



Governing Body

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GB.317/LILS/2

Legal Issues and International Labour Standards Section
Legal Issues Segment

LILS

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SECOND ITEM ON THE AGENDA

Promotion of the ratification of the Instrument for the Amendment of the Constitution of the International Labour Organisation, 1986

Purpose of the document

The Governing Body is invited to consider up-to-date information on the campaign to promote the ratification of the Instrument for the Amendment of the Constitution of the International Labour Organisation, 1986 (see the draft decision in paragraph 7).

Relevant strategic objective: Not applicable.

Policy implications: None.

Legal implications: None at the moment.

Financial implications: None.

Follow-up action required: Continue the campaign to promote the ratification of the Instrument for the Amendment of the Constitution of the International Labour Organisation, 1986.

Author unit: Office of the Legal Adviser (JUR).

Related documents: GB.307/16/6(Rev.), GB.307/PV, GB.309/18/3, GB.309/PV, GB.312/LILS/1, GB.312/PV.

1. Since 2010, the Governing Body has been prioritizing its review of the progress towards the entry into force of the 1986 Amendment to the Constitution of the International Labour Organisation (“1986 Amendment”) and inviting all member States that have not already done so to ratify this Amendment. The Governing Body has also requested the Office to renew its efforts to promote the ratification of that Amendment. The Office presented reports on its activities in November 2010¹ and November 2011.² The present document summarizes developments since November 2011, and provides an opportunity for the Governing Body to offer guidance and direction to ILO Members and the Office on the subject.

New ratifications

2. In 2011 and 2012, five new ratifications were registered. They are as follows (in chronological order):
 - Singapore 7 January 2011
 - Eritrea 20 December 2011
 - Mauritania 11 July 2012
 - Morocco 10 September 2012
 - South Sudan 30 November 2012

Office efforts

3. In addition to the measures already reported (the creation of a dedicated and regularly updated website to which a direct link is available on the homepage of the ILO public website,³ the production of a new explanatory brochure in six languages, and periodic written and direct contacts with representatives of Members that have not yet ratified the Instrument of Amendment, 1986), the Office also used the 15th Asia and the Pacific Regional Meeting, held in December 2011 in Kyoto, Japan, as an opportunity to organize a special information session aimed at promoting the ratification of the Instrument.

Status

4. 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 185 member States, the Amendment needs to be ratified by 124 of them. As at 7 January 2013, 99 ratifications or acceptances have been registered, of which two are from Members of chief industrial importance (see the list in the appendix).

¹ GB.309/18/3.

² See GB.312/LILS/1.

³ Can be accessed through: <http://www.ilo.org/public/english/bureau/leg/amend/qna1986.htm>.

5. A further 25 ratifications are therefore required for the 1986 Amendment to enter into force. This must include at least three more ratifications from Members of chief industrial importance.
6. Of the 61 member States that have not yet ratified the 1986 Amendment, 13 are Governing Body members in addition to eight Members of chief industrial importance.

Draft decision

7. The Governing Body:

- (a) welcomes the new ratifications of the 1986 Amendment of the Constitution of the International Labour Organisation;*
- (b) again invites the Members that have not yet ratified the 1986 Amendment, and in particular the eight remaining Members of chief industrial importance and the other 13 Members represented on the Governing Body through their governments, to do so;*
- (c) encourages ILO constituents to intensify efforts at the national and regional levels aimed at further ratifications of the 1986 Amendment, by the Members that have not yet ratified it;*
- (d) requests the Director-General to continue efforts to promote the ratification of the 1986 Amendment, and to report periodically to the Governing Body on new activities and ratifications; and*
- (e) invites the Director-General to follow the guidance in respect of action aimed at the promotion of the ratification of the 1986 Amendment, that the Governing Body provides during its debate.*

Appendix

Instrument for the Amendment of the Constitution of the International Labour Organisation, 1986 (not in force)¹

