A key aspect of this protocol is that it provided specific timelines and deadlines with concrete dates for things to be achieved, something no other piece of legislation on the topic of child labour, forced labour or child labour has done. By 2005 credible certification that proved the cocoa used by the companies was free of the worst forms of child labour. These deadlines as progressive as they were at the time ultimately meant nothing. The protocol is voluntary and non binding, the companies and industry face no repercussions for not fulfilling their promises. Representative Engel threatened to reintroduce the original bill if the 2005 deadline was not met and yet nothing happened. The deadline was pushed from 2005 to 2008 where once again all of the six objectives were not met. The deadline was then pushed to 2011 where studies showed none of the six aims were fully carried out. The next deadline was set to 2020 by when the industry had to have reduced the worst forms of child labour in cocoa by 70% which did not happen. Now the next deadline is somewhere between 2025 to 2030 depending on the company and there is no evidence that those will be met either.

As well intentioned as the Harkin Engel Protocol was and as significant as it was one of the first times that an industry in the USA self regulated and the first it self regulated to address human rights violations abroad it is toothless and has achieved very little in the way of reducing the worst forms of child labour in Ghana and Côte d'Ivoire.

John Doe et al. vs Nestlé, and Cargill³¹⁴

This was an Alien Tort Statute case filed in 2005. The case concerned six Malian children that had been trafficked to Côte d'Ivoire to work on cocoa farms that supply Nestlé and Cargill. This case was incredibly long and complex, going all the way up the court system to the Supreme Court where it was argued in December of 2020 and a judgement was passed on 17th of June 2021, sixteen years after it was filed. This case is of incredible importance to the fight against the use of forced child labour in the cocoa industry as it has shaped the precedent of the use of extraterritorial jurisdiction to punish corporations for human rights violations.

The results of this case set a worrying and discouraging message. The Supreme Court did not answer the question the case brought forward of whether Nestlé and Cargill were guilty of aiding and abetting forced child labour and child slavery in their cocoa supply chains. The court instead focused on whether American companies can be held accountable to harm they do to others abroad by an American court. This question is integral in the fight against child labour in the cocoa industry as many of the main chocolate companies in the world are headquartered in the USA and in regards to this case most of the cocoa produced by the children was exported to the US market. The Alien Tort Statute this case is filed under gives courts on the federal level jurisdiction over lawsuits filed by foreign nationals for civil wrongs that violate international law. The court found that to apply the Alien Tort Statute to this case would be impossible as it would qualify as an extension of US law beyond US soil.

This court decision is disconcerting for several reasons: firstly it implies that US companies do not have to adhere to the same human rights standards abroad as they do at home. It must be emphasised once again that the court did not deny that these chocolate companies aided and abetted child slavery and forced child labour in the cocoa industry, they simply argued that the extraterritorial application of the Alien Tort Statute would be illegitimate. This judgement also reveals that corporations can evade being held accountable for human rights violations by shifting the conversation to narrow questions on legal technicalities. This is

³¹⁴ IRAadvocates “John Doe 1 Et. Al V. Nestlé and Cargill — IRAadvocates,” n.d., <https://www.internationalrightsadvocates.org/cases/doevsnestlecargill>.

particularly worrisome as the accusations in this case involve slavery. The prohibition of slavery is a *ius cogen* norm in international law, meaning it accepts no derogations and must be upheld by the entire international community, and yet the US supreme court failed to defend this fundamental norm of international law in this case. This brings to question how effective international law and human rights protection is. This result also opens the question of where these violations should be tried. In the countries where they happen where they currently do not have a legal system that can effectively provide the victims remedy and even if a judgement in favour of the victims was ruled these countries cannot enforce said rulings or in the countries where the companies are headquartered that will not admit these cases due to worries of extraterritorial jurisdiction? Also would the USA truly allow a foreign court to try a US company? This case also highlights the hypocrisy of American legal action as the USA does act extraterritorially frequently. The key difference being that when the USA acts extraterritorially it is against foreign firms most notably in its punishment of foreign firms that do not follow the USA's sanction on Iran.

This ruling provides no incentive for companies to adhere to the existing legislation to protect children and eradicate forced child labour. Child labour keeps cocoa bean prices low and profits high, and as long as these violations happen outside of the US these companies will not be held accountable, even when accused of violating one of the core principals of international law. This ruling implies that human rights law does not apply to multinational companies.

This ruling proved controversial at the time of issuing and generated much press, as discussed in chapter 3, on the issue of child labour in cocoa. This topic is something most consumers are unaware of due in part to the actions of chocolate companies. These companies lobby against any legislation that would make the issue of child slavery and forced child labour in cocoa more transparent. The Supreme Court did not hold companies accountable but due to the publicity the case garnered US consumers might.

Kassim et al. vs Cargill, Mars, and Mondelez³¹⁵

This case was filed on the 29th of November of 2023 in a District of Columbia district court on behalf of nine children against the chocolate companies Cargill, Mars and Mondelez for profiting from the worst form of child labour on the cocoa plantations in Ghana where they source their cocoa beans from.

Terry Collingsworth, the lawyer that brought this case to court visited plantations in Ghana that directly source to Cargill and found children as young as ten years old working instead of attending school, which means it is child labour and not just children helping in family farms and using machetes to break cocoa pods which falls under hazardous work and children cannot perform. This evidence goes against Cargill's chocolate promise. According to Cargill the Cargill chocolate promise is a program in line with the UN SDGs, SDG 8.6 focuses on eliminating child labour, and is a program that is actively working on the eradication of child labour and even claims that tackling child labour in West Africa is a critical priority for them.

This case argues that not only have the chocolate companies cited failed their pledges under the Harkin Engel Protocol but have actively and purposefully have misled the public to think they were taking steps to reduce child labour in their sourcing plantations in West Africa. The case also highlights how chocolate companies have been able to push back the deadline to meet their pledges to the Harkin Engel Protocol from originally 2005 to 2030 without any pushback from the main legislation and bodies that regulate child labour in general and more specifically child labour in the cocoa industry.

Chocolate companies are still profiting from child labour in the cocoa industry in Ghana. Not only have they failed to reduce child labour but child labour in cocoa has increased since the Harkin Engel protocol. Children in Ghana are still trapped in forced labour and due to their work in the cocoa plantations they are denied an education that would allow them to break the cycle of poverty and forced labour they are in. This will be further discussed in the following chapter.

³¹⁵ IRAadvocates, "Kassim, Et Al. V. Cargill, Mars, and Mondelēz — IRAadvocates," n.d., <https://www.internationalrightsadvocates.org/cases/ghana>.

The plaintiffs in this case, except for Sandra Nkeitah, are between the ages of six and sixteen. All of them worked in the cocoa plantations instead of going to school violating the ILO's convention no 182 which is universally ratified and were using machetes to perform their tasks and applying pesticides and herbicides without protective gear. Both of these actions constitute hazardous work and are in violation of the ILO's conventions 138, 180 and the UN's convention on the rights of the child and the African Union's Charter on the Rights and Welfare of the Child as well as sections 87 and 91 of Ghana's Children Act of 1998. Sandra Nkeitah worked in a farm that provides Mondelez with cocoa beans from ages ten to nineteen. Sandra was featured on the Channel 4 documentary Dispatchers, discussed in chapter 3, that showed that child labour still exists in Ghana's cocoa industry. Sandra and her family were threatened and offered bribes by Mondelez agents to come out and state that the information in the documentary was fake.

This case is remarkable because for the first time in the legal battle between human rights and children's rights advocates against chocolate companies on the issue of child labour the human rights lawyers had access to a whistleblower. The whistleblower works directly with Cargill, Mars, and Mondelez as an official in a major buying company in Ghana. The whistleblower exposed the issue of child labour in the cocoa industry in Ghana in several ways. Firstly they took the lawyers to several plantations that source directly to Cargill, Mars, and Mondelez. Not only were children seen and documented as working and performing the worst forms of child labour in these farms, they made up the majority of the workforce. Secondly the whistleblower exposed that lists provided by the chocolate companies of children they had rehabilitated were fraudulent. The children on the list are provided with a backpack and get their picture taken with it to prove they are going to school and after the picture is taken they are sent back to work and never hear again from the companies' representatives and their promises of going to school. The fraud goes beyond this as many of the children on the list were contacted by IRAdvocate lawyers and confirmed that while their name was on the list they have never even received a backpack. Even worse is that the whistleblower revealed that some of the names on the list are not even real. Agents are pressured to increase the number of children on the lists to maintain the illusion of progress in the fight against child labour and the companies do not verify the veracity of the information so agents falsify names to meet quotas. The whistleblower knows this happens as they have done it themselves too

The legal claims brought forth by this case are “common law claims for unjust enrichment, negligent supervision, and intentional infliction of emotional distress for the failure of Mars, Cargill, and Mondelez to put in place promised programs to prevent these children from performing hazardous work and unjust enrichment and negligent supervision for promising but then failing to assist the Child Labourer Plaintiffs in going to school so they have a chance for a future beyond cocoa slavery.”

This case is currently ongoing and pending judgement. Litigation can take a long time as shown by other legal cases discussed in this section. The outcome of this case will shape much of the conversation regarding corporate responsibility regarding forced child labour in the cocoa industry. It will also set precedent for the application of extraterritorial jurisdiction in legal cases regarding human rights. Currently chocolate companies claim that they cannot be tried as the violations occurred in a third party state and therefore US, where most of the litigation so far regarding forced child labour in cocoa has taken place, law does not apply and US courts have no jurisdiction. IRAdvocates argue that the District of Columbia district court does have jurisdiction as under D.C. Code § 13-423: “this Court has personal jurisdiction over Mars and its CEO Poul Weihrauch, Cargill and its CEO Brian Sikes, Mondelēz International, Inc. and its CEO Dirk Van de Put. Defendants have sufficient minimum contacts with the District of Columbia to establish personal jurisdiction of this Court over them because, inter alia, Defendants are engaged in deceptive schemes and acts directed at persons residing in, located in, or doing business in the District of Columbia, or otherwise purposefully avail themselves of the laws of this District through their marketing and sales of their products and services in this District.”

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³¹⁶Image of defendant D.P at nine years old working, instead of going to school, in a Cargill farm using a machete in violation of the ILO’s convention 138 and 182.

Issout Coubaly et al. vs Nestlé, Cargill, Barry Callebaut, Mars, Olam, Mondelez, and Hershey³¹⁷

This case was filed under the Trafficking Victims Protection Reauthorization Act of 2005 on the 12th of February of 2021 representing eight former child slaves accusing the named chocolate companies of forced labour and child trafficking. The act the case was filed under provides “extraterritorial jurisdiction over trafficking offences committed overseas by persons employed by or accompanying the federal government.”

This case was brought to a US court rather than a court in Mali, where the plaintiffs are originally from as at the time of filing “there [was] no law in Mali whereby such Plaintiffs can seek civil damages for their injuries against the major exporters of cocoa operating outside of the country” or a court in Côte d’Ivoire, where the violations took place, as “the judicial system is notoriously corrupt and would be unresponsive to the claims of foreign children against major cocoa corporations operating in and bringing significant revenue to Côte d’Ivoire” and the civil unrest and the hostility from cocoa producers in the country could but both the plaintiffs and their lawyers in harm. This once again highlights the question of where should these cases be judged if the US dismisses them as they did in *John Doe et al. vs Nestlé, and Cargill* on the grounds of jurisdiction. This also emphasises the idea that current US legal decisions are denying victims effective legal redress and allows corporations to avoid accountability for human rights violations abroad, even if they go against well established international law norms and conventions like the ILO’s convention No 182 that are universally ratified.

All the Plaintiffs were trafficked from Mali by a professional trafficker, through the promise of a good job harvesting cocoa. The reality they found when they arrived in Côte D’Ivoire was very different from what they were promised. Once they were in Côte D’Ivoire it was revealed to the eight children that they had to work without pay, they could not leave, and they would be fed only if they worked hard. This clearly invalidates any consent the children had provided to work in the cocoa farms in Côte D’Ivoire, making this child labour and the fact that they received no pay makes this child slavery. The fact the children would only

³¹⁷ IRAadvocates “Issouf Coubaly Et. Al V. Nestlé, Cargill, Barry Callebaut, Mars, Olam, Mondelēz, and Hershey. — IRAadvocates,” n.d., <https://www.internationalrightsadvocates.org/cases/cocoa>.

receive food if they worked also constitutes a threat and reinforces the fact that this work was not voluntary and is an example of forced child labour. The children were trapped in Côte D'Ivoire , they had no papers, no money, they could not speak the language, and did not even know what part of Côte D'Ivoire they were in. "As children younger than 15, the Former Child Slave Plaintiffs were deprived of their freedom, separated from their families, and forced to suffer severe physical and mental abuse".

All eight of the children performed hazardous work such as using sharp machetes and applying pesticides and herbicides with no protective gear or instruction similarly to the plaintiffs in the *Kassim et al. vs Cargill, Mars, and Mondelez* case. All of these tasks are dangerous work which falls under the Worst Forms of Child Labor by ILO Convention No. 182 and is outlawed worldwide. All of the plaintiffs harvested cocoa for one of the accused multinational cocoa companies; they only stopped working as slaves after they managed to escape. All of the children were slaves in the plantations for years.

This case argues based on comments from the ninth circuit court that the companies' involvement in child slavery and forced child labour in Côte D'Ivoire's cocoa industry goes beyond profiting from forced child labour but goes as far as facilitating slavery. The accused companies have such a control over the Ivorian cocoa market that their failure to tackle forced child labour and child slavery when they had the means to end it implies they want to keep the system in place as they benefit from it. The lack of meaningful action and the reduction in cost child slavery means for chocolate companies strongly suggests that the companies purposefully acted to not stop child slavery in the farms that supply them with cocoa. "Defendants have willfully continued to use forced child labour and have acted to prevent effective measures to address forced child labour so they could continue to benefit from the cheap labour of child slaves"

This case once again reinforces the argument made in *Kassim et al. vs Cargill, Mars, and Mondelez* that the multiple pledges and programs of chocolate companies to eradicate child labour from their supply chain are not made in good faith. These promises are a tool that companies knowingly use to make consumers feel better and deceive them into thinking that forced child labour, and child slavery in the cocoa industry are a thing of the past. These plans are at the very minimum not working. Credible studies show that child labour increased in Côte d'Ivoire's cocoa industry since the implementation of Nestlé Cocoa Plan.

This case is still ongoing and has yet to be defended in court and no opinion has been passed yet. The result of this case would further shape the conversation on corporate responsibility. Is a company that has the means to stop child slavery but does not stop it facilitating it? What do chocolate companies owe the children that grow the cocoa these companies massively benefit from? Where can these victims find legal redress? What effective actions can be taken against these companies? How can children in West Africa be better protected from forced child labour in cocoa plantations?



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Conclusion

This chapter has discussed and reviewed the existing legislation and legal framework regarding child labour, forced labour and child labour in the cocoa industry. A legal framework does exist to tackle this problem at every level of governance, however it remains toothless due to a lack of enforcement mechanisms and the ability of chocolate companies to push back deadlines and shift their commitments with little consequences. National laws should be more easy to enforce but due to the legal situation in Ghana de facto implementation remains limited. This chapter then looked at three key cases in the legal fight against the use of forced child labour in the West African cocoa industry to discuss and explore the current legal opinion on this issue, corporate responsibility and respect for human and children's rights.

