



SECOND ITEM ON THE AGENDA

Standing Orders of the International Labour Conference: Status of Interim provisions concerning the verification of credentials

1. At its 92nd Session (June 2004), the International Labour Conference, acting upon a proposal of the Governing Body,¹ adopted the *Interim provisions concerning verification of credentials*. These Interim provisions became effective at the 93rd Session (June 2005) and remain in force until the end of the 96th Session (May–June 2007) of the Conference.² They appear in an appendix to this document.
2. The Interim provisions added several new elements to the competence of the Conference Credentials Committee. These new elements encompass the possibility to examine objections relating to failure of a government to deposit credentials of an Employers' or a Workers' delegate; the possibility to refer certain questions raised by an objection to credentials to the ILO Committee on Freedom of Association; and the possibility to propose to the Conference certain measures regarding the monitoring of the situation referred to in an objection or a complaint.
3. The record of discussion at the 2004 Conference reflects a conclusion that the Governing Body would need to evaluate the system established by the Interim provisions following the end of the 96th Session (2007) of the Conference, with a view to reporting to the Conference in June 2008. However, since it was indicated that the Interim provisions would lapse automatically at the end of the period of their validity unless the Conference took a decision to renew them, it becomes necessary to determine which rules would govern the verification of credentials during the 97th Session (2008) of the Conference, pending its possible discussion of the evaluation by the Governing Body. Rules governing the 97th Session (2008) would need to be determined by the 96th Session (2007) of the Conference.

¹ GB.289/11.

² See *Provisional Records* Nos. 2, 16 and 23, 92nd Session of the International Labour Conference, 2004.

4. Thus, in order to remove any ambiguity that may arise from this situation, it seems convenient to propose an extension of the validity of the Interim provisions until the end of the 97th Session (2008) of the Conference.
5. *The Committee may wish to recommend to the Governing Body that it invite the Conference, at its 96th Session (2007), to extend the validity of the Interim provisions concerning verification of credentials until the end of the 97th Session (2008).*

Geneva, 19 January 2007.

Point for decision: Paragraph 5.

Appendix

Interim provisions concerning the verification of credentials, effective from the 93rd Session (June 2005) to the 96th Session (June 2007) of the International Labour Conference

INTERNATIONAL LABOUR CONFERENCE VERIFICATION OF CREDENTIALS

ARTICLE 5

Credentials Committee

1. The Conference shall, on the nomination of the Selection Committee, appoint a Credentials Committee consisting of one Government delegate, one Employers' delegate and one Workers' delegate.

2. The Credentials Committee shall examine, in accordance with the provisions of section B of Part II:

- (a) the credentials as well as any objection relating to the credentials of delegates and their advisers or to the failure to deposit credentials of an Employers' or Workers' delegate;
- (b) any complaint of non-observance of paragraph 2(a) of article 13 of the Constitution;
- (c) the monitoring of any situation with regard to the observance of the provisions of article 3 or article 13, paragraph 2(a), of the Constitution about which the Conference has requested a report.

PART II

Standing Orders concerning special subjects

SECTION B

Verification of credentials

ARTICLE 26

Examination of credentials

1. The credentials of delegates and their advisers and of all other accredited members of the delegation of a member State shall be deposited with the International Labour Office at least 15 days before the date fixed for the opening of the session of the Conference.

2. A brief report upon these credentials shall be drawn up by the Chairman of the Governing Body. It shall, with the credentials, be made available for inspection on the day before the opening of the session of the Conference and shall be published on the day of the opening of the session.

3. The Credentials Committee appointed by the Conference in pursuance of article 5 of the Standing Orders of the Conference shall consider the credentials, as well as any appeal, objection, complaint or report concerning them.

ARTICLE 26BIS

Objections

1. An objection in pursuance of article 5, paragraph 2(b), shall not be receivable in the following cases:

- (a) if the objection is not lodged with the Secretary-General within 72 hours from 10 a.m. of the first day of the Conference, date of publication in the *Provisional Record*, of the official list of delegations on the basis of which the objection to the inclusion or exclusion of the name and function of a person is submitted. If the objection is based on a revised list, the time limit shall be reduced to 48 hours;
- (b) if the authors of the objection remain anonymous;
- (c) if the author of the objection is serving as adviser to the delegate to whose nomination objection is taken;
- (d) if the objection is based upon facts or allegations which the Conference, by a debate and a decision referring to identical facts or allegations, has already discussed and recognized to be irrelevant or devoid of substance.

