



Governing Body

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Legal Issues and International Labour Standards Section

LILS

Legal Issues Segment

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First item on the agenda

Ensuring legal clarity on the delegation of authority to the Officers of the Governing Body, including proposed amendments to the Standing Orders of the Governing Body and its Introductory note

Purpose of the document

This document was requested by the Governing Body at its 355th Session (November 2025) following its examination of the outcome of the Tripartite Meeting on the Review of the Functioning of the Governing Body (Geneva, 5–8 May 2025), which had concluded that there was a need for legal clarity and transparency regarding the delegation of authority to the Officers. The Governing Body is invited to consider two alternative legal options that would bring the required legal clarity and transparency, one consisting of a Governing Body decision formalizing the delegations of authority and the second involving amendments to the Standing Orders, and to opt for one of them (see the draft decision in paragraph 23).

Relevant strategic objective: All.

Main relevant outcome: Enabler B: Improved leadership and governance.

Policy implications: None.

Legal implications: Depending on the option selected by the Governing Body.

Financial implications: None.

Follow-up action required: None.

Author unit: Office of the Legal Adviser (JUR) in consultation with the Official Relations, Meetings and Language Services Department (RELMEETINGS).

Related documents: [GB.355/INS/6](#), [GB.355/PV](#), [TMRFGB/2025/3](#).

► Introduction

1. At its 355th Session (November 2025), the Governing Body examined the outcome of the Tripartite Meeting on the Review of the Functioning of the Governing Body (Geneva, 5–8 May 2025).¹ Among other things, that meeting had reviewed proposals for clarifying certain provisions of the Standing Orders of the Governing Body, including paragraph 2.3.1 on the delegation of authority to the Officers of the Governing Body. The Meeting concluded that there was “a need for legal clarity and transparency regarding the delegation of authority to the Officers.”² Following the discussion, the Governing Body “requested the Office to prepare a document on the question of the delegation of authority to the Officers of the Governing Body, including proposed amendments to the Standing Orders of the Governing Body and its Introductory note, for consideration at its 356th Session (March 2026)”.³ This document has been prepared in response to this request.

► Paragraph 2.3.1 of the Standing Orders and its application in practice

2. Paragraph 2.3.1 of the Standing Orders reads as follows:

The Governing Body may delegate to its Officers the authority:

 - (a) to approve the programme of meetings and the dates of symposia, seminars and similar meetings;
 - (b) to invite Member States or States which are not Members of the Organization;
 - (c) to invite official international organizations;
 - (d) to invite non-governmental international organizations;
 - (e) to carry out the responsibilities of the Governing Body under article 17 of the Standing Orders of the International Labour Conference; any such delegation shall be made only for one specific session of the Conference, and relate only to proposals involving expenditure during a financial period for which a budget has already been adopted.
3. A delegation of authority is understood as the transfer by the Governing Body of certain of its decision-making powers to its Officers, thus relieving the Governing Body of responsibility for those specific matters. Such delegations may relate to functions of a primarily administrative nature, involving the examination of detailed technical documentation or, in other instances, where decisions must be taken at short notice and where it would be difficult or impracticable to convene the Governing Body. As such, delegations of authority constitute a useful legal mechanism for ensuring the effective functioning of the Governing Body in practice.
4. Paragraph 2.3.1, without current subparagraphs (b) and (e), was included in the Standing Orders in 2005.⁴ It enables the Governing Body to delegate to its Officers authority on certain

¹ GB.355/INS/6.

² TMRFGB/2025, paras 86–91; TMRFGB/2025/3, paras 118–143.

³ GB.355/PV, para. 205(c).

⁴ GB.294/LILS/1, art. 2.3.

specific matters. It does not itself delegate authority; rather, it requires the Governing Body, if it wishes to delegate its authority, to take an explicit decision. Its meaning was confirmed when in 2011 the French and Spanish wordings, which could have been understood as implying that there was an existing or automatic delegation, were aligned with the English version.⁵

5. The need for clarity and transparency identified by the Meeting relates mainly to the operation of the provision in practice. Except in relation to subparagraph (e), there is a lack of clarity in relation to the continued validity, or in some cases even the existence, of Governing Body decisions delegating authority under the respective subparagraphs. Additionally, the wording of the provision does not reflect the fact that, under other rules,⁶ there are matters in relation to which the Officers of the Governing Body may exercise a delegation of authority from the Governing Body.
6. The legislative history and practice show that the exercise and scope of the delegation of authority by the Governing Body to its Officers have not been approached in a coherent manner. Rather, it has been the result of ad hoc decisions taken at different times.

