

November 30, 2009

The Honorable Hilda L. Solis
Secretary
United States Department of Labor
200 Constitution Avenue, NW
Washington, DC 20210

Attention: Charity Castro/Rachel Rigby
Bureau of International Labor Affairs
Room S-5317

RE: TVPRA & EO Lists

Dear Madame Secretary:

The Corporate Council on Africa (CCA) is a Washington, D.C.-based non-partisan, nonprofit association of approximately 160 companies that represent about 85 percent of total U.S. private sector investments in Africa. CCA is at the forefront of strengthening and facilitating the commercial relationship between the United States and the nations of Africa.

We work closely with the U.S. government and African governments, multilateral groups and businesses to improve the African continent's trade and investment climate, and to raise the profile of Africa in the U.S. business community. We believe that Africa's future success depends upon the ability of its entrepreneurs and business people to create and retain wealth through private enterprise.

With this mission in mind, I am writing to share with you CCA's observations about two lists recently published by the Department of Labor, one of which was pursuant to the Trafficking Victims Protection Reauthorization Act of 2005 (TVPRA), and the second of which was pursuant to Executive Order (EO) 13126. These lists collectively contain the names of no fewer than 17 African countries, including some of Africa's leading producers of cocoa, cotton, other key agricultural products, precious metals and minerals. Several CCA members are involved in these sectors and in the countries listed on the TVPRA and EO lists.

While it is impossible for CCA to know immediately all of the details behind each country listed, we are concerned about the extent to which the Department of Labor worked with countries in assembling these lists. Based on conversations with some African governments, we believe that,

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in the spirit of international cooperation and partnership building between the United States and the nations of Africa, additional effort could have been made by the Department of Labor to consult with African governments about the lists and to gather more information on efforts already underway to address issues of child labor and forced labor.

Specifically, regarding the cocoa industry in West Africa, we are aware of considerable effort on the part of governments and the private sector to improve labor practices in communities where cocoa forms the backbone of local economies. These initiatives include training of local law enforcement authorities; the establishment of certification systems; improvements in education systems for young people; and the ratification of certain relevant laws and international conventions by African national governments. These efforts, including others that have been initiated by the Department of Labor, appear to have been ignored or, at least, downplayed significantly in the preparation of the TVPRA and EO lists.

CCA requests that the Department of Labor consider the impact that these lists will have on the fragile, developing economies of Africa, including the negative impact that such lists might have on decisions made by consumers and investors alike. Surely the underlying principle of the TVPRA and EO lists, namely concern for the welfare of the people of Africa, cannot truly be served if these lists' legacy is the further impoverishment of the world's poorest continent. CCA asks that the Department of Labor work with other U.S. government agencies to identify ways to mitigate the negative impact that these lists will have on Africa's economies and its people.

In accordance with Section 105 (b) (1) (E) of the TVPRA, we also request that the Department of Labor announce specific plans to work with African governments and business leaders to provide capacity building activities that will reinforce efforts already underway to reduce any instances of child/forced labor.

While we fully support the intentions of these lists to raise awareness about child and forced labor around the world, we underscore here the fact that most African governments are willing to work with the U.S. government to address shortcomings in this area. Indeed, nearly all African countries desire a closer relationship with the U.S. government and with the U.S. private sector. We hope that the goodwill demonstrated by our friends in Africa will be reciprocated, both in word and deed, by the U.S. government as you move forward in this process.

I look forward to your reply.

Sincerely yours,



Stephen Hayes
President & CEO

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cc:

The Honorable Hillary Rodham Clinton, United States Secretary of State
The Honorable Tom Vilsack, United States Secretary of Agriculture
The Honorable Michelle Gavin, National Security Council Senior Director for African Affairs
His Excellency Roble Olhaye, Dean of the African Diplomatic Corps in Washington, D.C.
Her Excellency Amina S. Ali, African Union Ambassador to the United States