

Louvain School of Management

Banana and rights: An Inquiry into Human Rights Practices in the Latin American Banana Industry

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Foreword

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Table of acronyms

Afi	Accountability Framework initiative
BMZ	German Federal Ministry for Economic Cooperation and Development
CFSP	Common Foreign and Security Policy
CFS-RAI	The Principles for Responsible Investment in Agriculture and Food Systems
COLSIBA	Coordinating Body of Latin American Banana and Agro-industrial Unions
EU	European Union
EUROBAN	European Banana Action Network
ETI	Ethical Trading Initiative
FAO	The Food and Agriculture Organisation
GIZ	German Agency for International Cooperation
GSP	Generalized System of preferences
ILO	International Labour Organisation
IUF	International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco, and Allied Workers' Associations
MNE	Multinational enterprise
MTA	Multiparty Trade Agreement
NGO	Non-governmental Organisation
OECD	Organisation for Economic Co-operation and Development
RBC	Responsible Business Conduct
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNGPs	United Nations Guiding Principles for Business and Human Rights
UNIDO	United Nations Industrial Development Organisation
WBCSD	World Business Council for Sustainable Development

I. Introduction

For this introduction, we have decided to follow Didier Roche's model in his book *Rédiger et soutenir un mémoire avec succès* (2007). He divided the introduction into five distinct parts: the hook, the object of the study, the interest of the study, the announcement of the problematic and the announcement of the plan of our thesis (Roche, 2007).

1.1 The hook

Did you know that more than 100 billion bananas are consumed each year in the world which makes banana one of the most consumed fruits worldwide? In 2021, it was the most produced fruit globally¹, yet its production leads to huge human rights abuses. Banana plantations are owned and managed by big multinationals that focus on productivity and cost reduction and not necessarily on the social aspect of their business. According to TrendEconomy, in 2021, the biggest exporters in the world were Ecuador (28% of the world exports), Costa Rica (9.1% of the world exports), the Philippines (8.68% of the world exports), Colombia (8.21% of the world exports), and Guatemala (7.51% of the world exports) (TrendEconomy, 2023). The main common point among those producer countries is the poor performance on the implementation of labour laws. In recent years, many issues have been raised within the banana producing multinationals in relation to human rights. The latter claim to be acting in favour of their workers' protection, but several NGOs and trade unions claim the opposite. In 2002, the Tainted Harvest report from Human Rights Watch was one of the first to highlight this problem.

In its investigation, Human Rights Watch found that Ecuadorian children as young as eight worked on banana plantations in hazardous conditions, while adult workers feared being fired if they tried to exercise their right to organise. Ecuador is the world's largest banana exporter and the source of roughly one-quarter of all bananas on the tables of U.S. and European consumers. Banana-exporting corporations such as Ecuadorian-owned Noboa and Favorita, as well as Chiquita, Del Monte, and Dole fail to use their financial influence to insist that their supplier plantations respect workers' rights, the report found. Dole leads the pack of foreign multinationals in sourcing from Ecuador, obtaining nearly one-third of all its bananas from the country (Pier, 2002).

¹ Appendix 1

1.2 Purpose of the thesis

In this thesis, we decided to take a closer look at the respect of human rights in Latin American banana production chains. The aim of this thesis is to see whether progress has been made in recent years in respecting human rights, what violations of these rights still exist today, and what the role of companies and citizens is.

1.3 Interest of the thesis

The aim of this thesis is to find out whether human rights are respected in banana production. We have paid particular attention to multinationals such as Chiquita, Dole, Del Monte and Fyffes. Indeed, when we look at their declarations, they all state that they pay attention to their workers, that they are all treated equally, with fair wages, whereas we find other declarations from NGOs, for example, that state the opposite. We wanted to get a grip on reality and see to what extent the statements made by multinationals or NGOs were in line with what was really happening in the banana industry, and to find out why the statements made by these two players were at odds with each other. As well as finding out whether human rights were respected in banana production, we also looked at the recommendations made by various stakeholders in the banana industry to improve workers' conditions.

1.4 Problem statement

- What's the state of human rights in banana plantations in Latin America?
- What are the main human rights abuses?
- What is the role of companies, consumers and governments in this matter?
- How effective are certifications? What are the problems related to certifications?
- How important is the role of trade unions in tackling this issue?
- When we buy a product bearing this label, can we be sure that the workers are receiving a fair wage?
- Can we, as consumers, trust what the big multinationals say about human rights?

1.5 Announcement of the plan

The current thesis is divided into 7 sections, each dealing with a specific topic. The first chapter is the introduction, where the research questions and objectives of the study are outlined. We also describe the subject and the interest of our study. The second chapter deals with the theoretical basis of our study, providing a theoretical framework on the banana

industry and human rights through the literature review. The third chapter describes the methodological research we followed to carry out this study, with information about the people we were able to interview. The fourth section, thematic analysis and discussions presents the results of the interviews we conducted with stakeholders in the banana industry concerning human rights. The fifth chapter covers our conclusions and recommendations. Finally, the sixth and seventh chapters respectively cover the bibliography and appendices.

II. Literature Review

2.1 Human rights: introduction of the problem

In 1928, workers from the company United Fruit Company, known today as Chiquita, made the decision to go on strike in Colombia. This strike aimed to demand for a 6-day work week, 8 hours work day, salary with money rather than company scripts, compensation for work accidents, a written contract to be recognized as employees. United Fruit Company asked for help from the Colombian and U.S governments. Preoccupied with the potential economic effects, the Colombian government decided to send Colombian soldiers. These soldiers shot at the workers. More than 1000 workers lost their lives during this strike (Oralkan, n.d.). A little over a century later, the fight to protect workers from human rights abuses is not over. Latin America is identified by oppositions between very modern domestic human rights frameworks and growing degrees of social inequality and poverty (Rivera et al., 2022).

The biggest problem of the banana industry for human rights is the use of agrochemicals. The agrochemical consumption for the banana industry is one of the biggest in the world. The World Health Organization categorizes several chemicals used for the banana industry as hazardous (Banana Link, n.d.).

In December 1948, in Paris, the United Nations General Assembly adopted the Universal Declaration of Human Rights (UDHR) as the general standard of accomplishment for all peoples and nations. This Declaration was the first official instrument to present fundamental human rights. (United Nations, n.d.). The UDHR was written by representatives with diverse legal and cultural backgrounds from all areas of the world. Fundamental human rights are presented for the first time and have been translated into over 500 languages. (United Nations, n.d.).

Human Rights are defined by the United Nations (UN) as “rights inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion, or any other status. Human rights include the right to life and liberty, freedom from slavery and torture, freedom of opinion and expression, the right to work and education, and many more. Everyone is entitled to these rights, without discrimination” (United Nations, 2022).

The 23th article of the UDHR states that “everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment. Everyone, without any discrimination, has the right to equal pay for equal work. Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection. Everyone has the right to form and to join trade unions for the protection of his interests” (United Nations, n.d.)

2.2 International Frameworks (UN Guiding Principles for Business and Human Rights, OECD Guidelines, and UN Global Impact), guidelines and tools to ensure respect for human rights in the supply chains

2.2.1 UN Guiding Principles for Business and Human Rights

The U.N Guiding Principles for Business and Human Rights (UNGPs) were endorsed by the Human Rights Council in its resolution 17/4 of 16 June 2011 (Office of the High Commissioner Human Rights United Nations, s.d.). Despite the fact that these Principles are not binding international law, these principles were translated into several languages in international documents, as well as local legislations, but they lay out useful guidance to companies regarding how they can mitigate risk related to human rights and will possibly influence national law and policies (Foley Hoag LLP, 2011).

These Principles are divided into three pillars; the state duty to protect human rights, the corporate responsibility to respect human rights and the access to remedy for victims of human rights abuses (Office of the High Commissioner Human Rights United Nations, s.d.). The first pillar concerns the duty of the States to protect all players in society against Human Rights abuses. The second pillar explains the expectations from business enterprises concerning Human Rights. The corporate Responsibility to Respect details the process to detect the company's negative impacts. The third pillar is to provide access to an effective remedy when a right is violated. (Office of the United Nations High Commissioner for Human Rights, n.d.).

2.2.2 OECD Guidelines

The OECD Guidelines for Multinational Enterprises (OECD Guidelines) which are, according to the OECD, the most comprehensive international standard on Responsible

Business Conduct (RBC). The OECD states: The OECD Guidelines reflect the expectation from governments to businesses on how to act responsibly. They cover all key areas of business responsibility, including human rights, labour rights, environment, bribery, consumer interests, as well as information disclosure, science and technology, competition, and taxation (OECD, 2011). These updated Guidelines and the related Decision were adopted by the 42 adhering governments on 25 May 2011 at the OECD's 50th Anniversary Ministerial Meeting (OECD, 2011).

Moreover, due diligence guidance for RBC, the OECD provides practical support to enterprises on the implementation of the OECD Guidelines for Multinational Enterprises. Indeed, it provides plain language explanations of its due diligence recommendations and associated provisions (OECD, 2018).

The OECD-FAO Guidance for Responsible Agricultural Supply Chains is FAO's (Food and Agriculture Organization) main framework regarding supply chains, due diligence and development in the agricultural sector. This tool was designed in 2016 to help companies and governments manage risks in agricultural supply chains. This guidance is intended for companies upstream and downstream in the agricultural supply chain by establishing RBC and development from farm to consumer. This framework incorporates several key areas in the agricultural sector such as: food security and nutrition, human and labour rights, child labour, gender, climate change and natural resource depletion, governance, animal welfare, and many others. The framework includes accepted standards for RBC like the OECD Guidelines for Multinational Enterprises, the UNGPs, and the UN Committee on World Food Security's Principles for Responsible Investment in Agriculture and Food Systems (CFS-RAI). The Guidance has also established a 5-step due diligence process to help companies implement it (OECD & Food and Agriculture Organization of the United Nations, 2016).

Women are discriminated against and have some of their basic rights taken away in Latin American fruit supply chains and in other parts of the world as well. According to FAO: Much of women's work can be characterised as unrecognised and vulnerable (OECD-FAO, 2021). The OECD-FAO Guidance for Responsible Agricultural Supply Chains therefore established a set of recommendations to address gender sensitive due diligence and risks specific to women. According to OECD and FAO, agricultural companies should promote

gender equality, improve the status of women in the sector which will contribute to the fifth Sustainable Development Goals that aims at achieving gender equality (OECD-FAO, 2021).

2.2.3 UN Global Compact

The UN Global Compact is a voluntary and non-binding pact amongst businesses to encourage the adoption of sustainable and socially responsible policies and to report on their implementation (Petruzzi McHale et al., 2021). Currently, more than 12,000 companies operating in various sectors and from 160 developed and developing countries are involved in this initiative. In the sector of Food Producers, 685 companies are listed (United Nations Global Impact, 2023).

2.2.4 The ILO (International Labour Organisation)

The ILO Declaration on Fundamental Principles and Rights at Work is a key document regarding human rights in supply chains and was adopted in 1998. As the ILO states: the Declaration commits Member States to respect and promote principles and rights in four categories, whether or not they have ratified the relevant Conventions. These categories are: freedom of association and the effective recognition of the right to collective bargaining, the elimination of forced or compulsory labour, the abolition of child labour and the elimination of discrimination in respect of employment and occupation (ILO, s.d.). The Declaration emphasises that these rights are universal (ILO, s.d.).

The tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration) is an ILO tool, which gives a direct recommendation to companies on Social Policy and comprehensive, accountable and sustainable workplace practices (ILO, 2017). Guy Ryder, ILO Director-General emphasises: “The MNE Declaration provides clear guidance on how enterprises can contribute through their operations worldwide to the realisation of decent work. Its recommendations rooted in international labour standards reflect good practices for all enterprises but also highlight the role of government in stimulating good corporate behaviour as well as the crucial role of social dialogue” (ILO, s.d.).

2.2.5 Scheme and Training Manual on Good Agricultural Practices for fruits and Vegetables

In 2016, FAO also developed a Scheme and Training Manual on Good Agricultural Practices (GAP) for Fruits and Vegetables. This tool encourages and supports countries to set up an infrastructure in terms of standards, certification processes and accreditation systems in line with international standards and practices to facilitate regional and global trade (FAO, 2016).

2.2.6 Ethical Trading Initiative Human Rights Due Diligence Framework

The new ETI's (Ethical Trading Initiative) Human Rights Due Diligence Framework was published in June 2016. ETI states in this framework that this is: "a guide for companies to help them prevent and manage labour rights risks, and understand why engagement, negotiation and collaboration is the only way to succeed." "This tool will help companies to meet their corporate responsibilities to respect human rights in the labour rights context, and report against these obligations. It sets out the critical elements of human rights due diligence and how they relate to one another. It will help companies understand what information is needed to make the right kinds of decisions, who to engage and why" (ETI, s.d.).

2.2.7 Guidance on due diligence for EU businesses to address the risk of forced labour in their operations and supply chains

On 13 July 2021, the Commission and the European External Action Service (EEAS) published the Guidance on due diligence for EU business to address the risk of forced labour in their operations and supply chains. The Guidance gives companies the capacity to eradicate forced labour from their value chain by providing practical and concrete advice on how to identify, prevent, mitigate and address risks. On its website, the European Commission highlights that the EU actively promotes the effective implementation of international standards on responsible business conduct. However, this guidance only addresses forced labour and does not address other human rights in the supply chains. Guidances are legally non-binding but aim at ensuring uniformity in the application of the regulations (European Commission, 2021).

2.2.8 Corporate Sustainability Due Diligence Directive (CS3D)

On 23 February 2022, a proposal for a Directive on Corporate Sustainability Due Diligence was adopted by the Commission. The purpose of this proposal is to encourage companies to adopt more sustainable and responsible corporate behaviour and to secure human rights and environmental protection (European Commission, 2022). The benefits of this Directive are multiple; it gives citizens a better defence of their human rights, a more sustainable environment, more trust in businesses, avoiding informed choices by increasing transparency and improving the accessibility to justice for victims. For companies, this Directive allows a coordinated legal framework in the EU, a better client trust and employees' dedication, a higher consciousness of companies concerning their negative environmental and human rights effects, a greater risk management, a better consideration for innovation and facilitating access to finance. Concerning developing countries, this proposal offers a higher defence of human rights and the environment, a better stakeholder consciousness on critical sustainability matters, a maintainable investment, a better durability-related procedures, an intensified adoption of international standards, a better living standards for people.

This Directive determines a corporate due diligence duty for companies and their directors. The key principles of this Due Diligence proposal are determining, stopping, avoiding, alleviating and recording negative human rights and environmental effects in the company's activities, their ancillaries and their value chains. This proposal also establishes responsibilities for the directors of the EU companies covered. These responsibilities are establishing and supervising the execution of the due diligence procedures and incorporating due diligence into the corporate policy (European Commission, 2022). This directive has finally been adopted by the European Parliament on 1 June 2023 and it is expected that the directive will be adopted by the EU in 2024 (PricewaterhouseCoopers, s.d.).

2.2.9 Corporate Sustainability Reporting Directive (CSRD)

This directive entered into force on 5 January 2023 (European Commission, s.d.). The Directive on Corporate Sustainability Reporting is often confused with the Directive on Corporate Sustainability Due Diligence that we just presented. However, the CSRD and CS3D directives are quite different. In brief, the main goal of CSRD is to improve ESG reporting

while CS3D wants companies to take responsibility for their impacts on people and the environment (Mohin, 2023).

2.2.10 Actors of the Civil Society (Oxfam, Afi and GIZ)

International organisations such as the UN, the OECD and ILO are not the only ones to take initiatives regarding the respect of human rights in production chains. Other actors, such as Oxfam or GIZ (German Agency for International Cooperation) operating on a smaller scale, are taking initiatives as well. We decided to choose these actors of the society because Oxfam has implemented many initiatives concerning the working conditions related to the production of bananas. The Afi (Accountability Framework initiative) is also an interesting tool because it gives concrete answers on how companies should act regarding their commitments. Finally, GIZ is a tool that has proven to have results on cocoa.

In 2018 Oxfam launched its international Behind the Barcodes campaign. The purpose of this campaign was to assess the policies and practices of some of the largest supermarkets in Europe and in the United States in the way they treat and employ workers and producers in their supply chains. Every year since the launch of the campaign, Oxfam has published reports on the scores of these large supermarkets. In 2018, Oxfam reports that they all scored poorly and states, for example, that supermarkets are getting a larger share of the price paid by consumers, sometimes as much as 50%, while workers and food producers are seeing their share of the profit shrink, sometimes being less than 5%. In addition, workers and peasants live in poverty while the eight largest publicly traded supermarket chains reached nearly \$1 trillion in sales in 2016, with \$22 billion in profit and \$15 billion going to shareholders (Oxfam, 2018). In its last report published in 2022, Oxfam states that: since the 2018 launch of Oxfam's international Behind the Barcodes campaign, most supermarkets have started to take human rights in their global food supply chains seriously (Vollaard, 2022) and that the four Scorecards published since launch, covering 2018, 2019, 2020 and 2022, reveal an overall pattern that most companies have taken significant steps to improve working conditions of the women and men who produce our food (Vollaard, 2022). Thanks to the reports which evaluate these large supermarkets each year, we can observe that companies are taking initiatives to adopt more responsible behaviours in their production chains. Indeed, all supermarkets except PLUS have taken explicit measures to uphold the UN Guiding Principles on Business and Human Rights (UNGPs) and report against them while only three supermarkets were doing so four years ago.

However, as Oxfam also states in its latest report, change is still needed because labour rights violations are still a reality and the COVID-19 pandemic has worsened inequality in global food supply chains, especially for women (Vollaard, 2022).

The AFi is a resource that developed two interesting frameworks regarding respect for human rights and due diligence in supply chains. The AFi was launched in 2016 with the creation of a founding coalition composed of Rainforest Alliance and dozens of other NGOs and environmental and social experts. In 2020, the AFi expanded its partnership. AFi's current goal is to help users applying the Framework to help improve implementation on the ground, better manage complex supply chains, strengthen accountability, and align efforts across different actors and contexts (Accountability Framework, s.d.).

The first AFi's framework we are interested in is the Respect for Human Rights framework. The topical summary of this framework is a very clear and synthetic summary that can be read in 8 minutes. This document emphasises the importance of respecting the human rights of workers in the production chain like most international frameworks. However, it differs from most of the frameworks we discussed before as it also stresses the importance of respecting the human rights of indigenous people. The framework also provides a clear list of what rights companies should include in their human rights commitments. This framework is therefore a very intuitive and easy to use tool for companies who wish to perform due diligence without dedicating too many resources to it. It is also a good checklist for companies wishing to assess where they stand on human rights commitments (Accountability Framework, s.d.).

The second framework developed by the AFi is the Supply chain due diligence Framework. This framework is a reference for implementing environmental and human rights due diligence processes in the supply chains. Its aim is to help companies meet market and stakeholder expectations regarding due diligence in their supply chains (Accountability Framework, s.d.). The topical summary of this framework provides also a very intuitive tool regarding this matter and can be read in 10 minutes.

GIZ is a German limited liability company providing services in the field of international cooperation for sustainable development and international education work. This company has more than 50 years experience in various fields including economic development. GIZ provides expertise and services to actors such as the German Government, European Union institutions, the UN, the private sector, and governments of other countries. GIZ describes itself as follows; The commissioning parties and cooperation partners all place their

trust in GIZ, and we work with them to generate ideas for political, social and economic change, to develop these into concrete plans and to implement them. Since we are a public-benefit federal enterprise, German and European values are central to our work. Together with our partners in national governments worldwide and cooperation partners from the worlds of business, research and civil society, we work flexibly to deliver effective solutions that offer people better prospects and sustainably improve their living conditions (giz, s.d.).

In 2017, GIZ launched the Program for sustainable agricultural supply chains and standards commissioned by the German Federal Ministry for Economic Cooperation and Development (BMZ). This program focuses on agricultural resources such as coffee, cocoa, bananas, soya, rubber, palm oil and cotton. It supports national and international cooperations between actors from the private sector and local and national governments. More specifically, GIZ explains that: Specialist advisors are developing strategic approaches to improving working conditions, wages and income. The measures are directed towards both the agricultural sector and the food and textiles industries, including processing and trading. The program is implementing these approaches along the supply chains together with all actors. With the help of innovative information and communication technology, solutions are being developed that can be used in different areas and situations. Specialists are also advising the German Federal Ministry for Economic Cooperation and Development (BMZ) on strategies, concepts and current developments (giz, s.d.). GIZ states that we can already see positive results. For example, today there is a higher proportion of certified cocoa products on the German market thanks to the partnerships that increasingly implement sustainability in the global supply chains of coffee, cocoa and bananas. Moreover, the program and food retail companies have developed approaches for transparent supply chains and sustainable procurement practices to promote fair trade. The Initiative for Sustainable Agricultural Supply Chains and other actors developed a voluntary commitment that was signed in the presence of the BMZ (giz, s.d.).

In 2019, Dutch supermarkets were the first to join forces and commit to ensure a living wage for banana workers in the international production chain with the Banana Retail Commitment on Living Wage. Their goal is to reduce the gap between the currently paid wages and the living wage for their entire banana assortment by at least 75% within five years. Indeed, the first-year report showed an average living wage gap of 9% in 2019 for 42% of the volumes purchased by Dutch retailers (CBL & IDH, 2020).

2.2.11 Links between those instruments that ensure respect for human rights in the supply chains

It is important to note that the frameworks, guidelines and tools that have been presented in this section are not legally binding. In fact, companies and governments are responsible for implementing them or not. However, they have undoubtedly initiated the questioning of the (ir)responsible practices of large multinationals, notably in their supply chains and they also have awakened the questioning of the (ir)respect of human rights in these production chains. According to WBCSD (World Business Council For Sustainable Development), the premier global, CEO-led community of over 200 of the world's leading sustainable businesses working collectively to accelerate the system transformations needed for a net zero, nature positive, and more equitable future, they have had a significant impact. Indeed, WBCSD states: Although in and of themselves the UNGPs do not represent a legally binding framework, their importance and impact over the course of the last decade should not be understated. The unanimous endorsement of the UNGPs by the United Nations Human Rights Council on 16 June 2011 represented a clear 'big bang' moment which has given rise to an unfolding universe of stakeholder expectation, legislative developments, investor interest and business action (wbcasd, 2021).

2.3 Non-respect of human rights in banana cultivation: scope of the problem

2.3.1 Child labour

Banana plantations in Latin America are not only problematic in terms of the human rights of workers, but also in terms of child labour. According to the U.S. Department of Labor's, in the banana plantation sector in Latin America, the countries that use child labour are Ecuador, Belize, Brazil, Nicaragua and the Philippines. Child labour is a consequence of poverty. Access to education, such as the cost of schools, books, uniforms, accessibility are a barrier for children to go to school (U.S. Department of Labor, 2020).

Children who work on banana plantations see their health put at risk because of the use of dangerous tools such as machetes, or other heavy tools. They are also sexually harassed, have non-drinkable water and are not allowed to go to the toilet when they want to. In addition, the use of hazardous pesticides further endangers their health because they are used without

protection. The consequences of these pesticides on children are numerous, with headaches and nausea being the first short-term effects (Murphy, 2020)

According to a survey conducted by Human Rights Watch, Ecuador is one of the countries in Latin America that uses children as labour most often, especially in the banana sector. According to the report, the majority of children start working between the ages of 8 and 13. They work for more than 12 hours (Human Rights Watch, 2002)

According to the U.S. Department of Labor, Ecuador has made great strides since 2020 regarding child labour. First, Ecuador has decided to raise the minimum legal age to 15 and the minimum legal age for hazardous work to 18. Among these improvements, Ecuador has also implemented the “Lifetime Plan”, which aims to assist children in need of medical and social care. Agreements have also been signed to eliminate child labour through the implementation of programs and policies. (U.S. Department of Labor, 2020). In Brazil, the minimum age to work is 16 and the minimum age for hazardous materials is 18. These laws meet the international minimum standards. (U.S. Department of Labor, 2020). However, Belize is a country that has no international minimum standards. Indeed, the minimum legal age for work is 12 years (U.S. Department of Labor, 2020).

Child labour is still very much present in Ecuador, due to the fact that the laws are not respected and are not controlled (see section 2.3 on women's rights). In addition, the banana giants, such as Chiquita, Fyffes, Dole and Del Monte are not doing much to eliminate child labour. Indeed, Dole claims that any child under the age of 18 is prohibited from working (Murphy, 2020). Nevertheless, Chiquita has developed an education program for the workers' children. In fact, Chiquita provides children with school materials in Guatemala and Costa Rica. In addition, Chiquita also offers scholarships to children in Panama, Guatemala, and Honduras. Their program also aims to provide adequate health care for children (Chiquita, 2020).

Despite this statement, child labour is still globally present in the five banana exporting countries (Ecuador, Belize, Brazil, Nicaragua, and the Philippines) (Murphy, 2020).

An agreement between the giant Chiquita and IUF (International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco, and Allied Workers' Associations) with COLSIBA (Coordinating Body of Latin American Banana and Agro-industrial Unions) was concluded in 2001. The official name of this agreement is: "Agreement between

IUF/COLSIBA and Chiquita Brands International on Trade Union Freedom, Minimum Labour Standards and Employment in Latin American Banana Operations" (IUF/COLSIBA and Chiquita Agreement on Freedom of Association, Minimum Labour Standards and Employment in Latin American Banana Operations, 2001). This agreement takes place between banana giant Chiquita and COLSIBA - IUF. This agreement contains three different parts. The first part imposes minimum labour standards quoted as follows: the principle of freedom of association; the effective recognition of the right to collective bargaining; the protection and facilities to be afforded to workers' representatives; the elimination of all forms of forced or compulsory labour; the effective abolition of child labour; and the elimination of discrimination with respect to employment and occupation (Cooper & Quesada, 2019). This part of the agreement was supposed to eliminate all child labour in Chiquita banana exporting countries. However, an article published by the International Labour Office in Geneva states that in their survey in Latin America, almost no Chiquita employees were aware of this agreement. In general, only the unions spread the word about the agreement, which greatly reduced its impact. (Riisgaard, 2020). Then, the second part concerns certain changes in employment and finally, the third part concerns the follow-up of the agreement (Cooper & Quesada, 2019).

In Brazil, children under the age of 16 are forbidden by law to work. Jair Bolsonaro, the President of Brazil from the beginning of 2019 until the end of 2022, has declared being in favour of child labour. Indeed, he said that he also worked when he was 8 years old and that it helped him to become what he is today (The Straits Times, 2019). Bolsonaro even declared that "Work ennobles" (The Straits Times, 2019), clearly confirming his position that he is for child labour. A Brazilian researcher, Guilherme Lichand, who works at the University of Zurich, and his colleague, Sharon Wolf, who works at the University of Pennsylvania conducted a survey in Brazil on the actual number of working children. This survey shows that the number of children working in Brazil aged 7 to 14 are seven times higher than what official data shows. These official data come from the World Bank and are the World Development Indicators. These biases are due to poor survey methodology. Indeed, to get official data, the survey is conducted among adults, it is quite possible that these adults lie out of fear, embarrassment or other reasons. When the researchers directly asked the children whether they were working, the positive responses were higher. We are talking about paid work here, not household chores. When President Jail Bolsonaro says that he is in favour of child labour, we have to see what kind of work he is referring to (La diaria, 2022).

2.3.2 Working conditions

In banana plantations, many pesticides are used in order to reduce pests and diseases in the plantations. Indeed, pests and diseases are very present because bananas grow in environments that are favourable to the development of these diseases. A pest can reduce the yield of a banana tree by up to 50% (WBF Secretariat, 2017).

A report issued by Oxfam includes various testimonies concerning the working conditions, and more specifically the use of pesticides in plantations. Lucas and Pedro, two workers from Brazil, testify about the conditions on a Caliman farm, saying: Every day, workers have to put diesel in the tractor with a bucket and a hose, using their mouths to syphon the diesel. There are two tractors, but neither has a protective cabin, unlike those at Caliman's Santa Luzia farm and neighbouring farms. Protective cabins are mandatory according to the course Lucas took, run by the company itself (Williams, 2019). The Oxfam report also states: The workers we interviewed reported that protective equipment, overalls, gloves, boots, goggles and mask, do not prevent the spray from reaching workers' faces and arms, and that their personal clothes get soaked during application, because the overalls are not waterproof. They also reported that if the wind is blowing in the wrong direction, the pesticide spray is blown in their faces because the goggles are not sealed. They tell us there is no proper place for the workers doing the spraying to wash or change before eating or going home. There are hoses but little else. Their uniforms are rinsed overnight, but they return home wearing clothes contaminated with chemicals (Williams, 2019).

Brazil is one of the countries that buys the most pesticides. In 2019, according to a survey by Unearthed, more than 1200 pesticides were used in Brazil. These pesticides are banned in Europe because of the chemicals that are hazardous to health. The approval of these pesticides has increased since the mandate of the former Brazilian president, Jair Bolsonaro, and his predecessor, Michel Temer (Sandler Clarke, 2019).

According to the survey, some of the products registered in Brazil are products that have not even been authorised in their countries of origin, notably made by the German companies Helm and BASF, and the Chinese company Adama. Many of the pesticides in Brazil are on the Pesticide Action Network UK's list of highly hazardous pesticides. Each year, Pesticide Action Network puts together a list of the most dangerous pesticides. This list shows

the products with the most chemicals and is developed according to the criteria of the UN's FAO and also the World Health Organisation.(Sandler Clarke, 2019).

These products have a direct effect on the environment and on workers' health. An activist and leader of a group of over 300 indigenous people, Sonia Guajajara, said: Every week new pesticides are registered. Besides contaminating our soil, our groundwater and negatively impacting our collective health, it is preposterous that the Brazilian Government allows foreign companies to sell products which contain chemicals that are banned in their domestic markets (Sandler Clarke, 2019).

As mentioned above, Brazil buys pesticides from companies in which the use of these pesticides is banned in their own countries. The example of the German company, Helm, is a case in point. Since 2016, Helm has already produced nine products for Brazil that are not allowed in Germany. Another product has even been produced even though it has been banned in Europe since 2007 because it is strongly linked to Parkinson's disease. Not only that, in 2019, the German company has struck again with a pesticide, banned in Europe since 2018 because it can cause problems with human hormone systems, as well as causing problems in animals and mammals. The German company is far from being the only one to take advantage of the rules on pesticides in Brazil, while these same pesticides are banned in their countries. In particular, Adama, a Chinese company, has produced two products containing Acephate. Acephate has been banned in Europe for 20 years but has also been banned in China since 2017 (Sandler Clarke, 2019).

The use of these pesticides has many effects on health and the environment; from skin reactions, respiratory problems, hormonal abnormalities to infertility and miscarriages, or foetal malformations, cancers, etc (Lopes-Ferreira et al., 2022).

A survey was conducted on the health effects of pesticides in Brazil by the International Journal of Environmental Research and Public Health. The results show that workers were exposed to pesticides directly through the skin, orally, through the eyes and also through their respiratory tract, but also indirectly through the presence of pesticides in food and water (Lopes-Ferreira et al., 2022). In addition to physical illnesses, Brazilian research institutions have reported a link between workers' exposure to pesticides and mental illnesses, such as depression or suicide attempts (Campos et al., 2016).

According to the Brazilian Association of Collective Health, more than 70% of Brazilian food is contaminated by pesticides and Brazilians drink more than 7.5 litres of pesticides per year (Associação Brasileira de Saúde Coletiva Dossiê Agrotóxicos, 2015).

2.3.3 Women rights

Another important problem in fruit production chains in Latin America is the working conditions of women and the respect of their fundamental rights. Indeed, In October 2019, in its report *Sweet and Sour: An investigation of conditions on tropical fruit farms in North-East Brazil* (2019), Oxfam stated that issues of discrimination against women in supply chains were the most neglected aspect by large multinational supermarkets. Indeed, 10 out of the 16 companies analysed in this report scored zero on proactive measures to ensure a fair and equitable treatment of women (Williams, 2019).

It is important to know that women are in general poorly represented in the banana industry. In fact, according to Banana Link's calculations, the average proportion of women employed in the eight Latin American banana exporting countries is 12.5% (Cooper, 2015).

On the one hand, Colombia is the country where women are the least represented among these eight exporting countries, with a rate of 7%. Indeed, despite strong industrial relations in this country between the producers' association AUGURA and the sectoral union SINTRAINAGRO, which represents 90% of employees in the banana sector, the employment rate of women remains very low (Cooper, 2015).

On the other hand, Nicaragua and Honduras are the countries where the employment rate of women is the highest among these eight countries, although it remains low. This is due to the fact that Nicaraguan women played an important role in the social revolution, which later allowed them to participate in the labour force and in politics. Nicaragua has also invested in education and training for women with the goal of increasing their participation in productive industries. The revolution and the current government promote respect for labour rights and unions have been able to defend women's rights. Migration is another factor that explains the higher rate of women's participation in industry in both countries. Indeed, when workers migrate to other Latin American countries such as Guatemala or Costa Rica, women can take their place. It is important to note, however, that women are generally not allowed to work in the field and are assigned to positions in the packaging plants (Cooper, 2015).

There are several reasons for the low participation rate of women in the banana industry. First, discriminatory practices prevent women from having access to employment in this industry. Indeed, they are discriminated against because of their reproductive role. Pregnancy, breastfeeding, and women's responsibility for childcare are seen as financial risks and costs to productivity by plantation owners. For instance, in Colombia, women must take a pregnancy test before they can work in certain companies, and it is also common for companies to ask for a certificate proving that women have undergone medical sterilisation. Moreover, in Ecuador, it appears that despite the legislation on maternity leave and provisions for new mothers who are breastfeeding, women are fired because of their pregnancies. Producers do not respect the legislation, and this can be explained because the government does not carry out enough inspections and no ethical audits are put in place to force producers to comply with international certification systems (Cooper, 2015).

Secondly, women are positively discriminated against based on their receptivity to the sexual attentions of recruiters. In addition, many households in Latin America are headed by women, who are primarily responsible for raising children. The lack of childcare facilities is therefore a barrier to women's inclusion in the labour sector. In addition, workers over 35 years old (both men and women) are discriminated against on the basis of their age by some multinational companies. According to the report, independent trade unions have the potential to address these realities, although union representation is not always successful. Indeed, in Colombia, despite strong trade union representation and industrial relations, women are still discriminated against by companies (Cooper, 2015).

In Honduras, many women working in the banana industry are on temporary contracts. However, workers on temporary contracts have little opportunity to exercise their rights as they are not allowed to join a union due to Honduran law. In Ecuador, it was found that women are also very poorly represented in managerial and executive positions because of gender discrimination (Cooper, 2015).

In Chile, there is also a significant number of women working in the fruit industry who are employed under temporary contracts. Chile is the largest exporter of fresh fruit from the southern hemisphere, with 82 million people around the globe eating Chilean fruit every day (Bown 2016, as cited in Radovis-Fanta, 2021). In this country, the fruit-export industry is worth \$5.2 billion and is seen as proof of the country's economic progress and modernity.

However, by looking into it more deeply, we discover that the work environment is rife with hazardous working conditions and widespread legal noncompliance. Consequently, in the grape industry, the *temporeras* (the women working seasonally) are working in precarious conditions. Moreover, they are held responsible for the security measures because those in charge do not attach much importance to them (Radovis-Fanta, 2021). Chilean women are seen as “mere housewives” and are a cheap labour force which allowed Chile to have a competitive advantage in the fruit-export sector in Australia, New Zealand, and South Africa (Stephen 1997, 246; Valdés 1987, as cited in Radovis-Fanta, 2021).

Today in Chile, women workers represent more than 70 percent of the seasonal employment in packing plants. The number of workers who pick, clean and pack grapes between January and mid-April is estimated to be 800,000 (Anríquez et al. 2016; Caro and de la Cruz 2004 as cited in Radovis-Fanta, 2021). We observe legislative changes regarding working conditions in Chile but generalised subcontracting, ineffective enforcement and strong lobbying from the private sector reduce their effectiveness. *Temporeras* highlight that Chile seems to “develop” but they are left behind in a state of precarity. Uncertainty caused by flexible labour practices are the result of poor working conditions and job insecurity (Fu 2013, as cited in Radovis-Fanta, 2021).

Indeed, Radovic-Fanta reports in her article about the working conditions of women: it is past 2:00 a.m. and time to leave the fruit-packing plant after a 12-hour shift. Josefina packs the last crate of grapes, places it on the conveyor belt, and exits the shop floor with her coworkers. She is a *temporera* who has worked at Corpex for the past two months packing grapes into large crates destined for international markets. Before retrieving her backpack from the storage room, she records her exit time, a daily routine. Josefina signs her name next to where her supervisor has written ‘12:30 a.m.’ in ink. Regardless of when her shift actually ends, Josefina has signed her name next to 12:30 a.m. every day since the beginning of the harvest season. The prerecorded time marks the end of the legally permissible work shift. Josefina's supervisors record her additional off-the-record hours in a spiral-bound notebook.

The employees will likely receive compensation for these times, though this is not always the case. An assistant safeguards the notebook, which provides little transparency or accountability to workers and keeps it out of sight during work inspection visits. Josefina shrugs her shoulders when I ask her about this. She tells me she and other workers jokingly

refer to the notebook as the *cuaderno brujo*, the bewitched notebook. They say it is bewitched because it frequently disappears from the shop floor as if by magic. In a more serious tone, however, Josefina recognizes that this magic occurs often, such as during governmental work inspections, which goes against important public reporting functions related to social security and health care. Josefina and others consider the *cuaderno brujo* and other informal accounting systems normal parts of employment in Chile's agricultural export system (Radovis-Fanta, 2021). This extract shows how *temporeras* are used to having to work more than 8 hours a day with the uncertainty that they will be paid overtime.

Women in the banana industry are, like the *temporeras* working in the grape sector, forced to work more than 8 hours a day. In the countries considered in “Women in the Banana Export Industry Regional Report on Latin America”, a working day should be 8 hours according to the legislation. There are however different stipulations regarding overtime. The reality of women workers in the banana industry reveals that women work more than the legal 8 hours per day. In Honduras, women generally work 12 hours a day. In Guatemala, on plantations in the Izabal region, where conditions are better than in the South Pacific due to strong union representation, female workers work 10 to 11 hours a day.

However, there are periods of high demand when employees have to work seven days a week from 6am to 6pm. In Nicaragua, employees work an average of 10 to 11 hours. During periods of high demand, workers in packaging companies also work on Saturdays, from 6 a.m. to 5 or 6 p.m. In Colombia, the sectoral union has negotiated a 10-hour work week from Monday to Friday instead of the legal norm of 8 hours from Monday to Saturday. In Ecuador, workers are often forced to work 10 to 12 hours a day. Therefore, despite the legally required 8 hours per working day, the reality is that workers are working more. In addition, women have a double workload as they are responsible for housework, meals and looking after the children when they get home. This creates an even more unequal workload compared to the men working on the banana plantations (Cooper, 2015).

In the majority of companies working in the banana sector, the difficulty of the work determines the salary. Women exercising work that is generally considered less physical and difficult are therefore paid lower wages. However, the Banabay company decided to pay higher wages than the industry norm which is already a step forward (Cooper, 2015).

In addition, in its report *Wages and working conditions in the banana sector: the case of Costa Rica, Ethiopia, India, Indonesia, and Viet Nam* (2020), ILO reports the presence of a gender wage gap to the disadvantage of women. Indeed, in all the countries analysed in this report, including Costa Rica, women still earn less per hour than men, regardless of their position or employment contract (Pinedo Caro, 2020).

In Colombia and Ecuador, women are more often employed on a part-time basis than men. This is explained by the gender division of labour and as a result women work mainly in the packing houses. For example, in Colombia the majority of producers are medium-sized national companies and therefore more than 50% of female employees work 3 to 5 days a week depending on the season and are subject to “special” contracts. These special contracts again discriminate against women because men working in the field have more possibilities to increase their income through overtime than women.

In general, in Ecuador, Colombia and Honduras, pregnant women are excluded from fumigation with chemicals. However, this practice is not an industry standard and research has revealed that in Ecuador, women were responsible for spraying chemicals on plantations (Cooper, 2015).

Women working in the banana industry also have their health affected by their work. First, women and men working on banana plantations obviously suffer from the same main occupational diseases and risks. The most common problems specifically reported by female short-term workers are: allergies and skin rashes; physical complaints from long periods of standing and from repetitive movements, including lumbago, poor posture and varicose veins; fungal toe infections; and urinary tract infections. Moreover, some women have had their reproductive role negatively impacted by the use of chemicals. According to an Ecuadorian study, some women developed uterine cancer after reusing chemical-impregnated plastic bags as aprons, because their employers had not provided them with sufficient protective equipment. Workers have also attributed a colleague's miscarriage to her work with post-harvest chemicals. Another health problem that women are likely to develop is the psychological stress and anxiety faced by single mothers who leave their children alone or in the care of others they do not trust. In some cases, women have no choice but to leave their 'older' children of seven or eight years to look after the babies while they work all day to meet the family's financial needs (Cooper, 2015).

In some countries, women experience sexual harassment in the banana industry. In Honduras and Guatemala, sexual harassment is a problem. In Guatemala, two women have filed complaints of sexual harassment initiated against male colleagues and have been supported by the trade unions. In Ecuador, women reported examples of behaviour they experienced at work. For example, if a woman worker sits down for a minute, the supervisor immediately tells her to start working again, while men are treated more leniently. Also, if a woman finishes her work before the end of the day, she is not allowed to go home, while men are. Supervisors treat women less respectfully than men because they know that women will not retaliate. After work, men laugh at inappropriate comments made to their female colleagues during working hours. Indeed, male workers often use inappropriate and impolite words towards their female colleagues and call them ‘fatty’ or ‘little cow’. Finally, in addition to these problems, in Colombia women testified that they were victims of hostility and aggression from male colleagues and discriminated against by supervisors (Cooper, 2015).

After learning about this reality, it is legitimate to ask what the banana giants have to say about it and what is done to fight against these discriminations. On its website, Chiquita acknowledges that gender equality is a major challenge on banana plantations in Latin America. The banana giant asserts that: Chiquita has embraced the important challenge of promoting women’s rights and women’s empowerment, and has developed guidelines, codes of conduct and tools to ensure incidents are eliminated as far as possible and that zero tolerance is shown to such acts (Chiquita, 2020). Moreover, Chiquita praises the tools it has put in place to combat discrimination against women. First, they have developed a helpline system available for all employees 24 hours /7 days per week /365 days per year where employees can anonymously report any discrimination or harassment complaint.

Then, in 2013, an annex named ‘joint understanding about sexual harassment’ has been added to the IUF-COLSIBA-Chiquita agreement which has been in place since 2001. This additional safeguard has already been included in the company’s Collective Labour Agreement in Panama, Costa Rica and Honduras and is now being implemented in Guatemala. Moreover, the international company launched a gender pilot project in Panama in 2014 with a local women’s committee and the local union, Sitraibana. This project provides female role models and educates about sexual harassment and women’s right. It has increased female participation in Panama by 4%. Indeed, women's participation in Panama increased from 8% to 13% (Chiquita, 2020).

2.3.4 Earnings and hours worked

In terms of hours worked, it is not only women who are forced to work more than the law requires. In fact, in Costa Rica, 20.9% of employees in banana plantations work more than 72 hours per week (Pinedo Caro, 2020).

In a 2020 report, ILO points out that the purchasing power of banana workers in Costa Rica increased by 14% between 2011 and 2018 (See Figure 1). However, the income of small farmers has drastically decreased by 39.1% in real terms, which illustrates the difficulties faced by these smallholders. In Costa Rica, we observe a vertical integration in the banana sector (Robinson, 2010). Consequently, highly skilled workers are working in this sector and are paid more than other workers. These professionals receive the highest salaries in the banana sector and also receive a higher salary than the national average for their professional category. In this country, the average hourly wage in the banana sector is higher than the minimum wage and higher than the average hourly wage paid in the agricultural sector. Despite these seemingly good figures, it is important to note that when looking at the minimum wage compliance in the banana sector, India and Indonesia, two other banana growing and exporting countries, score much better than Costa Rica, as we can see in table 1.

According to the author, this is probably due to the fact that the highly skilled workers in the banana sector push up the average hourly wage, but not so much the level of compliance. In addition, monthly wages seem to be more advantageous than hourly wages because banana workers in Costa Rica work many hours per week. Indeed, banana packers work an average of 62.3 hours per week and agricultural workers 56.5 hours. The usual working week in the country is limited to 48 hours. This study estimates that 31.4% of Costa Rican banana packers appear to work more than 72 hours per week. This work week therefore represents working days of 10.5 hours, 7 days a week, or 12 hours, 6 days a week. In 2012, Mainieri Camacho reported that working weeks were between 60 and 90 hours. For instance, it is interesting to notice that in Indonesia, only 13.1 per cent of the banana workers work 56 or more hours per week while in Costa Rica, the figure 2 is up to 54.6% (Pinedo Caro, 2020).

Figure 1 - Monthly Labour Earnings in Costa Rica between 2011 and 2018 by status in employment. From “Wages and working conditions in the banana sector : the case of Costa Rica, Ethiopia, India, Indonesia and Vietnam”, by Pinedo Caro, L. (2020, December). ILO. https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---travail/documents/projectdocumentation/wcms_765133.pdf

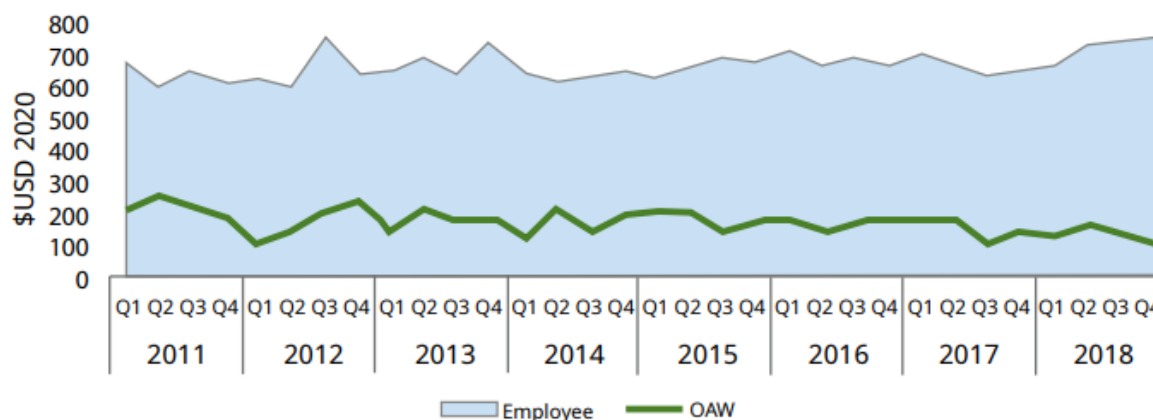
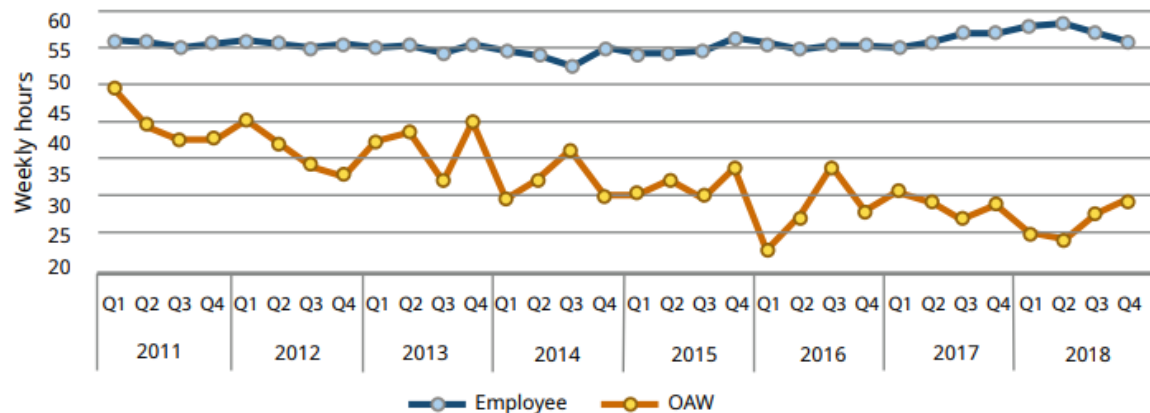


Table 1 - Minimum wage compliance in the banana sector. From “Wages and working conditions in the banana sector : the case of Costa Rica, Ethiopia, India, Indonesia and Vietnam”, by Pinedo Caro, L. (2020, December). ILO. https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---travail/documents/projectdocumentation/wcms_765133.pdf

	Costa Rica		India		Indonesia	
Minimum wage	Employees	OAW	Employees	OAW	Employees	OAW
<95%	40.3	94.4	33.0	13.8	81.7	70.8
95%-105%	12.9	1.1	11.3	1.1	10.0	2.8
>105%	47.0	4.6	55.7	85.1	8.3	26.4

The study also shows that since 2011, the number of hours worked in Costa Rica by employees in the banana sector has increased and is close to 60 hours per week. On the other hand, the self-employed in this sector work fewer hours per week as we can see in the following graph (Pinedo Caro, 2020).

Figure 2 - Weekly hours worked in Costa Rica between 2011 and 2018 by quarter. From “Wages and working conditions in the banana sector : the case of Costa Rica, Ethiopia, India, Indonesia and Vietnam”, by Pinedo Caro, L. (2020, December). ILO. https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---travail/documents/projectdocumentation/wcms_765133.pdf



As noted above, the gender wage gap is very high in Costa Rica. For example, the average salary for a man working in the banana farming sector is US\$566.7, while the average salary for a woman working in the same position is US\$292.8. The gender wage gap for banana workers in Costa Rica is 19.9% to the disadvantage of women. It is interesting to note that among the self-employed this wage gap is higher as it amounts to 33.9% (Pinedo Caro, 2020).

2.4 CSR involvement of companies operating in the banana industry

Since the early 2000s, producers and supermarkets have started to take initiatives regarding the working conditions of their employees and have quickly made it known that they were adopting Corporate Social Responsibilities (CSR). Indeed, at this time, media campaigns began to raise consumer awareness about the social conditions of workers in global production chains (Robinson, 2010).

As a reminder, the UNIDO (United Nations Industrial Development Organization) defines CSR as follows: “Corporate Social Responsibility is a management concept whereby companies integrate social and environmental concerns in their business operations and interactions with their stakeholders. CSR is generally understood as being the way through which a company achieves a balance of economic, environmental and social imperatives (“Triple-Bottom-Line-Approach”), while at the same time addressing the expectations of shareholders and stakeholders” (UNIDO, s.d.).

Until a few years ago, banana production and trade were clearly dominated by four big multinational banana companies, namely Chiquita, Del Monte, Dole and Fyffes. In the 1980s, the combined market share of these four multinationals was at its highest. Indeed, at this time they controlled at least 70% of banana world trade. They manage their activities by selling their own production and by marketing the production of others under contract, using their well-known brands. The opening up of the EU market and some other causes have led to them losing huge market shares. By 2019, these four multinationals control a little over 40%. However, it is important to note that they remain very dominant in North America. Today, other companies like Compagnie Fruitière, a French company, Agroamérica a Guatemalan company and a large handful of big national companies like Grupo Wong (Ecuador), Grupo HAME (Guatemala) or Grupo Acon (Costa Rica) account for one third of all exports (Banana Link, 2020).

We will analyse the CSR commitment of Chiquita Brands International based on the study ‘The Corporate Social Responsibility Story of Chiquita’ by Fondation Guilé. Chiquita Brands International is one of today’s banana giants and was formerly known as The United Fruit Company. It was the biggest banana company in the world until the 1990s. Indeed, at this time, the company controlled about one third of world trade. Today, Chiquita Brands International is in the second position in the world with regard to global sales, after Dole. In Latin America, Chiquita operates or buys banana plantations year-round in Honduras, Panama, Costa Rica, Guatemala, Ecuador, Colombia, Nicaragua, Mexico and Peru. Chiquita has tried to enter African production, but currently has no interest. In 2015, Fyffes offered to buy out the company, but the offer was rejected by shareholders. However, the company was bought by two Brazilian companies, Cutrale (the world’s biggest orange and orange juice producer) and Grupo Safra (a powerful private banking group). It is no longer a publicly traded company. It is important to know that the company was one of the founders of the World Banana Forum (Banana Link, 2020).

Chiquita has had a problematic past with regard to its CSR as we can read in the Fondation Guilé’s study and this still has a negative impact on the company today: “We find that Chiquita’s controversial history plays an important role for its present CSR engagement. In particular its entanglement with violent governments and its oppression of organised labour continue to be quoted in publications, which threatens Chiquita’s overall CSR credibility. Chiquita’s approach to its past oscillates between self-critical engagement and attempts to point out ‘inspiring’ aspects. Yet, the latter interpretation is either ignored or downright rejected, at

least by the critical public in consumer markets. We find that Chiquita has not yet developed a convincing strategy to demonstrate that they have learned from the past” (Baur et al., 2015).

According to this study, it is therefore essential for Chiquita to ‘manage’ her past. First, by communicating a more proactive and critical engagement with her past. Above all, Chiquita needs to present its past in a consistent way across different communication channels, as conflicting accounts of the past undermine the company's credibility and exacerbate criticism. Indeed, Chiquita did not talk about its CSR commitment until 10 years after its first changes, whereas in general multinational companies tend to shout about any action in CSR. Secondly, in terms of action, Chiquita needs to prove that it is doing things differently from the past (Baur et al., 2015).

According to this study, despite its dark past Chiquita has been committed to CSR for two decades and is doing quite well. The report states: “While this study did not aim to make a comparison between Chiquita and its competitors, one can claim with sufficient evidence that no company in the banana industry and probably very few companies in other industries have shown a comparably deep and long-term CSR engagement like Chiquita. The company has continued to innovate and refine its CSR activities over the years and as our analysis shows, it was a pioneer in numerous aspects of CSR within and beyond its industry and Despite all the problems and criticism Chiquita is still facing in relation to its CSR engagement, the effectiveness of their CSR is indisputable: they have clearly improved the social and environmental conditions of banana production. The vast majority of their bananas are from Rainforest Alliance certified farms (and a significant proportion by SA8000), and with their International Framework Agreement with trade unions in 2001, Chiquita became a pioneer in labour relations within the industry. While some tensions with trade unions persist, Chiquita clearly seems to have undergone a transformation in its approach to organised labour and environmental challenges. It would thus be clearly mistaken to classify Chiquita’s CSR strategy and performance as a mere green- or bluewashing exercise and Chiquita is a pioneer in CSR in many regards. They were among the first to collaborate with NGOs and allowing for external audits, among the first to trigger an independent fair wage analysis, and among the first to phase out certain pesticides etc” (Baur et al., 2015). However, in 2007, Chiquita officially admitted that they had paid “extortion money” and were involved with paramilitaries for 15 years. This has led to questions about the potential use of government influence in their business and therefore CSR commitment. The evolution of Chiquita's practices is most evident in relation to the environmental effects of the business as we learn above (Baur et al., 2015).

The concept of creating shared value, developed by Michael Porter is very popular today and relates to CSR. This concept states that it is possible for corporations to be socially and environmentally involved and responsible while making more money. The concept is therefore based on a win-win theory for the company and society in general. However, this does not seem to apply to Chiquita's case. According to the study, this approach is misleading, and the complexity of Chiquita's CSR history reveals the naivety of claims about causal relationships between profit and responsibility. The study states: "The link between CSR and financial performance remains unclear and, in some aspects, our analysis even shows a clear failure of the attempt to reap advantages from CSR, such as in the relationship with consumers and maybe even retailers. In both cases, CSR did not translate into a distinctive financial advantage for Chiquita. Our case thus debunks the win-win assumption underlying much of the debate on CSR" (Baur et al., 2015).

Despite these important CSR commitments, Chiquita is still perceived as practising bluewashing and/or greenwashing, as we have seen above. This is explained by several realities according to the authors of this report. Firstly, there is a considerable gap between Chiquita's CSR aspects discussed on a global and local level. On a global level, Chiquita's CSR involvement is mainly measured by its possession of labels and certifications. However, standards, labels and certifications represent only a very small aspect of the overall engagement of the company. By focusing only on these labels, the public forgets about CSR initiatives at the local level, which are just as important. For example, the Target Zero initiative which aims at reducing the number of work-related accidents by 10% per year is a local initiative pursued by Chiquita.

Nevertheless, in contrast to the global standards, local initiatives are not verified by third parties, and it is therefore hard to convince the public of their relevance and credibility.

Moreover, Chiquita is fighting against the Fairtrade label, which according to the study enjoys a much higher credibility among customers than the Rainforest Alliance certification as it is explained in the study: "This is not always backed up by evidence. For instance, workers on Fairtrade certified farms do not necessarily get a higher wage than those on Rainforest Alliance farms. Paradoxically, Fairtrade even tends to be perceived as superior by consumers in aspects such as environmental protection, which they do not frame as one of their core competencies. This shows that the public understanding of the facts behind the labels is at best very fuzzy and simplistic. Moreover, we need to be very clear that even though criticism from Fairtrade representatives is often presented as a call to improve the lives of workers, it is also

motivated by substantial business interests: Fairtrade competes with bananas from Rainforest Alliance certified farms over market shares in many countries. This shows that the rise of CSR in the last decades has moved the issue from a niche to the mainstream. It has become an industry with competing labels, rankings, consultants and standards” (Baur et al., 2015).

Then, another dimension to the distorted public perception of CSR is that companies, consumers and critics tend to reduce complexity when it comes to evaluating environmental and social problems, which results in black and white constructions of CSR challenges. Indeed, NGOs tend to identify big companies as scapegoats for a considerable array of social and environmental problems, while corporations either deny their responsibility right away or then claim that they have resolved the problem. Such a dichotomous view does not capture that CSR challenges are wicked problems (Baur et al., 2015).

