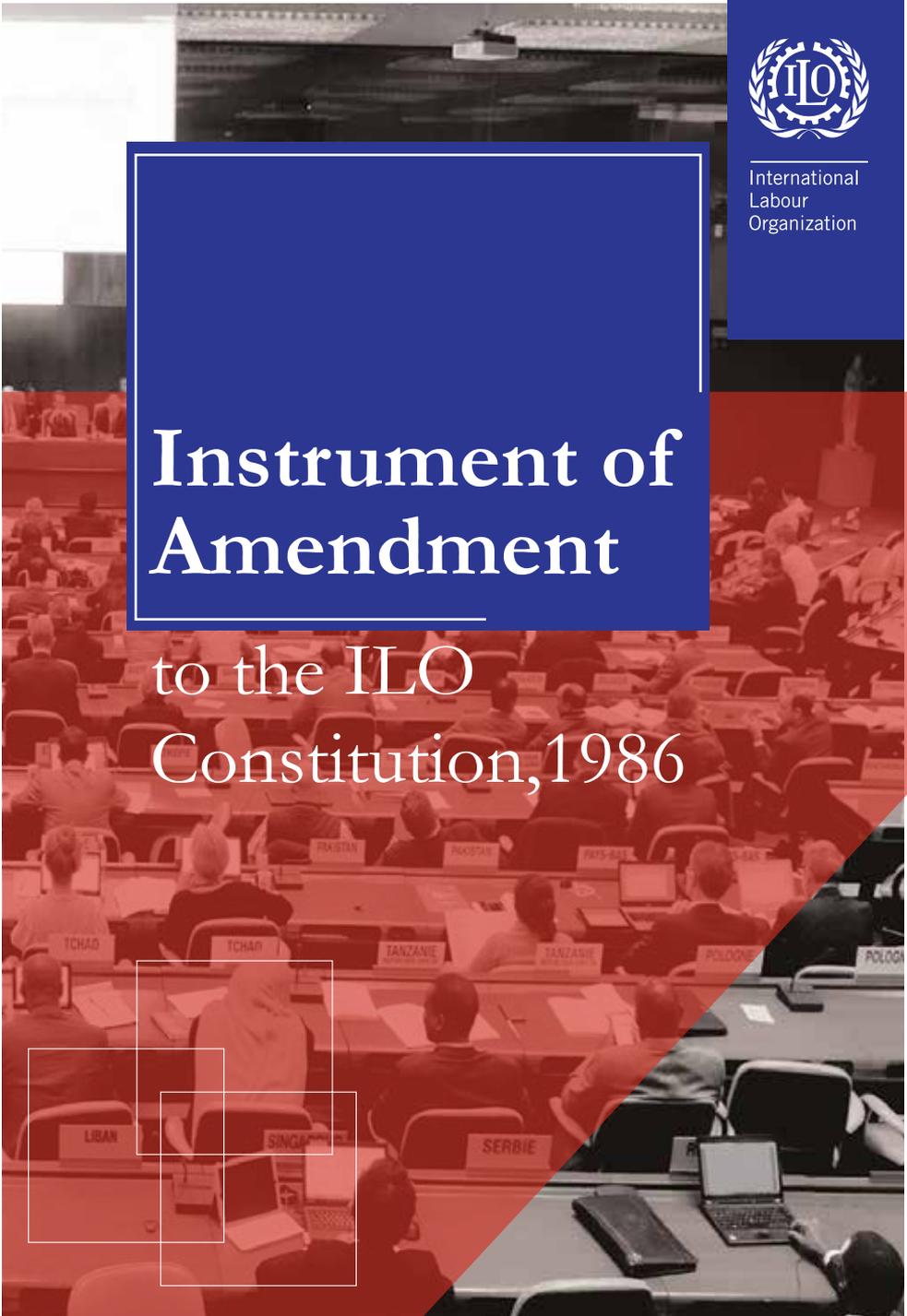




International
Labour
Organization

Instrument of Amendment

to the ILO
Constitution, 1986





Instrument of Amendment to the ILO Constitution, 1986

What is the Amendment about and what would it do ?

In 1986 the International Labour Conference adopted an Instrument of Amendment proposing changes that affect 11 of the 40 articles within the Constitution of the International Labour Organisation (ILO).

