Twelfth Item on the Agenda

Inclusion in the Constitution of the International Labour Organisation of a Provision Empowering the Conference to Suspend from Participation in the International Labour Conference Any Member Which Has Been Found by the United Nations to Be Flagrantly and Persistently Pursuing by Its Legislation a Declared Policy of Racial Discrimination Such as "Apartheid"
# CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>INTRODUCTION</td>
<td>5</td>
</tr>
<tr>
<td>BACKGROUND AND ANALYSIS OF THE PROPOSED AMENDMENT</td>
<td>7</td>
</tr>
<tr>
<td>Extract from the Report of the Committee on Questions concerning South Africa</td>
<td>7</td>
</tr>
<tr>
<td>Extracts from a Communication from the Government of the Republic of South Africa</td>
<td>9</td>
</tr>
<tr>
<td>Discussion of the Report of the Committee on Questions concerning South Africa at the Second to Fifth Sittings of the 158th Session of the Governing Body</td>
<td>10</td>
</tr>
<tr>
<td>PROCEDURE</td>
<td>13</td>
</tr>
<tr>
<td>PROPOSED TEXT</td>
<td>14</td>
</tr>
</tbody>
</table>
INTRODUCTION

Article 46 of the Standing Orders of the Conference provides as follows:

1. Any proposal for the amendment of the Constitution of the Organisation shall only be considered by the Conference if it has been included in the agenda of the Conference by the Governing Body at least four months before the opening of the session at which it is to be considered in accordance with article 14 of the Constitution, or has been included in the agenda of the Conference by the preceding session of the Conference in accordance with paragraph 3 of article 16 of the Constitution.

2. When including any proposal for the amendment of the Constitution in the agenda the Governing Body or the Conference, as the case may be, shall define exactly the question or questions which it includes in the agenda of the Conference.

In accordance with that provision the Governing Body decided on 15 February 1964, at its 158th Session, to include in the agenda of the 48th Session of the Conference the following item: Inclusion in the Constitution of the International Labour Organisation of a provision empowering the Conference to suspend from participation in the International Labour Conference any Member which has been found by the United Nations to be flagrantly and persistently pursuing by its legislation a declared policy of racial discrimination such as apartheid.

The Governing Body also decided to submit to the Conference, as the basis for its consideration of the matter, the text of a proposed amendment which is set forth below.

This item is one of three questions placed on the agenda of the Conference by the Governing Body as a result of its consideration of the various questions raised by the policy of apartheid practised by the Government of the Republic of South Africa. The other two questions are: Proposed declaration concerning the policy of apartheid of the Republic of South Africa; and Inclusion in the Constitution of the International Labour Organisation of a provision empowering the Conference to expel or suspend from membership any Member which has been expelled or suspended from membership of the United Nations.¹

The decision taken by the Governing Body to include the present item in the agenda of the Conference follows the recommendations of the Committee on Questions concerning South Africa which was set up by the Governing Body on 15 November 1963 at its 157th Session and which met in January 1964. That Committee was composed of the following members of the Governing Body: the Govern-

ment representatives of India, Liberia, the United States and the U.S.S.R.; Mr. Ofurum (Nigeria), Mr. O’Brien (Ireland), Mr. Rifaat (United Arab Republic), and Mr. Waline (France) representing the Employers’ group; and Mr. ben Ezzedine (Tunisia), Mr. Kaplansky (Canada), Mr. Pongault (Congo (Brazzaville)), and Mr. Möri (Switzerland) representing the Workers’ group. The Chairman of the Committee was Mr. Øksnes, Government representative of Norway. The terms of reference of the Committee were to “Endeavour to determine what contribution the I.L.O. could make to the complete elimination of apartheid and to suggest what action should be taken to secure the observance of the principles in the Constitution and to protect human dignity”.

The report of the Committee on Questions concerning South Africa includes the following passage:

38. We have as a Committee taken as the keynote of our work the opening words of the ancient code of laws of Norway:

“With law shall we build our land, not with lawlessness lay it waste.”

Apartheid is a monstrous evil which confronts the world, the United Nations and the International Labour Organisation with a moral challenge of the first order of importance and urgency. It is in our judgment as a Committee imperative that the International Labour Organisation should take prompt and effective action in the matter; it is no less imperative, both to preserve the character of the Organisation itself which the Constitution defines as a body for “free discussion and democratic decision with a view to the promotion of the common welfare” and for the protection, now and in the future, of the rights and interests of all Members of the Organisation and of governments, employers and workers alike, that the necessary action should be taken by due process of law. We believe that our recommendations constitute a basis on which appropriate action can be taken promptly and effectively by due process of law. Our deliberations have been characterised throughout by a spirit of mutual understanding and mutual accommodation deriving from our common faith in the freedom and dignity of man; we trust that the same spirit will enable the Governing Body and the Conference to resolve the grave problems which we were appointed to examine.

