

June 17, 2008

Senator Tom Harkin  
731 Hart Senate Office Building  
Washington, DC 20510

Dear Senator Harkin,

We would like to commend your efforts to end the worst forms of child labor in the cocoa industry and your commitment to establishing monitoring and certification systems to improve labor conditions around the world and in particular to ensure that children are not exploited in the production of goods for US consumers.

While we respect the tremendous efforts your office has undertaken since 2001, we are concerned that the “certification concept” put forth by the cocoa industry in relation to cocoa production is neither a process certification nor a product certification, and offers no assurance to consumers that the corporations profiting from chocolate sales in the US have taken steps to eliminate child labor within their supply chains. Rather, industry has put forth a model that merely identifies at a national and regional level, the work that governments are doing to survey the types and forms of labor abuses that occur.

Certification systems share at least four common elements.<sup>1</sup> First, a certification system requires the development of a set of standards that must be met in order to achieve certification. Second, certification must provide a process for verifying that a product, service or person has met those standards. Third, a “certification mark” identifies that the standard and verification have been fulfilled. Finally, certification requires a system for auditing to ensure that the “certification mark” is being applied in a manner consistent with the standards over time.

In its work to establish a public certification system as part of the Harkin Engel Protocol, the cocoa industry has not established clear standards within a multi-stakeholder setting. The industry’s proposed model suggests that certification simply means verifying the results of a census. In the case of cocoa, what the industry apparently is certifying are the Child Labor Monitoring Systems (CLMS) developed by the national governments with the assistance of the ILO as representing a statistically valid and replicable process for identifying the incidence and causes of child labor. However, this certification “concept” will not provide assurances “that cocoa beans and their derivative products have been grown and/or processed without any of the worst forms of child labor (WFCL),” as was the stated intent behind the Harkin-Engel Protocol. To the contrary, considering the widespread incidence of the WFCL in cocoa production, the likely outcome of the industry’s proposed cocoa “certification” will be to simply confirm that child labor is used in the production and processing of cocoa.

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<sup>1</sup> See Conroy, Michael. *Branded!*. 2007.

While we believe that the government CLMS programs are vital for developing a full understanding of the causes of child labor that will guide national governmental efforts to eliminate child and forced labor, these monitoring systems are not designed to serve as certification. As described by the ILO, the Child Labor Monitoring System is intended to provide national governments the necessary tools for identifying the incidence and causes of child labor within a sector in order to design remediation programs.

In the case of the cocoa sector, the “certification program” that is being established by the cocoa industry appears to be an attempt to broaden the commonly understood definition of a certification system, a fact recognized by the industry itself as it seeks to develop an entirely new “concept” of certification without the benefit of a genuine participatory multi-stakeholder process with clear rules of decision-making that will ensure an outcome acceptable to all stakeholders.

At this time, the “certification concept” put forth by the cocoa industry does not involve the necessary industry-side components that would ensure a valid certification program. There is no commitment to increasing transparency measures within supply chains. Significantly, the model developed by industry does not include any binding commitments or a plan of action for remediation, as would be required under a certification program.

We hope that you will work with industry to raise these concerns about an appropriate definition of certification.

Sincerely,  
Americans for Informed Democracy  
Co-op America  
Dominican Sisters of Springfield, IL  
Equal Exchange  
Global Exchange  
Kopali Organics  
International Labor Rights Forum  
Ithaca Fine Chocolates  
New York State Labor-Religion Coalition  
Oasis USA  
Organic Consumers Association  
Stop the Traffik  
Unitarian Universalist Service Committee