Baur et al. conclude their study by pointing out how difficult it is to meet the expectations of all stakeholders and to find solutions to those social and environmental problems that seem simple from the outside. They also point out that Chiquita has achieved a very high level of CSR over 20 years. Chiquita has made CSR an important part of its culture and has successfully weathered the financial crises so far, even though it came very close to bankruptcy in the early 2000s. The challenge now is to keep up the momentum despite the change in leadership and all the events to come (Baur et al., 2015).

Regarding the other three banana giants, we did not find any reports analysing CSR initiatives in depth as it is the case for Chiquita. Therefore, we can not assess the veracity of these initiatives at this time. However, all three companies claim to have such initiatives in place and highlight this on their websites.

Fresh Del Monte launched its “Bunch of good” campaign to reinforce corporate social responsibility and sustainability. The main initiatives of the firm are food donation, providing scholarships for education, building medical centers to promote healthcares, protecting forests to promote biodiversity, protecting wildlife and other initiatives for people, produce and planet (Del Monte, s.d.). Regarding human rights, in its last sustainability report dating from 2020 Del Monte states the following:

“We are committed to upholding all human rights, as stated in our Code of Conduct. We do not tolerate child or forced labour, or working conditions or treatment of workers that conflict with international laws. We expect all our suppliers and contractors to adhere to the same standards, including any subcontractors providing products, materials or services to our company. In our own operations, we do not have significant risk of human rights violations

including child, forced or compulsory labour, as our policies prohibit these and our recruitment processes, including age verification, strictly follow these policies. We will not work with suppliers who are at significant risk for incidents of child, forced or compulsory labour. To verify compliance, we conduct human rights impact assessments (HRIAs) in our own operations and randomised checks of third-party suppliers every quarter. In 2020, we conducted 65 HRIAs, and included human rights clauses in 444 significant investment agreements. We have not had any incidents of human rights violations of any kind during the reporting period.

We share our expectations on upholding human rights with all employees joining our company and through our Code of Conduct training, during discussions on our company's values and as part of our Integrity First communications including our Speak-Up Line. We support our workers' right to collective bargaining. Across all our farms and operations worldwide, 40 percent of our workers are involved with labour organisations" (Del Monte, 2020).

Moreover, on its website, Del Monte states that it adopts a culture of well-being and wants its team members to feel valued, empowered, and safe. Del Monte also says that the well-being of its members is its priority and highlights 5 values; culture of empowerment, care & respect, equitably rewarded, safe at work, free to be themselves (Del Monte, 2022).

Concerning Fyffes, the company states behaving in a socially responsible manner within the communities where the company works. Fyffes adds that the company encourages open, positive and interdependent connections with societies and communities where Fyffes has activities. Fyffes declares to their employees to be open to any recommendations on how Fyffes can improve even more. Fyffes has set up several community programs in order to show their commitment to the community. The first program is the Gender Equality Program. The main goal of this program is to understand the consequences of gender inequality in developing countries and to try to improve gender equality so that women can be more involved in decisions in their work, family and community. Another program funded by Fyffes is a program that provides access to health care for their employees in Honduras. Doctors work for this program, in addition to providing access to health care for employees, the doctors who work for Fyffes also go into schools for check-ups. (Fyffes, n.d.)

In Dole's Sustainability Report, Dole states that: "We believe in being a responsible business; responsible to our colleagues, our shareholders, our growers and suppliers, our customers, the communities in which we work, and our consumers. We work hard to maintain and develop professional and ethical standards in all our worldwide operations. We continually focus on our commitment to sound business practices in every aspect of our stakeholder relationships while also protecting human rights like equal opportunity, safe and healthy working environments, fair employment practices, freedom of association, collective bargaining agreements among many others" (Dole, 2022). Dole has a code of business conduct and ethics. The giant claims to be the company with the highest ethical standards in the world. Dole seems to be doing everything in its power to protect its employees. This code of conduct is a declaration of fundamentals for operating business in a legal and ethical system. Dole's report emphasises the importance of the company to treat its employees in a respectful manner. Indeed, Dole states in the report that it "has a strict policy against the use of slavery and human trafficking throughout its supply chain; both to its worldwide operations and its dealings with suppliers. Dole requires its key suppliers to sign and comply with this policy, contained both in our Code of Conduct and Supplier Manual. Dole has also placed this obligation into grower contracts, which require growers' commitment not to use any kind of slavery or human trafficking (including debt bondage), specifically including labour or services obtained by means of force, threat of force or physical restraint, or by depriving or violating the personal liberty of another by knowing or destroying, concealing, removing, confiscating or retaining possession of any passport, immigration or travel documents. Dole's key suppliers are defined as those that provide goods or services that are of key importance to Dole's continued successful operation" (Dole, 2022).

Finally, none of these four banana giants are certified B Corp. As a reminder, B Corporations are companies that meet high standards of social and environmental performance, accountability, and transparency as it is defined on their website (B Lab, 2022). Furthermore, there is no ESG score available on yahoo finance for these companies.

2.5 Certifications and labels

Many certifications regarding human rights in banana production are used. There are several certifications or labels that aim to help and improve the conditions of workers on banana

plantations. Among the certifications we find Rainforest Alliance, Fairtrade International, GLOBALG.A.P and Social Accountability 8000 (WBF Secretariat, 2017).

Let's start with the Rainforest Alliance label, present in more than 70 countries. This label, represented by a small green frog, supports three main areas: social, economic and environmental. These areas are based on different themes. The first theme is the forest. Their first goal is that the label allows you to buy a product that has been produced in a way that protects forests, that has not promoted the expansion of cultivated land to the detriment of forests, that has taken into account the health of the trees, the soil and the waterways. The second theme is the climate. The aim here is to guarantee a product that follows a label that promotes methods that increase carbon storage and avoid deforestation. Finally, the last but not least theme is the human rights. The Rainforest Alliance label does its utmost to ensure strategies that assess and address child labour, forced labour, poor working conditions, low wages, gender inequality and violations of indigenous peoples' land rights (Rainforest Alliance, 2020).

The first Rainforest Alliance certified banana plantation is located in Costa Rica and is called Platanera Tio Sixaola. It received this certification in 1992. In addition to improving sustainability and operations, Rainforest Alliance certification protects workers on banana plantations. Indeed, certified banana plantations require the respect of the right to freedom of association in order to ensure that workers can express their concerns. Secondly, as explained above, the use of toxic chemicals is a huge problem on banana plantations. It is almost impossible to ban the use of pesticides on plantations because of the risk of total decimation of the banana crop. The label has therefore decided to limit the use of pesticides, banning all the most aggressive products and only allowing products with low toxicity. The Rainforest Alliance also provides protective equipment and comprehensive training for workers and makes washing stations available. In addition, Rainforest Alliance Certified farmers are obliged to pay their workers the legal minimum wage, while moving towards the living wage (Rainforest Alliance, 2021).

The second certification that exists is the Fairtrade International certification. This is certainly the largest Fairtrade organisation in the world. According to Enrique Calderon, a coffee farmer in Costa Rica, Fairtrade is: “much more than just an environmental certification, it is the only and best ethical and social certification that really ensures a social and environmental, ethical and economic impact, and therefore a human impact” (Fairtrade

International, n.d.). Fairtrade is made up of more than 1.6 million producers and workers in Latin America and the Caribbean, Africa and the Middle East, and Asia and the Pacific. (Fairtrade International, n.d.)

Buying bananas with the Fairtrade label has several positive things. Firstly, Fairtrade imposes a *Fairtrade Minimum Price* on bananas, providing a safety net if there is a drop in prices for producers. Secondly, Fairtrade workers receive a *Fairtrade Premium*, which is a certain amount of money that workers can invest in projects they want, such as housing, building schools or clinics. This amount of money is obtained through a slightly higher selling price. Thirdly, Fairtrade is continually working to improve the employment and living conditions of workers on large plantations. Fairtrade continues to try to develop and define a living wage for workers in the banana industry. The prohibition of discrimination against forced labour and child labour are also integral parts of the Fairtrade rules (Fairtrade International, n.d.).

Another unique feature of Fairtrade International is that it is 50% owned by producers and workers, which allows them to have a free voice and therefore 50% of the votes at the General Assembly. In short, Fairtrade International ensures that their certification is positive for producers and workers but also for consumers (Fairtrade International, n.d.).

Scientists from Wageningen Economic Research in the Netherlands and a scientist from the Group for the Analysis of Development in Peru conducted a study in which they compared the working conditions and wages of workers on banana plantations with Fairtrade certification and on a plantation without certification. The study aimed to analyse three categories: economic benefits, social benefits and voice-related benefits. The study was conducted in the Dominican Republic with 161 workers working in five different certified banana plantations and 222 workers working in six non-certified banana plantations. (Van Rijn et al., 2019)

In the qualitative interviews, differences were already noted. On the one hand, workers on non-certified plantations are always looking for a new job on a certified plantation. On the other hand, workers on certified plantations tend to stay longer in their jobs than those on non-certified plantations. The survey took into account a series of indicators shown in the table 2 (Van Rijn et al., 2019).

Table 2 - Indicators taken into account for the study conducted in the Dominican Republic in certified and non certified banana plantations. From “Does certification improve hired labour conditions and wageworker conditions at banana plantations?”, by Van Rijn et al., 2019, *Agriculture and Human Values*, 37, p. 360.

Theme	Sub-theme	Topic of analysis
Economic benefits	Wages	Average hourly wage rate last week in DR pesos
	Job security	Self-reported sense of job security
	Non-wage benefits	Number of received in-kind benefits, out of 12 ^a Average satisfaction with in-kind benefits
	Standard of living	Savings (no, yes) Likelihood to fall below poverty line acc. to PPI ^a Household food security access (HFIAS) ^a
Social benefits	Working conditions	Number of paid leave days Awareness of sexual harassment policies Awareness of grievance policies Number of protective measures taken, out of 7 ^a
		Self-reported relationship to supervisors Self-reported trust in relationships
		Sense of ownership, factor of 7 statements ^a Membership in workers' organisation (yes, no)
		Life satisfaction Sense of control over how life turns out Current satisfaction over 8 areas ^a Average prospects for future over 8 areas
Voice-related benefits	Quality of dialogue on plantation	Change in satisfaction with job Reaching full potential at work Having received in-house training (yes, no)
Voice-related benefits	Sense of ownership	
	Workers' organisation	
	Sense of control and life satisfaction	
	Career satisfaction and progression	

The indicators have been integrated into an empirical model. The economic benefits obtained by workers in certified plantations. According to the survey, there are no significant differences between workers on certified and non-certified plantations. There is no significant difference in wages, although workers on a certified plantation responded that they did feel confident about the security of their work (i.e. having a sufficient number of working days and being paid regularly). Workers on certified plantations receive more non-wage benefits but the difference is not great. In terms of living standards, certified plantation workers are better off than others with better savings and access to food, probably due to the FT certification premium. (Van Rijn et al., 2019)

Regarding social benefits between certified and non-certified plantation workers, a significant difference was found in paid holidays. Paid holidays in certified plantations are much higher than those in non-certified plantations. In addition, in certified plantations, workers are warned about dangerous products, they also have more protective equipment at their disposal and are also informed about sexual harassment. In terms of dialogue, workers on certified plantations feel freer to express their opinions to their superiors than those on non-certified plantations. (Van Rijn et al., 2019)

Finally, the comparison of voice-related benefits between the two types of workers shows some differences. Workers from certified plantations have a stronger sense of belonging, are more often part of a group that represents workers and are more satisfied with their lives and careers. (Van Rijn et al., 2019)

The third certification is the GLOBAL GAP certification. The aim of this certification is to have a healthy and sustainable production for workers, consumers and companies. This certification ensures food safety and traceability, respect for the environment, respect for good working conditions for workers, animal welfare and includes Integrated Crop Management, Integrated Pest Control, Quality Management System, and Hazard Analysis and Critical Control Points (GLOBALG.A.P., n.d.).

Bananas are part of the fruits that GLOBAL GAP certifies if they correspond to the criteria of GLOBALG.A.P. These criteria are as said above, the respect of the environmental impact during the production process, the healthiness of the food, the respect of the health and safety of the workers and finally the traceability of the fruit. This certification is a B2B certification, which means that unlike Fairtrade International and Rainforest Alliance, nothing will be noted on the bananas on the shelves of the shops concerning the GLOBALG.A.P. certification, but there is a list with all the supermarkets participating in the GLOBALG.A.P. certification. (Banabiosa, 2019)

Finally, the last certification that can be given in banana production and that meets sustainability standards is the SA 8000 - social responsibility certification. This is an international certification that encourages organisations to develop, improve and maintain acceptable social practices in the workplace. This certification was developed by Social Accountability International and is considered to be the most universal independent standard in the workplace, i.e. it can be used for any company, of any size, worldwide.

SA 8000 certification focuses on eight specific issues such as forced labour, child labour, occupational safety and health, freedom of association and collective bargaining, anti-discrimination, disciplinary practices, working hours and compensation, and management system. The SA 8000 standard is based on international agreements, such as the conventions of the ILO, the UDHR and the United Nations Convention on the Rights of the Child. (SGS, n.d.)

In 2003, the large chain Chiquita International earned the SA 8000 certification for its farms located in Costa Rica (Business & Human Rights Resource Centre, 2003).

2.6 EU regulations

Human rights are therefore greatly undermined in trade. The European Union has therefore put in place several means to try to protect these human rights. The first measure elaborated by the EU is the Generalised system of preferences (GSP), established in 1971. Since then, this system has undergone revisions, notably in 2001, when the EU revised the GSP based on the eight core conventions of the International Labour Organisation (ILO) (Zamfir, 2018). This system gives preferential trade access to the EU market if they respect human rights. This access can be withdrawn if there are numerous violations (European Parliament, 2019).

More recently, new regulations concerning human rights in the European Union have been issued. The EU Council decided on 7 December 2020 to adopt Regulation (EU) 2020/1998, which concerns restrictive measures against the violation and abuse of human rights (Official Journal of the European Union, 2020) and Council Decision (CFSP) 2020/1999, which also concerns restrictive measures against the violation and abuse of human rights. This framework allows for the sanctioning of human rights abuses and violations and concerns all individuals, companies and the state. The sanctions foreseen are the freezing of funds or economic resources or material support. Another sanction would be a travel ban (Petruzzi McHale et al., 2021).

Another major advance is the European Commission's proposal for legislation on Corporate Sustainability Due Diligence. The aim of this proposal is to ensure that products present in the EU comply with due diligence criteria that respect the environment and human rights. Also, this proposal proposes a ban on the import of products that violate human rights. The proposal also calls for each Member State to provide for sanctions proportionate to the infringement. The Commission officially published this proposal on 23 February 2022 and adopted it on 1st June 2023 (Zamfir, 2022). Similarly, as we have presented in the section regarding guidelines and frameworks, the Corporate Sustainability Reporting Directive (CSRD) has been adopted on 5 January 2023 (European Commission, s.d.).

2.7 Latin American regulations & Government's involvement

In 2012, Peru and Colombia signed a Multiparty Trade Agreement (MTA) with the European Union. This agreement has had an immediate result on growth and employment (European Parliament, n.d.). This agreement involves responsibilities for all member states, which imply the support of and submission with international agreements associated with labour and environmental rights, as outlined in Chapter IX on Commerce and Sustainable Development. In 2016, Ecuador signed its membership to this agreement with the European Union. Despite these engagements, Ecuador violates several articles of the MTA (Instituto Latinoamericano de Investigaciones Sociales, 2019). These violations are about Multilateral Labour Standards and Agreements, Multilateral Environmental Standards and Agreement and Upholding Levels of Protection (Official Journal of the European Union, 2012). These abuses concern the banana sector, because Ecuador is the world's leading exporter of bananas, and its major destination is the EU.

The historical presence of banana businessmen in Ecuadorian politics creates a conflict of interest. This conflict could explicate the high degrees of impunity for non-respect with regulations and infractions of rights. The freedom of association is very limited in Ecuador. The reason is because the actual Labor Code only identifies unions by individual company, necessitating at least 30 workers belonging to an individual employer for the organisation of a union (Instituto Latinoamericano de Investigaciones Sociales, 2019).

2.8 Trade unions

Trade unions play a major role in protecting human rights at work. In Latin America, freedom of association is sometimes not respected and it therefore is the role of trade unions to remedy this. Moreover, with the COVID-19 pandemic, many plantations have been forced to close, with little or no notice. Unions should not only fight for freedom of association but also for the provision of adequate equipment, food, water, etc. On plantations with Fairtrade certification, unions have a place in the decision-making process (Fairtrade International, n.d.).

A survey by Mark Anner, director of the Center for Global Workers Rights, shows the difference between Guatemalan workers in the north, who are not unionised, and workers in the south, who are almost all unionised. The survey involved more than 200 workers, 34% of whom were women. The first conclusion is that non-unionised workers earn less than half as

much per hour as unionised workers. Moreover, they work 12 hours more per week. Another finding is that workers in national companies have worse working conditions than workers in large multinationals. Another conclusion of the survey is that non-union workers are more than 80% more likely to face verbal abuse than union workers. Similarly, of all women workers who are not union members, 60% have experienced sexual harassment, compared to 8% of women workers who are union members. Finally, the above-mentioned abuses take place on plantations, which are certified by certification programmes such as those mentioned above (Rainforest Alliance and GLOBALG.A.P). Indeed, managers tell their workers what to say before the certification inspector visits. In the case of plantations with unionised workers, more than 25% of the workers have to say what their manager has said compared to 86% of the workers in non-unionised plantations (Banana Link, 2021).

Even during the pandemic, differences were found between union and non-union plantations. Barriers, social distances and protection were better in the unionised than in the non-unionised plantations (Banana Link, 2021).

In 2021, COLSIBA celebrated its 28th anniversary. Indeed, unions in Latin America have been and still are abused and frowned upon. Many unions face death threats on a daily basis because they try to improve and protect workers' working conditions. COLSIBA is present in many countries: Peru, Ecuador, Colombia, Panama, Costa Rica, Nicaragua, Honduras, Guatemala, El Salvador. The aim is not only to improve working conditions, but also to promote education, training, mobilisation, etc. COLSIBA has managed to play a major role in the European Banana Action Network (EUROBAN), which is the network of European trade unions and civil society organisations. COLSIBA works in cooperation with BananaLink in the hope of improving the tropical fruit industries on an economic, social and environmental level. Alistair Smith, International Coordinator of Banana Link said: “COLSIBA's vision and practice as a horizontal, pluralist trade union coordination has made banana workers, their conditions, their rights and their proposals for change truly visible in the countries where the fruit is consumed. They have led the way and we all hope that their example can be followed by the hundreds of millions of less visible workers employed in agriculture around the world. Despite the huge obstacles, workers need consumers to make them visible and help them in their struggle for dignity and decent work” (Banana Link, 2021).

COLSIBA plays a regional role in the banana, pineapple and sugar markets. COLSIBA fights to preserve human rights, to improve freedom of association and collective bargaining

in accordance with the ILO (Banana Link, n.d.). In this way, COLSIBA together with Banana Link denounce the Rainforest Alliance certification as ineffective and insufficient to guarantee the respect of human rights in the plantations certified by them (Banana Link, 2020).

2.9 Solutions and recommendations

According to the Director of the Center for Global Workers' Rights in Pennsylvania, Mark Anner, in order to try to address abuses and human rights violations in banana production chains, there needs to be greater transparency about how banana prices do not allow for workers to be paid a fair wage and to have proper working conditions. The price of bananas must be high enough to ensure that the total cost of production allows for a decent wage and a safe and healthy workplace for workers (Anner, 2021).

But not only that, the big banana companies, mainly Del Monte, Chiquita and Dole have a responsibility too; they have to ensure a zero-tolerance policy regarding abuse and violations of workers' rights. These banana giants must impose a zero-tolerance policy on any kind of discrimination, sexual harassment, low pay, long working hours, or other kinds of abuse or violence. And if suppliers are committing these abuses, any kind of collaboration must then stop (Anner, 2021).

A final recommendation from Mark Anner is that certification programs need to improve the way they monitor. Indeed, interviews should be conducted outside the workplace. Also, the hours worked by workers should be monitored by inspectors coming to the workplace without announcing their arrival beforehand and staying there until the worker leaves. The certification inspectors should control the sexual harassment of female workers by female inspectors outside the workplace as well, to have more privacy (Anner, 2021).

Now we turn to recommendations made by the Rainforest Alliance certification. According to this certification program, the responsibility is not on the farmers given the low market price of bananas, but it is a shared responsibility. Indeed, responsibility must be shared along the supply chain, i.e. between the different producers and buyers (Rainforest Alliance, 2021).

Regarding the use of pesticides, the FAO of the UN recommends that banana plantations follow the FAO recommended protocol.

The first step is to reduce dependence on pesticides through Integrated Pest Management. This system is defined by the FAO as: “the careful consideration of all available pest control techniques and subsequent integration of appropriate measures that discourage the development of pest populations. It combines biological, chemical, physical and crop specific (cultural) management strategies and practices to grow healthy crops and minimise the use of pesticides, reducing or minimising risks posed by pesticides to human health and the environment for sustainable pest management” (Food and Agriculture Organization of the United Nations, n.d.).

The second step would be to select pesticides that are only listed as low risk. This list of pesticides should be based on the pesticides authorised in the country and the products authorised under the certification programs.

The third step would be to use these pesticides correctly, i.e., workers must be properly protected, the management of the storage of these pesticides must be correct with a label with the risks and how to use this product in the language of the workers, and a communication regarding the precautions to take after spraying the pesticides.

Finally, the last step would be waste management. Indeed, care should be taken with empty pesticide containers. These wastes can still contaminate the health of workers, despite the fact that they are empty (WBF Secretariat, 2017).

III. Research Methodology

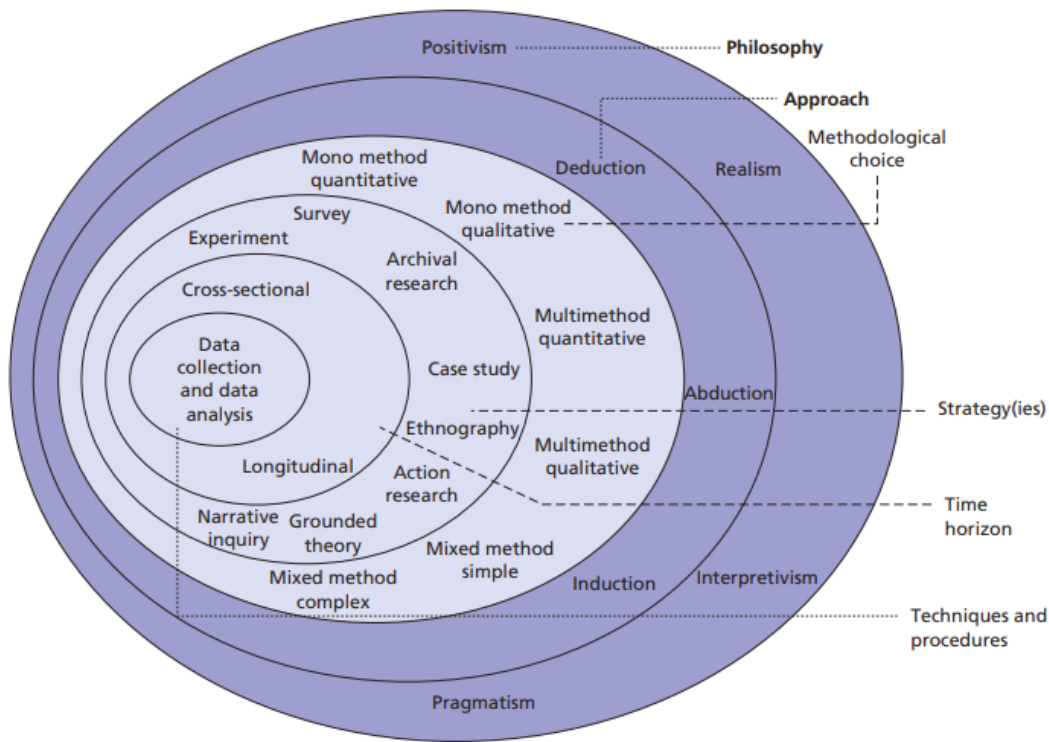
The major goal of a research is not only to collect information, it is to find answers to unanswered questions (Goddard & Melville, 2004). The research methodology is a combination of the collection of methods and rules used to conduct a research, along with all the principles, theories and values that assist the research strategy (Somekh & Lewin, 2005).

The present thesis analyse the state of human rights in banana plantations across the supply chain. This section studies the methodological views of the research concerning the approaches and perspectives of the research method. Multiple models exist to explain a methodological process, therefore, Research Onion by Saunders, Lewis, and Thornhill (2015) was employed to develop a methodological plan for the present thesis.

3.1 The Onion Research by Saunders, Lewis and Thornhill

For the present thesis, we decided to use the book *Research methods for business students* by Mark Saunders, Philip Lewis, and Adrian Thornhill (2012) to explain our research methodology. In this book, the methodology of Research Onion was used to explain a methodology research. This onion was designed with different layers, and every layer corresponds to a stage. In total, this onion has six layers, the first layer corresponding to the research philosophies, the second to the Research approaches, the third one to the methodological choice, the fourth one to the research strategy, the fifth one to the time horizon and the last one to the techniques and procedures (See figure 3).

Figure 3 - The Onion Research method by Saunders. From “*Research Methods for Business students*”, by Saunders et al, 2012, p. 128, Pearson.



3.1.1 Research Philosophies

The first layer of the onion concerns research philosophies. On one hand, the philosophy that we choose will be affected by practical reflections. On the other hand, the primary impact tends to be the specific opinion of what is adequate knowledge and the procedure by which this is advanced. Indeed, when a researcher who is interested in facts, is inclined to possess another perspective on how research should be investigated compared to a researcher interested in emotions and sensations in the exact same context. Their tactics and approaches will likely be different, but also their opinions on what is essential and, more importantly, what is helpful.

The four research philosophies in the Onion Research are Positivism, Realism, Interpretivism and pragmatism. The research is positivist if you conduct a collection of data of an observable phenomenon, and research for uniformities and cause-effect connections in your data to establish a generalisation like those created by scientists. Realism is the fact that what we perceive is reality; those objects possess a presence independent of the human consciousness. Interpretivism supports that the researcher has to analyse variations between

humans in our role as social actors. It reflects the fact of conducting research with people rather than objects. Finally, pragmatism claims that there exists external and several views to respond to the research question; it is a mix between positivism realism and interpretivism (Saunders et al., 2012).

The present thesis was to study the state of human rights of workers on banana plantations in Latin America. Therefore, the present thesis uses the philosophical research of interpretivism.

3.1.2 Research Approaches

The research project will include the use of theory. This theory may be or may not be clear in the design of the research, but it will be clear when you communicate the results and conclusions. Research approaches include two main approaches based on the reasoning you follow: the deductive or the inductive approach. The deductive approach occurs if the premises are real, then the conclusion must also be correct. On the contrary, the inductive approach occurs when known premises are used to elaborate untested conclusions (Saunders et al., 2012).

The present thesis was to study the state of human rights of workers on banana plantations in Latin America. As our research started with a data collection to explore the human rights of workers on banana plantations, the research approach for this thesis followed an inductive approach.

3.1.3 Methodological Choice

Three methodological choices are available when writing a research project: mono method, multimethod or mixed method. The choice of one of those methods depends on the nature of the research questions and goals. This should be in line with your research philosophy. First, multimethod research is when at least two techniques are used to collect data. Therefore, you can not mix quantitative and qualitative research for multimethod research. Second, mixed method research is the combination of quantitative and qualitative research. Finally, the mono method is a single data collection technique (Saunders et al., 2012).

The present thesis used the mono method because we only work with one technique to collect data, which is a qualitative study. Indeed, we interviewed stakeholders involved in the respect of human rights in banana plantations in Latin America.

3.1.4 Research Strategies

Different research strategies exist in order to define a plan on how the researcher will answer the research question. The different strategies possible are Experiment, Survey, Archival Research, Case Study, Ethnography, Action Research, Grounded Theory and Narrative Inquiry. In order to classify all those strategies, the first two strategies are associated with quantitative research, the next two strategies are associated with quantitative or qualitative research, while the four last strategies are associated with qualitative research (Saunders et al., 2012).

According to us, the right research strategy was the Case Study because the goal was to better understand the context and the conditions around the human rights in banana plantations in Latin America.

3.1.5 Time Horizons

Time horizon is the timeframe pertinent to the research. This timeframe is the duration in which the research is conducted. Time horizon is linked with the research objectives and the type of study (Alamgeer, 2022). Two types of time horizons exist : cross-sectional studies or longitudinal studies. The cross-sectional research is defined when the research is studying a specific phenomenon at a specific moment, whereas longitudinal studies are a representation of multiple moments over a length of time (Saunders et al., 2012).

For the present thesis, the right timeframe is a cross-sectional research because we studied the human rights in banana plantations at present with different stakeholders.

3.1.6 Techniques & Procedures: data collection & data analysis

Data collection and data analysis is the last layer of the research onion by Sanders. This layer represents the tactics used during the writing of our present thesis. The present study attempts to comprehend the respect of human rights in the banana industry, whose respect for the human rights of workers on banana plantations in Latin America was the key aspect of the study. For this thesis, we followed an interpretivism research philosophy, pursuing an inductive approach. The method to collect our data was doing interviews with different stakeholders in the banana industry in Latin America. We conducted interviews with project coordinators, manager research, professors, impact manager, presidents, lawyer, union representative, ect.

They all have different roles following their responsibilities regarding the treatment of human rights in banana plantations. In the end, we managed to interview a total of 16 people, asking for their experience and knowledge regarding the subject of our present thesis.²

To lead the interviews, we prepared a questionnaire with several questions. This questionnaire was divided into nine parts. The first section concerns the demographic information of the respondent, asking for the gender, the age, the job position and the experience working in the banana industry or/and human rights. The second section relates to a small introduction to human rights in general, asking what is the role and actions of the respondent's organisation in the respect of human rights in the banana industry. In this section, we also asked to react to the fact that bananas are the most consumed fruit in the world, yet their production leads to the most human rights abuses. The third section contains questions about the type of partners that that respondent's organisation is working with. More specifically, the reasons why they work together and the projects set up as a result of this partnership. The fourth section includes one question about the local activities implemented by the respondent's organisation. The fifth section also includes one question about the respondents' opinions on if increasing the selling price of bananas would help the working conditions of workers on banana plantations. The sixth section asks about human rights, and this section can take two different paths depending on who is being interviewed. On the one hand, if they were labels or banana producers, we would ask on what basis workers' wages were fixed, how gender equality was ensured, how workers' health was respected within the company they worked for. On the other hand, if they were NGOs or trade unions, then we asked if they knew how workers' wages in the Latin American banana industry were set? How was gender equality on the plantations and the health of the workers on the plantations? The seventh section concerns the education of children, the initiatives and efforts put in place to promote the education of children in Latin America? The eight section measures the familiarity and degree of the implication of policies, frameworks, and standards concerning human rights. The last section includes questions about research participants' views, opinions, and recommendations about the methods implemented or to implement to fight human rights abuses in the banana industry.

We send a lot of emails with a short presentation about ourselves and, also with the objectives of our thesis to be sure that they understood what we were looking for. Before

² Appendix 2

organising any video call, we sent a copy of interview questions that we wanted to ask during the call. The participation of our respondents was obviously voluntary. We asked for their consent to record the video calls and for their publication. The interviews were all conducted online, either on Teams or Zoom, because of the geographical distance from Belgium, which made face-to-face interviews very complicated. The interviews lasted about one hour. Depending on the answers to our questionnaire during the interviews, we sometimes reacted by asking more specific questions.

3.2 Interviews with stakeholders in banana industry in Latin America

For these interviews, we decided to ask as many stakeholders in the banana industry as possible about human rights issues. We were therefore able to discuss our questions with an important NGO involved in the fight against human rights abuses in the banana industry. We also interviewed labels such as Fairtrade and Rainforest Alliance. Moreover, we were lucky enough to be able to ask our questions to one multinational, and we tried to contact several other multinationals, but our invitations were turned down. In addition, we interviewed professors involved in the banana industry, as well as professionals who had worked or are working in the banana sector, such as a lawyer. We also had the opportunity to interview an investigative journalist from the agricultural sector in Brazil, as well as someone who took part in the "Comisión de la Verdad" in Colombia. Finally, we landed an interview with a representative of a trade union in Latin America, which enabled us to ask concrete questions about the case of multinationals. Respondents are presented in greater detail below.

3.2.1 NGO and labels

Banana Link

Banana Link, a non-profit cooperative, is based in the UK and was founded in 1996 by Alistair Smith. Banana Link works for fair, sustainable and equitable trade and production in the banana and the pineapple sectors, based on environmental, social and economic durability (Banana Link, n.d.). Banana Link leads campaigns to increase consciousness and to increase the bad living and working conditions faced by plantation workers and small farmers in Latin America (Ecuador, Peru, Colombia, Panama, Costa Rica, Honduras, Guatemala, Nicaragua), in Africa (Cameroon, Ghana, Côte d'Ivoire), and in the Caribbean (The Windward Isles, Dominican Republic). To do so, Banana Link is working through equitable and moral

commercial practices, self-respect for workers and respect for trade union authority, supportable production chains, and productive discussion between the stakeholders. (Banana Link, n.d.).

Holly Woodward-Davey has been working for Banana Link for just over 4 years. She works as project coordinator in the NGO, in addition to liaising with small farmers and trade union partners and funders to coordinate the projects, she is doing other things like columns and fundraising, it is quite a varied role. Before her role with Banana Link, she worked for other NGOs, not related to the banana industry, but related to human rights, as she worked for Freedom from torture.

Fairtrade

Fairtrade International, based in Germany, was founded in 1997 (Fairtrade Foundation, 2019). Fairtrade is a non-profit association and the most celebrated and reliable sustainability label across the globe. Fairtrade is an international organisation, with more than 1,8 million of producers and workers as co-owners. Those co-owners obtain reasonable prices, strengthen communities, and are in charge of their futures. The Fairtrade System is composed of three local producer networks. The mission of the latter is to represent producers and workers in Africa, Middle east, Asia, the Pacific, Latin America and the Caribbean. At the present time, more than 25 domestic Fairtrade organisations and marketing organisations sell and support the purchase of Fairtrade products in consumer countries. Fairtrade International created Fairtrade Standards on an international level and arranges Fairtrade globally. Fairtrade is linked with FLOCERT, which is the principal autonomous certifier for Fairtrade. FLOCERT checks producers to guarantee they adhere with Fairtrade Standards (Fairtrade International, n.d.).

Stijn Decoene has been working for Fairtrade Belgium for 6 years and is responsible for supply and impact. He is the connection between the Belgian's companies and the producers of Fairtrade commodities in Latin America. He is also facilitating projects with retailers and supporting his colleagues with expertise on Fairtrade commodities.

Rainforest Alliance

The Rainforest Alliance was founded in 1987, with the mission to save the rainforests (Fiolhais, 2022). The Rainforest Alliance is an international non-profit organisation involved in the mix of business, agriculture, and forests to make Corporate Social Responsibility the modern standard. The teams of Rainforest Alliance are creating an union to, first, support forests to have community forestry, to avoid deforestation and to improve Biodiversity.

Second, they want to get better the livelihoods of producers and forest populations with living wage and living income. Their third aim is to protect their human rights for indigenous communities, to improve gender equality, to respect the worker rights, to reduce child labour and forced labor. Finally, they want to assist them by alleviating and adjusting to global warming with climate-smart agriculture, climate resilience and regenerative agriculture. Products with the Rainforest Alliance label are present in more than 175 countries and Rainforest Alliance is working in more than 70 countries with sustainability projects or certified farmers (Rainforest Alliance, n.d.).

Our first contact at Rainforest Alliance is Henk Gilhuis. He has been working for the Rainforest Alliance in the Netherlands as manager of research and impacts for more than five years. Within the Rainforest Alliance, he is responsible for gathering evidence that helps Rainforest Alliance understand their programs' effectiveness. Before that, he worked at an international development NGO in the Netherlands. That is where he gets most of his experience on human rights.

Our second contact at Rainforest Alliance is Cassio Souza. Cassio Souza comes from Brazil and worked in the Rainforest Alliance for coffee and fruits. He was first standards and assurance manager for South America and then he was risk mitigation and impact senior manager. For a couple of months, he is working for Verra, a nonprofit organisation that is working in standards for a sustainable future.

3.2.2 Banana importers

Fyffes

Fyffes, created in 1888, is one of the largest importers and distributors. Fyffes is an international actor with their headquarters in Dublin that extends all over the world, engaged in the production, acquisition, transportation, maturation, distribution and marketing of bananas, pineapples, and melons. Nowadays, Fyffes is the biggest importer of bananas in Europe with more than 8700 permanent employees and 6000 seasonal workers around the globe (Fyffes, n.d.). Fyffes created his own label in 1929, The Fyffes Blue Label, which guarantees that each fruit has been grown, gathered, and packed carefully by employing sustainable techniques before it reaches local stores. Bananas from Fyffes are produced in Costa Rica, Belize, Colombia and the Dominican Republic. Fyffes vision is to hire workers, farmers, communities, buyers, consumers, and civilian population to provide fresh, healthy,

and sustainable products in a joint effort for the value of share and the improvement of people's lives. Our contact at Fyffes decided to stay anonymous.

Equifruit

Equifruit was established in 2006. Equifruit is based in Canada and is Canada's leading Fairtrade-certified banana importer. Equifruit has sustainable goals that can be checked with their traceable and measurable social and environmental impact. Equifruit bananas are 100% Fairtrade, allowing them to be aware where bananas originate in, the names of the farmers, and the date of picking. Equifruit secret is seeing communities as people worth standing in for. That is why they have such a high level of details about their banana origins. Each year, Equifruit goes to see cooperatives, farms and employees that produce their Fairtrade bananas feasible. Equifruit has a cooperative in Peru with 555 small producers, and another one in Ecuador with 132 small-scale member banana farms (Equifruit, n.d.).

Jennie Coleman is the president and the owner at Equifruit. She bought the company in 2013 from a daughter-mother team. She admitted that she knew nothing about the banana industry when she started.

3.2.3 Professionals: lawyer, professors, journalist and historian

Ana Aslan, worked for the US government and the ILO in the banana sector

Currently, Ana Aslan is working as a Director in the Labor Unit at Partners of the Americas. She is an international labourer. She comes from Argentina but has been living in the United States of America for 30 years. After graduating, she went straight into specialising in labour issues and international labour issues. She worked first for the US government in the Ministry of Labor in the International Division where she was a project officer in the banana sector. Indeed, she had two projects in Ecuador regarding child labour. The goal of these projects was to eradicate and prevent child labour in the banana sector in Ecuador. Then, she worked as a consultant for companies that were doing their human rights due diligence and analysing their labour rights and supply chain. She also worked for the ILO, the International Labor Organization in Costa Rica. She was director for their social dialogue projects, and she intervened in the negotiations between the Chiquita brand and the Union in Costa Rica.

Scott Hendler, founder and lawyer at Hendler Flores Law in Austin, Texas

Scott Hendler is a lawyer in the United States and has been practising as a trial lawyer for 30 years. He represents people who have injuries due to their work or have been exploited or harmed by some kind of more powerful entity, for instance governments and big companies. He has been representing the banana workers for 30 years. The case of banana workers against big corporations has gone up and down to the courts since then. He hopes to have a trial on the merits of the case by this time next year. He thinks of his practice as a purpose driven law practice. He grew up in Massachusetts. Then, he went to law school in Pennsylvania where he studied International human rights law. His first work was in Texas where he has been working for a federal judge, United States District judge for a year. He also went to Costa Rica and then created his firm, Hendler Flores Law.

Dr Avi Chomsky is a professor of History, coordinator of Latin American Studies at Salem State University

Her first book and first dissertation were on West Indian workers and the United Tropical Fruit Company in Costa Rica. She also wrote about the banana industry and banana plantation workers and violence in Colombia.

Rafael Pflucker is a Professor in Agricultura Ecológica at Universidad Científica del Sur Agroforestry Faculty in Lima, Peru

Rafael Pflucker has a wealth of experience and skills in the banana industry. He had first worked as an International Inspector, in charge of planning and conducting organic and GlobalGAP audits in six countries of Latin America. After that, he had worked for Dole for six years as Internal Control System Superintendent. He also had other rewarding professional experiences, as being Fruit and Vegetables Manager for Solidaridad, an NGO, in Colombia. He is currently a professor at Universidad Científica del Sur, where he teaches courses on ecological agriculture in Peru.

Mariana Costa is a reporter and project coordinator for the Brazilian newspaper “O Joio e o Trigo”

O Joio e o Trigo is a journal created in 2017 whose aim is to build a new economic system that puts the well-being of people, animals and the planet at the center. Their aim is also to investigate private power, writers claim it to be a comprehensive and independent investigative journal. In their view, eating is a political act with profound social, economic and

environmental implications. Nevertheless, many people are unaware and have little information to make conscious choices about what they eat. However, information is a right.

Their reports are based on scientific research, recognized professionals, fieldwork, travel and interviews. In Brazil, agribusiness claims to be the richest industry. However, according to this newspaper, the sector presents immense social, environmental and economic problems (O Joio e O Trigo, s. d.).

Daniel Bedoya is historian from the National University of Colombia

He has a master's degree in history and researched the relationship between history and Afro-descendant populations. Lately, he has also been working on the issue of the armed conflict, drug policy and he worked in “la comisión de la verdad” (the truth commission) in Urabá, which is one of the most important banana-growing areas in Colombia. This commission claims to be a “State Entity that seeks to clarify the patterns and causes of the internal armed conflict that satisfies the right of victims and society to the truth, promotes the recognition of what happened, coexistence in the territories and contributes to lay the foundations for non-repetition, through a process of broad and plural participation for the construction of a stable and lasting peace” (Comisión de la Verdad Colombia, s. d.).

Leandro Maia Machado is an Agronomic Engineer and an Agricultural State Inspector

He is the State Plant Health Education Coordinator for the State Superintendence of Agricultural Defense in the State of Rio de Janeiro. He has been working in a region in the south of Rio de Janeiro State since 2015. Moreover, he has been working in some regions of the State with phytosanitary problems related to the presence of Black Sigatoka Disease since 2018.

3.2.4 Trade Union

Adela Torres works at Sintrainagro (The National Union of Agricultural Industry Workers in Columbia)

She has been a union leader in Sintrainagro for 21 years, she started as a banana worker in the fields and then joined the leadership of the banana farm where she was working to then occupy the post of union leader in Sintrainagro. Sintrainagro is the largest union in Latin America, representing over 18,000 banana workers in 266 medium and large-scale banana plantations, as well as workers in other agricultural industries. Sintrainagro works with several unions in Latin America.

IV. Thematic analysis and discussions

After conducting our interviews, we decided to analyse the results obtained using the Braun and Clarke method. “Braun and Clarke's thematic analysis method is an iterative process consisting of six steps: (1) becoming familiar with the data, (2) generating codes, (3) generating themes, (4) reviewing themes, (5) defining and naming themes, and (6) locating exemplars” (Mihas, 2023).

For the first step which consists in becoming familiar with the data, we read the interviews several times and discussed them together. Before that, we each had to listen to the interviews again to transcribe them and then proofread them for spelling and grammatical errors, so we became thoroughly familiar with them.

For the second step which consists of generating codes, we decided to establish a code to sort the interviews according to the profession of the interviewees. In this way, we were also able to group the interviews by professional category, and see similarities and differences within and between categories. First, we chose the code ILB for interviewees related to labels. Since we interviewed two people at Rainforest Alliance and one person at Fairtrade, we have ILB1 (Henk Gilhuis), ILB2 (Cassio Souza) and ILB3 (Stijn Decoene). Then, we coded INGO1 (Holly Woodward-Davey) from Banana link. For Fyffes and Equifruit, that are Banana importers, we chose the codes IBI1 and IBI2 (Jennie Coleman), respectively. For Ana Aslan who worked different jobs in the banana industry, we chose IP1, and for Scott Hendler, who is a lawyer we coded IL1. For both professors, we coded IPr1 (Avi Chomsky) and IPr2 (Rafael Pflucker) and for the only journalist we interviewed we chose IJ1 (Mariana Costa). Similarly, for the only historian who participated in “La comision de la verdad” in Colombia we decided to adopt the code IH1 (Daniel Bedoya) and for the state agent inspector working on diseases we chose ISI1 (Leandro Maia Machado). Finally, we were able to interview Adela Torres (ILU1), who is the leader of Sintrainagro, the National Union of Agricultural Industry Workers in Columbia (Sindicato Nacional de Trabajadores de la Industria Agropecuaria).

For the third phase, theme generation, we had already organised our questionnaires by theme, for example the first part was about demographic information, then we had an introduction to the subject and so on. For this phase, we decided to create a document by listing each respondent's answers one after the other for each question. This enabled us to identify the similarities and differences between each respondent's answers to a particular question.

Thanks to this step, we did steps 4 and 5. Indeed, we noticed that three themes emerged from the interviews. The first theme is obviously the situation with human rights in banana

production in Latin America. The second theme is the role of companies, consumers and governments in ensuring respect for human rights in Latin American banana production chains. Finally, the last theme is the involvement of trade unions in this sector to ensure respect for human rights. For the last step, we presented the relevant information for these three themes.

4.1 Theme 1 - The state of human rights in banana production chains in Latin America

4.1.1 Interviewees' views on the human rights situation in the banana industry

First, according to the three interviewees working for labels such as the Rainforest Alliance and Fairtrade, it is clear that human rights are being violated in the banana industry and that this is a current problem. Indeed, ILB1 states that a significant portion of bananas are part of the global export and that this sector has a long history of human rights problems and abuses including exploitation and environmental issues.

“The banana sector that Rainforest Alliance works with is the global export sector, and indeed, that has a long track record of human rights problems and abuses.” (ILB1)

He highlights that the major players in this issue are large corporations that are managing the supply chains and exports worldwide.

“The big pieces of bread, what's now the ones that inherited United Fruit, is Chiquita, Fyffes based in Scotland, and Dole. Those are really big corporations who sit in our brands. They are brands, they are exporters, they control the export and the input, and I think the ripening of bananas.” (ILB1)

Even if they have implemented CSR policies in the last years the pressure to keep prices low is still high and therefore affecting labour costs and working conditions.

“There is a huge concentration of power in the value chain. That has both positive and negative implications for human rights, as these companies have grown very visible and big. They have to report to their shareholders, but also to the public and they have an interest to remain to keep a good reputation. They have started to implement CSR policies and to improve some of the social and environmental conditions of their suppliers. That is a force for good but at the same time, there is a tremendous pressure to keep prices low. That comes all the way from the retailers and the consumers who want to have a kilo of bananas for one euro and not more than that.” (ILB1)

In his opinion, labels such as Rainforest Alliance and Fairtrade help to improve the workers' conditions but they are not addressing the fundamental inequalities that exist in the global supply chain. Likewise, ILB3 states that the problem of human rights abuses in the banana sector comes from the fact that it is one of the most exported products worldwide. That is why there is a lot of competition on banana prices and a race to the bottom among supermarkets to have the lowest retail price. This race to the bottom between supermarkets squeezes the whole supply chain and therefore, producers are not able to sell their bananas at a fair price.

“We have the problem of bananas as it is one of the most exported products in the world. I think it is like 21 million tons of bananas that are exported globally each year. In Europe, in the supermarkets, it is maybe one of the three most selling products. There is a lot of competition on banana prices. There is sometimes a race to the bottom across supermarkets to have the lowest sales price/retail price of bananas and because of that, there is lots of pressure.” (ILB3)

Like ILB1, ILB2, who worked for Rainforest Alliance, says that the banana industry in Latin America is dominated by large multinationals, as a result, small-scale producers are struggling economically.

Then, according to INGO1, it is also very clear that there are several human rights issues and environmental risks in the banana supply chain. These main issues are labour violations, persecution of labour unions, poor working conditions in non-unionised regions and retailers receiving the majority of profits from the banana trade. An important problem is the fact that producing companies reduce their costs by cutting workers' salaries or not providing protective equipment for workers.

“The workforce is still a very large cost for producing companies. They need to make savings because they are not being paid enough, cutting workers' salaries is going to be one of the first things they are going to try and do. Unfortunately, because it is a large cost in total. I think it could be around 40% of their costs in salaries.” (INGO1)

“In addition, there is another way that they can make savings is by not providing personal protective equipment or by not making the adaptations that are required to the working environment when things are old or no longer safe, not replacing them, making workers do unpaid overtime or just working excessive hours.” (INGO1)

Migrants are sometimes paid less than the local workforce and are therefore discriminated against.

“Also, there is a widespread tactic of employing migrant workers and paying them less than the local workforce because they are vulnerable to exploitation or they are just more desperate. Sadly, it just drives down the wages for everybody.” (INGO1)

Moreover, even if a legislation does exist, the implementation of the law is inadequate and the reality is far from what is written in the laws. As many interviewees, such as IP1 and IPr1, have pointed out, certifications are not necessarily enough to achieve the desired results.

“I think they hide in a certain way behind the certifications, but if you go down the chain it is not good. It is the same story with everything related to supply chain.” (IP1)

We heard from ILU1 as well that these certifications did not necessarily guarantee respect for human rights.

“We have had many problems with some of them, we have denounced many problems because sometimes we thought they could help a lot, but it turns out that sometimes the certifiers certify the producer and do not comply with the workers' rights, they violate the workers' rights, but they show the world that, as they have the Fairtrade reform certifier, then they think that everything is fine, but it turns out that here the reality has been, it is not fine.” (ILU1)

IJ1 adds that certifications have helped to improve working conditions on plantations, but despite these improvements, there are still shortcomings, such as workers' access to drinking water, which is unacceptable.

“This certification process has formalised these workers and this is undoubtedly a step forward, and it did bring some improvements. However, even with all these certifications, there is still a lot of precariousness in the work. Things that for us would be trivial, like, for example, the supply of drinking and cold water. A union has to fight for them to have this right, to the point that the category declined to fight for a salary increase because it was more important to have access to drinkable and iced water than a higher salary.” (IJ1)

Nevertheless, some interviewees differentiate between Rainforest Alliance and Fairtrade. In fact, INGO1, IBI2 and IPr2 claim that Fairtrade is the better certification between

these two certifications because Fairtrade guarantees premium paid, or even insurance for workers. Whereas Rainforest Alliance certification is considered to have lower standards.

“Banana Link definitely respects Fairtrade International, as a certification, because of the premium that they pay. I think the Fairtrade model of certification is kind of the one that we think is the best.” (INGO1)

“I think that the Rainforest Alliance is perhaps better than nothing. But because there is no price mechanism in the Rainforest Alliance, everything comes from money. It makes us uncomfortable to say that everything comes out of the price that you are willing to pay.” (IBI2)

4.1.2 Examples of violations of human rights gathered during interviews

The human rights violations in the Latin American banana sector that stand out most in our interviews are exposure to pesticides, long working hours in intense heat, low wages and lack of unionisation, including the persecution of certain trade unions. In the following section we will give examples of these violations collected during our interviews and we will address the question of trade unions in theme 3.

First of all, IP1 said that entire families were exposed to pesticides. Indeed, she explained that bananas are immersed in large bin liners filled with pesticides, and are not washed in the vicinity of the plantations, but in the workers' homes, where the task is sometimes entrusted to children, which is really problematic because they don't have any protection.

“I think that one of the big issues for health and in relation to pesticides is that the plant has the bananas falling from the tree and what they do is that they put pesticides in bags and then they fold the bananas into these bags full of pesticides because they don't want the insects to eat the bananas. Then, what happens is that they send the bags to the families for them to wash and take them out. So the whole family, the children, everybody is engaged in the washing of the bags of pesticides. That is a very direct human rights issue.” (IP1)

Then, ILB2 from Rainforest Alliance explained that sometimes the fields were sprayed with pesticides from above while the workers were in the field without protection. Moreover, as these two people and IH1, who explained the case of Colombia, pointed out in their respective interviews, the towns around the plantations are contaminated by pesticides, including schools and kindergartens which leads to health issues for not only workers but the

whole community in the surroundings. The biggest problem with pesticides was therefore their unprotected application.

However, IBI1, the only multinational we were able to interview on this subject, assures us that strict rules now apply to pesticide spraying and that significant changes have been made.

“ This is something that the industry had a bad reputation for years ago. I have heard stories that they would let the workers go into the field and the fungicides would pass over the workers while they were in the field, maybe even eating. That does not happen anymore. A hundred percent does not happen anymore. ” (IBI1)

Nevertheless, ILB3, working for Fairtrade Belgium says that outside of Fairtrade it is still a big problem. In the Fairtrade standards, for example, there are numerous requirements on how pesticides have to be sprayed.

“I know outside of Fairtrade, it is a big issue. Outside of Fairtrade we see that more people are using just pesticides without protection and things like that. ” (ILB3)

It is important to stress that ISI1 explained that in the state of Rio De Janeiro, the banana production is mainly carried out by small farmers and that 80% of the banana varieties grown is the silver type, which is not the Cavendish type which is preferred for exportation. In this state of Brazil, labour relations and human rights violations associated with large-scale production are relatively rare or non-existent. IPr2 added that the multinationals in the banana industry have a small share of their own farms compared to what they sell and produce. Instead, they establish contracts with farmers, setting conditions and requiring global gap certifications. They ensure that their suppliers comply with standards and implement their own programs on supplier plantations. However, during shortages or excess supply (which is quite common), flexibility in conditions may arise.

Then, several interviewees told us about the long hours worked by banana workers. One striking fact given to us by IJ1 was that in Brazil, it was common for workers to spend nights on the edge of the fields, with hardly any food or water, just to get work on banana plantations, where employment contracts obviously don't exist.

“What happens is that for you, as a producer, to export fruits to the United States, the European Union and the United Kingdom, there is a series of certifications and the companies that manage to export, that are certified, have slightly better working conditions, as they are

obliged to formally contract with these workers (signed work card, some labour rights and other conditions imposed by the certifiers).” (IJ1)

“Parallel to these large export farms, there are smaller, small and medium-sized producers who are not in a position to formally hire these workers; they hire them on a daily basis and these workers are called ‘day labourers’. » (IJ1)

“The situation in general is bad, because all these workers earn very little, work very hard, do work that is unhealthy and physically exhausting, but in general, in this category of work, the day labourers are the most vulnerable. They have no labour rights, no social security rights, they have no maximum number of hours worked per day.” (IJ1)

“To get this kind of workers, the exporters go to a kind of ‘human labour fair’. A place where people in search of work arrive around 4 a.m. and gather in a point of the city waiting to be called for some plantation, they take their own food because the producers do not provide and spend hours waiting to be called for some of the plantations, they earn around R\$90-R\$100³ per day of work.” (IJ1)

Moreover, low wage is an issue that also came up a lot in our interviews as we can learn from the example above. INGO1 outlined the fact that migrants were paid even less than the local workforce, which in turn drove down wages for everyone.

In general, all those interviewed agreed that human rights violations still exist on banana plantations. It is true that progress has been made in recent years, but it is clearly not enough. The problem also raised by ILB1 is that multinationals own certified farms for markets that demand certified bananas, but they also buy bananas from non-certified farms for markets that don't necessarily demand certified bananas, like Russia for example.

“Let's say that Fyffes in Guatemala, they have their own farm, but they buy from 10 other farms. When Fyffes appears as producer's certificate holder, that means that is for the farm for the bananas from their own farms. They may also buy certified bananas from other farms. But I am sure they also buy non-certified bananas because there is a market for certified bananas, and you need to pay a bit more. Fyffes exports bananas to Russia or to other places,

³ 18-20 US dollars per day

but there is no demand for certified bananas there. There is no consumer awareness, the retailers do not care, then they will not buy certified bananas and sell them on as regular ones.” (ILB1)

Only IBI1 declares that no one intends to exploit workers, or that pesticide exposure is no longer an issue.

“I think that historically there were not so many oversights in the industry, but in the last 10 to 15 years there is been a lot of work done to ensure that the farms are meeting standards and not creating human rights abuses so it is nobody's intention to go out and take advantage of the workers by any means.” (IBI1)

Another issue that was reported by ILB3 is the presence of children in plantations and in some cases these children are working with their parents, as one of the interviewees explained above with the bananas in plastic bags.

“It is kind of sad, but the school system in Guatemala is basically orbiting around the coffee and fruit crops. This means that when people are harvesting kids are on vacation. So there are 2 reasons for kids to be on plantations. First, in some situations families may need the kid to work to generate income. Guatemala and Costa Rica, I believe they have very poor zones in there, so eventually kids are needed for extra income. The second reason is because of lack of childcare in the countryside of Guatemala for instance, so the easiest thing to do for me as a father, for instance, is go there to pick my bananas and take my kid with me because at least the kid is there. Preventing kids from accessing the workplace or telling fathers don't take your kids there, it just doesn't work because it is a cultural issue. For example, if you see coffee plantations, coffees are like cherries and the coffee is harvested by hand in baskets. The cherries that kids are holding are given by parents themselves. So, it is not that they are working, they are just like playing and picking cherries and mirroring their parents. So saying you cannot do that is never going to work. So basically, we were trying to raise awareness with these cooperatives and fruit producers to actually build conditions for these kids to be there, what does it mean having safe spaces for kids to stay, or funding local schools for kids to be there, you know, during vacation time or even during the entire year.” (ILB3)

Not only children but women too are victims of these labour rights violations in the banana industry, as IJ1 explained in her interview, especially when they have to take care of children. Gender discrimination therefore still exists in the banana industry.

