



Ineffective Enforcement of ILO Standards and Domestic Laws on Child Labour Practice on Ivory Coast Cocoa Farms: Missed Opportunities and New Paradigms

Alexis Foua^{1*}; Wilson Diriwari²

¹PhD (Brunel University), London) LLM (London Metropolitan University), BA (Pierre Mendes France Grenoble) BA (Abidjan Cocody), Lecturer in Law (Arden University, London Uk).

²PhD (Brunel University), London) LLM (Lagos State University), LLB (Lagos State University), Solicitor (England and Wales), Lecturer in Law (Niger Delta University).

ABSTRACT

Purpose –This study aims to examine the shortcomings of the International Labour Organisation Standards (ILO) and domestic laws regarding efforts made to enforce various standards and legal instruments to eradicate the worst form of child labour on Ivory Coast’s cocoa farms. **Design methodology/approach**–We conduct textual analysis and deconstruction of strategies put in place to overcome the lingering phenomenon of child labour on cocoa farms in the Ivory Coast, the leading cocoa producer in the world. **Findings** – Evidence of the continued involvement of child labourers in Ivory Coast cocoa farming to date highlights the lack of results in combating the phenomenon, which indicates that ILO standards and domestic laws appear to be inefficient and insufficient in winning the ongoing fight. **Originality/value** –The findings of this study demonstrate the missed opportunities in combating the worst form of child labour on Ivory Coast’s cocoa farms and suggest a paradigm shift in approach to eradicate the phenomenon.

Keywords: *Shild labour, International labour standards, Law enforcement.*

Citation: Alexis Foua & Wilson Diriwari (2022). Ineffective Enforcement of ILO Standards and Domestic Laws on Child Labour Practice on Ivory Coast Cocoa Farms: Missed Opportunities and New Paradigms. *International Journal of Arts, Humanities and Social Studies*, 4(1), 283-292.

INTRODUCTION

It is often believed that law, policy, and other standards are sufficient to solve or eradicate socio-cultural problems [1]. In the context of children’s involvement in the labour of coca production in the Ivory Coast, there are apparent reasons for the sole argument of law and policy remedy. Despite apparent efforts by both international actors and Ivory Coast to abolish child labour in Ivory Coast’s cocoa industry, little seems to be achieved on the ground [2]. Therefore, this study focuses on the missed opportunities of stakeholders in addressing the issue of child labour practice on Ivory Coast’s cocoa farms. The study also evaluates the specific impediments to any possible move towards the complete elimination of the worst form of child labour on Ivory Coast’s cocoa farms. From this perspective, the study offers a comprehensive approach as a way forward for the Ivory Coast to overcome the phenomenon of child labour practices in its cocoa industry.

I- Analysis of Missed Opportunities

Missed Opportunities for the Ivory Coast

ABBC NEWS broadcast [3] that showed the gravity of child labour on Ivory Coast’s cocoa farms gave the country opportunities to adopt a different approach to the phenomenon. Child labour is an embedded practice in the sociological environment of the Ivory Coast. This fact appears to have been pivotal to the persistence of the practice. The world has demonstrated to the country that such practice is inhumane, as it not only degrades the personality of the child but also breaches their fundamental human rights [4].

¹Arnold, M. Rose (1968), Law and the Causation of Social Problems. *Socila Problems*, 16(1), 33-43.

²Oliver, Balch.(2020, October 20). Chocolate industry slammed for failure to crack down on child labour’ *The Guardian*. Retrieved 7 Jnauary 2022 from <<https://www.theguardian.com/global-development/2020/oct/20/chocolate-industry-slammed-for-failure-to-crack-down-on-child-labour>>.

³Humphrey Hawksley. (2011, November 10).Cocoa farms in Ivory Coast still using child labour’ *BBC NEWS*. Retrieved 6 February 2022 from <<https://www.bbc.co.uk/news/av/world-africa-15686731>>.

⁴Zehra, F. Arat. (2002). Analyzing Child Labor as a Human Rights Issue: Its Causes, Aggravating Policies, and Alternative Proposals. *Human Rights Quarterly* 24(1), 177-204.

As the Ivory Coast aspires to civilised values and modern practices concerning human rights and the emancipation of the citizen, the country should have seized such a golden opportunity to put an end to child labour and shift to the right path to its aspirations. Unfortunately, Ivory Coast has missed the opportunity to redeem its tarnished image. The economy of the Ivory Coast was successful between the 1960s and 1980s due to cash crop products. The period, called by economists and observers '*Le miracle Ivoirien*', was indeed one of rapid economic growth in which agricultural products generated substantial revenues for the country [5]. Although much of the revenues were used to establish a physical and educational structure for future development, the authorities did not employ strategies to modernise the agricultural sector. The Ivory Coast had to seek foreign expertise and consider the transfer of technologies in the economic sector, which it has made its primary source of revenues. Notably, cocoa farms are owned by individual farmers; the state has never owned farms, but cocoa exports were exclusively exercised by the state. In such a context, the state has an interest in improving the production mechanisms employed by farmers to secure the annual yield necessary to sustain the economy of the nation [6].

