



Governing Body

329th Session, Geneva, 9–24 March 2017

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**Working Party on the Functioning of the Governing Body and the
International Labour Conference**

WP/GBC

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THIRD ITEM ON THE AGENDA

Review of the Standing Orders of the International Labour Conference (ILC)

First set of amendments for the effective functioning of the ILC in its reduced two-week format

Introduction

1. As part of the reflection on possible improvements to the functioning of the Conference following the completion of the Governing Body reform process, specific proposals for amendments to the Standing Orders were submitted in October 2013 and March 2014 but no decision was taken at the time as the Office was requested to prepare a consolidated set of amendments following agreement on the Conference reform.¹
2. At its 325th Session (November 2015), the Governing Body requested the Office “to undertake a comprehensive review of the Standing Orders of the Conference with a view to submit to the 328th Session (November 2016) draft amendments to the Standing Orders”.² The document submitted by the Office at the 328th Session was divided in two parts, one containing amendments aimed at adapting the rules of procedure to the two-week format and thus facilitating the effective functioning of the Conference within the new time frame, and another outlining the main elements of a more comprehensive review of the Standing Orders aimed at their simplification and modernization.³
3. Upon the recommendation of the Working Party on the Functioning of the Governing Body and the International Labour Conference, the Governing Body requested the Office to review and report to its 329th Session (March 2017) on a first set of amendments to the Standing Orders aimed at ensuring the effective functioning of the International Labour Conference

¹ GB.319/LILS/1(Rev.1) and GB.320/LILS/1.

² GB.325/INS/14, para. 10 and GB.325/PV, para. 279.

³ GB.328/WP/GBC/1/1.

in its reduced two-week format.⁴ Proposed amendments to the Standing Orders for possible trial at the 106th Session of the International Labour Conference appear in Appendix I.

Scope and purpose of the proposed amendments

4. Should the Governing Body decide to confirm the two-week duration of future sessions of the Conference and to adapt its rules of procedure accordingly, it may wish to recommend to the Conference a set of amendments to the Standing Orders aimed at facilitating the effective functioning of the Conference within this new time frame.
5. For this purpose, it is recalled that amendments to the Standing Orders should address three main issues, namely the timelines for filing objections and complaints with the Credentials Committee, the streamlining of the role and functioning of the drafting committees of the Conference, and the attribution of the functions of the Resolutions Committee to the Selection Committee.
6. Beyond their immediate objective to adapt procedural rules to the needs and constraints of a two-week Conference, the proposed amendments should be regarded as part of a broader review exercise aiming at promoting legal certainty and clarity and enhancing the credibility of the Conference by ensuring the continued relevance of its rules of procedure.

Reducing time limits for submission of objections to the Credentials Committee

7. As shown in the information note in Appendix II, the shortening of the Conference duration calls inevitably for an adjustment of the time limits provided by the Standing Orders regarding the submissions of objections to the Provisional and Revised Lists of Delegates as well as the lodging of complaints. It is furthermore proposed to facilitate the accreditation process by advancing the deadline for depositing the credentials of delegates and advisers with the Office from two to three weeks before the opening of the session of the Conference.
8. These adjustments would involve amendments to articles 26 (examination of credentials), 26bis (objections) and 26ter (complaints) of the Standing Orders.

Establishment of a single Drafting Committee

9. The Standing Orders provides for two distinct types of drafting committees, namely the Conference Drafting Committee and committee drafting committees, both bodies being responsible for ensuring that the drafting of the English and French texts of the international labour instruments adopted by the Conference is legally correct and linguistically sound, and that the two authentic texts are concordant. As explained in the information note in Appendix III, the composition and working methods of the two bodies are largely identical and, in light of the practice of the Conference, there now appears to be little added value in entrusting two distinct bodies with nearly the same function.
10. The merging of the Conference Drafting Committee and committee drafting committees would instead allow considerable time gains. Concretely, should the two bodies be merged,

⁴ GB.328/INS/16, para. 9 and GB.328/PV/Draft, para. 256.

one-and-a-half day of proceedings could be saved. Another full day is saved due to the fact that the proposed Drafting Committee would meet in parallel throughout the work of the technical committee. These time gains would still be made in the event of more than one standard-setting item being considered by the Conference, since the proposed single Drafting Committee would have a distinctive composition and could meet on alternate dates.

11. The proposed establishment of a single Drafting Committee would involve redrafting article 6 (Conference Drafting Committee) to set out its composition and mandate and deleting articles 59 and 67 since as per current practice texts finalized by a committee and reviewed by the Drafting Committee are referred directly to the Conference for adoption.
12. This proposal would also involve changes in article 39 (preparatory stages of double discussion procedure) in view of the practice of committees to also refer to their drafting committee conclusions with a view to the adoption of a Convention or Recommendation. Moreover, while the draft instruments would be referred directly by the Drafting Committee to the plenary of the Conference (article 40(5)bis), an amendment to article 57 (officers of committees) is still required to avoid an extra sitting of the committee to adopt its report.
13. Furthermore, paragraphs 5 and 6 of article 40 (procedure for the consideration of texts) provide that the Conference may refer a single Article of a Convention to a committee and may refer back to a committee the text of a Convention to consider its transformation into a Recommendation. As it appears practically unfeasible that there be recourse to these provisions in the context of a Conference of a two-week duration, it is proposed to delete these two paragraphs. Finally, the creation of a single Drafting Committee would imply the deletion of the word “Conference” before the words “Drafting Committee” in articles 44, 45 and 47.