³¹⁸ Children in the cocoa farms of Côte d'Ivoire. Peter Whoriskey, "Hershey, Nestle and Mars Broke Their Pledges to End Child Labor in Chocolate Production," *Washington Post*, June 5, 2019, <https://www.washingtonpost.com/graphics/2019/business/hershey-nestle-mars-chocolate-child-labor-west-africa/>.

Chapter 6: Forced child labour and child slavery in Ghana's cocoa industry

Introduction

Child labour is a serious violation of human rights, children's rights and labour rights. This form of exploitation is widespread, with 160 million children being involved worldwide³¹⁹, and the majority of those children, 70%, work in agriculture³²⁰. The ILO's 2020 report on child labour indicates that the sub-Saharan region now has more children in child labour than the rest of the world combined, and the numbers will be higher due to the rising poverty levels driven by COVID-19³²¹. This thesis has consistently shown a link between slavery, labour exploitation, and cocoa production. This chapter will discuss the issue of child labour in Ghana's cocoa industry in depth. This chapter will start with a review and discussion of policies developed and implemented by the Ghanaian government. The next section of the chapter will focus on actions taken by NGOs, followed by those from the chocolate industry. The chapter will then move on to discuss the results of this research on the evidence of child labour in Ghana's cocoa sector, before finishing with a discussion of the role poverty plays in the prevalence of poverty in Ghanaian cocoa.

Government Actions and Policy Regarding Child Labour

*National Social Protection Policy, 2015*³²²

The National Social Protection Policy is a policy framework developed by the Ministry of Gender, Children, and Social Protection Policies that defines social protection as well as provides a floor for social protection in Ghana. Social protection is defined as: "a range of actions carried out by the state and other parties in response to vulnerability and poverty which seeks to guarantee relief from destitution for those sections of the population who for reasons beyond their control are not able to provide for themselves." The mention of poverty in this policy is very important to the issue of child labour in Ghana's cocoa industry, as mentioned in previous chapters Ghanaian cocoa farmers are very affected by poverty, with a

³¹⁹United Nations International Children's Emergency Fund and International Labour Organization, "Child Labour: Global Estimates 2020, Trends and the Road Forward," UNICEF DATA, October 14, 2022, <https://data.unicef.org/resources/child-labour-2020-global-estimates-trends-and-the-road-forward/>.

³²⁰ Ibid.

³²¹ Ibid.

³²² Ministry of Gender, Children and Social Protection Policies, "National Social Protection Policy," <https://www.mogcsp.gov.gh/policies/>.

sizable percentage of them living under the poverty line, and poverty is seen as one of the main explanations for the widespread use of forced child labour in cocoa farming. The social protection floor established by this policy includes minimum income security for people of working age, the elderly and with the aim to cover children's basic needs for life, the other key aspect covered by the floor is access to healthcare for all with a special focus on maternal health.

The main aim of this policy is to close the current inequality gap in the country, ensuring all Ghanaians can live with dignity, by tackling extreme poverty and promoting decent work. As of 2016 Ghana had a Gini index coefficient of 43.5³²³, suggesting a high level of inequality. This value was almost the same as the average for the Sub-Saharan African region, 44.2, however, it must be noted that Sub-Saharan Africa is the region with the highest Gini index average score in the world.³²⁴ The policy aims to solve this issue by creating a cross sectoral, well coordinated system of social assistance, services, insurance, and inclusion. To accomplish these tasks the policy will use income support and will improve the current system to access and receive basic services.

The policy provides socio, historical and cultural context of social protection in Ghana's national planning. The factors discussed are Ghana's economic circumstances, employment rates, poverty, and inequality. This framework builds on and specifically mentions Ghana's international commitments regarding social protection as well as national constitutional obligations.

Under this policy the Ministry of Gender, Children, and Social Protection Policies is in charge of identifying trends and priorities regarding social protection, creating and disseminating relevant information, and to create and implement effective social protection standards, procedures, and instruments. This policy also calls for the participation of actors other than the ministry. The main actors highlighted are NGOs, traditional authorities like tribal leaders, universities, trade unions, religious organisations, and the private sector. This shows that social protection is a joint effort in Ghana that must be carried out and respected by all.

³²³ "Gini Index- Ghana," World Bank Open Data, n.d., <https://data.worldbank.org/indicator/SI.POV.GINI?locations=GH>.

³²⁴ "Inequality by Country | Data | World Economics," World Economics, n.d., <https://www.worldeconomics.com/Concepts/Inequality/>.

*Child and Family Welfare Policy, 2015*³²⁵

This policy was created as a response to several of the shortfalls of the Ghanaian child protection services policy frameworks at the time. These services were disjointed, marked by bad coordination among the key actors, they were mostly reactive, they did not take proactive measures to protect children and did not anticipate what children's needs might be and how to best approach them. The use of community structures in children's protection had proven not the most well suited as in many instances harmony in the community and family took precedence over the child's rights. Existing institutions and agencies regarding child and family welfare could not effectively protect children due to a lack of financial resources as well as human resources.

The aim of this new framework is the creation and implementation of programs that prevent and protect children effectively from abuse, exploitation, neglect and all forms of violence. Forced child labour and child labour fall under exploitation. The programs designed under this policy framework make sure to keep Ghana's context in mind to ensure that the policies are culturally suitable and accepted. These actions are also underpinned by both national and international principles regarding childhood, child rights, and the importance of family. This framework has 3 focus areas: challenges relating to the family, maltreatment of children, and risks to the child due to the child's own actions. The framework's 6 main aims are as follows:

“1: Design child and family welfare programs and activities to more effectively prevent and protect children from all forms of violence, abuse, neglect, and exploitation.

2: Ensure effective coordination of the child and family welfare system at all levels.

3: Empower children and families to better understand abusive situations and how to make choices that prevent and respond to situations of risk.

³²⁵ Ministry of Gender, Children and Social Protection Policies, “*Child and Family Welfare Policy*,” <https://www.mogcsp.gov.gh/policies/> .

4: Build the capacity of institutions and service providers to ensure adequate service quality for children and families in urban and rural areas.

5: Reform existing laws and policies to conform to the Child and Family Welfare System.

6: Ensure the provision of adequate human, technical, and financial resources required for the functioning of the Child and Family Welfare System at all levels.”

To achieve these goals the Ghanaian government uses a multilayered approach that includes: the provision of alternative care, legal reform, improvement of services and of coordination and data management, as well as empowerment of children and families, and the inclusion of civil society in child protection. This policy also provides training to local government agents in conflict resolution, with the end goal always being to restore the child’s well being. The ministry must also ensure active and effective coordination with other key ministries, departments and non governmental actors to uphold and improve child protection in Ghana.

National Employment Policy³²⁶

This policy was developed by the government of Ghana to tackle the following employment issues: increasing unemployment in all age groups, with a special focus on youth unemployment. As of December 2023 Ghana’s unemployment rate sat at 3.6%³²⁷ and youth unemployment totals 6.6%³²⁸, at the time this policy was introduced, 2014, the unemployment rate was higher at 4.4% reaching its maximum in 2015 at 6.8%³²⁹ and youth unemployment equaled 9.4% also reaching its peak of 14.3% in 2015³³⁰. The population growth that resulted in the growth of the workforce outpacing job creation. The stunt in job creation due to the lack of competitiveness of the private sector in Ghana. Most importantly for this thesis this policy focuses on the informal job sector in the country, and poor working conditions, the lack of decent work options, and vulnerable workers in the country, forced

³²⁶ International Labour Organization “*National Employment Policy: Ghana*,” , January 29, 2024, <https://www.ilo.org/publications/national-employment-policy-ghana>.

³²⁷ CEIC data “*Ghana Unemployment Rate*,” October 28, 2020, <https://www.ceicdata.com/en/indicator/ghana/unemployment-rate>.

³²⁸ Statista, “*Youth Unemployment Rate in Ghana in 2023*,” June 7, 2024, <https://www.statista.com/statistics/812039/youth-unemployment-rate-in-ghana/>.

³²⁹ MacroTrends “*Ghana Unemployment Rate 1960-2024*,” , n.d., <https://www.macrotrends.net/global-metrics/countries/GHA/ghana/unemployment-rate>.

³³⁰ Statista, “*Youth Unemployment Rate in Ghana in 2023*,” June 7, 2024, <https://www.statista.com/statistics/812039/youth-unemployment-rate-in-ghana/>.

child workers in the country are affected by all of these, their work conditions are brutal and violate their social, civil and labour rights, it is not a form of decent work and due to being children and in some cases trafficked from neighbouring Burkina Faso and Mali, they are extremely vulnerable.

The National Employment Policy has 4 key objectives: the creation of decent jobs to meet the demand from an ever growing population, as of 2024 Ghana's population growth rate is 1.9%³³¹ and the median age of the population is 21 years old³³², to ensure the existing jobs met the definition of decent work, to increase productivity and improve governance and administration. This policy has cross-sectoral implementation and in order for it to work and fulfil its tasks it needs several ministries and departments to allocate funds to it. The next step is the development of an action plan with quantifiable actions and targets as well as timelines and deadlines.

*National Plan of Action for the Elimination of Human Trafficking in Ghana*³³³

Ghana has a human trafficking problem. This country is a source, a transit, a destination country of human trafficking. Transnational trafficking happens, but intranational trafficking is more common, with children being the most common victims of trafficking in Ghana. Children in Ghana are mostly trafficked into forced labour, with the agricultural sector along with the fishing industry being the main destination of these victims. This national plan was developed with the aim to strengthen Ghana's prevention of trafficking and to increase partnerships with other actors in the fight against human trafficking. The tool this action plan uses to prevent trafficking are increased public awareness and education on what human trafficking is, the creation and implementation of procedures that identify people vulnerable to being trafficked, making trafficking less appealing by removing pull and push factors, increasing and improving social protection for at risk groups, as seen by the previously discussed National Social Protection Policy Ghana's government is focusing a lot on social

³³¹ "Ghana Population Growth Rate 1950-2024," MacroTrends, n.d.,

<https://www.macrotrends.net/global-metrics/countries/GHA/ghana/population-growth-rate>.

³³² Worldometers "Ghana Demographics 2023 (Population, Age, Sex, Trends) - Worldometer," n.d.,

<https://www.worldometers.info/demographics/ghana-demographics/>.

³³³ Ministry of Gender, Children and Social Protection Policies, "National Plan of Action for the Elimination of Human Trafficking in Ghana" <https://www.mogcsp.gov.gh/policies/>.

protection to ensure their citizens have a better standard of life, and the prevention the re-trafficking of victims.

This action plan has two pillars: prevention and prosecution. Prevention focuses on providing victims with support via coordinated interagency action, a referral system, comprehensive care and creating opportunities for victims. The prosecution aspect of the plan centres on providing law enforcement with courses and further education on anti trafficking laws and their implementation, faster reviews of anti trafficking cases, and ensuring anti trafficking laws meet the realities and needs of the country through reviews and updates.

*Justice for Children Policy, 2015*³³⁴

This policy covers all children that come in contact with the Ghanaian justice system, either as victims, perpetrators, or witnesses, and includes criminal and civil cases. The rationale behind this policy is the creation of a justice for children system that protects children from: harm, exploitation, violence, and abuse, fosters child well being, and increases children's access to justice in Ghana. This policy has several objectives: to strengthen programs for rehabilitation and social reintegration with a focus on preventing juvenile offences, strengthening the links between formal and community justice systems, resulting in enhanced access to justice and protection for children, protection of child witnesses and victims of crimes, reform of laws, policies, and procedures to guarantee an improved access to justice for children; developing a manual on how to handle cases related to children; and finally to ensure the provision of funds and human resources for the policy's implementation. This policy is very relevant to the victims of forced child labour and child slavery in Ghana's cocoa sector as many do not report what is happening to them out of fear of being harmed, and justice not being very accessible to them.

³³⁴ Ministry of Gender, Children and Social Protection Policies, "*Justice for Children Policy*" <https://www.mogcsp.gov.gh/policies/> .

*National Plan Of Action On The Elimination Of The Worst Forms Of Child Labour Phase I And Phase II*³³⁵

Phase I of this action plan was adopted in 2009 and ran until 2015. This was a crucial policy in the fight against child labour in Ghana, developed through collaboration with 88 stakeholders at all levels of governance. The aim of this phase was very clear, address all driving factors for the widespread use of child labour in Ghana coordinating all the efforts undertaken at the time by agencies to eradicate child labour, and fill the gaps of existing work. The ten objectives of the plan were as follows:

- “1: Review, update and enforce the laws.
- 2: Ensure social mobilisation for the respect and protection of children’s rights.
- 3: Ensure full implementation of the Free Compulsory Universal Basic Education Policy, prioritising deprived communities.
- 4: Improve access to post-basic education for children above 15 years.
- 5: Make alternative education, including transitional education, available to out-of-school children in deprived areas and children withdrawn from the worst forms of child labour worst forms of child labour.
- 6: Put in place clear institutional arrangements to identify, withdraw, rehabilitate, and reintegrate children unconditionally from the worst forms of child labour.
- 7: Put in place measures to prevent and eliminate hazardous child labour.
- 8: Empower deprived households and communities to overcome vulnerability to child exploitation.

³³⁵International Labour Organization, “*National Action Plan for the Elimination of Child Labour and Its Worst Forms,*” <https://www.ilo.org/publications/national-action-plan-elimination-child-labour-and-its-worst-forms>.

9: Progressively introduce new technologies and labour market reforms to reduce dependence on child labour.

10: Provide adequate institutional, technical, and organisational capacity to duty-bearing agencies at all levels and to enhance the inter-agency knowledge base.”

While groundbreaking and innovative, it was the first time in Ghana’s history such ambitious and far reaching policies regarding the eradication of child labour had been implemented, this phase of the plan underwhelmed and underperformed. Impact was limited due constraints on the Child Labor Unit of the Ministry of Employment and Labor Relations. This unit could not conduct suitable inspection due to logistic, technical, and institutional limitations.

Phase II was developed and introduced as a result of the recommendations after the evaluation of phase I. This phase was created using the lessons and challenges from the previous phase, as well as the data of the National Report on Child Labour of 2014, the policy objectives of the previously discussed National Policy on Child and Family Welfare, Ghana’s growth and development agenda and on the ECOWAS regional framework regarding child labour and the UN’s SDGs, with a special focus on SDG 8.7, which deals with the immediate and effective eradication of forced child labour, slavery and the worst forms of child labour³³⁶. This phase ran from 2017-2021. Its main aim was to reduce the amount of worst forms of child labour to below 10% in 2021. Despite advancements being made in this regard, this aim was not met. This phase also had the task of laying the institutional, policy, and social foundations to effectively eradicate child labour from the country, too little time has passed to correctly gauge if this has been successfully achieved.

