

Contribution to the public consultation of the UN Working Group on the issues of human rights and transnational corporates and other business enterprises, May 2022

Multi-stakeholder Consultation on “Corporate Influence in the Political and Regulatory Sphere”

Introduction

The International Cocoa Initiative (ICI) welcomes the UN Working Group on Business and Human Rights’ consultation on the links between corporate political engagement practices and responsible business conduct.

As a multi-stakeholder organisation, ICI has been working closely with the governments of cocoa producing countries, especially Ghana and Côte d’Ivoire, offering its technical and operational support among others to the design and implementation of National Action Plans, supporting the training of government departments to aid the mainstreaming of child labour as a policy priority, facilitating the definition of roles and responsibilities between state, industry and civil society organisations in key intervention areas, and thereby reinforcing the coordination, coherence and efficiency of the collaborations underway.

Over the years, it has become clear that in order to achieve full (social) traceability and scale-up effective Human Rights Due Diligence (HRDD) systems and measures that prevent, identify and address child labour and forced labour, it is necessary to create alignment and coherence between private and public systems, and to create the right enabling environment where strong and effective national policies and systems are reinforced.

In light of this experience and the work undertaken with our members, both from industry and non-industry, we are happy to share our views on the questions addressed by the UN Working Group.

ICI’s view

Our answers are focused on question 4, which we have identified as being most relevant to us, based on our experience and the perspective we can therefore legitimately bring.

Question 4: What are good practices that businesses could implement to avoid undue political influence or engaging in political activities that negatively impact human rights?

In the cocoa sector, many companies have started to develop and implement community development programmes and Child Labour Monitoring and Remediation Systems (CMLRS), which are effective ways to identify, monitor, address and prevent child labour.

Good business practices that avoid undue political influence that negatively impact human rights include:

- Implementing effective approaches to prevent and address human rights risks and impacts in their supply chains, such as CLMRS and community development, that are aligned with National Action

Plans and standards (including, among others, the African Regional Standard for Sustainable Cocoa, ARSO).

- Using agreed lists of hazardous tasks, as set out in national Hazardous Activity Frameworks, to support the identification of cases of child labour.
- Sharing information about activities and their outcomes with State authorities and institutions, to allow governments to effectively coordinate and provide for remediation measures.
- Wherever possible, provide support in a way that strengthens national systems and services (e.g. collaborating with the Ministry of Education on interventions related to education) and avoid creating parallel structures.
- When remedy needs to be provided through state services (e.g birth certificates), taking appropriate measures to ensure a referred case can be supported (e.g. by covering transport costs and appropriate fees).
- Engaging in public-private partnerships that aim at providing technical and financial support to deliver on defined activities, within clearly defined roles and responsibilities.

To the contrary, business practices that could have undue political influence and ultimately negatively impact human rights include:

- Co-opting public sector staff to run systems and services specific to one company's supply chain (ie. using government social workers to run a private CLMRS).
- Outsourcing activities to monitor, prevent and address human rights risks linked to their supply chain to third parties who they cannot hold accountable (ie. by outsourcing all efforts to third parties who are unable to provide data on individuals identified at risk, support provided, outcomes and impact).
- Referring individuals identified at risk of human rights abuses to state services without providing additional support or follow-up to ensure that assistance has been provided.
- Not sharing information and data on activities, outcomes and impact.
- Not participating in coordination efforts.
- Failing to collaborate in the provision of remediation (ie. By placing all responsibility for human rights abuses onto the state's inability to provide essential services).

About ICI

ICI a multi-stakeholder initiative set up under the 2002 Harkin-Engel protocol to support government, industry and civil society organisations to eliminate child labour and forced labour in the cocoa sector. Members include companies and civil society organisations (including certification bodies, unions, farmer organisations and NGOs). The ILO, UNICEF and OHCHR are advisors to the ICI board. ICI also works closely with governments in both cocoa producing countries, mainly Ghana and Côte d'Ivoire, and cocoa consuming countries.