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International  
Labour  
Organization

# Building the capacity of relevant ECOWAS units for the elimination of child labour in West Africa

Final report

**International  
Programme on  
the Elimination  
of Child Labour  
(IPEC)**

March 2012

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## Abbreviations

<b>AU</b>	African Union
<b>BBC</b>	British Broadcasting Corporation
<b>BBCW</b>	British Broadcasting Corporation (World)
<b>CBOs</b>	Community Based Organizations
<b>CNN</b>	Cable Network News
<b>CRS</b>	Congressional Research Series
<b>EAC</b>	East African Community
<b>ECCAS</b>	Economic Community of Central African States
<b>ECOWAS</b>	Economic Community/Commission of West African States
<b>EFA</b>	Education for All
<b>HIPCS</b>	Highly Indebted Poor Countries, HIPCs
<b>HIV/AIDS</b>	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
<b>ICC</b>	International Criminal Court
<b>ICT</b>	Information and Communications Technology
<b>ILO</b>	International Labour Organization
<b>IPEC</b>	International Programme on the Elimination of Child Labour
<b>JUG</b>	Joined-up Government
<b>LDC</b>	Least Developed Country
<b>LDCs</b>	Least Developed Countries
<b>M&amp;E</b>	Monitoring and Evaluation
<b>MDGs</b>	Millennium Development Goals
<b>NAPTI</b>	National Agency for the Prohibition of Trafficking in Persons
<b>NGOs</b>	Non-governmental Organizations
<b>OIM</b>	Organization for International Migration
<b>OSCE</b>	Organization for Security and Cooperation in Europe
<b>OVC</b>	Other vulnerable Children
<b>PPOs</b>	Principal Programme Officers
<b>RECs</b>	Regional Economic Communities
<b>SADC</b>	Southern African Development Community
<b>STCP</b>	Sustainable Tree Crop Programme
<b>TOR</b>	Terms of Reference

<b>UN</b>	United Nations
<b>UNCRC</b>	United Nation’s Convention on the Rights of the Child
<b>UNDP</b>	United Nations Development Programme
<b>UNICEF</b>	United Nations Children’s Fund
<b>USA</b>	United States of America
<b>WACAP</b>	West Africa Cocoa/Commercial Agricultural Programme
<b>WFC</b>	World Cocoa Federation
<b>WOG</b>	Whole of Government
<b>WOO</b>	Whole of Organization
<b>WOS</b>	Whole of Society

## Executive Summary

The International Labour Organization, ILO, estimated that more than 200 million children world-wide work as child labourers out of which 115 million are involved in hazardous work. However, whereas the Asia-Pacific, Latin America and the Caribbean regions are experiencing a decrease in the number of children in child labour, for Sub-Saharan Africa the figure is increasing in both relative and absolute terms. According to ILO, in Sub-Saharan Africa one in four children are labourers compared to one in eight in the Asia-Pacific region, and one in 10 in Latin America. Child labour is more prevalent in West Africa than in other Sub-Saharan regions for a variety of important factors. First, it is the least developed region. 73 percent of ECOWAS Member Countries are classified by the United Nations as Least Developed Countries, LDCs. 11 of the 15 members exhibit the lowest Human Development Index ratings in the world, with the exception Cape Verde, Cote d'Ivoire, Ghana and Nigeria. Second, Poverty is endemic in the region. 60 percent of West Africans, compared with a Sub-Saharan Africa average of 46 percent, live below the poverty line of US\$1 a day. Not surprisingly, third, there is a prevalence of what can be described as 'harmful' socio-cultural practices like child fostering, reinforced by extreme poverty, which creates a more conducive environment for child labour and trafficking in children than in other regions of the continent. Fourth, is the clear inability of States in the region to put in place sustainable, poverty reduction programmes or child friendly policies like education for all even at the primary school level.

Relative to other important regional challenges, like trafficking in persons, it is only recently that ECOWAS turned its attention to the eradication of child labour in the region. Issues relating to children were raised for the first time in Section VIII (41(1-3) of the 2001 **Protocol on Democracy and Good Governance**. In December of that year, ECOWAS declared 2001-2010 as the Decade of Culture of the Rights of the Child in West Africa, (A/DCL.1/12/01). To date though, ECOWAS has only a *Draft Regional Action Plan on Child Labour* that is yet to be adopted by Member States.

However, assessing ECOWAS' efforts in the elimination of child labour in a depressing socio-economic and political environment must be informed by the reality that first and foremost, the organization was created by States in the region to serve their individual and collective interests as perceived by their political leaders. And like their counterparts in other Regional Economic Communities, (RECs), in Africa, ECOWAS Member States are deemed to be sovereign and equal irrespective of geographical size, natural and human resource endowment. Accordingly, the extent to which it can "pry" into the domestic affairs of its member is severely constrained its lack of supranationality, unlike the European Union. Thus in dealing with matters that affect Member States requires a delicate political balancing act on the part of ECOWAS, so that national pride and sensibilities remain intact.

Several challenges impede an effective campaign by ECOWAS against Child labour in West Africa. Among these is the lack of a strong institutional structure that can ensure effective operational programming. ECOWAS is well known for churning out beautifully crafted regional Plans of Action and Regional Strategies on diverse issues of national, regional and global interest, but they are usually not based on "scientific" research or reliable baseline data. ECOWAS's annual budgeting system is another limitation in the fight

against child labour as it leaves very little or no room for long term 'strategic' planning or 'strategic thinking' among senior staff.

Perhaps the single, most debilitating challenge in the fight against child labour in ECOWAS is inadequate manpower; there are only three senior staff between the Child Programme in the Gender Division and Child Protection Unit in the Humanitarian and Social Affairs Directorate in the Commission.

Another serious challenge is insufficient synergy among the relevant anti-child labour units in the Commission. Although there 'cooperation' and even 'coordination' among the units this is by and large on ad hoc basis. It is also sometimes 'one-offish'. For instance, some units were invited to the initial meetings to produce the draft Regional Plan on Child Labour, but they were not invited to subsequent meetings and may not be aware of the present status of the document. The proposed Organogram in Section 4 of the Report seeks to redress the situation, to enhance the effectiveness of the anti-child labour campaign.

The most intractable challenge to the successful elimination of child labour in the ECOWAS Member States is the pervasive poverty across the West African region. Since child labour is associated with the deep-rooted poverty and deprivation, tackling it effectively would require huge investments in sustainable poverty reduction and economic empowerment programmes targeting the most vulnerable families/households, ECOWAS and its Member States cannot presently afford. The literature clearly indicates that poor families will return their children to school once there is a significant improvement in household income.

ECOWAS's limited success thus far in the war on child labour, especially its worst forms, may not also be unconnected with the reality that some of its worst forms take place in cocoa plantations/farms in three key ECOWAS Member States: Cote d'Ivoire, Ghana and Nigeria. Together, the three countries produce about 70 percent of the world's cocoa beans used in the chocolate industry abroad. Thus, child labour in the cocoa farms is a sensitive issue in those States. It is not surprising therefore that the campaign to eliminate this form of child labour has been championed by development partners like the USA, the UK, ILO, OIM; and global cable media houses like **BBC**, **CNN** and **Aljazeera**, which have produced and aired shocking documentaries on child labour on cocoa farms especially in Cote d'Ivoire and Ghana. They have also mounted a lot of pressure on chocolate companies to discourage the use of children in processing the cocoa beans they use to produce chocolate. It is therefore important for the campaign to continue to attract support from ECOWAS' development partners to keep alive at the global level.

## Recommendations

The recommendations below flow from the findings in the entire Report including the extensive literature review in Section 2 of the Report.

- A formal Organogram of all the relevant units involved in the fight against child labour in the ECOWAS Commission should be approved as a matter of utmost urgency. The proposed Organogram is contained in Section 4 of the Report but it is attached as addendum to the Executive summary.
- As suggested the new Organogram (See Figure 1) it is proposed that a child Protection Division as opposed to the present child protection unit, be established in the Humanitarian and Social Affairs Directorate as the Focal point that is also entrusted with the mandate to coordinate all matters relating to child labour in the Commission. Alternatively, the proposed Division could equally be located in the Gender Directorate in the Commission under its Child Programme.
- In line with established ECOWAS practice, the Child Labour Division should, ideally, be headed by a Director, but if that is not immediately feasible, a P5 or P4 officer will suffice for now. It is also proposed that the Division should have either two P4 or two P3 officers; and one G (General Administrative Officer) attached to it. One of the two P4 or P3 officers should be dedicated to Child Protection issues while another is dedicated to Trafficking in Persons in the region. Down the staffing ladder, we can have two P3 and either a G1 or G2, as appropriate, appointed to service the new Division. The proposed manpower will address the most debilitating challenge in the fight against child labour in ECOWAS, which is inadequate manpower.
- ILO should also consider the option of engaging a team of independent consultants, three or four of them at most, to visit ECOWAS Member States to monitor and evaluate their anti-child labour programmes as well as the extent to which they comply with ECOWAS's anti-child labour policies.
- There should be a reliable programme for Training and Re-training of staff in the relevant units to create a core of personnel that has competence in gathering baseline data and applied research, programme design and evaluation.
- The proposed Child Division in collaboration with other relevant units should be empowered to provide training for agencies, ministries and civil society organizations in Member States. This will expose the latter to concepts such as "the whole of government" and "the whole of society" for an effective anti-child labour campaign in the region.
- ECOWAS should continue to work closely with relevant development partners like ILO, DFID, USAID, and other stakeholders to sustain the campaign against the worst forms of child labour globally. ECOWAS should also work closely with all other stakeholders to sustain the momentum in the campaign to get chocolate companies to adopt more child friendly policies.

- The new Division should set up a dedicated Internet facility in the Commission to provide a wider platform from which to continue the anti-child labour campaign within and outside the region, and to provide an avenue for feedback among stakeholders including development partners, and the informed public at large. If that is not feasible now, then it should be given a page in the ECOWAS Web site.
- Although funding was not identified as a pressing need because of the good will ECOWAS has been able to establish with development partners on the child labour issue, it is suggested that the Child Labour Division should work with prospective sponsors and funders to come up with a proposal for a long-term intervention programme.
- In that regard, efforts should be made by ECOWAS/the Child Division to come up with a strategic and comprehensive child labour programme with appropriate short and long term intervention activities as well as corresponding funding mechanism that can address the limitations and challenges of the present annual budget system
- The Child Labour Division--and other relevant units—should have a more conducive workplace environment by providing them with appropriate items of furniture that are presently not in place, or as may be requested by the Units.
- Since the ECOWAS Treaty does not make provision for the Child, it is suggested that Member States should explore the possibility of inserting a supplement to the Revised 1993 Treaty dealing exclusively with children’s issues including child labour and trafficking in persons focusing on the child. Such a move could enhance the campaign against child labour in the region.
- Finally, ECOWAS should engage more with the States to ensure convergence of policies and programmes among Member States in the fight against child labour in the region.

## Section 1: Introduction

### 1.1 Background

Child labour is a global development challenge. The International Labour Organization, ILO, estimated that more than 200 million children world-wide work as child labourers, out of which 115 million are involved in hazardous work. Child labour is more prevalent in Sub-Saharan Africa than any other region of the world. Not surprisingly, countries in the sub-continent are most unlikely to achieve the UN Millennium Development Goals, MDGs, by the year 2015. According to the ILO, whereas the Asia-Pacific, Latin America and the Caribbean regions are experiencing a decrease in the number children aged five to 14 years that are involved in child labour; the figure for Sub-Saharan Africa is increasing in relative and absolute terms. In fact in Sub-Saharan Africa, one in four children aged five to 17 years, are labourers compared to one in eight in the Asia-Pacific region, and one in 10 in Latin America<sup>1</sup>. The ILO, more than any other international organization, has been in the forefront of the war against child labour globally and regionally for almost a century. The first International Labour Conference adopted the first International Convention against child labour in 1919 (Convention No.5). In 1973 and 1999 the Convention on the Minimum Age (No.138) and that on the Worst Forms of Child Labour (No.182) respectively, were adopted. The 2010 The Hague Global Conference on Child Labour was aimed at enhancing progress towards the 2016 target of eliminating the worst forms of child labour, which is anchored on a three-pronged action plan:

1. supporting and mainstreaming national responses to child labour,
2. deepening and strengthening the worldwide movement against child labour, and
3. further integrating child labour concerns in overall ILO strategies to promote decent work for all.

As part of its effort to eliminate child labour throughout the world, the “Decent Work for All” initiative was conceived as part of ILO’s integrated approach to national economic and social development especially in Asia, Africa, the Caribbean and Latin America. However, while considerable progress has been made in the ratification of Conventions (No. 138 and No. 182) above; ILO regrets that countries that account for one third of the world’s children are yet to do so. The Organization has also warned that efforts to eliminate the worst forms of child labour globally are “slowing down” and has appealed for “a re-energized” global campaign to end the obnoxious practice. The appeal became imperative in face of deepening global economic crisis, which could “further break” and frustrate progress toward the goal of eliminating the worst forms of child labour by 2016”<sup>2</sup>. However, it has been acknowledged that child labour in more hazardous and harmful work has been declining faster than in other forms of child labour.<sup>3</sup>

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<sup>1</sup> ILO; Facts on Child Labour 2010, April 2010: p1.

<sup>2</sup> [http://www.ilo.org/global/about-ilo/press-and-media-centre/news/WCMS\\_126840/lang...accessed](http://www.ilo.org/global/about-ilo/press-and-media-centre/news/WCMS_126840/lang...accessed) on 3/12/2011.

<sup>3</sup> Ibid.

## 1.2 Terms of reference

The objectives of the study were to -

1. Understand the Child Labour situation in the ECOWAS region
2. Analyze and Estimate the capacity of the technical units of EACOWAS to work for the elimination of child Labour in the region and build the capacity of the member countries to work for the elimination of child labour in their countries.
3. Asses the gaps in the requirement and the existing capacity; and
4. Recommend the actions to be taken for filling those gaps and for sustainability.

## 1.3 Statement of the problem

West Africa is the least developed region in Africa and in the world, and also the worst hit by the scourge of child labour. It is estimated that 1.8m children are engaged as labourers in Cocoa farms in Ghana and Cote d'Ivoire"<sup>4</sup>. The grim statistic was corroborated by Ghana's Acting Director in the Ministry for Employment and Social Welfare, Enoch Teye Mensah, who observed at the inauguration of ILO's Public Private Partnership II with Economic Community of West Africa States, ECOWAS, in Accra, Ghana, in July 2011, that 25 per cent of children in West Africa between ages five and 17 years are engaged in hazardous work<sup>5</sup>.

Many factors are responsible for the high prevalence of child labour in West Africa. The most important is widespread and endemic poverty in the region. For example, 12 of the 15 ECOWAS Member States are among the world's 50 poorest and least developed countries, LDCs. The only exceptions are, Cote d'Ivoire, Ghana and Nigeria. Even amongst the exceptions, there are steep differentials in individual and household income. For instance, 140m out of Nigeria's estimated population of 150m live under the poverty line<sup>6</sup>. Put differently, "ECOWAS accounts for 35 per cent of African LDCs, making West Africa the foremost LDC region in Africa and, indeed the world as whole"<sup>7</sup> Furthermore, 11 of the region's 15 member countries "exhibit some of the lowest socio-economic development indicators, including the lowest human development Index ratings in the world"<sup>8</sup> Most of West Africa's citizens, about 60 per cent of them, live below the globally accepted poverty line of less than One US dollar a day, which is far above the African average of 46 per cent. With the exception of Nigeria and Cape Verde, the rest of the ECOWAS countries are designated as Highly Indebted Poor Countries, HIPC's. West Africa's unenviable socio-economic record has serious implications not just for the pervasiveness of child labour in the

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<sup>4</sup> Humphrey Hawksley, "Ivory Coast cocoa farms child labour: Little change", BBC News, Ivory Coast, 10<sup>th</sup> November 2011, on <http://www.bbc.co.uk/news/world-africa-15681986>

<sup>5</sup> "Combating Child Labour in West Africa", Accra July 2011, on

[http://www.ghana.gov.gh/index.php?option=com\\_content&view=article&id=6563:combat...accessed](http://www.ghana.gov.gh/index.php?option=com_content&view=article&id=6563:combat...accessed) on 3/12/2011.

<sup>6</sup> Pro-government advert is regularly broadcast on Nigerian Television Authority, NTA, National and International in support of fuel subsidy removal.

<sup>7</sup> ECOWAS Commission, ECOWAS Vision Document; ECOWAS of the People: Towards a Democratic and Prosperous Community, 2009, p3.

<sup>8</sup> Ibid.

region, but also the enormous challenges and efforts that are required to mitigate the scourge.

Other significant factors, directly and indirectly, associated with the high prevalence of child labour in West Africa, are: the dominant position of agriculture as the major occupation and contributor to the region's development. For example, some 60 per cent of the active population of nearly 300m is engaged in the agricultural sector; 79 per cent of which are engaged in subsistence agriculture<sup>9</sup> Also, the large family size especially among low income earners, traditional cultural practices, forced migration, human trafficking, and increasingly the global economic down-turn, have exacerbated the child labour phenomenon in West Africa. In order to reverse these trends, the International Labour Organization, ILO, in collaboration with the United States of America's Department of Labour, has been partnering with ECOWAS to eliminate child labour in West Africa by, among other things, mobilizing political support and promoting regional cooperation.

The study constitutes an important plank in ILO's global efforts to eradicate child labour in Africa south of the Sahara in general and West Africa in particular, and sought to find answers to the following research questions.

- Why is child labour so prevalent in West Africa?
- Why are current policies, strategies and plans of action of ECOWAS not effective in eliminating child labour in the West African region?
- Will enhancing the capacity of the relevant Units in the ECOWAS Commission help in eliminating child labour in West Africa, especially its worst forms?
- To what extent will creating effective synergy and cooperation among relevant units in the ECOWAS Commission enhance their performance in eliminating child labour in the region?
- In what creative ways can the relevant units and ECOWAS partner with civil society organizations; particularly trade union and human rights movements at home and abroad, as well as community/faith-based organizations, etc; in the campaign to end child labour in West Africa?
- What is the current institutional and operational capacity of the units to effectively monitor and evaluate ECOWAS' child labour policies and programmes?
- What is the minimum capacity required by the relevant units in the Commission to successfully eliminate child labour in the region?

#### **1.4 Study Hypothesis**

The major hypothesis of the study is that:

*Capacity-Building in the child labour units of the ECOWAS Commission will lead to successful eradication of child labour in West Africa.*

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<sup>9</sup> Ibid. p4.

## **1.5 Test hypotheses**

The test hypotheses are, among others:

- a) Creating an effective enforcement mechanism and a reliable monitoring and evaluation regime at the ECOWAS Commission and in Member States is crucial in eliminating child labour in West Africa.
- b) Regular training and retraining of personnel and creating a synergy between the relevant units in the ECOWAS Commission and Member States will reduce the prevalence of child labour in West Africa.
- c) Empowering vulnerable households and effective promotion of education for all (EFA) are constructive strategies for raising family incomes eradicating the worst forms of child labour in West Africa.

## **1.6 Methodology**

The methodology for the study comprised of two main components.

### **1.6.1 Desk Research**

This was an extensive review and content analysis of all available documents on child labour especially in West Africa and efforts by the Economic Community of West African States, ECOWAS to eliminate it in West Africa. Among the key documents examined are: *ECOWAS Child and Youth Policies*, *ECOWAS Labour and Employment Policy*, *Strategic Plan of Action for the ECOWAS Labour Policy*; *the draft Regional Plan for the Elimination of Child Labour*, and the *ECOWAS Plan of Action against Trafficking in Persons*. The essence of the detailed content analysis of the Organization's documents was to locate those policies and actions and activities by the regional body, which are directed at the elimination of child labour in West Africa.

The desk research also involved an extensive review of the International Labour Organization's (ILO) invaluable documents on the global child labour situation and its efforts to eliminate the worst forms of child labour in Sub-Saharan Africa, with particular attention on West Africa. (Mention some of the key documents reviewed here. This was complemented with other available publications, especially the US Congressional Research series document titled; *Child Labour in West African Cocoa Production: Issues and US Policy*, which is detailed study on child labour in cocoa farms in Cote d'Ivoire, Ghana and Nigeria, especially. The study also made extensive use of the Internet, which has over the years, become a veritable source of important data on every aspect of human endeavour.

### **1.6.2 Structured and Unstructured Interviews**

The second component of the methodology was structured and unstructured interviews with officials in the relevant units of the ECOWAS Commission dealing with the elimination of Child labour. In particular, officials from Gender, Free Movement, Child Programme in the Gender director, and Child Protection, were interviewed:

The Units are in located in the Gender and Humanitarian and Social Affairs Directorates of the Commission at the headquarters in Abuja, Nigeria. All the officials were interviewed on phone due to circumstances beyond the consultant's control. However, and irrespective of the mode used, all those interviewed were asked questions on relevant aspects of their mandates, roles and views on what they thought were the major achievements and challenges of the Units and what they thought was the way forward in their efforts to eradicate the worst forms of child labour in the ECOWAS Member States. Also interviewed at the ECOWAS Commission was the Acting Director, Legal, Mrs. Henrietta Didigu. Several visits were made to the relevant units in the Commission to observe first hand, to identifying the gaps for capacity building, a critical aspect of the TOR of the Study. The methodology was by and large satisfactory and generated sufficient qualitative and quantitative data that facilitated the Report.