The Governing Body unanimously endorsed that passage and decided to place it before the Conference.

This report consists of the relevant passages of the report of the Governing Body Committee on Questions concerning South Africa; extracts from a communication from the Government of South Africa concerning the report of the Committee on Questions concerning South Africa which was submitted to the Governing Body; a summary of the discussion in the Governing Body on the report of the Committee, in so far as it is relevant to this item; an indication of the procedures applicable to the examination and adoption of proposed amendments to the Constitution of the Organisation; and the proposed text of an amendment to the Constitution corresponding to the item on the agenda, as submitted to the Conference by the Governing Body.
BACKGROUND AND ANALYSIS OF THE PROPOSED AMENDMENT

EXTRACT FROM THE REPORT OF THE COMMITTEE
ON QUESTIONS CONCERNING SOUTH AFRICA

Proposed Amendment to Permit the Suspension from Participation in the Conference of a Member Found by the United Nations to Be Flagrantly and Persistently Pursuing by Its Legislation a Declared Policy of Racial Discrimination Such as Apartheid

25. While agreeing that the International Labour Organisation should not take independent action for the expulsion or suspension from membership of a State which remains a Member of the United Nations, the majority of the Committee considered that the Constitution should be amended to empower the Conference to suspend from participation in its proceedings any State found by the United Nations to be flagrantly and persistently pursuing by its legislation a declared policy of racial discrimination such as apartheid. Amendments providing for a power of suspension were submitted to the Committee by Mr. Wilson and Mr. Zaman and by Mr. ben Ezzedine; these were, after discussion, fused and were further amended on the proposal of the Employers' members.

26. In the view of the majority, a clear distinction should be drawn between expulsion or suspension from membership, which may reasonably be regarded as a political matter, and suspension from participation in the proceedings of the Conference. They were willing, in the hope of securing a wider measure of agreement, to modify their earlier view by conceding that expulsion, by placing the unworthy State outside the pale of international society, releases it from its legal obligations, eliminates one of the few remaining restraints upon arbitrary action on its part, and represents a confession of defeat by the international community rather than effective action on its part. Suspension from participation in the proceedings of the Conference they regarded as a measure of an entirely different character. They considered that it represents the application to the Conference of the principle already adopted by the Governing Body in respect of meetings the composition of which is subject to its control. While agreeing that any such measure should be adopted and applied in a constitutional manner, the majority considered that such a measure, if approved by constitutional amendment, cannot be regarded as being in any way unconstitutional or illegal. Whether it is wise and appropriate is not a question of law but a question of policy; clearly it should not be adopted arbitrarily, but in the present circumstances its adoption would not be arbitrary. In the view of the majority, such a measure is wise and appropriate in the light of the exceptional circumstances with which the Organisation is now confronted.

27. There was some discussion of whether the proposed provision should be limited to the special case of apartheid or should also include certain other cases of racial discrimination. The Employers contended that the proposed provision should be so framed as to cover all cases of grave violation of the Constitution of the I.L.O. There had been such cases within the memory of members of the Committee and there was no absolute assurance that they would not recur. In the present circumstances, nevertheless, it might be reasonable to limit the provision to cases of racial discrimination of an exceptionally grave and deliberate character. It was in these circumstances that it was agreed that the provision should apply to cases in which a State has been found by the United Nations to be flagrantly and persistently pursuing by its legislation a declared policy of racial discrimination such as apartheid.

1 Government member, Liberia.
2 Government member, India.
apartheid. The Committee noted that such matters may come before the United Nations even in respect of States which are not Members thereof and rejected, on the proposal of Mr. Mōri, a suggestion that the reference to the United Nations should be limited to the case of States which are Members thereof.

28. The Employers' members would have preferred to omit the reference to a finding by the United Nations, and had submitted an amendment to that effect. They considered that, with regard to social matters, the I.L.O., a tripartite organisation, had the authority to act on its own judgment, and that in the case of suspension the legal arguments which made prior action by the United Nations essential with respect to expulsion did not apply. However, in the absence of agreement in the Committee, and in the light of the possibility that, for political reasons, the text of the proposed amendment to the Constitution might be more acceptable to governments if it contained the reference to the United Nations, they withdrew their proposal.

