



THIRTEENTH ITEM ON THE AGENDA

**Reports of the Committee on Legal
Issues and International Labour
Standards****First report: Legal issues*****Contents***

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- 1.** The Committee on Legal Issues and International Labour Standards (LILS Committee) met on 19 and 20 March 2003. Its officers were as follows:

Chairperson: Mr. G. Corres (Government, Argentina)

Employer Vice-Chairperson: Mr. B. Boisson

Worker Vice-Chairperson: Mr. U. Edström

- 2.** In order to facilitate the work of the Committee, the Chairperson proposed to treat the two items requiring concrete decisions first before proceeding with the preliminary discussion of the remaining items.

I. Standing Orders of the Conference: Practical arrangements for the discussion, at the 91st Session (June 2003) of the International Labour Conference, of the Global Report prepared under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work
(Second item on the agenda)

- 3.** The Committee had before it a document¹ proposing to continue for the 91st Session of the Conference the provisional ad hoc arrangements adopted at the 90th Session for the discussion of the Global Report.
- 4.** The Employer members agreed with the proposal that the arrangements previously worked out at the 90th Session of the Conference be used again for the discussion of the Global Report in June 2003. However, they emphasized that steps should be taken to ensure an interactive exchange, rather than a stream of statements. They also wished to encourage the Office to give additional consideration to further improving the debate through creative and imaginative efforts, in order to foster an environment of exchange that would define areas where the ILO could improve technical cooperation and follow-up to the Declaration.
- 5.** The Worker members expressed their support for the proposal that the discussion of the Global Report at the 91st Session of the Conference be continued using the provisional ad hoc arrangements.
- 6.** The representatives of the Governments of Norway, Japan, the United States, Italy and India endorsed the continued use of the provisional ad hoc arrangements. The representative of the Government of Japan added the caveat that those arrangements should not become another monitoring mechanism. The representative of the Government of the United States added that, after the 91st Session of the Conference, the Governing Body should consider reviewing the follow-up machinery associated with the ILO Declaration on Fundamental Principles and Rights at Work and determine whether any improvements were warranted.

¹ GB.286/LILS/2.

7. The representative of the Government of Nigeria, speaking on behalf of the African Government group, supported the proposal and emphasized that the Global Report continued to be necessary as a method of succinctly defining areas where technical cooperation was needed.
8. While endorsing the statement made on behalf of the African Government group, the representative of the Government of the Libyan Arab Jamahiriya wished to emphasize that as the discussion of the Global Report was held in special sittings, an evaluation of the procedures and an analysis of whether the objectives of technical cooperation were being achieved should be given due consideration.
9. *The Committee accordingly recommends to the Governing Body that it invite the Conference, at its 91st Session, to adopt the provisional ad hoc arrangements for the discussion of the Global Report under the follow-up to the Declaration on Fundamental Principles and Rights at Work contained in Appendix I.*

II. Other legal issues

(Fourth item on the agenda)

(a) Cooperation Agreement between the International Labour Organization and the Latin American Parliament (PARLATINO)

10. The Committee had before it a draft Cooperation Agreement² between the International Labour Organization and PARLATINO, the purpose of which was to strengthen cooperation in Latin America through consultation, exchanges of information, reciprocal representation in meetings, and the exploration of areas of possible cooperation.
11. The Employer members, while favouring improved synergy between the ILO and PARLATINO and approving the draft Cooperation Agreement, had some concerns about its political implications, especially those arising from the lack of involvement of the tripartite constituents in its conception.
12. The Worker members expressed support for the Cooperation Agreement as proposed. They hoped, however, that when consultations and contacts were held, tripartite representation would be envisaged, at least sometimes, and that regular reports would be submitted to the Governing Body. They also wished to be provided with a list of all cooperation agreements that had been concluded between the Organization and other international organizations.
13. The representative of the Government of Argentina, speaking on behalf of the Group of Latin American and Caribbean States (GRULAC), welcomed the Cooperation Agreement between the ILO and PARLATINO. He noted the complementary functions of the two institutions and the fact that the Agreement could serve as the basis for improved mutual understanding, increased efficiency and, in particular, in facilitating the integration of international labour standards in national legislations.
14. The representative of the Government of Nigeria, speaking on behalf of the African Government group, expressed support for the proposed Cooperation Agreement.

