



FOURTH ITEM ON THE AGENDA

The role of the Credentials Committee**I. Introduction**

1. At the request of the Credentials Committee at the 90th Session of the International Labour Conference (June 2002), the Committee on Legal Issues and International Labour Standards (LILS Committee) had before it, at the 286th Session (March 2003) of the Governing Body, a document outlining the obstacles to the effectiveness of the mechanisms available to the Conference to ensure respect for a true tripartite balance in the composition of member State delegations, as required under the provisions of article 3 of the Constitution.
2. Credentials are today based on the submission of objections for examination by the Credentials Committee, which may ultimately propose the invalidation of credentials judged not to comply with the provisions of article 3 of the Constitution. The monitoring function makes it possible, in a certain number of cases, to institute a dialogue with the governments concerned as to how to conform to their obligations. Its effectiveness therefore depends on the goodwill of States, but also, in extreme cases, on the pressure exerted by the possibility of invalidation. However, a series of circumstances make invalidation an almost theoretical measure of dissuasion, the consequences of which do not achieve the desired result.
3. In effect, it is extremely improbable that an invalidation proposal would succeed given the conditions necessary to pronounce the invalidation (qualified majority of two-thirds in plenary). Furthermore, in accordance with article 4, paragraph 3, of the Constitution, the invalidation deprives the social partners of their rights at the Conference, but has no practical effect as far as the government is concerned, although it is the latter which is responsible for conforming to constitutional obligations. In addition, taking into account the length of the Credentials Committee's procedure, it cannot submit a detailed report to the Conference until it has almost concluded its work, while the delegate or adviser, whose credentials have been contested on the grounds that he is not a true representative of the social partners, continues to enjoy all his rights until such time as the invalidation is pronounced. Lastly, invalidation decisions are only valid for the session of the Conference when the decision is taken, in such a way that the Conference may be led, year after year, to devote its time and efforts to examining the same problems.

4. It is in the light of these observations that the preliminary working document prepared by the Office¹ reported three categories of possible measures to strengthen, in the current context, the effectiveness and credibility of the system of credentials. The first and most radical consisted of amending the constitutional provisions that today hinder the effectiveness of the system, such as the conditions for the adoption of an invalidation measure or the consequences of the invalidation vis-à-vis the government concerned. The second was to strengthen the control and monitoring functions of the Credentials Committee, by attributing to it, under certain conditions, either the initiative to monitor situations deemed to give cause for concern, or the possibility to refer objections relating to respect for the principles of freedom of association to the competent supervisory body. Lastly, the third related to using the possibility available to the Employers' and Workers' groups of excluding delegates or advisers from committees for reasons associated with their lack of independence vis-à-vis the government of their country.
5. On the occasion of the preliminary examination of these measures, the LILS Committee, while recognizing the need to make certain improvements to the current system, was sceptical about the timeliness and viability of a constitutional amendment and therefore requested a more extensive analysis of the other possible solutions. While the Employers' group and some Government representatives considered that using existing means of action should be favoured, accompanied as necessary by other practical adjustments, the Workers' group, as well as the majority of the Government representatives, considered it was important to examine other solutions that could help achieve the result sought by the Credentials Committee.²
6. Since that time, at the 91st Session of the International Labour Conference (June 2003), the Credentials Committee once again launched an urgent appeal for the examination of any reform in this area to also include the extension of the mandate of the Committee to problems relating to incomplete delegations to the Conference, that is, those that include no Employers' delegate, no Workers' delegate, or neither of the two.
7. The present document contains a more detailed analysis of all the possibilities retained or suggested by the various groups in the Committee, and also of the recent request of the Credentials Committee. To make it easier to visualize the various measures contemplated, a draft of the possible amendments to the Standing Orders of the International Labour Conference is appended. For greater clarity, each amendment suggested in the appendix indicates in the margin the number of the paragraph or paragraphs in the present document to which it relates.

II. Practical improvements to the operations of the Credentials Committee

8. During the discussions on the previous document, some members of the Committee stressed the timeliness of exploring, at the same time as other solutions intended to increase the effectiveness of its action, measures to give enhanced publicity to the work of the Credentials Committee or to iron out the difficulties which prevent it from submitting its reports to the Conference sooner.

¹ GB.286/LILS/3.

