

**By-laws for Governance  
of the Child Labor Cocoa Coordinating Group (CLCCG)**

**October 24, 2011**

**I. Purpose of the CLCCG**

Recalling that the Framework of Action to Support Implementation of the Harkin-Engel Protocol is working to achieve the overarching goal:

*By 2020, the worst forms of child labor as defined by ILO Convention 182 in the cocoa sectors of Côte d'Ivoire and Ghana will be reduced by 70 percent in aggregate through joint efforts by key stakeholders to provide and support remediation services for children removed from the worst forms of child labor, including education and vocational training, protective measures to address issues of occupational safety and health related to cocoa production, and livelihood services for the households of children in cocoa growing communities; the establishment and implementation of a credible and transparent sector-wide monitoring system across cocoa growing regions in the two countries; and the promotion of respect for core labor standards.*

*And that in order to reach this overarching goal, the Framework will support the development of thriving cocoa communities fostering safe, healthy, and productive environments for children and families through coordinated support for new or expanded initiatives in Côte d'Ivoire and Ghana.*

The purpose of the CLCCG is to support the effective implementation of the Framework of Action and the Joint Declaration to Support Implementation of the Harkin-Engel Protocol in Ghana.

**II. Areas of Activity and Responsibility**

The CLCCG, with input from the Ivorian and Ghanaian National Steering Committees on Child Labor and technical experts as appropriate, is responsible for the following:

1. Assessing areas of need for additional action, taking into consideration the following priority factors:
  - a. The nature, extent and geographical location of the worst forms of child labor (WFCL) in cocoa growing areas;
  - b. Past, current and planned efforts to combat the WFCL, to promote education and training opportunities and sustainable livelihoods for

households, and to establish and implement child labor monitoring systems in both countries; and

- c. Existing gaps in current interventions or programming as identified through consultation of CLCCG members and other implementing institutions.
2. Assessing and prioritizing new investments to address these areas of need.
  3. Determining, based on an established criteria,<sup>1</sup> whether funding for new or increases to existing activities or programs in Côte d'Ivoire and Ghana, as proposed by the International Chocolate and Cocoa Industry (Industry) shall be assessed:
    - a. As new resources committed by Industry under the Declaration signed on September 13, 2010;
    - b. As supportive of the overall goals or certain elements of the Framework, but not part of Industry's commitment of new resources under the Declaration signed on September 13, 2010; or
    - c. As not related to the overall Framework and therefore not part of Industry's monetary commitment under the Framework.
  4. Encouraging and contributing to coordination across projects that come under the Framework, ensuring that projects under the Framework are linked to relevant national plans; and fostering coordination, to the extent possible, with projects that fall outside of the Framework but also have the potential to contribute towards the achievements of its goal. The CLCCG may develop a coordination mechanism to facilitate this effort.
  5. Establishing credible **milestones** for measuring commitment and progress toward the achievement of the overarching goal of the Declaration and its accompanying Framework. The benchmarks will be unique for each country and will be based on the commitments of specific action on an annual basis.
  6. Establishing in consultation with technical experts, including the ILO, a **common set of indicators**. These indicators will enable the CLCCG to both monitor specific types of interventions and track interim progress towards the Framework's overarching goal. This will include indicators for at least the following types of interventions:

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<sup>1</sup> See Attachment 1: Criteria for Assessing whether New Programming Should Count Toward Industry Commitment.

- a. Remediation services for children under the age of 18 years withdrawn from the Worst Forms of Child Labor (as defined under ILO 182);
  - b. Sustainable education and training services provided to children under the age of 18 years as a means of preventing their involvement in the Worst Forms of Child Labor;
  - c. Efforts that raise awareness or provide ongoing sensitization, including for communities, on the Worst Forms of Child Labor (WFCL);
  - d. Efforts to promote the development, implementation, and sustainability of the Child Labor Monitoring Systems in Côte d'Ivoire and Ghana;
  - e. Supporting efforts to address workplace hazards and improve workplace safety in a sustainable manner; and
  - f. Sustainable livelihood services provided to households of children under the age of 18 years with the intent of supporting the withdrawal or prevention of children from involvement in the WFCL. Such livelihood services may include support for improvement in household income, provision of social protection services, or improvement of community infrastructure that either reduces reliance on the labor of children or supports a potential opportunity for increased income of the aforementioned households.
7. **Monitoring progress** being made toward achieving milestones.
  8. **Monitoring and assessing the effectiveness and impact** of programs implemented under the Framework to combat the WFCL. The CLCCG will review progress reports from projects included under the Framework and may provide feedback as appropriate.
  9. **Convening an annual briefing to inform representatives of civil society and other key stakeholders about the status of efforts under the Framework.**