“There are many women working in fruit farming, especially in grape growing, because they require a little more delicate handling and the companies believe that women do it better, and also in the packing houses, which is the sector where the companies pack the fruit.” (IJ1)

“There is a gender washing done by these companies to analyse this female employment, to say that it has generated employment and income for these women who were previously housewives who did not work outside.” (IJ1)

“These women enter the labour market formally and they will have many problems, because the companies don't admit absences, so when these women start working and they become mothers, and even though it is a right guaranteed by Brazilian law that the mother or another person responsible accompanies them to consultations and hospitalizations, they realise that it becomes impossible for them to continue working because they can not be absent. This makes the situation even worse for women as the conditions for them to remain in the labour market are even more difficult.” (IJ1)

“We have heard many reports of bullying at work for reasons as trivial as taking your child to the doctor. And from the moment you are forced to miss work because of an appointment with your children, many companies put you on a kind of red list, so that you won't be called back.” (IJ1)

“We didn't see any company led by women, we didn't see any women directors or farm owners.” (IJ1)

“Seeing this, we can verify the existence of this ‘washing’ thing, of selling an image that does not correspond to reality.” (IJ1)

While, IJ1 says they have not seen any case of sexual harassment, ILU1 states that it is a problem that has always existed on banana plantations.

“This is a scourge that has been around forever. There is a lot of sexual harassment on the plantations, both by the bosses and by the workers, so we have had many difficulties with that.” (ILU1)

4.2 Theme 2 - The role of the stakeholders in ensuring respect for human rights in Latin American banana production chains

4.2.1 Role of companies

The first topic concerning companies and their role in respecting human rights was to ask whether an increase in banana sales prices by companies would help improve workers' working conditions. ILB2, INGO1, IP1, IPr1, ISI1, IBI2, IL1, IJ1, IH1 and ILU1 all agreed that an increase in the selling price of bananas does not necessarily lead to better working conditions for the employees in the banana industry.

IBI2 stated that, as a private company that imports bananas to Fairtrade standards and therefore sells bananas at higher-than-average prices, some of its competitors had also decided to raise banana prices, but without guaranteeing respect for workers' rights. As a result, the increase in banana prices in this case had no impact on improving working conditions.

“Now, we have a customer here in Quebec, who sells our Fairtrade organic bananas at a certain price, and what is very frustrating to us is that their two main competitors have seen that the market is prepared to pay higher prices for organic bananas, and so they have increased the price of their bananas to match our customers' Fairtrade organic bananas, but they are not Fairtrade. They are just making more margin on those bananas without any indication at all that is improving.” (IBI2)

In the same vein, INGO1 and IP1 added that increasing the sale price of bananas does not necessarily guarantee that workers will benefit from it. Indeed, IP1 justifies this by saying that an increase in selling prices will constitute minimal change for workers' conditions because of the many intermediaries that exist between the increase in banana prices and the workers. Instead, it would be wiser to concentrate on improving workers' welfare, such as ensuring that their living and working environments are safe from pesticides and diseases.

“I think the nonlinearity definitely supports an increase in the selling price of bananas, but it would not guarantee that the increased payment would then be passed on to the workers. Definitely more should be paid per box of bananas, so that there is enough to pass it on to workers, but there would also have to be other kinds of work done to ensure the workers here benefit from that.” (IP1)

Also, IJ1 stressed out that even if the price of bananas increases internationally, workers still receive poor wages, that is why she clearly doesn't agree that an increase in the price of bananas will increase the workers' conditions in the banana industry.

"... we started to observe that Brazil was beating fruit export records while internally fruit was becoming more expensive for us. So, we went to take a look at what was happening with the fruits. I wrote a report based on macroeconomic information and from this report I felt a great curiosity to understand if this wealth was being reflected in the territories and in the living conditions of the workers. It was then that we had the idea of making this trip." (IJ1)

"This is also a central issue, because we can see that, with the pandemic and all this discussion about immunity and everything else, there was a greater interest in people eating in a healthier way, so Brazil broke two records in a row in 2020 and 2021. Record both in revenue and in exported volume. However, the companies did not pass this on to the workers." (IJ1)

"In 2021 the companies refused to restore the inflation of the period. These workers are unionised and every year there is what we call the 'collective bargaining agreement' that is when we discuss the wage adjustment. You see, adjusting for inflation can not even be called an adjustment, because you are adjusting that percentage that money no longer buys, adjusting for inflation is the minimum a company should do and they didn't even want to do that. It was necessary for OXFAM to intervene in this negotiation and trigger the European supermarkets, and only after this information reached the European supermarkets did the companies accept to give the readjustment. Very small readjustments, ridiculous. It is modern slavery, because those workers have no option." (IJ1)

"The first interview we did was very shocking, we interviewed a couple who have worked for 27 years in the same company and in 27 years the husband managed to become a tractor driver and when a person manages to become a tractor driver, he earns a little more, but it doesn't reach two minimum wages, he earns one and a half minimum wage. The wife managed to stop being a 'safrista' (since work in fruit growing is divided into various modalities and the modality with the highest number of workers are the 'safristas', who work 5 to 6 months a year and, as there are not many other economic activities in these localities and the great majority of people does not work the rest of the year, then their annual income is what they earn in these 6 months of work) and became a cleaner and she receives one minimum wage." (IJ1)

“We have seen people with a lifetime dedicated to a single company who don't get enough to live on. That is, it is wealth that is not distributed among the workers.” (IJ1)

“With the devalued Real, it pays more to export, these companies had a very big jump in sales and consequently in profits, and this was not distributed in any way.” (IJ1)

“For you to have an idea, while I was writing this report, in the state of Ceará, what the union got was a readjustment of R\$17 and you don't buy anything with that.” (IJ1)

IPr1 also states that another way to increase the workers' conditions is to escape the capitalist point of view where the most important thing for companies is to make profit.

“... it is the companies along the supply chain that set the price of the bananas, so changing the price that they set for the bananas won't necessarily have any impact at all on the workers. Now, companies could argue that in order for them to create better working conditions and also make a profit, they would need to raise prices to do that, but there is other way of thinking about that question. They could reduce their CEO pay and their profits and again, raising prices alone doesn't make any guarantees about how the company is going to treat its workers.” (IPr1)

Finally, ILB2 explains why it is not that easy to obtain better working conditions by increasing the selling price of bananas and he gives three main reasons. He states that an increase in the selling price of bananas will lead to better working conditions only if it is followed by contractual requirements. Rainforest Alliance has been testing to increase the selling price with its premium system and he concludes that in many places there are legal issues to this price increase.

“I mean, because it is very obvious, right? Let's raise the prices and then working conditions improve, right? There are three things that, in my opinion, prevent this from actually working. The first one in Costa Rica, there is a very particular case. I do imagine this may be the case in other countries, in Brazil it is more or less the same, but in Brazil they have ways to treat it from a payroll perspective let's put it this way. But here is the deal, in Costa Rica, if you receive extra money from sustainability sales and you want to invest this in your workers, and let's say you're going to raise this, you are going to get a bonus for the workers. You legally can not do that because if you do that, If you say; this is our first banana batch sale to Germany, and this is great, they paid 30% more and I will get this 30% and give it all to you, next month

you need to pay an equal salary regardless of whether you sold or not. If your salary is here and for some reason you raise it, next month you will need to give the same. It doesn't fluctuate. In Brazil, you can pay a bonus to people. However, it is from a liability perspective that there is a problem. It is very easy for a worker to go to the court and say, well, you know, what my employer actually did. This was a salary, but he said that it needs to be a bonus because he didn't want to pay taxes out of it. It is a very complicated liability. The first thing is that we have to observe the legal blockages that doing that from a labour law perspective have.” (ILB2)

“Second thing, I would say there is, and to be very clear, I am definitely not against this, but there is in many places a very strong influence of labor unions and we are talking about corruption. We are talking about labour unions favouring one thing over another. Labour unions even plotted against farmers. I have seen this happening. So, it is not that you have bad farmers and good union people, you have bad and good on either side. There is a difficulty in these places to discuss labour conditions without interference of labor unions and in a considerable amount of times eventually labour unions do not advocate for the best interest of the workers, but actually the union’s best interest, which basically prevents farmers to prevent farmers from actually doing something about it even if they have the will.” (ILB2)

“The third one, I would say there is a lack of agreement on how to measure overall, improved conditions of workers because you have a lot of indicators, and they all mean a little bit. Living income is an indicator, accident rate is another indicator, quality of the houses or lodges that are provided for workers are another indicator. There are several indicators. The banana sector and the fruit sector in general, I would even dare to say, the agricultural sector in general haven't come to an agreement on how to measure that. Many people say living income or living wage may be the most accurate tool to have an indication on how well or bad workers are performing in terms of their conditions in a given place. I tend to agree. I'm inclined to agree. Living wages are a very good reference actually to measure that. The methodology is very robust. However, it is not perfect, and because it is very robust and very complicated the agricultural sector tends to run away from it, tries to walk around it, saying I don't know, let's pick something easier to measure. For instance, the percentage of salary increases, percentage of training or awareness raising or percentage of accident rates that happened, number of overtimes; because we don't do overtime people are performing well. I

think those are the main three reasons why let's say a solution hasn't come to reality. There are some blockages that need to be addressed.” (ILB2)

However, IBI1, ILB2 and ILB3 have a different opinion to the above: they state that the price of bananas is very low, which also means a very low profit margin, making it difficult to maintain quality standards. Only large companies have the resources to make up for this low profit, but not indefinitely, unlike smaller companies, which have difficulty absorbing these shocks.

“It is very hard to ensure certain standards with such a small margin on the fruit. Larger companies like Fyffes or Dole or Chiquita have enough support and resources to buffer those kinds of volatilities but not long term either. They definitely have to smooth out the bumps whereas smaller companies, smaller farms or individual farms may not have a little buffer or a piggy bank to go into whenever these things happen. Which then puts pressure, and it has a knock-on effect on the circumstances of the workers.” (IBI1)

To sum up, it can seem very obvious to us that an increase in the selling price of bananas will lead to better working conditions but only 3 out of 14 interviewees believe there is a direct connection between these realities.

Now, the second topic is workers' human rights. For this specific topic, we decided to divide the interviewees into two distinct groups. Group 1 includes ILB1, ILB2, ILB3, and IBI1, while Group 2 comprises INGO1, IBI2, IP1, IL1, and IPr1. Firstly, we asked group 1 how their company defines workers' wages, how is the equality between men and women in their company and how does their company ensure the health of its workers. The same questions were asked to group 2, but with some adaptations in the questions. Indeed, we inquired about the criteria used for determining the salaries of workers in banana plantations, the gender equality situation on the plantations, and the workers' health conditions. By doing this, we were able to detect discrepancies in the responses given by the interviewees.

Concerning workers' wages, group 1 said they followed the country's legal minimum wage procedure. ILB3 adds that in the banana sector, in addition to the minimum wage, Fairtrade pays 70% of the living wage to their workers. ILB1 states that Rainforest Alliance aims to reach a living wage because it is important to stress out that the minimum wage set by the law is most of the time inferior to a living wage.

“There are two things, in our standards it is written that all work should precede the national minimum wage, so it should follow national law and in addition to that, for bananas we have now, since 2 years, a rule that all banana workers in Fairtrade plantations should earn a base switch we call it and the base switch is 70% of the living wage. So, it is higher than the minimum wage, the workers in the banana plantations of Fairtrade receive 70% of the living wage. There is a website of the Living Wage coalition that is a concern of NGOs and scientists and for each country they look at what should a family earn to really have enough money for 3 decent meals per day, for housing for school, for medical services. Per country, this is determined and then we calculate what the living salary should be and we say that we request that all workers in Fairtrade plantations should earn 70% of that living wage.” (ILB3)

“The Rainforest Alliance’s certification program for banana farms mandates that farmers pay their workers at least the legally required minimum wage, with a goal of achieving a living wage over time. Innovative tracking mechanisms are used to monitor wages and in-kind benefits paid to workers, which are compared to living wage benchmarks in their respective countries. Farmers can then identify gaps and develop strategies for improvement in consultation with workers’ representatives.” (ILB1)

Group 2 added some information. For example, IPr1 mentioned that there are two different models for large companies in the banana industry in Latin America. The first model involves large plantations where workers are directly employed by the company. The second model relies on a contract system, where small farmers are responsible for the banana production. In the direct employment model, workers can form unions and go on strike. However, companies sometimes prefer the contract system because it shifts risks onto the small farmers. This means that if there are issues like diseases or a lack of bananas, it is the small farmers who suffer and may not get paid despite their efforts. IPr1 states that both models lead to exploitation of workers.

“There are two primary patterns observed in the operations of major companies like Chiquita in the banana industry, and these patterns can vary based on space, time, and political conditions. The first model involves large plantations where workers are directly employed by the company. The second model relies on a contract system, where small farmers are responsible for banana production. Both systems involve the exploitation of workers, although the direct employment model is more familiar in terms of worker resistance and avenues for

improvement. In the direct employment model, workers can form unions and go on strike. However, companies sometimes prefer the contract system because it shifts risks onto the small farmers. This means that if there are issues like diseases or a lack of bananas, it is the small farmers who suffer and may not get paid despite their efforts. Additionally, companies only purchase bananas that meet their specific standards, which can lead to rejection of fruit from small farmers that don't meet those requirements. Moreover, the companies can manipulate prices, pitting small farmers against each other. The reliance on the small farmer model also enables the exploitation of workers. Despite being involved in banana production, small farmers have limited leverage to change the industry's structure as the big companies maintain control over export and marketing, which require significant capital investment. Ultimately, both plantation workers and small farmers find themselves trapped within the exploitative framework of the large agribusiness model.” (IPr1)

ILB3, INGO1 and IP1 also mentioned the use of collective bargaining in some countries, which allows for higher wages due to the presence of trade unions and in some cases for gender equality.

“In the majority of countries, you have a minimum wage, which is the minimum wage set by the law or what we call a CBA, a collective bargaining agreement, which is the negotiation between the labour union in that sector and the employers of that given sector. In a case like Costa Rica, for instance, the minimum wage is 1000 but the CBA for banana sector is 1250 and Rainforest Alliance requires you to pay the higher of both. The CBA presidents over the minimum wage set by the law. The only thing that we do is to require that the higher between minimum wage and collective agreement is paid. We do not request a living wage that needs to be paid. We do not request you should increase the salaries of your workers by X percentage a year that is out of the scope of the standard.” (ILB2)

“For example, in Colombia, in Urabà, the banana-producing region where they have negotiated through collective bargaining the wages, the same rate should be paid for the same work irrespective of gender.” (INGO1)

Regarding equality between male and female workers, group 1 declares that they have zero tolerance in their standards concerning harassment, differences in pay between men and women, access to work, etc. Regarding gender equality, group 2 emphasised that the tasks assigned to men are very different from those given to women. In general, men work in the

fields while women work in the pack houses. INGO1 states that because the fieldwork has been designed around male physical strength, it is difficult for women to perform such tasks, but most importantly, when women want to perform tasks, the protective equipment doesn't fit properly because it is made for men.

“Basically, these requirements are set in the session of no discrimination. You have to make sure equal jobs receive equal pay regardless of gender. There are requirements in the standard that certified firms have to be sure to respect and that ensures equal pay for all genders. Access to work is possible for all genders. Especially for females, there are a couple of requirements regarding pregnancy discrimination. For instance, if a woman is pregnant, you cannot fire her or you cannot demote her to another position when she comes back from maternity leave, things like that.” (ILB2)

“I think in Latin America and the Caribbean, it is extremely widespread that women are employed in the pack house, they will be washing the bananas, labelling them, doing quality control, things like that. On the larger plantations, more women may be employed in administrative roles. But the field work is almost exclusively in Latin America and the Caribbean, done by men. There is a real division of roles there, which means there are less jobs for the women. It is an occupational health and safety context that has been designed around the male bodies. A lot of times we hear like personal protective equipment, like the aprons and gloves, women have been given ones that are made for men that don't fit properly or the way that the tasks are designed out in the field, the weight of things that need to be lifted, and stuff are designed for male physical strength, and that kind of excludes women. I know in western Central African banana-producing countries, it tends to be a little bit different. There are more examples of women working in the fields. But I still think it is still a fairly low proportion.” (INGO1)

Finally, the subject of workers' health and safety was also addressed. As with the previous topic, group 1 declared that safety procedures are followed to the letter, and that dangerous products are not used. IBI1 even went so far as to say that workers' exposition to pesticides was a historical problem, which no longer exists. Now, the issue of workers' health seems to be a point of disagreement between group 1 and group 2. While IBI1 claimed that worker health hazards are a historical problem, ILB3, INGO1, and IPr1 maintain that the safety and health of workers in banana plantations are not guaranteed due to exposure to pesticides, lack of sanitation services, lack of clean water, and of protective equipment. IBI2 added that it

was absurd to say that it was a historical problem because *“Major companies like Fyffes, Chiquita, Dole, and Del Monte have the power to make a difference by shifting to Fairtrade standards, but they haven't done it so far.”*

In short, the role of companies in the fight against human rights abuses is important. All our interviewees gave suggestions as to the roles companies should adopt. ILB1 says that companies need to improve their purchasing practices: they need to pay more and have better relationships with their producers and negotiate prices. IP1 and IBI2 add that companies make enough money and can therefore do much more to improve conditions. Indeed, companies may be deliberately ignoring where bananas come from and under what conditions. The role of companies in this struggle is not to know what to do, because they know very well what to do, but rather to take actions. IBI1 also adds that companies need to be involved with local stakeholders so that they are aware of their impact. ISI1 adds a recommendation that nobody else has said, saying that *“respect for fundamental human rights principles should not be used as a differentiation of companies or production units in their products, but as distinctions can not be punitive, I think that an internationally audited identification seal on the product label would be a way to highlight companies and units that care about this fundamental issue.”*

4.2.2 Role of consumers

Consumers also have a role to play in the fight against human rights abuses on banana plantations. Indeed, according to ILB1, buyers demand bananas produced according to the certification standards, but these same consumers are not inclined to pay the higher price for bananas with these standards. If consumers are not prepared to pay a certain price for quality bananas, then growers can not guarantee higher wages for their workers.

IBI1 adds that bananas are a leading loss leader for supermarkets, banana prices are intentionally kept low because they are part of the basic food, unlike pineapples which are sold and bought at higher prices.

“Right now, a banana is a loss leader. It is a product that supermarkets deliberately keep low because it is part of people's basic food basket. You go to the supermarket to buy milk, bread, and bananas, especially in Ireland and England. And when you're in there, then you buy higher value products, maybe chocolate or something else that is a higher value and has a higher markup. Farms generally receive about 2% profit or less and in an environment

where there is a lot of volatility with prices for logistics, containers, wars going on in Europe, and the gas fuel prices have changed, the dollar has changed. It is very hard to ensure certain standards with such a small margin on the fruit. Larger companies like Fyffes or Dole or Chiquita have enough support and resources to buffer those kinds of volatilities but not long term either. They definitely have to smooth out the bumps whereas smaller companies, smaller farms or individual farms may not have a little buffer or a piggy bank to go into whenever these things happen. Which then puts pressure, and it has a knock-on effect on the circumstances of the workers. I believe that if there was a higher price, that money would certainly improve the circumstances because other products like pineapple do receive a higher price, it is a higher-value fruit. The workers receive a higher salary, and the working conditions are still very hard, but they're better.” (IBI1)

IBI2 and ILB3 agree that it is essential to educate consumers about the real cost of cheap bananas, and the impact this has on farms and workers.

“Consumers should pay a bit more for bananas and part of the higher price should go to the producers, to the farmers.” (ILB3)

In addition, IP1 says that there is a difference in mentality between young European buyers, who are more aware, and more developed countries, which attach more importance to these abuses than other regions of the world. Global interest and attention are not distributed equally around the world.

“I don't think that this is a general attraction that everybody looks at. I don't think that the regular consumer is very attracted to this topic. There is a debate about the role of the consumer and how much the consumer can be a support for this. And there I think that in Europe the youth, young people are much more conscious of these kinds of things. There are certain countries that are really, really advanced with that. There are some other places in the world where this doesn't really count. I think it is very uneven.” (IP1)

4.2.3 Role of governments

IP1 says that there is unfortunately a mismatch between the policies that already exist and seem good for labour laws, and the fact that nobody really applies these laws, which are nonetheless well drafted and could be useful if they were actually applied. Indeed, the laws

defined by Latin America are very comprehensive and advanced, but there is no way of enforcing them.

“If you read a little bit of the Latin American law you will see that it is fantastic, it is like everything is great and the labour law is amazing. It is incredible, but then no one really enforces it so I think that the difference now is the willingness to enforce certain things more than great policies.” (IP1)

ILB2 raises an important point when he says that the European Union has been particularly proactive in the fight against human rights abuses, notably with the Due Diligence law which deals with human rights and environmental issues. This law should be an example to follow, as it extends from the buying country to European companies and their subsidiaries operating in other regions, preventing Europe from clearing itself of what is happening on banana plantations. Still according to ILB2, it is essential to have a connection between governments and legal enforcement systems in order to ensure compliance and real change.

“...the EU has been learning a lot out of these structures and trying to implement/accommodate these in their internal laws. So, I would say that the law that was approved in the European Parliament on due diligence, environmental and human rights due diligence may even be expanded to other aspects, I don't know good agricultural practices, it may take very several shapes. What I mean is it becomes way more effective if the buying country requests this from supplying countries.” (ILB2)

Another element raised by ILB1 for national governments would be to raise the legal minimum wage, which is fundamental to access to a decent life, freedom of association and occupational health and safety.

4.3 Theme 3 - The involvement of trade unions in this sector to ensure respect for human rights

Union involvement in the fight against human rights abuses on banana plantations is an important element to analyse. IPr1 states the importance of unions showing solidarity at an international level in the banana industry. IPr2 underlines the fact that in Latin America, each country is a little different when it comes to unions. Colombia's experience has shown that, despite the historical conflict between the two parties in the past, the unions and plantation

owners have developed a mature relationship. IPr1 states the opposite, saying that unions in Colombia are often killed by paramilitaries, as there are no real laws to protect workers.

“A lot of the problems come again in that many of the regions where bananas are grown, they are in countries where the rule of law is rather fragile, especially in remote regions where multinationals hold so much power. You know, I feel like the success of unions relies on the strength of the union itself, but it also depends in part on the context in which the union is working and if you are in a region like in Colombia, controlled by paramilitaries, where union leaders are routinely shot and killed like international solidarity, can only do so much when there is no rule of law protecting the rights that workers supposedly have.” (IPr1)

ILB3 shares the view that the situation in each country is different, and that there are regions that are heavily unionised with a lot of collective bargaining and also high wages, while other regions have almost no unions. In Peru, IPr2 says that unions don't represent smallholder farm workers, but rather formal industry workers who have legal protections and rights. Indeed, IP1 supports this statement, saying that unions are not adapted to the current situation. In Latin America today, many workers are temporary, informal and without contracts, which makes it impossible for them to join a union. So, according to IP1, unions lack the means to represent workers.

“If you want to join a union, you usually have to be a formal worker working with a company with a contract and those people are starting to shrink. Moreover, usually workers are temporary now and some of them don't have a contract. A lot of them are informal. A lot of them have short term contracts that don't let them unionise, so I feel that the labour movement has not found a way to represent workers in the current situation.” (IP1)

ILB1 asserts that unions have an important role to play in wage bargaining, but these organisations have been preserved for many years. As a result, unions still have a long way to go. INGO1 and ILB1 agree that it is vital for workers to be able to join a union freely. This would enable workers to discuss issues such as living wages and living incomes with their employers. Indeed, INGO1 stresses that unions are the key to giving workers the means and knowledge to win their rights.

“I think fundamentally the right of freedom of association and to join a union is a fundamental issue for workers. Because those unions can campaign on various issues and engage in dialogue with the employers. I think we need to make the case for unions being partners. A whole history in certain parts of the world thinking that unions are the enemy and

they're just going to try and have strikes and make things hard. But having unions that are well trained and that have specialised knowledge on certain things can act as agents of change.” (INGO1)

In addition, IBI2 underlines the importance of unions, notably through this study led by Penn State University on the difference in working conditions between unionised and non-unionised banana workers in Guatemala.⁴ Even banana farms with Rainforest Alliance certification had non-union workers with miserable working conditions and lower wages than farms with union workers.

“Do you know that terrible report on working conditions in banana plantations in Guatemala? It was done by a Prof at Penn State. This was a study that came out about two years ago about working conditions for non-unionised workers in Guatemala. Many of those farms that were included and analysed had Rainforest certification. What does that mean? Rainforest certification, where the average wage is five US dollars per hour for an average of 68-hours a week with high levels of verbal abuse and sexual harassment. What is that?” (IBI2)

A final point raised by ILB2 is that union influence can be synonymous with corruption and conflicts of interest, as some labour unions prefer to prioritise their own agenda rather than work in the workers’ best interest.

“There is a difficulty in these places to discuss labour conditions without interference of labor unions and in a considerable amount of time eventually labour unions do not advocate for the workers’ best interest, but actually the union’s best interest, which basically prevents farmers from actually doing something about it even if they have the will.” (ILB2)

ILU1 delivers her professional opinion, ILU1 asserts that their role is to be in the constant pursuit of respect for human rights. Dialogues, negotiations and complaints are their way of denouncing rights violations. ILU1 argues that trade unions could have a greater impact in the fight against abuses. Indeed, freedom of association is a right enshrined in every country’s constitution, so if it were truly respected, then trade unions could have more impact.

“We, unions, are always looking to ensure that this does not happen because there is a lot of violation of human rights and how we do it through, as I said, dialogues, negotiations,

⁴ Anner, M. (2021). *What difference does a Union make ?* Center for Global Workers’ Rights. <https://www.solidaritycenter.org/wp-content/uploads/2021/01/What-Difference-Does-a-Union-Make-January-2021-1.pdf>

complaints because that is our strength. They are violating my rights, they are attacking me, they are killing me. Through all these processes, we look where we have to go so this does not continue to happen.” (ILU1)

4.4 Discussions of the results

4.4.1 Similarities and differences between the literature review and the interviews’ results

In this section, we will discuss the results obtained in our interviews, the main elements of which are listed above, by comparing them with the data presented in our literature review. First, we will present the similarities and differences between the review and the interviews. Then, we will present the important insights that emerged from our interviews about human rights in banana plantations in Latin America.

Firstly, when it comes to child labour, it is clear from the literature review and our interviews that it has not been totally eradicated, particularly in countries such as Costa Rica, Guatemala and Ecuador, but that it is much less prevalent than it used to be, as ILU1 in particular has asserted.

Secondly, regarding the working conditions of adult workers on banana plantations, both the literature review and the data gathered during interviews show that these conditions are still at the root of human rights violations. Women are under-represented and discriminated against in this industry. What's more, working hours are very high for very low wages. Also, workers are exposed to hazardous pesticides because they do not wear appropriate protective gears, and many workers do not have the right to union representation to assert their rights.

Most respondents recognize that efforts have been made by multinationals in recent years regarding these issues, but many also believe that these are not enough and that companies need to do more, and that unfortunately they are not willing to do the "extra mile" when they are not legally obliged to do so. Indeed, as we presented in our literature review, multinationals emphasise their social and environmental commitment, or CSR. However, most interviewees stress that these commitments are superficial and that only a small proportion of the production complies with them.

Finally, the respondents concur with the data presented in the literature review regarding the primordial role of trade unions for workers.

4.4.2 Insights from the interviews

During our literature review, we noticed that a large number of guidelines and frameworks were available to agri-food companies and more specifically to all stakeholders operating in the banana industry concerning good practices with regard to the human rights of these companies. Examples include the OECD Guidelines for Multinational Enterprises, the OECD-FAO Guidance for Responsible Agricultural Supply Chains, the EU guidance on due diligence for EU businesses to address the risk of forced labour in their operations and supply chains and the EU proposal for a directive on Corporate Sustainability Due Diligence. However, what emerges from our interviews is that these frameworks are little known to the players in the banana industry, and that if they are known by them, they unfortunately prove to be of little use and even outdated for some, as IP1 pointed out to us. There are a number of reasons why these frameworks are useless, and we will outline them below.

Firstly, according to some of our respondents, as long as these frameworks are not hard laws that are ensured by the government, they will be of little use. Indeed, as ILB1 pointed out in his interview, the UN Guiding Principles are a very useful normative framework for companies in terms of responsibility and duty of care, as are many non-legally binding frameworks. The problem with these frameworks lies in their very nature, since they are non-binding and have no control mechanisms. Their application therefore depends on the goodwill of the multinationals listed on the stock exchange, whose main aim, as we know, is the return of shareholders. For instance, the UN Guiding Principles were set out in 2000 and approved in 2011.

However, it took the European Union 12 years to draw up a directive on corporate sustainable development. The CSRD was adopted at the end of 2022 by the European Commission and came into force in January 2023, and these rules will begin to apply between 2024 and 2028, i.e. up to 28 years after the United Nations' guiding principles came into being. The advantage of the CSRD over the United Nations' principles is that it has an enforcement mechanism, which for the majority of stakeholders interviewed is essential, as stated above. Moreover, all the players familiar with this directive agree that the EU is a pioneer in terms of legislation on corporate duty of care. For ILB1, the problem with international law is that it is

a ‘soft law’ which has no direct legal implications in the event of non-compliance, whereas, as mentioned above, most companies are not prepared to ensure their social dimension if they are not legally obliged to do so.

In brief, what emerges first from the frameworks’ question is that it is essential to have ‘hard laws’ with a supervisory body if we want to ensure that multinationals effectively respect the social and environmental dimensions of their activities. However, these hard laws are slow to come into force, and this is detrimental to many workers operating in Latin America and other countries around the world, while Westerners enjoy cheap bananas all year round for many years without even knowing the implications of buying this cheap tropical fruit. However, according to IP1, the key to complying with these laws lies in the willingness to apply the laws that already exist. It is not necessarily necessary to create new laws, but those that already exist must be enforced.

What's more, as ILB3 has pointed out, it is very difficult for small producers to comply with the requirements of these frameworks, and in particular the new European directive, because they are incurring ever-increasing costs with these requirements at a time when sales prices are no higher. If selling prices don't rise, as Fairtrade is trying to do, producers will lose out by implementing these frameworks. Social incentives alone are woefully inadequate compared to economic incentives. It is not possible for these small producers to work socially without being able to secure a decent standard of living.

Another reason why multinationals do not respect these human rights and consequently trample on workers’ rights is that multinationals operate in other countries, such as Latin American countries and are therefore subject to the legislation of these countries, which as we have seen is not effective. If producing countries want to take exporting countries to court, they don't always have the legal resources to do so.

In addition, the political party in place in the country also plays a decisive role in the application of these frameworks. As IJ1 points out, in Brazil in 2016, after the impeachment of President Dilma Rousseff, they had a reform of labour legislation by Michel Temer’s government (Dilma's vice-president, who came to power after the impeachment) which adversely affected several types of work, particularly rural workers. For example, workers who work 4-5 months a year are no longer entitled to unemployment insurance, whereas they used to be. In addition, there has been a 20% reduction in the value of redundancy pay.

Furthermore, IH1 explains that in Colombia companies respect the laws they want and that the owners of companies are the political elites or have privileged contacts with them, so they choose which laws to respect. Also, in Colombia, the trade unions are often under the thumb of the company directors, and so negotiate with them as to which human rights will be respected and which will not. Furthermore, because of paramilitarism, IH1 explains that despite the laws in place in Colombia, it is often the law of the strongest that reigns to the detriment of workers and small producers.

Also, on this question of frameworks and hard laws, we have noted a difference in paradigm between the United States and the EU, both of which are the birth countries of the largest banana exporting companies. On the one hand, as IP1 points out, EU policy is much broader. In the EU we are talking about obligations in many social sectors concerning workers. On the other hand, US policy focuses solely on forced labour. They focus mainly on particular countries and products where they know forced labour exists. So the question today is, as IP1 says, which paradigm will be more effective.

Finally, as we said earlier, all the players interviewed stress the importance of the recently adopted European directive, CSRD, as well as other EU directives and even proposals and seem confident about it. Firstly, INGO1 asserts that the directive has brought about change in 4 Latin American countries regarding subsistence wages in the banana industry. Secondly, IBI1, a global banana exporter, asserts that the European directive that is about to come into force is very important for them, and even claims to be a pioneer in what it requires. In fact, the person we interviewed from this company on this subject said that they are probably the only company in the industry to be taking actions today and that they already respect this directive. Even if, according to the NGOs we interviewed, this statement is not correct, IBI1 assures us that this directive is important and we therefore imagine that this multinational can only improve by respecting its content.

It is also important to note that the two labels we spoke to, Fairtrade and Rainforest Alliance, include most of these frameworks in their standards, especially the ILO Declaration on Fundamental Principles and Rights at Work. However, their only power is to desertify companies that do not respect these standards, and sometimes they remain certified for some time even if they no longer respect them, because the certifiers need time to check the plantations.

Furthermore, as IP1 explained, plantation owners sometimes cheat by having activities that violate workers' human rights carried out outside the plantations. According to many stakeholders, labels are a good starting point for respecting human rights, but unfortunately do not guarantee compliance in all cases and that means implementing even more rigorous control bodies.

Another important insight concerns the effectiveness of labels such as Fairtrade and Rainforest Alliance in ensuring that producers and companies certified as Fairtrade respect human rights. Indeed, as we said earlier, many respondents stressed the fact that, unfortunately, certified bananas did not necessarily respect human rights in practice, or only respected some of them. What's more, the certifiers we interviewed confirmed that every month banana producers are decertified because they flout the standards imposed to be certified.

It is important to understand that by the end of our thesis and the writing of this conclusion, we have realised that everything is connected. Indeed, if we are to succeed in improving workers' conditions, we need to take into account the role of each stakeholder. If one stakeholder does not play its role, then the whole chain collapses. Indeed, interviewees insist that consumers, retailers, producers and governments all need to understand the consequences of banana production. For example, consumers must be prepared to pay more for bananas produced under the right conditions. Likewise, retailers must be willing to sell bananas at a higher price if they are produced under good conditions. If consumers or retailers don't accept this, then it is not possible to get things moving.

Finally, another insight that particularly shocked us was provided by IL1, which has been trying to assert workers' rights for 20 years by taking major multinationals to court in the United States of America. He explained that companies such as Chiquita would rather pay millions of dollars in lawyers fees to win the case and keep their image clean than spend their money on paying workers with dignity. What is most shocking to us is that multinationals have the financial resources to respect workers' rights, but prefer to ensure maximum gains for shareholders. As IP1 said, her solution is to abolish capitalism. Even if this solution seems difficult to envisage and perhaps a little excessive, we can see that capitalism and the quest for constant profit are clearly at the root of the problem of the lack of respect for human rights in many industries today, and in particular in the giant banana industry.

V. Conclusion

As a reminder, the research objective of this present thesis is to observe the human rights practices in the Latin American banana industry. We chose this theme because, in recent years, there has been a growing awareness of the need to respect human rights among businesses and consumers, and we were interested in exploring the effects of this awareness on banana plantations. Additionally, the banana is a fruit widely known and consumed throughout the world in the supply chain. Banana production entails dangers from both social and environmental perspectives. All these reasons make this an interesting subject to study in terms of human rights abuses.

Following the first theme on the state of human rights in banana production chains, the present thesis concludes that human rights abuses still exist in the Latin American banana industry. Firstly, child labour is still prevalent in some countries in Latin America. Moreover, regarding workers' rights, female workers also experience abuses, suffering from harassment and unequal treatment compared to male workers. In general, workers face long working hours, while wages remain low. Finally, the health of workers and their families is constantly at risk due to pesticide exposure.

Concerning the second theme on the roles of different stakeholders in ensuring respect for human rights throughout the supply chain, it is crucial to emphasize the role that buyers and retailers play in respecting human rights. Mutual assistance between these two players could make a significant difference. Buyers need to be willing to pay more for bananas produced under fair labour conditions, and retailers should be ready to sell these responsibly sourced products to consumers, even at a higher price. This will create a demand-driven incentive for producers to prioritize workers' rights and improve working conditions.

Another surprising point was the realization that legislation, frameworks, or standards do not have significant power in the fight against human rights abuses, contrary to our initial assumptions. This is where governments need to step in and make international frameworks compulsory. External controls, such as audits and inspections, are crucial in monitoring compliance and making the implementation of these laws mandatory in all countries involved in banana production.

We have also gained some surprising insights. The fact that certified farms are not always synonymous with good treatment for workers was unexpected. However, this insight could be

addressed by implementing external controls to push certified farms to maintain the standards imposed by the certifications.

A crucial point highlighted in the analysis of our interviews is the third theme on the roles trade unions could have in the fight against human rights abuses. The potential impact that unions could have if they had more power in the banana industry, by making freedom of association compulsory for all workers, is significant.

In conclusion, this thesis reveals the persistent human rights challenges faced by workers on banana plantations in Latin America. It underscores the importance of stakeholders' involvement, particularly buyers, retailers, unions, and governments, in promoting fair labour practices and ensuring the well-being of workers. The role of trade unions in advocating for workers' rights is critical. Further research and actions are needed to address the identified limitations and open new avenues for improving human rights conditions within the banana industry.

5.1 Limitations of the present thesis

There are a number of limitations to our study. Firstly, the fact that we chose to carry out a qualitative study leads to limitations.

Indeed, the first limitation of a qualitative study is the size of the sample: we were able to interview a total of 14 people. Unfortunately, 14 people is not a sufficient sample to give a representative picture of human rights within the banana industry. Despite the fact that we tried to interview as many stakeholders (ONGs, labels, union, professionals, banana importers, etc.) as possible, we received refusals from several large multinationals, and it was very complicated to contact and communicate with local trade unions in Latin America.

The second limitation of this type of study is the presence of bias. It is possible that interviewees are influenced by their own experiences and are therefore not objective. What's more, interviewees may choose not to reveal everything, to tell only part of the truth, or to say nothing at all about a subject.

Another limitation to our study is the fact that we were unable to go out into the field and interview workers directly on banana plantations. In this way, we could have gained more

objectivity from the interviewees. Despite relying on various studies by NGOs and trade unions, field interviews could have provided deeper insights.

5.2 An opening towards future research avenues

An interesting avenue to explore for the future would be to interview people working for governments to understand their implications and visions of human rights in the banana sector. Indeed, many of those interviewed recommended that governments should step up their involvement in the fight against human rights violations, by raising the legal minimum wage, but also by making the freedom of association mandatory for example. Trade unions in some countries are unfortunately under threat because of their desire to improve workers' working conditions. Governments therefore have a role to play in supporting trade union action.

Another interesting avenue to explore would be to study the interest of retailers in providing consumers with products that respect working conditions, as well as the interest of buyers in consuming bananas that do not respect workers' human rights. Indeed, understand whether retailers and consumers prefer to sell/eat low-priced bananas with the consequences that follow, or whether they are prepared to raise prices for bananas that respect workers' conditions?

Finally, the role of unions and their objectives can be studied in greater depth. Indeed, several respondents recommended increasing the influence of trade unions in the fight against abuse, saying that they could make a positive difference if they had more power.

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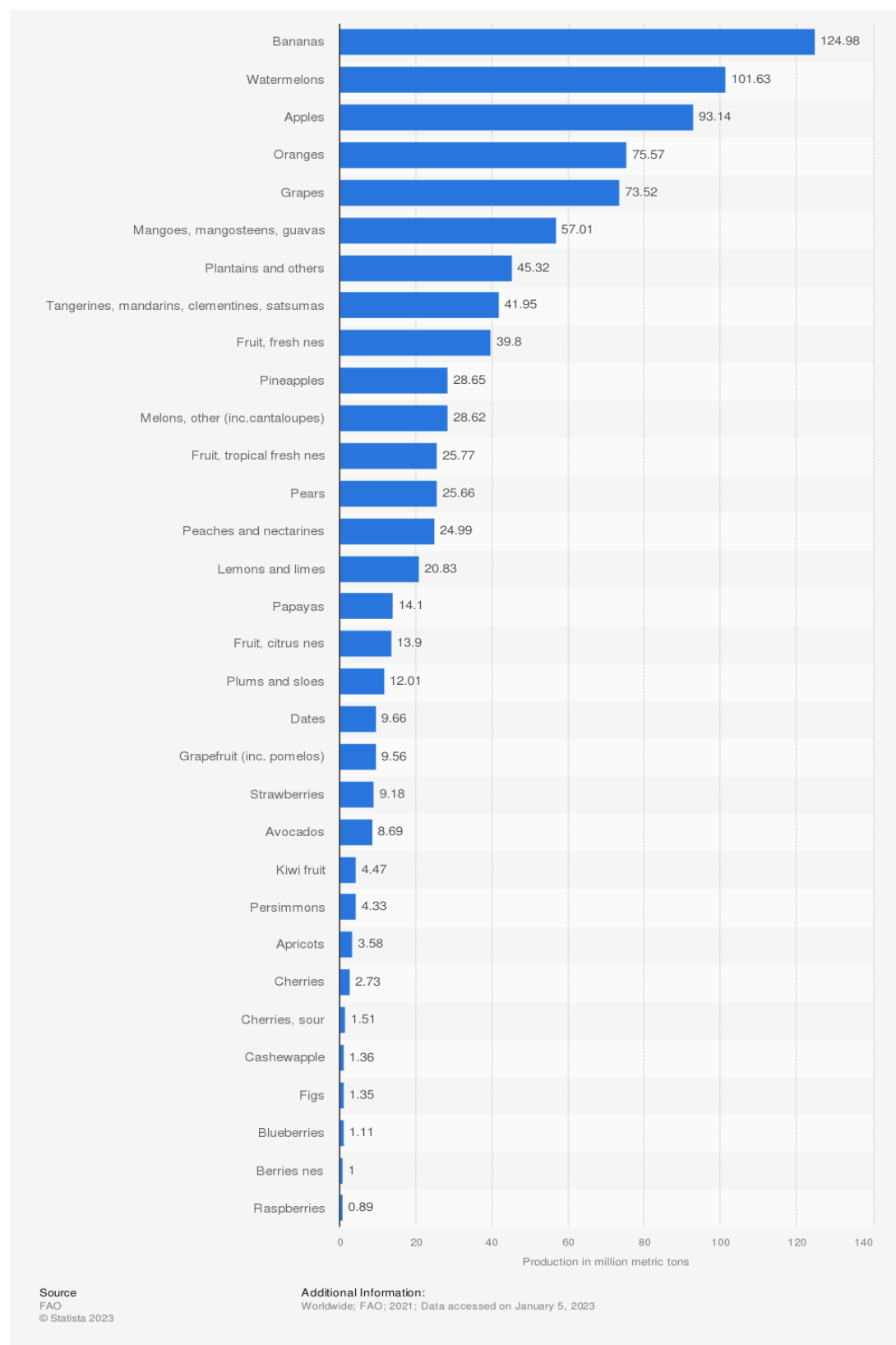
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VII. Appendices

Appendix 1 : Graphic 1 - Global fruit production in 2021, by selected variety (in million metric tons), by Shahbandeh, M. (2023, 5 January). Statista.

<https://www.statista.com/statistics/264001/worldwide-production-of-fruit-by-variety/>



Appendix 2: Interviews transcripts

Interview with Henk Gilhuis from Rainforest Alliance (ILB1)

Demographic information of the respondent:

- Gender: male
- Age: 60
- job title:

My position is manager of research and impacts. Within Rainforest Alliance, I am responsible for gathering evidence that helps us understand our programs' effectiveness.

- Experience working in the banana industry/ or human rights:

I have 10 years of experience doing this. And before doing this, I worked at an international development NGO in the Netherlands. That is where I get most of my experience on human rights.

Introduction to the human rights questions:

- What does the organisation you work for do for the respect of human rights in the banana industry?

Throughout our experience working with the banana industry, Rainforest Alliance has had the opportunity to collaborate with many of the world's leading corporations in order to promote more sustainable supply chains. Our efforts have included providing training to farmers in sustainable growing practices, and forming partnerships with local communities, non-governmental organisations, and scientific experts who share our vision for transforming the industry. Although there are still many obstacles to overcome, our collective efforts have led to significant progress in reducing both environmental harm and human exploitation in the 19 countries covered by our banana certification program. Today, this program is one of the largest in the world, benefitting more than 185,000 workers across Latin America, Africa, and Asia by advancing sustainable farming practices and improving livelihoods.

- Bananas are the most consumed fruit in the world, yet their production leads to the most human rights abuses. What do you have to say about this statement?

I think it is a true statement, both of them. When you look at the Banana sector, worldwide, it is true, that is the most consumed fruit. A lot of it is internal markets and part of it is global export markets. If you count all the people in the world who grow bananas and eat bananas, part of that count will be people who grow bananas on their own farm or at a local level and sell it on the local market. Those are also included in the counts, but they are not involved in the global value chain. The banana sector that Rainforest Alliance works with is the global export sector, and indeed, that has a long track record of

human rights problems and abuses. Typically, bananas are grown in tropical regions and are consumed in North America and the US, and they have to be exported in quantities. The companies who have specialised in doing this. They used to be vertically integrated companies. For example, United Fruit Company, if you read some of the historical accounts. It is really horrible. Because they have a lot of economic power, they had a lot of political power, they were able to overthrow regimes. And that was not even that far in history. If you speak about the 1950s, they were able to topple the Jacobo Arbenz regime in Guatemala, they were involved in paramilitary actions in Colombia. That was because they needed huge pieces of land. They used to control the production of bananas, and shipping and the export, and more recently, they have stopped growing their own bananas. So that is now done by local companies, and local enterprises, but they have integrated very well the supply chains. The big pieces of bread, what's now the ones that inherited United Fruit, is Chiquita, Fyffes based in Scotland, Dole. Those are really big corporations who sit in our brands. They are brands, they are exporters, they control the export and the input, and I think the ripening of bananas. Then, you have the consumer, and you have a very important role for the retailers. I think the power has shifted nowadays very much to the retailers because there is only one place you and I living in Europe can buy bananas, and that is at the supermarket. And all the bananas that you see in the supermarket compare those, two or three global brands and global traders have a very firm grip on their supply chain because they need to fill those container boats of those specialised refrigerated boats that ship bananas, so they need to have supplies all year round.

I think it is important to understand the logistics and the value chain situation because bananas in Ecuador have different periods in which they arrived and the bananas in Guatemala and Honduras. They need to source from those different countries. There are also a lot of bananas grown in the Philippines, but that is I think mainly for the Asian and the East Asian markets, but it follows the same logic. There is a huge concentration of power in the value chain. And that has both positive and negative aspects implications for human rights, as these companies have grown very visible and big and have to report to their shareholders, but also to the public and they have an interest to remain to keep a good reputation, they have started to implement CSR policies and to improve some of the social and environmental conditions of their suppliers. That is a force for good but at the same time, there is a tremendous pressure to keep prices low. That comes all the way from the retailers and the consumers who want to have a kilo of bananas for one euro and not more than that. In the end, the producers of bananas are also under tremendous pressure to lower their costs and labour is an important cost component of bananas, in addition to fertilisers, pesticides and logistics. It is a given for us that the value chains are what they are and we work with the brands and the retailers to make them aware of the need to improve the human rights situation: the social conditions wages, freedom of organisation, exposure to pesticides, the environmental aspects of having large monoculture plantations that are sprayed with aerial spraying and spray tends to go to places where there are no bananas but people and here you have problems with

communities. That is where a certification standard such as Rainforest Alliance or Fairtrade organic comes in and has a standardised package of practices and criteria to which these companies can adhere and they tell their producers you have to follow this standard and that leads to improvements, but it does not alter the fundamental inequity that is in this global supply chain.

Type of partners

- What kind of partners do you work with? NGO's? Trade unions? Companies?

In preparation for the launch of the 2020 Standard program, we collaborated with Fyffes to create a pilot project aimed at testing and refining the program's implementation on select farms. Fyffes, an established global producer and distributor of fresh produce, was a natural choice for this partnership given our previous successful collaborations, such as our joint project with Stronger Together, a non-governmental organisation focused on labour rights. Our latest project with Stronger Together is focused on improving the recruitment and protection of vulnerable workers in Latin American countries.

- How does your company choose the partners to work with? What are the criteria taken into account?

Before doing our collaboration with a business partner, we talk with them, and we make sure that their intent to bring about improvements is a serious one that we're not greenwashing. We are aware that if a company says we are partnering with Rainforest Alliance, we are lending our brand for them to showcase some work. We make sure that the project that we collaborate with is looking at the most critical human rights issues or environmental issues that occur in their chain. Typically, we will do a risk assessment with them, and we'll ask: what's the problem that you want to solve in your supply chain? What are you doing to involve your suppliers or your service providers to come to permanent solutions? It is not about going around and putting band-aids on some issues and then saying, we have fixed this. And then if we establish that trust, and our collaboration, we try to move to the more critical areas where you can also address some of the root causes, for example, purchasing practices. The business practices of a company are often contributing to the issues that you're seeing. If a company does not have fair purchasing practices, like very long contracting times, short contracting times, lock payment times, and low prices, then we also try to move them up the ladder and say, there are also responsible sourcing practices that you shouldn't be using.

- What projects (conducted by your company) with partners have been effective and had a positive impact on the banana industry in Latin America?

The Sustainable Agriculture Standard developed by Rainforest Alliance is having a positive impact on the environmental and social challenges facing the agricultural sector. It also aims to increase transparency and promote wider improvements throughout the value chain. Working in collaboration with key stakeholders in the banana industry and with the support of Walmart.Org, our initiative aims to achieve the following goals: assisting producers in enhancing their farm business management and adopting best sustainability practices; reducing agrochemical usage and minimising related risks; and promoting conservation of natural ecosystems and climate resilience.

Precisions on human rights

- Do you know how the wages of workers in banana plantations are established? On what criteria?

As part of our certification program for banana farms, Rainforest Alliance mandates that farmers pay their workers at least the legally required minimum wage, with a goal of achieving a living wage over time. To ensure compliance, we have implemented innovative tracking mechanisms that enable farmers to monitor both wages and in-kind benefits paid to workers. By comparing these figures to living wage benchmarks in their respective countries, farmers can identify gaps and develop strategies for improvement in consultation with workers' representatives.

- How is the respect for workers' health in the banana plantations in Latin America?

The use of pesticides is severely restricted under Rainforest Alliance certification standards. Our Sustainable Agriculture Standard prohibits the use of the most harmful chemicals, and emphasises natural pest control methods as the primary means of managing pests. Only in situations where pests pose a severe threat to the entire crop are farmers allowed to use low-toxicity pesticides. In such cases, our standards require farmers to provide extensive safety training to workers, as well as protective gear and washing stations, to minimise exposure to these chemicals.

- Do you fight for fair wages, women and men equality, and the health of workers in banana plantations in Latin America? What are you doing to combat these abuses?

Rainforest Alliance Certified farms operate under a strict zero-tolerance policy toward child labour, forced labour, workplace violence and harassment, and discrimination. To ensure compliance, our assess-and-address system requires certificate holders to establish robust measures for identifying and mitigating these risks. Any instances of such practices identified on certified or certifying farms must be addressed and remediated immediately. Failure to address severe cases, or violations of applicable laws, may result in negative certification outcomes, suspension, or revocation of the certificate. All four of our Core requirements (related to child labour, forced labour, discrimination, and workplace violence

and harassment) must be implemented on all certified farms, while our Improvement requirements related to child labour and forced labour are only required when our risk assessments determine that these issues pose a medium/high risk in a particular country or sector.

- Do you think that bananas with labels like Fairtrade, Rainforest Alliance, ... ensure the respect of human rights for workers in banana plantations?

You have an NGO like Banana Link and Banana Link is campaigning. And it is very important, but also very critical of the work of arrays and the work of others.

In their documents, they are also critical of certification. But you have to see it in the light of OK they are campaigning for the labour unions who are totally exercising their rights to be heard and to be at the table where decisions are taken so I think that is a necessary role to play because naming and shaming is an important strategy to get sector change. First, you have to expose the problems and the ones who are in a better place to expose the problems are the labour unions, because they're suffering the effects, and the journalists, researchers, and academics also have an important role to play. An organisation like Rainforest will not expose problems. Our role is to say we are part of the solution, by saying if you follow this standard. You will see improvements in the way things are done. And that is why the naming and shaming sometimes also targets Rainforest because they say you're not doing enough, you are putting a stamp of approval on practices that are still bad. When they are right or when they make accusations about things going wrong on certified farms, we launch an investigation and if we find it is true we then revoke the certification.

- I saw your page with all the certified products, Find the Frog, and we can find Chiquita and Fyffes in this list. Does this mean that some or all the Chiquita and Fyffes farms meet your requirements and therefore have your label?

We have two types of certifications; One is the farm-level certification and the other is the chain of custody. The situation with both is that they still own a few farms, which are Chiquita and Fyffes farms. Certified as a farm means that audits from those Chiquita farms, which are sold to the Chiquita exporter, which is a chain of custody certification go into the value chain, but they also buy from other farms. Let's say that Fyffes in Guatemala, they have their own farm, but they buy from 10 other farms. When Fyffes appears as producer's certificate holder, that means that is for the farm for the bananas from their own farms. They may also buy certified bananas from other farms. But I'm sure they also buy non-certified bananas because there is a market for certified bananas, and you need to pay a bit more. Fyffes exports bananas to Russia or to other places, but there is no demand for certified bananas there. There is no consumer awareness, the retailer's do not care, then they will not buy certified bananas and sell

them on as regular ones. Because that is a premium product. Whenever a banana has a sticker on it that is certified, it comes from a Certified Farm. But not all the Chiquita bananas are certified.

Familiarity and degree of the implication of policies, frameworks, and standards concerning human rights : With which following policies, frameworks and standards are you familiar ?

U.N Guiding Principles for Business and Human Rights

OECD Guidelines

UN Global Compact

ILO Declaration on Fundamental Principles and Rights at Work

Guidance on due diligence for EU businesses to address the risk of forced labour in their operations and supply chains

Directive on Corporate Sustainability Due Diligence

- What do you think are the best ones? Are there any that are not useful and why? Or that you have never heard of?

I don't know each and every one of them but most of them are familiar with. I think the United Nations guiding principles are really a landmark and normative framework for businesses: what their responsibilities are. Their duty of care is in principle laid out there. I think if you see that UN Guiding Principles were approved in 2000, adopted in 2011, and we're now in 23. It has taken 12 years of the corporate sustainability directive to be formulated by the European Union. The UN Guiding Principles (UN GPs) do not have their own enforcement monitoring apparatus, but the Corporate Sustainability Due Diligence (CSDD) has, so you can be sued legally for not respecting the CSDD, whereas not same with the UN GPs. So that is the thing with, let's say international law, which is also sometimes called soft law. The power is that it reflects the moral and political consensus about what is the right thing to do, but it does not have direct legal implications. Federal law is I think, less powerful in the US, but there are some states that have enacted very progressive laws in terms of what they allow or not in supply chains: anti-slavery legislation, child labour legislation, etc. I think they're all important and necessary.

If you read our agriculture standard, you'll also see in the requirements, we make reference to ILO, conventions, mostly. We try to keep our standard, very close to the body of the normative frameworks of the United Nations. Then you might ask but if the UN has already said it, and you're saying that you do it, what's the added value of doing it in a voluntary standard? Well, that is because our standard is way more specific, and it tells you what type of business practice, what type of production processes, social practice, you have to follow in a particular sector. It makes it more concrete. They need national laws, they need voluntary regulations, they need a lot of other instruments being put in place before you

can bring someone to justice. We try to make those un norms actionable. For the ones who want to follow them. We don't have the capacity to prosecute, but we can decertify, we can revoke a certification, we can put them on a list and say these are no longer certified. If companies follow a voluntary standard, they do it because they want to show to their investors, consumers, or boards that they're doing the right thing. If practice shows that you're not walking the talk, then you have something to explain. It might not sound as much but it does have an impact.

The role of NGOs in the banana industry

- Do you feel supported in your fight for human rights in the banana industry? If so, by whom?

I think that many big producers who have plenty of plantations in Ecuador, Guatemala, ... They have mixed feelings towards our array because if they follow the rules and get certified, they can sell it to the European market or to the US market, which is an important client for them. But they resent the fact that the standard and the requirements are being imposed on them. They feel that, especially the wage requirements, and the pesticide use requirements. They say that they need to use these pesticides because there is a terrible plague that if we don't do anything, it will destroy our plantations. For example, TR4 is a very problematic virus or disease. They say we have national laws that say what the minimum wage is, and we follow the national laws, so why would we pay higher wages that is not because they don't want to pay higher wages, but because they see the day-to-day practice of the buyers, is that the same buyers that demand have them that they follow the rules, and that they observe the standard are not willing to pay more for the bananas. There is a disconnect between the policy and the practice of the buyers. The policy practice disconnects between saying that we are following rules and that our producers follow rules. But the purchasing practices and the commercial practices are such that they are squeezing the producers and the producers are not receiving sufficient payment to be able to pay. You have a situation where the buyer says, I will not pay more because of the competition in the markets because the retailers don't pay us more. And that is what Fyffes tells us : we want to see a living wage in the banana sector, we want to pay more, but then the retailer needs to pay as much as we need to pass that extra money to the producers. And then we need to have mechanisms for these producers to make sure that they actually pass on the additional payments in wages. The whole supply chain is waiting, looking for ways to shift gears to a situation where the willing buyers and the willing producers implement a living wage, but you run into another problem. The problem is that saved off the bananas that are produced in Guatemala only a percentage goes to the European market. The rest is sold on the spot market, that is the market whoever shows up can buy it : Saudi Arabia or Russia or Africa or whatever. The European buyers might be willing to pay more for their bananas, but not the others. So all trade relations are very transactional or very opportunistic. And that is how global trade and how these markets work. You're looking at a lot of people who want to do the right thing, but the system they're working in is not very enabling.

- How do you think NGOs could have more impact in the fight against human rights abuses?

I think a very important role in this fight is labour unions because unfortunately, they do not have the role they deserve. Also, that has historical reasons because worker organisation has been repressed and suppressed for decades in the history of Latin America. There is still a long way to go before labour unions are able to bargain collectively for wages, and I think they deserve a better place at the table and Rainforest Alliance has the criteria freedom of organisation. We say that is important, but it is not something that we can very much impose or make it happen. It is more a normative thing, but we don't have exactly the instruments to force it.

