



Report of the Standing Orders Committee

1. The Standing Orders Committee, set up by the Conference at its first sitting on 3 June 2002, met on 5 June 2002. It was composed of 56 Members (42 Government members, eight Employer members, and six Worker members).

2. The Committee elected its Officers as follows:

Chairperson and Reporter: Mr. Víctor Rodríguez Cedeño (Government member, Venezuela).

Vice-Chairpersons: Mr. Bernard Boisson (Employer member, France).
Mr. Khurshid Ahmed (Worker member, Pakistan).

3. The Committee had before it a Note concerning Standing Orders questions (*Provisional Record* No. 2), containing proposals by the Governing Body at its 282nd (November 2001)¹ and 283rd (March 2002)² Sessions, respectively, that the International Labour Conference adopt a set of amendments to the Standing Orders of the Conference and confirm, pursuant to article 38 of the ILO Constitution, a revision of the Rules for Regional Meetings. Lastly, the Committee was invited to take note of an amendment introduced by the Governing Body in the provisions of article 10 of its Standing Orders, reproduced as article 34 of the Standing Orders of the Conference.

I. Proposed amendments to the Standing Orders of the International Labour Conference

4. The representative of the Secretary-General (the Legal Adviser of the Conference) recalled that at its 282nd Session (November 2001) the Governing Body had recommended that the Conference adopt several amendments to the Standing Orders of the International Labour Conference (the “Standing Orders”) aimed at consolidating the 1996 reforms in the functioning of the Conference that had been applied on an experimental basis during six consecutive sessions of the Conference by means of ad hoc derogations from the Standing Orders pursuant to article 76. The proposed amendments related, firstly, to the time limit for speeches; secondly, to the role and functioning of the Selection Committee; and, lastly, to the possibility for electoral colleges to vote by electronic means.

¹ GB.282/LILS/2/1 and GB.282/8/1.

² GB.283/LILS/1 and GB.283/10/1.

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5. The Committee decided to discuss each of these three points separately.

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6. On the question of reduction of the time limit for speeches for the discussion in plenary sittings of the reports of the Chairperson of the Governing Body and the Director-General from ten to five minutes, the Worker members confirmed that the issue had been discussed at length in the Committee on Legal Issues and International Labour Standards (LILS) of the Governing Body, the Governing Body itself and that the proposed amendment reflected a practice successfully dating from 1996. The Workers' group therefore supported the proposed amendment.
7. The Employer members stated that the practice had been successful over the past six years, but sought confirmation that the time limit for speeches at the plenary would be applicable only to the reports of the Chairperson of the Governing Body and Director-General and not to other issues submitted to the Conference.
8. The representative of the Secretary-General confirmed that the amendment concerned only speeches for such a discussion, which was why a specific reference was made in the proposed amendment to article 12, paragraphs 1 and 2, of the Standing Orders. In particular it would not apply to the discussion of the Global Report under the rules relating to the follow-up of the 1998 Declaration.
9. The Committee therefore recommends that the Conference adopt the following amendment to the Standing Orders of the Conference (additions appear underlined):

ARTICLE 14

Right to address the Conference

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6. Except with the special consent of the Conference, no speech, whether by a delegate, a visiting minister, an observer or a representative of an international organization, shall exceed ten minutes exclusive of the time for translation, and no speech concerning the reports of the Chairperson of the Governing Body and the Director-General referred to in article 12, paragraphs 1 and 2, shall exceed five minutes exclusive of the time for translation. The President may, after consultation with the Vice-Presidents, submit to the Conference for decision without debate a proposal to reduce the time limit for speeches on a specific topic before the opening of the discussion thereof.

