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Legal Issues and International Labour Standards Section
Legal Issues Segment

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FIRST ITEM ON THE AGENDA

Incomplete delegations to the International Labour Conference and Regional Meetings

Purpose of the document

This document provides up-to-date information regarding incomplete and non-accredited delegations to sessions of the International Labour Conference and Regional Meetings. It covers the period June 2014–June 2017, during which the 103rd Session (2014), 104th Session (2015), 105th Session (2016) and 106th Session (2017) of the International Labour Conference took place, as well as the 18th American Regional Meeting (October 2014), the 13th African Regional Meeting (November–December 2015) and the 16th Asia–Pacific Regional Meeting (December 2016) (see draft decision in paragraph 15).

Relevant strategic objective: None.

Main relevant outcome/cross-cutting policy driver: Enabling Outcome B: Effective and efficient governance of the Organization.

Policy implications: None.

Legal implications: None.

Financial implications: None.

Follow-up action required: Subject to guidance provided by the Governing Body.

Author unit: Office of the Legal Adviser (JUR).

Related documents: GB.323/LILS/1.

Introduction

1. The composition of each delegation and the procedure for appointing delegates and advisers to sessions of the International Labour Conference (ILC) are governed by article 3 of the ILO Constitution.¹ An equivalent provision for Regional Meetings is contained in article 1 of the *Rules for Regional Meetings*.² The important resolution concerning the strengthening of tripartism in the overall activities of the ILO, adopted by the ILC at its 56th Session (1971), made it clear that sending tripartite delegations to the Conference and Regional Meetings was not only a right of member States but also an obligation laid upon them.³ The appointment of a full tripartite delegation is also essential in view of article 4, paragraph 2, of the ILO Constitution, which provides that if a member State fails to nominate one of the non-governmental delegates, the other non-governmental delegate who has been accredited loses the right to vote.
2. Acting on the aforementioned 1971 resolution, the Governing Body at its 183rd Session (June 1971) requested the Director-General to carry out inquiries concerning the extent of, and the reasons for, the failure of governments to send tripartite delegations to sessions of the ILC and Regional Meetings and to report to it on this subject.⁴ At its 205th Session (February–March 1978), the Governing Body requested the Director-General to extend the scope of the inquiries to cases of failure by member States to send any delegations at all.⁵
3. The decisions requesting the Office to regularly report on member States' failure to participate in sessions of the ILC or Regional Meetings and also to accredit full tripartite delegations reflect concerns regarding the impact that such situations can have, particularly when recurrent, on the functioning of the tripartite ILO decision- and policy-making bodies.
4. The last report on the subject was submitted to the Governing Body at its 323rd Session (March 2015) and covered as per usual practice a full cycle of four Regional Meetings.⁶ The present report covers the period June 2014–June 2017, during which the 103rd Session (2014), 104th Session (2015), 105th Session (2016) and 106th Session (2017) of the ILC took place, as well as the 18th American Regional Meeting (October 2014), the 13th African Regional Meeting (November–December 2015) and the 16th Asia-Pacific Regional

¹ Article 3(1) of the ILO Constitution provides as follows: “The meetings of the General Conference of representatives of the Members shall be held from time to time as occasion may require, and at least once in every year. It shall be composed of four representatives of each of the Members, of whom two shall be Government delegates and the two others shall be delegates representing respectively the employers and the workpeople of each of the Members.”

² Article 1(1) of the *Rules for Regional Meetings* provides as follows: “Each Regional Meeting shall be composed of two Government delegates, one Employers' delegate, and one Workers' delegate for each State or territory invited by the Governing Body of the International Labour Office to be represented at it. Acceptance by a State or territory of an invitation to be represented at a Regional Meeting implies that it assumes responsibility for the travel and subsistence expenses of its tripartite delegation.”

³ See para. 2(g)(i) and (iii) of the resolution.

⁴ GB.183/23/33.

⁵ GB.205/21/10, para. 4.

⁶ GB.323/LILS/1.

Meeting (December 2016). It does not encompass the Tenth European Regional Meeting (October 2017).