The research participants' views, opinions, and recommendations about the methods implemented to fight human rights abuses in the banana industry

- What are your recommendations and suggestions for improving respect for the human rights of workers throughout the supply chain?

If I can speak about anybody in the value chain. I would say to the companies: you have to do serious work to improve your purchasing practices. There are a number of things that are spelled out as responsible purchasing practices or Fair Trading practises that you could do as a company, so start there. Look at a living wage, you don't have to invent it yourself, and they know what they should be doing. They don't do it because they say if I do and my competitor doesn't. I will outcompete myself. I will be outcompeted on the market. One thing is they should pay more and they should have better terms of trades with their producers, and allow them to actually negotiate prices because right now prices are determined unilaterally.

For the retailers, I would say make public commitments to source only and to sell only bananas that are produced on farms where a living wage is paid to the workers. As a matter of fact, some retailers in the Netherlands, in the UK and in Germany have committed in a few years to bring living wage-compliant bananas on the market. The pressure is on and here is also a good thing that markets do because one retailer starts doing this and the others have to follow. Here is where competition does a good job.

I would say to NGOs and to scientists to monitor very closely what will happen in the next few years. With these retailer commitments and with the work behind the scenes. To make this possible to implement. Rainforest is a part of the actors that is looking for practical solutions to deliver on living wages. Typically these movements are an important actor, a lead actor that says we are making this commitment and then tells their supply chain guys this is the direction and then people start worrying and working on how can we do this? Because nobody knows how to do it, we start experimenting and developing solutions.

To the producers, this may be the hardest part : Start talking to your workforce, start involving the unions in setting wages, start discussing as a sector of all producers “How you can create collective bargaining agreements so that the wages are raised for everybody?”. It will have an impact on your price, but a part of the market that you sell to is ready to pay that higher price. Of course, they are afraid that they will end up with more costs and no buyers but it is a commercial risk and it is a huge existential risk for them. Maybe the national governments have to come in and say if you are part of this and let's either facilitate these collective bargaining agreements or let's see if we can raise the legal minimum wage so that everybody has to comply with that. Everybody has a role in this. We're not reducing human rights to wages but having a living wage is so fundamental for people to have a decent life. Of course, it is not only about the salary. It is also about your freedom of organisation, if you exert that right, you will be able to demand higher wages. The occupational health and safety of workers is an important part of not being exposed to pesticides and risks, so there are a lot of other things.

Interview with Cassio Souza from Rainforest Alliance (ILB2)

Demographic information of the respondent

- Gender : Male
- Age : 38
- job title:

Senior manager at verra (nonprofit organisation that operates in standards for a sustainable future)

- Experience of working in the banana industry :

I worked in Rainforest Alliance for coffee and Fruits. I had a lot of opportunities to interact with Government stakeholders in general about forced labour and other human rights abuses, mainly in the coffee chain here in Brazil but also in many other places. The company I work for now certifies carbon projects and we do have agricultural programs but 'm not sure if we have banana plantations there. In Rainforest Alliance, when I worked there, of course there were projects on banana plantations, we call it the Apollo project, so it is agriculture, forestry and land use. It is one big thing for Rainforest Alliance. When I worked for Rainforest Alliance I was first manager standards and assurance for South America and then senior manager, risk mitigation and impact.

Introduction to the human rights questions :

- What does the organisation you worked for do for the respect of human rights in the banana industry?

Before being risk mitigation and impact senior manager, I used to work for Rainforest Alliance as manager standards and assurance for South America. Basically, Rainforest Alliance works with a good practices standard that farms need to implement if they want to join the alliance (the certified program). The advantage for you as a farmer to join the program is that currently, many buyers are actually requesting these certifications for you to be a supplier for these supermarkets. The other advantage

besides accessing this market is actually that you receive a premium, a value that is above the market price of this sustainable product or responsible product. So what we used to do back then and what Rainforest Alliance still does is basically developing and maintaining the standard. So banana farms in this case could be certified. We also make sure that basic aspects of human rights are being safeguarded and protected. Not only forced labour but also child labour, maternity rights, things like that. So it is all in the standard. Rainforest Alliance has the biggest tool, let's say.

Type of partners:

- What kind of partners do you work with? NGO's? Trade unions? Companies? How does your company choose the partners to work with? What are the criteria taken into account?

Rainforest Alliance basically has two 2 sectors. Indeed, farmers contact more rainforest alliance than the other way around. Especially in Costa Rica. There is a big difference between fruit production in Latin America and if you compare it with Asia, for instance. And here we are talking about huge enterprise groups leading this business so it is a matter of economic disability, you cannot be a banana producer and be a small producer. It is something that is definitely more to the African and Asian context, in Latin America you cannot do that. You can be a smaller cocoa producer or a smaller coffee producer perhaps because the product has more aggregated value but fruits; because it is a fresh product, it requires a lot of logistic interference in coordination. So in the context of rainforest alliance in Latin America, yes, farmers and these enterprise groups contact more rainforest alliance than the other way around. What Rainforest Alliance does more proactively, is trying to engage with government, stakeholders, industries to try to raise awareness on the human rights issues that we find in field and try to advocate for either policies to address these issues or more buyers more supermarkets to source these sustainable products to actually keep this wheel spinning, right? So the more sustainable products you export, the more sustainable you want to be. So more farmers and companies are actually included in this environment. So basically we do work with farmers to create supply. We train them, we teach them how to implement the standard. We teach them what is acceptable or not from a human rights perspective, but also we connect with buyers and governments to make sure that this product has somewhere to go. And then the farmer is, of course, rewarded financially for this effort.

- OK, and I guess that you conduct like auditing of the of the farmers to check that they still respect the standard?

Correct, there is only one thing to consider is that in there we do not do the checking. There is a fundamental principle in the sustainable and auditing world that the auditing system needs to be a third party, this means that you are increasing the credibility because the study is not only rainforest alliance but a third party is saying that Rainforest alliance is good. There is somebody else saying, well, we checked that with these methodologies and actually this is nice.

- What projects (conducted by your company) with partners have been effective and had a positive impact on the banana industry in Latin America?

I will highlight two projects, one in Guatemala and another one in Brazil. So the one in Guatemala is a very particular one. I have been to Guatemala a couple of occasions and Guatemala has a, not a big, but a fair fruit production system. The fun thing about central America is that you can say that Costa Rica or Guatemala or Honduras, they basically have the same issues. In fact, they have been separate countries for like only 150 years. I mean yesterday there was only one republic, in the 1800s or something. It is kind of sad, but the school system in Guatemala is basically orbiting around the coffee and fruit crops. This means that when people are harvesting kids are on vacation. So there are 2 reasons for kids to be in plantations. First, in some situations families may need the kid to work to generate income. Guatemala and Costa Rica, I believe they have very poor zones in there, so eventually kids are needed for extra income. The second reason is because of lack of childcare in the countryside of Guatemala for instance, so the easiest thing to do for me as a father, for instance, is go there to pick my bananas and take my kid with me because at least the kid is there. Preventing kids from accessing the workplace or telling fathers not to take your kids there it just doesn't work because it is a cultural issue. For example, if you see coffee plantations, coffees are like cherries and the coffee is harvested by hand in baskets. The cherries that kids are holding are given by parents themselves. So, it is not that they are working, they are just like playing and picking cherries and mirroring their parents. So saying you cannot do that is never going to work. So basically, we were trying to raise awareness with these cooperatives and fruit producers to actually build conditions for these kids to be there, what does it mean having safe spaces for kids to stay, or funding local schools for kids to be there, you know, during vacation time or even during the entire year. There was a lot of discussion on nursing spaces for women that have recently given birth for them to have the space and conditions to actually take care of their babies. So there was a lot of awareness raising and coordination between these cooperatives and farmers to actually build these spaces. I wasn't very involved in that one, but I can share that it fairly worked well.

It is eventually a challenge because when the economy changes and your income drops, eventually you're going to say well I don't care about these things, let's just work as we used to do and in Brazil we have a very strong human rights due diligence system and law perspective so strong, theoretically of course. For example, if I give you my ID for you to hire me as your employee, if you hold my ID for more than 48 hours, you're actually committing a crime. So it can be this serious. I mean, it is not like forced labour only preventing me from my freedom of movement. It is actually retaining my documents or telling me that you are linked with me because of a debt that I will never be able to pay. That was very common in Brazil. What we did in here was basically training the auditors to audit the social aspects as deep as a government auditor would do it. So in this sense, what we could do was that we could detect these little human rights issues prior to a government auditor getting there and actually give the farmer the chance to adapt because that is the fundamental thing. We may well pick farmers

off the program because they don't behave well, we can do that, of course we can do that. There are some violations that we have no other choice. For instance, I don't know if the person is having forced labour on their farm. I mean, there is no way this farm can be certified, however there are little things, for example your building does not contain a personal space where the worker can leave their own stuff, I mean this is a fixable thing. Much of the time people don't do that because they are not aware they actually have to do so. That was basically the action that we did. It was very nice because it was like an additional check to the governmental system. So the certified firms were actually being audited twice or even three times to make sure that social aspects were respected.

Local Activities of the company

- What local activities are you implementing to fight human rights abuses in the banana industry in Latin America?

I know that we are testing this innovative approach of sustainability investments. Because rainforest Alliance used to operate in a system where there was a premium. So you buy this batch of bananas, you pay a fee, the banana cost 10, you pay 3 on premium total price 30. So this is basically how we used to operate. So a new change is this newer standard, the current one which is the 2020 standard brought to break this premium into two pieces. So there is one piece that we call sustainability differential and there is another piece that is called sustainability investments. To simplify sustainability, the differential is the part of the premium that is free for partners, which you can spend with the hell you want. You can do anything you want with it. You can put it back in your farm, you can review your machinery. You can pay your next audit, or you can buy a car for your son, etc. But the other part, which is sustainability investments, need to be reinvested in the farm. It is a requirement of this thing. So basically, this is a fundamental thing; everything should have a premium if you sell as rainforest alliance. What we explored back then is what percentage should be free and what percentage should be reinvested in the farm. So basically per prop, this means there is a rate for coffee or rate for cocoa for a year, for bananas there is a rule, for other fruits, for oranges. We established the minimum a buyer needs to pay.

What we did was you basically have no sustainability differential. That means there is no premium to be used freely. I don't know if you have a question about it, but the banana sector basically organised to oppose the new Rainforest Alliance standard when we released it. And one of the reasons why is nobody is going to ever pay for this part, so nobody's going to ever pay extra. In other words, I'm super rich, I'm a big fruit company I don't even need it, that is fine, fair enough. So basically, we decided that for sustainability differential, again the free for use part of the premium, basically it may be 0, it can be 0, but we established the minimum value for the sustainability investments. This means there is a minimum value that you have to pay. I think it is \$10 per month or something like \$5 per month. You have to look at the documents. But this amount needs to be reinvested in the farm in either working conditions, housing, or training. There are categories in there that you can use. You have to look up the

rules as well. I can refer you to the documents but I don't remember them by heart anymore. So basically this is, I would say the oldest project that we are actually doing because it is actually trying to change a market dynamic. It is trying to address these blockages that I actually mentioned to you.

Payments for the banana

- Do you think that an increase in the selling price of bananas would have a positive impact on the working conditions of workers on banana plantations?

Only if it is followed by contractual requirements, legislation, something that obliges the farmer or the company to actually invest this extra money on working conditions. We have been testing this in Rainforest Alliance with our premium system and it is funny because in many places, there are legal issues to do that. So yes, I agree with you only if there is some sort of regulatory enforcement of this. I mean, because it is very obvious, right? Let's raise the prices and then working conditions improve, right? There are three things that, in my opinion, prevent this from actually working. So the first one in Costa Rica is a very particular case. I do imagine this may be the case in other countries, in Brazil it is more or less the same, but in Brazil they have ways to treat it from a payroll perspective let's put it this way. But here's the deal, in Costa Rica, if you receive extra money from sustainability sales and you want to invest this in your workers, and let's say you're going to raise this, you are going to get a bonus for the workers. You legally cannot do that because if you do that, If you say, hey, this is our first banana batch sale to Germany, and this is great, they paid 30% more and I will get this 30% and give it all to you, next month you need to pay an equal salary regardless whether you sold or not. So if your salary is here and for some reason you raise it, next month you will need to give the same. It doesn't fluctuate. In Brazil, you can pay a bonus to people. However, it is from a liability perspective that there is a problem. It is very easy for a worker to go to the court and say, well, you know, what my employer actually did. This was a salary, but he said that it needs to be a bonus because he didn't want to pay taxes. So it is a very complicated liability. So the first thing is that we have to observe the legal blockages that doing that from a labour law perspective have.

Second thing, I would say there is, and to be very clear, I'm definitely not against this, but there are in many places a very strong influence of Labour unions and we are talking about corruption. We are talking about labour unions favouring one thing over another. Labour unions even plotted against farmers. I have seen this happening. So it is not that you have bad farmers and good union people, you have bad and good on either side. So there is a difficulty in these places to discuss labour conditions without interference of Labour unions and in a considerable amount of time eventually labour unions do not advocate for the best interest of the workers, but actually the best interest of the Union which basically prevents farmers to actually do something about it even if they have the will.

The third one, I would say there is a lack of agreement on how to measure overall, improved conditions of workers because you have a lot of indicators and they all mean a little bit. Living income is an indicator, accident rate is another indicator, quality of the houses or lodges that are provided for workers

are another indicator. There are several indicators. The banana sector and the fruit sector in general, I would even dare to say, the agricultural sector in general haven't come to an agreement on how to measure that. Many people say living income or living wage may be the most accurate tool to have an indication on how well or bad workers are performing in terms of their conditions in a given place. I tend to agree. I'm inclined to agree. Living wages are a very good reference actually to measure that. The methodology is very robust. However, it is not perfect, and because it is very robust and very complicated the agricultural sector tends to run away from it, tries to walk around it, saying I don't know, let's pick something easier to measure. For instance, the percentage of salary increases, percentage of training or awareness raising or percentage of accident rates that happened, number of overtime; because we don't do overtime people are performing well. So things like that. I think those are the main three reasons why let's say a solution hasn't come to reality. There are some blockages that need to be addressed.

Precisions on human rights

- How does your company set workers' wages?

Good one, we do not interfere in the work wages. The only requirement that we have in our standard is the minimum salary. And eventually in some cases you have to remember that the standard is written for all crops in all countries of the world so it is very complicated and may be very generic, but the only thing we say is you have your workers, and you have salaries you're going to pay for them. So, in the majority of countries, you have minimum wage, which is the minimum wage set by law or what we call a CBA, a collective bargaining agreement, which is the negotiation between the labour union in that sector and the employers of that given sector. So, in a case like Costa Rica, for instance, the minimum wage is 1000 but the CBA for banana sector is 1250 and Rainforest Alliance requires you to pay the higher of both. That is all and eventually this is very aligned with the law system and basically every country if you have the minimum wage and if you have a collective bargaining agreement, CBA presidents over the minimum wage. So the only thing that we do is to require that the higher between minimum wage and collective agreement is paid. We do not request a living wage that needs to be paid. We do not request you to increase the salaries of your workers by X percentage a year that is out of the scope of the standard.

- How does your company ensure equality among male and female workers in terms of wages, access to employment, and life at work?

Nice question. We have requirements for that. Basically, these requirements are set in the session of no discrimination. You have to make sure equal jobs receive equal pay regardless of gender, and I would even extend that to because there are very specific issues in Africa, for instance, that there is even tribal discrimination. So even for tribes you need to observe that. So, it is not only gender discrimination. There are requirements in the standard that certified firms have to make sure and to ensure payments

are equal for all genders. Access to work is possible for all genders. Especially for females, there are a couple of requirements regarding pregnancy discrimination. For instance, if a woman is pregnant, you cannot fire her or you cannot demote her to another position when she comes back from maternity leave, things like that.

- How does your company ensure that the health of its workers is not negatively impacted by their work (e.g. from pesticides or sunlight)?

So, this is where banana people hate us. There is a big document called Annex 7, which is the prohibited pesticide list. Whatever is in there, you simply cannot use it. There are a lot of products, because they are cheap or because they are highly effective and highly effective in a way that is so highly effective that kills much more than the pests that you're trying to kill, damages the environment, water streams, even workers, things like that. So, there is this list that if the pesticide is in there, you cannot use. There are some exceptions, but in very specific cases. In Costa Rica, for instance, there is a very complicated disease called Black Sigatoka and basically you have no other products to control Black Sigatoka.

Besides, I think it is Timorex Gold, I think, so active ingredient X that is prohibited by Rainforest Alliance. So, we grant an exception and then the producers in Costa Rica may use this one under conditions. That may be using extra protection equipment or only setting application in the coolest hours or at night, or requirement of doing extra medical exams to make sure the health of the sprayers is OK. And I asked if the question was specific about women because there are chemicals that are toxic for the production systems, so there are some chemicals that women are not allowed to spray because it may affect the health of the uterus.

Education of children

- What are your initiatives/efforts to promote the education of children in Latin America?

As I said, we advocate for that. We do not build schools. We request from farmers that there should be access to education for children that live on the farm, so either the farm builds the school in there or he or she facilitates transportation from these kids to the nearest school or they let their kids to go on foot, but it should be a safe walking distance, a distance that is not too long but also safe to be done on foot.

Familiarity and degree of the implication of policies, frameworks, and standards concerning human rights :

- With which following policies, frameworks and standards are you familiar ?

U.N Guiding Principles for Business and Human Rights: Yes, I know this one. It is part of some requirements of Rainforest Alliance, Rainforest Alliance is aligned with this framework.

OECD Guidelines: I know this one as well, and the same, especially the administrative and traceability requirements are aligned with the OECD guidelines.

UN Global Compact: No, that I don't know, that I'm not aware.

ILO Declaration on Fundamental Principles and Rights at Work: Yeah, they have a lot of declarations indeed.

Guidance on due diligence for EU businesses to address the risk of forced labour in their operations and supply chains: I have heard about, but I don't know in detail.

Directive on Corporate Sustainability Due Diligence: No, I don't know this one, there are many frameworks on due diligence such as the European law which is basically the most famous one. I would assume.

- What do you think are the best ones? Are there any that are not useful and why? Or that you have never heard of? Are there any other useful policies, frameworks, and standards that I have not mentioned that aim to prevent or reduce human rights abuses on banana plantations?

To be very honest with you, if we are talking about Rainforest Alliance or any other standard, my opinion is that for sustainability in agriculture, that is basically the scope of your work, I believe that the time of the standards has passed. I honestly believe the standards did a good job around the 80s, 90s, a little bit more than the 2000s to raise awareness on the issue. So, we have a sustainability issue in nerve and this is what are proposing governments and especially the EU has been learning a lot out of these structures and trying to implement/accommodate these in their internal laws. So, I would say that the law that was approved in the European Parliament on due diligence, environmental and human rights due diligence may even be expanded to other aspects, I don't know good agricultural practices, it may take very several shapes. What I mean is it becomes way more effective if the buying country requests this from supplying countries. It is not a problem because I don't know the peppers that are grown in the Netherlands and are sold, or tomatoes that are sold. European law is very concise and robust in this sense. We don't have these things in Latin America, in Africa and definitely not in Asia. So if we are exporting these you need to start enforcing these law requirements for European imports. Then you extend to European companies. Then you extend the subsidiary. So, the areas of these companies that are in Brazil in Colombia, I don't know, in many places. Then, of course if you have a due diligence system fully implemented then I would say standards are not necessary anymore because the standard is a law. I mean what standards are there for? The law is there. Then standards become different, I mean who's going to test that it is actually working? Perhaps this is the gap that standards may feel. I'm just saying that I believe that for agricultural markets, standards will never be able to address everybody. Standards will always have a limited capacity in Rainforest Alliance, for instance, I think we used to certify 10% of the world's agriculture environment and that is a lot. I mean Rainforest is the biggest one. It is a lot you can not go further than that, I mean you can only go further than that by connecting governments, connecting legal enforcing systems, because if I ever enforce alliance, go to Juliette's farm and say you're doing wrong stuff. You can simply say fine and do nothing because it is only the program (Rainforest Alliance), but you cannot quit law. We need these systems connected.

The research participants' views, opinions, and recommendations about the methods implemented to fight human rights abuses in the banana industry :

- What are your suggestions or recommendations for banana companies to respect the human rights of workers throughout the supply chain?

That is a tough one. I would definitely say to use standards such as Rainforest Alliance or Fairtrade, things like that as they compass to obey national law and always seek to do the extra mile or the extra bit. You know, it may not be required by law to have a room for nursing women to feed their child, but you may want to have it. It is fine. You can do it. If you can do it, do it. So, I think this is a little bit my overall criticism in this whole system, even the limits of the law system because fine standards don't exist anymore, so law is perfect and everybody is respecting what is asked but the law has limits, and that nobody's going to ever do the extra mile of the law unless the law requires. So, I Think this is a little bit of my overall recommendation. I think we should use standards or these frameworks as a compass to observe and understand the minimum law and from that, what can I do more? What's the next mile? So, seeking this next mile, seeking this extra bit to improve the overall sector as a whole. I am a bit tired of farmers that are actually seeking to do the minimum because the minimum is the minimum and the minimum eventually is not sufficient, it is just the minimum.

- Do you think that efforts have been made in recent years to strengthen the respect of human rights in the banana industry?

I think so, I think, and expanding a bit from bananas but talking about, you know, in general. I have been to banana farms in Costa Rica and in Guatemala. And I can tell you the way they used to operate and the way they operate now evolved a lot in 10 years. You know, of course there are bad people, but I'm saying that in general they are very decent lodgings and it is not the agriculture that is the bad guy of the story. There are bad people, of course. No worries. No doubt about that. But I think there is a lot of lacking information. So as soon as this information started circling around and people started knowing what they actually have to do there, there was indeed the overall improvement of the sectors there is no doubt in that. I mean if you consider how things were 10 years ago or even worse, 20 years ago, there is definitely an improvement. Data was essential. It was more because of standards and consumer and government pressure rather than their only commitments. I mean, nobody made a sustainable community because they wanted to, I mean it was because it was special, and it was super cool.

- Would you like to add something?

My only advice is if you can, try to connect or try to observe what are the legal enforcement systems on human rights for the mainly producers in Latin America such as Costa Rica, Colombia, Guatemala. I think they are basically the big ones, and it will give you also a fair understanding on at which level

of knowledge on the issue the overall country is. Because if you have very poor law. Eventually, it is because people are not there yet to comply with best practices.

Interview with Stijn Decoene from Fairtrade Belgium (ILB3)

Demographic information of the respondents

- Gender : male
- Age : 33
- job title :

I'm responsible for supply and impact. That means that I'm the connection between the Belgium market (companies in Belgium) and the producers of Fairtrade commodities in the South. So it is like literally connecting them, but also following up and facilitating projects, with for example Belgium retailers. I'm also supporting my colleagues with the kind of expertise on the fairtrade commodities. So it is a mix. It is a link with supply of Fairtrade commodities. I'm working on the producer side of things.

- Experience of working in the banana industry:

I've been working for Fairtrade Belgium for six years and I'm responsible for supply and impact. That means we are trying to work together with companies, consumers, and the government. So the three pillars are companies, consumers and government. The companies want to convince them to increase their offer of their Fairtrade products. So retailers or brands, we want them to increase their offer of Fairtrade products. We do communication to consumers in order for them to buy more Fairtrade products, basically. Then the government, press and policies are more to promote Fairtrade as good practices in Belgium. So we are a bit less than 20 people in Fairtrade Belgium but there is also Fairtrade in the Netherlands, Germany and so on. And then just like we are working together with companies here in Belgium we have also colleagues that are working together with the producers, with the former cooperatives in the countries of origin, for example, in cocoa in Ivory Coast and Ghana and these colleagues are supporting the cooperatives with good economic practices, but also with organisational structure. Also, they are supporting the cooperative certification because their trade means that all actors in the supply chain, from the farmers or from the cooperatives to the retailer, need to comply with the Fairtrade standards. This is like our law, and we guarantee consumers by putting the label on the product that the law, the regulation of Fairtrade, has been followed across the supply chain.

- So you have to travel sometimes I guess?

Yes, for example, I'm only back three weeks from Dominican Republic, which the purpose of the visit was to see some plantation and co producer for bananas.

- Would you like to share a little bit about that trip?

Yeah, some things that I remember from the trip was that in the Dominican Republic, more than 80% of workers in banana plantations are migrants from Haiti, because Haiti and Dominican Republic are on the same island so there is lots of migrants from Haiti. Thanks to Fairtrade certification in the plantations, people from the Dominican Republic have social protection. So Haitians are just living in the Dominican Republic to send money back to their families because the situation is not that nice in their country. Also, what struck me was the impact of climate change. In the past, you had a tornado or a hurricane every 3-4 years but now it is like every year. We spoke with a farmer there and last year in October, there was a Tornado and 80 to 90% of his field was destroyed. So he missed like 6 to 9 months of revenue and that is more and more going on. So that is a real issue there.

Introduction to the human rights questions:

- What does the organisation you work for do for the respect of human rights in the banana industry?

So our label is related to the standard. We have a standard for fresh fruits and for bananas. So there is a distinction between 2 standards. In the world, maybe more than 90% of bananas come from plantations, and a bit more than 5% comes from cooperatives. So cooperatives are like farmers that own the cooperatives and it is a different model. In Fairtrade we allow both models, plantations and cooperatives. In the case of plantations, we have a standard, it is called the hard labour standard and it is a standard that protects the workers in the plantation. That means that, for example, if a woman gives birth, it is written in the rules that she should have two months of maternity leave. If people work too many hours, we describe the maximum number of hours in those standards and for that overtime work they should receive a 50% bonus, things like that are written in our standard. Also, for example, the people that use pesticides should be protected, they should have training and all these kinds of things are in our standards. So our standards protect basically the workers. There is two things very important in Fairtrade. So when the world market price is very low, farmers and producers are secured to have a minimum price; the Fairtrade minimum price. That protects them from too low market prices and the minimum price should cover the cost of production. On the other hand, on top of the Fairtrade minimum price there is a Fairtrade premium, so that is a premium. For example, for bananas it is \$1.00 per box of bananas and a box of bananas is 18KG, so it is always boxes that are exported from the banana origin. So per box of bananas, they also receive \$1.00 extra Fairtrade premium that should be paid by the buyer, by the trader of bananas to the plantation or to the cooperative. In the case of a plantation, the premium goes directly to the workers. So they have like a bank account, they have a premium committee and they can decide how they will use the premium and these amounts are sometimes pretty significant and the premium is then used for example for construction or for housing. For example, in the Dominican Republic, we spoke with the people and the premium is used a lot to regularise their papers and passports and visas because sometimes they work there without papers. The premium can be used also for medical services and things like that. So that fairtrade premium is really important and plantations and

cooperatives can decide democratically how they will use the premium. So the workers in banana plantations are protected by our standards, labelled through a whole set of criteria which all actors and supply chains should respond to.

- And what's the incentive for the plantation owner to have a Fairtrade certification?

The incentive for the plantation owner is the fact that you receive the minimum price. So for example, in the Dominican Republic most of the bananas are short on the spot market. The price is very fluctuating, but most of the year, the Fairtrade minimum price is higher than the price they receive for the banana, so their advantage is to have the secured Fairtrade minimum price. If the market price is higher, they receive of course the market price but if the market price is lower, they receive at least the minimum price. So the advantage for the owner is the minimum price and the advantage for the workers is the protection and the premium they can use and they decide how to use it.

- Bananas are the most consumed fruit in the world, yet their production leads to the most human rights abuses. What do you have to say about this statement?

We have the problem of bananas as it is one of the most exported products in the world. I think it is like 21 million tons of bananas that are exported globally each year. So in Europe, in the supermarkets, it is maybe one of the three most selling products. So there is a lot of competition on banana prices. So there is sometimes a race to the bottom across supermarkets to have the lowest sales price/retail price of bananas and because of that, there is lots of pressure. So there is a lot of competition on banana prices between supermarkets so they lower their prices and because of that the whole supply chain has been squeezed and producers are also squeezed and they are not able to sell their bananas at the price which is high enough. So it is all a lot related to the race to the bottom of supermarkets because bananas are one of the most sold products.

Type of partners:

- What kind of partners do you work with? NGO's? Trade unions? Companies?

We work with companies, so with traders of bananas like Fyffes, like Doles. We work with retailers, we work with producers, we work with the whole supply chain. Of course, as labour, but we also work with the unions. In many companies in many countries, we work with the local unions. We work with other NGOs, so as part of the Fairtrade system we work basically with everybody.

- How does your company choose the partners to work with? What are the criteria taken into account?

We don't choose the partners, they choose us actually because they want to sell Fairtrade. We have worked with everybody, with people, with traders and retailers already for a long time. What we are doing is that we always try to convince them to sell more Fairtrade bananas. For example, the retailers

in Belgium mostly sell Fairtrade organic bananas, so Fairtrade and bio together and there are few retailers that sell Fairtrade bananas that are non bio (only Fairtrade) so that is something we want to work on and we are working on. We always try to have more Fairtrade bananas on the market because that is good for the farmers and for the workers. Our reason for existence is to have more impact for Fairtrade farmers and workers and Fairtrade plantations.

- What projects (conducted by your company) with partners have been effective and had a positive impact on the banana industry in Latin America?

So again we have colleagues that are working in most countries of Latin America, where most bananas come from and they have this program called “Productivity Improvement program”, the PIP, that program is to increase the productivity by improving the soil so they work on bacteria to improve the healthiness of soil, the earth so the moisture is better kept in the soil and because of that we have seen impact : increase of productivity. So that is one example. Another example is with retailers, so I don't know if you have heard in Belgium and Netherlands and Germany, there is this retailer commitment on living wage. So that means that retailers came together and they agreed on going towards a living wage for workers. And there are also some pilot projects, but that is not in Belgium yet, but there is some pilot projects in other countries. Fairtrade gives the workers a living wage. So that is a higher salary and they look at the impact. So, there are projects on productivity and there is projects on living wages.

Payments for the banana

- Do you think that an increase in the selling price of bananas would have a positive impact on the working conditions of workers on banana plantations?

Yeah, yeah, I'm sure. Yeah, I'm sure, the price should go up. That is really crucial and we have seen this year 2022, for the first year in a long time, the prices went up (on average in Europe). But that is also related to the higher cost of packaging, higher cost of fertilisers, higher input cost for farmers but they should go up even more. Prices of bananas are basically too low if you compare an average banana kilo. If you look at the cheapest products of bananas in the supermarket and you compare that with the average price of Apple, the price of kilo of apples, which comes from our country, you will see that the bananas are usually cheaper than apples, which is not OK.

Precisions on human rights :

- How does your company set workers' wages?

There are two things, in our standards it is written that all work should precede the national minimum wage, so it should follow national law and in addition to that, for bananas we have now, since 2 years, a rule that all banana workers in Fairtrade plantations should earn a base switch we call it and the base switch is a 70% of living wage. So it is higher than the minimum wage, so the workers in the banana

plantations of Fairtrade receive 70% of the living wage. There is a website of the Living Wage coalition that is a concern of NGOs and scientists and for each country they look at what should a family earn to really have enough money for 3 decent meals per day, for housing for school, for medical services. So per country this is determined and then we calculate what salary should be for living wage and we say that we request that all workers in Fairtrade plantations should earn 70% of that living wage.

- How does your company ensure equality among male and female workers in terms of wages, access to employment, and life at work?

I think that is also in our standards that there should be equal remuneration and apart from remuneration there is also more that protects female workers, so there should always be central points for complaints in the plantation. When there is sexual harassment or when there is other abuse, there should always be central points for this complaint at each plantation. Also for example, there should always have separate restrooms and there is more things like maternity leave; female workers should have at least two months of maternity leave, and there is a whole set of criteria and standards that protect women, but also on equal remuneration. That is also important, yeah.

- How does your company ensure that the health of its workers is not negatively impacted by their work (e.g. from pesticides or sunlight)?

There are clear procedures in the standard that say that each plantation should appoint a few people that apply pesticides. These people should have thorough training on how to use it, and should have clothing protection available by the plantation. They should apply pesticides only at certain moments. And around the plantations, there should always be buffer zones so that pesticides don't go to the village or whatever. So all these things are described in our standards. Also for medical services, each plantation should have a doctor available for the workers and if there is no doctor available they should offer transport services to the nearest doctor when something has happened.

- Do you know how the wages of workers in banana plantations are established? On what criteria?

Yeah, there should be the minimum wage and for Fairtrade plantations there should be 70% of living wage. But apart from that, in some countries in Colombia, for example, there are regions that are strongly unionised and there we have this collective bargaining and there are relatively higher wages because there is unions. In other countries, there is no unions, and then there is less power for the workers to negotiate a good rate. That is why we impose the 70% of living wage rule in our standards.

- How is the equality between women and men in the banana industry in Latin America?

I can not say anything about it.

- How is respect for workers' health in the banana plantations in Latin America?

I can only refer to our standards and they should respect it and they are audited so implementations are audited frequently by auditors to check if everything is OK, some audits are planned, some are unplanned, so all of a sudden auditor appears and it checks if everything is followed, but I cannot say in reality if the rules are broken frequently, I cannot say. I know outside of Fairtrade, it is a big issue. Outside of Fairtrade we see that more people are using just pesticides without protection and things like that. For the wages outside of Fair trade, wages are lower. But yeah, I can only say we have these rules, everybody should follow the rules but of course you will always have people that try to bypass the rules, but then they are audited, and they should normally be decertified. But I can only say that workers are much more protected than outside Fairtrade.

- Does it happen sometimes that you audit some plantations and that a lot of standards are not respected?

It happens that when the standard is not respected by plantations, they get decertified, so they lose their certification and they cannot sell Fairtrade bananas anymore. Every month there are cooperatives or plantations that are decertified because they didn't follow the standard.

Education of children

- What are your initiatives/efforts to promote the education of children in Latin America?

First of all, there are projects on schools and whatever that we are partners of. Secondly, thanks to the Fairtrade premium, if we focus only on plantations and not on cooperatives, the Fairtrade premium goes to the workers poorly, 100%. And when we see at the end of the year the information on how they spend. We see that many times premium is also used for school outfits, school kids, school material, but also for the book and scholarship. So they have money thanks to the premium to be able to continue studying in secondary school or in high school, so the Fairtrade premium often goes to the children of workers in order to allow them to continue studying.

Familiarity and degree of the implication of policies, frameworks, and standards concerning human rights :

- With which following policies, frameworks and standards are you familiar ?

U.N Guiding Principles for Business and Human Rights: Yes

OECD Guidelines: Yes

UN Global Compact: No

ILO Declaration on Fundamental Principles and Rights at Work: Yeah, I know that. I know it is important because it is also mentioned in our standards. It is often referred to as the condition. So the ILO rules should always be respected and you have different ILO rules, so that is quite crucial in our standards also as a reference.

Guidance on due diligence for EU businesses to address the risk of forced labour in their operations and supply chains: Yes

Directive on Corporate Sustainability Due Diligence: Yes

- What do you think are the best ones? Are there any that are not useful and why? Or that you have never heard of? Are there any other useful policies, frameworks, and standards that I have not mentioned that aim to prevent or reduce human rights abuses on banana plantations?

I think they are all useful because we want our standards to be compliant with these human rights guidelines and due diligence, these are incorporated in our standards. The producers should comply with all that we want in Europe. We want to give one example. All cooperatives in cocoa or coffee should have the GPS mapping of where their land area is. And so we request a lot. They should also have policy in their cooperative that says we are compliant with human rights, they should have an action plan to mitigate the human rights issues like child labour and so on. They should hire people to address all of these issues and conditions imposed by Europe. So they need to do a lot more to be compliant with what we want in Europe, but we want them to do human rights and environmental issues, but it is only a negative for them because they have higher costs by doing that and nobody supports them. But what's in it? What's in it for them? So that is actually in Fairtrade. The producers have 50% of the votes when decisions need to be taken, in fairtrade international. So we always listen to them and they have lots of complaints that there is more and more requirements and there is not a higher price. So that is why, at Fairtrade, one of the basis elements is fair price, but we see that also Fairtrade is not the case and that is why we always lobby to include higher purchase price for commodities and sales because by requesting things from them without them having benefits it is not a fair thing to do.

The role of Trade unions in the banana industry:

- What have trade unions done in recent years to improve the human rights of workers in the banana industry?

I don't know about that so I prefer not to say things when I don't know a lot about it. But I'm sure they have in some countries negotiated higher salaries. A decent income is human rights to have.

The research participants' views, opinions, and recommendations about the methods implemented to fight human rights abuses in the banana industry :

- Do you feel supported in your fight for human rights in the banana industry? If so, by whom? whom?

It starts, so it is good that things are moving. All retailers, they say that they want the bananas to be more sustainable but the problem is that there is so much competition in bananas again that nobody wants to take a step on his own. So that is why you have this sector commitments like last year in the

summer in Belgium. So the living wage commitment on bananas, so things are starting to move, but there is still a long way to go.

- What are your suggestions or recommendations for banana companies to respect the human rights of workers throughout the supply chain?

My suggestion is that we have to pay a decent price, so the price paid to producers should be high enough to cover their cost of production and should be high enough to allow them to pay a living wage to their workers because the living wage that is absolutely minimum. They should even earn more but at least they have the right to earn a living wage. And if prices will stay so low for bananas and I don't say it is the fault of the retailer or whatever. But prices are just too low. Consumers should pay a bit more for bananas and the part of the higher price should go to the producers, to the farmers.

- Do you want to add something maybe?

Maybe just climate change is, as I said at the beginning, coming back from the Dominican Republic. Climate change is an issue, so that is why it is even more important to have a decent price because their revenues will go down and in the Dominican Republic because of storms or whatever, they lose quite some harvest. In the Dominican Republic we have seen that more and more they switch bananas to cocoa, for example, because cocoa is more resilient to storms, and then the cost of production is lower. Just because they don't earn enough with bananas, they're switching to other crops. So it is really important to take into account climate change. There are also some bacterial diseases which are spreading more and more around banana plantations. It is called Fusarium and that is another risk for farmers. Farmers have risks, they have more requirements from Europe but they don't receive a higher price so that is not in balance.

Interview with Holly Woodward-Davey from Banana Link (INGO1)

Demographic information of the respondent:

- Gender : Female
- Age : 40
- job title and experience working in the banana industry/ or human rights :

I'm a Project Coordinator at Banana Link. We are a small team of just 4 people at the moment. My role is, in addition to liaising with small farmers and trade union partners and funders to coordinate the projects, I'm doing other things like columns and fundraising, it is quite a varied role. I've been working at Banana Link for about three and a half years. Before that, I have some experience in other NGOs as well, but not in not in the banana industry.

Introduction to the human rights questions:

- What does the organisation you work for do for the respect of human rights in the banana industry?

We do a lot of advocacy. I am campaigning for human rights in the banana industry, mainly, labour rights, freedom of association, and the importance of trade unions as partners, for a kind of positive change in the banana industry. In addition to the advocacy, we work on projects that also do capacity building of trade unions. There is quite a lot of gender work as well, in the capacity building, because women in the banana industry, it is not like other agricultural industries, there is a very small proportion of women around like 12% of the workforce tends to be women. We do a lot of advocacy as well for training on gender, to try and enable more women to get access to work in the banana industry, and to reduce issues such as sexual harassment and things like that. So there is the kind of advocacy with projects that we coordinate, which are largely focused on capacity building, and then there is kind of strategic work, we do produce reports, on our website, there is a bunch of reports, for example, on gender in the banana industry that we wrote a few years ago in 2016 or maybe even 2015. More recently, we worked as consultants for Fairtrade. They have recently made a kind of human rights risk map; I think it is called the risk map. So, we worked as consultants to feed into that on bananas, kind of experts, I suppose in the field, or various people who are looking to find out what's going on in the banana industry or make changes for the positive. We sit on multi-stakeholder forums like the World Banana Forum, and the Ethical Trade Initiative in the UK. The founder, Alistair Smith, my colleague founded Banana Link 27 years ago, so he does provide that kind of specialist voice and he has real knowledge of the banana industry.

- Bananas are the most consumed fruit in the world, yet their production leads to the most human rights abuses. What do you have to say about this statement?

I mean looking at that question there is the research we did on human rights and environmental risks in the banana supply chain, some of the main findings or kind of like areas that we could comment on are the fact that there is a lot of labour violations and persecution for trade union organising in the banana industry, which can include being dismissals, blacklisting of workers, even threats of violence against them, or the creation of unions that are created by farm management to disrupt and genuine trade union organising. It is definitely clear that workers in non-unionised regions can expect poorer working conditions. There is also a study called What difference does a union make? It provides a really good evidence base that this needs to be done. In addition, traditionally like the retailers have been taking the lion's share of profits from the international banana trade and they have been using bananas as a loss leader to draw consumers into the shops and like engaged in kind of quite competitive price slashing, which is then just had the impact of putting downward pressure along the supply chain and in the banana

industry. The workforce is still a very large cost for producing companies. They need to make savings because they're not being paid enough, cutting workers salaries is going to be one of the first things they're going to try and do. Unfortunately because it is a large cost in total. I think it could be around 40% of their costs in salaries. In addition there is another way that they can make savings is by not providing personal protective equipment or by not making the adaptations that are required to the working environment when things are old or no longer safe, not replacing them, making workers do unpaid overtime or just working excessive hours? I guess in addition to that also banana plantations can often be like the only or the main employer in a region, so there can be quite a lot of competition for the work, so that can lead to workers taking whatever work they can get. Also, there is a widespread tactic of employing migrant workers and paying them less than the local workforce because they're vulnerable to exploitation or they're just more desperate, sadly and then that just drives down the wages for everybody. So that is a whole humongous area. National legislation in producing companies is sometimes or even often not sufficient to protect workers from human rights risks. Like labour inspectorates might not be adequate to meet the needs of workers and quite isolated rural areas. There might not be public services in rural areas that could make workers more vulnerable when they're isolated in rural areas. The national set minimum wage might not be kind of sufficient to actually live. It might not be a living wage. It is not enough to cover basic needs. We touched on certification, not necessarily creating the intended results often because audits may not be done in a kind of thorough enough adequate way or by someone that has sufficient training or knowledge. Sometimes that could be another kind of weakness. We've talked about chemical fertilisers and pesticides. One thing I didn't mention was also the fact that it does become necessary to use more and more of them because the soil gets more and more depleted through their use, they require more and more input, so that is another kind of risk area. It is making the banana plant quite vulnerable to disease, with for example TR4. That is a whole other area as well, there is a lack of publicly available data. Studies on what chemicals are being used where and in what combinations. Climate change is more of an environmental risk, but banana plantations are more vulnerable to the impacts of extreme weather events and often don't have the kind of financial resources to rebuild production.

Type of partners:

- What kind of partners do you work with? NGO's? Trade unions? Companies?

We work in partnership a lot. I guess there is a difference between when we're directly funded to work in partnership with people and there are a lot of times, we have shared strategic aims with various other organisations. We kind of coordinate with them and work in partnership in that way. In the Global South, obviously we work closely with trade unions, small farmer organisations, other civil society organisations, there are research institutes that we work with as well, UK-based trade unions, international trade unions, retailers, producers, certifiers, ...

- How does your company choose the partners to work with? What are the criteria taken into account?

We don't have a formal policy or list of approved partners being such a small organisation. I think it would be fair to say that our kind of unwritten policy is that we do believe in dialogue and speaking about issues with people. I think it'd be very rare that we'd say things like, we won't even speak to somebody, even if we disagree with things that they are doing. When it comes to choosing partners, I think it is more a matter of just drawing on the experience of the field and kind of having a real knowledge of what different potential partners are: how they work and what their interests are. There can be a change, for a long time, we ran a campaign against a certain big retailer, Aldi, and over the last few years, they have changed their approach quite dramatically. So now, we're engaging in a much more positive relationship with them.

- What projects (conducted by your company) with partners have been effective and had a positive impact on the banana industry in Latin America?

I guess the project that comes to mind, for the last few years, in Costa Rica, there is been a solidarity project funded by UNISON International Development Fund, which supports trade union organising, in Costa Rica. I think that is had a really positive impact on getting the membership up and they have been enabled to be quite active in representing workers in the Costa Rican equivalent of an employment tribunal, but also engaging in dialogue with employers, doing a lot of training and engaging also women in in the Union by making the union outreach events very family-friendly, as well. I think that projects probably had a really positive impact. Also, partly because they have had funding for quite a few years now and that is really important. I think it is usually extremely challenging to get funding, and especially funding that is long-term. I think that is probably why in particular, that is been a really impactful partnership.

Payments for the banana

- Do you think that an increase in the selling price of bananas would have a positive impact on the working conditions of workers on banana plantations?

I think the nonlinearity definitely supports an increase in the selling price of bananas, but it wouldn't guarantee that the increased payment would then be passed on to the workers. Definitely more should be paid per box for bananas, so that there is enough to pass it on to workers, but there would also have to be other kinds of work done, I suppose to ensure the workers here benefited from that.

Precisions on human rights

- Do you know how the wages of workers in banana plantations are established? On what criteria?

It would be quite context specific. For example, in Colombia, in Urabà, the banana-producing region where they have negotiated through collective bargaining the wages and also the same rate should be paid for the same work irrespective of gender.

- How is the equality between women and men in the banana industry in Latin America?

I can only really tell you general information about women in the banana industry. I couldn't say how it would be different on a larger plantation compared to a smaller one. I think in Latin America and the Caribbean, it is extremely widespread that women are employed in the pack house, they will be washing the bananas, labelling them, doing quality control, things like that. On the larger plantations, more women may be employed in administrative roles. But the field work is almost exclusively in Latin America and the Caribbean, done by men. There is a real division of roles there, which means there is less jobs for the women. It is an occupational health and safety context that has been designed around the male bodies. A lot of times we hear like personal protective equipment, like the aprons and gloves, women have been given ones that are made for men that don't fit properly or the way that the tasks are designed out in the field, the weight of things that needs to be lifted, and stuff are designed for male physical strength, and that kind of excludes women. I know in western Central African banana-producing countries, it tends to be a little bit different. It tends to be more like examples of women who are actually working in the field there. But I still think it is still a fairly low proportion.

- How is respect for workers' health in the banana plantations in Latin America?

Occupational health and safety is a very central subject for us. We're also working together with the World Banana Forum and other partners. Over the years, we've been working on a series of occupational health and safety guidelines. It is quite a big part of the work we've been doing. We've worked on context-specific guidelines for Cameroon, for Ghana, for Ecuador, which is now about to be reviewed, and we've done women's specific occupational health and safety guidelines as well. We did it one for Latin America in general focusing on five principal banana-producing countries. Within all of that, obviously, agrochemicals are discussed, and the knowledge about exactly what chemicals have been used or are being used, where and the risks they have very hard to find an answer to. I don't think that information is widely available at all. It is very worrying to know that often the chemicals that are being sprayed onto banana plantations can tend to be used in a mixture that also can produce unknown effects.

- Do you think that bananas with labels like Fairtrade, Rainforest Alliance, ... ensure the respect of human rights for workers in banana plantations?

Banana Link definitely respects Fairtrade International, as a certification, because of the premium that they pay. I think the Fairtrade model of certification is kind of the one that we think is the best. I think there could always be instances of human rights issues, and that is why there have to be audits. Occasionally, you hear of unions saying that workers have been told what to tell the auditors, and when the company knows the auditors are coming, they make certain changes to try and portray a situation that isn't the reality. I don't hear about that generally, with Fairtrade. But Rainforest Alliance sometimes does get criticism.

Familiarity and degree of the implication of policies, frameworks, and standards concerning human rights :

- With which following policies, frameworks and standards are you familiar ?

U.N Guiding Principles for Business and Human Rights

OECD Guidelines

UN Global Compact

ILO Declaration on Fundamental Principles and Rights at Work

Guidance on due diligence for EU businesses to address the risk of forced labour in their operations and supply chains

Directive on Corporate Sustainability Due Diligence

- What do you think are the best ones? Are there any that are not useful and why? Or that you have never heard of?

I definitely think that some of them are very useful. I guess the one that we have the most contact with within our work is definitely the ILO declarations on the fundamental principles of rights at work and their various conventions. Convention 190 on the rights of women not to be sexually harassed at work is quite recent, and there was quite a lot of campaigning around ratification. That spurred on a lot of activity and in the projects that we were working on in the banana world. I guess the Sustainable Development Goals as well are kind of underpinning a lot of the work that happens in our field, as well. When we're doing our annual review, we often like to draw links to how our work relates to the Sustainable Development Goals and the Directive on Corporate Sustainability Due Diligence. You are referring to the recent EU Human Rights Due Diligence Legislation, I think that has really been very fundamental to spurring on a lot of work that is happening now around living wages in the banana industry. I think there is four countries now where retailers have collaborated to make public commitment to ensuring living wages will be paid to banana workers in their supply chains, to various degrees, with various timelines. But that is really quite significant. I think the directive has had a big

hand in pushing retailers to work together on a real issue that needs a shared responsibility approach. So that legislation has been really key. And I'm sure they're all useful.

The role of NGOs in the banana industry

- Do you feel supported in your fight for human rights in the banana industry? If so, by whom?

I think we do feel quite supported to be honest because we co-founded, for example, the World Banana Forum, we were founding members. That is an important kind of space where members with maybe conflicting interests, or different opinions can meet and talk about issues that affect everybody. Then, there is the Ethical Trade Initiative, an initiative that I mentioned earlier. We kind of coordinate something called EUROBAN as well, which is a network of European civil society organisations working for all kinds of human rights in the banana industry. With trade union membership, as well, from the Global South, we also have members of a network of sustainable small-farmer cooperatives. We have an agroecological Advisory Board. We have a lot of networks that we coordinate ourselves that are quite small, and some bigger multi stakeholder platforms that we participate in. I think that does definitely help to give a sense that we're working together on issues. I mean, obviously, there is conflict as well, but there is conversations constantly being had. And the other side of that question is also to say we need funding. We can not get anything done without that. We have some funders that are willing to fund us, to do core work. Sometimes we speak to newspapers or lists or various different things, and it is hard to get funding to do that work. It is easier to get funding to do particular projects. We feel supported, but in terms of funding, no, we don't feel supported. We feel like we have a few good funding relationships, but we are really at a point of need to have more financial funding, and in particular with work with small farmers. There is almost nothing out there, you know, its support for the human rights of banana plantation.

- How do you think NGOs could have more impact in the fight against human rights abuses?

Basically, it is the same point I just made, we need more funding. We need to have bigger teams; we need to be able to undertake things that we want to do at the moment that we don't have funding for undertaking more studies to show what's happening in the banana world, to have that evidence base to the campaign and build projects without having the funding to undertake the research. It is hard to build the case that needs to be done for these projects.

The research participants' views, opinions, and recommendations about the methods implemented to fight human rights abuses in the banana industry :

- What are your suggestions or recommendations for banana companies to respect the human rights of workers throughout the supply chain?

I think fundamentally the right of freedom of association and to join a Union is a fundamental issue for workers. Because those unions can campaign on various issues and engage in dialogue with the employers. I think we need to make the case for unions being partners. A whole history in certain parts of the world thinking that unions are the enemy and they're just going to try and have strikes and things hard. But having unions that are well trained and have specialist knowledge on certain things can act as partners or empowered to be agents of change as well. It is really important. That is something that we are hoping will happen with the living wage and living income. The movement that is now happening. We've just written about on our website at one of the most recent news articles as well is about this living wage and living income. For example, ALDI just undertook a pilot, which we participated in, where the producing companies were providing wage data, which then the unions were reviewing and verifying. In order for the retailers to be able to, see if changes need to be made or see what's happening in their supply chain in terms of salaries for workers. I think engaging workers' unions in that activity is really beneficial and training them to be able to take this role. So I think it can be very empowering for workers to be able to have the knowledge to take on a role like that.

- Do you think that efforts have been made in recent years to strengthen the respect of human rights in the banana industry? Are you satisfied with these efforts or is it still not enough?

I don't think it is ever going to be enough until we say every single banana plantation worker is definitely being paid a living wage, working in a safe environment, not subject to sexual harassment, not exposed to toxic chemicals, etc.. A lot of progress is being made at the moment, but we definitely have more work to do.

Interview with Fyffes (IBI1)

Demographic information of the respondent: Anonyme

- Gender : /
- Age : /
- job title and experience working in the banana industry/ or human rights :

my job title is sustainability manager for Fyffes. It is an international role, but I'm based in Latin America.

Introduction to the human rights questions:

- What does the organisation you work for do for the respect of human rights in the banana

We consider ourselves leaders, not just in the banana industry but locally in human rights, in the fresh produce industry. We have done two human rights impact assessments with BSR, which is a nonprofit organisation consulting company, and we use them to conduct our human rights impact assessment. They have done desktop research, and they have also come out and done site-level visits as well. From

their report and this information, we have a mitigation plan which we then do projects and take action. Be involved with various stakeholders to try to improve the working conditions and whatever challenges we've identified.

- Bananas are the most consumed fruit in the world, yet their production leads to the most human rights abuses. What do you have to say about this statement?

I think you have to be careful with your statements. I think that historically there were not so many oversights in the industry, but in the last 10 to 15 years there is been a lot of work being done to ensure that the farms are meeting standards and not creating human rights abuses so it is nobody's intention to go out and take advantage of the workers by any means. Any company that has a GLOBAL G.A.P. and SMETA and are selling fruit to Europe under an international company is more than likely to have very high standards on the farm, rather than smaller producers or local market producers who don't have the capital, or the resources to be able to provide safer working conditions, or to invest in certain areas. We definitely work with all of our suppliers that we buy fruit from to make sure that there are no human rights abuses on the farm, but also in the communities and in the area. It is a very complicated cultural and historical issue in the region. We buy fruit from Colombia, Honduras, Guatemala, and Nicaragua. It is not necessarily abuse on the farm, but more access to rights within their community. I think, in general, the banana industry is doing a lot of work. The supermarkets and the price that we receive for the fruit is quite low and if it was a higher value fruit, I think that the workers will be able to receive a higher salary. The salary is low for banana workers, which creates issues and development in the local community as well.

Type of partners:

- What kind of partners do you work with? NGO's? Trade unions?

We work with a lot of stakeholders. We work with the local government and local NGOs. For example, we work with, they're called Alliances, basically tried Latin America for development. Basically, most multinational companies are members of these organisations and they give advice on human rights and on development projects or activities. You can do this in collaboration or partnership, but they also have connections with the government and different bodies and the government to do projects. For example, either in human rights or gender equality, or living conditions, we work with them. We work with NGOs from an advisory point of view, BSR. We also work with the World Banana Forum. We're on the steering committee for the World Banana Forum, and I'm a coordinator for the Gender Equity Working group and I'm a second on the steering committee. My boss is the main representative. We work with trade unions. We have a long history. We're trying to increase our stakeholder engagement, but I'm sure

most organisations that you've heard we do work with. We're also quite involved in the certifications. We work with CAF as well, and IDH for example.

- How does your company choose the partners to work with? What are the criteria taken into account?

We do a diligence process, so we make sure we have our Fyffes principles, which are on our website and we have to make sure that the partner or company isn't corrupted, and isn't using the money. We're giving the money if it is in exchange for money, but even if we're just affiliating ourselves with them, we want to make sure that they don't have any human rights abuses. We do a due diligence process and make sure that they meet the minimum standard, which is our vice principal.

Local Activities of the company

- What local activities are you implementing to fight human rights abuses in the banana industry in Latin America?

We have identified 13 salient risks or issues, and basically what I said before is that we have a mitigation plan. We have a plan to do different projects and improvements or activities. Not everything is because of our actions, right? Some things are because we have to be more engaged with our stakeholders and try to do long-term impacts, things like a living wage. It is not just our responsibility to fix this but Fyffes are very involved in the process. They tried to come up with a solution. We have a mitigation plan and we are doing various projects and activities to try to address the 13 solid issues that we've identified. Some of that is policy internally. Some of that is taking action around health and safety around working conditions or payments, or these sorts of things like just getting your house in order. And then others are more industry-wide or cultural and community issues that maybe we can not fix, but we can contribute towards improving.

Payments for the banana

- Do you think that an increase in the selling price of bananas would have a positive impact on the working conditions of workers on banana plantations?

Yes, because right now a banana is a loss leader. It is a product that supermarkets deliberately keep low because it is part of the basic food basket of people. You go to the supermarket to buy milk, bread, and bananas, especially in Ireland and England. And when you're in there, then you buy higher value products, maybe chocolate or something else that is a higher value and has a higher markup. Farms generally receive about 2% profit or less and in an environment where there is a lot of volatility with prices for logistics, containers, wars going on in Europe, and the gas fuel prices have changed, the dollar has changed. It is very hard to ensure certain standards with such a small margin on the fruit. Larger

companies like Fyffes or Dole or Chiquita have enough support and resources to buffer those kinds of volatilities but not long term either. They definitely have to smooth out the bumps whereas smaller companies, smaller farms or individual farms may not have a little buffer or a Piggy Bank to go into whenever these things happen. Which then puts pressure and it has a knock-on effect on the circumstances of the workers. I believe that if there was a higher price, that money would certainly improve the circumstances because other products like pineapple do receive a higher price. It is a higher-value fruit. The workers receive a higher salary and the working conditions are still very hard, but they're better.

Precisions on human rights

- How does your company set workers' wages?

Basically, each government provides a minimum wage. Basically, the government has a list and it has the minimum wage per area or per job, and then Fyffes does a calculation. I'm not exactly sure how. We pay quite well. We believe that if we pay higher than our competitors or the local farms we're going to have a more loyal workforce as well. They also know what the industry is paying because we're involved in Costa Rica. For example, we're involved in Cortana, which is an organisation that manages the banana industry, and they also provide things like bonuses for production and productivity. They make sure that the workers are receiving their legal minimum wage. In general, Fyffes pays one of the higher wages. But normally each country says what the minimum is for the type of job, maybe it is a more skilled job or it is a job that requires more kind of physical exertion. You're going to get a higher price for those sorts of jobs than a slightly less exerting job, you might get a little bit less job that doesn't require you to have experience or very good depth skills.