Ratification/acceptance as at 7 January 2013

Member State	Measure	Date registered
1. Algeria	ratification	24 October 1988
2. Angola	acceptance	7 June 1988
3. Argentina	ratification	14 October 1991
4. Austria	ratification	13 June 1989
5. Bahrain	ratification	29 April 1987
6. Bangladesh	ratification	26 May 1987
7. Barbados	ratification	8 May 1987
8. Belarus	acceptance	1 June 1989
9. Belgium	acceptance	16 March 1988
10. Benin	acceptance	16 December 1986
11. Bosnia and Herzegovina*	acceptance	2 June 1993
12. Botswana	ratification	7 July 1987
13. Burkina Faso	ratification	30 November 1992
14. Burundi	ratification	9 October 1987
15. Cameroon	ratification	12 February 1988
16. Chad	ratification	4 October 1990
17. Chile	ratification	28 September 1993
18. Colombia	ratification	20 December 1993
19. Comoros	ratification	13 June 1990
20. Congo	ratification	8 March 1989
21. Costa Rica	ratification	19 December 1986
22. Côte d'Ivoire	ratification	14 August 1989
23. Croatia*	acceptance	8 October 1991
24. Cuba	ratification	31 August 1992
25. Cyprus	ratification	10 August 1989
26. Dem. Rep. of the Congo	ratification	14 June 1989
27. Denmark	ratification	19 May 1987
28. Ecuador	ratification	13 October 1995
29. Egypt	ratification	27 June 1988
30. Equatorial Guinea	ratification	14 May 1987
31. Eritrea	acceptance	20 December 2011

¹ Requires ratification or acceptance by two-thirds of ILO member States (currently 124 out of 185), including five of the ten Members of chief industrial importance.

Member State	Measure	Date registered
32. Ethiopia	ratification	29 January 1991
33. Finland	acceptance	2 June 1987
34. Gabon	acceptance	23 January 1989
35. Ghana	ratification	17 June 1988
36. Grenada	ratification	6 January 1987
37. Guatemala	ratification	20 May 1994
38. Guinea	ratification	4 May 1988
39. Guinea-Bissau	ratification	18 April 1989
40. Hungary	ratification	13 October 1988
41. Iceland	ratification	28 July 1987
42. India**	ratification	22 September 1988
43. Indonesia	ratification	26 September 1989
44. Iraq	ratification	24 September 1987
45. Italy**	ratification	10 April 1989
46. Jordan	ratification	21 January 1987
47. Kenya	ratification	29 May 1987
48. Kuwait	ratification	8 May 1987
49. Lesotho	ratification	9 June 1988
50. Libya	acceptance	22 November 1995
51. Luxembourg	ratification	3 May 1991
52. Madagascar	ratification	15 March 1989
53. Malawi	acceptance	16 February 1987
54. Malaysia	acceptance	3 February 1988
55. Mali	ratification	9 April 1988
56. Malta	acceptance	9 February 1988
57. Mauritania	acceptance	11 July 2012
58. Mauritius	ratification	18 June 1991
59. Mexico	acceptance	2 February 1988
60. Mongolia	acceptance	12 March 1991
61. Montenegro*	acceptance	3 June 2006
62. Morocco	acceptance	10 September 2012
63. Mozambique	ratification	31 May 1988
64. Namibia	ratification	12 November 1997
65. Netherlands	acceptance	12 October 1989
66. New Zealand	ratification	16 March 1988
67. Niger	ratification	13 July 1988
68. Nigeria	acceptance	10 April 1987
69. Norway	ratification	12 August 1987
70. Pakistan	ratification	10 July 1987
71. Poland	ratification	11 March 1992
72. Qatar	ratification	8 March 2010

Member State	Measure	Date registered
73. Romania	ratification	14 May 1990
74. Rwanda	ratification	3 June 1988
75. San Marino	ratification	16 March 1988
76. Saudi Arabia	ratification	16 June 1988
77. Senegal	ratification	8 March 1988
78. Serbia*	acceptance	24 November 2000
79. Sierra Leone	ratification	9 June 1989
80. Slovenia*	acceptance	29 May 1992
81. Singapore	acceptance	7 January 2011
82. South Sudan	acceptance	30 November 2012
83. Sri Lanka	acceptance	8 April 1987
84. Sudan	ratification	6 June 1990
85. Suriname	ratification	9 June 1992
86. Swaziland	ratification	9 December 1988
87. Sweden	ratification	2 September 1987
88. Switzerland	ratification	8 September 1987
89. Tanzania, United Rep. of	ratification	26 November 1990
90. Thailand	ratification	31 May 1991
91. Togo	ratification	8 June 1988
92. Trinidad and Tobago	ratification	30 April 1987
93. Tunisia	ratification	23 February 1989
94. Turkey	ratification	26 September 1989
95. Uganda	ratification	13 December 1990
96. Ukraine	acceptance	12 June 1989
97. United Arab Emirates	ratification	3 June 1988
98. Zambia	ratification	25 April 1988
99. Zimbabwe	ratification	28 March 1989

* The Office has requested all States that were formerly part of the Socialist Federative Republic of Yugoslavia (SFRY) to clarify their position in relation to the ratification of the Instrument of Amendment, 1986 by the SFRY on 9 January 1990. The responses received to date directed the Organization to apply the date of its admission. ** Members of chief industrial importance.