29. Mr. Pongault had submitted an amendment to the Constitution additional to that proposed by the Director-General and designed to give the I.L.O. a general power to take action in regard to a deliberate, flagrant and persistent policy violating the principles of freedom and human dignity contained in the Constitution; such a provision could, in his view, have been accompanied by a procedure of application which would have set at rest fears of abuses liable to endanger the interests of the Organisation. Mr. Pongault stated that his sole concern was to avoid the necessity of amending the Constitution of the Organisation every time that a serious case of violation of the principles of the I.L.O. was unanimously condemned by the member States of the Organisation. No other member having supported his proposal, Mr. Pongault decided, with regret, not to press the proposal; he did not wish to disagree with the majority of the Committee.

30. Mr. Weaver, while fully concurring in all of the other recommendations of the Committee which he regarded as a constructive approach to the problem of enabling the I.L.O. to make in co-operation with the United Nations a practical contribution to the complete elimination of apartheid, opposed the proposed amendment to permit the suspension of the participation of a State in the Conference. For many years the policy had prevailed throughout the United Nations family that the specialised agencies should take their lead in essentially political matters, and especially in matters that could conceivably lead to war, from the United Nations. This policy had been embodied in General Assembly Resolution 396 (V) of 14 December 1950 which called upon the specialised agencies to take account of the attitude of the General Assembly in matters relating to the status and recognition of governments; it had been recognised by the Governing Body when it had appointed a delegation to accompany the Director-General for the purpose of consultation with the Secretary-General and reaffirmed by the Governing Body when it unanimously accepted the report of the delegation. The United States Government believed that this policy remained wise and that without it the fabric of co-operation necessary to maintain and develop effective programmes of assistance to new nations within the United Nations family would be strained. These programmes of assistance were today the first and growing concern of the specialised agencies, and the United States Government regarded them as a second in importance only to keeping the peace itself. Rather than embroiling themselves in essentially political disputes the International Labour Organisation and other specialised agencies should concentrate on objects of their special concern. The proposed text was not acceptable because the suspension of a Member from participation in the Conference should be permitted only if the Member had been suspended or expelled by the United Nations pursuant to articles 5 or 6 of the Charter. Suspension should not be permitted for the pursuit of a policy which, however objectionable the United Nations had found it to be, had not led the United Nations to suspend or expel the Member. It was important to consider what would happen if each organisation in the United Nations family were to assume for itself the political responsibilities of the United Nations proper. There were many examples in the world of institutions, national and international, which do violence to the principles of the Charter of the United Nations and the Constitution of the I.L.O.

1 Government member, United States.
The institution of *apartheid* deserved the censure of the community of nations and had been condemned consistently and deservedly by the States Members of the United Nations, but *apartheid* did not stand alone in infamy; there were not many member nations of the United Nations or of the I.L.O. which did not follow some policy, or tolerate some institution, which was quite inconsistent with the principles of the Charter of the United Nations and the Constitution of the I.L.O. The I.L.O. was not so weak that it could exert no influence except through the summary action of expulsion or suspension and should concentrate on using its machinery to combat *apartheid*. While the proposed amendment was not in form an amendment to expel South Africa it would have the same effect; it would result in suspending South Africa from participation in the Conference, one of the fundamental rights of membership, while attempting to maintain on the South African Government the full duties of membership; there was, therefore, no significant difference between the proposal and expulsion on the ground of *apartheid*.

31. It was stated by the sponsors that the proposed amendment did not in any way repudiate the principle of co-operation with the United Nations or the advice given by the Secretary-General to the Governing Body delegation to the United Nations. Suspension from participation in the Conference was a purely internal matter of the I.L.O. Moreover the draft amendment had provided that even for taking this simple action the United Nations had first to find the Member guilty of racial discrimination as defined in the draft amendment. The proposed amendment was designed to protect the interests of the I.L.O. and that Organisation had every right to take such action. The sponsors of the draft amendment explained that their proposal was not all that they really wanted to meet the situation. This was a compromise proposal designed to satisfy a maximum number of the Members of the I.L.O. The sponsors were aware that several Members of the I.L.O. were against expulsion or suspension of a Member until the United Nations had expelled or suspended such a Member. Several other speakers supported these views.

32. Mr. Øksnes indicated that this additional proposal required further consideration by his Government before he could take a definite attitude concerning it; this did not mean that it was unacceptable.

