

Governing Body

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Institutional Section

INS

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TWELFTH ITEM ON THE AGENDA

Report of the Director-General

First Supplementary Report: Update on the status of ratification of the 1986 Instrument for the Amendment of the Constitution of the ILO and follow-up to paragraph 3 of the resolution on the ILO Centenary Declaration for the Future of Work

Purpose of the document

This document provides an update on the status of ratification of the 1986 Instrument for the Amendment of the Constitution of the ILO and action taken to promote its ratification since the last report to the Governing Body in March 2019. The Governing Body is invited to provide guidance on possible future Office action as regards the promotion of the 1986 amendment in the light of the adoption of the ILO Centenary Declaration for the Future of Work and the accompanying resolution (see draft decision in paragraph 13).

Relevant strategic objective: None.

Main relevant outcome/cross-cutting policy driver: Enabling outcome B: Effective and efficient governance of the Organization.

Policy implications: None.

Legal implications: No immediate implications.

Financial implications: No immediate implications.

Follow-up action required: None.

Author unit: Office of the Legal Adviser (JUR).

Related documents: GB.335/INS/14/3; GB.334/INS/13/2; GB.332/INS/12; GB.332/WP/GBC/1; GB.331/INS/17; GB.331/WP/GBC/1; GB.329/INS/18; GB.329/WP/GBC/1.

Introduction

1. At its 335th Session (March 2019), the Governing Body continued reviewing the status of ratification of the 1986 Instrument for the Amendment of the Constitution (the 1986 Amendment). The Governing Body requested the Director-General to continue promotional efforts for the ratification of the 1986 Amendment and to report at future Governing Body sessions on the results obtained.¹
2. This document addresses two issues: first, the promotional efforts for the entry into force of the 1986 Amendment, and second, the question of the democratization of the ILO Governing Body following the adoption of the ILO Centenary Declaration for the Future of Work and the accompanying resolution.

Progress on the promotion of ratification of the 1986 Amendment

3. As at 15 September 2019, 110 ratifications of the 1986 Amendment had been registered, including two from Members of chief industrial importance (India and Italy). Since the last report to the Governing Body in March 2019, one new ratification has been registered (by the Lao People's Democratic Republic). A further 15 ratifications, including at least three from Members of chief industrial importance (from among Brazil, China, France, Germany, Japan, the Russian Federation, the United Kingdom and the United States), are required for the 1986 Amendment to enter into force.
4. Further to the information provided in March 2019, the Office has received no additional replies from governments to the Director-General's letter of 7 December 2017 inviting them to provide information regarding the reasons which prevent or delay the ratification of the 1986 Amendment. Thus, the total number of replies still stands at 27, which represents 33 per cent of the governments to whom letters were sent.
5. Since the last report to the Governing Body in March 2019, the Office has continued its promotional activities for the ratification of the 1986 Amendment. It displayed promotional materials and showed a media presentation during the 335th Session of the Governing Body and the 108th Session of the International Labour Conference, and has continued to maintain the dedicated website.² The Office has requested its regional and country offices to seize every opportunity to promote further ratification and to obtain feedback from the relevant member States about ratification prospects. In addition, the Director-General, Deputy Directors-General and other senior officials raise this matter on every suitable occasion during their missions and meetings with constituents.
6. At its 108th Session (June 2019), the International Labour Conference adopted the ILO Centenary Declaration for the Future of Work, some provisions of which reflect the objectives of the 1986 Amendment concerning the representativeness of the composition of the Governing Body. It also adopted the resolution on the ILO Centenary Declaration for the Future of Work, which calls for the timely completion of the process of ratification of the 1986 Amendment. In line with the intent underlying their adoption, these texts mark a new

¹ [GB.335/PV](#), para. 568.

² “[Questions and answers about the 1986 Instrument of Amendment to the ILO Constitution](#)”.

momentum for the promotion of the ratification of the 1986 Amendment and its entry into force in the near future.

The Centenary Declaration for the Future of Work and action to “democratize ILO governance”

7. The idea that one of the main objectives of the 1986 Amendment – the abolition of the non-elective seats of the Governing Body – should feature in the “unfinished business” which the Organization should commit itself to pursuing in its second century of existence, was raised very early on in the preparation of a Centenary declaration.
8. When the building blocks for a Centenary declaration were drafted, it was recognized that among the challenges and opportunities for the future of work, reference should be made to “the growing and universal constituency of the ILO and the need to reflect this fully in ILO governance and programmes”.³
9. The Preamble of the Centenary Declaration for the Future of Work gives expression to the desire of the ILO constituency “to democratize ILO governance by ensuring a fair representation of all regions and establishing the principle of equality among member States”, while the operative part of the Declaration provides that “the full contribution of the ILO’s constituents to [achieving social justice in all regions] can be assured only through their full, equal and democratic participation in [the ILO’s] tripartite governance”.⁴
10. The resolution accompanying the Declaration mandates the Governing Body to follow up on and regularly review the implementation of the Declaration, and paragraph 3 of the resolution refers specifically to action to “definitively democratize the functioning and composition of the governing bodies of the ILO”.
11. As a result, the progress towards the abolition of the non-elective seats of the Governing Body reserved for the ten Members of chief industrial importance – to the extent that it contributes to the desire “to democratize ILO governance” – will have to be closely monitored by the Governing Body and may be reported to the International Labour Conference for further action, as may be needed.
12. In the light of the foregoing, the Governing Body may wish to consider setting up a tripartite working group, whose composition and schedule of meetings are to be determined. The working group would serve as a platform for focused dialogue and for developing proposals with respect to the “full, equal and democratic participation” in the ILO’s tripartite governance. It would present its first report to the Governing Body in November 2020.

Draft decision

13. *In the light of the call of the International Labour Conference to “definitively democratize” the functioning and composition of the governing bodies of the ILO, the Governing Body decided:*

³ GB.335/INS/2/3, appendix, Part 2(h).

⁴ *ILO Centenary Declaration for the Future of Work*, Part I, section E.

- (a) to request the Director-General to continue promotional efforts for the ratification of the 1986 constitutional amendment and to report at future Governing Body sessions on the results obtained; and*
- (b) to establish a tripartite working group to serve as a platform for focused dialogue and for developing proposals on the “full, equal and democratic participation” in the ILO’s tripartite governance, which would present its first report back to the Governing Body in November 2020.*