## **1.7 Definitions of terms and concepts**

Given the nature of the study, it is important to provide working definitions of the terms and concepts that are germane to the issues in child labour. It is however significant to observe that ECOWAS did not have provision for the child in either the 1975 Treaty of Lagos or the 1993 Revised Treaty. From such a perspective, the attention now focused on the welfare of the child and in particular, the elimination of child labour would seem to be an afterthought, direct and indirect responses to the international concern for, and interest in the plight of children across the world especially by the International Labour Organization. However, this important oversight was compensated for, even if belatedly, by the **Declaration on the Decade of a Culture of the Rights of the Child in West Africa in (2001-2010)**, albeit more than two decades after the creation of ECOWAS<sup>10</sup>. Significantly, by the time ECOWAS became seized of child labour and related issues early in the 3<sup>rd</sup> Millennium, ILO had provided definitional templates for those concepts and terms. Not surprisingly, ECOWAS merely adopted them wholeheartedly.

### **1.7.1 Child**

ECOWAS defines a child "as a person below 18 years in accordance with the United Nation's Convention on the Rights of the Child (UNCRC) and the African Charter on the Welfare and Rights of the child. Significantly, more than half of the 15 member countries of the organization have accepted and complied with the definition while the rest are in the process of doing so."<sup>11</sup>

### **1.7.2 Child Labour**

ECOWAS adopted the ILO's Minimum Age Convention of 1973 (138), which defines Child Labour as "The minimum for admission to any type of employment or work which by its nature or the circumstances in which it is carried out is likely to jeopardize the health, safety or morals of a young person shall not be less than 18 years". It is to be noted that

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<sup>10</sup> Ibid.

<sup>11</sup> ECOWAS Child Policy, 2009, p3)

child labour also includes work that prevents a child or children from “attending and participating effectively in school...”<sup>12</sup>

### **1.7.3 Worst forms of child labour**

As defined in the 1999 ILO Convention on the Worst Forms of Child Labour (182), worst forms of child labour refers to the use of any individual that is less than 18 years for the purposes of debt bondage, armed conflict, commercial sexual exploitation, drug trafficking and other types of work identified as hazardous to children by those countries that have ratified the Convention. Thus it is significant that ECOWAS defined worst forms of child labour in its draft pan of Action on the Elimination of Child Labour in West Africa to include:

- All forms of slavery or practices similar to slavery such as sale and trafficking of children serfdom and forced or compulsory labour, including forced or compulsory use of children in armed conflicts
- The use, procuring or offering of a child for the production of pornography or for pornographic performances;
- The use, procuring or offering a child for illicit activities particularly in the production and trafficking of drugs as defined in international conventions and treaties, and
- Work which by its nature or the circumstances in which it is carried out is likely to harm the health, safety or moral of children<sup>13</sup>

### **1.7.4 Trafficking in Persons**

Trafficking has several definitions. According to one source, “it is the movement of people (sometimes involuntarily) for the purpose of placing them in forced labour or other forms of involuntary servitude”. Persons such trafficked could be for sexual exploitation or to work in factories, shops and even plantations for very low wages if at all”. However, according to the Organization for Security and Cooperation in Europe, OSCE, trafficking in person refers to:

*...all acts involved in the recruitment, abduction, transport (within or across borders), sale, transfer, harbouring, or receiving of persons, by the threat or use of force, deception, coercion, including abuse of authority, or debt bondage, for the purpose of placing or holding such person, whether for pay or not, in involuntary servitude, forced or bonded labour, or in slavery like conditions, in a community*

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<sup>12</sup> CRS Report for Congress: *Child Labour in West African Cocoa Production: Issues and US Policy*, Appendix, p24

<sup>13</sup> Draft *Regional Plan for the Elimination of Child Labour*, ECOWAS Commission, no date, pp4 and 5

*other than one in which the person lived at the time of the original deception, coercion or debt bondage...*<sup>14</sup>

As defined above, trafficking in persons has much wider meaning and implications. For instance, it could mean “trafficking for sexual as well as non-sexual purposes and all (other) actions along the chain, from the initial recruitment (or abduction as the case may be) of the trafficked person to the end purpose or result—the exploitation of the person or labour,”<sup>15</sup> and therefore represents a particularly pernicious violation of the basic rights of the victims.

The Report is divided into four broad parts as follows: Section 1, Introduction; contains the executive summary, terms of reference, TOR, background to the study; definition of key concepts and terms used in the study, statement of the problem and methodology. The second portion of the Report is the select literature review on child labour and it is divided into four broad sections: General, Africa, West Africa and Gaps identified in the literature. Part Three of the report examines ECOWAS’s previous efforts at eliminating child labour in West Africa up to the time of the Report; while the final part of the study presents the conclusion and recommendations.

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<sup>14</sup> Trafficking in Persons: Implications for OSCE”, ODIHR Paper 1999/3 [www.unicri.it/Trace%20docs/osce\\_od hit.99.3.doc](http://www.unicri.it/Trace%20docs/osce_od%20hit.99.3.doc), in Amadu Sesay, “A Report on the implementation of the ECOWAS Initial Plan of Action on the Fight against Trafficking in Persons” submitted to the ECOWAS Commission in November 2004, unpublished, p4

<sup>15</sup> *ibid.*



## Section 2: Review of relevant policy documents and other materials

### 2.1 General (ILO)

The literature on the global child labour situation is rich and even sophisticated. However, much of it is focused essentially on the developing world, particularly Africa, Asia, the Caribbean and Latin America which are known to have harmful child labour practices. The campaign to eradicate child labour globally has been led by the International Labour Organization, ILO, and it dates back to 1919 when the first International Labour Conference adopted the first International Convention against Child Labour, the Minimum Age (industry) Convention (No.5). The ILO and its partner agencies in the United Nations' family have since then engaged fully with efforts to eliminate child labour especially its worst forms, and the overall has been a series of landmark conventions and agreements to which many countries of the world are now party.

A good starting point in the general review of the literature on child labour is the 2010 **ILO Facts on Child Labour**, a snap-shot of the Organization's anti-child labour campaign and related activities since the 1919 International Labour Conference up to 2010. It is an indispensable chronicle of the major successes recorded in the campaign against child labour particularly in Africa, Asia, the Caribbean and Latin America; the challenges as well as the way forward. The document is rich in comparative statistics on the child labour situation in the four geographical zones identified above. In terms of signposts in the fight to eradicate child labour in all regions of the world, the document identified the following dates and conventions/actions:

- 1930, the first Forced Labour Convention was adopted (No.29), followed by the adoption in 1973 of the Minimum Age Convention in 1973 (No.138).
- Almost two decades later in 1992, ILO established the International Programme on the Elimination of Child Labour, (IPEC) "to enhance the ILO's response to its long standing goal of the effective elimination of child labour" in the world. IPEC has since then become the "biggest dedicated child labour programme in the world and the largest technical cooperation within the ILO" and done so much to consolidate its major and long standing goal of eliminating child labour in member states. By 2009, IPEC had presence in 92 countries across all the regions of the world. Since then, thousands of children have benefitted from its programmes in many parts of the world, and especially those where child labour is a major humanitarian and developmental challenge.
- Five years after IPEC was established, 1997, the Amsterdam and Oslo international conferences were convened. The meetings contributed significantly to raising global awareness on the scourge of child labour in many parts of the world, and the need for a workable strategy that will enable ILO and member countries to tackle child labour proactively.
- In 1999, two years after the Amsterdam and Oslo meetings, ILO adopted **The Worst Forms of Child Labour Convention** (No.182), whose major goal is to eliminate the most hazardous forms of child labour, especially those that affect the physical, mental and moral well-being of the child. In 2002, ILO released the

**First Global Report on Child Labour**, and set aside June 12 every year as **World Day against Child Labour**, an event that is marked across the world.

- The **End of Child Labour Within Reach; Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work (2006)**, Chronicled some of the major achievements that have been made in the fight against child labour worldwide. Some of the Report's highlights are;
- There has been "a sea change in the awareness of child labour across the world, and a broad consensus has emerged on the urgency of eradicating this scourge".<sup>16</sup>
- That the eradication of child labour will be expedited if economic growth is sustained worldwide but especially in countries where child labour is rampant
- That the elimination of child labour cannot be divorced from basic human rights as well as creating an environment that facilitates decent work for parents and education for the children
- That it is important to enlist the support of employers' and workers' organizations in the fight against child labour, as both have played a "decisive role in the against child labour". Indeed trade unions across the world have been "the driving force in the fight against child labour"<sup>17</sup>
- Advocacy and related action at various levels have led to significant progress in the campaign to eradicate child labour globally; and that "A world-wide movement has been instrumental in keeping child labour on the global agenda".

The fight against child labour has to be holistic, because "ILO's experience over the years also confirms that national and community action is crucial."<sup>18</sup> In 2008, ILO issued an key declaration titled **Social Justice for a fair Globalization** that placed a lot of emphasis on respect for the fundamental rights of each person, and putting an end to child labour. A year later, 2009, the Organization's 183, member countries adopted the Global Jobs Pact without reservations, "as guide to recovery from the global economic and jobs crisis" and also reminded members to be vigilant in the fight against child labour because the global economic meltdown has the potential to adversely affect the war against child labour especially in regions and countries where child labour is still widely practised.

The year 2010 is particularly significant in the ILO's efforts to eliminate child labour globally. First, was the release third **Global Report on Child Labour**, which lamented that goal of eliminating child labour by the year 2016, may not be achieved unless the campaign was intensified. The release of the Report was followed by *The Hague Global Conference on Child Labour* which aimed at consolidating the 2016 target for the eliminating the worst forms of child labour across the world. In statistical terms, **Facts on Child Labour 2010** revealed that more than 200m children are still engaged as child labourers globally, out which 115m are "subject to its worst forms"<sup>19</sup>. The document also revealed that child labour

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<sup>16</sup> The End of Child Labour Within Reach; Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work (2006), pxiii.

<sup>17</sup> Ibid

<sup>18</sup> Ibid

<sup>19</sup> ILO, Facts on Child Labour 2010, p1.

continues to decline marginally, recording a three percent fall in the period 2004 to 2008. It noted that there had been a 15 percent fall in the number of girls in child labour, and a 24 per cent decline in girls engaged in hazardous work. In regional terms, ILO disclosed that the number of children engaged in economic activity is increasing in Sub-Saharan Africa, “where one in four children aged 5-17 are child labourers compared to one in eight in Asia-Pacific and one in ten in Latin America.”<sup>20</sup>

ILO’s **Accelerating action against Child labour (2010)**, came out not long after the Global Report was released, is also important for its statistical richness and stark warning that the global economic crisis might be used as excuse to slow down progress on the elimination of child labour in many countries. The Report noted that the biggest progress has been recorded in children aged 5-14 “where the number of child labourers fell by 10 per cent. The number of children in hazardous work in this age range also fell by 31 per cent. Child labour among girls decreased (significantly) by 15 million or 15 per cent. However, it increased among boys by eight million or seven per cent”. The Report lamented that “child labour among young people aged 15 to 17 years increased by 20 per cent, from 52m to 62m.”<sup>21</sup>

**Peter Dorman/IPEC, Child labour, education and health: A review of literature (2008)**. This publication focused on the rapidly expanding literature on the important relationship between child labour, education and health. The document noted that since child labour was acknowledged as an economic and social problem in the 1990s, researchers have attempted to assess its links to the core element of human capital, with the hope of solving the continuing challenges in development policy, and improve the quality of life of the global poorest and most disadvantaged people. The authors noted that the economic causes of child labour are globally not the same, and so are the cultural factors governing the role of children in the national economy. Also, educational and health systems and the expectations ordinary people have of them, also differ. Most importantly, the work of children, their educational activities and their health conditions are intricately linked.<sup>22</sup>

On the effects of child labour on education, Dorman noted that the availability of “educational opportunities are themselves a major influence on child labour”<sup>23</sup> and that “each choice students or their families make, and each level of performance achieved, has consequences for future choices and accomplishments”.<sup>24</sup> Thus, there is an opportunity cost for households that decide not to send their children to school, and instead engage them in work. The author noted that most studies on the relationship between child labour and education compares the educational outcomes of children who do not work, or who work less, and those who do work, or work more. However, the broad question to ask is “whether school work competes for children’s time and attention”.<sup>25</sup> He concluded that most studies conducted on the subject have found that there is competition between school and work. Dorman identified several approaches to the problem. One way would be to examine

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<sup>20</sup> Ibid, p1

<sup>21</sup> .New ILO global report on child labour: As efforts to end child labour slow, ILO calls for “re-energized” global action. Press release, May 7, 2010. ILO, Geneva, on [http://www.ilo.org/global/about-the-ilo/press-and-media-centre/news/WCMS\\_126840/lang...](http://www.ilo.org/global/about-the-ilo/press-and-media-centre/news/WCMS_126840/lang...) accessed on 3/12/2011.

<sup>22</sup> Peter Dorman/IPEC, Child labour, education and health: A review of literature, 2008, p1

<sup>23</sup> Ibid p3

<sup>24</sup> Ibid

<sup>25</sup> Ibid

situation in which educational opportunities were enhanced and to estimate the (presumably) negative effect on child labour rate, under the assumption that, just as work has the potential to take time away from school, school may also do this for work<sup>26</sup>. A much-cited example is the work by Revallion and Wodon (1999) on the effects of subsidies on school and work in Bangladesh, and found that among boys, “about a fourth of the increase in school attendance was a transition out of work, the corresponding figure for girls was one eighth.”<sup>27</sup>

Dorman examined the relationship between school and work to other factors in what he called “their associations with other factors.”<sup>28</sup>. He went on to make a long list of studies that had been conducted in different parts of the world on the phenomenon; e.g., Egypt, Thailand, Pakistan, Zimbabwe, Brazil, Peru, among other. He concluded that on the whole, “factors that favour education disfavour child labour and vice versa”<sup>29</sup>. On the important question whether child labour “in general” negatively affects educational outcomes, Dorman warned that that is not the right way to ask such an important question. This is because and as he put it poignantly, “work at different ages, in different activities and of different intensities should not be regarded as homogenous, and difference between and in some cases within nations have to be taken into account as well”<sup>30</sup>. The most important questions, then, have to do with “what kind of labour, for which children, and for how long, as foreseen in ILO Convention No.138”. He admitted that :

*...we are not yet at the point where we can use the existing research base to answer the practical questions surrounding ages, gender, hours, activities and education. Useful would be a greater availability of longitudinal data to capture delayed effects of child labour on education, with finer detail in hours and types of work.*<sup>31</sup>

On the important nexus between child labour and child health, Dorman observed that researchers are “deeply interested in the health consequences of child work, and (that) a large literature has emerged in this (important) field”<sup>32</sup>. He noted that there are many ways to measure the work-health relationship and that the more “encompassing question whether children face distinctive risks due to their age or related developmental considerations”, had been answered largely by the National Academy of Science in 1998, and identified several areas of concern. These include:

- Experience: some problems faced by children at work are the result of inexperience rather than youth per se. Accident rates are lightest for workers who are new to the job, and of course a much higher percentage of children will qualify as “new”.

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<sup>26</sup> Ibid

<sup>27</sup> Ibid

<sup>28</sup> Ibid.p8

<sup>29</sup> Ibid. p9

<sup>30</sup> Ibid.p28

<sup>31</sup> Ibid. p28

<sup>32</sup> Ibid.p29

- Muscular-Skeletal Development: children are not smaller adult; their bodies are distractive in significant respects. This can lead to a different set of economic risk exposure than would be faced by similarly.
- Sized adults, yet equipment and work organization rarely make allowance for this effect. Also work induced impairments to children may have long lasting consequences due to their impact on further growth and development.
- Sleep needs: Adolescents have different circadian patterns than adults, increasing their capacity for night activity but increases the cost and physical difficulty of tasks scheduled in the morning. Nevertheless, agriculture in particular demands early morning work, and habitual loss of sleep may impair school performance in a child<sup>33</sup>. On the impact child labour on a child's psychological and social development, Dorman noted that this has been of long standing concern to researchers.<sup>34</sup> He posited that "among the many psychological risks faced by working children, one of the most troubling is their susceptibility to abuse, from both employers and older co-workers". The abuse does take several forms; however, the most pervasive are sexual and physical abuses which are also of paramount concerns among stakeholder<sup>35</sup>. He revealed that a survey by Hadi, (2000) in 150 Bangladeshi villages involving 4,643 children ages 5-15 in Bangladesh villages were interviewed, found that slightly more than fifth of them were working. He also found that:

*...approximately 12% of all the working children had reported being beaten at work, with "beating" taking the form of at least a slap. Also 41 boy ages 11-16 and working as mechanic in Irbid, Jordan, were selected non-randomly and asked about their treatment at work. 25 (61%) reported physical abuse and 8 (27%) reported sexual abuse, in nearly every instance; the culprits were older boys from the same or neighbouring workshops...<sup>36</sup>*

The study found that sexual assault was a significant risk of child labour. Other risks were, general emotional distress and early consumption of alcohol.<sup>37</sup> It concluded that child labour should be viewed "above all, as a human capital problem, measurable by its impact on education and health. The most recent decade of evidence corroborates this perspective and provide ample basis for taking action to reduce harmful impacts."<sup>38</sup>

**IPEC/ILO: Investing In Every Child: An Economic Study of the Costs and Benefits of Eliminating Child Labour (2003).** The foreword to the book revealed that in 2002 ILO estimated that "one in every six children aged 5- 17 worldwide is exploited by child labour in its different forms..."<sup>39</sup>. What has of been done so far is to quantify the costs and benefits of eliminating child labour across the world, especially in the most affected continents and countries. For the first time, IPEC has carried out the first 'integrated study' on the economic costs and benefits of eliminating child labour in the developing countries and emerging

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<sup>33</sup> Ibid, p30

<sup>34</sup> Ibid.p44

<sup>35</sup> Ibid p45

<sup>36</sup> Ibid.

<sup>37</sup> Ibid, p46

<sup>38</sup> Ibid. p47

<sup>39</sup> IPEC/ILO: Investing In Every Child: An Economic Study of the Costs and Benefits of Eliminating Child Labour (2003), p. iv

economies. In doing so, the study sought to find answers to several important questions; what is the quantum of resources that are needed to rid the world of child labour?, what are the economic consequences of eliminating child labour especially in countries where families use child labour to augment their incomes and those countries where children are used in industry and other forms of labour? Finally, how will the costs of eliminating child labour should be “distributed across different sectors of the global community?”<sup>40</sup>

The study identified three broad areas that make up the “costs of eliminating child labour, along with the opportunity cost” of labour itself;

- Education supply, which includes enhancing school capacity and quality, in line with ILO standards as contained in Convention No.138. In that connection, the goal of achieving universal primary education by 2015 and universal lower secondary school education by 2020 are particularly pertinent<sup>41</sup>. Income transfers in the target country so that the costs incurred by households that withdraw children from child labour to school will be off-set, among other things.
- Non-school interventions: especially those which aim at eliminating the worst forms of child labour in line with ILO Convention No.182...<sup>42</sup> The major benefits of a world without child labour are broadly two:
- Education: enhanced productivity and earnings that are associated with better education
- Health: reduced illnesses and injuries due to putting an end to the worst forms of child labour as identified in this study<sup>43</sup>.

The study was carried out in eight countries in Africa, Asia, Europe and Latin America: Brazil, Kenya, Nepal, Pakistan, Philippines, Senegal, Tanzania and Ukraine, which provided “the most complete cases.” A second set of countries, approximately “two dozens”, were used for the household surveys that were carried out by IPEC and the World Bank, and which had been implemented in the last decade. The study acknowledged that while the surveys are not complete, they nevertheless provided “a high level of detail for most costs and benefit factors”<sup>44</sup> Finally, the “publicly available demographic, economic and educational data” were used as “the basis for extrapolating from those with more complete information”, and the findings are global as well as regional<sup>45</sup>. The study found that the single, most important result is that eliminating child labour is “estimated to yield enormous economic benefits” and in “addition to the social and intrinsic benefits that make this issue so salient...Globally, benefits exceed costs by a ratio of 6.7 to 1. This is equivalent...to an internal rate of return of 43.8%.”<sup>46</sup> Even if we take into account the wide margin of error in measurements for and against, “...the gap between benefits and costs is so great that it is sure to withstand reasonable adjustments that might be made to its

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<sup>40</sup> Ibid; p1

<sup>41</sup> Ibid. pp1 and 2

<sup>42</sup> Ibid. p2

<sup>43</sup> Ibid.

<sup>44</sup> Ibid. p3.

<sup>45</sup> Ibid.

<sup>46</sup> Ibid.p4.

methodology”.<sup>47</sup> Nonetheless, the major shortcoming of this document is that it left out the major offending countries in West Africa with regard to child labour; Cote d’Ivoire and Ghana. It would have been interesting to know, for instance, the extent to which they are aware of the trade off between the economic costs and benefits of child labour. It would be important for instance, to know what the reaction of those governments would be if they are confronted with data that says that it would be more beneficial and even cost effective for them to them to end child labour especially its worst forms.

**Alec Fyfe/ILO, The Worldwide Movement against Child Labour: Progress and Future Directions, 2007.** The study “provides the first systematic analysis of the worldwide movement against child labour”<sup>48</sup> especially in the last 25 years, by ILO and its partners which include state and non-state actors. The author noted that it had taken a while for the campaign against child labour to take roots, noting that although the scourge received some attention in the 1860s, it was not until the 1980s, more a century later, that the world wide “movement began to take shape.”<sup>49</sup> As expected, concern over child labour was first expressed in Europe where the industrial revolution started in the 19<sup>th</sup> Century almost two hundred years ago, noting that the anti-child labour movement led to an alliance between Britain, Germany and he USA<sup>50</sup>. The author quoted ILO figures, 2004, which indicated that the Asian-Pacific region accounted for the largest number of child workers, some 122m, while sub-Saharan Africa came, surprisingly, a distant second with 49.3million child labourers<sup>51</sup>. Also significant is the revelation that Latin America and the Caribbean are a distant third with a total child- labourer population of 5.7m in the same period. More significantly, for our purpose is that ILO reported for the first time, a significant drop in the number of child workers, 20 million for children in the 5-14 year age bracket between 2000 and 2004<sup>52</sup> Not surprising however was the reported decline in the number of child workers in Latin America and the Caribbean, although “...the child labour problem persists on a very large scale” globally.<sup>53</sup>

Fyle noted that unlike other movements or campaigns in the past, the ILO anti-child labour movement is not a top-down phenomenon but rather, it is a loose association of ‘individuals, groups, organizations, and governments’ aimed at the complete elimination of child labour across the world<sup>54</sup> as would be expected, the ILO has the largest technical programme that is directly focused on the elimination of child labour in the world. Fyle identified what he called the “challenges to come” in the way of successful elimination of child labour globally. The most pressing, he says, is to “...convert the present surge in international interest in the problem of child labour into a sustained, coherent, and effective effort on behalf of working children.”<sup>55</sup>

Eric V Edmonds/ILO/IPEC: Defining child labour: A review of the definitions of child labour in policy research, 2008 (Working Paper). Cultural nuances do impinge significantly on

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<sup>47</sup> Ibid, pp4-5

<sup>48</sup> Alec Fyfe/ILO, The Worldwide Movement against Child Labour: Progress and Future Directions, 2007, p1

<sup>49</sup> Ibid.