33. Mr. Kaplansky reserved his opinion on the proposed further amendment to the Constitution until the 158th Session of the Governing Body for two reasons. Firstly, he wished to consult with other members of the Workers' group of the Governing Body which he represented on the Committee. Secondly, and more substantively, he wished to consider during this space of time whether it was not possible to find some alternative and better method of achieving the purpose of securing the observance of the principles in the Constitution. In his view it was desirable to attain that aim by means other than the proposed further amendment to the Constitution. The Governing Body in June 1963 had decided to consider as an urgent matter such amendments "to the Constitution and/or Standing Orders" as might be necessary; he was not yet fully satisfied that the review of measures which it was possible to take in order to comply with this decision had been exhaustive.

**Extracts from a Communication from the Government of the Republic of South Africa**

A statement concerning the report of the Governing Body Committee on Questions concerning South Africa was communicated by the Government of the Republic of South Africa to the Director-General on 12 February 1964 and submitted to the Governing Body at its 158th Session.

The following extracts from that communication are relevant to the proposed amendment of the Constitution which is dealt with in this report.¹

¹ The full text of the communication is contained in Report X, op. cit.
2. The basic weakness of this report (and of others of a similar nature drawn up by United Nations bodies in the past) is that it rests on a premise which is false; namely, that the policy of separate development of the Republic of South Africa is an end and not a beginning and that its basic object is the maintenance of discrimination in all spheres of life in the Republic. The Governing Body is accordingly referred to the reply which was sent by South Africa to the Secretary-General of the United Nations in answer to his request that facilities for a visit to the Republic be granted to members of the group of experts appointed by him in terms of the Security Council resolution of 4 December 1963. In this reply it was stated, inter alia, that the South African policy of separate development seeks to remove discrimination by a process of separate evolution of the constituent peoples of the Republic. Until this underlying principle is correctly understood by bodies which concern themselves with the affairs of the Republic, such bodies can hardly be expected to view the situation objectively or in its true perspective.

4. One finds that the Committee is itself guilty of discrimination. This is illustrated by paragraph 12 on page 7 of the report and again later in paragraphs 27 to 34 on pages 16 to 20 of the report, where the Committee rejects the suggestion by its Employer members that the grounds for suspension of Members by the Conference should be broadened to cover all cases of grave violation of the principles of the Constitution and not be based only on the grounds submitted by the Committee in its report: viz. what is called the flagrant and persistent pursuit of a declared policy of racial discrimination such as apartheid. This rejection of a proposal which could with effect be used against a large number of States, especially as regards the position of the Employer delegates from those States, is a clear application of the double standard which is becoming such a notorious feature of international politics.

7. It has been noted with surprise that the steps which culminated in the Committee's recommendations against South Africa were initiated by the Director-General of the I.L.O. and that the Committee acted in accordance therewith without having regard to the benevolence of the policies pursued in South Africa, the effect of which has been to place its developing peoples on a much higher level than anywhere else in Africa, particularly as far as labour matters are concerned, details of which policies and developments have previously been furnished not only in reports to the Director-General, but also during debates at annual Conferences of I.L.O.

The Government registers the strongest protest against the action by the Director-General and the Committee in seeking to deprive South Africa of the rights of its membership under the guise of restoring such rights after compliance with certain Conventions, the ratification of which, in terms of the Constitution of the Organisation, is entirely a matter within the discretion of a member State. Many other countries have not ratified the Conventions in question, and they, like South Africa, are under no obligation to comply with the provisions of such instruments. Others again have ratified Conventions but are not honouring the obligations undertaken thereby—as evidenced by the annual reports of the Committee on Application of Conventions.

DISCUSSION OF THE REPORT OF THE COMMITTEE ON QUESTIONS CONCERNING SOUTH AFRICA AT THE SECOND TO FIFTH SITTINGS OF THE 158TH SESSION OF THE GOVERNING BODY

Summary of Remarks Relevant to Item XII

The discussion in the Governing Body of the proposal for a constitutional provision empowering the Conference to suspend from participation in the International Labour Conference any Member which has been found by the United
Nations to be flagrantly and persistently pursuing by its legislation a declared policy of racial discrimination such as *apartheid* revealed several trends of thought.

