

# Third meeting of the tripartite working group on the full, equal and democratic participation in the ILO's tripartite governance

## ▶ Summary record of proceedings

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### Introduction

1. The tripartite working group on the full, equal and democratic participation in the ILO's tripartite governance (TWGD), established by the Governing Body at its 337th Session (October-November 2019) and the duration of which was extended for an additional 12 months by the Governing Body at its 341st Session (March 2021), held its third meeting on Monday, 28 June 2021. The meeting was held virtually due to the ongoing restrictions related to the COVID-19 pandemic.
2. The list of members and other participants is in Appendix I. The government composition of the TWGD for its extended duration was noted by the Governing Body at its 342nd Session (June 2021). The TWGD was informed of the Government group's agreement to renew the nomination of the Government members of Nigeria and Switzerland as co-chairpersons of the TWGD.
3. The TWGD had before it a background note prepared by the Office and a draft agenda.
4. **The Legal Adviser** informed the TWGD that, in light of the decision of the Governing Body at its 341st Session (March 2021) to extend the duration of the TWGD for 12 months, it would be appropriate to update paragraph 16 of the Terms of Reference of the TWGD accordingly.
5. **One of the Co-Chairpersons, Switzerland**, concluded that, in the absence of any comments, the proposal to update the Terms of Reference was adopted. She recalled the recent adoption by the Conference of the resolution on the principle of equality among ILO Member States and the fair representation of all regions in the ILO's tripartite governance and appealed that the members kept in mind the purpose of the TWGD to serve as a platform for focused dialogue and for developing proposals on the full, equal and democratic participation in the ILO's tripartite governance, in the spirit of the ILO Centenary Declaration.

### Adoption of agenda

6. The TWGD adopted the following agenda:
  - Promoting/facilitating the ratification and entry into force of the 1986 Amendment;
  - Agenda and tentative dates of subsequent meetings;
  - Any other business.

## Promoting/facilitating the ratification and entry into force of the 1986 Amendment

7. **One of the Co-Chairpersons, Nigeria**, invited the Office to provide an update on the status of ratification of the 1986 Instrument for the Amendment of the Constitution of the ILO (the 1986 Amendment) and ratification prospects.
8. **The Legal Adviser** stated that 116 ratifications had so far been registered. Therefore, a further nine ratifications, including at least three from Members of chief industrial importance, were required for the 1986 Amendment to enter into force. Ireland had recently announced its intention to ratify the 1986 Amendment. He also recalled the earlier statement of the Government member of Brazil that consultations had been resumed with a view to ratification and the information provided by the Government member of Iran that ratification had been approved by the Iranian Cabinet and would be considered by the Parliament. Following the adoption of the Conference resolution on the principle of equality among ILO Member States and fair representation of all regions in the ILO's tripartite governance, the Director-General had immediately written, on the one hand, to the 14 Member States of the Eastern European Group that had not yet ratified the 1986 Amendment since the resolution declared that the reference to the "socialist" States of Eastern Europe was obsolete and, on the other hand, to the eight Members of chief industrial importance having not yet ratified the 1986 Amendment since the resolution called specifically upon them to examine ratification as a matter of priority.
9. **One of the Co-Chairpersons, Nigeria**, recalled the terms of the Conference resolution and, referring to the background note circulated ahead of the meeting, he invited members to propose additional steps that could be taken by the Governing Body or the Director-General to intensify their efforts for the ratification process of the 1986 Amendment.
10. **The representative of the secretariat of the Workers' group** welcomed the recent ratifications by Somalia and the Republic of Moldova and the announcements concerning ratification prospects with regard to Ireland, Brazil and Iran. She noted with satisfaction that the Director-General had written to the 14 Member States of the Eastern European group and to the eight Members of chief industrial importance.
11. **The representative of the secretariat of the Employers' group** also appreciated the Office's promotional activities and the adoption of the Conference resolution. She welcomed the recent ratifications by Somalia and the Republic of Moldova and the announcements concerning Ireland, Brazil and Iran.
12. **The Government member of Morocco**, speaking on behalf of the Africa group, recalled that the working group had been established to respond to the constituents' needs for a platform for focused dialogue and for developing proposals on the full, equal and democratic participation in the ILO's tripartite governance, in the spirit of the ILO Centenary Declaration for the Future of Work. He welcomed the adoption of the Conference resolution as an important step towards the entry into force of the 1986 Amendment and recalled that the Abidjan Declaration, adopted by the 14th African Regional Meeting in 2019, reaffirmed that ILO governance should be democratized as a matter of priority by ensuring a fair representation of all regions and establishing the principle of equality among Member States. In this regard, the Governing Body should be prioritized and hence also the ratification of the 1986 Amendment. Solutions should be found to accelerate ratification. A compilation of legal, constitutional and other issues faced by some countries, including Members of chief industrial importance, while considering ratification, should be elaborated. He called for ILO's support, including