Similarly to other policy frameworks and action plans discussed thus far this phase is focused on creating effective inter-agency collaboration and coordination in policies and programs regarding the child’s well-being, at both the development and implementation level. The last main aim of the plan is the creation of community empowerment and sustainable action against child labour.

³³⁶ “8.7 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 – Indicators and A Monitoring Framework,” n.d., <https://indicators.report/targets/8-7/>.

*Ghana's Accelerated Action Plan Against Child Labour: National Plan of Action for the Elimination of Child Labour*³³⁷

This action plan can be considered the continuation of phases I and II of the National Plan Of Action On The Elimination Of The Worst Forms Of Child Labour. The time span covered by this new plan is from 2023 to 2027, in these years the plan will continue successful actions carried out by phase II and implement new solutions and approaches to ensure the fulfilment of SDG 8.7 and other national and international commitments regarding the eradication of child labour.

The plan is centred and based on children's rights, unlike phase I and II children were active participants in creating solutions to the problem of child labour. This plan has the ambitious aim of eliminating the worst forms of child labour from Ghana by 2025, at the rate it is currently going it is unlikely that this aim will be met. The core tenets of this action plan are to remove children from hazardous work, reintegrate working children into education, enhance and better enforce child labour laws, raise awareness about what is child labour and the dangers of child labour, and lastly to provide families with alternatives so they do not rely on child labour.

Under this plan national laws will be brought into alignment with the international standards, discussed in chapter 5, regarding children's rights and labour rights, community engagement and participation will be increased through the use of Community Child Protection Committees, and access to education leading to a higher enrolment rate will be improved through the building of more schools in rural areas, making school more affordable through scholarships and the subsidy of school supplies.

³³⁷ Ministry of Employment and Labour Relations, "Ghana's Accelerated Action Plan Against Child Labour: National Plan of Action for the Elimination of Child Labour" <https://www.melr.gov.gh/5/5/policy-and-guidelines>

*Declaration of Joint Action to Support the Implementation of the Harkin-Engel Protocol (2010 Declaration) and its Accompanying Framework of Action*³³⁸

This framework was a joint effort from the governments of Ghana and Côte d'Ivoire to support the implementation of the Harkin-Engel protocol and reduce, through governmental action and the collaboration with key stakeholders, the worst forms of child labour in cocoa by 70% by 2020. The framework has 4 main tasks:

- “1: Provide and support remediation services for children removed from the worst forms of child labour, including education and vocational training

- 2: Provide protective measures to address issues of occupational safety and health related to cocoa production and provide livelihood services for the households of children in cocoa growing communities

- 3: Establish and implement a credible and transparent sector-wide monitoring system across cocoa growing regions in the two countries

- 4: Promote respect for core labour standards”.

This was a very ambitious plan, tens of millions of dollars were invested into this program and Louisiana's Tulane University monitored progress in a report published in 2014. Despite this commitment to eradicating the worst forms of child labour from Ghana and Côte d'Ivoire's cocoa production the goal of this framework was not met.

³³⁸ US Department of Labor et al, “CLCCG ANNUAL REPORT.” n.d.
<https://www.cocoainitiative.org/sites/default/files/resources/CLCCG2018AnnualReport.pdf>

*Establishing Child Labour Free Zones in Ghana*³³⁹

This policy aims to create regions that are completely free of child labour, where children can access education and achieve their full potential by strengthening community level systems to eradicate child labour. The core principles of this policy are:

“(i) To set conditions and provide a guide for establishing a geographical area as child labour free;

(ii) To set criteria and modalities for assessing the conditions within the geographical area for declaration as child labour free.”

In order for an area to be classified as a child labour free zone it must comply with the following:

“(i) Child labour is well understood by members of the zone as human right violation and constitutes a threat to children’s health, education or development;

(ii) A well-functioning child labour monitoring system in place to monitor, prevent, identify, withdraw, remediate (refer and re-integrate) affected children and or their parents or guardians;

(iii) Children who are legally permitted to work (13-17 years) are protected from hazardous work;

(iv) Perpetrators are made to face the necessary sanctions in accordance with applicable laws and regulations;

(v) Children’s rights are respected and upheld;

³³⁹ Ministry of Employment and Labour Relations, “*Establishing Child Labour Free Zones in Ghana*”
<https://www.melr.gov.gh/5/5/policy-and-guidelines>

(vi) Resources are invested by national and sub-national levels in children's welfare and development (education including technical and vocational skills training, health and recreation);

(vii) Capacities of relevant stakeholders developed in terms of technical, logistics and financial to enable them carry out their respective mandates

(viii) As a result of the above, incidence of child labour is reduced to the barest minimum (not exceeding 10%).”

NGO Action

The documentaries, studies, and reports of the usage of child labour in the cocoa industry in Ghana garnered global attention, prompting several NGOs to get involved in the fight to eradicate child labour from the cocoa supply chain. Non governmental actors and civil society have key stakeholders in the fight against child labour in Ghana's cocoa industry. NGO can be divided into the following three categories: direct interventions, advocacy, and policy creation and implementation.

Actions under direct intervention work directly on the ground in Ghana and with cocoa growing communities. The International Cocoa Initiative works with local communities in several ways to fight child labour. They run development and education projects, they have set up committees that monitor and report child labour in cocoa producing villages, they reinforce governmental action by training farmers even further on why children receiving an education is important and why child labour is harmful to the child, this helps shift cultural narratives in Ghana where in some rural communities education is not seen as beneficial to the child as working.³⁴⁰ Another NGO involved in direction intervention is World Vision. World Vision runs Child Labour Monitoring and Remediation System. This system identifies at risk children and prevents them from becoming victims of forced child labour by making education more appealing and accessible by providing school supplies, scholarships, and even vocational training for older children that might have aged out of compulsory basic education.³⁴¹ The last NGO that will be discussed regarding direct intervention is the Fairtrade Foundation. They work with cocoa farmers to ensure wages are fair and can

³⁴⁰ International Cocoa Initiative, “Our Work in Ghana,” ICI, <https://www.cocoainitiative.org/our-work/where-we-work/ghana/>.

³⁴¹ World Vision, “Child Labour in Cocoa,” World Vision International, <https://www.worldvision.org/child-labor-in-cocoa/>.

guarantee a decent standard of living, as well as the improvement of working conditions. Better pay and conditions means cocoa work is more appealing for adults and also means farmer poverty is lower which should lead to lower rates of child labour in Ghana's cocoa³⁴². Fair trade just like the International Cocoa Initiative raises awareness through campaigns about the benefits of education and how children should remain in school.

The second category of NGO action seen in regards to the use of child labour in Ghana's cocoa is advocacy. Two NGOs stand out: Save the children, and Anti-Slavery International. Save the Children has routinely developed campaigns to raise awareness about the use of child labour in cocoa, gaining worldwide attention to the cause, leading to increased consumer pressure for the industry and governments of producer countries to fix this issue³⁴³. Save the Children has used both traditional media outlets like the press and social media to raise the profile of this issue even further. Anti-Slavery International has used its advocacy efforts to lobby for the better enforcement of existing child labour laws and the creation of stronger laws that fill the gaps and adapt to new realities.³⁴⁴ Their advocacy work has also lead to the research and publishing of reports that highlight how prevalent child labour still is in cocoa farms and the work conditions children are exposed to. These reports and research can then be used by activists from around the world to pressure the industry and governments.

The Global March Against Child Labour and the International Labour Organization have both been essential partners to the Ghanaian government in the development of policies regarding child labour. The Global March Against Child Labour is a network of trade unions and civil society organisations that have aided the Ghanaian government in reinforcing its child labour laws and most importantly their enforcement.³⁴⁵ The ILO has aided the Ghanaian government by providing technical assistance and expertise, through its International Programme on the Elimination of Child Labour, to draft policies like those discussed earlier in the chapter and implement them.³⁴⁶

³⁴² Fairtrade Foundation, "Fairtrade and Cocoa," Fairtrade International, <https://www.fairtrade.org.uk/farmers-and-workers/cocoa/>.

³⁴³ Save the Children, "Protecting Children in Cocoa Farming," Save the Children USA, <https://www.savethechildren.org/us/what-we-do/global-programs/protection/child-labor-in-cocoa/>.

³⁴⁴ Anti-Slavery International, "Child Labour in Cocoa Farming," Anti-Slavery International, <https://www.antislavery.org/what-we-do/cocoa-farming/>.

³⁴⁵ Global March Against Child Labour, "Campaigns," Global March, <https://globalmarch.org/campaigns/>.

³⁴⁶ International Labour Organization, "Combating Child Labour in Cocoa," ILO, https://www.ilo.org/ipec/Informationresources/WCMS_221513/lang--en/index.htm.

Tackling child labour in Ghana's cocoa sector is a complex task. NGOs have played an important role through a mix of direct interventions, advocacy, and policy development and implementation. The current state of the industry suggests that despite progress being made in order to truly eradicate child labour from Ghana's cocoa industry NGOs, the government, the private sector, and international bodies, will have to continue to collaborate and coordinate their actions.

Industry Action

After the documentaries and scandals of the years 2000 and 2001 and the Harkin Engel Protocol the industry had to act, to do nothing would have been more costly and would have soured public opinion of the chocolate industry even further. Now all major chocolate manufacturers have some child labour program that they proudly display on their website and some even on their packages. However, what do these programs actually mean? What have they achieved? Are they just a form of marketing or do they actually help cocoa farming communities? Another important question to consider is should chocolate companies even be building schools in Ghana. It makes one wonder why these companies put so much effort into promoting their anti child labour schemes to the public, instead of using that money to pay a higher price to farmers. After all, the chocolate industry is a 119 billion dollar industry³⁴⁷, with profit margins between 28 to 36%³⁴⁸ and yet most cocoa farmers survive on less than 2 dollars³⁴⁹ a day. The efforts undertaken by the chocolate industry to tackle child labour in cocoa fall into: certification programs, corporate social responsibility initiatives, and collaborating with NGOs and the Ghanaian government.

There are three main certifications regarding child labour in Ghana's cocoa supply chain, Fairtrade, the Rainforest Alliance, and the UTZ. The Fairtrade certification does not directly deal with child labour, rather it makes child labour less appealing. Producers that have a fairtrade certification receive a higher pay than those that do not, making the certificate very desirable, however to obtain this certificate farmers must follow very strict rules regarding

³⁴⁷ Grand Review Research "Chocolate Market Size, Share & Trends Analysis Report by Product (Traditional, Artificial), by Distribution Channel (Supermarket & Hypermarket, Convenience Store, Online), by Region, and Segment Forecasts, 2024 - 2030," n.d., <https://www.grandviewresearch.com/industry-analysis/chocolate-market>.

³⁴⁸ RFQ Relativity of Microeconomy, "Industry Analysis: Chocolate & Confectionery | RFQ Relativity of Microeconomy," December 22, 2018, <http://rfqrelativity.com/food-and-beverages-purchased-for-off-premises-consumption/food-and-nonalcoholic-beverage/food-manufacture/chocolate-confectionery/>.

³⁴⁹ Henry Ridgwell, "Ghana's Cocoa Farmers Suffer Falling Incomes as Chocolate Makers Reap Profits, Says Oxfam," *Voice of America*, May 13, 2023, <https://www.voanews.com/a/ghana-s-cocoa-farmers-suffer-falling-incomes-as-chocolate-makers-reap-profits-says-oxfam/7090760.html>.

worker's rights and absolutely no use of child labour. Fairtrade certifications make the cheap labour obtained from forced child labour more costly.³⁵⁰ The Rainforest Alliance certifies several criteria, including social and economic ones, within this subsection is the prohibition of children being used to do hazardous work and from being denied their access to education so they can work in the cocoa farms. This certificate, unlike the other two certificates, carries out audits to ensure accuracy and compliance.³⁵¹ The last certification is the UTZ. This certificate deals with the improvement of farmer living standards. This certificate bans child labour and promotes the child's welfare, which includes having access to education, in rural cocoa growing areas of Ghana.³⁵² The impact of these certificates is limited as they are optional and not having them doesn't mean anything. These certificates can increase the income farmers earn but farmers are not punished if they do not have them. These certificates help inform the final consumer about the conditions of the workers at cocoa farms, however since all three discuss slightly different things and the general consumer is not necessarily the most familiar with what they mean this information might not be understood, limiting their impact on consumer choice.

This thesis will focus on the Corporate Social Responsibility Initiatives of three of the biggest chocolate manufacturers in the world as of now: Nestlé's Cocoa Plan, Mars' Sustainable Cocoa Initiative, and Mondelez International's Cocoa Life Program.

Nestlé, a giant of the food and beverage industry, launched its Cocoa Plan in 2009 to tackle the pressing issues in the cocoa industry of poor working conditions, child labour, and harm to the environment. This plan is built around three principles: better farming to be achieved through increasing productivity and giving farmers more support and resources, better living conditions for farmers and their family with a focus on healthcare and infrastructure, and better cocoa that is traceable and up to Nestlé standards, these include the complete elimination of child labour from the supply chain. To achieve these goals the plan will build schools, provide scholarships, and train farmers on sustainability.³⁵³ These are actions already being undertaken both by the Ghanaian government and NGOs. Nestlé identifies child labour in its supply chain through the use of Child Labour Monitoring and Remediation System. This plan has failed, it has been running for 15 years and yet children are still very much

³⁵⁰ Fairtrade Foundation, "Fairtrade and Cocoa," Fairtrade International, <https://www.fairtrade.org.uk/farmers-and-workers/cocoa/>.

³⁵¹ Rainforest Alliance, "Cocoa," Rainforest Alliance, <https://www.rainforest-alliance.org/areas-we-work/cocoa/>.

³⁵² UTZ, "The UTZ Certification Program," UTZ, <https://utz.org/what-we-offer/certification/the-utz-certification-program/>.

³⁵³ Nestlé, "Nestlé Cocoa Plan," Nestlé, <https://www.nestlecocoaplan.com/>.

present in Nestlé sourcing cocoa farms. This raises the question, should Nestlé do more or are its actions simply misguided and a new approach is required to prevent children from working and being exploited in cocoa farms?

Mars' plan expressly mentions tackling poverty and eliminating child labour in its objectives. The biggest, most concrete commitment in the plan is that by 2025 100% of the cocoa used by the company will come from certified sources that comply with Mars' standard and that its cocoa is 100% traceable by 2025. The company wants to ensure all their cocoa bean sourcing complies with respect for human rights. As of today, it is unlikely that Mars' will be able to meet this deadline. The company has a close partnership with the Fairtrade and the Rainforest Alliance certification bodies, discussed earlier in the chapter, to make sure their cocoa beans meet international standards of human rights, economic rights, and sustainability. The company also carries out regular audits of farms and works with community monitoring groups to ensure child labour is not present in the farms the source from.³⁵⁴ Just like Nestlé, the NGOs and government Mars' builds schools in cocoa regions and provides farmers with training on productivity and sustainability. Just like Nestlé, Mars' cocoa supply chain is still plagued by the use of child labour.