² GB.286/13/1, paras. 22-30.

9. With regard to the first question, it is undeniable that, given its small membership, the private nature of its meetings and the fact that its work is concentrated on the examination of situations specific to individual countries, its activities do not give rise to the same degree of attention as those of other committees. Nevertheless, these are also elements that frequently constitute the key to the effectiveness of its action, given that they contribute to establishing a constructive dialogue with governments and occupational organizations. This is certainly the reason why the Committee itself hesitates, when it submits its reports in plenary, to draw attention to cases deemed to be of particular concern. Notwithstanding, it is clear that greater openness with regard to its work could increase its effectiveness. Certain measures have already been taken in this connection, such as the separate publication of all its reports in the same number of the *Provisional Record* of the Conference, instead of as an appendix to the *Provisional Record* of the plenary sitting as was previously the case. Others could also be taken. For example, information brochures attached to the invitation to the Conference or to the *Memorandum* could help to draw the attention of the constituents to the conditions in which the nominations to the Conference should be made; the establishment of a data bank accessible to the public containing reports on all the objections dealt with by the Committee since 1919 would also be very useful for both the Committee and its secretariat, as well as for governments and occupational organizations. These measures, in particular the second, nevertheless require a certain financial and human investment which it will be necessary to evaluate in relation to other priorities.
10. A number of possibilities could be considered concerning the implementation of certain adjustments to make it possible for the Committee to conclude the examination of objections more rapidly, so that the Conference could be informed sooner, rather than towards the end of its session.
11. Firstly, the Committee could publish a report as it concludes the examination of each objection or complaint, as was the case in the past, when the Committee published four or five reports of substance, instead of just one, or at most two, reports of substance as has been the case for a number of years. Apart from the fact that this trend relates to a considerable extent to the reduction of the length of the Conference since the beginning of the 1990s, it should be mentioned that the cases presenting the most interest for the groups are often the most delicate ones, requiring a longer period of investigation, and therefore those whose examination tends to take longer to conclude. Moreover, it is not certain that increasing the number of committee reports would make them more visible and, in any case, it would have certain consequences as regards the already very tight management of the time available to the plenary. Any solution would therefore seem to involve adjusting the time limits for the submission of objections.
12. Under the terms of article 26 of the Standing Orders of the Conference, for an objection to be receivable, it must be submitted in the 72 hours following the publication of the name and function of the person whose credentials are contested in the provisional list of delegations, which appears the day the Conference opens, or in the 48 hours following the publication of the name of the delegate in the revised list or final list, which appear on the seventh day of the Conference and the day before its completion, respectively. It often happens that objections are received just prior to the expiry of this time limit, either the first Friday of the Conference, or the second (any objection against the credentials contained for the first time in the final list cannot for practical reasons be examined by the Committee). Given that the examination of an objection can only begin after receipt of a reply from the Government concerned and that it must be given at least two days to prepare its reply in consultation with its capital, the Committee can only begin to examine it at the earliest at the beginning of the second or third week of the Conference, depending on whether the objection concerns credentials contained in the first or second list.

13. One solution that would allow the Committee to begin its work sooner could therefore consist of bringing forward the publication of the lists. Governments are required under article 26, paragraph 1, of the Standing Orders to deposit the credentials 15 days before the opening of the Conference, so the Office could publish a first official list, after compiling the data received, one week prior to the opening of the Conference. As long as this list is widely circulated, through the intermediary of the secretariats of the groups and the permanent missions of the member States in Geneva, or by making it accessible on the Organization's Internet site, the 72-hour limit could begin a week before the Conference, and the Office could then invite the governments implicated to provide their replies so that the Credentials Committee could already have complete dossiers immediately it is constituted on the opening day. The publication of the revised list and the final list could therefore also be brought forward.
14. Several practical considerations suggest, however, that this measure might have a very limited impact. Statistics shown in the summary reports on credentials that are established by the Chairperson of the Governing Body the day before the opening of each session of the Conference reveal that the proportion of credentials received within the regulatory time limit rarely reaches 40 per cent of the number of member States. Even when credentials are sent on time, it is not unusual for States to substantially amend the composition of their delegations, through replacements, failure to attend or last-minute difficulties in both Government as well as Employers' and Workers' delegations. Consequently, a measure of this kind would not prevent most objections from being deposited after the publication of the revised list. There is, however, nothing to stop the Conference from trying this measure for a number of sessions to assess its true impact without there being any need to amend the Standing Orders.
15. Alternatively, it would be possible to fix the time limit for the presentation of objections in an absolute fashion, and not in relation to the publication of the list, as is for example provided in the Rules for Regional Meetings, according to which objections are only receivable if they are received before 11 a.m. on the first day of the meeting, unless the Credentials Committee of the meeting considers there to be valid reasons for the delay. A time limit of this type would enable the Conference Credentials Committee to considerably advance the beginning of its work. If the time limit had the same flexibility clause as for regional meetings, it would also not be necessary to make provision for further time limits to submit objections against credentials received very late, as the Committee could agree to examine objections received outside the time limit on a case-by-case basis.