Abolition of the Resolutions Committee

14. Considering that the Resolutions Committee has not been set up for more than ten years, there seems to emerge general agreement that the Resolutions Committee could be formally abolished and that its functions could be assigned to the Selection Committee. An information note is in Appendix IV. The proposed abolition of the Resolutions Committee would involve amending article 4 (mandate of the Selection Committee) and article 17 (resolutions relating to matters not included in an item placed on the agenda). This proposal takes into account the preferences expressed by the Governing Body during the debate at its last session, in particular with regard to the procedure to be followed when deciding the order in which resolutions not relating to an item included in the agenda of the Conference should be discussed. In this respect, it is proposed that the Officers of the Selection Committee be delegated the authority to determine the order in which such resolutions would be discussed.
15. The proposed abolition of the Resolutions Committee would further involve modifications to article 55 (scope of section H of the Standing Orders in respect of the Selection Committee) with a view to adapt the composition of the Selection Committee when it examines resolutions and allow for the participation of delegates, not members of the Selection Committee, non-member State observers, non-governmental international organizations and liberation movements.
16. Finally, reassigning the functions of the Resolutions Committee to the Selection Committee would involve consequential changes to article 18 (proposals involving expenditures), article 62 (right to address the committee) and article 64 (closure).

Facilitation of interactive debates and panel discussions

17. A number of amendments are also proposed to codify current practices in the context of a Conference of reduced duration. In this sense, it is proposed to modify article 12 (reports of the Chairperson of the Governing Body and the Director-General) to ensure that provisions on time limits for speeches, the number and order of speakers, and the motions and amendments procedures do not apply for panel discussions and interactive debates.
18. It is also proposed to modify Article 23 (verbatim records) to specify that the records of the discussions on the Report of the Chairperson of the Governing Body and on the Report of the Director-General will not be published in a printed format, thereby allowing substantial economies. Rather, in that case the secretariat would ensure that at the conclusion of each sitting, the speeches made would be available to delegates in the languages in which they were delivered and that an audio digital recording of the interventions made in the plenary would be accessible on the Conference's website in English, French and Spanish. In addition, a translated version of the text of such interventions in the official languages of the Conference would also be made available to delegates upon request. It is also proposed to specify that any person who has made a speech may communicate corrections within a reasonable period fixed by the secretariat before the publication of the final *Records of Proceedings*. This proposal would involve a consequential change in paragraph 9 of Article 19 (methods of voting) as it entails replacement of the reference made to "verbatim records" by "*Records of Proceedings*".
19. Finally, as discussed at previous sessions of the Governing Body, it is proposed to amend article 76 (suspension of a provision of the Standing Orders) to permit the suspension of Standing Orders provisions at the opening sitting, without having to artificially split the sitting in two, as in the past.

Draft decision

20. *The Working Party on the Functioning of the Governing Body and the International Labour Conference recommends that the Governing Body:*
 - (a) *approve, in principle, the first set of amendments to the Standing Orders of the Conference in the appendix to be trialled at the 106th Session of the International Labour Conference;*
 - (b) *refer the outcome of this trial to the 331st Session (November 2017) of the Governing Body for further consideration; and*
 - (c) *request the Office to prepare additional amendments for simplification and modernization of the Standing Orders for its consideration at its 331st Session.*

Appendix I

Draft amendments required to facilitate the functioning of the Conference in its reduced two-week session format

ARTICLE 4

Selection Committee

1. The Conference shall appoint a Selection Committee consisting of twenty-eight members nominated by the Government group, fourteen members nominated by the Employers' group and fourteen members nominated by the Workers' group. In none of these categories shall a country have more than one member.
2. It shall be the duty of the Selection Committee to arrange the programme of the Conference, to fix the time and agenda for the plenary sittings, to act on behalf of the Conference with respect to decisions on non-controversial questions of a routine nature and to report to the Conference on any other questions requiring a decision for the proper conduct of its business, in accordance with the Conference Standing Orders. Where appropriate, the Committee may delegate any of these functions to its Officers.
3. The Selection Committee shall examine any other question referred to it by the Conference, including any proposed resolution, and shall submit a report, or reports, on the question to the Conference.

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ARTICLE 6

Conference-Drafting Committee

- ~~1. The Conference shall appoint on the nomination of the Selection Committee a Conference Drafting Committee consisting of at least three persons who need not be either delegates or advisers.~~
- ~~2. The Committee Drafting Committee appointed by each committee under article 59(1) of these Standing Orders shall form part of the Conference Drafting Committee when any proposed Convention or Recommendation is submitted to the Conference by the committee concerned.~~
- ~~3. The Conference Drafting Committee shall have the functions entrusted to it by the rules concerning Convention and Recommendation procedure (Section E) and the rules concerning the procedure for the amendment of the Constitution of the Organisation (Section F) and shall, in general, be responsible for expressing in the form of Conventions and Recommendations the decisions adopted by the Conference and for ensuring agreement between the English and French versions of the texts of all formal instruments submitted to the Conference for adoption.~~
1. There shall be a Drafting Committee responsible for ensuring agreement between the authentic texts of all formal instruments submitted to the Conference for adoption. It shall refine the drafting of all texts referred to it and shall advise on drafting questions as requested by the Conference or by the committee concerned.

2. The Drafting Committee shall be composed of two Government delegates or advisers, two Employers' delegates or advisers and two Workers' delegates or advisers appointed by the committee which refers the text to be reviewed, or by the Conference if the text is considered in full Conference, as well as the Reporter of the committee concerned and the Legal Adviser of the Conference. Members of the Drafting Committee shall, to the extent possible, be conversant with the official languages of the Conference and shall be assisted by officials of the secretariat.