Overview

5. The present report is submitted to the Governing Body with a view to providing statistical information of those member States that have failed to accredit either a full tripartite delegation or any delegation at all to sessions of the ILC or to Regional Meetings that took place during the aforementioned period (June 2014–June 2017).
6. In the absence of periodicity decided by the Governing Body, it has been the recent practice of the Office to solicit explanations from concerned governments regarding their non-attendance on a multi-annual basis, normally after the completion of a full cycle of Regional Meetings. This permits an analysis of general trends and permits comparisons between regions in order that appropriate conclusions may be drawn.
7. As the present report has had to be prepared prior to the completion of the latest cycle of four Regional Meetings, no information has been requested or received from member States on challenges they have encountered in meeting their constitutional obligations. However, where information has been provided to the Credentials Committees – as provided for in the relevant Standing Orders of the ILC or Regional Meetings – such information has been included in the present report. Full information is contained in the appendix to this document.

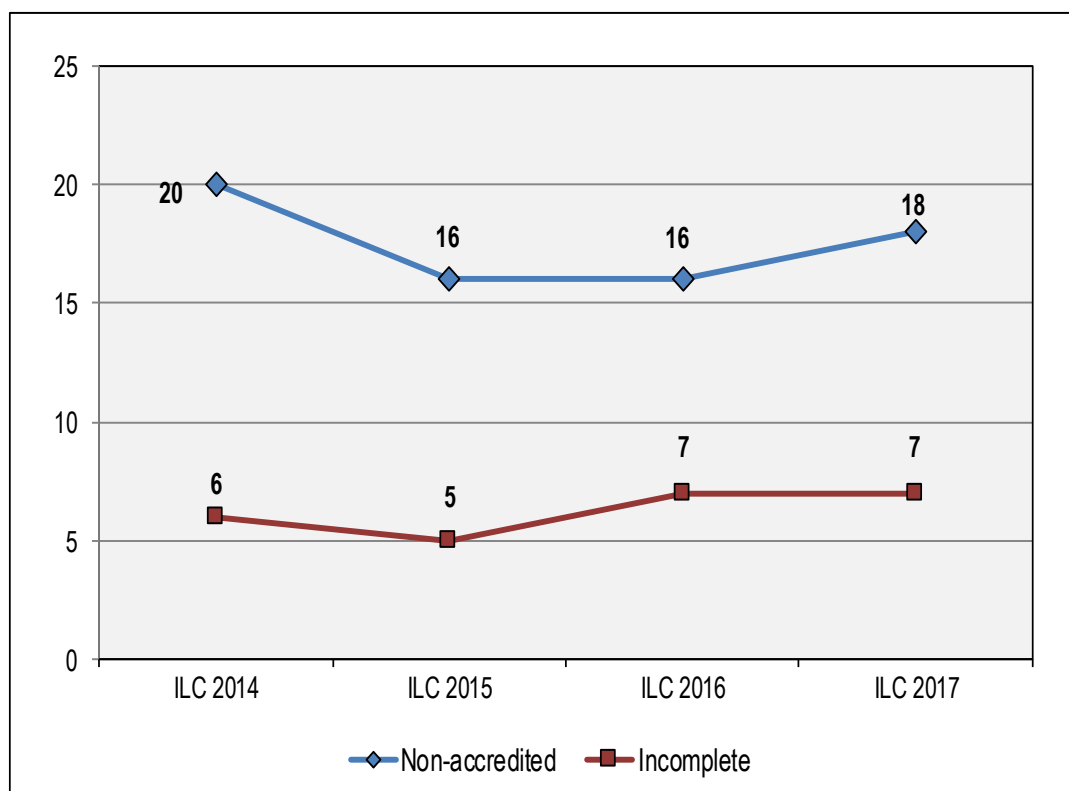
International Labour Conference

8. During the period under review (2014–17), the number of member States accrediting full tripartite delegations to sessions of the ILC averaged approximately 87 per cent (same as the preceding period).⁷ Taking into account the ILO's membership of 187 member States,⁸ this leaves an average of 24 member States per year that were either represented by incomplete delegations or not represented at all (see figure 1 below).⁹

⁷ GB.323/LILS/1, para. 8.