III. Strengthening the control and monitoring functions

16. Two particularly disturbing situations prompted the request by the Credentials Committee: the first was where the circumstances in which governments nominate Employers' and Workers' delegates appear to reveal serious breaches of the independence of employers' or workers' organizations and, consequently, of the principles underlying the obligation contained in article 3, paragraph 5, of the Constitution; the second was where, in the absence of representative employers' and workers' organizations, the governments concerned do not seek, with the means available to them, to ensure a nomination that is as representative as possible of its country's employers and workers.
17. Concerning the first situation, the Credentials Committee faces the dilemma of refraining from any involvement on the grounds that it is not competent to examine respect for the principles of freedom of association, even though violations of these principles can have a certain impact on the smooth operation of the Conference and tripartism, or of basing its conclusions and possible proposals for invalidation on situations that other bodies within

the Organization are responsible for examining, at the risk of judging in advance the outcome of the procedures of those other bodies or of encroaching on their mandate. It is in this context that the Office had suggested having recourse to a possible referral of certain objections to the Committee on Freedom of Association of the Governing Body.

- 18.** As members of the LILS Committee have highlighted, such a measure could involve extra work for the Committee on Freedom of Association, which already has trouble absorbing the representations and complaints regularly lodged with it. Nevertheless, a more detailed analysis of the cases in question reveals that, in reality, a large majority of situations submitted to the Credentials Committee for examination are simultaneously the object of procedures before the Committee on Freedom of Association. Likewise, it is not unusual for the Committee on Freedom of Association to receive complaints following the examination of cases by the Credentials Committee, particularly when it concludes that the problems raised fall principally within the competence of that Committee.
- 19.** A referral of this kind would certainly not solve the questions raised by an objection during the session of the Conference at which the objection is made. The referral would rather work like a type of deferral of any decision until the competent body decides on the questions within its competence. In this way, in the event of another objection based on the same circumstances being submitted at a later session of the Conference, the Credentials Committee could base itself on the conclusions of the Committee on Freedom of Association when drawing conclusions itself concerning respect of the obligation under article 3, paragraph 5, of the Constitution, avoiding the risk of inconsistency or the overlapping of procedures. This possibility is in fact not new; provision had already been made for it on the occasion of the establishment in 1950 of the Fact-Finding and Conciliation Commission on Freedom of Association.
- 20.** Two guarantees aiming to ensure that a possible referral could only be proposed on a tripartite basis and with sufficiently broad support could accompany the mechanism. First of all, the Standing Orders could restrict the power of the Credentials Committee to proposing the referral of an objection to the Committee on Freedom of Association to cases where its three members (Government, Employer, Worker) are in full agreement, so that the procedure cannot be set in motion on the basis of a minority report, contrary to the provision relating to invalidation according to which the Conference is called upon to rule on the proposal of just one of the members of the Committee. Secondly, all referral proposals should be ratified by the Conference.
- 21.** If the Committee considers that this route should be explored, it might wish to recommend that the Governing Body invite the Committee on Freedom of Association to examine the possible practical consequences of this measure as regards its own rules of procedure and to submit its views to the Governing Body.
- 22.** As to the second situation, at present the Committee can only act on the basis of objections made to it, without itself being able to ensure the monitoring of situations nevertheless judged during previous sessions as being likely to compromise the smooth operation of the Conference and the independence of the groups. As indicated in the previous document, the necessarily contentious nature of the procedure today is not always conducive to a constructive dialogue, as the governments implicated by objections often regard those who have made them as having intentions that go beyond the simple question of the composition of delegations and the workings of tripartism at the Conference. This is particularly true when objections aim not so much to implicate the nomination of a person in particular, but to verify whether a nomination procedure judged unsatisfactory in the light of constitutional obligations has evolved positively. Knowing, furthermore, that governments commit themselves before the Committee to carry out certain improvements in exchange for less severe conclusions, the credibility of the entire system suffers when

this situation repeats itself year after year. The possibility of the Committee being able to examine the follow-up to its earlier recommendations in repeated and serious cases could therefore contribute to the effectiveness of its actions, and also to the credibility of the system.