possible technical assistance. The Africa group continued to work for the democratization of the ILO governance alongside with the Director-General by raising awareness and promoting the ratification of the 1986 Amendment. Beside the reports of the Director-General and of the Chairperson of the Governing Body, countries having not yet ratified should report to future meetings of the TWGD about any steps taken towards ratification and difficulties encountered. Countries having overcome difficulties should be invited to share their experiences and good practices.

- 13. The Government member of Zimbabwe** questioned why the Office had written, following the adoption of the Conference resolution, to the 14 Member States of the Eastern European group and the eight Members of chief industrial importance that had not yet ratified the 1986 Amendment and not to all Member States concerned.
- 14. The Legal Adviser** stated that, since the resolution addressed principally an issue that was perceived as an obstacle to ratification by Eastern European countries and called in particular the States of chief industrial importance having not yet ratified the Amendment to examine its ratification as a priority, the Director-General had decided to write in the first instance to those countries, without implying that any additional ratifications were expected only from those countries.
- 15. One of the Co-Chairpersons, Nigeria**, expressed his satisfaction for the Office's swift follow-up action and looked forward to information concerning possible ensuing ratifications.
- 16. The Government member of Mali** considered that the promotional efforts should focus, in the first place, on the Members of chief industrial importance having not yet ratified since, without their ratifications, the 1986 Amendment would not enter into force despite further ratifications by other Members States. Therefore, the Office should write to the other Member States only after having written to the Members of chief industrial importance.
- 17. The Government member of Belgium** stated that, while fully supporting the Office's promotional efforts, democratization went beyond the 1986 Amendment and other ways to democratization should also be explored. For example, it would be interesting to review the question why participation in certain meetings was limited to the members of the Governing Body.
- 18. The Government representative of Brazil** welcomed the adoption of the Conference resolution as an important step towards democratization of ILO governance and information on ratification prospects. One of the main challenges was how to increase the number of ratifications in particular among the Members of chief industrial importance. In this regard, the Office should continue and strengthen its promotional campaign.
- 19. The Government member of Algeria**, while supporting the statement made on behalf of the Africa group, welcomed the adoption of the Conference resolution which sent an important signal in favour of ratifying the 1986 Amendment, which was the best tool to arrive at full, equal and democratic participation in the ILO's tripartite governance. Since the resolution had addressed one of the obstacles to ratification, namely the notion of "socialist" States of Eastern Europe, he expected information as to new ratifications and the prompt entry into force of the 1986 Amendment. In the meanwhile, the Office should write to all Member States having not yet ratified the instrument inviting them to do so and report on obstacles to ratification.
- 20. The Government representative of Lithuania** thanked the TWGD and the Office for their efforts that had resulted in the adoption of the Conference resolution. In the autumn,

discussions concerning the ratification would be renewed in the Government and the Lithuanian Parliament. Finally, TWGD discussions should not be limited to the 1986 Amendment but include other ways to further equal participation and democratization.

