

Tripartite working group on full, equal and democratic participation in the ILO's tripartite governance

▶ Questionnaire

At the first meeting of the Tripartite working group on full, equal and democratic participation in the ILO's tripartite governance (TWGD), which was held on 11 December 2020, it was agreed that the members of the working group would be invited to express their views on the understanding and scope of the notion of democratization of the ILO's governance for the purpose of informing the discussions of the second meeting of the working group to be held in January 2021 and developing a possible programme of future work.

Accordingly, the Office has prepared the following questionnaire, bearing in mind that the Centenary Declaration and its accompanying Resolution are the framework within which the TWGD should carry out its work. The Office would be grateful if the replies could be sent by Wednesday 6 January 2021 to JUR@ilo.org.

1. Do you consider that the notion of democratization refers to aspirations of Member States regarding specific aspects of the functioning of governance organs, such as composition, decision-making, voting power, organization and access to meetings? Please elaborate and provide concrete examples.

Namibia is of the view that democratization of the ILO requires the overall restructuring of ILO governance architecture, and in particular, of the Governing Body, in conformity with the principle of the sovereignty equality of all Members States contained in Article 2 of the United Nations Charter. This requires, in the first instance, the amendment of Article 7 of the ILO Constitution, "Governing Body", to eliminate the provision for non-elective "Members of chief industrial importance". A necessary corollary to the amendment to Article 7 is the amendment of Article 36 of the ILO Constitution to eliminate reference to "Members of chief industrial importance" with respect to the ratification of amendments to the ILO Constitution.

Namibia is also of the firm view that democratization requires equitable regional representation on the Governing Body. Namibia also supports democratisation of the process of election of the Director-General by the International Labour Conference, as the highest decision-making body of the ILO, rather than being elected by the Governing Body. The principles contained in the 1986 Constitutional Amendment provide the proper basis for democratization. Namibia advocates the adoption of the 1986 Constitutional Amendment and reiterates its support for 5 April 2019 decision of Executive Council of the African Union (Doc. EX.CL/1161(XXXV)), which, among other things, calls upon Member States, including "members of chief industrial importance", to ratify the 1986 Constitutional Amendment, if they have not already done so.

2. Do you consider that 'democratization of tripartite governance' concerns the ILO Governing Body only or should also cover the International Labour Conference and other aspects of ILO governance?

Democracy should permeate all aspect of the architecture and operation of the ILO, based upon principles of equality of sovereign states, equity and inclusivity. Therefore, the process of democratization will become a permanent feature of ILO governance. However, the parameters of the work of the TWGD must be viewed contextually. As set out in paragraph one above, democratization, as proposed through the 1986 Amendment, would require changes, in the first instance, in the Governing Body, but would also effect certain changes in the powers of the International Labour Conference.. The primary and urgent focus of the TWGD should be on the democratization of the Governing Body. The issues raised by Africa over the years were the basis for the "democratization" directive of the Centenary Declaration. These issues have preoccupied the GB for more than a decade and must be addressed head on. In particular, resolution of issue of ratification of the 1986 Amendment. In this regard, Namibia aligns itself with the position of the Africa Group. A number of issues related to the main issues will undoubtedly arise, as well as new proposals by Member states. The TWGD can propose how these issues should be addressed, but only after resolving the issue of ratification of the 1986 Amendment.

3. Based on the above, which aspects of democratization – in addition to those addressed in the 1986 constitutional amendment – would you consider the TWGD should examine in priority?

The recruitment and deployment of ILO International civil servants.

4. In your view, which are the core principles that should be guiding ILO's action towards democratization of its governance? Please specify.

1986 Constitutional Amendment and the Centenary Declaration both contained clear and well intended principles enough to bring about the desired democratization.

5. Do you have any concrete proposals for the second meeting of the TWGD and/or its future programme of work?

Invite non-ratifying members of chief industrial importance to each make a presentation on 1986 Constitutional Amendment and the elimination of the characterization of some Members classified as chief industrial importance from the ILO Constitution.