- How does your company ensure equality among male and female workers in terms of wages, access to employment, and life at work?

I would consider Fyffes as a leader in this area. Basically, there is this perception that women get less money than men in the industry, and that is not true. Women do fewer jobs than men in the banana industry, and therefore they get less salary. A lot of farms are too small to pack every single day. On our farms in Costa Rica, our banana farms were big enough that the women that are working in the pack House have a job every single day of the week because we have fruit to harvest every day. If you work on a small farm, the pack house may be only open one day a week so a woman's salary will be equal to a man's salary during a similar position, but she will only get one day salary and a man maybe gets six day salary, so the disparity is enormous and this is something that people don't really understand. Men and women generally are very segregated in the banana industry, in their jobs, and that is because of stigma or historically established roles or machismo but in general, if a man and a woman are doing the

same job, they're going to get the same salary and the women's jobs are jobs that can not get bonuses because of the way the pack house or the farm is organised, which does cause them to get a slightly lower salary. The jobs in the pack houses generally don't get bonuses, and the jobs in the field do get bonuses, this reduces the amount of money in general that a woman will get because they're found in larger numbers in those roles. Aside from that, Fyffes has a gender equality program that we give to every man and woman on the farms and it is all about communication and how you divide work at home, how you communicate, what you need from your partner, how you have difficult conversations. It also helps the managers and supervisors to understand that a woman has extra work in general at home and maybe she's not able to come on time or she needs more exceptions and has to go to a doctor or sick days or whatever but it doesn't mean that she's not committed to the job and that they have to be empathetic of those issues and it is not punishing. That is the kind of general message that we're trying to get across to the supervisors and then give the employees the skills that have managed their money equally and in partnership with the partner, take decisions on family planning together, divide up the work at home and work equally, which will probably be hard for them. If there is a job or a promotion, what happens naturally in this region is that women don't believe in themselves that much and don't put themselves forward for the job, and they also drop out of education a lot earlier than men. Women on average, have fewer school years, so they might not have full secondary school education, and they probably haven't gone to university. There are naturally less women in senior positions, which creates male-heavy senior management on farms, which we're trying to overcome through doing this training and hoping that people will go to education. We're also going to start doing scholarship programs and adult education programs to allow women to be sensitive to their triple work burden, but to let women go and upskill to be able to have an administrative job or a supervisor job that will be able to give them a higher salary. These are the things that we're working on at the moment, but the foundation is our gender equality program and we're trying to understand the challenge because it is not as simple as going in and putting a woman as a manager or a supervisor. You have to understand the context of this situation and also culturally how it created itself in like Ecuador and Nicaragua, there are more women in the industry. But that is because there is like out-migration of men so men go and work in the tourism industry or they have migrated to a different country and then women take up non-traditional roles. I don't think the solution is to force women into the field. I think the solution is education and diversifying their jobs, that they're comfortable with doing. I don't think it is the right thing to force a woman to do a job that she doesn't want to do, because generally, they deselect themselves through these things because they feel vulnerable or feel threatened, or they don't feel safe, or the schedule is wrong, they're not close to bathrooms, they don't have sanitary facilities when they have their period. Like there are lots of things to understand that go into this, that is what we're doing at the moment on gender equality.

- How does your company ensure that the health of its workers is not negatively impacted by their work (e.g. from pesticides or sunlight)?

This is a historical problem as well. This is something that the industry has a bad reputation. Years ago, I've heard stories that they would let the workers go into the field and the fungicides would pass over the workers while they were in the field, maybe even eating. That does not happen anymore. 100% does not happen anymore. What happens is that when you're entering the farm, there is a sign and it says fumigation in section A, at this time and nobody is allowed to go to work in that section of the farm until the pesticides or the fungicides have passed over so they divide the farm up into normally 3 sections. Over the course of the week, each section gets sprayed and they rotate the work around. If workers are putting them aside or fertiliser that they are actually applying themselves onto the farm, then they have to wear PPE. Obviously, they wear masks, they wear protective clothing, they have gloves, there are showers available for them, they have to wash off afterward, and they're not allowed to bring these clothes home so that they're not contaminating the house. These chemicals bioaccumulate as well, so if you were bringing home clothes and mixing them in your house, you could contaminate your family. We have health and safety managers or supervisors in each firm and we have a very strong health and safety culture in the company that is been led by a person based in San Jose. There are lots of considerations for packaging as well as lifting the weights: how you're lifting it, putting in technology that they're not reaching above their head or bending. The ergonomics of the pack house are considered. We also get inspections, we sign up for different certifications and they come and inspect us and make sure that the chemicals are stored properly as well, there are records for all the chemicals, and all of these things are checked. I don't want to say that it is maybe something that is been still talked about, and it shouldn't be talked about because it is very important but it is a more historic problem. It is not something that you see anymore in my experience.

Familiarity and degree of the implication of policies, frameworks, and standards concerning human rights : With which following policies, frameworks and standards are you familiar ?

U.N Guiding Principles for Business and Human Rights

OECD Guidelines

UN Global Compact

ILO Declaration on Fundamental Principles and Rights at Work

Guidance on due diligence for EU businesses to address the risk of forced labour in their operations and supply chains

Directive on Corporate Sustainability Due Diligence

- What do you think are the best ones? Are there any that are not useful and why? Or that you have never heard of? Are there any other useful policies, frameworks, and standards that I have not mentioned that aim to prevent or reduce human rights abuses on banana plantations?

Our human rights impact assessment is based on the UN guiding principles. That is what we base ourselves on or what we think is the highest standard that we should be living up to. The OECD and UN, we also refer to the ILO, which obviously are very important for Fyffes.

We're also CS3D (Corporate Sustainability Due Diligence Directive) that is coming into Europe is becoming very important for Fyffes. We think this is going to have a big impact on how business is done in the sense that right now, we're probably the only people taking action in this area in the industry. I think everybody's going to have to change how people are reporting. We believe that we're already doing most of what's being asked, so learning it is going to change what we're doing, but it will give it structure, and maybe value for other stakeholders. The directive and corporate sustainability divisions, I don't think I've read or heard of. The UN guiding principles for sure is what we think is the highest and the most important.

The research participants' views, opinions, and recommendations about the methods implemented to fight human rights abuses in the banana industry :

- What are your suggestions or recommendations for banana companies to respect the human rights of workers throughout the supply chain?

I think that all companies should do stakeholder engagement with local stakeholders and be more aware. I don't necessarily think that we all need to do a human rights impact assessment because that is not going to be feasible for a normal farm unless you have a big company structure with the sustainability Department of Corporate Affairs and all this and people that want this information. But for General Farm and for the industry, I think that we need to get better at engaging with underground stakeholders, which are the workers and the community and really understanding our impact on their lives and to the Community, to what's the knock-on effect of our business in that community, do they have access to water, or do they have access to electricity? What about land rights? Education is the school's functioning? What's their standard of living? Can they afford basic things? Are they overworked? Are they comfortable with their work environment? And then taking actions to try to improve that which is quite a small and holistic view. I think if every company did that, the industry would be a lot better, and we go to engage with the World Banana Forum or other platforms where we can come together to create shared regional practices or shared projects that you are coming very well informed rather than coming as this white European dictating what you think is the problems and I think that is what happens quite a lot that we think we can come up with a solution to something. Maybe we're not engaged enough to actually know what the challenge is. The engagement piece is very important and it is something that in general managers and farm staff are not doing and the larger companies are probably not doing this either. I believe that Fyffes is the only company in the industry that has done a human rights impact assessment. We've also done a Community needs assessment, which is for me another step in this

process. And it is been super valuable for us. I think that the World Banana Forum needs to take more collaborative action, to engage with a wider audience, their audience is quite narrow at the moment. That is my personal opinion, also that we get more used to working together collaboratively to lobby your workbook government because I think that is these poorer areas, but generally banana farms are in underdeveloped areas, poor communities. They're not paying that many taxes, but I think that we need to get better at making sure that the government is providing basic amenities to those communities and supporting the industry.

Interview with Jennie Coleman from Equifruit (IBI2)

Demographic information of the respondent:

- Gender : Female
- Age : 60
- job title : I am the owner and the President of Equifruit
- Experience working in the banana industry/ or human rights :

I came to that role by buying the company. Equifruit was founded in 2006 here in Quebec by a mother-daughter team. The daughter went back to university in 2010 and the mom retired and sold me the business in 2013. To be very honest, I knew nothing about the banana industry when I started. I was very naive. I was attracted to the business because I thought that fruit was something we could all relate to, and I like the fair-trade angle because I had worked for two years in Namibia in southern Africa. When I went to Namibia, I was a very young person and very naive and the experience of living and working. The north of the country just South of the Angolan border made me realise that economic activity is what drives development. It does not say that when there is economic activity in a community, people can make their own decisions about the development of their community, they are empowered to make their own choices and that is what fair trade is all about. It is business, it is still trade, but it is trade within a framework that is respectful of growers and which allows them and gives them the power to make those through economic well-being or an improvement of their economic conditions to be empowered to make decisions on the development of their community. And I feel this very deeply, so I would say that when I came to Equifruit, I didn't yet understand how deeply I would feel that or how my background in Namibia would inform how important that was for me. But it is now. I don't really have a background in human rights. I had this experience in my mid-20s, back in the mid-90s. I think it was just a wake-up call for me to view the world differently from not just a northern hemisphere, colonial perspective, but thinking about how everyone in the world is a person, and while that may seem so basic, it is not for many people we often don't think about who is at the start of our supply chains. That they are people too, that they are living in families. They want the best for themselves and certainly

the best for their children, and that should inform the way we think about the only form of human rights that I can influence and that is in the way we buy things.

Introduction to the human rights questions:

- What does the organisation you work for do for the respect of human rights in the banana industry?

Yeah, I mean Equifruit itself, we are not on the ground running projects, we are an importer and a marketer of Fairtrade bananas, so we have a brand promise that we will only do fair trade. We've only ever done fair trade. We are 100% fair trade. Our contribution to human rights and banana production is really in promoting a banana that has been sustainably produced economically, socially, and environmentally. While it may be an environmental consideration, it has an impact on the people who are producing our fruit. By adhering to Fairtrade standards, what we're saying is that we don't want anyone to have cheap fruit that has been produced off the exploitation of another human. It is revolting and we don't want any part of that.

Type of partners:

- What kind of partners do you work with? NGO's? Trade unions? Companies?

No, we don't. We've been too small to spread our wings too much. I see my role more and more as we grow, and I have more people doing things like, our operations, our marketing, and sales. I'm developing a rule to do advocacy and one of the things that I think about is who can we support or partner within the NGO World. But right now, we have no formal partners.

Payments for the banana

- Do you think an increase in the selling price of bananas would positively impact the working conditions of workers on banana plantations?

I think it depends on how an increase in price at retail is set. This is again why we advocate for Fairtrade certification for fair trade bananas, so Equifruit is building a brand. That is based on our fair trade values, but we are of course not Fairtrade International, Fairtrade Canada or anybody. We're a private company selling bananas, but we really believe strongly in Fairtrade certification. We are not marking our own homework. If anybody challenges us on the higher price that we are selling our bananas at, I feel very comfortable about saying listen, the reason our prices are higher is because we are respecting the requirements for buyers of Fairtrade fruit. Where there is a fair trade minimum price that is a fair trade social premium and we pay those higher prices because, on the other side of the equation, our growers have respected standards of sustainable production. The improved working conditions and pay

of workers on the banana plantation, and so if you have secured the first part of your supply chain, If you've ensured that farmers have got paid fairly and workers are covered by the Fairtrade standards for safe working conditions and living wages. Then what happens in the supply chain afterward should reflect that higher price that we are paying at the origin to ensure those things. Now, we have a customer here in Quebec, who sells our Fairtrade organic bananas at a certain price, and what is very frustrating to us is their two main competitors have seen that the market is prepared to pay higher prices for organic bananas, and so they have increased the price of their bananas to match our customers Fairtrade organic bananas, but they are not Fairtrade. They are just making more margin on those bananas without there being any indication at all that is improving. That higher price has any impact on the distribution of value in the banana supply chain. That is why we feel very strongly that if you have a third party, an external mechanism that is backing up the claims that you are making about improving workers' lives. That is just so vitally important. Otherwise, it is just raising banana prices without an external marker that is doing anything other than making grocers richer. It is not going to help anybody except the groceries.

Precisions on human rights

- How does your company set workers' wages?

We don't own our own farms. We work with growers who are also certified by Fairtrade. We work with five different farms: two are cooperatives of small producers and three are small plantations. I don't know how much you know about Fairtrade certification. There are two different standards: One is SPO, small producer organisations, and the other is called hired labour where there is one owner of the plantation and many workers. We are operating in those two different environments and to be very honest with you, we are not involved in setting worker wages.

- Do you think that bananas with labels like Fairtrade, Rainforest Alliance, ... ensure the respect of human rights for workers in banana plantations?

No, I don't. I think that Rainforest Alliance is perhaps better than nothing. But because there is no price mechanism in Rainforest Alliance, everything comes from money. It makes us uncomfortable to say that everything comes out of the price that you are willing to pay. You cannot ensure higher wages for workers, you cannot make investments in things as simple as toilets on your plantation for menstruating women, you cannot do these things and pay growers a price per box that is going to allow them to make those investments. My view of Rainforest Alliance is that I've met lots of Rainforest Alliance workers. They themselves are lovely people, but the standard is weak, and the standard allows companies to stamper products with a very cute green frog but what does that green frog do for workers? I think that unless there is a price mechanism that recognizes that an investment has been made. I'm not saying it is

entirely religious. I'm sure that there are firms that are Rainforest Alliance certified that have benevolent owners who are interested in the welfare of their workers. Hurray for them. Do you know that terrible report on working conditions in banana plantations in Guatemala? It was done by a Prof at Penn State. This was a study that came out about two years ago about working conditions for non-unionised workers in Guatemala. Many of those farms that were included and analysed had Rainforest certification. What does that mean? Rainforest certification, where the average wage was a dollar five US per hour for 68-hour average weeks with high levels of verbal abuse and sexual harassment. What is that?

- Fyffes claims to respect the human rights of its workers in its Human Rights Report. Chiquita also claims that behind the Chiquita blue sticker, there is gender equality, and no harassment, ... How do you react to these statements?

That is insane for them to say that there is no. It is insane. I'm so happy that they're providing employment to sustainability experts who can write this kind of stuff but let's not kid ourselves that is over in the banana industry. There is one of the things that we see in that Guatemalan report is the difference between a Chiquita-owned and a union-run farm. The extreme volumes that they purchase from national producers over which they have no oversight or control. Do you know I'm in the World Banana Forum and in one of our meetings, Ecuador is the largest exporter of bananas in the world, and it was discussed that roughly 40% of workers in Ecuador are informal workers meaning that they are not paid, there is no control over their pay. There is no control over there. They don't have access to Social Security if they're paid. We cannot say that this is a thing of the past. If this were a thing of the past, there would not be initiatives in Germany, The Netherlands, Belgium, in the UK by retailers to ensure that there are living wages being paid in their banana supply chains. The major companies cannot say those don't come from our farms when they control the market. If Fyffes, Chiquita, Dole, and Del Monte wanted to make a difference and wanted to ensure that bananas were produced under verifiable standards, they would move all of their production to a Fairtrade standard, but they don't. I would say that among the big companies, Fyffes is the leader. I would support that statement, but I know more about the good that Fyffes is doing than the bad that they are doing. Fyffes was kicked out of the ETI in the UK for their melon production in Honduras, I know that this isn't bananas, but they lost Fairtrade certification because of their union-busting behaviour and worker abuses in Honduras. Maybe they should make sure that all of their production bananas or otherwise, is meeting their own apparently high standards. I mean, I do think that of all of the multinationals, Fyffes is the largest importer of Fairtrade into the European market. I've met lots of Fyffes people at the World Banana Forum whom I see as genuinely committed to change. But I think it is wrong to cast yourself as somebody who is committed to change but who recognizes there is a problem rather than saying there is no problem anymore. The problem today with bananas is the low price at retail and from the low price at retail everything else becomes a problem because if you don't increase the price of retail, you don't have the funds in the

supply chain. You put pressure on the supply chain to keep prices low, which means that growers don't have the funds to make improvements to anything on their farms; worker health and safety worker pay or even investments in vital sanitary standards to limit the spread of disease, for example. You can not deny that the reason we are all obsessed with low prices is because those big banana companies that you're talking to, Chiquita as the main guilty party. Their early marketing strategy was to make small, but tremendous volume by keeping a fruit very cheaply priced, and they did enormous marketing, at least into the North American market to introduce the banana, as this low-cost but healthy fruit. That history we have not overcome. We are still working on a business model that supports bananas as the eternally cheap fruit. That historical damage has not been repaired and Fyffes and Chiquita, if they wanted to change worker health then they would have to put on their big boy pants and tell their customers: We are raising the price per box because we have a commitment to pay living wages in our supply chains, but do they do that? You cannot promise one thing and not deliver on another. It doesn't work that way. I'm glad that they say that they're improving working conditions, but then they need to sell that price increase to retailers because otherwise, I don't believe they're making any changes. You can not squeeze blood from a stone.

The research participants' views, opinions, and recommendations about the methods implemented to fight human rights abuses in the banana industry :

- What are your suggestions or recommendations for banana companies to respect the human rights of workers throughout the supply chain?

I don't have the on-the-ground answers. I can only understand what my role is in the supply chain and my role is to be the sales and marketing arm of our growers. My role, our role is equal fruit because I don't do all of this by myself, of course. Our role is to educate retailers to educate consumers: Why bananas shouldn't be so cheap that nothing comes for free. The cheap fruit that we buy at retail is being subsidised for us by small growers and plantation workers through low wages and poor working conditions and having to bear the consequences of cutting corners on environmental practices to raise yields. That is our role. We have to believe here in Canada that we can have a ripple effect on farms. I visit our growers, but this is what we're asking Canadians to do. We're asking Canadians, for the first time, to care about people. That they will never meet on farms they will never see and we're asking them: Look at the good deal that they have had for the last 100 years and kind of rationally understand that a small increase in price for them will have a big impact for those people they never know, but who are a part of our global family. That is the most Equifruit can do. If you pay more through a verified through certified supply chain. I mean, sometimes we sit in World Banana Forum meetings and there is a working group called the distribution of value and everybody files onto the retailers. The retailers are the bad guys, the retailers are not increasing prices, but the retailers' pressure from each other. And from a lack of knowledge by consumers, because again, I speak to the historical wrong perpetrated by

those major banana companies. In keeping prices low for so long and accepting that prices should be kept low for so long, the price of bananas in Canada is lower if we adjust for inflation than it was in 1995. Average retail price data was indexed to a starting point in January of 1995 and then I adjusted all prices for inflation when I did this analysis a couple of years ago and then I compared how moved relative to their index since this was compared to the price of inflation. Then all fruits and vegetables, if they just moved with the price of inflation, have stood, and stayed at the 100-index point, right? You'll see that all fruits and vegetables increased in value, grew faster than the rate of inflation, except for bananas, which were held at this artificially low price. Bananas are not somehow magically anti-inflationary. There are costs in that supply chain and some of those costs are human, some of them are packaging, and some of them are the non-human inputs of production. But some of them are people. It is the people who actively suffer when we don't have the courage to raise prices, and we don't have the courage to communicate to consumers, to educate consumers about why prices should. If Chiquita was really committed to this, they would say, listen, we have beyond funding mercenary armies in Colombia to pick people off beyond the 1954 overthrow, beyond the 1929 Banana massacre, one of our great sins have been in our marketing strategy, in not having the courage to represent the rights of our workers, and to pass on that cost to retailers. I'm sure you've known that in January of last year, the governments of seven major banana-exporting countries in Latin America came together, and issued a statement saying you cannot ask us for more sustainable practices if you're not willing to pay more. If there isn't an element of shared responsibility, that is the term that gets used and we are not there. We are not there at shared responsibility. When we hear that from the origin, the rule of Equifruit is to preach shared responsibility and to make people aware, they cannot use an unsustainable business model on all levels, social, economic and environmental.

Interview with Ana Aslan from Partners of the Americas (IP1)

Demographic information of the respondents

- Gender : female
- Age : 50
- Job title: Director, Labour Unit at Partners of the Americas.
- Education:

I am an international labourer, professional expert. I am originally from Argentina, but I've been living in the United States for like 30 something years. When I finished studying, I went straight into specialising in labour issues and international labour issues and from there I've been working on different perspectives. I spend a lot of time working for the US government in the ministry in the Department of Labour, which is the Ministry of Labour in the International Division. I also worked as a consultant for companies that were doing their human rights due diligence and checking their labour rights and their supply chain. I currently work for an NGO, a nongovernmental organisation called

Partners of the Americas. I am the director for their labour unit there so it is specific on labour rights and specific in Latin America because Partner of the Americas only works in all the Americas.

- Experience of working in the banana industry:

Well, my experience in the banana industry came at different times. I worked directly with bananas as a project officer when I was in the US Department of Labour. We had two projects working with banana and child labour in Ecuador. It was projects for the eradication and prevention of child labour in the banana sector specifically. Then, I worked for the ILO, the International Labour Organization in Costa Rica. I was director for their social dialogue projects, and I intervened in the negotiations between the Chiquita brand and the Union in Costa Rica. They have an agreement for collective agreement. I worked with them on straightening some issues that they had in the agreement. I haven't been engaged directly maybe for the past 5-6 years but I don't think that things change very quickly.

Introduction to the human rights questions :

- What does the organisation you work for do for the respect of human rights in the banana industry?

Well, right now, we don't have a project with Banana at Partners of the Americas. We have projects with palm oil, we have projects in the port sector, we have projects related to labour reforms in different countries. We work with what funding is available and there hasn't been funding for the banana sector from the donors that we work with, which is mostly the US government. That doesn't mean we won't work in the future, it is just that you usually go with the funding where the funding goes and there hasn't been that much attention to the banana sector because a lot of what was going on in the banana sector is now more in control in a way.

- Bananas are the most consumed fruit in the world, yet their production leads to the most human rights abuses. What do you have to say about this statement?

I don't know if you already found this report by Human Rights Watch called "the tainted harvest". That report was a bomb. That report was really what initiated the focus on the banana sector and right after that, a lot of funding started to flourish to work with the banana sector. There have been projects for helping the workers, for eradicating child labour, for helping them unionize and at the same time the brands, the big brands like Dole, Chiquita, all those big ones were under the loop, they were looked at. That started like a whole succession of actions in the bananas. What has been happening is that the labour issues moved from being in the brand plantations (from tier 1 to tier 3) which is like down the supply chain. If you go to a banana plantation, I don't know if you've been to any banana plantation, you are going to find that it is very organised. It looks neat, it doesn't look like a place where there is a lot of labour stuff happening, but the labour issues happen down the chain. Usually, a lot of these issues have to do with children. A lot of them have to do with pesticides, a lot of them have to do with not

letting people organise and not letting them unionise. I think that one of the big issues for health and in relation to pesticides is that the plant has the bananas falling from the tree and what they do is that they put pesticides in bags and then they fold the bananas into these bags full of pesticides because they don't want the insects to eat the bananas. Then, what happens is that they send the bags to the families for them to wash and take them out. So the whole family, the children, everybody is engaged in the washing of the bags of the pesticides. That is a very direct human rights issue. That is happening there. Besides the fact that they come with their planes,...the pesticides are all over and there are all these stories of workers fainting and getting intoxicated. The brands themselves have these enormous corporate social responsibility programs and they are all certified, they have certifications of all kinds, social audits and environmental audits and a lot of them do some fair trade. So it is a mixture. And most of the things that happen in terms of human rights violations happen in the farms that provide for the plantations.

Type of partners:

- What kind of partners do you work with? NGO's? Trade unions? Companies?

In my current job it is all local organisations. The tendency right now is to try to have one big organisation and work with a coalition of local organisations and the more local, the better. All the funding that comes, at least from the US government, has that condition that you have to work with. Local NGOs.

- What projects (conducted by your company) with partners have been effective and had a positive impact on the banana industry in Latin America?

The idea was to look at the sector, it was child labour specific. The idea was to look at the sector and to see where the children were working. There were several things that we were looking at. One thing, I don't know if you know that there is child labour and then there is the worst forms of child labour, which you know the banana sector enters the worst forms of child labour because they cut with machete. They do a lot of things that even you cannot do because it is only for adults. So one of the things was to see whether there were children working in the workforce in the worst forms and those needed to be taken off, completely eradicated from work or from working, because that is criminal. The worst forms are always considered criminal. The child labour, it depends on the country because there is always like a lax because there is different minimum age and there is like different circumstance. So the idea was to eradicate those kids from the worst forms and in terms of child labour, the idea was to bring those kids into schools.

However, at that moment, there was no vision of what happens to the family because now when you do child labour projects, you think of the family, and you think of why is the family sending this kid to work. There is going to be a gap in the income of the family if this kid doesn't work anymore. Before, it was more like this kid needs to go to school. But now if you see some of the child labour projects, it

is more like, OK, the kid needs to go to school, but we also need to consider the economic situation of the family and what is going to cover for that salary that is missing because the kid is not earning money. So unfortunately these projects were very short sighted in that it was bringing the kids to school but wasn't thinking of the economic situation of the family. But at the same time; it worked with the brands. In pushing for their programs, the brands were creating schools. They were doing all the good things that they should be doing. So it was the very beginning of the conversation of what to do in human rights with the banana. And again all of this happened because of that report of Human Rights Watch. If it wasn't because of that, I think it would have gone. And it was not like now with social media. I mean, I'm talking about the 2002 report. So it was like pre social media. Now we know a lot more so a report doesn't create the movement that this report had at that moment because it was very unique. It was a very unique situation.

Local Activities of the company

- What local activities are you implementing to fight human rights abuses in the banana industry in Latin America?

Right now, Partners of the Americas is not working in this field.

Payments for the banana

- Do you think that an increase in the selling price of bananas would have a positive impact on the working conditions of workers on banana plantations?

That is a tricky question because how much can you increase the price of a banana? I think that countries need to guarantee not only minimum wage, but a living wage, because most times minimum wage doesn't get to a living wage, so living wage needs to be something that happens across sectors. The problem with commodities like bananas or minerals or fruits is that there is no value added when you sell it, there is very little margin to add. I mean you can see if you buy organic. It is a little bit more expensive if you buy fair trade but it is usually a difference of cents. So I don't think that it is going to really change the situation of the workers. I think that there are other things related to their well-being, to their living in a situation where they don't get sick because of pesticides and they cannot work, where they don't get harm because of the machetes. You know there are a lot of other things that can help the worker other than increasing a little bit of the price of the banana, especially because usually when you increase the price that goes through so much that it is lost. But really, when you have towns that are all contaminated because of the pesticides and people that are sick and they cannot work, that really affects the workers much more than a little increase in their salaries.

Precisions on human rights

- Do you know how the wages of workers in banana plantations are established? On what criteria?

Well, I think it depends on the country, but in some places you have collective agreements. For example, in Costa Rica you have collective agreements and in the collective agreements, it is where you establish the salary. In some other places, there are two ways of paying; by the day, and there is also a way of paying by the weight of what you produce. I'm sure it varies unless there has been some kind of unification. For example, I don't know, Chiquita says OK, all the farms that provide to us will get paid in a certain way. In general, you're going to find different situations. And so I think that you have to look at the countries. Right now if you think about the worst situations because they do have child labour, I would think Ecuador, Brazil, Nicaragua, Belize. Those are the worst.

- How is the equality between women and men in the banana industry in Latin America?

That depends on what kind of work. Usually in plantations you don't see women cutting because there is a chain of things that they do. There are the cutters, there is the ones that weigh the things or like bring them on a truck. There is the ones that wash them. There is the packaging. That is all. It is all a big production. I have never seen a woman in the fields. I have seen women inside where all the packaging goes.

- Do you think that bananas with labels like Fairtrade, Rainforest Alliance, ... ensure the respect of human rights for workers in banana plantations?

I think they hide in a certain way behind the certifications, but if you go down the chain it is not good. It is the same story with everything related to supply chain. You know, there is always the tier one that is where everybody shows the best stuff and where they have a certain control. And then there is the hidden parts. Also, I don't know if this is the case for all the governments, but in general governments like inspectors, I think it is around the World, labour inspectors cannot go to the homes, you cannot inspect the home. So whatever happens in the home, it is out of anybody's sight. And whatever happens in the small farms, it is really hidden. It is very far away. This course has been trying to do the transparency of the talk about the traceability and the transparency of the chain as a whole, because it is much easier to work with your Tier 1 than to work with your Tier 4.

Education of children

- What are your initiatives/efforts to promote the education of children in Latin America?

No efforts right now for Partners of the Americas.

Familiarity and degree of the implication of policies, frameworks, and standards concerning human rights :

- With which following policies, frameworks and standards are you familiar ?

U.N Guiding Principles for Business and Human Rights: YES

OECD Guidelines: YES

UN Global Compact: Less engaged

ILO Declaration on Fundamental Principles and Rights at Work: YES, That has been my biggest. I was working with brands, business and human rights. That is what you look at in working with projects and the government.

Guidance on due diligence for EU businesses to address the risk of forced labour in their operations and supply chains: YES

Directive on Corporate Sustainability Due Diligence: YES

- What do you think are the best ones?

ILO Declaration on Fundamental Principles and Rights at Work.

- Are there any other useful policies, frameworks, and standards that I have not mentioned that aim to prevent or reduce human rights abuses on banana plantations?

The ones I think about are not new policies. They are revived. For example, the one that I'm talking to you about, forced labour is from 1930. But no one touched it until now. I don't think that there are many good policies out there. I think that there is very little, but I think that what we are seeing now is the willingness to use it and the political will to use those regulations that have been sitting there forever. If you read a little bit of the Latin American law you will see that it is fantastic, it is like everything is great and the labour law is amazing. It is incredible, but then no one really enforces it so I think that the difference now is the willingness to enforce certain things more than great policies.

- Do you have due diligence for big companies in the US?

No, because all of this happens in other countries so it is in their jurisdiction. U.S. companies go and produce in other countries, so it always falls into the jurisdiction of the country where the plantation is happening. So there are only 2 controls, in terms of the US controlling. There are two places. The first one is the company itself and a lot of companies, like the big ones, have these programs and all those kinds of things.

The other place where the US is starting to be more and more rigid is in the entrance, in the customs when the products enter the market and especially, the topic is forced labour. They look at forced labour. That is a limitation in the US, the US doesn't look at child labour or the worst conditions of whatever but they look specifically at forced labour, and, at least in Latin America, there is no forced labour in the banana sector, there is child labour, but there is no forced labour.

It is different from what they're discussing in the EU because in the EU they're discussing something mandatory across sectors. In the US, they are talking about forced labour. It is not everything. It is just forced labour. It is focusing on certain countries like China, China is the big one and focusing on certain

regions and goods where they know that there is forced labour. I don't know if you're familiar with the list called TVPRA list, it is a list of the government. produces where they put all the goods and they classified whether they find forced labour or child labour in that good. And the production of that good per country. So the goods that have forced labour are the ones that are looked at. The US keeps the merchandise, and they don't let the goods pass through customs until they prove the traceability of their supply chain.

So the critique is that the EU due diligence is very broad and it is great but at the same time what the US is doing is much more focused. And it is like, OK, which one is going to have more teeth? The one that it is like this or the one that it is like this. It is a different direction.

The role of your work and trade unions in the banana industry:

- Do you feel supported in your fight for human rights in the banana industry? If so, by whom? Well, again, I'm not working right now with that industry, but I think you can generalise that there is more support now than before, at least in the US the current administration is very strong on human rights and labour rights and kind of proactive in putting that and putting that. They should not just be talking about it, but like doing things. In general, if you move outside of this little world I don't know if anybody really cares? People like buying cheap goods. People don't question much about what happened. So it is a very tiny voice. And there are groups that like advocates and there are things that happen, like what happened with this tainted harvest report. You know, sometimes something happens. That happened with the banana sector that also happened in the 90s with apparel, with clothing. Also, there were some reports that put that on the table and that started something. So now there is talk about minerals, there is talk about fishery. So once in a while you see things that start to gain attraction. I don't think that this is a general attraction that everybody looks at. I don't think that the regular consumer is very attracted to this topic. There is a debate about the role of the consumer and how much the consumer can be a support for this. And there I think that in Europe the youth, young people are much more conscious of these kinds of things. There is certain countries that are really, really advanced with that. There are some other places in the world where this doesn't really count. I think it is very uneven.

- How do you think unions could have more impact in the fight against human rights abuses? I think unions are key. The problem with unions right now is that they are not adapting to the current situation of the workers, in the sense that, for example, if you want to join a Union, you usually have to be a formal worker working with a company with a contract and those people are starting to shrink. Moreover, usually workers are temporary now and some of them don't have a contract. A lot of them are informal. A lot of them have short term contracts that don't let them unionise, so I feel that the labour movement has not found a way to represent workers in the current situation. I think that they were very representative in the industrial revolution, you know when the workers were in a factory, when they were employed, when it was a different circumstance. I feel that now between the stigma that unions

have, you know of not really representing workers wanting to gain bankruptcy. Unfortunately, they don't have the traction that they should have, but there is no other organisation that can have the force of the Union. I feel that you can have negotiations with employers, you know there are a lot of management worker things that happen there, in many countries that they're established and not with unions, but they are very individual. You know, it is like depending on the company, depending on the workers, depending on the situation, depending on the management unions are what creates a bigger picture. But they're not going all the time, they're really behind on how to represent workers. I have a feeling.

The research participants' views, opinions, and recommendations about the methods implemented to fight human rights abuses in the banana industry :

- What are your suggestions or recommendations for banana companies to respect the human rights of workers throughout the supply chain?

I think that they make so much money that they can do much better than what they do. I think that it is not true that they cannot see where their bananas are coming from, and usually the spaces are small, and they are just trying not to look. I think that they can protect workers from pesticides. There are many easier ways of doing it and if you know that children are washing the bags first of all you can talk to parents so children don't wash the bags. You can provide gloves. You can provide masks, you can do a lot of things if you want. I think that the issue of health, the issue of letting workers organise so they can fight for what they need. I think that if they did those things instead of fighting them it would not be too hard to do. Because it is not an expensive industry and the problems are not that hard to fix. It is the willingness to look and to see exactly what's going on, which is lacking. So I think that right now, with all these years of intervention and all these years of people being around, they know exactly what they have to do. So it is just a matter of doing it.

- Are you satisfied with these efforts or is it still not enough?

I think you're going to find or you're finding in your research that there is a lot already advanced in this situation with the banana and it is kind of uneven but that there are things that were put in place because of all this public knowledge that fortunately the banana has gone through this. For example, there are other crops that are not looked at and they don't have the advantage that the banana has, for example, of having big companies. And doing things, at least with the tier one. But at least doing something. So I think it is a chain where a lot of things can happen because you're not starting from scratch, a lot of the elements are there. There is a lot of research done there, a lot of programs were done. There is knowledge, there is money, there is a lot of potential, so it would be great, you know, if they could actually go the extra mile and bring it all together. And they're not that far. So in that sense it is an interesting case. It is very hard when you work with the crop that no one is paying attention to, you

don't even know where to start, that it doesn't export to the big countries, that it just exports internally in regions where no one can say anything. Banana has these links to the outside world that you know it has all these conditions to do a really good job.

Interview with Scott Hendler, lawyer at Hendler Flores Law in Austin, Texas (IL1)

Demographic information of the respondents

- Gender : male
- Age : 53
- job title : Lawyer
- Experience of working in the banana industry:

I'm a lawyer here in the United States and I've been practising as what we call a trial lawyer for 30 years. Trial lawyers represent people in the courts and that is what I do and my practice is and it always has been devoted to representing people who have injuries or have been exploited or harmed by some kind of more powerful entity, whether it is government or corporations or something like that, and the kind of work that I do usually involves serious corporate misconduct of some kind, I don't go after innocent businesses. I've been representing the banana workers now for 30 years in this litigation, and it is been an epic legal battle because the defendants are just so adamant and resisting any liability for what they have done. In large part because the evidence is very bad against the companies, and partly because the corporations have just seemed to get into this mindset that they shouldn't have to pay anything to these workers, you know so it is gone up and down to the courts, the appellate courts back down to the trial court up to the appellate courts. It is been to the United States Supreme Court. It is been to several individual states, supreme courts. I don't know how familiar you are with our court system, but in the United States there are 50 separate states, so we have a federal government which oversees the entire country, and a federal court system. The federal court system has three levels, the trial court, the appellate courts, the intermediate appellate courts, and then the United States Supreme Court, and then each state has a state court system that runs parallel to the federal system for that state, and they usually have a trial court and an intermediate appellate court and a Supreme Court. Sometimes they only have a Supreme Court without the intermediate appellate court. Though the cases have been in many different jurisdictions for different reasons, trying to find a home where we can get a trial and each time we do that, the defendants fight us either in the state court or in the federal court. And so we have gone up and down to the appellate courts and the Supreme Court and back down. And I've just stayed committed to it because that is what I do. I'm just committed to these workers and I've tried to see it through and we're now still in the fight trying to get to trial. We hope that we may have a trial on the merits of the case by this time. So that is one hope. And that is the kind of work I do. That is all I do. I represent not just banana workers, of course. I represent all kinds of people, ordinary citizens, who are harmed by some kind of. behaviour or conduct of a corporation or government police officers,

excessive force, things like that. And that is what my law firm is about. I think of my law practice as a purpose driven law practice where we have a purpose for what we do. And that purpose is generally to represent people against power and defend them from being harmed or exploited by powerful entities in society. I grew up in the Northeast United States in Massachusetts and Pennsylvania, and I went to law school in Pennsylvania and then I moved to Texas to work first for a federal judge, United States District judge for a year. And then I started my practice. In Texas and. I had already lived in Texas before that, I had studied international human rights law and policy at the Inter American Court of Human Rights in Costa Rica, and upon leaving there I'd been there about a year and I left. I moved to Texas and once I got to Texas. I guess about two weeks after I got here, I met the woman I'm now married to, so that is what kept bringing me back to Texas. I practise all over the United States, so some of my banana worker cases are in Hawaii some are in Delaware federal court. I just had a lawsuit against the large hospital in a federal court in New York City. I have cases here in Texas and elsewhere.

Type of partners:

- What kind of partners do you work with? NGO's? Trade unions? Companies?

Well, the several labour unions in Ecuador asked me to come in and represent their members. So that is how I represent workers from Ecuador. Similarly, the major Union labour union in Panama asked me to represent their workers, and so they did that in Costa Rica and the human rights organisation asked me to come and represent people that they were advocating on behalf of and so that is where my clients came from. In this case I have five lawyers who work for me in my law firm. And then I have what we call local or Co counsel Co law players from other law firms who work with us in the states where we practise. So I have a law firm in Delaware I work with and I have a law firm in Hawaii I work with on these cases in particular.

- Yes because I guess that the workers on their own are not contracting you, it is always with someone in between I guess?

Yes, they have organisations. I got involved in this litigation originally in 1991 because the law firm that I joined already represented a group of workers from Costa Rica. And the way that they started representing those workers is that in the early 1980s, this is how long this goes back. In the early 1980s, workers on banana plantations in Costa Rica started turning up sterile in the medical clinics, and the doctors started noticing there were a lot of cases. So they contacted the toxicologist who investigated it. The toxicologist learned about this chemical that was being used in the banana plantations and that in the United States had just been suspended from use because it was causing sterility among the workers. So that toxicologist then contacted a lawyer, who then contacted a lawyer in the United States about it, who then contacted the law firm that I worked at. So that is how they got there. And then when I joined the law firm, I had already lived in Costa Rica and I spoke reasonably good Spanish and I had studied International human rights law so they thought that I was a very good fit to work on this case.

So I worked on the case and the case was resolved through a negotiated agreement with the companies and the law firm I worked for. Yet the case resolved for the clients they represented basically worked out an agreement where they would not do anymore of this litigation. And the reason was because they weren't going to do it anyway, and so it didn't really matter, so I wasn't bound by that agreement. And so when they made that agreement about a year later I left that law firm and started my own law practice to represent more of these workers, because at that law firm we only represented 1000 workers from Costa Rica. But I knew there were many, many thousands more who had been affected and there were other law firms now looking to take on these cases because of the work that our law firm had done originally and had obtained a successful resolution. So when I went out on my own to do this, some law firms already knew about me because we had worked together in my previous law firm. And then other groups learned about me because I had a background in human rights, and I had lived in Costa Rica and I had done work on this case, and I was one of the only lawyers in the country who knew what the litigation was about and knew the evidence against the companies who is still willing to do the cases and so human rights groups contacted me out of Costa Rica. Then I was at a meeting of the AFL-CIO, which is the largest labour federation in the United States and most unions belong to this federation. So the AFL-CIO is a very large labour federation in the United States and I was at one of their national meetings and met the top leaders and they said, well, we have people who work for our Federation in these countries and they work with the labour unions there. We should introduce you to them and see if they want your help. And so that is what happened. I was introduced to labour unions in Ecuador and Panama and then invited to come and speak to their workers about the cases and the litigation. And then they hired me to represent them in this and that is how I got it.

- What are the main countries in Latin America where you operate?

Costa Rica and I have a few clients from Guatemala.

- Do you think that victims of large corporations such as Chiquita or Doles have the necessary resources, financial resources or others to defend their rights?

No, no, not without a lawyer like me who will advance the costs. So that is why I work on what is called a contingent fee basis and a contingent fee or a conditional fee is an arrangement where I represent the workers and if I recover compensation for them or indemnification for them, then I have my fee which is based on a percentage of what I recover and I advanced the costs as well. So I have advanced over \$3 million over the last 30 years in this litigation and I need to succeed in this litigation to recover that money and I need to succeed at a level that will pay the expenses, pay my fees as a percentage of the recovery and leave enough leftover to compensate the workers so you know it is a very large number, say the minimum that I think we could settle all the litigation for is maybe \$10 million and that is the minimum and they don't these companies don't want to pay that at all.

- Do you think it is difficult for big companies to improve the living conditions of their workers in plantations?

No, it is not difficult. It is just a matter of committing the resources. I mean, there was a time in the 30s and 40s when Chiquita, Chiquita was previously known as United Fruit, built very good communities and paid their workers fair wages and had, you know, really great support and resources. And then over the years in order to make more money there were, you know, some demands for better wages. Everyone wants to earn more for their work and it is not unreasonable, especially if the corporations are making a lot of money based on that work. And so then the company started to sort of sell the land and then just operate kind of on a contractual basis and remove themselves from employing everyone and when they did that it really reduced the level of support that the companies provided to the workers, communities and so instead of improving over the years, it is decreased over the years, I think.

Payments for the banana

- Do you think that an increase in the selling price of bananas would have a positive impact on the working conditions of workers on banana plantations?

Well, again, only if the corporations agree to devote the increased profits to working conditions. I mean, yes, it could if the corporations say we're increasing prices so that we can improve working conditions for our employees. But that doesn't happen that often.

Precisions on human rights

- Do you know how the wages of workers in banana plantations are established? On what criteria?

Well, I think it depends on what country you're in first of all. And I don't know if there are minimum wages in these countries. I don't know the answer to that question, but typically they earn a very nominal amount. They earn maybe \$53 to \$5000 a year, so you can do the maths of what that is a day, maybe \$10 or \$15 a day. US. I don't know maybe it is a little more now, but it is not very much and it is very hard work.

- How is the equality between women and men in the banana industry in Latin America?

So that is a very good question. I have not investigated that very carefully. I can refer you to someone who may know more about that specific issue. She's a woman who's lived and worked and studied in Costa Rica. She's an American woman and I believe she's now back in the United States teaching at a university. I'll have to track down her information, but I'm happy to provide that to you. Just remind me if I don't do it this week. I know a lot of women work there. I don't know what the difference is in the wage scale. Most women work in the packing plant where they package the bananas and men work in the fields and I don't know if one earns more than the other. I suspect the field work probably pays more

because it is much harder, but well, I don't say it is much harder. It is probably harder but the work the women do is very hard, too. And so it is a very good question and I don't know the answer to.

- How is respect for workers' health in the banana plantations in Latin America?

Well, I mean that varies not just from country to country, but it varies from plantation to plantation. It depends on individuals. I mean, culturally, I think management tends to view the workers as sort of lower class, less educated. But I'm sure you can find some plantations where they're respected. I think that dole, for example, has tried to improve its conduct over the years. But I don't really know. Like day-to-day, what it is like for, you know, workers dealing with their bosses, I think it is hard. I think they're very intolerant. I don't think they give them much time off. I think that they get rid of workers very quickly for any reason, so I don't think there is a lot of job security. And I think part of the reason is that if a worker is there more than 90 days, then they have to become permanent and they become entitled to benefits so they tend to hire workers for 90 days or less and fire them. And then rehire them so they never have to make them permanent and provide those kinds of benefits, I think that goes on a lot. So all in all, I would say they're not respected very well. I don't think that they receive all of the compensation that they should.

- Do you think that bananas with labels like Fairtrade, Rainforest Alliance, ... ensure the respect of human rights for workers in banana plantations?

You know, it is only as good as the organisations who investigate that and hold these companies accountable when they say fair trade. I mean, how do you know if it is really fair trade? You know, you would like to think so, but money talks, and so corporations pay money to these organisations. These organisations do their review, and sometimes it is legitimate and sometimes it is, you know, they gloss over things. So I don't know if that is enough to ensure that is what it is. I think there has to be some kind of agreement within the industry that if they raise prices that they will use the profits to improve working conditions or the governments mandate it and just require the companies. But in many of these countries, even those kinds of regulations are not in force because they're subject to inspection and the inspectors can be paid money to ignore certain things. I mean, there is corruption in Europe too, you know. So it is a difficult thing to come by. You really need a corporation to be run by people who care about those things, and if they care about those things, then they can have a great deal of power to make changes.

Familiarity and degree of the implication of policies, frameworks, and standards concerning human rights :

- With which following policies, frameworks and standards are you familiar ?

U.N Guiding Principles for Business and Human Rights: Yes

OECD Guidelines

UN Global Compact

ILO Declaration on Fundamental Principles and Rights at Work: That is probably very good for workers, I would suspect.

Guidance on due diligence for EU businesses to address the risk of forced labour in their operations and supply chains

Directive on Corporate Sustainability Due Diligence

- What do you think are the best ones?

I'm not particularly familiar with those things. I would be happy to review them, but I imagine they're similar in the frameworks that they provide for. I think that is a very difficult question. I suspect that many of them overlap with each other on some of the principles. I don't know which is the best. I think they probably all have certain benefits and they all lack certain things. I think if a corporation makes a good faith effort to adhere to any one of those sets of guidelines it will improve workers rights and conditions. I would just, based on what I know, between the UN and certain European guidelines and so forth, I would think that one organisation that is the most committed to improving working conditions is the International Labour Organization so without having seen what those principles are that is probably the most beneficial to workers, maybe not the most realistic because corporations may not be willing to comply or adhere to it. But you know, I think that the best solution is one that improves working conditions and rights for workers, and that is also something corporations are willing to adhere to so I don't know which the best one is for that.

- Are there any that are not useful and why? Or that you have never heard of?

Well, you know, there is the United Nations Declaration on Human Rights but those, you know, are fundamental and they're not necessarily specific to workers and working occupations. And I'm trying to think because there is so much material out there, I don't really know. Other possible frameworks may provide a good resolution, but I think having an open and willing dialogue with labour unions to improve the conditions of workers, giving them the equipment they need, making sure they have a lot of fresh water and proper protective equipment while they're working in the fields and enough rest and good food and comfortable housing on the plantation. I mean, all those kinds of things would improve circumstances, having people on the plantation even if they're employed by the corporation to ensure that workers rights are protected, kind of like an Ombudsman or an advocate who not supervises but overseas the work that is going on and make sure that managers are not abusing employees, male workers are not sexually harassing female workers. There is lots of things that go on that happen in any kind of employment situation and then there are the kinds of things that happen just in agricultural work. And then there are things that happen just on banana plantations. So it is a very complex question that you know. It requires a lot of thought and consideration and commitment and resolve. And there may

be some companies who are doing some of those things you know? Today I'd be surprised, but I think it is possible.

The research participants' views, opinions, and recommendations about the methods implemented to fight human rights abuses in the banana industry :

- What are your suggestions or recommendations for banana companies to respect the human rights of workers throughout the supply chain?

I think that they have to have people employed who are charged with ensuring all of their partners, through the supply chain respect and comply with a certain standard, certain level of respect and working conditions and so forth and you know that is a big ask that corporations don't always do that voluntarily unless they have a culture that really respects that and that would be driven by the people who run the corporation. It is very hard to find leaders who care about that enough to implement it. That is the first thing. Then, to have the ability to properly implement it all the way down the line. I mean you have the chairman of the company or the president, right? Who cares about it? And he wants to ensure it. Then he mandates it, and then he has to make sure that her direction is being followed, that the workers underneath her under her supervision are following her mandate and then, you know, go into the rank and file and sometimes under Incognito and see if it is really happening. Like, undercover boss. So, I think that it is possible to improve it. I think that it has improved to some extent, but now the other way to force it is what I do is by taking the companies to court when they violate those rights and try to force them to pay money for compensation. Now that is not the best way to do it, but that is one way to do it, because the hope is that if they have to pay enough money, they won't do it again. Again, it would be a lot less expensive to spend money to protect workers rights than to pay workers compensation after they violate those rights. Yes, and right now for big corporations, it is cheaper to pay the damages than to pay workers more, et cetera. Well, I don't know that it is cheaper but there seems to be some kind of ideology within the corporation that if they give in now they'll have to give in the future and then it'll cost more over time. But they have paid their lawyers to fight these claims far more money than it would cost them to just compensate the workers. And I don't know why they're not doing it. They just, they're frustrated. They can not defeat me. They keep trying, so we'll see. But right now, I'm stubborn and I'm persistent and determined to stay the course and overcome it and we'll see what happens.

- So you haven't had any trials in the banana sector right now?

No, we haven't had any trials yet. The defendants have managed to prevent it all these years because they keep filing new legal arguments. They keep coming up with new ones, I hope we're on the last round of that and that we will get to trial for the first time next year.

- Then, it has been 30 years that you are preparing all the evidence.?

Yes.

- But I guess one day they will lose? Like it is not possible they win forever, right?

No, it is possible they could win forever. That is what they keep trying. They keep coming up with new arguments. I hope that where we are now is the last set of arguments that they can make, and that if we overcome those, we'll get to trial and I hope, produce a positive result for the workers.

- Are the big corporations working together on this? Yes.

- Would you like to add something, maybe something I didn't talk about that you think?

Well, I think it is up to the courts in the United States to stop companies from taking such extensive liberties and exploiting every legal argument they can come up with over and over and over and over and over to delay things. I think that they should have a certain amount of time to make their case, and then if it is defeated it goes to trial within a certain time. But that hasn't happened. They keep allowing them to delay things. That is the only thing I can think of and once we get to trial, I think we'll win.

Interview with Dr Avi Chomsky from Salem State University (IPr1)

Demographic information of the respondents

- Gender : female
- Age : 55
- Job title and experience of working in the banana industry:

My name is Avi Chomsky and I'm professor of History, coordinator of Latin American Studies at Salem State University, and my dissertation and 1st book were on West Indian workers and the United Tropical Fruit Company in Costa Rica. Then, I've gone in many different directions. I have also done a little bit of work on the banana industry and banana plantation workers and violence in Colombia. So those are the two areas that are about the history of banana plantations. No experience in the banana industry other than the studies.

Introduction to the human rights questions :

- What does the organisation you work for do for the respect of human rights in the banana industry?

Nothing.

- Bananas are the most consumed fruit in the world, yet their production leads to the most human rights abuses. What do you have to say about this statement?

Well, I can not actually vouch for either part of the statement. I'm not sure what is the most consumed fruit in the world, and I'm also not sure which product leads to the most human rights violations, because there is actually human rights violations involved in a lot of agricultural production, especially agro-

industrial production around the world including in the United States and certainly in foreign owned plantations in the Third World. So, I can say that the history of the banana industry has been involved with a lot of human rights violations, even if I can not say it is the main cause. That is also kind of hard to measure. I would say that human rights violations fall into a couple of different categories. One is displacement, that is subsistence peoples being displaced for the spread of agribusiness, especially foreign owned Agri business, in the case of bananas. The second is labour violations in terms of the companies trying to preserve their profits by paying workers as little as possible and getting as much work out of them as possible, generally in fairly remote regions, because bananas grow in tropical regions and in Latin America, the Philippines, other places where bananas are grown, central governments frequently don't have much of a presence in these remote regions where the bananas are grown, so the companies serve as sort of judge and jury of everything, and they often maintain their own military or paramilitary forces. So that is a second piece. And I would say environmental rights violations as well because bananas, as many things that grow in wet tropical regions and as many crops that are grown as monocultures are subject to disease and the toxic chemicals that are used, especially pesticides have, I would say are the human rights violations because of their impact on the people.

Payments for the banana

- Do you think that an increase in the selling price of bananas would have a positive impact on the working conditions of workers on banana plantations?

Not automatically, and not necessarily because it is the companies along the supply chain that set the price of the bananas, so changing the price that they set for the bananas won't necessarily have any impact at all on the workers. Now, companies could argue that in order for them to create better working conditions and also make a profit, they would need to raise prices to do that, but there is other ways of thinking about that question. They could reduce their CEO pay and their profits and again, raising prices alone doesn't make any guarantees about how the company is going to treat their workers.

Precisions on human rights

- Do you know how the wages of workers in banana plantations are established? And if there is a difference between small plantations and the big plantations of, for example, Chiquita dolls, et cetera?

There are two major patterns for the big companies like Chiquita, it is not always big plantations, it varies over space and over time and with political conditions. But one model is the big plantation, where workers are directly employed by the company. The other is the contract system, where they rely on small farmers to produce the bananas. Both systems involve exploitation of the workers. I mean, in both systems workers have different avenues for fighting for better conditions but you know, I think we're more familiar with the direct employment model and what workers can do. They can form unions, they can strike. Sometimes the company prefers to contract out because one they contract out the risks and I

mentioned that there are numerous risks, especially disease. If the company contracts out the risk, that means that if there are no bananas, it is the small farmers who suffer, like they are not going to get paid if they did all the work. Second, the companies only want to buy the perfect fruit so small farmers who are producing the fruit, if their fruit doesn't meet the company's standards, the company can refuse it, and the company can pit small farmers against each other in terms of prices. So relying on the small farmer model also leaves plenty of room for exploitation of workers. And you know, the big companies still control the export and the marketing, which are hugely capital intensive, so small farmers don't have a lot of leverage in terms of really changing the structure of the industry. They're just as trapped in this big Agri business model as our plantation workers.

- How is the equality between male and female workers in the banana industry in Latin America? Generally male workers are employed in the fields. They are the ones who cut and pick and carry, which is very heavy work, and women tend to be more employed in the processing because bananas don't just get picked and shipped. They get processed and the processing part also involves a lot of toxic chemicals, so I think they work somewhat in different sectors, each one with its own set of risks.

- How is respect for workers' health in the banana plantations in Latin America? Well, as I mentioned exposure to toxins is one big risk, both for people who work in processing and people who work in planting and harvesting, and people who work in pesticide spraying, of course. And there is other health risks just in the living conditions in the banana plantation areas, because as I mentioned, most of them are quite remote from state services so people often don't have access to the sanitation services. You know, clean water, protection from insects, malaria, mosquitoes. The heavy nature of the work also produces other health risks, just like the heavy lifting and moving. It is not the kind of labour that you can make a lifelong career of because of all these risks that are involved. So, you know, there is also the health risk of losing your source of livelihood. Especially if you're injured or sickened.

- Do you think that bananas with labels like Fair Trade, Rainforest Alliance etcetera ensure the respect of human rights for workers in banana plantations? Not necessarily. Because the question is what are the enforcement agencies and how are they? How is this really regulated? It is a pretty unregulated system and industry. For example, in the United States, we have a government agency, the Food and Drug Administration that is a single agency. I mean, of course nothing is perfect, but there is a level of accessibility and transparency because it is a government agency and people have access to information about how it works and how it makes decisions. So, in the Fair trade industry it is a pretty unregulated system, so it can be very hard for consumers to know what that fair trade label really means and what are the agencies and who regulates the agencies. Fair trade started out as kind of a grassroots movement and some of those organisations grew out of the

1970s and 80s, and the Nicaraguan Revolution. The idea was of trying to have sort of people to people where you could buy coffee when Nicaragua was under U.S. sanctions to promote support for the revolution and since then, Fair Trade has evolved in a number of different ways, but as it is become more bureaucratic, more profit making and there is profit to be made in fair trade too, so how do you get certified as fair trade? What are the rules? Who makes the rules, who enforces the rules and sometimes Fair Trade rules can work against people. I think the concept of Fair Trade is a really important one, but when you get down to the nitty gritty, it is sort of working within a system that pushes it to conform with the profit-making system. I think there are organisations that really try to promote a kind of a grassroots people to people model of Fair trade, but a lot of what is labelled fair trade is pretty corporate controlled and doesn't necessarily have any better human rights conditions. And the other thing is that some of the big companies agreed to buy a certain small amount of their produce from something that is fair trade, and then they get to advertise that they're doing it, even though 95% of it is still coming from traditional means.

- Then, how do we know as consumers that what we are buying is really Fair Trade or not?
You don't.

Familiarity and degree of the implication of policies, frameworks, and standards concerning human rights :

- With which following policies, frameworks and standards are you familiar ?