² GB.286/LILS/4/1.

- 15.** In reply to the comments that had been made, the Executive Director of the Standards and Fundamental Principles and Rights at Work Sector assured the Committee that in the context of the joint meetings envisaged in article 4.3 of the Cooperation Agreement, tripartite representation would be assured. With regard to the requested list of cooperation agreements, he informed the Committee that the list and the contents of the agreements were available and regularly updated on the web site of the Office of the Legal Adviser.³
- 16. *The Committee recommends that the Governing Body approve the text of the proposed Cooperation Agreement between the International Labour Organization and PARLATINO contained in Appendix II and authorize the Director-General (or his representative) to sign it on behalf of the ILO.***

(b) Cooperation Agreement between the International Labour Organization and the Inter-American Development Bank

- 17.** The Committee was informed⁴ that negotiations on a cooperation agreement were currently in progress between the International Labour Organization and the Inter-American Development Bank, and that it would be informed as soon as an outcome was achieved.
- 18.** The Employer members considered that the lack of a substantive document on the cooperation objectives illustrated their concern that they would not have an opportunity to express their views on the potential orientation of an agreement with the Inter-American Development Bank or other organizations.
- 19.** The Worker members expressed their confidence that the Office would act in accordance with its mandate, and said that they looked forward to discussing this matter when an outcome was achieved.
- 20.** The representative of the Government of India cautioned that care needed to be taken, and reiterated that the final draft should be put before the Governing Body.
- 21.** In response to the concerns raised, the Legal Adviser recalled that the texts submitted to the Committee were drafts. The purpose of their submission was precisely to afford the tripartite constituents an opportunity to express their views on the substance and form of the cooperation envisaged before authorizing the Director-General to conclude such cooperation agreements on the Organization's behalf.

**III. The role of the Credentials Committee
(Third item on the agenda)**

- 22.** The Committee had before it a document⁵ prepared in response to a request made to the Governing Body at the 90th Session of the Conference (June 2002) by the Credentials

³ <http://www.ilo.org/public/english/bureau/leg/>

⁴ GB.286/LILS/4/2.

⁵ GB.286/LILS/3.

Committee, through the Conference, to examine as a matter of urgency the question of the effectiveness of the mechanism under which it was required to exercise its mandate.

- 23.** The Employer members expressed their appreciation for a document that clearly explained a complex subject and set out a framework for possible solutions to situations where the Credentials Committee was not always in a position to achieve satisfactory results. Both the effectiveness of the procedure and the rapidity of the result were considered necessary elements. Although the possibilities raised in the Office paper deserved further analysis, some of them raised a number of doubts. For example, the constitutional solution would require a lengthy process; the solution whereby the Credentials Committee would initiate investigations might encroach on the responsibilities of other competent bodies; and referral to the Committee on Freedom of Association would increase its already heavy workload. A more appropriate course would be the adjustment of existing means of action, as referred to in paragraphs 31 to 34 of the document. At the same time, other appropriate measures could also be envisaged, such as raising general awareness of the Credentials Committee's work through wider publicity of its proceedings and results during the Conference. The Employer members considered that the Credentials Committee would be more effective if consensual and pragmatic approaches, rather than purely legalistic ones, were encouraged.
- 24.** The Worker members, recalling the request made at the 90th Session of the Conference, emphasized that only delegates nominated in accordance with constitutional requirements guaranteed the tripartite functioning of the Conference, since that ensured that the views of the groups would be accurately represented. However, they recognized the procedural and practical obstacles currently facing the Credentials Committee if it wanted to take full measures to invalidate a Workers' delegate's credentials. Invalidation of a non-governmental delegate would deprive the other non-governmental delegate of the right to vote, while not affecting the government's voting rights. In addition, invalidation did not affect the ability of the delegate whose credentials were challenged to retain his or her rights until a decision was effectively made, which normally took place at the end of the Conference. Furthermore, they deplored the fact that the Credentials Committee needed to begin its work from scratch at each session of the Conference. Considering that the constitutional proposal might encounter political and practical obstacles, an in-depth review of the non-constitutional proposals at the November session of the Governing Body was endorsed. This further review should not be limited to adjusting the existing means of action, but rather, the Credentials Committee's control and monitoring functions should be strengthened. That could be done by, for example, amending the Standing Orders in order to enable the Committee to carry out investigations in cases of repeated violations, creating a referral mechanism to the Committee on Freedom of Association, and entrusting the Credentials Committee with the responsibility to consider appeals arising from the non-registration of a delegate in Conference committees by a group.
- 25.** The representatives of the Governments of Nigeria, speaking on behalf of the African Government group, Bahamas, Canada, France, Mexico and the United States agreed that an in-depth examination of the non-constitutional solutions referred to in the Office paper should be submitted to the Committee for further consideration at the November 2003 session of the Governing Body. It was also agreed that tripartism was critical to the functioning of the International Labour Conference.
- 26.** The representatives of the Governments of the United States and Canada, recognizing the lack of penalties placed on governments in breach of their constitutional obligations in this connection, also drew attention to the need for the Office to examine mechanisms that would increase governmental accountability.