23. It could also be envisaged that the Committee draw the Conference's attention to such cases and recommend to it to invite the government implicated to report on the nomination procedure adhered to and on the measures adopted to give effect to the recommendations of the Credentials Committee when it presents the credentials of its delegation at the following session of the Conference. In this way the Committee could examine the situation without waiting for the submission of an objection, and the occupational organizations would not be obliged to submit objections if, in view of the information provided in the report, their doubts on the conformity of a nomination procedure were appeased. If necessary, this mechanism could be accompanied by the same guarantees as those set forth in paragraph 20 above, and the procedure could be considered with regard to complaints concerning the non-payment of travel and subsistence expenses which can also be lodged with the Committee in accordance with paragraphs 9 and 10 of article 26 of the Standing Orders of the Conference. The suggested amendments contained in the appendix reflect this.
24. Using these two measures, the visibility of the work of the Credentials Committee would moreover be considerably strengthened, as the Conference would have to give its views on a certain number of cases, rather than simply taking note of reports.

IV. Implementation of existing means of action

25. In accordance with article 9 of the Standing Orders, the groups enjoy the right to nominate among their members those who will sit on the various Conference committees, or even not to include a delegate in a committee, subject to the right of the delegate in question to bring the matter to the notice of the Selection Committee.
26. The original reason why the Selection Committee was given the responsibility to examine appeals in this area related to the absence of a system to weight votes in the committees as well as concern about ensuring a certain regional and sometimes ideological balance within the three groups in each committee. As the system to weight votes and the tendency no longer to seek to ensure numerical, ideological or regional balances in the committees developed, the role of the Selection Committee in the composition of committees and, consequently, the appeals system, have become obsolete. The Conference recently drew conclusions concerning the power of the Selection Committee to approve changes to the membership of committees, as in 2002 it amended its Standing Orders to confer this power to the groups. The residual power to examine possible appeals has not however been touched.
27. If the only reasons that can today justify a group deciding to exclude a delegate or adviser from one or more committees related, as it appears logical to believe, to problems concerning the conformity of their nomination with the principles contained in article 3 of the Constitution, it would be possible to transfer the responsibility for the examination of any appeal from the Selection Committee to the Credentials Committee, whose specific mandate is to examine questions relating to the respect of constitutional provisions in the membership of delegations.
28. The power of groups to exclude a delegate or adviser from committees constitutes, together with invalidation, the only effective means of action to ensure their independence and autonomy, at least as long as the delegate does not appeal. As compared to

invalidation, it has the two-fold advantage of speed, given its automatic effects, and that it does not penalize the other non-governmental delegate. It does, however, have the disadvantage of leaving it to the groups to decide on the quality of a delegate or adviser, a decision they do not have to justify, as it is for the delegate or adviser to appeal.

29. A way better to define the use of this power for reasons associated with alleged violations of article 3 of the Constitution, would be to make its use subject to the condition that the nomination of the delegate or adviser had previously been considered as being contrary to that provision by the Credentials Committee. In this case, the Credentials Committee would have to determine first of all if that condition was met, asking the group, as necessary, to back up the reasons for the exclusion. If it was not, or if the Committee considered that the exclusion was justified, it could decide itself (that is to say without referring to the Conference as is the case for the functions of the Credentials Committee) to include the delegate or adviser in the committees of its choice. So as to ensure that the examination of the appeal is impartial, it could be envisaged that the Committee must refer it to the Conference in cases where it did not decide unanimously in favour of the appeal, as well as in all cases where it dismissed the delegate's appeal. In effect, it would be reasonable to provide that it is ultimately for the Conference to decide on any measure that is unfavourable to the rights and interests of a delegate. For the same reason, the examination of any appeal should be considered as a priority in relation to objections or complaints.
30. Changes to the Standing Orders would in this case be necessary, as regards not only the provisions relating to the Credentials Committee (articles 5 and 26), but also article 9 concerning the membership of committees.