2. The procedure for the determination of whether an objection is receivable shall be as follows:

- (a) the Credentials Committee shall consider in respect of each objection whether on any of the grounds set forth in paragraph 1 the objection is irreceivable;
- (b) if the Committee reaches a unanimous conclusion concerning the receivability of the objection, its decision shall be final;
- (c) if the Credentials Committee does not reach a unanimous conclusion concerning the receivability of the objection, it shall refer the matter to the Conference which shall, on being furnished with a record of the Committee's discussions and with a report setting forth the opinion of the majority and minority of its members, decide without further discussion whether the objection is receivable.

3. The Credentials Committee shall consider whether every objection deemed to be receivable is well founded and shall as a matter of urgency submit a report thereon to the Conference.

4. If the Credentials Committee or any member thereof submits a report advising that the Conference should refuse to admit any delegate or adviser, the President shall submit this proposal to the Conference for decision, and the Conference, if it deems that the delegate or adviser has not been nominated in conformity with the requirements of the Constitution, may, in accordance with paragraph 9 of article 3 thereof, refuse by two-thirds of the votes cast by the delegates present to admit the delegate or adviser. Delegates who are in favour of refusing to admit the delegate or adviser shall vote "Yes"; delegates who are opposed to refusing to admit the delegate or adviser shall vote "No".

5. Pending final decision of the question of his admission, any delegate or adviser to whose nomination objection has been taken shall have the same rights as other delegates and advisers.

6. If the Credentials Committee considers unanimously that the issues raised by an objection relate to a violation of the principles of freedom of association which has not already been examined by the Governing Body's Committee on Freedom of Association, it may propose referral of the question to that Committee. The Conference shall decide, without discussion, on such proposals for referral.

7. When, in the light of the examination of an objection, the Credentials Committee unanimously considers that it is necessary to monitor the situation, it may propose this to the Conference, which shall decide, without discussion, on the proposal. If it is so decided, the Government concerned shall report on such questions that the Credentials Committee judges necessary, to the subsequent session of the Conference when it submits the delegation's credentials.

ARTICLE 26TER

Complaints

1. The Credentials Committee may consider complaints that a Member has failed to comply with paragraph 2(a) of article 13 of the Constitution where:

- (a) the Member is alleged to have failed to pay the travelling and subsistence expenses of one or more of the delegates that it has nominated in accordance with article 3, paragraph 1, of the Constitution; or
- (b) the complaint alleges a serious and manifest imbalance as between the number of Employer or Worker advisers whose expenses have been covered in the delegation concerned and the number of advisers appointed for the Government delegates.

2. A complaint referred to in paragraph 1 shall not be receivable in the following cases:

- (a) if the complaint is not lodged with the Secretary-General of the Conference before 10 a.m. on the seventh day following the opening of the Conference and the Committee considers that there is insufficient time to deal with it properly; or
- (b) if the complaint is not lodged by an accredited delegate or adviser alleging non-payment of travel and subsistence expenses in the circumstances set out under (a) or (b) of paragraph 1 or by an organization or person acting on his or her behalf.

3. The Credentials Committee shall, in its report, present to the Conference any conclusions that it has unanimously reached on each complaint considered by it.

4. When, in the light of the examination of an objection, the Credentials Committee unanimously considers that it is necessary to monitor the situation, it may propose this to the Conference, which shall decide, without discussion, on the proposal. If it is so decided, the Government concerned shall report on such questions that the Credentials Committee judges necessary, to the subsequent session of the Conference when it submits the delegation's credentials.

ARTICLE 26QUATER

Monitoring

The Credentials Committee also monitors any situation relating to respect by a member State for the provisions of articles 3 or 13, paragraph 2(a), of the Constitution with regard to which the Conference has requested the government concerned to report. With this objective, the Committee shall report to the Conference on the evolution of the situation. It may unanimously propose any one of the measures contained in paragraphs 4 to 7 of article 26bis or paragraphs 3 and 4 of article 26ter. The Conference shall decide, without discussion, on such proposals.