Subparagraph (a): Approval of the programme of meetings and the dates of symposia, seminars and similar meetings

7. Subparagraph (a) was introduced in the Standing Orders in 2005 to address certain functions delegated to the Officers by the Governing Body, which were described in the *Guide to the reforms in the procedure and functioning of the Governing Body* ("Guide to the 1993 reforms").⁷
8. That Guide, which summarized the 1993 reform of the Governing Body, noted that the Governing Body had delegated to its Officers the authority to approve the "Programme of Meetings" and the paper on "Symposia, seminars and similar meetings".⁸ While the Programme of meetings in effect ceased to be submitted to the Governing Body for approval as from its 258th Session (November 1993), no decision to delegate the authority to approve the programme to the Officers was recorded. Nevertheless, since 1993, both the approval of the Programme of meetings and the approval of the dates of symposia, seminars and similar meetings have been consistently treated as matters for which the Officers have delegated authority.⁹ As regards the second category of meetings, the authority exercised by the Officers goes beyond the mere approval of the dates of the meetings, covering also the approval of their composition and agenda.

Subparagraph (b): Invitation of Member States or States which are not Members of the Organization

9. Subparagraph (b) was inserted in paragraph 2.3.1 of the Standing Orders in the context of a revision of the Rules for regional meetings in 2008. While its rationale was not explained at that time,¹⁰ it is a coherent complement to subparagraphs (c) and (d) as it covers non-member

⁵ See the amendments introduced in 2011 in the [French](#) and [Spanish](#) versions of para. 2.3.1 (GB.311/7/1, Appendix II).

⁶ See examples in note 24.

⁷ GB.294/LILS/1, art. 2.3 and [GB.292/LILS/4](#), para. 6.

⁸ [GB.266/2](#), para. 7 and appendix, para. 18(c)–(d) (first version appended to a Governing Body document).

⁹ Since that time, both the programme of meetings and the symposia, seminars and similar meetings approved by the Officers have been published in documents for information only (in November 1993, GB.258/INF. 1 and GB.258/INF. 2).

¹⁰ [GB.301/LILS/2](#), Appendix II.

States as the third category of “observer” entities usually admitted to ILO meetings in addition to official international organizations and non-governmental international organizations.

10. An explicit decision to delegate authority to the Officers under this provision has never been taken by the Governing Body. Nevertheless, the Officers have occasionally invited States not members of the ILO to attend sessions of the Conference, as well as Member States not members of a region to attend the relevant regional meeting, as observers in cases where the request for an invitation was received too late to be submitted to the Governing Body.

Subparagraphs (c) and (d): Invitation of official international organizations and non-governmental international organizations

11. Subparagraphs (c) and (d) were part of paragraph 2.3.1 as it was included in the Standing Orders in 2005 to reflect the functions delegated to the Officers by the Governing Body as described in the Guide to the 1993 reforms.¹¹ Indeed, a decision to delegate to the Officers the authority to invite official international organizations and non-governmental international organizations that do not benefit from a standing invitation to official meetings was taken in May 1993¹² and reflected in the above-mentioned Guide to the 1993 reforms. The Guide was published from 1996 to 2008 at every session following the election of a new Governing Body as an attachment to the document concerning the appointment of Governing Body committees and of various bodies.¹³ Following the 2011 reform of the Governing Body, which replaced essential parts of the 1993 reform, the Guide became obsolete and was no longer published.
12. In practice, the Officers have only partially and inconsistently exercised delegated authority to invite official international organizations and non-governmental international organizations to meetings. Until 2018, they exercised such authority for invitations to the Conference and partially for regional meetings, but not for other meetings.¹⁴ In March 2018, the Governing Body, “on the recommendation of its Officers, authorize[d] the Director-General to invite the organizations listed ... to be represented at the Conference”, recalling the 1993 delegation of authority to the Officers.¹⁵ This somewhat inconsistent approach has been followed until recently. For instance, at the 353rd Session (March 2025), although the document stated that the Officers *authorized* the Director-General to issue an invitation for the next session of the Conference to the organizations listed in the appendix, the Governing Body, *upon recommendation* of its Officers, itself authorized the Director-General to invite the organizations in question.¹⁶
13. While it would thus appear that the Officers no longer exercise the authority to invite organizations to meetings on behalf of the Governing Body under paragraph 2.3.1(c) and (d), this must be qualified in two respects. Firstly, the Officers have in some instances decided to invite official international organizations to the Conference or other meetings in cases in which their request for invitation was received too late to be considered by the Governing Body.

¹¹ GB.292/LILS/4, para. 6.