V. The mandate of the Credentials Committee as regards incomplete delegations

31. Under article 3, paragraph 1, of the Constitution, each member State must nominate a complete tripartite delegation to each session of the Conference. Breaches of this duty are currently dealt with in two ways.
32. Article 4, paragraph 2, of the Constitution stipulates that "if one of the Members fails to nominate one of the non-Government delegates whom it is entitled to nominate, the other non-Government delegate shall be allowed to sit and speak at the Conference, but not to vote". This provision does not however allow the reasons to be monitored why a government would have failed to respect the obligation to send a full tripartite delegation.
33. Since the adoption at the 56th Session (1971) of the International Labour Conference of the resolution concerning the strengthening of tripartism in the overall activities of the International Labour Organisation, the Director-General has been responsible for conducting surveys into the reasons why governments do not send full tripartite delegations to the sessions of the Conference and other tripartite meetings; since 1978, the Governing Body has also requested the Director-General to extend these surveys to cases where no delegation is sent to the Conference. Such surveys, the results of which are communicated to the Governing Body every two or three years,³ are only conducted with governments, and well after the session of the Conference during which the government failed in its obligation. Moreover, the surveys are not accompanied by any follow-up

³ The last report of the Director-General is contained in GB.280/18/2.

measures, which no doubt explains why the rate of response to these surveys has progressively fallen, recently reaching barely 15 per cent.

34. It is in this context that the Credentials Committee found out, at the 91st Session of the Conference, about situations relating to the failure to nominate the representative of one of the social partners apparently proposed by the most representative organization of the country to attend the Conference as a delegate. The Committee expressed its concern that such circumstances, nevertheless potentially contrary to the constitutional provisions relating to the membership of delegations to the Conference, could escape any effective monitoring. In effect, while the Credentials Committee appears to be the most appropriate body to examine this question, its mandate, under articles 5 and 26 of the Standing Orders, is today limited to the examination of objections “concerning the nomination of any delegate or adviser” whose name and functions are contained in the credentials of the member State concerned. The Credentials Committee therefore asks that the Governing Body consider the possibility of extending its mandate to the examination of objections relating to incomplete delegations in the framework of its examination of changes necessary for the Conference to ensure a more effective respect for tripartism.⁴
35. This request, which addresses in particular the possibility of a government avoiding the participation of a legitimate Employer or Worker representative by not nominating any Employers’ or Workers’ delegate in its credentials, seems all the more justified given that since 1997 the Committee has a specific mandate to examine, through complaints for the non-payment of expenses to participate in the Conference, similar situations where governments could avoid the participation of the Employers’ or Workers’ delegate nominated by refusing to pay his travel and subsistence expenses.
36. It would be easy to offset this shortcoming by amending articles 5 and 26 of the Standing Orders to give the Credentials Committee the mandate to examine objections concerning the government’s voluntary failure to nominate an Employers’ or Workers’ delegate. Given that under article 26, paragraph 4(a), of the Standing Orders the receivability of objections depends on the publication of the name of the person whose credentials are contested in the official list of delegations, provision should also be made that the same time limit should apply in the event of the failure to nominate a Workers’ or Employers’ delegate to a national delegation, unless the Governing Body decides to propose adjusting this time limit as discussed in paragraph 15 above.

* * *

37. *The Committee may wish to indicate whether, and to what extent, one or more of the proposals contained in the present document would merit being recommended to the Conference by the Governing Body, as well as, if appropriate, whether it wishes to recommend that one or more of these proposals should first of all be implemented on a trial basis, suspending the provisions of the Standing Orders of the International Labour Conference. According to the Committee’s discussions, the Office could finalize the project to amend the relevant provisions of the Standing Orders of the Conference for the 289th Session of the Governing Body in March 2004.*

Geneva, 9 October 2003.

Point for decision: Paragraph 37.

⁴ Second report of the Credentials Committee, 91st Session of the International Labour Conference, *Provisional Record* No. 5C, para. 11.