⁸ During the period under review, the Cook Islands and Tonga became member States on 12 June 2015 and 24 February 2016 respectively, thereby increasing the total ILO membership from 185 to 187.

⁹ Statistics contained in this document for the purposes of incomplete delegations reflect the absence of either one or both Government delegates.

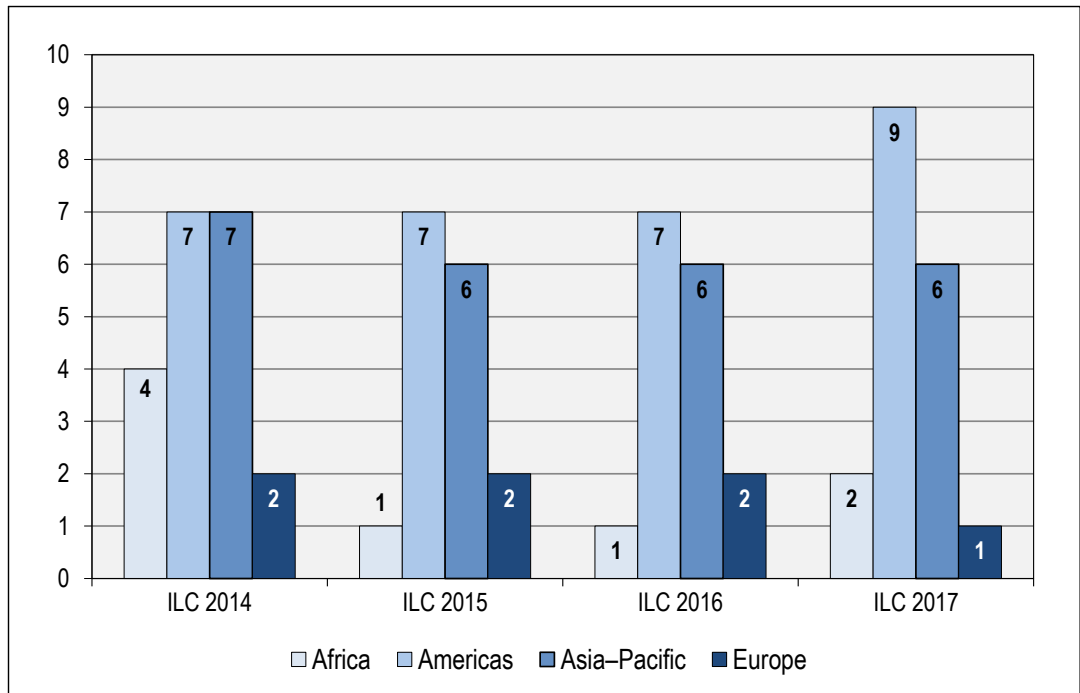
Figure 1. International Labour Conference: Non-accredited and incomplete delegations (2014–17)

9. The general trend for the period under review (2014–17) is similar to that of the preceding period (2010–13) and with respect to the proportionally higher numbers of non-accredited delegations from the Americas and the Asia–Pacific regions, the majority of which derived from the Caribbean¹⁰ and Pacific Island¹¹ subregions, respectively (see figure 2 below).

¹⁰ As determined by the geographical coverage of the ILO’s DWT/CO–Port-of-Spain, this is comprised of the following member States: Antigua and Barbuda, Bahamas, Barbados, Belize, Dominica, Grenada, Guyana, Jamaica, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, and Trinidad and Tobago.