Gbetibouo and Delgado observe that the state played a vigorous role in export crop agriculture [7]. Export was seen as the best economic choice for a country that has few natural resources; the setback was that food products were imported for local consumption since the agrarian politics has shifted attention to export crop agriculture [8]. At independence in 1960, the Ivory Coast was lagging behind Nigeria and Ghana in cocoa production, but by 1989, the country's production had multiplied tenfold due to the government-oriented policy towards increasing yearly national production [9].

The issue of modernisation is crucial in that the practice of child labour, which was already making ground on cocoa farms, could have been halted if farmers had alternative mechanisms to achieve their production goals. In the absence of concrete measures, child labour practice remained and is now deeply rooted in cocoa communities. Thus, the Ivory Coast has missed an opportunity to utilise such historic economic growth for a paradigm shift.

Missed Opportunities for Communities

Campaigns against child labour in cocoa communities have had far-reaching effects in the last decade. However, the factors holding back the vast majority of rural communities in cocoa-producing zones have, amongst other things, been subjected to customary and cultural considerations. Opting for child labour on the cocoa farm appears to be the fastest route for parents to step out of extreme poverty. Traditional perceptions facilitate such choices because the parents themselves are generally uneducated and illiterate.

More significantly, the lack of legislation for free and compulsory primary education in the Ivory Coast makes it easier for parents in rural communities to keep their children out of school. The cluster of perceptions and beliefs constitutes a hindrance to any prospect of new approaches to education and schooling. It is a state of lethargy that makes the Ivory Coast cocoa communities miss the opportunity of allowing their children to step into adult life well prepared and qualify enough for employment and better career prospects. Thus, the argument that children are better off working alongside their parents for the purpose of training them to take over the trade is irrelevant. Children should not be opted out of education and schooling. Therefore, parents find themselves in breach of the fundamental rights of the child by deliberately keeping them out of school.

The Ivory Coast cocoa communities are missing the opportunity to get rid of the evil practice that has tarnished the image of the entire cocoa industry. The communities have missed an opportunity to comprehend that child labour holds no future for the child and their family. The community is missing an opportunity to play its part in the development of the country by preventing future citizens from accessing the appropriate structures that will permit their accomplishment. Children are the building blocks for the establishment of a strong and great nation. The communities seem to have no vision for a fair and child labour-free Ivory Coast. The communities have missed the opportunity to understand that

⁵ See Cohen, M. A. (1984). Urban policy and development strategy' in William L Zartman and Christopher Delgado (Eds.) '*The political economy of Ivory Coast*(p. 62). Praeger Publishers//

⁶ See Affou, Y. S. (1987). *Les planteurs absents de la Côte d'Ivoire* (p. 46–47). Orstom.

⁷ Gbetibouo, M., & Delgado, C. L. (1984). Lessons and constraints of export crop-led growth: Cocoa in Ivory Coast. In: W.I. Zartman & C. Delgado (Eds.) *The political economy of Ivory Coast*(p. 129) Praeger Publishers.

⁸ See Setté, L. E. (1997). *L'Etat et le processus de développement en Côte d'Ivoire: 1960-1980*' (p. 70). INEPT..

⁹ See Attébi, D. (1977). *Le Défi Africain: L'urgence d'une alternative économique en Côte d'Ivoire*' (p. 23). Editions L'Harmattan; 23
See also Sawadogo, B. (1977). *L'agriculture en Côte d'Ivoire* (p. 254) Presse Universitaire de France.

things have changed; therefore, they must adopt new approaches and hold new perspectives for boys and girls concerning primary education.

Missed Opportunities for Consumers

When the Western media drew the world's attention to the plight of Ivory Coast's cocoa farm child labourers, consumers of chocolate and its derivatives products had a shift in approach to the whole issue. The lawsuit in the US against Nestlé, Archer Daniels Midland, Cargill, and others is a typical example of the reaction in line with the new approach to chocolate consumption [10]. However, if this lawsuit can be regarded as positive and ground-breaking, it could also be seen as a flash in a pan regarding its isolated and unique episode. Chocolate consumption is not present in the diets of cocoa communities. This fact is so poignant that some farmers have never seen a bar of chocolate, let alone eat a *mars* bar or drink a cup of hot chocolate [11].