Mondelez International's Cocoa Life program is remarkably similar to those of Nestlé and Mars'. They too aim to create an ethical and sustainable cocoa supply chain through the elimination of child labour and improving farmer's standard of living, which they will achieve by building schools, providing trainings, and using monitoring systems.³⁵⁵ Just like the other two aforementioned companies, Mondelez International's cocoa supply chain is still very much tainted by the use of child labour, they were even recently involved in several high profile legal cases regarding child slavery in their cocoa farms. They did win the cases, but it must be noted that those wins were on the merit of technicalities regarding jurisdiction not because they were deemed non guilty of the use of forced child labour and slavery.

The last type of action undertaken by the chocolate industry to fight child labour and create a child labour free supply chain is collaborative efforts. There are three main collaborative efforts in the chocolate industry's plight against child labour: The Harkin Engel Protocol, the World Cocoa Foundation, and the International Cocoa Initiative. These are all collaborative efforts because the main idea that underpins them is the need for all actors involved in the

³⁵⁴ Mars Incorporated, "Sustainable Cocoa," Mars, <https://www.mars.com/sustainability-plan/cocoa>.

³⁵⁵ Mondelez International, "Cocoa Life," Mondelez International, <https://www.cocoalife.org/>.

chocolate industry from both the private and public sector to act together, through collaboration and consensus to eradicate child labour. This is why the International Cocoa Initiative is included, despite being an NGO, because its work has widespread support and depends on, to a certain extent, chocolate manufacturing companies.

The chocolate industry has made efforts to tackle child labour in Ghana's cocoa industry, through certifications, chocolate company led initiatives, the buildings of schools, scholarships, and provisions of training. However, due to the lack of transparency regarding these actions, the lack of consequences if deadlines are not met, which has happened several times with the Harkin Engel protocol, and lack of impact on rates of child labour, one must wonder if these initiatives are merely lip service to soothe consumer unease about child slaves being involved in the production of the chocolate bar they just bought.

*Evidence Of Forced Child Labour And Child Slavery In Ghana's Cocoa Industry*³⁵⁶

Despite all the previously discussed policies, NGO actions, actions from the chocolate industry itself, and the legal framework at the national and international level regarding child labour, discussed in chapter 5, child labour exists in Ghana's cocoa sector, this cannot be denied. The use of child labour in cocoa production in Ghana is an established fact proven by several different studies and reports from reputable sources, as far back as 2000 and as recently as 2021.³⁵⁷ Most of the children in cocoa farms in Ghana are not simply helping their families a few hours after school, they are working instead of going to school. The dominance of West Africa as a cocoa producing region is maintained and keeps growing due

³⁵⁶ Interview of the Voice network by Sara del Carmen Navarro Galván, online, on the 6th of November 2023.

Interview of Dr. Gearhart by Sara del Carmen Navarro Galván, online, on the 10th of November 2023.

Interview of the Swiss platform for sustainable cacao by Sara del Carmen Navarro Galván, online, on the 21st of November 2023.

Interview of Mr. Donkor by Sara del Carmen Navarro Galván, online, on the 21st of May 2024.

³⁵⁷ Asuming-Brempong, Samuel, and Kwadwo Asenso-Okyere. "The Influence of Agricultural Policy on the Extent of Child Labour in Ghana." *Journal of Agricultural and Environmental Ethics* 24, no. 6 (2011): 527-543.

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<https://doi.org/10.1007/s10806-011-9298-6>. Bass, Loretta E. "Child Labor in Sub-Saharan Africa." *The Annals of the American Academy of Political and Social Science* 575, no. 1 (2001): 187-202.
<https://doi.org/10.1177/0002716201575001011>.

to the use of child forced labour.³⁵⁸ Ghana's child labour survey found that 21.8 % of all children aged 5 to 17 years old are involved in child labour,³⁵⁹ one of the highest rates in the world.³⁶⁰ This translates to around 1.9 million children in Ghana being engaged and victims of child labour.³⁶¹ The percentage of children involved in child labour rises significantly when looking at rural areas, 88% of children in rural areas are working.³⁶² Rural children being more likely to work and perform child labour is in line with the findings that 79.2% of all child labour in Ghana happens in the agricultural sector.³⁶³ The Western and Ashanti region both lead the way in cocoa production, and in child labour. This suggests a correlation between increased cocoa production and child labour. Cocoa is the main cash crop of Ghana but as discussed previously it is a crop with unstable price cycles, farmers are underpaid and poor, it is a plant that has a very labour intensive harvest and the process cannot be easily mechanised. This means forced child labour is very appealing as it allows farmers to cut costs. A thriving cocoa industry in a region can also explain higher child labour rates as child migrants from other regions are attracted or trafficked to the cocoa farms to work. These migrant working children mainly come from the Northern and Upper Eastern regions of the country; these are also the poorest regions in the country. As of 2020 it is estimated that 770,000 children are working in Ghana's cocoa sector.³⁶⁴ It is hard to obtain up to date figures and estimates due to the clandestine and illegal nature of child labour, forced child labour and child slavery, but due to COVID 19 farmer poverty has increased, suggesting current figures might be even higher.³⁶⁵

Worldwide progress against child labour has stalled and even reversed since 2016.³⁶⁶ In 2016 152 million children were involved in child labour, out of which 73 million were performing hazardous work, in 2020, the last year for which data is available, 160 million children were

³⁵⁸ Inez Sutton, "Labour in Commercial Agriculture in Ghana in the Late Nineteenth and Early Twentieth Centuries," *Journal of African History* 24, no. 4 (October 1, 1983): 461–83, <https://doi.org/10.1017/s0021853700028000>.

³⁵⁹ Ghana Statistical Service, "Ghana Living Standards Survey (Round 6) Child Labour Report" (Ghana Statistical Service, 2014).

³⁶⁰ Cara Pugmire, "Child Labor in Ghana - Ballard Brief," Ballard Brief, August 2, 2023, <https://ballardbrief.byu.edu/issue-briefs/child-labor-in-ghana>.

³⁶¹ "Ghana Population 2022 (Live)," World Population Review, <https://worldpopulationreview.com/countries/ghana-population>.

³⁶² George Nii Armah Clerk, "Child Labour in Ghana: A Study of Law and Policy in a Global Context" (PhD diss., University of Sheffield, 2008).

³⁶³ Cara Pugmire, "Child Labor in Ghana - Ballard Brief," Ballard Brief, August 2, 2023, <https://ballardbrief.byu.edu/issue-briefs/child-labor-in-ghana>.

³⁶⁴ Verité, "Cocoa Commodity Atlas Research Page With a Map," July 1, 2021, <https://verite.org/project/cocoa-3/>.

³⁶⁵ United Nations International Children's Emergency Fund and International Labour Organization, "Child Labour: Global Estimates 2020, Trends and the Road Forward," UNICEF DATA, October 14, 2022, <https://data.unicef.org/resources/child-labour-2020-global-estimates-trends-and-the-road-forward/>.

³⁶⁶ Ibid.

victims of child labour, 79 million were carrying out hazardous work.³⁶⁷ This trend is also true of Ghana's cocoa industry. The latest report, out of the three commissioned by the US department of labour, from the National Opinion Research Center on the topic, found more children involved in cocoa production in the 2018/2019 than in the 2013/2014 season.³⁶⁸ While figures vary slightly due to a difference in understandings and conceptions of what child labour is per the latest figures 45% of Ghanaian children that live in rural communities work in the cocoa industry.³⁶⁹ These high rates of child labour in cocoa can partially be explained by the poor educational infrastructure in many parts of rural Ghana. Due to the lack of schools many in cocoa regions consider working in the cocoa farms as one of the best livelihood options for children and a better option than education due to the aforementioned lack of schools.

Child labour in Ghana's cocoa industry takes many forms, the most insidious being the use of child slavery. One of the key informants of this research was a child slave in their youth. Unlike other reports thus far of child slavery in cocoa production, this person was not trafficked. Their own father was their enslaver; their father owned a cocoa farm and had the interviewee work there with no salary, and preventing them from attending school.³⁷⁰ This is a clear violation of children's rights. The informant worked at the field for several years, starting when they were just 8 years old. This goes against international law as well as Ghanaian national law, the minimum work age is 15 years old with 13 year olds being allowed to do light work. This interview shed light on the fact that child slavery while less discussed in the context of Ghana's cocoa industry does exist, it is not a fringe phenomenon, the interviewee was not the only person enslaved on their father's farm, their siblings were too, and they spoke about other children being in the same situation. It must also be noted that the social protection services of Ghana failed this interviewee, the reason they stopped being a slave was not government or institutional intervention or protection, it was that a family member challenged cultural norms, challenged the informant's father and took responsibility of the children moving them to an urban area where they could access education. Despite COCOBOD's firm control of the cocoa industry in Ghana as a whole, it has failed to control the labour system in cocoa, most notably child labour. Currently, as was

³⁶⁷ Ibid.

³⁶⁸ National Opinion Research Center at the University of Chicago, *Assessing Progress in Reducing Child Labor in Cocoa Production in Cocoa Growing Areas of Côte d'Ivoire and Ghana* (Washington, D.C.: U.S. Department of Labor, 2020), https://www.dol.gov/sites/dolgov/files/ILAB/child_labor_reports/Final-Report-2018-19-Child-Labor-Cocoa-Sector.pdf.

³⁶⁹ Ibid.

³⁷⁰ Interview of Mr. Donkor by Sara del Carmen Navarro Galvan, online, on the 21st of May 2024.

the case with this interviewee, much of child labour and specially child slavery in the cocoa sector, goes unnoticed by the Ghanaian government, and what the government does not know about it cannot prevent and cannot protect the victims.

The child labour seen in the cocoa industry in Ghana is actively harmful to the child. Many of the tasks performed by children in cocoa farms such as clearing of land with machetes, spraying agricultural chemicals such as pesticides, carrying heavy loads that are sometimes even heavier than the child, and using machetes to cut open cocoa pods, fall under the worst forms of child labour, hazardous work, are entirely unsuitable for children, and are in complete opposition of international and national legal and policy frameworks. The harm children suffer from this work is very tangible. Children are carrying out these already dangerous and harmful tasks without any training on safety practices and even more worryingly without any protective equipment, in some cases they do not even wear shoes, which puts them at even greater risk. These heightened risks lead to the children suffering several different types of injuries and illnesses such as coughs, bone fractures, lacerations, sprains, strains and other types of musculoskeletal injuries and disorders, as well as eye injuries. 54% of children working in Ghana's cocoa sector report suffering injuries on the job.³⁷¹

It must be noted that not all children in rural cocoa growing region are as at risk of falling victims to child labour. Household factors play a big role. Cocoa farmer's children tend to be more likely to go to school and if they work in the family cocoa farm it is always after school and not at the expense of their education. However, this is not true for all cocoa farmer's children, as mentioned previously schools are not as common in rural Ghana so some cocoa farmers opt to have their children work full time in the farms as a way to train them for when they inherit the farm as education is not seen as a viable alternative. The children of migrant workers or sharecroppers are more likely to not attend school or if they do go have irregular attendance as they work full time, or close to full time in the cocoa farms. The amount of adult labour available in the household also has an impact on the type of child labour observed. The less adult labour available the longer hours children have to work in cocoa farms putting their education and rights at risk.³⁷² Figures show that children contribute the

³⁷¹ Malika Djalalova, "Child Labour Prevalence in Ghana" (PhD diss., KDI School, 2015).

³⁷² Victor Owusu and Addo Gema Kwarter, "An Empirical Analysis on the Determinants of Child Labor in Cocoa Production in Ghana," paper presented at PENet Conference, 2008.

largest percentage of household labour in Ghanaian cocoa farms.³⁷³ An ICI report seems to confirm this, this study found an average of 42 children working full time in the cocoa sector per a community, translating to 1,764 children in all 42 communities.³⁷⁴ None of these children attended school. These results were further reinforced by a study from the child unit of the Ministry of Manpower, Youth and Employment that found that out of the 1,671 questionnaires administered, 685 were child workers, or 41% of those questioned.³⁷⁵ The last household factor that may impact the use of child labour is access to credit. Scholarly research has shown that insufficient access to credit, along with high input costs, are problems that heavily affect Ghanaian cocoa farmers³⁷⁶. To deal with these problems Cocoa farmers, use child labour instead of adult labour. Child labour is cheaper and in many cases free, reducing farmer's costs.

Role Of Poverty In The Prevalence Of Child Labour In Ghana's Cocoa Industry

The relationship between poverty and child labour in the cocoa sector is cyclical. Cocoa farmers are incredibly poor, many living beyond the poverty line³⁷⁷, therefore they turn to the use of child labour to cut cocoa production costs and keep up with growing market demand. However, exposure to child labour increases the chances of being poor in adult life and thus the cycle continues³⁷⁸; children work in cocoa farms in Ghana because their family and community cannot afford adult waged labour and when those children grow up they in turn use child labour as they too cannot afford to pay workers. Child labour seems to be intergenerational, children who's father were child labourers are 12% more likely to be involved in child labour; this percentage is even higher when their mother was a child labourer, 15%.³⁷⁹ The use of child labour in cocoa creates poverty traps and cycles in Ghana's rural communities. This is in line with most of the literature on the topic, and how it

³⁷³ WACAP, *West Africa Cocoa and Commercial Agriculture, Project Report, 2003*.

³⁷⁴ Leslie Casely-Hayford, "*Situational Analysis of Child Labour in the Cocoa Sector of Ghana*." Report to the ICI, 2004.

³⁷⁵ Ministry of Manpower Development, Employment and Youth, *A Child Labour Monitoring System in Five Districts in Ghana (First Report)* (Accra, 2005).

³⁷⁶ Awwal Mohammed Yahaya et al., "Economic Analysis of Cocoa Production in Ghana: The Case of Eastern Region," *Custos e@gronegocio on line* 11, no. 1 (2015): 336-352.

³⁷⁷ "Improving Farmer Income Through Sustainable Practices," World Cocoa Foundation, n.d., <https://worldcocoafoundation.org/focus-areas/farmer-income>.

³⁷⁸ Cara Pugmire, "Child Labor in Ghana - Ballard Brief," Ballard Brief, August 2, 2023, <https://ballardbrief.byu.edu/issue-briefs/child-labor-in-ghana>.

³⁷⁹ Victoria Nyarkoah Sam, "The Poverty Hypothesis and Intergenerational Transmission of Child Labor: Evidence from Ghana," *African Journal of Economic Review* 4, no. 2 (July 1, 2016): 74-91, <https://ageconsearch.umn.edu/record/264435/?ln=en>.

consistently finds poverty to be one of the driving factors for the widespread use of child labour, seen in Ghana's cocoa industry.

One of my interviewees did rebuke this notion that poverty was the sole explanation for the use of child labour in Ghana's cocoa.³⁸⁰ They mentioned that cocoa cooperatives were an initiative that allowed poor farmers to work together, taking turns working on each others land, to farm cocoa without having to use child labour. This reveals that alternatives to the use of child labour do exist, even if farmers cannot afford to pay waged workers. This suggest that while poverty certainly plays a role in the widespread use of child labour, there is a cultural element as well. Children are seen by many to have a duty to their family and community to work and ensure the livelihood and survival of the family unit, in many rural communities due to the lack of educational infrastructure and services education is not valued or seen as an appropriate alternative to work and in specific rural communities children are viewed as the property of the father, therefore the father can make them do as they see fit.