The 1986 Amendment addresses three main areas:

- the composition and governance of the Governing Body of the Office;
- the procedure for appointment of the Director-General; and
- rules governing how the Constitution may be amended.

Governing Body composition

The principal aim of the proposed Amendment is to make membership of the Governing Body more representative by providing a means of appointment of its members taking into account the various geographic, economic and social interests of its constituent groups.

If the 1986 Amendment enters into force, the number of members of the Governing Body under the Constitution will increase from 56 to 112 – and the manner of their allocation will also be affected. Of the 112 seats, 56 would be allocated to government representatives and 28 each to employers' and workers' representatives. **There would no longer be non-elective seats reserved for the ten member States of chief industrial importance.**

Of the 56 seats reserved for governments, 54 would be distributed among four geographic regions – Africa, the Americas, Asia and Europe – with a minimum of 12 and a maximum of 15 seats for each region. Distribution of seats would be weighted by taking into account the number of member States within the region, their total population and their economic activity assessed by appropriate criteria (gross national product or contributions to the budget of the Organization). The initial allocation provided for is 13 seats for Africa, 12 for the Americas, and alternately 15 and 14 seats for Asia and Europe. The two remaining seats would rotate, one between Africa and the Americas and the other between Asia and Europe.

Under the proposed amendment, government delegates representing the member States from each of the four regions would form an electoral college to fill seats for each region. Each electoral college would need to ensure that a substantial number of Members appointed to fill the regional allocation of seats are chosen on the basis of population size and to take into account an equitable geographical distribution. Other factors, such as economic activity of the Members in accordance with the special characteristics of the region, should also be taken into consideration.

At the same time, the 1986 Amendment makes allowances for special characteristics within regions where subdivisions may be formed on a sub-regional basis to appoint Members separately to fill the seats assigned to the sub-region. It is important to note however that the four regions can be adjusted by mutual agreement among all governments concerned.

Appointment of the Director-General

Under the 1986 Amendment, the Director-General of the International Labour Office would continue to be appointed by the Governing Body but the appointment would be submitted to the International Labour Conference for approval.

Rules governing how the Constitution may be amended

The 1986 Amendment proposes changes to article 36 of the Constitution covering future amendments and sets out voting and ratification requirements for amendments related to specific considerations.

Adoption of any amendment relating to the fundamental purposes of the Organization, the permanent establishment of the Organization, the composition and functions of its collegiate organs and the appointment and responsibilities of the Director-General, constitutional provisions relating to international labour Conventions and Recommendations and the provisions of the amendment article, would require three-fourths of the votes cast and would have to be ratified

or accepted by three-quarters of the Members of the Organization in order it come into effect.

For any other amendment to the Constitution, two-thirds of the votes cast and ratification by two-thirds of the Members would be required to take effect.

Relationship between the 1995 amendments to the Standing Orders of the International Labour Conference and the 1986 Amendment to the Constitution

The adoption in 1995 of amendments to the Standing Orders of the International Labour Conference by the International Labour Conference increased the number of deputy members and resulted in the current composition of the Governing Body membership (see table 1 below). It may seem to some to make the entry into force of the 1986 Amendment unnecessary. However, the 1995 reform does not offer the full range of changes proposed by the 1986 Amendment. In particular, it does not affect powers of Members of chief industrial importance. It also does not alter the manner in which constitutional amendments are made, nor the process for the appointment of the Director-General.

Table 1

Regional distribution of Government seats in the Governing Body for 2017-20

Regions	Regular		Deputy	Total
	Non-elective	Elective		
Africa*	0	6	7	13
Americas*	2	5	6	13
Asia	3	4	8	15
Europe	5	3	7	15
Total	10	18	28	56

*Africa and the Americas share a floating deputy member seat, which alternates between the two groups for each term of office of the Governing Body. This seat was assigned to the Africa group for the period 2014-17 and will be held by the Americas group for the 2017-2020 term.

Status of ratification of the Amendment

To enter into force, the 1986 Amendment must be ratified or accepted by two-thirds of ILO member States, including at least five of the ten Members of chief industrial importance. As there are currently 187 member States, the Amendment needs to be ratified by 125 of them.