The rationale for this is that not only is chocolate manufactured outside the Ivory Coast by foreign companies, but it is also produced for foreign markets. However, when chocolate is sold in supermarkets in the Ivory Coast, it is usually not affordable for the ordinary local consumer. Thus, chocolate is regarded as a luxury good for local consumers, cocoa farmers and child labourers alike. Therefore, seen as the main chocolate consumers, the Western consumers had the opportunity to push further their noble initiative towards boycotting child labour-stained chocolate and its derivative products [12].

The eye-opening Harkin-Engel protocol paves the way for more initiative-taking opportunities for consumers in the West. Such initiatives to eliminate child labour in the cocoa industry have been scarce since the early 2000s. The fair-trade foundation's work is necessarily appealing to customers, as buying chocolate from fair trade certification will demonstrate consumers' choice to boycott products derived from child labour. More significantly, new paradigms in the context of international trade create opportunities for consumers to be more decisive about the issue of child labour. To this end, Garg writes:

With the rise of liberalised trade regimes, the world has become increasingly interdependent and borderless. In an environment in which the economic policies of one country can affect the financial markets of another, the impact of domestic *social* policies on the global community is often ignored. By lowering barriers to trade and opening national borders to foreign goods and services, the U.S. government has enabled American consumers indirectly to reinforce exploitative policies abroad. The products that line U.S. store shelves are often produced by foreign labourers, many of whom are children working under sweatshop conditions [13].

Remarkably, the US government has enabled consumers to have their say in the issue, even abroad. However, consumers seem to be less concerned about the origin of cocoa products. Such attitude contributes to the persistence of child labour-related cocoa products in the world market. Consumers in most Western countries are well educated and well informed about the effective approaches to adopt concerning cocoa products that are suspected to be sourced from cocoa farms that use child labour. This level of knowledge and understanding is an advantage and an opportunity to make their voices heard in the debate about child labour in the chocolate industry. However, they remain inactive while the tragedy of millions of children unfolds in the Ivory Coast's cocoa farms. Consumers should not miss the opportunities currently available to contribute to the elimination of child labour on Ivory Coast's cocoa farms. Therefore, they need to be more active in joining campaign groups and boycotting initiatives concerning cocoa-related products that are not fair-trade certified.

Missed Opportunities for Multinational Corporations

The Hershey Report and the lawsuit against Nestlé and Cargill are significant steps in highlighting the dealings of multinational corporations (MNCs) in most environments of investment. This case report appeals to the sense of corporate social responsibility for MNCs. It appears that they have failed to grasp the core of the idea. Child labour and

¹⁰See Business and Human Rights Resource Centre. (2022). 'Lawsuit: Nestlé, Cargill, Archer Daniels Midland lawsuit (re Côte d'Ivoire)'. Retrieved 20 January 2022 from <<https://www.business-humanrights.org/en/latest-news/nestl%C3%A9-cargill-archer-daniels-midland-lawsuit-re-c%C3%B4te-divoire-2/>>

¹¹See Quest, R. (2014, February 28). Cocoa farmers get first taste of chocolate. *CNN*. Retrieved 15 January 2022 from <<https://edition.cnn.com/2014/02/27/business/freedom-cocoa-nomics-cocolate-bar/index.html>>.

¹² See Change.org, 'Petition by Raise the Bar Hershey! Coalition'. Retrieved 20 January 2022 from <<https://www.change.org/p/hershey-raise-the-bar>>

¹³ See Garg, A. (1999). A child labour social clause: analysis and proposal for action. *New York University Journal of International Law and Politics*, 31, 473.

other human rights abuses have always degraded the image of prominent MNCs. Recent reports and court cases should offer MNCs the opportunity to improve their image by creating conditions of work environments free of child labour. Their corporate social responsibility should be strongly founded on the respect for human rights values in line with the principle of decent works as perceived by the ILO. The recent comment of the Committee on the Rights of the Child stresses the fact that businesses, including MNCs, continuously fail to address the issue of child rights in their business dealings [14]. The committee notes that:

The Committee on the Rights of the Child recognises that the business sector's impact on children's rights has grown in past decades because of factors such as the globalised nature of economies, business operations, on-going trends of decentralisation, outsourcing, and privatization of state functions that affect the enjoyment of human rights. Business can be an essential driver for societies and economies to advance in ways that strengthen the realization of children's rights through, for example, technological advances, investment, and the generation of decent work. However, the realization of children's rights is not an automatic consequence of economic growth, and business enterprises can also negatively impact children's rights [15].

In light of the Committee's General Comment No. 16, it should be understood that MNCs are reminded of the opportunity offered to them to improve child rights. This address implies that they have failed, despite all the relevant legal instruments and guidelines available to them, to adopt a paradigm shift in approach to the global issues of child labour and child exploitation.