### III. CLCCG Membership

1. The membership of the CLCCG shall serve without remuneration, fees or honorariums.
2. The CLCCG shall consist of the two types of Members: Principals and Working Group Members. The CLCCG shall also recognize Key Stakeholders. (See Section III, 2, C)

- a. The **Principals** of the CLCCG shall consist of the Minister responsible for Labor for the Governments of Côte d'Ivoire and Ghana, and, at a minimum, the following entities:
    1. The Secretary of Labor for the U.S. Department of Labor;
    2. Senator Tom Harkin;
    3. Congressman Eliot Engel; and
    4. A representative of the International Chocolate and Cocoa Industry.
  - b. A Principal may designate a representative to act on their behalf, including for decision-making purposes.
  - c. **Working Group Members** shall conduct the day-to-day business of the CLCCG, engaging in discussions that lead to decisions by the Principals. Working Group Members shall be made up of representatives of Financial Partners as defined within the Framework. Each Working Group entity may include up to 7 members in its delegation, consisting of those parties necessary for it to consistently and effectively engage in the day-to-day business of the CLCCG, with the membership of each delegation determined by its Principal.
3. Point of Contact: Each of the aforementioned CLCCG entities shall designate a Point of Contact (POC) for efforts under the Framework. If any entity changes its designated POC, it must send the name and contact information to the Secretariat. See Section IV(3).
- a. The POC will be available to coordinate with the Secretariat on matters related to the CLCCG, the Declaration and the Framework.
  - b. The POC will update the Principals and other CLCCG Working Group Members on relevant initiatives and maintain official records of relevant CLCCG documents, including notes of previous meetings and shared foundation documents, including the national plans of action against the worst forms of child labor.
  - c. In order to inform the CLCCG's discussion of areas outlined in Section II(1), the POC shall be responsible for conveying pertinent information and assessments to the CLCCG.

4. Decisions concerning the **inclusion of additional entities** on CLCCG must be approved by a consensus of the Principals of the CLCCG as outlined in section 2.a. above. In order to consider a motion to expand the CLCCG, the entity offering a new organization for membership must provide the name and relevant background information about the proposed new entity(s) to each Principal of the CLCCG at least 30 calendar days prior to a scheduled meeting. All Principals of the CLCCG must have the opportunity to provide their feedback on the proposal before consensus can be reached.

#### IV. Structure of the CLCCG

1. Meetings of the CLCCG will be chaired by a representative of the host government when the meeting takes place in Côte d'Ivoire or Ghana. Other meetings will be chaired on a rotating basis by the other Principals of the CLCCG or as otherwise determined by the members.
2. The host for a given meeting shall be responsible for providing interpretation services as needed and a venue for the meeting. Each entity of the CLCCG is responsible for its own expenses, such as travel, accommodation and per diem, if applicable.
3. The CLCCG may also decide to select one of the Financial Partners to serve as a Secretariat to facilitate operations and regular meetings. The Secretariat would serve a term of one year, unless extended by an agreement reached through consensus of the Principals and have the following responsibilities:
  - a. The Secretariat shall work with the Chair to facilitate a given meeting, including reviewing summary notes from the preceding meeting, reviewing the meeting agenda, monitoring time and movement of the group through a given agenda.
  - b. In the absence of the Chair, the Principals may appoint from among the membership a person to assume duties of the chair.
  - c. The Secretariat shall be responsible for developing and maintaining summary notes of the meetings and distributing copies of summary notes to CLCCG members.

- d. The Secretariat shall seek input from members to determine the date, time and agenda for meetings.