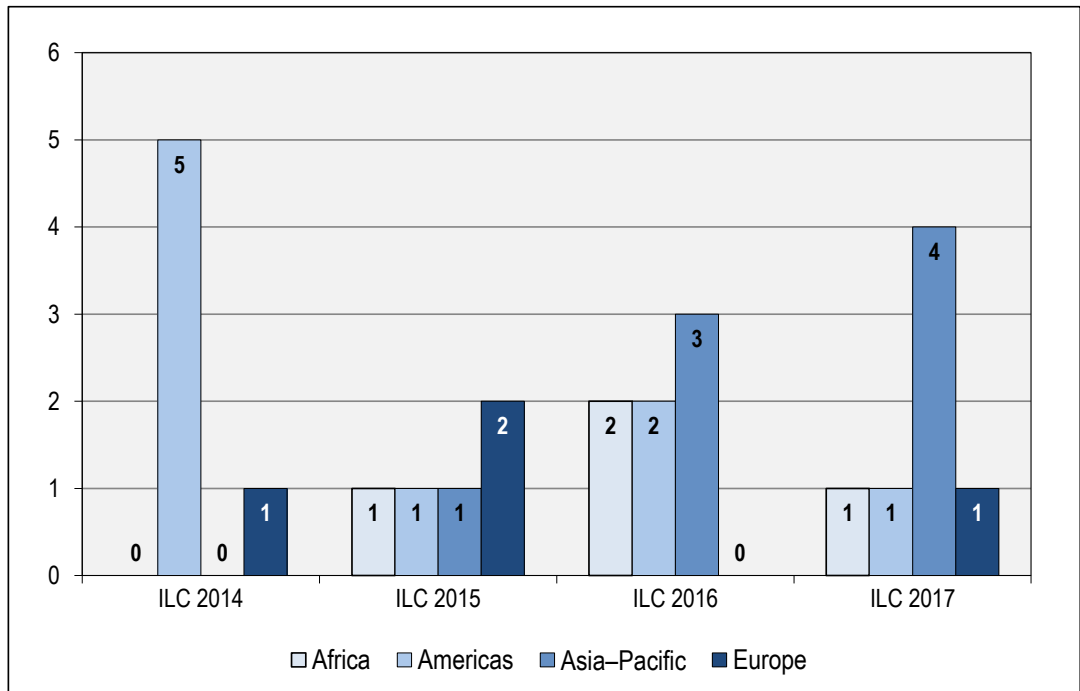
¹¹ As determined by the geographical coverage of the ILO’s CO–Suva, this is comprised of the following member States: Cook Islands, Fiji, Kiribati, Marshall Islands, Palau, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu and Vanuatu.

Figure 2. International Labour Conference: Non-accredited delegations by region (2014–17)



10. The number of incomplete delegations has similarly been analysed by region and has improved overall for the period under review with respect to the 2010–13 period (38 incomplete delegations for 2010–13 as compared to 25 incomplete delegations for 2014–17) (see figure 3 below).

Figure 3. International Labour Conference: Incomplete delegations by region (2014–17)



Regional Meetings

11. For the three Regional Meetings under review, the proportion of member States that accredited full tripartite delegations was 71 per cent for the 18th American Regional Meeting (as compared to 53 per cent for the 17th American Regional Meeting); 82 per cent for the 13th African Regional Meeting (as compared to 64 per cent for the 12th African Regional Meeting); and 63 per cent for the 16th Asia–Pacific Regional Meeting (as compared to 67 per cent for the 15th Asia–Pacific Regional Meeting). Overall, there appears to be a higher level of non-accredited and incomplete tripartite delegations in Regional Meetings as compared to the International Labour Conference (see figures 4 and 5 below).

Figure 4. Regional Meetings: Non-accredited and incomplete delegations (2014–17)