U.N Guiding Principles for Business and Human Rights: Yes

OECD Guidelines: Yes

UN Global Compact: Yes

ILO Declaration on Fundamental Principles and Rights at Work

Guidance on due diligence for EU businesses to address the risk of forced labour in their operations and supply chains: Yes

Directive on Corporate Sustainability Due Diligence: Yes

I know that they exist but I can not go into detail telling you exactly what's in them.

- What do you think are the best ones?

I can not really answer that question. I mean, I think the issue for all of them is that there is a big gap between statements and even agreements and enforcement and compliance.

- Are there any that are not useful and why? Or that you have never heard of? Are there any other useful policies, frameworks, and standards that I have not mentioned that aim to prevent or reduce human rights abuses on banana plantations?

Um, I mean, there is so many I wouldn't even know where to begin.

- Maybe if you have to choose one?

Well, I mean, I guess I would add to your list the UN Declaration on the Rights of Indigenous Peoples, which has a lot more to do with land use.

The role of Trade unions in the banana industry:

- How do you think unions could have more impact in the fight against human rights abuses?

There are unions in the banana sector and there has even been a strong attempt at cross-border solidarity and forming international organisations among unions of banana workers, and I think that is really been an important move because of this issue of the race to the bottom that has been so prevalent in the banana industry, where the industry has been successful in pitting workers in regions against each other and say, well, we're just going to close up and move to a different region if you don't comply with us. So I think international solidarity among unions is really key. Strength that unions can have in these multinational industries.

- And right now did it work? Or are they only negotiating and trying to work together?

I think that the unions themselves have been quite successful in establishing this transnational framework, but a lot of the problems come again in that many of the regions where bananas are grown, they're in countries where the rule of law is rather fragile, especially in remote regions where multinationals hold so much power. You know, I feel like the success of unions relies on the strength of the Union itself, but it also depends in part on the context in which the Union is working and if you're in a region like in Colombia, controlled by paramilitaries, where union leaders are routinely shot and killed like international solidarity, can only do so much when there is no rule of law protecting the rights that workers supposedly have.

The research participants' views, opinions, and recommendations about the methods implemented to fight human rights abuses in the banana industry :

- What are your suggestions or recommendations for banana companies to respect the human rights of workers throughout the supply chain?

You know, it is hard to make recommendations to companies because companies exist to make money and they make money through exploiting humans and nature. So I feel like if we talk about steps that companies can take voluntarily, they're always going to be sort of tokenistic because companies take steps to try to make themselves look good while maintaining their goals. So I actually think that corporations' legal status should be abolished and capitalism should be abolished. Profit making should be abolished.

- Do you think that companies will never voluntarily improve all these problems by themselves? They will only do it under the rule of law?

Yes.

- Are you satisfied with these efforts or is it still not enough?

I guess I would say I think efforts have been made, but their results have been quite spotty. I just gave the reasons why.

Interview with Professor Rafael Pflucker, professor at Universidad Científica del Sur in Lima (IPr2)

Demographic information of the respondent:

- Gender : Male
- Age : 35
- Job title :

Professor at the university in Lima. The name of the university is Universidad Científica del Sur. I'm a professor of ecological agriculture.

- Experience working in the banana industry/ or human rights:

I started working in bananas in 2002, when I was an organic inspector. Then, in 2004, I was contacted by Dole and went to work directly in bananas in the north part of Peru in Sullana. I worked there over 10 years, working with smallholder farmers and with associations. Also, I travelled to Ecuador, which is very close by. Over there the operations report was reporting directly to the caller, as I was an expert in organic when somewhere Dole wants to get in Ecuador also an organic farming and have to go 1st and do due diligence about everything besides it has the organic certificate, but mainly I have worked over there. I have also worked two times in the Dominican Republic in the banana area in the north and now where are close to the plantations, so it is mainly Ecuador, Dominican Republic mainly with smallholder farmers. I have also worked after that in Colombia for four years directly with the banana industry with Solidaridad, it is an NGO and I was manager of fruits and vegetables, but I was very focused on bananas and I worked there as in the competitive level going a lot to Uraba and Santa Marta, there are the banana producing places now.

Introduction to the human rights questions:

- Bananas are the most consumed fruit in the world, yet their production leads to a lot of human rights abuses. What do you have to say about this statement?

Well, yes, let's say the banana industry or banana plantation is very wide open. We have very different ways of reality to produce them. For example, bananas in Peru, It is very different from those produced in Colombia. I'm going to talk mainly about them focusing on human rights and I'm going to talk about the problems that I see in each country. In Peru, most of them are smallholder farmers and most of them are organic, and most of them belong to some kind of a cooperative or association, and they are part of this association, and the association is the one that exports the bananas, and they have the support of Fairtrade. But in Peru, the worker of the smallholder farmer, the smallholder farmer is a peasant, but his worker is invisible in the chain, not even for trade gets into that, and a smallholder farmer with 1/2 of a hectare or less, they do also have workers, but in Peru, the informality is absolutely. Of course, a smallholder farmer doesn't have the ability to put this worker that helps him, for example, putting the bags on the banana or maybe he doesn't have the capacity to put him in a payroll. But he does not do all the work, the workers that work for smallholder farmers are kind of invisible in the chain. Everyone in Peru is aware of the smallholder farmer. How can we help him? He has less than an egg, he's a poor piece, ... But when the cooperative, for example, calls for training, they call the farmers, not even the comparative knows how many workers are in between their own associates. Anyhow banana exportation grew, and in this area has increased the quality of living very much, the livelihood of the farmers and of the relatives that work, that is the problem in Peru. In the Dominican Republic, it is the worst, mainly because the same island is shared between two countries: one country is the Dominican Republic and the other one is Haiti. Haiti is extremely poor. They are both much more descendants of Africans, but they are not from the same part of Africa, so they don't see each other as the same. The conditions for immigrant workers in the Dominican Republic that are most of the workers are from Haiti are not the best ones. Also in the Dominican Republic, there is a mix: There are smallholders and there are the bigger ones, there is a mega mix. A lot of problems with legal contracting in the Dominican Republic with the immigrants that come from Haiti which is very close by. That is one of the main problems in the Dominican Republic. In Colombia, it is completely different. In Colombia what I have seen is that there are these big companies, and these big companies have all the workers on the payroll. And even though I work very close making projects within the social foundations of these big companies and the social foundations has a lot of different kind of services up to the worker's schools they built, even neighbourhood companies, also they make for example, one of them makes a lot of pushing the sports and with the small kids to the Premier League so football. Also in Colombia, this country has a very bloody history. But what happened is there was one moment they were in a fight that was very tough. Even though Chiquita has had problems over there with the paramilitary and then one time they said let's stop this. And they negotiate with the army. And then all the banana farmers that we're talking to, big farmers, they negotiated with the army and they said let's make peace in this part and you will get into our labour force. So it is amazing they get there into the labour force and as a union. The workers did not negotiate with their employers, with the banana plantation, they negotiated with the holding of banana plantations and what they get is everyone's almost more than 90% of the

workers are in the Union and the plantation. Most of them are represented. It has been a bloody history, but they make their negotiations very well and they have a very maturity in these kinds of things. I don't see much more very bad human rights problems in Colombia. Historically, there could be and mainly in palm oil a land appropriation. But that is more acclaim for palm oil than for bananas. Of course, there are smallholder farmers, but there are like four or five big ones that are ones that rule the rules and are heavy weighted. Ecuador is the biggest exporter but Ecuador, of course they have a union but most of the workers are not represented in the Union. I don't know how much workers are protected in the world. I have known and I have worked with union representatives that were also congressmen of the Republic, so they are somewhat political. It is much more disordered than Colombia, and it is much more eclectic. As I said, there are a lot of banana farms, but thousands of them, some bigger, some smaller, and with them in Ecuador, you struggle but you have to have workers for that. I remember when I was working for Dole that made a study about the work related diseases in Peru and in Ecuador in the banana population. In Ecuador, we made it with the workers of the farms and in Peru we will make it with smallholder farms and they were completely different than the disease is known. In Ecuador, they were much more related to work but in Peru, there were much more related to the lifestyle, lots of diabetes and lots of colours. It is different when you are a worker than when you are an owner.

- You are saying that, for example, in Colombia that actually big multinationals are better for working condition like wages ?

There are no big multinationals in Colombia. There are big groups of Colombian capitals. I think that big multinationals nowadays, they almost don't have plantations, maybe in Costa Rica. For example, in the Dominican Republic, there are no plantations. In Peru, there are no plantations of big multinationals. Big multinationals, they are not farmers, they are logistic companies. Multinationals are owners but in the last century, there was a presence of Dole in Peru but they tried to have one farm, but his operation was not about producing. His operation was about organising and buying from smallholder farmers. In Ecuador, you see how much Dole exports, it is just a lot. But how many farms that Dole owns, and the volume that represent what they export is meaningful. In Peru, there is Chiquita, but there is no Chiquita, there is one guy and that is it. The big multinationals are not anymore the ones that control the production and also the big multinationals start losing market share when the containers were invented. Before the containers, the banana was exported in ships, but inside the ship, it was refrigerated ships, not containers they used to control the shipping lines, so they were more shipping companies.

Precisions on human rights

- Fyffes claims to respect the human rights of its workers in its Human Rights Report. Chiquita also claims that behind the Chiquita blue sticker, there is gender equality, and no harassment,

... if they don't own plant banana plantations, how can they claim that they respect the working conditions of workers ?

They do have small farms but if you see the volume of what they sell and what they produce, it is not even 10%. They try to do it in their supply chain. They do have contracts with the farmers that produce. They say that you produce, you produce for me. I buy all your things, and these are my conditions and within the conditions you have to be global gap certified. I've been in that position also as a manager, but they assure us that all their suppliers comply with certain standards, and they do also have their own standards and programs that the programs are not only implemented in their own plantations but are also implemented in the plantations of the suppliers. So that is how they try to pick up their suppliers and this works but when there is a shortage and you have a volume to fulfil then you get flexible, when there is an overflow of bananas, the buyer could put in most of their conditions. A lot of these multinationals try to make long-term relations with farms or farmers and they help them to develop the standards. We need to assure that our brand respects human rights and so we help them to maintain the standards. You don't have to do good work together with your supplier to help you develop better. Having control of the workers of the smallholder farmers is virtually impossible for a transnational or it is almost impossible for their own cooperative. It is much more difficult for the big ones, but they also make programs and projects and things with the cooperative to try to improve but almost all of the programs, even the fair trade, they're focused on the smallholder farmer. And they don't even consider that the worker of the smallholder farmer is the wrong son, their nephew or so on.

- Do you think that bananas with labels like Fair Trade, Rainforest Alliance etcetera ensure the respect of human rights for workers in banana plantations?

It depends if there is a plantation that has Fairtrade plantation for the workers, of course they assure but the problem is this first, the plantation kind of outsource their social responsibility with that Fairtrade class of premium so it is excellent for the plantation owner because he does not receive the premium, he has to have all in Group. But the premium goes to the workers, so the workers are very happy, and he also has access to a premium market. His neighbour does not have Fairtrade and complies with the law based a little bit on his own responsibility programs for the workers who do not have the Fairtrade premium. The second point is that this is what the smallholder farmers say they say, hey, why do you certify plantations? Because the volume of Fairtrade bananas that you buy for a plantation is a volume that we smallholder farmers could not put on the market and these plantations should have been perfect. The answer to your question is do these labels assure respect for human rights in the plantation? The answer is yes. But it doesn't solve the whole problem. Sustainability goes beyond certifications; certification helps a lot, but the real issues go a little bit beyond certification. I have not worked so much with Rainforest Alliance. I know them a lot because I have worked mainly with organic and Fairtrade and so on. From the organic point of view, I respect Rainforest Alliance. I like but it is not organic, that

it is perceived as organic, so it is like a marketing thing, but it also makes a lot of good things, but it allows fertilisers and sometimes it allows killers, but it also protects the forest with a social thing and it is amazing, but it is not organic so the consumer that doesn't completely well informed perceive them as competence with organic. I do like rainforest alliance, I think it is a great idea, but it is something with excellent marketing.

Familiarity and degree of the implication of policies, frameworks, and standards concerning human rights: Are you familiar with the following policies, frameworks, and standards?

U.N Guiding Principles for Business and Human Rights

OECD Guidelines

UN Global Compact

ILO Declaration on Fundamental Principles and Rights at Work

Guidance on due diligence for EU businesses to address the risk of forced labour in their operations and supply chains

Directive on Corporate Sustainability Due Diligence

- What do you think are the best ones? Are there any that are not useful and why? Or that you have never heard of? Are there any other useful policies, frameworks, and standards that I have not mentioned that aim to prevent or reduce human rights abuses on banana plantations?

I know all of them, and I think they are all important.

The role of Trade unions in the banana industry:

- How do you think unions could have more impact in the fight against human rights abuses?

I'm going to tell you three stories. One is the story that I have already told you about Colombia, it was impressive how the maturity of that trade union, and the new associations between the trade union. Colombia was amazed about the level of maturity that the Union has, but that is because of historical things. I've been personally in a meeting with a trade Union Leader and with a banana industry plantation owner. This was like the Christmas meeting or something, and one was the guy that was in charge who kidnapped the father of the others 20 years ago and they were in the, let's say, in the same party. In Peru, before the cooperative of bananas, they started exporting to the world associations and so on the banana companies, they buy one by one and they do all the processes and then export. And little by little, It was an integration that the farmers in association started to make the boxes and put it in containers. But in the previous years, of course, transnationals are always monstrous, there were these leaders, more political leaders among the smallholders that we wanted to make it by ourselves with the need. There is a union that has a base in Costa Rica that is like a continental Union. So they bring them

to make unions for the workers but the funny thing is that when they start hiring the people for making the boxes, they were the same workers that work for golden work, for the association, the work unified, because they were in the political fight that made them unified. But then the Union talks about the right to the cooperative, to the association. They fight for the rights of the people and they're against it when the employees were themselves, as most small farmers in cooperatives then they don't like it that the same guys, they do not like it. They create a monster. That fight from the South and some Unions Association has died because of that they could not be able to survive and the market goes on. I don't see serious human rights problems in Peru, even though the smallholder farmers' workers are kind of invisible and they are paid in cash, mainly in cash because there are people from the same town, not the smallholder, their nephew, their son. What had happened and the transnational has worked a lot and I remember, and I think that is not happening now, is that they have to count how many boxes, so they send their child instead of sending them to school. It is not an exploitation in big and small plantations on a peer level. In the Dominican Republic, I don't know much, but when I went there, I could see poverty. It is another level. Also, what I have seen in Costa Rica for Latin America is a very developed country and Nicaragua, its neighbour, is not so developed, but it is bigger now. And Nicaragua right now has much more problems than when I was over there. So I think there are 4 million Costa Ricans in Costa Rica and 1.5 million Nicas also in a respective way. In Costa Rica, they have big plantations of big transnationals. The unions in Peru do not represent the smallholder farmer workers, they represent the workers of the industry, let's say the formal workers, but the former workers are also kind of protected by the law itself. When you are on a payroll, you have certain rights.

The research participants' views, opinions, and recommendations about the methods implemented to fight human rights abuses in the banana industry:

- What are your suggestions or recommendations for banana companies to respect the human rights of workers throughout the supply chain?

Yes, I would like to consume the thing that I have told you all during the whole interview that concerns much more when they work with small farmers, workers of the smallholder farmers. Most of the time, they're going to tell you, and it is true that the same smallholder farmer is the worker of their own plantation because they have one actor and so on. But the reality is he gets help out for banning the banana, for cutting the suckers, they are going to say, well, it is a family farming, it is my nephew but how are the conditions for your nephew so? For me that is bad and the migrant thing in Nicaragua. That will be my personal recommendation to try to make some program for these invisible things. Now, of course, they are small because they do need help. The invisible ones.

Entrevista com Mariana Costa (IJ1)

- Pode apresentar-se, por favor?

Sim, é, eu sou jornalista. Eu trabalhei com muitas coisas ao longo da minha carreira. Eu já faço isso a 15 anos e mais ou menos de 3 anos para cá eu comecei a trabalhar nesse projeto, que é “O Joio e o Trigo” (O jornal no qual ela trabalha). Esse jornal é o único projeto aqui no Brasil que se disponha a estudar sistemas alimentares com as nossas perspectivas. Sendo elas: perspectivas mais estruturais, mais sistêmica em relação a sistemas alimentares, saúde e poder econômico, quais são as forças econômicas por trás do que está acontecendo aqui no Brasil em relação a tudo que envolve a comida, que é um tema muito amplo, muito mais amplo do que eu poderia imaginar quando eu comecei a fazer essas matérias e nós trabalhamos muito também com o Lobby, a influência de determinados atores econômicos na produção científica e trabalhamos muito também com o tema da justiça rural.

- O seu trabalho é mais focado no Brasil ou no Mundo?

A gente foca bastante no Brasil, mas também abordamos as relações do Brasil com o mundo, uma vez que o Brasil é um grande exportador de commodities, então sempre partimos da perspectiva “do Brasil para o mundo”. Inclusive parte deste material sobre a fruticulture de exportação, nós conseguimos publica rem parceria com um projeto muito interessante chamado “Diálogo Chino” (Diálogo Chino is the only independent journalism platform dedicated to better understanding the China-Latin America relationship and its sustainable development challenges) que é um projeto que aborda notícias sobre meio-ambiente, sustentabilidade entre a China e a America-Latina, então esse material rodou em ingles, espanhol e também em chinês (Mandarim).

Pergunta

1

Informações demográficas dos entrevistados

- gênero:
- idade
- cargo
- e experiência de trabalho no setor de bananas.

Eu me indentifico como uma mulher cis, tenho 42 anos, eu moro no Rio de Janeiro, o nosso trabalho é remote então a equipe está espalhada em vários lugares do Brasil e eu venho trabalhando com este tema desde Agosto de 2020 e desde então eu me especializei nesse tipo de cobertura (cobertura no sentido jornalístico).

Introdução às perguntas sobre direitos humanos:

- As bananas são a fruta mais consumida no mundo, mas sua produção é a que mais causa violações dos direitos humanos. O que você tem a dizer sobre essa afirmação?

Não tenho como responder, não tenho como dizer se são ou não a fruta mais consumida no mundo. No Brasil, as bananas são a fruta mais popular, seguramente, e até bem pouco tempo atrás a banana era uma fruta muito acessível, barata. Então você a via em qualquer casa de qualquer extrato social ou econômico, sempre havia bananas. Inclusive é uma fruta muito acessível do ponto de vista da produção, pois é fácil cultivá-la, por ser menos custoso, no entanto, de um tempo pra cá, em torno de dois anos pra cá, e esse processo se agravou nesses últimos meses, a banana sofreu uma alta nos preços e passou a se tornar uma fruta cara, o que é uma novidade para o brasileiro.

- Quanto tempo esse aumento dos preços das frutas vem acontecendo?

Mariana (continuação da resposta da pergunta 2 + resposta da pergunta do Nicolas)
As frutas de modo geral deram um salto muito grande de preço durante a pandemia -2020, 2021 e 2022- a banana também, mas de uns meses pra cá, mais ou menos entre 6 a 12 meses, ela subiu ainda mais, então, uma fruta que era super comum, que todo brasileiro comia inclusive junto com a comida passou a se tornar cara. Uma dúzia de banana prata (tipo mais comum de banana encontrado no Brasil) custa entre R\$7 (€1,30) a R\$9 (€1,67) (câmbio do dia 01/06/2023) que é um valor impensável, um valor alto pra renda média do brasileiro. A minha pesquisa não incluiu essas perguntas que a Juliette fez e sobre as condições, pensando no contexto aqui do Brasil, eu acho que não dá pra eleger uma fruta como a pior, Nessa viagem que nós fizemos nós vimos 4 culturas, sendo elas: uva, manga, melão e melancia e banana em menor escala, e nós identificamos condições muito ruins em todas essas culturas (cultura no sentido de cultivo), com sensíveis diferenças, mas em geral, condições que não são boas para o trabalhador rural.

- Tem alguma da fruta onde as condições de trabalho seriam pior que as outras?

Não necessariamente por fruta, mas por característica do produtor. Existem um grande número de produtores de todas as frutas (sendo que ela viu mais especificamente os Produtores de uva, goiaba, banana, manga, pois os produtores diversificam suas plantações e plantam mais de um tipo de fruta). O que acontece é que nesses dois polos que nós visitamos que ficam na região do semi-árido, no nordeste do Brasil. São polos voltados para a exportação principalmente. Então o que acontece é que para você, como produtor, conseguir exportar frutas para os Estados Unidos, União Européia e Reino Unido, existe uma série de certificações e as empresas que conseguem exportar, que são certificadas, elas têm condições de trabalho um pouco melhores, pois elas são obrigadas a contratar formalmente esse trabalhador (carteira assinada, alguns direitos trabalhistas e outras condições que são impostas pelas certificadoras) então pode-se dizer que nessas produtoras a situação é menos pior. Paralelamente a essas

grandes fazendas exportadoras, existem Produtores menores, de pequeno e médio porte que não tem condições de contratar esses trabalhadores formalmente, eles o contratam por dia e esses trabalhadores são chamados de “diaristas”. A situação em geral é ruim, pois todos esses trabalhadores ganham pouquíssimo, trabalham muito, fazem um trabalho que é insalubre, desgastante fisicamente, mas no geral Nessa categoria de trabalho, os “diaristas” são os mais vulneráveis (eles não tem nenhum direito trabalhista, nenhum direito previdenciário, não tem máximo de horas trabalhadas por dia). Para conseguirem esses tipos de trabalhadores, as exportadoras vão em um tipo de “feira de trabalho humano”. Um local onde as pessoas em busca de trabalho chegam por volta das 4h AM e se aglomeram em um ponto da cidade esperando serem chamados para alguma plantação, elas levam sua própria comida pois os Produtores não fornecem e ficam horas esperando serem chamados para alguma das plantações, eles ganham em torno de R\$90-R\$100 por dia de trabalho. (Mariana diz que essa foi a situação mais precária que ela encontrou)

- É certo dizer que as certificações trazem um impacto positivo para esses trabalhadores?

As certificações sem dúvida promoveram uma melhoria nas condições de trabalho. Por exemplo, a 10-15 anos atrás esses trabalhadores eram transportados na carroceria de caminhões (chamado também de “Pau-de-arara”), hoje isso já não existe mais (na região que ela visitou), as empresas foram obrigadas a fazer esse transporte usando ônibus. Esse processo das certificações ele formalizou esses trabalhadores e isso sem dúvida é um avanço, e trouxe de fato algumas melhorias, no entanto, mesmo com todas essas certificações, ainda existe muita precariedade no trabalho. Coisas que para nós seriam banais, como por exemplo, a oferta de água potável e gelada. Foi necessário uma luta sindical para que eles tivessem esse direito, a tal ponto que a categoria declinou de lutar por um reajuste salarial pois era mais importante ter esse acesso à água potável e gelada que a um salário maior (tem que ter em mente que essa região do Brasil é semi-árida e o calor é intenso e esses trabalhadores trabalham sob o sol) Então a minha resposta para a sua pergunta é sim e não, pois mesmo com as melhorias trazidas com essas certificações ainda existem muito no qual melhorar para que eu possa dizer que esses trabalhadores estão sendo valorizados. Existe também uma outra questão que tangencia toda essa discussão, que para nós é central. O acesso a terra e à água. Então o impacto causado por essas grandes produtoras de frutas vai além dos trabalhadores em si, porque no Brasil devido a um arcabouço político que beneficiou os grandes produtores, tanto no acesso a terra como no acesso a água e por estarmos falando de uma região onde a água é o bem mais precioso, com o crescimento dessa atividade nos últimos anos no Brasil, houve uma piora nas condições para o agricultor familiar que vive nessas regiões, pois ele não consegue mais acessar a água. Sempre houveram dificuldades de acesso a água, mas depois que as empresas de fruticultura de exportação cresceram e ganharam escala, essa dificuldade se tornou ainda maior. O acesso a água nessa região é feito de duas formas, ou pelo Rio São Francisco (grande rio onde obras foram feitas para que a água que corre nele pudesse ser usada para produção agrícola) ou por fonte de água subterrânea. O que pude observar é que há um uso exaustivo desses recursos (tanto terra quanto

água) por essas empresas. E conforme essas empresas vão usando a água para a produção, os agricultores não conseguem mais furar um poço suficientemente profundo para captar água. Temos hoje no Brasil, uma política pública completamente voltada para o grande produtor, para o exportador, ao passo que causam um enfraquecimento das políticas públicas para o pequeno produtor. A opção restante para esse pequeno produtor é de se tornar um agricultor assalariado e isso diminui a sua capacidade de ter autonomia e uma melhora de vida. Todas essas empresas certificadas que fazem todo esse discurso de que “criaram empregos”, que “melhoraram as condições de vida dos trabalhadores” continuam a pagar um salário mínimo (em torno de R\$1300) e nós sabemos que não é o suficiente para uma pessoa viver com um salário mínimo. Nós entrevistamos dezenas de trabalhadores que não conseguem consumir frutas e muitos deles vivem em situação de insegurança alimentar. Eu gostaria de adicionar um comentário muito importante. Existem muitas mulheres trabalhando na fruticultura, principalmente no cultivo de uva, por que requerem um manejo um pouco mais delicado e as empresas acreditam que as mulheres fazem isso melhor, e também nos packing houses, que é o setor onde as empresas embalam as frutas. Existe um gender washing feita por essas empresas de anular esse emprego feminino, de dizer que tenha gerado emprego e renda para essas mulheres que antes eram donas de casa que não trabalhavam fora. Essas mulheres entram no mercado de trabalho formalmente e elas vão ter muitos problemas, por que as empresas não admitem faltas, então essa mulher quando elas começam a trabalhar e elas se tornam mães, e mesmo sendo um direito garantido pela lei brasileira que a mãe ou outro responsável acompanhe em consultas e internações, elas percebem que se torna impossível ela continuar trabalhando porque elas não podem faltar. O que faz com que a situação se torne ainda pior para as mulheres já que as condições para que elas se mantenham no mercado de trabalho são ainda mais difíceis. Nós ouvimos muitos relatos de assédio moral no trabalho por motivos absolutamente banais como por exemplo, levar seu filho a uma consulta médica. E a partir do momento que você se vê obrigada a faltar por causa de um compromisso com seus filhos, muitas empresas te colocam numa espécie de lista vermelha, para que você não seja chamada novamente. Nós não vimos nenhuma empresa liderada por mulher, não vimos diretoras mulheres nem proprietárias de fazendas mulheres. Vendo isso nós verificamos sim a existência dessa coisa do “washing”, de vender uma imagem que não corresponde a realidade.

- E na questão de assédio sexual?

Não vimos nada nesse sentido, apenas muitos casos de assédio moral mesmo.

Pagamentos pela banana

- Você acha que um aumento no preço de venda das bananas teria um impacto positivo nas condições de trabalho dos trabalhadores nas plantações de banana?

Não.

Na verdade essa nossa viagem nasceu a partir de uma matéria que eu fiz em 2021, por que nós começamos a observar que o Brasil estava batendo records de exportação de frutas ao passo que internamente as frutas estavam se tornando mais caras para nós. Então nós fomos dar uma olhada no que estava acontecendo com as frutas. Eu fiz uma matéria com base nas informações macroeconômicas e a partir dessa matéria eu senti uma curiosidade muito grande de entender se essa riqueza estava sendo refletida nos territórios e nas condições de vida dos trabalhadores. E foi então que nós tivemos a idéia de fazer essa viagem. Essa é uma questão central também, porque a gente observa, com a pandemia e toda essa discussão sobre imunidade e tudo mais, houve um interesse maior das pessoas se alimentarem de uma forma mais saudável, com isso o Brasil bateu 2 records seguidos em 2020 e 2021. Recorde tanto no faturamento quanto no volume exportado. No entanto, as empresas não repassaram isso para os trabalhadores. Em 2021 (se eu não me engano) as empresas se recusavam a repor a inflação do período, esses trabalhadores são sindicalizados e todos os anos existe o que a gente chama de “Convenção coletiva de trabalho” que é quando se discute o reajuste salarial. Veja, repor a inflação não pode nem ser chamado de reajuste, porque você está repondo aquele percentual que o dinheiro não compra mais, repor a inflação é o mínimo que uma empresa deve fazer e nem isso eles queriam fazer. Foi preciso que a OXFAM interviesse nessa negociação e acionasse os supermercados europeus e só depois que essa informação chegou aos supermercados europeus as empresas aceitaram dar o reajuste. Reajustes muito pequenos, ridículos. É uma escravidão moderna, porque esse trabalhador fica sem opção. A primeira entrevista que nós fizemos foi muito chocante, nós entrevistamos um casal que trabalha há 27 anos na mesma empresa (uma grande exportadora de mangas e uvas) e em 27 anos o marido conseguiu ser tratorista e quando uma pessoa consegue ser tratorista, ela ganha um pouquinho a mais, mas não chega a 2 salários mínimos, ele ganha 1 salário mínimo e meio. A esposa conseguiu deixar de ser safrista (visto que o trabalho na fruticultura se divide em várias modalidades e que a modalidade com maior número de trabalhadores são os “safristas”, que trabalham de 5 a 6 meses por ano e como não existem muitas outras atividades econômicas nessas localidades e a grande maioria das pessoas não trabalham o resto do ano, então a renda deles anual é o que eles ganham nesses 6 meses de trabalho) e passou a ser faxineira e ela recebe um salário mínimo. Então nós vimos pessoas com uma vida inteira dedicada a uma única empresa que não conseguem o suficiente para viver. Ou seja, é uma riqueza que não é distribuída entre os trabalhadores. Enquanto as empresas estão ganhando mais e mais, elas foram muito favorecidas pela questão cambial no governo Bolsonaro, que manteve o Real fortemente desvalorizado, então foi um conjunto de coisas. Com o real desvalorizado, compensa mais exportar, essas empresas tiveram um salto muito grande no faturamento e consequentemente no lucro e isso não foi distribuído de maneira nenhuma. Para vocês terem uma idéia, enquanto eu escrevia essa reportagem, no estado do Ceará, o que o sindicato conseguiu foi um reajuste de R\$17 e você não compra nada com isso.

- Porque essas coisas acontecem quando “no papel” as leis brasileiras deveriam impedir esse tipo de tratamento aos trabalhadores?

Voces sabem que no Brasil, nem sempre o que está no papel acontece na pratica. Em 2016 depois do Impeachment da presidente Dilma Rousseff, nós tivemos uma reforma da legislação trabalhista feita pelo governo de Michel Temer (vice presidente da Dilma que montou ao poder após o Impeachment) que afetou negativamente diversas modalidades de trabalho, o trabalhador rural em particular. Por exemplo, esse trabalhador que trabalha de 4-5 meses no ano (safristas por exemplo) ele não tem mais o direito de receber o Seguro desemprego, sendo que antes ele tinha. Além disso houve uma redução de 20% no valor das verbas rescisórias (dinheiro recebido quando se é demitido). Nós vimos uma prática também terrível, o trabalhador adoece, o que é bem comum pois é um trabalho físico pesado (muitos trabalhadores tem problemas de coluna por causa do tipo de esforço que eles fazem no dia a dia do trabalho) e quando esse trabalhador adoece, muitas empresas obrigam esse trabalhador a se demitir. Porque se ele se demite, a empresa não é obrigada a pagar nada. Nós ouvimos um relato sobre uma empresa exportadora, certificada, que chegou a fixar um cartaz nas instalações da fazenda dizendo “quem quiser sair, vai ter que se demitir”. Esse trabalhador tem uma boa parte da sua vida útil dedicada a essa atividade e quando ele adoece a empresa dá as costas para ele. Em tese, pela legislação, esse trabalhador poderia entrar com um processo trabalhista, mas com essa reforma de 2016, se você entra na justiça contra a empresa que te emprega e você perde o processo, você é obrigado a pagar os custos do processo. O que faz com que esses trabalhadores não tentem mais acessar a justiça. A gente tinha uma legislação trabalhista boa, embora não fosse cumprida na prática, mas que se tornou pior com as novas leis.

As visões, opiniões e recomendações dos participantes da pesquisa sobre os métodos implementados para combater as violações dos direitos humanos na indústria da banana:

- Quais são suas sugestões ou recomendações para que as empresas de banana respeitem os direitos humanos dos trabalhadores em toda a cadeia de suprimentos?

Eu acho que seria preciso mudar a mentalidade desses empresários, o Brasil ainda tem uma herança escravagista muito forte. A gente vê que a mentalidade desses dirigentes é de que eles estão gerando emprego, gerando riqueza. Existe uma questão classista ideológica por trás também. Pode até ter uma excessão ou outra, mas no geral o que a gente vê, é que boa parte desses Produtores rurais chegaram onde estão por conta de uma politica do estado brasileiro de beneficiar determinados grupos em detrimento de outros. Se vê que houve uma escolha, em varios momentos da história do Brasil, onde foram privilegiados determinados grupos, determinadas elites econômicas em detrimento de populações originárias. Eu acredito que poderia ser perfeitamente possível a gente ter um modelo de transição, um

modelo onde se possa ter uma grande fazenda de exportadora que não sufoque a agricultura familiar e a produção de outros alimentos. Mas aí a gente entra numa discussão maior do próprio capitalismo, a gente sempre leva essa questão, essa impossibilidade de ser criado um modelo mais justo. O que falta pra mim é justiça no acesso desses recursos (água e terra). Também que se respeitem as populações originárias que hoje são ameaçadas. Existem esse tipo de movimento e eles tentam resistir, mas nós temos um poder econômico assimétrico, e essas empresas tem poder sobre os governadores, prefeitos e até mesmo sobre o governo federal. Em Petrolina (cidade no Brasil), existe uma família (Sobrenome “Coelho”) que domina essa cidade a mais de 300 anos. Eles estão a frente (sentido “são donos”) de fazendas de frutas, da principal entidade que defende o interesse dos exportadores, eles também tiveram vários ministros que instrumentalizaram o acesso a água que beneficiou o acesso deles a água. É um problema sistêmico do Brasil de expulsar as populações originárias, os “ribeirinhos”, os indígenas, os negros em prol (a favor) de determinadas elites. E é isso que em algum momento precisa mudar. É preciso também fazer a reforma agrária, nossos últimos governos petistas (Lula e companhia) tentaram fazer isso, mas caíram no erro de “jogar dos dois lados”, eles deram um estímulo para o agronegócio também houve uma tentativa de fazer a reforma agrária e estimular a agricultura familiar e o que aconteceu foi que essas duas forças entraram em conflito com uma grande assimetria de poder entre uma e outra (poder econômico e poder político).

- Na sua opinião, se as certificações fossem mais rigorosas, a qualidade de vida desses trabalhadores melhoraria?

Eu acho difícil, pq existe uma outra relação bastante hipócrita nesse tabuleiro. Que é o fato das principais fabricantes de agrotóxicos serem européias. Então é muito contraditório, pq ao mesmo tempo a Europa coloca limites na quantidade de agrotóxicos usados em plantações de frutas que ela mesma compra, ela tbm é a maior fornecedora desses agrotóxicos. Então existem interesses econômicos muito fortes, existe até uma discussão do quanto a agricultura depende de agrotóxicos ou do quanto a indústria química depende que a agricultura use agrotóxicos. Nós tivemos nos últimos anos no Brasil, medidas absurdas que foram tomadas pelo governo Bolsonaro, aumentando os níveis, que já eram altos, de agrotóxicos permitidos nas lavouras. E esses agrotóxicos são fornecidos por empresas europeias.

Então veja, a uma contradição muito grande nessa discussão.

Eu acho que as certificações poderiam melhorar muito, sem dúvida, mas eu acho que a principal mudança que deveria acontecer é aqui no território brasileiro mesmo. Na gestão das políticas públicas, na gestão fundiária. Todas essas empresas levaram um processo de especulação fundiária muito grande e o impacto é imenso.

Por exemplo, a empresa de frutas orgânicas Meri Pobo, que é certificada, acabou com a água de uma cidade, a empresa cortou lagoas, destruiu ecossistemas. Como uma empresa pode ter uma produção orgânica se ela faz isso?

- Teve alguma melhora nos direitos humanos nesses últimos anos?

Houve avanços, mas ainda existem bastante lutas em relação as condições mesmo, os trabalhadores terem um lugar adequado para almoçar por exemplo.

Mas houve avanços graças a luta sindical, mas houve uma piora geral no contexto de Brasil, não só na economia, mas aos direitos humanos tbm.

Nós tivemos 4 anos de um presidente absolutamente louco, que desarticulou muitos mecanismos que nós tínhamos de garantia de direitos humanos e levou o Brasil de volta ao mapa da fome, alimentação é um direito humano.

Então ao mesmo tempo que esses trabalhadores tiveram algum avanço, do ponto de vista das condições de trabalho, eles tbm recuaram no sentido de que eles tem menos acesso as coisas, pois perderam o poder de compra que tinham. Então minha resposta é sim e não.

Translation of the Interview with Mariana Costa (IJ1)

<https://www.deepl.com/translator>

This interview was conducted by Juliette Fievez, who was accompanied by Nicolas and Valéria, both fluent in Brazilian.

- Could you start by introducing yourself please?

Yes, I am a journalist. I have worked with many things throughout my career. I have been doing this for 15 years and more or less from three years ago I started to work on this project, which is "O Joio e o Trigo" (The Tares and Wheat)

This journal is the only project here in Brazil that is willing to study food systems with our perspectives. These are: more structural perspectives, more systemic perspectives in relation to food systems, health and economic power, what are the economic forces behind what is happening here in Brazil in relation to everything that involves food, which is a very broad topic, much broader than I could imagine when I started doing these articles and we also work a lot with lobbying, the influence of certain economic actors on scientific production and we also work a lot with the topic of rural justice.

- Is your work more focused on Brazil or the world?

We focus a lot on Brazil, but we also address Brazil's relations with the world, since Brazil is a large exporter of commodities, so we always start from the perspective of "Brazil to the world. Even part of this material on export fruit farming, we managed to publish in partnership with a very interesting project called "Diálogo Chino" (Diálogo Chino is the only independent journalism platform dedicated to better understanding the China-Latin America relationship and its sustainable development challenges) which is a project that covers news on the environment, sustainability between China and Latin America, so this material was published in English, Spanish and also in Chinese (Mandarin).

Demographic information of respondents

- Gender:
- Age
- Position
- and work experience in the banana sector:

I identify myself as a cis woman, I am 42 years old, I live in Rio de Janeiro, our work is remote so the team is spread in several places in Brazil and I have been working with this theme since August 2020 and since then I have specialised in this type of coverage (coverage in the journalistic sense).

Introduction to human rights questions:

- Bananas are the most consumed fruit in the world, but their production causes the most human rights violations. What do you have to say about this statement?

I have no way of answering, I have no way of saying whether or not they are the most consumed fruit in the world. In Brazil, bananas are the most popular fruit, surely, and until very recently bananas were a very accessible, cheap fruit. So you would see it in any house of any social or economic status, there were always bananas. It is even a very accessible fruit from the production point of view, because it is easy to grow it, because it is less expensive, however, from some time ago, in about two years, and this process has worsened in recent months, the banana suffered a rise in prices and has become an expensive fruit, which is a novelty for Brazilians.

- Nicolas: How long has this increase in fruit prices been going on?

Mariana (answer to question 2 + answer to Nicolas' question)

Fruits in general had a huge jump in price during the pandemic -2020, 2021 and 2022- and so did bananas, but from a few months ago, more or less between 6 and 12 months, they went up even more, so, a fruit that was very common, that every Brazilian used to eat with their food became expensive. A dozen silver bananas (the most common type of banana found in Brazil) costs between R\$7 (€1.30) to

R\$9 (€1.67) (exchange rate of 01/06/2023) which is an unthinkable value, a high value for the average Brazilian's income.

My research did not include these questions that Juliette asked and about the conditions, thinking in the context here in Brazil, I think you can not elect a fruit as the worst, In this trip we did we saw 4 cultures, being them: grapes, mango, melon and watermelon and banana on a smaller scale, and we identified very bad conditions in all these cultures (culture in the sense of cultivation), with sensitive differences, but in general, conditions that are not good for the rural worker.

- Do you have any fruit crops where the working conditions would be worse than the others?

Not necessarily by fruit, but by the characteristics of the grower. There are a large number of producers of all fruits (she saw more specifically producers of grapes, guava, bananas, mangoes, because producers diversify their plantations and plant more than one type of fruit).

What happens is that these two hubs we visited are located in the semi-arid region, in the northeast of Brazil. They are mainly export-oriented. What happens is that for you, as a producer, to export fruit to the United States, the European Union and the United Kingdom, there is a series of certifications and the companies that manage to export, that are certified, have slightly better working conditions, as they are obliged to formally contract these workers (signed work card, some labour rights and other conditions imposed by the certifiers).

Parallel to these large export farms, there are smaller, small and medium-sized producers who are not in a position to formally hire these workers; they hire them on a daily basis and these workers are called "day labourers".

The situation in general is bad, because all these workers earn very little, work very hard, do work that is unhealthy and physically exhausting, but in general, in this category of work, the day labourers are the most vulnerable (they have no labour rights, no social security rights, they have no maximum number of hours worked per day).

To get these kinds of workers, the exporters go to a kind of 'human labour fair'. A place where people in search of work arrive around 4 a.m. and gather in a point of the city waiting to be called for some plantation, they take their own food because the producers do not provide and spend hours waiting to be called for some of the plantations, they earn around R\$90-R\$100 per day of work. (Mariana says this was the most precarious situation she found)

- Is it correct to say that certifications bring a positive impact for these workers?

Certifications have undoubtedly promoted an improvement in working conditions. For example, 10-15 years ago these workers were transported in truck bodies (also called "Pau-de-arara"), today this no longer exists (in the region she visited), the companies were forced to use buses for this transportation.

This certification process has formalised these workers and this is undoubtedly a step forward, and it did bring some improvements, however, even with all these certifications, there is still a lot of precariousness in the work. Things that for us would be trivial, like, for example, the supply of drinking and cold water. It took a union fight for them to have this right, to the point that the category declined to fight for a salary increase because it was more important to have this access to drinkable and iced water than a higher salary (you have to bear in mind that this region of Brazil is semi-arid and the heat is intense and these workers work under the sun)

So my answer to your question is yes and no, because even with the improvements brought by these certifications there is still much to improve before I can say that these workers are being valued.

There is also another issue that cuts across this whole discussion, which for us is central. Access to land and water.

So the impact caused by these large fruit producers goes beyond the workers themselves, because in Brazil, due to a political framework that benefits large producers, both in access to land and to water, and because we are talking about a region where water is the most precious good, with the growth of this activity in recent years in Brazil, the conditions for family farmers living in these regions have worsened, because they can no longer access water. There have always been difficulties in accessing water, but after the fruit-growing export companies grew and gained scale, this difficulty became even greater.

Access to water in this region is done in two ways, either by the São Francisco River (a large river where works have been done so that the water that flows into it can be used for agricultural production) or by underground water sources. What I can see is that there is an exhaustive use of these resources (both land and water) by these companies.

And as these companies use the water for production, the farmers are no longer able to drill a well deep enough to collect water.

Today in Brazil we have a public policy that is completely geared to the large producer, to the exporter, while causing a weakening of public policy for the small producer.

The remaining option for this small producer is to become a salaried farmer and this diminishes his capacity to have autonomy and a better life. All these certified companies that say they have "created

jobs" and "improved the workers' living conditions" continue to pay a minimum wage (around R\$1300) and we know that this is not enough for a person to live on a minimum wage.

We interviewed dozens of workers who do not manage to consume fruit and many of them live in a situation of food insecurity.

I would like to add a very important comment.

There are many women working in fruit farming, especially in grape growing, because they require a little more delicate handling and the companies believe that women do it better, and also in the packing houses, which is the sector where the companies pack the fruit.

There is a gender washing done by these companies to analyse this female employment, to say that it has generated employment and income for these women who were previously housewives who did not work outside.

These women enter the labour market formally and they will have many problems, because the companies don't admit absences, so when these women start working and they become mothers, and even though it is a right guaranteed by Brazilian law that the mother or another person responsible accompanies them to consultations and hospitalizations, they realise that it becomes impossible for them to continue working because they can not be absent. This makes the situation even worse for women as the conditions for them to remain in the labour market are even more difficult.

We have heard many reports of bullying at work for reasons as trivial as taking your child to the doctor. And from the moment you are forced to miss work because of an appointment with your children, many companies put you on a kind of red list, so that you won't be called back.

We didn't see any company led by women, we didn't see any women directors or farm owners.

Seeing this, we can verify the existence of this "washing" thing, of selling an image that does not correspond to reality.

- What about sexual harassment?

We haven't seen anything in this sense, only many cases of moral harassment.

Banana Payments

- Do you think that an increase in the selling price of bananas would have a positive impact on the working conditions of workers on banana plantations?

No.

Actually this trip of ours was born from a story I did in 2021, because we started to observe that Brazil was beating fruit export records while internally fruit was becoming more expensive for us. So we went to take a look at what was happening with the fruits. I wrote a report based on macroeconomic information and from this report I felt a great curiosity to understand if this wealth was being reflected in the territories and in the living conditions of the workers. It was then that we had the idea of making this trip.

This is also a central issue, because we can see that, with the pandemic and all this discussion about immunity and everything else, there was a greater interest in people eating in a healthier way, so Brazil broke two records in a row in 2020 and 2021. Record both in revenue and in exported volume. However, the companies did not pass this on to the workers.

In 2021 (if I am not mistaken) the companies refused to restore the inflation of the period, these workers were unionised and every year there is what we call the "collective bargaining agreement" that is when we discuss the wage adjustment. You see, adjusting for inflation can not even be called an adjustment, because you are adjusting that percentage that money no longer buys, adjusting for inflation is the minimum a company should do and they didn't even want to do that. It was necessary for OXFAM to intervene in this negotiation and trigger the European supermarkets, and only after this information reached the European supermarkets did the companies accept to give the readjustment. Very small readjustments, ridiculous. It is modern slavery, because this worker has no options.

The first interview we did was very shocking, we interviewed a couple who have worked for 27 years in the same company (a large exporter of mangoes and grapes) and in 27 years the husband managed to become a tractor driver and when a person manages to become a tractor driver, he earns a little more, but it doesn't reach two minimum wages, he earns one and a half minimum wages. The wife managed to stop being a "safrista" (since work in fruit growing is divided into various modalities and the modality with the highest number of workers are the "safristas", who work 5 to 6 months a year and, as there are not many other economic activities in these localities and the great majority of people do not work the rest of the year, then their annual income is what they earn in these 6 months of work) and became a cleaner and she receives one minimum wage.

So we have seen people with a lifetime dedicated to a single company who don't get enough to live on.

That is, it is wealth that is not distributed among the workers. While the companies are earning more and more, they were greatly favoured by the exchange rate issue in the Bolsonaro government, which kept the Real strongly devalued, so it was a set of things.

With the devalued Real, it pays more to export, these companies had a very big jump in sales and consequently in profits, and this was not distributed in any way.

For you to have an idea, while I was writing this report, in the state of Ceará, what the union got was a readjustment of R\$17 and you don't buy anything with that.

- Why do these things happen when "on paper" Brazilian laws should prevent this kind of treatment of workers?

You know that in Brazil, not always what is on paper happens in practice.

In 2016, after the Impeachment of president Dilma Rousseff, we had a labour legislation reform made by Michel Temer's government (Dilma's vice president who came to power after the Impeachment) which negatively affected several types of work, the rural worker in particular. For example, this worker who works 4-5 months of the year (safristas, for example) no longer has the right to receive unemployment insurance, whereas before he had it. Besides this, there was a reduction of 20% in the value of the severance pay (money received when one is fired).

We also saw a terrible practice. The worker gets sick, which is quite common because it is heavy physical work (many workers have back problems because of the type of effort they do in their day to day work) and when that worker gets sick, many companies force that worker to resign. Because if he resigns, the company is not obliged to pay anything.

We heard a report about a certified exporting company that even fixed a poster on the premises saying "if you want to leave, you have to resign".

This worker has a good part of his working life dedicated to this activity and when he gets sick the company turns its back on him.

In theory, according to the legislation, this worker could file a labour lawsuit, but with this 2016 reform, if you go to court against the company that employs you and you lose the lawsuit, you are obliged to pay the costs of the lawsuit. This makes these workers no longer try to access justice.

We had good labour legislation, although it was not followed in practice, but it became worse with the new laws.

The views, opinions and recommendations of the research participants on the methods implemented to combat human rights violations in the banana industry:

- What are your suggestions or recommendations for banana companies to respect workers' human rights throughout the supply chain?

I think that it would be necessary to change the mentality of these entrepreneurs, Brazil still has a very strong slave heritage. We see that the mentality of these leaders is that they are generating employment, generating wealth. There is also an ideological class question behind it.

There may even be an exception, but in general what we see is that a good part of these rural producers got where they are because of a Brazilian state policy of benefiting certain groups to the detriment of others. There has been a choice, at various times in the history of Brazil, where certain groups, certain economic elites, were favoured to the detriment of native populations.

I believe that it could be perfectly possible to have a transition model, a model where we can have a large export farm that does not suffocate family farming and the production of other foodstuffs. But then we get into a bigger discussion of capitalism itself, we always take this question, this impossibility of creating a more just model.

What I think is missing is justice in the access to these resources (water and land). Also that the original populations, which today are threatened, are respected.

There is this type of movement and they try to resist, but we have an asymmetric economic power, and these companies have power over governors, mayors and even the federal government.

In Petrolina (a city in Brazil), there is a family (surname "Coelho") that has dominated this city for more than 300 years. They are in charge of (meaning "own") fruit farms, the main entity which defends the interest of the exporters, they also had several ministers who instrumentalized the access to water which benefited their access to water.

It is a systematic problem in Brazil of expelling the original populations, the "ribeirinhos", the indigenous, the blacks in favour of certain elites. And that is what needs to change at some point.

It is also necessary to make agrarian reform, our last past governments (Lula and company)

They tried to do this, but fell into the error of "playing both sides", they gave an incentive to agribusiness, there was also an attempt to do agrarian reform and encourage family farming and what happened was that these two forces came into conflict with a great asymmetry of power between one and the other (economic power and political power).

- In your opinion, if the certifications were more rigorous, would the quality of life of these workers improve?

I think it is difficult, because there is another hypocritical relationship on this board. That is the fact that the main pesticide manufacturers are European. So it is very contradictory, because at the same time

Europe sets limits on the amount of pesticides used in fruit plantations that it buys itself, it is also the largest supplier of these pesticides. So there are very strong economic interests, there is even a discussion of how much agriculture depends on pesticides or how much the chemical industry depends on agriculture using pesticides. We had in recent years in Brazil, absurd measures that were taken by the Bolsonaro government, increasing the levels, which were already high, of pesticides allowed in crops. And these pesticides are supplied by European companies.

So you see, there is a big contradiction in this discussion.

I think certifications could be much better, no doubt, but I think the main change that should happen is here in Brazil itself. In the management of public policies, in land management. All these companies have undergone a huge land speculation process and the impact is immense.

For example, the organic fruit company Meri Pobo, which is certified, destroyed the water of a town, the company cut down lagoons, and destroyed ecosystems. How can a company have organic production if it does that?

- Have there been any improvements in human rights in recent years?

There has been progress, but there are still a lot of struggles in relation to conditions, for example, the workers having a proper place to eat lunch.

But there has been progress thanks to the union struggle, but there has been a general worsening in the context of Brazil, not only in the economy, but also in human rights.

We had 4 years of an absolutely crazy president, who dismantled many mechanisms that we had for guaranteeing human rights and took Brazil back to the hunger map, food is a human right.

So at the same time that these workers have had some progress, from the point of view of working conditions, they have also gone backwards in the sense that they have less access to things, because they have lost the purchasing power they had. So my answer is yes and no.

Entrevista con Daniel Bedoya que ha trabajado para la comisión de la verdad en Colombia (IH1)

- ¿Puedes empezar presentándote?

Listo entonces mi nombre es Daniel Bedoya, soy historiador de la Universidad Nacional de Colombia, magíster en historia e investigado la relación entre la historia y las poblaciones afrodescendientes, y últimamente he trabajado el tema del conflicto armado, el tema de política de drogas también. Específicamente trabajé en la comisión de la verdad en la zona de Urabá, que es una de las zonas

bananeras más importantes de Colombia. Creo que actualmente es la zona bananera más importante porque hay dos zonas que esta zona bananera de Urabá y la zona bananera del Magdalena. Yo estuve trabajando la relación entre conflicto armado y todo el tema, digamos de Urabá, como una zona estratégica y participe en la construcción de un informe territorial que sacó la comisión de la verdad, que es el informe sobre la región noroccidental, que es la zona en la que se ubica Urabá, que es el noroccidente de Antioquia, el sur de Córdoba y el norte del departamento del Chocó.

- ¿Quizá puedes comenzar a explicar un poco la situación, un poco todo el contexto con los trabajadores de la banana en Urabá?

Listo te entiendo, Urabá, específicamente lo que llamamos el eje bananero tiene 3 zonas, una zona que es muy ganadera al norte, cierto y la zona bananera que está como en la mitad, cierto está el norte que es más ganadero, el sur que es un poco más demográficamente hablando de comunidades indígenas un poco más selvática. Mientras que el centro de Urabá es la zona bananera, la zona bananera está compuesta por los municipios de Apartadó, Turbo, Chigorodó y Carepa sé dónde queda el aeropuerto donde está el centro administrativo de Urabá, hay que entender que Urabá es, una subregión del departamento de Antioquia. Urabá fue una zona de colonización, una zona que se empezó a poblar con trabajadores y trabajadoras que empezaron a llegar cuando la economía del banano, eso fue más o menos en la década de 1970, la industria del banano se traslada del Magdalena de lo que te estaba hablando, esa zona bananera empieza a entrar un poco en crisis y se traslada a esta zona de Urabá, que es muy importante estratégica porque está justo en la salida al mar, esto es como muy cerca a Panamá, ahí está el puerto de Turbo el que es muy importante porque es la conexión, digamos, el puerto más cercano de Urabá y por ese puerto sale todo el banano. Hay algo importante es que Urabá es una zona rica en agua, hay mucha agua que no solamente en el mar, sino que hay muchos ríos que para el cultivo del banano son muy importantes. El plátano requiere mucha agua, por eso es que es tan jugoso y tan delicioso. No sé si has visto una planta de banano, es una planta que contiene mucha agua. Entonces la zona bananera es una zona muy estratégica y es una zona como te digo de colonización, es decir, personas del norte del Chocó, que es una zona muy importa, una zona con muchas personas afrodescendientes, personas negras y estas personas negras cuando se empieza a establecer la industria del banano, empiezan a migrar hacia Urabá y también empiezan a llegar colonos blancos del departamento de Antioquia. Llegan a esta zona. También llegan personas del sur de Córdoba, que es una zona ahí digamos que hay un encuentro de varias culturas de varias formas de entender la vida y también hay que entender muy importante, se me olvidaba, que es una zona donde tradicionalmente estaban ubicados poblaciones indígenas. Entonces acá confluyen indígenas, personas negras, blancos, colonizadores y personas mestizas que vienen del sur de Córdoba. Esto empezó a generar muchas tensiones entre las personas porque además la industria del banano es una industria que llega como con mucha fuerza a emplear a mucha gente, pero además con unas condiciones de trabajo deplorables, es decir, condiciones de trabajo

casi que esclavistas, todo en esa época de los sesentas y los setentas y por eso empiezan ahí unas luchas también sociales muy fuertes. Los sindicatos entonces fueron muy importantes, en Urabá los sindicatos del banano sufrieron muchas victimizaciones por parte del Estado, pero también por parte de grupos armados ilegales y fue una zona donde tuvo mucha influencia una guerrilla que le llamaba el EPL Ejército popular de liberación. Ciertamente entonces, al ser una zona estratégica, es una zona que empezó a ser muy codiciada, no solamente por las élites colombianas y por las élites, o sea por las personas económicamente activas en Colombia, sino también por los grupos armados, sobre todo en la década de los 80 y de los 90, incluso Urabá fue una de las zonas donde hubo más masacres en la década de 1990 hasta el 2002, más o menos se contabilizaron alrededor de 100 masacres. Eso es casi 10 masacres por año. Entonces casi una masacre al mes, o sea una cosa que fue muy grave, obviamente hubo picos, pero allá hubo mucho paramilitarismo que es estos grupos armados ilegales de derecha que se enfrentaban a los grupos armados ilegales de izquierda. Entonces hubo una pugna muy fuerte donde los principales afectados fueron las poblaciones negras, las poblaciones indígenas y los trabajadores y trabajadoras de la industria del banano.

Otra cosa importante como te digo es que es ruta de salida no solamente de banano sino de drogas, por ahí sale muchísima cocaína en la década de los 70/80 es también salió algo de marihuana por ahí, pero sobre todo en la década de los 90 y los 2000, y actualmente sale mucha cocaína por ahí y entraban y seguramente todavía, pero sobre todo en la década de los noventa y de los 2000 entraban muchas armas. Incluso hay indicios y la comisión de la verdad lo encontró de que en barcos bananeros ya trajeron armas y en barcos bananeros salieron drogas para la extensión de las empresas bananeras se vieron involucradas en el negocio, en el tráfico de drogas y además se vieron involucradas en la violencia. Muchos, sobre todo Chiquita brands. Ya se sabe que Chiquita brands financió parte de los grupos armados de paramilitares de derecha para cuidar las cultivos de banano, pero no solamente a los grupos ilegales de derecha a los paramilitares, sino que también hay indicios de que en algún momento también les pagaron especies de “vacunas”, llamamos aquí, eso es extorsiones a los grupos armados ilegales de izquierda, entonces esto para decirte que para los 90 Urabá fue una zona roja, una zona de violencia muy fuerte y los principales afectados fueron los trabajadores y trabajadoras del banano, sobre todo las que estaban sindicalizadas, es decir, que hacían parte de sindicatos de la industria del banano. Ese es un poco el contexto como político, social y como te digo, es muy importante entender que es una zona con muchos ríos, con una salida al mar.