- 21. The Government member of Ethiopia**, while supporting the statement made on behalf of the Africa group, considered that the working group should focus on the ratification on the 1986 Amendment.
- 22. The Government member of Gabon**, while supporting the statement made on behalf of the Africa group, welcomed the recent ratifications by Somalia and the Republic of Moldova and the information about ratification prospects, which witnessed the commitment of the Member States to the full, equal and democratic participation in ILO's governance and to the ratification of the 1986 Amendment. In that regard, the Director-General should renew his contacts with all Member States having not yet ratified the 1986 Amendment.
- 23. The Government member of Uganda**, while aligning with the statement made on behalf of the Africa group, reiterated that the TWGD needed to focus on the ratification and entry into force of the 1986 Amendment. Member States should report on the steps taken and any challenges encountered with respect to ratification. Finally, he appealed to the eight Members of chief industrial importance having not yet ratified to do so as a priority.
- 24. The Government member of Namibia**, while supporting most comments made to enhance ratification of the 1986 Amendment, considered that the structural defects of the Organization made its general approach to the principle of equality of sovereign States inconsistent. Therefore, she appealed to the Member States, and in particular the Members of chief industrial importance, having not yet ratified the 1986 Amendment, to do so. Members of chief industrial importance should openly share their difficulties with regard to ratification. While noting the progress made, she called for intensifying promotional efforts including at the bilateral inter-State level and also through actions of national employers' and workers' organizations
- 25. The representative of the secretariat of the Workers' group** noted the support by the TWGD members for stepping up ratification efforts and agreed that the TWGD's focus should strategically remain on the 1986 Amendment in line with its mandate as reconfirmed by the Conference resolution. A key priority was promoting ratification by the Members of chief industrial importance, alongside with the other Member States. Finally, she reiterated her group's earlier proposal to hear the experiences of India and Italy - both Members of chief industrial importance - and perhaps of Brazil who had also resumed consultations in view of ratification.
- 26. The representative of the secretariat of the Employers' group** remained positive with regard to ratification prospects while acknowledging that additional promotional efforts were needed. She supported the proposal to hear the experiences of the Members of chief industrial importance who had already ratified and thanked Brazil for its active participation. Understanding obstacles to ratification was central in making progress. Further promotional efforts should be done at the regional level, for example, in the context of regional meetings.
- 27. The Government member of Zimbabwe**, referring to the interventions by Belgium and Lithuania, questioned whether the existence and identification of other structural weaknesses, such as committees with participation rights limited to Governing Body members, would be addressed by the working group.

**28. One of the Co-Chairpersons, Nigeria,** concluded by noting that the members were positive with regard to the prospects for the entry into force of the 1986 Amendment, which needed to remain, for the time being, the focus of the working group. To enhance ratification, he called for the constructive engagement of members by sharing difficulties and obstacles to ratification and other experiences. Accordingly, the Co-Chairpersons would look into the proposal of inviting India and Italy to share their experiences with the TWGD.

## Agenda and tentative dates of subsequent meetings

**29. One of the Co-Chairpersons, Switzerland,** informed the TWGD of bilateral discussions between the Co-Chairpersons and some Members of chief industrial importance. Some members of the TWGD had requested to take the floor, prior to the discussion under this item, to address the questions of direction and content of the future discussions in the TWGD.

**30. The Government member of France** stated that France had wanted to listen carefully to any proposals made and views expressed during this third meeting. At the following meeting, France should be ready to respond to comments and to make proposals in view of opening “democratization” to other aspects than the ratification of the 1986 Amendment.

**31. The Government member of the United Kingdom of Great Britain and Northern Ireland** stated that, like France, the United Kingdom was not yet in a position to express a position on what the next steps should be to ensure that all the positions were included in the considerations of the working group.

**32. The Government member of Germany** stated that there should be another meeting to discuss concrete topics. It was necessary to ensure an adequate representation of all regions in the Governing Body and Germany was open to engage in further discussions. The TWGD should be open to consider a variety of options to reform ILO governance and the agenda of the next meeting should reflect this approach.

