



Governing Body

312th Session, Geneva, November 2011

GB.312/LILS/2

Legal Issues and International Labour Standards Section
Legal Issues Segment

LILS

SECOND ITEM ON THE AGENDA

Matters relating to the representation of employers and workers at the International Labour Conference: Addressing tripartite imbalance within delegations

Overview

Summary

Action taken by the Credentials Committee of the 100th Session of the International Labour Conference under its general mandate concerning the composition of the Conference has yielded useful information that sheds light on certain causes of tripartite imbalance in delegations. It is now for the Governing Body to decide whether it wishes to further examine the possibility of amending the Conference Standing Orders or is satisfied with the continuation of awareness-raising activity by the Office and possible action by the Credentials Committee under its current mandate.

Policy implications

Further consideration of the question of tripartite imbalance in Conference delegations.

Legal implications

Possible need to revise the Standing Orders if the Governing Body so decides.

Financial implications

None.

Decision required

Paragraph 7.

Follow-up action required

Eventual awareness-raising activity by the Office and Credentials Committee action, or amendment to the Standing Orders of the Conference.

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References to other Governing Body documents and ILO instruments

GB.307/LILS/1, GB.307/10/1(Rev.), GB.309/LILS/1, GB.309/12/1(Rev.).

Constitution of the International Labour Organisation, article 3; Standing Orders of the International Labour Conference, Part I, article 5; Part II, Section B (credentials); ILO: *Reports on credentials, Third report of the Credentials Committee, Provisional Record No. 5D*, International Labour Conference, 100th Session, Geneva, 2011.

1. At the 307th and 309th Sessions (March and November 2010) of the Governing Body, the Committee on Legal Issues and International Labour Standards (LILS) reviewed the question of tripartite imbalance in relation to advisers accompanying the respective tripartite delegates to the International Labour Conference.¹ In November 2010 the Governing Body requested the Office to review the information relevant to the question of tripartite imbalance in delegations, which is provided with the letter of convocation to the Conference, to bring the content of the debate on this question to the attention of the Credentials Committee of the Conference, and to submit a new document, taking into account the discussion in the LILS Committee and any relevant developments and findings, to the Governing Body at its 312th Session (November 2011).
2. Pursuant to this request, the Office added a reference to the requirement for balanced delegations in the letter of convocation to the 100th Session (June 2011) of the International Labour Conference, and inserted explanatory text in the *Conference guide* and the *Explanatory note* on the submission of credentials accompanying the letter to raise governments' awareness of the requirement. It also informed the Credentials Committee of the 100th Session of the Conference of the debate on the issue in the Governing Body.
3. At the 100th Session of the Conference, based on the figures of accredited delegates and advisers, the Credentials Committee identified 17 governments whose credentials appeared to reveal a notable imbalance between the number of Government advisers accredited and the number of both Employers' and Workers' advisers accredited. It invited those governments to provide information on the reasons for the apparent imbalance in their delegations. The reasons given, together with responses of the Committee and further steps taken by governments, are reported in paragraphs 132–136 of the Third Report of the Credentials Committee to the Conference, and provide a useful context for consideration of the subject.²
4. As reflected in the report of the Credentials Committee, the issue of tripartite imbalance between Government and non-Government advisers often revolves around the functions in the delegation that are assigned to diplomats of the Permanent Missions of member States in Geneva. In some cases, the functions are not those envisaged in the Constitution and Conference Standing Orders in that certain persons are not intended to be members of technical committees nor to speak or vote on behalf of a delegate. A number of governments have recognized this and some of them have adjusted their delegations by changing advisers to "persons accompanying the Minister" or "other participants". Those cases do not seem to warrant further action by the Governing Body other than to ask the Office to continue awareness raising with governments regarding the need to nominate balanced tripartite delegations that allow for full and equal participation by governments, employers and workers in the work of the Conference. In view of the goodwill shown in this regard by concerned governments at the 100th Session of the Conference, it is hoped that such awareness raising could be successful in reducing the number of imbalanced delegations at future sessions.
5. To the extent that there are also cases where the numerical imbalance in the number of advisers corresponds to a serious inequality between the government, on the one hand, and the employers or workers, on the other hand, as regards their respective possibility to actively participate in the work of the Conference, the Credentials Committee reiterated its view that those cases can be best identified and addressed on the basis of specific

¹ See GB.307/LILS/1; GB.307/10/1(Rev.), paras 2–12; GB.309/LILS/1 and GB.309/12/1(Rev.), paras 2–11.

² ILO: *Reports on credentials, Third report of the Credentials Committee, Provisional Record No. 5D*, International Labour Conference, 100th Session, Geneva, 2011, paras 132–136.

allegations, which allow for the identification of serious cases and the review of their particular circumstances. It therefore requested the Governing Body to continue considering the possibility of extending the Committee's mandate to specific submissions based on alleged tripartite imbalance in a delegation. At the same time, the Credentials Committee recalled that under its current mandate it could report on communications, but noted that at the 100th Session of the Conference – as at the 99th Session – it had not received any specific communication on tripartite imbalance in the composition of a delegation. It is also recalled that in practice certain situations of tripartite imbalance can be brought before the Credentials Committee by way of a complaint under article 26ter(1)(b) of the Conference Standing Orders concerning manifest imbalance as regards the travelling and subsistence expenses covered by the government for the three parts of the delegation. This requires that there be allegations that the expenses of at least one accredited non-Government delegate or adviser are not covered by the Government.

6. The action taken by the Credentials Committee of the 100th Session of the Conference under its general mandate concerning the composition of the Conference has yielded useful information that sheds light on certain causes of tripartite imbalance in delegations. It is now for the Governing Body to decide whether it wishes to further examine the possibility of amending the Conference Standing Orders in order to allow the Credentials Committee to fully examine allegations of tripartite imbalance in delegations, or whether it is satisfied with the continuation of awareness-raising activity by the Office and possible action by the Credentials Committee under its current mandate, which has been shown to be relevant.

7. *Taking into account the above information, the Governing Body may wish to request the Office to either:*

(a) *continue awareness-raising activity with governments on the question of tripartite imbalance in Conference delegations, keep the question under review and report relevant future developments to the Governing Body as the developments may justify; or*

(b) *further examine the possibility of amending the Conference Standing Orders in order to extend the mandate of the Credentials Committee to submissions alleging tripartite imbalance.*

Geneva, 13 September 2011

Point for decision: Paragraph 7