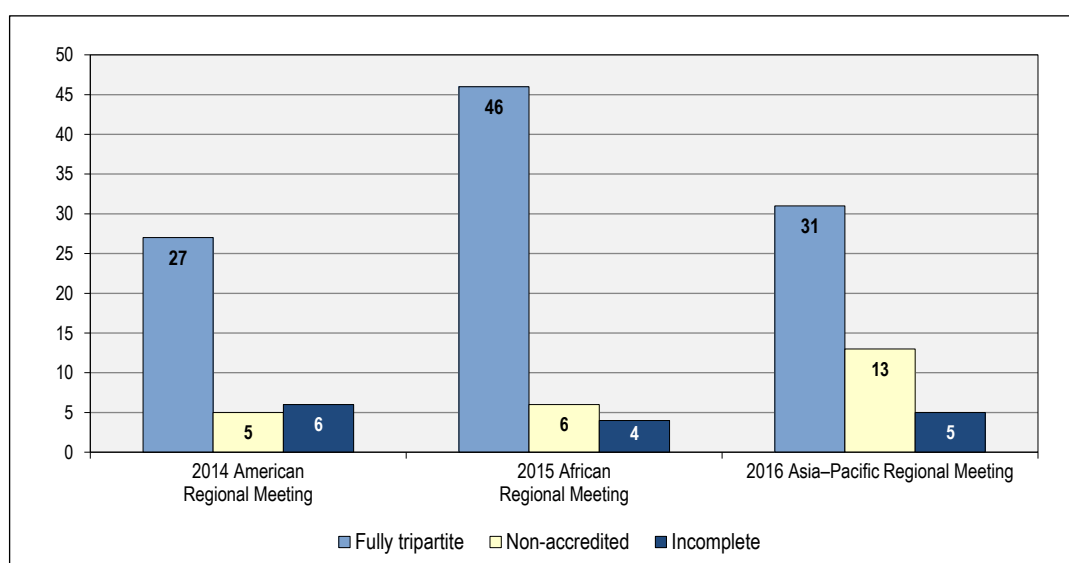
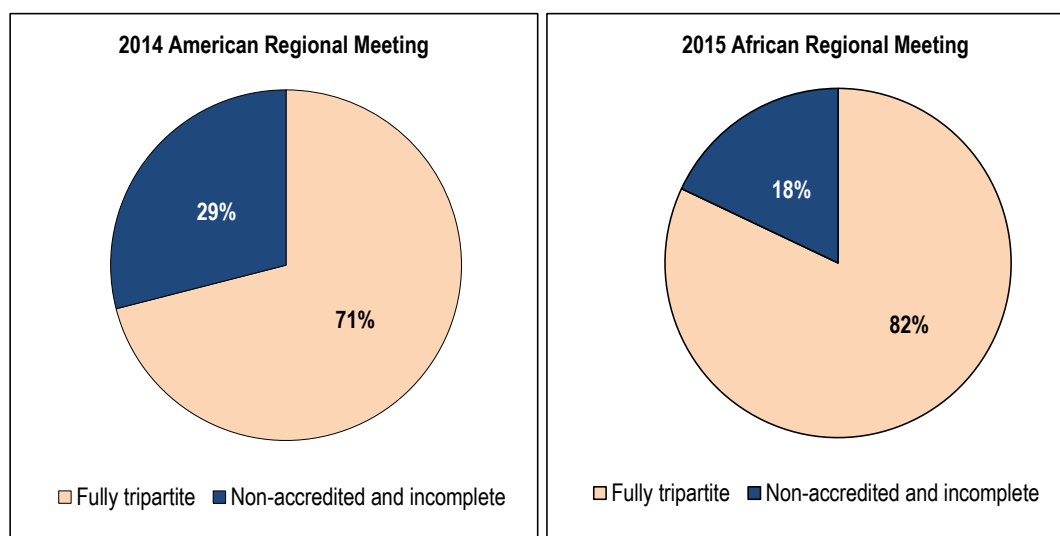
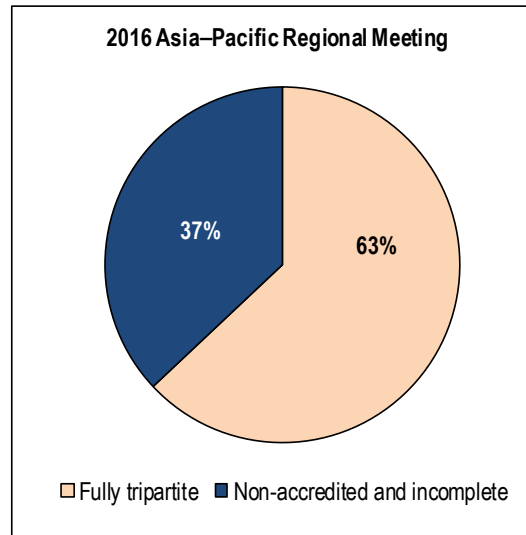