Appendix

Example of amendment to the Standing Orders of the International Labour Conference

PART I

General Standing Orders

ARTICLE 5

Credentials Committee

1. The Conference shall, on the nomination of the Selection Committee, appoint a Credentials Committee consisting of one Government delegate, one Employers' delegate and one Workers' delegate.
2. The Credentials Committee shall examine, in accordance with the provisions of Section B of Part II:
 - (a) the credentials of persons accredited to the Conference;

§36

(b) any objection relating to the credentials of delegates and their advisers or to the lack of credentials issued for an Employers' or Workers' delegate, and any objection relating thereto, in accordance with the provisions of Section B of Part II;

§27

(c) any appeal made under article 9, subparagraph (b);

(d) w~~Within the limits laid down in the said Section B, the Committee may also consider any complaints of non-observance of paragraph 2(a) of article 13 of the Constitution;~~

§22-23

(e) the monitoring of any situation about which the Conference has requested a report.

ARTICLE 9

Adjustments to the membership of committees

The following rules shall apply to all committees appointed by the Conference with the exception of the Selection Committee, the Credentials Committee, the Finance Committee of Government Representatives and the Drafting Committee:

- (a) once the various committees have been established and their initial membership appointed by the Conference, it shall be for the Selection Committee to propose to the Conference, for its approval, subsequent changes in the composition of such committees;

§29-30

(b) When the circumstances of the nomination of a delegate or adviser have been previously judged by the Credentials Committee as being contrary to the obligations under article 3 of the Constitution or have led to an invalidation decision by the Conference, the groups may refuse to include the delegate or adviser concerned on any committee; the delegate or adviser shall have the possibility of lodging an appeal with the Credentials Committee, which shall have power to place him on one or more committees.

- (b) ~~if a delegate has not been nominated by his group to sit on any committee, he may bring the matter to the notice of the Selection Committee which shall have power to place him on one or more committees, enlarging the number of members of such committee or committees accordingly. Any such request shall be made to the Chairman of the Selection Committee.~~

PART II

Standing Orders concerning special subjects

SECTION B

Verification of credentials

ARTICLE 26

Examination of credentials

1. The credentials of delegates and their advisers and of any other accredited person in the delegation of a member State shall be deposited with the International Labour Office at least 15 days before the date fixed for the opening of the session of the Conference.
2. A brief report upon these credentials, drawn up by the Chairman of the Governing Body, shall, with the credentials, be open to inspection by the delegates on the day before the opening of the session of the Conference and shall be published on the opening day of the Conference ~~as an appendix to the report of the first sitting.~~

§23

§29, 36

3. The Credentials Committee appointed by the Conference in pursuance of article 5 of the Standing Orders of the Conference shall consider the credentials, as well as any appeal and any objection or complaint which may have been lodged with the Secretary-General or directly with the Committee as well as any report requested by the Conference. ~~concerning the nomination of any delegate or adviser which may have been lodged with the Secretary General.~~

ARTICLE 26 bis

Objections

14. An objection in pursuance of article 5, paragraph 2(b) shall not be receivable in the following cases:

§13-14

§36

- (a) if the objection is not lodged with the Secretary-General within 72 hours from 10 a.m. of the date of the publication in the official list of delegations ~~Provisional Record~~ of the name and function of the person to whose nomination or lack of nomination ~~objection~~ is taken, provided that, where the nomination or lack of nomination ~~name of the person~~ is published for the first time in a revised list ~~of the names and functions of delegates~~, the above time-limit shall be reduced to 48 hours;

§15

or

[(a) if the objection is not lodged with the Secretary-General by 11 a.m. on the opening day of the session, unless the committee considers that there are valid reasons for the delay:]

- (b) if the authors of the objection remain anonymous;
- (c) if the author of the objection is serving as adviser to the delegate to whose nomination objection is taken;
- (d) if the objection is based upon facts or allegations which the Conference, by a debate and a decision referring to identical facts or allegations, has already discussed and recognised to be irrelevant or devoid of substance.