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10. The representative of the Secretary-General explained that the above proposed reduction in the time limit for speeches would result in the reduction of the duration of the plenary discussion of the reports of the Chairperson of the Governing Body and the Director-General. One of the main advantages of this reduction was that after the opening day, the Conference was not scheduled to meet again in plenary sitting until the following week. However, the suspension of the plenary sittings during the first week of the Conference required a series of procedural adjustments which would call for amendments to the Standing Orders. Under articles 9 and 56 of the Standing Orders, the Conference decided, on the recommendation of the Selection Committee, on changes in the composition of committees and on requests by non-governmental international organizations to be represented in committees. Since most of the changes and requests occur at the beginning

of the Conference during the period of suspension of the plenary, the reforms were aimed at simplifying consideration of routine matters, such as non-controversial changes in the composition of committees and non-controversial requests by non-governmental organizations to be represented in committees, by the delegation of authority to the Selection Committee and its Officers. The proposed amendment to article 4, paragraph 2, of the Standing Orders left some flexibility so that the procedure of delegation of authority to the Selection Committee could cover, in addition to the issues already mentioned, other non-controversial decisions on routine matters, such as invitations to observers from non-member States or to intergovernmental organizations to participate in the Conference. However, as in the past, the issue would still be referred to the Conference should the Officers of the Selection Committee be unable to reach a unanimous decision on any particular issue or if the Committee itself so decided.

- 11.** In addition, the reform concerned the procedure for changes in the composition of committees. Under article 25, paragraph 2, and article 9(a) of the Standing Orders, the initial appointment of committees and their membership was decided upon by the Conference; subsequent changes in membership were to be decided by the Conference on the recommendation of the Selection Committee. The reforms were aimed at simplifying this procedure and attempted to reflect the practice according to which the Conference relied on the modifications proposed by the groups. Changes in the composition of committees would however, as in the past, be subject to the appeal procedure laid down in article 9(b) of the Standing Orders. If this new procedure were to be adopted, the procedure laid down in article 75 of the Standing Orders for the nomination of members of committees by the Government group, which has been long ignored in practice, would become unnecessary and the text of article 75 of the Standing Orders could be deleted.
- 12.** The representative of the Secretary-General finally stated that the reforms relating to invitations to non-governmental international organizations to be represented in committees were aimed at simplifying the procedure of dealing with additional requests that arrived after the first sitting of the Selection Committee following the opening of the Conference. The proposed amendment to article 56, paragraph 9, of the Standing Orders would be to the effect that the Selection Committee would decide directly on invitations to non-governmental organizations to be represented in committees, it being also understood that should any such decision prove controversial, the matter should be referred to the Conference for decision in accordance with the general provision under the proposed amendment to article 4, paragraph 2.
- 13.** In response to an enquiry of the Government member of Lebanon as to how under the system being introduced by the proposed amendment to article 9 of the Standing Orders, the committees would verify the validity of nomination of members and their representativity, the representative of the Secretary-General explained that according to the principle of the autonomy of groups, each group decided freely who would be members of a given committee. It was left to Governments to decide in which committees they wished to participate. In the Employers' and Workers' groups, nominations were left to the autonomy of the groups so long as the persons concerned were accredited to the Conference by their countries. With respect to representativity of delegates, this was an issue dealt with by the Credentials Committee.
- 14.** The Government member of India asked for clarification on the proposed amendment to article 4 of the Standing Orders concerning the term "non-controversial", and more specifically on when an issue raised by a member State, not being member of the Selection Committee, relating to aspects of the conduct of the Conference should be considered a "controversial question".

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15. The representative of the Secretary-General considered that it would be for the Selection Committee to decide whether an issue raised by any of the delegates to the Conference could be considered a controversial question. But if the Committee could not reach a consensus on this issue, it would clearly be controversial and would need to be referred to the Conference for decision.
16. Based on the foregoing, the Committee recommends that the Conference adopt the following amendments to its Standing Orders (additions appear underlined and deletions in square brackets):

ARTICLE 4

Selection Committee

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2. It shall be the duty of the Selection Committee to arrange the programme of the Conference, to fix the time and agenda for the plenary sittings, to act on behalf of the Conference with respect to decisions on non-controversial questions of a routine nature and to report to the Conference on any other questions requiring a decision for the proper conduct of its business, in accordance with the Conference Standing Orders. Where appropriate, the Committee may delegate any of these functions to its Officers.

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,] the groups to determine subsequent changes in the composition of such committees.