- 27. While also endorsing the proposed examination of the non-constitutional solutions, the representative of the Government of Norway said that delegates must be genuine members of their respective groups and nominated in full accordance with the most representative organizations. It was noted that of the 700 objections that had been lodged with the Credentials Committee, invalidation had been proposed in only 12.
- 28. The representative of the Russian Federation, while supporting further examination of the non-constitutional solutions, considered that the functioning of the Credentials Committee should be examined so as to ensure that it played the balanced role expected of it. Furthermore, he expressed concern that if the Credentials Committee began its own investigations before receiving an objection or complaint and without a specific procedure put in place, there would be increased politicization.
- 29. The representative of the Government of India expressed the view that any in-depth examination should be limited to the adjustment of existing means of action.
- 30. *The Committee accordingly recommends to the Governing Body that it request the Office to prepare a document for its 288th Session (November 2003).*

IV. Possible improvements to the standard-setting activities of the ILO (First item on the agenda)

(a) The preparation of international labour Conventions: Questionnaire and code of good drafting practices

- 31. The Committee had before it an Office document⁶ containing proposals concerning the preparation of international labour Conventions, in particular the role of the questionnaire provided for under articles 38 and 39 of the Standing Orders of the Conference and the possibility of adopting a code of good drafting practices.

The questionnaire

- 32. The Worker members announced that they were generally in favour of the proposals made in the Office document. With regard to Members' replies to the questionnaires, they emphasized that it was for governments to ensure that full consultations were carried out with the most representative employers' and workers' organizations in their countries. That was made easier in the present case by the existence of procedures established in accordance with the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), especially where a tripartite committee existed. It would in addition be desirable for questionnaires to be sent directly to the employers' and workers' organizations concerned, rather than the latter being dependent on the good will of their government. Furthermore, given the difficulties experienced by Members in replying to the questionnaire, the Organization should mobilize the resources needed to provide assistance to those governments and to the employers' and workers' organizations concerned through the field offices to improve their ability to reply to questionnaires. All the possibilities described in paragraph 17 of the document (general discussion, discussion based on an

⁶ GB.286/LILS/1/1.

integrated approach, preparatory technical conference or meeting) needed to be adopted and used depending on the subject matter, bearing in mind that preparatory meetings and conferences required additional resources which would need to be taken into account in the programme and budget. The Worker members stressed that none of the proposals should have the effect of slowing down the standard-setting process. They had reservations about the option of eliciting Members' responses solely on the basis of a draft of a proposed instrument, and considered it preferable for a "model" instrument to accompany the questionnaire. Lastly, they endorsed the proposals contained in paragraphs 34 and 35 of the document and the proposal to continue the discussion at the next session of the Governing Body.