Missed opportunities for the ILO

In terms of standards setting, the ILO has remarkably contributed to finding ways to address child labour efficiently. Attempts to give an answer to child labour across the globe have been made on several occasions. The introduction of ILO Convention No. 139, setting the minimum age for engaging in employment and work for children, has proven ineffective regarding the aim. Indeed, child labour has not been eliminated. Instead, children continue to work regardless of their age category. The complexity of the issue remains a challenge for the ILO. Hence, almost two decades after Convention No. 138, the sentiment of failure prompted the ILO to devise a new convention that would constitute the best legal instrument addressing the particular issue of the worst forms of child labour. ILO Convention No. 182, is one of the conventions that recorded a considerable number of ratifications in its first year of existence [16].

While the ILO's efficiency in standards-setting cannot be denied, there are still questions regarding the far-reaching capabilities and effects of those standards. It is understood that the ILO has no enforcing power. However, the level of acceptance and credential of the ILO among member states remains an opportunity to go beyond its traditional role. Going beyond its traditional role does not imply its capacity to enforce its standards. Such an attempt will not only threaten national sovereignty but will also raise the issue of intervention as provided by Article 2 Paragraph 7 of the Charter of the United Nations and Matters of Domestic Jurisdiction [17]. Instead, the proposed approach could be delivered by helping the most disadvantaged member states tackle the issue of child labour [18]. The ILO's approach to combating child labour should not be limited to standard settings only. Even though it lacks enforcement powers, the ILO could do better by creating conditions for effective implementation and enforcement within member states. The

¹⁴ The UN Committee on the rights of the child emphasises that For the purposes of its general comment, the business sector is defined as including all business enterprises, both national and transnational, regardless of size, sector, location, ownership and structure. The general comment also addresses obligations regarding not-for-profit organizations that play a role in the provision of services that are critical to the enjoyment of children's rights. See UN Committee on the Rights of the Child (CRC) General comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights, 17 April 2013, CRC/GC/16, available at <<https://www.refworld.org/docid/51ef9cd24.html>> accessed 21 January 2022.

¹⁵ Ibid.

¹⁶ Worst Forms of Child Labour Convention, 1999 (No. 182).

¹⁷ Article 2 Paragraph 7 provides that : 'Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII'.

¹⁸ In the particular context of an enduring child labour on Ivory Coast's cocoa farms, the ILO could send a team of experts alongside the country's labour inspectors to scour the cocoa production zones. This additional approach could be an opportunity to identify the zones practicing child labour, but it will also be an opportunity for cocoa communities to get the appropriate education about the phenomenon and its dangers in a nation-building process.

consequence of the United Nations and ILO's current approach can be gauged by the apparent failure to meet the Millennium Development Goals [19].

The issues of national sovereignty, brandished by member states in their dealings with international organisations, could be an impediment to the ILO. Indeed, an attempt to command state members regarding the effective enforcement of laws derived from its standards will surely meet stiff resistance. However, the ILO's involvement in actions that will facilitate the implementation and enforcement of its standards should be thoroughly considered. A more practical approach to the achievement of the spirit and the letter of the ILO standards will thwart the pessimistic observers' attempt to portray the organisation as a toothless tiger [20].

The inability of the Ivory Coast to manage the issue of child labour has led to finding a way forward for the country in a 'diagnosis approach' to pinpoint the real issue that needs special attention in the fight against the enduring child labour practices on its cocoa and coffee farms. It is evident that the whole bunch of missed opportunities is still taking its toll on children in cocoa communities. The challenging issue in this regard is the apparent indifference of the leading actors in the fight against child labour. While various opportunities have been offered, they have yet to be seized by all stakeholders to eliminate child labour. Most of the actions undertaken by the Ivory Coast were analysed in Chapter Three. However, the general perception is that the country itself is not doing enough to eliminate child labour practices.

The sheer lack of determination from Ivory Coast's authorities in fighting the child labour practice heralds more failures in the global trend towards the total elimination of the phenomenon. As noted earlier, the enactment of various laws alone cannot solve this problem. In the Ivory Coast context, it appears that decision-makers have not realised the evil nature of child labour. They probably understand the gravity of the problem, but they turn a blind eye to it, or they just do not perceive the extent to which danger child labour contributes to the process of nation-building. Giving less priority to education, failing to implement birth registration laws effectively, and failing to regulate cocoa farming are situations that indubitably thwart the development agenda of the country.

After a thorough analysis of the question, Garg notes that developing countries often respond to criticisms of child labour by arguing that, because of their relative lack of technology, their only competitive advantage lies in low-cost labour [21]. They assert that the enforcement of international labour standards would hinder economic development in their countries because they would have to forego cheap labour. Companies employing child labour similarly argue that they can cut costs by hiring children instead of adults because they are a cheap and abundant source of labour. However, this argument fails to recognise that the loss of education due to child labour hampers a country's ability to achieve sustained economic development.