<sup>50</sup> Ibid.p2

<sup>51</sup> Ibid.

<sup>52</sup> Ibid.p3

<sup>53</sup> Ibid.p3

<sup>54</sup> Ibid.p2

<sup>55</sup> Ibid.p3

the definition of who is a 'child labourer' or what is 'child labour' and account for the variations in the definition of the concept. It is for this reason that ECOWAS adopted the IL definition of a child labour in all its documents on the subject matter. From such a point of view, it is arguable that the fight against child labour will not succeed unless there is a universally agreeable definition of what constitutes child labour globally and across cultures. This was the challenge taken up by the 18<sup>th</sup> International Child Labour Statisticians at their conference in 2008. The outcome of the meeting was a working paper that tried to synthesize the diverse definitions of child labour based on the "analysis of 34 theoretical papers, 90 empirical research reports, and 27 national statistical office studies. Edmonds noted that the use of child labour in the public space "refers to child time in activities that are somehow harmful to the child."<sup>56</sup> He gave examples of the challenge using the UN's definition in its 1989 Convention on the rights of the child which defined child work as "work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual or social development" (Article 32)<sup>57</sup>.

Edmonds is not happy with this definition and poses several important questions, noting that even what is hazardous is debatable. Specifically, he asked; "when does work interfere with education; when is it harmful to the child? He posits that interference with education is itself already "harmful to the child's future welfare and therefore, the question of whether work is harmful encompasses the question of whether work interferes with education". Accordingly, he argues, it is very important to be clear-cut in the first place, about what we mean by harmful. He used what we can call an opportunity cost definition or interpretation of child work. From such a point of view, he said, "to the extent that there is non-satiation in the returns to time in child development oriented activities like school, study, and play. All work is harmful under this interpretation..."<sup>58</sup> He argues that in such a context, "harmful" can be used to imply that the "child would be better off by not participating in the activity" in the first place. Thus the definition of child labour in the UN Convention of the Rights of the Child "creates the problem of the counterfactual..."<sup>59</sup> he makes a clear distinction between the economic theory conception of child labour and that contained in the UN convention. Economic theory is concerned more with the supply of labour rather than "as a distinct type or work where there may be human rights issues" as is the case in the UN Convention, which "makes sound economic sense" The exception to this position is the argument in the 1998 paper by Kaushik Basu and Pham Van. According to the authors, "...child labour is an activity that parents only allow the child to engage in when the family cannot otherwise meet its subsistence needs".

This observation is of direct import to our study because the literature has indicated that one of the reasons for the prevalence of child labour in a region such as West Africa is endemic poverty. Again, the literature is clear that if family or household income or earnings are increased, there will be resources to send children to school and away from child labour, especially its worst type. Edmonds revealed that search using Google Scholar revealed that two theoretical works on the definition of child labour stand out; that by Kaushik Basu and Pham Van, "The Economics of Child Labour" (1998) and Jean-Marie Baland

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<sup>56</sup> Ibid.p1

<sup>57</sup> Ibid.

<sup>58</sup> Ibid

<sup>59</sup> Ibid

and Jim Robinson's, "Is Child Labour Inefficient?"<sup>60</sup>. Significantly, however, in the paper by Basu and Van, "...child labour is effectively undefined" and noted that most of the contributions available defined child labour as "part of the child's time constraint. That is, they consider child labour as one of the factors in child time allocation"<sup>61</sup> he finds even those authors that define child labour as "time not in school" problematic because there "are other things than work and school that might be valuable to the child". However, since the available literature sees child labour as child work, "...there is little, in general, to be gained by more fully specifying alternative uses of child time..."<sup>62</sup> Edmonds also lamented the fact that "theoretical economic research on child labour is generally not careful to precisely define the concept" and listed several such terms, amongst which are: 'economically active', 'economic work'; 'paid work', 'family work', etc.<sup>63</sup> He noted however that empirical studies carried out on child labour are all agreed that child work is paid work carried out outside the child's family or household. Also, the bulk of the studies used in the review defined child labour as "market work...that is a child labourer is a child who works outside their household for wages or other compensation or a child who helps on the family farm or business."<sup>64</sup>

The problem with this definition though, is that in West Africa, children that assist in the family business are never or seldom paid a salary. Instead, they enjoy other facilities such as school lunch allowance which any family can that afford it, does give to the child on a daily, weekly or monthly basis, irrespective of whether they assist in the family farm or business as the case may be. Edmonds found even the widely accepted ILO definition of child work problematic as are those provided by national governments. He noted that researched have tried to get around the problem of having a standardized internationally acceptable definition of child work in two broad ways; through what he called a hybrid variable that is, "the child does not attend school and works in the market or domestic work". Edmonds however argues that such a definition is consistent with "...definitions that explicitly consider whether the working child attends school" as is the case in countries such as Tanzania, Kenya, Honduras or Chile<sup>65</sup>

The second approach to fashioning out an international definition is "...to define child labour as work with restrictions on hours... (that is) market work for an hour or more in children under 12 years, market work for 14 or more in children aged 12-13, or domestic work for 28 hours or more per week."<sup>66</sup> Edmonds concluded that although it is possible to provide a definition of child work to include all "child activities including household chores that occur throughout the world", politically it is impossible to do so. The implication of this situation, he pleaded, is that "an international definition of child labour would need to be based on the key ILO Conventions and define child labour based on job attributes and work characteristics....He posits that the defining an "international definition of child labour might best be achieved by establishing a list of job characteristics to be tracked, such as:

- Children working in certain industries e.g. manufacturing, mining and quarrying, hotels and retirements, private residence other than child family...

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<sup>60</sup> Ibid.p4

<sup>61</sup> Ibid.

<sup>62</sup> Ibid. p5

<sup>63</sup> Pp.7&8.

<sup>64</sup> Ibid. 13

<sup>65</sup> Ibid. pp 24-25.

<sup>66</sup> Ibid.

- Children working some total member of hours, regardless of type of work;
- Children working in certain working condition e.g. street at night or predawn, low lighting, lack of ventilation, operating machinery or powered tools etc.<sup>67</sup>

Finally, the author identified a number of issues that must be tackled in defining and measuring child work, such as:

- What is a child, because there is a lot of agreement in the available date on the ages of those that are considered to be children. In that regard, “measures of child labour to be comparable must solve the problems of different national understanding of what is a child”<sup>68</sup>.
- What recall period shall be used for the definition of child labour? He argues that this is important because of the apparent lack of uniformity in the measurement of the recall period. Most works “have some bonded recall of activities in last 7 days (sic)...others use information on in the last year, and longer recall increases child labour estimates as the activities of working children seem highly variable....”<sup>69</sup>

This is certainly an important issue that any ECOWAS child labour policy would have to take into consideration especially if such a policy is designed to promote convergence among Member States that will lead to the effective elimination of child labour in the region.

While there is no doubt that ILO and related organs and agencies of the UN family have done a lot of work on child labour and related issues across the world, and that much progress has been made towards the elimination of child labour due to its various Conventions and awareness creation activities, an important gap identified in the literature reviewed is this work is that it does not direct focus on those West African countries that are noted for their poor child labour practices, especially Cote d’Ivoire and Ghana, where thousands of children are engaged in cocoa farming and related work which has been associated with the worst forms of child labour, and therefore harmful to the wellbeing of the child labourers. However, the literature revealed clearly, that in as much as significant progress is being made globally to eradicate child labour, there are major regional differences. For example, while Latin America and the Caribbean have made notable progress in eliminating child labour in their regions, Africa and However, even comparative studies as the review has clearly indicated, do not focus on the main offending countries in the region. This would tend to remove the pressure on them to engage proactively, with the issue of child labour especially in cocoa plantations, although there are separate studies on child labour in that sector, as indicated in the West African section of the literature review.

While the literature and even ECOWAS have established that there is direct correlation between poverty, human trafficking and child labour, the literature did not indicate how poor families in West Africa can be empowered to discourage them from sending their children to cocoa farms or to indirectly traffick them, or succumb to the alluring promises of traffickers, to augment their meagre family incomes. Also, access to

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<sup>67</sup> Ibid. p38

<sup>68</sup> Ibid. p39

<sup>69</sup> Ibid

education, and in particular, education for all, EFA, will direct impact on the fight to eliminate child labour in the developing world. The Global Report and that eradicating child labour successfully will require also tackling the other challenges, thus the need for a holistic approach to the issue of child labour across the world and most especially in West Africa. It is important to note in that regard that in 2007, Brazil initiated a South-South corporation programme aimed at addressing child labour in Portuguese-speaking African countries, by training government officials of those countries “to develop national policies for empowering poor households through a Family Grant Scheme.”<sup>70</sup> Surely, a similar scheme for the biggest offenders, the poorest households in West Africa would make a significant impact on the fight against the worst forms of child labour practices in the region.

The literature can also be faulted for not providing specific policy options or policy regimes, which countries in West Africa of Africa for that matter, can emulate to effectively deal with their child labour challenges. Instead, the literature provided what I can call generic models for dealing with the child labour scourge globally. But as much as important as that is, it does not provide viable policy options for the small, poor and dependent countries in West Africa that are being either being sensitized or pressured by the major actors in the global campaign to eradicate child labour, to address their peculiar child labour situations. Moreover, since the challenges of child labour tend to be grounded in local economic conditions and cultural practices, it is important, if possible, to put in place country or region-specific policies that countries must strive to implement in order to tackle effectively, child labour. This is important because as one of the studies reviewed above emphasized; “...actual policies must be tailored to specific country conditions...”<sup>71</sup> because the economic costs and benefits are bound to vary from country to country even within regions where child labour is still prevalent, such as Africa and Asia. Nevertheless the publications are invaluable for because they provide different templates that “may assist those who formulate policies or campaign for” for the elimination of child labour for their acceptance and use.

Sub-Sahara Africa’s, SSA, challenging social and economic statistics have direct bearing on the prevalence of child labour in the sub-continent. According to the **Global Report**, (2006), the large number of children involved in child labour in Africa is due in part, to the fact about “one-sixth of the people living in SSA are chronically poor, and this poverty has been worsening.the number of poor people is expected to rise from 315m in 1999 to 404m by 2015”<sup>72</sup>. The Report noted, sadly, that “Africa is the only continent where the proportion of the population in poverty is growing. Consequently, Africa is far off track in meeting the MDGs”. Thus, although child labour is a global challenge, it is much more so in Africa than anywhere else. “Africa has the highest incidence of child labour in the world.

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<sup>70</sup> See Amadu Sesay, Kehinde Olayode and Mashood Omotosho, Africa and South-South Cooperation” in Justin Dargin (ed), South-South Cooperation, Mass. Harvard University Press, forthcoming, and John de Sousa, Sarah-Lea, “Brazil as Development Actor: South-South Cooperation and the IBSA Initiative”, (2008), *Peace and Security Programme*, FRIDE

<sup>71</sup> IPEC/ILO: Investing in Every Child: A Economic Study of the Costs and benefits of Eliminating Child Labour (2003), p1

<sup>72</sup> End of Child Labour Within Reach; Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, p64

According to the ILO, 41 per cent of all African children between the ages of 5 and 14 are involved in some form of economic activity.”<sup>73</sup>

Child trafficking and child labour are intricately linked and feed on one another. However, both phenomena are traceable to deep rooted poverty especially among rural dwellers that constitute the majority in the continent. It is not a coincidence, then, that Africa also has “the weakest school systems”<sup>74</sup> A study by ILO in Tanzania found that the “incidence of child labour in the country has risen partly because of the deterioration of the school system, itself a result of economic decline. The organization along with partner agencies within the UN family, has adopted a two pronged approach to the elimination of child labour in Africa and other parts of the world; targeting the worst forms as well as other less obnoxious kinds of child labour. According to Fyfe of UNICEF, such an approach is important as it “sets priorities and winning broad support from governments” in the fight against child labour.<sup>75</sup> In that regard, child labour is now on the agenda of most African governments and international organizations like ILO and UNICEF, NGOs and trade union movements in Africa and abroad with encouraging results. A good example is the joint action by three Senegalese unions which conducted investigations in the country’s ten regions, “focusing on sectors that are particularly risky for children, including agriculture, fishing, transport and tourism”. The unions subsequently formed what they called an “inter-union Observatory” to monitor and combat the worst child labour” in the country.<sup>76</sup> Again, to underline the trajectory between child labour, poverty and illiteracy, the Observatory’s Vice President Macisse Lo, acknowledged that combating child labour successfully would require “alternative programmes aimed at overcoming educational shortcomings and improving the incomes of families who feel obliged to let their children work” as child labourers even in hazardous environments.<sup>77</sup>

Tiaji Salaam-Blyther, Charles Hanrahan and Nicolas Cook; **Child Labour in US Policy, and Cocoa Production: Issues and US Policy**, Congressional Research Series, CRS, Report for Congress, July 2005.

The Report examined US Congressional efforts aimed at ending child labour in cocoa farms in West Africa focusing on four of the region’s major cocoa producers, Cote d’Ivoire, Cameroon, Ghana and Nigeria. Three out of the four countries; Cote d’Ivoire, Ghana and Nigeria, .all ECOWAS members, account for nearly 70% of the cocoa used in the chocolate industry in the major western countries, especially those in Europe and America. The Report also examined in great detail, the impact of the Harkin-Engel Protocol, which seeks to commit the chocolate industry and cocoa producing countries to adopt child friendly labour policies and the certification of cocoa originating from major producers that their products did not use abusive child labour practices. Relevant US agencies and their partners across the world and the major cocoa producing countries in the region developed a *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*

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<sup>73</sup> New ILO global report on child labour: As efforts to end child labour slow, ILO calls for “re-energized” global action. Press Release, May 7, 2010. ILO, Geneva, on [http://www.ilo.org/global/about-the-ilo/press-and-media-centre/news/WCMS\\_126840/lang...](http://www.ilo.org/global/about-the-ilo/press-and-media-centre/news/WCMS_126840/lang...) accessed on 3/12/2011, p3.

<sup>74</sup> Ibid.

<sup>75</sup> Ibid.p5.

<sup>76</sup> Ibid.p.7.

<sup>77</sup> Ibid.

*Action for the Elimination of the Worst Forms of Child Labour*, which would end abusive child labour practices in the industry. The Harkin-Engel Protocol as the convention is now popularly called, recommended six steps that should be taken by the cocoa industry to end child labour, that include::

- Forming a multi-sectoral advisory group to investigate labour practices in West Africa, and develop appropriate remedies for the elimination of the worst forms of child labour in the growing and processing of cocoa
- Signing a joint statement on the need to end the worst forms of child labour in cocoa production, and identify alternatives for children removed from the cocoa sector
- Establishing a joint international foundation to manage and sustain anti-child labour efforts, promote field projects, and establish a clearinghouse of best practices to eliminate the worst forms of child labour, and
- Developing an industry-wide certification process that ensures that cocoa beans and their derivative products have not been grown and/or processed with any of the worst forms of child labour<sup>78</sup>.

An important aspect of the Protocol was to establish the extent of “abusive child labour and trafficking occurred in cocoa production, as the numerous reports on the practice were largely anecdotal”<sup>79</sup> The Report made the following important findings, among others:

- Approximately 284,000 children were found to be working under hazardous conditions, the large majority in Cote d’Ivoire, 200,000. It is significant to note that the survey was only concerned with identifying children in hazardous working conditions, and not the overall total working on cocoa farms even in Cote d’Ivoire.
- An estimated 4,630 farmers were employing some 5,120 children as full-time permanent workers in Cote d’Ivoire, against 61,600 adults.
- That in Ondo State, Nigeria, there were 1,220 children against 11,800 adults, were full time workers.
- Family labour is the most used labour type, accounting for 87% of the permanent labour in cocoa farming, while only 24 per cent were engaged in household labour.
- Some children working on cocoa farms have no family ties to the farmer, some 4 per cent in Cote d’Ivoire and
- More than 60 percent of children working in cocoa farming are below the Age of 14.<sup>80</sup>

In respect of access to educational opportunities and facilities, the Report found that in Cote d’Ivoire, one-third of school age children between the ages of 6 to 17 that are living and working on cocoa farms did not attend school. Also, all four countries have lower

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<sup>78</sup> Ibid

<sup>79</sup> Ibid

<sup>80</sup> Ibid.pp8 & 9

school enrolment rates than boys<sup>81</sup>. On the size of the incomes of cocoa farmers, the Report found that “most production is by small-scale farmers with few resources who often use the entire family to contribute to cocoa farming; that proceeds from the sale of cocoa occupies a large chunk of household earnings among cocoa farmers, “50% in Cameroon, 55% in Ghana, 66% in Cote d’Ivoire, and 68% in Nigeria”<sup>82</sup> However, because of low cocoa production per year, the farmers families do not earn ‘sufficient income to meet their needs’. Accordingly, the “extent to which West African cocoa producers employ child labour is, in part, a function of economic factors”.<sup>83</sup> The Report noted that current measures aimed at eliminating child labour especially in cocoa plantations, are ineffective, because they lack enforcement and compliance mechanisms, even when protocols and other instruments had been fully implemented by the target countries.

The Congressional report identified a number of programmes and strategies for eliminating child labour in the cocoa farms. One such strategy is the Sustainable Tree Crop Programme, STCP, for short. The programme is informed by the realization that poverty is one of the major factors for child labour not only in cocoa farming but other economic activities in all West African countries. Accordingly, STCP is aimed at giving farmers access to technology that is environmentally friendly while at the same time raise their productivity and profitability. Significantly, the Report revealed that cocoa farmers that have participated in the programme in Cote d’Ivoire and Ghana reported that their crop yield was boosted by between 20 and 50 per cent.<sup>84</sup> Another programme identified in the CRS Report is the West Africa Cocoa/Commercial Agricultural Programme, WACAP, established in 2002 by the US government with a grant of \$5m<sup>85</sup>. It is reported that the programme has “reached more than 25,000 people through awareness raising and capacity building. Also, according to Ivorian and Ghanaian STCP officials, more than 3,000 of the targeted 9,000 children below age 13 involved in child labour have been identified, counselled, withdrawn from work and placed in education or vocational training facilities”.<sup>86</sup> Again, since the WACAP programme was inaugurated, Cote d’Ivoire has ratified ILO’s Convention 138 on the Minimum Age, and Convention 182 on the Worst Forms of Child Labour. In addition, it has set up a local mechanism for promoting nation-wide anti-child labour scheme, a Cocoa task Force, and has incorporated Convention 182 into its national laws.

Finally the document identified a number of US policy options, including use of the Trade and Development Act of 2000, which expanded the Generalized System of Preferences and the eligibility criteria to include prohibiting the worst forms of child labour.<sup>87</sup> Another option is to enhance the Harkin-Engel Protocol which called for the certification of cocoa. Apart from being self-regulatory and non-binding, observers have pointed out that the Protocol will not have much impact on child labour in West Africa. More importantly, even the national governments in the offending states may not have the capacity and political will to eliminate the worst forms of child labour in cocoa production. Obviously, such a conclusion has serious implications for the elimination of the worst forms of child labour in

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<sup>81</sup> Ibid.p9

<sup>82</sup> Ibid

<sup>83</sup> Ibid.p11

<sup>84</sup> Ibid.p15

<sup>85</sup> Ibid.p16

<sup>86</sup> Ibid.p17

<sup>87</sup> Ibid.p19

some ECOWAS Member Countries because ECOWAS conventions are still not enforceable. It also has implications for building the capacity of the relevant ECOWAS units that are charged with eradicating the worst forms of child labour in West Africa.

## 2.2 ECOWAS

This section of the literature review examines, essentially, some of the important ECOWAS policy documents that are directly or indirectly aimed at curbing child labour in the West African region, dating back roughly to 2004. In that regard, the Commission has churned out a several vital conventions and plans of action especially since 2004, although it should note that the major target of the Commission's efforts are aimed largely at eliminating trafficking in persons, an important direct and indirect source of child labour in the region. A good starting point, therefore, is the ECOWAS commissioned 2004 **Report on the implementation of the ECOWAS Initial Plan of Action on the fight against Trafficking in Persons**.

The mapping study was carried out by Amadu Sesay in five member countries: Benin, Gambia, Ghana, Nigeria and Togo. Sesay made a detailed analysis of the five countries' human trafficking situations, the efforts being made by those countries to eliminate the scourge. The **Report** is pertinent to the study and present campaign against child labour in the region, for it was found that trafficked children were engaged in some of the worst forms of child labour in the five countries but especially so in Ghana's cocoa and fishing industries. For instance, the Chief Director in the Ministry for Women and Children's Affairs in Accra admitted that trafficking in persons was a serious problem in Ghana and it accounted for the many children that work on cocoa farms owned by what she described as "absentee farmers" and farm owners, as well as in the important but relatively neglected Ghanaian fishing industry in the Volta Region of the country. According to the Director, fishermen "usually hunt for children who can, or cannot swim for three major reasons; when their "nets catch small fish" they use the nimble hands of the children "to pick the fish and dry them". Also, fishermen often use bamboo traps to catch fish, and "it is the trafficked children that are used to get the fish out of the traps" in the river<sup>88</sup>.