Figure 5. Regional Meetings: Percentage of non-accredited and incomplete delegations (2014–17)





Role of the Credentials Committee

12. During the period under review, the Credentials Committee of the International Labour Conference continued to examine objections regarding the failure of member States to nominate either Employers' or Workers' delegates.¹² Twelve objections were filed out of a possible total of 20¹³ in relation to the failure to deposit credentials of an Employers' or a Workers' delegate, or an objection rate of 60 per cent. Specifically:

- At the 103rd Session (2014) of the ILC, two objections were lodged concerning the failure to deposit credentials of Employers and Workers. No objection was filed with respect to the other three incomplete delegations. The Credentials Committee received explanations concerning one of the objections only.¹⁴
- At the 104th Session (2015) of the ILC, two objections were lodged concerning the failure to deposit credentials of Employers and Workers. No objection was filed with respect to another incomplete delegation, which did not include an Employers' delegate. The Credentials Committee received explanations concerning both objections.¹⁵
- At the 105th Session (2016) of the ILC, three objections were lodged concerning the failure to deposit credentials of Employers and Workers. No objection was filed with

¹² Article 5(2) of the ILC Standing Orders provides as follows: "The Credentials Committee shall examine, in accordance with the provisions of section B of Part II: (a) the credentials as well as any objection relating to the credentials of delegates and their advisers or to the failure to deposit credentials of an Employers' or Workers' delegate ...".

¹³ The ILC Standing Orders do not foresee the possibility of filing objections where only one or no Government delegate has been accredited and therefore have been excluded from this section.

¹⁴ See *Provisional Record* No. 5C, ILC, 103rd Session, 2014, paras 20–24, 30–32.

¹⁵ See *Provisional Record* No. 5C, ILC, 104th Session, 2015, paras 68–73, 88–90.

respect to another three incomplete delegations. The Credentials Committee received explanations concerning two of those objections.¹⁶

- At the 106th Session (2017) of the ILC, five objections were lodged concerning the failure to deposit credentials of Employers and Workers. No objection was filed with respect to another incomplete delegation, which did not include the Employers' delegate. The Credentials Committee received explanations concerning three of the five objections.¹⁷

13. It should be noted that the Credentials Committee received only eight responses to the 12 requests for information that it addressed to the governments concerned. Two member States explained that they were unable to send complete delegations due to financial constraints (as compared to four for the preceding period), whereas another four explained that their failure was due to either natural disaster or internal strife. Two other member States explained that their inability was due to the nomination process (see appendix).
14. The Credentials Committee has repeatedly expressed regret at the number of delegations that have been either incomplete or not accredited to ILC sessions and it has consistently urged all governments to comply with their constitutional obligations and fulfil the requirement of article 3 of the ILO Constitution to send fully tripartite delegations to the ILC.¹⁸

Draft decision

15. *The Governing Body:*

- (a) *urges member States to comply with their constitutional obligations to accredit full tripartite delegations to sessions of the International Labour Conference and Regional Meetings; and*
- (b) *requests the Director-General to continue to monitor the situation of member States which fail to accredit a tripartite delegation to sessions of the International Labour Conference and Regional Meetings, taking into account the guidance provided by the Governing Body.*

¹⁶ See *Provisional Record* No. 6C(Rev.), ILC, 105th Session, 2016, paras 45–49, 60–64, 74–76.

¹⁷ See *Provisional Record* No. 5C, ILC, 106th Session, 2017, paras 29–31, 39–41, 97–99, 127–129, 146–148.

¹⁸ See *Provisional Record* No. 5C, ILC, 106th Session, 2017, para. 186.

