



## SECOND ITEM ON THE AGENDA

### **Practices for the preparation of international labour Conventions**

#### **(a) Code of good drafting practices**

#### **Introduction**

1. At its 283rd Session, the Governing Body examined measures taken to make certain improvements to standards-related activities, made necessary by the major changes occurring worldwide since the late 1980s. While considering that improvement is a continuous process and that at no time can it be considered to be completed, the Governing Body has specified what remains to be done, taking account of the subjects covered in the past eight years, and has drawn up a timetable to examine the points raised. It accordingly decided to examine at its 286th Session (March 2003), *inter alia*,<sup>1</sup> the topic of the advisability and the cost of preparing a code of good drafting practices for use by the Office, the members of technical committees and drafting committees throughout the entire drafting and editing process to improve the quality and consistency of texts.
2. At its 286th Session (March 2003), the Governing Body decided to invite the Office to submit to it, at its 288th Session (November 2003) "... 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".<sup>2</sup>
3. The preparation of a code of good drafting practices was supported by all the participants on condition that an evaluation of the cost of this operation be submitted, that such a document be examined by a tripartite group of experts before being submitted to the Governing Body and that it should be flexible and non-restrictive. In view of this last condition, it would be better to call it a "digest" or "handbook".

<sup>1</sup> Two other topics were to be examined at the same time: first, the *final provisions of Conventions* and, in particular, the different options as regards the requirements for entry into force and the conditions for denunciation of Conventions; and, second, the preparation and formulation of the *questionnaires provided for in articles 38(1) and 39(1) of the Standing Orders of the Conference*, which are sent out to the constituents at the beginning of the process of preparing new standards.

<sup>2</sup> GB.286/13/1, para. 43.

## Possible content of a code of good drafting practices

4. The possible content of a document relating to good drafting practices was outlined in the document submitted to the Governing Body at its 286th Session (March 2003) and it seems unnecessary to return to it at this stage. It should not be ruled out that in the process of preparing the document other aspects may prove to be worthy of consideration with a view to their inclusion in the text. In this context, one could, for example, also consider expressions used to define the scope of an instrument. The content of the code should be organized rationally and in such a way as to permit rapid consultation. Particular care should therefore be taken for the preparation of indexes.

## Method

5. The method to follow to draw up the document should, on the one hand, originate in a lexical analysis of the body of standards, initially in the two authentic languages for the drafting of Conventions, so as to determine the instances of the most frequently used terms and expressions and, on the other hand, using the resources of contextual analysis and the various opinions authorized, specify the meaning and scope of those terms and expressions. Comparisons between the various languages should make it possible to better specify the meaning of terms and to facilitate the work of translators. It should be recorded in this regard that the Office, unlike other international institutions that produce standards, does not have jurists/linguists and that this document could also prove useful for the Office's translators, particularly when translating amendments submitted to the Conference Committee.

## Organization of work

6. Work should be organized in three stages: the first stage would consist of carrying out the various analyses presented above and preparing an initial summary of them. During the second stage, this summary would be submitted for examination to a tripartite meeting of experts, nominated by the Governing Body. Lastly, during the third stage, the document would be finalized with a view to being submitted to the Governing Body for final decision.
7. It is not certain that the Office has the necessary skills to successfully carry out the contextual analysis. At that stage, it is envisaged to call on one (or several, as appropriate) expert(s) in the legislative process.<sup>3</sup>
8. Taking into account the fact that it would be desirable for this document to be available for the 93rd Session and the 94th (Maritime) Session of the International Labour Conference (June and September 2005), the research and preparatory work for the first draft should be concluded by the end of the third quarter of 2004, the meeting of experts could be convened for the first quarter of 2004 and the final draft submitted to the Governing Body at its 292nd Session (March 2005).

<sup>3</sup> The legislative process could be defined as all methods used to determine the best ways of preparing and drafting standards.

## Cost

9. Apart from the work carried out directly by the Office of the Legal Adviser, which falls within its regular activities and is financed by the budget allocated to it, provision should be made for external collaboration contracts to the amount of US\$65,000 for the computer processing of the lexical analysis and also for the contextual analysis. Furthermore, a meeting of six experts (two appointed by Governments, two appointed by the Employers and two appointed by the Workers) would cost an estimated total of US\$28,000, which would cover the travelling expenses of the experts and their subsistence allowances as well as the costs of the meeting. A document on this matter has been submitted to the Programme, Financial and Administrative Committee.
  
10. *In light of the views expressed during the discussions, the Committee may wish to propose that the Governing Body request the Office to prepare a document on good drafting practices, with a view to its submission to the 292nd Session of the Governing Body (March 2005).*

Geneva, 9 October 2003.

*Point for decision:* Paragraph 10.