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ARTICLE 12

Reports of the Chairperson of the Governing Body and the Director-General

1. During the session at the times fixed by the Selection Committee, the Conference shall discuss the report of the Chairperson of the Governing Body on its work and the Report of the Director-General of the International Labour Office on the subjects specified in paragraph 2 below.
2. ~~(1) At each session of the Conference in the first year of a biennial financial period, the Director-General shall report on programme implementation and the activities of the Organisation during the preceding financial period, together with proposals for advance planning as well as information on the steps taken by the Governing Body and the Director-General to give effect to the decisions of the Conference at its previous sessions and the results achieved. At each session preceding the beginning of a financial period, (c) said rThe Report of the Director-General shall be devoted to a social policy theme of current interest chosen by the Director-General, without prejudice to other questions on which the Conference may have requested the Director-General to report to it on an annual basis.~~
(2) In addition, at each session of the Conference in the first year of a biennial financial period, the Director-General shall report on programme implementation and the activities of the Organization during the preceding financial period.
3. One delegate representing the Government, one delegate representing the Employers and one representing the Workers may participate in the discussion in respect of each member State, provided that a visiting minister may speak in addition to the Government delegate. No speaker may intervene in the discussion more than once.
4. If the Conference decides that a part or all of the discussion on the reports referred to in paragraph 1 is to be conducted in the form of interactive debates, the following provisions of these Standing Orders shall not apply to those debates:
 - (a) paragraph 3 of this article;
 - (b) paragraphs 2 and 6 of article 14;
 - (c) article 15, paragraph 1 and paragraphs 3–8; and
 - (d) article 16.

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ARTICLE 17

*Resolutions relating to matters not included
in an item placed on the agenda*

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3. Subject to paragraph 2 above, all resolutions relating to matters not included in an item placed on the agenda by the Conference or the Governing Body shall be referred by the Conference for report to ~~a Resolutions~~ the Selection Committee unless the Conference, on the recommendation of the Selection Committee, decides that a particular resolution relates to a matter for which another committee is competent and refers it to that other committee.
4. The ~~Resolutions~~ Selection Committee shall consider in respect of each resolution referred to it whether it satisfies the conditions of receivability set forth in paragraph 1.
5. If more than one resolution is referred to the Selection Committee, its Officers ~~The Resolutions Committee~~ shall determine the order in which resolutions which have been declared receivable shall be examined. In case of disagreement, the matter shall be referred to the Selection Committee, as follows:
 - (a) ~~After having given the author, or one of the authors, of each resolution the possibility of moving it in a speech which shall not exceed ten minutes, the Committee shall, without discussion, determine by ballot the first five resolutions to be considered, in the following manner:~~
 - (i) ~~each member of the Committee shall receive a ballot paper on which the titles of all the resolutions to be considered appear, and shall indicate thereon the five resolutions which the member wishes to be discussed first, the first preference being marked "1", the second "2", and so forth; a ballot paper which does not indicate preferences for five resolutions shall be void;~~
 - (ii) ~~whenever a resolution is indicated as a first preference, it shall be allotted five points, whenever it is indicated as a second preference, four points, and so forth; resolutions for which no preference has been indicated will receive no points;~~
 - (iii) ~~where the Government, Employers' or Workers' members of the Committee are entitled to cast more than one vote, to take account of the unequal representation of the group on the Committee, the total number of points secured by each resolution shall be calculated separately for each group and multiplied by the multiplier applicable to the votes of members of the group;~~
 - (iv) ~~the resolution obtaining the largest number of points, as determined in accordance with clauses (ii) and (iii), shall be discussed first, the resolution obtaining the second largest number of points shall be discussed second, and so forth for five resolutions; if the voting results in an equal number of points for each of two or more of the first five resolutions, priority shall be decided by lot in one or more castings, as appropriate.~~
 - (b) ~~The Committee shall, at the beginning of its proceedings, set up a Working Party composed of three Government members, three Employers' members and three Workers' members to make recommendations as to the order in which the resolutions which were not included in the first five as a result of the procedure set forth in subparagraph (a) should be examined.~~
6. ~~The Resolutions Committee shall begin its work as soon as possible after the opening of the session of the Conference, in order to enable it to complete its agenda, and shall terminate~~

its work not later than at 6 p.m. on the last Saturday of the session. If, nevertheless, any resolution referred to the Selection Committee has not been considered by ~~the Committee~~ it by the date on which it terminates its work, the Conference shall not discuss or act upon that resolution.

- ~~7. (1) If members of the Resolutions Committee having not less than one-quarter of the voting power of the Committee move that the Committee should take the view that a resolution is not within the competence of the Conference, or that its adoption is inexpedient, this preliminary question shall be determined by the Committee after hearing the author, or, where there are several, one of the authors of the resolution, not more than one speaker for and against the motion from each group, and the reply of the author or one of the authors.~~
- ~~(2) A recommendation by the Resolutions Committee that a resolution is not within the competence of the Conference, or that its adoption is inexpedient, shall be accompanied by a report of the discussion in the Committee and shall be put to the vote in the Conference without debate.~~
- ~~8. The Resolutions Committee may, after hearing the author or authors of a resolution, amend it in form or substance in such manner as it may consider desirable.~~
- ~~97. It shall be the special duty of the Resolutions Selection Committee to distinguish, by appropriate drafting, resolutions the adoption of which by the Conference would involve exact legal consequences from resolutions intended for consideration by the Governing Body, governments or any other body, but not creating any legal obligation.~~
- ~~10. The Resolutions Committee shall submit a report to the Conference.~~

ARTICLE 18

Proposals involving expenditure

1. Any motion or resolution involving expenditure shall in the first instance, or in the case of resolutions referred to the ~~Resolutions~~ Selection Committee as soon as that Committee is satisfied that the resolution is receivable and within the competence of the Conference, be referred to the Governing Body which shall communicate its opinion to the Conference.

ARTICLE 19

Methods of voting

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9. The names of the delegates voting in a record vote shall be inserted in the ~~verbatim report~~ Record of Proceedings of the sitting.