Finally although the Volta Dam is more than five and half decades old— it was built in 1965—it "still has a lot of tree stumps to which the fishermen's nets regularly get entangled. When that happens, it is the child labourers that are asked by the fishermen to dive and untangle and/or retrieve them. It is a highly risky and often times the children get drowned in the process"<sup>89</sup>. It was also revealed during another interview that a rescued child labourer at the time of the interview in June 2004 was still very traumatized because "when he dived to retrieve a trapped net, he saw the decomposing body of another boy who had drowned while trying to retrieve a trapped net"<sup>90</sup>. The Director further confirmed that Ghanaian children were sometimes taken to Guinea, Conakry, to work in the "gari industry" in that country. Ghanaian children had also been rescued as far as in the Gambia. From these examples, it is clear that ECOWAS will not be able to win the fight against child labour in West Africa unless it is also effectively curb human trafficking and other sinister ways of exploiting children in the region. It is certainly not sufficient to simply build the capacity of

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<sup>88</sup> Ibid; the interviews were conducted in Accra, Ghana, by the present consultant in June 2004.

<sup>89</sup> Ibid, Interviewed in Accra, June 2004)

<sup>90</sup> Ibid; Interview with Mrs. Oguuah, Assistant Director, African Centre for Human Development, Accra, June 2004, in Ibid.

the relevant ECOWAS units that are charged with eliminating child labour in the region. All the units, divisions or departments in the Humanitarian and Social Affairs Directorate will have to work hand in hand, enhance their synergy and adopt a holistic approach to the campaign to eliminate child labour in ECOWAS Member States. In other words, it is necessary for the ECOWAS Commission to adopt a strategy akin to what is called the “Whole of the Organization” (WOO); “Whole of government” (WOG), or the “Whole of Society” (WOS) approaches, albeit in modified forms, if it is to win the campaign against child labour in West Africa.

**ECOWAS Plan of Action against Trafficking in Persons (2008-2011).** This action plan “outlines the most urgent actions against trafficking in persons to be taken by ECOWAS Member States within the years 2008-2011”, and complements the **Regional Policy on Protection and Assistance to Victims of Trafficking in Persons in West Africa**. The document also incorporated the Joint ECOWAS/ECCAS Plan of Action to Combat Trafficking in Persons (2006-2009).<sup>91</sup> It stressed the need for Member States that have not signed or ratified or implemented regional and international legal and policy documents aimed at tackling trafficking in children to urgently do so. The document also clearly indicated expected dates for national government to adopt laws, implement and/or put in place administrative structures to support the various conventions and protocols on the prevention, investigation and prosecution of cases of trafficking. In that connection, national governments, including Ministries of Justice/Social Affairs and various non-state actors in civil society are identified as critical stakeholders in supporting and protecting victims of trafficking in Persons.

The document emphasised partnerships with NGOs and other civil society groups as well as the media for effective awareness creation with the ultimate aim of eradicating trafficking in persons in the region. In that regard, their activities should, among other things, target the most vulnerable groups in society, particularly children who are likely to be trafficked for labour and sexual exploitation purposes within and outside the region<sup>92</sup>. The Action plan appealed to states to “create special units within existing law enforcement structures, with a specific mandate to develop and effectively target operational activities to combat trafficking in persons.” This advisory will be considered a success if “specialized units are eventually created by all 15 member states and become operational by the year 2008.”<sup>93</sup> There is as expected, provision for monitoring and evaluation, in the document. This is to be undertaken by the member states which are expected to file reports to the Commission’s headquarters in Abuja on a “bi-annual basis”. Government agencies charged with curbing trafficking in persons are expected to report to their respective governments in that regard, while success is measured against the existence of “progress reports on the Initial Plan of Action which would be made available to the relevant Ministries and to “ECOWAS every 6 months.”<sup>94</sup> Like so many other important ECOWAS documents on this and related issues, the Plan of Action against Trafficking in Persons is silent on how trafficking in persons general and that of children in particular, is to be eliminated in the West African region. It also did not make a direct connection between trafficking in persons and child labour in the region. It however suggested that Member States should establish direct

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<sup>91</sup> ECOWAS Plan of Action against Trafficking in Persons (2008-2011), p2

<sup>92</sup> Ibid; pp5 and 6

<sup>93</sup> Ibid, p8

<sup>94</sup> Ibid; p10

channels of communication with their border control agencies to prevent trafficked persons from leaving their home countries.

**Regional Policy on Protection and Assistance to Victims of Trafficking in Persons in West Africa.** This document focused mainly on the need to protect and assist victims of human trafficking within the ECOWAS region; and provided a concise definition of what constitutes human trafficking. It defined a ‘child victim’ as any child that is trafficked for the purpose of exploitation, which may involve child labour. The document acknowledged that trafficking in persons, which is common in some member states, is rooted mainly in poverty and ignorance. Other causes of human trafficking, especially that involving of children, include large family size, broken homes and increasing number of orphan and other vulnerable children (OVC)<sup>95</sup> The document noted that the institutional framework and focal points for the implementation of the regional policy on trafficking in children are the National Task Force every Member State, e.g. NAPTIP in Nigeria, with oversight from the ECOWAS Trafficking in Persons Unit in the Commission, which shall coordinate all anti-trafficking in persons activities in the region and set the standard for the protection of victims as well as enhance cooperation among member states. Among the policies and strategies recommended for curbing trafficking in children in the region are; creating employment opportunities and infrastructural facilities especially at the grassroots level, where majority of vulnerable children reside.<sup>96</sup> The document was, as expected, silent on how such employment opportunities would be created and the role, if any, of ECOWAS in doing so.

**Regional Guidelines on Protection, Support and Assistance to Witnesses.** This important document seeks to consolidate the fight against human trafficking by putting in place measures to protect witnesses and whistle blowers on issues relating to trafficking in persons including children who are the most vulnerable. The document defined witness as all individuals who give testimony before a court of law or during judicial proceedings of any description”.<sup>97</sup> Equally important is the definition of “victim” as “persons who individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights...”<sup>98</sup>It provided a set of guidelines for criminal justice practitioners in the region taking into cognisance the international legal frameworks of the UN, AU, ECOWAS, among others. Some the guidelines include “passage of Witness Protection Support and Assistance Legislation...” establishment of “...full-fledged witness protection programmes, singly or in collaboration with other Member States of ECOWAS as might be appropriate...” However such programmes must contain several activities and facilities such as:

- Security protection and escort services,
- Immunity from criminal prosecution...
- Assistance in obtaining means of livelihood;
- Reasonable travelling expenses and subsistence allowance...

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<sup>95</sup> Regional Policy on Protection and Assistance to Victims of Trafficking in Persons in West Africa, ECOWAS, p4

<sup>96</sup> Ibid.

<sup>97</sup> Regional Guidelines on Protection, Support and Assistance to Witnesses, p4

<sup>98</sup> Ibid

- Free medical treatment, hospitalization and medicine for any injury or illness incurred or suffered while acting as witness;
- Burial benefits and appropriate compensation if the witness dies during his participation in the programme...etc<sup>99</sup>.

While the intentions of the document are laudable, it is doubtful if they would be respected to the letter in practice in most Member Countries of ECOWAS. This is because one of the challenges of the criminal justice systems in those countries is their lack of credibility especially in so far as the protection of witnesses is concerned. Indeed, in some countries, volunteering information is very risky because one may be regarded as accomplice by the security agents, while anonymity and physical protection of a witness or while blower cannot always be guaranteed, thus exposing him or her to grave danger.<sup>100</sup> Thus, generally and in most Member Countries, if not all of them, witnesses are unwilling to come forward and testify in criminal matters, including trafficking in persons; sexual exploitation of children and domestic violence against children<sup>101</sup> because of fear that they may not be provided adequate protection. Finally, the document appealed to Member States to take special precaution when obtaining testimonies from minors or children with due regard to for their security and the psychosocial consequences of such action on the child.

**Annual Review Meeting on the Implementation of the ECOWAS Plan of Action on Combating Trafficking in Persons Lome, Togo 1st – 4th Nov, 2011.** This text is a testimony to the seriousness, if not the urgency, with which ECOWAS treats the issue of human trafficking in West Africa. The main objective of the meeting which took place in the Togolese capital, Lome, was to review progress made in the implementation of the ECOWAS Plan of Action against Trafficking in persons for the year 2010, and to mark out the priority areas for future action. Fourteen of the 15 ECOWAS member states attended the meeting. Several civil society organizations within and outside the region were also represented. The high light was the different presentations by stakeholders on the Plan by ECOWAS/ECCAS on combating Trafficking in persons that were devoted to a critical examination of various components of the strategies of the Plan of Action. The strategies stressed the need for ECOWAS, and most especially member states, to protect and support victims of trafficking, and to raise awareness on how the inhuman trade can be prevented in the region through research and data collection; specialization and training. It also emphasised the need to tighten control on travel and identity documents; effective monitoring and evaluation (M&E) of the Plan of Action in order to achieve its major goals and objectives<sup>102</sup>.

The presentation by the representative of Togo “Law Enforcement and Social Welfare for Combating Trafficking in Persons and Child Protection in Togo”, emphasised the importance of Law No. 2005/009 of 03 August 2005, which laid down to which traffickers are liable if found guilty. The Law also made provision for the identification of victims and traffickers and the role of communities, investigation techniques, witness protection, etc. She stressed the use of what she called upstream and downstream activities involving

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<sup>99</sup> Ibid, pp 8 and 9

<sup>100</sup> The untimely death of the in-law of the Boko Haram leader in Nigeria less than a week after meeting former President Olusegun Obasanjo apparent in “secret” is important here although the context is different.

<sup>101</sup> Ibid, p5

<sup>102</sup> Annual Review Meeting on the Implementation of the ECOWAS Plan of Action on Combating Trafficking in Persons Lome, Togo 1<sup>st</sup> – 4<sup>th</sup> Nov, 2011, p6

various social initiatives to enhance the Child protection in Togo. The highlight of the meeting was the presentation of a synthesis report by the ECOWAS Commission in three parts. The first presented the main findings, while the second and final focused on the initial data and the section on child protection. The ECOWAS presentation highlighted the following aspects:

- The ECOWAS and ECOWAS/ECCAS plans of Action to Combat Trafficking in person having a terminal date of 2011.
- Progress made in combating trafficking in member states and stressed the need for states to enhance capacities for monitoring and evaluation, data analysis, etc, for combating trafficking in person.<sup>103</sup>

On the Monitoring and Evaluation (M&E) framework linking child protection and Trafficking in children, the report highlighted the following:

- The links between child trafficking and the concept of child protection and consider a “System approach” embracing the “whole of government” and whole of Society”.
- The establishment of donor coordination mechanism at member states level on the subject of trafficking in persons, migrant smuggling and child protection.
- The approach to the creation of a protective environment for children in West, Africa through: Compliance with international legal frameworks, strengthening of policy and institutional frameworks, international cooperation partnership, networking and collaboration, human resource and capacity building, service delivery, information systems, resource mobilization, allocation and accountability, community and social mobilization, and regional responsibilities.
- The document set out standards, benchmarks and indicators, and is intended as a reference document for providing strategies direction and measurement for child protection and linkages to child trafficking.<sup>104</sup>

Finally, the Review Meeting expressed the need for the following actions to be taken by the ECOWAS Commission and member states. ECOWAS was to:

- a) Develop regional capacities toward training actors in the fight against trafficking in persons and
- b) Promote its instruments on protection and assistance to victims and protection, support and assistance to witnesses.

The Report specifically urged Member States to keep sharing experiences and best practices to effectively combat trafficking in persons, and work towards the domestication of international instruments on trafficking in persons and child protection<sup>105</sup>. In addition, they were to engage in continuous joint sensitization and capacity building activities at border regions to combat trafficking in persons and enhance child protection. Also, Member States

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<sup>103</sup> Ibid, p6

<sup>104</sup> Ibid; p7

<sup>105</sup> Ibid; p8

were requested to share information on funding sources for implementation of counter trafficking should be encouraged. The report ended with a plea on the need for joint action between ECOWAS and members to: "...develop a comprehensive regional data management system for information sharing and mopping of trafficking trends in West Africa"; implement "social protection measures for the evaluation of trafficking in person and the protection of children..." a key component of poverty reduction strategies. Also, ECOWAS and Member States are required to improve the protection of both children and adults from traffickers through effective national legislations on the one hand, through proactive monitoring and evaluation of compliance with ECOWAS protocols and conventions<sup>106</sup>. Finally, the meeting stressed the need for the child trafficking campaign to be linked to the anti-child labour campaign by ECOWAS and Member States; the Commission should also encourage its members to work towards the harmonization of protection regimes and travel documents for children in the region.

**Synthesis Report on the Implementation of the ECOWAS Plan of Action to Combat Trafficking In Persons, Lome-Togo 1-4 November, 2011.** This document is a summary on the status of ECOWAS' fight against trafficking in persons in the region. The document revealed that all 15 Member States of ECOWAS have ratified the African Charter on the Rights and Welfare of the Child; the Multilateral Cooperation Agreement on the fight Against Child Trafficking in West Africa of 2007 had signed by 10 ECOWAS Member States. With regard to the trafficking profile in the region, the text confirmed that all Member States are origin, transit and destination countries. It noted that outside the region, the major destinations victims of trafficking from the region are: Italy, Spain, Gabon, Libya, Morocco, Saudi Arabia, the Netherlands, the United Kingdom, Portugal, Norway, South Africa, Belgium, United Arab Emirate, France and United State of America, Cameroon, Lebanon, India, Maintain Equatorial Guinea, Angola and Algeria. Persons trafficked within the region are used for the following purposes:

- Sexual exploitation
- Exploitation through labour rituals
- Forced begging
- Forceful recruitment into Armed Conflict
- Pornography
- Forced Marriage<sup>107</sup>

The syntheses revealed that there are presently legislations against trafficking in persons in line with the recommendation of the Palermo protocol in all the 15 States of ECOWAS, as well as other legal provisions that enable the persecution of Trafficking and related offences like rape, sexual relations with minor, forced marriage, forced labour, abduction, forced abortion slaving, child stealing, torture, child and assault etc, in the member states. As well, the syntheses document revealed that there are laws to protect victims before, during and after trial in all ECOWAS States except for Niger and Liberia, for

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<sup>106</sup> Ibid

<sup>107</sup> Synthesis Report on the Implementation of the ECOWAS Plan of Action to Combat Trafficking In Persons, Lome-Togo 1-4 November, 2011, p4

which there are no responses. Also most ECOWAS States have set up national task forces against trafficking person; again, with the exception Niger and Liberia. With respect to the prosecution of suspected traffickers, the record is mixed. While some member states have recorded convictions, others either do not have the relevant statistics or have secured only a limited number of convictions. For instance, Burkina Faso recorded a total of 89 prosecutions out of which 60 convictions were made. As well, Togo prosecuted 51 trafficking cases and secured 40 convictions. The document did not say, however, what the sentences or fines were for those convicted of trafficking in persons in both countries. With respect to the number of trafficking offences reported, Nigeria topped the list with 220 cases followed by Benin with 200 cases. However, Nigeria prosecuted 57 cases and secured 57 convictions, whereas Benin prosecuted 195 but secured only 40 convictions.<sup>108</sup> Several factors hinder effective investigation, prosecution and trailing of traffickers in the region. Among these are: oath of secrecy often contracted by traffickers and victims, non-availability of victims to testify against suspects, slow judicial procedures and processes, family ties between victims and traffickers, porous borders between member states of ECOWAS, fear of witnesses to testify openly in court, endemic poverty and low level of education among children in the region, etc..<sup>109</sup>

According to the text, countries of destination, especially those in Europe, usually refuse to provide support for the rehabilitation of victims. Also, there is increasing evidence of child trafficking for ritual purposes in the region. Other obstacles are improper data collection processes in all member states and lack of funding from member governments for anti-trafficking initiatives. The document identified several gaps in policy responses as well as legal framework for assistance to victims of trafficking in West Africa:

- Inadequate capacity building for law enforcement agencies and prosecutors
- Inadequate funding for public enlightenment and programme implementation
- Complex or weak procedure in the area of prosecution
- Absence of shelter and transit centres for victims
- Logistics such as transportation and equipment to facilities rescue operations
- Poverty
- Illiteracy.<sup>110</sup>

Most ECOWAS Member States have not ratified some of the key child related conventions like the UN Convention on the Rights of the Child, the Optional Protocol on the Right of the Child, and the Statutes Establishing the International Criminal Court, ICC; and the African Charter on the Right of the Child. However, there are serious obstacles to child protection in West Africa some of which are: the high prevalence of poorly delineated inter-state borders; traffickers often have close family ties with the trafficked children, which they often exploit; the resilient harmful socio-cultural practices that directly and indirectly encourage child trafficking and by implication child labour, in the region, and insufficient

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<sup>108</sup> Ibid; pp13 and 14

<sup>109</sup> IBID; P14

<sup>110</sup> Ibid, p19

financial support to agencies and departments that are responsible for child protection and anti-human trafficking.

Lastly, there are several challenges to the effective protection of children in West Africa, in addition to those already identified above, and they include:

- Voting into law a budget programme for the protection sector, which would allow operators of the sector to use human, material and financial resources to effectively carry out their missions.
- Completing legal framework
- Improving the working conditions of workers responsible for detecting, identifying, protecting victims and sanctioning of traffickers.
- Strengthening the powers of judges and other legal personnel concerned with enforcing the relevant national laws.
- Equipping departments concerned with issues related to the fight against trafficking in persons and
- Reinforcing bilateral and multilateral cooperation<sup>111</sup>.

These hurdles are important for effective elimination of child labour in the region. Unless families are sensitized to question the intentions of family members who pose as benefactors, unless they are economically empowered and until the present cultural practices that encourage child fostering, itself an indirect consequence of the pervasive poverty in the region, it may not be easy to tackle the scourge of child labour in West Africa.

**ECOWAS Child Policy 2009.** The essence of the ECOWAS Child policy is to promote children's participation, representation, protection and survival in the region. Besides, the policy framework sought to ensure the commitment of Member States to children in formulating programmes within the region. It defined 'a child' as "a person below 18 years in accordance with the United Nations Convention on the Rights of the Child, UNCRC, and the African Charter on the Welfare and Rights of the Child",<sup>112</sup> which ECOWAS countries had ratified. Unlike other documents on children, especially those relating to trafficking in persons, the 2009 ECOWAS Child Policy is specifically aimed at children, and most importantly for our purpose, child labourers, particularly those involved in the worst forms of child labour. In that regard, the document associated child labour with "physical, psychological and educational problems..." It acknowledged that child labour;

*...generates strong feelings of relative deprivation vis-a-vis other children which whittles their self esteem. (it) ...constrains school achievement through the inability of children to maintain punctual, regular and sustained school attendance as well as limited opportunities for study and homework...*<sup>113</sup>

Accordingly, the document emphasised that children involved in child labour need protection. It also listed some of the factors responsible for pervasive child labour challenges

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<sup>111</sup> Ibid, pp32-33

<sup>112</sup> ECOWAS Child Policy 2009, p3

<sup>113</sup> Ibid; p12

in the region, among which are; traditional modes of socialisation and practices such as fostering which expose children to child labour...<sup>114</sup> Although the policy document targeted all children, those under the age of 18 that require 'special attention' the following groups:

- Orphans;
- Children infected or affected by HIV/AIDS;
- Children abused or neglected;
- Children with disabilities;
- Children in child labour especially those involved in the worst forms of child labour; and Children who have been sexually exploited and used in the sex trade and in pornography...etc.<sup>115</sup>

Significantly, unlike other documents reviewed above, this one has a section that focused exclusively on child labour under **Goal 4**, whose aim is to "eradicate child labour, particularly its worst form within the shortest possible time"<sup>116</sup> Accordingly, the objectives of the ECOWAS Child Policy are to:

- ...identify types of child labour in each country, with special attention to the worst forms;
- ...strategise alliances against child labour;
- ...take immediate measures to prohibit and eliminate the worst forms of child labour...;
- ...and to prevent and prohibit trafficking of children for the purpose of sexual and labour exploitation including domestic work.<sup>117</sup>

To implement the Policy, ECOWAS Member States are required to put in place a long list of strategies:

- Formulate and put in place National Plans of Action with time-bound measures for eliminating the worst forms of child labour;
- Provide guidelines for monitoring, evaluation and reviewing policies, legislations, regulations, programmes and projects on child labour
- Formulate child labour legislation and institute appropriate enforcement mechanisms.
- Initiate surveys to determine the existence, prevalence and nature of child labour below 15 years of age in both the organized and informal sectors
- Ensure that no child below 15 years is engaged in any type of child labour including domestic service in third party households...and progressively

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<sup>114</sup> Ibid, p9

<sup>115</sup> Ibid; p18

<sup>116</sup> Ibid; p24.