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ARTICLE 56

Composition of committees and right to participate in their work

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9. Representatives of non-governmental international organizations with which the International Labour Organization has established consultative relationships and with which standing arrangements for representation at the Conference have been made, and representatives of other non-governmental international organizations which the Conference, or the Selection Committee within the limits set out in article 4, paragraph 2, has invited to be represented at the committee, may be present at the meetings of the Committee. ...

ARTICLE 75

Procedure for the nomination of members of committees by the Government group

(Deleted)

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17. On the issue of electronic voting by the electoral colleges, it was explained that the Governing Body proposed to consolidate existing practice. While article 19 of the Standing Orders does not provide for electronic voting for Governing Body elections, the practice in the last two Governing Body elections was that the Government electoral college decided to vote by electronic means, by derogation from the relevant provision of the Standing Orders. In order to permit each electoral college to vote by electronic means without requiring the Conference to suspend article 52, paragraph 3, of the Standing Orders each time, the Governing Body proposed an amendment to this provision.
18. The Committee therefore recommends that the Conference adopt the following amendment to the Standing Orders of the Conferences (proposed additions appear underlined):

ARTICLE 52

Procedure of voting

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3. The counting of the votes shall be carried out under the direction of the representative of the President of the Conference assisted by two returning officers appointed by the electoral college from among its members. However, if an electoral college requests to vote by electronic means, the provisions of article 19, paragraph 16, concerning a vote by secret ballot shall apply.

II. Confirmation of the Rules for Regional Meetings

19. The Chairperson explained that the Conference was invited by the Governing Body to confirm, in accordance with article 38 of the ILO Constitution, the Rules for Regional Meetings that the Governing Body had adopted at its 283rd Session (March 2002)³ accompanied by an Introductory Note. The explanations for the revisions made by the Governing Body were presented in paragraphs 14-16 of the Note submitted to the Conference. Again, they were based on experience gained since 1996 when a new set of simplified rules had been applied by the Governing Body on an interim basis.
20. The Worker members believed the revised Rules were comprehensive and well-drafted and thus supported them. The Employer members also supported the Rules.
21. The Committee recommends that the Conference confirm the Rules for Regional Meetings as contained in the Appendix to the present report.

³ GB.283/LILS/1 and GB.283/10/1.

III. Corrections to the Standing Orders of the Conference

22. The representative of the Secretary-General recalled that certain provisions of the Standing Orders of the Conference (articles 34, 35 and 36 of section E, “Convention and Recommendation procedure”) reproduced provisions of the Standing Orders of the Governing Body, for ease of reference. Since the Governing Body, at its 258th Session (November 1993), had decided to delete paragraphs 3 and 4 of article 10 of its Standing Orders, the Conference was invited to take note of the new text and approve its reproduction in article 34 of the Standing Orders of the Conference.
23. In response to a question asked by the Government member of Lebanon, the representative of the Secretary-General explained that, as indicated in the footnote accompanying articles 34, 35 and 36 of the Standing Orders, they were “not part of the Standing Orders of the Conference”. As provisions of the Standing Orders of the Governing Body, they could only be amended by the Governing Body, the Conference having the choice, based on practical convenience, of including them (or not including them) in its Standing Orders. He also indicated that paragraphs 3 and 4 of article 10 of the Standing Orders of the Governing Body were no longer applicable as a result of the reforms adopted at its 256th Session (May 1993) to improve the functioning of the Governing Body; discussions relating to the agenda of the Conference would henceforth take place in November and March, the May session being effectively truncated. The amendments were therefore of a purely technical nature and reflected a modification to the calendar of the Governing Body.
24. The Employer members and Worker members expressed support for the proposal.
25. The Committee therefore recommends that the Conference note the amendment made by the Governing Body to its own Standing Orders and that the next edition of the Standing Orders of the Conference reflect the following modifications (deletions are in square brackets, amendments are underlined):

ARTICLE 34

General provisions

1. When a proposal to place an item on the agenda of the Conference is discussed for the first time by the Governing Body, the Governing Body cannot, without the unanimous consent of the members present, take a decision until the following session.