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ARTICLE 23

~~Verbatim report~~ Records of Proceedings

1. ~~verbatim report shall be printed at the conclusion~~ Records of Proceedings of each sitting shall be published by the secretariat, with the exception of the discussion on the Report of the Chairperson of the Governing Body and on the Report of Director-General. For this

discussion, the secretariat shall at the conclusion of each sitting provide access to recordings or to the text of the speeches made at the sitting. There shall be included in the ~~report~~ *Records of Proceedings* any texts adopted and the results of any votes taken.

2. ~~Any delegate who has made a speech may demand the right to revise any part of the report containing that speech.~~ Speeches or parts of speeches that have not been delivered during the sitting shall not be published in the ~~report~~ *Records of Proceedings*, with the exception of the Director-General's reply to the discussion of the Report provided for in article 12.

34. Any person who has made a speech may propose corrections to that speech in the *Records of Proceedings*. The secretariat shall fix a reasonable period following the publication of all *Records of Proceedings* within which ~~in order that~~ any proposed corrections should be published, they should be communicated to it the secretariat, in writing; ~~not later than ten days after the close of the Conference.~~

4. ~~The verbatim reports shall be signed by the President of the Conference and the Secretary-General.~~

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ARTICLE 26

Examination of credentials

1. The credentials of delegates and their advisers shall be deposited with the International Labour Office at least ~~15~~ 21 days before the date fixed for the opening of the session of the Conference.

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ARTICLE 26BIS

Objections

1. An objection in pursuance of article 5, paragraph 2(a), shall not be receivable in the following cases:
- (a) if the objection is not lodged with the Secretary General within ~~72~~ 48 hours from 10 a.m. of the first day of the Conference, the date of publication ~~in the *Provisional Record*~~ of the first official list of delegations, on the basis of the presence of a person's name or functions on this list, or its absence. If the objection is based on a revised list, the time limit shall be reduced to ~~48~~ 24 hours. The Credentials Committee may in exceptional cases extend these time limits by an additional 24 hours;

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ARTICLE 26TER

Complaints

3. A complaint shall be receivable if:
 - (a) it is lodged with the Secretary-General of the Conference before 10 a.m. on the ~~seventh~~ fourth day following the opening of the Conference or, thereafter, in the case of a complaint referred to in paragraph 2, it is lodged within 48 hours of the alleged act or omission preventing attendance of the delegate or adviser concerned, and if the Committee considers that there is sufficient time to deal with it properly; and

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ARTICLE 39

Preparatory stages of double-discussion procedure

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4. These reports shall be submitted to a discussion by the Conference either in full sitting or in committee, and if the Conference decides that the matter is suitable to form the subject of Conventions or Recommendations it shall adopt such conclusions as it sees fit, after having referred them to the Drafting Committee, and may either:
 - (a) decide that the question shall be included in the agenda of the following session in accordance with article 16, paragraph 3, of the Constitution; or
 - (b) ask the Governing Body to include the question in the agenda of a later session.

ARTICLE 40

Procedure for the consideration of texts

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4. If the Convention or Recommendation be referred to a committee, the Conference shall, after receiving the text prepared by the Drafting Committee and the report of the committee, proceed to discuss the Convention or Recommendation subject to the provisions of paragraph 6 in accordance with the rules laid down in paragraph 3. The discussions shall not take place before the day following that on which the text of the Convention or Recommendation and copies of the report have been made available ~~circulated~~ to the delegates.
5. ~~During the discussion of the Articles of a Convention or Recommendation, the Conference may refer one or more Articles to a committee.~~
6. ~~If a Convention contained in the report of a committee is rejected by the Conference, any delegate may ask the Conference to decide forthwith whether the Convention shall be referred back to the committee to consider the transformation of the Convention into a Recommendation. If the Conference decides to refer the matter back, the report of the committee shall be submitted to the approval of the Conference before the end of the session.~~
57. The provisions of a Convention or Recommendation, after having been considered in full Conference or by a committee, as adopted by the Conference shall be referred to the Drafting Committee for the preparation of a final text. This text shall be circulated to the delegates.

5bis. The text prepared by the Drafting Committee shall be submitted to the Conference.

68. No amendment shall be allowed to this text, but notwithstanding this provision the President, after consultation with the three Vice-Presidents, may submit to the Conference amendments which have been handed to the secretariat before the final vote is taken.
79. On receipt of the text prepared by the Drafting Committee and after discussion of amendments, if any, submitted in accordance with the preceding paragraph, the Conference shall proceed to take a final vote on the adoption of the Convention or Recommendation in accordance with article 19 of the Constitution of the Organisation.

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ARTICLE 44

Procedure in case of revision of a Convention

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7. The amendments together with consequential amendments of the unamended provisions of the Convention under revision, as adopted by the Conference, shall be referred to the ~~Conference~~-Drafting Committee, which shall combine with them the unamended provisions of the Convention under revision, so as to establish the final text of the Convention in the revised form. This text shall be circulated to the delegates.

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ARTICLE 45

Procedure in case of revision of a Recommendation

6. The amendments, together with the consequential amendments of the unamended provisions of the Recommendation under revision, as adopted by the Conference, shall be referred to the ~~Conference~~-Drafting Committee, which shall combine with them the unamended provisions of the Recommendation under revision so as to establish the final text of the Recommendation in the revised form. This text shall be circulated to the delegates.

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ARTICLE 47

Procedure for the consideration of proposed amendments to the Constitution by the Conference

6. The amendments as adopted by the Conference shall be referred to the ~~Conference~~-Drafting Committee which shall embody them, together with any necessary consequential amendments of the unamended provisions of the Constitution, in a draft instrument of amendment the text of which shall be circulated to the delegates.