Y también, se me olvidaba decir que en la década de los 60 fue un lugar de mucho contrabando, por ahí entraba muchísimo contrabando a Colombia, esas mismas rutas del contrabando fueron las rutas de entrada y salida de las drogas y entrada de armas. Incluso en la comisión encontró también que había aeropuertos clandestinos que después usaron los mismos rasgos narcotraficantes para sacar las drogas del país.

Una última cosa el índice de desplazamiento forzado en Urabá es uno de los más altos de Colombia. ¿Por qué? Porque las empresas bananeras ocupan bastante tierra. Entonces, hay algunos gremios bananeros se han visto implicados en situaciones de violencia donde han despojado y desplazado a la población civil de sus tierras para poder instalar las cosas de banano, entonces también ahí hay muchas modalidades de violencia, pero una de las modalidades de violencia más estructurales es el desplazamiento forzado y el despojo de tierras. Y, actualmente hay una, digamos, disputa muy fuerte por la restitución. O sea, hay unas leyes en Colombia que dicen que hay que darles a las víctimas a sus tierras, que hay que restituirle sus territorios, pero en este momento son territorios donde hay banano, donde las empresas bananeras tienen sus plantaciones y entonces hay unas pugnas, ahí también entre personas que quieren regresar a sus territorios, pero donde actualmente lo que hay es banano y banano hasta donde la vista. Si algún día vienes a Colombia y vas al aeropuerto de Carepa tú vas a ver que hasta donde te dé la mirada son cultivos y cultivos de banano entonces un poco esa es como el contexto social y el contexto político. No sé si quieras que profundicemos en algún asunto en específico, me cuentas, pero es un poco como el contexto general.

- Muy bien, gracias. Eh sí, tengo una pregunta; ¿Chiquita no quiere dar las tierras a las víctimas?

Que no sé si precisamente chiquita está involucrada en temas de despojo y desplazamiento. Ahí no lo tengo muy claro porque lo que sabemos qué ha hecho Chiquita es financiar grupos paramilitares, es como su mayor, digamos, responsabilidad en el conflicto armado. Yo no sé si chiquita tenga como denuncias por despojo de tierras por desplazamiento forzado y despojó de tierras. Quienes sí tienen, es una empresa que se llama “bananeras de Urabá” que bananeras de Urabá le sirve, digamos, como lugar de en clave a chiquita, pero digamos que chiquita se ha lavado las manos un poco diciendo de nosotros nos despojamos ni desplazábamos. Lo hicieron, fueron las mismas banderas colombianas. Es con ellos que, aunque se tienen que ver, pero lo que sí es claro es que un Chiquita sí que financió grupos paramilitares y financió unos grupos que se llamaban las convivir y esos grupos sí desplazaron y sí despojaron a personas en el territorio. Entonces, si bien no pueden tener una responsabilidad, digamos, directa en que, pues chiquita haya desplazado y despojado, pues si financiaron ni se apoyaron grupos armados ilegales que lo que hicieron fue desplazar y despojar a personas de sus tierras. Entonces, en últimas si tienen una responsabilidad, lo que pasa es que no es en términos jurídicos esa responsabilidad. ¿Cómo se distribuye? Pero la empresa bananera de Urabá y lo dice el informe de la comisión de la verdad sí tiene responsabilidades en despojo y espesamiento forzado. Sí chiquita, no sé. Sí, pero la compañía trabaja ajá con chiquita, sí. Sí, porque digamos que chiquita es una gran multinacional, como tú sabes, pero Chiquitas no opera sola, o sea, chiquita necesita de los enclaves y esos enclaves, digamos, es estas grandes plantaciones, la mayoría si les pertenecen a élites colombianas. Finalmente, sí, yo creería que si tienen una responsabilidad sí, pero la responsabilidad más fuertes que financiaron grupos

paramilitares y eso lo nieguen. Eso no es algo que Chiquita no va a poder negar tampoco, pues digamos que no sé qué pasaría en la década de los sesentas y los setentas cuando se instalan estos enclaves, si hubo, pues como desplazamiento forzado por parte de estas empresas. Pero como te digo, las empresas nacionales si tienen una responsabilidad directa ajá.

- ¿Puedes hablarme un poco más de los sindicatos?

Los sindicatos del banano en Urabá se empiezan a formar más o menos en la década de 1960, 70, es decir, a la llegada de la industria bananera a Urabá, inmediatamente empiezan a formarse los sindicatos, pero con una particularidad. Y es que estos sindicatos eran clandestinos, eran sindicatos que no podían salir a la luz pública. Porque digamos que no era legal hasta cierto punto, los gremios bananeros se aseguraron de que los sindicatos no fueran legales entonces los sindicatos se tuvieron que clandestinidad, es decir operar bajo sin que se supiera. Y hay una cosa que es muy importante decir, es que rápidamente para la década de los 80, los grupos guerrilleros, el EP, las FARC empiezan a instrumentalizar a los sindicatos, es decir, empiezan a poner personas de sus grupos guerrilleros, es decir, militantes del Partido Comunista, militantes del partido Colombiano Maoísta leninista. Ese era el partido maoísta leninista era el partido que estaba alineado con el EPL (el Ejército popular de liberación). Y el Partido Comunista colombiano era el partido que estaba alineado con las FARC (las Fuerzas Armadas revolucionarias de Colombia). Estos partidos tenían militantes tanto en los grupos guerrilleros y empezaron a infiltrar un poco a los sindicatos. Con esto quiero decirte es muy importante que tengas mucho cuidado con esto y es no ir a decir que sindicato era igual a grupo guerrillero. No son lo mismo, lo que hacían los grupos guerrilleros era intentar cooptar estos sindicatos para tener un margen de acción en las bananeras, lo que pretendían un poco los grupos revolucionarios como tú sabrás, es tomarse el poder y para tomarse el poder, pues necesitaban una base social y esa base social en Urabá fue los trabajadores y las trabajadoras del banano. Pero los sindicatos nacen de manera autónoma si nacen alineados con el partido. Es decir, un sindicato que llamaba Cinta inaugural se alía con el Partido Comunista maoísta leninista y 5 otros sindicatos se alinea con el Partido Comunista colombiano, pero los partidos son legales. Ojo, los partidos son legales. ¿Qué pasa? Estos partidos tienen vínculos con las guerrillas. Entonces, muchos sindicatos fueron estigmatizados y fueron señalados deshacer parte de los grupos guerrilleros. Muchos sindicalistas que no tenían nada que ver con la guerrilla que no tenía nada que ver con el conflicto armado, fueron estigmatizados señalados y ahí empieza, sobre todo en la década de los ochentas, una guerra muy fuerte, incluso entre los mismos grupos de izquierda. O sea, en Urabá, esto es un hervidero de político, pero también armado e incluso el EPL (el Ejército popular de liberación) y las FARC (las Fuerzas Armadas revolucionarias de Colombia) tuvieron choques entre ellos por tratar de cooptar a todos los sindicatos. Entonces había una gran división en los sindicatos en la década de los 80 empiezan a ser ya más visibles, cierto y empiezan a montar unos pliegos de peticiones. Esto es muy importante porque los pliegos de peticiones es cuando

los sindicatos empiezan a pedir mejores condiciones laborales. Claro, eso es muy influenciado por el pensamiento comunista y el pensamiento de los partidos de izquierda; hay que pedir mejores condiciones laborales para los trabajadores de las empresas. Lo que pasa es que claro el estado no escuchaba los gremios bananeros, mucho menos los empresarios, no les estaban prestando atención. Entonces lo que hicieron los sindicatos puede aliarse con las fuerzas armadas y hacer paros y hacer huelgas, incluso huelgas en las que muchos momentos las FARC y EPL les apoyaron de manera armada. Pero es porque llegó un momento en el que no los escuchaba. No escuchaba los pedidos de reducir las jornadas laborales. Es que la gente trabajaba entre 16/18 h al día, o sea una cosa impresionante. O sea, no había manera de que se sostuviera, pues por lo menos en términos del bienestar, digamos, para los trabajadores y las trabajadoras, entonces empieza toda una pugna. Finalmente, para la década de los noventas, los sindicatos empiezan a ser escuchados. Empiezan tras generarse unas alianzas y empiezan a tener contactos con los empresarios bananeros y a llegar a ciertos acuerdos. Pero justo en ese momento entra el paramilitarismo, más o menos en el 94/95. Y lo que a veces acabar con todos estos acuerdos, porque muchos bananero es lo que empezaron a decir, es como no esta gente, esta es pidiendo más de lo que se les puede dar que era educación, condiciones de salubridad en las bananeras e vivienda es que las personas se miraba en la década de los 70 y los 80 vivía literalmente en casas delata, pues, o sea, como en ranchos en lugares que no había acueducto, la gente le tocaba tomarse las tierras para poder tener dónde vivir, porque finalmente, si tú trabajas 16 horas al día, pues necesitas vivir cerca de la plantación de banano, porque si no, entonces ¿Cómo llegar a trabajar? Los sindicatos empezaron a pedir, por ejemplo, transporte. Como es recójalos a las 6:00 h de la mañana, a las 6:00 h de la mañana muy tarde recojan a las 4:00 h de la mañana en tal parte y llévenos hasta la plantación y cuando se acabe la jornada laboral a las 8 o 21:00 h de la noche devuélvanos a un lugar central en el que podamos llegar a nuestras casas. Por ejemplo, eso fue muy tenso, pues muy duro en los 90, porque muchos de estos buses fueron atacados por los paramilitares, bajaban a la gente de los buses y decían, ustedes guerrilleros y los mataban, frente a las otras personas. Entonces, empezaron como unas series de conflictos muy tesos, pues muy densos entre las empresas bananeras entre los sindicatos y entre los trabajadores y pues esto también con muchos militantes del Partido Comunista que estaban armados dentro de las bananeras, entonces era fácil encontrar gente, los que llamaban los capataces, es decir, los que digamos, manejan un fragmento de la de la plantación armados porque finalmente era un lugar muy inseguro. Yo siento y es una posición personal, que finalmente lo que termina haciendo el paramilitarismo en Urabá es pacificar la región y hacer que las plantaciones de banano, digamos como que se estabilicen, pero a costa de que los sindicatos se volvieron sindicatos, eh, como alineados con los dueños de las bananeras, poco han hecho por defender, digamos, los derechos de los trabajadores, es decir, hay un cambio, un viraje en la concepción de los sindicatos. Los sindicatos primero era para defender los derechos de los trabajadores, para mediar con los dueños de las bananeras y ahora lo que hacen los sindicatos es casi que decirle a la gente no proteste, no, no se puede, o sea como quiera han pasado por un papel más. Entonces, más del lado de los dueños de las empresas. Tanto que, pues sí, los sindicatos han dejado de

tener como esa concepción un poco de defensa de los derechos de los trabajadores para ir a defender los intereses de los dueños de las bananeras. Es un poco como la historia, pero los sindicatos fueron muy importantes y gracias a los sindicatos en Urabá se logró establecer la jornada de 8 horas, ciertas condiciones de salubridad en las bananeras en condiciones diferenciadas de trabajo para las mujeres y para los hombres. Hasta cierto punto, digamos de la década de los 90 y los 2000, y los sindicatos lograron muchas cosas en Urabá, lo que pasa es que terminaron siendo cooptados por los mismos dueños de las empresas. Eso si quieres, incluso yo te puedo mandar ahorita un correo, hay un informe muy bueno sobre eso que se llama como la sombra oscura del banano y es toda la relación entre conflicto armado y bananeras y está toda la historia de los sindicatos. Yo creo que es el libro te puede servir un montón, lo voy a buscar aquí, ahorita te lo mando.

- Mi pregunta es; el plátano es la fruta más consumida del mundo y, sin embargo, ¿su producción es la que más viola los derechos humanos que tienes que decir sobre esta afirmación?

No sabía que era la fruta más consumida a nivel mundial. No, no tenía esa información. Yo creo que la industria del banano, esta industria ya como monopolizada, porque el problema no es el banano, o sea el banano, o sea el primero de la fruta, el problema es lo que ha pasado y los gremios, porque inicialmente, incluso en la década de los cincuentas/sesentas antes de que entraran estas grandes multinacionales, pues el banano fue como parte de la industria que salvó la economía nacional. Pero yo creo que tú sabes un poco lo que pasó también en Guatemala y Nicaragua. El problema fue, por ejemplo, la United Fruit Company cierto que en esa historia macabra desde 1928, donde en la zona bananera del Magdalena asesinaron alrededor de unos, dicen que fueron 100, otros dicen que fueron 200, pero hay personas que llegan a decir que fueron hasta 1000 trabajadores asesinados en una huelga, justo por las condiciones precarias de trabajo porque imagínate tú trabajar en una zona tropical, es decir, el calor, la falta de agua, o sea porque el banano casi que se chupa toda el agua, entonces las condiciones de las plantaciones a veces son muy precarias, vuelvo sobre el calor es bastante fuerte al mediodía, pues hay un calor terrible y tú trabajando 18 horas, 16 horas. Y otra cosa muy importante. Para que tengas presente en tu investigación. Pues, finalmente las personas que estaban trabajando o que trabajan en la industria bananera son personas negras, son personas afrodescendientes, es decir, se perpetúa ese asunto colonial de la esclavitud. Casi yo puedo decir que casi que hasta 1970/80 las condiciones de trabajo en las bananeras eran casi que esclavitud. O sea, las personas les pagaban un salario ínfimo. Un trabajo que implica cortar, separar, limpiar todo un proceso para que el banano les llegue a las personas, digamos, fresquito, bonito. Incluso dicen que en el en Colombia nos comemos el pana, no más. El banano que sale perfecto es el que se exporta. Entonces, yo sí creo que, desde esa época de las primeras décadas del siglo 20, las empresas bananeras usaron dos cosas, la violencia y la exotización. No sé si tú has visto como estas propagandas de publicitar del banano de United Fruit Company que es una mujer así, super despampanante, una mujer voluptuosa que tiene como unos bananos aquí no sé qué y así unos

bailes. Y eso termina también por generar violencia porque termina por exorcizar a unas personas y volverlas casi que un producto, es decir, el producto no es solamente el banano, sino la gente que lo produce. Ciertamente entonces hay una relación ahí, digamos, entre la colonialidad de la producción de banano y la violencia, cierto, entonces la violencia es la manera, digamos, es que imagínate si, o sea, personas usando látigos todavía, o sea, había en 1920 todavía personas que latigaban a otros trabajadores de las empresas bananeras, es inhumano, o sea, aún para 1920 que ya se habían declarado los derechos humanos. Pues esto es inaudito. Y, sobre todo, una industria tan productiva, que genera mucho dinero y yo sí creo que por lo menos en las décadas de los 80 y los 90 y los 2000, fueron donde más violaciones a los derechos humanos o en las bananeras, no solamente por parte de los dueños de las plantaciones, sino por las alianzas macabras que hicieron con los grupos armados, especialmente con el paramilitarismo. Porque es que el paramilitarismo lo que hizo fue desde una concepción, digamos, de la guerra, una guerra sucia, una guerra indiscriminada, es decir, no es una guerra contra los grupos armados de izquierda, es decir, vamos a atacar directamente a la guerrilla de las FARC, el EPL. No, ellos tenían una concepción de quitarle el agua al pez y vamos a atacar a sus bases sociales, vamos a atacar a la gente que trabaja en las bananeras y lo que hacían incluso los paramilitares era matar gente de las bananeras, sea, digamos, hacen una especie de limpieza social, sacar a las personas que eran sindicalistas que eran de izquierda y los mismos paramilitares empezaron a traer de otras regiones del país personas afines a sus ideales para que trabajen en las bananeras, entonces arrasaron el territorio, limpiarlo de personas como digamos, que no les gusta que no son de su ideología política y repoblar eso es muy violento. Sea repoblar una zona que históricamente era de personas afro, de personas indígenas, de personas digamos blancos pobres personas mestizas venir a poblar con otras personas de otras zonas, sobre todo del sur de Córdoba, es sin echar la culpa a las personas. Las personas finalmente también necesitaban trabajar, pero es una estrategia macabra, porque lo que hacen es traer gente y casi que también repoblar entonces el territorio. Que a su manera lo peor que le pudo pasar a Urabá fue eso, el paramilitarismo. Y ese paramilitarismo vinculado al estado, esto de aquí no se salvan el Ejército. Tuvieron alianzas directas con los paramilitares en la Brigada 17 que es en Urabá, que es ahí en la zona central de Urabá se forjaron alianzas entre los grupos paramilitares de derecha y los empresarios. Y la policía y el Ejército. Es todos contra todos. Pero entonces se forma una alianza macabra y hay cosas soterradas que se han empezado a descubrir ahora que empezar a entender que toda la gente de Urabá, la izquierda eran guerrilleros y que había que acabar con ellos. Yo creo que ahí juega mucho el racismo, el clasismo, o sea, hay unas estructuras de poder destructivo y unas matrices de opresión que se interconectan para hacer que la zona sea muy violenta, que Urabá fue declarada zona roja del conflicto armado en 1990, cierto, se intentaron acuerdos de paz y no se lograron. Y, además, como te digo, no es solamente por el hecho del banano, sino porque es una zona estratégica. Entonces, finalmente ahí se juntan, digamos, muchas violencias, violencia sexual, por ejemplo, una de las regiones donde más violencia sexual fue en 1 hora, es decir, hay una concepción casi que de que las personas trabajadoras del banano son como o sea, como que si se tuviera un poder sobre sus cuerpos, como eh, yo puedo hacer

con esos cuerpos y con esas personas lo que me dé la gana de ponernos a trabajar horas excesivas, no pagarles los salarios justos, violar a sus mujeres y poner a trabajar a niños chiquitos de 12/13 años. Son zonas donde los trabajadores casi todos son personas afro o personas indígenas. Se tiene esa visión de que son personas inferiores. Ajá no sé si me hago entender, yo creo que por eso es la violencia. Si esto fuera, digamos, no sé último de uvas o algo así donde trabajan personas blancas, lo que sea, quizás hubiera un poquito más de respeto a los derechos humanos, pero no es como son personas casi sin valor, cierto, como personas que están hechas para eso, hechas para el trabajo. Entonces, yo creo que ahí ese tema, digamos de las violaciones a los derechos humanos tiene que ver con una concepción colonialista, enojos de acción racista de las personas y de las poblaciones, además de que son personas que están alejadas de los centros de poder, por ejemplo, está por ahí a 10 horas en carro para el automóvil del centro, digamos de la zona urbana más importante en Medellín, que es como la capital de Antioquia. No solamente no respetan los derechos humanos, sino que no respeta los derechos de la naturaleza, es decir, los ríos de Urabá se han ido secando precisamente por eso, por la industria que no mide y que casi que monopolio de unas cuantas empresas. Por último, te quería decir que hay algo que recientemente ha pasado. Y es las aspersiones. Para fumigar hay un hongo del banano, que es muy fuerte, que es el fosario. Y ese hongo ha acaba con las plantas de banano. Lo que hacen es que te contratan avionetas. Estos aviones pasan cuando los cultivos de banano. Pero hasta más o menos 2009 2010 o sea muy reciente. Las personas se estaban quejando los trabajadores y trabajadoras del banano de que no avisaron que iban a ser aviones. Estás trabajando y no te dan casco, no te dan chaqueta, no te dan nada, no te dan los implementos necesarios para estar ahí y enseguida a cualquier hora pasa una avioneta. Ha resultado en problemas cutáneos, gente con enfermedades de malformación genética, o sea, los niños de las trabajadoras del banano nacen con malformaciones genéticas. Entonces se ha empezado un proceso de denuncia en las plantaciones, pues avisen para que las personas se metan a las zonas cubierta y no estén afectadas por esto. Además, la zona bananera está muy cerquita de las zonas, digamos de Urabá, es decir, tú estás en apartado y no sea 5 o 10 minutos ahí toda la extensión, entonces incluso hay denuncias de que estas aspersiones de insecticidas y de fungicidas estaban llegando a los colegios, o sea, habían niños y niñas enfermas y enfermos porque les estaban llegando las fumigaciones a sus colegios, a sus casas.

- ¿Crees que un incremento del precio de venta de las bananas tendría un impacto positivo en las condiciones laborales de los trabajadores de las plantaciones bananeras? ¿Por qué?

Esta pregunta es muy economista. Yo creería que no. Yo creería que finalmente es una cuestión de Derechos Humanos, es una cuestión de dinero. No sé si ponerlo más caro, lo que terminaría haciendo es afectar los trabajadores. Yo creo que más que disminuir el precio o aumentar el precio, yo sí creo que debería haber como un control estatal de las hectáreas cultivadas de banano. Ciertamente, como te digo, entre más extensivo es un negocio, más violento es. Pero creería que lo que tendría que haber es más políticas,

más de activos y de la manera en cómo se manejan los derechos humanos en los cultivos. Es decir, no creo que la regulación del mercado sea, digamos, la única alternativa para regular las violencias. Yo creo que para que haya una verdadera industria del banano sostenible, una industria del banano amigable con el medio ambiente, una industria del banano que respete los derechos humanos. Yo creo que la regulación del precio no sé si aumentarlo, bajarlo, pero si hubiese una regulación del precio y si hubiese una regulación de las empresas bananeras y que el producto sea como nacional y salen las industrias nacionales, yo creo que eso podría ayudar a que vayan disminuyendo las violaciones a los derechos humanos. Pero vuelvo y te digo, yo no creo que sea una cuestión, sólo una cuestión de finanzas, una cuestión de humanidad sí. Vender más caro el aguacate va a hacer que, digamos, se recuperen los bosques en México, pero yo sí creo que una intervención del Estado y no una intervención tampoco en el sentido, pues de que sean los reguladores, sí que hacen unos acuerdos, por ejemplo, entre el estado y las empresas bananeras, pero yo siento que en este momento hay una especie de monopolio en el que a las empresas bananeras no se les pone ninguna barrera. No sabrían porque no entiendo mucho de asuntos como económicos en ese sentido, pues como de la oferta y la demanda, pero a mí no me suena que aumentar el precio del banano pueda generar eso. No sé, es como lo que pasa con la cocaína, es decir, no sé aumentar el precio de la cocaína en Europa no ha garantizado que lo es para las personas en los cultivos cocaleros, incluso ha sido peor porque es que finalmente en estas economías de este tipo que son economías de monopolio y economías, digamos, transnacionales. Si tu aprietas en un eslabón en el otro también se afecta, es decir, eso es una relación directa, entonces si tú pones más caro el precio de la cocaína en Europa, lo que va a terminar pasando es que en Colombia no se va a vender, entonces la persona, la gente no va a tener cómo comprar los insumos y no va a tener entonces como sobrevivir finalmente. Entonces yo creería que lo que hay que hacer es una regulaciones nacionales e internacionales y que las empresas bananeras cumplan con los derechos humanos y independientemente del banano, vale 1000 o 2000 pesos o vale 5000 pesos, o sea, independientemente de lo que valga el banano hay que respetar los derechos humanos, yo creo que eso es como una premisa, como fundamental.

- ¿Que diga la ley en Colombia sobre los derechos humanos?

Se supone que hay unas leyes que regulan el trabajo en general, cierto, yo no conozco las leyes específicas sobre los derechos humanos. Tenemos un código laboral, hay un código consustancial del trabajo que dice que hay unas horas de trabajo y que, por ejemplo, que si trabajas en industrias de alto riesgo la empresa tiene que cubrir, digamos, esos riesgos. Como te digo, solamente hasta hace 10/15 años a las personas de las empresas bananeras les daban gafas porque es que no sé cuándo tu cortas el banano, eso saca una Mancha, es decir, la gente tiene que trabajar con gafas, con casco, con guantes, con las herramientas, digamos, eh, las herramientas, las de la empresa, no, lo que la gente siga con su propio machete. Acortar el banano no, o sea el que tiene que dar el machete y quedar las cuchillas y

todo eso tiene que ser la empresa no tiene por qué ir a trabajar con su propio paquete con su propia navaja. Es decir, las empresas tienen que proporcionarle esto a los trabajadores, garantizarles Seguridad Social, garantizarles cajas de compensación, asegurarles ARL, un montón de cosas. Lo que pasa es que en Colombia se pasan la ley, es por donde les da la gana, o sea, aquí muchas veces las empresas no cumplen, porque muchas veces estas empresas los dueños son la misma élite política, entonces amañan las leyes a su voluntad, pero lo que yo tengo entendido es que hay un código sustancial del trabajo y que los sindicatos han batallando por décadas para que se haga cumplir, lo que pasa es que es lo que te digo finalmente la gente le gusta tener plata. Pues finalmente en un país tan precario, pues ay quiere, digamos, mejorar sus condiciones. Muy avaros entre gente y lo ha pasado con todos los sindicatos. Cuál es la mayoría de los sindicatos en que los sindicatos del petróleo, el sindicato antioqueño, el sindicato del banano, han terminado por venderse al mejor postor, es decir, al dueño de la empresa entonces, claro, si son los sindicatos los llamados a defender las leyes y los derechos de los trabajadores, pero esos sindicatos están aliados con las empresas que lo que quieren es el beneficio y ganar y ganar y ganar, pues entonces evidentemente no se van a cumplir las leyes, pero leyes sí hay, yo no las conozco muy bien. Pero las leyes dicen que hay que garantizar el trabajo, no solamente los derechos humanos, que es una cosa que como universo en el que trabajes en una empresa, los derechos humanos se tienen que garantizar ahora mucho más los derechos laborales. Entonces en ese texto que te voy a enviar, hablan un poco de eso, de cuáles son los derechos laborales, por ejemplo, que los sindicatos lograron. Pero como también, pues, por ejemplo, todo el tema del paramilitarismo es que el paramilitarismo es ilegal, es que es armar un estado dándole armas a los ganaderos, a los civiles, pero de plata, es decir, a los terceros civiles que llamaba. Pues para que se armen y para que defiendan sus fincas con las armas, cuando hay leyes que rigen sobre eso, entonces creo que en Colombia tenemos muchas leyes en Colombia somos muy garantistas en términos de derechos, pero no se cumplen, no se cumplen porque aquí ha sido la ley del más fuerte.

- ¿Y ahora qué pasa con el paramilitarismo?

Ya se supone que el Estado colombiano hizo un acuerdo de paz con los paramilitares, eso fue en el 2005, pero finalmente se hizo el acuerdo de paz con un grupo que llamaban las autodefensas Unidas de Colombia, pero ahora eso mutó y ahora existe un grupo que se llama las autodefensas capitalistas de Colombia, que es prácticamente lo mismo, cierto, solamente que fue la gente que no se desmovilizó y terminó. Lo que pasa es que ahora yo, si no hace mucho de esos vínculos entre las autodefensas que hay tenistas de Colombia y las empresas bananeras. Las autodefensas gaitanistas están más enfocadas en la minería ilegal, en el tráfico de drogas y la extorsión y en otros negocios. Yo no sé si las empresas de banano en este momento tengan algunas alianzas con la saga y seguramente habrá una o otro que tenga alianzas. Pero parece que eso ya no es tan extendido, pero habría que hacer investigación más profunda. No sé qué vayamos a encontrar en unos 10 o 15 años, puede que sí, pero eso fue muy evidente en la

década de los 90 y de los 2000 que los grupos paramilitares estaban aliados con las empresas bananeras. El fenómeno del paramilitarismo mutado no se ha acabado. Lo que pasa es que hay para muchas personas nos preguntamos cómo se supone que se hizo un acuerdo de paz. Se supone que los paramilitares se desmovilizaron, pero resulta que no. Resulta que muchas de esas personas volvieron a entrar. A las armas siguieron, digamos, en sus negocios, en el negocio del cultivo de coca, en el negocio de la minería ilegal. Como te digo en el negocio del tráfico de armas y de drogas, entonces paramilitarismo siguió viendo, lo que pasa es que ya digamos, no es tan evidente. Es más difícil que el Estado legitime porque en los 90 y en los 2000 sí se legitimó, es decir, el estado legitimaba la violencia paramilitar ya en este momento el estado no legitima la violencia paramilitar ni la guerrillera, ni en ningún tipo, porque se supone que hemos hecho unos acuerdos de paz que deberían servir para eso, pero finalmente no. Pues eso ocurrió de paz se cumplen de manera como muy diferenciada.

- ¿Cuáles son tus sugerencias o recomendaciones para que las empresas bananeras respeten los derechos humanos de los trabajadores a lo largo de la cadena de suministro?

Lo primero, Juliette, yo creo que los sindicatos tienen que ser absolutamente independientes del poder económico y, es decir, el sindicato tiene que funcionar como una asociación autónoma, es decir, con recursos propios, con una autonomía ideológica. Y con eso no digo que porque también puedes grandotas que los sindicatos sean de izquierda, no ni izquierda ni derecha, o sea, los sindicatos tienen que ser asociaciones y grupos de personas que velen por los derechos de los trabajadores que vela por los derechos de los trabajadores, ni izquierda ni derecha es una cosa fundamental y es una cosa que tiene que ver con los derechos humanos universales, no con los derechos laborales, que eso la Organización Nacional e Internacional del Trabajo también lo alabó. Para mí lo principal es que los sindicatos no están alineados con el poder, digamos, de las empresas, porque entonces no, no pasa nada, es decir, si el sindicato está aliado con el dueño de la empresa, el dueño de la empresa siempre va a querer que haya más beneficios económicos para la empresa y para él que para los trabajadores. Yo creo que en realidad eso suena muy socialista. En realidad, hay que redistribuir, hay que equilibrar, es decir las empresas de ahora son gracias a los trabajadores. No gracias a Dios porque es que son las tierras de los trabajadores, son las manos de los trabajadores, el sudor de los trabajadores es la gente en la que está trabajando en las empresas es único y su única garantía es el sindicato, entonces, por ejemplo, hay muchas empresas que han empezado a eliminar los sindicatos, eso me parece a mí desastroso, sea como que lo primero es el sindicato tiene que ser independiente, financiera e ideológica, política, cultural, todo del poder, digamos empresarial.

Lo segundo es que yo creo que tenemos que tener un empresariado más responsable con los recursos naturales, con los Recursos Humanos y con la distribución, digamos, de las ganancias. Ya lo creo que una estrategia muy importante sensibilizar al empresariado de que nadie les debe nada, porque si los

empresarios deben entender que sus ganancias que son importantes, claro, porque si no hay ganancias, pues no están, sino finalmente entonces no hay presa, pero es que sus ganancias son gracias al trabajo arduo de personas que necesitan condiciones laborales que necesitan descansar, que necesitan cajas de compensación que necesitan recreación, que necesitan garantías para sus hijos. En Urabá empezado a pasar, pero así muy poco, por ejemplo, bananeras de Urabá tiene una fundación y la Fundación tiene una Universidad y la Universidad capacita a los trabajadores y trabajadoras del banano, por ejemplo, es muy importante que lo ponga como tercer punto y es capacitar tanto a los trabajadores como a los administradores, porque es que digamos que yo soy dueño de una bananera, pero entonces si yo no puedo estar en mi casa sentado, revisando los extractos financieros y ver cómo están subiendo, están bajando, pero son los administradores de las fincas y los trabajadores los que también deberían estar enterados de cómo funciona la economía del banano, cómo funciona, digamos, toda la cadena de producción y distribución. Es decir, capacitar tanto en derechos humanos como en derechos laborales, como en lo específico de la industria del banano. A todos los trabajadores de las empresas y eso generaría, digamos, como también un incentivo y unos beneficios también para los trabajadores. ¿Por qué? Pues para la empresa digo, porque finalmente es un trabajador, conoce bien su trabajo conocía bien de qué trata para dónde va, dónde se está distribuyendo, donde se consume más banano. Yo creo que eso también le da como una especie de sentido de pertenencia con la empresa. No, entonces yo creo que es importante eso, es cierto como esos 3 niveles que acabo de decir, o sea, sindicatos independientes, empresarios que tengan una visión humana y sostenible de sus negocios y a que haya una capacitación constante tanto de los administradores como de los trabaja. Entonces, tanto en derechos humanos como en derechos laborales, como en lo que es completamente, digamos particular específico del cultivo del banano, porque ahí si me pongo yo muy marxista, y es si un trabajador no conoce su lo que está haciendo, no conoce el producto que está generando, ese se genera una alienación y cuando hay alienación la persona no trabaja en su máximo expresión, como en toda su expresión del trabajo y el trabajo, no es solamente estar 8 horas en una empresa. El cabo también es el que la persona se sienta tranquila, que sabe que va a tener una pensión cuando se jubile, que su familia va a tener unas garantías de vivienda. Eso es muy importante en zonas como una boda es que es muy distinto una empresa en una ciudad como Medellín y en Urabá, donde hay unas condiciones muy precarias de existencias. Yo sí estoy convencido, pues de eso, entonces creo que esas serían las recomendaciones que las empresas también reconozcan que son gracias al trabajo de los trabajadores y no gracias a los dividendos que se están generando en la bolsa.

- ¿Crees que se han realizado esfuerzos en los últimos años para reforzar el respeto de los derechos humanos en la industria bananera?

Pues la verdad es Juliette, no sé, yo creo que el cambio digamos gobierno que une este país el año pasado, sí ha generado como unas preguntas sobre qué está pasando en la industria del banano, incluso pues te voy a contar algo, y es que este presidente que, pues ha sido considerado un presidente de izquierda, pero que ha sido considerado comunista que va a acabar con el mercado. Yo siento que sí ha habido unos cambios. Cómo lo que tenía diciendo, Por ejemplo, está Uniban que es una Universidad de una empresa que se llama Uniban. Entonces crearon una Universidad hay una fundación que creó que llama la Fundación Rosalba Zapata. Bueno, yo tengo mis contradicciones con esa fundación, pero sin embargo creo que es un esfuerzo importante porque es como las empresas bananeras se dieron cuenta que si no hay una sostenibilidad, un trabajo humano con las personas, la gente no va a trabajar y eso va a repercutir en el negocio. Yo sí creo que ha habido unas transformaciones y sobre todo, que han venido como surgiendo como muchos esfuerzos por contar la verdad, por eso este digamos acuerdo de paz con las FARC fue tan importante porque finalmente esos acuerdos de paso que han permitido es que los empresarios digan; “ sí, evidentemente nos equivocamos cuando financiamos los grupos armados ilegales.” Es decir, hubo un empresario del banano que se llamaba, no lo recuerdo ahora, pero qué pidió perdón públicamente por haber financiado grupos paramilitares. Eso es un gran paso, es un gran paso que las empresas empiezan a reconocer que en algún momento cometieron el error, es decir, conscientemente lo hicieron, pero que eso no se le salió de las manos. Y han venido tratando de resarcir eso con fundaciones. También sé que en Urabá, digamos, han financiado la construcción de viviendas de interés social. Entonces sí, no puedo hablar por todo el gremio bananero y no puedo hablar por todas las empresas y no sé sobre las empresas multinacionales, pero sí sé que las bananeras nacionales han empezado a realizar unos esfuerzos por incluir unos beneficios y unas garantías de derechos y unas cosas más humanas para sus trabajadores. Por ejemplo, eso de la vivienda es muy importante. Como no son las viviendas ideales, no son las viviendas más lindas, pero por lo menos son viviendas donde la gente bueno puede, digamos tener unos subsidios de vivienda. Eso sí, han venido pasando. Yo no estoy muy enterado, pero si sé que han venido transformándose cosas, pero también pasa esto que te digo lo de las aspersiones, por ejemplo, entonces por un lado hay unos beneficios, hay unos preocupaciones por los trabajadores, pero por otro lado hay fumigaciones y está generando problemas, digamos de salud pública, entonces como eso, como que no hay como un equilibrio, o sea, como que hay cosas buenas, pero van a ver cosas muy terribles. Pero actualmente no sé cómo estará la situación, como que creo que una persona que está en el sindicato o algo así podría darte como mejor información, como sobre eso, porque la verdad yo desde mi trabajo como historiador y como investigador, más o menos que llegué como hasta 2010, 2014, pero de ahí en adelante no sé, yo sí creo que estos acuerdos de paz han movido un poco la situación del país y es posible que los empresarios se estén preguntando un poco por esas actuaciones y cómo mejorar un poco. También todo es una última cosa, pues como que todas estas denuncias y todas estas responsabilidades jurídicas que les han empezado a salir a los bananeros y a las empresas bananeras han generado unas certificaciones de Fairtrade como que les dan a las empresas como esto es banano que se han producido, que respetan los derechos humanos y algunas bananeras les

ha negado el filtro de, o sea como que no les han dado el certificado. Creo que eso pasó con bananeras de Urabá hace como 10 años, entonces lo que han tenido que cambiar su concepción porque a nivel internacional ya hay unas políticas que están diciendo si su banano no está producido con derechos humanos y bien producido y con garantías laborales, pues no es un banano que nosotros vayamos a certificar. Usted lo puede vender en Colombia o no sé de dónde, pero digamos que no se lo van a aceptar en las empresas o en las cadenas, en Estados Unidos o en Europa, entonces creo que eso es muy importante, por ejemplo, ya que lo lógico es que esas cosas de Fairtrade sigan funcionando, es decir, que estos conglomerados quedan estos certificados investiguen a profundidad a las bananeras y cumplen con el certificado. Creo que eso es muy importante y creo que eso empezaba a pasar tan bien como que un cambio también sea además de un cambio de gobierno y unos cambios, digamos, en las políticas nacionales. Yo creo que es muy importante también ver cómo se ha movido a nivel internacional, esos cambios también en hey vamos a solamente vender banano que bien que venga certificado y eso es muy importante porque finalmente eso hace que las empresas sigan bueno, entonces toca meterle a estos Recursos Humanos, toca meterle a esto derechos laborales para que nos puedan recibir el pan en Europa, porque si no me voy a quedar con el banano aquí. Entonces creo que eso es muy importante.

- ¿Entonces fue mi última pregunta, pero no sé si quieres añadir algo o decir algo más?

No creo que con el informe que te voy a mandar yo te recomiendo mucho que le des una miradita de ese informe que voy a hacer una aclaración sobre ese informe. Y es que ese informe lo producen fundaciones, asociaciones de víctimas, es decir, personas que fueron afectadas por el conflicto armado. Este informe es un informe que para mí tiene mucho de verdad, pero no puedo decirte que todo lo que diga el informe es verdad. Es lo que hizo la comisión de la verdad a coger ese informe y hacer lo que nosotros llamamos la triangulación de angulados pacientes verificábamos con testimonios de las víctimas, con los testimonios de los empresarios que fueron muy pocos, pero algunos. Eso es un cambio, por ejemplo importante, hubo empresarios del banano que le dijeron sí a la comisión, es decir, si vamos a ser muy difícil, casi ningún empresario en Colombia quiso hablar con la comisión de la verdad, porque los empresarios tienen responsabilidades grandes en el conflicto armado, pero dos o 3 empresas del banano dijeron; “Si, vamos a hablar con la comisión de la verdad y vamos a contar la verdad.”, eso es un cambio, o sea, antes esto hace 15 o 20 años no podía ósea ningún bananero, lo hubiera hecho y es porque hay un estado que de pronto es garantista en este momento y que iba a garantizar que fuera equitativo ecuánime y que la comisión de la verdad iba a ser esa triangulación. Entonces, este informe que te voy a mandar fue un informe que triangulamos y en el casi 90% de las cosas que dicen estaban en lo cierto, entonces te lo voy a mandar, por qué tiene que ver mucho con lo que tú investigas.

- Gracias, muchas gracias. ¿Y quizás conoces a alguien que es un sindicato?

No como sindicalista no porque realmente las personas que yo entrevisté primero eran personas que ya estaban por fuera del sindicato y los teléfonos, los contactos con esas personas son confidenciales y yo tengo cláusula de confidencialidad por 15 años. Si después parte de estas cosas que yo te contesto porque salen en el informe cierto, son cosas de más o menos como conocimiento público. Pero estos datos sobre personas en específico, eh, no te los puedo dar, pero sí consiste el nombre de una persona que se llama Guillermo. Guillermo Rivera, que es el presidente de Saintraigo, si quieres pues intenta buscarlo a ver en internet aparece su correo o su teléfono. Esa persona te podría hablar mucho porque es el presidente del sindicato, pero la verdad yo no tengo el contacto. Y, pues hoy si lo tuviera no te lo podría dar si. Temas de confidencialidad, sí.

- ¿Y conoces a alguien que trabaja en en las las plantaciones en un en tú?

Sí lo mismo, pero son personas que trabajamos en la comisión de la verdad y que son víctimas del conflicto armado y no te puedo dar esa información, es decir para mí es muy difícil hacer que estos contactos me encantaría porque sé que tu trabajo, eh, está siendo como bastante importante, pero me metería en problemas legales, me metí con problemas legales y si es, por ejemplo, esto es porque yo digamos que en este momento estoy fuera de la comisión de la verdad y porque yo no tengo un vínculo directo, o sea, yo no tengo conflicto de intereses yo. Sí, mira mi trabajo con los sindicatos. Ajá, entonces yo puedo hablar de esto tranquilamente, pero si yo trabajara con las bananeras, no podría.

Interview with Daniel Bedoya who has worked for the truth commission in Colombia (IH1)

Translated with deepl <https://www.deepl.com/translator>

- Can you start by introducing yourself?

My name is Daniel Bedoya, I am a historian from the National University of Colombia, I have a master's degree in history and I have researched the relationship between history and Afro-descendant populations, and lately I have worked on the issue of the armed conflict, the issue of drug policy as well. I specifically worked on the truth commission in the Urabá area, which is one of the most important banana-growing areas in Colombia. I think it is currently the most important banana zone because there are two zones, the Urabá banana zone and the Magdalena banana zone. I was working on the relationship between the armed conflict and the whole issue, let's say Urabá, as a strategic zone and I participated in the construction of a territorial report that the truth commission produced, which is the report on the northwestern region, which is the area in which Urabá is located, which is the northwestern part of Antioquia, the south of Córdoba and the north of the department of Chocó.

- Perhaps you can begin to explain a little bit the situation, a little bit the whole context with the banana workers in Urabá?

I understand you, Urabá, specifically what we call the banana axis has 3 zones, a zone that is very cattle-raising to the north, right, and the banana zone which is in the middle, right there is the north which is more cattle-raising, the south which is a little more demographically speaking of indigenous communities, a little more jungle-like. While the center of Urabá is the banana zone, the banana zone is composed of the municipalities of Apartadó, Turbo, Chigorodó and Carepa, I know where the airport is, where the administrative center of Urabá is located, we must understand that Urabá is a sub-region of the department of Antioquia. Urabá was an area of colonization, an area that began to be populated with workers who began to arrive when the banana economy, that was more or less in the 1970s, the banana industry moved from Magdalena, what I was talking about, That banana zone began to enter a bit of a crisis and moved to this area of Urabá, which is very important strategically because it is right at the exit to the sea, this is very close to Panama, there is the port of Turbo, which is very important because it is the connection, let's say, the closest port of Urabá and all the bananas leave through that port. There is something important is that Urabá is an area rich in water, there is a lot of water, not only in the sea, but there are many rivers that are very important for the cultivation of bananas. The banana requires a lot of water, that is why it is so juicy and so delicious. I don't know if you have seen a banana plant, it is a plant that contains a lot of water. So the banana zone is a very strategic zone and it is a zone of colonization, that is to say, people from the north of Chocó, which is a very important zone, a zone with many afro-descendants, black people and these black people when the banana industry starts to be established, start to migrate to Urabá and also white settlers from the department of Antioquia start to arrive. They arrive in this area. People also arrive from the south of Córdoba, which is an area where, let's say, there is a meeting of several cultures and several ways of understanding life, and it is also very important to understand, I forgot, that it is an area where indigenous populations were traditionally located. So here, indigenous people, black people, whites, colonizers and mestizos coming from the south of Córdoba converge. This began to generate many tensions among the people because the banana industry is an industry that arrives with great force to employ many people, but also with deplorable working conditions, that is to say, almost slave-like working conditions, all at that time in the sixties and seventies, and that is why very strong social struggles also began there. The unions were very important, in Urabá the banana unions suffered many victimizations by the State, but also by illegal armed groups and it was an area where a guerrilla group called the EPL Popular Liberation Army had a lot of influence. It is true then, being a strategic zone, it is a zone that began to be very coveted, not only by the Colombian elites and by the elites, that is, by the economically active people in Colombia, but also by the armed groups, especially in the 80s and 90s, even Urabá was one of the zones where there were more massacres in the 1990s until 2002, more or less around 100 massacres were counted. That is almost 10 massacres per year. Obviously there were peaks, but there was a lot of paramilitarism there, which is these illegal armed groups of the right that confronted the illegal armed groups of the

left. So there was a very strong struggle where the main victims were the black populations, the indigenous populations and the workers of the banana industry.

Another important thing as I say is that it is a route not only for bananas but also for drugs, a lot of cocaine came out of there in the 70's/80's and some marijuana also came out of there, but especially in the 90's and 2000's, and currently a lot of cocaine comes out of there and a lot of weapons came in and probably still do, but especially in the 90's and 2000's a lot of weapons came in. There are even indications, and the truth commission found it, that in banana boats they brought in weapons and in banana boats drugs came out for the extension of the banana companies were involved in the business, in drug trafficking and also were involved in violence. Many, especially Chiquita brands. It is already known that Chiquita brands financed part of the armed groups of right-wing paramilitaries to take care of the banana crops, but not only to the illegal right-wing groups to the paramilitaries, but there are also indications that at some point they also paid them species of "vaccines", as we call them here, So to tell you that in the 90's Urabá was a red zone, a zone of very strong violence and the main people affected were the banana workers, especially those who were unionized, that is, who were part of the banana industry unions. That is the political and social context and as I said, it is very important to understand that it is an area with many rivers, with an outlet to the sea.

And also, I forgot to say that in the 60's it was a place of a lot of smuggling, a lot of contraband entered Colombia through there, those same smuggling routes were the routes of entry and exit of drugs and entry of weapons. The commission also found that there were clandestine airports that were later used by the same drug traffickers to smuggle drugs out of the country.

One last thing, the rate of forced displacement in Urabá is one of the highest in Colombia. Why? Because the banana companies occupy a lot of land. So, there are some banana unions that have been involved in situations of violence where they have dispossessed and displaced the civilian population from their lands in order to install banana plantations, so there are also many forms of violence, but one of the most structural forms of violence is forced displacement and land dispossession. And, currently there is a, let's say, very strong dispute over restitution. That is to say, there are laws in Colombia that say that the victims must be given their lands, that their territories must be restituted, but at the moment these are territories where there are banana plantations, where the banana companies have their plantations and then there are struggles, also between people who want to return to their territories, but where at the moment there are bananas and banana plantations as far as the eye can see. If one day you come to Colombia and go to the Carepa airport you will see that as far as you can see there are banana plantations and banana crops, so that is the social and political context. I don't know if you want to go deeper into a specific issue, tell me about it, but it is a bit like the general context.

- Good, thank you. Uh yes, I have a question; Chiquita does not want to give the land to the victims?

I don't know if Chiquita is involved in issues of dispossession and displacement. I am not very clear about that because what we know what Chiquita has done is to finance paramilitary groups, it is like its major responsibility, let's say, in the armed conflict. I don't know if Chiquita has as complaints for land dispossession, forced displacement and land dispossession. Those who do have, is a company called "bananeras de Urabá" that bananeras de Urabá serves, let's say, as a place for chiquita, but let's say that chiquita has washed its hands a little bit saying that we did not dispossess or displace. They did it, they were the same Colombian flags. It is with them that, although they have to be seen, but what is clear is that Chiquita did finance paramilitary groups and financed some groups called the convivir and those groups did displace and dispossessed people in the territory. So, although they may not have a direct responsibility, let's say, in the fact that Chiquita has displaced and dispossessed people, they did finance and support illegal armed groups that displaced and dispossessed people from their lands. So, in the end they do have a responsibility, what happens is that this responsibility is not in legal terms. How is it distributed? But the Urabá banana company, and the truth commission report says so, does have responsibilities in dispossession and forced thickening. Yes, little one, I don't know. Yes, but the company works with Chiquita, yes, because let's say that Chiquita is a big multinational, as you know, but Chiquitas does not operate alone, that is, Chiquita needs enclaves and those enclaves, let's say, are these big plantations, most of them belong to Colombian elites. Finally, yes, I would believe that if they have a responsibility, yes, but the strongest responsibility is that they financed paramilitary groups and they deny it. That is not something that Chiquita is not going to be able to deny either, because let's say that I don't know what happened in the sixties and seventies when these enclaves were installed, if there was, well, forced displacement by these companies. But as I say, the national companies do have a direct responsibility.

- Can you tell me a little more about the unions?

The banana unions in Urabá began to form more or less in the 1960s, 70s, that is to say, with the arrival of the banana industry in Urabá, immediately the unions began to form, but with a particularity. And that is that these unions were clandestine, they were unions that could not go public. Because let's say that it was not legal to a certain extent, the banana unions made sure that the unions were not legal so the unions had to operate clandestinely, that is to say to operate under the radar. And there is one thing that is very important to say, is that quickly in the 80's, the guerrilla groups, the EP, the FARC began to instrumentalize the unions, that is, they began to put people from their guerrilla groups, that is, militants of the Communist Party, militants of the Colombian Maoist Leninist party. That was the Maoist Leninist party was the party that was aligned with the EPL (the People's Liberation Army). And

the Colombian Communist Party was the party that was aligned with the FARC (the Revolutionary Armed Forces of Colombia). These parties had militants both in the guerrilla groups and they began to infiltrate the unions a little bit. With this I want to tell you that it is very important to be very careful with this and not to say that the union was the same as the guerrilla group. They are not the same, what the guerrilla groups did was to try to co-opt these unions in order to have a margin of action in the banana plantations, what the revolutionary groups wanted, as you know, was to take power and to take power, they needed a social base and that social base in Urabá was the banana workers. But unions are born autonomously if they are born aligned with the party. That is to say, a union called Cinta Inaugural is allied with the Maoist Leninist Communist Party and 5 other unions are aligned with the Colombian Communist Party, but the parties are legal. The parties are legal. What is going on? These parties have links with the guerrillas. So, many trade unions were stigmatized and were accused of being part of the guerrilla groups. Many trade unionists who had nothing to do with the guerrillas, who had nothing to do with the armed conflict, were stigmatized, and there began, especially in the eighties, a very strong war, even among the leftist groups themselves. That is, in Urabá, this is a political hotbed, but also armed, and even the EPL (the People's Liberation Army) and the FARC (the Revolutionary Armed Forces of Colombia) had clashes between them in an attempt to co-opt all the unions. Then there was a great division in the unions in the 80's they started to be more visible, and they started to make demands. This is very important, because the petition lists are when the unions begin to ask for better working conditions. Of course, this is very much influenced by communist thinking and the thinking of the left-wing parties; better working conditions for the workers in the companies must be demanded. What happened is that of course the state was not listening to the banana unions, much less the employers, they were not paying attention to them. So what the unions did was to ally with the armed forces and make strikes and strikes, including strikes in which many times the FARC and EPL supported them in an armed manner. But it is because there came a time when it did not listen to them. It did not listen to the requests to reduce working hours. The fact is that people worked 16/18 hours a day, which is impressive. In other words, there was no way it could be sustained, at least in terms of welfare, let's say, for the workers, so a whole struggle began. Finally, by the 1990s, the unions began to be heard. They began to generate alliances and began to have contacts with the banana businessmen and to reach certain agreements. But just at that moment paramilitarism entered, more or less in 94/95. And what sometimes ended up with all these agreements, because many banana growers started to say, is that these people were asking for more than what could be given to them, which was education, health conditions in the banana plantations and housing, because in the 70's and 80's people literally lived in houses, well, in other words, as in ranches in places where there was no aqueduct, people had to take the land in order to have a place to live, because finally, if you work 16 hours a day, you need to live near the banana plantation, because if not, then how do you get to work? The unions began to ask, for example, for transportation. As it is pick them up at 6:00 in the morning, at 6:00 in the morning very late pick them up at 4:00 in the morning in such and such part and take us to the plantation and when the workday is

over at 8:00 or 21:00 at night take us back to a central place where we can get to our homes. For example, this was very tense, very hard in the 90's, because many of these buses were attacked by the paramilitaries, they took people off the buses and said, you guerrillas and killed them, in front of the other people. Then, a series of very tense conflicts began, very dense between the banana companies, between the unions and between the workers, and also with many Communist Party militants who were armed inside the banana plantations, so it was easy to find people, those who were called the foremen, that is, those who, let's say, managed a part of the plantation, armed, because finally it was a very insecure place. I feel, and this is a personal position, that in the end what paramilitarism ends up doing in Urabá is to pacify the region and make the banana plantations, let's say, stabilize, but at the cost that the unions became unions, uh, aligned with the owners of the banana plantations, they have done little to defend, let's say, the rights of the workers, that is, there is a change, a shift in the conception of the unions. The first unions were to defend the rights of the workers, to mediate with the owners of the banana companies and now what the unions do is almost to tell the people not to protest, no, you can not, in other words, they have taken on more of a role. So, more on the side of the owners of the companies. So much so that, yes, the unions have ceased to have that conception of defending the rights of the workers to defend the interests of the banana plantation owners. It is a bit like history, but the unions were very important and thanks to the unions in Urabá, the 8-hour workday was established, as well as certain health conditions in the banana factories, with different working conditions for women and men. Up to a certain point, let's say in the 90's and 2000's, the unions achieved many things in Urabá, what happened is that they ended up being co-opted by the owners of the companies themselves. If you want, I can even send you an email right now, there is a very good report on what is called the dark shadow of the banana and it is the whole relationship between armed conflict and banana companies and there is the whole history of the unions. I think the book can be very useful for you, I will look for it here, I will send it to you right now.

- My question is; the banana is the most consumed fruit in the world and yet its production is the one that most violates human rights what do you have to say about this statement?

I didn't know it was the most consumed fruit worldwide. No, I did not have that information. I think that the banana industry, this industry is already monopolized, because the problem is not the banana, that is, the banana, that is, the first fruit, the problem is what has happened and the unions, because initially, even in the fifties/sixties before these large multinationals came in, bananas were part of the industry that saved the national economy. But I think you know a little about what happened in Guatemala and Nicaragua. The problem was, for example, the United Fruit Company, which in that macabre history since 1928, where in the Magdalena banana zone they assassinated around 100 workers, others say there were 100, others say there were 200, but there are people who say that there were up to 1000 workers assassinated in a strike, because of the precarious working conditions because

imagine working in a tropical zone, that is to say, the heat, the lack of water, that is to say, because the banana almost sucks up all the water, so the conditions of the plantations are sometimes very precarious, the heat is quite strong at noon, there is a terrible heat and you working 18 hours, 16 hours. And another very important thing. For you to keep in mind in your research. Well, finally, the people who were working or who work in the banana industry are black people, people of African descent, that is to say, the colonial issue of slavery is perpetuated. I can almost say that until 1970/80 the working conditions in the banana factories were almost like slavery. That is to say, people were paid a very low salary. A job that involves cutting, separating, cleaning a whole process so that the banana reaches the people, let's say, fresh, nice. They even say that in Colombia we eat the banana, no more. The banana that comes out perfect is the one that is exported. So, I do believe that, since that time in the first decades of the 20th century, the banana companies used two things, violence and exoticism. I don't know if you have seen these advertisements for the United Fruit Company banana, where there is a super stunning woman, a voluptuous woman with some bananas and some dances. And that also ends up generating violence because it ends up exorcising some people and turning them almost into a product, that is to say, the product is not only the banana, but the people who produce it. Right, so there is a relationship there, let's say, between the coloniality of banana production and violence, right, so violence is the way, let's say, imagine if, that is, people still using whips, that is, in 1920 there were still people who punished other workers in the banana companies, it is inhuman, that is, even in 1920, when human rights had already been declared. Well, this is unheard of. And, above all, such a productive industry, which generates a lot of money and I do believe that at least in the 80's, 90's and 2000's, there were more human rights violations in the banana plantations, not only by the plantation owners, but also because of the macabre alliances they made with the armed groups, especially with paramilitarism. Because what paramilitarism did was from a conception, let's say, of war, a dirty war, an indiscriminate war, that is to say, it is not a war against the armed groups of the left, that is to say, we are going to attack directly the FARC guerrillas, the EPL. No, they had a conception of taking the water from the fish and we are going to attack their social bases, we are going to attack the people who work in the banana plantations and what the paramilitaries even did was to kill people from the banana plantations, that is, let us say, they made a kind of social cleansing, they took out the people who were trade unionists who were of the left and the paramilitaries themselves began to bring people from people from other regions of the country who are similar to their ideals to work in the banana plantations, then to raze the territory, to clean it of people who, let's say, they don't like, who are not of their political ideology, and to repopulate it is very violent. To repopulate an area that historically belonged to Afro people, indigenous people, poor white people, let's say, mestizo people, to come to populate with other people from other areas, especially from the south of Córdoba, is without blaming the people. The people finally also needed to work, but it is a macabre strategy, because what they do is to bring people and almost also to repopulate the territory. In its own way, the worst thing that could have happened to Urabá was paramilitarism. And that paramilitarism linked to the state, the army is not spared. They had direct alliances with the

paramilitaries in Brigade 17, which is in Urabá, which is in the central zone of Urabá, alliances were forged between the right-wing paramilitary groups and the businessmen. And the police and the army. It is all against all. But then a macabre alliance is formed and there are hidden things that have begun to be discovered now that we are beginning to understand that all the people of Urabá, the left, were guerrillas and that they had to be eliminated. I believe that racism and classism play a lot in this area, that is, there are destructive power structures and oppression matrices that are interconnected to make the area very violent, that Urabá was declared a red zone of the armed conflict in 1990, true, peace agreements were attempted and were not achieved. And also, as I said, it is not only because of the bananas, but also because it is a strategic zone. So, finally, there are many forms of violence, sexual violence, for example, one of the regions where there was more sexual violence in 1 hour, that is to say, there is a conception that the banana workers are as if they had power over their bodies, as if I can do with those bodies and with those people whatever I want, to work excessive hours, not paying them fair wages, raping their women and putting 12/13 year old children to work. These are areas where the workers are almost all Afro or indigenous people. They have this vision that they are inferior people. I don't know if I'm making myself understood, I think that is why there is violence. If this were, let's say, I don't know, the last grapes or something like that where white people work, whatever, maybe there would be a little more respect for human rights, but it is not like they are almost worthless people, right, like people who are made for that, made for work. So, I think that this issue, let's say of human rights violations, has to do with a colonialist conception, racist anger towards people and populations, besides the fact that they are people who are far away from the centers of power, for example, it is about 10 hours by car from the center, let's say from the most important urban area in Medellín, which is like the capital of Antioquia. Not only do they not respect human rights, but they do not respect the rights of nature, that is to say, the rivers of Urabá have been drying up precisely because of that, because of the industry that does not measure and is almost a monopoly of a few companies. Finally, I wanted to tell you that there is something that has happened recently. And that is the spraying. For spraying there is a banana fungus, which is very strong, which is the phosarium. And this fungus has killed the banana plants. What they do is that they hire small planes. These airplanes pass when the banana crops. But until more or less 2009 2010, that is very recent. People were complaining to the banana workers that they were not warned that there were going to be airplanes. You are working and they don't give you a helmet, they don't give you a jacket, they don't give you anything, they don't give you the necessary equipment to be there and then at any time a plane comes by. It has resulted in skin problems, people with genetic malformations, that is, the children of the banana workers are born with genetic malformations. So a process of denunciation has begun in the plantations, so that people are warned so that they do not enter the covered areas and are not affected by this. Besides, the banana zone is very close to the areas, let's say, of Urabá, that is, you are in a remote area and it is not 5 or 10 minutes away, so there are even reports that these spraying of insecticides and fungicides were reaching the schools, that is, there were children sick and ill because the fumigations were reaching their schools, their homes.