- 33.** The Employer members also wanted to continue discussions on the matter. In their view, questionnaires were generally too long and detailed and not sufficiently open. Given the need to obtain information based on universal criteria, they were concerned at the low rate of replies to questionnaires, especially from employers' and workers' organizations, which are not always consulted by governments. Given that there had been a higher response rate for certain proposed Conventions, they wondered why other Conventions were being proposed when they elicited only few replies. They endorsed the possibilities indicated in paragraph 17, including the possibility that guidelines on the questionnaire could emerge from a preliminary discussion. They could not accept at this time the suggestion that such would be the case with regard to the integrated approach in the area of occupational safety and health, which would be the subject of a discussion at the 91st Session of the International Labour Conference in June 2003. Lastly the Employer members had opposed the idea according to which the questionnaire could be eliminated, but accepted that it could be put online.
- 34.** Statements were made on the subject of the questionnaire by the representatives of the Government of the United States, speaking on behalf of the Industrialized Market-Economy Countries (IMEC group), Argentina, speaking on behalf of the Group of Latin American and Caribbean States (GRULAC), Nigeria, speaking on behalf of the African Government group, India, Norway, New Zealand and the Dominican Republic. All the speakers concerned endorsed the points for decision (paragraphs 36 and 43 of the Office document).
- 35.** The representative of the Government of the United States considered that the questionnaire was an effective tool which needed to be refined rather than replaced. Questionnaires needed to define clearly the objectives of the proposed standard, without being too detailed or restrictive, leaving it to the Conference to decide the form and content of a given instrument. The representatives of Nigeria and Norway recalled that any new instrument needed to be useful, realistic and, in the case of a Convention, ratifiable. They considered that questionnaires were now too detailed, which could give rise to ambiguous replies. The representative of the Government of Norway considered that the instruments that had been adopted during the last ten years had low ratification rates because they were too detailed, instead of confining themselves to general principles. The representatives of the Governments of Argentina and India wanted the process of developing standards to be made simpler, more efficient and modern which, in the view of the representative of the Government of Argentina, did not require any change to the ILO Constitution or to the Standing Orders of the Conference. In the view of the representative of the Government of New Zealand, a balance needed to be struck between the Office's need for information and the resources available to governments to provide it. In this connection, the representatives of the Governments of Argentina and the Dominican Republic emphasized the importance of the technical assistance provided by the Office, especially the training given to national officials responsible for replying to questionnaires.

- 36.** The representatives of the Governments of the United States and Argentina, supported by the representatives of the Governments of Norway and New Zealand, stressed the importance of seeking tripartite consensus on a given standard during the preparation phase. The representative of the Government of the United States encouraged the Office to continue to make use of informal consultations which it had used successfully in the past. He also expressed approval for applying a general discussion procedure in order to improve the preparation of new standards, provided that it was followed by a single-discussion procedure at the Conference. The Conference discussions might also be preceded by a general discussion within the Governing Body or one of its committees. It was also expected, as the representative of the Government of Nigeria had indicated, that the integrated approach would be beneficial to the preparation of standards and make it possible to draft more targeted questionnaires. The IMEC group was not favourable: to holding technical preparatory conferences; to having the Governing Body draft instruments; or to the idea of doing away with the questionnaire in favour of negotiating on the basis of an Office text. The possibility of the Governing Body convening less formal ad hoc technical meetings needed to be retained as an option where appropriate, but should not become the rule.
- 37.** The Legal Adviser wished to reassure the Workers' group that there was no question of slowing down the standard-setting process but simply of ensuring that a subject was not included on the Conference agenda without adequate consultation, leading to an unstoppable process that would end in failure at the Conference, as had occurred with contract labour. With regard to the rate of replies to questionnaires, there was no general decline but it did vary, depending on the subject. Difficulties appeared to arise in cases where a subject pertained to the competence of authorities other than labour ministries. Furthermore, replies tended to come from the same Members, some of which were not industrialized countries. As the document indicated, the Office might deploy resources in the regions with a view to providing technical assistance to government officials and members of employers' and workers' organizations responsible for replies to questionnaires. With regard to paragraph 24 of the document, guidelines on the drafting of questionnaires based on the integrated approach adopted for occupational safety and health were only a possibility, as the use of the conditional indicated.
- 38.** The Worker members pointed out that, in their view, contrary to what had been suggested during the discussions, questionnaires were not always too complicated, given that some items by their very nature required a certain amount of detail.

Code of good drafting practices

- 39.** The Worker members were in favour of adopting a code of good drafting practices provided that it was first approved by a tripartite group of experts after appropriate consultations with the respective groups before being submitted to the Governing Body.
- 40.** The Employer members, noting that the Office sometimes used the French term *recueil* ("digest") and sometimes used *code*, suggested that the document in question should be a flexible, non-restrictive tool, for which a better term would be "digest" or "handbook".
- 41.** The representatives of the Governments of the IMEC group, India and Norway endorsed the proposal regarding the code of good drafting practices and asked how much it was likely to cost. The representative of the Government of India hoped that a draft would be distributed to Members well before the discussion on it took place.
- 42.** The Legal Adviser confirmed that, irrespective of the term used for it, the text envisaged would not be binding but indicative only, should doubts arise as to a point of drafting or translation within a technical or drafting committee.