2. When it is proposed to place on the agenda of the International Labour Conference an item which implies a knowledge of the laws in force in the various countries, the Office shall place before the Governing Body a concise statement of the existing laws and practice in the various countries relative to that item. This statement shall be submitted to the Governing Body before it takes its decision.

[3. In the report mentioned in article 14 of these Standing Orders the Governing Body shall communicate to the Conference the items being considered for inclusion in the Conference agenda in time to enable the Governing Body to take into account, when it takes the final decision on the agenda, the views expressed at or by the Conference.]

[4. Nothing in paragraph 3 of this article shall be deemed to affect the authority of the Conference under article 16 of the Constitution to exclude items from the agenda of its current session or to include items in the agenda of a following session. Moreover, nothing in that paragraph shall preclude the subsequent addition to the agenda by the Governing Body of an urgent item on which it has not been possible to obtain the views of the Conference.]

[5] 3. When considering the desirability of placing a question on the agenda of the International Labour Conference, the Governing Body may, if there are special circumstances which make this desirable, decide to refer the question to a preparatory technical conference with a view to such a conference making a report to the Governing Body before the question is placed on the agenda. The Governing Body may, in similar circumstances, decide to convene a preparatory technical conference when placing a question on the agenda of the Conference.

[6] 4. Unless the Governing Body has otherwise decided, a question placed on the agenda of the Conference shall be regarded as having been referred to the Conference with a view to a double discussion.

[7] 5. In cases of special urgency or where other special circumstances exist, the Governing Body may, by a majority of three-fifths of the votes cast, decide to refer a question to the Conference with a view to a single discussion.

IV. Other matters

26. The Workers' Vice-Chairperson, joined by the Employers' Vice-Chairperson, wished to acknowledge the valuable role played over recent years in the consideration of Standing Orders issues, both in the Governing Body and the Conference, by Mr. Parrot, Workers' delegate of Canada, for whom this would be his last Conference.

Geneva, 11 June 2002.

(Signed) Víctor Rodríguez Cedeño,
Chairperson and Reporter.

Appendix

Rules for Regional Meetings

ARTICLE 1

Composition of Regional Meetings

1. Each Regional Meeting shall be composed of two Government delegates, one Employers' delegate, and one Workers' delegate for each State or territory invited by the Governing Body of the International Labour Office to be represented at it. Acceptance by a State or territory of an invitation to be represented at a Regional Meeting implies that it assumes responsibility for the travel and subsistence expenses of its tripartite delegation.
2. (1) Delegates may be accompanied by advisers and by such additional advisers as may be appointed by a State as representatives of non-metropolitan territories for whose international relations the State is responsible.

(2) Any delegate may by notice in writing addressed to the Chairperson appoint one of his or her advisers to act as his or her substitute.

(3) An adviser who is acting as substitute for his/her delegate may speak and vote under the same conditions as the delegate who is being replaced.
3. Ministers from States or territories represented at the Meeting or from constituent States or provinces thereof whose departments deal with the questions discussed by the Meeting and who are not delegates or advisers may also attend the Meeting.
4. Employers' and Workers' delegates and advisers shall be chosen in agreement with the industrial organizations, if such organizations exist, which are most representative of the employers or workers as the case may be in the State or territory concerned.
5. Any Member of the International Labour Organization from a different region and any State which is not a Member of the International Labour Organization which has been invited by the Governing Body of the International Labour Office may be represented at the Meeting by an observer delegation.
6. Liberation movements recognized by the Organization of African Unity or the League of Arab States which have been invited by the Governing Body may be represented at the Meeting by an observer delegation.
7. Representatives of official international organizations and of non-governmental international organizations which have been invited by the Governing Body, either individually or as a result of a standing arrangement, to be represented at the Meeting may attend it as observers.

ARTICLE 2

Agenda of Regional Meetings

The Governing Body shall establish the agenda for the Regional Meetings.

ARTICLE 3

Form of decisions of Regional Meetings

Subject to any specific indication by the Governing Body to the contrary, the decisions of Regional Meetings shall take the form of resolutions on matters relating to the item(s) on the agenda, conclusions or reports addressed to the Governing Body.