Appendix

International Labour Conference

Member State	ILC 2014 (103rd Session)	ILC 2015 (104th Session)	ILC 2016 (105th Session)	ILC 2017 (106th Session)	Government reply to Credentials Committee
Afghanistan	–	–	Incomplete (no Employers' delegate)	–	–
Antigua and Barbuda	Non-accredited	Non-accredited	Non-accredited	Non-accredited	–
Armenia	Non-accredited	Non-accredited	–	Incomplete (only Government delegates)	Objection at ILC 2017 (106th Session) Reply: None.
Belize	Non-accredited	Non-accredited	Non-accredited	Non-accredited	–
Bolivia (Plurinational State of)	Incomplete (No Workers' delegate)	–	–	–	–
Comoros	–	–	Incomplete (Government delegates missing)	–	–
Cook Islands	–	–	–	Incomplete (only Government delegates)	Objection at ILC 2017 (106th Session) Reply: Despite government efforts, it had been unable to send an Employers' and a Workers' delegate this year to the Conference due to financial constraints and that the amount of travel and subsistence expenses for a full tripartite delegation was disproportionate in comparison to its annual operational budget.
Dominica	Non-accredited	Non-accredited	Non-accredited	Non-accredited	–
Ecuador	–	–	Incomplete (only Government delegates)	–	Objection at ILC 2016 (105th Session) Reply: Due to the 16 April 2016 earthquake that had devastated the country, all resources had been refocused on providing relief. Consequently, only Government representatives from the Permanent Mission had been accredited.

Member State	ILC 2014 (103rd Session)	ILC 2015 (104th Session)	ILC 2016 (105th Session)	ILC 2017 (106th Session)	Government reply to Credentials Committee
El Salvador	Incomplete (only Government delegates)	–	–	–	Objection at ILC 2014 (103rd Session) Reply: Nomination process – There were no workers' representatives at the Superior Labour Council which is the legally recognized tripartite body, so the Government did not convene a meeting with the workers to determine the composition of the delegation. A meeting was convened with the employers but they did not nominate a representative.
Equatorial Guinea	Non-accredited	–	–	Non-accredited	–
Haiti	Incomplete (no Workers' delegate)	–	–	–	–
Gambia	Non-accredited	Non-accredited	Non-accredited	Non-accredited	–
Grenada	Non-accredited	Non-accredited	Non-accredited	Non-accredited	–
Guinea-Bissau	Non-accredited	–	–	–	–
Guyana	Incomplete (one Government delegate missing)	Non-accredited	–	Non-accredited	–
Kiribati	–	–	–	Non-accredited	–
Kyrgyzstan	Incomplete (only Government delegates)	Non-accredited	Non-accredited	–	Objection at ILC 2014 (103rd Session) Reply: None.
Maldives, Republic of	–	–	Incomplete (no Workers' delegate)	–	Objection at ILC 2016 (105th Session) Reply: Nomination process – Currently there was no suitable legislative framework for the registration and governance of trade unions. Despite this the Government had sought to engage them, but they had been found to be non-compliant with the primary stipulations of the Maldives Associations Act (No. 1/2003). Therefore, it was not considered mandatory that associations of the aforesaid nature be included within the Workers' delegation.