## V. Meetings

1. CLCCG Working Group Members shall hold regular meetings, in person or via video conference or teleconference, on at least a quarterly basis.
2. Meetings where attendance in person is preferred will be hosted on a rotating basis in the United States, Côte d'Ivoire and Ghana or in another mutually agreed upon location.
3. Special meetings or teleconference calls of either the Principals or the Working Group Members may be held at any time as determined necessary by the Principals or the Working Group Members.
4. The Secretariat shall distribute meeting agendas at least 10 calendar days prior to a scheduled quarterly meeting or 3 calendar days prior to interim meetings should such meetings be determined as necessary by the members. Issues which require decisions will be clearly noted in the agenda.
5. Translations and maintenance of documents are the responsibility of each entity. The function of maintaining relevant records is the role of the POC for each entity.
6. For meetings of the principals or working group that make decisions regarding CLCCG Areas of Activity and Responsibility (Section II) in either Côte d'Ivoire or Ghana, a representative of that government at the appropriate level must be present.

## VI. Committees and Technical Meetings

1. The Principals of the CLCCG may appoint standing and ad hoc committees as needed and include outside experts as warranted. The role of such committees and ad hoc experts shall be advisory in nature and shall not be a constraint or a mandate on the Principals of the CLCCG.
2. The Principals and/or Working Group Members of the CLCCG may request meetings on technical matters that include outside experts. Principals of the

CLCCG will seek to reach consensus on such meeting requests, with clarity on meeting objectives. In the case that consensus can not be reached at least 2/3s of Principals must agree for a meeting to be held. Such meetings shall be organized and may include outside experts to discuss methods for evaluation of project interventions which may include discussions of emerging methodologies or assessing impact on hard-to-reach populations.

## VII. Decision-making

1. The CLCCG will endeavor to be a consensus-based group. In the event that a consensus on a particular issue cannot be reached within the allotted time scheduled for discussions on the matter, a vote may be called for.
2. If a vote is called for, the following will apply:
  - a. Passage of a motion requires a 2/3 vote of the Principals of the CLCCG.
  - b. Any Principal of the CLCCG who is unable to attend a meeting in person or participate in a conference call may designate another Principal of the CLCCG to serve as their proxy. To do so, they need to inform the Secretariat and all other Principals of the CLCCG prior to the meeting. Given that all entities will have 10 calendar days notice of an issue coming before the CLCCG for consideration at a quarterly meeting or 3 calendar days notice prior to interim meetings, it is the responsibility of each entity to ensure that they can attend meetings or designate a proxy. If the appropriate notice has been given and a Principal fails to attend a meeting or designate a proxy, the group may choose to consider an issue in the absence of the Principal.
  - c. Determinations by the CLCCG on whether to consider individual investments or proposed investments in programming as part of the new resources committed by the International Chocolate and Cocoa Industry under the Declaration must be based on a decision of the Principals as described for in this section.

## VIII. Conflict of Interest

Any member of the CLCCG who has a financial, personal, or official interest in, or conflict (or appearance of a conflict) with any matter pending before the

CLCCG, of such nature that it prevents or may prevent that member from acting on the matter in an impartial manner, must offer to voluntarily excuse him/herself and refrain from participating in the discussion and voting on said item.

#### IX. Confidential Treatment of Business Proprietary Information

CLCCG Principals and Working Group Members must comply with applicable national laws governing the release of confidential information. The CLCCG will establish procedures to protect the confidentiality of any business proprietary information presented or discussed during the course of its activities. CLCCG members shall not retain copies of business proprietary information that they may have reviewed, nor disclose proprietary information to any person.

Notwithstanding the foregoing sentence, CLCCG Principals and Working Group members may discuss such information with their immediate project team, provided that the project team adheres to the same restrictions concerning proprietary information.

#### X. Communications

The CLCCG will establish communication procedures regarding the public dissemination of information related to the work of the CLCCG, including, but not limited to, criteria utilized in program evaluation, statements regarding progress toward agreed upon milestones, distribution of meeting summaries and decisions taken by the CLCCG.

#### XI. Amendments

These by-laws may be amended by a consensus of the Principals of the CLCCG at any meeting (in person or via telephone/teleconference), provided that each Principal of the CLCCG is present and is provided a copy of the proposed amendment(s) at least 10 calendar days prior to said meeting.

