



## THIRD ITEM ON THE AGENDA

**The functioning of the International Labour Conference**

1. During the discussions that took place at the 284th Session (June 2002) of the Governing Body on questions arising out of the 90th Session of the Conference, several speakers called for improvements in the functioning and organization of the Conference or recalled their previous requests in that connection. The outcome was a decision that the Governing Body should continue the discussions at its present session on the basis of a document prepared by the Office.
2. Comments related to a wide range of issues, from logistical matters such as better use of information technology, time arrangements and the preparatory work for the Conference, to more substantive ones, such as the role of the plenary and the working methods of committees.
3. Some of these issues relate to a further streamlining of the reform exercise initiated in the last decade (notably the early 1990 reforms which resulted in a set of amendments to the Standing Orders of the Conference in 1993,<sup>1</sup> and those introduced on a trial basis in 1995<sup>2</sup> in order to reduce expenditure, which eventually led to the set of amendments adopted at the last session of the Conference),<sup>3</sup> while others are already the subject of ongoing examination, in particular:
  - *Enhanced use of information technology.* This was first considered at the 283rd Session of the Governing Body<sup>4</sup> and will again be discussed at the LILS Committee at the present session.<sup>5</sup>

<sup>1</sup> See *Provisional Record* Nos. 2 and 11, ILC, 80th Session, 1993.

<sup>2</sup> GB.264/PFA/9/3.

<sup>3</sup> See *Provisional Record* Nos. 2 and 20, ILC, 90th Session, 2002.

<sup>4</sup> GB.283/LILS/4/1.

<sup>5</sup> GB.285/LILS/1.

- *Working methods of the Committee on the Application of Standards.* Informal consultations were held in this connection during the 90th Session of the Conference<sup>6</sup> and are again scheduled in early 2003 with a view to a formal examination of the matter by the Committee itself at the 91st Session (June 2003) of the Conference.
  - *Arrangements for the discussion of the Global Report under the follow-up to the Declaration on Fundamental Principles and Rights at Work.* The Governing Body will have to consider the discussion format for the June 2003 Conference at its March 2003 session. The discussion of the last Global Report in the first cycle before an overall review is conducted by the Governing Body in November 2003 on the basis of experience drawn from the first cycle of four global reports.<sup>7</sup>
  - *Reinforcement of tripartism at the Conference.* The Governing Body will have two documents before it at its present session: one on the effect to be given to the resolution concerning tripartism and social dialogue,<sup>8</sup> adopted by the Conference at its 90th Session, and the second, through LILS, on the role of the Credentials Committee.<sup>9</sup>
4. The present document will accordingly concentrate on those issues not already covered by the existing review process so as to serve as a basis for a preliminary exchange of views. It will include, for each issue, a summary of concerns expressed, a brief reminder of any previous discussion and a range of possible options.

**(a) Overall duration of the Conference**

5. The current three-week duration of the Conference is considered by some to be too long, both in terms of the absence of government officials and employers' and workers' representatives from their national duties and of the cost implications for member States and the Organization.
6. The reduction of the duration of the Conference was one of the main issues at stake during the discussions held in the framework of the Working Party on Improvements in the Functioning of the International Labour Conference which eventually led, as of 1994, to the shortening of the Conference to three weeks, instead of the previous four, resulting in a reduction from 22 calendar days (from the group meetings preceding the Conference until its formal closure) to 19 days. Experience, as well as the 1995 financial crisis, prompted a further reduction by scheduling the Conference closure a day earlier (on Thursday of the third week instead of Friday). Since 1996, the Conference duration has accordingly been 18 calendar days.
7. This reduction in the duration of the Conference has proved a significant improvement and achieved satisfactory results and savings.<sup>10</sup> For legal and practical reasons, it would seem unrealistic to envisage any further reduction, at least without major change to the method

<sup>6</sup> See paragraphs 27-29, *Provision Record* No. 28, Part One, ILC, 90th Session, 2002.

<sup>7</sup> GB.283/10/1.

<sup>8</sup> GB.285/7/1.

<sup>9</sup> GB.285/LILS/2.