¹² GB.256/13/24, para. 6(e).

¹³ GB.266/2; GB.275/2; GB.284/3; GB.293/3/1; GB.302/3.

¹⁴ See, for example, GB.329/INS/22, paras 3-4 (Conference) and paras 8 and 11 (other meetings). For regional meetings, see, for example, GB.328/INS/19, paras 14-17.

¹⁵ GB.332/INS/16(Rev.), para. 8.

¹⁶ GB.353/INS/18, paras 32 and 36(f).

Secondly, as regards the invitation of non-governmental international organizations, the Governing Body approves a list of organizations whose invitation the Officers decide to recommend on the basis of the criteria adopted by the Governing Body in 1990.¹⁷ As article 2(3) of the Conference Standing Orders provides that all requests for invitation are submitted to the Governing Body, the Officers thus still exercise authority on behalf of the Governing Body in that they determine which of the non-governmental international organizations can be invited to ILO meetings.

Subparagraph (e): Opinion on Conference motions involving expenditure under article 17 of the Standing Orders of the International Labour Conference

14. Subparagraph (e) mirrors article 17(3) of the Standing Orders of the Conference. Under article 17, any motions involving expenditure submitted to the Conference must be referred to the Governing Body for its opinion. Article 17(3) permits the Governing Body to delegate its authority in this regard to its Officers. When this provision was adopted in 1977, a corresponding provision was included in the Governing Body Standing Orders,¹⁸ which became subparagraph (e) of paragraph 2.3.1 in 2011.¹⁹
15. According to subparagraph (e), such a delegation may be made only for one specific session of the Conference. As a consequence, a decision to delegate authority under article 17 of the Conference Standing Orders is taken systematically every year by the Governing Body at its March session.²⁰ It appears that the Officers have exercised the authority delegated to them under subparagraph (e) only very rarely, normally only where it was obvious that expenditure, which had not been foreseen in the Programme and Budget, would have to be incurred before the following session of the Conference.²¹

► Proposals for ensuring legal clarity and transparency

16. When considering the need for legal clarity and transparency in paragraph 2.3.1, the Governing Body may wish to consider two alternative legal options, one consisting of a single Governing Body decision formalizing the delegations and the second involving amendments to the Standing Orders. Either of these two options would bring legal clarity and transparency. At the same time, they would not limit the scope or nature of the delegations that the Governing Body may in any event grant to its Officers. Neither option would entail amendments to the Introductory note to the Standing Orders.

¹⁷ *Compendium of rules applicable to the Governing Body of the International Labour Office*, Annex V, Note concerning arrangements applicable to non-governmental international organizations other than those enjoying general or regional consultative status or those included on the Special List.

¹⁸ GB.202/11/23, para. 13 and GB.202/PV, p. III/2.

¹⁹ GB.311/7/1, Appendix II, para. 2.3.1.

²⁰ See, for example, GB.350/PFA/2 and GB.353/PFA/2.

²¹ *Provisional Record No. 40*, International Labour Conference, 65th Session, 1979, 40/3, para. 29. See, for example, *Provisional Record No. 38*, International Labour Conference, 69th Session, 1983, 38/17, para. 108. See, however, GB.315/INS/4, para. 3, which did not comply with those conditions.

1. Formal delegation decision

17. The Governing Body could take an explicit decision under article 2.3.1 to delegate its authority to the Officers to decide on all or some of the matters listed in subparagraphs (a) to (d). Any matter not covered by the delegation decision could be routinely submitted to the Governing Body for its decision under an item on its agenda at each relevant session. The delegation of authority so decided would be valid only for a specified duration, after which it would be reviewed and renewed or stopped as appropriate. Although it has been accepted in the past that a delegation may remain valid beyond the term of office of a Governing Body, the best practice from a governance point of view would be that delegations are reviewed following the election of a new Governing Body. The delegation under subparagraph (e) would, of course, need to be renewed annually as it is valid only for one Conference session.
18. This would be a procedurally and institutionally simple option to achieve the necessary legal clarity and transparency. The Governing Body would retain its discretion to withdraw the full delegation and request the Officers to only make recommendations to it on these items, during the term of office covered by the delegation decision.