A number of Government and Employers' members opposed the entire amendment on grounds of principle. In their view the proposal was incompatible with the policy, which had been consistently followed hitherto and remained justified by reference to a large variety of considerations, that in essentially political matters the specialised agencies should not take independent action but should follow the lead of the United Nations; under the amendment the I.L.O. would be able to suspend a Member's participation in the Conference even though the actions of the Member with which the I.L.O. was concerned formed part of a policy which was of concern to all the Organisations and even though the United Nations had deliberately refrained from policies of exclusion. Despite its carefully circumscribed language, the proposal was one for exclusion. It ran counter both to the suggested positive programme for the elimination of *apartheid*¹, which presupposed certain contacts between the Organisation and the Republic of South Africa, and to the other proposed amendment to the Constitution ², which made expulsion or suspension of a Member dependent on action by the United Nations. It was out of step with the approach currently followed in the United Nations, as evidenced in the Security Council resolution of 4 December 1963 which called for the establishment of a group of experts to examine methods of resolving the situation in South Africa. Moreover, it would not achieve any of the ends sought: it would not eliminate *apartheid* and, on the contrary, coercive measures were liable to strengthen the will of the rulers of South Africa; it would not solve the immediate problem created by South Africa's presence in the Organisation, since the coming into force of a constitutional amendment was, at best, a slow process, and the ratification prospects of the proposed provision were far from certain.

The Employers' members and one or two Government members objected to the fact that the proposed constitutional amendment was directed at one specific violation of the Constitution. In their view it was inappropriate to insert in the Constitution of an Organisation which had 110 Members and the competence of which embraced the whole field of social action a provision which was essentially aimed at the situation in one country. The Employers' members moved an amendment to the proposed constitutional provision, under which the reference to "a declared policy of racial discrimination such as *apartheid*" would have been replaced by a reference to "a declared policy which violates the fundamental principles set out in the Constitution of the International Labour Organisation"; in the absence of sufficient support, which was mainly due to a fear of future controversy in the Conference, that amendment was not pressed to a vote.

A number of Government members, and in particular those representing African countries, indicated that they would have wished the amendment to go further than it did. A more radical measure of exclusion would not only be more appropriate

¹ See Report X, op. cit.
² See Report XI, op. cit.
to the heinousness of the policy of apartheid, but would settle once and for all the problem created by South Africa’s membership in the Organisation. However, the representatives concerned indicated that they were prepared to accept the proposed text as a modest starting point. They reserved the right to treat certain matters more extensively at the 48th Session of the Conference, with a view both to ensuring that all delegations were fully informed of all aspects of the problem and to reinforcing action against apartheid within the I.L.O.

A number of Government and Employers’ members and the Workers’ members supported the proposed text as a compromise which, indeed, did not satisfy many completely but which was the result of mature judgment and represented the most widely acceptable solution to the problem facing the Organisation. In their view the proposal was not incompatible with a policy of co-ordination within the United Nations family, while giving a minimum of independent authority to an Organisation the membership of which was not identical with the United Nations and which was tripartite in character. It did not deal with membership, but made provision for an internal measure which corresponded logically to measures taken by the Governing Body in June 1963 to exclude South Africa from meetings the composition of which was decided by the Governing Body; the Conference, as sovereign organ, must possess a similar power of suspension from participation in its proceedings. A degree of co-ordination with the United Nations was ensured by the requirement for a prior finding by that Organisation that the State concerned was indeed guilty of flagrantly and persistently pursuing by its legislation a declared policy of racial discrimination such as apartheid. Furthermore the proposal did not provide for the complete severance of all links with South Africa, as would be the case with expulsion, and hence did not run counter to programmes of possible action for the elimination of apartheid based on the application of the provisions of the Constitution and Declaration of Philadelphia. As for the argument that the proposal did not ensure an immediate solution of the problems raised by South Africa’s presence in the Organisation, its adoption, and the resulting restoration of confidence between the Organisation and all its Members, might yet go a long way towards creating a climate in which such a solution could be found.

On a vote the Governing Body decided by 32 votes to 14, with 2 abstentions, to place the question on the agenda of the Conference.
PROCEDURE

The procedure in accordance with which the Conference is called upon to examine the proposed amendment submitted to it is governed by article 47 of the Standing Orders of the Conference, which provides as follows:

1. The International Labour Office shall submit to the Conference draft amendments corresponding to the question or questions in respect of which a proposal for amendment has been included in the agenda.

2. The Conference shall decide whether it will take as the basis of discussion the draft amendments prepared by the International Labour Office and shall decide whether they shall be considered in full Conference or referred to a committee for report. These decisions may be preceded by a general debate in full Conference on the question or questions in respect of which a proposal for amendment has been included in the agenda.