<sup>10</sup> cf. assessment of the reforms in GB.267/PFA/7 and GB.271/LILS/2.

of work or scope of the Conference. This is particularly true for the consideration of standard-setting items and the other technical items on the Conference agenda. First, under present arrangements, technical committees often have serious difficulties in completing their work within the maximum number of sittings available to them. In fact, one of the conditions posed during the discussions of the 1993 reforms was that the reduction in the overall duration of the Conference should be made without prejudice to the number of sittings allocated to committees which, at the time, was considered to be the very minimum. Although, since 1993, night and Saturday sittings have become indispensable for technical committees to finish their work, in 2002 it was again felt that additional time should be made available to committees and measures were taken to enable technical committees to start their business a day earlier (as of Tuesday of the first week, instead of Wednesday).

8. Therefore, the mooted proposal that technical committees complete their business by scheduling the adoption of their report on Saturday of the second week at the latest (instead of Monday or Tuesday in the third week) would necessarily result in a reduction of the already limited time available by at least one-and-a-half days. Postponement of the adoption of committees' reports in order to gain time for the technical committees cannot be envisaged, due to time constraints deriving from the production of committee reports and to the statutory deadlines between the time when the Conference adopts a standard-setting committee report and the plenary vote on the instruments.
9. If the need were felt for a further reduction in the duration of the Conference, an overall review of its current structure and arrangements would be required. However, it would seem possible to introduce a series of practical adjustments, which could assist in streamlining the functioning of the Conference while retaining the current overall time frame. These will be referred to in the following sections on the plenary and committees.

## **(b) Role and procedures of the Conference plenary**

10. The plenary has two roles: to perform the procedural and decision-making functions provided for in the Constitution and the Conference Standing Orders, and to hold a general discussion on the reports of the Chairperson of the Governing Body and of the Director-General. They are quite distinct and are governed by different rules. The first aspect of the plenary work consists of the procedural requirements necessary for the opening of the Conference (a short sitting during the first week), consideration of committee reports (between Monday and Thursday of the third week) and the adoption of any decisions required by the Constitution or the Standing Orders (adoption of the programme and budget, adoption of international labour instruments or constitutional amendments, admission of new Members, etc., normally during the last week of the Conference). The second aspect constitutes a platform for national delegations and other participants to express their views on the Director-General's Report and its annexes – the report on programme implementation in non-budgetary years and the report on a social policy theme in budgetary years – and also views on national situations that could otherwise not be voiced in the international arena.
11. While the first set of functions has only been slightly modified in recent years (in particular by simplifying the procedures for setting the Conference in motion), the second was one of the main features of the 1993 and 1995 reforms. First, the various yearly reports on programme implementation were consolidated into a single report to be submitted every two years, and it was decided to alternate it with a social policy theme report (1993 amendment to article 12 of the Conference Standing Orders). Secondly, the time limit for speeches on these reports was reduced first from 15 to ten minutes, then to five minutes. As of 1996, the time devoted to the discussion of these reports has been limited to a

calendar week, during the second week of the Conference, thus allowing a suspension of the plenary sittings during the first week.

12. Concerns raised at present mainly refer to this second aspect of the plenary role and procedures. Some relate to the usefulness and cost efficiency of keeping in its present form a plenary debate which attracts little interest. Others relate to its timeframe and impact on committee work. Comments have also been made relating to the organization of side events.
13. With regard to the suggestion that the plenary discussion of the reports of the Chairperson of the Governing Body and of the Director-General be scheduled during its first week at the Conference, there seem to be no practical or legal impediments. In fact, such a rescheduling could yield certain improvements in the work of the secretariat and possibly some savings (especially if, instead of producing the *Provisional Record* each night, this were done towards the end of the second week, the simultaneous production of the plenary *Provisional Record* and committee reports would be avoided). By giving the Director-General more time to draw conclusions from the plenary discussion, this arrangement could also result in a more prominent role for the Director-General's reply itself, a matter on which some have insisted. However, if the savings and the rationalization achieved with the 1995 reforms (the suspension of the plenary during one week) are to be maintained, special care should be taken to avoid the plenary discussions spreading throughout the whole of the second week of the Conference and the number of sittings should be fixed in advance. It is unlikely that there would be any significant effect of such a measure on committee work. At the same time, moving forward the plenary discussions on the Director-General's Report to the first week of the Conference could have an impact on attendance during the third week, when all decisions are submitted for adoption, as well as on the discussion of the Global Report if it did not coincide with the plenary discussion week.
14. With respect to the role of plenary discussions as such, there would seem to be little room for improvement through minor adjustments. However, if a consensus emerged as to a more radical reorganization of the plenary discussions, the Office could explore various possibilities, including some already applied in other international forums (submission of speeches in writing instead of delivery), or reverting to certain ideas developed in the past. Alternating two types of plenary discussion, depending on the subject of the Director-General's Report, could be envisaged. Thus, current arrangements could remain for the discussion of the report on a social policy theme, while the discussion in years where a report on programme implementation is due could be organized around a number of sittings on chosen subjects along the lines of a committee-type discussion. In exploring any such solution, possibly in combination with others, special attention should, however, be paid to ensuring high-level tripartite participation.
15. As far as the organization of side and special events is concerned, the Office is already in the process of ensuring that events are kept to a minimum, preferably in connection with an item on the agenda, and scheduled in a way that would not affect the normal work of the Conference. The Office intends to continue this policy.
16. There would also seem to be room for improvement in the procedural role of the plenary (in particular in connection with the consideration of committee reports). Greater discipline on time limits for speeches by the rapporteurs and the officers of committees could result in significant time savings, leaving more time to other speakers or permitting a speedier disposal of business.