**33. One of the Co-Chairpersons, Switzerland,** noted that, while the Government members of France, United Kingdom and Germany had expressly requested to be afforded the possibility to make a proposal to the TWGD, they had not been able to do so at this meeting. In the interest of making progress, she invited them to submit a written proposal through the Office prior to the next meeting. She proposed that the working group would request the Office to prepare in parallel a concise and informative paper, possibly in tabular form, with details on the operationalization of the 1986 Amendment which would be compared with the forthcoming proposal. Responding to a comment by the **Government member of Zimbabwe** who considered that it would be premature to involve the Office in the operationalization of the proposal which should first be heard by the TWGD, one of the Co-Chairpersons, Switzerland, stated that doing so would delay the work of the TWGD and the time available was extremely limited.

**34.** Turning to the date of the subsequent meeting of the TWGD, **one of the Co-Chairpersons, Nigeria,** noted the agreement of the TWGD to hold it on Wednesday 8 September 2021 from 13:00 to 16:00 CET. The representatives of the secretariats of the Workers’ and Employers’ groups as well as several government members proposed that the meeting scheduled for December 2021 would be postponed to mid-January 2022.

**35. The Government member of the United Kingdom** informed the TWGD that, in light of the summer recess, her country would not be able to prepare a proposal for the next meeting of the TWGD, if the proposal had to be submitted by mid-August.

**36. One of the Co-Chairpersons, Nigeria,** appealed that any proposals be submitted well ahead of the September meeting to allow the working group to make progress before its progress report was due to the Governing Body in November 2021.

### **Any other business**

**37. The Government member of Brazil** noted with regard to the future work of the TWGD that promotion of democracy went beyond the question of the 1986 Amendment. In addition to these discussions, other matters deserved review in particular the supervisory mechanism, for example, the selection of members of the Committee of Experts on the Application of Conventions and Recommendations. He reiterated that his country had resumed internal consultations on the ratification of the 1986 Amendment and that it remained open to discussing other proposals.

**38. One of the Co-Chairpersons, Switzerland,** concluded that for the next meeting on 8 September the Co-Chairpersons would take contact with India and Italy in view of inviting them to share their experiences of ratifying the 1986 Amendment with the TWGD. There would also be on the agenda any concrete proposal that might be presented in the meantime by the three countries. Finally, before closing the meeting, she invited the members to reflect on the working group's goals to be achieved before submitting its final report to the Governing Body in March 2022.

## ► Appendix I

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### List of members and other participants

#### Governments

##### **Africa group**

Algeria  
Burkina Faso  
Cameroon  
Egypt  
Ethiopia  
Gabon  
Malawi  
Mali  
Morocco  
Namibia  
Nigeria  
Uganda  
Rwanda  
Zimbabwe

##### **Americas group**

Argentina  
Barbados  
Canada  
Chile  
Costa Rica  
Ecuador  
Mexico  
Panama

Peru

##### **Asia and Pacific group**

Australia (tbc)  
Bangladesh  
India  
Indonesia  
Iran (Islamic Republic of)  
Japan  
Lebanon  
Malaysia (tbc)  
Nepal  
Philippines  
Republic of Korea  
Saudi Arabia  
Thailand

##### **Europe**

*Western European Group*  
Belgium  
France  
Germany  
Italy  
Spain  
Switzerland  
United Kingdom

#### **Employers' group secretariat**

Ms Maria Paz Anzorreguy, International Organisation of Employers

#### **Workers' group secretariat**

Ms Raquel Gonzalez, International Trade Union Confederation

### Other interested governments

Angola

Botswana

Bulgaria

Brazil

China

Croatia

Cuba

Finland

Greece

Guatemala

Israel

Kenya

Lesotho

Lithuania

Poland

Portugal

Russian Federation

Senegal

Slovenia

Sudan

Tanzania

United States of America

Venezuela (the Bolivarian Republic of)