The economic rationale of child labour in the Ivory Coast has a destructive effect not only on the future of the child but also on the nation, leaving it with a bleak future in terms of citizen emancipation and development. Garg rightly notes that evidence indicates that child labour is not critical, or even necessary, to achieving sustainable economic growth and competitiveness [22]. If child labour laws were firmly enforced in developing countries, if information regarding the dangers of child labour were disseminated to their citizens to increase their social awareness, and if greater resources were allocated to improving educational access in these countries, significant progress could be made in eliminating this problem [23]. In addition to this cluster of issues that highlight the nature of the problem, some key arguments underpin the idea that the Ivory Coast is unlikely to manage the issue of child labour in the near future.

II- Analysis of Constitutive Elements of a New Paradigm

Revisiting the Social Clause

In an article related to the World Trade Organisation (WTO) and the social clause, the author asked the question as to whether the growing liberalisation of trade, capital flows, and choice of industrial location can proceed without a set of rules, especially social rules applied on the same world scale. In his attempt to provide a clear answer to the question that

¹⁹ Goal 2of the MDGs, which is concerned with the achievement of universal primary education, is seriously challenged by the permanent use of millions of children in child labour across the globe.

²⁰ See Helfer, L. R. (2008). Monitoring compliance with unratified treaties: TheILO experience. *The Law and Politics of International Delegation*, 71(193), 217.

²¹Garg, A. (1999). A child labour social clause: Analysis and proposal for action. *New York University Journal of International Law and Politics*, 31, 473.

²² *ibid*

²³ See Garg, A. (1999). A child labour social clause: analysis and proposal for action. *New York University Journal of International Law and Politics*, 31, 473.

per se justifies the insertion of a social clause in trade agreements, he observes that ‘the version of a social clause which focuses on wages and social protection has miscarried and a different perspective prevailed.’ More significantly, he notes that the focus has now shifted to worker’s basic rights, such as freedom of association, collective bargaining, prohibition of forced labour and child labour, and non-discrimination. He goes further to note that this view was summed up by Mr Brett, the workers ‘vice-chairman of the governing body of the ILO, as follows:

It might be helpful if I begin by saying what a social clause, in the eyes of the workers, is not about. It is not about the protection of trade, but the protection of people. It is not about establishing minimum wages across the world. It is not about transferring first –world wage levels in terms of conditions to developing countries. It is simply about ensuring that the basic human rights are respected in all countries that trade [24].

Indeed, in the context of international trade, the term ‘social clause’ essentially refers to a legal provision in a trade agreement aimed at removing the most extreme forms of labour exploitation in exporting countries by allowing importing countries to take trade measures against exporting countries that fail to observe a set of internationally agreed minimum labour standards [25]. In that connection, Lee admits that ‘many nations are advocating the inclusion of “social clauses” in trade agreements to establish and enforce international labour standards. A social clause essentially entails pairing international labour standards with trade liberalisation such that trade sanctions can be invoked if these labour standards are violated [26].

In the WTO context [27], the social clause would require members to accept certain core labour standards, including prevention of child labour, or face trade sanctions. Fair and competitive mechanisms will lead to the creation of adequately paid jobs for adult workers so that they are able to feed their children and send them to school rather than to work [28]. The call to impose sanctions through the inclusion of a “social clause” was made at the Uruguay Round of Trade Negotiations in Marrakesh in 1994.

Embracing modern views and good governance for sustainable development

Since the Ivory Coast embraced the so-called modern views imposed by France, the country is faced with the practical aspects of the new mode of living. Change induced by various colonial politics consisted of introducing a formal educational system, paid labour, and a bureaucratic system. Despite great differences between autochthonous groups, some elites support a rather identical development in their respective countries. The shift to modern views and social change against Ivory Coast’s traditional settings has never been easy, as most of them vigorously resisted change. In this respect, Rapley writes:

Rather than adapting to the changes in the society, economy, and culture, however the chiefs did what traditional ruling classes frequently do when threatened by change: they tied themselves even more firmly to the tradition. This tradition, however, was rapidly collapsing, and along with it went power [29].

The Ivory Coast is part of the modern trend; thus, it should properly embrace and implement the necessary values pertaining to that trend. It must be admitted that in most African societies, resistance to change is often underpinned by cultural considerations. Culture is indeed what determines a society. However, all hampering aspects of culture in the modernisation process must be relinquished. In pursuit of this aim, various traditional societies must be aware of how positive modernisation could be for their environment.

The shift in approach should be based on objectivity and transparency in the management of public affairs. It is worth noting that richer countries provide institutional social regulation through formal mechanisms whose operation is not dependent upon interpersonal relations but instead relies on abstract, general, and rational bureaucratic categories. Unlike developed countries, the poorest countries are characterised by the prevalence of traditional mechanisms of

²⁴ See (1994). The World Trade Organisation and the social clause. *International Labour Review*, 113,407.