43. The Committee accordingly recommends that the Governing Body invite the Office to present to it at its 288th Session (November 2003):

- (a) *proposals regarding the questionnaire in the light of the discussions; and*
- (b) *a document concerning the possible content of a code of good drafting practices for international labour Conventions and Recommendations, together with an assessment of the cost of drafting such a code.*

(b) Final provisions of the international labour Conventions

44. The Committee had before it an Office document on the final provisions of international labour Conventions setting out a number of possibilities for modifying the standard final provisions currently in use.⁷

The adoption of the final provisions

45. The Employer members were of the view that technical committees must play their role fully in the adoption of the final provisions. As well as referring questions to the Drafting Committee, they were able to make choices regarding the final provisions of the Convention under discussion. What mattered was not so much the coherence of the standard-setting system, cited in the document in order to justify the Conference Drafting Committee's role in the adoption of the final provisions, as the relevance of each Convention. Since the standard final provisions were not cast in stone, the technical committees' responsibility in this area should be made clear to them and the existing possibilities in that regard.

46. Endorsing that view, the representative of the Government of the Russian Federation said that the technical committees should play a more active role by making any changes they deemed necessary in the final provisions.

47. The Legal Adviser wished to clarify the role of the Conference Drafting Committee. He explained that the latter had always been responsible for adding the final provisions to Conventions, subject to any instructions it might receive from the technical committee or the Conference. If the technical committee gave specific instructions on provisions of final clauses that could be modified, as was the case with certain maritime labour Conventions, the Drafting Committee was bound to comply with them. The fact that the Drafting Committee was nonetheless responsible for the exact drafting of the final provisions meant that coherence could be ensured between those provisions and the corresponding provisions of the other Conventions.

Standard provisions relating to the entry into force of a Convention

48. Since the issues relating to the entry into force and denunciation of Conventions had already been addressed in past discussions, the Worker members said that they were still unconvinced of the advantage of any change. The requirement of two ratifications for a Convention's entry into force meant that in countries ready to ratify workers were able to

⁷ GB.286/LILS/1/2.

benefit at the earliest possible date from the protection afforded by the Convention. The argument for setting the threshold higher than two, which was based on competition between States, was not compatible with that objective and lacked credibility. There was no justification for the comparison with practice in other international organizations because their procedures for adopting conventions could not be compared with that of the ILO, which had particularities such as double discussion and adoption by qualified majority. Lastly, the interval before a Convention's entry into force should be maintained at 12 months to allow Members enough time to adapt their legislation to the provisions of the Convention.

- 49.** The Employer members, on the other hand, took the view that since the threshold of two ratifications had been adopted in 1928, when the Organization had 55 Members, it ought now to be raised, in proportion to the increase in the membership, for instance.
- 50.** That view was shared by the representative of the Government of the United States, speaking on behalf of the IMEC group, who said that he was on the whole satisfied by the current final provisions; and by the representative of the Government of the Russian Federation, who felt that to set the ILO's supervisory procedures in motion after two ratifications was premature. The representative of the Government of the United States further considered that any Convention that did not come into force after a certain lapse of time should be brought to the attention of the Governing Body for the latter to propose appropriate measures if necessary, such as a promotional campaign or a general survey with a view to identifying the problems.
- 51.** The representative of the Government of Argentina, speaking on behalf of GRULAC, approved of the current threshold of two ratifications because it enabled the workers concerned to benefit promptly from the protection of the Convention. However, with a view to facilitating greater universality of the Conventions, he proposed exploring the possibility of deeming a Convention's entry into force vis-à-vis the Organization to be "effective" only when a certain number of Members (for example two) from each of the ILO regions had ratified it. The supervisory procedures (articles 22, 24 and 26 of the Constitution) would accordingly be applied only to Conventions fulfilling that condition; and supervision of their application would thus acquire a more universal character.