As of May 2017, 105 ratifications or acceptances were registered, of which two were from Members of chief industrial importance (India and Italy).

A further 20 ratifications are therefore required for the Amendment to enter into force, including at least three ratifications from Members of chief industrial importance (from among Brazil, China, France, Germany, Japan, Russia, United Kingdom, and United States). To date, six member States from Africa, 23 from the Americas, 25 from Europe, and 28 from Asia and the Pacific have not yet ratified the Amendment (see Annex 1).

How can a member State accept the 1986 Amendment to the Constitution?

The consent of the member State must be expressed by a representative having power to bind the State in external relations and done in a manner that is consistent with the requirements of the national constitutional order. A sample instrument of ratification or acceptance is included in Annex 2.

For more information, please contact:

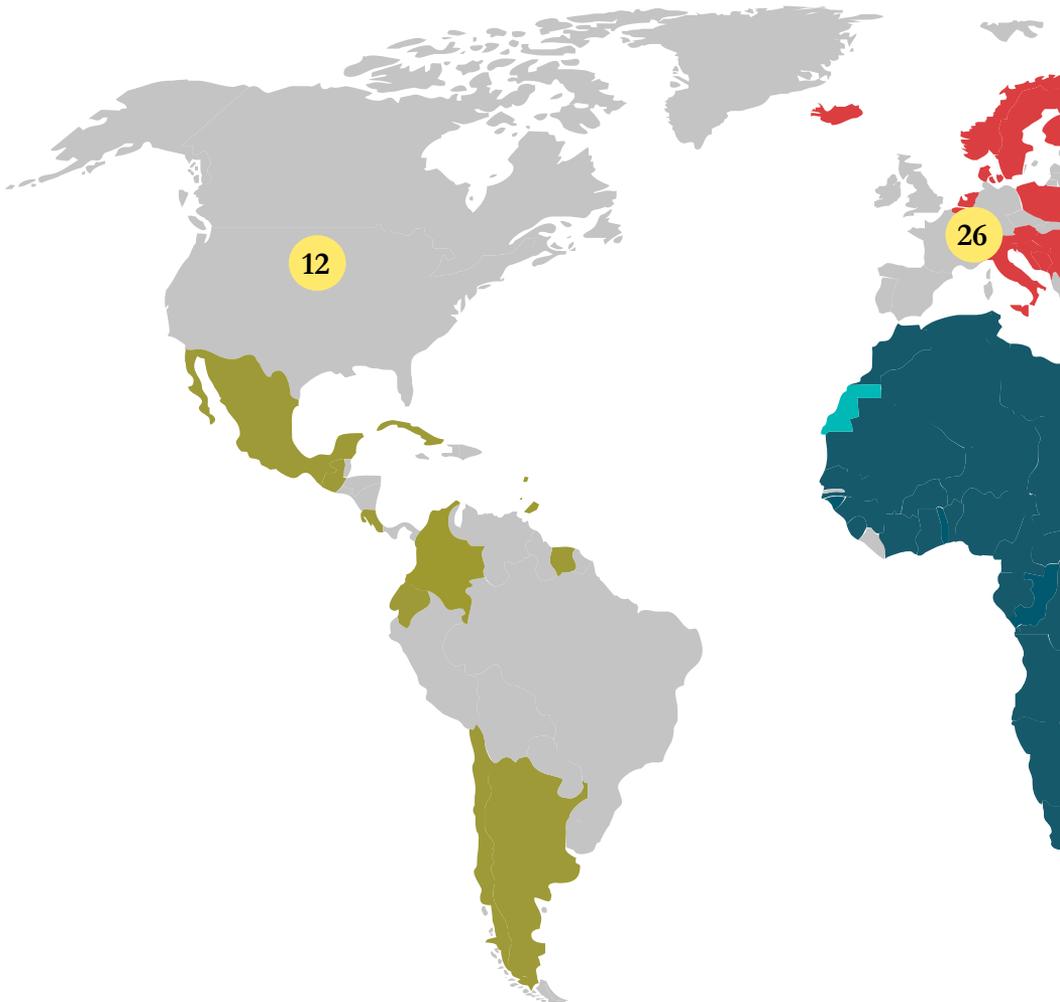
Office of the Legal Adviser (JUR)

