



## Governing Body

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Working Party on the Functioning of the Governing Body  
and the International Labour Conference

WP/GBC

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FIRST ITEM ON THE AGENDA

## Composition of the Governing Body

### I. Introduction

1. The composition of the Governing Body was most recently discussed at the 300th (November 2007), 302nd (March 2008) and 303rd (November 2008) Sessions, with a view to addressing the concern that the category “Members of chief industrial importance”, referred to in article 7, paragraph 2, of the ILO Constitution, does not include Members from all geographical regions.<sup>1</sup>
2. At its 302nd Session (March 2008), the Governing Body considered three options to change the current situation, namely, the possibility of the Governing Body to review the composition of the ten “Members of chief industrial importance”,<sup>2</sup> the adoption of a new constitutional amendment, which could address either the number of non-elective seats or their geographical distribution, or both, and the possibility for governments to distribute seats within their regions to reflect contemporary priorities and needs through the use of regional protocols.
3. At its 303rd Session (November 2008), the Governing Body considered a proposal that foresaw an amendment to article 7, paragraph 2, of the ILO Constitution by increasing the number of non-elective members of the Governing Body from ten to 12 while introducing a geographical requirement to the effect that all four regions (Africa, Americas, Asia and the

<sup>1</sup> GB.300/LILS/4, GB.300/6, para. 134, GB.300/PV, paras 156–168, GB.300/13(Rev.), paras 30–41, GB.301/5, GB.301/PV, paras 98–110, GB.303/5, GB.303/PV, paras 103–133. This question was put on the agenda of the Governing Body following the adoption of a resolution on Africa’s representation on the Governing Body of the International Labour Office at the 11th African Regional Meeting (Addis Ababa, 24–27 April 2007) which called “for urgent action to be undertaken to ensure that Africa’s representation corresponds to its numerical and strategic importance”; GB.299/5, GB.299/PV, paras 58–70.

<sup>2</sup> Under article 7, paragraph 3, of the ILO Constitution, the Governing Body may as occasion requires determine which are the Members of the Organization of chief industrial importance and make rules to ensure that all questions relating to the selection of the Members of chief industrial importance are considered by an impartial committee before being decided by the Governing Body. For more, see GB.300/LILS/4, paras 11–23.

Pacific, and Europe) should be represented among the non-elective Members of chief industrial importance.<sup>3</sup> Following divergent views, the Governing Body decided to keep the item on its agenda for future sessions and return to it once the necessary consultations within the Government group had taken place.<sup>4</sup>

## II. The 1986 constitutional amendment and the 1995 amendment to the Standing Orders of the Conference

4. The principal aim of the Instrument for the Amendment of the Constitution of the International Labour Organisation, 1986 (the 1986 Amendment) is to make membership of the Governing Body more representative taking into account the various geographic, economic and social interests of its constituent groups. Upon its entry into force, the number of regular Governing Body members will increase from 56 to 112 (56 Government, 28 Employer and 28 Worker regular members) and there will be no longer seats guaranteed for the Members of chief industrial importance, or deputy members. Of the 56 seats reserved for governments, 54 will 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 will 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 will rotate, one between Africa and the Americas and the other between Asia and Europe.<sup>5</sup>
5. In 1995, when it appeared unlikely that the 1986 Amendment would attain the necessary ratifications within the near future, after examining interim measures, the Conference amended its Standing Orders by increasing the number of deputy members (from 18 to 28 Governments and from 14 to 19 for the Employers and Workers respectively)<sup>6</sup> and noted that the regional distribution of seats for regular and deputy members should be reflected accordingly in the ballot papers for the government electoral college. This resulted in the current composition of the Governing Body membership (see table 1). However, the 1995 reform did not introduce the full range of changes envisaged by the 1986 Amendment. In particular, it did not change the status of Members of chief industrial importance, as any change to article 7 of the ILO Constitution would require a constitutional amendment in accordance with article 36 of the ILO Constitution.

<sup>3</sup> GB.303/5, paras 6–10.

<sup>4</sup> GB.303/PV, paras 103–133.

<sup>5</sup> Furthermore, under the 1986 Amendment, the appointment of the Director-General by the Governing Body will have to be submitted to the International Labour Conference for approval. The 1986 Amendment also introduces adjustments to the rules for voting at the Conference, concerning the required majorities and quorum. Finally, the 1986 Amendment sets out different voting and ratification requirements for constitutional amendments related to specific considerations. The text of the 1986 Instrument of Amendment and further information can be found at [http://www.ilo.org/global/about-the-ilo/how-the-ilo-works/departments-and-offices/jur/legal-instruments/WCMS\\_448693/lang--en/index.htm](http://www.ilo.org/global/about-the-ilo/how-the-ilo-works/departments-and-offices/jur/legal-instruments/WCMS_448693/lang--en/index.htm).