---

**(c) Conference committees**

17. There are two types of committee in the Conference: technical committees instituted every year to consider technical items on the Conference agenda (including any general discussion committee, standard-setting committees and also the Committee on the Application of Standards) and standing committees (such as the Finance Committee, the Selection Committee, the Resolutions Committee, the Credentials Committee or the Standing Orders Committee) which are instituted and scheduled when the need arises.
18. Apart from comments on one of the standing committees, namely the Resolutions Committee, most concerns relate to the technical committees, either to their working methods or on the time constraints they face in completing their work.
19. Regarding the time frame of technical committees (as seen in paragraphs 7 and 8 above), no substantial modification seems possible in the present circumstances. However, some additional time could be made available if the committees could effectively start their work as soon as they have been constituted after the opening ceremony of the Conference (as of the Tuesday morning of the first week). This would require that groups hold their committee preparatory meetings as of the eve of the opening of the Conference and that all delegations be present in Geneva on Monday of the first week. To this end, attendance of tripartite delegations should be required and ensured from Monday morning. The registration of delegates should, as has been the case in recent years, be possible prior to the official opening of the Conference and, if need be, could remain open, together with some key secretariat services, during the whole weekend preceding the Conference.
20. However, in order to provide technical committees with a significant amount of additional time and flexibility, more radical solutions need to be explored. For instance, the possibility provided for in the Standing Orders to resort to technical preparatory conferences, which could be held in parallel throughout the whole duration of the annual Conference, and which could be used in lieu of first discussions or for consideration of items under the integrated approach. This would have the advantage of providing almost three full weeks for the consideration of such issues, as no direct report from the preparatory conference would be required for the general Conference. Among possible drawbacks, this solution would have cost implications, particularly in terms of interpretation and secretariat expenses for a three-week meeting, and in terms of participation of delegates to the preparatory conference, whose presence in some cases would be required in Geneva for a longer period.
21. With respect to the working methods of technical committees, those relating to a better use of information technology are covered in a separate document, and those concerning better preparation and orientation for the chairpersons and the secretariat are discussed under a separate heading below.
22. As far as the standing committees are concerned, some have been the subject of significant reforms in recent years. This is the case in particular of the Selection Committee, which is no longer called to meet to consider routine matters, a function which is delegated to its officers. It only meets if the need arises to consider important issues (such as for the consideration of urgent resolutions or proposals for the withdrawal of Conventions or Recommendations) which would otherwise need to be dealt with by the plenary.
23. Other standing committees are in fact only convened as required and for the time necessary to complete their business. The only standing committee in respect of which concerns have been voiced is the Resolutions Committee, in that its organization and operation effectively permit a substantive discussion on only one or two resolutions. This situation does not seem to result from a malfunctioning of the committee or the existing legal framework, but

rather from the very nature and role of the committee itself. If a request was nevertheless made to allocate additional time to the committee, full-day meetings, instead of half day as at present, could be envisaged, but not without extra cost. At the same time, some rationalization could be introduced without touching upon the working methods, such as the suppression of the working party required under article 17.5(b) of the Standing Orders.