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Committees of the Conference

ARTICLE 55

Scope

1. These Standing Orders apply to all committees appointed by the Conference except the Credentials Committee and the Drafting Committee.
2. The following provisions do not apply to the Selection Committee:
 - (a) article 56, paragraphs 6, 8, 9 and 10, except when it considers other questions in accordance with article 4, paragraph 3;
 - (b) the words “in agreement with the Selection Committee” in article 60;
 - (c) article 63, except when it considers other questions in accordance with article 4, paragraph 3;
 - (d) paragraphs 3 and 4 of article 65.
3. These Standing Orders apply to the Finance Committee of Government Representatives, except in so far as they are inapplicable because that Committee is not tripartite in character and consists solely of Government representatives.

In addition, the following provisions do not apply to the Finance Committee:

- (a) article 56, paragraphs 6 and 10;
- (b) article 57, paragraph 2;
- (c) the words “from each group” in the first sentence of article 64, paragraph 3; and the second sentence in that paragraph;
- (d) article 65, paragraph 1.

ARTICLE 57

Officers of committees

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3. Each committee shall then elect from among its members one or more Reporters to present the result of its deliberations to the Conference on its behalf. ~~Before presenting a report to the committee for its approval, the Reporter or Reporters shall submit it to the Officers of the committee.~~

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5. Before presenting a report to the committee for its approval, the Reporter or Reporters shall submit it to the Officers of the committee. The committee may delegate the approval of its report to the Officers.

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ARTICLE 59

~~Committee drafting committees; s~~Subcommittees

- ~~1. Each committee to which the Conference, in accordance with article 40 of the rules of procedure for Conventions and Recommendations, refers as a basis of discussion texts of proposed Conventions or Recommendations shall set up at an early sitting a committee drafting committee consisting of one Government delegate, one Employers' delegate and one Workers' delegate together with the Reporter or Reporters of the committee and the Legal Adviser of the Conference. In so far as may be possible the committee drafting committee shall comprise members conversant with both official languages. The committee drafting committee may be assisted by the officials of the Secretariat of the Conference attached to each committee as experts on the particular item of the agenda concerned. The committee drafting committee shall form part of the Conference Drafting Committee when any Convention or Recommendation is submitted to the Conference by the committee concerned.~~
21. Each committee shall have power to set up subcommittees after due notice has been given to the three groups in the committee.
32. The Chairperson of a committee shall be entitled to attend the meetings of the ~~committee drafting committee and~~ of the subcommittees set up by the committee.

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ARTICLE 62

Right to address the committee

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- ~~4. In the case of the Resolutions Committee the Chairperson may, after consultation with the two Vice Chairpersons, submit to the Committee for decision without debate a proposal to reduce the time limit for speeches on a specific topic to five minutes.~~

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ARTICLE 64

Closure

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- ~~4. In the case of the Resolutions Committee only the sponsor of the motion, resolution or amendment under discussion, or one of the sponsors if there were several, shall have the right to speak on the question under discussion after the closure has been voted.~~

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ARTICLE 67

[Deleted]

~~Amendments to text submitted by committee drafting committee~~

~~Amendments to a text submitted to a committee by its drafting committee may be admitted by the Chairperson after consultation with the Vice Chairpersons.~~

SECTION J

**Suspension of a provision of the
Standing Orders**

ARTICLE 76

Subject to the provisions of the Constitution, the Conference, on the unanimous recommendation of the President and three Vice-Presidents, may exceptionally decide to suspend any provision of the Standing Orders, for the purpose of dealing with a specific non-controversial question before it when this will contribute to the orderly and expeditious functioning of the Conference. ~~A decision may not be taken until the sitting following that at which a proposal to suspend the Standing Orders has been submitted to the Conference.~~

Appendix II

Information note – Credentials Committee

What is the Committee's mandate?

In accordance with article 3(9) of the ILO Constitution and article 5 of the ILC Standing Orders, the Credentials Committee is the tripartite body that is entrusted with the task of examining the credentials of delegates and their advisers, as well as any objection regarding their nomination or absence thereof and complaints related to the non-payment of their travel and subsistence expenses.

How does the Committee operate?

The Credentials Committee examines **objections** and **complaints** in accordance with articles 26bis and 26ter of the ILC Standing Orders, respectively. The Credentials Committee sits in closed sessions. Upon receipt of an objection or complaint, the government concerned is invited to provide written explanations to the Committee. If it deems necessary, the Committee may call for oral hearings. The Credentials Committee prepares two reports, the first focusing on the quorum and composition of the Conference and the second containing its observations on the objections and complaints received. Since 2000, the Credentials Committee has examined on average 14 objections and five complaints per session.

How does the two-week format impact on the Credentials Committee?

Under the current ILC Standing Orders, the first deadline for submission of objections falls on the fourth day of the Conference, i.e. 72 hours from 10 a.m. of the first day of the Conference. The second deadline for objections falls on the eighth day of the Conference, i.e. 48 hours from publication of the *Revised List of Delegations*. Similarly, the deadline for complaints falls on the eighth day of the Conference, i.e. 10 a.m. on the seventh day following the opening of the Conference. Bearing in mind that from the moment of reception, the secretariat of the Credentials Committee usually needs four to ten hours to contact the governments concerned; one to three hours to preliminarily examine the objection or complaint received; two to four hours to prepare a case file; 24 to 36 hours to wait for the government's reply; and two to six hours to translate all relevant documentation – all in advance of any Committee session where the case will be discussed – the current timelines for submission of objections and complaints render the functioning of the Credentials Committee highly problematic. In this regard, at the 104th ILC Session, the Credentials Committee held 12 sessions in the span of 11 working days while at the 105th Session it held nine sessions in the same period of time. An additional factor is that, as from 2015, the rotating chairmanship of the Credentials Committee has led to the necessity that all documents (e.g. summaries of cases, government replies, draft conclusions) be prepared in at least two languages, and meetings be conducted with interpretation.