Attachment 1:

Criteria for Assessing whether New Programming Should Count  
Toward Industry Commitment

Funding committed to the ILO-IPEC Program, as specified in the Framework of Action which accompanies the signed Declaration, is considered to be within the Framework and does not require further review described in this section. Notwithstanding, the ILO-IPEC Program should provide its final project document to the CLCCG, indicating how it will promote a coordinated strategy for combating the WFCL in cocoa growing areas.

Before any determination may be made by the CLCCG on whether to consider individual company investments in company specific projects or investments made by companies in support of relevant Trade Association or Foundation programming as part of the new resources committed to by the International Chocolate and Cocoa Industry under the Declaration, the following criteria must be met:

1. As a general principle, given funding commitments must **not** have been undertaken prior to the signing of the Declaration on September 13, 2010. However, each company working within the Framework of Action will be given the opportunity to discuss specific circumstances of programming that were planned after discussion began on the Concept Paper issued by USDOL in June 2010. A company must have notified the CLCCG of its intent to bring it forward such a proposal by December 31, 2010. The CLCCG will review such projects intended to be implemented under the Framework and issue a determination on whether such projects meet the timing exception.
2. The funding must represent an increase in industry's overall commitment for a given program; and
3. The funding must represent an increase in a given company's commitment over the previous calendar year's baseline funding of the identified program.

Once the factors above have been confirmed, the CLCCG shall use the following questions to help guide their determination as to whether an individual investment or proposed investment in programming will be considered part of the new resources committed to by the International Chocolate and Cocoa Industry under the Declaration:

1. Would a proposed new program or a proposed new investment in an ongoing program support the goals outlined in the Framework, including promoting a coordinated strategy for combating the WFCL in cocoa growing areas? This should be demonstrated by addressing at least the following for one or more of the identified categories:

- a. For livelihood, education, and social protection projects: Would the given program target the withdrawal from, or prevention of, children in the WFCL?
  - b. For livelihood, education, and social protection projects: Would the program target households of working children or children at risk of the WFCL?
  - c. For livelihood, education, and social protection projects: Would the program direct resources to remediation for households of children withdrawn from the WFCL, including as a result of CLMS referral efforts?
  - d. For capacity building projects: Would the program work with the relevant Government agencies and ILO to promote implementation of the CLMS in cocoa-growing areas?
  - e. Would the program direct resources to raise awareness or provide sensitization on the worst forms of child labor, including for social partners?
  - f. For infrastructure projects: Would the program direct resources for infrastructure improvements, which would improve the situation of children so as to promote access to schooling or otherwise contribute to the reduction of the worst forms of child labor?
  - g. For education projects: Would the program assess impact on children in terms of educational participation and work status?
  - h. For livelihood projects: Would the program assess impact on children's households in terms of income and sustainable livelihoods?
2. Would a given program target specific gaps in current services and support relevant national plans in the country where the interventions would take place?
  3. Would a given program prioritize target areas to consider one or all of the following:
    - a. based on areas of greatest need for remediation of children in WFCL? (For example, areas selected based on the results of surveys or information collected by the GCLMS or child protection committees.)
    - b. based on support national plans that will contribute to a reduction of the WFCL in cocoa growing areas?

- c. in a way that supports the coordinated approach to combating the WFCL in cocoa growing areas outlined in the Framework?
4. Would a given program be sustainable?
5. Would the project promote and sustain good practices linked to reducing the worst forms of child labor, including by the assessment of impact and the scaling-up of efforts?
6. Would a given program seek to coordinate with other efforts under the Framework (including the relevant IPEC projects: (1) *Eliminating the Worst Forms of Child Labour in West Africa and Strengthening Sub-Regional Cooperation through ECOWAS*; (2) *Towards Child Labour Free Cocoa Growing Communities through an Integrated Area Based Approach*; and (3) the designated Industry-IPEC Private-Public Partnership Program) in order to leverage resources and enhance short term and long term impact of these efforts?
7. Would a given program be willing to work with the CLCCG to incorporate common indicators into its monitoring, evaluation and reporting framework?
8. Would a given program make available to the CLCCG and the public information, on funds allocated for the project, project target areas, regular progress reports, updates on funding expenditures, and evaluation reports?