<sup>117</sup> Ibid; p24

identify, remove, rehabilitate and reintegrate children in worst forms of child labour...<sup>118</sup>

Member states are also enjoined to identify the types of child labour in within their territories; formulate child labour legislation and put in place appropriate enforcement mechanisms to mitigate the scourge of child labour in the region. The Child Policy document, stressed the obligations of Member States to protect a plethora of rights of the child in section 6, among which are; ensuring protection of rights of the children to survival, nutrition, and decent standard of living; and the right of the child to protection from economic exploitation, which includes the worst forms of child labour, and family life.<sup>119</sup>

**Regional Action Plan for the Elimination of Child Labour (Preliminary draft, no date).** This is the first and so far the only policy document that deals comprehensively and directly with the challenges of child labour in the region. It is no doubt a direct follow-up to the Child Policy reviewed above. However, it must be stressed that is still in its preliminary draft form and from such a point of view, a veritable work in progress. Accordingly, it is not certain when the final and clean document will be produced for presentation to the relevant ECOWAS and national bodies for adoption/ratification, as the case may be. The draft Regional Action Plan admitted that child labour is highly prevalent in the region particularly in the semi-informal sectors of the national economies of Member States. It identified several factors that are responsible for the unfortunate situation, among which are:

- Rampant Poverty especially in the rural and suburban areas,
- Traditional and religious practices,
- Large family size, unemployment and school levels,
- School related factors such as availability, accessibility, cost, quality of education and child friendly teachers,.
- Rural Urban migration, HIV/AIDs, which is responsible for thousands of orphans,
- Illiteracy especially on the part of parents, and
- Poor enforcement of relevant laws, policies and regulations by member states.<sup>120</sup>

The draft document acknowledged that rampant child labour in the West African region is directly linked to the subsistence and precarious living conditions and extreme poverty of most of its estimated 300m inhabitants, and poses a serious challenge not only to the fundamental rights of the individual but also to human development generally, in ECOWAS Member Countries. It also admitted that child labour impacts negatively on the region's development prospects because of the large number of human capital that is excluded from development processes because of its poor quality. However, it acknowledged that all ECOWAS states have "developed national action plans and time lines towards the elimination of the worst forms of child labour by 2015. It noted that the

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<sup>118</sup> Ibid; p25

<sup>119</sup> Ibid; pp41-45

<sup>120</sup> Regional Action Plan for the Elimination of Child Labour (Preliminary draft, no date, p2.

national action plans have unfortunately not been effectively integrated into development strategies to ensure synergies with the educational programmes and other relevant child friendly programmes in the Member States. Important concepts associated with child labour such as ‘child’, ‘child labour’ and ‘worst forms of child labour’ are defined leaning heavily on global best practices definitions as provided by the UN and ILO.<sup>121</sup>

The overall goal of the draft Child Labour Action Plan is to contribute to ECOWAS’ efforts towards the elimination of child labour especially its worst forms, in West Africa by 2015. It identified several strategic objectives like the development of a knowledge base on Child Labour and its worst forms in the region; awareness creation and mobilization of civil society in the region against child labour; to enhance legislation and law enforcement for effective eradication of child labour, and to facilitate direct intervention, monitoring and evaluation, etc, by the ECOWAS Commission and national governments<sup>122</sup>. The Plan has a timeline for each of these strategic objectives. For example, activities associated with Objective 1 above, include research to determine the existence, nature and magnitude of the child labour challenge in both the organized and informal sectors of the national economies of Member States. For that purposes, the responsible agencies at the state level are identified as the national authorities, national steering committees, and national statistical institutions/bodies, and lastly ECOWAS itself.

The expected outcomes are, among others; enhanced knowledge by all stakeholders of the magnitude and prevalence of child labour at the national and regional levels, generation of information for use in targeted interventions in both formal and informal sectors of the economy. In that respect, verifiable indicators include available base line data and studies, as well as situational analysis and assessments, while the means of verification are research reports produced by scholars and relevant institutions and copies of such research reports that have been validated by the relevant agencies. The target time frame for this strategic objective is three years, starting from 2011, and ending on 2013<sup>123</sup>. It is important to note however that up to the end of the year 2011, the final draft of the Child Labour Action Plan had not been produced or presented to the relevant ECOWAS bodies and member states for adoption or ratification. It is thus largely a working plan of action in that respect and it is doubtful from such a perspective whether the timeline would be met, with all the implications for the effective elimination of child labour in ECOWAS member countries.

The Action Plan identified several regional, national, sub-national and local actors that will be involved in its implementation. At the regional level, the major actors are ECOWAS and partner UN agencies, while national actors are the steering committees, national authorities, civil society organizations, trade union movements, parliaments and the media. At the sub-national level are what the document described as “sub-national governments or department”, ministries, departments, agencies and services, media, “local collectives” and civil society organizations. At the local communities’ level, the actors are community based organizations, CBOs, traditional leaders and authorities, traditional media and “gatekeepers”<sup>124</sup>. The Plan contains a section on monitoring and evaluation but it is yet

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<sup>121</sup> Ibid; pp4-5

<sup>122</sup> Ibid; p8

<sup>123</sup> Ibid; pp11 and 12

<sup>124</sup> Ibid; p31

to be 'populated' since it is still a preliminary draft. Hopefully, by the time the final draft is produced, the agencies responsible for monitoring and evaluating the implementation of the Regional Plan of Action on Child labour at the various levels in member countries would have been identified. For now however, the Plan remains a working document that is still being crafted by the relevant division/department in the Commission.

**The Strategic Plan of Action for the ECOWAS Child Policy 2009 – 2013.** The major objective of this document is to “translate the fifteen goals, set objectives and complement strategic outlined in the ECOWAS child policy into time bound sustainable programmes that reflect its mission and lead to the realization of vision statement”. Not surprisingly, it was divided into 15 broad priority areas, among which are: child survival, right to development, child trafficking, protection from sexual exploitation and child labour. The document is important because for the first time, ECOWAS devoted a whole sub-section section to the vexed issue of child labour in the region as priority 4. The broad goal is to eradicate child labour, especially its worst forms, “within the shortest possible time”<sup>125</sup>. As part of the strategy for achieving this goal, all member states were enjoined to develop a “strategic alliance against child labour” by among others, “creating a network of poverty eradication and developmental programmes for prevention and elimination of child labour”<sup>126</sup>.

The Plan of Action also set out expected outcomes, verifiable indicators, means of verification and time frame. For instance, if fully and effectively implemented, the Pan is expected to eradicate child labour, most especially its worst forms, and is verifiable using the number of workshops and collaborative events that are to be undertaken by member states in the four-year period from 2009 to 2013. Achieving such an objective is linked to what the document described as Sustainable Resource Mobilization for Children; which should be given priority, to ensure that budgeting allocation to ECOWAS child policy and programmes at the regional, state and local levels is commensurate with the priority accorded child right issue. Such a development is in line with the “enforcement of budget priority for children as provided in the declaration of decade of the culture of Rights of the children in West Africa (2001 – 2010)”. While this and other ECOWAS documents and programmes are laudable because of their ‘good intentions’, it is doubtful if its major goal of eradicating even the worst forms of child labour in West Africa can be achieved in four years. This is against the background of the challenging global economic situation which has had such a damaging impact on most of the ECOWAS Member States. Strategy: The consequent impoverishment of families, especially those in deprived urban and rural areas, will make it difficult for them to; for instance, keep their children in school in the absence of effective programmes of free basic education for all in the member countries.

**ECOWAS Youth Policy 2009.** The ECOWAS Youth Policy of 2009 is another landmark in the organization’s increasing focus on the citizens in the region especially the younger ones. This is in line with Vision 2020 which aims at transforming the regional body from an ECOWAS of states to an ECOWAS of citizens in the year 2020. Its significance stands out boldly viewed side by side with the more detailed Strategic Plan of Action for the ECOWAS Youth Policy, 2003-2013. More specifically, while the Youth Policy seeks to empower youths and promote their involvement in the regional integration and

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<sup>125</sup> The Strategic Plan of Action for the ECOWAS Child Policy 2009 – 2013, p5

<sup>126</sup> Ibid.

development processes, the Strategic Plan of Action for the ECOWAS Youth Policy, 2003 – 2013 on the other hand, outlines the range of activities that are necessary to translate the ECOWAS Youth Policy into realisable programmes and projects that would advance the welfare of the youths of the region. The Youth Policy document identified the cultural and definitional issues associated with the definition of ‘child’ and youth. It acknowledges that as a concept, the term ‘youth’ tends to vary from society to society and from culture to culture<sup>127</sup>. It identified two broad definitions of Youth, that of the UN which has an age range of 15-24 , while for the purpose of ECOWAS or what can be called the ECOWAS definition, youth “comprises of all young males and females aged from 15-35 years<sup>128</sup>”.

The Youth Policy addresses the broad interests of children directly and indirectly, whereas the **Strategic Plan of Action for the ECOWAS Youth Policy, 2003-20013**, covered the specific needs and interests of the youth which include: education employment, health, drug Abuse, young Women, HIV/AIDs, migration, family life and agriculture, which are reflected in its 18 priority areas. Each of these priority areas has a specific goal. For instance, the goal of education to provide equal access to quality education, training institutions and programme for all young women and men in the ECOWAS region, through the upgrading and building of schools. With regard to another important area, **Youth and Poverty**, its goal is “to put in place mechanism that will eliminate absolute poverty in the region, thereby creating a enabling environment for the youth to develop their full potentials.”<sup>129</sup> One of the strategies for achieving such a goal is to get “governments, civil societies, NGOs and (the) private sector (to) work together with the local communities and families to ensure the provision of quality education and social amenities for all youths in the region”.<sup>130</sup> Conspicuously missing from the list of concerns, however, is youth and labour, one of the most nagging issues in Member States and the region as a whole, especially child labour, since the definition of youth also incorporates that of the child in the region. The inability of the West African youth to secure gainful employment even after completing school is responsible directly and indirectly, to the prevalence of poverty, child labour and human trafficking in the region.

**ECOWAS Labour and Employment Policy (2009)**. This document is the outcome of the 2nd Conference of ECOWAS Minister of Labour and Employment on the Validation of the ECOWAS Labour Policy, held in Abidjan, Cote d’Ivoire from April 6-9, 2009. It is no doubt inspired by the global economic crisis which climaxed in 2008 in Europe and America, with serious implication for developing regions like Africa. Thus, “job losses make it more than ever that labour/workplace issues must be brought to the fore and addressed.<sup>131</sup>” Accordingly, it was imperative for ECOWAS whose broad mandate is to development of the West African region, to strike ‘partnerships between Governments, Trade Unions, Employers’ Organizations and Non-Governmental Organizations’ to facilitate its broad mandate that can be achieved only within the framework of a Labour Policy for all the Member States of the organization.

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<sup>127</sup> ECOWAS Youth Policy 2009, p2

<sup>128</sup> Ibid, pp2 and 3

<sup>129</sup> Strategic Plan of Action for the ECOWAS Youth Policy, 2003-20013, p31

<sup>130</sup> Ibid.p32

<sup>131</sup> ECOWAS Labour and Employment Policy (2009), p3

ECOWAS acknowledged that the Labour Policy is faced with several challenges. First, is the dearth of relevant data on labour issues in the region. Second, ECOWAS members were yet to ratify and domesticate the eight core conventions of the ILO on labour and related matters. Third, is what ECOWAS described as “the half-hearted implementation of the obligations imposed by ILO on its members under its various conventions; for instance, “compliance with reporting obligations”. A fourth concern is the pervasive poverty, unemployment, high incidence of migration, human trafficking, child labour etc; and lastly, concerns about the existence of old-fashioned labour legislation and policies in Member States as well as “weak labour institutions; poor collective bargaining structures; the debt overhang; food security; poor implementation of effective policy at the workplace regarding” the HIV/AIDS pandemic. The Labour Policy’s major objective is therefore to achieve the “full development and utilisation of human resources and in particular the development, harmonisation, coordination, utilisation and implementation of common policies and programmes to stimulate economic growth and development through full, productive, continuous and freely chosen employment...”<sup>132</sup>

The ECOWAS Labour Policy has a total of 17 guiding principles<sup>133</sup>. Those that are critical to the study on the elimination of child labour in West Africa are:

- Subsidiarity,
- Labour market regulation and employment conditions for formal and informal sectors of the economy,
- Establishment of data bank on labour market information and
- Full employment, etc.<sup>134</sup>

On Child labour, the core concern of the present study, the guiding principle contained in the document stipulates that ECOWAS shall adopt policies that are necessary to eradicate child labour; to encourage child development and education in order to discourage child labour in the West African region<sup>135</sup>. Other guiding principles are;

- Occupational Safety and health at the workplace, and member states of ECOWAS are encouraged to ‘promote occupational health and safety at the workplace...’<sup>136</sup> and
- Eradication of poverty and tackling social exclusion; member states ‘are enjoined to adopt a decent work agenda, reduce unemployment and alleviate poverty, and promote social cohesion all with a view to establishing a fair society for all’<sup>137</sup>.

The Labour policy is anchored on a tripodal operational framework; regional harmonisation, by ensuring that member states operate common labour standards throughout the region; cooperation and monitoring of the labour policies “...through social

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<sup>132</sup> Ibid; p6

<sup>133</sup> Ibid; pp6-13

<sup>134</sup> Ibid; pp6-7

<sup>135</sup> Ibid; p9

<sup>136</sup> Ibid; p11

<sup>137</sup> Ibid; p12

dialogue by the social partners at the regional level comprising of representatives of government, employers and labour...”<sup>138</sup> Finally, funding, by setting an ECOWAS Labour and Employment Fund, and suggested the creation in ECOWAS of a Fund similar to the European Social Fund, ESF, which will provide direct support to vulnerable people and families in the region.

In order to achieve the goals of the Labour Policy, ECOWAS identified five broad areas for intervention; first, ensuring common labour standard by encouraging member states to ratify and implement core international conventions, especially those relating to ‘labour administration and employment; reconciling work and family life; abolition of child labour; eradication of trafficking in persons for labour purpose and promoting equal opportunities for all in labour matters’<sup>139</sup>. The second area of intervention is in respect of employment, and there are a total of 14 sub-areas in this section of the Labour Policy among which are;

- Provision of full, productive, continuous and freely chosen employment...
- Promotion of dignity of labour
- .Promotion of employment opportunities for young people
- Promotion of self-employment in the nature of small and medium enterprises
- Investing in human capital by promoting career development, occupational guidance, and technical and vocational training
- Eradicating poverty and tackling social exclusion by adopting measures that reduce unemployment<sup>140</sup>.

The third sector needing intervention is ‘Social Protection’ and like the section on Employment, it has sub-areas or themes, seven in total: working condition which will aim at ‘promoting equitable working and living conditions; prevention of health and safety risk at work by ensuring healthy and safe workplace; access to healthcare by promoting universal access to healthcare; especially cross-border health care; promotion of a HIV/AIDS policy as a workplace issue; promotion programmes to protect workers against infectious diseases and malaria, etc.’<sup>141</sup>

The fourth segment is Social Dialogue, focusing on 7 important issue areas; among which are; work etiquette; working condition, by promoting equitable working conditions; promotion of green technology; promotion of social dialogue and “tripartism by promoting representativeness and inclusiveness in order to achieve participatory/industrial democracy and harmony in the workplace; dispute prevention and conflict management and “labour responses in conflict and post-conflict situations by promoting social dialogue”; strengthening labour administration; and labour market governance through capacity building. The last area for intervention is regional integration; to promote labour migration; and the establishment of an ECOWAS Labour and Employment Fund to finance the

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<sup>138</sup> Ibid’ p14

<sup>139</sup> Ibid; p15

<sup>140</sup> Ibid; pp15-16

<sup>141</sup> Ibid, p16

implementation of the labour policy and regional harmonisation, coordination and monitoring of labour and employment practices<sup>142</sup>.

One of the obvious but important issues raised in this important document, which also points to a serious gap in the literature, is that it did not directly address the child labour situation in the region. No doubt, the assumption is that it is directed at the adult labour market in the formal sector of the economy. However, since majority of West Africans, including the youth, are in the informal sector, their needs and those of children are not directly addressed in the document. As well, the text can be described as “full of good intentions” and “proposals”, but whose implementation may be extremely problematic in the real world in which ECOWAS member states and ECOWAS itself live in. Directly and indirectly, ECOWAS seems to have ascribed to itself powers that it did not have; as it is not a supranational organization. It also does not presently have credible and automatic sanctions enforcement capability and regime, and lacks the human, institutional and resource capacity to effectively monitor the full implementation of its Labour Policy in the region. In that regard, it is no secret that at the moment, ECOWAS lacks efficient monitoring and evaluation capacity.

Also, the document seems to commit Member States without paying much attention to their individual socio-economic or political challenges, in the absence of any identifiable and immediate benefits to be derived from implementing the policy in the short or long run. One is therefore left with the impression that ECOWAS does not even appreciate its limitations and those of its members. For instance, while provision is made for an ECOWAS Labour and Employment Fund, it is not clear how such a fund would be raised. This point is important in the light of the present economic, social and political realities in most, if not all of the members. It is also not clear if a fraction of the Fund is to be provided by “development partners” and what fraction is to be generated locally/? If the fund is to be realised mainly from the usual contributions of ‘development partners’, it raises questions over its ownership and sustainability. Aside from that, it is not clear what the ideal quantum sum of money needed to effectively fund a regional labour and employment policy in the whole region really is. Apart from that successful implementation of the policy would require adequate knowledge of the labour and employment conditions/situations and policies of member states and the conditions of the workers in the region by the ECOWAS Commission. However, such vital data and statistics may not be readily available at the Commission’s headquarters in Abuja. More importantly, it is important to know the extent to which member countries themselves have accurate and reliable economic and employment policies that would guide ECOWAS. It is noted that presently, ECOWAS Member Countries have very tenuous control over their economies and by implication, their labour and employment policies in light of the persisting global economic meltdown and its myriad negative impacts on every country in the region.

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<sup>142</sup> Ibid; pp16-17

The above observations are pertinent against the background of the three broad requirements for successful implementation of the Labour and Employment Policy which are:

- A strong political will and all inputs emanating from the Governments, ECOWAS, Employers and Employees, which will make it possible to boost and support the implementation of the labour policy actions at the national and regional levels.
- A very wide information and sensitization of all stakeholders at all level on the orientation, objective and intervention areas of ECOWAS Labour Policy in order to facilitate the acceptance of the West African people and to promote its implementation..
- Member states shall be expected to report implementation of this labour Policy in the manner as may be laid by the ECOWAS Commission<sup>143</sup>

The document did not specifically list the ‘inputs from employers and the category of employers and employees that are to be so targeted. Finally, it is no secret that one of the biggest challenges of ECOWAS in the last three and half decades has been getting the necessary political will and commitment from member states to fully implement its protocols, conventions, policies and treaty provisions. The impression given in the document is that West African citizens will be the major obstacle to the full implementation of the labour policy a perception that is far off the mark because on the contrary, it is African leaders and sometimes bureaucrats that are slow to implement blue prints even when they are designed to promote the common good. A good example is the half-hearted implementation by all member states of the ECOWAS Protocol on Free Movement, aspects of which are honoured more in breach than in implementation by some member states and their security agencies.

**Strategic Plan of Action for the ECOWAS Labour Policy, 2009.** This important document, like the Labour and Employment Policy reviewed above, is the product of the 2nd Conference of ECOWAS Ministers of Labour and Employment that took place in Cote d’Ivoire from 6th to 9th April in 2009. It is a logical companion to the ECOWAS Labour and Employment Policy, reviewed earlier. This one is the outcome, which was produced at the validation conference of ECOWAS Ministers of Labour and Employment at their meeting in Abidjan, 6th to 9th April 2009. The document is divided into five broad ‘priority programmes’ based on five actionable or intervention areas in the ECOWAS Labour and Employment Policy document examined earlier above;

- Promotion of International Norms<sup>144</sup>
- Promotion of decent Work<sup>145</sup>
- Promote Social Welfare for all (sic)
- Promotion of Social Dialogue and Tripartism and

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<sup>143</sup> Ibid; p17

<sup>144</sup> Strategic Plan of Action for the ECOWAS Labour Policy, 2009, p2

<sup>145</sup> Ibid; p4

- Promotion of Regional Integration.<sup>146</sup>

To facilitate the intervention, the document identified five components. First is the “strategic axes” which will, among other things push for “support for the ratification and implementation of fundamental conventions, priority conventions and those relating to ILO labour administration and employment; reconcile work with family life, child labour Conventions No. 138 and No.182; trafficking in persons, creation of decent jobs for men and women, etc. Second are the objectives which inter alia; a) comply with international law obligations of the ECOWAS; b) Create equality of opportunity and treatment in employment and occupation between men and women....c) are concerned with the eradication of child labour and child trafficking; encouraging child development and education, discouraging employment of children and tripartite assessment of child labour issues as they relate to labour matters...<sup>147</sup> Third are actions that are recommended to member states to embark upon such as ratification and domestication of legal international conventions relating to labour and employment matters especially those by the ILO. In that regard, members are enjoined to discourage direct and indirect discrimination on the basis of marital status or family responsibilities, through the adoption of appropriate national legislation; drafting an ECOWAS directive on child protection; continuous campaign against child labour...etc<sup>148</sup>

Unfortunately, the expected results from the endeavour are not stated giving the impression that the document is a working in progress. It is difficult to believe that ECOWAS did not know what to expect from its members once the document has been adopted and becomes operational. This leads to another important observation; the time line in the Labour Policy document, which varies from one item to the other. Broadly, the time frame is from 2007 to 2012, but certain aspects are to be accomplished earlier than 2012. For example, all ECOWAS member states are expected to have ratified and domesticated the relevant international conventions on labour and employment, especially the ILO conventions, by 2009. From such a point of view, it will be interesting to find out how many ECOWAS members have actually signed up to, and domesticated key ILO convention of child labour in 2012, the terminal deadline. Important, if not curious, is the fact that member states are expected to have implemented the ECOWAS Policy on the fight against human trafficking not in 2012, but 2014 at the latest.<sup>149</sup> Nonetheless, the document is a welcome addition to the growing body of regional conventions on important aspects of national and international concern, labour and conditions of work, especially as they affect children in a region that is noted to be least developed and the poorest in Africa. Time will tell if these well intentioned documents and conventions will have the desired effects on member states employment policies and above all, on the elimination of the worst forms of child labour in member states of ECOWAS.