2. Amendment of the Standing Orders

19. A possible alternative to a single formal delegation decision would be a codification of the functions of the Officers through amendments to paragraph 2.3.1 of the Standing Orders. The paragraph could become a more general provision on the scope of the functions of the Officers, including a permanent delegation of authority concerning the matters listed in paragraph 2.3.1 while recalling the general power of the Governing Body to delegate authority to its Officers on other matters.
20. At the same time, an amendment could address certain weaknesses in paragraph 2.3.1.
 - (a) Firstly, the Governing Body has the authority to delegate certain of its powers to its Officers even in the absence of an enabling provision to this effect in its Standing Orders,²² and the list in paragraph 2.3.1 does not encompass all the responsibilities so delegated in the past.²³ Adding a new subparagraph clarifying that the Governing Body may also delegate to its Officers authority on any other matters not listed in the paragraph would achieve greater completion.
 - (b) Secondly, there are numerous other provisions in the various standing orders, rules and regulations of the ILO that assign authority to the Governing Body Officers that would otherwise be exercised directly by the Governing Body.²⁴ Paragraph 2.3.1 could be amended to acknowledge the existence of those standing delegations of authority and avoid the impression that it is the only provision under which authority is delegated to the Officers.

²² See GB.202/11/23, para. 14.

²³ See GB.256/WP/IFGB/1, Appendix II. A more recent example is the delegation given to the Officers in 2014, to take certain decisions in relation to the convening of the first meeting of the Special Tripartite Committee of the Maritime Labour Convention, 2006, in April 2014 (GB.319/LILS/5, para. 29(f), and GB.319/PV, para. 584(f)).

²⁴ Such as articles 3(1), 18(5), 45(4) and 46(5) of the Standing Orders of the Conference; article 2(3) of the Standing Orders concerning the procedure for the examination of representations under articles 24 and 25 of the Constitution of the ILO; article 4(2) of the [Rules for regional meetings](#); article 3(2) of the [Standing Orders of the Special Tripartite Committee established for the Maritime Labour Convention, 2006](#); and article 4.2(b) of the [ILO Staff Regulations](#).

- (c) Thirdly, considering that the delegation of authority under paragraph 2.3.1(e) has systematically been made for every session of the Conference, there may be merit in replacing it by a standing delegation. This would allow for the removal of a recurring item from the Governing Body agenda. While the delegation would no longer be limited to “only for one specific session of the Conference”, its other conditions would be kept. It could also be clarified that the Officers should act only when it is too late or inappropriate to convene the Governing Body, a condition that was stated when the provision was initially adopted.²⁵
- (d) Lastly, since paragraph 2.3.2, which requires reporting Officers’ decisions to the Governing Body and deferring matters to the Governing Body for decision in case of disagreement among Officers, would remain unchanged, it would be clear that the paragraph contains a general rule that applies to all delegations and not only to those on the items listed in 2.3.1.²⁶
- 21.** In comparison to the first option of taking a delegation decision, this option would imply a new amendment to the Standing Orders in the case that the Governing Body wished at any point in the future to change what would have become permanent delegations of authority.
- 22.** Should the Governing Body wish to select this option, paragraph 2.3.1 of the Standing Orders could thus be amended as follows:

~~Delegation of authority to~~ Duties of the Officers

2.3.1. ~~In addition to the duties assigned to them under the different standing orders, rules and regulations, the Governing Body may delegate to its Officers shall exercise, on behalf of the Governing Body, the authority to:~~

- (a) ~~to approve the programme of official meetings and the dates holding of symposia, seminars and similar meetings;~~
- (b) ~~to invite Member States or States which are not Members of the Organization to be represented at official meetings;~~
- (c) ~~to invite official international organizations to be represented at official meetings;~~
- (d) ~~to invite non-governmental international organizations to be represented at official meetings;~~
- (e) ~~to carry out the responsibilities of the Governing Body under article 17 of the Standing Orders of the International Labour Conference; any such delegation shall be made only for one specific session of the Conference, and relate relating only to proposals involving expenditure during a financial period for which a budget has already been adopted, in cases in which the Governing Body cannot be convened;~~
- (f) take decisions or carry out other responsibilities with respect to matters which the Governing Body may delegate to them.

²⁵ GB.202/11/23, para. 11.

²⁶ As suggested in the past (GB.337/PV, para. 539).

► Draft decision

23. Pursuant to paragraph 2.3.1 of the Standing Orders, the Governing Body:

(a) delegated to its Officers the authority to:

- (i) approve the programme of official meetings and the holding of symposia, seminars and similar meetings;**
- (ii) invite Member States or States which are not Members of the Organization to be represented at official meetings;**
- (iii) invite official international organizations to be represented at official meetings;**
- (iv) invite non-governmental international organizations to be represented at official meetings;**

(b) decided to review the delegation made under subparagraph (a) upon the election of a new Governing Body in June 2027.

[OR]

The Governing Body adopted the amendments to paragraph 2.3.1 of its Standing Orders set out in paragraph 22 of document GB.356/LILS/1.