Conclusion

Child labour in Ghana's cocoa sector is a pressing issue in the chocolate industry that taints almost all the chocolate consumed in the world. Ghana's government and institutions have launched several ambitious policy frameworks, based on aligning national actions with international standards and improving interagency collaboration, to tackle this issue. NGOs and the industry have also been active in this fight. And yet results have been underwhelming. Children are still very much present in Ghana's cocoa sector. In fact the number of children involved has increased in the last decade. Child labour takes many forms in Ghana's cocoa sector, most worryingly most children working in cocoa farms are involved in the worst form of child labour, hazardous work, and some are even victims of child slavery. This is a clear violation of several international, regional, and national standards of human rights, children's rights. Children are actively harmed by this practice, in the most extreme cases they are enslaved, beaten, trafficked, and all children involved in child labour in Ghana's cocoa sector are denied the ability to reach their full potential, their development stunted, and their risk of being stuck in life long poverty increased.

³⁸⁰ Interview of Mr. Donkor by Sara del Carmen Navarro Galvan, online, on the 21st of May 2024.

Conclusion

This paper aimed to research and highlight the issues of widespread child labour, forced child labour, and child slavery in Ghana's cocoa sector. Slavery and child labour have stained cocoa production for centuries, the history of cocoa and slavery are deeply connected. After reviewing and analysing data obtained from primary sources: interviews with 4 key informants, and from secondary sources: reports by international organisations, non governmental organisations, Ghana's statistical services and academic literature, it has been established that child labour still exists and thrives in Ghana's cocoa sector. More worryingly this research shows that even child slavery exists in Ghana's cocoa supply chain. Child labour is an issue that impacts a large percentage of the country's youth, specially those of rural communities, and that most of the child labour in Ghana's cocoa sector falls under the worst forms of child labour and hazardous work. The current situation in Ghana's cocoa industry is a violation of several human rights, children's rights and a clear exploitation of labour.

This research opens up further questions and possibilities for future research. Future research should focus on what does corporate social responsibility entail in regards of child labour, should chocolate companies truly be building schools in Ghana or are there more effective ways to tackle child labour? Are these schemes a genuine attempt at reform from the industry or are they mere marketing tactics to soothe uneasy customers? Given that Ghana has a very robust and varied, at least on paper, set of legal and policy frameworks to address child labour, research could explore why child labour is so persistent, even increasing in the last decade. Future legal research could explore the flaws in the existing international, regional, and national frameworks and suggest solutions. Further topics for legal research could be the question of whether big chocolate companies can be tried and legally responsible for the child labour present in their cocoa supply chain. Economic research could focus on how to best lift cocoa farmers out of poverty and explore to what extent poverty is a driving force behind Ghana's child labour problems. The current literature focuses on child labour, but very few make distinctions between the levels of child labour, with the exception of the worst forms and hazardous work, more research should be conducted to discern how wide spread child slavery is compared to child labour in Ghana's cocoa sector. More attention should also be paid to children trafficked from other regions of Ghana to the country's cocoa belt as existing

literature tends to focus on children trafficked from Mali and Burkina Faso to Côte d'Ivoire or Ghana.

Another area that must be explored much more fully by the literature is the role of local NGOs. NGO action is heavily discussed in the literature yet it only focuses on large international efforts, disregarding the valuable work local civil society is carrying out. Local NGOs understand Ghana's context much better and are closer to the realities of cocoa farmers in Ghana than large NGOs are. Many of these local NGOs are based in cocoa communities and some even have cocoa farmers in their membership.

Similarly the efforts of trade unions have been underexplored, which is shocking as child labour at its heart is a form of labour exploitation, and the literature uses reports of conventions from the ILO extensively. It must be noted that the current scholarship regarding child labour in the cocoa industry in Ghana focuses more on the child rights aspect, with special attention to the needs of the child, the well being of the child, and the child's development, and the labour exploitation aspect is not as discussed. Child labour is seen as a child's rights issue first and foremost and as a labour rights issue second.

In summary this research has focused on the issues of child labour in Ghana's cocoa industry, exploring cocoa's history with slavery, cocoa's history in Africa, the power of public perception for change in the chocolate industry, cocoa's importance in Ghana, the legislative framework regarding this issue, and lastly explaining the role child labour plays in the production of Ghana's most important crop: cocoa. Heartbreakingly, as of writing this 770.000 children are working in the cocoa fields in Ghana, it is unlikely any of the deadlines set regarding child labour will be met and even more discouragingly if current trends continue child labour will worsen in the future. Mass scale child labour free chocolate is as of now a distant dream.

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Appendix

Interview with Dr. Gearhart

Ms. Navarro Galván:

You've been involved in workers' rights on global supply chains since the 90s. What would you say have been the biggest changes regarding child labour in global supply chains since then?

Dr. Gearhart:

Child labour? Yeah. So, the first phase was a lot of global companies decided to have a zero tolerance for child labour. And the second phase was to convince companies that you can't eliminate child labour if you don't address the full scope of decent work in your supply chain. I would like to say that I'm not a big fan of child labour. I would like to say that that's been fully accepted, but I think it's still something we're challenged with. For example, currently in the cocoa sector, there's something of a debate as to companies want to work on child labour, but they don't want to openly address and therefore openly acknowledge forced labour in their supply chains. However, they go hand in hand. And again, if you can't. And then if you want to address forced labour, you've also got to address living incomes and the whole suite of worker rights.

Ms. Navarro Galván:

Speaking of everything that ties into workers' rights and child labour, they're not isolated cases. What would you say is the political legal context of Ghana that contributes to the fact that child labour is so widespread?

Dr. Gearhart:

So, I'm not a Ghana expert. I need to be clear about that. I am familiar with some of the dynamics. Some of the child labour happens because there's a lack of schools, because the families don't see that education will lead to better prospects, because farmers get sick or injured and they need their children to bring in a crop. And so I can speak.

Specifically from my research and conversations with people in the cocoa sector, you'll find issues such as farmers wanting their kids to go to school. They don't want their kids to be labouring full time in the fields, but they also don't have access to credit. They don't have an easy way to get their crop to market. And they really earn very, very little to begin with. So what that means is that when it comes time to harvest the cocoa, the really heavy part of the work, they're struggling to be able to hire outside labourers, to be able to get the work done. And then if they get sick or if they get injured, then their only recourse is their family. And there isn't a lot of health care facilities and because they're living so hand to mouth, getting sick and injured is not a good thing. It is a real risk. So you can see the sort of domino effect of the low wages, the lack of access to credit and the lack of good roads and easy access to market.

Ms. Navarro Galván:

Something I found very interesting about your working paper was the focus on transnational coalitions. I would like to talk a little more about them and what role do they play?

Dr. Gearhart:

A lot of them, so let's talk about the transnational coalitions in cocoa. In cocoa, it was really 2001 when there were some exposés around child and forced labour in cocoa. And the solutions that came forward were very innovative at the time with the Harkin Engel Protocol that brought together companies and governments to try and resolve the issue. Unfortunately, it had the effect of sidelining. Right. Worker and farmer organisations, which at the time in the early 2000s were really not well organised. And both Ghana and Ivory Coast proceeded to go through some political turmoil, which made it even more difficult. A lot of grassroots organisations felt intimidated. And it's really only very recently since the mid 2010s that you have farmers and farmer NGOs. And advocacy organisations, sorry, farmer organisations and advocacy NGOs coming together to try and put forward a different position. What the transnational coalitions have done is they have been in touch with those groups since the, I want to say, starting around 2009. A lot of the international groups started to reach out and be more in touch with groups on the ground. Actually, much earlier. Where they started to identify, look, forced labour is continuing. The solutions to child labour are not effective. And they really play the role of lifting up what the national and local organisations are saying.

So, for example, you know, the companies and the governments just kept saying, we need to build more schools. We need to increase cocoa productivity. And the NGOs kept saying, no, there needs to be a better price for the cocoa. There needs to be access to the market and this, that and the other. This more holistic approach that needed to go forward that I write about in there. And the way transnational coalitions work is it sort of creates a, it's a support group, really. And then, it helps. Strengthen the national organisation's advocacy. Not that it changes their advocacy. It helps make known what they're saying the problems are. And then, of course, the international groups also come in and suggest, OK, you know, here's some economic analysis about the market. And here are some of the constraints we're up against. And here's how we need to push the traders and the manufacturers. So it allows, you know, global business. Operates at multiple levels. And the transnational coalitions allow civil society to operate at multiple levels. And when I say multiple levels, I mean from the actual retail market all the way down to the farmer producing. So, yeah.

Ms. Navarro Galván:

Something else that you mentioned in that working paper is how trade unions have not necessarily been actively engaged by a social order in the development of the benefit programs. What roles have the trade unions played and has collaboration with trade unions increased recently?

Dr. Gearhart:

So, I would say that trade union engagement has increased significantly in global supply chains. So in the beginning, you know, back in the 90s, a lot of the debates around global supply chains just focused on child labour. Right. And as I mentioned, as people realise that there's a core set of rights, right, since the 1998 ILO Declaration of Fundamental Principles and Rights at Work, more and more work has gone into this agenda of decent work. The ILO recently, last year, added health and safety among those core rights for decent work. And I think that helped to change a lot of people's conceptions. When I first started working on codes of conduct in 1997, so in the beginning, we did a study, I used to work for Social Accountability International, and my colleagues had done a study surveying companies, and the ILO did a study surveying companies, what was in their codes of conduct. And in the beginning, I think in the ILO study that I think dates to 2000, I could probably find the reference somewhere for you. And in the second study, they found that 15% of company codes of conduct did not include freedom of association and collective bargaining.

So there's been this complete shift in understanding that they need to support that. Now, do they support it? How do they support it? And will they actually sit down and negotiate with unions?

That's a different story. So, you know, a lot of work has gone into pushing that model. The Bangladesh Accord, I think, is a great example where the unions and the NGOs really were very firm in saying, you need to negotiate the solution with worker representatives. And with the Voice Network and the transnational coalitions forming around cocoa, you know, it's different because it's not always a union. It's sometimes a farmer organisation because it's a lot of smallholder farmers. But it is this concept of pushing. And for them to be at the table, there needs to be a negotiated solution.

It can't just be a top-down solution from a global corporation saying, we're going to do this now, right? You know, companies, when we asked companies in 2012 to address the fact that farmers were earning so far below the poverty line, their response was, we're going to increase productivity. And by 2016, we said, well, if you just increase productivity, that's just going to increase your supply of cocoa, and eventually it's going to have an oversupply, and then farmers are going to, the price will go down, and then farmers will be working three times as hard for barely more money. And that's exactly what happened in 2016, when the price fell out of the bottom of the cocoa market.

Ms. Navarro Galván:

My next question, since we're talking about things that have changed, is, now, we're seeing the introduction of forced labour import bans, like the one proposed by the EU Commission. What impact do you think this will have on the issue of child labour in cocoa?

Dr. Gearhart:

So, it won't have as much of an issue on child labour as it will on child forced labour or forced labour in general. You know, the U.S., some U.S. organisations, you can read the report from Corporate Accountability Lab. If you go on their website, they have filed a petition in 2019, I think. They've filed three now. They've updated it, showing how there is forced labour throughout the cocoa supply chain in Ivory Coast. And the U.S., which has a very active forced labour industry, has a very active forced labour import ban, has not moved on that case. So, on one level, I think the import bans push companies, because they really have teeth, more teeth than the due diligence laws, it pushes companies to really do a better job of conducting, addressing the issues in their supply chain, but it also is creating a little bit of a cat and mouse game. Before you, I mean, written about this, I think you can, there's a good report by Elaine Shee, from Harvard.

Yeah. And, you know, she talks about this, that companies on their audits, they don't want to fine. They don't want to find forced labour, because that has repercussions. If they document forced labour, that has serious repercussions for what they need to do and what could happen to the company.

Ms. Navarro Galván:

So, I wanted to pick up on something you commented briefly before, how at the start, since so much of the work was by companies and governments, the space for civil society was kind of closed. What kind of issues do civil society face right now when trying to advocate for children and workers' rights in Coco?

Dr. Gearhart:

So, achieving meaningful and effective stakeholder engagement is a great challenge. Following the debates around the EU directive on the EU Commission on Sustainable Due Diligence Laws, the EU Commission Sustainable Due Diligence Directive, one of the great achievements is that they've increased the requirements on stakeholder engagement in the due diligence process. But effective stakeholder engagement is a whole other game.

A lot of the farm organisations either don't have the resources, they're not able to, they're sort of asked a couple questions, and then whoever's consulting them walks away. It's not really a strong process. And right now, in AgriCost in Ghana, the NGOs are coming together. There are two coalitions that I talk about in the report that, where they're talking about advocacy and how they can bring solutions to their issues forward in the past and nobody ever wants to be quoted on the record but I have had multiple researchers tell me about things like death threats when they ask too many questions, like if you ask about the fertiliser subsidies you could get a death threat and because that's really trying to that gets to corruption local government corruption um other things is you know sometimes people try to not talk to the human rights investigators.

I mean it's still very tricky. We are trying to help convince the governments that they can benefit from talking to civil society organisations independent civil society organisations that have recommendations and proposals for a new path forward. I mean 20 years in the governments have to recognize they have not made significant progress on farmer incomes on child labour, on forced labour if they really want solutions they need to talk to a more diverse group of voices.

Currently what passes for stakeholder engagement tends to be talking to what I call in my report the engagers or the service providers the ones that are helping build the schools, if you're paying if you're funding a group to do work you're basically that's not an independent stakeholder. Meanwhile the independent stakeholders, have no resources are struggling to be able to do what they're doing and doubly struggling to be able to be heard so we have a real problem.

This is what I call the development compromise. Right every time you have outside money coming in through bilateral or multilateral aid you have to get that approved by the national government so there's only so much that that aid is ever going to challenge the national government because it has to be very diplomatic right the service providers by their nature have to be very diplomatic to the point where they don't challenge the government at all because they're not going to get the next funding if the government's pushed back on them. Meanwhile when you add companies to that mix and the companies also don't want to talk to the independent organisations it's like you create this double wall so the what I call the development compromise is really magnified when you bring in the company government collaboration and you know I have to ask like why are we having companies do social engineering to begin with

If you read the reports I quote one of the reports right where I think it was ballot bracket capital talking about the money they put into building schools and it's like okay first of all that does not look cost effective . Second of all, why are you claiming to contribute to the Ivorian national curriculum?

Ms. Navarro Galván:

It was something crazy, it was like three hundred thousand dollars to build two schools.

Dr. Gearhart:

I can't remember the exact numbers but it did given that I've never seen anything other than a cinder block school yeah I can't imagine how it could cost that much money yeah.

Ms. Navarro Galván:

Something you also mentioned in the report is how early campaigns really focus on forced child labour. Those did something to really shock consumers so companies really wanted to tackle that or at least look like they were doing something to appease consumers. What would

you say are the biggest misconceptions regarding child labour in cacao and why do you think it's still so prevalent despite all this attention?