- Do you think that an increase in the selling price of bananas would have a positive impact on the working conditions of banana plantation workers? Why?

This is a very economist question. I would think not. I would think that ultimately it is a question of human rights, it is a question of money. I don't know if making it more expensive, what it would end up doing is affecting the workers. I believe that more than lowering the price or increasing the price, I do believe that there should be a kind of state control of the hectares cultivated with bananas. True, as I said, the more extensive a business is, the more violent it is. But I would think that what there should be is more policies, more assets and the way in which human rights are managed in the crops. That is to say, I do not believe that market regulation is, let's say, the only alternative to regulate violence. I believe that for there to be a truly sustainable banana industry, an environmentally friendly banana industry, a banana industry that respects human rights. I believe that price regulation, I do not know whether to increase or lower it, but if there were price regulation and if there were regulation of the banana companies and if the product were national and the national industries came out, I believe that this could help to reduce human rights violations. But I come back and tell you, I do not think it is only a question of finances, it is a question of humanity. Selling avocados at a higher price is going to make, let us say, the forests in Mexico recover, but I do believe that an intervention by the State and not an intervention in the sense that they are the regulators, they do make some agreements, for example, between the State and the banana companies, but I feel that at this moment there is a kind of monopoly in which the banana companies do not have any barriers. You wouldn't know because I don't understand much about economic issues in that sense, like supply and demand, but it doesn't sound to me that increasing the price of bananas could generate that. I do not know, it is like what happens with cocaine, that is to say, I do not know how increasing the price of cocaine in Europe has not guaranteed that it is for the people in the coca crops, it has even been worse because finally in these economies of this type that are economies of monopoly and economies, let's say, transnational. If you tighten one link, the other is also affected, that is to say, this is a direct relation, so if you make the price of cocaine more expensive in Europe, what will end up happening is that in Colombia it will not be sold, then the person, the people will not have the means to buy the inputs and will not have the means to survive in the end. So I believe that what we have to do is to have national and international regulations and that the banana companies comply with human rights and regardless of the banana, whether it is worth 1000 or 2000 pesos or 5000 pesos, that is, regardless of the value of the banana, human rights must be respected, I believe that this is a premise, a fundamental one.

- What does the law in Colombia say about human rights?

There are supposed to be laws that regulate labor in general, right, I do not know the specific laws on human rights. We have a labor code, there is a labor code that says that there are certain working hours and that, for example, if you work in high-risk industries the company has to cover, let's say, those risks. As I say, only up to 10/15 years ago people in banana companies were given glasses because I don't know when you cut the banana tree, that brings out a stain, that is, people have to work with glasses, with helmets, with gloves, with tools, let's say, eh, the tools, the company's tools, no, what people follow with their own machete. Not to cut the banana, in other words, the one who has to give the machete and keep the blades and all that has to be the company, it does not have to go to work with its own package with its own knife. That is to say, the companies have to provide this to the workers, guarantee them Social Security, guarantee them compensation funds, guarantee them ARL, a lot of things. What happens is that in Colombia they pass the law wherever they want, that is, here many times the companies do not comply, because many times the owners of these companies are the same political elite, so they rig the laws to their will, but what I understand is that there is a substantial labor code and that the unions have been fighting for decades to enforce it, what happens is that what I am telling you is that finally people like to have money. Well, finally, in such a precarious country, they want, let's say, to improve their conditions. Very greedy among people and this has happened with all the unions. What is the majority of the unions in which the oil unions, the Antioquia union, the banana union, have ended up selling themselves to the highest bidder, that is to say, to the owner of the company, then, of course, if the unions are the ones called to defend the laws and the rights of the workers, but those unions are allied with the companies that want to make profit and win and win and win and win, then obviously the laws will not be complied with, but there are laws, I do not know them very well. But the laws say that labor must be guaranteed, not only human rights, which is something that as a universe in which you work in a company, human rights must be guaranteed now much more than labor rights. So in this text that I am going to send you, they talk a little bit about that, which are the labor rights, for example, that the unions achieved. But also, for example, the whole issue of paramilitarism is that paramilitarism is illegal, it is to arm a state by giving weapons to the ranchers, to the civilians, but with money, that is, to the civilian third parties, as I called them. Well, so that they can arm themselves and defend their farms with weapons, when there are laws that govern this, then I believe that in Colombia we have many laws, in Colombia we have many laws that guarantee rights, but they are not complied with, they are not complied with because here the law of the strongest has been the law of the strongest.

- And now what about paramilitarism?

The Colombian State is supposed to have made a peace agreement with the paramilitaries, that was in 2005, but finally a peace agreement was made with a group called the United Self-Defense Forces of Colombia, but now that has mutated and now there is a group called the Capitalist Self-Defense Forces of Colombia, which is practically the same, right, only that it was the people who did not demobilize

and ended up. What happens now is that now I, if it does not make much of those links between the self-defense groups that there are tenists of Colombia and the banana companies. The Gaitanista self-defense groups are more focused on illegal mining, drug trafficking and extortion and other businesses. I don't know if the banana companies at the moment have any alliances with the saga and surely there will be one or another that has alliances. But it seems that this is no longer so widespread, but we would have to do a deeper investigation. I don't know what we will find in 10 or 15 years, maybe, but it was very evident in the 1990s and 2000s that the paramilitary groups were allied with the banana companies. The phenomenon of mutated paramilitarism has not ended. What happens is that for many people we wonder how a peace agreement was supposed to be made. The paramilitaries were supposed to demobilize, but it turns out that they didn't. It turns out that many of those people came back. It turns out that many of those people went back in. They went back to arms and continued, let's say, in their business, in the business of coca cultivation, in the business of illegal mining. As I said, in the business of arms and drug trafficking, paramilitarism continued, what happens is that now, let's say, it is not so evident. It is more difficult for the state to legitimize because in the 90s and 2000s it was legitimized, that is to say, the state legitimized paramilitary violence, but now the state does not legitimize paramilitary violence, nor guerrilla violence, nor any other type, because we are supposed to have made peace agreements that should serve for that, but in the end they do not. Well, these peace agreements are fulfilled in a very differentiated way.

- What are your suggestions or recommendations for banana companies to respect the human rights of workers along the supply chain?

First of all, Juliette, I believe that unions have to be absolutely independent of economic power and, that is, the union has to function as an autonomous association, that is, with its own resources, with ideological autonomy. And with this I am not saying that because you can also say that the unions should be of the left, neither left nor right, that is, the unions have to be associations and groups of people that watch over the rights of the workers, neither left nor right is a fundamental thing and it is something that has to do with universal human rights, not with labor rights, which the National and International Labor Organization also praised. For me the main thing is that the unions are not aligned with the power, let us say, of the companies, because then nothing happens, that is, if the union is allied with the owner of the company, the owner of the company will always want there to be more economic benefits for the company and for him than for the workers. I believe that in reality this sounds very socialist. In reality, we have to redistribute, we have to balance, that is to say, the companies now are thanks to the workers. Not thanks to God because they are the land of the workers, they are the hands of the workers, the sweat of the workers is the people who are working in the companies and their only guarantee is the union, then, for example, there are many companies that have begun to eliminate the unions, that seems to me disastrous, it seems to me that the first thing is that the union has to be

independent, financial and ideological, political, cultural, everything from the power, let's say, from the business power.

The second thing is that I believe that we have to have a more responsible entrepreneurship with natural resources, with human resources and with the distribution, let us say, of profits. I believe that a very important strategy is to make the businessmen aware that nobody owes them anything, because the businessmen must understand that their profits are important, of course, because if there are no profits, then they are not there, otherwise there is no dam, but their profits are thanks to the hard work of people who need working conditions, who need to rest, who need compensation funds, who need recreation, who need guarantees for their children. In Urabá it started to happen, but very little. For example, Bananeras de Urabá has a foundation and the foundation has a university and the university trains the banana workers, for example, it is very important that I put it as a third point and that is to train both the workers and the administrators, because let's say that I am the owner of a banana plantation, But if I cannot sit at home, looking at the financial statements and see how they are going up and down, but it is the farm managers and workers who should also be aware of how the banana economy works, how the whole production and distribution chain works, let's say. In other words, training in human rights and labor rights, as well as in the specifics of the banana industry. This would generate, let us say, an incentive and benefits for the workers as well. Why? Well, for the company, I mean, because in the end he is a worker, he knows his job well, he knows where he is going, where it is being distributed, where more bananas are consumed. I think that also gives him a kind of sense of belonging to the company. No, so I think that this is important, it is true as those 3 levels I just mentioned, that is, independent unions, businessmen who have a human and sustainable management of its businesses and to the constant training of both managers and workers. So, both in human rights and labor rights, as well as in what is completely, let's say particularly specific to banana growing, because if I get very Marxist, if a worker does not know what he is doing, does not know the product he is generating, this generates alienation and when there is alienation, the person does not work to the fullest, as in all its expression of work and work is not only being 8 hours in a company. The case is also that the person feels at ease, that he knows that he will have a pension when he retires, that his family will have some housing guarantees. This is very important in areas like Medellín, where there are very precarious conditions of stock. I am convinced of that, so I think that these would be the recommendations that companies should also recognize that they are thanks to the work of the workers and not thanks to the dividends that are being generated in the stock market.

- Do you think efforts have been made in recent years to strengthen respect for human rights in the banana industry?

Well, the truth is Juliette, I don't know, I think that the change of government that united this country last year has generated some questions about what is happening in the banana industry, and I am going to tell you something, and that is that this president, who has been considered a leftist president, but has been considered a communist who is going to end the market. I feel that there have been some changes. For example, there is Uniban, which is a University of a company called Uniban. So they created a University, there is a foundation that they created called the Rosalba Zapata Foundation. Well, I have my contradictions with that foundation, but nevertheless I think it is an important effort because it is like the banana companies realized that if there is no sustainability, no human work with people, people are not going to work and that is going to affect the business. I do believe that there have been some transformations and above all, that there have been many efforts to tell the truth, that is why this peace agreement with the FARC was so important because finally these agreements have allowed the businessmen to say: "Yes, obviously we were wrong when we financed the illegal armed groups". That is to say, there was a banana businessman whose name was, I don't remember now, but he publicly apologized for having financed paramilitary groups. That is a big step, it is a big step that the companies are beginning to recognize that at some point they made a mistake, that is, they consciously did it, but that it did not get out of hand. And they have been trying to make up for that with foundations. I also know that in Urabá, let's say, they have financed the construction of social housing. So yes, I cannot speak for the entire banana industry and I cannot speak for all the companies and I do not know about the multinational companies, but I do know that the national banana companies have begun to make efforts to include some benefits and some guarantees of rights and more humane things for their workers. For example, housing is very important. Since they are not the ideal housing, they are not the nicest housing, but at least they are housing where good people can, let's say, have some housing subsidies. Yes, they have been happening. I am not very well informed, but I do know that things have been changing, but there is also what I am telling you about the spraying, for example, so on the one hand there are some benefits, there are some concerns for the workers, but on the other hand there is spraying and it is generating problems, let's say public health problems, so like that, like that there is no balance, that is, like there are good things, but they are going to see very terrible things. But currently I do not know how the situation is, I think that a person who is in the union or something like that could give you better information, like about that, because the truth is that from my work as a historian and as a researcher, more or less I arrived until 2010, 2014, but from then on I do not know, I do believe that these peace agreements have moved the situation of the country a little and it is possible that businessmen are wondering a little about these actions and how to improve a little. It is also one last thing, as all these complaints and all these legal responsibilities that have begun to come out to the banana growers and banana companies have generated Fairtrade certifications that give the companies, as this is bananas that have been produced, that respect human rights and some banana companies have denied them the filter, that is to say that they have not given them the certificate. I think that happened with banana companies in Urabá about 10 years ago, so they have had to change their conception

because at the international level there are already policies that are saying that if your banana is not produced with human rights and well produced and with labor guarantees, it is not a banana that we are going to certify. You can sell it in Colombia or I do not know where, but let us say that they are not going to accept it in the companies or in the chains, in the United States or in Europe, so I think that this is very important, for example, since the logical thing is that these Fairtrade things continue to work, that is, that these conglomerates have these certificates to investigate the banana companies in depth and comply with the certificate. I think that this is very important and I think that this was beginning to happen as well as a change in addition to a change of government and some changes, let's say, in national policies. I think it is also very important to see how it has moved at the international level, those changes also in hey, we are only going to sell bananas that come certified and that is very important because in the end that makes the companies continue well, then we have to put in these Human Resources, we have to put in these labor rights so that they can receive our bread in Europe, because if not I am going to keep the bananas here. So I think this is very important.

- So that was my last question, but I don't know if you want to add anything or say anything else?

I do not think that with the report that I am going to send you, I highly recommend that you take a look at that report and I am going to make a clarification about that report. This report is produced by foundations, victims' associations, that is, people who were affected by the armed conflict. This report is a report that for me has a lot of truth, but I cannot tell you that everything the report says is true. It is what the truth commission did to take this report and make what we call the triangulation of patient angles we verified with the testimonies of the victims, with the testimonies of the businessmen who were very few, but some. That is an important change, for example, there were banana businessmen who said yes to the commission, that is, if we are going to be very difficult, almost no businessman in Colombia wanted to talk to the truth commission, because businessmen have great responsibilities in the armed conflict, but two or 3 banana companies said; "Yes, we are going to talk to the truth commission and we are going to tell the truth. That is a change, that is to say, 15 or 20 years ago no banana farmer could have done it, and that is because there is a state that suddenly is a guarantor at this moment and that was going to guarantee that it would be equitable and fair and that the truth commission was going to be that triangulation. So, this report that I am going to send you was a report that we triangulated and almost 90% of the things they said were right, so I am going to send it to you, because it has a lot to do with what you are investigating.

- Thank you, thank you very much, and maybe you know someone who is a union leader?

No, not as a union member because the people I interviewed first were people who were already outside the union and the telephone numbers, the contacts with those people are confidential and I have a

confidentiality clause for 15 years. If afterwards some of these things that I answer because they appear in the report are true, they are things that are more or less public knowledge. But these data on specific persons, uh, I cannot give them to you, but it does consist of the name of a person called Guillermo. Guillermo Rivera, who is the president of Saintraigo, if you want, try to look for his e-mail or telephone number on the Internet. That person could talk to you a lot because he is the president of the union, but the truth is that I do not have the contact. And, well, today if I had it, I could not give it to you. Confidentiality issues, yes.

- And do you know anyone who works in the plantations?

Yes the same, but they are people who work in the truth commission and who are victims of the armed conflict and I can not give you that information, I mean for me it is very difficult to make these contacts I would love to because I know that your work, uh, is being quite important, but I would get into legal problems, I got into legal problems and if it is, for example, this is because let's say that at this moment I am outside the truth commission and because I don't have a direct link, I mean, I don't have a conflict of interest. Yes, look at my work with the unions. Aha, then I can talk about this calmly, but if I worked with the banana companies, I could not.

Entrevista com Leandro Maia Machado, Engenheiro Agrônomo (ISI1)

Informações demográficas dos entrevistados

- gênero : Masculino
- idade : 50 anos
- cargo : Engenheiro Agrônomo – Fiscal Estadual Agropecuário
- e experiência de trabalho no setor de bananas.

Sou coordenador Estadual de Educação Sanitária Vegetal da Superintendência Estadual de Defesa Agropecuária do Estado do Rio de Janeiro. Venho trabalhando numa região do sul do Estado do do Rio de Janeiro desde 2015, sendo que desde 2018 atendo algumas regiões do Estado com problemas fitossanitários relativos à presença da Doença Sigatoka Negra (*Pseudocercospora fijiensis*). Dessa forma, essa designação me permitiu evoluir nos estudos, fiz mestrado em agricultura orgânica, trabalhando com métodos orgânicos de controle da doença e principalmente, conhecer os principais polos de produção da banana no Estado.

Introdução às perguntas sobre direitos humanos:

- que a organização para a qual você trabalha faz pelo respeito aos direitos humanos no setor de bananas?

Somos um serviço público destinado a garantir, através de ações de controle, fiscalização e promoção da educação sanitária a garantia da qualidade sanitária dos cultivos e produtos oferecidos aos nossos consumidores. Atuamos em toda a cadeia produtiva, porém, não temos a competência legal de atuar sobre as relações de trabalho. Contudo temos o papel de que, como agentes públicos, zelar pelas leis, e não havendo atribuição legal, quando observado qualquer abuso, informar aos devidos agentes competentes.

- As bananas são a fruta mais consumida no mundo, mas sua produção é a que mais causa violações dos direitos humanos. O que você tem a dizer sobre essa afirmação?

Uma observação interessante que posso fazer da produção de banana no Estado de Rio de Janeiro é que, por ser um Estado que é muito denso demograficamente, e por apresentar uma pequena extensão territorial, aliado à uma economia muito forte no setor de serviços e indústria gerou um baixo investimento no setor agropecuário. No Estado do Rio de Janeiro dessa forma prevalece as pequenas unidades de produção familiar, onde as relações de trabalho estão atreladas à força familiar para condução das atividades. De outra forma, uma questão muito importante é que o tipo de banana cultivada pelas pequenas unidades de produção familiar no RJ que são do tipo prata (cerca de 80%), fato esse que desvincula essa produção das grandes unidades de produção que possuem como interesse o mercado internacional que demanda apenas os frutos do tipo Cavendish, dessa forma as relações de trabalho e violação dos direitos humanos no estado frente aos grandes grupos são pouco presentes ou inexistentes.

Tipo de parceiros:

- Com que tipo de parceiros você trabalha? ONGs? Sindicatos? Empresas?

Como órgão do poder público de regulação, temos contato e parcerias com todos os segmentos da cadeia produtiva da banana. Temos trabalhos com o MST, na implantação de protocolos de manejo para as principais doenças da cultura, utilizando métodos de controle que não envolvam o uso de agrotóxicos. Temos trabalhos com associações de produtores, na divulgação de técnicas e inovações no manejo de doenças, principalmente as Quarentenárias ausentes, como o Mal do Panamá raça 04 tropical (*Fusarium oxisporium* cv cubenses tropical 4). Com as empresas temos trabalhos com as empresas de insumos, em especial aquelas que revendem agrotóxicos, fazendo o trabalho de fiscalização da emissão de receituários, do uso correto e do recolhimento de embalagens. Também temos alguns trabalhos junto das empresas de beneficiamento de banana.

- Como sua empresa escolhe os parceiros com quem trabalhar? Quais são os critérios levados em conta?

Os critérios são a representatividade (ou seja, qual a importância daquela empresa para o setor) e com relação às empresas fornecedoras de insumos (agrotóxicos) elas são obrigadas a fazerem o cadastro em

nosso sistema de controle para que possam comercializar os seus produtos, além da necessidade de registro destes produtos individualmente no nosso órgão. Com o registro, todas as vendas passam a ser monitoradas, bem como dos profissionais que fizeram a recomendação de aplicação do produtos também tem as recomendações técnicas arquivadas.

- Quais projetos (conduzidos por sua empresa) com parceiros foram eficazes e tiveram um impacto positivo no setor de bananas na América Latina?

Acredito que no momento as ações de educação sanitária, visando oferecer aos produtores de banana das unidades de produção familiar novas alternativas de cultivo, baseadas principalmente na redução do uso de agrotóxicos e no emprego de modernas técnicas de manejo tem contribuído muito para resgate da eficiência produtiva na cultura e sua expansão.

Além disso o controle sobre toda a cadeia de fornecimento de insumos, em especial dos agrotóxicos, tem permitido uma melhor compreensão dos pontos importantes, bem como do monitoramento de quais problemas sanitários estão ocorrendo e quais tem sido as soluções empregadas.

Atividades locais da empresa

- Quais atividades locais estão sendo implementadas para combater as violações dos direitos humanos na indústria da banana na América Latina?

Não possuo informações suficientes para responder a essa pergunta.

Pagamentos pela banana

- Você acha que um aumento no preço de venda das bananas teria um impacto positivo nas condições de trabalho dos trabalhadores nas plantações de banana?

Não necessariamente, no caso do Brasil, em especial do estado do Rio de Janeiro, os preços praticados são regulados em função de oferta e demanda regional, principalmente pelo fato que o mercado interno e regional (Rio de Janeiro é um dos 3 maiores centros consumidores de frutas do país) tem um diferencial na escolha por frutos do grupo prata ou similares (maçã e em algumas regiões os frutos de plátanos) dessa forma os preços praticados são muito em função dos momentos de safra e entre-safra, além dos problemas produtivos que afetam a cultura, com destaque para o avanço das sigatokas e o mal do panamá sobre as cultivares do grupo maçã(que é uma preferida dos consumidores).

Educação das crianças

- Quais são suas iniciativas/esforços para promover a educação das crianças na América Latina?

Estamos implantando um projeto, numa escola localizada numa comunidade de quilombolas (remanescente de povos africanos escravizados), que busca oferecer aos jovens e famílias da comunidade opções de manejo e convivência com as principais doenças que ocorrem na cultura da

banana, de forma que as famílias possam utilizar das técnicas de manejo sem que seja necessário o uso dos agrotóxicos.

Familiaridade e grau de implicação de políticas, estruturas (frameworks) e padrões relativos a direitos humanos: Com quais políticas, estruturas e padrões a seguir você está familiarizado?

U.N Guiding Principles for Business and Human Rights (Princípios Orientadores das Nações Unidas para Empresas e Direitos Humanos) [JF1]

OECD Guidelines (Diretrizes da OCDE)

UN Global Compact (Pacto Global da ONU)

ILO Declaration on Fundamental Principles and Rights at Work (Declaração da OIT sobre princípios e direitos fundamentais no trabalho)

Guidance on due diligence for EU businesses to address the risk of forced labour in their operations and supply chains (Orientação sobre a devida diligência para que as empresas da UE abordem o risco de trabalho forçado em suas operações e cadeias de suprimentos)

Directive on Corporate Sustainability Due Diligence (Diretriz sobre Due Diligence de Sustentabilidade Corporativa)

- Em sua opinião, quais são as melhores? Há alguma que não seja útil e por quê? Ou que você nunca ouviu falar?

Desculpe, mas nunca me atentei para ler ou estudar a íntegra de nenhuma dessas normas.

- Existem outras políticas, estruturas e normas úteis que eu não tenha mencionado e que visem a evitar ou reduzir as violações dos direitos humanos nas plantações de banana?

Não conheço.

As visões, opiniões e recomendações dos participantes da pesquisa sobre os métodos implementados para combater as violações dos direitos humanos na indústria da banana:

- Quais são suas sugestões ou recomendações para que as empresas de banana respeitem os direitos humanos dos trabalhadores em toda a cadeia de suprimentos?

Acredito muito que o respeito aos princípios fundamentais aos direitos humanos não deveriam ser utilizados como um diferencial das empresas ou unidades de produção em seus produtos, mas como as distinções não podem ser punitivas, acho que um selo de identificação presente no rótulo dos produtos, auditado internacionalmente, seria uma forma de destacar as empresas e unidades que se importam com essa fundamental questão.

- Você acha que foram feitos esforços nos últimos anos para fortalecer o respeito aos direitos humanos no setor de bananas?

Dentro da ótica que posso opinar, ou seja, em relação ao respeito à preservação do ambiente e da saúde dos produtores e consumidores com relação ao uso racional ou substituição do uso dos agrotóxicos por medidas de manejo integrado de pragas e doenças eu acredito que o sistema evoluiu muito.

- Você está satisfeito com esses esforços ou eles ainda não são suficientes?

Não, a força e o corporativismo das grandes empresas do ramo de agrotóxicos é muito forte e modela os mercados e principalmente as tecnologias, porém existe um apelo muito grande por produtos e formas de produzir que respeitem as relações com o ambiente e principalmente que não submetam as populações envolvidas no processo produtivo e mais ainda dos consumidores. Dessa forma, muito já se avançou sobre a informação relativa aos riscos e os principais afetados pelo uso indiscriminado de agrotóxicos de alto poder contaminante e pouco seletivos, (inclusive alguns desses produtos que tem seus usos proibidos em países da EU e EUA e ainda permitidos nos países da América Latina e países periféricos).

Translation of the interview with Leandro Maia Machado, agronomic engineer (ISI1)

Interview conducted by Juliette Fievez in Portuguese on Monday, May 8, 2022 and translated in English with deepl (<https://www.deepl.com/translator>)

Demographic information of the respondents

- gender : Male
- age : 50 years
- Position : Agronomic Engineer, Agricultural State Inspector
- work experience in the banana sector:

I am the State Plant Health Education Coordinator for the State Superintendence of Agricultural Defense in the State of Rio de Janeiro. I have been working in a region in the south of Rio de Janeiro State since 2015, and since 2018 I have been attending some regions of the State with phytosanitary problems related to the presence of Black Sigatoka Disease (*Pseudocercospora fijiensis*). In this way, this assignment allowed me to evolve in my studies, I did my master's degree in organic agriculture, working with organic methods of disease control and mainly, to know the main poles of banana production in the State.

Introduction to human rights questions:

- What does the organisation you work for do for the respect of human rights in the banana sector?

We are a public service that aims to guarantee, through control actions, inspection, and promotion of sanitary education, the guarantee of the sanitary quality of the crops and products offered to our consumers. We act in the whole production chain, however, we do not have the legal competence to act on labour relations. However, we have the role, as public agents, to zeal for the laws, and in the absence of legal attribution, when any abuse is observed, to inform the proper competent agents.

- Bananas are the most consumed fruit in the world, but their production is the one that causes the most human rights violations. What do you have to say about this statement?

An interesting observation that I can make about banana production in the state of Rio de Janeiro is that, because it is a state that is very dense demographically, and for presenting a small territorial extension, allied to an economy that is very strong in the service sector and industry, it has generated a low investment in the agricultural sector. In the State of Rio de Janeiro, small family production units prevail, where labour relations are tied to the family's strength to conduct the activities. In another way, a very important issue is that the type of banana grown by the small family production units in Rio de Janeiro that are of the silver type (about 80%), a fact that disconnects this production from the large production units that have as their interest the international market that demands only the Cavendish type fruits, in this way the labour relations and violation of human rights in the state facing the large groups are little present or nonexistent.

Type of partners:

- What kind of partners do you work with? NGOs? Unions? Companies?

As a public regulatory agency, we have contacts and partnerships with all segments of the banana production chain. We work with the MST, in the implantation of management protocols for the main diseases of the culture, using control methods that do not involve the use of pesticides. We work with producer associations, in the dissemination of techniques and innovations in the management of diseases, especially the Quarantine absent, as the Panama disease race 04 tropical (*Fusarium oxysporium* cv cubenses tropical 4). With the companies we work with the input companies, especially those that sell pesticides, inspecting the issue of prescriptions, the correct use and collection of packaging. We also have some work with banana processing companies.

- How does your company choose the partners to work with? What are the criteria taken into account?

The criteria are representativeness (in other words, how important that company is for the sector) and, regarding the companies that supply inputs (pesticides), they are obliged to register in our control system so that they can sell their products, besides the need to register these products individually with our agency. With the registration, all sales are monitored, and the professionals who recommended the application of the products also have their technical recommendations on file.

- Which projects (conducted by your company) with partners were effective and had a positive impact on the banana sector in Latin America?

I believe that at the moment the actions of health education, aiming to offer banana producers in family production units new alternatives of cultivation, based mainly on reducing the use of pesticides and using modern management techniques has contributed a lot to rescue the productive efficiency in the culture and its expansion.

Moreover, the control over the entire supply chain of inputs, especially pesticides, has allowed a better understanding of the important points, as well as the monitoring of which sanitary problems are occurring and what solutions have been employed.

Local activities of the company

- What local activities are being implemented to address human rights violations in the banana industry in Latin America?

I do not have enough information to answer this question.

Banana payments

- Do you think that an increase in the selling price of bananas would have a positive impact on the working conditions of banana plantation workers?

Not necessarily, in the case of Brazil, especially in the state of Rio de Janeiro, the prices practised are regulated according to regional supply and demand, mainly due to the fact that the domestic and regional market (Rio de Janeiro is one of the 3 major fruit consuming centres in the country) has a differential in the choice for fruits from the silver group or similar (apple and in some regions the plantain fruits), besides the productive problems that affect the culture, especially the advance of sigatoka and Panama disease on the cultivars of the apple group (which is preferred by consumers).

Children's education

- What are your initiatives/efforts to promote children's education in Latin America?

We are implementing a project in a school located in a quilombola community (a remnant of enslaved African people), which seeks to offer young people and families in the community management options and coexistence with the main diseases that occur in banana cultivation, so that families can use management techniques without the use of agrotoxics.

**Familiarity and degree of involvement with human rights policies, frameworks and standards:
Which of the following policies, frameworks and standards are you familiar with?**

U.N Guiding Principles for Business and Human Rights

OECD Guidelines

UN Global Compact

ILO Declaration on Fundamental Principles and Rights at Work

Guidance on due diligence for EU businesses to address the risk of forced labour in their operations and supply chains

Directive on Corporate Sustainability Due Diligence

- In your opinion, which ones are the best? Are there any that are not useful and why? Or that you have never heard of?

Sorry, but I have never taken the time to read or study the entirety of any of these standards.

- Are there other useful policies, frameworks and standards that I have not mentioned that aim to prevent or reduce human rights violations on banana plantations?

I don't know.

The views, opinions and recommendations of the research participants on the methods implemented to combat human rights violations in the banana industry:

- What are your suggestions or recommendations for banana companies to respect workers' human rights throughout the supply chain?

I strongly believe that respect for fundamental human rights principles should not be used as a differentiation of companies or production units in their products, but as distinctions cannot be punitive, I think that an internationally audited identification seal on the product label would be a way to highlight companies and units that care about this fundamental issue.

- Do you think that efforts have been made in recent years to strengthen the respect for human rights in the banana industry?

From the point of view that I can give an opinion, that is, in relation to the respect for the preservation of the environment and the health of the producers and consumers with respect to the rational use or substitution of the use of agrochemicals for measures of integrated management of pests and diseases, I believe that the system has evolved a lot.

Entrevista con Adela Torres de Sintrainagro (ILU1)

Información demográfica de los entrevistados

- sexo : mujer
- edad : en la cincuentena
- puesto de trabajo
- y experiencia de trabajo en la industria bananera :

Soy Adela Torres. Yo soy en la industria bananera. Inicié como obrera bananera, hacer labores como obrera. Posteriormente ingresos de parte de los comité, digamos de liderazgo en la finca bananera donde estaba trabajando. Y posteriormente me eligen dirigente sindical. Hace 21 años que ya soy dirigente sindical. Tiempo completo aquí en nuestra organización, mi organización de base se llama Sintrainagro; Sindicato Nacional de trabajadores de la agroindustria.

Introducción a las preguntas sobre derechos humanos:

- ¿Qué hace la organización para la que trabajas por el respeto de los derechos humanos en la industria bananera?

Somos un Sindicato Nacional que tenemos varios sectores en Colombia tenemos arroz, tenemos Palma, tenemos banano, flores, bueno, tenemos varios sectores. En todo este proceso mirando todo el tema de la problemática de la agroindustria. Entonces nos juntamos varias organizaciones sindicales de diferentes países. Entonces se consigue la conformación de 9 países y unas 20-25 organizaciones con una membresía aproximadamente de 46000 trabajadores afiliados. Entonces dentro de todo el proceso de la en la industria, pues yo he venido trabajando en el tema del liderazgo de los derechos laborales, de los derechos sociales, te coordina el trabajo con las mujeres de que llegué aquí al sindicato, soy la coordinadora del trabajo con las mujeres, entonces eso también me ha permitido tener, pues como esta fortaleza de estar ahí en este tema de del trabajo.

Entonces hemos pedido hacer mucho porque el sector bananero no es fácil. Hemos tenido mucho, digamos, persecución sindical y de asesinato de dirigentes sindicales tanto en Colombia como en otros países, así que el tema de la industria no ha sido bueno. Negociaciones colectivas, por ejemplo, en estos momentos estamos en negociaciones colectivas negociando un pliego de peticiones para los trabajadores, para mejor condiciones entonces. Nosotros cómo Sintrainagro tenemos 48 años de ser un sindicato con una experiencia nacional e internacional, tenemos un reconocimiento a nivel nacional por todo el tema de los diálogos, porque siempre buscamos la concertación y el diálogo, pues para hablar

con la empresa, después de tantas situaciones que se han vivido. Fue entonces se ubica como que bueno vamos a mirar un poco las confrontaciones, la dejamos atrás y vamos a buscar un poco más cómo podemos hacer y por eso nosotros tenemos una convención colectiva en nuestro sector que beneficia a más del 95% de los trabajadores bananeros en Colombia. El trabajador bananero acá en Colombia está sindicalizado y tiene convención colectiva que es muy importante. Entonces, la lucha no ha sido fácil, pero estamos ahí, estamos trabajando con diálogo con la empresa, con la comercializadora, con la certificadora de con este tema de Comercio justo y todas esas relaciones que hemos venido teniendo dentro del foro mundial Bananero, es una instancia que hemos creado a nivel mundial. Donde se gustan las se juntan las transnacionales, los gobiernos, las empresas, la sociedad civil, pequeños productores, los sindicatos para hablar del futuro y la situación, tanto a los derechos de los trabajadores como también el futuro del banano a nivel mundial.

Tipo de socios:

- ¿Con qué tipo de socios trabajas? ¿ONG? ¿Sindicatos? ¿Con empresas?

Nosotros somos un sindicato del sector, no tenemos socios, o sea, tenemos la relación con los trabajadores y las empresas para negociar. Los trabajadores y la empresa eso es como nuestra parte. Bueno, las empresas contratan a los trabajadores en sus empresas y nosotros los sindicalizados y vamos a negociar sus garantías.

Actividades locales de la empresa

- ¿Qué actividades locales está realizando para luchar contra los abusos de los derechos humanos en la industria bananera en América Latina?

Bueno, nosotros luchamos en buscar diálogo, en buscar las relaciones para que esos derechos humanos de los trabajadores, de los sindicalistas que sea respetado a nivel de gobierno hacemos la denuncia porque a veces cuando son violados los derechos humanos de los trabajadores, tanto laboral como social, como político, pues nosotros buscamos las instancias gubernamentales y a donde tenemos que hacer la denuncia. Para que se los proteja también que esa violación de los derechos humanos. Porque no solamente es que te maten, sino que también, entonces las convenciones a veces no la cumplen, entonces tenemos que denunciar también que se está violando ese derecho a los trabajadores, entonces hacemos como que esas acciones y hacemos, eh, digamos esos talleres hacemos esas reuniones, buscan como ese mecanismo de decir, bueno, está pasando esto, ustedes que son responsables de esto, ¿qué van a hacer para que esto no suceda? Entonces hay como ese diálogo permanente para que poder impactar en eso.

Pagos/salario por el plátano

- ¿Cree que un incremento del precio de venta del plátano tendría un impacto positivo en las condiciones laborales de los trabajadores de las plantaciones bananeras? Porque ?

Yo creo que sí. Yo creo que sí puede tener un impacto positivo para los trabajadores, pero sea un tema que nosotros como sindicato también hicimos pendiente, porque si en el exterior se vende el banano más caro, pero si el empresario no le importa sus trabajadores, no. Él se coge con su plata para él y no le mejoran las condiciones a los trabajadores, entonces la idea es y nosotros trabajamos para que le mejoren las condiciones al productor. Por su venta pero que de ahí se enfrenta también que se le mejore, conecta a los trabajadores que están en la plantación, que son los que hacen la labour allá todos los días para que tengan Seguridad Social, para que tengan dotaciones, para que tengan vivienda, para que puedan tener una mejor calidad de vida. Entonces si es importante unos incrementos.

Detalles sobre los derechos humanos

- ¿Sabe cómo se establecen los salarios de los trabajadores de las plantaciones bananeras? ¿Con qué criterios?

Bueno, los salarios acá se establecen a través de mecanismos de negociación colectiva. En todos los países, por ejemplo, en estos momentos nosotros iniciamos nuestra negociación colectiva ahí hacer una revisión de todo el proceso y hacerlo con unos incrementos. Los incrementos salariales para que el trabajador pueda tener un buen incremento, cada año en todo país hay un alza del salario entonces al trabajador se le hace a través de la negociación, pero el que están en la negociación los trabajadores bananeros van a tener un poquito más que el incremento que hace el gobierno entonces negociamos garantía como fondo de vivienda para que compren vivienda para educación, para que lo capaciten a ellos también como que no han terminado su primaria poder estudiar. También para que ellos se les consiguen otras cosas para que el trabajo, pues tenga mejores condiciones.

- ¿Si no hay negociaciones la empresa elija el salario o la ley?

La ley.

- ¿Cómo es la igualdad entre mujeres y hombres en la industria bananera en América Latina?

En América latina el tema de la igualdad en el sector bananero para hombres y mujeres no es muy buena. No es muy buena a través de impulsivas. Todo el cohesiva tenemos una Secretaría de la mujer]. En este trabajo bananero predomina más el trabajo de hombres que de mujeres. Pero en un venido luchando a través del foro y a través de muchas instancias como una organización que llama Euroban, no sé si sabe Junta Internacional de trabajadores de la alimentación, tabacos y afines hemos venido luchando para que la mujer sea más incluida en todo este proceso de la participación en la plantación bananera en todos los sentidos. En algunos países tenemos el 8%, en otros tenemos el 10%, en el otro tenemos 20%, o sea que no es muy representativo del trabajo de la mujer en la industria o la misma dinámica del trabajo porque son trabajos, por ejemplo, ir a cortar, racimos, de cargar racimo entonces

contratar mucho a las mujeres en la parte en la planta empacadora, acá, en la planta, entonces ahí tenemos una baja participación pero estamos luchando para buscar otras cosas que él pueda haber más mujeres trabajando.

- ¿Cómo se respeta la salud de los trabajadores en las plantaciones bananeras de América Latina? Bueno, en muchos países, en el caso nuestro, los trabajadores están cubiertos por un sistema de Seguridad Social. Tienen sus riesgos profesionales, tiene que todo el tema de protección para hacer sus labores está bastante cubierto. Y ahí va una permanente revisión de eso. En otros países falta más este tema de más cuidado y de qué mala salud de los trabajadores y tenemos el mecanismo también de todo el tema de salud y seguridad en el trabajo para los accidentes de trabajo. Entonces, pues hemos venido y en muchos países se está trabajando y se tiene como todo el protocolo para eso, pero sí hay trabajo fuerte en el tema de salud y seguridad. En el trabajo, por ejemplo, nosotros todos nuestros trabajadores acá están cubiertos con su salud.

- ¿Porque crees que las bananas con etiquetas/labels como Fairtrade, Rainforest Alliance, ... garantizan el respeto de los derechos humanos de los trabajadores en las plantaciones bananeras?

Bueno con este tema de las etiquetas y certificadoras hemos tenido muchos problemas con algunas porque hemos denunciado muchos problemas porque a veces creíamos que de pronto pudiera ayudar mucho, pero resulta que a veces las certificadoras certifican al productor y no cumple con los derechos de los trabajadores, violan el derecho de los trabajadores, pero entonces al mundo le muestran que, como tienen la certificadora de la reforma de Comercio justo, entonces creen que todo está bien, pero resulta que acá la pregunta ha sido, no está bien. Entonces hemos tenido bastante choque con las certificadoras, por eso. Porque están dándole, están permitiendo que los empresarios y a los trabajadores en ese sentido abusen de ellos porque le estaba muy certificado y no tan cumpliendo con los derechos.

- ¿Qué se puede decir del trabajo infantil en las plantaciones bananeras de América latina? Pero estoy haciendo un trabajo que no se está practicando. Y si lo hay, es un poquito más de Nicaragua, pero muy poquito con toda la migración y todas estas cosas. Pero ese trabajo infantil, ese sí está bastante regular, está bastante regular.

- ¿Qué se puede decir del acoso sexual en las plantaciones bananeras de América Latina?

Ese es un flagelo que para siempre están acá andamos. Que se da mucho acoso sexual en las plantaciones, tanto por parte de los jefes, por parte de los trabajadores, entonces hemos tenido muchas dificultades con eso, pero bueno, estamos trabajando y tratando de regular un poco eso para hacer los protocolos y las denuncias que las hacemos para ese tema para. Pero eh, si se dan si se da bastante asco.

- ¿Hay países en los que esto sea mas así?

Sí, yo pienso que en países todo como Nicaragua, que son países que migran mucha gente. Países como Costa Rica también. Creo que en Guatemala es el hablante como un poco más alta, aunque acá en Colombia la tenemos Honduras, Panamá, en todas estas Panamá también es un poco alta porque es un país como bastante turístico también. Entonces se siente mucho el acoso, pero sí hay en unos países que se da más que en otros, pero en todos se dan.

- ¿Qué han hecho los sindicatos en los últimos años para mejorar los derechos humanos de los trabajadores de la industria bananera?

Bueno, lo más importante, nosotros prestamos en permanente búsqueda de que los derechos humanos se respeten, los sindicatos siempre estamos pendiente de que eso no se deje porque sí se da mucho la violación de los derechos humanos y nosotros cómo la hacemos a través, como te digo de los diálogos, de las negociaciones, de las denuncias porque allá está como nuestras fortalezas para decir, bueno es que me están violando en mi derecho, me están atacando, me están mata. Que a través de todos estos procesos nos hacemos, pues como su respectivo protocolo para eso y buscamos las instancias donde tenemos que llegar para que eso no siga pasando. Y bueno, a veces encontramos respuesta de las entidades, de las empresas, pero no toca por última ocasión en que sí, o sea, no importa que se denuncie, no importa que se busque diálogo, no, no, no presta mucha atención.

El papel de los sindicatos

- ¿Se siente apoyado en su lucha por los derechos humanos en la industria bananera? En caso afirmativo, ¿por quién?

En encuentra eco y encuentran el apoyo sí se encuentra, se encuentra apoyo para eso porque cuando ya empieza a exponer toda esta situación entonces se encuentra, pues como está apoyo esa tensión, esa dirigencia, pues para atenderlo entonces si.

- ¿Cómo cree que los sindicatos podrían tener más impacto en la lucha contra los abusos de los derechos humanos?

Bueno yo pienso que puede tener más impacto en la medida que las empresas respeten la libertad sindical. Una medida que respeten en las constituciones políticas de cada país que está estipulado la libertad, si en la medida que se respete eso ahí podemos tener una mejor, digamos, como mejor resultado. Y demás respeto de nuestros derechos, pero en la medida que no se respeten los derechos de asociación sindical es muy difícil porque entonces te van a maltratar y no hay quien reclame por ti.

Puntos de vista, opiniones y recomendaciones de los participantes en la investigación sobre los métodos implementados para luchar contra los abusos de los derechos humanos en la industria bananera :

- ¿Cuáles son sus sugerencias o recomendaciones para que las empresas bananeras respeten los derechos humanos de los trabajadores a lo largo de la cadena de suministro?

Pero yo creo que una de las recomendaciones que los empresarios se acojan a la ley porque hay una ley en cada país de sus constituciones y empiecen a desarrollar diálogos directos. Con los representantes de los trabajadores que le permitan a los trabajadores organizarse libremente en un sindicato porque eso es libre, no le pueden cohibir que se organicen y que ellos le permitan al trabajador o le den al trabajador negocios con el trabajador, lo que realmente trabajador se merece, porque si nosotros tenemos sindicato y buscamos para una mejor garantía para el trabajador, pero sentía que empresario solamente quiere utilizar al trabajador para sacar sus producción y no le importa sus derechos. No te importa si vive, come cuánto te quedó. No, entonces lo que queremos es que se sienta ese respaldo también por parte de la empresa, que es un trabajador que necesita tener una calidad de vida para seguir produciendo, porque si está mal en la producción también vas a estar mal. No, no estamos buscando que noten más de lo que le corresponde, sino lo que le corresponde al trabajador.

- ¿Cree que se han realizado esfuerzos en los últimos años para reforzar el respeto de los derechos humanos en la industria bananera?

Sí, como te digo, nosotros hemos venido haciendo muchos por muchas reuniones, por ejemplo, yo bueno esta semana que tú me llamaste que estaba por fuera, que estaba en Ginebra, había estado en Roma, precisamente hablando acerca de poniendo toda la problemática y hemos venido haciendo con esos grandes esfuerzos diciendo mire, no está bien lo que está pasando, queremos que esto mejore, entonces sí hemos venido buscando como esa interlocución. Hemos venido buscando ese acercamiento, hemos venido exponiendo nuestra problemática en las diferentes instancias donde creemos que se puede llegar. Entonces siempre hemos estado ahí hablando, para buscar mejores condiciones a los trabajadores.

- Muchas gracias. Esa era mi última pregunta. ¿Quieres añadir algo que consideres importante?

Yo pienso que una cosa importante, y a través de todas estas entrevistas, es muy bueno que no sé tú lo vas a hacer en materia de una tesis, pero que se pueda también como replicar que se pueda visibilizar también sentir que los trabajadores en América latina queremos que nos miren como personas que realmente estaban luchando para tener un bienestar para llevar, digamos una fruta de banano. A trasciende de América latina al mundo para que haya alimento, pero entonces queremos que también se retribuya ese esfuerzo que hacemos los de América latina en que sus derechos sean respetados y que podamos tener ese reconocimiento también y se pueda tener ese valor agregado y con el tema de las

mujeres que hemos venido luchando muchos para que las mujeres poder posicionar a las mujeres poder trabajar con las mujeres infusiones, ojalá que también puedan haber organizaciones y que también nos puedan apoyar para darle más impulso al tema de la mujer y que hemos seguido de tanto el derecho que tienen las mujeres en las plantaciones bananeras, entonces sería muy bien.

Translation of the interview with Adela Torres from Sintrainagro (ILU1)

Demographic information of respondents

- Gender : female
- age : in her fifties
- job title and work experience in the banana industry

I am Adela Torres. I am in the banana industry. I started as a banana worker, working as a worker in the fields. Later I joined the committees, let's say the leadership of the banana farm where I was working. And later I was elected union leader. I have been a union leader for 21 years now. Full time here in our organisation, my grassroots organisation is called Sintrainagro; National Union of Agribusiness Workers.

Introduction to the human rights questions:

- What does the organisation you work for do for the respect of human rights in the banana industry?

We are a National Union that has several sectors in Colombia, we have rice, we have palm, we have bananas, flowers, well, we have several sectors. In this whole process we are looking at the whole issue of agribusiness problems. So we got together with several trade union organisations from different countries. So we got together from 9 countries and some 20-25 organisations with a membership of approximately 46,000 affiliated workers. So within the whole process of the industry, I have been working on the issue of leadership of labour rights, social rights, I coordinate the work with women since I arrived here in the union, I am the coordinator of the work with women, so that has also allowed me to be there in this issue of labour.

So we have asked to do a lot because the banana sector is not easy. We have had a lot of, let's say, union persecution and murder of union leaders both in Colombia and in other countries, so the industry has not been good. Collective negotiations, for example, at this moment we are in collective negotiations negotiating a list of demands for the workers, for better conditions. We, as Sintrainagro, have 48 years of being a union with national and international experience, we have a national recognition for the whole issue of dialogues, because we always look for agreement and dialogue, to talk with the company, after so many situations that have been experienced. Well, we are going to look at the confrontations a little bit, we leave it behind and we are going to look a little bit more at what we can do and that is why we have a collective agreement in our sector that benefits more than 95% of the banana workers in

Colombia. Banana workers here in Colombia are unionised and have a collective bargaining agreement, which is very important. So, the struggle has not been easy, but we are there, we are working with dialogue with the company, with the trading company, with the certifier, with this issue of fair trade and all these relationships that we have been having within the world banana forum is an instance that we have created at world level. Where transnationals, governments, companies, civil society, small producers, trade unions come together to talk about the future and the situation, both in terms of workers' rights and the future of bananas worldwide.

Type of partners:

- What type of partners do you work with? NGOs? Unions? Companies?

We are a union of the sector, we do not have partners, that is to say, we have the relationship with the workers and the companies to negotiate. The workers and the company, that is our part. Well, the companies hire the workers in their companies and we hire the unionised workers and we will negotiate their guarantees.

Local activities of the company

- What local activities are you carrying out to fight against human rights abuses in the banana industry in Latin America?

Well, we fight to seek dialogue, to seek relations so that the human rights of the workers, of the union members, are respected at the government level, we denounce because sometimes when the human rights of the workers are violated, both labour and social, as well as political, we seek the governmental instances and where we have to denounce. So that they are also protected from this violation of human rights. Because it is not only that they kill you, but also that sometimes the conventions are not complied with, so we also have to denounce that the workers' rights are being violated, so we take these actions and we hold these workshops, we hold these meetings, we look for this mechanism to say, well, this is happening, you who are responsible for this, what are you going to do so that this does not happen? So there is a kind of permanent dialogue so that we can have an impact on this.

Payments/wages for bananas

- Do you think that an increase in the selling price of bananas would have a positive impact on the working conditions of banana plantation workers? Why?

I think so. I think it could have a positive impact for the workers, but it is an issue that we as a union also made pending, because if the banana is sold abroad more expensive, but if the employer does not care about his workers, no. He takes his money for himself and does not improve the conditions of the workers, then the idea is that we work to improve the conditions of the producer. For their sales, but from there we also work to improve the conditions of the workers who are in the plantation, who are

the ones who work there every day, so that they have social security, so that they have equipment, so that they have housing, so that they can have a better quality of life. So it is important to have some increases.

Precisions on Human rights

- Do you know how the wages of banana plantation workers are set? By what criteria?

Well, wages here are established through collective bargaining mechanisms. In all countries, for example, at this moment we are starting our collective bargaining there to review the whole process and to do it with some increases. The wage increases so that the worker can have a good increase, every year in every country there is a wage increase so the worker gets it through negotiation, but the one in the negotiation the banana workers are going to have a little bit more than the increase that the government makes so we negotiate a guarantee as a housing fund so that they can buy housing for education, so that they can train them also as they have not finished their primary school so they can study. We also get them other things so that they can have better working conditions.

- If there are no negotiations, does the company choose the salary or the law?

The law.

- How is equality between women and men in the banana industry in Latin America?

In Latin America the issue of equality in the banana sector for men and women is not very good. It is not very good though impulsive. In all the cohesion we have a women's Secretariat. In this banana work, men's work is more predominant than women's work. But we have been fighting through the forum and through many instances such as an organisation called Euroban, I do not know if you know, it brings together international workers in the food and tobacco industry. We have been fighting for women to be more included in this whole process of participation in the banana plantation in all senses. In some countries we have 8%, in others we have 10%, in the other we have 20%, that is, it is not very representative of women's work in the industry or the dynamics of the work itself because they are jobs, for example, going to cut bunches, to load bunches, so we hire a lot of women in the packing plant, here, in the plant, so there we have a low participation but we are fighting to look for other things so that there can be more women working.

- How is the health of workers in Latin American banana plantations respected?

Well, in many countries, in our case, workers are covered by a Social Security system. They have their occupational risks, the whole issue of protection for their work is quite well covered. And there is a permanent review of this. In other countries there is a lack of this issue of more care and poor health of the workers and we also have the mechanism of the whole issue of health and safety at work for work accidents. So, we have come and in many countries we are working and we have the whole protocol for that, but there is a strong work on the health and safety issue. At work, for example, all our workers here are covered for their health.

- Why do you think that bananas with labels such as Fairtrade, Rainforest Alliance, ... guarantee respect for the human rights of workers in banana plantations?

Well with this issue of labels and certifiers we have had many problems with some of them, we have denounced many problems because sometimes we thought they could help a lot, but it turns out that sometimes the certifiers certify the producer and do not comply with the workers' rights, they violate the workers' rights, but they show the world that, as they have the Fairtrade reform certifier, then they think that everything is fine, but it turns out that here the reality has been, it is not fine. So we have had quite a clash with the certifiers, because of that. Because they are giving, they are allowing the businessmen and the workers in that sense to abuse them because they were very certified and not complying with the rights.

- What can be said about child labour in banana plantations in Latin America?

I am doing work that is not being practised. And if there is, it is a little bit more in Nicaragua, but very little with all the migration and all these things. But that child labour, that is quite regulated, it is quite regulated.

- What can we say about sexual harassment in Latin American banana plantations?

This is a scourge that has been around forever. There is a lot of sexual harassment in the plantations, both by the bosses and by the workers, so we have had many difficulties with that, but well, we are working and trying to regulate it a little to make the protocols and the denouncements that we make for that issue. But yes, if it happens, it is quite disgusting.

- Are there countries where this is more the case?

Yes, I think that in countries like Nicaragua, which are countries where a lot of people migrate. Countries like Costa Rica as well. I think that in Guatemala it is a little higher, although here in Colombia we have Honduras, Panama, in all of these countries Panama is also a little higher because it is a country that is quite touristy as well. So the harassment is felt a lot, but there are some countries where it happens more than others, but it happens in all of them.

The roles of trade unions

- What have the unions done in recent years to improve the human rights of workers in the banana industry?

Well, the most important thing is that we are in a permanent search for human rights to be respected, we unions are always looking to ensure that this does not happen because there is a lot of violation of human rights and how we do it through, as I said, dialogues, negotiations, complaints because that is our strength to say, well, they are violating my rights, they are attacking me, they are killing me. Through all these processes we make ourselves, well, as their respective protocol for that and we look for the instances where we have to go so that this does not continue to happen. And well, sometimes we find a response from the entities, from the companies, but it is not the last time that it happens, that is

to say, it does not matter if we denounce, it does not matter if we seek dialogue, no, no, it does not pay much attention.

- Do you feel supported in your struggle for human rights in the banana industry? If so, by whom?

If you find an echo and you find support, yes, you find support for that because when you start to expose this whole situation then you find, because there is support for that tension, that leadership, well, to attend to it then yes.

- How do you think unions could have more impact in the fight against human rights abuses?

Well, I think they can have more impact to the extent that companies respect freedom of association. To the extent that they respect in the political constitutions of each country that freedom of association is stipulated, if to the extent that this is respected we can have a better, let's say, a better result. And other respect for our rights, but to the extent that the rights of union association are not respected, it is very difficult because then you will be mistreated and there is no one to claim for you.

Research participants' views, opinions and recommendations on methods implemented to combat human rights abuses in the banana industry:

- What are your suggestions or recommendations for banana companies to respect the human rights of workers along the supply chain?

But I think that one of the recommendations is that employers should abide by the law, because there is a law in each country in their constitutions, and start developing direct dialogues. With the representatives of the workers they should allow the workers to organise freely in a union because that is free, they cannot inhibit them from organising and that they allow the worker or give the worker business with the worker, what the worker really deserves, because if we have a union and we are looking for a better guarantee for the worker, but I felt that the employer only wants to use the worker to get his production and does not care about his rights. You don't care if he lives, eats how much you have left. No, so what we want is for the company to feel that the worker needs to have a quality of life in order to continue producing, because if production is bad, you will also be bad. No, we are not looking for them to notice more than what corresponds to them, but what corresponds to the worker.

- Do you believe that efforts have been made in recent years to strengthen respect for human rights in the banana industry?

Yes, as I said, we have been holding many meetings, for example, this week when you called me, I was away, I was in Geneva, I had been in Rome, precisely talking about the problems and we have been making great efforts to say look, what is happening is not right, we want this to improve, so we have been looking for that dialogue. We have been looking for that approach, we have been presenting our problems in the different instances where we believe they can be addressed. So we have always been there talking, to look for better conditions for the workers.

- Thank you very much. That was my last question, do you want to add anything that you consider important?

I think that one important thing, and through all these interviews, it is very good that I don't know if you are going to do it in a thesis, but that it can also be replicated, that it can also be made visible that we workers in Latin America want to be seen as people who were really struggling to have a welfare to bring, let's say a banana fruit. It transcends from Latin America to the world so that there is food, but then we also want to be rewarded for the effort made by those of Latin America so that their rights are respected and that we can also have that recognition and added value, and with the issue of women that many of us have been fighting for women to be able to position women to be able to work with women infusions, I hope that there can also be organisations and that they can also support us to give more impulse to the women's issue and that we have been following the rights that women have in the banana plantations, so it would be very good.

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