



FOURTH ITEM ON THE AGENDA

The functioning of decision-making bodies

(b) The Governing Body

1. This paper invites the Governing Body to define the terms of reference that will guide the Office in a review of the functioning of the Governing Body, with a view to proposing possible reforms aimed at enhancing the effectiveness of the Governing Body in its roles of governance, policy orientation and standards supervision.

I. Background

2. The review and possible reform of the Governing Body was placed on the agenda of the 288th Session at the request of the Governing Body in November 2002.
3. The terms of reference proposed below were the object of informal consultations with all three groups, held in September 2003. Further consultations with the Government group could still take place before the Governing Body session. The aim of these consultations was, in particular, to identify the main concerns of the constituents with regard to:
 - the level and scope of changes that constituents considered necessary and feasible; and
 - specific aspects of the current functioning of the Governing Body that might require improvements and change.
4. A number of concerns appear to be widely shared. While summarizing the views expressed so far, the Office notes that further consultations need to take place. This paper concludes with proposed terms of reference which could set the framework for a review of the functioning of the Governing Body with a view to possible reforms.

II. The functions of the Governing Body

5. There is a general recognition of the value and relevance of the Governing Body's three main functions:

- governance (including the monitoring of programme implementation);
 - debate on substantive policy issues (with the aims of providing guidance for future action);
 - standards supervision (including the Committee on Freedom of Association, and procedures under articles 24, 26 and 33 of the Constitution).
6. These functions are meaningful only if they genuinely help to further the Organization's strategic objectives. There seems to be general agreement that the Governing Body could do more to ensure the ILO's relevance, credibility and visibility. The Governing Body should be a place for meaningful discussions on policy orientations and for decisions on concrete action.

III. The structures of the Governing Body

7. A fundamental question in this context is whether the Governing Body's current structures are appropriate and enable it to fulfil all of its functions in an efficient manner, in particular, whether the current committees adequately cover all of the Organization's strategic objectives and provide sufficient space for discussing all central activities.
8. Some concern has been expressed that since the 1993 reforms, a summary of which is appended, the Governing Body has delegated too much policy-making responsibility to its committees. However, it would appear impossible to function without an appropriate committee structure that prepares recommendations for decision by the Governing Body.
9. It has been suggested that a clearer distinction could be drawn between technical and policy subjects. There would seem to be a growing sentiment in favour of more policy discussion in the Governing Body plenary, with policy orientation and development, preferably at a high level, taking place in that forum, rather than in the committees. Care should be taken, however, to avoid the duplication of substantive discussion (i.e. a debate both in committee as well as in plenary). This approach would put the Governing Body in a better position to deliberate and provide guidance on the whole range of ILO activities.
10. There is a perception that the views of governments are not adequately reflected in preparatory and decision-making processes. This concern is, in fact, recognized by all groups, because full tripartism is essential for the proper functioning of the Governing Body. Given the variety of views among Governments, and the different working methods of the Government group, reaching consensus positions are naturally sometimes difficult. The Government group may wish to examine ways to enhance its role and increase information flows, interaction and balanced participation by all.
11. Informal consultation processes have recently been used more and more. This has been well received and has proved useful, and it is obvious that further consultations should be scheduled for further discussion of the review and possible reform of the Governing Body.

IV. The working methods of the Governing Body

12. Very specific concerns as to the Governing Body's working methods and their efficiency have been raised, but they seem to be subordinate to the wish that the work of the Governing Body, in committee or in plenary, should be of higher quality, more tightly focused, and effective in providing guidance for ILO activities.