Standard provisions relating to denunciation of a Convention

- 52.** The Worker members were in favour of keeping the present system, comprising periods of validity of ten years between "windows" during which a Convention could be denounced. They saw no reason to facilitate denunciation since the number of "pure" denunciations had been relatively low throughout the ILO's history (116, as compared to 7,108 ratifications registered). They pointed out that Members must consult the social partners when contemplating denunciation of a Convention. They also recalled their request, made in November 2002, that member States, in case of a pure denunciation, should in their report indicate any divergent views of the social partners. In their view, denunciation should be decided on by the same authority which decided on ratification. Individualization of time periods was not acceptable because it would preclude simultaneous assessment of problems encountered in applying the Convention followed by proposals to remedy them. The possibility of suspending the provisions of a Convention ought also to be rejected because it would facilitate non-application of a Convention without consultation of the social partners.
- 53.** The Employer members considered that, while it appeared logical to have an initial period of validity, the subsequent periods of validity were too long, as evidenced by the difficulties that some Members had met in the context of the application of the Night Work

(Women) Convention (Revised), 1948 (No. 89). The problem was a very real one and called for further consultations.

54. The representative of the Government of the United States, speaking on behalf of the IMEC group, considered that denunciation periods should depend on a Member's act of ratification and not artificial "windows" set for the Convention. After an initial period of validity of ten years, denunciation should be permitted at shorter intervals.
55. Deeming denunciation to be an act falling within the sovereign authority of States, the representative of the Government of Argentina, speaking on behalf of GRULAC, proposed exploring the possibility of allowing denunciation at any time, subject to tripartite consultations and in the following conditions: an act of denunciation submitted to the Director-General of the International Labour Office outside a "window" of denunciation would amount to a suspension of the provisions of the Convention, before taking effect as a denunciation proper at the time of the next "window".
56. While expressing his attachment to the initial period of validity of ten years, the representative of the Government of France suggested exploring other options, which might include flexibility clauses, the suspension of provisions (as proposed) and interpretation of the Conventions. Account should also be taken of the dynamic aspects of denunciation referred to by the Working Party on Policy regarding the Revision of Standards.

Provisions concerning the revision of the Convention

57. The Worker members were of the view that the advantages of the amendment method did not offset the disadvantages that would arise from the resulting duality of applicable regulations between Members. Protocols offered the same possibilities as amendment but did not share its disadvantages.
58. The representatives of the Governments of the United States and Argentina, speaking on behalf of their respective groups, and the representatives of the Governments of the Russian Federation and France, expressed interest in exploring the amendment method. The representative of the Government of Argentina wished to make it clear that in most GRULAC countries, amendments to international Conventions had to be approved by the competent authorities as well.

Other standard final provisions

59. The representative of the Government of Argentina requested, on behalf of GRULAC, that the standard final provisions establish a requirement for the International Labour Office to send to the United Nations Secretary-General information on automatic denunciations entailed by ratification of a Convention revising an earlier Convention, as was already the practice. He further considered that Spanish should become one of the authoritative languages of Conventions on a par with English and French since the preparatory work for all Conventions was done in Spanish too.
60. The representative of the Government of India said that he was in favour of change in the standard final provisions and of pursuing the discussions in the Committee.
61. The Worker members expressed disappointment that the discussion was not moving towards an improvement of standard-setting activities. It reflected a lack of confidence in standards and the process for adopting them. Several years earlier there had been a general attack on standards which the Workers thought had given way to the consensus that

characterized the work on standards revision in particular, and to the adoption of the principle of an integrated approach. No objective analysis had been carried out of the difficulties met by Members in ratifying Conventions. In particular, no government had ever stated that it was unable to ratify a Convention solely because of the final provisions. As to the various proposals made in the course of the discussion, the Worker members first of all considered that the GRULAC proposal requiring state ratification in all the ILO regions amounted to a right of veto for the regions. The IMEC proposal concerning Conventions that did not enter into force after a certain lapse of time might be discussed, though it needed to be borne in mind that there had been instances of Conventions being ratified after 25, 30 or 50 years and that the explanation often had to do with the establishment of democracy in the country concerned. The Worker members requested that the Office prepare a document on the different practices concerning ratifications at the national level and specifically on the concept of "competent authority". The question was whether the insistence on always taking decisions through parliament created a bottleneck in cases where a decision by the cabinet of ministers might be in accordance with national practice. In conclusion they felt that there was no need to amend the final provisions.