3. If the draft amendments are considered in full Conference, each of them shall be placed successively before the Conference for preliminary adoption by a two-thirds majority of the delegates present. During the debate, and until the draft amendments have been disposed of, no motion other than a motion to amend the text of one of them or a motion as to procedure shall be considered by the Conference.

4. If the draft amendments be referred to a committee, the Conference shall, after receiving the report of the committee, proceed to discuss the text of each draft amendment in succession, in accordance with the rules laid down in the last preceding paragraph. The discussion shall not take place before the day following that on which copies of the report have been circulated to the delegates.

5. During the discussion of the draft amendments the Conference may refer one or more of them to a committee.

6. The amendments as adopted by the Conference shall be referred to the Conference Drafting Committee which shall embody them, together with any necessary consequential amendments of the unamended provisions of the Constitution, in a draft instrument of amendment the text of which shall be circulated to the delegates.

7. No amendment shall be allowed to this text, but notwithstanding this provision the President, after consultation with the three Vice-Presidents, may submit to the Conference amendments which have been handed in to the secretariat the day after the circulation of the text as revised by the Drafting Committee.

8. On receipt of the text prepared by the Drafting Committee and after discussion of the amendments, if any, submitted in accordance with the preceding paragraph, the Conference shall proceed to take a final vote on the adoption of the draft instrument of amendment in accordance with article 36 of the Constitution of the Organisation.

Once it has been adopted by the Conference the instrument of amendment will enter into force in accordance with the procedure laid down in article 36 of the Constitution, which provides as follows:

Amendments to this Constitution which are adopted by the Conference by a majority of two-thirds of the votes cast by the delegates present shall take effect when ratified or accepted by two-thirds of the Members of the Organisation including five of the ten Members which are represented on the Governing Body as Members of chief industrial importance in accordance with the provisions of paragraph 3 of article 7 of this Constitution.
The question which has been included in the agenda of the Conference is the following:

Inclusion in the Constitution of the International Labour Organisation of a provision empowering the Conference to suspend from participation in the International Labour Conference any Member which has been found by the United Nations to be flagrantly and persistently pursuing by its legislation a declared policy of racial discrimination such as apartheid.

The Governing Body decided to submit to the Conference the following text of a proposed amendment relating to this question:

Insert at the end of the Constitution of the International Labour Organisation a new article in the following terms:

The General Conference of the International Labour Organisation may, at any session in the agenda of which the subject has been included and by a vote concurred in by two-thirds of the delegates attending the session, including two-thirds of the Government delegates present and voting, suspend from participation in the International Labour Conference any Member of the International Labour Organisation which has been found by the United Nations to be flagrantly and persistently pursuing by its legislation a declared policy of racial discrimination such as apartheid; such suspension shall not affect the obligations of the Member under the Constitution and Conventions to which it is a party; it shall continue until the Conference, on the proposal of the Governing Body, finds by a vote concurred in by two-thirds of the delegates attending the session, including two-thirds of the Government delegates present and voting, that the Member has changed its policy.
PROPOSED TEXT

(French version)

The question which has been included in the agenda of the Conference is the following:

Inclusion in the Constitution of the International Labour Organisation of a provision empowering the Conference to suspend from participation in the International Labour Conference any Member which has been found by the United Nations to be flagrantly and persistently pursuing by its legislation a declared policy of racial discrimination such as apartheid.

The Governing Body decided to submit to the Conference the following text of a proposed amendment relating to this question:

Ajouter à la fin de la Constitution de l'Organisation internationale du Travail un nouvel article rédigé comme suit:

La Conférence générale de l'Organisation internationale du Travail peut, à toute session à l'ordre du jour de laquelle la question a été inscrite, et à la majorité des deux tiers des délégués présents à la session, y compris les deux tiers des délégués gouvernementaux présents et votants, suspendre de la participation à la Conférence internationale du Travail tout Membre de l'Organisation internationale du Travail au sujet duquel les Nations Unies ont constaté qu'il poursuit de manière flagrante et persistante, par sa législation, une politique officielle de discrimination raciale telle que l' apartheid; cette suspension n'affectera pas les obligations du Membre résultant de la Constitution et des conventions auxquelles il est partie; elle sera maintenue jusqu'à ce que la Conférence, sur proposition du Conseil d'administration, constate à la majorité des deux tiers des délégués présents à la session, y compris les deux tiers des délégués gouvernementaux présents et votants, que ledit Membre a modifié sa politique.