Dr. Gearhart:

I think it's still prevalent for the reasons I mentioned earlier that farmer incomes are so low they're still these families are living a precarious existence and in some cases the farmers have gone to unsettled lands to build new fields where there's no community there's no school to begin with so the reach of the schools is also still an issue.

Ms. Navarro Galván:

What would you say are misconceptions regarding child labour if any?

Dr. Gearhart:

Well I think that's a struggle. I mean I hear from people in Ghana that say look there are different kinds of machetes and they say you know some of the smaller machetes kids can use and I think there are a lot of people like so.

In the beginning 20 years ago a lot of farmers questioned the need to take their kids out of the field and put them into schools openly questioned it now I think they are not as open about questioning it they will absolutely say that their kids need an education they agree but that doesn't necessarily mean they agree that their kids shouldn't help in the fields and I think that's a real tension point because that's part of their upbringing and part of who they are and so then it becomes a question of like how much can they help in the fields right like at some point the u.s department of labour funds these studies they were two by tulane and one by NORC and you know the tulane study was basically cataloguing any child who worked for one hour now agreed if they're exposed to pesticides and using a large machete that's hazardous child labour and should be stopped but it does it does kind of leave you not really understanding the dynamic if it's a kid working for one hour for their parent versus a kid who's working for not their parent for eight hours and and that kind of granularity has been hard to find sometimes.

Ms. Navarro Galván:

I think my last question will be something you mentioned and I hadn't read much about before is the cocoa crowd grievance redress mechanism. Could you tell me a little about how it has worked so far and why is it important?

Dr. Gearhart:

I don't know if it's worked so far. The African development bank gave a loan to Ghana for the cocoa sector and part of that loan was to I think professionalise the institutions. I don't exactly remember the specific language they used and with the international financial institutions the world bank, all of the the regional banks like the african development bank there's been a lot of work done to say that their process for giving a loan needs to do an assessment needs to consult civil society needs to include a grievance redress mechanism

and so there's a great report done by corporate accountability lab the Ghanaian law school and northwestern university and send Ghana or looking at that grievance mechanism but it was very early on in the process so they identified some things that still needed to be answered and I think there was a webinar reporting on that where they actually had the human rights commissioner from Ghana and you can find that on the corporate account of the disability lab website perfect then i'm touched with the the lawyer in charge of their work if you can't find things on their website.

You can use my transcript but I'd more so be interested in your end analysis.

Interview with the Voice Network

Voice Network representative:

Anything I say that I don't want to be on record as myself, I will either preface or say it afterwards.

Ms. Navarro Galván:

Yeah, of course. And any concerns you might have regarding sighting or anything you don't want included, you can always just tell me.

Voice Network representative:

Perfect, it doesn't often happen. Sometimes, you know, you never know what you're gonna say beforehand.

Ms. Navarro Galván:

That's fair. My first question would be, what do you think are the main challenges to tackling child labour in the cacao industry in Ghana? Because my thesis focuses on Ghana.

Voice Network representative:

Yeah, so one of the big challenges, and that's just one of them, is the fact that people are desperately poor. But that is kind of the bottom line of all of the other challenges that are there. But there's quite a few other ones that kind of tie into that as well.

The government does not per se do a very good job at dealing with the issue, nor with acknowledging the fact that there is an issue. So kind of the COCOBOD, which is the Ghanaian marketing board that heads up everything that has to do with cocoa in the cocoa sector in Ghana, they tend to downplay the issue of child labour, which I would say does not really help us very much either. Then adding to that, there's a lot of, I mean, child labour is very prevalent, not just in cocoa, but just across the entire country.

So there's a cultural issue there. There's not just the poverty, but the lack of quality access to education, particularly high schools. I would say that school enrollment range at primary school is pretty good, but like a big part of the problem is that the problem is the fact that the kids are actually, once they go to high school, there's no high school.

And so then they start working, but is that useful? Well, no, really not very useful at all. Problem being that they, that they then start working, but you're not allowed to get them to start working because you're stuck there as well.

The lack of education around what does it mean to have child labour, not helped at all, let me say by the actual government who are trying to ignore the fact on a regular basis that there is a child labour issue. And with that, I mean, they basically downplay the issue and they create the confusion. And so kind of not speaking clearly about what the challenges are creates a big part of the problem because then people are like, oh, but we don't have a problem.

Yes, you do. You actually really, really do. And so making, blaming the West for creating a child labour problem saying, oh, these are Western issues.

But then I'm like, okay, so who defines what child labour is? Well, actually the Ghanaian government does. So if you want to change the definitions of child labour, you need to be at the parliament in Accra.

And if you would want to do so, what are the things that you would like to take out of the hazardous activities framework that are actually in the hazardous activities framework at the moment that you think children should be allowed to do that they're not allowed to do right now? Now, the fact of the matter is there's actually very few things that people will then say, oh, this is it. Use of protective shoes is one of them.

The other one is sometimes, but that's disputable. You could have a conversation about what age do you find it appropriate for children to start using machetes? Which, you know, there's a real question you can ask there.

And I don't have per se the answer for that, to be honest. So that's kind of, those are some of the issues.

Ms. Navarro Galván:

You mentioned poverty and it was obviously mentioned in the Cacao Barometer this year how a lot of the issues stand on the trunk of poverty and Ghana's current economic situation is very worrying with inflation and the currency depreciation. How will this impact the cacao sector when it comes to child labour?

Voice Network representative:

The assumption is that the poorer farmers are, the more that they will actually have to revert to household labour to help supplement family income so the assumption is it's gonna make it worse.

Ms. Navarro Galván:

And you also talk about Ghana's government and how they've not been particularly helpful in tackling this and I wanted to ask what role do you think governance plays in this fight against child labour and what are the gaps in the Ghanaian government's action?

Voice Network representative:

So governance plays a huge role, right? And I think that initially the Ghanaian government was probably more open around the issues than the Ivorian government was. I think that has changed, I mean initially 20 years ago.

So let's say for the last 10 years I would argue that the Ivorians are probably more transparent and more honest about the size of the challenges that they have, et cetera. I would say that

particularly Cocoa Bar tends to create a lot of confusion around what we're talking about when we're talking about child labour, right? They mix language and so kind of when it's about worst forms of child labour, child labour, child trafficking, hazardous child labour, the confusion often is a feature, not a bug of the conversation.

And it allows for obfuscation of the issue, it allows for really making things less clear than they are, which tends to work to the advantage of the host governments. And so there's some real issues there that are very hard to tackle properly across the board, right? So there is, and it also creates a lot of confusion so kind of the government is not a monolith.

And so kind of the Ministry of Social Services, those who are in charge of child protection tend to actually be part of the solution. Those that are in the cocoa sector often tend to be more involved in trying to avoid the problem because for them earning money off cocoa is the reason they're there. And so therefore trying to avoid as many problems as possible, et cetera.

So stuff like that is kind of how the government plays a role there. But I mean, you can go into real detail there as to kind of which ministries, does the law system actually help? Are the lawsuits, sorry, are the courts and the trafficking, is that part of it?

Where's the child protection? Where's the education? I mean, there's a whole bunch of stuff that comes in here.

The Ghanaian government and particularly at the cocoa board level is particularly intransparent when it comes to dealing with income. And so therefore also with kind of how much they're spending, et cetera, et cetera. So there's really a lot of different elements that the government plays a role here as well, as well as in kind of just providing the infrastructure.

Is the government providing schools? Is the government providing teachers? Is the government providing teaching materials?

Is the government providing healthcare, which is also really important, either an enabler or a burden to families in allowing their children to go to school. Is there sufficient support for markets and access to markets? Are there roads?

Are the schools close enough to where you need to be? All those kinds of questions that you can really deal with on such a lot of different levels that it's often really not very clear how large the problems are that we're dealing with. Are we trying to solve the problems?

Are we actually just making them worse, et cetera, et cetera. There's really a lot of questions that the government plays a role in here as well. But then there's also a lot of stuff that the companies need to play a very vital role in as well, but they tend to try to say, oh, that's not our problem, that's not our job, et cetera, et cetera.

I mean, you can go a lot of different ways here. So I'm not sure if there's specific questions that you have or other points that you think I can be helpful on on that level.

Ms. Navarro Galván:

Yeah, there's actually a few. So both in the Cacao Barometer and in some interviews you've given, you've talked about the responsibility of consumer governments. Because a lot of times when we talk about the government role, we think about the producers.

It's true that now in the EU there's a lot of regulation that's trying to go through and the EU is the biggest consumer of cacao by a lot. So what responsibility does the EU, do consumer governments have? And what are they doing or what aren't they doing?

Voice Network representative:

Well, obviously we earn a lot of money as consumer nations off cacao, right? And in fact, you could argue that the consumer governments earn more money off cacao through taxes on VAT than that actually the producer governments get through their taxes, right? So we tend to allow the market to be the main driver of everything we're doing.

And then say, act as if the market is like this value neutral actor, which it really isn't, right? And so there's a real role that consumer governments have to play in creating a level playing field. So basically holding the large companies accountable because far too often companies are not held accountable, right?

So there's a real role they can play there. There's a role they can play not just in requiring certain human rights or environmental practices, but also in requiring economic principles at companies. Because you can say, hey, look, you're not allowed to do any deforestation.

Like at the moment the EU is working on through the EU Deforestation Regulation or EUDR. But if you don't then also require companies to make sure that further upstream, the actors that need to comply have the compensation in order to comply, then you're basically just making this the problem of the farmer rather than making it the problem of the companies. And so though we need these regulations, what we very much need is for those regulations to be the costs for them to be borne by those with the strongest shoulders. And that's the moment that's simply not happening, so.

Ms. Navarro Galván:

Yeah. Something that came up in my research and I thought was a little interesting was the fact that there is some voices within the big companies asking for regulation based on they don't want to be undercut by competitors. So I wanted to talk more like, what are the attitudes of the big companies?

Because a lot of them have, and they make a big point of that they have programs and that they're working on this and that they're collaborating with the Harkin Engel. But on the field, what is, what are the views, what are the attitudes?

Voice Network representative:

So the thing is, is that the core business of a big chocolate company is not to run sustainability program. Their core business is to buy and sell chocolate products. And so that's where you need to see the core business change.

Over the past six, seven years, we've seen a major change in the perspective of companies vis-a-vis regulation, where at some point they started realising, look, we can try to do this through voluntary programs as much as we want to, but these voluntary initiatives are simply not going to cut it. They're not going to be good enough because there will always be people willing to undercut us for price or for environmental damage, et cetera, et cetera. And so though a corporation as an entity might tend to skew towards being against regulation, the individuals within those companies at times might actually feel, hey, look, we need that.

And about five years ago, we reached a tipping point there where we were able to actually start a coalition of some of the chocolate companies that started actively asking for ambitious regulation because they realised that only through a level playing field are they actually going to be able to make the proper difference, because otherwise they're only ever going to be a little bit more sustainable than their competitor rather than actually sustainable.

So that I think is where we've seen a major change, but also because I think at some point they started realising that it was inevitable that regulation was going to happen. And when you realise the inevitability of it, then at some point you start realising, well, we'd rather be at the table than on the menu. That was literally how one of the companies said it.

And I thought that that was quite a fair assessment of kind of how that works, so to speak. So I think that that's kind of how you can see it in broad lines. So there's like a desire of individuals to make a difference.

Then there's a desire of the companies to make sure that if they're going to do it, then at the very least, let's make sure that they're not on the menu, but that they're at the table. I think that that would be kind of how I would summarise it for now.

Ms. Navarro Galván:

Speaking of the companies and their actions, what would you say are the main gaps in the actions taken right now?

Voice Network representative:

The main gaps is they're still not willing to pay for what it costs to have sustainable cocoa because there's still, to a large extent, everything is being run through the idea of we have programs, but the core of business is not to run programs. The core business is to- Make a profit. Is to buy or sell products.

And so in the end, it's the purchasing practices of the companies that are going to have to make the difference. And we're working towards a point where at some point we hope that that will be part of the mandatory playing field so that you actually get to the point where they're going to have to change because they're going to have to change rather than because it fits their narrative, it fits their annual report, it fits whatever their CEO felt like this morning, right? Because you're gonna get a different answer when you go to your boss and you say, hey, look, we've gotta do this because it's the right thing to do.

Or when you go to your boss and you say, we gotta do this, otherwise you're going to jail. You're going to get a different answer between those two. And I think that that's where we hope to be going at some point.

Ms. Navarro Galván:

Are there any sort of legislations, proposals on this topic right now? Or is that still something that's being worked towards?

Voice Network representative:

So that's been one of the big shifts over the last years. But particularly in the EU and in Australia, we've seen some major developments. So either national legislation in Australia or like the Modern Slavery Act or in the EU, the French Devoir de Vigilance, the German Lieferkennengesetz, the Deutsche Wettbewerbsverbot Frankfurt and Deutsche Ammonienahme, but also the EU Deforestation Regulation, the Corporate Sustainability Due Diligence Directive.

There's like a, we're living through a really interesting time where for 40 years, the idea that the market was right really dominated how we did supply chains. But in the last five to six years, we've started to see some major differences in, and like a real ground shift in the regulators' role in enforcing sustainability. And that started with some reporting regulations, but that's now gone way beyond reporting regulations to actually really requiring plans and changing intervention systems, et cetera.

And so we're really seeing a very different perspective around that now than we have ever before. And so we're going through a paradigm shift. And in fact, even in the US, there is talk about these things happening, right?

We're not there yet, but who knows? It's a very fastly changing world at the moment.

Ms. Navarro Galván:

I did want to circle back to the point you made before about how the Ghanaian government creates a lot of confusion, especially cocoa Board. And I wanted to ask, what would you say are the biggest misconceptions regarding child labour in Ghana?

Voice Network representative:

So the biggest misconception is the fact that people say, oh, you know, it's just kids helping out on the farm after school. And I wish that were the problem, right? But it's not.

The problem is that we know that the numbers that are there show that it's not just kids helping on the farm after school. It's of the 1.6 million children working on the farms, 1.56 million children are actually doing what is called the worst forms of child labour. And generally speaking, it's the worst forms of child labour because it's very dangerous, hazardous child labour.

And so, and of those kids that are doing hazardous child labour, the vast majority, like two thirds of them are not just doing hazardous child labour, but they're doing at least two or three different kinds of hazardous child labor. So it's not just the idea, they should just stop doing one thing and then it stopped, but they basically should stop doing two, three, sometimes four different things before you're there. And so the definitions of kind of what is hazardous child labour are not done in Geneva or in Brussels or in New York or Washington, DC.

Those definitions are actually defined at national level. And so what you see is that the Ghanaians themselves are in charge of defining what is and what isn't dangerous child labour. And so they could change that if they wanted to, but then what are you gonna change?

Are you going to let kids work more hours? They were already allowed to work quite a decent amount of hours, in all honesty. Are you going to get them to allow them to use more pesticides?

Are you gonna allow them to use more dangerous machinery? All of those questions become quite concrete at some point. And then you need to ask yourself, so what do we believe children should be allowed to do and shouldn't be allowed to do?