Have any measures been trialled to address the situation?

To mitigate the impact of a two-week format on the Credentials Committee, the ILC Standing Orders were suspended at the 104th and 105th Sessions of the Conference to allow for: (i) an extension of the deadline for depositing credentials from 15 to 21 days before the opening of the Conference; (ii) reducing the deadline for lodging an objection after the

publication of the *Provisional List of Delegations* from 72 to 48 hours and after the *Revised List of Delegations* from 48 to 24 hours; and (iii) shortening the deadline for lodging a complaint from seven to five days following the opening of the Conference. In addition, a *Preliminary List of Delegations* has been published 18 days (ten days as compared to presently) before the opening of the Conference to provide ample opportunity to examine accreditations, identify issues, facilitate timely preparation for possible objections.

What could be done to efficiently manage the Credentials Committee work?

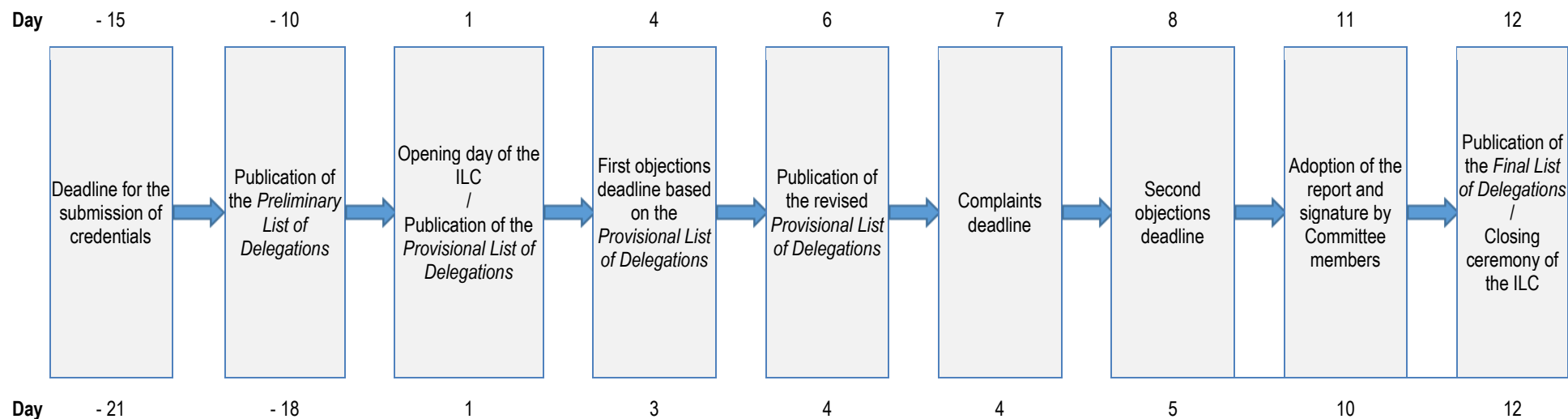
Firstly, it would be necessary to confirm a three-week instead of a two-week deadline for the deposit of credentials. The three-week deadline not only supports early decision-making at the national level, but facilitates handling of the usual large number of participants whose credentials and visa requests require processing both by the Office and the Swiss authorities. For the 104th and 105th Sessions of the Conference, timely accreditation stood at 56.47 per cent (96 out of 170) and 49.71 per cent (85 out of 181) respectively.

Secondly, the shorter deadlines for filing objections, as trialled at the 104th and 105th Sessions of the Conference, also need to be confirmed. With regard to complaints, while in 2015 and 2016 the deadline for their submission was set for the fifth day following the Conference opening, i.e. on Saturday morning of the first week, it is proposed to bring that deadline forward to the fourth day, i.e. Friday, so as to permit the secretariat to transmit the request for comments to Governments on a working day and so that Governments may replay by the following Monday. In any case, the deadline of seven days has to be reduced.

Thirdly, the online accreditation system should progressively become the sole means of submitting credentials. Upon validation, credentials are uploaded by the Office onto the online accreditation system and they are made available more quickly. The tripartite constituents could be given full access thus making information available in real time. For the 104th Session of the Conference, online accreditation was used by 126 out of 170 member States attending, while for the 105th Session of the Conference, online accreditation stood at 152 out of 171 member States.

Fourthly, the Credentials Committee could be mandated to initiate on its own motion information gathering with respect to incomplete (non-tripartite) delegations. Whereas under article 26bis of the ILC Standing Orders objections may be lodged in respect of incomplete delegations, the Credentials Committee could be automatically seized of such type of objections and invite governments to provide explanations.

Credentials Committee workflow under current Standing Orders



Credentials Committee workflow under proposed Standing Orders

Full accreditation information is made available further in advance of the ILC opening

This time lapse permits the Office to invite governments to express their views with sufficient time to reply and allows the Committee to conduct discussions and hold hearings if necessary

Appendix III

Information note – Conference Drafting Committee and Committee Drafting Committee

What is the role of the Conference Drafting Committee and the committee drafting committee?

The Conference Drafting Committee and the committee drafting committee are two bodies entrusted with the task of ensuring the legally correct and linguistically sound drafting of the English and French texts of the international labour instruments adopted by the Conference, or in other words verifying that the two authentic texts read the same. The Conference Drafting Committee and the committee drafting committee therefore do not initiate texts, nor do they review the scope or the content of the provisions of the instruments or reopen discussions on points of substance.