**(d) Conference preparatory work**

24. As the contents of discussions in technical committees become increasingly specialized and the running of committees in general requires previous exposure to and knowledge of Conference procedures and practices, better preparation and orientation of committee secretariats and chairpersons has become a pressing demand. In this connection, apart from a training seminar which all officials assigned to the Conference secretariat are required to attend every year, the Office will attempt, for the Conference in 2003, to improve the selection process, the representatives of the Secretary-General and the coordinators of Conference committees on the basis of their experience and technical expertise, and to anticipate their identification so that the necessary consultations and preparation may commence at an earlier stage. Concerning in particular the identification of suitable chairpersons for Conference committees, the Office intends to start without delay the process for the next session of the Conference so that the nominations can be agreed upon in principle by regional coordinators by the end of 2002. It would be useful in this respect if the groups could also anticipate the identification of their respective vice-chairpersons and spokespersons in the various committees.

**(e) Composition and participation rights at the Conference**

25. Although not explicitly referred to during the discussion in the Governing Body last June, a number of issues relating to the composition of the Conference and to participatory rights in its debates also arise regularly.

26. While there is a constant number of delegations of around 160 out of 175 Member States each year, the continuing absence of certain delegations, and the inability of some States to send full tripartite delegations on conditions which enable them to take an active part in the Conference and its committees is a preoccupying issue. This situation has been examined by the Governing Body in the past and various proposals were made at the time. If the need is again to examine possible remedies to this situation, the Office could revert to past discussions and make new proposals.

27. As to the rights to participate in the Conference, the increasing number of non-governmental international organizations (NGIOs) represented at the Conference and their demands for a more active role raise a number of concerns. The first relates to the conditions required for NGIOs, other than international organizations of employers and workers, to participate in the Conference: these conditions were established by the Governing Body in 1956 when it created the Special List, and permit the participation of certain types of formal international associations. The way in which civil society organizes itself has, of course, evolved over time and a number of important actors at the international or national levels on issues relevant to the work of the Conference do not qualify for participation under existing criteria (for instance, the Global March against Child Labour or other informal networks). Another difficulty relates to the right of NGIOs to address Conference committees, as the interest of benefiting from the views of civil society actors, other than tripartite constituents, is to be weighed against the primary role of the latter who are not always in a position to take an active part in the debates due to

time constraints. In this connection, a solution resorted to in recent years has been to allot all NGOs together a fixed amount of time to address the committees during their general discussions, leaving to the NGOs themselves the distribution of speaking time or the possibility of presenting a common statement. If the Governing Body considers it worth addressing these issues, a revision of existing rules and practices would be required.

**(f) Production and distribution of documents**

28. There is a general feeling that much waste is generated in this field. Considering that a large part of the Conference budget is devoted to production of pre-conference documents (reports to the Conference) and in-session documents (*Provisional Records*), the Governing Body decided during the financial crisis in 1995, on the one hand, to suspend the in-session production of the *Provisional Record* relating to the discussion of the Director-General's Report in plenary (the *Provisional Records* were printed and dispatched after the Conference but all speeches were made available online during the Conference) and, on the other, to resort to a selective free distribution of Conference documents to official members of national delegations only, making the distribution of documents to observers in national delegations or to NGOs invited to the Conference subject to a fee. These measures were implemented during the 83rd and 85th Sessions of the Conference in 1996 and 1997 but were abandoned in 1998.
29. Although the Office is currently working on a general rationalization of document management and production, this exercise is carried out within the context of current demands. If some of the ideas put forward above regarding the reorganization of the plenary discussions or the committees' work are retained, they could also affect the manner in which document management operates at present. If the Governing Body is of the view that the Office should consider these or other possibilities, it would prepare detailed proposals in this regard.

## **Contents and time frame of future discussions**

30. If a consensus emerges in respect of one or more of the above possible further reforms in the functioning of the Conference, the Office will prepare detailed proposals, including an analysis of any legal, financial and practical implications, for consideration at a future Session of the Governing Body, through its Committee on Legal Issues and International Labour Standards.
31. Unless agreed at the present Session of the Governing Body, no reform could in principle be proposed for endorsement and implementation before the 92nd Session of the Conference in June 2004, as arrangements for the Conference are to be determined prior to the dispatch of the letter of convocation which is sent at the beginning of each year.

Geneva, 30 September 2002.