²⁵ See Hoe, L. (2022). The social clause: issues and challenges. Retrieved 17 January 2022 from <https://training.itcilo.org/actrav_cdrom1/english/global/guide/hoelim.htm>

²⁶ See Lee, E. (1997). Globalization and labour standards: A review of issues. *International Labour Review*, 136(173), 176.

²⁷ The WTO's founding and guiding principles remain the pursuit of open borders, the guarantee of most-favoured-nation principle and non-discriminatory treatment by and among members and a commitment to transparency in the conduct of its activities.’

²⁸ Sharma, K. (2009). Labour standards and WTO Rules: Survey of the issues with reference to child labour in South Asia. *Journal of Economic*, 43(29).

²⁹ Rapley, J. (1993). *Ivoirien Capitalism: African entrepreneurs in Côte d'Ivoire* (p. 27). Lynne Rienner Publishers.

solidarity and regulation, which can either take precedence over the state or result from state failures in terms of spatial or social extension. The relationship between formal rules and depersonalisation is not unambiguous; in some cases, the introduction of formally rationalised rules is seemingly content. In this case, the state is notional since the formal rules are not widely implemented in social regulation, which remains based on traditional relations, such as ethnic solidarity, tribal, or regionally implemented in a political-economic client list pattern [30].

The purpose of embracing modern views and relinquishing hampering traditional practices, as well as bad governance, is to attain a level of development that will improve the social conditions of the population. The suggestion that a new approach must be taken is pertinent in that the issue of child labour in the Ivory Coast is underpinned not only by cultural considerations but also, to a great extent, fuelled by poverty. Hence, the Ivorian society, in all its compositions, should adopt the paradigm shift to sustainable development. As noted earlier, good governance and intervention at all levels of government are necessary in the developmental argument.

The New Partnership for Africa's Development [31] adopted the principle of good governance as one of its main pillars. It considers the principle to be a major condition for African development, with the African Peer Review Mechanism to review good political as well as economic and corporate governance [32]. Good governance is at the centre of any development, and this must appeal to Ivory Coast as a developing country that has accepted changes and hence aspires to continuous economic growth and sustainable development. In this respect, Dogoré argues that 'the State of Ivory Coast must play its role as a market regulator, have strong capacity for administrative control, and regulate the public sector and the private sector. It should also strengthen the legal and regulatory framework conducive to the development of the private sector and invest in local structures to create new jobs thus creating an environment conducive to economic growth. It is certain that growth internally will attract other investments both from the internal and external actors [33].

The Ivory Coast has an imperative responsibility to adopt economic diversification in its national development plans, which is crucial for employment creation, poverty alleviation, and income inequality reduction. Such a route was followed by Botswana in its NDP 8 [34]. There is also a requirement to empower the population to embrace the changes underpinning the development of the country. More importantly, the Ivory Coast must invest in the education of children everywhere to achieve the goal of primary education for all children in the country [35]. The empowerment of citizens to participate in the development of a country is the primary obligation of a state.

The Ivory Coast also has an imperative to comply with international rules in a context in which modern nations cannot develop in isolation. Of course, this requires a high degree of good governance and good cooperation with other nations. As Meadowcroft and others indicate, 'studies in international regimes have demonstrated that effectiveness of a regime increases with the degree to which it makes the behaviour of states transparent [36]. However, regime theory assumes that states are more willing to comply with international rules if they are sure that other states do the same and that free-riding is discouraged [37].

The Ivory Coast must ensure that domestic laws and regulations are strictly implemented and enforced to achieve different socio-economic goals. This approach implies strict regulation of both the public and private sectors. For example, all procurement entities as well as bidders and service providers must observe the highest standards of ethics during the procurement and execution of contracts financed by government projects [38].

³⁰ Kirat, T. (2013). Legal tradition and quality of institutions: Is colonization by French countries distinctive? *CriterioLibre*, 11, 26.

³¹ See the Nepad Framework Document, Abuja, October 2001. Retrieved 24 January 2022 from <<https://www.nepad.org/>>.

³² See Tawfik, R. (2004). Reviewing good governance: Towards a methodology of the African Peer Review Mechanism. The South African Institute of International Affairs (SAII) Report No.41, 4.

³³ Dogoré, R. G. (2007). *La Côte d'Ivoire: Construire le développement durable* (p. 48). L'Harmattan, Paris 2007) 48.

³⁴ Rwomire, A. (2009). Economic growth, poverty and governance: The case of Botswana. In: Organisation for Social Science Research in Eastern and Southern Africa (OSSREA) (Ed.) *Good governance and civil society participation in Africa* (p. 70). OSSREA.

³⁵ Dogoré, R. G. (2007). *La Côte d'Ivoire: Construire le développement durable* (p. 57) L'Harmattan.