62. The Employer members wished for a positive approach to the matter. There was a risk that the final provisions might be trivialized if one forgot that responsibility for deciding on their content lay with the technical committees of the Conference. The Employers had expressed an interest in the GRULAC proposal, and doubted that it amounted to a right of veto for the regions.
63. In the absence of a consensus and of any clear indications as to how to proceed, it was decided to continue discussion of the matter through active informal consultations with the Employers', the Workers' and the Government groups.

Geneva, 25 March 2003.

Points for decision: Paragraph 9;
Paragraph 16;
Paragraph 30;
Paragraph 43.

Appendix I

Ad hoc arrangements for the discussion of the Global Report under the follow-up to the Declaration at the 91st Session of the International Labour Conference

Principle of the discussion

Having regard to the various options referred to in the annex to the Declaration, the Governing Body recommends that the Global Report submitted to the Conference by the Director-General should be dealt with in plenary sittings, separately from the Director-General's reports under article 12 of the Conference Standing Orders.

Timing of the discussion

Two sittings on the same day should be convened for the discussion of the Global Report, with the possibility, if necessary, of extending the sitting or convening a further sitting on the same day or on a different day, as appropriate. In order to take account of the programme of work of the Conference and of the fact that a number of ministers who usually are present during the second week of the Conference may wish to take the floor, the discussion of the Global Report should be held during the second week of the Conference. The date will be determined by the Officers of the Conference.

Procedure for the discussion

The separate discussion of the Global Report recommended above implies in particular that the statements made during the discussion of the Global Report should not fall under the limitation concerning the number of statements by each speaker in plenary provided for in article 12, paragraph 3, of the Standing Orders, and that the discussion should not be governed by the provisions of article 14, paragraph 6, concerning the time limit for speeches. Furthermore, exchanges of views on the suggested points for thematic discussion should not be subject to the restrictions laid down in article 14, paragraph 2, concerning the order in which speakers are called. These provisions should accordingly be suspended under the procedure provided for in article 76 of the Standing Orders to the extent necessary for the discussion of the Global Report. The Officers of the Conference will take any decision necessary concerning the conduct of the discussions, including allowing the participation of the Director-General in the thematic discussion.

In order to allow a maximum number of constituents to express their views in the general discussion, a speech by a visiting minister pursuant to article 12, paragraph 3, of the Conference Standing Orders should not be additional to that by a Government delegate of the Member concerned.

Organization of the discussion

Special arrangements should be worked out for the organization of the general discussion and the thematic discussion.

The general discussion (opening statements by spokespersons of non-governmental and regional groups, delegates' statements) should take place in the first sitting according to the arrangements agreed upon for the previous discussions. The second sitting should begin with the thematic discussion, for a limited period of time (two hours, for example). It should continue with closing statements by group spokespersons and, if possible, by delegates, which may be preceded by statements that could not be made during the first sitting.

Appendix II

Cooperation Agreement between the Latin-American Parliament (PARLATINO) and the International Labour Organization (ILO)

Whereas the aim of the Latin American Parliament (hereinafter referred to as "PARLATINO") is to act as a political forum at the highest level and as an effective promoter of development and integration; whereas its fundamental goals are the defence of democracy, Latin American integration, the judicial equality of States, the peaceful solution of international disputes and the prevalence of the principles of international law; whereas it places special emphasis on promoting the overall economic and social development of the Latin American community, respect for fundamental human rights, the elimination of all forms of discrimination, the fight for international cooperation, the strengthening of the national and subregional parliaments of Latin America and the dissemination of legislative activity;

Whereas the aim of the International Labour Organization (hereinafter referred to as the "ILO") is to achieve social justice through the improvement of conditions of labour, the creation of greater opportunities to secure decent employment and income; the enhancement of the coverage and effectiveness of social protection; the promotion of tripartism and social dialogue; and the promotion of international labour standards and fundamental principles and rights at work, such as freedom of association and collective bargaining, the abolition of forced labour and child labour, and the elimination of discrimination in employment, in order to enable men and women to have decent and productive work in conditions of freedom, equity, security and human dignity; whereas, to this end, the ILO is seeking to promote coherent and coordinated policies and programmes worldwide, including in the Americas;

Whereas the common objectives of the ILO and PARLATINO are the pursuit of peace and democracy by promoting international cooperation in their respective areas of competence in order to further universal respect for justice, the rule of law, human rights and fundamental freedoms, and whereas these common goals and objectives can be effectively advanced through cooperation and joint action;

