International Labour Conference
113th Session, Geneva, 2025

Finance Committee

Date: 9 May 2025

Information Note: Legal provisions applicable to the adoption of the budget by the Conference

1. This Information Note sets out the legal provisions applicable to the examination and adoption of the budget at the Conference.

Submission of the budget estimates to the Conference

2. The legal framework is provided by three main sets of rules: the Constitution of the ILO, the Financial Regulations and the Standing Orders of the Conference.

3. Article 13 of the Constitution, paragraphs 2(c) and 3 provides that:

> *2. […]*
>
> *(c) the arrangements for the approval, allocation and collection of the budget of the International Labour Organization shall be determined by the Conference by a two-thirds majority of the votes cast by the delegates present, and shall provide for the approval of the budget and of the arrangements for the allocation of expenses among the Members of the Organization by a committee of Government representatives.*
>
> *3. The expenses of the International Labour Organization shall be borne by the Members in accordance with the arrangements in force in virtue of paragraph 1 or paragraph 2(c) of this article.*

4. The arrangements mentioned in this constitutional provision are the ILO Financial Regulations adopted by the Conference which encompass the bulk of the budgetary procedure.

5. The provisions of the Standing Orders specific to the budget supplement the financial regulations on specific aspects of the work of the Finance Committee. The general procedure of the Conference and its committees applies in relation to the examination of motions and the decision-making process.

6. Article 6(2) of the Financial Regulations provides that:

> *The Director-General shall submit to the International Labour Conference the budget estimates as approved by the Governing Body.*

7. The overall decision that the Conference is tasked with making is summarized in article 25(1) of the Standing Orders of the Conference:

> *In accordance with the provisions of article 13 of the Constitution and article 6 of the Financial Regulations, at its session preceding the beginning of each biennial financial period, the Conference shall adopt the Programme and Budget of the following financial period, on the basis of the draft*

Programme and Budget examined by the Governing Body and approved by the Finance Committee in accordance with article 11 (of these Standing Orders).

The Finance Committee

8. In adopting the Financial Regulations in 1946, the Conference decided that the committee of Government representatives mentioned in the Constitution should take the form of a standing committee of the Conference. This is reflected in article 6(4) of the Financial Regulations (substantially reproduced in article 11 of the Standing Orders of the Conference) which provides that:

> *The International Labour Conference shall set up a committee consisting of one Government representative of each State Member of the Organization presented at the Conference.*

9. Article 11(2) of the Standing Orders of the Conference sets out the Finance Committee's mandate:

> *The Finance Committee shall consider:*
>
> *(a) the arrangements for the approval, allocation and collection of the budget of the Organization, including:*
>
> *(i) the budget estimates;*
>
> *(ii) the arrangements for the allocation of expenses among Members of the Organization;*
>
> *(b) the audited financial statements of the Organization, together with the Auditor's report;*
>
> *(c) any request or proposal that the Conference should permit a Member which is in arrears in the payment of its contribution to vote in accordance with article 13(4) of the Constitution;*
>
> *(d) any administrative or other matter referred to it by the Conference.*

10. The budget estimates are referred to the Finance Committee for its examination and report pursuant to article 6(5) of the Financial Regulations:

> *The International Labour Conference shall refer the estimates submitted by the Director-General to this committee for examination and report.*

11. Prior to the approval of budget estimates by the Committee, the draft programme and budget proposals may be discussed by the Conference in a plenary session or in a tripartite committee. This results from a combined reading of article 6(3) of the Financial Regulations according to which:

> *The International Labour Conference shall provide opportunity for a general discussion of the policy and programme of the Organization in its bearing on the budget estimates.*

and of article 25(2) of the Standing Orders of the Conference according to which:

> *Prior to the approval of the budget by the Finance Committee and the adoption of the budget by the Conference, the Conference may examine the Programme and Budget in plenary sitting or refer it to a tripartite committee established for this purpose for report.*

12. The Standing Orders of the Conference applicable to committees apply to the Finance Committee, with the exception of certain provisions relating to composition and right to participate in the work of the committee, and others "which are inapplicable because the Committee is not tripartite in character and consists solely of Government representatives" as provided for in article 11(8) of the Standing Orders of the Conference. The submission of resolutions to the Committee by its members is specifically prohibited by article 11(3) of the Standing Orders of the Conference:

> *No resolutions may be submitted under article 41 to the Finance Committee.*

Decision-making in the Finance Committee

13. As stated above, the Constitution mandates that the budget of the ILO be "approved … by a committee of Government representatives."

14. The Committee should take its decision by consensus. It may be recalled that under article 42(1) of the Standing Orders of the Conference, each committee of the Conference "shall make every effort to take its decisions by consensus, which is characterized by the absence of any objection presented by a member as an impediment to the adoption of the decision in question."

15. In the absence of consensus, the decision of the Finance Committee is made through a vote. More specifically, article 11(6) of the Standing Orders of the Conference provides that:

> *In the absence of consensus, the decisions of the Finance Committee shall be taken by a two-thirds majority of the votes cast by the members of the Finance Committee present at the meeting.* [1]

16. A qualified majority is also required in relation to the adoption of the budget in accordance with article 6(7) of the Financial Regulations which provides that:

> *The decisions of the committee shall be taken by a two-thirds majority of the votes cast by the members of the committee present at the meeting.*

17. Regarding the validity of the vote (quorum), article 43 of the Standing Orders of the Conference provides that:

> *A vote shall not be valid if the number of votes cast for and against is less than two fifths of the total voting power as determined under article 42(3) (quorum).*

18. In the context of this Committee, which is not tripartite and in which every Member State represented at the Conference is automatically considered as registered, a vote is therefore valid if the number of votes cast for and against is equal or superior to two fifths of the total number of Member States (that is, with at least one registered Government delegate or substitute delegate) represented at the Conference and entitled to vote.

Adoption of the budget estimates by the Conference

19. Once the Finance Committee has approved the budget estimates, it submits them, in the form of a resolution included in the report, to the Conference for its adoption, in accordance with article 6(8) of the Financial Regulations:

> *The committee shall submit the budget estimates as approved by it to the Conference for adoption.*

20. The Conference is then called to vote on the budget estimates as approved by the Committee. As for the form of vote and required majority, article 6(9) of the Financial Regulations provides that:

> *The decision of the Conference adopting the budget shall be taken on a record vote by a two-thirds majority of the votes cast by the delegates present.*

The vote must normally be taken by electronic means (article 21(5) of the Standing Orders).

[1] See, for example, the votes taken in the Finance Committee during the 111th Session of the Conference: ILC.111/Record No. 3A, paras 74–76, 84–86, 101–102.

21. A quorum is required pursuant to article 17(3) of the Constitution:

> *The voting is void unless the total number of votes cast is equal to half the number of the delegates attending the Conference.*

This provision is restated and detailed in article 22(2) of the Standing Orders of the Conference, which provides that:

> *A vote shall not be valid if the number of votes cast for and against is less than half the number of delegates attending the Conference and entitled to vote (quorum).*

22. Concretely, to be valid, a ballot must have received a number of votes for and against (thus excluding abstention) that is equal to or higher than half the total voting power in the plenary. This last number consists of the number of delegates (that is, a maximum of four per Member State) attending the Conference (accredited and registered, having taken their badges, and not having formally left without being replaced) and entitled to vote (that is, not having lost the right due to arrears, pursuant to article 13(4) of the Constitution, or an incomplete delegation, pursuant to article 4(2) of the Constitution). [2]

[2] See, for example, the vote in plenary in 2023 (ILC.111/Record No. 3B, p. 14) and the information published online regarding the calculation of the quorum.