³⁶ Meadowcroft, J., Langhelle, O., & Ruud, A. (2012). *Governance, democracy and sustainable development: Moving beyond the impasse* (p. 240) Edward Elgar Publishing Limited.

³⁷ Mitchell, R. B. (1998). Source of transparency: Information Systems in international regimes. *International Studies Quarterly*, 42(109), 130.

³⁸ *ibid.*

There are companies for which sustainable development is part of their very essence, their *raison d'être*, their corporate mission [39]. This goes along with sustainable business practices, mainly through the assumption of corporate social responsibility and corporate governance. 'Much of the early activity in relation to Corporate Social Responsibility (CSR) centred on the adoption of company codes of conduct that established broad principles and guidelines governing the behaviour of firms in relation to a combination of corporate governance and economic, social, labour, environmental, and human rights aspects [40].

The Ivory Coast's new approach to dealing with private companies must be based on their ability to pursue and uphold corporate values that result in sustainable development. It is admitted that CSR on its own does not guarantee 'accountability' to citizens or communities and does not address issues of economics of scale or issues of social equity and distribution. Thus, governments should work with corporations in transparency and require them to establish stronger mechanisms of accountability, rather than just responsibility, to ensure that corporate activity is indeed sustainable.

Serving the Best Interest of the Child

The principle of the best interests of the child has been the subject of extensive consideration in academic, operational, and other circles. Legal documents relating to the protection of children, including those adopted by UNHCR's Executive Committee on Children of Concern to the Office, systematically refer to them [41]. More significantly, Article 3(1) of the Convention on the Rights of the Child, which encapsulates the concept, provides that:

In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration [42].

Some scholars argue that the concept of 'best interest' is a rather nebulous and ill-defined standard that opens a plethora of considerations. However, the term refers to 'the deliberation that courts undertake when deciding what type of services, actions, and orders will best serve a child as well as who is best suited to take care of a child. "Best interests" determinations are made by considering a number of factors related to the child's circumstances and the parent or caregiver's circumstances and capacity to parent, with the child's ultimate safety and well-being the paramount concern [43].

Decisions made in the best interests of the child have to be based on objective criteria. For example, a child cannot be adopted by a family simply because the decision is made that the family will be better than their birth family. There is a question of the comprehensive respect for the child's rights as a whole, and thus, in the committee's understanding, it is more a question of procedure to determine the best interest of the child than a personal consideration [44].

The Need for Effective Protection of the Child

Protecting a child is an inherent mandate to be assumed by every society. Lawrence writes that 'in Western society; it is recognised that the family has the prime responsibility for the welfare of the child although, additionally, the state is also seen to have a collective responsibility in this area. Indeed, the state is responsible for initiating welfare policy and legislation with a duty to provide finance and support for the implementation of welfare programmes [45]. Although this statement has its own merits, it should be emphasised that the need to protect children is a critical issue in every human society [46].

³⁹ Roorda, N. et al. (2012). *Fundamentals of sustainable development* (p. 309). Routledge.

⁴⁰ Clapp, J., & Utting, P. (2008). *Corporate responsibility, accountability, and Law: An introduction*. In: P. Utting & J. Clapp (Eds.) *Corporate accountability and sustainable development* (p. 5) Oxford University Press.

⁴¹ See UNHCR guidelines on determining the best interests of the child. Retrieved 25 January 2022 from <https://www.unhcr.org/uk/protection/children/4566b16b2/unhcr-guidelines-determining-best-interests-child.html> accessed 25 January 2022.

⁴² UTC, Vol. 1577, p.3.

⁴³ See State Statutes. *Determining the best interests of the Child*. Retrieved 28 January 2022 from https://www.childwelfare.gov/pubpdfs/best_interest.pdf 2

⁴⁴ Ibid.

⁴⁵ Lawrence, A. (2004). *Principles of child protection: Management and Practice* (p. 52). Open University Press.

⁴⁶ See Lachman, P. et al. (2002). Challenges facing child protection. *Child Abuse and Neglect*, 26(587), 617.

The contemporary discourse on child protection relates to the fact that some societies give less priority to this question. Beckett observes that children, especially small children, rely on an adult who cares for them to meet both their physical needs and their needs for security, safety, and a sense of belonging. However, children are often harmed by those on whom they rely for protection. Occasionally, they are killed. More often, they are injured, used for sexual gratification, or treated in ways that may not do any obvious physical harm, but that have long-term emotional and psychological consequences [47]. Thus, there has been an analysis of the concept of childhood in society [48]. Child protection also raises the question of the child as a vulnerable person in society [49].

The Pedagogic Approach

According to Rousseau, we were born weak, we need strength; we were born deprived of everything, we need assistance; and we were born stupid, we need judgement. Anything we lack at birth, which is needed when we grow up, is given to us through education [50]. Education is an important pillar of human society.