<sup>6</sup> See International Labour Conference, 82nd Session (Geneva, 1995), *Provisional Records* Nos 1 and 11. Deputy members are entitled to speak, vote and move resolutions, amendments or motions, on conditions set out in the Standing Orders of the Governing Body (articles 1.5 and 5.7).

**Table 1. Regional distribution of Government seats 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
<b>Total</b>	<b>10</b>	<b>18</b>	<b>28</b>	<b>56</b>

\*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 2017–20 term.

### III. Status of ratification of the 1986 Instrument of Amendment

6. 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 required by article 36 of the Constitution. As there are currently 187 member States, the Amendment needs to be ratified or accepted by 125 of them.
7. As of 10 February 2017, 105 ratifications and acceptances of the 1986 Amendment have been registered, of which two are from Members of chief industrial importance (India and Italy). Since the last progress report to the Governing Body in March 2015,<sup>7</sup> three new ratifications have been registered (Central African Republic, South Africa and Seychelles) – all from African countries. A complete list is provided in the Appendix. A further 20 ratifications or acceptances are therefore required for the 1986 Amendment to enter into force. These must include at least three from Members of chief industrial importance (from among Brazil, China, France, Germany, Japan, Russian Federation, United Kingdom and United States). To date, 25 member States from the European region, 23 from the Americas, and 28 from the Asia and the Pacific have not yet ratified the Amendment (see table 2).

**Table 2. Ratification by region**

	Number of States which have ratified	Number of States which have not ratified	Total	Percentage of countries which have ratified (%)
Africa	48	6	54	89
Americas	12	23	35	34
Europe and Central Asia	26	25	51	51
Asia and the Pacific	19	28	47	40
<b>Total</b>	<b>105</b>	<b>82</b>	<b>187</b>	<b>56</b>

<sup>7</sup> [GB.323/LILS/2](#).

#### IV. Promotion of the ratification of the 1986 Instrument of Amendment

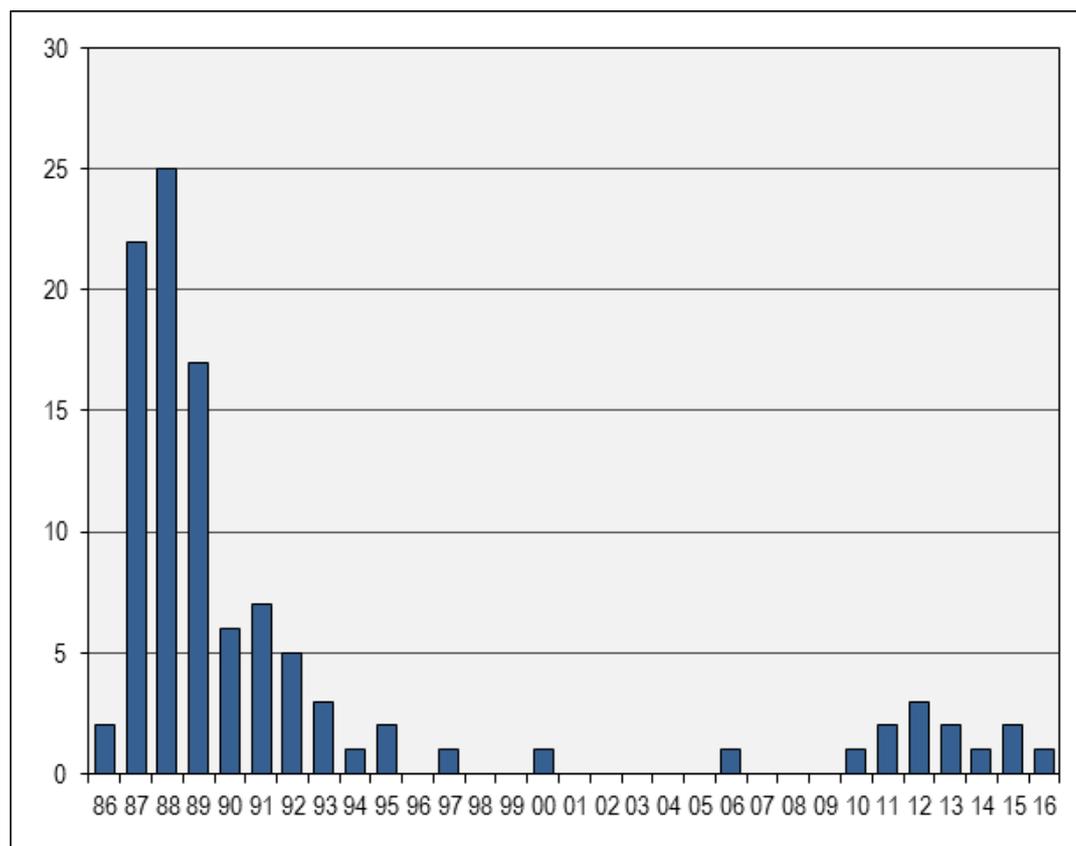
8. The Office has continued its efforts to promote ratification of the 1986 Amendment. It maintains a dedicated web page,<sup>8</sup> containing the text of the Amendment, an explanatory brochure with questions and answers, a sample format for an Instrument of Ratification or Acceptance, and up-to-date information on ratification.
9. The Office continues to distribute paper copies of the explanatory brochures, in particular, in the context of ILO and bilateral meetings. The Office has also been actively involved in promotional activities with new candidate member States (for instance, Cook Islands and the Kingdom of Tonga), advising them on the ratification process through direct contacts and information materials. Ratification or acceptance by new Members is important as the admission of a new Member has an impact on the two-thirds threshold required for the entry into force of the Amendment.
10. As a result, in the period 2010–16 there have been 12 ratifications, as compared to two ratifications in the period 2000–09 (see table 3 and figure 1 below).