13. Specific concerns include the length of Governing Body sessions and the feasibility of reducing it; reductions in the volume of documentation (already decided at a level of 25 per cent less than earlier); improvements in the format of Governing Body documents; and their timely delivery, including by electronic means.
14. For example, the scheduling of items under discussion in the Programme, Financial and Administrative Committee (PFAC) might be done so that other committees could meet concurrently with at least part of the PFAC meeting. It might be possible to identify items that could be discussed once, not twice, every year. A programme of policy discussions by the Governing Body might be envisaged over several sessions, thus providing space for issues under each strategic objective.
15. More concise and focused documents, with an executive summary, could well contribute to greater efficiency and quality in the work of the Governing Body and its committees. In addition, it might be possible to discontinue some papers submitted for information only.
16. There would seem to be an obvious need to avoid either the repetition, or overlapping, of discussions and the ensuing waste of time. These problems could be addressed through better planning, prioritizing and preparation, including through informal consultations on the agenda of the Governing Body and its committees as well as the organization of the Governing Body debate.

V. Other issues noted

17. Other relevant issues which could call for special attention include:
 - the drop in the attendance of senior national officials at the sessions of the Governing Body;
 - the need for greater flexibility in planning and scheduling the meetings of Committees;
 - the lack of coverage, under the current committee structure, of questions related to the strategic objectives of social dialogue and social protection;
 - the desirability of having appropriate tripartite forums in which to examine the regional implications of Governing Body decisions, and to provide guidance in respect of regional priorities;
 - the loss of time resulting from the interventions of Government members whose views have already been expressed by another member speaking on their behalf;
 - the need to ensure proper feedback from the Office to the Governing Body, on the effect given to its decisions;
 - the representation of the developing countries in the Subcommittee on Multinational Enterprises (this item is on the agenda of the Subcommittee for November 2003).

VI. Proposed terms of reference

18. A review of the Governing Body should thus focus on measures that will improve the functioning of the Governing Body, enable it better to fulfil its functions, and enhance its authority and visibility. The key concepts are relevance, quality and efficiency.

19. On this basis, the following terms of reference could be considered for a review of the Governing Body and possible improvements in its functioning.
20. The review should:
- (a) determine the extent to which Governing Body structures cover the Organization's strategic objectives; suggest changes that might be needed to eliminate gaps in coverage; and ensure that all main Office activities come under the direction and oversight of the Governing Body;
 - (b) explore and recommend alternatives for increasing the scope for sufficient and effective high-level policy debate in the Governing Body plenary;
 - (c) identify duplications and gaps and propose remedies, with special attention to the planning and prioritization of matters brought before the Governing Body and its committees; and
 - (d) consider and recommend options for better time management and, to the extent possible, for a reduction in the duration of Governing Body sessions.
21. *The Governing Body may wish to endorse these terms of reference and instruct the Director-General to involve all groups in a process of consultation on this issue, and to submit specific proposals for reform to the Governing Body as of March 2004.*

Geneva, 3 October 2003.

Point for decision: Paragraph 21.

Appendix

Summary of the reforms introduced in the functioning of the Governing Body by decision of its 256th Session (May 1993)

Report of the Working Party on Improvements in the Functioning of the Governing Body (document GB.256/13/24, paragraph 6)

6. *The Working Party thus recommends that the Governing Body adopt the following provisions:*

(a) *Frequency and timing of Governing Body sessions*

The Governing Body is invited to abolish its May session. Its work at this session would be redistributed between a full autumn (November) session and another in the spring (March). Nevertheless, the Committee on Freedom of Association would in addition meet during the week preceding the opening of the General Conference and its report would be adopted by the Governing Body during the brief meeting which is held in June, following the Conference.

The Governing Body is invited to request the Director-General to ensure that the documents which are submitted to him reach the members of the Governing Body sufficiently in time so that they may prepare their work in the best possible conditions.