The ILO has found that a strong commitment to education is critical in explaining the rapid economic growth in East and Southeast Asia. The World Bank has stated that the biggest single factor in achieving a high growth rate in certain Asian countries is primary education [51]. Myint observes that ‘in recent years, economists working on the problems of development of underdeveloped countries have turned their attention towards education for a number of reasons. The experience of advanced countries has suggested that the rate of economic growth they have enjoyed cannot be satisfactorily explained purely in terms of quantitatively measurable increases in material capital and the size of the working population. This has led to the hypothesis that a substantial “residue” of economic growth must be accounted for in terms of a rise in the productivity of the resources due to technical innovations and other qualitative improvements in the methods of production and organisation. These “residual” factors of economic growth are thought to be related directly or indirectly to better education [52].

Based on Myint’s observations, the quest for better education requires an economic approach that can trigger the expected changes. Hence, the Ivory Coast needs to be aware of what it lacks, its weaknesses, where improvements are needed, and what the real priorities for sustainable development are. Africa has faced and continues to face several phenomena and challenging issues, such as apartheid, war, bad governance, and human rights violations, including the worst forms of child labour. In the particular case of apartheid, Chigara observes that the pedagogy of the oppressed is a potential instrument for ending agents’ semi-authentic existence [53]. He goes further to conclude that:

Therefore, with the appropriate pedagogic interventions in the democratic dispensation, most people would turn away from apartheid-rule’s deceitful distortions about the significance of human worth along racial line and embrace the path of equity and social justice because of its overall promise of authentic human existence that offers the possibility of self-actualization [54].

Similarly, the starting point for the Ivory Coast regarding any attempt to manage the challenging issue of child labour and other related issues is the pedagogic approach. Access to good quality, appropriate education and training is a

⁴⁷ Beckett, C.(2007). *Child protection: An Introduction* (2ndedn., p. 5) Sage Publications.

⁴⁸ See, Woodhead, M., & Montgomery, H. (2003). *Understanding childhood: an interdisciplinary approach*. John Wiley and Son Ltd in association with The Open University, Milton Keynes.

⁴⁹ See Appleton, J. V. (1994). The concept of vulnerability in relation to child protection: Health visitors’ perceptions. *Journal of Advanced Nursing*, 20(1132), 1140.

⁵⁰ Rousseau, J-J. (1969). *Emile ou de l’éducation* (p. 83). Editions Gallimard.

⁵¹ Garg, A. (1999). A child labour social clause: Analysis and proposal for action. *New York University Journal of International Law and Politics*, 31, 473.

⁵² Myint, H. (1965). Education and economic development. *Social and Economic Studies*, 14(8), 20.

⁵³ Chigara, B. (2012). Deconstructing Southern African Development Community land relations challenges: Towards a new, sustainable land relations policy? In: B. Chigara (Ed). *Re-conceiving property rights in the new millennium: towards a new sustainable land relations policy* (p. 223). Routledge.

⁵⁴ *ibid.*

significant element in contributing to breaking the vicious cycle and creating a positive one that lifts these children out of poverty [55].

The most significant input of education in the socio-economic environment for a comprehensive attitude towards issues such as child labour, child trafficking, and various child abuses is the raising of public awareness to the highest level. Education undoubtedly lays the foundation for various aptitudes. Hence, government officials, non-governmental entities, and the general public, having been empowered with basic abilities, should be able to receive adequate information and reflect on it. Public awareness concerning enforcement agencies can be raised through regular training, conferences, seminars, and inter-state cooperation about specific challenging issues. More importantly, the work of these stakeholders could be facilitated by a high level of public awareness among the general public. Achieving this level of public awareness among the population should be a high priority in the government's strategies to eradicate adverse practices to the socio-economic development of the Ivory Coast.

CONCLUSION

The Ivory Coast seems to provide a conducive socio-economic environment that nurtures the phenomenon of child labour practices beyond the control of stakeholders involved in remedying the problem. Further, there are no customary rules compelling states to use ILO standards. The sole element relied on is the political will of each nation. The view that law, policy, and other standards can provide adequate responses to socio-economic and socio-cultural problems appears flawed. Law, policies, and ILO standards are effectively available and often well-fit for their purpose in light of the spirit and the letter of the provisions. However, they have proven insufficient and inefficient in solving problems. This indicates the importance of addressing other surrounding issues while placing greater emphasis on law policies and other legal instruments. The political will to combine law implementation and enforcement while effectively addressing other surrounding factors to child labour on Ivory Coast's cocoa farms will constitute the establishment of a comprehensive approach to a paradigm shift.

⁵⁵ Sharma, K. (2009). Labour standards and WTO Rules: Survey of the issues with reference to child labour in South Asia. *Journal of Economic*, 43(29).