ARTICLE 4

Reports for Regional Meetings

1. The International Labour Office shall prepare a report on the item(s) on the agenda designed to facilitate an exchange of views on the issues referred to the Meeting.
2. The report shall be dispatched by the Office so as to reach governments at least two months before the opening of the Meeting. The Officers of the Governing Body may approve shorter intervals if exceptional circumstances so require.

ARTICLE 5

Officers of the Meeting

1. Each Regional Meeting shall elect as Officers a Chairperson and three Vice-Chairpersons. For the election of the Chairperson, account should be taken of the need to afford all Members and groups the opportunity to hold office.
2. The three Vice-Chairpersons shall be elected by the Meeting on the nomination of the Government, Employers' and Workers' delegates respectively.

ARTICLE 6

Duties of the Officers

1. It shall be the duty of the Chairperson to declare the opening and closing of the sittings, to bring before the Meeting any communication which may concern it, direct the debates, maintain order, ensure the observance of the present Rules, put questions for decision and announce the results of any voting.
2. The Chairperson shall not take part in the debates and shall not vote, but may appoint a substitute in accordance with article 1, paragraph 2(2), of these Rules.
3. If the Chairperson is absent during any sitting or part of a sitting he or she shall be replaced by one of the Vice-Chairpersons, who shall act in rotation.
4. A Vice-Chairperson acting as Chairperson shall have the same rights and duties as the Chairperson.
5. The Officers of the Meeting shall arrange its programme of work, organize the discussions, determine, where appropriate, a time limit for speeches and fix the date and time of the sittings of the Meeting and of its subsidiary bodies, if any; they shall report to the Meeting on any controversial matter requiring a decision for the proper conduct of its business.

ARTICLE 7

Secretariat

The Director-General of the International Labour Office, being charged with the organization of the Meeting, is responsible for the secretariat-general of the Meeting and the secretariat services under its control, either directly or through a deputy appointed by him.

ARTICLE 8

Committees

Each Regional Meeting shall appoint a Credentials Committee and any other subsidiary body as the Meeting may consider appropriate. Any such subsidiary body shall operate *mutatis mutandis* under the Rules applicable to the Meeting, unless the Meeting decides otherwise.

ARTICLE 9

Credentials

1. The credentials of delegates and their advisers at Regional Meetings shall be deposited with the International Labour Office at least fifteen (15) days before the date fixed for the opening of the Meeting.
2. The Credentials Committee shall consist of one Government delegate, one Employers' delegate and one Workers' delegate.
3. The Credentials Committee shall examine the credentials of delegates and their advisers and any objection alleging that an Employers' or Workers' delegate or adviser has not been nominated in accordance with the provisions of paragraph 4 of article 1 of these Rules. The Committee may also consider any complaint alleging that a Member has failed to carry out its responsibility in accordance with article 1, paragraph 1, to pay travel and subsistence expenses of the tripartite delegation.
4. An objection shall not be receivable in the following cases:
 - (a) if the objection is not lodged with the secretariat of the Meeting by 11 a.m. on the first day of the Meeting, unless the Committee considers that there were valid reasons why the time limit could not be respected;
 - (b) if the authors of the objection remain anonymous;
 - (c) if the objection is based upon facts or allegations identical to those which the International Labour Conference or an earlier Regional Meeting has already discussed and recognized to be irrelevant or devoid of substance.
5. The Credentials Committee shall promptly submit its report on each objection to the Meeting, which may request the Office to bring the report(s) to the attention of the Governing Body.

ARTICLE 10

Right to address the Meeting

1. No delegate shall address the Meeting without having asked and obtained the permission of the Chairperson, who shall normally call upon speakers in the order in which they have signified their desire to speak.
2. The Director-General of the International Labour Office or his or her representative may, with the permission of the Chairperson, address the Meeting.
3. Persons entitled to take part in the Meeting in accordance with paragraphs 3, 5 or 6 of article 1, and representatives of official international organizations may, with the permission of the Chairperson, address the Meeting during any discussion in plenary.
4. Representatives of non-governmental international organizations entitled to take part in the Meeting [as observers] in virtue of paragraph 7 of article 1 may, with the permission of the Chairperson and Vice-Chairpersons, make or circulate statements for information of the Meeting on matters included in its agenda. If agreement cannot be reached, the Chairperson shall refer the matter to the Meeting for decision without discussion.
5. The Chairperson may withdraw the right to speak from any speaker whose remarks are not relevant to the subject under discussion.
6. Except with the unanimous consent of the Officers of the Meeting, no speech shall exceed five minutes.