(b) *Restructuring of Governing Body committees*

The Governing Body is invited to decide to abolish its standing committees, with the exception of the Committee on Freedom of Association and the Programme, Financial and Administrative Committee (PFAC) whose composition (in the case of the Committee on Freedom of Association), mandate and procedures remain unchanged. The functions of the standing committees would be entrusted to new bodies whose mandate will be determined on the basis of the discussions of the Working Party and appropriate consultations with the Officers of the Governing Body and presented to the Governing Body at its 257th Session (June 1993) as part of a document entitled "Constitution of Governing Body committees and various bodies". These new bodies would be the following:

(i) *Committee on Legal Issues and International Labour Standards*

It is understood that this committee would establish a subcommittee whose Officers would be the same as those of the committee itself; the numerical composition of this subcommittee would be the same as that of the former Committee on Multinational Enterprises, and it would have the same mandate as that former committee as regards requests for interpretation of the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, as well as the triennial review of the follow-up to the Declaration. This means that the subcommittee would report directly to the Governing Body.

(ii) *Committee on Employment and Social Policy*

(iii) *Committee on Technical Cooperation*

(iv) *Committee on Sectoral, Regional and Technical Issues*

It is understood that the reports of regional conferences of the ILO would continue to be submitted directly to the Governing Body.

(v) *Meeting of the Government members of the PFAC (Allocations)*

All questions relating to allocations, which have hitherto been entrusted to the Allocations Committee, would henceforth be dealt with by the Government members of the PFAC, who would meet in private sittings with the assistance of the Committee's secretariat. The recommendations of the Government members of the PFAC will be submitted to the Governing Body as part of the PFAC report.

- (vi) Furthermore, the Governing Body may establish, as and when necessary, *working parties* responsible for examining specific questions.

It should be noted that as the International Organizations' Committee has been abolished, a general debate would take place once a year in the plenary sitting of the Governing Body on the ILO's relations with organizations of the United Nations system. Furthermore, a small working party could be called upon to examine specific aspects of these relations and report to the Governing Body at a session during which there would be no general debate.

(c) *Procedure for the adoption of the reports of committees*

The Governing Body is invited to observe in future the following procedure for the adoption of committee reports:

With the exception of the reports of the Committee on Freedom of Association, the reports of committees constituted by the Governing Body to examine representations made under article 24 of the ILO's Constitution and the reports of working parties, reports of Governing Body committees would be adopted by the Governing Body without introduction or other discussion. The Chairman of the Governing Body would submit for adoption the points for decision which appear in the report and propose that the Governing Body take note of the report in its entirety.

Nevertheless, without prejudice to the right of members to make amendments to their own statements as reflected in the report and to submit, in accordance with the Standing Orders, proposals for amendments to the points for decision, and without prejudice to the discretion of the Chairperson to permit individual interventions, the Chairperson would allow a discussion in the following cases:

- (i) if the committee concerned was unable to reach a consensus on a particular point or had to take a decision by a majority vote, in which case the point concerned may need to be further discussed by the Governing Body;
- (ii) if the Officers of the Governing Body unanimously consider that an issue raised in a committee report is sufficiently important to warrant discussion by the Governing Body;
- (iii) if a formal request is made by a group spokesman or by at least 14 members of the Governing Body for discussion on a particular item in the report.

(d) *Procedure for determining the agenda of the Conference*

The Governing Body is invited to decide that the present practice of considering at two successive sessions the items to be placed on the Conference agenda should be maintained, but that the nature and timing of the discussion should be changed. The purpose of the first stage of the discussion, which would be held at the autumn session, would be to identify the subjects from which a choice could be made, and a decision would be taken at the second stage of the discussion, which would take place at the spring session. The Office would submit at the autumn session a paper containing all relevant information relating to the items proposed by the Director-General and, at the spring session, a further paper covering additional items proposed by the Governing Body during the first stage of the discussion.

(e) *Role of the Officers of the Governing Body*

The Working Party recommends that the Governing Body delegate to its Officers – under the rules currently in force – the authority to invite non-governmental international organizations (NGOs) which wish to be represented at sessions of the General Conference, regional conferences as well as at other meetings which are not prepared by one of the Governing Body committees and which do not have specific rules for this purpose. The same delegation of authority would apply to invitations of official international organizations whose relations with the ILO are not governed by a particular agreement. In both cases it is understood that requests for invitations presenting a particular problem would continue to be submitted to the Governing Body through its Officers.