Aside from ECOWAS and the ILO, media attention is being increasingly focused on the plight of child labourers on cocoa plantations in the region particularly in two member countries; Cote d’Ivoire and Ghana. In **“Governments look to end child labour in West African Cocoa Farming”**, Drew Hinshaw reported from Dakar in 2010 that the United States Department of Labour would spend up to \$10m to eradicate child labour in two of the

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<sup>146</sup> Ibid; pp14, 17 and 20

<sup>147</sup> Ibid; 2

<sup>148</sup> Ibid;p1

<sup>149</sup> Ibid; p3

world's major cocoa producing countries. Hinshaw noted that hundreds of thousands of school-age children in the region are engaged in cocoa farming and that they “carry heavy loads, spray toxic pesticides and swing sharp machetes at cocoa pods throughout West Africa’s fertile hillsides.”<sup>150</sup> He disclosed that the sum of \$10m had been released by the US government to support research that targets improving cocoa yields so that farmers will not have to rely on cheap child labour to stay in business particularly in Ghana and Cote d’Ivoire. H noted that one of the challenges of eliminating child labour in cocoa farms is the fact that then farms are by their very nature located in very remotes areas, which makes it hard to effectively monitor their activities, including the implementation of efforts aimed at eradicating the worst forms of child labour in cocoa producing countries.

Humphrey Hawksley reported in *“Ivory Coast cocoa farms child labour: Little change”*, on November 10, 2011, that the major chocolate companies in Europe and the US have come under increasing pressure to “do more to stop children working on cocoa farms in West Africa”.<sup>151</sup> He reported that cocoa child labourers are exposed to a lot of risks including “being injured by machetes” while working on the cocoa farms. He further conveyed the plight of cocoa child labourers in Cote d’Ivoire this way:

...I found a group working along a muddy path towards trees where bright yellow cocoa pods hung ready for harvest. Silently, the children squatted down and started work. They wore torn and grubby shorts and T-shirts. There was no laughter or play. On their legs were scars from machete injuries. There was no first aid kit around or nay protective clothing. In one hand they held and cocoa pod. With the other they hacked it open...<sup>152</sup>

The report on the plight of child labourers in Cote d’Ivoire cocoa farms and plantations again confirmed the inseparable nexus between human trafficking and child labour in West Africa, as revealed in his close encounter with one of the child labourers who told him: “I was living in Bouake with my grandmother. But my father sent me here. I haven’t seen my family for three years”.<sup>153</sup>

Two of the most popular global cable Television media houses: **CNN** and the **BBCW** have as well produced and aired documentaries on the plight of West African child labourers, focusing mainly on those in cocoa farms in Cote d’Ivoire and Ghana. CNN’s *Freedom Project* sent one of its journalists, David McKenzie, to Cote d’Ivoire to investigate the condition of children working in cocoa farms in that country. Titled *Chocolate’s Child Slaves*, the documentary revealed that there exist a human trafficking network in the cocoa plantations that procures children for work in the cocoa farms in the country. Due to the screened be aired for five days from January 20 to 24, 2012, a preview of the documentary revealed that “there are still child slaves harvesting cocoa, even though some have never

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<sup>150</sup> Drew Hinshaw, “Governments look to end child labour in West African Cocoa Farming”, 10<sup>th</sup> October 2010, on <http://www.voanews.com/english/news/africa/Governments-Look-to-End-Child-Labor-in-...> accessed on 3/12/2011, pp1 and 2

<sup>151</sup> “Ivory Coast cocoa farms child labour: Little change”, on <http://www.bbc.co.uk/news/world-africa-15681986>, pp 2 and 3, accessed on 3/12/2011. Incidentally, Humphrey Hawksley also filed a detailed report on child labour in the Indian cotton industry for the BBC World News Programme Reporters, on 22<sup>nd</sup> January 2012, from India.

<sup>152</sup> Ibid; p2

<sup>153</sup> Ibid; p3

even tasted chocolate and some don't even know what the word "chocolate" means". McKenzie regretted that in spite of promises made by the chocolate industry to curb the worst forms of child labour in the cocoa producing countries that feed the industry, "much of the trade remains unchanged."<sup>154</sup>

Like CNN, the BBCW has also been involved in the campaign against child labour in the cocoa plantations of Cote d'Ivoire through its documentaries. The campaign started in 2000 when it aired a documentary titled "**Slavery: A Global Investigation**" that shocked the world with its stories of extreme forms of child slavery and child labour in Cote d'Ivoire's cocoa farms. More than a decade later in 2011, a BBCW reporter, Paul Kenyon, posed as a chocolate dealer in order to unravel the existence of child labour in the cocoa plantations in West Africa, in its BBC's *Panorama Programme* titled: **Chocolate: The Bitter Truth**, in which it presented "evidence of human trafficking and slave labour" in the supply chain that keeps the chocolate industry alive in the United Kingdom. Kenyon also "found that there is no guarantee, despite safeguards, even with chocolate marketed as fair-trade, that child labour as defined by the International Labour Organization has not been involved in the supply chain"<sup>155</sup>. In short, child labour was still rampant in producing the Ivorian cocoa beans that end up as chocolates in retail shops and super markets in the UK and elsewhere in the developed world. Significantly, Kenyon met with, and interviewed a 12 year-old boy "who was sold to traffickers by his uncle and taken from neighbouring and impoverished Burkina Faso to work as a cocoa picker" in Cote d'Ivoire.<sup>156</sup> The boy told Kenyon that "more than a year later, he had not been paid a penny for his work-the profits of his labour going instead to his new cocoa masters and to the uncle who sold him". Kenyon also confirmed he bought cocoa beans "...which had been produced by the worst forms of child labour"<sup>157</sup>.

Such graphic and disturbing reports on child labour in two prominent ECOWAS Member States pose a serious challenge to the organization's war on child labour and clearly point to the very important role that the global electronic global majors play in the anti-child labour campaign of ECOWAS, and the urgent need to partner with global media organizations in the campaign to eliminate child labour, especially its worst forms in West Africa. What the documentaries also did is to provide a global platform for awareness creation, which ECOWAS does not have, in its campaign against the worst forms of child labour in Ghana and Cote d'Ivoire in particular, and other Member States in general. No doubt, these efforts by important foreign media houses have helped immeasurably, to galvanise global and local opinion against the obnoxious practice. However, since many child labourers are also victims of human trafficking, it is important for ECOWAS to take a holistic approach to ending trafficking in persons in the region side by side with the campaign to eliminate child labour in the West African region. This calls for the creation of an effective and sustainable synergy among all departments, divisions and units in the ECOWAS Commission, particularly those units in the Trafficking in Persons (T.I.P) Unit.

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<sup>154</sup> <http://thecnnfreedomproject.blogs.cnn.com/2012/01/12chocolates-child-slaves/> accessed on 17/1/2012

<sup>155</sup> BBC News-Panorama- Tracing the bitter truth of chocolate and child...<http://news.bbc.co.uk/1/hi/health/10000000.stm> accessed on 17/1/2012, See also <http://www.bbc.co.uk/programmes/b000rqn4n>, "Chocolate-The Bitter Truth", accessed on 17/1/2012.

<sup>156</sup> Ibid.

<sup>157</sup> Ibid

The literature and the documentaries reviewed above clearly established a direct link between widespread poverty among the citizens of West Africa to the prevalence of child labour in the region. A study on villages in the poorest provinces of Burkina Faso by Ernest Harsch concluded that they “are haemorrhaging” because “countless children, mostly under the age of 14, have left their families in search of work elsewhere in the country or across the border in neighbouring Cote d’Ivoire”. Some “departed ‘voluntarily’ or at the urging of their parents to escape the severe poverty of their home areas. Others were ensnared by labour traffickers”<sup>158</sup>. He also cited ILO statistics which revealed that more than 51 percent of Burkinabe children between the ages of 10 and 14 years are engaged in child labour, although the national labour law bars employing children under the age of 14 years<sup>159</sup>. If the campaign to eliminate child labour in West Africa is to be successful, poverty must be tackled head on by all ECOWAS members.

### 2.3 Some important gaps in the Literature

The brief review of select of some of the most important ECOWAS documents on child welfare and protection including trafficking in persons reveals several important gaps in the existing literature and in ECOWAS’ efforts to eliminate child labour in West Africa. First is its failure to establish the direct and intricate nexus between the “family” or “household poverty” and child labour in the region. That oversight has no doubt impacted adversely on both the strategies that have been mapped out as well as the outcomes of the campaign to eliminate child labour. Secondly, although Goal 4, item 4.2.4 of the 1999 *ECOWAS Child Policy* states it is “seeking to eradicate child labour, (especially the worst forms of it) within the shortest possible time,”<sup>160</sup> such a vital goal is however not reflected in the implementation strategies as the document simply acknowledged that the aim is to “sensitize parents, communities and employers not to engage children in child labour and not to economically exploit them.”<sup>161</sup> Thirdly, although it is obvious and has been so documented that child labour is most rampant in the informal and semi-formal sectors of the economies of member countries, accounting for a total of 1.8m children that are believed to be engaged as child labourers in cocoa plantation in Cote d’Ivoire and Ghana alone, none of the existing ECOWAS anti-human trafficking policy documents or for that matter, the youth employment policy articulated a practical, proactive strategy to enhance youth employment or family empowerment that will take the children out of the streets or cocoa farms and back to their homes and schools. This important since national poverty reduction strategies in ECOWAS Member States have so far failed to stem the increasing impoverishment of majority ECOWAS citizens in the region. As well, existing policies do not seem to give education the priority and emphasis it deserves, as regional and national policy instruments for eliminating child labour in West Africa. Indeed, for most, if not all member countries, the goal of ‘education for all’ by the year 2015 remains by and large, a mere slogan in the region. There is no specific scheme in place in ECOWAS to effectively monitor compliance with even the existing policies and programmes by member states. Indeed,

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<sup>158</sup> In Child labour in Africa rooted in poverty: Campaigns launched against traffickers and abusive work”, in Africa Recovery, [now called *Africa Renewal*], Special Feature: Protecting Africa’s Children, Vol. 15, no.3, October 2001, p14. Also available on <http://www.un.org/ecosocdev/heninfo/afrec/vol15no3chil4.htm>, accessed on 3/12/2011

<sup>159</sup> Ibid; p2

<sup>160</sup> ECOWAS Child Policy, 2009, 24

<sup>161</sup> Ibid; p25

some members pay lip service to the goals of education for all which is directly linked to the successful elimination of and the elimination of child labour in West Africa.

A fourth important point from the literature review has to do with the reality that although the relationship between ‘harmful’ cultural practices, human trafficking and child labour in the region has been established, no steps are being taken to address the challenge directly either by ECOWAS or national governments. The ECOWAS **Regional Policy on Protection and Assistance to Victims of Trafficking in Persons in West Africa** identified the child as the most vulnerable to trafficking, especially for child labour purposes. Other documents also acknowledged the cultural angle to the phenomenon, but there is no concerted and sustained effort by ECOWAS to date aimed at curbing some of the more pro-child labour cultural practices in member states, by targeting the complete elimination of such practices in its policy documents apart from their mere identification. Finally, although the ECOWAS Policy documents reviewed in this study: particularly the **Regional Policy on Protection and Assistance to Victims of Trafficking in Persons in West Africa; the ECOWAS Plan of Action Against Trafficking in Persons (2008-2011)**, clearly identified the girl child as the one most vulnerable to trafficking and child labour- the two documents did not include “non-economic activities” in the situational analysis of child labour in the region, girls have not been specifically targeted in any of the documents reviewed, as one way of curbing child labour in the region.

## Section 3: The Role of ECOWAS in the Elimination of Child Labour in West Africa

### 3.1 Conceptual Clarifications

Assessing ECOWAS' efforts in the elimination of child labour in West Africa must be prefaced with a short conceptual discourse on multilateral organizations in order to set the tone for a proper understanding of both the successes and the limitations of the Organization. To start with, irrespective of their objectives, locations, size, geographical location and membership, international organizations are created by States because of broad complementarities of perceived national interests among the members. Multilateral economic and quasi-political regional arrangements like ECOWAS, the Southern Africa Development Community, SADAC, the East African Community, EAC, etc; are essentially designed to harmonize the efforts of States in promoting and consolidating perceived and converging national interests, as defined by their leaders. In the case of ECOWAS, the 1993 Revised Treaty clearly states that the broad aims of the "...Community are to promote cooperation and integration, leading to the establishment of an economic union of West Africa in order to raise the living standards of its peoples, and to maintain and enhance economic stability, and foster relations among Member States." (Revised Treaty, Article 31 p.5)

Accordingly, ECOWAS, like other Regional Economic Communities, (RECs), in Africa, are founded on broad consensus among members that it would be used collectively as a vehicle to promote and protect their perceived national interests. Beyond such broad agreement, however, some Member States sometimes spend a lot of time and resources scheming on how to advance their own parochial national goals, creating tension, disagreement and open confrontation within the organisation. In the particular case of ECOWAS, the situation is compounded by strict respect and adherence to political sovereignty and non-interference in the domestic affairs of Member States. This is reinforced by the ground rule of sovereign equality of all Member States, irrespective of their geographical space, resources endowment—human and natural—political influence and military capability within the region and in the international community. . Not surprisingly, therefore, the dominant guiding and fundamental principle among ECOWAS Member States is "equality and inter-dependence" (Article 4(a) of the Revised Treaty, p7).

### 3.2 Regional integration defined

Definitions of regional integration vary widely. However, according to the European Union, probably the most successful integration project so far, regional integration connotes "...the process of overcoming, by common accord, political, physical, economic and social barriers that divide countries from their neighbours, and of collaborating in the management of shared resources and common national goals"<sup>162</sup> Regional integration processes do present member states with opportunities, challenges and costs. As such, a successful regional integration scheme is one that is able to mitigate the contending centrifugal

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<sup>162</sup> See Hans Jurgen-Puhle, "Regions, Regionalism and Regionalisation in 20th –Century Europe", on <http://vwww.osl02000.uio.no/program/papers/s9/s9/s9-puhle.pdf>, accessed on 14/1/2012 and "Regionalism" on <http://world-geographv.org/562-regionalism.html>; accessed on 15/1/2012

political and economic tendencies and orientations among member states. It is also one that is capable of coordinating the divergent socio-economic programmes/policies and contending political and social orientations/situations of its member states in such a way that their collective national and international interests are secured and protected. This however requires a delicate balancing act that is not always easy to maintain, and it explains in large measure, the inability of international organizations like ECOWAS, in achieving their target goals and mandates even after almost 37 years. Hence, in assessing the role of ECOWAS in the elimination of child labour in the 15 Member States in West Africa, these opportunities and challenges must be borne in mind.

### 3.3 ECOWAS's Role in the Elimination of Child Labour in West Africa

ECOWAS is arguably technically responsible for coordinating the socio-economic and political development of the member states and the region. Although the extent to which it has been able to do so effectively remains a matter of conjecture; within the broad spectrum of its mandate and responsibilities, ECOWAS has tried to promote convergence among stakeholders on many important national and regional issues such as employment, trafficking in persons, governance, security, etc; all of which are indispensable prerequisites for effective regional integration. To its credit, ECOWAS has over the years played these diverse roles in response to the myriad of challenges in the member states and the region. A very good example is the now famous 2001 Protocol on Democracy and Good Governance; as well as an assortment of Regional Plans of Action and Strategies aimed at tackling common challenges and issues like trafficking in persons; youth employment, peace and security, among others. More specifically, the Organization, bearing in mind its powers and limitations as an egalitarian multilateral organization made up of sovereign states, and which is yet to acquire supranational powers, has played the role of "legitimizer", "unifier", "bridge builder" and "coordinator," within and among Member States with some measure of success. It is within the above conceptual context that ECOWAS' role in the elimination of child labour in West Africa is examined.

Relative to other important challenges in the region, it is only recently that ECOWAS turned its attention to the eradication of child labour in the region. This situation compares unfavourably with another equally nagging and embarrassing challenge; trafficking in persons, T.I.P. The relatively slow response of ECOWAS to widespread child labour practices, including its worst forms in some of its Member States, is however not surprising. As pointed out in Section 2 of the study, the Organization's 1975 Lagos Treaty and the 1993 Revised Treaty, did not make provision for either the general 'welfare of the West African child, or 'child labour' specifically. Certainly issues of the children or the 'child' and the 'youth', were addressed directly for the first time in the 2001 **Protocol on Democracy and Good Governance**. Section VIII (41(1-3) of the Protocol averred that:

- Member States shall guarantee children's rights and give them access to basic education;
- Special laws shall be enacted in each member State and at the level of the Community against trafficking and child prostitution

- The community shall adapt laws and regulations on Child Labour in line with the provisions of the International Labour Organization<sup>163</sup>

Significantly, up till now, there is no “approved” Regional Plan of Action that expressly targets the elimination of child labour in the region. In fact, regional and global attention to the dire predicament of West Africa’s children was aroused in a report that turned out to be unfounded, that a Nigerian registered “slave ship” carrying some 250 children was heading for an unknown destination with its human cargo. However, when the ship eventually berthed in neighbouring Benin Republic, no trafficked children were found on board. Nevertheless, the incident indirectly raised enough interest in, and attention to the issue of human trafficking (especially that of children) and by implication, child labour, in West Africa and the rest of the world, regionally and globally, to the difficult daily living conditions of many of West Africa’s children.

It is clear from the literature reviewed in Section 2 of the study that ECOWAS has so far been unable to directly tackle the issue of child labour in the region in the same manner it has addressed the issues of trafficking in persons or youth employment, or regional security among others. While ECOWAS has mounted sensitization campaigns in the region, they were not informed by any base line data on the phenomenon of child labour and related issues in the individual Member States. Even so, and unlike the campaign against trafficking in persons, that on child labour has been rather “low keyed” even in those ECOWAS Countries where child labour in its worst forms is widespread. The campaigns cannot also be said to have been sustainable even when ECOWAS attempted to build the capacity of the relevant agencies in its Member States through training in order to enhance their effectiveness in the war on child labour in the region. Such training given to the relevant agencies in the Member Countries usually leave the perceptive observer and officials in the Commission asking the rhetorical question; “and so what next”? Unfortunately, the answer is never forthcoming or satisfactory because the necessary follow-up actions or activities are usually not carried out.

### **3.4 Challenges to ECOWAS’s Efforts to Eliminate Child labour in West Africa**

There are several challenges to ECOWAS’ effort in the elimination of child labour in the West African region. From an institutional point of view, it is safe to say that ECOWAS is very weak at the operational level. The organization is famous for churning out well crafted plans and strategies but falls very short at the operational level in terms of their full and timely implementation. A related point is that ECOWAS is noted for its interminable meetings, which take a large proportion of the time of its senior officials, leaving them with less time to attend to important operational matters. This concern was echoed by a senior official during one of the interviews, who lamented that ECOWAS has a penchant for holding:

*Meetings and meetings and meetings, and less operational work like going to the field for intervention. It is really very expensive hosting such meetings and one is left wondering, when are we going to be operational, to get the data*

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<sup>163</sup> Protocol on Democracy and Good Governance, Section VIII (41(1-3), p21

*that we need, write reports and take these reports to the Ministers or Heads of State and Government in Member States for their attention and action?*<sup>164</sup>

In other words and in spite of its present efforts, ECOWAS is not institutionally equipped to rid the region of child labour. There is presently no region-wide programme to identify and map in detail, the various manifestations of child labour in the individual Member States, or what they are doing at the national level to curb the scourge of child labour within their territories. It is therefore not entirely surprising that the *Regional Action Plan on Child Labour* is still in draft form and a veritable work in progress. It is also not surprising that it is international agencies and development partners like ILO, OIM; and global cable media houses like BBC, CNN and Aljazeera have been more proactive on the issue of child labour in the region than ECOWAS.

The major, and so far the most intractable challenge to the successful elimination of child labour in the ECOWAS Member States, is the pervasive poverty level across the West African region. ECOWAS presented the grim statistics graphically thus:

*Today, the UN classifies 73% of West African states as Least Developed Countries (LDCs). ECOWAS accounts for 35% of the African LDCs-making West Africa the foremost LDC region in Africa and, indeed the world as a whole. No less than 11 ECOWAS countries exhibit some of the lowest socio-economic development indicators, including the lowest Human Development Index ratings in the world. (Only) Cape Verde, Cote d'Ivoire, Ghana and Nigeria are non-LDCs. The average annual per capita income of \$949 in 2007, veils the grimmer reality that nearly 60% of the people in the region live on less than 1US dollar a day. This is far above the 46% for sub-Saharan Africa...indeed West Africa is the region with the highest prevalence of poverty in the world today. This parlous economic state has meant over-reliance on foreign aid and loans, a situation that resulted in the designation of almost all the ECOWAS countries (with the exception of Nigeria and Cape Verde) as Highly Indebted Poor Countries.*<sup>165</sup>

Sadly, some ECOWAS Member States have not demonstrated any sustained capacity and commitment to effectively tackle poverty among majority of their citizens. The reality of the existence of millions of vulnerable households with large families that they cannot adequately cater for creates a vicious cycle of poverty. Quite unsurprisingly, many of these households sometimes deliberately encourage their children to go in search of jobs and other forms of livelihoods to augment the meagre family income. As a result, numerous under-aged children end up working in the worst forms of child labour condition like cocoa plantations/farms, or as 'house helps' in middle class homes especially in urban areas. Human traffickers also exploit the dire economic state of poor families/children to entice them with promises of lucrative jobs within their own countries; in neighbouring states or in Europe and other foreign destinations. This situation is made worse by widely accepted traditional practices like fostering in which poor families in particular, give out their children

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<sup>164</sup> For reasons of confidentiality, the officer will not be identified. The phone interview was held on 10 February 2012

<sup>165</sup> ECOWAS Commission, *Vision 2020 ECOWAS of the People: Towards a Democratic and Community*, Abuja, March 2009, pp3 &4 quoted in Amadu Sesay, *The Politics of Regional Integration in West Africa*, Legon, Ghana: WACSI, forthcoming, 2012

sometimes to distant relations or even total strangers, in the hope that they will go to school and escape the vicious circles of poverty within the family. Sometimes such children end up being used as domestic help or in worst situations, being sold to human traffickers. Significantly, there is presently no clear, systematic, detailed and sustained effort by ECOWAS to tackle the deeply rooted economic causes of child labour in the region, especially poverty.