ARTICLE 11

Motions, resolutions and amendments

1. Subject to the following rules, any delegate may move any motion, resolution or amendment.
2. No motion, resolution or amendment shall be discussed unless and until it has been seconded.
3. (1) Motions as to procedure may be moved without previous notice and without the handing of a copy to the secretariat of the Meeting. They may be moved at any time except after the Chairperson has called upon a speaker and before the speaker has terminated his speech.

(2) Motions as to procedure include the following:
 - (a) a motion to refer the matter back;
 - (b) a motion to postpone consideration of the question;
 - (c) a motion to adjourn the sitting;
 - (d) a motion to adjourn the debate on a particular question;
 - (e) a motion for the closure of the discussion.
4. (1) No resolution shall be moved at any sitting of the Meeting unless a copy has been handed in to the secretariat of the Meeting on the previous day.

(2) Any resolution thus handed in shall be translated and circulated by the secretariat not later than during the sitting preceding that at which it is to be discussed.

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- (3) Amendments to a resolution may be moved without previous notice if a copy of the text of the amendment is handed in to the secretariat of the Meeting before the amendment is moved.
5. (1) Amendments shall be voted on before the resolution to which they refer.
- (2) If there are several amendments to a motion or resolution, the Chairperson shall determine the order in which they shall be discussed and put to the vote, subject to the following provisions:
- (a) every motion, resolution or amendment shall be put to the vote;
- (b) amendments may be voted on either individually or against other amendments as the Chairperson may decide, but if amendments are voted on against other amendments, the motion or resolution shall be deemed to be amended only after the amendment receiving the largest number of affirmative votes has been voted on individually and adopted;
- (c) if a motion or resolution is amended as the result of a vote, that motion or resolution as amended shall be put to the Meeting for a final vote.
6. Any amendment may be withdrawn by the person who moved it unless an amendment to it is under discussion or has been adopted. Any amendment so withdrawn may be moved without previous notice by any other delegate.
7. Any delegate may at any time draw attention to the fact that the rules are not being observed, and the Chairperson shall give an immediate ruling on any question so raised.

ARTICLE 12

Voting and quorum

1. Subject to the provisions of article 13, paragraph 4, of the Constitution of the International Labour Organization,¹ every delegate shall be entitled to vote individually on all matters which are under consideration by the Meeting.
2. If one of the Members represented 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 Meeting, but not to vote.
3. Decisions shall, whenever practicable, be taken by consensus. In the absence of consensus duly ascertained and announced by the Chairperson, decisions shall be taken by a simple majority of the votes cast by the delegates who are present at the sitting and entitled to vote.
4. Voting shall normally be by show of hands.
5. A vote is not valid if the total number of votes cast for and against is less than half the total number of delegates at the Meeting entitled to vote.
6. The vote shall be recorded by the secretariat and announced by the Chairperson.

¹ Article 13, paragraph 4, reads as follows: "A Member of the Organization which is in arrears in the payment of its financial contribution to the Organization shall have no vote in the Conference, in the Governing Body, in any committee, or in the elections of members of the Governing Body, if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years: Provided that the Conference may by a two-thirds majority of the votes cast by the delegates present permit such a Member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the Member."

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7. No resolution, conclusion, report, amendment or motion shall be adopted if the number of votes cast for and the number of votes cast against it are equal.

ARTICLE 13

Languages

1. The Governing Body shall determine the working languages of the Meeting.
2. The secretariat shall make arrangements for interpretation and for translation of documents into and from other languages, taking into account the composition of the Meeting and the facilities and staff available.

ARTICLE 14

Autonomy of groups

Subject to these Rules each group shall control its own procedure.

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