



Governing Body

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

WP/GBC

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FIRST ITEM ON THE AGENDA

Composition of the Governing Body: Update on the status of ratification of the 1986 Instrument for the Amendment of the Constitution of the ILO

I. Introduction

1. At its 329th Session (March 2017), the Governing Body discussed the question of the composition of the Governing Body – a matter of long-standing concern in particular since the category “Members of chief industrial importance”, referred to in article 7, paragraph 2, of the ILO Constitution, does not include Members from all geographical regions. The Governing Body invited Members which had not yet done so to ratify the 1986 Instrument for the Amendment of the ILO Constitution (the 1986 Amendment) whose principal aim is to make membership of the Governing Body more representative taking into account the various geographic, economic and social interests of its constituent groups. The Governing Body also requested the Director-General to pursue promotional efforts for the ratification of the 1986 Amendment, to solicit Members concerned for explanations on the reasons which prevent or delay the ratification, and to report at its November 2017 session on the replies received.¹ A circular letter was sent on 5 April 2017 to the 82 governments concerned and a reminder was sent on 1 August 2017.

II. Update on the status of ratification of the 1986 Amendment

2. As at 25 September 2017, there have been 106 ratifications/acceptances which have been registered, including two from Members of chief industrial importance (India and Italy).² Since the last report to the Governing Body in March 2017, one new acceptance has been registered (Honduras). A further 19 ratifications or acceptances, including at least three from

¹ GB.329/PV, para. 366, GB.329/WP/GBC/1, GB.329/INS/18, paras 2 and 3.

² For more information, see: http://www.ilo.org/wcmsp5/groups/public/---dgreports/---jur/documents/genericdocument/wcms_448705.pdf.

Members of chief industrial importance (from among Brazil, China, France, Germany, Japan, Russian Federation, United Kingdom and United States), are required for the 1986 Amendment to enter into force.

III. Information received from non-ratifying member States regarding the reasons which prevent or delay ratification

3. As of 25 September 2017, 15 (19 per cent) of the governments that have not yet ratified the 1986 Amendment have replied to the Director-General's letter of 5 April 2017 inviting them to provide information regarding the reasons which prevent or delay such ratification.
4. Five governments (Cook Islands, Djibouti, Israel, Lebanon and Lithuania) informed that they had already initiated or would shortly begin the ratification procedure. One government (Dominican Republic) expressed its interest to ratify. Two governments (Latvia and the Philippines) planned to consult with the social partners on possible ratification. One government (Republic of Korea) was reviewing the impact of the 1986 Amendment and another government (Bulgaria) informed that possible ratification could be considered in the second half of 2018. One government (Canada), while remaining supportive, considered that the 1995 Amendment to the Standing Orders of the Conference had substantially advanced the goal of making the Governing Body membership more representative. Since ratification of international treaties is a complex and resource-intensive process, it prioritized, at this time, ratification, promotion and effective implementation of international labour standards. One government (Uzbekistan) requested further information on certain aspects of the 1986 Amendment and another government (Australia) was waiting for the Director-General's Report to the 331st Session of the Governing Body and the ensuing discussion to further inform its consideration.
5. Replies were also received from two Members of chief industrial importance. Japan recognized the importance of making the Governing Body more representative but indicated that no consensus on ratification had been reached. The Russian Federation stated that ratification required further consideration. In its view, the modifications of the 1986 Amendment would complicate the work of the Organization as the Governing Body should remain compact for effective decision-making; the submission of the Director-General's appointment to the Conference for approval was unnecessary; and the stricter majority and quorum requirements at the Conference would make the work of the Organization more difficult.
6. It is noted that while the majority of the respondents were positive about the ratification prospects, the position of the two Members of chief industrial importance was reserved. As regards the reasons which prevent or delay ratification only one government (Russian Federation) identified substantive reasons relating to the 1986 Amendment while another government (Uzbekistan) requested more information.

IV. Promotional activities

7. Since the last report to the Governing Body in March 2017, the Office has continued its promotional activities for the ratification of the 1986 Amendment. In July 2017, the Director-General sent a letter concerning this matter to all member States that have not yet

ratified the 1986 Amendment. The explanatory brochure ³ and the dedicated website ⁴ have been updated. Roll-up banners were set up on display and updated brochures were distributed at the 106th Session (2017) of the International Labour Conference and at the Tenth European Regional Meeting in October 2017.

Draft decision

- 8. *The Governing Body requests the Director-General to take account of its guidance concerning further efforts to promote the ratification of the 1986 Instrument for the Amendment of the ILO Constitution, and the prospects of its entry into force in the near future.***

³ Available at: http://www.ilo.org/wcmsp5/groups/public/---dgreports/---jur/documents/genericdocument/wcms_448694.pdf.

⁴ Available at: http://www.ilo.org/global/about-the-ilo/how-the-ilo-works/departments-and-offices/jur/legal-instruments/WCMS_448693/lang--en/index.htm.