jur@ilo.org

or visit ilo.org/jur

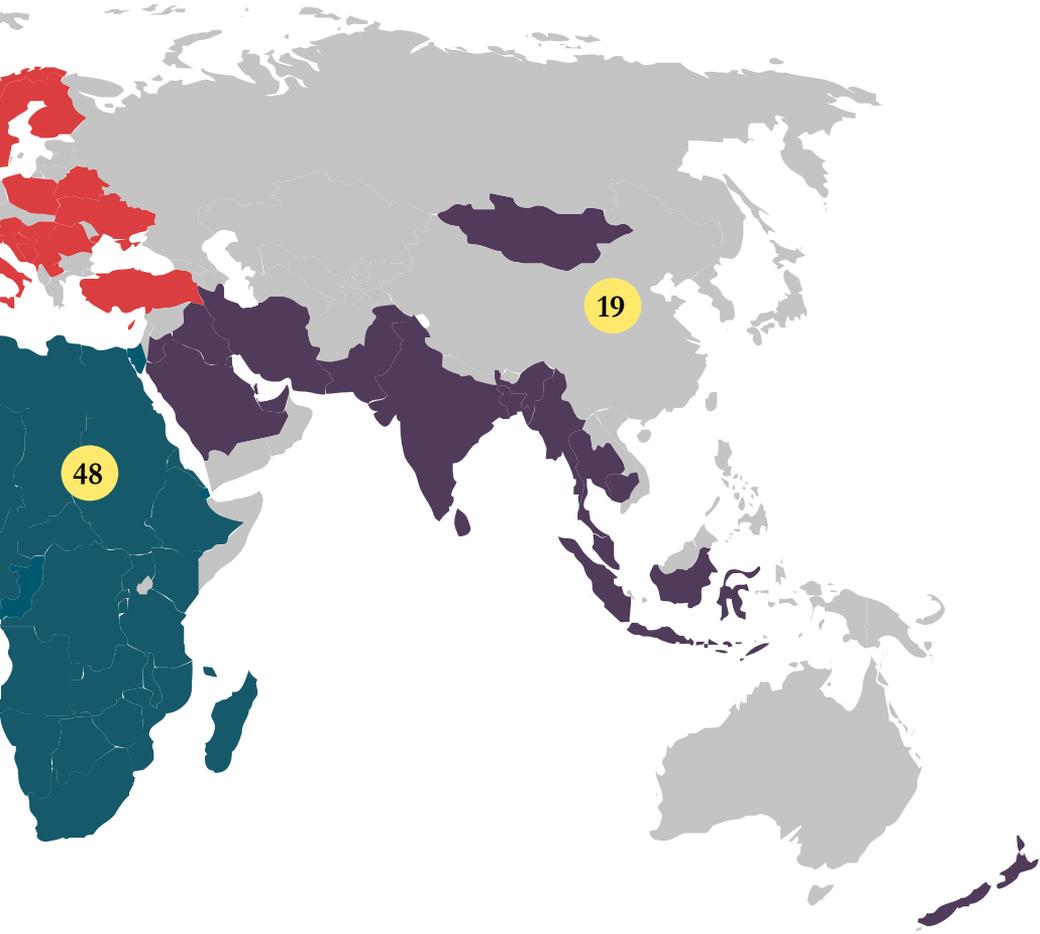
The 1986 Instrument of constitutional amendment

Status of ratification per region- As a



At present, 6 member States from Africa, 23 from the Americas, 25 from Europe and 28
Boundaries shown do not imply endorsement

As of May 2017, 105 ratifications registered



and 28 from Asia and the Pacific have not yet ratified the constitutional amendment
endorsement or acceptance by the ILO

WHAT IT NEEDS

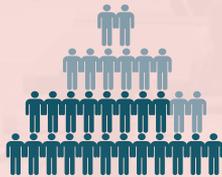
Entry into force requires acceptance by two-thirds of Members including at least five Members of chief industrial importance

As many as 105 ratifications received so far, including two from Members of chief industrial importance

Only 20 ratifications still needed, including three from Members of chief industrial importance

ACCEPTANCE

$\frac{2}{3}$
member
States



=

125
ratifications

WHAT IT BRINGS

A more representative Governing Body membership

- No distinction between regular and deputy members
- No seats reserved for ten Members of chief industrial importance