Now therefore, the ILO and PARLATINO, being desirous of cooperating with each other within the framework of their respective constitutional mandates, have agreed as follows:

Article I

General

- 1.1 PARLATINO recognizes the responsibilities and fields of action of the ILO under its Constitution and undertakes to give active support to the ILO's activities, in accordance with the purposes and principles of the ILO Constitution and with the policies established by their respective governing bodies.
- 1.2 The ILO recognizes that PARLATINO, as a regional organization of national parliaments, by virtue of its character and responsibilities plays an important role in promoting peace and regional cooperation, in furtherance of and in conformity with the purposes for which the ILO was established.
- 1.3 PARLATINO and the ILO agree that the close cooperative links between them will facilitate the effective exercise of their mutually complementary activities and therefore undertake to further those relations through the adoption of the practical measures set forth in the following provisions of this Agreement.

Article II

Consultations and exchange of information

- 2.1 PARLATINO and the ILO shall hold consultations on a regular basis in order to exchange views on matters of common concern. The frequency and form of such consultations shall be agreed between the parties.
- 2.2 Each organization shall keep the other appropriately informed and shall exchange knowledge and experience relating to policies, strategies, plans, programmes, projects and activities in all areas and at all levels, which are related to the abovementioned objectives of development and integration.
- 2.3 The parties shall regularly undertake the necessary consultations to facilitate the adoption in their respective member States of joint measures to stimulate and contribute to initiatives on issues of mutual interest.

Article III

Mutual representation

- 3.1 PARLATINO shall be invited to participate as an observer in sessions of the International Labour Conference. PARLATINO may also be invited to participate in other meetings organized by the ILO in which PARLATINO has expressed an interest.
- 3.2 The ILO shall be invited to participate as an observer at meetings of PARLATINO. The ILO may also be invited to participate in other meetings organized by PARLATINO in which the ILO has expressed an interest.

Article IV

Areas of cooperation

- 4.1 In order to ensure effective cooperation and liaison between the two organizations, each organization shall designate a senior official to follow the progress of cooperation and to act as a point of contact.
- 4.2 The ILO and PARLATINO shall together explore areas of possible cooperation and shall offer appropriate assistance to each other in support of future joint action, particularly with regard to:
 - (a) the promotion of ratification of instruments adopted by the International Labour Conference and their implementation through appropriate national legislation and regulations;
 - (b) the promotion and implementation of fundamental principles and rights at work, set out in the ILO Constitution and in the ILO Declaration on Fundamental Principles and Rights at Work, as factors essential to democracy and development;
 - (c) the pursuit of the common objectives of promoting and consolidating representative democracy in the region; the protection of human rights; and, in general, assistance with respect to the economic, social, educational, legislative and cultural development of Latin American countries, as well as in all matters related to the activities of both institutions in which there is a common interest.
- 4.3 These joint activities may include, but are not limited to, the holding of joint special meetings or conferences at appropriate intervals on subjects within the competence of the ILO and of particular relevance and interest to parliaments and parliamentarians, including follow-up action and implementation of relevant ILO activities.
- 4.4 Either party may ask the other for its assistance in the technical study of matters that are within their respective fields of competence. Any such request shall be examined by the other organization, which, within the framework of its policies, programmes and rules, shall make every effort to give appropriate assistance in such a manner and along such lines as agreed upon above by the two organizations.

- 4.5 Each organization shall follow its own procedures in authorizing and financing the conduct of joint activities.

Article V

Entry into force, amendments and duration

- 5.1 This Agreement, having previously been approved by both the Governing Body of the ILO and the Latin-American Parliament, shall enter into force on the date of its signature by the duly authorized representatives of the parties.
- 5.2 This Agreement may be amended by mutual consent in accordance with the respective rules and regulations of the parties. Such arrangements shall enter into force one month following notification of consent by both parties.
- 5.3 Either organization may terminate this Agreement by giving six months' notice in writing to the other organization.

IN WITNESS WHEREOF the undersigned, being duly authorized representatives of the ILO and PARLATINO, have signed the present Agreement.

SIGNED this day of ... at ... in two originals each in the English and Spanish languages, both of which are the original and authentic texts.

For the International Labour Organization
(Authorized representative)

For the Latin American Parliament
(Authorized representative)