Member State	ILC 2014 (103rd Session)	ILC 2015 (104th Session)	ILC 2016 (105th Session)	ILC 2017 (106th Session)	Government reply to Credentials Committee
Marshall Islands	Non-accredited	Non-accredited	Non-accredited	Non-accredited	–
Nicaragua	Incomplete (no Employers' delegate)	Incomplete (no Employers' delegate)	Incomplete (no Employers' delegate)	Incomplete (no Employers' delegate)	–
Palau	Non-accredited	Non-accredited	Non-accredited	Non-accredited	–
Papua New Guinea	–	–	–	Incomplete (only Government delegates)	Objection at ILC 2017 (106th Session) Reply: From the publication of the Provisional List of Delegations on 5 June 2017, it had updated its delegation list and accredited a full tripartite delegation. The revised credentials were deposited on the opening day of the Conference.
Saint Kitts and Nevis	Non-accredited	–	Non-accredited	Non-accredited	–
Saint Lucia	Non-accredited	Non-accredited	Non-accredited	Non-accredited	–
Saint Vincent and the Grenadines	Non-accredited	Non-accredited	Non-accredited	Non-accredited	–
Samoa	Non-accredited	–	Non-accredited	–	–
San Marino	–	Incomplete (one Government delegate missing)	–	–	–
Sao Tome and Principe	Non-accredited	–	–	–	–
Sierra Leone	–	–	Incomplete (only one Government delegate)	–	Objection at ILC 2016 (105th Session) Reply: None.
Solomon Islands	Non-accredited	Non-accredited	Non-accredited	Non-accredited	–
Sudan	–	Incomplete (one Government delegate missing)	–	–	–
Tajikistan	Non-accredited	Incomplete (only one Government delegate)	Non-accredited	Non-accredited	Objection at ILC 2015 (104th Session) Reply: Failure to accredit a complete tripartite delegation due to financial constraints.

Member State	ILC 2014 (103rd Session)	ILC 2015 (104th Session)	ILC 2016 (105th Session)	ILC 2017 (106th Session)	Government reply to Credentials Committee
Timor-Leste	Non-accredited	Non-accredited	–	Incomplete (only Government delegates)	Objection at ILC 2017 (106th Session) Reply: None.
Tonga	–	–	–	Incomplete (one Government delegate missing)	–
Trinidad and Tobago	–	–	–	Non-accredited	–
Tuvalu	Non-accredited	Non-accredited	Non-accredited	Non-accredited	–
Vanuatu	Non-accredited	Non-accredited	Non-accredited	Non-accredited	–
Yemen	–	Incomplete (only Government delegates)	Incomplete (only Government delegates)	Incomplete (only Government delegates)	Objection at ILC 2015 (104th Session) Reply: Due to travel bans by air, sea and land as a result of the ongoing armed conflict in the country, a tripartite delegation could not be sent. Objection at ILC 2017 (106th Session) Reply: No Employers' or Workers' nominations received despite the Government's request. It added that the current armed conflict in the country has led to absence of embassies to apply for visas.

Regional Meetings

Member State	18th American Regional Meeting (Lima, 2014)
Dominica	Incomplete (no Government delegates)
Dominican Republic	Incomplete (one Government delegate missing)
France	Incomplete (no Employers' delegate)
Grenada	Non-accredited
Haiti	Non-accredited
Jamaica	Incomplete (one Government delegate missing)
Nicaragua	Non-accredited
Saint Kitts and Nevis	Incomplete (one Government delegate missing)
Saint Lucia	Non-accredited
Saint Vincent and the Grenadines	Incomplete (one Government delegate missing)
United Kingdom	Non-accredited

Member State	13th African Regional Meeting (Addis Ababa, 2015)
Cabo Verde	Non-accredited
Equatorial Guinea	Incomplete (only one Government delegate)
Eritrea	Non-accredited
France	Incomplete(no Employers' delegate)
Liberia	Non-accredited
Madagascar	Incomplete (only Government delegates)
Mauritius	Non-accredited
South Sudan	Non-accredited
Uganda	Incomplete (one Government delegate missing)
United Kingdom	Non-accredited

Member State	16th Asia-Pacific Regional Meeting (Bali, 2016)
Afghanistan	Incomplete (one Government delegate only)
Cook Islands	Non-accredited
Iraq	Non-accredited
Jordan	Incomplete (one Government delegate missing)
Kiribati	Non-accredited
Lebanon	Incomplete (one Government delegate only)
Maldives, Republic of	Non-accredited
Marshall Islands	Non-accredited
Myanmar	Incomplete (only Government delegates)
Pakistan	Incomplete (one Government delegate only)
Palau	Non-accredited
Russian Federation	Non-accredited
Solomon Islands	Non-accredited
Syrian Arab Republic	Non-accredited
Tuvalu	Non-accredited
United States	Non-accredited
Vanuatu	Non-accredited
Yemen	Non-accredited