Director-General appointment subject to Conference approval

Stricter majority requirements for Constitutional amendments

- Three-fourths of the votes cast required for amendments to important provisions of the ILO Constitution



Annex 1

Ratification status of the 1986 Instrument of constitutional amendment (as at May 2017)

A. Member States which have ratified or accepted (by region)

▪ AFRICA

Algeria	Ethiopia	Niger
Angola	Gabon	Nigeria
Benin	Ghana	Rwanda
Botswana	Guinea	Senegal
Burkina Faso	Guinea-Bissau	Seychelles
Burundi	Kenya	Sierra Leone
Cameroon	Lesotho	South Africa
Central African Republic	Libya	South Sudan
Chad	Madagascar	Sudan
Comoros	Malawi	Swaziland
Congo	Mali	Tanzania, United Republic of
Congo, Democratic Republic of the	Mauritania	Togo

Côte d'Ivoire	Mauritius	Tunisia
Egypt	Morocco	Uganda
Equatorial Guinea	Mozambique	Zambia
Eritrea	Namibia	Zimbabwe

▪ AMERICAS

Argentina	Costa Rica	Guatemala
Barbados	Cuba	Mexico
Chile	Ecuador	Suriname
Colombia	Grenada	Trinidad and Tobago

▪ EUROPE

Austria	Iceland	San Marino
Belarus	Italy	Serbia
Belgium	Luxembourg	Slovenia
Bosnia and Herzegovina	Malta	Sweden
Croatia	Montenegro	Switzerland

Cyprus	Netherlands	The former Yugoslav Republic of Macedonia
Denmark	Norway	Turkey
Finland	Poland	Ukraine
Hungary	Romania	

▪ ASIA AND THE PACIFIC

Bahrain	Kuwait	Saudi Arabia
Bangladesh	Malaysia	Singapore
Cambodia	Mongolia	Sri Lanka
India	Myanmar	Thailand
Indonesia	New Zealand	United Arab Emirates
Iraq	Pakistan	
Jordan	Qatar	

B. Member States which have not yet ratified or accepted (by region)

▪ AFRICA

Cabo Verde	Gambia	Sao Tome and Principe
Djibouti	Liberia	Somalia

▪ AMERICAS

Antigua and Barbuda	El Salvador	Peru
Bahamas	Guyana	Saint Kitts and Nevis
Belize	Haiti	Saint Lucia
Bolivia, Plurinational State of	Honduras	Saint Vincent and the Grenadines
Brazil	Jamaica	United States
Canada	Nicaragua	Uruguay
Dominica	Panama	Venezuela, Bolivarian Republic of
Dominican Republic	Paraguay	

▪ EUROPE

Albania	Greece	Russian Federation
Armenia	Ireland	Slovakia
Azerbaijan	Israel	Spain
Bulgaria	Kazakhstan	Tajikistan
Czech Republic	Kyrgyzstan	Turkmenistan
Estonia	Latvia	United Kingdom

France	Lithuania	Uzbekistan
Georgia	Moldova, Republic of	
Germany	Portugal	

▪ ASIA AND THE PACIFIC

Afghanistan	Lao People's Democratic Republic	Solomon Islands
Australia	Lebanon	Syrian Arab Republic
Brunei Darussalam	Maldives, Republic of	Timor-Leste
China	Marshall Islands	Tonga, Kingdom of
Cook Islands	Nepal	Tuvalu
Fiji	Oman	Vanuatu
Iran, Islamic Republic of	Palau	Viet Nam
Japan	Papua New Guinea	Yemen
Kiribati	Philippines	
Korea, Republic of	Samoa	

Annex 2

Instrument of ratification or acceptance of the 1986 constitutional amendment

Whereas the Constitution of the International Labour Organisation Instrument of Amendment, 1986, was adopted by the International Labour Conference at its 72nd Session, in Geneva, on 24 June 1986,

The Government of ,
having considered the aforesaid Instrument of Amendment, hereby confirms and ratifies/accepts the same.

IN WITNESS WHEREOF, we have signed this instrument.

At..... on the day of20.....

Head of State

.....

And/or

Minister of Foreign Affairs

.....