Concretely, article 6(3) of the ILC Standing Orders provides that the Conference appoints a Conference Drafting Committee “responsible for expressing in the form of Conventions and Recommendations the decisions adopted by the Conference and for ensuring agreement between the English and French versions of the texts of all formal instruments submitted to the Conference for adoption” while article 59(1) of the Standing Orders provides that the technical committee to which the Conference has referred the text of a proposed Convention or Recommendation “shall set up at an early sitting a committee drafting committee”. While its mandate is not expressly defined in the Standing Orders, the committee drafting committee is also responsible for the bilingual checking of draft instruments, solving drafting problems specifically referred to it by the technical committee, and ensuring overall consistency between the two authentic texts.

Are drafting committees different from drafting groups?

Drafting groups are subcommittees appointed under article 59(2) of the Standing Orders by so-called “non-standard-setting committees”, that is to say committees established in the framework of recurrent and general discussions. The function of a drafting group is to prepare draft conclusions of a tripartite debate and not to review the drafting of the two authentic versions of formal instruments prior to their adoption by the Conference. Because of the nature of its mandate, the composition of a drafting group is generally much wider than that of drafting committees.

What is the composition of the drafting committees?

By virtue of article 59(1), the ILC Standing Orders, a committee drafting committee, is composed “of one Government delegate, one Employers’ delegate and one Workers’ delegate together with the Reporter or Reporters of the committee and the Legal Adviser of the Conference”. In practice, however, the Government, Employers’ and Workers’ delegates are often accompanied by one or two advisers to ensure that the drafting committee members have the linguistic skills required. In addition, although Spanish is not one of the two languages of the authentic texts of the instrument, taking into account that the Spanish version of the text is discussed in parallel with the English and French versions during the technical committee’s sittings, Spanish-speaking tripartite delegates have been invited in recent years to attend the meetings of the committee drafting committee. Finally, the committee drafting committee is serviced by several staff members of the secretariat.

With regard to the composition of the Conference Drafting Committee, article 6(1) of the Standing Orders provides that the Conference “shall appoint on the nomination of the Selection Committee a Conference Drafting Committee consisting of at least three persons who need not be either delegates or advisers”. Article 6(2) of the Standing Orders further provides that the “Committee Drafting Committee appointed by each committee under article 59(1) of these Standing Orders shall form part of the Conference Drafting Committee when any proposed Convention or Recommendation is submitted to the Conference by the committee concerned”. The standard decision taken by the Selection Committee provides that “the Conference Drafting Committee should be composed as follows: the President of the Conference or his/her representative; the Secretary-General of the Conference or his/her representative; the Legal Adviser of the Conference and his/her deputy; the Director of the International Labour Standards Department; the members of the relevant committee’s drafting committee.”. In practice, however, the composition of the Conference Drafting Committee and of the committee drafting committee is virtually identical.

What are the working methods of the drafting committees?

The working methods of the two drafting committees are identical. The meetings of drafting committees are facilitated by the Legal Adviser of the Conference and other staff members of the secretariat. At the beginning of each meeting, the text to be reviewed by the drafting committee is distributed to its members in English and French. The text is read out sentence by sentence consecutively in both languages following which the committee members may raise any question or make suggestions for improvements relating to the wording, translation or syntax of the provision that has just been read out. Where necessary, a committee drafting committee may decide to inform the technical committee concerned at its next sitting of any particular problems encountered and/or of solutions proposed. Once changes to the text of the instrument have been agreed upon by the members of the committee drafting committee, those changes are incorporated into a new version of the instrument which may serve as the basis of ensuing committee discussions. A key aspect of the committee’s work is to ensure drafting and terminological consistency with existing international labour standards and therefore recourse is often made to the ILO drafting manual, the ILO house style manual and the online database of ILO instruments.

Why are there two types of drafting committees?

The reason is twofold. First, at the time of the adoption of the ILC Standing Orders, it was contemplated under article 40(1) and (7) of the Standing Orders that Conventions and Recommendations could actually be discussed directly in the plenary of the Conference. Therefore, it was deemed necessary to put at the disposal of the plenary a drafting committee to review the wording of the instruments it would examine. As a matter of long-standing practice, however, draft instruments are referred to technical committees, those bodies being considered as more suitable, flexible and specialized forums for negotiating the text of such instruments. Secondly, under article 40(4) and (7) of the Standing Orders, once the text of an instrument has been adopted by a technical committee, it is referred for discussion to the Conference, which can still amend it. The Conference Drafting Committee stands ready to review the text – as finally adopted and possibly amended by the plenary – prior to the final vote on the instrument. However, while it is theoretically possible for the Conference to modify the text which has been transmitted by a technical committee, in practice no amendments are moved at that late stage. Therefore, the role of the Conference Drafting Committee is now rather limited. It consists mainly in inserting the standard final clauses in a draft Convention and conducting a final bilingual checking of the entire text, bearing in mind that the instruments have already been thoroughly examined by the committee drafting committee throughout the one-and-a-half week of the technical committee’s work.

When do drafting committees intervene in the standard-setting process?

While the committee drafting committee was originally convened only at the end of the technical committee's work, since 2005 it meets regularly in parallel with the technical committee. In practice, committee drafting committees hold evening sessions, immediately after technical committee's sittings, and are convened at regular intervals (generally every two or three days, depending on the number of provisions adopted by the technical committee). This arrangement allows the committee drafting committee to have sufficient time to undertake a thorough bilingual checking and carry out any other verification, as may be necessary, of the provisions adopted in the technical committee.

As regards the Conference Drafting Committee, it is convened after the adoption of the text of the instrument by both the technical committee and the plenary of the Conference, and before it is put to a final vote.

Could there be one single drafting committee?