And actually that's where you start getting a question of kind of where is this conversation imperialistic? Where is this conversation actually empowering the local voices, et cetera? And I think that it's fair to say that these regulations should be determined at national level, but then you can say, okay, fine, so we'll change some of the things that kids are allowed to do, but then you need to ask yourself, what should kids be allowed to do that they're not allowed to do?

And then actually that list of things is very short indeed. And so the government is trying to create this, and particularly the cocoa bar, they're trying to create this thing, oh, it's Western people telling us what we are and aren't allowed to do. In fact, that's not the case.

However, I think it's really important to put in place, there are very real hurts based on the history of the last 400 years, right? Halfway between the capital of Ghana and the Ivorian border lies the most infamous slaving fort in history, the slaving fort Elmina. In Accra, the capital of Ghana, the government building, it used to be a slave fort, and they actually moved

the government about 20 years ago because they didn't want their highest body to be sitting in remnants there.

So there's this real history that starts at kind of exploitation in the slave trade, but goes down through basically colonization. And then after decolonization, still organisations like IMF and the World Bank, et cetera, the EU now telling them what they should be doing, right? And so there's been a lot of conversations over the past 400 years of white people telling people in West Africa what they should and shouldn't do.

So there's a real, it's not a perceived hurt. There is a real historically justified idea, why should they tell us what we should be doing, right? So this conversation is always a complex one and that you always need to also tread carefully when you discuss these issues because it's not a very simple binary polarised left, right, A, B, X, Y, yes, no conversation here.

But there is a political expediency to pointing at the other and saying, that's the bad guy. And so that's also part of it. And so the justified historic hurt can be weaponized into a political expediency that might not be justified.

Ms. Navarro Galván:

Speaking of, because it is true that a lot of the decisions regarding chocolate for a long time have been made in European cities and in the US. I wanted to ask, because it's been quite hard to find this, if there's any initiatives, any legislation at the African inter-regional system level, so African Union, ECOWAS, is that conversation happening there or is it being sorted in the Ghanaian government and the Ivorian government and then elsewhere?

Voice Network representative:

There's absolutely a conversation taking place around standards. And so over the past three years, the Ivorian and Ghanaian government together have set up something called the African Regional Standard, which is an attempt at setting up a standard of what sustainable cocoa should look like, not driven by Europe or the US or the consuming world, but through the Ivorian and Ghanaian government. So that's part one.

I think that that's definitely very fair to say that that's part of it. I think another thing that you see happening is the Ivorians and Ghanaians have actually started a cartel on cocoa called the Côte d'Ivoire and Ghana Cocoa Initiative, where they're trying very strongly to dominate the cocoa price. And so that's another really interesting development that I think that is very worth mentioning in this context.

So those are two things, not necessarily at an ECOWAS or African Union level, but the Ivorians and the Ghanaians have together started this cartel that they're working on strongly. And then also those two governments together have started this idea of a cartel on cocoa. So that's two different ways that there definitely are collaborations taking place at that level.

Yeah. And so the standard is called the ARS 1000 standard. And if you Google for that, you might be able to find that.

The cartel is called the Côte d'Ivoire and Ghana Cocoa Initiative.

Ms. Navarro Galván:

Okay, thank you so much. Speaking of who gets to make those decisions, whose voices get heard, who are the biggest actors relating to the fight against child labor in Ghana? Because obviously the government has a few ministries that are working on it.

But I know the GOWA is a big trade union working on it. Does civil society and most importantly, do the farmers get a voice or is it harder for them to access?

Voice Network representative:

It's really hard at the moment. It's not just hard. Also, interestingly enough, and I'm not sure if interestingly enough is the right word, but a lot of the organisations that are involved in this are actually Western organisations.

So either they're the international development organisations like Save the Children, WinRock Care, UNICEF, et cetera, et cetera. Or they are organisations like the International Cocoa Initiative, which is an umbrella organisation, kind of a multi-stakeholder initiative of companies and NGOs still driven by the West. And both in Ghana and in Côte d'Ivoire, we are struggling to find local NGOs that are operating at this from a local level, which is very different than the forest protection world, for example.

So we're an umbrella organisation. We have 34 members from across the world. About a third of those are from West Africa.

Almost all, no, let me read, yeah. With the exception of one, every single one of our locally West African NGOs are forest protection NGOs. And so when they are kind of working on socioeconomic issues, they are kind of the Ghanaian or Ivorian chapters of an international NGO.

But organisations like Roskidet, IDEF, EcoCare Ghana, all of those are forest protection organisations, nature and development foundations. So yeah, it's very interesting to see that the truly local ones are generally speaking the ones that are involved in forest full stop.

Ms. Navarro Galván:

Do cacao collectives get a role in this or?

Voice Network representative:

Cooperatives play quite an important role. They're not necessarily NGOs though. And so there's always like this complexity there that we work together with them.

There are both in Ghana and in Côte d'Ivoire some excellent examples of umbrella organisations that are bringing together local civil society and farmer-based organisations. And in Côte d'Ivoire it's called, sorry, I'll just stick to the Ghanaian side because I think that's relevant for you. But in Ghana, there's an organisation called the Ghanaian Civil Society and Cocoa Platform.

And they bring together, or GCCP, and they bring together a wide range of NGOs, farmer-based organisations, rural journalists, et cetera, et cetera, from across the board in Ghana to bring together a whole bunch of different topics, also on a whole bunch of different statements. And so actually this morning, they just came out jointly together with their Ivorian counterparts, a statement on the current impasse between the producer governments and the large cocoa companies about the current, there's a big standoff around cocoa pricing because the prices are actually higher than they've ever been.

Interview with the Swiss Platform for sustainable chocolate.

Swiss Platform for sustainable chocolate representative:

I agree for you to use this interview and its transcript in your thesis. Can I request to not be quoted at any given point?

Ms. Navarro Galván:

Absolutely, at any time you can tell me if you wish for something to not be included and the information to be removed from the transcript.

Swiss Platform for sustainable chocolate representative:

Perfect, thank you.

Ms. Navarro Galván:

My first question would be, what role does the Swiss platform for sustainable chocolate play in the fight against child labour in cacao in Ghana?

Swiss Platform for sustainable chocolate representative:

Yes, so just to clarify, so your focus is Ghana explicitly, right? Then, first off, just a tiny thing, a sustainable platform for sustainable cocoa, not just chocolate, since it comes into a lot of other products. Yes, our role is to raise awareness amongst our members on the issue of child labour and forced labour, and to incentivise and motivate our members to take action in tackling child labour issues, engaging in child protection topics, etc.

So, it's a lot of that, which we do in the context of the awareness raising in the context of working groups, working sessions, events that we hold amongst the SWISCO members, so SWISCO being the Swiss platform for sustainable cocoa, but also, I'm not sure if you came across that in your research, what we are, we have the same thing in a couple of other countries.

Ms. Navarro Galván:

Yes, there is.

Swiss Platform for sustainable chocolate representative:

So, there are German initiatives, the Belgian initiative, the Dutch and the French initiative for sustainable cocoa, all called slightly different, but we all serve the same purpose. We are all multi-stakeholder platforms, which have their respective stakeholders in cocoa, bringing them to the table and discussing the topics. We decided to avoid doubling efforts, that we would discuss all questions around child labour among all those platforms.

So, whenever we have such a working group session, for instance, it's members from all different platforms taking part in those sessions. So, that's one component, and then we have a component with projects, where specifically the Swiss governments that go, they provide funds for value chain projects and landscape projects, and some of those have a child labour

focus. Amongst others, currently, might be of interest to you, we have approved recently in September, a project on child labour issues in Ghana, where UNICEF and ICI, I'm not sure if you came across ICI, yeah, the two of them, they came together and they're planning on merging different activities that happen in certain districts in Ghana, to make efforts to tackle child labour more efficient in a way.

So, they have chosen four districts that are going to be covered by our funding, for instance, where they will be taking up contact with all the actors, like the national authorities, companies active in those regions, NGOs, there is a Japanese platform for sustainable cocoa, who's doing this thing like child labour free zones in Ghana.

So, they're in collaboration with the Ghanaian government, they're doing the child labour free zones approach. There's the Jacobs Foundation with community of excellence approaches, not sure if you came across that, they focus particularly on education in Ghana and in Côte d'Ivoire, and all those different actors, like UNICEF and ICI, try to bring them together to join forces and to really have a functioning system that relies on empowering the national authorities to take action themselves, rather than relying on a billion little companies and NGOs all doing their thing in the same communities. Long story short, that's the two things that we mostly do. Yeah, I think that's it so far.

Ms. Navarro Galván:

Okay, and then, based on what you said, I have two questions. The first one would be, what would be the main challenges when it comes to fighting child labour in Ghana?

Swiss Platform for sustainable chocolate representative:

There is no joint understanding of the issue of child labour and of the solutions of how to tackle this. So, I think that's one. And the other one is that we have way too many cooks trying to sort the soup, in a way, not sure if that actually is a saying in English, it is in German.

Ms. Navarro Galván:

Yes, too many cooks in the kitchen.

Swiss Platform for sustainable chocolate representative:

Too many cooks in the kitchen, there we go, which is exactly what the UNICEF ICI project tries to tackle. We have way too many actors all wanting the same and all having very admirable thoughts behind it, motivations behind it, but a lot of those actors all try to approach the same community with different approaches, and they kind of get overwhelmed with things. Everyone approaches national authorities trying to want something, but there is no channelled communication about this.

There are too many different approaches taking place on the ground. No one knows exactly what they do. There is very little impact measurement on the ground, but just a lot of things that can be well reported through marketing, through marketing departments in the companies, but very little, what does it actually help?

How can we tackle this? I think those are the two key challenges in fighting child labour.

Ms. Navarro Galván:

Okay, and my second question actually ties a lot to what you just said, which is, what are the main challenges when it comes to harmonising all the different European and international initiatives, standards, all these people trying to eradicate child labour? Because, yeah, it's something that came up a lot in research, and now you're saying there's all these people, they all want the same thing, but it's a thousand different methods, approaches.

Swiss Platform For Sustainable Chocolate Representative:

Well, if I had the answer to that, I wouldn't be working where I am anymore, but I'd try to make an actual difference. I don't know if that is the only answer I have to that. I think there are a lot of potential reasons behind it, but all of those would just be, yeah, would just be wild guessing.

I think for sure, one issue is a certain path dependency of organisations. I think the UN, for instance, has always done things a certain way, and they will not stop doing it that way. There is, for instance, I'm sure that you're aware of, or you might have come across of it, there is a huge dispute between Nestle and UNICEF based on the breast milk issue, or the breastfeeding issue.

I'm very sure that if, for instance, Nestle and UNICEF actually work together on tackling child labour, since they both have a huge influence, especially in Ghana, then they would be able to achieve a lot of things, but history is standing in between them. There is that type of path dependency in terms of history and feuds and what we do and what we don't do. There is the path dependency of companies saying, we've always implemented a child labour monitoring remediation system, CLMRS. Why should we change that?

It's worked out great so far. We get solid numbers and we can report on them. No one has ever said anything.

Why should we try anything else? I think there is that type of path dependency as one issue. Then I think genuinely there are too many people trying to harmonise things at the same time, because it's not totally self-criticism as well.

There are multi-stakeholder initiatives like ours. It starts with the issue of us here in Switzerland having the same thing in Germany, the Netherlands, France, etc. Each of us trying to harmonise our own members in a certain way, how our members approach this, with the issue of, for instance, Beryl Kellegal being a member in all of those platforms and being like, so what now?

Do we harmonise with this or with this or with that? Now we've got the ILO trying to do the same thing. We've got the EU with the whole CSRDD trying to do the same thing now, etc.

I think there are too many people trying to harmonise something while having different approaches as to what that harmonisation could look like or the alignment of those activities. I think that's it from the top of my head.

Ms. Navarro Galván:

Thank you so much. I saw while I was doing some research, I found the SWISCO-targeted income support for vulnerable households to reduce child labour project.

Swiss Platform For Sustainable Chocolate Representative:

I believe you're referring to the Nestle ICI project that took place between 2018-19 and 22. Yes. That's one of the projects that took place in one of the so-called SEKO co-funded project cycles, which was between 2018 and 2022.

Nestle and ICI applied for funds to test out a predictive risk-based model and on the other hand, how unconditional cash transfers can impact the situation of families in Ghana. It's an innovative project. It's something that hasn't been tried out before, something where there's very little knowledge about.

To be very frank, the findings were not what everyone hoped for. You can say that yes, there is a certain potential for kids to be less prone or less at risk of child labour if families receive an additional amount of money per month or per season, purely because they have more funds at hand. They can send their kids to school, they can afford food, they can afford clothes, etc.

On the other hand, it showed that there is a certain risk, especially since it was unconditional cash transfers, that that money could be invested into expanding the business of families and therefore the kids having to, while the income of the family grows, kids at least shortly having to help out at the park to cover the lack of adult labour to cover the workload that happens. The risk-based approach, the predictive model that came up, is quite good though. It showed that it indeed can very much help to apply those assessments throughout a supply chain simply because a lot of companies simply don't know where to start.

If you run that model through your supply chain and you assess the communities by it, you just know where to start at first. You can really target those communities most at risk first and then you can lower the risk of families having to bank on child labour. So, that's the findings.

There is a lot of questions, which I'm sure you also saw being raised in that document, where you could have follow-up questions or follow-up projects on would it change, for instance, if those cash transfers would only be handed out to women because they would tend to be more prone to actually do something for the good of their children rather than having it handed out to men. So, that's one idea that ICI, I think, tested out as well. A couple of other things like is that a scalable opportunity?

I'm not sure if you're aware of the Nestle Income Accelerator Program, I believe is the term. They have rolled out a program in Côte d'Ivoire, which they're going to test soon in Ghana as well, where they're providing certain premiums to families if they fulfil certain criteria. For instance, if a family prunes their trees on a farm, then they get a premium for that, like they get say \$100 for doing that.

If they send their kids to school, they get another \$100. If they do this other thing, then they get another \$100, just to incentivize them to fulfil those criteria. So, that's another way of conditional cash transfers, though.

I'm sure you'll find that online. There has been a first report trying to assess those findings from how this worked out, so if you're interested in reading that, that might be worth a read as well. Not yet happening in Côte d'Ivoire, but soon.

Not yet happening in Ghana, but only in Côte d'Ivoire, but soon being transferred there.

Ms. Navarro Galván:

Okay, yeah, that's interesting. I'll look into it. My next question would be, what have been the main challenges in making Swiss chocolate more sustainable?

Swiss Platform For Sustainable Chocolate Representative:

In general, the main challenges in making Swiss chocolate more sustainable, I'd say the root causes of the unsustainable practices would be a lack of income of farmers on the ground, and a lack of transparency of the value chain. And one of those issues will be tackled, amongst others, through the upcoming new deforestation regulation, which requires the companies to have full transparency of their supply chain. So, one of those is going to hopefully be solved sooner than later.

The issue of income is a more tricky one. Yeah, as you surely know, paying a higher price would be amazing, yet in Ghana, we have COCOBOD in charge of setting the prices, the farmgate prices for cocoa farmers. So, there's very little that companies could do to directly pay a higher price to farmers.