**Table 3. Number of ratifications by region as from 2010**

Africa	7
Americas	0
Europe and Central Asia	1
Asia and the Pacific	4
<b>Total</b>	<b>12</b>

<sup>8</sup> [http://www.ilo.org/global/about-the-ilo/how-the-ilo-works/departments-and-offices/jur/legal-instruments/WCMS\\_448693/lang--en/index.htm](http://www.ilo.org/global/about-the-ilo/how-the-ilo-works/departments-and-offices/jur/legal-instruments/WCMS_448693/lang--en/index.htm).

Figure 1. Number of ratifications registered by year



11. Although the number of ratifications still required for its entry into force is relatively small, the fact remains that 30 years after its adoption, the 1986 Amendment is by far the constitutional amendment with the slowest rate of ratification. It is recalled that the 1997 Instrument of Amendment concerning obsolete international labour Conventions entered into force in December 2015, 17 years after its adoption.
12. As it had been proposed in an earlier discussion, the Governing Body may wish to invite Members that have not ratified the 1986 Amendment to explain the reasons why they have not been able to do so and accordingly instruct the Office to report back with a proper analysis of the responses received.

## Draft decision

### 13. *The Governing Body:*

- (a) *invites Members which have not yet done so to ratify the 1986 Instrument for the Amendment of the ILO Constitution; and*
- (b) *requests the Director-General to actively pursue promotional efforts for the ratification of the instrument of amendment, including through direct contacts with Members, and to report at the 331st Session (November 2017) on the results obtained and the feedback from Members concerned on the reasons which prevent or delay such ratification.*



## Appendix

### Ratification status of the 1986 Amendment (as at 15 February 2017)

#### A. Member States which have ratified or accepted the 1986 Amendment (by region)

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##### Africa

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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

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##### Americas

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

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##### Europe

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Austria	Iceland	San Marino
Belarus	Italy	Serbia
Belgium	Luxembourg	Slovenia
Bosnia and Herzegovina	Malta	Sweden
Croatia	Montenegro	Switzerland
Cyprus	Netherlands	the former Yugoslav
Denmark	Norway	Republic of Macedonia
Finland	Poland	Turkey
Hungary	Romania	Ukraine

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##### Asia and Pacific

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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 the 1986 Amendment (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	Samoa
Australia	Democratic Republic	Solomon Islands
Brunei Darussalam	Lebanon	Syrian Arab Republic
China	Maldives, Republic of	Timor-Leste
Cook Islands	Marshall Islands	Tonga
Fiji	Nepal	Tuvalu
Iran, Islamic Republic of	Oman	Vanuatu
Japan	Palau	Viet Nam
Kiribati	Papua New Guinea	Yemen
Korea, Republic of	Philippines	