- 25- The procedure for the determination of whether an objection is receivable shall be as follows:

- (a) the Credentials Committee shall consider in respect of each objection whether on any of the grounds set forth in paragraph 4 the objection is irreceivable;
 - (b) if the Committee reaches a unanimous conclusion concerning the receivability of the objection, its decision shall be final;
 - (c) if the Credentials Committee does not reach a unanimous conclusion concerning the receivability of the objection, it shall refer the matter to the Conference which shall, on being furnished with a record of the Committee's discussions and with a report setting forth the opinion of the majority and minority of its members, decide without further discussion whether the objection is receivable.
36. In every case in which the objection is not declared irreceivable, the Credentials Committee shall consider whether the objection is well-founded and shall as a matter of urgency submit a report thereon to the Conference.
47. If the Credentials Committee or any member thereof submits a report advising that the Conference should refuse to admit any delegate or adviser, the President shall submit this proposal to the Conference for decision, and the Conference, if it deems that the delegate or adviser has not been nominated in conformity with the requirements of the Constitution, may, in accordance with paragraph 9 of article 3 thereof, refuse by two-thirds of the votes cast by the delegates present to admit the delegate or adviser. Delegates who are in favour of refusing to admit the delegate or adviser shall vote "Yes"; delegates who are opposed to refusing to admit the delegate or adviser shall vote "No".
58. Pending final decision of the question of his admission, any delegate or adviser to whose nomination objection has been taken shall have the same rights as other delegates and advisers.

§17-21

6. If the Credentials Committee unanimously considers that the questions raised in an objection relate to a violation of the principles of freedom of association, it may propose to refer the matter to the Committee on Freedom of Association of the Governing Body of the International Labour Office. The Conference shall decide, without discussion, on such proposals for referral.

§22-24

7. When, in light of the examination of an objection, the Credentials Committee unanimously considers that it is necessary to monitor the situation, it may propose this to the Conference, which shall decide, without discussion, on the proposal. If it is so decided, the Government concerned shall report on such questions that the Credentials Committee judges necessary, to the subsequent session of the Conference when it submits the delegation's credentials.

ARTICLE 26 terAppeals§27-30

The Credentials Committee shall urgently examine any appeal submitted in compliance with article 9, subparagraph (b). If the Committee unanimously concludes that the circumstances permitting the exclusion of a delegate or adviser from a committee in accordance with article 9, subparagraph (b) have not been met or that the circumstances do not justify such an exclusion, the Committee shall have power to place the delegate or adviser concerned directly. In the absence of unanimity, the Conference shall decide on the appeal, in light of the Committee's report, without further discussion.

ARTICLE 26 quaterComplaints

19. The Credentials Committee may consider complaints that a Member has failed to comply with paragraph 2(a) of article 13 of the Constitution where:

- (a) the Member is alleged to have failed to pay the travelling and subsistence expenses of one or more of the delegates that it has nominated in accordance with article 3, paragraph 1, of the Constitution;
- (b) the complaint alleges a serious and manifest imbalance as between the number of Employer or Worker advisers whose expenses have been covered in the delegation concerned and the number of advisers appointed for the Government delegates.

~~240.~~ A complaint referred to in paragraph 1 shall not be receivable in the following cases:

- (a) if the complaint is not lodged with the Secretary-General of the Conference before 10 a.m. on the seventh day following the opening of the Conference and the Committee considers that there is insufficient time to deal with it properly;
- (b) if the complaint is not lodged by an accredited delegate or adviser alleging non-payment of travel and subsistence expenses in the circumstances set out under (a) or (b) of paragraph 1 or by an organization or person acting on his or her behalf.

~~344.~~ The Credentials Committee shall, in its report, present to the Conference any conclusions that it has unanimously reached on each complaint considered by it.

§23

- 4. When, in light of the examination of a complaint, the Credentials Committee unanimously considers that it is necessary to monitor the situation, it may propose this to the Conference, which shall decide, without discussion, on the proposal. If it is so decided, the Government concerned shall report on such questions as the Credentials Committee judges necessary, to the subsequent session of the Conference when it submits the delegation's credentials.

ARTICLE 26 quinquies

Monitoring

§22-24

The Committee also monitors any situation relating to respect by a member State for the provisions of articles 3 or 13(2)(a) of the Constitution with regard to which the Conference has requested the Government concerned to report. With this objective, the Committee shall submit, following consideration by the Conference, a report demonstrating the evolution of the situation. It may unanimously propose any one of the measures contained in paragraphs 4 to 7 of article 26 bis or paragraphs 3 and 4 of article 26 quater. The Conference shall decide, without discussion, on such proposals.