Since child labour is associated with the deep rooted poverty and deprivation in the region as noted above, tackling it effectively would require huge investments in sustainable poverty reduction and economic empowerment programmes targeting the most vulnerable families/households in the region that ECOWAS and its Member States cannot presently afford. This situation encourages the “transmission of poverty” from one generation to another in many households in West Africa, since children cannot be sent to school, and/or are often withdrawn from school because parents cannot afford the school fees and/or meet other basic necessities of schooling, thereby tempting such children to join the child labour force. The literature clearly indicates that poor families will return their children to school once there is a significant improvement in household income. Arising from such a conclusion is the reality that an effective programme of education for all, EFA, will mitigate the worst forms of child labour in the region. Unfortunately, although ECOWAS Member States have variants of free and universal primary education programmes in place, their actual commitment to such schemes are often very doubtful.

Experience has shown that even when countries profess to be committed to free education even at the primary school level only, such programmes are usually made ineffective by numerous loop holes that enable school authorities and other government officials to subvert them through “hidden charges,” which impose heavy burdens on poor families and discourage them from sending their children to, or retaining them in school for the statutory number of years. In the circumstance, some families sometimes openly encourage their children and wards to go in search of the proverbial “greener pastures” either within their countries or in neighbouring states as the case may be. The important direct link between family income size, family income and a child’s education may have also informed the US, ILO and the World Cocoa Federation (WCF) backed Sustainable Tree Crop Programme, STCP, in four major child labour destination and supply countries; Cote d’Ivoire, Ghana, Guinea and Nigeria, to increase the yield of farmers and to encourage them to send their children to school and to keep them in school. It is also for these important reasons that Brazil instituted an assistance programme that economically empowers poor families in Portuguese-speaking African countries to encourage them to keep their children in school<sup>166</sup>. It is not clear if ECOWAS is involved in such an essential and innovative multilateral effort, which should be extended to other significant child labour prevalent countries in the region in the long run in the fight against child labour.

Another important constraint to the effective elimination of child labour in the region is the reality that some of its worst forms take place in cocoa plantations/farms in three key ECOWAS Member States: Cote d’Ivoire, Ghana and Nigeria, which among them also produce about 70 percent of the world’s cocoa beans used in the chocolate industry abroad. Cocoa production certainly occupies an important place in the political economy of

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<sup>166</sup> For details, see Amadu Sesay, Kehinde Olayode and Mashood Omotosho, *op. cit.*

the three countries, as thousands of families depend on the cocoa farming “industry” for their livelihoods. Thus, child labour in the cocoa farms is a sensitive issue and ECOWAS would need a lot of tact and diplomacy to tackle it head on. Besides, the three countries are also major and influential players within the broad ECOWAS regional integration project. For example, before the new funding system came into effect several years ago, Nigeria provided one-third of the ECOWAS budget; and it still houses the organization’s headquarters in Abuja. And even under the prevailing circumstances, it is not easy for ECOWAS to point the search light on the child labour situation in cocoa farms in the three countries, or in any other Member States for that matter, particularly in the absence of a Regional Action Plan on Child Labour; for it may be perceived as undue interference in their domestic affairs.

Besides, and as already noted, child labour is deeply rooted in age old cultural practices that are wide-spread in the West African region. It is also a very delicate political, if not religious issue that requires a lot of discretion in handling it. For example, openly advocating an end to child labour practices like the “Almajiri system” which is deeply rooted in religious practice in some Member States could be perceived as undue interference in sensitive religious matters.

At the heart of the current challenges and fault-lines in the ECOWAS campaign against child labour in the region also, is an institutional conceptual lacuna: the organization does not seem to have a holistic approach to the elimination of child labour in the region. Certainly, even if senior officials in the relevant ECOWAS Units are familiar with relatively new concepts such as “the whole of government”, the “whole of Society” or the “the whole of the Organization”, they have not been effectively utilized in the fight against child labour. Made popular by Tony Blair’s “joined-up government” or JUG approach to service delivery and performance by government in the United Kingdom in the 1990s, these concepts are believed to have enabled him and his team to “get a better grip on (all) issues straddling the boundaries of public sector organizations, administrative levels, and policy areas. JUG was a refreshing departure from hitherto popular practices such as “departmentalization”, “tunnel vision” and “vertical silos” in public policy. Accordingly, “the whole of government,” “the whole of society” or “the whole of the organization” approaches to governance and problem solving emphasis “collective action,” “coordination and integration” in decision-making across departments, units, divisions and agencies, and less on the “stand-alone” attitude that placed too much emphasis on departmental, unit or divisional specialization to problem solving<sup>167</sup>.

With specific reference to ECOWAS’ campaign to eliminate child labour in West Africa, there is no evidence to suggest that it has been done in a holistic way. It is therefore important for the Organization, and in particular, the Units that are directly involved in the campaign to eliminate child labour in the Member States to utilise “the whole of government”, “the whole of the organization” or “the whole of society” approaches since the concepts are based on the assumption that eliminating the child labour in all its

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<sup>167</sup> For more on this refreshing concept, see Tom Christensen and Per Laegreid; *The Whole of Government Approach- Regulation, Performance, and Public-Sector Reform*, Stein Rokkan Centre for Social Studies, Working paper 6, August 2006, and OECD, *Whole of Government Approaches to Fragile States*, DAC Guidelines and Reference Series, no date, and *Involving the Whole Organization through Effective Communications*, at <http://www.nonprofitinclusiveness.org.involving-whole-organization-through-effective-communications>

ramifications, is an all-inclusive endeavour that must bring together all the relevant units, departments or divisions as the case may be, through regular inter-departmental communication, meetings and briefings, etc. The approach also assumes that the Member States, particularly the units that are charged with tackling child labour, and civil society organizations, CBOs , should be involved be fully involved in the campaign against child labour. This is important because while there is no doubt that ECOWAS has churned out numerous Action Plans, Strategies, etc, on an important and child labour related issue like trafficking in persons, it is not clear if there is adequate coordination and monitoring among the relevant units to ensure collective action, effective and timely goal actualisation. Applying the new concepts in the campaign to rid the region of child labour will also promote close interaction and working relationships between the child labour units at the Commission, through the focal point identified in the Organogram, relevant agencies, departments and civil society organization in the ECOWAS Member States.

It is therefore important for ECOWAS to approve the suggested Organogram as soon as possible. Interviews with senior officials in the various units revealed that some officers are rather “territorial”, and/or also often adopt a ‘stand-alone’ attitude and approach to the issue of child labour, which are the converse of the “whole of the organization” or “whole of society” approach to public administration and public policy. They do not presently network effectively with other relevant units in the fight against child labour. The Organogram will also provide an avenue for the focal unit or person to get feedback from the other units for effective implementation of decisions, policies or programmes on child labour. The creation of a dedicated website and email system for the child labour units as suggested in **Section 4 of the study on Capacity Building** will be immensely useful in that regard, as a reliable, cost efficient and fast channel of communication among the units. It will also enable the Units and indeed, the ECOWAS Commission, to get vital feedback from citizens and development partners on their anti-child labour activities. Finally, it would be necessary to expose some senior officers to the concepts discussed above as part of the necessary capacity building in all the units responsible for the elimination of child labour in the Commission and Member States. And if it is not too late, the concepts should also be reflected in the draft Regional Plan of Action on Child Labour, to make it more result oriented and successful within the shortest possible time-line.

In summary and from the above discussion, it is clear that the ECOWAS campaign against child labour has so far been low keyed, cautious and even belated. It is also largely characterised and dominated by paper work, and less visible at the operational level either in the Commission itself or in the Member States. Interviews also revealed what can be described as a “stand alone” programme on child labour, because there is no effective synergy or networking among the relevant Units in the Commission. While there is “cooperation” among them, it is largely on an ad-hoc basis. For instance, some units or divisions were invited to participate in the preliminary stages in the preparation of the draft Regional Plan of Action on Child Labour, but they are currently uncertain of the true status of the draft document in the absence of effective communication and coordination among the units. It is little wonder, then, that the campaign to eliminate the worst forms of child labour in the region has been driven and championed by the ILO and some Western countries especially Britain and the USA. These countries have also been in the forefront of the campaign to get the chocolate companies in the West to subscribe to a code of best

practices in the cocoa industry by certifying that their products are not made from cocoa farms that engage child labour. (See Section 2 in this Report for details on the campaign).

Also, global media houses like the British Broadcasting Service, (BBC) and the American privately owned Cable Network News (CNN) have been actively involved in the campaign to end the worst forms of child labour in cocoa farms in Cote d'Ivoire, Ghana and Nigeria. The media giants have produced and aired disturbing documentaries on child labour in cocoa farms in Cote d'Ivoire and Ghana (as indicated in Section 2 of the study), which have drawn global attention to the plight of west African children who process the cocoa beans that are used in the chocolate industry in the West. Aljazeera TV station has also aired documentaries and reports on the plight of child labourers in cocoa farms/plantations in West Africa in recent times. And as early as January 2012, *Human Rights Watch* published a Report on the less known plight of children in Nigeria's copper mines in Zamfara State. Many of the children have already died of lead poisoning, while others have heavy doses of lead in their bodies. Finally, it is believed that the campaign to rid West Africa of the worst forms of child labour will be strengthened by providing the relevant units in the ECOWAS Commission with appropriate capacity, which is the subject of the next section of this Report.

## Section 4: Building the Capacity of the Relevant ECOWAS's Units to Effectively Eliminate Child Labour in West Africa

### 4.1 Background

This section examines the institutional and operational needs of the Units (or Divisions) in the ECOWAS Commission that are concerned with eliminating child labour in West Africa. It is important to enhance the effectiveness of each of the Units in particular, and that of ECOWAS in general, if the campaigns against child labour in the region are to succeed at all in the long run. In doing so, the study relied to a great extent on the data obtained from interviews with senior officials in the relevant Units in assessing their needs and by deduction, the ECOWAS Commission, in respect of the Organization's overall goal of eliminating child labour in Member States. Such an approach is imperative because as the saying goes; "he who wears the shoes knows where they pinch the most. Thus in broad terms, "capacity building" as used in this study seeks to identify gaps in the relevant Units or the individual in ECOWAS responsible with the elimination of child labour with the aim of bridging them, in such a way that at the end of the exercise they are provided with the required knowledge, infrastructure or equipment that they presently lack. From such perception, therefore, it was assumed that the officials in each of the Units were in a much better position to identify areas of needs as well as the challenges, and how they think that the gaps in capacity would be addressed to enhance the efficiency and effectiveness of ECOWAS in the fight against child labour. It is believed that the absence of adequate capacity will negatively affect the attainment of the Commission to equip it with personnel with the requisite skills and competences for performance enhancement.

The above perspective on capacity building is in line with that of the United Nations Development Programme (UNDP), which defines capacity as "the ability of individuals, institutions and societies to perform functions, solve problems, set and achieve objectives in a sustainable manner". It is an approach in development studies that focuses on having a clear understanding of what impedes people, governments (states/countries) and international organizations, from actualizing their goals, on the one hand, and on the other, how to equip them in such a way that they are in a position to achieve their set targets or objectives in a quantifiable and sustainable manner<sup>168</sup>. Capacity building "...refers to strengthening the skills, competencies and abilities of... (staff, their units, divisions, or departments as may be applicable in the ECOWAS Commission)...so that they perform better, and achieve the goals of (the) organization" more efficiently at the end of the exercise<sup>169</sup>. In development studies generally, therefore, capacity building is aimed at enhancing the institutions of the state to deliver quality service to the citizens. Such an effort could be in respect of its armed forces, other security agencies like the police, the civil service, to enhance their professionalism; but also important arms of State such as the legislature, parliament, to perform their statutory responsibilities or functions. In post conflict societies, especially, capacity building is imperative if only to improve the state's ability to access and utilize donor funds on critical social sectors like education, health or infrastructure in the immediate post conflict situation. The capacity of 'disadvantaged' select communities within a state can also be "built" to empower sufficiently to be able to

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<sup>168</sup> [http://www.coastalwiki.org/coastalwiki/Institutional\\_capacity\\_Building...p1](http://www.coastalwiki.org/coastalwiki/Institutional_capacity_Building...p1), accessed on 7/1/2012, p1

<sup>169</sup> Ibid.

participate effectively in decision-making processes concerning their welfare, security or other basic needs as identified by them, the state, development partners or civil society organizations as the case may.

Capacity building is about human resource development; increasing the knowledge base of the personnel in the Units by exposing them to new concepts, ideas and skills that would also engender the attitudinal changes that are indispensable if they, their units and ECOWAS are to achieve their goals and mandates in the long run.

With specific reference to the relevant ECOWAS Units tasked with the elimination of child labour, capacity building is about appropriate skills acquisition, enhancing the synergy between and among them to promote better understanding among them in the fight against child labour so that ECOWAS's objective in that regard would be achieved within the Organization's set time line. This could involve training a certain cadre of staff, providing funds to their units of ECOWAS to carry out important tasks, or to provide them with critical office equipment that will enhance in the campaign to eliminate child labour in West Africa in the Units, their counterparts in the Member States, or by creating a more conducive workplace environment (e.g., providing Internet facilities, air conditioning, etc.). Finally "capacity building" presupposes that the existing array of "resources" available to, or an organization or its diverse Units; a country, non-governmental organizations such as CBOs; or any other entity for that matter, is far from the ideal, and that unless they are suitably augmented in diverse ways, it may hamper their activities and hinder the realization of their primary goals, as broadly or narrowly defined in their mission statement.

Below are the major areas and proposed modes for meeting the capacity needs of the Units in the ECOWAS Commission involved in the campaign to eliminate child labour in the West African region:

#### **4.2 Personnel**

The single, most debilitating challenge in the fight against child labour in ECOWAS is manpower. For instance, between Child Programme and Child Protection, there are presently only two staff manning the Units, two and one respectively. This is far from the ideal situation of six between the two Units. This is however not surprising because from experience, one of the critical needs of most African international organizations, including ECOWAS, is manpower, sometimes because of their lean budgets. And even when funds are available, people with the requisite expertise and skills may be in short supply due to reasons that are outside the scope of this study. As would be expected some units, if not all of them that are involved in the campaign to eliminate child labour in ECOWAS, are understaffed, a situation that exerts a lot of pressure on the available workforce. The interviews revealed that senior staff, particularly those from the rank of Directors and Principle Programme Officers, (PPOs), are overstretched and constantly under pressure because of the need to attend countless meetings, missions within and outside the region; and sometimes training programmes abroad. Again, once such a senior officer is not 'on ground', work is held up in that Unit until he/she returns to the headquarters in Abuja. In the process timely response to important issues that requires urgent attention is difficult, if not impossible.

If the proposal that the child Protection Division be established in the Humanitarian and Social Affairs Directorate, and in line with established practice in ECOWAS, it should be headed by a Director and in worst case scenario, by a P5 or P4 staff. Once that is done, there can then have two P4 or two P3 officers, and one G (General Administrative staff). In addition, there should be a P4 that is dedicated to the Child Protection and P4 dedicated trafficking in persons. Down the ladder, we can then have 2P3 and either a G1, or G2 to service the Division. This staffing complement structure should also be extended to the other relevant units in the Commission that are presently understaffed, because the ideal situation is to have a staff complement of six, or at least three in the worst case scenario. It is important to stress that an appropriate staff complement in all the Units will enable them to interface with one another more effectively and predictably on the one hand, and on the other hand, with other Departments within the Commission, their counterparts in the Member States, and development partner agencies like ILO, as and when necessary, in discharging their mandates on the elimination of child labour.

I would like to end this section by noting that one senior respondent argued persuasively, that it may not be sufficient to simply engage more manpower in the units, because their most pressing challenge, and that of ECOWAS in general, is the inability of some critical staff to “think strategically” or, for them to be creative and “adventurous” enough to work outside “the books”, which may due to lack of the essential expertise. Such a knowledge-gap can however be bridged with proper training for the affected staff, a point that is made in the section below.

### **4.3 Training**

Training and retraining on a regular basis is one of the oldest and most common methods of building the capacity of personnel in any organization. How often the training is undertaken and who undertakes it is one factor out of several other factors, such as availability of training programme or facility, needs and funding. It was also not clear from the interviews if Unit or ECOWAS staff sent on training programmes came back to serve the organization, and for how long before they disengage, if at all. As already pointed out, there was no unanimity among the senior officials interviewed on the need for training or retraining to effectively reposition the various Units dealing with the issue of child labour. However, those who advocated for training and retraining of staff were in the majority.

Those who believed there is need for knowledge enhancement suggested two sets of training programmes: first, is training staff to conduct independent empirical research that will enable them to develop critical minds. That way, they would be able to identify a problem or gap in knowledge, confidently go to the field to obtain baseline data, process it and write a report that would reflect the “true” situation of the phenomena investigated. By so doing, they are more likely to make significant contributions to policy that would be implementable by ECOWAS. The second school of thought suggested a regime of regular training and re-training through participation in workshops, conferences, seminars, etc, for a core of experienced train-the-trainer personnel that can be used to train others, especially in the ECOWAS Member States. In other words, those so trained become trainers themselves, thereby multiplying capacity in the Commission. Such qualified manpower will be available to train other staff either in the Commission or in Member States who could interface confidently with all stakeholders to achieve set goals, be they on child labour, trafficking,

etc. Such a training regime has the potential to drive the regional integration project in the long run. Each of these strands is examined briefly below.

#### **4.4 Enhancing the research capacity of relevant Units**

ECOWAS policies, including those on child labour, are not informed by reliable baseline data, a situation that leads to the adoption of action plans, strategies and intervention programmes that do not connect with local conditions in the region. Consequently, many of these plans and programmes are implemented haphazardly, if at all, with no significant impact, although a lot of time and other scarce resources would have been expended. It has been noted in another section of this Report that while ECOWAS should be credited for churning out policy documents on many important and challenging national/regional issues, the implementation of intervention programmes has not made significant progress. One reason for the limited success in the area of programme implementation is the considerably low level of capacity for basic and empirical research that can help the planning and implementation of intervention programmes.

With respect to the elimination of child labour in the West African region for instance, a typical project could investigate the extent of its prevalence in each member state; its most common manifestations; the most predominant causal factors, profiles of households that are most likely to give their children away into child labour and how such households think the scourge of child labour in the region could be successfully tackled; societal attitudes to child labour, and it could be changed in support of the fight against child labour, especially its worst forms. Undoubtedly, the findings of such an independent empirical and 'scientific' study by senior staff of ECOWAS would be more reliable even if just for planning purposes. More significantly, such a study could lead to the drafting and adoption of a more 'realistic' *Regional Policy on Child Labour*, or a *Regional Plan of Action on Child Labour*, as the case may be, that will be implementable and more effective in curbing the scourge because it would be informed by reliable empirical data obtained in the actual field.

Again, it is important for personnel in the relevant units to be well grounded in programme planning and implementation. For instance, it is not clear from available evidence if the ECOWAS' sensitization campaigns to rid the region of child labour have ever specifically targeted the growing number of urban dwellers and elites and whether such campaigns are aimed at changing their attitude as they constitute a significant segment on the demand side for child labour in the region. There is presently no evidence to show that the elites are sufficiently convinced about the need to end the use of under-aged children as domestic helps; or how they can get the same work done without recourse to child labour. This may be due to the fact that the relevant units lack capacity for effective programming to address task of fighting child labour in the region. A carefully executed baseline study should be able to identify how this group of citizens could be effectively targeted to permanently wean them off the habit of employing children who should be with their parents and in school.

Side by side with such a study/campaign will be another that would identify practical and cost effective socio-economic strategies to support the most vulnerable families and households that may decide to keep their children in school. The absence of

such an important body of knowledge on child labour or for that matter, trafficking in persons, is partly responsible for the slow progress towards the elimination of the twin vices in West Africa. It is believed that the availability of a credible and easily accessible body of reports/studies on critical aspects of child labour could build confidence of all stakeholders in ECOWAS' efforts to rid the region at least, of the worst forms of child labour. At the moment collaboration or programming between the ECOWAS Commission and its development partners tend to be on "one-offish" basis, even when funds are available. The net result of the present dearth in empirically driven policies is that finely crafted Strategies or Plans of Action that are, to borrow a popular phrase from the medical profession, usually "dead on arrival" and un-implementable.

#### **4.5 Training, Re-training and Training the trainers**

Training is an important component of capacity building because it provides an opportunity for knowledge renewal and consolidation. It is therefore a critical aspect of manpower development in any organization or nation, particularly in a world that is characterized by irreversible and breath-taking globalization processes and unprecedented technological revolution. Consequently, new ideas, issues and challenges crop up daily, making it very difficult for institutions in developing regions like West Africa, to cope with such development in their operational environments. Therefore, there is need for the staff of such institutions, or at least a critical mass of them, to be conversant and "at home" with cutting edge ideas that would assist them in understanding developments within and outside their operational milieu to be able to actualize their mandates. This is of critical import especially for an organization like ECOWAS whose members are among the least developed countries of the world, and therefore relies on partnerships with external institutions like ILO or the Organization for International Migration (OIM) to attain some of its major objectives. Significantly, while some senior officers of ECOWAS are not conversant with relatively new and important concepts like the *whole of the government*, the *whole of the organization* or the *whole of the society*, others claim to have only a fairly broad understanding of what they mean in public policy. It came out clearly that they had not been introduced to the concepts formally, by way of training.