This was tested in 2015, following the suspension of the relevant Standing Orders when the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204), was adopted on the basis of the work of a single drafting committee. Merging the Conference Drafting Committee and the drafting committee of a technical Conference committee into a single body would contribute to the overall streamlining of Conference procedures, especially in the context of a two-week format. Considering that it is agreed that the number of sittings of a technical committee will remain the same even in a two-week format, and also considering that, with a view to avoid absences that might jeopardize the quorum and to be able to deal with possible failures of the electronic voting system, a vote on an international labour instrument should not be taken on the final day of the Conference, it is imperative to compress the time available between the end of the work of the technical committee and the plenary vote. Below is a graphic illustration of the timetable of the last days of the Conference under a three-week and a two-week scenario. Grey-shaded cells represent the time gains which would result from the proposed amendments to the Standing Orders concerning drafting committees and the procedure for the examination of texts.

How would the amended Standing Orders read?

With a view to merging the two drafting committees and reflecting current practice, in particular with regard to the composition of the drafting committees, articles 6 and 59(1) of the ILC Standing Orders could be replaced by a new article to read as follows:

ARTICLE [X]

Drafting Committee

1. There shall be a Drafting Committee responsible for ensuring agreement between the authentic texts of all formal instruments submitted to the Conference for adoption. It shall refine the drafting of all texts referred to it and shall advise on drafting questions as requested by the Conference or by the committee concerned.

2. The Drafting Committee shall be composed of two Government delegates or advisers, two Employers' delegates or advisers and two Workers' delegates or advisers appointed by the committee which refers the text to be reviewed, or by the Conference if the text is considered in full Conference, as well as the Reporter of the committee concerned and the Legal Adviser of the Conference. Members of the Drafting Committee shall, to the extent possible, be conversant with the official languages of the Conference and shall be assisted by officials of the secretariat.

Schedule under a three-week format

	Friday 9	Saturday 10	Sunday 11	Monday 12	Tuesday 13	Wednesday 14	Thursday 15	Friday 16
9 a.m.	Last sitting of the technical committee discussion	Committee drafting committee	Production and printing of the text	Adoption of the report and of the instrument by the technical committee	Discussion in the plenary cannot take place before the day following that on which copies of the report have been circulated to the delegates (article 40(4))	Possible amendments and adoption of the instrument in the plenary of the Conference (article 40(3) and (4))	Vote on the instrument in the plenary of the Conference (article 40(9))	Closing ceremony of the International Labour Conference
12 noon								
6 p.m.						Conference Drafting Committee (article 40(7))		
10 p.m.								

Schedule under a two-week format

9 a.m.	Last day of the technical committee discussion on the draft instrument	Discussion in the plenary cannot take place before the day following that on which copies of the report have been circulated to the delegates (article 40(4))	Adoption of the instrument in the plenary	Closing of the International Labour Conference
12 noon	Adoption of the draft instrument by the committee		Final vote on the instrument	
6 p.m.	Drafting Committee reviews and finalizes the text including the insertion of final clauses in case of a Convention			
10 p.m.				

Appendix IV

Information note – Resolutions Committee

What is the Resolutions Committee?

In accordance with article 17 of the ILC Standing Orders, resolutions relating to matters not included in an item placed on the agenda of the Conference may be moved under certain restrictive conditions, namely, they must be submitted by a titular delegate 15 days before the opening and only in non-budgetary years. This type of resolution was introduced in the Standing Orders in 1922.¹ As the Standing Orders did not indicate which committee would consider these resolutions and determine whether they were receivable or not, the Standing Orders were revised in 1930 to specify that they would be assigned to the Selection Committee, or more precisely, to its resolutions subcommittee composed of three representatives of each group.² As of 1932, these resolutions were transmitted to the newly established Resolutions Committee.³

In accordance with the current provisions of article 17(3), (4) and (10) of the Standing Orders, the Resolutions Committee is entrusted to: (a) consider whether a resolution meets the necessary receivability conditions; (b) determine the order in which receivable resolutions will be examined; and (c) amend it in form and substance where necessary before submitting it to the Conference.

What is the situation in practice?

In 2005, in order to achieve important savings, it was decided to suspend the Resolutions Committee.⁴ Since then, no Resolutions Committee has been convened, the relevant Standing Orders being systematically suspended at non-budgetary sessions of the Conference, and no resolutions on a matter not included in the agenda have been moved. By way of comparison, in 2000, at the 88th Session of the ILC, 16 resolutions had been submitted to the Resolutions Committee.⁵

Would it be possible/desirable to entrust its functions to another committee?

Given that the Resolutions Committee has not been set up for more than ten years, the question arises as to whether the current practice should be codified and the functions of the Resolutions Committee be entrusted to another standing committee of the Conference, it being understood that the rights of delegates to present resolutions is not in any manner affected.

In view of the functions it is already entrusted with as regards the consideration of resolutions, the Selection Committee would appear to be the most suitable committee to

¹ ILC, *Record of Proceedings*, 4th Session, 1922, Appendix IV, pp. 509 ss.

² ILC, *Record of Proceedings*, 14th Session, 1930, Appendix III, pp. 620–623.

³ ILC, *Record of Proceedings*, 16th Session, 1932, pp. 533–539.

⁴ See GB.292/PFA/8/1; *Reply of the Director-General to the Programme, Financial and Administrative Committee*, p. 5.

⁵ ILC, *Record of Proceedings*, 88th Session, 2000, p. 19/1.

replace the now defunct Resolutions Committee. To ensure wider participation, article 55 of the Standing Orders could be amended to provide that, when the Selection Committee examines resolutions, the normal rules for committees apply as regards the participation of delegates not members of the Selection Committee, non-member State observers, non-governmental international organizations and liberation movements.

Furthermore, in the unlikely event that the Selection Committee would have to consider more than one resolution, and with a view to expediting processes, it is suggested that the Officers of the Selection Committee should be delegated the authority to determine the order in which resolutions would be discussed. In case of disagreement among the Officers, the decision should be taken by the Selection Committee itself.