They could go around trying to do that through premiums, which some of them are doing, but it's not as easy as just increasing the price of cocoa. So, while that works in Peru, in Madagascar, and other countries where cocoa comes from, it does not in Ghana. So, I think a lot of farmers need to try to find alternative income streams by diversifying the crops that they plant, by finding off-farm activities to do, etc., to increase their income. In the end, all of those things should be necessary, because ideally they will get a higher price. So, in short, income of farmers is the main root cause, I'd say, or low income is the main root cause for a lot of the sustainability challenges that we have in cocoa in general. So, deforestation, child labour, etc., lack of biodiversity, lack of whatnot. And it's the same for the Swiss sector as it

is for any other national market. So, we all struggle with the same issues. That's why the ISCOs, the five ISCOs, also agreed on the five most, the five common challenges.

We all have similar, we have similar challenges. The Japanese platform has the exact same challenges, and also actors in America have the same challenges. So, since 60% of the cocoa comes from Ghana and Côte d'Ivoire, the problems are there.

It's the same issue.

Ms. Navarro Galván:

How did the big Swiss chocolate companies respond to the creation of SWISCO? Were they willing to work with SWISCO, or was there any sort of backlash?

Swiss Platform For Sustainable Chocolate Representative:

No, I'd say they're all very willing to do so, because especially when it was founded in 2017, or officially in 2018, the founders of the platform were amongst other SWISCOs, which is the Industry Association of Chocolate Manufacturers and Traders in Switzerland. So, the incentive came amongst others from them, and from WWF, from the Swiss ministries. So, it was genuinely a joint effort of all of those to respond to particularly child labour issues.

So, like us, similar to many other sustainability platforms in cocoa, we have our origin in the wide attention that the cocoa sector got after a lot of NGOs very publicly raised awareness on the issue of child labour and cocoa. Since chocolate is such a luxury product, a lot of the consumers felt that it was really inappropriate to eat chocolate that is being produced by children. So, that's how the whole thing came into rolling, and that's also how companies were very happy actually for such a platform to arise to help them to address the challenges.

Also, don't quote me on that, but I frankly believe that for a lot of companies, it's a bit of a ticking the box exercise being able to say, well, but we're part of SWISCO, so what can you say? We're doing the best that we can without naming companies, but I'm sure that there is a lot of them who think that way, at least partly, and who see that their efforts in sustainability are enough by attending a couple of working group sessions and doing a bit of a task there. So, yeah.

Ms. Navarro Galván:

Speaking of the working group, could we talk a little about the ISCO working group on child labour? You're the contact person for that, aren't you?

Swiss Platform For Sustainable Chocolate Representative:

Exactly. I'm the contact person for that. I facilitate it together with UNICEF and ICA, being the co-leads of that working group session.

The main idea is to spread ideas, so we've had a bit of an internal discussion among the ISCOs on how to call them because there is a bit of a dispute between is that actually working groups or is it more so learning groups? So, working groups might be a bit deceiving because we don't actually work on anything, but we are more like a learning hub for our members to come together to learn more stuff. So, we started with that working group in 2022, and ever since, we've had about five meetings of the working group people, virtual and hybrid sessions, where we talked about, amongst others, how, for instance, the Rainforest Alliance and Fairtrade and other sustainability labels can help companies to adhere to specifically human rights due diligence issues, including child labour.

We invited a lot of speakers on, for instance, the child labour free zones approach. So, we had JICA, the Ghanaian government, the child labour unit, particularly speak about the first experiences of that. That was honestly quite an inspiration for many members, so also the project from UNICEF and ICA that is currently being implemented takes its origin in the inspiration from that child labour approach.

We talked in another session about the Jacobs Foundation is leading a project in Côte d'Ivoire, CLEF, which you can find online as well if you want to double check on that, which also tries to bring together a number of actors in the landscape to tackle child labour issues specifically. Yeah, there were various topics, like the last one in September, we had a conference in Geneva where we discussed how to tackle child labour in the context of landscape projects, because landscape approaches are on the rise, everyone talks about them, everyone wants to engage in them, but the question is how do we make sure that it's not only because their origin is an environmental topic, so a lot of them tackle climate, carbon, biodiversity, whatsoever issues, but very little of them target the social components of sustainability, so the question was how can we integrate the component of child labour, child protection issues into existing landscapes, and how can we build landscapes that start within the child labour topics, so that has been discussed, etc. So, it's a learning exchange for members to join there, maybe to just mention a bit of a difficulty that we have, which is finding a balance between onboarding those members, particularly small and medium-sized enterprises, SMEs, which have very little knowledge about the issue, and very little resources, financial and human resources, to tackle those topics, and therefore would need to start at a very different level compared to the very kind of loose-nest-laced cartels of this world, who have whole teams working on human rights issues, experts on child labour, the funds to hire consultants, etc., to work on those topics, so we've got people from those companies sitting in the working groups, slightly bored, and doing their laundry, and we've got those in the working group that can't get behind writing down all those things, so it's a bit of a challenge to find a balance as to what can we cover in order to satisfy all those needs, but we're learning, the continuous process of learning, we're going to start having a beginner session from 2024 onwards, where we will offer SMEs particularly the chance to get on board, to learn the basics about the topic, and while the working group sessions, which take place twice a year, usually will continue to be on general topics, such as forced labour for children, and the pest fights, and living in common child labour, etc., that will bring forward all of our members. In general, the idea is, as in all our topics, also in child labour, that we as

Swissco manage to incentivise each of our members, no matter how far they are in their efforts to tackle child labour, to raise their ambition and to take another step, so like no matter whether it's the SMEs taking the first step, or bigger companies trying to raise their ambitions, to try to make them more than just the basics.

Ms. Navarro Galván:

Okay, well yeah, that was a lot of information. I don't know if this would fall under your field of expertise, so just let me know, but what are Swiss-Ghanaian relations regarding cacao like? Because obviously there was the news a couple years ago, which wasn't what he said of like, oh Ghana's no longer going to sell to Switzerland.

Swiss Platform For Sustainable Chocolate Representative:

I don't know about to be honest, I know that...

Ms. Navarro Galván:

It was when the Ghanaian president visited Switzerland. He mentioned that they wanted more of the production to be in Ghana, so then that was taken to be, oh Ghana's no longer going to sell to any of the European producing countries.

Swiss Platform For Sustainable Chocolate Representative:

And when was that you said? Which year?

Ms. Navarro Galván:

2021.

Swiss Platform For Sustainable Chocolate Representative:

2020. Okay, well to be honest, I like several points to that. I mean, Swiss and Ghanaian relationships have always been, like in the trade sector, have always been very close, which is why Forseco, one of the main funders from our platform, Ghana is also like a focus country.

So that's why we also focus on projects in Ghana, where we focus on inviting speakers from Ghana, from cooperators etc. to strengthen those relationships. We also, in 2018, signed the first memorandum of understanding with COCOBOD as to strengthen that relationship and that MOU was renewed this year, where we actually developed a work plan on how to move forward with the challenges in cocoa, which was signed and committed to by COCOBOD.

And ever since, we have recurring meetings where we discuss, for example, how to move forward with the so-called household income study, where we aim together with COCOBOD to assess the incomes of cocoa households in order to see in the long run how high is the actual impact that, for instance, Swiss companies sustainability programs have on the lives of farm households. Is that actually doing anything, or should we take another approach, because that's not doing anything. So that's, for instance, one thing that also Ghanans are interested in, hence they're very invested in that study.

So in general, I'd say that the relationship is very good, especially since Switzerland has a tendency to be building bridges between all types of actors. So Switzerland has as the advantage, sometimes also disadvantage, but in this case an advantage to, for instance, not be directly affected by the EUDR, by European legislations. While we do export a lot to the EU, and therefore our members do have to comply largely to it, we're not the bad guys, we're not the ones who come up with that legislation, we just have to tag along.

So, you know, we can play a bit of the good coping conversations, being like, well, but you know, now that that's the situation, that's... So I think Switzerland has always actually had good relationships to Ghana, at least to the cocoa centres, as far as I know. There certainly are ongoing discussions about, which should be supported by everyone, and which, to be very honest, we support, to keep a lot of, or to keep more of the value of cocoa production within.

Interview with Mr. Donkor.

Ms. Navarro Galván:

Could you introduce yourself?

Mr. Donkor:

Yes, I'm Nelson. I'm a Ghanaian cocoa farmer and the owner of Shahamana Farms and Chocolates and I'm a former child slave victim.

Ms. Navarro Galván:

How would you respond to the people that say that there are no issues with child slavery and child labour?

Mr. Donkor:

You know, I would say that things are changing for good now, right? It's not totally out, but the government and institutions are doing all they can and with the introduction of farmer cooperatives.

Yes, things are changing now right because previously it's like the farmers were doing things by themselves but now we have formed groups that's our farmers cooperative. It wasn't like that in Ghana, but um about three years ago the government have introduced that system in our cocoa industry and it's like as a group uh today I can organise with other farmers and go and work in my farm, maybe the next day or next week another farmer gets to organise and we all go and work in his or her farm right, but previously it wasn't like that and that's why child labour was totally in the system you get my word because it was every farmer was doing things with his his or her family that's children and husband or wife.

Ms. Navarro Galván:

Was your experience with child slavery also on your family's farm or were you trafficked? How did you end up there?

Mr. Donkor:

No, I wasn't trafficked. I was like I was with a family, yeah my dad and other siblings because there was a marriage a breakup between my parents so we were living with our dad and he was a cocoa farmer because my grandfather was a cocoa farmer. My father took over and it's like inheritance. This will go and this will come and take over yes so um we were living with our dad, and as I was saying that previously it was a family business right, family business so you have to help your father or your parents for them to take care of you so all the work in the farm was supposed to be done by the family.

Ms. Navarro Galván:

You talked about the cooperatives and how that could help, do you think there's other things that are needed in Ghana 's industry to fully get rid of child labour?

Mr. Donkor:

Yes, as I was saying with the introduction of the cooperative it's nice to have a cooperative and you know as you can see now the price of cocoa in the international world is going up and I think in the last two months the government also increased the price you know in Ghana.

Here the cocoa industry is controlled by the government through the Ghana Cocoa Board. It's not an individual aspect, it's going through by the government so the cocoa board also came and increased the price. To me it's a bit low but we are hoping that by the close of the year there will be another increment right yes because now in the international market I think cocoa is around 12 000 plus okay yes dollars twelve thousand dollars per ton yes as I checked last week yes and so I think that with the increment of the price and with the reduction of other farm inputs because for me for instance when you see my children at my farm it's like they are coming in to take pictures right because it's like I have taken the farm as a business right when you take the farm business you have to put in money.

Yeah of course right so it's like I always used to hire labourers or people to work at the farm instead of the children because I knew what I went through when I was a child right I know how difficult it is so there's no need for me to use my children and those who don't know that will use the children because they don't know the implication that.

I think with all these things with education and other aspects for me you know I Have an ngo and i've been educating the people the farmers that this is what I went through and this is the consequences I feel so it's better for them to let the children be in school and other whatever learn a school or trade or something like that and that will also bring more income to the family and they have to also add additional livelihood like they have to add other type of business like livestock farming, trading and other aspects of the farming. When they do that they always get money and invest in the farming and they will no more use the children but rather high adult labour to work at the farm.

Ms. Navarro Galván:

Do you think increased education about why child labour is bad for the farmers is important? Do farmers not know because or is it just that they can't afford to hire your labourers?

Mr. Donkor:

Yeah, yeah it's important but as I was saying that that's one of the reasons why I was saying that the cooperative system is nice or the introduction of the cooperative service is nice right yes because they can't afford r but the farmers can come together and we will be working in each farmer's farm right yes so I think now you cannot say that I can't I don't have the money or I can't afford paid workers that's why I'm using my children if you can't you can use a cooperative system to help you at the farm right.

Ms. Navarro Galván:

How did you manage to get out of child slavery? Did you age out?

Mr. Donkor:

No, no I was lucky that one of my uncles was living in Europe and when he came back to Ghana he asked of us and he was told that we are with our father at the village so he sent delegation there and when they came what they saw was not good so they reported but you know he was in the in the western world so he was abreast with how children are enjoying life and other aspects so that's when they told him about the outcome of the visit he was very frustrated and he did all he can and that's when we were taken from the farm to the city and we started our education.

Okay that's very lucky yeah that that wasn't that wasn't easy you know our system our traditional system the man is supposed to take care of the children right yes as as the authority the man is the the husband or the father is his authority about the children so it was something like my mom's brother or that's my uncle cannot say that he's coming to take over the children because it's like giving you authority to him so it yes it became a very controversial issue but where my father said that if you are taking them it means you are going to take responsibility so it's just like take them you take the responsibility and that's what's happened.

Ms. Navarro Galván:

Now you currently own a chocolate company and you're involved in cacao. Can you tell me a little more about that?

Mr. Donkor:

I think in 2011 I met a Swedish friend and through conversation she said she will come and visit me so she came and that was the first time I was able to taste chocolate or see chocolate.

Ms. Navarro Galván:

How old were you?

Mr. Donkor:

It was 2011 so I think around 30 something.

Ms. Navarro Galván:

How old were you when you started working in the cacao farm in your dad's cacao farm?

Mr. Donkor:

Around eight nine ten eleven years.

Ms. Navarro Galván:

You were eight when you first started working cacao but you only saw it for the first time when you were in your 30s.

Mr. Donkor:

Yes okay so my Swedish friend asked me what is this and I said it's a toffee or candy and she was laughing and she said I know you are a cocoa farmer and I said yes. He said you don't know this and I said no. It's okay taste this so it was given to me and then you know it was so sweet so I said wow. Does that mean that you love it? I said yes. This is made from your cocoa beans and I said wow really, yes. So after that I decided to search more about chocolate right so through the searching and researching in 2021 I decided to give a try of what I've been researching right yes so and I also met um a friend a German friend and um she did an online fundraising and raised money and bought me um what do you call it, a grinder.

Yes, a five kg grinder and she sent it to me and I started the process and since then you know even though I'm not doing it for commercial people for profit purpose for now right I've been making chocolate for the school children in my area farmers and a whole lot of people. I made it for them to also know that this is their labour. They have to enjoy what they're working for right so that's what I'm doing so it's in my plans.

Ms. Navarro Galván:

My last question before we end is what would you say are the biggest changes in Ghana's cocoa industry in maybe the last 10 years?

Mr. Donkor:

I would say that some value addition right now. It's a lot of work but that like everybody is now understanding or getting the knowledge that it's better for us to add value to the cocoa farming business instead of always sending the raw beans to process.

Because you know the Western world, the bigger chocolate companies are making a lot of profit day in day out and we the farmers are getting poorer day in day out right so what's the difference or what's the way forward is to add value to our raw material: that's the cocoa beans. So now we are coming together as farming cooperatives and always thinking about the way to also get some of these profits that's to also start making our own cocoa products and other aspects also enjoy what we are doing right we have we also have to enjoy what we are doing so I can think that there's a whole lot of changes and one day we will get there okay. I am happy for you to use this interview in your research and thesis.