It is therefore important to expose the senior officers in the units working on child labour—and those in other departments or divisions in ECOWAS so that they would have competences that would enable them to "go beyond the books" in handling delicate and complex issues such as eliminating child labour in the West African region. Exposing these senior officers to regular training would also mitigate the temptation for them to be "insular" in their thinking, and territorial in their approach to regional challenges like child labour which require collective action, or as a respondent put it, "all hands on deck", if they are to be effectively dealt with. This is imperative, as another respondent put it jocularly; "you cannot transfer to others what you do not have". Put differently, you cannot make effective use of what you do not already have; it is very crucial to have in place a well structured and reliable programme of training and retraining of personnel in the child labour units.

#### 4.6 Training staff to ‘get them to think strategically’

Proponents of capacity building through training to “get staff to think strategically”, say that they are not really interested in proposing a new recruitment drive or adding more personnel to the existing one, although the situation does vary from one Unit to another as indicated earlier. Rather, the core of their argument is that ECOWAS does have sufficient expertise in the different units, divisions or department. What is missing, they say, is their “willingness to work” and deliver on their assignments so that they can move their units, departments or the organization as a whole, in the desired direction. Moreover, every staff in the units must be exposed to training packages include such courses as strategic planning, team building, etc. That way, they would be able to “go beyond the boundary or outside the books” in their work and units, to general benefit of ECOWAS and Member States. In other words, any staff that cannot work outside the “general orders” is an expert that is not worth his/her salt, even if he/she is a P5 officer. The presence of such staff in the units and Commission, then, “is really the problem at ECOWAS at the moment; and that not about the absence of lack of expertise, training or staff shortage.” The implication of this observation is that some senior staff in ECOWAS may in fact be underutilized. They may also not be sufficiently motivated.

However the present state of affairs may not be unconnected with what might be described as a deeply ingrained “institutional culture or fault-line”. The most important aspect is that the ECOWAS budgeting system is done annually, and does not therefore leave any room for long term strategic planning or thinking. For instance, a Principal Programme Officer or any other senior person, no matter how creative, motivated and willing work or ‘think out the book’ he/she may be, is seriously constrained in planning for just 12 months at time. Furthermore, such an officer might have just one programme to execute in a year, after which there is literally nothing much else to do. A respondent captured the scenario eloquently this way:

*Sometimes you have a senior officer, any senior officer that has attended several training courses abroad. However, it may be difficult to establish or justify the capacity needs of such an officer because he/she would not have done much programme implementation work after the training. If an officer has only one programme a year, how can you say that such a person does not have capacity, when he/she has not been sufficiently tested?<sup>170</sup>*

The important implication arising from the logic of the argument presented above is that such a state of affairs could change dramatically if ECOWAS were to have a triennial budget system because the same officer would now be required not only to “think strategically,” creatively, and long term, but would also have several programmes to plan and execute within such a time-line. Accordingly, keeping an officer focused and thinking creatively in the prevailing circumstances at the ECOWAS headquarters, surely goes beyond conventional capacity building that is above all, concerned with increasing the manpower needs of an organization.

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<sup>170</sup> Interviewed on 10 February, 2012

From the above discussion, it is apparent that building the capacity of the relevant units in the ECOWAS Commission to effectively eliminate child labour in its member states and the West African region as a whole, is not as straight forward as one would have imaged from an outsider's perspective. However, the second school of thought presents us with a vicious circle because even the "strategic thinking" being canvassed cannot be done without exposure to new ideas, concepts and methodologies through appropriate training. And even if it is true that some senior officers "do not think strategically" either because they are "not sufficiently motivated" and/or they are not willing to work "outside the books" in a typical bureaucratic setting like that in the ECOWAS Commission, "motivation" per se may not be enough to sufficiently prepare a senior officer to respond effectively or creatively to the myriad and even daunting challenges of an organization like ECOWASs, especially in a developing region like West Africa. For ECOWAS or any organizations in such a setting, training and retraining programmes are indeed, among the most important staff motivating and performance enhancing strategies, and it is indispensable in the short and long term, if ECOWAS is to achieve its set targets and objectives. Exposing senior staff, or for that matter any other category of staff, to emerging methodologies and concepts in public policy and administration could make a lot of difference in the ability of the various units in which they work, to think strategically and proactively, through a reliable regime of training and retraining as an approach to capacity building, especially for personnel in those units dealing with child labour in Member States of ECOWAS.

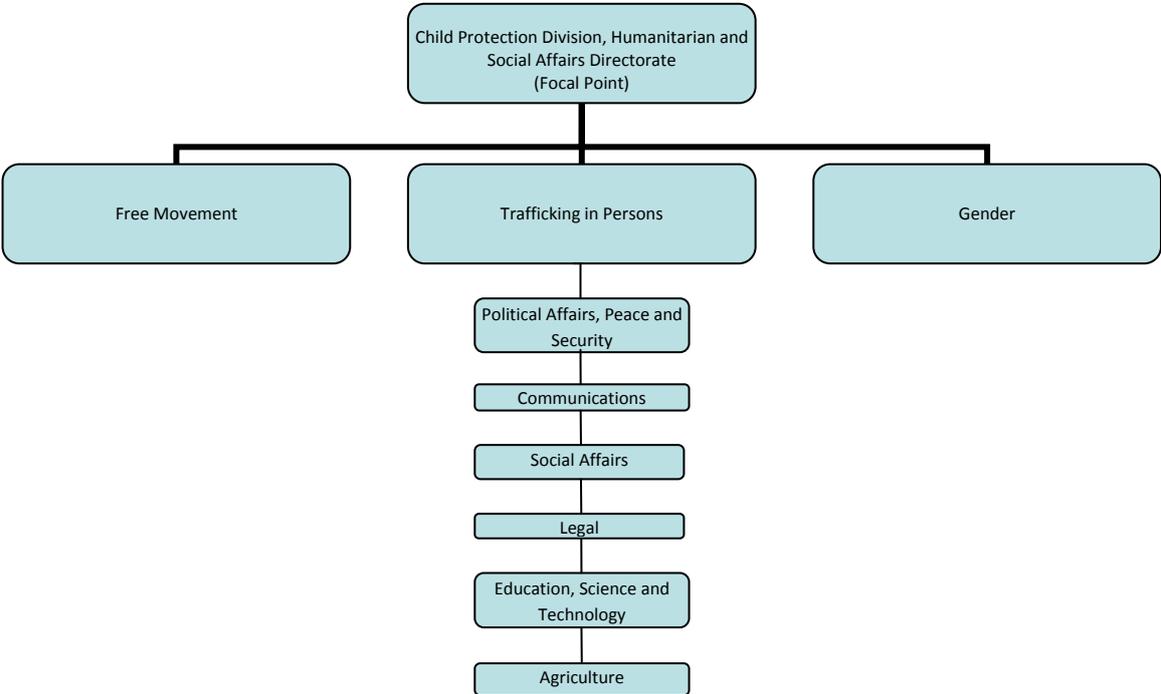
#### **4.7 Funds management and resource mobilization**

One of the surprising findings of the study is that, funding was not highlighted as a pressing capacity enhancement need in the ECOWAS Commission. Capacity building in any guise, i.e. hiring new personnel, training and retraining for those already in the service to renew their knowledge and competence base, buying new equipment, paying the salaries of new staff, etc, all have serious financial/funding implications. The low ranking of funding by some of the respondents may however not be unconnected with the fact that some of the Commission's activities, and those of the units in charge of child labour, are funded by development partners like ILO. Such a situation has advantages and drawbacks though, which we need not go into here. Suffice to say that it is possible that funding for an important activity may not be available as and when it is needed. Again, such funding seems to be on a "one-off" basis sometimes either because a unit is not able to prepare a follow-on action programme on time, or because the partner has to move to other organizations with programmes that are ready for immediate implementation. This situation explains why funds provided for certain activities by units or ECOWAS remain dormant for months if not years at the Commission, a development that may give the impression that the capacity to access and utilize the funds is lacking. However, the overwhelming impression created by the respondents is that funding the anti-child labour campaigns and related activities are not considered as a serious challenge, because child labour is of concern to some key development partners, and will continue to be so as it is also perceived as a human rights issue. In that regard, the major funding limitation is the ability of the units to identify viable projects for funding by development partners.

**4.8 Modern ICT facilities for the anti- child labour campaign Units**

Aside from funding, some respondents requested for the replacement of some office equipment and provision of office furniture. One vital area of need that was left out is fast, reliable Internet access. It is interesting to note that senior officials in the various units do not use or seem not to have official intranet and email addresses, using instead popular email facilities provided by Yahoo, Google (*Gmail*) and other such free email services. An effective anti-child labour campaign would require, and should be provided with state of the art information and communications technology, ICT, facilities at the ECOWAS via an independent and exclusive portal address. Such a facility will enhance bonding among the relevant units that are working on child labour in the Commission, especially after a formal Organogram would have been adopted. This would require employing a webmaster that will manage the site to enhance its accessibility and role as a forum for the exchange of ideas both by officials in ECOWAS, as well as the citizens in the region. The portal or site could also be used as a national, regional and global platform to literally “advertise” or “sell” the agenda, programmes and policies of the Units to the Members States, citizens or for that matter, the rest of the international community. Feed-backs received from experts and concerned citizens, if used effectively, could be an invaluable source of ideas and data that could significantly promote the campaign to rid the region of child labour, especially its worst forms.

**Figure 1: Proposed Organogram of Relevant Units in the Fight against Child Labour in the ECOWAS Commission**



**4.8.1 Justification for the Organogram**

There is some cooperation among the relevant units are directly or indirectly in charge of child labour in ECOWAS. There is however no formalised way of relating with one another in a way that is cohesive. That is to be expected, because ECOWAS does not

presently have what can be called ‘hard controls’ on child labour. Rather, what exists is a “loose-knit task force” on child labour, which is not the most efficient way of dealing with the problem. To be sure, there are Units that are involved in one way or the other in combating child labour in the region; i.e. Free movement, child programme in the Gender Directorate, Child Protection, Trafficking in Persons in the Humanitarian and Social Affairs Directorate, etc. Some, if not all, of these Units were involved in drafting the Regional Plan on Child Labour, but it was on an ad hoc basis. In fact, some of them do not presently know the status of the Regional Plan of Action because they have moved on to other issues in their Units since then. In other words, there presently no ‘official’ or ‘formal’ Organogram complete with a Focal Point that coordinates those Units. This rather informal working arrangement is what the study tried to correct.

Thus, in identifying the Divisions or Units for inclusion in the proposed Organogram, I was guided mainly by the fact that while child labour is a cross cutting issue, some Units are more directly involved than others. For example, while the Child Programme in the Gender Directorate is important, it is much more about mainstreaming child issues in ECOWAS, about Policy, and not Child Protection directly or pointedly as it is caser with Child Protection Unit which is tasked with child labour and trafficking in persons, among its other responsibilities. Also, if child labour is to be effectively eliminated in the West African region, “all hands must be on deck”; that is; all the relevant divisions or units within and outside the Humanitarian and Social Affairs Directorate in the ECOWAS Commission must be involved in the fight. This suggestion is in line with relatively new but important concepts like the “the Whole of the Organization”, the “Whole of Government” and the “Whole of Society” approaches to public policy, which have been found to be most useful for organizations, governments or any entities that are goal oriented, and for better service delivery to stakeholders. Even so the suggested Organogram is by no means sacrosanct, especially if the argument is advanced that what ECOWAS realistically and urgent needs in most ideal situation, is an independent and ‘robust Child Programme’ or a Child Directorate. However I also realised that such a Directorate is not feasible presently, thus the Organogram represents only the ‘minimum ideal’ situation. It could therefore be expanded as and when necessary, to accommodate other elements in the future. It is however expected that if approved, the Organogram could impact directly and indirectly impact on the final Regional Plan of Action on Child Labour which, when adopted, would provide ECOWAS and Member States a clear road map in the fight against child labour in the region. The sections below further provide justifications for the Organogram.

### ***Child Protection Unit (Division)***

This presently handles all child protection issues including trafficking in persons and child labour. Unlike the Child Programme which is much more policy oriented, the Child Protection Unit (now to be called Child Protection Division in the Humanitarian and Social Affairs Directorate) is much more concerned with operational issues like trafficking in persons, child labour, etc. Its selection is also informed by the fact that child labour is a Child Protection issue is much narrower than rather than the “Child” whose mandate is much broader. Accordingly, it is proposed as the ***Focal Point*** and it should remain in the Directorate of Humanitarian and Social Affairs. The Unit, more than any other was/is more directly and actively involved in drafting the Regional Plan on Child Labour which is yet to be approved by the relevant ECOWAS bodies.

### ***Trafficking in Persons Unit***

This Unit owes its origin to a 2004 study undertaken by the present consultant when he was engaged by ECOWAS to conduct a study on human trafficking in the West African region. Its terms of reference included, among others; the “Establishment and equipping of a Coordination Unit within the Legal Affairs Department in the (then) Executive Secretariat of ECOWAS”. The study also established the manifestations and extent of human trafficking as it was then called; the causal factors, and what those States studied had in place to tackle the problem. One of the important findings was that many of the trafficked children ended up as child labourers in either their States or in other ECOWAS Member States. Finally, ECOWAS and some Member States like Nigeria, have for nearly a decade now, put in a lot of efforts in tackling trafficking in persons, and indirectly child labour. This is reflected in several important documents made available to the consultant, and which were reviewed extensively in Section 2 of the study. The National Agency for the Prevention of Trafficking in Persons, NAPTIP, in Nigeria, is not only the oldest organization of its kind; it has also been involved in a vibrant campaign to rid the region of the obnoxious trade. Finally, the literature reviewed acknowledged that trafficking in persons constitutes one major factor on the supply side of child labour in the region.

### ***Free Movement Unit***

The Free Movement Unit is named after the 1979 ECOWAS Protocol, which was expected to drive the integration process by literally making the region “borderless” through the abolition of visas for all ECOWAS citizens within the region. No doubt the Protocol has made movement between Member States relatively much easier than would have been the case if there were visas requirements. It has also however been established that many of the children that end up working as child labourers in households or in cocoa farms in the region, were moved illegally or otherwise across national or international borders by traffickers or relatives, taking advantage of West Africa’s poorly delineated and notoriously porous borders and lax security. Since there is an link between trafficking in persons and prevalence child labour in the region, curbing child labour effectively would require a formal working partnership and coordination between this Unit and the Child Protection Division, thus the rationale for including it in the Organogram.

### ***Gender Directorate***

This Director which also houses the Child Programme could equally act as the focal point in the fight against child labour, especially if the Child Programme is upgraded to a Child Division within it. Apart from that gender, like child labour, is a cross cutting issue. The girl child is the most vulnerable among child labourers, as some end up working not only as house maids or house kelps, but also in the sex trade/industry either locally, in neighbouring ECOWAS countries or abroad, especially in Europe. It has also been established girls are often sexually abused by their masters, their children, relatives or friends, with all the serious health implications in an era of HIV/AIDS and other sexually transmitted diseases.

## ***Political Affairs, Peace and Security (PAPS)***

This Unit, like the others, must be part of the team that is working to eliminate child labour in the region. The reason, among others, is that the civil wars in Liberia, Sierra Leone and Cote d'Ivoire demonstrated very clearly how children can now be used, unlike in the past, during hostilities between governments and groups of citizens that are aggrieved and wish to bring about regime change. Children, some as young as five years, were recruited by the rebel militias—and even governments—to fight on their sides. Some of the most objectionable atrocities like crude amputation of limbs and cannibalism, committed during the civil wars in both Liberia and Sierra Leone were by “baby soldiers” or child soldiers<sup>171</sup>. Some of these child soldiers later got involved in the Ivorian conflict and in other conflict zones as a survival strategy. There are of course, International Conventions on the rights of the child, including that of ECOWAS, which forbid the use of children in conflict. Children’s participation in conflicts like the civil wars in the region, whether voluntary or forced, is among the worst forms of child labour anywhere in the world. Since PAPS is involved in preventing children from participating in conflict, another form of child labour, it is important to involve this section of ECOWAS in the proposed Organogram.

## ***The Legal Department***

The “war” against child labour in West Africa has several legal implications whose details need not delay us here. An example will suffice. ECOWAS has adopted several protocols and plans of Actions on critical issues such as trafficking in persons, the Youth, Employment, Free Movement, and it is presently working on child labour Regional Plan of Action. The legal implications of some of these conventions for both ECOWAS and member States in terms of compliance or non-compliance are important for an organization that so far lacks binding powers. Consequently, there is constant need to balance the needs of the Organization and the sensibilities of member States especially concerns over encroachment on state sovereignty, which is still a sensitive issues in the region. It is the work of the Legal Department not only to draft legal instruments but also to advise the Organisation, Departments/Units, and even Member States on the legality of their actions.

## ***Communications***

The Communications Department at the ECOWAS Commission will be a very important component in the anti-child labour campaign. It could play a critical role in awareness creation on issues of child labour not only in Member States, the entire region but also in the wider global community. Its inclusion in the Organogram would enhance synergy among the relevant arms charged with the campaign to eliminate child labour in the region and provide a holistic approach to child labour issues.

## ***Social Affairs***

This Unit is important in the fight against child labour because children that have been rescued either from child labour from traffickers must be protected and provided for in

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<sup>171</sup> For details on this rather unique phenomenon see Amadu Sesay, *Fighting Bush Fires: ECOWAS and Peacemaking in West Africa*, Book commissioned by the ECOWAS Commission to chronicle its efforts in the peacekeeping operations in Liberia, Sierra Leone and Guinea Bissau. ECOWAS, forthcoming.

the interim while efforts are being made to re-unite them with their families. It is therefore an important arm in the overall campaign against child labour in the ECOWAS Commission.

### ***Education, Culture, Science and Technology Unit/Division***

Child labour is also an education issue, and the literature has clearly established the linkage. The risk of working as a child labourer is much higher among children out of school than those in school. Studies carried out by ILO and its partner agencies have recognized that increasing household incomes or empowering families economically increases the chances of their children staying much longer in school and lowering the chances of their leaving home in search of work to augment family incomes. (See Section 2 of the study). In other words, children whose parents are able to keep them in school are also less likely to be trafficked and/or engaged in child labour. Besides that, educating parents on the evils of child labour especially its worst forms, as well as the risks of children being trafficked, will make positive contribution to the anti-child labour campaign in the region. The work of this Unit will therefore complement the efforts of the Child Protection Unit/Division in that regard.

### ***Agricultural Unit***

The importance of agriculture to national development in West Africa cannot be overestimated. Most of the citizens in the region live on subsistence farming, which has two implications for child labour. First, household earnings from subsistence agriculture are notoriously insufficient to sustain farming house who also invariable have large families, which compels them to either encourage or turn the other way when children leave home to work as child labourers to augment their incomes. Second, as the literature has revealed, some children engaged in the worst forms of child labour are in the agricultural sectors such as cocoa farms in the region. Including agriculture will enhance the holistic approach to the child labour problem in the region.

It is clear from the composition of the Organogram represents a formal, holistic/inclusive approach to the elimination of child labour, and it borrowed heavily from the concepts of “whole of government”, “whole of society” or “whole of the organization” which are discussed in detail in Section 3 of the Report.

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## Annex 1: Interview Protocol

Dear Sir/Madam,

I am commissioned by ILO to carry out a study on building the capacity of the relevant units in the Humanitarian and Social Affairs Directorate of the ECOWAS Commission working on the elimination of child labour in our region. I would be very grateful if you could spare some time to kindly go through the attached questions at your convenience. My hope is that I should be able to interact with you in person at the Commission in the New Year, but where that is not possible, I hope you will kindly oblige a phone interview.

Thank you.

Professor Amadu Sesay,  
Department of International Relations, Ile-Ife,  
and Nigerian Institute of International Affairs,  
Victoria Island, Lagos.

## Appendix 2: Interview questions for relevant officials in the Humanitarian and Social Affairs Directorate of ECOWAS

1. What is your assessment of the plight of the child and child labour situation in West Africa?
2. What are the major factors responsible for the present state of the child and child labour in ECOWAS countries?
3. What have member states of ECOWAS done so far to address the state of the child and the scourge of child labour at the national level, if any?
4. What has ECOWAS done at the institutional and operational levels in response to the problem of child labour in the region?
5. What is your assessment of this endeavour to date?
6. What do you think are the major institutional and operations challenges militating against the elimination of child labour in the region by ECOWAS?
7. What are the main functions of your Unit in the ECOWAS Commission?
8. How relevant is your Unit to the ECOWAS goal of eliminating child labour in the region?
9. Would you consider your knowledge about child labour adequate?
10. Do you consider your grasp of the concepts of child labour and social protection, and the linkages between the two adequate for ECOWAS to effectively tackle the challenges of child labour in West Africa?
11. What are your views on why child labour is harmful and how would you present these to policy makers and political authorities in the region?
12. Are you familiar with the “whole of government” and “whole of society” and “whole of the organization” approach in public policy?
13. What do these concepts mean to you in terms of combating child labour?
14. What are the major challenges facing your Unit in the fight against child labour in ECOWAS Member Countries?
15. In what ways do you think that the capacity of your Unit can be enhanced to make it more effective in meeting ECOWAS’ goal of eliminating child labour in the region?
16. How would you describe the level of cooperation/interaction and synergy among the divisions in the T.I.P Unit with regard to the elimination of child labour in the region?

- 17.** How can a synergy be created and enhanced among all the relevant units to make the task of eliminating child labour in the region more effective?
- 18.** Can you suggest an appropriate Organogram of the units involved in the fight against child labour in ECOWAS for performance enhancement?
- 19.** What do you think should be the role and level of involvement of international development partners in yours Units' and ECOWAS' quest to eliminate the menace of child labour in West Africa?
- 20.** Do you have any other suggestions that could make eliminating child labour in the region more proactive and effective from the perspective of your Unit?